

City Receives Bids

At Tuesday nights Manhattan City Commission the bids for the Convention Center, Hotel, 3rd Street Improvements and Parking garage were received. Here is the Memo given to the Commission:

In March 2007, the City of Manhattan and Dial Realty drafted an agreement for the construction and financing of the conference center known as the Economic Development Agreement (EDA). This agreement was an exhibit to the original South Final Development Agreement (FDA).

On October 13, 2009, the City Commission approved the Economic Development Agreement and the Development Agreement with HCW. These agreements set forth the parameters for design, bidding, construction and financing for the conference center, parking garage, hotel, and 3rd Street.

DISCUSSION
Budgets had been established for the Conference Center at \$9.5 million, for the Parking Garage at \$7 million and for 3rd Street at \$3 million. Preliminary estimates for the garage were around \$9 million and prices ranged between \$15,000 and \$20,000 per stall depending on the exterior amenities of the structure.

HCW is in receipt of bids for the conference center, parking garage and 3rd Street improvements.

The conference center is a 30,000 sq. ft. facility with 15,000 sq. ft. of meeting space. The parking garage is a 440 stall garage with 3 levels of covered parking and the top level exposed to the elements. The 3rd Street improvements include streetscape, irrigation and landscaping (bundle) for South 4th Street, Colorado Street between 4th Street and 3rd Street, 3rd Street between Fort Riley Boulevard and Pierre Street, and Fort Riley Boulevard between 4th Street and 3rd Street.

HCW received favorable bids for all three projects. Killian Construction, of Springfield, Missouri, is the low bidder for the project. Killian Construction has extensive experience in the construction of hotels across the mid-west and the country. Killian is currently active in building 11 new hotels and casinos, including a new Hilton Garden Inn in

Springfield, Missouri. Find out more about completed projects including hotels, commercial, theaters, entertainment venues, and restaurants at www.killco.com.

A total of five general contractors submitted bids for the hotel, conference center, parking garage and 3rd Street/bundle. HCW received those bids and went through a value engineering phase with each of the competitive bidders to try and determine if some items could be done for less or eliminated from the project. While Killian was the initial low bidder, HCW obtained value engineering proposals from the three lowest bidders to evaluate whether or not additional savings could be obtained without sacrificing quality.

After substantial review, HCW remained with Killian as the recommended selection of the general contractor services for the hotel, conference center, parking garage and 3rd Street/bundle. Their final recommendation comes down to price, quality and the responsibility of the bidder.

The Commission is being asked to concur with the bid amounts and selection of Killian Construction for the conference center, parking garage and 3rd Street/bundle; and approve a bond resolution to authorize payment for the City-at-Large portion of the parking garage. This is consistent with the Development Agreement between the City and HCW in reference to HCW's responsibility to solicit bids for these projects. Moving forward at this point with construction is contingent upon the City transferring the land to HCW, HCW receiving a work authorization from the City, and the Code Department finalizing its review of the building plans. HCW anticipates being under construction by the middle of July with an opening scheduled for October 2011.

The five companies bidding on all four project and their bids are:

McCown Gordon:	Total Bid:	\$24,866,886
Crossland:	Total Bid:	\$24,081,570
Key:	Total Bid:	\$23,609,490
The Law Group:	Total Bid:	\$22,439,431
Killian Construction:	Total Bid:	\$21,836,707



This is the architects drawing of the Hilton Garden Inn and Convention Center presented to the Manhattan City Commission Tuesday night. Below: The parking garage will be south of the Hotel and west of the theater on South Third Street.



Students Admitted To Institute

Riley County High School students Janelle Bailey, Emily Collins, Brian Ingalsbe and Katherine Vaughan were admitted to the Master Teacher Institute of the Arts Summer Choral Institute held on the K-State campus May 30 through June 5. More applicants from RCHS were accepted than from any other school.

Candidates auditioned in the spring before Co-Artistic/Music Directors Julie Yu and Joshua Oppenheim. Those selected practiced the music and were then screened again.

Now in its 33rd year, this year's chorus was comprised of 35 singers.

The students spent six nights and seven days on campus rehearsing, performing, learning in master classes and participating in activities and leadership development. S.C.I. is unique in that all students accepted receive a scholarship that covers all expenses - tuition, lodging, food, and music.

Bob DeBruyn, originator of Master Teacher, said founding S.C.I. was prompted by his realization that performing arts are one of the things that are taught in schools that serve to raise the quality of life for everyone. He added singing doesn't require the purchase of an expensive instrument and

is something a person can do his or her whole life, whether as a profession or just for personal pleasure.

The selected high school sophomores and juniors from across the state of Kansas sing for four hours each day and participate in master classes directed by K-State voice faculty Patricia Thompson and Amy Rosine. The remaining hours were spent in social activities such as bowling, rope-climbing, and visiting the Kistler-Beach Art Museum of Art.

Katherine Vaughan said, "The only thing I didn't like about the experience was it was over too quickly."



Summer Choral Institute Co-Artistic/Music Directors Julie Yu, left, and Joshua Oppenheim, right, with Riley County High School participants Janelle Bailey, Katherine Vaughan, Emily Collins and Brian Ingalsbe.

Two New Heads

**By Mary Rankin
KSU News Service**

Kansas State University's College of Engineering has two new department heads.

Joseph P. Harner III has been named head of the department of biological and agricultural engineering, effective June 13. Alok Bhandari will head the department of civil engineering and be K-State's inaugural Dr. Robert Snell Professor of Civil Engineering. His appointment is effective Aug. 8.

Harner came to K-State in 1983 with a 100-percent extension appointment in biological and agricultural engineering and responsibilities in programming related to grain and livestock systems. He has been serving as the department's interim head since February 2009.

He has three degrees from the Virginia Polytechnic Institute and State University, including both a bachelor's and a master's in agricultural engineering, and a doctorate in environmental science and engineering.

Harner is a registered professional engineer in Kansas and is active in numerous professional societies, including the American Society of Agricultural Engineers. He was named the society's Mid Central Engineer of the Year in 2009 and the Kansas Section Engineer of the Year. He also received the society's Henry Giese Structures and Environment Award.

"Dr. Harner had certainly proven to be a capable leader during his time as interim head, and his qualities and credentials will serve both civil engineering and the college well."

could not be more pleased to have him as the permanent department head of biological and agricultural engineering."

Bhandari is currently an associate professor of agricultural and biosystems engineering at Iowa State University, serving as focus area leader of the water and environmental stewardship engineering faculty and director of the water quality laboratory. From 1998 to 2007 he was a civil engineering faculty member at K-State, where he also served as the founding coordinator of the university's New Faculty Institute.

He has a bachelor's in civil engineering from Jawaharlal Nehru Tech University and a master's in environmental engineering and doctorate in civil engineering from Virginia Polytechnic Institute and State University.

Bhandari is a registered professional engineer in Minnesota. His many awards and recognitions include the National Science Foundation CAREER Award and the Excellence in Student Chapter Advising Award from the American Society of Civil Engineers. He was a Miller Faculty Fellow at Iowa State University and a Big 12 Faculty Fellow.

"We could not be more pleased to welcome Dr. Bhandari back to K-State as department head," English said. "His outstanding credentials and proven leadership skills will serve both civil engineering and the college well."

Bhandari will replace Yacoub Najjar, professor of civil engineering, who has been serving as interim department head.

Obituaries

Harry E. McAnarney, Jr.,

Harry E. McAnarney, Jr., age 88, died at OSF St. Joseph Hospital in Bloomington, Illinois, on Monday, June 21, 2010.

He was born July 4, 1921, in Reading, Kansas, to Harry and Helen O'Mara McAnarney. Harry served in the U.S. Army during WWII, and was stationed in New Guinea and the Philippines.

Mr. McAnarney received his bachelor's degree from Kansas State Teachers College and his masters and doctorate degree in education from the University of Kansas. Professionally, Mr. McAnarney taught and was an administrator in the public schools of Kansas for several years and was a

Rose Marie Hillis

Rose Marie Hillis, age 58, died Friday June 18, 2010 in Manhattan, Kansas.

She was born on December 6, 1951 in Savannah, GA the daughter of Harold & Helen (Marcusen) McBride. Rose was the beloved house mom for Kappa Kappa Gamma Sorority for Kansas State University for the past 12 years, affectionately known throughout the Greek Community as "Mom Rose."

Rose was very active in her community by volunteering at the Mercy Regional Health Center, Manhattan, NAMI Family-to-Family Instructor,

Charles Lynn Morris

Charles Lynn Morris, age 65, died on Monday June 21, 2010 at his residence in Wamego, after a courageous battle with cancer.

He was born May 20, 1945 in Manhattan, the son of Willard and Wilma (Beach) Morris. Lynn grew up in the Manhattan area and graduated from Manhattan High School in 1963.

He also attended 1 year at Kansas State University.

Lynn joined the U.S. Navy after graduating high school. After the Navy he worked many jobs in a variety of areas. Lynn was in the insurance business for 20 years and also worked a variety of other sales positions.

Lynn and Colleen (Bethke) Morris

Larry Pickett

Larry Pickett, age 69, died Monday June 21, 2010 at his residence in Manhattan, Kansas.

He was born on August 18, 1940 in Manhattan, the son of Jesse Raymond and Mildred Katherine (Loberg) Pickett. He was a cab driver for many years.

He was united in marriage to Catherine Pratt on February 22, 1957 in Manhattan, Kansas. This union was blessed with six children: Cynthia, Joe, Jacqueline, Ronald, Patricia and Christine. Catherine preceded him in death on October 9, 1975. He was married to Laura Bradford on November 14, 1986 in Manhattan, Kansas.

Lillie Lee Wheeler

Lillie Lee Wheeler, age 88, of Manhattan, Kansas, passed away June 17, 2010, at the Mercy Regional Health Center following a brief illness.

She is survived by three sons: Floyd E. and wife Hilda of Neodesha, KS, Wesley D. and wife Sherry of Manhattan, KS and Merlin G. and wife Debbie of Emporia, KS. Other survivors include five grandchildren and nine great grandchildren.

Lillie Lee was born on April 5, 1922 in Ransom, Kansas. She married Roy E. Wheeler on April 25, 1943 in Dodge City, and they lived there until moving to Manhattan in 1995.

She was preceded in death by her husband, Roy, her parents, two brothers and one sister, and by two great grandchildren.

Lillie Lee was a loving, dedicated wife, mother, and homemaker. Her joys in life included volunteer work, sewing, gardening, growing flowers, watching birds and squirrels, and studying the Bible. Her faith in God has touched many

faculty member of the College of Education, Kansas State University, from which he retired in 1988.

Harry was preceded in death by his wife, Nancy Klee McAnarney. In addition to his parents, he was preceded in death by three brothers, James, Leonard and Charles and a sister, Mary. He is survived by his daughter and her husband, Pam and Sheahon Zenger, Normal, Illinois; three grandchildren, Luke, Abby, and Jake, Bloomington, Illinois; his son and his wife Stephen and Lori, Bloomington, Illinois.

Funeral services for Harry E. McAnarney will be held at 10:00 a.m., Friday, June 25, 2010 at St. Thomas More Catholic Church, Manhattan, Kansas. Interment will be in Mt. Cavalry Cemetery, Reading, Kansas at

Thimble Berries, Safe Zone Advocate, and the Greek House Moms K-State Club. She also loved being in a bowling league and participating in the BAK: Bike Across Kansas. Rose especially loved being with her family, friends, "her girls" at Kappa Kappa Gamma and her loving daughter: Shannon.

She was preceded in death by her father.

Survivors include her daughter: Shannon Hillis and her companion Mike Winckler of Independence, MO; her mother: Helen McBride of Lexington, SC; 2 sisters: Mary Montez of Lexington, SC and Patricia Weston of Erwin, TN; her friend: Richard Howerton of Manhattan, KS

were together since 1996. On July 1, 2005 in Westmoreland, Kansas they were married. She still resides at their home in Wamego.

He was a member of the American Legion Post 17 in Manhattan and a lifetime member of the North American Hunting Club. Lynn loved spending time with his sons and friends hunting and fishing along with other outdoor activities.

Lynn was a family man. He loved his wife, his two sons, and grandchildren deeply. There was nothing he wouldn't do for any member of his family, to make sure they were safe and had what they needed. He will be missed by his dog, Madison.

Additional survivors include his two sons: Bradley Morris and his wife Gina of Riley, and Brian Morris and his wife Deena of Las Vegas, Nevada,

Larry loved fishing, taking drives around the lake, playing cards, dice and he especially enjoyed being with his family and friends.

He was preceded in death by his parents; his wife: Catherine; a brother: Ronald Pickett and 2 sisters: Judith Perrow and Marilyn Pickett.

Survivors include his wife: Laura of the home; his children: Cynthia Springer of Manhattan, Joseph Pickett of Marion, Kansas, Jacqueline Phillips of Deridder, LA, Ronald Pickett of Manhattan, Kansas, Patricia Henkins of Wamego, Kansas and Christine Platt of Manhattan, Kansas. He is also survived by a step-son: Robert Farmer of Indiana; a brother: Robert Pickett of Missouri; a

lives.

The family of Mrs. Wheeler will receive friends from 7:00 until 8:00 p.m. Tuesday evening, June 22nd, at the Yorgensen-Meloan-Londeen Funeral Home in Manhattan.

Funeral services were held 10:30 a.m. Wednesday, June 23rd, at the University Christian Church in Manhattan with Ryan Hayden officiating. Graveside services were held 10:30 a.m. Thursday, June 24th, at the Maple Grove Cemetery in Dodge City with Phil Scott officiating.

On-line condolences may be left for the family through the funeral home website located at

2 p.m. Friday June 25, 2010.

Relatives and friends are also welcome to attend the visitation at the Yorgensen-Meloan-Londeen Funeral Home from 6 until 7:30 p.m. Thursday June 24, 2010.

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

The family would like to thank all the staff of OSF St. Joseph Hospital and the Hospice Program for their wonderful care and support.

A memorial fund has been established in his name for the Hospice Program of Bloomington, Illinois. Memorial contributions may be left in care of the Yorgensen-Meloan-Londeen Funeral Home, 1616 Poyntz Avenue, Manhattan, Kansas 66502.

and many other family and friends.

Services will be held at 2:30 p.m. on Friday June 25, 2010 at Yorgensen-Meloan-Londeen Funeral Home with Rev. Kevin Larson officiating. Inurnment will follow in the Sunrise Cemetery, Manhattan, KS.

There will be no visitation.

Memorial contributions may be made to the American Diabetes Association or to the Fairchild Terrace Scholarship Fund at the Manhattan Community Foundation in care of the Yorgensen-Meloan-Londeen Funeral Home 1616 Poyntz Ave, Manhattan, Kansas 66502.

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

his sister: Diane Christ and her husband Paul of Afton, Minnesota. Lynn is also survived by 9 grandchildren, 3 nephews and 5 nieces.

Memorial Services for Mr. Morris will be held on Saturday June 26, 2010 at 10a.m. at the Yorgensen-Meloan-Londeen Funeral Chapel with Chaplain Jude Highberger officiating. Inurnment will follow in the Sunset Cemetery in Manhattan.

Online condolences may be left for the family thorough the funeral home website at www.ymlfuneralhome.com

Memorial funds may be made to the Heart of America Hospice of Topeka or to Valley Vista/Good Samaritan Society in Wamego. Contributions may be left in care of the Yorgensen-Meloan-Londeen Funeral Home, 1616 Poyntz Avenue, Manhattan, Kansas 66502.

sister: Diann Cline of Jackson, Ohio; 13 grandchildren; 5 great grandchildren; numerous nieces, nephews, great nieces, nephews and many other family and friends.

Family will greet friends from 2:00 p.m. until 4:00 p.m. on Thursday June 24, 2010 at the Yorgensen-Meloan-Londeen Funeral Home 1616 Poyntz Avenue, Manhattan, Kansas.

Memorial contributions may be made to the Homecare & Hospice Inc. in care of the Yorgensen-Meloan-Londeen Funeral Home 1616 Poyntz Avenue, Manhattan, Kansas 66502.

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


www.ymlfuneralhome.com

Memorial contributions may be made to either Cookson Hills Christian Children's Ministries or Manhattan Christian College. Contributions may be left in care of the Yorgensen-Meloan-Londeen Funeral Home, 1616 Poyntz Avenue, Manhattan, Kansas 66502.



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Holeman Gives Legal Report

(Editor's Note: Clancy Holeman, Riley County Counselor gives his legal report to the Riley County Commission every week. This report is long because each subject starts at the beginning of the event and he adds to it from time to time. It is a good way for citizens to see what the Commission is considering and where they are in the process.)

PENDING COUNTY PROJECTS June 21, 2010

Submitted by Clancy Holeman, Riley County Counselor
Changes from previous meetings are shown in *italics*

COMMISSION LIST

Dick Edwards Claim v. Riley County Shop. During the late December 2009, and early January 2010, snow removal operations of the shop, a wheel broke off a relatively new (under 10K miles) Riley County truck while at the shop site. They had it towed to Dick Edwards, and a dispute developed over whether or not the vehicle repairs should be covered by warranty. They needed the vehicle back, so authorized repairs and it was returned. Counsel for Dick Edwards recently sent the shop a letter threatening suit for the unpaid \$2,600-plus in repairs. I interviewed staff at the shop and responded to counsel with our version of the facts. Counsel for the shop and I are talking, and he is forwarding our reply letter to his client. He commits he will not begin suit without getting back to me.

Borrow Pit on K-18. Planning and Development has received an application for a conditional use permit for a property on the south side of K-18 and in the glide path for the Manhattan regional airport. The contractor has an agreement pending with the landowner to extract over a million cubic yards of dirt from that tract, for purposes of using it on the K-18 realignment project. Part of Riley County's borrow pit regulations require a prospective user to file a reclamation plan for a borrow pit site, detailing in a manner which is acceptable to the Board of Zoning Appeals what condition the borrow pit operator will leave the land when operations are complete (Here, two years "down the road.") When reclaimed, the plan calls for the elevation of the land to be 15 feet below current grade. The airport's issue (supported by "experts" from wildlife and parks), is a fear that, when reclaimed, this area will be an attractive area for migratory waterfowl such as geese, which present an obvious hazard to aircraft leaving and returning to the airport. The airport is concerned also the FAA (which has already contacted the airport) may withdraw millions of dollars in direct funding to the airport if such a wildlife hazard is allowed to exist. Planning and Development has made a major effort to engage all relevant parties, and has even taken the entire board of zoning appeals out for a site visit (to both the current proposed pit and two other nearby borrow pits previously used by KDOT). The public hearing before the BOZA on the application will be today, beginning at 5:30 p.m. Any party disappointed in the decision of the BOZA must appeal to the District Court, not to this Board. Public hearing was held, attended by Craig and me. I answered a few legal questions from BOZA, but made it abundantly clear I was not appearing on behalf of the BOCC. The BOZA granted a conditional use on terms to be finalized by Planning and Development, representing the BOZA's order—Craig and I worked with Monty and got that accomplished Tuesday.

County ½ Cent Sales Tax. August 24, 2009, Chairman Johnson directed Budget and Planning Committee to bring back to BOCC options for placing existing ½ cent "road and bridge" sales tax back on ballot at or before deadline of Fall, 2012; options to include possible use of "new" ½ cent sales tax specifically to Riley County with none to City for eco/dev; Chairman prefers using existing sales tax statute, not new one, and putting in place new interlocal agreement with City of Manhattan and other 4 cities agreeing to keep Riley County "share" of proceeds at specific level. Currently there is an existing interlocal agreement only with the City of Manhattan, primarily because other 4 refused to sign prior version routing part of their "share" of sales tax to Riley County. The Budget and Planning Committee first discussed this issue at its August 28, 2009 meeting. Rich Vargo and I have met on this issue. We intend to present the Budget and Planning Committee with a proposed course of action for it to take before the BOCC at some future date. We have presented this issue to the Budget and Planning Committee. I am working with bond counsel to analyze some of the issues involved. I believe additional information should be available during the week of January 11, 2010. I spoke with bond counsel December 22, 2009. She indicated in her opinion it is likely we have the ability to place the "reauthorization" of the ½ cent sales tax on the ballot "early" (prior to 2012) to determine whether or not the electorate will pass the tax. As Rich



Clancy Holeman

and I have discussed, and have presented to the Budget and Planning Committee—that would give the county maximum flexibility should the question fail "early". In my opinion, it may be worth having the BOCC authorize me to write for an attorney general opinion on that timing issue—to find out for certain whether we can lawfully proceed before 2012. Rich Vargo and I expect to have a CAR before the BOCC on these issues February 11, 2010. Both Rich and I were unable to meet on this issue prior to February 11, so it was been moved, with the BOCC's consent, to February 18, 2010. I presented the CAR to the BOCC February 18; the BOCC authorized an A.G.'s opinion asking at least those questions identified in the CAR. I will present a draft of that A.G. opinion to the BOCC during the week of June 21, 2010.

Randolph First Responder Vehicle. The BOCC has directed a contract be drawn between the Fire District, BOCC and the City of Randolph, providing for placement at Randolph of a "retired" ambulance, to be used as a "First Responder" vehicle. A key component of such contract should be the vehicle, once housed in Randolph would not be removed from Randolph unless EMS and the Fire District notified the mayor of Randolph there would be no First Responder vehicle present during the time it was being used elsewhere. Among other terms of the contract, as approved previously, in concept, by the BOCC will be: The Fire District will pay fuel costs for the vehicle; Ongoing maintenance and service of the vehicle will be provided by the Riley County EMS maintenance program; The Fire District or EMS will retain the option to not repair or replace the vehicle if it suffers a catastrophic failure (motor, transmission, rear end). The foregoing approved contract terms appear in the minutes of the BOCC. I have a meeting scheduled on development of the contract Thursday, August 20, 2009, with Pat Collins and Larry Couchman. I have revised a draft of the contract provided by Pat, and I expect we will have a draft contract ready for review by the BOCC during the week of August 24, 2009. Larry, Pat and I met August 20, 2009, and discussed terms of a potential contract. Pat submitted additional revisions after that meeting, and I expect to have a draft back before the BOCC September 17, 2009. September 17, 2009, the BOCC reviewed the initial draft and required a number of revisions. I will make those changes and bring the document back for further BOCC consideration. Pat Collins, Larry Couchman and I will review the above BOCC revisions in a meeting October 29, 2009.

The BOCC reviewed the draft prepared by our foregoing working group. The Board proposed additional changes, and I will present those to the Board when all members are present. This contract will be presented to the Randolph City Commission by Commissioner Kearns and me February 10, 2010. Commissioner Kearns and I presented the draft to the Randolph City Council February 10, 2010. The Council had a proposed text change, which I have circulated to Pat Collin and Larry Couchman for comment. Pat Collins has scheduled time before the BOCC February 22, 2010, to review this change and comment upon it; Pat has issues with the proposed change. Larry Couchman has not responded at the time of this update. The BOCC discussed the proposed change February 22, 2010, with Larry Couchman and Pat Collins. Not enough time was available, so the matter was set over for further discussion March 1, 2010. March 1, 2010 the BOCC discussed the matter further with Larry Couchman and Pat Collins. Pat advised Randolph first responders are authorized to use the fire dept. vehicle whenever their regular "first response" vehicle is gone for maintenance or repair; so there's no need to bring to Randolph from the shop site the county's "backup" ambulance. Larry Couchman said this is an operational issue which should not be addressed in the contract. Commissioner Kearns asked Larry and Pat to accompany us to the next Randolph Council meeting to make sure they understand the fire dept. vehicle is their backup "first response" vehicle and why that is preferred to

moving to Randolph the backup ambulance at the county shop site. We will meet at the Randolph City Council meeting March 10, 2010, at 7 p.m. The meeting of March 10, 2010, was cancelled due to Commissioner Kearns' illness and will be rescheduled. Commissioner Kearns, Pat Collins, Larry Couchman and attended the April 14, 2010 council meeting at Randolph; where Pat and Larry presented their issues with the Council's proposed contract language. Since two council members were absent, they asked for additional time to review the document and get back with us after their next regular meeting.

AT & T Settlement Proposal. August 6, 2009, Pat Collins presented a CAR with a proposed settlement offer (\$218.50), based on its under-collection of 911 service taxes on certain identified phone lines. I obtained an extension of time from A T & T management to September 19, 2009, so the text of A T & T's proposed settlement document can be altered by me to satisfy Pat he's not giving up a claim on certain of the lines which might be involved in the "under-collection" by A T & T. I'll make that revision and get the revised document back before the BOCC at a future meeting. Our deadline for response to the settlement proposal has been extended to December 19, 2009. I left a voicemail for the AT & T representative December 17, 2009. I spoke with the representative December 18 and confirmed there is no true deadline on this until, at the earliest, February, 2010. He also will advise me if that changes. He explained he cannot make the clarification in the document requested by Pat without routing the settlement document back to their legal department for revision. I will discuss this with Pat and determine if the document, as is, is acceptable for signature. According to the representative, the problems encountered by the company all are "prior to 2007." Pat had asked a specific reference to the timeframe be included within the settlement document. I will finalize this item during the week of June 21, 2010.

Inmate Medical Issue. August 5, 2009, late in the day, I received separate word from Commissioners Johnson and Kearns an inmate at the jail, scheduled to be transported to KDOC August 6, 2009, was in a vegetative state. The inmate died in LEC custody on Saturday, August 8, 2009, due to medical complications unrelated to his incarceration. Additional changes have been made to the letter the BOCC has requested sent to DOC - asking the Department's position on this inmate's medical bills. I did not mail that letter February 8, 2010, because I decided to include an analysis of applicable legal authority; it was finalized and mailed February 10, 2010. I have given DOC's counsel 20 days to respond. We can expect a response by Monday, March 3, 2010. I received 2-17-10, a letter response from DOC's counsel, which I will review and provide to the BOCC. I provided the DOC's response on June 17, 2010. The BOCC authorized me to work with RCPD's counsel to make sure the necessary certified copies are sent to KDOC by RCPD; also authorized me to place in next year's legislative packet a revision to the statute making it explicit KDOC bears inmate medical costs incurred after the Secretary's "4 day" period to pick up prisoners expires, if the prisoner continues to sit in the county jail.

Drug Testing Policy Revisions. At the request of department heads, I added to the County Officials' Luncheon for June 8, 2009, a group discussion of whether or not the BOCC wants to apply mandatory drug/alcohol testing to all "new hires," or whether the BOCC prefers to maintain its current rule allowing such testing of "new hires" only in "safety sensitive" positions. In the meantime, during a Department Head Committee Meeting, department heads suggested they were in favor of considering random drug testing of all county employees. At a subsequent meeting of the Department Heads, there was virtually no support of that view. After the working group gives me its input, I intend to thereafter run it past Department Heads for their review, then on to BOCC for final

See Legal Report page 6

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Election Time

The yard signs are starting to pop up around town. Yes it is that time again – election time. The primary date is August 3rd and the general election date is November 2nd. Our two state representatives, Tom Hawk and Sydney Carlin, are running for reelection. Each of them has been in the state house for a number of years now and their voting record is very clear. They consistently rank at the bottom of The Kansas Taxpayers Network list which ranks representatives based on their votes with regard to taxation and fiscal responsibility. On a scale where 100% is the top, they are usually in the teens and some years in single digits. Another voting index, the Kansas Economic Freedom Index scored both our representatives at 0% for last year.

Of course our two representatives voted for the state sales tax increase. It is pretty easy to know which way they are going to vote on issues. If it increases taxes they vote yes. If it increases spending they vote yes. If it increases regulations they vote yes. If it increases government jobs they vote yes. If something will bring in private sector jobs like the Holcomb power plant, they vote no. Tom Hawk recently said that he did not want cuts to state government because 50% of his constituents worked for the government. I guess we know Tom's position regarding efficiency in state government. He is against it.

This last budget cycle we heard all these horror stories of draconian cuts that would be needed if we did not raise taxes. Things like closing the court house on Fridays and no health department inspections. From what was being said one would think that Kansas had been on an austerity program prior to the recession. Actually, during the three budget cycles prior to the recession, the State General Fund spending increased 8.6%, 9.6%, and 8.6% respectively. For the past three decades the compounded annual growth rate of state spending has been 8%. This has far outpaced the incomes of Kansans! Government jobs in Kansas make up 19% of the total work force compared to the 50 state average of 16.1%.

Bottom line the increases in spending, taxes, and debt have resulted in a decline in the state's business climate. Kansas simply does not create private sector jobs. Kansas consistently ranks among the bottom group on states in business tax climate. Nebraska is the only state in our region with a worse business tax climate ranking. In fact except for Nebraska, Kansas has raised individual and corporate income taxes more than any other state in our region. The recent increase in sales tax takes Kansas to around number 10 or 11 in highest sales tax in the nation.

Do not expect the general economic climate to get much better next year. I agree with economists like Art Laffer who are predicting that the next six months will be the best economic times for quite a while. Next year when the Bush tax cuts expire federal income, capital gains, dividend, and estate taxes will all go up dramatically. The prediction is that this will result in a double dip recession or at best a continued stagnant economy. This will make state policies with regard to taxation, spending, and regulation even more important in order to attract a shrinking number of private sector investors.

For those of you who like to point to the Clinton tax increases and say they did not hurt the national economy, I'll give you little history lesson. When Clinton first increased taxes it did worsen the economy. It was not until the Republicans took over the congress and cut



John Matta

spending and decreased the capital gains tax rate that the economy rebounded.

It is time to get serious with regard to the state budget. There are ways to cut the budget and the rate of increase in spending without the horror stories. First look at the different state departments and see how they compare to how they were run and how many people it took in prior years. The Kansas Department of Labor was spun off from the Department of Human Services in 2004 by executive order. Spending increased 24% in the first two years alone and the agency has no less than 12 chief or director positions. This and other departments can be reduced and or consolidated. Many other departments have had children with corresponding administration and overhead. Cuts of 10% to 20% are doable in many state agencies.

There are many other areas to reduce costs. Entitlement programs need to be looked at from the point of view of the results they are achieving. If the management administering them is not being successful, then get new management. Also move some programs like Medicaid to local control with the Kansas Health Policy Authority only being used to administer the matching federal funds. This way the programs can be tailored to local needs. Also take advantage of today's technology to house state staff in the local communities which are closer to the people being served. In many cases this move will result in cheaper real estate costs. In addition all new state employees should be put in a defined contribution program - a 401k type program that most of us in the private sector have. This will limit the time bomb cost damage from the current Kansas Public Employees Retirement System (KPRS).

The idea that the state government can not be administered more efficiently is simply wrong. However, that is exactly what Representatives Hawk and Carlin will tell you and have been telling you for years as they have consistently voted to raise taxes and spending. Kansas is not yet one of the basket case states like California, New York, and New Jersey, but we are heading in that direction. You'll have a chance to reverse that direction in November.

“Conscience of Kansas”

Get out of my tent!
Fruming over the Tea Party movement
By Paul A. Ibbetson

What does it mean to be a Republican? What does it mean to be a Democrat? Are they both the same? The answer is no they are not, well not completely. I was disheartened to read David Frum's article, "The Tea Party is a turn-off for US moderates," not simply because it misrepresents the Tea Party movement which is usually the activity of angry liberals, but it also once again muddies the waters as to why we have a two-party system.

Frum frames the Tea Party activists as radical and angry people, which makes me believe that he most likely has never attended these events and never met the people who come to show their support for America. There is also a major disconnect in Frum's reality of the liberal media and this movement. Contrary to Frum's belief, the Tea Party has never been portrayed by the media as an unstoppable force. Actually, if anything, these gatherings that take place all over the country have been downplayed in every possible way. In his assessment of the Tea Parties, Frum sounded more like Keith Olbermann than a former speech writer for George W. Bush. He implies that liberalism within the Republican Party is a needed working part of its existence. Frum calls them the "moderate faction" of the Republican Party, and he indicates that it is they who are offended by these angry activists. He scoffs at the Republicans for rejecting Arlen Specter and thinks it would have been a good strategy to have kept this liberal under the Republican tent.

There is obviously a major disconnect here that needs addressing. I will do so now as someone who has attended many Tea Parties as a speaker, master of ceremonies and often just as a proud American concerned about the future of this country. Tea Party goes are not angry, misguided people. They are not radicals unless limited government, controlled spending, the Constitution and traditional American values are radical ideas. If these ideas are to be placed within the category of "radical" then let my name be placed there as well.

I believe that the Tea Party movement is due partly to the Republican Party's failure to be a true tent in which conservative values can be found. Too many donkey tails are sticking out from under the Republican tent. In this, Frum is inadvertently correct; the liberals who hide in the vague title of "moderate" do exist in the Republican Party, and they have all but destroyed it. Barack Obama is the direct byproduct of the political breakdown of the two-party system. The Tea Party movement is not a Republican movement, but it has served to pull the party further toward conservative values, and that is a positive thing. Why? Because the Republican Party can and should take back the

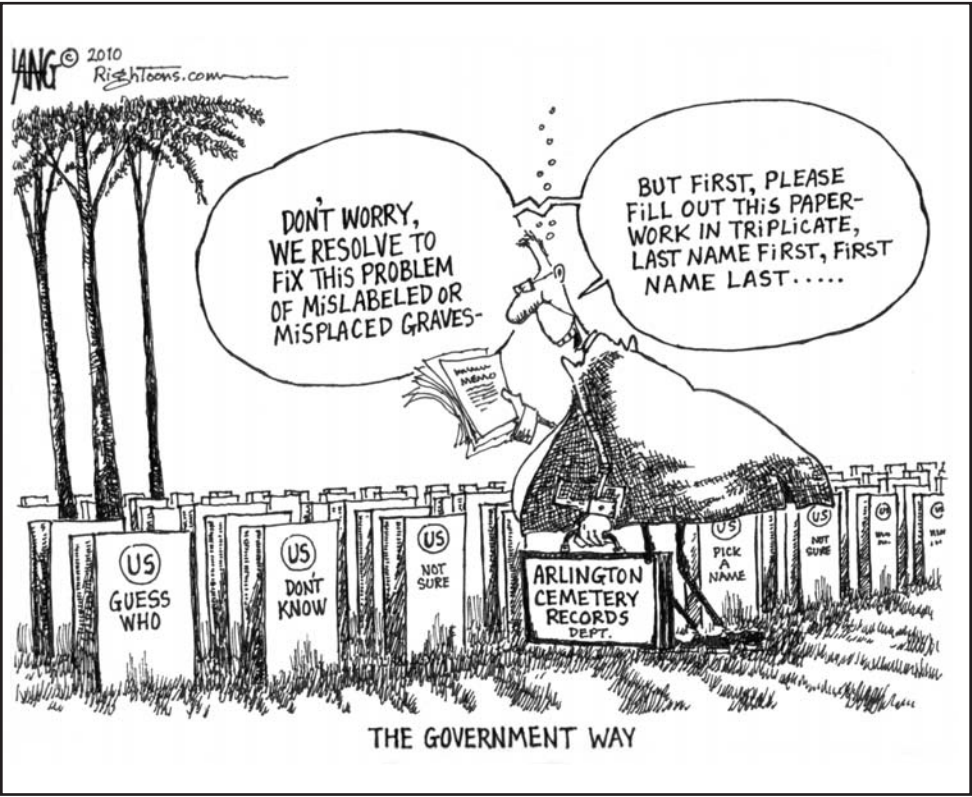
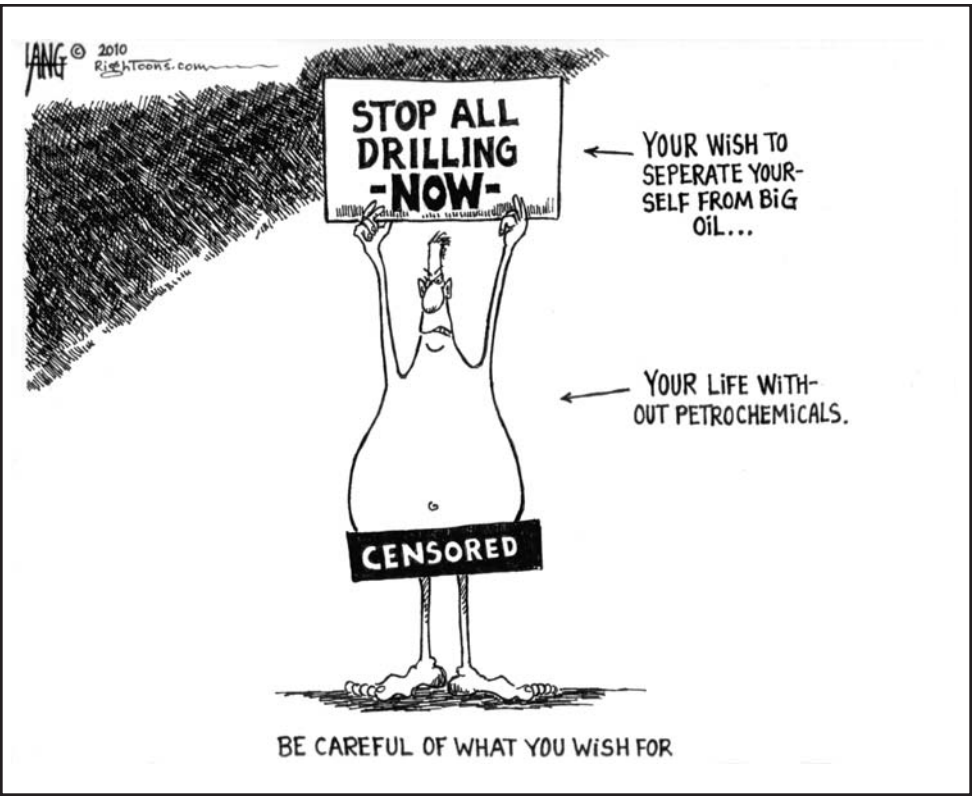


Paul A. Ibbetson

mantle as the party of conservative values. They are the only viable option.

If we follow Frum's advice we simply keep stuffing more donkeys under the Republican tent. This is subsequently what liberals call rational thinking. This action might avoid the debate over the need for perfection in Tea-Party-supported candidates but it continues to feed the disease of liberalism that is destroying the country. Attend a Tea Party and you will see regular Americans that understand the effects of liberalism. If Frum is right then core values are negotiable and victories at the cost of the soul of this nation are events worthy of jubilation. If Frum is right then the so-called moderates of the Republican Party will silence the people of the Tea at the polls and they will be forever viewed as angry militants. But if he is wrong, let's say, as wrong as wrong has ever been, then the Tea Party movement may embody exactly what has to be done, and just in the nick of time. If this is true then the Frum mentality must be told, "Get out of my tent!"

Paul A. Ibbetson is a former Chief of Police of Cherryvale, Kansas, and member of the Montgomery County Drug Task Force. Paul received his Bachelor's and Master's degrees in Criminal Justice at Wichita State University, and is currently completing his Ph.D. in Sociology at Kansas State University. Paul is the author of the books "Living Under The Patriot Act: Educating A Society" and "Feeding Lions: Sharing The Conservative Philosophy In A Politically Hostile World." Paul is also the radio host of the Kansas Broadcasting Association's 2008, 2009 and 2010 Entertainment Program of the Year; Conscience of Kansas airing on KSDB Manhattan 91.9 FM, www.ibbetsonusa.com. For interviews or questions, please contact him at? ibbetson91.9@gmail.com



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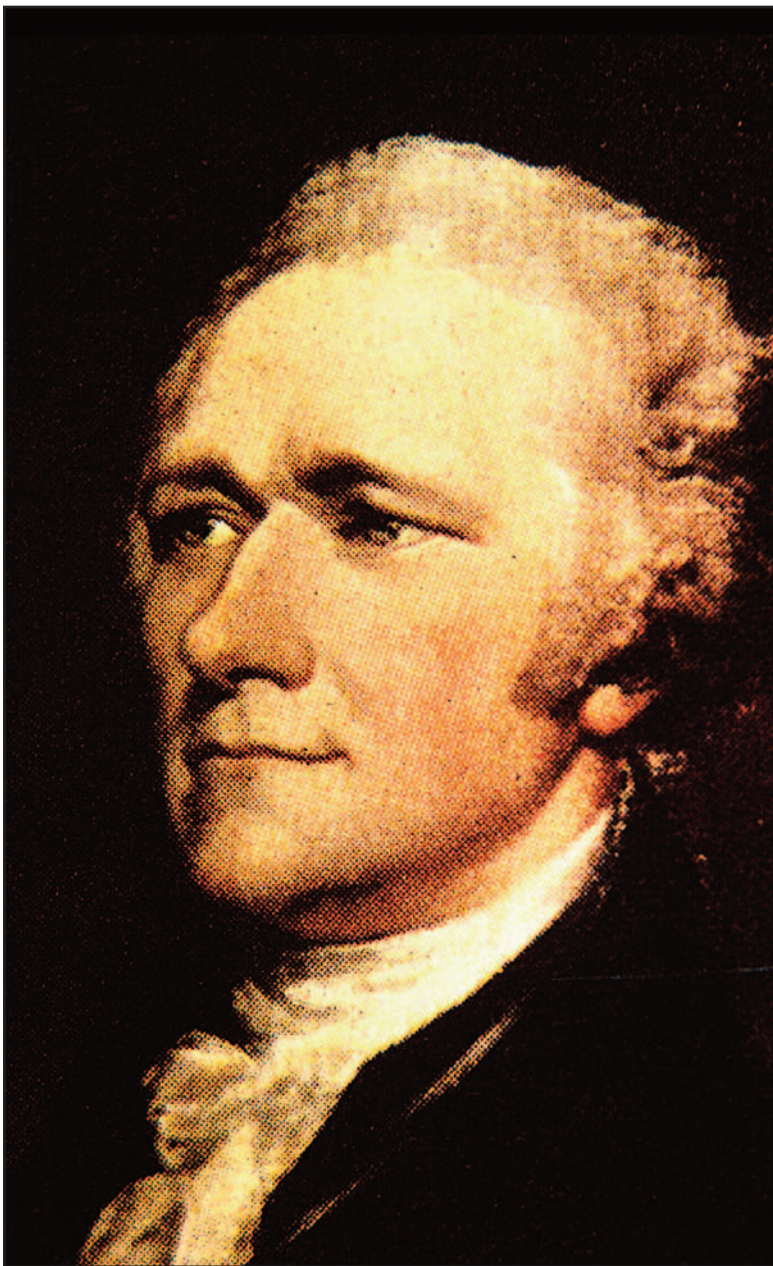
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- Thomas Jefferson, 1787

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Alexander Hamilton

The Federalist Papers

**The Federalist No. 6
Concerning Dangers from
Dissensions Between the States
Independent Journal
Wednesday, November 14, 1787
[Alexander Hamilton]
To the People of the State of
New York:**

THE three last numbers of this paper have been dedicated to an enumeration of the dangers to which we should be exposed, in a state of disunion, from the arms and arts of foreign nations. I shall now proceed to delineate dangers of a different and, perhaps, still more alarming kind -- those which will in all probability flow from dissensions between the States themselves, and from domestic factions and convulsions. These have been already in some instances slightly anticipated; but they deserve a more particular and more full investigation.

A man must be far gone in Utopian speculations who can seriously doubt that, if these States should either be wholly disunited, or only united in partial confederacies, the subdivisions into which they might be thrown would have frequent and violent contests with each other. To presume a want of motives for such contests as an argument against their existence, would be to forget that men are ambitious, vindictive, and rapacious. To look for a continuation of harmony between a number of independent, unconnected sovereignties in the same neighborhood, would be to disregard the uniform course of human

events, and to set at defiance the accumulated experience of ages.

The causes of hostility among nations are innumerable. There are some which have a general and almost constant operation upon the collective bodies of society. Of this description are the love of power or the desire of pre-eminence and dominion -- the jealousy of power, or the desire of equality and safety. There are others which have a more circumscribed though an equally operative influence within their spheres. Such are the rivalships and competitions of commerce between commercial nations. And there are others, not less numerous than either of the former, which take their origin entirely in private passions; in the attachments, enmities, interests, hopes, and fears of leading individuals in the communities of which they are members. Men of this class, whether the favorites of a king or of a people, have in too many instances abused the confidence they possessed; and assuming the pretext of some public motive, have not scrupled to sacrifice the national tranquility to personal advantage or personal gratification.

The celebrated Pericles, in compliance with the resentment of a prostitute,¹ at the expense of much of the blood and treasure of his countrymen, attacked, vanquished, and destroyed the city of the Samnians. The same man, stimulated by private pique against the Megarensians,² another nation of Greece, or to avoid a prose-

cution with which he was threatened as an accomplice of a supposed theft of the statuary Phidias,³ or to get rid of the accusations prepared to be brought against him for dissipating the funds of the state in the purchase of popularity,⁴ or from a combination of all these causes, was the primitive author of that famous and fatal war, distinguished in the Grecian annals by the name of the Peloponnesian war; which, after various vicissitudes, intermissions, and renewals, terminated in the ruin of the Athenian commonwealth.

The ambitious cardinal, who was prime minister to Henry VIII., permitting his vanity to aspire to the triple crown,⁵ entertained hopes of succeeding in the acquisition of that splendid prize by the influence of the Emperor Charles V. To secure the favor and interest of this enterprising and powerful monarch, he precipitated England into a war with France, contrary to the plainest dictates of policy, and at the hazard of the safety and independence, as well of the kingdom over which he presided by his counsels, as of Europe in general. For if there ever was a sovereign who bid fair to realize the project of universal monarchy, it was the Emperor Charles V., of whose intrigues Wolsey was at once the instrument and the dupe.

The influence which the bigotry of one female,⁶ the petulance of another,⁷ and the cabals of a third,⁸ had in the contemporary policy, ferments, and pacifications, of a considerable part of Europe, are topics that have been too often descanted upon not to be generally known.

To multiply examples of the agency of personal considerations in the production of great national events, either foreign or domestic, according to their direction, would be an unnecessary waste of time. Those who have but a superficial acquaintance with the sources from which they are to be drawn, will themselves recollect a variety of instances; and those who have a tolerable knowledge of human nature will not stand in need of such lights to form their opinion either of the reality or extent of that agency. Perhaps, however, a reference, tending to illustrate the general principle, may with propriety be made to a case which has lately happened among ourselves. If Shays had not been a desperate debtor, it is much to be doubted whether Massachusetts would have been plunged into a civil war.

But notwithstanding the concurring testimony of experience, in this particular, there are still to be found visionary or designing men, who stand ready to advocate the paradox of perpetual peace between the States, though dismembered and alienated from each other. The genius of republics (say they) is pacific; the spirit of commerce has a tendency to soften the manners of men, and to extinguish those inflammable humors which have so often kindled into wars. Commercial republics, like ours, will never be disposed to waste themselves in ruinous contentions with each other. They will be governed by mutual interest, and will cultivate a spirit of mutual amity and concord.

Is it not (we may ask these projectors in politics) the true interest of all nations to cultivate the same benevolent and philosophic spirit? If this be their true interest, have they in fact pursued it? Has it not, on the contrary, invariably been found that momen-

tary passions, and immediate interest, have a more active and imperious control over human conduct than general or remote considerations of policy, utility or justice? Have republics in practice been less addicted to war than monarchies? Are not the former administered by men as well as the latter? Are there not aversions, predilections, rivalships, and desires of unjust acquisitions, that affect nations as well as kings? Are not popular assemblies frequently subject to the impulses of rage, resentment, jealousy, avarice, and of other irregular and violent propensities? Is it not well known that their determinations are often governed by a few individuals in whom they place confidence, and are, of course, liable to be tainted by the passions and views of those individuals? Has commerce hitherto done anything more than change the objects of war? Is not the love of wealth as domineering and enterprising a passion as that of power or glory? Have there not been as many wars founded upon commercial motives since that has become the prevailing system of nations, as were before occasioned by the cupidity of territory or dominion? Has not the spirit of commerce, in many instances, administered new incentives to the appetite, both for the one and for the other? Let experience, the least fallible guide of human opinions, be appealed to for an answer to these inquiries.

Sparta, Athens, Rome, and Carthage were all republics; two of them, Athens and Carthage, of the commercial kind. Yet were they as often engaged in wars, offensive and defensive, as the neighboring monarchies of the same times. Sparta was little better than a well-regulated camp; and Rome was never sated of carnage and conquest.

Carthage, though a commercial republic, was the aggressor in the very war that ended in her destruction. Hannibal had carried her arms into the heart of Italy and to the gates of Rome, before Scipio, in turn, gave him an overthrow in the territories of Carthage, and made a conquest of the commonwealth.

Venice, in later times, figured more than once in wars of ambition, till, becoming an object to the other Italian states, Pope Julius II. found means to accomplish that formidable league,⁹ which gave a deadly blow to the power and pride of this haughty republic.

The provinces of Holland, till they were overwhelmed in debts and taxes, took a leading and conspicuous part in the wars of Europe. They had furious contests with England for the dominion of the sea, and were among the most persevering and most implacable of the opponents of Louis XIV.

In the government of Britain the representatives of the people compose one branch of the national legislature. Commerce has been for ages the predominant pursuit of that country. Few nations, nevertheless, have been more frequently engaged in war; and the wars in which that kingdom has been engaged have, in numerous instances, proceeded from the people.

There have been, if I may so express it, almost as many popular as royal wars. The cries of the nation and the importunities of their representatives have, upon various occasions, dragged their monarchs into war, or continued them in it, contrary to their inclinations, and sometimes contrary to the real interests of the State. In that memorable struggle for superiority between the rival houses of Austria and Bourbon, which so long kept Europe in a flame, it is well known that the antipathies of the English against the French, seconding the ambition, or rather the avarice, of a favorite leader,¹⁰ protracted the war beyond the limits marked out by

sound policy, and for a considerable time in opposition to the views of the court.

The wars of these two last-mentioned nations have in a great measure grown out of commercial considerations, -- the desire of supplanting and the fear of being supplanted, either in particular branches of traffic or in the general advantages of trade and navigation, and sometimes even the more culpable desire of sharing in the commerce of other nations without their consent.

The last war but between Britain and Spain sprang from the attempts of the British merchants to prosecute an illicit trade with the Spanish main. These unjustifiable practices on their part produced severity on the part of the Spaniards toward the subjects of Great Britain which were not more justifiable, because they exceeded the bounds of a just retaliation and were chargeable with inhumanity and cruelty. Many of the English who were taken on the Spanish coast were sent to dig in the mines of Potosi; and by the usual progress of a spirit of resentment, the innocent were, after a while, confounded with the guilty in indiscriminate punishment. The complaints of the merchants kindled a violent flame throughout the nation, which soon after broke out in the House of Commons, and was communicated from that body to the ministry. Letters of reprisal were granted, and a war ensued, which in its consequences overthrew all the alliances that but twenty years before had been formed with sanguine expectations of the most beneficial fruits.

From this summary of what has taken place in other countries, whose situations have borne the nearest resemblance to our own, what reason can we have to confide in those reveries which would seduce us into an expectation of peace and cordiality between the members of the present confederacy, in a state of separation? Have we not already seen enough of the fallacy and extravagance of those idle theories which have amused us with promises of an exemption from the imperfections, weaknesses and evils incident to society in every shape? Is it not time to awake from the deceitful dream of a golden age, and to adopt as a practical maxim for the direction of our political conduct that we, as well as the other inhabitants of the globe, are yet remote from the happy empire of perfect wisdom and perfect virtue?

Let the point of extreme depression to which our national dignity and credit have sunk, let the inconveniences felt everywhere from a lax and ill administration of government, let the revolt of a part of the State of North Carolina, the late menacing disturbances in Pennsylvania, and the actual insurrections and rebellions in Massachusetts, declare --!

So far is the general sense of mankind from corresponding with the tenets of those who endeavor to lull asleep our apprehensions of discord and hostility between the States, in the event of disunion, that it has from long observation of the progress of society become a sort of axiom in politics, that vicinity or nearness of situation, constitutes nations natural enemies. An intelligent writer expresses himself on this subject to this effect: "NEIGHBORING NATIONS (says he) are naturally enemies of each other unless their common weakness forces them to league in a CONFEDERATE REPUBLIC, and their constitution prevents the differences that neighborhood occasions, extinguishing that secret jealousy which disposes all states to aggrandize themselves at the expense of their neighbors

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Legal Report

from page 3

approval. Cindy Volanti is reviewing my draft and I expect that draft revised policy to be circulated among our working group by the week of April 19, 2010. Once I have their consensus on its form, I will submit it to the Department Head Committee, then to the BOCC. This was distributed to our working group during the week of April 26, 2010. We discussed putting it in final form on May 20, 2010, and additional revisions have been requested by the working group. I will provide those to group members during the week of May 24, 2010. However, with Leon out for two weeks, and given he and I differ on some of the philosophy behind the policy, the group will review it when he returns for what will, hopefully, be a final pass and a final draft of the policy. It will then be submitted to department heads for their review. Afterward, it will come to the BOCC for your review and comments. June 10, 2010, I provided the most recent draft to the members of our working group.

Quarantine Orders. KAC provides form “quarantine” orders for use by the local health officer (in our case Chuck Murphy) for use in the event of a pandemic. These orders were most recently promoted by KAC during the “bird flu” events a few years ago. In my opinion, since the H1N1 flu virus appears to be more problematic, it’s probably a good idea for the BOCC to begin reviewing those orders and determining whether or not they should be put in place before the 2009 flu season, as a means of encouraging efficient operation of the health department, if the need arises. I have forwarded copies of the KAC proposed orders to EMS and the Health Department for review. I’ll then bring those orders back to you for final approval as to their form. I am scheduled to meet with Pat Collins, Chuck Murphy and a representative of RCPD August 20, 2009. That meeting was held, including RCPD officer Mills, August 20, 2009. General agreement among the working group was held that separate order not containing medical information of the person subject to the quarantine or treatment order, should go to RCPD, and that separate order should contain specific information about health precautions the officer serving the order was to take. I plan to have draft versions of these re-worked forms distributed to RCPD, EMS and the Health Department by Monday, February 8, 2010. Friday, February 5, 2010, I transmitted revised versions of the orders to Chuck Murphy for his review and comment. After I receive his input, I’ll distribute the orders to other stakeholders for review and comment. I followed up with an email inquiry to Chuck during the week of February 22, 2010. No response yet. Chuck responded he is too busy with grant applications to work on this now; he asked that he and I address this issue in April and I told him that was acceptable.

Property Subject to Taxation on Fort Riley Military Installation. The Attorney General provided an answer to the BOCC’s request for an Attorney General Opinion, related to the request for a “tax comfort” letter from Actus Lend Lease, a private company building “transient” housing on the base. The A.G.’s opinion was the specific text of the “cession” statute transferring title of the land beneath the Fort Riley military instal-

lation to the federal government did not, by its terms, confer a property tax exemption to all private entities. I have discussed this matter previously with Greg McHenry, Riley County Appraiser, and we intend to work with Geary County in an effort to establish what properties on the “post” should be part of our respective counties’ property tax base. Greg and I will meet on June 11, 2009, to strategize on this matter. I expect our next step, following that meeting, will be to meet with Geary County and their appraiser and county counselor; thereafter, we will meet with representatives of Actus Lend Lease. Our goal will be to satisfy the BOCC that all taxable property on the military installation is subjected to tax, without being unnecessarily confrontational, the latter of which could damage the relationship between the “fort” and Riley County. Greg McHenry and I will meet initially with the current and the replacement Geary County appraiser and county counselor Tuesday, June 30, 2009. I will draft a letter for circulation and signature by both county appraisers and county counselors, advising Actus of the A.G. opinion and inviting them to meet with the two counties and discuss sorting out the taxability of their property on the installation. During the week of July 20, 2009, I heard back from Steve Opat that they would like a map prepared of the entire fort, not just the “Custer Hill” area, which is the subject of the most recent map forwarded to Steve by Greg McHenry. July 27, 2009, I heard back from John Cowan that we will need a work order prepared by this office in order to get such a map created. I will prepare that this week. July 28, 2009, I submitted a work order to GIS requesting a more detailed map of the Fort property. During the week of August 3, 2009, I received a draft map from GIS, as did Greg McHenry. Greg responded to GIS, asking that the map be developed with additional detail. During the August 10, 2009, BOCC meeting, Commissioner Kearns asked that Harry Hardy, head of the Civil Division on “Post” be included in discussions with the taxpayer. I will include him when that is scheduled. We have a meeting scheduled with Harry Hardy for September 30, 2009, to discuss the division between Riley and Geary County of a mortgage registration tax. This is the matter I presented to the BOCC during the August 3, 2009 meeting. We expect working on that separate mortgage registration tax issue will give us an opportunity to put in place a cooperative process with the Fort which will address the “larger” property tax issue presented by Actus Lend Lease—the same company which is involved in the mortgage registration tax issue. Steve Opat is unable to attend the September 30, 2009 meeting, but his deputy Lloyd Graham will appear in his place. We met with Harry Hardy and Larry McGhee, Fort Riley “Public Works” September 30, 2009. They seemed appreciative that we contacted them before we contacted the taxpayer, and they explained they didn’t want to be placed “in the middle” of any dispute. They also seemed agreeable to providing staff of the appraiser’s office access to the buildings at issue (not the interior, which would be up to the taxpayer), and they wanted to be kept “in the loop” as we worked with the taxpayer (Actus Lend Lease) on the mortgage registration tax issue. The Geary and Riley County taxpayers are preparing a list of documentation they

would like to obtain from the taxpayer, and Lloyd (or Steve Opat) and I will present that list to the taxpayer or their counsel, as a means of allowing the two county appraisers to determine the appraised value of the 5 real estate parcels at issue. I should have a draft of this letter to Steve Opat for his review before close of business on Friday, December 18, 2009. Draft was sent to Steve Opat and both County Appraisers Friday, December 11, 2009. During the week of December 14, I made a couple of “tweaks” to its text, one at the request of the Geary County Appraiser, and one change I decided was necessary. Geary County Counselor Steve Opat has indicated the revised draft is acceptable. It will be mailed during the week of February 1, 2010. The letter was mailed to the Actus attorney February 5, 2010. I have given him until February 17, 2010, to respond. I have made multiple phone calls in an attempt to contact the company’s attorney. I have made contact with an attorney at Actus’ corporate office and forwarded him by email the above letter, requesting assistance in getting it to the appropriate party. During the week of May 17, 2010, I emailed a different point of contact for Actus (previously referred by the Fort), and explained I’d had no response from the Actus counsel. This second point of contact emailed me May 11, 2010 he would get back to me after “looking into” the matter. The BOCC authorized me May 20, 2010 to give Actus a 10 day deadline, after which I will proceed with litigation of the matter before the state taxing authority, pursuant to the applicable statute. The 10 day period expired at close of business June 4, 2010. If I have no response in hand by Monday, morning, June 7, 2010, we will move this matter forward to the state taxing authority. During the week of June 7, 2010, I brought the county counselor for Leavenworth County “up to speed” on the current status of this matter, as well as Steve Opat, Geary County Counselor. Steve approved my signature on his behalf of a letter to PVD to get the state process begun. I have a call in to Bill Waters, general counsel for PVD, to determine what procedures will be followed. June 14, 2010, I advised BOCC we’ll take a different tack on this matter, in the interest of speed, and simply issue subpoenas for the information our respective county appraisers need.

Ambulance Repair. Larry Couchman recently advised the BOCC there were ongoing repair and “warranty” issues with the ambulances. He indicated there is a pending “class action” on the ambulance part which continually fails, is repaired by the dealership, then fails again. The Board has asked me to meet with Larry and David Haedke to review whether litigation will be necessary to resolve this repair issue. On 7-14-2008, I met with David Haedke to review both the paperwork he has received on the class action and the repair records from the dealership. I also exchanged email with an attorney in one of the law firms asking ambulance owners to join the pending Texas lawsuit, filed as a “class action.” I will evaluate the information and return to the Board with a recommendation before the 1-09 deadline for class action “certification” by the court. There is no 1-09 “deadline” to join this class action. I have discussed that fact with one of the plaintiff firms acting as

See Legal Report page 8

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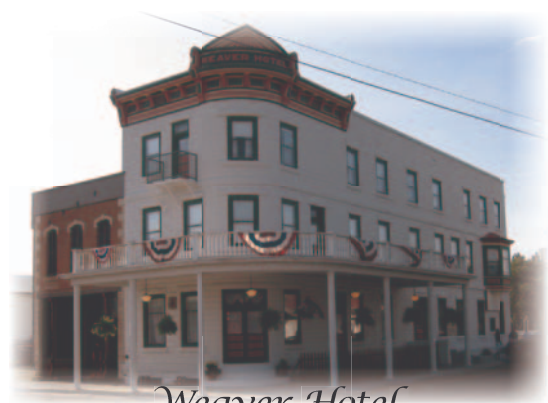
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Lugar's Energy and Climate Plan: More Big Government, Less Consumer Choice

On June 9, Senator Dick Lugar (R-IN) introduced his Practical Energy and Climate Plan. As Lugar promised, the bill does not contain a cap-and-trade or carbon pricing provision; however, it does include a host of mandates and regulations that would hurt the consumer in the name of reducing dependence on foreign oil and reducing greenhouse gas emissions.

Creating new energy efficiency standards and a diverse energy standard would restrict consumer choice and hinder the ability of free enterprise to innovate and develop more efficient technologies. The right way to create a diverse energy market is to limit government involvement and introduce real regulatory reforms.

Dictating What to Drive

Lugar's bill contains a plethora of what may sound like intuitively good ideas but instead adversely impact the consumer. One such provision, an idea not new to Washington, is improving vehicle fuel efficiency by legislating stricter Corporate Average Fuel Economy standards, which would account for a large part of the reduction in oil consumption. The bill would codify a joint rulemaking from the Environmental Protection Agency and National Highway Traffic Safety Administration requirements of 34.1 miles per gallon 2016 for all automakers in the U.S., subsequently increase fuel standards 4 percent annually, and establish standards for medium and heavy vehicles for model years 2017 or sooner.

The legislation would also offer a rebate for the purchase of a passenger or light-duty vehicle that is the most fuel efficient in its class. This rebate would be funded with a tax on the least efficient model within the same class.

This "government knows best" philosophy prevalent in Lugar's bill ignores the unintended consequences that come with miles-per-gallon increases. Fuel efficiency standards raise the sticker price of vehicles and often make them lighter, less safe, and more expensive. One study projects that the price of mid-size cars would increase \$4,500 to \$6,000. Mandating an expansion of fuel-efficiency could damage the automakers if consumer demand fails to meet the government's expectations.

Consumers already have a wide

variety of choices when it comes to purchasing a vehicle, including a growing number of hybrid vehicles. The government does not need to mandate more. Moreover, Americans prefer larger, safer vehicles for practical reasons, so discouraging them from buying these vehicles needlessly restricts consumer choice.

Dictating How to Build and What to Buy

The bill includes new efficiency standards for new residential and commercial construction as well as tax breaks for retrofitting homes, small businesses, and commercial buildings. The bill also accelerates appliance efficiency standards and calls on the Secretary of Energy to identify additional appliances and equipment that "have significant national energy savings potential" to be included for future performance standard mandates.

Producers and consumers do not need government mandates and subsidies to be more energy efficient. Being energy efficient usually reduces costs and increases profitability. Thus, market forces already encourage energy efficiency. Government mandates serve only to diminish personal liberty and constrain the market's ability to operate.

Moreover, government subsidies are not needed to purchase more energy-efficient products. A recent survey of the Environmental Protection Agency's Energy Star labeling program, which identifies energy-efficient products, found that 62 percent of these households were either "very likely" or "somewhat likely" to buy the product without the government handout. Forced reduction in energy use, on the other hand, causes reduced product performance, reliability, and longevity.

A Diverse Domestic Power Standard

Lugar's diverse energy standard would greatly expand the flexibility of a carbon-free energy standard to include coal with carbon capture and sequestration (CCS) and nuclear energy. But more significantly, it includes qualifying emissions-free energy sources.

While Lugar's plan is less onerous than a renewable electricity standard (RES)—which mandates that a predetermined percentage of electricity must come from government-selected energy

sources—it still is not the right way to promote cleaner energy technologies.

An RES plan includes only a few viable sources to meet the electricity standard, most notably wind and solar. This signals to producers that wind and solar is the way forward and reduces the incentive to invest in other technologies. A diverse energy standard, on the other hand, reduces this crowding out effect by including CCS, nuclear, and potential sources that may have not yet been invented.

To date, Lugar's plan is the best attempt to remain technology-neutral, but that does not make a diverse energy plan a good idea.

A diverse domestic power standard—along with government subsidies—allows the government to pick sources that do not emit carbon dioxide as winners and those that do as losers. For instance, the bill includes an additional \$36 billion in loan guarantees for new nuclear power plants when \$18.5 billion has already been signed into law. Subsidizing the nation's way to a carbon-free economy is not a prudent approach to create a robust and diverse energy market; in fact, it will cause a dependent and stagnant one. It may reward an energy producer in the short term but will hurt both producers and consumers in the long run.

A Better Approach

A more prudent approach to promoting carbon-free energy sources includes:

- * Real nuclear energy reform. Streamlining the onerous regulatory process for nuclear energy plants would allow plants to come online quicker, creating predictability and opening competition for new technologies.

- * Immediate tax deductions. Congress should allow investors to take a tax deduction for all new plant and equipment costs irrespective of industry or type of equipment. This would allow cleaner, more efficient technologies to come online sooner.

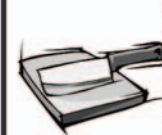
- * Peel back regulations on renewable energy. Unnecessary regulatory red tape holds up renewable energy ventures, makes them prohibitively more expensive, and deters investment. Reducing this bureaucracy would allow the free market to develop new energy technologies more quickly.

* Limit litigation. Environmental activists delay new energy projects by filing endless administrative appeals and lawsuits. Creating a manageable time-frame for groups or individuals contesting energy plans would avert potentially cost-effective ventures from being tied up for years in litigation.

The Big Government Energy Plan

Senator Lugar's energy bill offers a short sigh of relief in that it does not include cap and trade, and the energy standard is far less restricting than in previous congressional proposals. But the relief stops there. The bill does not offer a sound alternative to cap and trade or renewable electricity standards but instead will prompt more unnecessary government intervention in the energy economy—and with it, a loss of liberty.

Nicolas D. Loris is a Research Assistant in the Thomas A. Roe Institute for Economic Policy Studies at The Heritage Foundation.



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from page 6

City of Manhattan Transfer Request Regarding Scenic Drive. The City of Manhattan has approached this office, through counsel, for assistance in its plan to eventually annex that portion of Scenic Drive between Anderson and Powercat Circle. Under the existing statute, the City may undertake such an annexation if it owns the ROW to be annexed, (along with satisfying other statutory requirements). I have conducted initial legal research on this matter. County Public Works staff is taking steps to have a legal description for that ROW prepared by a local surveyor. When that legal description is available, I will present a resolution to the Board to consider, which, if passed, will transfer ownership of that ROW for Scenic Drive at that location to the City of Manhattan. I presented a draft resolution and quitclaim for discussion at the 12-20-07 City/County meeting. During May, 2009, Bill Frost and I may have a document finalized. I have returned to him for review a revised version of the quitclaim deed he and I initially reviewed. Once the terms of that q/c deed are resolved, it can be signed by the BOCC. I provided Bill Frost a proposed revised q/c deed three weeks ago. The city on May 26, 2009, has suggested changes in the terms and methodology of transfer which I will have to review. Bill Frost and I discussed this matter via email August 12, 2009. I will provide him an answer on his most recent proposal by mid-September, 2009. Leon has advised a revised legal description is being worked on, and it will be two months before that is available. I will provide

Status: On December 16, 2004, Mike Butler and Leon Hobson presented options for providing sewer service to this area. There was a consensus that the proposal, as presented, was acceptable and they were instructed to refine the information for further dis-

Obtaining input from the B & P Committee on the letters details. A final version of the letter will come back to the Board for review. June 26, 2007, I met with Leon and Monty to discuss amendments to the draft letter. The BOCC approved a draft of that letter on July 5, 2007. It was mailed to developers that same day. The developers contacted me and we met on July 20, 2007, and discussed their concerns about a letter of credit, on July 30, 2007 the BOCC directed staff to proceed with expansion of the sewer. I will develop language for a letter of credit acceptable to both Riley County and the developers. Leon and I met with Ron Fehr and Dale Houdeshell on 9-20-07. Leon, Monty, I, Ron Fehr, Bill Frost and other city staff met on these sewer and water issues November 15, 2007, to explore options for possible City support. City and County engineering staff there agreed to interact and develop 3 or 4 proposals for consideration by the governing bodies at the February, 2008 City/County meeting. County staff has met multiple times with city staff. The two staffs presented options at the City/County meeting, April 17, 2008.

The City governing body indicated it would discuss the joint staff recommendation and respond to the County by the end of May, 2008. As of June 25, 2008, the City had not provided a promised letter confirming they are willing to participate. Monty and Leon attended a city commission work session on this matter, July 1, 2008. In a July 8, 2008, letter, the city provided a letter to the BOCC which did not identify the "joint staff recommendation" as the basis for cooperation between the parties. The BOCC sent a letter on 7-14-08 to the City, requesting a revised letter of intent identifying that "joint staff recommendation." July 28, 2008, the BOCC approved the City Attorney's proposed revised letter of intent. The City later sent the BOCC that revised, more specific letter of intent. County staff reviewed the City staff's revision to our draft trunk line agreement on 10-20-08; county staff revisions to that document were reviewed with the city staff on 10-27; both staff will meet again, perhaps for a final time on November 13. It is hoped after that meeting each staff will be in a position to take the draft back to their governing body. I presented a "final" draft of the agreement to the most recent city/council meeting. County staff is working with City staff on any necessary final "tweaks" to the agreement's language. The two governing bodies have approved the agreement, and it will now to the Attorney General for final approval. The inter-local agreement was approved by the Attorney General, and I then filed it with the Register of Deeds and Secretary of State. The agreement is now legally in effect.

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