



# COLBY FREE PRESS

8 pages

## Colby City Council revises policy on at-large animals

By **PATTY DECKER**  
*Free Press Editor*

The Colby City Council unanimously approved revisions to its policy on animals at large following concerns that happened after an animal was killed during the fall of 2002 by a police officer.

In clarifying the policy that addresses complaints about animals at large, Randy Jones, police chief, said that whenever a complaint is made, his officers make every attempt to get the animal in a confined area where it can be safely caught or controlled.

"Officers are allowed to use catch poles, live traps, pepper ball guns, or any other means immediately available to them to safely capture or control the animal or to defend themselves against attack," he said earlier in December.

In addition, police officers will try to

call the owner of the animal as soon as possible and ask them to come to the location where the animal is being captured.

In the event the owner is not available, he said, officers will also try to find a neighbor or friend that can assist in who the animal belongs to or where it is normally kept.

However, Jones did say that when someone does assist in confining a loose animal, they are doing so at their own risk. Failure by owners to respond, he said, could mean they will be cited for obstruction.

Whenever a domestic cat, dog, or other animal is killed, the city manager and Jones, along with other agencies can be directed to investigate the incident.

Some specific changes in the policy language dealt with destroying an animal. In the previous policy, the lan-

guage read: Colby police officers are permitted to fire their weapons only under the following circumstances with the third paragraph taken out. It read: In order to destroy any animal that appears to be suffering from an apparent fatal wound or sickness, but only after making every reasonable attempt to locate and receive permission from the animal's owner.

In its place, the revised policy now states that officers can fire their weapons in order to destroy any dog or cat; only when the dog or cat is in the act of attacking a human being or other domestic animal(s) in the presence of the officer; and secondly, when the dog or cat is severely injured or sick and the animal appears to be suffering from an apparent fatal wound or sickness, but only after making every reasonable attempt to locate and receive permission from the animal's owner.

## Two are arrested in meth lab search

By **MICHELLE L. HAWKINS**  
*Colby Free Press*

Two Colby people were arrested at different locations in town on Tuesday after officers from the Colby Police Department and the Quad County Task Force carried out a search warrant in a home in the 600 block of North Grant, said Gary Shull, police department investigator.

At 4:29 p.m. officers executed the search warrant at the home of Sarah Marie Upshaw, 23. According to Shull, the purpose of the search warrant was to find evidence of illegal drugs and the manufacturing of methamphetamine.

Upshaw was arrested at her home and booked into the Thomas County jail on charges of manufacturing methamphetamine, possession of methamphetamine, possession of drug paraphernalia with the intent to sell, possession of drug paraphernalia, along with various other charges.

Shull said that Upshaw's four-month-old child was taken from the home to Citizens Medical Center where the infant was examined for possible exposure to chemicals that are used in the manufacturing of methamphetamine.

"The infant was placed in an emer-

gency foster home by the officers," he said.

After the arrest of Upshaw, further investigation by officers led them to Brandon Joseph Boutte, 24. Boutte was arrested at his home in the 1400 block of West Fifth. He was booked into the Thomas County Jail and charged with the manufacturing of methamphetamine. After his arrest, officers also searched Boutte's home.

Shull said reports on the arrests have been submitted to County Attorney Allan Taylor for review. Both Upshaw and Boutte are being held in jail pending the filing of formal charges.

## Roberts has tough words for Sen. Lott

WASHINGTON (AP) — Kansas Sen. Pat Roberts said lawmakers should resolve the Trent Lott controversy before a scheduled meeting to decide the Republican leader's fate.

Like many Republicans, Roberts did not say Tuesday whether Lott should go. But he went further than many GOP colleagues, saying "this situation should be and very well may be resolved" before a Jan. 6 meeting called to decide whether Lott should stay on as majority leader.

"This matter has gone beyond the statement of a single individual to one

of national importance and, unfortunately, divisiveness and turmoil," Roberts said in remarks he wrote for an appearance Tuesday before the Wichita Chamber of Commerce. His staff released the remarks afterward.

Lott is under fire for praising the 1948 segregationist presidential candidacy of Sen. Strom Thurmond, R-S.C. At Thurmond's 100th birthday party earlier this month, Lott said his home state of Mississippi voted for Thurmond, "and if the rest of the country had followed our lead, we wouldn't have had all these problems over all

these years either." Roberts said the words were "understandably interpreted by many as being racist and supporting segregation" and President Bush had set the right tone in saying Lott's remarks don't reflect "the spirit of our country."

## State to face more lawsuits over murders

WICHITA (AP) — Families of three more victims of Jonathan and Reginald Carr have filed suit over a clerical error that freed the elder Carr from jail just days before the brothers began their deadly rampage.

The lawsuit, seeking damages from the state for the suffering three men endured before they were shot to death on a snowy soccer field, is likely to be merged with one filed earlier by the widower of a classical musician, attorneys said.

Attorney Jack Focht, representing the three families, said his clients filed suit because they felt state officials had brushed them off as they sought answers on the parole paperwork error that let Reginald Carr leave the Ford County jail in December 2000.

"The families decided this only after prayerfully considering it," Focht said Monday. "But I also know they felt they weren't treated well by officials of the state in Topeka, who didn't even return their phone calls," Focht said.



PATTY DECKER/Colby Free Press

Alicia Medina, 4, listened attentively as Kayla Ziegelmeier, one of the fourth grade students at Colby Elementary School, read, "Where's My Christmas Stocking?" as part of a grant project on Tuesday afternoon. The Thomas County Community Foundation made the reading-mentoring program possible by giving a \$200 grant to the fourth grade students, said Julie Brown, Head Start teacher.

## Reading is fun

### Fourth graders do the honors for Head Start kids

By **PATTY DECKER**  
*Free Press Editor*

Colby Elementary School fourth grade students took part in a mentoring program, thanks to a Thomas County Community Foundation grant enabling them to buy books and read to children in the Head Start program, said Julie Brown, teacher with Head Start.

"I think the older students have realized the positive effect they have made by reading and giving attention to the younger students," said Jim

Meyers, one of the fourth grade teachers.

As for the young children in Head Start, Brown said they were looking forward to having the "big" kids visit.

The project was a team effort by all the fourth grade teachers at Colby Elementary School, which included not only Meyers, but also Sally Smith and Carol McGuire.

With the grant money, Meyers said, the older students were able to purchase 200 books and then give six books to each of the Head Start chil-

dren and the remainder of the books will be kept in the classroom.

Along with Brown and Meyers, other paraprofessionals present during the reading project were Dona Kulhanek, Wendy Hellmuth and Sheila Adams.

Also there was Michelle Hillery with the Northwest Kansas Educational Service Center and Elaine Ptacek, who serves as a behavioral consultant at the Head Start programs in Colby, Oberlin, Goodland and Norton.

## Incoming House Speaker has doubts about lawsuit

## Sebelius not planning to rescind Graves' action on local aid

TOPEKA (AP) — Gov.-elect Kathleen Sebelius doesn't plan to rescind outgoing Gov. Bill Graves' decision to withhold \$48 million in state aid to cities and counties.

And incoming House Speaker Doug Mays is skeptical a lawsuit filed by cities and counties will rally legislators to their cause.

On Tuesday, 79 counties, 186 cities, the Unified Government of Wyandotte County and Kansas City, the Kansas Association of Counties and the League of Kansas Municipalities sued Graves and four other state officials. They filed a petition with the Kansas Supreme Court.

Graves withheld the \$48 million to

help eliminate a budget deficit of \$312 million projected for June 30. The money represents half the aid that cities and counties were to receive under the current budget.

Sebelius, who will be inaugurated Jan. 13, has said she is leaving the current year's budget problems to Graves while she works on a proposed budget for the state's 2004 fiscal year, which begins July 1. Spokeswoman Nicole Corcoran-Basso said her position hasn't changed.

"Kathleen has said all along that she wouldn't second-guess the governor," Corcoran-Basso said.

Meanwhile, Mays said he doubts the lawsuit will compel legislators to act

quickly once they convene, also Jan. 13.

"There will be a reluctance by the Legislature to address the issue right now," said Mays, R-Topeka.

City and county officials were upset by Graves' action because it came after they set budgets and tax levies for 2003. Graves has said that while the money is half the state aid for local governments, it is a small part of their overall spending.

The lawsuit argues that Graves' action is unfair and illegal.

The cities and counties said one Kansas law would have allowed Graves to impose the same cut in local aid that he imposed in state agency

budgets.

"This clearly would not have obtained the result the governor was seeking, to unfairly reach out and unlawfully take \$48 million from cities and counties, thereby avoiding other, more controversial cuts," the cities and counties said in a memo outlining their legal arguments, also filed Tuesday with the Supreme Court.

Last month, Graves announced that he was cutting most agencies' appropriation of general tax dollars by 3.9 percent to save \$78 million.

Those reductions were on top of the \$41 million in cuts Graves ordered in August.

Graves acted under a second law that

allows him to choose where to cut the budget, imposing different reductions for different agencies. But the cities and counties said that law applies only to state agencies, not to local governments.

"Cities and counties can be made to share in the pain of the state's budget crisis, but not by a disproportionate amount," the cities and counties said in their memo.

Mays, a former Topeka city council member, said he understands that cities and counties don't like losing state aid.

However, he said, in view of the state's financial problems, "I don't see any way to get all of the money back."

will run accordingly, he said, and school will resume on Monday, Jan. 6, 2003.

For questions, call either the building-level principals or the administration building at 465-5000.

### Heartland School to entertain

Heartland Christian School will present its Christmas program on Thursday at 7 p.m. at the Berean Church (1000 South Franklin). The public is invited to share in this evening of song and drama, reflecting the celebration of Christ's birth.

### City announces holiday schedule

The City of Colby sanitation department will not be operating on Tuesday and Wednesday, Dec. 24 and 25 due to the Christmas holiday. For residents whose normal trash day is Tuesday or Wednesday, it will be picked up on Thursday along with the Thursday route, said Gerry Bieker, public works director.

For questions call the Public Works Department at 462-4420.

### Delivery scheduled for Saturday

SHARE delivery is set for Saturday at 9 a.m. in the Sacred Heart School gym. Items in the share include: bacon, breaded chicken tenders, fish, little smokies, ground beef, potatoes, baby carrots, lettuce, broccoli, apples, oranges, tangerines and red pears.

For questions call Anna Fyfe at 462-3733.

### Businesses asked to participate

With the Wellness Fair nearing, businesses are being asked to take part in promoting community health and wellness by covering the cost of the fair registration and/or health screenings for their employees who may want to participate.

The fair will be held on Saturday, Jan. 18, 2003, from 9 a.m. to 1 p.m. at the student union on the Colby Community College campus. Blood work will be done on Saturdays, Jan. 4 and 11. The registration fee is \$5, with the addition fees for some of the tests.

For more information about business coupons for the Wellness Fair call Wanda Davis at (785) 462-4797.

### WeatherWatch Colby-Oakley area

**The numbers**  
Tuesday's high, 57  
Low this morning, 19  
Year ago today, 48 & 23  
Temperature at 10:30 today, 43  
Soil temperature, 37  
Records for Dec. 18: 76 in 1980, -11 in 1983

### The forecast

Tonight, partly cloudy, lows near 23, north winds up to 15 mph. Thursday, sunny, highs near 47, northwest winds up to 15 mph. Thursday night, clear, lows around 20 and Friday, mostly sunny, highs near 45. No precipitation appears in the forecast through Tuesday of next week.

## Briefly

### Christmas party planned Saturday

Prairie Senior Living Complex will hold its annual Christmas party for friends and relatives of the residents on Saturday, from 2 to 4 p.m. at the facility. There will be refreshments and entertainment during the two-hour celebration, officials said.

### Landfill hours announced

The Thomas County landfill will be closed on Christmas day and the day after, said Larry Jumper, supervisor. The landfill will be open at its regular hours of 9 a.m. to 5 p.m. on Monday, Tuesday and Friday of Christmas week. The landfill will also operate on its regular weekend schedule of 9 a.m. to 4 p.m. on Saturday and 1 p.m. to 4 p.m. on Sunday. For questions, contact Jumper at 462-8139.

### Colby Schools set for break

Colby Public Schools will dismiss classes at 1:30 p.m., Friday, for the holiday break, said Kirk Nielsen, superintendent. Buses

