

Board of Crawford County Commissioners

Commissioners' Journal

2014, [EIGHTY-SIXTH](#) MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS **Friday, December 5, 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 (14-290) of Commissioner Moody and the second of Commissioner Wood that the consent agenda be approved including:

1. Approval of the **December 2, 2014** minutes of the Board of Commissioners, and
2. Authorizing the Chairman to sign the previous week's vouchers.

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	285	That the consent agenda be approved including: Approval of the November 21, 2014 minutes
Motion 14	286	To approve the November 2014 Clerk's Report
Motion 14	287	To approve an Early Retirement Program for Crawford County Employees
Motion 14	288	To approve the closing of the Crawford County Courthouse and all other County Offices at 2:00 PM on December 24, 2014, and for the entire day on December 25 and 26, 2014
Motion 14	289	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

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UNDER THE HEADING NEW BUSINESS

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

Item One: Mr. Matt Sanders, Oak Grove Landfill addressing landfill price increase. Mr. Sanders stated he is requesting a \$1.50 per ton landfill price increase and that there has not been an increase since 2012. Mr. Sanders presented the Commissioners with a report detailing the number of residents that have taken advantage of the Free Dump Day each month that is available for Crawford County residents. Commissioner Moody stated that the monthly tonnage reports have remained pretty steady over the years. Mr. Sanders stated that they had increased tonnage when the Joplin Tornado cleanup was in progress and that it had come back down slightly since then. There was a discussion of the landfill business in Kansas and our region and there was also a discussion of the impact of recycling and composting programs. Commissioner Wood was answered that the generators that run on landfill gas are running at about 75% capacity.

FREE SATURDAY TOTALS

TOTAL PEOPLE ATTENDED

2014

1/31/2014	<u>91</u>
2/28/2014	<u>111</u>
3/31/2014	<u>161</u>
4/30/2014	<u>180</u>
5/31/2014	<u>221</u>
6/30/2014	<u>211</u>
7/31/2014	<u>204</u>
8/31/2014	<u>178</u>
9/30/2014	<u>197</u>
10/31/2014	<u>156</u>
11/30/2014	<u>123</u>
12/31/2014	

TOTAL ATTENDANCE FOR THE YEAR

1833

On motion (14-291) of Commissioner Wood and the second of Commissioner Moody to approve an increase of \$1.50 per ton in the tipping fee for the Oak Grove Landfill.

Yeas: Commissioners Kmiec, Wood and Moody

Nays:

Present but not voting:

Absent or not voting:

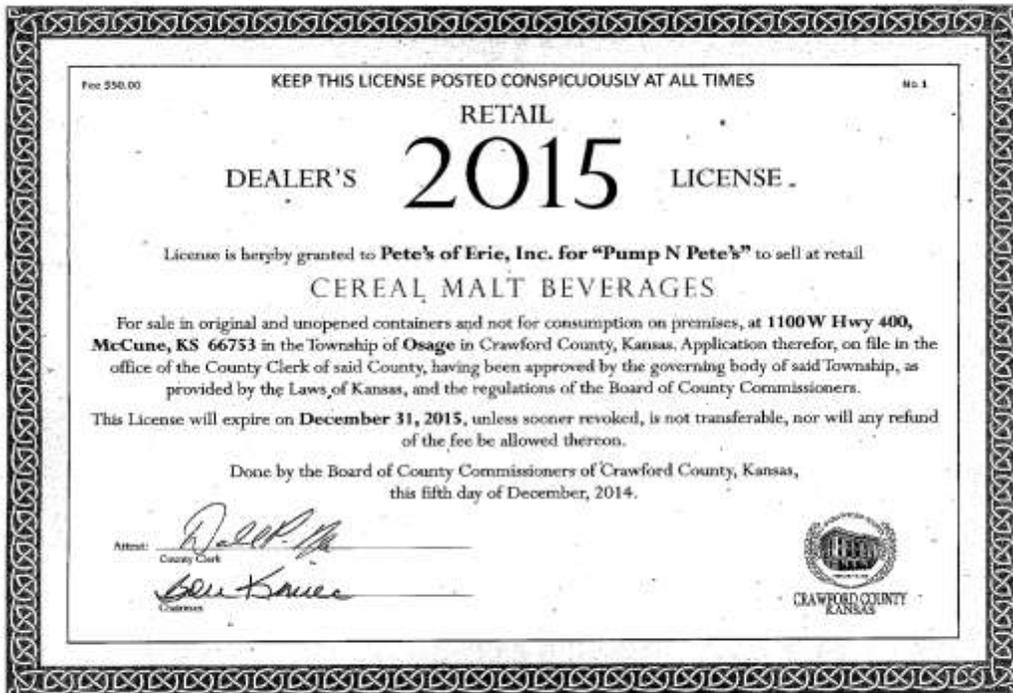
The motion prevailed.

**MESSAGES FROM APPOINTED OFFICIALS
MESSAGES FROM ELECTED OFFICIALS**

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MESSAGES FROM OTHER GOVERNMENTAL ENTITIES PROCLAMATIONS AND ORDERS OF THE BOARD NEW BUSINESS:

Item One: County Clerk Don Pyle presenting an application for a 2015 Cereal Malt Beverage License Pete's of Erie for "Pump N Pete's" to allow them to sell cereal malt beverages in original and unopened containers and not for consumption on the premises. Mr. Pyle stated that notices have been sent to the Sheriff, Zoning Administrator, County Attorney and the Township Clerk and that they had been given 10 days to respond and that no responses had been received.



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CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

(This form has been prepared by the Attorney General's Office)

City or County of Crawford

SECTION 1 - LICENSE TYPE	
Check One: <input type="checkbox"/> New License <input checked="" type="checkbox"/> Renew License <input type="checkbox"/> Special Event Permit	
Check One: <input type="checkbox"/> License to sell cereal malt beverages for consumption on the premises. <input checked="" type="checkbox"/> License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.	

SECTION 2 - APPLICANT INFORMATION			
Kansas Sales Tax Registration Number (required): <u>004-481189715F01</u>			
Name of Corporation: <u>Pete's of Erie Inc</u>	Principal Place of Business: <u>1712 Broadway</u>		
Corporation Street Address: <u>1712 Broadway</u>	Corporation City: <u>Parsons</u>	State: <u>KS</u>	Zip Code: <u>67357</u>
Date of Incorporation: <u>July 1977</u>	Articles of Incorporation are on file with the Secretary of State: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Residence Agent Name: <u>Gratz Peters</u>	Phone No.: <u>620-423-8132</u>		
Residence Street Address: <u>16050 Hwy 59</u>	City: <u>Erie</u>	State: <u>KS</u>	Zip Code: <u>66733</u>

SECTION 3 - LICENSED PREMISE	
Licensed Premise <small>(Business Location or Location of Special Event)</small>	Mailing Address <small>(If different from business address)</small>
DBA Name: <u>Pump N' Pete's</u>	Name: <u>Pete's of Erie Inc</u>
Business Location Address: <u>11000 W Hwy 400</u>	Address: <u>1712 Broadway DBA 876</u>
City: <u>McPhears KS 66753</u>	City: <u>Parsons KS 67357</u>
Business Phone No.: <u>620-432-4400</u>	<input checked="" type="checkbox"/> Applicant owns the proposed business or special event location. <input type="checkbox"/> Applicant does not own the proposed business or event location.
Business Location Owner Name(s): <u>Gratz Peters</u>	

SECTION 4 - OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK			
<small>List each person and their spouse, if applicable. Attach additional pages if necessary.</small>			
Name: <u>Gratz Peters</u>	Position: <u>President</u>	Date of Birth: <u>11-3-59</u>	
Residence Street Address: <u>16050 Hwy 59</u>	City: <u>Erie</u>	State: <u>KS</u>	Zip Code: <u>66733</u>
Spouse Name: <u>Brenda Peters</u>	Position: <u>wife of President</u>	Date of Birth: <u>4-22-55</u>	
Residence Street Address: <u>16050 Hwy 59</u>	City: <u>Erie</u>	State: <u>KS</u>	Zip Code: <u>66733</u>
Name: <u>Gary Peters</u>	Position: <u>Vice President</u>	Date of Birth: <u>Age 200</u>	
Residence Street Address: <u>16050 Marshall</u>	City: <u>Erie</u>	State: <u>KS</u>	Zip Code: <u>66733</u>
Spouse Name: <u>Susie Peters</u>	Position: <u>wife of VP</u>	Date of Birth: <u>Age 200</u>	
Residence Street Address: <u>16050 Marshall</u>	City: <u>Erie</u>	State: <u>KS</u>	Zip Code: <u>66733</u>
Name:	Position:	Date of Birth:	
Residence Street Address:	City:	State:	Zip Code:
Spouse Name:	Position:	Age:	
Residence Street Address:	City:	State:	Zip Code:

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SECTION 5 - MANAGER OR AGENT INFORMATION			
My place of business or special event will be conducted by a manager or agent.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide the following:			
Manager/Agent Name <i>Debra Smith</i>	Phone No. <i>620-632-4439</i>	Date of Birth <i>1-1-1957</i>	
Residence Street Address <i>705 6th Street</i>	City <i>McCune</i>	Zip Code <i>66753</i>	
Manager or Agent Spousal Information			
Spouse Name	Phone No.	Date of Birth	
Residence Street Address	City	Zip Code	

SECTION 6 - QUALIFICATIONS FOR LICENSE	
Within two years immediately preceding the date of this application, have any of the individuals identified in Sections 4 & 5 been convicted of, released from incarceration for or released from probation or parole for any of the following crimes: (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have any of the individuals identified in Sections 4 and 5 been managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which: (1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
All of the individuals identified in Sections 4 & 5 are at least 21 years of age ¹ .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

SECTION 7 - DURATION OF SPECIAL EVENT			
Start Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	
End Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	

I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct and that I am authorized by the corporation to complete this application. (K.S.A. 53-601)

SIGNATURE *Debra Smith* DATE *11-13-14*

FOR CITY/COUNTY OFFICE USE ONLY:	
<input checked="" type="checkbox"/> License Fee Received Amount \$ <u><i>50.00</i></u> Date <u><i>11-19-14</i></u>	<input type="checkbox"/> \$25 CMB Stamp Fee Received Date <u><i>11-19-14</i></u> <input type="checkbox"/> Background Investigation <input type="checkbox"/> Completed Date _____ <input type="checkbox"/> Qualified <input type="checkbox"/> Disqualified <input type="checkbox"/> New License Approved Valid From Date _____ to _____ By: _____ <input type="checkbox"/> License Renewed Valid From Date _____ to _____ By: _____ <input type="checkbox"/> Special Event Permit Approved Valid From Date _____ to _____ By: _____
<input type="checkbox"/> (\$25 - \$50 for Off-Premise license or \$25-200 for On-Premise license)	

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR QUARTERLY REPORT (ABC-301) TO THE ALCOHOLIC BEVERAGE CONTROL, 915 SW HARRISON STREET ROOM 214, TOPEKA, KS. 66625-3612.

¹ Spouse not required to be over 21 years of age. K.S.A. 41-2703(b)(9)

On motion (14-292) of Commissioner Kmiec and the second of Commissioner Moody to make it known that the matter of issuing a license to the applicant(s) listed below was discussed and considered by the Board, and there being no objection filed as provided by law and the Board knowing of no reason why a license should not be issued, the board hereby issues a license to "sell at retail", cereal malt beverages in broken case lots from the place of business as shown in the application as designated and described on the

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application as herein before set out, and that the County Clerk be hereby authorized and directed to execute the proper license which shall be signed by the Chairman of the Board of County Commissioners and the County Clerk of Crawford County, Kansas.

2015 Cereal Malt Beverage License

APPLICANT: Pete's of Erie "Pump N Pete's"

PREMISES: 1100 W Hwy 400, McCune KS 66753

(For sale in original and unopened containers and not for consumption on the premises)

Yeas: Commissioners Moody, Kmiec and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Two: Commissioner Carl Wood regarding delinquency notices that are being sent for sewer district services. He stated that there is approximately \$10,000 in delinquent bills for the sewer districts. Commissioner Wood stated that he would like a delinquency notices to be mailed and after 30 days if no payment has been made or arrangements made to pay the, pumps will be pulled or shut off and capped. Commissioner Moody stated he would like to give the users up to 60 days to make arrangements for payment.

On motion (14-293) of Commissioner Wood and the second of Commissioner Moody to send out notices to delinquent sewer district users giving them 60 days to make arrangements to pay their past due accounts.

Yeas: Commissioners Kmiec, Wood and Moody

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

UNDER THE HEADING OLD BUSINESS

Item One: County Counselor Jim Emerson regarding the early retirement paperwork. He stated that the Resolution is the same as it has been in the past. Mr. Emerson explained the contents of the resolution. There was a discussion on the Medicare payments. The Commission decided to look over the Resolution before making a final decision.

EXECUTIVE SESSION

Item One: Commissioner Moody requested an executive session to discuss matters involving attorney-client privilege.

On motion (14-294) 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

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than 25 minutes to discuss matters involving attorney-client privilege and to include the Board of County Commissioners, County Counselor Jim Emerson, County Clerk Don Pyle and County Treasurer Joe Grisolano.

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 10:57 [AM](#) and reconvened the Open Session at 11:20 [AM](#) with no action taken except to go back into open session.

Item Two: Commissioner Moody requested an executive session to discuss matters involving attorney–client privilege.

On motion (14-295) of Commissioner Moody and the second of Commissioner Kmiec to recess this open session and go into a closed executive session for a period of not more than 10 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 11:21 [AM](#) and reconvened the Open Session at 11:31 [AM](#) with no action taken except to go back into open session.

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS FUTURE BUSINESS:

Item One: December 9, 2014 – 10:00 AM Public Hearing on Crawford County Fire District #4 2014 Amended Budget.

Item Two: December 12, 2014 – Ms. Leslie Lackamp Executive Director Pittsburg Agency and Ms. Penny Massa, Vice President of Operations from Mosaic addressing County Mill Levy.

ANNOUNCEMENTS:

Item One: December 24, 25 & 26, 2014 – The Courthouse and other county offices will close at 2:00 pm on December 24, 2014 and all day on December 25 & 26, 2014 in observance of the Christmas Holiday. The Commission Meeting on December 26, 2014 is cancelled.

UNDER THE HEADING MOTION TO ADJOURN MOTION TO ADJOURN

Item One: Adjournment

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On the motion of Commissioner Moody and the second of Commissioner Wood to adjourn the [December 5, 2014](#) meeting of the Board of Crawford County Commissioners at [11:32 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

<>

This submission completed at the Crawford County Courthouse in Girard.

[Taken by DPP 12/02/14/amended BKW 12/08/2014 4:16 PM](#)