

# Kansas

## GOVERNMENT JOURNAL

VOLUME 96-NUMBER 1

JANUARY 2010

### **Inside:**

**Managing the Risks of Special Events**

**A History of Demand Transfers**

**Opportunity Moves to Wyandotte County**

# 2010 Leadership Summit & Mayor's Conference

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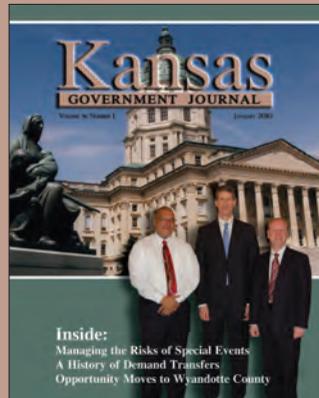
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**About the Cover:**  
 Mayors Carl Brewer, Wichita; Carl Gerlach, Overland Park; and Joe Reardon, Unified Government of Wyandotte County, team their efforts during the 2010 legislative session to ask the Legislature to work with cities to address the state's budget crisis.

# Kansas

GOVERNMENT JOURNAL

The *Kansas Government Journal* is published monthly by:  
League of Kansas Municipalities  
300 S.W. 8th Ave. • Topeka, Kansas 66603-3951  
phone: (785) 354-9565 • fax: (785) 354-4186  
[www.lkm.org](http://www.lkm.org)

General subscriptions are \$30 annually. Subscriptions for League member cities and research subscribers are \$15 annually. Individual issues cost \$5, with an additional \$5 charge for the Tax Rate Book edition.

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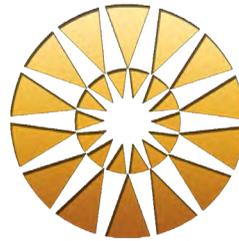
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IN HONOR OF THE LEAGUE CELEBRATING 100 YEARS OF SERVICE, WE HAVE CREATED SEVERAL PUBLIC SERVICE ANNOUNCEMENTS TO EXPRESS THE IMPORTANCE OF THE MANY SERVICES THE LEAGUE PROVIDES. VIEW THE LATEST, BY GOING TO [WWW.LKM.ORG](http://WWW.LKM.ORG) AND CLICKING ON THE 100TH ANNIVERSARY LOGO.



## Obituaries

**Juanita Mae Elmore**, 79, of Topeka, formerly of Tecumseh, passed away on November 15, 2009 at McCrite Plaza. She was born on February 24, 1930, in Chanute, KS. She was the daughter of Ralph W. and Wanda Mitchell Gooch. Elmore graduated from Highland Park High School and received a business degree from Washburn University where she was a member of Delta Gamma Sorority.

Elmore was employed by the Kansas Highway Commission and the League of Kansas Municipalities. She was also a secretary for American States Insurance Company for many years before retiring. She spent her retirement years caring for children at Heights of Learning Day Care in Tecumseh. She was an active member of Shawnee Heights United Methodist Church. Her love of animals was shown through her contributions to various animal welfare charities.

**Douglas Fred Martin**, 56, died on December 27, 2009, at Wesley Medical Center, Wichita. He was born October 18, 1953, in Clay Center. He graduated from Clay Center Community High School in 1971 and the U.S. Naval Academy in 1975. He served as a Navy jet pilot until 1981, then continued his education by earning his M.B.A. from Webster College and a J.D. from the University of Kansas. He married Debra Weidman October 22, 1983.

Martin served as an Assistant Attorney General for the State of Kansas, and Shawnee County Counselor. He also practiced law privately in Topeka until 1996. From 1997 to 2005, Martin worked in private practice in Clay Center with Bosch & Martin and also as Clay County Attorney from 1997 to 2005. He left the Clay Center area in 2005, when he joined the Pottroff Law Office in Junction City.



# Calendar of Events

## March

### 3 - KMIT Regional Supervisor Training, Basehor

Join KMIT for its third supervisor training seminar. It will be held at the VFW Post #11499, located at 2806 N. 155th St. from 1 p.m. to 4 p.m. in Basehor.

### 4 - KMIT Regional Supervisor Training, Girard

This is the fourth supervisor training seminar offered through KMIT. It will be held at the Girard Fire Station, located at 120 N. Ozark from 9 a.m. to noon in Girard.

### 5 - LKM Governing Body Meeting, Topeka

### 12, 13, 26 - MLA: Advanced Municipal Finance, (Medicine Lodge, Marion, Neodesha)

LKM will be offering three MLA classes on *Advanced Municipal Finance*. This course will offer participants an increased understanding of municipal finance issues in Kansas and will address debt management, capital planning, economic development, and financial forecasting. Prior participation in Municipal Finance is not required. This is an elective course that will be held in three cities, Medicine Lodge on March 12, Marion on March 13, and Neodesha on March 26.

## April

### 9, 10 - MLA: Civility and Public Service, (Canton & De Soto)

LKM will be offering two MLA classes on *Civility and Public Service*. This course is designed for both elected and appointed city officials. It will help you understand your role in the community and develop better working relationships between elected and appointed city officials. We will also provide policies and procedures that have yielded more effective and efficient meetings across the state. In addition, you will gain realistic strategies to communicate your message with citizens and the media. The course will be held in two locations, Canton on April 9, and De Soto on April 10.

### 30 - KMIT Board Meeting, Hillsboro

## May

### 7-8 - Leadership Summit & Kansas Mayors Conference, Lawrence

LKM and the Kansas Mayors Association invites you to attend the 2010 Leadership Summit and Kansas Mayors Conference. This two-day event will provide elected and appointed city leaders an opportunity to gather and discuss the challenges facing our cities and will focus on how leadership at the local level can better address contemporary issues in local government. The 2010 Leadership Summit and Kansas Mayors Conference will include a selection of workshops and general sessions designed to provide insight into local government issues. The event will be held at the Spring Hill Suites, located at One Riverfront Plaza in Lawrence. Please visit [www.lkm.org](http://www.lkm.org) for more information and to register.

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## June

### 4,5, 18 - MLA: Ethics, (Ulysses, Goddard, Lenexa)

LKM will be offering three MLA core classes on *Ethics*. This course will offer participants an increased understanding of ethics within local governments. The course will be held in three locations, Ulysses on June 4, Goddard on June 5, and Lenexa on June 18.

### 25 - LKM Governing Body Meeting, Overland Park

### 25 - KMIT Board Meeting, Hays

## July

### 9, 10, 19 - MLA: Neighborhood Building (Phillipsburg, Chanute, Great Bend)

LKM will be offering three MLA elective classes on *Neighborhood Building*. This course will offer participants an increased understanding of building and renovating attractions within your city. The course will be held in three locations, Phillipsburg on July 9, Chanute on July 10, and Great Bend on July 19.

## August

### 6,7,13 - MLA: KOMA/KORA (Iola, Concordia, Greensburg)

LKM will be offering three MLA core classes, *KOMA/KORA*. The course will be held in three locations, Iola on August 6, Concordia on August 7, and Greensburg on August 13.

### 27 - KMIT Board Meeting, De Soto

## September

### 10 - Governing Body Meeting, Manhattan

### 10, 11, 17 - MLA: Sexual Harassment (Scott City, Minneapolis, Westwood)

LKM will be offering three MLA elective classes on *Sexual Harassment*. The course will be held in three locations, Scott City on September 10, Minneapolis on September 11, and Westwood on September 17.

## October

### 9-12 - LKM Annual Conference, Overland Park

Preparations are already under way for LKM's 2010 Conference, when the League's 100th Anniversary will be celebrated. This conference will be held at the Overland Park Convention Center and Sheraton Hotel, October 9-12. LKM will hold a Governing Body Meeting on October 10 and KMIT will hold a Board Meeting on October 11 at the conference.

### 27, 28 - LKM Regional Suppers (Goodland, Dodge City)

Goodland is the first stop for LKM's annual Regional Suppers on October 27. Dodge City will follow as the second stop on October 28.



# Back to Civics School

Supreme Court Justice Louis Brandeis observed, “The most important political office is that of the private citizen.”<sup>1</sup> His remark draws upon two basic questions about democratic government: how is “private” defined and how is it comprised? And secondly, what are the obligations of modern citizenship? In America today, evidence indicates that the high office of private citizen is being neglected especially by younger Americans.

Aristotle distinguished a good man from a good citizen.<sup>2</sup> If Aristotle is correct, being a “good” person does not necessarily equate with ‘good’ citizenship. One may be kind, compassionate, and charitable and yet ignore his or her civic duties. Citizenship requires something other than mere benevolence. A “good” citizen is an active participant in the political life of a community. He or she writes letters to the editor, votes, debates, and is well informed of public issues. When this individual makes a decision, it is fact-based, rational, and deliberate. Importantly, it is made after considering its impact on both the individual and community.<sup>3</sup> It is not a passive task. It requires action and energy. And to ensure a vibrant democracy, citizens are

obliged to engage one another and their community.

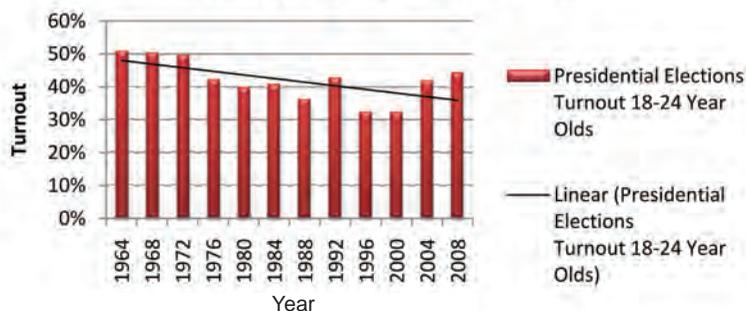
Americans, however, are disengaging from the political process at an alarming rate. In the 1970s, for example, nearly one out of every two young adults (18 - 29 year-olds) voted in presidential elections.<sup>4</sup> By 2000, only one in three did. The percentage of 18 - 29 year-olds that voted in mid-term elections has also declined.<sup>4</sup>

Again, in the mid-1970s, about 33% voted for their congressional representative. In 2002, less than 20% participated in the Congressional elections.<sup>4</sup> The graphs on the next page show the general downward trend for federal elections since the mid 1960s.

## Schools and Engagement

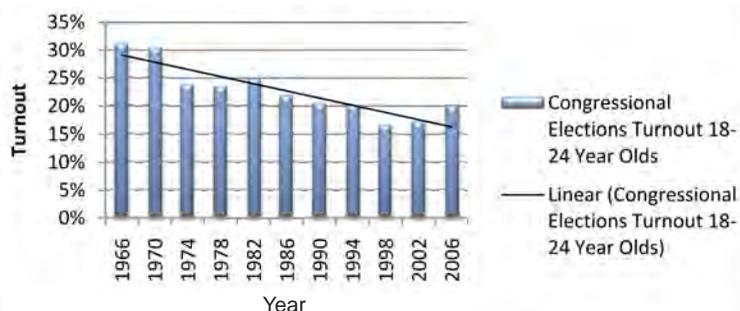
Although most students already identify themselves as citizens, they often possess an incoherent understanding of what citizenship entails. Often times, students view citizenship in terms of rights, such as freedom. The best way to facilitate a more complete understanding of citizenship is to let them experience the more active component, such as political debate, mock policy making, and even letter writing.<sup>7</sup>

**Table 1. Presidential Elections Reported Voting Percentage for 18-24 Year Olds<sup>5</sup>**



Source: <http://www.census.gov/hhes/www/socdemo/voting/publications/historical/tabA-1.xls>

**Table 2. Congressional Elections Reported Voting Percentage for 18-24 Year Olds<sup>6</sup>**



Source: <http://www.census.gov/hhes/www/socdemo/voting/publications/historical/tabA-1.xls>

The benefits of an informed and active citizenry are tremendous. Engagement increases the understanding and support for core democratic values. In other words, if one understands how government operates, it increases the likelihood that he or she will participate in the political process. The engaged citizen is also more likely to seek information relative to how a policy issue affects himself or herself, his or her family and groups, and community. Information also assists the individual in understanding the complex relationships found within the federal system, government bureaucracies, and the promulgators of government policy.<sup>8</sup>

Effective educational approaches can cultivate a sense of civic responsibility in students. According to William A. Galston, of the University of Maryland, successful civic education programs begin while kids are still in school. Often, these programs set goals related to measurable civic outcomes such as: propensity to vote, joining voluntary associations, and following the news. Moreover, they often focus discussion on local problems and do not adopt any partisan positions. Finally, strong civic education programs utilize active learning opportunities that put a “real life” perspective on citizenship and learning.<sup>9</sup>

### Kansas State Senators Return to School

Since 1999, the National Conference for State Legislatures (NCSL) has organized the America’s Legislators Back to School Program. The program operates just the way it sounds. It encourages State lawmakers to visit classrooms in an attempt to reinvigorate the civic attitudes of America’s youth. According to the NCSL, about 1,200 state lawmakers participate each year and speak to over 300,000 K-12 students. The program is replete with simulations, lesson plans, discussion group questions, talking point cards for legislators, and an informational DVD that covers the balance of powers, the legislative process, policy discussions, public hearings and testimony, and mock bill writing. The program also provides materials for three different age groups: elementary, middle school, and high school.<sup>10</sup>

In Kansas, Senate Majority Leader Derek Schmidt of Independence, after hearing of the program helped bring it to Kansas, “When it came to my attention last summer that few senators were participating in this program, my office took the lead in rejuvenating it in Kansas.” His office has managed much of the classroom scheduling and helped facilitate the gathering and distributing of materials that supplement the visit.

Kansas Senators have embraced this program. According to his office, over half (22) of the State’s 40 Senators are participating in the program. During the 2009-2010 school year, they will have spoken to nearly 2,750 students. In reflecting about the program, the Senator described the program as “the kind of partnership that brings a smile to your face because you just know lives have been touched...Senators get a fresh perspective from young citizens, and students get a real-world perspective from elected leaders about the importance of participating in our democracy. Everybody is better for it.”<sup>11</sup>

### LKM Promotes Civic Education

In recent years, LKM has made a concerted effort to enhance our support for civics education in Kansas. There has long been a concern that students are taught about the federal government and the U.S. Constitution, but state and local governments are left out of the civics education curriculum. Following on the heels of some specific efforts at the state level to develop a variety of tools for teachers regarding state government, LKM partnered with a number of statewide associations and educators to produce materials designed to provide teachers with tools regarding local government as well.

Our partners in this endeavor included the Kansas Association of City/County Management, the Kansas Association of Counties, the Kansas Association of School Boards, and the state Department of Education. This effort was twofold. First, with the help of a number of educators, and all of our partners, we developed a text book entitled *Local Government in Kansas* designed for use by seventh graders. This book, along with three videos for use in the classroom, was distributed to middle school teachers around the state free of charge. If teachers want additional copies for all of their students, we provide those at a nominal charge.

Next, we asked the Kansas Board of Education to add local government to the curriculum standards. They agreed and specific standards were added at the third grade and the seventh grade levels to achieve this goal. It is our sincere hope that as a result of these efforts, students in Kansas have at least a basic understanding of local government by the time they graduate from high school.

The “If I Were Mayor” essay contest has become an annual part of our civics education efforts. Each year, thousands of seventh graders across the state are challenged to write essays

discussing their communities and what they would do if they had the opportunity to lead them. Some teachers include visits from the mayor and/or city manager during the time that the students are working on the essays. In some areas, the students enjoy a tour of city hall or other local government facilities. Traditionally, the Governor honors the six regional winners and the statewide winner as part of City Hall Day in Topeka and the winning essays are reprinted in the *Kansas Government Journal*.

As part of the 100th Anniversary celebration of LKM, we have expanded our civics education efforts. For third graders, we developed a coloring book to introduce students to the fact that services such as police and fire, traffic control, clean water, and more are provided by cities. All third grade teachers received a copy of the coloring book and we have put it on our website at [www.lkm.org](http://www.lkm.org) for free download. In addition, teachers can request copies of these books free of charge for their entire classrooms. So far, we have distributed 4,992 copies across the state of Kansas.

In 2010, we have also added a second essay contest. This contest is specifically designed for high school students and asks them to look at their community and discuss an issue that they would like to see improved. Entitled "The World Around You," the regional and statewide winners of this contest were also honored by city

officials and the Governor at City Hall Day. We are very pleased with the response to these efforts from around the state and plan to continue to expand our work in the area of civics education.

<sup>1</sup>Brandeis University. Louis D. Brandeis Legacy Fund for Social Justice. 2010. <http://www.brandeis.edu/legacyfund/bio.html>. (Accessed January 8, 2010).

<sup>2</sup>Crittenden, Jack. "Civic Education." *The Stanford Encyclopedia of Philosophy (Winter 2008 Edition)*, Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/win2008/entries/civic-education/>>.

<sup>3</sup>Sheehan, Colleen. (2004). *Madison v. Hamilton: The Battle Over Republicanism and the Role of Public Opinion*. *American Political Science Review*, 98:3:405-424 American Political Science Association.

<sup>4</sup>Galston William A. (2004). "Civic Education and Political Participation." *PS: Political Science & Politics*, pp 263-266 doi:10.1017.S1049096504004202

<sup>5</sup><http://www.census.gov/hhes/www/socdemo/voting/publications/historical/tabA-1.xls>

<sup>6</sup><http://www.census.gov/hhes/www/socdemo/voting/publications/historical/tabA-1.xls>

<sup>7</sup>Crittenden, Jack. "Civic Education." <<http://plato.stanford.edu/archives/win2008/entries/civic-education/>>.

<sup>8</sup>Galston, 1-2.

<sup>9</sup>Galston, 8-10.

<sup>10</sup>National Conference of State Legislatures. "10 Years and Millions of Students Reached Policymakers from all 50 states get ready to teach real world civics." 2009. <http://www.ncsl.org/?tabid=18599> (Accessed January 8, 2010).

<sup>11</sup>WIBW News. "Kansas Senators Head To Class." 2010. <http://www.wibw.com/localnews/headlines/80761582.html> (Accessed January 8, 2010).





# State Scene

## Attorney General Settles Case

Attorney General Steve Six announced a \$3 million, 32 state settlement with Vonage, one of the nation's largest providers of a service known as "Voice over Internet Protocol," an Internet-based phone service. The settlement requires VONAGE to make significant changes to its marketing practices, honor consumer cancellation requests, and provide refunds to eligible consumers.

Kansas will receive \$45,000 to be used for consumer restitution, continued enforcement of the Kansas Consumer Protection Act, and consumer education efforts.

"I am pleased Vonage will provide restitution to consumers and improve the level of service provided to Kansas consumers," Six said. "My office will continue to work with other states to protect consumers."

## Kansas Improves Ranking

Kansas ranks Number 15 on *Forbes* magazine's list of the best states for business. The State ranked 21st during the 2006 rankings.

*Forbes* used sources of data to measure six categories in ranking states for business climate: costs, labor supply, regulatory environment, current economic climate, growth prospects, and

quality of life. The magazine said it also relied [Moody's Economy.com](#) and eight other data providers to compile the rankings.

Kansas ranked 25th for business costs, 21st for labor supply, 12th for regulatory environment, 30th for economic climate, 26th for growth prospects, and 27th for quality of life.

## Kansas Receives Internet Grant

Kansas has been awarded a \$2 million matching grant by the U.S. Department of Commerce's National Telecommunications and Information Administration to fund broadband mapping and planning through the Connect Kansas initiative.

The grant will help Kansas collect data and develop a map of the state's existing broadband infrastructure, which businesses, consumers, and policymakers involved in the initiative can use to increase high-speed Internet access in rural Kansas.

The initiative is funded primarily by the federal American Recovery and Reinvestment Act. It has two components: mapping broadband capacity, as well as related planning and providing federal grants and loans to qualified organizations involved in expanding broadband to rural areas.

## Kansas Rates for Affordable Auto Insurance

A new report shows Kansas ranks sixth lowest in the nation for average auto insurance expenditures, according to Sandy Praeger, Commissioner of Insurance. This is the fifth consecutive year the state has been ranked as a leader in lower rates.

Information from the National Association of Insurance Commissioners (NAIC) shows Kansans spent an average of \$568 per vehicle for insurance in 2007, the last available reporting period. That figure is down \$11 from the previous survey average a year ago.

"The ranking and the lower cost-per-vehicle figure show that Kansas has a healthy, competitive climate for vehicle

insurance buyers," Commissioner Praeger said. "With more than 160 auto insurance companies vying for customers statewide, the competitive rates are certainly advantageous to Kansas consumers." Last year's report had Kansans spending an average of \$579. All figures are rounded to the nearest dollar.

The ranking assumes all insured vehicles carry liability coverage but not necessarily collision or comprehensive coverage. Consumers in Kansas aren't required to carry collision and comprehensive, but coverage may be required by a lending institution that carries the vehicle's loan agreement.

## Patriots Property Program

Kansas State Treasurer Dennis McKinney announced that his office is bringing the Patriots Property Program to Kansas. Modeled from a Missouri initiative, Kansas now has a system in place to reunite Kansas Veterans with their unclaimed property. The Patriots Property Program was created through a partnership between the State Treasurer's Office and the Kansas Commission on Veterans Affairs.

"These veterans have served our country well and we owe it to them," said Dennis McKinney. "Finding and returning their property is the least that we can do."

The State Treasurer's office will begin immediately looking for 35,000 veterans that may have unclaimed

property. Names of Kansas veterans with property being held by the State will also be published on the State Treasurer's website at [www.kansasstatetreasurer.com/patriotsproperty](http://www.kansasstatetreasurer.com/patriotsproperty).

"When a name or address of the veteran matches a name or address in our unclaimed property database, then the veteran's most current contact information will be used to get in touch with them and make them aware of their lost property," explained McKinney.

"We are proud of our veterans and we want to make every effort to return the favor of the great sacrifice that they have made for our country," McKinney said.

# WILMORE SATURDAY NITE *Live*

TINY TOWN'S EFFORT TO KEEP THE RHYTHM OF LIFE IS RESOUNDING  
by Amy Bickel

There's not a lot in this small town where the streets are dirt and the school closed long ago. With just 56 residents, there's no grocery store, no restaurant—not even a stoplight. The elevator opens only during harvest.

"More deer wander down the street than people," area resident Cindy Offield says with a laugh.

Except, she said, once a month on a Saturday night when the toe tapping of music with a country flavor sifts through the walls of the community center.

It's not exactly the Grand Ole Opry, but to folks like Offield, it's pretty darn close.

Wilmore Saturday Nite Live plays from March to November—livening a town that, like others dotting the rural landscape, is slowly falling victim to decline, Offield said.

The town never really recovered from a tornado that blew through it in 1949.

Yet as the sun sets on the hills of Comanche County, the vehicles begin arriving—thanks to Offield's work and that of other volunteers.

For several years, Wilmore had music. They called it the Wilmore Opry.

But when the Wilmore Opry moved out of town, locals turned to

Offield and other volunteers in hope that there was a way to keep part of the town's lifeline.

"I had several more people, they were almost on bended knee, ask if I would do something," said Offield, now the show's program director.

Thus, Wilmore Saturday Nite Live was born in 2006. There is no charge for admission. Attendees can put a free-will donation into the bowl as they walk in the door—

money used to better the community, as well as the building.

The Wilmore City Council staffs the food stand for each performance. The menu might contain hot dogs, hamburgers, Mexican food, or spaghetti. During the show intermission, guests might want to indulge in an old-fashioned ice cream sundae.

It doesn't take long for hard times to be forgotten—at least for 90 minutes—as locals sing everything from contemporary to country and gospel. Performers have even included Daryl Schiff, Martina McBride's father.

Another is Wendy Monroe, a Greensburg resident and regular performer at Wilmore who was paralyzed from the chest down in a car accident when she was 19 years-old.

She hit black ice, which rolled her truck and threw her 15 ft. from the vehicle.

Relearning to do the simplest things, including dress herself, shower, and move around was hard enough, she said. Relearning to sing with a reduced lung capacity was a challenge.

Her singing, however, uplifts her. So does the crowd. She looks at her talent as a spiritual gift.

"I'm lucky to be able to sing," Monroe, now 29, said. "I am good at it, and it is one of the things God has given me.

"I can't walk, so I might as well use the good things I do have left."

The music also is helping the small town of Wilmore. The town still has a bulk fuel plant and a mechanic. There's talk of opening a restaurant.

A local resident also opened a cabin for rent called Mill Creek Hideaway, Offield said. Those from out of town can rent it and go to the show.

"A lot of people have discovered what a neat little town Wilmore is—a little town off the beaten track," she said.

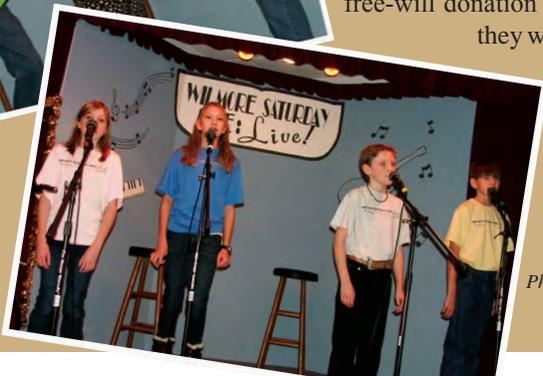
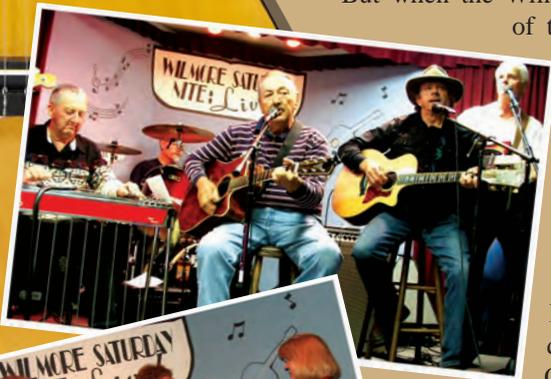
A few years ago, Rita Martin and her husband, Neil, moved to Wilmore after finding a home on eBay. They opened a nursery that specializes in herbs and salad mixtures. Martin now is the executive director of the Comanche County Economic Development Foundation. Her husband is Wilmore's mayor.

"I firmly believe you can bloom where you are planted," she said. "I do really love it."

She sometimes helps out with the meals for the show, she said, but doesn't sing on the stage.

"Just in the shower," she said.

☀ *Reprinted with permission from the The Hutchinson News. Amy Bickel can be contacted at [abickel@hutchnews.com](mailto:abickel@hutchnews.com).*



Photos courtesy of Dave Ross



# Mainstreet News

## City Wins Grant

The search for a solution to chronic flooding problems across the City of Wichita took a major step forward with the announcement of a \$550,000 federal grant for a Wichita area drainage master plan.

The grant was announced by 4th District U.S. Representative Todd Tiahrt, who submitted the appropriations request on behalf of the City of Wichita. The drainage plan request was among the top five federal funding requests submitted last March by the Wichita City Council.

The grant is the latest development in an ongoing effort by the City and Sedgwick County to mitigate flooding problems throughout the area. The Cowskin project also benefited from a federal grant and will significantly reduce flood risks in west Wichita.

“This project will help us find new solutions to reduce and eliminate the flooding of homes and businesses throughout the Wichita community,” said Tiahrt, “Just as the Cowskin Creek project has averted flooding in Wichita this year, we hope to implement even more solutions in areas prone to floodwaters with the resources provided under this federal grant. Mayor Carl Brewer echoed the Congressman’s sentiments, and also praised the multi-level partnership with county and federal governments.

“This is great news for the economic future of our community,” Brewer said. “Flooding problems continually limit the city’s growth and cause tremendous economic and personal harm. By working together with Sedgwick County, the U.S. Army Corps of Engineers, and Congressman Tiahrt, we can use this comprehensive study to develop an effective plan to manage and control the problem throughout Sedgwick County.”

## Johnson County Receives Highest Bond Rating

Johnson County has scored a triple play in its latest bond ratings involving the issuance and sale of more than \$37.7 million in bonds.

The County has received the AAA designation, the highest bond rating possible, from Standard and Poor’s, Fitch Ratings, and Moody’s Investment Service. It marks the first time Johnson County has earned the highest bond rating possible from the nation’s three major investment rating agencies.

“Receiving AAA ratings from all the three top bond rating agencies is great news for Johnson County. And, it’s also good news for taxpayers because it will result in tremendous savings over the long haul,” Johnson County Commission Chairman Annabeth Surbaugh said. “It places Johnson County in a league of its own in Kansas, and one of approximately 25 counties across the nation.” There are 3,141 counties in the United States.

## Wichita to Host Championship

The United States Track and Field selected Wichita to host the 2011 Junior Olympic Track and Field Championship. Organizers expect that approximately 7,000 athletes from across the nation will descend on Wichita and the surrounding area during the games.

Greater Wichita Area Sports Commission CEO Bob Hanson said: “They told us the good news is we won the event...the bad news is we won the event and now we got to work and put it all together. But we’re excited about that.” The games will take place

at Wichita State University’s (WSU) Cessna Stadium. WSU Track coach Steve Rainbolt commented that although “our [facility] can handle an event of this scope...it’s going to be a heck of a project.”

Wichita beat out both Des Moines and Houston for the honor of hosting the event. Greensboro, North Carolina recently hosted the event, and credited it with generating about \$17 million dollars for the local economy.

## Leavenworth Wins Award

The City of Leavenworth has been awarded the 2009 Project of the Year from the Heart of America Chapter of Associated Builders and Contractors Inc., for the Three-Mile Creek Trail project.

Michael McDonald, the City’s Public Works Director, accepted the award at the 2009 Excellence in Construction Awards Banquet, held at the Sheraton Overland Park Hotel.

The \$2.24 million Three-Mile Creek bike/pedestrian path stretches from the Missouri River at Leavenworth Landing Park to Haymarket Square, at Seventh Street. Design and planning work for the project started in 2001, and construction began in 2008. The trail offers city residents a scenic and useful trail from the river area through downtown. The project also serves as a valuable flood control measure for the city.

The scope of construction involved clearing, erosion control, site demolition, grading, storm drainage, modular retaining walls, structural concrete work, precast concrete and erection, concrete trail pavement, concrete slope paving, structural steel and erection, handrail installation, fence installation, trail signage, seeding, and re-vegetation along the trail.

Mega Industries served as the contractor for the project, Olsson and Associates was the project’s design consultant, and J&S Structural Engineers provided design solutions for aspects of the trail.



# Managing the Risks of Special Events

By Melanie Lockwood Herman, JD, and Joe Rieser, CPCU, ARM-P

**S**pecial events can present a wide variety of additional risks to a public entity. Often the risks are linked to uncommon or first-time activities, complex activities and mixed crowds, temporary sites and services, involvement of partner and supporting organizations, and reliance on inexperienced staff and volunteers. Skillful management of the event and supporting activities, including the risks, requires through knowledge of the event, adequate controls, and financing for losses that may occur despite all of the attention to risk. Assignment of adequate resources for the planning and execution of the event, whether it be an entity event or the event of another organization at the entity’s facilities, is critical.

Events can become “special” based upon the content, participants, sponsors, venue, funding or other factors. The special “guest” may have armed bodyguards or an entourage of “followers” with whom local authorities will need to interact. Special events are generally beyond the scope of the public entity’s “day-to-day” activities, requiring exceptional efforts and resources. They may be an event of a city, annual holiday parade or the event of an outside entity held in a city or county facility, such as a Renaissance fair. Impacts on the normal operations of the public entity, community, and immediate “neighbors” may be significant or benign, such as special lighting overflow, amplified sound, and a surprise fireworks finale. Critical to the management of the event and the risks involved is ownership of the event and/or the venue.

The public entity hosting its own special event or allowing the use of their facilities, services and perhaps community for the event of another party must do the most basic benefit analysis and ask the questions: “What is the purpose of the event?” and “Why are we doing this?” Is this a signature event of our community? Are the costs and exposures beneficial to support community facilities and services? Will the costs (and risk of loss) outweigh the benefits of this special event? Event

supporters and planners often reassure concerned public entity leaders that insurance will be required in case of any loss; not considering the possibility of uninsured losses, such as reputation damage to the public entity, stress on city services, or disruption of the regular operations in the aftermath. It is always wise to keep in mind that a “one-day” event could cause damage or loss whose cleanup will require months or years of protracted litigation.

Managing the risks of special events can be a three-step process:

1. Identify and Analyze the Risks
2. Develop Risk Management Controls
3. Select Risk Financing Strategies

### Identify and Analyze the Risks

The first step requires the development of a comprehensive proposal process. Any public entity planning or permitting special events should develop an application form that enables the entity to gather thorough details on the proposed event, including: activities, environment, and participants.

Figure I: Activities, Environment and Participants Identification. With this information, the second stage of “Identify and Analyze the Risks” can begin with the use of a Risk Worksheet Tool:

FIGURE I - ACTIVITIES, ENVIRONMENT AND PARTICIPANTS IDENTIFICATION	
<b>Activities</b>	Title, type, purpose; Schedule: day, time, duration, breaks, setup, tear down; Beginning and ending “events”; Activities and support services; Unique characteristics; Sanctioning and sponsoring; Related events
<b>Environment</b>	Location: adequacy, access, adjacent, maps and diagrams; Facility: suitability, additional equipment and services, maps and diagrams; Surrounding: history, weather, perils; Regulations & requirements: government, contractual, accrediting, sponsoring; Resources: facilities, services, materials, emergency response
<b>Participants</b>	Attendance: target, estimates, mix, purpose, origin; Special needs: animals, children, disabled, seniors, foreign; Staff and volunteers: selection, assignment – ratios, training, supervision, communications; Management: organization, policies, planning, processes, emergency response

Figure II: Risk Worksheet. Risks are identified and entered on the worksheet and assigned an initial rating. Suggested control measures will be identified in the next phase and entered on the worksheet. Finally, a residual rating of the mitigated risk determined.

FIGURE II - RISK WORKSHEET TOOL						
No.	Identified Risk	Rating	Prevention & Reduction	Implementation	Supervision	Residual Rating
1						
2						
3						

Figure III: Loss Analysis. The third phase of the “Identify and Analyze the Risks” step is to establish a review process for event proposals that consider: application, comprehensive schedule, map, initial and residual risks; facility, material and service providers; stakeholders (community, neighbors); requirements, responsibilities of those involved, and their ability to perform.

FIGURE III - LOSS ANALYSIS TOOL					
LIKELIHOOD	INSIGNIFICANT	MINOR	MODERATE	MAJOR	CATASTROPHIC
ALMOST CERTAIN	H	H	E	E	EXTREME
LIKELY	M	H	High	E	E
POSSIBLE	L	Moderate	M	E	E
UNLIKELY	L	L	M	H	E
RARE	LOW	L	L	H	H

**Develop Risk Management Controls**

Establishing risk management controls begins with ensuring compliance with applicable laws, regulations, contractual obligations, and “industry” or governing body standards. The public entity sponsoring or permitting the special event should always strive to make certain that minimum requirements are met. State, county and municipalities may all regulate the preparation of food, service of alcoholic beverages and provision of sanitation facilities and services. In many cases, regulatory and legal requirements inspire additional risk management measures. The importance of inspection, monitoring, reporting and correction procedures cannot be overstated to prevent statutory liability exposures. Written plans should be developed in critical areas of:

- Health and safety
- Participant behavior and control
- Security
- Parking, transportation and traffic

Consideration should also be given to public communication about the event. In the lead up to the historic 2009 presidential inauguration, news outlets in Washington, DC, repeatedly warned viewers to carefully consider their health before planning to attend the inaugural festivities. Government officials explained that anyone planning to attend the inauguration should be able to walk at least two miles without difficulty, due to the planned street closures and anticipated overcrowding of public transportation facilities. These warnings, crafted by government organizers, but delivered through the local media, were part of an overall effort to minimize health-related risks during the event.

Loss reduction efforts should include development of clear lines of authority and communication for the overall event and all employees and volunteers. Timely communication between staff, to a central command post and with resources is essential. Emergency response plans should be developed, documented and practiced, interfacing with local emergency resources when appropriate.

When possible and appropriate to the event and supporting activities, multiple smaller activities and service locations may reduce the opportunities for disruption of the overall event. Back-up equipment, materials and services; on-call staff; and “rain plans” may enable the event to succeed even with minor failures or interruptions.

Specialized support services such as food, security, lighting, sound, stage, sanitation, and many others might best be provided through contracts by qualified and equipped companies. Transferring the risks of providing these services can reduce the complexity of the event to a level manageable by “in-house” staff. Clear communication, assignment of responsibilities, and written contracts to back-up the expectations of public entity staff and the commitments from contractors is essential.

General support services and assistance to regular staff can utilize temporary assignments, temporary employees, and volunteers who are adequately trained and supervised. Clear job descriptions, hands-on training

and practice, roles and responsibilities in an emergency, and communication methods and requirements are in investment in safety for the staff and participants of the special event.

Details regarding the prevention and reductions actions for each risk identified on the Risk Worksheet should be entered along with the implementation plan and the person(s) who will specifically supervise the mitigation efforts. Given these controls, the initial risk should be re-evaluated and given a residual risk rating, which will be considered in the final review and approval/rejection of the proposed event.

**Select Risk Financing Strategies**

An essential component of effective risk management is developing alternatives. As author Randy Pausch wrote in The Last Lecture, “There are a lot of things I don’t worry about because I have a plan in place if they happen.” Risks and losses can be controlled and reduced, however, claims against the entity hosting or providing the venue and services may be forthcoming and financing must be in place.

Transferring the responsibility to pay for losses related to the event to the external hosting entity (lessee or licensee) is a critical risk financing strategy. Similarly, public entity-contracted service providers should execute a written contract wherein responsibilities for specific activities and potential loss are detailed. A contract with clear requirements, responsibilities and,



appropriate indemnification of the public entity is essential to legally affecting this transfer. Service providers who contracted with the external entity may also be required to indemnify the public entity for their actions and products at the venue.

Leases or licenses for use of facilities and contracts for services should include insurance requirements for the lessee/ licensee or service provider.

**Figure IV: Sample Insurance Requirements.** As a general rule, general and automobile liability policies should be endorsed to include the public entity as an additional insured and to establish that the policy is primary to any coverage by the public entity and the public entity's coverage will not contribute. Workers' compensation and employer's liability policies, if appropriate, should be endorsed with a waiver of subrogation by the insurer in favor of the public entity [the lessee/ contractor must also waive subrogation in the body of the contract]. The lessee/ contractor should also be held responsible in the contract to notify the public entity 30 days in advance of any policy cancellation.

Certificates of Insurance traditionally cannot effect the change of insurance policies to provide additional insured status to or waive subrogation against another entity. Require endorsements

including policy number, public entity's legal name and reference to the contract and/or event.

Tenant User or other special event general liability policies may be available for the organization wanting to use public entity facilities. These policies are often very specific regarding the coverage for the specific activities of the event and not necessarily any claim related to the event – such as a claim related to the public entity's facilities or services. Public entity risk managers are advised to request and review a complete copy of the policy to understand if it supports the contractual indemnification required of the lessee/ licensee. These policies should also be either endorsed or part of a program that provides direct coverage for the public entity as well as the organization hosting the event.

In the final analysis, the approval or rejection of a special event proposal should include consideration of:

- Value of the special event compared to the cost to manage the risks associated with the event;
- Value of the special event compared to the cost of transferring the risk of loss to others through contracts and insurance;
- Value of the special event compared to the exposures to loss that cannot be transferred to other, such as interruption of ongoing operations and reputation; and

- What is the risk of not having the special event?

Ultimately, you will be called upon to demonstrate how your public entity managed the risks associated with the special event sponsored or permitted by your public entity.

The wise course is to establish a special event process, which includes:

- A thorough identification of the event and supporting activities and analysis of initial risks and mitigated risks;
- Development of risk management controls to mitigate the risks by preventing, reducing or transferring losses;
- The selection of appropriate risk financing strategies to pay for claims and/ or losses that occur through contracts and insurance requirements; and
- A comprehensive evaluation of the proposed event and support of resources necessary to manage the event, facility, support services, participants, and community.

Taking each of these steps will minimize the unmanaged risk exposures associated with the event and increase the opportunity for the event to achieve its goals and purpose and reflect well on the leadership of the public entity.

 *Melanie Lockwood Herman, J.D., is the executive director of the Nonprofit Risk Management Center in Leesburg, VA*

*Joe Risser, CPCU, ARM-P, is employed by Risk Management Design: Management of Risk for Education, Non-Profits and Public Entities in Atascadero, CA.*

*This article was originally published in the July 2009 issue of Public Risk, the member magazine of the Public Risk Management Association (PRIMA). For more information, visit [www.primacentral.org](http://www.primacentral.org).*

Reference: Managing Special Event Risks: Ten Steps to Safety, Second Edition Nonprofit Risk Management Center. Available at [www.nonprofitrisk.org](http://www.nonprofitrisk.org), beginning fall 2009.

FIGURE IV - SAMPLE INSURANCE REQUIREMENTS		
TYPE	COVERAGE	LIMITS (MINIMUM)
GENERAL LIABILITY	Bodily injury, property damage and contractual liability from their "work"	\$1 Million/ occurrence
AUTOMOBILE LIABILITY (AS NEEDED)	Injury and damage from their operation of autos	\$1 Million combined single limit per accident
WORKERS' COMP & EMPLOYER'S LIABILITY (AS APPROPRIATE)	Work related injury or illness for their employees	Statutory and \$1 Million per illness and injury



## Inverse Condemnation Standard

The procedure for the use of eminent domain in Kansas is governed by the Eminent Domain Procedure Act, found in K.S.A. 25-501 *et seq.* When cities need easements or need to take private property for a governmental purpose, they follow this Act. The statute governing compensation for takings is found in K.S.A. 25-513(a), which states that “[p]rivate property shall not be taken or damaged for public use without just compensation.” This statement codifies the 5th Amendment of the U.S. Constitution. Most cities have had to compensate landowners for land taken as a part of the city project, whether for roads, buildings, bridges, or other municipal uses. Sometimes, however, regulations adopted by the city can result in the taking of private property, or private property is damaged as the result of governmental actions without the government having instituted eminent domain proceedings. The action for damages is typically brought by the private property owner or someone having a property interest in the land for inverse condemnation.

In an inverse condemnation proceeding, a party must establish that he or she has a property interest that has been affected by a public improvement project and that a taking has occurred. Then the court must decide whether or not the taking is compensable. K.S.A. 25-513(a), as stated above says that just compensation must be paid if private property is “damaged,” not just taken. This language has been in the law since its adoption. The case law that has developed over the years, however, limited recovery to cases where the “damage was ... necessary to the taking of the property for public use.” *Kirkpatrick v. City of Olathe, Kansas*, \_\_\_ Kan. \_\_\_, 215 P.3d 561, 566 (2009)(citations omitted). This meant that the governmental entity needed the damage to occur in order to do the project. In the *Kirkpatrick* case, however, the Kansas Supreme Court overturned its prior precedent on the standard that must be shown in an inverse condemnation case.

That case involved the construction of a roundabout that resulted in drainage problems for the Plaintiff. (The Plaintiff died during the litigation and his estate was substituted as a party.) The Plaintiff had numerous problems with water in the basement and hired contractors to fix the problem, which ultimately resulted in the basement floor cracking. The Plaintiff sued the City of Olathe alleging that the City had damaged or taken his property due to changing the grade or disrupting the natural drainage protections underground during the construction of the roundabout. The District Court found a partial taking of the Plaintiff’s property without just compensation and also awarded attorney’s fees.

The Court of Appeals reversed, finding that it must uphold the precedent established by the Kansas Supreme Court that “mere damage to an adjoining property is not a compensable taking unless the damage was necessary for the completion of the public use project.” The Kansas Supreme Court stated that the Court of

Appeals correctly noted that its opinions had generally precluded recovery in inverse condemnation cases. It had previously interpreted the “necessity” requirement to mean that the condemning authority needed the damage to occur in order to complete the project. Otherwise the cause of action sounded in negligence. The Court stated that the concept came from case law prior to the eminent domain statutes being adopted and its cases decided since then have not acknowledged the statutory language stating that property shall not be “taken or damaged” without just compensation.

In this case, the Kansas Supreme Court expressly overruled its previous cases that failed “to take into account the statutory requirement that just compensation be provided for property damaged for public use.” The Court went on to state that not all property damage is compensable in eminent domain. For example, personal property and a decrease in business profits are not compensable. In the instant case, the Court noted that the City knew of the change of the flow of groundwater on the Plaintiff’s property, but did not take any corrective action. The Court held that the Plaintiff’s property was damaged by the roundabout construction and such damage is compensable under the theory of inverse condemnation. In addition, the Court upheld the award of attorney’s fees. Cities should be aware of the new standard when performing public improvement projects.

Another case is currently in the Kansas Supreme Court on another inverse condemnation issue, *Zimmerman, et al. v. Board of County Commissioners of Wabaunsee County, Kansas*, Case No. 04-98487. The main issue in the *Zimmerman* case, whether the County can impose zoning regulations regarding wind farms in the Flint Hills, was decided by the Kansas Supreme Court recently. The Court, however, requested that the parties brief and argue several other issues in the case. Of importance to cities in Kansas is whether the landowners, to show a violation of the Takings Clause (5th Amendment), must demonstrate a deprivation of all economic beneficial use of the parcel as a whole, or just their “discrete segment.” If landowners only need to show a partial taking of the use of their property, this could have a significant economic impact on cities in the future when applying regulations that might take a leasehold interest or an easement, for example. In fact, many ordinances regulating for the public health safety, or welfare result in a limitation or prohibition on some use of private property. Thus, the issue for cities has nothing to do with wind rights, but the standard landowners must demonstrate to recover in a takings case. The League of Kansas Municipalities filed an *amicus curiae* brief on that issue December 18, 2009. More information will be provided once the Court issues its opinion.

☀️ Sandy Jacquot is Director of Law/General Counsel for the League of Kansas Municipalities. She can be reached at [sjacquot@lkm.org](mailto:sjacquot@lkm.org) or (785) 354-9565.

# A History of Demand Transfers

## by Kimberly Winn

**B**udget and tax decisions made by the Kansas Legislature have a serious impact on local governments. This article recounts the history of several key revenue sources and the impact of losses in the last 20 years. These losses have forced cuts in local budgets, cuts in services to citizens, and property tax increases in some cases.

Since 1991, cities and counties in Kansas have lost a total of \$1,403,631,968 as a result of state budget decisions and tax

policies. It is very important to note that while some of these monies are often referred to as “state aid” in budget documents, the history of these funds does not support that classification. The LAVTRF and the CCRS funds (explained below) were a part of an agreement between the State and local governments that involved the loss of local revenue sources in exchange for the establishment of these funds.

### LAVTRF (Local Ad Valorem Property Tax Reduction)

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

Table 1. Reductions in LAVTRF

Fiscal Year	Statute	Actual	Actual
1991	\$37,164,000	\$37,164,000	\$0
1992	\$38,966,000	\$38,576,000	\$390,000
1993	\$40,540,000	\$39,324,000	\$1,216,000
1994	\$41,971,000	\$40,293,000	\$1,678,000
1995	\$44,649,000	\$44,649,000	\$0
1996	\$47,054,000	\$46,301,000	\$753,000
1997	\$48,661,000	\$46,949,000	\$1,712,000
1998	\$50,688,000	\$47,771,000	\$2,917,000
1999	\$55,122,000	\$55,122,000	\$0
2000	\$57,903,000	\$57,903,000	\$0
2001	\$60,315,000	\$54,139,000	\$6,176,000
2002	\$61,980,000	\$54,680,000	\$7,300,000
2003	\$62,431,000	\$26,247,000	\$36,184,000
2004	\$64,636,000	\$0	\$64,636,000
2005	\$66,521,000	\$0	\$66,521,000
2006	\$66,682,000	\$0	\$66,682,000
2007	\$71,233,000	\$0	\$71,233,000
2008	\$71,063,598	\$0	\$71,063,598
2009	\$69,860,878	\$0	\$69,860,878
2010*	\$69,860,878	\$0	\$69,860,878
			<b>\$538,183,354</b>
* estimated			

### CCRS (County City Revenue Sharing)

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

Table 2. Reductions in CCRS

Fiscal Year	Statutory	Actual Distribution	Loss
1991	\$28,351,000	\$28,351,000	\$0
1992	\$29,461,000	\$29,166,000	\$295,000
1993	\$31,153,000	\$30,218,000	\$935,000
1994	\$31,905,000	\$30,629,000	\$1,276,000
1995	\$33,375,000	\$33,375,000	\$0
1996	\$36,070,000	\$34,610,000	\$1,460,000
1997	\$37,117,000	\$35,095,000	\$2,022,000
1998	\$38,570,000	\$35,709,000	\$2,861,000
1999	\$41,376,000	\$36,566,000	\$4,810,000
2000	\$44,359,000	\$36,932,000	\$7,427,000
2001	\$46,004,000	\$34,531,000	\$11,473,000
2002	\$46,901,000	\$34,876,000	\$12,025,000
2003	\$47,868,000	\$16,741,000	\$31,127,000
2004	\$51,564,063	\$0	\$51,564,063
2005	\$53,422,952	\$0	\$53,422,952
2006	\$56,609,567	\$0	\$56,609,567
2007	\$57,920,881	\$0	\$57,920,881
2008	\$55,206,431	\$0	\$55,206,431
2009	\$54,329,823	\$0	\$54,329,823
2010*	\$54,329,823	\$0	\$54,329,823
		\$416,799,000	<b>\$459,094,540</b>
*estimated			

### SCCHF (Special City-County Highway Fund)

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

Table 3. Reductions in SCCHF

Year	Statutory	Distribution	Loss
1991	\$9,972,000	9,052,000	\$920,000
1992	\$9,846,000	9,768,000	\$78,000
1993	\$10,389,000	9,631,000	\$758,000
1994	\$11,722,000	9,743,000	\$1,979,000
1995	\$14,008,000	10,036,000	\$3,972,000
1996	\$15,683,000	10,407,000	\$5,276,000
1997	\$15,998,000	10,553,000	\$5,445,000
1998	\$15,683,332	10,737,000	\$4,946,332
1999	\$16,124,589	10,995,000	\$5,129,589
2000	\$17,920,464	11,182,000	\$6,738,464
2001	\$18,068,010	10,343,000	\$7,725,010
2002	\$15,729,000	10,447,000	\$5,282,000
2003	\$19,498,652	10,063,000	\$9,435,652
2004	\$20,454,000	5,032,000	\$15,422,000
2005	\$22,056,000	10,064,000	\$11,992,000
2006	\$25,811,513	10,064,000	\$15,747,513
2007	\$29,031,000	10,064,000	\$18,967,000
2008	\$29,685,531	10,064,000	\$19,621,531
2009*	\$22,000,000	0	\$22,000,000
2010*	\$22,000,000	0	\$22,000,000
	\$361,680,091	178,245,000	\$154,931,170
*estimated			

### M&E Impact (Machinery and Equipment)

In 2006, the Kansas Legislature exempted new machinery and equipment from property taxation (Kansas Session Laws, Chapter 205, 2006). Because it was understood at the time that this would have a devastating impact on local budgets, certain mitigation was included as part of the final bill. Such mitigation included “slider” payments to offset losses as well as a partial reinstatement of LAVTRF funds. While some slider monies were received in 2007 and 2008, the mitigation for this tax policy has dried up.

As a result of the loss of property taxes on new machinery and equipment, cities and counties have lost significant revenues both as a result of the loss on the tax itself and the loss of the promised mitigation (slider payments).

Table 4. Loss resulting from M&E Policy

Year	Difference Between Current Year & 2005 M&E	Expected Slider	Slider Mitigation Received	Total Impact of M&E loss and loss of slider
2007	\$28,733,733	\$25,860,360	\$25,860,360	\$2,873,373
2008	\$76,422,937	\$53,496,056	\$25,009,406	\$51,413,531
2009	\$90,526,000	\$45,263,000	\$0	\$90,526,000
2010	\$106,610,000	\$31,983,000	\$0	\$106,610,000
				<b>\$251,422,904</b>

Table 5. Total of All Losses Since 1991

<b>LAVTR</b>	\$538,183,354
<b>CCRS</b>	\$459,094,540
<b>SCCHF</b>	\$154,931,170
<b>M&amp;E Impact</b>	\$251,422,904
<b>Total</b>	<b>\$1,403,631,968</b>

 Kimberly Winn is the Director of Policy Development & Communications for the League of Kansas Municipalities. She can be reached at [kwinn@lkm.org](mailto:kwinn@lkm.org) or (785) 354-9565.



# Land Banks

by Jonathan Fisk

The phrase “The American Dream” appeared in the 1931 book, *The Epic of America*. James Adams, its author, described it as a “dream of a land in which life should be better and richer and fuller for everyone, with opportunity for each according to ability for achievement.”<sup>1</sup> For many, the dream also includes owning a home or a place to call one’s own. Joseph Gyourko, a contributor to the *Washington Post*, appropriately captured the prime place of home ownership in American culture when he described Americans as a “staunchly house-proud people.”<sup>2</sup>

Home ownership peaked in mid 2006, according to the Standard & Poor’s/Case-Shiller index.<sup>3</sup> Since then, economists have estimated that the housing crisis has wiped out more than \$5 trillion in household wealth and that a full recovery would require about \$6 million homes to become productively re-occupied either by sale or rent.<sup>4</sup> Perhaps, more troubling than the loss of material wealth, is the impact to future homeowners. For many Americans, the collapse has forced a reconsideration or even abandonment of the expectation of someday owning a home.

Unfortunately, Kansas has not been immune to the housing crisis. In Kansas, home sales have declined by 17% and the number of single-family homes permitted fell 31% in the second quarter of 2009 when compared to the second quarter of 2008.<sup>5</sup> Salina exemplified these patterns. From 2000 to 2004, the City permitted 1,187 homes, from 2005 to 2008, the City permitted only 145.<sup>6</sup>

Accompanying the decline in home building and sales is a rise in the rate of home vacancy and foreclosure. Census Bureau data indicated that by early 2007, most states were reporting increases in the rate of foreclosures (Note Graph 1).<sup>7</sup> These trends have continued into 2009 and 2010. During the fourth quarter of fiscal year 2008, for example, the foreclosure rate grew in Kansas to 1.8% and nationally to approximately 3% as compared to the same period in 2007.<sup>8</sup> And although the foreclosure rate in Kansas is below the national foreclosure average and that of its neighbors, Kansas communities are still facing the challenge of a mounting number of abandoned properties.<sup>9</sup>

In 2009, there were over 14 million vacant housing units across the nation (year-round housing units intended for occupancy at any time of the year).<sup>10</sup>

#### Vacant and Abandoned Homes & Businesses

Abandoned lots create the perfect storm of costs and expenses for cities, especially for police and fire departments. Often, they are vandalized, used by criminals, and threaten the public’s well-being. Recently, the City of Richmond, Virginia conducted an analysis of its crime patterns in the 1990s.<sup>11</sup> The study revealed that vacancy and crime were more closely related than any other variable included in the study. A review of crime in Austin, Texas also found a linkage between abandonment and crime. In Austin, the presence of unlocked and abandoned nearly doubled the likelihood of criminal activity at the site. In fact, 83% of the open and vacant properties showed evidence of illegal activity.<sup>12</sup>

Annually, according to the United States Fire Administration, firefighters respond to over 12,000 vacant structure fires.<sup>13</sup> These buildings are a community hazard, because arsonists target them and set them on fire at night. Additionally, these properties are structurally unsound, posing an additional danger to firefighters. These preventable fires cause approximately \$73 million worth of property damage and injure about 6,000 firefighters each year.<sup>14</sup> Although, not the sole cause, because poorer neighborhoods tend to have higher vacancy rates than wealthier areas, they experience 14 times the average number of arsons.<sup>15</sup> As a result, areas that are the least equipped to recover from property damage are the most likely to encounter it.

Vacant homes and businesses create new and additional costs for cities. Cities are often forced to assume responsibility for the property’s basic upkeep and maintenance.<sup>16</sup> Between 1999 and 2004, for example, the City of St. Louis, Missouri spent over \$15 million to clear vacant buildings, costing the typical property owner of \$100 per household.<sup>17</sup> In Chicago, analysts tracked the total costs of a foreclosed home. In each instance, the City and County spent nearly \$34,000 per foreclosure (estimating cost in time spent and newly incurred

costs) and for nearby property owners, the foreclosure cost as much as \$220,000 (estimating the impact of property values and home equity).<sup>18</sup> Finally, Overland Park will use \$700,000 in American Recovery and Reinvestment Act (ARRA) stimulus funds so that it can acquire, renovate, and sell three foreclosed homes.<sup>19</sup>

Abandoned and vacant properties also do not generate property taxes. When properties sit empty, cities are conceding billions of dollars. Emory University Professor Frank Alexander estimated that the “failure of cities to collect even 2 to 4% of property taxes because of delinquencies and abandonment translates into \$3 billion to \$6 billion in lost revenues to local governments and school districts annually.” Simply stated they depress neighboring and adjacent property values, which can lower the actual dollar amount collected in property taxes for an entire city block or neighborhood.<sup>20</sup>

### Land Banks: A Possible Solution

Many communities are creating and implementing land banks as a way to cope with the challenge of these properties. A specific definition and legal parameters depend on the authorizing language, though some generalizations regarding their purpose and operation are possible. A land bank is considered a public entity that may obtain, hold/manage, and develop vacant and abandoned property.<sup>21</sup> Municipalities generally acquire property via tax foreclosure, intergovernmental transfer, nonprofit transfer, and open-market purchases.<sup>22</sup> Typically, funding is available through local governments’ allocations, federal monies and grants, and/or revenue from newly redeveloped properties. Land banks offer a community a legal mechanism to reclaim abandoned land/units and transform them back into productive community assets.

### Benefits

Land banks produce a broad array of benefits for both the neighborhood and the community as a whole. They encourage infill and redevelopment of blighted areas, which helps to abate the adverse consequences of vacant properties described above. Once a home is rehabbed and becomes owner-occupied, it generates new tax revenue for the city and school district. Moreover, it is likely that neighboring homes will see an increase in their property valuation. In Flint, Michigan, for example, the land bank is credited with boosting property values by over \$100 million throughout the County.<sup>23</sup> Even if the land bank

cannot resell the individual property, it can package several properties together to form a more marketable lot. These larger tracts can be sold to non-profits, developers, and community development agencies. They also may be held for future investments in affordable housing.<sup>24</sup>

A city’s costs will also eventually decrease. Once the new property owner assumes ownership or occupancy, he or she becomes responsible for site upkeep and maintenance, relieving the city of those responsibilities and expenses.

As individual homes and blocks are transformed, the effects for the community are cumulative. Because many land banks place income limits and other restrictions on their properties, they enhance a community’s affordable housing stock. When homes do become occupied, the locations likely used for criminal acts are reduced. Recall that the decline of building vacancy is correlated strongly with crime reduction. It follows then that public safety officials could direct their time and money elsewhere. And as more residents move into the area, they will need and want additional services/amenities, which will engender continued re-development and economic activity.<sup>25</sup>

### Challenges

Many administrative and financial challenges are present as city officials plan and initiate land bank programs. Often, communities do not possess enough data to fully understand the nature and scope of their housing problem. To compound this, it is likely that they do not have the staff or resources to create and maintain a database that monitors property tax fluctuations, code complaints, physical characteristics, and geographical location of vacant homes/buildings. Even fewer have access to databases that include an inventory of potential repairs and future use possibilities.<sup>26</sup>

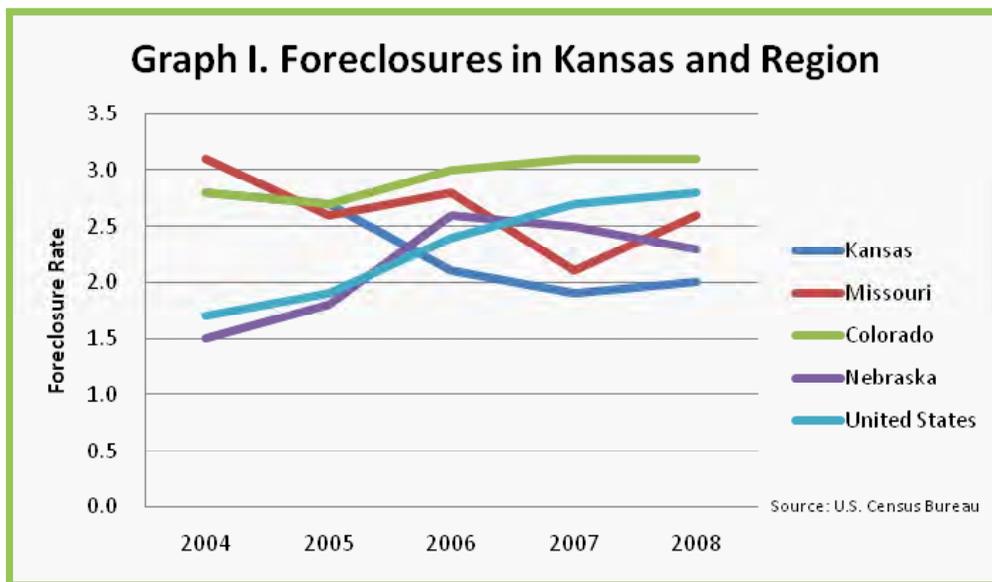
In addition, staff may lack the experience and capacity to coordinate a highly efficient program. Successful programs require strong partnerships amongst stakeholders. They often necessitate the development of an extensive network of public agencies, non-profits, and neighborhood organizations.

Effective programs also require funding and may incur high start-up costs. It takes resources to obtain, rehabilitate and then transfer the property, especially as the land bank is starting. Importantly, it may take away monies from other departments and programs.<sup>27</sup>

### Kansas and the Unified Government

Land banks vary by state. And as such, they are established with different legal structures, have various property tax foreclosure processes, and address different goals and priorities. In Kansas, the Legislature promulgated a set of statutes that provides language appertaining to governing structure and responsibilities, management, funding, and its relationship to the governing Body. The specific language is found at K.S.A. 19-26,104-113.

Of note is K.S.A. 19-26,109 which defines the board’s involvement in property management. Specifically, it enumerates several requirements of the land bank:



(a) Manage, maintain and protect or temporarily use for a public purpose such property in the manner the board deems appropriate;

(b) Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;

(c) Study, analyze and evaluate potential, present and future uses for such property, which would provide for the effective re-utilization of such property;

(d) Plan for and use the board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate;

(e) Establish and maintain records and accounts reflecting all transactions, expenditures, and revenues relating to the bank's activities, including separate itemizations of all transactions, expenditures, and revenues concerning each individual parcel of property acquired; and

(f) Thirty days prior to the sale of any property owned by the bank, publish a notice in the official county newspaper announcing such sale. (K.S.A. 19-26,109).

In Kansas, communities across the state are taking step to establish land banks. The 2009 legislature for example, authorized Topeka to create a city land bank. Moreover, land banks are described as a possible mechanism for urban redevelopment in the City's 2009 Consolidated Action Plan.<sup>28</sup>

The Unified Government of Kansas City and Wyandotte County was the first to establish a land bank program.

Starting in the 1990s, it has experienced many of the successes and challenges described above. According to Chris Slaughter, the program's manager, the land bank is dealing with vacant properties (no structure) only. He noted, however, that "we [the land bank] stress that our number one desire is for anyone purchasing one of our properties to build a home, which in these economic times it is harder than ever."

Slaughter and his colleagues have cultivated strong relationships with area Community Development Centers and Community Housing Development Organizations to provide property for additional development. The Unified Government, for example, generally waives the \$300 fee to help new property owners keep costs under control.<sup>29</sup> "We have also partnered with Habitat for Humanity in their pursuit of building affordable housing."

Slaughter described the program's biggest challenge today as "maintaining our properties...we have about 1,900 lots and

keeping them maintained, free of trash and debris, and in a state to keep our neighbors/citizens happy is a constant challenge." He added that "budget constraints will play a major role in our operations this upcoming year, our weed lot budget has taken a hit and some outside contractors have been let go."

The program is not without its successes. Since 2004 the Land Bank has sold almost 600 properties for about \$675,000.00.<sup>30</sup> "We have helped developers procure available land; and whether it was a side-lot transfer, a garden or just someone reclaiming land that they grew-up on, every sale in my eyes is a success story."

 *Jonathan Fisk is a Research Associate with the League of Kansas Municipalities. He can be reached at [jfisk@lkm.org](mailto:jfisk@lkm.org) or (785) 354-9565.*

<sup>1</sup>Library of Congress. "What is the American Dream?" 2002. <http://memory.loc.gov/learn/lessons/97/dream/thedream.html>. (accessed December 10, 2009).

<sup>2</sup>Yourko, Joseph. Washington Post "5 Myths About Home Sweet Homeownership [updated 15 November 2009; cited December 12 2009]. Available from <http://www.washingtonpost.com/wp-dyn/content/article/2009/11/13/AR2009111302214.html>.

<sup>3</sup>Staff. "Housing." *New York Times* [updated 29 July 2009; cited 10 December 2009]. Available from <http://topics.nytimes.com/top/reference/timestopics/subjects/h/housing/index.html?scp=4&sq=housing%20market&st=cse>.

<sup>4</sup>*New York Times*. <http://topics.nytimes.com/top/reference/timestopics/subjects/h/housing/index.html?scp=4&sq=housing%20market&st=cse>.

<sup>5</sup>U.S. Department of Housing and Urban Development. Regional Activity. 2009. [http://www.huduser.org/portal/periodicals/ushmc/fall09/reg\\_activity.pdf](http://www.huduser.org/portal/periodicals/ushmc/fall09/reg_activity.pdf) (accessed December 8, 2009).

<sup>6</sup>U.S. Census Bureau. "Salina city, Kansas Selected Housing Characteristics: 2006-2008." 2009. [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US2062700&-qr\\_name=ACS\\_2008\\_3YR\\_G00\\_DP3YR4&-ds\\_name=ACS\\_2008\\_3YR\\_G00\\_-lang=en&-sse=on](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US2062700&-qr_name=ACS_2008_3YR_G00_DP3YR4&-ds_name=ACS_2008_3YR_G00_-lang=en&-sse=on). Accessed December 15, 2009.

<sup>7</sup>United States Census Bureau. Housing and Household Economic Statistics Division. Annual Statistics: 2008 (Including Historical Data by State and MSA) . March 2009. <http://www.census.gov/hhes/www/housing/hvs/annual08/ann08t4.xls>. Accessed December 13, 2009.

<sup>8</sup>United States Federal Reserve. Federal Reserve Bank of Kansas City. Foreclosure Trends in the American Heartland. 2009. [http://www.fhlbtpeka.com/resources/Other/1266-Foreclosure\\_Trends\\_in\\_the\\_Heartland\\_EDMISTON.pptx.pdf](http://www.fhlbtpeka.com/resources/Other/1266-Foreclosure_Trends_in_the_Heartland_EDMISTON.pptx.pdf) (accessed December 9, 2009).

<sup>9</sup>U.S. Department of Housing and Urban Development. Office of Policy Development and Research. Revitalizing Foreclosed Properties with Land Banks. August 2009. [http://urban.csuohio.edu/forum/events/foreclosure/landbanks\\_report\\_hud.pdf](http://urban.csuohio.edu/forum/events/foreclosure/landbanks_report_hud.pdf) (accessed December 8, 2009).

<sup>10</sup>Gray, Kathleen. "Land banks gain popularity as way to fight urban blight." *USA Today* [updated 9 July 2009; cited 19 December 2009]. Available from [http://www.usatoday.com/news/nation/2009-07-09-landbanks\\_N.htm](http://www.usatoday.com/news/nation/2009-07-09-landbanks_N.htm)

<sup>11</sup>De Wit, Jessica. <http://www.umich.edu/~econdev/landbank/>.

<sup>12</sup>*USA Today*. <http://www.umich.edu/~econdev/landbank/>.

<sup>13</sup>U.S. Fire Administration. Arson in the United States. August 2001. <http://www.usfa.dhs.gov/downloads/pdf/tfrs/v1i8.pdf> (accessed December 8, 2009).

<sup>14</sup>De Wit, Jessica. <http://www.umich.edu/~econdev/landbank/>.

<sup>15</sup>U.S. Fire Administration. Arson in the United States. <http://www.usfa.dhs.gov/downloads/pdf/tfrs/v1i8.pdf>

<sup>16</sup>National Vacant Properties Campaign. Public Safety. [cited 8 December 2009]. Available from <http://www.vacantproperties.org/issues/safety.html>.

<sup>17</sup>De Wit, Jessica. <http://www.umich.edu/~econdev/landbank/>.

<sup>18</sup>Apgar William, Mark Duda and Rochelle Nawrocki Gorey. 2005. The Municipal Cost of Foreclosures: A Chicago Case Study. *Housing Finance Policy Research Paper*. Journal on-line. Available from [http://neighborworks.issuelab.org/sd\\_clicks/download2/municipal\\_cost\\_of\\_foreclosure\\_a\\_chicago\\_case\\_study](http://neighborworks.issuelab.org/sd_clicks/download2/municipal_cost_of_foreclosure_a_chicago_case_study). Accessed 15 December 2009.

<sup>19</sup>*USA Today*. [http://www.usatoday.com/news/nation/2009-07-09-landbanks\\_N.htm](http://www.usatoday.com/news/nation/2009-07-09-landbanks_N.htm)

<sup>20</sup>[http://urban.csuohio.edu/forum/events/foreclosure/landbanks\\_report\\_hud.pdf](http://urban.csuohio.edu/forum/events/foreclosure/landbanks_report_hud.pdf).

<sup>21</sup>[http://urban.csuohio.edu/forum/events/foreclosure/landbanks\\_report\\_hud.pdf](http://urban.csuohio.edu/forum/events/foreclosure/landbanks_report_hud.pdf).

<sup>22</sup>[http://urban.csuohio.edu/forum/events/foreclosure/landbanks\\_report\\_hud.pdf](http://urban.csuohio.edu/forum/events/foreclosure/landbanks_report_hud.pdf).

<sup>23</sup>*USA Today*. [http://www.usatoday.com/news/nation/2009-07-09-landbanks\\_N.htm](http://www.usatoday.com/news/nation/2009-07-09-landbanks_N.htm)

<sup>24</sup>[http://urban.csuohio.edu/forum/events/foreclosure/landbanks\\_report\\_hud.pdf](http://urban.csuohio.edu/forum/events/foreclosure/landbanks_report_hud.pdf).

<sup>25</sup>[http://urban.csuohio.edu/forum/events/foreclosure/landbanks\\_report\\_hud.pdf](http://urban.csuohio.edu/forum/events/foreclosure/landbanks_report_hud.pdf).

<sup>26</sup>Alexander, Frank. *A Guide for the Creation and Operation of Local Land Banks*. New York: Local Initiatives Support Corporation, 2005. Book on-line. Available from [http://cslr.law.emory.edu/fileadmin/media/PDFs/Full\\_books/Alexander\\_-\\_Landbank.pdf](http://cslr.law.emory.edu/fileadmin/media/PDFs/Full_books/Alexander_-_Landbank.pdf). Accessed 10 December 2009.

<sup>27</sup>[http://urban.csuohio.edu/forum/events/foreclosure/landbanks\\_report\\_hud.pdf](http://urban.csuohio.edu/forum/events/foreclosure/landbanks_report_hud.pdf).

<sup>28</sup>City of Topeka. Consolidated Action Plan for Housing and Community Development. 2009. <http://www.topeka.org/pdfs/2009ConsolidatedActionPlan.pdf> [accessed 8 December 2009].

<sup>29</sup>Slaughter, Chris. "Re: Land Bank Article." Email to the author. 17 Dec. 2009.

<sup>30</sup>Slaughter, Chris. "Re: Land Bank Article."





## To Baxter Springs

My first road trip of 2010 was the result of a six-month-old invitation from Huey York, Mayor of Baxter Springs. The new year was less than a week old when I left home for southeast Kansas early on a frosty Wednesday morning. Because of the snow and cold of the first month of winter, I was lucky to be able to drive over the south end of the Flint Hills and all around the forested creeks and rivers of the southeastern-most part of the state all while the landscape was still white with the several snows over the holiday season. It was a gorgeous drive (made much better by there not being any ice left on the highway).

My rendezvous with Mayor York was set for a noon lunch, so my excursion east/southeast was mostly seeing how efficiently I could put miles behind me (Derby to Baxter Springs is about three and a half hours), but I did have just enough time for a couple of quick stops along the way, and then after, and several more on the second day out—I will get to those next time...

I pulled up to City Hall in Baxter Springs just before noon, and went on in to say “hi” to City Clerk, Donna Wixson. City Hall, as in a number of cities, was formerly a bank, and has vaulted ceilings and lots of wood. Both Donna and Mayor York have NICE offices, each fit for a bank officer. Mayor York found me in Donna’s office, and, quickly, the three of us set off to Military Avenue (the main drag, now US-69, and once old Route 66) to share lunch at the café on the Route.

Located at the corner of Eleventh and Military, the café is an extraordinary eatery (see [www.cafeontheroute.com](http://www.cafeontheroute.com)). Not only is it on the route of the Mother Road, old US-66, but it is also known for its fabulous cuisine. In fact, it was featured several years ago on the Food Network’s *Diners, Drive-Ins and Dives*, and is in the book *More Diners, Drive-Ins and Dives*, authored by the TV show’s star, Guy Fieri. Owned and operated by Amy and Richard Sanell (as is the upstairs B&B, The Little Brick Inn, [www.thelittlebrickinn.com](http://www.thelittlebrickinn.com)), the café serves up incredible one-of-a-kind dishes, such as the two (slightly adapted) recipes in the book, “Beaunilla Cheesecake” and “Fried Potato Salad,” both of which I coincidentally enjoyed that day, along with the fantastic open-face steak sandwich, featuring a real steak served over homemade biscuits—YUM. (If anybody asks, I had a salad for dinner that evening.)

Mayor York filled me in on lots of local history while we ate. One thing I particularly remember (in addition to the story about a young Huey and the water tower—ask him about that) was the fact that Mrs. York (Judy—before she was Mrs. York) was the Baxter Springs Centennial Queen back in 1958; that Judy also was a member of the Sesquicentennial Committee, and that she put together the Sesquicentennial Souvenir Book (I have one now) for the 150th anniversary of the founding of the city, in 2008. Quite a resume right there.

After lunch, Mayor York took me to two other fascinating and history-laden places in Baxter Springs (and there are numerous others), the first being the Kansas Route 66 Visitor’s Center, which is a completely authentically restored (dedicated in 2007), original Phillips 66 Station—WOW! Mayor York introduced me to the wonderful lady who is in charge there, Carolyn Pendelton, and she showed me around. Route 66 wound over 13 miles through Kansas in its heyday, entering just east of Galena and exiting just south of Baxter Springs, and Phillips 66 stations still symbolize the romance of the era of The Mother Road. This one especially.

The last, but certainly not least, stop on our brief tour was the spectacular Baxter Springs Heritage Center and Museum—our museum guide was the Museum Board Chairman, Dean Auman. I was absolutely stunned by the quality and variety of the exhibits at the new, and still growing, all-volunteer museum, which features an incredible variety of aspects and artifacts of so many historical events and eras in and around Baxter Springs. There is no way to do proper justice to the remarkable job these folks have done and are doing. Some highlights for me (and I emphasize that these are just some of my highlights): the extensive mining history of the era (including the contents of the now-defunct-city, Picher, Oklahoma museum), local baseball history (including pictures of Mickey Mantle and the Baxter Springs Whiz Kids...the baseball history of southeast Kansas is huge), Native American artifacts, Civil War history (Baxter Springs was in the middle of quite a lot of history during that era), Route 66 stuff (of course), an entire re-created late 19th Century home, household appliances from several eras, manufacturing history of the area; even bad guys and bank robbers, from the Civil War era to the 1930s, and much more. It was a breath-taking and overwhelming experience, and too much to do right in such a short stay. I WILL be taking my family back soon...spring break?

My eatery and book recommendations this month. Are you kidding? I might also mention that the other two great food places, one drive-in and one dive, featured in the book, is the Bobo Drive Inn, in Topeka (I have eaten a cheeseburger basket there...and it is not over-rated)—the featured recipe in the book is apple pie. And, the BBQ Shack, in Paola (where I hate to admit I have not YET eaten)—the featured dishes in the book are the BBQ Shack chicken wings and the jalapeno poppers. I have not seen the first *More Diners, Drive-Ins and Dives* book, but I would hope that other deserving (and there are many) food joints in Kansas are in there, or will make into the next edition, if there is one (and my guess is that there will be). Too bad this show and these books weren’t around in the “Ossie’s” drive-in days.

☀️ *Don Osenbaugh is the Director of Finance and Field Services for the League of Kansas Municipalities. He can be reached at [dosenbaugh@lkm.org](mailto:dosenbaugh@lkm.org) or (316) 259-3847.*

# Opportunity Moves to Wyandotte County

by Mike Taylor

The Unified Government of Wyandotte County has approved a more than \$400 million deal to bring a major expansion of the Cerner Corporation and an 18,000 seat stadium for the Kansas City Wizards MLS soccer team to the Village West tourism district in Wyandotte County.

The project will create 4,000 new healthcare technology jobs at Cerner and several thousand additional jobs connected with the sports stadium and spin-off employment.

“This partnership between the Unified Government, the State of Kansas, and development team will create thousands of high paying jobs, help the State meet its goal of becoming a national leader in the healthcare field, create educational and job opportunities for our students, and bring the only major league sports franchise to Kansas,” said Mayor Joe Reardon.

Governor Mark Parkinson praised the project and the partnership making it possible.

“I applaud the work of Mayor Reardon, the Wyandotte County Commissioners, Secretary Thornton, and the entire team at the Department of Commerce for bringing thousands of jobs to Kansas and helping our State get back on track. The proposal we offered was responsible and did not overreach; as a result, we were successful,” said Parkinson.

Under the agreement, the Cerner Corporation will begin construction of a 600,000 sq. ft. office complex by the end of 2011. Construction on the sports stadium will start in 2010 and be completed in time for the 2012 Major League Soccer season.

In addition to the soccer stadium, the proposal includes 18 tournament quality soccer fields designed to attract national soccer tournaments to be located in Wyandotte County Park. The \$30 million tournament complex will be one of the largest in the Midwest, attracting more than 2 million athletes, family members, and spectators every year to Kansas City. The tournament fields will be built before the end of 2012. The developers will also construct three recreational soccer fields located throughout Wyandotte County for use by residents.

In addition to the thousands of Cerner and stadium related jobs, as many as 3,000 construction workers could be put to work building the project. Those jobs will be paid prevailing wage and meet strong goals for local, minority and women-owned business participation. Unified Government officials stress the jobs are the most important part of the project.

“In current economic times we must focus on job creation. The number and kinds of jobs this development will create, from immediate construction jobs, to the health technology jobs at Cerner and those connected with the Wizards, will be a massive benefit for the entire State,” said Mayor Reardon.

The more than \$400 million total public/private investment is financed in part by \$147 million in Star Bonds and \$85 million State of Kansas tax credits and cash for job creation. The Star Bonds will

be repaid from sales tax revenues generated by retailers in the Village West shopping and tourism district. Economic benefit to the Wyandotte County community in the first 6 years will exceed \$10 million more than what would be realized if the project was not built. Both the Cerner office complex and the sports stadium will pay full property taxes.

Cliff Illig, a co-founder of the Cerner Corporation and an owner of the Kansas City Wizards, said,

“This is a new benchmark for how public/private partnerships ought to function. And we think ultimately, there will be more than 4,000 Cerner associates working at the Village West campus.”

“It will not only bring jobs, but new housing and families to our community,” explained Wyandotte County Administrator Dennis Hays. “This will truly make Wyandotte County a growing and vital County in the Kansas City metro and a true destination for the entire Midwest.”

An important benefit of the project is keeping the Kansas City Wizards MLS Soccer team in Kansas City by building a permanent home stadium. The Kansas City metro is truly a regional community. No matter which side of the state line the stadium sits, the team is still a Kansas City team.

“This is a great day for soccer in Kansas City,” OnGoal CEO Robb Heineman said. “After a lengthy process to keep the team in the metropolitan area, OnGoal and the Kansas City Wizards are thrilled to receive final approval for our stadium and fields complex. Our vision will now become reality for our supporters and organization. The stadium has been designed to deliver the highest-level guest experience in an intimate, loud, and intimidating atmosphere to build a true home field advantage for the Wizards.”

The proposal was first unveiled in September 2009 at a public meeting of the Unified Government Commission when a memorandum of understanding outlining the scope of the project was approved. Since then, two public hearings were held by the UG Commission, leading to the final approval of the detailed developer agreement.

The Cerner Corporation Campus and the Kansas City Wizards sports stadium and tournament soccer fields complex ensures the continued success of Village West as a premiere tourist destination, while meeting critical needs in the community for new jobs and economic growth.

 Mike Taylor is the Public Relations Director for the Unified Government of Wyandotte County/Kansas City, KS. He can be reached at [mtaylor@wycokck.org](mailto:mtaylor@wycokck.org) or (913) 573-5565.





### Project Highlights

#### Kansas City Wizards

- 18,000 seat multi-sport stadium which will be the permanent home of the Kansas City Wizards Major League Soccer team. Stadium designed to also host concerts and other sporting events.
- Stadium projected to be complete by 2012 Major League Soccer season.
- \$147 million in STAR Bond proceeds to construct the multi-use sports stadium, paid for by sales tax revenues generated from Village West retailers.
- \$30 million in private investment for 18 tournament quality youth soccer fields in Wyandotte County Park designed to attract national tournaments.
- 3 recreational soccer fields located throughout Wyandotte County for use by residents.
- Keeping the Kansas City Wizards in Kansas City is a benefit to both Missouri and Kansas. No matter which side of the State line the stadium sits, the team is still a Kansas City team.

#### Cerner Corporation Expansion

- Expansion of the Cerner Corporation with a 600,000 square foot first class office complex.
- At least 4,000 new Cerner Corporation jobs paying an average annual salary of \$54,000.
- Cerner Corporation will create and implement an educational/training program in conjunction with Wyandotte County educational institutions to provide job opportunities to Wyandotte County students.
- Helps State of Kansas meet the goal of becoming a national leader in the healthcare industry.
- \$85 million in State of Kansas tax credits and cash for creating the 4,000 new jobs.
- \$30.4 million penalty to be paid if the new jobs are not created on agreed upon schedule.

*Photo courtesy of Kansas City Wizards*



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# Best Practices

by Nathan Eberline

## “Baby You Can Drive My Car”

When I last went to Europe, my wife and I spent several days in Germany. We nearly circled the country, which allowed us to spend hours driving the Autobahn. Germany’s freeway system has a recommended speed limit of 80 miles per hour (130 kilometers for those of you who are sticklers for the details), but no mandatory speed limit. Occasionally, there were turns in which the speed limit was official, but generally, people drove as fast as they felt comfortable.

When I recap my experience on the road, people often ask me whether the driving was scary, to which I respond with an emphatic “no.” When compared with my daily commute on I-70, the Autobahn was a driver’s delight. Our rental car had no cup holders. This was not for lack of luxury; it was because cars in Europe are built to drive—not to accommodate habits of eating and drinking while driving. When traveling along the Autobahn, the absence of other drivers with a sandwich in hand or downing a beverage was as noticeable as it was comment-worthy. The drivers had their eyes on the road and their hands firmly at the 10 and 2 o’clock position. Drivers drove in the right lane and passed on the left. If a driver did approach another car in the left lane, the slower vehicle immediately moved over. Most importantly, drivers did not use their cell phones while driving.

There is a reason German drivers do not use their cell phones while driving. It is dangerous, and it is illegal. Studies repeatedly show that the response time and capacity of drivers who are using cell phones is terribly impaired. It was with that thought in mind that Sedgwick County decided to address its employee driving policy.

In 2009, the County set out to address the broad topic of a county-wide driving policy without a specific intent to enact a cell phone ban. The County had not changed its policy in nearly 10 years, and they wanted a strategy that promoted safe driving.

The Sedgwick County Risk Management Department of the Finance Division served as facilitator for a review committee comprised of department members with employees who drive for County business. The final policy also includes the following objectives: 1) to ensure use and operation practices are consistently applied; 2) to establish requirements for operating and using County or privately-owned vehicles (POVs) to conduct official County business; 3) to establish criteria for driver qualification; and 4) to outline reimbursement procedures for employees who use POVs for County business.

Despite the comprehensive nature of the driving plan, it was the cell phone ban while driving that drew the most publicity. In addition to banning talking on cell phones, the County also banned talking on hands-free devices, texting while driving, and the use of mp3 ear-buds while driving. County drivers are expected to pull-over before answering any incoming calls or texts.

Mick McBride, Director of Risk Management, noted that the goal of the policy was to “establish what it means to be a safe driver. We discussed a number of issues, including banning cell phones while driving because studies throughout the country

indicate that cell phone use while driving is exceedingly dangerous, particularly texting.” McBride concluded by noting that “the policy has been well-received with no major complaints. A few people think it’s not necessary to pull-over to answer the phone, but most people think it’s a solid policy.” Further, Sedgwick County has had a number of out-of-state inquiries by communities who have followed their lead in establishing a comprehensive driving policy.

Sedgwick County is not the only entity to confront the safety concerns associated with cell phones. The Kansas Legislature is in the midst of considering Senate Bill 351 and HB 2439, both of which ban text-messaging while driving. A large contingent of groups, including the League, appeared to support the legislation with no opposition. Currently, only Kansas teens are prohibited from using cell phones while driving. The bills, which are expected to merge and pass, will advance the goal of more attentive driving.

At the City level, the Manhattan City Commission also took action to address cell phone usage. The City has implemented a ban on using all handheld devices while driving—ranging from cell phones to gaming devices. The restriction still allows talking on hands-free devices. Manhattan Mayor Bob Strawn commented that safety measures like the cell phone restriction are often responsive to community needs, and the same was true here.

Earlier this year, both Mayor Strawn and City Manager Ron Fehr received a heightened number of complaints regarding bad drivers, often specifying bad drivers on cell phones. This culminated with a Manhattan child being struck by a driver who simply drove away, while talking on her phone. Mayor Strawn concluded by noting that “Manhattan prides itself for being progressive, and the handheld-device restriction was a needed safety measure.” The ordinance will take effect on July 1, 2010 depending on the Legislature’s action.

The League has also taken account of the growing number of communities that share Sedgwick County’s concern about the effects of cell phones on drivers. In addition to the many sample ordinances available on our website, there is also a model ordinance to prohibit talking on cell phones while driving at <http://www.lkm.org/lkmservices/samples/cellphones/cellphonespop.html>.

Comprehensive driving policies, particularly those with cell phone bans, may not be well-received when first suggested for employees. In fact, a contentious conversation will likely follow any mention of banning cell phones for drivers. But as statistics continue to reveal the heightened danger of talking or texting while driving, cell phone bans are the policy step that many local governments are taking. These steps may not lead to the smooth sailing I experienced on the Autobahn, but perhaps it will lead to a few more eyes on the road and a few less cars in the ditch.

 *Nathan Eberline is the Intergovernmental Relations Associate for the League of Kansas Municipalities. He can be reached at [neberline@lkm.org](mailto:neberline@lkm.org) or (785) 354-9565. Mick McBride is the Director of Risk Management for Sedgwick County and can be contacted at [MMcBride@sedgwick.gov](mailto:MMcBride@sedgwick.gov).*



# Classified Advertising

## Chief of Police

The City of Fredonia, Kansas (pop.2,400) is accepting applications for Chief of Police. This position is appointed by the City Commission and supervised by the City Administrator. The Police Department is composed of five sworn officers and one secretary and has a budget of \$455,000. The Chief is responsible for planning, organizing, and directing the work of the Police Department. Bachelors Degree in Criminal Justice or a closely related field is required, plus at least seven years progressively responsible experience with three years as a Lieutenant or higher, and Kansas State Law Enforcement Certification. Salary range is \$36,300 to \$50,100 DOQ. Send cover letter, resume, salary history, and a list of 10 references to City Administrator, 100 North 15th Street, Fredonia, KS 66736, or [fredoniacity@fredoniaks.org](mailto:fredoniacity@fredoniaks.org). Substance abuse screening and post offer physical required. First review begins on March 1, 2010.

## City Administrator

The City of Medicine Lodge (pop. 1,917) located in South Central Kansas is seeking applicants for the position of City Administrator. This historic community, at the eastern edge of the Red Hills (Gypsum Hills), is the county seat and business hub for area farmers and ranchers. City services provided include police, fire, streets, and parks departments, and water, sewer, and solid waste utilities. The City has just completed installation of a pressurized raw water transmission line utilizing CDBG and EPA grants. The Waste Water Treatment Plant, completed in 2005, is state-of-the-art. In 2006, a new municipal swimming pool with water slide was opened to the public. The City is currently working on phase I of the Airport Enhancement program being funded 95% by the FAA.

The successful candidate will be responsible for management of a \$4 million budget; oversight of all city departments and personnel, and official representation of the City in contractual matters and various local clubs, boards, and committees. Must have experience and education equivalent to a bachelor's degree in public administration

and demonstrate knowledge of finance and budgeting, project development, grant writing and administration, zoning issues, personnel management, and public works activities. Computer skills as well as written and verbal communication skills are essential. Starting salary is commensurate with qualifications. Offers excellent benefit package.

Please submit resume, salary history, and references to City Administrator Search; City Clerk; 114 West First Ave.; Medicine Lodge, KS 67104. Open until filled.

## City Administrator

The City of Quinter, KS is accepting resumes for the position of City Administrator. The position is appointed by the Mayor and City Council.

Quinter is a rural, family oriented community. We are home to a diverse and creative business community; excellent schools (academic and non-academic); hospital and a physicians group (5-board certified M.D.'s).

We are seeking a cooperative leader with excellent communication skills to join our outstanding, hardworking city staff and our community. Knowledge and experience in municipal government, budgeting, finance, community development, and planning is desired. An appropriate Bachelor or Masters degree preferred. An equivalent combination of experience and education will be considered. City residency will be required.

Send a confidential resume, with cover letter, and three work related references to: City of Quinter, c/o Mayor Tummons, P.O. Box 555, Quinter, KS 67752.

## City Attorney/Public Officer

The City of Fairway, Kansas is seeking legal services for the positions of City Attorney and Public Officer. The positions are appointed by the Mayor with consent of the City Council. The City Attorney and Public Officer serve at the will of the Governing Body, and the positions are appointed in May of each year. Deadline for submission is March 8, 2010 at 1:00 p.m. Contact City Administrator/City Clerk

Kate Gunja at 913-262-0350 for more information or view the full RFPs online at [www.fairwaykansas.org](http://www.fairwaykansas.org).

## City Manager/Administrator

The City of St. Paul, NE (2,100 pop.) is creating the position of City Manager/Administrator to assist our Mayor/City Council form of government in the operation of our ever expanding and thriving city.

This person will be responsible for the management of all services of the city including electrical utilities, water, sewer, streets, parks and recreation, police, fire, and EMT. Responsibilities would also include the fiscal needs of the city – budget preparation and oversight, grant writing and management, personal issues, labor negotiations, long range planning, financial management, and all other areas related to the operation of a City of the Second Class.

Currently there are 18 full time employees that would require leadership and guidance to achieve the goals set by the Mayor and City Council.

Experience in a City/County government position is desired as well as a college degree in a discipline such as public administration, business administration, or a related field or an equivalent combination of education, training, and experience. Salary is commensurate with background and experience. All resumes and correspondence should be directed to Dan Nielsen, Mayor, 704 6th St., St. Paul, Ne., 68873. Phone 308-754-4222. E-mail [spvet@qwestoffice.net](mailto:spvet@qwestoffice.net). The web site for the City of St. Paul is [stpaulnebraska.com](http://stpaulnebraska.com). Application deadline is March 15, 2010.

## City Manager

The City of Blanchard, OK (6,600 pop.) is receiving resumes for the position of City Manager. Compensation is competitive and will be based on experience and qualifications. This is a high profile position in the organization and community. The person selected for this position will exemplify the highest moral and ethical values. A minimum of three years of City Manager, Assistant City Manager experience is required; a degree in public administration, business administration or other related

discipline is desired. A position profile has been completed and can be reviewed at [www.chellconsulting.com](http://www.chellconsulting.com). To apply please send a cover letter, detailed résumé and five work related references to Chell Consulting, LLC, P.O. Box 721447, Norman, OK 73072-1447 or e-mail to [info@chellconsulting.com](mailto:info@chellconsulting.com). The position will be open until filled. The City of Blanchard is an EOE.

### **City Superintendent**

The City of Burlingame is accepting applications for City Superintendent. This position is for a working supervisor who will be responsible to manage, plan, direct, and oversee all aspects of public works including the maintenance and operations of the natural gas, electrical, water, and wastewater distribution systems, and for facility and road maintenance. This position requires strong management, communication, and public relations skills. The ideal candidate will have experience in city utility operations, along with natural gas, water, and wastewater certification and a valid CDL. Any equivalent combination of education and experience will be considered. Salary DOQ. Send an application to the City Clerk at 101 E. Santa Fe Avenue, Burlingame, Kansas 66413. Applications are available by calling 785-654-2414. Open until filled.

### **Communications (911) Director**

Barton County, Kansas, accepting applications for Communications (911) Director until position filled. Directs County-wide emergency communications (911) system, 13-person staff manning 911 system on 24-hour basis. Prefer two years college education or equivalent experience and five years supervisory experience with Communications\911 Center. Thorough knowledge of law enforcement, fire and other emergency services as well as computer systems, budgeting, and personnel supervision needed. Salary \$35,000-\$45,000. Residency, valid Kansas driver's license, passing drug screen and physical capacity testing required. Application and job description - Barton County Administrator's Office, 1400 Main, Room 107, Great Bend, Kansas, 67530. Applications available at <http://www.bartoncounty.org/admin/employment.htm>. (620) 793-1800 or toll free 1-877-419-7171. EOE.

### **Director of Rural Operations**

The Hamilton County Board of County Commissioners is seeking applications

for a Director of Rural Operations. The D.R.O. duties include but are not limited to supervision of the Road and Bridge, Solid Waste, and Noxious Weed Departments, and will also act as the County Road Superintendent. The D.R.O. will be expected to plan, organize, implement and supervise activities related to county roads, solid waste, noxious weed, and animal control.

Preferred Qualifications: Direct relevant education and minimum of 5 years experience in related field. Knowledge of road construction and maintenance, solid waste operations, and noxious weed/prairie dog control and eradication. Ability to read and interpret blueprints. Ability to effectively communicate orally and in writing. Should be able to perform and/or manage multiple tasks, projects, able to effectively delegate. Should be efficient, a self-starter, and possess good work habits and leadership skills.

Necessary Special Qualifications: The D.R.O. must be able to obtain a valid Kansas CDL License. The D.R.O. is required to be on-call. D.R.O. must be able to obtain all necessary permits and licenses for chemical application, wildlife control, landfill operations, and fulfill all statutory and regulatory compliance for County operations under D.R.O.'s supervision.

Residency: Hamilton County requires all County employees to be residents of Hamilton County, KS.

Applications may be picked up at the County Clerk's office at the Hamilton County Courthouse, 219 N. Main Street, Syracuse, KS 67878 or by telephoning the Clerk's office at 620-384-5629. Applications will be accepted until the position is filled.

Hamilton County is an equal opportunity employer, provides excellent benefits and salary.

### **Human Resources Director**

St. Charles, MO (65,000 pop.) is a progressive City with a rich history nestled along the Missouri River. With over 400 full-time employees, St. Charles is looking for the skills and experience necessary to step into a Director's role in Human Resources Management. Requirements include a Bachelor's Degree in HR, Public Administration or a degree relating to the fields of HR. A Master's Degree is strongly desired. Candidates will have at least seven years experience in HR Management and three years of labor relations experience. Municipal government experience and SPHR desired. The City offers a competitive salary and generous benefits to include a fully

paid defined benefit pension plan, deferred compensation plan with match, medical insurance, dental, prescription insurance, life insurance, vacation/sick, leave paid parking and more.

Interested applicants should forward a resume or application with salary history to:

The City of St. Charles, Human Resources Department, 200 North Second Street, St. Charles, MO 63301. Fax 636-940-4606. e-mail [HR@stcharlescitemo.gov](mailto:HR@stcharlescitemo.gov). Additional information and applications can be found on the careers tab of our website [www.stcharlescitemo.gov](http://www.stcharlescitemo.gov). No phone calls please.

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### **Street Superintendent**

The City of Salina, KS seeks a dynamic individual to serve as the Street Superintendent. Duties include planning, organizing and directing 35 employees in performing street maintenance & traffic control programs along with submitting budget recommendations, maintaining records, compiling reports, and coordinating after-hours response. Education: high school diploma or G.E.D. Experience: five (5) years of progressively responsible street maintenance, construction, or related field with three (3) years in supervisor role. Requirements: residency of 40 minute response time. Position pay range: \$44,179-68,474 per year, starting range \$44,179-49,480. For more information or for Veterans Preference guidelines go to [www.salina-ks.gov](http://www.salina-ks.gov) and click on Employment link, or contact the Human Resources Dept. at 785-309-5710. We Value a Commitment to Ethics, Customer Service, and Excellence. EOE.

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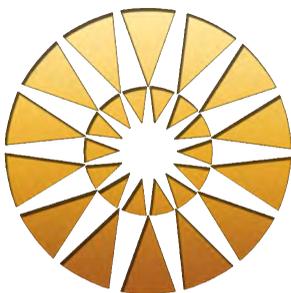
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# Moler's Musings

by Don Moler

## Celebrating Milestones



Yesterday, I put a new picture on my desk of my two-year-old granddaughter Adin, who just had a new series of photographs taken. We have a photographer that we like in Topeka who does various themed photo shoots, and it is hard as loving grandparents to say no when the kids come to us and suggest a new series of photographs for our sweet little granddaughter. The photographs this time

were entitled "Fairies."

For those of you unfamiliar with this sort of thing, it involves a special background making the children look as if they are off in the woods somewhere, and the little girls are typically dressed up in what would be described as fairy costumes with flowers, wings, and something for their hair. While this is way outside the knowledge base of this writer, I can assure you that my lovely wife Judy knows all about such things. So, we made the appointment for the photos to be taken. Last Saturday we got the photographs, and they are great, of course! So a new picture of my granddaughter, in her fairy costume, is now present on my desk and she is absolutely darling.

What all this got me thinking about were the various stages in our lives. I suspect that when Adin gets a little older, she won't think having fairy pictures taken is anything she's particularly interested in doing. There is a time and a place for documenting the various stages of life. We will, of course, document our grandchildren as they get older and go through the various stages of childhood and become young adults. Much like documenting family matters, and changes over time, it is necessary for organizations to document their growth and development as well. Thus, the League Governing Body, perhaps five years ago now, determined that the League should document the fact that this great organization would be celebrating its 100th Anniversary in the year 2010. I remember sitting through those meetings several years ago discussing this and thinking that the year 2010 seemed a long way away. But, time has a way of sneaking up on us.

The centennial celebration is being documented in a number of ways by the League, the first of which many of you have already seen as a result of the distribution of the League calendars during the annual League conference back in October of last year. The calendar contains contemporary photographs of all 627 incorporated cities in the State of Kansas. We believe it to be a wonderful snapshot of Kansas in our centennial year. We also have redesigned the logo for both the LKM website as well as the letterhead for correspondence this year to commemorate

the 100th anniversary of the League. We are expecting to do a variety of events throughout the year, with one of them being a civics education component. We sent out almost 5,000 copies of a third grade coloring book having to do with local government, and also expanded our annual "If I Were Mayor" essay contest to include not only middle school and junior high students, but senior high students as well. The awards for the essay contest will be presented at City Hall Day in February, and the winning essays will appear in the February issue of the *Kansas Government Journal*. We are also anticipating having several special events at the League Annual Conference in October. We will be looking for participation from those who have had an integral part in this organization over the years, and have planned the conference accordingly. I certainly hope that you will make an effort to attend the Annual League Conference this year so as to participate in this celebration of not only the League centennial, but also to celebrate excellence in local government which the League has championed over the past 100 years.

The League has also developed public service announcements (PSAs) for use during this centennial year. There are four PSA's, the first of which began running on four different television networks around Kansas on January 11th. The first video deals with the value of local governments, and their importance to the citizens who live within their boundaries. The second PSA, which will begin running in February, is focused on local control and Constitutional Home Rule. The third PSA, which will begin running in March, focuses on the importance of cities and the linkage between cities and economic development in Kansas. The fourth and final PSA, which will begin running in April, focuses on young people and urges them to become involved in their communities and with their city governments. We hope that city officials and employees will be proud of these public service announcements, and that they will remind the public of the essential role cities play in their everyday lives. You can view and/or download the videos at [www.lkm.org](http://www.lkm.org). Finally, I would like to note that all of the money being expended on 100th Anniversary activities comes from reserves that were financed by non-dues revenues.

I hope that you will participate with the League in our various activities this year, and that you will remain proud of this fine organization as we enter our second century of service to the cities, and to the citizens, of Kansas. It is important to commemorate milestones as they occur. The League of Kansas Municipalities remains an organization that stands for good government, and has done so for 100 years in Kansas. We continue to advocate for excellence in local government, and will continue to do so for the next 100 years.



# 2010 CONFERENCE HOTEL ACCOMMODATIONS & RESERVATION PROCEDURES

October 9-12 • Overland Park Convention Center & Sheraton Suites • Overland Park



## Sheraton Overland Park Hotel\*\*

6100 College Blvd  
Overland Park, KS 66211  
(913) 234-2100  
Single/Double \$134 + tax per night  
Cut-off Date: 9/18/10  
Connected to the convention center



## RESERVATION PROCEDURES:

- LKM has made special arrangements with the hotels listed to provide accommodations during our Annual Conference. Room reservations should be made by contacting the hotels directly.
- Attendees are responsible for making their own reservations.
- Reservations may not be made until after 2/1/10.
- Remember to ask for the special LKM conference rate when making reservations.

## SPECIAL NOTE:

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

\*\*Sheraton Inn & Suites requires a non-refundable deposit equal to one night's stay in order to secure reservations.

## Additional Accommodations:

### Holiday Inn & Suites - Convention Center

10920 Nall Avenue  
Overland Park, KS 66211  
(913) 312-0900  
Queen/King: \$92 + tax per night  
Executive/Suite \$99 + tax per night  
Cut-off Date: 9/19/10

### Chase Suite Hotel

6300 W 110th Street  
Overland Park, KS 66211  
(913) 491-3333  
Studio/Queen: \$95 + tax per night  
2BR/King: \$115 + tax per night  
Cut-off Date: 9/01/10

### Courtyard by Marriott

11001 Woodson Street  
Overland Park, KS 66211  
(913) 317-8500  
Single/Double \$104 + tax per night  
Cut-off Date: 9/17/10

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- **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 and the Kansas Municipal Utilities Association.

Contact the League of Kansas Municipalities for more information.  
(785) 354-9565 • [dosenbaugh@cox.net](mailto:dosenbaugh@cox.net)