

MINUTES FOR JANUARY 10, 2011
COLUMBUS, KANSAS, CHEROKEE COUNTY
OFFICE OF THE COUNTY CLERK
CRYSTAL L. GATEWOOD

The Cherokee County Commissioners met January 10, 2011. The meeting was called to order by Commissioner Hilderbrand and those present were Commissioners Garner and Collins. The Pledge of Allegiance was said by all. Commissioner Collins made a motion to accept the amended January 3, 2011 minutes; his motion was seconded by Commissioner Hilderbrand, with Commissioners Garner, Collins, and Hilderbrand voting in favor. Commissioner Garner made a motion to accept and pay the January Mid-Month Account Payables as presented by Clerk Gatewood, his motion was seconded by Commissioner Collins, with Commissioners Collins, Garner, and Hilderbrand voting in favor. Those signing off on the documentation were Commissioners Garner, Collins, Hilderbrand, and Cherokee County Clerk Crystal Gatewood. Commissioner Collins asked for a moment of silence at 10:00 AM in honor of the victims and families of the shooting in Arizona.

MOTIONS

Commissioner Collins made a motion to recess for Commissioner Collins and Judge Kent Lynch to be sworn in for their new terms in office, his motion was seconded by Commissioner Hilderbrand, with Commissioners Garner, Collins, and Hilderbrand voting in favor.

Commissioner Garner made a motion to recess for lunch; his motion was seconded by Commissioner Collins with Commissioners Garner, Collins, and Hilderbrand voting in favor.

Commissioner Collins made a motion to hold a Special Meeting for the Cherokee County Commissioners on January 18, 2011 from 9:00 AM to 10:00 AM in the Cherokee County Courthouse. The agenda will be: Liquor By-The-Drink, County Purchasing Department, Pay scale and Pay grades for each Department, and they will also have an Executive Session for Attorney/Client Privilege with County Counselor Kevin Cure. Commissioner Collins' motion was seconded by Commissioner Garner, with Commissioners Hilderbrand, Garner, and Collins voting in favor.

Commissioner Collins nominated Commissioner Jack Garner as the 2011 Chairman of the Board of the Cherokee County Commission, his motion was seconded by Commissioner Hilderbrand, with Commissioners Collins and Hilderbrand voting in favor, and Commissioner Garner voting no.

Commissioner Hilderbrand nominated Commissioner Pat Collins as the 2011 Vice-Chairman of the Cherokee County Commission, his motion was seconded by Commissioner Garner, with Commissioners Hilderbrand and Garner voting in favor, and Commissioner Collins voting no.

RH

Commissioner Collins made a motion to designate the American Banks of Columbus, Baxter Springs, and Galena as the working banks for the county for 2011, with all other banks serving as depositors, his motion was seconded by Commissioner Hilderbrand, with Commissioners Garner, Collins, and Hilderbrand voting in favor.

Commissioner Collins made a motion to designate the News Report as the county newspaper for 2011 under the authority of home rule, his motion was seconded by Commissioner Garner, those voting in favor of the motion were Commissioners Garner and Collins, and Commissioner Hilderbrand voting no.

Commissioner Hilderbrand made a motion to appoint the following individuals to serve for the Cherokee County Commissioners as Department Heads for 2011: Nancy Herrenbruck as the County Appraiser, Jason Allison as the Emergency Preparedness Director, Cecil Brown as the County Weed Director, Betha Elliott as the Health Department Director, Carl Hayes as the County Environmentalist, and Leonard Vanatta as the County Road Engineer. His motion was seconded by Commissioner Collins with Commissioners Garner, Hilderbrand, and Collins voting in favor.

Commissioner Collins made a motion to appoint Kevin Cure as the County Counselor for 2011, who serves as the Cherokee County Commissioners' Legal Counsel; his motion was seconded by Commissioner Hilderbrand, with Commissioners Garner, Hilderbrand, and Collins voting in favor.

Commissioner Collins made a motion to appoint Gene Mense of Churchill and Mense as County Auditor for 2011, his motion was amended and seconded by Commissioner Hilderbrand, adding the Cherokee County Commission would accept bids for the Auditing Position for 2012.

OTHER BUSINESS

Leonard Vanatta, Supervisor of Road and Bridge, and Gene Langerot of the County Lot discussed the general road maintenance and machinery maintenance. They reported that the bridges and curves in the county had cinders down due to the snow predicted for Monday. The commission asked Leonard to go and look over two roads (Gum Lane and Fir Lane near SE 10th Street) in the county that Bob Myers would like to deed over to the county and have the county do the grading instead of him. The commission also asked Leonard to look over SE 66th Street because George Lockwood would like to deed the road over to the county. Leonard said he would get back with the commission on January 24, 2011 and report his findings to them.

Jim Burton of the city of Columbus asked the commissioners to get the paperwork completed and submitted for the T-Works Project for the county. The paperwork must be completed and submitted by January 31, 2011. This project is of no out of cost to the county.

Jason Allison came before the commission to ask for permission to apply for a Viaduct Grant. The commission asked him to get with Leonard Vanatta and Mr. McClure to go over the details. Jason said that it needed to be submitted by April 1, 2011 and would be announced by April 16, 2011.

Steve Vogel came before the commission to request that the commission place the Liquor-By-The-Drink question on the April 5, 2011 ballot. He had spoken with the Kansas Attorney General's Office and went over what he had been told about the procedure. The commissioners said they would discuss it with County Counselor Cure because the commissioners would like to allow the citizens in Cherokee County to vote and decide the issue. County Counselor Cure, Cherokee County Attorney John Bullard, and Cherokee County Clerk Gatewood would work together with the commissioners to get it on the April 5, 2011 ballot. The commissioners spoke with Cure, Bullard, and Gatewood later in the day regarding the issue and Mr. Cure is getting back with the commissioners at the Special Meeting being held January 18, 2011 from 9:00 AM to 10:00 AM with the information needed.

John Gaither came before the commission and County Counselor Kevin Cure to get a copy of the certified letter that County Counselor Cure had written regarding the fencing issue between Lucian and Gaither. The commission asked Mr. Cure to send the letter certified because Mr. Lucian did not answer the fax letter that was sent.

The Elected Officials and Department Heads met with the commission to discuss the Pay Scale and Pay Grades that were developed by Commissioner Hilderbrand and others. No decisions were officially made. It is noted that the commission will meet to discuss the Pay Grades, Pay Scale, and budgets involved on January 18, 2011 at a Special Meeting.

Chris Zimmerman of the Columbus Daily Advocate came before the commission and gave a presentation for the paper. Ms. Zimmerman asked that they consider the Advocate as the county's Official Paper. The commissioners thanked her for coming in.

Wayne Sallee of Utility Rebate Consultants (URC) came before the commission to explain how his company could find discrepancies in the billing of the utilities used by the county buildings, especially the jail. He explained he needed the commission's signed approval for his company to fully investigate the utility charges, and if URC found discrepancies then the utility in question would have to refund payment to the county and his firm would get half of the refund for their services. The county does not pay anything to them if there is nothing found. The commission said they would look over the papers and would get back with him as soon as they make a decision.

EXECUTIVE SESSIONS

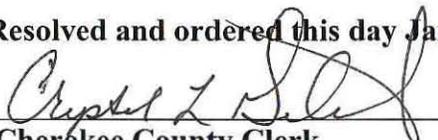
Commissioner Collins made a motion to go into Executive Session for ten minutes for Personnel with himself, Commissioners Garner and Hilderbrand, and County Counselor Kevin Cure, his motion was seconded by Commissioner Garner with Commissioners Garner, Collins, and Hilderbrand voting in favor. They went in at 2:28 PM and returned at 2:38 PM.

Commissioner Collins made a motion to go into Executive Session for fifteen minutes for Attorney/Client Privilege with himself, Commissioners Garner and Hilderbrand, and County Counselor Kevin Cure, his motion was seconded by Commissioner Hilderbrand with Commissioners Collins, Hilderbrand, and Garner voting in favor. They went in at 4:05PM and returned at 4:20 PM.

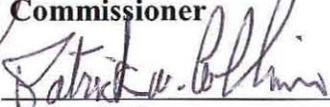
ADJOURMENT

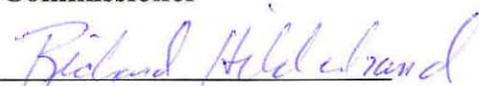
Commissioner Hilderbrand made a motion to adjourn at 4:57 PM; his motion was seconded by Commissioner Collins with Commissioners Hilderbrand, Collins, and Garner all voting in favor. The next Cherokee County Commission meeting will be held January 18, 2011 from 9:00 AM until 10:00 AM for a Special Meeting in the Cherokee County Courthouse in Columbus, Kansas.

Resolved and ordered this day January 24, 2011


Cherokee County Clerk


Commissioner


Commissioner


Commissioner

Columbus Advocate

Phone 620.429.2773 — 114 S. Pennsylvania, Columbus, KS. 66725 — Fax 620.429.3223

Dear Cherokee County Commissioners

This letter is to ask that you make the Columbus Advocate the official county newspaper for 2011. If your decision is to alternate between the county newspapers every year that would be a fair choice. There are several reasons why the Columbus Advocate should be the official Cherokee County newspaper for 2011.

1. We will run all legals for \$4.00 per column inch for the year. We will also insert the delinquent tax list into the Baxter Springs News, Galena Sentinel, and the News Report at no charge to the county.
2. Our circulation is 2,300 and is audited by the USPS on a yearly basis.
3. Birth announcements, anniversaries, and weddings are run at no charge.
4. Our subscription rate is very comparable to other newspapers.
5. We provide a front page position for announcements.
6. The Columbus Advocate is a member of the Kansas Press Association, and the Associated Press.
7. We cover Cherokee County news not just Columbus.
8. We sample twice a year to nonsubscribers.
9. We have 5 employees and 3 freelance writers that live in Cherokee County.
10. The Columbus Advocate is a twice weekly paper which offers coupons from Smart Source, weekly grocery ads, weekly American Profile magazine, weekly TV book, monthly Athlon Sports magazine.
11. We covered the Cherokee County Fair every day and will continue to cover it daily.
12. The Columbus Advocate has a website that is updated regularly.
13. The Columbus Advocate also has a facebook page which gives us more exposure to the public.

Kansas Statutes

search

Browsable and searchable archive of 2009 Kansas Statutes Annotated (K.S.A.)

Chapter 64: Publications, Bibliography And Calendar

Article 1: Legal Publications

Statute 64-101: Newspapers in which legal publications may be made. (a) The governing body of each city of the first class shall designate by resolution a newspaper to be the official city newspaper. Once designated, the newspaper shall be the official city newspaper until such time as the governing body designates a different newspaper.

No legal notice, advertisement or publication of any kind required or provided by any of the laws of the state of Kansas, to be published in a newspaper shall have any force or effect unless the same is published in a newspaper which:

(1) Is published at least weekly 50 times a year and has been so published for at least one year prior to the publication of any official city publication;

(2) is entered at the post office as periodical class mail matter;

(3) has general paid circulation on a daily, weekly, monthly or yearly basis in the county in which the city is located and is not a trade, religious or fraternal publication; and

(4) is published in the county in which the city publishing the official publication is located. If there is no newspaper published in the county, the newspaper shall be published in Kansas and shall have general paid circulation in the county.

(b) The board of county commissioners of each county shall designate by resolution a newspaper to be the official county newspaper. Once designated the newspaper shall be the official county newspaper until such time as the board designates a different newspaper. The newspaper selected for the official publications of a county shall be a newspaper which:

(1) Is published at least weekly 50 times each year and has been so published for at least one year prior to the publication of any official county publication;

(2) is entered at the post office in the county of publication as periodical class mail matter, which county shall be located in Kansas;

(3) has general paid circulation on a daily, weekly, monthly or yearly basis in the county and is not a trade, religious or fraternal publication; and

(4) is published in the county publishing the official publication. If there is no newspaper published in the county, the newspaper shall be printed in Kansas and have general paid circulation in the county.

(c) Whenever the board of education of a school district is required to publish a legal notice, advertisement or other publication in a newspaper having general circulation in the school district, such newspaper shall be one which:

(1) Is published at least weekly 50 times each year and has been so published for at least one year prior to the publication of any school district publication;

(2) is entered at the post office in the school district of publication as periodical class mail matter;

(3) has general paid circulation on a daily, weekly, monthly or yearly basis in the school district and is not a trade, religious or fraternal publication; and

(4) is published in the school district publishing the official publication. If there is no newspaper published in the school district, the newspaper shall be published in Kansas and shall have general paid circulation in the school district.

(d) Nothing contained in this section shall invalidate the publication in a newspaper which has resumed publication after having suspended publication all or part of the time that the United States has been engaged in war with any foreign nation and six months next following the cessation of hostilities if such newspaper resumes publication in good faith under the same ownership as it had when it suspended publication. Nothing in this section shall invalidate the publication in a newspaper which has simply changed its name or moved its place of publication from one part of the county to another part, or suspended publication on account of fire, flood, strikes, shortages of materials or other unavoidable accidents for not to exceed 10 weeks within the year last preceding the first publication of the legal notice, advertisement or publication. All legal publications heretofore made which otherwise would be valid, that have been made in a newspaper which, on account of flood, fire, strikes, shortages of materials or other unavoidable accident, has suspended publication for a period of not exceeding 10 weeks, are hereby legalized.

History: L. 1891, ch. 156, § 1; L. 1901, ch. 239, § 1; L. 1913, ch. 223, § 1; R.S. 1923, 64-101; L. 1935, ch. 236, § 1; L. 1943, ch. 228, § 1; L. 1947, ch. 325, § 1; L. 1959, ch. 250, § 1; L. 1963, ch. 312, § 1; L. 1986, ch. 75, § 2; L. 1988, ch. 224, § 1; L. 1994, ch. 68, § 1; L. 1998, ch. 135, § 1; July 1.