MINUTES FOR DECEMBER 17, 2012

COLUMBUS, KANSAS, CHEROKEE COUNTY

OFFICE OF THE COUNTY CLERK

CRYSTAL L. GATEWOOD

The Cherokee County Commissioners met December 17, 2012. Those present were Commissioners Richard Hilderbrand, Pat Collins, and Jack Garner. The Pledge of Allegiance was said by all present. Commissioner Garner made a motion to approve the commission minutes for December 10, 2012 as presented by County Clerk Crystal Gatewood; his motion was seconded by Commissioner Collins with Commissioners Garner, Hilderbrand, and Collins voting in favor. Commissioners Garner, Hilderbrand and Collins, and County Clerk Gatewood signed off on the minutes. Commissioner Garner made a motion to approve December 2012 Pay Roll and Accounts Payables; his motion was seconded by Commissioner Collins with Commissioners Hilderbrand, Collins, and Garner voting in favor. Signing off on all the documents were Commissioners Hilderbrand, Collins and Garner, and Clerk Gatewood. Treasurer Juanita Hodgson submitted her monthly report for December 2012 and it is attached to the minutes. Clerk Gatewood submitted the monthly balances as of December 6, 2012 and those are also attached to the minutes.

EXECUTIVE SESSIONS HELD BY COMMISSION

Commission Collins made a motion to go into Executive Session for Personnel/Non-Elected for ten minutes with himself and Commissioners Garner and Hilderbrand; his motion was seconded by Commissioner Garner with Commissioners Garner, Hilderbrand, and Collins voting in favor. They went in at 10:08 AM and returned at 10:25 AM.

The County Counselor requested an Executive Session for Pending Litigation. Commissioner Collins made a motion to go into Executive Session for Attorney/Client Privilege for Pending Litigation for ten minutes with himself, Commissioners Garner and Hilderbrand, and the County Counselor; his motion was seconded by Commissioner Garner with Commissioners Garner, Hilderbrand, and Collins voting in favor. They went in at 11:45 AM and returned at 12:00 PM.

OTHER BUSINESS

Road and Bridge Supervisor Leonard Vanatta and the commission discussed general road and equipment maintenance in the county.

Myra Frazier came before the commission to discuss the NSP House in Galena held by the county. Commissioner Garner made the motion to lower the price on the NSP Home located in Galena, KS, 402 E. 5th to \$50,000.00 and to extend Myra Frazier's contract another six months; his motion was seconded by Commissioner Collins with Commissioners Collins, Garner, and Hilderbrand voting in favor. County Clerk Gatewood signed off on the contract.

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John Gutierrez, Doug Steele, Robert Myers, and Melanie Bingham came before the commission concerning the county commission appointment for the position of Court Appointed Attorney. The commission will officially appoint an attorney for the position on January 7, 2013.

The commission held the hearing for vacating a road held by the county in Sherwin. Commissioner Hilderbrand made a motion to approve and adopt Resolution No. 13-2012, WHEREAS, the Board of County Commissioners of Cherokee County, Kansas upon due consideration of the matter finds that enacting this legislation would provide for the vacating of the following alley in Cherokee County, Kansas: Nebraska Street between Highway 160 and Sandpiper Lane in Sherwin, Kansas.....; his motion was seconded by Commissioner Garner with Commissioners Garner, Hilderbrand, and Collins voting in favor. Signing the resolution were Commissioners Garner, Collins and Hilderbrand, and Clerk Gatewood. A copy of Resolution No. 13-2012 is attached to these minutes.

ADJOURNMENT

Commissioner Garner made a motion to adjourn at 12:15 PM; his motion was seconded by Commissioner Collins with Commissioners Garner, Hilderbrand, and Collins voting in favor. The next Cherokee County Commission will be held January 7, 2013 in the Cherokee County Courthouse at 9:00 AM. The Cherokee County Courthouse will be closed December 24, 2012, December 31, 2012, and January 1, 2013 to observe Christmas and New Years.

Resolved and ordered this day, January 7, 2013

Cherokee County Clerk

Commissioner

Commissioner

Commissioner

RESOLUTION NO. 13 - 2012

A RESOLUTION VACATING A ROAD AND AN ALLEY.

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

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, upon due consideration of the matter finds that enacting this legislation would provide for the vacating of the following road in Cherokee County, Kansas: Nebraska Street between Highway 160 and Sandpiper Lane in Sherwin, Kansas.

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, upon due consideration of the matter finds that enacting this legislation would provide for the vacating of the following alley in Cherokee County, Kansas: the alley located between Nebraska Street and 63rd Street that is also between Highway 160 and Sandpiper Lane, all in Sherwin, Kansas.

WHEREAS, such road and alley are no longer a public utility by reason of neglect, nonuse, or inconvenience or from some other cause such road and alley have become practically impassable and the necessity for such road and alley as a public utility does not justify the expenditure of the necessary funds to repair such road and alley or put the same in condition for public travel and use.

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session, this 17th day of December, 2012, does hereby resolve as follows:

- **Section 1.** Vacating of Road. The following road is hereby vacated: Nebraska Street between Highway 160 and Sandpiper Lane in Sherwin, Kansas.
- **Section 2.** Vacating of Alley. The following alley is hereby vacated: the alley located between Nebraska Street and 63rd Street that is also between Highway 160 and Sandpiper Lane, all in Sherwin, Kansas.

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Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this resolution, or the application thereof to any circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution.

Section 4. Effective Date. This resolution shall take effect and be in full force from and after its passage and publication once in the official county newspaper.

Adopted this 17th day of December, 2012, by the BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.

Patrick W. Collins

County Commissioner

Richard J. Hilderbrand

County Commissioner

Jack G. Garner

County Commissioner

ATTEST:

Crystal Gatewood

County Clerk of Cherokee County,

Kansas

Resolution No. 13 - 2012

Prepared by:

Kevin Cure, Attorney

FUND BA	LANCES 1	2/14	1/2012			
FUND	FUND#		Balance Dec 2012	Dec A/P	Dec P/R	BALANCE
County No-Fund Warrants	99	\$	_	\$ -	\$ -	\$ -
CO GEN	100	\$	459,097.04	\$ 148,092.12	\$ 230,689.02	\$ 80,315.90
TECHNOLOGY FUND	103	\$	27,794.54	\$ 354.88	\$ -	\$ 27,439.66
STATE LINE ROAD PROJECT	105	\$	260.20	\$ -	\$ -	\$ 260.20
Jail Salestax	107	\$	84,912.04	\$ 	\$ -	\$ 84,912.04
Law Enforcement Center	108	\$	-	\$ _	\$ -	\$ -
RD BRIDGE	110	\$	456,309.34	\$ 140,106.21	\$ 111,296.93	\$ 204,906.20
EX COUNCIL	120	\$	18,144.54	\$ -	\$ -	\$ 18,144.54
NOXIOUS WEED	130	\$	65,964.94	\$ 394.72	\$ 2,232.53	\$ 63,337.69
SEVERE WEATHER EQUIPMENT	135	\$	22.00	\$ -	\$ -	\$ 22.00
<u>HEALTH</u>	140	\$	1,187,010.74	\$ 5,894.84	\$ 38,468.37	\$ 1,142,647.53
Clean Up Illegal Dump	142	\$	-	\$	\$	\$ -
TRI CO WIC	<u>145</u>	\$	118.32	\$ -	\$	\$ 118.32
FAIR	<u>150</u>	\$	286.77	\$ -	\$ 	\$ 286.77
ELECTION	160	\$	140,735.61	\$ 34,318.31	\$ 4,603.33	\$ 101,813.97
COMM COLLEGE	<u>170</u>	\$	1,956.44	\$ -	\$ -	\$ 1,956.44
SOIL CONSERV	<u>180</u>	\$	2,206.19	\$ -	\$ -	\$ 2,206.19
SPECIAL BRIDGE	190	\$	302,025.53	\$ 2,280.00	\$ 2,655.33	\$ 297,090.20
MENTAL HEALTH	200	\$	9,864.94	\$ -	\$ -	\$ 9,864.94
MENTAL RETARD	<u>210</u>	\$	9,835.12	\$ -	\$ -	\$ 9,835.12
FAM LIFE CENTER BOND & INT	<u>216</u>	\$		\$ -	\$ -	\$ -
<u>AMBULANCE</u>	220	\$	101,401.95	\$ 46,570.83	\$ -	\$ 54,831.12
CHEROKEE COUNTY 911	224	\$	273,422.71	\$ 1,912.31	\$ 	\$ 271,510.40
FEMA PUBLIC ASSISTANCE GRANT	227	\$	-	\$ -	\$ -	\$ -
<u>APPRAISAL</u>	230	\$	70,664.02	\$ 4,978.28	\$ 20,353.86	\$ 45,331.88
COUNTY BLDG	<u>250</u>	\$	921.18	\$ -	\$ -	\$ 921.18
EMPL. BENE	260	\$	363,589.10	\$ 46,922.93	\$ -	\$ 316,666.17
PAYROLL W/HOLD	<u>265</u>	\$	-	\$ -	\$ -	\$ -
SPECIAL (TORT) LIABILITY	<u>290</u>	\$	16,878.94	\$ -	\$ •	\$ 16,878.94
ELDERLY	300	\$	32,279.22	\$ 239.07	\$ -	\$ 32,040.15
DESIGNATED DV & SA PROSEC	<u>301</u>	\$	-	\$ -	\$ -	\$ -
CDBG-Grant Family Life	302	\$	-	\$ -	\$ -	\$ ~
08LEPC PLAN/TRAIN GRANT	303	\$		\$ -	\$ -	\$ -
SPIDER PROGRAM	304	\$	7,960.00	\$ -	\$ -	\$ 7,960.00
E/P GRANT	<u>306</u>	\$	201.43	\$ -	\$ -	\$ 201.43
COPS GRANT	307	\$	9,896.80	\$ -	\$ -	\$ 9,896.80
JUVENILE BLOCK GRANT	309	\$	-	\$ -	\$ -	\$ -

BUDGET BALANCES 2012										
COUNTY GENERAL	Begin	ning Budget	BI	JDGET AVAIL.	1st Half	Dec A/P	 Dec P/R	AF	TER DEC ISSUE	%
Commissioners	\$	88,687.00	\$	9,346.87	\$ _	\$ 3,923.41	\$ 10,274.93	\$	(4,851.47)	-5.47%
County Clerk	\$	126,003.00	\$		\$ -	\$ 1,047.09	\$ 10,170.34	\$	6,942.21	5.51%
County Treasurer	\$	135,696.00	\$		\$ -	\$ 1,951.94	\$ 21,279.75	\$	6,113.34	4.51%
County Attorney	\$	232,622.00	\$		\$ -	\$ 9,905.47	\$ 14,922.66	\$	8,840.38	3.80%
Register of Deeds	\$	108,557.00	\$	32,970.30	\$ _	\$ 653.12	\$ 6,409.66	\$	25,907.52	23.87%
County Counselor	\$	31,016.00	\$	6,596.05	\$ -	\$ -	\$ 2,185.45	\$	4,410.60	14.22%
Sheriff Dept	\$	982,858.00	\$	101,413.32	\$ -	\$ 48,568.99	\$ 89,647.23	\$	(36,802.90)	-3.74%
Sheriff O.T.	\$	38,770.00	\$	(900.29)	\$ -	\$ -	\$ 6,008.44	\$	(6,908.73)	-17.82%
District Court	\$	258,598.00	\$	52,345.33	\$ -	\$ 16,556.80	\$ 3,008.56	\$	32,779.97	12.68%
Courthouse	\$	441,135.00	\$	92,081.60	\$ 	\$ 24,457.83	\$ 5,070.40	\$	62,553.37	14.18%
Emergency Prep	\$	66,443.00	\$	21,360.73	\$ -	\$ 2,419.29	\$ 5,044.19	\$	13,897.25	20.92%
Human Resources	\$	38,412.00	\$	5,954.61	\$ -	\$ -	\$ 3,548.88	\$	2,405.73	6.26%
Economic Dev.	\$	2,229.00	\$	(12,771.00)	\$ _	\$ -	\$ -	\$	(12,771.00)	-572.95%
Planning Comm	\$	6,106.00	\$	465.55	\$ -	\$ -	\$ -	\$	465.55	7.62%
Recreation	\$	11,631.00	\$	7,231.00	\$ -	\$ -	\$ -	\$	7,231.00	62.17%
Jail	\$	817,428.00	\$	22,657.16	\$ -	\$ 22,562.62	\$ 49,056.50	\$	(48,961.96)	-5.99%
Computer Prog	\$	40,709.00	\$	(11,465.84)	\$ -	\$ 427.50	\$ -	\$	(11,893.34)	-29.22%
Jury Cost	\$	9,693.00	\$	3,219.05	\$ -	\$ -	\$ 	\$	3,219.05	33.21%
Juvenile Dentention	\$	76,281.00	\$	12,678.00	\$ -	\$ 7,147.00	\$ -	\$	5,531.00	7.25%
Geneology Society	\$	7,269.00	\$	(2,075.00)	\$ -	\$ -	\$ -	\$	(2,075.00)	-28.55%
Emergency 911	\$	63,002.00	\$	16,280.72	\$ -	\$ 178.93	\$ 4,062.03	\$	12,039.76	19.11%
Contract Services	\$	-	\$		\$ -	\$ -	\$ -	\$	-	0.00%
Gis Info	\$	29,078.00	\$	(12,746.65)	\$ -	\$ 2,985.40	\$ -	\$	(15,732.05)	-54.10%
Other Trans	\$	-	\$	•	\$ -	\$ -	\$ -	\$		0.00%
Capital Lease	\$	615,060.00	\$	615,060.00	\$ -	\$ -	\$ -	\$	615,060.00	100.00%
Employee Benefits	\$	-	\$		\$ -	\$ -	\$ -	\$	•	0.00%
Jail COP Cash Reserve	\$	135,459.00	\$	135,459.00	\$ -	\$ -	\$ -	\$	135,459.00	0.00%
Courthouse Contingency					\$ -	\$ -	\$ -	\$	-	0.00%
Capital Lease AS400	\$	-	\$	-				\$	-	0.00%
Capital Lease File Server	\$	-	\$	-	\$ -	\$ -	\$ -	\$	-	0.00%
Employee Compensation	\$	69,369.00	\$		\$ -	\$ 5,306.73	\$ -	\$	62.24	0.09%
Total County General	\$	4,432,111.00	\$	1,181,702.66	\$ -	\$ 148,092.12	\$ 230,689.02	\$	802,921.52	18.12%

	Beginning Budget	B	BUDGET AVAIL.	1st Half	Dec A/P	_	Dec P/R	AF	TER DEC ISSUE	<u>%</u>
County No-Fund Warrant	\$ 24,015.00	\$	=	\$ -	\$ -	\$	-	\$	1=1	0.00%
Technology Fund	\$ -	\$	-	\$ _	\$ 354.88	\$	-	\$	-	0.00%
Rd & Bridg	\$ 3,186,289.00) \$	576,265.34	\$ -	\$ 140,106.21	\$	111,296.93	\$	324,862.20	10.20%
Ex Counc	\$ 194,447.00) \$	-	\$ -	\$ -	\$	-	\$	-	0.00%
Noxious Weed	\$ 68,333.00) \$	39,702.94	\$ -	\$ 394.72	\$	2,232.53	\$	37,075.69	54.26%
Health &Wic	\$ 649,305.00) \$	305,650.72	\$ -	\$ 5,894.84	\$	38,468.37	\$	261,287.51	40.24%
Fair	\$ 3,005.00	\$	3,005.00	\$ -	\$ -	\$	-	\$	3,005.00	100.00%
Direct Elect	\$ 183,189.00) \$	43,233.17	\$ -	\$ 34,318.31	\$	4,603.33	\$	4,311.53	2.35%
Comm College	\$ -	\$	-	\$ -	\$ -	\$	-	\$	-	0.00%
Soil Conserv	\$ 25,000.00	\$	-	\$ -	\$ -	\$	-	\$	-	0.00%
Special Bridge	\$ -	\$	-	\$ -	\$ 2,280.00	\$	2,655.33	\$	•	0.00%
Mental Health	\$ 108,030.00) \$	-	\$ -	\$ -	\$	_	\$	-	0.00%
Mental Retard.	\$ 108,030.00	\$	- 1	\$ =	\$ -	\$	1=1	\$	-	0.00%
Ambulance	\$ 558,850.00) \$	46,570.87	\$ _	\$ 46,570.83	\$	_	\$	0.04	0.00%
Cherokee County 911				\$ -	\$ 1,912.31	\$	-	\$	-	0.00%
Appraiser	\$ 321,212.00	\$	31,362.48	\$ =	\$ 4,978.28	\$	20,353.86	\$	6,030.34	1.88%
County Bldg.	\$ -	\$	-	\$ -	\$ -	\$	-	\$	-	0.00%
Employee Bene	\$ 3,257,000.00) \$	1,040,246.25	\$ =	\$ 46,922.93	\$	le!	\$	993,323.32	30.50%
Elderly	\$ 33,924.00) \$	17,095.87	\$ -	\$ 239.07	\$	-	\$	16,856.80	49.69%
08LEPC Plan/Train Grant	\$ -	\$	<u>.</u>	\$ -	\$ -	\$	-	\$	-	0.00%
Landfill	\$ 50,152.00	\$	49,222.00	\$ -	\$ 650.00	\$	-	\$	48,572.00	96.85%
Sewer Dist #1	\$ 258,829.00	\$	4,370.81	\$ -	\$ 1,293.68	\$	957.20	\$	2,119.93	0.82%
Siren	\$ -	\$			\$ -	\$	-			
Spidar	\$ -	\$	-	\$ -	\$ -	\$	-	\$		0.00%
No Fund Warrants	\$ -	\$	-	\$ -	\$ -	\$	-	\$	-	0.00%
PA Training	\$ 3,463.00	\$	*	\$ -	\$ -	\$	-	\$	-	0.00%
Co Attorney Spec Law Enforc	\$ 2,384.00	\$	9	\$ -	\$ -	\$	-	\$	I=	0.00%
NSP	\$ -	\$			\$ -	\$	-			
Park	\$ -	\$	-	\$ -	\$ _	\$	_	\$	-	0.00%
Alcohol	\$ -	\$		\$	\$ -	\$	-	\$	-	0.00%
Tourism	\$ 8,300.00	\$	-	\$ -	\$ -	\$	-	\$		0.00%
Spec Law	\$ 6,472.00	\$		\$ •	\$ -	\$		\$	-	0.00%
Drug Tax Stamp Fund	\$ -	\$		\$ -	\$ -					0.00%
Total		\$		\$ 	\$ 434,008.18	\$	411,256.57		- Automotive and the second	

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FUND	FUND#	Balance Dec 2012	Dec A/P	Dec P/R	BALANCE
LANDFILL	310	\$ 14,392.61	\$ 650.00	\$ -	\$ 13,742.61
REMODEL GRANT	313	\$ -	\$ -	\$ -	\$ -
INVESTIGATOR GRANT	314	\$ -	\$ -	\$ -	\$ -
GALENA MINE CLOSURE	317	\$ -	\$ -	\$ -	\$ -
EMERG SHELT GRANT	318	\$ 	\$ -	\$ -	\$ -
SEWER DIST #1 BOND & INT	320	\$ 5,542.84	\$ -	\$ •	\$ 5,542.84
SEWER DIST #1 OPER & MAINT	330	\$ 6,862.54	\$ 1,293.68	\$ 957.20	\$ 4,611.66
SHELTERED WORKSHOP BD & IN	<u>340</u>	\$ 14.00	\$ -	\$ -	\$ 14.00
SPECIAL HIGHWAY IMPROVEMT	<u>360</u>	\$ 1,264.20	\$ -	\$ -	\$ 1,264.20
SPECIAL ROAD MACHINERY	<u>370</u>	\$ 100.00	\$ -	\$ -	\$ 100.00
COUNTY BOND & INTEREST	390	\$ 1,340.54	\$ -	\$ -	\$ 1,340.54
PROS ATTORN TRAIN	410	\$ 1,960.41	\$ -	\$ -	\$ 1,960.41
ELECTRONIC MONITORING	412	\$ 910.00	\$ -	\$ _ =	\$ 910.00
ATTORNEY APPLICATION FEE	<u>413</u>	\$ -	\$ -	\$ -	\$ -
DIVERSION SUPERVISION FEE	414	\$ 5.00	\$ -	\$ -	\$ 5.00
ADMINISTRATION FEE BAD CKS	415	\$ 88.81	\$ -	\$ -	\$ 88.81
SPECIAL PARKS & RECREATION	430	\$ 2,553.52	\$ -	\$ -	\$ 2,553.52
SPEC ALCOHOL	440	\$ 2,540.12	\$ -	\$ -	\$ 2,540.12
TOURISM	450	\$ ***	\$ -	\$ -	\$ -
INFORMATION NETWORK OF KS	<u>465</u>	\$ 6,991.62	\$ -	\$ -	\$ 6,991.62
BANKRUPTCY FUND	470	\$ 1,865.21	\$ 	\$ -	\$ 1,865.21
CONCEALED WEAPON APPS	<u>489</u>	\$ 13,512.50	\$ -	\$ -	\$ 13,512.50
SPECIAL LAW ENFORC TRUST	<u>490</u>	\$ 15,773.84	\$ -	\$ -	\$ 15,773.84
DRUG TAX STAMP FUND	<u>491</u>	\$ 1,253.42	\$ -	\$ -	\$ 1,253.42
CO ATTY SPEC LAW ENFORC	492	\$ 628.56	\$ -	\$ -	\$ 628.56
Drug Forfeiture Fund	<u>493</u>	\$ 1,275.78	\$ -	\$ -	\$ 1,275.78
Justice Assistance Grant	494	\$ 390.81	\$ -	\$ -	\$ 390.81
DRUG FREE GRANT 91-03	<u>495</u>	\$ 4,539.35	\$ -	\$ -	\$ 4,539.35
RURAL WATER #8 GRANT	<u>505</u>	\$ 246.00	\$ -	\$ -	\$ 246.00
FLOOD PURCHASE AGREEMENT	<u>513</u>	\$ -	\$ -	\$ -	\$ -
FLOOD BUYOUT PROG 1997	<u>517</u>	\$ _	\$ -	\$ -	\$ -
SIREN			\$ -		
NSP	<u>353</u>	\$ 612.12	\$ -		\$ 612.12
			\$ 434,008.18	\$ 411,256.57	