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## JOB OPENINGS

**Rawlins County USD 105 is seeking immediate applications for the following positions:**

- Elementary Teacher
- High School Math Teacher
- Junior High Assistant Track Coach
- Custodian
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**If interested, please submit an application to Eric Stoddard, Superintendent at: estoddard@usd105.org. Applications can be picked up in the school offices or found on the website at: www.USD105.org.**

## PONCE FENCE COMPANY

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## •PUBLIC NOTICE•

Published in The Rawlins County Square Deal on Thursday, December 12, 19 & 26, 2024

In the Matter of the Estate of  
ROGER LEE HOLMDAHL, Deceased

CASE NO. RA-2024-PR-000034

### NOTICE TO CREDITORS

#### THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that on December 6, 2024, a Petition for Probate of Will and Issuance of Letters Testamentary was filed in this Court by Wendy J. Holmdahl, heir, devisee, legatee, and executor named in the Last Will and Testament of Roger Lee Holmdahl, deceased. The Last Will and Testament of Roger Lee Holmdahl, deceased, was admitted to probate and Wendy J. Holmdahl was appointed Executor of said Will and duly qualified as such Executor. Letters Testamentary were issued to her on December 9, 2024, by the District Court of Rawlins County, Kansas.

All creditors of the above-named decedent are notified to exhibit their demands against the estate within four months from the date of the first publication of this notice, as provided by law, and if their demands are not thus exhibited, they shall be forever barred.

Wendy J. Holmdahl, Executor of the Estate of  
Roger Lee Holmdahl, deceased

Jared Holste, #21765  
Lewis, Beims & Holste, Ltd.  
509 Main St.  
Atwood, Kansas 67730  
(785) 626-3221  
Attorney for Executor

## •PUBLIC NOTICE•

Published in The Rawlins County Square Deal on Thursday, December 19 & 26, 2024, and Thursday, January 2, 2025.

### IN THE DISTRICT COURT OF RAWLINS COUNTY, KANSAS PROBATE DIVISION

In the Matter of the Estate of  
RITA M. BOWLES, Deceased.  
Case No.: 2020-PR-000009

### NOTICE OF HEARING ON PETITION FOR FINAL SETTLEMENT

#### THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a petition has been filed in said court by Mary Esch, Administrator of the estate of Rita M. Bowles, deceased, praying for a final settlement of said estate, approval of the acts, proceedings and accounts of the administrator, allowance for the services of the administrator and attorney's fees and expenses; and also praying that the court determine the heirs entitled to the estate and the proportion or part thereof to which each is entitled, and distribute and assign the same to them; that the administration of the estate be closed; that the administrator be discharged and released from further liability.

You are hereby required to file your written defenses thereto on or before the 24th day of January 2025, at 10:00 a.m. of said day, in said court, in the city of Atwood, Rawlins County, Kansas, at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon said petition.

/s/ Mary Esch  
Mary Esch, Administrator

/s/ Steven W. Hirsch  
Steven W. Hirsch #12789  
HIRSCH & ABBOTT LAW OFFICE  
104 So Penn, PO Box 296  
Oberlin, KS 67749  
PH: 785-475-2296  
steve@hirschlaw.net  
Attorney for Estate

## •PUBLIC NOTICE•

Published in The Rawlins County Square Deal on Thursday, December 26, 2024

### ORDINANCE 909 ORDINANCE PROVIDING FOR REGULATION OF LAND DISTURBANCE

WHEREAS Atwood has a number of new buildings under construction, and WHEREAS construction is being carried out in areas with potential drainage issues, and WHEREAS there is a need to regulate this for the benefit of the city inhabitants, NOW THEREFORE be it resolved that the following regulations for building and land disturbance are hereby adopted:

#### LAND DISTURBANCE REGULATIONS

1 The purpose of this Regulation is to require certain construction related procedures and practices that will minimize Erosion and prevent Sediment from entering the City's Storm Sewer system, the property of other individuals, and city streets during Land-Disturbing Activities.

2. DEFINITIONS. The terms or phrases used in this Regulation shall have the meanings set forth below.

- a. "City" means the of the City of Atwood, Kansas.
- b. "County" means Rawlins County, Kansas.

c. "Superintendent" means the Public Works Superintendent or the Superintendent's authorized representative.

d. "Erosion" means the process by which the ground surface is worn away by the action of the wind, water, ice, gravity, or artificial means.

e. "Land Disturbing Activity" means any activity that changes the physical conditions of landform, vegetation, and hydrology, creates bare soil, or otherwise may cause Erosion or Sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging, and storing of materials.

f. "LD Permit" means the permit issued by the Superintendent which authorizes the LD Permit Holder to proceed with the Land Disturbing Activities.

g. "LD Permit Holder" means the Person who is issued an LD Permit.

h. "Perennial Vegetation" means grass or other appropriate natural growing vegetation that provides substantial land cover, erosion protection and soil stability and that is capable of sustained and healthy growth over multiple years under the constraints of shade, temperature, and moisture that will be prevalent on the site. For the purposes of this regulation, annual grasses that do not regenerate after winter, ornamental plants or shrubs that do not offer effective erosion and sediment protection, and plants that are not suitable for the expected growing conditions on the site shall not be considered perennial vegetation.

i. "Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, and any other legal entity. Code of Regulations for Buildings and Construction, 2010 Edition (2015) Page 43

j. "Sediment" means any solid material, organic, or inorganic, which has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, ice, or gravity as result of soil erosion. Sedimentation is the process by which eroded material is transported and deposited by the action of wind, water, ice, or gravity.

k. "Site" means the real property upon which the Land-Disturbing Activity is taking place.

l. "Stormwater Pollution Prevention Plan" is a plan required by the Kansas Department of Health and Environment (KDHE). The purpose of the Stormwater Pollution Prevention Plan is to help identify the sources of pollution that affect the quality of storm water discharges from a site and to describe and ensure the implementation of practices to reduce pollutants in storm water discharges and includes the Erosion and Sediment Control Plan as well as plans to prevent pollution from other construction site sources such as, but not limited to, concrete washout, litter, and sanitary waste.

m. "Storm Sewer System" means any conveyance or system of conveyances for stormwater, including roads with drainage systems, public private streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, as well as any system that meets the definition of a Municipal Separate Storm Sewer System or "MS4" as defined by the Environmental Protection Agency in 40 CFR 122.26.

n. "Stop Work Order" means an order issued which requires that some or all construction activity on the site be stopped.

#### 3.. PERMIT REQUIRED.

- a. Unless exempt, no Person shall undertake any Land-Disturbing Activity without first obtaining an LD Permit from the City.
- b. The application for the permit shall include a survey showing the location of the proposed structures, specifically including retaining walls, showing that they are entirely located on the subject property and are in accordance with zoning regulations and/or that any necessary variance has been approved.
- c. No Person required to obtain a LD Permit shall fail to make application for such permit, fail to pay required fees, fail to comply with the City's Design Manual, or violate any of the requirements of this Regulation.
- d. The following activities shall be exempt from obtaining a LD Permit:
  - 1. Work to correct or remedy emergencies, including situations that pose an immediate danger to life or property, provided, however, if the City Engineer determines that the situation was not an emergency then an LD Permit may be required.
  - 2. A site-specific grading plan that complies with the Design Manual and any other applicable City regulations.
  - 3. A site-specific plan that complies with the Design Manual to provide for the control of pollutants related to the Land-Disturbing Activities that might cause an adverse impact to water quality, including, but not limited to, discarded building materials, concrete truck washout, fuel, hydraulic fluids, chemicals, litter, and sanitary wastes; .
  - 4. Contact information for the applicant, the site's owner, and the retained Qualified Erosion Control Specialist who will perform the routine inspections.
- e. Description of area to be disturbed.
- 6. Proposed schedule of work and contemplated duration of Land-Disturbing Activities on the Site.
- 7. Proposed method of providing performance surety as required by this regulation; and
- 8. Any LD Permit fee as authorized by this regulation.
- 9. A copy of the approved KDHE General Permit showing that the Storm Water Pollution Prevention Plan meets the State of Kansas requirements.

e. Upon an applicant's request, the City may modify these requirements to consider any unusual circumstances or factors affecting the work to be performed.

#### 4. PERMIT PROCEDURE.

a. LD permit holder must Submit a drainage/erosion plan based upon a ten-year storm event prepared by a Kansas Registered Professional Engineer for any proposed use which has a new roof area in excess of 10,000 square feet or a combination of new roof and new paved parking in excess of 20,000 square feet. The report shall include an evaluation of the ability of the proposed water

courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control to handle the runoff generated by the development of the land within and above the tract for which the permit is required and the impact of such drainage on downstream drainage systems. The drainage report must be approved prior to the issuance of a building permit.

b. Provide the estimated daily and peak hourly flow as well as the estimated BOD of the waste as prepared by a Kansas Registered Professional Engineer for any proposed use which has an estimated five-day BOD greater than 250 parts per million by weight or a temperature higher than 150°F (65°C).

c. Submit a water distribution report for any proposed use which will require a new or up sized meter and/or service of two inches (2") or larger and shall provide estimated annual, peak day, and peak hour use. The water distribution report must be approved prior to issuance of the building permit.

d. Provide a drainage/erosion control plan for both during and after construction as prepared by a Kansas Registered Professional Engineer for any development or expansion which involves grading (fill or excavation) of any area greater than 10,000 square feet.

e. The LD Permit application, Stormwater Pollution Prevention Plan, and all other technical LD Permit requirements shall be prepared under the supervision of, and sealed by, a Kansas Licensed Professional Engineer or Landscape Architect/

#### 5. DUTIES

a. It shall be the duty of the Permit Holder to ensure that Land-Disturbing Activities authorized by the LD Permit be undertaken according to the approved plans and proposed schedule of work defined in the LD Permit application. Modifications to the approved plan or proposed schedule of work that are not in compliance with the LD Permit must be resubmitted for approval. Minor modifications of the approved plan or proposed schedule of work may be authorized by the City Engineer without formal review provided those modifications are consistent with the Design Manual and standard industry practice.

#### 6. PENALTIES

a. Failure to adhere to the schedule or complete the work in accordance with the LD Permit shall be i) a violation of this regulation, ii) subject the LD Permit Holder to additional fees defined in this regulation, and iii) may result in the revocation of the LD Permit and the issuance of a Stop Work Order.

#### 7. EXPIRATION

a. Every LD Permit shall have an expiration date established by the City Superintendent which takes into consideration the nature, scope, and any necessary phasing of the work to be undertaken. Requests for LD Permit extension must be made to the City Superintendent prior to the expiration of the LD Permit and are subject to approval by the City Superintendent. Prior to the expiration of the LD Permit, the LD Permit Holder shall obtain a satisfactory final City inspection and approval of the work undertaken pursuant to the LD Permit to determine whether the work complies with the Stormwater Pollution Prevention Plan. Upon such satisfactory inspection and approval, the LD Permit shall be deemed "closed" when the conditions set forth in Section Five are met.

#### 8.. MAINTENANCE AND INSPECTIONS.

a. Maintenance of Control Measures. All Erosion and Sediment control measures set forth in the Stormwater Pollution Prevention Plan shall be maintained in good order at all times both during and after construction.

b. Routine Inspections. It shall be the duty of the LD Permit Holder to provide routine inspections of the Land Disturbing Activities and maintain effective Erosion and Sediment Control measures throughout the duration of the LD Permit. Inspections shall be performed by a Qualified Erosion Control Specialist at least once each week and within twenty-four hours following each rainfall event of one inch or more within any twenty-four-hour period. A log of all inspections shall be kept during Land Disturbing Activities as a part of the Stormwater Pollution Prevention Plan. Any deficiencies shall be noted in the report of the inspection and the LD Permit Holder shall correct such deficiencies within a reasonable time period not to exceed three days unless extended by the Superintendent for good cause shown.

c. The LD Permit Holder shall keep a copy of the most current Stormwater Pollution Prevention Plan at the Site until the LD Permit is closed.

#### 9. PERFORMANCE SURETY.

a. Performance under every LD Permit shall be secured by an agreement between the City and the owner of the Site to provide for the installation of the Erosion and Sediment Control measures required by this Regulation and the Design Manual. The agreement shall provide, inter alia, for an owner-provided performance surety that may be in the form of a letter of credit, performance bond, cash escrow, or other method which provides adequate assurances to the City that the construction of the Erosion and Sediment Control measures required by this Regulation and the Design Manual are installed in a timely and workmanlike manner and maintained throughout the duration of the project.

b. Franchised and public utility providers disturbing less than one acre shall obtain a general, annual permit in-lieu of obtaining a Site-specific permit. The general land disturbance permits for utility providers can be renewed annually and shall include the effective erosion control standards and construction methods that are to be implemented on the utility's projects, conforming to the Design Manual. The fee and performance surety, if any, for a general permit will be as shown in Section 12.

10. RIGHT OF ENTRY, TIME REQUIREMENT, FEES. Whenever the Superintendent has cause to believe that there exists in or upon any premises any condition which constitutes a violation of this Regulation, the Superintendent is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this regulation.

#### 11. CEASING WORK.

a. Where Land-Disturbing Activity appears to have temporarily or permanently ceased on a portion of a Site for fourteen (14) consecutive days, all disturbed area shall be protected from erosion by stabilizing the area with mulch or other similarly effective soil-stabilizing BMPs. Where implementation of stabilization measures is precluded by weather, snow cover, or other reason beyond the LD Permit Holder's control, the Superintendent may allow the LD Permit Holder to delay the implementation of such stabilization measures for a reasonable period.

#### 12. FEES

a. Prior to the issuance of LD Permit for projects that disturb one acre or greater, each applicant shall pay a fee as set forth in the fee schedule of the City of Atwood, to obtain a general Land Disturbance Permit. The City Administrator may adjust the Fee Schedule annually and shall make such Fee Schedule available to the public.

b. Fees paid for an LD Permit that is subsequently revoked by the Superintendent are not refundable. A Person undertaking work for a City improvement project shall not be required to pay a fee.

13. COMPLIANCE AND USE. The Site described in a LD Permit shall be maintained at all times in compliance with the provisions of the Stormwater Pollution Prevention Plan.

#### 14 STOP WORK ORDER AUTHORIZED.

a. In addition to the enforcement provisions of this Regulation, the Superintendent may issue a Stop Work Order if the Superintendent determines that work authorized by a LD Permit is in violation of this Regulation or the Stormwater Pollution Prevention Plan or if any one or more of the following conditions exist:

(1). Inspection by the Superintendent reveals the Site defined by the LD Permit is not in substantial compliance with the Stormwater Pollution Prevention Plan, as determined by the Superintendent; or

(2) Failure to comply with a written order from the Superintendent to bring the Site into compliance with the LD Permit, correct a violation of this Regulation, or restore a disturbed area within the time limits defined by the Superintendent; or

(3) Failure to pay any required fee; or

(4) Failure to submit reports in accordance with the Design Manual. If a Stop Work Order is issued by the Superintendent, the Superintendent shall order and direct the Site owner, or the Site owner's agent, and any party in possession of the Site, including the contractor performing work at the Site, to immediately suspend work.

(b) A Stop Work Order shall be in writing, shall state the conditions under which the work may be resumed, and may be served upon a Person to whom it is directed by any reasonable method including by personal delivery, by posting at the Site, or mailing a copy of the same to the address identified within the LD Permit application for the LD Permit Holder, Site owner, or any party in possession of such property.

(c). If the Superintendent issues a Stop Work Order, all Persons shall cease all work on the Site, except work necessary to remedy the cause of the Stop Work Order as expressly authorized by the Superintendent.

(d). It shall be a violation of this Regulation for a Person to undertake, allow, consent, or permit another to undertake work on a Site subject to a Stop Work Order.

(e) If the cause of a Stop Work Order is not cured within a reasonable period, the LD Permit may be revoked by the Superintendent and thereafter no Person shall continue any work described in the LD Permit without first obtaining a new LD Permit and paying a new LD Permit fee as required by this Regulation

(f) A Stop Work Order may be appealed by filing an appeal within 10 days with the Board of Zoning Appeals. The Board of Zoning Appeals shall hear the appeal within 30 days of it being filed.

15. COST: The fee for an LD Permit will be set by the City Council and set forth in the Fee Schedule of the City of Atwood.

SECTION 16. These regulations shall be incorporated within the municipal code of the City of Atwood.  
SECTION 17. **Effective Date.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED BY the City Council the 19<sup>th</sup> day of December, 2024.

SIGNED BY the Mayor the 19<sup>th</sup> day of December, 2024.



Dana Philpott  
DANA PHILPOTT, CITY CLERK

Janet Stice  
JANET STICE, MAYOR ATTEST: