



# Manhattan Free Press

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An Award Winning Weekly Newspaper

Thursday, July 12, 2012

## Editorial... The Sales Tax Game

By Jon A. Brake

It has been hot and dry out but it was not the weather that has left the City of Manhattan high and dry, it was the Riley County Commission.

Monday the Commission decided to go for a 1/4% Sale Tax and the County would keep all of the money.

In 2002 the City and County team up to pass a 1/2 Sales Tax with the City getting the biggest cut. Both Commissions have been working to get another tax passed because the 2002 Tax will end at the end of this year. But they just could not get together.

The problem is they both want more money. The County found a way a few years back when they had the State Legislature pass a bill that Riley County could pass a Sale Tax and keep all of the money. In the rest of the State money must be split between the County and all cities.

The City does not like to take anything to the public during a General Election, they feel that too



many people will be voting and the issue can be defeated. Riley County wants to put their 1/4 % Sales Tax on this November's Election. Now the

City has until August 31st to do the same or hold off until April.

If the voters are smart they will reject any Sales Tax by the County or by the City.

## Computers Take \$3 Million Byte Out Of State Revenues

Gene Meyer | Kansas Reporter

MISSION — In May and June of last year, the Kansas Division of Motor Vehicles brought in some \$18 million from tags and licenses.

This year — May 8 to be exact — the Kansas Revenue Department installed a \$40 million 3M Corp computer system designed to help the DMV run more efficiently, more proficiently.

That hasn't happened. Mostly, the computers have flashed a metaphorical error message.

In May and June this year, the DMV has brought in about \$15 million, said Steve Stotts, the revenue departments tax operations chief.

All but \$300,000 of that \$3 million drop hit in May, when Kansas shut down its DMV offices for a week to switch its 1980s era mainframe computers to a web based-system using the 3M software.

Restart, please.

DMV offices across Kansas are still catching up with work that became backlogged during the shutdown.

Kansas' troubled DMV computers were working Monday. Just not so well. The state is withholding the final 10 percent of payments owed to 3M until all the problems are resolved.

People trying to renew license tags at the DMV office in Mission on Monday, for example, faced a potential nine-hour wait.

Even so, operations statewide Monday were working better than Friday, when a massive slowdown in Topeka essentially shut down registration and title work across

most of Kansas before noon. The problem hit on the last Friday and final workday of the month, which are historically among DMV's busiest days

"The computers are working today, and we're still assessing the problem," Jeannine Koranda, the Kansas Revenue Department's chief information officer, said Monday afternoon.

The drop from last year's collection pace isn't entirely due to computer problems, at least not directly, Stotts said. Kansas motorists have been offered deadline extensions in May and June, and most recently Friday until July 13 to complete title and tag work while officials try to figure things out.

"Some people out there want to hold on to their money as long as possible," Stotts said.

Kansas will get its money eventually, when the extensions run out, he predicted. "We'll have some months when income is higher than a year ago, too," Stotts said.

About a week ago, Kansas Revenue Secretary Nick Jordan and department officials proclaimed the worst of the backlog problems were ending in most Kansas counties; the new computers were more quickly spitting out titles, registrations and other documents when motorists finally reached DMV windows.

According to 3M, its software is working as it should and — while working through the backlog — actually processing more title and registration transactions than the old system, said Jacqueline Berry, a corporate spokeswoman. The company is offering help to state and local DMV offices, she said.

## Candidate Forums At Seniors Center

Candidates for the contested races for Riley County Commission Districts 2 and 3 will participate in a candidate forum on Friday, July 13 beginning at 1:00 p.m. at the Seniors' Center, 301 N. 4th. The forum will be held in the Mary Border Room. Republican candidates for District 2 are: Robert Boyd, Jeffrey Holmes, and Larry Larson. The winner of the primary will face Democrat Scott Seel

in the general election. Republican candidates for District 3 are Dave Fiser and Ron Wells. The winner of the primary will face Democrat Rod Harnes in the general election.

Candidates for the contested race for Kansas Senate District 22 will participate in a candidate forum on Friday, July 20 beginning at 1:00 p.m. at the Seniors' Center, 301 N. 4th. The forum will be held in the Mary Border

Room. Republican candidates for Senate District 22 are Joe Knopp, Bob Reader, and Roger Reitz. The winner of the primary will face Democrat Tom Hawk in the general election. Advance voting by mail begins Wednesday, July 18 and advance voting in person begins Tuesday, July 24th. The primary election is on Tuesday, August 7. The general election is Tuesday, November 6.

## School Lawsuit Could Increase Taxes 55%

Kansas Policy Institute

If the school districts suing for more funding get their wish, taxpayers could be on the hook for more than \$2 billion. A recent article in the Wichita Eagle said district lawyers have studies showing that Base State Aid Per Pupil (BSAPP) should be \$6,142; current BSAPP is \$3,780. If approved, it would cost the State of Kansas \$1.59 billion more and local property taxes would automatically rise by \$555 million in accordance with districts' Local Option Budgets (LOB).

Kansas Policy Institute calculated how such an increase would impact

taxpayers under three scenarios; funding the state portion entirely through property tax, sales tax or income tax. The extra LOB cost would be funded by local property taxes in each case.

The state collects 20 mills statewide for the support of K-12 education. Based on 2011 assessment values, that generates \$599.3 million so an additional 53.03 mills would be required to generate an extra \$1.59 billion. That would represent a 41% increase in property tax collections and more than triple the state mill rate for schools. State law allows school districts to assess local property taxes in an

amount up to 30% of their adjusted state aid without taxpayer approval, or up to 31% with voter approval. The statewide effective average rate is above 30%, so the increase in state aid would generate at least \$555 million in higher local property taxes, which would equate to at least another 14% increase and bring the total property tax increase to 55%.

Funding the additional state portion through sales tax would bring the state sales tax rate to 9.8% and represent a 65% jump over the current rate of 6.3%. Using individual income taxes to fund the state portion would require

a 54% increase, based on the Consensus Revenue Estimate of the amount to be collected this year. In both cases, there would also be a 14% increase in local property taxes unless districts reduced their current mill rates.

BSAPP is only part of the funding provided by state government. Districts receive a multiple of BSAPP (called "weightings") for many other factors such as At Risk, Bilingual, Transportation, Low Enrollment, High Enrollment, Declining Enrollment, Cost of Living, Virtual Education, Special Education and Vocational

Education. KSDE estimates that those additional weightings will provide \$2,116 in additional aid per-pupil this year; including extra aid for KPERS and bond payments, total state aid for districts this year is expected to be \$6,931.

If BSAPP was \$6,142 this year, the multiplying effect of the additional weightings would take total state aid per-pupil to \$10,392 and cost taxpayers \$1.59 billion more. Including the increase in local property taxes from the LOB, total taxpayer support of public education would therefore rise to \$7.8 billion or \$17,116 per-pupil.

## Governor Doubles Down On Health Care

By Gene Meyer Kansas Reporter

FAIRWAY — Kansas Gov. Sam Brownback is doubling down on health-care exchanges.

The first-term Republican lost one bet when he returned \$31.5 million from the U.S. Department of Health and Human Services to create a computer network that would give state residents one-stop access to health-insurance policies, which many people will be required to buy beginning in 2014.

The requirement and the computer networks known as health insurance exchanges are key pieces of the Patient Protection and Affordable Coverage Act. Brownback opposed the legislation and vowed in August to avoid spending any money or effort to support ObamaCare until the U.S. Supreme Court ruled on constitutional challenges raised by Kansas and 22 other states.

The high court last month rejected those challenges, upheld the law, and

in the process put Kansas nearly a year behind schedule in preparing to set up the required marketplace. Time remains to create some kind of Kansas-specific exchange, state officials say, though it would include more federal involvement than first planned.

But the state must act by Nov. 16 to preserve that choice, or Kansas' exchange will become whatever the federal government deems it to be.

That's just eight working days after the next U.S. presidential election, though Brownback has said he believes GOP candidate Mitt Romney will repeal the act, should he win.

"The governor has said this is now a political issue that will be resolved by the American people in November," said Sherriene Jones-Sontag, Brownback's press secretary. "He will wait until after the November elections before making any decisions related to ObamaCare. Nor will we speculate on any 'what ifs.'"

What if, for example, President

Barack Obama win re-election, or future President Romney is unable to effect a repeal.

That's where the future of potential health care exchanges in Kansas gets murky, said Linda Sheppard, head of the Kansas Insurance Department's Accident and Health Division. Kansas Insurance Commissioner Sandy Praeger picked Sheppard to head a statewide planning project to design the exchanges after the Affordable Care Act passed in 2010.

Kansas faces three choices, Sheppard said. The first is to try again for a Kansas designed exchange, such as that state insurance regulators, health-insurance companies and care providers were working on before Brownback returned the federal money to fund that effort.

Kansans would need to make up a nearly a year's lost time by Nov. 16 to meet a federal deadline for filing detailed plans, she said, "and we don't think, realistically, that can be done."

The second choice is to cut a part-

nership deal with federal Health and Human Services regulators, which also must be done by Nov. 16. Details remain to be worked out but, broadly speaking, federal officials would set the rules for the exchange, Sheppard said. Kansas insurance regulators would enforce those rules by using their regulatory powers to determine what insurance plans and companies meet the required standards.

The third choice, should it come to that, is for federal regulators to run the exchanges, Sheppard said.

That is the least attractive of the three choices because few federal Health and Human Services regulators have much experience regulating insurance, which historically has been left to state insurance departments, she said.

A federally run exchange would mean more regulation for insurance companies that do business in Kansas, Sheppard said. Companies working on the exchange would still need to meet

Kansas standards for financial strength, fair business practices and good management.

"State insurance regulators don't lose any authority in this arrangement," Sheppard said. "It just adds another layer of bureaucracy to deal with."

Meantime, no one knows this far in advance of 2014 's coming universal coverage requirement what the plan might really look like, said Cindy Samuelson, a vice president for communications at the Kansas Hospital Association in Topeka.

Some of the federal requirements, such as allowing young adults to stay on the their parents' plan up to age 26, are as popular as the requirement to buy coverage and other controversial features are unpopular, Samuelson said.

"What I think we don't want to do is to go back again and have that same long political discussion that led up to the court ruling," she said.

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# Obama's Taxmageddon Tax Increase Would Hurt Job Creation

By Curtis Dubay  
Heritage Foundation

Pressure is building on President Obama and Congress to stop Taxmageddon, a \$494 billion one-year tax increase that is poised to strike the economy on January 1, 2013.[1] After a considerable period of silence, President Obama finally entered the debate about Taxmageddon in a recent speech.

Rather than come out in favor of stopping Taxmageddon in its entirety, however, President Obama instead pushed for his long-sought tax increase plan to repeal the Bush tax cuts (the largest portion of Taxmageddon) for "the rich." [2] This misguided plan would hurt Americans at all income levels because it would slow job creation.

Hitting Almost All Income Earned by Job Creators

President Obama's plan to repeal the Bush tax cuts for incomes over \$200,000 (\$250,000 for joint filers) would, along with other tax increases, raise the top two marginal tax rates from 35 percent and 33 percent to 39.6 percent and 36 percent, respectively. The debate about whether to adopt the President's tax increase centers heavily on

how these higher tax rates would affect important job-creating businesses that pay their taxes through the individual income tax, known as flow-through businesses.

There is considerable debate about whether flow-through businesses that pay the higher rates are job creators. [3] A report from President Obama's own Treasury Department provides data that settle the point conclusively. [4] The report parcels out the flow-through business income earned by traditional businesses that employ workers from the income earned by individuals earning business income from side jobs. Such broken-out data did not exist previously.

The distinction the Treasury report makes is important because the individuals that do side jobs report what they earn from their endeavors as business income. They also make up the vast majority of filers with flow-through business income. However, they rarely hire workers.

A few examples of individuals earning side income but not acting in the manner of a traditional business include issue experts writing articles for publications, academics conducting studies or giving lectures, computer technicians repairing

computers and other electronic devices, hobbyists selling the products they make, and people selling items on e-Bay.

According to the Treasury study, out of 34.8 million tax returns that claimed flow-through business income, 4.3 million employed workers in 2007 (the most recent year for which data are available). The more than 30 million returns with business income (88 percent of the total returns with business income) that did not qualify as employer-businesses are those individuals earning business income from side jobs.

It is those 4.3 million employer-businesses that matter most when it comes to determining the impact that President Obama's tax increase would have on job creation. The Treasury report shows that 1.2 million, or 28 percent, of them earned more than \$200,000—the income threshold over which President Obama's tax increase would apply. More important as it pertains to job creation, those 28 percent of businesses earned almost all—91 percent—of the income earned by flow-through employer-businesses.

Obama Tax Increase Would Hit Largest Job Creators

The businesses that earn almost all of the income are the most successful flow-through employer-businesses. That also means they are the businesses that create the most jobs.

Successful businesses are the businesses with the most demand for the goods and services they make and provide. This high demand generates the high incomes that typify successful businesses. To meet that high demand, these businesses need more workers.

By pinpointing his tax increase on incomes over \$200,000, President Obama has maximized the detrimental

impact that his tax increase would have on job creation. A higher tax bill would deprive the most successful flow-through employer-businesses of resources they would otherwise plow back into their business. These investments would allow them to compete for more business and create more jobs in the process.

Higher marginal tax rates would also reduce the incentive for these important job creators to expand and take on risk with their remaining resources, because the higher rates would reduce the return that the owners of the businesses could expect to earn from their investment. This would further deter job creation.

Stop All of Taxmageddon  
President Obama often states that his plan would raise taxes only on "the rich" to force them to pay their "fair share." But less job creation as a result of President Obama's tax increase would make it harder for unemployed Americans at all income levels to find new jobs, and those seeking new opportunities to fully realize their potential would find it harder to find more rewarding positions. Most Americans would find those diminished opportunities anything but fair.

Congress should stop all of Taxmageddon as soon as possible. That means extending the Bush tax cuts for all taxpayers. Stopping a tax increase that would devastate job creation should be a rare occasion for bipartisan agreement and would be a useful way for Washington to prove to voters that it is focused on job creation at a time when almost 12.7 million Americans remain out of work.

Curtis S. Dubay is a Senior Analyst in Tax Policy in the Thomas A. Roe Institute for Economic Policy Studies at The Heritage Foundation.

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## Candidate Forum

The Kansas Citizens for Science (KCFS, www.kcfs.org) is a not-for-profit educational organization that promotes a better understanding of what science is and does. The members of KCFS are dedicated to helping defend quality science and science education in our state.

KCFS would like to broadly publicize that a State School Board of Education Candidate

Forum will be held Monday, July 23, 2012, 7:00-8:30 p.m. at the Manhattan Public Library Auditorium, 629 Poyntz Ave, Manhattan, Kansas.

This event is sponsored by Kansas Citizens for Science and Co-Sponsored by Kansas Families for Education Foundation and the MAINstream Education Foundation

## Obituary's

### Duane Douglas Daily

Duane Douglas Daily, 71, of Manhattan, passed away at the Good Shepherd Hospice House on Saturday, July 7, 2012.

Duane was born in Great Bend, KS on October 11, 1940, a son of the late Viona Ruth (Brenn) and Harold Amos Daily. He graduated from Abilene High School in 1958, from KSU with BS in 1962 and in 1979 with a Masters of Education.

Duane moved to Manhattan from Herrington where he taught speech, debate and English. Upon arriving here in Manhattan he taught Speech &

Debate at the Junior High from 1968 to 1980, then at the Manhattan High School where he taught speech. Duane was retired from USD 383, Manhattan.

He was a former member & county chairman of the Kansas Arabian Hourse club, a former member and Board of Directors for the Flint Hills Competitive Trail Riders, Former Board of Directors for UNA-USA, Board of Directors for American Field Service (AFS), KNEA, NEA; traveled to Egypt with the 4-H Youth Exchange; Listed in the "Who's Who in

American Teachers in 1992.

Duane is survived by a son, Jeffrey Allen, husband of Lisa Daily, of Manhattan, KS; two sisters, Lynda Arnold widow of Don, of Wichita, KS; Leah Doyle, wife of Tom, of Granbury, TX; and 4 grandchildren, Kalee Daily, Courtney Daily, Koby Daily, and Dillon Ruthstrom.

He is also survived by AFS exchange students LucValentin and wife Kira and son Leonce of Manhattan; Daniel Kaleja wife of Yvonne, daughters Lenja & Malia of Germany; Eymeric Giroux of France;

Cedric Allard of France; Feliz Garzynski of France; Karl Oeschger of Switzerland.

A memorial service will be held at 2:00 pm, Wednesday, July 11, 2012 at Irvin-Parkview Funeral Home & Cremation, Manhattan.

Family request donations to American Field Service (AFS) - Manhattan Chapter or the Good Shepherd Hospice House of Manhattan, and may be sent to the funeral home.

For more information or to send an email condolence you can visit irvinparkview.com

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### Bobby J. Claar

Bobby J. Claar went home to his Lord Jesus Friday, July 7, 2012 at Kansas University Hospital.

Bob Claar was born in Garden City, Kansas on April 19, 1954 the son of Twila (Duncan) and Ralph Claar of Deerfield, KS. He graduated from high school in Deerfield, KS in 1972, and in 1975 he graduated from the Kansas Technical Institute (currently K-State Salina) in Salina, where he received 2 associate degrees- one in Computer Science and the other in Mechanical Engineering. Bob worked for Boeing Aircraft in Wichita from 1975 to 1979, and then moved to southwest Kansas to be part of the family farm. Bob was a computer consultant most of his life and really enjoyed working with technology. He and Janie became the owners of Claar Enterprises where he would continue with computer consulting and property management.

Bob and his wife Janie Lynn Clower were high school sweethearts in Deerfield. On June 3, 1972 they were married at the Deerfield United Methodist Church, one week

after Bob returned from his high school senior trip.

Bob was a member of the Citizen Potawatomi Nation, a member of the Grace Baptist Church in Manhattan, and a member of the Gideons International, Manhattan KONZA camp. In 2006 Bob joined the Gideons International, which became his passion in serving His Lord and Saviour through the Gideon Ministry distributing bibles throughout the world.

Bob is survived by his wife Janie of the home; his parents Ralph and Twila Claar of Deerfield, KS; two sons, Michael Claar and his wife Larissa of Rocky Point, NC and Ben Claar and wife Stephanie, of Manhattan; one daughter,

Charity Schadel and husband Jeremy of Belvue, KS; two brothers, Ron Claar and wife Chris of Deerfield, Ken Claar and wife Judy of Castle Rock, CO. Also surviving are 11 grandchildren along with many nieces, nephews, aunts and uncles.

A memorial service will be held at Grace Baptist Church, Manhattan, at 2:00pm on Wednesday, July 11, 2012.

Family request donations to Gideons International or Bob Claar Memorial Fund and may be sent in care of the Irvin-Parkview Funeral Home & Cremation.

For more information or to leave an online condolence visit www.irvinparkview.com or Facebook.

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# The States Resist Obamacare

By Michael D. Tanner  
CATO Institute

One of the few bright spots in the Supreme Court's ruling on Obamacare was its 7-2 decision striking down the Obama administration's attempt to blackmail states into going along with a massive and costly expansion of Medicaid. Barely a day later, Florida governor Rick Scott announced that his state would not expand Medicaid eligibility to 133 percent of the poverty level, which comes out to roughly \$30,000 per year for a family of four, or allow single, childless men to participate in the program. Earlier, Scott had rejected another key component of Obamacare, refusing to establish a state insurance exchange. He had even returned grants and other funding that the previous governor had received to help implement the legislation.

Scott was quickly joined by at least six other GOP governors in rejecting the Medicaid expansion, including governors Branstad (Iowa), Brownback (Kansas), Haley (South Carolina), Heineman (Nebraska), Jindal (Louisiana), and, not surprisingly, Scott Walker (Wisconsin). At least seven other governors, including Bentley (Alabama), Bryant (Mississippi), Daniels (Indiana), Deal (Georgia), Fallin (Oklahoma), McDonnell (Virginia), Perry (Texas), and Jay Nixon (Missouri), a Democrat, had previously made statements suggesting that they were unlikely to expand their programs. Nevada had earlier passed regulations paving the way to participate in the expansion, but Governor Sandoval has since indicated he may reconsider.

In rejecting Obamacare's

Medicaid expansion, these governors will be saving their state taxpayers billions of dollars. Initially, the federal government would have provided additional funding to cover the expansion, but those additional funds would have been phased down, starting in 2017. Eventually state taxpayers would have had to pick up much of the extra cost. For example, over ten years, the Medicaid expansion would have cost taxpayers in states such as Florida, Kansas, and Texas more than \$20 billion each, while in New Jersey, for example, the expansion could cost as much as \$35 billion. (In fairness, a few states such as California do emerge as net winners under the expansion formula, but they are clearly the exception, and there are plenty of other reasons why they should resist participating.)

On the other hand, if a state does not expand its Medicaid program, most of those who would have been eligible for Medicaid will now become eligible for subsidies through Obamacare's health-insurance exchanges. Those subsidies are paid in full by the federal government. That much should be an easy call for any fiscally responsible governor, although the reasons to forgo the exchanges and the subsidies they entail are strong as well.

Beyond the Medicaid expansion, at least four governors

have joined Governor Scott in explicitly refusing to set up a state-based insurance exchange: Jindal, Perry, and Walker, as well as Democratic New Hampshire governor John Lynch. Perhaps as many as 35 other states have simply not taken the actions necessary to establish exchanges. That may be less explicit a revolt, but it has the same result.

Of course, if states refuse to set up an exchange, Obamacare gives the federal government the authority to step in and operate an exchange itself in those states. But there is reason to doubt that the federal government has either the ability or the money to do so. Congress has not appropriated any funding for this purpose and seems unlikely to do so.

More important, as my colleague Michael Cannon has discovered, a little-discussed provision of Obamacare makes federal subsidies for insurance available only through those exchanges that the states set up themselves. So, while the federal government does have the power to create exchanges in states that refuse to do so, it cannot offer subsidies through those federally run exchanges.

Moreover, it is those subsidies that actually trigger the penalty under Obamacare for employers who fail to provide workers with insurance. Obamacare requires employers with 50 or more workers to provide health insurance or pay a

tax, but only if at least one employee qualifies for subsidies under the exchange. Therefore, if subsidies can be provided only through a state-authorized exchange, a state could potentially block the employer mandate altogether, simply by refusing to establish an exchange.

The Obama administration and the IRS, unsurprisingly, have claimed that they have the right to unilaterally rewrite the law, yet again, to close this loophole. But, at the very least, this would be open to legal challenge. And perhaps next time the Supreme Court will get it right.

So, by refusing to go along with Obamacare's Medicaid expansion and by blocking state-run exchanges, governors are not just saving state taxpayers money. They are potentially reducing future federal spending by as much as \$1.5 trillion over the next ten years.

While congressional Republicans have been reduced to taking symbolic repeal votes, and Mitt Romney struggles to determine whether or not the individual mandate is a tax, governors — and state legislators — have become the real heroes of the fight against Obamacare.

Michael Tanner is a senior fellow at the Cato Institute and author of *Leviathan on the Right: How Big-Government Conservatism Brought Down the Republican Revolution*.

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The Free Press Said?

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## Replacement Bridge To Start

On Thursday, July 12, a replacement project will begin on the K-99 Bridge over Brush Creek located 7.5 miles north of Wamego just south of Brush Creek Road in Pottawatomie County. Project work includes replacement of the existing 24-foot wide reinforced concrete deck T-girder bridge structure (see attached photo) with a 40-foot wide reinforced concrete haunched slab structure. The new bridge will include two 12-foot lanes with 8-foot shoulders. Work will take place during daylight hours, Monday through Friday, with some occasional Saturday work.

Beginning early morning on Monday, July 16, northbound and southbound K-99 over the Brush Creek Bridge will be reduced to one lane of traffic for both directions. Traffic will be directed, 24/7 round the clock, across the bridge by traffic signals located at either end of the bridge.

There will be a posted speed limit of 45 mph and an 11-foot width restriction throughout the entire project work zone. Drivers should expect some delays and are encouraged to use alternate routes, if possible.

King Construction Inc. (Hesston, KS) is the primary contractor on this bridge replacement project with a total contract cost of \$857,588. The scheduled completion date for the bridge replacement project is late December 2012, weather permitting.

This project is funded by T-WORKS, the transportation program passed by the Kansas Legislature in May 2010. Find out more about this and other T-WORKS projects at: <http://kdotapp.ksdot.org/TWorks/>.

The Kansas Department of Transportation urges all motorists to be alert, obey the warning signs, and "Give 'Em a Brake!" when approaching and driving through the project work zone. For more information on this bridge replacement project, please contact Kimberly Qualls, Northeast Kansas Public Affairs Manager, at (785) 640-9340, or Jerry Haug, Wamego Construction Engineer, at (785) 456-2353. (KDOT Project # 99-75 KA 0030-01)

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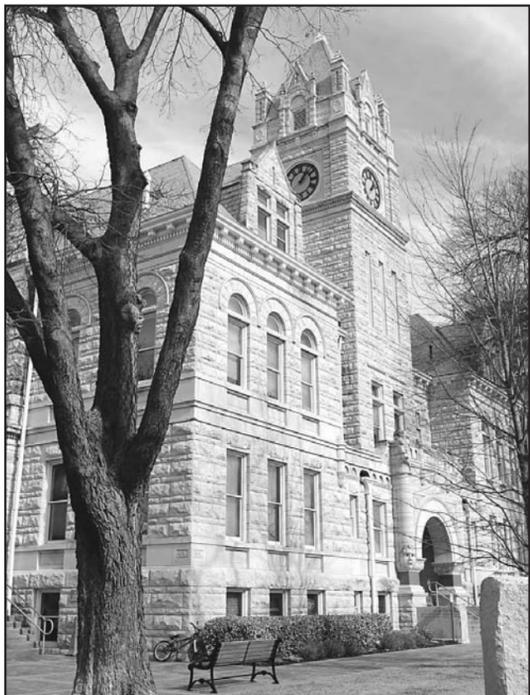
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## Riley County Commission Minutes

The Board of County Commissioners Of Riley County, Kansas

The Regular meeting of the Board of County Commissioners met at the Riley County Plaza East Building June 28, 2012 with the following members present: Alvan Johnson, Chair; Dave Lewis, Vice Chair; Karen McCulloh, Member; and Rich Vargo, County Clerk.

8:30 Public Comment & Business Meeting

Clancy Holeman, Counselor/Director of Administrative Services; Leon Hobson, Public Works Director/County Engineer; Joan Strickler, League of Women Voters; Johnette Shepek, Budget and Finance Officer; Cindy Volanti, Human Resource Manager/Deputy Clerk; Susie Kufahl, Riley County Health Department Director; Pat Collins, Emergency Management Director; Ron Wells; and Dave Fiser, attended.

P. Collins said he hired an applicant for the Assistant Fire Chief position in the Riley County Fire District #1 Department.

P. Collins discussed concerns about the dry conditions and fireworks displays.

Lewis said he has been approached by a couple accounting firms about Riley County's audit.

Volanti discussed the salary for the ARPN position at the Health Department. Volanti stated the \$82,775.00 is at the highest end a step 7 of the beginning range for the position. Volanti stated the step 1 pay for the position is \$68,695.00.

Kufahl stated it is historically an area where we have to pay more due to the market.

The Board, by consensus, agreed to pay \$82,775.00 for

the Health Department's ARPN position.

Lewis moved to approve an Agreement Conditions of Grant with the Kansas Juvenile Justice Authority for the Community Corrections Department. McCulloh seconded. Carried 3-0.

Lewis moved to approve an Indemnification and Hold Harmless Agreement with Riley County Fair Board, Riley County Extension, Bockers II Catering, and Kaw Valley Rodeo Association. McCulloh seconded. Carried 3-0.

The Board of County Commissioners signed a Riley County Personnel Action Form for Lori Hartman, a WIC Medical Clerk, in the Health Department, for Separation from County Service, effective June 20, 2012.

The Board of County Commissioners signed a Riley County Position Action Form for a WIC Clerk, in the Health Department, at a grade G.

Lewis moved to sign the Real Estate Tax Roll Correction for Mark W. Todd Et Ux (176-14-0-30-06-009.00-0) for tax year 2011. This results in a decrease in tax dollars of \$214.10. McCulloh seconded. Carried 3-0.

Lewis moved to approve the payroll vouchers in the amount of \$295,926.02 and the following warrant vouchers for June 29, 2012:

2012 Budget	County General	\$529,260.05
Health Department		80,877.18
Teen Court Collected Fund		88.54
Court Technology		4,640.00
Juvenile Intake Case Mgr		592.95
Riley Co Juvenile Service		12,124.41
Motor Vehicle Operations		3,105.57
21st Jud Dist Teen Court		

	1,192.94
Riley Co Adult Services	9,434.54
Capital Improvements Fund	37,496.48
Emergency 911	3,711.60
Solid Waste	171,114.81
County Building	13,713.12
RCPD Levy/Op	19,275.05
Riley Co Fire Dist #1	46,406.12
University Park W&S	3,977.42
Hunters Island Water Dist	2,991.55
Carson Sewer Benefit Dist	157.14
Deep Creek Sewer	373.66
Mochlman Bottoms	2,194.23
Valleywood Operations	746.56
Terra Heights Sewer	447.89
Terra Heights Sinking	2,130.00
Konza Water Operations	4,144.24
Konza Water Cap Reserve	80.00
TOTAL . . . .	\$950,276.05

McCulloh seconded. Carried 3-0.

Lewis moved to approve Susanne Kufahl, Riley County Health Department Director to participate in the Flint Hills Leadership Program. McCulloh seconded. Carried 3-0.

McCulloh moved to approve the minutes of June 25, 2012 as amended. Lewis seconded. Carried 3-0.

9:00 Jennifer Wilson, County Extension Director

Kristen Garcia, County Extension Agent; Johnette Shepek, Budget and Finance Officer; Ron Wells; Dave Fiser; Joan Strickler, League of Women Voters; and Burk Krohe, Manhattan Mercury, attended.

Wilson introduced Kristen Garcia as the new 4-H/Youth Development Agent.

Wilson discussed the Riley County Fair, which will be July 26 - July 30, 2012.

9:15 Budget and Planning Committee

Burk Krohe, Manhattan Mercury; Clancy Holeman, Counselor/Director of Administrative Services; Joan Strickler, League of Women Voters; Greg McHenry, Appraiser; Jeff Burkhardt, KMAN; Robert Nall, IT/GIS Director; Ron Wells; and Dave Fiser, attended.

Shepek presented a CIP, county building, economic development, and ½ cent sales tax update.

9:32 Robert Nall, Information Technology Director

Burk Krohe, Manhattan Mercury; Clancy Holeman, Counselor/Director of Administrative Services; Joan Strickler, League of Women Voters; Jeff Burkhardt, KMAN; Johnette Shepek, Budget and Finance Officer; and Dave Fiser, attended.

Nall presented the IT and GIS Department staff report.

9:50 Clancy Holeman, Counselor/Director of Administrative Services and Susie Kufahl, Riley County Health Department Director

Administrative Work Session

Burk Krohe, Manhattan Mercury; Joan Strickler, League of Women Voters; Jeff Burkhardt, KMAN; Johnette Shepek, Budget and Finance Officer; and Dave Fiser, attended.

Holeman presented the Healthy Families Contract.

Holeman said signing the contract does commit Riley County to the \$212,000 matching funds.

McCulloh moved to approve the Healthy Families Contract - Amendment Two with the Kansas Department of Health and Environment (KDHE) for Outreach, Prevention, and Early Intervention Services. Lewis seconded. Carried 3-0.

10:00 McCulloh moved that the County Commission recess into executive session on potential litigation for the purpose of consultation with an attorney for the County Commission which would be deemed privileged in the attorney-client relationship, an exception to the Kansas Open Meetings Act, the open meeting to resume in the County Commission Chambers at 10:10 a.m. Lewis seconded. Carried 3-0.

10:10 McCulloh moved to go out of executive session. Lewis seconded. Carried 3-0.

No binding action was taken during the executive session.

10:15 Bob Isaac, Planner

Joan Strickler, League of Women Voters; Rod Meredith, Assistant Public Works Director/Parks Director; Leon Hobson, Public Works Director/County Engineer; and Michael Jones, attended.

Johnson opened the public hearing.

Isaac presented a request to rezone a portion of an unplatted tract of land from Agricultural District "AG" to Single Family Residential "SF-5" for Michael A. Jones.

Isaac said the Riley County Planning Board held a public hearing on June 11, 2012, and forwarded a recommendation to the Board of County Commissioners to deny the request to rezone a tract of land from "AG" (Agricultural District) to "SF-5" (Single Family Residential). Staff recommended approval of the request.

Johnson closed the public hearing.

Johnson moved to approve staff's recommendation Option #3 to send the request back to the Planning Board to allow the Board to review the modified area to be rezoned, as proposed by the applicant. This will allow the Planning Board to forward a new recommendation based on the merits of a new proposal and perhaps make a new finding on the proposed final plat. If the Board decides to send the petition back to the Planning Board for reconsideration, the petition would be scheduled for the July 9, 2012 meeting. Lewis seconded. Carried 3-0.

10:30 Rod Meredith, Assistant Public Works Director/Parks Director

Bid opening for corrugated metal pipe and bands Clancy

Holeman, Counselor/Director of Administrative Services; Johnette Shepek, Budget and Finance Officer; and Joan Strickler, League of Women Voters, attended.

The Board of County Commissioners opened the following bids for corrugated metal pipe and bands.

Company	Galvanized Aluminized
J&J Drainage Products	Box 829
Hutchinson, KS	67504
\$35,884.30	\$36,812.05
Welborn Sales	P.O. Box 1666
Salina, KS	67401
\$31,762.64	\$32,311.52

Metal Culverts, Inc.	2107 Rear Missouri Blvd.	Jefferson City, MO 65102
\$32,868.72	\$32,868.72	
Kahn Culvert, Inc.	702 North Pearl	Paola, KS 66071
\$30,782.78	\$33,757.24	

Johnson moved to refer the bids to staff for evaluation and recommendation. McCulloh seconded. Carried 3-0.

10:45 Johnette Shepek, Budget and Finance Officer 2013 budget work session Clancy Holeman, Counselor/Director of Administrative Services; Joan

See County Minutes page 5

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Riley County Treasurer's Office

**Ogden**  
Riley Street

**Junction City**  
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522 East Chestnut

**Manhattan—Aggieville** | ATM on site  
1101 Bluemont Avenue  
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**Manhattan—East Hwy 24** | ATM on site  
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# County Minutes

from page 4

Strickler, League of Women Voters; Cindy Volanti, Human Resource Manager/Deputy Clerk; Susie Kufahl, Riley County Health Department Director; Jeff Burkhart, KMAN; Burk Krohe, Manhattan Mercury; Robert Nall, IT/GIS Director; Leon Hobson, Public Works Director/County Engineer; Debbie Register, Register of Deeds; Dennis Peterson, Noxious Weed Director; Rod Meredith, Assistant Public Works Director/Parks Director; Jennifer Wilson, County Extension Director; Greg McHenry, Appraiser; Dave Fiser; and Monty Wedel, Planning/Special Projects Director, attended.

Shepek reviewed the 2013 budget development worksheet.

McCulloh suggested bonding for bridges and culverts, which will last 50 years.

The Board, by consensus, agreed to allocate \$500,000 in the transfer to CIP line item.

The Board, by consensus, agreed to allocate \$50,000 in the Economic Development fund for the Chamber's appropriation.

The Board, by consensus, agreed to allocate \$212,000 for the transfer to the Health Department.

The Board, by consensus, agreed to allocate 1.5% COLA, \$170,017.

Volanti reported the Treasurer's office has requested a position in the Motor Vehicle department and IT has asked for an Administrative Assistant position.

11:52 Lewis moved to adjourn after the City/County/County at 4 p.m. McCulloh seconded. Carried 3-0.

4:00 Joint City/County/County Meeting (at City Offices)

Representing the City of Manhattan Wynn Butler, John Matta, Jim Sherow, Rich Jankovich, Loren Pepper - City Commission; Ron Fehr, City Manager; and Karen Davis, Community Development Director. Representing Riley County were Alvan Johnson, Dave Lewis, and Karen McCulloh - County Commissioners; Rich Vargo, County Clerk; Clancy Holeman, Counselor/Director of Administrative Services; Monty Wedel, Planning/Special Projects Director; and Rod Meredith, Assistant Public Works Director/Parks Director. Representing Pottawatomie County were Gary Yenser, Stan Hartwich, Pat Weixelman - County Commissioner; and Robert Reece, County Administrator. Lyle Butler, Manhattan Area Chamber of Commerce; Anne Smith, aTa Bus Director; Ben Bennett, Florence Whitebread - Geary County Commission; Dave Fiser; Bruce McMillan AIA, Architects, P.A.; Thomas Dow, Stephanie Watts - KDOT; Ty Warner, Executive Director Flint Hills Regional Council; Sydney Carlin, State Representative; and Rod Harms, attended.

Dow stated federal requirements dictate the Manhattan, Riley County, and Pottawatomie County area become a Metropolitan Planning Organization (MPO). Paul with the Federal Government discussed the purpose of forming a MPO. Watts discussed how to form a MPO Policy Board comprised of elected officials, transportation operator, KDOT, and elected representatives from other entities. Hartwich stated years ago during BRAC we were encouraged to form the Regional Planning Council to assist in transportation and other region-

al matters. Hartwich asked how the MPO will impact the RPO.

Watts stated the MPO planning funds could be administered through the RPO.

Dow stated if an MPO is not formed, no federal money will be given to the Manhattan area for road and bridge projects.

Fehr presented MPO options 1-4 Comprehensive Plan Boundaries.

Warner presented copies of information on the MPO designation intention in the RPO.

Whitebread said she would like for Junction City to be included.

Sherow said the stimulus for the RPO was housing and transportation.

McCulloh stated the MPO is required for the transportation planning in our area, the state will provide funding dollars but not project.

Sherow suggested a committee comprising of both technical and political members.

Bennett stated the whole concept was brought to the table 6 years ago for everyone to work together. Bennett said now the census ignores Fort Riley and Geary County.

McMillan stated in forming the RPO as many people were included as possible and it would be an injustice to limit the size of the group providing input at this point.

Fehr stated Geary County and Fort Riley should be included in the discussion.

6:03 Adjourned.

### The Board of County Commissioners Of Riley County, Kansas

The Regular meeting of the Board of County Commissioners met at the Riley County Plaza East Building July 2, 2012 with the following members present: Alvan Johnson, Chair; Dave Lewis, Vice Chair; Karen McCulloh, Member; and Rich Vargo, County Clerk.

8:30 Public Comment & Business Meeting

Clancy Holeman, Counselor/Director of Administrative Services; Rod Meredith, Assistant Public Works Director/Parks Director; Johnette Shepek, Budget and Finance Officer; Rod Harms; and Mel Van Der Stelt, attended.

Meredith said one turbine has not been working for a while. Meredith stated they have a new brake system to place on the wind turbine. Meredith stated the big turbine will be fixed soon as well.

Lewis moved to accept the low bid submitted by Welborn Sales, Inc. of Salina, Kansas to supply aluminized culverts and bands in the amount of \$32,311.52. McCulloh seconded. Carried 3-0.

Lewis stated we have not heard from the Attorney General on the 1/2 cent sales tax issue. Lewis asked if we should move forward on the issue.

Holeman said he has no idea when the Attorney General's opinion will be released.

McCulloh said she is leaning towards a 1/4 cent sales tax for county infrastructure.

Lewis stated he could support either a 1/2 or 1/4 cent sales tax.

9:00 Clancy Holeman, Counselor /Director of Administrative Services

Administrative Work Session

Craig Cox, Assistant County Counselor; Johnette Shepek, Budget and Finance Officer; Rod Harms; Steve Higgins, Zoning Enforcement Officer; Dave Fiser; Dan Page, KMAN; Bob Boyd; and Mel Van Der Stelt, attended.

Cox discussed a zoning violation against Roger Seymour for a lot in Valleywood subdivi-

sion.

Lewis moved to approve a Journal Entry and Settlement Agreement with Roger and Connie Seymour. McCulloh seconded. Carried 3-0.

Higgins said he is going to Jason Norton's property, Bridgeview Heights, to evaluate the status of the abandon vehicle violation.

Holeman discussed the lease for the Riley County Law Library.

Holeman stated the bar association is considering placing a couple of computer terminals at the public library, which would eliminate the need for the current law library lease.

Holeman said Derrick Roberson has suggested Riley County consider paying the public library a fee for any monthly rental cost the bar association may incur.

Holeman discussed the wind turbine that has not worked in sometime.

McCulloh suggested discussing at the next County Officials Luncheon about doing things differently in providing services such as job sharing to cut cost.

Lewis moved to approve the minutes of June 28, 2012 as amended. McCulloh seconded. Carried 3-0.

9:30 Press Conference

Rod Harms; Dave Fiser; Dan Page, KMAN; Bob Boyd; Gary Rosewicz, Assistant County Engineer; Jennifer Wilson, County Extension Director; Eileen King, Treasurer; and Mel Van Der Stelt, attended.

Wilson stated this year's Riley County Fair will be July 26-30, 2012. Wilson discussed the various fair activities.

Rosewicz reported effective Wednesday, August 1, 2012 the Riley County Transfer Station rates will increase to the following:

- Municipal Solid Waste (MSW) \$48.00
- \$12.00 (500 lbs. or less)
- Commercial Brush \$10.00 \$ 5.00 (500 lbs. or less)
- Residential Brush No Charge
- Grass, Leaves, Straw & Hay No Charge
- Compost (when available) \$20.00 \$10.00 (500 lbs. or less)
- Appliances (same as MSW) \$48.00

CFC's Any Appliances or Equipment brought for disposal without prior certification of CFC removal will be charged an additional \$10.00/Unit CFC removal fee.

- Tires:
  - Small Passenger Cars & Small Trucks \$ 2.00 per tire
  - Medium Semi Trucks \$ 6.50 per tire
  - Large Large Farm Tractors \$16.50 per tire
  - With Rims additional \$2.00 per tire

Rosewicz said the culvert replacement project on Sherman Road is scheduled to begin on Wednesday, July 11, 2012. The project is located approximately 1 1/4 quarter miles west of Highway 77. Sherman Road will be closed to through traffic from Country Road, west one mile, to Walnut Creek Road. The project has been allotted 50 working days, and is expected to be completed by mid-September, 2012.

King presented a new motor vehicle system update. King said the State is not happy with the performance of the system and the instability of it. King said the State has announced they are not paying the final \$4 million payment on the \$40 million project until the system is functioning properly. King said this problem led the State to issue a new grace period.

King said the grace period for motor vehicle tags "H-I" or

those having 30-day permits expiring on June 30th, have been granted a 13-day grace period. The new system was not functioning anywhere close to acceptable on Friday. The State provided the Treasurer's Office with an official document to give to H and I renewal customers that shows they were in the Treasurer's Office and they were not able to complete their renewal. This time it does apply to Riley County. The grace period also applies to 30-day permits. If you are unsure if this applies to you, please call the Treasurer's Office at 785-537-6320. King said their phones have been extremely busy lately, but be patient.

King said the new laws effective July 1, 2012 follow:

Temporary 30 permits are now 60 permits.

VIN inspection fees increase to \$20 and salvage inspections to \$25.

Johnson read the news release from fire officials urging caution with fireworks.

10:00 Leon Hobson, Public Works Director/County Engineer

Rod Harms; Bob Boyd; Gary Rosewicz, Assistant County Engineer; Susie Kufahl, Riley County Health Department; Anne Smith, aTa Bus Director; Clancy Holeman, Counselor /Director of Administrative Services; Shelly Williams, Community Corrections Director; Robert Nall, IT/GIS Director; Jayme Morris-Hardeman, CASA Director; and Mel Van Der Stelt, attended.

Hobson said ThyssenKrupp provided Riley County with a proposal to modernize the elevator in the Courthouse Plaza East Building for \$99,606. There are additional costs associated with this project, which are not included in their proposal so Public Works is estimating the total cost of the project to be approximately \$125,000.

Hobson said the elevator will be out of service for approximately 6 weeks during the project. Hobson said he requested each Department Head, which may be affected to submit any issues they may have and to attend this meeting.

Hobson said issues he received are:

create more inconveniences during certain times of the year, delivery of heavy purchases, foot traffic during specific times of the year, public not able to use the stairs.

Hobson discussed the following:

provide reasonable accommodation for the public, how can the issues raised by the Department Heads be addressed, provide meeting area on 1st floor, provide computer in meeting area, provide phone in lobby to contact Departments, others.

McCulloh stated we have to fix it so we need to find the time most convenient to staff.

Nall stated a phone will be placed in the lobby to contact departments.

Lewis asked about signage.

Hobson said they will develop a sign plan during the time the elevator is out.

Lewis moved to approve moving forward with the modernization of the CPE elevator to be funded with the monies for the CPE window replacements in the CIP funds. McCulloh seconded. Carried 3-0.

Hobson said the Health Department must provide refrigerated storage for their vaccines during extended utility power interruptions. Currently this requires someone to physically start the generators and connect them to the refrigerators. When the power See County Minutes page 6

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**LORETTA LYNN**  
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**AL GREEN**  
Sun., Sept. 23, 8pm

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**KANSAS**  
Oct. 5, 8pm  
**VINCE GILL**  
Oct. 11, 8pm  
**STRAIGHT NO CHASER**  
Nov. 18, 7:30pm  
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# County Minutes

from page 5

outage is over the generators need to be disconnected and stored. This type of system can create problems when employees are not physically at the building or when the generators don't function.

Hobson said to provide a more reliable system and a more fail safe method to protect the vaccines it was determined an automatic system was needed. This meeting is to discuss the investigation report prepared by Orazem & Scalora to prepare for the Health Department.

**Scheme 1:**

Provide standby power system based on a 100 kW natural gas fired engine-generator that will automatically power the entire Health Department building during utility outages. The entire building electrical system will be active and all loads served during a power emergency. Some load shedding could become necessary should building electrical loads increase to non-normal levels. This system would place a generator set near the northwest corner of the building and additional electrical gear adjacent to the existing gear on the north side of the building. Operation of the standby system would be automatic.

**Scheme 1 Construction Budget:** \$105,000.00

**Scheme 2:**

Provide standby power system based on a 60 kW natural gas fired engine-generator that will automatically power the south (Clinic) wing of the Health Department building during utility outages. This

arrangement will provide power to all lighting and power outlets in the clinic and provide new branch circuits to the server room located in the north wing. In this scheme the north wing and the second floor would be unpowered during a power emergency. It is assumed in this scheme that the vaccine refrigerators would be located in the south wing. This system would also place a generator set near the northwest corner of the building and limited additional electrical gear adjacent to the existing gear on the north side of the building. Operation of the standby system would be automatic.

**Scheme 2 Construction Budget:** \$80,000

**Scheme 3:**

Provide a small scale standby power system based on a 20 kW natural gas fired engine generator that will automatically power the refrigerator circuits during a utility power outage. Only the vaccine refrigerators and a very limited number of additional small loads would be powered during a power emergency. This system would place a generator set near the west side of the south wing of the building. Additional electrical gear would be installed inside the south wing that will require the utilization of some existing floor space. Operation of the standby system would be automatic. An operational deficiency of this system is that refrigerators operating inside the building will eventually require mechanical air circulation to the room for cooling. This will depend on the number

of refrigerators and the duration of the normal power outage. A few hours of continuous standby operation will probably require mechanical ventilation.

**Scheme 3 Construction Budget:** \$50,000

Hobson and Kufahl recommended Scheme #2.

Hobson recommended \$25,000 from the Health Department budget and the balance paid from the County Building fund.

Lewis moved to approve Option 2, \$80,000 with \$25,000 funded from the Health Department budget and the balance being paid from the County Building fund. McCulloh seconded. Carried 3-0.

Hobson discussed Public Works projects.

10:30 Johnette Shepek, Budget and Finance Officer

Clancy Holeman, Counselor /Director of Administrative Services; Rod Harms; Bob Boyd; Dave Fiser; Amy Manges, Deeds Supervisor /Deputy Register of Deeds; Robert Nall, IT/GIS Director; Cindy Volanti, Human Resource Manager/Deputy Clerk; Eileen King, Treasurer; Jennifer Wilson, County Extension Director; Leon Hobson, Public Works Director /County Engineer; and Greg McHenry, Appraiser, attended.

Shepek said the County Commission held a budget work session on the 2013 budget on Thursday, June 28, 2012. During this work session, the Commission by consensus made the following additions and/or changes:

Modified the transfer from the General fund to the Health Department fund from \$639,331 to \$212,000.

Added the transfer from the General fund to the CIP fund of \$500,000.

Removed the "TBD" status from the transfer from on the General fund to the Economic Development fund and replaced it with a \$0.

Reduced the Chamber of Commerce appropriation request from \$80,000 to \$50,000.

Added the lump sum of \$170,017 for a 1.5% COLA.

The changes made have the following impacts:

The transfer modification to the Health Department will provide the Health Department with a positive 2013 ending

cash balance of \$37,238.

The transfer of only \$500,000 to the CIP will leave a 2013 ending cash balance in the CIP fund of \$489,488. This assumes the Commission activates at least \$600,000 of non-fund projects in 2012. If any non-funded projects are activated in 2013, this would reduce the \$489,488 reserve balance.

By not transferring any money into the Economic Development from the General fund, the \$200,000 budgeted to be transferred into the General fund in 2012 must stay in the Economic Development fund. It will provide funding for the 2013 budgeted expenditures.

Other factors for the Commission to consider in the 2013 budget:

Indigent Attorney Contract.

Additional Staff Requests. IT Administrative Assistant position with a total cost of \$43,570.80. An IT part-time Intern position with a total cost of \$11,740.

Outside Agency and entities Appropriation Requests.

Department's 3 C's Requests.

Additional 2012 Projects.

Retain the \$960,908 of General fund cash to fund the 2013 budget or fund additional non-funded CIP projects or some combination of each. This cash is currently in the beginning cash balance in the General fund on the revenue page.

Vargo emphasized the impact of additional \$960,908 in the beginning cash balance. Vargo stated if it issued to balance the 2013 budget it will have a direct impact on the 2014 budget.

Lewis stated the \$5,000 Riley County cut from the Chamber he would like to restore.

Lewis said he would like to fund the Animal Shelter at \$45,000.

The Board, by consensus, agreed to fund the Animal Shelter at \$45,000.

Johnson moved to fund the Chamber at \$50,000. McCulloh seconded. Carried 2-1. Lewis opposed.

The Board agreed to fund \$125,000 in the "other contractual services" line item in the County General Fund.

King stated in the past the commission decreased the mill levy by 2 mills and then two years later it was felt and the

mill levy then had to be increased. Shepek stated with the \$500,000 CIP transfer it will only cover the debt cost in CIP for 2013. 11:15 Johnson moved to adjourn. McCulloh seconded. Carried 3-0.

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# D-Day For Gun Control

By DICK MORRIS

Without much fanfare and with as little publicity as possible, Secretary of State Hillary Clinton will go to New York City to sign the Arms Trade Treaty (ATT), now in the final stages of negotiation at the U.N. The treaty marks the beginning of an international crusade to impose gun controls on the United States and repeal our Second Amendment rights.

The ATT is nominally geared toward the purpose of stopping international arms sales to gangs, criminals and violent groups. But, as is so often the case with U.N. treaties, this is merely a convenient facade behind which to conceal the ATT's true intent: to force gun control on the United States.

Secretary Clinton will doubtless succeed in inserting language into the treaty asserting that it in no way is meant to restrict our right to bear arms. But even this language will be meaningless in the face of the overall construct set up by the treaty.

The ATT is to be administered by an International Support Unit (ISU), which will ensure that "parties [to the treaty] take all necessary measures to control brokering activities taking place within [their] territories ... to prevent the diversion of exported arms to the illicit market or to unintended end users."

The ISU will determine whether nations are in compliance with this requirement and will move to make sure that they do, indeed, take "all necessary measures." This requirement will inexorably lead to gun registration, restrictions on ownership and, eventually, even outright bans on firearms.

Former U.N. Ambassador John Bolton said it best: "After the treaty is approved and comes into force, you will find out that it has this implication or that implication and that it requires Congress to adopt legislation to restrict the ownership of firearms."

Bolton explains that "the administration knows that it cannot obtain this kind of legislation in purely a domestic context. They will use an international agreement to get domestically what they couldn't get otherwise."

otherwise, except as a circuitous vehicle to achieve gun control in the United States. The vast majority of all small arms and light arms exports (the ostensible focus of the treaty) are from sales by the governments of the United States, Russia, China, Germany and Israel. Individual or corporate arms trafficking is a distinct minority. But it is to absorb the brunt of the treaty's regulations.

Insofar as the treaty restricts governmental action, it bars governments from arming "illicit" groups in other nations. This provision could well be interpreted to ban U.S. arms sales to Iranian or Syrian dissidents. It could even be used by China to stop us from selling arms to Taiwan, since the U.N. does not recognize Taiwan as a nation, but rather an entity occupying territory that should belong to China.

And let's not forget how well the United States has done in reducing murders and other crimes despite the absence of comprehensive gun controls and bans. In 1993, there were 24,350 homicides in the United States. Last year, there were 13,576 (despite a growth of 60 million in the population). Only 9,000 of these murders involved a firearm. (Less than one-third of the highway deaths each year in the country.)

Obama has left gun control off his legislative agenda so far. Now his strategy becomes apparent: Use international treaties to achieve it.

And bear in mind that under the Supremacy Clause of our Constitution, we would be obliged to enforce the ATT despite the Second Amendment. International treaties have the force of constitutional law in the United States.

If it is ratified during the lame-duck session of the Senate this year, then nothing can ever change it. Goodbye, Second Amendment.

Right now we need 34 courageous Republican senators to step up and demand that Hillary not sign the treaty, and indicate their intention to vote against its ratification if it is submitted. Only such an action can stop this treachery in its tracks.

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