

# Public Notices

## Bird City ordinance published

Published in the Bird City Times, Bird City, Kansas, Thursday, October 16, 2008. (42)

ORDINANCE NO. 318

AN ORDINANCE AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE LOAN AGREEMENT BETWEEN THE CITY OF BIRD CITY, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND FOR THE PURPOSE OF FINANCING A WASTEWATER TREATMENT PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE FIRST AMENDMENT TO THE LOAN AGREEMENT.

WHEREAS, the Federal Water Quality Act of 1987 (the "Federal Act") established revolving fund program for public wastewater treatment systems to assist in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and

WHEREAS, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and

WHEREAS, by passage of the Kansas Water Pollution Control Revolving Fund Act, K.S.A. 65-3321 through 65-3329, inclusive (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Water Pollution Control Revolving Fund (the "Revolving Fund") for purposes of the Federal Act; and

WHEREAS, under the Loan Act, the Secretary of the Kansas Department of Health and Environment ("KDHE") is given the responsibility for administration and management of the Revolving Fund; and

WHEREAS, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Pledge Agreement (the "Pledge Agreement") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public wastewater treatment projects (the "Projects") and to pledge the Loan Agreements (as defined in the Pledge Agreement) received pursuant to such Loan Agreements to the Authority; and

WHEREAS, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act); and

WHEREAS, the City of Bird City, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a wastewater collection, pumping, and treatment system (the "System"); and

WHEREAS, the System is a public Wastewater Treatment Works, as said term is defined in the Loan Act; and

WHEREAS, the Municipality has, pursuant to the Loan Act, submitted an Application to KDHE to obtain an amendment to the loan from the Revolving Fund to finance the costs of improvements to its System consisting of the following:

This project involves construction of a non-discharging domestic wastewater lagoon facility to replace an existing failing Imhoff tank and trickling filter wastewater treatment plant. The force main from the existing pump station will be extended to the site of the new lagoon system and a two cell earthen lagoon system with rip-rap embankment protection will be constructed. The existing trickling filter plant will be demolished (the "Project"); and

WHEREAS, the Municipality has taken all steps necessary and has complied with the provisions of the Loan Act and the provisions of K.A.R. 28-16-110 to 28-16-138 (the "Regulations") applicable thereto necessary to qualify for an amendment to the loan; and

WHEREAS, KDHE has informed the Municipality that it has been approved for a loan in amount of not to exceed Five Hundred Forty-Five Thousand Nine Hundred Twenty-Five Dollars [\$545,925] (the "Loan") in order to finance the Project; and

WHEREAS, the governing body of the Municipality hereby finds and determines that it is necessary and desirable to accept the First Amendment to the Loan and to enter into a First Amendment to the loan agreement and certain other documents relating thereto, and to take certain actions required in order to implement the First Amendment to the Loan Agreement.

THEREFORE, BE IT ORDERED BY THE GOVERNING BODY OF THE CITY OF BIRD CITY, KANSAS:

Section 1. Authorization of the First Amendment to the Loan Agreement. The Municipality is hereby authorized to accept the Loan and to enter into a certain First Amendment to the Loan Agreement, with an effective date of September 25, 2008, with the State of Kansas acting by and through the Kansas Department of Health and Environment (the First Amendment to the "Loan Agreement") to finance the Project Costs (as defined in the First Amendment to the Loan Agreement). The Mayor and Clerk are hereby authorized to execute the First Amendment to the Loan Agreement in substantially the form presented to the governing body this date, with such changes or modifications thereto as may be approved by the Mayor and the City Attorney, the Mayor's execution of the First Amendment to the Loan Agreement being conclusive evidence of such approval.

Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Loan Act, the Municipality hereby establishes a dedicated source of revenue for repayment of the Loan. In accordance therewith, the Municipality shall impose and collect such rates, fees and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the Municipality as will provide System Revenues or levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce amounts which are sufficient to (a) pay the cost of the operation and maintenance of the System, (b) pay the principal of and interest on the Loan as and when the same become due, and (c) pay all other amounts due at any time under the Loan Agreement; provided, however, no lien or other security interest is granted by the Municipality to KDHE on the System Revenues under this Agreement. In the event that the System Revenues are insufficient to meet the obligations under the Loan and the Loan Agreement, the Municipality shall levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce the amounts necessary for the prompt payment of the obligations under the Loan and Loan Agreement.

In accordance with the Loan Act, the obligations under the Loan and the First Amendment to the Loan Agreement shall not be included within any limitation on the bonded indebtedness of the Municipality.

Section 3. Further Authority. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Governing Law. The Ordinance and the First Amendment to the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

PASSED BY the governing body of the City on October 6, 2008. (SEAL)

Troy D. Burr  
Mayor

ATTEST:  
Tabetha L. Ketzner  
Clerk

[APPROVED AS TO FORM ONLY.]  
Kari Gilliland  
[City Attorney]

## Petition is filed in court

Published in The Saint Francis Herald, St. Francis, Kansas, Thursdays, October 16, October 23 and October 30, 2008. (42-44)

IN THE DISTRICT COURT OF CHEYENNE COUNTY, KANSAS

IN THE MATTER OF THE ESTATE

OF

CASE NO. 08 PR-16

CLARA H. LILLICH, DECEASED.

PURSUANT TO K.S.A. CHAPTER 59

NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by Stanley Lillich, a beneficiary of Clara H. Lillich, deceased, praying that: the foreign will of Clara H. Lillich, deceased, dated March 22, 2005, be admitted to probate and record in this Court; no administration of the Estate is necessary; the will be construed, and the following Kansas real

estate owned by the decedent, situated in Cheyenne County, Kansas, and Sherman County, Kansas:

Northeast Quarter (NE¼) of Section Thirteen (13), Township Three (3) South, Range Forty-one (41) West of the 6th P.M. Cheyenne County, Kansas;

Northwest Quarter (NW¼) of Section Twenty-five (25), Township Five (5) South, Range Forty (40) West of the 6th P.M., Cheyenne County, Kansas;

West Half of the Northeast Quarter (W½NE¼) of Section Five (5), Township Six (6) South, Range Thirty-nine (39) West of the 6th P.M., Sherman County, Kansas;

be assigned in accordance with the terms of the Will.

You are required to file your written defenses therein on or before the 10th day of November, 2008, at 10:00 A.M. in the District Court, in the city of St. Francis, Cheyenne County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the Petition.

Stanley Lillich, Petitioner

JAMES M. MILLIKEN, CHARTERED  
James M. Milliken, #7001  
101 W. Washington Street, P.O. Box 627  
St. Francis, Kansas 67756  
(785)332-2101

## Water program announced

Published in The Saint Francis Herald, St. Francis, Kansas, and the Bird City Times, Bird City, Kansas, Thursday, October 16, 2008, and Thursday, November 6, 2008. (42, 45)

Public Notice  
NW KS GMD#4 WTAP Sign-up Starts  
October 1

The State Conservation Commission will begin accepting applications for the Water Right Retirement Program, WTAP, beginning October 1.

WTAP is a voluntary, incentive-based program designed to help restore aquifers and streams in critical areas. Six "High Priority" units in the Northwest Kansas Groundwater Management District No. 4 have been designated as eligible target areas by the Chief Engineer because of significant water level declines. They have been designated to be in need of aquifer recovery and are now closed to further appropriations of water. These six areas in Cheyenne, Sherman, Thomas and Sheridan counties are also the subject of additional management program protocols being discussed with landowners by GMD#4.

Applicants who are selected for WTAP grants are compensated by the State Con-

servation Commission in exchange for the permanent retirement of a water right. Priority is given to retiring water rights in areas which would have the greatest impact on the aquifer system. WTAP grants are approved on the basis of competitive bids and the amount of Historic Consumptive Water Use which has been established under the water right.

A fixed rate price of \$2,000 per acre-foot of Historic Consumptive Water Use is available for eligible water rights to be retired.

To be eligible, water rights must have been actively used in the last 10 years. Dryland farming is permitted after a water right is retired. Limited irrigation can be temporarily allowed to establish a permanent cover on the land being transitioned from irrigation. Partial water right reductions can also be considered for retirement grants.

The Fall sign-up period is October 1, 2008 through November 15, 2008. If program funds are still available, a Spring sign-up period will be held on February 15 through March 31, 2009.

For more information, contact Steve Frost, Water Conservation Program Manager at (785) 296-8964. Complete WTAP rules and regulations, applications, maps and other details are posted on the SCC web site at www.scc.ks.gov. Information and assistance can also be provided at the NW KS Groundwater Management District No. 4 in Colby (785) 462-3915, or at the Kansas Department of Agriculture, Division of Water Resources Field Office in Stockton, (785) 425-6787.

## General election to be held

Published in The Saint Francis Herald, St. Francis, Kansas, and the Bird City Times, Bird City, Kansas, Thursday, October 16, 2008. (42)

NOTICE OF GENERAL ELECTION

November 4, 2008

STATE OF KANSAS, CHEYENNE COUNTY, Office of the County Clerk, St. Francis as required by K.S.A. 25-209, notice is hereby given that there will be a general election held in Cheyenne County, Kansas, November 4, 2008.

VOTING HOURS AND VOTING PLACES

The polls will be open from 7:00 A.M. until 7:00 P.M. at the Peace Lutheran Church in Saint Francis (all townships except Bird City vote at the Peace Lutheran Church) and at the American Legion Hall in Bird City (all of Bird City township votes at the Legion Hall).

PRESIDENT & VICE PRESIDENT

John McCain & Sarah Palin; Barack Obama & Joe Biden; Ralph Nader & Matt Gonzalez; Bob Barr & Wayne Root; Chuck Baldwin & Darrell Castle

FEDERAL OFFICE

United States Senate: Pat Roberts; Jim Slattery; Randall Hodgkinson; Joseph Martin

United States House of Representatives, 1st District: Jerry Moran; Jack Warner; Kathleen Burton; James Bordonaro

STATE OFFICE  
State Senator: Ralph Ostmeyer  
State Representative, 120th District: John M. Faber; Robert G. Strevey  
District Court Judge District 15 Division 1: Glenn D. Schiffner  
District Court Judge District 15 Division 2: Scott Showalter  
District Magistrate Judge District 15 Position 1: Robert Van Allen

SUPREME COURT JUSTICES and COURT OF APPEALS JUDGES  
Supreme Court Justice: Eric S. Rosen; Lee A. Johnson  
Court of Appeals Judge: Steve Leben; G. Joseph Pierron, Jr.; Christel E. Marquardt; Richard D. Greene

COUNTY OFFICE  
Commissioner District 2: Ray Lee; Dale Patton  
Commissioner District 3: Andrew Kent Beikman  
County Clerk: Terry Miller

County Treasurer: Dolores Jenik  
Register of Deeds: Mary M. Morrow  
County Attorney: Kari Milliken Gilliland  
Sheriff: Craig Van Allen

Township Trustee: One for each Township; Fred D Magley, Wano II; Roger L. Moore, Wano I  
Township Treasurer: One for each Township

WITNESS MY HAND and seal of my office this 10th day of September, 2008.

Terry Miller  
County Clerk/ Election Officer



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Linda Schneider, 415 E. 7th, P.O. Box 220, Bird City, KS 67731  
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Date: Oct. 14, 2008  
I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

