

# Kansas

GOVERNMENT JOURNAL

VOLUME 99-NUMBER 4

APRIL 2013

**Inside:**  
**Celebrated Art**  
**Leavenworth Recruits Hotels**  
**Goodland Mobilizes Volunteer Effort**

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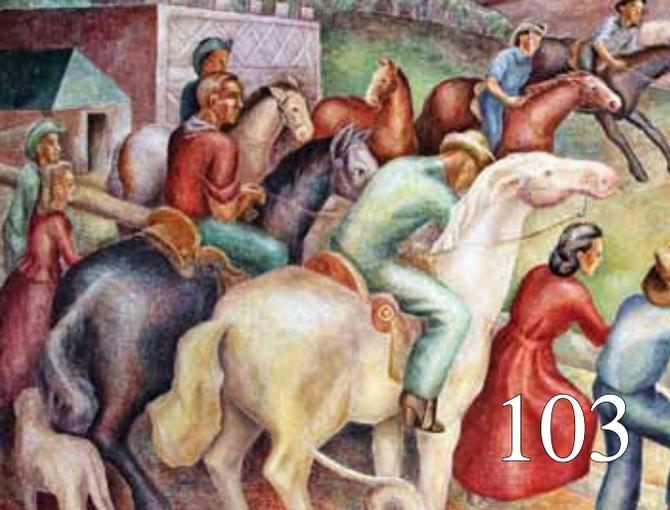
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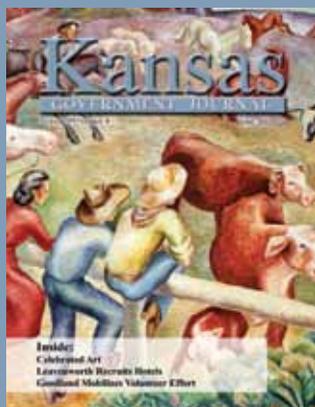
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About the Cover:  
Jessie Wilbur painted "In the Days of the Cattlemen's Picnic" at the Kingman Post Office in 1942. See related article, *Celebrated Art: May Be as Close as Your Post Office*, beginning on page 103. Photo of the painting provided by Kansas Country Living.

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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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## May

8 - Legislative Veto Session Begins

10-11- Governing Body Institute, Topeka

27 - Memorial Day

## June

7 - Governing Body Meeting, Phillipsburg

14- CAAK: Spring Meeting & CLE, Kansas City

20 - MLA: City Clerk Fundamentals, Scott City

21 - MLA: City Clerk Fundamentals, Concordia

27 - MLA: City Clerk Fundamentals, Neodesha

28 - MLA: City Clerk Fundamentals, Roeland Park

## Obituaries

Carl B Anderson, Jr., 66, of Lindsborg, passed away February 7, 2013. Anderson graduated from Lindsborg Rural High School in 1964 and from Bethany College in 1968, where he earned a B.A. in business economics. He earned a J.D. from the University of Kansas School of Law in 1971.

His first position was in private practice as an attorney in Sublette between 1971-1975. During this time, he also served as Haskell County Attorney. In 1975, he opened a private practice in Lindsborg. In 1976, he was elected to the Kansas Ninth Judicial District Court, where he also served as the Administrative Chief Judge for 10 years. Anderson served as a sitting and administrative judge for 36 years until his retirement in January 2013.

Don O. Concannon, 85, died March 9, 2013. He was born and raised near Garden City. After graduating from Garden City High School in 1945 he served in the U.S. Navy. After the Navy, Concannon graduated from Garden City junior College, then Washburn University School of Law in 1958. He moved to Hugoton, where he was elected Stevens County attorney one month later. Concannon also served as the Satanta city attorney.

Glenda Gassdorf, 70, of Topeka, passed away Wednesday, February 20, 2013 at St. Francis Hospital. She was born October 13, 1942, graduated from Topeka High School in 1960. She had been a clerk for Shawnee County and later employed as a Bank teller with Chase banks for 12 years. She was a seamstress, quilter and a member of many of their organizations. She also enjoyed gardening and maintaining her flower beds.

Richard R. (Dick) Rock, 88, passed away February 17, 2013. Dick triumphed in life as a lawyer, businessman, and statesman. He joined the Navy Flying Cadet Program in 1942 then, attended Oklahoma A&M. He transferred to Washburn University in Topeka, KS and graduated in 1950. his first elected office was as City Judge. He was elected to the Kansas House of Representatives in 1956 and 1958. In 1988 Dick resumed political service upon election to the Kansas State Senate, where he served as a member of the Ways and Means Committee. One of Dick's greatest sources of satisfaction was that, even though he was a proud Democrat elected in one of the most Republican states in the entire US, he had many friends on both sides of the aisle.



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## KDHE Announces Green Schools Grant Recipients

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KDHE announced the 2013-2014 Green Schools grant recipients, where \$82,000 is awarded to 27 Kansas schools.

Twenty-seven Kansas schools were awarded Green Schools grants from the Kansas Department of Health and Environment's Bureau of Waste Management, with awards ranging from \$600 to \$4,500. The grants this year totaled \$82,855.

These grants will fund projects to take place during the 2013-2014 school year and will result in activities like purchasing recycling

bins, starting compost programs for cafeteria waste, and taking field trips to community recycling centers. This marks the sixth round of Waste Management Green Schools grants, which are funded by a \$1 per ton state landfill fee.

"These grants to schools not only have the direct benefits of conserving landfill space, natural resources, and energy, they teach students lessons that can be practiced at home and for a lifetime," said Robert Moser, M.D., KDHE Secretary and State Health Officer.

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## Historic Mount Oread Included on National Register

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The KU Historic District, added to the Register of Historic Kansas Places in February, is now on the National Register of Historic Places.

Created with the support of Historic Mount Oread Friends, the district encompasses the heart of the Lawrence campus, including buildings such as Spooner and Strong halls, landmarks such as the Campanile, and landscapes such as the Hill.

The National Register of Historic Places is the official list of the country's historic sites worthy of preservation. In addition to the

designation, inclusion on the list qualifies properties for federal grants for historic preservation when funds are available.

"This national designation reflects the historic importance of Mount Oread as a center for teaching and scholarship," said Chancellor Bernadette Gray-Little when the National Parks Service announced the decision in April. "It will also help preserve the campus for future generations of Jayhawks who will call KU home."

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## Kansas Main Street Reformation

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Kansas Main Street Reformation Directors from 23 downtown programs gathered early February in Hutchinson to revitalize Kansas' Main Street organization that was shuttered through the State Department of Commerce budget cuts in September 2012.

During the four-hour session, the executive directors, under the guidance of Ron Kelley, a long-time Kansas Main Street and Downtown Hutchinson activist and volunteer, worked through articles of incorporation that had been drafted by Kelley. The articles, signed by eight directors and Kelley, were unanimously approved.

The signees will become the new organization's board of directors. The group intends to formalize its relationships through memorandums of agreement with associations who have offered help and support in the way of providing continuing education

and training for the Main Street programs. These include Network Kansas (a partner in gap financing and e-communities), the Kansas Chapter of the American Planning Association, the League of Kansas Municipalities, Flint Hills Technical College, and National Main Street.

Along with the new board members, additional representatives from small business retail, higher education, entrepreneur enthusiasts, retired successful businesspersons, and legislators who are strong advocates will establish Kansas Main Street Initiatives long-term funding, short and long-term goals, and yearly budget.

Over the years of the Kansas Main Street program, communities have contributed \$570 million in revitalization efforts and job creation from communities ranging in size from Peabody (pop. 1,199) to Overland Park (pop. 176,185).

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## Erie School Receives Grant

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Having earned the title of being the first Leadership in Energy and Environmental Design Gold-certified school, Erie High Charter School (EHCS) administration, staff, and students feel an obligation to lead by example.

"Our school has been designed as a green school and has received a lot of awards and recognition for the design of our school, but we realized we did not have a good opportunity for our school, or for our community, for recycling," EHCS Principal Noah Francis said. "We feel it is good, being a green school, to lead by example."

Developed by the nonprofit U.S. Green Building Council, the LEED rating system provides third-party verification that a building or community was designed and built using strategies aimed at increasing performance, reducing waste and improving quality of life.

The grant will allow the School to buy recycling bins for every classroom. There will be two bins in each classroom — one for cardboard and another for all other recyclable materials, such as plastic, paper, and aluminum.

In addition, Francis said the school will monitor its waste usage. The School's plans are extending even further beyond the grant.

"We are also starting an environmental science class this fall" Francis said. "Our environmental education class will serve as a nucleus for recycling projects the students take on and the auditing next fall."

Baxter Springs High School, the only other school in Southeast Kansas to receive a grant, was awarded \$3,000 by KDHE to buy a recycling trailer for school and community use.



## Santa Fe Trail sites added to register

A half-dozen segments of the Santa Fe Trail in Kansas are now on the National Register of Historic Places.

The Kansas Historical Society announced Wednesday that sites in Marion and Morton counties were placed on the list in April. Kansas now has slightly more than 1,300 places on the register.

The 1,200-mile Santa Fe Trail stretched from Missouri across Kansas, Colorado and Oklahoma into New Mexico. The historical

society says that before 1846, it served mainly as a trade route between the Missouri and Rio Grande rivers.

Five of the segments added to the National Register lie in the Cimarron National Grassland within Morton County, in far southwest Kansas. The sixth is the French Frank's Ranch segment in Morris County, located in east-central Kansas.

## Kansas Finishes First in Region for Economic Development Projects

The state of Kansas has been ranked first in its region for economic development projects in Site Selection magazine's 2012 rankings. Site Selection, which has compiled annual economic development rankings since 1978, listed Kansas 13th among all states for expansions and new facilities opened in 2012.

"I'm thrilled that Kansas has been able to create a great business environment in the state," said Kansas Commerce Secretary Pat George. "We're doing a tremendous job within our region, but we're also one of the best performers across the country at helping businesses open and expand here. We will continue to work hard to become even more competitive in supporting the growth and job creation efforts of Kansas companies."

Site Selection ranked Kansas first in the seven state West North Central region that also included Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. With 122 new facilities and expansions in 2012, Kansas led all states in this region. Kansas also had the most economic development projects in the region over the three-year period from 2010-2012, with 274 new facilities and expansions during this time.

Of the 122 economic development projects in 2012, 17 were classified as new manufacturing facilities, 32 as manufacturing expansions, and the remaining 73 as all other categories, including offices, headquarters, distribution centers, research and development facilities, and mixed-use facilities.

## New Kansas Map Showcases State's Beauty

There's no place like Kansas as the new 2013 -14 Official State Transportation Map illustrates by highlighting things to see and places of interest that are unique to the state.

From the Kansas Cosmosphere to the Flint Hills Discovery Center, the Eisenhower Presidential Library and Museum, and all the landscapes featured along the Kansas Byways, the map showcases many places of interest the state has for its citizens and visitors.

In addition to the basic state map on one side and city insets on the other, are listings of recreation areas, museums, cities,

and counties. There is also information about accessing road conditions, visitor resources, a distance map, and other helpful phone numbers and websites.

The Kansas Department of Transportation (KDOT) works with several state agencies to create the map.

About 800,000 copies of the maps will be distributed in Kansas and across the United States in the next two years.

Maps are available free of charge at Kansas Travel Centers, at KDOT Headquarters and District offices, and at various hotels, attractions and other locations across the state.

## Avoid Long Lines for a Driver's License

The school year may be winding down, but business is gearing up at driver licensing offices statewide.

From May to September, Kansas Department of Revenue licensing offices will issue learner's permits and restricted licenses to about 35,000 novice drivers. That can mean long lines and frustration for parents and teens going through the process.

"While we can't eliminate all the lines, simply avoiding our busiest times and days can cut down the wait time and reduce frustration when getting a driver's license or permit," Kansas Driver License Field Services Manager Robin Harris said.

Here are some tips to help make the process go a little bit quicker and smoother: Avoid the driver's license offices Tuesday and Friday, those are typically the busiest times, although early in

the morning is your best option. Try to visit between 7 a.m. and 10 a.m., Wednesday and Thursday. If you need to simply renew or replace a driver's license or ID card, visit an office in a smaller neighboring city or county where the lines are typically shorter. If you are applying for a driver's education permit, be sure to have the right documents including the pink permit form, birth certificate, and proof of a Social Security number.

The large driver's license offices – such as Mission, Olathe, Topeka, Wichita, Lawrence, and Andover – are open 7 a.m. to 5:45 p.m., Tuesday through Friday. The Department will also be offering Monday service at the Wichita and Olathe offices from July 15 through August 19 to help reduce wait times during the busiest months. The offices will be open 8 a.m. to 5 p.m.



Jessie Wilbur painted "In the Days of the Cattlemen's Picnic" at the Kingman Post Office in 1942. Photo courtesy of Kansas Country Living.

# Celebrated Art

## May be as Close as Your Post Office

by Marilyn Jones

**Y**ou can buy stamps and mail parcels at your local post office. The lobbies are usually bustling places where people in a hurry to conduct their business may not notice the wall murals and other artwork, and probably don't realize it might have been executed by an American master if the building dates back to the 1930s or early '40s.

The art and construction of the post offices where they are displayed, were part of Franklin D. Roosevelt's promise when he accepted the Democratic nomination for President in 1932: "I pledge myself to a new deal for the American people. This is more than a political campaign. It is a call to arms."

Part of that call was the New Deal Post Office Works to provide work for artists who, like many Americans at the time, were struggling to make ends meet.



George Biddle, a Philadelphia artist, first suggested the idea of commissioning artists to decorate federal buildings. In 1933, a pilot program — the Public Works of Art Project — was created as a New Deal initiative. Although it lasted only six months, the program employed thousands of artists to produce works for public buildings.

Because of the pilot program's success, project administrators created a unit within the Treasury Department, the Section of Fine Art, which became known simply as "the Section."

Artists were not chosen on the basis of need, but through anonymous competitions. Some were well established with national reputations, such as Jackson Pollock and Mark Rothko. Others were young unknowns whose commission provided them with their first public exposure.

The Postal Service is the custodian of the largest public art collection owned by any federal agency, and currently houses more than 1,200 murals and 200 sculptures in post offices nationwide.

## The Artists

Well known or novice, only the best artists were selected for the projects. They were expected to follow an adaptable format — the art was to reflect the town’s heritage. Artists visited communities for weeks at a time, actively engaging citizens and resident historians in dialogue to discover the history, traditions, and stories that helped shape their community. To make sure that happened, the artist had to meet with the Postmaster and local residents. The Post Office Department’s approval then had to be obtained, and finally the plans were submitted for final approval by the Section. The art was meant to provide the average American with a public outlet to view professional art.

The lives of artists are often as fascinating as the program, the artwork, and the communities where they are displayed.

It was in 1937 that Oscar E. Berninghaus painted “Border Gateways” for the Fort Scott Post Office. Today, his artwork commands hundreds of thousands of dollars and is highly collectible.

Berninghaus, a founding member of the Taos (New Mexico) Society of Artists, captured the nomadic spirit of the American Southwest through the depiction of Native American culture pioneer ambition, and expansive landscapes.

Birger Sandzén painted three Post Office murals: “Smoky River; “Lindsborg, 1938; “Kansas Stream;” Belleville, 1939; and “Where Kit Carson Camped,” Halstead, 1941.

Born in Sweden, Sandzén traveled to Lindsborg to join the Bethany College faculty in 1894 at the age of 23. After his death in 1954, the Birger Sandzén Memorial Gallery was created at the college. Sandzén’s art is exhibited throughout the year along with guest artists and special traveling exhibitions.

Vance Kirkland is another mural artist with a museum honoring his work. “Cattle Roundup” was painted at the Eureka Post Office in 1939. The Kirkland Museum of Fine and Decorative Art in Denver pays tribute to his body of work and that of other artists.

## Kansas Art

When touring the state to view New Deal artwork, you’ll find positive images — the hard realities of American life during the Depression are not illustrated on Post Office walls. The artwork offers a snapshot not only of history but also of hope.

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## Artists were not chosen on the basis of need, but through anonymous competitions.

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One percent of the funds appropriated for a building project were set aside for these “embellishments.” The larger the project, the more money was budgeted for art. The standard New Deal Post Office carried a decorative allotment of \$650 to \$750, covering a space about 12 x 5 feet above the Postmaster’s door.

There was, of course, controversy. The argument went that, at a time when money was short, how could the government spend money for artwork? As Harry Hopkins, Roosevelt’s relief administrator, said in response to criticism of federal support for the arts, “[Artists] have got to eat just like other people.”

*(Below); When the Post Office moved to another location, the Wichita Federal Courthouse took over the area that once served postal customers. Today it is possible for the public to view these mural without going through the court’s security checkpoints. “Kansas Farming” was painted by Richard Haines in 1936. Photo courtesy of Kansas Country Living.*



Every piece of Post Office art has its own story: a window into the artistic tastes of the 1930s and '40s, what subject matter residents felt best reflected their community, and the artists — their successes before and after the artwork was created for the Post Office.

The Postal Service is the custodian of the largest public art collection owned by any federal agency, and currently houses more than 1,200 murals and 200 sculptures in Post Offices nationwide.

A few of the art pieces have disappeared over time, while others are in need of repair. In some cases, these masterpieces have been

moved from their original locations. By understanding the value of this art and its importance to Kansas and American history, they can be saved and cared for in the manner in which they deserve, ensuring their preservation for future generations.

If you haven't yet visited any of the Depression-era postal facilities, take the time — it's everyone's heritage.

☀️ *Marilyn Jones is a freelance writer in Henderson, TX. Reprinted with permission from Marilyn Jones and Larry Freeze, Editor, Kansas Country Living.*



(Top): "Pioneers in Kansas" painted by Ward Lockwood in 1936. It can be viewed in the Wichita Federal Courthouse. (Lower right): "In the Days of the Cattlemen's Picnic" painted by Jesse Wilbur as it can be seen above the Post Master's door in Kingman, Kansas. Photos courtesy of Kansas Country Living.



# Goodland Group Organizes Event for Nonprofit 'Feed My Starving Children'

by Dusti Chadwick

**W**hat started out as listening to a speaking event with the author, Todd Burpo, on his book *Heaven Is For Real*, turned in to a mission for Dusti Chadwick (age 21). Todd promoted that his church is bringing the first Feed My Starving Children (FMSC) MobilePack to Nebraska. Dusti thought this mission sounded very interesting so she invited Kinsey Volk (age 12), to ride along with her to the pack in Imperial, Nebraska. What an experience this turned out to be. They took the statistic that 18,000 children die every day from starvation to heart, and it truly bothers them when we in America have so much. The two girls decided they had to bring this event to Goodland.

As a Lenten project, Kinsey then got a few youth members from her church to pack at another event in McCook, Nebraska. The excitement for such an event grew from there when Kinsey and another friend, Nicole Gerber (age 12), had to give a presentation to their church youth on the McCook experience. Again, the excitement was to be a part of getting this event in Goodland and be the first FMSC MobilePack event in Kansas.

Feed My Starving Children (FMSC) is a nonprofit organization that was founded in 1987 by a Minnesota businessman who felt called by God to help feed the starving children after a humanitarian visit to Honduras. Since then volunteers come together and pack MannaPack Rice, a food product that contains Vitamins, Veggies, Soy, and Rice. FMSC meals are distributed in nearly 70 countries through missionary partnerships at orphanages, schools, clinics, refugee camps, and malnourishment camps. Each meal that is packed costs 22¢ and in order to host the event, FMSC requires a minimum standard for your organization to pledge 500 volunteers and pack a minimum of 100,000 meals, for a total cost of \$22,000.

The core team to bring the event to Goodland emerged in July 2012 with Dusti, as the adult sponsor; members Kinsey and Nicole and other members recruited from the junior high: Savannah



*Photo left: Kinsey Volk and Dusti Chadwick with Todd and Sonja Burpo and Colby Burpo. Photo right: Volunteers sorting and packing boxes during the event at the Max Jones Field House. Photos provided by Mary Volk.*





Photo left: Volunteers receiving instructions at the Max Jones Field House. Photo right: Members of the core team - Nicole Gerber, Dusti Chadwick, Erin Floyd, Kinsey Volk, Ashley Anderson, and Savannah Bassett. Photos provided by Mary Volk.

Solomon, Erin Floyd, and Ashley Anderson, then Savannah Bassett High School freshman. Fundraising activities began with a concession stand for the 4-H Dog Show and donating baked goods for the grand opening of a local business in Goodland. The Committee actively moved ahead, working with school administration to schedule the pack in Goodland, Kansas for April 5-6, 2013, at the Max Jones Field House, with the minimum goal required by FMSC, 100,000 meals, \$22,000 and 500 volunteers.

The passion of this young group of girls continued to grow as they scheduled speaking events with over 25 community organizations and 12 faith communities in Goodland and the surrounding area,

promoting their MobilePack event. Their lives soon became very busy with school, sports, and Dusti working two jobs, but they had a passion. It was easy to promote the event because they believed in the cause and the event, but difficult to ask for donations, yet the donations were coming. The community was interested in the event and how it was going to happen. Fundraising events continued, ranging from hosting a Cajun Boil to selling Krispy Kreme doughnuts. There even was a six-year-old boy that asked his birthday guests not to get a present, but that any money he received for his seventh birthday would be donated to the FMSC event. He presented the core team with \$160.

By the end of 2012, the core team had reached their goal and decided to increase their goal to 125,000 meals at a cost of \$27,500 and 700 volunteers. At this point, local groups were asking the core team as guests to their function to continue promoting the event. By the date of the event, all money for the event was raised, which is unusual. The event was split into 4 shifts to pack a total of 125,000 meals. For the first shift, the team dedicated 150 of the 170 volunteers needed to junior and senior high students at Goodland and Sharon Springs School Districts. The remaining three shifts were open for any member of the public to sign up and pack. At the second shift, Chad, the truck driver used by FMSC challenged shift volunteers to raise \$100 and he would shave his head and beard. The volunteers donated \$750 to the event. The community was in awe with the event these young ladies had organized and the goal they had to help overcome hunger.

The second day began with Chad's head and beard being shaved prior to packing meals. At the end of the second day, the volunteers had packed 132,192 meals. The core team felt they were very successful in providing Goodland and surrounding areas the opportunity to experience the feeling they felt when they were able to help provide meals to underprivileged children and help fight hunger.

At the event, it was announced that in January hunger statistics were re-evaluated and because of MobilePack events by FMSC and other similar organizations, the number of deaths due to





From back Annie, Kevin and Rick - representatives from FMSC Members of core team-Nicole Gerber, Dusti Chadwick, Erin Floyd, Kinsey Volk, Ashley Anderson and Savannah Bassett. Photos provided by Mary Volk.

Volunteers in action during the event. By the end of the second day, the group had packed 132,192 meals. Photos provided by Mary Volk.



starvation decreased to 6,200 deaths per day. This is an impressive number, but still too many when we in America have so much. Goodland and surrounding areas are still talking about the fantastic event. Some have stated they have heard so much about the event that they regret they missed it and want to participate at the next event. Another individual said she had one regret. She wished she signed up to pack at an earlier shift because she did not sign up till the last shift and wished she could have packed at more than one shift.

As a group of young ladies, they were successful in not only exceeding every goal they first set, but providing the community the opportunity to experience the feelings they felt in helping provide meals to other young children who are near death from starvation in underprivileged countries. Most of all, they were a young group but we accomplished what many thought was impossible when they first started out.

They are also starting to get things going for the next event that will be held in 2015 the goal for this MobilePack is a whole Container of MannaPack Rice which is 272,160 meals and will cost \$59,875.

For more info on FMSC, visit their website at [www.fmsc.org](http://www.fmsc.org). Also the group made a production video of the event for the shift held Saturday morning, which can be viewed at [www.youtube.com](http://www.youtube.com) Goodland Kansas Feed My Starving Children.

 *Dusti Chadwick can be reached at (785) 899-5461*



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WELCOME TO  
**FREEPORT**

# DID YOU KNOW?



by Kimberly Winn

Did you know...the smallest city in Kansas is Freeport. Incorporated on August 12, 1887, Freeport is located in Harper County and currently has an official population of 5 proud citizens, making it the smallest of the 626 incorporated cities in Kansas.

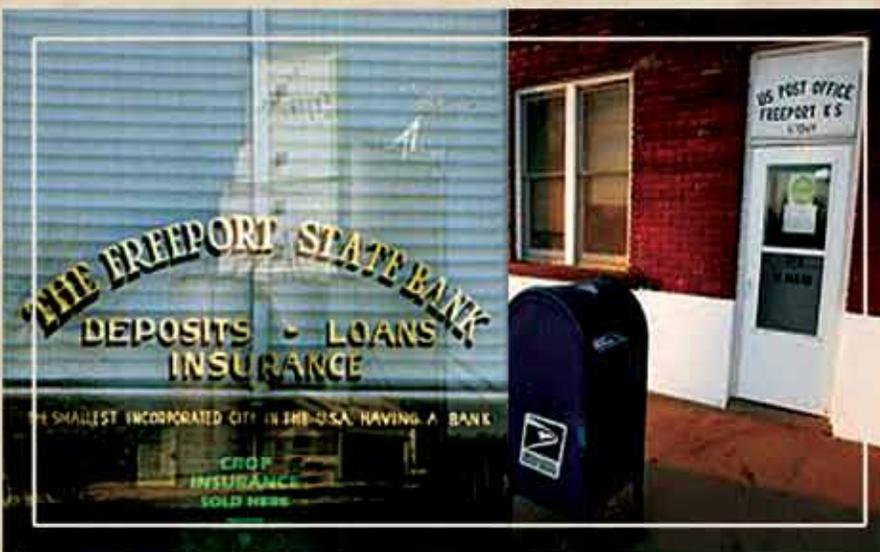
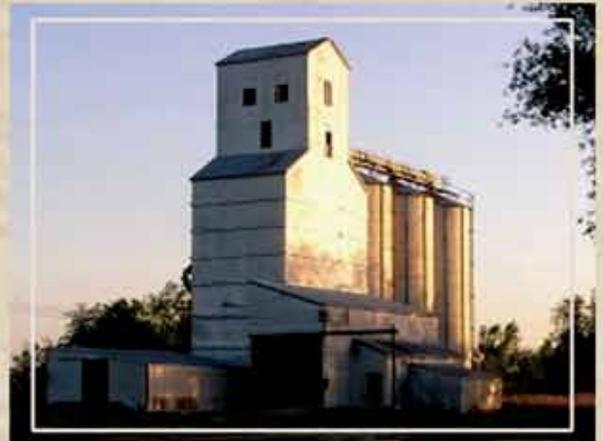


Freeport is home to the Freeport Presbyterian Church which is on the National Registry of Historic Places.

Until the bank's closure in 2009, the city was the smallest city in the United States with a bank (the Freeport State Bank).

As of this writing, the Freeport Post Office is still in operation.

And, the Danville Cooperative Association still operates the grain elevator in Freeport.



The 2013 membership of the League of Kansas Municipalities includes 597 cities, the highest in the 103-year history of the organization. This is an increase of two from last year which was also an all-time high.

From the largest city in Kansas (Wichita, pop. 385,577) to the smallest (Freeport, pop. 5), the League of Kansas Municipalities celebrates the unique history and traditions of the cities of Kansas.

*If you have a story that you think should be shared in this column, email LKM Deputy Director Kimberly Winn at [kwinn@lkm.org](mailto:kwinn@lkm.org). Photos provided by Kansas Sampler, [www.kansassampler.org](http://www.kansassampler.org).*

# Leavenworth Recruits Hotels to Support its Growing Travel Base

by Melissa Bower

**A**t one time, visitors traveling across the Missouri River Bridge to Leavenworth, Kansas for the first time saw a row of dilapidated homes along U.S. Highway 73, also known as Metropolitan Street and Fourth Street.

Today, those homes are gone. Travelers now see a brand new office park and an empty corner soon to be the first hotel built in the community in decades – built directly across the street from Fort Leavenworth, the U.S. Penitentiary, and the U.S. Army National Guard Mission Training Complex.

To encourage this development, the City worked with Zimmer Real Estate Services and Gould Evans Associates and a committee of community members to develop a Downtown/North Leavenworth Redevelopment Master Plan. The plan was approved by the City Commission in 2010.

The City then began a land assembly program at the corner of Fourth and Metropolitan streets. The City purchased all the homes in a 31-parcel area for fair market value, tore them down, then replatted the area into one large parcel.

“The property sale by the City to the developer completes one of the largest voluntary land assembly programs in Kansas,” said Gary Bartek, Economic Development Administrator for the City. “No eminent domain actions were utilized by the City for any acquired parcels during the land assembly program.”

A side street dividing the property was eliminated. The City paid for the surveying costs and then graded the area to prepare for construction. Throughout the process, City staff maintained contact with utility companies and the Kansas Department of Transportation.

In December 2012, Ferguson Properties bought the land with the intent of building a Marriott Fairfield Inn and Suites that will begin construction this spring. Developers plan for about 10 months of construction, weather permitting.

The hotel will not only provide for the needs of the community, but the military and federal employees that are currently forced to stay in hotels in Missouri because of the lack of hotel rooms in Leavenworth. That scenario is one Leavenworth Convention and Visitors Bureau Director Connie Hachenberg has seen too often — a tour group wants to visit Leavenworth, but hotel space in the community has been booked up for months. The U.S. Army has experienced it as well — a group of federal employees might need access to Fort Leavenworth, but the lack of local hotel rooms forces them to stay in Missouri.

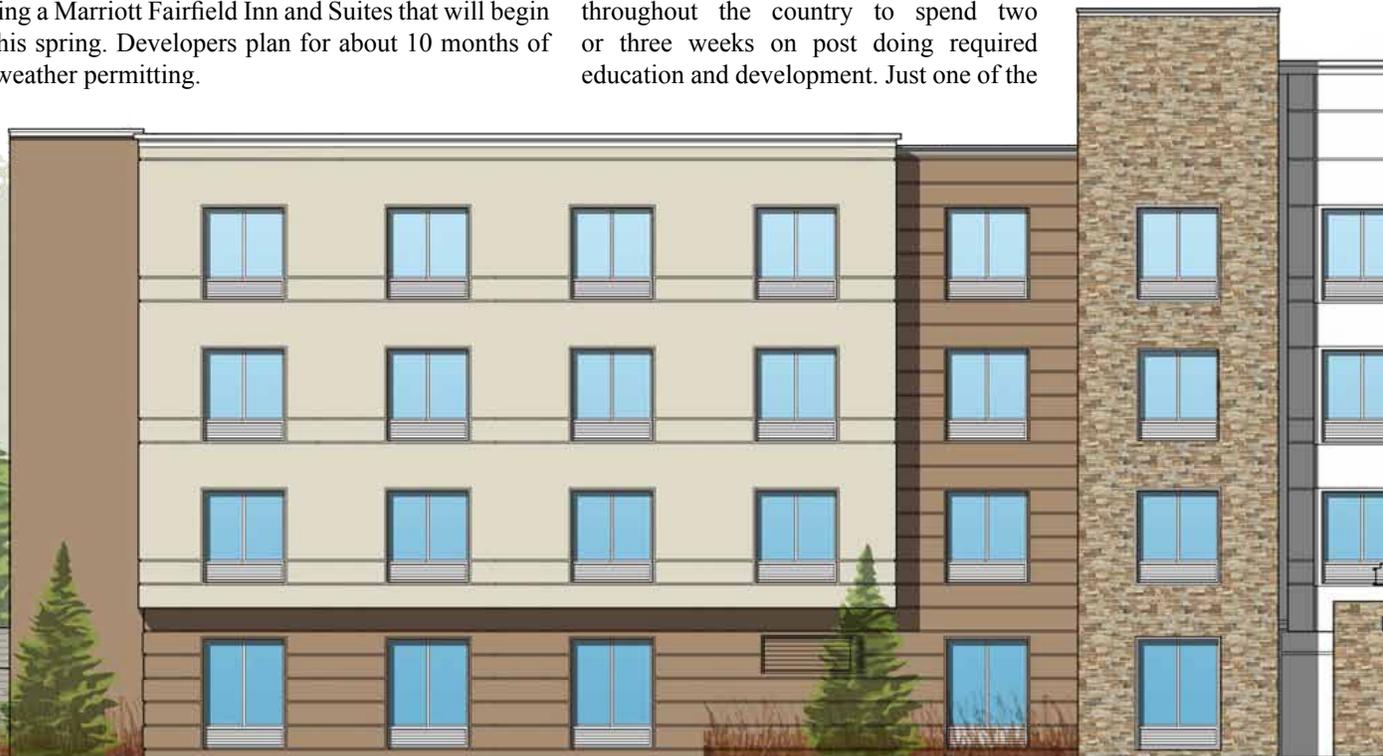
“Hotel rooms have been a challenge here for 22 years,” Hachenberg said. “We have a grave need, and I think the need is beyond military and local community, it’s our leisure travelers too.”

Hachenberg said many attractions bring outside tourists into Leavenworth — its history, the Fort Leavenworth military post, the historic C.W. Parker Carousel, the 1867 Victorian Carroll Mansion, a 28-block historic downtown, and many others.

“It’s easy for me to sell Leavenworth and Fort Leavenworth,” she said. “We’ve got a great venue. It’s difficult for them to find hotel rooms.”

Hachenberg said there should be no problem filling up a 91-room Marriott hotel in Leavenworth. In fact, she could fill two.

IHG Hotels on the grounds of Fort Leavenworth is currently the largest hotel in the area with 300 rooms and is open to the general public. However, most of its rooms are full while Fort Leavenworth’s Army Management Staff College is in session. The college, which moved its headquarters to Leavenworth in 2012, brings in U.S. Army civilian employees throughout the country to spend two or three weeks on post doing required education and development. Just one of the



courses, the Basic Course intended for first-time Army employees, brings about 300 students to Fort Leavenworth every day.

Additionally, the U.S. Army Command and General Staff College is located on Fort Leavenworth. With roughly 1,500 students, mostly U.S. Army Majors who attend a 10-month intermediate course, many Army families utilize hotel space in between housing arrangements or when friends or family visit.

Many times when Army employees or active duty soldiers have to stay in off-post hotels to access Fort Leavenworth, the Army has to pay for travel, too.

“The City was very helpful in acquiring and preparing the site,” he said. “It’s not an easy site to develop, but it’s on the corner of Fourth and Metropolitan, it’s on the outside edge of the National Guard and the U.S. Army, and you don’t have many hotels in town.”

Ferguson said the Marriott hotel will be a Fairfield Inn & Suites, a high-quality brand with a newly-developed design concept. The developers plan for about 10 months of construction to build the new hotel, depending on the weather.

Ferguson said once the hotel is completed, it will provide 25 to 27 new jobs to Leavenworth.



Photos from left to right: Demolition begins on homes purchased by the City at fair market value at the corner of Fourth and Metropolitan streets in 2010. Middle photo: The 31-parcel area was replatted into one large parcel. Right photo: The land is ready for construction to begin this spring on the Fairfield Inn & Suites by Marriott. Photos provided by the City of Leavenworth.

The City loses out on any sales tax they might receive from visitors to local businesses downtown when those staying in Kansas City hotels shop in Kansas City. Although federal employees and members of the military do not always pay a transient guest tax, members of the general public do. The City loses out on this funding as well when there is not enough hotel space.

John Ferguson, President of Ferguson Properties, said the City’s efforts to encourage business provided his company with an opportunity.

“The development validates the market demand opportunities by Fort Leavenworth, City of Leavenworth businesses, and area residents for new hotel room construction in the city,” Bartek said.

This is just the first new hotel, but there are opportunities for many others.

 Melissa Bower is the Public Information Officer for the City of Leavenworth. She can be reached at (913) 682-9201.



Below: Hotel rendering of the proposed property, which will be located at the corner of Fourth and Metropolitan streets. Rendering provided by the City of Leavenworth.

# RISKY BUSINESS: CITY INSURANCE & LIABILITY ISSUES

BY SANDY JACQUOT

Treatises have been written about this topic and in a short article all that is possible is an overview. This article will be organized by first listing some of the potential causes of municipal liability. Next, some of the possible defenses to municipal liability will be listed, including the Kansas Tort Claims Act. Finally, some types of insurance coverage and other methods of insuring against potential risks will be covered.

## TYPES OF LITIGATION

Following first is a list of things that can get cities sued:

**Negligence Actions:** Where a certain duty of care is owed to the alleged victim and the city or city employee fails to perform or breaches the duty and the city's or employee's action causes injury and/or damages to the person/entity to whom the duty was owed. Some examples include:

- Vehicle accidents
- Slip and falls
- Damage to vehicles from potholes



body or any appointed board, commission or council or an employee of the city takes an action that is not authorized to do that causes injury and/or damages. Some examples include:

- Wrongful Discharge or retaliatory discharge of employee
- Use of excessive force by law enforcement officers
- Defamation or slander
- Discrimination
- Invasion of privacy
- False arrest

**Omission:** The failure to take some action or make some decision that results in injury and/or damage.

**Contract Actions:** Failure to perform under an agreement with a third party.

**Civil Rights Actions:** These actions are usually brought under a particular section of the U.S. Code and are often referred to as Section 1983 actions. They are acts taken under color of law which deprive a person of some right, privilege, or immunity under the U.S. Constitution. Many wrongful acts listed above may also give rise to a 1983 action.

Some common examples are discrimination, harassment, and privacy issues.

**Statutory and Regulatory Actions:** Kansas statutes and federal laws regulate certain aspects of local government. The Clean Air Act and Clean Water Act are two federal regulatory schemes that impact cities and could result in litigation and liability. Cities' exercise of annexation and zoning authority lead to lawsuits on a fairly regular basis. Cities incur liability on occasion for their nuisance abatement and animal control activities. While falling under a totally different statutory scheme, cities incur liability under the workers compensation laws, which heavily regulate workplace injuries for employees.

## KANSAS TORT CLAIMS ACT

Governmental immunity/liability has been the source of debate and confusion for a number of years. In fact, prior to 1979 when the Kansas Tort Claims Act (KTCA) 75-6101 *et seq.*: was adopted, immunity was the rule and liability was the exception under the so-called "the King can do no wrong" doctrine. That doctrine is long gone and municipal liability is the rule for actions which would incur liability if committed by a private person. In other words, governments are liable for their actions to the same extent as a private person

- Cutting cables or utility lines
- Incidents from the operation of utilities (including sewer backups)
- Design work for city facilities and infrastructure
- Injuries occurring on sidewalks, playgrounds, parks, golf courses, swimming pools, etc.

**Wrongful Acts:** Where the city, or an appointed board, commission or council of the city, or a member of the governing

would be for the same acts. The KTCA covers both the State and municipalities. The general requirement for municipal liability for an incident or injury is that the employee involved must have been acting within the scope of employment. So, there are several questions city officials should ask when determining whether or not liability for a claim under the KTCA is a possibility.

- Is the incident in question a tort?
- Did the incident or injury occur under circumstances that could incur liability for the city?
  - Was the employee involved in the injury acting within the scope of his or her employment?
  - Were the city's or city employee's actions the cause of the injury?
  - Do any exceptions to liability apply to the incident?

For cities to be sued under the KTCA, the injured party must first make a claim with the city under K.S.A. 12-105b. The purpose for such claim is notice to the city of a potential lawsuit. The notice must contain the pertinent information about the claim, such as the name and

address of the complainant, the factual basis of the claim, the name of any employee of the city who was involved, the extent of the injury and the monetary damages being claimed. The governmental entity has 120 days to act on the claim. If the claim has not been granted or denied before the time has run, the claim is deemed denied and the complainant may file a lawsuit. No lawsuit may be filed without the injured party first filing a claim with the city. The limit of liability, if liability exists, for each occurrence is \$500,000 or the limit of any insurance policy the city has in place. Thus,

if the city has \$1,000,000 worth of insurance coverage, \$1,000,000 would be the limit rather than the \$500,000 cap under state law.

K.S.A. 75-6104 contains the exemptions from liability for those entities covered by the KTCA. A few examples are listed below, but there are many more and cities should look for potential exceptions to liability. In addition, cities should contact their insurance carriers upon receiving a K.S.A. 12-105b claim. Some of the more common exemptions include:

- **Enforcement or failure to enforce a law.** K.S.A. 75-6104(c) This could include building code enforcement, background checks before granting a license, and other enforcement types of actions.
- **Discretionary Actions.** “[A]ny claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a governmental entity or employee whether or not the discretion

is abused and regardless of the level of discretion involved. K.S.A. 75-6104(e) Many actions and decisions of cities fall in the category of discretionary, as opposed to ministerial, and this exception is widely used.

- **Emergency preparedness activities.** K.S.A. 75-6104(j) Even if a statutory provision requires an emergency preparedness plan, there is no duty to warn specific citizens of impending severe weather.
- **Failure to inspect or inadequate inspections.** K.S.A. 75-6104(k) this exception would provide immunity for inspections done on private property, such as for buildings, trees, etc.
- **The failure to provide, or the method of providing, police or fire protection.** K.S.A. 75-6104(n) This particular exception would cover things like response times and prioritizing responses, but is not broad enough to immunize against all negligent public safety operations.
- **Recreational Activities.** “[A]ny claim for injuries resulting from the use of any public property intended or permitted to be used as a park, playground or open area for recreational purposes, unless the governmental entity or an employee thereof is guilty of gross and wanton negligence proximately causing such injury.” K.S.A. 75-6104(o) The public policy behind this exception is to allow governmental entities to provide park and recreation services without the fear of excessive liability risks. This is the reason cities can offer swimming pools, recreational programs, skate parks, and other types of programming, knowing that they will be exempt from liability unless they are grossly or wantonly negligent.

## INSURANCE

The obvious reason cities buy insurance is to protect the public's interest and to limit potential losses. Cities must weigh and balance the risks versus the cost to insure against the risk of liability. Because the KTCA limits cities' liability to \$500,000 per occurrence, the wisdom of purchasing more insurance is suspect. However, not all potential liability is covered under the KTCA, so the city must decide the necessity of purchasing a higher insurance amount for other types of claims, such as



discrimination, police excessive force actions, and other civil rights claims. It is advisable for cities to sit down with their insurance agent at least once per year to evaluate their insurance coverage for adequacy of the amount of insurance and the types of insurance. Some common types of insurance available to cities:

- Commercial Property Insurance
- Liability Insurance
- Vehicle Insurance
- Surety Bonds
- Workers Compensation
- Fidelity bonds

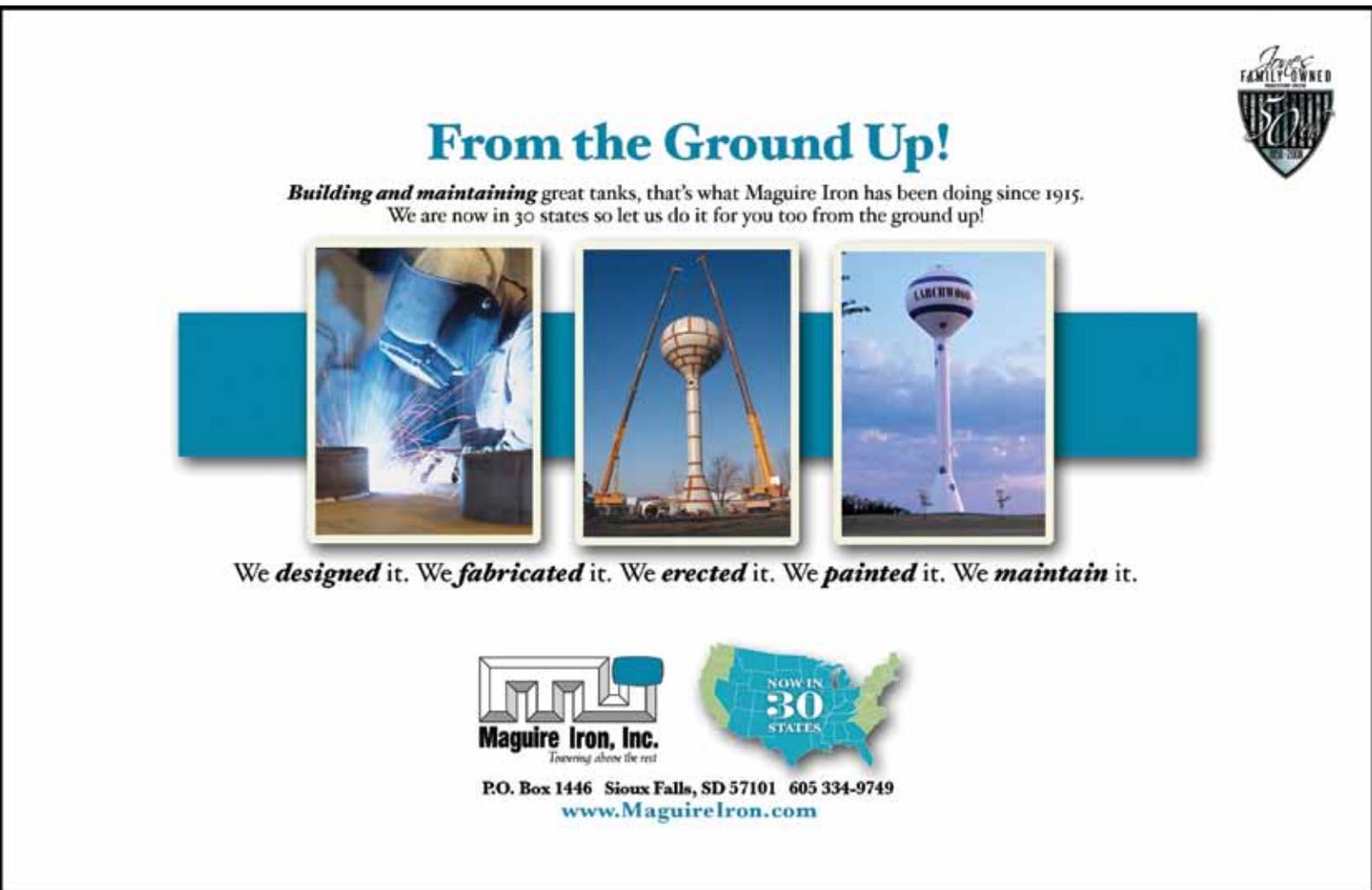
### MITIGATING OR MANAGING THE RISK

There is no way to avoid potential liability or being sued, because cities perform so many important public services. Cities can, however, minimize their risk of liability. Cities need to do regular and detailed property and equipment inspections. A giant pothole of which the city is aware and allows to stay

in the road, or an uneven sidewalk that people have been injured on are just the type of defects that could create liability issues. Safety training for employees is critical to keeping both employees and the public injury free. This means being trained on all equipment and all facets of the job.

Cities should have rules and regulations about the use of their facilities, including community buildings and recreational facilities. Cities should be doing regular sexual harassment training of their employees and supervisors to aid in having a defense to a sexual harassment claim. Police officers need to be trained on various aspects of law enforcement, including biased-based policing. The key is for cities to be aware of their risk potential and plan accordingly for regular inspections and training.

 Sandy Jacquot is the former General Counsel for the League of Kansas Municipalities. She currently is serving as Mayor for the City of LeCompton. She can be reached at (785) 887-6407.



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## Hotel Accommodations & Reservation Procedures

October 12-14 • Sheraton Hotel & Overland Park Convention Center • Overland Park

### Sheraton Overland Park Hotel\*\*

6100 College Blvd  
Overland Park, KS 66211  
913.234.2100  
Rate: \$137 + tax per night  
Cut-off date: September 21, 2013

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



### ADDITIONAL ACCOMMODATIONS

Chase Suite Hotel  
6300 W 110<sup>th</sup> Street  
Overland Park, KS 66211  
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\$119 + tax per night  
Cut-off date: 9/13/2013

Courtyard by Marriott  
11001 Woodson Ave  
Overland Park, KS 66211  
913.317.8500  
\$109 + tax per night  
Cut-off date: 9/20/2013

### RESERVATION PROCEDURES:

- LKM has made special arrangements with the hotels listed to provide accommodations during our Annual Conference.
- Attendees are responsible for making their own reservations. Please contact the hotel directly.
- Reservations may not be made until after 2/1/13.
- Remember to ask for the special LKM conference rate when making reservations.

### LEAGUE OF KANSAS MUNICIPALITIES



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### SPECIAL NOTE:

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



## Artful Solutions to Empty Spaces

Todd Gabbard is an associate professor of architecture at Kansas State University. Like most architects, he's skilled at finding an elegant solution to an empty public space or unfinished building design. But Professor Gabbard's problem-solving abilities aren't limited to his architectural talents. He has also initiated revitalization efforts in several rural Kansas cities.

Professor Gabbard began working with Kansas cities in the summer of 2012 when he invited local development groups to collaborate with his department's professional Master of Architecture students. His goal was to give them real-world experience that they could use after graduating, while supporting K-State's mission to improve the quality of life for Kansans. After several other campus organizations helped spread word about his "Small Town Studio," residents from Colby, Cuba, and Eureka expressed interest in utilizing his class to redesign parts of their communities.<sup>1</sup>

In August 2012, Professor Gabbard's students traveled to the cities they would be helping redesign. They discovered that residents desired change, but had difficulty visualizing what they wanted. They also learned that the local governments had limited funding available for potential improvements. Undeterred, the class greeted these challenges with enthusiasm and imagination.<sup>2</sup>

Nine of the 11 studio students designed projects in Eureka, which was also the group's headquarters. The class first toured the city and collected demographic and building data. Then citizens participated by identifying Eureka's strengths and weaknesses, which helped each future architect select a "thesis" subject.<sup>3</sup> Their finished proposals included creating a downtown identity that would attract pedestrian traffic, constructing quality affordable housing, and repurposing an abandoned school. Resident Larry Coleman, a former architect, was especially impressed with student Josh Goldstein's plans for the old school. Goldstein believed adapting the building and its grounds into a multi-purpose recreational complex could make it Eureka's strongest public space. He also hopes it can offer a solution to languishing infrastructure in other cities. Coleman has cited Goldstein's designs as "catalysts for activity and improvement" within Eureka.<sup>4</sup>

In Colby, Chelsea Hayes drafted a plan for a family-friendly outdoor amphitheater that could be accessed from walking trails and bike paths. Citizens wanted to add the amphitheater to a proposed two-mile long trail that will connect to a new park, the aquatic center, Colby Community College, and the high school. "We couldn't be more pleased with Chelsea's work. She listened, and she invested much of herself in getting to know the community before developing a design that could meet our needs and reflect our desire to respect the natural setting," said Colby resident Sue Evans. "We are pleased that she is graduating, and look forward to continuing our association with her."<sup>5</sup>

In Cuba, Andrew Oliver developed a strategy to establish "gateways" to Main Street at important points, including the city

office and post office. His master plan also included a community plaza, a multi-purpose pavilion, gardens, and walking trails to encourage healthy activities. "We've wanted to do something, but didn't know where to start," said Dale Huncovsky, who operates Cuba's grocery store. The City is preparing to begin landscaping the Main Street "gateway," and hopes to later implement most of Oliver's other suggestions.<sup>6</sup>

Even though the Small Town Studio can only impact a few communities each year, local governments have additional opportunities to enter similar partnerships. Masters students in the School of Architecture and Urban Planning at the University of Kansas work for a non-profit called Studio 804, Inc. This organization constructs or modifies one building each year, and over the last two decades has built Kansas's first LEED Platinum building in Greensburg, numerous affordable housing units in Kansas City, Kansas, and classrooms for Johnson County Community College.<sup>7</sup> Several other state universities provide city planning consultation and technical assistance.

Municipalities across Kansas have capitalized on the talent of young architects, designers and planners studying within the state. You may also want to consider consulting the talented men and women in these programs if your community is looking to explore revitalization. If you are interested in contacting Professor Gabbard, you can call him at 785-532-1129 or email him at [rtodd@ksu.edu](mailto:rtodd@ksu.edu).

<sup>1</sup> Small Town Studio. (2013, May). Small Town Stewardship: Community Design for Vitality and Growth, Kansas State University. Retrieved May 28, 2013, from <http://www.blurb.com/books/4329737-small-town-stewardship-2013-work?SSAID=314743>.

<sup>2</sup> Petersen, N. (2013, May 16). Eureka! Town + gown = fresh ideas for Kansas communities. K-state.edu. Retrieved May 28, 2013 from <http://www.kstate.edu/media/newsreleases/may13/smalltown51613.html?id=8777&category=news&referredBy=email>.

<sup>3</sup> Eureka Studio. (2012, September 30). Our First Visit. Wordpress.com. Retrieved May 28, 2013 from <http://eurekakanasstudio.wordpress.com/2012/09/30/the-first-field-trip/>.

<sup>4</sup> Petersen, N. (2013, May 16). Eureka! Town + gown = fresh ideas for Kansas communities. K-state.edu. Retrieved May 28, 2013 from <http://www.k-state.edu/media/newsreleases/may13/smalltown51613.html?id=8777&category=news&referredBy=email>

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Studio804.com. Last accessed May 28 at <http://www.studio804.com/index.html>.

 *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.*

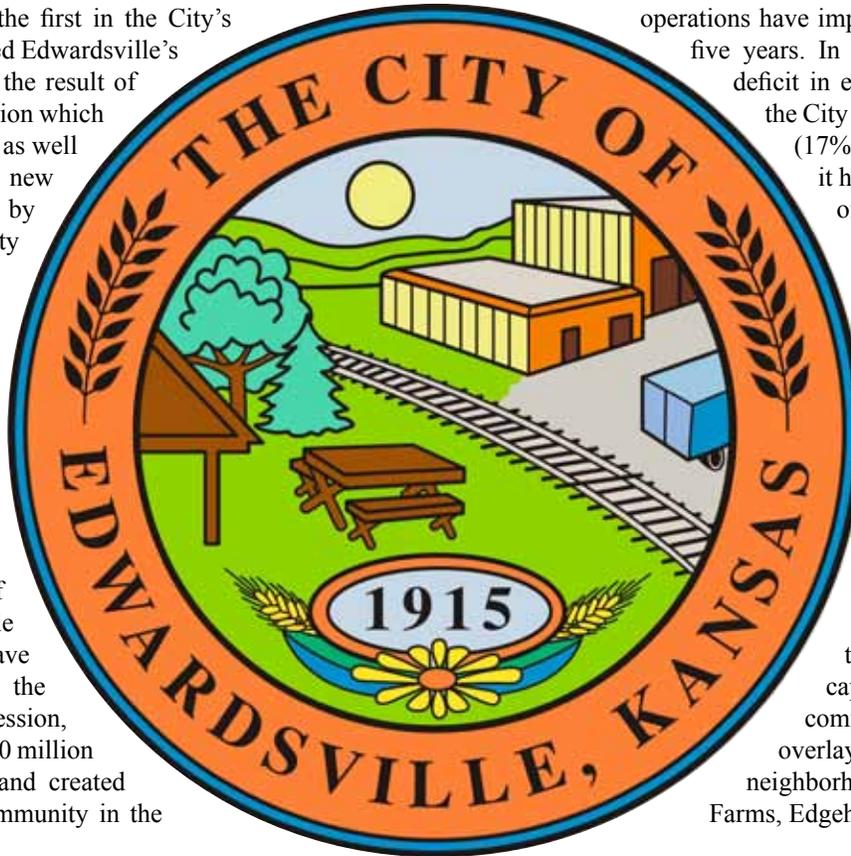
# Edwardsville Receives A+ Rating from S&P

Positive rating contributes to \$375,000 savings in recent debt refinancing.

The City of Edwardsville, Kansas was recently assigned an A+ revenue bond rating and Outlook of “Stable” by Standard and Poor’s Ratings Services (S&P). As a result, the City was able to successfully refinance one existing bond issue, and other debt, at more favorable interest rates, resulting in future interest savings of almost \$375,000 for this local municipality and its residents.

The S&P bond rating, the first in the City’s 100 year history, recognized Edwardsville’s financial metrics and was the result of “improved financial operation which led to improved reserves,” as well as positive leadership and new standards implemented by the City Council and City management.

“We are pleased that S&P recognized recent efforts by the City Council and Mayor McTaggart to improve our City’s financial operations and to increase its reserve funds,” stated Michael Webb, City Manager of Edwardsville. “While many municipalities have been struggling due to the national economic recession, Edwardsville has added \$30 million in new business growth and created 300+ new jobs in our community in the last 4 years.”



*“Our recent refinancing efforts have been a tremendous success,” stated John “Tiny” McTaggart, Mayor of Edwardsville.*

As result of the S&PA+ rating, Edwardsville was able to refinance the Series 2006 Bonds, originally used for improvements to Woodend Road, and a KDHE loan used to support expansion of the sewers up to K-32 and 98th Street, and for the local industrial park. The new 2013 General Obligation and Refunding and Improvement

Bonds in the amount of \$6,140,000.00 are outstanding at an average interest rate of 1.36%. More favorable rates at this time, coupled with Edwardsville’s A+ and Stable Outlook rating from S&P, will help achieve \$375,000 in interest savings for the City.

“Our recent refinancing efforts have been a tremendous success,” stated John “Tiny” McTaggart, Mayor of Edwardsville. “Securing an A+ bond rating from S&P due to our improved financial situation, coupled with our ability to secure more favorable interest rates, will save Edwardsville approximately \$375,000 over time.”

As noted in the S&P report, Edwardsville’s financial operations have improved dramatically in the last five years. In 2006, the City had a budget deficit in excess of \$275,000. By FY11, the City had a cash surplus of \$650,000 (17% of expenditures) and by FY12 it had a surplus of \$950,000 (25% of expenditures), despite the lingering economic recession. For FY13, year-to-date results are stronger than budgeted due to increased sales revenue, and the City is anticipating up to another \$400,000 from a multi-city gaming revenue sharing agreement.

In addition to building up the City’s reserve fund, the hope is to use some of these savings and revenues to initiate some much-needed capital improvements in the community, including an asphalt overlay of residential streets in local neighborhoods such as Williamson Farms, Edgehill, and the Parkway.

## About Edwardsville

With approximately 4,650 residents, Edwardsville, Kansas is located in Western Wyandotte County, and is strategically located and easily accessible from anywhere in the Kansas City metro area. It is among the area’s most prosperous communities, featuring a healthy balance of development and growth, housing opportunities, and a quality educational system while maintaining its small-town atmosphere.

☀️ For more information, contact Michael Webb, City Administrator for the City of Edwardsville. He can be reached at [mwebb@edwardsvilleks.org](mailto:mwebb@edwardsvilleks.org) or (913) 441-3707.

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## KORA

The League has addressed e-mail correspondence and how it is treated under the Kansas Open Records Act (KORA) in prior “Legal Forum” articles but, considering the expansion of the use of electronic communication, it seems appropriate to re-visit the topic. The Attorney General addressed the issue in A.G. Opinion No. 2002-1 when asked if the e-mail communications between city commissioners from their home computers was an open record subject to KORA.

The Attorney General pointed out the public policy of KORA is that public records should be open for inspection by any person, unless there is an exemption in KORA closing the record. The opinion then analyzed the definition of a public agency, which includes “any officer or employee of the state or political or taxing subdivision of the state” unless the political subdivision does not provide the officer with an office open to the public at least 35 hours per week. K.S.A. 45-217. Based on this definition, most all city commissioners’ personal e-mail communications on their home personal computers would not be a public record. If the official is not a public agency, the records cannot be public records. Keep in mind that “public record” does not mean that the record is an “open record” a full analysis of the record pursuant to KORA is the only way to determine if a record is an open record.

E-mail is treated the same as any other document under KORA. A public record “means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency....” K.S.A. 45-217. However, public record does not include records that are “made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state.” K.S.A. 45-217. The Attorney General used this exclusion to conclude that the individual e-mail of the city commissioners was not a public record and so not an open record. The records were made, maintained and kept by the individual city commission members.

The next question to explore is what if the e-mail is stored on the city network or staff computers? The Attorney General stated that “if the City itself, or any other City employee, has maintained, been in possession of, or in any way kept a copy of the same document, the exception in K.S.A. 45-217(f)(2) will not close the record to a requester.” Note this exemption is now found at K.S.A. 45-217(g)(2). If this is true, then even though the e-mails of governing body members generally are not a public record, they could be found to be a public record if the documents are maintained by the city. If the documents are found to be a public record then the document is open to the public unless there is an exception under KORA closing the record. It is important for governing bodies to keep this in mind as they add technology such as laptops and tablets. If the equipment is owned and maintained by the city, all documents on the equipment could be found to be a public record and open to the public.

If a governing body member’s e-mail is found to be a public record, one exception under KORA would likely allow closure of the record. K.S.A. 45-221(a)(20) allows “[N]otes, preliminary drafts, ... memoranda, recommendations or other records in which opinions are

expressed or policies or actions are proposed” to be closed. E-mail communication between governing body members will generally be covered by this exception and could be closed under KORA.

Keep in mind the exemptions in KORA are permissive and allow a city to close a record to the public if the document falls under one of the exemptions. KORA does not require the city to close the record and it becomes a policy issue to determine if the document will be released. It is advisable to discuss whether or not it is in the city’s best interest to close a record. There are certain times where it is necessary to withhold the document to protect privacy rights and/or help with the efficiency of government. There are also times where the public perception that the governing body is hiding something from the public is not worth taking the action of closing the record. Just because you can withhold a document, should you? Generally this will be a public policy decision determining the balance between the public’s need to know and the efficient operation of government. Be careful that documents are not being withheld just because there is an exception and not because there is a real need to keep the document from being released.

In other news concerning KORA, a new A.G. Opinion was issued February 15, 2013, addressing “whether a board of county commissioners is required to disclose to the public draft minutes of county commission meetings before such minutes are formally approved by the board.” Cities can use this opinion to analyze the use of K.S.A. 45-221(a)(20) which, as stated above, is an exception for “[N]otes, preliminary drafts, ... memoranda, ...” and allows a city to withhold these types of records.

The important thing to keep in mind is that K.S.A. 45-221(a)(20) ends with this statement, “except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.” The Attorney General pointed out that a public agency is not required to take minutes or have a meeting agenda. However, if the agency creates an agenda and takes minutes of open meetings then they need to pay attention to the last part of this exception and make sure that any memoranda or draft minutes have not been referred to in an open meeting or listed on a meeting agenda.

In summary, the Attorney General indicated “that a board of county commissioners must allow the public to inspect draft county commission meeting minutes from and after the time when either of the following occurs: (1) when the draft meeting minutes are publicly cited or identified in an open meeting, or (2) when an agenda of an open meeting is created and it cites or identifies the draft meeting minutes. If neither of those events occurs, e.g., if the draft minutes are never discussed or voted on in an open meeting and never identified in an agenda of an open meeting, then such draft minutes may be discretionarily closed to the public pursuant to K.S.A. 2012 Supp. 45-221(a)(20).”

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



## 2013 SCHEDULE

Classes are open to all elected and appointed city officials and employees.

### FEBRUARY

Ethics (CORE)

|      |             |                |
|------|-------------|----------------|
| Fri. | February 8  | Hugoton        |
| Sat. | February 9  | Hesston        |
| Sat. | February 23 | Baxter Springs |

### MARCH

Personnel Management (CORE)

|      |         |              |
|------|---------|--------------|
| Fri. | March 8 | Norton       |
| Sat. | March 9 | Baldwin City |

### APRIL

Municipal Finance (CORE)

|      |          |            |
|------|----------|------------|
| Fri. | April 12 | Ellis      |
| Sat. | April 13 | Marysville |
| Sat. | April 27 | Louisburg  |

### MAY

Governing Body Institute (CORE)

|      |        |        |
|------|--------|--------|
| Fri. | May 10 | Topeka |
| Sat. | May 11 | Topeka |

### JUNE

City Clerk Fundamentals (ELECTIVE)

|      |         |              |
|------|---------|--------------|
| Thr. | June 20 | Scott City   |
| Fri. | June 21 | Concordia    |
| Thr. | June 27 | Neodesha     |
| Fri. | June 28 | Roeland Park |

### AUGUST

KOMA/KORA (CORE)

|      |           |            |
|------|-----------|------------|
| Sat. | August 17 | Hutchinson |
| Fri. | August 23 | Emporia    |
| Sat. | August 24 | Merriam    |

### SEPTEMBER

Economic Development (ELECTIVE)

|      |              |             |
|------|--------------|-------------|
| Fri. | September 13 | Ellsworth   |
| Sat. | September 14 | Leavenworth |

### OCTOBER 12

LKM CONFERENCE, OVERLAND PARK

Personnel Management (CORE)  
 Civility & Public Service (CORE)  
 Housing (ELECTIVE)

### NOVEMBER

Civility & Public Service (CORE)

|      |            |         |
|------|------------|---------|
| Fri. | November 8 | Russell |
| Sat. | November 9 | Eureka  |

## MORE INFORMATION

Please visit <http://www.lkm.org/training/mla/> for a complete description of each level, and a list of courses for each category. For more information, please contact Mike Koss, Member Services Manager at (785) 354-9565, or via e-mail at [mkoss@lkm.org](mailto:mkoss@lkm.org).



# Classified Advertising

## City Administrator

The City of York, Nebraska (pop. 7,766) is accepting applications for the position of City Administrator. York has a Mayor/City Council form of government with eight council members and 72 employees. City Administrator is an appointed position and responsible to the Mayor and City Council for coordinating, overseeing and managing the operations of all city departments. Ideal candidate would possess an emphasis on professional team leadership, progressive attitude, effective communication, public relations, participatory leadership style, strong organizational skills, good communication skills and have experience in strategic planning, management, budgeting and employee relations. Qualified candidates should possess a Bachelor's Degree with major coursework in Public Administration, Business Administration, Economics, Finance or related fields, and a minimum of two years of responsible job-related experience in a professional management position. Salary DOQ. Benefits include but are not limited to health, dental, life insurance, employee pension, vacation, sick leave, and holidays. EOE. Submit applications to League of Nebraska Municipalities, 1335 L Street, Lincoln, NE 68508.

## City Clerk/City Administrator

The City of Mankato, Kansas is seeking qualified applicants for the position of City Clerk/City Administrator. This is an administrative position with oversight responsibilities for the daily operation of the city.

Under the direction of the Mayor and City Council, the City Clerk/City Administrator is responsible for payroll, accounts payables, accounts receivables, minutes of the City Council, personnel records, purchasing, records retention, financial accounting, budget preparation and monitoring of financial condition, as well as zoning administration. As a city officer, the City Clerk/City Administrator is the official custodian of municipal documents and is responsible for various city records. In addition, this position is responsible for, and maintains control of all municipal

fiscal and legal records. This employee will have a substantial amount of public contact regarding the furnishing of information concerning city ordinances and policies.

Applicant must possess excellent communications skills and strong interpersonal skills and have the ability to communicate with council, staff, and residents in order to manage planning and operation of day to day activities to ensure efficient, effective delivery of city services. The successful applicant must adapt well to change, have a positive attitude, be proactive, self-directed, self-motivated and detail oriented.

Computer skills are a necessity with proficiency in Microsoft Office and training and/or experience with accounting software. An Associate's degree and/or work experience in public administration, accounting, or business administration is preferred, but not required. It is expected this employee can acquire the necessary skills and certifications to perform the job reasonably well within one year of employment.

Successful applicant must reside within the City Limits of the City of Mankato, or move to this location within six months after initial appointment. A six month probationary period following initial employment must be completed to achieve full-time employment status. A medical examination and tests will be completed if deemed necessary by the Governing Body in order to determine the applicant's qualifications for the position.

Applications must be received before July 31, 2013.

Submit cover letter, resume and 3 references to Mayor Donald Koester, 135 Crestvue Ave, Mankato, Kansas 66956, or e-mail to [koester@nckcn.com](mailto:koester@nckcn.com).

A copy of the job description, salary ranges, and projected start date may be obtained by calling 785-378-3141.

## City Manager

Ogallala, NE (4,737) City Manager: Salary: \$73 - \$104K DOQ. ICMA (CM) recognized in 1963; 5 managers since 1990. Last manager served 20 months. 5-member council. 42-FTE's and 40-PTE's.

Located 3 hours from Denver and 5 hours from Omaha on Interstate 80. Excellent quality of life with abundant recreational opportunities near Nebraska's largest lake, McConaughy. Performs high-level administrative, technical and professional work in directing and supervising the administration of city government and works under the broad policy guidance of the City Council. Ideal candidate will have considerable knowledge of modern policies and practices of public administration; working knowledge of municipal finance, human resources, public works, public safety, community development; preparing and administering municipal budgets; and, planning, directing and administering municipal programs. Ability to communicate effectively verbally and in writing; ability to establish and maintain effective working relationships with employees, city officials and the public; ability to efficiently and effectively administer a municipal government. Require graduation from an accredited four year college or university with a degree in public administration, political science, business management of a closely related field, and five (5) year of experience as a municipal administrator; or, any equivalent combination of education and progressively responsible experience, with additional work experience substituting for the required education on a year for year basis. Resume with a cover letter may be submitted to: Jane Skinner, City Clerk, at 411 East 2nd Street, Ogallala, NE, 69153; or electronically at [jane.skinner@ogallala-ne.gov](mailto:jane.skinner@ogallala-ne.gov). The position will remain open until filled

## City Manager

The City of Anniston (AL) seeks a professional City Manager to provide strong strategic, financial, and operational leadership for a newly elected slate of Council members in a city of 23,000 that is poised for extraordinary growth. The selected candidate is expected to have not only a high level of knowledge and much practical experience in a wide range of local government functions, but is also innovative and progressive in addressing challenges and opportunities as they arise.

Located just off of I-20 about half way between Birmingham, Alabama and Atlanta, Georgia, Anniston is a full service city with more than 300 FTE employees, a \$35 Million annual budget, a well-equipped police department, an excellent fire department (ISO Rating of 3), a city court, a parks and recreation department (best in the state award for 2012), a public works department, and a regional airport. The current city manager is retiring from a thirty-five year career in local government, his last 4 years being in Anniston.

Anniston offers a competitive salary, plus excellent fringe benefits and generous holidays and vacation days. The new manager will be offered a three year, renewable contract.

A full Position Profile is available in PDF format if requested by Email to the following: [CityCouncil@AnnistonAL.gov](mailto:CityCouncil@AnnistonAL.gov)

Candidates must submit resumes as Email attachments in PDF format following guidelines in the Position Profile to [CityCouncil@AnnistonAL.gov](mailto:CityCouncil@AnnistonAL.gov) by June 15, 2013. Hard copies will not be considered.

Anniston is an Equal Opportunity Employer

#### **City Clerk**

The City of Lyons is seeking a professional individual for the position of City Clerk. This is an administrative position with oversight responsibilities for the daily operation of the city. Applications will be received until such time the position is filled.

**Residency:** The City Clerk is required to live within the corporate city limits of Lyons beginning no later than one year after initial appointment to such position.

**Education:** Minimum requirement of two-year Associate's degree but prefer Bachelor's degree in Accounting, Business Administration or Management, Public Administration, or related field.

**Experience:** Successful applicant will have worked in an office environment, have good understanding of computers and technology, have supervisory/management experience with excellent technical skills in accounting, budgeting, budget analysis, financial reporting, and financial management. Applicant must possess excellent communication skills and strong interpersonal skills; have budget, finance, and management experience, basic understanding of city government, adapt well to change, have positive attitude, be proactive, self-directed, and enjoy serving

the citizens of Lyons.

**Duties:** Includes preparing the city's annual budget, maintaining adherence to state budget laws, supervising city personnel, preparing payroll, assisting citizens, maintaining fiscal, legal, and other public records, monitoring financial condition, preparing reports, and other duties.

**Benefits:** Public service EOE work environment, Kansas Public Employees Retirement System (KPERs), health/prescription/dental/eye/life and disability insurance, vacation and sick leave. Salary dependant upon qualifications.

For confidential consideration, please mail or e-mail your resume ([jsweet@lyonsks.org](mailto:jsweet@lyonsks.org)), including salary history, to:

City of Lyons

Attn: John Sweet, City Administrator

PO Box 808

Lyons, KS 67554

#### **City Clerk**

The City of Columbus is currently accepting applications for the position of City Clerk. This is an administrative position with oversight responsibilities for the daily operation of the city.

Qualifications for this position include two to four years of similar or related experience; a technical associate degree in accounting, business, public administration or related fields; knowledge of computer applications; budget preparation; financial reporting; investments and grant preparations; and familiarity with state and local laws governing municipalities. The City Clerk applicant must be bondable and a resident of Cherokee County within six months of hire date.

Complete job description and application are available at City Hall, 300 E. Maple Street, P.O. Box 308, Columbus, KS 66725 or by contacting Judi Mogle, Acting City Clerk, (620) 429-2159. Open until filled. EOE.

#### **Electric Utility Supervisor**

The City of St. John is currently accepting applications for Electric Utility Supervisor. Experience should include line work, power plant operation, and supervisory duties. Applications and job description available at the city office or [www.stjohnkansas.com](http://www.stjohnkansas.com). Excellent benefit package. Applications will be accepted until position is filled. City of St. John is an EOE.

#### **Economic Development Director**

The City of Fort Scott is seeking a results-oriented professional to fill the position of Economic Development Director. The Director is responsible for executing programs to promote economic growth in Fort Scott, specifically business expansion, retention, and recruitment. The successful candidate will be highly motivated and demonstrate exceptional public relations and project management abilities as well as a public servant mentality. The ideal candidate will use his or her technical and organizational skills to work closely with City employees, the general business community, business prospects, and regional and state economic development agencies to foster economic growth in Fort Scott. A Bachelor's degree in a relevant field is preferred; Past economic development experience will be considered; Strong marketing, public relations, and project management skills are required; the ability to work within diverse groups and build coalitions is required. Candidate must be willing to travel and must be willing to locate within Bourbon County within 6 months of employment.

Salary dependent upon experience and qualifications. To apply, send a cover letter, resume, salary requirements, and references to: City Manager, City of Fort Scott, 123 S Main Street, Fort Scott, KS 66701. Applications received prior to June 1 will be given preference. Applications will be accepted until position is filled. EOE, drug free environment.

#### **Finance Director**

The City of Russell, Kansas is seeking a Finance Director. Located along Interstate 70, Russell is a city of the second class and is the county seat with a population of 4,280. The Finance Director also serves as the City Clerk. Requirements include a Bachelor's Degree in accounting or equivalent, additional education in public management and/or Certified Public Accountants certificate desired. Knowledge of Kansas Municipal statutory accounting and budgeting principles, investment management, INCODE municipal software and supervisory experience are preferred. Some travel is necessary. Experience in forecasting financial activity and financial positions in areas of revenue, expenses and fund balances based on past, present and expected operations. This position receives administrative direction from the City Manager. Salary range: \$40,300 to \$66,300,

DOQ plus excellent benefits package. Send completed application, resume and three work related references to Jon Quinday, City Manager, 133 W. 8th St., P.O. Box 112, Russell, KS 67665-0112. Applications available at [www.russellcity.org](http://www.russellcity.org) ADA/EOE

### **Police Officer**

The McLouth Police Department is accepting applications for a full-time police officer. Applicants must be at least 21 years of age, possess a valid driver's license and a high school diploma or equivalent, have no criminal history or lengthy traffic violation record, be in good physical condition, KLETC certified, successfully pass a background investigation and other pre-employment requirements and preferably have patrol and investigation experience. The City of McLouth offers a competitive wage and benefits include BC & BS health insurance, paid vacation and sick leave and KPERS retirement plan. To obtain an application form: print from the City of McLouth website - [cityofmclouth.org](http://cityofmclouth.org) - or from the McLouth City Hall - 110 North Union Street, McLouth, Kansas 66054; (913) 796-6411. Completed applications with resumes will be accepted by the Chief of Police until the position is filled. The City of McLouth in an E.O.E.

### **Public Works Director/County Engineer**

Johnson County Government in Olathe, Kansas is seeking applicants for Public Works Director/County Engineer. Johnson County is one of the nation's premier counties, providing comprehensive services to its citizens in its role as a leading organization in the Kansas City metropolitan area. The Johnson County community is nestled in the southwestern quadrant of the Kansas City metropolitan area (combined population of 1.9 million) and exhibits all of the hallmarks of a great community: a thriving and growing business sector; nationally-recognized public schools; first-class cultural and recreational amenities; and distinctive and welcoming neighborhoods. Johnson County is a growing and diverse community of more than 544,000 residents.

The Public Works Director/County Engineer is a high visibility position supporting the County's public works and infrastructure. The successful candidate will provide strategic direction for the Public Works Department. This position serves as a member of the County's executive team and reports directly to the Deputy County

Manager.

The ideal candidate will exhibit outstanding leadership, communication and professional engineering skills, and will possess the demonstrated capacity to successfully manage in a fast-paced public environment. Requires a Bachelor's degree in Civil Engineering; five years of progressively responsible experience in public works management, three years of experience in administration and supervision, two years of experience in administration of comprehensive public works services and programs; or an equivalent combination of education and experience sufficient to demonstrate the ability to successfully perform the essential duties of the job. Licensure as a Kansas Professional Engineer is required.

Johnson County is an equal opportunity/equal access employer and offers a competitive salary and benefits package. The expected salary range is \$105,441-\$140,588. For consideration, apply online at <http://hr.jocogov.org/jobs-open-public>.

Learn more about Johnson County at [www.jocogov.org](http://www.jocogov.org).

Johnson County Government  
Department of Human Resources  
111 S. Cherry St., Suite 2600  
Olathe, KS 66061  
telephone (913) 715-1435  
fax (913) 715-1419  
EOE m/f/d

### **Public Works Director / City Engineer**

The City of Bel Aire is accepting applications for Public Works Director / City Engineer. This position performs complex supervisory, administrative and organizational work in planning, directing and supervising the Public Works Department. The Director oversees all aspects of the Public Works Department including water, sewer, streets, storm sewers and facility maintenance. The position also acts as the City Engineer and performs infrastructure design, plan review and other technical duties involved in engineering. Must be a licensed Engineer in Kansas. Salary range is \$29.50 - \$39.67 per hour with very good benefits. Apply online at [HREPartners.com](http://HREPartners.com) under the City of Bel Aire. The job description is posted on [HREPartners](http://HREPartners.com) and you can visit the Bel Aire website at [www.belaireks.gov](http://www.belaireks.gov) for more info on the community.

### **Utilities Assistant Distribution & Collections Superintendent**

\$35,797-\$52,333 DOQ. The City of Atchison has an opening in the Utilities Department for an Assistant D&C Superintendent. This position will train in the essential functions of the Superintendent. Upon successful demonstration of ability to fulfill requirements of the position, the individual will transition to position of Superintendent upon current superintendent's retirement. Duties include, but not limited to: direct the day-to-day operations and mechanical maintenance and repairs of the City's distribution and collection systems; oversee meter reading and customer service activities; supervision of subordinate personnel; ensure work quality and adherence to established policies & procedures. Will serve as Lead Operator for a minimum of 2 months to gain experience working with crew members and gain knowledge of existing infrastructure. Job related physical and substance abuse screen upon offer of employment. Applicants must apply on-line at [www.hrepartners.com](http://www.hrepartners.com). Position open until filled. EOE

### **Water & Wastewater Facilities Director**

Seward, NE (pop 7,000) located just west of Lincoln, on the I-80 corridor. Seward is Nebraska's Official 4th of July City and the Seward County Seat. Home to Concordia University, Progressive Business Courthouse Square Business District and established diversified Manufacturing-Service Businesses. Seward was recently named as one of "America's Best Small Cities" on the Eden List. Outstanding Quality of Life Features including Schools, Libraries, Police, Fire and Community Pride. The City of Seward Water Treatment Facility is a Class II Type and the Wastewater Facility is classified as a Class III. Qualified and interested Applicants can submit the following required items by 4pm, May 10th, 2013: (1) Letter of Interest with Salary History and Desired Pay Range (2) Current Resume with Four verifiable references (3) Completed and signed City of Seward Job Application (4) Copies of Certifications, and other Candidate support items to: City Administrator Brett R Baker, 537 Main St - PO Box 38, Seward, NE 68434-0038. Position Interviews slated to begin on May 20th, 2013. Position open until filled. The City of Seward Nebraska is an Equal Opportunity Employer. Full Job Announcement and City Application available at: <http://CityofSewardNE.com/jobs.htm>.



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## Optimism



I just returned from the biennial Governing Body Institute and Mayor's conference here in Topeka, and I was struck by one pervasive fact that was conveyed by the almost 250 city officials in attendance. This fact was an overwhelming degree of optimism.

As I am sure most of you know, the biennial Governing Body Institute, which is hosted by the League of Kansas Municipalities, is focused on introducing new city officials both to the League, and to the basics of laws governing and relating to their governance duties as members of city governing bodies. It is always a mixture of new and old mayors, councilmembers, and commissioners. Rather than describing them as old city officials, I guess I should describe them as seasoned. Seasoned city officials aren't necessarily old, just old hands in the local government business. For those who come and are seasoned city officials, they are there to tuneup their skills, and to find out if there have been changes in certain laws governing what they are supposed to be doing as city governing body members.

But, what struck me when talking to the many city officials present, whether new or seasoned, was that they shared one thing in common. That was a sense of positive thinking and optimism about their communities. Furthermore, even those who acknowledged challenges facing their communities had an unbridled sense of optimism about the future, and the possibilities which lay ahead for their city. It was a very positive and uplifting experience for me, as they always have been. It reminded me that oftentimes city officials are the number one cheerleaders for the communities that they govern. They have a feeling of optimism that is hard to tamp down and can be contagious with other elements of the community, and with the public at large.

Their optimism reminded me of the optimism that I encountered with my Aunt, Dr. Joye Ansdell, who was always one of the most positive people that I ever knew. I wrote a column about her back in July of 2001 which was entitled "A Remarkable Woman." She always believed in the best in people, and would work tirelessly to demonstrate that good to others. She was bright and cheerful, and was always looking towards the future in a very positive way. I never heard her say she couldn't do anything, and she repeatedly demonstrated to me the power of being positive and of believing that no obstacle is too great to be overcome.

One of my favorite stories about my Aunt Joye, which I will recount one more time, aptly demonstrates her prowess and never-say-die attitude. It took place when she was 75 years old and we were attempting to move a very large antique yellow pine pie safe out of the basement of the old family farmhouse near Jamestown, Kansas. As luck would have it, the old pie safe, which measured over six feet tall, four feet wide, and perhaps two feet deep, would just barely fit up the narrow and steep basement steps if it were tilted at just the right angle. I would not even guess at the weight

of this piece of furniture, but it was quite heavy and it took all of our strength to move it out of the basement. The best part of the story is the fact that Aunt Joye was holding the pie safe and pushing up from below, while I was at the top of the stairs trying to pull the pie safe up. I am sure we would have made quite a picture had anyone been watching this furniture moving operation. After a relatively short period of time, we were able to remove it from the basement and load it onto the waiting U-haul trailer for its trip to Manhattan, where my Aunt Joye lived.

My wonderful Aunt Joye died last year at the ripe old age of 101. She had lived a full and important life, and she left this earth on her own terms. The duty of wrapping up her estate fell to me, and I have accomplished that task in due course. One of the elements was to have her mail forwarded to me so that I could deal with paying off final bills and various other aspects of the estate. In the course of doing this, all of her magazine subscriptions were redirected to our address as well. The one that really caught my eye was her subscription to *Smithsonian* magazine. In looking at the address label on her *Smithsonian*, I noticed that she had paid her subscription through October of 2019. Thus, she had paid it through the month and year in which she would have become 109 years old. Now, if that isn't pure optimism, I don't know what is.

So, in thinking about local government, and being a part of something bigger than ourselves, it is important to remember that a sense of optimism, coupled with positive thinking for the future, will not only help you work your way through the everyday challenges and problems which will confront your city, but it can be contagious and can infect other people with a sense of optimism as well. In all walks of life, and in everything we do, there are always a small group of people who want to say "no." There are always a group of people who have nothing but negative things to say, no matter what you do, or how you do it. You must overcome the inherent negativism of the minority, and move forward with a positive outlook for your community, and for the future of your citizens. In this way, we can assure brighter communities for the Kansans of tomorrow.



Photo of Dr. Joye Ansdell taken at the farm the day we moved the old pie safe. Photo by Don Moler

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