

# Board of Crawford County Commissioners

## Commissioners' Journal

2016, TWENTY-EIGHTH MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM  
Girard, KS Tuesday, April 12, 2016, 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 Tom Moody served as the presiding officer. Commissioners Carl Wood and Jeff Murphy were in attendance. County Clerk Don Pyle and County Counselor Jim Emerson were seated with the Board. Chairman Moody led the pledge of allegiance.

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

**On motion (16-118)** of Commissioner Murphy and the second of Commissioner Moody that the consent agenda be approved including:

1. Approval of the April 8, 2016 minutes of the Board of County Commissioners.

Yeas: Commissioners Moody, Wood and Murphy

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 16	116	That the consent agenda be approved including: Approval of the April 5, 2016 minutes
Motion 16	117	To proceed with the authorize Randy Sandburg, EMS director to proceed with the grant and purchasing of a heart monitor for the Emergency Medical Services

### UNDER THE HEADING NEW BUSINESS PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS MESSAGES FROM THE PUBLIC

## **Board of Crawford County Commissioners**

**Item One:** Mr. Jim Haney, AAA, presenting Sheriff Dan Peak with the 2015 AAA Kansas Traffic Safety Award. Mr. Haney stated that the Crawford County Sheriff's Department is 1 of only 7 law enforcement agencies to receive the award every year that it has been offered in the State of Kansas and 1 of only 2 Sheriff's Departments. He also stated that they are receiving a platinum award for the 3rd consecutive time. Mr. Haney explained the award and the programs the Sheriff's Office has implemented to help with traffic safety. He also gave statistics on different violations and how those violations have decreased over a 5 year period in Crawford County. Sheriff Peak thanked Mr. Haney and stated that these programs could have not taken place without the help of Undersheriff Steve Geier who steered most of the programs. The Commissioners thanked Sheriff Peak and Undersheriff Geier for all their hard work.

### **CRAWFORD COUNTY BOARD OF HEALTH MESSAGES FROM OTHER GOVERNMENTAL ENTITIES MESSAGES FROM ELECTED OFFICIALS MESSAGES FROM APPOINTED OFFICIALS**

**Item One:** Mr. Mac Young, Community Corrections Administrative Director discussing Community Corrections budget. Mr. Young stated that he wants to talk about the upcoming 2017 fiscal year for Community Corrections and stated the current fiscal year ends June 30, 2016. He stated that Community Corrections has lost \$36,000 in budget cuts over the last 2 years. Mr. Young stated that Community Corrections currently pays \$12,000 a year in rent to Crawford County for an office in the Judicial Center in Pittsburg and he is here today to see if the Commissioners can help with the rent. He stated that in prior years he has also asked the Commission for help with this. He suggested waiving the rent for a period of time or reducing the current rent paid by half. Mr. Young stated otherwise that will be looking at layoffs for furlough days for Community Correction employees. Mr. Moody stated that we do not want to see layoffs. Mr. Young stated that Community Corrections pays \$875.00 a month to Labette County in rent for office space and he spoke to the Commission there and they left it contingent on what the Crawford County Commissioners decided. A discussion was held on the services Community Corrections provided and the number of case loads per officer. Mr. Peak discussed the outcome if programs were cut by Community Corrections and the effects it would have on his Department. The Commissioners decided to waive the \$1000 per month rent for a one year period then revisit the issue.

# Board of Crawford County Commissioners

April 11, 2016

Crawford County Commission  
P.O. Box 249  
Girard, KS 66743

Dear Commissioners,

Today I am contacting you regarding the 11<sup>th</sup> Judicial District Community Corrections Program as it pertains to Crawford County.

Initially, Community Corrections was optional and counties were not required to establish Community Corrections programs. However, with the passage of Senate Bill 49 in 1989, all counties were required to establish programs either singly, in groups, or by contracting with existing programs.

In July 1998, Southeast Kansas Community Corrections was dissolved and thus the 11<sup>th</sup> Judicial District Community Corrections Program was developed and implemented by the Chief Judge in accordance with K.S.A. 75-52, 110. In addition, this placed administrative functions with the Court in conjunction with each participating County Commission and Advisory Board.

In May, 2002 the Crawford County Judicial Center in Pittsburg was opened. As part of that design, Community Corrections was included and it was agreed that \$1,000 per month would be paid by Community Corrections to occupy certain space.

Community Corrections will begin a new fiscal year on July 1, 2016. In fiscal year 2015 our allocation was \$535,383; in fiscal year 2016 our allocation was \$515,786, a reduction of \$19,597. For fiscal year 2017, it is anticipated that we will receive \$499,465, yet another reduction from the previous year of \$16,321. Total reduction over the past two years is \$35,918.

I am aware that Crawford County currently provides office space for a like program, specifically the Restorative Justice Authority, and in addition, pays no rent to the county. At this time I am respectfully asking that the Crawford County Commission consider waiving the \$1,000 per month that Community Corrections pays for occupancy in the Judicial Center, or at the very least, consider reducing the current rent paid by half.

This request is not wanting to increase salaries; Community Corrections employees are already woefully behind, buy equipment, or in any way enhance programming, it is purely a matter of survival. Without the county's help, I believe our only other option(s) would be furlough days or lay – offs. Knowing that people are our most valuable resource, I believe that would not be a good choice

Respectfully Submitted,

Mac Young  
District Court Administrator/Community Corrections Admin. Director

**On motion (16-119)** of Commissioner Wood and the second of Commissioner Moody to waive the \$1,000 per month rent paid to Crawford County by Community Corrections for one Fiscal Year beginning July 1, 2016 and revisit the issue in one year.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

## Board of Crawford County Commissioners

**Item Two:** Mr. Robert Gorentz, Project Manager with recommendations on installation of the new boiler system. Mr. Gorentz stated that he recommends accepting the bid from Design Mechanical for the installation of the boiler system. Mr. Moody was answered that there is a one year warranty on labor. Mr. Gorentz stated that he has heard nothing but good information about Design Mechanical. He stated that after everything is installed it will be inspected again by the engineer to make sure all specifications are met. Mr. Gorentz stated that the company is insured and bonded.



Off: 913-281-7200  
Fax: 913-281-7201

100 Greystone, Kansas City, KS 66103

April 4, 2016

Bob Gorentz  
Crawford County Courthouse  
111. E. Forest  
Girard, KS 66743

Subject: RFP Response to Replace Boilers & Modify Chilled/Hot Water Piping System  
Crawford County Courthouse

Dear Bob,

Design Mechanical proposes to bid the work as listed in Crawford County's Request for Proposal for the above referenced project.

Our quote to perform the listed work is \$69,958.00.

**NOTES:**

- Our certificate of insurance for proof of the RFP's contractor insurance requirements will be provided immediately upon our selection should we be the successful bidder.
- We are very familiar with the type of work proposed in this RFP. We are attaching a partial list of similar boiler replacement projects we have done for your consideration. References can also be provided upon request.

Design Mechanical appreciates the opportunity to work with you on this project. If you have any questions, feel free to call me at (913) 238-2514 or email me at [mragan@dmi-kc.com](mailto:mragan@dmi-kc.com).

Respectfully submitted,

DESIGN MECHANICAL

A handwritten signature in cursive script that reads "Michael E. Ragan".

Mike Ragan  
Sales Engineer

# Board of Crawford County Commissioners

**Request for Proposal: Replace Boilers and Modify Chilled/Hot Water Piping System from open loop to closed loop system, Crawford County Courthouse**

The County of Crawford Kansas (County), is soliciting bids to provide the labor and limited equipment for the removal and replacement of existing 5 year old "Fulton" Boilers, and modification of the Chilled/Hot water piping system.

The County or customer will furnish the following equipment for the Work:

- 1.) 2 - High efficiency Lochinvar boilers.
- 2.) Factory insulated, closed loop, water storage tank.
- 3.) A condensate neutralization kit.

The Work shall include:

- 1.) Demo (1) existing Fulton Boiler and abandon the other one in place.
- 2.) Install 2 customer furnished Lochinvar boilers on the existing housekeeping pad.  
Each, with as specified by the County:  
850,000 BTUH input capacity, see attached product data for customer provided boilers.
- 3.) Tie in new boiler flues into existing lined chimney. Flue pipe shall meet the requirements set by the boiler manufacturer and codes.
- 4.) Furnish and install boiler flue dampers in accordance with applicable code and warranty the contractor selection of flue dampers for 3 years.
- 5.) Hook up the boilers to the existing electrical power system.
- 6.) Install a customer furnished condensate neutralization kit.
- 7.) Furnish and install boiler condensate piping.
- 8.) Modify gas piping to accommodate the new boilers and warranty the work for 3 years.
- 9.) Perform necessary control wiring to tie the new equipment back into the existing building control system.
- 10.) Furnish and install an expansion tank in the basement of the court house.
- 11.) Furnish and install an air separator in the system piping.
- 12.) Install customer furnished, factory insulated, 200 gallon water storage tank in the court house attic.
- 13.) Abandon in place the existing open loop water storage tank and by-pass the system to the new closed water tank.
- 14.) Modify the water piping to connect the new storage tank into the existing chilled/hot water system and modify the piping to insure that the expansion tank is connected to both the chilled water and hot water loops.
- 15.) Add circuit setter balance valve on each pump outlet to ensure proper flow to the boilers.
- 16.) Furnish and install necessary isolation valves to allow proper equipment servicing.
- 17.) Insulate all new piping

# Board of Crawford County Commissioners

- 18.) Obtain any necessary permits
- 19.) Provide a complete system check, test, and start-up.
- 20.) Train County personnel on proper system operation.
- 21.) Provide a one year warranty on the installation Work.

Attached are pictures of various items of the work. A site visit prior to bidding can be available by appointment by contacting: Bob Gorentz, maintenance supervisor, County of Crawford at cell 620-724-2069. Mr. Gorentz will oversee all work. Any clarifications, questions or comments prior to bidding will be handled by Mr Gorentz. A site visit and walk through with Mr. Gorentz is required prior to bidding.

## Insurance Requirements:

- 1.) General Liability Insurance, with a combined single limit of \$1,000,000 for each occurrence and \$1,000,000 in the aggregate.
- 2.) Automobile Liability Insurance, with a combined single limit of \$1,000,000 for each person and \$ 1,000,000 for each accident.
- 3.) Workers' Compensation Insurance in accordance with statutory requirements and Employers' Liability Insurance, with a limit of \$ 500,000 for each occurrence.

## Payment Schedule:

- 1.) The contractor shall submit payment requests by the 15<sup>th</sup> of that month and be expected to have payment by the 30<sup>th</sup> of that month upon approval of Mr. Gorentz.

## Termination:

- 1.) This Agreement may be terminated by either party upon written notice.

## Delay in Performance:

- 1.) Mr. Gorentz shall have control over any decisions of causes of delay and will determine cost of delay upon his analysis with discussions with the contractor. If there is any disagreement refer to termination clause.

# Board of Crawford County Commissioners



Off: 913-281-7200  
Fax: 913-281-7201  
100 Greystone Ave., Kansas City, KS 66103  
www.dmi-kc.com

## PARTIAL LIST OF BOILER REPLACEMENT PROJECTS

Nemaha County Courthouse	Seneca, KS
Atchison County Senior Village	Atchison, KS
Elk County Sheriff's Office	Howard, KS
Elk County Courthouse	Howard, KS
Lynn County Courthouse	Mound City, KS
Bowlus Fine Arts Center	Iola, KS
USD 366 Woodson – Elementary School	Yates Center, KS
USD 366 Woodson – High School	Yates Center, KS

## PARTIAL LIST OF SERVICE CUSTOMERS

USD 257 Iola School District	Iola, KS
USD 366 Woodson School District	Yates Center, KS
USD 446 Independence School District	Independence, KS
USD 503 Parsons School District	Parsons, KS
Mercy – Ft. Scott Medical Center	Ft. Scott, KS
Empire District Electric	Joplin, MO
Neosho Medical Center	Chanute, KS
Allen County Courthouse	Iola, KS
Anderson County Law Enforcement Center	Garnett, KS
Chanute Housing Authority	Chanute, KS

**On motion (16-120)** of Commissioner Moody and the second of Commissioner Wood to approve the bid from Design Mechanical for the Installation of the Boiler System as recommended by Project Manager Robert Gorentz.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

## PROCLAMATIONS AND ORDERS OF THE BOARD NEW BUSINESS



# Board of Crawford County Commissioners

## **Diehl Banwart Bolton**

*Certified Public Accountants P.A.*

April 9, 2016

To the Crawford County Commissioners  
Attention: Jim Emerson, County Counselor  
Crawford County Courthouse  
PO Box 249  
Girard, Kansas 66743

Dear Jim,

Enclosed is a contract for our firm to audit the financial statements for Crawford County, Kansas for the year ended December 31, 2015. As shown on page 6, our fees to perform these services total \$25,750 which agrees with our audit proposal letter to the County dated March 1, 2013 and is less than 2% over our fee of last year. I always enjoy working on the County audit, and look forward to working with you, Don and Joe again this year. County employees are always very helpful and pleasant to work with.

I did talk with Don yesterday about doing the audit the third week of May. We haven't worked up the May schedule yet, but I am pretty sure that we could do the job at that time. We could also reduce the fee by anywhere from \$500 to \$1,000 and remove the deficiency we have always cited (for preparing your financial statement) if Don or somebody could identify the federal and state grants according to the State confirmation and tell me where in your accounting records the monies have been placed. This would save us the time and allow us to, I believe, remove the comment about preparing your financial statements – a good thing for both of us!

Please present the contract at the next commission meeting for approval. If you have any questions regarding the contract, or any other matter, please feel free to contact me.

Very truly yours,

DIEHL, BANWART, BOLTON, CPAs PA



Terence L. Sercer  
Certified Public Accountant  
TLS:gns  
Enclosures

7 1/2 East Wall Street • P.O. Box 469 • Fort Scott, Kansas 66701  
Phone (620) 223-4300 • Fax (620) 223-2242  
[www.cpadbb.com](http://www.cpadbb.com)

**On motion (16-122)** of Commissioner Wood and the second of Commissioner Moody to approve contact for auditing services with Deihl, Banwart and Bolton for the Audit Year ending December 31, 2015 and authorize the Chairman to sign.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

## Board of Crawford County Commissioners

**The motion prevailed.**

**Item Three:** Mr. Jim Emerson, County Counselor presenting the Kansas Housing Resource Corporation Emergency Solutions Grant Recipient Request for Reimbursement and Financial Status Report in the amount of \$6,375.53. Mr. Emerson stated that this is a quarterly draw down.

RECIPIENT ORGANIZATION (CITY/COUNTY)								CONTRACT NUMBER	
<b>SAFEHOUSE CRISIS CENTER - CRAWFORD COUNTY</b>								<b>ESG - FFY2015</b>	
PART B. FINANCIAL STATUS REPORT									
REPORT AS OF					CONTRACT PERIOD BEGINNING:				
1/6/2016					July 01, 2015 to June 30, 2016				
COL. (1)	COL. (2)	COL. (3)	COL. (4)	COL. (5)	COL. (6)	COL. (7)	COL. (8)	COL. (9)	COL. (10)
BUDGET CATEGORY	ADMIN.	Street Outreach	Emergency Shelter	HMIS	Homeless Prevention	Rapid Re-housing	TOTAL ESG FUNDS	LOCAL MATCHING FUNDS	TOTAL PROJECT BUDGET
A. TOTAL PROJECT BUDGET							\$0.00		\$0.00
B. APPROVED BUDGET ADJUSTMENTS	\$595.00		\$17,000.00	\$5,000.00			\$22,595.00	\$22,000.00	\$44,595.00
C. ADJUSTED PROJECT BUDGET	\$595.00	\$0.00	\$17,000.00	\$5,000.00			\$22,595.00	\$22,000.00	\$44,595.00
D. CUMULATIVE CASH OUTLAYS (Line "F" from Previous report; -0- if first report)	\$0.00	\$0.00	\$12,446.31	\$0.00	\$0.00	\$0.00	\$12,446.31	\$22,000.00	\$34,446.31
E. CURRENT REIMBURSEMENT REQUEST (from totals on pg 3)	\$0.00	\$0.00	\$6,553.69	\$0.00	\$0.00	\$0.00	\$6,553.69	\$0.00	\$6,553.69
F. CUMULATIVE CASH OUTLAYS (Line "D" plus line "E")	\$0.00	\$0.00	\$16,747.84	\$2,074.00	\$0.00	\$0.00	\$16,821.84	\$22,000.00	\$38,821.84
G. UNLIQUIDATED OBLIGATIONS (A. Total Project Budget less F. Cash Outlays)	\$595.00	\$0.00	\$252.16	\$2,926.00	\$0.00	\$0.00	\$3,773.16	\$0.00	\$3,773.16
H. TOTAL CASH OUTLAYS & UNLIQUIDATED OBLIGATIONS (Lines "F" + "G")	\$595.00	\$0.00	\$17,000.00	\$5,000.00	\$0.00	\$0.00	\$22,595.00	\$22,000.00	\$44,595.00

## Board of Crawford County Commissioners

RECIPIENT ORGANIZATION (CITY/COUNTY)		CONTRACT NUMBER
<b>SAFEHOUSE CRISIS CENTER - CRAWFORD COUNTY</b>		<b>ESG - FFY2015</b>
<b>PART C. CERTIFICATION STATEMENT</b>	<b>PART D. FOR KANSAS HOUSING RESOURCES CORPORATION ONLY</b>	
<p><b>I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.</b></p>	DATE REIMBURSEMENT REQUEST RECEIVED	AMOUNT AUTHORIZED FOR PAYMENT
	AUTHORIZED BY (ESG COORDINATOR)	DATE SUBMITTED TO FISCAL FOR PAYMENT
	VOUCHER NUMBER AND DATE	DATE CHECK MAILED TO RECIPIENT ORGANIZATION
SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	OTHER (NOTE REASONS FOR VARIANCES AND/OR OTHER INFORMATION REGARDING PAYMENT)	
TYPED OR PRINTED NAME		
TYPED OR PRINTED TITLE		
DATE		
<b>PREPARED BY</b>		
PREPARER'S SIGNATURE		
TYPED OR PRINTED NAME		
Rebecca Brubaker <i>Rebecca Brubaker</i>		
Susan Perry <i>Susan Perry</i>		
TYPED OR PRINTED TITLE		
Executive Director		
Fiscal Consultant		
TELEPHONE NUMBER		
620-231-8692		

**On motion (16-123)** of Commissioner Moody and the second of Commissioner Wood to approve the Kansas Housing Resource Corporation Emergency Solutions Grant Recipient Request for Reimbursement and Financial Status Report in the amount of \$6,375.53 and authorize the Chairman to sign.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

**Item Four:** Mr. Emerson presented the Federal Aid Fund Exchange Master Agreement between Michael S King, Secretary of Transportation, Kansas Department of Transportation and Crawford County Kansas.

# Board of Crawford County Commissioners

Agreement No. 125-16

FUND EXCHANGE MASTER  
CRAWFORD COUNTY, KANSAS

## FEDERAL-AID FUND EXCHANGE MASTER AGREEMENT

This MASTER AGREEMENT is between **MICHAEL S. KING, Secretary of Transportation**, Kansas Department of Transportation (KDOT) (the "Secretary") and **CRAWFORD COUNTY, KANSAS** (the "County"), collectively, the "Parties."

### RECITALS:

- A. The Secretary has authorized a Federal Fund Exchange Program under which local units of government may exchange some or all of the Federal Funds allotment by KDOT to the local unit in a specific federal fiscal year for State Funds allocated to the Secretary.
- B. The County desires to exchange all or a portion of the County's annual allotment of Federal Funds for State Funds at the Exchange Rate or to bank all or a portion of its annual allotment, such amount to be used in the future for either a Federal-Aid Project or exchanged for State Funds at the Exchange Rate.
- C. The Secretary and the County are empowered by the laws of Kansas to enter into agreements incident to the financing, construction, and maintenance of county roads utilizing federal or state funds.
- D. The Parties have determined the Federal Fund Exchange Program would be most efficiently administered under this Master Agreement.

**NOW, THEREFORE**, the Parties agree as follows:

### ARTICLE I

#### DEFINITIONS:

As used in this Agreement, the capitalized terms below have the following meanings:

1. "**Agreement**" means this written document, including all attachments and exhibits, evidencing the legally binding terms and conditions of the agreement between the Parties.
2. "**Banked Funds**" means the County's annual allotment of Federal Funds which the County has decided to use in the future for either a Federal-Aid Project or to be exchanged for State Funds.
3. "**County**" means the Crawford County, Kansas.
4. "**Effective Date**" means the date this Agreement is signed by the Secretary or his designee.

# Board of Crawford County Commissioners

Agreement No. 125-16

5. **“Exchange Rate”** means the exchange of Federal Funds allotment for State Funds at a rate of ninety percent (90%) of State Funds for one hundred percent (100%) of local federal obligation authority for costs incurred pursuant to this Agreement, on a reimbursement basis.
6. **“Exchanged Funds”** means the funds from the County’s annual allotment of Federal Funds exchanged for State Funds at the Exchange Rate.
7. **“Exchanged Portion”** means a portion of funds from the County’s annual allotment of Federal Funds exchanged for State Funds.
8. **“Federal Funds”** means federal-aid transportation funds, including Surface Transportation Program funds, for use on state and local federal-aid transportation projects.
9. **“Fund Exchange Request”** means the attached form “Attachment A” which is submitted by the County to KDOT to request the exchange of Federal Funds for State Funds in any given year, and the terms of which are incorporated herein by reference.
10. **“KDOT”** means the Kansas Department of Transportation, an agency of the state of Kansas, with its principal place of business located at 700 SW Harrison Street, Topeka, KS, 66603-3745.
11. **“Parties”** means the Secretary and KDOT, individually and collectively, and the County.
12. **“Secretary”** means Michael S. King, in his official capacity as Secretary of Transportation of the state of Kansas, and his successors.
13. **“State Funds”** means State of Kansas transportation funds.

## ARTICLE II

### TERMS OF AGREEMENT:

1. **Secretary Authorization.** The Secretary is authorized by the County to take such steps as are deemed by the Secretary to be necessary or advisable for the purpose of securing the benefits of the current Federal-Aid Transportation Act for this exchange.
2. **Incorporation of Program Application.** The County will submit a Fund Exchange Request when it desires to exchange its Federal Funds. The Fund Exchange Request will be incorporated into and made a part of this Agreement for all purposes.
3. **Exchange of Funds.**
  - (a) When the County submits a Fund Exchange Request to use the Banked Funds for a Federal-Aid Project, the Secretary will apply one hundred percent (100%) of the requested amount to said project, up to the amount indicated on the Fund Exchange Request.

# Board of Crawford County Commissioners

Agreement No. 125-16

- (b) When the County submits a Fund Exchange Request, to use the Exchanged or Banked Funds pursuant to the Federal Fund Exchange Program, the following terms will apply to the exchange:
  - (i) The County authorizes the Secretary to retain and use the Exchanged Portion of the County's annual allotment of Federal Funds for the federal fiscal year indicated in the Fund Exchange Request in exchange for State Funds at the Exchange Rate.
  - (ii) The Secretary shall reimburse the County, with State Funds, for one hundred percent (100%) of costs incurred pursuant to this Agreement, up to ninety percent (90%) of the amount of funds as indicated on the Fund Exchange Request. All costs incurred in excess of the fund exchange amount will be the sole responsibility of the County.
  - (iii) Any State Funds exchanged pursuant to this Agreement may be carried over in the next federal fiscal year by the County. Banking of Exchanged Funds is limited to three (3) consecutive fiscal years, unless written approval is obtained from the Secretary.
  - (iv) The County understands that the Secretary may use the retained Federal Funds exchanged by the County for any federally eligible purpose or project within the State.
  - (v) The Secretary will make partial payments to the County for amounts not less than \$1,000 and no more frequently than monthly. Such payments will be made after receipt of proper billing showing costs paid by the County and any reimbursement form required by KDOT.

#### 4. Limitations on Use of State Funds.

- (a) The County shall not deposit the exchanged State Funds into the operating budget for the County.
- (b) The County shall use the State Funds exchanged pursuant to this Agreement for:
  - (i) transportation projects, as approved by the Secretary, which are eligible under KDOT's Federal Fund Exchange Guidelines; and
  - (ii) for all phases of approved transportation project(s) including, but not limited to preliminary engineering, right of way acquisition, utility relocation, construction and inspection.
- (c) Upon completion of the transportation project, the County shall notify Secretary and allow the Secretary to participate in a final review of the project. Reviews by the Secretary are not done for the benefit of the County or its contractors, or agents, or other political subdivision, or the traveling public. The Secretary makes no representation, express or implied warranty to any person or entity concerning the adequacy or accuracy of the design plans, specifications, estimates, surveys, and any

# Board of Crawford County Commissioners

Agreement No. 125-16

necessary investigations or studies, including, but not limited to, environmental, hydraulic, and geological investigations or studies for the Project, or any other work performed by the County.

5. **Availability of State Funds.** The total dollars exchanged under this Agreement are contingent upon the availability of State Funds. If, in the judgment of the Secretary, sufficient State Funds are not appropriated to continue the function performed in this Agreement, the Secretary may terminate this Agreement without further notice. The Secretary will not be responsible to the County for any reduction in State Funds.
6. **Availability of Federal Funds.** The total dollars exchanged under this Agreement are also contingent upon the availability of Federal Funds. If, due to Congressional funding restrictions, sufficient Federal Funds have not been allocated to the County, the Secretary shall exchange funds in the amount available.
7. **Audit.** The County will participate and cooperate with the Secretary in an audit which will occur either annually or by project. The County shall make its records and books available to representatives of the Secretary for audit for a period of five (5) years after date of final payment under this Agreement. If any such audits reveal payments have been made with State Funds to the County for items considered non-participating, the County shall promptly reimburse Secretary for such items upon notification by Secretary.
8. **Compliance with Federal and State Laws.** The County shall comply with all applicable federal, state, and local laws, regulations, executive orders, and ordinances governing the projects undertaken pursuant to this Agreement.
9. **Legal Authority.** The County shall adopt all necessary ordinances and/or resolutions and take such administrative or legal steps as may be required to give full effect to the terms of this Agreement.
10. **Indemnification.** To the extent permitted by law, the County agrees to defend, indemnify, hold harmless, and save the Secretary and his or her authorized representatives from any and all costs, liabilities, expenses, suits, judgments, damages to persons or property or claims of any nature whatsoever arising out of or in connection with the provisions or performance of this Agreement by the County or the County's employees.

## ARTICLE III

### GENERAL PROVISIONS:

1. **Civil Rights Act.** The "Special Attachment No. 1," pertaining to the implementation of the Civil Rights Act of 1964, is attached and made a part of this Agreement.
2. **Contractual Provisions.** The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 06-12), which is attached hereto, are hereby incorporated in this contract and made a part thereof.

# Board of Crawford County Commissioners

Agreement No. 125-16

3. **Binding Agreement.** This Agreement and all contracts entered into under the provisions of this Agreement shall be binding upon the Secretary and the County and their successors in office.
4. **No Third Party Beneficiaries.** No third party beneficiaries are intended to be created by this Agreement, nor do the parties herein authorize anyone not a party to this Agreement to maintain a suit for damages pursuant to the terms or provisions of this Agreement.
5. **Headings.** The captions of the various articles and sections of this Agreement are for convenience and ease of reference only, and do not alter the terms and conditions of any part or parts of this Agreement.
6. **Effective Date.** This Agreement will become effective as of the date signed by the Secretary or his designee.

IN WITNESS WHEREOF the Parties have caused this Agreement to be signed by their duly authorized officers as of the Effective Date.

ATTEST:

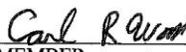
CRAWFORD COUNTY, KANSAS

  
COUNTY CLERK      4/12/2016  
(Date)

  
CHAIRPERSON

(SEAL)



  
MEMBER

  
MEMBER

Kansas Department of Transportation  
Michael S. King, Secretary of Transportation

By: \_\_\_\_\_  
Jerome T. Younger, P.E.      (Date)  
Deputy Secretary and  
State Transportation Engineer

**On motion (16-124)** of Commissioner Wood and the second of Commissioner Moody to approve Federal Aid Fund Exchange Master Agreement between Michael S King, Secretary of Transportation, Kansas Department of Transportation and Crawford County Kansas.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

## Board of Crawford County Commissioners

Absent or not voting:

**The motion prevailed.**

### EXECUTIVE SESSION

**Item One:** Jim Emerson requested an executive session for a period of not more than 15 minutes to discuss personnel matters involving Non-Elected Personnel with the three Commissioners, County Counselor Jim Emerson, Road and Bridge Coordinator Liz Hart and Project Manager Robert Gorentz.

**On motion (16-125)** of Commissioner Moody and the second of Commissioner Wood to recess this open session and go into a closed executive session for a period of not more than 15 minutes to discuss personnel matters involving Non-Elected Personnel and to include the Board of County Commissioners, County Counselor Jim Emerson, Road and Bridge Coordinator Liz Hart and Project Manager Robert Gorentz.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

The Commissioners went into Executive Session at 10:55 AM and reconvened the Open Session at 11:03 AM with no action taken except to go back into open session.

**Item Two:** Mr. Murphy requested an executive session for a period of not more than 15 minutes to discuss personnel matters involving Non-Elected Personnel with the three Commissioners, County Counselor Jim Emerson and Sheriff Dan Peak.

**On motion (16-126)** 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 15 minutes to discuss personnel matters involving Non-Elected Personnel and to include the Board of County Commissioners, County Counselor Jim Emerson and Sheriff Dan Peak.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

The Commissioners went into Executive Session at 11:05 AM and reconvened the Open Session at 11:20 AM with no action taken except to go back into open session.

**Item Three:** Mr. Wood requested an executive session for a period of not more than 15 minutes to discuss matters that would be deemed privileged in the attorney-client relationship with the three Commissioners, County Counselor Jim Emerson and Shop Foreman Greg Hite.

## Board of Crawford County Commissioners

**On motion (16-127)** 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 that would be deemed privileged in the attorney-client relationship and to include the Board of County Commissioners, County Counselor Jim Emerson and Shop Foreman Greg Hite.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

The Commissioners went into Executive Session at 11:24 AM and reconvened the Open Session at 11:39 AM with no action taken except to go back into open session.

### **UNDER THE HEADING OLD BUSINESS**

**Item One:** Mr. Murphy stated that he met with Jim Emerson, Joe Grisolano, Larissa Bowman and Charli Stroud to discuss the sick leave policy. He stated they looked at other counties' policies and the state policy. Mr. Murphy stated they planned to meet again this Friday.

**Item Two:** Commissioner Moody, Commissioner Wood and Jim Emerson will meet with the City of Frontenac at 8:30 AM on Tuesday, April 19, 2016.

**Item Three:** Mr. Moody stated that he received a call from Mary Kay Caldwell pertaining to the spay-neuter program and they are requesting money from the County. Mr. Moody stated that will address this at Friday's meeting.

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

**Item One: April 15, 2016** – Discussion with area State Legislators.

**Item Two: April 19, 2016 – 9:30 AM** Work Session with Mike Gayoso, County Attorney.

**Item Three: April 19, 2016** – Mr. Mac Young, Community Corrections Administrative Director presenting Community Corrections Fiscal Year 2017 Comprehensive Plan.

**Item Four: April 19, 2016** – Mr. Brad Coots, Advisor and Caleb Thompson & Bryson Spahn, students from Southeast High School USD 247 Technology Student Association requesting donation for expenses to the National Championship.

### **ANNOUNCEMENTS:**

**Item One: April 14, 2016** – SEK Semi-Annual District Meeting will be held in Franklin County at the courthouse located at 315 S Main St, Ottawa, Kansas. All Three Commissioners may be in attendance.

## Board of Crawford County Commissioners

**Item Two: April 19, 2016** – Commissioner Moody, Commissioner Wood and County Counselor Jim Emerson will meet with the City of Frontenac in Frontenac at 8:30 AM.

**Item Three: April 19, 2016** – Elk’s Student Government Day.

**Item Four: April 19, 2016** – 12 Noon & 6:00 PM meetings to discuss alcohol and drug services in Crawford County at Mental Health, 30<sup>th</sup> & Michigan, Pittsburg.

**Item Five: April 21, 2016** – 2016 Annual Meeting of the County Commissioners & Highway Officials Association of Southeast Kansas at the KDOT Office Complex, South Building in Chanute. All three Commissioners may be in attendance.

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

**Item One:** Adjournment

**On the motion** of Commissioner Moody and the second of Commissioner Wood to adjourn the [April 12, 2016](#) meeting of the Board of Crawford County Commissioners at 11:47 **AM** and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Murphy, Wood and Murphy

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 by BKW 4/12/16 11:47AM/amended 04/14/2016 12:45 PM