

Kansas

GOVERNMENT JOURNAL

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JUNE 2011



Inside:

McPherson's Renovated Power Plant
2011 Legislative Update
Abilene Celebrates Sesquicentennial



2011 CONFERENCE HOTEL ACCOMMODATIONS & RESERVATION PROCEDURES

October 8-10 • Hyatt Regency Wichita & Century II Convention Center • Wichita

CONFERENCE SCHEDULE CHANGE

Please note there has been a change in the overall conference schedule. The annual conference will now begin on Saturday at noon, and conclude at 3:30 p.m. on Monday afternoon.

Hyatt Regency Wichita**

400 W. Waterman

Wichita, KS 67202

(316) 293-1234

Single/Double \$116 + tax per night

Cut-off Date: 9/14/11

Connected to Century II

** Hyatt Regency Wichita requires a non-refundable deposit equal to one night's stay in order to secure reservations.



RESERVATION PROCEDURES:

- LKM has made special arrangements with the hotels listed to provide accommodations during our Annual Conference. Room reservations should be made by contacting the hotels directly.
- Attendees are responsible for making their own reservations.
- Reservations may not be made until after 3/1/11.
- Remember to ask for the special LKM conference rate when making reservations.

SPECIAL NOTE:

If you are making hotel reservations for someone else, please confirm with each person that they actually need hotel accommodations and intend to use the accommodations before making the reservation.

ADDITIONAL ACCOMMODATIONS:

Hotel at Old Town

830 East First

Wichita, KS 67202

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Cut-off Date: 9/17/11

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Cut-off Date: 9/16/11

Fairfield Inn & Suites at the Water Walk

525 S. Main

Wichita KS 67202

(316) 264-5300 ext. 4924

Queen/King: \$89 + tax per night

Cut-off Date: 9/01/11



167

Contents

Volume 97 • Number 6 • June 2011

Features

- 167 McPherson BPU Moves to Renovated Power Plant
- 170 Family Ties
- 172 2011 Legislative Update
- 178 League Recognizes Municipal Leadership Academy Graduates
- 180 Abilene Celebrates History In Time



170

Departments

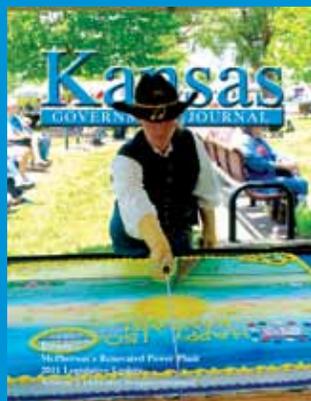
- 166 Best Practices
- 169 Mainstreet News
- 177 State Scene
- 179 On the Road
- 184 Legal Forum
- 185 Classified Advertising
- 187 Professional Services
- 190 Moler's Musings



172



178



About the Cover: The City of Abilene celebrates Kansas' 150th anniversary with a birthday party and several other educational events. See related article beginning on page 180. *Photo by Cecilia Harris.*

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The mission of the League shall be to unify, strengthen, and advocate for the interests of Kansas municipalities to advance the general welfare and promote the quality of life of the people who live within our cities.



July

- 20 - MLA: City Clerk Fundamentals, Dighton
- 21 - MLA: City Clerk Fundamentals, Clay Center
- 29 - MLA: City Clerk Fundamentals, Iola

August

- 16 - Finance and Taxation Policy Committee, Topeka
- 18 - Utilities and Environment Policy Committee, Topeka
- 19 - MLA: KOMA/KORA, Newton
- 20 - MLA: KOMA/KORA, Lawrence
- 23 - Public Officers and Employees Policy Committee, Topeka
- 25 - Legislative Policy Committee, Topeka
- 26 - MLA: KOMA/KORA, Oakley
- 26 - KMIT Board of Trustees Meeting, Goodland

September

- 5 - Labor Day
- 8 - LKM Governing Body Meeting, Hutchinson
- 9 - MLA: The Power of Leadership, Hays
- 30 - MLA: The Power of Leadership, Topeka

Correction

On pg. 114 in the April 2011 edition of the *Kansas Government Journal*, the author of *Kansas Association of Community Foundations Opportunities, Challenges, and Partnerships* was wrongfully identified. The correct author of the article is Betsy Wearing of the Salina Community Foundation. We regret the error and apologize for any confusion this may have created.

Obituaries

Thomas H. Payne, 80, died February 28, 2011. He served as the City Attorney for Olathe from 1960-1961. Payne was also the director of the Kansas Association of Defense Counsel from 1972-1974. Payne's long list of involvement includes serving as Rotary Club president, member of the Kansas and American Bar Associations, Patron State Bank and Trust Board of Directors, *KBA Journal* Board of Editors', KU Museum of Natural History Advisory Board, General Society of the Sons of the American Revolution, and Delaware Crossing Chapter.

Michael G. Moroney, 64, died May 13, 2011. Moroney was the Deputy Attorney General under Kurt Schneider for the Kansas Attorney General's office. He also served as Kansas City Municipal Court Judge Pro-Term, Municipal Court Prosecutor, and Municipal Court Judge for the City of Edwardsville. In 1991, he was selected Wyandotte County District Court Judge for the 29th Judicial District where he served until 1996.

Jerry Lynn Griffith, 80, died May 25, 2011. He was the City of Derby Attorney for over 17 years. Griffith also served two terms as a state representative from 1960 to 1968. He was a lifetime member of the American, Kansas, and Sedgwick County Bar Associations, and belonged to numerous civic organizations.



2011 E. A. Mosher Excellence in Local Government Award

The E. A. Mosher Excellence in Local Government Award is presented annually to an elected city official who has not only demonstrated outstanding service to his or her own city, but has also shown an active commitment to strong local government and service to the League of Kansas Municipalities (LKM). Named in honor of E.A. Mosher, League Director from 1960 to 1991, this award is designed to honor excellence and leadership at the highest level.

Nominees for the E. A. Mosher Excellence in Local Government Award must meet the following qualifications:

- Must be an elected official from an LKM member city;
- Must have held elective office for a minimum of four years;
- Must have nomination in at the close of nominations on September 2, 2011;
- Must demonstrate contributions that have had a significant impact on the quality of life of the citizens of his or her city;

- Must demonstrate contributions in promoting positive intergovernmental relationships; and
- Must show involvement with LKM.

Guidelines for the selection of the 2011 award winner are as follows:

- Nominations will not be accepted after 5:00 p.m. on September 2, 2011;
- Nominations may be made by any elected or appointed official of an LKM city;
- The Awards Committee of the LKM Governing Body will select the award recipient;
- The decision of the Awards Committee will be final; and
- The winner's name will be kept confidential until the presentation at the LKM Annual Conference in Wichita.

For a nomination form, go to www.lkm.org/misc/Excellence-in-Local-Government-2011.pdf, or, contact Kim Winn at (785) 354-9565 or kwinn@lkm.org.



National League of Cities

Interested in Serving on the NLC Board?

The LKM Awards Committee is charged with reviewing applicants who seek the endorsement of LKM with regard to a position on the National League of Cities Board of Directors. If you are interested in being considered for endorsement, please send a cover letter and resume to Kim Winn at kwinn@lkm.org or 300

SW 8th Ave., Topeka, KS 66603, (785) 354-9565 by 5:00 p.m. on Friday, September 2, 2011. The Awards Committee will review all requests for endorsement and make a recommendation to the LKM Governing Body for final action.



Enjoying the Great Outdoors

Though many people set goals for healthier eating and more exercise to kick off the new year, it is more often summer that prompts the urge to enjoy warm weather through physical fitness. As the sun shines long into the evening, people become more likely to enjoy biking, walks in the park, and family time at the pool. And many cities and organizations take advantage of this trend when considering how to promote healthy communities.

The Kansas Recreation and Parks Association (KRPA) recently partnered with Blue Cross and Blue Shield of Kansas (BCBSKS) to recognize communities that “encourage and support healthy lifestyles through programs, initiatives, policies and/or community-wide events” (www.krpa.org). The two organizations partnered to create the BlueCHIP Award, which recognizes small (up to 20,000 residents), medium (20,000-49,999), and large cities (50,000 and greater). “CHIP” stands for Clean air, Healthy food choices, Initiatives to curb obesity, and Physical activity. This year, the winners included Grinnell, Hutchinson, and Lawrence, and each city received a \$2,500 check for their efforts.

“These communities—Lawrence, Hutchinson, and Grinnell – are all doing phenomenal work and were selected for their collaboration with a variety of organizations, their programs that are changing infrastructures, and for involving community citizens of all ages,” said Marlou Wegener, BCBSKS manager of community relations. “These three communities serve as outstanding examples of what happens when individuals in a community come together to work for a common goal. The result is the entire community reaps the benefits.”

Grinnell’s City Park

Grinnell is a city of 300 that fully demonstrated a strong sense of community when working to promote good health. The City partnered with local businesses, organizations, and residents to add nearly a mile-long paved walking trail and exercise equipment to the city park. The partner organizations included the Grinnell Area Boosters (GAB) PRIDE, Grinnell Youth PRIDE, City of Grinnell, USD No. 291, Grinnell Middle School Student Council, K-State Research and Extension-Gove County, Friends of Grinnell, Inc., Gove County Health Department, Gove County Sheriff’s Department, Grinnell Fire Department, Grinnell Senior Center, Grinnell EMS, and the Senior Companion Program.

The City began their efforts in 2006 by reaching out to the high school drafting class. The City sought ideas on what the students wanted to see in the park, and they responded by planning a park that included a walking trail, frisbee golf, and a playground. Since then, the City has used the input to guide its efforts, and the results are impressive. In addition to the nearly mile-long walking trail—funded in part through a Sunflower Grant (www.sunflowerfoundation.org)—the City has added two playgrounds (one for younger children and one for older children), two basketball courts, and outdoor exercise stations.

The City also uses the park to host the “Get-It-Do-It Annual Health Fest,” a health fair in the spring that involves the extension office, local law enforcement, and the Kansas Department of Wildlife and Parks. The fair includes health screenings, demonstrations of the exercise equipment, adult immunizations, and programs on health that address everything from healthy eating to seatbelt safety. Grinnell has not only demonstrated principles of healthy community, but also the benefits of

partnering with other community groups to accomplish a significant project.

Hutchinson’s Partnership Efforts

In Hutchinson, the City took a different role in contributing to the health of the community. The Hutchinson Recreation Commission offers a number of community activities highlighted by the Salty Dog Salty Pup Triathlons: swim/bike/run events offered for adults and youth. The Commission also offers educational nutrition classes, training opportunities, and special fitness events such as fun runs/walks. The Hutchinson Recreation Commission specifically gears their activities to improve their citizens’ health.

The City’s role in these events is one of collaboration. In addition to providing a representative to serve on the Commission, the City also helps ensure the event infrastructure is at its best. Hutchinson helps with facility space and prepares the race routes, including electrical service for the events. The City staff also helps with grounds-keeping needs. Amy Conkling, Marketing/Special Events Director for the Hutchinson Recreation Commission, noted that the City helps with all behind-the-scenes efforts to keep the activities running smoothly. In the winter, the City even contributed staff ingenuity to build new adult and youth bike racks for the triathlon. Much like typical city service, Hutchinson offered the necessary background contributions to serve the community.

Lawrence’s Comprehensive Programming

The City of Lawrence has consistently been a leader in the promotion of healthy community, and its recent BlueCHIP Award recognized those efforts. The City helps to provide everything from walking trails to walking programs, and workplace smoking ordinances to youth fitness programs. The City collaborates with the health/medical community, educational institutions, government entities, and agencies associated with healthy lifestyle initiatives to actively promote healthy citizens.

The City and its collaborators have produced more than 70 miles of bike lanes, 450 programs and activities aimed at getting residents active, and a workplace smoking ordinance that has been in effect since 2004. The Lawrence school district also features, “On the Move,” a district-wide program that encourages students in all grades to be active. It has grown from a single, annual event to include monthly activities, supported by each school’s wellness committee.

Competition Benefits

Doug Vance, Executive Director of the Kansas Recreation and Parks Association, said he hopes the efforts of the winning cities inspire other Kansas communities to collaborate on healthy initiatives. The benefits include not only the healthier communities, but also an ideal opportunity for cities to partner with other groups to achieve more than they could on their own. Cities interested in participating in the KRPA & Blue Cross and Blue Shield of Kansas program can find the application at www.krpa.org.

 *Nathan Eberline is the Intergovernmental Relations Associate for the League of Kansas Municipalities. He can be reached at neberline@lkm.org or (785) 354-9565.*

McPherson BPU Moves to Renovated Power Plant



by Colin Hansen

The municipal power plant that once provided electricity for the City of McPherson is the new home of the McPherson Board of Public Utilities (BPU) offices. BPU employees moved into their new home March 19, 2011 after years of renovations, many of which were completed by utility employees themselves.

The new office building was originally built in 1934 as a municipal power plant for the growing community. Additions to the power plant were subsequently added in 1940 and 1947. In 1995, however, the building was vacated and the generating units mothballed. Since that time, the building has stood vacant.

Utility management, however, saw a new use for the facility. “We were looking for new office space and took advantage of the opportunity to use an existing building,” McPherson BPU General Manager Tim Maier told the *McPherson Sentinel*. “It was getting to the point where we needed to use the building or tear it down.”

For the past five years, BPU has worked with a local architect and several outside contractors to revamp and renovate the space to accommodate an organized and efficient office atmosphere. The 4-story building now provides a total of 22,500 sq. ft. of space on the first 2 floors of which 10,400 is currently usable for BPU purposes. That amount doubles the space available to BPU in the previous office facility that they shared with the City of McPherson in the McPherson Municipal Center.

In addition to a customer service center, office space, and training rooms, the new facility will also feature a museum honoring the history of the City’s municipally owned and operated electric and water utilities. A steam turbine that was installed back in the 1940s has been left in place and is the central focus of the museum. The

museum is open to the public and includes numerous utility artifacts and memorabilia. In addition, the entire building is decorated with historical pictures of the utility and its linemen, power plant operators, water treatment technicians, and other employees.

Original tile and structural beams from the power plant were left in place in several parts of the building. Emphasis was also placed on energy efficiency in the renovation while retaining the building’s storied history. New windows were installed with far greater energy efficiency while retaining the same historic look. New high-efficiency lighting, also capturing the same design and look of the original ones, was also installed.

The building is named on the Kansas Historical Society’s list of state historic places (http://www.kshs.org/natreg/natreg_listings/search/prop/:city:McPherson/county:/arch:/category:/submit:SEARCH).

Because of this designation, the building when completed should receive tax credits through the state historical society. Maier believes that sale of the tax credits may cover approximately one-fourth of the total renovation cost.

The out-of-pocket expense for the facility renovation totaled \$4 million and was financed by the utility with money set aside several years ago at the onset of construction. While a considerable figure, the utility has saved an estimated \$1.2 million on the project by utilizing its own materials and labor. “We’re really fortunate as a utility that we have people who can and want to do the work here,” Maier said. McPherson BPU employees were responsible for all the heavy steel work in the building, including the facility’s numerous stair banks. BPU crews also completed all of the building electrical and plumbing work as well as numerous other projects.



The original steam turbine and building structure after the Municipal Power Plant renovation was completed. *Photos provided by Kansas Municipal Utilities.*

The renovation project primarily took part in four phases. Demolition, the first phase, began in 2005. From there, BPU crews began work on the ground floor of the power plant, the second phase. The third phase included the second and third floors, stair tower, and addition of the drive-up window. The fourth and final phase was finish work that primarily took place last year.

Entering the main entrance to the facility on the ground floor, citizens can immediately find the customer service center. The customer service center provides immediate assistance to customers with questions or those wishing to pay their bill. The area also houses the utility's billing department and a new drive-up customer service window was added. The second floor of the

building provides office space for utility employees as well as large rooms for group training and employee meetings. The McPherson Industrial Development Company (MIDC), the community's industrial economic development initiative, is also housed on the second floor.

Utility employees made the move to their new office over the weekend of March 19 & 20 and are fully operational in the new space. Located at 401 W. Kansas Avenue in McPherson, municipal colleagues are encouraged to stop in and tour the facility.

☀️ *Colin Hansen is the Executive Director of Kansas Municipal Utilities. He can be reached at chansen@kmunet.org.*

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City Launches CID Website

The City of Wichita has launched a new website (www.wichita.gov/CID) about community improvement districts (CIDs), the special taxing districts designed to spur economic development in cities.

Two of the city's five CIDs include the Marriott Fairfield Inn & Suites Downtown and the Drury Plaza Hotel Broadview.

Drury will add 2% to the sales tax charges at the Broadview to help finance the \$29 million hotel renovation.

The Marriott project will also add 2% to the sales tax charges to help finance the \$12 million project.

CIDs were created by the Kansas Legislature, and require local government approval—in these cases, from the Wichita City Council. The state law allows developers to petition municipalities to establish the districts, which can assess extra sales taxes of up to 2% to finance land acquisition and infrastructure construction.

CDBG Grants Impact Communities

Six Kansas communities will share \$2,100,354 in federal grants through the Community Development Block Grant (CDBG) program.

"This funding has a positive impact on our communities, from making needed infrastructure improvements to improving recreation areas to redeveloping main streets for business," said Kansas Commerce Secretary Pat George. "I am pleased these communities will be helped with this latest round of funding."

The six communities receiving grant money include the Cities of Geneseo, Highland, Long Island, Oakley, Olsburg, and Pomona.

The CDBG program provides federal funds to local governments for the development and improvements by addressing their housing, public facilities, and economic development needs. To be awarded

funds, local government units must meet at least one of three program objectives: benefit to low and moderate-income individuals; prevent or eliminate slums and blight; or resolve an urgent need where local resources are not available to do so.

CDBG funds are one of the Department's primary tools in supporting the state's small, predominately rural communities. The Department has distributed more than \$241 million in CDBG funding in the last decade.

"The Department remains committed to the state's small, rural communities," George said. "We recognize the challenges these communities will face in the years ahead, and we are prepared to help our cities and towns meet those challenges."

Grant Brings Conference to Wichita

The Kansas Historic Preservation Office has awarded a \$20,000 grant to the City of Wichita to bring the 2012 State Historic Preservation Conference to Wichita as a partner with the 4th annual City of Wichita Energy Summit and Fair.

The joint event will take place the last week of January at Century II and the recently restored Broadview Hotel at Waco and Douglas. The Broadview restoration by current owner Drury Southwest was made possible by federal and state historic tax credits.

The co-mingling of the energy and historic conferences will feature techniques for energy efficient practices in historic preservation, nationally-known speakers, and the screening of two movie documentaries on energy sustainability. It will also include

Energy Conference elements of interest to business, industry, and the general public.

The 2011 Regional Energy Conference with the theme "Go Green to Save Green" drew more than 800 persons to the two-day session last January. The annual Historic Preservation Conference draws about 130 participants for its annual three-day event.

"The merging of the Energy and Historic Preservation conferences is a major step forward for the City of Wichita's sustainability agenda," said Wichita Mayor Carl Brewer. "It expands the conference to a statewide audience and will result in greater public awareness of energy efficiency."

City Pursues Housing Aid

The City of Hutchinson has applied for a \$1.38 million grant that could dramatically increase what's available to address deteriorating housing and also help low-income residents bring property into compliance with the International Property Maintenance Code. Funding for the Attraction Development Grant Program is provided by the Economic Development Initiatives Fund.

The grant assists the development of authentic experiences that encourage travelers to visit Kansas. Grants may be used for various activities necessary to expand the tourism product base or develop new attractions. The grant funds up to 40% of a project, with the community or businesses funding the remaining 60%.

"This could be the engine to start a comprehensive affordable housing program for Hutchinson," said Nancy Scott, director of the city's Planning and Development Department.

Concern about the quality of Hutchinson's existing housing stock, the need for additional work-force housing, and the shortage of investment in the city's older neighborhoods have been highlighted in the past year by the Housing Needs Assessment prepared by a St. Louis consulting firm and the Mayor's Housing Task Force Report.

The Task Force Report in particular recommended creation of a housing program like the City of Topeka's Stages of Resource Targeting (SORT), which each year selects two neighborhoods in which it will focus its efforts and resources over a three-year period.

Randy Speaker, Topeka's Deputy City Manager, credits the SORT program with improving the drive-by look of targeted neighborhoods, reversing disinvestment in neighborhoods, stimulating private investment, and increasing home ownership. It also has reduced



Family Ties

by Matt Heilman

Mother and Son Elected to Serve Neighboring Communities

Six years ago, Michael O'Donnell was a sophomore in college when he finished second in a four-person Bel Aire mayoral race. Though he lost to Brian Withrow by 26%, he didn't let the outcome derail his "affinity for politics." He was 20 years-old and made a good run to pick up 496 votes, despite his inexperience.

In the same election, his mother, Peggy O'Donnell, an administrator and teacher at Sunrise Christian Academy, won a seat on the Bel Aire City Council, where nine people sought to fill three available positions.

In that April 2005 election, voters had to sort through 13 candidates, all of them newcomers. In a time of transition for Bel Aire, no incumbents sought re-election when they saw the "handwriting on the wall" amidst some unrest in the city stemming from a heavy debt tied to large land purchases.

"I would say, unequivocally, it was the most heated campaign in Bel Aire's history," Michael O'Donnell said. "I mean, the City was in an uproar."

Although the mother and son missed the opportunity to serve in the same city, they now share similar titles.

In April, Michael, 26, won a hard-fought election to earn a spot on the Wichita City Council, representing District 4 in the southwest part of the city that includes about 60,000 Wichitans.

Meanwhile, Peggy O'Donnell continues to represent about 6,800 residents in Bel Aire as a member of the City's five-person council. She won her second term in 2009.

"I'll be honest, it's really been a nice time," Peggy said. "I'm in my second term and I'm honored that the people have elected me again, but it is a lot of work."

Michael is in his first term in public office and admits he's on a learning curve with trying to get adjusted to all of his responsibilities representing the state's largest city. The Friends University alum and Clear Channel sales and marketing professional doesn't take his council position lightly, although it's technically "a part-time job." Despite representing a much smaller population, his mother takes a similar approach to her local government position.

"I think we both are very humbled that voters have entrusted both of us with serving as council members," Peggy said. "And it is a service that you do for the people and we want to listen to the people. We both believe less government is better."

Michael O'Donnell and his mother Peggy O'Donnell stand outside of Bel Aire City Hall. Peggy is a Bel Aire City Councilmember. Michael was elected to the Wichita City Council this spring. *Photo by Matt Heilman.*

In his run for mayor of Bel Aire and his recent triumph to land a spot on the Wichita City Council, Michael said his campaigning carried him through, especially in the recent election.

"I do think my campaigning is what brought me to second place then at 20 years-old and it's what brought me through my most recent election because all of the odds were stacked against me running for Wichita City Council," he said.

Michael said Wichita Mayor Carl Brewer, *The Wichita Eagle*, and former council member Paul Gray, who served District 4 before him, endorsed his opponent, Joshua Bick. Michael said Bick also outspent him on his campaign, 2-to-1.

Michael was helped by endorsements from former congressman Todd Tiahrt and former Wichita Mayor Bob Knight. He's worked on campaigns for both men.

While he acknowledges the support was crucial, Michael believes his passion and willingness to knock on the door of as many residences as he could in his district made the difference.

In the 2005 Bel Aire mayoral race, Michael said he knocked on the door of every registered voter in the city. His mother campaigned along with him.

"I would go see some people and they would say, 'We met your son,'" Peggy said.

Peggy and Michael share a belief that their public service is a calling from God. Michael's father, Mike O'Donnell, is the pastor of Wichita's Grace Baptist Church, where Michael serves on the board.

In addition to professional and political careers, the O'Donnells put in time on volunteer efforts and emphasize the importance of working cooperatively, whether it is in a workplace or in a seat on a decision-making body that can have a direct impact on people's lives.

Michael said that although he and his mother aren't serving in the same council chambers, they're part of the same community that is south-central Kansas.

"She's serving Bel Aire with their specific needs and I'm fighting for Wichita and their specific needs, but when it comes down to it, we all want the same things," Michael said. "We want strong families, we want a strong community, and great jobs. ... Bel Aire and Wichita and Andover and Maize and all of these cities that surround, we all need to work together cohesively as a group."

 *Matt Heilman is a reporter for the Ark Valley News. He can be reached at matt@arkvalleynews.com. This article was reprinted with permission from the Ark Valley News.*



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2011 LEGISLATIVE UPDATE

BY KIMBERLY WINN

Below is a summary of key bills of municipal interest passed during the 2011 Legislative Session. The full text of these bills can be obtained at <http://kslegislature.org/li/>

GENERAL LOCAL GOVERNMENT

• **Annexation.** Over the past several years, the Legislature has heard numerous proposals to amend and severely restrict the annexation laws of the state. Most of the proponents cited specific annexations that they opposed as the reason for such a change statewide. This year was no exception and the House of Representatives on at least two occasions forwarded comprehensive legislation to the Senate for consideration. The Legislature was literally one vote away from sending a very onerous annexation bill to the Governor's desk for signature. During conference committee discussions at the end of the session, a compromise (**SB 150**) was reached. This legislation became effective June 2, 2011.

With regard to unilateral annexations pursuant to K.S.A. 12-520, there was one minor change that requires that a copy of the extension of services plan be sent by certified mail at least 10 days prior to the public hearing as required by K.S.A. 12-520a.

With regard to county-approved annexations pursuant to K.S.A. 12-521, such annexations will now have to be approved by a 2/3 vote of the board of county commissioners (current law requires a majority vote).

In addition, there are some limitations based on acreage and location.

► **Acreage Limitation.** If the area proposed to be annexed involves 40 acres or more, a mail ballot election of property owners will be required following the vote of the board of county commissioners granting all or a part of the annexation. If the owners disapprove the annexation, the city will be prohibited from proposing an annexation in the area for four years (unless it is a consensual annexation pursuant to K.S.A. 12-520).

If the area to be proposed is less than 40 acres, the board of county commissioners may approve the annexation by a 2/3 vote, subject to the location limitations below.

► **Location Limitation.** Under the new provisions of **SB 150**, the board of county commissioners may not approve an annexation under K.S.A. 12-521 if they have previously granted 3 annexations of adjoining tracts within a 60-month period. In other words, the board of county commissioners could consider and approve two 39-acre annexations of adjoining tracts of land without triggering a moratorium. However, as soon as the county commission approves the annexation of three adjoining tracts of land, a moratorium on county-approved annexations for the requesting city applies. In that case, a city would not be able to utilize K.S.A. 12-521 again until the oldest of the adjoining annexations has passed the 60-month window of time.

In addition, **SB 150** shortened from 5 to 3 years the timeframe for the board of county commissioners to hold a hearing to review whether the city has met the terms of the extension of services plan. If the board of county commissioners refuses to hold such hearing, *quo warranto* (with attorneys fees paid by the county to the landowner) would be authorized.

The bill also shortens from 2 ½ to 1 ½ years the timeframe following the public hearing on the review of the service extension plan (pursuant to K.S.A. 12-531) when a landowner can petition to the county for deannexation. The board of county commissioners is then required to hold a deannexation hearing. If the deannexation is granted, there is a three-year period before the city could attempt another annexation of the area. The deannexation order is recorded at the expense of the city. Again, if the board of county commissioners refuses to hold such hearing, *quo warranto* (with attorneys fees paid by the county to the landowner) would be authorized.

• **Incorporation.** **SB 150** also amends the incorporation statutes to reduce from 300 to 250 the number of inhabitants or platted lots that are necessary for incorporation of a city.

• **CMB Special Event Permits.** For years, cities have issued "temporary" permits to CMB licensees for special events. Recently, the state Alcoholic Beverage Control (ABC) determined that this was not authorized by statute. Therefore, LKM and a number of our member cities supported the passage of **SB 80**

to clarify the law in this regard. Under this new legislation, cities and counties are now specifically authorized to issue temporary special event permits for CMB licensees for things such as local festivals. ABC is working to develop a new form for this purpose. In the meantime, cities and counties should simply adapt their current forms for this purpose. In addition, ABC has indicated that the \$25 state fee should be remitted to them for each permit issued. This legislation became effective April 28, 2011.

- **Scrap Metal Registration.** After January 1, 2012, all businesses will be required to register with the city (if in the incorporated area) or the county (in the unincorporated area) in order to purchase “regulated scrap metal” which is defined in K.S.A. 50-6,109. (See **HB 2312**) The Attorney General’s office is charged with developing the registration form. The city or county is required to give written notice of all such registrations (or renewals) to all law enforcement agencies in the county within 10 days. The city or county can charge \$100 - \$400 for the initial registration and \$15 - \$50 for each renewal. The registrations are valid for a 10-year period. The bill also sets out the qualifications and disqualifications for such registration. Further, reasons for suspension and revocation are identified.

- **Lodging Inspections.** A number of cities have expressed concern over recent cutbacks in the State’s lodging inspection program. **HB 2282** combines this function with the food safety program within the Department of Agriculture. It also increases the fees and adds one additional FTE for this purpose.

- **Solid Waste.** **HB 2195** establishes the Organized Collection Service Act with regard to municipal franchising of solid waste providers. While the bill specifically authorizes local ordinances to establish geographic service areas for solid waste haulers, it also establishes some procedural restrictions. First, a city or a county must pass a resolution of intent at least 180 days prior to adopting an ordinance or resolution franchising solid waste providers. The resolution of intent must be published at least once in the official newspaper and must give notice of a public hearing to be held. During the 90-day period following the adoption of the resolution of intent, the city or county must invite all interested participants and work to develop a plan. Therefore, it is important to set the date for the public hearing after the 90-day development period has run so that those wishing to speak during the public hearing can review and offer comments on the proposed plan.

Following the public hearing and 180 days from the passage of the resolution of intent, the city or county may adopt the proposed ordinance or resolution. If the municipality fails to act on such proposal within one year following the passage of the resolution of intent, the process must start over from the beginning. After passage of the ordinance establishing solid waste franchising, the city must wait a minimum of 18 months to implement the new program.

- **Regulated Sports Act.** **HB 2125** amends the Kansas Professional Regulated Sports Act to include professional boxing, sparring, professional kickboxing professional and amateur mixed martial arts, grappling arts, pankration,

professional wrestling, and professional full-contact karate. This bill establishes significant state regulation of these sports under the Boxing Commissioner. In addition, if a city or county chooses to do so, it may require the promoter of such event to obtain a local resolution in order to qualify for the state license. This bill became effective April 14, 2011.

- **KORA.** **HB 2030** extends certain Kansas Open Records Act exemptions until 2016. It also clarifies the law with regard to records of the metropolitan transit authority.

FINANCE & TAXATION

- **Interest Rate on Delinquencies.** Section 5 of **SB 10** amends K.S.A. 79-2968 with regard to the interest rate that can be charged on delinquent or unpaid taxes due to the State of Kansas or any taxing subdivision. Under current law, the rate is set based on federal IRS rules and has been very low in recent years. **SB 10** allows for an interest rate of up to 10% annually for delinquencies or underpayments of \$10,000 or more after January 1, 2012.

- **Sales Taxes.** **SB 10** also authorizes certain county sales taxes in Douglas, Jackson, and Edwards counties. Section 15 of **SB 193** provides a new sales tax exemption for all sales of game birds for which the primary purpose is used in hunting. This brings the total number of sales tax exemptions to 85 (represented in the statute as “gggg”). This bill took effect May 26, 2011.

- **Accident Response Fees.** In its original form, **HB 2119** would have prohibited all accident response service fees imposed by any municipality. At the request of LKM, the bill was amended to authorize the imposition of “actual costs” of providing emergency services. “Emergency services” are defined as police, fire, technical rescue situations, including but not limited to, vehicle extrication, trench rescue, high-angle rescue, confined-space rescue, and swift-water rescue and emergency medical services.

- **Fire District Taxation.** New Sections 4 and 12 of **SB 150** address the issue of double taxation in certain fire districts. Pursuant to the new law, when land located within a fire district is annexed by a city, and such land remains part of a fire district, the landowners will be entitled to a refund of all ad valorem taxes paid for fire service from whichever entity levies taxes for fire service against the land but does not provide such service. Cities and fire districts are required to establish procedures for landowners to obtain such refunds.

ELECTIONS

- **Overseas Ballots.** **SB 103** deals with ballots for certain overseas military and federal service voters. This bill will allow such individuals to receive a full voting ballot including the potential for write-in candidates. The bill authorizes email or other electronic transmittal of such ballots.

- **Filing Deadlines.** **SB 125** changes the filing deadline for national, state, county, and township offices from June 10th to June 1st. In addition, **HB 2080** provides for changes in filing deadlines in reapportionment years. If the redistricting changes

are adopted before May 10th, the filing deadline would remain June 1st. If the redistricting changes are adopted after May 10th, the filing deadline would be June 10th.

• **Local Primaries.** Several years ago, state law was changed to require a primary in city and school board elections only when there are more than three persons for each position. After that change, the Secretary of State's office interpreted the law to say that even if a primary was held under the new law, three persons (rather than two) would move forward to the general election. In addition, the language that was adopted was unclear with regard to the differences between cities that elect the council at large and those that elect based upon districts or wards.

HB 2080 amends K.S.A. 25-2108a to clarify when a primary is to be held. In cities that use a district method of election, a primary is held when there are more than three individuals for each position. If a primary is held, then the top two vote getters for each position move forward to the general election.

In cities that elect their councilmembers at-large, a primary is held when the number of candidates is more than three times the number of positions up for election. If a primary is held, the number of candidates that move on to the general election is equal to two times the number of positions up for election.

The primary law is non-uniform and a number of cities have chartered this statute in order to establish local rules regarding city elections. Some cities prefer to have a primary when there are more than two candidates for a position. That is a matter of local policy and may be accomplished with the passage of a charter ordinance.

• **Voter ID.** The passage of **HB 2067** marked significant election reform in Kansas. All voters will be required to show proof of identification in order to vote in Kansas. This applies to those voting in person or by mail ballot. After January 1, 2013, all individuals will be required to demonstrate proof of citizenship in order to register to vote.

PUBLIC SAFETY

• **Residential Sprinkler Systems.** **SB 101** makes permanent the prohibition against mandating residential fire sprinklers. Under this law, no city or county may adopt or enforce any code which requires the installation of any fire sprinkler protection system in a residential structure. In addition, cities and counties may not make such installation a condition for obtaining a building permit or plat. This bill took effect April 14, 2011.

• **Search Warrants.** **SB 55** deals in part with electronic communications. First, it amends K.S.A. 22-2514 to authorize the issuance of a search warrant for the seizure of information concerning

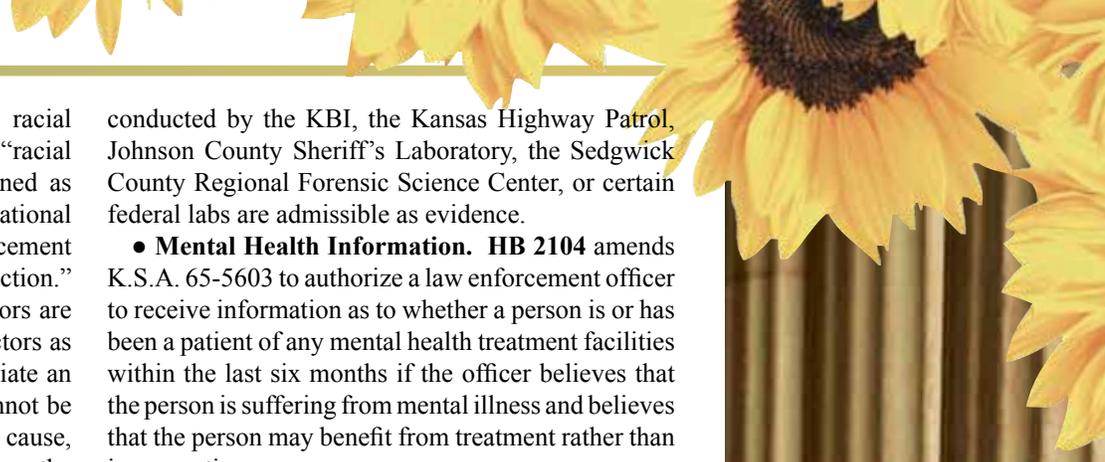
the user of an electronic communication service; any information concerning the location of electronic communications systems, including, but not limited to, towers transmitting cellular signals; and any other information made through an electronic communications system. It further clarifies that a search warrant is not necessary to obtain information in an emergency situation pursuant to K.S.A. 22-4615, the Kelsey Smith Act.

• **Harassment by Telecommunications Device.** **SB 55** amends the statute relating to harassment by telecommunications device to include the use of a telecommunications device to transmit an obscene, lewd, lascivious, or indecent image or text. Further, the bill expands the definition to prohibit the use of a telecommunications device to make or transmit a call with intent to abuse, threaten, or harass or to make any comment, request, suggestion, proposal, image or text with the intent to abuse, threaten, or harass.

• **Employment of Prisoners.** K.S.A. 22-4603 regarding the employment of city and county prisoners was amended by **SB 55** to allow either public or charitable employment. In addition, this bill increases from \$5 per day to \$5 an hour the credit on fines and costs that prisoners confined after having been convicted of a misdemeanor must receive. Persons held in jail and awaiting trial or held on civil process may, with their consent, be likewise employed. Those individuals would receive credit at \$5 per hour, or an amount mutually agreed to (not less than \$5 per day).

• **Expungements.** **SB 55** amended K.S.A. 12-4516a to require courts to make expunged records and related information available to the KBI as criminal history information and to the FBI to determine an individual's qualification to possess a firearm.

• **DUI.** The DUI laws of the state were significantly changed this year. First, in **SB 55**, parameters for house arrest and work release were defined. In addition, **SB 6** made more sweeping changes. Fines are increased by \$250 for each offense and a system of inter-lock requirements for each offense are established in this legislation. Cities would still be able to prosecute some DUIs, but there would be additional administrative burdens to do so. Urine samples would require specific supervision and saliva testing will be allowed pursuant to rules to be established by the KBI. Municipal courts will be required to report the filing and disposition of all DUI cases to the KBI, and after July 1, 2013, that report must be made electronically. Cities that wish to continue prosecuting DUI offenses should confer with their city attorney and review the new law carefully before proceeding. Otherwise, DUI offenses should be written as a state law violation and prosecuted in district court.



• **Racial Profiling. SB 93** amended the racial profiling statutes to redefine racial profiling as “racial or other biased-based policing.” This is defined as “the unreasonable use of race, ethnicity, national origin, gender, or religion by a law enforcement officer in deciding to initiate an enforcement action.” It is not biased-based policing when such factors are used in combination with other identifying factors as part of a specific individual description to initiate an enforcement action. Biased-based policing cannot be used to determine the existence of probable cause, reasonable suspicion for a stop, or determining the existence of probable cause to conduct a search of an individual or conveyance. All law enforcement agencies must have written biased-based policing policies and **SB 93** establishes new requirements for such policies. All law enforcement agencies shall require annual biased-based policing training. In addition, such agencies may appoint a community advisory board. If such board is created, training is required for the board.

Each law enforcement agency is required to file an annual report and will now have to include specific data collection in that report including: the number of complaints, the date for each complaint, action taken in response, disposition of the complaint, date the complaint is closed, records of required training sessions, copies of the written policy prohibiting biased-based policing, whether the agency mandates specific discipline for violations, whether the agency has an advisory board; and whether the agency has a comprehensive plan or if it collects traffic and pedestrian stop data.

If the Attorney General’s office receives a complaint, they must notify the officer and the law enforcement agency within 10 days.

• **Firearms. SB 152** specifically authorizes licensed individuals to utilize concealed carry while hunting, fishing, or fur-harvesting. Further, it authorizes the use of silencers while participating in such activities.

• **Asset Seizure and Forfeiture. HB 2010** amends K.S.A. 60-4104 to add embezzlement, mistreatment of a dependent adult, giving a worthless check, forgery, making false information, criminal use of a financial card, certain computer acts, identity theft, electronic solicitation to the list of crimes where the Kansas Asset Seizure and Forfeiture Act apply. The bill also removes the theft of livestock from the list.

• **Local Law Enforcement Training Fund. HB 2001** authorizes the Kansas Commission on Peace Officers’ Standards and Training to expend money from the fund. The fund receives \$1 from the \$20 assessment imposed by K.S.A. 12-4117(a) in each case filed in municipal court (other than a non-moving traffic violation) whenever there is a finding of guilt, no contest, forfeiture of bond, or a diversion.

• **Forensic Examinations. HB 2057** amends K.S.A. 22-3437 to provide that forensic examinations

conducted by the KBI, the Kansas Highway Patrol, Johnson County Sheriff’s Laboratory, the Sedgwick County Regional Forensic Science Center, or certain federal labs are admissible as evidence.

• **Mental Health Information. HB 2104** amends K.S.A. 65-5603 to authorize a law enforcement officer to receive information as to whether a person is or has been a patient of any mental health treatment facilities within the last six months if the officer believes that the person is suffering from mental illness and believes that the person may benefit from treatment rather than incarceration.

• **Arrest Warrants. HB 2227** amends K.S.A. 22-2304 to provide that a defendant may be identified by a description of the defendant’s unique DNA profile in an arrest warrant.

• **Breach of Privacy/Blackmail. HB 2151** adds to the list of activities that constitute breach of privacy or blackmail “disseminating or permitting the dissemination of any videotape, photograph, file or image obtained in violation of the breach of privacy laws.”

• **911. SB 50** amends wireless, wireline, and VOIP laws regarding 911. After January 1, 2012, all local ordinances and resolutions imposing 911 fees will become invalid. After that time, a 53¢ monthly fee will be imposed on all wireless, wireline, and VOIP subscriber accounts. This fee will be collected statewide by a Local Collection Point Administrator. Such fees will be returned to PSAPs in a formula based on population with each county receiving a minimum of \$50,000. Prepaid wireless services will pay 1.06% per retail transaction into a fund at the state level.

Uses of these funds include: implementation of 911 services; purchase of 911 equipment and upgrades (other than subscriber radios); maintenance and license fees; training of personnel; monthly recurring charges; installation and service establishment charges; capital improvements (other than buildings); and the original installation of road signs designed to aid in the delivery of emergency services.

SB 50 also establishes a statewide 911 coordinator and 911 coordinating council in order to oversee the Act and select the Local Collection Point Administrator.

MOTOR VEHICLES

• **Seat Belts.** The provisions of K.S.A. 8-2504, the mandatory seat-belt law, were amended by **HB 2192**. After July 1, 2011 cities will no longer be able to attach court costs to seat belt violations. Fines will be limited to \$10 for persons over 18 and \$60 for those 14-18. This bill makes the seat belt law part of the Uniform Act Regulating Traffic and specifically prohibits cities from utilizing their home rule authority to alter this statute in any way.

• **VIN Inspection Fees. HB 2192** increases from \$10 - \$15 VIN inspection fees. If the entity doing the inspection is a city or a county, the Kansas Highway

Patrol will retain 10% of the fee and the remainder shall be paid to the law enforcement agency that conducted the inspection.

- **Dead Red.** Pursuant to **HB 2192**, drivers of motorcycles and bicycles can proceed through a steady red signal which fails to change to a green light within a reasonable period of time. The driver must yield to other drivers and pedestrians in or near the intersection.

- **Passing Bicycles.** Also pursuant to **HB 2192**, drivers overtaking a bicycle proceeding in the same direction shall pass to the left by at least three feet and shall not drive to the right again until safely clear of the bicycle. The driver of a vehicle may pass a bicycle proceeding in the same direction in a no-passing zone with the duty to execute the pass only when it is safe to do so.

- **Speed Limit.** **HB 2192** authorizes the Secretary of Transportation to increase the speed limit to 75 miles per hour on separated multilane highways.

- **Requirements Following An Accident.** **HB 2044** amends K.S.A. 8-1602 and 8-1604 to add to the list of required actions following vehicular accidents. Drivers are required to stop and immediately return following an accident resulting in injury, great bodily harm, or death to a person, or damage to any attended vehicle or property. Drivers are also required to make efforts to determine whether any person involved in such accident was injured or killed and to report such accident “by the quickest available means of communication.”

- **Lightweight Roadable Vehicles.** **SB 213** defines a lightweight roadable vehicle as “a motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction of, the Federal Aviation Administration.” The bill further clarifies that this vehicle is not an “aircraft” for tax purposes.

PERSONNEL

- **Workers Compensation.** **HB 2134** represents comprehensive reform of the state workers compensation laws. This bill was developed as a compromise piece of legislation and addresses: definitions, exemptions from benefits, notice of injury, drug testing, administrative hearings, preexisting conditions, permanent total and temporary disabilities, wage calculations,

caps on benefits, lump sum retirement benefits, medical treatment, and other related provisions. Additional changes to the workers compensation statutes are included in **HB 2139**.

- **KPERS.** **HB 2194** establishes a study commission to review the Kansas Public Employees Retirement System. This Commission is required to submit a report with recommendations that will be filed as both a House and a Senate bill next year. The bill also purports to establish new contribution rates and benefits. However, such provisions do not go into effect unless both the House and the Senate during the 2012 Legislative Session have a vote on the bills containing the recommendations of the study Commission. Therefore, it is unlikely that any alterations to KPERS will end up exactly as they are outlined in **HB 2194**. Stayed tuned for the 2012 session to see where this one ends up.

- **Municipal Pools.** **HB 2076** amends the municipal pool act to expand certain filing deadlines and timelines related to municipal insurance pools.

UTILITIES

- **Water Conservation.** **SB 124** reestablishes the water rights conservation program effective July 1, 2011. This program will allow water rights users to set aside certain rights or portions of rights for conservation purposes.

- **Telecom Deregulation.** **SB 72** allows for the deregulation of ATT and CenturyLink. Under certain circumstances, these local exchange carriers will be allowed to opt out of price-cap regulation and provider of last resort responsibilities.

- **Energy Reports.** **SB 224** requires the Kansas Corporation Commission to conduct certain energy supply and demand reports including generation capacity needs, system peak capacity needs, and renewable generation needs. Such reports that shall be filed with the House Energy and Utilities Committee and the Senate Utilities Committee.

- **Wind and Solar Rights.** Pursuant to **SB 227**, wind and solar rights will not be allowed to be severed from the land.

☀️ *Kimberly Winn is the Deputy Director for the League of Kansas Municipalities. She can be reached at kwinn@lkm.org or (785) 354-9565.*



League Policy Committees Forming Now!

Finance and Taxation Policy Committee-August 16

This committee reviews and recommends League positions on finance and taxation issues, including local option taxes, property tax lid, tax exemptions, motor vehicle tax, etc.

Utilities and Environment Policy Committee-August 18

This committee reviews and recommends League positions on water supply, water quality, water planning, solid waste, air quality, and other environmental quality issues.

Public Officers & Employees Policy Committee-August 23

This committee reviews and recommends League positions dealing with a range of employment matters, including wage and hour laws, unions,

League policy committees help to establish the policies that guide the organization's legislative efforts. Any city official is eligible to serve on a single policy committee. The four committees include:

workers compensation, unemployment insurance, etc. This committee also handles League positions relating to public officials, including ethics, elections, and other requirements of holding public office.

Legislative Policy Committee-August 25

This committee reviews and recommends League positions in all other policy areas and provides general oversight of the policy statement.

All meetings will be held at the League office and begin at 10 a.m. and adjourn by 2 p.m.

For more information about the League policy committees, contact Anna DeBusk at (785) 354-9565 or adebusk@lkm.org.



Kansas Counties Adopt ROZs

Fifty Kansas counties have signed resolutions joining the Rural Opportunity Zones (ROZs) program.

On April 11, 2011, Governor Sam Brownback signed into law the ROZs program. ROZs are designed to reverse dramatic population declines over the past decade in rural areas of Kansas. The program is a central component of a broader plan by the Brownback Administration to spur economic development and expand job growth in 50 counties around the state.

With the adoption of the resolutions, individuals who move to one of these counties after July 1 can qualify to have 20% of their student loans repaid (up to \$3,000 per year for up to 5 years) by the county and state, if the individuals graduated from an accredited post-secondary institution.

“I want to thank the county commissions in Greeley, Hodgeman, Pratt and Wallace counties for taking the first step in our plan to provide incentives to recruit more people into rural Kansas,” said Kansas Commerce Secretary Pat George. “More people moving into Rural Opportunity Zone counties will bring economic growth, which is a top priority, and strengthens communities.”

The ROZs program also provides a state income tax exemption for up to five years to individuals who relocate to a ROZs county from out of state. Counties do not need to opt in for individuals to participate in this portion of the program.

For more information and a complete list of participating counties, visit <http://www.kansascommerce.com/index.aspx?NID=320>.

Kansas Increases Speed Limit

The speed limit on rural stretches of Kansas interstate highways, as well as segments of two U.S. routes, will be boosted to 75 miles per hour. Beginning July 1, 2011, travelers will be able to increase their speed by five miles on the following routes:

- I-70 from the Colorado state line to just west of Topeka in Shawnee County.
- I-135 from a half-mile north of the 85th Street interchange in Harvey County to I-70 near Salina.
- I-35 from U.S. 50 just east of Emporia to a mile east of the Sunflower/Edgerton Interchange in Johnson County.
- U.S. 81 from I-70 near Salina north to K-106.

• U.S. 69 from just six-tenths of a mile north of the north junction of U.S. 54 in Bourbon County to the 199th Street Interchange in Johnson County.

• The Kansas Turnpike from the Oklahoma state line to K-7 in Wyandotte County.

The new maximum speed limit was passed by the 2011 Legislature, authorizing the Secretary of Transportation to consider any separated, multilane highway for the new speed limit. All of the routes chosen for the increased speed limit are freeways, which have controlled access and interchanges.

Kansas Small Businesses Get a Boost

Governor Sam Brownback and the U.S. Department of the Treasury announced \$13.2 million in State Small Business Credit Initiative (SSBCI) funding to help create new, private sector jobs. The SSBCI program, which supports state-level, small business lending programs, is part of the Small Business Jobs Act signed into law last fall.

The planned use of the SSBCI funds by Kansas also will help spur more than \$132 million in new private lending in the state. Kansas expects to generate a minimum of \$10 in new private lending for every \$1 in federal funding.

“This program gives Kansas another tool to help us grow the state’s economy and create jobs,” Brownback said. “I’m especially pleased we have another way to give small businesses in Kansas a boost as they work to make themselves successful.”

The plan approved by Kansas dedicates \$10.5 million to the Kansas Capital Multiplier Loan Fund, which provides matching funds through approved network partners to eligible businesses in communities across Kansas.

Kansas also intends to allocate approximately \$2.6 million to the Kansas Capital Multiplier Venture Fund, which helps spur new

capital investments for second stage businesses. Entrepreneurs and existing small businesses access this fund by working closely with local or regional financial institutions, NetWork Kansas partners, and angel investment networks.

Under the SSBCI, all states are offered the opportunity to apply for federal funds for state-run programs that partner with private lenders to increase the amount of credit available to small businesses. States must demonstrate a reasonable expectation that a minimum of \$10 in new private lending will result from every \$1 in federal funding. Accordingly, the overall \$1.5 billion federal funding commitment for this program is expected to result in at least \$15 billion in additional private lending nationwide.

For more information about the SSBCI, visit <http://www.treasury.gov/resource-center/sb-programs/Pages/ssbci.aspx>. For more information on the Kansas Capital Multiplier Loan Fund and Kansas Capital Multiplier Venture Fund, visit <http://www.networkkansas.com/>.

LEAGUE RECOGNIZES MUNICIPAL LEADERSHIP ACADEMY GRADUATES



From L to R : Diane Miller, Former Mayor, Abilene; Dennis Weishaar, City Commissioner, Abilene; Lynn Peterson, City Commissioner, Abilene; and John Sweet, City Administrator, Lyons. *Photo by Jay Bachman.*

On May 13-14, city officials from across Kansas gathered in Topeka for the 2011 Governing Body Institute and Mayors Conference. As part of Friday's session, the League of Kansas Municipalities (LKM) recognized the 2011 graduates from the Municipal Leadership Academy (MLA).

MLA is a continuing education program that started in 1999. The program offers the fundamentals of city government to both elected and appointed officials through a series of specialized courses designed to increase understanding and improve performance in local government.

Nine city officials obtained their Level 1 designation by completing 40 credits of League-sponsored training. Additionally, 4 city officials graduated from Level 2 by completing 15 credits of elective course work and 15 credits based on participation in LKM-sponsored continuing-education programs, such as the Annual Conference and City Hall Day at the Capitol.

MLA offers participants quality training specifically geared towards pressing municipal issues, but LKM has found that the benefits of these classes extend beyond instruction. The classes provide city officials with the opportunity to interact with representatives from cities of all sizes. This interaction has supplied successful solutions to numerous city challenges across the state. The ability to share and learn from the experiences of

other city officials has always been a driving force behind the LKM's training programs. Congratulations to the 2011 graduates for your effort and community leadership.

For more information regarding MLA or additional LKM training please visit <http://www.lkm.org/training/> or contact Nathan Eberline at neberline@lkm.org.

—LEVEL 1 GRADUATES—

- Janise Enterkin, City Clerk, Sedgwick
- Derrell Dupree, Councilmember, Cimarron
- Diane Miller, Former Mayor, Abilene
- Ralph Wise, City Manager, Russell
- John Rohrbaugh, Former Mayor, Cimarron
- Sue Grosdidier, Councilmember, Mission
- Bobby Busch, Finance Director/City Clerk, Neodesha
- Robin Peña, City Administrator/Clerk, Holcomb
- Dennis Weishaar, City Commissioner, Abilene

—LEVEL 2 GRADUATES—

- Dale Bunn, Former Director of Economic Development, Fort Scott
- Jonathan Mitchell, City Manager, Hoisington
- Lynn Peterson, City Commissioner, Abilene
- John Sweet, City Administrator, Lyons



...to Iola and Stockton

In late May, I was to meet in Iola with the City's HR Director Ken Hunt and City Clerk Roxanne Hutton, to talk about work comp. After the business part of the visit ended, City Administrator Judy Brigham (who is retiring in September) joined the three of us, as we headed out of City Hall for lunch. As we walked around The Square (from the middle of the outer north ring to the southwest corner—the Allen County Courthouse occupies the middle)—to sample the tasty fare of the El Charro restaurant (obviously the most popular eatery in town), Judy told me about Iola's annual delightful, and intentionally quirky, city celebration.

This year's (third annual) Charley Melvin Mad Bomber Run For Your Life (www.madbomberrun.com) starts first thing Friday, July 8, and ends in the wee hours of Saturday, July 9. The theme of the party is based on the exploits of the actual Charley Melvin, who, one July night (actually very early one July morning) in 1905, used 1,500 sticks of dynamite to blow up three illegal saloons in town (which also did a great job of waking up the entire city, as you can imagine). The celebration is anchored by the "middle of the night" (12:26 a.m., Saturday, start time...same as old Charley's bomb) Run For Your Life (5K run; 3K walk), and features an evening carnival, the Bucket Brigade Relay, a Fire Truck Pull, telling of the Melvin story (with music by the Four Days Barbershop Quartet and the Brass Boomers Band), a Drag Race (don't ask), and lots of other fun stuff. I hope to take in this event this year (NOT the run part...silly). Sounds like my kind of adventure. P.S., Judy tells me that the starting gun for this year's race will get everyone's attention (that is, if it doesn't scare everybody to death).

In mid-June, several days following our family's return from a drive to Portland (OR) and back (the scenery and history in and around Portland, and on the way there along the old Oregon Trail, is fabulous beyond any retelling I could do). I gathered up my nerve to get back into a car, and drove out to the wonderful Solomon River Valley city of Stockton (just east on U.S. 24 away from Webster Reservoir), so that I could take in one of this year's state budget seminars, presented annually by the folks from the Municipal Services Division of the Kansas Department of Administration. These sessions, held annually in about 8 to 10 locations all around the state, have been going on for many years, and I have taken them in for the last 26 years or so. Mark Handsby and Roger Brazier have been teaming up to do the trainings for the last few years, and do just a great job of reviewing and explaining state budget forms, and educating local budgeters and auditors about changes in budgeting laws, etc. For more information about the state budget forms, budget laws, and all of the various municipal services resources (such as state mileage rates, deposit rates, and many more helpful-to-essential tidbits of knowledge), go to www.da.ks.gov/ar/muniserv/.

The training was held in a very nice upstairs meeting room of the Rooks County Health Department (on Main Street, just south of

the courthouse). Along with two Rooks County folks, I was joined in the small group of attendees by Stockton City Manager Keith Schlaegel and City Clerk Doug Conn. During a break, Keith and Doug, and I talked about the goings on in Stockton. Chief among the things happening was the addition of a new medical center and an assisted living facility, both right near downtown (which is healthy and thriving, including a very nice grocery). As I usually do, I had already taken a spin around town earlier that morning, and I took another quick tour as I was exiting town, and hustling back toward the home crib. I thoroughly enjoyed my brief, but very nice, visit to Stockton...a place to which I always look forward returning.

My book recommendation this month is *Eisenhower 1956: The President's Year of Crisis—Suez and the Brink of War*, by David A. Nichols. I had the great pleasure of hearing Dr. Nichols talk about this book at a gathering at the Wichita Historical Museum in late March. This is Nichols' second book on Eisenhower...I wrote about his book on Ike during the Little Rock crisis (*A Matter of Justice*) several years ago—after a chance meeting with Nichols during the time he was writing the book. Ike's stellar leadership during the Suez Canal crisis has never really been explored prior to this book, and it is hard to overstate how big of a problem he (we) faced...it was probably one of the two times in U.S. history that we were all-too-close to a World War III or, even worse, to nuclear war. The issue was who controlled the Suez Canal (that small opening between the Red Sea and the Mediterranean). Of course, Russia (then the USSR) was an adversary, but Britain and France were also involved—by secretly (without U.S. knowledge) teaming up with Israel to invade Egypt (the owner of the Suez). It was a mess. And, Ike suffered two major health issues during the extended crisis, a heart attack and intestinal surgery, either of which could have killed him, and which contributed significantly to the manner of his handling of the situation. The Crisis issues were, essentially, the end of British colonialism in the mid-east, and whether or not to give U.S. aid to Egypt (to build the Aswan Dam on the Nile) and the ongoing battle between Egypt and Israel over land—some things never change. Eisenhower was magnificent in managing this huge crisis. Nichols has produced an important chronicling of a critical period in U.S. history. And, Nichols does not do "revisionist" history; this work is meticulously accomplished via intensive review of thousands of documents, most not previously available (the research was done at the Eisenhower Library, in Abilene). This book is a magnified accounting of a limited time in our past, focusing specifically on our most famous and probably most important Kansan. I highly recommend it for the serious student of U.S. history.

 Don Osenbaugh is the Director of Finance and Field Services for the League of Kansas Municipalities. He can be reached at dosenbaugh@lkm.org

Abilene Celebrates

History In Time

by Cecilia Harris

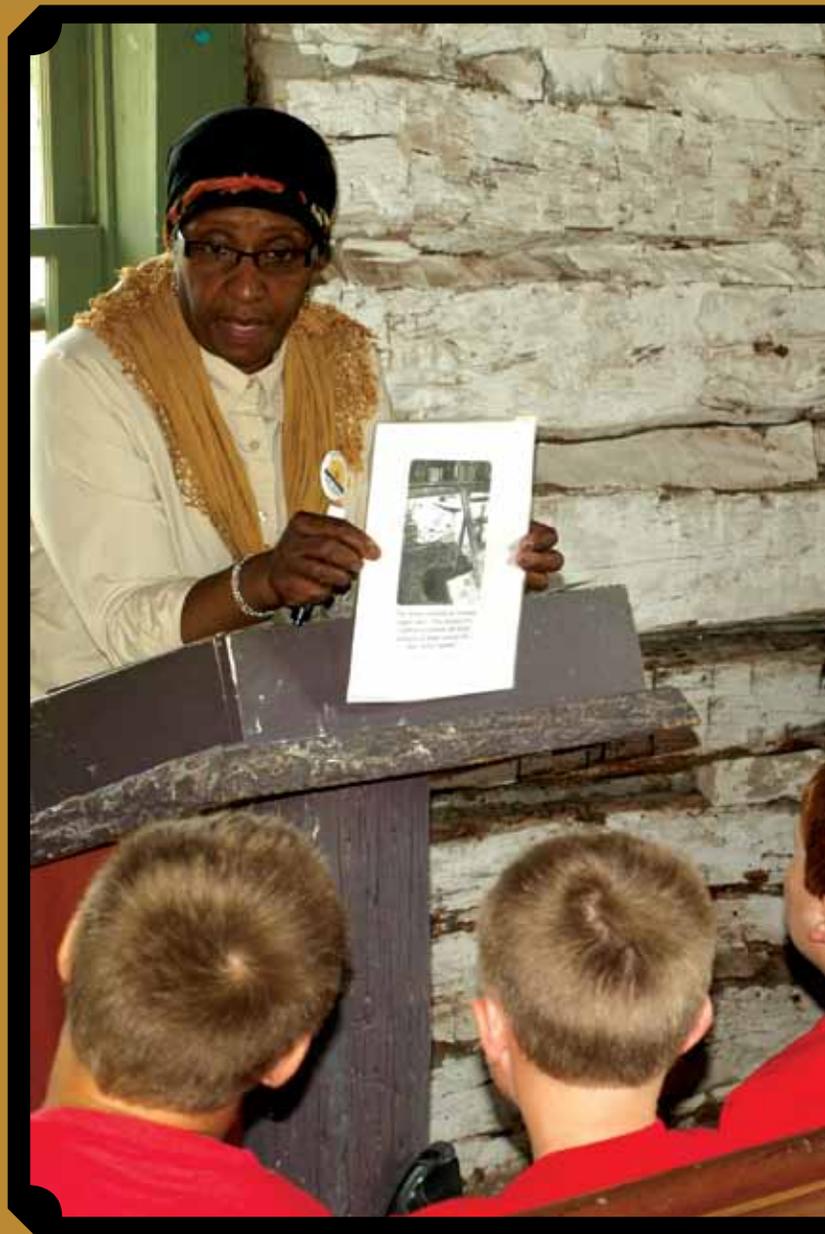
The whistle blew two blasts. One young boy warned the others: “It’s gonna jerk.” Sure enough, just as the youngster finished his statement, the train gently lurched forward and—despite the warning—a few girls let out a startled scream before smiles quickly spread across their faces as they peered out the windows of the dining car moving slowly down the track. For many of these third grade students from Dickinson County, it was their first ride on this historic train. And this ride was special. It was part of History In Time 150 (HIT 150), an educational event in Abilene to commemorate the state’s sesquicentennial.

In addition to the ride on the Abilene and Smoky Valley Excursion Train, the youngsters attended class and recess in a one-room school; listened to the tales of Marshal Wild Bill Hickok, the pleas of Mary Jane Ritchie, and Harriet Tubman of the Underground Railroad; viewed items found in a typical general store 150 years ago; and were taught a Native American friendship song and the Virginia Reel folk dance.

This educational opportunity was the result of brainstorming sessions of the local Kansas 150 Committee chaired by Abilene Convention and Visitors Bureau (CVB) Director Glenda Purkis. The Committee also planned a birthday party for the state in conjunction with the Flour Power Family Fun Fest in Abilene, and a third project involved the development of a get-away package focusing on history so visitors could experience activities such as the one-room school, the Underground Railroad, and Old Abilene Town as well as other attractions.

All three events were financially supported by a grant from the Community Foundation of Dickinson County. Kristine Meyer, the Foundation’s Executive Director, said the Foundation looks for opportunities to fund projects that impact members of the community in multiple ways.

“The History in Time Project was a perfect example of such a grant,” Meyer said. “Our County’s third graders had the



opportunity to participate in an interactive day of history education. The school project spun off a companion project with an economic development and tourism bent that included the birthday party. The History in Time Get-Away Package smartly uses resources generated for the school project to enhance tourism this summer. And, as we know, revenue generated from tourism greatly impacts our County.”

A HIT 150 subcommittee of retired teachers chaired by Donna Reynolds planned the educational event. Reynolds said the activity was held in Old Abilene Town, a tourist attraction, to give the students a taste of what life was like in Abilene in 1861.

“We wanted to expose third graders to the history of Kansas and to provide a historical experience in Old Abilene Town,”

Jackie Bailey portrays Harriet Tubman, an underground railroad conductor during Abilene’s HIT 150 day of history education. *Photo provided the Community Foundation of Dickinson County.*



Reynolds said. While some of the presenters were chosen because the subject, such as the Underground Railroad, tied in with the third-grade curriculum, other programs featured different aspects of the time period when Kansas became a state.

Amber Stroda, who instructs third grade at Solomon Elementary School, said the event reinforced what had been taught in the classroom. “This is great,” Stroda said. “The kids get to see what Kansas used to be like in real-life action instead of reading about it in a textbook or hearing about it from a teacher.”

Jacquelyn Dautel, a teacher at Rural Center Elementary in Chapman’s Unified School District 473, agreed.

“Being in a setting like back then [in 1861] and the information coming from a person dressed in period attire made history really come alive,” Dautel said. “Any time we can do hands-on, real-life learning, it grabs the kids’ attention and really sticks with them. They are going to be telling lots of stories about this field trip.”

Inside the one-room red schoolhouse, students sitting at wooden desks practiced their penmanship with quill and ink. When called upon, they were required to stand up to answer the teacher’s question or read from the one *McGuffey Reader* available per grade level.

Many of the students were surprised to learn the teacher often lived with the family of one of her students for a month during the school year, and that lunch was either cornbread or a cold biscuit, salt pork, and dried fruit brought from home in a lunch pail, or, more likely, an empty syrup bucket.

For volunteers such as retired teacher Kirby Chase, HIT 150 also was a learning experience.

“Each kid’s question brought up something new to discuss, like the students from St. Andrew’s talked about prayer,” Chase said, adding a student from this Catholic elementary school in Abilene asked why the words “under God” were not included in the early version of the Pledge of Allegiance the students recited. Those words were added in 1954, when Abilene native Dwight D. Eisenhower was President of the United States.

Marshal Wild Bill Hickok, portrayed by Wade Tuxhorn, stood in front of the jail and stressed the importance of gun safety before sharing tales of the Old West cattle towns such as Abilene, to which the first herds of Texas cattle were driven and then shipped east via the railroad in 1867. “What do you call the guy who prodded the cattle into the rail cars?” Marshal Hickok asked. “A cattle prod?” replied a student. “Close,” said Wild Bill, “He’s known as a cowpoke.”

After viewing the jail in Old Abilene Town, Hickok told the schoolchildren that Dodge City’s first jail was merely a big, deep hole from which the lawbreakers were unable to climb out of without a ladder. He also revealed that only one gunfight between two cowboys in the middle of the street ever took place, and that wasn’t even in Kansas. It was in Springfield, Mo.

“Seeing the jail was my favorite part,” said Jackson Randles, a student at Solomon Elementary School. “I learned everything they used back then was made by hand, like the blacksmith made the jail cell. And I learned two Indian songs and they were really cool.”



The songs were taught by Songbird, portrayed by Teresa Ottensmeier, who told the students Native Americans sing to the “four winds.” Colton Miller of Solomon Elementary School walked into the saloon for refreshments with a big grin on his face. “I liked learning the dance,” he said, referring to the Virginia Reel, a popular folk dance his class had just been taught.

A general store was set up in the T.C. Henry barn by Joe Basso, who told the children about the customs, fashions, and daily life of those living in Kansas during the mid-to late-1800s. Basso said a trip to town meant going to several stores—the butcher shop for meat, the bakery shop for bread, and the dry goods store for beans and flour.

“Boys, you would have worn a dress until you were age five,” Basso said, bringing a look of disgust to the boys’ faces. That look quickly changed when the boys learned they would have taken a bath only once a month in the summer, and every three months during the colder months. Combs were considered to be medical equipment because they were needed to remove head lice.

“Being fat was a sign of wealth back then,” Basso said, adding the poor were slim because they had little to eat. While the affluent flaunted their long tresses, the needy often wore short hair, selling their locks for hair extensions, wigs, and dolls.

In the log church, some students heard Jackie Bailey portray Harriet Tubman, a conductor on the Underground Railroad, while

others heard Anne Hawkins portray Mary Jane Ritchie, a Topeka abolitionist. Bailey shared the African-American perspective of slavery and discussed how some of the slaves escaped to freedom. One such individual, Henry “Box” Brown, had himself mailed in a wooden crate to the safety of abolitionists in the North.

Ritchie told of hiding slaves near a creek by her home, taking them food and supplies daily when she gathered water. Providing shelter for the fugitive slaves on the Underground Railroad brought a penalty of death if caught. She asked the children to consider helping the cause, and discussed how to prepare a house for hiding slaves, such as storing extra clothing and food they would need and finding a spot in which they could not be found. One girl, desperately running from slave catchers, successfully hid by laying on the ropes of the bed that supported the mattress on top of which the homeowner’s grandmother lay under several heavy quilts while pretending to be ill.

“I thought the Underground Railroad was interesting,” said Emma Allen, a student at McKinley School in Abilene. “It was surprising they followed a star to escape.”

The children viewed women quilting and weaving, learned about the Butterfield Stage Line and Missouri Bushwhackers while peeking inside a stagecoach, and stepped into a teepee.

The Kansas 150 Committee also sponsored a 150th birthday party with entertainment and a gigantic cake feeding 575 people on

May 21 in conjunction with Memorial Health Foundation's annual Flour Power Family Fun Fest in Eisenhower Park. The "Happy 150th Kansas" cake was decorated with all things Kansas including wheat, sunflowers, grain elevators, a big red barn and silo, a country road, buffalo, and a steam locomotive pulling rail cars.

"The ceremonial first cut was done with a sabre by a member of the Fort Riley mounted color guard while participants sang 'Happy Birthday' accompanied by the 1st Infantry Division Jazz Ensemble," Purkis said.

The jazz ensemble provided entertainment as did the Abilene Municipal Band (the second oldest city band in the state), the Old Abilene Town Can-Can Dancers, and the Three Clans Dance Team, a group of Boy Scouts from the Tribe of Golden Eagle, Tribe of

Mic-O-Say, and Order of the Arrow that performs Native America dances.

Also performing was Ron Wilson, who shared his own cowboy poetry, including one about today's cellular phones. He invited two Abilene youngsters in the crowd, Kylie Coup and Cody Jiles, to an Old West quick draw contest using their phones instead of pistols. Another Abilene girl, Bronwyn Quinlan, surprised Wilson when she raised her hand and told him she knew a cowboy song she learned at school. He asked her to perform onstage and the 7-year-old singer was heartily applauded after her outstanding rendition of "Yippie Yi Yo Ki Yay," according to Purkis.

 *Cecilia Harris is a freelance writer. She can be contacted at ceciliaharris@eaglecom.net or (785) 263-1146.*

Photo left: Marshal Wild Bill Hickok, portrayed by Wade Tuxhorn, stood in front of the jail and stressed the importance of gun safety before sharing tales of the Old West cattle towns.

Photo below: Third graders dancing the Virginia Reel folk dance was one of the many historical things learned during the HIT 150 day of history education. Photos provided the Community Foundation of Dickinson County.





Kansas One-Call: Action Needed

By now, cities that have water and/or sewer utilities have received a letter from the Kansas Corporation Commission regarding participation in the One-Call notification system. Because the explanation of cities' home rule power regarding participation in One-Call might be a bit confusing and because the KCC is ascertaining which cities are out of compliance, an update on this issue is in order. First, the mandates of the Underground Utility Damage Protection Act, or One-Call as it is commonly called, took effect July 1, 2009. K.S.A. 66-1801 *et seq.* The law requires mandatory participation in One-Call, but the statutes are non-uniform, allowing cities to use a charter ordinance to make the mandate inapplicable. The KCC letter states that the law is "in conflict with 'Cities' powers of home rule." This part is not accurate, but the law is, in fact, non-uniform and a charter ordinance may be used. Tier 3 of the statutory requirements, explained below, only applies to utilities which serve more than 20,000 customers. The population division makes the application of the law non-uniform. The original Senate version of the bill was uniform, but the addition of the tiers in the House ultimately created the non-uniformity in the law. A sample charter ordinance is available on the LKM website and is set forth below. While not required, the KCC has requested a copy of cities' charter ordinances if they choose to not join One-Call.

The main provision of the law with which the KCC is now concerned is cities' compliance with membership in One-Call. Participation is a three-tiered approach, with cities choosing in which tier to participate. Tier 1 is the traditional full membership in One-Call. This has been required of electric and gas utilities for some time and now includes water and wastewater utilities that choose to participate at that level. Under this tier, the one-call center issues "tickets" to utilities to locate their lines after receiving calls from excavators who want to dig in a specific area. The excavator does not contact the city directly. The fee for Tier 1 is \$25 annually and a per ticket fee of \$1.40 currently. Two years ago when One-Call was summarized in a Legal Forum, the per-ticket fee was \$1.14.

Tier 2 applies to water and sewer utilities not choosing a full One-Call membership. Under this tier, the excavator calls the one-call center and is provided contact information for the city. The excavator is to call the city and request a locate for the water and/or sewer lines. The fee is \$25 annually and 50% of the Tier 1 charge for each call the center receives from excavators. Tier 3, as stated above, is for water and wastewater utilities that serve more than 20,000 customers. The fee is \$500 per year and Tier 3 utilities have additional duties not associated with the other two tiers.

The first provisions of the law took effect July 1, 2008. These requirements mandated that all cities with utilities, including water and sewer, make their facilities in the ground locatable within a tolerance zone of not more than 24 inches. This may be done with tracer wire, GPS or any other system that allows cities to locate their lines in the ground going forward. Cities that have not taken steps to make their lines locatable need to do so in the future whenever new lines are installed or lines are repaired.

The following charter ordinance accomplishes two things. First, it maintains the provision in statute that requires the facilities in the ground to be locatable going forward. This is very good public policy and will ultimately be helpful to cities to know where their lines are located.

Second, it allows those cities who choose, to exempt themselves from membership in One-Call. Cities must make a choice. Either the city needs to do a charter ordinance to exempt from One-Call, or the city needs to take the necessary steps to join One-Call and designate the specific tier in which they choose to participate. The Kansas Corporation Commission letter is a reminder that the statute mandates participation, so if a city has not acted, it needs to do so.

CHARTER ORDINANCE NO. ____

A CHARTER ORDINANCE EXEMPTING THE CITY OF _____ FROM THE PROVISIONS OF K.S.A. 66-1801 ET SEQ., THE KANSAS UNDERGROUND UTILITY DAMAGE PROTECTION ACT, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF _____:

Section 1. The City of _____, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects and does exempt itself and make inapplicable to it K.S.A. 66-1801 through K.S.A. 66-1816, the enactment known as the Kansas Underground Utility Damage Protection Act, which enactment applies to this city, but does not apply uniformly to all cities.

Section 2. All underground water and wastewater facilities installed in the city shall be locatable.

Section 3. Any excavator may, prior to excavating, call the city and request that the city locate any underground wastewater and water facilities.

Section 4. This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 5. This charter ordinance shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by the majority of the electors voting thereon.

Passed by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof, this ____ day of _____, 2011.

ATTEST:

Mayor

City Clerk

 Sandy Jacquot is the Director of Law/General Counsel for the League of Kansas Municipalities. She can be reached at sjacquot@lkm.org or (785) 354-9565.



Classified Advertising

City Engineer

The City of Dodge City, Kansas (pop. 27,400), is seeking qualified applicants for the position of City Engineer. Starting salary for this position is \$74,500 DOQ, plus the City's benefit package. Position reports to the Director of Engineering and supervises and coordinates activities of the engineering services.

Required qualifications are a Bachelor's Degree from an accredited institution in Civil Engineering, plus at least five years experience in municipal engineering, with at least two years in a supervisor capacity, and either registered PE in Kansas or the ability to gain such within six months of employment.

Applications accepted until position is filled. EOE. Complete job announcement and application requirements located at <http://www.dodgecity.org/jobs.aspx>.

City Manager

The City of Van Alstyne, Texas is seeking a new City Manager. Located 20 minutes north of McKinney on US 75, Van Alstyne offers a very high quality of life, on the northern edge of one of the most dynamic growth corridors in America. To view a complete position profile, visit: <https://www.governmentresource.com/pages/CurrentSearches>.

To apply, please email resume and cover letter to:

Ron Holifield
Strategic Government Resources
Ron@GovernmentResource.com
214-676-1691

More job opportunities available at: www.sgrjobs.com

City Superintendent

The City of Oswego is seeking an experienced person to serve as City Superintendent. This position will be responsible for all aspects of public works including the supervision of department staff and department budgeting, maintenance and operation of the City's waterworks system, wastewater distribution system, refuse collection, and maintenance of streets, parks and other city properties and projects. Salary based on qualifications and experience. An application and job description are available

at City Hall at 703 Fifth Street, Oswego KS 67356, www.oswegokansas.com, or call (620) 795-4433. See job description for full requirements of the position. Applications must be received by July 15.

Director of Building and Neighborhood Services

The City of Hutchinson, Kansas (pop. 40,000) is seeking qualified applicants for its Director of Building and Neighborhood Services position. In addition, this department head position reports directly to the City Manager and is responsible for directing and managing the City's Building and Neighborhood Services department.

- Managing residential and commercial building permit process;
- Interpreting and explaining related laws, ordinances, and code provisions;
- Organizing and supervising the City building code inspectors engaged in building, mechanical, plumbing, electrical, and life safety inspections throughout all phases of construction;
- Overseeing enforcement efforts related to sanitation, nuisance and property maintenance ordinances and;
- Investigating complaints regarding illegal construction, safety, or hazardous conditions and manages condemnation and demolition of unsafe structures.

Associate Degree in construction management or other closely related field with five plus years progressively responsible public building inspection and plan review experience with emphasis in building, mechanical, plumbing, electrical, and life safety inspections including at least two years experience in a supervisory or lead capacity.

ICC Building Official or Combination Inspector certification or at least three ICC commercial certifications in the following areas: building, mechanical, plumbing, electrical, or life safety. Valid Kansas Driver's License required.

Salary Range 64,480 to \$97,110 DOQ. The successful candidate must also reside within Reno County within 12 months of appointment to the position.

The City supports employee training and development and offers an excellent total compensation package. Interested persons

may apply on-line at www.hutchgov.com/employment or email resume to: toms@hutchgov.com. EEO/AA Employer

Director of Public Works

The City of Ellis (pop. 2038) seeks qualified applicants to lead a staff of eight in the Public Works Department. The Director of Public Works performs a variety of professional, administrative and supervisory tasks involving sanitation, water and wastewater utilities, streets, recycling, cemetery and parks, and other duties as assigned.

This position is considered a "working supervisor" expected to complete work with their staff as necessary. A working supervisory position includes but is not limited to operating heavy machinery; water works, sewer plant, and street repair equipment.

The Director does building inspections, code enforcement, approves building permits, and attends meetings of the City Council and the Planning Commission/Board of Zoning Appeals. The Director is the Zoning Officer and Flood Control Officer.

Compensation is commensurate with qualifications. The City provides a full benefits package that includes uniforms, health insurance, dental insurance, KPERS, workers compensation, life insurance, vacation, and paid leave.

Application form is available at City office or on the website at www.ellis.ks.us.

The City is an Equal Opportunity Employer and reserves the right to reject all applications. Applications accepted until July 15, 2011.

City of Ellis
815 Jefferson
Ellis, KS 67637
Phone: (785) 726 4812
FAX: (785) 726 4159

GIS Coordinator

The Cowley County MIS Department is seeking applicants for the position of GIS Coordinator. Under the direction of the MIS Director this position is responsible for the operation of the Cowley County Geographic Information System through programming, software evaluation and installation, system operation, and assistance to all departments. This position consults with the County staff to operate the geographic information



functions of the County. Salary range for this position will be \$38,646.40 to \$40,414.40 annually. Excellent benefits provided.

Mail resume, a minimum of five work related references, salary history and completed Cowley County application form to: Cowley County Clerk's Office, Attn: Kristi Imel, 311 E 9th Ave, Winfield, KS 67156. To download a County application form, please visit the www.cowleycounty.org website. Applications are due July 8, 2011. Cowley County is an Equal Opportunity Employer. Minority and Female candidates are encouraged to apply.

Maintenance Worker

The City of Conway Springs is accepting applications for a full-time maintenance worker. Position would work in public works, maintenance of facilities, water/wastewater systems, street maintenance, and assigned duties. Position requires valid driver's license, high school diploma or GED. Water/wastewater certifications and CDL preferred or applicant must be willing to obtain them. Wages based on qualifications. Applications are available at City Hall, 208 W. Spring Ave., csccity@haviglandtelco.com or 620-456-2345. Position will remain open until filled.

Parks and Recreation Director

Parks and Recreation Director, City of Eudora, KS (6,200). Salary range \$40-60K. This highly visible position reports to the City Administrator and is responsible for oversight of a recreation center, fitness facility, swimming pool, parks system, recreational programming, and implementation of the Eudora Parks and Recreation Master Plan. Qualified candidates should possess a Bachelor's Degree in a related field or 7-10 years of parks and recreation experience; 3-5 years supervisory experience required. The City of Eudora has demonstrated a great commitment to enhancing parks and recreational services. Applicants must demonstrate experience working with citizens and have a significant understanding of recreation programming and facility management.

Interested applicants should submit a cover letter and resume to City of Eudora, P.O. Box 650, 66025 Attn: Pam Schmeck or

at pamcaa@sunflower.com by July 8th. Job description available upon request. Call (785) 542-4111 for more information.

Public Works Supervisor

The City of Phillipsburg is seeking a working public works supervisor who will be responsible for all aspects of public works, including but not limited to streets, airport, water system, wastewater system, parks, cemetery, and code enforcement. The ability to obtain a Wastewater II certification and a Water III certification required. This position requires a valid Kansas Commercial Driver's License and high school diploma or equivalent. Salary based on qualifications and experience. City of Phillipsburg employment application and resume required. Full position description and application is available at www.phillipsburgks.us/employment. Applications must be returned to the City of Phillipsburg, PO Box 447, Phillipsburg, KS 67661.

Scheduling and Financial Assistant

The Kansas Power Pool (KPP) is accepting applications for the position of Scheduling and Financial Assistant. The Kansas Power Pool, located in Wichita, KS, is a Municipal Energy Agency currently supplying full requirement electric service to 34 cities in Kansas.

Under direct supervision, this position will be responsible for assisting KPP staff in the evaluation, preparation, and accounting for transactions associated with KPP financial reports, scheduling activities, filing, data entry, and accounting procedures. The candidate selected will be expected to assume additional responsibility associated with accounting, billing, and invoicing for short periods of time in the absence of the Kansas Power Pool accounting and scheduling staff, and will assist in coordinating communications pertaining to billing, scheduling and dispatch between KPP members and multiple power suppliers to KPP.

KPP seeks candidates who have a demonstrated ability to organize, set and implement priorities, and manage multiple tasks. Strong analytical and accounting skills and experience with payroll, accounting procedures and complex spreadsheet analysis

is preferred. Degree in appropriate field or equivalent experience is required.

Benefits include paid vacation, KPERs, health insurance, paid holidays, and paid sick leave.

Submit applications/resumes, work and salary history with a cover letter and four work related references to Kansas Power Pool, 200 W. Douglas, Suite 601, Wichita, Kansas 67202.

Deadline: Open until filled. Kansas Power Pool is an equal opportunity employer.

Riley County/Manhattan Health Department Administrator

As the local health officer, the Administrator leads the Health Department in carrying out its mission to promote and protect the health of Riley County-Manhattan residents. The duties of the local health officer are authorized by state law (K.S.A. 65-202) as well as local resolution and ordinances. The Administrator plans and establishes Health Department programs and services, reviews all agency activities, works cooperatively with staff from various local and state agencies, ensures compliance with public health statutes and regulations, and performs complex professional and administrative work. Interested candidates should possess the following:

A. Master's degree in public health, public administration, or a related field from an accredited college or university.

B. Five (5) years' progressively more responsible experience in administration of public health programs and policy.

C. Two (2) years' experience in government fiscal operations.

D. Valid Driver's License and eligible to operate an agency-owned vehicle.

E. Residency within Manhattan/Riley County is preferred.

Applications are accepted through the Riley County website, www.rileycountyks.gov until July 31, 2011. Letter of interest, current resume/curriculum vitae, narrative of public health philosophy, and three references should be submitted with County application to cvolanti@rileycountyks.gov or Riley County Clerk's Office c/o Cindy Volanti, HR Manager, 110 Courthouse Plaza, Manhattan, KS 66502.



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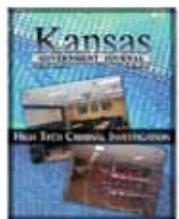
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The Right Tools



Last night, I was out trimming off our large stand of spiderwort, which by early to mid-June have had their time and are mostly lying on the ground in need of removal. For those of you who don't know, spiderwort is an early summer prairie wildflower which has the more common name of "cow slobber." Really, I'm not kidding. Anyway, while I was doing this mechanical work, which involves a great deal of stooping, bending,

and then removing of the very wet and sticky stems which result when they are cut, it occurred to me how nice it was to have the right tool for the job. In this particular case, I was using my trusty old Seymour Smith Original #119 Snap-Cut hand shears which I have discussed in this column before. It occurred to me that having the right tool, while great, is not necessary for the successful completion of a particular job.

Back in the day, my father and I used to rebuild various automobiles, and I recall his greatest concern, or perhaps more specifically his greatest irritation, was the fact that he never seemed to have the right tool for the job. Now please understand, this never kept us from proceeding onward, to do whatever needed to be done, to the specific motor vehicle. But we were forever having to customize, improvise, and otherwise strategize about how we were going to do something.

As I have noted about my father in prior columns, he was very conservative when it came to the expenditure of money to purchase things of this type. Thus, he always had a menagerie of tools, few of which matched, and which were typically procured in the bargain bin at the local hardware store or through some second-hand purchase of one sort or another. It is true that not having exactly the right tool often meant that it took longer to complete certain tasks than we could have done with precisely the right tool; however, the point is that you could still successfully complete the job. Now, through all of those times using tools which may or may not have been suited to the job at hand, I learned that you could always do a job, even if you didn't have precisely the right tool, environment, or other item many would consider necessary to proceed.

It wasn't until I was older, out of my teenage years, that I realized that dad had taught me something valuable (among many other valuable lessons I learned from him over the years) about making do with what you have. Now, at least in the tool area, our son Seth, who is a professional mechanic and body man, has more and better tools as a 22-year-old than my father and I ever had in our entire lifetimes. He has top of the line, first-rate equipment that will allow him to work on vehicles large and small and repair them mechanically or do whatever body work is necessary to make them

look like new. Having used a few of those tools, all I can say is they are great, and I am happy he has them as they will make his life much easier as a mechanic. That said, it is not always possible to have top of the line, first rate tools which leaves you in a position not dissimilar to the one my father and I found ourselves in over and over again as we attempted various automotive and home improvement projects throughout the years.

So what does this have to do with local government? Well, I think it has everything to do with local government. The simple fact of the matter is that we seldom have exactly the right tools to do the job. We are seldom in a position where we have just exactly the right mix of leadership, money, community support, and other assets perfectly aligned to undertake or complete a given project. Only occasionally do the moons align in perfect order so that a project can be completed without any difficulty, challenges, or ultimate pain.

It is easy to say "no" to a project when you feel you don't have the right tools. Have you ever had a friend who has what my sweet wife Judy describes as the "yes, but" mentality? This type of an individual comes to you and asks for your opinion on a particularly perplexing problem they are facing. You listen intently to their problem and then they ask you to offer suggestions or solutions to the problem. As you list off possible alternatives or solutions to this problem, they say at the end of every suggestion: "Yes, but..." They always have a reason why any particular suggestion won't work so they don't do anything to solve it. Ultimately, regardless of what you say, you can be assured that their inaction will not solve the problem, and will often exacerbate the problem.

The same is true in governance. There are always reasons why something won't work. It is too expensive, it is not the right time, we don't have the resources, we don't have the leadership, we don't have... on and on and on. What you, as local government leaders need to remember, is that you will never have exactly the right tools. You must take the tools you have and move forward with your projects. Do not be cowed by those who are always waiting for the perfect alignment of the moons because, quite frankly, that never really happens.

Oftentimes, a successful community is one which is willing to move forward and do those things that need to be done, even though they are difficult, and even though it does not appear that perfect tools are available at the time the project starts. This is important because the one thing that we can certainly guarantee is that if you never start a project, you will never finish a project. You must always be willing to move forward. Take advantage of the assets you have so that you can make those tools that are available work for your community, and for the citizens of your community. Be brave, move forward, and use the tools at your disposal.



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