

Board of Crawford County Commissioners

Commissioners' Journal

2014, [SIXTY-FOURTH MEETING](#)

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS [Tuesday, September 9, 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 Tom Moody served as the presiding officer.

Commissioner Carl Wood was in attendance.

County Clerk Don Pyle and County Counselor Jim Emerson were seated with the Board.

Vice Chairman Moody led the pledge of allegiance.

UNDER THE HEADING BUSINESS FROM A PREVIOUS MEETING CONSENT AGENDA

On motion (14-219) of Commissioner Moody and the second of Commissioner Wood that the consent agenda be approved including:

1. Approval of the [September 5, 2014](#) minutes of the Board of Commissioners.

Yeas: Commissioners Moody and Wood

Nays:

Present but not voting:

Absent or not voting: Commissioner Kmiec

The motion prevailed and the consent agenda was approved.

SIGNING OF MOTIONS

The County Clerk presented the following motions for Commissioners' signatures:

Motion 14	218	That the consent agenda be approved including: Approval of the August 29, 2014 minutes
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UNDER THE HEADING NEW BUSINESS

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

Item One: Ms. Judy Freeman Zoning Administrator presenting a Motion of Recommendation to amend the zoning of the property proposed for Trowbridge Estates from Agriculture to Rural Residential for development purposes. Ms. Freeman reviewed the specific issues of this zoning case and how it had been presented at the public meeting of the Planning & Zoning Board on August 21, 2014. Ms. Freeman stated that the Planning & Zoning Board had approved the change unanimously.

Board of Crawford County Commissioners

MOTION OF RECOMMENDATION

RE: Rezoning
Trowbridge Estates

A motion was made by Bob Gilmore and seconded by Terry Fox to send to the County Commissioners a recommendation for approval to amend the zoning of the property proposed for Trowbridge Estates from Agriculture to Rural Residential for development purposes.

Motion stood approved with a vote of 9 ayes, 0 nays, 0 absent and 0 abstaining.

Attest:

Murray Balk, Chairman '14

On motion (14-220) of Commissioner Moody and the second of Commissioner Wood to approve the Motion of Recommendation to amend the zoning of the property proposed for Trowbridge Estates from Agriculture to Rural Residential for development purposes as recommended by the Crawford County Planning and Zoning Board.

Yeas: Commissioners Moody and Wood

Nays:

Present but not voting:

Absent or not voting: Commissioner Kmiec

The motion prevailed.

Item Two: Ms. Judy Freeman Zoning Administrator presenting a short plat for a proposed development known as Trowbridge Estates. Ms Freeman discussed that this short plat will fit into this area nicely as it already has a few residences in it. The commissioners were answered that there are no flooding issues in this area.

Board of Crawford County Commissioners

MOTION OF RECOMMENDATION

RE: Development/Short Plat
Trowbridge Estates

A motion was made by Dee Hough and seconded by Greg Murray to send to the County Commissioners a recommendation for approval the acceptance of the proposed development for Trowbridge Estates which will contain no more than four (4) lots.

This recommendation was based on the facts that the development will be in the same general character of the neighborhood and be in compliance with the county's Comprehensive Plan.

Motion stood approved with a vote of 9 ayes, 0 nays, 0 absent and 0 abstaining.

Attest:

Murray Balk, Chairman '14

On motion (14-221) of Commissioner Wood and the second of Commissioner Moody to approve the short plat known as Trowbridge Estates as recommended by the Crawford County Planning and Zoning Board.

Yeas: Commissioners Moody and Wood

Nays:

Present but not voting:

Absent or not voting: Commissioner Kmiec

The motion prevailed.

Item Three: Ms. Judy Freeman Zoning Administrator presenting a Motion of Recommendation to amend the zoning for the proposed development to be known as Adam Estates from Agriculture to Rural Residential for Mike Adam. Ms. Freeman reviewed some of the specific issues of this zoning case and stated that there are a couple of other small developments in the immediate are of this short plat.

Board of Crawford County Commissioners

MOTION OF RECOMMENDATION

RE:
Adam Estates

A motion was made by Greg Murray and seconded by Kathy Flora to send to the County Commission a recommendation for approval to amend the zoning for the proposed development to be known as Adam Estates from Agriculture to Rural Residential.

Motion stood approved with a vote of 7 ayes, 1 nays, 0 absent and 1 abstaining.

Attest:

Murray Balk, Chairman '14

On motion (14-222) of Commissioner Wood and the second of Commissioner Moody to approve the Motion of Recommendation to amend the zoning for the proposed development to be known as Adam Estates from Agriculture to Rural Residential for Mike Adam as recommended by the Crawford County Planning and Zoning Board.

Yeas: Commissioners Moody and Wood

Nays:

Present but not voting:

Absent or not voting: Commissioner Kmiec

The motion prevailed.

Item Four: Ms. Judy Freeman Zoning Administrator presenting a short plat for a proposed development known as Adam Estates. Ms. Freeman stated that a couple of residents in the area had expressed their desire to not have additional residences in this area. There was a discussion of water usage in this area and that some residents have concerns about water pressure with the addition of these extra homes. Jake Weber of the water district discussed the upgrade of water lines in this area that is designed to help increase the water pressure for this area. There was also a discussion of the availability of water in this area for fire protection and that there are only flush plugs on these lines. The commissioners were answered that there are no flooding issues with this area.

Board of Crawford County Commissioners

MOTION OF RECOMMENDATION

RE: Development/Short Plat
Adam Estates

A motion was made by Kathy Flora and seconded by Dee Hough to send to the County Commissioners a recommendation for approval the acceptance of the proposed development to be known as Adam Estates and will contain no more than four (4) lots.

The recommendation is based on the facts that the proposed use would be conducive to the area, stay in the same general character of the neighborhood and complied with the County's adopted Comprehensive Plan.

Motion stood approved with a vote of 7 ayes, 1 nays, 0 absent and 1 abstaining.

Attest:

Murray Balk, Chairman '14

On motion (14-223) of Commissioner Moody and the second of Commissioner Wood to approve the short plat known as Adam Estates as recommended by the Crawford County Planning and Zoning Board.

Yeas: Commissioners Moody and Wood

Nays:

Present but not voting:

Absent or not voting: Commissioner Kmiec

The motion prevailed.

MESSAGES FROM THE PUBLIC

Item One: Mr. Terry Sercer presenting the 2013 Crawford County Audit. Mr. Sercer discussed the audit report with the commissioners and reviewed the findings. Mr. Sercer stated that his firm had issued an Adverse Opinion on GAAP and an Unqualified Opinion on Cash Basis or Statutory Basis of Accounting. Mr. Sercer discussed that there are no violations of state statutes or federal laws with the posting and record keeping on grants or any other items. Mr. Sercer reviewed some of the schedules in the audit and the Schedule of Expenditures of Federal Awards in particular. Mr. Sercer also stated that there are no adjusting entries that need to be made to the county records. Commissioner Wood was answered that it is fine to keep a fiscal year open until the end of February or March of the next year in order to finish posting expenses for the fiscal year. It was discussed that a more detailed audit of grant records may uncover some irregularities that might not be discovered by our auditors. Commissioner Wood was answered that Mr. Sercer would like to come in earlier next year to begin auditing procedures on the grants. There was a discussion of the methods for tracking grant expenses and revenues.

MESSAGES FROM ELECTED OFFICIAL

MESSAGES FROM OTHER GOVERNMENTAL ENTITIES

PROCLAMATIONS AND ORDERS OF THE BOARD

NEW BUSINESS:

UNDER THE HEADING OLD BUSINESS

Board of Crawford County Commissioners

Item One: County Clerk Don Pyle presenting the August 2014 Clerk's Report. Mr. Pyle stated that it summarizes the total amounts spent by departments for payroll and other bills during the month of August. Mr. Pyle also gave the Commissioners a copy of the July 2014 to August 2014 Clerk's Report of Changes in Expenditures for comparison. Commissioner Wood wanted to table this so that Commissioner Kmiec could see it.

Item Two: Mr. Jim Emerson, County Counselor presenting one year lease agreements between First Bank and Crawford County for a 2014 Bobcat Excavator in the amount of \$7,400 and a 2014 Bobcat Breaker in the amount of \$1,676 for the Road and Bridge Department.

September 2, 2014

 **First Bank**
PO Box 67
Sterling, Ks. 67579
888-906-3125
620-278-3501 fax
steveb@first-bank.net

Dear Gentlemen,

We would like to take this time to thank you for your recent lease business. Enclosed you will find the lease documents requiring your signature, please review and sign. Also, include a check payable to First Bank in the amount of \$7,400.00 for the advance payment.

We appreciate your business and the confidence you have placed in our bank.

Other services that we provide are checking and savings accounts, certificate of deposits, and bank by mail for your convenience. Also offer a very good life insurance product to protect your assets.

Please contact us, whenever we may be of further assistance.

Cordially,

Steve Bonner, V.P.

STB:sc

Board of Crawford County Commissioners

EQUIPMENT LEASE SCHEDULE No. A

This Equipment Lease Schedule is executed 09/05/2014, by the parties whose signature is affixed below as a Schedule to that certain Lease Agreement between the parties hereto dated 09/05/2014 (herein "Lease"). This Schedule contains additional terms and provisions which are an integral part of the Lease.

A. Equipment Leased:

Quan	EQUIPMENT MODEL SERIAL NUMBER/DESCRIPTION	PRICE
1	2014 Bobcat E50-M compact Excavator, S/N AJ1811419	56065.12
	24in Severe Duty Bucket, S/N 1087461, 52in Grading Bucket, S/N 1090401	
Total Equipment Cost		\$ 56,065.12

B. TERM: Unless sooner terminated as set forth in the Lease, the term of this Lease respecting each item of equipment listed on this Schedule expires on the expiration of 12 months from the date the Acceptance Certificate is signed.

C. RENT: Except as otherwise provided in the Lease or in this Schedule, said rent shall be payable as follows:

1 rentals of \$ 7,400.00 beginning 09/05/2014 with a final rental due 09/05/2015.

THIS IS A NONCANCELABLE LEASE AND ALL RENTALS ARE ABSOLUTE AND UNCONDITIONAL OBLIGATIONS OF LESSEE. Unless sooner paid, all said rent shall be payable in any event on or before the expiration or sooner termination of this Lease.

D. LOCATION: The above described equipment shall be located at

111 E Forest
Girard, KS 66743
County

and shall not be removed therefrom without the prior written consent of Lessor.

E. DEPOSIT: None, pursuant to paragraph 8 of the Lease of which this Schedule is part.

F. SPECIAL CONDITIONS: (1) advance rental(s) are due on the execution of the Acceptance Certificate, with one advance rental applied to the first lease payment, (2) Lessee is hereby given an option to purchase the Equipment at the end of the lease term for \$ 50,762.11.

G. OWNER: The Equipment leased herein is owned by First Bank (referred to in the Lease as "Owner").

H. Lessor does not provide tax information or advice. During the negotiation and execution of this lease, Lessor has not provided Lessee with any advice or counsel regarding the tax effect of this transaction on Lessee or anyone else. By initialing, Lessee is acknowledging that Lessee has not received such advice from Lessor and that Lessee will not claim Lessor has ever provided any such information or advice.

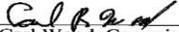
(____ Initials)

APPROVED AND AGREED TO by the parties below.

LESSOR: First Bank
By: 

LESSEE: Crawford County
By: 
Tom Moody, Commissioner

By: _____
Bob Kmiec, Chairman

By: 
Carl Wood, Commissioner

Board of Crawford County Commissioners

September 2, 2014



First Bank

PO Box 67

Sterling, Ks. 67579

888-906-3125

620-278-3501 fax

steveb@first-bank.net

Dear Gentlemen,

We would like to take this time to thank you for your recent lease business. Enclosed you will find the lease documents requiring your signature, please review and sign. Also, include a check payable to First Bank in the amount of \$1676.00 for the advance payment.

We appreciate your business and the confidence you have placed in our bank.

Other services that we provide are checking and savings accounts, certificate of deposits, and bank by mail for your convenience. Also offer a very good life insurance product to protect your assets.

Please contact us, whenever we may be of further assistance.

Cordially,

Steve Bonner, V.P.

STB:sc

Board of Crawford County Commissioners

EQUIPMENT LEASE SCHEDULE No. A

This Equipment Lease Schedule is executed 09/05/2014, by the parties whose signature is affixed below as a Schedule to that certain Lease Agreement between the parties hereto dated 09/05/2014 (herein "Lease"). This Schedule contains additional terms and provisions which are an integral part of the Lease.

A. Equipment Leased:

Quan	EQUIPMENT MODEL SERIAL NUMBER/DESCRIPTION	PRICE
1	2014 Bobcat HB980 Breaker S/N A00Y11605	7097.65
Total Equipment Cost		\$ 7,097.65

B. TERM: Unless sooner terminated as set forth in the Lease, the term of this Lease respecting each item of equipment listed on this Schedule expires on the expiration of 12 months from the date the Acceptance Certificate is signed.

C. RENT: Except as otherwise provided in the Lease or in this Schedule, said rent shall be payable as follows:

1 rentals of \$ 1,676.00 beginning 09/05/2014 with a final rental due 09/05/2015.

THIS IS A NONCANCELABLE LEASE AND ALL RENTALS ARE ABSOLUTE AND UNCONDITIONAL OBLIGATIONS OF LESSEE. Unless sooner paid, all said rent shall be payable in any event on or before the expiration or sooner termination of this Lease.

D. LOCATION: The above described equipment shall be located at

111 E Forest
Girard, KS 66743
County

and shall not be removed therefrom without the prior written consent of Lessor.

E. DEPOSIT: None, pursuant to paragraph 8 of the Lease of which this Schedule is part.

F. SPECIAL CONDITIONS: (1) advance rental(s) are due on the execution of the Acceptance Certificate, with one advance rental applied to the first lease payment, (2) Lessee is hereby given an option to purchase the Equipment at the end of the lease term for \$ 5,655.00.

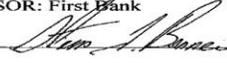
G. OWNER: The Equipment leased herein is owned by First Bank (referred to in the Lease as "Owner").

H. Lessor does not provide tax information or advice. During the negotiation and execution of this lease, Lessor has not provided Lessee with any advice or counsel regarding the tax effect of this transaction on Lessee or anyone else. By initialing, Lessee is acknowledging that Lessee has not received such advice from Lessor and that Lessee will not claim Lessor has ever provided any such information or advice.

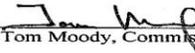
(____ Initials)

APPROVED AND AGREED TO by the parties below.

LESSOR: First Bank

By: 

LESSEE: Crawford County

By: 
Tom Moody, Commissioner

By: _____
Bob Kmiec, Chairman

By: 
Carl Wood, Commissioner

On motion (14-224) of Commissioner Wood and the second of Commissioner Moody to approve one year lease agreements between First Bank and Crawford County for a 2014 Bobcat Mini-Excavator and the 2014 Bobcat Breaker in the amounts of \$7,400 and \$1,676 for the Crawford County Road and Bridge Department.

Yeas: Commissioners Wood and Moody

Nays:

Present but not voting:

Absent or not voting: Commissioner Kmiec

The motion prevailed.

Item Three: Commissioner Wood had some questions in regard to ownership and maintenance equipment that has been purchased with grant funds from Homeland Security and FEMA. County Counselor Jim Emerson stated that he had discussed this with officials from Homeland Security and that they told them that if the county uses the original equipment as a trade on new or upgraded equipment that the new equipment becomes county property. It was discussed that the proper paperwork will need to be filed with and approved by Homeland Security for this to be completed.

Board of Crawford County Commissioners

EXECUTIVE SESSION

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

FUTURE BUSINESS:

Item One: September 12, 2014 – Chairman John Berrey and Alan Mauk of the Downstream Casino Group, George Wingert, State Representative Julie Menghini, State Representative Adam Lusker and State Senator Jacob LaTurner discussing the possible reopening of the Camptown facility as a state owned casino.

ANNOUNCEMENTS:

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 [September 9, 2014](#) meeting of the Board of Crawford County Commissioners at 11:03 AM and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Moody and Wood

Nays:

Present but not voting:

Absent or not voting: Commissioner Kmiec

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 on 09/09/2014 at 11:03 AM, Amended by DPP on 9/09/2014 at 3:50 PM/amended BKW 09/11/2014 11:07 AM