

# Board of Crawford County Commissioners

## Commissioners' Journal

2016, **FOURTH** MEETING  
Reorganization

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM  
Girard, KS **Friday, January 15, 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 Carl Wood served as the presiding officer. Commissioners Tom Moody & 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 (16-015)** of Commissioner Moody and the second of Commissioner Murphy that the consent agenda be approved including:

1. Approval of the **January 12, 2016** minutes of the Board of County Commissioners, and
2. Authorizing the Chairman to sign the previous week's vouchers, and
3. Approval of the accounts payable warrant numbers **562412 to 562683 dated January 15, 2016 in the total amount of \$741,968.13.**

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	13	That the consent agenda be approved including: Approval of the January 8, 2015 minutes
Motion 16	14	To approve the Kansas Housing Resource Corporation Emergency Solution Grant (ESG) Recipient Request for Reimbursement and Financial Status Report in the amount of \$6,519.00 and authorize the

# Board of Crawford County Commissioners

	Vice-Chairman to sign
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## UNDER THE HEADING NEW BUSINESS

### REORGANIZATION

The time having arrived, pursuant to Kansas Statutes Annotated Chapter 19, Article 2, Section 19, to reorganize the Board of Crawford County Commissioners the Board took the following action to dispense of their statutory obligations:

#### Item One: Election of the Chairman

**On motion (16-016)** of Commissioner Wood and the second of Commissioner Murphy to approve the nomination of Commissioner Tom Moody to serve as Chairman of the Board of Crawford County Commissioners for a one-year term commencing immediately.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

**The gavel was passed to Commissioner Moody.**

**Commissioner Moody assumed the duties of the presiding officer.**

#### Item Two: Election of the Vice Chairman

**On motion (16-017)** of Commissioner Moody and the second of Commissioner Murphy to approve the nomination of Commissioner Carl Wood to serve as Vice Chairman of the Board of Crawford County Commissioners for a one-year term commencing immediately.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

## PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS

**Item One:** Public Hearing on closing and vacating a portion of 7th Street in Chapman Coal Company's Addition to Curranville, Crawford County, Kansas.

**On motion (16-018)** of Commissioner Moody and the second of Commissioner Murphy to open the Public Hearing on closing and vacating a portion of 7th Street in Chapman Coal Company's Addition to Curranville, Crawford County, Kansas.

Yeas: Commissioners Moody, Wood, and Murphy

Nays:

## Board of Crawford County Commissioners

Present but not voting:

Absent or not voting:

**The motion prevailed.**

No one from the public wished to make any comments against the closing and vacating of these streets and alleys.

**On motion (16-019)** of Commissioner Moody and the second of Commissioner Murphy to close the Public Hearing on closing and vacating a portion of 7th Street in Chapman Coal Company's Addition to Curranville, Crawford County, Kansas.

Yeas: Commissioners Moody, Wood, and Murphy

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

Mr. Jim Emerson presented Resolution #2016-005, a Resolution closing and vacating a portion of 7th Street in Chapman Coal Company's Addition to Curranville, Crawford County, Kansas. There was a brief discussion of the property and that there is already a building on the portion that is the street right of way.

# Board of Crawford County Commissioners

BOARD OF COUNTY COMMISSIONERS  
CRAWFORD COUNTY, KANSAS  
GIRARD, KANSAS

RESOLUTION NO. 2016-005

A RESOLUTION CLOSING AND VACATING A PORTION OF 7TH STREET IN CHAPMAN COAL COMPANY'S ADDITION TO CURRANVILLE, CRAWFORD COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

WHEREAS, there is laid out and established in Crawford County, Kansas a certain street under the jurisdiction of the County, lying over and across the following described real estate:

7th Street located adjacent to and North of Lot 1, Block 3 and South of Lot 10, Block 2 in Chapman Coal Company's Addition to Curranville, Crawford County, Kansas, according to the recorded plat thereof.

WHEREAS, a public hearing concerning said street closing was held on Friday, January 15, 2016 and all interested parties were given an opportunity to present arguments for and against said closings;

WHEREAS, notice of the public hearing was published one time in the official County newspaper.

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

Section 1: The Board of County Commissioners finds that notice has been given as required by K.S.A. § 58-2613 and that the public will suffer no loss or inconvenience by such vacation and that no private rights will be injured or endangered thereby.

Section 2: Pursuant to K.S.A. § 58-2614, the above-described platted street is hereby formally closed and vacated and the land comprising said street shall and does hereby revert to the adjoining landowners in the same proportion as it was originally taken, subject and reserving unto the County and any public utilities, however, any right-of-way and easements for public service facilities and utilities which are in existence and in use across said roadway and right-of-way.

Section 3: The County Clerk is hereby directed to enter a record of these proceedings, as reflected in this Resolution, on the Journal of the Board of County Commissioners

# Board of Crawford County Commissioners

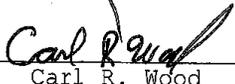
and to record a certified copy of this Resolution in the Register of Deeds office.

Section 4: The County Clerk is directed to send a copy of this Resolution to each owner of the adjoining real estate to whom the property is being transferred, at the address where the owner's tax statement is sent.

UNANIMOUSLY ADOPTED AND GIVEN under our hands at the Courthouse in Girard, Crawford County, Kansas, this 15th day of January, 2016.

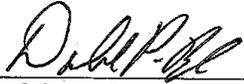


  
Tom Moody, Chairman

  
Carl R. Wood

  
Jeff Murphy

ATTEST:

  
Donald P. Pyle, County Clerk

**On motion (16-020)** of Commissioner Wood and the second of Commissioner Moody to adopt Resolution #2016-005, a Resolution closing and vacating a portion of 7<sup>th</sup> Street located adjacent to and North of Lot 1, Block 3 and South of Lot 10, Block 2 in Chapman Coal Company's Addition to Curranville, Crawford County, Kansas, according to the recorded plat thereof.

Yeas: Commissioners Moody, Wood, and Murphy

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

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

**Item One:** Mr. Mike Plank, Zoning Administrator, presenting Resolution #2016-003, a Resolution accepting and granting the amendment of zoning from Agriculture to Rural Residential for the proposed development to be known as Marion Estates.

# Board of Crawford County Commissioners

## BOARD OF COUNTY COMMISSIONERS CRAWFORD COUNTY, KANSAS

### Resolution 2016-003

WHEREAS, a petition has been filed by Dwight Sprouls, owner of JEB Development, LLC, of 397 W. HWY DD, Lamar, MO, to accept and grant the amendment of zoning from Agriculture to Rural Residential for the proposed development to be known as "Marion Estates." This development would be in accordance with the current Subdivision Regulations for Crawford County, Kansas. The legal description of the property would be:

A portion of the Southwest Quarter of the Southeast Quarter of Section 15, Township 30 South, Range 25 East of the Sixth Principal Meridian, Crawford County, Kansas, bounded and described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence on a bearing of South 87 degrees 28 minutes 47 seconds West (Kansas State Plane Co-ordinate System, South Zone) along the South line of said Quarter a distance of 1518.71 feet to the Point of Beginning of the following described tract; thence on a bearing of North 02 degrees 33 minutes 53 seconds West and parallel with the East line of said Southeast Quarter a distance of 1330.78 feet, to a point on the North line of said Southwest Quarter of the Southeast Quarter; thence on a bearing of S 87 degrees 31 minutes 45 seconds West along said North line a distance of 330.00 feet; thence on a bearing of South 02 degrees 33 minutes 53 seconds East a distance of 1331.07 feet to a point on the South line of Said Southeast Quarter; thence on a bearing of North 87 degrees 28 minutes 47 seconds East a distance of 330.00 feet to the Point of Beginning. This tract contains 10.08 acres.

WHEREAS, as a result of the public hearing conducted on December 17, 2015, the Crawford County Planning and Zoning Board did recommend approval for the amended zoning change. The recommendation is based on the following:

- a. The character of the neighborhood.
- b. The zoning uses of nearby properties.
- c. The conformance of the requested change follows the county's comprehensive plan.

WHEREAS, on January 5, 2016, the Crawford County Zoning Administrator presented recommendation for the amended zoning from the Crawford County Planning and Zoning Board to the Board of County Commissioners.

WHEREAS, the undersigned members of the Board of County Commissioners, upon review of the minutes of the aforementioned public hearing, do approve the zoning change from Agriculture to Rural Residential.

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

# Board of Crawford County Commissioners

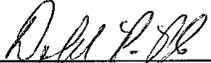
Section 1: Based on a review of the record submitted by the Planning and Zoning Board, the above described property meets the criteria for a zoning change and therefore will be amended from Agricultural to Rural Residential.

Section 2: The official zoning maps and records for Crawford County, Kansas, shall be amended to reflect the change approved in Section 1 above.

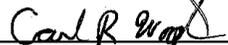
Section 3: This resolution will take effect upon its signing and publication in the legal section of the official county newspaper.

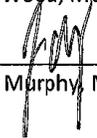
ADOPTED, APPROVED AND GIVEN by the Board of County Commissioners, under our hands at the courthouse in Girard, Crawford County, Kansas, on this 15<sup>th</sup> day of January, 2016.

Attest:

  
\_\_\_\_\_  
Don Pyle, County Clerk

  
\_\_\_\_\_  
Tom Moody, Chairman

  
\_\_\_\_\_  
Carl Wood, Member

  
\_\_\_\_\_  
Jeff Murphy, Member

**On motion (16-021)** of Commissioner Wood and the second of Commissioner Moody to adopt Resolution #2016-003, a Resolution accepting and granting the amendment of zoning from Agriculture to Rural Residential for the proposed development to be known as Marion Estates.

Yeas: Commissioners Moody, Wood, and Murphy

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

**Item Two:** Mr. Mike Plank, Zoning Administrator, presenting Resolution #2016-004, A Resolution accepting and granting the proposed development known as Marion Estates. There was a discussion of the inclusion of language to restrict the clearing of trees due to the habitat of the long eared bat and that it was included because that was part of the original motion of approval by the Planning and Zoning Board but that it states that it is not part of the final resolution approved by the Board of Commissioners.

# Board of Crawford County Commissioners

## BOARD OF COUNTY COMMISSIONERS CRAWFORD COUNTY, KANSAS

### Resolution 2016-004

WHEREAS, a petition has been filed by Dwight Sprouls, owner of JEB Development, LLC, of 397 W. HWY DD, Lamar, MO, to accept and grant the proposed development to be known as "Marion Estates" This development would be in accordance with the current Subdivision Regulations for Crawford County, Kansas. The legal description of the property would be:

A portion of the Southwest Quarter of the Southeast Quarter of Section 15, Township 30 South, Range 25 East of the Sixth Principal Meridian, Crawford County, Kansas, bounded and described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence on a bearing of South 87 degrees 28 minutes 47 seconds West (Kansas State Plane Co-ordinate System, South Zone) along the South line of said Quarter a distance of 1518.71 feet to the Point of Beginning of the following described tract; thence on a bearing of North 02 degrees 33 minutes 53 seconds West and parallel with the East line of said Southeast Quarter a distance of 1330.78 feet, to a point on the North line of said Southwest Quarter of the Southeast Quarter; thence on a bearing of S 87 degrees 31 minutes 45 seconds West along said North line a distance of 330.00 feet; thence on a bearing of South 02 degrees 33 minutes 53 seconds East a distance of 1331.07 feet to a point on the South line of Said Southeast Quarter; thence on a bearing of North 87 degrees 28 minutes 47 seconds East a distance of 330.00 feet to the Point of Beginning. This tract contains 10.08 acres.

WHEREAS, as a result of the public hearing conducted on December 17, 2015, the Crawford County Planning and Zoning Board did recommend approval for the amended zoning change. The recommendation is based on the following:

- a. The character of the neighborhood.
- b. The zoning uses of nearby properties.
- c. The conformance of the requested change follows the county's comprehensive plan.

Along with the recommendation, the consideration of the following stipulations be placed on the subdivision:

1. Addition to the restrictive covenants to include that no clearing of trees will occur in Marion Estates from April 1<sup>st</sup> to October 31<sup>st</sup> due to the mating and migration of the Northern Long Eared Bat, which is a threatened and endangered species.
2. No building permits will be issued by the County Zoning Department until the road has been built to the County's Road and Bridge standards, and the corner markers have been set by a surveyor.

WHEREAS, on January 5, 2016, the Crawford County Zoning Administrator presented recommendation for the amended zoning from the Crawford County Planning and Zoning Board to the Board of County Commissioners.

# Board of Crawford County Commissioners

WHEREAS, the undersigned members of the Board of County Commissioners, upon review of the minutes of the aforementioned public hearing, do hereby approve the development to be known as "Marion Estates." Along with the approval, the following stipulation shall be placed on the subdivision:

1. The developer shall purchase a right of way bond in the amount of \$5,000.00 to pay for the final placement of rock to complete the construction of the road in the development within the next twelve months.

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

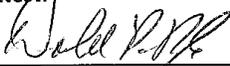
Section 1: Based on a review of the record submitted by the Planning and Zoning Board, the above described property meets the criteria for a new subdivision known as Marion Estates meets the criteria as set forth in the current Subdivision Regulations for a zoning amendment.

Section 2: The official zoning maps and records for Crawford County, Kansas, shall be amended to reflect the change as approved in section 1 above.

Section 3: This resolution will take effect upon its signing and publication in the legal section of the official county newspaper.

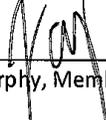
ADOPTED, APPROVED AND GIVEN by the Board of County Commissioners under our hands at the courthouse in Girard, Crawford County, Kansas, this 15<sup>th</sup> day of January, 2016.

Attest:

  
\_\_\_\_\_  
Don Pyle, County Clerk

  
\_\_\_\_\_  
Tom Moody, Chairman

  
\_\_\_\_\_  
Carl Wood, Member

  
\_\_\_\_\_  
Jeff Murphy, Member

**On motion (16-022)** of Commissioner Wood and the second of Commissioner Moody to adopt Resolution #2016-004, a Resolution accepting and granting the proposed development known as Marion Estates.

Yeas: Commissioners Moody, Wood, and Murphy

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

**Item Three:** Ms. Liz Hart, Road and Bridge Coordinator presenting rock bid recommendations. Ms. Hart reviewed the document sent to her by Dennis Meier of Triad Environmental Services that made recommendations for the best rock bids to use in each quadrant of the county based on average miles to drive to work sites and the cost of the rock. The Commissioners stated that the process of obtaining bids for rocks have saved the county a lot of money over the last 15 years or so.

## Board of Crawford County Commissioners

**On motion (16-023)** of Commissioner Wood and the second of Commissioner Moody to accept the recommendations for 2016 rock purchases for Crawford County as recommended by Dennis Meier of Triad Environmental Services and presented by Liz Hart.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

### **MESSAGES FROM THE PUBLIC**

### **MESSAGES FROM ELECTED OFFICIALS**

### **PROCLAMATIONS AND ORDERS OF THE BOARD**

### **NEW BUSINESS**

**Item One:** The time having arrived to name the official working banks for the business of the taxpayers of Crawford County, the following were recommended as the current working banks of the county: First National Bank of Girard, Exchange State Bank of Girard and Girard National Bank. There was a discussion of the convenience of the banks in Girard for daily deposits and that several other banks in the county are used for investing county funds and for the obtaining of lease purchase financing for the county.

**On motion (16-024)** of Commissioner Moody and the second of Commissioner Wood to name the First National Bank of Girard, Exchange State Bank of Girard and Girard National Bank as the official working banks for the business of the taxpayers of Crawford County for a period of one year commencing immediately.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

**Item Two:** The time having arrived to name the official newspaper publication of Crawford County the following were recommended as the current official newspaper of the county: the *Pittsburg Morning Sun*. It was discussed that this becomes the paper that must be used for the publications that are required by statute.

**On motion (16-025)** of Commissioner Wood and the second of Commissioner Moody to name the *Pittsburg Morning Sun* as the official newspaper publication of Crawford County for a period of one year commencing immediately.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

## Board of Crawford County Commissioners

**Item Three:** Commissioner Wood regarding some information on a used belly dump truck that Greg Hite has looked at. Mr. Wood also discussed that he is still researching the kind of tractor that will work best with a boom mower. Mr. Wood also stated that Randy Chiartano is still looking at small compactors.

**Item Four:** Commissioner Murphy regarding a report that was put together by Liz Hart of the Road & Bridge Dept. that details the total amount spent for shop labor, parts and repairs at other facilities on all pieces of equipment owned by the department. The Commissioners discussed the report and that it is important in evaluating equipment. Commissioner Murphy also stated that this would be a good time to get maintenance work done on the paver and the other Commissioners agreed.

**Item Five:** Commissioner Moody asked about the status of the applications for the Economic Development Steering Committee. Mr. Murphy stated that he had gone to city meetings in Girard and Cherokee as well as the Girard and Pittsburg Area Chambers of Commerce. It was discussed that several people have expressed interest and it was hoped that several applications will come back.

### UNDER THE HEADING OLD BUSINESS

**Item One:** Commissioner Wood asked Robert Gorentz of the County Maintenance Dept. to discuss the situation with the courthouse boiler and heating system. Mr. Gorentz stated that the boiler has some major leaks and other problems. Commissioner Moody felt that the company that installed the boiler should be held responsible for its failure. There was a discussion of the condition of the boiler and that a new boiler must be installed soon. The Commissioners felt that someone should answer for this situation and that it might require some legal action. There was a discussion of the open system that is in place in the courthouse and that this boiler was designed for a closed system. There was a discussion of alternatives to the boiler system.

### EXECUTIVE SESSION

**Item One:** Commissioner Wood asked for an executive session to discuss personnel issues that involve non-elected personnel.

**On motion (16-026)** 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 30 minutes to discuss personnel matters involving Non-Elected Personnel and to include the Board of County Commissioners, County Maintenance Supervisor Robert Gorentz and County Counselor Jim Emerson.

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 11:10 AM and reconvened the Open Session at 11:40 AM with no action taken except to go back into open session.

## Board of Crawford County Commissioners

**Item Two:** Commissioner Moody asked for an executive session to discuss personnel issues that involve non-elected personnel.

**On motion (16-027)** 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 30 minutes to discuss personnel matters involving Non-Elected Personnel and to include the Board of County Commissioners, Special Projects Manager Tom Ragonese, Maintenance Supervisor Robert Gorentz and County Counselor Jim Emerson.

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 11:45 AM and reconvened the Open Session at 12:15 AM with no action taken except to go back into open session.

**Item Three:** Commissioner Murphy asked for an executive session to discuss personnel issues that involve non-elected personnel.

**On motion (16-028)** 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 and County Counselor Jim Emerson.

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 12:15 AM and reconvened the Open Session at 12:30 PM with no action taken except to go back into open session.

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

#### **FUTURE BUSINESS:**

#### **ANNOUNCEMENTS:**

**January 18, 2015** – The Courthouse will be closed in observance of Martin Luther King Jr. Day.

**January 19, 2015** – The Regular meeting of the Board of Commissioners is cancelled.

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

#### **MOTION TO ADJOURN**

**Item One:** Adjournment

## Board of Crawford County Commissioners

**On the motion** of Commissioner Murphy and the second of Commissioner Wood to adjourn the [January 15, 2016](#) meeting of the Board of Crawford County Commissioners at 12:31 **PM** and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Moody, 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**

Crawford County Clerk

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

**[Taken by DPP 01/15/2016 at 12:31 PM, Amended by DPP 01/15/2016 at 4:05 PM/amended BKW 01/21/2016 11:22 AM](#)**