

Board of Crawford County Commissioners

Commissioners' Journal

2015, TWENTY-SECOND MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS Tuesday, March 24, 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.

Commissioner 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 (15-072) of Commissioner Moody and the second of Commissioner Murphy that the consent agenda be approved including:

1. Approval of the **March 20, 2015** minutes of the Board of Commissioners

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:

Motion 15	69	That the consent agenda be approved including: Approval of the March 17, 2015 minutes of the Board of Commissioners
Motion 15	70	To adopt Resolution #2015-006, A resolution appointing Ryan Varsolona as County Appraiser for Crawford County, Kansas, for a term beginning on March 23, 2015, and ending on June 30, 2017
Motion 15	71	To recess this open session and go into a closed executive session for a period of not more than 30 minutes to discuss items that could be deemed privileged in the Attorney-Client Relationship and to include the Board of County Commissioners and County Counselor Jim Emerson

UNDER THE HEADING NEW BUSINESS

CRAWFORD COUNTY BOARD OF HEALTH

PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS

Item One: Public Hearing on closing and vacating portions of alleys, avenues and streets in Jewell Center, Crawford County, Kansas.

Board of Crawford County Commissioners

Chairman Wood opened the public hearing. There was no comment from the public.

On motion (15-073) of Commissioner Wood and the second of Commissioner Moody to close the public hearing on closing and vacating portions of alleys, avenues and streets in Jewell Center, Crawford County, Kansas.

Yeas: Commissioners Wood, Moody and Murphy

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Two: Public Hearing on closing and vacating a certain road in Walnut Township, Crawford County, Kansas.

Chairman Wood opened the public hearing. There was no comment from the public.

On motion (15-074) of Commissioner Moody and the second of Commissioner Murphy to close the public hearing on closing and vacating a certain road in Walnut Township, Crawford County, Kansas.

Yeas: Commissioners Wood, Moody and Murphy

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

MESSAGES FROM THE PUBLIC

MESSAGES FROM ELECTED OFFICIALS

MESSAGES FROM APPOINTED OFFICIALS

Item One: Ms. Judy Freeman, Zoning Administrator, presenting a Motion of Recommendation for conditional use for American Tower, Inc. for a cell tower with height variance and stipulations. Ms. Freeman stated that this conditional use was presented at a recent meeting of the Planning and Zoning Board and that enough valid protest petitions were filed to require that this conditional use be approved by a unanimous vote of the Board of Commissioners. Ms. Freeman discussed the requirements of the protest petitions and that a few others were filed that did not have all the required signatures. Ms. Freeman discussed some of the issues that were addressed at the Planning and Zoning Board hearing. Ms. Freeman stated that this conditional use was approved by the Planning and Zoning Board and that it met all of the conditions of the board.

Mr. Steve Ward of Ward Development discussed the relationship between his company, American Tower and Verizon Communications. Mr. Ward discussed how the location of the tower was determined and that it is needed to fill holes in coverage for the Verizon Cell Phone Network. There was a discussion of the coverage needs of this network and if there are any ways to move the tower to the back part of this parcel to help the neighbors to maintain their country views.

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Mr. Larry VanBecelaere stated that he and other residents of this neighborhood were not aware of the requirements for petitions and other information that they would need to provide to the Planning and Zoning Board at their meeting in order to support their position that this tower could negatively impact the value of their property. He also stated that since that meeting he had researched this issue on the internet and had obtained letters from several local realtors that stated that the value of their property would decrease up to 20% as a result of the installation of this tower. Mr. VanBecelaere stated that the members of the neighborhood did not know what they should bring to the Planning and Zoning Board Meeting for them to consider. There was a discussion of the possibility of moving the location of the tower farther from the road and behind a tree line in order to conceal the base of the tower and to make it less noticeable.

Mr. Doug Elrod, another property owner from directly across the street, discussed that he was disappointed that the neighboring property owners were not given much information on the documentation that they would need to provide to the Planning and Zoning Board and that they felt their opinions were not considered in the decision of the board. Mr. Elrod also stated that nearly all of the adjacent property owners had voiced their concern about this tower at the original hearing and he stated that he felt that this use did not fit in with this historic residential neighborhood. Mr. Elrod also discussed how some of the other parts of the zoning regulations fit with this application.

Ms. Judy Freeman discussed some of the zoning regulations that apply to this case and she also discussed how the calculations were made for how much property needed to be covered by the petitions. There was a good discussion of the applicable zoning rules that the Planning and Zoning Board looks at in these cases and that the members of the board usually go out to the site and review the area prior to the hearing. There was also a discussion of the location of some other cell phone towers that are not far from this area.

Mr. James Pope stated that he lives just outside of the notification area and that he had never heard about this tower until a neighbor told him. Mr. Pope also stated that he has not had dropped cell calls in that area. Mr. Ward discussed how the demand for cell phone coverage has increased as those phones are used as the primary phone for many people and it is also used for internet services for many people now. Ms. Serratt stated that they hate to see the view of the countryside changed.

Commissioner Murphy stated that from the drawings it appears that there is an area at the back of this lot that would seem to be a much better site for this tower. There was a discussion about moving the site so that the tower is not so close to so many homes. Commissioner Moody stated that he felt that this use did not fit in well with this neighborhood and he was concerned about the property values. Commissioner Wood had the same concerns. Commissioner Murphy was answered that if this application is denied that they could apply for a conditional use for another area.

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MOTION OF RECOMMENDATION

RE: Liberty Baptist Church

A motion was made by Murray Balk and seconded by Greg Murray to send a recommendation of approval to the County Commissioners noting the recommendation was based on the fact that the Golden Rules all were met.

- a. The use would be suitable to surrounding area
- b. Would provide a benefit to surrounding area
- c. Applicant met all the factors as established in the current Zoning Regulations

Vote stood, 5 ayes, 1 nay, 1 absent, and 2 abstaining

*Terry Fox and Dee Hough abstained from sitting on board.

Bob Gilmore voted no stating it was because the parking lot issues not met and felt a church was more of a commercial use.

Motion stood approved

Attest:

Kathy Flora, Chairman

Bob Gilmore, Vice Chairman

On motion (15-075) of Commissioner Moody and the second of Commissioner Wood to Deny the Conditional Land Use for American Tower, Inc., due to Concerns with Property Values and because this Use does not fit the Character of the Neighborhood.

Yeas: Commissioners Moody, Murphy, and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

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

Item One: Mr. Jim Emerson presented Resolution #2015-009, A Resolution closing and vacating a certain road in Walnut Township, Crawford County, Kansas.

Board of Crawford County Commissioners

BOARD OF COUNTY COMMISSIONERS
CRAWFORD COUNTY, KANSAS
GIRARD, KANSAS

RESOLUTION NO. 2015-009

A RESOLUTION CLOSING AND VACATING A CERTAIN ROAD IN WALNUT TOWNSHIP, CRAWFORD COUNTY, KANSAS.

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

That portion of County Road located between Sections 30 and 31, Township 28 South, Range 22 East of the Sixth Principal Meridian, Crawford County, Kansas described as follows: the West Half and the West Half of the East Half of the road lying between said sections (3/4 of a mile). Located in the 1200 West Block of 660th Avenue.

WHEREAS, a public hearing concerning said road closing was held on Tuesday, March 24, 2015 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 the above-described road is not a public highway or public utility by reason of the fact that said road was never opened and the necessity for said road as a public highway or public utility does not justify the expenditure of the funds necessary to open said road and to put the same in condition for public travel, and should be formally closed and vacated.

Section 2: Pursuant to K.S.A. § 68-102 the above-described platted road is hereby formally closed and vacated and the land comprising said road 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

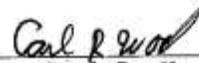
Board of Crawford County Commissioners

use across said roadway and right-of-way.

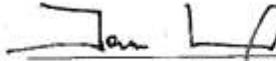
Section 3: The County Clerk is hereby directed to enter a record of these proceedings, as reflected in this Resolution, on the Journal of the Board of County Commissioners and to record a certified copy of this Resolution in the Register of Deeds office.

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.

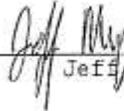
UNANIMOUSLY ADOPTED AND GIVEN under our hands at the Courthouse in Girard, Crawford County, Kansas, this 24th day of March, 2015.



Carl R. Wood, Chairman

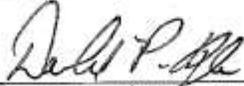


Tom Moody



Jeff Murphy

ATTEST:



Donald P. Pyle, County Clerk

On motion (15-076) of Commissioner Moody and the second of Commissioner Murphy to adopt Resolution #2015-009, a Resolution closing and vacating a certain road in Walnut Township, Crawford County, Kansas, to wit: That portion of County Road located between Sections 30 and 31, Township 28 South, Range 22 East of the Sixth Principal Meridian, Crawford County, Kansas described as follows: the West Half and the West Half of the East Half of the road lying between said sections (3/4 of a mile). Located in the 1200 West Block of 660th Avenue.

Yeas: Commissioners Wood, Moody and Murphy

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Two: Mr. Jim Emerson, County Counselor, presented Resolution #2015-008, A Resolution closing and vacating portions of alleys, avenues and streets in Jewell Center, Crawford County, Kansas.

Board of Crawford County Commissioners

BOARD OF COUNTY COMMISSIONERS
CRAWFORD COUNTY, KANSAS
GIRARD, KANSAS

RESOLUTION NO. 2015-008

A RESOLUTION CLOSING AND VACATING PORTIONS OF PLATTED ALLEYS, AVENUES AND STREETS IN JEWELL CENTER, 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:

An unopened alley located West of Lots 1-30 and East of Lots 31-60 in Block Nine (9) in Jewell Center, Crawford County, Kansas, according to the recorded plat thereof. And

An unopened alley located West of Lots 1-30 and East of Lots 31-60 in Block Eight (8) in Jewell Center, Crawford County, Kansas, according to the recorded plat thereof. And

An unopened alley located West of Lots 1-7 and East of Lots 8-14 in Block Two (2) in Jewell Center, Crawford County, Kansas, according to the recorded plat thereof. And

An unopened alley located West of Lots 1-7 and East of Lots 8-14 in Block Three (3) in Jewell Center, Crawford County, Kansas, according to the recorded plat thereof. And

A portion of Taylor Avenue located West of Lots 8-14, Block Three (3) and East of Lots 1-7, Block Four (4) in Jewell Center, Crawford County, Kansas, according to the recorded plat thereof.

A portion of Williams Avenue located West of Lots 8-14, Block Two (2) and East of Lots 1-7, Block Three (3) in Jewell Center, Crawford County, Kansas, according to the recorded plat thereof.

A portion of Eugene Avenue located West of Lots 1-7, Block Four (4) and East of Lots 1-7, Block Five (5) in Jewell Center, Crawford County, Kansas, according to the recorded plat thereof.

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A portion of Howard Street located between Nelson Street on the East and vacated Williams Avenue on the West.

WHEREAS, a public hearing concerning said road closings was held on Tuesday, March 24, 2015 and all interested parties were given an opportunity to present arguments for and against said road 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:

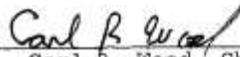
Section 1: The Board of County Commissioners finds that notice has been given as required by K.S.A. § 58-2613 and that the public will suffer no loss or inconvenience by such vacations and that no private rights will be injured or endangered thereby.

Section 2: Pursuant to K.S.A. § 58-2614, the above-described platted streets and alleys are hereby formally closed and vacated and the land comprising said streets and alleys 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 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.

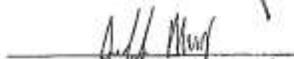
UNANIMOUSLY ADOPTED AND GIVEN under our hands at the Courthouse in Girard, Crawford County, Kansas, this 24th day of March, 2015.



Carl R. Wood, Chairman

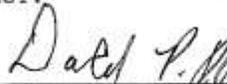


Tom Moody



Jeff Murphy

ATTEST:



Donald P. Pyle, County Clerk

Board of Crawford County Commissioners

On motion (15-077) of Commissioner Moody and the second of Commissioner Murphy to adopt Resolution #2015-008, a Resolution closing and vacating portions of alleys, avenues and streets in Jewell Center, Crawford County, Kansas.

Yeas: Commissioners Wood, Moody and Murphy

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Three: County Clerk Don Pyle regarding a tour of the Plaster Center at PSU for the commissioners on Friday, March 27, 2015, at 12:30 PM. The commissioners all felt that would be a good time to tour the facility with Dr. Steve Scott of PSU.

Item Four: Commissioner Wood asked that the Commissioners give him the authority to raise their bid for a roller from KDOT. Mr. Wood stated that he talked with a couple of contractors and they felt it was worth the price. The other Commissioners felt that they should go back with a higher bid for the roller. The Commissioners also discussed a used pickup truck for the Road & Bridge Dept. There was also a discussion of some other items that the Road & Bridge Dept. should be looking at in the near future.

UNDER THE HEADING OLD BUSINESS

Item One: County Counselor Jim Emerson regarding a letter to the museums and historical societies in the county. The Commissioners reviewed the letter and a letter that Commissioner Murphy had composed to send to the Crawford County Historical Society. The Commissioners felt that a few items should be added and they would approve and sign the letters at the next meeting.

Item Two: Commissioner Moody regarding giving Commissioner Wood the authority to negotiate a price to purchase the roller from KDOT.

On motion (15-078) of Commissioner Moody and the second of Commissioner Murphy to approve the Purchase of a Roller for the Road & Bridge Dept. and to give the Chairman the Authority To Negotiate a Final Price up to \$17,500.

Yeas: Commissioners Moody, Murphy, and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

EXECUTIVE SESSION

Item One: County Counselor Jim Emerson requesting an Executive Session to discuss items that could be deemed privileged in the Attorney-Client Relationship.

On motion (15-079) 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 5 minutes to discuss items that could be deemed privileged in the Attorney-Client

Board of Crawford County Commissioners

Relationship and to include the Board of County Commissioners, Emergency Management Director Eldon Bedene 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 11:25 AM and reconvened the Open Session at 11:28 AM with no action taken except to go back into open session.

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

On motion (15-080) 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 10 minutes to discuss personnel matters involving Non-Elected Personnel and to include the Board of County Commissioners, County Planning and Zoning Director Judy Freeman 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:

ANNOUNCEMENTS:

Item One: March 25, 2015 – SEK Quarterly County Officials Meeting at Courthouse with lunch at Southeast Kansas Education Center, Greenbush.

Item Two: March 27, 2015, 8:30 AM – Work Session for the signing of bills.

Item Three: March 27, 2015, 12:30 PM – Tour of the Plaster Indoor Event Center at PSU with all three Commissioners in attendance.

UNDER THE HEADING MOTION TO ADJOURN

MOTION TO ADJOURN

Item One: Adjournment

Board of Crawford County Commissioners

On the motion of Commissioner Moody and the second of Commissioner Wood to adjourn the [March 24, 2015](#) meeting of the Board of Crawford County Commissioners at 11:35 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 3/24/15 at 11:35 AM, Amended by DPP 3/26/15 at 4:15 PM/Amended BKW 03/26/2015 4:26 PM](#)