

MINUTES FOR MAY 5, 2014
BOARD OF CHEROKEE COUNTY COMMISSIONERS
CHEROKEE COUNTY, KANSAS

CONVENE

Commissioner Hilderbrand 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, May 5, 2014 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St., Columbus, Kansas. Commissioners Richard Hilderbrand, Charles Napier, Pat Collins, and County Clerk Rodney Edmondson were present.

Chairman Hilderbrand informed the Board that the City of Baxter Springs has made a request to allow County Lot workers to help with the tornado cleanup on weekends.

Chairman Hilderbrand made a motion to allow County Lot workers to work weekends to assist in cleanup in Baxter Springs. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

A motion was made by Commissioner Collins to pass the Minutes of the April 21, 2014 BOCC Meeting as written. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

A motion was made by Commissioner Napier to pass the Minutes of the April 28, 2014 BOCC Meeting as written. The motion was seconded by Commissioner Collins. The motion carried 2-0 with Commissioner Hilderbrand abstaining.

A motion was made by Commissioner Collins to pass the Minutes of the May 1, 2014 BOCC Special Meeting as written. The motion was seconded by Commissioner Napier. The motion carried 2-0 with Commissioner Hilderbrand abstaining.

Chairman Hilderbrand left the meeting at 9:14 AM to return to Baxter Springs.

Department Heads - Monthly Reports

They met with the Board for their routine monthly meeting with the following department heads present: Barbara Bilke, Register of Deeds; Kristin Seal, Noxious Weeds; David Groves, Sheriff; Deana Randall, Human Resources; Jason Allison, Emergency Preparedness; Juanita Hodgson, Treasurer; Kim Lauffer, Appraiser; Ralph Houser, Maintenance; Rodney Edmondson, Clerk; Wayne Elliott, 911 Addressing & Mapping.

Barbara Bilke - provided a written report on how the recent passage of Senate Bill 298, repealing the mortgage fees over the next five years will affect her office. She also reported that her office processed 26 e-recordings last month.

David Groves - He reported that Deputy Justin Noel was recently recognized by the state for his efforts with the SAFE Program. The recent Drug Take-back netted 218 pounds of prescription medications. He report the following information from the tornado that struck Baxter Springs one week ago yesterday. His office logged 1130 man hours and had 30 arrests in the impact zone. They received assistance from 22 law enforcement agencies with over 100 officers, 12 medical service agencies, and 25 fire departments.

RH

Deana Randall - She reported that there was approximately 66 employees that participated in the wellness checks last week.

Jason Allison - He reported that the tornado response in Baxter Springs was great. There were no warnings by the National Weather Service due to the rapid development of the storm. Deputy David Justice was the first to spot the tornado. The State sent down incident management team for 4 days. They had more volunteers than needed. Mapping Department brought down maps that night that helped tremendously.

Juanita Hodgson - She reported that 2nd half taxes are due Saturday but the deadline will be extended until Monday. She also reported that her office is replacing licenses and titles free of charge for victims of the Baxter Springs tornado.

Kim Lauffer - She reported that the 2014 informal hearings are completed. There are a few that are moving on in the appeal process. She is doing more cross training in her department. The Appraisers office had workers in the field in Baxter Springs on Monday following the tornado.

Kristin Seal - She reported that she worked with Amy Henson in Baxter Springs last week documenting tornado damage. They were able to use her laptop that contained all of the maps. She reported that the area weed directors had met at Big Brutus and had a good turnout. Her chemical sales are busy and she will begin spraying soon.

Ralph Houser - He had nothing to report.

Rod Edmondson - He reported that the televisions had been installed and final connections will be made today to project election returns in the lobby of the first floor of the courthouse. They will be used for the USD School Bond Election tomorrow.

Wayne Elliott - He reported the sale of \$300 in maps last month. He changed one address from Treece, to Baxter Springs. He stated that only four storm shelters were registered in Baxter Springs, but they have received several registrations since the tornado.

Commissioner Collins thanked everyone, on behalf of the Board, for the work that was done to host the South East Regional Meeting on April 24th. He felt that everything went real well.

Commissioner Collins thanked everyone that has participated in the cleanup efforts in Baxter Springs.

Kevin Cure - County Counselor

He appeared before the Board for legal matters concerning Cherokee county.

He presented Resolution 12-2014 for the Board to consider. It extends the variance of the weight limit on the bridge near Lowell to Empire District Electric Co. until May 31, 2014.

A motion was made by Commissioner Collins to pass Resolution 12-2014 and the contract accompanying it as presented by Mr. Cure. The motion was seconded by Commissioner Napier. The motion carried 2-0 with all present voting yes.

He presented the Contract for Services from Stronghold Data for the Board to review. The Board signed the agreement.


RH

Hon. Kent Lynch - Judge of the District Court

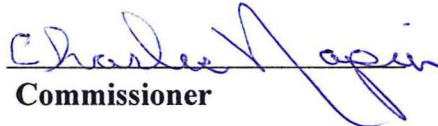
Judge Lynch appeared before the Board to let them know that the Law Library Committee has purchased a desk and table and put them in the jury room. They are no longer buying paper books, since everything is available in electronic form. The old jury room table is available if anyone wants it.

Commissioner Collins made a motion to adjourn until the next regularly scheduled meeting set for May 12, 2014 at 9:00 AM. The motion was seconded by Commissioner Napier. The motion carried 2-0 with all in attendance voting yes at 11:52 AM.

ATTEST: Resolved and ordered this day, May 12, 2014


Cherokee County Clerk


Commissioner


Commissioner


Commissioner

(Published in the official county newspaper on the 7th day of May, 2014)

RESOLUTION NO. 12-2014

A RESOLUTION ESTABLISHING NEW WEIGHT LIMITS ON A CERTAIN BRIDGE.

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

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, (hereinafter referred to as "Board") has the authority under K.S.A. § 19-101a to regulate travel through roads located within the unincorporated areas within Cherokee County, Kansas, and;

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session, this 5th day of May, 2014, does hereby resolve as follows:

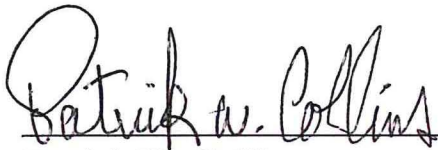
Section 1. Bridge Weight Limit Established. Upon the bridge located approximately 1/8th of a mile south of Varck and SE 70th in Cherokee County, Kansas, the vehicle weight limit shall be 35 tons, rather than 15 tons, through April 30, 2014, for Empire District Electric Company vehicles and its contractors for work performed to cap off a fly ash pond near the Empire District plant in Riverton. Provided, the increased weight limit shall not apply unless said company shall execute an agreement that it shall be responsible for reasonable remuneration to Cherokee County in the event of damage to the bridge or SE 70th, in Cherokee County, Kansas, caused by the activities of the overweight vehicles permitted to utilize the bridge that is described herein.

Section 2. 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 3. Effective Date. This resolution shall take effect and be in full force from and after its passage and publication once in the official county

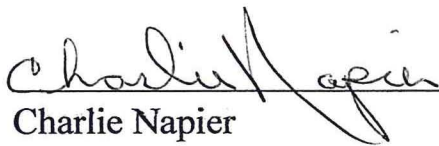
newspaper.

Adopted this 5th day of May, 2014, by the BOARD OF COMMISSIONERS
OF CHEROKEE COUNTY, KANSAS.



Patrick W. Collins
County Commissioner

Richard J. Hilderbrand
County Commissioner



Charlie Napier
County Commissioner

ATTEST:



Rodney Edmondson
County Clerk of Cherokee County,
Kansas
Resolution No. 12-2014

Prepared by:
Kevin Cure, Attorney

AGREEMENT

THIS AGREEMENT is entered into this 28th day of April, 2014, by The Empire District Electric Company, a Kansas Corporation, ("Empire") and the Board of Commissioners of Cherokee County, Kansas, ("Board").

WHEREAS, on April 28, 2013, the Board adopted Resolution No. 12-2014 ("Resolution") establishing new weight limits on the bridge located approximately 1/8th of a mile south of Varck and SE 70th in Cherokee County ("Bridge"), from 35 tons to 15 tons; and

WHEREAS, the Resolution provides for the weight limit for Empire and its contractors vehicles performing work to cap off a fly ash pond near Empire's plant in Riverton to be 35 tons through May 31, 2014, provided Empire executes an agreement to be responsible for reasonable remuneration to Cherokee County in the event of damage to the Bridge or SE 70th in Cherokee County, Kansas caused by Empire and its contractors' use of the Bridge; and

WHEREAS, Empire wishes to enter into this Agreement with the Board in compliance with the Resolution.

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement, and for other good and valuable consideration, the receipt and adequacy of which is acknowledged, Empire and the Board agree as follows:

1. The vehicle weight limit for Empire's and its contractors' vehicles performing work to cap off a fly ash pond near Empire's plant in Riverton shall be 35 tons through May 31, 2014.
2. In consideration for increasing the weight limit to 35 tons through May 31, 2014, Empire agrees it shall be responsible for reasonable remuneration to Cherokee County, Kansas, in the event of damage to the Bridge or SE 70th in Cherokee County, Kansas caused by the activities of vehicles being in excess of the new 15-ton limitation.

3. This Agreement shall be governed by, and construed in accordance with the laws of the State of Kansas.

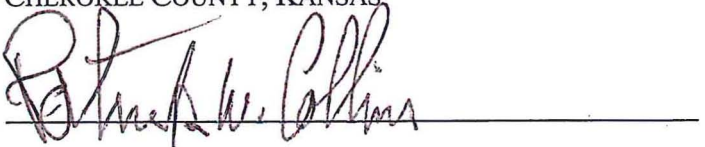
4. This Agreement constitutes the entire understanding between Empire and the Board and supersedes any and all previous understandings between them with respect to the subject matter hereof.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized officers as of the first date above written.

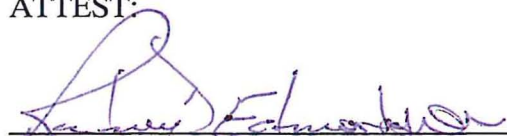
THE EMPIRE DISTRICT ELECTRIC COMPANY

By: 

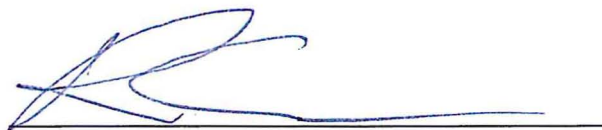
BOARD OF COMMISSIONERS OF
CHEROKEE COUNTY, KANSAS

By: 

ATTEST:


County Clerk of Cherokee County, Kansas

APPROVED BY:


Kevin Cure, Attorney