



**Board of Riley County
Commissioners
Regular Meeting
Agenda
February 03, 2025**

115 North 4th Street
Manhattan, KS 66502
www.rileycountyks.gov

Cindy Kabriel
785-565-6200

Commission Chambers

8:30 AM

[District 1 – John Ford, Member](#)

[District 2 – Greg McKinley, Chair](#)

[District 3 – Kathryn Focke, Vice Chair](#)

8:30 AM

Call to Order

Pledge of Allegiance

Public Comment

1. Public Comments

Commission Comments

2. Commission Comments

Business Meeting

3. Highway Use Permit, Cox Communications
4. CIP Project Activation
5. Sign a Tax Roll Correction
6. Sign Riley County Position Action Form(s)

Review Minutes

7. Board of Riley County Commissioners - Regular Meeting - Jan 30, 2025 8:30 AM

Review Tentative Agenda

8. Tentative Agenda

Press Conference Topics

9. Discuss Press Conference

9:00 AM

Bryant Parker, Counselor/Director of Administrative Services

10. Administrative Work Session

9:20 AM

Amanda Webb, Planning/Special Projects Director

11. Charter resolution to end school inspections

9:30 AM

Press Conference

12. RCPD Update - Scott Hajek and Mark French (3 minutes)
13. Drip irrigation, seed starting and seed swap programs - Gregg Eyestone (2 minutes)

- 9:35 AM Anna Burson, Appraiser**
14. Request to Appoint Assistant County Appraiser
- 9:45 AM Lori Feldkamp, Big Lakes Developmental Center Director**
15. Big Lakes Developmental Center update
- 10:00 AM Russel Stukey, Emergency Management Director**
16. January Staff Update
17. Letter of Support for CWDG
- 10:15 AM Jacob Hansen, Deputy County Counselor**
18. Hearing on Fence View Application of Vandahl
- 11:15 AM Jacob Hansen, Deputy County Counselor**
19. Executive session to discuss confidential legal advice regarding potential litigation issues
- 11:45 AM Megan Lewis, Community Corrections Director**
20. Potential Temporary Pause of Federal Funds
- Adjournment**

In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.



PUBLIC WORKS
Permit

John Ellermann
Public Works Director/County
Engineer
6215 Tuttle Creek Blvd
Manhattan, KS 66503
Phone: 785-537-6330

COMMISSION AGENDA REPORT

FROM: Andrea Rose, Administrative Assistant II

MEETING: February 3, 2025

SUBJECT: Highway Use Permit, Cox Communications

PRESENTER: John Ellermann, Director of Public Works

BACKGROUND

Cox Communications has requested permission to upgrade 4264' of aerial cable starting at 7228 Deer Trail Road and stopping at 3060 Honey Dew Lane. Cox will bore 486' of 2" conduit and 144ct fiber going north to 3040 Honey Dew Lane according to the details shown on the attached maps.

POSSIBLE MOTION(S)

Move to approve the Highway Use Permit granting Cox permission to complete work as outlined in permit.

Enclosures:

- 2025-001 signed(PDF)

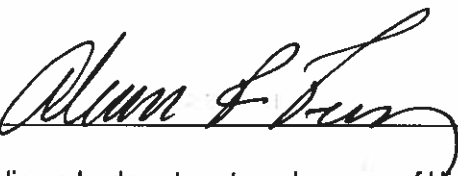
**Riley County Public Works Department
Highway Use Permit - Document Management Form**

Project Number: 2025-001 3040-3060 Honeydew Lane
Requesting Party: Cox Communications

Processing Procedure: Date and initial completed steps.

1. The public works department sends a copy of the document management form and permit to Operations Manager OM: 1-14-2025 & Assistant County Engineer for recommendation. :1-14-2025

Comments: Ensure all areas are backfilled, re-establish elevations and repair the existing right of way profiles within the work area. Maintain proper traffic control procedures during construction. **PROPERLY REPAIR ANY DAMAGE TO ROCK OR ASPHALT SURFACES.**

Signature: 

2. The public works department sends a copy of Highway Use Permit to Township for recommendation. Township will call Public Works with any recommendations, if applicable.
Comments:

The public works department attaches document management form to Application for Highway Use Permit and gets recommendation signature from County Engineer (Place sign here sticker on Hwy Use Permit and put in CE mailbox). If recommended proceed by submitting scanned .pdf file (to include: Doc. Management Form and Original Highway Use Permit, with County Engineer signature and any additional maps or pages) to Minute Traq for scheduling (schedule accordingly-hard Copies also due to Clerk's Office by 3PM) of Commission meeting agenda. Place "Sign Here" post-it on original and deliver original to County Clerk's designated employee. Keep one copy here for our files.

Date _____ by _____

3. County Clerk via Minute Traq schedules permit to be signed by Chairman during next BOCC business meeting.
4. BOCC Chairman signs and dates permit. The County Clerk produces 2 copies of permit including attached maps and sends to Administrative Clerk Public Works **the next business day**. County Clerk keeps original.
5. The public works department distributes copies of permits received from County Clerk.
 - CC: Petitioner ☐
 - Operations Manager ☐
 - Township Trustee: _____ (if on Township Road) ☐
 - Highway Use Permit filed with Document Management Form attached ☐

Date _____ by _____

Submitted by: AR Date Submitted: 01/14/2025

Attachment: 2025-001 signed (15376 : Highway Use Permit-2025-001-Cox Communications)

Permit No. 2025-001

APPLICATION FOR HIGHWAY USE PERMIT

Riley County, Kansas

Cox Communications

Upgrade Fiber Optic Lines

Applicant Name		Type of Construction	
901 George Washington Blvd.	Wichita	KS	67211
Applicant Mailing Address		City	State Zip

Applicant hereby requests permission to do certain work along and/or across the public roads of Riley County, Kansas. The type of work and location of work to be done is described as follows: Cox to upgrade 4264' of aerial cable starting at 7228 Deer Trail Rd stoppi at 3060 Honey Dew Lane. Cox will bore in 486' of 2" conduit and 144ct Fiber going north to 3040 Honey Dew Lan

A \$100 Application Fee and a detailed map of location (include an aerial when possible) are required.

In support of its application, the Applicant states it is in the best interest of the residents of Riley County to allow construction of said facility. In addition, Applicant agrees as follows:

- A. Facility shall be installed in conformance with all items on approved plans, pertinent national codes/standards and the Riley County Highway Use Permit Requirements and Procedures. Any request for variance shall be an addendum to this application. Any utility sharing facilities with another entity is required to obtain a separate Highway Use Permit for their installation.
- B. A refundable deposit as specified in the Riley County Highway Use Permit Requirements and Procedures, made payable to Riley County, Kansas, shall accompany this application to guarantee satisfactory performance of the conditions of this permit.
- C. The County Engineer and/or the Township Trustee shall have the authority to require any needed repairs resulting from such construction in the road right-of-way for a period of one year from date of completed construction.
- D. In the event of road improvement or maintenance within the right-of-way, the applicant or its assigns will be responsible for the relocation of the facility at no cost to Riley County or the Township.
- E. **Applicant shall notify the County Engineer at least 2 business days prior to the beginning of construction and upon completion of construction at 785-537-6330.**
- F. It is understood, the work shall commence within three (3) months of the permit approval and be completed within thirty (30) days of the estimated duration of construction otherwise, the permit becomes null and void, unless an extension of time is approved.
- G. Applicant further represents it shall comply with and abide by any rule, regulation or condition of the permit made by the County Engineer and/or the Township Trustee.

Submitted by: <u>James Walburn</u>	<u>01/14/2025</u>
Submitter's signature	Date
<u>James Walburn - Land Use Agent</u>	
Printed Name & Title	
<u>316-260-7491</u>	<u>SpliceCo</u>
Submitter's Telephone Number	Contractor Name
<u>wicrow@cox.com</u>	<u>816-309-6605</u>
Submitter's Email Address	Contractor Telephone Number
<u>03/15/2025</u>	<u>120</u>
Proposed Date of Construction	Estimated Duration of Construction

RECOMMENDED BY: Jim Ellman

Riley County Engineer

Permit granted this ____ day of _____, 20____

BOARD OF COUNTY COMMISSIONERS
RILEY COUNTY, KANSAS_____
Chairperson

OFFICE USE ONLY:

Application Fee:	<u>100.00</u>
\$1,000 Deposit <u>X</u> Bond _____ Letter _____	
Receipt No. <u>13464</u> Date: <u>1.23.2025</u>	
Signature: <u>AR</u>	

Attachment: 2025-001 signed (15376 : Highway Use Permit-2025-001-Cox Communications)

Process for Highway Use Permit

- A permit is required for all utilities installed, relocated, removed or repaired in the County's right-of-way
- Submit Application for Permit
 - Attach construction plan and traffic control plan
 - Submit \$100.00 Application Fee
 - Submit applicable deposit, performance bond, cashier's check or letter of credit
 - Contractor's Certificate of Liability Insurance
- Stake the proposed location of above ground utilities
- Permit must be approved prior to starting any work
- **Once approved, notify County Engineer a minimum of two business days prior to starting work**
- Copy of Highway Use Permit and copy of Requirements and Procedures must be on site with the Contractor
- Begin project
- County will perform routine inspections during project
- **Notify County 24 hours prior to any backfilling**
- Restore work area to a condition equal to the existing before construction
- Request final inspection a minimum of two business days before de-mobilization
- Create punch list of items remaining to be completed
- Complete punch list items as necessary
- Receive written final Notice of Acceptance
- Warranty work for a period of one year
- Fees, bonds, cashier's check or letter of credit returned







**COUNTY CLERK &
ELECTIONS**
Work Session

Rich Vargo
County Clerk
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

COMMISSION AGENDA REPORT

FROM: Brittany Phillips, Budget & Finance Officer

MEETING: February 3, 2025

SUBJECT: CIP Project Activation

PRESENTER: Brittany Phillips, Budget & Finance Officer

BACKGROUND

On January 30th, a CIP Transfer was approved.

DISCUSSION

The BOCC has approved the items listed below:

<u>DEPARTMENT:</u>	<u>TOTAL</u>	<u># OF PROJECTS:</u>
Parks (PW)	39,700	3
TOTAL	39,700	

RECOMMENDATION(S)

Recommend approval of the CIP project activations.

POSSIBLE MOTION(S)

Move to approve CIP project activation listed above totaling \$39,700.

Enclosures:

- Parks Allocation Activation(PDF)

**RILEY COUNTY CAPITAL IMPROVEMENT PROGRAM
CIP PROJECT FUNDING AUTHORIZATION FORM**

4.a

GENERAL INFORMATION (Completed by Budget & Finance Officer)

Project # _____ Fund(s) Name: CIP _____

PROJECT INFORMATION (Completed by Department Head)

Department: _____ Public Works - Parks _____ Date: _____ 01/30/2025 _____

Category(circle): FACILITIES INFRASTRUCTURE EQUIPMENT TECHNOLOGY

Project Name: _____ Total Cost \$: \$ _____ 14,000.00

Brief Description:

Build new Basketball/Pickleball courts in University Park.

Project Justification:

Build up funds from yearly community park allocations to be able to construct a basketball/pickleball court in University Park Community in the future.

Operating Cost Implications:

If this is not done then we will not be able to build up the allocated community park funds to build the new basketball/pickleball court..

Department Head Name (PRINT): John Ellermann

Department Head (SIGNATURE): _____

TECHNOLOGY PROJECTS (Completed by IT/GIS Director)

For computer related projects, the Department Head must provide the following information and submit to the IT Director for approval.

Y N

☐ Will this project be used exclusively by your department?

☐ Will this project require support from Information Technology?

Information Technology Director's Signature: _____

To be completed by IT:

Y N

☐ Will the project require the implementation of new technologies/costs? _____ If so, what & costs? _____

☐ Is the project duplicated in other CIP requests? _____

☐ Is the project compatible with the technology development plans of Riley County? _____

CERTIFICATION OF PROJECT AUTHORITY

CASH:

Cash Available: _____

☐

This project is funded for start-up as cash is available.

☐

This project is not funded for start-up as cash is not available.

Shilo Heger, Riley County Treasurer _____ Date _____

BUDGET:

Budget Available: _____

☐

This project is funded for start-up as budget authority is available.

☐

This project is not funded for start-up as budget authority is not available.

Rich Vargo, Riley County Clerk _____ Date _____

APPROVAL:

Approved Amount: _____

☐

This project is funded.

☐

This project is not funded.

Chairman _____ Date _____

Board of County Commissioners

Attachment: Parks Allocation Activation (15402 : CIP Project Activations)

ALL FIELDS MUST BE COMPLETED

**RILEY COUNTY CAPITAL IMPROVEMENT PROGRAM
CIP PROJECT FUNDING AUTHORIZATION FORM**

4.a

GENERAL INFORMATION (Completed by Budget & Finance Officer)

Project # _____ Fund(s) Name: CIP _____

PROJECT INFORMATION (Completed by Department Head)

Department: Public Works - Parks Date: 01/30/2025

Category(circle): FACILITIES INFRASTRUCTURE EQUIPMENT TECHNOLOGY

Project Name: _____ Total Cost \$: \$ 11,000.00

Brief Description:

Build new restroom in Ogden Park

Project Justification:

Build up funds from yearly community park allocations to be able to construct a new restroom in Ogden Park in the future.

Operating Cost Implications:

If this is not done then we will not be able to build up the allocated community park funds to build a new restroom.

Department Head Name (PRINT): John Ellermann

Department Head (SIGNATURE): John Ellermann

TECHNOLOGY PROJECTS (Completed by IT/GIS Director)

For computer related projects, the Department Head must provide the following information and submit to the IT Director for approval.

Y N

☐ Will this project be used exclusively by your department?

☐ Will this project require support from Information Technology?

Information Technology Director's Signature: _____

To be completed by IT:

Y N

☐ Will the project require the implementation of new technologies/costs? If so, what & costs? _____

☐ Is the project duplicated in other CIP requests? _____

☐ Is the project compatible with the technology development plans of Riley County? _____

CERTIFICATION OF PROJECT AUTHORITY

CASH:

Cash Available: _____

☐

This project is funded for start-up as cash is available.

☐

This project is not funded for start-up as cash is not available.

Shilo Heger, Riley County Treasurer Date

BUDGET:

Budget Available: _____

☐

This project is funded for start-up as budget authority is available.

☐

This project is not funded for start-up as budget authority is not available.

Rich Vargo, Riley County Clerk Date

APPROVAL:

Approved Amount: _____

☐

This project is funded.

☐

This project is not funded.

Chairman
Board of County Commissioners Date

Attachment: Parks Allocation Activation (15402 : CIP Project Activations)

ALL FIELDS MUST BE COMPLETED

**RILEY COUNTY CAPITAL IMPROVEMENT PROGRAM
CIP PROJECT FUNDING AUTHORIZATION FORM**

4.a

GENERAL INFORMATION (Completed by Budget & Finance Officer)

Project # _____ Fund(s) Name: CIP _____

PROJECT INFORMATION (Completed by Department Head)

Department: Public Works - Parks Date: 01/30/2025

Category(circle): FACILITIES INFRASTRUCTURE EQUIPMENT TECHNOLOGY

Project Name: _____ Total Cost \$: \$ 14,700.00

Brief Description:

Build new restroom in Leonardville Park

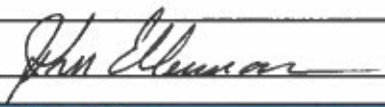
Project Justification:

Build up funds from yearly community park allocations to be able to construct a new restroom in Leonardville Park in the future.

Operating Cost Implications:

If this is not done then we will not be able to build up the allocated community park funds to build a new restroom.

Department Head Name (PRINT): John Ellermann

Department Head (SIGNATURE): 

TECHNOLOGY PROJECTS (Completed by IT/GIS Director)

For computer related projects, the Department Head must provide the following information and submit to the IT Director for approval.

Y N

☐ Will this project be used exclusively by your department?

☐ Will this project require support from Information Technology?

Information Technology Director's Signature: _____

To be completed by IT:

Y N

☐ Will the project require the implementation of new technologies/costs?

If so, what & costs? _____

☐ Is the project duplicated in other CIP requests?

☐ Is the project compatible with the technology development plans of Riley County?

CERTIFICATION OF PROJECT AUTHORITY

CASH:

Cash Available: _____

☐

This project is funded for start-up as cash is available.

☐

This project is not funded for start-up as cash is not available.

Shilo Heger, Riley County Treasurer

Date

BUDGET:

Budget Available: _____

☐

This project is funded for start-up as budget authority is available.

☐

This project is not funded for start-up as budget authority is not available.

Rich Vargo, Riley County Clerk

Date

APPROVAL:

Approved Amount: _____

☐

This project is funded.

☐

This project is not funded.

Chairman

Board of County Commissioners

Date

ALL FIELDS MUST BE COMPLETED

Prepared by _____

Packet Pg. 12



**COUNTY CLERK &
ELECTIONS**
Tax Roll Correction

Rich Vargo
County Clerk
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

COMMISSION AGENDA REPORT

FROM: Joe Godown
MEETING: February 3, 2025
SUBJECT: Sign a Tax Roll Correction
PRESENTER: Rich Vargo, County Clerk

POSSIBLE MOTION(S)

Move to approve the Tax Roll Correction.

Move to deny

Move to modify

Move to table

No action required.

The Board agreed by consensus to

Enclosures:

- 01-30-25 Tax Roll Correction (PDF)

TAX ROLL CORRECTION
REAL ESTATE

Printed by JGODOWN 2025/01/30

5.a

Taxpayer ID JOHN0471
Owner ID JOHN0471

Control # 2025000028

Tax Year 2024
Tract # RI00114

JOHNSON, EDWARD

CAMA # 151-01-0-30-04-001-00-0-01

RILEY CITY
BLK 31 LOTS 1 2

101 S BROADWAY ST

TU 7 Riley City
Parcel 1630

RILEY, KS 66531-9517

USD 378

Property Address 101 S BROADWAY ST

APPRAISER SECTION (Value) 2025/01/30 JGODOWN APPROVED

Appraised Prior to Correction:

CL	Land	Imp	Total
RU	4900	131860	136760
Total	4900	131860	136760

Assessed Prior to Correction:

RU			
	564	15164	15728
Total	564	15164	15728
SB41	8625		

Appraised After Correction:

CL	Land	Imp	Total
RU	4900	124200	129100
Total	4900	124200	129100

Assessed After Correction:

RU			
	564	14283	14847
Total	564	14283	14847
SB41	8625		

Net Change
7660-

7660-
Net Change
881-

Total 881-
SB41

CLERK SECTION (Tax)

2025/01/30 JGODOWN ORDER PRINTED

Tax Prior to Correction:

Levy 165.19500	Gen Tax	2598.20
	SB41 \$	172.50
SB41 Tax Dollars		2425.70

Tax After Correction:

Levy 165.19500	Gen Tax	2452.66
	SB41 \$	172.50
SB41 Tax Dollars		2280.16

Net Change
145.54-
145.54-

TREASURER SECTION (Summary)

Net Change in Assessed Value
(no SB41 influence)

881-

Applicable Mill Levy

165.19500

Net Change in Levied Tax Dollars

145.54-

Net Change in SB41 Exemption

Type of Correction DECREASE

Correction Code TP TAX PROTEST

Rate 7.00%

Tax Statement # 18692

Comments PUP Adjustment

Owner JOHN0471

JOHNSON, EDWARD

Net Change in Total Tax Dollars

145.54-

By order of the Board of County Commissioners of RILEY COUNTY, Kansas.

(Date)

Approved by Commission:

Attest by County Clerk:

Attachment: 01-30-25 Tax Roll Correction (15401 : Tax Roll Correction)



**COUNTY CLERK &
ELECTIONS**
Personnel

Rich Vargo
County Clerk
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

COMMISSION AGENDA REPORT

FROM: Elizabeth Ward, Human Resources Director

MEETING: February 3, 2025

SUBJECT: Sign Riley County Position Action Form(s)

PRESENTER: Elizabeth Ward, Human Resources Director

Enclosures:

- 2025-01 Clerk Fiscal Analyst HD PAF (DOCX)

RILEY COUNTY POSITION ACTION FORM

Submitted by Rachel Wyat on 01/30/2025 at 06:22 AM

Elizabeth Ward, Final Approval

Company Riley County, KS	Position Template Fiscal Analyst- Health Department [FISCANALYSTHD]	Work Location Health Department/EM
Job ID 3014381	Salary \$23.05-\$25.05	Supervisor Position No
Pay Grade RANGE 8 [RANGE 8]	EEO Class --	Workers Compensation --
Cost Center 1 County General [1]	Cost Center 2 HD-General [400]	Cost Center 3 --
1 Job Slot FISCAL -1		

Supervisor: Brittany Phillips

Department Head: Rich Vargo

☐ Position Description attached

Total annual hours: 2080

☒ Budgeted

☒ New or updated position description

☐ New request for budget (details attached)

Salary: \$52,104

Budget for Benefits: \$ 20,581.08

Total proposed annual budget: \$72,685.08

Additional Position Comments: _____

BoCC Chair _____

Date: _____

BoCC Member _____

Date: _____

BoCC Member _____

Date: _____



**Board of Riley County
Commissioners
Regular Meeting
TENTATIVE Agenda
February 06, 2025**

115 North 4th Street
Manhattan, KS 66502
www.rileycountyks.gov

Cindy Kabriel
785-565-6200

Commission Chambers

8:30 AM

[District 1 – John Ford, Member](#)

[District 2 – Greg McKinley, Chair](#)

[District 3 – Kathryn Focke, Vice Chair](#)

8:30 AM

Call to Order

Pledge of Allegiance

Public Comment

Commission Comments

Business Meeting

1. Tax Roll Correction
2. Approve payroll/accounts payables (when completed)

Review Minutes

Review Tentative Agenda

Press Conference Topics

9:00 AM

Elizabeth Ward, Human Resources Director

3. Human Resources update

9:15 AM

Michael Boller, Noxious Weed Director

4. Staff update

9:30 AM

Anna Burson, Appraiser

5. Staff update

9:45 AM

Bryant Parker, Counselor/Director of Administrative Services

6. Administrative Work Session

10:00 AM

Amanda Webb, Planning/Special Projects Director

7. Staff update

Adjournment

Attachment: 02-06-25 tentative agenda (15393 : Tentative Agenda)

In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.

Attachment: 02-06-25 tentative agenda (15393 : Tentative Agenda)



**Board of Riley County
Commissioners
Regular Meeting
TENTATIVE Agenda
February 10, 2025**

115 North 4th Street
Manhattan, KS 66502
www.rileycountyks.gov

Cindy Kabriel
785-565-6200

Commission Chambers

8:30 AM

[District 1 – John Ford, Member](#)

[District 2 – Greg McKinley, Chair](#)

[District 3 – Kathryn Focke, Vice Chair](#)

8:30 AM

Call to Order

Pledge of Allegiance

Public Comment

Commission Comments

Business Meeting

Review Minutes

Review Tentative Agenda

Press Conference Topics

9:00 AM

Rich Vargo, County Clerk

1. Year to date budget and expenditure reports

9:15 AM

Laurie Harrison, Emergency Management Coordinator

2. Contract for 2024 HMEP (Hazardous Materials Emergency Preparedness) Grant

9:30 AM

Press Conference

3. 2025 Valuation trends - Anna Burson (3 minutes)

9:40 AM

Amanda Webb, Planning/Special Projects Director

4. STR Regulations

10:10 AM

John Ellermann, Public Works Director/County Engineer

5. Project update

10:40 AM

Bryant Parker, Counselor/Director of Administrative Services

6. Administrative Work Session

11:00 AM

Katharine Hensler, Museum Director

Attachment: 02-10-25 tentative agenda (15393 : Tentative Agenda)

7. Staff update

12:00 PM County Officials Luncheon

Adjournment

Announcements

Riley County Planning Board/Board of Zoning Appeals meeting will be held tonight at 7:00 p.m. in the Commission Chambers, Courthouse Plaza East Building, 115 N. 4th Street.

In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.

Attachment: 02-10-25 tentative agenda (15393 : Tentative Agenda)



Planning & Development
Resolution

Amanda Webb
Planning/Special Projects Director
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-537-6332

RESOLUTION

FROM: Amanda Webb, Planning Director

MEETING: February 3, 2025

SUBJECT: Charter resolution to end school inspections

PRESENTER: Amanda Webb, Planning Director

BACKGROUND

Riley County has been performing school inspections annually each summer. House Bill 2754 was passed in 2024, amending KSA 19-101a and KSA 2023, providing counties the ability to opt out of doing school inspections.

At their December 19, 2024 meeting, the BOCC directed staff to begin the formal process to opt out of performing school inspections.

DISCUSSION

In order to formally end annual school inspections, the following process must be completed, as further detailed in KSA 19-101b:

1. Create a charter resolution that invokes the opt-out authority under Home Rule.
2. Have the County Commission vote to approve it unanimously.
3. The charter resolution shall be published once per week for two consecutive weeks in the official county newspaper.
4. The charter resolution takes effect 60 days after final publication, provided there is no valid protest petition filed.

Attached is the charter resolution invoking the opt-out authority under home rule. In order for the process to proceed, the BOCC would need to unanimously pass this resolution.

FISCAL IMPACT

Updated: 1/29/2025 7:44 AM by Amanda Webb

Page 1

It would save time and resources to no longer perform these inspections. Kansas does not provide the counties any funding for this nor are fees assessed.

RECOMMENDATION(S)

Staff recommends the BOCC unanimously approve the attached charter resolution.

POSSIBLE MOTION(S)

Move to approve Charter Resolution #11, exempting Riley County from KSA 65-202(c).

Enclosures:

- Charter Resolution Exempting 65-202(c) (DOC)

CHARTER RESOLUTION NO. 11

A CHARTER RESOLUTION EXEMPTING RILEY COUNTY, KANSAS, FROM K.S.A. 65-202(c)

WHEREAS, K.S.A. 2010 Supp. 19-101a(b) authorizes the Board of Commissioners of Riley County, Kansas (hereinafter "Board") to exempt itself from state legislation which is applicable to Riley County but which is not uniformly applicable to all counties, provided the Board enacts a charter resolution pursuant to K.S.A. 19-101b; and

WHEREAS, K.S.A. 19-101b authorizes the Board to exempt itself from such non-uniform state legislation provided such legislation is not concerned with those limitations, restrictions or prohibitions set forth in subsection (a) of K.S.A. 19-101a, and amendments thereto; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Riley County, Kansas:

1. The Board finds, pursuant to K.S.A. 19-101a(b), K.S.A. 65-202(c) is state legislation which is applicable to Riley County, Kansas but is not uniformly applicable to all counties.
2. The Board finds, pursuant to K.S.A. 19-101b, K.S.A. 65-202(c) is non-uniform state legislation which is not concerned with those limitations, restrictions or prohibitions set forth in subsection (a) of K.S.A. 19-101a, and amendments thereto.
3. This resolution shall become effective 61 days after its second publication in the official county newspaper unless a petition be submitted to a vote of electors, signed by a number of electors of Riley County equal to not less than 2% of the number of electors who voted at the last preceding November general election or 100 electors, whichever is the greater, shall be filed in the office of the Riley County Clerk, demanding that such resolution be

submitted to a vote of the electors.

4. Any resolution in conflict herewith is hereby repealed.

ADOPTED this _____ day of February 2025.

BOARD OF COUNTY
COMMISSIONERS OF RILEY COUNTY,
KANSAS

Greg McKinley, Chair

Kathryn Focke, Vice Chair

John Ford, Member

ATTEST:

Seal

Rich Vargo, County Clerk

Attachment: Charter Resolution Exempting 65-202(c) (15378 : Charter resolution to cease school inspections)



**COUNTY APPRAISER'S
OFFICE**
Personnel

Anna Burson
County Appraiser
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-537-6310

COMMISSION AGENDA REPORT

FROM: Appraiser's Office

MEETING: February 3, 2025

SUBJECT: Request to Appoint Assistant County Appraiser

PRESENTER: Anna Burson

BACKGROUND

Effective March 14, 2025, we will have a vacancy in the Assistant County Appraiser position-a role that has been consistently held since 2006. Given the evolving needs of the Appraiser's Office, this is an opportune time to not only fill this vacancy but also to update the position's scope to reflect the modern challenges and requirements of our department.

The updated role now allows for candidates to be appointed who specialize in one of two primary focuses in mass appraisal, residential or commercial. After thorough review and consideration, I am pleased to recommend **Steve Schurle** for this vital position.

DISCUSSION

Steve joined the Riley County Appraiser's Office in 2016 as the Commercial Real Estate Analyst. Since then, his role has expanded to include supervision of the Commercial Appraisal division. His proven track record, leadership capabilities, and commitment to excellence make him exceptionally suited for this role. Below are the key reasons for this recommendation:

1. Expertise and Knowledge

Steve has demonstrated exceptional knowledge in Commercial Real Estate, PVD regulations, and staff management. His dedication to staying informed on best practices, emerging trends, and regulatory updates has been instrumental in maintaining the integrity and efficiency of our operations.

2. Leadership and Initiative

Steve has shown outstanding leadership skills, both in his current role and beyond. Notably, he has managed the Commercial Appraisal staff and been appointed as the Legislative Chair for KCAA in 2025. His proactive involvement in department restructuring, process improvements, and team development highlights his readiness for this leadership position.

3. Impact and Results

Through Steve's efforts, our department has experienced improved morale, engagement, and employee trust. His ability to balance fostering relationships with achieving results has significantly enhanced the work culture and productivity of the Appraiser's Office.

4. Collaboration and Teamwork

Steve has an exceptional ability to build collaborative relationships with staff, taxpayers, and external stakeholders. His approachability, consensus-building skills, and dedication to teamwork have been crucial to the success of our initiatives.

5. Commitment to Professional Development

Steve continuously seeks growth opportunities by attending professional development sessions, obtaining relevant certifications, and staying active in industry conferences. His commitment to personal and professional growth has directly benefited our team and positioned him as a role model for others.

Steve has proven himself to be an exemplary employee and a strong asset to the Riley County Appraiser's Office. His leadership, expertise, and vision for the future make him the ideal candidate for the role of Assistant County Appraiser.

FISCAL IMPACT

[Include exact cost if known or projected cost, fund to be paid from, if it was budgeted for or if funding has been approved for project. Also include ongoing cost associated with project.]

RECOMMENDATION(S)

I recommend the Board of County Commissioners approved the promotion of Steve Schurle into the Role of Assistant County Appraiser, Effective March 10th, 2025.

POSSIBLE MOTION(S)

Move to approve the promotion of Steve Schurle into the role of Assistant County Appraiser, effective March 10th, 2025.

Move to deny the promotion of Steve Schurle in the role of Assistant County Appraiser, effective March 10th, 2025.

Move to modify

Move to table

No action required.

The Board agreed by consensus to

Enclosures:

- Assistant County Appraiser position description FINAL 2025 (002) (DOCX)
- 2025-01 Appraiser SSchurle EAF (DOCX)

RILEY COUNTY, KANSAS JOB DESCRIPTION

Job Title:	ASSISTANT COUNTY APPRAISER	
Department:	Appraiser	Division:
Reports To:	County Appraiser	
Pay Range:	BB	Status: Full Time
FLSA Status:	Exempt	

Position Summary: The Assistant County Appraiser supports the County Appraiser in establishing and maintaining market values for real estate and personal property, in compliance with Kansas statutes and Department of Revenue property valuation guidelines, assists in supervising appraisal office staff, managing appraisal processes, conducting public relations efforts, and ensuring adherence to mass appraisal standards and practices. The Assistant County Appraiser also assumes leadership responsibilities in the absence of the County Appraiser.

ESSENTIAL FUNCTIONS:

- Assist in listing, classification, and appraisal of real estate and tangible personal property.
- Perform and support analytical work, including developing and maintaining cost indices, depreciation tables, and market models.
- Prepare required reports and maintain data integrity within the appraisal software.
- Participate in and oversee appraisal hearings, including Informal, Payment Under Protest, Small Claims Division, Board of Tax Appeals (BOTA), and higher court proceedings.
- Maintain and organize property records and data while ensuring compliance with statutory and administrative requirements.
- Assist with public relations efforts, answering inquiries and providing information to taxpayers and stakeholders regarding property valuation processes.
- Supervise Appraiser's Office staff.
- Directly manage the commercial or residential division of the Appraiser's Office.
- Oversee compliance with County personnel policies and procedures, mass appraisal standards (IAAO and USPAP), and Kansas Department of Revenue guidelines.

SECONDARY FUNCTIONS:

- Support office goals by contributing to policy development and departmental improvements.
- Assist in management of the office budget, ensuring efficient allocation of resources
- Other duties as assigned.

POSITION REQUIREMENTS:

Education:

- Bachelor's degree is required, in a related field (e.g., business, public administration, or real estate).

Licenses/Certifications:

- Current Registered Mass Appraiser (RMA) certification from the State of Kansas required.
- Certification as a Certified Assessment Evaluator (CAE) or Residential Evaluation Specialist (RES) from IAAO preferred.
- General Certification from the Kansas Real Estate Appraisal Board or equivalent certification in another state is acceptable if RMA requirements are met with 2 years of employment.

Experience:

- 4 years' experience in mass appraisal with 2 years specializing in commercial or residential mass appraisal required.
- Minimum of 2 years' supervisory experience.
- Minimum of 2 years' experience working with the State of Kansas CAMA System.
- Knowledge of property appraisal principles, real estate markets, and Kansas property tax law.
- Experience in public relations and conflict resolution.

Skills:

- Strong verbal and written communication skills.
- Ability to analyze complex data and apply statistical methods.
- Proficiency in public relations techniques and problem-solving under pressure.
- Familiarity with appraisal software and general office technology.

Appropriate combination of experience and education considered in lieu of these requirements.

Supervisory Control: County Appraiser and Property Valuation Division, Kansas Department of Revenue. Work is reviewed for compliance with Kansas statutes and PVD-KDOR guidelines.

Supervisory Responsibilities: Staff of the County Appraiser's Office including, but not limited to: hiring, performance, and discipline when needed.

Guidelines: Kansas Statutes, Appraisal Property guides, USPAP Standards for mass appraisal, and related materials. Must decide which application is to be used consistently to conform to present appraisal laws. Many situations require discretionary judgment on specific matters on a case-by-case basis. The appraiser may deviate from the guidelines with proper justification.

Complexity: Involves a variety of disciplines, i.e., business management, accounting, taxation, business statistics, communication, individuals & groups, and human relations. Decisions must be made as to procedures and methods to accomplish appraisal tasks in any given situation.

Scope & Effect of Work: Proper administration has a direct effect upon equitable taxation, county economics and funding, city and school district funding. Defense of county values in BOTAs hearings is crucial to the fairness, equity, and integrity of the county property valuation process.

Personal Contacts: Considerable contact with local officials, state officials, Property Valuation Division officials, Board of Tax Appeals (BOTA), County's attorneys, and the public.

Purpose of Contacts: Purpose of contacts includes information exchange, giving instructions and procedures, making arrangements, and especially problem solving. During contacts with property owners, the encounters are unreceptive, skeptical, or hostile. Must use experience and be temperamentally suited to handle these situations to carry out the assignment and maintain effective relations with the taxpayers. Must also be able to act as an expert witness in BOTA hearings and be able to withstand the rigors of a courtroom trial in BOTA hearings.

Physical Demands: The physical demands represent those required to successfully perform the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

The employee is occasionally required to stand; walk; sit; use hands to finger, handle, or feel; reach; climb or balance; stoop, kneel, crouch, or crawl; talk or hear. The employee must regularly lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.

Work Environment: The work environment characteristics described represent those encountered while performing the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

The employee is exposed to noise level in the work environment that is usually moderate. Most work is performed in office, with occasional fieldwork for property reviews.

The duties listed above are intended as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if work is similar, related or a logical to the position.

The job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

RILEY COUNTY EMPLOYEE ACTION FORM

Company Code: 166733

Full Legal Name: Steven Schurle**Status Change Date:** 03/17/2025**Status Change:** Promotion**Date of Hire:** 05/16/2016**Seniority:** 8 Year(s), 8 Month(s)**Position:** Assistant County Appraiser**Position Type:** Regular Full Time**Pay Range:** Range CC**Pay Type:** Salary**Base Rate:** \$4,372.30**Annualized Pay:** \$113,679.94**Funds Codes:** 1-General/22-Appraiser**Supervisor:** Anna Burson**Department Head:** Anna Burson

BoCC Chair _____

Date: _____

BoCC Member _____

Date: _____

BoCC Member _____

Date: _____

Attachment: 2025-01 Appraiser SSchurle EAF (15379 : Request to Appoint Assistant County Appraiser)



**EMERGENCY
MANAGEMENT/FIRE**
Staff Update

Russel Stukey
Emergency Management Director
115 North 4th Street
Manhattan, KS 66502
Phone: 785-537-6333

STAFF REPORT

FROM: Russel Stukey Emergency Services Director

MEETING: February 3, 2025

SUBJECT: January Staff Update

PRESENTER: Russel Stukey Emergency Services Director

Enclosures:

- 1, 2025 January staff time (1) (DOCX)



Monthly staff time report to BOCC, for the month of **January 2025**

911- Russel

- Constantly working on radio system management, analyzing opportunities to lower the annual operating costs of the 911 system.
- Cybersecurity upgrade to radio system nearly complete
-

Emergency Management-Russel

- Attended and chaired department head meetings
- Attended several commission meetings
- Working with IT and dispatch staff on the MCP CIP upgrade project
- Hosted two speakers for Intergovernmental luncheon JD Mersman KDEM promoting the 402 class and Luke Berning KS Forest Service for CWPP / CWDG
- Monitored and advised about severe winter weather affecting the area
- Organized Homeland Security radio cache
- Helped MHK identify disposal sites for snow removal process
- Presented to BOCC
- Participated in ESD meeting
- Participated in Employee Training Committee meetings
- Chaired NE KS Homeland Security Council meeting
- Participated in 911 addressing committee meeting
- Review planner position applications and completed interviews
- Made a conditional offer to candidate for open planner position
-

Assistant Director Laurie Harrison activity EM/911

Interim PHEP Coordinator, Wildcat Region PHEP Coordinator and MRC Unit Leader:

Kansas Emergency Management Association (KEMA):

Serve as Treasurer

Attend Board Meeting

Public Notification, Everbridge, Integrated Public Alert and Warning System (IPAWS):

Conduct monthly siren test, Everbridge test, IPAWS test

Update contacts

Serve as NE regional account administrator

Comprehensive Resource Management and Credentialing System (CRMCS):

Update resource list

Serve as account administrator

Northeast Regional Homeland Security Council (NERHSC):

Serve as project manager for Everbridge

Serve as project manager for CRMCS

Serve as KEMA representative

Attachment: 1, 2025 January staff time (1) (15380 : January Staff Time)

**Riley County Emergency Management****Riley County Fire District #1**

115 N. 4th Street
Manhattan, Kansas 66501
Phone: 785-537-6331
Fax: 785-537-6331
www.rileycountyks.gov

Emergency Management fund:

Oversee invoice payment process

911 fund:

Pay invoices

Track expenses and income

Provide 911 budget overview for 911 working group

Exercises:**Volunteer Management:**

CERT training on donations management

Training:

Provide emergency preparedness presentation to KSU Vet Med Students

Misc:

Submit Emergency Management Performance Grant (EMPG) reimbursement documents

Submit 911 annual expense/income report

Provide accountability for city of MHK employee training day

Attend LEPC meeting

Conduct interviews for Emergency Management Planner position

Attend Mental Health town hall meeting

Public Health Emergency Preparedness (PHEP):

Submit PHEP quarter report

Wildcat Region PHEP:

Submit Wildcat PHEP quarter report

Attend regional PHEP coordinator meeting

Wildcat Region Medical Reserve Corps (MRC):

Attend unit leader meeting

EM Planner

Vacant- we have received numerous applications and made a conditional offer

Fire-Russel

- Continue to accept and process applications for volunteer firefighters
- Covered emergency calls
- Responded to numerous accidents caused by the severe winter weather
- Prepared Fire Advisory Board packet
- Took delivery of new to us fire trucks
- Hosted quarterly fire advisory board meeting
- Assisted MFD with loose cow running around campus and country club area
- Participated in north and south county training
- Met with Barry Wilkerson to discuss illegal burn case he is prosecuting



- Hosted annual Fire fighters appreciation banquet at Randolph High School had one of our largest crowds since I have been here, almost 130 attended
-

Items awaiting legal review:

- a. First responder agreement with the City of Randolph, Mercy Hospital Ambulance service (now Riley County EMS) and RCFD #1

Admin. Asst. M. Horstmeier

Continued to process firefighter applications by reviewing, setting up interviews, sending pre-hiring courses, and providing gear.

Continued to record and code all invoices to complete the AP process, as well as Purchase Card submittals.

Continued to maintain the Burn Permits by issuing permits to applicants, updating information, recording burns on the Burn Map, and submitting burning records to the Kansas Forest Service for their records. Continued to update Riley County Dispatch with the most up-to-date burn permits for their records.

Assisted in completing incident reports as needed, including contacting volunteers to help complete their portions of the reports.

Process records requests and provide necessary information to the requesters.

Assisted with gathering necessary information and documentation for the January Advisory Board meeting.

Assisted in organizing the annual RCFD Awards Banquet. We had an excellent turnout in Randolph with Commissioner McKinley, Chief Deputy Rich Watson with State Fire Marshal's Office, HR Director Elizabeth Ward, and our Volunteers and their families.

Created and distributed the January 2025 issue of the *Extinguisher Newsletter*.

Attended a meeting to finalize details on the *Community Wildfire Defense Grant* applications, and began work on finishing the application for submittal.

Attended the January REACH meeting.

Attended KDEM L146 HSEEP training in Topeka.

Attended the January Intergovernmental Luncheon to assist Kansas Forest Service's Luke Berning present the Riley County *Community Wildfire Protection Plan* and the *Community Wildfire Defense Grant* to members of the meeting.

Attended the *Salamander Live Account Settings* webinar.

Attended a meeting of the *Onboarding Group* for Riley County.

Attended the *Alert and Warnings Communications Community of Practice* webinar.

Attended Lexipol's *Duty to Intervene* webinar.

See below for Firefighter statistics for January.



January FF Stats	Total Number
New Applications	5
Rejected/Withdrawn Candidates	3
Hired Candidates	1
Probationary Firefighters	11
Trained Firefighters	111
Total Active Members	127
Terminations	0
Resignations	1
Retirements	0

Deputy Chief Doug Russell

- Responding to multiple incidents.
- Dealing with personnel issues.
- Working through new applications for FFs.
- Station 110
 - o Met with Public Works and consultant on water and sewer.
 - o Working with Evergy on power
 - o Building should arrive any day.
- Working with Admin Assistant to outfit new FFs.
- Station maintenance items.
- Working with DC of Admin on First Due software implementation items.
- Multiple truck repairs.
- HB112 bed is mounted scheduled for decals and radios.
- P103 is in Ogden station, radio is installed just awaiting decals.
- P114 is going in for lighting upgrades and will be in service soon.
- P112 arrived from Canada.
- Former HB115 was returned back to Forest Service in the same condition we received it. It went straight into service in Wilson Ks to replace a rolled truck.



Riley County Emergency Management

Riley County Fire District #1

115 N. 4th Street
Manhattan, Kansas 66501

Phone: 785-537-6331

Fax: 785-537-6331

www.rileycountyks.gov

Deputy Chief Jake Konrardy

- County Trainings
- Respond to Calls
- Deal with personnel issues
- Review New Hire Applications
- Assist DCO with truck repairs
- Submit NFIRS report to The Office of The State Fire Marshal
- Work on New Software conversion from Emergency Reporting to First Due
- Multiple Zoom meetings with First Due on software implementation
- Snow Removal at all Stations Monday and Tuesday after record snow storm
- Attend 911 Working Group Meeting
- Attend Quarterly RCFD Advisory Board meeting
- Attend FRA Meeting
- Attend FFA Meeting
- Development Review with Bob Issac
- Meet with KFS on CWDG Grant
- Blue Sage Barn Annual Inspection

Submitted by:
Russel Stuke
EM Director/ Fire Chief
Riley County

Attachment: 1, 2025 January staff time (1) (15380 : January Staff Time)



**EMERGENCY
MANAGEMENT/FIRE**
Letter of Support

Russel Stukey
Emergency Management Director
115 North 4th Street
Manhattan, KS 66502
Phone: 785-537-6333

COMMISSION AGENDA REPORT

FROM: Russel Stukey Emergency Services Director/Fire Chief

MEETING: February 3, 2025

SUBJECT: Letter of Support for CWDG

PRESENTER: Russel Stukey Emergency Services Director/Fire Chief

BACKGROUND

Riley County has completed and approved the Community Wildfire Protection Plan (CWPP). The next step is to apply for a CWDG.

DISCUSSION

The purpose of the grant is to complete mitigation projects to lessen the affect of out of control wildfires in Riley County.

FISCAL IMPACT

The fiscal impact will include staff time and in kind match of county equipment and volunteer labor. There is a possibility of matching funds that could be required but that amount, if any, won't be known until we proceed further into the process. If it is determined that matching funds are required Riley County would have the ability to withdraw from the application process if that is what the BOCC determined was best for Riley County.

RECOMMENDATION(S)

Staff recommends the BOCC approve a letter of support for the CWDG application.

POSSIBLE MOTION(S)

Move to approve a letter of support for the Community Wildfire Defense Grant application.

Move to deny

Move to modify

Move to table

No action required.

The Board agreed by consensus to

Enclosures:



**COUNTY
COUNSELOR/ADMINISTRATIVE SERVICES**
Fence View Hearing

Bryant Parker
Counselor/Director of Administrative Services
115 North 4th Street
Manhattan, KS 66502
Phone: 785-565-6844

COMMISSION AGENDA REPORT

FROM: Jacob Hansen, Deputy County Counselor

MEETING: February 3, 2025

SUBJECT: Hearing on Fence View Application of Vandahl

PRESENTER: Jacob Hansen, Deputy County Counselor

BACKGROUND

On October 4, 2024, this Board, acting pursuant to statute, conducted a “view” of a partition fence (approximately .5 miles in length) identified in the application of Shirley Vandahl (“Vandahl”). See Attachment “A.” That partition fence separates their parcel of land from a parcel owned by John Chaffee (“Chaffee”).

DISCUSSION

Both the Vandahl’s and Chaffee’s were advised on January 2, 2025 that this Board would hold a public hearing to allow the parties to make their respective arguments. That is the purpose of today’s hearing.

I have advised each party they will have 15 minutes each to make any argument for their position. Since the Vandahl’s have the burden of persuading this Board, they will go first and will have the option of reserving any portion of their allotted 15 minutes to use following Chaffee’s argument.

The primary purpose of any fence view, as this Board has become familiar with, is to allow the “viewers” to assign maintenance responsibility for any partition fence established between two or more adjoining landowners. The following issue is ripe for decision by this Board, and following arguments made by the parties today and any questions from the Board:

1. How should maintenance responsibility for the partition fence currently in place be divided for the future between the Vandahl and Chaffee properties?

Your primary duty as “viewers” when deciding this matter is to carry out the legislatures intent as expressed in the plain English of the relevant statutes. K.S.A. 29-101 *et. seq.* If you believe the legislature’s intent is not clear from the plain English of those statutes, then you are entitled to try and “interpret” what the legislature intended in a relevant statute by recourse to other authorities such as Attorney General Opinions and Kansas case law. A packet of some of those resources are attached as “References”

FISCAL IMPACT

Fiscal impact to the County is negligible, involving Commission and staff time.

RECOMMENDATION(S)

After hearing from the parties please advise what a majority of the "viewers" decide regarding the above issues.

When you have done so, I will prepare a written decision and file it with the Register of Deeds, as required by the fence view statutes.

POSSIBLE MOTION(S)

“I move the decision of the Board be as follows regarding the fence view conducted October 4, 2025, concerning division of maintenance responsibility as identified in the application of the Vandahl’s. . .”

Enclosures:

- Attachment A (PDF)
- References (PDF)

APPLICATION FOR FENCE VIEWING

INSTRUCTIONS: Provide all information requested. Application must be signed by all Owners of Record. If there is not sufficient space to provide the requested information, attached additional pages as necessary. Mail or deliver application to:

**BOARD OF COMMISSIONERS OF RILEY COUNTY, KANSAS
COURTHOUSE PLAZA EAST
115 NORTH 4TH STREET – 1ST FLOOR
MANHATTAN KS 66502**

NAMES OF APPLICANT LANDOWNER(S): Shirley Jo Vandahl

ADDRESS OF APPLICANT(S): 317 Fordham Rd Manhattan,
KS 66503

CELL PHONE NUMBER(S): 785-532-8240 (Shirley) 785-532-9815 (Vernon)

EMAIL ADDRESS: vandahl317@hotmail.com

NAME(S) OF ADJACENT LANDOWNER(S): John Chaffee

ADDRESS OF ADJACENT LANDOWNER(S): _____

LEGAL DESCRIPTION OF TRACT OF PROPERTY OWNED BY APPLICANT THAT CONTAINS THE PROPERTY LINE IN DISPUTE: _____

13-8-4
E2 SW4
SE4 NW4

LEGAL DESCRIPTION OF TRACT OF PROPERTY OWNED BY NEIGHBOR THAT CONTAINS THE PROPERTY LINE IN DISPUTE: _____

13-8-4
E2 SE4

DESCRIBE THE NATURE OF THE CONTROVERSY: John Chaffee has not
maintained his half of the fence for a very long
time

STATE YOUR CLAIM: _____

STATE YOUR NEIGHBOR'S CLAIM: _____

ATTACH A SKETCH OR DIAGRAM SHOWING:

- (1) YOUR PROPERTY
- (2) YOUR NEIGHBOR'S PROPERTY
- (3) THE LOCATION OF THE DISPUTED FENCE LINE
- (4) THE LOCATION OF OBSTACLES WHICH MAY AFFECT
THE ASSIGNMENT OF EQUAL SHARES

I (WE) APPLY TO THE BOARD OF COMMISSIONERS OF RILEY COUNTY IN THEIR CAPACITY AS FENCE VIEWERS TO VIEW THE PARTITION FENCE LINE DESCRIBED ABOVE PURSUANT TO K.S.A. 29-304, AND TO ASSIGN TO EACH PARTY THEIR EQUAL SHARE OF THE PARTITION FENCE WHICH WILL BE THAT PARTY'S RESPONSIBILITY TO KEEP UP AND MAINTAIN IN GOOD REPAIR.

Dated: 9-30-24

APPLICANT(S):

Shirley J. Vandahl
Printed Name

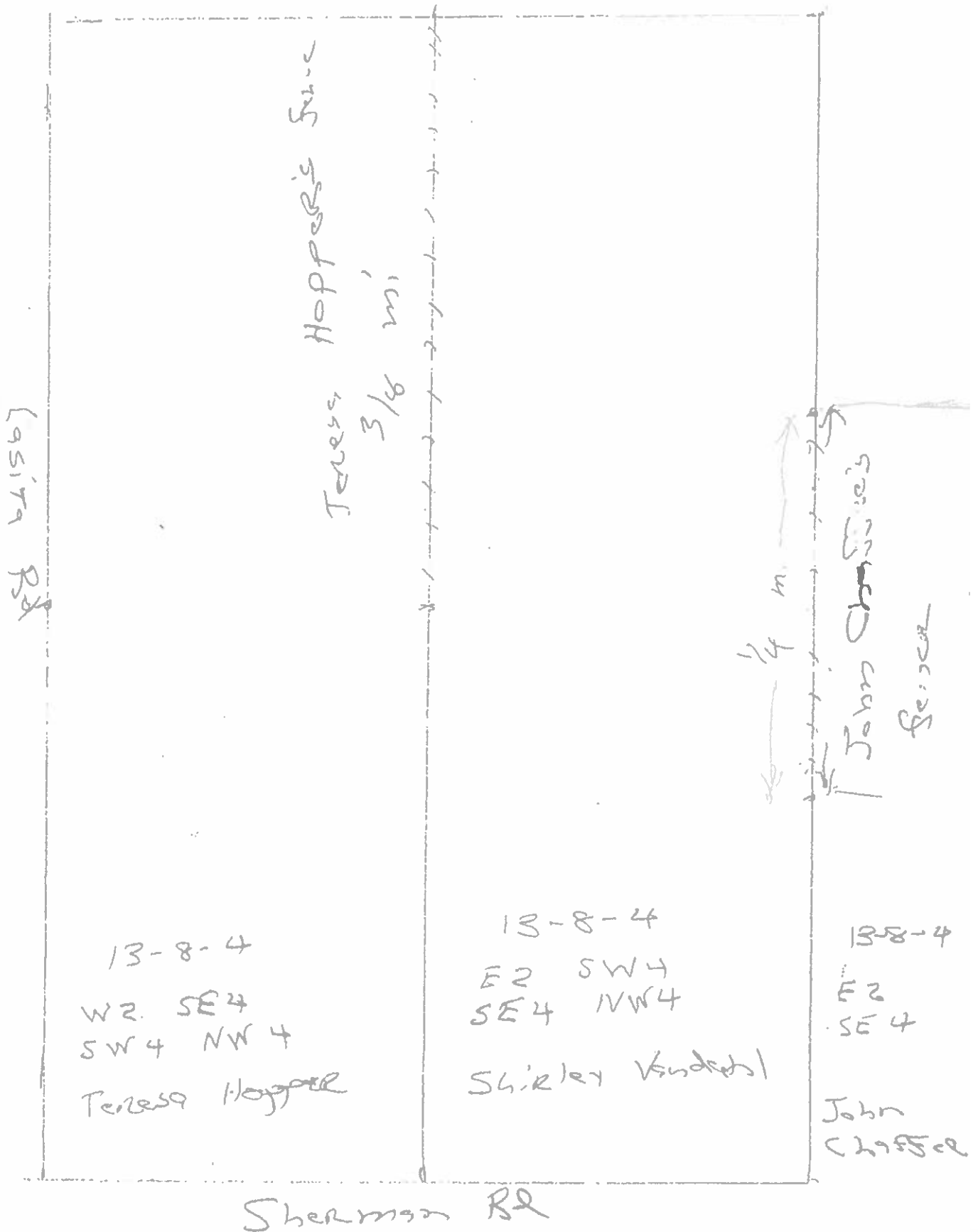
Shirley J. Vandahl
Signature

Printed Name

Signature

Printed Name

Signature



2017 Kansas Statutes

29-201. County commissioners as fence viewers; designees. The board of county commissioners, in each county in this state, or their designees, shall be fence viewers in each township of such county. Any action taken by the board pursuant to 29-201 et seq., and amendments thereto, shall require a majority vote of the board of county commissioners. If the board appoints designees to act as fence viewers, any recommendation of such designees shall not be effective unless approved by a majority of the board of county commissioners.

History: G.S. 1868, ch. 40, § 5; R.S. 1923, 29-201; L. 1949, ch. 270, § 1; L. 2005, ch. 78, § 1; July 1.

2017 Kansas Statutes

29-309. What occupants not required to contribute towards partition fence. No person not wishing his land enclosed, and not occupying or using it otherwise than in common, shall be compelled to contribute to erect or maintain any fence dividing between his land and that of an adjacent owner; but when he encloses or uses his land otherwise than in common, he shall contribute to the partition fence as in this act is provided.

History: G.S. 1868, ch. 40, § 16; Oct. 31; R.S. 1923, 29-309.

2017 Kansas Statutes

29-307. Party building more than his share. When in any controversy between owners of adjoining lands as to their respective rights in any partition fence, it shall appear to the fence viewers that either of the owners had, before any complaint made to them, voluntarily erected the whole fence, or more than his just share of the same, or otherwise become proprietor thereof, the other occupant shall pay for so much as may be assigned to him to repair or maintain, the value of which shall be ascertained and recovered in the manner hereinbefore provided.

History: G.S. 1868, ch. 40, § 14; Oct. 31; R.S. 1923, 29-307.

2017 Kansas Statutes

29-301. Maintenance. The owners of adjoining lands shall keep up and maintain in good repair all partition fences between them in equal shares, so long as both parties continue to occupy or improve such lands, unless otherwise agreed.

History: G.S. 1868, ch. 40, § 8; Oct. 31; R.S. 1923, 29-301.

2017 Kansas Statutes

29-308. Partition fences to be kept in good repair. All partition fences shall be kept in good repair throughout the year, unless the owners of the land on both sides otherwise agree.

History: G.S. 1868, ch. 40, § 15; Oct. 31; R.S. 1923, 29-308.

2017 Kansas Statutes

29-302. Neglect to repair or rebuild. If any party neglect to repair or rebuild a partition fence, or the portion thereof which he ought to maintain, the aggrieved party may complain to the fence viewers, who, after due notice to each party, shall examine the same, and if they determine that the fence is insufficient, shall signify it, in writing, to the delinquent occupant of the land, and direct him to repair or rebuild the same within such time as they may judge reasonable.

History: G.S. 1868, ch. 40, § 9; Oct. 31; R.S. 1923, 29-302.

2017 Kansas Statutes

29-303. Complainant may repair or rebuild, when; recovery; attorney's fee. If such fence be not repaired or rebuilt accordingly, the complainant may repair or rebuild it, and the same being adjudged sufficient by the fence viewers, and the value thereof, with their fees, being ascertained by them and certified under their hands, the complainant may demand of the owner of the land where the fence was deficient, the sum so ascertained; and in case of neglect to pay the same for one month after written demand, may recover it, with interest at the rate of one percent per month, by action in any court of competent jurisdiction. In any such action the court shall allow the prevailing party a reasonable sum for attorney's fee.

History: G.S. 1868, ch. 40, § 10; R.S. 1923, 29-303; L. 1949, ch. 270, § 3; July 1.

2017 Kansas Statutes

29-304. Controversies; settlement by fence viewers. When any controversy shall arise about the rights of the respective owners in partition fences, or their obligations to keep up and maintain the same in good repair, and if they cannot agree among themselves, either party may apply to the fence viewers of the township in which such fence may be situated, who, after a reasonable notice to the other party, shall proceed, on application as aforesaid, to view such fence, and assign to each party, in writing, his equal share or part of such partition fence, to be by him kept up and maintained in good repair; which assignment shall be recorded by the register of deeds of the county in a book to be provided for that purpose, and shall be final, conclusive and binding upon the parties, and upon all the succeeding occupants of the lands, and they shall be obliged thereafter to maintain their respective portions of said fence.

History: G.S. 1868, ch. 40, § 11; Oct. 31; R.S. 1923, 29-304.

2017 Kansas Statutes

29-305. Failure to erect or maintain assigned part; recovery of cost and attorney's fee. If a party neglect or refuse to erect or maintain the part of the fence assigned him by the fence viewers, it may be erected and maintained by the aggrieved party in the manner before provided, and he shall be entitled to recover the ascertained cost thereof, with interest at the rate of one percent per month and a reasonable attorney's fee to be fixed and allowed by the court, by action in any court of competent jurisdiction; and the amount recovered, with costs, shall be a lien against the land chargeable with the same.

History: G.S. 1868, ch. 40, § 12; L. 1901, ch. 218, § 1; R.S. 1923, 29-305; L. 1949, ch. 270, § 4; July 1.

2017 Kansas Statutes

29-103. Fences composed of posts and wires. In fences composed of posts and wires, the posts shall be of ordinary size for fencing purposes, and set in the ground at least two feet deep and not more than twelve feet apart, with holes through the posts or staples on the side not more than fifteen inches apart, to admit four separate strands of fence wire not smaller than No. 9, and shall be provided with rollers and levers, at suitable distances, to strain and hold the wire straight and firm.

History: G.S. 1868, ch. 40, § 3; Oct. 31; R.S. 1923, 29-103.

2017 Kansas Statutes

29-104. What deemed legal and sufficient fences. Fences of the material and of the height and sufficiency aforesaid, and all brooks, rivers, creeks, ditches and constructions which shall be equivalent thereto, in the judgment of the fence viewers within whose jurisdiction the same may be, shall be deemed legal and sufficient fences.

History: G.S. 1868, ch. 40, § 4; Oct. 31; R.S. 1923, 29-104.

2017 Kansas Statutes

29-105. Barbed-wire fence deemed legal fence; construction. (a) Except as otherwise provided in subsection (b), and in addition to fence declared by law to be a legal fence, the following shall be a legal fence: A barbed-wire fence, of not less than three wires, with the third wire from the ground not less than 44 inches nor more than 48 inches from the ground, and the bottom wire not more than 24 inches nor less than 18 inches from the ground, with the center wire equidistant, or nearly so, between upper and lower wires. All such wires shall be well stretched and barbed, barbs to average not more than nine inches apart and such barbed wire shall be composed of two wires not smaller than No. 13, or one wire not smaller than No. 9, or wires having not less than 950 pounds breaking strength. All such wires shall be securely fastened to posts, which shall not be more than two rods apart and not less than 20 inches in the ground, and set in a workmanlike manner or the posts may be not more than 48 feet apart, with slats placed perpendicularly, not more than 12 feet apart, between the posts and fastened to the wires by staples, or with holes in the slats. Suspension fences shall not be subject to the requirements of this section.

(b) The board of county commissioners of any county, by resolution, may establish for a barbed-wire fence constructed after the effective date of such resolution construction requirements which are more stringent than the requirements under subsection (a). In those cases where a barbed-wire fence is located on a county line, the least restrictive requirements for construction of such fence shall apply.

History: L. 1883, ch. 113, § 1; R.S. 1923, 29-105; L. 1986, ch. 195, § 4; July 1.

2017 Kansas Statutes

29-108. Declaration of policy relating to domestic animal trespass; liability for damages. It is hereby declared that the policy of this state with respect to domestic animal trespass shall be that all such animals shall be enclosed by a lawful fence. It is further declared that, unless otherwise specifically provided by law, strict or absolute liability for damages for injury to any person or property resulting from domestic animal trespass shall not arise, and, in all such cases, the principles of ordinary negligence shall apply.

History: L. 1986, ch. 195, § 1; July 1.

2017 Kansas Statutes

29-401. Liability for neglect to maintain or repair portion of partition fences. If any person liable to contribute to the erection of a partition fence shall neglect or refuse to make and maintain his proportion of such fence, or shall permit the same to be out of repair, he shall not be allowed to have and maintain any action for damages incurred, but shall be liable to pay to the party injured all such damages as shall accrue to his lands and the crops, fruit trees and shrubbery thereon, and fixtures connected with the said land, such damage to be assessed by the fence viewers, on application of the party injured, one day's notice in writing having been first given to the party liable, either by delivering to him personally or by copy left at his usual place of abode, that such application for assessment of damages had been made, and the time when the fence viewers would attend to make such assessment.

History: G.S. 1868, ch. 40, § 26; Oct. 31, R.S. 1923, 29-401.

Kan. Atty. Gen. Op. No. 02-42 (Kan.A.G.), 2002 WL 31045775

Office of the Attorney General

State of Kansas

Opinion No.

2002

42

September 12, 2002

Re: Fences--Partition Fences--Controversies; Settlement by Fence Viewers Fences--Miscellaneous Provisions--Removal of Fence Built Upon Land of Another by Mistake; Damages

Synopsis: A board of county commissioners acting as fence viewers does not have the authority to order that a fence be moved. Cited herein: K.S.A. 29-104; 29-201; 29-301; 29-302; 29-304; 29-401; 29-403; 29-406.

*1 Richard A. Boeckman
Barton County Counselor
1121 Washington, P.O. Drawer 1586
Great Bend, Kansas 67530

Dear Mr. Boeckman:

You have asked whether a board of county commissioners has the authority pursuant to fence viewing statutes to order a fence be moved. You state that a dispute has arisen between two adjoining landowners concerning a division fence. One of the landowners asserts that the fence built by the adjoining landowner is not on the division line between the property of the two landowners, and encroaches up to thirty feet onto his property. The landowner who built the fence asserts that there was an agreement between the parties to build the fence in its present location. There is not a dispute as to whether the fence is a properly constructed fence. One of the parties has asked the Board of County Commissioners of Barton County, acting as fence viewers, to order that the fence be moved to the boundary line dividing the properties as determined by a recent survey. You have enclosed for our consideration numerous letters exchanged by the attorneys for the adjoining landowners. It is your opinion that the Board of County Commissioners is not authorized to order a fence be moved even if it believes the fence is not on the proper boundary line.

Kansas fence laws designate the board of county commissioners of each county as the fence viewers for the county.¹ As fence viewers, the commissioners' jurisdiction is limited to those duties and functions set forth in the statutes.² Chapter 29, Article 3 of the Kansas Statutes Annotated addresses partition fences, and includes the following requirement:

"The owners of adjoining lands shall keep up and maintain in good repair all partition fences between them in equal shares, so long as both parties continue to occupy or improve such lands, unless otherwise agreed."³

A landowner may complain to the fence viewers to determine whether a partition fence "is insufficient."⁴ If the fence viewers determine that the fence "is insufficient," they shall direct the delinquent occupant of the land "to repair or rebuild the same within such time as they may judge reasonable."⁵ Fences that meet the statutory construction and composition requirements, or that are determined by the fence viewers to be constructed in a manner that is equivalent to those requirements, "shall be deemed legal and sufficient fences."⁶ The statutes do not include the placement or location of a fence in the requirements for a "sufficient" fence.

ATTACHMENT C

Attachment: References (15396 : Vandahl Fence View Hearing)

*2 Controversies over the “rights of respective owners in partition fences, or their obligation to keep up and maintain the same in good repair” can be settled by the fence viewers who shall view the fence “and assign to each party, in writing, his equal share or part of such partition fence, to be by him kept up and maintained in good repair....”⁷ Again, there is no mention of the location of the fence. The fence viewers’ authority is limited to making an assignment of each party’s share of the fence for maintenance purposes.

Fence viewers are further authorized to appraise and assess damages to the land caused by a landowner’s neglect to maintain or repair his portion of a partition fence.⁸ They may also assess damages resulting from trespassing animals.⁹ Finally, fence viewers may determine any damage to the soil caused by the removal of a fence “[w]hen a person has made a fence on an enclosure which afterwards, on making division lines, is found to be on lands of another, and the same has occurred through mistake....”¹⁰ This statute does not authorize the fence viewers to determine the correct placement of a fence, but rather limits them to determining any damages to the soil “when the parties cannot agree as to the damage.”¹¹

The fundamental rule of statutory construction is that the intent of the Legislature governs when that intent can be determined from the statutes in question. When statutes are plain and unambiguous, courts must give effect to the intent of the Legislature as expressed, rather than determining what the law should or should not be.¹²

Our review of the statutes relating to fences and fence viewers reveals no authority for county commissioners acting as fence viewers to determine whether the location of a division fence is on the correct property line. The fence viewers’ authority is limited to determining the sufficiency of a fence’s construction, to dividing the responsibility for building and maintaining division fences, and to assessing the costs and damages to the property when one party fails to pay its portion of the construction or maintenance costs, or fails to maintain its portion of the fence. Therefore, we concur with your opinion that a board of county commissioners acting as fence viewers does not have the authority to order that a fence be moved.

Very truly yours,

Carla J. Stovall
Attorney General of Kansas
Donna M. Voth
Assistant Attorney General

Footnotes

- 1 K.S.A. 29-201.
- 2 See Attorney General Opinion No. 85-54.
- 3 K.S.A. 29-301.
- 4 K.S.A. 29-302.
- 5 *Id.*
- 6 K.S.A. 29-104.
- 7 K.S.A. 29-304.
- 8 K.S.A. 29-401.
- 9 K.S.A. 29-403.
- 10 K.S.A. 29-406.
- 11 *Id.*
- 12 *State v. Roderick*, 259 Kan. 107, 110 (1996).

Kan. Atty. Gen. Op. No. 02-42 (Kan.A.G.), 2002 WL 31045775

Kan. Atty. Gen. Op. No. 01-54 (Kan.A.G.), 2001 WL 1660022

Office of the Attorney General

State of Kansas
Opinion No. 2001-54
December 18, 2001

Re: Livestock and Domestic Animals—Stock Running at Large—Unlawful for Certain Animals to Run at Large; Whether Criminal or Civil Statute

Synopsis: [K.S.A. 47-122](#) makes it unlawful for any domestic animal, other than dogs and cats, to run at large. While the word “unlawful” is used within this statute, based on legislative history and principles of criminal law, [K.S.A. 47-122](#) is a civil liability statute and not a criminal prohibition statute. Cited herein: [K.S.A. 21-3102](#); K.S.A. 2000 Supp. 21-3105; [K.S.A. 47-122](#); K.S.A. 2000 Supp. 47-123; L. 1929, Ch. 211, §§ 1, 2.

*1 Jan Satterfield
Butler County Attorney
214 W. Central
El Dorado, Kansas 67042

Dear Ms. Satterfield:

As Butler County Attorney you ask our opinion regarding whether [K.S.A. 47-122](#) is a criminal or a civil statute. That statute provides:

“It shall be unlawful for any domestic animal, other than dogs and cats, to run at large.”

While the word “unlawful” is used within this statute, based on legislative history and principles of criminal law, in our opinion [K.S.A. 47-122](#) is a civil liability statute.

Legislative History

The history and progression of Kansas **fence** and herd laws was presented in a law journal article from which we quote: “Kansas has had a long and varied history in the area of **fence** laws. The earliest statement of the law in Kansas regarding **fences** was the common law:

“At common law, owners and keepers of livestock were under the duty to restrain their animals from trespassing on real property. Persons were held strictly *liable* for the acts of their trespassing livestock.’

“Under the common law, if livestock got out and damaged another person’s property, the stock owner was *liable* for the *damages* regardless of his attempts to restrain the livestock or the condition of his **fences**. Strict *liability* was the rule. An owner had to keep his livestock off the land of another or suffer the consequences.

“In 1855, the first edition of the Statutes of Kansas Territory contained ‘an act regulating enclosures.’ This law made no reference to the common law, but merely stated that all fields and enclosures must be **fenced** and specified how a lawful **fence** had to be constructed. This law, referred to as the Kansas **Fence** Law, adopted what has been called a **fence-out** policy, because it required the landowner to construct a lawful **fence** around his property before he could collect *damages* from the owner of wayward livestock. Thus, the landowner had to **fence** out all other livestock. If the landowner did not have a legal **fence** around his land, he could not recover for *damages* caused by another’s livestock.

Attachment: References (15396 : Vandahl Fence View Hearing)

"The fence-out policy made sense in 1855; Kansas was an open range state and economics dictated that it would be far more practical and less expensive to fence in small fields of growing crops than to attempt to fence in large herds on the wide open prairie.

*2 "Under the old Kansas fence law, if livestock did trespass within a lawful enclosure, the stock owner was strictly liable for the damages caused by his livestock. The simple fact that the livestock had trespassed within a lawful enclosure was enough to impose liability on the cattleman. This portion of the Kansas fence law survives even today.

"Kansas wasn't to stay an open range state forever. In 1929 the Kansas Legislature passed a statute providing:

"That it should be unlawful for any neat cattle, horses, mules, asses, swine or sheep, to run at large."

"(Neat cattle does not refer to cattle that dress nicely, but rather to domesticated straight-backed animals of the bovine genus.)

"This law was passed in 1929 and its accompanying statutes were collectively referred to as the Kansas Herd Law. The legislature at that time further enacted sanctions against any owner allowing his animals to run at large. They stated that any livestock owner allowing his animals to run at large 'shall be liable to the person injured for all damages resulting therefrom, and the person so damaged shall have a lien on said livestock for the amount of such damages.'

"Thus, in 1929, the Kansas fence law battle swung in favor of the farmer and against the rancher. No longer could a stock owner allow his animals to roam at large with impunity. Until 1986 the common law, Fence Laws and the Herd Laws were all still active statutes that affected the area of fences and trespassing livestock. This created a situation in which it was difficult to predict with any degree of certainty when a livestock owner would be held responsible for damages caused by his livestock. However, the 1986 session of the Kansas Legislature rectified this problem of overlapping and inconsistent fence laws.

In Senate Bill #403, the legislature clearly established the Kansas Herd Laws as the law of the land. This means that domestic animals cannot run at large in the state and that they have to be enclosed by a lawful fence. The legislature also made clear that the livestock owner has to be negligent before he can be held responsible for the damages caused by his trespassing animals."¹

As this law journal article and numerous cases which reached the Kansas appellate courts² make clear, the Kansas herd law has always been considered a civil liability statute and not a criminal prohibition statute. Since 1929, when the first version of K.S.A. 47-122 was enacted,³ it has been accompanied by a damages provision:

"Any owner whose livestock shall run at large, in violation of K.S.A. 47-122, shall be liable to the person injured for all damages resulting therefrom, and the person so damaged shall have a lien on said livestock for the amount of such damages."⁴

Thus, based on the legislative history, in our opinion K.S.A. 47-122 is a civil liability statute.

Principles of Criminal Law

*3 The fundamental principles regarding whether an act is considered a crime under Kansas law are expressed in two provisions of the Kansas Criminal Code:

"No conduct constitutes a crime against the state of Kansas unless it is made criminal in this code or in another statute of this state...." ⁵

"A crime is an act or omission defined by law and for which, upon conviction, a sentence of death, imprisonment or fine, or both imprisonment and fine is authorized;..." ⁶

As seen, while K.S.A. 47-122 makes it "unlawful" for certain animals to run at large, neither a sentence of death, imprisonment or fine is authorized for violation of the defined conduct. Thus, under principles of criminal law, in our opinion K.S.A. 47-122 is not a criminal prohibition statute.

In conclusion, while the word "unlawful" is used within K.S.A. 47-122, based on legislative history and principles of criminal law, in our opinion this statute is a civil liability statute and not a criminal prohibition statute.

Very truly yours,

Carla J. Stovall
Attorney General of Kansas
Camille Nohe
Assistant Attorney General

Footnotes

- 1 56 K.J.B.A. No. 3, 15 (1987), Brownback, *Kansas Fence Laws and Trespassing Livestock* (emphasis added, citations omitted).
- 2 *Abbott v. Howard*, 169 Kan. 305 (1950); *Wilson v. Rule*, 169 Kan. 296 (1950); *Clark v. Carson*, 188 Kan. 261 (1961); *Cooper v. Eberly*, 211 Kan. 657 (1973); *Lindsay v. Cobb*, 6 Kan.App.2d 171 (1981); *Harmon v. Koch*, 24 Kan.App.2d 149 (1997).
- 3 L. 1929, Ch. 211, § 1.
- 4 K.S.A. 47-123 (initially L. 1929, Ch. 211, § 2).
- 5 K.S.A. 21-3102(1).
- 6 K.S.A. 2000 Supp. 21-3105.

Kan. Atty. Gen. Op. No. 01-54 (Kan.A.G.), 2001 WL 1660022

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.

XXI Kan. Op. Atty. Gen. 11 (Kan.A.G.), Kan. Atty. Gen. Op. No. 87-28, 1987 WL 290425

Office of the Attorney General

State of Kansas
 Opinion No. 87-28
 February 16, 1987

1 Re: Fences—Legal Enclosures—Enclosure of Domestic Animals*Fences—Partition Fences—Adjoining Landowners; Duty to Erect and Maintain Partition Fences**

Synopsis: **K.S.A. 29-301** requires adjacent landowners to share the **costs** of erecting and maintaining partition **fences**. Kansas' adoption of a 'fence-in' policy with respect to domestic animal trespass does not negate this duty, notwithstanding the use each landowner makes of his land. Cited herein: **K.S.A. 29-101**; 29-102; 29-108; 29-201; 29-301; 29-304; 29-305; 29-309; 47-104; 47-120; 47-121; K.S.A. Ensley 1981 47-101 to 47-103; 47-105; 47-106; 47-107 to 47-110; 47-112 to 47-119; 47-301; G.S. 1868, ch. 40, § 1.

The Honorable Joseph F. Norvell
 State Senator
 37th District
 State Capitol
 Room 452 E
 Topeka, Kansas 66612

Dear Senator Norvell:

You have requested our opinion as to whether Kansas' recent formal adoption of a 'fence-in' policy with respect to domestic animal trespass alters the duty of adjoining landowners to erect and maintain partition **fences**.

At common law, a possessor of domestic animals was held strictly liable for damages caused by his animal's trespass. Lindsay v. Cobb, 6 Kan. App. 2d 171, 172, rev. denied 229 Kan. 670 (1981). Therefore, the duty was on the owner or possessor of animals to keep his animals off the land of another. During the early years of statehood, Kansas lawmakers statutorily changed the common law rule to give effect to the primary use of the Kansas prairie—grazing livestock on open range. A 'fence-out' policy was adopted. Before a property owner could recover from an owner or possessor of livestock for damages caused by the animal's trespass, the property had to be enclosed by a legal **fence**. (G.S. 1868, ch. 40, § 1). Thus, landowners were required to **fence** livestock out of their property. Union Pac. Ry. Co. v. Rollins, 5 Kan. *167, *177 (1869).

As Kansas law evolved, 'here laws' were enacted which required specified animals to be restrained under certain circumstances. See K.S.A. Ensley 1981 47-101 to 47-103, inclusive (night herd laws); 47-105 (bull-boar law); 47-106 (stag law); 47-107 to 47-110, inclusive (stallion-jack law); 47-112 to 47-119, inclusive (swine law); 47-301 *et seq.* (county option herd law). These laws partially restored the principles of common law by limiting the privilege of allowing animals to run at large.

To end confusion as to the law of domestic animal trespass, the 1986 Legislature enacted Senate Bill No. 403 (L. 1986, ch. 195). See Report on Kansas Legislative Interim Studies to the 1986 Legislature, pp. 25-47. In enacting this legislation Kansas formally adopted a 'fence-in' policy by requiring '[a]ll domestic animals, other than cats and dogs, [to] be enclosed with a [legal] **fence** . . . ' **K.S.A. 29-101**. The legislative declaration of policy is stated in **K.S.A. 29-108**:

Attachment: References (15396 : Vandahl Fence View Hearing)

'It is hereby declared that the policy of this state with respect to domestic animal trespass shall be that all such animals shall be enclosed by a lawful **fence**. it is further declared that, unless otherwise specifically provided by law, strict or absolute liability for damages for injury to any person or property resulting from domestic animal trespass shall not arise, and, in all such cases, the principles of ordinary negligence shall apply.'

*2 In addition, the Legislature repealed the 'herd laws' except for those statutes which concern driving livestock along the roadways. K.S.A. 47-104; 47-120; 47-121. It is now clear that owners and possessors of animals have the duty to keep their animals enclosed.

The question has been raised as to the effect of the 1986 legislation concerning enclosure of animals on the partition **fence** law. Specifically, you ask whether a landowner who raises crops must share the **cost** of building and maintaining a partition **fence** when the adjoining land is used for livestock.

The laws concerning partition **fences**, K.S.A. 29-301 et seq., were not altered by the 1986 Legislature. The general duty of adjoining landowners is stated in K.S.A. 29-301:

'The owners of adjoining lands shall keep up and maintain in good repair all partition **fences** between them in equal shares, so long as both parties continue to occupy or improve such lands, unless otherwise agreed.'

K.S.A. 29-305 provides as follows:

'If a party neglect or refuse (sic) to erect or maintain the part of the **fence** assigned him by the **fence** viewers, it may be erected and maintained by the aggrieved party in the manner before provided, and he shall be entitled to recover the ascertained **cost** thereof, with interest at the rate of one percent per month and a reasonable attorney's fee to be fixed and allowed by the court, by action in any court of competent jurisdiction; and the amount recovered, with **costs**, shall be a lien against the land chargeable with the same.'

By statute, the members of the board of county commissioners of each county are designated as **fence** viewers. The board has the duty and authority to determine whether a **fence** is lawful and to settle controversies. K.S.A. 29-201; 29-304. See Attorney General Opinion No. 85-54. A lawful **fence** is one which meets the criteria set out in K.S.A. 29-102.

The court in Griffith v. Carrothers, 86 Kan. 93, 94 (1911), determined the intent of the partition **fence** law to be as follows: 'The theory of the law is that owners of adjoining lands, that are occupied or improved, are under mutual obligations to maintain partition **fences** in equal shares.'

The only exception to the legal requirement that adjoining landowners share the **cost** of a partition **fence** is found in K.S.A. 29-309:

'No person not wishing his land enclosed, and not occupying or using it otherwise than in common, shall be compelled to contribute to erect or maintain any **fence** dividing between his land and that of an adjacent owner; but when he encloses or uses his land otherwise than in common, he shall contribute to the partition **fence** as in this act is provided.'

Two conditions must be met before K.S.A. 29-309 is applicable. 'First, the occupant must not wish his or her land to be enclosed. Second, the occupant may not occupy or use the subject land otherwise than in common with the adjoining landowner.' Attorney General Opinion No. 83-43, pp. 2-3. In that opinion we noted that the term 'in common' was defined by the court in Hewitt v. Jewell, 12 N.W. 738, 739 (Iowa 1882), as follows:

*3 "Land is not held 'in common' when a party segregates it from the adjoining land by the erection of a **fence** or otherwise. A person uses his land otherwise than in common when he segregates it from the adjoining land, his occupation being such that he and his neighbor cannot or do not use their land together or in common. This may be done by the erection of a **fence**, but it may be done otherwise. One person may use his land for growing grain, and another for pasture." Attorney General Opinion No. 83-43, p. 2.

It is contended that, since animals must be **fenced** in, crop growers should not be required to share the expense of partition **fences**. The partition **fence** laws, however, were not altered by the legislature. It is a fundamental rule of statutory construction that effect must be given to all statutes when possible. See State v. Kitzman, 240 Kan. 191, 193 (1986); State v. Cole, 238 Kan. 370, 371 (1985).

The '**fence-in**' statutes, K.S.A. 29-101, et seq., concern the liability of an animal owner not only for the trespass of his livestock on his neighbor's property, but for an animal's trespass on any property. Adjoining landowners must share the **cost** of building and maintaining partition **fences** unless their land is held in common or the parties otherwise agree. K.S.A. 29-301. 'Partition **fences**' have been described as follows:

'Generally, a partition or division **fence** is a **fence** erected on the dividing or boundary line between the lands of adjacent owners . . . In reference to use, a partition **fence** is a common **fence**, that is to say, a **fence** which each of the adjoining landowners may make use of as part of his inclosure, and it is not erected solely to prevent animals from crossing division lines, but also to protect real property from being trespassed upon in any way or for any purpose and to mark the boundaries of the inclosed land and the possession of the person claiming title thereto.' 35 Am. Jur. 2d **Fences** § 6 (1967).

The purpose of a partition **fence** is not only to keep out animals, but to delineate the boundary between adjacent parcels of land. K.S.A. 29-101 and K.S.A. 29-301, then, are not in conflict and are not mutually exclusive. Therefore, the fact that the 1986 session of the legislature amended the statutes concerning liability of owners and possessors of animals does not negate the duty of adjoining landowners to build and maintain partition **fences**, notwithstanding the use to which each landowner makes of his land.

Very truly yours,

Robert T. Stephan
Attorney General of Kansas
Rita L. Noll
Assistant Attorney General

XXI Kan. Op. Atty. Gen. 11 (Kan.A.G.), Kan. Atty. Gen. Op. No. 87-28, 1987 WL 290425



COMMUNITY CORRECTIONS
Discussion

Megan Lewis
Community Corrections
Director
115 North 4th Street
Manhattan, KS 66502
Phone: 785-537-6380

MEMORANDUM

FROM: Brittany Phillips and Megan Lewis

MEETING: February 3, 2025

SUBJECT: Potential Temporary Pause of Federal Funds

PRESENTER: Brittany Phillips and Megan Lewis

Monday January 27, The White House issued an executive order, OMB Memorandum M-25-13 putting a "temporary pause of federal financial assistance, including all federal grants and loans". On Tuesday, January 28th, 2025, Riley County Community Corrections received notification this pause would affect the Riley County services on January 28th, 2025, at 5:00 pm. ET."

On January 29th, 2025, The White House issued OMB M-25-14 rescinding the "Temporary Pause of Federal Financial Assistance".

In between these two orders, several lawsuits were filed against the action, a federal judge ordered the freeze to be lifted, and KDHE communicated their efforts to sort through the effects. Our staff contacted Witt O'brien, the Kansas Association of Local Heath Departments, KDHE, and read through executive orders and legal actions being discussed. The overall message from these advisors was to continue services, keep up to date and wait to see what and how this action will be decided.

Community Corrections currently has a Bureau of Justice Administration (BJA) Grant that provides the majority of the funding required to facilitate Recovery Court in Riley County. The BJA grant provides 100% of the funding for the full-time Recovery Court Intensive Supervision Officer I position.

The Health Department also has several programs, and staff positions which are either fully or partially funded by federal and state grants. Because the new administration has cited federal spending as a priority, we wanted to get the following information to the Commissioners as a discussion, in case future decisions are made

that affect budgeted services within Riley County.

State Grants	Amount
KWO Grant	\$359,100
KDHE Grant	\$2,537,790
LEPP Grant	\$50,000
Early Childhood Block Grant	\$911,757.00
KDOC	\$931,357.58
KDOC Juvenile Reinvestment	\$67,230
Total	\$4,857,234.58

Federal Grants	Amount
WIC	\$1,281,420
PHEP	\$49,327
Regional PHEP	\$30,330
Family Planning	\$368,104
IAP	\$9,060
Emergency Management Grant	\$80,911
MCH	\$271,968
Child Care Licensing	\$220,297
OPEI	\$240,000
BJA (4 Year Grant)	\$549,999
Small Town Water Sewer STGCW-09	\$1,500,000
Small Town Grant STGCW-11	\$462,210
CORE SIPP	\$4,988
All Hands on DEC	\$181,914.86
Hazardous Materials Emergency Planning	\$147,600
State Formula – HD	\$130,357
Workforce Development	\$159,289.90
Total	\$5,687,775.76

Pending Applications	Amount
USDA – Keats	\$1,006,760
SRF Project # C20309801 – University Park	\$462,210
KWO Grant – Keats (state grant)	\$1,006,760
Water Meter Grant	\$189,360.44
Total	\$2,665,090.44

The total of state and federal funds is \$10,545,010.34. The grants highlighted, are the grants covering a portion or all of individuals' salaries.

Enclosures:

- M-25-13 Temporary Pause to Review Agency Financial Assistance Programs - final_SB (PDF)

- M-25-14-Final (PDF)



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 27, 2025

M-25-13

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Matthew J. Vaeth, Acting Director, Office of Management and Budget 

SUBJECT: Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs

The American people elected Donald J. Trump to be President of the United States and gave him a mandate to increase the impact of every federal taxpayer dollar. In Fiscal Year 2024, of the nearly \$10 trillion that the Federal Government spent, more than \$3 trillion was Federal financial assistance, such as grants and loans. Career and political appointees in the Executive Branch have a duty to align Federal spending and action with the will of the American people as expressed through Presidential priorities. Financial assistance should be dedicated to advancing Administration priorities, focusing taxpayer dollars to advance a stronger and safer America, eliminating the financial burden of inflation for citizens, unleashing American energy and manufacturing, ending “wokeness” and the weaponization of government, promoting efficiency in government, and Making America Healthy Again. The use of Federal resources to advance Marxist equity, transgenderism, and green new deal social engineering policies is a waste of taxpayer dollars that does not improve the day-to-day lives of those we serve.

This memorandum requires Federal agencies to identify and review all Federal financial assistance¹ programs and supporting activities consistent with the President’s policies and requirements.² For example, during the initial days of his Administration, President Donald J. Trump issued a series of executive orders to protect the American people and safeguard valuable taxpayer resources, including *Protecting the American People Against Invasion* (Jan. 20, 2025), *Reevaluating and Realigning United States Foreign Aid* (Jan. 20, 2025), *Putting America First in International Environmental Agreements* (Jan. 20, 2025), *Unleashing American Energy* (Jan. 20, 2025), *Ending Radical and Wasteful Government DEI Programs and Preferencing* (Jan. 20,

¹ 2 CFR 200.1 defines Federal financial assistance to mean “[a]ssistance that recipients or subrecipients receive or administer” in various forms, but this term does not include assistance provided directly to individuals. For the purposes of this memorandum, Federal financial assistance includes: (i) all forms of assistance listed in paragraphs (1) and (2) of the definition of this term at 2 CFR 200.1; and (ii) assistance received or administered by recipients or subrecipients of any type except for assistance received directly by individuals.

² Nothing in this memo should be construed to impact Medicare or Social Security benefits.

2025), *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government* (Jan. 20, 2025), and *Enforcing the Hyde Amendment* (Jan. 24, 2025). These executive orders ensure that Federal funds are used to support hardworking American families.

To implement these orders, each agency must complete a comprehensive analysis of all of their Federal financial assistance programs to identify programs, projects, and activities that may be implicated by any of the President's executive orders. In the interim, to the extent permissible under applicable law, Federal agencies **must temporarily pause** all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by the executive orders, including, but not limited to, financial assistance for foreign aid, nongovernmental organizations, DEI, woke gender ideology, and the green new deal.

This temporary pause will provide the Administration time to review agency programs and determine the best uses of the funding for those programs consistent with the law and the President's priorities. The temporary pause will become effective on January 28, 2025, at 5:00 PM. Even before completing their comprehensive analysis, Federal agencies must immediately identify any legally mandated actions or deadlines for assistance programs arising while the pause remains in effect. Federal agencies must report this information to OMB along with an analysis of the requirement. OMB also directs Federal agencies to pause all activities associated with open NOFOs, such as conducting merit review panels.

No later than February 10, 2025, agencies shall submit to OMB detailed information on any programs, projects or activities subject to this pause. Each agency must pause: (i) issuance of new awards; (ii) disbursement of Federal funds under all open awards; and (iii) other relevant agency actions that may be implicated by the executive orders, to the extent permissible by law, until OMB has reviewed and provided guidance to your agency with respect to the information submitted.

OMB may grant exceptions allowing Federal agencies to issue new awards or take other actions on a case-by-case basis. To the extent required by law, Federal agencies may continue taking certain administrative actions, such as closeout of Federal awards (2 CFR 200.344), or recording obligations expressly required by law.

Additionally, agencies must, for each Federal financial assistance program: (i) assign responsibility and oversight to a senior political appointee to ensure Federal financial assistance conforms to Administration priorities; (ii) review currently pending Federal financial assistance announcements to ensure Administration priorities are addressed, and, subject to program statutory authority, modify unpublished Federal financial assistance announcements, withdraw any announcements already published, and, to the extent permissible by law, cancel awards already awarded that are in conflict with Administration priorities, and; (iii) ensure adequate oversight of Federal financial assistance programs and initiate investigations when warranted to identify underperforming recipients, and address identified issues up to and including cancellation of awards.



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 29, 2025

M-25-14

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Matthew J. Vaeth, Acting Director, Office of Management and Budget 

SUBJECT: Rescission of M-25-13

OMB Memorandum M-25-13 is rescinded. If you have questions about implementing the President's Executive Orders, please contact your agency General Counsel.

Attachment: M-25-14-Final (15398 : Potential Temporary Pause of Federal Funds)