

# Kansas

## GOVERNMENT JOURNAL

VOLUME 101-NUMBER 1

JANUARY/FEBRUARY 2015

Legislative  
Preview

Upcoming  
Changes  
to KPERs

Tips for  
Increasing  
Voter Turnout

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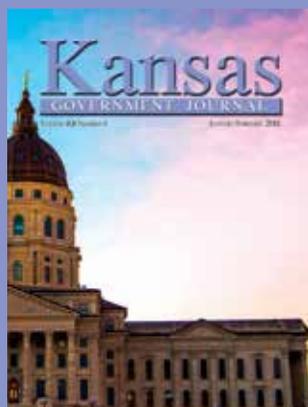
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*About the Cover:  
The Capitol on a cold winter morning.  
Photo by Andrey Ukrazhenko*

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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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## 2015 LKM Events Calendar

### February

- 04 - City Hall Day, Topeka
- 05 - Governing Body Meeting, Topeka
- 18 - MLA: KanCap Workshop, Abilene
- 19 - MLA: KanCap Workshop, Hesston

### March

- 06 - Governing Body Meeting, Topeka
- 13 - MLA: Municipal Finance, Edwardsville
- 14 - MLA: Municipal Finance, Maize
- 27 - MLA: Municipal Finance, Galena

### April

- 10 - MLA: Emergency Planning, Crisis City (Salina)
- 11 - MLA: Emergency Planning, Greensburg

## Obituaries

**Joyce L. Chartier**, 80, died December 27, 2014.

Mrs. Chartier was born September 25, 1934, in Ramona, Kansas, to Godfrey and Olga (Hoepfner) Schneider. She was united in marriage on August 14, 1955, to Loren Chartier, who preceded her in death on December 13, 2014. Joyce worked for Ehrsam as a secretary in Abilene and later retired as City Clerk for Enterprise.

**Larry D. Hulsopple**, 75, died January 5, 2015.

Mr. Hulsopple was born August 20, 1939, in Topeka, to Frank and Lorena Bickford Hulsopple. He graduated from Scranton High School and worked as a clerk for Santa Fe Railroad. He was a member of the Cross Road Community Church, Scranton Lions Club, and also served for several years on the Scranton city council.

**Greta G. Piland**, 86, died January 9, 2015.

Greta was born Nov. 23, 1928, in Del Norte, Colorado, to Speed Frye and Velma Fern Benson Frye. Greta's career started in the peach orchards of the Grand Valley. She also served as Assistant Manager for Walgreens in Colorado Springs, ran Piland Cleaners with her husband in Sublette, was Deputy County Appraiser for Haskell County, and served as a City Clerk for the city of Sublette.



## Director's Foreword by Erik Sartorius



Happy New Year! All of us at the League hope that your year is off to a good beginning, and that 2015 will bring you and your community much success and prosperity.

With good fortune and quick delivery by the Postal Service, this issue of the *Kansas Government Journal* will be arriving prior to City Hall Day. If that is the case, and you are not yet registered to attend, drop this

magazine, get to our website to register and get to Topeka (<http://www.lkm.org/legislative/cityhallday/>)! If you want to register on February 2nd or later, please call us at 785.354.9565.

We at the League have many plans for 2015, most of which will implement additional facets of the strategic plan. We also will be striving to continue to provide you excellent service in our legal consultations, trainings, and conference.

One of the upcoming, visible changes you will see at the League will be a new deputy director. We will be conducting interviews in the coming weeks and then have that person on board shortly thereafter. The position will be strongly focused on legislative issues during the legislative session, with attention to member outreach and implementation of the League's strategic plan in the balance of the year.

I wrote in several columns in the fall about the importance of the legislative session and your involvement with your state representatives and senators. Well, the time to spring into action has come! While we know of the state's budget challenges and some perennial issues with which the League is always involved, there will be several issues arising on which we will need your expertise and voices. Already, we have seen legislation introduced concerning body cameras on police officers, annexation, and the payment of property taxes. In the next several weeks, there will be hundreds of bills introduced, and the League will be reviewing them all for their potential effects on Kansas municipalities. Please connect with us via League News, Facebook, and Twitter to be kept apprised of legislative developments.

One of the issues certain to be considered again by the legislature is an effort to mandate that municipal elections be held in the fall. Currently, almost all cities and school boards hold their elections in the spring. One of the reasons given for wanting to make this change is to increase voter turnout for these elections. The League agrees that voter participation in elections is important, and we have taken steps to assist voter turnout efforts. At our annual conference, we held a roundtable providing suggestions for increasing turnout for local elections. In this issue of the *Journal*, we review some of those suggestions and provide you some more ideas with municipal elections on the horizon (see page 20).

To bring some fun to this issue, the League will be holding a contest for cities related to their upcoming elections. The cities that have the highest turnout (by percent of registered voters in

their community) for their municipal elections will be showcased on the cover of an upcoming *Kansas Government Journal* issue. We will have one winner from three size categories of cities. Please see page 20 for additional information about this contest.

Why stop there with games? Can your city reach the pinnacle? Do you have the following and fans? Who will be crowned the champion among Kansas cities? To coincide with the time of the year that grabs the attention of so many Kansas sports fans, the League will be holding its own "March Madness" tournament for the cities of Kansas. Each week, participating cities will be paired off against each other on our Facebook page. The city receiving the most "likes" in a given week will advance to the next round.

We will be limiting entries to the first 64 cities who respond to us when we open up registration. To get a head start on entering your city, "like" us on Facebook or "follow" us on Twitter. We will provide an early bird registration link via those two platforms prior to opening up registration on our website. The contest will get underway in late February. I encourage you to work with your community partners to come up with creative ways to drive people to the League's Facebook page and "like" your way to victory!

In December, I received a call from Richard Gannon from the Kansas Press Association (KPA), who wanted to compliment and make a request of our members. Richard told me about a project KPA undertook last year. Working with the Vietnam Veterans Memorial Foundation, they have been seeking photographs of all Kansas servicemen killed in the Vietnam War. These photos will be added to the "Wall of Faces" in the new education center at the Vietnam Memorial Wall in Washington, D.C.

Richard asked me to thank several of you in city offices that he contacted in an attempt to reach living relatives of those killed. In many instances, the trail to relatives has gone cold and they have been left to rely on the goodwill and memories of others to find photographs of the fallen. Their calls to cities seeking assistance with this project were met with a willingness to help, with city employees looking for creative ways to find photographs.

I would like to ask you to take a moment and go to the Kansas Press Association's website and look at the list of remaining servicemen for whom they are seeking photos: <http://tinyurl.com/plddhcy>. If you have information that could help track down any photos, please contact Emily Bradbury at [ebradbury@kspress.com](mailto:ebradbury@kspress.com).

One final request of you as I close out this column. Another new feature we're experimenting with in the *Kansas Government Journal* this year is an events calendar. If your community has a festival (or festivals!) you'd like others to know about, please share them with us. You can contact Andrey Ukrazhenko on our staff at [andrey@lkm.org](mailto:andrey@lkm.org), and he will be able to tell you about the details we need for your event.

As always, if you have questions or concerns, please reach out to me at [esartorius@lkm.org](mailto:esartorius@lkm.org) or 785.354.9565.

# 2015 LKM Annual Conference

## Hotel Accommodations & Reservation Procedures

October 10-12 • Capitol Plaza Hotel • Maner Conference Center

Capitol Plaza Hotel\*\*  
1717 SW Topeka Blvd  
Topeka, KS 66612  
785.431.7200  
Rate: \$102 + tax per night  
Cut-off date: September 18, 2015

\*\*Capitol Plaza requires a non-refundable deposit equal to one night's stay in order to secure reservations.



### ADDITIONAL ACCOMMODATIONS:

Ramada, Downtown Topeka  
420 SE 6th St  
Topeka, KS 66607  
785.234.5400  
\$99 + tax per night  
Cut-off date: 10/1/2015

Hyatt Place Topeka  
6021 SW 6th Ave  
Topeka, KS 66615  
785.273.0066  
\$102 + tax per night  
Cut-off date: 9/25/2015

Clubhouse Inn & Suites  
924 SW Henderson  
Topeka, KS 66615  
785.273.8888  
\$ 83+ tax per night  
Cut-off date: 9/25/2015

### RESERVATION PROCEDURES:

- LKM has made special arrangements with the hotels listed to provide accommodations during our Annual Conference.
- Reservations may be made beginning February 1, 2015.
- Attendees are responsible for making their own reservations. Please contact the hotel directly.
- Remember to ask for the special LKM conference rate when making reservations.

### SPECIAL NOTE:

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

LEAGUE OF KANSAS MUNICIPALITIES



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# Upcoming Changes to KPERS

by Kristen Basso

In answer to the long-term funding shortfall of the Kansas Public Employees Retirement System (KPERS), the 2012 Legislature passed a three-part solution to help strengthen the System's financial health. The legislation is boosting revenue over time with:

- Increased employee contributions.
- Increased employer contributions.
- KPERS 3 Cash Balance Retirement Plan for new hires.

Both employee and employer contribution increases have already begun to positively affect the System. Local employers are already at the actuarially required rate. The last step is KPERS 3, which started January 1.

Employer normal costs began declining with the implementation of KPERS 2. From an employer perspective, the normal costs for KPERS 3 will be even less over time. The "normal cost" is the funding necessary to provide projected benefits, not including any unfunded liability from previous years. With a lower normal cost, more funds can be directed to the unfunded liability, scheduled to be paid in full by 2033.

## What is a cash balance plan?

KPERS 1 and KPERS 2 are a defined benefit plan, a traditional pension. Benefits are defined by a formula set in statute.

The KPERS 3 cash balance plan is still considered a defined

benefit plan, but it has some defined contribution features like in a 401(k) or a 457(b) deferred compensation plan. With these features, employees share some of the risk with employers — unlike KPERS 1 and KPERS 2 where the employer bears all the funding risk. Instead of a formula, benefits are based on an employee's account balance at retirement.

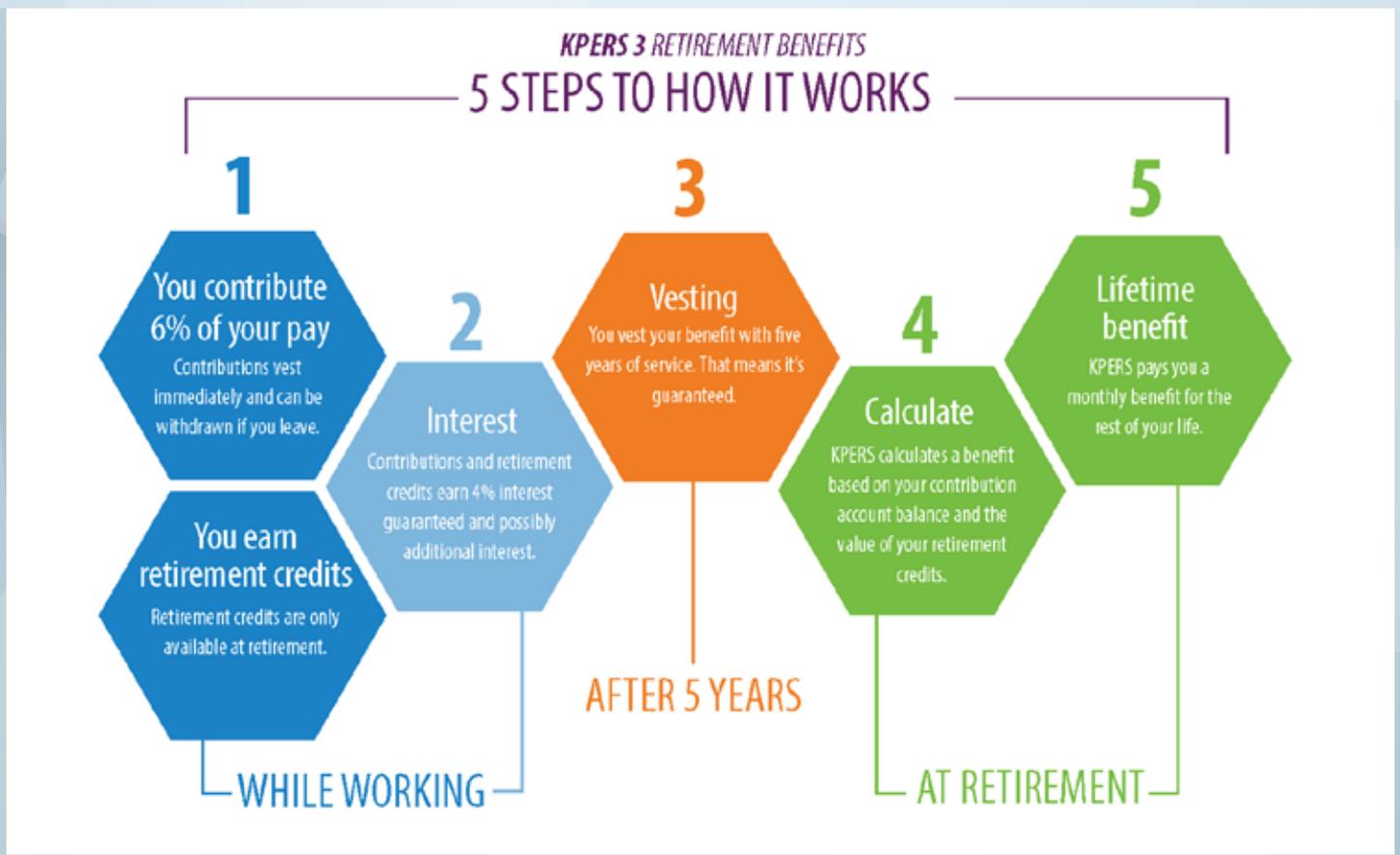
Part of what makes KPERS 3 a defined benefit plan is the guaranteed interest and that KPERS' professional investment staff will continue to manage assets as part of the trust.

## KPERS 3: How It Works

There are two parts to the KPERS 3 retirement plan—the employee's contribution account and retirement credits.

*Employee contributions:* Employees contribute 6% of their salary and earn a guaranteed 4% annual interest, paid quarterly. There is also a possibility for additional interest, depending on KPERS' investment returns. Contributions can be withdrawn if the employee leaves employment.

*Retirement credits:* Employees earn retirement credits based on a percentage of their pay and the number of years they have worked. They receive credits quarterly, and their annual credit rate increases the longer they work. But they can only use the credits at retirement.



Years of Service	1-4	5-11	12-23	24+
Retirement Credit Rate	3%	4%	5%	6%

\*as a percentage of pay

Employees see the credits as dollars. But that amount is not literally deposited in the employee's account. Credits are used for tracking purposes only, although they do earn interest quarterly like the contributions do.

Both the employee's contribution account and his or her retirement credits grow in value over time until reaching retirement. KPERS 3 employees vest their benefit with five years of service.

### Employer Contributions

The KPERS 3 plan does not affect how employer contributions are paid. Employers will continue to pay the combined statutory rate for KPERS 1, KPERS 2 and KPERS 3 on all covered payroll, and contributions will go into the KPERS trust fund. Employer contributions have nothing to do with employees' retirement credits. KPERS will track and apply those credits.

### The Retirement Benefit

KPERS 3 employees have the same retirement eligibility as KPERS 2.

- Age 65 with 5 years of service
- Age 60 with 30 years of service
- Reduced benefits at age 55 with 10 years of service.

At retirement, an employee's contribution account balance and retirement credits are used to calculate his or her benefit. KPERS

annuitizes the account value using a 6% annuity rate and pays the employee a lifetime benefit.

KPERS 3 employees will have somewhat similar retirement payment options, including a partial lump-sum option and survivor benefits. One new feature for this group, KPERS 3 employees can opt for a self-funded annual cost-of-living increase. Their benefit is reduced at the beginning to pay for future 1% or 2% increases every year.

### Employees need to save on their own

KPERS and Social Security provide a vital retirement foundation. But they may not be enough. As our partner in providing retirement benefits, cities can help by encouraging employees to save on their own. And KPERS 3 makes it even more critical.

One of the easiest ways for employees to save is through a tax-sheltered employer plan like a 457(b) deferred compensation plan. Many public employers provide them, and local governments are also eligible to offer the KPERS 457 plan (previously called Tandem). This is the same plan provided by the State of Kansas for its employees. KPERS provides the administration and fiduciary oversight, and there is no plan cost to employers.

Regardless of how employees save, it is important that we continue to encourage them. Thank you for partnering with KPERS to provide tools for a more secure retirement for Kansas public employees.

 *Kristen Basso is the Communications Officer for the Kansas Public Employees Retirement System. She can be reached at (785) 296-1759 or [kbasso@kpers.org](mailto:kbasso@kpers.org).*

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# 2015 LEGISLATIVE PREVIEW

State legislators returned to Topeka on January 12 to start the 2015 legislative session. This year's session will likely focus on the state budget. In November, the State's Consensus Revenue Estimating Group (CREG) determined that there will be nearly \$280 million less in tax revenues for fiscal year 2015 and \$436 million less for fiscal year 2016 than originally expected. In December, Governor Sam Brownback announced \$280 million in budget cuts for the remaining 2015 fiscal year. Most of these cuts, however, will need to be approved by the Legislature. The League anticipates the Legislature will address the fiscal year 2015 budget cuts at the start of the legislative session.

Moreover, while the Governor's proposals will fix the deficit for the current fiscal year, they do not address the issue for the next fiscal year...

*Continued on next page*

After the governor announced his budget cuts, the Legislature's nonpartisan research staff determined that the estimated shortfall for fiscal year 2016 grew from \$436 million to \$648 million, primarily because of the governor's proposals. The League expects the Legislature to address the 2016 fiscal year budget after CREG meets again in April.

While concerns over the state budget will dominate the headlines this session, the League still expects the introduction of several bills that have the potential to negatively impact cities. Here is a summary of the bills the League anticipates this session:

**Public Funds For Lobbying.** Over the last two sessions, there have been a number of hearings on bills that would have barred city officials and staff from advocating on city-related issues, or imposed onerous reporting requirements on municipalities. Because of the significant advocacy efforts of our members, last year's bill was amended to mandate reporting requirements only for lobbyists receiving public funds. That bill died in a conference committee, but the League expects similar bills to return during the 2015 legislative session.

**Local Elections.** Last year, the House Local Government and Senate Ethics and Elections committees passed bills that would have moved local elections to the fall. The Senate bill also proposed to make the vacancy-filling process partisan. Neither of the bills

received a vote in their respective chambers. This fall, an interim committee heard testimony on what steps would be necessary to combine local elections with those currently held in November of even years. The League expects numerous bills that will move local elections to be introduced this session.

**Municipal Broadband Preemption.** Early last year, a bill was introduced that would have prohibited cities from building or partnering to build broadband infrastructure within their communities. Although a hearing for the bill was scheduled, it was canceled after opposition was voiced by a coalition of technology companies, local officials, and the public. The League expects this issue to come up again this session.

**Cap on Franchise Fees.** Last session, there was a hearing on a bill that would have capped franchise fees on gas and electric utilities at 5%. The bill died in committee, but look for more bills affecting the right of municipalities to rent out city-owned rights-of-way.

**Special City-County Highway Funds.** In 2012, the Legislature passed a bill changing the way companies tag commercial vehicles. The legislation directed fees from out-of-state companies' commercial vehicle tags to go into the Special City County Highway Fund starting in 2014. The Legislature, however, has

# Steps for Ci



- Know your legislators on a first-name basis
- Always be respectful and avoid personal attacks
- Ask your legislator how he or she prefers to be contacted (email, phone, texts, etc.)

## 1 Make Contact Prior to Legislative Session

- Eggs & Issues, etc.
- Communicate the city's agenda and priorities
- Invite them to an LKM regional supper

1

## 2 Follow the Legislative Session

- League News
- List serves
- News media
- [www.lkm.org](http://www.lkm.org)

2

## 3 Participate in City Hall Day February 4, 2015

- Make appointments to see your legislators
- Invite them to the LKM reception

3

diverted the funds from the Special City-County Highway Fund to the State General Fund, which means cities have lost this revenue source. The League is working to get these funds redirected to the Special City County Highway Fund.

**Property Tax Exemptions.** Last session, the Legislature passed an industry specific (cement production) property tax exemption. The League anticipates that other industries using similar types of property will ask the Legislature for the same exemption this session.

**Tax/Spending Lid.** In recent legislative sessions, the League has seen several bills that could have placed tax lids on cities. We anticipate more will be introduced this session.

**KPERS.** The Legislature overhauled KPERS in 2012 and made changes to the pension system again in 2014. For a short while, it appeared as though the new system would be given time to work. With CREG's announcement in November of significant budget short falls, however, Governor Brownback announced that the State would reduce its KPERS contributions by \$40.7 million for fiscal year 2015. Moreover, in December, Budget Director Shawn Sullivan asked the Pensions and Benefits interim committee to study the possibility of: (1) issuing bonds to pay down part of the unfunded actuarial liability; (2) revising the plan design for new

hires and non-vested members of KPERS; and (3) privatizing KPERS. The League expects several KPERS hearings addressing the budget shortfalls to occur over the legislative session.

**Annexation.** Five bills were prefiled in the House before the start of the legislative session. HB 2003 concerns annexation and would severely limit island annexation. The League will keep you updated an hearings scheduled for this bill.

**Abandoned/Blighted Housing.** Many communities across the state are having difficulties with abandoned houses and commercial buildings. There have been attempts in prior legislative sessions to address this issue and we expect there will be proposed changes again this session. The League will continue to work with the Legislature to find ways to streamline and expedite the process to help municipalities protect the health, safety, and welfare of their citizens.

As always, the League will keep you updated on all bills affecting cities throughout the legislative session. To receive weekly updates regarding the Legislature, subscribe to our League News by e-mailing [info@lkm.org](mailto:info@lkm.org). To receive more frequent updates, "like" us on Facebook and follow us on Twitter.

## City Advocacy

- Follow legislators' communications
- Sign Up for emailed newsletters
- Follow legislators' Twitter Accounts



### Make Contact During Legislative Session

- Follow Key Bills (watch for LKM alerts)
- Follow the issue, not the bill number
- Be Specific; give your city's unique insight into the legislation
- Keep your powder dry – don't waste time and political capital on meaningless bills that have no chance of becoming law

4

### Make Contact Following the Legislative Session

- Thank your legislator for their hard work
- Be honest and express concern when bills negatively affect your city

5

# CONGRESSIONAL CITY CONFERENCE

MARCH 7-11, 2015 | WASHINGTON, D.C.



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the beginning of their terms so you can be among the first to influence them.

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# ANNUAL AWARDS

by Diane Stoddard and Nick Hernandez

The Kansas Association of City/County Management (KACM) annual conference took place in Manhattan December 3-5, 2014. One of the highlights at the conference is the annual Awards Luncheon, where several recipients were honored with awards.

The **Buford M. Watson Jr. Award for Managerial Excellence** was presented to Ron R. Fehr, City Manager of Manhattan, for his outstanding work and career in Manhattan. The award is the highest award presented by KACM. Fehr began his career in Manhattan in 1982 as the Forestry Supervisor and rose through the ranks of the Parks and Recreation Department to the City Manager's Office when he became Assistant City Manager in 1992. He then became the City Manager following a national search in 2000. Fehr has managed the city through several major projects, including the growth of Fort Riley, a major downtown redevelopment and STAR Bond project, and the recruitment of the National Bio-Agro Defense Facility to Manhattan.

The **Career Achievement Award** was presented to William Buchanan, County Manager of Sedgwick County, in recognition of his outstanding career of service to the profession. Kathy Sexton, City Manager of Derby, was recognized with the **Innovation Award** for her work implementing a new work schedule which has resulted in increased employee job satisfaction and productivity. Additionally, KACM recognized two winners of the **Early Career Excellence Award**: Taggart Wall, City Manager of Sterling, and Grayson Path, City Administrator of Jetmore. The Early Career Excellence Award recognizes members who are early in their careers and have the potential to make a significant impact on the profession.

KACM is the association of professional local government management in Kansas and has over 200 members.

 Diane Stoddard is the Assistant City Manager for the City of Lawrence and KACM President. She can be reached at (785) 832-3413. Nick Hernandez is the City Manager for Arkansas City and KACM Awards Chairperson. He can be reached at (620) 441-4414.



From the top to bottom, with Trey Cocking, Kathy Sexton, Ron Fehr, and Taggart Wall. All photos by Jay Bachman.

# **MARCH MADNESS**

## **Hometown Showdown!**

Enter a photo related to your city in the 2015 March Madness Hometown Showdown!

64 cities are eligible to participate in the social media bracket contest, but the city photo with the most “likes” wins. The winner will earn bragging rights and placement on the cover of the *Kansas Government Journal*!

To get a head start on entering your city, “like” us on Facebook and “follow” us on Twitter. We will post a notification to our followers as soon as they can enter photos.



## Kansas Right-to-Farm Laws

All fifty states have enacted laws to protect farmers and landowners engaged in agriculture from nuisance lawsuits. These laws are generally known as “Right-to-Farm” laws.<sup>1</sup> In Kansas, these statutes are called the “Protection of Farmland and Agricultural Activities.”<sup>2</sup> The purpose of the right-to-farm statutes in Kansas is to shield lands dedicated to agricultural activities from nuisance lawsuits by encroaching suburban and industrial uses, which would otherwise force the owner of those lands to abandon their agricultural activities prematurely.<sup>3</sup> As an example, if someone buys a few acres and builds a home near a cattle feeding operation, the feeding operation owner will have some protection from his or her new neighbor who may not appreciate the aroma. The reasoning for this protection is that the feeding operation was there first and the new arrival should not dictate the use of the pre-existing operation.

While nuisance actions are not banned outright, the law creates a presumption that an agricultural operation is not a nuisance if the activities (1) are conducted on farmland using good agricultural practices, in a manner that is not hazardous to public health and safety; (2) conforms to federal, state and local laws; and (3) were established before the surrounding nonagricultural use.<sup>4</sup>

In 2013, the definition of “agricultural activity” was expanded to mean “the growing or raising of horticultural and agricultural crops, hay, poultry and livestock, and livestock, poultry and dairy products for commercial purposes *and includes activities related to the handling, storage and transportation of agricultural commodities.*”<sup>5</sup> (Emphasis added) The new language establishes that any grain storage and transportation activities on farmland would be protected, assuming it meets the three requirements above.

In addition to expanding the definition of agricultural activity, the 2013 Legislature added subsection (c) to K.S.A. 2-3202 and enacted a new statute, K.S.A. 2-3205. These additions will most likely change any future litigation in this area of the law.

2013 Supp. K.S.A. 2-3202(c) now provides that:

*“[A]n owner of farmland who conducts agricultural activity protected pursuant to the provisions of this section: (1) [M]ay reasonably expand the scope of such agricultural activity, including, but not limited to, increasing the acreage or number of animal units or changing agricultural activities, without losing such protection so long as such agricultural activity complies with all applicable local, state, and federal environmental codes, resolutions, laws and rules and regulations; (2) may assign or transfer such protection to any successor in interest; and (3) shall not be deemed to waive such protection by temporarily ceasing or decreasing the scope of such agricultural activity.”*

This new language now allows for some modification of agricultural activities on farmland even after non-agricultural

uses have been established nearby. This language appears to address a Kansas Court of Appeals case in which the court held that, “[W]here there has been a change in use of the agricultural property, and the use of the nonagricultural property has not changed, the requirement that the agricultural activity predate the nonagricultural activity is not met.”<sup>6</sup> It is now possible for an agricultural activity to be changed and not remove it from the protection of these statutes. Any change would have to be found to be reasonable but, the agricultural activity is no longer prevented from making changes once non-agricultural uses are established.

Finally, the 2013 Legislature enacted K.S.A. 2013 Supp. 2-3205, which limits damages. Now, if a court finds the agricultural use to be a nuisance, the damages calculation will vary based on whether the nuisance is permanent or temporary. Permanent nuisance damages are limited to the fair market value reduction caused by the nuisance. Compensatory damages for a temporary nuisance is limited to the lesser of the reduction in rental value, loss of use value, or the reasonable cost to repair or mitigate the damage caused by the nuisance. The statute also limits standing for private nuisance actions to those with an ownership interest in the property allegedly affected.

### **Right-to-Farm and City Ordinances**

Generally, zoning regulations do not apply to pre-existing uses. Although nonconforming uses established before the enactment of a zoning regulation are generally allowed to continue, alterations or expansion of the pre-existing use should comply with the new regulation.<sup>7</sup>

Pre-existing agricultural use is not protected from the effects of other kinds of ordinances based on a city’s general police-power authority, i.e. ordinances that are not zoning regulations and do not create zones and districts within the city.<sup>8</sup> The scope of the right-to-farm protection is limited to allowing landowners to conduct their agricultural operations free from nuisance lawsuits.<sup>9</sup>

If a city is enforcing code provisions concerning animal control and environmental regulations it will be important to remember that the right-to-farm statutes do not apply. Even with the amendments that were made to the statutes, a city still has the ability to establish local “environmental codes, resolutions, laws and rules and regulations”.<sup>10</sup>

The right-to-farm statutes serve a purpose of protecting the property rights of those involved in agricultural activities from the expansion of non-agricultural users. However, the scope of the statutes are limited, and do not prevent a city from exercising general police powers.

**Sources can be found on page 27.**

 Eric Smith is Legal Counsel for the League of Kansas Municipalities. He can be reached at [esmith@lkm.org](mailto:esmith@lkm.org) or (785) 354-9565. Tamara Combs is a Legal Intern for the League of Kansas Municipalities.

# Teamwork: Kansas Historical Society and Osawatomie

by Donyell Wolfe



Volunteer archaeologists travel from across the state to discover artifacts left behind by early civilization. Photos by Donyell Wolfe.

The 2014 Kansas Archeology Training Program (KATP) field school was held at the John Brown Museum State Historic Site in Osawatomie. The KATP offers an exclusive opportunity for members of the community to work in conjunction with professional and avocational archeologists. Participants are exposed to surveying archeological sites, excavating sites, and cleaning/cataloging artifacts in a lab with the help of experienced archeologists. They also learn techniques from a variety of courses that may be counted as college credits. In 1974, the volunteer program was founded under the Kansas Historical Society (KSHS) and the Kansas Anthropological Association (KAA).

The John Brown Museum operates in partnership with City of Osawatomie. Reverend Samuel Adair and his wife Florella settled near Osawatomie during the “Bleeding Kansas” era. Florella’s half-brother was John Brown, a civil rights advocate who believed in using violent means to end slavery. The family lived in the Adair Cabin, which was located on the Underground Railroad. You may learn more about the family and the border war by visiting the John Brown Museum.

Grady Atwater is the site administrator and he served as a primary driver in the development of the 2014 KATP field school project. Grady is very knowledgeable about the history of John Brown and the City of Osawatomie. After hearing about the KATP field school Grady was certain this opportunity would be ideal for the Osawatomie community. The program would bring economic advantages and allow the city to recover valuable artifacts that strengthen the John Brown museum exhibitions.

The John Brown Foundation, Inc., funded the cost to prepare for the KATP field school to take place in Osawatomie. The

Osawatomie community played a major role by donating their time and resources, such as organizing community groups to host events for those visiting to assist with KATP. Local bakery’s and café’s delivered food, while the local elementary school served as the primary training site, hosting classes and providing convenient and accessible laboratory space.

Virginia Wulfkuhle is a public archeologist under the Cultural Resources Division at the Kansas State Historical Society and she believes that effective timing caused the success of the Osawatomie project. She said the partnership with Grady and the John Brown site was an unforgettable experience that saved her a lot of hassle when it came to making the 2014 KATP field school worthwhile. A team of archeologists attended a follow-up dig in Osawatomie; the dig took place September, which was a few short months after the 2014 KATP field school. They discovered some meaningful items from the original site of the Adair cabin, including a silver fork with initials on it, as well as other formal dinnerware. These items have been hidden away for over one-hundred years and they reveal historical reference to the lifestyle during this time-period.

No experience is necessary for individuals interested in joining the 2015 KATP field school. Participants have the option of attending the full two weeks or as little as a single day. Participants are responsible for their own transportation, food, and lodging expenses. Reports concerning the results of KATP events are published in various archeological books, magazines, journals, etc. *The Kansas Anthropologist* features some of the KATP events as well. For more information about the 2015 KATP field school, see the winter issues of the *Kansas Preservation*.

The KHS maintains a file of possible sites or areas of interest though suggestions are encouraged and may be added to the list.

Suggestions should be in writing and meet a certain set of standards that meet the needs of the KATP program including the following:

- Landowner permission granted.
- Site endangered.
- Funding source available to carry the project through fieldwork, artifact, analysis, and reporting.
- Professional personnel available to augment KSHS staff in field and classroom.
- Suitable logistical situation (land access, lodging and food options, laboratory and classroom facilities, sufficient vehicles and equipment, etc.).
- Ability to address information gaps or specific research questions identified in the Preservation Plan.
- Geographic distribution across Kansas from year to year.
- Ability to assist KAA members involved in certification program.

 *Donyell Wolfe is an Intern for the League of Kansas Municipalities. She can be reached at [dwolfe@lkm.org](mailto:dwolfe@lkm.org) or (785) 354-9565.*

**Sources**

John Brown. (2014). The Biography.com website. Retrieved, November 16, 2014, from <http://www.biography.com/people/john-brown-9228496>.

John Brown Museum. (2014, January 1). Retrieved November 16, 2014, from <http://www.kshs.org/p/john-brown-museum-plan-your-visit/11854#history>.



*Adair Cabin located at John Brown State Park in Osawatomie.*



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# 2014 ACEC CITY AND COUNTY PUBLIC IMPROVEMENT AWARDS

by Amy Dubach

On December 4, at the 2014 KACM Fall Conference in Manhattan, the American Council of Engineering, Companies of Kansas (ACEC) announced the 2014 winners of the ACEC of Kansas, City and County Public Improvement Awards. ACEC of Kansas is a professional association of private-practice consulting and engineering firms in the State of Kansas. Sponsored by ACEC of Kansas, the Public Improvement Awards competition is unique in that it recognizes engineering projects for their benefit to the citizens of a community and not for engineering design. This is the 53rd year ACEC of Kansas has presented both the City and County Public Improvement Awards.

City Public Improvement award winners are selected from four different population categories (under 5,000; 5,000-19,999; 20,000-49,999; and above 50,000).

## The Winning Cities and Projects

The City of Courtland is the winner of the under 5,000 Population category, for the Courtland Streetscape project. The engineering firm on the project was Kirkham, Michael & Associates, Inc., and the contractor was Bryant and Bryant Construction, Inc.

The Courtland Streetscape project consisted of replacing deteriorating sidewalk and upgrading the lighting system. Curb of varying height was replaced with standard 6-inch curb while

ponding issues in the gutter were resolved. Existing sidewalk and entrances that were in a satisfactory condition were left in place and tied into the new construction as a cost-saving measure. The lighting sidewalk improvements have provided a safer travel-way for both pedestrians and motorists in Courtland.

The City of Coffeyville is the winner of the 5,000 – 19,999 population category, for the US 166-169 and 4<sup>th</sup> Street Intersection Improvements project. The engineering firm on the project was Professional Engineering Consultants, P.A., and the contractor was Mission Construction Co., Inc.

Truck access to Highway US 166-169 at 4<sup>th</sup> Street was an issue for the City of Coffeyville and the Coffeyville Resources refinery. Fourth Street intersected with US 166-169 at an acute angle with short curb return radii. Truck drivers had a difficult time navigating this intersection, and avoided it by traveling over adjacent private property.

Fourth Street is a main east-west route to US 166-169 through the city. The improvements involved full depth concrete street replacements including existing pavement removal, soils investigation, new curb and gutter, storm sewer facilities and pavement.

Professional Engineering Consultants, P.A. (PEC) performed the civil engineering design for the reconstruction, as well as developed detailed phasing and traffic control plans. It was necessary for



Winners of the 2014 City and County Improvement Awards. Photo by Jay Bachman.

4<sup>th</sup> Street to be completely closed during construction so traffic control plans included instructions for informing the public and providing information on alternative routes.

The let date was set for September 2013. However, the project design was completed early allowing it to be let in July 2013. Mission Construction Company began construction in November 2013, and completed the project in May 2014.

The project was funded through the KDOT Geometric Improvement Program. Local matching funds were generated through General Obligation Bond sale.

The improvements make this intersection the preferred route for truck traffic and reduces truck traffic on other streets in the area. Trucks can easily maneuver the turn without encroaching on adjacent lanes of traffic. This has significantly improved the safety of the traveling public on US 166-169.

In the 20,000-49,999 population category, the City of Leavenworth won the for its Limit Street Improvements, 15<sup>th</sup> Street to 20<sup>th</sup> Street project. The engineering firm was Lochner, and the contractor was Leavenworth Excavation & Equipment Company.

Prior to this project, Limit Street between 15<sup>th</sup> Street and 20<sup>th</sup> Street was a narrow two-lane road with ditches on each side, no pedestrian facilities and a weight-posted bridge. The project, funded jointly by the Kansas Department of Transportation and the City of Leavenworth, included the upgrade of this 2,340-foot section of narrow roadway into a 24-foot-wide, two-lane street with curb and gutter, enclosed storm sewer and pedestrian facilities on each side of the street.

Lochner performed the initial study and prepared the final design and plans for the project. In addition to the grading, paving, and curb and gutter, the design included continuous sidewalk on one side of the street and a mixed pedestrian-cyclist trail on the other. The weight-posted bridge was replaced with a new 20-foot-span rigid framed concrete box bridge. The final plans also included a temporary roadway to ensure that all of the residents along the project maintained access to their homes during construction.

The project also included a public outreach program, utility relocations, and permitting. This project took a narrow pedestrian non-friendly roadway and made it into a pedestrian friendly facility that improves mobility of traffic and connectivity of pedestrians for the immediate neighborhood as well as the entire town.

The City of Kansas City is the winner of the above 50,000 population category, for the State Avenue Corridor Transit Improvements project. The engineering firm on the project was BHC Rhodes and the contractors were Amino Brothers and MEGA Industries Corp.

The State Avenue Corridor Transit Improvements project gave Kansas City, Kansas (KCK), the opportunity to participate in the evolving transit system in the Kansas City metro area. Building upon successes of the Main Street max and Troost Avenue Max bus lines in Kansas City, Missouri, KCK participated with the Kansas City Area Transportation Authority (KCATA) to create infrastructure improvements to support future implementation of bus-rapid-transit service along the State Avenue corridor. The project also created new transit centers in downtown KCK and the vacant Indian Springs Mall site, both of which are expected to stimulate badly-needed development in those areas.

In addition to two transit centers, 32 enhanced transit stops

were built along the Minnesota Avenue/State Avenue corridor. Street and intersection improvements were also completed along Minnesota Avenue around the 7<sup>th</sup> Street intersection adjacent to the new transit center. The Unified Government of Wyandotte County/Kansas City, Kansas, supplemented the \$10.5 million T.I.G.E.R. grant to the KCATA for these downtown KCK enhancements.

County Public Improvement award winners are selected from two different population categories (under 10,000, and over 10,000). County representatives as well as engineering firm representatives were presented with awards at the November 13 Kansas Association of Counties Annual Luncheon in Wichita.

Harper County won for the Harper County Road Bridge Shop/EMS Facility project in the under 10,000 population category. The general contractor was Cleary Building Corp.

The new county facility will house both the road and bridge shop and the EMS living quarters and ambulance garage. The old road and bridge shop was a former granary building with little improvement, no insulation and inadequate space. Previous accommodations for EMS staff and ambulance were temporary, in constant flux and inefficient. Using the slogan “Harper County – Moving Forward,” the Board of Commissioners began planning efforts to prioritize capital improvement needs.

The result was some very outside the box thinking. Not only would the area residents benefit from this effort to continue EMS 24/7 rotating coverage and to allow more efficient use of space for equipment maintenance, but the employees were recognized to be deserving of an adequate work environment. The end result was a new, attractive facility to more effectively serve this rural community with a multiuse building, and to enhance the ongoing downtown revitalization efforts.

The winner of the over 10,000 population category was Douglas County for the Reconstruction of the US 56 Douglas County from Bullpup Drive West to East 1600 Road Intersection to Accommodate Three Lanes. The engineering firm was BG Consultants, Inc., and the general contractor was Hamm, Inc.

KDOT, Douglas County, Baldwin City and USD 348 all collaborated on the design, funding and construction of the improvements on US 56 between the Baldwin City Elementary School Intermediate Center on Bullpup Drive and the Baldwin Elementary Primary Center on East 1600 Road. This much needed project, outlined in the KDOT US 56 Corridor Management Plan, converted US 56 from a 2-lane highway to a 3-lane highway. Drivers now have a dedicated left turn lane off of US 56 to safely access either of the Baldwin Elementary Schools south of US 56. This project will pay public safety dividends for years into the future.

It is a great example of what can be accomplished when publicly virtuous state and local agencies agree to work together to enhance the common good.

Congratulations to our 2014 winners! On behalf of ACEC of Kansas, our thanks go to all of the cities and counties who entered the Public Improvement Awards competitions.

 Amy Dubach is the Membership Manager for the American Council of Engineering Companies of Kansas. She can be reached at [amy@acecks.org](mailto:amy@acecks.org).

# Tips for Increasing Voter Turnout

**M**oving local elections to November will be a big issue this Legislative session. One of the stated reasons for this discussion is the desire to increase voter turnout. While the legislature debates the merits of moving elections, the League has worked with city officials to come up with local practices that can help increase turnout in city elections. This article discusses the ideas from that collaboration, along with some tips the League found while researching the issue.

**Mailings and Advertisements.** Significantly less money is spent on local campaigns than state and federal campaigns, which leads to less public awareness of local races. However, cities may help increase attention about their elections through simple marketing initiatives. Election reminders in water bills, notices in city newsletters, flyers, and advertisements on electronic signs and local newspapers all help increase public awareness. In addition, cities may have front-line city workers wear shirts in the weeks leading up to an election that remind citizens to vote.

Although election reminders in water bills and other city correspondence are helpful, mailing residents their polling location along with the election date is especially effective at increasing turnout. If providing that personalized information is impractical, a city could include a list of all polling locations in the city, or a link to the Secretary of State's web page where residents can search for their polling location.<sup>1</sup>

Another option is to include a message that encourages residents to picture themselves voting. One study found that asking voters three questions (what time they would vote, where they would be coming from, and what they would do beforehand) increased turnout in single-voter households by nine percent.<sup>2</sup>

**Electronic Communications.** Many cities utilize their websites to spread the word about local elections. While some post reminders on their websites about election day, others also show polling locations and even offer links to voter registration forms.

Election reminders can also be posted on the city's social media pages, but a recent study indicates that posts on the personal pages of elected officials, employees and citizens will be more effective

at raising turnout. Facebook released a report showing that citizens became more likely to vote in elections if they saw that their friends had voted.<sup>3</sup> If a concerted effort is made to get city elected officials and groups of citizens to post on Facebook that they've voted, that peer pressure may actually increase turnout in the city election. Elected officials should be encouraged to make only candidate-neutral posts, especially if they're using city property.

Another option is to allow residents to sign-up for electronic reminders about the city election. A city's ability to use email, texts, or robocalls to send out these reminders largely depends on its resources and technological capabilities, but the option of a personalized reminder warrants consideration.

**Introducing the Candidates.** Residents are more likely to vote if they have had personal contact with the candidates. Therefore, cities should work with local organizations and candidates to host meet and greets for citizens. Candidates should also be encouraged to speak to Rotary and Kiwanis clubs, neighborhood associations, and other local groups. It is also common for local chambers of commerce to hold candidate forums, which provide citizens with an opportunity to learn about the candidates' viewpoints.

**Other Strategies.** There are a variety of other initiatives cities can pursue to increase voter turnout. One study showed that throwing an election day party at polling places with "food, fun, and music" increased voter turnout by 6.5 percent and cost less than direct-mail campaigns. However, due to a state law prohibiting election bribery,<sup>4</sup> the act of voting should not be required in exchange for access to the "food, fun, and music" at the party. Another strategy is to hold mock elections for local students, where they can vote for candidates at their school or city hall. Voting is habit forming, and numerous studies have shown that participation in elections at a young age increases the likelihood of participating later in life.<sup>5</sup>

The initiatives above are just some of the ideas your city can implement to increase voter turnout in your local elections. If you have questions about other ideas for increasing turnout, please feel free to call the League or the Kansas Secretary of State's office.

Sources can be found on page 27.

## League Civic Participation Contest

The League of Kansas Municipalities is hosting a statewide contest to recognize the cities with the highest percentage of voter turnout in this year's April elections. Below are the rules for the contest:

- The League will name a winning city for each county in Kansas. To win, a city must have the highest voter turnout in its county. Voter turnout is defined as the percentage of eligible registered voters who vote in the election.
- Winners will be announced at the League's Governing Body Institute in Topeka on May 15. Each winning city will be recognized in the *Kansas Government Journal*, on the League's website, and will receive a free registration to a League webinar of the city's choice.
- In addition to the countywide winners, three overall winners from the 0-5000, 5000-20000, and 20000+ population categories will share the cover of a *Kansas Government Journal*.



## Remote Participation Policies

Serving on a public body is a big commitment, and can be difficult for many citizens to fit into their already busy schedules. Sometimes, conflicts keep those who choose to serve on councils, commissions, and boards from physically attending those meetings. In Kansas, members of public bodies may participate in meetings by phone or video conference. This article will cover some legal issues regarding remote participation and best practices from cities in Kansas.

### Legal Issues

The Kansas Open Meetings Act (KOMA) states that, if a majority of quorum is involved, that quorum may conduct a meeting about city business via telephone.<sup>1</sup> Additionally, several attorney general's opinions have stated that these meetings could take place if some members were physically present, while others were present by phone or videoconference. For the meeting to comply with the "openness" requirement of the KOMA, the body needs to make reasonable efforts to allow the public to listen to any statements or votes made by officers calling in.<sup>2</sup>

### Remote Participation Policies

Most Kansas cities allow remote participation in meetings by custom. However, many officials view physical presence as preferable to having members call in, and do not want that option to discourage physical attendance. In fact, some cities that have experienced abuse of remote participation have banned it altogether. Others, like the city of Mission, have created policies limiting the circumstances when it can be used.

Mission's remote participation policy was adopted in September 2014. Their policy allows council members to participate two times per year by phone or video, but only if their attendance is prevented by personal illness, injury, or disability; an emergency; or geographic distance. Remote participants cannot be part of executive sessions, must attempt to give 24 hours notice of their absence, and can be removed if technical issues hinder meeting progress. To view the city of Mission's entire policy, visit page 11 at <http://www.missionks.org/docview.aspx?doctype=packet&docid=4613>.

Some cities require that a quorum be physically present at meetings, while others allow a quorum to be constituted of some remote participants. Whichever policy is used, it is a good practice to have the city clerk record in the minutes which members are participating remotely, the reason for their physical absence, from where the absent member is participating, and when those participants enter or leave the meeting (for example, due to technical issues). The governing body should also establish who will approve remote participation requests (mayor, council, etc.) and whether absent members may vote during meetings. If voting is allowed, the remote participant should identify themselves and then state how they vote.

### Technical Considerations

Remote participation policies should also include rules to ensure compliance with the "openness" requirements of the KOMA. As mentioned, to be open the public must be able to hear the officers' statements and ascertain how they vote. This can be accomplished in a number of ways, including conducting a teleconference and allowing residents to call into it; showing a video feed of the remote participant at the physical meeting; or putting the absent member on speakerphone so the public can hear their statements and votes.<sup>3</sup>

A more difficult question is whether meetings can legally take place using less accessible technology. For example, a meeting could theoretically take place entirely through an online video chat service (Skype™, Google Hangouts™, etc.), but those technologies may be so impractical or inconvenient for citizens to access that a court could hold the meeting is not open.

Two attorney general opinions discuss the factors used to determine public accessibility. Kansas Attorney General Opinion 1982-133 stated that a city commission would violate openness requirements by holding a meeting in Colorado because the additional inconvenience and expense for residents to attend made the meeting functionally inaccessible. Kansas Attorney General Opinion 1986-153 stated that a public licensing board could hold an open meeting in Kansas City, Missouri, because the expense and inconvenience of attending did not serve as undue barriers to access. It is not known how a court would apply those arguments to technologies used to host online meetings. However, a good principle is probably that the less expensive and easier to access a technology is, the more likely it could be used as a means of conducting a meeting.

### Conclusion

Kansas law allows public officers to remotely participate in meetings. However, the legal, ethical, and technological issues associated with remote participation present unique problems, and cities should develop policies for when and how the practice may be utilized. If your city is interested in creating a policy, be sure to consult 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](mailto:mkoss@lkm.org) or (785) 354-9565.*

### Sources

1. K.S.A. 75-4317a.
2. Kan. Att'y Gen. Op. No. 05-03 (Jan. 27, 2005).
3. *Id.*



## **Plainville Improves Main Street**

The City of Plainville has initiated a project to significantly improve its main street and replace the downtown storm sewer system. The \$2.7 million project was funded in part by a \$400,000 Community Development Block Grant from the U.S. Department of Housing and Urban Development. The rest of the money is coming from city bonds. See the full article at <http://tinyurl.com/obms3b3>

# GOVERNMENT NEWS

## Department of Administration Reminder

As of January 1, 2015, municipal 2014 audit reports must be submitted to Municipal Services via electronic means (.pdf format). Contact the following officials with questions or concerns: Roger Basinger (785.296.8083) or Rogers Brazier (785.296.2846). See the full article at <http://tinyurl.com/l6sjzuc>

## Horton Revitalization Project

A visit by Marcus Lemonis, host of the CNBC reality TV show “The Profit,” mobilized a community-wide effort to revitalize the city’s infrastructure and downtown. See the full article at <http://tinyurl.com/ly4fkw9>

## Kansas Court Orders more State Spending on Schools

A three-judge panel in Topeka ruled that overall funding for public education in Kansas is inadequate and therefore unconstitutional. See the full article at <http://tinyurl.com/lrq4nwy>

## Ottawa Plans for Growth

The Ottawa city commission and staff plan to acquire land for a new industrial park. The City of Ottawa believes this endeavor will improve the quality of life for residents. See the full article at <http://tinyurl.com/msjhwnp>

## City of El Dorado Receives Fit Friendly Employer Recognition

The City of El Dorado received recognition from the American Heart Association as a Gold Level Fit Friendly Employer. El Dorado was selected among 323 other worksites across the Midwest region. See the full article at <http://tinyurl.com/lbzft44>

## Chanute Commission Approves Bonds for Fiber to the Home

The Chanute city commission unanimously voted to issue \$19 million in revenue bonds to finance its Fiber to the Home project in its meeting. See the full article at <http://tinyurl.com/pgspeag>

## Mulvane Fire Department Celebrates it's 110<sup>th</sup> Birthday in December

1950



2014



# League Profiles



**Kendal Francis**

**LKM  
Governing Body Member**

**What is your position and what are your typical duties?**

Lakin, KS City Administrator – Direct the day-to-day activities of a full-service city including water, sewer, electric, refuse, animal control, golf course, parks and aquatic center. Execute strategies for innovative service delivery while managing \$5.1 million annual budget.

**What is your favorite thing about Kansas?**

Weather. I love the unpredictability and having all 4 seasons

**Please share a little personal information about yourself.**

Age – 44

I graduated from KSU with a BS in Political Science & Secondary Education & Master's certificate in Public Administration.

- Daughter – Kimbre who is a sophomore at K-State
- I have been in local government for 20 years
- 1 year as City Administrator
- 19 years in water & wastewater utility with the City of Beloit

**What is your favorite thing about your community?**

The people are my favorite thing. I have only lived here 11 months, but everyone has been so friendly and welcoming.

**What made you want to join city government?**

It gave me the opportunity to make a lasting and hopefully positive impact on my community.

**Is this your first time on a statewide board?**

Yes



**Jerry Lovett-Sperling**

**LKM  
Governing Body Member**

**What is your position and what are your typical duties?**

I am the City Clerk. Keeper of the official city records, human resources, serve as clerk of the city council, secretary for Planning & Zoning Commission, Board of Zoning Appeals and Design Review Board.

**What is your favorite thing about Kansas?**

The variety. I'm centrally located here in Lindsborg, so have easy access to large city amenities but still live in the wide open space. Love the landscape variety as well.

**Please share a little personal information about yourself.**

Born and raised on a farm located on the Big Arkansas River west of Valley Center. The youngest of 5 daughters (Dad wanted boys so I guess that's why I'm Jerry). Married with 2 adult children and 7 grandchildren.

**What is your favorite thing about your community?**

It has a little bit of everything. Our famous Swedish heritage, an extremely active arts community, a thriving liberal arts college, progressive school system, a pro-active health/wellness care facility, a progressive City Council who continually looks to the future... there is just something for everyone around here.

**What made you want to join city government?**

At the time, it was a job that offered great benefits and I didn't have to drive an hour to get to work; but after 20 years, it's the opportunity to give to a community that has come to be my home and the people who live here.

**Is this your first time on a statewide board?**

No. I am a past president of the Kansas Association for Court Management, served on the Kansas Supreme Court Education Committee for Municipal Court Clerks, served on the board of directors and am a past president of the City Clerks and Municipal Finance Officers Association of Kansas. I have also served on the Board of Directors for the International Institute of Municipal Clerks representing Illinois, Missouri and Kansas.



**Donyell Wolfe**

**LKM Intern**

**What is your position and what do you do?**

I am an intern at the League. I'm a graduate student at the University of Kansas and I plan to complete my Master's Degree in Public Administration in 2016. At the League, I have written stories and articles for the *Kansas Government Journal*, developed and facilitated a round table discussions at the League's Annual Conference, sanitized and presented data for the salary and municipal review surveys, traveled to trainings hosted by League staff members, and toured some of Kansas's historic sites and collected information to report back to the League.

**What is your favorite thing about Kansas?**

I can narrow it down to my top three. 1) Allen Fieldhouse during men's basketball 2) Christmas Lights in Manhattan's downtown courtyard 3) a split between the tour of the state capitol and *Brown vs Board* museum both in Topeka.

**A little bit of information about you.**

I was born and raised in Sherwood, Arkansas, which is a suburb of Little Rock. I attended the University of Arkansas Little Rock (UALR) and graduated with a Bachelor of Social Work degree in 2012. I completed a summer internship with the City of Little Rock Community Programs as a youth mentor/liaison. This was my first experience working with the city and local government. I noticed the connection between local government and my personal values, which consist of volunteering and helping others access resources. I'm committed to public service and welcome new opportunities on the city and local government level.

**What is your favorite scenic part of Kansas?**

The Flint Hills in the east-central area of Kansas.

**How long have you been with the League?**

I accepted a year-long internship with the League in July of 2014, and will be applying for new internship opportunities for my final year as a graduate student.



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## **Chief of Police – City of Louisburg (Salary \$60,000-\$70,000)**

The City of Louisburg, Kansas seeks an experienced, community minded law enforcement professional to lead the Police Department and its dedicated officers. The City of Louisburg maintains competitive health benefits, KPERS retirement and close proximity to the Kansas City Metropolitan area. Louisburg enjoys nationally accredited schools and cooperation from outside law enforcement agencies. Requirements include Bachelor's Degree in Criminal Justice or related field, progressive law enforcement experience with prior executive level experience. Candidates must have demonstrated capacity in working with administration, elected officials, outside agencies and other forms of community engagement. Applications must be received by the City Clerk no later than March 10, 2015. Completed applications must include a cover letter, resume, five work related references and application (applications may be received from City Clerk, Traci Storey at 5 South Peoria Street, Louisburg, KS 66053 or adminclerk@mo-kancomm.net). Polygraph examinations may be required. EOE

## **City Administrator**

The City of Clearwater, KS (pop. 2489), seeks a City Administrator. Clearwater is in the Wichita metro area. A Mayor and five Councilmembers serve as the Governing Body. Specific duties are identified in the Municipal Code at the City of Clearwater website: [www.clearwaterks.org](http://www.clearwaterks.org).

A Bachelor's degree from an accredited college or university with a major in public administration, business management or related field is required. A Masters in Public Administration is preferred. A minimum of two years in management is needed.

Clearwater is a stable government, and the past two administrators served in this position 14 years and 20 years. It is required that the City Administrator become a resident of the city.

Application should be made to [jim@jimheinicke.com](mailto:jim@jimheinicke.com) or mailed to City Administrator Search, City of Clearwater, 129 E. Ross, P.O. Box 453, Clearwater, KS 67026. Position will be open until filled. Resume

review is expected to occur approximately February 14, 2015.

## **City Administrator**

Oberlin, Kansas (pop. 1,850; \$6.7 million budget; 17 FTE's), 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 [www.oberlinks.com/](http://www.oberlinks.com/).

The City operates under a 5-member council/administrator form of government. The ideal applicant should have a bachelor's degree in public administration or a related field and approximately five years of municipal government experience. MPA is preferred. 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.

Competitive benefits; Salary \$55,000 - \$60,000 DOQ. Interested candidates should submit a cover letter, resume, and three work-related references to LEAPS-Oberlin@lkm.org or LEAPS-Oberlin, 300 SW 8th, Topeka, KS 66603. If confidentiality is requested, please note in application materials. Position will remain open until filled. Application review will begin February 9. EOE.

## **City Administrator**

Girard, Kansas (pop. 2,779; \$8.7 million budget, 32 FTE's), the county seat of Crawford County, is located at the intersection of Kansas Highways 47 and 7, about one and a half hours south of the Kansas City metro area. The city is home to a thriving public library, a high-quality medical center, an excellent education system, and numerous historic attractions. For more information on Girard, visit <http://www.girardkansas.gov/>.

The City operates under a council-administrator form of government. The governing

body is composed of four council members elected by district, along with a mayor who is elected at-large. The City Administrator facilitates the day-to-day operations of the municipality, and oversees all operations and departments based on guidance from the governing body. Girard operates electric and water/wastewater utilities.

Applicants must have a bachelor's degree in public administration or a related field. The ideal candidate will also have at least four years of local government experience, and a reputation for dependability and hard-work. Candidates must showcase strong leadership skills and be willing to become actively engaged within the community. Past experience with an electric utility is strongly preferred.

Competitive benefits; Salary \$57,500-\$72,500 DOQ. Interested candidates should submit a cover letter, resume, and three work-related references to LEAPS-Girard@lkm.org or LEAPS-Girard, 300 SW 8th, Topeka, KS 66603. If confidentiality is requested, please note in application materials. Position will remain open until filled. Application review will begin February 16. EOE.

## **Court Clerk for City of Prairie Village, KS**

Nature of Work:

Under direct supervision the Court Clerk is responsible for the receipt, input, and correspondence related to tickets/fines issued by City personnel. The Court Clerk is also required to prepare and complete the court docket and other tasks associated with it.

Primary Duties:

- Preparation and completion of court docket.
  - Processes fine payments both in person or via mail.
  - Process tickets issued by City personnel.
  - Responds to inquiries regarding tickets.
  - Other duties as assigned by management.
- Required Knowledge, Skills, and Abilities:
- Experience using the Microsoft Office Suite.
  - Ability to deal tactfully with the public.
  - Must be able to work the days and hours necessary to perform all assigned respon-

sibilities and tasks.

- Knowledge and ability to follow the policies and practices contained in the City Personnel Handbook.
- Ability to speak, write and understand English language.

Minimum Qualifications:

- High School Diploma, GED or equivalent work experience.
- Must be able to gain ALERT certification.
- One to two years professional experience.

### Director of Public Works

The City of Hays, Kansas is accepting resumes for the position of Director of Public Works due the retirement of the incumbent.

The Director of Public Works is an exempt employee appointed by the City Manager and is responsible for the planning, organizing, staffing, directing and coordinating of all departmental activities, which includes the Service, Solid Waste, Planning, Inspection, and Enforcement, Airport, Fleet Maintenance, Buildings and Grounds, and Stormwater Management Divisions.

The ideal candidate will have a solid background in municipal operations with an emphasis on planning, zoning, and development skills. The position requires a candidate with excellent leadership, management, and communication skills. Applicants are required to have a college degree or have equivalent experience in a related field. For more information about the job visit [www.haysusa.com](http://www.haysusa.com).

Full salary pay range: \$60,000 — \$97,000 plus excellent benefits. Hiring range DOQ and experience. Residency within the Hays' city limits is required within 180 days of employment. Job offers contingent on passing a physical and drug test.

Resumes can be emailed to [jsterling@haysusa.com](mailto:jsterling@haysusa.com) or mailed to Human Resources, P.O. Box 490, Hays, KS 67601. Resumes must include a minimum of 3 references, 5-year salary history, and cover letter. Incomplete resumes will not be reviewed.

Position is open until filled. Applications will begin being reviewed on March 2, 2015.

The City of Hays, Kansas (population 20,500) is a progressive community located on I70 midway between Kansas City and Denver. As the largest city in Northwest Kansas, Hays is one of the best places to live, learn, work and play. Home to Fort

Hays State University and supported by a regional medical center, Hays has a strong economy. This excellent community is recognized among the top Kansas cities in entertainment and named one of the best cities for young families.

The City of Hays offers generous benefits including family health insurance, Kansas Public Employee Retirement System ([www.kpers.org](http://www.kpers.org)), longevity bonuses, Paid Time Off (starting with 24 days a year), 9 paid holidays, optional dental and vision insurance, and free short term disability insurance.

To find out more about the job and benefits, please visit [www.haysusa.com](http://www.haysusa.com).

To find out more about the amazing community of Hays, KS that over 20,000 people call home, visit [www.haysusa.net](http://www.haysusa.net).

Phone: 785-628-7320 Fax: 785-628-7323 EOE

### Finance Director

The City of Mission, KS (pop. 9,516) is seeking a dynamic, detail-oriented financial professional to lead the Finance and Administration Department. Located in northeast Johnson County, Kansas, Mission is a first-tier suburb of Kansas City with a General Fund budget of \$10.2 million and a total operating budget of \$17.5 million.

The Finance Director is responsible for managing the accounting and financial systems of the City, and assisting in developing and administering the City's annual budget and capital improvement program. The position oversees the City's general liability, automobile, workers compensation, and building insurance programs, and coordinates the City's loss control and risk management programs. Director also oversees the Human Resources, Reports to the City Administrator.

Strong financial analysis capabilities, exceptional communication skills and flexible team-leader talents are essential; a record of creative problem solving is required. Bachelor's degree in finance, accounting, business administration, public administration and at least five years of progressively responsible experience in finance, accounting, business or public administration, or a closely related field is required. A Master's degree is preferred. Salary DOQ. For a full position description, please visit [www.missionks.org](http://www.missionks.org). Submit cover letter, resume, and a minimum of three references to [hr@missionks.org](mailto:hr@missionks.org). Position is open until filled. Review of applications will begin February 9, 2015. EOE.

### Municipal Services Superintendent

The City of North Kansas City has an opening for an experienced Municipal Services Superintendent. This is a full-time, exempt position, Monday-Friday (7:00 AM – 3:30 PM). Position reports to the Public Works Director.

Incumbent performs oversees and administers the operations of the Municipal Services Division, including all activities associated with street maintenance, maintenance of City owned facilities and maintenance of landscaped areas. Directly supervises all staff of the Division. Creates and oversees the operating budget for the Division.

Starting base salary range \$54,000 - \$65,000 annually, depending on qualifications; comprehensive benefits package including medical, dental, retirement, MO LAGERS pension, vacation, holidays, and sick leave.

Application Process: Apply at the following link only-

<https://home.eease.adp.com/recruit/?id=761911>

#### Sources from page 15

1. <http://nationalaglawcenter.org/state-compilations/right-to-farm/>
2. K.S.A. 2-3201 et seq.
3. *Id.*
4. *Finlay v. Finlay*, 18 Kan.App.2d 479 (1993).
5. K.S.A. 2013 Supp. 2-3203.
6. *Finlay v. Finlay*, 18 Kan.App.2d 479 (1993).
7. KSA 12-758.
8. *Bice v. City of Rexford*, 168 P.3d 67 (Kan. App. 2007) [Unpublished Disposition]; *Davidson v. City of Edwardsville*, 281 P.3d 598 (Kan. App. 2012) [Unpublished Disposition].
9. *Id.*
10. K.S.A. 2013 Supp. 2-3202(c)(1).

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1. The link to the Secretary of State's polling location search page is at <https://myvoteinfo.voteks.org/VoterView/Home.do>.
2. Nickerson, D., & Rogers, T. (2010). Do You Have a Voting Plan? Implementation Intentions, Voter Turnout, and Organic Plan Making. *Psychological Science*, 21(2), 194-199.
3. Bond, R., & et. al. (2012). A 61-million-person experiment in social influence and political mobilization. *Nature*, 489. Retrieved from [http://fowler.ucsd.edu/massive\\_turnout.pdf](http://fowler.ucsd.edu/massive_turnout.pdf).
4. K.S.A. 25-2409.
5. Government Accountability Office. (1990). Some Procedural Changes and Informational Activities Could Increase Turnout. Retrieved from <http://www.gao.gov/assets/150/149827.pdf>.

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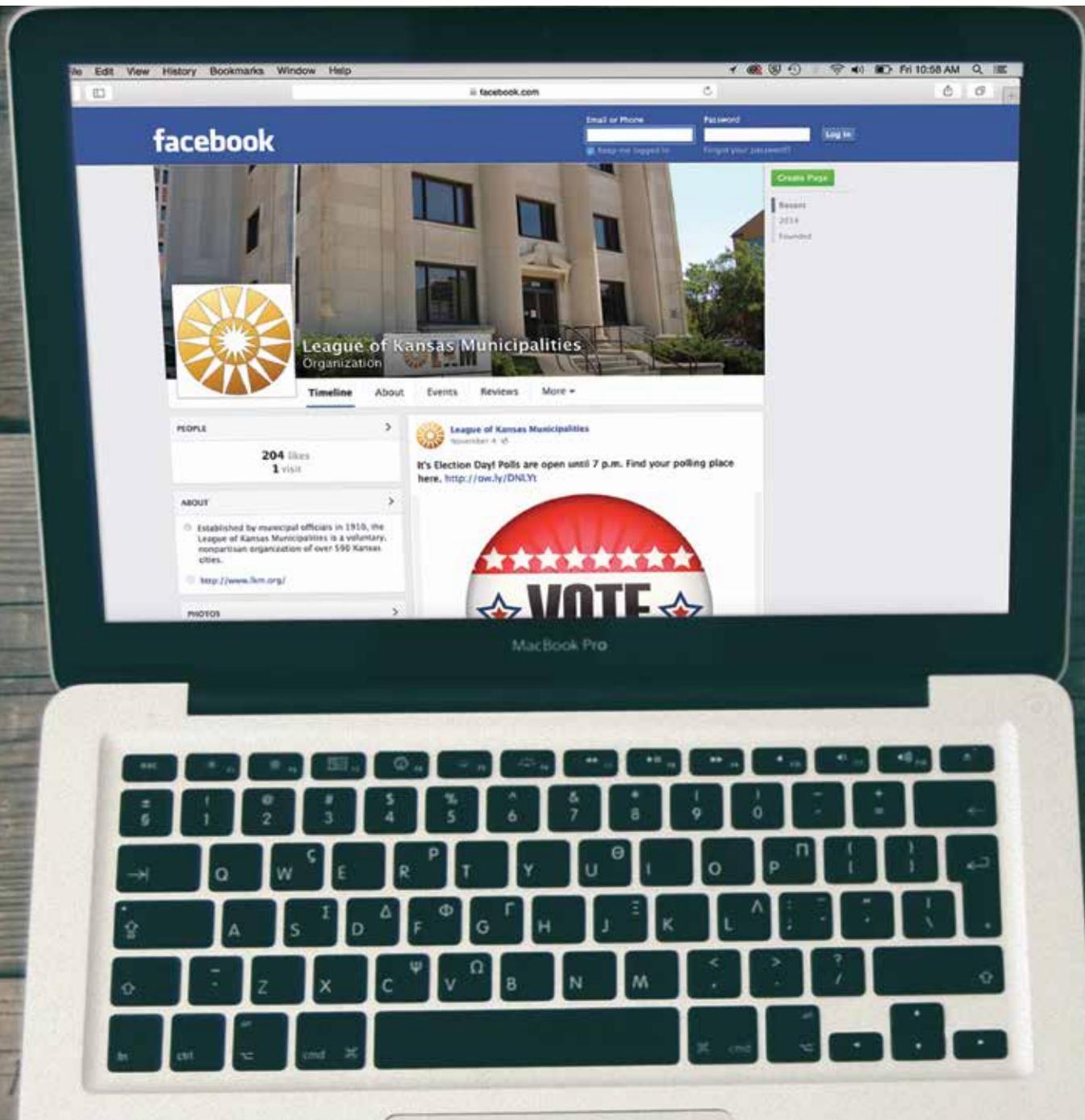
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**Shrine Circus (3-Ring)  
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FMI: 620-255-3720

February

**Depot Theater Winter  
Productions**  
Dodge City  
FMI: 620-225-1001

February 8

**Chocolate Auction**  
Baldwin City  
Lumberyard Center  
710 High Street

March

**Dodge City Raceway Park  
Season starts**  
Dodge City  
FMI: 620-225-3277

March

**Depot Theater Spring  
Production**  
Dodge City  
FMI: 620-225-1001

April 24-25

**Edwardsville Days**  
City of Edwardsville  
Edwardsville City Park  
1200 Blake St.  
www.bsedwchamger.org  
913-422-5044

April 25

**Herington Throttle  
Jockey's Car Show and  
Drag Races**  
Herington  
785-258-2115

Last Weekend in April

**Winefest**  
City of Baldwin City  
Lotatorium  
710 High Street

May 9

**Lenexa Art Fair**  
Central Green Park  
87th & Renner

May 9-10

**Mother's Day Flea  
Market & BBQ**  
Marysville  
Marysville City Park  
785-562-3101

May 22-24

**Katy Days**  
Parsons  
Forest Park  
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Email the information to [andrey@lkm.org](mailto:andrey@lkm.org)

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