

**MINUTES FOR AUGUST 1, 2016**  
**BOARD OF CHEROKEE COUNTY COMMISSIONERS**  
**CHEROKEE COUNTY, KANSAS**

**CONVENE**

Vice-Chairman Collins called the regular session of the Cherokee County Board of Commissioners (The Board), to order and led all in attendance in the Pledge of Allegiance at 9:00 AM on Monday, August 1, 2016 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St., Columbus, Kansas. Commissioners, Pat Collins, Charles Napier, County Counselor Barbara Wright, and County Clerk Rodney Edmondson were present. Chairman Myers was absent.

Members of the press present: Larry Hiatt, Jordan Zabel, Sarah Okeson, and Machel Smith

**Honorable Sam Marsh - District Magistrate Judge**

A motion was made by Commissioner Collins to enter an Executive Session with the Board, Counselor Wright, and Judge Marsh for a period of 10 minutes for the purpose of Non-Elected Personnel. The motion carried 2-0 at 9:02 AM.

The meeting reconvened at 9:10 AM.

No action was taken during the Executive Session.

A motion was made by Commissioner Collins to approve the Payroll for the period ending July 22, 2016. The motion was seconded by Commissioner Napier. The motion carried 2-0.

A motion was made by Commissioner Collins to approve the Accounts Payable for the period ending July 26, 2016. The motion was seconded by Commissioner Napier. The motion carried 2-0.

A motion was made by Commissioner Collins to recess for 10 minutes. The motion was seconded by Commissioner Napier. The motion carried 2-0 at 9:30 AM.

The meeting reconvened at 9:40 AM.

A motion was made by Commissioner Collins to approve the Minutes of the July 25, 2016 BOCC meeting. The motion was seconded by Commissioner Napier. The motion carried 2-0.

A motion was made by Commissioner Collins to approve the Minutes of the July 28, 2016 BOCC Special Meeting. The motion was seconded by Commissioner Napier. The motion carried 2-0.

**Department Heads - Monthly Reports**

They 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; Janet Miller, Economic Development; Juanita Hodgson, Treasurer; Mark

Hixon, Appraiser; Kori Thomas, Maintenance; Rodney Edmondson, Clerk/Election; Wayne Elliott, 911 Addressing & Mapping.

Barbara Bilke - She provided a written report to the Board.

Betha Elliott - She stated that she has a meeting in Wichita for Public Health Awareness later this month.

Janet Miller - She reported that they are having their quarterly Board Meeting tomorrow night. They have received a \$1,750 grant from Wal-Mart.

Jason Allison - He reported that he is still waiting on surveys of property for the flood buyout.

Juanita Hodgson - She reported that the last day to pay real estate taxes to keep owners names out of newspapers is today. She reported that on Friday they collected \$57,542 in payments from property owners.

David Groves - He reported that he has received more car seats to distribute to families in need through the KDHE Grant. He stated that they will be busy with the County Fair this week. He stated that the County Attorney's Office put on training last Thursday for area officers on testifying in court.

Mark Hixon - He stated that he had nothing new to report.

Kori Thomas - She stated that they are finished with courtroom.

Rodney Edmondson - He reported that his office is preparing for the Primary Election tomorrow. They worked all weekend and are as ready as can be.

Wayne Elliott - He reported the issuance of four new addresses, the sale of \$178 in maps, and four street signs were made.

#### **Betha Elliott, Carl Hayes - County Health Department**

They presented an invoice for E-Waste disposal that occurred before the free day offered by the county. There was also a donation that almost covered the amount due. The Board approved the expense.

Clerk Edmondson presented the documents from Gilmore & Bell, P.C. for the financing of the sewer project for the Board to consider.

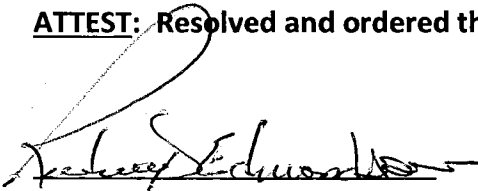
A motion was made by Commissioner Collins to approve Resolution 22-2016 on the first read, for the financing of the improvement project for the sewer lift station. The motion was seconded by Commissioner Napier. The motion carried 2-0.

#### **Juanita Hodgson - County Treasurer**

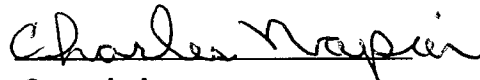
She stated that she will print the delinquent tax list and give to the News Report to be printed three consecutive weeks in the paper. The Board approved the supplement to be included in the other two newspapers.

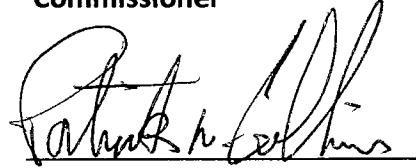
Commissioner Napier made a motion to adjourn until the next regular meeting set for Monday, August 8, 2016 at 9:00 AM. The motion was seconded by Commissioner Collins. The motion carried 2-0 at 10:40 AM.

**ATTEST: Resolved and ordered this 8<sup>th</sup> day of August, 2016**

  
Cherokee County Clerk

\_\_\_\_\_  
Commissioner

  
Commissioner

  
Commissioner

(Published in the *Columbus News Report*, on August 4, 2016,  
and subsequently on August 11, 2016)

RESOLUTION NO. 2016-~~22~~<sup>23</sup>

**A RESOLUTION OF CHEROKEE COUNTY, KANSAS, DETERMINING THE  
ADVISABILITY OF FINANCING THE ACQUISITION, CONSTRUCTION,  
INSTALLATION, IMPROVEMENT AND EQUIPPING OF A SANITARY  
SEWER LIFT STATION BY THE EXECUTION AND DELIVERY OF A LEASE  
PURCHASE AGREEMENT.**

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**WHEREAS**, the Board of County Commissioners (the "Governing Body") of Cherokee County, Kansas (the "County") has considered the need of the County and its residents for the acquisition, construction, installation, improvement, and equipping of a sanitary sewer lift station (the "Improvements"), and have found and determined that the acquisition of the Improvements is in the public interest; and

**WHEREAS**, the Governing Body has considered various means of financing the acquisition of the Improvements, and has found and determined that it would be in the public interest to acquire the Improvements through the execution and delivery of a Lease Purchase Agreement; and

**WHEREAS**, pursuant to K.S.A. 19-101 *et seq.*, and subject to the conditions set forth in K.S.A. 10-1116c, the County has legal authority to authorize the acquisition of the Improvements and the financing of such acquisition through the execution and delivery of a Lease Purchase Agreement.

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

**Section 1. Authorization to Acquire, Construct and Equip the Improvements.** The County is hereby authorized to complete final plans and specifications and to contract for the acquisition, construction, installation, improvement, and equipping of the Improvements, at an estimated cost of not to exceed \$600,000.

**Section 2. Intent to Enter into Lease Purchase Agreement.** The Governing Body shall commence negotiations to enter into a Lease Purchase Agreement (the "Lease") and to issue certificates of participation therein (the "Certificates") to provide financing for the acquisition, construction, installation, improvement, and equipping of the Improvements, which Lease shall contain such terms, conditions and provisions as shall be acceptable to the Governing Body. Piper Jaffray & Co., Leawood, Kansas (the "Placement Agent") is hereby designated as the agent for the County for the purpose of entering into such negotiations with a suitable lessor.

**Section 3. Conditions to Execution and Delivery of Lease and Issuance of Certificates of Participation.** The execution and delivery of the Lease and issuance of the Certificates is subject to the publication and protest period requirements of K.S.A. 10-1116c, adoption and publication of a Resolution approving the forms and authorizing the execution of the Lease and execution and delivery of such legal documents as may be necessary in connection with it, the terms of which shall be satisfactory to the Governing Body and to the lessor named therein.

**Section 4. Expenditure of Funds in Anticipation of Financing.** In order to permit and expedite the acquisition, construction, installation, improvement, and equipping of the Improvements and realization of the public benefits to be derived from it, the County may expend lawfully available funds prior to execution and delivery of the Lease, which may be reimbursed upon execution and delivery of the Lease.

**Section 5. Authorization to Sell Certificates.** The Placement Agent is hereby authorized to proceed with the offering for sale of approximately \$600,000 principal amount of Certificates.

**Section 6. Declaration of Official Intent.** This Resolution shall constitute a declaration of official intent under Treasury Regulation Section 1.150-2.

**Section 7. Total of Payments; Publication of Resolution.** The expected total of all payments to be made by the County pursuant to the Lease (excluding amounts required for maintenance, taxes or insurance on the Improvements) is \$739,200. The County Clerk is hereby authorized and directed to publish this Resolution once each week for 2 consecutive weeks in a newspaper of general circulation within the boundaries of the County. If a protest petition signed by not less than 5% of the qualified voters of the County, as determined by the vote for secretary of state at the last general election, is filed with the County election officer within 30 days following the last publication of this Resolution, the proposed Lease shall not take effect unless approved by a majority of the qualified voters of the County voting at an election to be held thereon as prescribed in K.S.A. 10-1116c.

**Section 8. Further Authority.** The officials of the County, the Placement Agent, the County Counselor, Gilmore & Bell, P.C., the County's bond counsel, and other consultants are authorized to proceed with the planning and document preparation of the Improvements, the Lease and other legal documents necessary in order to comply with the intent of this resolution, subject to final approval of such documents by the Governing Body.

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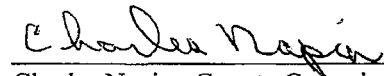
**ADOPTED** by the Board of County Commissioners of Cherokee County, Kansas, on August 1, 2016.

(SEAL)

\_\_\_\_\_  
Robert Myers, Chairman  
County Commissioner

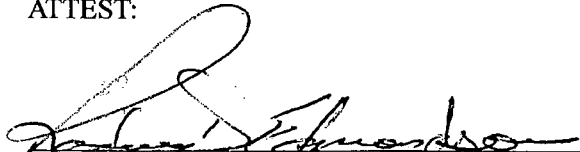


\_\_\_\_\_  
Pat Collins, County Commissioner



\_\_\_\_\_  
Charles Napier, County Commissioner

ATTEST:

  
\_\_\_\_\_  
Rodney Edmondson, County Clerk

**EXCERPT OF MINUTES OF A MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS OF  
CHEROKEE COUNTY, KANSAS  
HELD ON AUGUST 1, 2016**

The Board of County Commissioners (the "Governing Body") of Cherokee County, Kansas (the "County") met in regular session at the usual meeting place in the County at 9:00 a.m. The Chairman presided, and the following members of the Governing Body were present: Vice-Chairman

Absent: Chairman Robert Myers

The Chairman declared that a quorum was present and called the meeting to order.

\*\*\*\*\*  
(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

**A RESOLUTION OF CHEROKEE COUNTY, KANSAS, DETERMINING THE  
ADVISABILITY OF FINANCING THE ACQUISITION, CONSTRUCTION,  
INSTALLATION, IMPROVEMENT AND EQUIPPING OF A SANITARY  
SEWER LIFT STATION BY THE EXECUTION AND DELIVERY OF A LEASE  
PURCHASE AGREEMENT.**

Thereupon, Commissioner Collins moved that said Resolution was adopted. The motion was seconded by Commissioner Napier. Thereupon, the Resolution was considered, and the question put to a roll call vote, the vote of the Governing Body thereon was as follows:

Aye: 2  
Nay: 0

Thereupon, the Chairman declared the Resolution duly passed and the Resolution was then duly numbered Resolution No. 2016-27 and was signed by the Commissioners and attested by the County Clerk.

\*\*\*\*\*  
(Other Proceedings)

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**CERTIFICATE**

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Board of County Commissioners of Cherokee County, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)



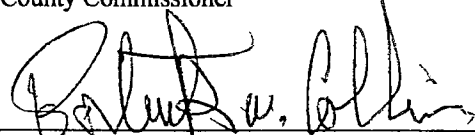
County Clerk



**ADOPTED** by the Board of County Commissioners of Cherokee County, Kansas, on August 1, 2016.

(SEAL)

\_\_\_\_\_  
Robert Myers, Chairman  
County Commissioner




\_\_\_\_\_  
Pat Collins, County Commissioner



\_\_\_\_\_  
Charles Napier, County Commissioner

ATTEST:



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Rodney Edmondson, County Clerk

