

MINUTES FOR SEPTEMBER 24, 2018
BOARD OF CHEROKEE COUNTY COMMISSIONERS
CHEROKEE COUNTY, KANSAS

CONVENE

Chairman Cory Moates called the regular session of the Cherokee County Board of Commissioners (The Board), to order at 9:00 a.m. on Monday, September 24, 2018 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St., Columbus, Kansas. Commissioner Moates opened the meeting with prayer followed by the Pledge of Allegiance. Commissioners Cory Moates, Pat Collins, Neal Anderson, County Counselor Barbara Wright, and County Clerk Rodney Edmondson were present.

Members of the press present: Larry Hiatt

A motion was made by Commissioner Moates to approve the minutes of the September 17, 2018 BOCC meeting as written. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Leonard Vanatta, County Road Supervisor and Louis Schreiner, County Lot Supervisor appeared before the Board on county road business. Leonard reported that the letting of bids for the Faulkner Bridge Project will be October 22nd. Asphaltting will begin tomorrow behind the old IGA building in Galena. He stated that paving for phase one will begin today for the Baxter 5th St. Project. Commissioner Anderson asked him to check on ditch work that needs to be done in West Mineral. Commissioner Moates asked Leonard to contact KDOT and inquire about the Riverton Bridge Project. Counselor Wright presented information regarding the Lakeview Addition near the boat & ski club in Rest-a-While. Leonard stated that there is no evidence that there was ever a formal request from the developer for the county to maintain or accept the roads as is required by law. The roads were never adopted or dedicated as county roads.

A motion was made by Commissioner Collins to approve the payroll for the period ending September 14, 2018. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Moates to approve the accounts payable for the period ending September 19, 2018. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Counselor Wright presented the property at 6444 SE 70th St., Riverton, for condemnation action for the Board to review. She is confident that there are no liens on the property. She presented a draft resolution to set a public hearing for condemnation. She suggests waiving the two read rule due to the time of year. The hearing would be set for November 5, 2018.

A motion was made by Commissioner Moates to adopt Resolution 21-2018 on a first read. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Commissioner Moates opened the public hearing at 10:00 a.m. for the condemnation of properties located at 8793 SE 71st Ter., 70 SW Highway 166, and 704 SE Highway Alt. 69.

Paul Cupp appeared regarding the property located at 704 SE Highway Alt. 69. They would like some time to remove items from the property prior to the county demolishing it. He stated that in 30 days he could have the items removed.

Counselor Wright informed the Board that the owner of 8793 SE 71st Ter. asked for a one week continuance as they are moving back to the area. The Board approved the continuance.

Counselor Wright stated that there is no one appearing for the property at 70 SW Highway 166 and recommends moving forward with the condemnation.

A motion was made by Commissioner Moates to move forward with condemnation of the Highway 166 and the Alt. 69 properties. The motion was seconded by Commissioner Collins. The motion carried 3-0.

A motion was made by Commissioner Moates to close the public hearing. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 10:14 a.m.

A motion as made by Commissioner Collins to take \$10,000 from the Equipment Reserve Fund and \$10,000 from the Sewer Fund to pay for the county's portion of the VAC Trailer being purchased with the City of Galena. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Jim Tunnell stated that there was a Solid Waste Committee meeting last week and they are inquiring about the recycling trailer that hasn't been constructed yet. Commissioner Moates stated that Lloyd Hancock was waiting on information from the county before proceeding. Commissioner Moates has instructed him to begin construction. Expected delivery time is approximately three weeks.

Counselor Wright presented a formal agreement from the Kendra Austerman Law Firm for conducting tax foreclosure sales. She also presented a resolution to move forward with the process for consideration. She informed the Board that the county would need to contract with someone to do the title work. She stated that First American Title, Gene Barrett, and Kevin Cure have all expressed interest in doing the work. She suggests passing the resolution on a first read to get the process started faster.

A motion was made by Commissioner Moates to approve Resolution 22-2018 on a first read. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Anderson to sign the Letter of Engagement with Kendra Austerman, LLC. The motion was seconded by Commissioner Moates. The motion carried 3-0.

Commissioner Moates asked Counselor Wright what needed to be done to start the process of creating fire districts in Cherokee County. Wright stated that she just needs to know what districts and the number of each district so she can print the documents. He stated that the Spring Valley, Lowell, and Shawnee Townships will become fire districts. Wright stated that she can revise the earlier agreements and present them for consideration after January 1, 2019.

Commissioner Anderson made a motion to adjourn until the next regular meeting set for Monday, October 1, 2018 at 9:00 a.m. The motion was seconded by Commissioner Collins. The motion carried 3-0 at 10:58 a.m.

ATTEST: Resolved and ordered this 1st day of October, 2018




Cherokee County Clerk



Commissioner



Commissioner



Commissioner

Book: 539 Page: 361-362

Receipt #: 36326

Total Fees: No Charge

Pages Recorded: 2

Cashier Initials: VICKIE

Date Recorded: 9/25/2018 8:02:22 AM
0053900361

RESOLUTION NO. 21-2018

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS, AT WHICH THE OWNER, HIS OR HER AGENT, LIENHOLDERS OF RECORD, OCCUPANTS AND OTHER PARTIES IN INTEREST OF STRUCTURES LOCATED WITHIN SAID COUNTY AND DESCRIBED HEREIN, MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS UNSAFE OR DANGEROUS STRUCTURES.

WHEREAS, the Enforcing Officer of Cherokee County, Kansas, did on the 24th day of September, 2018, file with the Governing Body, the Board of County Commissioners of Cherokee County, Kansas, a statement in writing that the structures described as a blue, single-story residential structure, deck, carport and surrounding buildings are dilapidated, unsafe and dangerous and, with the surrounding brush and debris, create a safety hazard and a blight upon the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS:

That a hearing will be held on the 5th day of November, 2018, before the Board of County Commissioners of Cherokee County, Kansas, at 10:00 o'clock a.m., at Cherokee County Courthouse, 1st floor Commission Room, 110 West Maple, Columbus, Kansas 66725, at which the owner, his or her agent, any lienholders of record, any occupant and any other parties in interest, as that term is defined by law, of the structure(s) located at:

6444 SE 70th Street, Riverton, Cherokee County, Kansas, commencing at a point 363 feet North of the Southeast Corner of the Southeast Quarter of the Northeast quarter of Section 18 in Township 34 South of Range 25 East of the 6th Principal Meridian, Cherokee County, Kansas, then North 100 feet, West 208 feet, South 100 feet, East 208 to place of beginning; EXCEPT the highway right-of-way and the real estate described in that right-of-way deed dated October 19, 1967, recorded January 3, 1968, to wit:

A tract of land in the Southeast Quarter of the Northeast Quarter of Section 18, Township 34 South, Range 25 East of the 6th P.M., described as follows: BEGINNING at a point on the

East line, 363.0 feet North of the Southeast corner of said Quarter Section; thence South 81 degrees 12 minutes West, 50.6 feet; thence North 100.0 feet to a point 50.3 feet West of said East line; thence East, 50.3 feet to said East line; thence South 08 degrees 47 minutes East, 100.0 feet along said East line to the place of beginning. The above contains 1,045 square feet, more or less, exclusive of the existing highway.


may appear and show cause why such structure(s) should not be condemned as unsafe or dangerous and ordered repaired or demolished and the debris removed.


BE IT FURTHER RESOLVED, that the County Clerk shall cause this resolution to be published and shall give notice of the aforesaid hearing in the manner provided by law.

PASSED AND APPROVED this 24th day of September, 2018, by the Board of County Commissioners of Cherokee County, Kansas.


APPROVED:


Cory Moates, Chair
Cherokee County Commissioner


Neal Anderson
Cherokee County Commissioner


Pat Collins
Cherokee County Commissioner

ATTEST:


Rodney Edmondson
Cherokee County Clerk
Executed: September, 24, 2018,
by the Board of County Commissioners

Book: 539 Page: 363-364

Receipt #: 36326

Total Fees: No Charge

Pages Recorded: 2

Cashier Initials: VICKIE

Date Recorded: 9/25/2018 8:02:23 AM
0053900363

RESOLUTION NO. 22-2018

**A RESOLUTION AUTHORIZING THE FORECLOSURE OF REAL ESTATE
TAX LIENS AND THE SALE OF UNREDEEMED REAL ESTATE**

WHEREAS, pursuant to K.S.A. §79-2801, *et seq.*, the Board of County Commissioners of any county in Kansas is required to file judicial foreclosure proceedings to collect delinquent and unpaid taxes levied upon real estate within such county; and

WHEREAS, pursuant to K.S.A. § 79-2301 *et seq.*, the Treasurer of Cherokee County, Kansas has bid in and sold parcels of real estate in the name of Cherokee County, Kansas at the statutory delinquent tax sale of 2014, 2015, 2016, 2017, 2018 and prior years, and such parcels remain unredeemed on the 1st day of September of the second year or more after such sales; and

WHEREAS, K.S.A. §79-2801, *et seq.*, requires counties to foreclose unpaid real estate tax liens whenever the aggregate assessed valuation of the real estate subject to sale is \$300,000 or more, or the aggregate amount of delinquent taxes, including special assessments is \$10,000 or more.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS, that:

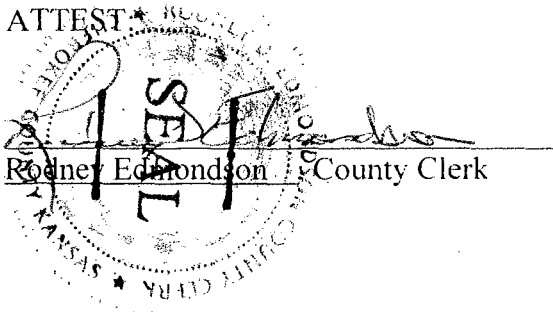
SECTION 1. Upon receiving and confirming the information set forth above, the Board determined that pursuant to K.S.A. §79-2801, *et seq.*, it shall go forward to foreclose the unpaid real estate tax liens on such property located within Cherokee County, Kansas, and to sell such real estate at sheriff's sale to satisfy such liens as provided by law, and all prior actions and decisions in this regard are approved and ratified.

SECTION 2. After consulting with the County Counselor of Cherokee County, Kansas, and being properly advised, on September 24, 2018, under the terms of a written contract, the Board employed and authorized outside legal counsel, KLEND AUSTERMANN LLC, to proceed with the judicial foreclosure of all delinquent real estate tax liens, and has ordered such outside legal counsel to prepare and file the necessary petition in order to have a tax sale of all real estate which has been sold at statutory delinquent tax sale to the County for taxes and which remains unredeemed as of at least two years or more after such sale pursuant to K.S.A. §79-2801, *et seq.*, and all prior filings and actions by such outside legal counsel in this regard are approved and ratified.

ADOPTED, APPROVED AND RATIFIED BY THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE, COUNTY KANSAS ON September 24, 2018.

BOARD OF COUNTY COMMISSIONERS
OF CHEROKEE COUNTY, KANSAS

ATTEST



Rodney Edmondson County Clerk

Cory Moates
Cory Moates, Commissioner
Chairperson

Patrick Collins
Patrick Collins, Commissioner

APPROVED AS TO FORM:

Barbara Wright
Barbara Wright,
County Counselor

Neal Anderson
Neal Anderson, Commissioner