



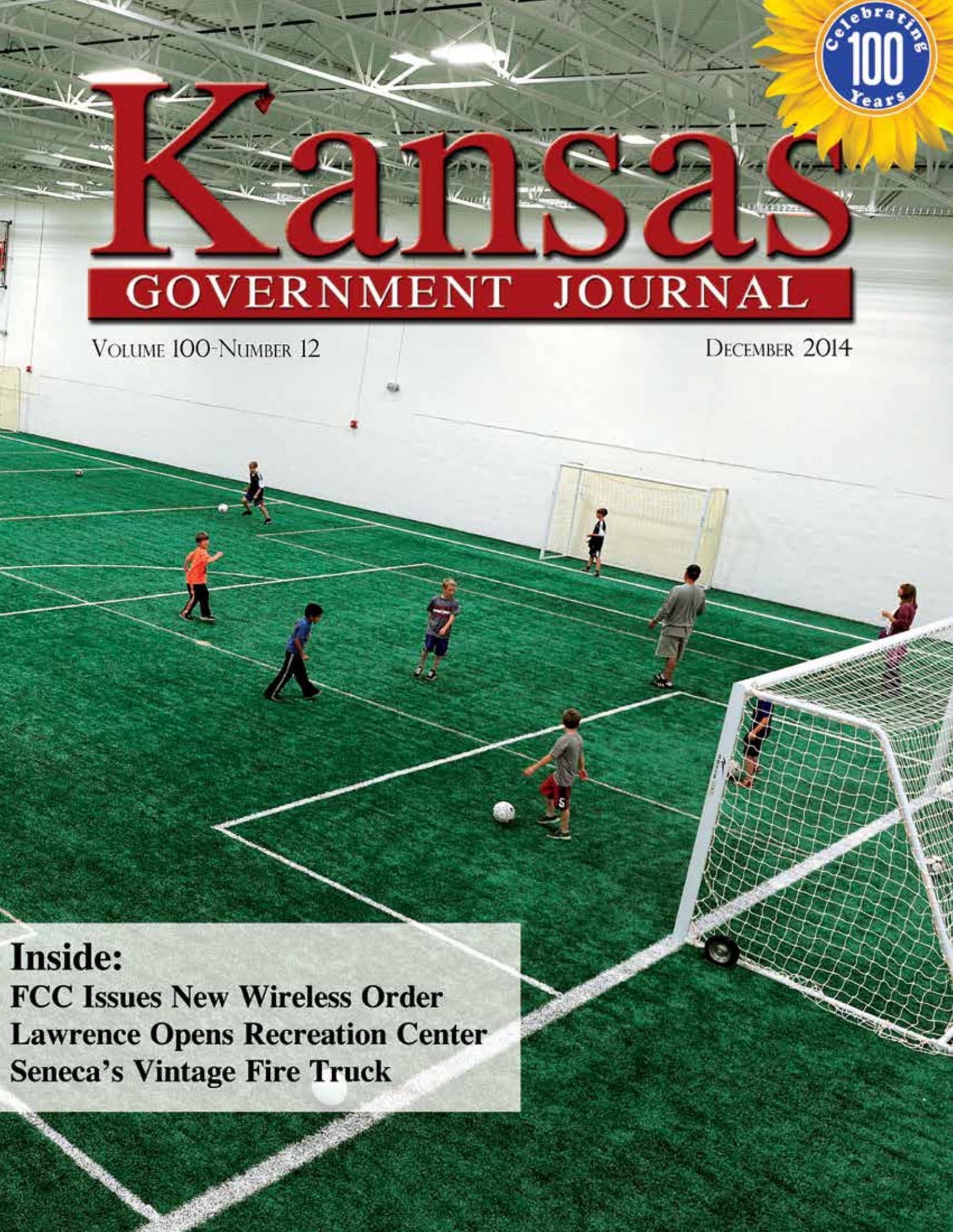
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100
Years

Kansas

GOVERNMENT JOURNAL

VOLUME 100-NUMBER 12

DECEMBER 2014



Inside:
FCC Issues New Wireless Order
Lawrence Opens Recreation Center
Seneca's Vintage Fire Truck

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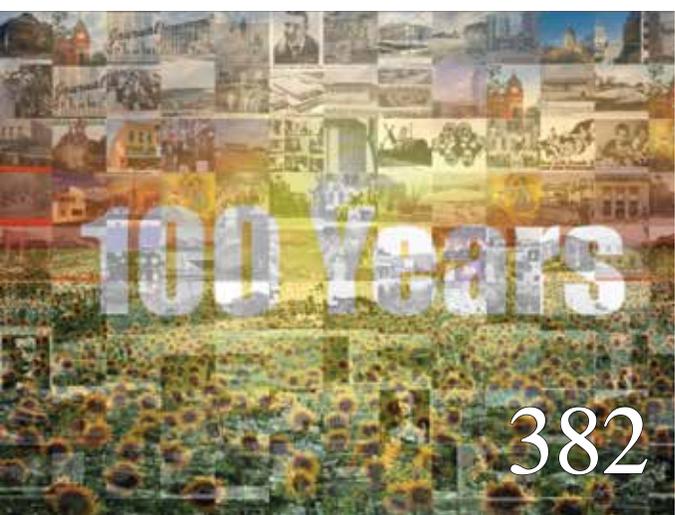
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About the Cover:
Soccer field inside the new Sports Pavilion at Rock Chalk Park. You can read the related article on page 364. Photo provided by the City of Lawrence.

Kansas

GOVERNMENT JOURNAL

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The mission of the League shall be to 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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Calendar of Events

December

12 - LKM Governing Body Meeting, Topeka

24 - LKM Holiday: 1/2 Day Christmas Eve

25 - LKM Holiday: Christmas

January

01 - LKM Holiday: New Year's Day

16 - MLA: Ethics & Civility: Bonner Springs

19 - LKM Holiday: Martin Luther King Jr. Day

23 - MLA: Ethics & Civility, Syracuse

24 - MLA: Ethics & Civility, Hillsboro

February

04 - City Hall Day, Topeka

18 - MLA: KanCap Workshop, Abilene

19 - MLA: KanCap Workshop, Hesston

Obituaries

Dale Huncovsky, 61, died November 16, 2014.

Mr. Huncovsky, mayor of Cuba, was born to Kenneth and Bonnie (Kalivonda) Huncovsky on a farm in Republic County. Life in Cuba often revolved around the grocery store owned and ran by Mr. and Mrs. Huncovsky. He was an avid community booster and would drop everything to help someone in need.

Catherine "Kitty" Stephens, 94, died November 01, 2014.

Mrs. Stephens was born in Dallas, TX, to Katherine and Lucian Dowd. She was an accomplished dancer and singer, as well as the first City Clerk of Prairie Village.

Thelma Swift, 101, died September 12, 2014.

Mrs. Swift was born December 10, 1912, in El Dorado, KS. She served as City Clerk and City Treasurer of Matfield Green for many years with several different mayors, served on many election boards, and collected for many charities, including the American Heart Association.



Director's Foreword

by Erik Sartorius



The day planners and desk calendars have arrived in the office, confirming what many of us have been denying: 2015 is almost here. Do you find it as hard to believe as I do? I am sure you have penciled in the World Series dates for next year – I'm hoping to have the challenge of securing TVs for showing Royals' playoff games during our conference for years to come!

Making plans for 2015 causes me to recall an adage I shared at a few of the League's Regional Suppers. You have probably heard that "the best time to plant a tree is 20 years ago. The next best time is today." The forethought needed for providing shade for your house or city parks applies to relationships with your state representatives and senators, as well. Last month, I encouraged you to be in contact with your state representatives soon after Election Day. I hope you have done so. If not, "the next best time" is today. They do have an interest in what is happening in communities they represent, and there is real benefit to establishing a line of communication with them prior to their being bombarded by issues in the state legislature.

Most of you know that the final months on the calendar here at the League are full of meetings preparing for issues we expect in the coming legislative session. Regional Suppers kicked off these efforts, and I thoroughly enjoyed my first tour. It was a thrill to stop in so many cities on our way to the events and get to meet many of you. Your hospitality was much appreciated. Speaking of hospitality, a huge thank you is deserved for all of the cities who hosted events this year. Hill City, Garden City, Clay Center, Maize, Independence and Ottawa provided great venues for visiting with city officials and state legislators.

The glaring issue facing legislators in 2015 will be the state budget. Less than a week after the election, new revenue estimates project state government ending its fiscal year (on June 30, 2015) with a \$279 million shortfall. Estimates in November also show the state budget lacking \$435 million in the next fiscal year, and more than that amount the year after that. Governor Brownback has made the opening proposal to address the current fiscal year deficit. Some of the actions he may take unilaterally, but a significant amount of the budget reductions will need to be agreed to by the legislature before they can take effect. From these initial movements, observers can already see some schisms opening between the governor and legislative leaders on how to dig the state out of the budgetary hole. This will not be a simple exercise, particularly as attention turns to the future fiscal years.

Expect every conceivable combination of budget cuts, delays in spending, and borrowing from various funds to be proposed to fill the gap. As you well know, most revenue sharing from the state to municipalities has been curtailed for more than a decade.

(Please see Demand Transfer Losses on page 374, which provides a detailed accounting of the funds denied local government.) Despite this, plenty of the proposals that will be suggested will have real ramifications for cities, both direct and indirect.

Our Statement of Municipal Policy, developed by League members through our policy committee process, will guide how we approach issues in the coming legislative session. If you have not yet reviewed the 2015 SMP, please take a moment to familiarize yourself with it here: <http://www.lkm.org/smp/2015-municipal-policy.pdf>.

The League will keep you abreast of developments in Topeka. To make sure you know about current legislative activity, be sure to access information from the League on multiple platforms: Facebook, at www.facebook.com/LeagueofKansasMunicipalities; Twitter, at @LeagueKSMunis; or sign up for our League News by contacting Nikki Harrison at nharrison@lkm.org. Also, circle February 4 on your shiny, new calendar for attending City Hall Day in Topeka. This is a great way to see your legislators and receive a real-time update on legislative happenings. Registration will open in early January.

One certainty for 2015 is a change to the *Kansas Government Journal*. This issue completes the 100th anniversary of the publication. We hope you have enjoyed our celebration of this occasion, the "KGJ: A Look Back" feature on the last page of each issue this past year. Moving forward, our goal is to provide you even better content that helps you tackle issues and make progress in your community.

Beyond replacing the "look back" feature, we will also be reducing our number of issues from 12 to ten annually. I am extremely proud of how staff's hard work has erased the delays that we had been experiencing with issues. As I have become more familiar with the League's operations, however, there also has been a recognition on my part that there are times of the year where producing the *Journal* leaves us stretched too thin. For 2015, we will have a single issue covering the months of January and February, and another single issue for August and September.

As I head toward the close of my final column for 2014, I would like to express my appreciation for the incredibly warm welcome you have given me. This year has been a whirlwind for me, and I suspect many of you feel the same way. One of the real attractions to coming back to Kansas and joining the League was the friendliness of our citizens. All of you associated with cities take that friendliness to another level.

I still have lots of cities to visit, and am looking forward to my journeys. Thank you for the important work you do for the citizens of Kansas. As always, please let me know what is on your mind. Reach me at either esartorius@lkm.org or 785-354-9565.

My wish for you in closing out 2014 and ringing in 2015 is that you have wonderful holidays with your family, friends and loved ones.

Kansas Municipalities

A Monthly Review of Municipal Progress and Problems

VOL. C, No. XII

DECEMBER, 2014

PUBLISHED MONTHLY

Kansas Government Journal Celebrates 100th Anniversary

In December of 1914, the League of Kansas Municipalities began producing *Kansas Municipalities* as the official publication for the organization. It was self-described as “a monthly review of municipal progress and problems.” At the time, a subscription to the magazine cost \$2 a year and a single copy was .25¢. That first edition included a report from the League’s annual conference, a summary of upcoming municipal legislation (including the proposed “home rule” for Kansas cities), and even a few advertisements from those wishing to sell their services to city officials. Circulation for this magazine included the 117 cities that had joined the League since the organization was founded in 1910.

From that time on, the League has continued to produce a monthly magazine. By 1937, the magazine had grown in size and scope and subscriptions had jumped to \$3 annually and .50¢ for a single copy (today, an annual subscription is \$40, with individual issues costing \$5 each). Circulation for the magazine was listed as including more than 500 cities, along with 200 state, 525 county, and more than 100 school officials.

Then Executive Secretary and Editor of the magazine, John Stutz, made the determination that the magazine’s title was no longer descriptive of its expanding purpose. In June 1937, it became the *Kansas Government Journal* with the purpose of the magazine shifting from exclusively covering city issues, to covering government in Kansas in general. This newly renamed publication was “designed to serve more effectively the public officials of Kansas as well as those persons and firms seeking to sell the State and its political subdivisions... [t]his is the Journal of, by, and for the government of Kansas It is devoted to the service of public officers in Kansas and for the improvement of government – state, county, city, school.” *Kansas Government Journal*, Vol. 23, No. 6, pg. 7, (June 1937).

In 1939, the *Kansas Government Journal* was officially recognized in state statute. K.S.A. 12-1610a declares that the governing bodies of political subdivisions of the state are authorized to purchase annual subscriptions and to maintain a bound set of the journals in their archives for reference. K.S.A. 12-1610b authorizes the officers and employees of political subdivisions to cooperate with the publisher of the *Kansas Government Journal* in the compilation of statistical data and other information for publication in the magazine. Although over 70 years have passed since that statute was enacted, city officials across Kansas remain an essential element of each *Kansas Government Journal* issue. By submitting feature articles about their communities, and providing data to help create publications like the *Kansas Tax Rate & Fiscal Data Book*, League members continue to help create the content read by over 4,500 city, county, school, state, and federal officials.

Today, the *Kansas Government Journal* is a full-color, 32-page monthly periodical, the layout is designed on in-house PC’s and sent to the printer via the Internet, and an archive of past issues can be viewed online at <http://www.lkm.org/journal/archive/>. However, after 100 years the primary mission of the publication remains the same. This is still the journal of, by, and for the government of Kansas, and we hope to serve the governments of Kansas for many years to come.

This article is an updated version of the 90th Anniversary article, written by Kim (Gulley) Winn. Kansas Government Journal, Vol. 90, No. 12, pg. 389, (December 2004).

Official Organ of the League of Kansas Municipalities

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SAVE THE DATE

CITY HALL DAY

FEBRUARY 4, 2015

The League of Kansas Municipalities (LKM) invites all city officials from across the state to gather for an exciting and informative day.

In the morning, you will have the opportunity to visit with your legislators about issues that are important to your community. In the afternoon, you will hear presentations, including briefings by legislative leaders and LKM staff.

All city officials are then invited to join LKM for an evening reception with legislators at the Capitol Plaza Hotel.

FCC Issues New Wireless Order

[A] local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station...

In October, the FCC issued a new Order (14-153) requiring local governments to work faster and more efficiently to approve modification applications for cellular facilities (for example, placing new antennas on existing structures). However, there are numerous procedural steps that local governments can take to protect their interests and constituents. Additionally, when a local government acts in its proprietary capacity as a landowner, it can still negotiate favorable leases and establish its own time frames to do so.

This Order updates the FCC’s “Shot Clock” Order which required local governments to approve cellular applications in 90 or 150 days. This new Order requires even faster municipal approval (in some cases, 60 days) for basic changes or upgrades involving collocation, removal, or replacement of transmission equipment. If your local government fails to timely act and if this is a Section 6409(a) application, the provider’s application will be deemed granted upon notification from the provider.

The Order is designed to “further facilitate the delivery of more wireless capacity in more locations to consumers throughout the United States.” The Order, though, does not ensure fair and thorough coverage. In several instances, the Order allows cellular providers to move quickly and with a great deal of flexibility. However, local governments can still require an application and information regarding building and safety codes, stealth facilities, changes in size to towers

or base stations, and other pertinent matters. Additionally, the Order implements new rules with respect to Distributed Antenna Systems (“DAS”) and small cell sites.

Efficient cellular approval processes may be a good thing; however, making local governments react in a very short amount of time is not (cities now have 60 days to approve an eligible facilities request if the modification meets the Federal criteria of not substantially changing the physical dimensions of the existing tower or base station). Make sure you require an application from the cellular provider to ensure that it is actually entitled to expedited handling since not all applications qualify for expedited treatment.

The 155 page Order is lengthy and complicated. Your staff should study this new Order to determine what changes to your codes, regulations, applications and other forms are needed to achieve compliance with the upcoming new mandatory federal requirements. Further, a local government should review its existing leases to determine under what circumstances providers would need further local government approval to add other antennas or facilities or to sublease space. The new rules will likely take effect in March 2015.

✪ *Written by River Oaks Communications Corporation, a Colorado-based telecommunications consultant. They can be contacted by calling (303) 721-0653.*

	General	Cell Tower Lease Agreements	Application Process
Action Items	<p>Examine whether your laws and forms are consistent with new order (they likely are not).</p> <p>Clarify in your ordinance/government practice manual that DAS/small cell applications are entitled to Shot Clock.</p>	<p>Ensure everyone in your organization understands that this order does not grant right of free collocations on government property.</p>	<p>Require the applicant to choose under what statutory term it is seeking approval: 332(c)(7) or 6409(a). In so doing, you establish their timeline.</p> <p>Require applicant provide documentation that is “reasonably related to determining whether the eligible facilities request meets the requirements of Section 6409(a).”¹</p>
DO NOT	<p>Demand documentation for the business need for the proposed modification or require a business case for expansion.</p>	<p>Grant free collocations in your lease licenses by requiring approval in writing of municipality for changes.</p> <p>Allow industry to use new rules as an excuse to install generators at your sites.</p>	<p>Impose a moratorium to freeze all applications. FCC has said that moratoria will not affecting tolling of shot clocks.</p> <p>Approve application without understanding how a facility could expand – the smallest facility may grow an additional 10 feet up and 6 feet out.</p>

Footnotes

1. Examples include documentation showing the change meets size change – including cumulative limit; meets any stealth obligations; meets any building code obligations; meets and safety code obligations; meets any non-discretionary structural code; or complies with any condition of approval of construction or modification imposed on the applicable wireless tower or base station

Source



Definitions

- a. A “tower” is a structure built for the sole or primary purpose of hosting an antenna. A “base station” is any equipment that communicates with user equipment, as well as any structure that supports or houses it.
- b. “Collocation”
 1. Under S. 6409, collocation includes the first placement of transmission equipment on a tower or base station. If structural enhancements (or hardening) to the tower or base station becomes necessary for the collocation, replacement or removal of equipment, the approval process also applies to the hardening.
 2. Under S. 332(c)(7) of the Communications Act, collocation means a request to place an antenna on an existing structure that does not lead to a substantial increase in size.
- c. For the purposes of the approval process, the following modifications “substantially change” the physical dimensions of a tower or base station:
 1. Increases in height of:
 - i. A structure by more than 10%;
 - ii. An antenna, by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet; or
 - iii. Another eligible structure by more than 10 feet, whichever is greater.
 2. Increases in width by adding an appurtenance to:
 - i. A tower, when the appurtenance would protrude from the edge of the tower by more than 20 feet; or by more than the existing width of the tower at the level of the appurtenance, whichever is greater.
 - ii. Another eligible structure, when the appurtenance protrude from the edge of the structure by more than 6 feet.
 3. Installation of additional equipment cabinets
 - i. In eligible support structure, of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or
 - ii. On the ground, for towers in public rights-of-way and base stations where there are no pre-existing ground cabinets; or, if ground cabinets are already present, of new cabinets that are no more than 10% larger in height or volume than the existing ones.
 4. Excavation/deployment beyond site, where “site” is defined as
 - i. The boundaries of the property surrounding a tower not located in the public rights-of-way, and any access or utility easements related to the site
 - ii. The area in proximity to other eligible support structures and to other transmission equipment on the ground.
 5. Concealment Elements
 - i. A modification that would defeat the concealment elements of the tower or base station is a substantial change
 6. Other conditions
 - i. Any other modification is a substantial change if it does not comply with conditions associated with the siting approval of the construction or modification of the tower or base station

Application review process, timeframe, and remedies

1. Telecom providers can use the approval process to modify a broad class of facilities, including broadcast ones, regardless of the service such facilities provide. Similarly, this process can be used to place, remove, and replace a broad array of equipment. This includes radio transceivers, antennas, coaxial and fiber-optic cables, and regular and backup power supply.
2. A local government may require that a party seeking approval under S. 6409(a) to submit documentation to determine whether the request is covered by the statute. It may not require that the party make a showing of the business need for the proposed modification
3. Generally, the local government has 60 days from application submission to approve or deny the request, but the period can be tolled by the parties’ agreement; or if, within 30 days, the government notifies the applicant that the application is incomplete, specifying what information is missing.
 - i. After the supplemental filing, the government has 10 additional days to notify the applicant if the application remains incomplete in regards to the specified information.
 - ii. The local government may not toll the 60-day clock by notifying the applicant of other missing information.
 - iii. The 60-day clock runs regardless of local moratoria.
 - iv. The same timeframe applies to DAS or small-cell facilities, including third-party facilities, for the provision of personal wireless services under S. 332(c)(7).
4. If the local government fails to take any action in 60 days, the request under S. 6409(a) is deemed granted when the applicant notifies the government in writing of the deemed grant.
 - i. The government can challenge a deemed grant in court, by showing that the underlying application
 - Did not meet the criteria for mandatory approval; or
 - Would not comply with applicable building codes or other non-discretionary safety codes; or
 - Was otherwise not appropriately deemed granted.
5. There is no “deemed granted” remedy under S. 332(c)(7). However, a court should weigh the government’s failure to act (in the absence of compelling reasons) as a significant factor in favor of granting injunctive relief.
6. Local governments may require a request to comply with generally applicable building codes and other nondiscretionary structural and safety codes
7. Section 6409(a) and its rules do not apply when local governments act in a proprietary capacity, i.e., when they enter into lease and license agreements to allow parties to place antennas and other wireless service facilities on local-government property.

Source



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Wichita Council Member Named Finalist for National Leadership Award

National League of Cities - Women in Municipal Government (WIMG) is a group associated with the National League of Cities (NLC) that serves as a forum for communication and networking among women municipal officials and their colleagues interested in addressing women's issues. WIMG strives to raise awareness about issues of concern to women and encourage women to seek public office in their communities. The WIMG selected five local officials as finalists for its 2014 Women in Municipal Government Leadership Award. The award identifies a female local official for her unique and outstanding leadership in local government. The finalists have displayed a great commitment in originating creative

and successful programs in local government. These outstanding local elected officials serve as mentors and models for future female leaders.

Finalists for the 2014 award are:

- Gina Cunningham, Mayor, City of Woodridge, Illinois
- Betsy Crossley, mayor, City of Brentwood, Tennessee
- Alfred Mae Drakeford, councilmember, City of Camden, South Carolina
- Rae A. Sinor, councilmember, City of Deer Park, Texas
- Lavonta Williams, council member, City of Wichita, Kansas

Historic Building Being Refurbished in Dodge City

Kansas State senior Hayes Kelman, alongside his dad and family friend, decided to revive a local historic building in Dodge City. The city classified the building as blight, and asked citizens for ideas on what to do with the building before tearing it down. The thought of a local distillery caught the attention of Kelman, who believed it was something in which the city could take pride.

The building, built in 1929, has been used for a number of purposes in the past, but for the last decade has been vacant. Special requirements for the upkeep of the building exist due to its registration as a national historic site. Kelman believes these historic guidelines will only add to the overall success of the building.

The Boot Hill Distillery owns the building and Kelman plans to use local ingredients during production. Three local farmers have committed to providing grain from their fields to benefit the distillery. Kelman hopes to have remodeling plans completed by January and have the tasting room up and running by the summer of 2015.

Source: Dodge City revives blighted building into distillery <http://ksn.com/2014/11/14/dodge-city-revives-blighted-building-into-distillery/> Retrieved November 14, 2014.

Plans to Rebuild Great Plains Theatre in Abilene

Maggie Hoffman, Executive Director of the Great Plains Theatre, said plans are in the works to build a new theatre facility in Abilene. The original building was a historic landmark built in 1883, but the new facility probably will be a more modern structure. A historic former church building had housed the theatre for the past 20 years before it was destroyed by fire on July 23.

Hoffman had been executive director for only a few months when the building burned, the result of a lightning strike from a summer storm. She said an architect has been hired to design the new building, which will house a theater and a cinema. A location has not been selected, and the cost for construction has not been determined.

"It depends on what the architect comes up with," she said. "We want to take our time to do it right and not rush the project."

A professional fundraising expert also will be hired to help the theater raise money and apply for grants for the new building.

Since the fire, Hoffman and her staff have conducted business from temporary office space in Abilene. The remaining productions of the 2014 season were staged in other local facilities, including Abilene High School, Abilene Civic Center, and the Eisenhower Presidential Library and Museum.

Source: Salina Journal. (2014, November 23). Retrieved December 03, 2014, from <http://tinyurl.com/jwbkmez>.

If you have an interesting story about your community and would like it printed in the *Kansas Government Journal*, please submit it to Donyell Wolfe at dwolfe@lkm.org.



Lawrence Opens New Recreation Center

By Megan Gilliland



City and community leaders gather to “cut the net” at the grand opening of Sports Pavilion Lawrence, the city’s newest recreation center and tournament facility. All photos provided by the City of Lawrence.



Kansas Athletics Head Basketball Coach, Bill Self, speaks at the opening of Sports Pavilion Lawrence in October 2014. Coach Self’s Assists Foundation supported the city’s efforts to build Rock Chalk Park and Sports Pavilion Lawrence.

On October 5, the City of Lawrence officially opened the community’s newest recreation center, Sports Pavilion Lawrence. Over 1,200 community members visited the facility’s grand opening for a first look at the 181,000 square-foot complex. Sports Pavilion Lawrence is located in the northwest section of the city, in the newly created Rock Chalk Park. Rock Chalk Park is a partnership between the City of Lawrence, Kansas Athletics, KU Endowment, and Bliss Sports. Kansas Athletics recently constructed new collegiate soccer, softball, and track-and-field stadiums at Rock Chalk Park.



“We believe the project is an extraordinary opportunity for the community,” said City Manager David L. Corliss. “Not only does it address our much-needed indoor gym space needs, the project provides the opportunity to host sports tournaments in our city, capturing sales tax revenue from retail sales to out-of-town visitors, and recapturing revenues currently lost to other communities. Additionally, the project provides a synergy with the KU Athletic facilities, a synergy that would be unique for the State of Kansas and the entire region. The collaboration allows for the maximization of shared infrastructure.”

In the first month of operation, Sports Pavilion Lawrence had over 53,000 visitors.

Sports Pavilion Lawrence has eight full-size gymnasiums available for numerous sports and activities including volleyball, futsal, pickleball, and basketball. Sports Pavilion Lawrence is the first facility to include an indoor turf area for practices, games, and tournaments. The facility offers a room dedicated to gymnastics and includes beams, uneven bars, spring floor, and tumble track.

For those looking for personal health and wellness, the new eighth-mile indoor walking/jogging track or weights and cardio areas are available to the public during regular operating hours. Healthy menu items are available at Crimson Corner Market by Clinton Parkway Hy-Vee, which uses the healthier nutrition standards developed by Parks and Recreation earlier in the year.

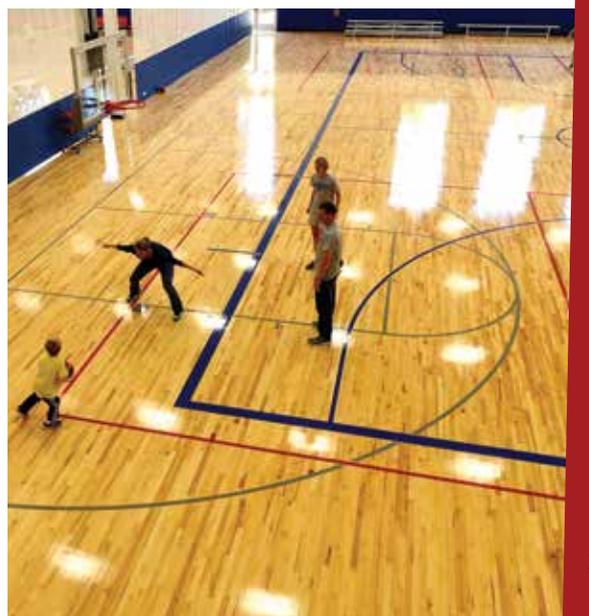
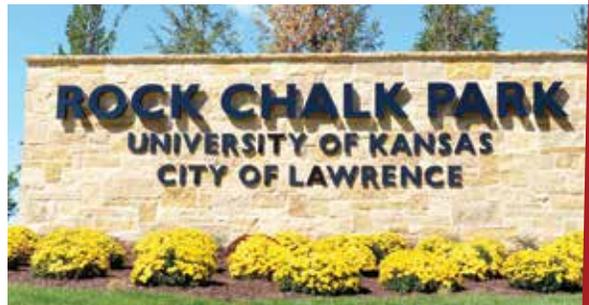
Outside the facility, eight lighted tennis courts and over five miles of outdoor nature trails are available for the community to explore.

Sports Pavilion Lawrence will host tournaments throughout the year, bringing many visitors to the Lawrence community. However, the bigger impact will be on the citizens as the city continues to strive to be the most healthy, active community in Kansas.

The city’s cost for the new recreation facility and shared infrastructure was capped at \$22.5 million. Sports Pavilion Lawrence is expected to be a strong economic generator for the city. The city has already booked 31 tournaments and two large camps/clinics for 2015.

For more information on Sports Pavilion Lawrence, visit <http://www.sportspavilionlawrence.org/>, or follow the center on Facebook or Twitter (@SPLawrenceKS).

 Megan Gilliland is the Communications Manager for the City of Lawrence. She can be reached at mgilliland@lawrenceks.org or (785) 832-3406.





By Marci Penner

Dirt, planets, an owl, and fire came together for the launch of Kanstarter, an online crowd-funding site designed to match Kansas community projects with people who wish to support those projects through donations or volunteerism.

Kanstarter is the newest project of the Inman-based Kansas Sampler Foundation and We Kan Network. It was built by Reflective Group, a cloud technology company from Baldwin City. Reflective Group founder Mike Bosch said, "I'm very excited and honored to be a part of helping rural communities better sustain themselves."

Foundation director Marci Penner said, "Kanstarter is a groundbreaking site for all community-doers. It was created to support the towns that are making extraordinary efforts to thrive but don't have the critical mass to fund projects or to provide the total labor force needed."

The project infrastructure was supported by tax credits from the Kansas Department of Commerce Community Service Tax Credit program.

THE PILOT PROJECTS

Kanstarter opened recently featuring four pilot projects from the communities of Burdett, Plains, Wilson, and Yates Center. Funding goals range from \$5,090 for land for a nonprofit grocery store in Plains, to \$18,900 for a marquee restoration project in Wilson. The marquee was severely damaged in a fire that demolished the 1901 Czech opera house. Remains of the stone building will be converted into an amphitheater, but the first phase of the project is the marquee restoration.

Yates Center, located in southeast Kansas, is seeking \$7,600 for an archway in the first phase of their South Owl Lake recreational trail project. Half of the funding goal represents the value of volunteer hours requested. The volunteer part of the project has already been filled since Kanstarter opened on October 23.

Burdett is planning to fix and enhance a public miniature golf course with \$10,900. As a nod to their most famous citizen Clyde Tombaugh, the discoverer of Pluto, the free course will have a solar system theme.

Katie Hammeke, coordinator for the Burdett project said, "Kanstarter gives our town the opportunity to help revitalize a part of our community, the free putt putt course, and to share what is happening in our town with people all over. Hopefully some people who would normally drive by Burdett will now stop and see what we have in our small town."

A description of each project, a video, and an itemization of the

funds needed are showcased in project boxes on kanstarter.com. If volunteers are requested, a tab for Help Needed lists the variety of skills needed. A donate button makes it easy to contribute.

Using social media, Kanstarter can be readily shared around the world, especially with community alumni.

Mandy Fincham, Community Development Specialist for the North Central Regional Planning Commission, is working with the Wilson project. She said, "Working with over 80 small, rural communities in north central Kansas, I often see many unique projects that don't fit into any one funding source but are still worthy projects. I'm so excited for Kanstarter to bring this opportunity to these communities to do more fun and exciting projects to draw people into their towns."

THE SUBMISSION PROCESS

The submission process encourages project coordinators to involve all age groups, especially 21-39 year olds, in developing the project. Penner said, "We're looking for projects that push the envelope with creativity and purpose, projects that help a community be the best it can be."

In early January 2015, the site will be opened to eligible community projects from towns of any size. Non-profit community-initiated projects that strengthen community are eligible. The definition of community includes rural towns, neighborhoods in urban areas, or niche communities like musicians across the state. Not eligible are events, one-time programs, salaries, or projects that promote a religious or political view.

For more information, read the Frequently Asked Questions section on www.kanstarter.com, or e-mail marci@kansassampler.org.

MAKING OUR STATE STRONGER

Jeanne Roberts, the Plains project coordinator said, "Kanstarter will become a lifeline for many small communities by bringing to the forefront their needs and aspirations. I feel that if people knew a need existed most would be willing to help. Kanstarter will make these needs known and Kanstarter will bring large groups of people together to support this need. So much can be accomplished by many people doing a little. By helping each other out your committee of five becomes an army of maybe millions!"

Marci Penner is the Executive Director for the Kansas Sampler Foundation. She can be reached at marci@kansassampler.org or (620) 585-2374.

KOMA FAQs

The League of Kansas Municipalities receives thousands of legal inquiries from city officials every year. Topics vary greatly from questions regarding franchise fees to concerns about the proper uses of the transient guest tax. While the League receives a wide range of legal inquiries, one topic stands out as the most common – questions concerning the Kansas Open Meetings Act (KOMA). This article addresses some frequently asked questions the League receives on KOMA.

Q: A council member sent an e-mail discussing city business to everyone on the council. Does the e-mail violate KOMA?

A: Probably not. A city violates KOMA when it holds a meeting without proper notice. A meeting occurs when three statutory elements are met: (1) a majority of the membership of the body; (2) interactively communicates; and (3) discusses the business of the body. Here, there is no doubt that the e-mail involves a majority of the membership of the body and that it discusses city business. But a single e-mail does not equate to interactive communication. As noted in A.G. No. 95-13:

Simply sending a message through a computer to other board members is similar to sending a written memo, rather than carrying on a conversation or discussion on the telephone. If no discussion or conversation is had among the board members through the computers there is no “meeting” within the meaning of KOMA.

The analysis would change, however, if council members responded to the e-mail and continued to discuss city business. Thus, while a single e-mail likely does not violate KOMA, LKM discourages city officials from sending such e-mails.

Q: We need to cancel our regular meeting. Can we just post a sign or publish notice of the cancellation in the paper?

A: No. To lawfully cancel a meeting, a member of the governing body should attend the meeting at its regular time, announce that a quorum is not present, and adjourn the meeting to the rescheduled time. Posting a sign, publishing the new time in the paper, or announcing it on social media, are wonderful ways to provide advance notice to your citizens, but they do not meet statutory requirements.

Q: A council member is going to be out of town and wants to call in to the meeting. Is that allowed?

A: Yes. It is up to each city to decide if it will allow a council member to conference into a meeting, but there is nothing in the law prohibiting it. Cities should ensure, however, that the council member conferencing in can hear the meeting and that everyone attending the meeting – including those in the audience – can hear the council member. Cities should also be very cautious about allowing a council member to conference into an executive session, because you never know who else may be listening. The League further advises that cities choosing to provide this option should establish a policy so it does not become abused.

Q: Do we have to post notice of a special meeting?

A: No. While the League encourages cities to inform their citizens of special meetings as soon as possible, state law does not require cities to post notice. Cities have to provide notice to only those individuals that have requested it.

Q: The mayor just called a special meeting and it is scheduled to start in an hour. Is this enough notice to the individuals that have requested it?

A: It depends. Commission cities of the second class must give two hours’ notice of any special meeting. All other cities do not have a statutory time requirement.

Q: We are hiring a new employee. Can we review resumes and conduct interviews in an executive session?

A: Yes. K.S.A. 75-4319(b)(1) allows the governing body to go into executive session to discuss personnel matters of nonelected personnel. This exception encompasses discussions concerning prospective employees.

Q: We are having issues with a council member that we would like to discuss at our next meeting? Can we go into executive session to discuss our concerns?

A: No. All discussions concerning members of the governing body must occur in an open meeting.

Q: Can we stop a council member from disclosing executive session discussions to members of the public?

A: No. the League recommends that at the beginning of every executive session, all participants should be reminded of the importance of keeping executive sessions confidential. But, because the First Amendment guarantees freedom of speech, it is impossible to prohibit an individual from discussing executive session topics in public.

Q: Can we prohibit a council member from attending executive session?

A: No. Under no circumstance can a city prohibit a council member from attending an executive session. Cities have been required to permit council members into executive session even when the council member is suing the city and the city is meeting with its attorney about the litigation.

The nine questions outlined in this article represent a small number of the KOMA questions the League receives. We encourage our members to contact us anytime a KOMA question arises. We are more than happy to assist you.

 Nicole Proulx Aiken is Legal Counsel for the League of Kansas Municipalities. She can be reached at naiken@lkm.org or (785) 354-9565.



Governor Announces Cuts to State Budget

Kansas Division of the Budget - Governor Brownback announced \$280 million in funds transfers and allotments for state agencies to meet the projected budget shortfall. These actions will balance the budget through the state fiscal year, which ends June 30, 2015.

Major fund transfers include \$95.6 million from the Department of Transportation and \$40.7 million from KPERs. Budget Director

Shawn Sullivan said the transfers from KDOT will not affect current construction projects.

For more details, please visit http://budget.ks.gov/files/FY2015/Allotment_Letters_Plan--12-09-2014.pdf.

Governor Outlines Plans to Deploy Seismic Monitoring in South Central Kansas

Office of the Governor - Governor Brownback, in conjunction with members of the Induced Seismicity Task Force, announced the procurement and funding for the acquisition of a six station portable seismic network to monitor increased seismic activity in Harper, Sumner, and Barber counties.

“Public safety is my top priority,” said Governor Brownback. “We must balance the safety of all Kansans, and consider the impacts to industry. This deployment will give our state geologists the data they need to better understand the increased seismic activity being experienced in south-central Kansas and to formulate a plan going forward.”

The funding for the seismic network represents the continued cooperation between state agencies and will allow the Kansas Geological Survey (KGS) to deploy monitoring stations in areas with significant seismic activity. The KGS anticipates the monitoring stations will cost about \$85,000 and will be operational in early 2015.

Governor Brownback established the Induced Seismicity Task Force with representation from the KGS, Kansas Corporation Commission, and Kansas Department of Health and Environment. The Task Force developed a draft plan with input from experts and the public that was presented and adopted by Governor Brownback. The plan calls for a portable seismic network. The KGS continues to develop a permanent statewide seismic network in addition to the portable network that was partially funded during the last legislative session.

Thus far in 2014, the U.S. Geological Survey’s National Earthquake Information Center has recorded 93 earthquakes in Kansas, ranging from a magnitude 1.3 to 4.3, nearly all in Sumner, Harper, and Barber counties. This is an increase over 2013 and prior years.

Water Agreement Signed Between Kansas, Nebraska and Colorado

Kansas Department of Agriculture - An agreement was reached by officials from Kansas, Nebraska and Colorado at a special meeting about the Republican River Compact in Manhattan, Kansas. Representatives of the States signed a resolution, approving operational adjustments in 2014 and 2015 under the Compact, which will benefit water users throughout the Republican River Basin.

Governor Brownback noted that the agreement was positive for Kansas water users. “This resolution will protect a valuable water resource for Kansans. This agreement allows Harlan County Lake to serve as the destination for water legally due to Kansas and allows for the water to be delivered to Kansas water users when needed.”

“We appreciate the spirit of cooperation that has been shown by Nebraska and Colorado in this process. This is a strong beginning to developing a long-term future for water agreements between the states,” said Kansas Secretary of Agriculture Jackie McClaskey. “We know there is additional work to do, including reaching out to our federal partners and others, but believe we are moving in the right direction to arrive at a workable solution that protects Kansas water users, but is balanced and fair to all parties and reflects good water management.”

Kansas Water Office Director Tracy Streeter said that this

agreement gives Kansas water more certainty. “Approving the resolutions will bring significant benefits to the States by preserving the remaining water supply in Harlan County Lake and providing additional certainty to water users throughout the Basin. This is one of the action items that water users asked for and was included in the second draft of the Long-Term Vision for the Future of Water Supply in Kansas.”

The agreement addresses the operational adjustments of how water is administered for the benefit of irrigators in the Basin. It provides Nebraska with 100 percent credit for water delivered from augmentation projects to Harlan County Lake prior to June 1, 2015, and the delivered water is for exclusive use by Kansas irrigators.

Officials from the Kansas Department of Agriculture and the Kansas Water Office will be holding informational meetings in the areas affected in the Republican River Basin over the next few months to update local stakeholders on the current agreements between the states and to learn more about local needs and concerns.

The states will meet again in early January for further discussions, to coordinate the implementation of these resolutions and continue to work on long-term solutions.



Seneca's Vintage Fire Truck

By Matt Rehder

The City of Seneca Volunteer Fire Department is the owner of one of only twelve 1922 Model K Stutz Fire Engines. The City transports to vintage car shows around the country and the Stutz has won numerous "Best In Show" awards, most recently in Branson, Missouri, in 2013. The summer 2014 edition of *Kansas! Magazine* claims the Stutz as one of the 21 reasons we love Kansas. The history of the Stutz is one to love as well.

The Stutz was purchased in October, 1922, after a series of contentious city council meetings. In prose befitting a war novel, the following is taken from the October 12, 1922, edition of the *Seneca Courier-Tribune*: "(Ed) Taylor and Henderson fought the purchase of the truck until the last gasp when the Council convened Monday night. When Henderson saw that he was outflanked and entirely surrounded by the enemy, he began negotiations for the best possible terms from the representative of the truck manufacturers who was present. Henderson demanded a 5 per cent discount. He got it."

The article finished with even more war imagery and sibling rivalry before a vote. "As things began to warm up City Attorney Chas. H. Herold arose and threw a hand grenade into the trenches. He asked the city clerk to score his marksmanship on the city minute book." Mr. Herold claimed the city could not spend more than \$5,070 for the truck or "the Mayor and Council lay themselves open to fine and imprisonment if they exceed this sum." Retorted Ed Herold, the brother of the City Attorney, "I'm ready to go to jail," to which the City Attorney replied, "You've gone crazy over this fire truck."

In the end, the Council approved the purchase for \$6,650 "cash money," down from the original price of \$7,415. An actual vote tally is not stated, only one nay, one abstention, and all others aye. The article concludes, "There were no casualties when Mr. Herold threw his grenade... The Council rubbed the smoke out of its eyes and opened a discussion about terms."

The Seneca VFD used the Stutz until 1946 as one of the primary fire fighting apparatuses. At that time, the Stutz was retired and used for mostly ceremonial purposes until it was sheltered for good. In the late 1970's, the SVFD decided to refurbish the Stutz as part of the city's bicentennial celebration. The Stutz was disassembled to the frame, transmission and pump. In 18 months, the Stutz was completely restored, including new paint and chrome. The chemical tank was refurbished after being lost for six weeks and ending up on a loading dock in Omaha, Nebraska. After a mad dash to retrieve the tank, it was restored by SVFD members themselves. It is estimated the SVFD used approximately 4,000 man hours and nearly \$8,000 to refurbish the Stutz.

The refurbished Stutz was unveiled to the community in 1977 and remains in the Stutz Museum to this day. The museum is connected to Seneca City Hall and is a favorite destination spot for residents and visitors.

☀️ *Matt Rehder is the City Administrator of the City of Seneca. He can be reached at senecaks@gmail.com. Photo provided by City Superintendent Brian Rusche.*

Municipalities and the Endangered Species Act

By Clark Belts, Ali Smith, and Andrew Simmons

History of the Endangered Species Act

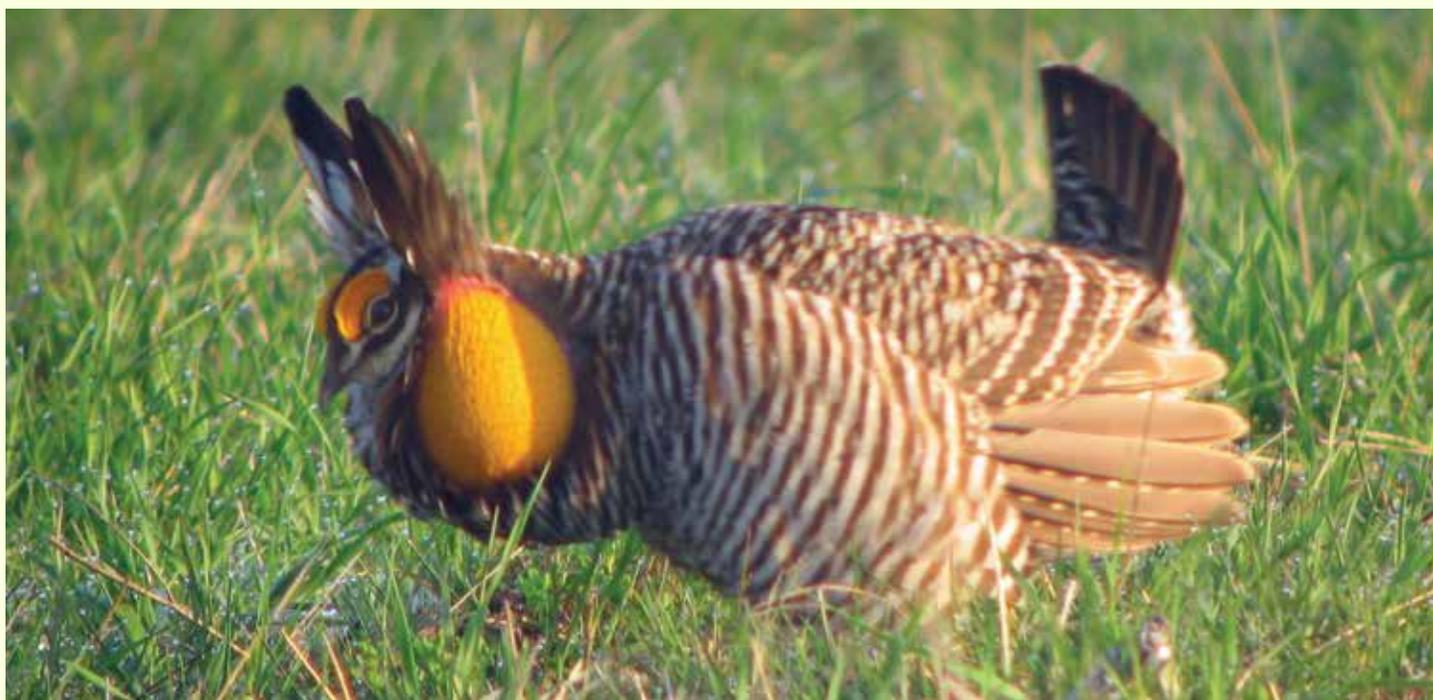
The Endangered Species Act has a history spanning several decades, and started with President Theodore Roosevelt establishing the first National Wildlife Refuge in Pelican Island, Florida.¹ Legislation for this issue officially began when Congress passed the Endangered Species Preservation Act (ESPA) in 1966. This act provided a system for listing native animal species as endangered. It gave the Department of Interior, Department of Agriculture, and Department of Defense the mission to protect listed species and their habitats. The Act also gave the U.S. Fish and Wildlife Service the ability to acquire tracts of land to be used as habitat for endangered species. The ESPA was amended in 1969 to prohibit the importation and sale of endangered species in the United States.²

Kansas Wind Power and the Prairie-Chicken

Wind power has been identified as a potential threat to the lesser prairie chicken in Kansas. As wind power rapidly develops, it is likely to result in marked increases in potential conflicts with the prairie-chicken. Kansas State University Professor R. J. Robel has argued that wind turbine development in the Flint Hills would adversely impact the some of the best greater prairie-chicken nesting and brood-rearing habitat. Robel argues that greater prairie chickens have a low tolerance for human disturbance, and will likely avoid areas within one mile of turbines.

Sources

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Congress passed the Endangered Species Act (ESA) of 1973 (which amended the 1969 Act) to better protect endangered species by making plants and all invertebrates eligible for protection; requiring federal agencies to conserve listed species; prohibiting any federal agency from taking actions which would jeopardize a listed specie or destroy its habitat; and providing funding authority to acquire land for foreign species.

Several amendments have been made to the ESA since its original passage, further expanding the powers of the federal government, particularly the U.S. Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service, to protect critical habitat and endangered flora and fauna.

As of October 2009, 1,361 plants and animals have been listed under the Act as endangered or threatened. For other plants and animals, they have been delisted. For example, in 2007 the Bald Eagle was delisted following recovery, and in 2008 the Polar Bear was added to the threatened list due to habitat loss.³ In Kansas alone, there are nine endangered species including the Grey Myotis (listed in 1987) and the Black Footed Ferret (listed in 1978). There are also two fish and one bird species, listed as threatened, according to the Kansas Department of Wildlife, Parks, and Tourism.⁴

Habitat Conservation Plan

Habitat Conservation Plans (HSPs), part of the Endangered Species Act, aim to preserve flora and fauna that could be threatened or endangered. In more technical terms, these conservation plans are, "documents required as part of an application for an incidental take permit. One of the key aspects of the plans is the Incident

Take Permits (ITPs), also referred to as "section nine." The permits describe the anticipated effects and how those impacts will be minimized.⁵ These effects are described as a "take." The Habitat Conservation Plan defines a "take" as the act of harming or destroying a listed species in a particular habitat. Anticipated effects could be causing "significant habitat modification where it actually kills or injures a listed species through impairment of essential behavior- e.g., nesting or reproduction."⁶ Habitat Conservation Plans have proven to be very effective and help implement new provisions to ensure accountability. Violating these is an unlawful act, and there are notices and warnings provided to those who do not comply. There is also a period for the public at large to express their opinions and concerns as part of the permitting process for new facilities that may impact endangered species.

There are three types of monitoring that may be required: compliance, effectiveness, and effects. This monitoring, according to the Habitat Conservation Plan handbook of the Fish and Wildlife Service, is conducted by, "the ESA or any party they designate as responsible (e.g., State wildlife agency, local government)."⁷ Once provisions are put into place, the landowners become accountable to uphold their "take" permits. With regulations and monitoring, the Fish and Wildlife Service can ensure that habitats are being properly maintained.

The Safe Harbor Policy and the Habitat Conservation Planning Handbook are two additional provisions to the Habitat Conservation Plan process.⁸ The Safe Harbor Policy aims to, "encourage landowners to improve habitat for listed species on their property and attempts to reverse the incentive that landowners currently have to take endangered species before their land is

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Holiday Displays, Christmas Parties, and Payments to Religious Groups

Cities across the state have set up holiday decorations around the office and community, are preparing for their annual Christmas parties, and are taking other steps to celebrate the holiday season with their residents and employees. The League sometimes receives questions about whether a city can get in trouble for these activities because of the U.S. Constitution's prohibition of state endorsement of religion. Although cities are allowed to participate in the holidays in many ways, below are some cases and best practices that you should keep in mind.

Holiday Displays

A hot issue this time of year is what holiday displays cities are allowed to set up. This issue arises from the Establishment Clause in the First Amendment of the U.S. Constitution, which reads, "Congress shall make no law respecting an establishment of religion..."¹ In several cases, the U.S. Supreme Court has analyzed whether government Christmas decorations violate the Establishment Clause. In *Lynch v. Donnelly*, 465 U.S. 668 (1984), a majority of the Court held that a city in Rhode Island did not violate the Clause when it displayed a nativity scene. The Court's influential concurring opinion stated that the scene was constitutional because the city did not intend, and the scene did not have the effect, of endorsing a particular religion. The concurrence stated that, because the nativity scene was accompanied by secular symbols (a Santa Clause and reindeer), a reasonable person would perceive the display as a celebration of a public holiday rather than an endorsement of Christianity. Later, in *County of Allegheny v. ACLU of Greater Pittsburgh*, 492 U.S. 573 (1989), the Court held that one display was unconstitutional because it only included a nativity scene and was placed in a courthouse's main staircase. However, they found a display outside the courthouse to be constitutional because its religious symbols were accompanied a Christmas tree and "salute to liberty" sign, which were deemed secular.

Another issue is private religious displays in public spaces. Cities can allow private groups to set up purely Christian displays (like a cross or nativity scene) in public spaces, but cannot discriminate by prohibiting other groups from setting up their own displays.² However, cities may allow private displays in a public space if they are continuously monitored by their sponsors and ban those that are not.³

With the aforementioned cases in mind, the following are some principles you should consider when setting up city holiday displays: 1) scenes associated with one religion should also be accompanied by secular symbols (Santa Clause, reindeer, a Christmas tree, etc.), 2) if a display is dominated by imagery associated with one religion, it shouldn't be displayed at the entrance of an important government building or other high traffic areas, 3) cities should avoid placing signs or banners with purely religious messages, and 4) if your city allows private groups to place displays on public property, do not discriminate against groups based on the content of their displays.⁴

Christmas Party vs. Holiday Party

The next question commonly asked this time of year has a relatively easy answer - your city is not likely to get in trouble for calling the

office holiday bash a Christmas Party. This, by itself, would not amount to government endorsement of Christianity, or religious discrimination against a non-Christian. However, if an employee does bring a religious discrimination claim, the use of "Christmas Party" may be a factor in determining whether discrimination existed.⁵ Additionally, cities may want to consider the diversity of their workforce, and accommodate those who don't celebrate Christmas by referring to the party in a religiously neutral way.

Another important factor in this debate is how the public will respond. In 2013, as part of a rebranding effort, the City of Salina changed the name of their party from the "Mayor's Christmas Party" to the "Winter Holiday Party." The City received a huge number of complaints from citizens who felt "Christmas" should remain in the title, and the City finally settled on "Christmas Holiday Party."⁶

Payments to Religious Groups

Another issue that comes up this time of year is the payment of public funds to religious institutions. This is almost always done to support the institution's effort to carry out some secular purpose, such as building affordable housing or providing support for the poor. This issue is analyzed in detail by Kansas Attorney General's Opinion No. 1997-10, which states that, "[a] city may provide financial assistance to a social service agency that subscribes to certain religious tenets as long as the use of such funds conforms with the public purpose doctrine and the funds are not used to secure or maintain a place where any form of religious worship is conducted or where any religious doctrine is taught." In summary, public funds may be paid to a religious institution in exchange for secular services, but not to support their religious activities.

Conclusion

Municipalities are allowed to set up Christmas decorations, host "Christmas parties," and make payments to religious institutions. However, these actions can come with legal risks. The distinction between a permissible and impermissible activity is often unclear, so if you have any questions, please contact the League or your city attorney.

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

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Demand Transfer Losses

By League Staff

Budget and tax decisions made by the Kansas Legislature have had serious impacts on local governments over time. With the \$280 million current year shortfall in the state’s budget, and more than \$430 million shortfalls in each of the two coming years, cities may again have to brace themselves for state actions.

This article recounts the history of several key revenue sources and the impact of losses in the last 17 years. Local governments have stepped up to this ongoing challenge by improving the delivery of their services where possible. However, these losses still have forced communities and their local officials to consider cuts in local budgets, cuts in services to citizens, and property tax increases in some cases.

Since 1997, cities and counties in Kansas have lost a total of \$1,865,936,544 as a result of the State’s decision not to fund demand transfers. It is very important to note that while some of these monies are often referred to as “state aid” in budget documents, the history of these funds does not support that classification. The LAVTRF and the CCRS funds (explained below) were part of an agreement between the State and local governments that involved the loss of local revenue sources in exchange for the establishment of these funds.

LAVTRF (Local Ad Valorem Property Tax Reduction)

Established under K.S.A. 79-2959, LAVTRF is currently supposed to transfer 3.63% of state sales and use taxes to cities and counties. Revenue sharing in this manner dates back to the 1930s with the current statutory framework being established in 1965. At that time, the local share of certain cigarette revenue stamp taxes and cereal malt beverage taxes were rolled into the state general fund and a direct transfer was made into the LAVTRF to replace the loss of these funds (Kansas Session Laws, Chapter 530, 1965).

Reduction in LAVTRF			
Fiscal Year	Statute	Actual	Loss
1997	\$48,661,000	\$46,949,000	\$1,712,000
1998	\$50,688,000	\$47,771,000	\$2,917,000
1999	\$55,122,000	\$55,122,000	\$0
2000	\$57,903,000	\$57,903,000	\$0
2001	\$60,315,000	\$54,139,000	\$6,176,000
2002	\$61,980,000	\$54,680,000	\$7,300,000
2003	\$62,431,000	\$26,247,000	\$36,184,000
2004	\$64,636,000	\$0	\$64,636,000
2005	\$66,521,000	\$0	\$66,521,000
2006	\$66,682,000	\$0	\$66,682,000
2007	\$71,233,000	\$0	\$71,233,000
2008	\$71,063,598	\$0	\$71,063,598
2009	\$69,860,878	\$0	\$69,860,878
2010	\$67,430,000	\$0	\$67,430,000
2011	\$81,788,000	\$0	\$81,788,000
2012	\$87,665,000	\$0	\$87,665,000
2013	\$92,021,000	\$0	\$92,021,000
2014	\$88,644,600	\$0	\$88,644,600
Total Through FY 2014	\$1,224,645,076	\$342,811,000	\$881,834,076

CCRS (County City Revenue Sharing)

Established under K.S.A. 79-2964, CCRS is supposed to transfer 2.823% of state sales and use taxes to cities and counties. CCRS was established in 1978 as part of an agreement between the State and local governments regarding a number of different taxes. In particular, the local share of cigarette and liquor enforcement tax revenues was traded for the establishment of the CCRS (Kansas Session Laws, Chapter 401, 1978).

Reduction in CCRS			
Fiscal Year	Statute	Actual	Loss
1997	\$37,117,000	\$35,095,000	\$2,022,000
1998	\$38,570,000	\$35,709,000	\$2,861,000
1999	\$41,376,000	\$36,566,000	\$4,810,000
2000	\$44,359,000	\$36,932,000	\$7,427,000
2001	\$46,004,000	\$34,531,000	\$11,473,000
2002	\$46,901,000	\$34,876,000	\$12,025,000
2003	\$47,868,000	\$16,741,000	\$31,127,000
2004	\$51,564,063	\$0	\$51,564,063
2005	\$53,422,952	\$0	\$53,422,952
2006	\$56,609,567	\$0	\$56,609,567
2007	\$57,920,881	\$0	\$57,920,881
2008	\$55,206,431	\$0	\$55,206,431
2009	\$54,329,823	\$0	\$54,329,823
2010	\$52,570,000	\$0	\$52,570,000
2011	\$63,606,000	\$0	\$63,606,000
2012	\$68,175,000	\$0	\$68,175,000
2013	\$71,563,000	\$0	\$71,563,000
2014	\$68,937,660	\$0	\$68,937,660
Total Through FY 2014	\$956,100,377	\$230,450,000	\$725,650,377

SCCHF (Special City-County Highway Fund)

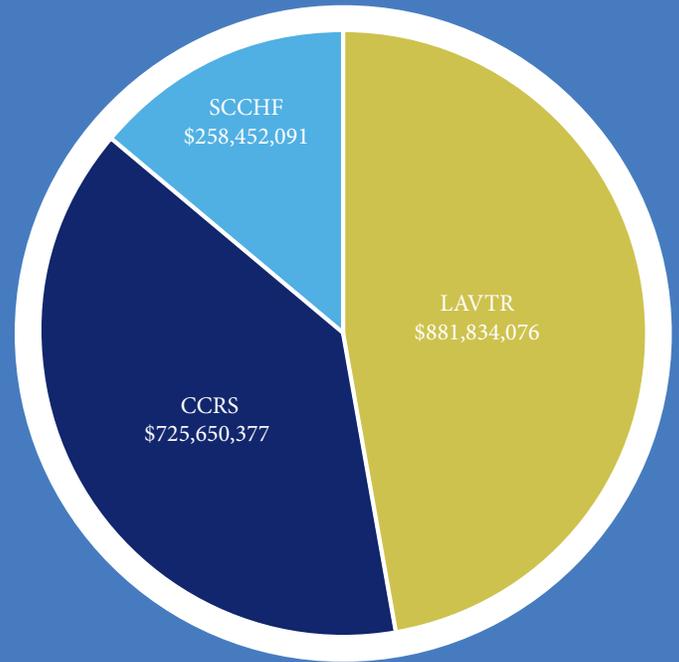
Established under K.S.A. 79-3425(I), this portion of the Special City-County Highway Fund is funded by the motor vehicle property tax. The other portion of SCCHF is funded by the motor fuels tax and transfers from that portion of the fund have not been reduced to date.

Reductions in SCCHF			
Fiscal Year	Statute	Actual	Loss
1997	\$15,998,000	\$10,553,000	\$5,445,000
1998	\$15,683,332	\$10,737,000	\$4,946,332
1999	\$16,124,589	\$10,995,000	\$5,129,589
2000	\$17,920,464	\$11,182,000	\$6,738,464
2001	\$18,068,010	\$10,343,000	\$7,725,010
2002	\$15,729,000	\$10,447,000	\$5,282,000
2003	\$19,498,652	\$10,063,000	\$9,435,652
2004	\$20,454,000	\$5,032,000	\$15,422,000
2005	\$22,056,000	\$10,064,000	\$11,992,000
2006	\$25,811,513	\$10,064,000	\$15,747,513
2007	\$29,031,000	\$10,064,000	\$18,967,000
2008	\$29,685,531	\$10,064,000	\$19,621,531
2009	\$22,000,000*	\$0	\$22,000,000
2010	\$22,000,000*	\$0	\$22,000,000
2011	\$22,000,000*	\$0	\$22,000,000
2012	\$22,000,000*	\$0	\$22,000,000
2013	\$22,000,000*	\$0	\$22,000,000
2014	\$22,000,000*	\$0	\$22,000,000
Total Through FY 2014	\$246,060,091	\$119,608,000	\$258,452,091

* The Kansas Department of Transportation has quit calculating this number, so it represents a conservative estimate of the amount that should have been transferred.

Total of All Demand Transfer Losses Since 1997

= \$1,865,936,544



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The Executive Boards of the IPMA-HR Central Region and the Greater KC Chapter are pleased to announce that the **2015 IPMA-HR Central Region Training Conference will be held at the Embassy Suites Plaza in Kansas City, Missouri, May 31 – June 3, 2015.**

Look for details soon at www.ipma-hr-central.org.

For information about speaking and/or sponsorship opportunities, contact Lori Briggs at lori.briggs@kcmo.org or 816-513-0845.

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2015 LKM OPERATING BUDGET

As approved by the League Governing Body in Topeka on September 5, 2014

REVENUES	2014 Budget	2015 Budget
General Operations		
Dues and Research	805,000	815,000
Rent Receipts	154,000	155,000
Kansas Government Journal	110,000	115,000
Publications and Advertising	145,000	130,000
Conference and Service Awards	330,000	275,000
Interest Earned and Other Revenue	6,000	6,000
Sub Total - General Operations	1,550,000	1,496,000
Special Programs		
Ordinance Codification	27,000	23,000
Personnel Programs	20,000	20,000
KMIT	70,000	70,000
Workshops and Seminars	65,000	65,000
Affiliate Services and Other Programs	46,000	38,000
Sub Total - Special Programs	228,000	216,000
TOTAL REVENUES	1,778,000	1,712,000
EXPENSES		
Personnel Services		
Staff Salaries	765,000	735,000
Staff Benefits	240,000	235,000
Professional Memberships	15,000	18,000
Training and Travel	35,000	45,000
Sub Total - Personnel Services	1,055,000	1,033,000
Contractual Services		
Building Maintenance	54,000	60,000
Equipment Related	59,000	59,000
Publications and Printing	38,000	51,500
Kansas Government Journal	90,000	75,000
General Overhead	30,000	30,000
Conference and Service Awards	277,500	225,000
Meeting Expense	20,000	25,000
Sub Total - Contractual Services	568,500	525,500
Commodities		
Office Supplies and Paper	30,000	17,000
Books, Software, and Subscriptions	15,000	20,000
Utilities, Telephone, and Postage	49,000	55,000
Sub Total - Commodities	94,000	92,000
Capital Outlay		
Equipment Purchases	17,500	17,500
Building Improvements	-	-
Sub Total - Capital Outlay	17,500	17,500
Special Programs		
Personnel Programs	5,500	2,000
Workshops and Seminars	22,500	37,000
Affiliate Services and Other Programs	15,000	5,000
Sub Total - Special Programs	43,000	44,000
TOTAL EXPENSES	1,778,000	1,712,000

Kansas Government Journal

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Assistant City Attorney II

The City of Lenexa is accepting applications for an Assistant City Attorney II.

QUALIFICATIONS: A juris doctorate from an accredited law school and Kansas bar. This is a senior level position. Advanced legal knowledge and experience in municipal law; the ability to independently manage legal projects; counsel elected officials and management on legal matters; supervise and manage other attorneys and support staff; research, analyze, and draft legal documents. Previous experience in municipal law, litigation, contract and employment law is desirable. This is not a prosecution position.

The ideal candidate will have a passion for public service and at least 5 years of legal experience, of which 3 years were in municipal or other governmental law; excellent verbal, written and analytical skills; strong counseling and negotiating experience; supervision and management experience; and good interpersonal skills.

To Apply: Submit an online application to <http://www.lenexa.com/hr/career.html>. Applications accepted until filled.

Business Development Specialist

Are you a Business Development Specialist with a proven track record of attracting and securing NEW BUSINESS? Harvey County Economic Development Council is growing and is accepting resumes to fill this role. The BDS will identify and implement recruitment strategies both internationally and globally to attract NEW BUSINESSES to Harvey County that will allow for growth. Communication, interpersonal skills and relationship development are critical to the success of this position! If you possess these qualities and would like to be considered for this opening, please forward your cover letter, resume and salary requirements to:

Harvey County EDC
500 North Main St. Suite 109
Newton, KS 67114
mickey@harveycoedc.org

Chief Planner - City of Gardner, KS

Salary: \$64,128 - \$93,168/yr. – EXEMPT – Responsibilities include taking a lead role in developing long-range plans and creation of new or amended development regulations, conducting public outreach and engagement efforts, assisting in the processing of

zoning entitlement applications, supporting economic development plans and programs, and providing general support of the Business and Economic Development Department's customer service initiatives and daily functions. Master's degree in planning, urban planning, business, public administration, or a related field and a minimum of seven to ten (7 to 10) years of progressively responsible experience in land use, urban planning and comprehensive planning, plus five (5) years of supervisory experience, or any equivalent combination of education and experience that provides the required knowledge, skills, and abilities. AICP certification required. Application Deadline: Open Until Filled with First Review 12/19/14.

Application and job description available at City Hall or on-line at www.gardnerkansas.gov Submit completed application to City of Gardner, HR Department, 120 E. Main, Gardner, KS, 66030. All offers of employment are conditional upon the successful completion of a post offer physical exam, drug screen, and background check including driving record. EOE

Chief of Police - City of Great Bend

The City of Great Bend, Kansas seeks an experienced and engaged law enforcement professional to lead our Police Department. The City of Great Bend Police Chief is responsible for a progressive community-minded department of 30 commissioned officers with four support staff.

Required qualifications include: Bachelor's Degree in Criminal Justice or a related field of study; progressively responsible law enforcement and police experience in a command and administrative capacity; advanced law enforcement training; and a record of effective leadership and cooperation with community members, City administration, and fellow department managers. An equivalent combination of education and experience may be considered.

Applications must be received at the address below, no later than December 31, 2014 at 5 p.m. A complete application will include a cover letter, resume and references, salary history, and a completed "Application for Employment".

Applications can be obtained at the City of Great Bend office at 1209 Williams, Great Bend, KS, or online at www.greatbendks.net

under the "Jobs" link. Applications should be sent to: Human Resource Director; City of Great Bend; 1209 Williams; P.O. Box 1168; Great Bend, Kansas, 67530. Email submittals should be sent to terryhoff@greatbendks.net.

The City of Great Bend is an equal opportunity employer.

City Administrator

Oberlin, Kansas (pop. 1,850), is a scenic community located in northwestern Kansas that blends history, recreation and family-oriented activities. Oberlin is currently accepting applications for a City Administrator. For additional community information visit <http://oberlinks.com/>.

The City has a \$5.8 million budget 17 full-time employees, and operates under a 5-member council/administrator form of government. The ideal applicant should have a Master's Degree in Public Administration and approximately five years of municipal government experience. Public sector work experience may serve as an education substitute.

The successful candidate will need exposure to a wide range of municipal government issues with a proven track record that demonstrates sound judgment and uncompromising integrity. Additional necessities include: success in community/economic development, resourceful fiscal management, long-range planning, and open employee/community communication. Submit letter of interest, resume and six professional references to City of Oberlin, 1 Morgan Drive, Oberlin, KS 67749 or e-mail to klarson@oberlinkansas.gov. Open until filled.

City Manager

The City of Parsons, Kan., is accepting applications for City Manager. Parsons is the largest city in Labette County (pop. 10,500). Located in southeast Kansas (60 miles west of Joplin, Mo., and 30 miles from Oklahoma,) the City operates several utilities including Water, Wastewater, Storm Water and Sanitation. We operate under a Commission/Manager form of government with five elected commissioners. Parsons has a \$19 million combined budget with 125 full time employees.

Community features include: Labette Community College, Parsons State Hospital

and Training Center, extension campuses of the University of Kansas and Kansas State University, two nationally recognized school districts, a Trauma III Medical Center and Tri-Cities Airport, which handles corporate air traffic. In addition Parsons has an extensive trail system, an award winning historic downtown and access to nationally recognized hunting and fishing opportunities.

Qualifications: Bachelor's Degree in Public Administration or related field with a minimum of three years of high level management and budgetary knowledge -OR- five years of senior management experience in a private or public sector. Any equivalent combination of experience, training and/or education that provides the skills necessary for satisfactory performance will be considered. Experience as a City Manager or Asst. City Manager with knowledge of public management, utility management and budgetary experience is highly desired.

Salary: \$90,000 to \$110,000 D.O.Q. Position will remain open until filled. Submit resume & cover letter to City of Parsons, City Manager Search, c/o Karen Wheat, Director of Human Resources, P.O. Box 1037 Parsons, KS 67357 or electronically to kwheat@parsonsk.com

EOE

City Maintenance Worker

The Kechi Department of Public Works manages the City's water, wastewater and natural gas public utilities, as well as the street department for its 2,000 residents. The City of Kechi is currently accepting applications for the position of City Maintenance Worker.

The City Maintenance Worker reports to the Director of Public Works or the Assistant DPW. Plumbing or municipal utilities experience is preferred, but not required. Salary range for this position is \$26,310 - \$39,465, commensurate with appropriate experience or qualifications.

The City offers an excellent benefit package, including paid vacation, paid sick leave, health insurance, KPERS retirement and more. A background check will be conducted. Pre-employment and regular drug screens are required. Upon recommendation by the Director of Public Works and the City Administrator, the successful candidate will be appointed by the Mayor with City Council's approval.

Interested applicants should send a completed job application and resume to: City Clerk, City of Kechi, P.O. Box 88, Kechi, KS 67067. Job descriptions and a downloadable application can be found at <http://www.kechiks.com/departments/administration/employment-opportunities>. Inquiries should

be directed to: cityclerk@kechiks.com or by calling 316-744-9287.

The position will remain open until filled. The City of Kechi is an Equal Opportunity Employer.

City Superintendent

The City of WaKeeney is accepting applications for the position of City Superintendent due to the retirement of current superintendent after 27+ years. This position is a working superintendent responsible for the day to day operation of the water and wastewater systems, streets, alleys, parks, cemetery, buildings, and water park including directing a staff of 7 full time employees. KDHE Class II water certification and Class I wastewater certification preferred or ability to obtain certifications within one year. Salary range \$20.40 - \$25.96 /hour. Paid BCBS health and dental insurance, KPERS, sick, vacation and holiday benefits provided. Residency within Trego County required. Application and a job description can be obtained by contacting the City of WaKeeney, 408 Russell Ave., WaKeeney, KS 67672 (785) 743-5791 Or by contacting Hardy Howard, City Administrator at howard@ruraltel.net Application review begins January 1, 2015. Position considered open until filled

Code Enforcement Officer and Animal Control

The City of Edwardsville is accepting applications for a Community Service Officer (CSO) for investigation and enforcement of Animal Control and Municipal Code Ordinances. Must possess and maintain a valid driver's license.

For complete job description, qualifications, and application visit: www.edwardsvilleks.org

Community Development Director

Inman Community Development, Inc. of Inman, Kansas is seeking applications for the full-time position of Inman Community Development Director. Duties will include promoting economic stability, growth and development of the Inman Kansas community. Application information is available until Friday, January 9, 2015 at <http://tinyurl.com/InmanCommunity>.

Electric Line Leadman

City of Burlington, Kansas. Apply through March 1, 2015, at City Hall, 301 Neosho, P.O. Box 207, Burlington, Kansas 66839 Phone 620-364-5334, Email: [sstroh@burlingtonkansas.gov](mailto:ssstroh@burlingtonkansas.gov). Requirements: HS /GED; Valid KS DL; KS CDL Class A within 90 days of hire; Skills: strong oral &

written communication, decision making, PR; working mathematical knowledge; mechanical skills, and be able to efficiently operate department equipment. Will perform supervisory duties; and plan, and organize daily work activities for construction, repair, maintenance, and operation of the city's electric distribution system. 5-10 years experience; Competitive wages based on skill/experience. EOE

Planner I - City of Gardner, KS

Salary: \$53,892 - \$78,336/yr. – EXEMPT – Performs professional work in the field of current and/or comprehensive planning; manages the processing of proposed development; and provides information and assistance to developers, the business community and the public on planning, housing, environmental and development related matters. Bachelor's degree in planning, urban planning, business, public administration, or a related field and a minimum of three to five (3 to 5) years of progressively responsible experience in current or long-range planning and/or project management, or any equivalent combination of education and experience that provides the required knowledge, skills, and abilities. Master's degree preferred. AICP certification preferred. Application Deadline: Open Until Filled with First Review 12/19/14.

Application and job description available at City Hall or on-line at www.gardnerkansas.gov Submit completed application to City of Gardner, HR Department, 120 E. Main, Gardner, KS, 66030. All offers of employment are conditional upon the successful completion of a post offer physical exam, drug screen, and background check including driving record. EOE

Volunteer paid-on-premise (POP) EMT and Paramedics

The City of Edwardsville, Kansas is accepting applications from qualified applicants to fill volunteer paid-on-premise (POP) EMT and Paramedics for the Edwardsville Fire Department.

Position - Roll - Per Diem

EMT - POP - \$40/12 hours

Paramedic - POP - \$60/12 hours

*Senior Paramedic - POP - \$120/12 hours

For application and more information please visit: www.edwardsvilleks.org



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Dave Malone: dmalone@centralstatescapital.com

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Model Personnel Policies

Comprehensive personnel policies and guidelines are not only necessary for setting expectations and encouraging employee productivity, but they also help protect organizations from potential lawsuits.

Employment Descriptions

The League maintains a model-job-descriptions database that is available to all member cities. The League also offers individualized descriptions as part of a fee-based service.

Compensation Analysis

Fair and competitive compensation attracts and retains top talent, while helping you assess your organization's financial commitments.

Salary Survey

The League's salary survey is a tool that may be used to determine a variety of statistical data including median and average compensation paid to city employees.

(785) 354-9565 www.lkm.org/services/personnel



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KGJ: A Look Back

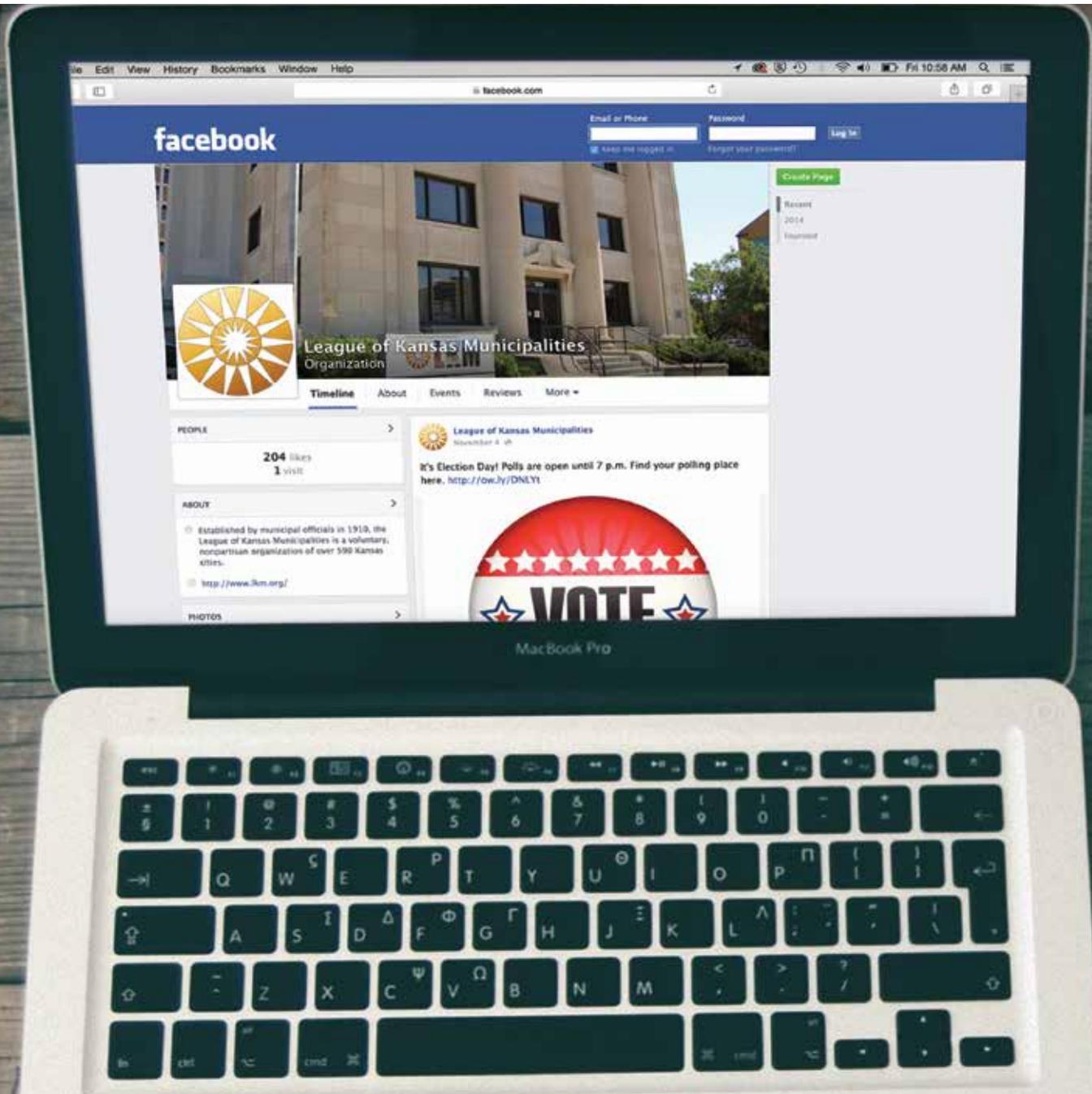


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