

Board of Crawford County Commissioners

Commissioners' Journal

2014, [SIXTY-FIRST MEETING](#)

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS [Tuesday, August, 26, 2014, 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 Bob Kmiec served as the presiding officer.
Commissioners Tom Moody and Carl Wood were in attendance.
County Clerk Don Pyle and County Counselor Jim Emerson were seated with the Board.
Chairman Kmiec led the pledge of allegiance.

UNDER THE HEADING BUSINESS FROM A PREVIOUS MEETING CONSENT AGENDA

On motion (14-213) of Commissioner Moody and the second of Commissioner Wood that the consent agenda be approved including:

1. Approval of the [August 22, 2014](#) minutes of the Board of Commissioners.

Yeas: Commissioners Moody, Kmiec 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 14	208	That the consent agenda be approved including: Approval of the August 19, 2014 minutes
Motion 14	209	To close the public hearing on the Crawford County FY 2015 budget
Motion 14	210	To adopt the FY 2015 Crawford County Budget as published
Motion 14	211	To close the public hearing on the Fire District Number One, Fire District Number Two, Fire District Number Three, Fire District Number Four, Sewer District Number One, Sewer District Number Two, Sewer District Number Three, Sewer District Number Four, Sewer District Number Five and the Southridge Paving District of Crawford County FY 2015 budgets
Motion 14	212	To adopt the FY 2015 Fire District Number One, Fire District Number Two, Fire District Number Three, Fire District Number Four, Sewer District Number One, Sewer District Number Two, Sewer District Number Three, Sewer District Number Four, Sewer District Number Five and the Southridge Paving District budgets as published.

UNDER THE HEADING NEW BUSINESS

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NEW BUSINESS FOR CRAWFORD COUNTY BOARD OF HEALTH PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS MESSAGES FROM THE PUBLIC

Item One: Mr. Larry Albers addressing property issues. Mr. Albers had questions about the work being done on a ditch that is adjacent to some of his property. This work is being done close on 190th St close to 400 Highway. Mr. Albers was upset that all of the material that was dug up out of the ditch had not been hauled off already and he was worried that a lot of the dirt in that material would be worked back into the road where it could cause problems later. There was a discussion of the progress on this project and that it should be completed in a few weeks. Commissioner Wood promised Mr. Albers that this project will be completed to his satisfaction or he will keep working on this until he is satisfied. It was discussed that this should be complete in a few weeks. Mr. Albers also wanted to discuss the truck traffic on this road that is driving fast and does not tarp their loads. Commissioner Wood stated that he will take care of this also.

MESSAGES FROM ELECTED OFFICIAL MESSAGES FROM APPOINTED OFFICIALS MESSAGES FROM OTHER GOVERNMENTAL ENTITIES PROCLAMATIONS AND ORDERS OF THE BOARD NEW BUSINESS:

Item One: County Clerk Don Pyle wanted to be sure that the Commissioners had gotten information about the luncheon that will be hosted by the Downstream Directors and Development Authority. This luncheon will be at 11:00 AM on August 28, 2014, at the Overman Student Center at PSU in the Balkans Room. The Commissioners discussed the meeting and Commissioner Wood, Commissioner Moody, County Counselor Jim Emerson and County Clerk Don Pyle all stated that they would be in attendance.

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Don Pyle

To: Bob Kmiec (brkmiec@yahoo.com); cr_wood@cox.net; Tom Moody (Lmood1@amfam.com);
'Jim Emerson'
Subject: FW: Meeting

Hello to you all,

We received a phone call from Alan Mauk in regards to the luncheon that the Downstream Directors and Development Authority members will be hosting on Thursday, August 28, 2014, at 11:00 AM, in the Overman Student Center on the campus of PSU. The luncheon will be on the upper level of the building in the Balkans room which is located in the South Central portion of the upper level at the Southeast corner of the Crimson & Gold Room. Let me know if you wish to RSVP. Thanks.

Don

From: Alan Mauk [mailto:alanmauk@aol.com]
Sent: Wednesday, August 20, 2014 3:30 PM
To: countyclerk@ckt.net
Subject: Re: Meeting

Don, could you see if any of the Commissioners would be available to attend a luncheon at Pittsburgh State University on Thursday, August 28th at 11:00. I will get the place as soon as we know where it will be held. We are inviting community leaders to come and meet with the Downstream's Directors and Development Authority members. This event will offer the community the chance to hear about Downstream's plans for Camptown. Also we would like to extend the invitation to you and Jim Emerson as well. Should you or the board have any suggestions as to others to invite please do not hesitate to contact me. Looking forward to meeting with you all on next Thursday.

-----Original Message-----

From: Don Pyle <countyclerk@ckt.net>
To: 'Alan Mauk' <alanmauk@aol.com>
Cc: 'Jim Emerson' <jime@ckt.net>
Sent: Wed, Aug 20, 2014 2:28 pm
Subject: RE: Meeting

Hello Alan,

The commissioners would love to meet with you and Chairman Berrey to introduce yourselves and discuss the proposal for the casino. The commissioners would have to meet in a setting that is announced in advance so that it is open to the public and the press would have access. The commissioners have their regular meetings every Tuesday and Friday at 10 AM in the Girard Courthouse, unless the meeting is cancelled or changed for some reason. The commissioners will meet next week at 10:00 AM on Tuesday, August 26, and Friday, August 29. They could meet at another time and/or place, but I would need to check with them on their personal schedules and the meeting would need to be announced in advance so that the media could have access. I have sent a copy of this message to County Counselor Jim Emerson who advises them on legal matters and many other aspects of county governance. Please let us know when you would like to meet with the commissioners or if you have any other questions. We are all very excited about the prospect of the Camptown Facility opening up under this new partnership and will help in any way we can. Thanks.

Don Pyle

From: Alan Mauk [mailto:alanmauk@aol.com]
Sent: Wednesday, August 20, 2014 10:40 AM
To: countyclerk@ckt.net
Subject: Meeting

Good morning Don, I wanted to check in with you about some of our plans for the Camptown location. I would like to set up a time where Chairman John Berrey and I could meet with you and the Commissioners. Just something informal to introduce ourselves and share our proposal for the casino application due on the 19th of December. We are thinking about some time next week if that may work for you all. Thanks

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Item Two: County Clerk Don Pyle wanted to announce that the USD 247 Board of Education has scheduled an election for October 7, 2014, for a special question to ask if a resolution should be approved to levy up to 8 mills for a Capital Outlay Fund for the school district. Mr. Pyle also wanted to clarify the situation that had come up recently involving the USD 247 Capital Outlay Levy for 2013-2014. Mr. Pyle stated that USD 247 had provided all the needed documentation in regards to the capital outlay resolution

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with the budget and that he had examined to make sure that the levy was properly documented. Mr. Pyle stated that the problem with that levy resolution from 2012 was that it had never been published which is the last step in complying with state statutes when such a levy is passed. Mr. Pyle stated that it is entirely the school district's responsibility to make sure that all of the steps are followed.

Item Three: County Counselor Jim Emerson regarding a request to vacate some platted unnamed streets and alleys in South Radley. Mr. Emerson stated that these platted streets are all contained in property owned by the same person and that they are requesting that all these streets be vacated. The Commissioners reviewed the map and wanted to be sure that there would not be any parcels that would be landlocked as a result of this action.

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NOTICE OF INTENT TO VACATE A PLATTED STREET

Pursuant to K.S.A. §58-2613, notice is hereby given that the Board of County Commissioners of Crawford County, Kansas proposes to close and vacate the following platted streets, to-wit:

A platted unnamed street located adjacent to and South of Lots 89 through 100, and North of Lots 101 through 112, in Frank Benintende Addition to South Radley, Crawford County, Kansas, according to the recorded plat thereof.

A platted unnamed alley located adjacent to and South of Lots 101 through 112, and North of Lots 113 through 124, in Frank Benintende Addition to South Radley, Crawford County, Kansas, according to the recorded plat thereof.

A platted unnamed street located adjacent to and South of Lots 113 through 124, and North of Lots 125 through 136, in Frank Benintende Addition to South Radley, Crawford County, Kansas, according to the recorded plat thereof.

A platted unnamed alley located adjacent to and South of Lots 125 through 136, and North of Lots 137 through 148, in Frank Benintende Addition to South Radley, Crawford County, Kansas, according to the recorded plat thereof.

A platted unnamed street located adjacent to and South of Lots 137 through 148 in Frank Benintende Addition to South Radley, Crawford County, Kansas, according to the recorded plat thereof.

A platted unnamed alley located adjacent to and East of Lots 21, 24, 25, 28, 29, 32, 33, 36, and West of Lots 22, 23, 26, 27, 30, 31, 34, 35, in Frank Benintende Addition to South Radley, Crawford County, Kansas, according to the recorded plat thereof.

A platted unnamed Street located adjacent to and East of Lots 22, 23, 26, 27, 30, 31, 34, 35, and West of Lots 61, 64, 65, 68, 69, 72, 73, 76, in Frank Benintende Addition to South Radley, Crawford County, Kansas, according to the recorded plat thereof.

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A platted unnamed alley located adjacent to and East of Lots 61, 64, 65, 68, 69, 72, 73, 76, and West of Lots 62, 63, 66, 67, 70, 71, 74, 75, in Frank Benintende Addition to South Radley, Crawford County, Kansas, according to the recorded plat thereof.

A platted unnamed street located adjacent to and South of Lots 21, 22, 61, 62 and North of Lots 19, 20, 59, 60, in Frank Benintende Addition to South Radley, Crawford County, Kansas, according to the recorded plat thereof.

A platted unnamed street located adjacent to and East of Lots 50, 51, 54, 55, 58, 59, 62, 63, 66, 67, 70, 71, 74, 75, and West of Lots 101, 124, 125, 148, in Frank Benintende Addition to South Radley, Crawford County, Kansas, according to the recorded plat thereof.

A public hearing regarding said proposed road vacation will be held on Tuesday, September 23, 2014 at 10:00 a.m. in the Crawford County Courthouse, 2nd Floor, Commission Room, Girard, Kansas. All interested persons are encouraged to attend the public hearing.

If the Board of County Commissioners determines that the above-described platted streets are no longer required, or cannot be prudently be used for public purposes, the land comprising said streets shall revert to the adjoining landowners as originally taken for One Dollar (\$1.00), in the Commission Room at the Crawford County Courthouse, Girard, Kansas, on Tuesday, September 23, 2014 at 10:00 a.m.

Handicapped individuals needing reasonable accommodation to attend said public hearing should contact the County Clerk's office at least 48 hours prior to the public hearing at (620) 724-6115.

This notice shall be published one time in an official County newspaper.

Dated this 26th day of August, 2014.

BOARD OF COUNTY COMMISSIONERS
CRAWFORD COUNTY, KANSAS

By: Bob Kmiec, Chairman

ATTEST:

Donald P. Pyle, County Clerk

Published in the Pittsburg Morning Sun on Friday, August 29, 2014.

On motion (14-214) of Commissioner Moody and the second of Commissioner Kmiec to approve the Publish Notice of Intent to Vacate platted unnamed streets and alleys in South Radley with a public hearing to be held Tuesday, September 23, 2014 at 10:00 AM
Yeas: Commissioners Moody, Kmiec and Wood
Nays:

Board of Crawford County Commissioners

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Four: Commissioner Wood also asked if County Clerk Don Pyle had received any information in regards to an Ice Bucket Challenge for ALS that will take place at Lightning Creek Restaurant and Bar parking lot at 4:00 PM on the afternoon of Saturday, August 30, 2014. Mr. Pyle stated that he had received an email with information regarding this event and Commissioner Woods asked that he forward this information to other elected officials and department heads of the county.

Item Five: Commissioner Moody regarding assembly of the structure that will be used to store road treatment materials. The Commissioners all agreed that this needs to be put together so that it can be used in the near future. The Commissioners agreed to notify Randy Chiartano that they want to have this constructed soon.

UNDER THE HEADING OLD BUSINESS

Item One: County Counselor Jim Emerson regarding his recent trip to the Kansas Association of Counties Board meeting in Dodge City. Mr. Emerson stated that there was a discussion of the amount of funds that have gone to the city and county since that casino opened in 2009. Mr. Emerson also discussed that the KAC Conference has been scheduled for November 12-14 and that the education meetings are being reworked.

Item Two: Commissioner Moody mentioned that he would like to host a meeting with State Senator Jake LaTurner and State Representatives Menghini and Lusker. The Commissioners asked that those local legislators be asked to attend the Sept. 5, 2014, Commission Meeting and that Alan Mauk of Downstream Casino also be asked to attend.

EXECUTIVE SESSION

Item One: Commissioner Carl Wood requested an Executive Session to discuss matters involving attorney-client privilege.

On motion (14-215) of Commissioner Kmiec 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 30 minutes to discuss matters involving Attorney-Client Privilege and to include the Board of County Commissioners, County Clerk Don Pyle and County Counselor Jim Emerson.

Yeas: Commissioners Moody, Kmiec and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

The Commissioners went into Executive Session at 10:42 AM and reconvened the Open Session at 11:12 AM with no action taken except to go back into open session.

Item Two: Commissioner Carl Wood requested an Executive Session to discuss matters involving attorney-client privilege.

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On motion (14-216) of Commissioner Kmiec 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 Attorney-Client Privilege and to include the Board of County Commissioners and County Counselor Jim Emerson.

Yeas: Commissioners Moody, Kmiec and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

The Commissioners went into Executive Session at 11:13 [AM](#) and reconvened the Open Session at 11:23 [AM](#) with no action taken except to go back into open session.

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

FUTURE BUSINESS:

Item One: September 9, 2014 – Judy Freeman, Zoning Administrator, presenting 2 rezonings and short plats.

ANNOUNCEMENTS:

Item One: August 28, 2014 – The Commissioners may all be in attendance at an 11:00 AM Luncheon at the PSU Overman Center hosted by Downstream Casino.

Item Two: September 1, 2014 – The Crawford County Courthouse will be closed in observance of the Labor Day Holiday.

Item Three: September 2, 2014 – The Commission meeting is cancelled.

UNDER THE HEADING MOTION TO ADJOURN

MOTION TO ADJOURN

Item One: Adjournment

On the motion of Commissioner Wood and the second of Commissioner Kmiec to adjourn the [August 26, 2014](#) meeting of the Board of Crawford County Commissioners at 11:23 AM and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Moody, Kmiec 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:

Don Pyle

County Clerk

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This submission completed at the Crawford County Courthouse in Girard.

Taken by DPP on 08/26/2014 at 11:24 AM, Amended by DPP on 8/27/2014 at 4:48 PM/amended BKW 08/28/2014 3:02 PM