



## Newsletter April 2010

NEXT MEETING: May 8, 2010—9:00 A.M. at COMMUNITY CHRISTIAN CHURCH McCARDLE at MAIN  
Email: [cglakeassoc@gmail.com](mailto:cglakeassoc@gmail.com)  
Web site: [cglakeassoc.org](http://cglakeassoc.org)

President: Ken Mulanax  
Vice President: Dave Fritchen  
Secretary: Fred Vance  
Treasurer: Joyce Hutter

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### **PRESIDENT'S COMMENTS**

Spring is finally here and everyone is looking forward to getting geared up for a great year at the lake. After a long hard winter, it is good to see the grass turning green and leaves on the trees.

Your Board of Directors has been busy this winter working with the city on the new boating and fishing ordinances, planning the first Lake Association Golf Tournament, making plans for the 4<sup>th</sup> of July activities, putting together the 2010 Business Directory, participating in the CG Business Expo with a booth along with the CGCLA Relay for Life team manning the concession stand, and many other items. We also wrote the mayor voicing our concerns regarding a proposal for oil and gas leases on city property around the lake. We voiced concerns with pollution, possible salt water contamination of the lake and water wells, odors, and other issues. **Our top priority this year will be to get negotiations started on a new lease. This is vitally important to all of us.**

At our general meeting on April 10, there was discussion regarding the new addresses and which address to use in case of an emergency. It was recommended to give both the old and new address if you call with an emergency. It will take a while for the new system to work properly, so to be safe, please, use both numbers. (Example: my address is D-9 -- 174 Watersedge Loop). There were also questions about the new road signs and cabin number signs. I spoke with Danny Matthews, city administrator, and the new road signs and cabin signs have been delivered and as soon as the new caretaker starts, installation will begin.

### **2010 OFF TO A GRAND BEGINNING**

The first Lake Association general meeting of the 2010 season was held April 10<sup>th</sup> with 49 in attendance. Prior to the meeting coffee and cinnamon rolls were served, old friends were greeted and new residents were met and welcomed. Our monthly meeting is a great place to get to see your neighbors and become better acquainted. Please mark your calendars for the second Saturday of each month through October and plan to attend the general meetings. This is your opportunity to have a voice in the business of the Lake Association.

### **2010 BUSINESS DIRECTORY**

Once again we owe a huge "Thank you" to LuAnn Fuller for sending out the letter to area businesses asking them to support the Lake Association with a listing in the business directory. We are most grateful to LuAnn for all her work in organizing the directory and collecting the monies, and to all the businesses that participate and support the Lake Association. Please keep your directory handy and remember to support these area businesses.

### **2010 RELAY FOR LIFE**

Over the winter the Relay for Life Team has been very busy making money for cancer research. Most recently they ran the concession stand at the business exposition. The annual Relay event is scheduled for May 1<sup>st</sup> this year. If you would like to be a part of this event, to walk or to donate, please contact one of the lead team members; Renee' Roths, Karen Waring, Gary Catlin, LuAnn Fuller, Diane Bolton, Carolyn Nelson, Glenda Carlin and Joan Kohake. (Sorry if I missed someone)

### **INNAUGRAL CGC LAKE GOLF TOURNAMENT---YOU COULD WIN \$10,000.00**

Don't miss this opportunity for a great fun time at the Council Grove Country Club Golf Course on May 22<sup>nd</sup>. John Nicodemus has put together a fantastic package of fun, food, drinks, prizes, trophies, and the possibility to win \$10,000.00 with a hole-in-one. This is a two man scramble with only room for 36 teams. So---sign up early. Call John at 316-619-0016 or email to: kem.nicodemus@gmail.com  
ALL PROCEEDS FROM THIS EVENT WILL BE DONATED TO AREA CHARITIES AND CAUSES. A flyer with complete information is included with this newsletter.

### **2010 MEMBERSHIP DRIVE**

At the time of this writing we are sitting right at 70% membership. Keep those checks and membership cards coming. Our goal is 92% membership for this year. It would be wonderful if we could have all the money collected by the first of June and not have to continue with the bookkeeping. However, we'll continue to take your dues as long as you send them to us. Among other things your dues help pay for the newsletters and the business directory. You also have an opportunity to donate additional funds to the general fund, the legal fund and/or the fireworks fund. Remember, we are a not-for-profit organization. EVERYTHING is paid for by you, our membership. We thank you profusely for your support and participation. Also, the information card is extremely important. The mailing address you give is where we send the newsletter and any additional written information sent from the Association, i.e. your ballot to vote for board members. The phone numbers (please give all that you have) are in case of emergency, i.e., your property burns, or we notice something that you need to know about. We do not sell this information to anyone or give it out for any reason other than emergency.

### **NEW LAKE APPAREL FOR SALE THIS YEAR**

New Lake T's and, due to popular demand, CAPS will be available for sale at the May General Association Meeting. Additionally, all apparel from previous years will be for sale for \$5.00 per item, limited to what is currently in stock. The new shirts will sell for \$12.00 and the caps will be \$10.00.

### **ELECTION OF BOARD MEMBERS AT JUNE MEETING**

It is time to be thinking about election of members to the Board of Directors. Six seats are up for election this year. If you are ready to become actively involved in Lake Association business, please consider running for election. We are always looking for new and additional people to become involved. An information form is available on the website, or you may request one be sent to you by calling 620-767-2726. These forms need to be received by the Lake Association P.O. Box 13 Council Grove, KS 66846 prior to May 8<sup>th</sup> for your name to be placed on the ballot. Ballots will be mailed to PAID

MEMBERS ONLY, and must be returned to the Association no later than the June General meeting. This is another good reason to get your dues paid right away.

### **INDEPENDENCE DAY CELEBRATION**

John Nicodemus is looking for some assistance in planning the festivities for the celebration this year, which will be on Saturday, July 3<sup>rd</sup>. This affair takes very little of your time on the day of the activities; just some planning and organization prior to the events. If you feel you can contribute assistance, please give John a call at 316-619-0016. Due to economic conditions, it is more important than ever that we have your financial support if we are to maintain the quality of our display.

### **APPRAISAL/PROPERTY VALUATION ISSUES**

Property tax issues continue, with a large number of lake property owners protesting and appealing the methods used by Morris County to appraise lake property. In all cases of which we are aware, the Court of Tax Appeals, Small Claims Division has found for the property owner.

One case of particular interest is the Wine Complaint. In this complaint Mr. Wine has asked the Kansas Court of Tax Appeals to order Morris County to reappraise all Council Grove City Lake improvements in a manner that eliminates from the valuation the land or leasehold values. The parties in that case are still waiting for a ruling from the Kansas Court of Tax Appeals.

#### **Protesting Property Taxes**

**The lake Association is not soliciting members to protest or appeal property taxes. We are not giving legal advice, but simply distributing common information and public documents as a service to our members. The Lake Association strongly advises that you seek advice from an attorney if you have questions about the process.**

We have received numerous requests from our members about the property tax appeal process and requests for source references for information concerning tax appeals. We will summarize the process here and note some reference materials.

First the main issue that has been the basis for several successful appeals is that Morris County, in using the sales comparison approach to valuation, has included the value of the location of the lake lots, leasehold interest, and/or the value of the lot, in the leaseholder's property tax valuation. Numerous lease holders have maintained that this valuation process is in contradiction of K.S.A. 79-412 and the Kansas common law. At least seven leaseholders who have pursued the appeal process to the Court of Tax Appeals (COTA) maintained that this valuation process is contrary to state law. In all seven cases, the Court of Tax Appeals (COTA) has confirmed this ruling for the taxpayer. Morris County has appealed the rulings in all cases except the 2007 Wine case.

The COTA Docket No.'s of these cases are:

2007, Wine Docket No. 2007-9849-EQ

2008, Lipson Docket No. 2008-8961-EQ

2009, Wine Docket No. 2009-4658-EQ

2009, Lakeside Paradise Enterprises, LLC, Docket No. 2009-5463-EQ

2009, Hutter, Docket No. 2009-5464-EQ

2009, Towry, Docket No. 2009-6369-PRSC

2009, Martin, Docket No. 2009-4341-EQSC

The above cases may be useful as references during an appeal.

The Home web page of the Court of Tax Appeals is <http://www.kansas.gov/cota/> . All you really need to know about Protesting Property Taxes and the Tax Appeals process is accessible from this home page. You need to look carefully at the links, but they are all there.

The Kansas County Treasurers Association Web site <http://www.kansastreasurers.org/> also has some very good information about the Property Taxes and the Protest/Appeal process.

Protesting Property Taxes may not be feasible for all lease holders. We present this material as information only and to the best of our knowledge it is all accurate. Each individual needs to carefully consider their circumstances, and the validity of the individual property valuation.

Kansas Statues are available on line at <http://www.kslegislature.org/legsrv-statutes/index.do> the tax statutes may be found by search engine.

Useful Statues may include: K.S.A. 79-412, K.S.A. 79-1448

Useful documents previously sent by email:

1. Letter to the editor Council Grove Republican , June 19, 2009. This is the writer's opinion that describes the issue, from their viewpoint.
2. COTA, Small Claims and Hearing Division, ruling in Docket No. 2009-5464-EQ. This is provided as an example of one of the recent COTA rulings. This ruling is specific to this case. Each individual case will be different.

**The Lake Association is not soliciting Property Tax Protest, or offering legal advice. We are simply providing information and public documents as a service to our members. The Lake Association strongly advises that you seek advice from an attorney if you have questions about the process.**

#### **NEW ANS PREVENTION CITY ORDINANCES**

There are two new city ordinances designed to aid in preventing the spread of Aquatic Nuisance Species (ANS). Both ordinances are attached. Please print them, become familiar with them, and make them available to your guests.

The City Council solicited suggestions from the Lake Association and a very large number of you responded with your opinions and ideas. The Council has incorporated several of these suggestions and we appreciate being included in the process which affects us so much. While we would prefer mandatory boat inspections, these ordinances are a positive move toward ANS prevention.

Be sure you and your guests fully understand the ordinances and obtain the appropriate ANS Training Certificate. For brevity we will summarize the important points here:

#### **Boating:**

ALL boats must have a City Boat Permit except:

- Inflatable non-motorized vessels shorter than ten feet
- Any boat operated below no wake speed and used solely and exclusively for fishing
- To obtain a City Boat permit you must present a KDWP ANS Education Certificate

#### **Fishing:**

- All fishermen age 18 and over must have The KDWP ANS Education Certificate.

#### **Changes we need to be aware of:**

- Kayaks, canoes, pedal boats, sail boats, etc are now required to have a city permit.
- Fishermen, 18 and older must have a KDWP ANS Education Certificate

If you have questions concerning the specifics of the ordinances contact city hall at 620 767 5417.

The KDWP ANS Education Certificate is available at <https://reserve.ksoutdoors.com/cert/Certifications/ANS-Certification>

These new ordinances require some preplanning on our part. It will be very easy to be at the lake and then remember you, or a visitor, need a KDWP ANS Ed Certificate, which has not yet been obtained. Remember, the certificate needs to be printed to show law enforcement officers you have completed the ANS course.

Some suggestions for obtaining a KDWP ANS Certificate in Council Grove are:

- A friendly neighbor who has a computer and printer at the lake
- Council Grove Marina, during business hours has offered their computer
- City Hall during business hours
- Council Grove library during business hours

Future emails will refine the summer business hours and hopefully more lake access to a computer and printer, and answer the inevitable common questions that will arise.

Until then, remember, these new rules aren't perfect, but are positive steps in ANS prevention and we need to actively support the new laws. **A COPY OF EACH OF THE NEW ORDINANCES IS INCLUDED WITH THIS NEWSLETTER.** Please read, review and keep where each of your guests can read and review.

**IF YOU HAVE NOT PAID YOUR 2010 DUES, PLEASE FILL OUT THIS FORM AND RETURN IT WITH YOUR CHECK TO: CGC LAKE ASSOCIATION, P.O.BOX 13, COUNCIL GROVE KS. 66846**

<b>Dues Card – 2010</b> <b>Council Grove City Lake Association</b> <b>PO Box 13, Council Grove, KS 66846</b>	
Lot # & New Address _____	Annual Dues: \$35.00
Name(s) _____	Legal Fund Contribution: \$ _____
_____	General Fund Contribution: \$ _____
Mailing Address _____	TOTAL: \$ _____
City _____ State _____ Zip _____	I am willing to volunteer for:
Email _____	_____
Home Phone _____	
Lake or Cell Phone _____	
Please return this dues card with your check payable to: Council Grove City Lake Association.	

# Prevent ANS

## CLEAN, DRAIN, DRY



**STOP AQUATIC  
HITCHHIKERS!**

*Please remember:*

**CLEAN • DRAIN • DRY**

**Boats and Equipment**

— [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us) —



# ANS Certificate

## Required to Boat

### or Fish at City Lake

This sign Courtesy of Council Grove City Lake Association



## **Council Grove City Lake Association Golf Tournament**

**Where** – Council Grove Country Club

**When** – **Saturday, May 22, 2010**

**Time** - 8:00 am & 1:00 pm tee times (shotgun start)  
(5:00 pm awards ceremony and hotdog feed)

**Format** – **2 man scramble** (18 teams in the 8:00 am group and 18 teams in the 1:00 pm group)

**Team entry fee** - \$100 (carts available for \$15)

**Limited to first 36 teams registered**

## **\$10,000 Hole-in-one**

**Chances to win numerous other prizes**

**Trophies awarded to 1<sup>st</sup>, 2<sup>nd</sup>, & 3<sup>rd</sup> place teams**

**Profits from tournament go to support local  
community activities & charities**

**Enter your team by calling:**

**John Nicodemus 316-619-0016**

**E-mail [kem.nicodemus@gmail.com](mailto:kem.nicodemus@gmail.com)**

ORDINANCE NO. 2057

AN ORDINANCE SETTING ANNUAL BOAT FEES AT THE COUNCIL GROVE LAKE PARK FOR BOTH RESIDENT AND NON-RESIDENT USERS; EXEMPTING CERTAIN BOATS; REQUIRING A CERTIFICATE OF COMPLETION OF THE KANSAS WILDLIFE AND PARKS AQUATIC NUISANCE SPECIES EDUCATION COURSE; SETTING PENALTIES FOR VIOLATION OF THIS ORDINANCE; AND REPEALING ORDINANCE NO. 2049.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS:

**Section 1. Purpose.** The purpose of this ordinance is to establish annual boat user fees and the issuance of boating permits at the Council Grove Lake Park and to require boaters' participation and certification in an aquatic nuisance species (ANS) education course, prior to launching or operating a boat, in an effort to keep the lake free of aquatic nuisance species (ANS).

**Section 2. Definitions.** The following words shall have the following definitions for the purpose of this ordinance, and only this ordinance:

- A. **Resident.** A "resident" shall be any person that is a resident of the City of Council Grove, Kansas; a person having a cabin lease at the Council Grove Lake Park or any person who is a City water customer outside the city limits of the City of Council Grove, Kansas.
- B. **Non-resident.** A "non-resident" shall be all persons who do not fall within the definition of "resident" above.
- C. **Approved Aquatic Nuisance Species (ANS) Education Course.** The "approved aquatic nuisance species (ANS) education course" is the course offered online by the Kansas Department of Wildlife and Parks (KDWP) and which can be found at the KDWP website. The web address as of January 28, 2010 is [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us).
- D. **Boat.** "Boat" means any vessel that is required to be registered by the State of Kansas as well as any water craft designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on water.

**Section 3. Exemption from Ordinance.** Inflatable non-motorized vessels shorter than 10 feet in length are exempt from the requirements of this ordinance. Any boat operated below wake speed and used solely and exclusively for fishing is exempt from this ordinance.

**Section 4. Certification Required.** No boating permit shall be issued to any person who has not completed and received a certificate of completion of an approved Aquatic Nuisance Species (ANS) education course within the immediately preceding three years.

**Section 4. Resident Boat Fees for Persons Who Have Completed an Approved Aquatic Nuisance Species (ANS) Education Course.** The annual boat fees for residents who have completed an approved aquatic nuisance species (ANS) education course shall be based on a graduated scale on the horsepower of the motors used to propel boats. Fees for such residents are as follows:

- A. \$10.00 per year for vessels, sail boats or motor boats with a motor up to and including 50 horsepower.
- B. \$20.00 per year for a boat with a motor from 51 to 100 horsepower.
- C. \$30.00 per year for a boat with a motor from 101 to 150 horsepower.
- D. \$40.00 per year for a boat with a motor from 151 to 200 horsepower.

- E. \$50.00 per year for a boat with a motor from 201 horsepower and up.
- F. \$40.00 for personal water craft.

**Section 6. Non-resident Boat Fees for Persons Who Have Completed an Approved Aquatic Nuisance Species (ANS) Education Course.** The annual boat fees for non-residents who have completed an approved aquatic nuisance species (ANS) education course shall be based on a graduated scale on the horsepower of the motors used to propel boats. Fees for such non-residents are shown below:


- A. \$20.00 per year for vessels, sail boats or motor boats with a motor up to and including 50 horsepower.
- B. \$40.00 per year for a boat with a motor from 51 to 100 horsepower.
- C. \$60.00 per year for a boat with a motor from 101 to 150 horsepower.
- D. \$120.00 per year for a boat with a motor from 151 to 200 horsepower.
- E. \$150.00 per year for a boat with a motor from 201 horsepower and up.
- F. \$120.00 for personal water craft.

**Section 7. Penalty.** Any person who launches or operates a boat in the water at the Council Grove Lake Park prior to purchasing or obtaining a permit and properly displaying such permit issued by the City of Council Grove shall be fined \$250.00. If the boat launcher or operator had previously obtained an ANS certificate in their name but did not have a boating permit purchased or properly displayed, then such boat operator or launcher must produce such ANS certificate to the Council Grove Municipal Court, within three business days after being issued a citation, showing that the ANS course had been completed prior to such person launching or operating a boat, then such fine shall be reduced to \$50.00 for a permit violation only. Otherwise any fine set forth herein shall not be reduced or suspended by any court.

**Section 8. Repeal.** Ordinance 2049 of the Ordinances of the City of Council Grove, Kansas as well as any and all other ordinances in conflict herewith are hereby repealed.

**Section 9. Effective Date.** This ordinance shall take effect upon its publication in the Council Grove Republican.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS ON THIS 1<sup>st</sup> day of March, 2010.

  
Cynthia Engle  
Mayor

ATTEST:

  
Danny Matthews  
City Clerk



ORDINANCE NO. 2058

AN ORDINANCE REQUIRING ALL FISHERMEN, AGE 18 AND OVER, TO OBTAIN A CERTIFICATE OF COMPLETION OF THE KANSAS WILDLIFE AND PARKS AQUATIC NUISANCE SPECIES (ANS) EDUCATION COURSE PRIOR TO FISHING AT THE COUNCIL GROVE LAKE PARK AND SETTING PENALTIES THEREFORE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS:

**Section 1. Purpose.** The purpose of this ordinance is to require any person, age 18 and over, fishing at the Council Grove Lake Park to obtain a certificate of completion of the aquatic nuisance species (ANS) education course as offered on the Kansas Department of Wildlife and Parks website, in an effort to keep the lake free of aquatic nuisance species.


**Section 2. Course Completion Certificate Required.** Prior to any person, age 18 and over, fishing at the Council Grove Lake Park, such person shall have, within the immediately preceding three years, received a certificate of completion of the aquatic nuisance species education course as made available to the public on the Kansas Department of Wildlife and Parks (KDWP) website. The web address as of January 28, 2010 is www.kdwp.state.ks.us.

**Section 3. Possession of Certificate.** All fishermen, age 18 and over, at the Council Grove Lake Park shall have in their possession the certificate of completion of the aquatic nuisance species (ANS) education course. If not kept in possession, the fisherman must produce such certificate to the Council Grove Municipal Court, within three business days, after being issued a citation, showing that the course had been completed prior to the person fishing at the Council Grove Lake Park.


**Section 4. Penalty.** Any person found to be in violation of this ordinance shall be subject to a fine of \$250.00. This fine may not be reduced or suspended by any court.

**Section 5. Effective Date.** This ordinance shall take effect upon its publication in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS ON THIS 1<sup>st</sup> day of March, 2010.

  
Cynthia Engle  
Mayor

ATTEST:

  
Danny Matthews  
City Clerk

