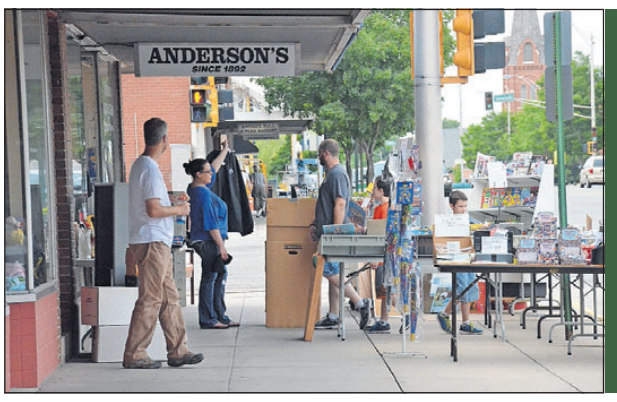
The Newton Kansan

Tuesday, June 14, 2016 www.thekansan.com $1

## NACHTIGALS CASE MOVES FORWARD

INSIDE, PAGE A6




## WHAT TO DO THIS WEEK

OPINION, PAGE A4

| TODAY | WED | THU |
|---|---|---|
| 91°/69° | 99°/75° | 99°/75° |

Complete forecast, A2

MAYB wrap up.
SPORTS, PAGE B1

## LOCAL

### Construction on West First Street

Street maintenance crews are working along West First Street from Elm to just west of Diagonal.

A contractor is milled asphalt on the north curb line. City crews will repair curb and gutter. The work will be done during nighttime hours from 9 p.m. to 5 a.m. to avoid traffic interference. The entire project should take two to three weeks to complete.

### Chamber breakfast set

The monthly Breakfast with the Chamber will be 7 a.m. June 17 at the Meridian Center, 1420 E. Broadway Court. Sponsor for June's Breakfast with the Chamber will be the Newton Lion's Club. Newton Lions Club will celebrate its 95th anniversary year. Bring old eyeglasses to donate to the club.

### Annual butterfly count set

The Harvey County Butterfly Count has a new leader. The annual event is scheduled for 8:30 a.m. June 25 in the parking lot of Kauffman Museum in North Newton.

Dwight Platt of North Newton, professor emeritus of biology at Bethel College, has been the longtime organizer of the butterfly count. Starting this year, although Platt intends to participate, he has handed the official duties over to Brad Guhr of Newton, prairie restoration and education coordinator at Dyck Arboretum of the Plains in Hesston.

Anyone can participate in the 17th annual count, whether or not you know anything about Kansas' native butterfly population.

Participants may spend a half or full day on the count, and should bring a sack lunch if planning to spend the whole day. There is a charge of $3 per person, payable on-site.

The money is sent to the North American Butterfly Association (NABA). "NABA's policy is that all observers, regardless of their age, who contribute to the count must be listed as observers and pay the count fee," Platt said. "However, children under 12 who are accompanied by an adult and who do not significantly contribute as observers will not be listed as such and do not pay."

### Thank you

Thank you Barbara Bunting of Newton for being a loyal Kansan subscriber.

Record ..... A2 Comics.....B2
Kansan Life A3 Flag Day.....B3
Opinion..... A4 Classifieds .B5
Sports.....B1

1 82315 00011 8

COUNTY COMMISSION: BUDGET HEARINGS

# Road and Bridge outlines plans

**By Kelly Breckunitch**
NEWTON KANSAN, @KANSANBRECK

Considering the routine commutes of Harvey County residents, the Road and Bridge department's budget proposal drew much of the attention on Monday as budget hearings continued for the county commission.

The presentation started with questions regarding some recent, lengthy construction projects (like one along 96th Street that required a lot of patchwork). Regarding a difference in approach to some projects, commission chairperson Chip Westfall also requested a more unified maintenance policy, as Road and Bridge Superintendent Jim Meier noted gravel roads are still being serviced on an as-needed basis.

"We have to build a plan like we have with asphalt roads," Westfall said.

"I think we're going to have to start spending a little more money on those roads to keep them up to par," commissioner Randy Hague added.

Getting a structured two, three or four-year plan is what was being discussed and Meier noted that is what the department was hoping to have, but a chemical used to service gravel roads this year turned out to not be as useful as expected, throwing a wrench into the works.

Plans for maintaining those roads may need to be re-worked, but Meier did lay out a set plan for work on paved roads throughout the county that will see 68 percent of county roads have new pavement by the end of the 2017 season. Work scheduled

SEE PLANS, A5

EDUCATION

# Hard decisions

As the USD 383 Board of Education works on the 2017 budget, gymnastics hangs in the balance. Cutting the sport would save the district about $12,000. KANSAN FILE

## Budget cuts face USD 373

**By Chad Frey**
Newton Kansan, @ChadFrey

Imagine Newton High School without a gymnastics team or the elementary and middle schools without School Resource Officers.

It could be a very real picture, as early as next school year. A list of possible budget cuts — more than $1 million in reductions to the general fund — was received by the Board of Education at a meeting Monday.

"These went through our district support team and our district advisory council," superintendent Deb Hamm told The Kansan Monday. "Most items were submitted by the schools themselves or department heads."

That list includes reductions to library budgets, a reduction of board of education dues, a reduction of board expenses, no replacing technology, reducing the number of school resources officers, taking days off the calendar and eliminating a secretarial position.

None of the proposed cuts are final.

In the case of gymnastics at the high school, the Kansas High School Activities Association is considering dropping the state sanctioning of the sport — fewer and fewer schools are participating in the sport.

That may not come to fruition. According to documents within the board packet, cutting the sport would save the

SEE BUDGET, A6

EDUCATION

## Possible school shutdown: Decades in the making

**By Chad Frey**
Newton Kansan, @ChadFrey

Monday night the Newton USD 373 Board of Education was talking about how to close down the school system, lock, stock, and barrel, come July 1.

The district has created an "Incident Action Plan" for a possible shutdown, a structure used primarily in big emergency.

"If this is the biggest emergency we ever have to use this for, the happier I will be," said Deb Hamm, superintendent of schools for USD 373. "Hopefully we will never use this."

She told the board the real hope is to not have to shut down schools at the end of this month. However, there is a need to be prepared. The Kansas Supreme Court ruled, twice this year, that

SEE EDUCATION, A5

MISS KANSAS

# Hesston teen wins state title

**By Carol Bronson**
cbronson, @pratttribune.com

Paige Kauffman loves public speaking, loves performing and is passionate about serving others. She has grown up watching Miss America Pageants on television with her mother and is acquainted with a former Miss Kansas' Outstanding Teen contestant. In 2014 she made the choice to enter and was one of 10 finalists for the title.

"It encompasses everything I love in one organization," Kauffman said Sunday morning, after winning the 2016 Miss Kansas' Outstanding Teen title on Saturday afternoon. She was also a preliminary fitness winner on Friday.

She has just turned 17 and will be a senior at Hesston High School, where she is a cheerleader and a member of show choir and Future Business Leaders of America, which has given her the opportunity to compete in public speaking at the state level.

She has chosen a platform to end sex trafficking and has partnered with ICT-SOS in Wichita, which partners with professional agencies and law enforcement to facilitate re-entry

SEE TITLE, A6

CRIME

## Man sentenced for raping grandchild

**By Chad Frey**
Newton Kansan, @ChadFrey

Judge John Klenda looked at the accused, and delivered a terse message Monday afternoon in District Court.

"You were a trusted individual that (the victim) looked up to and you should have been a protector," Klenda said.

He then sentenced Michael Combs of Newton to 93 months in jail, allowing for time served and the earning of good time credit. Combs will be subject to a lifetime of post-release supervision and will be required to be registered as a sex offender for the remainder of his life.

The case came to a close after months in the court system. Combs, who admitted to his crime, was able to get a plea bargain before being sentenced on one count of rape. The case, in which he molested his own grandchild, was a "Jessica's Law" case that comes with a standard 25 year sentence. During plea negotiations, the victim and parents allowed prosecutors to negotiate for a shorter sentence.

Combs was handcuffed and taken directly to the detention center after the sentencing.

"I failed to understand the depth of the pain one person can cause," Combs told the court. "... I am sorry I took away the innocence of your childhood. I am sorry for the anger and sadness I have caused in your young heart."

Prior to his statement and final sentencing, he heard the words of his son, daughter-in-law, ex-wife and the victim. All expressed anger and grief.

SEE CRIME, A5

# EDUCATION

From Page A1

a portion of the school finance law is unconstitutional — based on a portion of the current funding mechanism not providing equality to students, or taxpayers.

The court gave the Legislature until June 30 to fix the issue. Gov. Sam Brownback has called for a special session June 23 to try and find a fix and keep schools open. Yet the the threat of not having school, or a delay of schools opening this fall, is real.

"I hope (the threat) is not real at all, but at the same time, it is realer than it has ever been," said superintendent Deb Hamm. " ... The stars aligned. This is where we ended up. We have a tax policy, the belief that schools need to be reformed, that we are spending too much money."

That leaves the state Legislature without a constitutional way to disperse funds to schools, or to levy taxes to support them. The court gave the Legislature a deadline of June 30 to fix the formula. If that fix is not found, schools may have to close down.

"I think were closer to jumping this time than we have been in 30 years," said John Robb, a Newton attorney who has been part of lawsuits against the state for decades. "It has to do with the political makeup, ideologies and extremism in Topeka."

That political makeup is also what concerns Hamm.

"We got here through a series of events, not just in our state, but our country with people feeling like they are paying too much and there is government waste," Hamm said. "There is the perspective that we need to cut back and there are inefficiencies. There may be legitimate examples of that, I also would hold that there are far fewer and far less inefficiencies as some believe. We are paying the price for that belief system."

Schools have been in court for for decades, and have won 13 decisions while losing none in the last 10 years. More than 50 judges have reviewed lawsuits by schools against the legislature leading up to a February decision this year that set the deadlines for this year.

And that decision is just one of two that will be part of the current lawsuit. The adequacy portion of the suit is likely to be ruled on sometime in 2017.

For Robb this started more than 25 years ago, representing six school districts. That number has grown to more than 50 districts in 2016 that equate to a third of the public school students statewide.

It all started with a phone call. The superintendent of Newton USD 373 called Robb in 1986 to talk about suing the state.

"Clark White, a former superintendent here, called and said 'John, Newton is getting screwed and we need to sue the state.' I said 'Clark, we can't do that.'"

He talked White out of a lawsuit that year. However, that call became an annual ritual.

In 1989 Robb helped six school districts — including Newton USD 373 — sue the state over school funding.

"It got bad enough that Newton's ... school levy at that point was about 100 mills," Robb said. "There were some districts that had levies at 10 mills. The Legislature was stopping all state funding and telling locals they could make up with local taxes. Newton was having discussions of 'OK, do we raise six mills or eight mills.' That was every year."

White put together a coalition of school districts. Robb put together a litigation team. In 1990 the group filed a lawsuit. In 1991 it became clear that the judge in the case would likely rule against the state and declare school funding unconstitutional. He gave the Legislature one year to deal with the funding issue.

That suit led to the creation of a school funding formula, and the equalization of property tax collections.

"They walked right up to the cliff, looked over, and decided to not jump," Robb said.

In 1999 schools went to court again.

"The client group reformed," Robb said. "We filed the Montoy lawsuit."

That was tried in 2003, then reached the supreme court in 2005. The court told the legislature that the formula was under-funded.

"The problem at the time was an $800 million problem," Robb said. "That what all the evidence said the the Supreme court said. The Legislature did a $142 million increase. In June of that year, the court said 'no that is not going to fix it. We will stay this ruling but you have to find at least a third of the number.'"

In 2005 schools were nearly shuttered again, this time under a court order that would have closed them for five years.

June 22 of that year the Legislature met for a special session, with a familiar June 30 deadline. The Legislature asked for more time, but that was denied. The court asked for the Legislature to send representatives to the court July 8 to show why the court should allow for taxes to be collected. Two days prior to that deadline, the Legislature passed a fix to the formula. That action satisfied the court, and schools remained open.

"That is the second time we walked right up to the cliff and did not jump," Robb said. "In 2006 they passed a three-year funding plan, which ended the Montoy case and we thought we were done. ... They did not even complete the phase in of the third year before they started cutting."

The court had settled on a more than $700 million in increases over three years, however before that plan was complete the Legislature cut more than $500 million back out.

"That is why we are having Gannon," Robb said.

That would be the third case against the Legislature, which came to a head with a 2012 trial and a hearing in 2014 in front of the supreme court. The supreme court has separated the case into two pieces: equity and adequacy. Equity refers to the distribution among districts. Adequacy is about the amount of funding within the system.

In 2014 the court told the Legislature to fix the formula by July 1 of 2014. The Legislature did create a fix that year to deal with equity. Later that year and in 2015, cuts to equity funds began. That led to another court filing — leading up to the supreme court decision that could lead to the shuttering of schools.

"History is repeating itself over and over again," Robb said. "Here we are, we are walking up to the cliff again. If history is a teacher, we will not jump."

# PLANS

From Page A1

for 2017 includes Hot In-Place Recycle on Ridge Road from NW 12th to the McPherson County line and S. Burmac Road from Sedgwick County to U.S. 50., while Ultra-Bonded Asphalt Surface will be used to re-pave S. Kansas Avenue from SW 125th to the Newton city limits.

Other road projects will abound, while Meier is also looking towards the future with bridge projects, making time for his employees to watch crews work on the upcoming Hesston bridge project. If all things go according to plan, Road and Bridge could start handling some of those projects and work on two bridges per year, as Meier noted it wouldn't be much different than any of the department's other 30-day projects.

"Theoretically, we could build one of those with four or five guys," Meier said.

Additionally, Meier and the commission also discussed trying to keep some of the engineering work in-house for the department, as Westfall asked if the county should hire an engineer outright for Road and Bridge. Meier noted he received three applications for the open engineer tech position recently, but no individuals met the requirements. He did note that hiring an engineering tech would help cut expenses.

"There's a lot of work we do in-house that requires design," Meier said.

Hague and Westfall asked, then, if other employees in the department could take on some of the administrative duties and allow Meier (who previously worked as an engineering tech) to do some of the engineering work, but Meier noted he relies on his employees for many other duties and did not believe that a split in responsibilities would work.

Other requests in the Road and Bridge budget proposal included routine vehicle maintenance and a new computer for the department.

While the current budgeting atmosphere is tricky, to say the least, Meier noted he is pleased with where his department is at.

"As a whole, I like the way the department is going at the moment. I think we're making good progress," Meier said.

## In other business, the county commission:

■ Reviewed bids from Vogts-Parga Construction ($12,512), Ex Cat Construction ($6,111.55) and Preferred Builders ($11,590) for the construction of a foundation for a shower house in West Park. There were concerns about specificity of the bids, with only two of the three companies (Vogts-Parga and Preferred Builders) visiting the site. However, the commission approved the low bid from Ex Cat on the condition that the MKEC engineers who designed the plans look it over before construction starts. If it's not up to specs, the commission will re-address the issue in the future.

■ Listened to a report from Jon Orr on the ICM gasifier testing at the Harvey County Transfer Station, with the first test run going on last week after installation was completed. Orr brought some of the "biochar" product in for commissioners to see, which is a 90% reduction in the waste used to fuel the machine. Whether for energy, cooking or farming, Orr noted there are a lot of uses for the product. The plan, Orr said, is to get enough material to run the self-sustaining gasifier 24 hours a day, seven days a week. The commission also requested to be informed of future runs so it can view the gasifier in action.

■ Were made aware of public assistance that has been approved by FEMA (on behalf of the state) by Emergency Management Director Gary Denny following the heavy rainfall at the end of May. He has started the process of getting documentation from county communities to try and get some of those funds.

■ Accepted the Harvey County Extension Council's proposed 2017 budget of $340,611 (for the county).

■ Heard budget proposals from the Harvey County Conservation District, Extension Council, Elderly Service and Transportation, Road and Bridge department and the Courthouse.

# CRIME

From Page A1

"You are a horrible, horrible person and I hope you know this," the victim wrote in a statement read by prosecutor David Yoder. "Grandparents are supposed to be like second parents. ... You don't deserve to be called papaw. ... What you did is unforgivable."

Combs stood accused of rape, his victim was 10 years old when the child first reported what was happening.

"I hope you are not blaming yourself for anything," Combs said in court. "I am the only one who crossed the line. ... I knew better, but I was only thinking of myself. You did the right thing by telling your mom and dad what I did. ... Often the right thing is not the easy thing."


www.firstbankks.com FIRST BANK Member FDIC NEWTON RECREATION COMMISSION The Newton Kansan

SUMMER READING CLUB

Earn fun stuff while you read

Even though school is closed for the summer, First Bank, Mitchell Theatres Chisholm Trail 8, Newton Recreation Commission, and The Newton Kansan recognize the importantance of students' continued reading during the summer break. The Summer Reading Club is designed to motivate kids to read and gives them the opportunity to earn movie tickets or swimming pool passes.

How to earn your Movie Ticket or Swimming Pool Pass!

- Read at least 25 different books by August 1, 2016 (A parent/guardian may read to children unable to read on their own).
- Keep track of your books on the Summer Reading Club log (Make sure a parent/guardian signs the form).
- Bring your completed and signed log to First Bank, 128 E. Broadway, Newton and choose your prize — either a movie ticket or swimming pool pass.
- Complete a second Summer Reading Club log and receive a second prize! (Only one movie ticket or one swimming pool pass per reader.)

Review a book and enter our Prize Drawing!

As you work your way though your reading list, write a review of a book you have read and would like us to recommend to other Summer Reading Club kids. Your review enters you in a weekly $25 Newton Chamber Checks drawing plus a chance that your review will be printed in the Kansan. Remember, any review has a chance of being printed in the newspaper, but only one entry will be a drawing winner.

- Using the following questions as a guide, write a review of a book you read (keep to 200 words or less).
  - *Tell us a little about the story.*
  - *Who was your favorite character in the story and why?*
  - *Why would you recommend this book to another reader?*
- Turn your review into First Bank, 128 E. Broadway, Newton by noon each Monday from May 30 to August 1
- Drawing winners will be announced in the Kansan on each Thursday from June 2 to August 4

**For more information, contact Kim Richtig at First Bank, 316-283-2600 or visit www.firstbankks.com.**

SUMMER READING CLUB LOG

I certify as parent/guardian of (student name): _____

that he/she read (or was read to) the above books between May 18 and August 1, 2016 and is eligible for one free movie pass or swimming pool pass.

Parent/Guardian Signature: _____

Date: _____

Suggested Reading from The Newton Public Library

*Froggy Plays Soccer* by Jonathan Landon
*Giddy Up! Let's Ride!* by Fiora McDonnell
*Maizy Learns to Swim* by Lucy Cousins
*Big Nate: Game On!* by Lincoln Peirce
*Fantasy League* by Mike Lupica
*Good Luck Ivy* by Lisa Yee
*The Crossover* by Kwame Alexanders
*Losers Take All* by David Klass
*Dairy Queen* by Catherine Gilbert Murdock
*Maggie Vaults Over the Moon* by Grant Overstake

*Club Rules* • Only one movie ticket or one swimming pool pass per reader. Readers must submit two completed reading logs to be eligible for two prizes. • Reviews must be submitted by Monday, noon to be eligible for that week's drawing. Entries not chosen during a drawing will still be eligible for upcoming weeks' drawings. • Any review submitted is eligible for publication in the Kansan but only the review chosen in the drawing will receive the weekly prize. • Drawings will be held on Monday afternoons from May 30 - August 1 (10 drawings). • Winners will be announced each week in the Kansan. • Only one review drawing prize per student.



CORNERSTONE LAW

Stephen W. Johnson, Esq.

Living Trusts • Wills • Probate
Estate Planning • Insurance
Business • Real Estate
Civil • Divorce
Criminal Defense • Workers' Comp
Corporations and LLCs • Adoption

282-7300
877-282-7301
725 N. Main • Newton, KS 67114



CHECK OUT THESE NEWTON WEBSITES

Banking — THE CITIZENS STATE BANK www.thecsb.com

Health — FORD HEARING & AUDIOLOGY www.fordhearing.com

Shopping — KROPF LUMBER www.kropflumber.com; MERIDIAN GROCERY www.meridiangrocery.com

Insurance — FARM BUREAU FINANCIAL SERVICES - JASON HIGH www.Jason-High.com

Services — CITY OF NEWTON www.newtonkansas.com; KANOKLA NETWORKS www.komediateam.com

The Newton Kansan

To put your business or organization online, call the Kansan advertising department at (316) 283-1500

IT'S A CONNECTED WORLD... BE A PART OF IT.