

Board of Crawford County Commissioners

Commissioners' Journal

2018, [FIFTY-EIGHTH](#) MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM

Girard, KS [Tuesday, August 7, 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 (18-288) of Commissioner Moody and the second of Commissioner Wood that the consent agenda be approved including:

1. Approval of the [August 3, 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	284	That the consent agenda be approved including: Approval of the July 31, 2018 minutes
Motion 18	285	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, County Counselor Jim Emerson and Mr. John Kemp, Regional Juvenile Detention Center Director and to reconvene by 10:47 AM
Motion 18	286	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, County Counselor Jim Emerson and Mr. John Kemp, Regional Juvenile Detention Center Director and to reconvene by 11:04 AM

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Motion 18	287	To approve the July 2018 Clerk's Report as presented
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UNDER THE HEADING NEW BUSINESS

PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS

MESSAGES FROM ELECTED OFFICIALS

MESSAGES FROM THE PUBLIC

Item One: Mr. Bill Strenth addressed the Commissioners and stated that he lives at 1515 Hampton Rd in Pittsburg. Commissioner Wood explained why Mr. Strenth is present today and said that the City of Pittsburg is considering approval of a plat to put in 150 homes on 50 acres and the citizens of that area are wondering where the storm water is going to go. Mr. Wood stated that the proposed development is in the City of Pittsburg and adjacent to the city limits. Mr. Strenth showed the Commissioners a presentation with maps of the proposed development. He stated the main concerns of the area citizens are flooding, safety and environmental issues. He showed the flood plain area on the map and stated that the flood plain surrounds 3 sides of the proposed development. Mr. Strenth explained some concerns with the preliminary plat of the area with drainage areas and flooding. County Surveyor Ron Albertini addressed the Commissioners and stated he has concerns with the floodplain areas around the development. Mr. Strenth asked the Commissioners to look over the information he provided and he would like to come back at a later date to further address concerns.

Stormwater Concerns

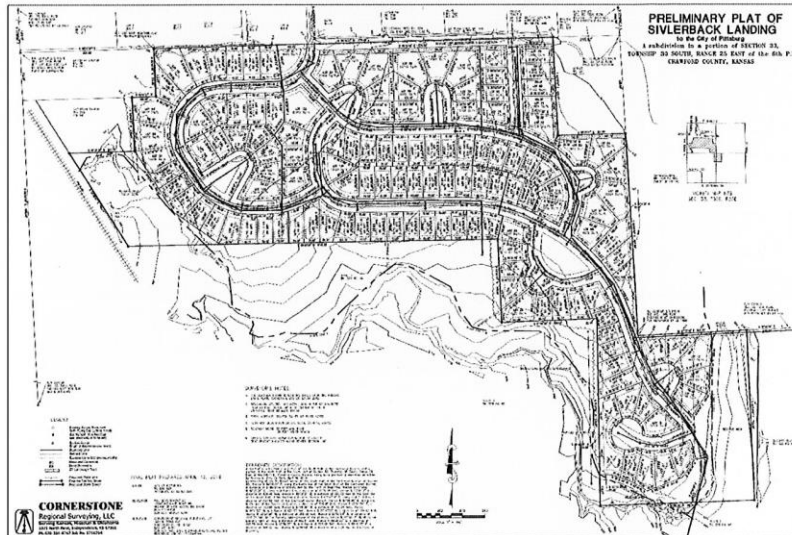
Crawford County Commission

August 07, 2018

Areas of Concerns

1. Flooding & Safety
2. Environmental

Silverback Landing Development



Board of Crawford County Commissioners



Data

- 135 lots on 50 AC.
- 1,600 sf homes
- +/- 7,500lf roads
- +/- 30,00sf sidewalk
- Three Phases
- No planned stormwater detention or retention

Safety Concerns

- Baker Fire Department getting out of station on Free Kings Hwy.
- Medical patients living east of Cow Creek getting to hospital
- Rouse flooding at the KTC

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Environmental

- NEOSHO BASIN TOTAL MAXIMUM DAILY LOAD

Waterbody / Assessment Unit: Cow Creek

Water Quality Impairment: Total Phosphorus

http://www.kdheks.gov/tmdl/2015/CowCr_NE_TMDL.pdf

Pages 32 -35

Targeted Participants:

The primary participants for implementation will be the City of Pittsburg wastewater and stormwater programs should focus on those areas with the greatest potential to impact nutrient concentrations adjacent to these creeks.

Targeted Activities to focus attention toward include:

High-density urban and residential development in proximity to streams and tributary areas.

Residents of Pittsburg should be informed on fertilizer and waste management through the Pittsburg Stormwater Management Program to reduce urban runoff loads

MESSAGES FROM OTHER GOVERNMENTAL ENTITIES

MESSAGES FROM APPOINTED OFFICIALS

PROCLAMATION AND ORDERS OF THE BOARD

NEW BUSINESS

Item One: County Clerk Don Pyle present the proposed 2019 Budgets for Crawford County Fire District #1, Fire District #2, Crawford County Fire District #3 and Crawford County Fire District #4. Mr. Pyle explained the budgets and the Commissioners discussed the budgets. Mr. Pyle also presented the 2019 proposed Crawford County Budget and the Commissioners discussed the budget. Mr. Pyle explained that the budgets must be published 10 days before the public hearing. The Commissioners set the hearing date for August 24, 2018 at 10:00 AM.

On motion (18-289) of Commissioner Moody and the second of Commissioner Murphy to approve the 2019 County Budget for publication with a hearing date set for August 24, 2018 at 10:00 AM.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

On motion (18-290) of Commissioner Moody and the second of Commissioner Wood to approve the Crawford County Fire District #1, Fire District #2, Fire District #3 and Fire District #4 2019 Budgets for publication with a hearing date set for August 24, 2018 at 10:00 AM.

Yeas: Commissioners Murphy, Moody and Wood

Nays:

Present but not voting:

Absent or not voting:

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The motion prevailed.

Item Two: County Counselor Jim Emerson stated that he received an email from Ms. Marlene Spence from KDHE Surface Mining in Frontenac requesting the Commissioners approve a Blanket Right of Entry form for public roads and right of way areas. Mr. Emerson explained that this is for emergency purposes only. He explained that Ms. Spence stated that the current form on file is from 2011 and they would like to have an updated form on file.

Jim Emerson

From: Marlene Spence [KDHE] <Marlene.Spence@ks.gov>
Sent: Friday, July 27, 2018 3:16 PM
To: Jim Emerson
Cc: Birgit Rigensberg [KDHE]; Martin O'Brien [KDHE]
Subject: Surface Mining Emergency Program Blanket Right of Entry Update
Attachments: CR Cty ROE old.pdf; ROE emergency CR County.pdf

Jim,

For coal mining subsidence emergencies within Crawford County, our office uses a Blanket Right of Entry form for public roads and right of way areas. The one on file now is from 2011 (attached). We would like to update this form with one signed by a authorized representative of the county. A new blank form is attached. The preference would be to have the County Road and Bridge Foreman, or someone who represents all the Districts sign the form. I was hoping that as County Attorney you would direct it to the right person.

Thank you for your help with this. It can be signed and mailed back to our office. Please call if you have any questions.

Marlene

Marlene N. Spence
KDHE Surface Mining Unit
4033 Parkview Drive
Frontenac, Kansas 66763

Phone: (620)231-8540
FAX: (620)231-0753

Please note my new email address is: Marlene.Spence@ks.gov

Board of Crawford County Commissioners

PAD NO: Emergency Program # _____

NAME: CRAWFORD COUNTY BLANKET RIGHT OF ENTRY

CONSENT FOR RIGHT OF ENTRY

Pursuant to the Mined Land Conservation and Reclamation Act, K.S.A. 49-401 et seq., the Kansas Department of Health and Environment (KDHE) proposes to undertake reclamation work necessitated by abandoned coal mining activity to protect the public health, safety and general welfare from the adverse effects of past coal mining.

To achieve this objective, it will be necessary for officers, agents, employees and contractors of the KDHE to enter upon property owned by

_____ acquired by virtue of a deed dated _____ and recorded in Deed Book _____, page _____ in the _____

County records (and more particularly described as:)

See Attached Copy of the Deed, or,

ROADS, RIGHT OF WAYS, COUNTY PROPERTY

NOW, THEREFORE, in consideration of the benefits which will inure to the Owner and to the general public, the Owner does hereby grant to KDHE, its employees, agents, contractors and subcontractors a right of entry into, over and upon the above-described property, including all necessary convenient rights of ingress, egress and regress, with all materials and equipment to conduct the proposed reclamation activities, and to do any and all things necessary and convenient to effectively carry on said activities, in a good and workmanlike manner, including but not limited to the temporary storage of equipment and materials and the construction of temporary roadways on the property. Said right of entry is granted for the time required to complete the reclamation activities subject to the Owners continued ownership and use of the property.

The Owner understands and acknowledges that the success of the project cannot be warranted and the proposed work may not accomplish the intended result. The Owner also acknowledges that the KDHE has no responsibility or liability for any mine related damage to the Owners property which occurred prior to or which might occur during or after the abatement work.

It is understood that the work performed in the project area shall be done by contractors for the KDHE and that the KDHE is without authority to assume the risk of injury to persons or damage to persons or property resulting from the action of the contractors.

It is further understood that the KDHE is unable to make repairs to structures for any mine related damages.

It is understood and agreed that KDHE has determined that no lien will be placed against the subject property for the reclamation work in accordance with K.S.A. 49-428(e).

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Execution of the Consent for Right of Entry does not obligate the KDHE to perform any part of the contemplated or proposed reclamation work.

By executing this Consent for Right of Entry, neither the Owner nor the KDHE waives any rights conferred by operation of the Mined Land Conservation and Reclamation Act, K.S.A. 49-401 et seq., and regulations promulgated pursuant thereto.

IN WITNESS WHEREOF, the Owner(s) or authorized representative have caused this Consent for Right of Entry to be executed this _____ day of _____, _____.

WITNESS _____



ADDRESS: _____

PHONE: _____

=====
This section to be deleted for individual property owners

The undersigned certifies that he/she has full authority to sign the Consent for Right of Entry on behalf of said corporation; that the Consent for Right of Entry was duly signed for and in behalf of the corporation by authority of its governing body and is within the scope of its corporate powers.

WITNESS _____

Corporate seal,
if appropriate.

BY _____

TITLE: _____

ROE-EMR.sub
10/9/01

On motion (18-291) of Commissioner Moody and the second of Commissioner Wood to approve the Crawford County Blanket Right of Entry Consent for Right of Entry for KDHE Surface Mining and authorize the Chairman to sign.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Three: Mr. Emerson stated that he forwarded the Commissioners a copy of an email from Mr. Bill Brady, Crawford County Lobbyist from Capitol Strategies in reference to the Joint Legislative Transportation Division Task Force. He stated that the task force met yesterday for a precursor to a new highway program. Mr. Emerson said that Representative Adam Lusker is on the task force and explained what was discussed in the meeting. He stated that there will be a task force meeting in Pittsburg on September 20, 2018 and Mr. Brady stated that representatives from Crawford County should attend

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the testify about the items the county would like included in the next plan. Mr. Emerson said that Mr. Brady will be in contact with Crawford County before the meeting in Pittsburg to discuss what Crawford County's strategy should be.

Item Four: Mr. Wood discussed the new pickups and the radios and accessories for the trucks.

UNDER THE HEADING OLD BUSINESS

Item One: Mr. Pyle stated that he was contacted by an individual from the Kansas Department of Labor requesting to do a safety audit in Crawford County and would like someone from Crawford County take him on a tour of all the county owned buildings. The Commissioners requested that Mr. Pyle contact Maintenance Supervisor Robert Gorentz and give him this information.

Item Two: Mr. Pyle presented an email from Mr. Dan Mosier, Hatchery Manager at the Farlington Fish Hatchery inviting the Commissioners to attend the Grand Opening of the new Kansas Aquatic Biodiversity Center. Mr. Pyle stated that the grand opening will take place at the Farlington Fish Hatchery on August 16, 2018 at 1:00 PM.

Don Pyle

From: Mosier, Dan [KDWPT] <Dan.Mosier@KS.GOV>
Sent: Monday, August 06, 2018 3:42 PM
To: countyclerk@ckt.net
Subject: KABC Grand Opening

Commissioners,

As the current Crawford County Commissioners, Kansas Wildlife, Parks & Tourism would like to extend a special invitation to you to attend the Grand Opening of our new Kansas Aquatic Biodiversity Center. The event will be held August 16, 2018, 1:00 pm. Located at Farlington Fish Hatchery, 101 Hatchery Rd., Farlington, KS 66734.

The facility's mission is to protect and bolster existing populations of imperiled aquatic species endemic to Kansas. The facility will be propagating aquatic animals known to have had serious population declines due to anthropogenic and other causes.

If you are able to join us, please respond to this email. You are welcome to bring family or guests. Let us know how many might be attending. My contact information is below, feel free to contact me if you have any questions.

Thanks for your time, have a great day!

Dan Mosier II
Hatchery Manager
Kansas Aquatic Biodiversity Center
Farlington Fish Hatchery
KS Dept. of Wildlife, Parks & Tourism
101 Hatchery Rd.
Farlington, KS 66734
[620-362-4166](tel:620-362-4166)
[620-238-1726](tel:620-238-1726) cell
Dan.mosier@ks.gov

Board of Crawford County Commissioners

Item Three: Mr. Pyle presented information he received from Mr. Joe Wimmer with attachments in reference to the Sheriff's Department towing his vehicle which included a copy of the letter he submitted to the Commissioners, a copy of the tow bill and the Crawford County Sheriff's Department's Tow Policy. The Commissioners and Mr. Emerson will review the tow policy before making any decisions on this issue.

Item Four: Mr. Pyle discussed election night and explained how the process works in totaling the results from the 2018 Primary Election and making the results available to the public that night. He also explained what will take place between election night and the Board of County Canvassers meeting.

Item Five: Commissioner Murphy presented a letter he drafted to the Crawford County Fire District #4 Board explaining that in accordance with the District's bylaws the board must provide nominations for board members from their district's annual business meeting for the Commissioners approval.

Board of County Commissioners
Crawford County Courthouse
PO Box 69
Girard, Kansas 66743
620-724-6115
620-724-6007 fax
www.crawfordcountykansas.org



August 3, 2018

Crawford County Fire District #4
915 W. St. John
Girard, KS 66743

Crawford County Fire District #4 Board,

The County Commissioners have reviewed and discussed the by-laws for Fire District #4. In accordance with the district's by-laws, *board trustees shall serve two year terms and shall be recommended for appointment at the district's annual business meeting. Vacancies that may occur on the Board of Trustees shall be replaced by the County Commissioners of Crawford County.*

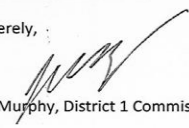
To be in compliance with by-laws, please provide nominations for board members from the district's annual business meeting to the County Commissioners as required. These nominations should be selected by the members of the district and the public should be made aware of the annual business meeting.

If you have any questions about requirements or by-laws, please contact County Counselor, Jim Emerson at 620-235-6967. Additionally, if any revisions to by-laws are required, Jim is willing to assist.

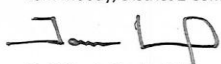
A copy of the by-laws have been included for reference.

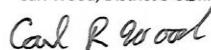
Thanks so much for your willingness to serve the citizens of Crawford County. Your dedication and volunteer efforts are not unnoticed.

Sincerely,


Jeff Murphy, District 1 Commissioner

Tom Moody, District 2 Commissioner


Carl Wood, District 3 Commissioner



Board of Crawford County Commissioners

On motion (18-292) of Commissioner Moody and the second of Commissioner Wood to approve sending a letter to Crawford County Fire District #4 Board requesting nominations for board members from their district's annual business meeting for the Commissioners approval.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Six: Mr. Wood stated that he will be attending the mining tour at the County Weed Director's Summer Conference and that all three Commissioners may be attending the conference breakfast on Wednesday, August 6, 2018.

EXECUTIVE SESSION

Item One: Commissioner Moody requested an executive session for 15 minutes to discuss Non-Elected Personnel.

On motion (18-293) of Commissioner Moody and the second of Commissioner Murphy 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, County Clerk Don Pyle and Ms. Randi Ryan, Benefits Administrator and to reconvene by 11:28 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 11:13 AM and reconvened the Open Session at 11:26 AM with no action taken except to go back into open session.

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

On motion (18-294) 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 11:42 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 11:27 AM and reconvened the Open Session at 11:34 AM with no action taken except to go back into open session.

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UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

FUTURE BUSINESS:

Item One: Tuesday, August 14, 2018 – 9:00 AM Canvassing of the ballots from the 2018 Primary Election with the Regular Session commencing immediately after the canvass.

ANNOUNCEMENTS:

Item One: Tuesday, August 7, 2018 – Primary Election Day.

Item Two: Wednesday, August 8, 2018 – County Weed Directors 2018 Summer Conference breakfast at Kansas Crossing Hotel from 8:00 AM to 9:00 AM. All three Commissioners may be in attendance.

Item Three: Friday, August 10, 2018 – The Board of County Commissioners meeting is cancelled.

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 7, 2018](#) meeting of the Board of Crawford County Commissioners at 11:35 AM 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.

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

<>

Board of Crawford County Commissioners

This submission completed at the Crawford County Courthouse in Girard.

Taken BKW 8/7/18 11:35 AM/amended BKW 8/13/18 11:00 AM