

Board of Crawford County Commissioners

Commissioners' Journal

2024, [THIRTY-SIXTH](#) MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS. **Friday, May 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.

Commissioners Tom Moody and Bruce Blair 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 (24-240) of Commissioner Moody and the second of Commissioner Blair that the consent agenda be approved including:

1. Approval of the **May 10, 2024** minutes of the Board of County Commissioners, and
2. Approval of the accounts payable warrant numbers 629509 to 629753 dated May 15, 2024 in the total amount of \$535,951.06, and
3. Authorizing the Chairman to sign the previous week's vouchers.

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	234	That the consent agenda be approved including: Approval of the May 7, 2024 minutes
Motion 24	235	To approve the 2024 Kansas Emergency Solutions Grant Application an authorize the Chairman to sign

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Motion 24	236	To approve the Tax Roll Corrections, correcting an error in the assessing of Personal Property owned by Viets Brothers and to request a refund in the amount of \$428.68 from the 2022 tax rolls, correcting an error in the assessing of 16/20M Truck owned by Donald Davied and to request a refund in the amount of \$12.00 from the 2021 tax rolls and the amount of \$12.00 from the 2022 tax rolls, correcting an error in the assessing of 16/20M Truck owned by Michael Oplotnik and to request a refund in the amount of \$24.00 from the 2021 tax rolls and the amount of \$36.00 from the 2022 tax rolls, correcting an error in the assessing of 16/20M Truck owned by Jason & Margo Troike and to request a refund in the amount of \$48.54 from the 2021 tax rolls and the amount of \$34.36 from the 2022 tax rolls, correcting an error in the assessing of 16/20M Truck owned by Joan Davied and to request a refund in the amount of \$27.18 from the 2021 tax rolls and the amount of \$24.00 from the 2022 tax rolls, and correcting an error in the assessing of 16/20M Truck owned by Austin Stevens and to request a refund in the amount of \$30.00 from the 2022 tax rolls and authorize the Chairman to sign
Motion 24	237	To adopt Resolution #2024-008, a Resolution to re-appoint Uealene Pingree of 464 S 260th St, Pittsburg, Kansas to the Crawford County Planning and Zoning Board and Joint Board of Zoning Appeals with a term to run from April 1, 2024 to April 1, 2027
Motion 24	238	To approve the Federal Fund Exchange as presented and authorize the Chairman to sign
Motion 24	239	To recess this open session and go into a closed executive session for a period of not more than 20 minutes to discuss items that would be deemed privileged in the Attorney-Client Relationship to discuss land use and zoning and to include the Board of County Commissioners and County Counselor Jim Emerson and to reconvene by 11:29 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 ELECTED OFFICIALS

MESSAGES FROM APPOINTED OFFICIALS

MESSAGES FROM THE PUBLIC

Item One: Crawford County Coalition Against Industrial Wind and Solar presenting a petition. Ms. Janet O'Brien presented the Commissioners with a 75 page petition with signatures and read the heading of the petition. County Counselor Jim Emerson gave an update on the resolution that the Commissioners received in regards to a moratorium. Mr. Emerson gave details on this resolution and stated this updated one has shortened the moratorium to last for the rest of this year. He explained the Commissioners can vote on whichever one that they prefer. Commissioner Wood stated this plan will consider both zoned and unzoned areas. Commissioner Moody stated he is not for or against wind and solar but that he understands the decision they make stands for a long time so he explained that the comprehensive plan is to help give rules and regulations.

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Commissioner Blair explained further the comprehensive plan and survey. He explained he believes the six month moratorium may be beneficial because he would like to see a set schedule of potential public input meetings after they recommend a consultant while it is still fresh in the public's mind and not a year out. Commissioner Moody asked if it can state up to a year and Mr. Emerson stated it needs to be a specific date. Commissioner Blair asked if the moratorium could be extended and Mr. Emerson confirmed that it can be. Mr. Emerson reminded the Commissioners the resolution he has written is to the end of this year ending December 31, 2024. Mr. Glen Peak addressed the Commissioners and discussed the clean up of wind farms. Mr. Ray Huff addressed the Commissioners and asked if they are aware of any other moratoriums that have only been put in place for 6 months and stated based off of his research the standard has been a year. Mr. Emerson stated he has seen a wide range of moratorium lengths. Mr. Huff gave some details from the moratorium process taking place in Labette County currently. Mr. Huff stated he would like clarification on if this topic can be voted on by the public. Ms. Sara Imhof discussed the length of the moratorium and stated she does not believe a six month moratorium is long enough. Ms. Judy Prince also spoke against the shorter moratorium length and against wind and solar farms in general. Mr. Mike Oplotnik addressed the Commissioners and asked what their expectations are of this comprehensive plan. Mr. Oplotnik stated that they are trying to control what people are doing on their own property by placing a moratorium. Commissioner Blair stated they tried to find a compromise by suggesting a six month moratorium to be fair to both sides. Mr. Michael Diskin asked if they are only finding a compromise because two men stood up here and said the wind project would be killed by a year moratorium and Commissioner Blair disagreed. Mr. Diskin and Commissioner Blair both discussed the Hepler wind project and the process that went into the public input portion of that decision as well as zoning. Mr. Jeff Murphy addressed the Commissioners discussing what he believes to be untruthful thought that what someone does on their land does not affect their neighbors. Mr. Murphy said he believes the Commissioners should go visit wind turbine areas and also discuss with landowners who have wind turbines. Ms. Carol Hammerbacher addressed the Commissioners. She discussed that she believes they should gather information and opinions from citizens who do not all have the same opinion on this subject. Ms. Becky Willard addressed the Commissioners and said she has been contacted by two people who are against the EDF Renewables power line and discussed this further. Ms. Judy Prince asked to be explained to how the comprehensive plan timing is separate or how it coincides with the moratorium. Commissioner Wood explained the comprehensive plan has to be updated regardless of the moratorium however it acts as reasoning for the moratorium to be placed. Ms. Prince stated the Commissioners are uninformed as well as several other citizens and that she thinks the moratorium needs to be separate from the renewing of the comprehensive plan. Ms. Marcille Niegsh addressed the Commissioners about the decommissioning process of the wind turbines. Ms. Renee Gillard addressed the Commissioners and stated she moved to Crawford County because of how beautiful it is and now that her neighbors are signing wind turbine contracts her family is considering moving out of Crawford County now. Mr. Randy Geier addressed the Commissioners about not wanting his money to go towards wind turbines. Mr. Emerson explained he has both versions of the resolution with him and will allow the Commissioners to look at both versions and that he can draft a third version if needed. Commissioner Blair stated the moratorium to the end of the year was his idea and that the six months can be extended if need be. Commissioner Blair explained the correlation

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between the comprehensive plan and the moratorium. Mr. Emerson explained the moratorium will last as long as the comprehensive plan takes and that they're not going to rush the process and will extend the moratorium as needed. He explained the two options are moratorium deadline of December 31, 2024 or May 17, 2025. Mr. Emerson was asked if he feels like he can come up with a comprehensive plan in six months personally and Mr. Emerson answered he personally could not because he is not a consultant but that a consultant themselves could if they say they can. Mr. Mark Viets asked the Commissioners if they are doing a comprehensive plan to tell him what he can and cannot do on his land and Mr. Emerson explained he is more describing zoning and that they will not have an answer for zoning today or until the comprehensive plan is finished. Mr. Viets stated what are they planning if its not to tell him what he can and cannot do and Commissioner Moody answered that the comprehensive plan is for the zoned areas of the county. Commissioner Wood gave an example to help explain to Mr. Viets. Mr. Dave Diskin wanted to know if the comprehensive plan will tell the Commissioners how much money wind turbines would bring into Crawford County. Commissioner Wood explained wind turbines are tax exempt for 10 years. Mr. Oplotnik stated it should not be public knowledge how much an individual is making on the wind turbines they decided to put up. Mr. Ray Huff stated 92% of the land in Labette County is agricultural use and mentioned state statue exempts agricultural land from zoning as he was informed at the meeting in Labette County last night. Commissioner Wood asked if they accept the six month moratorium can they state that they will extend the moratorium if they are not content at six months. Mr. Emerson stated section 5 states the moratorium may be extended. Commissioner Wood stated he cannot understand why 8 to 12 months is mentioned if the deadline is December 31, 2023. Mr. Michael Diskin stated there is an election in November and wants to know what happens if Commissioner Moody is voted out and cannot vote to extend the moratorium and Commissioner Moody explained he would still be with the county until January 2025.

On motion (24-241) of Commissioner Wood and the second of Commissioner Blair to adopt Resolution #2024-007, A Resolution Establishing a Moratorium and Providing for the Suspension of Certain Types of Improvements on Any Land Within the Unincorporated Area of Crawford County; and Directing that Potential Land Development Regulations be Developed with a deadline of December 31, 2024 with the possibility of an extension.

Yeas: Commissioners Blair, Moody, and Wood

Nays:

Present but not voting

Absent or not voting:

The motion prevailed.

On motion (24-242) of Commissioner Wood and the second of Commissioner Blair to recess this open session for a period of 10 minutes.

Yeas: Commissioners Wood, Blair, and Moody

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

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The Commissioners reconvened the Open Session at 12:08 PM.

NEW BUSINESS

Item One: County Clerk Lisa Lusker presented a Tax Roll Correction, correcting an error in the assessing of Personal Property owned by Viets Brothers and to request a refund in the amount of \$46.76 from the 2021 tax rolls and the amount of \$111.72 from the 2022 tax rolls. Ms. Lusker explained that the 1982 Ford LN7000 had been registered as a 12,000 weight and was added to personal property in error.

On motion (24-243) of Commissioner Moody and the second of Commissioner Wood to approve the Tax Roll Corrections, correcting an error in the assessing of Personal Property owned by Viets Brothers and authorize the Chairman to sign.

Yeas: Commissioners Moody, Blair and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Two: County Counselor Jim Emerson presented an Agreement between Crawford County, Kansas Engineer's Office & Bettis Asphalt & Construction, Inc.

On motion (24-244) of Commissioner Moody and the second of Commissioner Wood to approve the Agreement between Crawford County, Kansas Engineer's Office & Bettis Asphalt & Construction, Inc for 2024 asphalt material.

Yeas: Commissioners Moody, Wood and Blair

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Three: Mr. Emerson stated that Mr. Chris Dunlap with Girard High School visited with Ms. Sandy Casey about a program they have called Life Career Skills for Students where the students go outside of the school to obtain real life skills in a work setting. Mr. Emerson mentioned one student would be interested in custodial work and a couple of students could participate in light office work under supervision. Mr. Emerson stated this would be up to the Commissioners to approve as it is a new program for the county. Commissioner Blair stated this sounds like a good program as well as Commissioner Moody. Commissioner Wood stated he is for this program as well but wanted to know who will be responsible if the students get injured during the time they are with the county. Mr. Emerson stated he will get the answer to that question.

On motion (24-245) of Commissioner Blair and the second of Commissioner Moody to approve the Life Career Skills for Students program with Girard High School allowing students to attend the county one day per week from 9:00 AM to 10:30 AM as long as the county is not liable for any potential injuries.

Yeas: Commissioners Moody, Blair and Wood

Nays:

Present but not voting:

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Absent or not voting:

The motion prevailed.

Item Four: Mr. Emerson presented a request from Hepler Rural Fire Department for some assistance in purchasing a fire truck. Mr. Emerson mentioned they were able to find a 2006 Chevy Duramax Automatic Tanker with only 10,000 miles on it but that they had to borrow \$35,700 to purchase. Mr. Emerson stated the total cost of the truck was \$51,700. Commissioner Moody asked how much they are asking and Mr. Emerson answered they are asking for anything the county can give. Mr. Emerson informed the Commissioners the Operating Reserve Fund has a balance of \$276,173.97 with \$60,000 earmarked for the building for the Clerk's Office leaving a balance of \$216,173.97. Mr. Emerson mentioned the wind farm money goes into this account. Commissioner Moody stated he is interested in helping them but he would like to know how much of that money is wind farm money. Commissioner Wood stated he believes the wind farm money should go into a general fund. Commissioner Blair mentioned part of the negotiation was the money from the wind farm would go in the operating reserve and to attempt to use that money in the area. Commissioner Moody proposed they find out how much wind farm money is in that account and discuss this again on Tuesday and Commissioners Blair and Wood agreed.

Item Five: Commissioner Blair mentioned the Highway 7 project will be delayed for another year due to utility relocation and the material needing to be purchased in America. He discussed the bought in America requirement briefly.

Item Six: Commissioner Wood mentioned the US 69 Highway meetings. Commissioner Moody mentioned at the previous meeting he attended that they were looking at ways to improve the existing bypass at this time. Commissioner Blair said the meeting he attended had some good conversation that occurred with a good turn out by elected officials.

OLD BUSINESS

Item One: Ms. Lusker mentioned that Director of Fiscal Services Randi Ryan would like a 10 minute work session on Friday May 24th to discuss ARPA bills. This meeting was set for May 24th at 9:45 AM.

Item Two: Mr. Emerson stated there are still two opportunities to attend KDOT open house presentations, today at Palluccas starting at 11:00 AM to 2:00 PM and at Northeast High School from 4:00 PM to 7:00 PM, and a virtual meeting May 21st from 5:30 PM to 6:30 PM. Mr. Emerson mentioned this is a good time for public input.

Item Three: Mr. Emerson mentioned he had a request for a work session from CVB Director Dave Looby. This work session was scheduled for May 28th at 9:00 AM. Mr. Emerson also mentioned they need to reschedule an executive session with EMS Director Randy Sandberg on May 24th during the open session.

Item Four: Mr. Emerson stated with the help of Zoning Administrator May Smith they reviewed the two consultant applications that were received and that they would recommend Dick Horton Consulting. Mr. Emerson mentioned they have a timeline, a

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contract, and that they will need to get them involved rather quickly to begin the project. He mentioned they have checked with other counties that this company has worked with. Commissioner Moody asked if they could readdress this on Tuesday and Mr. Emerson stated they can readdress it on Friday May 24th and try to have Dick Horton Consulting come with a presentation as well as Ms. Smith with some information.

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

FUTURE BUSINESS:

Item One: May 21, 2024 – 10:00 AM Public hearing on Vacating a Platted Alley in Jewell Center.

Item Two: May 31, 2024 – Chairman of the Board of Supervisors for the Crawford County Conservation District Mr. Mark Lehman addressing the 2025 Conservation District Budget.

Item Three: May 24, 2024 – 9:45 AM Work session with Director of Fiscal Services Randi Ryan to discuss May ARPA drawdown.

Item Four: May 28, 2024- 9:00 AM Work session with CBB Director Dave Looby.

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 [May 17, 2024](#) meeting of the Board of Crawford County Commissioners at 12:29 AM 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:

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 5/20/2024 9:30 AM/amended BKW 5/20/24 2:30 PM](#)