

# Board of Crawford County Commissioners

## Commissioners' Journal

2015, **EIGHTY-FOURTH** MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM  
Girard, KS **Tuesday, November 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 (15-334)** of Commissioner Moody and the second of Commissioner Murphy that the consent agenda be approved including:

1. Approval of the **November 13, 2015** minutes of the Board of County Commissioners, and
2. Approval of the accounts payable warrant numbers **561095 to 561331 dated November 13, 2015 in the total amount of \$287,502.64.**

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 15	324	That the consent agenda be approved including: Approval of the November 10, 2015 minutes
Motion 15	325	To approve the Letter of Commitment between the Crawford County Health Dept. and the Montgomery County Health Dept. for the Becoming a Mom Program to Improve Health Outcomes and authorize the Chairman to sign
Motion 15	326	To allow the County Counselor to explore options for the sale of real estate owned by Crawford County to Mid-America Management with stipulations that the property be used for elderly, disabled and low income residential development

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Motion 15	327	To approve membership in SEK, Inc., as of January 1, 2016
Motion 15	328	To approve the proposed changes to the Crawford County Museum Fund Proposal
Motion 15	329	To approve the Proposal from Blue Cross and Blue Shield of Kansas for Health and Dental Insurance Coverage for 2016 as presented by the Insurance Committee
Motion 15	330	To approve the Tax Roll Correction, correcting an error in the assessing of personal property owned by Jesse Aaron Smith and to request a refund in the amount of \$341.40 and to abate this amount from the 2014 tax rolls and authorize the Chairman to sign
Motion 15	331	To approve the Publication of the Notice of the Intent to Vacate Platted Streets and Alleys in the Mayers Addition to South Radley, Crawford County with a public hearing set for Friday, December 18, 2015 at 10:00 AM
Motion 15	332	To recess this open session and go into a closed executive session for a period of not more than 5 minutes to discuss personnel matters involving Non-Elected Personnel and to include the Board of County Commissioners and County Counselor Jim Emerson
Motion 15	333	To recess this open session and go into a closed executive session for a period of not more than 5 minutes to discuss personnel matters involving Non-Elected Personnel and to include the Board of County Commissioners and County Counselor Jim Emerson

### UNDER THE HEADING NEW BUSINESS

#### PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS

#### CRAWFORD COUNTY BOARD OF HEALTH

#### MESSAGES FROM APPOINTED OFFICIALS

**Item One:** Mr. Mike Plank, regarding a meeting with Mr. Dave Yearout to discuss proposed changes to the County Zoning Regulations. Mr. Plank stated that Mr. Yearout would be at the next Planning and Zoning Meeting at 5:30 PM on December 17, 2015 at the Courthouse. Mr. Plank stated that he hoped that the Commissioners as well as the Planning and Zoning Board can meet with Mr. Yearout so that he has a clear picture of the changes that the county is wanting. It was discussed that it would be good for the Commissioners to attend the meeting on Dec. 17 and all meet together with Mr. Yearout.

#### MESSAGES FROM THE PUBLIC

**Item One:** Mr. Craig Wilbert, General Manager and Mr. Zach Adams, Marketing Manager with Craw-Kan Telephone Cooperative, regarding technology questions. Mr. Wilbert stated that they had seen that the county was discussing some upgrades in technology and that they would like to offer their assistance in reviewing the network in the courthouse. It was discussed that the fiber optic lines come into the basement of the courthouse and are routed directly to the file servers for the county. Mr. Jim Vinze, County Information Technology Director, gave an overview of the network in the courthouse and that it is very fast and that slowdowns can occur with individual computers because it can have viruses or malware on the computer or because it is involved with a process that is transferring data to a file server at another location and

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that server is not able to keep up. Mr. Adams stated that he could have a technician work directly with Mr. Vinze to look at the areas that are experiencing processing delays and discuss ways to improve the network speed and reliability. There was also a discussion that the very thick concrete floors and walls in the courthouse make it very hard for WIFI to work very well in the courthouse. The representatives from Craw-Kan stated that they would be willing to help the county with technology issues in any way possible.

**MESSAGES FROM OTHER GOVERNMENTAL ENTITIES**  
**MESSAGES FROM ELECTED OFFICIALS**  
**PROCLAMATIONS AND ORDERS OF THE BOARD**  
**NEW BUSINESS**

**Item One:** County Counselor Jim Emerson regarding the proposed contract for the reconstruction of Bridge Number 690 on Centennial Road just east of Via Christi. Mr. Emerson stated that the Commissioners had met in a work session with Ken Blair of Cook, Flatt & Strobel to discuss the contract and some of its provisions.

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## AGREEMENT

between

COOK, FLATT & STROBEL

ENGINEERS, P.A.

and

CRAWFORD COUNTY, STATE OF KANSAS

THIS AGREEMENT, made and entered into by and between the Board of COUNTY Commissioners of CRAWFORD COUNTY, State of Kansas, hereinafter referred to as the COUNTY; and the firm of COOK, FLATT & STROBEL, ENGINEERS, P.A., 2930 SW Woodside Drive, Topeka, Kansas 66614, hereinafter referred to as the ENGINEER.

### WITNESSETH:

That the said COUNTY desires the services of the ENGINEER for design surveys and preparation of plans, and cost estimates for the replacement of County Bridge No. 690 located 0.5 miles east of Pittsburg.

The extent and scope of engineering services include design surveys and plan preparation for bridge and roadwork in accordance with approved practices and requirements of the Kansas Department of Transportation (KDOT).

For the engineering services the ENGINEER shall receive ~~lump sum fees~~ of Forty Five Thousand Four Hundred Dollars (\$45,400.00) for Bridge No. 690.

It is further agreed that payment shall be made by the COUNTY on the basis of progress of the work; that sixty percent (60%) of said fee shall be considered as due upon furnishing of field check plans and one hundred percent (100%) of said fee, less previous payments, shall be considered as due when final plans are completed and submitted to the COUNTY in full compliance with County plan submittal scheduling. In addition, the COUNTY shall be obligated to pay for services under this Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during the COUNTY'S current budget year or (b) funds made available from any lawfully operated revenue producing source.

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## SECTION I

### THE ENGINEER AGREES

#### Paragraph One

The ENGINEER agrees to make the necessary design surveys and prepare plans, specifications, right-of-way and easement descriptions, and estimates for the improvement hereinbefore mentioned, for the fee as stipulated, which fee shall be complete and sufficient payment for all work performed, equipment or materials used, and services rendered in connection with such work. It is understood that such work shall be completed according to approved standard practices and rules or regulations of the Kansas Department of Transportation.

#### Paragraph Two

The ENGINEER further agrees to accept compensation for such work from said COUNTY in such amounts and at such periods as have been by said ENGINEER and said COUNTY mutually agreed.

#### Paragraph Three

The ENGINEER further agrees:

1. To comply with all Federal, State, and local laws, ordinances, and regulations applicable to the work.
2. To procure all licenses or permits necessary for his business operation under said agreement. Special project permits required by the Division of Water Resources, the Corps of Engineers, or other governmental agencies shall be obtained by the COUNTY with assistance and cooperation of the ENGINEER. Any fees required by governmental agencies to obtain permits shall be paid for by the COUNTY.
3. To be responsible for all damage to persons or property caused by him, his agents, employees, or subcontractors, which may result from their operation in connection with the work.
4. To deliver to the COUNTY all tracings, the necessary set of prints, and to make available to the COUNTY at any time all field notes taken in the preparation of plans for said project.

## SECTION II

### THE COUNTY AGREES

#### Paragraph Four

The COUNTY agrees:

That the ENGINEER has been duly authorized to make all said surveys, plans, specifications, and estimates, including the performance of all necessary services and the furnishing of all labor, equipment, materials and supplies essential thereto, for the fee as stipulated.

#### Paragraph Five

It is further understood and agreed by the said COUNTY that this agreement and all contracts which are entered into under the provisions of this agreement shall be binding upon the present governing body of said COUNTY and their successors.

# Board of Crawford County Commissioners

## Paragraph Six

It is further understood that the ENGINEER will arrange for obtaining the necessary soils investigation which is included in this contract.

## SECTION III

### THE PARTIES HERETO MUTUALLY AGREE

## Paragraph Seven

It is mutually agreed by the parties hereto:

1. That the Services to be performed by the ENGINEER under the terms of this agreement are personal and cannot be assigned, sublet or transferred without the written consent of said COUNTY.

2. That the right is reserved by the COUNTY to terminate this agreement at any time, upon written notice, in the event the improvements are to be abandoned or indefinitely postponed; provided, however, that in any case the ENGINEER shall be paid for the reasonable value of the services rendered up to the time of termination on the basis of the payment provisions of this agreement but in no case greater than the lump sum fees stipulated on Page 1 of the Agreement. The parties recognize that services terminated prior to completion will be of less value to the COUNTY than services completed pursuant to the terms of the contract.

3. That payment by the COUNTY as hereinbefore provided is contingent upon approval of the plans, specifications, and estimates by the COUNTY.

4. That "SPECIFICATIONS" as mentioned in said agreement shall be construed to mean the applicable sections of the Standard Specifications of the Kansas Department of Transportation and approved supplemental specifications applicable to said improvements.

5. That surveys as identified in this agreement cover design surveys and right-of-way staking.

6. The ENGINEER agrees not to discriminate against any employee or applicant because of race, color, religion, sex, national origin, age, or physical handicaps in regard to any position for which the employee or applicant is qualified. The ENGINEER will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex, national origin, age, or physical handicap.

7. All work product of ENGINEER will become the property of the COUNTY exclusively and will be promptly delivered to the COUNTY upon completion of ENGINEER's services or earlier termination thereof.

## Board of Crawford County Commissioners

IN WITNESS WHEREOF, said parties have caused this agreement to be signed by  
their duly authorized officials this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST: (Seal)

BOARD OF COUNTY COMMISSIONERS  
CRAWFORD COUNTY, State of Kansas

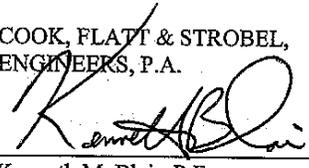
\_\_\_\_\_  
COUNTY Clerk

\_\_\_\_\_  
Chairman, Board of Commissioners

\_\_\_\_\_  
Member, Board of Commissioners

\_\_\_\_\_  
Member, Board of Commissioners

COOK, FLATT & STROBEL,  
ENGINEERS, P.A.

  
\_\_\_\_\_  
Kenneth M. Blair, P.E.

**On motion (15-335)** of Commissioner Wood and the second of Commissioner Moody to approve the agreement between Cook, Flatt & Strobel Engineers, P.A., and Crawford County for Engineering Services for the replacement of County Bridge No. 690.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

**Item Two:** County Clerk Don Pyle regarding an email he received from Tony Anderson informing him that Mr. Anderson could no longer serve on the Public Building Commission.

**Item Three:** Commissioner Murphy regarding a discussion with Bill Brady of Capital Strategies about agriculture values. Mr. Murphy stated that Mr. Brady had discussed retaining their services for the new legislative session. All the Commissioners felt that it would be a good idea to have their services during the upcoming legislative session.

**Item Four:** Commissioner Moody regarding a concern from a resident about the operation of the Champlin Tire Landfill. Mr. Moody stated that he would like for Zoning Administrator Mike Plank and County Sanitation Officer Bill Towery to drive to that facility to see how things look. It was discussed that it would be good to contact KDHE about this also.

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**Item Five:** Commissioner Wood regarding a possible contribution to the Pawprints on the Heartland Group. Mr. Wood stated that he wants to get documentation on the funds spent on animals from Crawford County.

**On motion (15-336)** of Commissioner Moody and the second of Commissioner Wood to approve a payment of \$2,500 to Pawprints on the Heartland to supplement their Spay and Neuter Program with the requirement of documentation of the use of those funds.

Yeas: Commissioners Moody, Murphy and Wood

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 Crawford County Solid Waste Committee Meeting on November 16, 2015. Mr. Emerson reminded the Commissioners of the discussion of some shortfalls that they might have coming up. It was discussed that they estimate that they will need \$10,000 to process some e-waste that they have on hand and they will need another \$5,000 for operations shortfalls over the next couple of months. Commissioner Murphy stated that he would like to see some information on a pilot program for curbside collection for recycling. Commissioner Wood had concerns that this program does not support itself. Mr. Emerson stated that he would try to get some financial statements on the operation and they could talk about this again. There was a discussion of some of their other fund raising activities.

**Item Two:** Commissioner Murphy regarding the initiative for a countywide economic development position. Mr. Murphy stated that he did not know if there was enough interest in that position at this time and that he would discuss it and see what other city officials think about this position. Commissioner Moody mentioned that some local business owners had told him that they were interested in this initiative.

**Item Three:** Commissioner Moody regarding some help his crew will provide to the Miner's Hall Museum to tear down an old structure. Mr. Moody stated that his crew will work on that project later this week or early next week.

### EXECUTIVE SESSION

**Item One:** County Counselor Jim Emerson requested an executive session to discuss personnel matters involving non-elected personnel.

**On motion (15-337)** 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 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:

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Absent or not voting:

**The motion prevailed.**

The Commissioners went into Executive Session at 10:58 PM and reconvened the Open Session at 11:13 PM with no action taken except to go back into open session.

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

**Item One: November 24, 2015 – 9:00 AM -** Work Session Emergency Management Director Eldon Bedene and State Emergency Management Officials.

**Item Two: November 24, 2015 –** Mr. Russ Wosk, Snaptight Culvert Linings, with a short presentation on products.

### **ANNOUNCEMENTS:**

**Item One: November 18, 2015 – 8:30 AM** Crawford County Convention and Visitor's Bureau Thank You Breakfast at Memorial Auditorium.

**Item Two: November 18, 2015 – 11:30 AM** City/County Officials Luncheon host by the City of Mulberry at the Mulberry Senior Citizens Center.

**Item Three: November 26 & 27, 2015 –** The Crawford County Courthouse will be closed in observance of the Thanksgiving Day Holiday.

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

**Item One:** Adjournment

**On the motion** of Commissioner Moody and the second of Commissioner Murphy to adjourn the [November 17, 2015](#) meeting of the Board of Crawford County Commissioners at 11:14 AM 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

**Board of Crawford County Commissioners**



**This submission completed at the Crawford County Courthouse in Girard.**  
**Taken by DPP 11/17/15 at 11:14 AM, Amended by DPP 11/17/15 at 5:23 PM/amended BKW 11/19/2015 2:04 PM**