

## Commissioners approve judicial letter

By Karen Krien

At the Friday Cheyenne County Commissioners meeting, the county attorney read a letter he had compiled in behalf of the commissioners about the Clerk of The District Court's computer. The letter was approved.

Before the first of the year, the commissioners were informed that they were mandated to purchase a certain computer for the Clerk of the District Court's office. The commissioners had not budgeted for the computer system which cost \$13,000. The county attorney had

donated the money to pay for most of the computer with money from the Diversion Fund. But, then a bill for \$3,800 from Infinitec, an internet company which the clerk of the court's computer is connected, had come across the commissioners' table. In the mandate paper-

work, it indicated that the Office of Judicial Administration would take care of the maintenance and upkeep of the mandated computer system.

Kevin Berens, county attorney, had written a letter to the Office of Judicial Administration stating that the commissioners didn't feel it was

their obligation to pay for the maintenance and upkeep and the commissioners approved of the wording in the letter. Attorney Berens also informed the commissioners that Judge Jack Burr, Chief Judge, was not happy with the commissioners action and would be sending the

commissioners a letter. He also said there could be a court suit which would demand the commissioners to pay the \$3,800.

Attorney Berens had looked into the Harvest Energy Company which owed \$42,000 in back taxes.

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## Judge list sent to governor

John G. Kite, one of the five-member judicial screening panel charged with interviewing the candidates which applied for the position of Cheyenne County District Magistrate Judge, reported that the three finalists have been selected.

The names (listed in alphabetical order) of Jolene Dodd, Dale Patton and Robert VanAllen were sent to Governor Kathleen Sebelius, along with the resumes and letters of support, who will then study the information before announcing the person who will fill the position by March 1.

The interviews were held from 1 to 5 p.m. on Feb. 9. Following the interviews, the panel went into executive session to make the decision.

The position of Magistrate Judge, previously filled by Tamara Zimbelman, has been vacant since Jan. 1. Gov. Sebelius had announced to have the position filled in two months. The person selected by the governor will serve the position until Nov. 2 when the election is held. At that time, the judge will again be up for election along with anyone else wanting to run for the position.

Those serving on the selection panel were Lee Amsberry, Bird City, Jerry D. Fairbanks, Goodland, Mr. Kite, James Milliken and Rueben F. Schultz, all of St. Francis.



**KING OF THE HILL!** Tammi Carmichael's Fourth graders could not stand being inside another moment so she sent them to a snow pile in front of the Cheylin Elementary School. City workers had left a large mound of snow which can't help but attract the kids.

Photo courtesy of Tammi Carmichael

## Jury awards \$1.3 billion to cattlemen in Pickett Case

The Organization for Competitive Markets praised Tuesday's jury verdict that awarded nearly \$1.3 billion to the class of cattlemen suing Tyson/IBP for using captive supplies to manipulate prices downward.

"This is a great day! Justice has finally been served to cattlemen," said Mike Callicrate, St. Francis feedyard owner and one of the plaintiffs. "This is first step in restoring competitive markets and a fair level of income to all cattle producers and their communities."

"This is the greatest day for cattlemen since the passage of the Packers & Stockyards Act in 1921 and the break up of the big five packers one year earlier," said Fred Stokes, Organization president. "Finally, America's cattlemen were able to present their case before an unbiased jury to determine once and for all whether captive supplies manipulate prices. The jury found that Tyson did manipulate prices un-

fairly with captive supply cattle."

"You just don't ordinarily beat these big guys," said Swede Calnon, father-in-law of Mr. Callicrate. Mr. Calnon had spent the last three weeks at the trial.

The case was filed in 1996 against IBP. The named plaintiffs are Lee Pickett, Alabama, Mike Callicrate, Kansas, Chris Abbot, Nebraska, Robert Rothwell, Nebraska, Johnny Smith, South Dakota, and Pat Goggins, Montana. They represent a class of approximately 30,000 cattlemen who sold to IBP exclusively on the cash market from 1994 to 2002. IBP was purchased by Tyson in 2002, and thus the case is now entitled Pickett v. Tyson Fresh Meats, Inc.

"The plaintiffs experts showed that Tyson depressed prices by an average of 5.1 percent over the 8 year class period," said Michael Stumo, Organization for Competitive Markets general counsel, who assisted

plaintiff's counsel throughout the trial. "This means that Tyson received one out of every 20 cattle free due to their manipulation of inventories that allowed them to depress prices."

"Tyson argued that they needed to use captive cattle to procure quality cattle, keep their plants full, and reduce transaction costs," continued Mr. Stumo. "Tyson's experts, including Professor Ted Schroeder of Kansas State, said that beef quality would go down without captive supply. The jury found that those alleged business justifications were contrived and not true."

"This is an historic day that will be remembered for generations as the beginning of a turnaround for competition in the cattle industry," Mr. Stokes said.

The judge ruled that the \$2.3 billion will be split among 32,000 ranchers and farmers.

The opposition will appeal.



**JEREMIAH WHITE** receives first place for his conservation poster at the 54th Annual Cheyenne County Conservation District Award Dinner. Presenting are Lynn Query and Jeanne Dunn.

Times staff photo by Karen Krien

## Big crowd attends award dinner

About 130 people attended the 54th annual Cheyenne County Conservation District meeting and awards dinner on Monday in the St. Francis high school cafeteria. Key Banker, Troy Hilt handed out awards to Dwen and Charilyn DeGood, Kansas Banker Award, and Jim and Jeanne Dunn, Kansas Banker Windbreak Award.

This year's coloring contest winners were:

Kindergarten: Kattie Jenik, first place; Lane Hobrock, second; Jarod Schafer, third; Gordon Richmeier and Carol Eve Harris, honorable mention.

First grade: Mary Anne Orten, first place; Jon Hoard, second; Felix Perez, third; Valerie Wurm and McKayla Taylor, honorable mention.

Second grade: Shayla Hubbard, first place; Shayna Johnson, second; Mason Schiltz, third; Blaine Burns and Eddie Frisbie, honorable mention.

Poster contest winners:

Third/fourth grade: Jeremiah White, first place; Martin Hnizdil, second; Isaac Schiltz, third; Kenan Reeh, Jandy Dunn and Tyler Michaelis, honorable mention.

Fifth/sixth grade: Teryn Carmichael, first place; Aubrey Rath, second; Aly Marin, third; Naomi Reeh, Hudson Louderbaugh, Mikaela Grace and Cody Sherlock, honorable mention.

Following the dinner provided by First National Bank, Bankwest and the Conservation District, the business meeting was held. The many programs which the Conservation District assists in were listed includ-

ing the development of the Environmental Quality Incentive Program, Water Resources Cost-Share Program and the Non-Point Source Pollution Cost-Share Program as well as new conservation, irrigation development and Crop Rotation Planting plans and revisions of current plans.

The District, through the Water Resources Cost-Share Program, received \$37,286 for cost-sharing on conservation practices. Fourteen contracts were approved for assistance on rangeland management, terraces, diversions and grass seedings.

The Tree Committee had a good year despite the drought. The District supervisor handed

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## Grandmother voices concern over county law officer

By Karen Krien

A St. Francis grandmother was at the county commissioners' meeting on Friday to complain about the undersheriff, but basically learned that the board doesn't have much authority over the sheriff's department.

Commissioners told her that, while they appreciated the "heads up" in the situation, the matter was out of their hands — that she should talk to the sheriff, as he hires and fires his people.

Bonnie Jones said her 16-year-old granddaughter had been stopped west of St. Francis on U.S. 36 after 11 p.m. on Jan. 30, and Undersheriff Cliff Flock gave her five subpoenas. Mrs. Jones said she was concerned about the time of the stop on a desolate highway, and the

fact that he had the granddaughter get into his patrol car to deliver the summons.

She said that the granddaughter had been in school all day and had been driving up and down Main Street after school where she could have been easily stopped to be served. She said subpoenas were served on several boys during the day, but Officer Flock had waited until it was dark to serve the girls.

Mrs. Jones said she had talked to the Kansas attorney general's office to see if this way of serving subpoenas was legal. She was told that as long as the officer had his lights flashing and he was in a marked law enforcement vehicle, it was legal.

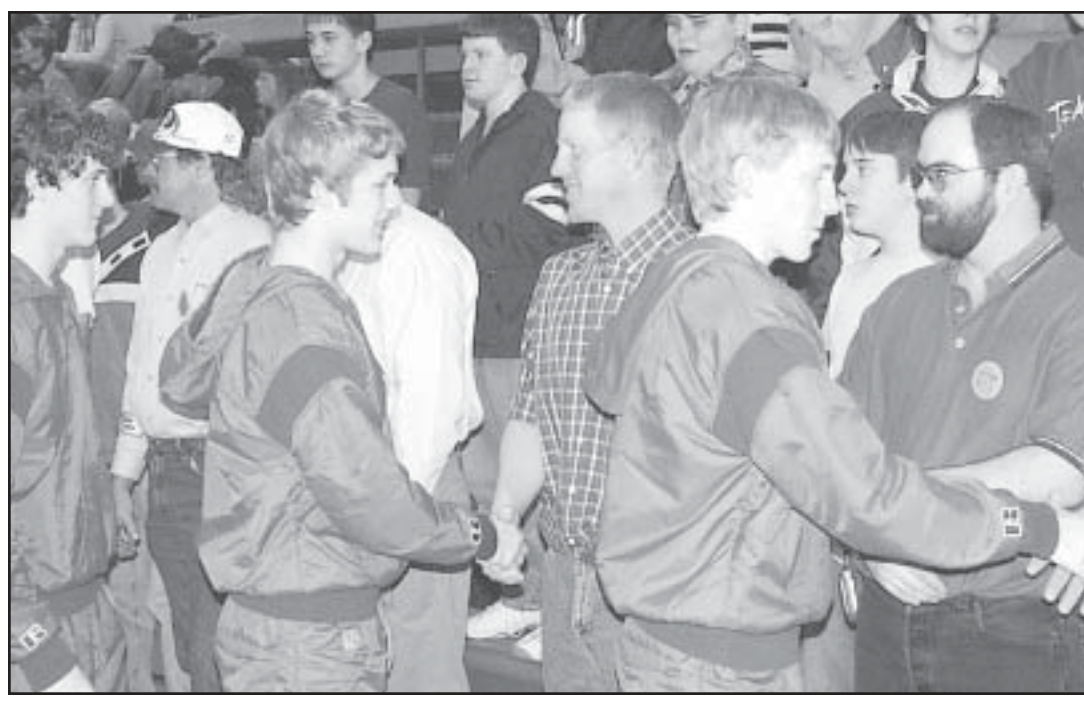
Sheriff Eddie Dankenbring, later said that Officer Flock had delivered over 30 subpoenas that week

and would be delivering them again because court had been postponed. He also said that officers can deliver subpoenas 24 hours a day, but they try not to deliver them at schools or businesses as a courtesy to the people. However, sometimes, those are the only places an officer can catch them.

Undersheriff Flock later said that he had seen the granddaughter drive down Main Street twice while he was in the sheriff's office, on the second floor of the courthouse, and mentioned to the secretary that he needed to serve her with some summons. However, she disappeared shortly after that.

He said he delivered the subpoenas west of St. Francis on U.S. 36 but had his lights flashing

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**OLD MEETS NEW** at the St. Francis wrestling Home Coming. Several Bird City residents have ties to the program including Tony Vandike (pictured above to the right), Jerry Carmichael and Ken Krien. The Indian wrestlers shaking hands with the alumni are Matt Brown, Jordan Gienger and Dylan Loyd  
*Times staff photo by Casey McCormick*

## COUNTY

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He could never find where the company had been incorporated and there was not a current address. The present owner has kept the taxes current. Attorney Berens said the back taxes could be taken off the books after a 20-year time frame. No action was taken.

The commissioners also gave Attorney Berens the authority to collect the money owed by a person who had taken the emergency

medical technician classes but had not fulfilled their obligation.

### Road and bridge report

Dave Flemming, road and bridge supervisor, and the commissioners discussed the equipment in the department. It was noted that some of the graders have over 10,000 hours usage and the commissioners felt that it might be time to start replacing them. No decisions were made at this meeting.

Supervisor Flemming presented the commissioners with the "Authority to Award" contract commitment of county funds in the amount of \$30,175. This is for the Wiley bridge work southwest of St. Francis.

The commissioners decided it was time to take a road trip around the county to discuss the upcoming projects and the various conditions of roads and bridges in the county. The trip will start at 10:30 a.m. after the next commissioners' meeting.

### In other business

In other business:

- Dan O'Brien, regional director, Tye Faulkender and Roger Stockton, Northwest Area Crops Specialist, introduced Mr. Faulkender as the new county extension director. Mr. Faulkender explained some of the goals as director. Mr. Stockton told about the no-till wheat plots which he has planted along with other projects he has planned.

- Roxie Neitzel, Neitzel Insurance, and Kelly Frewen, Frewen Insurance, discussed the county's insurance coverage. One of the concerns was the insurance coverage of the county's Historical Society's church. The board decided that the Historical Society needed to decide on what coverage, if any, they wanted to carry on the church as the payment comes from the Historical Society's budget. There was also discussion on self-insuring but this matter was tabled until a future meeting.

- The public hearing for closing a mile of road south of St. Francis was held with no one present. The commissioners approved the resolution to close the road.

### Next meeting

The next meeting of the commissioners has been set for 8 a.m. on Friday, Feb. 27 in the commissioners' room at the courthouse.

## AWARDS

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out over 5,100 conifers and bare-roots from five different nurseries to provide the best and most economical trees and shrubs for customers. Profits from the sale of trees, weed barrier, drip irrigation, deer repellent and flags helps fund educational activities in the county.

Some of the on-the-ground accomplishments of the District included:

- 12,253 feet of drip irrigation.
- 8,015 feet fabric weed barrier,
- 3,897 feet fencing.
- 26,101 feet of livestock pipe-

lines.

- 9 livestock tank.
- 6 livestock wells.

Lynn Query, Bird City, was re-elected to the District Board. Others on the board are Spencer Schlepp, Herman Anholz, Roger Orth and Randy Rueb. Jeanne Dunn is the District manager. Joan Gienger is the District conservationist and Reuben Burr is the conservation technician.

The evening ended on a fun note with many door prizes given away. Prizes were provided by the Conservation District and Farm Credit of Northwest Kansas.

## OFFICER

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and had called into the dispatcher at 11:50 p.m. He said he makes it a practice to fill out the paperwork in front of the people receiving the subpoenas and, since it was only 10 degrees that night, he had asked her to come to his car while he did the paperwork which, according to the dispatcher's report, took 12 minutes, a normal length of time for a stop.

As far as delivering the boys' summons in the daytime, Officer Flock said one summons had been delivered at the Pizza Hut at supper time, after dark.

Mrs. Jones said she had been to the sheriff's office and the sheriff was not there. Some parents would not come forward, she said, because it could put their jobs in jeopardy. She said she thought that the sheriff would "blow it off" like the county attorney did when she went to talk to him.

County Attorney Kevin Berens was at the commissioners' meeting and said that he had followed up on Mrs. Jones' visit with a call

to the dispatcher to check the record, then had visited with the sheriff and undersheriff. He said he told them that his summons were not to be delivered at that time of night.

The commissioners assured Mrs. Jones that they appreciated her concern, but again advised her to talk to the sheriff.

Mrs. Jones said she had written a letter to the sheriff and to the attorney general. She said she advised other parents to do the same so Officer Flock "could never get another job in law enforcement."

Sheriff Dankenbring said that, according to the law, Officer Flock has done nothing wrong.

"We (officers) are trying to keep our teens alcohol and drug free and keeping them alive," he said.

Officer Flock said he would be at the next commissioners' meeting with records in hand and will be glad to answer any questions.

Mrs. Jones said she would also be there.

## Looking for Good Drivers

Crete Carrier Corporation ins seeking company drivers and owner operators wanting to drive in a dedicated regional fleet based in North Platte, NE.

HEALTH, LIFE, DENTAL, VISION, 401K & PROFIT SHARING  
Class A CDL with HAZMAT required

**Drivers Call - 800-998-2221 or www.cretecarrier.com**

## The Bird City Times

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Casey McCormick, Editor  
Karen Krien - Publisher  
Shawn C. McCormick - Adv. Mgr.  
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### Pancake supper

There will be a pancake supper at the American Legion Hall in Bird City on Saturday. Check ad for details concerning the supper and bingo.

### St. John Lutheran Wednesday Service

St. John Lutheran Church will begin Mid-week Lenten services on February 25. Special services will continue through Good Friday on April 9. This Wednesday's service will celebrate Ash Wednesday and will include Holy Communion. The service will begin at 6:30 p.m.

### Lifeline

Lifeline - Help is just a push of the button away. Contact Glenn Glasco in Bird City at 734-2643 or Jessie Schield in St. Francis at 332-2294

### Hospice potluck

The next Hospice Services, Inc., volunteer potluck meeting will be Monday, March 1, at the Equity meeting room at 11:30 a.m. The program is Mandatory - TB tests - Infection Control - Universal Precautions, presented by a Hospice Services Nurse. The public is welcome to attend.

### Hospital board

The Cheyenne County Hospital Board will meet at 7 p.m. today (Thursday) in the clinic basement.

### Spring Crop meeting

Neitzel Insurance Service is sponsoring a Spring Crop meeting beginning at 9:30 a.m. on Thursday, Feb. 19 at the Equity meeting room.

### Tag deadline

All residents with last names beginning with A should purchase their car, pickup, motorcycle and motorized bike tags and pay their vehicle personal property tax by the end of the month to avoid paying a penalty.

### Head Start applications

Cheyenne County Head Start, a free-preschool for 3- and 4-year-olds, is accepting applications for the 2004-2005 school year. The Federally funded program is targeted to families who meet certain economic guidelines and provides hearing, vision, dental and educational screenings. Nutritious meals are served and parents are encouraged to get involved in their children's education. Families interest in having their child in the program should call Denise White at 785-332-3110.

### Tax-aid available

Four AARP volunteers are helping taxpayers with middle and low incomes to file their tax returns. at the St. Francis Library from 2 to 5 p.m. on Wednesdays; and at the St. Francis Senior Center from 2 to 5 p.m. on Thursdays. Those to call for an appointment are: Annette Erskin, 785-332-2304; Kari Meyer, 785-332-3988; Rowland Roelfs, 785-332-2490 or Wayne Keecker, 785-332-3428.

### Bluegrass group to perform

Scenic Roots, a family Bluegrass group, will perform at 7:30 p.m. on Saturday, Feb. 21, at The Gateway in Oberlin.

The group is comprised of the Rogers family of Concordia and is sponsored by the Oberlin Arts and Humanities Commission, this is a season ticket event or tickets may purchased at the door. For information, call Mary 785-475-3329 or Ella 785-475-3557.

### Check the name label

Have you checked the name label on your paper? This label also shows the expiration date of your subscription. Note that if your subscription runs out completely it will take two weeks after you resubscribe before it will once again be delivered to your mail box. In order to not have a break in your service, renew by the expiration date.

### Alcoholic Anonymous/Al-Anon

Alcoholic Anonymous and Al-Anon open meeting, held at 8:30 p.m. Thursday at the Methodist Educational Building, upstairs. Contact 332-2078.

### Northwest Kansas Family Shelter

Northwest Kansas Family Shelter provides 24-hour 7 day-a-week services to victims of domestic violence and sexual assault. Weekly support groups are available for women and children within the northwest Kansas area. For information or if you are in need of assistance, please call the toll-free number 1-800-794-4624.

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## Casey's Comments

*By Casey McCormick*

How was your Valentine's Day? I hope you and your special one were able to feel the joy of each other's company.

I have to share a moment of my Saturday. Even though I grew up in Denver, where horses are available to ride if you go looking for a rental, most of my few times "in the saddle" have been on the type of trail horse rides that would bore most children.

But from my youth, I have always loved watching movies with John Wayne, Clint Eastwood, Kevin Costner and the likes and dreamed of being a cowboy. Somehow my sweetheart found out.

She secretly arranged for a ride in the country on Valentine's Day. We drove to her family's farm west of St. Francis where we led the horses to a place outside the corral, apart from the other ones.

Crunching our way across patches

of snow, ice and mud we led the two huge animals next to the barn. Dean and Nike, our steeds, were then fitted with blankets, saddles and other pieces of unfamiliar (to me) tack.

I nervously straddled Nike and we moved out into the pasture. As I began to feel more comfortable on top of the horse, I was struck with a strange understanding.

It was so peaceful being alone with my companion and the two rides. There were no phones ringing, no televisions blaring and no children needing attention. But that those things don't matter but for the time they were so far away. What we had was the sound of horse hooves clapping on hard earth, an occasional snort from one of them and each other's undivided attention.

Oh, and by the way, there were certain parts of my lower body that were sore afterwards, but we all know that sometimes love hurts.

## For the Record

### Sheriff's report

- 9 Summons delivered.
- 3 Subpoenas delivered.
- 3 Orders to appear.
- 1 Warrant
- 5 Speeding tickets issued.
- 1 Ticket No Proof of Insurance
- 8 Warnings issued for speeding.
- Feb. 9: Investigated dogs running at large in Bird City.
- Feb. 12: Stopped traffic for fu-

### neral precession in Bird City

- Feb. 13: Investigated a threat at Cheylin School
- Feb. 14: Transported individual from Cheyenne County Hospital to Garden City.
- Feb. 15: Report of a horse missing south of Bird City.
- Feb. 15: Report of a trailer without no lights on highway by Bird City. Could not locate the trailer.

## School Menu

- Feb. 23- Feb. 26
- Monday: breakfast: sausage cheese tomato, cereal, toast, juice, milk; lunch: hamburger with gravy, mashed potatoes, rolls, salad bar, fruit, milk
- Tuesday: breakfast: scrambled eggs, cereal, toast, juice, milk; lunch: (fifth grade's choice) pizza, corn, Mandarin oranges, salad bar, apple salad, fudge cycles, milk
- Wednesday: breakfast: Poptarts, cereal, toast, juice, milk; lunch: (Ash

- Wednesday) fish, buttered noodles, bread, salad bar, fruit, milk
- Thursday: breakfast: hash browns, sausage link, cereal, toast, juice, milk; lunch: grilled ham and cheese sandwich, tomato soup, crackers, salad bar, fruit, milk
- The cooks of Cheylin Schools continue to recognize a different class each week with their favorite meal. Students and staff get to eat like a Fifth grader at Tuesday's lunch.*

**SHOWTIME: 7:30 p.m.** 1 hour 30 min.  
**Feb 20, 21 & 22 Along Came Polly**  
Comedy  
Rated: PG-13 for sexual content, language, crude humor & some drug references.  
Starring: Ben Stiller, Jennifer Aniston, Debra Messing, Philip Seymour Hoffman, Hank Azaria  
**Cheyenne Theater** St. Francis, KS 785-332-2747  
Children 11 & under: \$2 12-18 yr.: \$3 Senior Citizens: \$3 Adults: \$4

## CHEYENNE COUNTY HOSPITAL

210 W. 1st • St. Francis, KS  
785-332-2104

The Cheyenne County Hospital would like to thank everyone that helped Cheyenne County receive the Community Block Grant for the remodeling of the Cheyenne County Health Department.

Cheyenne County was one of twenty recipients to receive this grant. This would not have been possible without all the help of the community — THANK YOU!

People Care. Miracles Happen.



## American Profile

Celebrating Hometown Life

See American Profile magazine in this week's issue of

## The Bird City Times

(available in local area only)

Brought to you by The Times and

"Neighbors helping neighbors"



- Bird City • Colby
- Goodland
- Kirk, CO
- Oberlin • Quinter
- St. Francis
- Sharon Springs

## Congratulations!

**DALTON MAGNANI**

on winning First Place in the second round at Colby in the Knights of Columbus Free-Throw Contest!!!



Dalton shot 20 out of 25 in the 10-year age group! He will go on to the 3rd round in Quinter, KS on Sun., Feb. 15!!!