

# Board of Crawford County Commissioners

## Commissioners' Journal

2018, [SIXTY-FIRST MEETING](#)

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM

Girard, KS [Tuesday, August 28, 2018, 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 Jeff Murphy 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 Murphy led the pledge of allegiance.

### **UNDER THE HEADING BUSINESS FROM A PREVIOUS MEETING CONSENT AGENDA**

**On motion (18-305)** of Commissioner Moody and the second of Commissioner Wood that the consent agenda be approved including:

1. Approval of the [August 21, 2018](#) minutes of the Board of County Commissioners.

Yeas: Commissioners Moody, Murphy 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 18	299	That the consent agenda be approved including: Approval of the August 14, 2018 minutes of the Board of County Commissioners and Approval of the August 14, 2018 minutes of the Board of County Canvassers and Approval of the accounts payable warrant numbers 584133 to 584358 dated August 15, 2018 in the total amount of \$382,661.71
Motion 18	300	To approve the purchase of the road widener for \$38,500 from VanKeppel Company and authorize the Chairman to sign the sales agreement
Motion 18	301	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 Jim Emerson and County Appraiser Zac Edwards and to reconvene by 10:32 AM

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Motion 18	302	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 and to include the Board of County Commissioners and County Counselor Jim Emerson and to reconvene by 11:01 AM
Motion 18	303	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 11:08 AM
Motion 18	304	To recess this open session and go into a closed executive session for a period of not more than 45 minutes to discuss Non-Elected Personnel and to include the Board of County Commissioners, County Counselor Jim Emerson and Zoning Administrator Troy Graham and to reconvene by 11:45 AM

### **UNDER THE HEADING NEW BUSINESS**

- PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS**
- MESSAGES FROM ELECTED OFFICIALS**
- MESSAGES FROM OTHER GOVERNMENTAL ENTITIES**
- MESSAGES FROM APPOINTED OFFICIALS**

**Item One:** Mr. Brad Stroud, Live Well Crawford County Executor Director, discussed the HERO (Healthy Eating Rural Opportunities) Grant. He explained that the Grantor for the HERO Grant is the Sunflower Foundation and the Grantee is Live Well (Eat Well) Crawford County and the purpose of the grant is distribution of healthy foods in rural areas. Mr. Stroud stated that the plan is to place a high tunnel in McCune on land owned by the Lions Club. He explained that this land is adjacent to the Project Alternative School and the high tunnel will be managed by the students of that school and the students will plant, water, care for and harvest fresh produce. He stated that the students will also learn growing techniques and be educated on healthy eating. He explained what will be done with the produce after harvesting. Mr. Stroud stated that the project would require the Commissioners to assist in the same way that they assisted with the high tunnel at CTech. He answered Commissioner Moody that the McCune location was chosen because of sustainability and it was determined that a school would be the best place to keep the work going. Mr. Murphy stated that he had heard that the students and the administration at the Project Alternative School are very excited about the project. Mr. Wood was answered that the budget for the grant is \$43,000 and is quite a bit larger than the first project at the CTech. Mr. Wood addressed concerns with the high tunnel based on the experience from the CTech project. There was a discussion on what is currently taking place at the high tunnel at the CTech facility. Mr. Stroud stated that he is asking for the County to provide in-kind services for the hauling in of the top soil and the dirt work to prepare for the high tunnel installation. The Commissioners asked Mr. Stroud to contact them when the County's assistance is needed.

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## Healthy Eating Rural Opportunities (H.E.R.O.)

Grantor: Sunflower Foundation

Grantee: Live Well (Eat Well) Crawford County

Purpose: Distribution of healthy foods in rural areas

Project Points:

1. High Tunnel will be placed on Lions Club land (rodeo arena)
2. High tunnel will be managed by the Project Alternative School
  - a. Students will plant, water, care for, harvest fresh produce
  - b. Students will LEARN growing and also be educated on healthy eating
3. Harvested produce will serve as a local grower to surrounding markets, most importantly and directly, McCune Farm to Market grocery store where Double Up Food Bucks is offered
4. Excess produce will be donated to locations to be determined
5. We have had incredible feedback from people involved with this project. One person stated "this is by far the best project we have going with this grant opportunity. If this works, this could be a project that is mimicked across the state to help small town grocery stores because of the sustainability factor."

Project Asks:

1. Good top soil hauled in to the high tunnel location
2. Dirt work completed to prepare for high tunnel installation
3. Would the county be able to provide in-kind service for these two needs?

### **MESSAGES FROM THE PUBLIC**

**Item One:** Mr. Dave Garrett, Crawford County Fire District #4 Board Member submitted two names, Mr. Joey Adams and Mr. Kurt Ziegler, for appointments to the Crawford County Fire District #4 Board. Mr. Garrett explained that according to bylaws of the district, 7 board members are needed but there are currently only 5 members. He stated that at the next board meeting he will present these two names for nomination and then bring them to the Commissioners for approval.

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

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**Item Two:** Mr. Troy Graham, Zoning Administrator presented a Motion of Recommendation for the expansion of Mulberry Limestone as recommended by the Crawford County Planning and Zoning Board. Mr. Graham stated that on June 21, 2018 this case was presented to the Crawford County Planning and Zoning Board. Mr. Graham showed the area where Mulberry Limestone wants to expand. He stated that letters were sent to landowners within 1000 feet notifying them of the request for a conditional land use for an expansion and the date of the hearing. He also stated that all required information was published in the local newspaper. Mr. Graham stated that at the hearing there were 7 board members present and after hearing the case the vote was 7 to 0 to approve the conditional use.

### MOTION OF RECOMMENDATION

RE: Mulberry Limestone  
Quarry Expansion

Motion made by Bob Gilmore and seconded by Dexter Neisler to send a recommendation of approval to the Crawford County Board of Commissioners for the expansion of Mulberry Limestone.

Motion Stood Approved with a vote of  
7 Ayes  
0 Nays  
0 Abstaining  
1 Absent

Aye: Dee Hough, Kathy Flora, Uealene Pingree, Dexter Neisler, Dave Robinson, Bob Gilmore and Gary Edwards.  
Absent: Bonnie Houk

Attest:

  
\_\_\_\_\_  
Dave Robinson, Chairman 2018

Mr. Matt Blessant, President of Mulberry Limestone addressed the Commissioners and showed the Commissioners the area where they want to expand. Mr. Murphy asked about planting trees as a screen on the south side of the property. Mr. Dennis Meier, Triad Engineering explained the setback areas. Mr. Meier and Mr. Blessant explained the plans for the development on the land and stated that it will go in phases and explained there should be no activity in the area on the south side in at least 50 years. There was a discussion on truck traffic and dust control and Mr. Blessant stated that they will contract with the county for dust control. Mr. Moody asked about where the trucks will come in at and Mr. Blessant explained that the truck traffic will not change much and it should all come from Highway 126. Mr. Blessant stated that Austin Powder Company is contracted to do the blasting and introduced Mr. Dean Manuel from the company. Mr. Manuel explained the blasting procedures, precautions taken and stated that the company adheres strictly to all guidelines. He answered questions the Commissioners had on the effects of

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the blasting structures and stated that all the blasting is regulated by the ATF. Mr. Murphy stated that he would like to see a tree set back on the south side and the phases of production set out in writing.

Mr. Steve Stockard addressed the Commissioners and stated that he is a local attorney and appears on behalf of Ira & Becky Sponsel who oppose the expansion. Mr. Stockard gave background information on the Sponsels and stated that the concerns the Sponsels have are with devaluing their property, structural issues for their and health issues that the blasting could create. Mr. Stockard stated that this land is zoned agricultural and is not zoned not for mining purposes. He asked the Commissioners to consider Mr. & Mrs. Sponsels safety and their other legitimate concerns. He explained that even if there is no actual damage to the house it is highly unlikely that anyone will purchase this property with blasting going on in that area. Mr. Sponsel presented exhibits that show the value of the house and doctors notes about Mrs. Sponsel's health if the conditional use is approved and the blasting takes place.

Ms. Becky Sponsel addressed the Commissioners and gave information on her health issues and what she could suffer if the expansion is approved. Mr. Sponsel addressed the Commissioners and stated that his concerns with the same as his wife's concerns. Mr. Sponsel presented a letter from landowners Ray and Sharon Jones that outlined their concerns about the expansion.

816 S Hwy 7  
Pittsburg, Mo 66762

We have cracks in the house foundation that wasn't there before Mulberry Lime Stone Quarry was there.  
I have also pickup rocks in the hay field after Mulberry Lime Stone Quarry was there.

Ray & Sharon Jones

The Commissioners presented a letter from another landowner, Mr. O. Gene Bicknell, in reference to the Conditional Use.

# Board of Crawford County Commissioners

August 23, 2018

Crawford County Commissioners

P.O. Box 249

Girard, KS 66743

To the County Staff, Leaders and Commissioners,

The vote on a quarry next to our farm on West Hwy, 126 is being held on August 28<sup>th</sup>, if my info is correct. I hope you'll consider the residents who live close by. Be sure there are no health issues, loss of property values, or damage to buildings and livestock being raised.

In your decision to approve or reject, let it be with full disclosure and respect to the ones who are affected. I know you will respect the homeowners in your decision and protect their personal assets that represent years of work and savings.

Thank you for allowing me to make this request.

Sincerely,



O. Gene Bicknell

Mr. Marvin Barnaby addressed the Commissioners and stated that he worked in surface mining and answered questions for the Commissioners about the effects of blasting.

Mr. Blessant and Mr. Manuel addressed the Commissioners again in reference to the dust, vibration and noise from the blasting. Mr. Blessant stated that the blasting will be 2 times a week, single blast, small shots. He also discussed prevailing winds. Mr. Meier addressed the Commissioners again and gave information on how mining in this area has been going on for over 40 years and anyone building in that area would be aware of the mining taking place. Mr. Moody asked about recourse and County Counselor Jim Emerson stated that any decision can be appealed to District Court.

Mr. Caleb Stewart addressed the Commission with some concerns on where his property is located and the responsibility for any damage to the structures.

## **EXECUTIVE SESSION**

**Item One:** Commissioner Carl Wood requested an executive session for 15 minutes to discuss items that would be deemed privileged in the Attorney-Client Relationship.

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**On motion (18-306)** of Commissioner Wood 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 15 minutes to discuss items that would be deemed privileged in the Attorney-Client Relationship and to include the Board of County Commissioners and County Counselor Jim Emerson and to reconvene by 11:45 AM.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

The Commissioners went into Executive Session at 11:30 AM and reconvened the Open Session at 11:40 AM with no action taken except to go back into open session.

### MESSAGES FROM APPOINTED OFFICIALS continued

**Item Two continued:** Mr. Wood stated that he is trying to put himself in Mr. & Mrs. Sponsel's place and in Mr. Blessant's place. The Commissioners stated that they would like an agreement to be reached so that Mr. Blessant can operate his business and Mr. & Mrs. Sponsel can live their lives peacefully. The Commissioners stated that they would like to table the conditional use today, have the parties address the issues, come to new terms of agreement and bring the case back to the Commissioners at a later date.

Both parties agreed to table the motion at this time. Mr. Blessant would like a list of the stipulations the Commissioners would like him to address. The Commissioners scheduled a Work Session at 9:00 AM on Tuesday, September 4, 2018 to address the issue and will let both parties involved know of the issues the Commissioners are requesting on the Conditional Use.

**On motion (18-307)** of Commissioner Murphy and the second of Commissioner Moody to table the Motion of Recommendation for the Conditional Use for Mulberry Limestone.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

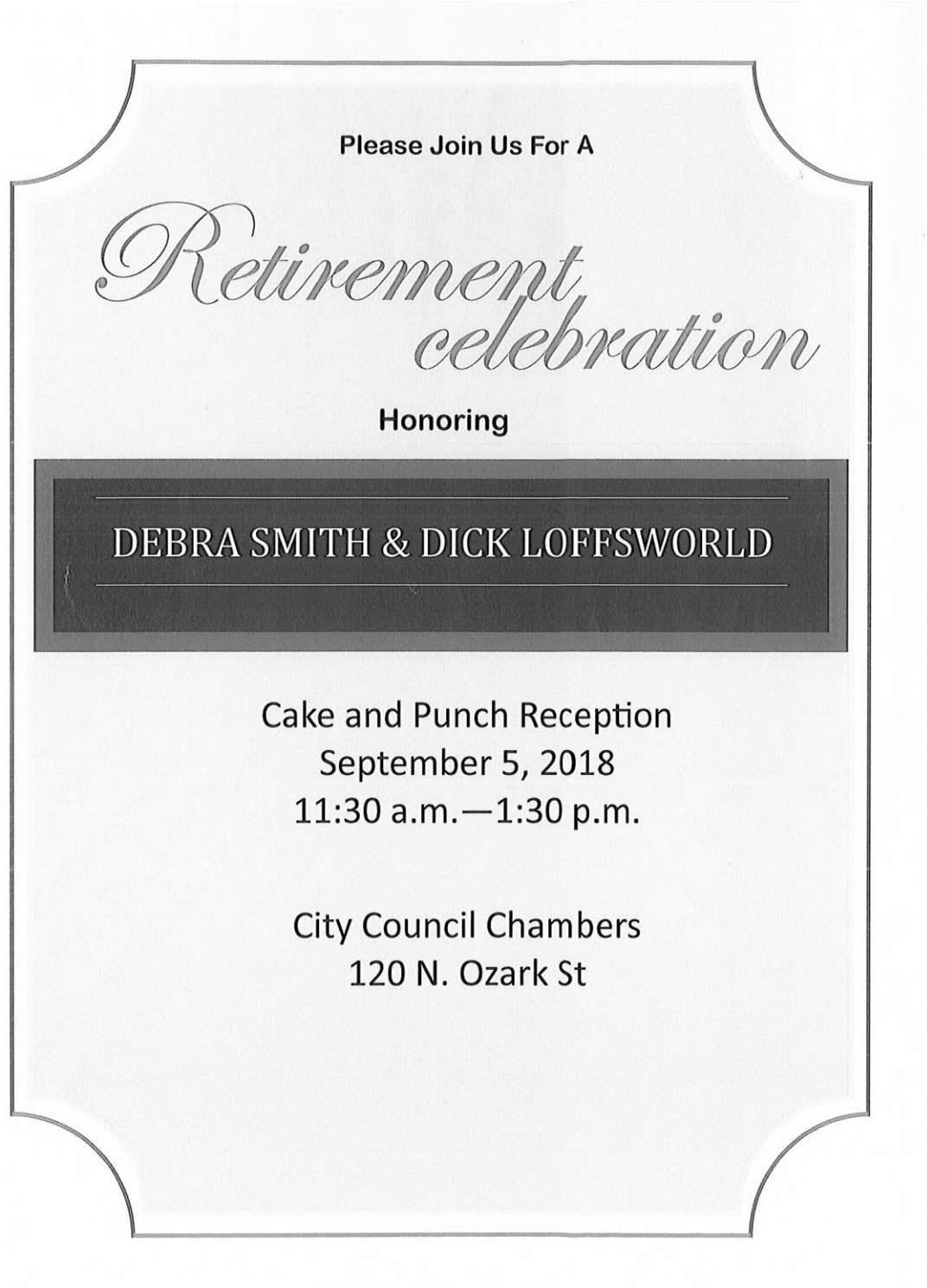
### PROCLAMATION AND ORDERS OF THE BOARD NEW BUSINESS

**Item One:** County Clerk Don Pyle addressed the formulary drug rebate from Blue Cross and Blue Shield. He stated that the first rebate came in as a credit on the county's claims in the amount of \$30,795.41. He explained that the rebates will come in as quarterly payments and this rebate is from the first quarter of 2018. Mr. Pyle discussed claims and stop loss.

**Item Two:** Mr. Pyle stated that he received an invitation for the Commissioners to attend the 2018 Presidents Society Celebration to be held on September 14, 2018 on the campus of PSU. Mr. Moody stated that he will attend.

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**Item Three:** Mr. Pyle stated that he received an invitation from the City of Girard for a retirement reception for Girard City Clerk Debra Smith and Girard City Attorney Dick Loffswold on September 5, 2018 from 11:30 AM to 1:30 PM at the Girard City Council Chambers.



**Item Four:** Mr. Pyle stated that he received an email from Devin Gorman, CVB Executive Director requesting a work session with the Commissioners on Friday, August



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31 to discuss the Memorandum of Understanding on the Plaster Center and then to be placed on the regular session Agenda to discuss. The Commissioners scheduled a work session with the 3 Commissioners and County Counselor at 9:00 AM on Friday, August 31, 2018 to discuss the Memorandum of Understanding and a work session on that same day at 9:30 AM with the Commissioners, County Counselor, CVB Executive Director Devin Gorman and Dr. Shawn Naccarato, PSU Chief Strategic Officer with the results from the work session addressed in the regular session.

**Item Five:** County Counselor Jim Emerson stated that he has been working with Dr. Triplett to reform the Crawford County Solid Waste Management Committee. He submitted a list of individuals willing to serve on the Committee, Dr. Jim Triplett, Mr. Matt Sanders, Mr. Chet Hiatt, Mr. Bill Towery, Mr. Troy Graham, Mr. Jerry Babcock and Mr. Rick Elnicki. Mr. Murphy stated that he has an individual willing to serve also and he will contact that party.

**On motion (18-308)** of Commissioner Moody and the second of Commissioner Murphy to approve the appointments of Dr. Jim Triplett, Mr. Matt Sanders, Mr. Chet Hiatt, Mr. Bill Towery, Mr. Troy Graham, Mr. Jerry Babcock and Mr. Rick Elnicki to serve on the Crawford County Solid Waste Management Committee.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

**Item Six:** Commissioner Murphy stated that he received a resignation letter from a board member for Crawford County Fire District #4. Mr. Murphy stated that he will attend another Fire District Board meeting to discuss the bylaws further with the board.

**Item Seven:** Commissioner Wood stated that he would like the Road & Bridge crews to go back to normal working hours, 7 AM to 3:30 PM on the Tuesday after Labor Day. The other Commissioners agreed.

**Item Eight:** Mr. Wood discussed the work on Lone Star Road. He would like Mr. Randy Chiartano, Asphalt Foreman to attend a meeting to discuss the status of this project.

**Item Nine:** Mr. Wood discussed the new pickup trucks and that they should be ready shortly. He stated that Jason VanBecelaere is doing the wiring for the radios.

**Item Ten:** Mr. Wood discussed the tax rebate for Sullivan Properties. Mr. Emerson stated that he contacted the City of Frontenac and they were not interested in a tax abatement for this property nor was the school district. Mr. Emerson explained the reason for the economic development grant/tax refund for the County Portion of 2017 real estate taxes in the amount of \$5,362.09 for Sullivan Properties LLC.

# Board of Crawford County Commissioners

## SULLIVAN PROPERTIES LLC

2017 Total Real Estate Taxes are \$16,145.36  
County Portion is \$5,362.09

Action: Motion to authorize economic development grant/tax refund in the amount of \$5,362.09

Overview: The Kansas Legislature allows Counties to conduct economic development activities and use monies from the general fund or funds levied for economic development.

**On motion (18-309)** of Commissioner Wood and the second of Commissioner Moody to approve the Economic Development Grant and Tax Refund for the county portion of 2017 real estate taxes in the amount of \$5,362.09 for Sullivan Properties LLC.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

## **UNDER THE HEADING OLD BUSINESS**

**Item One:** Mr. Pyle stated that Mr. Josh Lawson from Bukaty Company would like to speak with the Commissioners. The Commissioners scheduled a Work Session conference call on Friday September 7, 2018 with Mr. Josh Lawson from Bukaty Company.

**Item Two:** Mr. Emerson stated that he has the check issued to Van Keppel for the Road Widener and presented a copy of the warranty. The Commissioners looked over the warranty and agreed to have Mr. Emerson mail the check to Van Keppel.

# Board of Crawford County Commissioners



August 3, 2015

RE: Road Widener Warranty Information

Road Widener offers a 1-year against manufactures defects warranty. The one year commences upon the date of purchase by the end user.

For all warranty claims, please forward to: dano@roadwidenerllc.com.

August 23, 2018

The G.W. VanKeppel Company  
Will warranty any failures of components  
ON Road Widener serial #FH1161 for one  
year from August 22, 2018 to August 22, 2019.

Steve Waggoner  
Territory Manager  
G.W. VanKeppel Company

**Item Three:** Mr. Emerson stated that Mr. Hite notified him that the bucket truck is done and Mr. Hite would like to go inspect it. Mr. Hite would also like to take a check and, if satisfied, pay for the truck and bring it home. The Commissioners agreed.

**Item Four:** Mr. Emerson stated that he attended a USD 250 Board Meeting and they approved the Crawford County Neighborhood Revitalization plan. He stated that he is scheduling meetings with the other school districts.

**Item Five:** Mr. Emerson stated that there will be a Tax Foreclosure Sale on October 11, 2018 at 2:00 PM.

**Item Six:** Mr. Emerson stated that the Safety Inspector was here and went around with Maintenance Supervisor Robert Gorentz. He stated that the inspector said that each year there is a safety conference and 2 day class and recommended that a couple of county employees attend. Mr. Emerson will get more information and readdress on Friday.

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### UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

#### FUTURE BUSINESS:

**Item One: August 31, 2018 – 9:00 AM** Work Session with the Commissioners and County Counselor to discuss the Memorandum of Understanding on the Plaster Center.

**Item Two: August 31, 2018 – 9:30 AM** Work Session with the County Counselor, CVB Executive Director Devin Gorman and Dr. Shawn Naccarato, PSU Chief Strategic Officer, to discuss the Memorandum of Understanding on the Plaster Center.

**Item Three: August 31, 2018 –** Mr. Devin Gorman, CVB Executive Director regarding the Memorandum of Understanding on the Plaster Center and the CVB Museum Fund.

**Item Four: September 4, 2018 – 9:00 AM** Work Session to discuss Conditional Use Permit for Mulberry Limestone.

**Item Five: September 4, 2018 – 10:00 AM** Public hearing on the 2019 Crawford County Budget.

**Item Six: September 4, 2018 -- 10:00 AM** Public hearing on the 2019 Budgets for Crawford County Fire District #1, Fire District #2, Fire District #3 and Fire District #4.

**Item Seven: September 7, 2018 – 9:00 AM** Work Session Conference Call with Mr. Josh Lawson from the Bukaty Company.

#### ANNOUNCEMENTS:

**Item One: September 3, 2018 –** The Courthouse will be closed in observance of Labor Day.

### 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 [August 28, 2018](#) meeting of the Board of Crawford County Commissioners at 12:40 PM and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

## Board of Crawford County Commissioners

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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**Don Pyle**  
County Clerk

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**This submission completed at the Crawford County Courthouse in Girard.**  
**Taken BKW 8/28/18 12:40 PM/amended BKW 8/30/18 11:30 AM**