

Board of Crawford County Commissioners

Commissioners' Journal

2015, TWENTIETH MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS Tuesday, March 17, 2015, 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 and 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 (15-064) of Commissioner Moody and the second of Commissioner Murphy that the consent agenda be approved including:

- 1. Approval of the March 13, 2015 minutes of the Board of Commissioners
2. Approval of the accounts payable warrant numbers 555626 to 555846 dated March 13, 2015 in the total amount of \$171,893.79

Yeas: Commissioners Moody, Murphy, 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 number, Item number, and Description of motion.

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

Board of Crawford County Commissioners

MESSAGES FROM ELECTED OFFICIALS MESSAGES FROM APPOINTED OFFICIALS

Item One: Ms. Judy Freeman, Zoning Administrator, presenting a Motion of Recommendation for a conditional land use for Liberty Baptist Church of Pittsburg, Inc. Ms. Freeman stated that the location of this parcel is approximately one half mile west of the Pittsburg Bypass on 560th Street which is 20th Street in the City of Pittsburg. Ms. Freeman stated that this case was heard at the meeting of the Planning and Zoning Board in February and that this is the second application for this conditional land use. Ms. Freeman stated that a request for a conditional land use was submitted in 2013 and that it was approved by the Planning and Zoning Board and then was denied by the Board of County Commissioners. Ms. Freeman discussed the protest petitions that were filed by adjacent landowners and some of the problems that were encountered in obtaining the correct names of the landowners on these petitions. Ms. Freeman stated that protest petitions were not properly received on enough of the property in the 1,000 foot zone to require a unanimous vote of approval by the Board of Commissioners on this issue. Ms. Freeman discussed the case hearing and that it was approved by the Planning and Zoning Board by a vote of 5 for and 1 against with 1 absent and with two of the members abstaining because of conflicts. Ms. Freeman stated that the applicant had met all the factors of the development plan and zoning regulations and that the use would be consistent with the nature of the area. Commissioner Moody was answered that the land drains from the west to the east. Commissioner Murphy was answered that this property had been inspected for the installation of a septic system and that it was approved.

Ms. Freeman discussed the pictures of the building that is proposed to be brought in to be the church building and that the applicant intends to bring this structure in and rent it out as a home, even if the application is not approved. Commissioner Wood felt that the building is designed as a modular office building and not as a modular home. Pastor Sandy Stallings of Liberty Baptist Church stated that the actual building that is to be moved onto the parcel has been used for a few years as a modular classroom and there was a discussion of whether this should be classified as a commercial or residential structure. Pastor Stallings stated that he and his congregation never imagined that it would be so difficult to try to build a small country church so that they can worship as they please. Mr. Stallings also stated that it seems that the government has made this difficult and that they feel their rights to worship freely are not being protected. There was also a discussion of several of the zoning regulations that apply to the driveways and parking lots for this type of use and that the other driveway entrances on that road are just rock. Commissioner Murphy discussed some of the other requirements for modular housing and felt that the siding did not fit the requirements for lap siding. Ms. Freeman read and discussed several of the zoning regulations.

Mr. Joe Andrew, who lives directly across the road from this location, discussed some of the issues that he and some other neighbors have with the proposed location of this church. Mr. Andrew stated that he and his neighbors do not want to see more traffic on this road but they know that it is hard to control. Mr. Andrew stated that the church has a small congregation and they do not intend to grow and as a result the building will eventually be abandoned. There was a discussion of the issues that arose as a result of the hiring of a private investigator by the applicant's attorney. Mr. Bill Verga, who lives

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directly east of this location, discussed the negative issues that he sees with the proposed use and that he was also contacted by this investigator. Mr. Verga stated that he is not opposed to a residence being located on this property but he does not feel that a church will fit into this neighborhood. Mr. Verga discussed another church site that is nearby and that it has had several different churches in it over the years and it has also been abandoned for a lot of that time as well. Mr. Verga also did not think that the proposed site would be able to support two septic systems. Mr. Fred Andrew stated that he also lives directly across 560th Street to the south of this location and that he is not opposed to churches. Mr. Andrew stated that this neighborhood has been completely residential for the 60 years that he has lived in it. Mr. Andrew also stated that he and his neighbors are concerned about the safety on this road as there have been many accidents on this road.

Mr. Stephen Stockard, Attorney for Mr. Stallings and Liberty Baptist Church, discussed his involvement with this case and that he hired a private investigator to reach out to these landowners since he felt that they might be upset if they were contacted by an attorney to discuss the issues that caused them to oppose this conditional use. Mr. Stockard stated that most of the issues with this application are the same issues that were present with the first application. Mr. Stockard also stated that both of the applications were approved by the Planning and Zoning Board and he discussed the issues that are involved with this hearing and that most of the issues are the same for this property whether or not this property is zoned as residential or commercial property or as agricultural property. Mr. Stockard stated that the issues with the safety of this road are no greater than for a family residence and if this road is as dangerous as described no development should be allowed on this road. Mr. Stockard also discussed the Kansas Preservation of Religious Freedom Act that was adopted in 2013 should be applied to this case and that it gives a church special protections under this law. Mr. Stockard discussed some of the issues that he felt the county must consider in rendering a decision.

Commissioner Moody stated that the duty of the board is to try to protect both the rights of the landowners as well as the rights of the applicant and it is difficult to protect the rights of both of these parties. There was a discussion of some of the issues with this property including drainage. Commissioner Wood had concerns about some differences in the record and he felt the modular structure that would be moved onto this parcel would not fit into the character of the neighborhood. Ms. Freeman explained that Liberty Baptist Church had purchased this property in the period between the first and second applications on this zoning case. The Commissioners all felt that the building to be moved onto this property did not look like a residential structure and that the safety of this roadway was also a major issue.

On motion (15-065) of Commissioner Wood and the second of Commissioner Moody to Deny the Conditional Land Use for Liberty Baptist Church Due to Concerns About the Structure Not Being Consistent with the Character of the Residential Neighborhood, the Safety of the Roadway and the Entrance to the Property.

Yeas: Commissioners Moody, Murphy, and Wood

Nays:

Present but not voting:

Absent or not voting:

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The motion prevailed

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

Item One: County Counselor Jim Emerson regarding the Dues for the Highway 69 Association in the amount of \$2,000 per year. Mr. Emerson stated that from his research it appears that the county did not pay the dues for 2014 and they would also like the dues for 2015 to be paid now. Mr. Emerson stated that the mission of this association is to have a four lane highway from Kansas City to Interstate 44 along the Highway 69 route to expand economic opportunities along this corridor. Commissioner Murphy was answered that these funds are used to organize meetings and to hire a lobbyist to work on the issue with both KDOT and the Kansas Legislature.

On motion (15-066) of Commissioner Murphy and the second of Commissioner Moody to approve the payment of the Dues to the Highway 69 Association in the amount of \$2,000 for 2014 and \$2,000 for 2015.

Yeas: Commissioners Moody, Murphy, and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed

Item Two: County Counselor Jim Emerson regarding the Risk Management Fund. Mr. Emerson stated that this fund has recently received some large invoices for claims from Blue Cross and Blue Shield and that the funds are running very low. Mr. Emerson also stated that a transfer of \$50,000 from both the General Fund and the Road and Bridge Fund to keep this fund with a positive balance.

On motion (15-067) of Commissioner Moody and the second of Commissioner Murphy to approve the Transfer of \$50,000 from the General Fund and from the Road and Bridge Fund to the Risk Management Fund.

Yeas: Commissioners Moody, Murphy, and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Three: County Counselor Jim Emerson regarding a contact he had received from the Southeast Kansas Independent Living (SKIL) Organization in connection with the Funds for Individuals with Developmental Disabilities. Mr. Emerson stated that this contact was in response to a letter that the Commissioners had asked him to send out to local agencies that might be providing services to individuals in the county with disabilities. Mr. Emerson stated that this would make four organizations that would like to be considered for this funding. Commissioner Murphy was answered that a check

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issued to Class LTD in January of 2015 would be refunded to the county. The Commissioners felt that a meeting needs to be set up to discuss this funding further and to verify the numbers of individuals being served by each of these entities. The Commissioners asked Mr. Jim Emerson to organize a meeting with these entities.

Item Four: Commissioner Murphy regarding a work session with B. J. Harris to discuss the work being done to come up with a plan for assisting the local museums. Commissioner Moody stated that he met with Mr. Harris and he agreed that a work session is a good idea. County Counselor Jim Emerson was going to set up a work session with Mr. Harris for 9:30 on Friday, March 20, 2015.

Item Five: Commissioner Wood regarding the demonstration that was held on Monday, March 16, 2015. Commissioner Wood stated that it appears that on pipe sizes under 24” it would be better to use the plastic pipe, but that on sizes over 24” it would be cheaper to use galvanized tubes. There was a discussion of finding a drainage calculating slide rule that is designed to easily calculate the size for culverts. Commissioner Murphy suggested that they check with the Soil Conservation Office.

Item Six: Commissioner Wood discussed that a couple of old dump trucks had been sold and that their offer to purchase an old roller from KDOT had been rejected.

UNDER THE HEADING OLD BUSINESS

EXECUTIVE SESSION

Item One: Commissioner Moody requesting an Executive Session to discuss personnel issues that involve non-elected personnel.

On motion (15-068) of Commissioner Moody and the second of Commissioner Murphy to recess this open session and go into a closed executive session for a period of not more than 10 minutes to discuss personnel matters involving Non-Elected Personnel and to include the Board of County Commissioners, County Noxious Weed Director Ed Fields and County Counselor Jim Emerson.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

The Commissioners went into Executive Session at 11:28 [AM](#) and reconvened the Open Session at 11:33 [AM](#) with no action taken except to go back into open session.

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

FUTURE BUSINESS:

Board of Crawford County Commissioners

Item One: March 20, 2015 – Meeting with representatives of the City of Girard and PEC Engineering to discuss the Girard City Square Renovation Project.

Item Two: March 24, 2015 – Ms. Judy Freeman, Zoning Administrator presenting 1 Zoning Case.

Item Three: March 24, 2015 – 2 public hearings on vacating & closing platted streets & roadways

ANNOUNCEMENTS:

Item One: March 20, 2015, 9:30 AM – Work Session with B.J. Harris in regards to funding for the museums in Crawford County.

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 [March 17, 2015](#) meeting of the Board of Crawford County Commissioners at 11:34 AM and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Moody, Murphy, 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 3/17/15 at 11:34 AM, Amended by DPP 3/19/15 at 12:41 PM](#)