



COUNTY COMMISSION

Monday, February 2, 2015

5:00 PM

Ellis County Courthouse

Order of Business

I. Opening

- A. Call to Order
- B. Pledge of Allegiance
- C. Clerk Records the Roll
- D. Order of Business
 - Consideration of Amendments

II. Approval of Prior Minutes

January 19, 2015

III. Consent Agenda

- A. Approval of Employee Status Changes as presented
- B. Approval of Refunding Warrants as presented
- C. Approval of Tax Roll Adjustments as presented
- D. Approval of Escape Tax Orders as presented
- E. Approval of Adds and Abates as presented
- F. Approval of Accounts Payable and Payroll as presented

IV. Issues from Persons Not on the Order of Business

V. Public Requests/Presentations/Reports Agenda

A. Emergency Services Building Project

Update Report

B. Courthouse/LEC Project

1. Change Order #1 Enclosure page 9

Consideration of Change Order #1

2. Change Order #2 Enclosure page 24

Consideration of Change Order #2

VI. Action Items Agenda

A. DSNWK Annual Agreement Enclosure page 28

Consideration of Agreement

B. Habitat for Humanity – Solid Waste Fee Exemption Request Enclosure page 30

Consideration of Request

C. Administrative Center – Center Stairwell Suspended Ceiling Enclosure page 31

Consideration of authorizing construction of suspended ceiling in center stairwell

D. County Administrator Annual Evaluation

Consideration of Setting Date

E. $\frac{3}{4}$ Time Administrative Assistant – Clerk’s Office

Consideration of this position becoming full-time and serving as a backup on human resources issues, including payroll

VII. Issue Introduction/Report Agenda

A. Fire District

- 1. 2014 Annual Activity Report** **Enclosure** **page 32**
Report/Discussion

B. County Administrator

- 1. Meals/Mileage Reimbursement Policy** **Enclosure** **page 40**
Discussion/Report of Possible Amendment
- 2. Hays Wind LLC Conditional Use Permit Stay Order**
Enclosure **page 43**
Discussion/Report on recent petition to lift stay order
- 3. Kansas Natural Resources Coalition** **Enclosure** **page 51**
Report/Discussion
- 4. NW Kansas Planning & Development** **Enclosure** **page 76**
Report/Discussion
- 5. KLPG Conference/KAC Government Day at the
Legislature** **Enclosure** **Page 80**
Report/Discussion

C. County Commission

- 1. Township Report Review**
- 2. Commissioner Reports**

D. Executive Session (if required)

VIII. Adjournment



Meeting Memo

To: County Commission
From: Greg Sund
CC: Order of Business Recipients
Date: 1/30/2015
Re: Order of Business for February 2, 2015 Regular Meeting

IV. Public Requests/Presentations/Reports Agenda

- A. **Emergency Services Building Project** – Report from architect and others who attended the progress meeting shortly before this meeting.
- B. **Courthouse/LEC Project** – A representative of Treanor Architects will be here to explain the change orders and current state of the project.

- 1. **Courthouse/LEC Project – Change Order #1** – This change order is for the boring of holes through the foundation walls of the Courthouse and LEC installation of conduit through the bored holes to serve as a means to re-route cabling, phone lines, and power lines from the generator from the north corridor between the Courthouse and LEC to the new location so the north breezeway can be demolished as part of the construction project. As reported by Mr. Leiker several weeks ago, there is no option to not do this work. For this reason, I authorized the work last week so it could be completed without delaying progress on the project, but I did not approve the change order because I wanted our architect to review it and issue an opinion. As you can see in the enclosure, I received a response from architect Andrew Pitts confirming that the price proposed on the change order is fair. Bear in mind that this is not the only cost of re-routing the cabling. The electrician's cost of doing this work will be additional. I recommend approval.

Suggested Motion: To approve Change Order #1 on the Courthouse/LEC Project in the amount of \$19,003.

2. **Courthouse/LEC Project – Change Order #2** – This change order became necessary because during the demolition process, the contractor learned that the jail floor is not consistent across the floor. This means it will require more concrete to even up the floor than originally specified.

Suggested Motion: To approve Change Order #2 on the Courthouse/LEC Project in the amount of \$6,526.

V. Action Items Agenda

- A. **DSNWK Agreement** – This is an annual agreement presented by DSNWK to formalize their relationship with the County as a subsidy recipient and the role they play in fulfilling state law.

Suggested Motion: To approve the proposed agreement with DSNWK.

- B. **Habitat for Humanity – Solid Waste Fee Exemption** – The local Habitat for Humanity affiliate appears to be in the process of planning construction of a house and as part of that plan is asking the County to exempt fees they would incur for disposal of construction debris.

Suggested Motion: To approve/disapprove Habitat for Humanity's request for an exemption of solid waste disposal fees.

- C. **Administrative Center – Center Stairwell Suspended Ceiling** – Enclosed is a proposal from Paul Wertenberger for the construction of a suspended ceiling to cover the hole in the stairwell between the first floor and basement of the Administrative Center. Constructing the proposed ceiling will help create a sound separation between the two floors and reduce or eliminate the potential chimney effect the staircase causes. I recommend approval.

Suggested Motion: To approve the proposal from Paul Wertenberger to construct a suspended ceiling in the stairwell between the first floor and basement of the Administrative Center in the amount of \$8,410.00.

- D. **County Administrator Annual Evaluation** – I distributed evaluation forms to the Commission a couple weeks ago and ask the Commission to now set a date/time to conduct my evaluation for the last year.

- E. **¾ Time Administrative Assistant – Clerk's Office** – County Clerk Donna Maskus is in the process of filling a ¾ time position in her office due to a recent resignation. Last summer, Ms. Maskus and I proposed adding 10 hours per week to this position to provide additional time during which the employee can serve as a backup for payroll and perform other human resources duties and administrative assistant duties for me. Ms. Maskus has informed me that

without making her employee full-time, she cannot dedicate sufficient time of the employee to perform the duties I need done, especially payroll. The challenge with payroll is that it requires more than simply training because if the employee does not do payroll every few weeks, it is unlikely that person will be able to do it efficiently. With the recent resignation of Human Resource Generalist Lisa Campbell, the challenge of lacking of a backup for payroll has resulted in a problem. In the interim between Ms. Campbell leaving and a new person coming onboard, I plan to do payroll myself, but this will result in me changing my normal duties and obligations. During the Department Head meeting on January 29, 2015, we talked about possibly contracting with Ms. Campbell in the interim, but I think it is better to make a clean break and move forward. I think it is important for me to have a better understanding of payroll because it is such an important role of my office and because I have very limited staff I feel I have no alternative but to do this. I would like to hear from the Commission your thoughts about making Ms. Maskus' employee full-time. We are in the process of advertising the Human Resources Generalist position.

VI. Issue Introduction/Report Agenda

A. Fire District

- 1. 2014 Annual Activity Report** – Enclosed is the report submitted by Fire District Director Dick Klaus. If Commissioners have any questions, please let me know or talk to Mr. Klaus directly.

B. County Administrator

- 1. Meal/Mileage Reimbursement Policy** – Because this issue was tabled from the last meeting, I am simply pasting the portion of my last memo here.

I am enclosing a copy of the current Travel Reimbursement Policy for information. It is silent regarding the objections Commissioner Haselhorst raised regarding my use of my personal vehicle. For that reason, I think this issue needs to be addressed and settled. I looked back in policy amendment drafts that did not move forward and found one from August 2013 in which I addressed the subject raised by Commissioner Haselhorst. At the time, department heads strongly objected to such a policy and when I included it again in the department head packet on January 15, I heard a similar response. Here is the language from that policy draft

“Employees assigned County vehicles that are reliable for over the road travel are expected to use them for travel when they are available. If the County vehicle is available and the employee chooses not to use it or when an hourly employee is allowed by his/her supervisor to not use an available County vehicle, that employee will receive a lower rate of reimbursement per mile.”

I ask Commissioners to review this language and let me know if something you would like incorporated in the Travel Reimbursement Policy.

2. **Hays Wind LLC Conditional Use Permit Stay Order** – As requested by the Commission, I met with attorney Dennis Davidson some time back and asked him to prepare the paperwork to lift the stay order on the Hays Wind LLC conditional Use Permit. It took longer than I anticipated for the paperwork to be completed and submitted, but Mr. Davidson submitted it a short time ago. Enclosed is a letter to Judge Brown from Mr. Davidson and a copy of the motion. If Judge Brown lifts the order, it means the clock on the conditional use permit will start ticking again. If the company does not do anything once the permit is again activated, the permit will eventually expire.
3. **Kansas Natural Resources Coalition** – As directed, I attended the meeting of this organization on January 22. Most of the meeting was planning how to address actions and potential actions of US Fish and Wildlife and the US Bureau of Land Management in regard to the Lesser Prairie Chicken. The coalition realized at some point that to be a party to a lawsuit against the federal government regarding the lesser prairie chicken would cost more than the member governments are willing to support. Based on that, they decided to take the role of “friend of court” and submit an amicus brief. One of my concerns with the fight against the lesser prairie chicken issue is that it is only one of many endangered species in Kansas. In fact, a new endangered species, the long-eared bat was just placed on the list and we have population of the bat in Ellis County. That means we could be greatly restricted in work we can do on bridge improvement projects in the future. In addition the subject of dues and the upcoming budget was part of the discussion. I am enclosing information distributed and my notes from the meeting for information. There were originally 32 counties in this coalition, but due to Ellis County and other counties objecting to the dues bill we received back in August, they are anticipating that several of the counties will drop out. They are

budgeting for 20 renewals. They are requesting dues of \$5,045. This is a substantial amount of money for a coalition that is not a formal organization. They are not a non-profit corporation, so as a member government, it is possible any actions by the coalition may fall back on the member governments without any organization between us. I anticipate we will be receiving a dues notice in the near future and I ask the Commission to consider whether Ellis County will renew.

4. **NW Kansas Planning and Development Commission** – I attended the meeting of the Commission on January 28. During the meeting, Executive Director Randall Hrabec told board members that they would be receiving an increase in member dues from Ellis County because the mill value went up. In response to this, I related the fact that Ellis County does not pay dues based on mill value and has not for several years. I informed the board of this fact several times since I became the County's representative to this board, but I don't think the message ever sunk in until that evening. I described the fact that during the budget process for 2015, the County cut the subsidies of most of the organizations supported by the County and because we have a budget amount set for NW Kansas Planning and Development Commission, we will not likely be paying more than the budget. I am enclosing the dues notice from the organization. I recommend paying no more than the budgeted amount which is \$40,000. Because this is a budgeted amount, there is no need for a motion to approve the dues unless the Commission wants to pay more than the budgeted amount.
5. **KPLG Conference/KAC County Government Day** – As referenced above, I am planning to take on the responsibility for doing payroll between the time Ms. Campbell leaves County employment and a new employee comes onboard. This will require me to change my schedule considerably, but because we do not have a backup on staff to do these duties in the mean time, I do not think I have any other choice. For this reason, I believe it is necessary to bow out of attending either the KPLG Conference or KAC County Government Day which will be held the day after the KPLG Conference so I can observe Ms. Campbell do the payroll run. Doing this will help me do the next one.

Greg Sund



RE: Courthouse/LEC Project - Change Orders #1 & 2

Andrew Pitts to: gsund@ellisco.net

Cc: Gwen Gigous

01/23/2015 03:28 PM

History: This message has been replied to.

Greg-

We would want to focus only on CO #1 at this time. We can address CO #2 at a later date.

Our office, and the office of our consultants, have review changer order #1 and find the amount to be in line with the scope indicated.

Please let us know if you will approve this per the discussion yesterday. A formal change order will be presented to you for review and commission approval.

Thank you,

Andrew Pitts, AIA, LEED AP bd+c

Principal

apitts@treanorarchitects.com

Treanor Architects

1811 Baltimore Avenue

Kansas City, MO 64108

Direct: 816.581.4030

Office: 816.221.0900

Strength Through Expertise

www.treanorarchitects.com

Connect with Treanor Architects on our [social sites](#).

From: gsund@ellisco.net [mailto:gsund@ellisco.net]

Sent: Thursday, January 22, 2015 5:08 PM

To: Andrew Pitts

Subject: Courthouse/LEC Project - Change Orders #1 & 2

Andrew,

Attached are Change Orders 1 & 2. I met with Jay Jernigan when I got back to town and said I would be happy to write and sign an authorization to install the (3) 4" conduits because our I.T. Director, Mike Leiker reported the need for this work to the Commission during a recent meeting, so they are aware of the work to be done and the need for it. However because I had not seen the amount, had no time to review the change order documents, and you did not have a chance to review and approve them, I am unwilling to sign the change order including the amount until that review is complete. Jay agreed to this approach. They told me the work on Change Order #1 will be done on Monday. Because we were presented two change orders and the two together exceed my spending authority, I plan to put both of them on the Commission agenda for February 2.

Greg Sund
County Administrator
County of Ellis
PO Box 720
1204 Fort Street
Hays, KS 67601
(785) 621-4219
gsund@ellisco.net

CONTRACTOR COST PROPOSAL

MW BUILDERS, INC.
 10955 LOWELL AVE., SUITE 300
 OVERLAND PARK, KS 66210

MWBCO# 01-Revised

PROJECT: Ellis County Courthouse & LEC Project
 1204 Fort Street
 Hays, KS 67070

DESCRIPTION: Per Owner request, this C.O. is for providing and installing (3) 4" PVC conduits between the service tunnels of the LEC and Courthouse. Ductbank is to be installed in existing courtyard area. Conduits will have a 2" concrete encasement around them and will be approx. 2" underground. This cost does not include taking out or re-installing existing wire. Concrete for encasement of conduits is included, as well as core drilling. This C.O. also includes rerouting emergency feeders between the Courthouse & LEC that is currently installed above ceiling in the North breeze way. This will be re-installed underground as well between the service tunnels.

SUBCONTRACTOR'S WORK

A. Cost per attached breakdown

Construction:

<u>Install (3) 4" PVC Conduit in Ductbank</u>	\$8,100
<u>Reroute emergency feeders between Courthouse & LEC</u>	\$8,180

B. General Contractor's Overhead @ 10%	\$1,628
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C. SUB-TOTAL	\$17,908
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D. General Contractor's Fee @ 5%	\$895
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E. SUB-TOTAL	\$18,803
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GENERAL CONTRACTOR'S WORK:

F. Labor (see attached breakdown)	\$0
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G. Material & Equipment (see attached breakdown)	\$0
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H. Labor tax & insurance @ 38.67% of item F.	\$0
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I. SUB-TOTAL	\$0
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J. General Contractor's Overhead @ 10%	\$0
--	-----

K. SUB-TOTAL	\$0
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L. General Contractor's Profit @ 5%	\$0
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N. SUB-TOTAL COST	\$0
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O. Bond fee @ 1.07%	\$201
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P. TOTAL AMOUNT OF DEDUCTIVE CHANGE ORDER	\$19,005
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Required change in construction time due to change order work. 0 Days

NOTE: Proposed time extension will be based on date of approval to proceed with this work.

Submitted by _____ Date _____

Jay Jernigan, Project Manager

Date 1/14/2015



Precision Electrical Contractors, L.L.C.

668 N Ohio
P O Box 1153
Salina KS 67402-1153
785-309-0094

License:

Change Order

Order#: 1

Order Date: 12/29/2014

To: MW Builders, INC.

Project: 14122
Ellis County Courthouse
Hays KS

The contractor agrees to perform and the owner agrees to pay for the following changes to this contract.

Plans Attached

Ordered By: 265 Ron Rose

Customer Order:

Specifications Attached

Description of Work	Amount
1. Material	1,946.94
2. Labor	1,050.06
3. Equipment	3,248.00
4. Sub-Contractors	1,855.00

Notes

This is to provide and install (3) 4" PVC conduits between the service tunnels of the LEC and Courthouse. Ductbank to be in existing courtyard area. Conduits will have a 2" concrete encasement around them and will be 2' under ground.

Any concrete or Asphalt cutting or patching will be by others, concrete for encasement of conduits is included. (6) Coredrills are also included.

Negative changes will lower the overall contract price requiring no additional payment by owner.

Requested Amount of Change

8,100.00

Owner: _____ Date: _____
Contractor: _____ Date: _____

BID SUMMARY REPORT

Name: 14122 -Ellis Co. Courthouse & LEC Estimator: Ron Rose

Job #: 2434

Job Name: 14122 -Ellis Co. Courthouse & LEC
Contractor:
Estimator: Ron Rose
Notes:
Bid Date: Thursday, August 14, 2014

Included	Summary Description	Extended	%	Adjusted Material	Extended	%	Adjusted Labor
<input type="checkbox"/>	POC-1 -LV Ductbank Courtyar	\$1,244.19	100.00	\$1,244.19	22.26	100.00	22.26

Top Sheet			
Raw Cost	\$7,219.03	Sales Per Month	\$0.00
Tax	\$0.00	Return Per Month	\$0.00
Raw Cost With Tax	\$7,219.03	Price Per Sq Foot	\$0.00
Overhead	\$105.00	Hours Per Sq Foot	0.00
Profit	\$656.28	Square Feet	0.00
Total Return \$	\$761.28	Job Months	0.00
Total Return %	9.39	Hours per Week	40.00
Price	\$7,980.31	Workers Per Day	0.00
Bond	\$119.69	Total Hours	22.26
Sell Price	\$8,100.00	Mark Up Sales Tax?	No
Sell Adjusted By:	\$0.00	Use Bond Table?	Yes
Adj Sell Return	0		\$0.00

Labor	Percent	Hours	Hourly	Burden		Labor Cost
ClassDescription	of Total	Distributed	Rate	Rate	Percent	
PEC Wage Rate	100.00%	22.26	\$35.00	\$7.12	20.35%	\$937.55
Totals:	100.00%	22.26	\$35.00	\$7.12	20.36%	\$937.55

MARK UPS		OVERHEAD		PROFIT			
	Total	%	Amount	%	Amount		
Materials	\$1,244.19	+	0.00%	\$1,244.19	+	12.00%	\$1,393.49
Labor	\$937.55	+	0.00%	\$937.55	+	12.00%	\$1,050.06
Supplier Quotes	\$0.00	+	0.00%	\$0.00	+	12.00%	\$0.00
SubContractors	\$1,750.00	+	6.00%	\$1,855.00	+	0.00%	\$1,855.00
Direct Job Expense	\$387.28	+	0.00%	\$387.28	+	12.00%	\$433.75
Equipment Rental	\$2,900.00	+	0.00%	\$2,900.00	+	12.00%	\$3,248.00
Large Quotes	\$0.00	+	0.00%	\$0.00	+	12.00%	\$0.00
Fire Alarm	\$0.00	+	0.00%	\$0.00	+	12.00%	\$0.00
Totals:	\$7,219.03	+	1.45%	\$7,324.03	+	8.96%	\$7,980.31

TAX Report	Taxed Amount	Tax Rate %	Tax Amount
Materials	\$1,244.19	0.00%	\$0.00
Labor	\$937.55	0.00%	\$0.00
Supplier Quotes	\$0.00	0.00%	\$0.00
SubContractors	\$1,750.00	0.00%	\$0.00
Direct Job Expense	\$192.28	0.00%	\$0.00
Equipment Rental	\$2,900.00	0.00%	\$0.00
Large Quotes	\$0.00	0.00%	\$0.00
Fire Alarm	\$0.00	0.00%	\$0.00

BID SUMMARY REPORT

Name: 14122 -Ellis Co. Courthouse & LEC Estimator: Ron Rose

Job #: 2434

Total Tax:	\$0.00
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SubContractors					
Name	Supplier	Tax (0%)	Unit	Multiplier	Dollars
Core Drill		Yes	\$1,750.00	1.00	\$1,750.00
Total:					\$1,750.00

Direct Job Expense					
Name	Supplier	Tax (0%)	Unit	Multiplier	Dollars
Telephone	per week	Yes	\$15.00	1.00	\$15.00
Permit / Fees		Yes	\$5.54	1.00	\$5.54
Fuel, Oil & Gas	per week	Yes	\$200.00	0.25	\$50.00
Cleanup		Yes	\$42.12	1.00	\$42.12
Food	per week	Yes	\$150.00	0.25	\$37.50
Safety Program		Yes	\$42.12	1.00	\$42.12
Project Manager		No	\$65.00	3.00	\$195.00
Total:					\$387.28

Equipment Rental					
Name	Supplier	Tax (0%)	Unit	Multiplier	Dollars
Trencher	Week Rate	Yes	\$1,400.00	1.00	\$1,400.00
Skid Steer	Week Rate	Yes	\$1,500.00	1.00	\$1,500.00
Total:					\$2,900.00

Job Name: 14122 -Ellis Co. Courthouse & LEC

Contractor:

Estimator: Ron Rose

Notes:

Bid Date: Thursday, August 14, 2014

Report Name: Price 1 & Bid Labor by Cost Code

Standard

Extension Labelsets

<u>Bid Package</u>		<u>Building</u>		<u>Floor</u>		<u>System</u>		<u>Sheet / Unit</u>	
<u>Combined</u>		<u>Combined</u>		<u>Combined</u>		<u>Combined</u>		<u>Separate</u>	
Base Bid	1	* None	1	* None	1	* None	1	* None	1
Alternate 1 ADD	1	Main	1	First Floor	1	Lighting/Device s/Branch	1	DE101A	1
Alternate 1 DEDUCT	1	A	1	Second Floor	1	Devices / Branch	1	DE101B	1
Alternate 2 ADD	1	B	1	Third Floor	1	Misc Power	1	DE102A	1
Alternate 2 DEDUCT	1		1	Fourth Floor	1	Switch Gear / Feeders	1	DE102B	1
Alternate 3 ADD	1		1	Basement	1	HVAC / Feeders	1	DE103A	1
Alternate 3 DEDUCT	1		1	Site	1	Fire Alarm	1	E101A	1
Alternate 4 ADD	1		1			T/D	1	E101B	1
Alternate 4 DEDUCT	1		1			Misc LV	1	E102A	1
Alternate 5 ADD	1		1			Demo	1	E102B	1
Alternate 5 DEDUCT	1		1			Count Fixtures	1	E103	1
Alternate 6 ADD	1		1			Cable Tray	1	E104	1
Alternate 6 DEDUCT	1					Grounding	1	E110	1
* PCO-1 LV Raceway in Courtyard	1					Lighting Controls	1	E200A	1
PCO-2 EM Feeder in Courtyard	1					Security	1	E200B	1
						Security Pipe and Backboxes	1	E201A	1
								E201B	1
								E202A	1
								E202B	1
								E203	1
								E204	1

E210	1
E301	1
E401	1
ME201	1
FS100	1
FS101	1
FS102	1
TY100B	1
TY101A	1
TY101B	1
TY102A	1
TY102B	1
TY103	1
TY110	1
TY201	1
TY401	1

Users

Users are Combined

Name:

- * Tom
- * Ron Rose
- * Eric Holmgren

Job Name: 14122 -Ellis Co. Courthouse & LEC

Bid Package	Building	Floor	System	Sheet / Unit
Combined	Combined	Combined	Combined	None

Items+ByProducts

Item #	Item Name	Quantity	Price 1	Ext Price 1	Bid Lbr	Bid Lbr Ext	CCode
Category: CCode = General Construction							
15,374	4" LINK-SEAL	6.00	\$40.00 E	\$240.00	.25 E	1.50	ac
15,387	CONCRETE Yard	3.00	\$150.00 E	\$450.00	.61 E	1.83	ac
15,388	SAND	.81	\$43.00 E	\$34.83	.56 E	.45	ac
15,413	6-IN DET BURIED ELECTRIC 100	30.00	\$130.84 C	\$39.25	6.60 M	.20	ac
15,478	18X36 TRENCH	30.00	\$2.80 E	\$84.00	3.00 C	.90	ac
15,503	18X36 BACKFILL-COMPACT	30.00	\$1.00 E	\$30.00	7.70 C	2.31	ac
15,664	4X3 BASE SPACER	18.00	\$161.85 C	\$29.13	2.50 C	.45	ac
15,665	4X3 INTERM SPACER	18.00	\$155.25 C	\$27.95	2.65 C	.48	ac
15,678	REBAR HOLDERS	18.00	\$250.00 C	\$45.00	4.10 C	.74	ac
Totals for CCode				\$980.16		8.86	

Category: CCode = Misc.							
5,065	Mule Tape	135.00	\$0.00	\$0.00	.00 X	.00	am
Totals for CCode				\$0.00		.00	

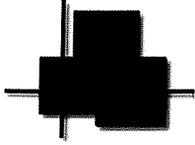
Category: CCode = Conduit							
2,600	4 LOCKNUT	8.00	\$668.59 C	\$53.49	.00 X	.00	cb
4,296	4 PVC 40	100.00	\$186.98 C	\$186.98	11.00 C	11.00	cb
4,419	4 PVC MALE TERM	8.00	\$294.50 C	\$23.56	30.00 C	2.40	cb
Totals for CCode				\$264.03		13.40	

Totals:				\$1,244.19		22.26	
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Report Totals:

Items+ByProducts

Ext Price 1	Bid Lbr Ext
\$1,244.19	22.26



Precision Electrical Contractors, L.L.C.

668 N Ohio
P O Box 1153
Salina KS 67402-1153
785-309-0094

License:

Change Order

Order#: 2

Order Date: 01/12/2015

To: MW Builders, INC.

Project: 14122

Ellis County Courthouse

Hays KS

The contractor agrees to perform and the owner agrees to pay for the following changes to this contract.

Plans Attached

Ordered By: 265 Ron Rose

Customer Order:

Specifications Attached

Description of Work	Amount
1. Material	4,379.62
2. Labor	3,800.38

Notes

This is to reroute emergency feeders between the courthouse and LEC. They currently are located in ceiling space of north breeze way and will be rerouted under ground in court yard area between both service tunnels. This is based on using (1) of the 4" PVC conduits priced in PCO-1.

Negative changes will lower the overall contract price requiring no additional payment by owner.

Requested Amount of Change

8,180.00

Owner: _____ Date: _____
 Contractor: _____ Date: _____

BID SUMMARY REPORT

Name: 14122 -Ellis Co. Courthouse & LEC Estimator: Ron Rose

Job #: 2434

Job Name: 14122 -Ellis Co. Courthouse & LEC

Contractor:

Estimator: Ron Rose

Notes:

Bid Date: Thursday, August 14, 2014

Included	Summary Description	Extended	%	Adjusted Material	Extended	%	Adjusted Labor
<input type="checkbox"/>	PCO-2 -EM Feeder Relocated	\$2,944.01	100.00	\$2,944.01	80.55	100.00	80.55

Top Sheet

Raw Cost	\$7,195.65	Sales Per Month	\$0.00
Tax	\$0.00	Return Per Month	\$0.00
Raw Cost With Tax	\$7,195.65	Price Per Sq Foot	\$0.00
Overhead	\$0.00	Hours Per Sq Foot	0.00
Profit	\$863.48	Square Feet	0.00
Total Return \$	\$863.48	Job Months	0.00
Total Return %	10.55	Hours per Week	40.00
Price	\$8,059.13	Workers Per Day	0.00
Bond	\$120.87	Total Hours	80.55
Sell Price	\$8,180.00	Mark Up Sales Tax?	No
Sell Adjusted By:	\$0.00	Use Bond Table?	Yes
Adj Sell Return	0		\$0.00

Labor	Percent of Total	Hours Distributed	Hourly Rate	Burden Rate	Percent	Labor Cost
PEC Wage Rate	100.00%	80.55	\$35.00	\$7.12	20.35%	\$3,393.19
Totals:	100.00%	80.55	\$35.00	\$7.12	20.36%	\$3,393.19

MARK UPS

	Total	%	OVERHEAD		PROFIT	
			Amount	%	Amount	%
Materials	\$2,944.01	+ 0.00%	\$2,944.01	+ 12.00%	\$3,297.29	
Labor	\$3,393.19	+ 0.00%	\$3,393.19	+ 12.00%	\$3,800.38	
Supplier Quotes	\$0.00	+ 0.00%	\$0.00	+ 12.00%	\$0.00	
SubContractors	\$0.00	+ 0.00%	\$0.00	+ 12.00%	\$0.00	
Direct Job Expense	\$858.45	+ 0.00%	\$858.45	+ 12.00%	\$961.46	
Equipment Rental	\$0.00	+ 0.00%	\$0.00	+ 12.00%	\$0.00	
Large Quotes	\$0.00	+ 0.00%	\$0.00	+ 12.00%	\$0.00	
Fire Alarm	\$0.00	+ 0.00%	\$0.00	+ 12.00%	\$0.00	
Totals:	\$7,195.65	+ 0.00%	\$7,195.65	+ 12.00%	\$8,059.13	

TAX Report

	Taxed Amount	Tax Rate %	Tax Amount
Materials	\$2,944.01	0.00%	\$0.00
Labor	\$3,393.19	0.00%	\$0.00
Supplier Quotes	\$0.00	0.00%	\$0.00
SubContractors	\$0.00	0.00%	\$0.00
Direct Job Expense	\$663.45	0.00%	\$0.00
Equipment Rental	\$0.00	0.00%	\$0.00
Large Quotes	\$0.00	0.00%	\$0.00
Fire Alarm	\$0.00	0.00%	\$0.00

BID SUMMARY REPORT

Name: 14122 -Ellis Co. Courthouse & LEC Estimator: Ron Rose

Job #: 2434

Total Tax:	\$0.00
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Direct Job Expense

Name	Supplier	Tax (0%)	Unit	Multiplier	Dollars
Telephone	per week	Yes	\$15.00	1.00	\$15.00
Permit / Fees		Yes	\$3.61	1.00	\$3.61
Fuel, Oil & Gas	per week	Yes	\$200.00	1.00	\$200.00
Cleanup		Yes	\$42.12	5.00	\$210.60
Food	per week	Yes	\$150.00	1.00	\$150.00
Safety Program		Yes	\$42.12	2.00	\$84.24
Project Manager		No	\$65.00	3.00	\$195.00
Total:					\$858.45

Equipment Rental

Name	Supplier	Tax (0%)	Unit	Multiplier	Dollars
Trencher	Week Rate	Yes	\$1,400.00	0.00	\$0.00
Skid Steer	Week Rate	Yes	\$1,500.00	0.00	\$0.00
Total:					\$0.00

BID SUMMARY REPORT

Name: 14122 -Ellis Co. Courthouse & LEC Estimator: Ron Rose

Job #: 2434

Job Name: 14122 -Ellis Co. Courthouse & LEC
Contractor:
Estimator: Ron Rose
Notes:
Bid Date: Thursday, August 14, 2014

Included	Summary Description	Extended	%	Adjusted Material	Extended	%	Adjusted Labor
<input type="checkbox"/>	PCO-2 -EM Feeder Relocated	\$2,944.01	100.00	\$2,944.01	80.55	100.00	80.55

Top Sheet

Raw Cost	\$7,195.65	Sales Per Month	\$0.00
Tax	\$0.00	Return Per Month	\$0.00
Raw Cost With Tax	\$7,195.65	Price Per Sq Foot	\$0.00
Overhead	\$0.00	Hours Per Sq Foot	0.00
Profit	\$863.48	Square Feet	0.00
Total Return \$	\$863.48	Job Months	0.00
Total Return %	10.55	Hours per Week	40.00
Price	\$8,059.13	Workers Per Day	0.00
Bond	\$120.87	Total Hours	80.55
Sell Price	\$8,180.00	Mark Up Sales Tax?	No
Sell Adjusted By:	\$0.00	Use Bond Table?	Yes
Adj Sell Return	0		\$0.00

Labor

ClassDescription	Percent of Total	Hours Distributed	Hourly Rate	Burden Rate	Percent	Labor Cost
PEC Wage Rate	100.00%	80.55	\$35.00	\$7.12	20.35%	\$3,393.19
Totals:	100.00%	80.55	\$35.00	\$7.12	20.36%	\$3,393.19

MARK UPS

	OVERHEAD		PROFIT	
	Total	%	Amount	%
Materials	\$2,944.01	+ 0.00%	\$2,944.01	+ 12.00%
Labor	\$3,393.19	+ 0.00%	\$3,393.19	+ 12.00%
Supplier Quotes	\$0.00	+ 0.00%	\$0.00	+ 12.00%
SubContractors	\$0.00	+ 0.00%	\$0.00	+ 12.00%
Direct Job Expense	\$858.45	+ 0.00%	\$858.45	+ 12.00%
Equipment Rental	\$0.00	+ 0.00%	\$0.00	+ 12.00%
Large Quotes	\$0.00	+ 0.00%	\$0.00	+ 12.00%
Fire Alarm	\$0.00	+ 0.00%	\$0.00	+ 12.00%
Totals:	\$7,195.65	+ 0.00%	\$7,195.65	+ 12.00%

TAX Report

	Taxed Amount	Tax Rate %	Tax Amount
Materials	\$2,944.01	0.00%	\$0.00
Labor	\$3,393.19	0.00%	\$0.00
Supplier Quotes	\$0.00	0.00%	\$0.00
SubContractors	\$0.00	0.00%	\$0.00
Direct Job Expense	\$663.45	0.00%	\$0.00
Equipment Rental	\$0.00	0.00%	\$0.00
Large Quotes	\$0.00	0.00%	\$0.00
Fire Alarm	\$0.00	0.00%	\$0.00

BID SUMMARY REPORT

Name: 14122 -Ellis Co. Courthouse & LEC Estimator: Ron Rose

Job #: 2434

Total Tax:	\$0.00
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Direct Job Expense					
Name	Supplier	Tax (0%)	Unit	Multiplier	Dollars
Telephone	per week	Yes	\$15.00	1.00	\$15.00
Permit / Fees		Yes	\$3.61	1.00	\$3.61
Fuel, Oil & Gas	per week	Yes	\$200.00	1.00	\$200.00
Cleanup		Yes	\$42.12	5.00	\$210.60
Food	per week	Yes	\$150.00	1.00	\$150.00
Safety Program		Yes	\$42.12	2.00	\$84.24
Project Manager		No	\$65.00	3.00	\$195.00
Total:					\$858.45

Equipment Rental					
Name	Supplier	Tax (0%)	Unit	Multiplier	Dollars
Trencher	Week Rate	Yes	\$1,400.00	0.00	\$0.00
Skid Steer	Week Rate	Yes	\$1,500.00	0.00	\$0.00
Total:					\$0.00



Date: 1/16/2015

10955 Lowell Ave., Ste. 300 Overland Park, KS 66210 (913) 345-0007 Phone (913) 345-0889 (Facsimile)

TO: Treanor Architects, P.A. RE: Ellis Co. Courthouse & LEC Addition & LEC
1811 Baltimore Ave. Hays, KS 67070
Kansas City, MO 64108
 ATTN: Andrew Pitts

- The following Submitted for Approval
- The Following Returned
- As Requested
- For Review and Comment
- Resubmitted
- Approved
- Approved as Noted
- Dis-approved
- For Your Records

No. of Items	Type		DESCRIPTION
	PCR	PCR #02	This C.O. is the cost for increasing the concrete topping on 2nd floor LEC from 2" as shown on the plans to 3.5" to meet the actual field conditions.
	TOTAL=	\$6,526	(See attached documentation for cost breakdown)

Remarks:

Regards,
 MW BUILDERS, INC
Jay Jernigan
 JAY JERNIGAN
 PROJECT MANAGER

CONTRACTOR COST PROPOSAL

MW BUILDERS, INC.
10955 LOWELL AVE., SUITE 300
OVERLAND PARK, KS 66210

MWBCO# 02

PROJECT: Ellis County Courthouse & LEC Project
 1204 Fort Street
 Hays, KS 67070

DESCRIPTION: This C.O. is the cost for increasing the concrete topping on 2nd floor LEC from 2" as shown on the plans to 3.5" to meet the actual field conditions.

SUBCONTRACTOR'S WORK

A. Cost per attached breakdown

Construction:

Increase Conc. Topping from 2" to 3.5" \$5,590

B. General Contractor's Overhead @ 10% \$559

C. **SUB-TOTAL** \$6,149

D. General Contractor's Fee @ 5% \$307

E. **SUB-TOTAL** \$6,457

GENERAL CONTRACTOR'S WORK:

F. Labor (see attached breakdown) \$0

G. Material & Equipment (see attached breakdown) \$0

H. Labor tax & insurance @ 38.67% of item F. \$0

I. **SUB-TOTAL** \$0

J. General Contractor's Overhead @ 10% \$0

K. **SUB-TOTAL** \$0

L. General Contractor's Profit @ 5% \$0

N. **SUB-TOTAL COST** \$0

O. Bond fee @ 1.07% \$69

P. **TOTAL AMOUNT OF DEDUCTIVE CHANGE ORDER** **\$6,526**

Required change in construction time due to change order work. 0 Days

NOTE: Proposed time extension will be based on date of approval to proceed with this work.

Submitted by _____

Jay Jernigan, Project Manager

Date 1/16/2015



BUILDERS PLUS CONCRETE, LLC
1867 S. HOOVER RD · WICHITA, KS 67209
P: 316.943.1720 · F: 316.943.6545

A Wise Man Builds Upon a Solid Foundation

January 13, 2015

MW Builders
1701 N. General Bruce Dr. (or P.O. Box 220)
Temple, TX 76504-2474
Phone: 254.778.4241
Fax: 254.778.9492

Email: Kaleb Fehlman kfehlman@mwbuilders.com

MW Builders,

We are pleased to submit our Change order for concrete work for *Ellis County Court House in Hays, KS*. We will supply materials, labor and equipment to increase the thickness of the 2" topping to the said 3.5".

Cost:

\$5,590.20

Sincerely,

Brant Dumford, Estimator/ Project Manager

B-1220

RFI 14

Builders + Concrete

GC Post

Architect Response

Due: Sat Jan 17, 2015

Reference #: (None)

Description: In order to match field conditions of the 2nd floor LEC concrete topping, it appears the concrete topping will need to be increased to a 3-3.5 inch topping rather than the 2 inch topping as noted in the drawings. This increase in thickness will require an increase in cost. Please advise on how we need to proceed.

Contractor Recommendation: (None)

Response: Please provide a proposal for the cost increase.

Documents

Uploaded Documents:

	14/Topping RFI Increase Thickness.jpg	^
	Description: (None)	v
	Modified on: Tue Jan 13, 2015 09:00:54	

Related Documents:

No items selected	v
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History

Status	Date Completed	Completed By	Comment
Answered	Tue Jan 13, 2015 09:00:54	Gwen Gigous	
File Uploaded	Mon Jan 12, 2015 16:21:40	Kaleb Fehlman	Topping RFI Increase Thickness.jpg
Posted	Mon Jan 12, 2015 16:21:40	Kaleb Fehlman	

AGREEMENT FOR SERVICES

THIS AGREEMENT, made and entered into this 1st day of January, 2015 by and between the BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS, hereinafter called Commissioners, and DEVELOPMENTAL SERVICES OF NORTHWEST KANSAS, INC., HAYS, KANSAS, hereinafter called DSNWK, INC.

WITNESSETH:

WHEREAS, the Commissioners are desirous of providing services for individuals with intellectual/developmental disabilities from Ellis County and have budgeted \$238,100 for providing such services, but have determined that it is more practicable to contract with the designated non-profit corporations for such services for individuals with intellectual/developmental disabilities from said county, and

WHEREAS, the non-profit corporation DSNWK, Inc. and its Board of Directors are approved and designated by the Commissioners as the "Community Facility for the Mentally Retarded" and the "Community Developmental Disability Organization" pursuant to KSA 19-4001 through 19-4015 and the Developmental Disabilities Reform Act of 1995, and

WHEREAS, DSNWK, Inc. is licensed and approved by the Kansas Department for Aging and Disability Services,

NOW THEREFORE, the Commissioners hereby contract with DSNWK, Inc. for services for individuals with intellectual/developmental disabilities from said county, and DSNWK, Inc. agrees to supply said services upon the following terms and conditions, to-wit:

1. Term. The term of this agreement shall be for one (1) year commencing January 1, 2015, and ending December 31, 2015.
2. Consideration. The commissioners agree to budget \$238,100 for the purpose of providing revenue to pay for services for individuals with intellectual/developmental disabilities from said county. Upon receipt of such tax money, the Commissioners shall pay a designated amount of the mill levy to the Board of Directors of DSNWK, Inc. and the Board of Directors of DSNWK, Inc. are authorized to receive and expend such moneys to provide services for individuals with intellectual/developmental disabilities from said county.
3. Services. The Commissioners shall evaluate and purchase services from DSNWK, Inc. for adults and for preschool children, over the age of 3, for individuals with intellectual/developmental disabilities from Ellis County, Kansas, at established locations of DSNWK, Inc., and at such other places as DSNWK, Inc. may hereinafter determine, including all such services which are currently being provided by DSNWK, Inc. and such additional services as are made available within the period of this agreement.

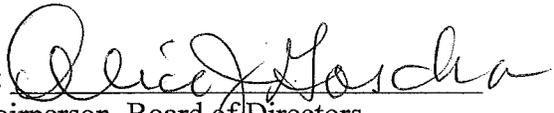
4. Reports. DSNWK, Inc. shall upon termination of this agreement, provide the Commissioners with an annual report. The Board of Directors of DSNWK, Inc. shall report to the Kansas Department for Aging and Disability Services in such form as may be required on its activities for individuals with intellectual/developmental disabilities.
5. Charges. DSNWK, Inc. further agrees that it may not deny services to anyone because of inability to pay for services with funds from Ellis County, Kansas, but that DSNWK, Inc. may establish a schedule of charges for services of those who are financially able to pay for such services.
6. Pursuant to DSNWK's contract with the Kansas Department for Aging and Disability Services, in the event of a reduction in State funds, DSNWK may initiate service reduction or eliminate services for individuals who are partially funded with county funds.

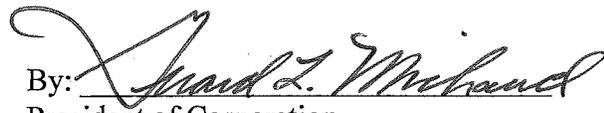
It is agreed and understood by and between the parties that this agreement is made and entered into pursuant to and in accordance with the provision of K.S.A. 19-4001 et. seq. and the Developmental Disabilities Reform Act of 1995.

WITNESS our hands the day and year first above written.

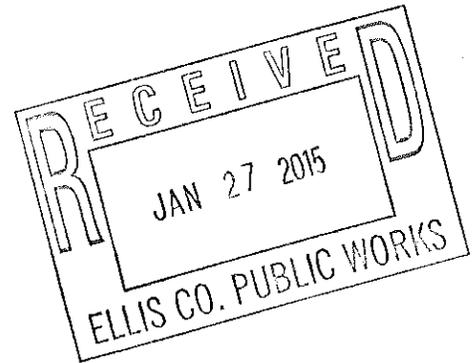
COMMISSIONERS
BOARD OF COUNTY COMMISSIONERS
OF ELLIS COUNTY, KANSAS

DSNWK, Inc.
DEVELOPMENTAL SERVICES OF
NORTHWEST KANSAS, Inc.

By: 
Chairperson, Board of Directors

By: 
President of Corporation

Leslie Goodspeed
Executive Director Habitat for Humanity of Ellis County
P.O. Box 444 | Hays, KS 67601
December 11, 2014



Mike Graf
Public Works Director for Ellis County
1195 280th Ave | P.O. Box 691
Hays, KS 67601

Dear Mike Graf:

Habitat for Humanity of Ellis County is seeking exemption from fees incurred though disposing of waste at the Ellis County Landfill.

Habitat for Humanity is a nonprofit, ecumenical Christian ministry founded on the conviction that every man, woman and child should have a decent, safe and affordable place to live. Habitat builds with people in need regardless of race or religion welcoming volunteers and supporters from all backgrounds. Founded in 2003, our mission statement: Seeking to put God's love into action, Habitat for Humanity brings people together to build homes, communities and hope.

We receive funding primarily through private donations and grants. Through volunteer labor and donations of money and materials, Habitat builds and rehabilitates simple, decent houses. Habitat houses are sold to families at no profit, financed with affordable, no-interest loans. The monthly mortgage payments are used to build more Habitat houses. We also have a ReStore located at the South end of the Mall. The store is operated through volunteers. Items are donated and sold to finance our Habitat housing program as well as A Brush with Kindness projects. A Brush with Kindness Program is for low-income homeowners who can apply to have the affiliate do work to the outside of their home. Projects can include painting, window repair or replacement or installing a ramp as examples. The homeowners either provide the materials, or they can pay HFHEC for them. HFHEC volunteers provide the labor.

Habitat for Humanity of Ellis County is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code. We look forward to hearing your decision, you can reach me by phone at (785) 623-4200 or by email at executivedirector@habitatelliscounty.org. Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Goodspeed".

Leslie Goodspeed

Paul-Wertenberger Construction, Inc.

1102 East 8th Street - P.O Box 1311
Hays, Kansas 67601

Office: (785) 625-8220

www.paulwertenberger.com

Fax: (785) 625-8222

January 22, 2015

Ellis Co.
718 Main
Hays, KS 67601

Re: Ellis Co. 718 Main

Proposal Request Stair Infill

Add for revising contract documents per Proposal Request to infill the Lobby Stair opening including:

- 2x6 framing for deck & suspended ceiling support
- 3/4" plywood deck, painted finish
- Metal stud wall framing infill of stair access, drywall & paint on both sides, oak cap & base to match existing
- Acoustical ceiling tile infill on lower level with owner supplied tile
- Addition of (5) A1 type light fixtures in new ceiling

Total

\$8,410.00

Please note. There are no structural elements present with this work nor has this been reviewed by a structural engineer. It has not been designed to carry any load. PWC cannot be held liable for any damages or injuries that may occur by future access onto this platform. Acknowledgement of this waiver must be signed prior to commencement of this work by an authorized agent of the owner.

X _____
Owner's Representative

Date _____

Thank you,



Matt Allen
Project Manager/Estimator
Paul-Wertenberger Construction, Inc.

2014 Fire Reports

2013	MONTH	2014	Types of Fires or Incidents	
21	January	12	10--48 or 10--47	70
12	February	12	Grass or wheat stubble	39
11	March	41	Vehicle or Machinery	14
23	April	25	Structure	13
19	May	20	Hazardous Materials	1
18	June	22	Trash	2
29	July	22	Unreported Control Burns	2
19	August	13	Carbon Monoxide	4
16	September	18	False Alarm	13
22	October	13	Control Burns	
13	November	13	Tank Battery	3
15	December	10	Mutual Aid	8
			Sherif, EMS Or Red Cross Assist	10
			Smoke Smell/Alarm	5
			Gas Smell	2
			Rekindle	5
			Search and Rescue	
			Bales	
			Stand By	2
			Airplane Crashes or Standbys	3
			Race Standby	14
			Weather Spotting	
			Others	11
218		221	TOTALS	221
Fire #	Month	Date	Type Of Fire Or Incident	Cause
14-0001	Jan.	1	10--48 Injury Accident--extrication needed	MM144 I-70 slick roadway
14-0002		2	Structure Fire--furnace-out upon arrival	870 280th Avenue
14-0003		4	10--48 Injury Accident-no extrication	I-70 MM160
14-0004		6	Co Call--Nothing found	2010 E. 8th Street #19
14-0005		17	Control Burn out of control	Wendell Wallace-1348 280th Avenue
14-0006		17	10--48 Injury Accident--no injury	I-70 MM163
14-0007		22	10--48 Injury Accident--extrication needed	I-70 MM154
14-0008		24	Grass Fire--Electrical short on Pump Jack	1300 Block of 160th Avenue
14-0009		24	Mutual Aid --Structure Fire	City of Ellis--6th and Jefferson
14-0010		28	Tank battery-heater shorted out	1900 Saline River Road
14-0011		30	Structure Fire-house with lean too	2200St. John-St. Andrews-undetermined
14-0012		31	Investigation of Structure Fire	2200 St Johns-St Andrews

2014 Fire Reports

14-0013	Feb.	5	Co. #5	Fire Alarm-False Alarm	Bad battery-102 Darcy Drive
14-0014		7	5	Structure-fiberglass door on fire	2550 E. 8th St.--repair door using torch to heat
14-0015		9	6	Vehicle Accident-Discarded by EMS	I-70 MM 151
14-0016		10	8-5	Structure Fire--detached Garage	207 N Church St.--electrical short
14-0017		14	4	10-48 Injury Accident-no extrication	I-70 MM175 Ellis Russell County Line
14-0018		17	5	Mutual Aid --Structure Fire	3502 Fairway Drive
14-0019		19	5	Mutual Aid --Structure Fire	1901 Fort
14-0020		19	6	Vehicle Accident-Power Pole Against Vehicle	1800 Block of 130th Avenue
14-0021		21	5	Aircraft trouble-landed safely	3950 E. 8th Street
14-0022		22	4	Grass Fire--Trash Barrel	1039 390th Avenue
14-0023		22	8	Grass Fire--undetermined next to highway	200 block of 250th Avenue
14-0024		26	5	Grass Fire-undetermined-discarded material	1100 block of 250th
14-0025	March	5	5	10-48 Injury Accident-no extrication	1500 block of West 27th Street
14-0026		6	5	Injury Accident--no extrication	2800 Youcemento Ave.
14-0027		6	2	Tree Pile--suspicious	Hopewell and Toulon
14-0028		6	5-6	5th wheel camper & grass--suspicious	1324 Youcemento Avenue
14-0029		6	4	Horse Trailer and Bales--suspicious	280th Ave and Vineyard Road
14-0030		6	4	Storage Shed--suspicious	Richards Road--Buffalo Hill #23
14-0031		6	5	Structure-trailer house for storage-suspicious	122 Burgandy
14-0032		6	8	Fire in Ditch--False Alarm	200 block of 250th Avenue
14-0033		8	6	Grass Fire--Burn Barrel	151 Feed Lot Road
14-0034		10	8-5-9	Grass Fire--blown up transformer	1800 block Norfolk Road
14-0035		11	5-6-9-4	Grass Fire--started from pit-suspicious	1000 Block of Catherine Road
14-0036		12	6	Grass & Trees--Suspicious	900 block of Locust Grove
14-0037		12	5-6-2	Grass Fire--Suspicious	1200 block St. John--St Andrews
14-0038		12	5-2-6	Grass Fire--Suspicious	1300 block of St John--St Andrews
14-0039		12	5-2-6	Grass Fire --Suspicious	2400 block of 230th Ave.
14-0040		12	8-4-5	Structure Fire-Old Grainery-Suspicious	200 Block of Norfolk
14-0041		12	9	Grass Fire-suspicious	1900 block of Norfolk
14-0042		12	9	Grass Fire-suspicious	300 block of 280th Avenue
14-0043		12	9	Grass Fire-Suspicious	280th Ave & Grants Villa Road
14-0044		12	5	Grass Fire-Suspicious	310th Avenue & Norfolk Road
14-0045		12	6-2	Grass Fire--Suspicious	1000 Block of Butterfield Trail Road
14-0046		13	6	10-48 Injury Accident-extrication needed	500 block Highway 40
14-0047		13	5	10-47 only- cancelled enroute	2300 Block highway 40
14-0048		14	5	Rekindle-Pit Fire	1000 Block Catherine Road
14-0049		14	4	Trees & Grass-undetermined-Suspicious	2600 Vineyard
14-0050		15	5	Grass-possible children playing	1500 West 27th Street
14-0051		15	5-6-9-8	Grass Fire--dumped trash barrel with hot ashes	1295 200th Avenue
14-0052		15	8-4-2	Unreported CB--books and magazines	755 260th Avenue

2014 Fire Reports

14-0053	15	3-5-4	Grass-suspicious	Dean Hill Road
14-0054	15	All-Trego	Grass 1200 A.--Suspicious	700 Block Homestead
14-0055	15	4--8--3	Trailer house-used for storage--suspicious	1748 Emmeram Road
14-0056	16	6	Rekindle of fire	700 Block of St. John's St. Andrews
14-0057	19	4	False Alarm--Smole	600 Vincent Ave.--Fire in another county
14-0058	20	4	2600 block of Emmeram--burning pile of trash	burning during a emergency declaration
14-0059	24	6	Grass Fire-1/2 mile into trego county--mutual aid	I-70----trucker lost drive shaft
14-0060	25	5	plane landed with engine smoking	3950 E. 8th Street
14-0061	26	8	rekindle--grass pile	108 Oak Street
14-0062	26	6	2 vehicle injury accident	I-70 MM145 West bound
14-0063	28	5	Race Stand By	1344 Fairground Road
14-0064	29	5	Race Stand By	1344 Fairground Road
14-0065	31	4	Mutual Aid --Structure Fire	Russell County
14-0066	2	6-5-4-8	Grass Fire-Suspicious	Yocemento Ave & Riverview Road
14-0067	2	6-5-4-8	Grass Fire --Suspicious	2400 Block of Yocemento Road
14-0068	2	6-5-4-8	Grass Fire-suspicious	400 Block of Wiles Road
14-0069	2	6-5-4-8	Grass Fire-suspicious	170th Ave. and Riverview Road
14-0070	4	5	Injury Accident-no extrication	183 Bypass & 55th Street
14-0071	4	6	Tire fire on water truck	130th Ave & Buckeye Ave
14-0072	5	2	Smoke Smell in the area	Nothing found-1551 310th Ave.
14-0073	5	5	10-48 Injury Accident-no extrication	210th Ave & Highway 40
14-0074	5	5-MAG	Fire Alarm-False Alarm-using smoke machine	2350 E. 8th Street
14-0075	9	4-5	10-48 Injury Accident--Extrication needed	I-70 Mm 169
14-0076	12	5	Race Stand by	1344 Fairground Road
14-0077	13	6	Mutual Aid- Trego-10-48 Injury Accident--fatality	just west of 100th Avenue and Hwy 40
14-0078	14	4-5	10-48 injury Accident-cancelled in route	Golf Course and Vincent Road
14-0079	17	6	Smoke Smell in the area-nothing found	Highway 40 an dYocemento Road
14-0080	18	5	Injury Accident-extrication- 2 vehicles	2 fatalities-250th and Feedlot Road
14-0081	21	5	Injury Accident-extrication- 2 vehicles	Toulon Ave. and Vineyard Road
14-0082	21	3	Grass Fire--Rooks County	
14-0083	24	5	10-48 injury Accident-No extrication-fatality	1300 springhill
14-0084	25	3--2	Grass Fire--Rooks County Mutual Aid	
14-0085	26	5	Grass Fire--started by golf cart	1200 block Highway 40
14-0086	26	6	Grass Fire	undetermined
14-0087	26	5	Race Stand By	1344 Fairground Road
14-0088	28	5	EMS Assist	1303 285th Avenue
14-0089	28	8-5-9-4-6	Structure Fire--105 Grant-Schoenchen	electrical-entertainment center
14-0090	1	4	Feed Pile on Fire--hot pieces of metal ground up	Old Walker Air Base
14-0091	2	6	Vehicle Fire--False Alarm	I-70 MM 144
14-0092	3	4	Rekindle of feed pile on fire	metal ground up in grinder

2014 Fire Reports

14-0093		4	8-5	10-48 Injury Accident	240th Avenue & Schoenchen Road
14-0094		4	5	Bonfire	1200 block of Noose Road
14-0095	May	7	4	Grass Fire--hot piece of tire	I-70 MM171
14-0096		7	8	Grass Fire-nothing found-False Alarm	200th Avenue & Chetolah Gold Road
14-0097		8	5	10-48 Injury Accident--no extrication	I-70 MM 157
14-0098		9	6	10-48 Injury Accident--no extrication	I-70 MM 146
14-0099		10	5	Race Stand By	1344 Fairground Road
14-0100		14	4	EMS Assist	1287 Main Street-Walker Ks
14-0101		16	6-7-5	10-48 Injury Accident--cancelled in route	2 miles south on 120th Avenue in Rush Co.
14-0102		21	4	10-48 Injury Accident	Hwy 40 & Walker Avenue
14-0103		23	9-5	10-48 Injury Accident-no extrication	1000 block of 270th Avenue
14-0104		23	5	Motorvehicle Accident-Motorcycle Accident	I-70 MM 155
14-0105		24	5	Race Stand By	1344 Fairground Road
14-0106		26	6	Grass Fire with downed power line-sprayer arms	800 block Feedlot Road
14-0107		28	6	Trailer tires on semi on fire--bearing failure	I-70 MM 149
14-0108		28	5	Non Structure Fire-False Alarm	1100 block of 250th
14-0109		29	6	Glass removal from Highway	900 block of Highway 40
14-0110		30	9	EMS Assist-unconscious person-fight	1899 Munjor street
14-0111	June	1	5	10-48 Disregarded by 209	I-70 MM 164 WB
14-0112		1	4	False aAlarm--- sub pump activatin	2229 Cathedral Avenue
14-0113		1	9	Power Poles Down--High Wind	1152 Toulon
14-0114		3	4	Grass Fire-powerline hitting branches-wind	2700 block of Munjor Road
14-0115		5	2-4	Tank Battery--Lightning	2100 block Locust Grove
14-0116		5	9	Power Pole Down--High Winds	1606 Moscony-Pfeifer
14-0117		5	5	10-48 Injury Accident-no extrication	7th Street & Canterbury
14-0118		7	5	Race Stand By	1344 Fairground Road
14-0119		9	5	Tree branch in powerline and arcing	1500 W. 27th Street Lot 19E
14-0120		10	4-5-6	Structure--Old Barn--1200 block of 310th Ave	Powerline arcing
14-0121		11	4	Rekindle--Barn	Rekindle
14-0122		11	4	10-48 Injury Accident-no extrication	2600 block of Cathedral Avenue
14-0123		14	5	Race Stand By	1344 Fairground Road
14-0124		14	9-5	10-48 Injury Accident-cancelled enrout	2025 Munjor Road
14-0125		21	5	Race Stand By	1344 Fairground Road
14-0126		21	4	10-48 Injury Accident-farm truck & mootorcycle	2000 Hwy 40
14-0127		22	6	Fire Alarm--False Alarm	371 Feed lot Road
14-0128		23	4	Gas Leak Fire-False Alarm- control burn	320th Avenue & Gole Course
14-0129		26	5	Assist Sheriff Department-removal of body	2600 E. 7th Street Lot 6
14-0130		27	4	10-47 Non Injury Accident-Car & Deer	I-70 MM 166.5
14-0131		27	6	Railroad Tie on fire--gringing track	3/4 mile west of Yocemento
14-0132		27	5	Railroad Tie on fire--gringing track	1319 Noose Road

2014 Fire Reports

14-0133	July	3	6	Fuel leak-Driver drug boulder from Loves	I-70 MM146
14-0134		3	5	10-48 Injury Accident - no extrication	I-70 MM 163
14-0135		5	7-8-5	Combine Fire-Mechanical failure	1100 Grants Villa
14-0136		6	5	Rekindle of combine	1100 Grants Villa
14-0137		6	6	Injury Accident-no extrication	I-70 MM 149
14-0138		6	5	10-48 Injury Accident-motorcycle	2400 Catharine Road
14-0139		7	5	CO Alarm--not thing found- battery	1709 Feedlot
14-0140		7	5-2	Pit Fire--control burn-KDHE said to put it out	1657 Fairground Road
14-0141		15	5	10-48 Injury Accident-no extrication	1100 block of Hwy 40
14-0142		16	5	10-48 Injury Accident-no extrication	I-70 MM 158
14-0143		18	6-5	Air plane Crash--crop duster-fatality	170th and St. John St. Andrew
14-0144		18	6	Extricate pilot from plane	170th and St. John St. Andrew
14-0145		18	6	remove black box from plane	170th and St. John St. Andrew
14-0146		18	5	10-48 injury Accident-no extrication	170th and St. John St. Andrew
14-0147		19	5	Fire Alarm--Battery Problems	I-70 MM 155
14-0148		21	5	Detonation Stand By	1500 W. 27th lot 12
14-0149		23	5	10-48 Injury Accident--no extrication	5810 230th Avenue
14-0150		23	5	Grass Fire--undetermined	1300 Block Spring Hill
14-0151		23	9	Trash Fire-unknown	5500 Vine Street
14-0152		25	8	Fire Alarm-False Alarm-Alarm Malfunction	Unknown
14-0153		28	5	10-48 Deer vs Car	1530 Smoky Hill River Road
14-0154		30	4	10-48 Motorcycle Accident	I-70 mm 160
14-0155	August	2	5	Standby By Races	I-70 mm 171 Walker exit
14-0156		5	6	10-48 No Injury Accident-self extricated	1344 Fairground Road
14-0157		8	6	Vehicle Fire-No Fire	I-70 mm 145
14-0158		8	5	10-48 Rollover Accident	I-70 mm 149
14-0159		9	2,3,5	EMS assist	2011 HWY 40
14-0160		12	6	Smell of Amonia	250th Ave-17 miles N of Hays
14-0161		15	2,3,5	Grass Fire	1558 Yocemento Ave.
14-0162		16	5	Standby By Races	250th & St.John - St.Andrew
14-0163		18	5	10-48 No Extrication	1344 Fairground Road
14-0164		28	8	Vehicle Fire-No extrication	1500 W. 27th
14-0165		29	6	Semi Trailer Fire	300th Ave. & Chetola Gold Rd.
14-0166		30	5	Standby By Races	I-70 MM144 Westbound
14-0167		31	5	10-48 Injury Accident	1344 Fairground Road
14-0168	September	1	5	10-48 Accident No Extrication	I-70 MM 156
14-0169		1	5,9	Burn Pit Fire	I-70 mm 154
14-0170		2	6	10-48 Injury Accident	892 Pettersburg
14-0171		3	5	10-48 No Extrication	I-70 MM 148
14-0172		8	4,8	10-48 Rollover Accident	1886 250th Ave. 2300 South Co. Line Rd.

2014 Fire Reports

14-0173	10	5	Tank Battery Fire	1900 Block of Emmeram Rd
14-0174	13	5	Vehicle Fire-No extrication	I-70 mm 161
14-0175	13	6	Vehicle Fire-Disregard-Wrong County	reported near Ellis on I-70-was at Collyer
14-0176	15	6	Trees, leaves, garden waste	990 Moose Rd.
14-0177	17	6,7	10-48 No Extrication	Ellis Ave & Victoria Rd.
14-0178	20	5	Standby By Races	1344 Fairground Road
14-0179	24	6	Assist Trego Co.-Bale Fire	C Road and 380th-Trego Co.
14-0180	24	6	Fuel leak-Oil Leak-Wash Down	130th and St. John-St. Andrew
14-0181	25	8	Control Burn-Unreported	207 N. Church St.
14-0182	28	7,6	10-48 Rollover Accident	200 Block Butterfield Trail
14-0183	28	6	10-48 Injury Accident	500 Block Hopewell
14-0184	29	5	10-47 Accident	240th & 55th
14-0185	29	5	10-48 Accident	I-70 mm 150
14-0186	9	5	Race Stand By	1344 Fairground Road
14-0187	10	4,5	10-48 Injury Accident	1-70 mm 170
14-0188	11	5	CO Alarm-No victim	2221 Southview Dr.
14-0189	15	6	10-48 Rollover Accident-No Extrication	300 Block Old 40
14-0190	18	5	Grass Fire	1521 200th Ave
14-0191	19	5	Grass Fire	960 240th Ave
14-0192	20	6	10-48 No Extrication	2800 blk 130th Ave.
14-0193	22	4,5	Structure Fire	1340 Federal St.
14-0194	25	4	Smoke Alarm	1704 Sarratov, Pfeifer
14-0195	25	5	EMS assist	2100 250th Ave.
14-0196	30	5	Tree Fire	1500 W. 27th St. Hays
14-0197	30	4	10-48	I-70 mm 172
14-0198	31	5	Vehicle Fire	I-70 mm 158 1/2
14-0199	1	8	Smoke Detector Activation	1176 Norfolk
14-0200	5	5	10-48	I-70 mm 158 1/2
14-0201	7	4	10-48 Rollover Accident	I-70 mm 168
14-0202	9	5	Gas Smell	1500 W. 27th St.
14-0203	11	2,3,5	10-48	183 & Saline River Rd
14-0204	13	5	10-48	I-70 mm 154
14-0205	19	5	Grass Fire	1660 Buckeye Rd
14-0206	20	5	10-48	I-70 mm 157
14-0207	22	5	10-48	230 E. 8th St.
14-0208	26	8	Grass Fire	CR 240 1/4 mi. S of Ellis/Rush Co Line
14-0209	26	5	Grass Fire	41st & 183 Alt.
14-0210	26	4	Vehicle Fire-False Alarm	I-70 mm 167
14-0211	28	4	10-48 Rollover	1300 Block 400 Ave.
14-0212	1	4	CO Check	2739 S. County Line



Meal/Mileage Reimbursement Policy

Policy Owner:	Ellis County, KS
Policy Approver(s):	County Commission
Related Policies:	Human Resources Policy
Related Procedures:	
Storage Location:	K:\Policies
Initial Approval Date:	September 1, 2012
Updates Approved Dates:	May 5, 2014
Next Review Date	

I. Purpose

To establish meal and mileage reimbursement rates for employees when they travel.

II. Scope

To cover all employees and elected officials who travel for official purposes.

III. Policy Language

The new rates are:

Mileage: \$0.56 per mile

Meals: The per diem rates maintained by the Government Services Administration (GSA) of the federal government and available on the Internet at www.gsa.gov/perdiem or through smart phone apps as maximum daily reimbursements. The federal rates are broken down on the County reimbursement form and Purchase Card Meal Form in the following way 25% of the daily rate applicable to the breakfast quartile, 25% of the daily rate applicable to the_lunch quartile_and 50% of the daily rate applicable to the dinner quartile for employees traveling for a portion of the day, but who do not overnight out of Ellis County. These rates apply to both meals for which employees seek reimbursement and for meals purchased with County Purchase Cards. Ellis County will only reimburse or pay for actual costs of meals up to the maximums.

The County will not reimburse the cost of meals for family members or vendors to discuss the County purchasing goods or services or reward a vendor for a business relationship.

Employees out of town for the entire day are eligible for meals up to the maximum daily amount without consideration of individual meal breakdowns. The individual meal breakdowns of 25% for breakfast, 25% for lunch, and 50% for dinner are to be used for overnight travel only when meals are provided through a hotel/motel or the event. Any meals provided to employees, even if they choose not to accept them are to be deducted from the M.I.&E. allowance.

Meal Eligibility Guidelines

Employees who leave the County before 6:00AM and return after 9:00AM are eligible for breakfast.

Employees who leave the County before 10:00AM and are out of the County until at least 3:00 are eligible for lunch.

Employees who leave the County before 4:00PM and are out of the County until at least 7:00PM are eligible for dinner.

Meals paid for or reimbursed to employees who do not overnight while traveling will be considered taxable pay.

County purchase cards can be used for meal purchases up to the applicable meal allowance of each employee for whom a meal is provided. Employees are not allowed to purchase of alcoholic beverages with purchase cards.

The County will not reimburse purchases of alcoholic beverages.

Tipping – Employees and/or Elected Officials seeking reimbursement through this policy will be allowed to submit a tip on the meal not to exceed 15% of the bill. If the establishment incorporates a tip into the bill, meal cost and incorporated tip will be reimbursable. Any tip under this policy is considered part of the meal allowance.

If an employee purchases a meal or meals using a purchase card that exceeds the maximum allowance, the difference will be deducted from their following paycheck. If an employee does this more than once, that employee may be subject to discipline.

Policy approved by County Commission May 5, 2014.

County Commission

Barbara K. Wasinger, Commission Chair

Swede Holmgren, Commissioner

Dean Haselhorst, Commissioner

ATTEST:

Donna J. Maskus, County Clerk

COPY

Thompson, Arthur, Davidson & Katz
Attorneys at Law

DENNIS R. DAVIDSON
CHASEN R. KATZ

MARK ARTHUR, JR.
(Retired)

MARVIN E. THOMPSON
(1920-2006)

525 NORTH MAIN STREET
P.O. BOX 111
RUSSELL, KANSAS 67665-0111
TELEPHONE (785) 483-3195
FAX (785) 483-3504

January 21, 2015

The Honorable Glenn R. Braun
District Judge
P.O. Box 8
Hays, KS 67601-0008

Re: Davis, et al., v. Board of County Commissioners of
Ellis County, Kansas, and Hays Wind, LLC
Case No. 08-CV-134
District Court, Ellis County, Kansas

Dear Judge Braun:

Please find enclosed a proposed Order granting the Motion of the Board of County Commissioners of Ellis County, Kansas, for termination of the conditional use permit previously issued and dismissal of the above referenced case. This Order has been approved by all counsel of record.

Therefore, if the enclosed Order meets with your approval, I ask that you sign the same and deliver it to the Clerk of the District Court for filing. If possible, I would appreciate receiving a file-stamped copy of the Order by e-mail.

The County's Motion has been scheduled for hearing on the 2nd day of March, 2015, at 2:30 o'clock P.M. If the enclosed Order meets with your approval, the hearing on the County's Motion can be cancelled.

Thank you for your consideration.

Sincerely,

THOMPSON, ARTHUR, DAVIDSON & KATZ

By 
Dennis R. Davidson

DRD/cr
Enc.

cc: Greg Sund

COPY

Thompson, Arthur, Davidson & Katz
Attorneys at Law

DENNIS R. DAVIDSON
CHASEN R. KATZ

MARK ARTHUR, JR.
(Retired)

MARVIN E. THOMPSON
(1920-2006)

525 NORTH MAIN STREET
P.O. BOX 111
RUSSELL, KANSAS 67665-0111
TELEPHONE (785) 483-3195
FAX (785) 483-3504

January 13, 2015

Mr. Patrick B. Hughes
Adams Jones Law Firm, P.A.
1635 N. Waterfront Pkwy., Suite 200
Wichita, KS 67206-6623

Mr. Melvin J. Sauer, Jr.
Dreiling, Bieker & Hoffman, L.L.P.
P.O. Box 579
Hays, KS 67601

Mr. Jay F. Fowler
Foulston Siefkin LLP
1551 N. Waterfront Pkwy., Suite 100
Wichita, KS 67206

Re: Davis, et al., v. Board of County Commissioners of
Ellis County, Kansas and Hays Wind, LLC
Case No. 08-CV-134
District Court, Ellis County, Kansas

Dear Counsel:

Please find enclosed the Motion of the Board of County Commissioners of Ellis County, Kansas, seeking an order terminating the tolling order entered March 13, 2009, lifting the stay and dismissing the case. The Motion has been set for hearing on March 2, 2015, at 2:30 o'clock P.M.; however, it occurs to me that there may be no objection to the Motion. I have therefore also enclosed a proposed Order granting the Motion.

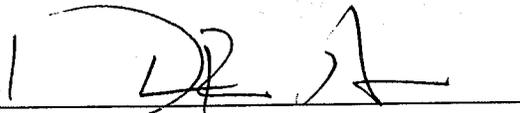
If the enclosed Order meets with your approval, please sign your approval and return it to me. If all counsel of record approves the Order prior to the hearing date, I will forward the approved Order on to Judge Braun and cancel the hearing. Otherwise, I will present the Motion as scheduled.

Patrick B. Hughes
Melvin J. Sauer, Jr.
Jay F. Fowler
(08-CV-134)
Page 2
January 13, 2015

Thank you for your consideration.

Sincerely,

THOMPSON, ARTHUR, DAVIDSON & KATZ

By 
Dennis R. Davidson

DRD/cr
Enc.
cc: Greg Sund

4. Because the project has been abandoned, the Conditional Use Permit issued July 28, 2008, should be allowed to expire under the provisions of Ellis County Zoning Regulation, 20-105. The Court should therefore enter an order terminating the tolling order issued March 13, 2009, lifting the stay of these proceedings and dismissing the above captioned case with prejudice.

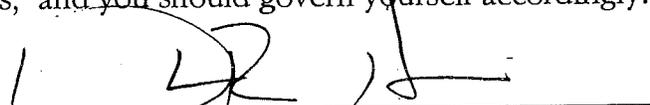
THOMPSON, ARTHUR, DAVIDSON & KATZ

By 

Dennis R. Davidson, #10619
525 Main, P.O. Box 111
Russell, Kansas 67665
(785) 483-3195; Fax (785) 483-3504
dennis.tad@eaglecom.net
Attorneys for Defendant Board of County
Commissioners of Ellis County, Kansas

NOTICE OF HEARING

PLEASE TAKE NOTICE that the foregoing Motion to Terminate Tolling Order, Lift Stay and Dismiss will be presented to the court for hearing on the 2nd day of March, 2015, at 2:30 o'clock P.M. or as soon thereafter as the same may be heard, in the Ellis County Courtroom at 3000 NEW Way, Hays, Kansas, and you should govern yourself accordingly.


Dennis R. Davidson

CERTIFICATE OF SERVICE

Dennis R. Davidson, attorney for the defendant Board of County Commissioners of Ellis County, Kansas, certifies that he did, on the 13th day of January, 2015, mail a true and correct copy of the foregoing MOTION TO TERMINATE TOLLING ORDER, LIFT STAY AND DISMISS, postage prepaid, by United States mail, first class, to:

Mr. Patrick B. Hughes
Adams Jones Law Firm, P.A.
1635 N. Waterfront Pkwy., Suite 200
Wichita, KS 67206-6623

Mr. Melvin J. Sauer, Jr.
Dreiling, Bieker & Hoffman, L.L.P.
P.O. Box 579
Hays, KS 67601

Mr. Jay F. Fowler
Foulston Siefkin LLP
1551 N. Waterfront Parkway, Suite 100
Wichita, KS 67206

and the original thereof to:

Ms. Amanda Gates
Clerk of the District Court
Ellis County Courthouse
P.O. Box 8
Hays, KS 67601



Dennis R. Davidson

COPY

IN THE DISTRICT COURT OF ELLIS COUNTY, KANSAS

TIMOTHY O. DAVIS, et al.,

Plaintiffs,

v.

**BOARD OF COUNTY COMMISSIONERS OF ELLIS
COUNTY, KANSAS,**

Defendant,

and

HAYS WIND, LLC,

Intervenor.

Case No. 08-CV-134

**ORDER TERMINATING TOLLING ORDER, LIFTING
STAY PROCEEDS AND DISMISSING WITH
PREJUDICE**

NOW ON this _____ day of _____, 2015, the above captioned case comes before the Court upon the motion of defendant Board of County Commissioners of Ellis County, Kansas. The movant appears by its attorney, Dennis R. Davidson, Thompson, Arthur, Davidson & Katz, Russell, Kansas. The plaintiffs appear by their attorney, Patrick B. Hughes, Adams Jones Law Firm, P.A., Wichita, Kansas. The intervenors appear by their attorney Jay F. Fowler, Foulston Siefkin LLP, Wichita, Kansas, and by their attorney Melvin J. Sauer, Jr., Dreiling, Bieker & Hoffman, L.L.P., Hays, Kansas. There are no other appearances.

THEREUPON, the Court, after hearing the arguments and statements of counsel, reviewing the file herein and being otherwise well and truly advised in the premises, finds that the defendant's motion should be sustained.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that the tolling order entered herein on the 13th day of March, 2009, be and the same is hereby terminated.

IT IS FURTHER BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that the stay of these proceedings is lifted and that the above captioned case is dismissed with prejudice.

Glenn R. Braun, District Court Judge

PREPARED AND APPROVED:

APPROVED:

THOMPSON, ARTHUR, DAVIDSON & KATZ

ADAMS JONES LAW FIRM, P.A.

By _____
Dennis R. Davidson, #10619
525 Main, P.O. Box 111
Russell, Kansas 67665
(785) 483-3195; Fax (785) 483-3504
dennis.tad@eaglecom.net
Attorneys for Defendant Board of
County Commissioners of Ellis
County, Kansas

By _____
Patrick B. Hughes
1635 N. Waterfront Pkwy, Suite 200
Wichita, KS 67206-6623
phughes@adamsjones.com
Attorney for Plaintiffs

APPROVED:

APPROVED:

DREILING, BIEKER & HOFFMAN, L.L.P.

FOULSTON SIEFKIN LLP

By _____
Melvin J. Sauer, Jr.
P.O. Box 579
Hays, KS 67601
melsauer@eaglecom.net
Attorney for Intervenors

By _____
Jay F. Fowler
1551 N. Waterfront Parkway, Suite 100
Wichita, KS 67206
jfowler@foulston.com
Attorneys for Intervenors

Kansas Natural Resource Coalition 2015 Annual Policy Committee Meeting

Thursday, January 22nd - 10:00 am - 2:00 pm CDT

(Lunch Served)

Kansas State University - Extension Office
4500 East Mary Street
Garden City, KS 67846

Meeting Purpose, Schedule and Agenda

Topics for the Kansas Natural Resource Coalition (KNRC) Policy Committee Meeting include:

- Summary of April 8th & 9th Conservation Easement Summit;
- Brief Update: Lesser Prairie Chicken Amicus Filing;
- Financial Report & Budget Review;
- Proposal & Discussion of 2014 Kansas Sovereignty Bill Implementation
- LPC Conservation Training & Recommendations

AGENDA

<u>Time</u>	<u>Activity</u>
9:30 - 9:50	Registration & Preconvene - (S. Tasset)
10:00 - 10:25	Call to Order - (S. Tasset) <ul style="list-style-type: none">• Welcome & Introductions• Prayer and Pledge of Allegiance<ol style="list-style-type: none">1. Roll Call, Voting Procedures• Meeting Overview -<ol style="list-style-type: none">1. Conservation Easement Conference2. Proposal: BLM Summary and Potential to Invoke Sovereignty Bill to Freeze Mitigation Resources
	Approval of November 21, 2014 Policy Meeting Minutes (S. Ellis)
	Treasurer's Report - (T. Harder)
10:30 - 10:50	Old Business - (J. Carlson) <ol style="list-style-type: none">1. Amicus Brief Status2. 02/03 BLM/EIS Meeting; 01/27 Training/Strategy Session
10:50 - 11:50	New Business - (J. Carlson) <ol style="list-style-type: none">1. Conservation Easement Summit: Summary, Venue & Purpose2. 2014 Kansas Sovereignty Bill & Asset Freeze Proposal - Discussion
12:00 - 12:30	<u>Lunch</u>
12:10 - 12:40	Miscellaneous - (S. Tasset) <ol style="list-style-type: none">1. Policy Meeting Day(s) - Preference Discussions2. Confirmation of Officers3. Seat New Steering Committee Member
12:40 - 1:00	Member Training, KNRC Conservation Plan - (S. Ellis) <ol style="list-style-type: none">1. LPC Fence Marking: Demonstration
1:00 - 2:00	KNRC 2015 Budget Approval (S. Tasset)
2:00	<u>Adjourn</u>

voting rep), Thomas-X, Finney-X, Ford-X, Pawnee, Rush-X, Trego, Comanche, Stevens, Morton-X, Rooks, Wallace-X, Wichita, Ellis, Hodgeman-X, Haskell-X, Edwards, Meade-X, Ness, Seward-X, Sheridan-X, and Stanton. President Tasset laid out the voting process that each member county would have one vote and gave an overview of the agenda topics – KNRC activities update, Bylaws ratification, Policy Committee directive for 2015 projects. President Tasset thanked the Steering Committee Members & recognized them – Mahlon Tuttle, Gove; Teresa Harder, Morton; Jim Rice, Seward; and Marsha Ewy, Hodgeman, as well as thanked Ken Klemm, Sherman, for his leadership; Sheila Ellis for committee assistance and research; and Jim Carlson, Executive Director, for his vision and expertise.

President Tasset reported: Efforts to work with counties for outstanding balances have been ongoing and reasonably successful; The Steering Committee in October participated as KNRC in an effort with other advocacy groups and individuals from across the nation, led by a group called Grass March Cowboy Express (The Express) under the leadership of Grant Gerber, a lawyer/commissioner from Nevada opposing BLM in “land grab” cases for 30 years. The Express rode from the California coast to the steps of Congress in Washington, D.C. entirely on horseback in a pony express style ride. The Express gathered petitions, briefs, and letters all along the way from groups and individuals that have been aggrieved by federal overreach. President Tasset saddled his horse, meeting Grant and The Express in Colby, then delivering KNRC documents to add to The Express “mail pouch.”; The Steering Committee is developing an ambassador program with the concept to utilize the extensive knowledge and wisdom of retiring veteran commissioners to assist the Steering Committee in achieving some “face time” communication with members. President Tasset turned the podium over to Jim Carlson for a report on Lesser Prairie-Chicken (LPC) litigation and an overview of his Waters of the US (WOTUS) work.

Mr. Carlson polled the audience for new attendees and offered to answer questions – none were posed, so he shared that all four lawsuits contesting the listing of the LPC are challenging on procedural issues and not arguing the science, as the “court” tends to defer to agencies on science. He reminded members to act on their conservation plans.

Mr. Carlson reported Amicus Briefs at the Federal level do add value and are effective with the New Mexico Cattle Growers as the filing, which will best fit KNRC arguments. KNRC has not approached them yet. Venable Law firm has been retained. Mr. John Cooney of Venable has 20 years’ experience in the OMB and knows Administrative Law inside and out. It is requested, if counties have input to provide on the case, they provide it to President Tasset, Mr. Carlson or Mr. Cooney.

Some members inquired about assistance from the Governor’s office/staff – Mr. Carlson reported KNRC has had little response, so far. He also reported US Fish and Wildlife Service’s (USFWS) motions to move the cases to Washington, D.C. have been denied and believes the cases will remain in the Northern District of Oklahoma. Additionally, he reported the listing of the Dunes Sagebrush Lizard was reversed under similar circumstances of USFWS not allowing conservation plans – with millions of dollars spent in development – to have time to work.

Mr. Carlson believes the Amicus will be filed early next year, depending on the schedule set by the trial judge.

President Tasset inquired, if everyone had a copy of the bylaws and opened the floor to any comments and discussion regarding this recommendation.

Teresa Harder moved, Jim Rice seconded to amend the due date for membership fees to February 15th. Motioned carried 16-0.

Ken Klemm moved, Marsha Ewy seconded to make grammatical corrections to text. Motion carried 16-0

Ken Klemm moved, Marsha seconded to strike the word “special” in Article IV, Section 1, last sentence, next to the last word. Motion carried 16-0

Ken Klemm moved, Chuck McKinney seconded to change 1/3 in Article VI, Section 2 to 51% for a quorum. Motion failed 9-7

Ken Klemm moved, Jim Rice seconded, to add to Article VII, Section 7, a first sentence – “A majority of the Steering Committee members will constitute a quorum.” Motion carried 16-0

Shawn Tasset moved, Mahlon Tuttle seconded to strike Article VII, Section (d) – motion carried 16-0

Ken Klemm moved, Jon Risley seconded in Article X, Section 2 to change the five occurrences of “shall” to “may” at each one. Motion carried 15-1

Ken Klemm moved, Larry Jones seconded in Article XII, Section 2 to insert at the beginning of sentence 1, “By a vote of the Steering Committee”, Motion carried 16-0

Ken Urban moved, Ken Klemm seconded to insert as the last sentence of Article II, “A single voting delegate from each of these member counties shall constitute the Policy Committee.” Motion carried 16-0

Chris King moved, Bruce Buck seconded to ratify the Bylaws as amended – motion carried 16-0

Shawn recessed for Lunch

Shawn reconvened the meeting.

Teresa Harder gave the Treasurer’s Report: 22 counties had paid to date; the KNRC account balance was \$55,487.51 with 3 counties’ payments pending Bylaw ratification. She took a moment to speak on KNRC’s message and encouraged everyone to share “The KNRC Watchman” newsletter with community members.

Sheila Ellis asked for attendees to please let her know of any impacts resulting from the listing of the Lesser Prairie-Chicken for the report being kept and updated periodically.

President Tasset stated he would present to the Policy Committee for action in 2015, as recommended by the Steering Committee – three “above the line” projects and as such will need to meet with Policy Committee approval and move on to a budgeting process.

The first is to continue to follow the Lesser Prairie-Chicken (LPC) issue through: tracking NRCS programs for implementation; Coordinating with NRCS to discover how processes will take place; Coordinating with USFWS to find the status of their recovery plan – USFWS should be implementing the recovery plan in March 2015 – the phase of the listing carrying teeth and will cause the real harm to industries, individuals and counties; Engage KDWPT regarding the outworking of the Range-wide Conservation Plan (RWCP) - Monitor WAFWA and other conservation plans; Actively engage our legislative delegations both at the state and federal levels. He opened the floor for discussion regarding this project. Shawn encouraged retaining Jim Carlson as the legislative liaison and KS Representative John Ewy said Jim Carlson’s presentations to the House Committee was very effective.

Logan County Commissioner Carl Uhrich left to attend another meeting.

Teresa Harder moved for the LPC project to be a 2015 KNRC project with Jim Carlson as legislative liaison, Ken Klemm seconded – motion carried 15-0

The second project recommended by the Steering Committee is to regain an initiative on the Bureau of Land Management (BLM) revision of the Resource Management Plan (RMP) determining the status of Kansas Corporation Commission (KCC)/BLM interaction. He provided some information and then opened the floor for discussion.

Ken Klemm said he believe the BLM project is too expensive and Governor Brownback has KCC working on it.

Shawn reminded the committee KNRC has money in the budget for BLM to have Jim Carlson research the issue.

Jim Rice moved, Darrell Craghead seconded to adopt BLMs RMP revision for a 2015 project – motion carried 13-2

The third project being recommended by the Steering Committee is on the topic of Conservation Easements with the coalition developing response programs and strategies to help its member counties fight off these tax base eroding encumbrances. He suggested to accomplish this KNRC would need to conduct a comprehensive study to discover a county commission's responsibility and authority to combat these easements from occurring within their county lines – with KNRC compiling information on conservation easements currently located in member counties and study the impacts they have had and monitor the impacts they continue to have. KNRC would also endeavor to develop an education and outreach program to help our member counties educate their citizens about tax implications, property value erosion, connective areas, and best/latest science management practices that accompany these easements. President Tasset stated this would be another area KNRC will need to engage our legislative delegations - believing this project in particular can be impacted greatly by our state legislative delegation and then opened the floor to discussion.

Teresa Harder shared the LPC listing has greatly increased Conservation Reserve Program (CRP) land up for sale. She encouraged everyone to continue monitoring their counties for Conservation Easement filings. She shared that NRCS is allowing landowners to believe perpetual is for their lifetime, rather than the fact that they are forever.

Larry Powell gave an update on CE legislation not passing to limit duration last session.

Teresa Harder moved, Chris King seconded to make Conservation Easements a KNRC 2015 project – motion carried 15-0

Discussion was held to have the annual meeting the 2nd Thursday of January, if schedules would allow.

Finney County offered the use of their meeting room free of charge, if available, with arrangements made through the county administrator.

President Tasset discussed topics the Steering Committee will be engaged in researching or monitoring - these items will be “below the line” and will have very little, if any budget consideration. Some of these items, as research develops on them, may become “above the line” projects and the Steering Committee will present them to the Policy Committee for their consideration and approval at the first Policy Committee meeting following such evolution. The Steering Committee has already started to research the possibility of developing a web site for the KNRC. Questions about the scope, user abilities and costs are yet to be answered. The Steering Committee plans to continue monitoring ESA listings including the black footed ferret, the long eared bat and others as needed; keep an eye on Waters of the US (WOTUS) and try to discover more information about the US Forest Service's (USFS) ground water issue.

In closing, President Tasset stated the Steering Committee will update the membership on all of these topics and on the projects for action with the newsletter and to watch for it. He encouraged members to contact them with questions and to please feel free to call or email him or any of the Steering Committee.

Teresa Harder moved, Ken Klemm seconded to adjourn the meeting – motion carried 15-0



KS Natural Resource Coalition Annual Meeting RSVP
KNRC Counties
to:
knrc.counties
01/20/2015 02:51 PM
Bcc:
Greg Sund
Hide Details
From: KNRC Counties <knrc.counties@gmail.com>
To: "knrc.counties" <knrc.counties@gmail.com>

Bcc: Greg Sund/Hays LEC

Good Afternoon Commissioner,

Due to the holiday weekend delaying regularly scheduled meetings, Kansas Natural Resource Coalition (KNRC) *extended* the RSVP deadline. If you have not already done so, please, **RSVP by 11 a.m. Wednesday, January 20** for the lunch count to Sheila Ellis, KNRC research analyst @ 620-874-2218 or knrc.counties@gmail.com -watch your email for the agenda.

WHAT: KANSAS NATURAL RESOURCE COALITION ANNUAL MEETING

WHEN: Thursday, January 22, 2015 @ 10 a.m.

WHERE: Kansas State University - Extension Office

4500 East Mary Street

Garden City, KS 67846

LUNCH SERVED

Additionally, we request your clerk provide a hard copy of this notice to new commissioners or commissioners for whom we do not have an email address and do not hesitate to contact us with questions.

It promises to be a very informative meeting!

Cordially,

Sheila

**If you have not already done so, please, add:
KNRC.counties@gmail.com
to your contacts file and watch for our emails, as this is the
official email address of the
Kansas Natural Resource Coalition**

January 5, 2015

LEGISLATIVE PROPOSAL 2015 Legislative Session

Subject: Revision of KSA to Achieve Consistency with Clean Water Act Effluent Design Standards for Confined Animal Feedlot Operations - Cattle Greater Than 1000 Animal Units

Summary -

Engineering standards have long utilized the 25 year/24 hour design storm as basis for sizing and evaluating water detention and waste control structures. For purposes of regulating effluent discharges under the Clean Water Act, EPA also utilizes the 25 year/24 hour storm as the volume *beyond* which wastewater from cattle CAFO impoundments is allowed to be discharged (overflow) to streams, navigable waterways, and the surrounding environment.¹ The rationale for allowing discharge beyond the 25 year/24 hour volume is storms of that magnitude negate pollution concerns as debris, garbage, and litter of all types are translated downstream, rendering large and small impoundments equally ineffective in preventing pollution.

Kansas Regulatory Framework -

The Kansas Department of Health and Environment (KDHE) currently requires cattle CAFOs of greater than 1000 Animal Units to construct infrastructure with a retention capacity capable of containing the 25 year/24 hour storm. Impoundment-sizing calculations must also incorporate all potential contributions (waterers, truck washouts, etc.) including additional capacity for seasonal operation, a 2-foot freeboard, and accumulation of sediment.

According to KDHE Policy, CAFO operators are not allowed to account for evaporation², which in most western-Kansas counties exceeds precipitation many months of the year. By precluding the use of evaporation in impoundment calculations, waste structures in Kansas are *vastly* overstated and without associated technical, environmental or parallel justification in Federal Law.

Cost Implications: Disproportionate Impact on Small Kansas Operators -

The KDHE Policy substantially increases the volume of earthwork, cost for impoundment lining, sizing of nutrient-application equipment, land area set-asides for nutrient application equipment, and associated maintenance activities without any added environmental or surface water protection. The Policy disproportionately impacts smaller CAFO operators who have less ability to capitalize environmental improvements, impairing their ability to compete.

Potential Statutory Changes: Scope -

Statutory changes should be considered that bring Kansas law for cattle CAFOs greater than 1000 Animal Units into consistency with, and no stricter than, the Federal Clean Water Act. These changes would have no negative environmental consequences and would result in smaller feedlot operators (>100 in number) throughout Kansas being equally competitive with adjacent states whose state rules may not be stricter than federal requirements.

¹ 40 CFR § 412.31

² *Design Standards for Confined Feeding Facilities*. pps 16. October 20, 2006.

source, any process wastewater pollutants in the overflow may be introduced to a POTW.

Subpart C—Dairy Cows and Cattle Other Than Veal Calves

§412.30 Applicability.

This subpart applies to operations defined as concentrated animal feeding operations (CAFOs) under 40 CFR 122.23 and includes the following animals: mature dairy cows, either milking or dry; cattle other than mature dairy cows or veal calves. Cattle other than mature dairy cows includes but is not limited to heifers, steers, and bulls. This subpart does not apply to such CAFOs with less than the following capacities: 700 mature dairy cows whether milked or dry; 1,000 cattle other than mature dairy cows or veal calves.

§412.31 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BPT:

(a) For CAFO production areas, Except as provided in paragraphs (a)(1) through (a)(2) of this section, there must be no discharge of manure, litter, or process wastewater pollutants into waters of the U.S. from the production area.

(1) Whenever precipitation causes an overflow of manure, litter, or process wastewater, pollutants in the overflow may be discharged into U.S. waters provided:

(i) The production area is designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from a 25-year, 24-hour rainfall event;

(ii) The production area is operated in accordance with the additional measures and records required by §412.37(a) and (b).

(2) Voluntary alternative performance standards. Any CAFO subject to this subpart may request the Director to establish NPDES permit effluent limita-

tions based upon site-specific alternative technologies that achieve a quantity of pollutants discharged from the production area equal to or less than the quantity of pollutants that would be discharged under the baseline performance standards as provided by paragraph (a)(1) of this section.

(1) Supporting information. In requesting site-specific effluent limitations to be included in the NPDES permit, the CAFO owner or operator must submit a supporting technical analysis and any other relevant information and data that would support such site-specific effluent limitations within the time frame provided by the Director. The supporting technical analysis must include calculation of the quantity of pollutants discharged, on a mass basis where appropriate, based on a site-specific analysis of a system designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater, including the runoff from a 25-year, 24-hour rainfall event. The technical analysis of the discharge of pollutants must include:

(A) All daily inputs to the storage system, including manure, litter, all process waste waters, direct precipitation, and runoff.

(B) All daily outputs from the storage system, including losses due to evaporation, sludge removal, and the removal of waste water for use on cropland at the CAFO or transport off site.

(C) A calculation determining the predicted median annual overflow volume based on a 25-year period of actual rainfall data applicable to the site.

(D) Site-specific pollutant data, including N, P, BOD₅, TSS, for the CAFO from representative sampling and analysis of all sources of input to the storage system, or other appropriate pollutant data.

(E) Predicted annual average discharge of pollutants, expressed where appropriate as a mass discharge on a daily basis (lbs/day), and calculated considering paragraphs (a)(2)(i)(A) through (a)(2)(i)(D) of this section.

(i) The Director has the discretion to request additional information to supplement the supporting technical analysis, including inspection of the CAFO.

Lesser prairie-chicken conservation plan receives windfall

By Associated Press January 15, 2015

Topeka — Kansas fish and wildlife [*Kansas Department of Wildlife, Parks & Tourism-AP is confusing agencies*] officials are saying that the plan to protect the endangered lesser prairie-chicken has raised nearly double the expected revenue in its first year.

The plan collects funds from fees on new developments in the bird's natural habitat and dedicates that revenue to conservation efforts. Fish and wildlife officials told lawmakers Thursday that the effort has collected \$36.8 million since last year, far exceeding the plan's goal of \$20 million.

According to a spring 2014 estimate, just 22,415 lesser prairie chickens remain in their natural habitat across parts of Kansas, Colorado, Oklahoma, Texas, and New Mexico. The five-state plan aims to triple the bird's population to 67,000.

<http://www2.ljworld.com/news/2015/jan/15/lesser-prairie-chicken-conservation-plan-receives/>

Be it enacted by the Legislature of the State of Kansas:

Section 1. Sections 1 through 8, and amendments thereto, may be cited as the state sovereignty over non-migratory wildlife act.

Sec. 2. The legislature declares that the authority for the state sovereignty over non-migratory wildlife act is the following:

(a) The tenth amendment to the constitution of the United States guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and people of Kansas certain powers as they were understood at the time that Kansas was admitted to statehood in 1861. The guaranty of those powers is a matter of contract between the state and people of Kansas and the United States as of the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

(b) Article II, section 1 of the constitution of the state of Kansas authorizes the legislature of the state of Kansas to exercise the legislative power of the state, including the general police powers inherent in a sovereign state.

Sec. 3. As used in the state sovereignty over non-migratory wildlife act:

(a) "Borders of Kansas" means the boundaries of Kansas described in the act for admission of Kansas into the union, 12 stat. 126, ch. 20, § 1.

(b) "Lesser prairie chicken" means the species *tympanuchus palli-dicinctus*.

(c) "Greater prairie chicken" means the species *tympanuchus cupido*.

Sec. 4. (a) The lesser prairie chicken and the greater prairie chicken are non-migratory species that are native to the grasslands of Kansas.

(b) The lesser prairie chicken and the greater prairie chicken do not inhabit or swim in any static bodies of water, navigable waterways or non-navigable waterways.

(c) The existence and management of the lesser prairie chicken and the greater prairie chicken do not have a substantial effect on commerce among the states.

(d) The Kansas department of wildlife, parks and tourism, and its predecessor agencies, have successfully managed lesser prairie chickens and greater prairie chickens in the state and have provided for the adequate preservation of the habitats of such species.

Sec. 5. (a) The state of Kansas, acting through the Kansas legislature and through the Kansas department of wildlife, parks and tourism, possesses the sole regulatory authority to govern the management, habitats, hunting and possession of lesser prairie chickens and greater prairie chickens that exist within the state of Kansas.

(b) The lesser prairie chickens and the greater prairie chickens that exist within the state and the habitats of such species, are not subject to the endangered species act of 1973, as in effect on the effective date of this act, or any federal regulation or executive action pertaining thereto, under the authority of congress to regulate interstate commerce.

(c) Any federal regulation or executive action pertaining to the endangered species act of 1973, as in effect on the effective date of this act, that purports to regulate the following has no effect within the state:

- (1) The lesser prairie chicken;
- (2) the greater prairie chicken;
- (3) the habitats of such species;
- (4) farming practices that affect such species; or
- (5) other human activity that affects such species or the habitats of such species.

Sec. 6. A county or district attorney, or the attorney general may seek injunctive relief in any court of competent jurisdiction to enjoin any official, agent or employee of the government of the United States or employee of a corporation providing services to the government of the United States from enforcing any federal regulation or executive action pertaining to the endangered species act of 1973, as in effect on the effective date of this act, that purports to regulate the following within the state:

- (a) The lesser prairie chicken;
- (b) the greater prairie chicken;
- (c) the habitats of such species;
- (d) farming practices that affect such species; or
- (e) other human activity that affects such species or the habitats of such species.

Sec. 7. (a) This act shall not be construed to infringe on the authority of the United States department of agriculture to administer conservation programs that apply to:

- (1) The lesser prairie chicken;
- (2) the greater prairie chicken;
- (3) the habitats of such species;
- (4) farming practices that affect such species; or
- (5) other human activity that affects such species or habitats of such species.

(b) This act shall not be construed to infringe on the authority of the United States environmental protection agency, or the state of Kansas under delegated authority, to administer the federal water pollution prevention and control act, as in effect on the effective date of this act, or the clean air act, as in effect on the effective date of this act, to the extent it may apply to:

- (1) The lesser prairie chicken;
- (2) the greater prairie chicken;
- (3) the habitats of such species;
- (4) farming practices that affect such species; or
- (5) other human activity that affects such species or habitats of such species.

(c) This act shall not be construed to infringe on the authority of the Kansas department of wildlife, parks and tourism or any private citizen of this state to operate or participate in the range wide lesser prairie chicken management plan, the stakeholder conservation strategy for the lesser prairie chicken, or any other management or conservation plan pertaining to the lesser prairie chicken that may be developed with the assistance and participation of the United States fish and wildlife service and apply to:

- (1) The lesser prairie chicken;
- (2) the greater prairie chicken;
- (3) the habitats of such species;
- (4) farming practices that affect such species; or
- (5) other human activity that affects such species or habitats of such species.

Sec. 8. If any provision of the state sovereignty over non-migratory wildlife act or the application to any person or circumstance is held to be invalid in any court of competent jurisdiction, such invalidity shall not affect the other provisions or application of such act. To this end, the provisions of such act are declared to be severable.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.

THE KNRC WATCHMAN

Volume 2, Issue 1

January 2015



PRESIDENTS ADDRESS

AN EYE ON THE BALL AND HAND ON THE TILLER

Friends come and go,
but opponents, - well,
they accumulate.

- J. R. Carlson KNRC
Executive Director

For us at KNRC, we had - in my opinion - a great 2014, and the upcoming year is bound to contain grit-building opportunities to forward the 2015 Agenda set by the KNRC Policy committee last November.

Think about it - KNRC has been in existence for a mere 1.5 years, and the Coalition is well structured, has bylaws, and we now are working on incorporation; we are party to [at present] one lawsuit; regulators and legislators from both sides of the aisle know who we are and attend our meetings; and, we have our feet firmly planted in mid-air on some crucial policy issues.

Beyond the issues, KNRC is getting some predictably bad local press - not to mention down talk from a few Topeka blue-suits. Like mom used to say, *"If everybody likes you, then something is desperately wrong; but if the right folks support you, then you are on to something."*

It is important to remember that taking positions on the issues, particularly private property rights, balanced environmental rules, reasonable taxes and the right to have voice in issues that affect our communities can rub the command-and-control, top-down folks who themselves have no problem imposing rules with impunity.

The key question - which is of vital importance - is that we handle disagreement with respect for the system, understanding of the rules and care for our fellow man with whom we may not agree.

Friends,

As I write this on the eve of the new year, I wish to express my hope that you all enjoyed a Merry Christmas with family and friends, and that you continue even now to enjoy our blessed Saviors' birth.

While the Steering Committee has enjoyed some much deserved down time for the Christmas season, it is time to get back to work. We have been working on budget and honing the KNRC agenda for the coming year.

I am discovering that in Policy work developments occur on a weekly basis, and I need to modify a Mark Twain quote to include Administrative Government, when he said:

"No man's life, liberty, or property are safe while the legislature is in session"

as they never take a break. In light of recent events and a firmer understanding of developments, new opportunities have come about for KNRC, and I am excited to share those with the Policy Committee at our upcoming meeting in Garden City on January 22nd.

By way of opportunities - or perhaps advance warning - some will soon hear from me as KNRC needs to add 2 subcommittees, and your skills, and contributions would be appreciated.

For their part, Committee assignments are not long term in duration, but they are more than I can ask of the Steering Committee, who is now at capacity. Consistent with our KNRC structure and to maintain continuity, a member of Steering Committee will chair each subcommittee, and I am grateful for your consideration of contribution of time to further the KNRC mission.

In closing, it is my hope each of you envision the positive influence that KNRC may provide not only for our member counties and commissioners but also for our citizens and our state. I believe we have done great things so far and am

very much looking forward to continuing our hard-won progress in coming years.

I ask God the Father to bless us all with a servant's heart and the peace and wisdom of His Holy Spirit.

Happy New Year,

- Commissioner Shawn Tasset of
Ford County - President KNRC
Steering and Policy Committees

KNRC REGIONAL CONSERVATION EASEMENT SUMMIT

Within the last two years, the federal government and environmental groups have earmarked astonishing levels of funding for the purchase of in-perpetuity Conservation Easements - both in Kansas and throughout the nation.

At KNRC, we believe it crucial and timely to understand the trade-offs, tax implications, conservation benefits, property devaluations, or potential long-term implications that will arise from transition of agricultural, wetland and other useful working lands to non-productive native land.

With transparency, understanding and a full vetting in view, the KNRC Steering Committee is going to make Conservation Easements the central theme of our first annual conference - scheduled for Wednesday afternoon, April 8 and all day Thursday, April 9. This will be an outstanding event you won't want to miss.

KNRC believes public presentation of the issues and the social events planned for the conference will add much to the understanding of county commissioners, legislators, agricultural interests, and real-estate professionals - particularly as state and federal legislators convene legislation over this essential topic.

KNRC Conservation Easement Summit - Preliminary Details:

- When: Wednesday, April 8 and Thursday, April 9;
- Where: Buffalo Bill Cultural Center - Oakley, Kansas;
- Hotel: Room Block TBA in January;
- Speakers and Format: TBA in Early February.
- Keynote Speaker [invited]: Congressman Tim Huelskamp

LITIGATION LANE



LESSER PRAIRIE-CHICKEN -

It now appears all 5 Lesser Prairie Chicken Lawsuits will be consolidated and decided in the Northern District Court of Oklahoma. Recently, The Department of Justice (DOJ) lost two bids to have the cases transferred to the DC Court. We interpret this as very positive for the counties, the private sector, and upcoming litigation planned by KNRC. We are also encouraged by recent rulings in regional courts on the Dunes Sagebrush Lizard and Utah Prairie Dog. We believe those cases provide a judicial bellwether for the upcoming Lesser-prairie Chicken cases to be tried in Oklahoma. In the Dunes Sagebrush Lizard ruling, the court held USFWS cannot arbitrarily list a species until local conservation plans and binding commitments have been given a chance to work. Because USFWS has not acknowledged the viable KNRC Conservation Plans whatsoever, we are confident precedent rulings will set a negative litigatory tone, as local government - by its very proximity to conservation activities - has a central role to play in conservation activities.

PEOPLE vs. UTAH PRAIRIE DOG (UPD) -

A Federal Judge struck down the USFWS Endangered Listing as unconstitutional because the Utah Prairie Dog (UPD) does not substantially affect Interstate Commerce. This is an important win for property rights as the People for the Ethical Treatment of Property Owners - a Utah property rights organization - contended listing of the UPD restricted construction of homes/businesses and maintenance of parks & a local cemetery. Read more: <http://www.pacificlegal.org/releases/11-6-14-PETPO-1-1414>

FEDERAL JUDGE RULES in FAVOR of TEXAS COMPTROLLER -

The US District Court for DC recently struck down a lawsuit brought by environmental groups asking the court to require USFWS to reconsider its June, 2012 decision not to list the Dunes Sagebrush Lizard (DSL) as endangered. This ruling is a huge victory for the Texas Conservation Plan (TCP), the DSL, industry and local government, and we believe will set the platform for the upcoming litigation on the Lesser Prairie-Chicken. In his ruling, Judge Contreras noted "the Court finds that the USFWS's withdrawal decision rested on 'the best scientific and commercial data available,' as required by the ESA." The plaintiffs also argued the DSL was not being protected because the TCP was voluntary and partners to the plan were providing too little information to USFWS. According to the Texas Comptroller, and Judge Contreras, this is not the case. At the time of the USFWS decision not to list the DSL, Interior Secretary Salazar lauded the TCP as "a great example of how states and landowners can take early, landscape-level action to protect wildlife habitat before a species is listed..." Read more: <http://www.window.state.tx.us/news2014/141001-sagebrushlizardruling.html>

REMINDER

Kansas Natural Resource Coalition
2015 Annual Policy Meeting
January 22, 2015
 Kansas State University - Extension Office
 4500 East Mary Street
 Garden City, KS 67846
 Please, RSVP by 2 p.m. January 20, 2015

The Kansas Natural Resource Coalition
 C/O Logan County, Ks Clerk
 710 West 2nd Street
 Oakley, Kansas 67748-1233
 Email: KNRC.Counties@gmail.com

KNRC Newsflash

BLM Resource Management Plan -

On Tuesday, February 3, BLM is hosting a Wichita meeting on the economic implications of its Environmental Impact Statement (EIS) and Resource Management Plan (RMP) revision process. The RMP addresses Federally-owned surface & mineral estates - encompassing over 850,000 acres in 90 Kansas counties, and many KNRC counties have a substantial interest in this process. KNRC is hosting a training session January 29 for those planning attendance, and all counties are encouraged to attend the BLM Meeting. Contact Sheila Ellis for details and location.

Forest Service Controlling and Restricting Water Rights -

Pacific Legal Foundation reports FS "is proposing broad new restrictions and controls on groundwater rights near national forests. These mandates would apply wherever the exercise of water rights 'would affect forest resources.'" Under the proposals, property owners needing a Forest Service Permit, would be forced to surrender groundwater rights during the permitting process.

Sheila's Statistics:

⇒ **FALL 2014:** USFWS Reports a Black Footed-Ferret (BFF) Logan County Census count of 11 total animals with 8 located on the Haverfield Complex and 3 on The Nature Conservancy's Smoky Valley Ranch.

⇒ Through Oct. 2014 of the "experimental" project, 251 Ferrets have been released or born, which translates into a **95.6% mortality rate.**

⇒ With numbers **falling 50%** [Fall 2013-22 Ferrets; Fall 2014-11 Ferrets] USFWS released an additional **24** Ferrets last November.

⇒ **Spring 2014**-Over 6 years of USFWS program, the per-ferret established cost - not including expenditures by other Federal agencies, Kansas Dept. Wildlife, Parks & Tourism and Logan County - is **\$113,113.**

⇒ USFWS has not indicated when we will be done spending time, effort, and taxpayer money on the BFF program, but these glaring statistics certainly lay testimony to decisions that needs to be made.....

The KNRC Vision

The Kansas Natural Resource Coalition (KNRC) is an association of counties who maintain collective and participatory involvement in administrative government on behalf of our citizenry. The coalition serves as a conduit between local, state and federal governments to promote balanced, necessary and effective administrative policy making. Our mission is to monitor, analyze, understand, communicate, and participate in those initiatives that materially affect the natural or human systems governed by individual member counties.



DATES TO REMEMBER

Tuesday, January 27, 2015

What: BLM TRAINING for February 3 Workshop in Wichita

When: TBA

Where: STILLWATER TECHNICAL SOLUTIONS Office
6505 S Highway 83
Garden City, Ks 67846

Tuesday, January 27, 2015

What: Conservation Easement Conference Subcommittee Meeting

When: TBA

Where: STILLWATER TECHNICAL SOLUTIONS Office
6505 S Highway 83
Garden City, Ks 67846

Tuesday, February 3, 2015

WHO: Bureau of Land Management & Bureau of Indian Affairs

What: Environmental Impact Statement & BLM Resource Management Plan
Socioeconomic Workshops

When: 1:00 p.m. – 4:00 p.m.

Where: Wichita Public Library
Lionel D. Alford Branch
3447 S. Meridian
Wichita, Kansas 67217

Wednesday, February 4, 2015

WHO: Natural Resources Conservation Service – State Staff

What: Meeting addressing concerns/misconceptions regarding NRCS technical assistance and the Lesser Prairie Chicken, since it was listed as a threatened species.

When: Afternoon – TBA

Where: Natural Resources Conservation Service
Dodge City Field Office

Lesser prairie-chicken conservation plan receives windfall

By Associated Press January 15, 2015

Topeka — Kansas fish and wildlife *[Kansas Department of Wildlife, Parks & Tourism-AP is confusing agencies]* officials are saying that the plan to protect the endangered lesser prairie-chicken has raised nearly double the expected revenue in its first year.

The plan collects funds from fees on new developments in the bird's natural habitat and dedicates that revenue to conservation efforts. Fish and wildlife officials told lawmakers Thursday that the effort has collected \$36.8 million since last year, far exceeding the plan's goal of \$20 million.

According to a spring 2014 estimate, just 22,415 lesser prairie chickens remain in their natural habitat across parts of Kansas, Colorado, Oklahoma, Texas, and New Mexico. The five-state plan aims to triple the bird's population to 67,000.

<http://www2.ljworld.com/news/2015/jan/15/lesser-prairie-chicken-conservation-plan-receives-/>

1. Executive Summary

WAFWA's members include 4 Canadian Provinces weighing in on decision affecting US states & Property Owners.

The Western Association of Fish and Wildlife Agencies (WAFWA) was founded in 1922. WAFWA is comprised of 23 member states and provinces that have primary responsibility for protecting and managing fish and wildlife in the western United States and Canada. The 19 member states encompass over 2.5 million square miles. The Fiscal Year 2012 budgets for the member states exceeded \$1.7 billion. The chief executive officer of each fish and wildlife agency is on the Board of Directors of both the Western Association of Fish and Wildlife Agencies and its fund-raising arm, the Foundation for Western Fish and Wildlife (FWFW).

WAFWA/FWFW promotes the principles of sound resource management, as well as strengthening partnerships and cooperation among local, state, and federal agencies, non-government conservation organizations, and private industry. The interagency coordination of fish and wildlife conservation activities are promoted by WAFWA initiatives. Each initiative has a coordinator that organizes the fish or wildlife conservation actions among the affected states and provinces. Current WAFWA initiatives include Wild Sheep, Western Native Trout, Sage Brush Steppe, and Western Grassland. The Sylvatic Plague project is part of the Western Grassland Initiative. WAFWA has a long and successful history of coordinating range-wide conservation plans and actions. On July 24, 2013, WAFWA directors unanimously voted to undertake the development of a range-wide plan for the lesser prairie chicken (LPC), a task of significant proportion.

Of all the various non-governmental organizations, WAFWA and FWFW are unique as they bring the state and provincial governmental agencies and their CEOs together in a manner where they can apply their collective expertise and resources in a coordinated fashion. This capability enhances the overall impacts of their actions and improves the prospects for success. Moreover, this approach helps ensure that states retain management authority over resident fish and wildlife, an underlying objective of WAFWA.

Outlined in the following pages is a business plan that closely examines the two not-for-profit entities, WAFWA and FWFW, that will lead the range-wide conservation efforts involving LPC. This plan also describes how WAFWA and FWFW evolved over the years, both in terms of the nature and scope of endeavors that have been undertaken, the staffing history up and through the present, and changes in operation and structure that will be necessary with the approval of this business plan. Also identified is the amount of money it will take to accomplish this task and the means to pay for it.

This business plan is grounded in discussions that took place over the latter half of 2012 among the five states within LPC range, and subsequently with WAFWA's Executive Committee. At the January 2013 business meeting, a proposal was advanced that would have WAFWA as the Permit Holder and Fiscal Agent for a Candidate Conservation Agreement with Assurances to influence the final listing decision for LPC by the U.S. Fish and Wildlife Service (USFWS), scheduled initially for September 2013.

With conditional approval obtained in January 2013, the Executive Committee formed a Lesser Prairie Chicken Conservation Delivery Business Plan Sub-Committee to follow through with development of a draft business plan. However, before work could commence, a legal review of both WAFWA's and FFWW's Bylaws and Articles of Incorporation was requested, to assure the directors that WAFWA has comprehensive protection of member agencies and directors, including liability and risk exposure. The results of that legal review, presented at a specially convened meeting of the directors in February 2013, confirmed that WAFWA and FFWW had the legal authority to hold such permits authorized under the Endangered Species Act and could handle the acceptance and disbursement of funds or real property for this purpose; furthermore, it was determined that WAFWA had the protections necessary to undertake this responsibility. All of the details of this important legal review and special meeting are included in this document. Several recommendations were also put forth as a part of this process and were incorporated into this business plan.

The RWCP plan projects increase of paid staff near 10 fold for WAFWA (employed *two salaried staff*- Secretary and Treasurer, *both of whom work on a part-time basis*.) All others were elected from membership & serve without compensation.

The Executive Committee was also asked to look at different alternatives for accomplishing the desired outcome. During the course of their work, the sub-committee looked at four alternatives, including one that examined an array of potential partners as potential permit holders. In the end, the sub-committee recommended and WAFWA directors approved WAFWA to be the Permit Holder and FFWW be the Fiscal Agent for this undertaking. The examination of the alternatives and the rationale behind the selected option are in Section 3 of this business plan. This approved approach will leave the existing WAFWA structure essentially intact, with the expansion of staffing and infrastructure occurring within FFWW. This document displays the new organizational structure for each entity. The existing Treasurer position will in effect become the Chief Financial Officer for both organizations. This will be a full-time position. Other additions include up to 19 full-time staff to accomplish all of the work and associated responsibilities for implementing the *Lesser Prairie Chicken Range-wide Conservation Plan* and serving as Permit Holder and Fiscal Agent. The positions and their duties are detailed within this plan, along with projected workflow of these positions. Similarly, additional management and organizational aspects associated with this undertaking are identified, as are the business goals, desired outcomes, keys to success and future plans.

Likewise, all of the financial assumptions that went into development of this business plan and the approved alternative are included in the body of this business plan. The amount of money associated with this plan is significant, but all projections have erred on the conservative side of the ledger. The sub-committee benefitted from the input of several outside sources in developing the financial aspects of this business plan, thus providing added confidence in the projections contained herein. The 10-year projections result in about \$260.5 million in total revenue from all sources including investment earnings retained in and added to the trust fund balances. This comes from about \$180.4 million from impact fees, \$40.5 million from enrollment fees, and \$26.5 million from investment earnings used for operations and \$13.1 million from investment earnings retained in the trust funds. The fees are split between two "Trust Funds" – 87.5 percent for the Conservation Offset Trust Fund and 12.5 percent for the Operational Expenses Trust Fund. The Operational Expense Trust Funds is intended to support LPC field biologists and managers, as well as administrative support. The investment earnings are conservative, projecting a 'real' rate of return over the long term of 4.0%. (The 'real' rate of return is the gross rate of return less inflation). We used the Consumer Price Index - All Urban (CPI-U) in our reviews. For

Ecosystem approach would regulate across entire geographic areas independent of political boundaries & local jurisdictions.

western native trout are deeply engaged in the Initiative. Since 2006, WNTI has directed over \$7 million toward the protection and recovery of 21 western native trout species.

Building upon previous successes, the WAFWA directors believed it was in their best long-term interest to move toward a landscape level approach that enabled better planning and coordination, efficiency in time and scale of accomplishment, and greater cost effectiveness. They also recognized that as they moved toward a landscape level or ecosystem-focused approach, they needed to ensure that their commitment to conservation and management of individual species was not diminished. Given these considerations, in 2004, WAFWA directed its Habitat and Nongame and Endangered Species committees to use renewal of the aforementioned MOU for black-tailed prairie dog conservation as a vehicle for transitioning toward an ecosystem approach (i.e. prairie) in the western Great Plains. WAFWA also directed the two committees to ensure that the prairie effort be fully coordinated with, and complementary to, a companion effort to conserve sagebrush and sage-steppe communities (and associated species of wildlife) in the Great Basin, because the two biomes share many important species.

With a membership of 23, only one of the states affected by this MOU would have to vote in favor of it to pass. Where is the role for local governments?

The net effect of that transition was development of an MOU titled *Conservation and Management of Species of Conservation Concern Associated with Prairie Ecosystems*. The purpose of this MOU was to provide, under the auspices of WAFWA, for interagency cooperation in conservation and management of species associated with prairie ecosystems of the western Great Plains (i.e. parts of Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wyoming, and Utah). The primary focus is on federally-listed species, state-listed species, and species of conservation concern. The participating agencies agreed that cooperation is necessary to collect and analyze data on these species and their habitats, and to plan and implement actions necessary to establish and/or maintain viable populations of each species sufficient to preclude present or future endangerment, within the constraints of approved budgets. The initial MOU was signed in January 2006.

This action led to other important conservation efforts being undertaken across the West by a subset of WAFWA member states and provinces that saw the benefits of this comprehensive conservation approach and desired to utilize the WAFWA umbrella of oversight and reporting. The first example was the *Five-State Memorandum of Understanding for Conservation and Management of Lesser Prairie Chickens and Associated Species and Their Habitats*, signed in early 2006, immediately after the Prairie Ecosystem MOU was signed. This transpired after the five-state directors approached WAFWA and the membership as a whole unanimously embraced the idea that LPC conservation under the WAFWA structure was a good thing and would be welcomed. The MOU set forth a series of objectives for the five states and WAFWA that still play prominent in the current discussions and proposed actions involving LPCs.

Another example includes the approval of the *Northern Sage Brush Steppe Initiative Memorandum of Understanding* between WAFWA and the State of Montana, and provinces of Alberta and Saskatchewan in 2007, and since renewed. The MOU provides for the cooperation among the participating state, provincial and federal land and wildlife agencies in

the conservation and management of native grassland and sage brush (*Artemisia spp*) habitats and their dependent wildlife in continuous ecosystems in Montana, Alberta, and Saskatchewan, referred to as the Northern Sagebrush Steppe.

In 2011, WAFWA approved the *Western Quail MOU*, the express purpose of which is to facilitate implementation of the *Western Quail Management Plan* that had previously been approved by the directors. Despite their importance, management of western quail has a varied history and quail management and research has received inconsistent attention. By all directors approving and signing the MOU, they directed additional emphasis be placed on consistent population indices, identification of threats and implementation of more habitat management for western quail, for the benefit of the birds and the public who enjoy them.

The latest in a long string of MOUs designed to improve cooperation and coordination among and between WAFWA and partner agencies on matters related to species conservation came about in late 2012, with the signing of the MOU involving landowner incentives. The purpose of this MOU is to facilitate cooperative conservation efforts in concert with willing landowners to maintain ranch land in prairie habitats, and to maintain the livestock operations that they support, while providing for the conservation and recovery of several wildlife species associated with prairie dogs. In particular, the recovery of the endangered black-footed ferret could be fully accomplished within the next decade through additional voluntary efforts by private landowners, if their concerns related to both profitability and wildlife conservation risks could be addressed. Additionally, several vulnerable species could benefit from these efforts and thereby preclude the need for additional future federal regulatory activities (e.g., burrowing owl, ferruginous hawk, mountain plover, golden eagle, and swift fox). The parties to this MOU include U.S. Department of Interior, USFWS; the U.S. Department of Agriculture, NRCS; the U.S. Department of Interior, Geological Survey; U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services; and WAFWA.

The BFF Recovery effort has failed and has not at all been well received by any community where the initiative has been undertaken -due to Prairie Dog conflicts.

As WAFWA moves into the future, its directors can rely on past achievements to provide confidence that by working together, more can be accomplished than when any single agency or small cohort of agencies go at an issue alone. In the end, if history is any indication, the fish and wildlife resources of western North America and the habitat upon which those resources depend will be better served by these collective actions.

The uncertainties and opportunities provided by the potential listing of the LPC, and WAFWA's potential role as CCAA/CCA permit holder and/or fiscal agent, is yet another example of an evolving organization that already has a proven record of success when taking on challenging issues in the past. In the remaining pages of this business plan, the details of WAFWA's proposed undertaking will be put forth, along with all of the factors considered, options reviewed, the rationale for the approved action, and the fiscal underpinnings that support this action.

1. The section above is nearly **verbatim** from the MOU associated with the Black-footed Ferret Programmatic Safe Harbor Agreement (BFFSHA), which is an initiative to compensate landowners to "conserve" prairie dogs.
2. "Conservation" of Prairie Dogs violates **KSA 80-1202**, which requires eradication.
3. **KSA 80-1208** establishes penalties for Commissioners not enforcing KSA 80-1202.
4. The inclusion of the MOU for BFFSHA initiative is contrary to 2013 Kansas **Senate Resolution No. 1711**, which **OPPOSED** the **BFFSHA**.

7. Assumptions and Definitions

7.1 Definitions

- 1) **Long-term easements/permanent conservation**—are permanent conservation measures including but not limited to: perpetual easements, fee simple acquisitions, and mitigation bank credits purchased from willing landowners. The goal for permanent easements is the value of 25% of the total offset units generated by mitigation within each eco-region, where offset units are defined as the product of the acreage impacted, the habitat quality of that acreage and the mitigation ratio in each CHAT category.
- 2) **Short-term agreements**—are 5 or 10 year contracts, with landowners and agricultural lease-holders, to implement conservation practices on their lands to provide LPC conservation benefits. These contracts are voluntary, renewable, and compensate landowners for eligible practice costs on a variable scale reflective of established NRCS/FSA costs. The goal for short-term agreements is the value of 75% of the total offset units generated by mitigation within each eco-region, where offset units are defined as the product of the acreage impacted, the habitat quality of that acreage and the mitigation ratio in each CHAT category.
- 3) **Incentive payment**—upon enrollment in 5 or 10 year offset contracts; participants receive a modest incentive payment based on the acreage enrolled, and the quality of that acreage, and the offset multiplier for the CHAT category in which they are located. These incentive payments provide funding for landowners and operators to implement changes to their operations that increase the habitat quality for LPCs.
- 4) **Maintenance payment**—participants will receive annual maintenance payments each fall for both short-term contracts and permanent easements. Those payments are based on the acreage enrolled, the habitat quality of those acres, the offset multiplier for the CHAT category they are located within, and average per acre habitat management costs that are calculated annually based on current USDA habitat management practice costs. Those practices include prescribed grazing, prescribed burning, disking, and inter-seeding, selected herbicide applications and more.
- 5) **Restoration payment**—restoration practices include control of tall woody vegetation and native grass seeding. Upon completion and verification of those practices, participants will receive payment for performing them. Payment rates for restoration practices are determined based on current USDA practice costs, and the offset multiplier for the CHAT category in which the restored acreage is located.
- 6) **Crucial Habitat Assessment Tool (CHAT)** -- an accessible online system of maps displaying crucial wildlife habitat and corridors in the Southern Great Plains. The Southern Great Plains CHAT is a spatial model put together to designate and prioritize

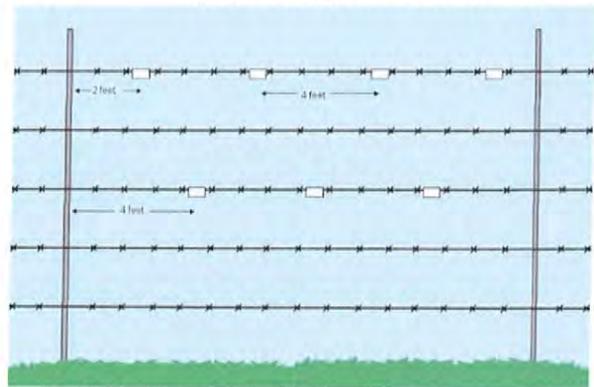
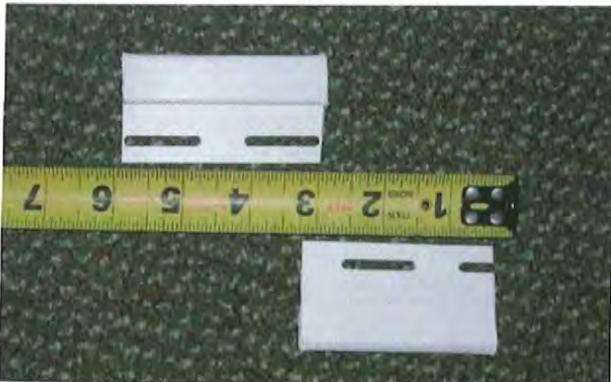
Fence Marking for Lesser Prairie-Chickens

Material is top front rail Parkside® Vinyl Skirting made by Georgia Pacific. Trim strips have a 'lip' allowing them to simply snap onto barbed wire fences. The material can be cut easily with tin snips for small projects or a 10" miter saw with at least a 200 tooth blade for larger projects. (wear safety glasses and a dust mask).



1. Cut the strips into 3" pieces, thus a 12 foot strip yields 48 pieces.

2. Mark the top wire and third wire down from the top. For the top wire, place the first marker 2 feet from the post, with 4 foot spacing for each subsequent marker. On a "typical" distance between fence posts of 12 feet, the arrangement will be: post - 2 feet - marker - 4 feet - marker - 4 feet - marker - 2 feet - post. For the third wire, use the same spacing, except begin 4 feet from the post, staggering the markers. For the same "typical" distance between fence posts, the arrangement on the third wire will be: post - 4 feet - marker - 4 feet - marker - 4 feet - post. With this fence post distance, 5 markers are between posts. (see diagram and photos below)



Depending on actual fence post spacing, usually between 2000-2200 markers are used per linear mile. The rail is available at Garden True Value for about \$10.78 w/tax per 11-foot strip. Material cost is about \$490 per mile requiring 1-2 person hours per mile to place markers.



2015 Proposed Budget Kansas Natural Resource Coalition

Planned Expenses	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YEAR
Contract Hire Expenses													
Jim Carlson	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$36,000.00
Sheila Ellis	\$1,083.34	\$1,083.33	\$1,083.34	\$1,083.33	\$1,083.34	\$1,083.33	\$1,083.34	\$1,083.33	\$1,083.33	\$1,083.33	\$1,083.33	\$1,083.33	\$13,000.00
Legal Fee - Incorporation & 501c3	\$1,000.00												\$1,000.00
Subtotal	\$4,083.34	\$5,083.33	\$4,083.34	\$4,083.33	\$4,083.34	\$4,083.33	\$4,083.34	\$4,083.33	\$4,083.33	\$4,083.33	\$4,083.33	\$4,083.33	\$50,000.00
Special Projects													
LESSER PRAIRIE CHICKEN													
WAFWA Lawsuit			\$40,000.00										\$40,000.00
2 Co-Plaintiffs- \$10,000 each			<-\$20000.00>										\$0.00
CONSERVATION EASEMENT CONFERENCE													
10 Vendors - \$350/table		<-\$3500.00>											\$0.00
50 member rgstr - \$30/attende		<-\$1500.00>											\$0.00
50 non-member rgstr-\$50/attende		<-\$2500.00>											\$0.00
2 sponsored Speakers-\$2,500 each		<-\$5000>											\$0.00
Commissioner trainings		\$1,000.00			\$1,000.00								\$2,000.00
Legislator trainings		\$3,000.00			\$3,000.00								\$6,000.00
OTHER ISSUES													
Commissioner Training classes	\$333.34	\$333.33	\$333.33	\$333.34	\$333.33	\$333.33	\$333.34	\$333.33	\$333.33	\$333.34	\$333.33	\$333.33	\$4,000.00
Subtotal	\$333.34	\$4,333.33	\$40,333.33	\$333.34	\$4,333.33	\$333.33	\$333.34	\$333.33	\$333.33	\$333.34	\$333.33	\$333.33	\$52,000.00
Operational Cost:													
Newsletter -Publisher Software	\$300.00												\$300.00
Newsletter Cost of Production	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$600.00
Quarterly Policy Committee Meeting	\$1,250.00		\$1,250.00			\$1,250.00			\$1,250.00				\$5,000.00
Subtotal	\$1,600.00	\$50.00	\$50.00	\$1,300.00	\$50.00	\$50.00	\$1,300.00	\$50.00	\$50.00	\$1,300.00	\$50.00	\$50.00	\$5,900.00
Training/Travel													
Travel Expenses	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$18,000.00
Subtotal	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$18,000.00
TOTALS													
Monthly Planned Expenses	\$7,516.68	\$10,966.66	\$45,966.67	\$7,216.67	\$9,966.67	\$5,966.66	\$7,216.68	\$5,966.66	\$5,966.66	\$7,216.67	\$5,966.66	\$5,966.66	\$125,900.00
TOTAL Planned Expenses	\$7,516.68	\$18,483.34	\$64,450.01	\$71,666.68	\$81,633.35	\$87,600.01	\$94,816.69	\$100,783.35	\$106,750.01	\$113,966.68	\$119,933.34	\$125,900.00	
KNRC Balance Forward													
Less Cash Reserve	\$46,922.50												
BALANCE to APPLY	(\$21,922.50)												(\$25,000.00)
TOTAL to MEET BUDGET	\$25,000.00												
Projected 20 Member Counties													\$100,900.00
													\$5,045.00/County

Note: Shaded cells are calculations.

Free Admission
Free Lunch Daily
 (first 500 visitors)

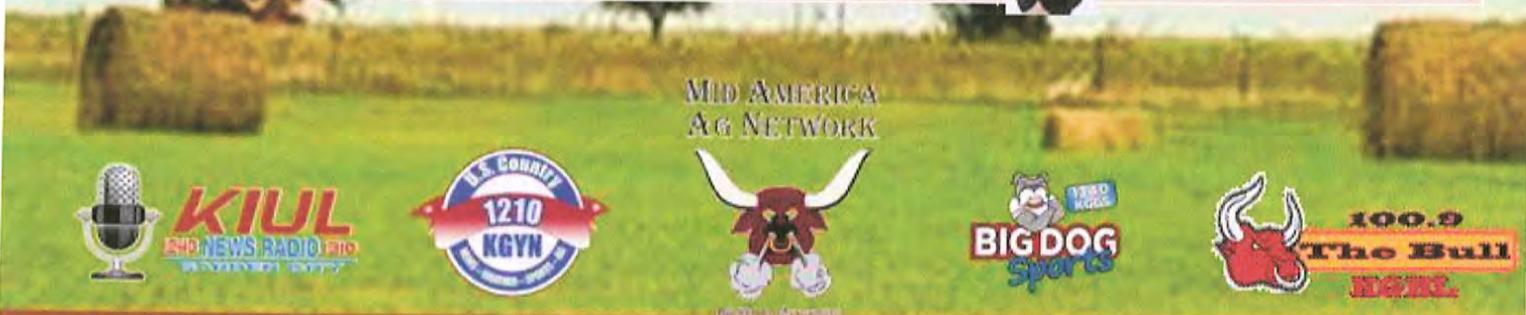


January 22nd, 23rd & 24th 2015

Thursday-Friday 9am-5pm * Saturday 9am-4pm
Finney County Expo Buildings, Garden City, Kansas

Here's an preliminary list of Scheduled Events (with more to be scheduled)

Thursday	Friday	Saturday
Mandy Fox Certified Crop Advisors (11am)	Mandy Fox Certified Crop Advisors (11am)	Don Teske Kansas Farmers Union (11am)
Lana Duvall Economic Development (11:30am)	Stan Webb DreamCatcher Wealth Mgt  (11:30am)	Bryan Hakola Diversified Investment Strategies (11:30am)
Jeff Hutton National Weather Service (12pm)	Jeff Hutton National Weather Service (12pm)	Sheila Ellis Agricultural Advocate (12pm)
Matt Deighton Tornado Survivor/Speaker (12:30pm)	Dale Schadel USDA (12:30pm)	Shawn Tasset Conservation District Board Member (12:30pm)
Tim Scheck/Joe Schremmer KIOGA (1pm)	Bobbi Brockman Immucell (1:00pm)	Paul Penner President - Nat'l Assn. of Wheat Growers (1:00pm)
Dominic Varrichio Schweiteman, Inc (1:30pm)	Tyler Dupy Kansas Cattlemen's Association (1:30pm)	Bobbi Brockman Immucell (1:30pm)
	Lyndy Phillips Agricultural Speaker/Humorist (3:30)	



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**NORTHWEST KANSAS
PLANNING and DEVELOPMENT
COMMISSION**
319 N. Pomeroy
Box 248
Hill City, Kansas 67642-0248
(765) 421-2151 Fax (765) 421-3496



Date: January 26, 2015

From: Randall J. Hrabe, Executive Director

Re: NWKP&DC Dues

Dear Northwest Kansas County Commissioners,

Enclosed is the 2015 Ellis County dues statement for the Northwest Kansas Planning & Development Commission. As in past years, the dues amount is based on 1/10th of a mill on the county's total assessed property valuation. I would like to thank all 18 counties for being members of the regional organization. As we move forward, I feel it is even more relevant that the region work together as a united voice if we are to be prosperous in the future.

Many of you attended our annual meeting late last year and are aware of the many projects we are involved with. Because of budget reasons, we are short one staff person as compared to 2013, but we still managed to attend over 300 meetings with communities and businesses last year. For infrastructure projects, we have gradually been utilizing Rural Development and KDH&E programs more than we have in the past, mainly because of fewer Community Development Block Grants funds being available. Although last year was a "down" year, we still managed to get \$1.6 million funded for northwest Kansas infrastructure. These included medical facility improvements, street improvements, a fire truck and handicap accessibility improvements.

We continue to see business credit as "tight" when compared to ten years ago. Again, the regional Rural Business Development Tax Credit revolving loan fund (RBDTC), Startup Kansas funds and E-Community funds were instrumental in leveraging other business funding sources. Our State fiscal yearend report showed our office completing only six Small Business Administration loans and 24 other business loans with the above financial resources. The unfortunate situation is the Kansas Legislature decided not to renew funding for the RBDTC Program for the past two years. Although we have been very successful with the \$2.5 million we have raised in our fund, the fund is nearly completely lent out, leaving little or no revolving loan funds for new startup businesses this year. Again in 2015, we are going to push the Kansas Legislature to renew that program, but given the financial situation for the State, this is going to be a "tough sell." Any help you could provide in convincing legislators of the importance to the RBDTC program for business finance, would be sincerely appreciated. The total of businesses financed last year amounted to \$4.6 million creating 73 jobs. In all but six of these businesses, the loan amounted to less than \$100,000, proving that we deal with a lot of small businesses without the financial resources available to larger corporations.

(Over)

NORTHWEST KANSAS PLANNING & DEVELOPMENT COMMISSION

INVOICE

PO Box 248
 Hill City, Kansas 67642-0248 785-421-2151

Ellis County
 PO Box 720
 Hays, Kansas 67601

INVOICE DATE 01/20/2015

Dues/Year	DESCRIPTION		AMOUNT
2015	Ellis County Dues		\$42,472.00
			\$42,472.00 PAY THIS AMOUNT

Questions concerning this invoice?
 Call: Randall J. Hrabe, Executive Director
 785-421-2151

MAKE ALL CHECKS PAYABLE TO:
 Northwest Kansas Planning & Dev. Comm.

Thank You for promoting economic development in northwest Kansas!

2015 Budget Notes:

County dues income shows an increase of \$14,340. The dues are based on a 1/10th of a mil on the county's assessed valuation. As larger counties continue to grow and smaller counties continue to shrink, the disparity in amounts have gradually become quite large. (Ranging from \$3,580 in Wallace County to \$43,473 in Ellis County). Making that notation, one does have to consider that a sizable "chunk" of the economic commerce in the larger counties is due to the surrounding smaller counties. One other notation concerning the dues is that we failed to send out the "final" dues statement to two counties that paid the balance due, but was not received until after the first of the year. (Those two amounted to an additional \$2,906 which should be added to the 2014 dues received).

I had mentioned this last year, but it is worth noting again. Even though the spreadsheet shows county dues steadily rising, as our housing organization builds more and more houses, the amount of property tax "we" pay continues to go up. Last year, we paid \$50,282 in property taxes.

Administrative income from CDBG projects is expected to be higher in 2015. In 2014, this income was down considerably, but that was mainly due to delays in some of the projects, which in turn delayed our administration fees. Saying that, as Federal funds decrease, so goes the number of projects funded statewide and in our region and decreasing our administration (which we had been reliant upon for many years). Gradually, we have used Rural Development and KDHE funds to replace the fewer CDBG funds, but both of those programs have very limited administration funds for us.

All salaries (except housing), car expense, building expense, supplies, etc. are paid through NWKP&DC. Therefore, the PCDI Transfer line item is what PCDI pays NWKP&DC to help cover those costs. Last year, the loan processing fees and the packaging fees were down by \$18,657 from the year before. We continue to attribute that to the sluggish economy and, to a lesser extent, all of the regulations SBA now puts on their loans. To fight that, we have been very aggressive in utilizing our Rural Business Development Tax Credit revolving loan fund of which we can use the interest and fees earned for administration and matching those funds with some of the Network Kansas loan funds. In the past, we had not taken all the administration we were allowed to from the RBDTC Funds, therefore, in 2014 to make the budget work we had to go back and utilize some of that "unused" administration. We cannot continue to do that, therefore, we are looking at ways to increase our loan packaging fees for office operations.

The final item concerning the income (and nothing is shown on the spreadsheets) is the potential of getting a substantial amount of funds for the housing organization to build some moderate income housing, without all the government strings tied to many of the other programs we utilize. Our proposal was to build these homes for sale to qualified buyers. We would try to utilize the banking system as much as possible, but we may carry a second mortgage to "make the deal work." The interest earned on this second mortgage would be used for operating cost

for the housing organization. Your next questions will be, what does that have to do with the NWKP&DC and PCDI budgets? If you look at the last expense line item on page one of the NWKP&DC budget, it shows the Northwest Kansas Housing, Inc. accounts receivable. That line item is basically, Loyce's (our housing director) salary along with her taxes, health insurance and retirement. If we could make enough from the interest on the "second mortgages" and possible developer fees, we could eliminate that expense line item. Adding that \$70,000 to the "bottom line" would make a big difference in office cash flow.

A large amount of the "transfer" from PCDI is interest earned from our Rural Business Development Tax Credit revolving loan fund. As you may know, we raised nearly \$2.5 million over several years from "selling" those tax credits. Unfortunately, the State Legislators have chosen not to renew that program the last two years. As President of the Kansas Association of Certified Development Companies, we have made it one of our priorities this year to try to get the program allocated tax credits again. But, with the State's economy, that is going to be a tough sell. From my point of view, the only way we are going to increase Kansas' economy is to increase businesses and that is exactly what this RBDTC does.



Join us for the Kansas Association of Counties County Government Day 2015

Wednesday, February 4, 2015

Capitol Plaza Hotel—Emerald Ballroom
1717 SW Topeka Blvd., Topeka, KS

2:30 – 3:30 p.m. Lobbying 101: A Mini-Workshop

Do you wonder how to find legislators, track pending legislation, testify before a legislative committee, or influence the legislative process? Melissa Wangemann and Nathan Eberline of the KAC staff will lead a one-hour mini-workshop to help county officials positively impact decisions of the Kansas Legislature. No charge to attend.

4:00 – 5:00 p.m. Legislative Presentations

Join us for legislative presentations by Senator Terry Bruce, Senate Majority Leader, and Representative Steve Huebert, Chair of the House Local Government Committee.

5:00 – 6:00 p.m. Reception

Hors d'oeuvre reception for Kansas legislators, state and county officials

To RSVP [register online](#) or contact Jeanna Lee at lee@kansascounties.org ; 785.272.2585 ext. 313.

This e-mail was sent from Kansas Association Of Counties (info@kansascounties.org) to gsund@ellisico.net.

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Kansas Association Of Counties, 300 SW 8th Avenue 3rd Floor Topeka KS 66603, Phone Number: (785) 272-2585, Fax Number: (785) 272-3585, Email Address: allen@kansascountries.org, Website : <http://www.kansascountries.org>