

Kansas

GOVERNMENT JOURNAL

VOLUME 98-NUMBER 9

SEPTEMBER 2012

Inside:

Cities Work Together to Support Airports

Revitalizing A Historic Community

Forgotten Park to Beautiful Recreation Area



PHOTOS WANTED

The League of Kansas Municipalities is seeking new photos to add to the photo database. Photos will be used for our ANNUAL LEAGUE CALENDAR, on the website, or in other publications. Send your best city photos to photos@lkm.org. Please make sure all photos are sized at least 300 ppi for best quality printing. Questions? Contact Amanda Schuster at aschuster@lkm.org or (785) 354-9565.



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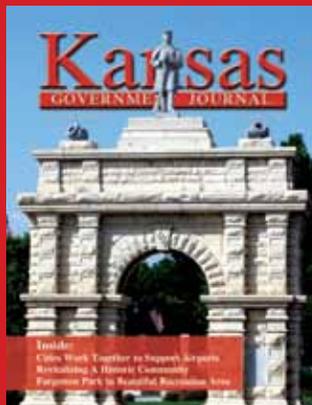
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About the Cover:
 The Civil War Arch located at the northeast entrance to Heritage Park in Junction City. See related article, beginning on page 277. *Photo by the Geary County Convention & Visitors Bureau.*



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 \$40 annually. Subscriptions for League member cities and research subscribers are \$20 annually. Individual issues cost \$5, with an additional \$5 charge for the Tax Rate Book edition.

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

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October

- 23 - Regional Supper, Liberal
- 24 - Regional Supper, WaKeeney
- 30 - Regional Supper, Kansas City

November

- 1 - Regional Supper, Mount Hope
- 7 - Regional Supper, Neodesha
- 8 - Regional Supper, Minneapolis
- 9 - MLA: Sexual Harassment, Webinar
- 10 - MLA: Sexual Harassment, Webinar
- 22 - Thanksgiving

December

- 14 - LKM Governing Body Meeting, Topeka
- 21 - KMIT Board of Trustee Meeting, El Dorado
- 24 - Christmas Eve
- 25 - Christmas Day

Obituaries

John Dayne Afton, 88, died August 11, 2012, at Wesley Medical Center in Wichita. Afton had served one term on the Benton City Council and one term as Mayor. He worked as a maintenance technician for the Coleman Company for 43 years. He also repaired televisions in his spare time.

The Honorable Charles E. Andrews, Jr., 65, died July 5, 2012. Andrews was appointed as a Shawnee County District Judge by then Governor Mike Hayden. He served the public as a District Judge until 2012. During his judicial career Charlie handled all types of civil and criminal cases.

Isadore "Izzy" E. Bombardier, 91, died May 20, 2012, at Wesley Medical Center in Wichita. Bombardier was an active community citizen and served several terms as Mayor of Concordia. He also served on the Concordia City Commission, Cloud County Community College Foundation Board of Directors, and the Cloud County Health Center Foundation Board. In 1965, he began Izzy's Heating & Air Conditioning and operated the business for 20 years until he retired and sold the business to his son.

Kathy Y. Tickle Bard, 47, died July 6, 2012, after a courageous battle with cancer. Bard was the Assistant City Administrator for the City of Tonganoxie for the last 12 years and had previously worked for the City of DeSoto. She completed the Certified Public Manager Program in 2010 from the University of Kansas. She was instrumental in creating the Emergency Disaster and Contingency Plans for the Cities of DeSoto and Tonganoxie. She was also a Certified Grant Administrator and was instrumental in the financing and planning of the Tonganoxie City Pool and walking trails.

Bernard J. "Bud" Richstatter Sr., 84, died July 6, 2012, at St. Mary's Manor. Richstatter served as Mayor and City Commissioner for the City of St. Mary's. He worked for 30 years at Goodyear Tire and Rubber, for 15 years at Luce Press Clippings, and for 10 years at Jeffrey Energy Center. He was a member of Immaculate Conception Catholic Church and a Fourth Degree member of the Knights of Columbus.



KDOT Selects 35 Projects for KLINK

Thirty-five projects totaling \$11.7 million in overall cost and \$6.3 million in state funds have been selected for funding under the Kansas Department of Transportation's 2014 city connecting links (KLINK) resurfacing program.

"KLINK projects are important to communities statewide providing funding to address roadway surfacing needs on city connecting links of the State Highway System," said Secretary of Transportation Mike King. "Projects range in scope from surface replacement and overlay to minor patching and joint repair."

Through the Local Partnership Program, the State's participation in the cost of the project is 75% for cities with a population of less than 10,000 or 50% for cities with a population of 10,000 or greater, up to a maximum of \$200,000.

A complete list of all the projects can be found online at http://www.ksdot.org/PDF_Files/KDOTannounces2014KLINKprojects.pdf or by visiting www.ksdot.org.

Kansas Named Top 10 "Pro-Business State"

Pollina Corporate Real Estate Inc., announced that Kansas has been named a top 10 "Pro-Business State" for 2012. The annual ranking is compiled by Pollina, a global real estate brokerage and consulting firm, and the American Economic Development Institute. The ranking is based on 32 factors controlled by state government, including taxes, human resources, education, right-to-work legislation, energy costs, infrastructure spending, workers compensation laws, economic incentive programs, and state economic development efforts.

The top 10 states for 2012 are: 1. Utah; 2. Virginia; 3. Wyoming; 4. North Dakota; 5. Indiana; 6. Nebraska; 7. South Dakota; 8. Kansas; 9. Missouri; and 10. Oklahoma.

Kansas Commerce Secretary Pat George cited the enactment of major tax reform that eliminated most non-wage income on small

businesses and lowered tax rates for individual Kansans as a major boost to the State's efforts to expand the economy and add jobs.

Brent Pollina, Vice President of Pollina Corporate Real Estate and co-author of the ranking, said that Kansas has proved why it has a reputation for understanding the needs of business. In 2004, Kansas was ranked No. 23 in the survey.

Since January 2011, there have been almost 21,000 jobs created, almost 4,000 jobs retained, and \$2.8 billion in capital investment in the state, according to Department data.

In addition to the recognition by Pollina, *Area Development* magazine recently gave a Silver Shovel Award to Kansas. The award recognizes state economic development agencies that drive significant job creation. *Forbes'* also ranked Kansas 12th in the publication's most recent "Best States for Business" report.

Kansas Apprenticeship Programs Recognized

The Federal Office of Apprenticeship has designated several state Registered Apprenticeship programs as "innovating and trailblazing," including two in Kansas.

The Early Childhood Associate Apprenticeship (ECAA) Program and the Health Support Specialist Program were highlighted recently as programs that incorporate innovation and commitment to helping people find and keep jobs.

The ECAA Program serves individuals working in childcare and early education. Currently, 10 community colleges in Kansas provide training for this program, which results in apprentices earning the Child Development Associate (CDA) certification, a nationally recognized entry level credential to enter early child care and education occupations. A School-to-Registered Apprenticeship program also was developed in Kansas where high school students can complete the CDA by working part-time during the school year or summer with a registered ECAAP sponsor. That experience

results in the students earning a CDA upon graduation, advanced placement in the ECAAP program, and a head start in earning a college degree.

The Health Support Specialist program helps Temporary Assistance for Needy Families recipients, disabled veterans, and others find jobs in the health care field. The program allows adult care facilities to train new and current employees to provide care to elder adults living in a household/adult care residential facility.

In 2010, the Kansas Department of Commerce was awarded a \$15.3 million Health Professions Opportunity Grant for the Kansas Health Professions Opportunity Project (KHPOP). The Registered Apprenticeship program was a part of KHPOP, which allows for training opportunities for those identified as low income. Qualified candidates receive support in the form of education, training, child care consideration, GED assistance, and career coaching and counseling.

Schools Earn National Honors

The U.S. Department of Education has named a half-dozen schools in Kansas as National Blue Ribbon Schools for their efforts to improve student achievement.

The schools honored include: Basehor-Linwood High School; Blue Valley High School in Stilwell; Garden City High School; Goddard High School; Marshall Elementary in Eureka; and St. Thomas Aquinas High School, a private Roman Catholic school in Overland Park.

Blue Ribbon schools are honored as high-performing schools based on state assessment scores, or as exemplary improving schools that have shown progress in helping disadvantaged students improve on state tests.

Marshall Elementary and Garden City High School were chosen as exemplary improvers. The other four were noted for high performance.



Burying the Hatchet

Rival Cities Work Together to Support Each other's Airports

| by Ashley Freburg |

One of the fiercest rivalries in southwest Kansas will be on display this October when the Garden City Buffaloes travel to Dodge City to take on the Red Demons in the Hatchet Game—a high school football tradition that dates back to 1938. While conventional wisdom says to bury the hatchet after an argument, here in southwest Kansas it is proudly displayed as a trophy by the contest's victor.

The competition between Dodge City and Garden City goes beyond the gridiron. The two communities have long been rivals in business as well. Area leaders knew it would be no small feat for the two cities to work together on a project that would solve a decades-long problem and benefit all of southwest Kansas.

“That’s been going on for a long time,” former Garden City Mayor Reynaldo Mesa said of the rivalry. “It’s a natural thing that takes place. It does transfer to other areas pertaining to business and trying to attract folks to southwest Kansas. It should be no surprise that we’re going to compete hard to bring people to this part of the state.”

Despite their differences and competitive past, the communities were able to work together to provide convenient, affordable regional air service for residents of southwest Kansas with Dodge City Regional Airport offering flights to Denver and Garden City Regional Airport offering flights to Dallas/Fort Worth. For Garden City, service to Dallas had been a community goal for more than 30 years. It had never been accomplished because it required a regional jet, and the option had never been financially feasible.

Efforts to transition service from Denver to Dallas were revitalized in August 2010 when city staff discussed Essential Air Service during a meeting with the City Commission. In the months following, an air service analysis was conducted by an independent consulting firm focusing on the top destinations for local passengers as well as the leakage of passengers utilizing other airports. The study supported what other studies had consistently shown for years—Dallas was

one of the top destinations for Garden City travelers, and many other top destinations would be better served by a southern hub.

In April 2011, the U.S. Department of Transportation requested air service proposals from air carriers to serve the communities of Garden City, Dodge City, Liberal, Hays, and Great Bend—cities that are all under the same Essential Air Service contract. In May, proposals were returned, including a proposal from American Eagle to serve Garden City with regional jet service to Dallas/Fort Worth.

“Each community looked over the proposals,” said Rachele Powell, Director of Aviation at Garden City Regional Airport. “We had conference calls to let everyone know what each other’s thoughts were. From there, we gathered the opinion that southwest Kansas should have another air service destination instead of all of us going to Denver.”

“In our minds, we were left with Great Lakes and American Eagle as potential air service providers,” Powell said. “More than 30 years of air service study results strongly supported a southern route to Dallas as being a top destination/connection airport. We had to come up with a way to make the American Eagle bid comparable to the Great Lakes bid in order to get the service awarded.”

Though it was nearly \$1 million more expensive, the Garden City Commission unanimously endorsed the proposal submitted by American Eagle. Following the Commission’s decision, several discussions between Garden City and Dodge City officials ensued to identify opportunities to form a partnership and submit a regional air service strategy for consideration of the Essential Air Service Division of the U.S. Department of Transportation. The proposal needed to be one that would not dramatically impact the distribution of funds allocated on a national level.

In June 2011, Garden City submitted an application to the Kansas Affordable Air Fares Program, managed by the Regional Economic Area Partnership (REAP) of South Central Kansas, to help offset

Photo left: The inaugural American Eagle Flight from Dallas/Fort Worth to Garden City touched down at Garden City Regional Airport April 3, 2012. Representatives from Garden City and Dodge City, as well as representatives from local and state agencies, were on hand to witness the first flight. Taking part in the ribbon cutting ceremony were, from left: State Representative Reynaldo Mesa, Martha Ruiz-Martinez (representing Senator Pat Roberts), Mike Zamrzla (representing Senator Jerry Moran), Garden City Commissioner Chris Law, Garden City Commissioner Dan Fankhauser, Dodge City Commissioner and League of Kansas Municipalities President Jim Sherer, Garden City Manager Matt Allen, Garden City Mayor Rick Sowers, American Airlines Representative Brett Hooyerink, Garden City Mayor John Doll, American Airlines Pilot Randy Davis, American Airlines Representative Will Livsey, Kansas Senate President Steve Morris, Kansas Department of Transportation Secretary Mike King, Garden City Commissioner Dave Crase, and Garden City Commissioner Roy Cessna. Photo provided by the City of Garden City.

the difference between American Eagle's \$3,252,359 proposal to provide service to Dallas and Great Lakes' \$2,329,498 proposal to provide service to Denver. The application had the support of Dodge City, and the project was awarded \$250,000. However, Garden City's relationship with Dodge City was tested two months later when Dodge City was asked to give up funding and hand it over to their Friday night rival. A proposal that would have reduced Great Lakes' service to Dodge City in order to help close the funding gap for Garden City and American Eagle was rejected by the Commission with a 3-2 vote.

"It took me a little off guard, as we moved toward the first vote on EAS funding, that there was such a strong desire not to give anything to Garden," said Dodge City Mayor Rick Sowers. "My interpretation was this centered around the classic Dodge-Garden or Garden-Dodge sporting rivalry.

Later the same month, a new proposal was offered before the Dodge City Commission. The proposal provided an opportunity to forge a regional partnership aimed at securing regional jet service to western Kansas and providing maximum access to the nation's air transportation network. The proposal, which included Dodge City forfeiting one daily flight, was approved by the Commission.

and the reallocation of funding associated with Dodge City's forfeited flight.

"This was a huge accomplishment for southwest Kansas, and it never could have happened without a major league partnership," Allen said.

The agreement between the two cities was called the first-of-its-kind by the U.S. Department of Transportation. However, the groundwork for the partnership had been laid several years earlier with the formation of the Southwest Kansas Coalition (SKC), a regional advocacy group consisting of the elected City Commissions of the City of Liberal, the City of Dodge City, and the City of Garden City. The group formed in 2008 with the goal of identifying common needs of the southwest Kansas area and cooperatively establishing and actively advocating policies that address needs and promote the common economic development of the entire region. When the Essential Air Service topic was raised, trust, cooperation, and friendship among the communities' leaders had already formed.

"I think without the opportunity to meet with the commissioners from each city within the SKC prior, and working for the last three years on a legislative policy, it would have been impossible to break past the barrier of the Dodge-Garden rivalry," Sowers said.



Garden City Airport



Dodge City Airport

"Being able to provide air service to Dallas and at the same time preserve service to Denver, we were able to provide the travelling public of southwest Kansas, connections to two major hub airports, which in turn provided connections to anywhere in the world," Dodge City Manager Ken Strobel said of the Commission's decision.

Garden City Manager Matt Allen credited Strobel for a lot of the work creating the air partnership.

"I got word of the first vote the night it happened directly from Ken," Allen said. "I honestly felt worse for him than I did for what appeared to be the failed plan. Ken is the patriarch of western Kansas Essential Air Service and he poured his heart and soul into this concept on behalf of all of us. It may have made it even more joyous when the revised plan passed a few days later."

By the end of August, a joint recommendation was sent to the Department of Transportation with the support of Dodge City, Garden City, and the State of Kansas. The proposal identified the solution to Garden City's \$1 million funding gap as a combination of grant funds awarded by the Regional Economic Area Partnership

Mesa, who has served as State Representative, was a driving force for the formation of the Southwest Kansas Coalition when he was a Garden City Commissioner.

"I'm grateful for the relationship between Garden City and Dodge City and the governing bodies because they were able to make the air partnership happen," Mesa continued. "That's exactly why the SKC was put together."

November 14, 2011, marked a historic gain for the region when the U.S. Department of Transportation issued a finalized order to select American Eagle Airlines as the federally subsidized air service provider between Garden City and Dallas. The finalized order also selected Great Lakes Airlines as the air service provider for Dodge City, among other communities, with service to Denver.

Service from Garden City to Dallas/Fort Worth began April 3, 2012. Representatives from Garden City and Dodge City, as well as representatives from local and state agencies, were on hand to witness the first American Eagle jet touch down in Garden City. Since the transition, enplanements at both Garden City Regional Airport

Garden City High School Head Football Coach Brian Hill and Garden City Commissioner John Doll show off the Hatchet won in the Buffalo's annual game against Dodge City last fall. The Hatchet will be up for grabs again in October. Photo provided by the City of Garden City.



and Dodge City Regional Airport have increased. July enplanements at Garden City were up 47% from July 2011 numbers. This increase, Powell said, can be attributed to both airports providing service to passengers who used to drive out of state to catch a flight, primarily to Colorado or Texas.

“Passengers are also filtering in from bordering states to utilize the service,” Powell said. “There are often vehicles in the airport

parking lot with Colorado and Oklahoma tags. Not only does the regional service benefit southwest Kansas, but it benefits the state.”

What started out as a sacrifice by Dodge City has turned into a huge gain for the residents of all of southwest Kansas, officials have said. July enplanements at Dodge City were up 41% from July 2011.

“Flights and passenger counts seem to be working out very well,” Sowers said. “We have increased passengers substantially, and recently we added back the flight we gave up, but this time there is no extra subsidy for this flight. I understand Garden is on a record pace for passengers and I can’t be more proud of the fact that working together both Garden and Dodge cities have improved transportation in the entire southwest Kansas area,” Sowers said.

Former Garden City Mayor and current Commissioner John Doll emphasized the importance of working in cooperation with their rival city throughout the transition.

“It’s great that two cities with arguably the longest and largest sports rivalry in the area could come together for the betterment of the region and find a solution to the decades long question of how to provide regional air service,” Doll said.

“Within less than an hour’s drive, citizens now have the option to fly into two large hub airports,” Doll said. “This project is an example of what can be accomplished when communities work together rather than in competition. We may still want to do everything possible to win every time our sports teams go head-to-head, but we can also support each other’s airports.”

 Ashley Freburg is a Communications Specialist for the City of Garden City. She can be reached at ashley.freburg@gardencityks.us.

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Benefits of a Smart Municipal Telecom Policy

Telecommunications are a critical component of modern society. Our phones have become extensions of our bodies, not only connecting us to our friends and family, but also to an infinite amount of information and entertainment. Although telecom regulations can burden local governments, city officials that understand them can help their communities reap the benefits of the sectors' reliance on municipalities.

Wireless Cell Phone Towers

Recently, the federal government increased their regulatory control over cellular towers to make the tower "siting" process more telecom-friendly. Although municipalities still possess rights over the general placement, construction, and modification of the towers, they may never deny a wireless service facility siting application. Additionally, cities can't prohibit siting because services are available from another provider, unduly burden or set unreasonable conditions on the towers, or make considerations based on the environmental effects of electromagnetic transmissions.¹

In 2009, the FCC issued a Declaratory Ruling establishing rules for municipal zoning approvals of wireless towers and collocations.² If a wireless company applies to collocate on an existing tower, a city has 90 days to review the application. If the company wants to place a new tower within a city, the local government has 150 days to review that application.

In 2012, Congress passed a law prohibiting cities from denying modification requests that do not substantially change the physical dimensions of existing wireless towers.³ Although this law may be unconstitutional,⁴ it is currently enforceable, and could cause challenges to local ordinances that treat collocation and new towers similarly, ordinances and local processes that allow consideration of factors other than "physical dimension," and ordinances limiting changes to non-conforming use towers.⁵

These regulations and prohibitions make cellular towers seem like just another inconvenience for cities, but the truth is that they can be an important source of revenue. Many cities lease public space for the towers using special use permits and lease agreements. It can cost a company over \$250,000 to replace a cellular tower with a new one at a different site, and moving a tower can cause gaps in coverage. Therefore, companies will to pay a lot of money keep their towers where they are. In addition, other companies will pay handsomely to attach antennas to the existing towers. To maximize revenues, cities should follow a few important steps: 1) don't remove revenue-generation potential by extending the terms of the leases; 2) don't limit the alienability of the leases; 3) don't allow a lessee to sublease when the city can collect that extra revenue; and 4) don't agree to reductions in rent or "lease optimizations" because of a supposed surplus of towers.⁶

Right of Way Compensation and Franchise Agreements

Kansas law requires full compensation be paid by any private corporation for use of a public right-of-way (ROW),⁷ and for decades municipalities have collected revenue from companies that use municipal ROW's to route their telecommunications infrastructure.⁸ Some of the costs cities can recover from telecom companies for

leasing their public ROW's include construction permit fees for setting fixtures and processing applications, excavation fees to recover costs associated with construction or repair, fees for city inspections, repair and restoration costs for damages caused by the service provider, and performance bonds to insure timely construction and maintenance of the facilities.⁹

Local governments may also require the companies that use public ROW's to enter franchise agreements with the city to provide service there. A city has the option of assessing a one-time application fee for the actual costs of reviewing and approving the franchise contract, but must follow strict guidelines regarding the franchise fee itself. Kansas law gives municipalities the option of imposing a franchise fee of (1) up to 5% of gross revenue, or (2) \$2.75/access line/month. A city may only increase the access line or gross revenue fee every 3 years, may not enter exclusive contract franchises, and must process franchise applications within 90 days unless the provider and city agree otherwise.¹⁰

One rare example of ROW's that aren't subject to strict FCC or state regulations are lines hung on municipally-owned poles. Despite this autonomy, many cities charge rates below the cost of maintaining these connections because they fail to monitor their old agreements. Cities should consider regularly auditing their pole attachment payments, and if the agreement allows for termination upon notice, updating rates so that they're consistent with rates across the state.¹¹

The League of Kansas Municipalities recommends that cities have a ROW management ordinance (separate from your franchise agreements) in order to regulate activity in your ROW's. We have developed a model ROW management ordinance that can be accessed on our website at www.lkm.org. Simply click on "online resources" and then "sample ordinances" to download.

 *Michael Koss is the Membership Services Manager for the League of Kansas Municipalities. He can be reached at mkoss@lkm.org or (785) 354-9565.*

¹47 U.S.C. 332(c)(7)(C).

²Collocation means mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

³A tower is any structure that has the primary purpose of supporting antennas and their associated facilities to provide FCC-licensed service. This doesn't include water towers, utility towers, or other structures built primarily for a purpose other than supporting FCC-licensed services. For what constitutes a substantial increase in the size of a tower, see page four of the FCC Form found at <http://transition.fcc.gov/Forms/Form854/854.pdf>.

⁴<http://www.natlawreview.com/article/why-section-6409a-middle-class-tax-relief-and-job-creation-act-2012-will-likely-be-h>.

⁵http://www.spiegelmc.com/files/RecentWirelessSiting_2012_05_04_02_31_04.pdf.

⁶<http://www.varnumlaw.com/blogs/cell-phone-tower/existing-cell-tower-leases-are-gold-mines-how-to-keep-the-mine-and-get-the-gold/>.

⁷See Kan. Const. Art. 12, § 4; also see K.S.A. 12-2001(b)(5).

⁸Generally telecommunications companies install their infrastructure by trenching under streets, but ROW's exist in any area of real property in which the city has acquired ROW interest, such as alleys, roads, highways, and sewer lines. Airwaves for wireless telecommunications are not public ROW's.

⁹K.S.A. 17-1902(i) - (n).

¹⁰K.S.A. 12-2001(d) - (l).

¹¹Kansas Municipal Utilities can provide a survey of current pole attachment rates in Kansas.



LKM Undertakes Strategic Planning Process

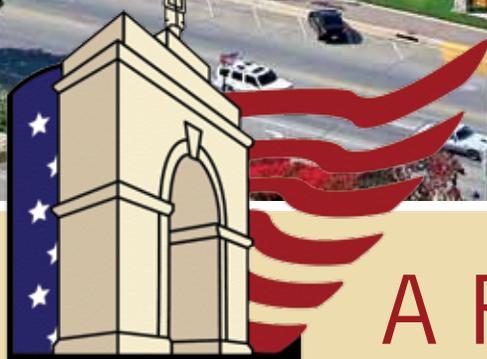
The League of Kansas Municipalities (LKM) Governing Body has decided to undertake a strategic planning over the course of the next year. The process will kick off with an official announcement at the LKM Annual Conference in Topeka, October 6-8. The process is designed to evaluate the current programs of LKM and to chart a course for the mission and goals of the organization for the future.

Throughout the process, there will be numerous opportunities for city officials to offer their thoughts and provide input. It is critically important that city officials take the opportunity to participate in this important planning process. We encourage all of you to answer the surveys when they are sent out and to participate in regional planning meetings next spring. Watch for announcements in the *League News* and future issues of the *Kansas Government Journal* as the process moves forward. Information will also be posted to our website at <http://www.lkm.org/strategic-planning/>.



- LKM President Jim Sherer has selected the following individuals to serve on the Strategic Planning Committee.**
- Chair: Brenda Chance**
City Clerk, Phillipsburg
 - Herb Bath**
Mayor, Altamont
 - Carl Brewer**
Mayor, Wichita
 - John Deardoff**
City Manager, Hutchinson
 - Allen Dinkel**
LKM Past President, Neodesha
 - Jim Sherer**
Commissioner, Dodge City
 - Neil Shortlidge**
City Attorney, Roeland Park
 - Terry Somers**
Mayor, Mount Hope
 - Kim Thomas**
Mayor, Stockton
 - Mary Volk**
City Clerk, Goodland
 - Eric Wade**
City Administrator, Lenexa
 - John Zutavern**
LKM Past President, Abilene

Aerial view of Heritage Park in Junction City. Photo provided by the City of Junction City.



A Fiscal Transformation

by Gerry Vernon & Cheryl Beatty



Junction City, Kansas—a growing and diverse community located on I-70 and U.S. 77—is a major presence in the Flint Hills. Nestled near Lake Milford, it offers a wide variety of outdoor activities. A proud community, also known as Fort Riley’s hometown, it has strong ties to the Fort. It was these strong ties that pushed the City to a financial brink. It began with the economic euphoria in 2005 created by population growth, sky rocketing valuation increases, and cheap credit. Poor judgment and unethical behavior added to the City’s problems. Disaster struck with the collapse of the economy and housing market crash of 2008. This is a story about a community’s response to severe fiscal crisis by pulling together and sacrificing for the greater good to achieve a tremendous recovery that continues today.

-The Situation-

Heeding the call of significant new housing following the Department of Defense 2005 Base Realignment and Closure (2005 BRAC), the City of Junction City faced significant pressures from state and federal officials to address a predicted housing shortage. The City responded by annexing 1,400 acres and accepting plans for as many as 50 new subdivisions. To fund many of those subdivisions, city staff and commissioners signed off on rich development incentives in the form of general obligation bond backed special assessment districts to construct residential infrastructure. The aggressive plan created 1,890 single family

lots, 1,190 duplex units on 595 lots, and 3,230 multi-family units. Taxes were to be levied against the individual lots in those districts to pay infrastructure costs. In four short years, the City’s debt load increased 10-fold, going from \$13 million to \$130 million. Many mistakes were made and tremendous errors in judgment occurred during the building boom. A corrupt mayor and aggressive city manager exacerbated its fiscal problems with additional State revolving loan funds and other complex economic development financing schemes that pushed the debt near \$170 million by year end 2009. The former mayor was convicted and the city manager was forced to resign, leaving the city without leadership.

-The Plan-

The City Commission quickly hired a new city manager and ultimately a new chief financial officer to solve the immediate fiscal crisis and develop a long-term debt plan. For success, the plan needed to be simple, precise, forward thinking, and rock solid in its implementation. Due to the sheer magnitude, it also had to utilize community strengths and full engagement of its citizens. A huge community team comprised of all stakeholders was enlisted to initiate and sustain the recovery. The City Commission, the citizens of Junction City, the County Commission, the residents of Geary County, members of the USD 475 School District, and ultimately Kansas congressional officials, and the Governor were called to take a part. All city employees including full-time and

Junction City Municipal Building.



Welcome sign in Heritage Park. All Photos provided by the City of Junction City.

part-time workers, union employees, contractual employees, and other interested parties joined forces with the community team to also participate in the recovery plan. The actions of this community-driven team created tremendous momentum that continues even today.

The first months were spent unraveling the fiscal condition of the City. A forensic audit and additional staff work revealed an organization near bankruptcy and unable to meet its financial obligations. Seven budgetary funds were negative with the General Fund projected to be \$1,000,000 in the red by year end 2010. Given the soft housing market, the default rate on the special assessment bond payments hovering at 50% left the remainder to be picked up by the Junction City taxpayer. At its lowest point, the City had \$98,000 in cash on hand to pay bills and meet the payroll of its 150 employees. The immediate recovery plan called for: 1) severe spending cutbacks; 2) identifying and consolidating debt; 3) increasing revenues; and 4) living within one's means. These four principles were implemented swiftly and completely throughout the entire organization. What did it take? The City reduced services, cut services, furloughed employees, cut employees, and analyzed and reviewed programs to become smaller and more efficient. The citizens voted to impose an additional 1¢ sales tax, they endured increased property taxes, premium water and sewer rates, increased user fees, increased franchise fees, and increased administrative fees to achieve debt payment schedules.

Everyone on the team was participating, sacrificing, and working toward recovery. For example, in response to an awareness of the severe cash crisis of the City, many utility customers prepaid several months of their water bills at premium

rates to provide critical cash to maintain operations. Efforts by the team averted the financial crisis by the end of 2010 and set the recovery in motion.

-The Transformation-

Beginning immediately in 2011, the recovery plan was fine-tuned and formalized by a new financial advisor with input from the finance director and the existing bond counsel. This fiscal transformation plan set out 20 specific action recommendations for the team to achieve recovery. The team set about accomplishing those tasks one-by-one. Internal spending limits were still in place and cash continued to build through the reduction in spending and increases in revenue streams. The team was kept abreast of the process through a newly improved and updated website, televised informational meetings, informal "coffee conversations" between the community and the city manager, and an open and transparent communication flow with the citizens and the media utilizing all possible communication channels.

The 2012 budget proved the formidable task for the City's recovery to continue. Debt payments were to be the highest amounts representing a peak in the long-term schedule. They were 95% of the general fund and 35% of the total budget. One more round of reductions was imminent creating a difficult and very divisive budget development process. To assist, a two-night community roundtable budget discussion was facilitated by Kansas State's Center for Democracy. The focus was on what services to keep and not what to cut. Framing the question in this manner provided for areas of agreement instead of "kingdom saving" argument. This capstone event greatly assisted the

community in making very tough decisions. The budget was ultimately passed to fund only the core services, build cash, invest in infrastructure, and meet all debt obligations for the year.

Stability ensued through 2012. Constant monitoring of the city's financial condition assisted in making critical decisions to stabilize operations and ensure debt payments could be made. New fiscal policies were put in place to provide guidance and to prevent reoccurrence of financial problems. A new paid time off policy for general employees was initiated to reduce long-term liabilities to provide even more stability. The public works operations were reassumed by the City from its contractor for a projected annual savings of \$500,000. Cash continues to build and provide a margin of error for unexpected emergencies. The June 30, 2012, cash report revealed a balance approaching \$19 million. Much of that cash is spoken for to cover debt payments, but it reveals a tremendous 30-month recovery.

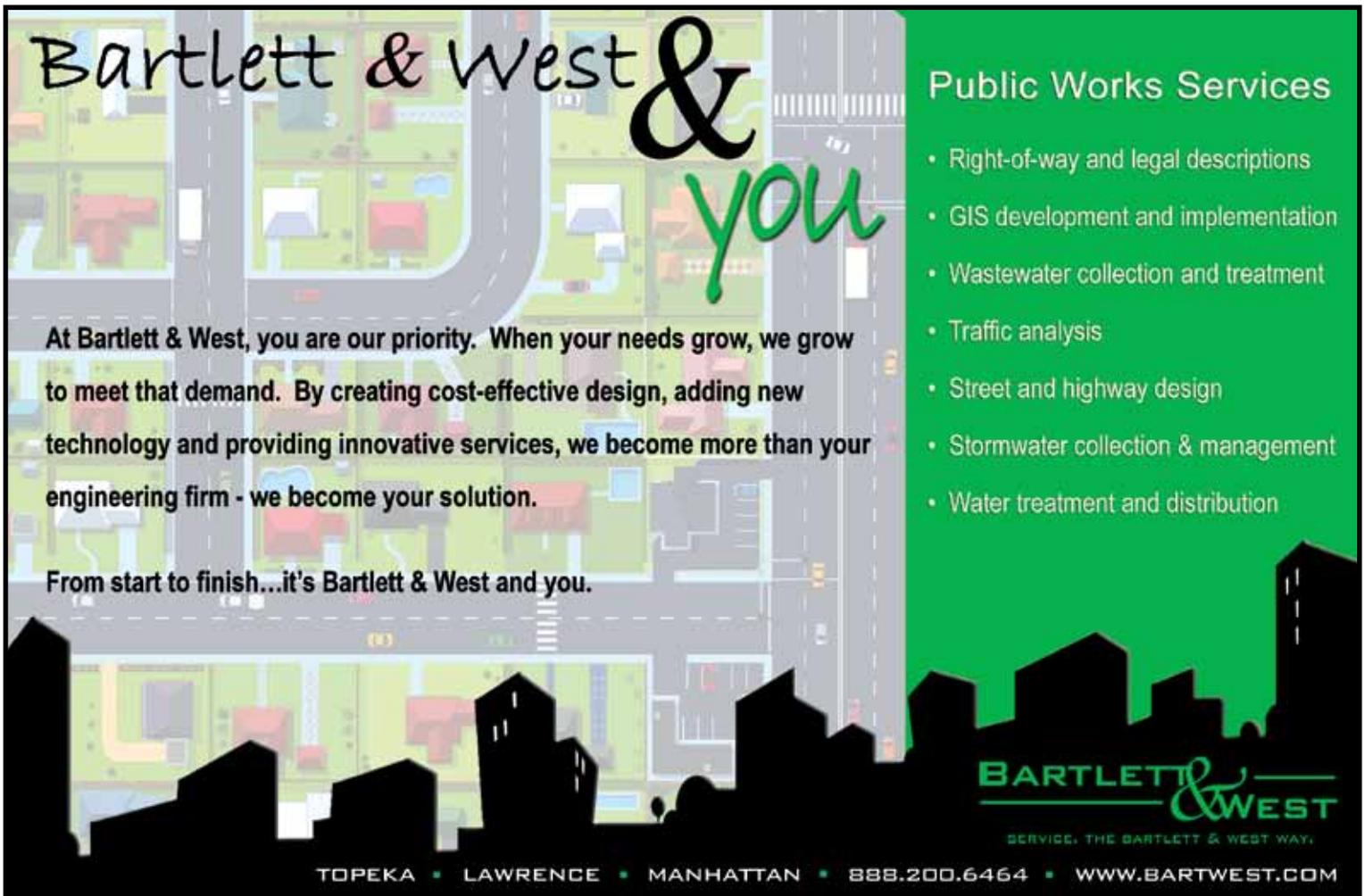
With the passage of the 2013 budget, the City is programmed for normalcy. While Junction City's new "normal" is more constrained than most; standard operations should return to the City in the upcoming year. The City landscape was significantly changed. Approximately half of all the lots created are now built upon. Overall, the housing challenge was met and Junction City continues to see growth still averaging over 100 single family homes per year. With every building permit issued, the special assessment burden placed on the city diminishes.

A successful recovery was obtained through definitive planning, intensive community involvement, highly transparent action, and focusing on the future. Core community characteristics such as mid-western work ethics, Kansas values, tremendous community pride, and individual sacrifice provided for the recovery. Junction City is a success story because the community was involved and committed, the City Commission was willing to make tough decisions for long-term stability, the management team, and employees were willing to sacrifice and change. Junction City truly came together as a community team to overcome seemingly impossible fiscal problems and set itself up for a bright future.

The best results are co-produced by citizens and their government. We've lost sight of the act of governing as more than running a vending machine when it has much more in common with a barn raising. It's time to get it back.

-Dr. Mark Funkhouser, Director of the Governing Institute

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...Northwest

As I mentioned last time, Granddaughter Maddison joined me on a road trip to the northwest in mid-July.

Some of the other places in which Maddi and I stopped were Russell, Smith Center, Phillipsburg, Norton, Hill City, Ellis, Ellinwood, and South Hutchinson.

In Russell, we talked to Finance Director Sheldon Hamilton and City Manager Ralph Wise. I have known Dodge City native Sheldon for some years now, starting when he worked in Atchison and attended several of my Finance Municipal Leadership Academy's. I met Ralph, a Royals and Reds fan originally from Ohio, when he first came to Russell about five years ago, after working for the Kansas City Board of Public Utilities. It is always fun to gab about nothing in particular with nice people. (A few weeks after this, Ralph announced he was leaving Russell on October 1. Good luck, mi amigo.)

At my first-ever (believe it or not) stop in Smith Center, Maddi (and her cumbersome crutches) stayed in the air-conditioned Ford while I went in and chatted briefly with City Clerk Rhonda Hyman, in the wonderful, old, and nicely modernized, city hall, while a late afternoon "pickup" basketball game apparently was being played on the floor above us. I wish our schedule had left a little more time for Smith Center on this particular day.

In Phillipsburg, Maddi joined me inside for a conversation with Phillipsburg City Clerk and LKM Vice President Brenda Chance, which continued right up until Brenda had to get going on a Planning Commission meeting which was scheduled for 5:30. The crowd had started arriving about five o'clock. Gee, I really miss those Special Use Permit meetings (NOT!).

We spent that night in a practically-brand-new motel in Norton, and in the morning met up with City Administrator Rob Lawson in his office, and then Rob treated us to a great breakfast at a local café (whose name I can't recall...sorry). What strikes the eye in Norton is how clean the city is (especially the public parts). The county fair was just starting in the park at the south end of the city, and the grounds were absolutely immaculate.

At Hill City, Maddi and I talked to City Administrator Dennis Mersch and Deputy City Clerk Jan Deenihan. Dennis told us about a four-mile, force-main sewer project (Maddi sometimes gets to learn about more than she bargained for, but I really like that part of our travels), while Jan related tales of her recent not-so-fun spider bite (ouch!). Spider bites are just not good for human feet; they play heck with nerve-endings, and make even the slightest pressure extremely painful.

In Ellis, we had a laughing good time with City Clerk Phil Martin, Deputy City Clerk Charlene Weber, and the rest of the staff, which, on this day, included retired former City Clerk Mary Jo Walz, who was helping with some file organization. Phil (a former Ellis Councilmember) told us he would be resigning in the fall, before the November election, as he is running for a spot in the Kansas House.

I ran into a long-ago friend when I came upon Debbie Worman in the Ellinwood City Hall. A native of Ellinwood, Debbie worked for Social Rehabilitation Services back in my Juvenile Justice days in the mid-to-late 70s (my employer was the Juvenile Department of the Sedgwick County District Court). Debbie has served as the assistant to Ellinwood City Administrator Bob Peter (who was out of the office that day) for about 10 years, which I didn't know. It had been over 30 years since I had seen Debbie and she looked pretty-much the same, though I, myself, am probably now unrecognizable to anyone who has not seen me in three decades. Don's quote for the day, "Time flies when you're having fun."

At the last stop of our three-day excursion in South Hutchinson, Maddi and I talked for some while with City Clerk Denise McCue and briefly with City Administrator Matt Stiles (who was between meetings). And, I found out that Denise went to school (Hutch High) with, and knew well, one of my cousins (on my mom's side) back when...though we won't say how FAR back when.

Our family road trip this summer was one of a business/pleasure nature...an early June drive to Chicago to take in the Government Finance Officers Association (GFOA) Annual Conference, which involved all the usual suspects: Grandpa Don, Grandma Sue, and Granddaughter Maddison. We made lots of historical and cultural stops along the way, including being in or very near the hometowns of five U.S. Presidents, and on the street directly outside the homes of President's number 16 and 44. We bought souvenirs in the Hoover and Lincoln museums and we saw two Major League games in two cities on the last two nights out. (PS...it is hard to see our wonderful country from an airplane.) But, the real highlight of our nine day adventure, for me, were the two architectural tours we took while in the windy city. On one of those (a three-and-a-half hour bus tour touching many parts of Chicago), our "docent," Greg Dryer, recommended several books about Chicago's past. When I got home, Greg and I exchanged emails, and then I ordered and read the book, *The Warmth of Other Suns: The Story of America's Great Migration*, by Isabel Wilkerson. Telling the history of the flight of African Americans from the South to cities in the North, Northeast, and West through the entire lives of three specific individuals, who migrated from three different southern areas to three different Big Cities (Los Angeles, New York City, and Chicago), the book chronicles the massive "Jim Crow" era movement, which took place from about 1915 to 1970, and explains the why and how, along with its lasting affects on our culture—What a fascinating piece of OUR history, and one that has not really been previously told. If you appreciate U.S. history and stories of real people, you will LOVE this book...as did I.

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



REVITALIZING A HISTORIC COMMUNITY



BY ANITA WOLGAST

The NOTO Arts District in the historic North Topeka business district came alive in 2010 as a project of the Heartland Visioning process.

In June 2008, Heartland Visioning leadership, a collective effort formed by Topeka and Shawnee County citizens, conducted interviews across the City of Topeka to ask for input as to what would make Topeka a more vibrant city. Nearly 1,000 citizens gave input. The top 10 priority issues were identified, and a strategic plan was presented to the community that following November. This included the request to have an arts district in Topeka. Under Heartland Visioning, a Quality of Life Foundation was formed and leaders were appointed to oversee the implementation of strategies to, among other things, develop an arts district.

In 2009, Co-Chairs John Hunter and Anita Wolgast worked to develop a business plan and take it to community leaders for input and suggestions. They received enthusiastic support and encouragement.

Working with the Quality of Life team, potential spaces were inventoried for an arts district, including South Downtown Topeka where available space was scattered in the area and rent was generally out of the price range of artists.

Another consideration for the location of an arts district was in a blighted area of historic North Topeka. What was once a bustling business area north of the Kansas River, stood a two-block area of businesses with Romanesque and Victorian-Style buildings that were devastated by the floods of 1951, and never recovered. Decline of the area led to crime and unsafe streets with just a handful of businesses operating on Kansas Avenue. Leaders found the beautiful Romanesque and Victorian style buildings in need of repair. Already in the area, the Great Overland Station had been restored back to its original beauty and had now become a popular attraction. Plans for a riverfront park close by the district also became a vision.

Leaders met with property owners, the North Topeka Business Alliance, and North Topeka on the Move Association (NOTOMA) to discuss possible interest in renovating the district for an arts district.

The NOTO Arts District on a First Friday Artwalk. The monthly event now attracts over 1,000 people. Photo by Amanda Schuster.



They found strong support. In fact, teams had been trying for years to develop the district, and these groups were pleased to have help from the Heartland Visioning team.

Patterning after cities across the country where artists have moved into blighted areas such as this and have created arts districts with great success, a plan was developed for an arts district in North Topeka. Input for the plan was sought from across the community.

In April 2010, leaders of the NOTO Arts District announced the vision and plan for creating an arts district in this two-block historic area. Eight months later, the first artist moved into the district. Barbara Waterman Peters opened STUDIO 831 in December of 2010. Today, Peters has six local artists renting studio space from her.

“Our goal with this project was to provide community revitalization, economic development, historic preservation, and enhance the quality of life,” said Hunter and Wolgast. The vision was to revitalize historic North Kansas Avenue by developing and supporting economic, entrepreneurial, and educational activities with a focus on the arts. The mission is to attract a diverse group

of artists and complementary businesses to the NOTO Arts district and to create an affordable, safe, and environmentally-sustainable development that protects and enhances the historic characteristics of the district.

At this point, there is no tax support for the project, although a \$60,000 plus infrastructure project had been conducted by the City of Topeka in this area in the 1990s. That included replacing the Kansas Avenue Bridge leading to the area as well as attractive streetscapes on Kansas Avenue. However, private money was raised to sustain the NOTO Arts District project. Financial donations were provided by: The Redbud Foundation, Kaw Valley Bank, Anonymous New York Foundation, WIBW Channels, The Teeter Family Foundation, US Bank, Topeka Public Schools, Heartland Visioning, Kansas Health Foundation, Washburn University/Mulvane Art Museum, Greater Topeka Chamber of Commerce, Downtown Topeka Rotary, Andrea Glenn Fund for Education, Six Auto Sales, North Topeka Business Alliance, Vision Bank, and many other donors of financial and in-kind services.

A collaboration began the day of the 2010 press announcement. Topeka Public Schools Superintendent Kevin Singer saw the value of the schools being involved with the NOTO project as he listened to the plan being announced. Singer then spoke with Washburn University President Dr. Jerry Farley. That conversation resulted in a created partnership of these two entities, along with the NOTO Board to establish a NOTO Community Arts Center in the District. Art classes for both children and adults were created and continue to be ongoing in a rental space. In the fall of 2012, the classes are expected to move to a building recently acquired by the NOTO Arts District. The old Post Office at the corner of Kansas Avenue and Gordon Street was purchased by the NOTO Board using a major gift from a donor. The generous space in the building allows for an increase in the number of classes as well as the ability to house artist studios in the lower level.

With a phenomenal response from the artist and other complementary businesses, the revitalized District has proven to be a success. The NOTO Arts District that started with STUDIO 831 in 2010 now has 22 businesses as of the fall of 2012. These business owners come together monthly to discuss marketing, events, and other items of mutual concern. They are forming a nucleus that will lead to sustainability. Artists are also initiating monthly meetings to start working together.

Another success of NOTO are First Friday Art Walks. This evening event attracts over 1,000 people during the first Friday of each month. During the art walks, shops in the District are open late, and you can enjoy live music and entertainment. From the spring to fall months the NOTO Market, featuring arts, antiques, fine crafts, heritage goods, and local produce is also set-up on first Fridays.

Additional NOTO events include the annual Blues and BBQ street fair that serves as a fundraiser for the arts District. New this fall is a week-long festival, Dia de los Muertos (Day of the Dead). Organizers have arranged for six events to be held in NOTO, including

a Street Fair on October 27, 2012. (See www.notoartsdistrict.com for more information and an event schedule.)

The success of the NOTO Arts District has been seen locally and nationally. Articles have been published in *KANSAS!* Magazine, the Best of the Midwest in *Midwest Living*, the antique magazine, *Discover*, and most recently was featured in the *New York Times Travel* section, written by Jeanine Barrone.

“This two-block stretch of North Kansas Avenue is now a mélange of art galleries and ateliers, cafes and boutiques and antique emporiums all housed in historic buildings. Things are especially lively on First Fridays, when many shops and galleries are open late, and an outdoor market, open 6 to 8:30 p.m.,” said Barrone in the article. (<http://www.nytimes.com/slideshow/2012/08/05/travel/20120805-SURFACING.html>)

On March 14, 2012, Rocco Landesman, Chairman of the National Endowment for the Arts, made a visit to NOTO. Landesman toured the District and participated in a panel discussion that attracted over 200 community arts activists.

As stated earlier, this project is a response to the community from those initial interviews that were conducted by Heartland Visioning back in 2008. They proved that an arts district really would be important to the quality of life in Topeka in helping to create a vibrant community in a once blighted neighborhood.

The NOTO Arts District will also be a part of the 2012 LKM Annual Conference. On Monday, October 8, 2012, the mobile workshop will tour the revitalized area. Co-Chair Anita Wolgast will share how the community’s initiative has stimulated the cultural and economic life of the area by promoting artists and relocation incentives.

Anita Wolgast is a Co-Chair for the NOTO Arts District. She can be reached at awolgast@cox.net.



Top photos L to R: Paintings by STUDIO 831 Artists Lois Van Liew (left) and Barbara Waterman-Peters (right) displayed at Serendipity, one of NOTO’s newest businesses. Topeka Artist Tim Bauer paints outside a studio in NOTO. Community members gather for the inaugural Blues & BBQ street fair fundraiser in October of 2011.

Bottom photos L to R: Topeka Mayor Bill Buntin and Eclective owner Renee Johnson, along with others help cut the ribbon for the grand opening of two businesses on April 1, 2011. Rocco Landesman, Chairman of the National Endowment for the Arts with NOTO Co-Chairs Anita Wolgast and John Hunter. During Landesman’s visit to NOTO in March of 2012, community members gathered for a public forum. All photos provided by NOTO.



Dodge City Hosts National Show

Dodge City played host to the *American Idol* film crew arriving late August 22nd and departing early August 25th, 2012. With an unexpected call from the producers of *American Idol*, Dodge City was notified that they were selected as one of the stops in the first ever 10 city small town *American Idol* Audition Bus Tour.

After offering several locations to hold the auditions, the film crew chose an outdoor venue at Wright Park for the August 24th event which turned out well, as the weather cooperated by being overcast with cooler temperatures. There was very little preparation required on the part of the City as the *American Idol* bus was self sufficient in providing the back drop for the auditions.

The most difficult part of the event was not being able to release the specifics of the auditions in advance—*American Idol* released the date of the auditions three days ahead of the scheduled event. Approximately 600 people stood in line to make their stab at fame, forming the line as early as 4:30 a.m. The talent came from as far as Ohio hoping to be selected as one of the finalists to advance to the next step.

Touring the community, the film crew did take advantage of the Dodge City visit. They spent time at Boot Hill Museum and took in the traditional gunfight reenactment.

Hutchinson Community Foundation Grants Approved

Reno County Commissioners accepted two Hutchinson Community Foundation grants. One will help install covered bus stops around the city and the other will support “healthy living” efforts.

“We’re excited about the grant proposal from the community foundation,” said Transportation Director Barbara Lilyhorn, noting the \$22,875 grant would help build 5 shelters for bus stops.

Her department has an equal amount budgeted to build five other shelters as part of the start of a five-year plan. Lilyhorn estimated each shelter, designed to protect riders from the weather while waiting on a bus, will cost about \$5,000, including site, work, and labor.

A study by the Hugo Wall School of Urban and Public Affairs at Wichita State University will determine where the shelters will go, based on highest ridership locations.

The second grant is to the Reno County Health Department for \$3,420 toward a community health assessment being done jointly by the health department and Hutchinson Regional Health System. The grant would cover 15% of the cost of the assessment, which will include data collection and opinion surveys, followed by a “facilitated community prioritization process.”

Cities Receive Funding for Safe School Routes

Eleven projects intended to encourage children to walk or bicycle to school have been selected for funding through the Safe Routes to School program administered by the Kansas Department of Transportation.

A total of \$1,340,000 will be allocated for projects including development of a Safe Routes to School plan and infrastructure construction.

The following cities will receive \$15,000 each in Phase I funding, which covers the costs of developing a Safe Routes to School plan: Beloit, Erie, Hutchinson, Lyndon, Minneola, and Stockton.

Receiving Phase II funding for infrastructure improvement are Chanute, Colby, Hillsboro, Hugoton, and Rose Hill. Each city in this phase will receive \$250,000 for projects such as sidewalk improvement or construction, pavement markings, and signage.

Library to Get New Outdoor Learning Area

Representatives of the Finney County Public Library (FCPL) are raising the curtain on a project known as Nature Explore Classroom, a large, outdoor learning environment designed to foster education and offer recreation.

The Nature Explore Classroom is a national project of the Arbor Day Foundation and Dimensions Educational Research Foundation, a Lincoln, Nebraska-based early childhood specialist group.

Different areas of interest, especially for young children, will include: a nature art and water wall; a stage and music area with an open seating that doubles as a green space; a gardening area; a building block area; a messy materials area; a low platform treehouse; and a water pump play area. One of the primary goals of the project is to promote connections between very young children and the natural world, a “disconnect” that has led to increased problems of childhood obesity, dislike and possibly even fear of the outdoors, and increased reliance on behavior-regulating medications, according to both national foundations behind the initiative.

The estimated \$360,000 project to develop and construct the Nature Explore Classroom is getting a kick-start, thanks to the

generosity of a patron who also bears the name of the children’s room inside the Walnut Street building. That wing of the library was made possible with funds left behind by a former area resident named Dorothy Wampler.

Interest dollars from a memorial fund bearing Wampler’s name benefits the library’s children’s services “above and beyond what the library is already doing,” said Erin Francoeur, director of the FCPL.

The fund is administered through the Western Kansas Community Foundation, according to the library director, and has comprised of an annual gift of anywhere from \$5,000 to \$50,000 in recent years, dependent on market activity, she added.

About \$80,000 from Wampler’s endowment has already been dedicated for the project by the library’s board of trustees, and library advocates will have to raise about \$280,000 to see the project through to fruition, according to the FCPL director. Francoeur said those are funds that library representatives hope to secure through grants, local donors, and fundraising efforts.

SAVE THE DATE



League of Kansas Municipalities 2012 Regional Suppers

The League of Kansas Municipalities invites all Kansas city officials to join us for the 2012 Regional Suppers. We hope you will take this opportunity to discuss the upcoming Legislative session that will highlight LKM's 2013 Legislative priorities.

Registration information will be available soon. For more information contact: Anna DeBusk at adebusk@lkm.org or (785) 354-9565.



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Five Must-Have City Ordinances

The disclaimer for this article is that not every city will need or want the following ordinances, but should at least evaluate the possible adoption of at least a few of the ordinances. Some are more of a policy decision for the city, but some are required under certain circumstances.

Insurance Proceeds

The first, and probably most important, ordinance is the insurance proceeds lien against damage to structures due to fire, explosion, or wind. The concept is simple. The city adopts an ordinance creating a lien against the homeowners' insurance policy proceeds to ensure that damaged property in the city will eventually get cleaned up. If a structure in the city is damaged by fire, explosion or wind, any city having such a lien ordinance is paid 15% of the property insurance proceeds by the insurance company, provided that the covered claim is in excess of 75% of the face value of the policy. The city must deposit it in an interest bearing account and begin notice and hearing procedures under the dangerous structures statutes or city ordinance within 30 days or return the money to the landowner, with interest.

The intent is that, once receiving notice to repair or remove the structure, the landowner will complete the process and the city will return the insurance money to the landowner. If not, there is a process for the city to remove the damaged structure and retain the amount of money that was necessary to perform the demolition. The most common call to League of Kansas Municipalities (LKM) attorneys is after a fire or tornado has occurred and the city wishes to retain an amount of the homeowner's insurance, which is too late if the city does not already have an ordinance. To date only about 255 cities have insurance proceeds lien ordinances.

Mayoral Appointments

The second must-have ordinance is a charter ordinance exempting the city from the provisions of K.S.A. 12-16,128. In 2008, to solve an appointment standoff in one city, the Legislature upended decades-old law in Kansas about mayoral appointments. The requirement for cities now is that the council must approve the mayor's appointment, unless it adopts a resolution within 45 days finding the appointee unfit or unqualified to hold the office. LKM had concerns during the legislative process regarding the potential for liability when cities make an unfit or unqualified finding. The Attorney General issued an opinion, 2008-23, finding that the city need not articulate the basis for its finding. Thus, the resolution only needs to state that the council finds the person unfit or unqualified. Nevertheless, this is not a finding that city governing bodies are going to want to make, and one option is to charter out of the statute totally. The default procedure will be as set forth by statute or by city charter ordinance, as it has always been.

Municipal Court Fees

A third ordinance is one that most cities with municipal courts have already adopted. K.S.A. 12-4112 prohibits cities from charging court costs in municipal court. Obviously to fund municipal courts,

including paying the judge and the prosecutor, cities will need a source of funding and court costs help offset those expenses. The recommended way to craft this charter ordinance is to completely charter out of the statute and follow-up with an ordinary ordinance setting court costs. That way, whenever a city wants to amend the amount of court costs, it only has to do an ordinary ordinance, not a charter ordinance. Cities who charge court costs should make sure they have chartered out of K.S.A. 12-4112 at some earlier time.

One Call

The next charter ordinance is one in which cities may not yet be aware they need. On July 1, 2009, cities were required to begin complying with the Underground Utility Damage Protection Act, or simply One-Call. K.S.A. 66-1801 *et seq.* Prior to that time, compliance had not been required for sewer and water utilities. Participation is a three tiered approach, with cities choosing in which tier to participate. Tier 1 is the traditional full membership in One-Call. This has been required of electric and gas utilities for some time and now includes water and wastewater utilities that choose to participate at that level. Under this tier, the one-call center issues "tickets" to utilities to locate their lines after receiving calls from excavators who want to dig in specific area. The excavator does not contact the city directly. Tier 2 applies to water and sewer utilities not choosing a full One-Call membership. Under this tier, the excavator calls the one-call center and is provided contact information for the city. The excavator is to call the city and request a locate for the water and/or sewer lines. There is an annual fee and a cost for each ticket or call. The key is that the law is non-uniform and cities may charter ordinance the One-Call statutes. It is absolutely necessary that cities either participate in the program or adopt a charter ordinance.

Scrap Metal

The fifth and final must-have ordinance is to regulate scrap metal dealers. Since 2011, it is unlawful for any entity to engage in the business of buying and selling scrap metal without having first registered with the city. The application must be made on a form approved by the Attorney General for the type of dealer and submitted to the city. The applications may be found on the Attorney General website or the LKM website with the sample ordinance. The city may charge between \$100 and \$400 for the registration. This duty upon scrap metal dealers and cities is mandatory and cities should adopt a regulatory ordinance, if they have not already done so.

As with all legal matters, cities should discuss the need for any or all of these ordinances with their city attorney. Sample ordinances may be found online at <http://www.lkm.org/resources/ordinances/>.

☀️ 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.

FORGOTTEN PARK to Beautiful Recreation Area

by Kara Godfrey

In an effort to promote an active and vibrant community, cities of every size across Kansas are striving to provide their citizens with adequate, safe, and accessible parks and recreation areas. However, the search for property, resources, and labor can become tedious and bring progress to a snail's pace. In situations like these, communities usually discover that volunteer and civic groups are some of their greatest assets, and can often be found out in front leading the charge. While this is true in many cities across Kansas; a great example can be found in Iola, where a group of volunteers, businesses, and city leaders have picked up the torch that had been carried by those of the past.

It began in 1922, with a group of 25 forward thinking business men forming Iola's first Kiwanis club. The group soon began to search for property after recognizing the need for a park and rest stop along what was then called the Red Star Route that spanned from Kansas City to Tulsa. The search did not have to go far after a generous club member donated a parcel of land along Elm Creek that runs along Iola's southern city limits.

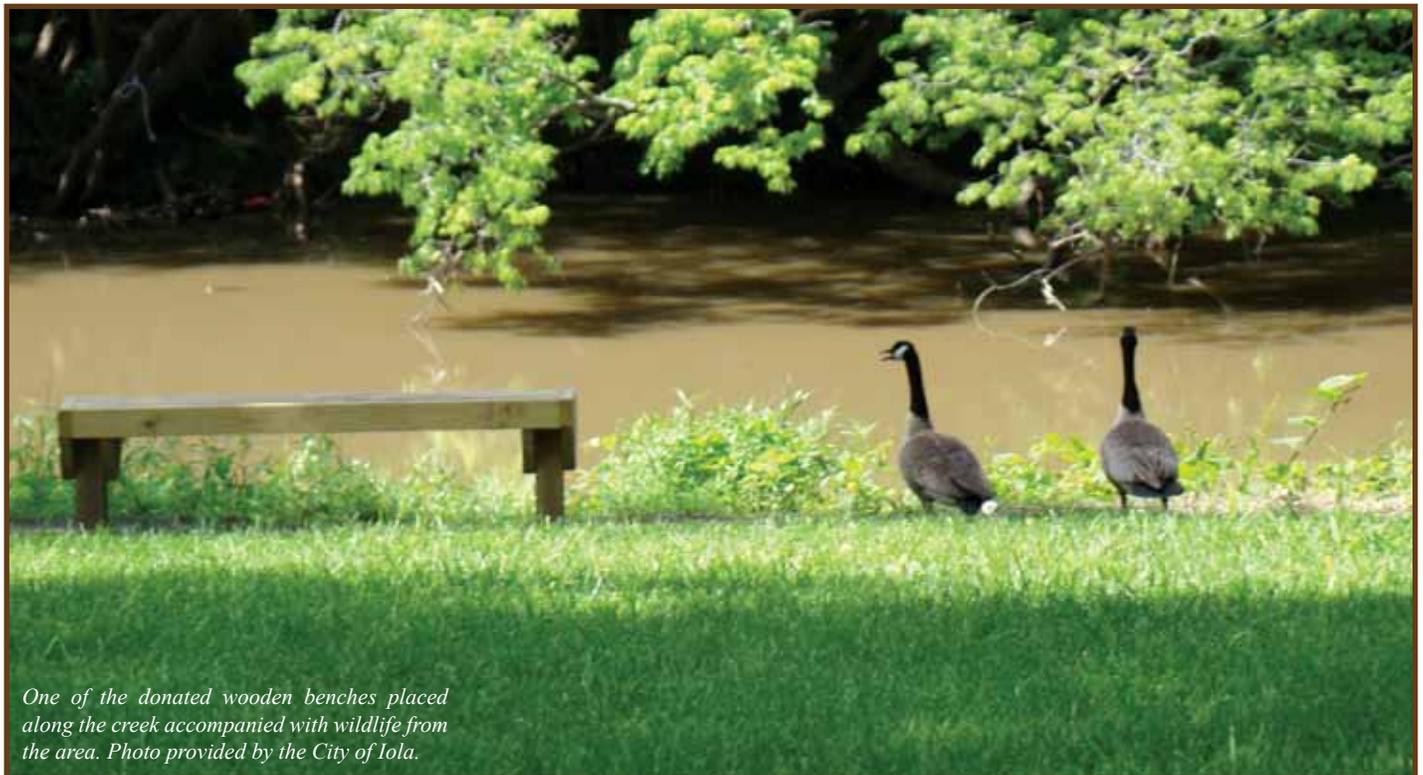
Soon work began to clear the property, and within three days the park was complete and ready for use. A foot bridge, tables, benches, and brick ovens were built. The park was also connected to city utilities to provide adequate toilet facilities. An 18 ft. wide and 10 ft. high stone arch was built at the entrance with a sign stating, "Iola's Free Auto Tourist Camp," welcoming visitors

and travelers as they crossed the beautiful Washington Avenue Bridge at the south edge of Iola. This proved to be a wonderful stopping place because it was midway between two major cities, had restrooms, and tent camping facilities.

The popularity of the camp began to fade when the Red Star Route became U.S. Highway 169, and was moved several blocks to the west. Eventually, the park was closed and the bridge was torn down. With the loss of the bridge, traffic and individuals could no longer access the property, causing the area to be totally abandoned and forgotten for many years.

In 2007, Iola's southern landscape changed dramatically after a flood destroyed over 100 homes. Most of those properties were purchased by the City of Iola through the Federal Emergency Management Agency (FEMA), and have since been turned into green space. As city leaders began to search for ways to utilize this new green space, attention was brought back to the land on the south side of Elm Creek. The request by local anglers for an accessible fishing area, the overgrown condition of a seldom used park on the north side of the creek, and the recent acquisition of contiguous properties prompted the City to begin cleaning up the areas on both sides of Elm Creek.

A local Kansas PRIDE Community group named the Community Involvement Task Force (CITF)/PRIDE conducted a survey in an effort to find ways to improve the City of Iola.



One of the donated wooden benches placed along the creek accompanied with wildlife from the area. Photo provided by the City of Iola.



Photos clockwise: Sign at the entrance of the park that explains the history behind the former Iola Tourist Park. Bridge installed by Iola city workers that crosses over the ravine. New cement tables provided by the Community Involvement Task Force (CITF)/PRIDE. All photos provided by the City of Iola.

The most popular ideas were for more public parks, picnic areas, and fishing areas. CITF/PRIDE raised money for two cement tables to be installed on both sides of the creek. The City of Iola came on board by offering to provide the labor to install the tables. The park areas were also given the official names of North and South Elm Creek Parks by the City Council.

A local news article showcasing the tables and combined efforts to revitalize the parks prompted even more volunteer interest in making this a great fishing spot and relaxing park designed for family fun. One charitable citizen planted flowers, cleared a ravine, and installed wooden benches near the creek. He also purchased gravel and placed it at the park's entrance along with a sign explaining the history behind the former Iola Tourist Park.

The donations did not stop there! Nine flowering trees were donated and planted by volunteers, and a frost free water hydrant was installed by the City for watering. Individual citizens have taken on the task of grant writing to continue moving the project forward. It was the idea of a local citizen to have a bridge built and installed across the ravine. Various citizens and businesses donated materials, money, and labor to construct the bridge. A volunteer surveyed the property to ensure the bridge's placement was accurate. Soon concrete was poured, and the bridge was moved into place with the help of the City of Iola.

Civic groups, volunteers, businesses, and the city government have demonstrated what can be accomplished by joining hands toward a common goal. They have taken the initiative to make their city a better place with old fashioned hard work and philanthropic hearts. People helping people, city workers helping citizens, and a proactive city council has created excitement, and a trend of giving for the development of these two fantastic park areas. South Elm Creek Park has become a great spot for fishing, picnicking, and relaxing. The North Elm Creek Park, although not yet fully developed, is well on its way to becoming a beautiful site for fishing and creek-side hiking.

Individuals dreaming of new ideas, working together, and people with giving hearts can make a significant difference to any community. Excitement within any forward moving community usually causes the cream of volunteers to rise to the top in the form of civic groups, generous businesses, and benevolent volunteers. This is true in Iola, where a community of engaged citizens came together to make a beautiful recreation area out of a forgotten historic site.

☀️ *Kara Godfrey is an Administrative Assistant for the City of Iola. She can be reached at kara.godfrey@cityofiola.com or (620) 365-4900.*

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Johnson County Government in Olathe, Kansas is seeking applicants for an Assistant County Manager. The Assistant County Manager is a high visibility position supporting the County Manager, Deputy County Manager, community, staff, and elected officials. The successful candidate will provide strategic direction for countywide administrative systems and designated service departments, including Corrections, Emergency Management & Communications, Emergency Medical Services, Health & Environment, Human Services, and Museums. Serving as a senior member of the County's management team, this position reports directly to the County Manager and serves as a back-up to the Deputy County Manager.

The ideal candidate will exhibit outstanding leadership, communication and business skills, and will possess the demonstrated capacity to successfully manage in a fast-paced public environment. Requires a Master's degree in Public Administration, Business, or a closely-related field; 10 years of progressively more responsible professional-level public sector experience related to city, county, or public agency management; 7 years of supervisory experience; or equivalent combination of education and experience sufficient to successfully perform the essential duties of the job.

Johnson County offers a competitive salary and benefits package. The expected salary range is \$123,818-\$165,090. For consideration, send resume and cover letter with salary expectations by October 3, 2012 to Leslie Irwin, Senior Human Resources Partner, by e-mail HR-CMO-Recruitment@jocogov.org or by fax (913) 715-1419.

City Attorney

The City of Derby (pop. 22,523) seeks a public service-minded attorney, licensed in Kansas. Serves as general counsel to management and elected/appointed officials. Drafts and reviews contracts, advises management on employment issues, drafts ordinances, reviews policies, provides legal counsel to police and other departments, and

oversees contract attorneys for trials and other matters.

Reports to City Manager and participates as key member of senior management team. Supervises part-time City Prosecutor.

Bloomberg Business Week recognized Derby, the 18th largest city in Kansas, as the Most Affordable Suburb in the state (2010). Derby is proud of its quality schools, parks and recreation, and new library. Quality homes, low taxes, and quick commutes to all the amenities of the Wichita metro area make Derby the place to be. *Family Circle Magazine* named Derby one of the Top 10 Places to Raise a Family (2007).

Prefer municipal law experience. Minimum salary \$71,890, actual salary DOQ. View job description and apply online at www.derbyweb.com. Application, cover letter and resume required. Preference to applications received by October 18. For more information call MacKensie at (316)788.1519x276. EOE.

City Clerk/Finance Director

The City of Great Bend is currently accepting applications for the position of City Clerk/Finance Director. Broad responsibilities include the administration and oversight of all accounting and financial policies of the City of Great Bend. Work is audited by an independent firm for conformance to applicable State of Kansas statutes.

Specifically, the City Clerk/Finance Director will serve as the general accountant of the City, and is responsible for the collection, custody, and disbursement of all City funds. He/she will be responsible for deposits, on a timely basis, of all monies received by the City to the proper account in an official City depository, and pays out such monies only in the manner provided by applicable laws, regulations, and procedures.

The City Clerk/Finance Director audits all bills, accounts and supervises the books and accounts of other officers charged with the receipt and/or disbursement of City funds. He/she also supervises and maintains the City's accounting system for the complete and accurate recording of revenues, expenditures, assets and liabilities of the

City. This includes the planning, organizing, and maintenance of central accounting systems including pre-audit, posting of expenditures, accounting controls, fiscal and capital budget, investment programs, bond programs, etc. The City Clerk/Finance Director also prepares monthly and annual financial statements for presentation to the Governing Body, City Administrator, and other City officials.

The City Clerk/Finance Director serves as the custodian of all City records, except those required to be kept by other officers of the City. This includes books, papers, deeds, title papers, contracts, judgments, and other records. This person will also maintain a system of record management to insure the orderly filing, retrieval, and destruction or preservation of City records as provided by the laws of the State.

Numerous other duties and responsibilities also apply.

This position requires a thorough knowledge of the principles, methods, and practices of municipal finance, budgetary and fund accounting, treasury management, revenue administration, purchasing, data processing, budgeting, comprehensive financial reports, etc. The ability to communicate effectively with the public, staff and Governing Body is essential.

A bachelor's degree in accounting, business, or public administration is essential. Emphasis should be on governmental finance and accounting. Applicants with a master's degree in accounting or CPA designation are encouraged to apply. Interested candidates should have at least six years of progressively responsible experience in finance and accounting.

Applications should be submitted to the Human Resource Director at the City of Great Bend at 1209 Williams, Box 1168, Great Bend, KS 67530. This position will remain open until filled. Applications can be obtained on the City website at www.greatbendks.net under the "Jobs" link. EOE.

City Manager

The City of Rio Rancho (pop. 87,521) is located in Central New Mexico, in the Land of Enchantment. The City boasts



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magnificent views of the Sandia Mountain range, affordable housing, excellent schools, and temperate climate. The City is a progressive community established in 1981 and is in close proximity to skiing, hiking and numerous outdoor and cultural activities.

A Bachelor's Degree in Business, Economics, Public Administration or related field is required, and 10 years of progressively responsible municipality experience, 5 of which must have been in a supervisory capacity. A Master's Degree in Public Administration or related field is strongly preferred. Experience leading a community of similar size is highly desirable.

Interested applicants should submit a letter of application, detailed resume with salary history, and four work-related references by email to: applyCM@ci.rio-rancho.nm.us. Open until filled. First review of applications begins October 15, 2012. Applicant information is subject to the New Mexico Inspection of Public Records Act. To view the job description and recruitment brochure, please visit the employment section at: www.ci.rio-rancho.nm.us. EOE

City Superintendent

City of Sedgwick, pop. 1695, is accepting applications for position of City Superintendent. This position is for a working supervisor in the field who must have knowledge in the areas of water distribution systems and maintenance; cross-connections; wastewater treatment, collections and system maintenance; storm drainage; road maintenance; heavy equipment; purchasing supplies; maintaining inventory; and working with budgets. This employee enforces department safety policies and serves as zoning administrator. Must understand and interpret contracts, blueprints, ordinances, rules and regulations, and possess strong communication and public relations skills.

High school education or equivalent, valid driver's license and must have training and/or certifications in Water/Wastewater Operations. 5 years experience preferred. Residency required. Salary based on qualification and experience. Excellent

benefits. Send resume to City Administrator, City of Sedgwick, PO Box 131, Sedgwick, KS 67135 or email administrator@cityofsedgwick.org. Position open until filled. EOE.

Public Works Director

The City of Grand Island, a community of more than 48,500 residents, is seeking a dynamic, highly organized, strategic planner and articulate communicator with exceptional management and leadership skills to lead the Public Works Department. The Public Works Department is comprised of five divisions with a total operating budget of \$29.4 million for enterprise funds and \$7.7 million for general and internal service fund. Seventy-five employees make up the Public Works Department staff. The Director may serve as the City Engineer providing technical and administrative support to the Mayor, City Council and City Administrator. Ten years of increasingly responsible managerial experience. Public Works experience is preferred. A Bachelor's degree in civil engineering, construction management, business or a closely related field is required. A Professional Engineer registration in the State of Nebraska is preferred. The salary range is \$75,820 - \$106,696 annually commensurate with experience and qualifications. An excellent fringe benefit package is included. For more information on this outstanding opportunity, contact Amy Hall at (308) 385-5444, ext. 190 or at ahall@grand-island.com. The on-line application process is available at www.grand-island.com. The filing deadline is October 9, 2012. EEO/AE/M/F/D/V/G

Street Supervisor

The City of Newton, Kansas is accepting applications for the position of Street Supervisor starting salary \$21.20 an hour. This position is responsible for performing, directing and supervising a crew of 4-6 workers in the maintenance of city streets and alleys. Establishes production goals and coordinates effective use of time, personnel and material resources. Develops and implements temporary traffic controls. Conducts training on worker safety,

equipment operation and maintenance procedures.

Experience: Five years of increasingly responsible experience in street maintenance is required. Thorough knowledge of street maintenance and construction methods. Experience with slurry seal and crack seal applications desired. Thorough knowledge of traffic control devices and related regulations. Form setting/concrete finishing skills preferred. Good supervisory, organization and communication skills. Ability to read blueprints, take elevation readings and estimate resource needs. Ability to operate division equipment and machinery. Ability to achieve quality work through efficient performance.

Education: High school diploma or GED required. Possession of or ability to obtain a Class B commercial drivers license with air brake and tank endorsements within 3-months of employment.

The City of Newton offers a competitive salary and fringe benefits including health insurance plan, life insurance plans, paid vacation, sick leave, a 4/10 work week and holidays. Applications accepted through September 28, 2012. The City of Newton is an EEO/ADA employer Please submit application at www.hrepartners.com.

Wastewater Treatment Plant Operator II

The City of Baldwin City is currently seeking a full-time Wastewater Treatment Plant Operator II Position. The responsibilities for this position include but are not limited to monitoring and maintaining treatment units at the wastewater treatment plant and sewage lift stations located throughout the city. This employee should possess strong mechanical and technical aptitude. Current Class II Wastewater Certification required. High School Diploma or GED required. Must have and maintain a valid KS Commercial Driver's License (CDL) and be insurable by the city's insurance carrier. Salary range \$18-\$22 per hour based on qualifications. Full details and applications are available at Public Works, 609 High Street, Baldwin City, KS, (785) 594-6907. Open until filled. EOE



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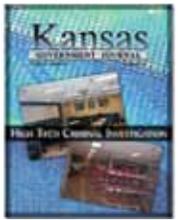
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Policy Politics



Well, as you all know, the political season is now in full swing. We just recently had our state primary here in Kansas, the Republicans have completed their national convention in Florida; and as I am writing this column, the Democrats are meeting in North Carolina. If you enjoy politics, it just doesn't get any better than this.

That said, political parties have always fascinated me, and at one time many years ago, I thought they might be the focus of my life's work. That is because back in my misspent youth (young adulthood), I was a political science graduate student and my emphasis was political parties.

My mother, bless her heart, used to say to me: "Donald, don't be a nerd!" Well, I'm afraid I was a nerd then, and I suspect all these years later, I am still a nerd, at least to some extent.

In politics, as political opinions change, the political pendulum swings back and forth over the course of years, decades and centuries, but at the heart of our political system remains the two-party political system. While many have railed against it for one reason or another, it has remained largely intact for over 200 years in the United States. It is with that backdrop that I got to thinking about how city government, and our elections, vary intrinsically from those held at the county, state, and federal levels.

In a nutshell, city elections in Kansas are by their nature nonpartisan. City officials do not run as Republicans or Democrats despite the fact that most are likely affiliated with one of the major parties. We have nonpartisan elections in Kansas for the simple reason that local issues do not neatly fit into a Republican or Democratic party political construct. The reality is that local issues are about solving the immediate problems of the citizenry, making our communities the best they can be, and that does not lend itself to political labels or philosophies.

As I have said for probably a quarter of a century, filling potholes is not a Republican or Democratic issue. The issues that we face at the local level, be they streets and roads, police and fire protection, parks and recreation, or any of the other local services provided daily by cities in this great state, and around this country, are not in and of themselves political activities. Maintenance of the cemetery does not neatly fall into a Republican or Democratic construct, nor can you fit them into what generally passes as party politics in this state and country. In a discussion of this topic with League Deputy Director Kim Winn, she commented that the fact of the matter is that city politics at its core is really "policy politics." That means that the issues which are present at the local city level are focused on specific public policies choices, and how to achieve those results, not alignment with a particular party.

Now, I suppose you could argue that's the way it works at all levels of government, but the reality is that city government in particular is what I have always described as the retail end of government services. Cities actually have to provide services on a daily basis. If they don't provide these services, then citizens begin to notice almost immediately. Whether it's potholes, sidewalks, police or fire services, or simply the water and sewer systems, the first time one of these services isn't provided immediately, your citizens will become acutely aware that the service is not being provided or is being provided in a reduced fashion.

When cities are no longer able to fund municipal swimming pools, take care of their parks, or maintain their streets and roads, people will notice instantly. I am not just talking here about citizens who live and sleep in the community, but I am also talking about the business community. Businesses large and small thrive in those communities where money is being spent on infrastructure and on maintaining the community in a way that assures a quality of life for all who live, and work in that community. It is important that we maintain fiscal integrity in our municipal governments, and that cities are allowed to continue to chart their own courses throughout this great state.

One of the beautiful things about the way the elections in Kansas are structured is that city elections are held in the spring of odd numbered years. For example, the upcoming primary elections for cities will be held in February of 2013, with the general election for cities held in April of 2013. Those elections will all be nonpartisan. They will be conducted only with the names of the candidates on the ballot without a party affiliation. This allows for the issues to be discussed without the intervening noise which comes from elections which are more glamorous and which include party labels.

Political parties are an integral part of the national and state electoral process. I always argued back in the day when I was interested in political science and writing about such things, that political parties are with us for the duration. It is not a perfect system, but has served the country well for over two centuries. That said, there is a point and a purpose for partisan elections and reasons for them at the federal and state levels. Those reasons are irrelevant at the local level where the big issue in town may be whether to rebuild the sewer plant, or to issue bonds for a new swimming pool or aquatics center. You don't have to be a Republican or a Democrat to support the municipal quality of life and a positive municipal environment.

It's the political season, and I would urge you all to participate. I would suggest that systems such as these, which have worked for many, many years, are by their nature inherent to our democracy, and need to be nurtured and preserved.

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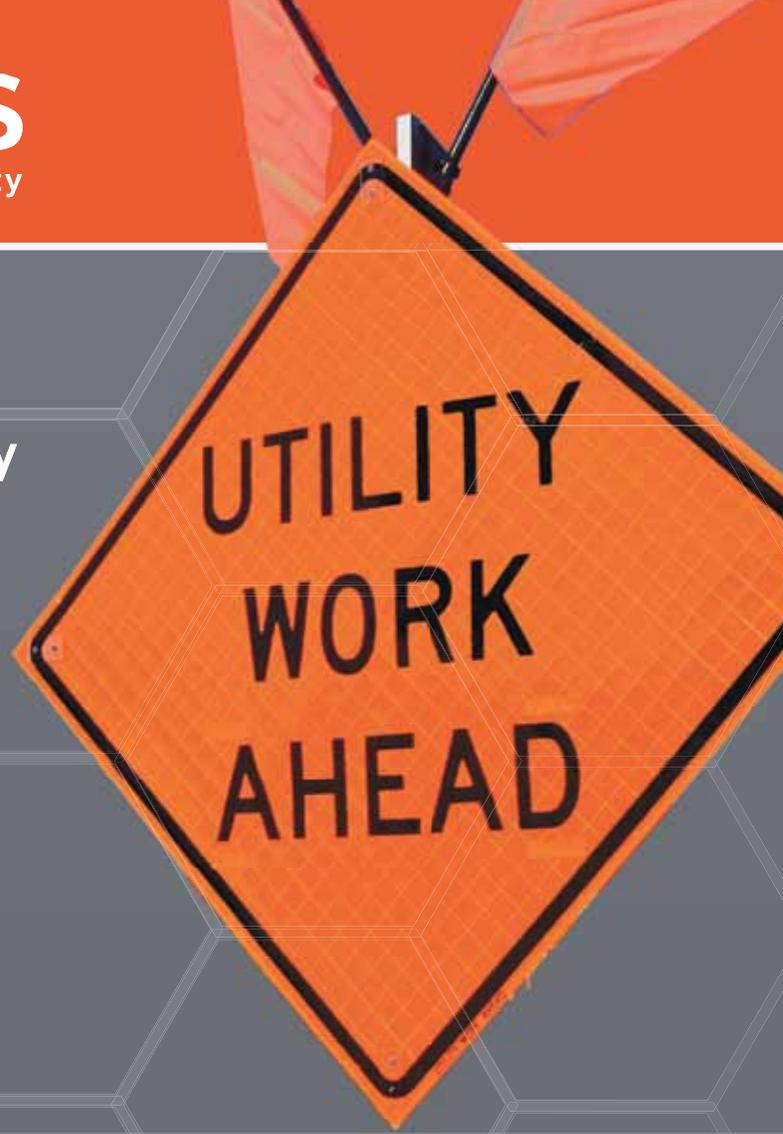
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