



Kansas

GOVERNMENT JOURNAL

VOLUME 101 NUMBER 9

NOVEMBER 2015

Excellence in Local
Government Award

E.A. "Ernie" Mosher

League Conference
Wrap-Up



Send Your Charter Ordinances to the League

A charter ordinance is one tool a city can use to exercise the power of self-governance granted to it by the Kansas Constitution. In the past, the League has attempted to collect all charter ordinances passed by our member cities with varying levels of success. We are renewing our efforts to collect these ordinances, with the goal of sharing them on our new website.

So why does the League want to collect charter ordinances? Partly, to catalogue these important expressions of home rule power so they can be preserved. Also, to develop a repository of sample charter ordinances to help member cities draft charter ordinances in the future. A city is required to file a certified copy of all passed charter ordinances with the secretary of state, and the League asks that you also provide us with a copy so that we will be able to maintain the most current information that is available. Please send a copy of any charter ordinance passed by your city via regular mail to Tami Martin, League of Kansas Municipalities located at 300 SW 8th Ave., Ste. 100, Topeka, KS 66603 or electronically at tmartin@lkm.org.

Constitutional Home Rule power for cities in Kansas was approved by the voters in 1960 and went into effect July 1, 1961. Prior to this Constitutional amendment, cities in Kansas were dependent on state statutes for the authority to take any action. The Constitutional Home Rule Amendment granted to cities the power “to determine their local affairs and government...” The state legislature is not prohibited from enacting legislation that affects cities. However, cities are empowered to pass a charter ordinance to exempt from or modify state laws which apply to them but do not apply uniformly to all cities.

Contents

Volume 101 • Number 9 • November 2015

Features



- 262 **The League Elects New Leaders.**
The Convention of Voting Delegates for the League of Kansas Municipalities selected new officers and directors for the Governing Body.
- 265 **2015 Excellence in Local Government Award**
Mayor Joe Denoyer, Liberal
- 266 **E.A. “Ernie” Mosher**
The history of E.A. Mosher.
- 268 **Reflecting on Home Rule**
A look at how Home Rule became part of Kansas’s Constitution.
- 270 **Local Governments Key to Enforcing Roofing Registration Act**
Information about the amended Roofing Registration Act.
- 272 **Implementing Excellence at Salina’s Municipal Solid Waste Landfill**
Learn about Salina’s municipal solid waste efforts.
- 276 **League Conference Wrap-Up**
Review of the annual Conference of the League of Kansas Municipalities.



Departments

- 261 **Director’s Foreword**
- 264 **Legal Forum**
Service Animals and the ADA
- 274 **Best Practices**
Sharing Municipal Court Facilities and Staff
- 278 **Kansas Government News**
- 280 **League Profiles**
- 282 **Classified Advertising**
- 284 **Professional Services**
- 286 **City Events**

Correction - The October issue of the *Kansas Government Journal* had an error in the example charter ordinance on page 233. See the following link for the proper example.
<http://lkm.org/resources/ordinances/elections>



About the Cover:
A photo of the Capital City Jazz and Food Truck Festival and Alley Fest in Topeka, which coincided with the annual League Conference. Photo by Stephen Smith.

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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2015 LKM Events Calendar

November

- 10 - Regional Supper, Olathe
- 12 - Regional Supper, Fort Scott
- 13 - Personnel Management, Plainville
- 14 - Personnel Management, Park City
- 20 - Personnel Management, Mission Hills
- 26-27 - LKM Holiday: Thanksgiving

December

- 11 - Governing Body Meeting, Topeka
- 24 - LKM Holiday: 1/2 Day Christmas Eve
- 25 - LKM Holiday: Christmas

Obituaries

Robert L. Harder, 89, died September 24, 2015. Bob was born on his parents farm near Groveland, Kansas, on April 19, 1926, a son of Anna M. (Hassman) and Arthur H. Harder. Bob honorably served in the United States Army with the 310th Infantry 78th Division as a SSG in WWII. Bob began working in the electric motor business in McPherson in 1947 and bought the business in 1958. He and his wife Lola operated Harder Electric for 26 years before selling in 1984. After his retirement, he was elected to the position of commissioner of streets and utilities and held the position for 15 years.

Debbie A. Parker, 59, died August 28, 2015. Debbie grew up in Mound City, Missouri, where she worked for five years for the City of Mound City as a Collector. She and her family later moved to Brown County, where she worked for the Brown County Treasurer's Office from 1996 to 2000. Debbie was elected as the Brown County Clerk and served from 2000 to 2015, and served as the City Treasurer for the City of Hiawatha from December of 1998 to August of 2015. She was still serving those two offices at the time of her death.

Benjamin E. Vidricksen, 88, died September 14, 2015. After graduating from Salina High School in 1944, Ben chose to serve his country by enlisting in the United States Navy, serving fourteen months in the South Pacific Islands. Upon his return, he enrolled at Kansas Wesleyan University, earning his AB degree in pre-law in 1951. During this time, he met and married his wife of 41 years, the late Lola Nienke Vidricksen. The couple had five children. His dream of public service came to fruition when he was appointed to fill the newly vacated 24th district Kansas Senate position in 1979. He was successfully re-elected five times, tirelessly serving his constituents for a total of 21 years. The accomplishments that most define his career include his 16-year position as Assistant Majority Leader, the Highway 81 Comprehensive Transportation Initiative, and being finance chair for the "Ad Astra" Capitol Dome Sculpture project.

Director's Foreword

by Erik Sartorius



Out of the frying pan and into the fryer! After a very short moment to exhale after the annual conference, we are headed out tomorrow for Regional Suppers. Thank you in advance for your attendance at these meetings, and for encouraging your legislators to join us. For those of you who were not able to attend a meeting, this year we invited our federal legislators to attend

or send a representative. We had RSVPs from several of the offices, and hope that adds to the value of these suppers for you.

I find the zig-zagging across Kansas a great way to remain connected to members. Renewing old acquaintances and meeting new city officials really helps recharge my batteries. League staff gets to bond and spend some time talking about the League's direction in more detail than we are usually afforded in the office. We also get to stop into cities that we may not have visited in the past few years, and then try to decide what local delicacy we will be enjoying.

The timing of my writing this column almost coincides with when I was writing last November's column. In keeping with what I am thrilled to see has become a two-year tradition, I am fearlessly predicting the Royals to emerge as World Series champions! We came so close last year, and I am not going to miss the opportunity to pick them again this year.

The response to programming at the annual conference has been phenomenal. Thank you for taking time away from home to join your fellow elected and appointed officials. We felt we had put together a very strong program this year, but you don't really know until the event arrives. We continue to aim for providing you actionable knowledge for your communities, and would love to hear suggestions from you for topics or ways to improve the conference.

Part of this month's issue highlights Constitutional Home Rule, as we celebrate the 55th anniversary of passage of the constitutional amendment by Kansas voters. This amendment provided cities a

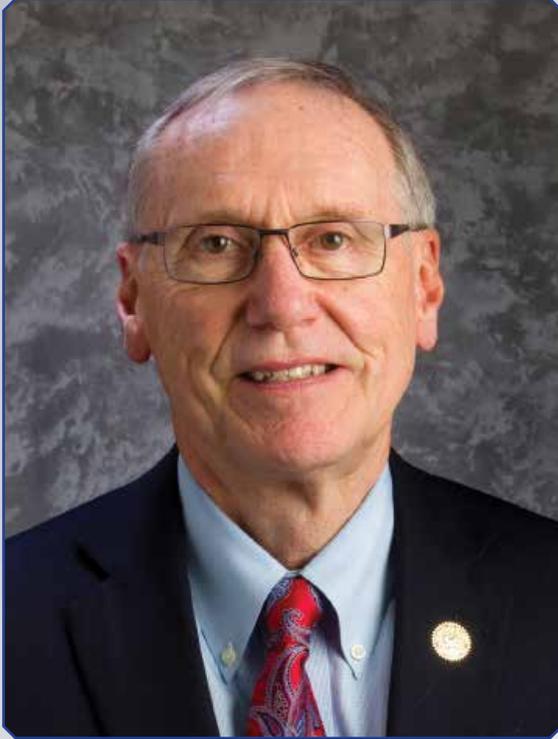
much stronger voice in governing their own affairs. The primary article draws on the reflections of previous executive directors of the League. One of the key individuals associated with the effort to pass Home Rule was Ernie Mosher, League executive director from 1960 to 1991. We have a piece by Jim Kaup, who worked for 11 years with Ernie. Jim's article reflects on Mr. Mosher's impact on Kansas cities and his belief that cities have a responsibility to utilize the Home Rule powers they have been afforded.

On the inside of the front cover, we have a short advertisement I would ask that you review. The League attempts to keep copies of all charter ordinances passed by cities in the state. We currently have several sample regular ordinances available on our website, and we plan to add charter ordinances from member cities in the coming months. While we are able to collect several on our own, we rely on you to send charter ordinances, as well. As we move closer to the holiday season and things begin slowing down a bit at your office, would you put on your "to do" list the task of sending us your charter ordinances? Tami Martin (tmartin@lkm.org) in our office can answer any questions you have about this project.

It is with very mixed emotions that I wrap up this month's column by thanking Mike Koss for all his work at the League on behalf of our members. In the nearly four years he spent with us, Mike poured his talents into the League. The content of our conferences and trainings has improved with his input, and our executive search capabilities have blossomed under him. Mike's enthusiasm for and respect of local government was always apparent in his work with us. We will miss him, but are excited that he will be remaining in local government in Kansas.

On behalf of the entire staff of the League, I would like to wish you and your loved ones a Happy Thanksgiving and safe travels wherever your destination. Please let me know if you have any questions or comments – I'd love to hear from you: esartorius@lkm.org or 785-354-9565.

The League Elects New Leaders



Larry Wolgast, President
Topeka



Kim Thomas, Vice President
Stockton

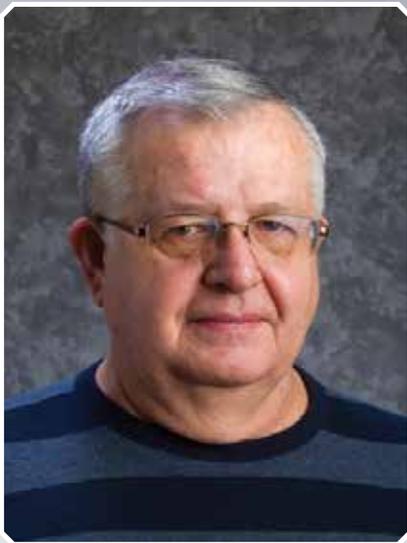
On Monday, October 12, 2015, the Convention of Voting Delegates for the League of Kansas Municipalities selected new officers and directors for the Governing Body. The group convened in Topeka, Kansas, and elected Topeka Mayor Larry Wolgast as President, and Stockton Mayor Kim Thomas Vice President.

Larry Wolgast was elected Mayor of Topeka in April 2013, having previously served on the Topeka City Council and as Deputy Mayor. He is a Kansas native who grew up in Wabaunsee County. He was the administrative assistant to Congressman Bill Roy and a cabinet secretary in the administration of Governor John Carlin. Mayor Wolgast has also served in administrative positions at United Way of Topeka; on the Boards of YMCA of Topeka, Topeka Shawnee County Landmarks Commission, Topeka Symphony and the Topeka Performing Arts Center; and served as a teacher and administrator in the Topeka Public Schools.

Kim Thomas has served as Mayor of Stockton for 12 years, and was the first African-American female mayor in the State of Kansas.

She has served on the board of directors for the Kansas Mayors Association, the League of Kansas Municipalities, the Kansas Municipal Electric Association, and has been a hospital auxiliary member. She has spearheaded several initiatives in her community, including installation of new water lines and a new water plant; completion of a new sewer lagoon project; restoration of an old city building that was repurposed as the police station; and the application and receipt of a grant to make a number of city buildings more energy efficient. She also helped the city apply for and receive a grant from the Kansas Housing Resources Corporation for the construction of four moderate income houses.

At the annual conference, the Convention of Voting Delegates also selected three Governing Body members to continue in their current positions: Gary Adrian, Mayor, Colby; Daron Hall, City Manager, Pittsburg; and John McTaggart, Mayor, Edwardsville. In addition, Jack Bower, Mayor of Atchison, was appointed to fill a recently vacated seat. The League is proud to welcome these city officials to the 2015-2016 Governing Body.



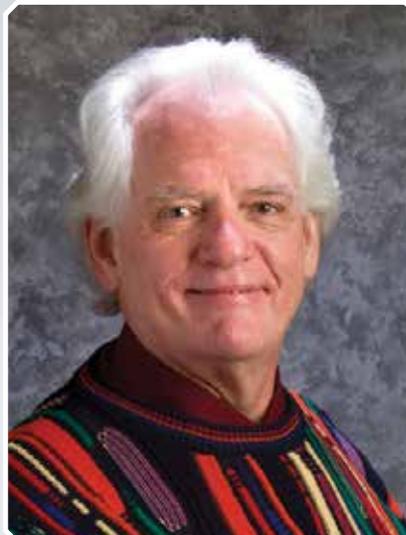
Gary Adrian
Colby



Jack Bower
Atchison



Daron Hall
Pittsburg



John McTaggart
Edwardsville

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James Toews, Mayor, Inman

J. Michael Wilkes, City Manager, Olathe

Legal Forum

by Eric Smith

Service Animals and the ADA

There are times when the Americans with Disabilities Act (ADA) and local animal control ordinances conflict. The conflict requires a close examination of the facts in each situation. There are times that a citizen may claim that a dog is a service animal when, in fact, the animal does not qualify for the protection of the ADA. Public entities have to be cautious about how they address the conflict to ensure they are not violating the rights of a disabled individual. In this article, I will address the specific issue of determining if a dog is a service animal under the ADA and what effect it may have on local ordinances. I have not addressed any other issues surrounding an ADA claim.

Is the dog a “service animal” under the ADA?

There is a difference between a service animal and an emotional support animal, the latter having no protection under the ADA. A service animal is, “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.”¹

So, what does it mean that the dog must do work or perform a task? The Department of Justice (DOJ) has addressed this question in its *Guidance to Revisions to ADA Regulation On Nondiscrimination On The Basis Of Disability In State And Local Government Services* (Guidance to Revisions), which provides an analysis of public comments as well as the reasoning used by the DOJ to establish the regulations and rules for enforcing the ADA. “It is the fact that the animal is trained to respond to the individual’s needs that distinguishes an animal as a service animal. The process must have two steps: recognition and response.” So, if the dog is trained to recognize that the person with a disability is having an issue, the dog must also be able to perform some task for the person, “as opposed to merely sensing an event.”

What proof is required as to training?

The short answer is none. In fact, the ADA does not allow a public entity to require proof of training or licensing as a service animal.² In Kansas, if a professional trainer enters a public building with a service dog in training, the trainer can be required to produce proof of their right to enter with the dog.³

What can city officials ask?

So, how does a city determine if a dog is a service animal or not? The ADA is very restrictive on what can be asked and it is important to remember the inquiry must be limited to the dog and not the disability of the individual. There are two questions that can be asked when determining if a dog is a service animal or not: if the animal is required because of a disability; what work or

task the animal has been trained to perform.⁴ Keep in mind that the work or task the dog performs, “must be directly related to the individual’s disability.”⁵

Can a city prevent the use of certain dog breeds from being used as a service animal?

No, a local ordinance prohibiting a specific breed cannot be used to prohibit the use of a specific breed as a service animal.⁶ The DOJ has determined that it is not “appropriate or consistent with the ADA to defer to local laws that prohibit certain breeds of dogs based on local concerns that these breeds may have a history of unprovoked aggression or attacks.”⁷ A federal district court, in *Sak v. City of Aurelia, Iowa*, 832 F.Supp.2d 1026 (2011), found that the reasoning used by the DOJ in the *Guidance To Revisions*, to be sound and reasonable in rejecting breed-specific prohibitions when it comes to service animals. The DOJ has concluded that a local entity can address, on a case by case basis, any service animal that exhibits aggression. This leads us to the next question.

Can cities prohibit a service animal from entering a public facility?⁸

As a general rule, “a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.”⁹ The individual can be asked to remove their service animal under two circumstances: if the handler is not able to control the service animal or takes no action to control the animal;¹⁰ or if the animal is not housebroken.¹¹

The service animal is to be harnessed or on a leash unless the individual’s disability prevents them from using a leash or the work or task that the animal does prevents the use of a leash.¹² When a leash or harness cannot be used, the animal still must be under the handler’s control by some other means.¹³

If the service animal is properly removed from the facility based on the justifications above, the entity is still required to provide the individual with the ability to participate in any program or services without the service animal being present.¹⁴

Summary

If a city has a breed-specific prohibition, an exception will need to be made for a citizen with a dog that violates the ordinance, if they can demonstrate that their dog is a service animal under the ADA and not just an emotional support animal.

 Eric Smith is Legal Counsel for the League of Kansas Municipalities. He can be reached at esmith@lkm.org or (785)354-9565.

Sources can be found on page 285.



2015 E.A. Mosher Excellence in Local Government Award



Pictured is Joe Denoyer with his award, and Mary Mosher, widow of Ernie Mosher.

On Monday, October 12, 2015, the League of Kansas Municipalities presented Liberal Mayor Joe Denoyer with the 2015 E.A. Mosher Excellence in Local Government Award. Mayor Denoyer received the award during the League of Kansas Municipalities 2015 Annual Conference in Topeka.

Mayor Denoyer has been actively involved in serving his community and state. He has served on Liberal's city commission since 2005. He is currently serving as mayor for the second time, and has also been vice mayor for the community. He played a crucial role in helping form the Council of Governments with Seward County, the cities of Kismet and Liberal, Unified School Districts 480 and 483, Seward County Community College/Area Technical School and Southwest Medical Center. He was a founding member of the Southwest Kansas Coalition, established in 2007 between Dodge City, Garden City and Liberal. He has also been active with the League, attending our annual conference since 2005, and serving on the governing body since 2009.

Mayor Denoyer's participation in local boards and organizations has included serving PACT (Parents and Children Together), the Seward County Historical Society, Cinco de Mayo, and the Community Theater Board. He serves as Chairman of the Seward County Republic

Party, as well as the Southern Pioneer Electric Board, co-founded Crossroads Therapeutic Riding Center, and has helped raise \$85,000 for Liberal High School over the past seven years.

Mayor Denoyer also volunteers at the Yellow Brick Road Car Show, the Chamber of Commerce, the Kansas Sampler Festival, the American Legion, United Way, and Stepping Stone Homeless Shelter. He is a member of the First Southern Baptist Church and its outreach ministries, and is also a youth coach.

At home, Mayor Denoyer and his wife, Elizabeth, have seven children. Additionally, they are foster parents to two more children and have also taken on temporary foster placements. At his "real job," he is an on-air personality, news director, and sports announcer, as well as sales, promotions/program director, and website host for KSCB and KLDG radio in Liberal.

Mayor Joe Denoyer is the fifteenth recipient of the E.A. Mosher Excellence in Local Government Award. The Award was established to recognize the accomplishments of distinguished leaders in the local government community and is named for former League Executive Director E.A. Mosher who served the organization from 1960-1991.

Excellence in Local Government Award Past Recipients

- 2001 • Mayor Bob Knight • Wichita
- 2002 • Mayor Carol Marinovich • Kansas City
- 2003 • Mayor Warren Hixson • Colby
- 2004 • Mayor Ed Eilert • Overland Park
- 2005 • Commissioner John Zutavern • Abilene
- 2006 • Commissioner Richard Jackson • Ottawa
- 2007 • Commissioner Pat Pettey • Kansas City

- 2008 • Mayor Don DeHaven • Sedgwick
- 2009 • Councilmember Diane Linver • Lenexa
- 2010 • Mayor Bruce Snead • Manhattan
- 2011 • Mayor Clausie Smith • Bonner Springs
- 2012 • Mayor Kenneth Bernard • Lansing
- 2013 • Mayor Brad Smiley • Canton
- 2014 • Mayor Carl Brewer • Wichita



E.A. "ERNIE" MOSHER

by Jim Kaup

It was an honor to be asked to contribute an article on my former employer, mentor, and friend, E.A. "Ernie" Mosher, the League's Executive Director from 1960 until 1991. Those involved in local government during that time period knew first-hand of Ernie's national reputation as an authority on municipal government, and for his tireless, inspired and successful advocacy for local governments in Kansas.

I am pleased that the League has recently taken steps to remind its membership of Ernie's leadership of, and commitment to, the League of Kansas Municipalities. The awards ceremony at the 2015 Annual Conference was appreciated by those of us who knew Ernie.

I worked with Ernie for 11 years at the League. For several years after that he and I served as lobbyists for the City of Topeka. We served together on the Topeka-Shawnee County Metropolitan Planning Commission and were members of the same church. I married his secretary in 1989 and Ernie and his wife Mary honored us by being godparents to our two daughters. I knew Ernie pretty well, and while I write as objectively as I can, it is not with a dry eye.

Ernie was an amazing person. He was bright, thorough, tireless — skills that served him well in his many, many research writings. But, he was also insightful, compassionate, and inspiring to many, including myself. Ernie's other outstanding characteristics were his honesty and integrity. Not once in my time with Ernie, including countless trips to the Capitol, did he take a shortcut, tell a falsehood, or propose a strategy that was less than honorable. His reputation for integrity was well-known to both Kansas and federal lawmakers and executives. The League benefitted greatly from his record of truthful presentation of well-researched facts and policy positions. Because he had credibility, so too did the League.

His relationships with League membership, and League governing body members, were consistently diligent, respectful, and candid. He solicited input from cities of all sizes, from every part of Kansas. He never brushed aside an issue confronting League cities because it would be too hard or too controversial.

If he had a shortcoming, it escaped my eyes. Working for Ernie was the best job I had in my life.

It was especially fitting to acknowledge Ernie's contributions to the League at this year's Annual Conference given its emphasis on Home Rule.

Ernie breathed life into the Home Rule constitutional amendment proposed in November 1960. He nurtured it for 30 years. He, better than anyone, realized its value as an instrument for building better communities, for improving the quality of life for Kansans living in those communities. Home Rule has had no better advocate over the past 55 years than Ernie Mosher.

In his 1991 address to the League Convention, Ernie made a plea for preserving and protecting Home Rule. He said, "I acknowledge almost a spiritual emotion about the grave importance of Home Rule... (Home Rule) created new opportunities for cities. It gave cities powers commensurate with their responsibilities. It created a new spirit of governing, providing a legacy that we now enjoy."

In late 2008 I asked Ernie to write an essay for a newsletter for my law firm. I told Ernie he could write on any subject he wanted. He chose Home Rule. Here are some excerpts from what, to the best of my knowledge, is Ernie's last writing relating to local government, published in the firm's newsletter shortly after his March 2009 death, entitled "Rethinking Home Rule":

In my personal judgment, the single, most important thing that ever happened to Kansas cities was the overwhelming approval of the voters of the Home Rule Constitutional amendment in November 1960. As a corollary belief, I would also observe that an important and continuing responsibility of those who represent municipalities is to preserve and protect Home Rule....

Fundamental to the institutional memory of Kansas municipal history was that the (Home Rule) amendment created a profound new era in municipal government. Prior to 1961 when the amendment took effect, Kansas was a classic victim of the old Dillon's Rule -- that cities couldn't

do anything unless authorized by state law. The amendment conferred greater responsibility on local officials, who could no longer hide behind the absence of legal authority....

In conclusion, I think Home Rule is alive, and well, and living in Kansas. We should cherish it. But we must also preserve and protect it. There are few attorneys, local officials, judges and legislators who witnessed pre-Home Rule and post-Home Rule days, and the turnover of elected officials is constant. Those who work for local government in a professional way should be both knowledgeable about Home Rule, but also have the responsibility to spread the gospel to those they serve.

Those excerpts, as well as many other writings of Ernie's, show how he held Home Rule close to his heart. The evolution of Home Rule into a powerful tool was due in large measure to his ongoing efforts to educate city managers, city attorneys, and governing body members on how and why to use Home Rule to serve the public.

Ever the optimist, I know Ernie would also view recent times in Kansas as presenting an opportunity to serve. As the state sheds responsibilities it has historically provided, or at least funded, cities can and should step forward, often by the exercise of Home Rule, to fill those voids left behind that adversely affect quality of life.

As you work to make your community better, safer and more prosperous, and as you work with the League to fend off state government assaults on Home Rule, on matters of public health and safety, on the revenue sources needed to serve the public, remember the leaders who came before you. Remember Ernie Mosher first and most, because his efforts over the span of 30 years were instrumental in giving cities a strong voice in Topeka and Washington.

Ernie's obituary contained this sentence he wrote: "My life's experience is that community, at least a sense of community, is of both civil and human importance, that people need a sense of place and identity, of belonging to something that is bigger than they are."

Whether you knew Ernie or not, if you are an elected or appointed local government official or employee, you owe him your gratitude because he labored to make your work more meaningful. If you are a resident of a Kansas community you owe him your gratitude because he labored to make your community a better place in which you and your neighbors live.

 *Jim Kaup is an Attorney at The Kaup Law Office and Employment Services. He can be reached at kaup@kauplawoffice.com or (785) 235-1111.*

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REFLECTING ON HOME RULE

On November 8, 1960, the voters of Kansas approved constitutional home rule and paved the way for the local powers cities exercise today. The following year, on July 1, 1961, the constitutional home rule amendment took effect, and found its place in the Kansas Constitution at Article 12, Section 5.

The League, and city officials from across the state, helped move this process forward by urging the Kansas Legislature in the 1950s to seriously consider the grant of authority which ultimately came at the end of that decade. The amendment, in its current form, was largely based on a constitutional provision from the State of Wisconsin. It came about in large part as a result of several years of study by the Kansas Commission on Constitutional Revision which worked throughout the late 1950s to craft the amendment which we continue to enjoy today.

Consultants working with this body included then Executive Director of the League of Kansas Municipalities, Allen Pritchard, Jr. After passage of the Constitutional Amendment by the Kansas Legislature, the League of Kansas Municipalities took the lead in educating the public about the benefits of Constitutional Home Rule prior to the election in 1960. The work product of this effort may well have provided the most significant home rule provisions present anywhere in the United States.

Before the constitutional home rule amendment became law, cities across the state were subject to something known as Dillon's Rule. In a nutshell, Dillon's Rule meant that cities could only exercise that authority which was explicitly authorized pursuant to state statute. All other actions were prohibited. As a result, being a city attorney (or, for that matter, a League attorney) in those days would have been much simpler, as the width, depth, and

"The major barriers to Kansas cities' collective legislative advocacy were the Dillon Rule and the legislature's dealing with each of the four classes of cities through separate committees. This left individual cities to deal with the legislature one on one and made collective action through the League impractical."

-Allen E. Pritchard

League Executive Director, 1955 - 1960

"In meetings with our members, staff focused on what members specifically wanted more freedom to act on locally. It became clear that, for the most part, officials found it OK to work under most state statutes. They flirted with the term Home Rule, but there was nowhere near a consensus on what it should look like. The issues they wanted to deal with had no statewide significance, i.e., set up staggered terms for members of a city council, change the structure of city boards, and most important, set their own tax levy rates. Drawing on my experience with the Wisconsin Home Rule statute, I posed the concept of thinking of the existing statutes under which each Kansas city operated as their "Charter" and then have the authority to amend those laws by a charter ordinance. That seemed very appealing. The staff was requested to try to draft such a law."

-Allen E. Pritchard

breadth of action allowed cities in Kansas was relatively narrow. If state statute did not allow the action, it could not be taken. Even if the state was silent in a specific area, a city was still unable to utilize local authority to take care of local problems. The only redress in those days was for city officials to petition the Kansas Legislature for specific legislation to allow a certain action to be taken. Since July 1, 1961, cities have had the power to initiate legislation without the need for authority from the state legislature.

The basic power granted to cities by the home rule amendment is included in these few words: "Cities are hereby empowered to determine their local affairs and government..." Except as to certain restrictions contained in the home rule amendment and conflicting state laws, cities may pass an ordinance on any subject without the need for enabling legislation. The basic plan of the Kansas home rule amendment was to provide for a broad grant of powers to cities to initiate legislation on any subject without regard to its characterization as "statewide" or "local," but reserving to the legislature the power to preempt local action when passing uniform enactments and explicitly preempting the field.

The Kansas home rule amendment does not prohibit the legislature from continuing to enact laws relating to city local affairs and government. The state and a city may both legislate on the same subject. In the event of a conflict between the provisions of a home rule ordinance and a state law,

the state law prevails. However, cities are not necessarily bound by such conflicting state laws. Cities are empowered to pass charter ordinances to exempt from or modify state enactments which apply to them but do not apply uniformly to all cities.

The home rule amendment made two fundamental changes in the state-local distribution of government powers. First, it granted cities the power to legislate in regard to their local affairs and government. Second, it restricted the power of the state legislature to treat cities differently, and to enact binding non-uniform restrictions on local affairs. Cities are not bound to follow state laws except in certain specific areas unless those laws are uniformly applicable to all cities. These specific areas include: incorporation of cities; boundary alteration such as annexation or deannexation; city consolidations/mergers; dissolution of cities; tax levies; and bonded indebtedness limitations. The Kansas Legislature has the final and ultimate power, but the home rule amendment places restraints on the manner in which the legislature exercises this final control. Home rule recognizes the need for solving local problems locally so that constant trips to the legislature for enabling legislation to meet new and varied problems are not necessary. It also freed the state legislature from the burden of enacting local legislation, and makes it possible for the legislature to devote more time and attention to matters of statewide concern.

Despite the reluctance of some to fully embrace the concept of constitutional home rule, a half century later it continues to allow for individual Kansas cities to chart their own course, and to allow city officials to make determinations which are based on local needs and the wishes of their citizens. It rejects the “one size fits all” paradigm by allowing the local crafting of rules, regulations, and laws for the operation of cities, and the benefit of the public within those communities.

In July of 1973, the League of Kansas Municipalities put together a special committee on home rule to review and comment on home rule which had been in place at that time a mere 12 years. They commented, in pertinent part:

“The pervasive objective here was to keep the state dealing with statewide issues and local governments dealing with local issues. Any attempt by the state to individualize action would run into the statewide or group-wide requirement. In addition to legal attacks, such actions would give cities a better opportunity to organize and express their position on the issue, hopefully through the League.”
-Allen E. Pritchard

“For the first 100 years of statehood, the cities of Kansas were entirely dependent on powers granted to them by the state legislature. This situation changed when the home rule constitutional amendment took effect in 1961. City powers are no longer restricted to those delegated to cities by the legislature. Instead, the powers of cities are granted directly by the people through the constitution. The basic power granted by the home rule amendment is included in these few words: ‘Cities are hereby empowered to determine their local affairs and government...’ The constitutional powers granted cities by the people are ‘to be liberally construed for the purpose of giving to cities the largest measure of self-government.’ Cities now have great opportunities, they are free to try new ideas and new means of accomplishing new or old functions and activities. City governing bodies now have the opportunity to provide their citizens with the best and most efficient and effective governmental operation possible, within their capabilities and financial resources. The challenge and the authority is there—all that remains is the acceptance of the challenge and the application of vision, imagination, initiative, and dedication. This must come from local officials!”

Constitutional home rule allows cities to move forward as time and circumstance dictate. It does not require petitioning of the state nor does it require a long delay as problems and challenges unfold for cities to react to these challenges. Rather, it allows city officials to be proactive in their ability to govern at the local level and to provide a basis upon which to move the city and its citizens forward regardless of constraints or the lack of authority found in state statutory language.

All of the 627 cities, from the very largest to the very smallest, enjoy the very same constitutional home rule authority.

 *These Kansas Government Journal articles are a combination of the June 2012 article, The Origins of Constitutional Home Rule, by Allen E. Pritchard, and the October 2010 article, Think Home Rule, by Don Moler. To read the full articles online, go to <http://www.lkm.org/journal/archive/>.*

HISTORY OF HOME RULE

-1959-

IN 1959, THE KANSAS LEGISLATURE PASSED THE LEGISLATION THAT PLACED THE ISSUE OF CONSTITUTIONAL HOME RULE FOR KANSAS CITIES ON THE BALLOT.

-1960-

ON NOVEMBER 8, 1960, THE VOTERS OF KANSAS APPROVED CONSTITUTIONAL HOME RULE.

-1961-

JULY 1, 1961, THE AMENDMENT GRANTING CONSTITUTIONAL HOME RULE BECAME EFFECTIVE.

Local Governments Key to Enforcing Roofing Registration Act

by Adrian Serene



Since July 1, 2013, roofing contractors operating in Kansas have been required by state law to register with the attorney general's office. The Roofing Registration Act (K.S.A. 50-6,121 et seq.) requires a registration certificate prior to soliciting or performing roofing services in Kansas, with few exceptions. The requirement for a registration certificate from the attorney general's office is *in addition* to any local permitting requirements. This means local permitting agencies are a key component to making sure contractors are complying with state law.

The city clerk's office is often the first stop for roofing contractors interested in soliciting or performing roofing services in a community. The Roofing Act requires roofing contractors to submit their registration number when applying for roofing permits in Kansas. Additionally, the roofing contractor's registration number must be written on the permit by the official who issues the permit.¹ City officials should check the roofing contractor's registration number against the attorney general's website to ensure the roofer's certificate remains in good standing. The roofer registration database can be accessed at www.InYourCornerKansas.org/roofer-directory.

Likewise, if a state or local governing body is having roofing work done on a public building, they must require roofing contractors to include their registration certificate number on all bids or contracts.²

Coming into compliance

During the first two years of operating under this new law, the focus of the attorney general's Roofing Registration Unit has been to help make contractors aware of the new law and how to come into compliance. The unit has worked closely with local officials – especially in cities that have been affected by storm damage, where roofing contractors have come into town soliciting work. The primary objective is to ensure contractors comply

with the law before soliciting or performing work for a consumer. This is designed to protect consumers from unscrupulous, fly-by-night contractors that often roll into town following a storm.

When a contractor registers with our office, they must provide us with a tax clearance certificate, proof of liability insurance, and workers compensation coverage or an affidavit of exemption. We verify these documents to be sure the contractor is properly insured and doesn't owe any back taxes. Again, this helps protect the consumer from being liable for any damage caused by the contractor. Once all application materials are received, the law requires our office to process them and issue a certificate or denial within 60 days.

Who is required to register?

Not every person who climbs onto a roof is required to register pursuant to the Roofing Registration Act. For example, the actual owner of commercial, residential, or farm property who physically performs, or has employees perform roofing services on his or her own property are not required to register as roofing contractors.³



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Also, persons employed by a manufactured home and modular home manufacturer while performing services and work for the manufactured home and modular home manufacturer are not required to register as roofing contractors.⁴

Earlier this year, the Kansas Legislature amended the Roofing Registration Act to provide an exemption for certain general contractors. To be exempt, a general contractor must be in compliance with all requirements to do business in Kansas, including any municipal or county requirements. An exempt general contractor may not engage in door-to-door sales.

If the general contractor subcontracts all roofing services to a registered roofing contractor, the general contractor is not required to register. And if the general contractor physically performs the roofing services, but the roofing services do not constitute more than 50 percent of the total project cost, registration is not required.

General contractors can request a letter of exemption from the attorney general's office. Contractors who have been issued letters of exemption are listed in the online roofer registration database and designated the status of "Exempt." The attorney general's office may at any time request information from exempt contractors to prove they meet the requirements of the exemption.

Enforcement

Earlier this year, the attorney general's office filed the first lawsuits against roofing contractors who failed to register before soliciting

or performing work. In all of these cases, the roofer was contacted multiple times and given the opportunity to come into compliance, but failed to do so. One contractor has since come into compliance, and the lawsuit was dismissed. Two contractors have been prohibited by a court order from doing business in Kansas until they come into compliance. Other cases remain pending, and we anticipate filing additional cases against noncompliant contractors later this year.

The maximum penalty for violating the Roofing Act is a fine of \$10,000 per violation of the act. Each roof an unregistered roofing contractor works on may be considered to be a violation of the act, so the penalties can add up quickly.

More information

We greatly appreciate the cooperation of local officials in helping make sure local contractors are properly registered, and in reporting to us any unregistered contractors known to be working in your jurisdiction. You can contact us at (785) 296-3751 or by emailing cprotect@ag.ks.gov.

 *Adrian Serene is an Assistant Attorney General for the Office of Attorney General Derek Schmidt. He can be reached at Adrian.Serene@ag.ks.gov or (785) 296-3751.*

Sources

1. See K.S.A. 50-6,135
2. See K.S.A. 50-6,129(b)
3. See K.S.A. 50-6,129(a)(1)
4. See K.S.A. 50-6,129(a)(4)

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Implementing Excellence at Salina's Municipal Solid Waste Landfill

by Jim Teutsch, Ron Rouse, and Bryon Johnson
edited by Rachel Hinde

Defining the Scope

To some degree, nearly everyone has been affected by the Great Recession that has gripped our nation for the last eight years. The only landfill facility within Saline County, overseen by City of Salina Public Works Department, is no exception.

Landfill staff members have always sought to position its solid waste disposal operations as a model for other cities in Kansas to emulate. However, to do so during a major economic downturn would have required significant effort. Changing past practices and implementing a sound, more aggressive long-term plan would be necessary.

In addition to declining tax revenues, the landfill (one of eighteen Subtitle D municipal solid waste landfills operating in the state) faced the loss of one of its largest customers, who generated one-fifth of the facility's revenue.

Measuring the Work

Since landfill staff members had already implemented Continuous Process Improvement (CPI) (a basic CPI framework combined with the use of Lean and Six Sigma) throughout the City of Salina in 2012, landfill staff members conducted a process review that included an evaluation of every step within every process of the landfill's entire operation. The review provided a detailed list of all functions performed at the landfill and the time they took, and it suggested ways to improve. Armed with this information and a landfill master plan that was adopted by the City Commission in 2012, landfill staff members were now positioned to implement strategic decisions that would not only save additional time and money, but help ensure a path to excellence.

Analyzing the Data

Next, landfill staff members thoroughly analyzed every aspect of its landfill operations: emissions issues and restrictions (to include, but not limited to air quality compliance); best practices for waste disposal operations; construction quality assurance planning; closure and post-closure care; disposal cell capacity, composition, life cycle, and size; electrical systems; geological, airspace or other applicable restrictions; greenhouse gas emissions; groundwater characteristics and trends; holiday and work schedules;

horizontal and vertical construction requirements; landfill gas (LFG) collection and utilization; leachate collection, conveyance, storage and disposal systems; liner systems; litter collection operations; pumps; stormwater management; vehicles and equipment; and waste acceptance rates.

Improving our Operations

The following recommendations were identified after considering the optimal landfill design for a facility of this size, the number of customers serviced, the composition of waste, the site's hydrogeology, current waste-in-place, and other existing site features and restrictions.

1. Standardize instructions used by scale house attendants to improve directions given to customers.
2. Perform 6S (sort, set in order, shine, safety, standardize, sustain) projects on the landfill's equipment and supply storage areas to better organize the facilities and improve employee productivity.
3. Assign the landfill's Saturday crew the task of preparing the work area for the following week to facilitate a timelier opening on Monday.
4. Adopt standardized hand signals to improve communications between equipment operators and other landfill staff.
5. Whenever possible, use the city surveyor for landfill surveying instead of hiring contractors.
6. Excavate soil from future cell sites and use it as cover material for existing sites.
7. Construct a large leachate pond to reduce reliance on pumping operations for leachate disposal.
8. Use gravity-fed drainage systems, to reduce pump installation, maintenance and repair costs.
9. Use electrical versus pneumatic pumps to reduce ongoing operation and maintenance costs.
10. Improve litter catchment by installing additional portable fencing around the active disposal cell.
11. Collect windblown litter more efficiently by obtaining a large litter picker that can be pulled behind a tractor to cover large

"For many years the City of Salina has done a fine job of operating its Subtitle D municipal solid waste landfill. Recent efforts to update the facility boundary controls, to prepare a master plan that addresses full site development, and to improve leachate management using gravity flow are noteworthy achievements."

-Bill Bider, Bureau of Waste Management Director, Kansas Department of Health & Environment

areas, and collect litter at a reduced cost by hiring jail trustees to pick litter along the edges and in areas not accessible by motorized equipment.

12. Reduce flat tires by using a vehicle-mounted road broom to collect nails and other sharp objects.
13. Use CAT-certified rebuild/warranty programs for existing heavy equipment whenever possible.
14. Adjust hours of operation on Saturdays to meet customer needs while maximizing efficiency.
15. Adjust the tipping fee so that it is competitive with others across Kansas to maximize potential revenues.
16. Design cells to meet industry best practices while providing 4-5 years of life at projected rates.
17. As new CPI projects are approved, re-evaluate tasks and task completion times to capture additional savings.
18. Consider adding on-board GPS systems to heavy equipment to help verify compaction rates.
19. Continue exploring future options for LFG-to-energy projects, such as gas conversion for natural gas vehicles.
20. Continue exploring alternative final covers, liquids additions, and other potential opportunities.

Controlling the Results

As a result of implementing fifteen of the twenty recommendations thus far, time availability has increased by 223 hours, 2014-2015 expenses have been reduced by \$666,263, and 2016-2018 expenses are expected to be further reduced by another \$610,000.

Landfill staff members are in the process of analyzing and implementing recommendation 11. Upon completion, time availability will increase by an additional 750-875 hours, and annual costs will be further reduced by \$36,000.

Means to Achieving Goals

If managing resources within a restrictive economic environment and operating your organization as efficiently as possible interests you, then applying the principles of Continuous Process Improvement (Lean and Six Sigma principles) will provide you with a means to achieve your goals.

 Each author and editor is employed by the City of Salina. Jim Teutsch is a Public Works Operations Manager; GB, SGM-USA (Ret.). Ron Rouse is a Landfill Superintendent, MOLO, GB. Bryon Johnson is a Process Improvement Director; MBB. Rachel Hinde is the Community Engagement Coordinator. If you have any questions about this article Rachel can be reached at rachel.hinde@salina.org or (785) 309-5745.



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Best Practices

by Michael Koss

Sharing Municipal Court Facilities and Staff

Officials from small cities often call the League about how they can abate nuisances, enforce traffic rules, and take other actions to increase the quality of life within their communities. We always welcome the opportunity to discuss strategies to address these issues, but most require an important precondition – the establishment of a municipal court. This article will discuss how some small cities have established municipal courts by sharing court facilities and staff with nearby communities.

Laws Relating to a Municipal Court's Location and Staff

Municipal courts in Kansas are governed by the Code of Procedure for Municipal Courts (the Code), which is found in K.S.A. 12-4101 *et seq.* Part of that Code is K.S.A. 12-4109, which states that, “Each city shall provide at the expense of the city a suitable courtroom for the municipal court, together with all necessary supplies and records. Municipal court shall be held at such time and places designated by ordinance.” The Kansas Attorney General’s Office has issued an opinion stating that neither this statute nor any other within the Code requires a city’s municipal court to be located within the legal boundaries of that city.¹ However, the opinion states that the location is subject to the right of due process provided by the Fourteenth Amendment of the U.S. Constitution, and therefore must be reasonable. The opinion concludes that a municipal court located within the same county and 5 to 6 miles outside of the city is likely reasonable, but “a site outside the county, or even at some sites within the county, could raise due process questions.”²

With regard to municipal court staff, municipal judges are generally appointed by the mayor, with council or commission consent.³ The municipal judge does not need to be a resident of the city, and may serve as municipal judge for another municipality.⁴ The municipal judge receives a monthly or annual salary set by ordinance, and compensation cannot be based upon court fines or court costs.⁵ Code violations are generally prosecuted by the city attorney or a designated prosecutor.

All cities are authorized, but not required, to establish a municipal court clerk position.⁶ The municipal judge appoints the clerk, but if there is no clerk or the city does not establish the position, the municipal judge also serves as the court clerk.

Examples of Cities that Share Municipal Court Facilities and Staff

Because municipal courts are not required to be within the legal boundaries of the city, and the same individuals can staff multiple cities’ courts, several local governments have partnered with other communities to establish their municipal courts. For example, the City of Burlington shares its municipal courtroom with the Cities of Waverly, LeRoy, Gridley, and New Strawn. In exchange, each

city agrees to let Burlington keep 50% of any fines collected for violations of their ordinances. Each of the cities has the same municipal judge, prosecutor, and court clerk, who are compensated separately by each city. This allows all of the cities to use the same staff to hold their municipal court proceedings on the same day in the same location.

The Cities of Westwood, Westwood Hills, and Mission Woods have a similar arrangement: each city holds municipal court on the same day at the City of Westwood’s municipal court facility, the same court clerk keeps separate accountings for each city, and each city separately appoints and compensates the same municipal judge. However, one difference from the Burlington arrangement is that Westwood Hills appoints its own city attorney to prosecute violations of its code. This choice was likely made to ensure a higher level of control over the prosecutor and how he handles cases.

The City of Rossville shares its municipal courtroom with the City of Willard, allowing the community of only 92 people to have an active court. However, there are 311 other cities of the 3rd class that do not have an active court to enforce their traffic rules, abate nuisances, or prohibit other public offenses (all cities of 1st and 2nd class have their own municipal courts).⁷ Kansas cities exercise Constitutional Home Rule by passing ordinances, and without a municipal court to enforce those ordinances, these cities cannot fully realize their rights of local self-determination.

Establishing a Municipal Court in a Nearby City

For small cities that are interested in partnering with another community to establish their municipal court, here are a few guidelines to consider:

- Start a conversation with city officials from a nearby community in your county to see if they would be interested in sharing their municipal court facilities. If they are, develop a mutually agreeable arrangement that allows each city to pursue its goals for having a municipal court.
- Ask the partner city’s municipal judge, prosecutor, and court clerk if they are interested in serving in those capacities for your city. If they are, appoint them to that office for your city, have them take the oath of office for you city, and make sure all bonding requirements are fulfilled. If they are not interested, or you feel someone else would better serve your community, reach out to other individuals about serving in these positions.
- Pass your city’s own ordinance establishing the location, date, and time of municipal court proceedings; the compensation for the municipal judge (and prosecutor and court clerk, if those offices exist); and, if the city has

chartered out of K.S.A. 12-4112,⁸ the court costs to be levied upon defendants. The League has a model ordinance that includes each of these provisions, but Section 3 would need to be amended to reflect the court's location in another city. That ordinance can be found at <http://www.lkm.org/resources/ordinances/courts> .

- Consult your city attorney about whether policies should be established to comply with K.S.A. 74-7333(d) or to appoint and compensate representatives of indigent defendants.
- If each city shares a municipal judge, ask the judge to make a clear statement about which city's municipal court proceedings are taking place when opening court or when addressing individual violations.⁹

Conclusion

If possible, cities should locate their municipal court facilities within their own city limits. However, if proper space does not exist or it is financially impractical, small cities can share municipal court facilities and staff with larger communities located nearby. Such a partnership can be a great way to improve the safety and quality of life of your citizens.

 *Michael Koss is the Legal Counsel & Member Services Manager for the League of Kansas Municipalities. You can contact the League at (785)354-9565. He would like to thank Thomas Robrahn, City Attorney for Burlington, and Tim Turner, Municipal Judge for the Cities of Westwood, Mission Woods, and Westwood Hills, for their contributions to this article.*

An informational table and sources are available on pages 284 and 285.



LOCAL GOVERNMENT DAY

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Additional Details to follow.

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League Conference Wrap-Up

by Kate Cooley

Elected and appointed officials from across the state of Kansas gathered on October 10-12 in Topeka for the Annual Conference of the League of Kansas Municipalities. The event, titled “City Essentials,” brought together over 800 participants, including local government officials, sponsors, speakers, exhibitors, and guests.

For the opening general session, the League was proud to welcome back crowd favorite Dr. Lowell Catlett, an entertaining futurist and economist. Dr. Catlett’s “Blueprint for an Eden” presentation discussed the impact of how urban communities have components of rural and that the 21st Century will be the first in 60 centuries where humans will begin to reach their full potential.

Dr. Shane Lopez, the world’s leading researcher on hope, inspired the audience with his positive message that “hope matters, hope is contagious, and hope can be learned.” He provided strategies to create a high-hope mindset and taught the audience that hope is a choice; what they do today will impact their future.

In addition to the keynote presentations, attendees had the opportunity to participate in a number of educational sessions, including workshop and roundtable discussions. This year, the League offered two concurrent sessions alongside the municipal roundtable discussions for additional education sessions. Topics ranged from creating great events in small cities, a discussion on the transition to November elections, building intergovernmental relationships, and an update on federal issues affecting cities from a National League of Cities staff member.

Nearly 100 exhibitors gave attendees an opportunity to network and learn about government-related products and services during the trade show. For the first time, the League also offered vendor-led Solution Sessions, and plans to continue and improve on these in the future.

The League was proud to once again offer a conference App, which allowed attendees to download conference materials, take notes, rate sessions, and customize schedules. Handout materials were also available via a scannable QR code. The League also continued to utilize Twitter and Facebook, and tied both social media platforms into conference-related posts and activities.

Preparations are already underway for the 2016 Annual Conference in Overland Park. This conference will be held October 8-10, 2016, at the Sheraton Overland Park Hotel & Overland Park Convention Center. The schedule will be slightly altered for this next conference in order to bring vendors on site Sunday and Monday of the conference; pre-conference MLAs and a few other events will still take place Saturday. Hotel arrangements for the conference will be available early 2016. More information about the event will be posted at <http://www.lkm.org/conference/> as it becomes available.

 Kate Cooley is the Conference/Marketing Coordinator for the League of Kansas Municipalities. She can be reached at kcooley@lkm.org or (785) 354-9565.



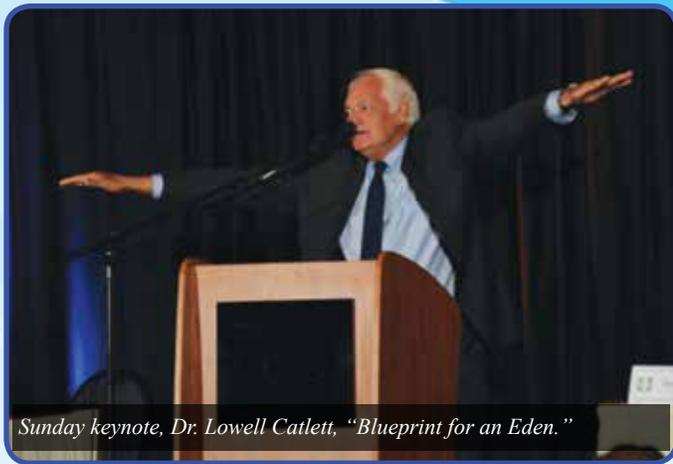
Mayor Larry Wolgast presents Mayor Terry Somers with a plaque and gavel to commemorate his year of service as League President.



Congresswoman Lynn Jenkins gave the keynote address at the Awards Luncheon.



Mayor Rex Satterthwaite showed some of his drum talents during the Sunday night League social event with the Dueling Pianos!



Sunday keynote, Dr. Lowell Catlett, "Blueprint for an Eden."



Monday keynote, Dr. Shane Lopez, "Leading with hope."



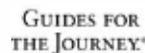
Forty and forty-five year recipients in attendance at the public service awards luncheon.



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Hays

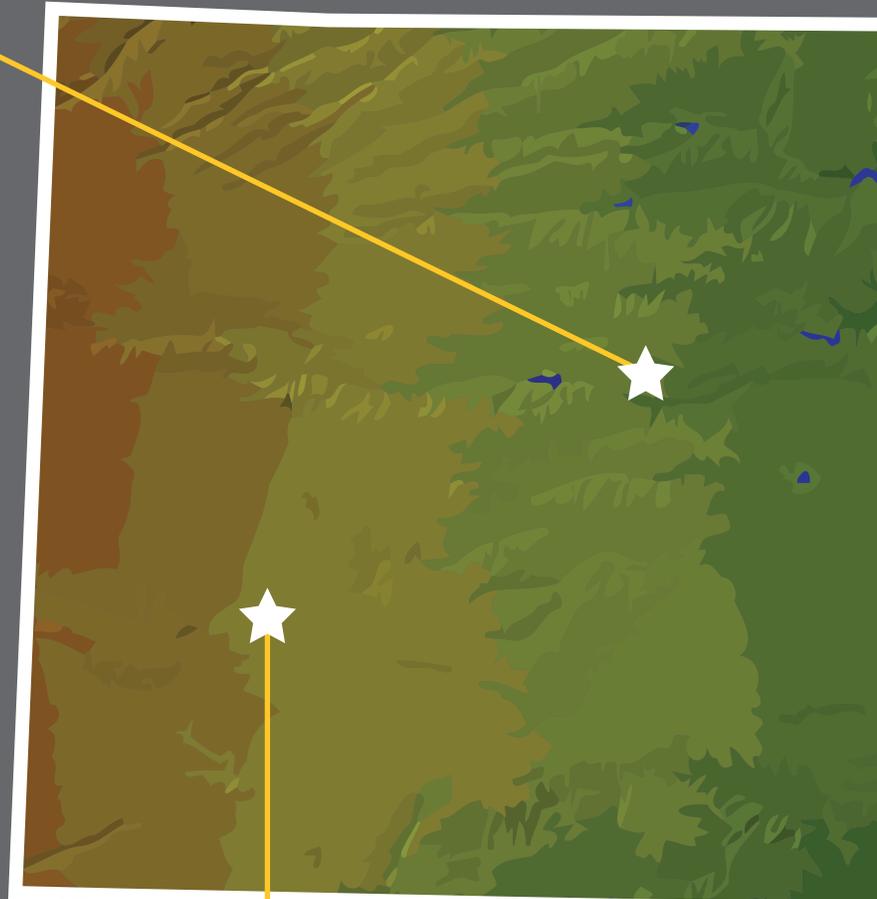
\$30.26M Loan Agreement with KDHE Approved for Hays Wastewater Treatment Plant

Hays city commissioners recently voted unanimously to approve an ordinance authorizing a \$30,260,000 Kansas Water Pollution Control Revolving Fund (SRF) Loan with the Kansas Department of Health and Environment (KDHE) in order to upgrade their wastewater treatment plant.

Sewer rates for Hays customers will triple over the next six years to help finance the wastewater plant renovation as well as replace aging sewer lines.

The city has 20 years to pay back the loan with semi-annual payments.

For more information, visit <http://tinyurl.com/qy2k8c4>



Holcomb

Holcomb Fire Department to Use App for Emergency Response

The Holcomb City Council recently approved a communications system for the Holcomb Fire Department that will involve using smartphones for alerts about fires, accidents, or other emergencies.

Holcomb Fire Chief Bill Knight presented the council with information about eDispatches.com, an emergency dispatch notification service that sends emergency calls to cellular phones.

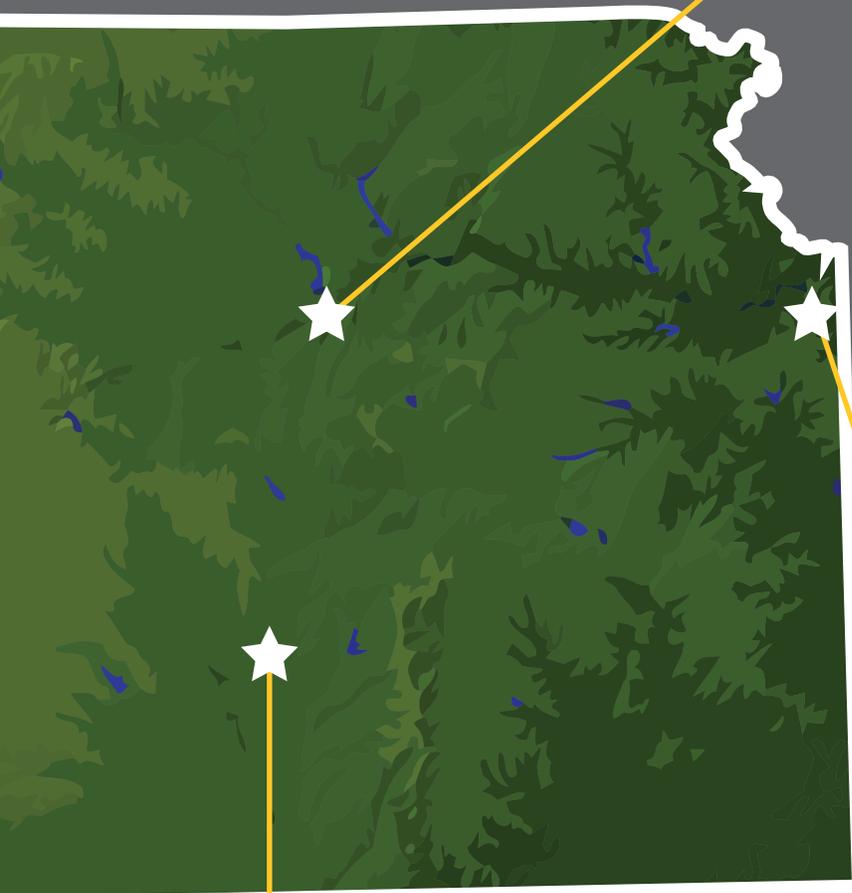
Knight said the fire department has been testing the system for the past couple of months and he likes the way it works.

Knight said the service will work with the county's existing dispatch system, and won't require any change to be made in how dispatchers at the Law Enforcement Center (LEC) in Garden City currently transmit emergency pages to responders.

The app essentially turns a cell or smart phone into a pager that receives the voice dispatch calls from the LEC.

For more information, visit <http://tinyurl.com/ng6j85s>

GOVERNMENT NEWS



Junction City

2015 Kansas Obesity Summit

The Governor's Council on Fitness (GCOF) has joined forces with Governor Sam Brownback to promote physical activity by launching Get Active Kansas! to help improve fitness and address the rising rates of obesity in Kansas. This initiative is designed to promote a healthier and more vigorous Kansas through local efforts coordinated through school, government, business, and health sectors to engage all ages of Kansans.

The goal of this campaign is to help Kansans realize the tremendous benefits of healthy living and to take action to achieve a greater level of physical activity. Specifically, the goal is for Kansans to become more physically active, achieving 30 minutes of physical activity most days of the week.

As part of this initiative, the Governor is hosting the Kansas Obesity Summit on November 17 in Junction City.

For more information, visit <http://tinyurl.com/nomllrv>

Merriam

Merriam to Reduce the Sound of Train Horns within City

The City of Merriam has taken steps to reduce the sound of train horns in the city. Recently, the city council authorized negotiating with a vendor to provide the technology that would make the changes to three grade crossings in the city.

Bids for the project came in well below expectations. The council had authorized up to \$500,000 for the technology installation at the three crossings, which would include Johnson Drive and I-35, 65th and Carter, and 67th and Carter. A low bid of \$216,250 was received from the recommended vendor. Additional costs could come from reimbursements to BNSF Railroad for required crossing make ready work and upgrades to the initial bid.

For more information, visit <http://tinyurl.com/pz7yyab>

El Dorado

El Dorado Fire Department Acquires Drone

The El Dorado Fire Department is partnering with NMotion UAS, a newly formed unmanned aircraft business based in Kansas, to use a drone at no cost to take video of the scene of fires.

The El Dorado Fire Department will be training with the drone for several weeks to prepare themselves to use it as part of their firefighting efforts.

For more information, visit <http://tinyurl.com/nmywthd>

Submit stories for the
Kansas Government News
to andrey@lkm.org



**Mayor
Jack Bower**
City of Atchison
League Director

What do you think is the primary role of municipal government?

To provide services for citizens such as safety, infrastructure, and quality of life.

What is your position and what are your typical duties?

I am the Mayor. I provide leadership for the commission, and act as a figure head.

What is your favorite thing about Kansas?

The people.

Please share a little personal information about yourself.

I graduated from St. Benedict's college. I have a professional background in merchandising and marketing. I have a passion for entrepreneurship and its implication in small rural America, and I enjoy design and art.

What is your favorite thing about your community?

I love the historic past of the community and the energy of our citizens.

What made you want to join city government?

I ran for the city commission for a chance move the community forward.

Is this your first time on a statewide board?

No, I have also been the Chairman of the Kansas Racing and Gaming Commission site review board.



**Mayor
Gary Adrian**
City of Colby
League Director

What do you think is the primary role of municipal government?

Municipal government is the level of government that provides protection, safety, and the quality of life for its citizens. At this level of government, decisions directly affect the lives of all residents.

What is your position and what are your typical duties?

I am the Mayor of the City of Colby. With the mayor-council-manager form of government, I am the Chair of the City Council, the representative of the City, and I provide leadership for City responsibilities and development in the future.

What is your favorite thing about Kansas?

I love the wide, open spaces. Seeing the horizon of 10-plus miles is special. I did not realize how much I paid attention to our spectacular sunrises and sunsets until I was in the service assigned to areas where the horizon obscured them.

Please share a little personal information about yourself.

I was born and raised in Colby. I graduated from High School in 1965, began pursuing a career that required a five-year degree in an era where the college draft deferment was for four years. My birth date was the 11th date drawn. My military obligation began in 1970. The military trained me to be a Medical Technologist and I served the US Army for 20 years – 20 years that taught me skills for a career and leadership training. Upon retirement, I returned to Kansas. I was a Medical Technologist from September 1990, until November 2006, when I retired. I served on the Colby High School Booster Club board for 12 years. I attend as many high school and college sporting events as possible. In fact, a group of fans my age usually sit together and are known as the “Old Athletic Supporters.”

I enjoy attending sports events, raising a garden, and appreciate how fortunate I am to have so many friends.

What is your favorite thing about your community?

It is rewarding and challenging to be the Mayor of a progressive city like Colby. This city wants to grow and prepare for the future. It is an honor being a leader to organize and prepare plans for the future.

What made you want to join city government?

My great-grandfather and great-grandmother were two of the earliest pioneers to homestead here in 1885. My great-grandmother was a single woman when she moved here. My great-grandparents were the second couple to be married in the Methodist Church here in Colby. I decided that Colby had been a special and endearing home for my family since 1885; therefore, I owed it to Colby to serve my hometown as Mayor. It is indeed a privilege and honor to guide and lead Colby – a city so precious to me!

Is this your first time on a statewide board?

I am also on the board for the Kansas Mayor's Association.



**Andrey
Ukrazhenko**

League Staff

What is your position and what do you do?

Communications Specialist – I do graphic design and social media management for the League. I also put together this magazine! Recently, I was in charge of the League logo redesign.

What is your favorite thing about Kansas?

My favorite thing about Kansas is being able to enjoy city life and only needing to drive 20 minutes to enjoy nature without distraction.

A little bit of information about you.

I was born in Tallinn, Estonia. I am still able to speak in Russian! I enjoy working on art, freelance graphic design projects, and writing.

Have you always lived in Kansas?

I have lived in Kansas as long as I've been in the United States, around 26 years.

What is your favorite scenic part of Kansas?

The view from the tallest hill on the Konza Prairie trail is wonderful.

How long have you been with the League?

I have worked at the League for a little over two years.

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Chief Financial Officer

The City of Chanute, KS is accepting applications for a Chief Financial Officer. Must have bachelor's degree in finance/accounting or related degree. Master's degree and/or CPA highly desirable. Four years experience in public or utility sector finance preferred. Submit confidential resume, cover letter, salary history & 5 work related references to: Human Resource Dept., P.O. Box 907, Chanute, KS 66720 or email to tendicott@chanute.org. Position open until filled. Go to www.chanute.org for complete job description and more details. EOE/M/F/D/V.

City Administrator

Baldwin City, Kansas is seeking a City Administrator who will provide visionary leadership to the organization, build strong relationships with community partners, and be integrated into the fabric of the community. The City Administrator is responsible for all operations of the City, hires department directors and all other city employees, and is responsible for development of the annual budget. The City Administrator is appointed by the Mayor with confirmation by the five-member City Council.

The City has approximately 40 full-time, six part-time and two seasonal employees in seven departments: finance and administration, police, fire, public works, city clerk, community development, and an electric utility. The City's total FY2015 budget is \$17,153,093. Baldwin City also operates its own electric, water and wastewater utilities.

The position requires a bachelor's degree and at least five years of local government experience, including supervision and management.

The expected hiring range is \$90,000 – \$110,000, DOQ. Residency within the City of Baldwin City is required within six months of employment.

Applications will be accepted electronically by The Novak Consulting Group. Apply online at <http://thenovakconsultinggroup.com/jobs>. Applicants first complete a brief online form and then are prompted to provide one document (Word or PDF) that has a cover letter, resume with salary history, and a list of 3-5 professional references. Applicant information will be kept confidential. Open until filled, first review of applications

November 23, 2015.

Questions should be directed to Patty Gentrup at apply@thenovakconsultinggroup.com or 816-217-9397.

City Administrator

Oakley, Kansas (pop. 2,075; \$4.1 million budget; 27 FTE's), located one hour west of Hays on I-70, is charming community known for its high-quality of life. The city is seeking a city administrator to lead its hard-working staff and maintain the successes of a long line of great administrators. The most recent city administrator is leaving in November to take a management position at a substantially larger community.

The City operates under a six-member mayor-council form of government; manages water and wastewater utilities; provides solid waste disposal and recycling service; operates a library and municipal airport; and has its own police and fire departments. The city administrator also supervises the day-to-day activities of all employees, helps create and manage the budget adopted by the council, and coordinates direction from the governing body to the city staff.

The governing body is looking for candidates who can showcase a history of professionalism and ethical behavior. They would also like applicants with strong budgeting, communication, and grant writing skills. Applicants should have a bachelor's degree in public administration or a related field, although an MPA is preferred. Candidates should also have at least three years of local government experience.

Competitive benefits; Salary \$60,000 - \$70,000 DOQ. Interested candidates should submit a cover letter, resume, and three work-related references to LEAPS-Oakley@lkm.org or LEAPS-Oakley, 300 SW 8th, Topeka, KS 66603. If confidentiality is requested, please note in application materials. Application review will begin November 16. EOE.

Code Provisions: <http://oakleyks.citycode.net/index.html#!articleCityAdministrator>

City Website: <http://www.discoveroakley.com/city-of-oakley>

Budget: <http://www.discoveroakley.com/city-of-oakley/budget>

City Utility Superintendent

City of Alma is accepting applications for the position of City Utility Superintendent. This position reports to the City Council and plans, manages, and oversees the Public Works Department including sanitary sewer, streets, water, wastewater, natural gas, electric, vehicle maintenance, buildings, and grounds. Successful candidate must possess good written and verbal communication skills, as well as good organizational and interpersonal skills. Applicant needs to be highly motivated with a great work ethic. Minimum qualifications for this position include: 5 years' experience in municipal public works operations or construction activities in a related field; and 3 years' experience in the supervision and direction of others in public works operations or construction maintenance activities; must have or be able to obtain Water/Wastewater Kansas Class II Certification; a valid driver's license, must be able to pass drug/alcohol screening, background check, and relocation to Alma is required. These basic requirements may be waived in favor of comparable experience, and are at the sole discretion of the City Council. This is a full-time position with benefits. Salary negotiated based on qualifications and experience. Position remains open until filled. Send resume with 3 references, to the City of Alma, PO Box 444, Alma, KS 66401.

Convention and Visitors

Bureau Director

The City of Abilene, Kansas, the proud hometown of President Eisenhower, is seeking dedicated and energetic individuals with knowledge and skills in marketing and tourism who are interest in serving as the Convention and Visitors Bureau Director.

Abilene has a very strong tourism presence with several key attractions such as the Eisenhower Presidential Library, Museum, and Boyhood Home, the National Greyhound Museum and Hall of Fame, Old Abilene Town, the Abilene Smoky Valley Railroad, and the Dickinson County Heritage Center. Abilene is also the historic terminus of the Chisholm Trail, which is expected to be designated by the National Park Service as a National Historic Trail in the near future.

With over 180,000 annual visitors to the Eisenhower Presidential Library, Museum,

and Boyhood Home, Abilene wants to create a modern tourism renaissance and bring the Eisenhower and Chisholm Trail legacy to tourists throughout the world. The Convention and Visitors Bureau Director will play a critical role in developing and implementing a community marketing plan that successfully draws visitors to Abilene.

The Convention and Visitors Bureau Director reports directly to the City Manager and will be responsible for overseeing a results-oriented, customer-centered approach to tourism-related services. The Director manages the operation of the Civic Center with an annual operating budget of about \$370,000. Forward-thinking, a willingness to innovate, and an entrepreneurial philosophy will be paramount for the Director to have success in meeting the community's tourism needs. The Director will be expected to have a presence in the community, and will be asked to conduct "sales calls" in the community to build rapport and to accomplish goals. Public relations will be a critical skill for this position.

Ideal candidates should have experience in marketing, social media management, customer service, and should be attuned to working with various community stakeholders to develop solutions and approaches for marketing the community and its many attractions. Graphic design, advertising development, website development, and video editing skills are highly desired.

Individuals interested in serving the City of Abilene as the Convention and Visitors Bureau Director should have a Bachelor's degree in public relations, marketing, business administration, or other related field of study. A minimum of five years of tourism-related experience is preferred. Starting salary for the position is \$58,094. In addition to salary, the City of Abilene offers a competitive benefits package.

The position will remain open until filled, although the City Manager desires to fill the position by January 1, 2016, or as soon thereafter as possible. Interested persons may apply online at www.hrepartners.com. Questions may be directed to David Dillner at (785) 263-2550.

County Administrator

Ford County has an annual operating budget of approximately \$29 million. The 2014 population estimate is 34,795. The

ideal candidate will be energetic, self-confident and have an open, approachable, style of management. Required background and education for this position requires knowledge normally acquired through a Bachelor's Degree (B.A.) from a four-year college or university in Public Administration, Business Administration, Finance, or a related field. Master's Degree in Public Administration or related field is preferred. Appropriate experience with public finance oversight and budget preparation, managerial leadership experience in a governmental organization (county or municipality) of comparable size to Ford county which provides the required knowledge, skills, and abilities to perform the essential functions of the job.

Apply online at www.HRePartners.com. Ford County's application is found at www.fordcounty.net → Employment → Employment links → Application Completed Application, cover letter and resume may be sent to:

Ford County Human Resources Department
Attn: Pat Heeke, Director
100 Gunsmoke St
Dodge City, KS 67801
First review of materials is scheduled for December 1, 2015
EOE

The League of Kansas Municipalities Member Services Manager

The League is seeking a Member Services Manager. This position serves members by managing the League's personnel service programs, including the League Executive/Administrative Search Program (LEAPS). This person also serves as the primary staff liaison to the Kansas Association of City/County Management (KACM) and the League education committee. In addition, the position works with communication staff on publications and coordinates education programs. The member services manager will be expected on occasion to engage in advocacy for the interests of Kansas cities before the Kansas legislature and regulatory bodies.

The member services manager will coordinate personnel policy updates and job description development for member cities. This position serves as Editor-in-Chief of the Kansas Government Journal, and also contributes content to the

magazine. Organizing content and speakers for conferences, as well as creating and presenting trainings for members, are also among the duties of the member services manager.

Required qualifications include a Bachelor's degree and two years' experience in either member services or state or municipal government. Qualified candidates must be able to work both collaboratively and independently, meet deadlines and manage multiple projects at the same time. This position requires the ability to clearly and accurately communicate complex information in both written and oral presentations. Candidates must have demonstrated skills in research, analysis and relationship building. They also should have a working knowledge of social media.

The League offers great benefits, including KPERS, health/dental insurance, and paid leave and holidays. Salary range of \$40,000 - \$51,000, commensurate with experience. Interested candidates should submit a cover letter, resume, three work-related references, and a writing sample to Rynae Plue or League of Kansas Municipalities, 300 SW 8th, #100, Topeka, KS 66603. If confidentiality is requested, please note in application materials. Position will remain open until filled. Application review will begin November 13, 2015. The League is an equal opportunity employer.

Street/Utility Worker

The City of Alma is now accepting applications for a full-time street/utility worker. Knowledge of city operations such as electricity, water, wastewater, gas and streets are helpful. A valid driver's license is required and must be able to obtain a CDL. Must be able to pass drug/alcohol screen and background check. The City of Alma offers an exceptional benefits package with the salary being negotiable pending qualifications. Must be willing to reside within 15 minutes of Alma. Please submit a resume and three references to: City of Alma, PO Box 444, Alma, KS 66401. Position will be open until filled.

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Best Practices table from page 274.

Largest Cities Without an Active Municipal Court (2014)*			Smallest Cities With an Active Municipal Court (2014)*		
City	Class	Population	City	Population	Total Cases Filed in Municipal Court
Plains	3	1,104	Coyville	45	1
Riley	3	974	Willard**	92	127
Mankato	3	859	New Cambria	127	1
Ashland	3	850	Viola	131	1
Westmoreland	3	784	Havensville	138	30
Whitewater	3	713	Utica	157	2
Pretty Prairie	3	691	McDonald	163	106
Haviland	3	680	Manter	167	10
Madison	3	675	Mission Woods**	181	969
Ozawkie	3	638	Burns	224	8

*Data retrieved from the Annual Report of the Kansas Municipal Courts (2014).
 **City shares municipal court facilities and staff with a larger city located nearby.

Advertise in the Kansas Government Journal. Contact Kate Cooley at kcooley@lkm.org or (785) 354-9565.



A photo of the Capital City Jazz and Food Truck Festival and Alley Fest. Photo by Stephen Smith.

Does your city have an event that you would like to advertise? See and submit City Events at LKM.org/events.

Leavenworth Mayor's Holiday Tree Lighting & Holiday Bazaar

November 20

The public is cordially invited to attend the annual Mayor's Holiday Tree Lighting at Haymarket Square on Friday, November 20. Food and gift vendors will be available at 4 p.m. The Holiday Parade will begin at approximately 5:30 p.m., and the Tree Lighting will be held immediately following the parade. Entertainment will be provided.

(913) 651-2203 | www.lvks.org

Douglass Frontier Christmas Around Town Festival

November 21

2015 Frontier Christmas Around Town - by way of history of the event. This Arts, Crafts, and Gifts Fair is a part of Douglass' annual festival.

(316) 747-2109 | cityofdouglassks.com/news.php?pageid=33

Columbus Christmas Parade

December 2, 2015

Theme will be "Santa Claus Is Coming To Town." In addition to the parade there will be a visit from Santa and activities for all age groups.

(620) 429-1492

Shop Derby

December 4 - 7

Shop Derby is held the first weekend in December. The event features unique merchants and restaurants, two craft fairs, and an antique market and prizes.

www.derbyks.com/shopderby

Andover Hometown Christmas

December 10

From 5:30-8 p.m. at Central Park in Andover! Events take place at the Library, City Hall and The Lodge! Santa arrives at 5:30 outside City Hall for the official

lighting of the 22-foot Christmas tree. Then Santa will be inside City Hall for pictures. There will be crafts and cookie decorating in the Library, s'mores at the bonfire, horse-drawn hayrack rides, the chili cook-off in the Lodge (tasting kits are only \$2), barrel train rides, dance performances, and carolers - plus free coffee, hot chocolate, and hot cider! Drink stations will be at all three buildings - the Library, City Hall and The Lodge! Admission to the evening of family fun is a donation of toys, non-perishable pantry items, or a monetary donation. These items can be dropped off at The Lodge on the south side of the building.

(316) 733-1303 | www.facebook.com/HometownChristmasAndover

Wilson Christmas Festival

December 12

Santa, Vendors, Food, Music
(785) 658-2111 | <http://www.wilsonkansas.com>

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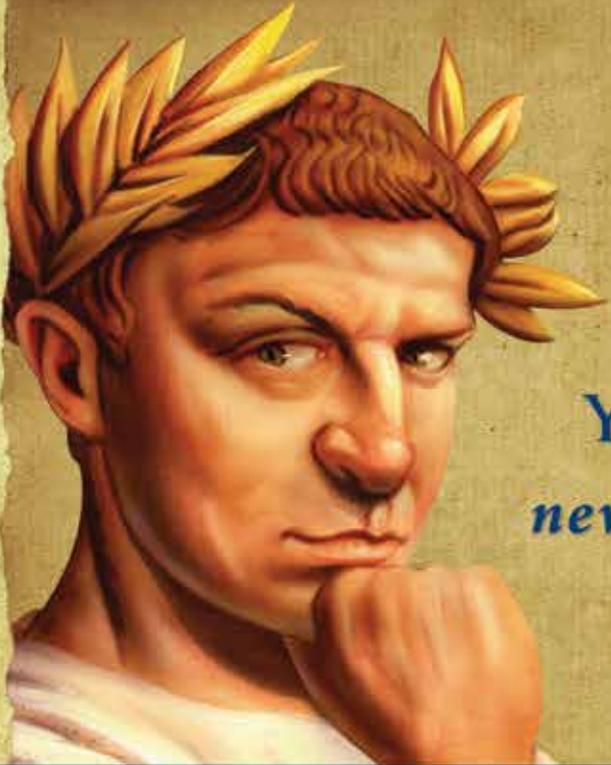
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- **Claims Management** — “Dedicated” claims adjustment, with one individual handling all claims, resulting in efficient and effective claims processing.
- **Safety Publications** — *City Safe*, a quarterly publication, helps train employees in workplace safety. *CompControl*, a quarterly newsletter, is filled with up-to-date workers' comp information, safety tips, pool news, and more.
- **Annual Contribution Discounts** — Members earn discounts based on safety records and participation in KMIT safety programs.

KMIT is a workers' compensation program endorsed by the League of Kansas Municipalities

For more information, contact:
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