

Appeals Court judges hear cases in Thomas County

By **ANDY HEINTZ**
Colby Free Press
aheintz@nwkanas.com

Three judges from the Kansas Court of Appeals heard cases at the Thomas County Courthouse on Tuesday and Wednesday, drawing an audience of students and a few interested onlookers.

Judges Henry Green, Michael B. Buser and Patrick D. McAnany heard arguments from lawyers in 12 cases. The other 18 cases on their docket were to be decided on the basis of written briefs, without oral argument.

Court of Appeals judges are

named by the governor from a list submitted by the state Supreme Court Nominating Commission, said Ron Keefover, spokesman for the Kansas judiciary. They serve four-year terms and then have to stand for retention in a general election, on a yes-or-no vote, he said.

Their job is usually to decide a case appealed from a county district court by reading the record of the trial and written briefs filed by the parties' lawyers, then sometimes hearing oral arguments from the lawyers.

All the judges had reasons why

they enjoyed their job. Green and McAnany, who both served as trial lawyers before they became judges, said they liked not having to pick a side.

Green said his love of the law is another reason he enjoyed his job.

"It's a very important job where we make decisions that resolve important disputes," Buser said.

Judge McAnany said one of the hardest parts of being a judge is dealing with an issue that has never come up before.

"You have to do a lot of research to find out where the law stands on

the issue," McAnany said.

Green said some of the hardest cases to deal with on a personal level are adoption and divorce cases that involve a custody battle over a child.

"Those are the cases you lose sleep over," he said.

They all said they think the public misunderstands some things about their job.

They emphasized that, as appellate judges, it's not their job to retry a case. They look to make sure no errors were committed during the actual trial.

Buser said they apply the laws

of the state to the cases they hear, no matter what they think themselves.

"We have to apply the law to facts, even if I think the law is misguided," he said.

McAnany said sometimes they had to interpret the law, but he said judges had to interpret it the way they thought the Legislature intended.

Colby High School students from Rick Williams' law and public safety class and Colby Community College students majoring in criminal justice sat in on some of the cases.

"The judges have been hearing cases throughout the state since the Court of Appeals was re-established in 1977," Keefover said.

He said the judges came to Colby because the court had enough cases from this area ready to be heard. Keefover said having the three-judge panel come here was less expensive than hearing the cases in Topeka.

"It's cheaper to have three judges hear 12 cases than to have 30 attorneys come to Topeka," he said. "It saves money for litigants and the counties."

Decatur County commissioners hold up bid approval

By **KIMBERLY DAVIS**
k.davis@nwkanas.com

The Decatur County commissioners received a \$461,000 bid to put up a new building to house the Sunflower Cinema, Golden Age Center and a bowling alley last Tuesday, but decided not to accept it until final numbers are in for inside finish work.

The bid didn't cover wall covering, carpet, finish work for the inside, plumbing and electrical work, and the commissioners decided to wait until those figures are in.

The main bid came from Sappa Valley Construction of Oberlin. After flipping through the paperwork, Commissioner Doyle Brown said it looked like the bottom line was \$357,434. That didn't include a \$93,000 bid from Johnson Concrete, he said, bringing the total to \$461,000.

That's the exterior bid only, said Kevin Brown, owner of Sappa Valley. From the outside, the building will look finished and be weather tight, but the inside won't be finished.

He said they are waiting for plans from the architect on the inside. Once the plans for the inside get here, said Mr. Brown, he can get an electrical bid.

In July, the estimate for the building was \$406,000, said County Attorney Steve Hirsch. Was that for a finished building? Greg Lohofener, who has worked on the project since the beginning, said he had roughly \$560,000 for a finished building. Steel prices are up, he added.

That's the bad news from a year ago, said Mr. Brown. Prices are up around 30 to 40 percent. It does seem like those prices are stabilizing, he said, but they probably

aren't going to go backward.

Interior walls will split the building into three big rooms, said Mr. Brown, and that is included in this bid.

How much can be salvaged out of the old building? the contractor asked. Mr. Lohofener said he has a list from the Golden Age group and isn't sure about the cinema side, as they are still negotiating on the equipment.

Fund raising is going well, said Mr. Lohofener, but after he gets the final cost figure, he will have to raise some more money. He said he knows for sure they will have to raise \$30,000 to \$50,000 more than backers originally thought.

How much will the architect's additions cost? asked Mr. Lohofener.

Just the brick and stucco addition is over \$40,000, said Mr. Brown, but the front is going to

look great and go with the rest of the downtown.

There was some question if some of that could be added later, he said, but for the building to be weather tight, he needs to know up front if the building would have the brick and stucco.

During the demolition and construction, he said, it would probably be a good idea to close Maple Street on the south side for a staging area. If the building is torn down now and the weather changes, the project could get stuck in the winter months.

If the project waits until February, he said, the building could be torn out and put back up. The price can be locked in, said Mr. Brown, with a percentage down.

Commissioner Stan McEvoy said he was worried how the county could approve a bid that is \$150,000 more than the \$300,000

in general obligation bonds it plans to issue.

There is other money, said Mr. Lohofener, including donations and a loan from the U.S. Department of Agriculture.

With the cash-basis law though, said Commissioner Ralph Unger, the county can't spend money that it doesn't have.

Does the law keep the Oberlin-Decatur County Economic Development Corp. from buying the concrete, asked Mr. Lohofener. No, said Mr. Hirsch.

The corporation can pay for the concrete and the county has \$35,000 in the senior fund plus \$16,993 for insurance money for the roof. Then the commissioners can only sign the bid for the building, not the concrete, said Mr. Unger.

With decent weather, asked Mr. Unger, how long will it take to get

the building up? Mr. Brown said his part would take about three months to get it enclosed.

For the state tax credit program, being used to reward \$178,000 in donations, the job needs to be done by Dec. 31, 2009, said Mr. Lohofener.

Mr. Hirsch pulled Mr. Lohofener out of the meeting to talk in the vault with him and later Mr. Brown, while the commissioners took a short recess, all leaving the room.

After that, Mr. Hirsch called Garth Herrman, a bond lawyer with the Wichita firm Gilmore and Bell, to make sure the commissioners didn't have to adopt the bond resolution at the meeting. Mr. Hirsch said it might cost a little bit more to re-publish notice of the bond hearing.

He then called Gary Walter with The Bank, which is purchasing the bonds, to see if the interest rate can be locked in. Mr. Hirsch said The Bank would commit to an interest rate not higher than 4.9 percent. Originally, it was at 4.8 percent.

The commissioners decided to wait and asked Mr. Lohofener to nail down the total cost. Mr. Lohofener said he would try to come back in the next few weeks.

Tech college president at Goodland retires

Northwest Kansas Technical College will be looking for a new president with the announcement by President Kenneth A. Clouse of his decision to retire at the end of the academic year.

Clouse, the third president of Northwest Kansas Technical College, was appointed in July, 2001. Previously he served as the president of Northeast Kansas Technical College in Atchison from July 1996 to June 2001.

Clouse said he chose to retire at this time because he wants to spend more time with family.

"It has not been an easy decision," he said. "Serving as president for the college has been a great honor. It has been a tremendous joy to work with the area board of control, and the dedicated individuals who make up the fac-

ulty and staff at the college.

"It has been a wonderful experience to have worked with many very talented and bright students over the past eight years."

He said the college had an enrollment increase this year, has a good relationship within the region, has a good administrative team in place and overall the college is very strong and well positioned for the future.

"I want to recognize my wife JoAnn for the contributions she has made to our great college," he said. "So often one's spouse goes as an unsung hero. JoAnn has been a full partner to me in our service to the college."

"Not only did she manage the bookstore, write the accreditation self-study and acquire numerous grants for the college, she encour-

aged me with insights and her deep care for the college."

Major accomplishments Clouse likes to reflect on over the eight years include:

The North Central Association/Higher Learning Commission accreditation that was acquired in May 2007.

The 11,000 square foot addition to the Diesel Technology facility.

The addition of three new programs; Computer Graphics, Heating and Cooling and Respiratory Therapy.

The construction of phase one of student Village III housing.

Inception of and opening a college library.

Implementation of the degree program with general academic courses taught by technical college faculty

Area Board Chairman Rob Loftin said Clouse's leadership at the college will be missed and, "we have been fortunate to have had his knowledge and passion for the past eight years. The board thanks him for his many contributions to the college."

Loftin said the board will begin

the process of seeking his replacement through an extensive search.

"It is our intention to attract a qualified leader and have someone in place by July," he said.

Clouse earned his Bachelor and Master's degrees from Pittsburg State University in 1972 and 1981.

Pick-Em: Friday 5 p.m. deadline

(Continued from Page 1)

Foley, Lawrence; Ann Becker, Lenora; Wilma Wiseman, Anastasia Foley, Virginia Carlton, Sandy Husted, Deb Thiele, Sady Keilig, Diana Smith, all of Norton.

Missing eight games were: Dorothy Shearer, Edmond; Julie Hilburn, Alberta Geil, both of Alma; Bill Nelson, Charlotte Stephenson, all of Norton.

The tenth week's entries must be postmarked by 5 p.m. Friday and received in the mail no later than Saturday or you may bring them

to the *Telegram* office before 5 p.m. on Friday.

See the Pick-Em page advertisement in today's *Telegram* for this week's college games.

The fan who picks the most winners during the 12-week contest will receive \$50 in scrip money plus an engraved trophy.

Scores of last week's games were:

Kansas 52, Kansas State 21
Texas A&M 24, Colorado 17
Texas Tech 39, Texas 33
Oklahoma 62, Nebraska 28

California 26, Oregon 16
Illinois 27, Iowa 24
South Carolina 27, Tennessee 6

Miami, Fla. 24, Virginia 17

O.T.
Arkansas 30, Tulsa 23

West Virginia 35, Connecticut 13

Northwestern 24, Minnesota 17

Pittsburgh 36, Notre Dame 33

O.T.
Florida 49, Georgia 10

Arts and crafts: lots to see and do

(Continued from Page 1)

Admission for non-members is \$2 for adults and \$1 for children. This is the one and only fund raiser for the Norton County Arts Council, which uses the money to bring programs such as singers, children's programs and magicians to Norton.

"This is a good opportunity for the community to come out, socialize, do their Christmas shopping and have lunch," said Mrs. Erlenbusch. "We really appreciate the support that businesses and members give us."

Membership to the Norton County Arts Council is \$40 for a family and \$20 for an individual.

For additional information, please call Mrs. Erlenbusch at 877-3341.

The Norton Senior Center will be serving a Hunter's Breakfast

and Lunch — sausage links and hash browns or biscuits and sausage gravy, and coffee for breakfast; chili, chicken and rice soup, or sandwiches and cheesecake for lunch. A new vendor from McCook will be selling scented wax-dipped bears. Hand-crafted wooden toys and candles are new items that will be available.

"We have canned goods, cinnamon sticks, Avon, and books, books, and books," said Ramona Pabian, Director of the Norton Senior Center. There will also be a bake sale.

"We are handicap accessible, public restrooms, a place to rest, lots of parking, no steps and no admission fee," said Mrs. Pabian. "If a person wants to come in, sit down and rest and have a cup of coffee, they're more than welcome to."

For questions, call Mrs. Pabian

at 877-5352.

The American Legion will have booths for the Arts and Crafts show. Curt Archibald said they will have vendors from Nebraska and Kansas.

"It's all pretty much the same as last year's," said Mr. Archibald. "Though, we do have a new vendor this year. Come check it out."

The American Legion will be open from 9 a.m. to 4 p.m., and a lunch counter provided by the American Legion Auxiliary, will be available. There is no fee to get in.

For questions, please call Mr. Archibald at 877-2876.

The Norton County Genealogical Society will have booths at Eisenhower Elementary in the gym and cafeteria from 9 a.m. to 4:30 p.m. Admission is free, and a lunch stand will be available.

I'm Not Deaf!

I Just Can't Understand Some Words

Free Consultation
Free Hearing Test

Ask About Our Nu-Ear Digital Hearing Aids

Jim Housh
Licensed Hearing Aid Specialist



"I will be in Norton EVERY WEDNESDAY"

Call My Toll-Free Number for an Appointment
1-800-331-2945

Located at: Boxler Insurance Precision Hearing Aid Center
108 N. First, Norton

Your Business on the web
You.com



Your Business on www.NWKansasOnline.com



BE SURE
your Business is Listed
www.NWKansasOnline.com

Call 785-462-1149

Renee Spresser
Bridges Group Insurance, Inc.

Total Command

Single Premium Deferred Annuities

5.50%

Blended Rate Guaranteed for Deposits \$25,000 - \$249,999

6.30% Year 1

5 Years

5.30% Years 2-5

5.20%

Blended Rate Guaranteed for Deposits \$25,000 - \$249,999

5.58% Year 1

4 Years

5.08% Years 2-4

(785) 877-4016 / (866) 484-6236
Norton, Kansas



Standard Life Insurance
Company of Indiana

Interest rates as of September 2, 2008, are subject to change and may vary in accord with state regulations. Annuities are long-term saving vehicles. Total Command annuities are issued by and are obligations of Standard Life Insurance Company of Indiana, home office at 10689 N. Pennsylvania, Indianapolis, Indiana 46280. These annuity products are not insured by the FDIC. Annuity contracts contain charges and limitations. Total Command annuities have a varying surrender charge periods with substantial penalty for early withdrawal, and are subject to a market value adjustment. Total Command annuities and/or certain optional features may not be available in all states. Not licensed in New Jersey and New York. The contract is issued on form numbers SLIC-SPDA-2006, SLIAN35-3, SLIAN35-4, SLIAN33, SLIAN35-6, SLIAN35-7, SLIAN35-8, SLIAN35-9, SLIC-RIDER-01, SLIC-RIDER-02, SLIC-RIDER-03, SLIC-RIDER-04, SLIC-RIDER-05, SLIC-RIDER-06, SLIC-RIDER-07 or variations of such. This advertisement presents information general in nature, is not intended as tax advice, nor is it a part of the annuity contract. CI-05-45