

# Kansas

## GOVERNMENT JOURNAL

VOLUME 103-NUMBER 3

APRIL 2017

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Center Opens

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The Power of  
Placemaking



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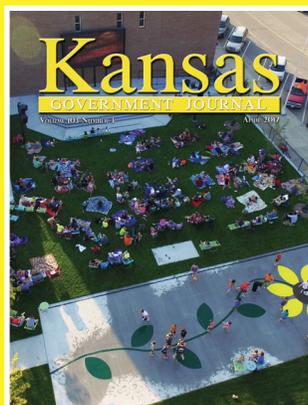
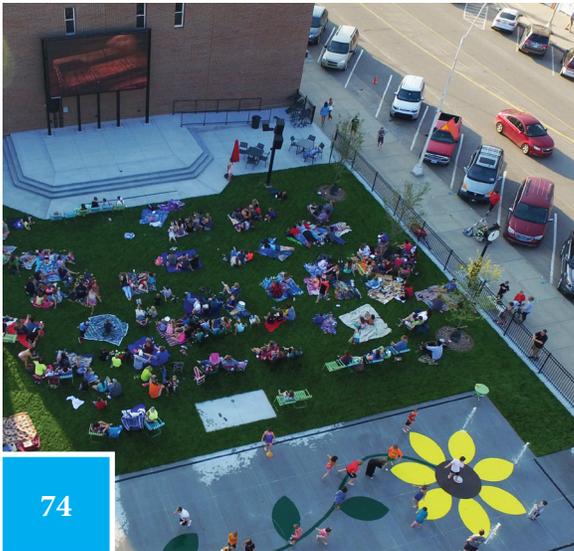
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*On our cover this month is an aerial view of the Broadway Plaza in Concordia. This gathering spot is one of many examples of community placemaking taking hold in Kansas and around the nation. To read the full article, see page 74. Photo credit: Mark Headrick, Wildside Creative.*

# 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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### 2017 League Events Calendar

#### April

- 21-22 Leadership Summit (Dodge City)  
27-28 KACM Spring Conference (Lawrence)



#### May

- 5 MTI: Emergency Planning (Lyons)  
12 MTI: Emergency Planning (Pratt)

## Obituaries

**Jim Bell**, a firefighter with Johnson County's Consolidated Fire District No. 2, died of injuries related to a skiing accident while on vacation with his family in Colorado in February. He was 44 at the time of his death. Jim was part of a team of first responders who traveled to Greensburg after the devastating F-5 tornado in 2007. Jim had worked for Consolidated Fire District No. 2 for nearly 17 years and is survived by his wife and two sons.

**Charlene J. McRae**, Council Grove's first female mayor and lifetime resident, passed away March 8, 2017. She was 80. Charlene was born December 9, 1936 in Council Grove and married Robert McRae in August of 1954. She went on to have a career in local politics that spanned 28 years, including 12 as Mayor of Council Grove. Her many accomplishments as an elected official included being the first female county commissioner of Morris County and playing a vital part in the construction of the Neosho River Walk. In her later years, she became a friend and mentor to those around her. Charlene is survived by her daughters, Valerie Young and Vicki McRae, both of Council Grove and several grandchildren and great-grandchildren. Charlene's presence and spirit will be sadly missed by all. She was preceded in death by her parents and husband.

**Robert Parrish**, former mayor of Great Bend and longtime community supporter, passed away in March 2017 at the age of 90. The Great Bend City Council was planning on honoring Robert's milestone birthday at an upcoming meeting but Parrish passed away just one day shy of his 90<sup>th</sup> birthday. Robert was a lifetime resident of Great Bend and was the owner and operator of Parrish Motors, the Dodge automobile dealership. He was a United States Army Air Corps veteran, serving during World War II. He married Mary Belle "Polly" Pollock in September 1949; she preceded Robert in death in 2005. He is survived by his three children and six grandchildren.

# Director's Foreword

by Erik Sartorius



Spring has arrived! Hard to tell, I know, as this winter would probably be shunned as not being a “real” winter if winters of years past got together and judged each other. Anyway, bring on a robust allergy season!

The legislature is scattering back across the state as this issue of the *Kansas Government Journal* arrives in your mailbox.

If productivity is measured by the number of bills passed, the 2017 Kansas Legislature has not done much. From my perspective, though, the lack of action has not been all bad. Senate and House committees have been more methodical in their pace, and have generally worked to ensure all voices are heard before taking any action on legislation. There has also been a downturn in punitive legislation introduced against cities and counties.

I strongly urge you to either get to one of your legislators' coffees or other events during the break, or invite them to city hall to visit. Thank them for the time they take away from their families and careers. Also, ask how you can help them stay informed about concerns and news from back home. A few different times in the captiol, I've heard legislators mention to visiting city officials that they are really interested in keeping up with developments in the city. Being in Topeka all week can make that a challenge for them.

In early March, Deputy Director Cindy Green and I joined over 40 Kansas city representatives in visiting Washington, D.C., for the National League of Cities' Congressional City Conference. This annual conference always has greater interest (and attendance) with the arrival of a new administration, and this year was no different.

What was clear from our visit was that these are exciting and uncertain times - and not just for those of us outside the Beltway. In making our rounds on Capitol Hill visiting the Kansas delegation, most all offices shared that they, too, are wondering how things will unfold with President Trump's administration. At the time, one of the questions was whether he would be able to coalesce his supporters around his initiatives and convince cautious Republicans to move his way.

The first push for change, a repeal and replacement of the Affordable Care Act, was not a success. Pundits and policymakers are dissecting that campaign as we go to press, and I am not sure how instructive it will be for looking toward future efforts to fulfill campaign pledges. Will he move to his more familiar “deal maker” approach, or will he need to adapt a bit to the ways of Washington? No one on Capitol Hill, much less the nation, has a sense of how things will go.

What we do know, however, is that President Trump's budget proposal definitely affects cities across the country. Several agencies face significant cuts, with many city-centric programs facing complete dismantling. Community Development Block Grants (CDBG) would be ended for savings of \$6 billion, and a loss of \$16 million in Kansas. Cities with population over 50,000 receive funds via a formula, while smaller cities receive CDBG funds through the Kansas Department of Commerce. These funds can be the difference between cities making critical infrastructure improvements or being unable to afford them.

Transportation, a function the president has repeatedly singled out as needing an infusion of funds, is another area with noteworthy cuts. TIGER grants have been received by several cities in Kansas; they are slated to be ended. The New Start/Small Starts programs for transit would be closed to new projects. Essential Air Service, used by several cities in Kansas to maintain minimal air service, also would be “zeroed out.”

“What we do know, however, is that President Trump's budget proposal definitely affects cities across the country. Several agencies face significant cuts, with many city-centric programs facing complete dismantling.”

While we didn't hear “don't worry” from our congressional offices, we did hear “don't panic.” Rather, they counseled that the presidential budget should be considered an “opening bid.” They do not believe these programs will disappear, but they may face reductions. As the budget process unfolds, we will be watching closely for times where the League and cities need to engage. On a positive note, we felt there was good support across our congressional delegation for

maintaining the tax-exempt status of municipal bonds. There is recognition that making municipal bonds taxable would drive the cost of local projects up 10-15%, which either shrinks the amount of work that can be completed or increases costs to taxpayers.

We have some stories this month I believe you will enjoy. For one, we provide a peek at the new headquarters and training center of Kansas Municipal Utilities. I was fortunate enough to attend their ribbon-cutting event and the place is something else! The foresight, planning and commitment that went into the building is apparent. Members will be served by the building well beyond it merely being a nice, new place to meet. The training and education aspect of their building (and mission) means that members' current and future needs are being addressed. Maintaining a plentiful, qualified workforce for municipal utilities is one of the very real challenges many Kansas cities face in the coming years.

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**INFO REQUEST:** I am going to be on a panel with elected and appointed officials discussing succession planning in Kansas – both of elected and appointed officials. What are you doing in your city to ensure that the city will have the employees it needs? How do you approach getting citizens interested in serving as an elected official? Please let me know! Contact me at [esartorius@lkm.org](mailto:esartorius@lkm.org) or (785) 354-9565.

# Kansas Municipal Utilities Opens New Utility Training Center in McPherson

by Brad Mears

Creating a training environment to meet member training needs. 

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After more than a decade of discussion and planning, Kansas Municipal Utilities has completed construction of its new training center in McPherson. The \$3.2 million KMU Training Center is part of a 35-acre complex designed to serve as the premier site for training opportunities for the Kansas municipal utility workforce in a range of utility operations including electric, natural gas, water and wastewater utilities.

The Board of Directors, Executive Committee, and staff of Kansas Municipal Utilities officially cut the ribbon on its new training center in late November of last year. Approximately 400 people joined in the ribbon cutting and open house representing municipal utilities from across the state as well as state and local officials. Member cities and utilities used the occasion to celebrate their investment to train and educate the utility workforce of today and into the future.

With Kansas municipalities and their utility operations facing an aging workforce and the loss of operational and institutional knowledge, these utility systems must identify mechanisms and strategies for replacing those individuals that will be lost to retirements. The KMU Training Center is one additional avenue to help communities develop and pass on that utility knowledge base to that next generation of individuals entering the municipal utility workforce.

“The members of KMU have been looking for a resource to provide specialized training for municipal utility employees,” said Colin Hansen, KMU Executive Director. “The multi-million-dollar investment by the membership in this facility along with the training programs and services offered by KMU will help prepare the municipal

utility workforce now and into the future. This project would not have been possible without the strong support of KMU member communities and their interest and commitment to their employees.”

As the ribbon is cut on the new facility, KMU and its member utilities formally expand their commitment and investment in the state’s municipal utility workforce. “This training facility will serve as an important and valuable training resource for the municipal utilities across the state as they work to develop a high-quality workforce delivering essential utility services to their communities,” said Mike Muirhead, Public Utilities Director for Garden City and current KMU President.

The nearly 20,000 square-foot building project, located just off Interstate 135 in McPherson, includes a large meeting room which can be divided into three smaller classrooms and a large indoor garage area for training and demonstrations which will complement the outdoor utility training field. The facility will also house the KMU offices at the training site.

KMU member utilities have been asking for “hands on” training for their workers. The new training facility at the training complex will allow training participants to have the full continuum of learning. The participants can learn the why and how utility systems and their components work in a classroom setting, then move into the garage area for “hands-on” experience with the utility equipment. The new facility also offers trainees the ability to physically take the equipment from the garage area and use it or install it on the simulated electric, gas, water and wastewater systems on the 35-acre training field on the site.

The project was developed through a design/build process with



Prairie Landworks, LLC of McPherson as the general contractor with 3-Ten Studios of Wichita serving as the project architect. KMU worked with its finance team of George K. Baum & Company (bond placement agent), Gilmore and Bell (bond counsel) and Wise & Reber (local counsel) to put the project financing component into motion. The building project is being financed through industrial revenue bonds issued by the City of McPherson and purchased by Peoples Bank & Trust also of McPherson.

Workshops, training sessions, and other meetings are currently being scheduled at the new training center. For more information on these events, visit the KMU website at [www.kmunet.org](http://www.kmunet.org). The event tab on the website is updated regularly allowing city employers and employees to identify training opportunities which can assist in the professional development of their utility workforce.

Kansas Municipal Utilities is the statewide association representing Kansas cities and other public or not-for-profit agencies involved in the ownership and operation of municipal utilities.

Formed in 1928 and based in McPherson, KMU provides assistance and information to members on legislative and regulatory issues, training and educational programs, and numerous other services towards the advancement of municipal utilities to achieve maximum benefits for the customer-owners served by these local utilities.

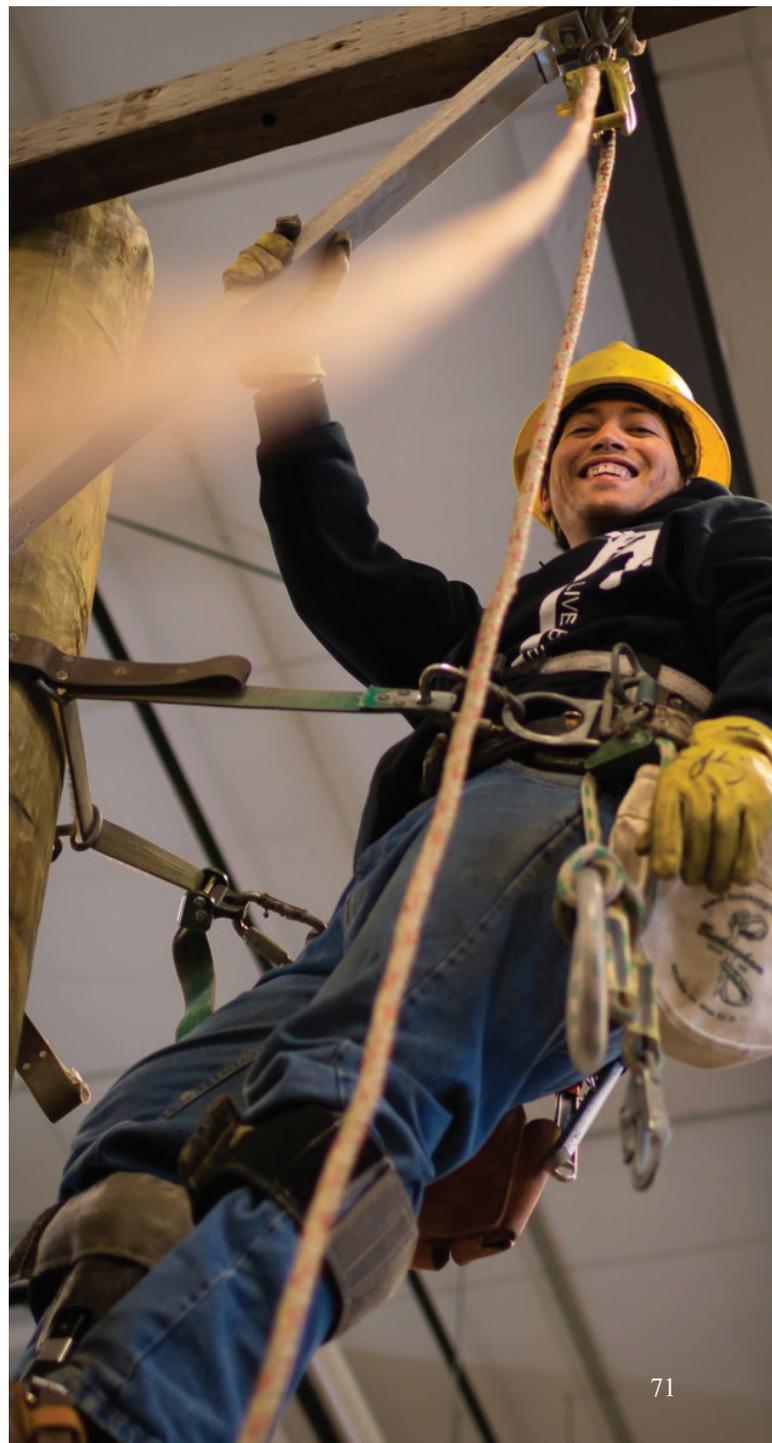
 Brad Mears is Assistant Executive Director for Kansas Municipal Utilities. If you have questions about this article, contact KMU at [kmu@kmunet.org](mailto:kmu@kmunet.org) or (620) 241-1423.

*Left: The KMU Training Facility in McPherson opened in late 2016 and is dedicated to training Kansas' municipal utility workforce.*

*Below: Lineman participate in a flag ceremony at the KMU training facility.*

*Upper right: Classroom training gives municipal utility employees an opportunity to learn the technical data needed before moving into hands-on training environments.*

*Lower right: Kansas' municipal utility workforce have the opportunity to train in safe, simulated environments at the KMU Training Center.*



# LEAGUE PROFILE Joyce Warshaw



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

To ensure peace, order and good governance for the community and its residents.

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

I am currently a Dodge City City Commissioner but did have the honor of serving as Mayor last year. I see my duties as working with policies, approving budget issues and employment of the city manager. Many other duties fall under these categories because we represent our residents and must be available to them. The city is always changing; we must be cognizant of what best serves the whole community as far as needs and wants. Wants are often quality of life issues which can often fall under a need as well. I feel I must be visible in the community with open eyes, ears and heart.

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

The people...Kansans are genuinely good, kind people who care about each other.

**What is your favorite thing about your community?** Dodge City has a very interesting history coupled with a great quality of life. From our rich wild west history during the cowboy days – which is so much fun to share with visitors – to today’s high quality of life standards, Dodge City is a place where you are safe, have many entertainment options, and find a community which has become a good place to work and live.

**What made you want to join city government?** I believe in giving back. Dodge City has always been there for me through my good times and my not-so-good times. It feels like home and I love my community! I hope by serving on the City Commission, and now being a part of the League Governing Body, I can give back some of what Dodge City has given to me... a great quality of life.

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

Yes, and I am very excited to have this opportunity to grow in the field of government and understanding the many needs of municipalities.

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Photo by Earl Richardson, Visit Topeka

# The POWER of PLACEMAKING

BY AUSTIN GOOD, LEAGUE INTERN

**P**lacemaking is all about creating a sense of place in a city. It is about creating places that citizens can own and feel at home in. It is also about creating places where visitors can get a sense of what a city is all about.

Often times when we think about what exactly the purpose of a city is we might think about buildings, streets, businesses, parks, and houses. Those are all important parts of a city, but do not meet the definition of the purpose of a city. The purpose of a city is to provide services for people. In the end, everything a city does and everything a city builds is meant to benefit people. Placemaking is about creating spaces for people to come together and connect with their community.

Because placemaking is such a broad concept it can be hard to define. The Project for Public Spaces, a non-profit planning, design and educational organization, defines placemaking as a process: “With community-based participation at its center, an effective placemaking process capitalizes on a local community’s assets, inspiration, and potential, and it results in the creation of quality public spaces that contribute to people’s health, happiness, and well-being.”

That’s why placemaking is such an important concept. It is about designing our cities for people. While this can seem trivial, the truth is, more often than not, it does not happen. Creating a sense of place within a city needs to be intentional — cities need to commit to placemaking in order to make these spaces happen.

Designing cities for people means investing in pedestrian-scale environments and creating places where people feel they can “make them their own.” Whether it is investing in a city’s downtown streetscape, building a new public plaza or creating pocket-parks, cities need to be proactive in seeking these places out and finding ways to make them happen.

## Every city needs a sense of place.

Think about walking down a classic main street lined with local shops, restaurant patios, planters and art. These places feel good to be in; people are attracted to these areas. Compare that feeling to walking through a big-box store parking lot — there’s nothing unique and it’s not a place where people want to hang out. That’s not to say big-box stores and strip malls do not have a place in our cities — they do. However, if these are the only places a community builds they are missing a huge opportunity to build an identity and give residents (and visitors) a way to create a connection with their city. Every city, large and small, urban and rural, can benefit from creating good public spaces.

## What creates successful places?

Building quality places takes effort. Luckily, there are some lessons other cities have learned about making placemaking worthwhile.

### ● MAKE IT PEDESTRIAN FOCUSED.

People build the best connections to communities experiencing places outside of their cars. Preferably, the space should be in a location that allows many people to access the area by walking.

### ● MAKE LARGER SPACES FLEXIBLE.

Successful gathering places in cities are able to be used for different purposes and events. Build places that can allow for concerts, festivals or farmers’ markets while at the same time being a place worth going to when no event is going on.

## ● MAKE SMALLER SPACES PERSONABLE.

Not every public space needs to be a large plaza used for concerts, festivals or farmers' markets. Look for the nooks and crannies in your city where people can feel like they belong. Adding seating, art and planters to a street corner can go a long way.

● **MAKE IT COMFORTABLE.** The most common thing people do in public spaces is simply relax and hang out. Give people fun and comfortable places to sit down, eat lunch or chat with friends.

● **MAKE IT ENGAGING.** Giving people something to do or watch adds energy to the space. Additions like water features for kids to play in or interactive art displays can create landmarks and make people want to come back.

● **MAKE IT UNIQUE.** Make the space memorable and reflective of the unique personality of the community. Creating space for local art, street performers or other creative ideas will better engrain the place into the fabric of a community.

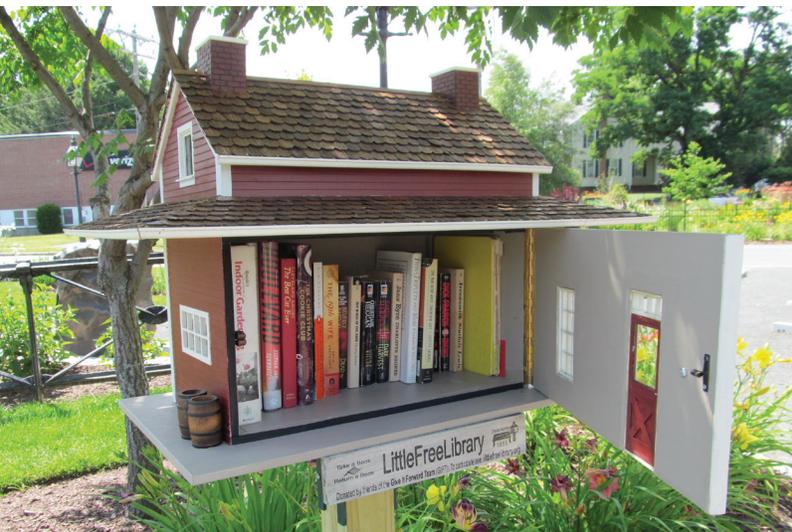


Public murals and art can also create a sense of place and foster community pride. Aside from simply putting murals up on blank walls, many places have found that partnering with local artists to paint murals on utility boxes throughout town can create a sense of place in an unexpected way and add character to neighborhoods. Further, these murals have been found by many communities to deter graffiti, keeping neighborhoods beautiful.

Another simple way to make people feel like they belong in a space is to create pedestrian-scale wayfinding. Putting up signs around town with directions to parks, shops, and popular destinations along with walking times encourages people to get to know their neighborhood on foot. That walk between downtown and the library might not be as far as people perceive it to be from their car.

Temporary installations work, too. Not every foray into placemaking needs to be set in stone. There are many ways to use temporary installations to get people thinking about public space differently and to try out different ideas before a city invests in making something permanent.

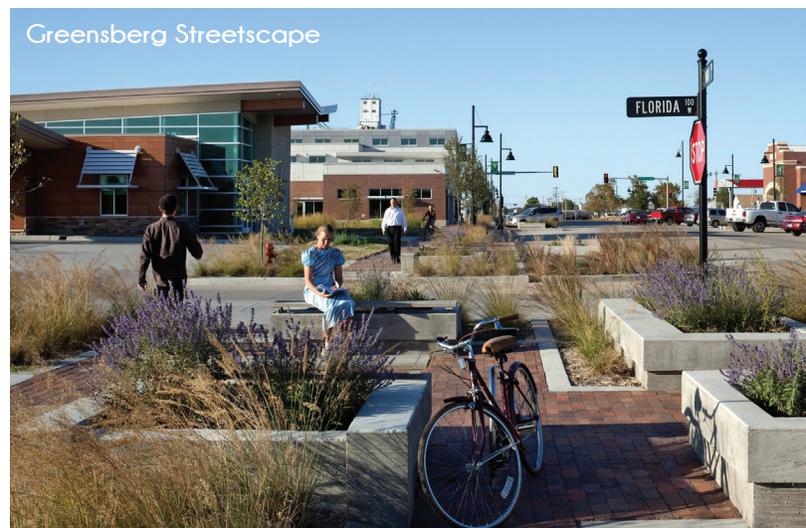
An international event, known as Park(ing) Day, does just that. It is a one day event that encourages individuals to create parklets (miniature parks) on parking spaces to demonstrate the placemaking potential that exist within the size of a single parking space. In Wichita, a citizen group called Yellowbrick Street Team hosted a



## Find opportunities in your city.

Getting started with placemaking is all about looking for opportunity. From small installations to large public spaces there are plenty of opportunities for placemaking in every community.

Start small. There are many small, low cost ways for a community to dabble in placemaking. Many communities across the state, from WaKeeney to Lawrence to Atchison have seen Little Free Libraries ([littlefreelibrary.org](http://littlefreelibrary.org)) pop up in their cities. Often facilitated by residents, community organizations or local governments, Little Free Libraries are small libraries installed in neighborhoods which allow anyone to come up and take or leave a book at any time. They're an easy way to build community and create a sense of place in neighborhoods.



Park(ing) Day event by recruiting a dozen local businesses to set up temporary parks on street parking outside their businesses. They rolled out grass, hung hammocks, built seating, and invited people to play games in their miniature parks. Events like Park(ing) Day can demonstrate what's possible if our cities dedicated just a little bit more space and time to placemaking.

There's a lot of potential in your city's sidewalks. Many cities are realizing that the sidewalks on Main Street can be more than just a slab of concrete. Investing in street trees, seating, crosswalks and unique features can be a boon for economic development and encourage people to spend more time downtown. Cities all over the state, like Salina, Greensburg and Alma, have taken note and have either completed or are planning streetscape improvements of their own.

Topeka successfully completed a total overhaul of their downtown streetscape recently. The design included wide crosswalks, street trees, planters and unique art and activity installations. The concept was to install a series of parklets up and down the street. There's a large outdoor chess board, sculptures and restaurant patios. They incorporated art that is uniquely Topeka and plays off area businesses and landmarks, including a model BNSF train, a fountain modeled after the capitol dome, and a segment that lights up at night near the Westar Energy office building. The street was also designed to be versatile to handle large events. These investments create landmarks and allow people to see the sidewalk, not just as a slab of concrete to get from point A to point B, but as a destination.

Tried and true public plazas still matter. One of the first things people recognize as public spaces are public plazas and town squares. These are great gathering spaces that can host community events and provide an outlet for creativity. These types of spaces matter now more than ever; cities all over are investing in revitalizing old plazas or are creating new ones.

The City of Concordia recently completed a brand new public space in downtown called Broadway Plaza. The plaza is built on what used to be five storefronts that burned down in a 1999 fire. Sixteen years later the lot was transformed into a top-notch plaza for the community. The space was designed with placemaking in mind, including shade structures, a water feature for kids (or kids at heart) to play in, seating, grass and a stage area. There's also a large digital screen incorporated into the space for movie nights or other event needs. During non-event days the screen is able to display advertisements for local businesses to generate revenue. The plaza has also been great for nearby restaurants and businesses as people are attracted downtown to the 100-150 events the plaza hosts each year. The community has taken to the space and it has quickly become a part of the city's fabric.

**A** multi-block section of South Kansas Avenue in downtown Topeka has been transformed over the past few years into a pedestrian-friendly area perfect for hosting events. Pocket parks and parklets dot each block with unique art that represents Topeka's history, businesses or cultural heritage.



Above: A life-size chess set in the 700 block of Kansas Avenue in downtown Topeka is one of many pocket parks and pavilions created as part of Topeka's downtown revitalization project. Right: Winterfest in downtown Topeka is one of the many events which take advantage



of the welcoming environment created through intentional placemaking efforts. Below: Children play on sculpture pieces designed for interaction in one of Topeka's new pocket parks.





Concordia's Broadway Plaza

## Bring everyone to the table.

This is critical when implementing large placemaking projects. An important part of a successful placemaking project is to bring everyone to the table early to address concerns, create buy-in, and generate ideas. Public engagement was a large piece of Concordia's Broadway Plaza project. Concordia hosted a public meeting, attracting close to 200 attendees, to discuss what the citizens wanted to get out of the space and what they wanted it to be used for. This sort of public engagement creates buy-in for the project and ensures what is being built will actually be used.

Outreach also has the potential of helping find partners, like local businesses or community organizations, that can help fundraise or advocate for implementing a placemaking project. The more people on board with the vision means more people advocating for building out the full extent of a project which could last generations.

## It's worth the investment.

Investing in public space is critical in shifting the focus of a city's built environment to people-focused design. Creating good public space, especially in a city's downtown, can create resiliency and drive business investment. Further, creating a "place worth being" has become increasingly important when people decide where to live and start businesses.

There are many grants available for cities looking to experiment with small placemaking efforts. Organizations like the Sprout Fund, Southwest Airlines and the Knight Foundation provide small grants (usually a few thousand dollars) to implement small-scale innovative ideas to make placemaking improvements in cities. The Project for Public Space has curated a list of grant providers and instruction on how to apply here: (<https://goo.gl/1fQLnp>).

Funding larger projects can be more difficult. While there are a few sources of grant funding for larger placemaking projects, there are opportunities to lessen the cost for cities. One opportunity is to look for ways to incorporate placemaking in existing capital projects. Work to replace utility infrastructure, construct stormwater

infrastructure, or reconstruct roadways is often a perfect opportunity to incorporate placemaking ideas into the rebuilt design.

Cities can also turn to developing community partnerships to find funding. Seeking out sponsors to pay for specific aspects of a project, like art installations, splash pads, or benches, can help lower costs and get the community involved. Local businesses that may use the space for events may be interested in sponsoring aspects of the project.

For long term ambitions, it may be worth utilizing Business Improvement Districts (BID) to fund placemaking efforts that will benefit nearby business owners. Business Improvement Districts are organized by private property owners within a designated boundary in the city limits, where businesses pay a special tax to fund improvement efforts. Developing buy-in from property owners about the benefits of placemaking initiatives may make this funding source a possibility.

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 *Austin Good is an intern with the League of Kansas Municipalities and a first-year MPA student at the University of Kansas. He is an aspiring problem solver with a love for cities, infrastructure, social change and sustainability.*

## HELPFUL RESOURCES

So you're ready to get started? Great! Luckily, there are many resources available online to help you organize and identify what sorts of placemaking projects would be most beneficial to your city:

● **MICHIGAN MUNICIPAL LEAGUE PLACEMAKING** (<http://placemaking.mml.org>)

Our friends at the Michigan Municipal League have put together an excellent set of resources to create vibrant public spaces in your community.

● **PROJECT FOR PUBLIC SPACE:** ([www.pps.org](http://www.pps.org))

This nonprofit is dedicated to helping people create and sustain public spaces that build stronger communities. They offer many resources to get started with creating public spaces.

● **NATIONAL ASSOCIATION OF CITY TRANSPORTATION OFFICIALS (NACTO):** ([www.nacto.org](http://www.nacto.org))

NACTO provides several free guides on their website about how to design better streets.

● **101 SMALL WAYS YOU CAN IMPROVE YOUR CITY:** (<https://goo.gl/zilOaP>)

An article from *Curbed* about 101 small ways you can make where you live awesome.

● **PLACEMAKING RESOURCE** ([www.placemakingresource.com](http://www.placemakingresource.com))

A website outlining best practices and examples of great placemaking.

# Legal Forum

by League Legal Staff

with contributions by Amanda Stanley, legal counsel, Gregory B. Casey II, legal extern and Joseph Falls, legal extern

## The Ability of State and Local Governments to Constitutionally Regulate Solicitors Under the Commerce Clause

Local governments seeking to regulate the door-to-door activities of solicitors, hawkers and peddlers must carefully consider potential Constitutional concerns, particularly the Commerce Clause of the United States Constitution. A firm understanding of the Commerce Clause is essential for cities to validly regulate solicitors. When evaluating these types of ordinances, municipalities must understand the limitations of the Commerce Clause.

Under the Commerce Clause, Congress has the power "[t]o regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."<sup>1</sup> As caselaw has developed, it is generally understood the federal government is vested with extensive powers to regulate any activity Congress rationally determines affects interstate commerce.<sup>2</sup> These include the channels and instrumentalities of interstate commerce, and in-state economic activities that taken together have a substantial effect on interstate commerce.<sup>3</sup> This results in limits on state and municipal regulatory authority over even local commercial matters that could interfere with interstate commerce. When determining whether a local ordinance regulating commerce is constitutional, the ordinance must be evaluated to see if it treats interstate activities differently than intrastate activities or if there is an undue burden on interstate commerce. Evaluations are conducted under what is known as the Dormant Commerce Clause.

The ordinance's validity is contingent on whether it exceeds the scope permitted by the Dormant Commerce Clause.<sup>4</sup> In analyzing the ordinance, the city should first determine whether any burden is placed on interstate commerce. Generally, ordinances regulating door-to-door activity will be considered to place a burden on interstate commerce. Next, the city should look at the plain language of the ordinance and see if it treats in-state solicitors differently than out-of-state solicitors. If the answer is yes, generally the ordinance will be presumed unconstitutional unless the differentiation is rationally related to a legitimate local interest and the burden is outweighed by the objective of the ordinance.<sup>5</sup> If the answer is no, the city should look at whether the ordinance will result in a discriminatory effect, have a discriminatory purpose, or a disproportionate adverse effect. If the answer to any of these questions is yes, then generally the ordinance is presumed unconstitutional unless the discrimination is rationally related to a legitimate local interest and the burden is outweighed by the objective of the ordinance.<sup>6</sup>

Determining whether a court will find that an ordinance is constitutionally acceptable under the Dormant Commerce Clause depends on the purpose and effects of the ordinance.<sup>7</sup> In *Breard v. Alexandria*, the United States Supreme Court found the relevant feature differentiating constitutional regulations from unconstitutional regulations is whether the regulation embodies local protection against out-of-state commerce through fixed-sum licenses.<sup>8</sup> Local governments substantially avoid the risk an ordinance will conflict with the Commerce Clause by assuring the regulation is not a burden or exaction required for participation in

interstate commerce, but instead, is merely a regulatory remedy addressing local problems.<sup>9</sup> Fee differentials will likely pass Commerce Clause muster only if the fees are merely serving the purpose and effect to evenly spread local government operating costs between all similarly situated solicitors.<sup>10</sup>

When drafting solicitor ordinances, cities should avoid enacting any unconstitutional burdens that treat out-of-state solicitors differently than in-state solicitors. Unless the ordinance is directly tied to fulfilling local community needs, only to the extent necessary for defraying the costs incurred by the local government, and done in a manner to facilitate equalizing the commercial playing field.<sup>11</sup>

<sup>1</sup>U.S. Const. Art. I, § 8, cl 3.

<sup>2</sup>*Gonzales v. Raich*, 545 U.S. 1 (2005); *Gibbons v. Ogden*, 22 U.S. 1 (1824).

<sup>3</sup>*Smith v. Cahoon*, 283 U.S. 553 (1931); *Eric M. Berman, P.C. v. City of New York*, 895 F. Supp. 2d 453 (E.D. N.Y. 2012).

<sup>4</sup>See *Dog Pound, LLC v. City of Monroe, Mich.*, 558 Fed. Appx. 589 (6th Cir. 2014) (City's licensing ordinance for hawkers, peddlers, and transient merchants did not violate dormant Commerce Clause, in absence of evidence that ordinance discriminated against out-of-state hawkers, peddlers, and transient merchants, or protected in-state hawkers, peddlers, and transient merchants at expense of out-of-state competitors.)

<sup>5</sup>*City of Philadelphia v. New Jersey*, 437 U.S. 617 (1978).

<sup>6</sup>*Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970).

<sup>7</sup>See generally *Breard v. Alexandria*, 341 U.S. 622 (1951).

<sup>8</sup>*Id.* at 638 (1951); *Homier Distrib. Co. v. City of New Bedford*, 188 F. Supp. 2d 33 (D. Mass. 2002).

<sup>9</sup>*Breard*, 341 U.S. at 638 ("Taxation that threatens interstate commerce with prohibition or discrimination is bad . . . but regulation that leaves out-of-state sellers on the same basis as local sellers cannot be invalid for that reason.").

<sup>10</sup>*Id.*; 5 *McQuillin Mun. Corp.* § 19:108 (3d ed.) ("A city may classify merchants with respect to those having and those not having a fixed place of business in the city and impose a higher license tax on those without a fixed place of business in the city, so long as the higher license tax is not unreasonable or a penalty to protect local merchants from the competition of those conducting their business from other localities.").

<sup>11</sup>*Nippert v. Richmond*, 327 U.S. 416 (1946); see 2 Local Government Law § 13:7 ("Accordingly, some courts are hesitant in reading an implied power to erect a licensing system applicable to common occupations into a broad delegation of regulatory or police powers.<sup>15</sup> But an express power to license ordinarily carries with it implied authority to charge a reasonable fee to meet or defray the costs of regulation.").

 Amanda Stanley is the Legal Counsel for the League of Kansas Municipalities. You can reach her at [astanley@lkm.org](mailto:astanley@lkm.org) or (785) 354-9565.



## Senator Laura Kelly (D-Topeka)

Senate Assistant Minority Leader

**Years of service at the state level:**  
13 years

**Please list any previous local government office you have held.** None. I lobbied for local parks and recreation commissions, departments and districts for 18 years as

Executive Director of the Kansas Recreation and Park Association.

**What do you enjoy most about serving in the Kansas Legislature?** Working across the aisle and the rotunda to develop and pass good legislation. I enjoy everything about the legislative process, except the early mornings and late nights!

**If you could meet any historical figure, who would you choose and why?** Jane Addams. I went to Jane Addams Junior High near Detroit. I became fascinated by a woman who did so much for so many for so long with little personal reward. Her work was recognized much later when she became the first woman to be awarded the Nobel Peace Prize.

**What advice do you have for new legislators?** Keep your ears and minds open. Get to know your colleagues and find out what they care about. That will help when you need partners to pass legislation. Verify information that is presented as fact. And always be honest. Don't blindsides your colleagues.

**What do you believe are the top issues this session?** Taxes, budget and school finance. We need to restore fairness, adequacy and stability to our tax structure. We need to build a budget that begins to heal the wounds inflicted on our infrastructure, our education system and our social service safety net. And, of course, we need to put back in place a school finance formula that will meet the needs of our students and satisfy the court.



## Representative Keith Esau (R-Olathe)

House Elections Committee Chair

**Years of service at the state level:**  
Five years

**Please list any previous local government office you have held.** I served in several district and state party positions, but not in government office before I was elected to the Kansas House.

**What do you enjoy most about serving in the Kansas Legislature?** I like working with others on the common goal of making Kansas a better place to live and working to understand everyone else's perspective.

**If you could meet any historical figure, who would you choose and why?** Benjamin Franklin – He was an inventor and entrepreneur, was witty and wise, and had a good handle on human nature. He could bring people together to get the work done.

**What advice do you have for new legislators?** Don't take setbacks too hard, there is always another day. Find common ground with others so that you can all get things done. Try to understand the opposition's point of view, even if you don't agree. Always be alert to the unintended consequences of a bill to minimize them.

**What do you believe are the top issues this session?** Growing both jobs and the economy in Kansas and finding and eliminating duplication and waste.

# LEGISLATIVE PROFILES



## Representative Tom Phillips (R-Manhattan)

House Assistant Majority Leader

### Years of service at the state level:

Six years

### Please list any previous local government office you have held.

Previously served as the Director of Planning and Community

Development in Lenexa. Additionally served on the Manhattan Urban Area Planning Board, Manhattan City Commission, Mayor of Manhattan and Riley County Law Board.

### What do you enjoy most about serving in the Kansas Legislature?

I enjoy working with fellow Legislators and professional associations or organizations like the League of Kansas Municipalities to find solutions for the betterment of Kansas. Everyone here wants to do what is best for his or her community or constituents; but Kansas is such a diverse state in terms of economy, environment and demographics that seldom does a “one-size-fits all” solution work. So, communication and compromise is the key to finding workable solutions. I enjoy the fact every day we are expanding our knowledge, testing our personal leadership skills and strengthening personal relationships to become better problem solvers.

### If you could meet any historical figure, who would you choose and why?

I will go with James Madison, or any of delegates of the Constitutional Convention in 1787. Talking with James Madison about the debates over creating the framework for our federal government and hearing about their hopes and aspirations about our new nation would be unbelievably inspirational. Through sharing with him the events, stories and experiences of the past 230 years of history, I would like to hear Madison’s reactions and how he would judge if our country, and ways of governing, has worked and see if his framework for our government has withstood the test of time.

### What advice do you have for new legislators?

Strike a proper balance between listening and engaging. You are elected to represent; ask questions, challenge people over things that cause you concern, speak up on important issues. Yet, there is also time to listen and to recognize to let the process of governing work, even when at times it seems not to be working.

**What do you believe are the top issues this session?** Writing a new tax policy to restore immediate and long-term financial stability, creating a structurally balanced state budget that moves toward restoring funding and maintaining our infrastructure; fulfills long-term obligations to KPERS; and protects the Children Initiative Fund. And finally, writing a new school finance formula to meet the guidelines of Kansas Supreme Court.

### Any other information you would like to share with our membership?

I look back on my time as Mayor and City Commissioner in Manhattan with great fondness because of what we accomplished and the culture of collaborative leadership that was created within our community. The strategies effective leaders perform at the local level must now be replicated at the state level.



## Representative Stan Frownfelter (D-Kansas City)

House Assistant Minority Leader

**Years of Service at the State Level:** 6th term (11 years)

**Please list any previous local government office you have held:** None

### What do you enjoy most about serving in the Kansas Legislature?

The thing that keeps me going, that makes me the happiest, makes it all worth it, is seeing my work, and my colleagues’ work, all come together to benefit my constituents and Kansans in general.

### If you could meet any historical figure, who would it be?

Harry S. Truman

### What advice do you have for new legislators?

My advice would be to enjoy the time you spend here. Listen as much as you can and learn as much as you can. I know it’s tempting to want to jump right in, but listening and observing help save you from making simple mistakes and you can become a much more effective legislator this way.

### What do you believe are the top issues this session?

Education finance, the budget, Medicaid expansion and a review of the current tax policies.

# Best Practices

by Cheryl Hilvert, Patrick Ibarra, David Swindell, and Karen Thoreson

## Next Generation Professionals: An Inside Look at What Matters to Them

(Reprinted from PM Magazine)

Most residents are only barely familiar with the behind-the-scenes operation of the local government organization that keeps them safe, provides clean drinking water, takes the waste away, maintains the roads they drive on, and provides numerous other services they take for granted every day.

As individuals long wedded to the local government management profession, the four of us wondered how younger, relatively recently-employed local government workers viewed their roles, their employers, and their future. This article provides a glimpse into their perceptions of local government as a career choice and how these young professionals would choose to enhance their workplace.

Their perceptions highlight the opportunities and challenges for today's managers in response to significant changes in the workforce that are acutely felt in the public sector. Such changes include demographic shifts in the workforce as well as evolutionary changes in the workplace.

Managers who want to build their twenty-first-century workforce need to discard the "we've always done it that way" approach in favor of progressive and practical strategies and tools to optimize talent.

Government leaders at all levels also need to adopt the mindset that government is an employer, thus competing with a variety of public, nonprofit and private sector organizations for talent in the marketplace. In that regard, the human resources department should not go it alone on this quest. Instead, leaders need to make a strong commitment to ensuring that workforce-related issues and opportunities attract the best talent.

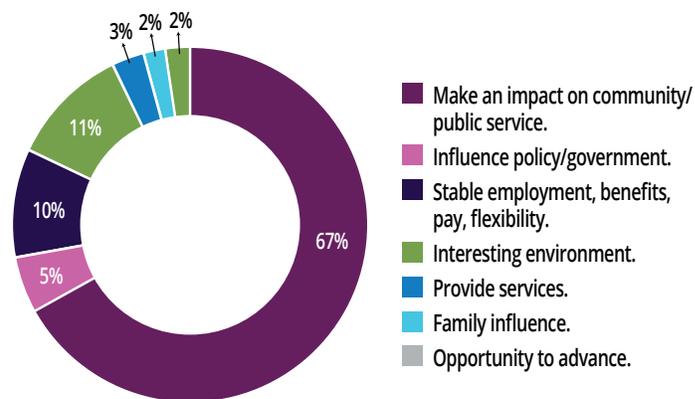
In an effort to capture preferences about the local government workplace and workforce, we developed the 2015 Local Government Workforce Survey (LGWS) to collect information from a group of younger, next-generation staff members. Our team developed and validated the survey questions and administered it in February 2015. The team conducted the basic analysis in March.

Survey participants included graduates of the Leadership ICMA program, the Alliance for Innovation NextERA members, the Emerging Local Government Leaders (ELGL) devotees, and the current and former Arizona State University Marvin Andrews Fellows. The survey was sent to approximately 250 individuals, with 107 providing responses.

### RECRUITMENT PRACTICES

People today aren't simply looking for a job. They want careers with meaning and impact. Government service can provide that. Fully two-thirds of the respondents to the survey stated "making an impact on community/public service" as the top attraction to serving in local government" (see Figure 1).

FIGURE 1. What Attracts People to Work for Local Government



This high percentage stands to reason considering those who responded to the survey are involved with public-oriented professional associations. Consider, however, what might be the response in your workforce if employees were asked the same question?

HR directors and managers might keep in mind that creating a qualified talent pool is no longer about sourcing specific candidates for specific jobs. Rather, it's about generating a pipeline of valuable skill sets in all staff members.

This allows your organization to recognize its skill gaps and then effectively find and reach the owners of those skills. Using social media channels and Web-based hiring sites have become common practice as powerful media for communicating an organization's brand that relates to attracting and hiring top candidates.

There also is an increasing emphasis on mobile recruiting. According to research conducted by *Glassdoor.com*, 82 percent of all job seekers are currently using smartphones to search for job openings.<sup>3</sup> Almost half of active candidates have applied for a job on their mobile device. The public sector will need to create mobile applications in order to appeal to the on-the-go job seeker.

What does your hiring process say about your organization?

First impressions are a critical part of the hiring process. The world is full of smart, skilled and passionate people who are blue-chip prospects. These people won't be interested in your organization, however, if the job announcement is a boring job description.

In hiring a new budget management analyst, for instance, the job description could state, "ability to understand statistics and research data." Or it could say something more like this: "Want to make an impact on your community by helping to fund services that will benefit your neighbors and friends?" Or, "Bring your skills to bear in innovative ways to enhance the quality of life for residents in your community."

A second example is for a treatment plant operator position: "Conduct regularly scheduled tests of water quality to ensure compliance" (boring) or "Provide safe quality water for people to bathe their little ones" (exciting!).

Innovative local governments, including Sedgwick County, Kansas, and Decatur, Georgia, have created effective job announcements and advertisements by moving away from the traditional "legal ad" format to appeal to those with an adventurous spirit who don't just want a job, but who want to make a difference.

In addition to better appealing to a candidates' sense of wanting to serve, local governments must also recognize that timeliness is important when recruiting. While public sector agencies may have a series of written exams and performance tests that are required as part of their hiring process, accelerating the speed in administering these processes is important in maintaining the interest of talented candidates.

Showing genuine interest in the candidate and being willing to modify the interview process to make it stimulating and interesting will set you apart as an employer of choice. This point was confirmed by LGWS respondents in Figure 5, citing the need to reform hiring processes as one aspect of the workplace that they feel needs to be changed.

Finally, remember that a candidate who is a proper fit with your organizational culture is the best way to ensure the new employee—and the organization—will succeed. One county human services department in California modified its interview process to allow multiple staff at all levels to participate in the questioning of candidates.

It went further by allowing staff and the candidate to interact during a two-hour session observing the work of the job for which the candidate had applied. The result was a much better educated candidate on what the organizational mission is and a highly participatory workforce that helped to select the candidate who would best complement the team.

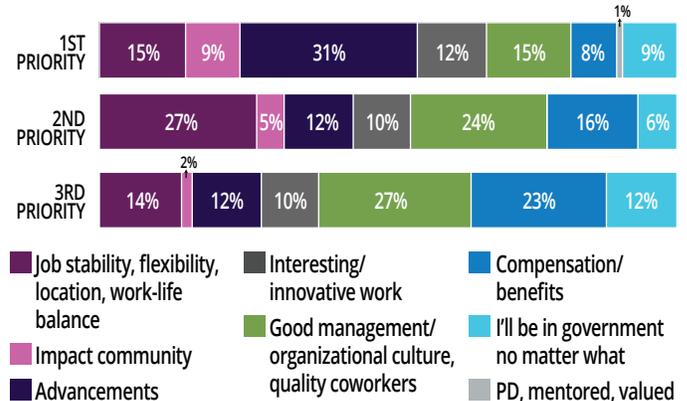
A big benefit of this approach is that it ultimately reduced turnover and influenced higher employee morale.

## RETENTION OF TOP PERFORMERS

Conventional wisdom says that employees will depart if they are discontented but that money will make them stay. This is likely an oversimplification. People stay in a job—or leave it—for a variety of motives.

This theory was clearly seen from respondents' answers to LGWS in Figure 2, where more than twice the number of respondents said that good management, culture, and quality of coworkers were more important to them than compensation and benefits.

**FIGURE 2. Reasons to Continue Careers in Local Government**



It goes without saying that employees want to be well compensated, but savvy managers should recognize that staff members are searching for other kinds of satisfaction, primarily related to professional growth and opportunities to make a positive difference to the organization of which they are a part.

Managers must also recognize that younger employees are often undergoing a continuous job search and seeking potential opportunities that are a better fit for their lifestyle and career plans. According to Fortune, almost 90 percent of employees<sup>1</sup> are already looking for work outside their current occupations, and research from Career Builder shows nearly one-third of employers expect workers to job hop on a much more extensive basis than they have historically.<sup>2</sup>

Another common management belief that must be reexamined is the general feeling that high employee turnover is bad and low turnover is good. In monitoring turnover in your organization, it is much more important to measure "regrettable" turnover—the number of departing employees whom you would desire to keep.

Exit interviews are important, but you also should do retention interviews. Meet with employees you consider as your top talent and ask them one question, "What more can we do as an organization to challenge you?" Most likely, you will discover that top performers value and seek several key organizational factors:

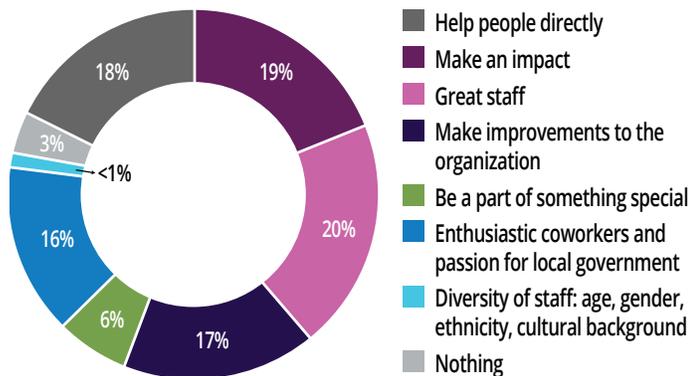
**Flexible work programs.** Such innovative organizational approaches as job sharing, flexible hours and telecommuting can help your organization be more attractive to women, millennials and older workers.

LGWS responses (Figure 2) underscore the importance young professionals place on a workplace that allows flexibility in work tasks, hours and workplace location, the second highest organizational factor that would keep them in a career in local government.

**Relationships.** Based on a survey of 7,272 U.S. adults, Gallup’s State of the American Manager report concludes that people may go to work for an “organization,” but one in two left their job because of a failed relationship with their manager or supervisor.

LGWS reinforces these Gallup results, highlighting the aspects of the workplace that inspire today’s younger local government workers. As Figure 3 demonstrates, 36 percent of respondents indicate that great staff or enthusiasm of coworkers is a huge motivator.

**FIGURE 3. Workplace Inspiration Factors**



If employees report that their managers’ expectations are unclear or that their managers provide insufficient equipment, materials, or other resources, the likelihood of a regrettable turnover increases.

**Workplace culture.** A workplace culture based on an inspirational set of organizational values is key to retaining top employees, as are management practices that emphasize shared decision making. These values include an organizational commitment to trust, creativity, team work, and employee involvement in decision making, which can be powerful motivators if they are part of day-to-day workplace behaviors and not just words on a page in an employee handbook.

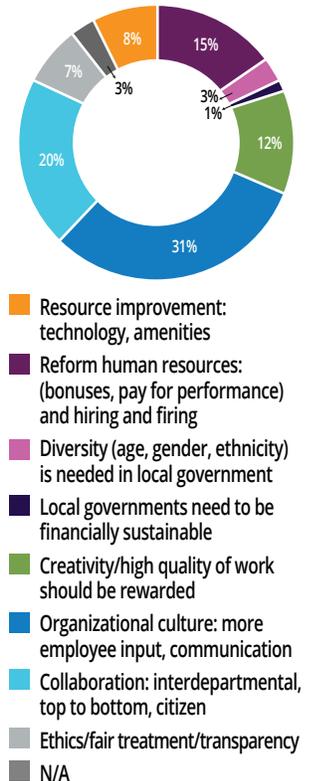
Managers must not underestimate the importance of a strong organizational culture, and they need to recognize their role in being vigilant about fostering a great workplace culture as a strategy to retain top-performing employees. Figure 5 shows that nearly one-third of LGWS respondents want to see an organizational culture that focuses more on employee input and communication throughout the organization.

Figure 4 illustrates the most commonly reported factor that demotivates younger employees is poor management and oversight of the organization. These are important calls to action for managers of the future in retaining quality employees in their organization.

**FIGURE 4. Workplace Demotivating Factors**

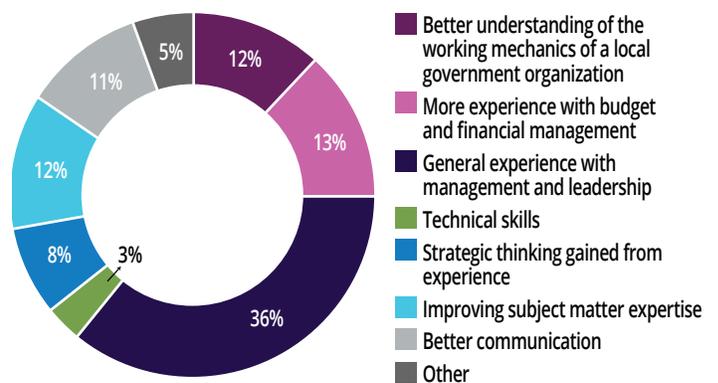


**FIGURE 5. Workplace Changes Needed**



**Professional development and growth.** LGWS respondents indicated that they value investment by the organization in them as employees. Openings for upward mobility are only a portion of the equation to retaining top performers. Equally important is the investment organizations make in professional development and growth opportunities for all employees (see Figure 6).

**FIGURE 6. Skills Needed for Career Advancement**

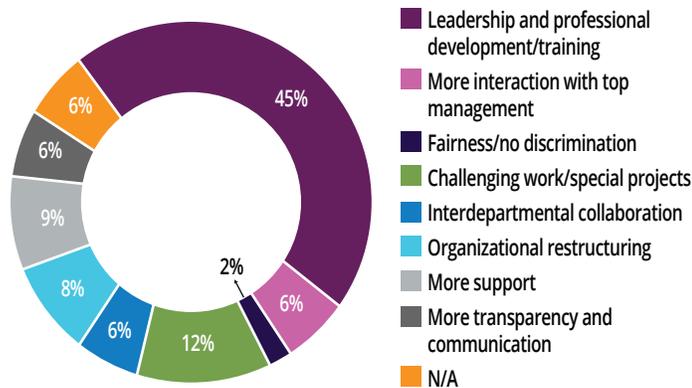


Leadership and professional development and training were the top responses by 45 percent of the survey respondents to the question, “What could your workplace do in order to help you advance in your career.” If not already in place, a local government might develop a series of educational courses that focus on equipping employees with the requisite leadership, management and supervisory skills to better perform their jobs.

Many local governments now have in place leadership academies for their up-and-coming staff. These training activities focus on team building, emotional intelligence and understanding the political and cultural influences of the organization and community.

They also enhance specific skills like facilitation, brainstorming, creative problem solving, public speaking, budgeting, project management, communications and effective supervisory practices.

**FIGURE 7. Workplace Assistance Needed for Job Advancement**



**Experiential learning.** When asked about the skills they need to improve to advance in their careers, more than one-third of the respondents said “general experience with management and leadership” (see Figure 7).

Employees will increase their capabilities and position themselves for future opportunities, not just by learning new skills and actively engaging in a mentoring partnership, but also by participating in a series of targeted employee-learning activities. Rotating job assignments, “acting” roles, and shadowing are attractive pursuits to top performers who want to stretch themselves.

**ANTICIPATING CHANGE**

In addition to focusing on new strategies for recruitment and retention of younger staff, managers must also proactively work to prepare their workplaces for the future. Effective strategies include:

**Engage in proactive workforce planning.** Analyze the demographics of your workplace and estimate as best you can the projected attrition, not only among older workers but other age groups as well. Today’s younger workers are mobile and good managers need to develop a plan to transfer the mission-critical tacit knowledge prior to employee departures, regardless of age or tenure.

**Partner with learning institutions.** Local governments should pursue the opportunity to partner with local educational organizations to provide staff development opportunities and contribute to the enhancement of local government services. Educational and training programs and certifications are only some of the benefits such partners can bring to your organization.

Local institutions also can provide inexpensive and enthusiastic talent through internship and apprenticeship programs that can help to develop a pipeline of future workers.

**Evaluate paid-time-off (PTO) policies.** These policies serve as the foundation on which flexible work arrangements can be built. A study of innovative local government organizations as well as the use of external evaluators can be particularly useful in these reviews and can help suggest appropriate adjustments for your organization that will increase the likelihood of attracting or keeping younger and mid-career workers.

**Provide cultural awareness training.** This type of training serves two purposes. First, it appeals to the desire among younger employees starting their government service for an open and diverse workplace. Secondly, the training sends a signal to all employees that the workplace can serve as a platform for discussing such challenging issues as different cultural communication styles, how to give and receive feedback, and how different cultures review and assess employee performance.

**THERE’S GOOD NEWS**

The LGWS results bring good news as well as direction for local government managers who heed the feedback from younger employees who will soon become tomorrow’s leaders. Let’s listen to their messages so that we can more effectively prepare our organizations for this next generation of public servants and the exceptional work they will do to provide service to our communities. Here are some ideas:

- Stress how the nature of local government work impacts our communities and allows employees to engage in performing interesting and challenging work that benefits many people.
- Make a quality first impression on potential new employees through the job announcement and the interview process. Develop an effective onboarding procedure for new employees.
- Expect your mid-level managers to be quality trainers, mentors, and advisers to new recruits. Provide training if they are not proficient in these skills.
- Train and involve younger employees in broader organizational activities through professional development and experiential learning opportunities.
- Have senior management meet periodically with new employees and listen to—and act upon—their good suggestions.

# Millennials vs. Baby Boomers: A Generational Shift

Municipalities will face the same challenges private industries face to recruit and retain quality employees. Here's a snapshot of differences municipalities can expect to see in their workforce over the next few decades.

According to the Pew Research Center, for the first time, millennials now outnumber baby boomers in the workplace, 76 million to 75 million. As baby boomers continue to retire and millennials continue to enter the workforce, this gap will widen.

The millennial generation may have different work motivations and expectations for greater work/life balance. The workforce will be more culturally and ethnically diverse and include more highly educated women, military veterans, and people with disabilities.

Expectations are likely to increase for customized benefits, mobility of benefits, and flexible work options.

According to the State and Local Government Workforce 2014 Trends research conducted by the Center for State and Local Government Excellence of members of the International Public Management Association for Human Resources and the National Association of State Personnel Executives, the local government workforce shows:

- In 2014, 19 percent of the government workforce reached age 61, the current average retirement age. By 2018, this figure rises to 28 percent of those currently working.
- There is a surge in public-sector retirements, referred to as the "silver tsunami:" 49 percent of local governments reported higher levels of retirement in 2013 compared with 2012.

The historical, long-term arrangement between employer and employee—sometimes referred to as "life-time employment" where the employer provides steady employment, attractive benefits, and wages in exchange for an employee's long-term effort and tenure—is changing to one more akin to the private sector.

The service economy is shifting to the knowledge economy, emphasizing the changing nature of work toward more scarce and highly skilled jobs rather than lower-skilled, transactional work.

The digital workplace and the rise in mobile technology is redefining the nature of work and the means of collaboration, and it is facilitating work in and from almost any location.

- Rethink some of the more bureaucratic processes that are holdovers from bygone days. Where possible, simplify those that frustrate employees.
- Consider using newer employees to look with fresh eyes at ways to streamline those processes or better connect with and serve residents.
- Invest in your employees—both those who are new and those who are experienced. They will notice and appreciate it, and you will be the beneficiary.
- Cultivate a reputation for being "Best in Class" as a local government employer. Word will get around that your community is the place to be for future public leaders.

At a time when much of the rhetoric about local government work is vitriolic and portrayal of public servants on television shows reinforces false impressions of officials as corrupt or simply stupid, it can be easy for managers to overlook the many positive developments on the horizon as young professionals stand ready to assume the mantle of civic leadership.

Younger individuals are being drawn to public service to have a positive impact on their communities. The only barrier we face to realizing the benefits of this talented and motivated workforce is a blind adherence to doing business as usual.

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## About the Authors:

*Cheryl Hilvert, is a former Director of the ICMA Center for Management Strategies and is a retired city manager; Patrick Ibarra is Co-founder and Partner of the The Mejorando Group; David Swindell is an Associate Professor at Arizona State University and Director of the Center for Urban Innovation; Karen Thoreson is the President of the Alliance for Innovation and a former local government professional.*

## REFERENCES

- <sup>1</sup> (<http://fortune.com/2014/08/05/job-search-career-change>).
- <sup>2</sup> (<http://www.careerbuilder.com/share/aboutus/pressreleasesdetail.aspx?id=pr824&sd=5/15/2014&ed=05/15/2014>).
- <sup>3</sup> Survey data is based on a Glassdoor survey conducted online from August 14-22, 2013, among more than 1,100 employees and job seekers.

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**Kansas**  
GOVERNMENT JOURNAL

# KANSAS ATTRACTIONS

## DUTCH MILL

*Wamego, Kansas*

The Schonhoff Dutch Mill, listed on the National Register of Historic Places, was originally located 12 miles north of Wamego. Built in 1879 by a young immigrant named John Schonhoff, the mill was used to grind grain until the late 1880s. In 1924 the mill was dismantled, each stone was numbered, and moved using 35 horse-drawn wagons. The mill was then reconstructed in its current-day location, Wamego's City Park.

Schonhoff's skillfully built each mechanical part of the mill himself. The iron parts were hammered on a home-made forge. The main drive shaft was the only part that Schonhoff did not make himself. It was found in Leavenworth and hauled to his farm by horse drawn wagons. Each of the wooden mechanisms were also designed and built in his workshop.

The yellow limestone for the lower tower was quarried on the farm near the mill site and was erected by John Chadwick, a talented stone mason from Wamego. Chadwick used white limestone around the doors and windows as a trim. The building itself was forty-feet high with a diameter of twenty-five feet tapering to twenty-feet above.

The statue of Ceres, Goddess of Grain, which adorns the wall of the second story window, was also constructed by Chadwick. The statue was made in secrecy and when anyone would approach him as he was working on it, he would hide it in the grass. Schonhoff's daughter, it is said, was subconsciously his model for the statue's features.

The mill had been idle for numerous years when Ed Regnier purchased the farm in 1896 or 1897. Because he was uninterested in milling, the mill was used for storage. However, the upkeep of the mill became somewhat of a problem. Community members proposed donating the mill to the City Park. The mill was moved and reconstructed on a mound in the city park that had been formed when dirt was excavated for the park's lake.

The mill was reopened July 4, 1988 for grinding. More information on the mill can be found online at [www.wamegohistoricalmuseum.org](http://www.wamegohistoricalmuseum.org). Plan your trip to explore the Dutch Mill or Wamego's other attractions online at [www.visitwamego.com](http://www.visitwamego.com).

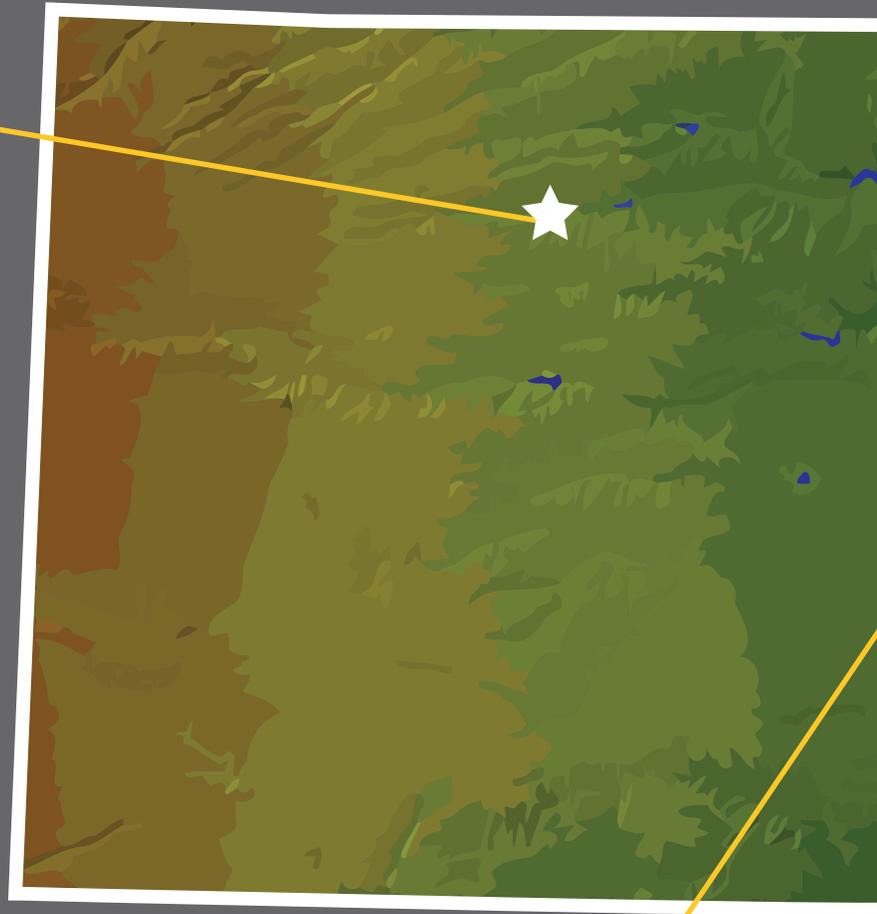


*Photos courtesy of Wamego CVB*

## Stockton

### Stockton mayor among annual Huck Boyd Institute award winners

League President Kim Thomas was honored for her work in public service by the Kansas State University Huck Boyd National Institute for Rural Development. Kim grew up in Plainville and spent time with her grandparents in Nicodemus. She studied at Emporia State and then worked for Southwestern Bell in northwest Kansas. After she moved to Stockton, her friends encouraged her to run for city council and she was elected in 1999. In 2002, she became mayor – a position she has held ever since. Kim is the first female African American mayor in the state of Kansas and the first female African American president of the League of Kansas Municipalities. The 2017 Huck Boyd Leaders of the Year winners were selected by entrepreneurship students in K-State's College of Business.



## Lindsborg

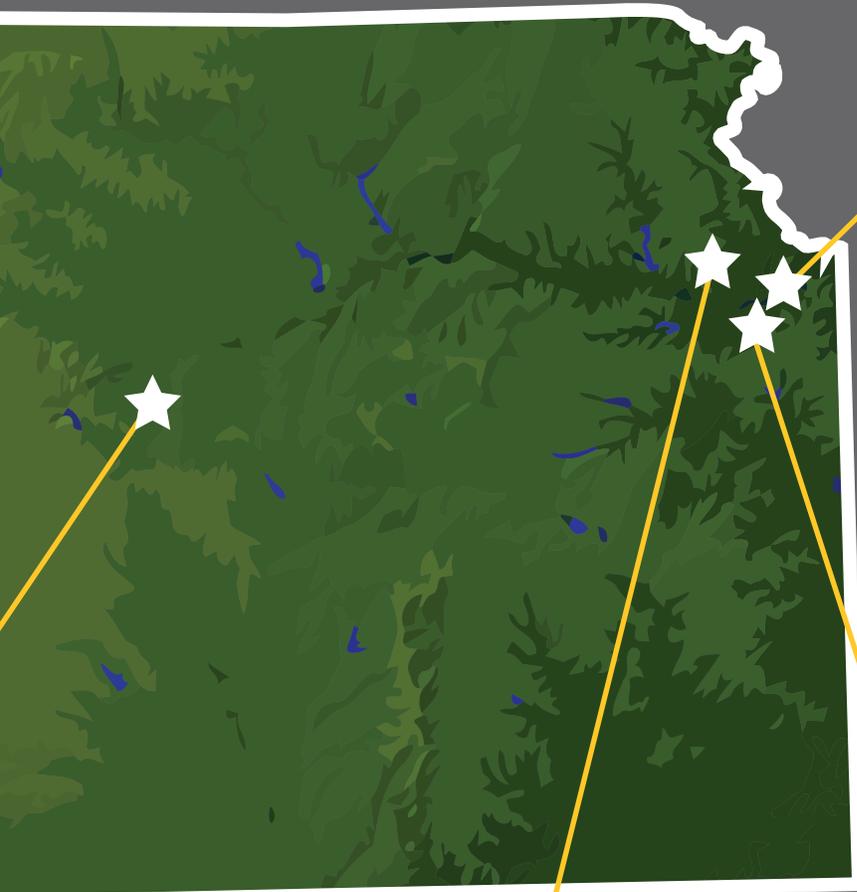
### Lindsborg now using Institute for Building Technology & Safety program

Beginning April 1, the City of Lindsborg began using IBTS (Institute for Building Technology and Safety) for all their building inspection, plan review and permitting processes. IBTS, a 501(c)3 non-profit, has partnered with the League to provide a suite of services to member cities on a full-time or as-needed basis. By partnering with IBTS, cities can share resources and provide quality service to the community for an affordable cost. IBTS assists municipalities of all sizes with a range of needs including planning, zoning, permitting, plan review, inspections, floodplain management stormwater services, property maintenance, accessibility reviews, fire code reviews, and GOVmotus™ permitting software. For more information, please contact Curt Skoog, [cskoog@ibts.org](mailto:cskoog@ibts.org) with IBTS.

We are always seeking content ideas for stories and briefs. Please send your ideas and thoughts for content or story ideas to Megan Gilliland at [mgilliland@lkm.org](mailto:mgilliland@lkm.org).



# VERNMENT NEWS



## Roeland Park

### Roeland Park approves hotel tax for anticipated development and Airbnb lodgings

A new city-wide 8% hotel/motel tax was unanimously approved by the Roeland Park City Council in March. The tax was proposed in anticipation of a potential hotel development at the old pool site, but will immediately apply to visitors staying at Airbnb lodgings in Roeland Park. The city's feasibility study on the proposed \$14 million hotel came back favorable; the city is now waiting for a conceptual site plan for the project. The 8% tax is expected to generate about \$73,000 a year from the hotel. The city plans to use community improvement district (CID) funds and the hotel tax to make about \$600,000 in improvements to the old pool site. Upgrades will include the construction of a connection between the upper and lower portion of the development and an access road to Roe Boulevard. After these renovations are paid off, the tax revenue can be used for any expense that supports Roeland Park tourism.

## Tonganoxie

### Tonganoxie passes renewal of sales tax

In February, residents of Tonganoxie approved the replacement of an existing 3/4-cent sales tax for the next 20 years. The replacement sales tax will be used to construct a new library and provide for new infrastructure improvements, including streets, trails, stormwater infrastructure and utility improvements. The sales tax will also provide funding for the maintenance of current infrastructure, including street maintenance and reconstruction, bridge repair/replacement and utility maintenance. The recently approved sales tax replaces a 3/4-cent tax which expires in September and was used to pay for the construction of the city's water park.

## Overland Park

### OP Employees Work to Increase Recycling at City Facilities

The City of Overland Park is working to increase recycling and decrease trash in city facilities by only picking up recyclable materials at individual workstations/desks. Trash/waste is collected in centralized common areas throughout the facilities (i.e. break rooms, copy rooms). The City of Overland Park has been working to implement the new program for several months. The reduction of waste is part of the city's Core Values of Stewardship, both for the environment and to lessen disposal costs overall.

# Classified Advertising



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## **Research Associate, League of Kansas Municipalities Topeka, Kansas**

The Research Associate oversees research and policy analysis activities for the League of Kansas Municipalities. The position provides comparative data and instructive information about municipal government to our members and assists the League's advocacy efforts. This is accomplished by directing the research program, analyzing fiscal policies and economic activities, conducting research, and assisting local government officials. Other duties include assisting with the development of the annual conference programming and providing staff support to the annual conference, Local Government Day, the Public Policy Committee meetings and other events. Ideal candidate will possess a Bachelor's degree from an accredited school in business, public administration, economics, with considerable coursework in government, public policy, or governmental affairs. Two years' experience researching and writing on public policy issues and/or work in municipal or state government. View the full job description and apply online at <http://lkm.site-ym.com/networking>.

## **Public Works Director Deerfield, Kansas**

The City of Deerfield, Kansas (pop. 746), is seeking a Full Time Public Works Director to serve the needs of the

community. This position is responsible to manage, direct, control and supervise all employees in the Public Works Department including Water, Sewer, Refuse, Animal Control, Streets, Building/Zoning departments within the city, and ensuring compliance with state and federal water and wastewater regulations. High School Diploma or GED is Required. Must possess the ability to obtain Operator Certifications within 18 months of employment; current Certifications preferred. Must possess a valid Kansas CDL Class B. Strong mechanical aptitude is preferred.

Compensation based on qualifications, excellent benefits included. We will be taking applications until July 1st, 2017. The right candidate will be hired as Assistant Public Works Director until the current Public Works Director retires in October, at which time they will take over the Public Works Director position. Must live within the City Limits by the time that they take over the position of Public Works Director. Applications and Job descriptions are available at City Hall 622 Main Street or call (620) 426-7411 or e-mail [deer@pld.com](mailto:deer@pld.com).

## **Finance Officer, Franklin County, Kansas**

Under the direction of the County Administrator, the Finance Officer is responsible for management of the county's fiscal operations including, but not limited to, budget development; accounting; auditing; debt and investment management and procurement. Additionally, this position monitors county grant programs for compliance, and assists with the administration of the risk management program. Tasks associated with this position include developing long range financial goals, projecting and validating financial data,

conducting financial research and analysis, and preparing and delivering reports and presentations. The Finance Officer must comply with State and Federal statutes, auditing standards and County policies and objectives.

The employee in this position shall possess excellent interpersonal and communication skills and shall provide support and recommendations to the County Administrator and other County Departments. Ideal candidate will have a Bachelor's degree in Finance, Public Administration, Accounting, Economics or Business or a minimum of three years' experience in progressive responsibility of financial management and budgeting required. Questions regarding this job announcement shall be directed to the Human Resources Department at (785) 229-3444 or via e-mail at [humanresources@franklincoks.org](mailto:humanresources@franklincoks.org).

## **Facility Division Manager Wichita, Kansas**

This position leads a centralized facilities division for the largest city in Kansas. The Facilities Division is responsible for maintenance, repairs, and asset replacement planning for hundreds of city-owned facilities. These facilities include multi-story and single-story office buildings, recreation centers, splash pads, pools, utility plants, fire stations, police stations, libraries, museums, a convention center, a transit center and others.

The Facilities Division Manager leads 100 employees and is responsible for a \$9 million annual operating budget and annual construction projects in the City's Capital Improvement Program. Expectations are for high quality services tailored to the unique operating needs of each of the 15 departments that receive service from the Facilities Division.

This is one of 13 positions on the division management team of the Department of Public Works & Utilities. The ideal candidate will approach the position as a business owner, being strategic in long-term planning and short-term implementation to improve service levels. Candidates should have a history of strong leadership and a record of innovation. Bachelor's degree industrial management, industrial engineering, business administration, or public administration; plus at least four years of administrative and supervisory experience in facility management. Master's degree is desirable. Certification in building trades is also desirable. Review additional job description and details online at (<https://www.governmentjobs.com/careers/wichita/jobs/1700066/division-manager-facilities-superintendent>).

## **Water & Wastewater Superintendent Ellsworth, Kansas**

The City of Ellsworth is seeking to fill its Water & Wastewater Superintendent's position. The position is appointed by the City Administrator and is an exempt employee responsible for the planning, directing, and coordinating the operations for the Water and Wastewater Departments. The position is responsible for the oversight of the water treatment process, distribution, and the wastewater treatment processes and collection. The position requires a minimum of four years of experience in utilities related work history; teambuilding experience; customer service delivery; financial planning/budgeting; the ability to operate

heavy machinery; KDHE Water & Wastewater operator certifications; a high school diploma or GED is required, an Associate's Degree or higher is preferred; and a valid driver's license with a good motor vehicle record. Experience in a supervisory role with excellent organizational, administrative, and communication skills preferred. Salary range is open DOQ plus benefits. Job offers contingent on passing a physical and drug test per city policy. Submit your letter of interest, resume, or completed application to [pbooyer@ellsworthks.net](mailto:pbooyer@ellsworthks.net) or mail your information to City Hall, Attention: Patti Booher, P.O. Box 163, Ellsworth, KS 67439. The position will be open until filled with initial review starting April 14.

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**MANHATTAN:**

**Discovery Center Fifth Anniversary  
April 14**

The Flint Hills Discovery Center turns five, and the public is invited to come and celebrate! Eat cake and enjoy live music at this special anniversary celebration. Plus, take advantage of \$5 daily admission for adults all weekend. For more information, visit [www.flinthillsdiscovery.org](http://www.flinthillsdiscovery.org) for details.

**CALDWELL:**

**Chisholm Trail Festival  
May 5-7**

Celebrate 150 years of the Chisholm Trail! Born on the trail, Caldwell is the “Border Queen City” on the Kansas-Oklahoma border on Hwy 81. During the festival, the city will celebrate their Wild West heritage with gunfights, dance hall girls, Opera House shows, target shooting, a chuck wagon dinner, live music events, cow camp and more! For more information, visit [www.facebook.com/caldwellchisholmtraifest](http://www.facebook.com/caldwellchisholmtraifest).

**WINFIELD:**

**28th Annual Kansas Sampler Festival  
May 6-7**

The primary purpose of the Kansas Sampler Festival is visitors with a sample of what there is to see, do, hear, taste, buy and learn in Kansas. The Kansas Sampler Festival was designed to bring communities and attractions from all over the state together to make it easy for the public to discover day trip possibilities. Whether you are looking for hiking trails, historic sites, natural landmarks, unique restaurants, off-the-beaten track eateries, architectural gems, hole-in-wall performing centers, artists-at-work, specialty shops, or have-to-be-there Kansas events, this festival is for you! For more information, visit [www.kansassampler.org/festival](http://www.kansassampler.org/festival).

**FORT SCOTT:**

**Civil War Encampment  
April 22 & 23**

Because of its strategic location, Fort Scott became a major base of Union operations during the Civil War. Enjoy a weekend of Civil War history and living history demonstrations. For more information, visit [www.nps.gov/fosc/index.htm](http://www.nps.gov/fosc/index.htm).

**BONNER SPRINGS:**

**Marble Days Celebration  
May 6**

The Annual Marble Day Celebration is a fun, family day celebrating spring, marble games and activities and other old-fashioned outdoor games and activities. Events and activities include a tractor cruise, wacky parade, bike rodeo, marble demos, food vendors, live entertainment, marble art and invention contest, Running of the Pinkys, cake walk, straw tunnel and straw mountain, food vendors and other traditional games and activities. It's a day full of smiles and fun, fun, fun! Visit [www.marbleday.com](http://www.marbleday.com) for more information.

**GARNETT: Air Fair**

**May 13**

Air Fair includes open cockpit airplane rides, vintage and specialty aircraft displays, WWII jeep rides, a special appearance by the KC Bettys and much more. The airport welcomes fly-ins for the event and those that do will receive complimentary breakfast. This event is held in conjunction with Garnett’s Square Fair, a crafts festival held in the town square the weekend before Mother’s Day each year. For more information, visit [www.simplygarnett.com](http://www.simplygarnett.com).



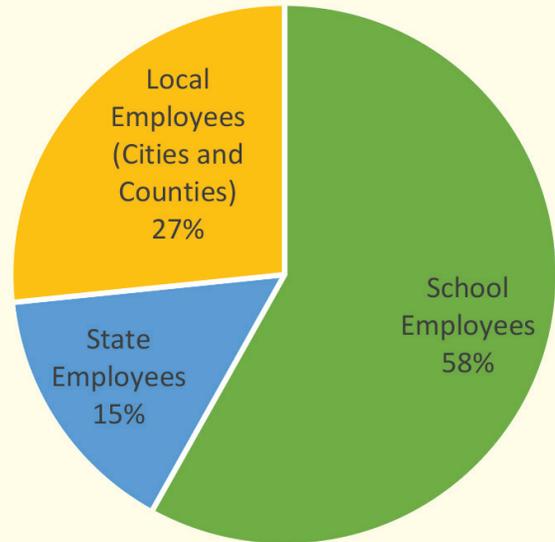
# Membership in KPERS for Cities

The Kansas Public Employees Retirement System (KPERS) is a vital component to ensuring local employers can offer their employees sustainable planning for their retirement. As proposals to balance the state budget come to light, the League is monitoring potential reductions or elimination of payments to KPERS by the state. Here's why it matters for cities:

KPERS partners with **425** cities and townships to administer a defined benefit plan for city employees. However, unlike police and fire employees or judges in Kansas, we are statutorily required to share our plan with state and school employers.

As you might expect, cities are good stewards in paying their fair share of employer contributions because they are statutorily required to. However, the state can choose to amend their obligation and delay making their payments – as they did in 2016 with a bill to delay their 4th quarter payment of **\$97 million**. In doing this, it increases the unfunded liability of the system and it results in an imbalance between what the state should be paying compared to what they actually are paying. Here's a look at where our employer contributions rates are for our plan:

## Active KPERS Membership



Employer	2017	2018	Projected 2019
Cities/Counties	8.46%	8.39%	9.07% <sup>1</sup>
State Agencies	10.81%	12.01%	13.21%
School Districts	10.81%	12.01%	13.21%

The ability to provide retirement benefits to public employees relies on investments and employer/employee contributions. As of September 2016, the state projected an investment return on its assets of 7.4% for the most recent fiscal year, now it's up to the state to ensure that they meet the other part to that equation and pay their employer contributions.

**Encourage your legislators to ensure the state pays their fair share into KPERS. If cities can find a way in their budgets to accommodate the mandated employer contribution rates, so can the state!**

<sup>1</sup> The lone reason for this increase is due to the KPERS Board of Trustees making the decision to lower the assumed rate of return on investments from the traditionally long-held rate of 8% down to 7.75%.



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