

Board of Crawford County Commissioners

Commissioners' Journal

2014, **EIGHTY-FOURTH** MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS **Friday, November 21, 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 (14-280) of Commissioner Moody and the second of Commissioner Wood that the consent agenda be approved including:

1. Approval of the **November 18, 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:

Motion 14	276	That the consent agenda be approved including: Approval of the November 14, 2014 minutes
Motion 14	277	To approve the use of Crawford County as an Agent for the Friends of the Crawford State Park and the Girard Area Community Foundation for Storm Shelter Funds
Motion 14	278	To recess this open session and go into a closed executive session for a period of not more than 60 minutes to discuss personnel matters involving Non-Elected Personnel and to include the Board of County Commissioners, County Appraiser Mike Montgomery and County Counselor Jim Emerson
Motion 14	279	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

Board of Crawford County Commissioners

UNDER THE HEADING NEW BUSINESS

NEW BUSINESS FOR CRAWFORD COUNTY BOARD OF HEALTH PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS MESSAGES FROM THE PUBLIC MESSAGES FROM APPOINTED OFFICIALS

Item One: Ms. Judy Freeman presenting a Motion of Recommendation from the Planning and Zoning Board with findings that the proposed annexation of property is compatible with the adopted land use regulations and the County Comprehensive Plan applicable to the area to be annexed into the City of Pittsburg. Ms. Freeman stated that the property is located in the Southeast Quarter (SE1/4) of Section Eighteen (18), Township Thirty One (31) South, Range Twenty Five (25) East and is owned by Francis J. McCurdy, Michele Holman & Peter J Holman. County Counselor Jim Emerson reviewed the statutes that govern the annexation process and what the Commission is to review in making their determination in the annexation process.

Commissioner Carl Wood stated that he wanted to go through the annexation process very slowly and thoroughly. Ms. Judy Freeman discussed the Crawford County Comprehensive Plan which contains the requirements for an island annexation by a city and discussed the sections that pertain to this proposed annexation. Ms. Freeman discussed the presentation that was made to the Crawford County Planning Commission on November 20, 2014, at their meeting and the plans proposed by the City of Pittsburg to provide water and sewer service to the area that is requested to be annexed. Ms. Freeman stated that for this type of action there is no requirement that the adjacent landowners be notified of the proposed annexation. Ms. Freeman discussed some of the questions that were answered by the Planning Board at their hearing and that the board has passed a motion of recommendation by a 5 to 2 vote and there were 2 members that did not vote due to absence. Commissioner Moody asked about the objections of the members of the Planning Board that voted against the annexation. Ms. Freeman stated that he felt that if the gaming facility did not locate on this land then he could not determine if the use was compatible with the rest of that area. Commissioner Moody also expressed concern that the adjacent landowners were not notified even though it is not required by statute. Mr. Troy Graham, City of Pittsburg Public Works Assistant Director, discussed the zoning procedures that the City of Pittsburg would go through before a site plan or building plans could be approved. There was a discussion of the area and how the facility would have to be planned to avoid any problems with drainage or flooding. Commissioner Wood stated that since he lives in this area he is well aware of any potential problems with this area and that he has talked with most of the neighbors and none of them were concerned about the proposed annexation.

Board of Crawford County Commissioners

MOTION OF RECOMMENDATION

Re: Property owned by:
Francis J. McCurdy
Michele Holman
Peter J. Holman
Annexation – City of Pittsburg

Pursuant of State Statute 12-530 (b), the Crawford County Planning and Zoning Board did review for compatibility or non-compatibility the proposed annexation of said property located in Southeast Quarter (SE ¼) of Section Eighteen (18), Township Thirty One (31) South, Range Twenty Five (25) East of the Sixth Principal Meridian, according to the United States Government Survey thereof; EXCEPT that part thereof condemned for State Highway purposes as evidence by proceedings in District Court of Crawford County, KS, sitting at Pittsburg, in Case No 15669. With property owners listed as Frances J. McCurdy, Michele Holman and Peter J. Holman, into the City of Pittsburg.

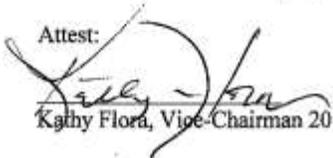
At the regular meeting held the 20th day of November, 2014, the Planning and Zoning Board finds as follows:

The proposed annexation is compatible with the adopted land use regulations and the County Comprehensive Plan applicable to the area to be annexed and the City of Pittsburg.

A motion was made by board member Bob Gilmore and seconded by board member Greg Murray to have the Zoning Administrator present to the Crawford County Commissioners the fact find of the Planning and Zoning Board.

Motion carried. Vote: 5 ayes, 2 nays and 2 absent.

Attest:


Kathy Flora, Vice-Chairman 2014

Signed and dated this the 20th day of November, 2014.

On motion (14-281) of Commissioner Wood and the second of Commissioner Kmiec to approve the proposed Island Annexation by the City of Pittsburg.

Yeas: Commissioners Moody, Kmiec and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Two: County Counselor Jim Emerson regarding a resolution to approve the City of Pittsburg's request for annexation of this property. Mr. Emerson stated that in order to completely approve the annexation of this property by the City of Pittsburg, the Board of Commissioners would need to adopt a resolution of approval.

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BOARD OF COUNTY COMMISSIONERS
CRAWFORD COUNTY COURTHOUSE
GIRARD, KANSAS

RESOLUTION NO. 2014-031

A RESOLUTION APPROVING THE CITY OF PITTSBURG'S REQUEST FOR ANNEXATION OF CERTAIN PROPERTY PURSUANT TO K.S.A. 12-520c AND ADOPTING FINDINGS IN CONNECTION THEREWITH.

WHEREAS on October 17, 2014, Frances J. McCurdy, Michele Holman and Peter J. Holman, submitted a Petition and Consent to Annexation to the City of Pittsburg requesting annexation of the following described property:

The Southeast Quarter (SE 1/4) of Section Eighteen (18), Township Thirty One (31) South, Range Twenty Five (25) East of the Sixth Principal Meridian, according to the United States Government Survey thereof; EXCEPT that part thereof condemned for State Highway Purposes as evidence by proceedings in the District Court of Crawford County, Kansas, sitting at Pittsburg, in Case No. 15669 and described in parcels Number 31 and 32 thereof, as follows: 31) A tract of land for Highway Right of Way lying in part of the West Half of the Southeast Quarter of Section 18, Township 31 South, Range 25 East described as follows: Beginning at the Southwest corner of said Quarter Section; Thence North 48.4 feet; Thence in an Easterly direction 1000.5 feet to a point 52.8 feet North of the South line of said Quarter Section; Thence South 52.8 feet to the South line of said Quarter Section; Thence West along said South line to the place of beginning. 32) A tract of land for Highway Right of Way lying in part of the Southeast Quarter of Section 18, Township 31 South, Range 25 East described as follows:

Beginning at the Southeast corner of said Quarter Section; Thence North 300 feet; Thence West 30 feet; Thence in a Southwesterly direction to a point 58.7 feet North and 300 feet West of said Southeast corner; Thence in a Westerly direction to a point 52.8 feet North and 1000.5 feet East of the Southwest corner of said Quarter Section; Thence South 52.8 feet to the South line of said Quarter Section; Thence East along said South line to the place of beginning.

ALSO EXCEPT that part thereof condemned for State Highway purposes as evidenced by proceedings in the District Court of

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Crawford County, Kansas, sitting at Pittsburg, in Case Co. 19442, and described in Tract Number 3 thereof as follows: Revised a tract of land for Highway Right of Way in the Southeast Quarter of Section 18, Township 31 South, Range 25 East described as follows: Beginning at the Southeast corner of said Quarter Section; First course, Thence West along the South line of said Quarter Section 300.00 feet; Section Course, Thence North 58.7 feet; Third Course, Thence Northeasterly 227.3 feet to a point 132.4 feet West and 211.1 feet North of said Southeast corner; Fourth Course, Thence North 226.4 feet to a point 126.3 feet West of the East line of said Quarter Section; Fifth Course, Thence Northerly on a curve of 3719.83 feet Radius to the left, 1568.93 feet to a point 447.3 feet West and 643.8 feet South of the Northeast corner of said Quarter Section; Sixth Course, Thence Northwesterly to a point on the North line 738.8 feet West of said Northeast corner; Seventh Course, Thence East along said North line 219.9 feet; Eighth Course, Thence Southeasterly on an angle of 65 degrees 26 minutes to the Right 929.5 feet; Ninth Course, Thence Northeasterly 144.9 feet more or less, to a point on said East line 795.8 feet South of said Northeast corner; Tenth Course, thence South along said East line to the place of beginning. Together with the abutter's rights of access appurtenant to the remaining property, in and to said Highway hereinabove described, EXCEPT and Reserving, However, unto owners of abutting land, their successors and assigns, the right of access to said Highway for the purpose of a farm entrance over and across the following described course: Beginning 1208.8 feet Northerly from the beginning of said "Fifth" course and extending Northerly 30.0 feet."

ALSO EXCEPT that part thereof bounded and described as follows: Beginning at a point Five Hundred Eighty Eight and Eight Tenths (588.8) feet South of the Northeast corner of said Southeast Quarter of Section Eighteen (18), and running Thence West Two Hundred Fifty five (255) feet, more or less, to the East Right of Way line of the State Highway as described Parcel Number 3(a) revised of Highway Condemnation Case Number 19442 in the District Court of Crawford County, Kansas, sitting at Pittsburg; Thence Southeasterly along said Right of Way line, Two Hundred Eighty Five (285) feet, more or less, to the end of the Eighth Course as described in said Parcel Number 3(a) Revised; Thence Northeasterly, along said Highway Right of Way line, One Hundred Forty Four and Nine Tenths (144.9) feet, more or less, to a point in the East line of said Section, Seven Hundred Ninety Five and Eight Tenths (795.8) feet South of the Northeast corner of the said Southeast Quarter of Section Eighteen (18); Thence North Two Hundred Seven (207) feet to the point of beginning.

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ALSO EXCEPT that part thereof bounded and described as follows: Beginning at the Northeast corner of the Northeast Quarter (NE 1/4) of the said Southeast Quarter (SE 1/4); Thence South 588.8 feet; Thence West and parallel to the North line of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) 255.0 feet to the Easterly Right of Way line of U.S. 69 Highway By-Pass, as described in Parcel Number 3(a) revised of Highway Condemnation Case No. 19442 in the District Court of Crawford County, Kansas, sitting at Pittsburg; Thence Northwesterly along the said Right of Way line 644.5 feet to the North line of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4); Thence East 518.9 feet to the point of beginning.

ALSO EXCEPT a Thirty (30) foot Wide Right of Way Existing on the East Boundary of the above-described property, the same being Thirty (30) feet from and running parallel to the full length of said East Boundary, in favor of the County of Crawford, State of Kansas, for Roadway purposes, said Roadway being commonly known as Langdon Lane.

(hereinafter referred to as the "subject property");

WHEREAS, on October 28, 2014 the City of Pittsburg adopted a Resolution of Intent to Annex expressing its intent to annex the subject property pursuant to K.S.A. 12-520c;

WHEREAS, on October 29, 2014 the City of Pittsburg filed the Resolution of Intent to Annex with the Board of County Commissioners and the Crawford County Planning Commission; and

WHEREAS, on November 20, 2014 the Crawford County Planning Commission reviewed the proposed annexation and found that it would be compatible with the adopted land use or comprehensive plans applicable to the area and the annexing city.

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

Section 1: After reviewing the proposed annexation by the City of Pittsburg, the Board of County Commissioners finds that the proposed annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the County.

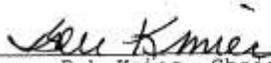
Section 2: The County Clerk is hereby directed to provide a copy of this resolution to the Pittsburg City Clerk.

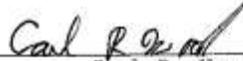
Section 3: This resolution shall become effective upon its adoption and approval by the Board of County Commissioners.

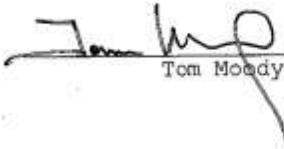
Board of Crawford County Commissioners

ADOPTED, APPROVED AND GIVEN by the Board of County Commissioners of Crawford County, Kansas, under our hands at the Courthouse in Girard, Crawford County, Kansas this 21st day of November, 2014.

Board of County Commissioners
Crawford County, Kansas


Bob Kmiec, Chairman


Carl R. Wood


Tom Moody

ATTEST:


Donald P. Pyle, County Clerk

On motion (14-282) of Commissioner Wood and the second of Commissioner Kmiec to adopt Resolution #2014-031, a Resolution approving the City of Pittsburg's Request for Annexation of Certain Property Pursuant to KSA 12-520c and Adopting Findings in Connection Therewith.

Yeas: Commissioners Moody, Kmiec and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Three: Tom Ragonese, Chairman of the Employee Benefits Committee, regarding the possible transition of the 457(b) savings plan so that it remains with ING/Voya. Mr. Ragonese stated that a couple of meetings had been held on November 20 with interested employees in regards to moving this plan. Mr. Ragonese stated that the employees were given a presentation about the ING/Voya plan and all of the employees had voted to stay with ING/Voya as the custodian for this plan. Mr. Ragonese stated that if permission was given for this change, that ING/Voya would prepare the necessary paperwork. It was discussed that the group can switch back to the state's plan with Great West at a later date if they choose, with no penalty.

On motion (14-283) of Commissioner Kmiec and the second of Commissioner Moody to approve moving the Management of the Crawford County Employee's 457(b) Plan from the State of Kansas Plan to a 457(b) Plan for Crawford County Employees Managed by ING/Voya and Authorize the Chairman to Sign.

Yeas: Commissioners Moody, Kmiec and Wood

Nays:

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Present but not voting:

Absent or not voting:

The motion prevailed.

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

Item One: Commissioner Carl Wood regarding the possible adoption of an early retirement program to be offered by the county. Mr. Wood had some figures on the number of full and part time employees employed by the county over the last several years. Mr. Wood stated that the number of full and part time employees at the county has increased over the last few years. It was discussed that for this program to save the county money, the county would need to not hire back employees or hire new employees at a greatly reduced wage. Commissioner Wood stated that he would need to be shown that this program will save the county money before he agrees with it. Commissioner Moody stated that he is for this program but he also wants it to be run so that the county saves money. The Commissioners agreed to discuss this again at a later date.

Item Two: Commissioner Wood regarding a report that there is a proposed contract being discussed for radio services. The other Commissioners had not heard anything about any contracts being discussed for radio services. Commissioner Wood also discussed that employees that work for all three Commissioners should discuss their employment issues with all three Commissioners at the same time.

UNDER THE HEADING OLD BUSINESS

Item One: County Clerk Don Pyle regarding setting up the schedule around the holiday season. The Commissioners stated that they would address the schedule later.

EXECUTIVE SESSION

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

On motion (14-284) of Commissioner Kmiec 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 20 minutes to discuss personnel matters involving Non-Elected Personnel and to include the Board of County Commissioners and County Counselor Jim Emerson.

Yeas: Commissioners Kmiec, Moody and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

The Commissioners went into Executive Session at 11:08 [AM](#) and reconvened the Open Session at 11:26 [AM](#) with no action taken except to go back into open session.

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UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS FUTURE BUSINESS:

Item One: November 25, 2014, 9:00 AM – Work Session with the Convention & Visitor's Bureau Director, B. J. Harris, Miner's Hall Museum Board Members, Crawford County Historical Museum Director.

Item Two: November 25, 2014 – 10:00 AM Public Hearing on Crawford County Fire District #4 2014 amended budget.

ANNOUNCEMENTS:

Item One: November 27 & 28, 2014 – Crawford County Courthouse will be closed in observance of Thanksgiving Day.

Item Two: November 28, 2014 – Regular Meeting of the Board of Crawford County Commissioners is cancelled.

UNDER THE HEADING MOTION TO ADJOURN MOTION TO ADJOURN

Item One: Adjournment

On the motion of Commissioner Wood and the second of Commissioner Moody to adjourn the [November 21, 2014](#) meeting of the Board of Crawford County Commissioners at [11:28 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 on 11/21/2014 at 11:28 AM, Amended by DPP on 11/24/2014 at 3:30 PM/amended BKW 12/01/2014 3:56 PM](#)