

**MINUTES FOR APRIL 12, 2010**  
**COLUMBUS, KANSAS, CHEROKEE COUNTY**  
**OFFICE OF THE COUNTY CLERK**  
**CRYSTAL L. GATEWOOD**

Cherokee County Commissioners met April 12, 2010. The meeting was called to order by Commissioner Hilderbrand and those present were Commissioners Collins and Garner. The Pledge of Allegiance was said by all. County Clerk Crystal Gatewood submitted the minutes for April 5, 2010, Commissioner Collins made a motion to accept the minutes, his motion was seconded by Commissioner Garner, and all voted in favor. Clerk Gatewood submitted the minutes for April 9, 2010, Commissioner Garner made a motion to accept the minutes, his motion was seconded by Commissioner Collins, and all voted in favor. Clerk Gatewood submitted the Mid-Month April Accounts Payables, Commissioner Garner made a motion to accept and pay, and Commissioner Collins seconded the motion, and all voted in favor. Commissioners Hilderbrand, Collins, Garner, and County Clerk Crystal Gatewood signed off. County Counselor Kevin Cure was not in attendance.

**COMMISSIONERS COLLINS AND GARNER SIGNED OFF ON AND APPROVED  
THE FOLLOWING: (unless noted)**

**VOUCHER #9811 - \$339.27 - ETTENGER'S - (OFFICE SUPPLIES) - CHEROKEE  
COUNTY APPRAISER'S OFFICE**

**COMMISSIONERS GARNER, COLLINS, AND HILDERBRAND SIGNED OFF ON  
THE EMERGENCY MANAGEMENT PERFORMANCE GRANT FFY 2010 ANNUAL  
CERTIFICATION**

**COMMISSIONERS GARNER, COLLINS, AND HILDERBRAND SIGNED OFF ON A  
SUPPORT LETTER FOR THE 911 WIRELESS GRANT**

**COMMISSIONERS COLLINS AND GARNER SIGNED OFF ON A PAY INCREASE  
FOR ONE JAIL EMPLOYEE, COMMISSIONER HILDERBRAND DID NOT SIGN OFF**

**COMMISSIONERS GARNER AND COLLINS SIGNED OFF ON A NEW HIRE FOR  
THE SHERIFF'S OFFICE WHICH REPLACES ONE EMPLOYEE WHO QUIT,  
COMMISSIONER HILDERBRAND DID NOT SIGN OFF**

## MOTIONS

Commissioner Collins made a motion to allow the Register of Deeds, Christy Grant, to hire a temporary employee for six months while her staff is out for medical leave, Commissioner Collins also added they would review this decision in six months due to the present hiring freeze. Commissioner Garner seconded the motion. Commissioners Garner and Collins voted in favor of the motion and Commissioner Hilderbrand voted against the motion. The motion passed. (It is also noted that Christy Grant asked where she would find an employee who would want temporary employment as the commission proposed, also Commissioner Hilderbrand responded by saying since Sales Taxes are down 16% that he could not support a new full time hire for the Register of Deeds office.)

Commissioner Collins made a motion to pass a resolution to transfer \$400,000.00 from Fund 110 (Road and Bridge) to Fund 370 (Special Road Machinery) to purchase 3 dump trucks, his motion was seconded by Commissioner Garner, and Commissioners Garner, Collins, and Hilderbrand voted against the motion. The motion failed.

Commissioner Collins made a motion to pass Resolution #4-2010 as written by County Counselor Kevin Cure which would transfer \$225,000.00 from Fund 110 (Road and Bridge) to fund 370 (Special Road Machinery) to purchase 3 dump trucks at a cost of \$386,910.00. The remainder of the cost of \$161, 910 will come from Fund 110 (Road and Bridge). His motion was seconded by Commissioner Garner with Commissioners Collins and Garner voting in favor of the motion and Commissioner Hilderbrand voting against. The motion passed.

## PUBLIC HEARING FOR SUNDAY CERIAL MALT BEVERAGE SALES

Commissioner Hilderbrand opened the hearing at 11:00 AM. John Ascanio of R &J's in Cherokee, Kansas spoke in favor of the county allowing sales of Cereal Malt Beverages within the county and added he has waited three years for anything to be done. James Bean spoke not in favor of allowing the sale of Cereal Malt Beverages on Sunday and said Sunday is the Sabbath and should be observed. County Counselor Kevin Cure gave the option to the commission to write a resolution and allow time for petitions for those in opposition. The commission wanted to have it as a ballot initiative in August but County Counselor Kevin Cure said the time frame for getting it in on the ballot is an issue. Cherokee County Election Officer Crystal Gatewood explained that pending legislation at the state level could also affect the overseas voters if it is passed and would go into effect, if passed by the state, on July 1 of this year. New Federal Legislation on ballot delivery to overseas voters could be hindered due to time restraints. The cost to the county was also discussed because Chief Election Officer Gatewood said the cost for a special election would be between \$20,000.00 and \$24,000.00. The commission decided to hold another hearing for Sunday Cereal Malt Beverage Sales on April 26, 2010 at 11:00 AM for the public. Commissioner Hilderbrand closed the public hearing.



**OTHER BUSINESS**

Leonard Vanatta, Supervisor of Road and Bridge, and County Lot Supervisor Gene Langerot came before the commission and reported that road crews have been busy with general road maintenance. Commissioner Hilderbrand signed off on a lease agreement for the flood buyout areas that must be renewed every three years.

**EXECUTIVE SESSION**

**Commissioner Collins made a motion to go into Executive Session for Non-Elected Personnel for twenty minutes with himself, Commissioners Garner and Hilderbrand, Leonard Vanatta, and Gene Langerot, his motion was seconded by Commissioner Garner, and all voted in favor. They went in at 10:18 AM and returned at 10:35 AM.**

**Commissioner Hilderbrand made a motion to go into Executive Session for Attorney/Client Privilege for twenty minutes with himself, Commissioners Garner and Collins, and County Counselor Kevin Cure, his motion was seconded by Commissioner Garner, and all voted in favor. They went in at 10:38 AM and returned at 11:02 AM.**

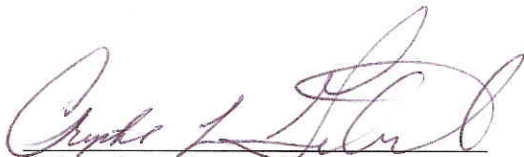
**Commissioner Collins made a motion to go into Executive Session for Attorney/Client Privilege for twenty minutes with himself, Commissioners Garner and Hilderbrand, and County Counselor Kevin Cure, his motion was seconded by Commissioner Garner and all voted in favor. They went in at 11:24 AM and returned at 11:50 AM.**

**Commissioner Garner made a motion to go into Executive Session for Attorney/Client Privilege concerning Budgetary Law for ten minutes with himself, Commissioners Collins and Hilderbrand, and County Counselor Kevin Cure, his motion was seconded by Commissioner Hilderbrand, and all voted in favor. They went in at 12:32 PM and returned at 12:42 PM.**

**ADJOURMENT**

Commissioner Collins made a motion to adjourn, his motion was seconded by Commissioner Hilderbrand and all voted in favor. The next Cherokee County Commission meeting will be held April 19, 2010 at 9:00 AM in the Cherokee County Courthouse in Columbus, Kansas.

**Resolved and ordered this day April 19, 2010**

  
Cherokee County Clerk

  
Commissioner  
  
Commissioner  
  
Commissioner