

Board of Crawford County Commissioners

Commissioners' Journal

2019, **NINTH** MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS **Tuesday, February 12, 2019 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.

Commissioners Bruce Blair and Jeremy Johnson were in attendance.

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

Chairman Moody led the pledge of allegiance.

UNDER THE HEADING BUSINESS FROM A PREVIOUS MEETING CONSENT AGENDA

On motion (19-056) of Commissioner Johnson and the second of Commissioner Blair that the consent agenda be approved including:

1. Approval of the **February 8, 2019** minutes of the Board of County Commissioners.

Yeas: Commissioners Moody, Blair and Johnson

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 19	49	That the consent agenda be approved including: Approval of the February 5, 2019 minutes
Motion 19	50	To approve the 2019 Crawford County Annual Noxious Weed Eradication Report
Motion 19	51	To approve the Crawford County Annual Noxious Weed Eradication Progress Report for 2018
Motion 19	52	To recess this open session and go into a closed executive session for a period of not more than 15 minutes to discuss Non-Elected Personnel and to include the Board of County Commissioners, County Counselor

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		Jim Emerson and Noxious Weed Director Ed Fields and to reconvene by 10:52 AM
Motion 19	53	To adopt Resolution #2019-006, A Resolution and Proclamation of a State of Local Disaster Emergency for Crawford County, Kansas
Motion 19	54	To recess this open session and go into a closed executive session for a period of not more than 10 minutes to discuss items that would be deemed privileged in the Attorney-Client Relationship and to include the Board of County Commissioners, County Counselor Jim Emerson and Emergency Management Director Jason VanBecelaere and to reconvene by 11:06 AM
Motion 19	55	To recess this open session and go into a closed executive session for a period of not more than 15 minutes to discuss Non-Elected Personnel and to include the Board of County Commissioners and County Counselor Jim Emerson and to reconvene by 11:43 AM

UNDER THE HEADING NEW BUSINESS

PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS

MESSAGES FROM THE PUBLIC:

Item One: Mr. Mark Scales regarding the Watco Trail Proposal. Mr. Scales stated that he is speaking on behalf of the landowners that have property that adjoins the rail line that is proposed to become a public trail. He stated that after reading about the Live Well Crawford County Resolution that was passed by the Commissioners on January 22, 2019, the landowners felt they needed to come forward with concerns as no one had informed them of the proposed trail. Mr. Scales presented a petition signed by all landowners stating they are against the proposed trail. He asked that the Commissioners reconsider the resolution they passed in support of this trail on the basis that the Commissioners did not have all the information. He spoke about the rails to trails program and rail banking and the requirements that the landowners feel were not met by Live Well. Mr. Scales discussed all the concerns that landowners have. He also addressed the funding through the grants and the where the responsibility for maintenance will lie when the funding runs out. Mr. Scales stated that the landowners feel that is not a good spend for the usage if will entail. His presentation included pictures of areas along this rail bed where trash has been dumped. County Counselor Jim Emerson stated that this is still preliminary for the County and for Live Well Crawford County and a lot more information should be provided as Live Well moves forward looking for funding and whether this will be feasible. He stated that this project is in the very early stages and the group that will be running the project is Live Well and they will be working with Watco. Mr. Emerson stated that all information received today will be forwarded to Live Well and that the landowners will be notified of any future discussions on this issue. Mr. Larry Jacobs addressed the Commission. He stated that he and his wife are landowners along the proposed trail and he helped Mr. Scales in compiling the information presented today. He wanted to know who the responsible party will be. Commissioner Moody stated that Crawford County will not be maintaining the trail nor will Crawford County be on the lease mainly due to liability. Mr. Scales referenced a Facebook post by Mr. Roger Lomshek from the Active Transportation Advisory Board and stated that he feels this post inaccurate. Commissioner Moody stated that he is not against the trail but feels all questions from the landowners need to be addressed. Mr. Scales asked for clarification on

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the Resolution the Commissioners passed on January 22, 2019 and Commissioner Johnson explained that in order to seek funds, the organization needs approval from the local or county government to move forward. Mr. Rick Estenson addressed concerns as to what will happen to the proposed trail when 69 goes to a four-lane highway. Mr. Blair stated that was his question also and when he asked Live Well, they did not have an answer. Mr. Blair suggested having Live Well Crawford County give at least a 2 week notice before coming to speak with the Crawford County Commissioners again to allow adequate time for the landowners to be notified. Mr. Gary Cummins stated that his mother lives on the proposed trail and had questions on who owns the rail line after they are no longer in use. There was a discussion on abandoned railroads and usage changes and the property reverting back to the landowners. Mr. Cummins read stated statues on that issue. Mr. Scales discussed rail banking. Ms. Jody Sirratt stated they called Watco numerous times when the railroad was abandoned and could not get an answer. Mr. Scales stated that he spoke with Mr. Brad Snow from Watco and Mr. Snow was under the impression that it was rail banked but there is no documentation on this at the Surface and Transportation Board. Mr. Moody stated that there are a lot of questions that need answered. Mr. Sundown Jacobs asked if it is a determination by the county to allow this and Mr. Emerson stated that the county does have some statutory authority but once that is met and it goes through the stages it is Live Well Crawford County's responsibility.

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LANDOWNER CONCERNS ABOUT LIVEWELL, ABC TRAILS AND THE WATCO TRAIL RAIL TO TRAILS FROM PITTSBURG TO CHEROKEE ALONG WATCO RAILROAD

PERSONAL SAFETY

Violent crimes - loss of feeling secure in ones home.
Loss of privacy (inquiring minds)
Stress caused by lack of control of ones' destiny
Law enforcement. Security and/or County Sheriff police patrols?

VANDALISM AND OTHER WORRIES

Theft
Drug activities
Homeless problems
Trash containers maintained
Trail trash pickup
Trail maintenance
Trespassing by trail users
Unsanitary behavior by trail users (trash, human feces, toilet paper, etc.)
Littering

FARM. RANCH AND OTHER LANDOWNER CONCERNS

Railroad not an entertainment option.
Who says what all can be done to right of way?
Motorcycles and 4 wheelers.
Hunters, Trappers and Fisherman
Trespassers onto private property
Who keeps these users off at midnight, etc?
Just more worries for landowners.
Spreading of Noxious weeds by trail users
Complaints about own lifestyle-hog smell--old cars
Access to property
Harassment of livestock.
Overgrowth of fences.
Fence repair and replacement, who pays?
Fire damage to native prairie fields, crops, pastures, gates etc.
Illegal parking along trail.
Proper fences where needed. Who pays?
Unauthorized users.

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LAWSUITS

Who is the trail manager (responsible party)?

Rail banking easements - Can Rail-to-trail sell easements to electric, gas, fiber lines, etc.?

Does the landowner hold any responsibility?

What parties hold responsibility? (County Commission - Livewell - ABC Trails - Watco Railroad - Members individually and/or as a group?)

PROPERTY VALUES

Property values of adjoining land and home values usually drop.

If property value fall so do tax valuations?

Who becomes or remains taxable party?

Unable to sell property because of trail problems

WILDLIFE HABITAT DAMAGE AND/OR DISRUPTION.

Songbirds - Quail - Turkey - Hawks and Owls

Squirrels - Rabbits - Deer - Predators

Lizards - Salamanders

Endangered species "

Who checks on the presence and impact of all the above?

ENVIRONMENTAL CONTAMINANTS

Types of Contaminants

The type and extent of contamination along rail corridors fall into two general categories: residual contamination that may be found along any stretch of corridor and contamination associated with industrial uses alongside it. Before and after acquisition, you should be aware of the following potential contaminants:

- Railroad ties, usually treated with chemicals such as creosote
- Coal ash and cinder containing lead and arsenic
- Spilled or leaked liquids such as oil, gasoline, cleaning solvents, etc.
- Herbicides
- Fossil fuel combustion products (PAHs)
- Metals
- * Chat composed of Lead and Zinc
- * Lead exposed to air becomes oxidized and more mobile thru air and water.
- * Railbeds and chat materials must be wet down before work can begin.

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Petition

I am a land owner with adjoining property to the vacated railroad that has been proposed for a public trail. Let it be known that I am against this proposed use.

1. Jay E. Jacobs

2. Mark Scales

3. Larry Jacobs

4. Ed Thompson

5. Darry Shoemaker

6. JoAnn Cummins

7. Perry Cummins

* 8. Jim Krusch

* 9. James A. Johns

10. Brenda Johns

11. Opal Tritos

* 12. Rodney Tritos

13. William Pfannenstiel

14. Cynthia Pfannenstiel

15. Gloria J. Heberstiel

Joyce Jacobs

Mark Scales

LARRY JACOBS

Ed Thompson

Darry Shoemaker

JoAnn Cummins

Perry Cummins

Jim Krusch

James A. Johns

Brenda Johns

Opal Tritos

Rodney Tritos

William Pfannenstiel

Cynthia Pfannenstiel

Gloria J. Heberstiel

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|---|-------------------------------------|
| 16. <u>Jody Sinnatt</u> | <u>Jody Sinnatt</u> |
| + 17. <u>Charles Sinnatt</u> | <u>Charles Sinnatt</u> |
| 18. <u>Cathy Estenson</u> | <u>Cathy Estenson</u> |
| 19. <u>Rick Estenson</u> | <u>Rick Estenson</u> |
| 20. <u>Sharon Brenner</u> | <u>Sharon Brenner</u> |
| 21. <u>George Brenner</u> | <u>George O. Brenner</u> |
| 22. <u>Billy Brisbin</u> | <u>Billy Brisbin</u> |
| 23. <u>Kathy Brisbin</u> | <u>Kathy Brisbin</u> |
| 24. <u>Clifford Renn</u> | <u>Clifford Renn</u> |
| 25. <u>Terry Elrod</u> | <u>Terry Elrod</u> |
| 26. <u>Don Elrod</u> | <u>Don Elrod</u> |
| 27. <u>Dennis Brooks</u> | <u>Dennis Brooks</u> |
| 28. <u>Laurie Brooks</u> | <u>Laurie Brooks</u> |
| 29. <u>Don Elmer</u> | <u>Don Elmer</u> |
| 30. <u>Theresa & Gerald Kattner</u> | <u>Theresa & Gerald Kattner</u> |

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|--------------------------------|----------------------------|
| 31. <u>Ron Hobbs</u> | <u>Ron Hobbs</u> |
| 32. <u>Jackie Matta</u> | <u>Jackie Matta</u> |
| 33. <u>Leo Matta</u> | <u>Leo Matta</u> |
| 34. <u>Sandra Jacobs</u> | <u>Sandra Jacobs</u> |
| 35. <u>Sandra Jacobs</u> | <u>Sandra Jacobs</u> |
| 36. <u>Kenny Jacobs</u> | <u>Kenny Jacobs</u> |
| 37. <u>Jacqueline Coltrane</u> | <u>Jacqueline Coltrane</u> |
| 38. <u>Mary J. Collins</u> | <u>Mary J. Collins</u> |
| 39. <u>Brandon Brown</u> | <u>BRANDON BROWN</u> |
| 40. <u>Murrel Windsor</u> | <u>MURREL WINDSOR</u> |
| 41. <u>Mary Windsor</u> | <u>MARY WINDSOR</u> |
| 42. <u>Larry Van Bacedane</u> | <u>Larry Van Bacedane</u> |
| 43. <u>Don VanBredaere</u> | <u>Don VanBredaere</u> |
| 44. <u>Anthony Pichler</u> | <u>Anthony Pichler</u> |
| 45. <u>Larry Pichler</u> | <u>Larry Pichler</u> |

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|----------------------------|------------------------|
| 46. <u>William Maxwell</u> | <u>William Maxwell</u> |
| 47. <u>Brian Pastar</u> | <u>Brian Pastar</u> |
| 48. <u>Todd Coleman</u> | <u>Todd Coleman</u> |

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Item Two: Ms. Angela Warner addressed the Commissioners and stated that she is the new representative for Air-Med Care Network for Crawford County and just wanted to introduce herself.

MESSAGES FROM OTHER GOVERNMENTAL ENTITIES

MESSAGES FROM ELECTED OFFICIALS

MESSAGES FROM APPOINTED OFFICIALS

Item One: Mr. Bill Towery, County Sanitarian and Mr. Ron Albertini, County Surveyor discussing a lagoon system at the SEK Humane Society. Mr. Towery asked if the Commissioners have any questions on the memo he sent out. He stated that the current lagoon is undersized and inadequate. He said that if a new larger lagoon is set up the pump station can be eliminated. Mr. Towery said that the County did this for the fairgrounds and would like to do the same service for the Humane Society. He explained that the society would pay for fencing and rock and the County would provide the labor and machinery and manage the project. Commissioner Johnson requested a copy of the paperwork on the work done on the lagoon at the fairgrounds. Mr. Moody stated that he does not have a problem with assisting with labor but the costs for fencing and rock needs to be researched. Mr. Towery stated that Mr. Paul Keys will do the plumbing work. Mr. Towery explained that the property is not in a floodplain and Wildlife and Parks owns most of surrounding property. He stated that the new lagoon will take care of all human and animal waste at the facility. The Commissioners would like a breakdown of expenses and what the county will be responsible for. The Commissioners gave Mr. Albertini the approval to start some basic ground work to work up an estimate.

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MEMORANDUM

TO: COUNTY COMMISSIONERS

FROM: BILL TOWERY – ENVIRONMENTAL DEPARTMENT

SUBJECT: SEK HUMANE SOCIETY – WASTEWATER IMPROVEMENTS

DATE: February 6, 2019

I HAVE BEEN WORKING WITH THE HUMANE SOCIETY AND PAUL KEYS, A LOCAL PLUMBING CONTRACTOR, IN REGARDS TO IMPROVING OR CORRECTING THE EXISTING WASTEWATER SYSTEM AT THE SITE. THE EXISTING WASTEWATER LAGOON WAS CONSTRUCTED ALMOST 30 YEARS AGO AND HAS HAD NUMEROUS PROBLEMS THROUGHOUT THIS PERIOD. IT IS UNDERSIZED, PROBABLY FILLED WITH SLUDGE, AND IS NOT PROVIDING ADEQUATE TREATMENT OF THE WASTEWATER. ALSO, BECAUSE OF ELEVATIONS THE WASTEWATER HAS TO BE PUMPED TO THE FACILITY.

I AM REQUESTING THAT THE COUNTY TAKE STEPS TO HELP THE HUMANE SOCIETY WITH THE CORRECTION OF THIS PROBLEM. I HAVE PROPOSED THAT A NEW LAGOON BE CONSTRUCTED TO THE SOUTH OF THE EXISTING LAGOON. THIS NEW LAGOON CAN BE LOCATED SO THAT WE CAN ELIMINATE THE NEED FOR ANY PUMPS. THE LAGOON CAN BE SIZED TO BE NON-DISCHARGING AND SHOULD BE ABLE TO HANDLE ANY ADDITIONS TO THE SITE. I HAVE ENCLOSED A SITE LOCATION AND SKETCH OF THE NEW LAGOON. I AM ASKING THAT THE COUNTY PROVIDE THE MANPOWER AND EQUIPMENT TO BUILD THE LAGOON. THIS IS SIMILAR AS TO WHAT WE DID TO HELP THE COUNTY FAIR BOARD WITH THEIR LAGOON AT THE FAIRGROUNDS. MR KEYS WOULD HANDLE THE PLUMBING AND CONNECTIONS TO THE LAGOON. I HAVE ALSO CONTACTED RON ALBERTINI AND HE HAS AGREED TO OVERSEE THE PROJECT AS HE DID WITH THE COUNTY FAIRGROUND.

THE HUMANE SOCIETY PROVIDES A VALUABLE SERVICE TO THE AREA. I HOPE THAT YOU WILL GIVE THIS MATTER YOUR CONSIDERATION AND APPROVAL. IF YOU NEED ADDITIONAL INFORMATION I WOULD BE GLAD TO MEET WITH YOU AT ANY TIME.

**PC: PAUL KEYS
RON ALBERTINI**

Item Two: Undersheriff Steve Geier addressing a grant application for a radio tower. Mr. Geier stated that he attended Webinar yesterday on the grant with Mr. Emerson. Mr. Geier stated that he needs approval from the Commissioners to move forward in order to get everything completed on time and getting bids. The Commissioners agreed.

PROCLAMATION AND ORDERS OF THE BOARD

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NEW BUSINESS

UNDER THE HEADING OLD BUSINESS

Item One: Mr. Pyle addressed the SEK Inc. luncheon and meeting at Kendall Packaging on Tuesday, February 19, 2019. He stated that if the Commissioner would like to attend, he will get tickets.

EXECUTIVE SESSION:

Item One: County Counselor Jim Emerson requested an executive session for 15 minutes to discuss non-elected personnel.

On motion (19-057) of Commissioner Moody and the second of Commissioner Blair to recess this open session and go into a closed executive session for a period of not more than 15 minutes to discuss Non-Elected Personnel and to include the Board of County Commissioners and County Counselor Jim Emerson and to reconvene by 11:20 AM.

Yeas: Commissioners Moody, Johnson and Blair

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

The Commissioners went into Executive Session at 11:05 AM and reconvened the Open Session at 11:15 AM with no action taken except to go back into open session.

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

FUTURE BUSINESS:

Item One: February 19, 2019 – Mr. Rick Pfeiffer, Mental Health Executive Director and Mr. Dwight Brennfoerder with update on the new Addiction Treatment Center.

ANNOUNCEMENTS:

Item One: February 18, 2019 – The Courthouse will be closed in observance of President's Day.

Item Two: February 19, 2019 – SEK Inc. meeting and luncheon at 11:30 AM at Kendall Packaging.

UNDER THE HEADING MOTION TO ADJOURN MOTION TO ADJOURN

Item One: Adjournment

On the motion of Commissioner Moody and the second of Commissioner Johnson to adjourn the [February 12, 2019](#) meeting of the Board of Crawford County Commissioners at 11:17 AM and to reconvene at the next regularly scheduled time with open doors.

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Yeas: Commissioners Moody, Blair and Johnson

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 BKW 2/12/19 11:17 AM/amended BKW 2/14/19 10:30 AM](#)