

Board of Crawford County Commissioners

Commissioners' Journal

2014, FORTY-THIRD MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS Friday, June 20, 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 (14-155) of Commissioner Moody and the second of Commissioner Wood that the consent agenda be approved including:

- 1. Approval of the June 17, 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:

Table with 3 columns: Motion 14, 154, That the consent agenda be approved including: Approval of the June 13, 2014 minutes

UNDER THE HEADING NEW BUSINESS
NEW BUSINESS FOR CRAWFORD COUNTY BOARD OF HEALTH
PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS

Item One: Public Hearing on closing and vacating a platted unnamed street in the Original Town of Chicopee.

Chairman Kmiec opened the public hearing.

County Counselor Jim Emerson reviewed that map of the area that showed the unopened street that was to be vacated. Mr. Emerson stated that no one had commented on this issue and that all of the adjacent property owners had been contacted.

Board of Crawford County Commissioners

On motion (14-156) of Commissioner Moody and the second of Commissioner Kmiec to Close the Public Hearing on closing and vacating a platted unnamed street in the Original Town of Chicopee.

Yeas: Commissioners Kmiec, Moody and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

BOARD OF COUNTY COMMISSIONERS
CRAWFORD COUNTY, KANSAS
GIRARD, KANSAS

RESOLUTION NO. 2014-020

A RESOLUTION CLOSING AND VACATING A PLATTED UNNAMED STREET IN THE ORIGINAL TOWN OF CHICOPEE, CRAWFORD COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

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

A platted unnamed Street located adjacent to and south of Lots 1, 3, 5, 7, 9, 11, 13, 15, 17 and 19 and north of Lots 2, 4, 6, 8, 10, 12, 14, 16, 18 and 20 all in Block 12, in the Original Town of Chicopee, Crawford County, Kansas, according to the recorded plat thereof.

WHEREAS, a public hearing concerning said road closing was held on Friday, June 20, 2014 and all interested parties were given an opportunity to present arguments for and against said road closing;

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 streets are hereby formally closed and vacated and the land comprising said streets 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

Board of Crawford County Commissioners

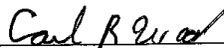
Resolution, on the Journal of the Board of County Commissioners and to record a certified copy of this Resolution in the Register of Deeds office.

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.

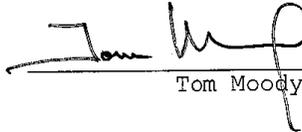
UNANIMOUSLY ADOPTED AND GIVEN under our hands at the Courthouse in Girard, Crawford County, Kansas, this 20th day of June, 2014.



Bob Kmiec, Chairman



Carl R. Wood



Tom Moody

ATTEST:



Donald P. Pyle, County Clerk

On motion (14-157) of Commissioner Wood and the second of Commissioner Moody to adopt Resolution #2014-020, a Resolution closing and vacating a platted unnamed street in the Original Town of Chicopee, Crawford County, Kansas, according to the recorded plat thereof.

Yeas: Commissioners Kmiec, Moody and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Two: Public Hearing on the nuisance violation for Timothy T. Fritch and Randy D. Fritch.

Chairman Kmiec opened the Public Hearing.

Commissioner Moody asked Judy Freeman, County Zoning Administrator, to review the case for the Commissioners. Ms. Freeman discussed this case and that the property owners would not comply with any of her requests to take care of these violations. It was discussed that all of the proper notifications had been made and that the county can now proceed with steps to correct this situation. There was no one at the hearing to discuss this situation on the property owner's behalf.

Board of Crawford County Commissioners

Office of the County Clerk Donald P. Pyle
Crawford County Courthouse
PO Box 249
Girard, Kansas 66743

620-724-6115
620-724-6007 fax
countyclerk@ckt.net
www.crawfordcountykansas.org



June 6, 2014

Timothy T. Fritch
Randy D. Fritch
C/O Lloyd Fritch
1041 Walnut St Apt 11D
Windsor, CO 80550-4750

RE: Appeal Hearing

Dear Mr. Fritch:

As this letter is in receipt of your formal appeal to the Public Nuisance letter sent to you on May 23, 2014.

It is noted that you have requested an appeal of the violation notice via e-mail received on June 2, 2014.

Upon review of your request, the Crawford County Commissioners, acting upon regulations in Article 4 of the Public Nuisance Regulations, have set a hearing for full review of your appeal. This hearing is set for Friday, June 20, 2014 at 10:00 AM. The hearing shall be held in the County Commissioners Meeting Room, 2nd Floor of the Courthouse in Girard, Kansas.

Should you have any questions or comments, please contact myself at the address, e-mail or phone number listed above.

Respectfully,

Donald Pyle
Crawford County Clerk

DP/bw

Cc: County Commissioners
County Counselor
Public Nuisance Department
File

On motion (14-158) of Commissioner Moody and the second of Commissioner Wood to Close the Public Hearing on the nuisance violation for Timothy T. Fritch and Randy D. Fritch.

Yeas: Commissioners Kmiec, Moody and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

On motion (14-159) of Commissioner Wood and the second of Commissioner Moody to Deny the Appeal on the nuisance violation for Timothy T. Fritch and Randy D. Fritch.

Board of Crawford County Commissioners

Yeas: Commissioners Kmiec, Moody and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

MESSAGES FROM THE PUBLIC

MESSAGES FROM OTHER GOVERNMENTAL ENTITIES

MESSAGES FROM ELECTED OFFICIALS

MESSAGES FROM APPOINTED OFFICIALS

PROCLAMATIONS AND ORDERS OF THE BOARD

NEW BUSINESS:

Item One: County Clerk Don Pyle regarding an email received from Dick Horton of SEK-CAP on behalf of the Project 17 Initiative. The email asked that all Commissioners of the counties that are part of this initiative complete the online survey. Mr. Pyle wanted to be sure that all the Commissioners received a copy of this. Commissioner Wood stated that he had seen more activity by Project 17 and that they are working with SEK-CAP.

Item Two: Mr. Jim Emerson, County Counselor, regarding a Lease Purchase Agreement for the purchase of a vehicle by Fire District Number 3. Mr. Emerson stated that Commerce Bank had submitted the low bid for financing.

SCHEDULE A TO STATE & MUNICIPAL LEASE/PURCHASE AGREEMENT Lease No. 1001212-002

Location of Equipment	
Street: 111 W. Forest City: Girard State: KS Zip Code: 66743	
Description of Equipment	Equipment Cost
2015 Ford F-350 Truck, VIN: 1FDRF3H61FEA88533	\$27,467.00
Total Equipment Cost	\$27,467.00

Lessee hereby certifies that the description of the property set forth above constitutes a complete and accurate description of all Equipment as subject to in the Lease.

Lessee: Crawford County, Kansas
Authorized Signature: <u>Bob Kmiec</u>
Printed Name: <u>Bob Kmiec</u>
Title: <u>CHAIRMAN</u>
Date: <u>6/20/14</u>

Board of Crawford County Commissioners

SCHEDULE B TO STATE & MUNICIPAL LEASE/PURCHASE AGREEMENT Lease No. 1001212-002 DELIVERY AND ACCEPTANCE CERTIFICATE

TO: Commerce Bank

Reference is made to the State and Municipal Lease/Purchase Agreement between the undersigned Crawford County, Kansas ("Lessee"), and Commerce Bank ("Lessor"), dated the Twentieth day of June, 2014 ("Lease") and to the Equipment as such term is defined therein. In connection therewith we are pleased to confirm to you the following:

1. All of the Equipment has been delivered to and received by the undersigned; all installation or other work necessary prior to the use thereof has been completed; said Equipment has been examined and/or tested and is in good operating order and condition and is in all respects satisfactory to the undersigned and as represented, and said Equipment has been accepted by the undersigned and complies with all terms of the Lease. Consequently, you are hereby authorized to pay for the Equipment in accordance with the terms of any purchase orders for the same.
2. In the future, in the event the Equipment fails to perform as expected or represented we will continue to honor the Lease in all respects and continue to make our rental and other payments thereunder in the normal course of business and we will look solely to the vendor, distributor or manufacturer for recourse.
3. We acknowledge that Lessor is neither the vendor nor manufacturer or distributor of the Equipment and has no control, knowledge or familiarity with the condition, capacity, functioning or other characteristics of the Equipment.
4. The serial number for each item of Equipment which is set forth on Schedule A to the Lease is correct.

This certificate will not be considered to alter, construe, or amend the terms of the Lease.

Lessee: <u>Crawford County, Kansas</u>
Authorized Signature: <u>Bob Kmiec</u>
Printed Name: <u>Bob Kmiec</u>
Title: <u>Chairman</u>
Date: <u>6/20/14</u>

Board of Crawford County Commissioners

SCHEDULE C PAYMENT SCHEDULE

Lessee: Crawford County, Kansas:
 Lessor: Commerce Bank
 Lease Number: 1001212-002
 Lease term in Months: 60
 Rental Periods: 60
 First Payment Date: July 20, 2014
 Capital Cost of Equipment: \$27,467.00

Rental Payment Date	Payment Amount	Amount Credited to Interest	Amount Credited to Capital Cost	Early Purchase Option Price
7/20/2014	483.72	50.13	433.59	\$27,844.41
8/20/2014	483.72	49.34	434.38	\$27,397.00
9/20/2014	483.72	48.54	435.18	\$26,948.77
10/20/2014	483.72	47.75	435.97	\$26,499.72
11/20/2014	483.72	46.95	436.77	\$26,049.84
12/20/2014	483.72	46.16	437.56	\$25,599.16
1/20/2015	483.72	45.36	438.36	\$25,147.65
2/20/2015	483.72	44.56	439.16	\$24,695.31
3/20/2015	483.72	43.76	439.96	\$24,242.15
4/20/2015	483.72	42.95	440.77	\$23,788.16
5/20/2015	483.72	42.15	441.57	\$23,333.34
6/20/2015	483.72	41.34	442.38	\$22,877.69
7/20/2015	483.72	40.54	443.18	\$22,420.53
8/20/2015	483.72	39.73	443.99	\$21,960.66
9/20/2015	483.72	38.92	444.80	\$21,506.97
10/20/2015	483.72	38.10	445.62	\$20,842.44
11/20/2015	483.72	37.29	446.43	\$20,387.08
12/20/2015	483.72	36.48	447.24	\$19,930.89
1/20/2016	483.72	35.66	448.06	\$19,473.87
2/20/2016	483.72	34.84	448.88	\$19,016.01
3/20/2016	483.72	34.02	449.70	\$18,557.32
4/20/2016	483.72	33.20	450.52	\$18,097.79
5/20/2016	483.72	32.38	451.34	\$17,637.42
6/20/2016	483.72	31.56	452.16	\$17,176.22
7/20/2016	483.72	30.73	452.99	\$16,550.30
8/20/2016	483.72	29.91	453.81	\$16,091.96
9/20/2016	483.72	29.08	454.64	\$15,632.77
10/20/2016	483.72	28.25	455.47	\$15,172.75
11/20/2016	483.72	27.42	456.30	\$14,711.88
12/20/2016	483.72	26.58	457.14	\$14,250.17
1/20/2017	483.72	25.75	457.97	\$13,787.62
2/20/2017	483.72	24.91	458.81	\$13,324.22
3/20/2017	483.72	24.08	459.64	\$12,859.99

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4/20/2017	483.72	23.24	460.48	\$12,394.90
5/20/2017	483.72	22.40	461.32	\$11,928.97
6/20/2017	483.72	21.55	462.17	\$11,462.18
7/20/2017	483.72	20.71	463.01	\$10,885.68
8/20/2017	483.72	19.87	463.85	\$10,421.83
9/20/2017	483.72	19.02	464.70	\$9,957.13
10/20/2017	483.72	18.17	465.55	\$9,491.58
11/20/2017	483.72	17.32	466.40	\$9,025.18
12/20/2017	483.72	16.47	467.25	\$8,557.93
1/20/2018	483.72	15.62	468.10	\$8,089.83
2/20/2018	483.72	14.76	468.96	\$7,620.87
3/20/2018	483.72	13.91	469.81	\$7,151.06
4/20/2018	483.72	13.05	470.67	\$6,680.39
5/20/2018	483.72	12.19	471.53	\$6,208.86
6/20/2018	483.72	11.33	472.39	\$5,736.47
7/20/2018	483.72	10.47	473.25	\$5,263.22
8/20/2018	483.72	9.61	474.11	\$4,789.11
9/20/2018	483.72	8.74	474.98	\$4,314.13
10/20/2018	483.72	7.87	475.85	\$3,838.28
11/20/2018	483.72	7.00	476.72	\$3,361.56
12/20/2018	483.72	6.13	477.59	\$2,883.97
1/20/2019	483.72	5.26	478.46	\$2,405.51
2/20/2019	483.72	4.39	479.33	\$1,926.18
3/20/2019	483.72	3.52	480.20	\$1,445.98
4/20/2019	483.72	2.64	481.08	\$964.90
5/20/2019	483.72	1.76	481.96	\$482.94
6/20/2019	483.72	0.78	482.94	\$0.00
TOTALS:	\$27,467.00	\$1,556.20	\$27,467.00	

Interest, if any, accruing from the Start Date to the actual date of funding shall be retained by Lessor as additional consideration for entering into this Lease Purchase Agreement.

Lessee: Crawford County, Kansas

Authorized Signature: Bob Kmiec

Printed Name: Bob Kmiec

Title: Chairman

Date: 6/20/14

On motion (14-160) of Commissioner Moody and the second of Commissioner Kmiec to approve the Lease Purchase Agreement between Crawford County and Commerce Bank for the purchase of a vehicle by Fire District Number 3 and authorize the chairman to sign.

Yeas: Commissioners Kmiec, Moody and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Board of Crawford County Commissioners

Item Three: Commissioner Kmiec regarding the budget requests from the county departments. County Clerk Don Pyle stated that this was the deadline to receive the budget requests from the departments and that he and Larissa Bowman would be reviewing the budget requests.

UNDER THE HEADING OLD BUSINESS

Item One: County Clerk Don Pyle mentioned that the bills and payroll vouchers for the end of June should be available on June 27 and he wanted to be sure that the courthouse would be closed and the commission meeting cancelled on July 4.

Item Two: Mr. Jim Emerson, County Counselor, regarding an Order of Fence Viewers by the Board of Commissioners. Mr. Emerson reviewed the order that he had drafted and discussed the steps in the process. Commissioner Wood asked if the county could levy a special assessment against a landowner if they don't pay for their portion of the fence and Mr. Emerson stated that the county cannot do this according to current law. The Commissioners discussed that this was not fair but that the law would have to be changed.

Board of Crawford County Commissioners

ORDER OF FENCE VIEWERS

To: Daniel and Kristi Hance and
Ted Hessong and Chuckie Hessong

NOW on this 20th day of June, 2014, the undersigned fence viewers, having examined the partition fence on June 10, 2014 at 11:30 p.m. between land owned by Daniel and Kristi Hance described as follows:

Lots Numbered Sixty Four (64) thru Seventy Two (72) and the West Half of the vacated alley lying East and adjacent to said Lots Sixty Four (64) thru Seventy Two (72), in Paul ONelio's Subdivision located in the Southeast Quarter (SE1/4) of Section Twenty Five (25), Township Twenty Nine (29) South, Range Twenty Four (24) East of the Sixth Principal Meridian, Crawford County, Kansas, according to the recorded Plat thereof.

and the land owned by Ted Hessong and Chuckie Hessong described as follows:

Lots Numbered Thirty Seven (37) thru Forty Five (45) and the East Half of the vacated alley lying West and adjacent to said Lots Thirty Seven (37) thru Forty Five (45), in Paul ONelio's Subdivision located in the Southeast Quarter (SE1/4) of Section Twenty Five (25), Township Twenty Nine (29) South, Range Twenty Four (24) East of the Sixth Principal Meridian, Crawford County, Kansas, according to the recorded Plat thereof.

find as follows:

- (1) That the current partition fence is inadequate.
- (2) That the parties are not using their properties in common therefore both parties are responsible for the initial building of the partition fence as well as future upkeep and maintenance.
- (3) That Ted and Chuckie Hessong are responsible for the construction, maintenance and upkeep of the North Three Hundred Ten Feet (310') of the fence and Daniel and Kristi Hance are responsible for the construction, maintenance and upkeep of the south Three Hundred Ten Feet (310') of the fence.

Board of Crawford County Commissioners

- (4) If one party does not fulfill their obligations to build their assigned portion of the fence within thirty days from the date of this order, the other party may do so and request a viewing by the fence viewers to determine the sufficiency of the fence and an ascertainment of costs. (See K.S.A. 29-303)

IT IS SO ORDERED.

FENCE VIEWERS:

Bob Kmiec
Bob Kmiec

Carl R. Wood
Carl R. Wood

Tom Moody
Tom Moody

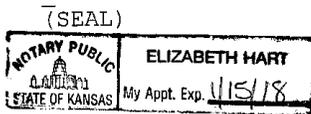
STATE OF KANSAS)
) ss:
COUNTY OF CRAWFORD)

BE IT REMEMBERED THAT on this 20th day of June 2014, before me, the undersigned, a Notary Public in and for the County and State aforesaid came Bob Kmiec, Carl R. Wood, and Tom Moody, who are personally known to me to be the same persons who executed the above instrument of writing and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed by seal the day and year last above written.

Elizabeth Hart
Notary Public

My Appointment Expires: 1/15/18



On motion (14-161) of Commissioner Moody and the second of Commissioner Wood to approve the Order of Fence Viewers To Daniel and Kristi Hance and Ted Hessong and Chuckie Hessong.

Yeas: Commissioners Kmiec, Moody and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Board of Crawford County Commissioners

Item Three: Mr. Jim Emerson regarding the Kansas Association of Local Health Depts. meeting that he and County Health Director Janis Goedeke had attended in Wichita. Mr. Emerson discussed some of the sessions that he attended were very informative about funding for health departments as well as other aspects of public health departments.

EXECUTIVE SESSION

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

FUTURE BUSINESS:

Item One: June 27, 2014 – 8:30 AM – Work Session for the signing of the June , 2014, end of month bills and payroll vouchers.

ANNOUNCEMENTS:

Item One: July 4, 2014 – The courthouse will be closed in observance of Independence Day and the Commission Meeting is cancelled.

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 [June 20, 2014](#) meeting of the Board of Crawford County Commissioners at 10:33 [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 6/20/2014 at 10:33 AM, Amended by DPP 6/27/2014 at 5:35 PM/amended BKW 06/23/2014 3:55 PM