

Kansas

GOVERNMENT JOURNAL

VOLUME 97-NUMBER 11

NOVEMBER 2011

Inside:

Senator Bob Dole Receives Recognition

LKM Welcomes New Leaders

America's Great Outdoors in Kansas



CITY HALL DAY

FEBRUARY 1, 2012

The League of Kansas Municipalities is proud to present our annual City Hall Day on February 1, 2012.

City officials from all across the state will gather for an exciting and informative day. In the morning, visit with your legislators about issues that are important to your community. In the afternoon, you will hear presentations, including briefings by legislative leaders and League staff.

City officials are then invited to join us for an evening reception with legislators at the Capitol Plaza Hotel. All legislators are being invited to this event.

SAVE THE DATE



328



330



336



342

Contents

Volume 97 • Number 11 • November 2011

Features

- 326 E.A. Mosher Excellence In Local Government Award
- 328 Special Assessments Under K.S.A. 12-6a
- 330 Senator Bob Dole Receives Recognition
- 332 LKM Welcomes New Leaders
- 336 LKM Hosts 103rd Annual Conference
- 338 Legal Aspects of Municipal Office
- 342 America's Great Outdoors

Departments

- 325 State Scene
- 327 Mainstreet News
- 329 Legal Forum
- 334 On the Road
- 344 Best Practices
- 345 Classified Advertising
- 347 Professional Services
- 350 Moler's Musings



About the Cover:
 The beautiful Kansas Flint Hills is one of two places chosen for the U. S. Department of Interior's America's Great Outdoors project. See related article, beginning on page 342. *Photo provided by the Geary County Convention & Visitors Bureau.*

The *Kansas Government Journal* is published monthly by:

League of Kansas Municipalities
300 S.W. 8th Ave. • Topeka, Kansas 66603-3951
phone: (785) 354-9565 • fax: (785) 354-4186
www.lkm.org

General subscriptions are \$30 annually. Subscriptions for League member cities and research subscribers are \$15 annually. Individual issues cost \$5, with an additional \$5 charge for the Tax Rate Book edition.

Nothing herein shall be construed to have the endorsement of the publisher unless expressly stated.

Governing Body

President

Jim Sherer, Vice Mayor, Dodge City

Vice President

Brenda Chance, City Clerk, Phillipsburg

Immediate Past President

Carl Brewer, Mayor, Wichita

Past Presidents

Mike Boehm, Mayor, Lenexa

Carl Gerlach, Mayor, Overland Park

Joe Reardon, Mayor, Unified Govt. of Wyandotte County/KCK

Directors

Carolyn Armstrong, City Manager, Colby

Herb Bath, Mayor, Altamont

Bill Bunten, Mayor, Topeka

John Deardoff, City Manager, Hutchinson

Donald DeHaven, Mayor, Sedgwick

Joe Denoyer, Mayor, Liberal

Tom Glinstra, City Attorney, Olathe

Sue Grosdidier, Councilmember, Mission

Blake Jorgensen, Commissioner, Ottawa

John "Tiny" McTaggart, Mayor, Edwardsville

Lynn Peterson, Mayor, Abilene

Terry Somers, Mayor, Mount Hope

Executive Director

Don Moler, Publisher

Kansas Government Journal Staff

Editor in Chief

Kimberly Winn

Managing Editor

Amanda Schuster

League Staff

Jay Bachman, Information Services Manager

Larry Baer, Assistant General Counsel

Kate Cooley, Conference/Marketing Coordinator

Anna DeBusk, Secretary to the Executive Director

Nathan Eberline, Intergovernmental Relations Associate

Deanna Furman, Administrative Assistant

Nikki Harrison, Administrative Assistant

Sandy Jacquot, Director of Law/General Counsel

Don Moler, Executive Director

Don Osenbaugh, Director of Finance & Field Services

Rynae Plue, Accountant

Nicole Proulx Aiken, Staff Attorney

Amanda Schuster, Communications Specialist

Kimberly Winn, Deputy Director

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.



December

1 - 2 KACM Annual Fall Conference, Topeka

9 - LKM Governing Body Meeting, Topeka

16 - KMIT Board of Trustees Meeting, Wichita

25 - Christmas

January

1 - New Year's Day

9 - Legislature Reconvenes

16 - Martin Luther King, Jr. Birthday

February

1 - City Hall Day, Topeka

14 - Valentine's Day

20 - Presidents Day

Obituaries

Martha Delia Horton, 78 died Saturday, October 29, 2011. Horton was a leader for the City of Plevna for 34 years serving as Mayor and councilmember. She was also a home economics teacher, elementary school teacher, and was the head cook at Stafford Leisure Homestead Helpmate. In addition Horton was a leader for Sunflower 4-H Club, a member of Plevna Community Bible Church where she was involved in BARACAS, Women's Fellowship, and taught Bible school.

Sharla R. Perry, died Monday, August 22, 2011. Sharla was a member of the Beta Sigma Phi Sorority and served as a Bel Aire City Councilmember from 1997 to 2001.

Pat Ranson, 74, died November 4, 2011, at her home in Independence, KS. Ranson served two terms in the Kansas Senate from 1993 to 2000. While serving in the Senate, Pat served as Assistant Majority Leader/Whip and held several chair positions on numerous committees. Pat also served as a precinct committeewoman on the Republican State Committee and Executive Committee, a campaign coordinator for Governor Robert F. Bennett in 1974, a delegate to a National Republican Convention, a Caucus States Assistant for Presidential Primary for John Connelly in 1980, a Campaign Coordinator for the Governor's Campaign for Larry Jones in 1986; a Chair of the Kansas Senatorial Campaign Committee in 2000, and the State Chairman for Carla Stovall's governor's campaign.

Jane Ann Douglas Wiley, 89, died June 22, 2011 at Hospice House in Hutchinson, KS. Wiley was a 50-year resident of Willowbrook, where she volunteered as city clerk and treasurer for 25 years. Jane was active on the Mitchell School Board, the Reno County Historical Society Board, the Channel 8 PBS Board, and the Advisory Health Committee to the Kansas Senate.



State Gets New System

The State of Kansas has finalized a contract with Accenture for the acquisition and implementation of the Kansas Eligibility Enforcement System (KEES). This \$85 million, state-of-the-art computerized platform will provide an integrated eligibility determination system among state services that will identify fraud, waste, and efficiencies within Medicaid and other eligibility-based programs.

“KEES is designed with the entire State of Kansas in mind. As the electronic front door to state services, this system will improve the eligibility process and identify significant savings for the state,” Lieutenant Governor Jeff Colyer said. “We will achieve program reliability and integrity across all facets of health and human services in the State of Kansas.”

The name given to this system—KEES—represents the expansion of what was formerly known as K-MED, the Kansas Medical Eligibility Determination system. It is expected to be underway by the end of 2013.

The Kansas Department of Health and Environment’s (KDHE) Division of Health Care Finance (DHCF) will use KEES in administering the state Medicaid program. KDHE-DHCF

purchases health services for children, pregnant women, people with disabilities, the aged, and the elderly.

Funding for the development of KEES is comprised of three sources: a competitive federal grant awarded to the State in 2009; state funds dedicated to this purpose by the Department of Social and Rehabilitation Services (SRS) in fiscal year 2010; and federal matching funds available to states for administering jointly funded programs such as Medicaid, Children’s Health Insurance Plan (CHIP), Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance to Needy Families (TANF).

Through the enhanced 90% federal share from Centers for Medicare and Medicaid Services (CMS), Kansas is not required to implement a state health insurance exchange. Authority for enhanced 90/10 funding for development of new eligibility systems is a re-interpretation of longstanding Medicaid IT funding rules found in Section 1903(a)(3)(a)(1) of the Social Security Act. This new application of the statute extends access for enhanced funding of Medicaid payment and information-gathering systems to include eligibility systems as well.

Kansas Commits to Health and Wellness Program

Kansas Governor Sam Brownback pledged his commitment to child health and wellness on November 3, 2011, by declaring *Fuel Up to Play 60* day in Kansas. *Fuel up to play 60* is an in-school health and wellness program that encourages youth to consume nutrient-rich foods and achieve 60 minutes of physical activity every day.

Secretary of Agriculture, Dale Rodman; the program advisor and student body from Wilbur Middle School in Wichita; former Kansas City Chiefs player, Eddie Kennison; Kansas dairy farmers; and members of Midwest Dairy Council joined the Governor to celebrate the day at Wilbur Middle School.

At a school assembly, the Governor praised the progress of Kansas students and pledged his support for *Fuel Up to Play 60*, indicating the program is a positive step toward helping Kansas students achieve pathways to better nutrition and fitness for life.

Launched by the National Dairy Council and the National Football League, in collaboration with the U.S. Department of Agriculture, *Fuel Up to Play 60* has activated more than 8 million students in 70,000 schools nationwide, including more than 450,000 students in Kansas, to be healthy, get active, and make a difference. More than 1,260 schools across Kansas are designated as *Fuel Up to Play 60* schools.

Any Kansas school who enrolls in the free program is eligible to apply for funds to help increase awareness of and access to nutrient-rich foods and physical activity opportunities for their students. As part of *Fuel Up to Play 60*, schools also can receive a free Quick Start Resources kit with planning tools and in-school collateral materials to help them implement healthy eating and physical fitness plans.

To learn more about *Fuel Up to Play 60*, visit www.FuelUpToPlay60.com or www.MidwestDairy.com.

Kansas Book Festival Grants Available

Kansas First Lady Mary Brownback announced that applications for Kansas Book Festival Grants can now be found online. Public libraries and school libraries located in Kansas are eligible to apply for the grants. Information and applications are available at <http://kansasbookfestival.com/get-involved/grants/>.

“These grants will help libraries with resources to stay ahead of the technology curve and to keep the materials on their shelves as relevant as possible to the young patrons of the library. I want all Kansas children to have a rich and fulfilling experience with libraries and books, and my hope is that these grants will help achieve that,” said First Lady Brownback

The two grants will pay for either technology improvements or to fund book purchases. Libraries may apply for both grants, but no library will be awarded both grants in the same calendar year.

Applications must be postmarked by December 31, 2011 and grants will be awarded in March, 2012.

In conjunction with Governor Sam Brownback’s initiative to improve the percentage of fourth-grade students reading at or above grade level, the First Lady created an annual book festival for the state of Kansas. The Kansas Book Festival is a 501(c)3 organization through the Topeka Community Foundation, which makes all contributions tax deductible.

For more information about library grants, event information, or to contribute to the Kansas Book Festival, please visit <http://kansasbookfestival.com/>.



Mayor Clausie Smith • City of Bonner Springs

On Monday, October 10, 2011, the League of Kansas Municipalities presented Bonner Springs Mayor Clausie Smith with the 2011 E.A. Mosher Excellence in Local Government Award. Mayor Smith received the award during the League of Kansas Municipalities 2011 Annual Conference in Wichita. The League established the E.A. Mosher Excellence in Local Government Award in 2001 to recognize the accomplishments of distinguished leaders in the local-government community.

Mayor Clausie Smith has served as the Mayor of Bonner Springs since 2003 and was a councilmember for the City beginning in 1993. In addition to serving his city through local government, Mayor Smith also mentors high school students, teaches Sunday school, and works with Boy Scouts of America.

He has served on the local chamber of commerce, library boards, park boards, and economic-development committees. Mayor Smith's efforts to inform his community include teaching a self-developed class on municipal government for the Bonner Springs High School and offering a monthly community forum to discuss city issues with residents. His dedicated service also led to recognition as the 2005 Kansas Mayor of the Year. Mayor Smith is the eleventh recipient of the E.A. Mosher Excellence in Local Government Award.



Excellence in Local Government Award Past Recipients

2001 • Mayor Bob Knight • Wichita
2002 • Mayor Carol Marinovich • Kansas City
2003 • Mayor Warren Hixson • Colby
2004 • Mayor Ed Eilert • Overland Park
2005 • Commissioner John Zutavern • Abilene

2006 • Commissioner Richard Jackson • Ottawa
2007 • Commissioner Pat Pettey • Kansas City
2008 • Mayor Don DeHaven • Sedgwick
2009 • Councilmember Diane Linver • Lenexa
2010 • Mayor Bruce Snead • Manhattan



Lenexa Councilmember Receives National Award

Councilmember Andy Huckaba has been honored with the Jane E. Lawton Commemorative Award, which is presented annually by the National Association of Telecommunications Officers and Advisors (NATOA) to an “extraordinary champion of local government in communications.”

The award was created in memory of the Honorable Jane E. Lawton, who served as Mayor of Chevy Chase, Maryland, delegate to the Maryland State House, and President of NATOA. The award was presented to Huckaba on September 23rd at the NATOA 2011 Annual Conference held in San Francisco.

Huckaba, a three-term Lenexa councilmember, has devoted a great deal of time and energy to communications and technology. He serves as Chair of the Information, Technology and

Communications committee for the National League of Cities (NLC) where he played an instrumental role in calling for the creation of a national broadband plan and continues to advocate for a world-class broadband infrastructure to improve the global competitiveness of the United States.

In addition to his City Council and NLC duties, Huckaba serves on the Mid-American Regional Council’s Public Safety Communications Board, and a number of non-profit boards in the Kansas City metropolitan area. Huckaba is president of Huckaba & Associates, a management consulting firm focused on strategy, marketing, and technology. He serves on the faculty of the Kansas Leadership Center and as an instructor with the Kansas University Public Management Center.

Kansas Main Streets Recognized

The Kansas Department of Commerce announced the winners of the Main Street Awards of Excellence at the annual Kansas Downtown Symposium, October 12-14 in Independence.

The event is sponsored by the Department’s Kansas Main Street program and provides community developers and business leaders a chance to network, attend workshops, and discuss downtown development in Kansas.

The Kansas Main Street program helps community volunteers revitalize their city’s historic business district. The program tackles the complex issues of revitalization, capitalizing on downtown’s history, and identifying the resources of the community itself.

The Main Street Awards of Excellence winners were Augusta, Belleville, Chanute, Coffeyville, Dodge City, Emporia, Garden

City, Holton, Hutchinson, Independence, Leavenworth, McPherson, Marysville, Ottawa, Parsons, Peabody, Phillipsburg, Seneca, Stafford, Wamego, and Winfield.

The Kansas Main Street program started in 1985 and provides management training, consultation visits, program evaluation, design assistance, business enhancement strategies, incentive dollars, and training for board and committee members and program directors.

Kansas Main Street is a self-help program. Staff provides technical assistance, but the responsibility and credit for success rests with the community leaders who offer time, expertise, and enthusiasm to revitalizing downtown.

For more information about the Kansas Main Street program,

City Unveils New Training Facility

The City of Leavenworth officially unveiled its public safety training facility with a ribbon cutting ceremony on October 19, 2011.

As part of the City’s five-year Capital Improvement Projects program, a custom designed, pre-built training facility was delivered and erected earlier this fall to help provide fire training and enhance the community’s well-being through better fire protection and fire prevention.

“In the past, in order to get in-field tactical training, City of Leavenworth police officers and firefighters either had to wait for an abandoned house to be put on the City’s demolition list or make arrangements with a neighboring City for a specific location,” Assistant Chief Mike Lingenfelter said. “This facility was designed to facilitate hands-on training and will be equipped with associated technical rescue training apparatuses, which allow for multiple facets of training opportunities.”

The \$215,000 facility is a low-cost alternative to a brick-and-mortar building and is constructed by utilizing steel ocean shipping containers by American Fire Training Systems, Inc., out of Lockport, Ill. The company has constructed similar facilities for cities across the country and is able to format the structure based on individual needs.

The training facility was designed with integrated rescue and training props to include: a smoke machine, training mannequins, portable walls, and standpipe systems. The proposed training facility will have four components including:

- A training drill tower with repelling station, stairwell, and tripod hatch;
- A second story simulated residential smoke area;
- A storage unit; and
- A carport.

It will also incorporate features that allow for ladders, ventilation, and search and rescue. These pieces are integrated into the Fire Department’s training goals.

The facility also allows the Department to train locally without having to ask for additional funding for travel costs, such as fuel, overtime pay, lodging, and per diem, associated with training at other centers.

Not only will this facility be available to other City departments to assist in the completion and delivery of their applicable training needs and requirements, but the facility will enable our Department to offer single and multi-day training, seminars, and fire schools to outside departments and agencies, which would generate “customers” for local businesses.

Special Assessments Under K.S.A. 12-6a

by Larry Baer

The “General Improvement and Assessment Law,” K.S.A. 12-6a01, *et seq.* (often referred to as “12-6a financing” or “12-6a”) was adopted by the Kansas Legislature in 1957 following its proposal by a group of cities that were sponsored by the League of Kansas Municipalities (LKM). The purpose of the law was to give all cities, regardless of size, a single procedure to finance all types of public improvements. Prior to 12-6a, there were numerous statutes authorizing cities to levy special assessments for various types of projects. The adoption of the 12-6a process did not abolish the numerous other financing means, but it did give cities one process that could be followed for all types of projects.

The practice of using special assessments to finance local improvements began centuries ago in England and has been used from an early day in nearly all the states. Special assessment financing was authorized by the earliest Kansas statutes concerning local public improvements. Today, cities, counties, townships, and several single-purpose districts have authority and statutory procedures allowing the use of special assessment financing for improvements ranging from streets and sidewalks to culverts and cemeteries.

12-6a differs from, and is more flexible than, other special assessment procedures. Some of the differences include: the ability of a city to apportion up to 95% of the cost of an improvement to the city-at-large so that the cost can be apportioned on the basis of public as well as private benefit; any assessment method which will result in imposing substantially equal shares of cost upon similarly benefitted property may be used; it permits the combining of various types of improvements into a single project; under certain circumstances, it permits the financing of projects located outside of the city limits; and, it permits property owners to collectively seek improvements which will specifically benefit their property as long as the benefitted property owners pay a portion or all of the costs for the improvements.

The use of 12-6a financing is popular. As reported in the 2011 edition of the *Kansas Tax Rate and Fiscal Data Book* published by LKM, 43 cities had special assessment indebtedness of nearly \$524 million.

Over the years a number of procedural and substantive changes have been made to the 12-6a process. For many years, LKM prepared a procedural manual that discussed and reflected the current changes. However, the last in depth discussion or revision of the procedural manual was done in 1988. A new procedural guide is being prepared by LKM. The new manual will contain a procedural outline and step-by-step discussion of the 12-6a procedure, the 12-6a law, sample documents, Kansas Appellate Court decisions, and Kansas Attorney General Opinions interpreting K.S.A. 12-6a01, *et seq.*

It is anticipated that the new 12-6a manual will be available for purchase near, or just after, the end of the year. Mailings and email notifications of the manual’s availability will go out at that time.

 Larry Baer is the Assistant General Counsel for the League of Kansas Municipalities. He can be reached at lbaer@lkm.org or (785) 354-9565.

Town Center in the City of Lansing. Photo provided by Lansing.



Recent Kansas Cases

Two cases, one from the Kansas Supreme Court and one from the Kansas Court of Appeals, have been released recently and may be of interest to city officials. The first, which had been pending decision for some time, is *Zimmerman et al. v. Board of County Commissioners of Wabaunsee County, Kansas*, Case No. 98,487 (October 21, 2011). The plaintiffs in this case own property in Wabaunsee County and entered into contracts to develop commercial wind farms on the property. The intervenors are not landowners, but entered into various contracts to become owners of purported wind rights on properties in the county. The County was contacted in late 2002 by a company that wanted to build a wind farm in the county. Wabaunsee County did not have any particular zoning regulations addressing wind farms, but determined that under the existing regulations, a conditional use permit would have been required to allow for the height of the wind turbine structures. Shortly thereafter, the County adopted a resolution to place a temporary moratorium on the issuance of conditional use permits for wind farm projects to allow time to study the impact of such projects on property in the County. Ultimately, after many extensions of the moratorium, the County adopted zoning regulations that would allow, with certain conditions, the issuance of conditional use permits for small wind farms, but prohibited commercial wind farms in the county.

The case has now been to the appellate courts twice and the specific issue of interest to cities has to do with whether the denial of the commercial wind farms was a taking under the Takings Clause, specifically a taking of a partial interest, i.e. the wind rights.

The League of Kansas Municipalities (LKM) filed an *amicus curiae* brief, not on the basis of whether or not wind rights are a property right severable from the real estate, but whether a “discrete segment” of the whole can be the basis of a taking. The standard has always been whether the actions of the governmental entity have deprived the owner of all economically viable use of the property. If landowners only need to show a partial taking of the use of their property, this could have significant economic impact on cities in the future when applying regulations that might take a leasehold interest or an easement, for example.

The issue is based on the Takings Clause of the Fifth Amendment to the U.S. Constitution, which states that private property may not be taken for public use without the payment of just compensation. The Kansas Supreme Court first analyzed whether there was vested property right in the granting of the conditional use permit. The Court found that because the issuance of such permits are discretionary on the part of the County, there could be no vested right in the permit. Slip Op. at pg. 25. Having found no vested property right, the Court determined there could be no taking. Thus, it did not proceed to the full takings analysis, leaving for another day the question of whether a discrete segment of the whole can be the basis of a taking. Slip Op. at pg. 29. On a final note, there was another issue in the case having to do with whether the district court erred in dismissing a Commerce Clause claim, which was remanded back to the district court for further findings, leaving open the possibility of further appeal on that issue.

The next case of issue to cities is an annexation case out of Douglas County and was decided by the Kansas Court of Appeals, *Baggett, et al. v. The Board of County Commissioners of Douglas County, Kansas et al.*, Case No. 104,441 (September 30, 2011). The City of Lawrence was also a party to this case. In short, owners of property north of the Lecompton turnpike exit petitioned the City of Lawrence to annex their non-adjoining property. They had not completed plans for the use of the property, although it was clear that it would be a use permitted in areas zoned industrial. City staff recommended against annexing until water and sewer access issues were resolved, but the planning commission recommended the annexation and the City ultimately agreed, adopting a resolution to petition the County for annexation. The Board held a public hearing and allowed extensive public comment, both for and against the annexation. In a subsequent meeting, the Board made a specific finding, acknowledging that the potential future uses may include all of the permitted uses in an industrial classification.

The Board’s decision was appealed to the district court by landowners who would be impacted by the annexation. The district court upheld the Board’s determination, and it was appealed to the Kansas Court of Appeals. The Court reversed the determination of the Board. The Court used a Kansas Supreme Court case, *Cedar Creek Properties, Inc. v. Board of Johnson County Commissioners*, 249 Kan. 149, 815 P.2d 492 (1991), in analyzing the Board’s finding that the annexation would not “hinder or prevent the proper growth and development of the area or that of any other incorporated city located within such county.” K.S.A. 12-520c. The Cedar Creek Court had found that Johnson County had erred in precluding evidence of the intended usage of the property when making its findings on the annexation. The Court noted that the use is almost always available in proposed island annexations. The Kansas Court of Appeals in the instant case took that finding one step further. The Court stated the following in Syllabus ¶ 7, “Where the developer of land in an island annexation cannot specify the intended uses of the land but provides only a category of potential uses, the board of county commissioners must examine those potential uses—or at least the most potentially deleterious uses—and determine whether those uses would hinder or prevent proper growth and development of the area. Failing in that examination, the annexation cannot survive judicial scrutiny under K.S.A. 12-520c.”

In other words, the Court seems to be saying that the most harmful possible use must be used by the Board of County Commissioners in performing its analysis under K.S.A. 12-520c, where the applicant for the annexation only specifies a category of use. This is an extreme interpretation of the required findings, found nowhere in statute or case law, and really appears to mix zoning law with annexation law. The County and City of Lawrence have both petitioned for review to the Kansas Supreme Court, so further judicial review may be forthcoming.

 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.

Senator Dole, with his wife Elizabeth, Governor Sam Brownback, and First Lady Mary Brownback unveil the first Walk of Honor plaque on the Kansas Statehouse grounds. Photo by Amanda Schuster



★ Senator Bob Dole Receives Recognition ★

More than 100 family, friends, and fellow Kansans joined Senator Dole, his wife Elizabeth, Governor Sam Brownback, and First Lady Mary Brownback for the launch of the State of Kansas' Walk of Honor. The unveiling of a plaque recognized the contributions made by Senator Bob Dole on a state and national level.

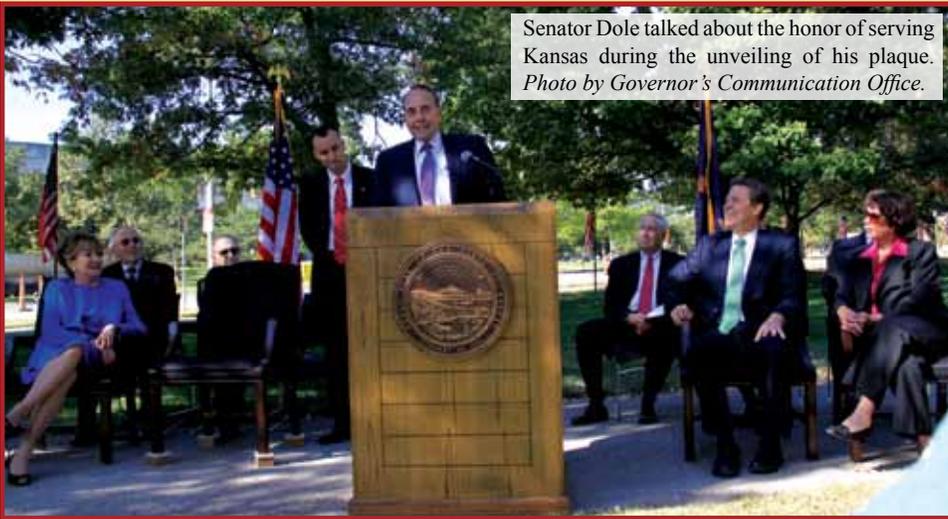
Born in Russell, KS in 1923, Dole served as a combat infantry officer in Italy during World War II and was wounded twice. He graduated from Washburn University Law School. Highlights of Senator Dole's long public service career include County Attorney of Russell County; Kansas House of Representatives; U.S. House of Representatives; and U.S. Senate. He was the GOP nominee for the vice-presidency in 1976, serving as Gerald Ford's running mate and was the party's presidential nominee in 1996.

"It's hard to measure the height of a tree while it is standing, yet in Bob Dole we know we have a giant," Governor Brownback said. "In years to come, fourth grade students will walk by this plaque and ask the question, 'Who's Bob Dole?'" The tour guide

will respond, "He's a great Kansan who believed in America. He was almost President of the United States. He bled on the battle field in World War II and went on to be a leader in the U.S. Senate. He was voted by historians one of the five most important Kansans in our history." And if I'm within earshot, I'll add, "He's what most Kansans would call a good man." And that's saying a lot."

Senator Dole said his debt to those Kansans who elected him to serve will never be repaid.

"But it can be honored—every time I try, in some small way, to emulate the compassion and generosity of my friends and neighbors in Russell, multiplied over the years by countless acts of kindness, and culminating today in this ceremony," Senator Dole said. "A long time ago, long before anyone could remotely imagine Bob Dole in a Walk of Honor, I took inspiration from a song called 'You'll Never Walk Alone.' My whole life, up to and including today, has been a validation of that song. And the greatest honor of my life has been to share that walk with my fellow Kansans—the most honorable people I know."



Senator Dole talked about the honor of serving Kansas during the unveiling of his plaque. Photo by Governor's Communication Office.

JROTC posted the flags while the Washburn University Ensemble sang the national anthem. Other speakers included Kansas Historical Foundation President E. Dean Carlson and retired General Richard Meyers.

American flags lined the Statehouse grounds in honor of Senator Dole. Members of the combined USD 501 JROTC Programs placed the flags into each position with precision. These programs are the U.S. Army program located at Topeka West High School, the U.S. Marines located at Topeka High School, and the U.S. Air Force represented by

U.S. Senator Pat Roberts recalled Dole's many accomplishments in Washington, including the Hospice Care Act (1981); numerous farm bills; Social Security Reform (1983); Americans with Disabilities Act (1990), Voting Rights Act (1965); and Bayh-Dole Act (1980).

"The truth is Bob's fingerprints have been on almost every piece of legislation prior to and during his years of leadership—either in support, changing it for the better, or giving it a proper burial," Senator Roberts said. "We all come to Washington to make a difference. Senator Bob Dole did just that."

Bill Lacy served as the event's emcee. Reverend Fred Holloman delivered the Invocation. The Topeka High School

Highland Park High School.

The Kansas Historical Foundation, a 501(c)(3), will serve as the caretakers of funds for the Kansas Walk of Honor. The Historical Foundation, which supports the Kansas Historical Society will establish the Walk fund so that people can offer donations to cover the cost of plaques.

The plan is for up to three plaques to be added each year to the Walk. The 25 Notable Kansans recently announced will be among the first to be placed on the Walk. Kansans also may submit names of others to be considered for future plaques to the Kansas Historical Foundation. A small committee will be appointed that will make nominations and selections.

From the Ground Up!

Building and maintaining great tanks, that's what Maguire Iron has been doing since 1915. We are now in 30 states so let us do it for you too from the ground up!



We **designed** it. We **fabricated** it. We **erected** it. We **painted** it. We **maintain** it.



P.O. Box 1446 Sioux Falls, SD 57101 605 334-9749
www.MaguireIron.com

LKM WELCOMES

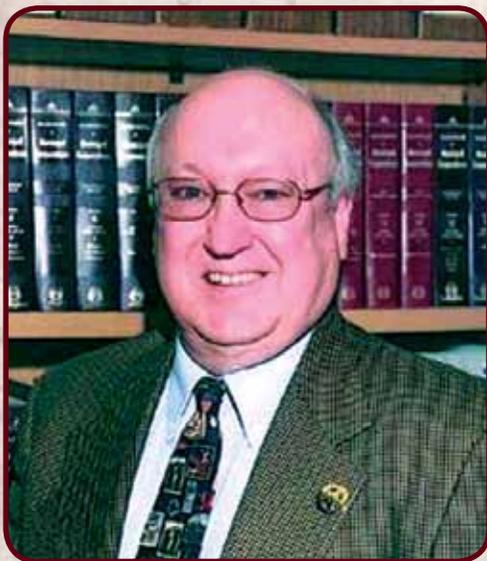
On Monday, October 10, 2011, the convention of voting delegates for the League of Kansas Municipalities selected new officers and directors for the governing body. The group convened in Wichita, Kansas and elected Dodge City Vice-Mayor, Jim Sherer, as President. The convention also elected Phillipsburg City Clerk, Brenda Chance, as the League Vice-President.

Vice-mayor Sherer was first elected to the Dodge City Commission in 2004. Since then, he has served as both mayor and vice-mayor. Prior to his city service, Sherer served as a school board member for USD 443 in the 1990s. He has also worked at the national level with the National League of Cities Human Development Steering Committee—a

position he has held since 2006. Sherer has served on the League's governing body since 2008.

Brenda Chance has been Phillipsburg's City Clerk since 1987, a position that includes implementing the policies set by the Phillipsburg City Council. In addition to her service in local government, Chance has also served as an officer and director for the City Clerks/Municipal Finance Officers Association.

Chance's election as vice-president opened a director slot, which was filled by Ottawa Commissioner Blake Jorgensen. Jorgensen joins Abilene Mayor Lynn Peterson as the two new directors for the governing body. Topeka Mayor Bill Buntten, Liberal Vice-Mayor Joe Denoyer, and Mount Hope Mayor Terry Somers were all re-elected to three-year terms on the governing body.



Jim Sherer, Dodge City
President

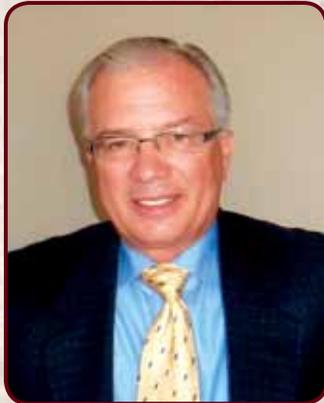


Brenda Chance, Phillipsburg
Vice President

S NEW LEADERS



Blake Jorgensen, Ottawa



Lynn Peterson, Abilene



Bill Bunten, Topeka



Joe Denoyer, Liberal



Terry Somers, Mount Hope

2011-2012 GOVERNING BODY MEMBERS

PRESIDENT

Jim Sherer, Vice-Mayor, Dodge City

VICE PRESIDENT

Brenda Chance, City Clerk, Phillipsburg

IMMEDIATE PAST PRESIDENT

Carl Brewer, Mayor, Wichita

PAST PRESIDENTS

Mike Boehm, Mayor, Lenexa

Carl Gerlach, Mayor, Overland Park

Joe Reardon, Mayor, Kansas City

DIRECTORS

Carolyn Armstrong, City Manager, Colby

Herb Bath, Mayor, Altamont

Bill Bunten, Mayor, Topeka

Donald K. DeHaven, Mayor, Sedgwick

John Deardoff, City Manager, Hutchinson

Joe Denoyer, Vice-Mayor, Liberal

Tom Glinstra, City Attorney, Olathe

Sue Grosdidier, Councilmember, Mission

Blake Jorgensen, Commissioner, Ottawa

John "Tiny" McTaggart, Mayor, Edwardsville

Lynn Peterson, Mayor, Abilene

Terry Somers, Mayor, Mount Hope



...Lunching With City Managers

My September trips were mostly to share food with friends. Tough duty? Not so much.

In mid-September, I joined a group of city managers and administrators (and one assistant administrator) for a friendly lunch and conversation at the Page Grill and Bar, in Great Bend, hosted by my old friend Howard Partington. As I have mentioned before, Howard has been the City Administrator in Great Bend since 1981—WOW, can you believe that? Joining us that day were several folks whose cities I had visited just a couple of months or so earlier: Jay Dill (Kinsley City Manager), Lane Massey (Larned City Manager), and Tim Vandall (Ellsworth City Administrator), along with Sterling City Manager Rod Willis, and Great Bend Assistant City Administrator (and Karaoke Maestra) Dawn Jaeger. It was really fun getting to hear everyone's personal story. The best part of this business is the opportunity to have so many friends, and from such a wide variety of backgrounds and experiences.

Interestingly, Jay (Kinsley), Lane (St. John), Rod (Sterling), and Howard (Alden) are all originally from this area of the state, and, therefore, are still close to or in the place where they grew up. Tim, as you may recall, is a transplant from South (Sout'?) Dakota, and Dawn came to Kansas from California, via Colorado.

A couple of weeks later, Parsons City Manager Fred Gress hosted a similar lunch-time get-together at the Parsons Golf Club and Restaurant. Joining Fred and me that day were Girard City Administrator Gary Emry, Coffeyville City Manager Jeff Morris, Ft. Scott City Manager Dave Martin, and Ft. Scott Assistant City Manager Susan Brown. Again, the day's highlight for me was hearing everyone tell how they got to where they are now in life. Not one of the folks at the table actually went to school to be in city management, and all had successful careers in other fields before getting into this line of work.

Fred owned and operated a family ice business, before going to work in finance in Independence; later moving on to a stint as DOF at Ft. Scott, then on to a city manager gig in Missouri, before coming to Parsons. Gary was a career military guy, and then worked in community development in Ft. Scott before arriving in Girard to take his current position. Jeff (a native of Lyons, and a Lyons Lion in high school, before moving on to K-State) came to Coffeyville to be an accountant for a local business; later he got involved with the city, and was eventually offered the Finance Director job; after the city manager left a few years ago, Jeff was elevated to the position he still holds. Dave, as I have mentioned here previously, spent his entire career in the private sector, mostly in HR and management, and over 20 years of it in Ft. Scott, before the opportunity to become city manager came along just over a year ago. Susan worked in finance in the school system before becoming Director of Finance at the City of Ft. Scott a few years ago, and took her current title when Dave came on board.

There are many paths that bring people to the position of managing a city. The somewhat "traditional" method of pursuing a degree (originally that was engineering; much more common today is the MPA) toward becoming a city manager (or administrator... there is not all that much difference between the two) is rapidly becoming fuzzier and fuzzier, as a wider variety of perspectives, experiences and education are being sought by cities, and, apparently, fewer of the next generation are interested in government management. This trend is both good and bad, in my view. Good, in that individuals such as those above get into local government. But, my personal hope is that all the constant negative talk about government these days does not result in discouraging the best and the brightest young people from wanting to work in the public sector. Government work, especially at the local level, is a calling and a commitment to serving others. It is a HIGH calling in my view. Thanks to all you who are challenged to take it on and give it your best.

Two days after the Parsons lunch, our family took off for another "roughing it" weekend at one of those great Wildlife and Parks all-electric cabins (www.kdwp.state.ks.us/State-Parks/Locations-With-Cabins); this time on McPherson County State Lake, located ten miles or so due north of Canton, directly adjacent to the wonderful Maxwell Wildlife Refuge (www.naturalkansas.org/maxwell.htm). Son Brek, along with his wife Marissa and daughter Marley, came up from Edmond, OK to join us this time (and darned near ran into a herd of big Elk on the dirt road leading through the game preserve to the lake just after the sun had set). So, there were seven of us sharing the very cool cabin. Just cozy. And, we had a ball. Brek cooked both Friday night's (brats) and Saturday night's (ribeyes from Canton Grocery) meals over an open wood fire in pit outside the cabin. We roasted marshmallows and made s'mores. Granddaughter Marley (age 3) caught her very first fish (a bullhead); granddaughter Maddi (age 13) caught quite a few fish, too, including several nice large mouths and her first-ever black crappie. The weather was perfect beyond perfect. The first two nights of the baseball playoffs and Saturday football games were to be found on the XM radio in the car. Wife Sue, daughter Morgen, and daughter-in-law Marissa enjoyed a laid-back couple of leisure days. Brek and I mostly baited hooks, talked sports and ate copious amounts of food. It was 'kick-back' time for every single individual on my mom's side of the family with the name Osenbaugh, and a little slice of Heaven that will be long remembered by all of us. Kansas has a great many treasures to offer....this was definitely one of them.

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

MUNICIPAL LEADERSHIP ACADEMY ANNOUNCES NEW WEBINAR SERIES

In an effort to increase training opportunities and reduce cost for participants, LKM is incorporating a series of webinars into the 2012 MLA program. Most core courses will continue to be offered in the traditional face-to-face format. At the conclusion of 2012, we will evaluate the webinar format to determine whether it will be utilized in future years.

The webinars are two 90-minute presentations that allow participants to view a PowerPoint presentation from their own computer while they listen to the instructor lecturing live via telephone. It is simple

for participants to connect to the webinars. All that is needed to participate is a computer with Internet access and an open phone line.

Upon registration, participants will receive an e-mail with a link prior to the start of the webinar. Once the link is clicked, registrants will be able to see the presenter's computer screen and begin listening to the program.

The webinar series covers specific topics with two different topics presented per class. The morning session will run from 10 a.m. to 11:30 a.m. and the afternoon session will run from 1 p.m. to 2:30 p.m.

MLA 2012 SCHEDULE

JANUARY

Municipal Finance (Core)
Friday, Jan. 20 – Hoisington
Saturday, Jan. 28 – Independence

FEBRUARY

Ethics (Core)
Friday, Feb. 10 – Lakin
Saturday, Feb. 11 – Herington
Friday, Feb. 24 – Gardner

MARCH

Finance Planning & Policy Concepts (Elective)
Friday, Mar. 16 - Webinar
Saturday, Mar. 31 - Webinar

APRIL

Civility and Public Service (Core)
Friday, April 20 - Webinar
Saturday, April 28 - Webinar

MAY

Leadership Summit (Core)
Friday, May 11 - Wichita
Saturday, May 12 – Wichita

JUNE

Personnel Management (Core)
Friday, Jun. 8 – Scott City
Saturday, Jun. 9 – Lindsborg
Friday, Jun. 22 – Mission

JULY

Neighborhood Building (Elective)
Friday, Jul. 20 - Webinar
Saturday, Jul. 21 - Webinar

AUGUST

KOMA/KORA (Core)
Friday, Aug. 10 – Garden City
Saturday, Aug. 11 – Abilene

SEPTEMBER

Preparing for Retirement (Elective)
Friday, Sept. 7 - Webinar
Saturday, Sept. 8 - Webinar

OCTOBER

LKM CONFERENCE (October 6)
KOMA/KORA (Core)
Municipal Finance (Core)
The Power of Leadership (Elective)

NOVEMBER

Sexual Harassment (Elective)
Friday, Nov. 9 - Webinar
Saturday, Nov. 10 - Webinar

Registration is available online at
<http://www.lkm.org/training/mla/>.

LKM Hosts 103rd Annual Conference

BY AMANDA SCHUSTER



City officials from across the state came together, October 8-10, 2011 to kick off the League of Kansas Municipalities (LKM) 103rd Annual Conference, *Cities Celebrate Kansas*. The annual event took place in the City of Wichita, a.k.a., the air capital of Kansas and brought more than 900 participants including local government officials, sponsors, speakers, and exhibitors.

The LKM 103rd annual conference took on a bit of a different format. This year, the conference kicked off on Saturday, October 8 with the annual tradeshow. Attendees got the opportunity to network and learn about government-related products and services from 110 different exhibitors.

The LKM Municipal Leadership Academy added to the number of training opportunities this year. A total number of 119 attendees participated in the Mini Governing Body Institute; Finance, Planning, and Policy Concepts; and Engaging the Public in Important Issues.

Saturday's evening event showcased what the City of Wichita is known best for, aviation. The Host City Social event, *Passport to the World*, was held at the Cessna C3 Hangar. Aviation information and products were on display as attendees enjoyed the 17-piece Boeing Jazz Band and sampled foods from around the world.

On Sunday, October 9, the opening general session welcomed keynote speaker, John Avlon. Avlon is a senior columnist for *Newsweek* and the *Daily Beast* as well as a CNN contributor. His speech "Declaration of Independents," gave attendees a new perspective on the way politics currently do not represent the best traditions of our country or the real beliefs of the American people.

After a full day of concurrent workshop and roundtable sessions, attendees got to enjoy an evening of "All Things Kansas." The

dinner menu featured foods grown and raised in Kansas, including pork from Yoder and vegetables from within the Wichita area. Attendees were then entertained by one of Wichita's best bands, *Annie Up*.

On Monday, October 10, Dr. Lowell Catlett, Professor and Dean of the College of Agricultural, Consumer, and Environmental Sciences at New Mexico State University, entertained attendees with his speech, "Get Real: Understanding Today's Economy and Tomorrow's New Future." Dr. Catlett's animated speech discussed his expectation for phenomenal growth in healthcare, energy, and lifestyle markets as technology, demographics, and new consumer expectations drive new business starts and the reformulation of current businesses.

Dr. Catlett's keynote address was followed by the Annual Public Service Awards Luncheon where numerous city employees were recognized for their faithful continuous service within a municipality. Carolyn Coleman, Director of Federal Relations for the National League of Cities addressed attendees with an uplifting speech about how valuable city employees are to our communities as well as the importance of city service.

The LKM 103rd Annual Conference concluded with the Convention of Voting Delegates. Wichita Mayor and LKM President, Carl Brewer handed over the gavel to Dodge City Vice-Mayor, Jim Sherer for his new term as LKM President. Brenda Chance, Phillipsburg City Clerk was elected as the LKM Vice-President.

 Amanda Schuster is the Communications Specialist for the League of Kansas Municipalities. She can be reached at aschuster@lkm.org or (785) 354-9565.



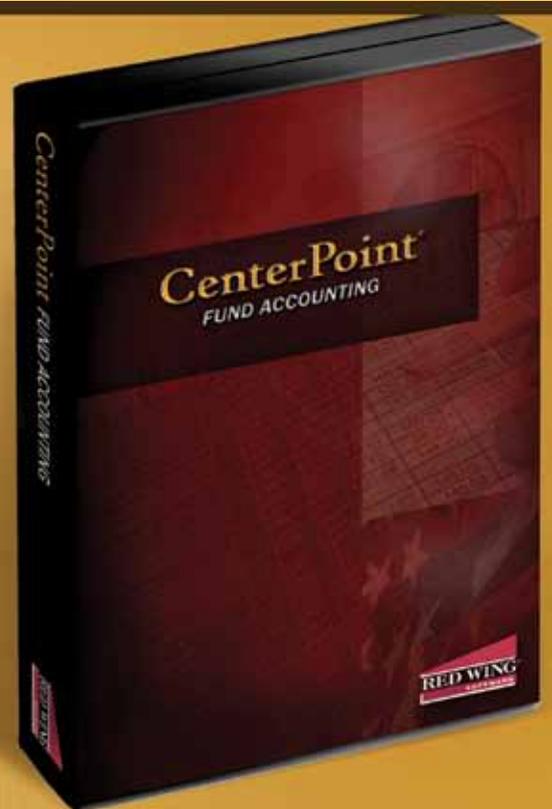
Photos Above:

Aircraft display at the Cessna C3 Hangar and the Boeing Jazz Band along with Cecil Goldsmith, Park City council member performing at the Host City Social event. Service Award winners presented by Wichita Mayor and LKM President Carl Brewer; L to R: Melvin Kennard, City of Garnett; Doris Wing, City of Hays; Michael McDermed, City of Atchison; John Loux, City of Wichita; Silas "Woody" Longan, City of Fairway; and Alton Dean Banker, City of Hugoton. E.A. Mosher Excellence in Local Government Award Winner, Clausie Smith, Mayor of Bonner Springs.

Photos Left:

Keynote Speaker John Avlon presenting for the general session on Sunday. Wichita Mayor and LKM President Carl Brewer receives the gavel and plaque from Vice-Mayor and LKM Vice President, Jim Sherer to honor his year of service as the 2010-2011 LKM President. Keynote Speaker Dr. Lowell Catlett presenting for the general session on Monday. All photos by Jay Bachman.

**On Time.
On Budget.
Affordable.**



Big City Bang for Small Town Bucks
CenterPoint® Fund Accounting and Payroll
www.redwingsoftware.com 1-800-732-9464

LEGAL ASPECTS OF MUNICIPAL OFFICE

by Sandy Jacquot

The title of this article comes from a 17-year-old manual of the same name that is in the process of being updated. This article will serve as a preview for the manual, which should be available by the end of the year. The concepts herein are varied and not readily available in any other League of Kansas Municipalities publication, or are only cursorily covered. The first concept, while a basic and obvious one, is not something city officials give a lot of thought — the significance of the term “municipal corporation.” Cities are bodies corporate and politic. This simply means that the city is a legal entity with a name, with the power to contract, to sue and be sued, to hold and dispose of property, and which acts on behalf of the people through its duly elected governing body. The city is not its elected and appointed officials; it is the people who live within its jurisdictional boundaries. So the municipal officials are merely stewards of the public trust to carry out the will of the people. Cities act by and through their duly elected governing bodies.

LEGAL POWERS AND DUTIES OF CITIES

The authority of cities to act on behalf their citizens derives from several sources. The primary source of cities’ authority comes from the Constitutional Home Rule Amendment, Article 12, Section 5 of the Kansas Constitution. The Home Rule Amendment confers on cities the largest measure of local control. Cities have the ability to use charter ordinances to add to, subtract from, or make statutes entirely inapplicable to such city if the enactment in question is non-uniform in its application to cities. In other words, if a statutory enactment does not treat all cities the same, the enactment is non-uniform, and subject to a city’s use of a charter ordinance. Examples of non-uniformity include having city population requirements in a statute or having different provisions for classes of cities. Changing state law in its application to individual cities is a very powerful tool for cities in managing their own local affairs.

Just as powerful, however, is the authority to legislate on just about any topic without separate authority from the state. If there is no statute on a particular topic, a city may adopt a local

ordinary ordinance legislating on that topic. In addition, even if there is a statute, cities may provide supplemental provisions or be more stringent than such statute, so long as the city ordinance is not in conflict with the state statute. Obviously, whether using a charter ordinance or an ordinary ordinance, cities are limited by constitutional considerations.

Another power, which is mostly subsumed within the Constitutional Home Rule powers, is called the police power. This basically means that cities have the authority to legislate for the public health, safety, and welfare. These types of regulations have generally been encompassed in the areas of public safety, building codes, streets, zoning, health and sanitation, and public offenses. The police power derives from what were viewed historically as the core functions of cities. Cities also have historically had other powers, such as the power to impose taxes to finance the functions of city government; the power of eminent domain to acquire private property for a public purpose; and the power to make public improvements, including structuring the financing for such public improvements.

Cities’ power and authority is not absolute as alluded to above. Many state laws restrict or prohibit certain conduct or mandate certain conduct. Examples include the Kansas Open Meetings Act, the Kansas Open Records Act, the Tort Claims Act, and many others. Cities’ actions are subject to a number of state laws and federal laws. In addition, the Kansas and United States constitutions restrict cities’ authority to act. The 14th Amendment to the United States Constitution states, “Nor shall any State deprive any person of life, liberty, or property, without due process of law. . . .” This is a protection of individual liberties that compels governments to act in a reasonable manner so as not to violate citizens’ rights under the laws and constitution. One of the cornerstones of Due Process is the requirement of notice and the ability to be heard before a government takes an action that affects citizens’ liberty or property.

As a protection to citizens, almost all actions taken by cities and other governmental entities are subject to review by the judicial system. While local laws will be presumed to be valid, because that

is how courts show respect for the separation of powers, citizens have access to the courts if they feel their city has overstepped its authority. While cities should not predicate their actions in total based upon whether or not they will be sued, cities should, with the advice of their city attorneys, make a reasonable determination about whether to act. They must balance the need to take certain actions, with the probability of the resulting consequences. Being sued is inevitable, but cities can minimize the risks by acting in a reasonable and prudent manner.

One final concept is important to a discussion of the legal duties and authority of cities. Cities may not bind future governing bodies; the actions taken today by a city, may be undone by a future governing body with some limitations. For example, ordinances may not be irrevocable, but are subject to future review and revision. Cities ability to legislate freely on matters important to the municipality may not be restricted by previous governing bodies. 6 McQuillin Mun. Corp. § 21:10 (3rd ed.) There are some limitations with respect to contracts and personnel matters, which require due process of law as discussed above, but generally a governing body cannot abridge the legislative powers of a successor body.

CONFLICT OF INTEREST AND INCOMPATIBILITY OF OFFICE

The conflict of interest law, with respect to city officials, is not very detailed in Kansas. The question is one of whether a personal interest of a municipal officer should disqualify that officer from acting on a specific matter that is before the governing body. The law states that an officer must abstain from voting on the making of contract with an entity in which the officer has a substantial interest. Substantial interest is defined by law and generally evaluates the business interest held by the individual governing body member. K.S.A. 75-4301a. The voting exceptions include when a contract is competitively bid after public notice, and when the contract price is set by law.

Some cities have adopted local ethics policies that more broadly define conflicts of interest. In addition there are other matters, while not legal conflicts of interest, on which city officials find it difficult to vote. For example, many city officials believe it is a conflict of interest to vote for pay raises for a relative or vote on other matters in which they feel they have a personal interest. While the decision to vote on these types of matters is often discretionary, city officials should not routinely use the declaration that something is a conflict of interest to avoid votes on difficult issues.

Incompatibility of office is a common law doctrine that arises on a fairly frequent basis in Kansas, although it is seldom litigated. The common law simply means a doctrine that has developed over the years through various judicial decisions. Most often, there is no statute addressing the doctrine, but public policy through court cases has applied the doctrine in the state. Incompatibility of office is one of those doctrines. It addresses the propriety of dual officeholding and whether or not the holding of one public office interferes with holding another public office. Many city officials have confused incompatibility of office with conflict of interest, using the terms interchangeably, which has led to some confusion in applying the two separate concepts.

The policy behind the doctrine of incompatibility of office is that one should be totally able to perform the duties of one

office without responsibilities of other duties interfering with the faithful discharge of the position. Thus, while dual officeholding is not per se unlawful, the intersection of the two offices must be looked at to determine whether they are incompatible. In previous years, the Kansas Attorney General issued incompatibility of office opinions, but no longer opines on whether offices are incompatible. A list of those opinions will be included in the new manual.

There are three generally recognized factors in determining whether or not offices are incompatible. The first factor is whether one office is subordinate to another office. For example, one cannot be both an employee and an elected official for the same governmental entity. *Baker v. U.S.D.* 501, 269 Kan. 239, 6 P.3d 848 (2000). In other words, one cannot be both the employee and the employer. In a broader sense, one office cannot supervise the other office. The second factor is whether one office serves and a check on another office. For example, the city treasurer keeps records of the checks written out of city funds and that serves as a check on some of the financial duties performed by the city clerk. Therefore, the positions of city clerk and the city treasurer are incompatible. Finally, the functions of the two offices may be incompatible. For example, if one has the responsibility to vote on budgets for two separate entities, where setting one budget might impact the decision-making of the official in setting the other budget, the positions might be incompatible. If one cannot fully discharge the functions and duties of one office without impacting the ability to perform the other office, the positions are incompatible. Just abstaining from voting does not cure the incompatibility problem, because the public is deprived of a fully performing public official in the office, unless the positions only incidentally raise a few compatibility issues.

Contrary to what some city officials believe, one is not prohibited from accepting a position incompatible with another office currently held, but the penalty, if challenged, is that one is deemed to have vacated the first position in favor of the second position. The decision of whether or not to accept a position is up to the individual, not the city.





RECALL AND OUSTER

As city officials know, there are limited means by which city elected offices are vacated and there are only two ways by which city elected officials may be involuntarily removed. Those methods are ouster (*quo warranto*) and recall. The former is a procedure whereby the Kansas statutes create a judicial proceeding for removing an elected or appointed official from office. K.S.A. 60-1201 *et seq.* The law has primarily been applied to elected officials. The statutory grounds include willful misconduct in office, willful neglect of any legal duty and conviction of a crime involving moral turpitude. Such proceeding may be started either with a complaint to the attorney general or county or district attorney, or initiation by the attorney general or county or district attorney. If, after investigation, it is determined that grounds exist for the ouster, a petition will be filed in the district court. If the court finds grounds for forfeiture of office, it orders the public official removed from office. This proceeding is a civil action, not a criminal action, so the penalty is loss of public office, but no criminal penalties are imposed.

Recall from elective office is also a statutory procedure that may result in an elected official being removed from office. K.S.A. 25-4301 *et seq.* It does not apply to appointed officials. The process allows for the circulation of a petition, which if found sufficient, compels the retention of an elected official to be put to a vote in the jurisdiction of the elected official. A recall petition, which is filed with the county clerk, may not be submitted in the first 120 days or the last 180 days of the official's term of office. In addition, only one petition may be submitted during the official's term of office. If the petition seeks the recall of more than one elected member of the body, the maximum number of officials that may be subject to the recall is the majority of the body minus one. For example, that means only two members of a five-member council

may be the subject of a recall in the same petition. If the petition is found to be sufficient, the recall of the elected officials subject to the petition is put to a vote of the people in that jurisdiction.

Grounds for recall include conviction of a felony, misconduct in office, and failure to perform duties prescribed by law. These grounds were revised and tightened up several years ago to discourage frivolous recall attempts and to make it clear that dissatisfaction with decisions made by elected officials is not a sufficient reason to recall such official. In addition, the recall petition sponsor must state, under oath, that the grounds for recall contained in the petition are true. Many cities get asked by citizens what the process is for recalling elected officials. City officials should exercise caution in providing advice on this matter and direct citizens to their private attorney to get binding legal advice.

LEGAL ISSUES IN DEALING WITH MUNICIPAL EMPLOYEES

One of the biggest challenges for cities is how it hires, fires, and generally handles its employees. The traditional rule has been for many years that city employees are employees-at-will. This means that the employee does not have a "property interest" in the job. The employee or the employer may terminate the employment relationship at any time for any reason, other than for a discriminatory reason. If, however, the employee is not an employee-at-will, due process must be provided before terminating the employee. This means that the employee must be provided notice and an opportunity to be heard before the final decision to terminate the employee has been made by the city. Some cities have stated that employees may only be fired for cause, which means there must be a sufficient reason for termination. That may be failure to perform the duties of the position with competency,

efficiency, honesty, and with faithfulness to the employer's interest. Regardless of the status of the employee, some cities provide the opportunity for a due process hearing, which protects the city in the event the city employee later wants to sue the city for the termination. Terminating appointed officials is certainly possible and, in some cases, necessary. The better course of action if possible, however, is to merely not reappoint that official when it is time for appointments to be made. Failure to reappoint is not a termination.

City officials should always be very careful not to release any information regarding what employment action was taken against employees. Unfortunately, cities cannot control what elected officials say in public, but all elected officials should understand that releasing any information could violate the constitutional rights of the employee. Any information in the public that stigmatizes the employee may result in a "liberty interest" claim by the employee for impugning the employee's reputation. While wrongful termination claims against employers are not often successful, liberty interest claims are not dependent upon whether or not the employer had grounds for termination. Such claims are the result of the subsequent actions of the employer.

One final observation about dealing with appointed officials is that the appointment process has been complicated

by a new statute, K.S.A. 12-16,128. This statute requires that, in cases where the council has approval of the mayor's appointments, the council must confirm the appointment unless it finds the appointee unfit or unqualified for the office. If the council fails to adopt a resolution stating the candidate is unfit or unqualified within 45 days, the appointee is deemed confirmed. This certainly flies in the face of the advice not to release any information about employment actions and city officials should consider adopting a charter ordinance making that statute inapplicable to the city.

CONCLUSION

The manual, *Legal Aspects of Municipal Office*, has bits and pieces of various kinds of information. The discussions above have only touched on some of the issues included therein and more detailed discussions will be found in the manual. Cities should always consult their city attorneys on the issues discussed herein, because these matters are often very fact specific.

 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.



Bartlett & West & YOU

innovation
collaboration
stability
consistency
resources

At Bartlett & West, you are our priority. When your needs grow, we grow to meet that demand. By creating cost-effective design, adding new technology and providing innovative services, we become far more than your engineering firm - we become your solution.

From start to finish... it's Bartlett & West and YOU

Public Works Services

- Street and Highway design
- Waste water collection and treatment
- Water treatment and distribution
- Right-of-way and legal descriptions
- GIS development and implementation
- Traffic analysis

BARTLETT & WEST
SERVICE. THE BARTLETT & WEST WAY.

MANHATTAN • TOPEKA • LAWRENCE • 888.200.6464 • BARTWEST.COM

America's Great Outdoors

Secretary of the Interior, Ken Salazar highlights two proposed projects in Kansas to promote outdoor recreation and conservation.



Just days before the release of a 50-state report outlining some of the country's most promising ways to reconnect Americans to the natural world, Secretary of the Interior Ken Salazar highlighted two projects in the state of Kansas that will be included in the final report — representing what states believe are among the best investments in the nation to support a healthy, active population, conserve wildlife and working lands, and create travel, tourism, and outdoor-recreation jobs across the country.

Establishing the Flint Hills area as a new easement-based conservation area and a proposed Kansas River Water Trail are among 100 projects nationwide that will be highlighted in the report—two in every state—as part of President Obama's America's Great Outdoors (AGO) initiative to establish a 21st Century conservation and recreation agenda and reconnect Americans to the outdoors.

The report is a result of 50 meetings with governors and stakeholders held by Salazar and other senior Interior officials

to solicit ideas on how to best implement AGO in their states. These projects were identified for their potential to conserve important lands and build recreation opportunities and economic growth for the surrounding communities as part of close engagement with Governor Sam Brownback and the State of Kansas, as well as private landowners, local-and tribal-elected officials, community organizations, and outdoor-recreation and conservation stakeholders. The full 50-state report was released in November 2011 and can be found at <http://www.slideshare.net/USInterior/americas-great-outdoors-fiftystate-report>.

“Under the America's Great Outdoors Initiative, we are listening to the people of Kansas and communities across America and working with them on locally-based projects that will conserve the beauty and health of our land and water and open up more opportunities for people to enjoy them,” Salazar said. “My staff and I have been asking each governor for the most promising projects to support in their states, and we will do all we can to help move them forward.”





Left is a scene of the beautiful Flint Hills provided by the Geary County Convention & Visitors Bureau. Below is a view of the Kansas River provided by Kansas State University photo services.



The two projects in Kansas highlighted by Salazar in the forthcoming report are:

Flint Hills Legacy Conservation Area

Only three percent of the native-prairie grasslands that once stretched from Canada to Texas remains today. Establishing a new easement-based conservation area by working with key ranching community partners will protect up to 1.1 million acres of North America's last landscape-scale tallgrass prairie. The Flint Hills area is also an important part of the conservation and recreation agenda of the State of Kansas. Rolling prairies provide ample hiking, biking, river, and equestrian trails. The state has partnered with a variety of government and private organizations to secure more than 70,000 acres of voluntary conservation easements in addition to 11,000 sq. miles that wind energy developers have agreed to conserve.

The Flint Hills plan calls for construction of the Flint Hills Discovery Center in Manhattan, an education-focused visitor center for the NPS Tallgrass Prairie National Preserve. The plan also calls for campsite and cabin improvements along the Flint Hills' trails, as well as development of a wetland-management plan to preserve crucial habitats. Kansas recognizes the importance of youth engagement and aims to create educational and interpretive opportunities throughout these facilities.

Kansas River Water Trail

The Kansas River, one of only three publicly navigable waterways in Kansas, flows for 170 miles through both urban areas and rural landscapes. The history of the Kansas River—sometimes locally known as the “Kaw”—includes significant events in the development and settling the nation. Lewis and Clark's Corps of Discovery camped at the confluence of the Kansas and Missouri rivers in 1804 and noted that the river was “navigable for 80 leagues.” The river valley provided a route for overland migration to California and Oregon. The United States military used the river route to establish Fort Riley and as a supply route between other frontier posts, like Fort Leavenworth. Significant riverside historic sites open for visitors include Fort Riley, The

First Territorial Capital, Historic Lecompton, Topeka, Kaw Point Park in Kansas City, and the Kansas History Center. The Kansas River historically linked these sites.

The Kansas River is a unique natural resource for Kansas and provides an attractive regional recreational opportunity. Over two million people live in the various cities and towns along the river, from the Kansas City metro area west to Junction City. The designation and development of a “Kansas River Water Trail” is a high priority for the Department of Wildlife, Parks & Tourism, and would be the state's first public water trail. Historically, the lack of river access sites has limited paddle sports in Kansas and forced people to travel to other states for these pursuits. Currently, there are 17 developed public access points on the river and another under construction. Last year, Kaw River State Park opened to the public in Topeka. Even with these developments, there are gaps in desired access points, including one 37-mile segment, which is significantly more than the 10–15 miles required for day trips.

The report will also include potential actions by Interior and its bureaus to support the projects identified. In Kansas, for example, the Department could provide financial and technical assistance to increase access to the Kansas River. The Department could also provide technical and financial assistance to the state of Kansas toward construction of the Flint Hills Discovery Center, Tallgrass Prairie National Preserve Visitor Center, and campsite improvements.

The Department of the Interior will work with each of its key bureaus – including the National Park Service, the Bureau of Land Management and the U.S. Fish and Wildlife Service – to direct available resources and personnel to make these projects a reality.

“The America's Great Outdoors Initiative turns the conventional wisdom about the federal government's role in conservation on its head,” Salazar said. “Rather than dictate policies or conservation strategies from Washington, it supports grassroots, locally driven initiatives.”

For more information on the President's America's Great Outdoors initiative, visit <http://americasgreatoutdoors.gov/>.



Putting Resources to Work

As unemployment rates hover near 10% across the country, jobs are on the mind of many Kansans. Individuals looking for jobs regularly turn to the classified ads and the Internet in the hope of a solid lead. In Wichita, however, citizens have another option: the City's Career Development Office (CDO).

The City of Wichita created its community action agency nearly 40 years ago, which is now known as the Career Development Office. The CDO collaborates with entities across Sedgwick County to help citizens in the Wichita-metro region become self-sufficient. Many of the CDO's programs are funded through the U.S. Department of Health and Human Services' Community Services Block Grant (www.acf.hhs.gov/programs/ocs/ssbg/). These federal funds are allocated to the state, and the Kansas Housing Resources Corporation (www.kshousingcorp.org/) sends the funds to Community Action Agencies like the CDO. Receipt of the funding requires adherence to the objectives of the funding—to eliminate the causes and conditions of poverty.

Citizens in Wichita must meet a number of requirements before they qualify for services from the office. Individuals must meet indigency requirements based on a six-month income history, and they must be residents of Sedgwick County. Once the individual has met the basic requirements, an employment specialist will provide the citizen in need with information about the CDO program.

After the initial meeting, a supervisor reviews the file and assigns a permanent employment specialist to counsel the citizen. The employment specialist assesses the applicant's interests and aptitude for employment. The specialist then reviews the individual's work history and prepares a career path.

As part of the process, individuals generally go through a two-week STAR workshop (Success Through Achievement and Responsibility), which prepares a person for a job search and life skills. Some of the areas of focus include improving cover letters, resumes, thank-you notes, and job-interview skills. The workshop also provides information on budgeting, problem solving, and securing childcare while working. Individuals in the program continue to search for a job while completing the workshop.

If person has not found a job after the two-week workshop, the Wichita CDO then helps with a formal job search. The office has a computer lab, which is important for the search process, as most program participants do not have a computer. Throughout the program, the employment specialist interacts with the customer on a weekly basis to provide counsel and evaluate how the search is proceeding. If the customer continues receiving interviews and no job offers, the employment specialist also contacts potential employers to evaluate interviews and provide feedback if there is a different approach that the customer might take.

Once a participant has secured a job, the employment specialist continues weekly meetings but with a new focus on job retention. The specialist helps the newly employed individual learn how to succeed in the workplace, particularly when conflict arises. The meetings continue for 90 days after employment. The specialists also occasionally have discussions with the employer during this 90-day period.

Depending on available funding, the City will occasionally provide participants with support services like bus passes and utility payments, but these provisions are rare and only occur in instances of high need. As CDO Program Coordinator, Michelle Cole Rucker, noted, "The focus of the program is to try to remove barriers to employment."

And removing barriers is exactly what the program did in 2010. The Career Development Office helped 239 individuals find permanent jobs. The office also counseled over 1,500 youth on improving their social skills and physical development. Each success by the office helped the metro region by moving individuals closer to self-sufficiency.

As part of the process, the Wichita CDO partners with over 75 local partners ranging from United Way to Workforce Alliance of South Central Kansas. The CDO also works with educational entities like Kansas School for Effective Learning (KANSEL) and Wichita Area Technical College, faith-based ministries like Catholic Charities and Inter-Faith Ministries, and government entities like the Department of Corrections. Each group coordinates their effort to help individuals better contribute to the community.

Wichita's CDO is the only publicly operated Community Action Agency in Kansas. And while most cities in Kansas may not have the resources to operate a career-development office, it is worth considering whether your city can help its citizens find gainful employment in other ways.

While financial resources may be scarce for cities, cities often have access to valuable information they can circulate and share with their citizens. Some cities have hosted a panel of local leaders to reveal tips for success and common errors that can hinder a candidate from getting hired. Cities can also look for opportunities to arrange a one-day event to provide people with résumé reviews or employment counseling by local business owners. And other select services that Wichita provides through their two-week STAR workshop could be modified as needed for other cities in Kansas. Though the scale is smaller, there are many ways that even the smallest city can collaborate with business leaders and provide a valuable service for the community.

 *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.*



Classified Advertising

Airport and Industrial Park Maintenance Supervisor

This position is responsible for the daily operations of the airport and industrial park. Candidates should have electrical and mechanical background; knowledge of or ability to learn and comprehend airport and industrial park operations and maintenance techniques, supervisory skills, FAA regulations, safety and security regulations. Experience in airport operations, general aviation or maintenance is preferred. Salary based upon qualifications. Complete job description is available at www.cityofliberal.org. Send resumes to City of Liberal HR, P.O. Box 2199, Liberal, KS 67905-2199.

Greensburg, Kansas City Administrator

Award-winning, innovative community seeks Administrator to advance vision of environmentally progressive “new” small town in rural America. Sustainability values guide rebuilding after 2007, EF 5 tornado destroyed the town. “Green” pioneer spirit, lively civic associations, stunning new public facilities, active cultural arts have combines to recreate rewarding place to live and work. Position has responsibilities for finance, purchasing employee supervision, policy recommendations. Low range of base salary \$70,000. Application letter with resume, salary history in one e-file, in confidence to recruitment advisor: mflientje@austinpeters.com. Preference to resumes received before December 5. Finalist subject to disclosure. See recruitment profile for qualification: www.greensburgks.org/government.

City Administrator

The City of Newton, (population 15,254) (www.newtongov.org) a growing full-service community in the central Iowa area, is accepting applications for the position of City Administrator. Salary \$85,000 - \$125,000 DOQ. The new City Administrator will be responsible for planning, organizing, and directing all City activities. Responsible for budgeting, long range planning, public relations,

and regulatory compliance, a \$22 million annual budget and approximately 110 full-time employees. BA and/or MA in public administration or related field with five (5) years of increasingly responsible managerial and/or supervisory experience. The successful candidate will be required to live in Newton. Send resume, references, and salary history by November 28, 2011 to:

City of Newton
c/o Jack A. Lipovac
HR-OneSource
5619 NW 86th Street, Suite 600
Johnston, IA 50131-2955
PH. (515) 221-1718
Fax (515) 327-5050
lipovacj@hr-onesource.com

City Administrator

Oakley, Kansas (pop. 2,045; \$3.5 million budget; 26 employees), a close-knit community with an agriculture history and a forward-moving future, is seeking a city administrator. Oakley is ideally located off of I-70 and Highway 83 in western Kansas, and the city recently completed a number of major capital-improvement projects. In addition, the City is now addressing new street and power-plant projects. Oakley is in the heart of the United States and offers a city committed to business and local growth. For additional community information, visit www.discoveroakley.com.

The ideal applicant will have a Bachelor’s Degree in Public Administration or a related field and at least three years of municipal-government experience, though a Master’s Degree is preferred. Public-sector work experience may serve as an education substitute. The successful candidate will have meaningful municipal-government and finance experience, while demonstrating open communication, patience, and accessibility. Oakley is seeking a community-oriented leader who promotes business, sound budgeting, and positive leadership. Candidates should communicate openly with the council and the community to form a strategy for success in Oakley.

Oakley is an Equal Opportunity Employer. Competitive benefits, Salary \$55,000 - \$65,000 depending on qualifications. Interested candidates should submit a cover letter, resume, and three work-related references to LEAPS-Oakley, 300 SW 8th, Topeka, KS 66603. If confidentiality is requested, please note in application materials. Position will remain open until filled. Application review will begin December 6, 2011.

City Manager

The City of Maryville is located in Northwest Missouri with a population of approximately 12,000 and is a full-service city offering its citizens a high level of services. Under general policy guidance from the City Council, the City Manager will oversee day-to-day operations and ensure all laws and city ordinances are enforced, and perform related duties as assigned by the City Council. Qualifications: Bachelor’s degree in Public Administration, Business Administration, or closely related field required. A Master’s degree is highly desirable. At least 5 years city management experience or closely related governmental experience. Starting salary is \$71,045.64-\$113,577.19 DOQ with full benefits. For a complete job description and list of benefits please visit www.maryville.org. Send resume, cover letter, and detailed salary history to Human Resources Manager, Amy Strough via email at astrough@maryville.org or by mail to P.O. Box 438, Maryville, MO 64468 by December 5, 2011. AA/EOE.

City Prosecutor

The City of Salina’s Municipal Court is dedicated to assuring equal access, fair treatment, and just and efficient adjudication of alleged violations of city codes for all people. With a passion for public service, the City Prosecutor will prosecute all violations of city code along with appealed cases in Saline County District Court, Court of appeals, and/or Kansas Supreme Court. Education: Juris Doctor degree from accredited law school. Minimum qualifications: Two (2)



Classified Advertising

years experience as practicing attorney, preferably in criminal law with substantial trial experience; licensure to practice law in Kansas. Desired qualifications: Four (4) years experience practicing law with a supervisory/administrator background. Residency: Must live within 40-minutes response time; possess valid Kansas driver's license. Salary: \$56,170-87,064, dependent upon qualifications & experience. For more information or to apply, go to www.salina-ks.gov or contact Human Resources at (785) 309-5710. The City of Salina is committed to professional ethics, customer service, and excellence. EOE.

Director of Rural Operations

The Hamilton County Board of County Commissioners is seeking applications for a Director of Rural Operations; duties include but are not limited to supervision of the Road and Bridge Department, Solid Waste Department, and Noxious Weed Department. Job description available upon request.

Minimum Qualifications:

Direct relevant education and experience in related field. Thorough knowledge of road construction and maintenance, solid waste operations, and noxious weed/prairie dog control.

Salary \$50,000 to \$60,000 annually DOQ, full family health insurance, and KPERS retirement. Hamilton County is a participant of the Kansas Rural Opportunities Zone program which offers a 5-year state income tax rebate and student loan forgiveness. Send cover letter and resume to Hamilton County attn: John Kennedy, PO Box 1167, Syracuse, KS 67878 or email hmcoecon@gmail.com. Call (620) 384-7317 for more information.

Hamilton County is an EOE.

Finance Director

Shawnee, KS, (pop. 62,209) is seeking a results oriented and experienced Finance Director to join our team. The Finance Director manages a city budget of approximately \$79.8 million and will serve as the primary financial resource to the City Manager and staff. He/she serves as the City

Treasurer and is responsible for managing all aspects of the Finance Department to include the Municipal Court.

The successful candidate will hold a Bachelor's Degree with major course work in business, finance, accounting, or public administration. A Master's Degree is preferred. A minimum of 10 years experience in a public finance position is required with 5 years of progressively responsible experience in executive management of a public organization. Residency within Shawnee must be established within 1 year of hire. The City offers a comprehensive benefits package. Salary range: \$95,460 - \$113,200 (DOQ).

First review of applications 12/01/2011 (open until filled.) Submit cover letter, resume, salary history, and four work-related references to shawnee@springsted.com or to David Unmacht, Senior Vice President, Springsted Incorporated, 380 Jackson Street, Suite 300, Saint Paul, MN 55101.

Visit <http://tinyurl.com/COSFinanceDirector> for more information or contact Liz Crawford, Shawnee HR Manager, at (913) 742-6241.

Fire Chief

Blackwell, Oklahoma (pop. 7,500), Council/Manager, is recruiting applicants for the position of Fire Chief. Reports to City Manager. Blackwell FD provides fire, EMS, and Haz-Mat services to Blackwell and community.

Experience: 10 or more years of firefighting with 5 or more years of supervisory firefighting experience. EMS/Haz-Mat experience preferred.

Education: High School diploma or GED and a technical degree or college degree required. Bachelor's degree in Fire Science or related field and completion of the Executive Fire Officer program is preferred. A valid Driver's License is required.

Technical Skills: Thorough knowledge of fire suppression techniques, safety procedures, Fire & Life Safety Code Enforcement and personnel management is required. Able to operate computers, telephone systems, two-way radios, and firefighting equipment. The ability to

prepare reports and memos, to understand and anticipate problems, to understand and develop department policies and procedures, and to interpret written instructions, manuals, reports, local, state and federal fire codes, and department files is required. This employee should possess excellent public relation, supervisory, organizational, managerial, oral and written communication skills. Employee should have knowledge of preparing and executing a budget.

Beginning salary is dependent on experience and qualifications. Benefits Include: OP&F State Retirement, 10 paid holidays, 2 weeks vacation, 12 days of sick leave, single health insurance plans with subsidized dependent plan, and life insurance.

This position is being offered due to the retirement of the current Fire Chief. The position will be available 2/1/12. Interested applicants shall submit a current resume, 3 work related references and 3 non-work, non-family related references to City of Blackwell, 221 W. Blackwell Ave., Blackwell, Oklahoma 74631 Attn: Juanita Purdy.

Utility Superintendent

Dedicated professional needed to serve as the City of Salina's Utility Superintendent. Duties will include performing technical supervisory & administrative work in directing the operation/maintenance of the water distribution & wastewater collection systems. Education: Bachelor's degree in Sanitary or Civil engineering, or related field. Experience: Two (2) years supervisory capacity; eight (8) years of progressive experience in water distribution and/or wastewater collection systems operations & maintenance, or related work. Requirements: Possession of Kansas Class III Wastewater Treatment Facility Operator Certificate or Kansas Class III Water Supply System Operator Certificate, or obtain within one (1) year after KDHE examination eligibility; valid Kansas CDL. Pay: \$44,179-68,474/yr. DOQ. We value a commitment to excellence, ethics, and customer service. For more info. or to apply, go to www.salina-ks.gov.



Professional Services

Architecture, Engineering & Planning

BOWMAN BOWMAN NOVICK INC

Manhattan Kansas 785.776.4912
Kansas City Missouri 816.753.2550

Architecture • Landscape Architecture • Urban Planning
www.bbnarchitects.com

Our solutions help you create sustainable buildings and public facilities that are fiscally and environmentally responsible.

TRANE
www.Trane-KansasCity.com

8014 Flint, Lenexa, KS
Ph: (913) 599-4664
Fax: (913) 599-4669

Public Sector Consultants
Keven.Ward@Trane.com
Chad.Remboldt@Trane.com

Burns & McDonnell
SINCE 1898

9400 Ward Parkway
Kansas City, MO 64114
816 333-9400 • Fax: 816 333-3690

3839 Dora
Wichita, KS 67213
316 941-3921 • Fax: 316 941-4730
www.burnsmcd.com

- Roads & Bridges
- Water & Wastewater
- Storm Water
- Hazardous & Solid Waste
- Electric Power
- Airport Facilities
- Resource Recovery
- Air Pollution Control

PROVIDING COMPLETE ENGINEERING SERVICES FOR OVER 40 YEARS

CFS Cook, Flatt & Strobel
ENGINEERS, P.A.

PROFESSIONAL SERVICES:

- HIGHWAY ENGINEERING
- ROADWAY/STREET DESIGN
- TRAFFIC ENGINEERING
- WATER/WASTEWATER
- BRIDGE DESIGN
- DEVELOPMENT SERVICES
- CONSTRUCTION ENGINEERING
- SURVEYING

2930 SW Woodside Drive
Topeka, Kansas 66614
785.272.4706

Other Offices:
Kansas City, MO • Wichita, KS
www.cfse.com

KEARNEY

MA
Miller & Associates

THE ART OF ENGINEERING

308.234.6456
www.miller-engineers.com

Kearney, NE • Holdrege, NE
Grand Island, NE • McCook, NE • Colby, KS

CIVIL
MECHANICAL
ELECTRICAL
STRUCTURAL
WATER
WASTEWATER

Applying Science
Creating Quality of Life

PEC
SCIENCE APPLIED

www.pec1.com

creating remarkable solutions

GBA
architects
engineers

9801 Renner Boulevard, Lenexa, KS 66219 913.492.0400 www.gbateam.com

Tran Systems

EXPERIENCE | Transportation www.transystems.com

CIVIL, LAND DEVELOPMENT,
PLANNING, ENERGY,
DRAINAGE, SURVEYING,
LANDSCAPE ARCHITECTURE

WATER RESOURCES,
MECHANICAL, ELECTRICAL,
STRUCTURAL, TRANSPORTATION

MKEC
ENGINEERING
CONSULTANTS, INC.

KANSAS CITY OKLAHOMA CITY WICHITA
www.mkec.com

EEI Earles Engineering & Inspection, Inc.

Salina, KS Liberal, KS
785-309-1060 620-626-8912
Fax 785-309-1061 620-626-5408
Email: earlesinc@earleseng.com

Design of water, sewer, drainage, streets, bridges, wells, pump stations, wastewater treatment, and surveying, construction inspection and testing, including QA/QC

RIGGS ASSOCIATES
PLANNERS • LAND PLANNERS • LANDSCAPE ARCHITECTS

- ▶ Comprehensive Planning
- ▶ Land Use Regulations
- ▶ Annexation Studies
- ▶ Subdivision Design
- ▶ Resource Evaluation
- ▶ Landscape Design
- ▶ Corridor Analysis
- ▶ Park Planning

P.O. Box 147 Lindsborg, Kansas 67456
Phone/Fax: (785) 227-3787

py PONZER-YOUNGQUIST
Consulting Engineers & Land Surveyors

*Engineers serving
Kansas communities
since 1973*

227 E Dennis Ave. • Olathe, KS 66061
913-782-0541 • Fax 913-782-0109
www.pyengineers.com

Architecture, Engineering & Planning

Shafer, Kline & Warren, Inc.
Forming Partnerships. Delivering Results.

- Engineers
- Land Surveyors
- Land Planners
- Construction Observers
- Landscape Architects

Kansas: Iola | Lenexa | 913.888.7800 | www.skw-inc.com

Kansas GOVERNMENT JOURNAL

Advertise Today
Call
(785) 354-9565



WILSON & COMPANY

- Water / Wastewater / Stormwater
- Transportation Planning & Design
- Mechanical & Electrical Engineering
- Structural Engineering
- Architecture
- Surveying, Mapping & GIS

HIGHER Relationships

Salina - 785.827.0433
Kansas City - 816.701.3100
www.wilsonco.com

BWR
Right in the Center
engineering | architecture | planning

Salina
785.827.3603
Kansas City
816.363.2696
www.bwrcorp.com

Attorneys

COLLECTION AGENCY EFFORTS



LEGAL PROCESSES

NEWMAN, REYNOLDS & RIFFEL, P.A.

A powerful combination of collection agency strategies and proven legal tactics

Collect your accounts!
1-866-954-6800

in partnership with
LML Payment Systems Corp.



Professional Business Advertising
Call (785) 354-9565 today.

Auctions

Turn what you have into what it's worth.

Sell equipment
- vehicles
- surplus

purple wave auction®

1.866.608.9283 www.purplewave.com



HOLBROOK & OSBORN, P.A.

Commerce Plaza II
7400 W. 110th St., Ste. 600
Overland Park, Kansas

Phone: 913-342-2500
Fax: 913-342-0603

www.holbrookosborn.com

Holbrook & Osborn represents public entities on a variety of legal issues:

- * PUBLIC FINANCE
- * REAL ESTATE
- * CONSTRUCTION
- * LITIGATION
- * PLANNING/ZONING
- * NEGLIGENCE
- * PUBLIC CONTRACTS
- * EMPLOYMENT
- * EMINENT DOMAIN
- * CIVIL RIGHTS
- * EDUCATION

Reid Holbrook / Jeff Bullins
Attorneys

eGovernment Services

KANSAS.GOV

Delivering Successful eGovernment Solutions

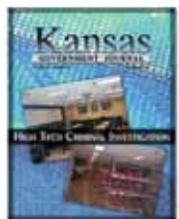
www.kansas.gov/partner

- Web Application Development
- Web Site Development
- eCommerce & Secure Payment Processing

1.800.4KANSAS

Kansas GOVERNMENT JOURNAL

Advertise Today
Call
(785) 354-9565



Financial & Investments

Jim Heinicke, LLC
Pathways to Realistic Solutions
www.jimheinicke.com

(316) 573-9903 • 501 Mead • Newton, KS 67114 • jim@jimheinicke.com

Municipal Consulting • Economic Development • Planning • Finance



DEWAAY™
FINANCIAL NETWORK

245 N. Waco, Ste. 545
Wichita, KS 67202
(316) 265-9411
(800) 444-9411 toll free
(316) 265-9415 fax

Contact:
Mark Deter: mdeter@DeWaayFinancial.Net
Terry Everson: TEverson@DeWaayFinancial.Net

- Full Service Financial Advisors
- Full Service Broker / Dealers
- Municipal Bond Underwriting
- Financial and Capital Planning Services

Member FINRA / MSRB / SEC
Office of Supervisory Jurisdiction, 4425 Main Street, Suite 800, Kansas City, MO 64111

Personnel Services



EMPORIA

Front Porch to the Flint Hills

For Meeting & Convention Venues, Group Tour and Event Planning, call Susan at 800-279-3730 or email srathke@emporiakschamber.org

Emporia Convention & Visitors Bureau
719 Commercial, Emporia, Kansas 66801
www.emporiakschamber.org

Meet us here!

Utilities

Natural gas system design, construction, maintenance & operations services for cities.

For information contact lezli.root@blackhillscorp.com or call **785-832-3925**



80/11-80-11-80

KANSAS MUNICIPAL UTILITIES
101 1/2 N. Main Street
McPherson, Kansas 67460
ph 620-241-1423 • fx 620-241-7829
kmu@kmunet.org • www.kmunet.org

The Core of Community

A more comfortable, safe and sustainable world.

Johnson Controls

Cris Christenson 913-217-0482
cris.allen.christenson@jci.com

For information about advertising in the *Kansas Government Journal*, call (785) 354-9565

Advertise HERE

Leverage money already in your budget to fund energy efficiency and infrastructure upgrades.

Call 866-822-4636 or visit www.schneider-electric.us/go/performancecontracting

15200 Santa Fe Trail Drive
Suite 204
Lenexa, KS 66219

Water/Wastewater

Local Service, Nationwide

Greg "Muddy" Waters
Meter Specialist

11510 Strang Line Road
Olathe, KS 66062
Phone: 913-469-5820
Fax: 913-469-5825

8405 Irving Street
Wichita, KS 67209
Phone: 316-721-1696
866-225-7872
Fax: 316-721-2813

Call: 913-424-4300
800-892-4304 • 800-821-4306
waterworks.hdsupply.com



Professional Business Advertising

Call (785) 354-9565 today.

PLACE A NEW AD IN THE KANSAS GOVERNMENT JOURNAL TODAY!

THE ONLY STATEWIDE PUBLICATION FOR CITY, COUNTY, AND STATE GOVERNMENT OFFICIALS.

RATES START AT ONLY \$275.

CONTACT KATE COOLEY AT kcooley@lkm.org OR (785) 354-9565.



The Sign



As faithful readers of this column know, I have long been a fan of public auctions. I can remember going to them as a child with my folks and enjoyed doing them by myself since I was a young man through present day. Usually I just go to an auction that seems interesting to see if there is anything that piques my fancy. Occasionally, I will see something that I am interested in bidding on in a sale bill or an online listing. I had this

occur a few weeks ago, and I thought I would tell you the story.

After scanning some online listings for Kansas auctions, I ran across a farm auction in rural Saline County which was the prototypical farm auction. They were selling out one generation's farm equipment, tools, vehicles, and all manner of things that go with a farm operation in Kansas. What caught my eye in this particular auction was the fact that there were two vintage Texaco Gasoline Station signs which were included as part of the offering. The signs in question were clearly old and somewhat ornate. At least one of the signs was clearly the main station sign which would typically be featured on a very large pole immediately in front of the gas station, several generations ago. They both looked interesting, and seemed to be in pretty good shape, so I decided I would make the journey to the greater Salina area and attend this particular sale on a cool, but not cold, Saturday.

So, I headed out to Salina. As it turned out, there were only two old boys in feed hats, along with this old boy, who were interested in bidding on the two signs. Now as it happened, and unbeknownst to me from the materials and descriptions which I found online, while both of the signs were absolutely genuine, porcelain gasoline station signs, only one of them was a two-sided sign. The two-sided signs, of course, were the ones that stood out front adjoining the street so that a motorist traveling in either direction who passed the station could easily see what kind of gasoline was being sold at that particular station.

The second sign, which was also very nice, turned out to be a single-sided porcelain sign which would have been attached to an outside wall of the station. This fact made it both less interesting and less valuable, because only one side of the metal had the porcelain design for Texaco oil and gas.

Upon examination of the two-sided sign, I was able to find the date mark, which appears on this particular sign in a very tiny font at the very bottom. This mark (6/35) indicated that the sign had

been manufactured in June of 1935. So without too much waiting around, as the signs were sold after the first three flatbed trailers of farm stuff had been sold, I was entered into a bidding war of sorts with two other fellows who were also interested in hanging that particular sign on their wall. But, as expected, neither of them was particularly interested in, nor committed to this process, and so as good fortune would have it, the vintage Texaco sign now hangs in a prominent place on the north wall of my newly cleaned garage. I have to say that it looks great, and I considered myself fortunate to have purchased it at a large discount.

As I had purchased this sign, it stimulated my interest in looking for other signs that might be of this general size or shape as this one. This sign, which is 42 inches in diameter, and very heavy given the porcelain on both sides of the metal, is interesting



and indicative of a time and place that has come and gone in our country. But it reminds me of the diversity and the history that exists in this great state of ours. We just completed the western swing, as it is called here at the League, for our regional suppers. We had our first regional supper in Oakley, and the second regional supper was in Cimarron. The remaining suppers will be in Iola, Canton, Belleville, and Leawood.

As we travel around during the regional suppers we will stop in at city halls along the line of march to talk with city officials and to leave some League materials. One of my favorite things to do is to drive through the communities that we visit on our travels around Kansas. I have done this for years at regional suppers and whenever on League business, or when just out with my family. I love to drive through the communities of Kansas and look at how they have grown and adapted to an ever-changing world. What is interesting, and what I find compelling in this great state, is the fact that Kansans, and Kansas city officials, continue to find new ways to make their communities both appealing and successful. They are always looking for ways to turn something that might be a current liability into a future asset. There is always an attempt to take old existing buildings and turn them to new and different uses which will be productive in this new century of ours.

The regional suppers provide an opportunity for League staff to get around the state, break bread with city officials and Kansas legislators, and to discuss the upcoming legislative session. It is always a positive experience when we are out on the road. I look forward to seeing you, if not at a regional supper, then at some other event in the not too distant future. Also, please know that I will be keeping an eye out for interesting old gasoline signs that might go well in, or on, the Moler garage.

Get Control. Get KMIT.

LET US WORK FOR YOU!

KMIT

www.kmit.net



Providing workers' compensation coverage to Kansas cities

Enhances a safe workplace
Provides claims management
Delivers cost-effective loss prevention

- **Risk Management** — A team of loss-control specialties conducts free, annual, on-site safety inspections and provides a variety of risk-management services.
- **Claims Management** — “Dedicated” claims adjustment, with one individual handling all claims, resulting in efficient and effective claims processing.
- **Safety Publications** — *City Safe*, a quarterly publication, helps train employees in workplace safety. *CompControl*, a quarterly newsletter, is filled with up-to-date workers' comp information, safety tips, pool news, and more.
- **Annual Contribution Discounts** — Members earn discounts based on safety records and participation in KMIT safety programs.

KMIT is a workers' compensation program endorsed by the League of Kansas Municipalities and the Kansas Municipal Utilities Association.

Contact the League of Kansas Municipalities for more information.
(785) 354-9565 • dosenhaugh@cox.net

