

Board of Crawford County Commissioners

Commissioners' Journal

2018, [SEVENTY-SIXTH MEETING](#)

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM

Girard, KS [Tuesday, October 23, 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 was seated with the Board.

Chairman Murphy led the pledge of allegiance.

UNDER THE HEADING BUSINESS FROM A PREVIOUS MEETING CONSENT AGENDA

On motion (18-370) of Commissioner Moody and the second of Commissioner Wood that the consent agenda be approved including:

1. Approval of the [October 23, 2018](#) minutes of the Board of County Commissioners.

Yeas: Commissioners Moody and Wood

Nays:

Present but not voting:

Absent or not voting: Commissioner Murphy

The motion prevailed and the consent agenda was approved.

SIGNING OF MOTIONS

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

Motion 18	367	That the consent agenda be approved including: Approval of the October 12, 2018 minutes and Approval of the accounts payable warrant numbers 585553 to 585825 dated October 15, 2018 in the total amount of \$423,398.61
Motion 18	368	To approve the Agreement for a Preliminary Engineering Report between Earles Engineering, the City of Pittsburg, the City of Frontenac and Crawford County and authorize the Chairman to Sign
Motion 18	369	To approve the 2019 Health and Dental Insurance employer/ employee contribution schedule as presented by the County Clerk

UNDER THE HEADING NEW BUSINESS PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS

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MESSAGES FROM OTHER GOVERNMENTAL ENTITIES MESSAGES FROM THE PUBLIC MESSAGES FROM ELECTED OFFICIALS MESSAGES FROM APPOINTED OFFICIALS

Item One: Mr. Jason VanBecelaere, Emergency Management Director, presented an Emergency Access Agreement between Crawford County, Kansas and Ronnie R. Herlocker & Sharon K. Herlocker Revocable Trust. Mr. VanBecelaere explained that this is for an emergency access road from Farlington Lake to the Town of Farlington.

EMERGENCY ACCESS AGREEMENT

This Emergency Road Access Agreement ("Agreement") is entered in this 22ND day of October, 2018 by and between Crawford County, Kansas (the "County") and the Ronnie R. Herlocker and Sharon K Herlocker Revocable Trust (the "Landowners").

RECITALS

A. WHEREAS, the Landowners are the owner in fee of that certain real property commonly referred to as follows:

Legal description of Tract II attached hereto.
(the "Property")

B. WHEREAS, County desires to obtain the Landowners permission to enter onto the Property and place two gates, posts and rock at each end of the property for an emergency access road from Farlington Lake to the Town of Farlington.

C. WHEREAS, Landowners wish to enter into this Emergency Access Agreement allowing access over their Property in situations where the primary access road to Farlington Lake is blocked or inaccessible.

NOW THEREFORE, the County and Landowners do hereby agree as follows:

AGREEMENT

1. Emergency Access. The Landowners hereby allow vehicular traffic across their Property in situations where the primary access road to Farlington Lake is blocked or inaccessible. In addition Landowners grant Crawford County, Kansas and its agents, employees and contractors the right to enter onto the Property to install two gates, and other materials as needed for the access road.

2. Term. The term of this Right of Entry shall be Twenty (20) years beginning November, 2, 2018 and ending October 31, 2038. The term may be extended by written agreement of both parties.

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3. Indemnification. County hereby agrees to indemnify, defend, assume all liability for and hold harmless the Landowners from all actions, claims, suits, penalties, obligations, liabilities, damages to property, environmental claims or injuries to persons, which may be caused by County activities pursuant to this Emergency Access Agreement or arising out of or in connection with such activities, whether such activities or performance thereof is by County or anyone directly or indirectly employed or under contract with County, and whether such damage or claim shall accrue or be discovered before or after the termination of this Emergency Access Agreement.

4. Notice of Emergency. The Crawford County Emergency Management Director and/or the Director of Crawford State Park shall notify Landowner as soon as possible of an emergency situation which requires the use of the Property.

IN WITNESS WHEREOF, the Parties hereto have executed this Emergency Access Agreement on the date first written above.

LANDOWNERS

COUNTY

Ronnie R. Herlocker
Sharon K. Herlocker
By: _____

Tom LP

On motion (18-371) of Commissioner Wood and the second of Commissioner Moody to approve the Emergency Access Agreement between Crawford County, Kansas and Ronnie R. Herlocker & Sharon K. Herlocker Revocable Trust.

Yeas: Commissioners Moody and Wood

Nays:

Present but not voting:

Absent or not voting: Commissioner Murphy

The motion prevailed.

Item Two: Mr. Troy Graham, Zoning Administrator readdressing Mulberry Limestone Conditional Use Permit. Mr. Matt Blessant from Mulberry Limestone presented documentation on the silica concerns and agreements from prior meetings. Mr. Blessant also presented a study he did on new house values around rock quarries. The Commissioners briefly reviewed the information. Mr. Moody stated that the only issue not settled is Zone 6. Mr. Sponsel feels that Zone 6 should be left out of the plan and not be mined. Mr. Blessant wants Zone 6 stipulated that he will not mine for 25 years. Mr. Sponsel stated that he would agree to no mining for at least 40 years in Zone 6. Mr. Moody stated that a happy medium must be agreed upon to settle this case. Mr. Pyle suggested dividing Zone 6 in half and not mining the northern half for 25 years and not mining the southern half for 40 years. Mr. Blessant agreed to this but Mr. Sponsel stated he wanted the northern half stipulated at 30 years. Mr. Moody suggested that the Commissioner approve dividing Zone 6 with the northern half not to be mined for 27.5

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years or more and the southern half not to be mined for 40 years or more from the CLU approval date. The Commissioners asked that Mr. Graham, Mr. Blessant and Mr. & Mrs. Sponsel meet in the Zoning Room at this time to discuss the agreement and return when the issue is settled.

Item Three: Mr. Greg Hite, Shop Foreman and Mr. Justin Forman from Heritage Tractor addressed the Commission. There was an extensive discussion of the options that would best suit the county on these tractors. The commissioners decided that they wanted the heavier unit with more horsepower and they wanted the ability to add a loader attachment in the future on 2 of them. The commissioners also discussed that they would like to purchase an additional skid loader that is capable of running the attachments that they have. Mr. Forman stated that he would put together a new proposal for the tractors that includes the options that the commissioners want with the government discounts.

Item Two continued: Mr. Graham returned with an agreement for the Conditional Land Use for Mulberry Limestone Quarry that included the stipulations that were agreed on by Mr. Matt Blessant and the Sponsels.

Mulberry Limestone Quarry Company

10.23.18 Zoning Conditional Land Use Agreement

Mulberry Limestone agrees to the following terms.

- Dirt berm 750 feet from the Sponsel residence. Evergreen trees will be planted on the berm for screening. Berm will be constructed to allow for mowing and maintenance. If trees die, they will be replaced by Mulberry Limestone.
- Pre-blast surveys will be available to the neighboring homes.
- A mining plan map was submitted with zones on how it will be mined, numbering in order 1 through 6 with Zone 6 being the last.
- Zone 6 will be mined in the following methods. The northern half will not be mined for 27.5 years or more and the southern half will not be mined for 40 years or more from CLU approval date.
- Processing will occur between 6 AM and 6PM Monday through Saturday.
- ~~County road will be maintained with current agreement between the County and Mulberry Limestone.~~ will pay for calcium chloride to be applied to county road for dust control on 160th Road from entrance to the quarry to Highway 126.
- Water will be used to maintain the dust control for the site.


Jeff Murphy


Tom Moody


Carl Wood

On motion (18-372) of Commissioner Moody and the second of Commissioner Murphy to approve the Motion of Recommendation for the Zoning Conditional Land Use Agreement for the expansion of Mulberry Limestone Quarry Co. with the stipulations as presented by Zoning Administrator Troy Graham.
Yeas: Commissioners Moody, Murphy and Wood

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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 presented an email he received from the State of Kansas Motor Vehicle Department about changes to the driver's license system for the Commissioners to view.

Item Two: Mr. Pyle presented an invitation to the PSU Annual Luncheon.

Item Three: Mr. Pyle informed the Commissioners of the dates and times of the upcoming poll worker training and advanced voting sites. Mr. Pyle stated that he attended the Community Strong Health Mental Awareness Day and stated that there was a lot of interest in the advanced voting sites.

Item Four: Commissioner Murphy presented an invoice from Agricultural Engineering Associates for Professional Services through September 30, 2018 on the Silverback Landing Development Project in the amount of \$1,958.09.

Invoice

**Agricultural Engineering Associates
1000 Promontory Drive - PO Box 4
Uniontown, Kansas 66779
TIN 48-0835897**

CRAWFORD COUNTY COMMISSIONERS	September 30, 2018
111 E FOREST ST	Project No: 4805
GIRARD, KS 66743	Invoice No: 18845

Project 4805 CRAWFORD COUNTY COMMISSIONERS
Professional Services through September 30, 2018
Professional Personnel

	Hours	Rate	Amount	
Frank Young, P.E.	18.00	104.00	1,872.00	
Totals	18.00		1,872.00	
Total Labor				1,872.00
Unit Billing				
Co Vehicle - DEE			33.90	
Total Units			33.90	33.90
Reimbursable Expenses				
Meals				
9/20/2018 L FRANK YOUNG			6.99	
Parking, Tolls & Other Misc Travel				
9/25/2018 Young, L			45.20	
Total Reimbursables			52.19	52.19
Total this Invoice				\$1,958.09

On motion (18-373) of Commissioner Murphy and the second of Commissioner Moody to approve the payment to Agricultural Engineering Associates for Professional Services

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through September 30, 2018 regarding the Silverback Landing Development Project in the amount of \$1,958.09.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Five: Mr. Moody stated that he will be attending a Juvenile Detention Meeting tonight.

UNDER THE HEADING OLD BUSINESS

EXECUTIVE SESSION

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

FUTURE BUSINESS:

Item One: October 26, 2018 – 10:00 AM Public Hearing on the Crawford County Solid Waste Plan 2017 Update.

Item Two: October 26, 2018 – Ms. Ann Brown, USD 249 Social Studies teacher regarding a student trip to Washington DC.

Item Three: October 30, 2018 – 8:30 AM Work Session to sign October bills and payroll vouchers.

ANNOUNCEMENTS:

UNDER THE HEADING MOTION TO ADJOURN

MOTION TO ADJOURN

Item One: Adjournment

On the motion of Commissioner Wood and the second of Commissioner Moody to adjourn the [October 23, 2018](#) meeting of the Board of Crawford County Commissioners at 12:15 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.

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.

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 10/23/18 12:15 PM/amended BKW 10/25/18 4:00 PM](#)