

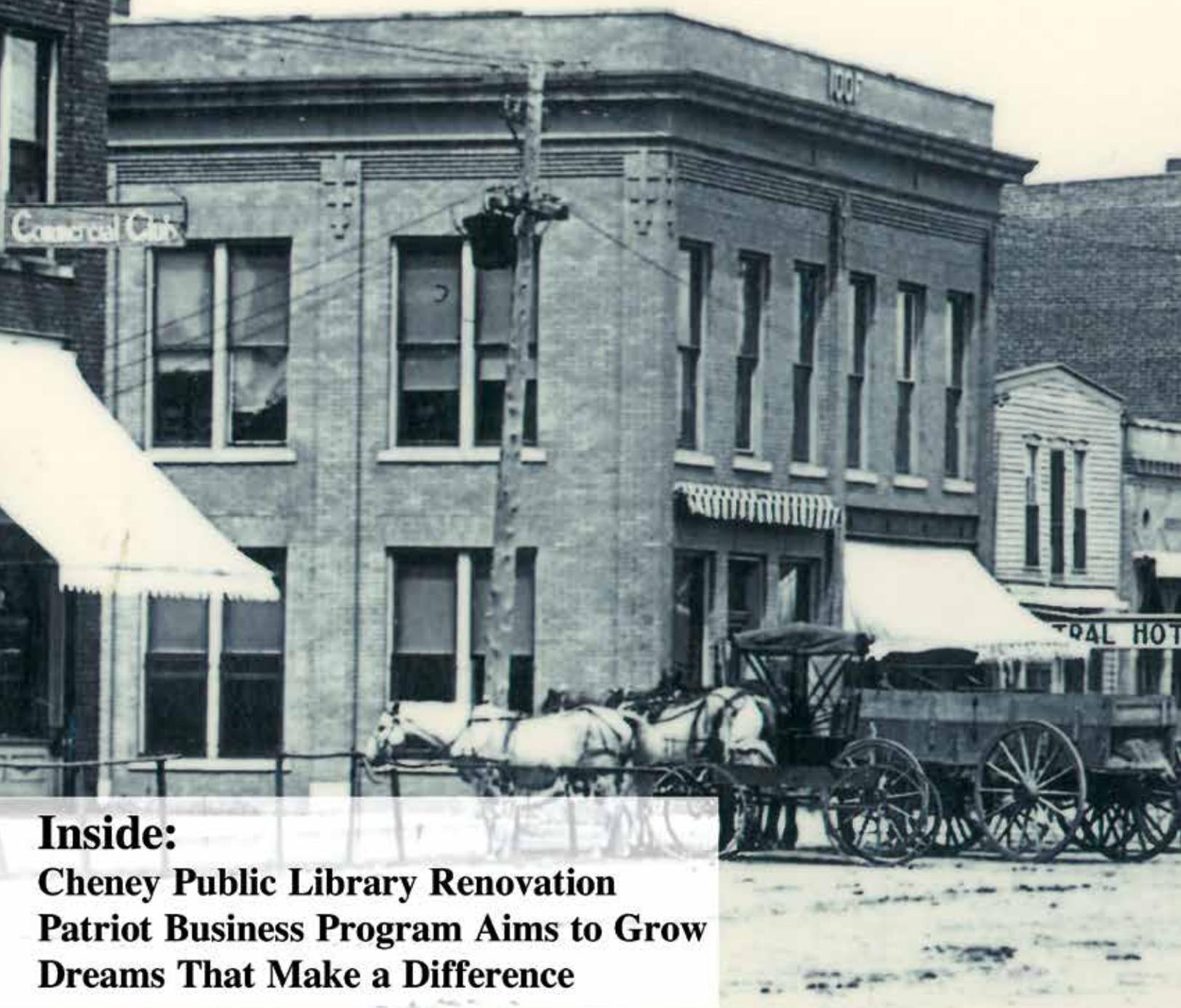
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GOVERNMENT JOURNAL

VOLUME 100-NUMBER 3

MARCH 2014



Inside:

Cheney Public Library Renovation
Patriot Business Program Aims to Grow
Dreams That Make a Difference

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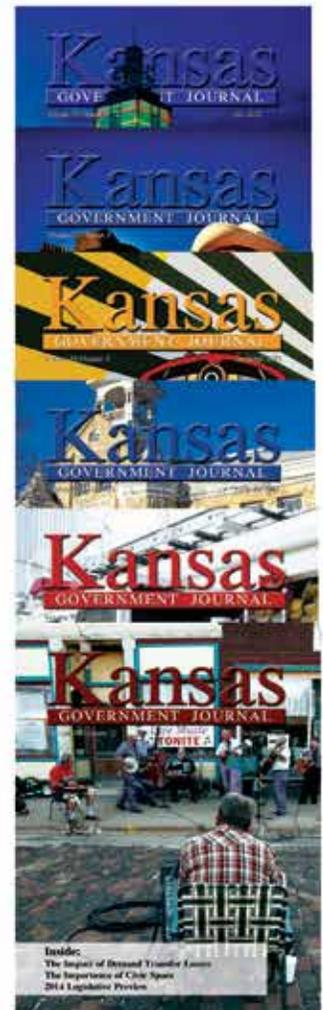
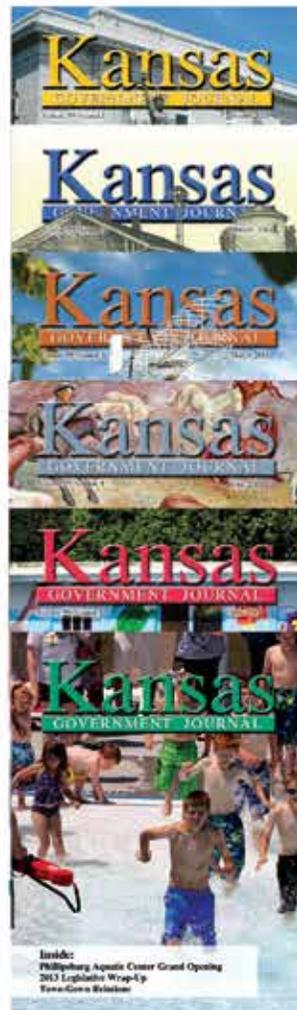
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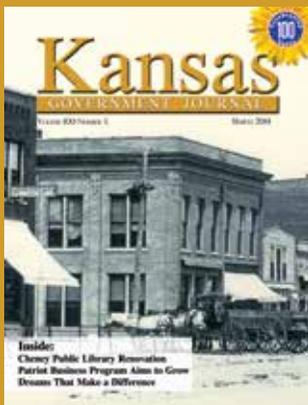
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About the Cover:
Photo of Downtown Cheney,
Mainstreet, 1907. See related
article on page 70. *Photo
provided by Danielle Young.*

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

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April

- 04 - Kansas Legislature: Regular Session Ends
- 25 - MLA: Emergency Planning, Lyons
- 26 - MLA: Emergency Planning, Council Grove
- 30 - Kansas Legislature: Veto Session Begins

May

- 9,10 - Leadership Summit & Mayors Conference, Manhattan

June

- 06 - City Attorneys Association of Kansas Conference, Lawrence
- 06 - LKM Governing Body Meeting, Lindsborg
- 27 - MLA: Civility and Public Service, Holcomb
- 28 - MLA: Civility and Public Service, Andover

July

- 04 - LKM Holiday: Independence Day
- 12 - MLA: Civility and Public Service, Spring Hill

August

- 08 - MLA: KOMA/KORA, Cimarron
- 09 - MLA: KOMA/KORA, Leawood

Obituaries

Kenneth W. Bernard, 76, died March 4, 2014. Mr. Bernard was born October 13, 1937, in Breckenridge, Minnesota, the son of Mathais and Theresa Bernard. He graduated from Fairmount High School in 1955. He enlisted in 1955, and served over four decades between the Army and Civil Service.

Mr. Bernard was elected Mayor of Lansing and held office for 29 years, in addition to being named Kansas Mayor of the year in 2007. He retired from office in January 2013.

Melvin Johnson, 68, died February 25, 2014. He was born November 16, 1945, in Manhattan, Kansas, the son of Alvin and Eva (Smith) Johnson.

Mr. Johnson was a life-time area resident, having graduated from Manhattan High School in 1963. He served as Mayor of Randolph, Kansas, for six years.

Robert C. Weed, 89, died on February 15, 2014.

He attended Washington and Jefferson College for one year before enlisting in the US Navy to serve during World War II. Mr. Weed served on the Prairie Village City Council and was active in the Kansas Republican Party.



Director's Foreword

by Michael Johnston



Recently, I was privileged to attend the 2014 National League of Cities Congressional City Conference in Washington, D.C. It brought together nearly 1,500 representatives from cities across the country, including over 30 from Kansas. The conference provided me a unique opportunity to network with my peers, chief executive officers of state league organizations. It also provided me with the

chance to learn about a broader scale of challenges facing cities in other parts of our country.

And guess what, it seems that the problems facing cities in our state are not much different than those faced by cities in other states. The recent recession has made making ends meet for cities ever more difficult in part because of the budget problems faced by nearly all states. As the various states struggled in the face of slowing economic activity in recent years, they have taken steps to reduce the state revenue that they had traditionally shared with local units of government, including cities. This dynamic has occurred across America and has put enormous pressure on city budgets as city leaders struggle to meet the basic service needs citizens demand. Unfortunately, local control by local officials in many cases is little more than a political term, not a practice. At the end of the day, city officials must defend their prerogatives and critical roles in the lives of their citizens.

I was also pleased to host a briefing for Kansas attendees on what is happening in the Kansas Legislature affecting cities. Nearly all of

the Kansans at the conference attended the briefing and it provided a stimulating interactive opportunity for both sharing information and hearing the views of many in attendance about various legislative initiatives under consideration. It was a great learning experience for me!

As the Legislature nears the end of its 2014 schedule, let me touch on a few items that remain unsettled and are of concern. The first is HB 2456, which for the first time would identify a specific industry, enunciate a litany of items used in its production process and classify them as machinery and equipment exempt from the property tax. While the situation that gave rise to the bill is indeed unfortunate, the remedy in this bill will surely attract other industries to demand the same treatment in the future. This will mean even more pressure on city budgets and the inevitable shifting of the tax burden to homeowners and other less fortunate businesses.

In addition, another very troubling issue before the legislature in two different bills is the effort to move all local elections to the fall, for now in odd-numbered years. Local elections since statehood have been held in the spring and we see no compelling reason to move them. In addition, the legislature has given little thought to the problems that will certainly occur by moving the election of nearly 4,000 local officials from the spring to the fall. Moreover, timing issues concerning local budgets, issues of stagger and term, etc., would require careful thought and consideration. Without that careful thought, enacting this change could easily become another poster child for unintended consequences!

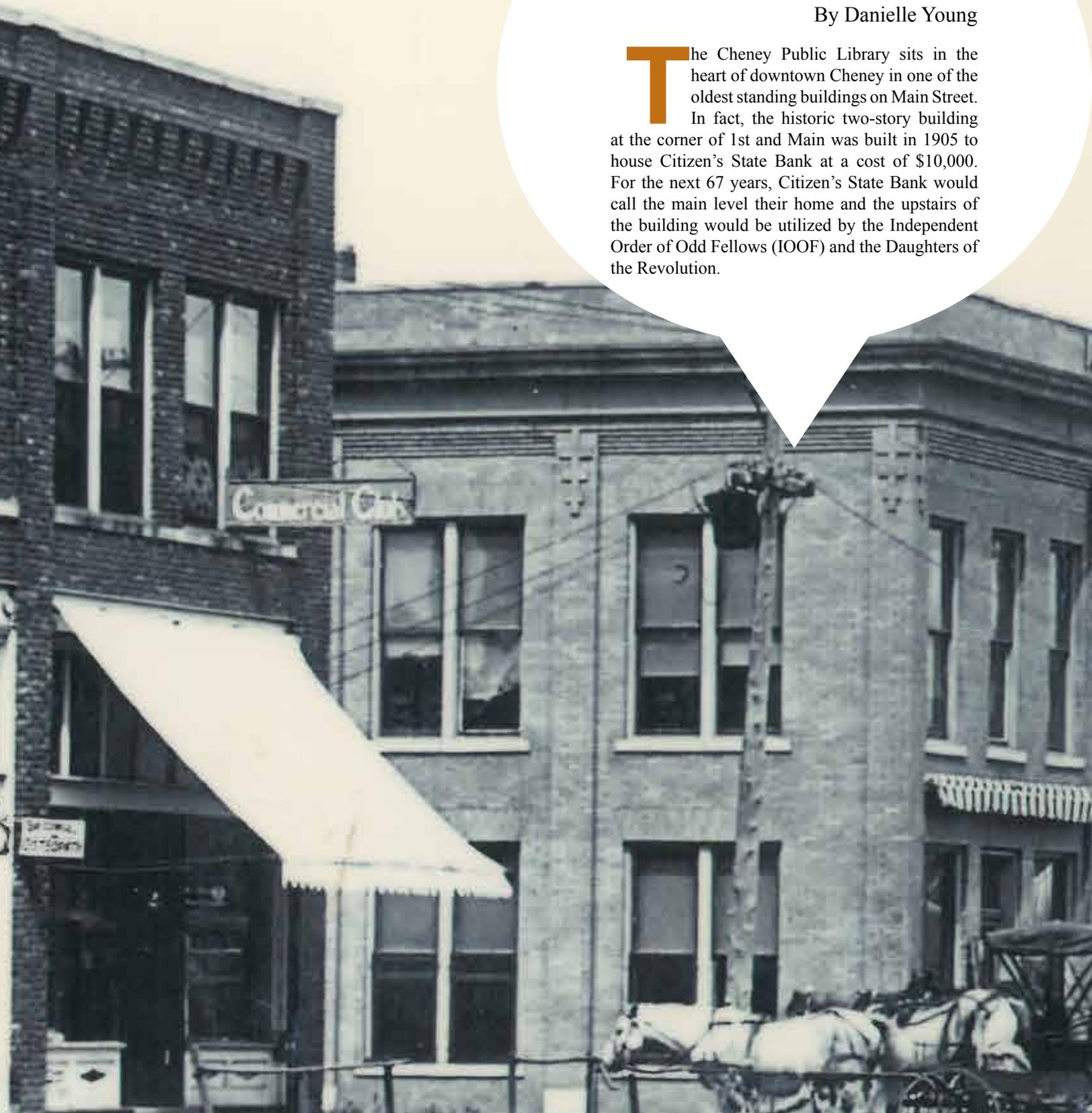


Photos of the National League of Cities Congressional City Conference. Photos provided by National League.

Cheney Public Library Renovation

By Danielle Young

The Cheney Public Library sits in the heart of downtown Cheney in one of the oldest standing buildings on Main Street. In fact, the historic two-story building at the corner of 1st and Main was built in 1905 to house Citizen's State Bank at a cost of \$10,000. For the next 67 years, Citizen's State Bank would call the main level their home and the upstairs of the building would be utilized by the Independent Order of Odd Fellows (IOOF) and the Daughters of the Revolution.



Over the years the building has seen renovations, such as a coal-based burner was replaced by a fuel-oil burner cabinet stove in 1940, modernized counter tops were installed in 1947, and a complete renovation was done in 1958, which included adding modern heating and air, a night deposit drop, and enlarging the vault. The back of the building was converted into a vault and in 1958 it was “felt this was enough vault space to last forever”.

In 1972, Citizen’s State Bank decided to expand their bank and build a new building. They approached the Cheney City Council in November of 1971 about purchasing the two-story building to house the City Library and municipal offices for \$14,000. The item was tabled for the next few years. The Council minutes from May 31, 1973, state: “At an informal meeting it was agreed to by the Council that the City would buy the old bank building. City agreed to trade the present city building for the old bank building for a difference of \$8,000.”

The bank vaults that were once believed to be “enough vault space to last forever” were soon turned into storage rooms and offices. The Library occupied the front half of the old 2,175 sq foot bank building and the city office consumed the back half, which was once used as a beauty salon and a display room for caskets. Agreements were set between the Library Board and the City Council as to what remodeling would be done inside the building. The Library reused the ‘modernized’ bank counter tops and the City office utilized the 1958 night depository.

Funding was limited for the library at this time. It was noted in

the February 28, 1974, council minutes that the Library approached the City Council and asked for a 1 mill levy increase, so they could stay in the South Central Kansas Library Association. For the next 20 plus years, both entities would share the historical building until May 11, 2000, when the Cheney City Council approved the purchase of yet another historical two-story building directly south of their existing location. The new purchase would provide approximately 6,000 square feet of additional space for a new City Hall, Council Chambers and Police Department. The Library would remain in the original building and would remodel to ensure the use of the entire main floor of their building. On September 17th, 2001, the City offices were moved across the street and Cheney Public Library was given full access to their current building.

But as Cheney continues to grow, a building that was once thought to provide adequate space for a library, has been facing multiple problems. One, as the community expands and new books become available, the Library has had to sell books that are only a few years old in order to make room for newer books. Two, the Library has become more of a resource center for the community, which requires more space for technology and advancement in services. There has been a great need in our community to provide a space, along with an atmosphere, that works for all ages to utilize.

The Cheney Public Library only had to look up for the answer to their much needed expansion. The library board had a vision to double the size of their library and expand their library upstairs into



Downtown Cheney, Mainstreet, 1907.

bigger and greater things. At that time, the upstairs of the library was unfinished and being used as storage by the City of Cheney.

The Library Board and Director Susan Woodard proposed an increase in their mill levy from 3.335 to 4.681 in July of 2012 in preparation for the 2013 budget. The library had not seen an increase to the mill levy in eight years. The proposed revenue increase would allow the library to make a loan payment and pay for increased operating costs. Along with the mill levy increase, the library board proposed a \$212,000 plan to expand the library to the second floor of their building. Of the \$212,000, the library used \$40,000 from its reserve fund and borrowed \$172,000 from the City of Cheney's utility funds.

City Administrator Randall Oliver believed that by loaning the library funds from the utility reserves, it would benefit both the library and the city. Oliver stated that "it would allow the library to borrow money below market rates, yet give the city a higher rate of return than it otherwise could earn on the money." The loan between the Library and City was set up on a five year balloon note, amortized over 20 years. The City had cash available in a certificate of deposit, making 1.2% interest and offered to loan the library the funds at 3% interest. It was figured that the City would see an increase in interest revenue of \$16,824.47 over the first five years of the balloon note.

The Cheney City Council approved the 2013 budget and funding for the library project. Construction began on the library project in March 2013. Director Woodard spent many hours discussing



Progress during the remodel of the Cheney public library.



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the plans with the architect. She played a major role in ensuring the project was completed economically and with class style. The project allowed for the young adult section, adult nonfiction, and high-speed computers to be moved upstairs. It also allowed for more room on the lower level for the children's section to be revamped with an increase of hands-on interactive manipulatives, which includes an Early Literacy Station computer (ELS). The ELS computer was paid for through a grant provided by the State Library of Kansas. In the upstairs renovation, a coffee bar and study area were also added. The complete renovation features an elevator, security system, wi-fi, and original woodwork from the early 1900s.

The library received an outpouring of donations from the Cheney community and has received over \$30,000 in private donations. The donations allowed the library to complete additional upgrades to its project. The final project is estimated at \$226,700, with only \$172,000 being financed through the City of Cheney. Donations continue to be collected as new people are amazed everyday by the transformation of the library.

Construction was completed at the beginning of September 2013. An open house was held on September 14, 2013, with hundreds of community members attending. Over the past month, the library has already seen an increase from 40 to over 100 patrons a day.

Patrons have also extended their library stay from 10 minutes to 2-3 hours because the library now offers an inviting atmosphere for reading, studying, and family oriented activities. The entire community has seen the benefit from the library expansion with the activities that can now be offered in the additional space and the amenities it delivers to those outside the City of Cheney. In the first month of the project being completed, a book signing, women's group luncheon, tutoring services, out of town wi-fi users, homeschoolers, and young adult book club group have taken advantage of the new space.

The Cheney Public Library Building has been a dominate fixture on Main Street for the past 108 years, and while still possessing the historic woodwork, the modern fixtures have turned the century old building into a contemporary service for generations to come. The City of Cheney staff and residents are thankful for the creative visioning of the Library Board, Director, and staff.

☀ *Danielle Young is the City Clerk for the City of Cheney. She can be reached at (316)542-3622 or dyoung@cheneyks.org. All photos provided by Danielle Young.*



The complete renovation features an elevator, security system, wi-fi, and original woodwork from the early 1900s.



Representatives of the Salina community, military services, City of Salina, and local businesses take part in a ribbon-cutting ceremony signifying the nationwide start of the Patriot Business Program. The ceremony took place July 10, 2013, during a press conference in Salina for Joining Community Forces. Photo by Staff Sgt. Jessica Barnett.

Patriot Business Program Aims to Grow

By Staff Sgt. Jessica Barnett

Saline County formally committed to supporting Kansas National Guard service members and their families at a Joining Community Forces Covenant signing on July 10, 2013.

Joining Community Forces is a collaborative effort to develop and communicate initiatives that expands on the national level “Joining Forces” campaign by focusing on grassroots solutions in support of veterans, military members, and families. The primary goal is to foster a sustainable network of local support through governmental nongovernmental, non-profit, corporate partnerships and local citizen collaboration to fill service and information gaps. The JCF initiative seeks to educate, leverage, and promote existing grassroots efforts and build community capacity to better support local military communities.

“There is a nationwide push for Community Covenant signings. This is pushed by the Army to have communities stand up and say ‘We support those that support us,’” explained Mary Nesbitt, chair of Joining Community Forces and director of the State Family Program of the Kansas National Guard.

Such a program has already been recognizing those communities for supporting our service members, veterans, and families in Salina, Kansas.

Co-founders Melissa McCoy and Rachel Hinde said the Patriot Business Program aims to grow across the state and beyond the borders to a national level with the help of JCF.

“I’m so proud of where we are going with the program,” said McCoy. The mission of the Salina Area Chamber of Commerce’s Patriot Business Program is to create valuable savings for military members and their families by encouraging local businesses to offer meaningful discounts to current military identification cardholders.

The voluntary action by the business to offer military discounts raises awareness about service members visiting or living in a community and fosters a positive relationship between the military and their civilian community.

The Patriot Business Program is an agreement between local chamber of commerce’s, military affairs councils or other veterans organizations, and an area business operator to offer a 10 percent or more discount to current military identification cardholders. The store must honor the discount at all times to display the logo in their place of business or any promotional materials. Those eligible for the discount are active duty, National Guard, reserve, retirees and their dependents. This does not include veterans who do not have a current military ID card or family members who do not hold a dependent ID card. The business is only required to honor the discount for those who produce proper military identification.

The City’s of Wichita and Manhattan have been talking with Hinde and McCoy about possibly adopting the program.

“It would be great,” said Sgt. Brenda Jennings, a Fort Riley resident and member of Company B, 1st Battalion, 108th Aviation Regiment. “It helps us save money and it shows us the community actually cares about the military.”

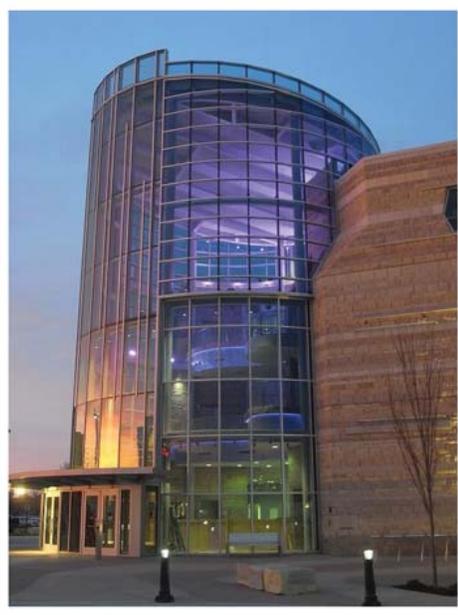
To learn more about the programs visit www.patriotbusinessprogram.com and www.jointservicesupport.org/communityforces/. Or call Mary Nesbitt at 785-274-1171.

“There is a nationwide push for Community Covenant signings. This is pushed by the Army to have communities stand up and say ‘We support those that support us,’”

 Staff Sgt. Jessica Barnett is the Staff Writer for the Adjutant General’s Department, Public Affairs Office. She can be reached at jessica.barnett3.mil@mail.mil.

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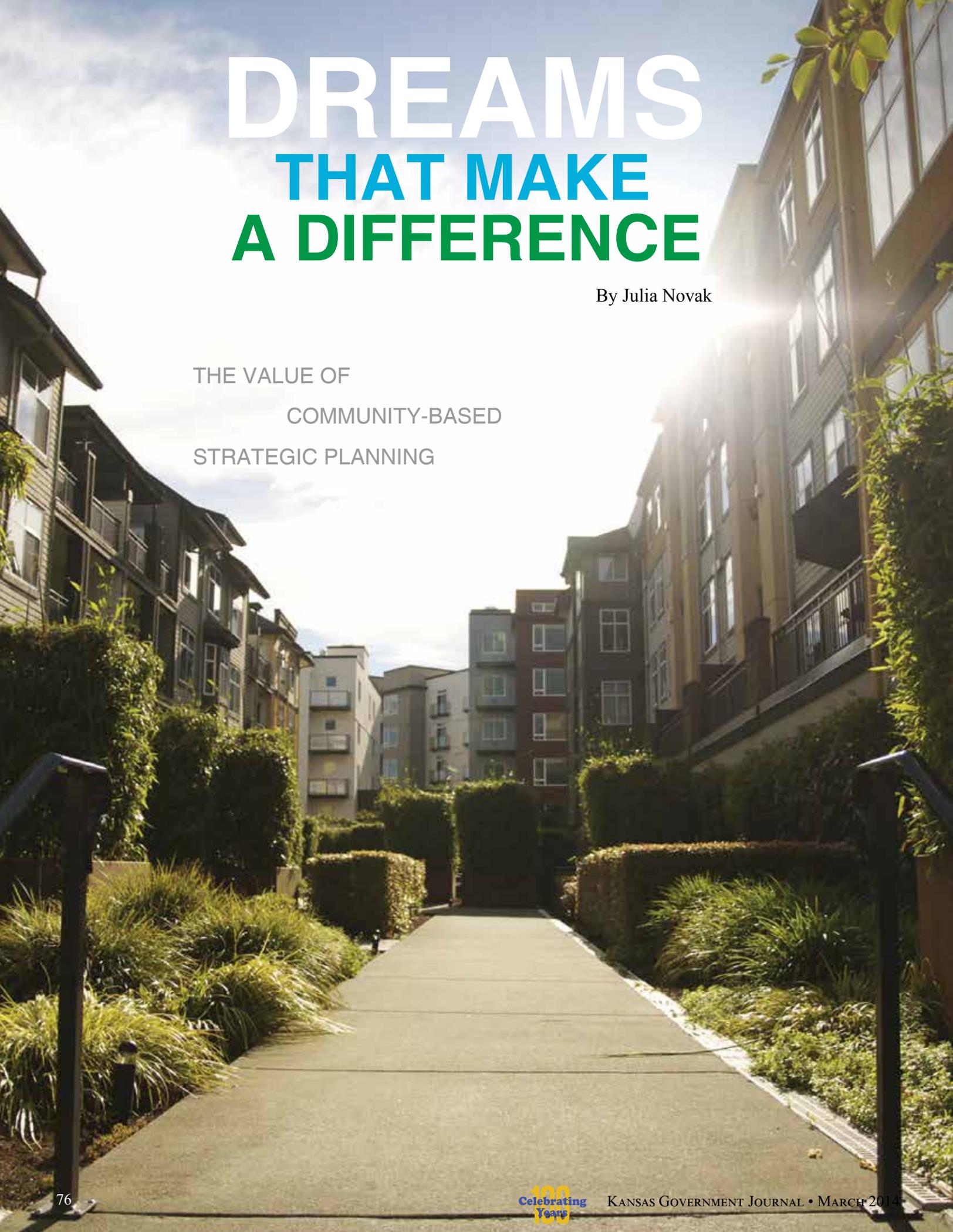
Jeffrey Cufaude will examine the historical distinctions between leadership and management, explore the implications of some of the critical shifts around us, and highlight the leadership mindset to embrace. Specifically, Mr. Cufaude will help attendees gain a better understanding of how to:

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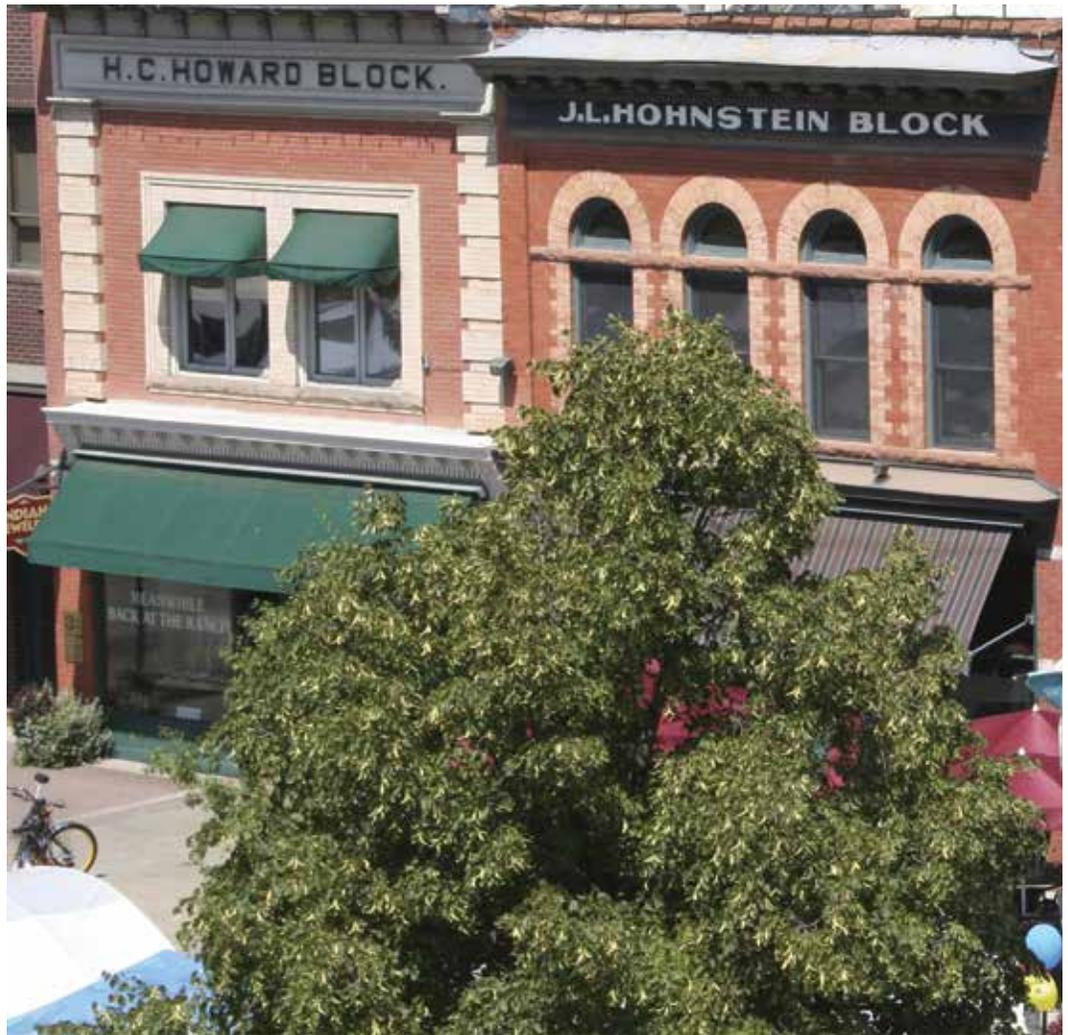
DREAMS THAT MAKE A DIFFERENCE

By Julia Novak

THE VALUE OF
COMMUNITY-BASED
STRATEGIC PLANNING

TAKEAWAYS

- › Community-based strategic planning is a specific approach to strategic planning that engages the community in a tangible way.
- › A local government can be the initiator or the collaborator in designing a strategic planning process.
- › Community-based strategic planning acknowledges that local government cannot meet all the needs in the community, while simultaneously validating the important role it plays in the lives of stakeholders.



Old Town Square, Fort Collins, Colorado.

Community is created when people are allowed to engage their heads, their hearts, and their hands in establishing something tangible.

Is there any value in engaging communities in strategic planning? After all, locally elected officials function within a representative democracy, accepting responsibility for planning for the future of local governments. While the need is not always tangible, the value in community-based strategic planning is derived from the engagement, buy-in, and owning a stake of the future of the communities within which local governments operate.

In the late 1990s, I recall Alvin Toffler speaking at a national conference where he shared a metaphor that left a lasting impression. Toffler talked about how local governments were becoming vending machines. A vending machine is not something anyone “buys into”—you literally put your money in, press the button, and get what you want.

And what happens when we don’t get what we want? We shake or kick the machine, leave nasty Post-it notes, and perhaps call the posted phone number and complain to a customer service representative. While I am a believer in local governments providing excellent customer service, Toffler’s metaphor is clearly not the image we want for local governments.

Engaging residents (and businesses and institutions) in community-based strategic planning replaces the vending machine and invokes a setting where people and institutions come together, dream about, and then go about creating the future of their community. Toffler offered the image of a barn raising being a more apropos metaphor than a vending machine.

It sounds lovely. Spending time with a group of residents to get their input and buy-in to the future of a community. The question is: Does it make a difference?

Back to the Future

Over the past 20 years, I have had the opportunity to participate in community-based strategic planning processes as both a city official/manager and as an adviser. At this juncture, it is reasonable to ask the question: What difference did those processes have in the lives of community residents?

Fort Collins, Colorado: Challenge Fort Collins.

The first exposure I had to community based strategic planning beyond public processes for capital improvement planning (CIP)



Classic advertising at the entrance to Old Town Square, Fort Collins, Colorado.

was a process known as *Challenge Fort Collins* in the early 1990s. Fort Collins had long been known for active resident participation. Two successful CIP processes had brought impressive city facilities to life in this college town—one known as *Designing Tomorrow Today*; the other, *Choices 95*. One could have almost questioned the need for Challenge Fort Collins but in reality it was bigger than the city government, it was about the entire community. Leadership was provided by dedicated residents, the Poudre Valley School District, Colorado State University, Poudre Valley Hospital, the business community, the arts community, and the city.

Everyone had an equal voice, and when residents wanted to open up the public schools for community use “after hours,” it took several years of dedicated individuals working tirelessly to engage the school district and create an award-winning program that was later recognized by President Clinton as a program of excellence.

Rockville, Maryland: Imagine Rockville.

In the late 1990s, Rockville, Maryland, engaged in a community-based process that was known as Imagine Rockville: Creating the Future, followed by its successor Imagine Rockville: Checking in with the Future. Those processes had a profound impact on the community and city government.

Out of the process, the city decided to intentionally engage neighborhood associations in order to establish a Neighborhood Resources Program that was desired by the community and is still

in place today. It was determined that downtown Rockville, which was emerging from a failed shopping mall that imploded in late 1995, needed grid streets to be reestablished, and the community wanted a new county library to be the centerpiece of Town Center.

Community-based strategic planning is more than a technique to establish a strategic plan. It is a strategy for engaging residents and creating community.

Today, Rockville Town Center has a beautiful library, mixed-use development, and entertainment that is a regional attraction.

Bridget Newton, an Imagine Rockville participant and now mayor of Rockville, noted: “The Imagine Rockville process brought a hundred residents into the process of articulating a future for our community and then kept people engaged in the process of implementation. Imagine Rockville was the barn-raising process that turned downtown Rockville into everybody’s neighborhood.”

Unique to Imagine Rockville was not only the accomplishments that came out of the process but also the very process itself, which was innovative and effective. Imagine Rockville borrowed from a concept known as Future Search that was developed in Australia then brought to the United States and adapted for use in these types of specific engagements with residents.

The process in Rockville was replicated in Mansfield, Connecticut (Mansfield 2020, 2008); Worthington, Ohio (Worthington 360, 2010); and Clayton, Missouri (C the Future, 2012). Each of these community-based visioning processes used the Future Search process, which uses a specific facilitation technique called a Future Search Conference.

What Is a Search Conference?

The Future Search Conference model is an innovative and exciting way to include a community in planning its future. In regards to community-based strategic planning, a search conference model is used to develop a unified community vision that identifies both the vision and actions to be taken to achieve that vision.

The search conference “brings people together to achieve breakthrough innovation, empowerment, shared vision, and collaborative action” (Discovering Common Ground, Marvin R. Weisbord, 1992, Berrett-Koehler Publishers, San Francisco, California. A subsequent book, Future Search: An Action Guide to Finding Common Ground in Organizations and Communities was published in 2000 by Berrett-Koehler.) Elements of a search conference include environmental scanning, identification of key issues, articulation of likely and desired futures, and action plans that are designed to set the implementation process in motion.

The search conference is a strategic planning event that is purposefully designed to be inclusive and action oriented. It is a participative planning method that enables people to create their

CORE CONCEPTS AND VALUES OF A SEARCH CONFERENCE

- People are an extraordinary source of information about the world.
- People can have a role in creating their desired future.
- People like opportunities to engage their heads, hands, and hearts.
- People can participate in collaborative planning and collaborative action.
- Content experts who participate in a search must fully engage in the process.
- People participate as individuals with their own experiences and information, not as a representative of, or for, any single interest group.
- Facilitators manage the time and the tasks, not the content.
- Participants must be willing to investigate the ideas of others (listen with respect).

Figure 2. C the Future community issues.



An artist's representation of what C the Future participants in Clayton, Missouri, identified as critical issues to address.

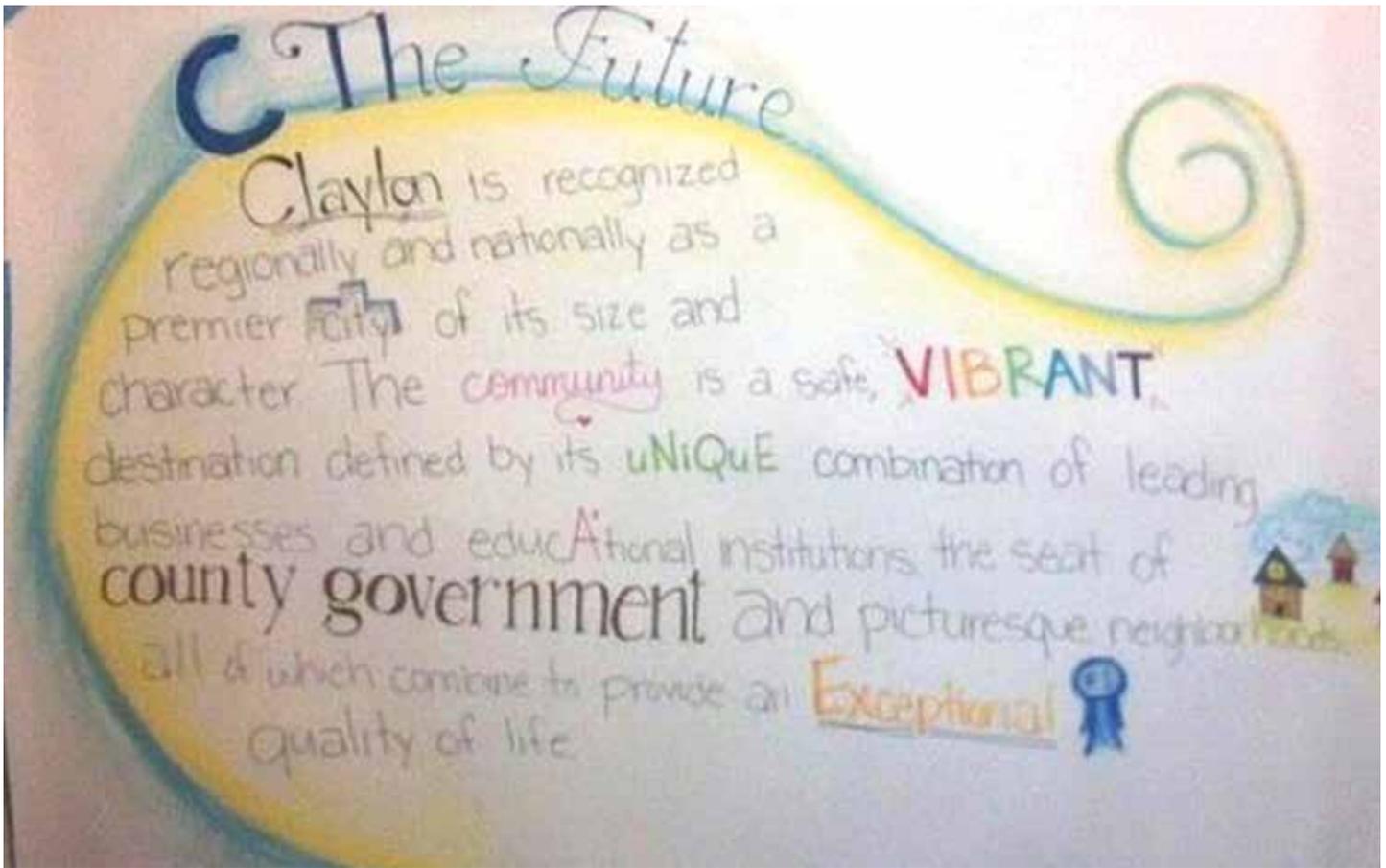


Figure 3. Vision for Clayton, Missouri, in word cloud format.

desired future. It is a flexible process designed for today’s rapidly changing environments. Participants in the search conference create a plan based on shared ideals with tangible and flexible goals.

Clayton, Missouri: C the Future.

Clayton, Missouri, is a successful suburb of St. Louis that is also known as that city’s “second skyline.” In 2011, the community’s elected officials decided to engage the community in a strategic planning process to commemorate its centennial and chart a course for the next 100 years.

The participants examined community programs and processes and strategized about what elements needed to be addressed in order to achieve the desired future. Figure 2 is an artist’s representation of what *C the Future* participants identified as critical issues to address.

From that process the community identified four critical success factors that would enable the community to attain its desired future:

- Exceptional city services.
- Livable community.
- Strategic relationships.
- Economic development and vibrant downtown.

A directional statement was written and key initiatives identified for each of these areas. While many initiatives did involve Clayton city government, some were decidedly community-based and required the engagement of the community’s two universities,

public and private schools, and its active business community to make them happen.

The Vision for Clayton—*Clayton is recognized regionally and nationally as a premier city of its size and character. The community is a safe, vibrant destination defined by its unique combination of leading businesses and educational institutions, the seat of county government and picturesque neighborhoods, all of which combine to provide an exceptional quality of life*—and shown in Figure 3 might resonate with managers who wish for their communities to create an idyllic environment for people to thrive. The difference in Clayton was the dedication to making sure the dreams would make a difference.

Community is created when people are allowed to engage their heads, their hearts, and their hands in establishing something tangible. Community-based strategic planning is more than a technique to establish a strategic plan. It is a strategy for engaging residents and creating community.

 *Julia Novak, is the president of the Novak Consulting Group. She can be reached at jnovak@thenovakconsultinggroup.com. Reprinted with permission from the March 2014 issue of Public Management (PM) magazine, copyrighted and published by ICMA (International City/County Management Association), Washington, D.C.*



2014 Annual Conference

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UPOC Public Nuisance Ordinances Upheld by Kansas Supreme Court

In April 2012, the League reported on a case that left us pondering the fate of the public nuisance provisions in the Uniform Public Offense Code (UPOC). The Kansas Court of Appeals in *City of Lincoln Center v. Farmway Co-op, Inc., et al.*, 47 Kan. App. 2d 335, 274 P.3d 680 (2012), appeared to hold UPOC (25th Edition, 2009) sections 9.5 and 9.6, “Maintaining a Public Nuisance” and “Permitting a Public Nuisance”, respectively, unconstitutionally vague. These two sections are now one, section 9.5 (29th Edition, 2013), reflecting the change in K.S.A. 21-6204. The city’s noise ordinance was also involved in the appeal. However, the League only addressed the UPOC provisions in its amicus curiae brief. The Court of Appeals’ opinion never quite gets to a holding, and in the syllabus does not distinguish between the city’s noise ordinance and its public nuisance ordinance, which were two separate ordinances in which violations were cited.

The facts of this case, as recited in our earlier article, are fairly straightforward. Farmway co-op owns and operates a grain elevator in the City of Lincoln Center. It applied to the City for a building permit to construct a new grain storage bin next to the existing elevator. In the application, Farmway stated that it hoped the new storage bin would help control some of the noise and dust that had resulted in complaints by citizens living nearby. Instead, the new drying fans were louder, caused windows and houses to vibrate, and the dust increased, causing citizens to keep their windows closed. In addition, some people complained of increased health problems. Dust particulate testing by the Kansas Department of Health and Environment (KDHE) and noise testing by the Kansas Department of Labor (KDOL) showed no regulatory violations. The City eventually cited Farmway under its noise ordinance and under the public nuisance sections of the UPOC.

The municipal court found Farmway guilty of the violations. Farmway appealed to the district court. The district court, without taking evidence, found all of the ordinances, including the UPOC provisions, unconstitutionally vague. The City appealed to the Court of Appeals, which affirmed the district court’s opinion.

The Kansas Supreme Court heard the City’s petition for review in September 2013, and in December 2013, issued its opinion. *City of Lincoln Center v. Farmway Co-Op, Inc, et al.*, ___ Kan. ___, (Case No. 105,962, December 20, 2013). In its opinion, the Court upheld the Court of Appeals’ finding that the noise ordinance was unconstitutionally vague because it failed to provide against arbitrary enforcement. As to the nuisance ordinances (UPOC provisions), the court reversed the Court of Appeals’ finding that they were unconstitutional and remanded the matter to district court.

In reaching these conclusions, the Court applies its standard general rules regarding constitutionality of an ordinance: (1) presume the ordinance is constitutional; (2) resolve doubts in favor of the ordinance; (3) uphold the ordinance if there is a reasonable way to do so; and, (4) strike the ordinance only if it is clearly unconstitutional. The traditional “two-prong” query used by the Court for the determination of vagueness is also employed. First, the ordinance must convey sufficient definite warning and fair notice as to the prohibited conduct in light of common understanding and practice. Second, the terms of the ordinance must be precise enough

to adequately protect against arbitrary and discriminatory action by those enforcing it. Finally, in setting forth the general rules, the Court states the long held Kansas position that an ordinance is not unconstitutionally vague if it employs words commonly used, previously judicially defined, or have a settled meaning in law.

As to the question of the constitutionality of the noise ordinance, the Court stated, “it fails the second prong of the vagueness inquiry [because it fails to] convey sufficient clarity to those who apply the ordinance standards to protect against arbitrary and discriminatory enforcement.” The Court found uncertainty when faced with the use of words like “excessive”, “unnecessary”, or “unusually loud” which “disrupts” or “annoys” others.

The Court looked much more favorably upon the wording contained in then UPOC sections 9.5 and 9.6 when evaluating Farmway’s unconstitutional as applied argument to those provisions. The analysis begins with the Court stating that the same vagueness standards apply to the UPOC nuisance challenge as were used in the noise ordinance discussion. The Court acknowledges that nuisances have specific characteristics and what constitutes a nuisance is generally determined by reference to the interest invaded and harm inflicted and not the nature or quality of the defendant’s act. The Court notes, in this regard, that the word nuisance is not subject to a precise definition, but that it has generally held that it is something that annoys or causes trouble or vexation or which is offensive or noxious, or anything that works hurt, inconvenience or damage.

Farmway challenged the portion of UPOC section 9.5 that prohibits any conduct that “injures or endangers the public health, safety, or welfare.” Finding that all these words are commonly used, or previously judicially defined, or have a well settled meaning in law, the Court concluded that they conveyed sufficient notice to Farmway to warn and give fair notice as to the prohibited conduct in light of common understanding and practice. The court also found that they were specific enough to protect against arbitrary enforcement and upheld the language contained in the UPOC provisions.

Thus the fate of the public nuisance provisions contained in the UPOC section 9.5 (29th Edition, 2013) and the state’s counterpart, K.S.A. 21-6204, have been favorably resolved. The other thing to take away from *Lincoln Center*, is that any city with a noise or disturbing the peace ordinance, or that is considering one, should review it in light of the case law discussion and constitutional analysis done by the Court in this matter.

Epilogue:

This matter was referred back to district court. Farmway entered a guilty plea to the nuisance charge has paid a fine. The City rewrote its noise ordinance to be consistent with the Court’s ruling.

Acknowledgment: Portions of this article are extracts from the April 12, 2013, KGJ article written by Sandy Jacquot, Director of Law/General Counsel for the League of Kansas Municipalities. Thanks to Dan Metz, Lincoln Center City Attorney, for his assistance.

 Larry R. Baer is Legal Counsel for the League of Kansas Municipalities. He can be reached at lbaer@lkm.org or (785) 354-9565.



Mainstreet News

Onaga to Rebuild Hospital with USDA Funds

Two decades-old hospital buildings will become one up-to-date facility in Onaga, thanks partly to low-interest loans for rural development. Onaga is one of dozens of rural Kansas communities that received about \$413 million in grants and loans from the U.S. Department of Agriculture for development projects in fiscal year 2013. In May, Community HealthCare System will use the loan to redevelop its Onaga campus. The project will involve building an expansion on the 1971 hospital building and demolishing a separate

building that dates to 1957. Work on the facility is scheduled to wrap up by the end of 2015.

Greg Unruh, president and CEO of Community HealthCare System, said the USDA rates were “highly, highly competitive”, and a financial consultant advised them to accept the terms. The construction loan and the health records loan both have rates of 3.125%.

Topeka Metro to Offer Bike Sharing

The Topeka Metropolitan Transit Authority will give Topeka community members the opportunity to use bicycles for transportation in coming months. Metro board members approved purchasing 50 bikes, at a cost of \$167,625, from So-Bi, a company that specializes in bike sharing.

“People will be able to pay an annual fee to use the bikes at a discounted rate or pay an hourly rate,” said Topeka Metro GM,

Susan Duffy. Individuals will be able to check out and pay for the bike using an on-board computer.

The bikes are planned to be available around Topeka in August. Four locations that have been discussed are the Topeka and Shawnee County Public Library, Gage Park, Quincy Street Station, and Washburn University.

City Partners with Coalition for Sidewalk Project

In the interest of facilitating self-propelled transportation to improve the health of residents in the City of Pratt, the Pratt Health Coalition offered to pay more than half the cost of building a sidewalk from the Maple Street Bridge east to K-61, contingent upon receiving a Kansas Health Foundation grant.

The Coalition is working with the Pratt Health Foundation

and Pratt Community College on the project, which would have the added benefit of physically connecting the college to the community.

If the grant is received, \$25,000 would be available for the city sidewalk. Additional money would be available to Pratt Community College to extend sidewalks out to the highway.

Kingman County Looking at New Law Enforcement Center

Kingman County commissioners voted to take a fresh look at a new law enforcement center (LEC) for the county.

The current LEC houses the sheriff’s office, police, 911, and the jail, in a building built in 1959 with a current capacity of 13 beds. Concerns include jail capacity, the lack of compliance with the Americans with Disabilities Act, lack of storage, and inadequate office space for staff.

Commissioners decided to cap expenses for the new law enforcement center at what could be generated from a 1% countywide retailers’ sales tax. County voters will go to the polls April 8 to consider enacting the 1% tax. If passed, revenue from the 1% sales tax will be shared by the county and its seven incorporated cities.

Manhattan Announces Floodplain Pilot Project

The U.S. Army Corps of Engineers (USACE) Kansas City District has begun a large pilot project in Manhattan to help communities in the Big Blue River floodplain apply tools for managing flood risks.

The City of Manhattan is leading public involvement efforts with facilitation support from the Institute for Water Resources at USACE.

Homes and businesses in the project area are on the border of Pottawatomie and Riley counties, including the following

neighborhoods: Brookfield, Dix, Eagles Landing, Knoxberry, Countryside Estates, Northview, and the commercial areas along U.S. 24 Highway.

The objectives of the pilot project are to reduce flood risk for homes and businesses and improve on how USACE is involving stakeholders in risk-informed decision making. This includes helping the residents and businesses understand their flood risk, then looking at measures that can reduce the impact of floods.



Graywater Reuse in Kansas

By Jaime Gaggero

Like most of the United States, Kansas began experiencing a severe drought in 2012. This extreme weather event prompted citizens, elected officials, and regulators to take a closer look at water reuse opportunities. One option to conserve drinking water is to reuse what is known as ‘graywater’. Graywater is wastewater from showers, bathtubs, clothes-washing machines, and bathroom sinks.

Graywater reuse involves diverting the graywater from acceptable sources within a home to below the earth’s surface to irrigate landscaping, while preserving potable drinking water.

The table below shows the estimated percent of wastewater generated from various sources in a typical home. When added together, the sources of graywater equal approximately 50 percent of the total wastewater generated from a typical household, or an average of 18,250 gallons per year. At the same time, it is estimated that the average homeowner uses 35,000 gallons of water per year to irrigate landscaping.

As you can see, graywater reuse has the potential to save a significant amount of treated drinking water. This savings is multi-faceted, and includes (1) a conservation of the potable water supply available for other purposes, (2) water treatment cost savings, and (3) customer savings due to less monthly potable water use.

Despite the obvious benefits of graywater reuse, graywater can pose a serious health risk and can negatively affect the environment when not treated by operators certified in this area. Because graywater is wastewater, it contains pathogens such as bacteria, viruses, and household chemicals such as bleach, detergents, and soaps. It can have adverse health impacts if ingested, and if not managed properly, it can affect water quality.

The Kansas Department of Health and Environment (KDHE) recently developed guidance on a type of residential graywater system that would minimize public and environmental risks. City and county government officials make the decision as to whether

or not graywater reuse is allowed in their communities. The intent of KDHE’s guidance is to provide local governments and Kansas citizens an example of the type of system that would minimize the health and environmental risks, as well as identify best practices.

The “Graywater System Specification” developed by KDHE can be found online at http://www.kdheks.gov/nps/lepp/download/Graywater_System_Specification_FINAL.pdf

Local governments are encouraged to reference the guidance when updating or establishing local codes regarding graywater reuse systems and when individual homeowners request information on such systems. KDHE is available to provide technical assistance to local governments with code updates, as well as on a case-by-case basis as homeowners request such systems.

 *Jaime Gaggero is the Chief for the Watershed Management Section of the Kansas Department of Health and Environment.*

Source	Gal/Cap/Day	Percent
Toilet	26.7	26.0
Kitchen	7.0	7.0
Laundry	21.6	22.0
Bath/Shower/ Sink	23.3	23.0
Leaks	13.7	14.0
Other	7.7	8.0
Total	100.0	100.0

Source: Water Environment Research Foundation’s Long-term Effects of Landscape Irrigation Using Household Graywater report (Roesner, et al., 2006)

For additional information on graywater, please contact:

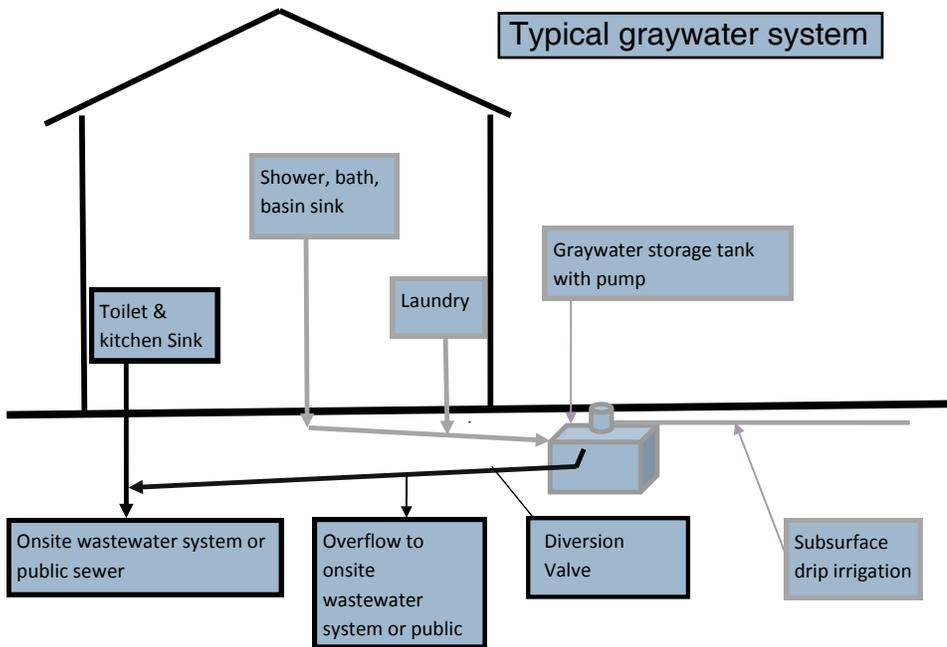
Beth Rowlands, Northeast District Office
browlands@kdheks.gov
800 West 24th Street
Lawrence, KS 66046
(785) 842-4600

Rich Basore, South Central District Office
rbasore@kdheks.gov
130 South Market, 6th Floor
Wichita, KS 67202
(316) 337-6020

Doug Schneweis, Northwest District Office
dschnewe@kdheks.gov
2301 E. 13th Street
Hays, KS 67601
(785) 625-5663

You may also contact the Local Environmental Protection Program Manager at the KDHE Central Office in Topeka:

Ann D'Alfonso, KDHE Central Office
ad'alfonso@kdheks.gov
1000 SW Jackson, Ste 420
Topeka, KS 66612
Office: (785) 296-3015



Example of a graywater system.

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Community Fishery Assistance Program

By Kathy A. Axelson

Storm water runoff rates in the southern portion of the community of Rose Hill had increased significantly through years of development, resulting in downstream soil erosion and increased flow volumes. This became a major flooding and drainage concern for city officials. Therefore, the City designed and constructed a nine-acre retention pond with an outfall control structure drastically reducing the adverse impacts of storm water runoff. The City worked closely with Congressman Todd Tiahrt's office in 2011 and received assistance in securing an EPA Special Infrastructure Grant to cover a large portion of the pond construction costs. This grant, along with several additional grant awards, has provided a major amenity within the city's park system.



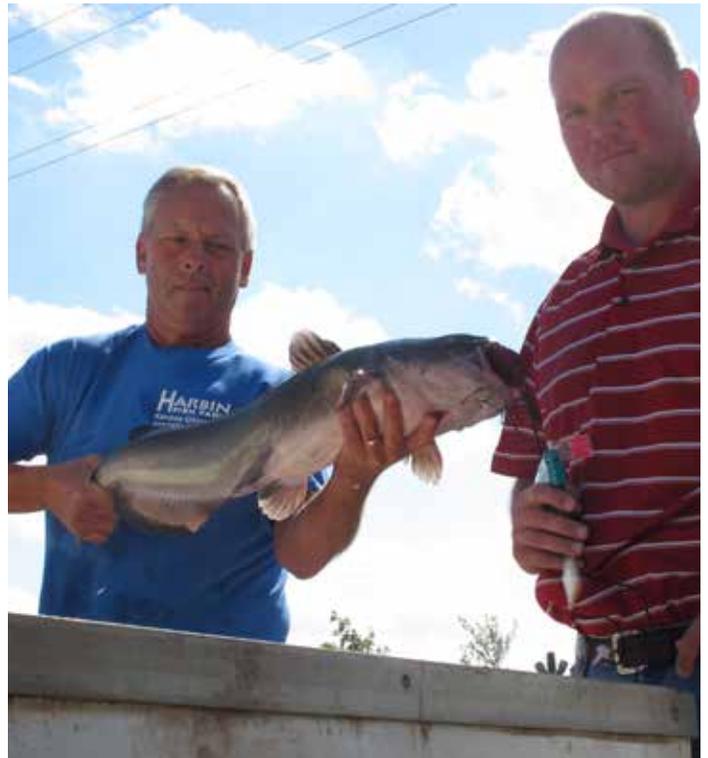
The community enjoys fishing and other events at School Street Pond.

School Street Pond was accepted into the Kansas Department of Wildlife, Parks and Tourism's Community Fishery Assistance Program (CFAP) in 2012, making it eligible for funding for fishing related enhancements. An ADA accessible fishing dock and floating fish feeder were purchased through the grant program. The Kansas Department of Wildlife, Parks and fishing regularly stocks the pond to provide ample fish for anglers of all ages. A .60 mile, 8 ft. concrete walk/bike trail, trees and distance signage were added as a result of a grant received through the Sunflower Foundation of Kansas. Additional funding for the trail was provided by the Rose Hill Recreation Commission, as well as by the City. Numerous benches were purchased by private donation.

School Street Pond, located adjacent to the Rose Hill School campuses, is a great outdoor area for fishing and provides great scenery for biking, jogging, or walking. As an added benefit, The Rose Hill public schools, in partnership with City staff, have committed to providing educational opportunities pertaining to water quality, pollution prevention, water resource management, and aquatic ecology utilizing the new pond and park as an outdoor laboratory.

School Street Pond has the quality of life in the community and will be a tremendous asset for many, many years to come!

☀️ *Kathy A. Axelson is the former City Administrator for the City of Rose Hill, and is currently the City Administrator for the City of Fairway. She can be reached at (913)262-3050 or kaxelson@fairwaykansas.org. All photos provided by Kathy A. Axelson.*



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State Scene

Four Kansas Communities Awarded \$58,000 in CCB Grants

The Cities of Columbus, Kechi, Bel Aire, and South Hutchinson have been awarded a share of \$58,000 in funding from the Community Capacity Building (CCB) Grant Program administered by the Kansas Department of Commerce.

The program is designed to support collaborative community development planning activities in Kansas cities or counties under 50,000 in population. Collaborative community development planning means that the community has formed an active partnership among the key community-based organizations dedicated to developing a shared vision for the future and a plan of action to achieve that vision.

CCB funds may be used to develop a plan, market analysis, or feasibility study toward one or more of the following long-term outcomes: growth, diversification, conservation, revitalization, and redevelopment. Approved communities must provide 20% in matching funds to the project.

“These communities are very deserving of this funding,” said Kansas Commerce Secretary Pat George. “Many smaller communities have a vision to expand economic development or improve some facet of their services to residents. The Commerce Department is happy to be a partner in achieving their goals.”

The four communities and funds awarded are:

Columbus (\$25,000) will create an economic and community development plan in conjunction with a consulting firm and local civic organizations. The plan will be used to attract new business development to the community.

Kechi and Bel Aire (\$25,000) will develop a joint plan to deliver basic city services to residents in both communities. They hope to achieve significant cost savings through the project.

South Hutchinson (\$8,000) will create a comprehensive economic development plan to better position the community to benefit from the region’s Siemens wind nacelle production facility.

Aquifers Decline in 2013

Preliminary results of a survey of more than 1,400 wells conducted earlier this year by the Kansas Geological Survey (KGS) and the Kansas Department of Agriculture’s Division of Water Resources show groundwater levels in western Kansas continued to decline last year.

Meanwhile, water tables rose in wells around south-central Kansas, mainly because of above-average rainfall in that region that reduced the demand for irrigation during the spring growing season.

The five Groundwater Management Districts (GMDs) in Kansas are organized and governed by area landowners and large-scale water users to address water-resource issues. GMD’s 1, 3, and 4 draw water from the High Plains Aquifer, a network of water-bearing rock formations hundreds of feet below the surface. GMD’s 2 and 5 draw water from aquifer systems near the surface and also provide municipal water to Wichita, Hutchinson, and surrounding communities.

Kansas Fifth in the Nation for Economic Development Projects per Capita in 2013

The state of Kansas ranked fifth in the country for economic development projects per capita in Site Selection magazine’s 2013 rankings. Site Selection, which has compiled annual economic development rankings since 1978, added a new Governor’s Cup Award for 2013, recognizing the states with the most qualifying new and expanded facilities per capita.

“Kansas continues to build a business environment that is one of the best in the country,” said Kansas Commerce Secretary Pat George. “It’s great to see that these rankings reflect how competitive our state is for business. Companies across numerous industries are achieving success here, and I’m excited to keep working with them to make Kansas the best possible place to build a thriving business.”

Site Selection ranked Kansas second in per capita projects in the seven-state West North Central region, which also includes Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. With 106 new facilities and expansions in 2013, Kansas had 36.6 projects for every 1 million residents.

Of the 106 economic development projects in 2013, 20 were classified as new manufacturing facilities, 24 as manufacturing expansions, and the remaining 62 as all other categories, including offices, headquarters, distribution centers, research and development facilities, and mixed-use facilities.



Municipal Broadband

In the 1920s, while inhabitants of New York, Chicago, and other cities across the country enjoyed street lights and new household devices powered by electricity, rural Americans continued to live with antiquated amenities. Private investor-owned utilities (IOUs) were hesitant to expand into rural regions of the country because electrifying those areas was expensive and offered little potential for profit. When IOUs did venture outside metropolitan areas, they often used their monopoly power to charge exorbitant rates. For residents of rural cities, their best hope for enjoying the benefits of reliable, reasonably-priced electricity was establishing a municipal electric utility. These entities allowed electric consumers to enjoy lower rates because the community-owned utility exploited economies of scale and could pass on savings directly to their citizens and local businesses, rather than stockholders.

A similar story is playing out today with broadband internet service. While metro areas like Wichita and Kansas City enjoy affordable, high-speed internet access, rural Kansans are often stuck with slow, unreliable service. In fact, only 25% of Kansans have access to high-speed internet, compared to 40% of Americans nationwide.¹ Like electricity before it, simple economics explains the lack of broadband in rural areas. It costs cable and telecommunication companies large amounts of money to install the lines and equipment necessary for high-quality internet access, and those costs are difficult to recoup from small user bases like those in rural Kansas cities. As stated by AT&T CEO Randall Stephenson, "We've all been trying to find a broadband solution that was economically viable to get out to rural America and we're not finding one to be quite candid."²

The lack of high-speed broadband internet in rural communities matters in our modern economy. Research indicates that for every doubling of broadband speeds, an economy's GDP grows by 0.3%.³ Some results of faster internet include increased innovation and productivity in business, better access to healthcare, improved e-learning experiences, and more efficient energy consumption. Long-term effects may also include new industries and increased tax revenues. Because of these benefits, municipalities are stepping in to ensure their residents and businesses have high-quality internet access.

The city of Chanute has been a nationwide leader in deploying municipal broadband so their citizens can benefit from high-speed internet. Chanute began installing fiber in 1984 to connect their utility services, and over time used its utility assets to build a municipally-owned fiber network. The network now serves local schools, libraries, government facilities, and over a dozen businesses. It has enabled Neosho County Community College to expand its distance learning network, allowed the city to provide energy-saving automatic metering, and in 2011 was a crucial factor in attracting Spirit Aerosystems (and 150 new jobs) to the community.⁴

In 2013, the city of Ottawa followed Chanute's lead and launched its own fiber network. This initiative started two years ago when city officials and the Ottawa Chamber of Commerce reached out to major businesses to determine the need for broadband. They discovered

Ottawa business owners were dissatisfied with the price and level of service offered by incumbent providers. To resolve the issue, the City, along with the school district and county government, created a community network backbone using an existing patchwork of fiber. Each entity retained ownership of its respective infrastructure, but shared fiber strands with the City.

Ottawa's school district has cut its connectivity fees in half and doubled their speeds by using the City as the internet service provider. Currently, the public schools, an area community college, and a farmer's cooperative are connected to the network. In the near future, the City also plans to leverage the network as an economic development tool by expanding to the Northeast Ottawa Industrial Park.

Most cities that build municipal broadband networks use no tax dollars to pay for the infrastructure. Instead, they generally use revenue bonds so that only those residents who use the service pay for it. However, some communities provide internet access as a pure public service. For example, the City of Coffeyville provides access to a free Wi-Fi hot spot in their downtown. This creates an additional incentive for residents to patronize downtown Coffeyville, increasing consumer traffic, and helping local businesses thrive.

Government has played a crucial role in developing and expanding our country's highway system, air transportation, telephone network, and today, access to high-speed internet. Chanute, Ottawa, and Coffeyville have been pioneers in this movement and, unsurprisingly, other cities like Lawrence and Baldwin City are also looking to create high-speed networks. This is good news for Kansas citizens and businesses in rural communities, but there is still room for growth. As stated in a 2013 report on broadband deployment in Kansas, "Broadband is a foundation for economic growth, job creation, global competitiveness, and a better way of life... advances in broadband deployment and speeds continue in Kansas, but we are not yet where we need to be."⁵

 *Michael Koss is Legal Counsel & Membership Services Manager for the League of Kansas Municipalities. He can be reached at mkoss@lkm.org or (785) 354-9565.*

1 Lefler, D. (2013, February 10). Kansas still behind in high-speed Internet access. *The Wichita Eagle*. Retrieved from <http://www.kansas.com/2013/02/10/2671332/kansas-still-behind-in-high-speed.html>.

2 Dampier, P. (2012, February 8). AT&T U-verse Expansion: It's Over; AT&T's Rural Broadband Solution? "We Don't Have One." *Stop the Cap!* Retrieved from <http://stopthecap.com/2012/02/08/at-atts-rural-broadband-solution-we-dont-have-one/>.

3 New study quantifies the impact of broadband speed on GDP. (2011, September 27). Retrieved from <http://www.ericsson.com/news/1550083>.

4 A soaring Spirit. (n.d.). *KansasCommerce.com* Retrieved from <http://www.kansascommerce.com/index.aspx?NID=503>.

5 Lefler, D. (2013, February 10). Kansas still behind in high-speed Internet access. *The Wichita Eagle*. Retrieved from <http://www.kansas.com/2013/02/10/2671332/kansas-still-behind-in-high-speed.html>.



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-Resume, cover letter, and any other relevant application materials should be sent to:

Cathy Harmes, Director of Human Resources Department of Human Resources 1101 Poyntz Avenue Manhattan, KS 66502 Main Number: (785) 587-2440 Or to harmes@cityofmhk.com

Chief Financial Officer

The City of Chanute, a financially stable and historic community located 90 miles SW of the Kansas City metro area is seeking qualified candidates for the position of Chief Financial Officer (CFO). Chanute is a full-service city that also provides the following services: electric, gas, water, sewer, storm water, fiber, landfill, refuse collection, police, fire, and an airport. The ideal candidate will be experienced in budgeting, financial analysis, reporting and accounting, debt issuance, controller operations, contract and purchasing administration, financial software implementation, and auditing.

The CFO will be a member of the City's leadership team reporting directly to the City Manager, lead a Finance Department consisting of 15 employees, and be responsible for a city-wide annual combined

funds budget of \$55M. The position requires a bachelor's degree in finance, accounting, or related degree. A master's degree and/or CPA are highly desirable. Four (4) years' experience in public or utility sector finance is preferred. The CFO should possess excellent communication skills, a team oriented leadership style, and a track record of innovation and a working knowledge of technology. Salary range for the position is \$80,000 +/- depending on qualifications; residency required.

Excellent benefits include health and participation in KPERS, a state retirement system with five-year vesting. Submit confidential resume, cover letter, salary history, & 5 work related references to City Manager's Office tendicott@chanute.org or mail to City of Chanute, ATTN: City Manager's office, P.O. Box 907, Chanute, KS 66720 by 4/18/2014. Go to www.chanute.org for complete job description. Applicants from diverse backgrounds & men & women are encouraged to apply (EOE).

City Administrator

Mankato, Kansas (pop. 859; \$2.5 million budget; 9 FTE's), the county seat of Jewell County, is seeking a community-oriented City Administrator to guide the city's continued growth. Local attractions include nearby Lovewell State Park, a historic downtown district, Ute Theatre, and Jewell County Historical Museum. Mankato also possesses a superb school system, including one of the top-rated high schools in north central Kansas. The City operates electric, water, and wastewater utilities, and has an active economic development program. The City Administrator reports to the mayor and a five-member council, and oversees all departments. For more information about the community, visit <http://www.mankatoks.com/home.html>.

Applicants should have a bachelor's degree in public administration or a related field and at least two years of local government experience. The successful candidate will have budgetary skills and a history of financial accountability. Candidates must also display the communication skills necessary to work with the council in shaping Mankato's future.

Competitive benefits. Salary \$48,500-

\$57,500 DOQ. Interested candidates should submit a cover letter, resume, and three work-related references to LEAPS-Mankato@lkm.org or LEAPS-Mankato, 300 SW 8th, Topeka, KS 66603. If confidentiality is requested, please note in application materials. Position will remain open until filled. Application review will begin April 14. EOE.

Deputy Finance Director

The City of Salina seeks a progressive professional for a newly created Deputy Finance Director position. Responsibilities include the role of Acting Finance Director in the Director's absence, along with managing 6-8 administrative and accounting employees in the Administration Division. The individual will also develop and establish controls necessary to assure accuracy and security of records and funds, manage Special Assessments in coordination with other staff, prepare internal interim financial reports and long range projections, and play a key role in preparation of the annual budget, Comprehensive Annual Financial Report, and audit.

Minimum requirements: Bachelor's degree in Public or Business Administration, Accounting or related field with emphasis on governmental finance or accounting and three (3) years of experience with governmental finance and accounting. Certified Public Finance Officer designation and prior supervisory experience preferred.

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Application deadline: Until filled with first review occurring by 3/31/14

EOE

Director of Human Resources

Every day is different. High energy is required to work in this dynamic organization that makes a difference in people's lives daily. Sedgwick County is located in south-central Kansas and has a metropolitan statistical area of 600,000. The County is the second largest county in the state in area, with 1,009 square miles, and the eleventh highest per capita wealth among Kansas counties. Sedgwick County is part

of the metropolitan Wichita area, which is the state's largest city and the county seat. A leader in economic development, the County has attracted many major world-class industries while consistently being ranked as one of the nation's top places to live. Sedgwick County has a commission/manager form of government, employs 3,064 persons, and hosts or provides a full range of municipal services, e.g., public safety, public works, criminal justice, recreation, entertainment, cultural, human/social, and education. The County has a five-member Board of Commissioners whom appoint the county manager. The county manager is responsible for several executive departments including: Finance; Human Services; Information and Technology; Human Resources; Communication and Community Initiatives; The Metropolitan Area Planning Department and the assistant county manager. The assistant county manager provides oversight to the following: Public Safety, Culture, Entertainment and Recreation, Community Development, Facilities, Fleet, and Parks. The County is fiscally stable and has AAA bond rating and a 2014 overall annual budget of \$413 million, including a General Fund of \$167 million. The County is seeking a director of human resources to support and advise the county manager, the Sedgwick County Board of County Commissioners, County departments, elected officers, and others as needed. The director reports to the county manager, supervises 17 full-time departmental staff, and manages a departmental budget of approximately \$1.27 million. As a senior management position, the director is responsible for all departmental operations including: classification/compensation; diversity/employee relations; employment services; training and career development; and policy and performance management. A Bachelor's degree from an accredited college or university in human resources management, public or business administration, or a closely related field is required, with an advanced degree and professional designation preferred. Candidates should have at least 10 years of progressively responsible human resources experience including experience in a managerial/supervisory capacity, or any equivalent combination of training and experience. Experience in a large, complex municipal environment is preferred. Expertise in the areas of best practice; change management; employee engagement; benefits; and compensation and

classification is a plus. The salary midpoint is \$111,453. The starting salary is negotiable and will be commensurate with experience; the County offers an excellent benefits package. First review of applications will take place on April 4, 2014; position is open until filled. To apply, visit our website at www.bobmurrayassoc.com and follow the prompt online by creating an applicant profile. A detailed brochure is available. Questions regarding this recruitment should be directed to Ms. Renee Narloch, Senior Vice President, at info@bobmurrayassoc.com or call 850-391-0000. Sedgwick County Government is committed to providing equal opportunity in employment and services to all individuals.

Public Works Department Position

The City of Attica, Ks., Equal Opportunity Employer, is taking applications for one full-time, permanent position in the Public Works Department. The position will involve, but is not limited to utility service and maintenance, street work, general maintenance of city equipment and property.

Apply to City Clerk's Office, 101 North Main St., Attica, Kansas 67009 (254-7216). EOE

Public Works Director

This is an exciting opportunity to live and work in a picturesque, family oriented community minutes away from St. Louis. The City of Saint Charles, Missouri is seeking an experienced Public Works Director to oversee a \$41 million annual budget and 111 employees in 4 divisions.

Requirements: • Demonstrated leadership in municipal public works including engineering, streets, water/wastewater treatment utilities, storm water management, and facilities maintenance. • Skilled in project management with demonstrated experience in effective implementation and timely completion. • Demonstrated personnel management style which achieves consistently effective results. • Strong accountability for budget management and forecasting • Successful track record in strategic planning and execution

Bachelor's Degree in Civil Engineering or related field, P.E. certification, public works department management experience in a similarly sized community preferred. Salary range \$105,000 - \$120,000 DOQ with competitive benefits package.

View complete position profile and apply online at: <http://bit.ly/SGRCurrentSearches>

For more information on this position,

please contact: Gary Holland, Senior Vice President Strategic Government Resources GaryHolland@GovernmentResource.com

Water/Wastewater Operator

The City of Anthony, Kansas (pop. 2,300), is seeking a Water/Wastewater Operator to serve the growing water and wastewater needs of the community. A high school diploma or GED is required. Must possess the ability to obtain Water and Wastewater Operator Certifications within two years of employment. Must possess a valid Kansas Class C driver's license. Strong mechanical aptitude is preferred. Excellent benefits. Send completed City application to: City of Anthony, P.O. Box 504, Anthony, KS 67003. Call (620)842-5434 for application, job description, and additional information. Position is open until filled. City of Anthony is an EOE.

Police Chief

POLICE CHIEF - The City of Lee's Summit, Missouri (population 93,000), a progressive municipal government with an accredited Police Department, is seeking a highly qualified law enforcement/police executive to be its next Police Chief. A dynamic community located in the southeastern portion of the Kansas City Metropolitan area, Lee's Summit enjoys a strong retail, commercial, and residential base with award winning schools. The Police Department operates with 211 employees (143 sworn) and a budget of \$19 million. The Police Chief is appointed by and reports to the City Manager. Bachelor's degree in Criminal Justice, Public Administration, or related field is required - Master's degree strongly preferred. Minimum of ten (10) years of increasingly responsible experience as a sworn police officer, including a minimum of five (5) years of command experience is required. Proven administrative, financial, operational and organizational skills are important, along with public relations and community policing exposure. Superior leadership, interpersonal communication and social sensitivity skills are essential. Anticipated salary \$108,000 +/- DOQ with excellent benefits. A complete position profile can be obtained at www.cityofls.net. Letter of interest and resumes can be e-mailed to hrjobs@cityofls.net. Resumes will be accepted until closing of April 14, 2014.



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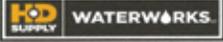


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KGJ: A Look Back

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Financing WPA and PWA Projects

By W. K. SEITZ, *Municipal Consultant*, The League of Kansas Municipalities

The intense drive which has been made lately to induce cities and other local governments to sponsor PWA and WPA projects, has tended to bewilder city officials. The haste which has attended the preparation of such projects has precluded careful planning especially while working out of a fiscal plan that will fit in with the city's present bond obligations, and probable future ability to retire added bond issues.

Unfortunately many of the representatives of these governmental agencies are not well grounded in the fiscal procedure provided by statute for Kansas municipalities, and, as might well be expected, in the mad rush many wholly illegal plans have been advanced by which cities can produce the sponsor's contributions.

In order properly to approach the subject of financing PWA and WPA projects one must keep constantly before him this thought. **Cities can do only such things as they have been specifically authorized to do by statute and only in the manner prescribed by law.** This doctrine has been stated time and again by the supreme court and may well be termed the keystone of municipal law in Kansas. Because there is no law specifically prohibiting an act should not be construed as permitting the act. There must be direct and specific authority to do the thing in question. One step further. I know of no exception to the rule that where cities are given authority to provide for a public improvement, there is a method prescribed by which the money shall be provided to pay for such improvement.

Applying the foregoing rules leads to the statement that a city can carry on only such PWA and WPA projects entailing such work as the city is authorized to perform and any money furnished by the city must be obtained from such source as the statutes prescribe for the character of the work in question. It is pertinent to note that the WPA bulletins state that a city cannot sponsor a project if the work

involved in and required to complete the project cannot be done lawfully by the city.

You have all been in office long enough that by this time you are aware that no transfer of funds is permitted...

 **Editor's Note:** This is an excerpt from a larger article.



A group of WPA workers in the 700 block of Massachusetts Street circa 1936. President Franklin D. Roosevelt created the Works Progress Administration, later renamed the Works Projects Administration, to provide jobs and income for the unemployed. Photo from the Kansas Historical Society.

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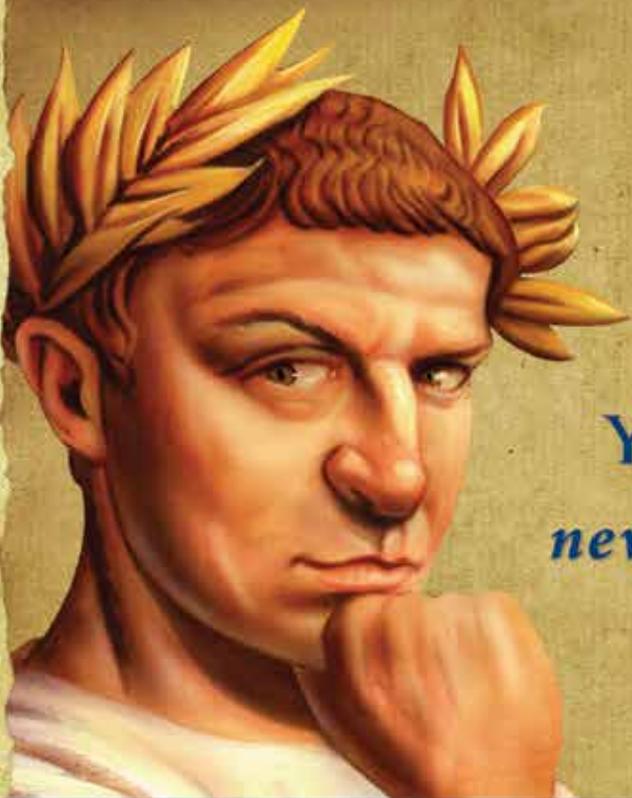
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