

MINUTES FOR JUNE 3, 2019
BOARD OF CHEROKEE COUNTY COMMISSIONERS
CHEROKEE COUNTY, KANSAS

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, June 3, 2019 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 West Maple, Columbus, Kansas. Jim Tunnell opened the meeting with prayer followed by the Pledge of Allegiance. Commissioners Cory Moates, Neal Anderson, Myra Carlisle Frazier, County Counselor Barbara Wright, and County Clerk Rodney Edmondson were present.

Members of the press present: Larry Hiatt

Paul Bone appeared before the Board to present the 2020 budget request for the Cherokee County Conservation District. They are requesting \$25,000, the same amount as last year. He anticipates no changes next year. He stated that the Conservation District will be involved in the administering of funds for the cost sharing for septic's and watersheds beginning in July.

A motion was made by Commissioner Anderson to approve the Minutes of the May 20, 2019 BOCC meeting as written. The motion was seconded by Commissioner Frazier. The motion carried 2-0 with Commissioner Moates abstaining.

Leonard Vanatta, County Road Supervisor appeared before the Board on county road business. Leonard stated that he has postponed asphaltting for a couple more weeks in order to work on repairing the county roads from the water damage.

Leonard presented a supplemental agreement with KDOT to amend the unofficial detour route agreement for the Highway 7 project. If approved by the Board, KDOT will reimburse the county \$64,497.23 for one mile of asphalt on NE 5th St. from Tamko Rd. to Center Star Rd.

A motion was made by Commissioner Moates to sign the amended Unofficial Detour Agreement with KDOT. The motion was seconded by Commissioner Frazier. The motion carried 3-0.

The Board discussed the condition of the county roads from water and debris after the recent storms. Leonard stated that he has pulled two workers off of other duties to work the road graders temporarily.

The Board discussed the sealed bids for services and supplies with Louis and Leonard.

A motion was made by Commission Moates to award the bid for oil & grease products to Frost Oil. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Moates to renew the contract with Jim Woods Marketing to supply road fuel at ¼ cent above rack price. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Moates to renew the contract with MFA Oil for off road fuel. The motion was seconded by Commissioner Frazier. The motion carried 3-0.

A motion was made by Commissioner Moates to accept the bid from Teeters Paving, LLC to supply laydown services for asphalt. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Moates to accept the bid from Teeters Asphalt & Materials for asphalt. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Anderson to approve the payroll for the period ending May 24, 2019. The motion was seconded by Commissioner Frazier. The motion carried 3-0.

A motion was made by Commissioner Moates to approve the accounts payable for the period ending May 31, 2019. The motion was seconded by Commissioner Frazier. The motion carried 3-0.

Jim Hambright and his father-in-law Myron Cloke appeared before the Board regarding the sewer system that backed up into Hambright's home on May 20th. They stated that this happened three times in 2015 and the county's insurance (KCAMP) paid for the repairs. Hambright's insurance is denying coverage for the damage. After the incidents in 2015 a pop-off valve was installed, but it apparently failed this time. He has spent \$7,300 for cleanup and damage repair and is asking the county to file a claim with their insurance company to cover the damage. Commissioner Moates stated that the Board would do everything they can to help, but this was not the county's fault, the contractor built the homes in a low spot. Commissioner Moates stated there needs to be a remedy so this doesn't happen again. Hambright is looking at removing the home from the sewer system and putting in a septic system on the seven acres that he owns.

A motion was made by Commissioner Moates to open a claim with KCAMP for the damage to the Hambright's property. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Carol Stone appeared before the Board and submitted her written resignation as the Shawnee Township Trustee.

A motion was made by Commissioner Moates to accept the resignation of Carol Stone as the Shawnee Township Trustee effective immediately. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Elijah Ferguson appeared before the Board and submitted a written request to be appointed as the Shawnee Township Trustee.

A motion was made by Commissioner Moates to appoint Elijah Ferguson as the Shawnee Township Trustee. After discussion, the Board placed the item on the agenda for the next meeting on June 10th.

Commissioner Moates withdrew his motion.

Department Heads – Monthly Reports

Officials met with the Board for their routine monthly meeting for the purpose of updating the Board on happenings within each department, with the following department heads present: Barbara Bilke, Register of Deeds; Betha Elliott, Health Department; David Groves, Sheriff; Jason Allison, Emergency Management; Logan Grant, Noxious Weeds; Mark Hixon, Appraiser; Raven Elmore, Treasurer; Rodney Edmondson, Clerk & Election; and Wayne Elliott, 911 Addressing & Mapping.

Scott Thompson presented the 2020 budget request for Class LTD for the Board to consider. Their request is for county allocated funds in the amount of \$111,457. This is the same amount as last year. The Board took the request under advisement.

Vernon Hill, Neosho Township Trustee appeared before the Board seeking answers to questions regarding the cost of fire protection for the Neosho Township. He presented contracts for fire protection for the Board to review.

Cynthia Lane presented the 2020 budget request for the Southeast Kansas Area Agency on Aging. They are seeking \$15,161 in county funds for 2020. She gave a breakdown of services that they provide. The board took the request under advisement.

A motion was made by Commissioner Moates for an attorney client executive session for a legal opinion and a complaint. The meeting will resume in the commission room at 12:10 p.m. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 11:49 a.m.

The meeting reconvened at 12:10 p.m.

As a result of the executive session, there is one parcel that was not supposed to be on the tax sale list and the owner is requesting that the \$300 filing fee be refunded to them.

A motion was made by Commissioner Moates to refund \$300 to the Baxter Springs School District from the Courthouse Fund. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Moates to recess until 1:00 p.m. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 12:18 a.m.


The meeting reconvened at 1:05 p.m.


The Board, Counselor Wright, Clerk Edmondson, Country Treasurer Raven Elmore, and County Appraiser Mark Hixon discussed the Baxter Springs Neighborhood Revitalization Program. Commissioner Moates stated that their plan was never signed by the Kansas Attorney General. There are inter-local agreements between USD 508 and the City of Baxter Springs, and Cherokee County and the City of Baxter Springs. Neither agreement contains a signature from the Attorney General. The Board discussed the validity of the agreements and how to proceed with future rebates. Counselor Wright stated that the plan from the City of Baxter Springs would not need the signature of the Attorney General. Only the inter-local agreements need the signature. The Board asked Counselor Wright to contact the Attorney General for more information.

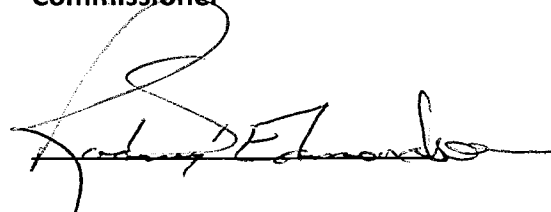
Commissioner Frazier made a motion to adjourn until the next regular meeting set for Monday, June 10, 2019 at 9:00 a.m. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 1:55 p.m.

ATTEST: Resolved and ordered this 10th day of June, 2019


Commissioner


Commissioner


Commissioner


County Clerk



1813 West 4th
Pittsburg, KS 66762

Julie L. Lorenz, Interim Secretary
Wayne R. Gudmonson, P.E., District Engineer
George Dockery, P.E., Area Engineer

Phone: 620-308-7610
Fax: 620-231-1149
kdot#publicinfo@ks.gov
<http://www.ksdot.org>
Laura Kelly, Governor

May 20, 2019

Cherokee County Commission
Cherokee county Courthouse
Columbus, KS 66725

7-11 KA 1586-01
Unofficial Detour Agreement

Dear Commissioners,

Attached please find three (3) copies (amended) of the Unofficial Detour Agreement for reimbursement for material on County Roads adjacent to the K-7 road project. The amendment allows for hot mix asphalt on 5th Street between Bethlehem and Center Star Roads. Please sign and return three (3) copies. After all signatures, one (1) copy will be returned to you.

If you have questions, please call.

Thanks.

Sincerely,

For: George Dockery, P.E.
Area Engineer

GD:RG:rg

cc: District Engineer
file

PROJECT NO. 07-11 KA-1586-01
STP-A159(601)
UNOFFICIAL DETOUR ROUTE
CHEROKEE COUNTY, KANSAS

S U P P L E M E N T A L A G R E E M E N T N o . 1

This Agreement, made and entered into effective the date signed by the Secretary or designee, is by and between the **Secretary of Transportation**, Kansas Department of Transportation (KDOT) (the “Secretary”) and **Cherokee County, Kansas** (the “LPA”), collectively, the “Parties.”

RECITALS:

- A. The Parties entered into an Agreement dated August 4, 2017 for payment to the LPA to repair local roads that had experienced increase vehicular traffic as a result of the Secretary’s reconstruction project (the “Original Agreement”).
- B. The Parties entered into an Agreement dated April 9, 2018 (the “Second Original Agreement”) to increase to the total available funding to the LPA.
- C. The Parties mutually agree for the benefit of the project administration and the benefit of the travelling public that the Second Original Agreement be cancelled and the Original Agreement be supplemented.
- D. The Parties mutually desire to combine the work and funding from both the Original Agreement and the Second Original Agreement and to allow the LPA to purchase hot mix asphalt with the remaining money.

NOW, THEREFORE, the Parties agree as follows:

- 1. On page 1 of the Original Agreement, Recital D, be replaced in its entirety to read as follows:
 - D. The Parties acknowledge that in lieu of the State Detour or the State Route, as applicable, State Route traffic has used multiple routes on the LPA road system, including but not limited to: NE & NW 10th Streets, NE 20th Street, all 9 intersecting sideroads one mile on both sides of K-7, and 5th Street from Bethlehem Road to Center Star Road (the “Unofficial Detour Route(s)”).
- 2. On page 1 of the Original Agreement, Article I, paragraph 1, be replaced in its entirety to read as follows:
 - 1. **Compensation.** The Secretary agrees to furnish the following compensation to the LPA:

A maximum of \$155,146.83 to be allocated as follows: \$42,447.23 for road surface preparation and application of magnesium chloride at 39 locations denoted by the Cherokee County Commissioners, \$46,699.00 for 2,840 tons of road rock for maintenance, and \$64,497.23 for the purchase of hot mix asphalt for an overlay on 5th Street.

3. On page 2 of the Original Agreement, Article II, paragraph 2, be replaced in its entirety to read as follows:

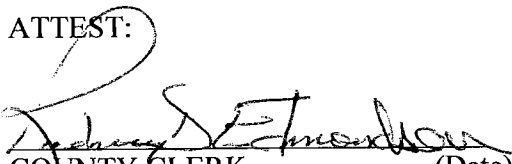
2. **Scope of Maintenance.** The compensation identified above in Article I, paragraph 1 is to assist in LPA maintenance of the Unofficial Detour Route(s) due to increase vehicular traffic, to include the following maintenance work or repair action:

39 homesite locations along NE & NW 10th, 1 mile of NE 20th, and 9 intersecting side roads. The LPA will blade the above-mentioned roadways prior to the application of preparatory water and magnesium chloride. The LPA will also use 8,520 tons of road rock for maintenance of the Unofficial Detour Route(s). Additionally, the LPA will purchase hot mix asphalt to do 1-1/2" overlay on 5th Street from Bethlehem Road to Center Star Road.

THIS SUPPLEMENTAL AGREEMENT shall not be construed to alter, modify, or void the terms, provisions or conditions of the Original Agreement, incorporated herein by reference, except as herein specifically provided.

IN WITNESS WHEREOF, the Parties have caused this Supplemental Agreement to be signed by their duly authorized officers.

ATTEST:


COUNTY CLERK (Date)
(SEAL) 6-3-19

CHEROKEE COUNTY, KANSAS


CHAIRPERSON


MEMBER


MEMBER

Kansas Department of Transportation
Secretary of Transportation

By: _____
District Engineer (District 4) (Date)