

MINUTES FOR JANUARY 18, 2011
COLUMBUS, KANSAS, CHEROKEE COUNTY
OFFICE OF THE COUNTY CLERK
CRYSTAL L. GATEWOOD

The Cherokee County Commissioners met January 18, 2011 for a Special Meeting. Commissioners Garner, Hilderbrand, and Collins were present. Chairman Commissioner Garner opened the meeting at 9:00 AM. Those present were Commissioners Collins and Hilderbrand and the Pledge of Allegiance was said by all present.

MOTIONS MADE BY COMMISSION

Commissioner Collins made a motion to pass and adopt **Resolution 02-2011, A RESOLUTION PERMITTING THE SALE OF ALCOHOLIC LIQUOR BY THE INDIVIDUAL DRINK IN PUBLIC PLACES WITHIN THE COUNTY WITHOUT A REQUIREMENT THAT ANY PORTION OF THE GROSS RECEIPTS BE DERIVED FROM THE SALE OF FOOD. SAID RESOLUTION PERMITS THE CHEROKEE COUNTY BOARD OF COMMISSIONERS TO SUBMIT TO THE QUALIFIED VOTERS OF THE COUNTY AT ANY STATE GENERAL ELECTION A PROPOSITION TO PERMIT THE SALE OF ALCOHOLIC LIQUOR BY THE INDIVIDUAL DRINK IN PUBLIC PLACES WITHIN THE COUNTY WITHOUT A REQUIREMENT THAT ANY PORTION OF THEIR GROSS RECEIPTS BE DREIVED FROM THE SALE OF FOOD.** This will appear on the ballot for the November 2012 General Election: **THE COUNTY ELECTION OFFICER SHALL CAUSE THE APPROPRIATE VERSION OF THE FOLLOWING PROPOSITION TO BE PLACED ON THE BALLOT AT THE NEXT SUCCEEDING STATE GENERAL ELECTION WHICH OCCURS MORE THAN 90 DAYS AFTER THIS RESOLUTION IS ADOPTED: "SHALL SALE OF ALCOHOLIC LIQUOR BY THE INDIVIDUAL DRINK IN CHEROKEE COUNTY BE ALLOWED IN PUBLIC PLACES WITHOUT A REQUIREMENT THAT ANY PORTION OF THEIR GROSS RECEIPTS BE FROM SALES OF FOOD."** The motion was seconded by Commissioner Hilderbrand, with Commissioners Garner, Hilderbrand, and Collins voting in favor. Those signing off on the documentation were Commissioners Garner, Hilderbrand, and Collins, and Cherokee County Clerk Crystal Gatewood. It is also noted Citizen Mel Green of Columbus thanked the commission for getting the question on the November 2012 General Election Ballot so the citizens of the county can make the decision.

Commissioner Hilderbrand made a motion to have County Counselor Cure to draft a resolution to amend the Cherokee County Clerk's 2011 Budget in General Fund from \$165,000.00 to \$127,500.00 to be presented to the board at the January 24, 2011 meeting. Commissioner Hilderbrand's motion died for a lack of a second.

RH

Commissioner Garner made a motion to have County Counselor Cure draft a resolution to amend the Cherokee County Clerk's 2011 Budget in General Fund from \$165,000.00 to \$130,000.00 to be presented to the board at the January 24, 2011 meeting (the remaining budget dollars of \$35,000.00 going to the newly formed Human Resource Department), his motion was seconded by Commissioner Collins, with Commissioners Garner and Collins voting yes on the motion and Commissioner Hilderbrand voting no.

Commissioner Hilderbrand made a motion to have County Counselor Cure draft a resolution to amend the General Fund 2011 Budget and add the Human Resource Department with a budget of \$35,000.00, to be presented to the board at the January 24, 2011 meeting, his motion was seconded by Commissioner Collins, with Commissioners Collins, Garner, and Hilderbrand voting yes.

The Cherokee County Commission decided not to take any action on the county pay scale until everyone had time to discuss it more.

The commission requested County Counselor Kevin Cure to submit for printing and lease purchase agreements to area banks in Cherokee County for bids for the Courthouse elevator. Cherokee County Clerk Crystal Gatewood is to help Mr. Cure in the process.

EXECUTIVE SESSIONS

Commissioner Collins made a motion to go into **Executive Session for ten minutes for Attorney/Client Privilege** with himself, Commissioners Garner and Hilderbrand, and County Counselor Kevin Cure. His motion was seconded by Commissioner Hilderbrand, and Commissioners Collins, Hilderbrand, and Garner voted in favor. They went in at 9:08 AM and returned at 9:18 AM.

Commissioner Hilderbrand made a motion to go into **Executive Session for five minutes for Attorney/Client Privilege** with himself, Commissioners Collins and Garner, and County Counselor Kevin Cure. His motion was seconded by Commissioner Collins, and Commissioners Garner, Hilderbrand, and Collins voted in favor. They went in at 10:00 AM and returned at 10:13 AM.

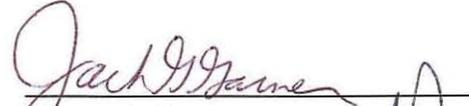
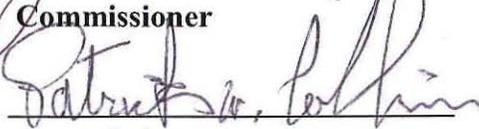
KH

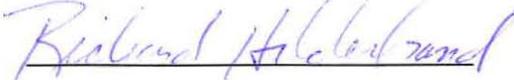
ADJOURNMENT

Commissioner Garner made a motion to adjourn at 10:24 AM, his motion was seconded by Commissioner Hilderbrand, and Commissioners Collins, Garner, and Hilderbrand voted in favor. The next Cherokee County Commission meeting will be held January 24, 2011 at 9:00 AM in the Cherokee County Courthouse in Columbus, Kansas.

Resolved and ordered this day January 24, 2011


Cherokee County Clerk


Commissioner

Commissioner


Commissioner

Copy (Published in the official county newspaper on the 19 day of January, 2011)

RESOLUTION NO. 2 - 2011

A RESOLUTION PERMITTING THE SALE OF ALCOHOLIC LIQUOR BY THE INDIVIDUAL DRINK IN PUBLIC PLACES WITHIN THE COUNTY WITHOUT A REQUIREMENT THAT ANY PORTION OF THE GROSS RECEIPTS BE DERIVED FROM THE SALE OF FOOD.

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

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, upon due consideration of the matter finds that enacting this legislation would provide an opportunity for citizens of Cherokee County, Kansas, to determine through their direct vote upon the matter, whether to permit the sale of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food.

WHEREAS, K.S.A. 41-2646 permits the board of county commissioners to, by resolution, submit to the qualified voters of the county at any state general election a proposition to permit the sale of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food.

WHEREAS, in the event such a ballot proposition is approved it would expand the opportunities of businesses within the county to provide a wider variety of products to its customers thereby enhancing the likelihood of the economic success of such businesses.

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session, this 18th day of January, 2011, does hereby resolve as follows:

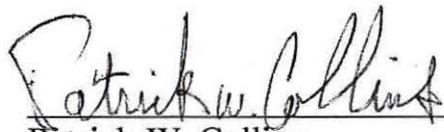
Section 1. Election Authorized upon Question Whether to Authorize Liquor by the Drink. Pursuant to the grant of authority from K.S.A. 41-2646, the Board of County Commissioners of Cherokee County, Kansas, does hereby authorize the submission to the qualified voters of the county at the next succeeding state general election which occurs more than 90 days after this resolution is adopted a proposition to permit the sale of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food.

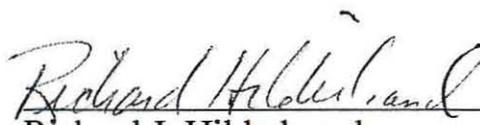
Section 2. County Election Officer Duty; Ballot Question. The County Election Officer shall cause the appropriate version of the following proposition to be placed on the ballot at the next succeeding state general election which occurs more than 90 days after this resolution is adopted: "Shall sale of alcoholic liquor by the individual drink in Cherokee County be allowed in public places without a requirement that any portion of their gross receipts be from sales of food."

Section 3. 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 4. 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.

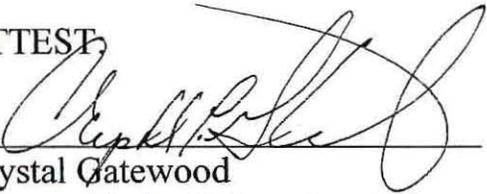
Adopted this 18th day of January, 2011, by the BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.


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. 2 - 2011

Prepared by:
Kevin Cure, Attorney