

**MINUTES FOR JANUARY 28, 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, January 28, 2019 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, Neal Anderson, Myra Carlisle Frazier, County Counselor Barbara Wright, and County Clerk Rodney Edmondson were present.

Members of the press present: Larry Hiatt

A motion was made by Commissioner Anderson to approve the Minutes of the January 14, 2019 BOCC meeting as written. The motion was seconded by Commissioner Frazier. The motion carried 3-0.

Jim Burton, representing the Cherokee County Solid Waste Committee, presented a list of names for the Board to consider for appointment to the committee. The Board placed the item on the agenda for next Monday.

Leonard Vanatta, County Road Supervisor and Louis Schreiner, County Lot Supervisor appeared before the Board on County road business. Leonard presented a cost estimate for the concrete pipe to be used for a bridge replacement on SW 20<sup>th</sup> St. The cost would be approximately \$13,000 for three runs of 42" pipe with end sections. The EPA has agreed to jack hammer the old bridge out and to put the new pipe in place at no cost.

A motion was made by Commissioner Moates to allow Leonard to order the 42" pipe for the project on SW 20<sup>th</sup> St. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Louis presented a cost estimate for 60 pair of grader blades from Murphy Tractor at a cost of \$74.93 per blade.

A motion was made by Commissioner Anderson to purchase the grader blades from Murphy Tractor as presented. The motion was seconded by Commissioner Moates. The motion carried 3-0.

A motion was made by Commissioner Frazier to purchase 12 more product link boxes from Caterpillar for the mowers and backhoes at an approximate cost of \$3,000. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Moates for an executive session for the discipline of non-elected personnel with the Board, Counselor Wright, Clerk Edmondson, Leonard Vanatta, and Louis Schreiner. The meeting will reconvene at 9:50 a.m. in the commission room. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 9:40 a.m.

The meeting reconvened in the commission room at 9:50 a.m.

Louis stated that the shop computer needs upgraded to handle new software. He presented the minimum configurations as recommended by Caterpillar. The Board asked him to get a couple of estimates for a new computer.

Clerk Edmondson presented Supplemental Agreement No. 2 for the Baxter 5<sup>th</sup> St. Project from KDOT. The agreement would allow leftover funds to be collected by the County for engineering expenses that were incurred.

A motion was made by Commissioner Moates to sign the supplemental agreement on the Baxter 5<sup>th</sup> St. Project. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Moates to approve the payroll for the period ending January 18, 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 January 23, 2019. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Janet Miller, Economic Development Director, presented a list of names for the Board to consider for the Advisory Committee. The appointments must be made every two years with terms expiring January 31<sup>st</sup> of the odd years.

A motion was made by Commissioner Frazier to appoint the named persons as presented to the Cherokee County Economic Development Advisory Committee. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Jean Pritchett, representing the Columbus Chamber of Commerce, appeared before the Board to renew the Transient Guest Tax Agreement for 2019. She provided a 2018 expense report and a proposed budget for 2019. Chairman Moates signed the agreement.

Thomas Niegisch of KissTECH appeared before the Board regarding his proposal to provide a sound system for the Commission room. The system presented would consist of six microphones and four ceiling mounted speakers with an equipment rack in the adjoining room. The costs could be reduced by \$700 to \$925 by using one of the drawers in the Commissioners' desk for the rack. The Board took the proposal under advisement.

Counselor Wright presented a draft resolution for the assessment of a \$2.00 driver's license fee as requested by the County Treasurer. The Board placed the item on the agenda for next week.

Counselor Wright presented the resolution to create three new fire districts in the Lowell, Shawnee, and Spring Valley townships for a second read by the Board. The resolution allows the County to control the mill levy for fire protection in those three fire districts. If approved, the resolution will publish once in three consecutive weeks and a public hearing would be set for March 11<sup>th</sup> at 7:00 p.m. in the District Courtroom.

A motion was made by Commissioner Moates to adopt Resolution 02-2019 as presented. The motion was seconded by Anderson. The motion carried 3-0.

Counselor Wright updated the Board on two properties that have been condemned. Dennis Pope at 10576 NE 30<sup>th</sup> St. in Weir has contracted with various people to demolish the property himself. Art Mallory is monitoring the property and will update the Board as needed. Counselor Wright stated that the property on NE Lawton Rd. has changed hands. The new owner has contacted Jason Allison and informed him that he is going to clean up the property himself.

Clerk Edmondson informed the Board that he had been contacted by the City of Columbus regarding the condition of the park benches at the Courthouse. The Board will get with Ralph and discuss options for repair or replacement.

Edmondson presented a resignation from Bill Thomas as the Crawford Township Trustee effective March of 2019. The Board will need to appoint a replacement. Edmondson will contact the other Board members to see if they have found someone willing to serve. The Board placed the item on the agenda for February 14<sup>th</sup>. The Board also discussed the vacancy in the Spring Valley Trustee position due to the death of Don Hefley last year. Matthew King has submitted a letter of consideration for that position. The Board placed the item on the agenda for next Monday.

A motion was made by Commissioner Moates to appoint Leonard Vanatta as the County Road & Bridge Supervisor for 2019. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Anderson to appoint Louis Schreiner as the County Lot Supervisor for 2019. The motion was seconded by Commissioner Frazier. The motion carried 3-0.

A motion was made by Commissioner Frazier to appoint Logan Grant as the County Noxious Weed Director for 2019. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Moates to appoint the American Bank of Baxter Springs, Columbus, and Galena as the official working bank for Cherokee County and all others banks to be recognized as depositories for 2019. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Moates to appoint the Columbus News Report as the Official County Newspaper for 2019. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Moates to appoint Barbara Wright as the Legal Counsel to the Board for 2019. The motion was seconded by Commissioner Frazier. The motion carried 3-0.

A motion was made by Commissioner Anderson to appoint Jason Allison as the County Emergency Management Coordinator for 2019. The motion was seconded by Commissioner Frazier. The motion carried 3-0.

A motion was made by Commissioner Frazier to appoint Betha Elliott as the County Director of Health for 2019. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Anderson to appoint the Mense CPA Firm, LLC as the Official Auditing Firm for Cherokee County for 2019. The motion was seconded by Commissioner Moates. The motion carried 3-0.

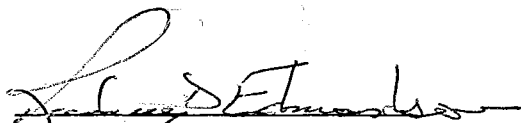
Jason Allison presented an invoice in the amount of \$38,886.36 for the installation of the two new storm sirens. He stated that FEMA will reimburse the County \$29,164.77 as part of the grant agreement. The Board placed the item on the agenda for next Monday to allow time to determine what account the funds should be drawn from.

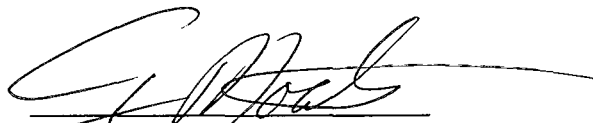
A motion was made by Commissioner Moates for an attorney/client executive session for potential litigation purposes with the Board, Counselor Wright, and Clerk Edmondson. The Board will reconvene at 11:12 a.m. in the Commission room. The motion was seconded by Commissioner Frazier. The motion carried 3-0 at 11:07 a.m.

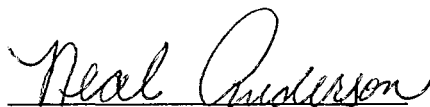
The meeting reconvened in the commission room at 11:12 a.m.

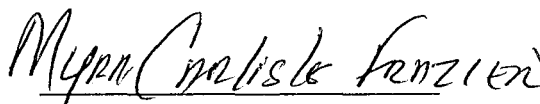
Commissioner Frazier made a motion to adjourn until the next regular meeting set for Monday, February 4, 2019 at 9:00 a.m. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 11:16 a.m.

**ATTEST: Resolved and ordered this 4<sup>th</sup> day of February, 2019**

  
Cherokee County Clerk

  
Commissioner

  
Commissioner

  
Commissioner

## **TRANSIENT TAX AGREEMENT**

This agreement is made and entered into this 28th day of January, 2019 between Cherokee County, KS here in after called "County" and the Columbus Chamber of Commerce, a non-profit corporation here in after called the "Chamber" acting herein the Executive, its duly authorized representative.

**WHEREAS**, the County Commission of the County of Cherokee enacted the Transient Guest Tax Resolution August 31, 1982, levying a tax upon hotel and motel transient guests within the County, said tax being currently effective.

**WHEREAS**, the county of Cherokee desires that the proceeds derived from the said hotel and motel Transient Guest Tax be used for the promotion, solicitation, encouragement and development of tourism and convention for Cherokee County, as provided for by KSA 12-1693 and KSA 1978 Supp. 12-1694 to 12-1698.

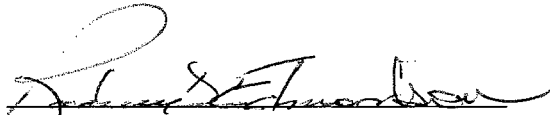
**NOW THEREFORE**, be it understood and agreed by and between the County and the Chamber that for and in consideration of payment of a sum of money raised by the two (2) percent Transient Guest Tax that said Chamber will provide those services necessary to carry out one year commencing the 1st day of January, 2019 and ending the 1st day of January 2020.

**NOW BE IT FURTHER AGREED** as follows:

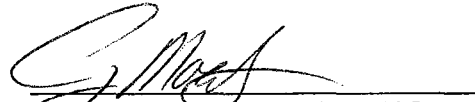
1. The Chamber will operate and manage a Convention & Tourism Bureau to render services hereinafter contemplated and to discharge its duties in accordance with terms and conditions hereinafter set forth.
2. The Chamber is hired and engaged as an independent contractor, and is not an officer, agent or employee of the county.
3. Advisory Committee. The Convention & Tourism Committee, as appointed by the County/Chamber as required by KSA 12-16, 101 shall perform, among others, the following functions: (a) promote tourism and conventions in Columbus; (b) recommend programs and expenditures for the promotion of tourism and conventions in Columbus; (c) to work as a liaison between motels and conventions.
4. The Chamber shall submit prior to July 1, to the Cherokee County Commissioners a proposed annual operation budget for the Convention and Tourism Bureau for the next fiscal year and by February 15, a written report of the previous year's activities and expenditures to be made by the Tourism & Convention Bureau, none of which shall be made until the annual budget has been approved by the County governing body. Such budget shall also include the program of work, projects and activities.

5. Payments. The County will transfer quarterly to the Chamber all funds as provided by the Transient Guest Tax Resolution.
6. The County Clerk or his designated representative may, upon reasonable notice, inspect all books and records of the Tourism and Convention Bureau.
7. It is expressly agreed by the parties that all Transient Tax Guest funds of the County shall be used solely for the propose of promoting travel, tourism and conventions within the area as provided by the Transient Guest Tax.
8. Either party may terminate this Agreement by giving the other party written notice sixty (60) days in advance of the proposed termination date.

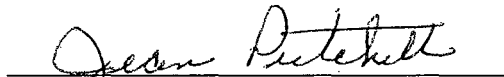
Upon termination, unless it is subsequently reserved, the Chamber shall deliver to the County all Transient Guest Tax funds and any equipment purchased by use of said guest tax funds then remaining with the Chamber after payment of all budgeted expenses of the Tourism and Convention Bureau.



ATTEST:  
County Clerk



COMMISSION CHAIRMAN  
Cherokee County



ATTEST:  
Director/Columbus Chamber of Commerce

PRESIDENT  
Columbus Chamber of Commerce



**KissTECH, LLC**  
 109 S. Pennsylvania Ave.  
 Columbus, Ks 66725

# Estimate

Date	Estimate #
1/23/2019	2044

**Name / Address**  
 Cherokee County Kansas

Project

Description	Qty	Rate	Total
JBL CSMA2120 8-Input, 2X120W DriveCore Mixer-Amp	1	850.00	850.00
JBL Control 26CT 6.5" Coaxial Ceiling Speaker, 70V	4	200.00	800.00
JBL CSR-V Volume Control Knob	2	75.00	150.00
Shure MX418/C 18" Cardioid Gooseneck Mic W/ Shock mount	3	275.00	825.00
Shure MX412/C 12" Microflex Cardioid Gooseneck Condenser Mic	3	275.00	825.00
Cable, Wall Plates, Rack, Power Protection	1	800.00	800.00
Installation of Commissioner's Sound System - Hourly	8	75.00	600.00
1 Yr. System Support (Hardware + Labor)		0.00	0.00
		<b>Subtotal</b>	\$4,850.00
		<b>Sales Tax (9.0%)</b>	\$0.00
		<b>Total</b>	\$4,850.00

RESOLUTION NO. 02-2019

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF  
CHEROKEE COUNTY, KANSAS, CREATING THREE ADDITIONAL FIRE  
DISTRICTS IN CHEROKEE COUNTY, KANSAS.**

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

**WHEREAS**, it is advisable in the public interest that fire districts be organized in certain unincorporated and township areas of Cherokee County, Kansas,

**SECTION 1. GENERAL AUTHORITY.** K.S.A. 19-101, *et. seq.*, and K.S.A. 19-212 authorize the Board of County Commissioners of Cherokee County, Kansas, to transact all County business and perform all powers of local legislation deemed appropriate, and to make all contracts and do all other acts in relation to the property and concerns of the County necessary to the exercise of its corporate or administrative powers.

**SECTION 2. PROJECT AND ADMINISTRATION.** Pursuant to K.S.A. 19-3601, *et. seq.*, as amended, the Board of County Commissioners proposes to organize three additional (3) fire districts, numbered nine (9), eleven (11), and twelve (12), with each boundary defined by its identified township borders, and excluding the existing municipal boundaries of the following cities within the County that have established fire departments: Cherokee, Weir, Scammon, Columbus, Baxter Springs, Galena and West Mineral. The existing Fire District No. 1, County of Cherokee, Kansas (Lola Township), established by Resolution 6-2013, shall remain intact and be excluded from this proposal.

**SECTION 3. SCOPE OF THE PROJECT.** It is the intention of the Governing Body that the fire districts shall be established by township as follows:

- Fire District No. 12, County of Cherokee, Kansas, Lowell Township
- Fire District No. 11, County of Cherokee, Kansas, Shawnee Township
- Fire District No. 9, County of Cherokee, Kansas, Spring Valley Township

**SECTION 4. SPECIFICATIONS.** The attached County / township map depicts the proposed fire districts and is incorporated by reference herein.

**SECTION 5. PUBLICATION.** This Resolution shall be published in the County's



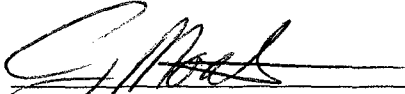
official newspaper of general circulation for three (3) consecutive weeks.


**SECTION 6. NOTICE OF HEARING.** Publication of this Resolution serves as **NOTICE OF PUBLIC HEARING.** A public hearing shall be conducted in consideration of this proposal to establish three (3) fire districts, Fire District #12 - Lowell Township; Fire District #11, Shawnee Township; Fire District #9, Spring Valley Township, by the Board of County Commissioners of Cherokee County, Kansas, on the 11<sup>th</sup> day of March, 2019, at 7:00 p.m., at the Cherokee County Courthouse, 110 W. Maple, District Courtroom, Columbus, Kansas.

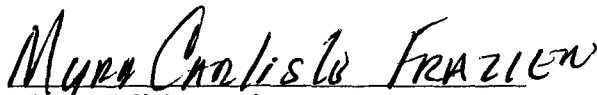
**SECTION 7. CONFLICT.** That all resolutions, County policies or parts thereof in conflict herewith are hereby repealed insofar as they conflict herewith.

**PASSED and APPROVED** by the Board of County Commissioners of Cherokee


County, Kansas, this 28 day of January, 2019.

  
Cory Moates, Chairman  
Cherokee County Commissioner

  
Neal Anderson  
Cherokee County Commissioner

  
Myra Carlisle Frazier  
Cherokee County Commissioner

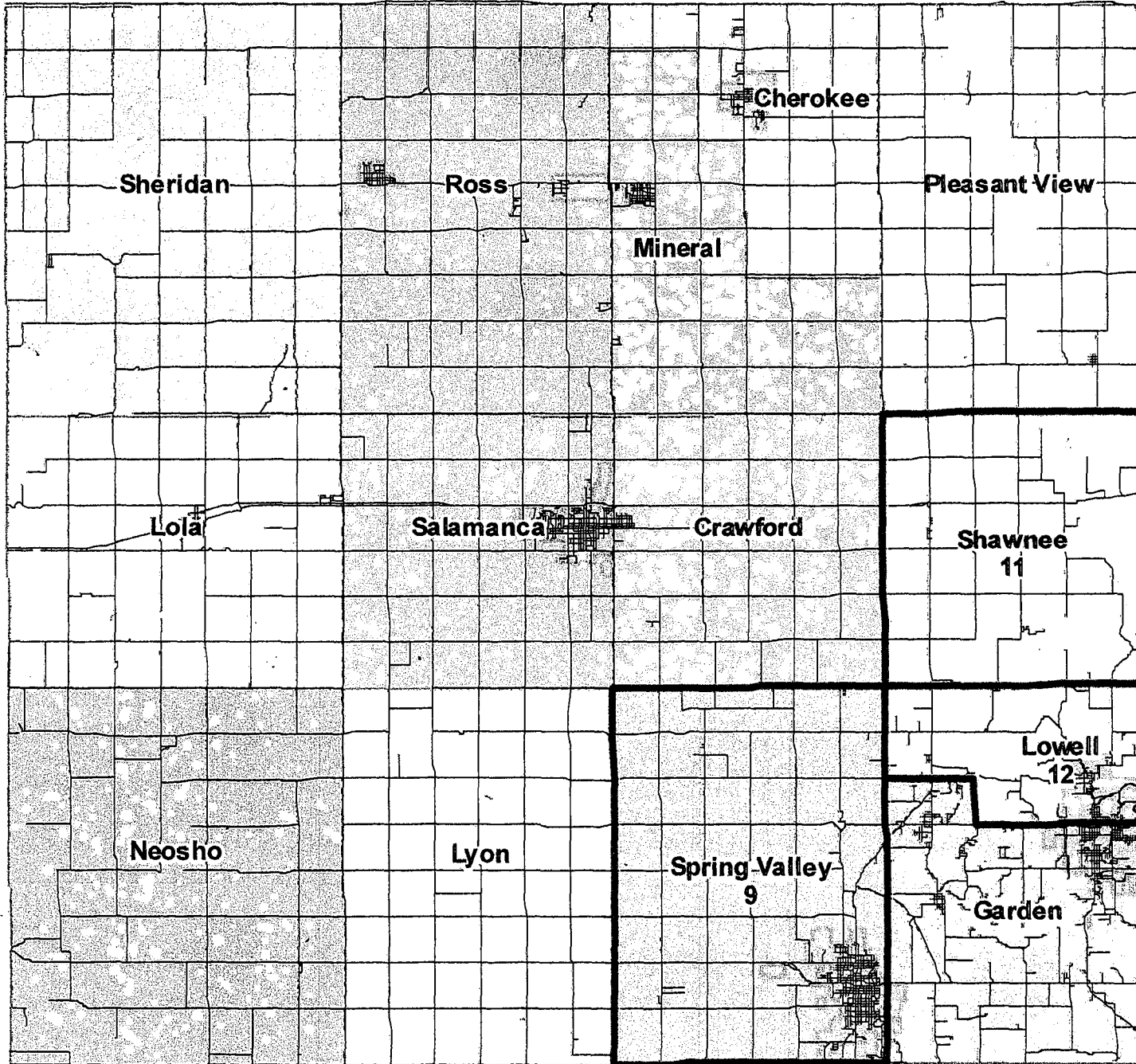
ATTEST:

  
Rodney D. Edmondson, County Clerk

(Seal)

2019

# Cherokee County Fire Districts Resolution



**Legend**

Political Townships

Political Township

- Cherokee
- Crawford
- Garden
- Lola
- Lowell
- Lyon
- Mineral
- Neosho
- Pleasant View
- Ross
- Salamanca
- Shawnee
- Sheridan
- Spring Valley
- City Limits
- Road Center line (RB Edit Layer)

## **Cherokee County Economic Development Advisory Committee\***

Position #1 (Weir) - Amy Zortz

Position #2 (Scammon) – Bob Norris

Position #3 (Columbus) – Daniela Rivas

Position #4 (Baxter Springs) - Brian Smith

Position #5 (Galena) - Lance Nichols

Position #6 (Commissioner District #1) - Brad Wells

Position #7 (Commissioner District #2) – Thomas Niegisch

Position #8 (Commissioner District #3) – Bert Kellum

Position #9 (County Commissioner) – Neal Anderson

\* These appointments would expire January 31, 2021 as per resolution 07-2013.