

# Board of Crawford County Commissioners

## Commissioners' Journal

2024, [SEVENTY-FIFTH](#) MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM  
Girard, KS. **Tuesday, October 8, 2024 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 Bruce Blair and Tom Moody were in attendance.

County Clerk Lisa Lusker 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 (24-430)** of Commissioner Moody and the second of Commissioner Blair that the consent agenda be approved including:

1. Approval of the **October 4, 2024** minutes of the Board of County Commissioners.

Yeas: Commissioners Moody, Blair, 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 24	426	That the consent agenda be approved including: Approval of the October 1, 2024 minutes, and Authorizing the Chairman to sign the previous week's vouchers
Motion 24	427	To approve the Kansas Housing Resource Corporation Emergency Solutions Grant Request for Reimbursement and Financial Status Report in the amount of \$4,268.00 and authorize the Chairman to sign
Motion 24	428	To recess this open session and go into a closed executive session for a period of not more than 15 minutes to discuss items that would be deemed privileged in the Attorney-Client Relationship to discuss the old landfill and to include the Board of County Commissioners and County Counselor Jim Emerson and to reconvene by 10:26 AM

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Motion 24	429	To recess this open session and go into a closed executive session for a period of not more than 30 minutes to discuss Non-Elected Personnel to discuss the courthouse and to include the Board of County Commissioners and County Counselor Jim Emerson and to reconvene by 10:32 AM
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### **UNDER THE HEADING NEW BUSINESS**

#### **PROCLAMATION AND ORDERS OF THE BOARD**

#### **PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS**

#### **MESSAGES FROM CRAWFORD CO LOCAL BOARD OF HEALTH**

#### **MESSAGES FROM APPOINTED OFFICIALS**

**Item One:** Zoning Administrator May Smith addressed the Commissioners. She explained on September 19, 2024 they had a Planning & Zoning hearing on a case presented by Mr. Jason Nutter. She stated he was applying to get a conditional land use for a boat and RV storage in Franklin, KS. Ms. Smith gave details regarding the location as well as the plans Mr. Nutter had. Commissioner Wood asked where the old highway was located and Ms. Smith answered. Ms. Smith mentioned there was some opposition as she received three letters sent to her office and stated who these letters were sent from. She also mentioned the residents that attended the Planning & Zoning meeting that were in opposition and explained why they were in opposition. Commissioner Blair asked what the checkmarks on her list were and Ms. Smith explained it was just for the use of her office. County Counselor Jim Emerson mentioned the protest petitions. He explained there were several protest petitions received in the Clerk's office and explained that the petitions did not meet the 20% protest requirement to trigger a unanimous vote. Commissioner Wood asked if that is a rule set by the State or if that comes from the existing comprehensive plan and Mr. Emerson explained that is State statute. Ms. Smith explained the Planning & Zoning Board had a 5 to 1 vote which included 5 yes and 1 nay. Commissioner Moody asked what the major concerns Ms. Smith heard were and she stated the major concerns she received were road width and security. Commissioner Wood asked what kind of fencing Mr. Nutter will use and Ms. Smith explained that he will not do fencing at this time but explained he will have a gate at the entry way. Commissioner Wood asked why Mr. Nutter would need a gate if they will not have fencing. Commissioner Moody asked Mr. Nutter if he would be interested in putting in a fence sooner rather than later and Mr. Nutter stated yes he would. Commissioner Wood asked what kind of fence he would use and Mr. Nutter stated chain link fence. Commissioner Moody asked Ms. Smith if people are just concerned with people stealing from the area or just entering the area in general and Ms. Smith answered. Ms. Smith also mentioned Sheriff Danny Smith had no objections. Commissioner Moody discussed water runoff with Mr. Nutter. Commissioner Blair asked if there was any discussion on the 1 nay vote and Ms. Smith answered she did not elaborate on why she voted against. Commissioner Moody asked Commissioner Wood if there is anyone in attendance that would like to speak for or against this proposal. Ms. Cindy Minelli addressed the Commissioners. She stated their driveway is right across the street from the proposed location and that the road is extremely narrow. Commissioner Wood asked what she would want to see happen to not be opposed to the storage facility and she stated the road would need to be widened, the fence built, and security. Mr. Jody Dalton addressed the Commissioners. He explained he lives north of the proposed site and that he believes

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Franklin should remain a residential area and that this business does not fit in. He asked Mr. Nutter why there is such a demand for storage of boats and RVs. Mr. Nutter explained. Mr. Dalton asked the Commissioners if there are any statutes in place in Crawford County that do not allow people to park RVs on their own property and Ms. Smith answered the county has no statutes like that but in the cities they may have different rules. Commissioner Moody asked if all storage will be inside and nothing outside of the units and Mr. Nutter confirmed. Commissioner Blair discussed the width of the road. Commissioner Moody stated he would like to see some changes added in to this before approving. Commissioner Wood discussed security and the fencing. Commissioner Blair asked if they sent this back to the Planning & Zoning Board with recommendations would they have a hearing again on it next month and Ms. Smith stated that they could. Mr. Richard Minelli addressed the Commissioners. He expressed his concerns regarding this project. Mr. Gary Hunt addressed the Commissioners and stated his concerns. Mr. Richard Minelli addressed the Commissioners again and discussed the flooding concern. Commissioner Blair stated if it is acceptable he believes they should send this case back to the Planning & Zoning Board with the recommended stipulations that they have discussed.

**On motion (24-431)** of Commissioner Moody and the second of Commissioner Wood to send the proposed conditional land use case for Jason Nutter back to the Planning & Zoning Board with recommendations.

Yeas: Commissioners Moody, Wood, and Blair

Nays:

Present but not voting:

Absent or not voting

**The motion prevailed.**

### MESSAGES FROM ELECTED OFFICIALS MESSAGES FROM THE PUBLIC

**Item One:** Mr. Joshua Albin, Adams Jones Law Firm, addressed the Commissioners. He stated they reviewed the current Comprehensive Plan for the county as well as the cities of Pittsburg, Girard, and Frontenac. Mr. Albin provided some statistics and information regarding population and growth. Mr. Albin brought up the preliminary survey and asked if the Commissioners have had a chance to look it over and the Commissioners confirmed that they have. Mr. Emerson gave the Commissioners a copy of this survey and stated he had extra copies if anyone else needed one. Mr. Albin discussed this preliminary survey. Commissioner Blair asked if they recommend residents answer based on where they live or on the county as a whole and Mr. Albin answered. Commissioner Wood asked Mr. Albin if he knows what percentage of Crawford County is agricultural and Mr. Albin answered the overall land use for Crawford County for agricultural is around 60%. Mr. Albin discussed the transportation portion of the survey and Commissioner Wood mentioned Free Kings Highway and how the county went in on a grant application with the City of Pittsburg for money to help with road conditions, and also how he asked Mr. Emerson to contact Mr. Jay Byers regarding this application the other day. Commissioner Blair asked if the county has some information as in certain studies that have been done will those play into this plan and Mr. Albin stated they will. Commissioner Wood asked about the smaller towns, zoned, and not zoned areas and what he will be doing with those

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areas and Mr. Albin explained the plan for those areas. Commissioner Wood asked about agricultural areas and Mr. Albin answered. Mr. Albin discussed areas that are not zoned. Mr. Albin then discussed the community and identity portion of the survey. Mr. Albin stated if they do not get the level of participation desired they can use the rural water and utilities as a way to advertise the survey as advertising can be costly. Mr. Emerson mentioned the county has a Public Information Officer that can help advertise on social media. Commissioner Wood asked if it will be the same survey going out each time and Mr. Albin explained. He also mentioned he typically does a 60 day period for the survey to be available. Commissioner Wood asked if anyone in the audience would like to speak about this or ask questions. Ms. Anne Sanders addressed the Commissioners and Mr. Albin. She mentioned how Mr. Albin stated the goal for the survey is a return of 40% of families or higher so she would like to know if they are targeting mainly residential or if they are targeting businesses too. Mr. Albin clarified it is targeted at registered tax payers of the county. She asked when this would take place and he said pending approval his goal is November 1, 2024. Commissioner Blair asked what he is wanting as far as approval and Mr. Albin explained and stated he is not expecting a vote on it today. Commissioner Blair stated it encourages a lot of open ended responses and Mr. Albin stated the goal is to allow it to be as open as possible but with topics to guide it. Ms. Mae Smith addressed Mr. Albin regarding zoning and asked if they should include a question on the survey regarding if residents would want zoning in the areas not currently zoned and Mr. Albin explained. Commissioner Wood asked Mr. Albin to explain agricultural zoning and Mr. Albin explained. Mr. Albin explained with the zoning rules written the way they are at this time nothing can stop industrial companies from coming in and installing wind or solar in areas not zoned regardless of the moratorium. Commissioner Wood asked if the area would have to be zoned to have power over that and Mr. Albin explained there is some home rule power but that it is through the courts. Commissioner Wood asked how they could change the use from agricultural to industrial in areas not zoned and if they would have to come before the Commissioners to do so and Mr. Emerson answered no they would not. The Commissioners thanked Mr. Albin.

### MESSAGES FROM OTHER GOVERNMENTAL ENTITIES

**Item One:** Ms. Becky Gray, CHCSEK/Building Health Inc., addressed the Commissioners. She provided the Commissioners with some papers including information regarding transportation. She explained she is particularly discussing the care van that CHCSEK and Building Health Inc. has been operating for about 5 years now. Ms. Gray stated this is general transportation and also nonemergent medical transportation. She provided some information in general about this program. Ms. Gray asked the Commissioners if they would be willing to sign two letters of support. She explained one letter is to support the coordinative transit district 10 and that the second letter is to support Building Health Inc. to apply for grant funding. Ms. Gray offered to leave the letters to be reviewed or she can email the letters and Mr. Emerson and Commissioner Wood asked for her to leave the letters. Commissioner Wood asked Ms. Gray about the statistics she provided. Commissioner Wood asked if the program is in multiple counties or just Crawford County and Ms. Gray answered. Commissioner Wood asked if someone does not have the funds do they turn them away and Ms. Gray stated they do not and explained their process. Commissioner Blair asked if Ms. Gray could

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send some more information on Building Health Inc. since this is not something they have seen before and she stated she will.

### MESSAGES FROM THE PUBLIC CONTINUED

**Item Two:** Ms. Becky Willard addressed the Commissioners. She asked for clarification on the home rule instance that Mr. Albin discussed earlier and Mr. Albin explained. Ms. Willard asked if the Commissioners are liable if wind and solar companies proceed even with the moratorium in place or if they are comfortable that nothing will happen at this time. Commissioner Wood asked Mr. Albin what he thinks and Mr. Albin stated that would be legal advice that needs to come from county counsel. Commissioner Blair asked Mr. Albin if the moratorium is the most they can do at this time and Mr. Albin confirmed. Ms. Willard asked Mr. Albin if they can do a temporary zoning and Mr. Albin stated no it would need to be an actual zoning regulation. Commissioner Wood asked Mr. Albin if they extend the moratorium for another year will it keep wind and solar out and Mr. Albin explained again the home rule concept with the moratorium. Ms. Willard asked Mr. Emerson if he is comfortable with the moratorium in place that the wind and solar companies will not proceed and he mentioned that has been a possibility from the beginning and that he has stated several times this issue is more than likely going to come down to zoning. Ms. Willard asked if the county would be liable if wind and solar proceed and Mr. Emerson answered that would be for court to determine.

**Item Three:** Ms. Judy Prince addressed the Commissioners. She asked for clarification regarding Article II that protects agricultural use land and Mr. Emerson explained. Mr. Emerson discussed zoning. Ms. Prince asked if when the zoning board begins to meet if there will be a time for public input and Mr. Emerson confirmed. Ms. Prince asked about land and housing that is delinquent on taxes and if corporations can purchase these and Mr. Emerson mentioned if it is up for county auction anybody can bid on them. Mr. Emerson explained they have a little more control if it is in a land bank but that in tax sale it is highest bidder.

**Item Four:** Ms. Anne Sanders addressed the Commissioners. She asked who would make the rules and regulations limiting solar and wind farms specifically is it the Commissioners or is it the zoning board and Mr. Emerson explained that it involves both entities as well as the process. Mr. Albin gave some clarification on the process as well.

### NEW BUSINESS

**Item One:** County Clerk Lisa Lusker mentioned October 15, 2024 is the last day to register to vote or make changes to voter registration. She also mentioned early voting begins in the County Clerk's office on October 16, 2024 as well as the mailing of advanced ballots. She stated she also needs to request the scheduling of the CANVASS. She asked if they could do this on Friday, November 15, 2024 at 9:00 AM and the Commissioners agreed.

**Item Two:** Mr. Emerson mentioned he has had a request for providing Mr. Aaron Crozier, Courthouse Maintenance, with a credit card. Mr. Emerson mentioned he has had to borrow a credit card from the Zoning Department to make necessary purchases as

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Zoning Administrator May Smith is who processes their bills. Mr. Emerson explained there would be a \$2,500 limit on the card.

**On motion (24-432)** of Commissioner Wood and the second of Commissioner Moody to approve a purchasing card for Aaron Crozier, Courthouse Maintenance with a credit limit of \$2,500 through GNBANK.

Yeas: Commissioners Wood, Moody, and Blair

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

**Item Three:** Commissioner Moody mentioned he received a call from the City of Pittsburg asking him to reach out to the City of Frontenac regarding City/County luncheons. He mentioned that City of Pittsburg stated Frontenac has so much going on that it may be a good time to allow them to host. Commissioner Wood stated he thought it was City of Pittsburg's turn to host and Mr. Emerson thought Pittsburg was next as well. Commissioner Moody stated this call was last week but that if the Commissioners are okay with this he will contact City of Frontenac.

### OLD BUSINESS

### UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

#### FUTURE BUSINESS:

**Item One: October 11, 2024- 9:00 AM** Work Session with Ryan Insurance to discuss quarterly update.

**Item Two: October 11, 2024-** Sheriff Danny Smith discussing lease purchases.

**Item Three: November 15, 2024- 9:00 AM** The Board of County Canvassers will meet to canvass the ballots from the 2024 General Election with the Regular Session commencing immediately after the canvass.

#### 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 [October 8, 2024](#) meeting of the Board of Crawford County Commissioners at 12:25 PM and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Moody, Blair, and Wood

Nays:

Present but not voting:

Absent or not voting:

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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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**Lisa Lusker**  
County Clerk

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**This submission completed at the Crawford County Courthouse in Girard.**

Taken RJA 10/10/24 9:00 AM/amended BKW 10/10/24 10:30 AM