

MINUTES FOR MAY 7, 2012**COLUMBUS, KANSAS, CHEROKEE COUNTY****OFFICE OF THE COUNTY CLERK****CRYSTAL L. GATEWOOD**

The Cherokee County Commissioners met May 7, 2012. Commissioners Collins, Garner, and Hilderbrand were present. The Pledge of Allegiance was said by all present. Commissioner Garner made a motion to approve the minutes for April 30, 2012 as presented by Cherokee County Clerk Crystal Gatewood; his motion was seconded by Commissioner Hilderbrand with Commissioners Hilderbrand, Collins, and Garner voting in favor. Commissioners Hilderbrand, Collins, and Garner, and County Clerk Gatewood signed off on the minutes.

EXECUTIVE SESSIONS

The County Counselor requested executive session for Attorney/Client Privilege. Commissioner Collins made the motion to go into **Executive Session for Attorney/Client Privilege** for five minutes with himself, Commissioners Hilderbrand and Garner, and the County Counselor; his motion was seconded by Commissioner Garner with Commissioners Collins, Garner, and Hilderbrand voting in favor. They went out at 11:33 AM and returned at 11:40 AM.

MOTIONS MADE BY COMMISSION

Commissioner Hilderbrand made a motion in the Road and Bridge Budget Line Item to divide up asphalt for road repair for the budget year 2012 as follows: District # 1 - 40.3%, District #2 - 46.8 %, and District # 3 - 12.9%. His motion was seconded by Commissioner Garner who added that he wanted to add an option to his second for a further discussion later to figure out a more efficient way to repair the roads according to the map submitted by Leonard Vanatta; Commissioners Garner, Collins, and Hilderbrand voted in favor of the motion.

Commissioner Collins made the motion to pass and approve **Resolution #5-2012 for passage authorizing the sale of cereal malt beverage in the original package into the unincorporated areas of Cherokee County, Kansas between the hours of 12 noon and 8:00 PM on each Sunday, except Easter...**; his motion was seconded by Commissioner Garner with Commissioners Garner and Collins voting in favor, and Commissioner Hilderbrand voting in opposition to avoid a special election to the taxpayers. A copy of the resolution is attached these minutes.

OTHER BUSINESS

Leonard Vanatta of Road and Bridge came before the commission and gave his weekly road and bridge report. The commission thanked him for the clean-up work done by county workers around the Route 66 Bridge. The Willow Creek Bridge has been graded and smoothed out, making it nicer to drive over. Mr. Vanatta gave the commission a color coded map showing the current road conditions in the county. The color codes are as follows: Red - in need of repair, Green - the roads are patched and Blue - the roads are in good shape. He also reported there are a lot of washed out roads from last week's heavy rain in the county. The commission asked Leonard to get back with the total miles of the red coded roads on the map, then they estimated around 60 miles of roads in the county need repair by looking at the map that was submitted.

K.A.

The County Counselor came before the commission with the resolution regarding Cereal Malt Beverage Sunday sales and he reminded the commission that the resolution has to be published within 90 days of the August 2012 election. There could be a publication issue if the August election is postponed a couple of weeks and if the commission passes the resolution as he has presented it will go into effect 60 days after it is passed, unless a petition with 5% of qualified electors in the rural areas of the county who voted for president in the 2008 Presidential Election is brought forth. The commission, Sheriff Groves, and the County Counselor discussed the draft of the resolution regarding pit bulls within the county. The County Counselor also discussed the proposed Personnel Handbook; he submitted one copy so other copies could be made to give to the commission and the Department Heads for their review. Commissioner Hilderbrand was also given some storm siren paperwork and he signed it and gave back to the County Counselor.

COMMISSION APPOINTED DEPARTMENT HEADS

Jason Allison of Emergency Preparedness reported the storm siren project in the county is completed. The commission asked Jason to look into developing a plan listing only bonded contractors being allowed to work in the county in case of an emergency situation such as occurred in Joplin. Jason, Betha Elliott, and Dusty Groves attended a training session involving just this type of potential situation. Jason also said FEMA is out of money for this type of situation in their budget and he suggested the commission focus on more county funds be available to cover the expenses as well as the county accept assistance from other counties that offer support if the situation does arise here in Cherokee County.

Wayne Elliott of 911 Mapping reported there are 83 registered storm shelters in the county and he thanked those who registered them with the county. Some who registered were businesses and some were private homes. He has a map available showing where the shelters are located in the county.

County Appraiser Nancy Herrenbruck reported she was still doing formal hearings and the last day to file for them is May 16, 2012.

Deana Randall from Human Resources let everyone know that mid month cut off for May 2012 is noon on May 8, 2012. Cut off for all bills for May 2012 is noon on May 16, 2012.

Ralph Houser, courthouse maintenance, reported that everything is fine.

ELECTED OFFICIALS

Register of Deeds Barbra Bilke reported they were staying busy and they were having problems with the Window 8 program.

Treasurer Juanita Hodgson reported she was hiring a new employee. The new motor vehicle system is still being installed and learned. She also noted the motor vehicle part of the office is still closed to the public till May 8, 2012. She had a grace letter provided by the state to give to customers while her office was closed for the training of the employees learning the new system. The state is looking into a two year tag option in the future. She also added that people renewing their tags who have to get a new plate do not have to turn their old tag in because the old tags are now obsolete. Property taxes are being paid steadily and the second half is due May 10, 2012.

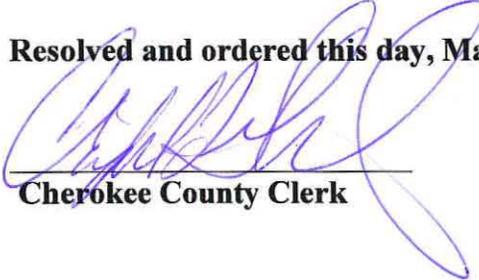
Sheriff David Groves gave his monthly report to the commission. His department participated in a pharmaceutical training and on Saturday they had a drug take back, and 144 pounds of medicine was processed from Cherokee County from area citizens. He is still investigating the recent bomb threat at the courthouse.

Cherokee County Clerk Crystal Gatewood reported that the city of Treece is officially dissolved as of April 5, 2012. She is working on removing them from the taxing unit map and notifying all taxing affiliates of the removal from the state tax map. She is also recertifying and re-drawing the taxing unit map to accommodate the change, she will be working with Wayne Elliott and DASC so the county will be compliant. Her office will also be updating the tax units involved in the county system. The filing deadline for county wide offices is June 1, 2012 at noon. The state of Kansas filing deadline is not set officially because the Kansas Legislature has not completed re-districting, and Kansas is now the only state in the country which has not completed re-districting. If the re-districting is not done soon Kansas may have to move its August primary date to later on in the month of August. Clerk Gatewood said as soon as she knows she would give them an update. Clerk Gatewood and Deputy Paula Cheney attended the KCCEOA meeting in Dodge City, Kansas from May 1st through the 5th, 2012 with the Secretary of State, other officials, and agencies. They learned many things and brought back all the new rules and regulations as well as Kansas law involving elections, taxing, budgeting, and bookkeeping. Her office is currently preparing for the USD 508 Election being held on May 8, 2012.

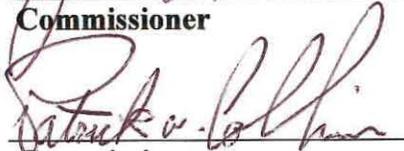
ADJOURNMENT

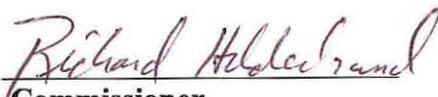
Commissioner Garner made a motion to adjourn the meeting at 11:45 AM; his motion was seconded by Commissioner Collins with Commissioners Hilderbrand, Garner, and Collins voting in favor. The next Cherokee County Commission meeting will be held May 14, 2012 at 9:00 AM in the Cherokee County Courthouse in Columbus, Kansas.

Resolved and ordered this day, May 14, 2012


Cherokee County Clerk


Commissioner


Commissioner


Commissioner

(Published in the official county newspaper on the ___ day of May, 2012)

RESOLUTION NO. 5 - 2012

**A RESOLUTION AUTHORIZING THE SALE AT RETAIL
OF CEREAL MALT BEVERAGE IN THE ORIGINAL PACKAGE
INTO THE UNINCORPORATED AREAS OF CHEROKEE COUNTY,
KANSAS, BETWEEN THE HOURS OF 12 NOON AND 8:00 P.M. ON
EACH SUNDAY, EXCEPT EASTER.**

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

WHEREAS, pursuant to K.S.A. 41-2911 the Board of County Commissioners of Cherokee County, Kansas, is authorized to enact by resolution the sale at retail of cereal malt beverage in the original package into the unincorporated areas of the county, between the hours of 12 noon and 8:00 p.m. on any Sunday, except Easter.

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, upon due consideration of the matter finds that enacting the legislation would provide an opportunity for more commerce within Cherokee County.

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session, this 7th day of May, 2012, does hereby resolve as follows:

Section 1. Cereal Malt Beverage Sales on Sunday. The sale at retail of cereal malt beverage in the original package into the unincorporated areas of Cherokee County, Kansas, between the hours of 12 noon and 8:00 p.m. on each Sunday, except Easter, is hereby authorized.

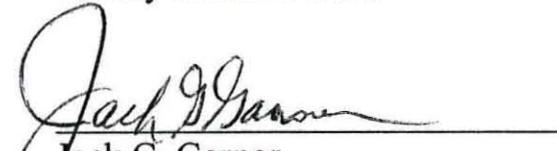
Section 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this resolution, or the application thereof to any circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall 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 60 days from and after its passage and publication in the official county newspaper. Such publication shall occur May 11, 2012.

Adopted this 7th day of May, 2012, by the BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.


Patrick W. Collins
County Commissioner


Richard J. Hilderbrand
County Commissioner


Jack G. Garner
County Commissioner

ATTEST:


Crystal Gatewood
County Clerk of Cherokee County,
Kansas
Resolution No. 5 - 2012

Prepared by:
Kevin Cure, Attorney