

Board of Crawford County Commissioners

Commissioners' Journal

2024, [SIXTY-NINTH](#) MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS. **Tuesday, September 17, 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.

Commissioner Bruce Blair was 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 (24-406) of Commissioner Blair and the second of Commissioner Wood that the consent agenda be approved including:

1. Approval of the **September 13, 2024** minutes of the Board of County Commissioners.

Yeas: Commissioners Blair and Wood

Nays:

Present but not voting:

Absent or not voting: Commissioner Moody

The motion prevailed and the consent agenda was approved.

SIGNING OF MOTIONS

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

Motion 24	395	That the consent agenda be approved including: Approval of the September 10, 2024 minutes, Approval of the accounts payable warrant numbers 632231 to 632541 dated September 13, 2024 in the total amount of \$357,345.23, and Authorizing the Chairman to sign the previous week's vouchers
Motion 24	396	To open the Public Hearing on the Revenue Neutral Rate for the 2025 Crawford County Budget and the Crawford County FY2025 Budget
Motion 24	397	To close the Public Hearing on the Revenue Neutral Rate for the 2025 Crawford County Budget and the Crawford County FY2025 Budget

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Motion 24	398	To adopt Resolution #2024-024, A Resolution of the County of Crawford, Kansas to Levy a Property Tax Rate Exceeding the Revenue Neutral Rate for the Crawford County FY2025 Budget
Motion 24	399	To approve the Crawford County FY2025 Budget
Motion 24	400	To open the Public Hearing on the Revenue Neutral Rate for the 2025 Crawford County Fire Districts No. 1, 2, 3 & 4 and the Crawford County Fire District #1, #2, #3 & #4 FY2025 Budgets and FY2025 Special District Budgets
Motion 24	401	To close the Public Hearing on the Revenue Neutral Rate for the 2025 Crawford County Fire Districts No. 1, 2, 3 & 4 and the Crawford County Fire District #1, #2, #3 & #4 FY2025 Budgets and FY2025 Special District Budgets
Motion 24	402	To adopt Resolution #2024-025, A Resolution of the County of Crawford, Kansas to Levy a Property Tax Rate Exceeding the Revenue Neutral Rate for the Crawford County Fire District #1 2025 Budget, Resolution #2024-026, A Resolution of the County of Crawford, Kansas to Levy a Property Tax Rate Exceeding the Revenue Neutral Rate for the Crawford County Fire District #2 2025 Budget, Resolution #2024-027, A Resolution of the County of Crawford, Kansas to Levy a Property Tax Rate Exceeding the Revenue Neutral Rate for the Crawford County Fire District #3 2025 Budget, and Resolution #2024-028, A Resolution of the County of Crawford, Kansas to Levy a Property Tax Rate Exceeding the Revenue Neutral Rate for the Crawford County Fire District #4 2025 Budget
Motion 24	403	To approve the Crawford County Fire District #1, #2, #3 & #4 FY2025 Budgets and FY2025 Special District Budgets
Motion 24	404	To make it known that the board hereby issues a license to “sell at retail”, cereal malt beverages from the place of business as shown in the application APPLICANT: Steve Hipfl “Ol Yale Farms” PREMISES: 306 S 250th St, Pittsburg, KS 66762 (For consumption on the premises)
Motion 24	405	To approve the publication of the Notice of Intent to Vacate a Platted Street located in Delplace Subdivision, Crawford County, Kansas with a public hearing scheduled for Tuesday, October 22, 2024 at 10:00 AM

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 OTHER GOVERNMENTAL ENTITIES

MESSAGES FROM APPOINTED OFFICIALS

MESSAGES FROM ELECTED OFFICIALS

MESSAGES FROM THE PUBLIC

Item One: State Representative Chuck Smith addressed the Commissioners. He stated he wants to discuss the large childcare funding. Mr. Smith stated he was invited by Pastor

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Talent to attend his open house when his church opened their daycare and stated what a wonderful thing Mr. Talent's church is doing by providing childcare for Pittsburg. Mr. Smith stated Mr. Talent called him last December asking for help getting licensed and that he helped speed up the licensing process. Mr. Smith stated Mr. Talent was the first to apply for ARPA funding and that he did it the right way. Mr. Smith stated he has friends on both sides so he is not choosing sides. He stated he appreciates Commissioner Wood's courage for standing up for what he believes. Commissioner Blair asked Mr. Smith how many counties he represents with the office that he holds and Mr. Smith answered. Commissioner Blair explained ARPA funding and why large childcare was decided on to utilize this ARPA funding. Mr. Smith stated he agrees with needing childcare but that things need to be done right.

Item Two: Pastor Donnie Talent addressed the Commissioners. He stated funds are not the issue and that they are not asking for any more funding. He mentioned they are here because of the application process and that Point Forward has no MOU. Mr. Talent stated that process needs to be followed. He stated again that Point Forward does not have a child care provider. Commissioner Blair mentioned the time that they approved recognizing Point Forward as a viable project. Commissioner Blair asked Mr. Talent to explain what he believes the purpose of the MOU is. Mr. Talent stated he believes the process begins with the application, and then the project was given an MOU in order to receive money. Commissioner Blair mentioned Point Forward will not be receiving any money until an MOU is in place. Mr. Talent asked where Point Forward's application is and Commissioner Blair mentioned they recognized Harmony's application as Point Forward as they were the same project. Mr. Talent asked again said Point Forward has no MOU and Commissioner Blair stated they will before they receive any funds. Mr. Talent stated Mr. Ron Scripsick stated Point Forward has an MOU with SEKCAP and asked the Commissioners if they knew about that and Commissioner Blair answered that they do but that it was considered a personal MOU between Point Forward and SEKCAP and not an MOU with the county. Mr. Talent stated Mr. Bodensteiner mentioned a couple weeks ago that he personally would advise against funding Point Forward without a child care provider and he is wanting to know if Point Forward will receive an MOU when they get a child care provider or if they will receive an MOU without having a child care provider. Commissioner Blair answered that they can receive an MOU without a child care provider and Mr. Talent stated that is the process he is discussing. Mr. Talent stated a federal audit is coming and that he is against the process that Commissioners are skipping when they say Point Forward does not need a child care provider to receive an MOU. Commissioner Blair confirmed that Mr. Bodensteiner is not counsel as he is not a lawyer. Mr. Talent stated that Mr. Scripsick said that if they do not receive the ARPA funding they will donate the building and he wants to know how the Commissioners feel about a project that has raised over 10 million dollars from grants, private donations, and a bond giving a building away. Mr. Dustin Strong began to clarify and Mr. Talent asked if the Morning Sun reporter is going to be giving his opinion or if he will be reporting the news. Commissioner Wood stated Mr. Strong can speak when Mr. Talent is finished. Mr. Talent stated what he is hearing is that the Commissioners are completely confident without a contract that Point Forward will become a child care facility even if they have to give the building away and asked if that would have worked for his project and Commissioner Blair began to clarify if the building would be given to a child care provider and Mr. Talent stated what would the Commissioner have said to his church.

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County Counselor Jim Emerson stated Mr. Talent did not answer the question about if the building would have been donated to a child care provider. Commissioner Blair stated a building has already been donated to a child care provider and that there was not a single issue brought up with that situation. Mr. Talent stated the Commissioners need to think twice about giving an MOU to a project without a child care provider because it is a big decision and an audit is coming and county votes. Commissioner Blair mentioned they have approved this project twice now and that they have not heard a problem until recently. Commissioner Blair also stated he is hearing from Mr. Talent to think twice about this decision and assured him he has thought about this project more than he could imagine and that if he did not feel confident in the project he would feel the way Mr. Talent feels. Commissioner Blair stated it insults him that Mr. Talent continuously shows up about this problem because he has Commissioner Blair's phone number and could call him about a problem any time. Mr. Talent stated he would like to clarify a few things saying he is not ungrateful for what his project received but that he is against them skipping the process. He mentioned he is here for the process. Commissioner Blair wanted to clarify that they did look into the rules and regulations of the ARPA funding. Mr. Talent mentions his disagreement is that Point Forward has no child care provider and again mentioned the project raising over 10 million dollars and giving the project away. Commissioner Blair stated if they are bettering the community and making a sustainable daycare in Pittsburg then yes he is okay with that. Mr. Talent stated it will be his vote that he will be gambling if Point Forward does not receive a child care provider. Commissioner Blair apologized if he has offended Mr. Talent in any way but that Mr. Smith stated earlier that he is on both sides of the argument and that the Commission is getting beat up over this issue and he does not understand why. Mr. Talent stated it is because of the process. Mr. Talent says it is their vote. Commissioner Wood stated he wants to clarify the prior situation of donating the old ATC building for childcare but that it never went to a child care provider. Commissioner Wood said if he is remembering correctly he believes Point Forward filed an application February 14, 2024. Commissioner Blair asked Commissioner Wood why he has not questions a single other project besides Point Forward since he took office and they discussed the APRA large childcare funding. Commissioner Wood stated there have been plenty of other projects they have dealt money out to and he has not said a word but that he does not think it is right and that it is too bad Harmony did not stay in the project. Commissioner Blair mentions that Commissioner Wood did not remember that he was sitting in the meeting the day that they approved Point Forward and Harmony as an applicant. Commissioner Wood stated he does not think he was here then and Commissioner Blair stated Commissioner Wood was sitting in the audience of that meeting. Commissioner Wood stated he was here when Harmony wanted to give their money to Point Forward and that he does not think it is right but that everyone has their opinion but that when it comes down to it he can say he did not have anything to do with it. Mr. Talent stated they are successful and grateful for their funds but that he questions the process and mentioned again the Commissioners are responsible when there is a federal audit or vote that takes place.

EXECUTIVE SESSION

Item One: County Counselor Jim Emerson requested an executive session for 20 minutes to discuss Non-Elected Personnel.

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On motion (24-407) of Commissioner Blair 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 20 minutes to discuss Non-Elected Personnel to discuss the EMS Department and to include the Board of County Commissioners, County Counselor Jim Emerson, and EMS Director Randy Sandberg, and to reconvene by 10:57 AM.

Yeas: Commissioners Wood and Blair

Nays:

Present but not voting:

Absent or not voting: Commissioner Moody

The motion prevailed.

The Commissioners went into Executive Session at 10:37 AM and reconvened the Open Session at 10:57 AM with no action taken except to go back into open session.

NEW BUSINESS

Item One: Mr. Emerson presented Resolution #2024-029. He explained this resolution is rescinding Resolution #2024-021 which had appointed Travis Wood to the Crawford County Zoning Board and Joint Board of Zoning Appeals. Mr. Emerson mentioned there is unfortunately a conflict of interest so that he cannot be on the board. Mr. Emerson explained Commissioner Moody will have to find a replacement as that is in his district.

On motion (24-408) of Commissioner Blair and the second of Commissioner Wood to adopt Resolution #2024-029, a Resolution rescinding Resolution #2024-021.

Yeas: Commissioners Blair and Wood

Nays:

Present but not voting:

Absent or not voting: Commissioner Moody

The motion prevailed.

Item Two: Mr. Emerson mentioned Mr. Mike Bodensteiner will address the Commissioners for an ARPA update on September 24th during the meeting.

Item Three: Commissioner Blair mentioned after the meeting today he will be meeting with Mr. Chris Pross from Pross Engineering regarding the HRRR project on 200th.

Item Four: Commissioner Wood stated he visited with Foreman Josh Peak regarding the hydraulic equipment that was discussed in the previous meeting and that he has no problem with the purchasing of the hydraulic equipment.

On motion (24-409) of Commissioner Wood and the second of Commissioner Blair to approve the purchasing of hydraulic equipment from Lawson Products, INC. in the amount of \$5,428.76.

Yeas: Commissioners Wood and Blair

Nays:

Present but not voting:

Absent or not voting: Commissioner Moody

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The motion prevailed.

Item Five: Commissioner Wood asked about county parking lots and what the process is of people using these parking lots outside of county employees or people using the facilities. He asked if the county is liable if someone sets up a stand and gets hurt or damages county vehicles. He stated he has had complaints about this. Mr. Emerson answered they would be liable because the county is the owner of the parking lot and that hopefully the insurance would cover an incident if it occurred. Commissioner Wood asked if the manager of the facility can give people permission to set up stands on county parking lots and Mr. Emerson says he believes they can but that it would be nice to have the Commissioners aware of this. Commissioner Wood asked if they should have to come before the Commissioners to ask for approval and Mr. Emerson feels like they should be. Mr. Emerson said he can draft a document up in regards to this issue. Commissioner Blair said that he believes it will need to be all or none on approval or rejection as it is technically public property. Commissioner Wood said he feels like if they go through the procedure it should work out. Commissioner Wood asked for Commissioner Blair's opinion and Commissioner Blair stated he believes it would be nice to know what was going on at the county properties but that if they are going to restrict some then they should restrict all.

OLD BUSINESS

Item One: Mr. Emerson gave a reminder about the SEK District Officials Meeting on Thursday as well as some details regarding this meeting.

Item Two: Commissioner Blair mentioned after the Commissioner meeting last Friday he was discussing courthouse maintenance with Head of Courthouse Maintenance Aaron Crozier. He mentioned there is a tree next to the parking lot that has split about six feet and Commissioner Blair instructed Mr. Crozier to get bids on removing the tree but that they found someone who can do it on Sunday. Commissioner Blair stated the tree was a liability the county did not need.

MESSAGES FROM THE PUBLIC continued

Item Three: Mr. Dustin Strong, Reporter for the Morning Sun, addressed the Commissioners. He stated that he is a resident of Crawford County and would like some clarification on the application process on the ARPA Large Child Care. He asked questions about federal or state directions on how to set up the application process and Mr. Emerson explained that there were none and he explained the Federal guidelines on how to set up childcare facilities and the federal government leaves it up to the counties and how the monies are spent but with guidelines. Mr. Emerson also stated that the application process was created by the Commissioners and Greenbush. Mr. Strong asked if the Commissioners had the authority to change the process and Mr. Emerson answered yes but stated that the process has not actually been changed and spoke about federal deadlines. Mr. Strong addressed MOU's and SEK-CAP and Mr. Emerson explained the situation with SEK-CAP. Mr. Strong asked Commissioner Wood about discovering discrepancies and Mr. Wood explained that he was not in office when the ARPA Child Care process started and stated that he requested copies of all of the MOU's and

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discussed his opinions on the issues with Harmony and Point Forward. Mr. Strong asked if the application process could have been opened back up by the Commissioners and Mr. Emerson explained that the Commissioners voted for the Harmony/Point Forward project for round 2 funding. Mr. Strong asked Commissioner Wood if he had suggested that the application period be opened back up at that time and Commissioner Wood stated that he believes he did but is not sure. Commissioner Wood again discussed his issues with the Harmony/Point Forward project. Mr. Strong asked Commissioner Wood if was willing to assist to make the issues he has correct. Mr. Strong stated that Mr. Emerson, Commissioner Blair and Commissioner Moody feel this the issue is settled but Commissioner Wood feels it is not and asked if there could be some sort of compromise. Commissioner Blair stated that in the beginning the procedural rules changed about every 3 weeks from ARPA and explained the beginning process of what took place and discussed the 3 main areas of need in the county that were settled on. He stated that in the process the application period for large child care was open for months and the entire period Harmony and Point Forward were working together the try and fill the need for child care. He explained that each of the 6 applicants were give \$200,000 to start their projects and it was understood if any 2 projects joined forces they would keep the \$400,000. He then explained how the Commissioners decided how to divide up the rest of the Large Child Care funds. Commissioner Blair stated when Harmony backed out the Commissioners were not going use the process to completely destroy what they were trying to do and that was to fund all the projects and people that took time to come to meeting after meeting to represent their group and that is why the Commissioners at that time recognized Harmony and Point Forward as the same project. Mr. Strong stated that there has really been no public complaint about the decisions the Commissioners made on the Large Child Care and Commissioner Wood stated that he has had numerous complaints to him. Commissioner Wood discussed his opinions on the ARPA funding give to the Sugar Creek project. Mr. Strong asked Commissioner Wood what his end goal is in his issues with Point Forward and Commissioner Wood stated that he just wants done what is right. Commissioner Blair discussed how all the projects are now viable and that happened from what the Commissioners did. Commissioner Blair asked Mr. Emerson if he thought that anything the Commissioners has done in the entire Childcare process was illegal and Mr. Emerson answered no. Commissioner Blair stated that Pastor Talent mentioned an audit and he stated that he would be happy to show up at the audit as he feels that there is not a single county in this area that has went through as much detail as Crawford County has done with the ARPA funds. Mr. Strong asked what the actual issue is and asked if Point Forward has received any ARPA funds and Commissioner Blair and Mr. Emerson stated no but all the other applicants have received funds with the exception of SEK-CAP. Again, Mr. Strong asked what the issue is with Point Forward as they have received no ARPA funding and Commissioner Wood stated that his issue is that Point Forward was not in the original application process and do not have an application and Mr. Strong replied that the 3 Commissioners in office, before Commissioner Wood came into office, did consider Point Forward an original applicant. The issue with an MOU for Point Forward was discussed. Mr. Wood again stated that how can Point Forward receive funding without an application and Commissioner Blair stated that not only once, but twice, the Commissioners approved Point Forward as an applicant. Commissioner Wood stated he does not approve Point Forward as an applicant and it was a 2 to 1 vote by the Commissioners during the second vote and Mr. Strong stated that by majority, Point Forward is considered an applicant. Commissioner Blair

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stated that when the original Commissioners approved Point Forward as an applicant in a 3 to 0 vote, an MOU should have been put in place and it was an oversight. He also stated that a MOU should have been put in place on the second 2 to 1 vote. Commissioner Blair stated the Commissioners created the process and when a flaw was found in the process the Commissioners voted to correct it, and to recognize Harmony/Point Forward as the applicant. Commissioner Blair stated that as far as he is concerned the plan is to issue Point Forward an MOU and that would solve the problem. Commissioner Wood asked if this was legal and Mr. Emerson answered yes. Mr. Strong stated that Commissioner Wood said that he was willing to work this issue out and the solution to the situation was just stated and Mr. Wood again questioned whether it was legal. Mr. Emerson again stated that it was legal. Mr. Strong asked whose district Washington School was in and Commissioner Wood pointed to Commissioner Blair and Mr. Strong corrected Commissioner Wood and informed him that Washington School was in his district. Commissioner Wood replied that he was not aware of that and will need to check the boundaries. Mr. Strong stated that Commissioner Wood was hurting his own district and Commissioner Wood stated that he represents the whole county and stated he is saying no more to Mr. Strong. Commissioner Blair said that the Commissioners tried to benefit the entire county and the issue has been approved twice and the county's legal counsel, Mr. Emerson, has confirmed that everything has been above board and nothing illegal has been done. County Clerk Lisa Lusker stated that she is proud of the Commissioners and that the Commissioners took money that was offered federally to counties to help during a very difficult time and turned it into something great by helping cities, sewer districts and many other needs that the Commissioner addressed. She stated that the Commissioners took 3 major needs in the county and used the funds to address those needs in which a lot of the counties did not do and she is super proud that the Commissioners did that. She said that she is very proud to be a part of Crawford County.

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

FUTURE BUSINESS:

Item One: September 24, 2024- 10:00 AM Mr. Mike Bodensteiner presenting an ARPA update.

Item Two: October 1, 2024- 9:00 AM Work session with KCAMP and KWORC to discuss insurance.

Item Three: October 1, 2024- 10:00 AM Mr. Joshua Albin attending the meeting discussing the Comprehensive Plan.

ANNOUNCEMENTS:

Item One: September 19, 2024- SEK District Officials Meeting from 8:00 AM to 1:00 PM. All Commissioners may be in attendance.

UNDER THE HEADING MOTION TO ADJOURN

MOTION TO ADJOURN

Item One: Adjournment

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On the motion of Commissioner Blair and the second of Commissioner Wood to adjourn the [September 17, 2024](#) meeting of the Board of Crawford County Commissioners at 11:43 AM and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Blair and Wood

Nays:

Present but not voting:

Absent or not voting: Commissioner Moody

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.

Lisa Lusker
County Clerk

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This submission completed at the Crawford County Courthouse in Girard.

[Taken RJA 9/18/24](#) [Taken BKW 9/19/24 10:30 AM/amended BKW 9/19/24 11:15 AM](#)