

Manhattan Free Press

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Thursday, May 20, 2010

More... City Debt

As they say another day another dollar. But in the case of the City of Manhattan it is another dollar in debt.

The City vetoed Tuesday night to finance two items with temporary notes. One item is for Lee Mill Heights Street project for \$160,000.

The second item is a little more substantial. The City must finance the payment to settle a lawsuit.

"The Plaintiff in that case is Eddie James Lowery. Mr. Lowery confessed to the rape of an elderly Ogden woman in 1981. He later recanted his confession. A jury convicted him of multiple crimes. Mr. Lowery spent 10 years in prison and was required to register as a sex offender. After his release from prison, DNA tests of physical evidence of the crime excluded Mr. Lowery as the perpetrator of the rape. In 2004 Mr. Lowery filed suit in the United States District court against the Riley County Police Department and several of its officers, along with various local units of government, including the City of Manhattan and Riley County, for wrongful arrest, conviction and incarceration." *January 2010 Memo from staff to the City Commission.*

Here is the Memo given to the City Commission on the temporary notes:

**CITY COMMISSION
AGENDA MEMO
May 12, 2010
FROM: Elizabeth Peterson,
City Controller
MEETING: May 18, 2010
SUBJECT: Temporary
Note Resolution
PRESENTER: Bernie
Hayen, Director of Finance
BACKGROUND**

Temporary notes are issued for projects as soon as possible after the contracts for the projects have been awarded so that the City can minimize the duration of time involved in financing the initial engineering, architectural, and other costs from its general funds until reimbursement is received from the temporary note proceeds.

In order to maintain adequate cash flows, the City schedules four (4) temporary note sales each year. Springsted, Inc., the



Mayor Bruce Snead

City's financial advisor, assists in the coordination of the note sales. The notes are typically sold to the best bidder. The best bidder is determined on the basis of true interest cost. The next note sale will take place on May 18, 2010, at 2:00 p.m. It may be helpful to recall that temporary notes are typically an

interim financing mechanism that allows for improved cash flows of City funds until the notes can be sold as municipal bonds.

DISCUSSION

On May 18, 2010, the City Commission will consider accepting the best bid for selling the notes and a resolution issuing temporary notes (Series 2010-02) to finance the following two (2) projects that have been previously authorized by the City Commission and require immediate funding:

- Lee Mill Heights Addition, Unit 4, Phase 1, Street (City-at-Large) \$ 160,000
- Lowery Settlement 1,450,000
Series 2010-02 Total \$1,610,000

These projects may be bonded at

a future date. Bonds are sold twice a year. The total amount of temporary notes to be sold at the proposed May 18, 2010, sale and included in the proposed temporary note resolution is \$1,610,000.

FINANCING

The temporary notes are interim financing for the projects outlined above. The City is currently exploring several debt financing options to permanently fund these obligations.

These options include making annual payments on the temporary notes over the lives of the notes and the issuance of 10-year, 15-year or 20-year general obligation bonds. Total interest cost and mill levy impact will be considered in making a final decision on which option is most economically feasible.

ALTERNATIVES

It appears the Commission has the following alternatives concerning the issue at hand.

The Commission may:

1. Approve accepting the best bid for selling the notes and approve Resolution No. 051810-A issuing \$1,610,000 in temporary notes (Series 2010-02) to finance the two (2) projects to be debt financed.
2. Do not approve accepting the best bid for selling the notes nor the temporary note resolution.
3. Table accepting the best bid for selling the notes and the temporary note resolutions.

RECOMMENDATION

City Administration recommends approval of accepting the best bid for selling the notes and approval of the proposed resolution. Approval of the temporary note resolution will make it possible for the City to reimburse itself for costs already incurred for each of these two (2) projects.

POSSIBLE MOTION

Approve accepting the best bid for selling the notes and approve Resolution No. 051810-A issuing Temporary Note Series No. 2010-02 in the amount of \$1,610,000 to finance the two (2) projects to be debt financed: Lee Mill Heights Addition, Unit 4 Phase 1, Street Improvements (City-at-Large) (ST0710) and Lowery Settlement.

Moran And Jenkins Support New Flint Hills Welcome Center

Congressman Jerry Moran (KS-01) and Congresswoman Lynn Jenkins (KS-02) issued the following statements in response to a recent announcement by the U.S. Commerce Department's Economic Development Administration (EDA). The EDA announced that the Manhattan Area Chamber of Commerce will be the recipient of a grant on behalf of the Flint Hills Regional Welcome Center Core Committee.

The Manhattan Area Chamber of Commerce will conduct a regional tourism study to determine the feasibility of developing a Regional Welcome Center along the I-70

corridor in the Flint Hills and will develop a plan for its implementation. This will encourage and support greater tourism throughout the Flint Hills region, which will lead to business development and expansion opportunities in the Kansas hospitality industry.

"This is good news for the Flint Hills region and for the Kansas economy," said Moran. "A Welcome Center located in the Flint Hills will not only help preserve this unique and beautiful landscape for generations to come, but it will also support Kansas businesses and let visitors to our state experience Kansas hospitali-

ty." "I often tell my colleagues in Congress that the Flint Hills are God's Country. But they are not only an ecological treasure, they also hold great potential for economic growth," said Jenkins. "A new Flint Hills Welcome Center to encourage and promote increased tourism to this beautiful part of America will serve a critical role in generating economic growth in Kansas and in preserving the tallgrass prairie."

"This important EDA funding will allow the Flint Hills Regional Welcome Center Core Committee, along with the Flint Hills Tourism Coalition, to build tourism in a unique and beautiful area of our nation, and to benefit businesses that will serve visitors to the Flint Hills region," said Karen Hibbard, Vice President of the Manhattan Area Chamber of Commerce.

The Flint Hills region of Kansas and Oklahoma contains the world's largest share of remaining tallgrass prairie, and is the only place where that habitat exists in landscape proportions. Only four percent of North America's pre-settlement tallgrass prairie survives to this day, and 80 percent is located in Kansas.

worst Freshman initiation, or most topics of discussion, seem to become enhanced as the years pass, everyone agrees they are proud to be from Irving, KS.

This year's gathering will be a potluck dinner held in the Blue Rapids Community Center at noon on Memorial Day. Those attendig are encouraged to bring memorabilia they would like to show, donate or have auctioned.

Margaret Blaske 363-7127

Which State Is On The Better Prosperity Road

By Derrick Sontag
Americans for Prosperity

What's the difference between Kansas and New Jersey? One answer that comes to mind: unlike the comparison to our neighboring states, Kansas has a more limited, fiscally conservative government than the Garden State. Or so we thought.

Let's look at the actions of the two states over the last few weeks. New Jersey Governor Chris Christie, in response to a budget deficit approaching \$11 billion, has proposed a 5 percent reduction in state spending. This is a result of his campaign promise to force government to live within its means, a pledge that led him to defeat an incumbent governor (this and voters being fed up with an excessive tax burden).

There are some pressuring Gov. Christie to raise taxes but he has said that to accede to tax increases would "kill a job market already on life support." He went on to say, "Mark my words today: if a tax increase is sent to my desk, I'll veto it."

How do Christie's actions compare to what's happened in Kansas? In response to a budget gap of more than \$500 million, Kansas Governor Mark Parkinson threatened to veto any budget that hit his desk that didn't rely on a tax increase. Two weeks later a coalition of Democrats and liberal

Republicans complied with his demands by passing the second largest tax increase in the history of our state, a sales tax increase designed to fund a spending increase of more than \$200 million.

There have been claims the tax increase will create economic growth and job creation, despite a well-respected economist's study indicating quite the contrary. It's as if legislators are echoing the economic growth pledges heard in Washington D.C. when the stimulus plan passed. Instead, that D.C. plan has led to 10 percent unemployment and, according to initial projections, will result in our GDP being lower ten years from now than if Congress had done nothing at all.

Apparently Gov. Christie and a majority of the voters in New Jersey understand the economic truism of "the more you tax something the less of it you're going to get." They can point to years of fiscally liberal practices and an unbearable tax burden.

So what's the difference between the two states? We'll always have a beautiful landscape and friendly people. But let's hope New Jersey doesn't end up being the state with a better road to prosperity.

Derrick Sontag is the Kansas state director of Americans for Prosperity. He lives in Topeka.

Emergency Medical Service's Week 2010

In celebration of Emergency Medical Service's (EMS) Week 2010, Riley County EMS held a poster contest for all 5th graders in Riley County. The students were asked to draw their interpretation of this year's theme: "EMS - Anytime, Anywhere, We'll be there." EMS Week is currently underway, May 16-22, and all the poster entries created by area students are on display at Manhattan Town Center.

There were 145 posters submitted during this year's contest. The Riley County EMS staff judged all the entries and the three winners are:

- 1st Place - Jessica Crespino, Flint Hills Christian School
- 2nd Place - Michaela Wahl, Riley County Grade School
- 3rd Place - Shamira Dunn, Lee Elementary

The winners will be awarded their prizes on Wednesday, May 19 during a reception at Riley County EMS. The winning students and their families have been invited to the EMS station on Sunset Ave. They will be able to tour the station, tour an EMS truck, and meet with EMS staff members.

All poster submissions are on display at Manhattan Town Center and will be hung up there until Saturday, May 22.

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Farm Bureau Committed To KSU Scholarships

At a time when corporate leaders across the country have had to make hard decisions regarding their continued support of various philanthropies and charities, two Farm Bureau entities took the idea of creative philanthropy to heart and engineered a new approach to funding the Farm Bureau Civic Leadership Scholarship at K-State.

The two organizations and their top leaders have committed a total of \$60,000 in continued support of the scholarship over the next three years.

Jim Hohmann, Chief Executive Officer of Farm Bureau Financial Services and his wife, Diane; Dan Yunk, Executive Director and Chief Executive Officer, Kansas Farm Bureau and his wife, Cheryl; and Steve Baccus, President of Kansas Farm Bureau and his wife, Patricia have all pledged personal gifts in support of the Farm Bureau Civic Leadership Scholarship in addition to corporate pledges from their respective organizations.

"We're pleased to have this unique opportunity to sponsor a scholarship program that recognizes, rewards and perpetuates outstanding leadership quality and ultimately results in improving and strengthening our communities," Hohmann said. "This same spirit of service and giving is core to the way we do business in the communities we serve," he added.

The Civic Leadership Scholarship competition was established in 2005, and identifies and rewards exceptional young

leaders who have demonstrated a commitment to serving others in their community, school or place of worship. The continued funding will allow K-State to award three annual scholarships to incoming freshmen who exemplify a commitment to building community and serving others.

"This scholarship demonstrates to K-State students the value of being dedicated to their communities," Yunk said. "This is a level of leadership that we can't afford to back away from, just because of an economic downturn. Community engagement and civic leadership are more important than ever before."

"The K-State Civic Leadership Scholarship competition emphasizes the qualities that make our university one of the best universities in the nation," said Pat Bosco, vice president for student life and dean of students. "We are very proud that, in addition to academic achievement, the students at K-State are also focused on leadership and service to their communities. And we're grateful for the continued support of this program by Farm Bureau Financial Services and Kansas Farm Bureau."

Philanthropic contributions to K-State are coordinated by the Kansas State University Foundation. The Foundation manages fundraising efforts with alumni, friends, corporations and foundations to secure private support for the university.

Irving Refuses To Die

Former residents, students, teachers, friends and anyone with connections to the former town of Irving will gather at noon on Memorial Day to reminisce about their beloved town.

Although the town itself officially disbanded over 50 years ago, the love for this little town in the beautiful Blue Valley goes on yet today. Even though the stories of the great basketball teams, how big the fish were that were caught in the Blue, who experienced the

Obituaries

Barbara Russell

Wamego- Barbara A. Russell, 86, of Manhattan, Kansas, and also a resident of Valley Vista Good Samaritan Center of Wamego, passed away Sunday, May 16, 2010 at Wamego City Hospital.

Barbara was born March 4, 1924 in Wayside, Kansas the daughter of Edwin and Ester (Stewart) Defenbaugh. She graduated from Independence High School and attended Kansas State University. She married Lorren J. Marker in 1945, he preceded her in 1984. She then married Dennis Russell in 1992, he also preceded

her in death in 2002.

She was mostly a homemaker, and also worked as the manager of the Manhattan Hallmark store for several years, a local craft supply store and also worked as a seasonal employee at Yellowstone National Park for five years. Barbara was also a member of the Epsilon Sigma Alpha philanthropic sorority. She enjoyed dancing, traveling, working in her garden, doing arts and crafts, collecting antiques, and especially her time with her family.

Her survivors include two daughters, Susan Rosencutter and her husband Tommy, of Craig, CO, Connie Grant and fiancée Abner, of Topeka, KS; two sons,

Doug Marker and his wife Terry, of Manhattan, KS, Todd Marker and wife Jamiee, of Olsburg, KS; nine grandchildren and 14 great-grandchildren.

A graveside funeral service will be held at 1:00 p.m. Thursday, May 20, 2010 at the Harrisonville Cemetery south of Independence, KS. A visitation will be held at the Stewart Funeral Home of Wamego from 5:00 p.m. until 7:00 p.m. Wednesday, May 19. In lieu of flowers, memorials are suggested to the Valley Vista Good Samaritan Center, and may be left in care of the Stewart Funeral Home of Wamego, P.O. Box 48, Wamego, KS 66547. Online condolences may be left for the family at www.stewartfuneralhomes.com.

Juan "Mex" Besa

Juan M. "Mex" Besa, age 49, died Monday, May 17, 2010 at his residence.

He was born on December 12, 1960 in Manhattan, KS the son of Rudy and Carolyn (Fortner) Besa. He attended Manhattan schools all of his life and graduated from Manhattan High in 1979. He later graduated from Manhattan Area Vocational College. Juan was the sheet metal and fabricator for Bob's Heating and Air for many years.

On March 26, 1983, he was united in marriage to his high school sweetheart: Lacy Ferguson in Manhattan, KS. This union was blessed with two children: Tamara and Jesse.

Mex enjoyed making custom

knives from antlers, fishing, hunting, roasting hogs, grilling and he was a huge fan of the Dallas Cowboys. He also loved spending time with his family and friends around the campfire and was anticipating the arrival of his first grandchild: Brighton Tyler Besa in September.

He was preceded in death by a son in 1983.

Survivors include his wife: Lacy of the home; daughter: Tamara Besa of Manhattan, KS; son: Jesse Besa and Shanell of Wamego; parents: Rudy & Carolyn Besa of Manhattan; sister: Brenda Emory and Gilbert of New Cambria, KS; brother: Greg Besa and Nancy of Overland Park, KS; Brother: Tony Fortner and Kathie of Morganville, KS and sister: Petra Harris and Mark of Cuba, MO; parents-in-law: Lynn and Calvin Cumbie of St. George. He is also

survived by many nieces, nephews and friends.

Funeral Services will be at 10:00 a.m. on Thursday May 20, 2010 at the Yorgensen-Meloan-Londeen Funeral Home 1616 Poyntz Avenue, Manhattan, Kansas with Reverend Diana Chapel officiating. Burial will follow in the Valley View Memorial Gardens Cemetery, Manhattan, KS.

The family greeted friends from 6:30 p.m. until 8:00 p.m. on Wednesday at the funeral home.

Memorial contributions may be made in his name in care of the Yorgensen-Meloan-Londeen Funeral Home 1616 Poyntz Avenue, Manhattan, KS 66502.

On-line condolences may be left for the family through the funeral home website at: www.ymlfuneral-home.com.

Dons Utermoehlen

Doris D. Utermoehlen, 85, Manhattan, KS passed away Saturday, May 15, 2010 in the Mercy Regional Health Center, Manhattan.

She was born June 28, 1924 at Lebanon, KS, eight miles from the geographic center of the 48 states, the daughter of Roy Russell Myers and Mabel Ann Mannering Myers. She grew up in Lebanon, where she attended the local schools and was a 1942 graduate of the Lebanon High School. She was a graduate of the Browne Macke Business School in Salina and in 1948 received her B.S. Degree in Business Administration from Kansas State University.

She was married to Ralph E. Utermoehlen on February 1, 1948 at Manhattan. He preceded her in death on June 3, 2007.

Mrs. Utermoehlen worked as a

secretary while living in St. Joseph, MO and Lawrence, KS. After moving to Manhattan in 1974, she worked as a secretary at the First Lutheran Church and for 10 years worked as a secretary and receptionist in the Payroll Office at KSU. She retired in 1992.

She was a member of the College Avenue United Methodist Church, the St. Mary's Hospital Auxiliary, Meals on Wheels, AARP, Pearce-Keller American Legion Post No. 17 Auxiliary and the Red Hat Society. Mrs. Utermoehlen, along with her husband, Ralph, helped in the founding of the Manhattan Dance Club and they traveled extensively attending polka dances. She was an avid Lady Head Vase Collector.

In addition to her husband, Mrs. Utermoehlen was preceded in death by a son, Thomas E. Utermoehlen on January 9, 2009; her parents; and two brothers, Archie Myers and Russell Myers.

Survivors include a daughter, Brenda J. Galati, and her husband, Phil, Florissant, MO; a son, Randy R. Utermoehlen, and his wife, Wanda, Jefferson City, MO; three grandchildren, Michael D. Heckman, Michelle R. Heckman and Jamie L. Tackitt; and six great grandchildren.

Funeral services were held at 10:00 a.m., Wednesday, May 19, 2010 in the Irvin-Parkview Funeral Home, Manhattan with the Rev. Larry Fry officiating. Burial will follow in the Sunrise Cemetery, Manhattan.

The family of Mrs. Utermoehlen received friends from 7 until 8:30 p.m., Tuesday, May 18, 2010 at the funeral home.

Memorial contributions can be made to the K-State Alumni Association or the Lebanon Alumni Association and left in care of the funeral home. Online condolences can be sent to www.irvin-parkview.com.

Van Whithee

Laureston Van Withee of Manhattan died May 15, 2010, in Meadowlark Hills Health Care Center surrounded by his family, following a long battle with Alzheimer's disease. A Professor Emeritus of Agronomy at Kansas State University, he was 89 years old.

Van was born February 4, 1921, in Damariscotta, Maine, the son of Frank Eugene and Betsy Maria (Byard) Withee. He grew up in South Hamilton, Massachusetts, and graduated from Hamilton High School in 1938. He attended Kansas State Teachers College in Emporia from 1938 to 1942. He paid for his education during this time by working summers with harvest crews in Kansas, and as a carpenter's assistant in Washington, DC, working on the construction of the Pentagon. He enlisted in the Army Air Corps in July of 1942, served as an airplane instrument mechanic, and was honorably discharged in November 1945 with the rank of Staff Sergeant.

Van's professional career represents more than 40 years of educating a world wide community about soils management and conservation. The initial step in this journey came with his return to college to earn a B.S. degree in Agronomy from Kansas State University in 1947. His first job was as a Soil Conservationist for the Soil Conservation Service in El Dorado, Kansas and later in Parsons, Kansas. He returned to college and earned a M.S. degree at the University of Nebraska in 1952 and then became an associate county agent in Lancaster County, Nebraska, educating farmers in applying conservation practices.

In 1953 Van joined the Garden City Experiment Station where he operated the soil testing laboratory and studied soil salinity problems. In 1956 he returned to the KSU campus in Manhattan, pursued the Ph.D. degree in agronomy and taught soil management and moisture conservation. Upon completion of his degree in 1963 he became an assistant professor of agronomy. He continued his

teaching, advised students and trained Peace Corps volunteers.

In 1966 Van and his wife and five children moved to Nigeria for two years where he served as assistant dean for the Faculty of Agriculture at Ahmadu Bello University in Zaria. He returned to the KSU faculty and became Professor and Assistant Head for Instruction in the agronomy department. He served as President of Faculty Senate in 1982-1983.

Foreign agronomy assignments were of particular interest to Van. He contributed to projects in Brazil, Botswana, the Dominican Republic, Morocco, Niger and the Gambia. His last four years before retirement were spent traveling to Botswana to review and evaluate projects that he helped establish there in support of the International Sorghum and Millet studies and farming systems research and extension.

He retired from KSU in 1988 as Professor Emeritus of Agronomy. His early retirement years were devoted to educational projects and programs on the Konza Prairie as a member of the first team of docents. He also enjoyed golf and continued to play as long as his health allowed.

While a student in Emporia, Van met his future wife, Barbara E. Ramsdale of Norwich, Kansas; they were married on February 26, 1944, in Washington, DC. In addition to his wife he is survived by five children: Anne Burton and her husband Richard of Ocean, NJ; Susan Withee of Manhattan, KS; Jane Hebert and her husband Damien of rural Morris County, KS; Nancy Knorp and her husband Rick of Riley, KS; and John Withee and his wife Michelle of Scottsdale, AZ; seven grandchildren: Tom and Mike Vincent; Ben Burton; Sarah Knorp; Madeleine, Grant, and James Withee; and two step-grandchildren: Jessica Knorp Edson and Eric Hebert. Van was preceded in death by a son, Thomas Nathan Withee, by his parents, by his brother H. Eugene Withee, and by his sister Salome Cowan.

A memorial service was held at 10:30 a.m., Wednesday, May 19, at the First Congregational United

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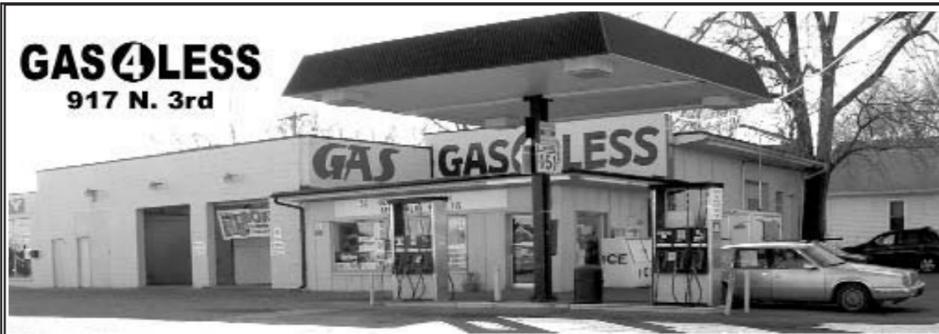
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Kansas Profile - Now That's Rural: Phil Brokenicky - New Horizons RV

By Ron Wilson, director of the Huck Boyd National Institute for Rural Development at Kansas State University.

What's on the cover? Let's look at the cover of the October 2009 Trailer Life magazine, which features a new trailer line from an RV company in Kansas. But it wasn't the first time this producer of high quality RVs has made the cover - in fact, this company has made the cover three times in the last five years. It's today's Kansas Profile.

Phil Brokenicky is owner and CEO of New Horizons RV in Junction City, Kan. Phil comes from rural roots. He grew up at the rural community of Blue Rapids, Kansas, population 1,073 people. Now, that's rural. His father ran the hardware store there.

"One day a farmer came in and bought a replacement cord for an iron or something," Phil said. "The customer only paid 79 cents, but he said to my dad, 'That includes installation, doesn't it?' My dad didn't bat an eye and just said, 'You bet it does' and proceeded to do it. I learned a lot about customer service from my dad."

That emphasis on excellent customer service would serve Phil well. After getting an MBA from K-State, Phil had a successful banking and finance career.

One day a friend of Phil's encouraged him to look at an RV company in Junction City. This friend had taken a truck there, found that the 72-year-old owner was wanting to sell, and saw great potential in the business. In 2002, Phil bought the company, and now his entire family is involved.

Today, New Horizons RV produces what became the top-ranked travel trailer in America for ten consecutive years.



Ron Wilson

New Horizons RV produces top quality, fifth wheel towable trailers, sells four other lines and offers a service facility.

RV sales crashed during the economic downturn. Yet when New Horizons employees had extra time, Phil saw the opportunity to use that time to create a whole new line of trailers. New Horizons built a new series of trailers on a wider chassis than they had used previously. The new series is called Majestic - and it is absolutely gorgeous.

The features on these RVs are amazing. These are targeted to people who are "fulltiming" - that is, have retired and travel full-time in their RVs. These vehicles literally have all the comforts of home, including wide screen TVs, microwave ovens, real wood cabinets, and much, much more. Phil said, "Karen and I have built eight homes in our 39 years of married life." Their experience in interior decorating has come in handy.

Some of their RVs include a Moto-Mover - also called a toy hauler -- which is a space at the back in which motorcycles, bikes, or four-wheelers can ride along

too. Other options include side-mounted video cameras to assist driver vision in traffic or while backing.

At New Horizons RV, Phil Brokenicky emphasizes excellent customer service, a safe work environment, and high quality production. Sales are direct from the factory.

"Typically a customer will spend a couple of days with us, taking a tour and designing floor plans for their RV," Phil said. There are four décor packages from which to choose. New Horizons will work with customers to custom-design the RV just for them.

The quality of the workmanship is superior. "The typical RV has just 170 man-hours in production. Ours have 2,000 man hours," Phil said. The craftsmanship shows, in the fine cabinetry, for example.

New Horizons RV serves customers across the nation. Phil said, "We're much better known on the coasts than we are around here." On the day I visited, there were customers picking up RVs from New York, Wisconsin, and Washington State. For more information, go to www.horizonsrv.com.

What's on the cover? New Horizons RV of Junction City, Kansas has been on the cover of the leading industry magazine for three times in the past five years. More importantly, the company has produced the top-ranked RV in the nation for ten consecutive years. We salute Phil Brokenicky and all those involved with New Horizons RV for making a difference with their entrepreneurship and emphasis on quality. It makes a fun story to cover.

Kansas State Receives \$1.5 Million To Study Bacteria

By: Stephanie Jacques
KSU News Service

Antibiotic-resistant bacteria are becoming a growing problem around the world, and are a particular worry in hospital-acquired infections.

"In U.S. hospitals today there are reported to be upward of 2.5 million infections annually for people who came to a hospital to be treated for one thing, but before they are sent home they've acquired a secondary infection," said Lynn Hancock, assistant professor in the Division of Biology at Kansas State University.

Hancock was awarded nearly \$1.5 million for the next five years from the National Institutes of Health, Institute of Allergy and Infectious Diseases, to investigate the antibiotic resistance of enterococci, a type of bacteria commonly found in hospitals.

Hancock said 10 to 12 percent of hospital-acquired infections, called nosocomial infections, are from enterococcus. Although not as severe or as numerous as the more commonly known staph infection, doctors are running out of therapeutic options for enterococcal infections.

"Some are resistant to just about every antibiotic we can throw at them and we are going to reach an era that many doctors and scientists think will be similar to the pre-antibiotic era, when we didn't have any way to really treat an infection," Hancock said. "Sadly,

we don't do an adequate job of reporting the cause of death from infection; in many cases it is simply reported as complications from surgery."

On paper the numbers seem impersonal. However, Hancock has young children and has become fully aware of the possibility that they will grow up in a world that is teeming with antibiotic-resistant bacteria.

"As a father with young kids you worry about what they might get exposed to at school," Hancock said. "Not just enterococci but many other bacteria are evolving resistance to antibiotics, and if the most suitable antibiotic is not working anymore, it just prolongs the process of trying to overcome the infection."

Although enterococci are naturally found in the intestinal tract, outside the intestinal walls they can cause endocarditis, meningitis or bladder, prostate and urinary-tract infections, Hancock said. Routine hospital procedures also can facilitate the transmission of bacteria from patient to patient.

Under normal circumstances these infections could be eliminated by using antibiotics. Enterococci, however, like many other types of bacteria, have developed the ability to form 3-D tower-like structures called biofilms, Hancock said. The formation of the biofilm enables the bacterial cells to cluster together, resisting both antibiotic penetration and the

host's immune system.

"The biofilm creates a lifestyle that really enhances survival of the bacteria, both within the patient and out in the environment, even on common medical devices such as catheters and stents," Hancock said.

Hancock's initial investigations have shown that within the community of bacteria certain cells are targeted for death using specific signals. Once the cell dies, the DNA from that dead cell is used as a matrix for the rest of the community, as bacterial cells assemble to form the biofilms.

"The focus of our research is to better understand what factors the bacteria use to structure themselves into communities like biofilms. The hope is that if we can identify the important factors that mediate the biofilm process, we can therapeutically target and disrupt these structures," Hancock said. "For example, if we could disrupt the signaling between bacterial cells, then they'll never be able to communicate to form and establish a biofilm."

The grant from the National Institutes of Health will give Hancock the resources for salaries, supplies and equipment that are necessary to carry out his research. He hopes that in the coming years the findings in his lab will lead to additional treatment options to allow clinicians to cure infections caused by a highly antibiotic-resistant bacterium.

Honoring Those Who Have Served

The holiday known today as Memorial Day actually began as Decoration Day and was designed to honor military personnel of the American Civil War, according to Don Mrozek, professor of history at Kansas State University.

Mrozek, who also is a faculty member of K-State's Institute for Military History and 20th Century Studies, is a specialist in American military history, with particular interests in civil-military relations, the interplay between societal development and military institutions, American notions about the nature of war and aspects of American military aviation.

Decoration Day, as it was called in the 1800s, was first observed nationally May 30, 1868, Mrozek said. Like similar practices of today, the tombs of fallen Union soldiers were decorated in remembrance. Over time it became associated with World War I, which is where the significance of the red poppy flower originates, he said.

"Some of the fields in which the battles took place in World War I had extensive areas of poppy flowers, so sometimes, even now -- but certainly in the previous decades -- there would be the sale of poppy flowers as a way of raising money to help care for veterans of past wars," Mrozek said.

The day became known as Memorial Day in the post-World War

II era as a way to honor all of those individuals associated with all past American wars, Mrozek said.

One of the more popular sights on Memorial Day is the American flag flying at half-staff. Mrozek said practices like this one and the singing of the national anthem at various events are part of what many historians call a patriotic revival that peaked in the 1930s and during the years of World War II. In 1923 the American Legion led a group of various organizations, including the Boy Scouts and Girl Scouts, in establishing approved practices for handling of the American flag, and the specification of flying the flag at half-staff until noon on Memorial Day derives from this venture, according to Mrozek.

One of the most interesting ways to honor members of the military on Memorial Day does not have to involve any narrative, as silence can be extremely powerful, Mrozek said. For example, he said that at various memorial sites throughout the U.S. visitors will often see a member of the armed forces standing vigil over the site. The completely still and silent soldier conveys respect and honor without the use of words.

"The focus on things that do not necessarily include a lot of speeches, such as the eloquence of someone standing vigil in honor of those individuals,

shows how our memorials have changed throughout the years from memorializing the war to memorializing the people," Mrozek said.

Monuments, such as the Vietnam Veterans Memorial, have changed the way people view wars and those soldiers involved in them, Mrozek said. There is no place on the Vietnam Memorial where there is narrative that describes the war - it is meant entirely to focus on the individuals who died. Mrozek said this helps to convey a sense of connection.

"The black granite, mirrored and polished surface reflects your own image as you are reading through the names of those who died," Mrozek said. "That wall is a physical object that connects you with these fallen soldiers."

Mrozek describes this connection with the idea of compassion versus pity. He said in compassion, you can actually understand yourself in that person's place, or you can understand yourself in the place of their families, which is a big part of memorialization.

Another tradition that has become more mainstream, Mrozek said, is for people to personalize these public monuments. Family members often bring photographs, flowers and personal items to these memorials and place them under the name of their loved one, he said.

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Thoughts From The Prairie

World in Chaos

Reading the headlines these days is like reading a supermarket tabloid! The stock markets of the world are teetering on a knife's edge and a minor glitch can cause the market to spiral out of control. Dick Morris reports that Greece owes \$400 billion, Portugal owes \$175 billion, Italy owes \$2 trillion, and Spain owes \$819 billion. And we don't know yet what our debt is from recent bills and bailouts. Good grief!

Then May 18th Reuters reported that more than 2,000 people around the world are dying from armed violence each day and the UN wants a treaty, which our administration favors, to regulate weapons. Out here on the Prairie we'd say, "That's like whistling into the wind," for on May 14th the New York Times reported a series of school attacks in China. "These incidents are reflective of widespread and rapidly rising social anxieties...in the Chinese society today. It was the fifth attack since March, all involving middle-aged men using knives, cleavers or tools..." Really, no guns?

On May 13th the Manhattan Free Press carried an article by the CATO Institute that reveals a hidden provision in the Healthcare bill totally unrelated to healthcare that requires reporting procedures that will devastate small businesses. Clark Blockcolsky, owner of Blue Valley Electric in Oldsburg, exclaimed, "It will destroy our business!"

May 17th Drew Zahn, wrote that, "Buried in the recently passed health-care reform bill is a new law...that is responsible for Obamacare's first casualties: a reported 60 physician-owned hospitals...are now 'virtually destroyed,'...Another 200-plus doctor-owned hospitals may soon be put out of business by the health-care reform law."

On top of all this, Jerome R. Corsi reported May 17, 2010, that at the Heartland Institute's Fourth International Conference on Climate Change in Chicago, Habibullo Abdussamatov, the head of space research at St. Petersburg's Pulkovo Astronomical Observatory in Russia predicted, "A new 'Little Ice Age' could begin in just four years." Whoa! Did we overdo the CO2 reduction and get it too low?

On May 13th David Brooks, in an op-ed for WND, wrote, "If you're elected president or prime minister in...any country in the developed world today, you're faced with the same set of challenges: to reduce national deficits...to trim the welfare state...to enact brutally painful measures...The chances that the world's leaders are going to be able to do these things successfully are between slim and none." Alan Caruba in the Canadian Press echoed this pessimistic outlook, writing that, "The much vaunted 'globalization' has masked the reality that individual nations must act responsibly or pay the price. History does not forecast a good outcome."

You have heard the expression, "These are the time that try men's souls." But there is more to the quote. On December 23, 1776, Thomas Paine published the first in a



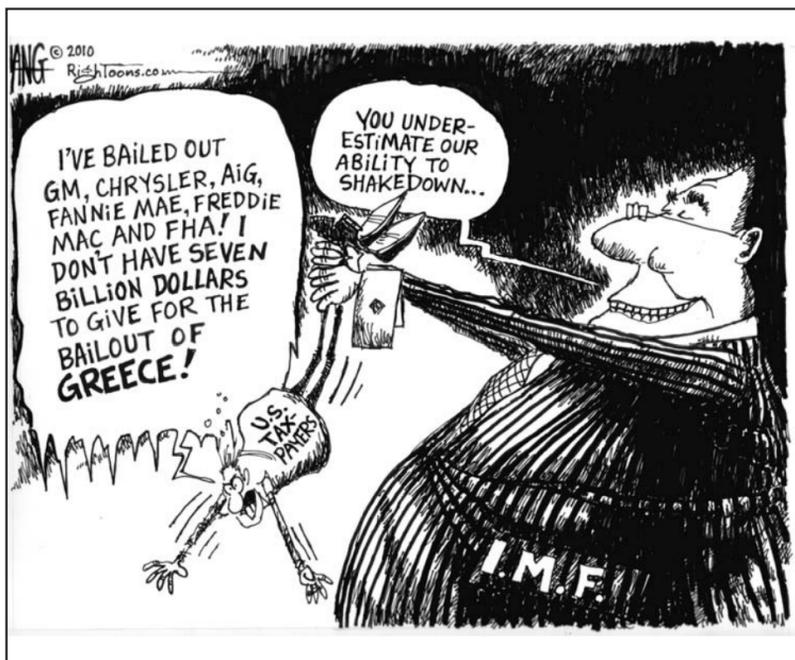
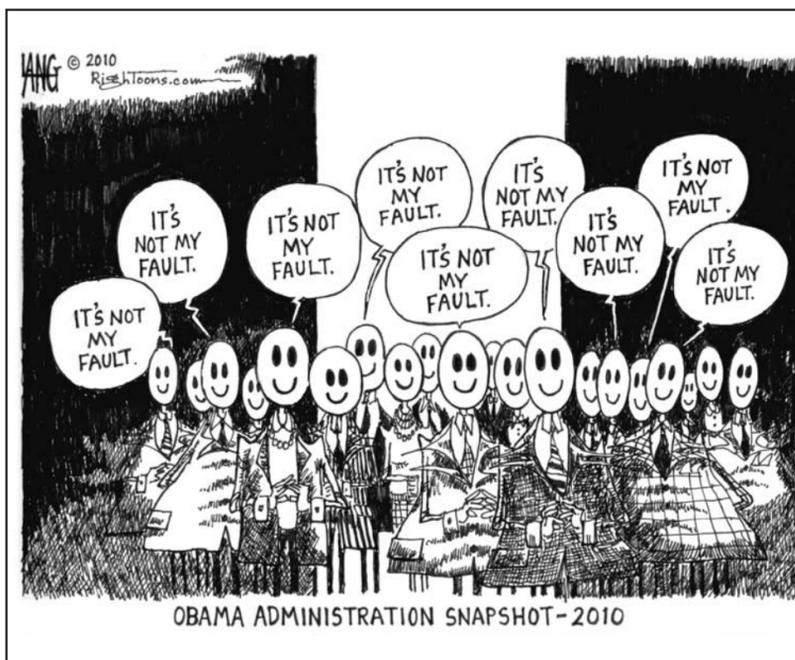
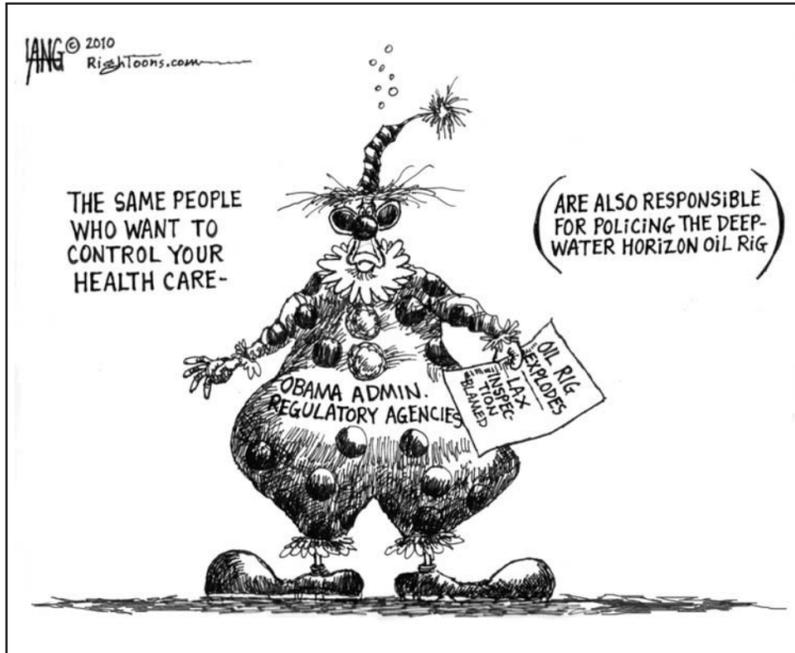
Dick Miller

series called "The Crisis." General Washington found the first essay so inspiring, he ordered that it be read to the troops at Valley Forge. "THESE are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands by it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph."

The glorious triumph is also the focus of recent books by Dr. David Jeremiah. In "What in the World is Going On?" Dr. Jeremiah chronicled world events for the past several decades, including the formation of Israel in 1948, the redistribution of wealth through oil, the catastrophic events in Nature, and the rise of radical Islam. Jeremiah made a side-by-side comparison of these events and prophecies from the Old and New Testaments and claims there is a perfect correlation.

Although there is no obvious mention of America in these prophecies, Dr. Jeremiah believes the sovereignty of God was the primary force in our founding, writing that, "America was founded and its government established by people who honored God and His word" and believes there is evidence "that God has had a plan for this nation in redemptive history." Just as foreseen by Thomas Paine, Dr. Jeremiah wrote about a "more glorious triumph" in "Living With Confidence in a Chaotic World" claiming that, "In the power and love of Almighty God, we can live with confidence in an age of chaos." He cited the exhortation by Jesus who summarized the future events as recorded by Luke and declared when these things happen it is time to "Look up!"

A glorious triumph it will be for America when patriots act responsibly, look up and restore our Covenant and our Constitutional Republic! Remember in November!



"Conscience of Kansas"

Roman Polanski, Pay Your Debt to Society

From the frills of the 2010 Cannes Film Festival, liberal elites from around the world stand in defense of convicted sex offender Roman Polanski. Polanski was charged and convicted in the late 1970s of having sexual intercourse with a 13-year-old girl and then fled the U.S. before his sentencing. Living as a fugitive from justice in the non-extraditing country of France, Polanski has continued with his filmmaking career until recently traveling to receive movie awards in Switzerland, where he was held on house arrest pending a potential transfer back to the U.S. for sentencing on his 1970s sex crime. As additional allegations of sexual misconduct are being leveled at the filmmaker, just what should be the emphasis of the Polanski story?

Unfortunately, this story is not about criminals that take the innocence from children and the triumphs and failures of the criminal justice system in penalizing such activities. In reality, the Polanski story is about the continual battle for supremacy between the liberal and conservative ideologies in the modern world. The United States, being framed with conservative values, has a criminal justice system, even with all its imperfections, that is constructed on the concept of personal accountability. Within our ideological system, Roman Polanski had not paid his debt to society when he fled to felon-friendly France. It is as simple as that.

However, to the liberal mind, personal accountability is much more negotiable, and some find more than enough "wiggle room" when it comes to what truly is punishment for Polanski's crimes. The Associated Press reports that actor Woody Allen told a French radio station, "It's something that happened many years ago... He has suffered... He has paid his due." Allen further stated, "He's an artist, he's a nice person, he did something wrong and he paid for it. (his critics) are not happy unless he pays the rest of his life." Woody Allen's words are painful to hear for more reasons than the obvious fact that this actor's life has had more immoral outgrowths than a soiled Petri dish left out in the summer sun. Allen's defense of Polanski marks the total disconnect that modern liberals have from accountability.

It should be stated that Hollywood and European liberals alike follow the same mindset as Woody Allen that Polanski is more victim than criminal. To these disconnected liberals, prima-



Paul A. Ibbetson

facie evidence of Polanski's suffering is apparent to them because in hiding from his sentence in the U.S., he has been denied total freedom to travel. I guess it is true that the filmmaker has been denied the penthouses and fancy cars of America and has been reduced to merely basking in the penthouses and fancy cars of other countries. Allen highlights the liberal mentality that Polanski's time-evading justice mitigates the crime itself as well as the fact that this felon is a nice guy who has a talent for making movies. When it comes to the court's sentencing for sex crimes with a 13-year-old girl versus the filmmaker's continued freedom, liberals judge the debt to society as being paid in full. This is shameful.

If you share this moral relativistic view you are not alone, but make no mistake, you would be a liberal. Personal accountability dictates that Polanski must pay his debt to society as would any other non-award winner. You can pity the downfall of a talented soul. I do, as Polanski's film "Rosemary's Baby" is still one of my classic favorites. I recommend this fine film to as many eager eyes as possible. Who knows, maybe they still have a movie night in prison and the filmmaker can share a few special insights with fellow inmates as he squares his debt with society.

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- Thomas Jefferson, 1787

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John Adams, 2nd U.S. President

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Last Week:
"THOUGHTS ON GOVERNMENT" part 1
by John Adams

This Week:
"THOUGHTS ON GOVERNMENT" part 2
by John Adams

The dignity and stability of government in all its branches, the morals of the people, and every blessing of society depend so much upon an upright and skillful administration of justice, that the judicial power ought to be distinct from both the legislative and executive, and independent upon both, that so it may be a check upon both, as both should be checks upon that. The judges, therefore, should be always men of learning and experience in the laws, of exemplary morals, great patience, calmness, coolness, and attention. Their minds should not be distracted with jarring interests; they should not be dependent upon any man, or body of men. To these ends, they should hold estates for life in their offices; or, in other words, their commissions should be during good behavior, and their salaries ascertained and established by law. For misbehavior, the grand inquest of the colony, the house of representatives, should impeach them before the governor and council, where they should have time and opportunity to make their defence; but, if convicted, should be removed from their offices, and subjected to such other punishment as shall be

thought proper.

A militia law, requiring all men, or with very few exceptions besides cases of conscience, to be provided with arms and ammunition, to be trained at certain seasons; and requiring counties, towns, or other small districts, to be provided with public stocks of ammunition and trenching utensils, and with some settled plans for transporting provisions after the militia, when marched to defend their country against sudden invasions; and requiring certain districts to be provided with field-pieces, companies of matrosses, and perhaps some regiments of light-horse, is always a wise institution, and, in the present circumstances of our country, indispensable.

Laws for the liberal education of youth, especially of the lower class of people, are so extremely wise and useful, that, to a humane and generous mind, no expense for this purpose would be thought extravagant.

The very mention of sumptuary laws will excite a smile. Whether our countrymen have wisdom and virtue enough to submit to them, I know not; but the happiness of the people might be greatly promoted by them, and a revenue saved sufficient to carry on this war forever. Frugality is a great revenue, besides curing us of vanities, levities, and fopperies, which are real antidotes to all great, manly, and warlike virtues.

But must not all commissions run in the name of a king? No. Why may they not as well run thus, "The colony of to A. B. greeting," and be tested by the governor?

Why may not writs, instead of running in the name of the king, run thus,

"The colony of to the sheriff," &c., and be tested by the chief justice?

Why may not indictments conclude, "against the peace of the colony of and the dignity of the same?"

A constitution founded on these principles introduces knowledge among the people, and inspires them with a conscious dignity becoming freemen; a general emulation takes place, which causes good humor, sociability, good manners, and good morals to be general. That elevation of sentiment inspired by such a government, makes the common people brave and enterprising. That ambition which is inspired by it makes them sober, industrious, and frugal. You will find among them some elegance, perhaps, but more solidity; a little pleasure, but a great deal of business; some politeness, but more civility. If you compare such a country with the regions of domination, whether monarchical or aristocratical, you will fancy yourself in Arcadia or Elysium.

If the colonies should assume governments separately, they should be left entirely to their own choice of the forms; and if a continental constitution should be formed, it should be a congress, containing a fair and adequate representation of the colonies, and its authority should sacredly be confined to these cases, namely, war, trade, disputes between colony and colony, the post office, and the unappropriated lands of the crown, as they used to be called.

These colonies, under such forms of government, and in such a union, would be unconquerable by all the monarchies of Europe.

You and I, my dear friend, have been sent into life at a time when the greatest lawgivers of antiquity would have wished to live. How few of the human race have ever enjoyed an opportunity of making an election of government, more than of air, soil, or climate, for themselves or their children! When, before the present epocha, had three millions of people full power and a fair opportunity to form and establish the wisest and happiest government that human wisdom can contrive? I hope you will avail yourself and your country of that extensive learning and indefatigable industry which you possess, to assist her in the formation of the happiest governments and the best character of a great people. For myself, I must beg you to keep my name out of sight; for this feeble attempt, if it should be known to be mine, would oblige me to apply to myself those lines of the immortal John Milton, in one of his sonnets:—

"I did but prompt the age to quit their clogs
By the known rules of ancient liberty,
When straight a barbarous noise environs
me
Of owls and cuckoos, asses, apes, and dogs."

James Madison to Thomas Jefferson
24 Oct. 1787

You will herewith receive the result of the Convention, which continued its Session till the 17th. of September. I take the liberty of making some observations on the subject which will help to make up a letter, if they should answer no other purpose.

It appeared to be the sincere and

unanimous wish of the Convention to cherish and preserve the Union of the States. No proposition was made, no suggestion was thrown out, in favor of a partition of the Empire into two or more Confederacies.

It was generally agreed that the objects of the Union could not be secured by any system founded on the principle of a confederation of sovereign States. A voluntary observance of the federal law by all the members, could never be hoped for. A compulsive one could evidently never be reduced to practice, and if it could, involved equal calamities to the innocent & the guilty, the necessity of a military force both obnoxious & dangerous, and in general, a scene resembling much more a civil war, than the administration of a regular Government.

Hence was embraced the alternative of a Government which instead of operating, on the States, should operate without their intervention on the individuals composing them; and hence the change in the principle and proportion of representation.

This ground-work being laid, the great objects which presented themselves were 1. to unite a proper energy in the Executive and a proper stability in the Legislative departments, with the essential characters of Republican Government. 2. to draw a line of demarkation which would give to the General Government every power requisite for general purposes, and leave to the States every power which might be most beneficially administered by them. 3. to provide for the different interests of different parts of the Union. 4. to adjust the clashing pretensions of the large and small States. Each of these objects was pregnant with difficulties. The whole of them together formed a task more difficult than can be well conceived by those who were not concerned in the execution of it. Adding to these considerations the natural diversity of human opinions on all new and complicated subjects, it is impossible to consider the degree of concord which ultimately prevailed as less than a miracle.

The first of these objects as it respects the Executive, was peculiarly embarrassing. On the question whether it should consist of a single person, or a plurality of coordinate members, on the mode of appointment, on the duration in office, on the degree of power, on the re-eligibility, tedious and reiterated discussions took place. The plurality of co-ordinate members had finally but few advocates. Governour Randolph was at the head of them. The modes of appointment proposed were various, as by the people at large--by electors chosen by the people--by the Executives of the States--by the Congress, some preferring a joint ballot of the two Houses--some a separate concurrent ballot allowing to each a negative on the other house--some a nomination of several candidates by one House, out of whom a choice should be made by the other. Several other modifications were started. The expedient at length adopted seemed to give pretty general satisfaction to the members. As to the duration in office, a few would have preferred a tenure during good behaviour--a considerable number would have done so, in case an easy & effectual removal by impeachment could be settled. It was much agitated whether a long term, seven years for example, with a subsequent & perpetual ineligibility, or a short term with a capacity to be re-elected, should be fixed. In favor of the first opinion were urged the danger of a gradual degeneracy of re-elections from time to time, into first a life and then a hereditary tenure, and the favorable effect of an

incapacity to be reappointed, on the independent exercise of the Executive authority. On the other side it was contended that the prospect of necessary degradation, would discourage the most dignified characters from aspiring to the office, would take away the principal motive to the faithful discharge of its duties--the hope of being rewarded with a reappointment, would stimulate ambition to violent efforts for holding over the constitutional term--and instead of producing an independent administration, and a firmer defence of the constitutional rights of the department, would render the officer more indifferent to the importance of a place which he would soon be obliged to quit for ever, and more ready to yield to the incroachments. of the Legislature of which he might again be a member. The questions concerning the degree of power turned chiefly on the appointment to offices, and the controul on the Legislature. An absolute appointment to all offices--to some offices--to no offices, formed the scale of opinions on the first point. On the second, some contended for an absolute negative, as the only possible mean of reducing to practice, the theory of a free Government which forbids a mixture of the Legislative & Executive powers. Others would be content with a revisionary power to be overruled by three fourths of both Houses. It was warmly urged that the judiciary department should be associated in the revision. The idea of some was that a separate revision should be given to the two departments--that if either objected two thirds; if both three fourths, should be necessary to overrule.

In forming the Senate, the great anchor of the Government, the questions as they came within the first object turned mostly on the mode of appointment, and the duration of it. The different modes proposed were, 1. by the House of Representatives 2. by the Executive, 3. by electors chosen by the people for the purpose. 4. by the State Legislatures. On the point of duration, the propositions descended from good-behavior to four years, through the intermediate terms of nine, seven, six, & five years. The election of the other branch was first determined to be triennial, and afterwards reduced to biennial.

The second object, the due partition of power, between the General & local Governments, was perhaps of all, the most nice and difficult. A few contended for an entire abolition of the States; some for indefinite power of Legislation in the Congress, with a negative on the laws of the States: some for such a power without a negative: some for a limited power of legislation, with such a negative: the majority finally for a limited power without the negative. The question with regard to the Negative underwent repeated discussions, and was finally rejected by a bare majority. As I formerly intimated to you my opinion in favor of this ingredient, I will take this occasion of explaining myself on the subject. Such a check on the States appears to me necessary 1. to prevent encroachments on the General authority. 2. to prevent instability and injustice in the legislation of the States.

James Madison to Thomas Jefferson
will be continued next week in the Free Press.

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City Debt

The City of Manhattan wanted to keep the old stone house at 402 Bluemont when they build another round think at 4th and Bluemont. Well they are keeping it alright but the cost is going up and up.

Tuesday night the Commissioners received a Memo tell that the new basement for the moved house is going to cost \$99,323.98. That does not include the cost of moving the building.

Another well planned City Project. Here is the Memo:

CITY COMMISSION AGENDA MEMO
May 5, 2010

FROM: Nick Arena, Management Assistant
MEETING: May 18, 2010
SUBJECT: Change Order No. 2 Foundation Re-Establishment at 402 Bluemont Avenue (SP0907)

PRESENTER: Nick Arena, Management Assistant
BACKGROUND

In August 2008, as a result of a U.S. Department of Transportation Federal Highway Administration (FHWA) determination of adverse impacts on the potentially historic residential structures located at 330, 402, and 401 Bluemont Avenue, FHWA required what is referred to as a Section 4(f) Evaluation. The purpose of this evaluation was to determine if any other options exist which would address the acknowledged deficiencies as fully as the proposed improvements would, but without impacting the properties at that intersection. The conclusion reached by the FHWA is that no other alternatives will sufficiently address the deficiencies at this intersection, and the project may proceed as proposed. The City has also signed a Memorandum of Agreement (MOA) with FHWA, Kansas department of Transportation (KDOT), and Kansas State Historical Presentation Office

(SHPO) outlining the manner in which the City will relocate these residential structures.

In Fall 2009, the City began the process of relocating the structures located at 330, 401, and 402 Bluemont Avenue. At this time, the relocation of 330 and 401 Bluemont Avenue are complete. The relocation of the main stone structure of 402 Bluemont Avenue is also complete, with the wooden addition the only remaining part of the house left to be moved and re-attached.

On August 4, 2009, the City Commission entered into a contract with R.M. Baril, General Contractor, of Manhattan, Kansas, to reconstruct the foundation of 402 Bluemont Avenue. On occasions, it is necessary to make changes-either additions or deletions-to the contract. These changes are rectified through the change order process. A change order is a change to the contract that was awarded by the City Commission.

DISCUSSION
 Change Order No. 2 reflects three separate changes to the original contract with R.M. Baril. The wooden addition to 402 Bluemont Avenue was removed to allow the house movers better access to the stone portion of the house. While the wooden addition was detached, it was discovered that the sill plates under the addition were rotten and in need of replacement, this reflects the first change to the original contract with R.M. Baril. The wooden addition is necessary to the stone structure as it houses the bathroom and kitchen for the structure. At this time, the wooden structure has not been re-attached to the stone structure of 402 Bluemont Avenue.

The second change is reflected in the removal and re-construction of a retaining wall that sits between 402 Bluemont Avenue and 406 Bluemont Avenue. Portion of the retaining wall had to be removed to allow the house movers room to move the stone house. The remaining portion of the wall has

deteriorated to a point where portions of the wall were leaning or falling over. The elevation difference between the two lots did not allow City staff the opportunity to simply eliminate it, it was necessary to replace it. City staff developed plans to remove the old deteriorating wall and replace it with a wall that will provide more strength and be more appealing to the area after the construction of the round-a-bout is complete at the intersection of 4th Street and Bluemont Avenue and after 402 Bluemont Avenue is fully re-established.

The third change reflects extra soil needed for backfilling as well as extra concrete and concrete pumping charges for portions of the basement that was constructed for 402 Bluemont Avenue.

Change Order No. 2 for foundation re-establishment at 402 Bluemont Avenue (SP0907) is attached and details the items described above. The changes amount to an increase in the amount of \$19,574.56 (+30.9%) to the base bid of \$63,326.42. The new project total will be \$99,323.98 when adding in Change Order No. 1. Change Order No. 1 was approved by the City Commission on September 1, 2009. It included changes to the contract for excavation and backfilling of the remaining basements of 330, 401, and 402 Bluemont Avenue.

FINANCING
 The MOA stipulates that the City of Manhattan is responsible for all cost associated with re-establishing the structure onsite. The costs associated with the foundation reestablishment at 402 Bluemont Avenue project will come from the 4th Street and Bluemont Avenue intersection improvements project fund (ST0703). This project is both TDD and G.O. bond eligible. Permanent financing for this project will depend on the capacity of the North TDD bonds at the time of issuance.

Advanced Manufacturing Institute Helps Develop New Infant Bed

By Lea Studer
 KSU News Service

With assistance from the Advanced Manufacturing Institute at Kansas State University, a Kansas entrepreneur has developed a new product to help soothe fussy babies.

The waddleBEE, created by Josh Waddell, Hays, is a bed for infants that provides a natural motion to mimic the mother's breathing pattern through the use of vertical movement and air flow.

"Josh came to the Advanced Manufacturing Institute for assistance in developing and marketing his concept for a bed that helps newborns establish positive sleeping habits and nurture their early development," said Bret Lanz, commercialization manager at the institute. "AMI drafted a disclosure agreement, filed a patent and assisted with the prototype."

"The bed features a R-Trendelenburg

incline that helps aid an infant's digestion and respiration, and it generates a gentle background sound to create a comforting environment," Lanz said. "The bed has a confined sleeping arrangement so the baby feels secure, and an active ventilation system that controls airflow to prevent carbon monoxide buildup."

Lanz said the Kansas Technology Enterprise Corporation also supported the waddleBEE project with a Proof of Concept grant.

"KTEC's Proof of Concept grants provide that much-needed initial influx of capital to help finance early-stage development," said Kevin Carr, interim CEO of the Kansas Technology Enterprise Corporation. "We believe that these grants are great investments in developing the entrepreneurial landscape in Kansas."

"I really appreciate the support pro-

vided by KTEC through the Proof of Concept grant to help commercialize this new technology," Waddell said. "The Advanced Manufacturing Institute has been amazing, and I'm thankful for their services and support. The business development team and engineers at AMI are very knowledgeable and easy to work with, and they provided me everything I needed to develop my idea into an actual product."

The Advanced Manufacturing Institute is a part of K-State's College of Engineering and a Kansas Technology Enterprise Corporation Center of Excellence that provides engineering and business services to develop products and processes. More information on the institute is available online at <http://www.amisuccess.com>.

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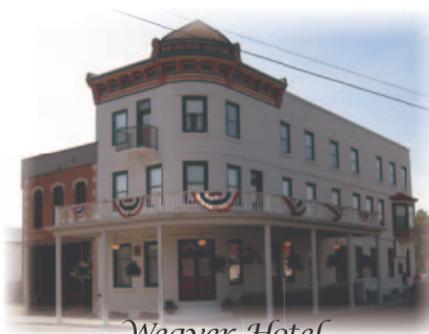
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Researchers Help Restore Balance In Soldiers

By Kristin Hodges
KSU News Service

Kansas State University researchers have found that Nintendo's Wii Fit helped improve balance for a soldier with a traumatic brain injury, a problem many soldiers are facing after serving in Afghanistan and Iraq.

Shawna Jordan, research assistant professor in human nutrition, and Laurie Hildebrand, May graduate in athletic training and pre-physical therapy and 2006 graduate of St. John High School, are studying the effectiveness of Nintendo Wii in rehabilitation. Their results showed positive improvements in balance and user satisfaction for an individual undergoing neurological therapy.

"Wii has been out for a few years and has been used in settings like hospitals, nursing homes and

clinics for all types of rehab, but there's not a lot of published research that shows that it's effective," Hildebrand said.

The researchers started the case study in March with a soldier who had been diagnosed with a traumatic brain injury. He had gone through some traditional physical therapy before the study and followed up with the virtual reality balance work.

"Traumatic brain injuries are a big concern for soldiers in the Iraq and Afghanistan conflicts right now," Hildebrand said. "These injuries often go undiagnosed, and we're not really sure how many soldiers have them."

She said traumatic brain injuries have many symptoms, including memory loss and changes in

behavior and cognitive function. The researchers specifically focused on the physical aspect of restoring balance. They used Nintendo's Wii Fit balance board and games, including the balance, yoga and strength training activities.

Baseline measurements of balance were initially taken of the individual. The study followed with five training sessions of 30 minutes each where the participant played different Wii Fit games. The study showed that the soldier had positive improvements in his balance and had few errors related to balance in the Wii Fit activities. The participant also reported liking the rehabilitation process itself because it was interactive and showed his progress through the training.

"Any time you can change reha-

bilitation processes and make them more interesting for the patient is great, especially with brain injuries, since neurological rehabilitation is a longer process," Hildebrand said.

The Wii is different from other virtual reality technologies used in rehabilitations, Hildebrand said. Its advantages include that it's cheaper, easily accessible and easy to use. Possible follow-up research includes the effects of Wii on rehabilitation for other conditions, including injuries like ankle sprains and knee injuries.

Hildebrand is studying athletic training and said the study is similar to rehabilitating football players

who have suffered concussions, which are a mild traumatic brain injury. She presented the project in a poster at K-State's University Honors Program Convocation April 27.

Hildebrand, who will study physical therapy at the University of Kansas School of Allied Health, said the project was her first research experience.

"Before this project, I never thought about research," she said. "I found out I really enjoyed it. I know as part of the requirements to finish physical therapy school there has to be a research project. This gave me experience that I might be able to use later on in that research."

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Obamacare: Impact On Doctors

By Robert Moffit, Ph.D.

No class of American professionals will be more negatively impacted by the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act than physicians. Third-party payment arrangements already compromise the independence and integrity of the medical profession; Obamacare will reinforce the worst of these features.

Specifically, physicians will be subject to more government regulation and oversight, and will be increasingly dependent on unreliable government reimbursement for medical services. Doctors, already under tremendous pressure, will only see their jobs become more difficult.

Medicaid Expansion and Payment

Under the new law, an estimated 18 million of the 34 million who would gain coverage over the next 10 years would be enrolled in Medicaid, a welfare program jointly administered and funded by the federal government and the states.

Physician payments in the major entitlement programs, Medicare and Medicaid, are already well below the prevailing rates in the private sector. On average, physicians in Medicare are paid 81 percent of private payment; physicians in Medicaid are paid 56 percent of private payment. Medicare payment has resulted in sporadic access problems for Medicare patients, and the lower Medicaid payments have already contributed to serious access problems for low-income persons and worsened hospital emergency room overcrowding. In a recent survey conducted by Opinion Research Corporation, 67 percent of primary care physicians said that under current conditions new Medicaid enrollees would not be able to find a "suitable primary care physician" in their area.

Obamacare does not substantially change the general pattern of the government's systems of physician payment but instead expands their reach and adds new regulatory restrictions. For example, beginning in 2010, the new law, with few exceptions, will prohibit physicians from referring Medicare patients to hospitals in which they have ownership.

In 2011, Medicare primary care physicians and general surgeons practicing in "shortage" areas will receive a 10 percent bonus payment. And primary care physicians participating in Medicaid will get no less than 100 percent of the Medicare payment rates for their services for 2013 and 2014, with the federal taxpayer making up the difference between Medicaid funding and the higher Medicare payment rates.

But there is a catch: There is no provision for continued federal taxpayer funding beyond these two years, so states will have to either increase their own Medicaid expenditures substantially or cut back their Medicaid physician payments.

The Sustainable Growth Rate Formula

Medicare physician payment is annually updated on the basis of the Sustainable Growth Rate (SGR) formula, which ties annual physician payment increases to the performance of the general economy. But every year, Congress passes the so-called "doc fix," which overrules the SGR formula and keeps Medicare payments from falling to artificially low rates.

Under the SGR, without congressional intervention, the initial Medicare pay cut would amount to 21.3 percent. The impact is not hard to fathom. For example, the Fairfield County Medical Association in Connecticut reported that, if such cuts were to actually take effect, 41 percent of county doctors would stop taking new Medicare patients, and nearly one out of four doctors would drop Medicare altogether.

The new law provides no SGR fix. Moreover, Congress has shown no inclination to fix the broken SGR formula without adding to the federal deficit rather than embracing fiscal discipline and embarking upon a genuine reform of the Medicare program.

More Bureaucracy

On top of existing payment rules, regulations, and guidelines, the new law creates numerous new federal agencies, boards, and commissions. There are three that have direct relevance to physicians and the practice of medicine:

1. Under section 6301, Obamacare creates a "non-profit" Patient-Centered Outcomes Research Institute. It will be financed through a trust fund, with initial funding starting at \$10 million this year and reaching \$150 million annually in fiscal year 2013, with additional revenues from insurance fees. In effect, the institute will be examining clinical effectiveness of medical treatments, procedures, drugs, and medical devices. Much will depend upon how the findings and recommendations will be implemented and any financial incentives, penalties, or regulatory requirements.

2. Under section 3403, there will be an Independent Payment Advisory Board in 2012, with 15 members appointed by the President and confirmed by the Senate. The board would aim to reduce the per capita growth rate in Medicare spending in accordance with specified targets (based ini-

tially on measures of inflation and eventually GDP growth) and make recommendations for slowing growth in non-federal health programs. The board's recommendations would go into effect unless Congress enacts an alternative proposal. An unprecedented cap on Medicare spending, the process would doubtless reduce Medicare physician payment.

3. Under section 3002, the law extends the Physician Quality Reporting Initiative. While it provides incentives for the quality of care delivered to Medicare beneficiaries, the program is nonetheless burdened with time-consuming compliance and reporting requirements.

Doctor Dissatisfaction

Notwithstanding the American Medical Association's high-profile endorsement of the massive Senate health bill, now the law of the land, recent polling underscores deep physician discontent.

For example, according to a recent survey of physicians conducted by Athena Health and Sermo, 79 percent of physicians are less optimistic about the future of medicine, 66 percent indicated that they would consider dropping out of government health programs, and 53 percent would consider opting out of insurance altogether.[5]

More ominously, with America already facing a shortage of physicians, particularly in geriatrics and primary care, many physicians also say they would leave the profession. Based on earlier polling and surveys of physician sentiment, none of this should be surprising. The new law does not address physicians' most pressing concerns, such as tort reform, and it worsens the already painful problems with third-party payment and government red tape.

Scrap It and Start Over

A key goal of health care reform should be the restoration of the traditional doctor-patient relationship. In such a relationship, physicians would be the key decision-makers in the delivery of care, and patients would be the key decision-makers in the financing of care. This cannot be achieved unless and until patients control health care dollars and decisions and third-party insurance executives are directly accountable to those who pay the health care bills.

Obamacare does none of these things but instead entrenches the worst parts of today's third-party payment system. Obviously, Congress needs to start over from scratch.

Robert E. Moffit, Ph.D., is Director of the Center for Health Policy Studies at The Heritage Foundation.

Treating Terrorism

Treating Terrorism Solely as a Law Enforcement Matter—Not Miranda—Is the Problem

By Charles Stimson and James Carafano, Ph.D.

In the wake of the failed car bomb attack on Times Square, Attorney General Eric Holder has proposed that Congress expand the public safety exception to Miranda. Superficially, carving out more time for law enforcement personnel to question a terrorist suspect before reading the suspect his Miranda rights seems commonsensical. However, once the purpose of Miranda—as well as other legal options available—is clear, it becomes apparent that Holder's proposal is not only unwise but serves as another example of the Administration's insistence on approaching terrorism, first and foremost, as a law enforcement problem.

Miranda 101

A basic understanding of how and why Miranda warnings are used is essential to understanding why Holder's proposal is unwise and most likely unconstitutional. Miranda is a criminal trial tool, period. It was court-created and is now grounded in the U.S. Constitution by subsequent Supreme Court rulings. Therefore, trying to tweak Miranda by statute would be constitutionally suspect.

When a suspect is taken into custody and subjected to official interrogation, law enforcement officials are required to inform him of his Miranda rights. If law enforcement forget or intentionally choose not to read the suspect his Miranda warnings, then the government usually cannot use those un-Mirandized statements at trial. But if the defendant testifies at trial, the government can cross-examine the defendant using those un-Mirandized statements. Behind the government's use of Miranda is an underlying assumption: The case is going to trial, and the government wants to preserve the possibility of using the defendant's statements against him in its case. Thus, Miranda is a trial tool—not a national security tool.

The law allows for a public safety exception to the reading of Miranda warnings. Law enforcement may question detained criminal suspects during emergencies to find out time-sensitive information, such as the location of a kidnapped child. Once the emergency situation is resolved—a short time period, not yet defined by the courts—law enforcement must read the suspect his Miranda warnings. Those un-Mirandized statements, usually incriminating, are generally allowed to be introduced by the government in its case. Question a criminal suspect too long under the public safety exception—i.e., well past the time the emergency has passed—and the court will not allow the whole statement to come in. Again, Miranda and its public safety exception are trial tools; not national security tools.

National Security and Enemy

Combatants 101

The stakes are much different in national security investigations. Fortunately, Congress's Authorization for Use of Military Force and subsequent court cases allow the President to designate suspected terrorists as enemy combatants.

In 2004, the Supreme Court ruled that the President has the authority to hold a U.S. citizen as an enemy combatant. Similarly, a lower federal court held that the President has the authority to designate a suspected terrorist who is an American captured in the U.S. an enemy combatant.

Enemy combatants (or unprivileged enemy belligerents) may be lawfully interrogated for intelligence purposes. There is not, and never has been, a requirement to read enemy combatants Miranda warnings when they are being interrogated for intelligence purposes. They may be interrogated at length for as long as they are enemy combatants.

By designating appropriate terrorist suspects captured in the U.S. as enemy combatants (at first) and interrogating them at length without Miranda or an attorney, the government puts national security first, which happens to be its constitutional duty.

Preserving the Miranda-less interrogation option does not preclude the government, after appropriate interrogation, from then deciding to send the suspect to trial in federal court or a military commission. Once that decision has been made, the government will want to read the terrorist (whose is now a criminal suspect) his Miranda warnings. If he waives his rights and makes a statement, the government has the option of using those statements at trial. If the terrorist invokes his right to remain silent and his right to an attorney, so be it; the government will then need to prove its case using all the other available evidence. And although Miranda warnings are not required in military commissions cases, it has been the practice to Mirandize some military commissions' candidates.

America Is at War; Fight to Win

To date, the Administration has been fortunate: Despite treating the Christmas Day underwear bomber and the Times Square bomber each as mere criminal suspects and giving them Miranda warnings, no American lives have been lost.

Umar Abdulmutallab, the failed underwear bomber, was Mirandized after only 50 minutes and then fell silent. Only after the Obama Administration brought his family to the U.S. weeks later did he begin talking again.

Having apparently learned a little from that episode, the Administration delayed reading the Times Square bomber his Miranda warnings for several hours. Using the public safety exception, law enforcement interrogated the suspect until they were advised by attorneys that the prudent course of action was to read him his Miranda warnings. They did, and fortunately he

waived those rights.

Recall that right after the Christmas Day bombing, the Administration insisted that they got all the intelligence they needed from the suspect in the mere 50 minute interrogation—an obvious attempt to create the impression that their law-enforcement-only approach was efficacious and prudent. Yet the Administration clearly did not believe its own political rhetoric because they scrambled to get the would-be bomber's family to the U.S. solely to get him to talk more.

Similarly, the Administration is also finding it useful, and perhaps even essential, to interrogate the Times Square bomber at length after he waived his Miranda warnings. But what if, in both of those cases, the suspect simply invoked his rights, remained silent, and requested an attorney from the beginning? The Administration's gamble—treating the cases solely as conventional law enforcement problems from the beginning—would have resulted in lost intelligence and perhaps lost lives.

Real Problems, Real Solutions.

The Administration has rightly preserved the military commissions process and prolonged detention. They have also rejected the left's simplistic mantra of "try them or set them free." That criminal-law-only procedure never has, and hopefully never will be, required during wartime.

Yet the Attorney General's proposal takes America back to the 1990s, when the U.S. approached all terrorist attacks as a law-enforcement-only problem. In making this proposal, Holder reveals that he has not learned what the rest of the country has learned from the 1990s and of the years since 9/11: that this unconventional enemy requires the government to use all lawful tools at its disposal, including holding some terrorists captured in the U.S. as enemy combatants. Federal courts are a powerful weapon, but they are not the only weapon.

After 9/11, the White House rightly shifted the focus of counterterrorism operations from investigating attacks to preventing them. By being more concerned about safeguarding the opportunity to prosecute suspects than stopping terrorist plots, Holder is returning to the wrong-headed strategy that characterized this nation's pre-9/11 approach to fighting terrorism. The Attorney General has forgotten that intelligence gathering, at the outset of capture, is more important than preparing for a trial.

Charles D. Stimson is a Senior Legal Fellow at The Heritage Foundation, and former Deputy Assistant Secretary of Defense for Detainee Affairs. James Jay Carafano, Ph.D., is Deputy Director of Kathryn and Shelby Cullom Davis Institute for International Studies and Director of the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Davis Institute, at The Heritage Foundation.

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