A tall white water tower with a spherical top is the central focus. The word "KECHI" is written in black on the sphere. The tower is supported by a white lattice structure. In the foreground, there is a building with a brown roof and stone pillars. A white SUV is parked in front of the building. The sky is blue with some light clouds.

# Kansas

## GOVERNMENT JOURNAL

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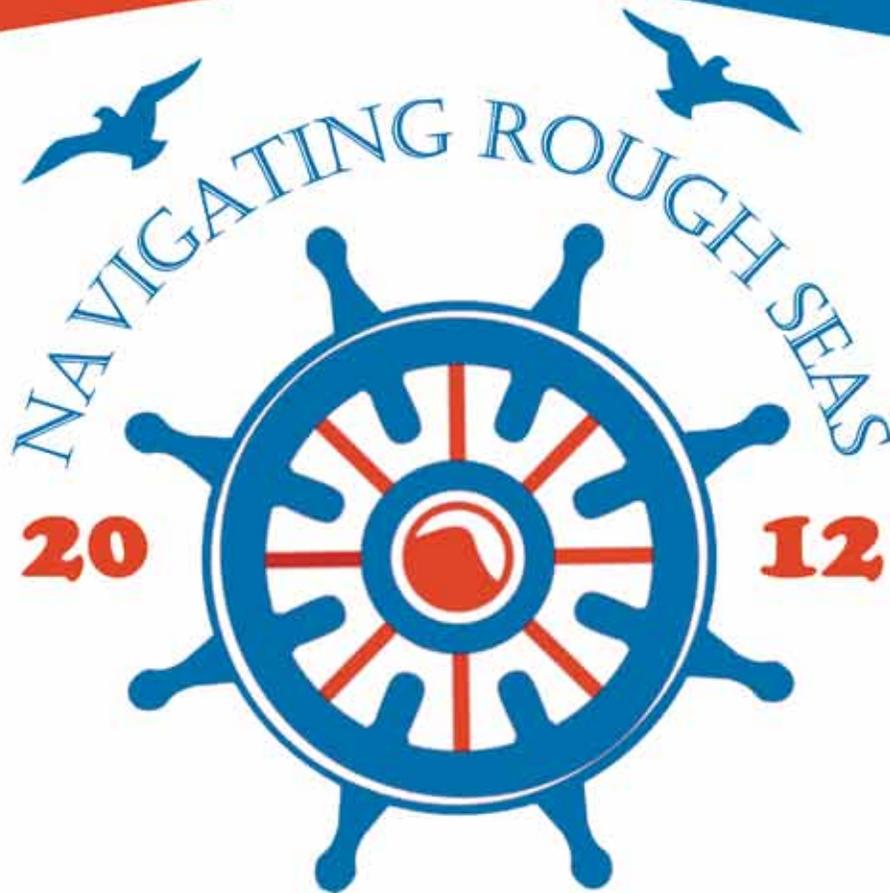
FEBRUARY 2012

**Inside:**

**“If I Were Mayor” Awards**

**Peabody Makes Its Own Future**

**Cities Discuss Opportunities to Collaborate**



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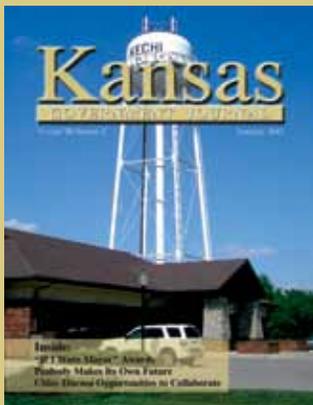
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About the Cover:  
A view of City Hall and water tower from the City of Kechi. See related article, beginning on page 51. *Photo provided by the City of Kechi.*

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*The mission of the League shall be to unify, strengthen, and advocate for the interests of Kansas municipalities to advance the general welfare and promote the quality of life of the people who live within our cities.*

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## April

20 - MLA: Civility and Public Service, Webinar

27 - KMIT Board of Trustees Meeting, Marysville

28 - MLA: Civility and Public Service, Webinar

## May

11-12 - Leadership Summit & Mayors Conference, Wichita

28 - Memorial Day

## June

8 - LKM Governing Body Meeting, Dodge City

8 - MLA: Personnel Management, Scott City

9 - MLA: Personnel Management, Lindsborg

22 - MLA: Personnel Management, Mission

29 - KMIT Board of Trustees Meeting, Roeland Park

## July

4 - Independence Day

20 - MLA: Neighborhood Building, Webinar

21 - MLA: Neighborhood Building, Webinar

## Obituaries

**Willis Beyer, 89**, died October 30, 2011, at the Coffey County Hospital. Beyer served on the Gridley City Council for many years, where he was very active in promoting the city in various ways. He was a member of the St. Francis Xavier Catholic Church and the Knights of Columbus at Burlington, and a member of the Phillips-Stukey-Shaffer Post #296 of the American Legion at Gridley.

**James W. Black, 83**, died November 14, 2011 in his home in Topeka. Black served as Lawrence City Commissioner from 1967-1971 and worked as a general contractor throughout his life. He was active in the Lawrence community including the Boy Scouts, past president of the Optimist Club, United Way Fund drive chairman and president, and served on the board of directors of the Lawrence Chamber of Commerce. In 1957, he was the Lawrence Jaycees' Outstanding Young Man of the Year.

**George A. Lowe, 86**, died October 26, 2011 in Lenexa. Lowe was a Kansas Senator, a member of the board of directors for Olathe Medical Center and First National Bank of Olathe, KU Law School Board of Governors, Johnson County Bar Association president, and was a member of the American College of Trial Lawyers. He was also a recipient of the KBA's Outstanding Service Award and the JCBA's Justinian Award.

**Greg D. Martin, 49**, died August 26, 2011. Martin practiced law with Payne & Jones in Overland Park before returning to Pittsburg in 1990 to take over the family farm. Martin continued to practice law with his wife at Martin and Martin Law Firm. He also served as a judge for the Frontenac Municipal Court. Martin was a member of the Crawford County, Jasper County, Kansas and Missouri Bar Associations.



## Airline Company Commits to Wichita

Southwest Airlines has committed to serve Kansas at Wichita Mid-Continent Airport.

“We are pleased to announce that Southwest Airlines has agreed to serve Mid-Continent Airport,” said Wichita Mayor Carl Brewer. “Wichita has been anxiously waiting to hear what the future plans were with regard to Southwest Airlines and we are thrilled with this news.”

A small delegation of elected officials and business leaders traveled to Dallas to meet with high-level officials at Southwest Airlines.

The delegation was comprised of the following officials: Governor Sam Brownback; U.S. Senator Jerry Moran; Mayor Carl Brewer; Sedgwick County Commissioner Dave Unruh; Lynn Nichols, Immediate Past Chairman, Wichita Metro Chamber; Jeff Turner, President and CEO, Spirit AeroSystems; Jack Pelton, retired Chairman and CEO, Cessna Aircraft Company; and Victor White, Director of Airports, Wichita Airport Authority.

“Southwest Airlines did request the continuation of the Kansas Affordable Airfares Program,” said Lynn Nichols, immediate past chair, Wichita Metro Chamber.

The delegation said Southwest Airlines made it clear that this is a critical component for them to enter this market. The Kansas Affordable Airfares Program, a city, county, and state effort, has been in place for the past six years with a positive return on investment. The purpose of the program helps provide more air flight options, more competition for air travel, and affordable airfares for all Kansans. At the state level, affordable airfares is funded by the State’s Economic Development Initiatives Fund and is included in the Governor’s recommended Fiscal Year 2013 budget as a key component of the Governor’s economic development strategic plan.

The delegation said Southwest is currently preparing a comprehensive plan that includes an analysis of potential routes to and from Wichita, and an announcement from Southwest will come later when that market study of opportunities is completed.

## New Operation to Open in Burrton

Indiana Mills and Manufacturing, Inc. (IMMI), an industry leader in the design, testing, and manufacturing of advanced safety systems for commercial vehicles, plans to begin manufacturing school bus components at its newest location in the City of Burrton. The new operation should create more than 30 new jobs in the first 12 months of operation.

Jeremy Bougher, who will oversee all production, material handling, shipping, maintenance, and QA activities as the facility’s operations manager, believes the new location will allow IMMI to even better support the school bus market in that region.

“We’re excited about partnering with the local community in establishing this new operation,” said Bougher. “While we’ve

always been able to provide a high level of quality products and service from our headquarters in Westfield, Indiana, this new satellite location will permit us to simplify the logistics process, reduce freight costs, and offer customers even faster responses.”

Mickey Fornaro-Dean, Executive Director at the Harvey County Economic Development Council, added: “The Harvey County Economic Development Council, along with the City of Burrton and Harvey County, are very excited about IMMI’s choice to locate their facility in our community. The investment and creation of new jobs to our rural community will have a strong local impact. We have enjoyed working with their leadership on this project and look forward to continuing this relation as the company grows locally.”

## Phillipsburg Youth Foundation Awarded Funds

Of more than 120 applications, 6 projects across the nation received funding from the Foundation for Rural Service (FRS) grant program. The Youth EntrepreneurShip Investigation (ESI), a first ever pilot program initiated by a public/private partnership between Phillipsburg Middle School, Discover Phillipsburg Main Street, and the Entrepreneurial Center in Phillipsburg, is one of those six projects that received funding.

The ESI curriculum was developed through the University of Nebraska, in Lincoln. EntrepreneurShip Investigation is an exciting, interactive, and comprehensive curriculum project designed for youth, ages 10-19. Through exciting activities, case studies, and current technology, students are transformed into budding entrepreneurs. Not only that, students will learn that they can do all of these things without moving to a large city. This curriculum will be presented to 51 8th grade students at the Phillipsburg Middle School, taught 3 days a week.

The funding awarded by the FRS grant program will provide seed money to any viable business plans that may arise from

this curriculum. “We are excited about partnering with Discover Phillipsburg Main Street and the Phillipsburg Middle School for this Youth ESI program. How exciting to know that through the FRS grant, we will be able to offer seed money for those students who are serious about becoming youth entrepreneurs,” stated Bridgit Smith, Director of the Phillips County Community Foundation.

The Foundation for Rural Service provides annual grants for programs in rural communities served by the National Telecommunications Cooperative Association Members. Their grants support local efforts to build and sustain a high quality of life in rural America.

For more information, please contact Kera Nuckolls, Executive Director of Discover Phillipsburg Main Street at (785) 540-4284 or [dpmainstreet@ruraltel.net](mailto:dpmainstreet@ruraltel.net). Or you can contact Bridgit Smith, Executive Director of the Phillips County Community Foundation at (785) 540-4110 or [pccf@ruraltel.net](mailto:pccf@ruraltel.net).

# Project PASS Proves Success



*Sixty middle school cadets marched in the Veteran's Day parade. Photos by Becky Clark-Hermocillo.*

by Becky Clark-Hermocillo

**P**roject PASS started as a collaborative effort between the National Association of School Boards (NASB) and the U.S. Army. The project is designed to support the academic, social, and emotional needs of middle and high school students and to prepare them for post-secondary success through the cultivation of leadership and citizenship skills with academic support. The program design uses the Junior Reserve Officers Training Corps (JROTC) and a newly designed Junior Leadership Corps (JLC) to offer elective courses and after-school activities to participating students. Core elements of the project include mobilizing and engaging the community at-large, including parents, technical assistance, and resources a strategic focus on middle to high school transition and the examination of critical policy areas that might influence student performance and engagement.

In January 2011, the program launched five sites: Hardin County, Kentucky; Christian County, Kentucky; Garden City, Kansas; Gwinnett County, Georgia, and Miami-Dade County, Florida. Garden City was chosen as 1 of the 5 pilots out of over 400 applications.

The Garden City Junior Leadership Corps program is actively helping to shape and mold the future leaders of tomorrow. The program started with 80 Cadets in January 2011. Now, there are

125 cadets enrolled in the JLC program. The program has a waiting list of kids who want to be involved in the program and were not able to because of class size limitations. In addition to the middle school program, the JROTC program at Garden City High School (GCHS) has 180 students enrolled. Cadets are actively involved in real world hands-on learning activities both in and out of the classroom. One of the major components of the JLC program is community service. Through community service opportunities, the cadets see the value in being servant leaders. Each cadet is required to participate in 10 hours of community service per semester. In the first 12 months, middle school cadets volunteered over 1,600 hours to a variety of community projects and events. During the community service events, cadets have the chance to see beyond their personal perspective. They learn how they can impact their community by giving of themselves. Below is a partial list of the community service learning events cadets participated in during our first year:

- Made Valentine's Day cards and delivered them to residents at a local retirement/nursing home;
- Partnered with the local police department to help with their Neighborhood Improvement Project trash pick up;
- 60 middle school cadets marched in the Veteran's Day Parade;

- 75 middle school cadets marched in the Holiday Parade;
- Volunteered at local churches to help with special events (groundhog supper, spaghetti suppers, etc...);
- Volunteered at the opening of the “Born to Learn” trail hosted by the 0-3 task force;
- Volunteered at the Pet Expo hosted by the Finney County Humane Society;
- Volunteered at the Relay for Life event;
- Helped coordinate a food drive for our local homeless shelter; and
- Numerous Drill Team and Color Guard presentations during local events.

Another component of the JLC program is an active Community Stakeholders Committee. This committee is made up of local business leaders, representatives from the school district, local government, parents, faith-based organizations, community-based organizations, and health and human services. The Community Stakeholders Committee will aid in setting the direction for the program, serve as ambassadors for the program, as well as garner support to ensure sustainability.

The Junior Leadership Corps program is truly making a difference in the lives of the youth in Garden City. The program provides the cadets with a multitude of real world hands on opportunities to develop strong leadership skills, develop a sense of self-less service, and understand the importance of citizenship, goal setting, and personal responsibility.

☀️ *Becky Clark-Hermocillo is the PASS/JLC coordinator at Kenneth Henderson and Abe Hubert schools in Garden City. She can be reached at [rclark-hermocillo@gckschool.com](mailto:rclark-hermocillo@gckschool.com).*



*Top to bottom: Cadets helped with the Neighborhood Improvement Project trash pick up and delivered Valentine's Day cards to residents at a local retirement home. Photos by Becky Clark-Hermocillo.*

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## Kansas Organizations Receive Grants

The Kansas Volunteer Commission awarded about \$130,000 in Volunteer Generation Fund grants to 8 Kansas organizations. The Volunteer Generation Fund is a grant program through the Corporation for National and Community Service to support volunteer-connector organizations in local communities. Kansas was one of 19 states to receive the funding.

The grants support efforts to recruit, manage, support, and retain individuals to serve in high-quality volunteer roles, such as mentoring, tutoring, parent volunteers in schools, and service-learning opportunities for youth and college students. A majority

of grantees also will offer volunteer management and recruitment training opportunities to nonprofit agencies in their communities.

Recipients of the grant funds include: Ford County RSVP in Ford County; HandsOn Kansas State in Geary, Riley, and Pottawatomie counties; Ottawa Volunteer Center/EKAN in Franklin and Ottawa counties; United Way Roger Hill Volunteer Center in Douglas County; Volunteer Connection in Saline, Dickinson, Clay, and Cloud counties; RSVP of the Flint Hills Inc. in Riley County; Southwestern College in Cowley County; and The Learning Tree Institute/YouthFriends in Reno, Lyon, Grant, and Ellis counties.

## Funds Awarded for Rail Improvements

The Kansas Department of Transportation has been awarded a \$6.56 million federal Transportation Investments Generating Economic Recovery III (TIGER III) grant to help with rail improvements between Solomon and Downs.

Major infrastructure enhancements will be made on 84 miles of rail line operated by the Kyle Railroad between the two north central Kansas towns. Officially known as the Solomon Rural Rail Infrastructure Project, work will include installation of 50,400 cross ties and improvements to 24 highway crossings.

Poor cross tie quality has prevented the Kyle Railroad from handling modern 286,000 lbs. rail cars and trains must travel at 10 mph. After the improvements are made, rail cars will be able to carry 23,000 lbs. more and reach the modern standard. Trains will also be able to travel up to 25 mph.

Total cost of the project is \$8.2 million with 80% federal funding. The state and the Kyle Railroad will provide a total of 20% funding toward the project.

## Communities Awarded Funds

The Kansas Department of Commerce announced today that 4 Kansas communities will share more than \$1.5 million in Community Development Block Grant (CDBG) federal funds for housing rehabilitation. These housing projects will rehabilitate approximately 55 properties and demolish 15 dilapidated units.

The following list identifies the community, CDBG funds awarded, and local funds raised:

Clyde, (\$377,000 CDBG; \$2,000 Local) located in Cloud County, has a population of 740. This grant will rehabilitate 14 homes for low-to-moderate income families and demolish 2 unoccupied housing units.

Concordia, (\$341,800 CDBG; \$2,000 Local) located in Cloud County, has a population of 5,146. This grant will rehabilitate 12

homes and demolish 4 unoccupied units within a 20 block target area.

Glen Elder (\$400,000 CDBG; \$2,000 Local) The grant funds will rehabilitate 15 homes and demolish 2 units in Glen Elder, located in Mitchell County. The City has a population of 444.

Wilson, (\$400,000 CDBG; \$2,000 Local) located in Ellsworth County, has a population of 737. This grant will help rehabilitate 14 homes and demolish 7 sites.

Housing rehabilitation grants are awarded through an annual competition. They support rehabilitation of owner and renter occupied residences with targeted areas to encourage neighborhood revitalization.

## Highway Projects Advanced

The Kansas Department of Transportation will accelerate \$50 million worth of preservation projects to produce jobs ahead of schedule and to take advantage of low construction costs currently available.

The 32 projects that will be advanced are included in the 10-year, \$8 billion T-WORKS transportation program passed by the 2010 Legislature. They are part of the \$4.2 billion set aside under T-WORKS for preservation, which includes work such as the repair and reconstruction of roads and bridges.

Many of the 32 preservation projects were to be scheduled for 2013; others had yet to have a start date. KDOT is able to move these projects ahead of schedule partly because of savings captured in recent project lettings.

“We will get these projects under contract this spring and summer so we can take advantage of the great bid prices,” said Acting

Transportation Secretary Barbara Rankin. “And accelerating the schedule means more workers will be receiving paychecks before the end of the year.”

Advancing the project schedule was suggested by the Democratic Legislative Leadership.

“When Representative Davis and I announced our *Kansas Jobs First* plan last month, more than 50,000 Kansans were still unemployed. Accelerating T-WORKS projects will not only improve our state economy, it will give hope to hundreds of Kansas families still struggling to make ends meet,” said Senate Democratic Leader Anthony Hensley.

The list of projects to be advanced, as well as all other T-WORKS projects, can be viewed on the T-WORKS website at [www.ksdot.org/TWorks/](http://www.ksdot.org/TWorks/).

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# “If I Were Mayor” Awards

On February 1, 2012, the League of Kansas Municipalities (LKM) honored six Kansas students for their winning essays in the annual “If I Were Mayor” contest. As part of LKM’s civics education efforts, the essay contest asked seventh-graders from around the state to describe what they would do if they were elected mayor of their city. Five winners were selected as regional winners and one winner was declared the overall state winner. Governor Sam

Brownback was in attendance to present the awards. This year over 850 students participated in the contest.

The “If I Were Mayor” Essay Contest awards were presented as part of LKM’s annual City Hall Day. City Hall Day provides an opportunity for city officials from around the state to gather and discuss legislative issues. More information about the essay contest can be found at [www.lkm.org/youtheducation](http://www.lkm.org/youtheducation).



*Pictured from left to right are the six essay contest winners. Anthony Zieammermann, Emporia; Laurel Godderz, Colony; Tatum Bartels, Phillipsburg; Governor Sam Brownback; Ryan Kuhl, Wichita; Evan Tustin, Gove; and Delaney Kitch, Scott City. Photo by Jay Bachman.*

## Anthony Zieammermann, Emporia • Olpe Jr./Sr. High School • Northeast & Statewide Winner



If I were mayor, I would make sure my city was safe because I don't want anyone getting hurt. I would also be careful and responsible with city funds. An additional priority for me would be developing a trusting community through positive means of communication.

To ensure safety, I would put citizens' needs first. For example, if people were complaining about a pothole that needed fixed, I would get on it right away because I want to earn people's trust, not just say that I am going to do something and not get it done.

Citizens could count on me to be responsible with the city's financial matters. I would prioritize budgets to meet the most critical needs.

I personally think in order for a city to truly be the absolute best it can be, the first step to that goal would be trust. You need to be able to trust each other in order for a community to come together. Through regular communication and the philosophy that "my door is always open," I feel I can build that relationship of trust that helps a community become stronger and more productive.

I realize that being a mayor isn't the easiest job in the world. A mayor must deal with criticism day in and day out and make tough decisions on a daily basis. But if I were mayor, I would try to do all of these things to help my community be the best it could possibly be.

## Delaney Kitch, Scott City • Southwest • Scott City Middle School



If I were mayor, I would make our town greener, healthier, and more fun. Here are some of my ideas. I think these ideas could make our town even better.

To make Scott City an even better place to live, I think a recreation center would be awesome. Raising the money needed we could do many fundraisers or free-will donations with dinners and fun activities for children. A rec center would also be good for exercise for kids and grown-ups too! Rec centers would really be good for weekends and keeping kids busy and healthy.

I also thought a theatre would be a fun job to do! Making a theatre would be another way to keep trouble makers out of trouble. A theatre could be really fun for everyone in town. By the time the theatre would be built, people would start volunteering to work it. Maybe the

workers could be younger like a teen, 13-19, that's another idea. The theater could find some fun activities to do like arcade games.

Being mayor, I would influence many people to do more volunteering. Maybe doing prizes for the person who volunteered the most hours would increase the amount of people who volunteer. Some places that anyone could volunteer at are:

- The Veterinary Clinic
- The Recycling Center
- Nursing Home
- Pound
- Cleaning up Patron Park or Maddox Park

The more we make our town nicer, cleaner, and brighter, more people will come to live in our wonderful town of Scott City.

## Laurel Godderz, Colony • Southeast Winner • Crest Jr./Sr. High School



If I were mayor, I would strive to make Colony the best little town in Kansas. To improve it, I would work towards improving city streets and sidewalks, upgrade public parks and recreation facilities, and revitalize downtown.

First, Colony would benefit from better streets and sidewalks. The number of sidewalks needs increased so people can go for walks, get to school, and avoid foot traffic in the streets. Several streets need to be wider. Bike lanes could be added to some streets. With the Rails for Trails in our town, improvements to connecting sidewalks and streets would make it easier for the bikers, runners, and walkers to get around and exercise.

Second, Colony has a need for better public parks and recreation facilities.

I think we need public parks to use for play, relaxing, or just picnics. The City only has one ball field and it needs repaired. A recreation center would be great. There would then be a place for kids to go and for people to go work-out and get in shape.

Third, Colony needs to renovate the downtown. Several downtown buildings need to be removed. Replacement buildings would attract new business to town. The town would benefit from a program to assist existing businesses improving their stores fronts. Empty buildings should be reworked to attract local small businesses.

With the improvements, Colony would look nice, be a better place to live, and be more enjoyable for all its citizens.

## Evan Tustin, Gove • Northwest Winner • Grinnell Middle School



I love my hometown of Gove. If I would become mayor I would donate as much time as I can. I would share my ideas, save money, and make sure everyone in the town was up to date on what I was doing.

I would start out by contributing my ideas on what I would do to improve the town. One of my ideas is to make Gove's city park a lot nicer. We would make it more fun and look a lot better. To start out, we would put in all new slides, monkey bars, swings, and a tire swing. We would plant blue or buffalo grass, ash trees, maple trees, and cottonwood trees. We would buy

and put granite benches in the park. We would also remodel the bathrooms. We would put in all new sinks, toilets, and maybe paint the walls. At the same time I would like to save as much money as I can. As I did each project I would make sure to keep the town's people knowing what I was doing by putting articles in the county paper.

I love Gove and I hope if I become mayor I can do as much as possible to make Gove a better place to live. Someday I hope Gove is one of the best towns in the country due to what I did.

## Tatum Bartels, Phillipsburg • North Central Winner • Phillipsburg Middle School



If I were mayor, I would support the town. I would make sure to act as a leader and show responsibility. I would work with the city council to make fair laws. The success of the city would be important to me. One way to have success is to bring new industry and maintain the existing businesses. I would be proactive by promoting the town and the people that live there.

For the families that live in my town, I would make sure to have fun recreational opportunities. Some things that I feel would be important are to have evening classes for art or exercise. I would support recreational activities, such as a youth sports league. Public recreation places like pools, parks, golf courses, and walking/biking trails would provide

exercise and recreation for the community. The activities provided would not only be for the young, but also for the elderly.

Having a strong downtown is important. I would encourage business owners to open stores. It is important to have a wide shopping base, so people don't have to go out of town. Having the basic stores, such as grocery, hardware, and clothing is needed.

Having a strong hospital and medical staff would be something I would work on as mayor. I also would want a reliable police force and fire department. Making sure the citizens of my city are safe and healthy would be a priority of mine.

## Ryan Kuhl, Wichita • South Central Winner • Maize Middle School



If I were mayor, I would make my city one of the cleanest, safest, family friendly, caring cities in Kansas. The following ideas could significantly impact any city, no matter how large or small.

Littering would be prohibited. Many trees and plants would freshen the air and add beauty. Wind and solar power will preserve the environment.

My city would also be safe. Alarm systems, window locks, motion-sensor lights, and more would be encouraged for home security. Signs around neighborhoods warning criminals about police would help too. Our police department would respond quickly as well. Many people worry about the crime rates in large cities, but in my city

people won't have to worry about that.

My city would be a family friendly city as well with kid-friendly activities such as playgrounds, interactive museums, zoos, and more. Many sport and job opportunities will be available as well. I want families to think my city is a great place to raise a family.

In my city, I would make sure that everybody had at least somewhere to call home. Special buildings or apartments could be built for the poor or homeless and funded through private charities.

So, I truly believe these ideas might be able to help a city thrive. I believe these ideas can make a city happier, healthier, and make a difference for the people and rest of the world.

# My City, My Home

Another part of LKM's civics education program is the *My City, My Home* coloring book. The book is designed for 3rd grade students to teach them about their community and local government. The illustrations shown below were submitted by Miss Hodge's 3rd

grade class at Avondale West Elementary school in Topeka. The coloring book can be downloaded from LKM's website at [www.lkm.org/youtheducation/coloringbook.pdf](http://www.lkm.org/youtheducation/coloringbook.pdf) or mailed by contacting Candis Meerpohl at [cmeerpohl@lkm.org](mailto:cmeerpohl@lkm.org).





## Mapping Makes Cities Safer

One of my favorite movies is the iconic 1983 film, *National Lampoon's Vacation*. Beyond the ingenious creation of the archetypical deadbeat in-law, Cousin Eddie, and the brilliant transformation of fun-filled "Wally World" into Clark Griswold's white whale, the writers were also prophets of sorts. At the beginning of the film, Clark maps out his trip on an early computer. To his chagrin, his kids then turn his electronic map into a combination of Pac-Man and Space Invaders. From what I'm told, the electronic map and the kids manipulation of it was ridiculously unrealistic for that time. The fact that maps could be used on mediums other than paper, for purposes beyond route-planning, has very much become reality in the last couple decades, though.

Today, maps can be used in ways that couldn't have been envisioned a generation ago. You can use Bing Maps to find the cheapest gas in your region. Your car might be equipped with an internal map that speaks the directions to your desired destination. You can even use online maps to look at street-level views of specific neighborhoods.

These new mapping applications and formats are also being utilized by cities to improve the quality of life of their residents. Cities are installing parking meters that communicate to residents where parking is available via their mobile phones. In Boston, Massachusetts the City is encouraging its citizens to use a mobile app that measures street smoothness and maps out potholes. Other cities are providing online forums for residents to point out the location of blighted buildings. But possibly the most important purpose cities have embraced is using maps to improve safety within the community.

The best known example of a city using mapping to improve public safety occurred 20-years ago, when New York City implemented a policing philosophy known as CompStat. CompStat is employed by mapping out citywide crime data and tracking crime levels in each precinct. By measuring crime in each precinct, precinct commanders become accountable for the strategies they implement. These commanders share successful crime fighting strategies at weekly meetings. The data distribution and weekly meetings are accompanied by "broken windows policing," which restores a sense of order to troubled neighborhoods by aggressively policing minor offenses such as jaywalking, public drinking, and disorderly conduct. By increasing accountability, sharing successful strategies, and attacking minor violations the New York Police Department reduced overall crime in the city by 60%. Today, police departments nationwide have adopted versions of CompStat.

Garden City, Lenexa, Overland Park, and Wichita are some of the police departments in Kansas that utilize versions of CompStat. Garden City Chief of Police James Hawkins said that "the benefits of using a CompStat-type program lie in its information-sharing and accountability which, for the Garden City Police Department, come in the form of recognizing the trend and doing something about it." Lenexa Police Chief Ellen Hanson says CompStat is an "opportunity to make our officers more efficient and knowledgeable about our local crime patterns. By mapping out high crime areas, these Kansas police departments are able to attack problem areas and make their cities safer." Thanks to the widespread use of CompStat, many other Kansas cities are realizing these same benefits.

Kansas has also received national attention for being the location of one of the most innovative variations of CompStat. As part of the Department of Justice's Smart Policing Initiative, Professor Kevin Bryant, an associate professor of sociology and criminology at Benedictine College in Atchison, and the Shawnee Police Department were awarded a \$189,262 grant to

conduct a study on Shawnee's Data Driven Approaches to Crime and Traffic Safety (DDACTS).

DDACTS is a pro-active effort to decrease overall crime around traffic crime hotspots. According to Bryant, where traffic violations are high, overall crime tends to be high as well. With this in mind, Shawnee police pull-over drivers for minor infractions in these hotspots, which restores a sense of order similar to the "broken windows policing" used in CompStat.

Bryant's research indicates that DDACTS has produced significant decreases in total crime in the targeted zones. The initiative has decreased property crimes by 25%, collisions by 21%, and residential burglary by 20%. Shawnee City Manager Carol Gonzales says that locating the areas that most need a sense of order restored also helps efficiently allocate public safety resources, saving the city and its taxpayers money.

City police departments aren't the only ones utilizing maps to improve public safety. Kansas citizens are using them for the same purpose. Manhattan, Topeka, and Lenexa participate in a free public crime mapping program called RAIDS. Unlike other mapping strategies, RAIDS seeks to reduce crime by giving citizens the information they need to avoid being victims of crime.

RAIDS works by taking crime data from the city law enforcement agency and displaying that data to the public through the RAIDS website. By making crime information public, law enforcement agencies increase awareness of crime and improve communication with the citizens they protect. Cities can sign up for RAIDS for free, making it a cost-effective way to help residents take intelligent precautionary measures to avoid becoming victims of crime. Some Kansas cities, such as Lawrence, also utilize RAIDS-type maps that allow them to customize the type of data that they share with the public.

By looking at RAIDS maps, citizens can predict where they are most likely to be victims of crime. But, at the frontier of crime mapping is predictive policing, in which police predict specifically where and when crimes are going to take place. In Santa Cruz, California, the police department is using an algorithm developed by Professor George Mohler of Santa Clara University to do just that.

Predictive policing isn't some deceptive PR stunt to increase DVD sales of *Minority Report*. Mohler notes that some crimes have predictable patterns, so by utilizing data from daily crime statistics his algorithm can suggest where and at what time of day crimes are likely to occur. These "hotspots" are mapped out and given to officers each day so they know which areas they should be patrolling. When tested in Los Angeles, on average the algorithm predicted 25% of the burglaries that occurred in a single day in the city. Whether this strategy will catch on with other cities is unknown, but if it proves effective it may be a tool that revolutionizes the way cities are policed.

One of the many great scenes from *National Lampoon's Vacation* is where Clark ramps off an embankment on a closed road after being distracted by an attempt to fold up a map. Today, that comic scene may appear strange to a society conditioned to the safety of navigation systems audibly guiding them on the correct path. Like present day drivers, cities are also safer because of innovations in mapping. And just as many of us now wonder how we ever traveled without our navigation systems, city residents too may soon question how their communities were ever kept safe without the use of mapping data.

 Michael Koss is the Membership Services Manager for the League of Kansas Municipalities. He can be reached at [mkoss@lkm.org](mailto:mkoss@lkm.org) or (785) 354-9565.

# PEABODY MAKES ITS OWN FUTURE

-by Shane Marler-



**I**t's every small community's worst nightmare. A core business in your downtown has decided to move to a nearby larger community. As an economic development professional, your day can't get much worse, short of a natural disaster.

Since 1897, Baker Furniture had been a cornerstone of downtown Peabody. In the late 1990s, shoppers traveled in droves to Peabody to peruse Baker's selection of high quality furnishings. Over several decades, Baker Furniture had purchased downtown buildings for expansion of their business. Their exodus in late 2009 left six downtown historic buildings vacant and citizens assuming the move would be the final death knell for their community.

Peabody's leadership had a different perspective. They viewed the empty buildings as an opportunity. Suddenly, for the first time in decades, 25% of the commercial space downtown was available to diversify its business core. While the buildings sat vacant with no private interest coming forward, the properties began to deteriorate. The properties being a part of the Peabody's historic district, which boasts 42 buildings on the National Register of Historic Places, made their ultimate "demolition by default" a non-option. With no private interest coming forth to purchase the buildings, the City of Peabody began looking at the possibility of a community initiated development.

Peabody had established an industrial park in the early 1990s in an attempt to spur development in the manufacturing field. When the site was established, the infrastructure to service the site was not. The necessary water, electric, and sewer supplies stopped on the south side of U.S. Highway 50. Unfortunately, the industrial park was located on the north side of U.S. Highway 50. After more than 20 years, there had never been a development proposed for the industrial park, and thus the site resembled most other farm land in the area. Understanding that the odds were against the development of the site, the Peabody City Council voted unanimously to sell the tract of land. The proceeds of the sale were leveraged with a grant from the Kansas Main Street program to purchase the six downtown buildings vacated by Baker Furniture.

The primary initial focus after the purchase of the properties was to arrest any continued deterioration and "mothball" the buildings from the elements. In January 2011, the City of Peabody, in partnership with the Peabody Main Street Association and Peabody Economic Development developed a plan for the future of the properties. Baker Lofts, LLC was formed for the purpose of developing housing in the upper floors of the buildings. The proposed \$3.1 million project will leverage Section 42 low income housing tax credits with state and federal historic tax credits to create 13 loft apartments in the properties. The group made application to the Kansas Housing Resources Corporation in February of 2012 for the tax credits. If allocated, the project would begin construction in late 2012. As with most communities, the downtown buildings have been remodeled over the years, and are not currently consistent with the overall "1880s" downtown design. Peabody Main Street Association has received a grant from the National Trust for Historic Preservation to assist with a proposal to return the storefronts of the properties to

their original design. The organization also made application to the Kansas Historical Society for a Heritage Trust Fund (HTF) grant to assist with the storefronts project. A grant for \$75,910 was awarded in February 2012 for the project.

With a population just under 1,300, Peabody has struggled in recent years to maintain its population and subsequent tax base. Due to an increasingly volatile global economy, private investment has slowed to a snail's pace in large communities and has all but stopped in small communities. In 2011, Peabody turned the tide. Peabody Economic Development worked closely with the City of Peabody and Peabody Main Street Association to aggressively recruit, retain, and develop businesses within the community. The development of the first commercial space in the vacated "Baker Buildings" spurred a new found interest in entrepreneurship. Working with an annual budget of just over \$50,000, Peabody Economic Development generated 5 new businesses, 23 new jobs, and a return on investment of nearly \$600,000 in 2011. With the massive Baker Lofts project and others on the horizon, these numbers could very well pale in comparison in 2012.

The willingness of a community to initiate its own development is a scary undertaking to say the least, but if we aren't willing to invest in ourselves, how can we expect anyone else to?

 *Shane Marler is the Executive Director for the Peabody Economic Development Center. He can be reached at [pmsa@peabodyks.com](mailto:pmsa@peabodyks.com).*



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*Left: Historic, current, and the proposed store fronts of downtown Peabody. Photos provided by the City of Peabody.*



## ...Wherever It Takes Me

In January I was “OTR” quite a bit, and saw a whole bunch of several parts of the state. The weather was great, and the roads were clean and fast. A rubber-necker’s delight.

My first road trip of the year took me to Topeka for the winter gathering of a board on which I serve. This particular board is made up of mostly private-sector folks, and it is always interesting to observe the different ways we look at things. I love public service and my entire career has been in public service, and I am VERY proud of that. Though I am never surprised at the different ways, we in the public sector, are seen by others, I am often disappointed in how little the “public” actually knows about what government really is. Don’t get me wrong, this board is comprised of smart, good, and very likeable people. I just wish that government and public service were better understood by “civilians.” Being in the distinct minority sometimes brings things into better focus.

From Topeka, I ventured over to Ottawa to join a big bunch of colleagues, and a lot of city folks, and private citizens in acknowledging my long-time buddy Richard Neinstedt’s acceptance of the highest honor among Kansas city managers, the Buford Watson Award for Excellence. Congrats again, old friend, on this richly-deserved recognition. Yours is a smiley face for the ages.

That trip continued the next morning with stops in Roeland Park (to visit with KMIT board member and RP City Clerk/Finance Director Deb Mootz), quick stops in Edgerton and Baldwin City, and then on to Osage City, where longtime City Clerk Linda Jones and Interim City Manager John Carter (both also old friends) and I enjoyed a delightful hour or so of conversation. PS...several weeks later, Linda was promoted to City Manager. HUGE congrats, Linda.

A couple of weeks later, I was in Hoisington for a Thursday overnight (and stayed at the very cool Cheyenne Bottoms Inn, where they have a waterfowl cleaning process, and a sign that says “take off your muddy boots at the door”), for a Finance MLA the next morning. That evening I was joined for dinner (at a new Mexican place just north across the street from City Hall...darned if I can remember the name, but the food was fabulous) by Hoisington City Manager Jonathan Mitchell, and his toddler son (who looks EXACTLY like him, red hair and all), and Russell City Manager Ralph Wise. The next day’s training went well and was a ton of fun. We had a full house, including several who drove quite a ways to get there, such as Roeland Park City Administrator Aaron Otto and Baldwin City City Administrator Chris Lowe (whom I had just met for the first time earlier in the month).

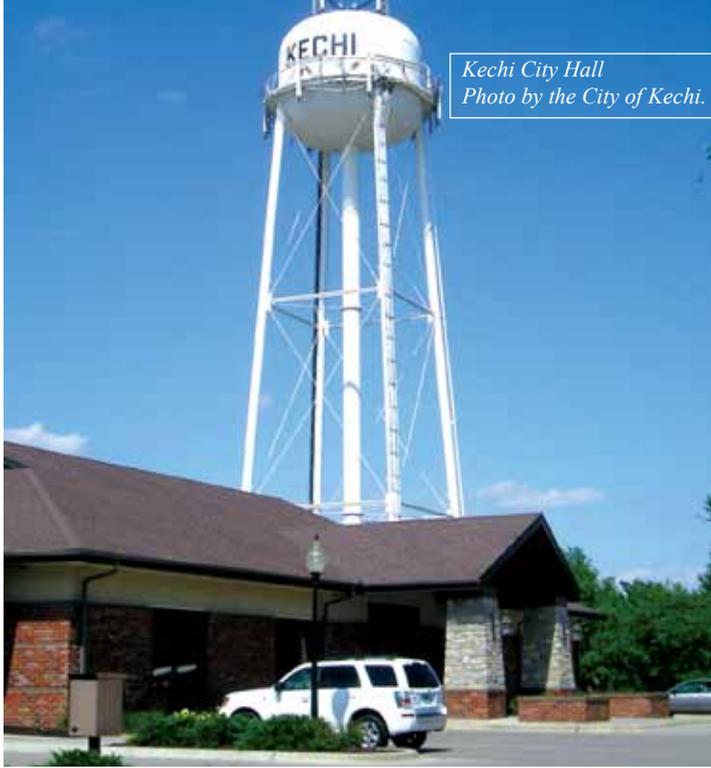
On the last Friday in January, I headed southeast, toward the site of the second (and final) “leg” of my annual Finance MLA tour; this stop was in Independence on a Saturday morning. On the way there, on Friday, I shared lunch and conversation with Carl Slaugh, City Administrator in Iola. Carl arrived in Iola last summer, and, on this day, was just getting to move his sparse furnishings from a rental into the house he and his wife have purchased. His wife is still living in their past residence in another town, and will join him in Iola soon.

Not enough credit is given to city managers in this regard, as it is virtually inevitable that their careers will include a series of buying and selling houses (and WORRYING ABOUT selling a house), often living apart from their family for long periods of time during transitions. Changing jobs when you’re a city manager, unlike most other professions, means relocation (there is only one city manager in each city, right?), and all that goes with it.

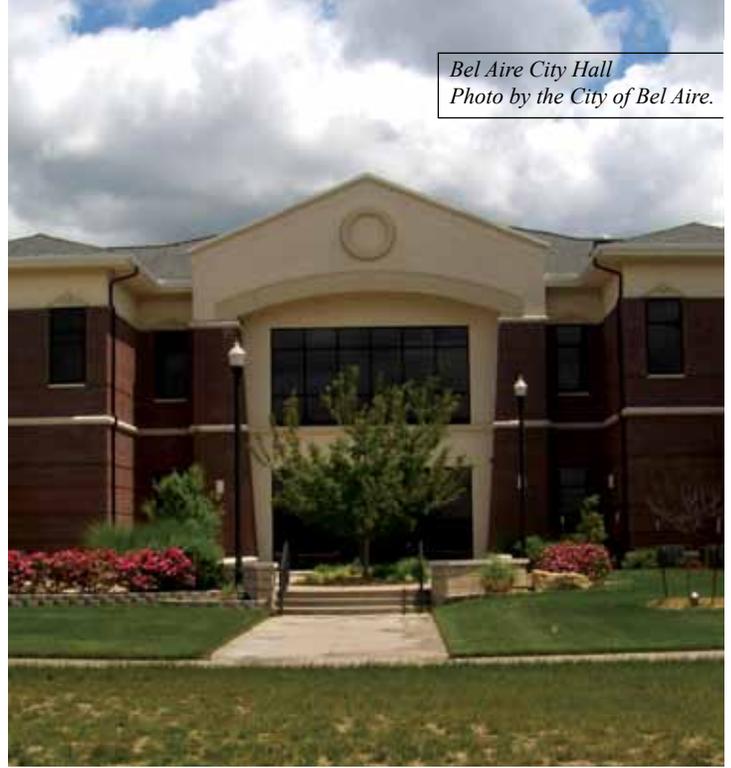
On my way south to Independence, I stopped by at city hall in Humboldt and had a great visit with City Administrator Larry Tucker and City Clerk Jean Flores. Not too long ago, the City was made an offer it couldn’t refuse to purchase (at a VERY reasonable price) a fabulous bank building right in the middle of downtown. Though lots of city halls are in former banks (and many are also very nice), this one is NICE NICE. Larry brought me up-to-date on several local projects, including some much-needed senior housing. Like me and virtually all my relatives, Larry is a native of Hutchinson; he returned to Kansas, from Texas, several years ago. The next day, Jean and one of my favorite people, Humboldt Council Member Vada Aikins, joined me (and about 20 or so others) for a day of finance training and discussion in Independence. Vada is very proud, and quite rightly so, of the recent improvements made in the River Park (Neosho), along the west border of Humboldt. PS...I am pleased to report that Vada is fully recovered from injuries received last year about this time in a rollover on a black-iced county road...headed to an MLA seminar.

I wish to use this space this time around to say goodbye to two GREAT Kansans—the last of my uncles, one on each side of my family. I have spoken of my mom’s oldest brother, Dick Wells, here before. Dick served in the Army in WWII, and, along with a hundred thousand or so other soldiers, sailors and marines, was headed (in his case, out of the Philippines) to invade Japan, when the war ended with the first two, and still-only, atom bombs ever dropped on a civilian population. ([http://en.wikipedia.org/wiki/Atomic\\_bombings\\_of\\_Hiroshima\\_and\\_Nagasaki](http://en.wikipedia.org/wiki/Atomic_bombings_of_Hiroshima_and_Nagasaki)). Shortly after returning to his native Hutchinson a year later, Uncle Dick joined the Hutch Fire Department, and stayed there his whole career. He made a famous elevator-explosion rescue way back in 1952. I was fortunate to get the chance to talk about both events one more time with Uncle Dick two days before he died, in early February, a couple of months shy of his 89th birthday. My uncle Ronnie Osenbaugh was my dad’s youngest brother, born in 1934. Ron left Hutchinson to serve in the Navy during the Korean “Conflict,” and ended up staying in California, and then had a long career working in animation for Walt Disney. Among his many achievements, Ron is listed in the movie credits as the “photo-rotoscope supervisor” in the 1982 movie *Tron*. Uncle Ronnie retired to Ohio, and passed away there in late December.

☀ *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)*



*Kechi City Hall  
Photo by the City of Kechi.*



*Bel Aire City Hall  
Photo by the City of Bel Aire.*

# Cities Discuss Opportunities to Collaborate

by Matt Heilman

Collaboration talks between neighboring cities continued at meetings November 21 and 28, 2011, where a steering committee comprised of representatives from Bel Aire and Kechi weighed in on money-saving and increased efficiency opportunities.

The meeting, organized by Professional Engineering Consultants (PEC), was the first for the steering committee. Among the group serving on the committee are two Kechi council members and former Bel Aire mayor Gary O'Neal.

In the meeting, PEC's Scott Dunakey went through advantages of collaboration between the cities and again emphasized that cost-saving or efficiency improvement opportunities don't call for consolidation or reduction in city staff for either Kechi or Bel Aire.

Over the past few months, PEC's consulting efforts, paid for with a grant called the Community Capacities Building grant, has essentially dissected each city, taking a close look at each city's budget, resources, services, staffing, and facilities. Looking at common and unique services for each city, Dunakey said PEC "threw everything on the wall."

"Now, it's up to you to see what sticks," he told the steering committee.

In the 90-minute discussion, the group observed opportunities for cost savings or increased efficiency outlined by Dunakey and began discussing what they think is worth exploring further. To this point, the area that has arguably struck the most interest is potential shared development and marketing opportunities along the K-254 corridor where the cities' borders meet.

The committee also saw efficiency advantages with city operations. For example, the group agreed that opportunities to share information technology support would be wise to explore further to potentially save costs on the expensive service.

The group also discussed the cities' police forces. While the group seems to agree with several Kechi residents by opposing a

combined police force, Dunakey pointed out a couple of efficiency opportunities the steering committee agreed could be worth looking at more closely.

While they would like each city's law enforcement personnel to weigh in, the steering committee seemed to agree that opportunities to improve record keeping or share a space for evidence could potentially be beneficial, depending on the needs of each department.

Economic development, IT services, and police service were just three of several areas brought up November 21, 2011 and further discussed November 28, 2011. No binding action was taken at the meetings, and none will likely be taken for several months. The initial meetings of the steering committee were just the first step for PEC to get a grasp on what each city wants and to narrow down where to focus collaboration efforts. Sitting in on the November 21, 2011 meeting was David Bossemeyer with the Greater Wichita Economic Development Coalition.

His primary interest is with the potential shared development of the K-254 corridor. Toward the end of the meeting, Dunakey said the idea for collaboration comes down to economic development. The ultimate goal is for each city's tax base to get "the most bang for their buck," Kechi City Administrator Mark Tallman said.

On Dec. 12, 2011, residents from each city will have their chance to weigh in. To this point in an observation stage, ideas are being shared and questions are being asked, but no recommendations are yet being made.

As part of the initial stage to get feedback from each city, PEC organized a 47-page opportunities report. To keep track of the collaboration efforts and where the discussions may lead, visit [www.kbjointplan.com](http://www.kbjointplan.com).

 *Matt Heilman is a reporter for the Bel Aire Breeze. This article was reprinted with permission from the Bel Aire Breeze December 2011 issue.*



# Anytime, Anywhere, We'll Be There: NORTON COUNTY EMS

by Jane Wyatt



**N**orton County Emergency Medical Services (NCEMS) began providing emergency medical, trauma care, and transport to the citizens of Norton, Alma, Clayton, Edmond, and Lenora over 32 years ago. The NCEMS team thanks all the dedicated volunteers from the past to present, for their contributions and years of service to the county and for establishing a standard of excellence for all to follow.

NCEMS serves a population of 5,800 citizens and averages between 500-600 medical and trauma responses per year. Currently, NCEMS is a Type II licensed ambulance service that provides basic and advanced life support care throughout the

county. We are very proud of our response to the community, which includes day or night and weekend calls, to which we average under a 5 min. response time and less than 10 min. to our patients within our communities and county. Our service area covers 900 sq. miles and has 3 stations located in the cities of Alma, Lenora, and a new EMS facility located in the City of Norton. This building was made possible from extensive planning with the Norton County Board of County Commissioners, local funding, a loan from Prairie Land Electric, and a Community Development Block Grant. The facility has 4 bays with a total of 2,400 sq. ft., a 2,020 sq. ft. training room and office area, and another 2,000 sq. ft. basement used for training.



*Photos Left: A new EMS facility located in the City of Norton was made possible from extensive planning with the Norton County Board of County Commissioners, local funding, a loan from Prairie Land Electric, and a community Development Block Grant.*

*Photo Below: EMT students Matt Rushton and C.J. Woodmansee perform scenario training during EMS Rodeo Day. Teal Stewart was one of many volunteers that assisted during the training.*

*Photos provided by Norton County EMS.*



NCEMS is a combination service meaning they rely on paid and volunteer professionals to serve their communities. Recruitment and retention have been and continues to be paramount for the medical and traumatic needs in the area. Although NCEMS has 18 professionals on staff, including 3 Paramedics, they are constantly on the lookout for new dedicated and courageous individuals to join their family. NCEMS staff is certified at all levels currently available in Kansas, which includes nationally registered paramedic/medical intensive care technicians, advanced emergency medical technicians, emergency medical technicians, and emergency medical responders. NCEMS also has staff members that are Kansas certified to teach any level of

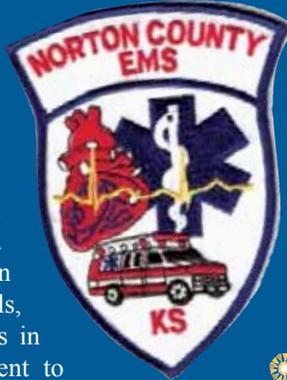
EMS certification. The paramedic staff responds to assist other agencies or outlying stations so the quality of care is consistent throughout the County. All professionals are provided with both up-to-date protocols and equipment. This includes the current advanced cardiac life support and pediatric advanced life support medications, skills recommended by the American Heart Association and state of the art cardiac monitors with 12 lead EKG capabilities.

NCEMS has been very successful in writing and obtaining local, regional, state, and federal grants. This not only takes some of the financial burden from the County, but assures the County operates with the most up-to-date equipment. The services most



recent equipment includes a respiratory ventilator, continuous positive airway pressure machine, an interosseous bone gun and catheters, surgical airways, and the latest equipment in pediatric care and transport.

The Norton County Hospital provides the County with excellent healthcare services and is also a partner in providing training to the out-of-hospital provider. This partnership has been a great opportunity in our rural area for medical professionals to share information with and learn from the experts within the healthcare industry. Norton County Hospital Medical Director, Dr. Martin Griffey as well as many other medical professionals, have been invaluable to our community's success in partnering with EMS, Fire, and Law Enforcement to provide timely and exemplary emergency service needs when accidents happen. With the partnership of qualified hospital staff and by providing our citizens with pre-hospital para-medicine,



NCEMS is the first link to quality healthcare when an emergency medical or trauma event happens in Norton County.

NCEMS is committed to making our community a better place to live and work by offering community prevention programs, CPR and First Aid training, and providing medical coverage for an array of local athletic and motor sport activities. NCEMS values the progressive leaders and providers within its communities who recognize the importance of a professional EMS system. If you live here, are visiting relatives or traveling through the area, you can always depend on quality care from NCEMS. "Anytime, anywhere, we'll be there."

 Jane Wyatt is the Service Director for the Norton County EMS. She can be reached at [ntemsbilling@ruraltel.net](mailto:ntemsbilling@ruraltel.net). This article was reprinted with permission from the Norton County Life Magazine Winter 2012 issue.



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## Recent Attorney General Opinions

Two recent Attorney General opinions (AGO), in the judgment of League of Kansas Municipalities (LKM) attorneys, reach the wrong conclusion on fairly important issues of municipal authority. It is important to note that these opinions are essentially one attorney's legal opinion on these issues, and cities are not bound to follow the conclusions of law reached by the Attorney General. *CPI Qualified Plan Consultants, Inc. v. Kansas Dept. of Human Resources*, 272 Kan. 1288, Syl. ¶ 3, 38 P.3d 666 (2002)

Both opinions result from an erroneous interpretation of K.S.A. 12-16,124, which was the compromise reached to allow uniformity in the laws governing transportation of firearms in motor vehicles from one jurisdiction to another. The statute basically prohibits cities from regulating "the purchase, transfer, ownership, storage, or transporting of firearms or ammunition, or any component or combination thereof." There are several exceptions, one of which states that nothing in the statute should be construed to prohibit "a city or county from regulating the manner of openly carrying a loaded firearm on one's person; or in the immediate control of a person, not licensed under the personal and family protection act while on property open to the public." These are two separate independent clauses.

The first opinion answered the ability of cities to regulate open carry with the following answers:

- Cities may regulate the manner of openly carrying a loaded firearm on the person of a concealed carry permit holder.
- Cities may regulate the manner of openly carrying a loaded firearm on the person of a non-holder of a concealed carry permit.
- Cities may regulate the manner of openly carrying a loaded firearm in the immediate control of a non-holder of a concealed carry permit.
- Cities may not regulate the manner of openly carrying a loaded firearm in the immediate control of a concealed carry permit when such holder is on public property.

These conclusions are not problematic as far as they go, but some of the rationale is problematic. The rationale of the Attorney General is best set forth in a statement from the opinion referring to the exceptions to preemption that were included in the bill. "Thus, it would seem that reading the ambiguous language of this statutory provision in the manner that results in the greatest preemption of local control over the conduct of concealed carry permit holders would be the interpretation most consistent with the apparent legislative intent." Unfortunately, this is directly contrary to the Constitutional Home Rule Amendment, Art. 12, Sec. 5, which states, "Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self-government." Once the Attorney General determined that the language in K.S.A. 12-16,124 was ambiguous, the interpretation should have been to give cities the greatest measure of self-government. As city officials know, the only way to preempt cities from acting is to adopt an enactment uniformly applicable to all cities and which explicitly preempts cities from acting. The statute in question, while preempting some activities, is not explicitly preemptive on the question of regulating open carry, and in fact allows cities to regulate in this area. Thus, the Attorney General's reasoning in AGO 2011-006 is erroneous.

This leads into AGO 2011-24, wherein the Attorney General builds on this analysis, stating that it had determined in the previous

opinion, that "where K.S.A. 2010 Supp. 12-16,124(b)(2) is silent on a factual circumstance, local authority is preempted." Thus, the opinion analyzed the terms "manner" and "immediate control" from the statute and determined that those are not broad enough to allow cities to prohibit open carry, just regulate the manner in which open carry happens. Nothing in the statute addresses a prohibition, and logically, if the city can regulate, it can prohibit. Again, the Attorney General erred on the side of giving cities the least measure of local control and self-government. This is blatantly contrary to the Constitutional Home Rule Amendment.

Cities should discuss these open carry Attorney General opinions with their city attorneys and determine whether or not the city should or should not regulate open carry. While the opinions are not binding, a court may consider them to be persuasive on the proposition for which they stand.

The final Attorney General opinion involving city authority is AGO 2012-3, which opines on the City of Mission's transportation utility fee. This fee was imposed to recoup the direct and indirect use of the transportation infrastructure in the City and was imposed in a very similar manner to how stormwater utility fees are imposed. A trip generation model estimated the number of vehicle trips originating from a property and imposed the fee based upon such estimated use. Stormwater fees are imposed based upon the amount of impact a property has on the stormwater system, i.e. the amount of surface water flowing into the system.

The Attorney General analyzed the fee and determined it was a tax, and further, that it was an excise tax prohibited under K.S.A. 12-194. The opinion does not distinguish the validity on the one hand of the stormwater utility fee and the invalidity on the other hand of the transportation utility fee. In both, the city creates a utility. In both, the city's purpose is to pay infrastructure costs for the utility. Neither rely on a statutory provision for its validity. In the case of the transportation utility fee there are no statutes, either authorizing, or prohibiting such fee. In the case of the stormwater utility, the statutory construct present in statutes has to be charter ordinated to allow for the creation of the freestanding utility. Both require the use of cities' home rule authority. In the case of the stormwater utility, the Kansas Supreme Court has specifically stated that "[s]ewer charges and fees imposed by a municipality are not taxes or special assessments but are in the nature of tolls, rents, fees, or charges paid for service furnished or available." *Regency Park, LP, et al. v. City of Topeka*, et al., 267 Kan. 465, 472 (1999). The same must logically be true of the transportation utility fee.

While it does not seem that any other cities have done or are contemplating a transportation utility fee, the issue is a broader one of the treatment of cities' Constitutional Home Rule authority in recent Attorney General opinions. LKM will continue to monitor city related opinions and keep city officials apprised on issues that might affect city regulations.

 Sandy Jacquot is the 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.

# Kinsley Veteran's Park Springs to Life Again

by Charlene Scott

If you drove down Sixth Street, Kinsley's "Main Street," any Saturday morning during recent months, you would have seen some of the best weed-pullers in the state hard at work on the Kinsley Veterans Park.

"I was shocked by the number of weeds," said Vicky Haskell, one of the volunteers from the Neighbors Helping Neighbors Committee.

"We fought the weeds pretty hard," admitted Kris Arensman, who with Sue Bagby, leads the committee.

An enterprising Boy Scout founded the small park many years ago as an Eagle Scout project. Brian Laudick, son of John and Donna Laudick, went to the City and requested permission to begin his ambitious project. The narrow park is sandwiched between the Zwiesen Tile building to the east and the Sentinel Newspaper building to the west, and is across the street from the Palace Theatre.

With the help of Bryan Bradford, Laudick located bricks that members of Scout Troop 239 thoroughly cleaned and placed inside the park. Laudick then convinced Don and Herbert Stanley to haul an artillery gun to the park site at 220 E. Sixth Street.

"The gun had been in front of the old American Legion Hall out south," explained Bagby, editor of *The Sentinel* newspaper in Kinsley.

Some 25 years after the scouts accomplished their good deed, the City of Kinsley still mowed the lot, but weeds had taken over the neglected park and many of the bricks had disintegrated.

"We wanted to make the town more attractive to visitors and to people who move here," Bagby said. "We met with the city manager, and a letter was sent out to property owners to please clean up their property." Arensman recalled that "We handed out flyers and gave away trees and flowers last year at the farmers market."



*Right: A current view of Kinsley's Veterans Park. The City will continue renovations this spring starting with planting new flowers. Above: The famous Midway U.S.A. sign that stands outside of the Veterans Park. Photos provided by the City of Kinsley.*

The park eventually became the focus of the committee's work. "We wanted people to see that we were doing something, and not just griping," Arensman said with a grin.

New bricks were obtained from a building that burned in Offerle. The building had housed a grocery store owned by Abner Offerle years ago, according to Arensman.

"We also ran an ad on television, and people donated bricks," he said.

The PRIDE Committee gave \$300 to the project and is paying for three wooden picnic tables with benches, two large and one smaller, for the park.

"We hope this will be a park where people will sit and rest and have lunch—and a place where people will come during activities at Christmas, the fair, and parades," Bagby said.

"It's shady here in the park, with a nice breeze most of the time, and what's wonderful about this is that the park no longer is neglected," Haskell pointed out.

"And we have a collage of flowers in the spring and summer: irises, cannas, vincas, moon flowers, and marigolds," said Arensman, who specializes in tree care and is a certified arborist. "We will acquire more perennials over the years."

The committee is building a brick walkway through the park and a retaining wall alongside the flower beds on each side. There

had been talk of a mural to cover the bricks showing through the walls of the nearby buildings, but the committee decided against it.

"That's the way high dollar restaurants make their walls [with bricks sticking out from peeling plaster], so we'll just leave them that way," Arensman said.

"We want the park to be as accessible and usable as possible by individuals with handicaps," noted Bagby. "You can tell this isn't a professional job, but a lot of folks have commented that they like it and that the park looks good. We hope it will last."

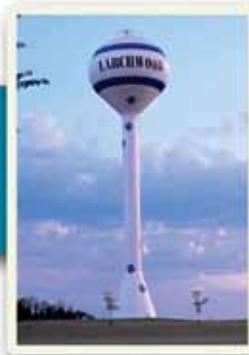
Arensman admitted that he has a personal reason for laboring to beautify the Veteran's Park.

"I want to see some changes in Kinsley," he said. "My family is from here, and I would like to leave something behind to better the community. My family will live here for generations, and I think we can do a lot in this town that will change the attitudes of people and make everything nice. I may come down and have a picnic here myself when the park is finished."

☀️ *Charlene Scott is a contributor for the Legend Magazine. This article was reprinted with permission from the Legend Magazine 2011 Winter issue.*

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## Change for Change Sake?



I don't know about you, but an old time tradition in my family has been to buy savings bonds. Savings bonds, in one form or another, have been used by my family for decades and were always felt to be a very safe investment which could be used in several ways. While no one is going to get rich the off the interest paid on a savings bond, it was always a good way to safeguard money, and to allow it to grow at a predetermined rate.

Savings bonds have been around for a long time. They were first authorized by the U.S. Government during the Great Depression in 1935. It was at that time that President Franklin D. Roosevelt signed legislation that allowed the U.S. Treasury Department to sell a new type of security called a U.S. savings bond. A month later, the first Series A savings bond was issued. It had an initial purchase price of \$18.75, with an eventual face value of \$25, and was known as "the baby bond."

By the early 1940s, the United States was involved in World War II and the bonds became characterized as defense savings bonds which were sold to the public as one method to finance the ongoing war effort. They were very successful and highly supported by the citizens of the United States. By the end of the war, and into the late 1940s and early 1950s, savings bonds had evolved into a way for American families to build a nest egg. According to the U.S. Treasury Department website, by 1946 more Americans were buying savings bonds than cashing them. They also noted that the American people were resisting cashing in their bonds so that their savings could continue to grow.

The bonds, by this time, were an interval part of American life and had become a ubiquitous way for American families to both save their own money, help out the U.S. Government, and provide a method of savings for their children. I would suspect that many of the people reading this column both have purchased U.S. savings bonds for someone else and have had U.S. saving bonds purchased for them in their lives.

With this as a background, I will jump ahead to what actually stimulated the thinking on this month's column. As you know, for a number of years, the League has sponsored an annual "If I Were Mayor" statewide essay contest for 7th graders. The contest asks 7th graders to write an essay telling us what they would do "If I Were Mayor." Historically, the winning essays have always received as part of the prize a U.S. savings bond. This has always been very well received, and we have always felt that not only were we providing a tangible reward for the excellent essays which were produced, but were helping in some small way to provide something towards the future of these bright young people. So, we assumed we would do the same this year, but it was not to be.

As of January 1, 2012, paper savings bonds are no longer sold at financial institutions. According to the U.S. Treasury's website, this action supports the Treasury's goal to increase the number of electronic transactions with citizens and businesses. To this end the U.S. Government even issued a press release talking about how much money is going to be saved by doing away with paper savings bonds. Reading from the press release I find: "Savings bonds are very

much a part of this country's history and culture, and will remain a part of America's future—but in electronic form," said Public Debt Commissioner Van Zeck. "It's time for us to take a 1935 model and make it a 21st Century investment tool." It goes on to describe how the new procedure is tremendously superior to the old way of issuing paper savings bonds. Well, let me give you a little bit different perspective on this change.

The long and the short of it is that as with all other things electronic, you can no longer simply wander into a bank and buy a savings bond. It now requires the establishment of an electronic "TreasuryDirect" account. Once you have opened your TreasuryDirect account, you may then buy an electronic saving bond which can then be given to a child or some other person. However, there is still more to the process as the individual you are giving the bond to must also then establish their own TreasuryDirect account so that they can electronically receive the bond from you. Also, only certain kinds of entities are able to actually establish a TreasuryDirect account. It is apparently not possible for all entities to establish one of these accounts. It appears that it is really focused on individual investors. Repeated attempts by the League to purchase the electronic bonds failed because the League was not an eligible entity to establish a TreasuryDirect account.

So what does this mean for all of us? Well, it means that the League is not going to be giving savings bonds in the future to the winners of the "If I Were Mayor" contest. I suspect what it also means is that there are going to be a lot of disappointed grandmothers and grandfathers out there who are not willing, or able, to establish a TreasuryDirect account, nor are the people they are giving the accounts to wishing to do that either. I suspect, that what will really happen here is that sales of U.S. savings bonds will plummet. I seriously doubt that with all of this rigmarole there is going to be much excitement about giving electronic U.S. savings bonds anymore. I don't know about you, but I think much is lost when you do not have a physical certificate in your hands. Like so many things in life, it just isn't going to be the same or nearly as much fun.

They claim this change is going to save millions of dollars, but that is only the case, of course, if the use of U.S. savings bonds remains unchanged. If the purchases of U.S. savings bonds decline because people find the new system to be cumbersome, unwieldy, or just a pain in the neck, then all of their projections about how much money is being saved are nonsense.

The simple fact of the matter is that what the federal government has done, in one fell swoop, is do away with something that has been a part of the American landscape for most of the 20th Century and part of the 21st. Somehow the idea of receiving an "electronic" savings bond isn't very exciting and I seriously doubt it will help to teach a child the importance of saving one's money. Getting a note saying you have been given a gift of \$100 savings bond isn't the same as actually handing a child a \$100 savings bond or putting it in their Christmas stocking. I also suspect that those who are less electronically sophisticated, or who do not wish to establish a "TreasuryDirect" account are simply going to forget about buying U.S. savings bonds. A perfect example of government shooting itself in the foot. (See the failing of the U.S. Post Office.) Ultimately, it was a solution in search of a problem.

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