

Board of Crawford County Commissioners

Commissioners' Journal

2017, THIRTY-FOURTH MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM

Girard, KS Tuesday, May 9, 2017, 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 Carl Wood served as the presiding officer.

Commissioners Tom Moody and Jeff Murphy were in attendance.

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

Chairman Wood led the pledge of allegiance.

UNDER THE HEADING BUSINESS FROM A PREVIOUS MEETING

CONSENT AGENDA

On motion (17-169) of Commissioner Moody and the second of Commissioner Murphy that the consent agenda be approved including:

1. Approval of the **May 5, 2017** minutes of the Board of County Commissioner.

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 17	165	That the consent agenda be approved including: Approval of the May 2, 2017 minutes
Motion 17	166	To approve the renewal in membership with Southeast Kansas Inc and to pay the dues in the amount of \$1,000
Motion 17	167	To approve the hiring and appointment of Ms. Rebecca Adamson, APRN as Crawford County Health Officer
Motion 17	168	To recess this open session and go into a closed executive session for a period of not more than 30 minutes to discuss matters that would be deemed privileged in the Attorney-Client Relationship and to include the Board of County Commissioners and County Counselor Jim Emerson

Board of Crawford County Commissioners

UNDER THE HEADING NEW BUSINESS

PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS

EXECUTIVE SESSION

Item One: Commissioner Wood requested an executive session to discuss matters involving Non-Elected Personnel.

On motion (17-170) 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 15 minutes to discuss matters involving 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 10:04 AM and reconvened the Open Session at 10:18 AM with no action taken except to go back into open session.

MESSAGES FROM THE COUNTY LOCAL BOARD OF HEALTH

MESSAGES FROM THE PUBLIC

MESSAGES FROM OTHER GOVERNMENTAL ENTITIES

Item One: Discussion of Crawford County's approval of the City of Girard Resolution #2017-4 on annexation of 178 Peak Lane. Mr. Emerson stated this is a request for an island annexation for 178 Peak Lane, Girard which is Lot 8 in Prairie Acres Subdivision and it was requested by the landowner. He explained that the landowner is the newly appointed fire chief and per city policy the fire chief must reside inside the city limits of Girard. Mr. Emerson explained the procedure followed for this certain type of island annexation. He stated that this annexation does not allow the city to annex any adjoining properties. Mr. Chris Weiner, Girard City Administrator stated that the subdivision that this lot is in does not adjoin the City Limits of Girard. There was a discussion on the different types of annexation and the procedures that the cities must follow to annex land and Mr. Emerson read State Statutes that pertain to City Annexation. Mr. Dave Garret, Girard City Resident, voiced concerns that any property taken from the County and annexed into the City of Girard will take taxes away from Crawford County Fire District #4. There was a discussion of the benefits of being annexed into the City of Girard. Mr. Emerson presented Resolution #2017-014, A Resolution Approving the City of Girard's Request for Annexation of Certain Property Pursuant to K.S.A. 12-.520c and Adopting Findings in Connection Therewith. Mr. Weiner invited the Commissioners to attend a City of Girard Community Meeting tonight at 6:00 PM at the St. Michael Hall.

Board of Crawford County Commissioners

RESOLUTION 2017-4 ANNEXATION OF 178 PEAK LANE

A RESOLUTION OF THE CITY OF GIRARD, KANSAS, REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF CRAWFORD COUNTY, KANSAS, TO MAKE CERTAIN FINDINGS REGARDING THE ANNEXATION OF PROPERTY.

NOW, THEREFORE BE IT RESOLVED THAT:

- Section 1.** The Governing Body of the City of Girard, Kansas, hereby finds that a Consent for Annexation for the tract of land described in Exhibit A has been presented to the City by the record title owners of the land.
- Section 2.** The Governing Body further finds that the above described land does not satisfy the "adjoining" requirement for annexation pursuant to K.S.A. 12-520(a)(7).
- Section 3.** The City of Girard, Kansas, hereby respectfully requests that the Board of County Commissioners of Crawford County, Kansas, find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Crawford County, Kansas, all as provided in K.S.A. 12-520c.

**ADOPTED AND APPROVED BY THE GOVERNING BODY OF GIRARD,
KANSAS** this 1st day of May, 2017.

ATTEST:

Debra J. Smith

Debra J. Smith, CMC, City Clerk

Kurt Ziegler
Kurt Ziegler, Mayor

CITY OF
Girard
A GREAT PLACE TO CALL HOME

Board of Crawford County Commissioners

BOARD OF COUNTY COMMISSIONERS
CRAWFORD COUNTY COURTHOUSE
GIRARD, KANSAS

RESOLUTION NO. 2017-014

A RESOLUTION APPROVING THE CITY OF GIRARD'S REQUEST FOR ANNEXATION OF CERTAIN PROPERTY PURSUANT TO K.S.A. 12-520c AND ADOPTING FINDINGS IN CONNECTION THEREWITH.

WHEREAS on April 20, 2017, Joseph M. Clow and Susan L. Ales-Clow submitted a Petition and Consent to Annexation to the City of Girard requesting annexation of the following described property:

All that part of the West Half of the Northeast quarter of Section Thirteen (13), Township Twenty Nine (29 South, Range Twenty Three (23) East, Sixth Principal Meridian, Crawford County, Kansas, generally described as Lot Number Eight (8) in the Prairie Acres Subdivision and also described as follows: Commencing at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter of Section Thirteen (13); thence South along the East line of the Northwest Quarter of the Northeast Quarter of Section Thirteen (13) a distance of 382.77 feet; thence in a Westerly direction a distance of 443.76 feet; thence in a Northerly direction a distance of 382.8 feet to a point on the North line of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter of Section Thirteen (13); thence East along the North line of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter of Section Thirteen (13) a distance of 447.68 feet to the point of beginning containing 170,615 square feet or 3.9 acres more or less.

(hereinafter referred to as the "subject property");

WHEREAS, on May 1, 2017 the City of Girard adopted a Resolution of Intent to Annex expressing its intent to annex the subject property pursuant to K.S.A. 12-520c; and

WHEREAS, on May 2, 2017 the City of Girard filed the Resolution of Intent to Annex with the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Crawford County, Kansas:

Board of Crawford County Commissioners

Section 1: After reviewing the proposed annexation by the City of Girard, the Board of County Commissioners finds and determines that the proposed annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the County.

Section 2: The County Clerk is hereby directed to provide a copy of this resolution to the Girard City Clerk.

Section 3: This resolution shall become effective upon its adoption and approval by the Board of County Commissioners.

ADOPTED, APPROVED AND GIVEN by the Board of County Commissioners of Crawford County, Kansas, under our hands at the Courthouse in Girard, Crawford County, Kansas this 9th day of May, 2017.

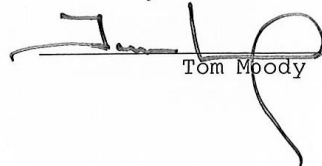
Board of County Commissioners
Crawford County, Kansas



Carl R. Wood, Chairman



Jeff Murphy



Tom Moody

ATTEST:



Donald P. Pyle, County Clerk

On motion (17-171) of Commissioner Moody and the second of Commissioner Murphy to adopt Resolution #2017-014, A Resolution Approving the City of Girard's Request for Annexation of Certain Property Pursuant to K.S.A. 12-520c and Adopting Findings in Connection Therewith.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

MESSAGES FROM APPOINTED OFFICIALS
MESSAGES FROM ELECTED OFFICIALS
PROCLAMATION AND ORDERS OF THE BOARD
NEW BUSINESS

Item One: Mr. Pyle stated that he and Mr. Emerson met with Ms. Kari West from Westar Energy yesterday and Ms. West stated that Westar is putting a new substation in the Frontenac Industrial Park and are updating current substations. Mr. Pyle explained that Westar is needing a right of entry for access to the property where the Homer Cole building is located which is owned by Crawford County. Mr. Emerson stated he has

Board of Crawford County Commissioners

reviewed the Right of Entry Agreement and feels that this should not result in any disturbances to the premises. Mr. Emerson explained that this is just a temporary easement and a permanent easement would have to approved by the Commissioners. There was a discussion on how the County obtained ownership of the Homer Cole Building.

Pt. NW/4 NW4 S17-T30S-R-25E
Crawford County

RIGHT OF ENTRY AGREEMENT

THIS AGREEMENT made and entered into this 9th day of May, 2017, by and between **Board of County Commissioners of Crawford County, Kansas**, party of the first part, hereinafter referred to as "Grantor," and **KANSAS GAS AND ELECTRIC COMPANY**, a Kansas corporation, a wholly owned subsidiary of Westar Energy, Inc., "Grantee."

WHEREAS, Grantor owns certain real property described as follows and hereafter referred to as "Premises":

Tract I: A tract of land in the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 17, Township 30 South, Range 25 East, Crawford County, Kansas, according to the United States Government survey thereof, described as follows: From a point on the East line of said NW 1/4 NW 1/4 located 1019.5 feet South of the Northeast corner of said NW 1/4 NW 1/4 and then 300 feet West parallel with the North line of said NW 1/4 NW 1/4, this being the true point of beginning, thence South parallel with said East line 100 feet, thence West parallel with the North line of said NW 1/4 NW 1/4 300 feet, thence North parallel with said East line 100 feet; thence East parallel with said North line 300 feet to the true point of beginning.

Tract II: A tract of land in the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 17, Township 30 South, Range 25 East, Crawford County, Kansas, according to the United States Government survey thereof, described as follows: Beginning at a point on the East line of said NW 1/4 NW 1/4 located 1019.5 feet South of the Northeast corner of said NW 1/4 NW 1/4, thence South along said East line 100 feet, thence West parallel with the North line of said NW 1/4 NW 1/4 300 feet, thence North parallel with said East line 100 feet, thence East parallel with said North line 300 feet to the point of beginning.

WHEREAS, Grantee seeks entry on the Premises to complete the tests, surveys and studies listed below to assist in an examination of the premises related to construction of a proposed power line.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. **RIGHT OF ENTRY.** Grantee and Grantee's contractors shall have right of entry to effect the tests, surveys and studies listed below, all at Grantee's sole expense. Grantee agrees to indemnify and hold Grantor harmless from all losses, injuries, claims and damages suffered by Grantor as a result of third-party claims because of the acts or omissions of Grantee and its contractors in connection with its tests, surveys and studies, and if such tests, surveys or studies result in any disturbances or other damages to the Premises, Grantee agrees to return the Premises to its prior condition.

07-ROE
69.73 - Sugar Creek to DePaul to Franklin
WRES # 16-006
6973-CR005

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Board of Crawford County Commissioners

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2. Tests, surveys and studies to be performed on the Premises:

Soil Borings six (6) inches in diameter and approximately fifty (50) feet deep.

Potholing to be approximately 10 feet North, South, East and West from either the existing pole or the location of a new pole and should not be any deeper than 20 feet. The entire potholing may not be on this property and may extend into the road right of way.

Environmental studies as needed.

3. This Agreement shall be construed according to the laws of the State of Kansas, without regard to choice of law provisions.

4. Except as otherwise provided for herein, any changes in the provisions of this Agreement made subsequent to its execution shall be made by formal, written, and mutually executed amendments.

EXECUTED on this 9th day of May, 2017.

KANSAS GAS AND ELECTRIC COMPANY,
a Kansas corporation

Board of County Commissioners of
Crawford County, Kansas

By: Westar Energy, Inc.

By: _____
Gerald Cain
Real Estate Coordinator

By: _____
Name: Jeff Murphy

Title: Vice Chair County Commissioners

“Grantee”

“Grantor”

07-ROE
69.73 - Sugar Creek to DePaul to Franklin
WRES # 16-006
6973-CR005

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On motion (17-172) of Commissioner Moody and the second of Commissioner Murphy to approve the Right of Entry Agreement Between the Board of County Commissioners of Crawford County Kansas and Kansas Gas & Electric Company and Authorize the Vice-Chairman to sign.

Yeas: Commissioners Moody and Murphy

Nays:

Present but not voting:

Board of Crawford County Commissioners

Absent or not voting: Commissioner Wood

The motion prevailed.

UNDER THE HEADING OLD BUSINESS

Item One: Mr. Pyle addressed the SEK Inc. Manufacturers Forum in Independence in June and stated that he will forward the Commissioners a copy of the email he received.

Item Two: Mr. Pyle stated that he is going to the Health Department to swear in Ms. Rebecca Adamson as Crawford County Health Officer on the afternoon of May 12.

Item Three: Mr. Murphy asked about the status of the budget work sessions with Elected Officials and Department Heads. Mr. Pyle stated that he will follow up on this and send out a reminder.

Item Four: Mr. Emerson addressed a Legislative update and stated that there is a bill on the tax lid that would allow counties and cities to offset monies they use on benefits to be exempt from the tax lid and that it is being worked in the House Tax Committee today. There was a discussion of a bill on gaming. The Commissioners and Mr. Emerson discussed the status of the Rural Opportunity Zone bill.

Item Five: Mr. Murphy discussed the status of the problems with the bar screen and the lift station at the Jail.

Item Six: Mr. Murphy gave an update of the work being done at the fairgrounds and discussed the number of employees needed to help with the improvements.

Item Seven: Mr. Murphy asked about the status of Neighborhood Revitalization and Mr. Emerson stated that Mr. Graham is working on maps with options for locations.

Item Eight: Mr. Murphy addressed the status of the Bridge Project on Centennial and stated that he will have Randy Chiartano come to the meeting on Friday to give an update.

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

FUTURE BUSINESS:

Item One: May 16, 2017 – Ms. Rebecca Adamson, County Health Officer and Ms. Debra Anthony, RN Health Department discussing Employee Work Site Wellness Screenings and Health Education.

ANNOUNCEMENTS:

Item One: May 18, 2017 -- KAC Regional Supper in Paola from 5:30 PM to 8:00 PM

UNDER THE HEADING MOTION TO ADJOURN MOTION TO ADJOURN

Item One: Adjournment

Board of Crawford County Commissioners

On the motion of Commissioner Moody and the second of Commissioner Murphy to adjourn the [May 9, 2017](#) meeting of the Board of Crawford County Commissioners at 11:26 AM and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Moody and Murphy

Nays:

Present but not voting:

Absent or not voting: Commissioner Wood

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 BKW 5/09/2017 11:26 AM/amended BKW 5/11/17 11:15 AM](#)