

# Board of Crawford County Commissioners

## Commissioners' Journal

2018, **EIGHTEENTH** MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM

Girard, KS **Tuesday, March 13, 2018, 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 Jeff Murphy served as the presiding officer.

Commissioners Carl Wood and Tom Moody were in attendance.

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

Chairman Murphy led the pledge of allegiance.

### **UNDER THE HEADING BUSINESS FROM A PREVIOUS MEETING CONSENT AGENDA**

**On motion (18-086)** of Commissioner Moody and the second of Commissioner Murphy that the consent agenda be approved including:

1. Approval of the **March 9, 2018** minutes of the Board of County Commissioners.

Yeas: Commissioners Moody, Murphy and Wood

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:

Motion 18	85	That the consent agenda be approved including: Approval of the March 6, 2018 minutes
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### **UNDER THE HEADING NEW BUSINESS**

#### **PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS**

#### **MESSAGES FROM OTHER GOVERNMENTAL ENTITIES**

#### **MESSAGES FROM ELECTED OFFICIALS**

#### **MESSAGES FROM THE PUBLIC**

#### **MESSAGES FROM APPOINTED OFFICIALS**

**Item One:** Mr. Jim Vinze, IT Director addressing video equipment. Mr. Wood stated that the Commissioners decided not to go live at this time. Mr. Vinze explained that there will be no editing of the tape and it will be posted within 5 to 10 minutes after the meeting is adjourned. Mr. Vinze explained that the video will be stored on YouTube as an unlisted

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file and there will be a link on the county website which will have easy access to the video. He explained that being stored on YouTube as an unlisted file will limit the ability to search for the video, except through the link on the county website. Mr. Vinze also stated that comments on YouTube can be shut down. He stated that it will be 4 to 6 weeks after placing the order for the A/V Recording System for the equipment to be delivered and then installation time of approximately 3 to 4 days. Mr. Brandon Spaur, Assistant IT Director stated that videotaping of the Commission Meetings has become popular in the state.



Crawford County KS  
111 E. Forest Ave.  
Girard, KS 66743  
Jim Vinze  
jvinze@ckt.net  
620-724-8915



## H. Your Investment:

**Total for A/V Recording System Installed: \$12,041.47**  
All Labor, hardware, and misc. items needed

## I. Terms & Conditions:

- 50% down payment upon acceptance of project (\$6,020.74) initial:
- 50% due upon completion of project (\$6,020.74) initial:
- Change orders if required will be billed at standard \$80 per man hour rate. Initial:

Price included within this quote are good for 30 days from the date of quote delivery.

## J. Acceptance of Proposal:

Please provide a two person signature for this proposal.

Signature:

Date:

Print Name:

Title:

**CONSULTING · DESIGN · INSTALLATION**

500 WEST BATTLEFIELD SUITE C-120 SPRINGFIELD, MO 65807 TEL 417-889-9300 [www.AVMAN.tv](http://www.AVMAN.tv)

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**On motion (18-087)** of Commissioner Wood and the second of Commissioner Moody to approve the purchase of the Audio/Video Recording System for the taping of Board of County Commissioners meetings and other meetings at a price of \$12,041.47.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

**Item Two:** Mr. Vinze discussed the status of Cyber Insurance. Mr. Wood asked if Mr. Vinze felt that it is a necessary coverage and Mr. Vinze stated that it is necessary. Mr. Emerson and Mr. Vinze are still in the process of reading the policies before a decision is made on which bid to go with.

### **PROCLAMATION AND ORDERS OF THE BOARD NEW BUSINESS**

**Item One:** Mr. Emerson presented a contract between the Kansas Department of Health and Environment and Crawford County for assistance with cleanup of an illegal solid waste dumping site in the county north of Mulberry, Kansas. Mr. Bill Towery, County Sanitarian explained that this contract states that the KDHE agrees to pay 75% of the costs of the clean up to a maximum amount of \$10,000 with the County paying the other 25% plus manpower. Mr. Towery stated that this is an area that had been cleaned approximately 20 years ago at the total cost of the county and a gate will be installed to keep the dumping from occurring again. Mr. Towery stated that there were over 300 tires stacked in that area and the tires will be handled separately. He said that he is going to contact the State to see if there was any grant money left from the tire project the county held last year. Mr. Moody discussed some tires on a piece of property in his district and the Commissioners discussed what could be done with the tires. The Commissioners discussed disposal through the Orphan Tire Program. Commissioner Moody also discussed the disposal of old computer equipment on the same property and Mr. Wood suggested contacting Mr. Vinze for information on a company that paid for some old computer equipment that was stored in the Courthouse basement. The Commissioners discussed another property in Mr. Moody's district that is in need of cleanup.

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## CONTRACT

Between

THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT  
And  
Crawford County

SUBJECT: Corrective action at Illegal Dump Site #8

DIVISION: Bureau of Waste Management

### CONTRACT

PERIOD: March 5, 2018 to August 30, 2018

AMOUNT: Estimated \$10,000.00 not to exceed \$10,000.00

This agreement between the Kansas Department of Health and Environment (hereinafter KDHE) and Crawford County takes effect upon signature of the Secretary of the Kansas Department of Health and Environment.

The relevant property with a legal description as follows: NW ¼, Sec. 36, Township 28 South, Range 25 East in Crawford County, Kansas; is an illegal solid waste dumping area pursuant to K.S.A. 65-3415(a). Unknown Dumpers used this area as an illegal solid waste dumping site. The property is currently owned by Karl Gregory. Crawford County has agreed to administer the contract.

K.S.A. 65-3415a(c)(12) authorizes the secretary of KDHE to pay for seventy-five percent (75%) up to a maximum of ten thousand dollars (\$10,000) of the costs of removal and disposal or stabilization of solid waste from the site of illegal dumping activity, if the city or county of jurisdiction consents.

K.S.A. 65-3415a(d) requires that the person(s) responsible for the illegal solid waste dumping activity at the subject site, whose failure to comply with the solid waste act, rules and regulations or permit conditions resulted in the determination that expenditures from the solid waste fund are necessary, are responsible for repayment of those funds. The secretary shall, in his discretion, take the appropriate action to recover those funds.

The secretary has determined that the above site is an illegal solid waste dumping site which requires authorized corrective action, and also that the person(s) responsible for the illegal dumping activity is/are either unknown, unable or unwilling to pay for the cost of corrective action.

Crawford County wishes to enter into an agreement to perform corrective action at the above illegal solid waste dumping site.

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The secretary has determined that it is most cost effective for Crawford County to perform or contract for performance of the tasks necessary to take correction action at the site.

In consideration of the foregoing and the representations and obligations undertaken herein and intending to be legally bound, the parties hereto agree as follows:

### I. The KDHE shall:

- (1) Provide reimbursement to \$10,000.00 for 75% of their actual cost of corrective action not to exceed \$10,000.00.
- (2) Agree that Crawford County may utilize the labor cost of its employees and cost of use of appropriate equipment in the calculation of its total cost of corrective action, subject to review and approval by KDHE.
- (3) Advance 25% of \$10,000.00 or \$2,500.00 of the estimated contract amount upon execution of the contract.
- (4) Reimburse the remainder of the actual cost contract amount upon completion of the project as verified by receipt of Certified Expenditure Affidavits supported by evidence of expenditure, if KDHE approves the evidence of expenditure as appropriate. No reimbursements will be processed until the advanced contract amount is expended.
- (5) Review all requests and contracts submitted by Crawford County for approval by KDHE within thirty days of receipt by KDHE.
- (6) Provide technical assistance to Crawford County for project execution and administration.

### II. Crawford County:

- (1) Shall incur 25% of the total cost of the clean up, either through the direct payment of expenses or supplying a minimum of in-kind contributions through labor, equipment or landfill space.
- (2) Shall submit a work plan to KDHE for approval prior to initial distribution of funds.
- (3) Shall submit Certified Expenditure Affidavits and a final affidavit supported by evidence of expenditures upon completion of the project and a final affidavit. The final affidavit shall be received by KDHE no later than 30 days after completion of

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the project. Complete, accurate documentation and current accounting of all funds received and expended shall be maintained to provide an audit trail to source documentation.

(4) Agrees that no capital equipment will be purchased with the funds provided by KDHE. No matching funds will be reimbursed to Crawford County for the purchase of any capital equipment.

(5) Submit all contracts over \$500 for approval by KDHE. KDHE recommends that Crawford County use competitive bid procedures for purchases over \$500, however, Crawford County may follow the same policies and procedures utilized for procurements obtained in the normal course of business.

(6) Afford access, upon written request, to the secretary of KDHE or the secretary's authorized representative, or Kansas Legislative Post Audit to any documents and other records necessary to certify compliance with Kansas statutes, regulations, and appropriation requirements.

(7) Complete the project as specified in the approved work plan.

(8) Submit a final report to KDHE detailing the work accomplished in implementing the work plan.

(9) Obtain all necessary site access agreements. Documentation of any such agreements shall be submitted to KDHE with the final report or upon request of KDHE.

(10) Provide additional funds or resources, over the contract amount, as necessary, for completion of the project.

(11) Crawford County shall submit to KDHE a copy of the resolution adopting this agreement. Upon submission, the resolution shall be incorporated into this agreement as Exhibit A.

III. The parties mutually agree that:

(1) Failure to submit an acceptable work plan shall render this contract void.

(2) The provisions found in Contractual Provisions Attachment (Form DA-146a), which is attached hereto and executed by the parties to the agreement, are hereby incorporated into this contract and are made a part hereof.

(3) This agreement constitutes the whole agreement between the parties, and it is mutually understood and agreed that no alternative or variation to the terms of

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this agreement shall be valid unless amendments hereto are made in writing and agreed to by both parties.

(4) This contract shall terminate upon Crawford County receipt of written notice from KDHE that the Crawford County has demonstrated that the items set forth in the work plan were satisfactorily completed.

(5) Nothing in this agreement shall be considered an admission of any fact or an acknowledgment of any liability; and, nothing herein shall be binding or have any effect on the position of the parties on any other agreements which may be negotiated between them.

(6) KDHE and the Crawford County will not be liable for any acts or omissions of their respective employees, agents, assigns, contractors, or persons acting on behalf of KDHE or the Crawford County in carrying out any activities pursuant to the terms of this agreement, beyond that liability granted by the Kansas Tort Claims Act, K.S.A. 75-6101 *et seq.*

(7) Failure to obtain necessary site access agreements, per paragraph II.(9), and/or to submit documentation of access agreements to KDHE upon KDHE's request, shall result in KDHE denying reimbursement of outstanding funds to Crawford County.

(8) KDHE shall not be responsible for any payments for site access or crop damage.

(9) By signing this agreement, the person below warrants that he or she has the authority to sign this document and to bind the parties to its terms.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures on the dates indicated below.

**Board of Crawford County Commissioners**

BY: \_\_\_\_\_

Date: 3/13/2018

Jeff Murphy  
PRINTED NAME

Commission Chairman  
TITLE

Crawford County, Kansas  
ORGANIZATION:

\_\_\_\_\_  
Jeff Anderson, Acting Secretary  
Kansas Department of Health  
and Environment

\_\_\_\_\_  
Date

**On motion (18-088)** of Commissioner Murphy and the second of Commissioner Moody to approve the Contract between the Kansas Department of Health and Environment and Crawford County for assistance with cleanup of an illegal solid waste dumping site in Crawford County and authorize the Chairman to sign.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

**Item Two:** Mr. Emerson stated that the CVB would like a work session on Tuesday March 20, 2018 at 9:15 AM. The Commissioners agreed.

**Item Three:** Mr. Moody asked about Codes Court and Mr. Emerson stated that Mr. Troy Graham, Zoning Administrator will present some information on Friday.

**Item Four:** Mr. Wood presented the quotes on the pickup trucks for the Road Foremen. Mr. Wood went through the quotes and stated what was included. He requested that the other Commissioners review the quotes and a decision will be made on Friday.

**UNDER THE HEADING OLD BUSINESS**

**Item One:** Mr. Murphy addressed the purchase of new mowers and presented updated quotes from O'Malley Implement in Pittsburg on the Schulte mowers. He stated that this quote matches the quote from Sellers Equipment in Joplin. The Commissioners discussed the quotes and what was included. Mr. Wood noticed that there is freight added to the quote from O'Malley Implement and there was not freight on the quote from Sellers. Mr. Murphy will check on the freight issue. The Commissioners discussed where the new mowers will be going and switching out the mowers from the districts.

**EXECUTIVE SESSION:**



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**Item One:** Commissioner Wood requested an executive session for 10 minutes to discuss items that would be deemed privileged in the Attorney Client Relationship.

**On motion (18-089)** of Commissioner Wood 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 10 minutes to discuss items that would be deemed privileged in the Attorney Client Relationship and to include the Board of County Commissioners and County Counselor Jim Emerson.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

The Commissioners went into Executive Session at 10:48 AM and reconvened the Open Session at 10:52 AM with no action taken except to go back into open session.

**Item Two:** Commissioner Murphy requested an executive session for 10 minutes to discuss Non-Elected Personnel.

**On motion (18-090)** of Commissioner Murphy 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 10 minutes to discuss Non-Elected Personnel and to include the Board of County Commissioners and County Counselor Jim Emerson.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

The Commissioners went into Executive Session at 10:53 AM and reconvened the Open Session at 11:03 AM with no action taken except to go back into open session.

### **UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS**

#### **FUTURE BUSINESS:**

**Item One: March 16, 2018** – Opening of Culvert Bids.

**Item Two: March 20, 2018 – 9:15 AM** Work Session with Devin Gorman, Director of Convention and Visitor's Bureau.

**Item Three: March 20, 2018** – Work Session with Blue Cross and Blue Shield Representatives immediately following the regular session.

**Item Four: March 23, 2018** – Ms. Rebecca Adamson & Mr. Rick Pfeiffer presenting Grant Budget Application for the Health Department.

#### **ANNOUNCEMENTS:**

### **UNDER THE HEADING MOTION TO ADJOURN**

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### MOTION TO ADJOURN

**Item One:** Adjournment

**On the motion** of Commissioner Moody and the second of Commissioner Wood to adjourn the [March 13, 2018](#) meeting of the Board of Crawford County Commissioners at 11:05 AM and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Moody, Murphy and Wood

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.**

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**Don Pyle**

County Clerk

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**This submission completed at the Crawford County Courthouse in Girard.**

[Taken BKW 3/13/2018 11:05 AM/amended BKW 3/15/18 2:30 PM](#)