

Board of Crawford County Commissioners

Commissioners' Journal

2020, THIRTIETH MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS, Tuesday, April 14, 2020 10:00 AM

The Crawford County Board of Commissioners met pursuant to Kansas Statutes

Annotated Chapter 19, Article 2, Section 18 in due and regular session with open doors.

Commissioner Bruce Blair served as the presiding officer.

Commissioners Tom Moody and Jeremy Johnson were in attendance.

County Clerk Don Pyle and County Counselor Jim Emerson were seated with the Board.

Chairman Blair led the pledge of allegiance.

UNDER THE HEADING BUSINESS FROM A PREVIOUS MEETING

CONSENT AGENDA

On motion (20-169) of Commissioner Moody and the second of Commissioner Johnson that the consent agenda be approved including:

1. Approval of the April 7, 2020 minutes of the Board of County Commissioners.

Yeas: Commissioners Moody, Blair and Johnson

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed and the consent agenda was approved.

SIGNING OF MOTIONS

The County Clerk presented the following motions for Commissioners' signatures:

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| Motion 20 | 164 | That the consent agenda be approved including: Approval of the April 3, 2020 minutes |
| Motion 20 | 165 | To approve the appointment of Pittsburg State University Police Chief Stu Hite as the Crawford County representative to the Southeast Kansas Regional Homeland Security Council to represent Crawford County to replace Sheriff Danny Smith and to authorize the Chairman to sign |
| Motion 20 | 166 | To approve the Blue Cross and Blue Shield of Kansas COVID-19 coverage for Crawford County employees |
| Motion 20 | 167 | To close the courthouse on Friday, April 10, 2020 in observance of Good Friday and to cancel the Regular Session of the Board of County Commissioners on that day |

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| Motion 20 | 168 | To approve payment to Earles Engineering & Inspection Inc for the Crawford County Sewer District #3 Force Main Relocation Project on the Option 2 of the contract in the amount of \$26,100 in addition to the balance of the original contract in the amount of \$7,200 that was approved on 4/3/2020 |
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UNDER THE HEADING NEW BUSINESS

PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS

MESSAGES FROM CRAWFORD CO LOCAL BOARD OF HEALTH

Item One: County Health Officer Rebecca Adamson addressed the Commissioners with an update on the COVID-19 situation. Ms. Adamson presented a copy of the Governor's stay at home order. She explained that the initial order was put forth on 3/17/2020, then she put forth the stay at home order on 3/24/2020 which supersedes all other orders. She explained the confusion on church gatherings and stated that now churches are limited to 10 people in a gathering. She stated that restaurants still cannot have inside or outside dining and it must be curbside pick up or delivery only and convenience stores can be open but no self service and no dining in. Ms. Adamson stated that there are still no new cases and the 6th case is in isolation in the hospital. She updated the Commissioners on the LEPC meeting and stated that issues with the homeless and COVID-19 were discussed. She stated that a plan has been set up for the homeless if isolation and quarantine are needed. She explained that it is set up at the health department and Sheriff Smith has taken the Mobile Command unit to that location so they are ready if that situation should occur. Mr. Johnson addressed repercussions if churches are not following guidelines since it is up to the local authority and County Counselor Jim Emerson stated that it would be a criminal charge and he would work with the County Attorney on the issue. Sheriff Smith stated that first we would ask for cooperation and most of the time the issue is resolved with that. Ms. Adamson stated that she has not had any complaints or calls about churches not following the orders. She stated that KDHE stated during one of the daily webinars that the Governor should be re-examining the stay at home order this week.

Crawford County Mental Health Executive Administrator Michael Ehling stated that his staff is embracing the tele-video equipment. He discussed the state approving billing codes for Mental Health Services. He stated that if any county staff or the public should need mental health services that his department is available by phone at any time.

Emergency Management Director Rusty Akins stated that assistance requests have slowed down but he is still getting a few requests. He said that the paperwork for Request for Public Assistance Reimbursement was sent to FEMA yesterday.

Commissioner Moody wanted to discuss the landfill. Mr. Emerson stated that he spoke with Mr. Matt Sanders from Oak Grove Landfill yesterday and they are working on a plan to have a county employee help with the traffic flow to be able to open the landfill back up to the public. He stated that previously their corporate office had made the decision to limit access to haulers only due to the increased flow of traffic and the public not following their guidelines. Mr. Emerson stated that if an employee from the county could help at the gate of the landfill to help screen people as they come through and to

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make sure they are following guidelines they could get landfill opened back up. The Commissioners discussed an increased amount of trash on the county roads.

EXECUTIVE SESSION

Item One: Commissioner Bruce Blair requested an executive session for 15 minutes to discuss Non-Elected Personnel.

On motion (20-170) of Commissioner Blair and the second of Commissioner Moody to recess this open session and go into a closed executive session for a period of not more than 15 minutes to discuss Non-Elected Personnel to discuss the Sign Department and to include the Board of County Commissioners, County Counselor Jim Emerson and Mr. Dale Shireman and to reconvene by 10:45 AM.

Yeas: Commissioners Moody, Blair and Johnson

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

The Commissioners went into Executive Session at 10:30 AM and reconvened the Open Session at 10:45 AM with no action taken except to go back into open session.

MESSAGES FROM THE PUBLIC

MESSAGES FROM APPOINTED OFFICIALS

MESSAGES FROM OTHER GOVERNMENTAL ENTITIES

MESSAGES FROM ELECTED OFFICIALS

PROCLAMATION AND ORDERS OF THE BOARD

NEW BUSINESS

Item One: County Counselor Jim Emerson presented the Kansas Housing Resource Corporation Emergency Solutions Grant (ESG) Recipient Request for Reimbursement and Financial Status Report. Mr. Emerson stated that this is the 3rd of 4 drawdowns for the fiscal year and is for the months of January, February and March of 2020.

On motion (20-171) of Commissioner Moody and the second of Commissioner Johnson to approve the Kansas Housing Resource Corporation Emergency Solutions Grant (ESG) Recipient Request for Reimbursement and Financial Status Report in the amount of \$4,991.00 and authorize the Chairman to sign.

Yeas: Commissioners Moody, Blair and Johnson

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Two: Mr. Emerson presented the Contractor's Application for Payment No. 4 from Heck and Wicker Inc. on the Crawford County Sewer District #3 Force Main Relocation Project in the amount of \$44,140.52. He stated that the remaining balance on the contract is \$29,470.51 and he is waiting on Change Order #5 which would reopen the project and a substantial completion document which has been approved by the engineer and the contractor. He stated that he has spoken to the Engineer from Earles Engineering and

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Inspection, Mr. Jim Zibert, about the drawings as constructed and some additional signed documents that the Commissioners have requested.

On motion (20-172) of Commissioner Blair and the second of Commissioner Moody to approve the Contractor's Application for Payment No. 4 from Heck and Wicker Inc. on Crawford County Sewer District #3 Force Main Relocation Project in the amount of \$44,140.52 and authorize the Chairman to sign.

Yeas: Commissioners Moody, Blair and Johnson

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Three: Mr. Emerson stated that representatives from APEX Clean Energy are standing by and are waiting for a call to answer any questions the Commissioners may have on the Jayhawk Wind project.

Item Four: The Commissioners discussed opening up the landfill with the assistance from the county. Mr. Emerson stated that Mr. Sanders should contact him today to work out this issue as soon as possible.

OLD BUSINESS:

Item One: Mr. Pyle addressed the new phone system for the courthouse and stated that he will work on this issue and set a meeting with the department heads and Craw-Kan.

Item Two: Mr. Emerson contacted APEX Clean Energy using the conference phone in the commission room. The commissioners had a few questions for the representatives of APEX Clean Energy. Ms. Julianna Pianelli of APEX Clean Energy answered most of the questions of the commissioners and other APEX representatives answered the additional questions. After the telephone call the Commissioners discussed the agreements that had been drafted by APEX Clean Energy. Mr. Emerson stated that the county is at the point to accept the contracts. Commissioner Blair stated that nearly all the responses have been in favor of the project and only one has been against it and that landowner does not live near the project. Mr. Blair stated the property is not zoned. Mr. Emerson stated that when working with the wind farm companies the 1st question asked is about zoning and if zoning is off the table it is hard to get fair agreements and move the process forward. He explained that in the future the best protection is zoning and then there is a process that has to be followed with extensive discussions. It was discussed that when discussions about setting up zoning for those areas of the county have been held, there has been overwhelming public input against zoning. Without zoning all the county can do is work with the company to get the best agreements for the county and the citizens. Mr. Emerson stated that he is comfortable with the agreements. The commissioners wanted to review the agreements and Mr. Emerson asked for a 5 minute recess so that he can put those documents together for the commissioners.

On motion (20-173) of Commissioner Blair and the second of Commissioner Johnson to take a 5-minute recess and to return by 11:42 AM.

Yeas: Commissioners Moody, Blair and Johnson

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Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

The meeting was called back to order at 11:42 am.

Mr. Emerson handed out the Development Agreement, the Complaint Resolution Agreement, the Road Use and Maintenance Agreement, the Contribution Agreement and the Decommissioning Agreement between Jayhawk Wind LLC and the Board of County Commissioners of Crawford County, Kansas. Mr. Emerson briefly reviewed the contents of the agreements and answered questions from the commissioners. The commissioners felt that the agreements needed to be approved and the project moved forward.

On motion (20-174) of Commissioner Blair and the second of Commissioner Moody to approve the Development Agreement, the Complaint Resolution Agreement, the Road Use and Maintenance Agreement, the Contribution Agreement and the Decommissioning Agreement between the Board of County Commissioners of Crawford County, Kansas, and Jayhawk Wind, LLC.

Yeas: Commissioners Moody, Blair and Johnson

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

EXECUTIVE SESSION continued

Item Two: County Counselor Jim Emerson requested an executive session for 15 minutes to discuss items that would be deemed privileged in the Attorney Client Relationship.

On motion (20-175) of Commissioner Blair and the second of Commissioner Moody to recess this open session and go into a closed executive session for a period of not more than 15 minutes to discuss items that would be deemed privileged in the Attorney Client Relationship to discuss the landfill negotiations and to include the Board of County Commissioners and County Counselor Jim Emerson and to reconvene by 12:18 PM.

Yeas: Commissioners Moody, Blair and Johnson

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

The Commissioners went into Executive Session at 12:03 PM and reconvened the Open Session at 12:18 PM with no action taken except to go back into open session.

OLD BUSINESS continued:

Item Three: Commissioner Johnson addressed the 2020 General Election and any changes taking place due to the COVID-19 situation. Mr. Pyle discussed filing papers and the need to have the paper attested by the County Election Officer and explained the

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procedure that can be used. He stated that currently the Secretary of State's office is researching an all-mail ballot primary election if necessary. Mr. Pyle also discussed the issues for polling places due to social distancing guidelines and that he will be promoting using ballots by mail as a safer method for voting this year.

Item Four: Commissioner Blair addressed having a work session with Asphalt Foreman Randy Chiartano about the asphalt plan. The Commissioners scheduled a work session with Mr. Chiartano at 9:30 AM on Friday, April 17, 2020.

Item Five: Mr. Blair addressed 7 Hwy and stated that KDOT is aware of the situation and is working on it. Mr. Emerson will work on the issue and contact Mr. George Dockery from KDOT. Mr. Blair stated that with the 69 Hwy project starting the traffic on Highway 7 is going to increase.

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS FUTURE BUSINESS:

Item One: April 17, 2020 – 9:30 AM Work Session with Asphalt Foreman Randy Chiartano.

ANNOUNCEMENTS:

Item One: The Courthouse will be closed to the public through April 19, 2020.

UNDER THE HEADING MOTION TO ADJOURN MOTION TO ADJOURN

Item One: Adjournment

On the motion of Commissioner Moody and the second of Commissioner Johnson to adjourn the [April 14, 2020](#) meeting of the Board of Crawford County Commissioners at 12:39 PM and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Moody, Blair and Johnson

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

In Testimony whereof, I have hereunto set my hand and caused to be affixed my official seal and submitted these minutes for the approval of the Board of Crawford County Commissioners.

Don Pyle
County Clerk

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This submission completed at the Crawford County Courthouse in Girard.

[Taken by BKW 4/14/2020 12:39 PM/amended BKW 4/16/2020 11:30 AM](#)