

MINUTES FOR JANUARY 6, 2020
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 a.m. Monday January 6 2020 in commission room # 109 of the Cherokee County Courthouse located at 110 w maple, Columbus Kansas. Jim Tunnel opened with prayer and led the Pledge of Allegiance to the United States of America. Commissioners Corey Moates, Neal Anderson, Myra Carlisle Frazier, and County Clerk Kyle Rennie were present.

Members of the press present Larry Hiatt.

Commissioner Frazier moved to approve the December 30, 2019 BOCC minutes; Commissioner Anderson seconded the motion. Motion passed 3-0

Toni Spieth [A resident of the city of Columbus and of Cherokee County] addressed the BOCC on two issues.

1. 2nd Amendment Sanctuary. Toni had copies of HOUSE BILL NO. 2199 session 2013 for the BOCC.

Toni argued H.B. 2199 declared the state of Kansas a sanctuary state and there would be no need for a resolution to declare Cherokee County a 2nd Amendment county.

2. Toni spoke in support to keep in place the Pitt Bull Ban.

Commissioner Moates moved to sign the agreement [HGL Agreement] a EPA company stating they would maintain roads they are on, during the duration of their work in the Galena area.

Lori Johnson spoke in support of 2nd Amendment Sanctuary, citing it would help protect Cherokee County residents from Red Flag laws.

Commissioner Moats opened public hearing to hear discussion to vacate Peacock city subdivision

Bart Eckhardt spoke in support to vacate Peacock city subdivision.

Commissioner Moates moved to adopt resolution 2-2020 vacating Peacock city subdivision

Commissioner Frazier 2nd motion passed 3-0

At 10:07 Commissioner Moates moved to close public hearing to vacate Peacock city subdivision

Commissioner Anderson 2nd the motion. Motion passed 3-0

Commissioner Moates moved to adopt resolution 3-2020 to vacate roads and allies in Lawton

Commissioner Frazier 2nd the motion. Motion passed 3-0

Commissioner Moates moved to adopt resolution 01-2020 Waiver from GAAP Commissioner Frazier 2nd the motion. Motion passed 3-0

Sheriff Groves spoke on enforcement of the Pitt Bull Ban, citing the ban is hard to enforce when the definition of a Pitt Bull is unclear. Sheriff Groves stated he supports the Pitt Bull Ban, Sheriff Groves also stated maybe the Pitt Bull Ban could be improved.

Department Heads

Barbara Bilk- Reg. of Deeds, Betha Elliot-Health Department, David Groves- Sheriff, Janet Miller- Economic Development, Jason Allison- Emergency Preparedness, Logon Grant- Noxious Weeds, Mark Hixon- County Appraiser, Ralph Houser- courthouse maintenance, Rebecca Brassert-911 Mapping and addressing, all submitted oral reports on 2019 business. Raven Elmore- County Treasure submitted a written report.

Deana Randall- Human Resources, Jacob Conard- County Attorney, and Kyle Rennie- County Clerk

No reports at this time. BOCC announced the next delinquent tax sale is scheduled for February 25 at 10:00 a.m. at the Cherokee County Courthouse.

Commissioner Moates moved to go into executive session at 11:28 a.m. and reconvene at 11:38 a.m.

No action taken in executive session.

BOCC requested workshops with Sheriff Groves on the Pitt Bull Ban and 2nd Amendment Sanctuary.

Commissioner Anderson moved to adjourn until the next regular session set for January 13th, 2020 at 9 a.m. Commissioner Frazier 2nd the motion. Motion passed 3-0

Meeting adjourned 12:32 p.m.

Commissioner



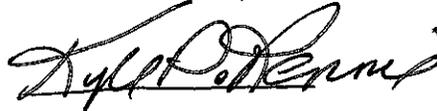
Commissioner



Commissioner



Cherokee County Clerk



Resolution No. 01-2020

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

WHEREAS, the Commissioners of Cherokee County, Kansas, have determined that the financial statements and financial reports for the year ending December 31, 2020 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Commissioners or the members of the general public of the County of Cherokee and

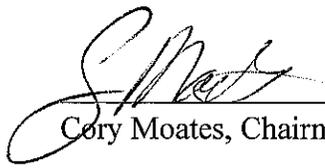
WHEREAS, there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ending December 31, 2020.

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Cherokee County, Kansas, in regular meeting duly assembled the 6th day of January, 2020 that the Commissioners waive the requirements of K.S.A. 75-1120a(a) as they apply to the County of Cherokee for the year ending December 31, 2020.

BE IT FURTHER RESOLVED that the Commissioners shall cause the financial statements and financial reports of the County of Cherokee to be prepared, on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

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

Kansas, this 6th day of January, 2020.

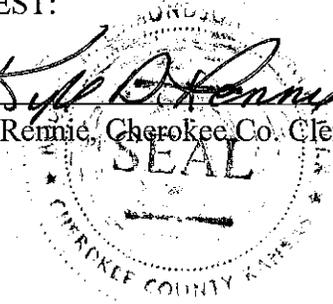

Cory Moates, Chairman


Myra Carlisle Frazier, Commissioner


Neal Anderson, Commissioner

ATTEST:

Kyle Rennie, Cherokee Co. Clerk



RESOLUTION NO. 2-2020

A RESOLUTION AND ORDER BY THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS, VACATING UNDEVELOPED PEACOCK CITY INCLUDING ALL PLATTED STREETS AND ALLEYS LOCATED IN SAID PLAT LOCATED IN SECTION THIRTEEN (13) TOWNSHIP THIRTY-THREE (33) RANGE TWENTY-FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN CHEROKEE COUNTY, KANSAS, CHEROKEE COUNTY, KANSAS, PURSUANT TO K.S.A. 58-2613, *et.seq.*

BE IT RESOLVED BY THE GOVERNING BODY OF CHEROKEE COUNTY, KANSAS.

WHEREAS, owners of the property platted in October, 1900, and named Peacock City, have petitioned the Board of County Commissioners to vacate said plat due to the lack of residential, commercial or public use development, and Peacock City having no governing body for 10 years or more.

WHEREAS, the Board of County Commissioners held a public hearing on January 6, 2020, to consider the matter of vacating said City of Peacock plat and determined that the petition to vacate be approved as follows.

SECTION 1. The October, 1900, plat survey describing the city of Peacock City is described as: commencing at the southeast corner of Lot Three (3) thence north one thousand four hundred and seventeen (1417) feet, thence west one thousand two hundred and eighty (1280) feet, thence south one thousand four hundred and seven (1407) feet, thence east one thousand two hundred and eighty-three (1283) feet to place of beginning, all in Section thirteen (13) Township thirty-three (33) Range twenty-five (25) east of the Sixth Principal Meridian Cherokee County, Kansas.

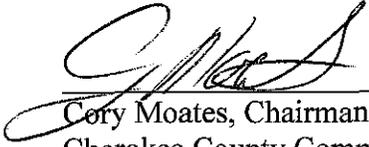
The land is not located within an area which is subject to the subdivision regulations of any city.

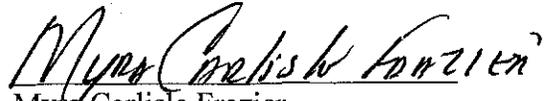
SECTION 2. That the aforementioned Peacock City plat, including all designated streets, alleys, lots and blocks shall be vacated.

SECTION 3: 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,

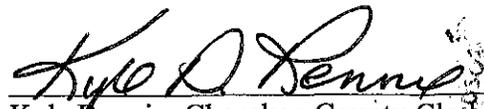
Kansas, this 6 day of January, 2020.


Cory Moates, Chairman
Cherokee County Commissioner


Myra Carlisle Frazier
Cherokee County Commissioner

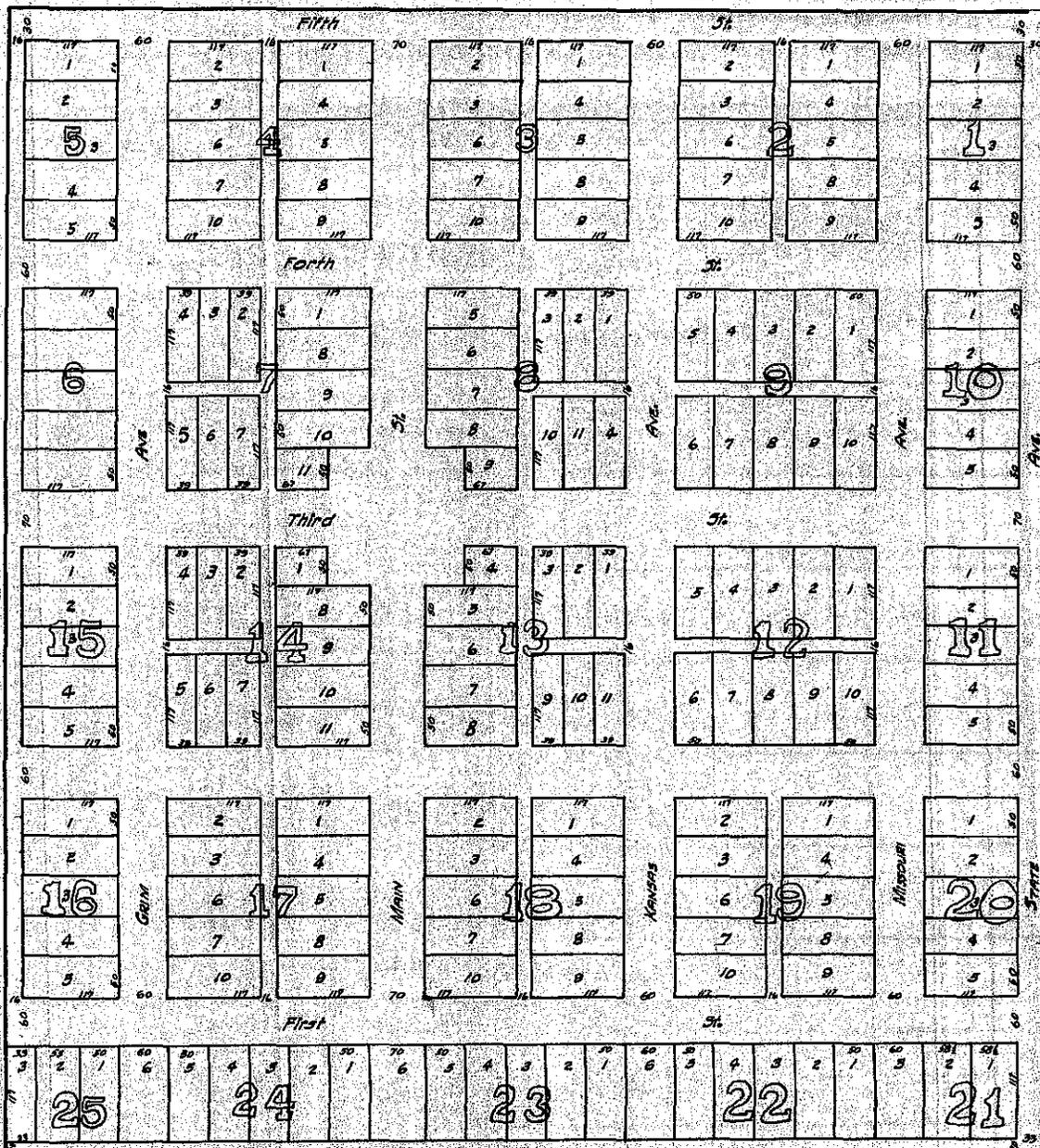

Neal Anderson
Cherokee County Commissioner

ATTEST:


Kyle Rennie, Cherokee County Clerk

(SEAL)





State of Kansas } ss.
 Cherokee County }
 Be it Remembered That on this 29 day of
 October A.D. 1900, before me a Notary Public in
 and for the County and State aforesaid, personally
 came George W. Rains to me personally known
 and acknowledged that he executed the above
 and foregoing dedication as his act and deed,
 for the purposes herein mentioned.
 In Witness Whereof, I have hereunto set my
 hand and affixed my Notarial seal of Galena,
 Kansas, this day and year last above written.
 J. C. Boden, Notary Public (Seal)
 My commission expires Oct 7, 1901

Filed for record Nov. 17, 1900 at 9 A.M.
 R. W. Davidson, Register of Deeds
 By L. W. Schreiner, Deputy (Seal)

This Survey was complete September 17th 1900 James H. Jenkins - Surveyor Scale 100ft to Inch.

I hereby certify that the above plat correctly and fully indicates my
 survey of the city of Peacock City, commencing at the South East corner of
 lot Three (3) thence north 147 feet, thence west 1280 feet, thence south 1407
 feet, thence east 1283 feet, to place of beginning, all in section Thirteen (13)
 Township Thirtythree (33) Range Twenty five (25) East 6th R.M. Cherokee
 County, Kans.

James H. Jenkins

This Indenture, entered into this 29th day of October, A.D. 1900 on the part of
 George W. Rains, of the City of Galena, Cherokee County, Kansas,
 Witnesseth: That said George W. Rains hereby acknowledges that this is a true
 and correct plat of the townsite of Peacock City, being situated and described
 as follows: Commencing at the southeast corner of Lot Three (3) thence north
 one hundred and forty seven (147) feet, thence west one thousand two hundred
 and eighty three (1283) feet, thence south one thousand four hundred and seven
 (1407) feet, thence east one thousand two hundred and eighty three (1283) feet
 to place of beginning, all in section thirteen (13) township thirty-three (33)
 Range twenty-five (25) east sixth principal meridian Cherokee County, Kansas.

Township Thirty-three (33) Range Twenty-five (25) east of the 6th principal
 Meridian in Cherokee County, Kansas, containing acres of land; that the
 streets and alleys of said townsite are of the width designated on said plat
 and the same are hereby dedicated to the County for public use; that the
 block are set forth on said plat commencing at one (1) and run to include
 twenty-five (25) and exclusive of the length and width designated on said
 plat; that all measurements for the purpose of ascertaining the location of any
 street, alley or lot, are made from an iron pin or monument located at
 the southeast corner of Lot Three (3).

In Witness Whereof the said George W. Rains has hereunto set his hand this
 29th day of October A.D. 1900.
 Geo. W. Rains for himself and Attorney in fact for Charles Stephens
 Emma Stephens his wife, Percy Stephens Charles L. Rains Estelle Rains his
 wife and Naomi Rains wife of George W. Rains.

This is to certify that this is a true and
 correct copy of Town Plat Book.
 Dated this 15th day of August A.D. 1902
 Resubert Lopez
 License No. 3082

RESOLUTION NO. 3-2020

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS, UPON PETITION BY PROPERTY OWNER, KEVIN BACK, VACATING UNDEVELOPED ALLEYS AND A PORTION OF GRAY AVENUE LOCATED IN MACK'S ADDITION TO LAWTON, KANSAS, IN BLOCK 3, BLOCK 4, BLOCK 5 AND BLOCK 6, LOCATED IN A PORTION OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 32, RANGE 25 E OF THE 6TH PRINCIPAL MERIDIAN, CHEROKEE COUNTY, KANSAS.

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

SECTION 1: That the undeveloped north-south alley in block 6 beginning south of Gaston Avenue, Mack's Addition to Lawton, Kansas, bordered by lots 7 through 12 on the west, and bordered by lots 1 through 6 on the east, for approximately 300 feet, thence south into block 5, and bordered by lots 10 through 12 on the west, and lots 1 through 3 on the east, for approximately 133.5 feet, shall be vacated.

SECTION 2: That the undeveloped east-west alley in block 5 beginning east of Bryant Street, Mack's Addition to Lawton, Kansas, bordered by lot 10 on the north and bordered by lots 7 through 9 on the south, for approximately 150 feet, shall be vacated.

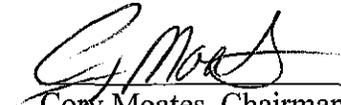
SECTION 3: That the undeveloped east-west Gray Avenue, beginning east of Bryant Street, Mack's Addition to Lawton, Kansas, bordered on the north by block 6, lots 6 and 7, and block 3, lot 7; and bordered on the south by block 5, lots 1 and 12, and block 4, lot 12, for approximately 442 feet, shall be vacated.

SECTION 4: That the aforementioned alleys and street shall revert to the owners of real estate thereto adjacent on each side, in proportion to the frontage of such real estate except in cases where said alley was taken and appropriated to public use in a different proportion, in which case it shall revert to adjacent lots of real estate in proportion as it was taken from them.

SECTION 5: This Resolution shall take effect and be in force from and after passage and publication in the official County newspaper.

SECTION 6. Immediately after this Resolution becomes effective, the County Clerk shall file a certified copy of this Resolution in the Office of the Register of Deeds of Cherokee County, Kansas, to be entered in the transfer records and in the deed records, respectively, of Cherokee County, Kansas.

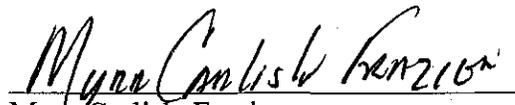
PASSED and APPROVED by the Board of County Commissioners of Cherokee County, Kansas, this 6 day of January, 2020.



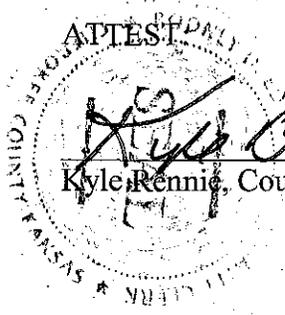
Cory Moates, Chairman
Cherokee County Commissioner



Neal Anderson
Cherokee County Commissioner

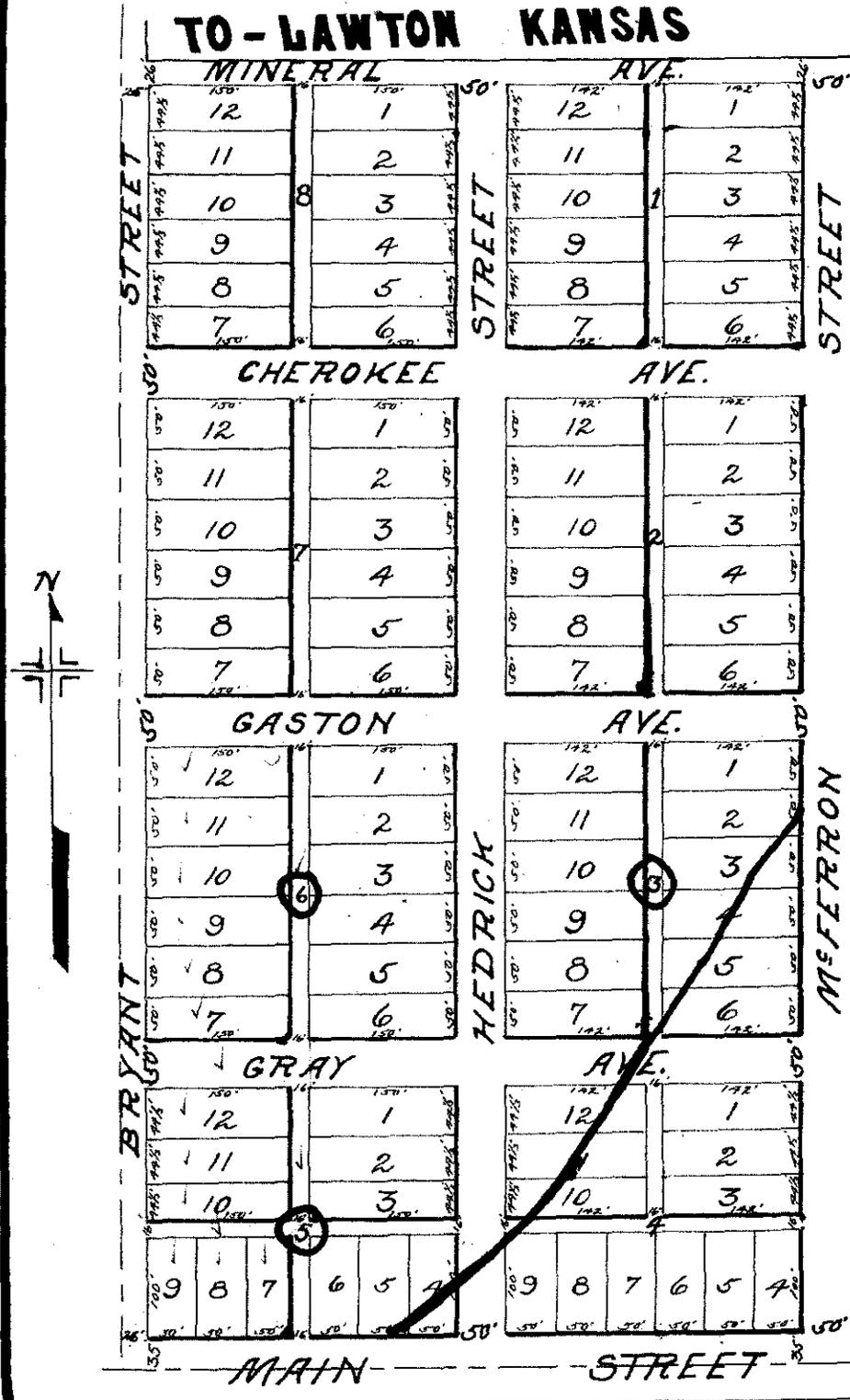


Myra Carlisle Frazier
Cherokee County Commissioner

ATTEST



Kyle Rennie, County Clerk (Seal)

MACK'S ADDITION TO - LAWTON KANSAS



SURVEYOR'S CERTIFICATE
 This is to certify that I have surveyed and platted the following described tract of land, Beginning at the south west corner of the south east Quarter of the south east Quarter of Section 26 Town 26 N. Range 25 E. of S. R. M. CHEROKEE County, Kansas. Thence north 132.7 ft. Thence east 74.2 ft. Thence south 132.7 ft. Thence west 74.2 ft. to Point of Beginning. And that this plat is a true and correct description of the same.
 Surveyed and Platted by _____ Surveyor General