

Weather



National Weather Service

Tonight: A slight chance of showers and thunderstorms between 8 p.m. and 1 a.m. Partly cloudy, with a low around 59. Breezy, with a south wind between 15 and 25 mph, with gusts as high as 35 mph. Chance of precipitation is 20 percent.

Saturday: A chance of showers, with thunderstorms also possible after 1 p.m. Partly sunny, with a high near 72. Breezy, with a southwest wind 15 to 25 mph becoming north. Winds could gust as high as 35 mph. Chance of precipitation is 30 percent.

Saturday Night: A slight chance of showers before 7 p.m. Mostly cloudy, with a low around 47. Breezy, with a north wind between 10 and 20 mph, with gusts as high as 30 mph. Chance of precipitation is 10 percent.

Sunday: Mostly sunny, with a high near 74. North wind around 10 mph.

Sunday Night: Mostly clear, with a low around 50.

Monday: Sunny, with a high near 82.

Monday Night: Partly cloudy, with a low around 57.

Tuesday: A 20 percent chance of showers and thunderstorms. Mostly sunny and breezy, with a high near 88.

Tuesday Night: Partly cloudy and breezy, with a low around 61.

Wednesday: Mostly sunny, with a high near 86.

Wednesday Night: A 30 percent chance of showers and thunderstorms. Partly cloudy, with a low around 57.

Thursday: A 20 percent chance of showers and thunderstorms. Mostly sunny, with a high near 79.

Thursday: High, 90; Low 49
Precip: Thursday 0.01 inches
Month: 0.35 inches
Year: 4.85 inches
Normal: 7.21 inches
(K-State Experiment Station)
Sunrise and Sunset
Saturday 6:27 a.m. 8:55 p.m.
Moon: waning, 1 percent
Sunday 6:26 a.m. 8:56 p.m.
New Moon at 6:48 p.m.
Monday 6:25 a.m. 8:57 p.m.
Moon: waxing, 0 percent
(U.S. Naval Observatory)

City receives clean report on audit

From "CITY," Page 1

funds were all under budget and gave the staff "kudos" for this accomplishment.

Staats went over the city's debt, \$17 million at the beginning of the year and just a little under that at the end of the year.

"Again, a city this size, this amount of debt is not concerning, knowing that you have some reserve funds already accumulated," Staats said.

He said the firm had to do a "compliance audit" for the city since it received more than \$500,000 in federal money to make sure it was living up to all grant agreements.

This year, Staats said, the city had two major programs that the firm had to audit, the Superfund water pollution site and an airport improvement grant. He said the firm gave the best opinion it could give on the audit, which is

a positive thing for the city.

Staats finished his presentation by talking about the governance letter the firm drafted for management, outlining practices that the city could improve.

He said the firm commended the city on the way it handles transfers to the reserve funds, but recommends that the city uses these reserve funds to set aside money for long-term projects to reduce the length of some encumbrances.

The firm also recommended having the city manager open bank statements and review them and provide documentation or evidence that this was done.

Lastly, the firm recommended that the city have a business continuity plan or a succession plan for the city manager because of the transition the city will be going through as Carolyn Armstrong retires. It should estab-

lish some controls over journal entries, showing evidence that someone other than the city finance director is reviewing the adjustments, he said.

Armstrong said she actually did review the journal entries, but forgot to sign off on them.

Councilman Dave Voss asked if there were any trends the city needs to be aware of and Staats said that the trends he's seeing are all positive.

The council then approved the audit unanimously.

In other business, the council:

- Approved a grant agreement with the Kansas Department of Transportation, Division of Aviation for airspace protection height and hazard regulations for Shalz Field. Armstrong said the grant will pay for 95 percent of the cost or a maximum of \$11,970. It also approved an agreement with JW Consulting for the height and hazard regu-

lations, which will cost \$12,600. That makes the city's 5 percent share of the cost \$630, she said.

• Heard the annual report of the Tree Board from Steve Ostmeier. He said the board is moving 94 trees from the tree farm at the airport to the walking trails and is finishing the South Range project.

Ostmeier said they just got done putting trees down College Drive and Franklin Avenue around the college and are always working in Fike Park. He said they don't have any other big projects going on other than the walking trails. Mayor Gary Adrian and other council members commended the board on the job it has done.

"We just appreciate the funding we're getting and we hope we can continue to get it and keep improving the looks of (the city)," Ostmeier said.

World War II memorial sign unveiled

From "SIGN," Page 1

qualities which are indicative of our community."

She said the sign may be huge, but "what it represents is monumental." She said the effort was done to honor veterans like Deaver, who not only led the audience in the flag salute and shared some stories, but acknowledged three other veterans in the audience.

Deaver is known throughout the area for being a patriot and has led "God Bless America" at many events and games. He has taught flag etiquette to youth groups.

Among the war stories he shared were be-

ing shot down and fueling at the front lines. He explained that he was in England when Germany surrendered and was ready to go to the front line with Russia within three days if needed.

"I'm proud to be an American and glad to be here," he said. "Thank you, and God bless America."

Deaver, Tracey Galli and Colby Convention and Visitors Bureau director Leilani Thomas lifted a curtain to unveil the sign, which state crews posted just east of the U.S. 24-U.S. 83 junction later in the day.

Galli said money for the sign was raised by the Convention and Visitors Bureau, the Colby American Legion post and Legion

Auxiliary, Legion Riders and Sons of the American Legion, the Selden American Legion Post and its Auxiliary, the Colby Veterans of Foreign Wars, the Gem Lions Club, Deaver and anonymous donors.

Under the law passed in 2009 authorizing the highway designation, the money for the sign and future maintenance had come from private donations. Part of the \$1,600 will go into a fund to maintain or replace the sign as needed.

Until now, the only signs on the route were near Clay Center. The memorial section stretches across the center of the state, from the Nine Mile junction east of Colby to U.S. 77 north of Manhattan.

Court of Appeals judges hear prairie dog case

From "CASE," Page 1

involved don't have to travel all the way to Topeka.

Both sides in each case prepare a brief for the court, and the court staff prepares a Memorandum of Law for each case, which covers any statutes that might apply. At the hearing, each side got 15 minutes, though the appellant's attorney can ask for rebuttal time. McVay went over his allotted 15 minutes, so Rathbun was allowed more time as well.

The judges do not make a decision at the hearing. They will issue a ruling later, which can be accessed online at www.ks-courts.org. Either party can appeal the decision to the Kansas Supreme Court, but officials say the high court decides to hear less than 15 percent of the cases that are appealed.

In his argument, Rathbun gave some of the history of the case, going back to 1981, when it was thought that the last of the black-footed ferrets had died. The furry little creatures later were discovered not to be extinct, he said, and now about 200 breeding pairs are being used for re-establishment programs around the Great Plains. However, he said, the species remains the most threatened - in the United States.

In 2005, he said, the U.S. Fish and Wildlife Service became aware of the Haverfield and Barnhardt property in Logan County and began, in agreement with the owners, proceedings to reintroduce the ferrets.

In 2007, the reintroduction was almost ready when the county requested a permit from the state Department of Wildlife and Parks to poison the prairie dogs under a state law which requires townships to control the rodents when landowners don't. A judge issued a temporary injunction against that poisoning. Then later that year, the first ferrets were reintroduced.

In 2008, Senior Judge Jack Lively in Logan County District Court issued an order that a 90-foot vegetation barrier be installed inside around the border of the property to keep the prairie dogs inside, but that was the only means of control the court allowed.

In his argument, McVay said at the time, the argument was made that extermination of the prairie dogs would hamper reintroduction of the ferrets, but said the 90-foot barrier turned out to be ineffective. The prairie dogs were still getting through and infesting neighboring properties.

the county commissioners from exercising their authority under Kansas law to deal with a prairie dog infestation. He claimed the county appealed that decision because the prairie dogs are causing "irreparable harm" to the surrounding properties. McVay said Charles Lee, an expert from Kansas State University, came out and look at the area and testified in an earlier trial that the prairie dogs were causing the "continuing, ongoing destruction of neighboring property."

McVay said the prairie dogs expand by about 50 percent each year, and the county wants to go in and destroy some of the prairie dogs in the center of the property, so the dogs will expand inward rather than outward.

The word "infestation" has never been defined, something McVay said he tried to get the lower court to do without success. McVay contends the prairie dogs become an infestation when they begin spilling over into other properties.

Rathbun said the Kansas law say a township has a duty to eradicate all the prairie dogs once a finding of infestation has been made, but that puts the law in conflict with the federal Endangered Species Act. Allowing the county to poison even some of the prairie dogs on the Haverfield property would harm the ferrets, he said, something not permitted under the Fish and Wildlife Service memorandum of agreement.

Atchison asked if destroying all the prairie dogs rather than some was consistent with the legislative intent of the Kansas statute.

"I think the statute is plain on its face," Rathbun said, "which means we don't need to look at legislative intent."

Rathbun said the law includes criminal sanctions for counties that don't eradicate all the prairie dogs once an infestation has been declared.

He said that if there is an irreconcilable conflict between the two laws, the Supremacy Clause in the U.S. Constitution means the federal law would trump the state statutes.

Buser asked if there was any way other than poisoning to keep the prairie dogs out of the adjacent lands. Rathbun said an electrified fence was put in place in 2010 and there is a mechanism in place for surrounding landowners to get free prairie dog bait if they contact the state Animal and Plant Health Inspection Service. McVay said in rebuttal that the courts have heard testimony that the fence was ineffective.

Atcheson asked why the Haverfields would want the prairie dogs on their land if they were so destructive. Rathbun said the prairie dogs are a keystone species that provide food and shelter for the ferrets, as well as food for hawks, burrowing owls and more.

Atchison asked if the county can go on to the surrounding properties and exterminate prairie dogs there. McVay said yes, and in the agreement with the Haverfields, the Department of Fish and Wildlife is committed to provide prairie dog control (using poisons) on land within a three mile radius, should the landowners make a request. The county, however, did not sign those agreements.

McVay said he was not arguing that the Haverfields and Barnhardt can't have the ferret reintroduction program, but that the county be allowed to exercise its authority to ensure the prairie dogs do not spill over and cause damage to adjacent

lands. That would be consistent with state laws, he said.

He pointed out that the Nature Conservancy, which has a ferret reintroduction site elsewhere in Logan County, is poisoning prairie dogs on its land. Rathbun said the conservancy, while it does survey the prairie dog population regularly, has no evidence of whether poisoning in the center prevents prairie dogs from spreading outward.

Rathbun said the county has a clear remedy if it thinks the agreements between the federal government and the Haverfields were capricious or done improperly, which would be to challenge the Fish and Wildlife Service in a federal court, something it has not done.

At the end of his argument, Rathbun joked that although he and McVay are friends, there is little about this case on which they agree. The two shook hands after the hearing.

Woman fights killer bacteria

From "BACTERIA," Page 1

of her condition, only that her hands were badly infected.

Andy Copeland said he told his daughter about what had happened since the accident, how her one leg had been amputated. Doctors had once characterized her survival as "slim to none."

"We told her of the outpouring of love from across the world," her father said. "We told her that the world loved and admired her."

We explained that she had become a symbol of hope, love and faith. Aimee's eyes widened and her jaw dropped. She was amazed."

In Copeland's case, the necrotizing fasciitis was caused by bacteria known as Aeromonas hydrophila, which is found in warm rivers and streams. Many people exposed to the bacteria don't get sick. Only a handful of necrotizing fasciitis infections caused by the bacteria have been reported in medical journals in recent decades.

Under the condition, the bacteria emit toxins that destroy muscle, fat and skin tissue.

Andy Copeland said he learned Thursday that doctors wanted to amputate his daughter's hands and remaining foot. Doctors were concerned she could develop respiratory problems and if her hands released an infection in her body there was a risk she could become septic again, her father said.

At that point, the family decided to share the situation with their daughter.

Briefly

Library plans event to mark reopening

The Pioneer Memorial Library plans an open house with cookies and iced tea from 1 to 4 p.m. Sunday will show off its new look. Everyone is welcome. The staff notes that items checked out before the library closed last month are due back by next Friday. For information, call Melanie Wilks at 460-4470.

Pool passes on sale starting on Monday

The Colby Aquatic Park opens next Saturday, May 26. To avoid long lines on opening day, buy your passes early. Staff will be at the pool from 6 to 9 p.m. Monday through Thursday to sell them to early birds. For information, call the city office at (785) 460-4410.

Two dogs available for adoption at clinic

Colby Animal Clinic has two dogs available for adoption: an intact male shorthair, about 8 years old, and an intact male yellow lab, about 3 or 4. Lost or strayed animals are often brought to the clinic. Call or stop by 810 E. Fourth St. All animals have current shots, and costs are minimal. For questions, call 460-8621.

New church to gather for worship on Sunday

The old church at Third and Range is open with a new congregation as Faith Fellowship at 2 p.m. on Sundays. Come enjoy old-time gospel songs, along with newer songs, and join in an opportunity to worship God in spirit and truth. Everyone is welcome. For information, call Pastor Dan Keel at (337) 401-7207.

Prairie Museum features art club's work

The Prairie Museum of Art and History has a free exhibit by members of the High Plains Art Club up through the end of the month. Works include oils, acrylics, watercolors, mixed media and ceramics and subjects range from landscapes to portraits to flowers. Hours are 9 a.m. to 5 p.m. Monday to Friday and 1 to 5 p.m. Saturday and Sunday. Call Ann Miner at the museum, 460-4590, for information.

Federal employees plan meeting in Colby

The Colby Chapter of the National Association of Retired and Active Federal Employees will meet at 11:30 a.m. Thursday at Montana Mike's. Visitors and prospective new members are welcome. Call Maxine Nelson at 462-3571 for information.

College offering class for health students

The Colby Community College adult education and nursing departments are offering a free class for students studying for or considering health care professions from 9 a.m. to 5 p.m. Monday to next Friday in the Rooks Room on the lower level of the library. For information or to register, call Adult Basic Education Director Nance Munderloh at (785) 460-4665.

LOCAL TV Listings Sponsored by the COLBY FREE PRESS

Monday Evening May 21, 2012. Table with columns for time slots (7:00, 7:30, 8:00, 8:30, 9:00, 9:30, 10:00, 10:30, 11:00, 11:30) and rows for various TV channels (KAKE/ABC, KBSL/CBS, KSNK/NBC, KSAS/FOX, Cable Channels, A & E, AMC, ANIM, BRAVO, CMT, CNN, COMEDY, DISC, DISN, E!, ESPN, ESPN2, FAM, FOOD, FX, HGTV, HIST, LIFE, MTV, NICK, SCI, SPIKE, TBS, TCM, TLC, TNT, TOON, TRAV, TV LAND, USA, VH1, WGN, Premium Channels, HBO, MAX, SHOW).