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# Kansas

## GOVERNMENT JOURNAL

VOLUME 100 NUMBER 4

APRIL 2014

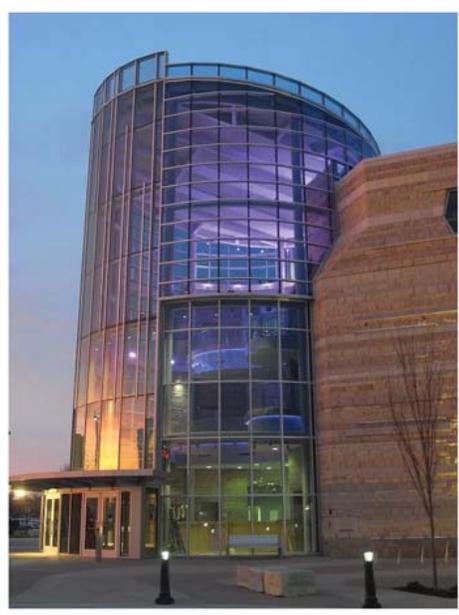
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**Inside:**  
Mulvane Downtown Redevelopment  
Gardner Electronic Communications  
Pregnancy Discrimination

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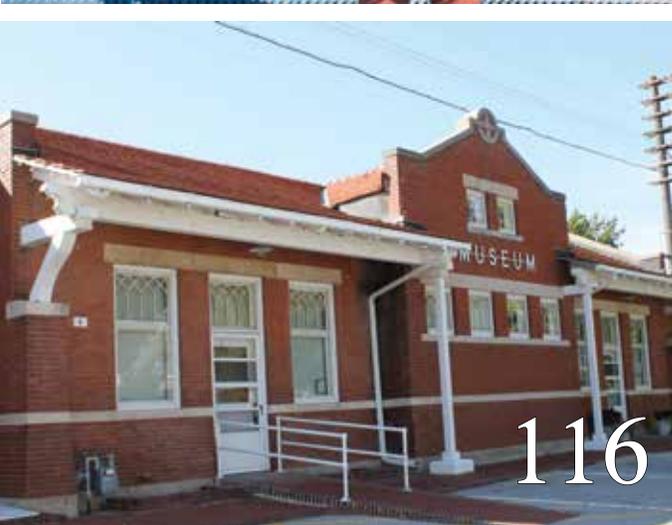
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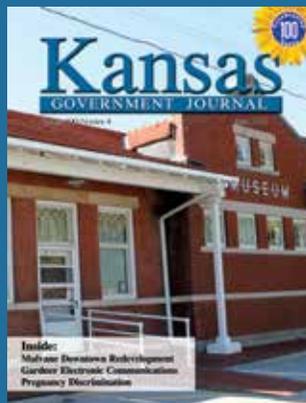
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About the Cover:  
Photo of the *Historical Society Museum on W. Main*. See related article on page 116.  
*Photo provided by Kent Hixson.*

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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

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

26 - LKM Holiday: Memorial Day

### 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

**Ruth Elisabeth "Betty" Jensen**, 89, died April 4, 2014.

Ms. Jensen was born on August 13, 1924, at Denver, Colorado, and attended Sherman Community High School in Goodland, Kansas.

She farmed with her husband Peter in Sherman County and served as the City Clerk for the City of Kanorado.

**G. Leonard Leadstrom, Jr.**, 69, died, October 28, 2013.

Mr. Leadstrom was born August 31, 1944, at Chanute, Kansas. Mr. Leadstrom farmed, worked in the oil fields for Hudson Oil, and later was employed by Kalmar Industries/Ottawa Truck. He was mayor of Kincaid.

**Pauline Meisenheimer**, 91, died March 25, 2014.

Ms. Meisenheimer worked as a dental assistant for many years in Hiawatha, Kansas. She later served 16 years as Assistant City Clerk for the City of Hiawatha.

**Donald "Don" Wilfred Stephens**, 71, died March 12, 2014.

Mr. Stephens was a graduate of Ruskin Heights High School and served in the US Air Force until 1964. He served on the Spring Hill Public Safety Advisory Board and the Fire District #1 Board of Directors. He had a long history of civic and community service including serving as Mayor from 1991-1992. Mr. Stephens was also a city council member and council president from 1985-1991.



# Director's Foreword

by Michael Johnston



After the normal legislative drama, first adjournment of the legislature occurred on Monday, April 14th. The issue that created the major obstacle to adjournment was the legislative response to the recent Kansas Supreme Court decision regarding public school funding for elementary and secondary schools. How and on what basis public schools are funded has been a very contentious issue for years. Since the value

of property in school districts varies widely throughout the state, it naturally follows that the ability of school districts that rely exclusively on the property tax to "suitably" support local schools varies as well. Moreover, since this inherent differential in property valuation and ability to support local schools will continue, it is reasonable to assume that the recent legislative action will not end the tension surrounding this very important issue.

Since this legislative session also saw local units of government the subject of several controversial topics, I would be less than honest if I didn't admit relief that legislators have gone home, at least for a short time. They will reconvene on April 30 to hopefully conclude the 2014 session in a relatively short period of time. With the school finance issue now behind them, there is reason to believe that the wrap-up session will indeed be brief.

As I mentioned, there were several controversial topics that went to the heart of local control. First, and perhaps most controversial, was HB 2578, dealing with firearms and knives. That measure virtually nullified the ability of local government to regulate firearms. In addition, the bill also nullified any local ordinance previously adopted. Worse yet, from the standpoint of many public employers throughout the state, it was made lawful for employees

who have "conceal carry" permits to carry those weapons at work without the knowledge or consent of their employer. While the overwhelming majority of those involved in public employment in Kansas consider themselves strong 2nd Amendment supporters, these new provisions could alter the employer/employee relationship in negative ways yet undefined.

The legislature also considered several bills that would move local elections from the spring to the fall, one bill in odd-numbered years while another in even-numbered years to coincide with state and national elections. Another provision under consideration would make municipal elections partisan. While virtually no public support was shown for moving local elections from the spring to the fall, there is still support from some influential legislators to do just that. Stay tuned!

With my time in this temporary assignment drawing to a close (my last day is May 12th), I wanted to share with you how thoroughly I have enjoyed the opportunity to provide leadership to this organization. The League provides very important support to cities throughout our great state in ways that help provide the stable framework for effective city governance. That stability is essential to cities delivering service that citizens expect for clean water, safe streets, and the like, and your League is an important partner in those efforts.

Finally, I want most to thank the League staff for their patience and understanding and their warm welcoming attitude when this stranger, me, walked through the door on January 1st, to assume this leadership role until Don Moler's replacement could be selected. That person, Erik Sartorius, has now been retained so my job is nearly complete. I will cherish this opportunity as a brief blessing of my life that will carry many fond memories!

## Bill Status Update

**SB 298 – Passed Senate; under current legislative rules, SB 298 is subject to inclusion in a conference committee report.**

- Phases out the county mortgage registration fee

**HB 2047 – Signed into law by Governor Brownback**

- Places additional requirements on cities for the adoption of the annual budget

**HB 2578 – Passed by both chambers of the Legislature, now awaiting Governor Brownback's signature**

- Pre-empts municipal regulation of open carry of firearms and concealed carry by licensed city employees

**Sub HB 2141 & HB 2227 – Passed out of Senate and House Committee's, floor action possible during veto session**

- Would move all city elections to August and November of odd-years

**HB 2643 – Passed in different forms in both chambers, now in conference committee**

- Contains language for addressing fixtures classification and valuation, and provisions regarding classification of property constructed or purchased with proceeds from industrial revenue bonds. HB 2643 also contains the cement and lime industry property tax exemption language from HB 2456; the language from SB 72 establishing property tax exemptions on property owned and operated by a health club; and, provisions to clarify vehicle tax exemptions for active duty military personnel, and active guard or reservists.

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# Gardner Electronic Communications

By Jeff Stewart

**N**estled in southwest Johnson County, Gardner Kansas is a rapidly growing community that has doubled in size in each of the last two decades.

The quality of life continues to attract young families as the community continues to thrive.

The City of Gardner's Parks and Recreation Department has played a major role in providing the quality of life many seek and have grown to appreciate. The community members have participated and supported many planning and development efforts, bringing new parks, trails, and recreation facilities to the citizens and visitors of Gardner. Such efforts have been welcomed as the Gardner Aquatic Center has averaged over 94,000 visitors per year, up 77,000 annually, since being renovated in 2007. Celebration Park was also added to the parks system in effort to expand recreation and leisure opportunities. The 83 acre community park plays host to the many new leagues, tournaments, and special events that are enjoyed by many thousands each year.

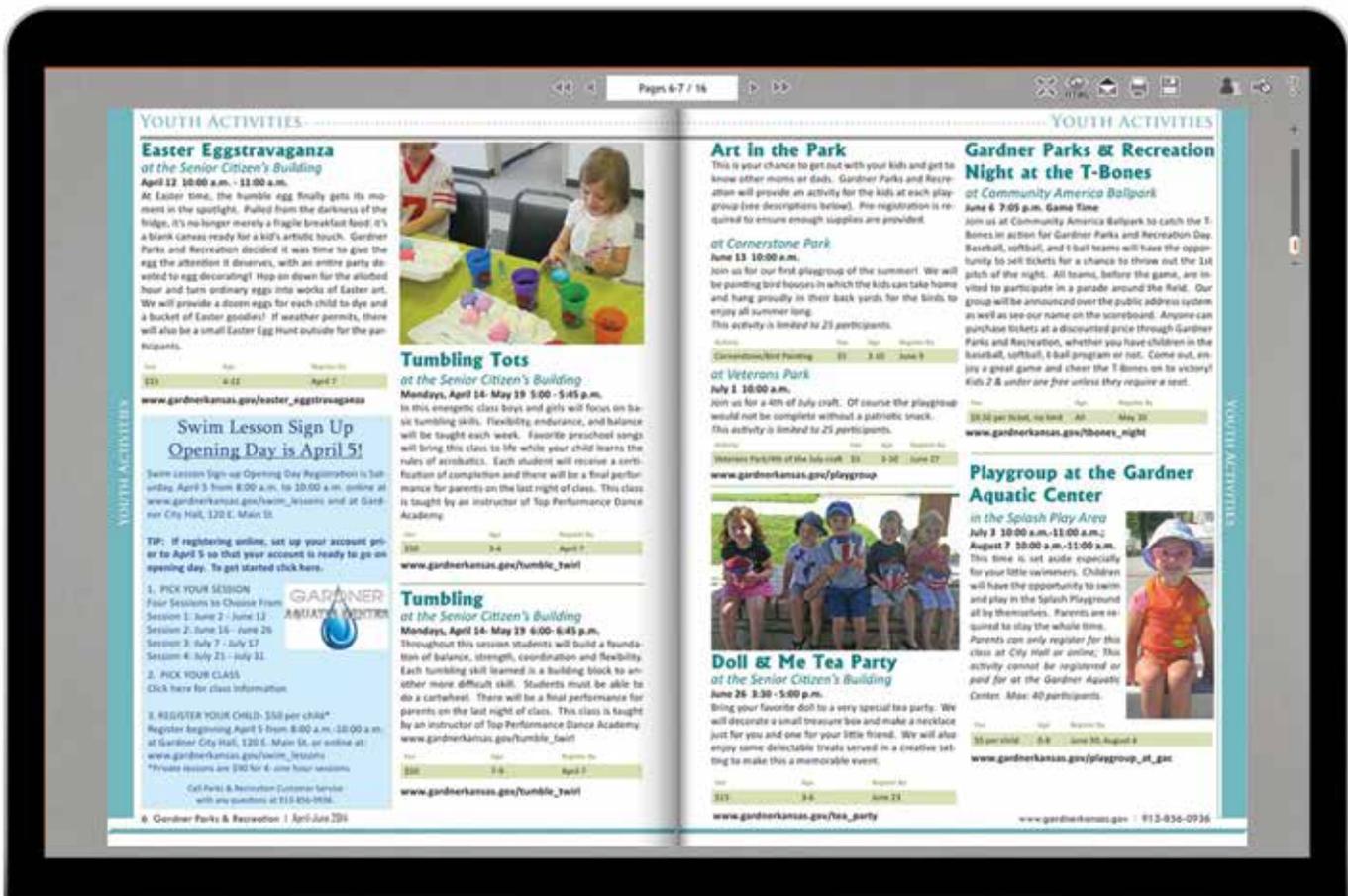
Most recently Gardner Parks and Recreation was awarded the Blue Cross Blue Shield BlueCHIP award for promoting healthy active lifestyle in the community. They have become a one-stop shop for all recreational activities in the area. Each year new activities are offered. Since 2004, there has been an increase in participation by almost 700% in programs and events sponsored by the department.

In an effort to best communicate with the citizens and visitors of the community, Gardner Parks and Recreation Department recognized that it was time to change the standard way of getting in touch with customers. Like many agencies, the department printed and distributed multiple activity guides/booklets, brochures, flyers, and other forms of printed publications to advertise its available programs, events, and recreation facilities. Starting in 2014, the communications and marketing plan for the department drastically changed to more effectively and efficiently engage with the population. Gardner Parks and Recreation Department made a decision to introduce some new digital tools in an effort to eliminate the high cost of printing and postage as well as better communicate

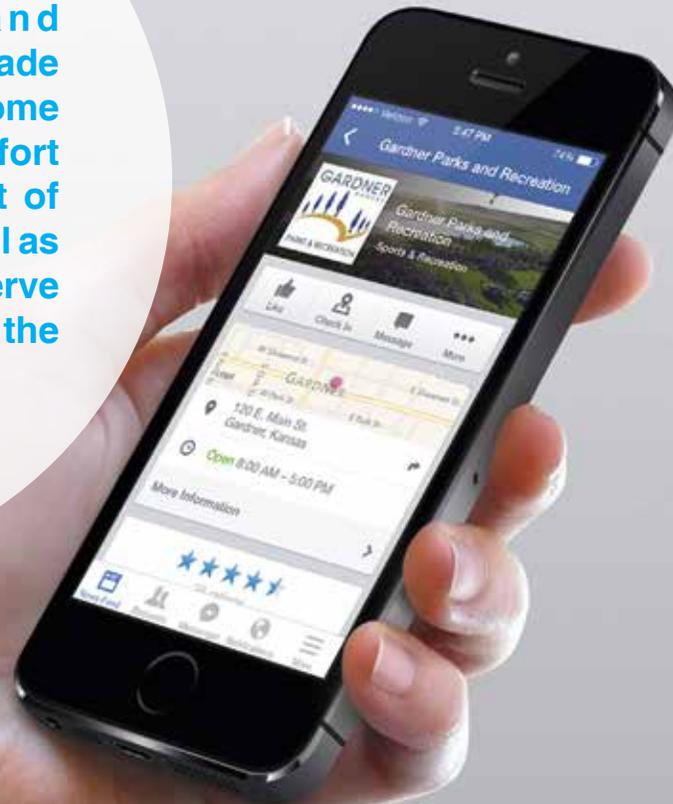
and serve the citizens and visitors of the Gardner community. These new tools include a new department Facebook page, a new cloud based registration and reservation software program, a new online calendar of activities and special events, and a new digital activity guide.

Gardner Parks and Recreation has dropped the traditional printed activity guide only to replace it with a new and improved digital format. There are no longer any page restrictions or printing and postage costs allowing over \$15,000 annually to be used for program enhancements, additions, and improvement projects. More importantly, customers are now able to receive parks and recreation information instantly and more frequently. Each activity guide and publication also provides links to the City's web pages for direct access to additional information and for quick and convenient online registration. The digital format allows for an immense amount of room for creativity giving the ability to include more pictures and graphics with no limits on number of pages for each publication. Each edition can be altered for new or updated information and

**“Those interested in having the department’s electronic publications sent to them as soon as they are available can subscribe by simply going to the City’s homepage at [www.gardnerkansas.gov](http://www.gardnerkansas.gov).”**



**“Gardner Parks and Recreation Department made a decision to introduce some new digital tools in an effort to eliminate the high cost of printing and postage as well as better communicate and serve the citizens and visitors of the Gardner community.”**



*The community enjoying the Gardner Aquatic Center.*

viewed on any personal computer or mobile device. Those interested in having the department’s electronic publications sent to them as soon as they are available can subscribe by simply going to the City’s homepage at [www.gardnerkansas.gov](http://www.gardnerkansas.gov). Customers who register for programs, memberships or rent facilities are also automatically given opportunity to be added to the distribution list. In the short time the department has switched to the all digital efforts, over 6,000 customers have subscribed to receive its information.

In addition to the digital catalogs, the department publishes an online activities and events calendar. The calendar serves as a quick and easy reference that is kept up to date with all the programs and activities as well as registration deadlines. Each activity is linked to the associated webpage for details and access to online registration and allows for easy viewing on all mobile devices and desktops. The total cost to create the online calendar was only \$50.

A new cloud based registration and reservation software program has also just been launched to better serve customers. The ActiveNet program was designed by the Active Network, giving all customers the opportunity to have access to their own accounts, receipts, records, memberships, and program history. Online registration continues to be on the rise, making registration a more convenient way to sign up for activities and significantly reducing long lines at the customer service counter. The updated software program is streamlined and has an abundance of reporting capabilities.

The department's Facebook page continues to engage those interested in offerings, facilities, updates, and promotions. The page is monitored and updated daily to showcase recent events and programs. It is always utilized as a way to quickly send notices for postponements or cancellations due to poor weather. The department has also "captured" several of the separate Gardner Parks and Recreation facilities found on the social media site so that pictures, descriptions, and details could be added to the pages where many have checked-in and viewed.

The City of Gardner is also currently in the process of updating its website. The new and exciting design will be a responsive site that will easily be viewed and operated on all mobile devices and desktops as a very customer friendly resource, allowing all citizens, visitors, businesses and developers to obtain information, pay bills, register for programs, and to do business. Gardner Parks and Recreation will be one of the many city departments that will be working diligently on the update to ensure it is a leading edge tool for all users.



☀️ *Jeff Stewart is the Parks and Recreation Director for the City of Gardner. He can be reached at (913)856-0936 or [jstewart@gardner.gov](mailto:jstewart@gardner.gov). All photos provided by Jeff Stewart.*

*Hot air balloon festival in Celebration Park.*

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# PREGNANCY DISCRIMINATION

by Ruth Glover

All too often one of the happiest times in any woman's lifetime, the pregnancy and birth of a child, can be marred by illegal discrimination, either purposeful or unintentional. The Kansas Act Against Discrimination (KAAD) prohibits sex discrimination in employment and through the Kansas Administrative Regulations, bars discrimination based on pregnancy in the workplace.

In 1988, the Kansas Supreme Court found in *Kansas Gas and Electric Co. v. KCCR*, 232 Kan. 763, that adverse actions involving maternity leave rights and related rights as established by Kansas Administrative Regulations constituted sex discrimination under the KAAD.

At the federal level, Title VII of the Civil Rights Act prohibits sex discrimination in employment. The Pregnancy Discrimination Act (PDA) of 1978 amended Title VII to clarify pregnancy discrimination in employment was also prohibited under Title VII.

Pregnancy discrimination remains significant. Pregnancy discrimination charges filed with the U.S. Equal Employment Opportunity Commission increased by 154% from Fiscal Year 1997 to Fiscal Year 2010. EEOC monetary benefits (the amount of money paid to complainants by employers), not including litigation, totaled \$18 million in Fiscal Year 2010. 16% of the KHRC "probable cause" employment findings in FY 2011 included maternity issues.

## Exclusionary Policies and Practices are Prohibited

K.A.R. 21-32-6(a) provides that any policy or practice which excludes applicants or employees because of pregnancy is prima facie discrimination. For example, refusing to hire or promote a pregnant female for the sole reason of her pregnancy would be a basis to allege discrimination.

"Maintaining a blanket policy against hiring pregnant women is a clear violation of the law," said EEOC trial attorney Nedra

Campbell regarding the EEOC's suit against Weight Watchers under the Pregnancy Discrimination Act. In this particular case, the EEOC alleges a pregnant applicant, who was a long-term client of Weight Watchers who had successfully met and maintained her weight goals and was encouraged to apply for a group leader position by her own Weight Watchers group leader, was told that Weight Watchers did not hire pregnant women and would not consider her further for the job.

## Equal Terms and Conditions for Pregnancy As Temporary Disabilities

K.A.R. 21-32-6(b) establishes that disabilities related to pregnancy or childbirth are considered for job-related purposes temporary disabilities, and should be treated on the same terms and conditions as other temporary disabilities. Employment policies, procedures and benefits addressing temporary disabilities shall be applied equally to pregnancy or childbirth as they are to other temporary disabilities, including terms and conditions. Therefore, if an employer allows leave for temporary disabilities, then equal leave for pregnancy or childbirth is required under the regulation.

The PDA contains similar provisions. For example, an employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. However, if an employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees with pregnancy-related conditions to submit such statements.

The PDA provides that if an employee is temporarily unable to perform her job because of pregnancy, the employer must treat her the same as any other temporarily disabled employee. For example, if the employer allows temporarily disabled employees to modify tasks, perform alternative assignments, or take disability leave or leave without pay, the employer must allow an employee who is

temporarily disabled because of pregnancy to do the same.

Any employer provided health insurance must cover expenses for pregnancy-related conditions on the same basis as other medical conditions. Employees on leave because of pregnancy-related conditions must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases and temporary disability benefits.

The EEOC in August 2011 settled complaints for \$80,000 wherein a company's pregnant workers were treated unequally compared to others with medical conditions. In these instances, the employer required pregnant female workers to pay for their own pregnancy-related medical expenses, whereas they paid for the expenses of employees with other medical conditions.

### **Questionable Terminations and Reasonable Leave**

K.A.R. 21-32-6(c) provides that terminations of temporarily disabled employees based on insufficient or no leave is discriminatory if it has a disparate impact on employees of one sex and is not justified by business necessity.

K.A.R. 21-32-6(d) goes on to state that childbearing must be considered by the employer to be a justification for a leave of absence for female employees for a reasonable period of time, and that female employees, following childbirth and upon signifying her intent to return to work within a reasonable time, shall be reinstated to her original job or to a position of like status and without loss of service credits, seniority or other benefits.

When evaluating business necessity and reasonableness, consideration must be given to the nature of the employee's duties, the importance to the operation of the employer's business, the size of the employer, availability of temporary workers and job-shifting of other employees, practices utilized for absences not related to pregnancy and childbirth, etc. There may be other considerations.

In addition, almost all leaves of absences due to pregnancy can be reasonably accommodated after evaluating what the employer would do if the person otherwise became ill or had other personal reasons for leave, and reviewing the cost, difficulty and timeline for advertising, interviewing, hiring, and training a replacement.

Employers may not require that maternity leave begins or ends at predetermined times, without regard to individual capabilities and demands of the particular job.

The PDA also establishes leave standards. The PDA requires that pregnant employees be permitted to work as long as they are able to perform their jobs. Pregnant females cannot be summarily required to stop working or commence early maternity leave when they are able to perform their job functions or due to unjustified "fetal protection policies."

In September 2011, the EEOC filed suit alleging a restaurant manager asked a pregnant employee to resign and told her that she could not work beyond the seventh month of pregnancy, despite the fact the employee never complained that she was unable to carry out her duties and her doctor never provided any work restrictions. The restaurant manager contended he was protecting the pregnant worker and the fetus. In response, Jim Sacher, EEOC regional attorney said, "Federal law protects the right of woman to remain gainfully employed during her pregnancy. The Supreme Court has made clear that the decision whether a pregnant woman should work rests with her. She alone, and not the employer, is responsible for making decisions that affect her safety and that of her child."





## *You Decide Case Study*

When Martha Anderson (not her real name), an assistant manager at a large-chain pizza restaurant, became pregnant in April, her doctor ordered her not to work more than 8 hours a day. Despite her doctor's request, the restaurant's manager continued to schedule her to work 10 hour days and 15 hours on Sunday. Then a district manager intervened, and for a month her work restrictions were met. But in June, her hours increased.

Later that month she began having contractions, and her doctor ordered bed rest. Because she had worked at the restaurant less than a year, she was ineligible under the Family Medical Leave Act (FMLA), but she was assured by her district manager that she could have her job back after the birth of her child.

Over the next few months, she had a series of confusing conversations with the human resources department, while waiting for paperwork dealing with her pregnancy-related disability. She received a letter stating she would receive two weeks leave after nine months, but the human resources department said that information was wrong; she would be eligible for long-term disability after 60 days. Then in August, she was allegedly told she would not be eligible until after 90 days, and human resources would send the paperwork.

Three months later, on November 1, she finally received the forms from her employer. As she was filling them out, she discovered that she was not eligible for leave benefits because she had already been fired—months ago.

Her employer argued it was an administrative oversight that the company's human resources department did not realize that she had been terminated months earlier. The pizza chain argued the firing of Anderson was perfectly proper. The company's handbook stated that employees ineligible for FMLA could apply for and receive an additional leave of absence up to 30 days. It would have been normal policy to terminate Anderson if she was unable to return to work after 30 days, the company maintained.

What is your determination?

Yes, Anderson was discriminated against because of her pregnancy.

No, Anderson was not discriminated against because of her pregnancy.

Why? \_\_\_\_\_

*Conclusion on page 111*

### Other Trends

Pregnancy discrimination complaints often allege termination either shortly after notifying the employer of the pregnancy or during maternity leave. Such actions presumptively constitute a violation. In one case, the EEOC filed suit in September 2011 where an employee was allegedly fired within hours of notifying her employer of her pregnancy. An EEOC representative said, "It is a severe injustice to terminate an employee based solely on the fact that she is pregnant."

### Conclusion

Years ago, a sponsor of the PDA stated, "The entire thrust...behind this legislation is to guarantee women the basic right to participate fully and equally in the workforce, without denying them the fundamental right to full participation in family life." Thirty-three years after the passage of the PDA, these goals remain the same.

 *Ruth Glover is the Executive Director for the Kansas Human Rights Commission. She can be reached at [Ruth.Glover@khrc.state.ks.us](mailto:Ruth.Glover@khrc.state.ks.us) or (785) 296-3206.*

*Credits: U.S. Equal Employment Opportunity Website ([www.eeoc.gov](http://www.eeoc.gov)) and Chief Legal Counsel, Brandon Myers, retired.*

*Fall 2011 article reprinted with permission from the Kansas Human Rights Commission.*

### Kansas Administrative Regulation 21-32-6

#### Pregnancy and Childbirth

(a) A written or unwritten employment policy or practice which excludes from employment applicants or employees because of pregnancy is prima facie discrimination.

(b) Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom, are for all job related purposes, temporary disabilities and should be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written or unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

(c) Where the termination of an employee who is temporarily disabled is caused by an employment policy under which insufficient or no leave is available, such termination is discriminatory if it has a disparate impact on employees of one sex and is not justified by business necessity.

(d) Childbearing must be considered by the employer to be a justification for a leave of absence for female employees for a reasonable period of time. Following childbearing, and upon signifying her intent to return within a reasonable time, such female employee shall be reinstated to her job or to a position of like status and pay without loss of service, credits, seniority or other benefits.

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## You Decide Case Study (Conclusion)

(X) Yes, Anderson was discriminated against because of her pregnancy.

When asked by an investigator whether they tried to accommodate Anderson by giving her additional leave, company representatives did not believe they were required to do anything beyond what was provided in the employee handbook.

In fact, a company is required to do a lot more. Under the Minnesota Human Rights Act\*, as well as the Americans with Disabilities Act, an employer must provide a reasonable accommodation to a pregnant employee, regardless of the company's handbook.

If a pregnant employee cannot perform her current duties because of a disability, the employer must determine whether there is another job available that the worker could perform, with or without a reasonable accommodation. If the employee can't be reassigned, the employer must consider placing the disabled employee on a leave of absence, to allow for the employee's return to work within a reasonable time.

The pizza chain might have argued that granting an extended leave would have imposed an undue hardship—if an employer can show that providing an accommodation would create an undue hardship, it doesn't have to provide one.

It is likely that allowing Anderson to return to work would not have caused the company an undue hardship, the department noted. The chain has hundreds of employees in several locations, and could probably have found a spot for her, even if it needed to fill her current job while she was on leave, the department concluded. If no assistant manager positions were available, the company could have offered her a comparable or lesser position as a temporary accommodation.

The Minnesota Department of Human Rights found probable cause to believe the pizza chain had violated the Human Rights Act by terminating Anderson instead of attempting to accommodate her pregnancy-related disability.

In a negotiated settlement, the pizza chain agreed to provide Anderson with \$15,000 in back pay. It denies wrongdoing and the Kansas Act Against Discrimination.

*The above case study was provided by the Minnesota Department of Human Rights ([www.humanrights.state.mn.us](http://www.humanrights.state.mn.us)). The issues above are routinely noted in complaints filed with the KHRC.*



## Fair Labor Standards Act and Youth Employment: Frequently Asked Questions

By: Larry R. Baer and Nicole Proulx Aiken

**S**pring has officially arrived in Kansas! The snow has melted; the grass is turning green; and the trees are beginning to bloom. In addition to enjoying the warmer weather and budding flowers, it is that time of year when cities start hiring youth employees for the summer months. This article provides guidance on frequently asked questions LKM receives about youth employment. The article should not replace your city attorney's opinion on this issue.

(1) *Can we hire 13-year-olds to officiate younger kids' sports programs?*

No. Cities should not hire anyone under the age of 14.

(2) *What hours can a youth employee work?*

Restricted work hours apply to 14 and 15-year-old employees. Employees these ages cannot work more than: three hours on a school day; eight hours on a non-school day; 18 hours per week while school is in session; or 40 hours per week when school is not in session. In addition, these employees can work only between the hours of 7:00 a.m. and 7:00 p.m., except from June 1, Labor Day when the evening hour is extended to 9:00 p.m. Sixteen and 17-year-old employees can work unlimited hours.

(3) *At what age can you be employed as a lifeguard? Are there any work restrictions?*

Lifeguards must be 15-years-old or older. There are some limitations, however, to employing 15-year-old lifeguards. A 15-year-old lifeguard must be trained and certified by the American Red Cross or equivalent organization. In addition, 15-year-old lifeguards cannot work at the top of elevated water slides, in chemical storage areas, or near filtration equipment. Fifteen-year-old lifeguards can monitor the safety of swimmers (including climbing and descending ladders to the lifeguard chair), give swimming lessons, conduct or officiate swim meets, use hand tools to clean the pool, check chemical levels, and monitor the bottom of elevated water slides. Fifteen-year-olds cannot be employed as lifeguards at natural environment facilities such as rivers, streams, lakes, and ponds.

Sixteen and 17-year-old lifeguards must also be certified by the American Red Cross or equivalent organization. Lifeguards at these ages are permitted to operate and assist in the operation of most water amusement park and recreation establishment rides.

(4) *What restrictions, if any, apply to youth driving a motor vehicle?*

Employees 16 years of age and under cannot drive motor vehicles on public roads, even if they have a valid driver's license. Employees 17 years of age may drive cars and small trucks on public roads if the following conditions are met: the employee must have a valid state

license for the type of vehicle being operated; the employee must have successfully completed a state approved driver's education course; the employee has no record of moving violations at the time of hire; the employee only operates a vehicle that is equipped with a seat belt for the driver and all passengers and the youth have been instructed in the usage of the seat belt and that seat belts must be used when driving the vehicle; the vehicle does not exceed 6,000 lbs. gross vehicle weight; the employee only drives during daylight hours; and the driving is only occasional and incidental to the youth's employment. "Occasional and incidental" means that the youth cannot spend more than 1/3 of the work time in any workday and not more than 20% of the work time in a workweek driving.

Driving by 17-year-olds may not involve: towing vehicles; route deliveries or sales; transportation for hire of property, goods, or passengers; urgent time-sensitive deliveries; transporting more than three passengers, including employees of the employer; driving beyond a 20-mile radius of the place of employment; making more than two trips away from the primary place of employment in any single day to deliver goods to a customer; or driving more than two trips away from the primary place of employment in any single day to transport passengers other than employees of the employer.

(5) *Do minimum wage requirements apply to youth workers?*

The short answer is yes. The Fair Labor Standards Act (FLSA) requires employers to pay at least the federal minimum wage to all covered non-exempt employees for all hours worked. The FLSA, however, allows employers to pay a youth minimum wage of not less than \$4.25 per hour to employees that are under the age of 20 during the first 90 consecutive calendar days (not work days) after the initial employment.

(6) *Where can we find more information about Youth Labor Laws?*

The United States Department of Labor (DOL) enforces federal youth labor laws. The DOL's website, <http://www.dol.gov/dol/topic/youthlabor/>, provides a wealth of information on this topic and is a great resource for cities.

### Final Advice:

This article is for city officials and staff to use as guidelines. If a city is in doubt about whether a youth is eligible to perform the type of work in which the city is hiring, consult with your city attorney or the Department of Labor hotline at (866) 487-2365. The penalties for youth labor laws are quite steep. In addition, the city should strive, just as with other employees, to make sure that youth employees are adequately trained to help eliminate workplace injuries. Cities should use caution in the types of job in which they hire youth employees.

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

☀️ *Nicole Proulx Aiken is Legal Counsel for the League of Kansas Municipalities. She can be reached at [naiken@lkm.org](mailto:naiken@lkm.org) or (785) 354-9565.*



## 2014 Annual Conference

### Hotel Accommodations & Reservation Procedures

October 11-13 • Hyatt Regency Wichita • Century II Convention Center

#### Hyatt Regency Wichita\*\*

400 W Waterman

Wichita, KS 67202

888.421.1442

Rate: \$124 + tax per night

Cut-off date: September 9, 2014

Or book online: <https://resweb.passkey.com/go/2014LKM>



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

\*Complimentary self-park included for overnight guests, otherwise \$6 per vehicle per day for drive-in guests.

## ADDITIONAL ACCOMMODATIONS

#### Fairfield Inn & Suites Downtown

525 S Main

Wichita, KS 67202

316.201.1400

\$119 + tax per night

Cut-off date: 9/21/2014

#### Hotel at WaterWalk

711 S Main

Wichita, KS 67213

316.263.1061

\$124 + tax per night

Cut-off date: 9/11/2014

#### Drury Plaza Hotel Broadview Wichita

400 W Douglas Ave

Wichita, KS 67213

316.263.1061

\$124 + tax per night

Cut-off date: 9/26/2014

\*Hotel parking \$8 per car, per night

#### 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 2/1/14.
- Remember to ask for the special LKM conference rate when making reservations.

#### SPECIAL NOTE:

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



## Library Budget Tax Levy

The Legal Inquiry Service here at the League of Kansas Municipalities (LKM) occasionally receives phone calls with questions concerning library board budget requests/demands. There are things a city needs to do to maintain budget control over municipal library boards and this article will explore the options available.

K.S.A. 12-1220 provides for the “establishment and maintenance of a library” and placing the duty on the governing body to “levy a tax for the maintenance of such library in such sum as the library board shall determine within the limitations fixed by law...” Based on the plain reading of the statute it is clear that the municipal governing body has no authority to modify the budget a library board presents. The statute requires a governing body to levy a tax to meet the budget but does not grant any veto or adjustment authority. However,

the statute does limit the library board’s authority to “within the limitations fixed by law...”.

What does the term “within the limitations fixed by law” mean? It is clear that a state statute meets this definition, but so does a municipal ordinance. The governing body of a municipality acts as a legislative body when enacting ordinances. Municipal ordinances set limitations and requirements that may be enforced by penalty. It is clear that a municipal ordinance meets the definition of a law as that term is used in K.S.A. 12-1220.

A city governing body has a duty to taxpayers to control budget expenses and, without taking the proper steps, a library board could make that difficult by demanding a levy that could increase the total tax levy to meet other budget requirements. A regular ordinance setting

the limit of the library levy is one way to maintain control over that portion of the budget.

If a city governing body has other concerns as to the operation of the city library, it is important to remember that the statutes governing local libraries are nonuniform and are subject to a charter ordinance. By using home rule powers a city could adopt a charter ordinance that could modify the entire library structure and organization as it deemed necessary. However, as stated above, it is not necessary to use a charter ordinance to limit the library tax levy.

 Eric 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.

*Below is a model ordinance that can be used to limit the library levy.*

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE ESTABLISHING A MILL LEVY LIMITATION FOR LIBRARY PURPOSES.  
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF \_\_\_\_\_, KANSAS:

**WHEREAS** the City of \_\_\_\_\_ is responsible for establishing and adopting a budget for the city each year and must balance the needs of all city departments and agencies in setting such budget; and

**WHEREAS** the City of \_\_\_\_\_ deems it necessary and appropriate to limit the amount the city levies for the library.

**Section 1. Levy Limit.** The library mill levy is hereby limited to \_\_\_ mills on each dollar of assessed valuation of the city.

**Section 2. Effective Date.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the Governing Body this \_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

 **Correction:** There was an error in the Epilogue to the March 2014 Legal Forum. The Epilogue should have stated that Farmway entered nolo contendere (no contest) plea rather than referring to a guilty plea. The correct plea information had been furnished to LKM, but we failed to include it in the article. LKM apologizes if this error caused confusion for our readers.



# Mainstreet News

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## Douglas County Updates Agritourism Regulations

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Douglas County is of accepting applications for agritourism operations after its Commission approved new regulations and rescinded its moratorium on applications.

The regulations offer new definitions of smaller agribusinesses and larger commercial operations and their differing application processes. Among the criteria, Tier 1 businesses can provide parking for up to 40 vehicles, while Tier 2 enterprises are allotted up to 100, with “some room for administrative review,”

said Commissioner Nancy Thellman. Tier 1 businesses will not require approval from the commission in order to receive a permit; however, Tier 2 operations will.

The moratorium came in response to outrage created by a September proposal for an agribusiness in southeast Douglas County that included plans for an 800-car parking lot. Nearby residents dissented, so the board suspended all applications until it could revise its agritourism zoning codes and applications process.

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## Abilene Invests in Businesses

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The City of Abilene is inviting entrepreneurs, existing businesses, or commercial property owners to submit proposals for consideration in its Abilene Business Investment Grant program. The City has appropriated funds for this program as a way to promote economic growth and investment.

The program is intended to provide some financial assistance to individuals or businesses within the community who wish to invest in a business enterprise. Grants through the program are not

intended to fully fund proposals; grant recipients will be required to demonstrate a financial commitment from other parties in order to be considered.

The Economic Development Council will review proposals each month to determine if grant funds will be awarded. Funding of grants is subject to the availability of funds; once the total allocated funds have been awarded, the program will be closed for the year.

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## Meriden Enters Contest to Revitalize Park

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The City of Meriden is hoping to win the Fuel the Cause transformation project sponsored by Bridgestone. They are one of the final twelve contestants aiming for the \$25,000 prize which will be used to give a makeover to a green space within the city. Voting is open to the public until April 30th, with each person having the ability to vote once per day. You can vote online at <http://tinyurl.com/mdnzgp7>.

The entry for City of Meriden states, “With kids of all ages visiting Meriden Community Park, one swing-set and two animal spring toys hardly provide the fun, exercise, and social interaction that an outdoor park should. An annual park carnival draws a lot of

people, but when the carnival leaves town, the community is left with an uninspiring space with little to do.

The revitalized park would help motivate kids to put down electronic games and devices and get outdoors. With Bridgestone’s help, the community wants to build an interactive play structure where the kids can climb, swing, run, and get some fresh air in a family-friendly safe environment. Plans include a toddler play area, handicap swing and an interactive play structure to spark kids’ curiosity and imagination, while also challenging their coordination and strength.”

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## Kansas City-area Governments Work to Attract Republican Convention

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Four Kansas City-area governments will contribute a total of \$260,000 toward the region’s effort to attract the 2016 Republican National Convention.

Leaders of Kansas City, the Unified Government of Wyandotte County/Kansas City, Kansas, Jackson County and Johnson County met at Sporting Park in Kansas City, Kansas, to announce that each entity will contribute \$65,000 to the KC2016 Task Force. The money will fund activities related to the site-selection process, including a technical visit by the RNC in late April or early May.

Kansas City Mayor Sly James said past convention host cities like Minneapolis and St. Paul, Minnesota, and Tampa and St. Petersburg, Florida, had to pull together regional support in order

to land the GOP’s 2008 and 2012 nominating conventions. He said the financial commitment is key to demonstrating the collaborative nature of the local effort and will help bring the convention to the Kansas City area in 2016.

“We wanted to make an outward expression of the collaborative effort that’s been ongoing behind the scenes from day one,” James told reporters after the press conference. “We are now in a more competitive spot with the other cities and we want to be able to keep up with what they are doing.”

Leawood Mayor Peggy Dunn, who is coordinating the task force’s local fundraising efforts, said the money will be used for operational needs for the site-selection process.

# Mulvane Downtown Redevelopment

By Kent Hixson



*Present day downtown Mulvane.*

**T**he City of Mulvane, located on the Sumner and Sedgwick County lines, about fifteen miles southeast of Wichita, was founded in 1879. The land for the town was donated by two local farmers to the Santa Fe Railroad. A condition of that land donation was that a depot be built at the junction of the railroad lines running in four directions. The Santa Fe built the train depot and by the late 1890's a thriving town had developed around it to serve the fourteen steam trains per day that stopped there for water. A wide variety of businesses (bank, post office, dry goods and grocery store, drug store, boarding house, blacksmith, butcher), over forty in all, located along Main and First Streets. The businesses thrived for decades and the downtown area was the center of community activity.

The 1960's saw the end of passenger trains stopping at the Mulvane depot. Improved roads allowed easy access to

employment and shopping in Wichita. As Mulvane became a bedroom community, businesses in the downtown area struggled to survive. Local businesses began moving from downtown north to the high traffic K-15 and Rock Road corridor. This left 100 year old buildings vacant and deteriorating. In 1999, a fire destroyed two historic buildings that housed three businesses. The central business district contracted from fifty businesses in several blocks to half that number in just two blocks along Main Street.

The Mulvane city council was determined to preserve its unique downtown area, complete with center street parking. To that end, in 2000 the City replaced all the sidewalks in the downtown area. The City installed decorative light poles in the middle of the street and planted decorative trees along the two blocks of Main Street. A KLINK grant was used to resurface Main Street.

In 2012, the downtown business owners began meeting to discuss



*Downtown Mulvane circa 1920.*

ways to revitalize, preserve, and promote the downtown area. The business owners and city staff worked with representatives from the Kansas Department of Commerce and the Sumner County Economic Development Commission on ideas to do that. One program idea was to establish a fund to help building owners renovate and repair their buildings.

This year, the Mulvane city council has set aside a fund of \$40,000 from the General Fund to be used as matching grants to rehabilitate buildings in the central business district. The Downtown Revitalization Program is administered by a board which is appointed by the City Council. The owner of a building in the downtown area can apply for up to \$10,000 from the City to make repairs to their building. The number of grants awarded and the amount of each grant will be determined by the Downtown Revitalization Program Board with the approval of the city council

based on the availability of funds.

The objective of this matching grant program is to provide assistance for the rehabilitation and upgrading of the existing commercial properties within the designated Downtown Revitalization Program Boundaries (i.e. target area). The program's intention is to encourage business growth and to make a positive statement about the downtown business climate to the community, visitors, and existing and potential business tenants.

Owners, building tenants, or a joint venture of these two parties may submit an application under the Downtown Revitalization Program. Tenants must submit written approval of the property owner and evidence of their leasehold interest.

The Downtown Revitalization Program is available to businesses and/or building owners that are located in the designated "core" Downtown Revitalization Program target area boundaries of the City.



Only one grant per calendar year per property owner and/or tenant is allowed. Affiliated property owners (with a common control person or common ownership) will be treated as the same owner. Only one grant per building or address will be allowed each calendar year, notwithstanding multiple tenants or owners. The grant application must be received and approved before work begins. No reimbursement will be made for expenses incurred prior to approval of the grant award.

Any work performed with grant funds must comply with applicable building codes, permit requirements and all zoning regulations. Each applicant is encouraged to contact the City’s Building and Zoning Department before making application to ensure plans meet all necessary requirements. If a building permit is required, it is the responsibility

of the applicant to obtain the permit. The permit fee may be waived at the discretion of the Downtown Revitalization Program Board.

Grants will not be awarded for buildings with non-conforming zoning uses or outstanding building code violations, unless the violations are part of the project and the grant will reverse those code violations as a part of the work being performed.

Minimum project cost must exceed \$10,000 to be considered for a grant. Routine maintenance such as painting, masonry, fencing, and lighting has to be part

**Improvements eligible for city grants include:**

- Renovations that address exterior appearance and result in a publicly visible improvement.
- Renovations that reduce potential fire hazards (i.e. electrical wiring and fire suppression systems).
- Renovations that preserve the structural integrity of the building.
- Renovations that address pedestrian access issues.
- Renovations that remedy the greatest number of code violations.
- Buildings located in the “core” area of the City commonly known as “downtown.”

of a larger renovation project.

All work must begin within 90 days of the grant being awarded unless the approved construction project specifies otherwise. All work must be completed within the designated time period agreed upon in the grant award or amended between the applicant and



*Historical Society Museum on W. Main.*

**Properties that are ineligible for the Downtown Revitalization Program include:**

- Tax delinquent property
- Property whose owner or affiliate has another tax delinquent property in the City
- Property in litigation
- Property in condemnation or receivership
- Property owned by churches or non-profit organizations on which taxes are not being paid
- Properties on which taxes are being paid but have nonprofit use, such as churches, schools, charities, clubs and organizations, etc.
- Exclusively residential buildings
- National franchises or retail chain stores
- Buildings with outstanding code violations unless these will be corrected with the grant funding
- New construction
- If there are previous Downtown Revitalization Program funds that have not been properly and completely expended.

the Downtown Revitalization Program Board. Extensions will be considered only if made in writing and progress towards completion has been demonstrated. The Downtown Revitalization Program Board reserves the right to revoke the grant if these requirements are not met.

Downtown Revitalization Program funds cannot be used for damages caused by collision, acts of nature, or any occurrences covered by insurance.

Anchored by a century old train depot, now a museum, Mulvane will preserve unique, historical buildings, expand the tax base and encourage economic development along Main Street. The building revitalization program demonstrates the council's commitment to helping businesses address deteriorating building conditions and preserve our downtown area and the history of the community.

 *Kent Hixson is the City Administrator for the City of Mulvane. He can be reached at (316)777-1143 or [khixson@mulvanekansas.com](mailto:khixson@mulvanekansas.com). All photos provided by Kent Hixson.*



## KDHE Requests Project Submittals for Public Water System Improvements

The Kansas Department of Health and Environment (KDHE) is requesting project submittals for public water supply system infrastructure improvements to be considered for loan financing through the Kansas Public Water Supply Loan Fund (KPWSLF). The KDHE expects to have over \$60 million available to loan for these new projects with interest rates below the municipal bond market. If you are unfamiliar with the KPWSLF program their site

is at [www.kdheks.gov/pws/loan/loanfund.htm](http://www.kdheks.gov/pws/loan/loanfund.htm).

Project submittal forms must be submitted to KDHE by June 2, 2014, to be considered for funding after July 1, 2014. Projects that will return a non-compliant water system to compliance in regards to MCL requirements, or projects that will consolidate water systems will be eligible to receive loans that provide up to 30% principal forgiveness.

## Kansas Response Plan 2014 Released

The Adjutant General's Department, Kansas Department of Emergency Management (KDEM) has released the updated version of the Kansas Emergency Operations Plan. It is titled the Kansas Response Plan 2014 (KRP 2014). The KRP 2014 is important for every city to review because there have been many changes to the previous KRP of 2011.

Many specific city actions and responsibilities to prepare for and conduct emergency operations can now be found in the KRP 2014. These changes include many that the League of Kansas Municipalities (LKM) and municipalities provided in 2013. This was the first time the LKM and cities had the opportunity to review and make recommendations to the KRP. Cities are now being acknowledged as having specific responsibilities in emergency management in Kansas.

There are five basic assumptions about city governments in the KRP 2014. They are:

1) City governments will participate in the county's comprehensive emergency management program, to include the county emergency operations planning process.

2) When prudent, cities will request assistance throughout county emergency operations centers (EOCs).

3) Cities will utilize resources and access mutual aid before requesting county assistance.

4) Any incident that results in large numbers of casualties and/or significant damage to property may result in a request for county assistance.

5) Cities initiate emergency actions based on the policies set forth in their local emergency operations plans. In the absence of a local emergency operations plan, actions will be based on the policies set forth in the county emergency operations plan (CEOP).

County Emergency Operations Managers must let cities participate in emergency management and in developing county emergency operations planning. All cities should have a copy of the county emergency operations plan. If you do not, contact your county emergency management representative. If you still cannot get a copy of the county emergency operations plan, please contact the League or John Sweet, City Administrator of Lyons (620-257-2320).

## KDHE Announces Grant Recipients

The Kansas Department of Health and Environment (KDHE) Bureau of Waste Management (BWM) has selected the recipients of the Green Schools grants and the waste tire recycling grants for 2014. These annual solid waste grants are awarded to municipalities and school districts across the state. This year, the grants totaled more than \$575,000.

Twenty two Kansas schools were awarded Green Schools grants from the BWM, with awards ranging from \$873.75 to \$4,500. The Green Schools grants totaled \$72,799.02 this year. These grants will fund projects to take place during the 2014-2015

school year and will result in the purchasing of recycling bins, compost programs for cafeteria waste and field trips to community recycling centers. This marks the seventh round of BWM Green Schools grants, which are funded by a \$1 per ton state landfill fee.

More than \$484,000 was awarded in waste tire recycling grants, which goes toward partially funding safe surfacing at playgrounds, tracks and picnic tables and benches made from waste tires. This year's 29 waste tire recycling grants, ranging from \$148.50 to \$147,000, are distributed to recipients across the state. The grants are funded through a 25-cent tax paid on the purchase of new tires.



## Mental Health Co-responders

The Great Recession damaged the lives of many Americans, a good portion of whom have yet to fully recover. Unemployment and underemployment still linger at high levels, especially for young people and minorities. Local governments are struggling to find the resources to deliver adequate services to their residents, and federal and state aid is becoming scarcer and scarcer. Beyond financial difficulties, Americans are struggling with another problem that receives scant attention. Since 2009, mental health issues and suicides have risen exponentially, and governments at all levels are struggling to find solutions.

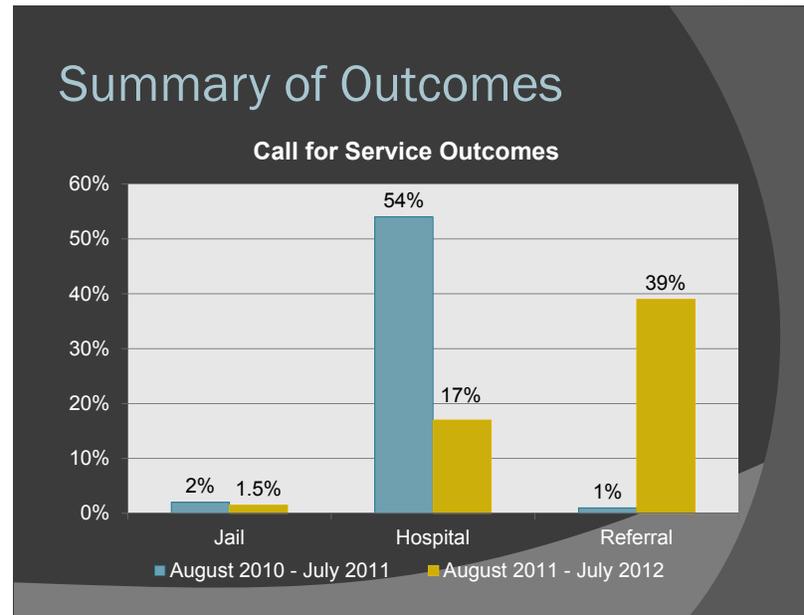
One city in Kansas has taken a step toward reversing the increase in mental health issues and suicides in its community. In July of 2011, the City of Olathe partnered with Johnson County Mental Health to create the Mental Health Co-responder Program. This program has two goals: 1) to increase early identification and intervention for citizens with mental illness who have contact with law enforcement, decreasing the likelihood of arrest and entry into the criminal justice system, and 2) provide access to mental health treatment and resources that can have a positive influence on the lives of those in a crisis situation. Although the program was initially funded by a one-time Justice and Mental Health Collaboration Program grant from the US Department of Justice, it has been so successful that the Olathe Police Department has continued funding it.

The co-responder initiative works by having a licensed mental health professional, in addition to police officers, respond to law enforcement calls that involve citizens with mental illness. The co-responder is asked to respond to a location at the request of the officers once the scene is stable. The co-responder then makes a clinical assessment to determine the extent in which the citizen is a risk to him/herself or others, and identify what type of intervention would most benefit the citizen. In the period following the intervention, the co-responder follows up with those individuals to make sure their advice was productive.

The co-responder program is unique because the Olathe Police Department and the community mental health center work in tandem to provide for the co-responder position. The co-responder is an employee of the community mental health center due to the requirements for being able to assess and screen for hospitalization. However, the co-responder works at the police station and spends their time responding to calls. This provides the co-responder with an idea of how law enforcement responds to situations involving those with mental illness. It also educates officers about the mental health system and resources available in the community.

In the first year of the program, there was a significant decrease in repeat calls for service from individuals suffering from mental illness. Only twelve people called a second time in the program's first year. Prior to the program's start, it was common for the police to respond to multiple calls from the same person. Anecdotal evidence also suggests that the program has decreased the number of individuals arrested and lodged in jail. For these reasons, it's no

surprise that other departments, including the Kansas City, Kansas Police Department, are considering implementing their own Mental Health Co-responder program.



The costs of the program include the salary for the licensed mental health professional, use of an unmarked police vehicle, police radio, and other equipment. The savings include increased efficiency and outcomes of law enforcement calls that involve those with mental illness, a decreased number of repeat calls for service involving those individuals, and potential cost savings to area emergency services.

Mental health issues are going to remain a concern for all levels of government, and it will take a concerted effort to reverse the increases caused by the Great Recession. Hopefully federal, state, and local governments will be able to come up with ideas as innovative and effective as Olathe's Mental Health Co-Responder program when attacking this issue.

For more information on the program, contact Major Wade Lanphear of the Olathe Kansas Police Department (913-971-6531; wlanphear@olatheks.org), or Kimberly Rowlands of the Johnson County Mental Health Co-Responder (913-971-7461; Kimberly.Rowlands@jocogov.org).

#### Source

Wilkes, J. M. (n.d.). Mental Health Co-Responder Project. *City of Olathe*. Retrieved from <http://tlgconference.org/modules/showdocument.aspx?documentid=117>.

 Michael Koss is Legal Counsel & 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.



# Classified Advertising

## **Administrative Services Director**

The City of North Mankato, Minnesota, (Pop. 13,462), 90 miles SW of Minneapolis is seeking energetic, creative, professionals looking to take the next step in their public management career as the City's Administrative Services Director. This new position will assume the duties of the City Clerk and be a key member of the City Administrator's executive team. Project management, human resources, information technology, and custodial services will be overseen by this position. Reports to City Administrator, serves as City Clerk, works with City Council, Port Authority, HRA, and others. Duties also include agenda and council packet preparation, elections, licensing, maintenance of official City personnel records, compose, post and publish notices, resolutions, ordinances, liaison for purchase and sale of property, annual update of City Code and other duties as listed on job description.

Master in Public Administration or Bachelor's degree with 7-10 years' experience as City Clerk required. Salary range: \$55,000 to \$75,000 annually.

Applicants should send a resume and cover letter to [johnharrenstein@northmankato.com](mailto:johnharrenstein@northmankato.com). Applications must be received not later than 5 p.m. on May 15, 2014. Anticipated start date July 1, 2014.

THE CITY OF NORTH MANKATO IS AN EQUAL OPPORTUNITY EMPLOYER

## **Assistant County Administrator Ford County**

Seeking high energy leader able to step up and assist the County Administrator balance our positive growth and available resources for maximum benefit to our patrons. Request packet and send resume to Ford County HR 100 Gunsmoke, Dodge City, KS 67801 or [pheeke@fordcounty.net](mailto:pheeke@fordcounty.net). Application review begins June 30.

## **Budget Analyst**

City of Wichita (pop. 385,577) is accepting applications for a Budget Analyst. The candidate should have experience in local government, either in an entry-level professional position or internship. The preferred education is a Master's Degree in Public Administration. The candidate should

be a strong writer with solid analytical skills. Creativity, self-initiation, and the ability to communicate well are highly desirable. A fundamental understanding of the principles of public administration, particularly public finance and budgeting, is required. Candidates should be able to work under conditions that often include short deadlines, discretion, and difficult decision-making. The ability to provide objective recommendations about resource allocation is vital to success.

Salary Range is \$41,970 to \$58,295 annually. For more information or to apply visit <http://agency.governmentjobs.com/wichita/default.cfm>. Deadline is May 16, 2014. The City of Wichita is an equal opportunity employer.

## **City Administrator**

City Administrator, De Soto, KS (Pop. 5,720)

Current City Administrator plans to retire in July after 8 years. Salary DOQ/E; Position reports to Mayor and 5 member Council; \$8.5M combined funds budget w/27 FT employees. Desoto's location is ideal -- just 20 minutes from the University of Kansas to the west, and a similar distance to Downtown Kansas City to the northeast. This unique community benefits from recreational access to the Kaw River from a City park adjacent to Downtown. Other advantages include easy access to region's outstanding parks, highways, airports & medical facilities. Blessed with great schools and neighborhoods, De Soto is well positioned for future prosperity. The City seeks a leader with outstanding communication skills, economic development and municipal finance experience to optimize opportunities for well planned development. MPA+5 yrs. minimum experience as city administrator or assistant desired. (EOE) Questions to Art Davis (816) 898-1962. Confidential resume, cover letter, salary history + 6 work related references by email to [ArtDavis@ArtDavisGroupLLC.com](mailto:ArtDavis@ArtDavisGroupLLC.com) by 5/16/14.

## **Director of Parks & Facilities City of Hutchinson**

This department head position reports directly to the City Manager and is a key member of the leadership team charged

with developing policy and solving complex problems related to City operations.

Parks and Facilities has 45 regular employees, a 5.78M operating budget and 1.8M CIP Budget. Major facilities/functional areas of operation include: Park Operations, Horticulture & Forestry, Carey Park Golf Course, Municipal Airport, Zoo, Fun Valley, Sports Arena and Eastside Cemetery. This position assumes overall leadership in establishing general direction, goals, priorities and promoting excellent customer service. Other duties include:

- Managing the short and long range planning efforts for parks, facilities and infrastructure including land acquisition, and concept plans for development;

- Establishing appropriate service and staffing levels, monitoring/ evaluating the efficiency and effectiveness of service delivery methods and procedures, and allocating resources accordingly; and

- Serving as a liaison to other department heads, City advisory boards, elected officials, outside agencies/ organizations, and business/ community representatives regarding parks and recreation related issues

Minimum educational and experience include: Bachelor's degree from an accredited college or university with major course work in public administration, parks and recreation administration, business administration or a related field. Qualified applicants should possess a minimum of seven (7) years work in management/ leadership experience in a large public park, recreation and facilities program.

Pay Range: \$71,762 to \$108,076 DOQ. Must establish residency within Reno County within 12 months of appointment.

Apply on-line at <http://agency.governmentjobs.com/hutchinsonks/default.cfm>.

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## **Executive Secretary**

The City of Chanute is accepting applications for an Executive Secretary in the City Manager's office. The position requires excellent office skills, computer knowledge, and ability to interact with the public in a professional manner. Bachelors or Associates Degree preferred which includes or is supplemented by secretarial courses.

Considerable experience in progressively responsible clerical work or any equivalent combination of training and experience may be considered. Excellent benefit package. Salary range: \$19-22/hr. Applications are available at the City Manager's office located on the second floor of the Memorial Building, 101 S. Lincoln, or fill out an application on line at [www.chanute.org](http://www.chanute.org) and/or mail resume to: City of Chanute, c/o Human Resource Dept., P.O. Box 907, Chanute, KS 66720 or fax to 620-431-5209 by 5:00 p.m. May 9, 2014. Applicants from diverse backgrounds & men & women are encouraged to apply – EOE.

#### **Police Officer**

The City of Wathena, Kansas (pop. 1348) is currently seeking applications for a full-time officer. Applicant must have a high school diploma or GED, be at least 21 years of age, have a valid driver's license, and able to pass a background investigation. Applications are preferred to have certification in law enforcement. Benefits include uniforms, vacations, sick leave, KPERS, medical and dental. Send resume or applications are available at the City Hall in Wathena, 206 St. Joseph Street, P.O. Box 27, Wathena, Kansas 66090 and at [www.wathenakansas.com](http://www.wathenakansas.com). Applications will be accepted until the position is filled. 785-989-4711. EOE.

#### **Public Works Director**

Roeland Park located in Johnson County, is seeking a Public Works Director to oversee a 6 person team with a budget of nearly \$1M. The selected individual will work under the supervision of the City Administrator.

Minimum qualifications for the position include high school diploma, GED or equivalent work experience; five years of progressively responsible public works experience; considerable knowledge of civil engineering principles, practices and methods as applicable to a municipal setting and a valid CDL Class A license within six months of work. Graduation from an accredited four-year college or university with a degree in business, public administration, civil engineering, or a closely related field and a Kansas Professional Engineer license is preferred. Salary range is \$53,400 to \$83,422. Please see [www.roelandpark.org/publicworksdirector](http://www.roelandpark.org/publicworksdirector)

Confidential resumes, cover letters, and references should be sent by May 30 to: Aaron Otto, City Administrator, 4600 West 51st Street, Roeland Park, Kansas 66205

#### **Public Works/ Wastewater Louisburg, Kansas**

This position is responsible for maintenance of the City sanitary sewer system including two sets of aerated lagoons. Other responsibilities include water and natural gas operations. Preferred applicant should have knowledge of pumps, motors and controls. Class 3 Wastewater license required. CDL is a plus. This is a full time position that reports to the Public Works Supervisor. Must reside within a 20 minute drive time to Louisburg. Salary \$15.39-\$21.46. Applications are available at City Hall 5 S Peoria Street. For information contact Rita Cassida at (913) 837-5371. The City of Louisburg is an Equal Opportunity Employer.

#### **Public Works and Utilities Positions**

The City of Wray is accepting applications for Public Works and Utilities positions. Positions will be open until filled. Positions will be open until filled. Positions available include - • Public Works & Utilities Director • Electric Lineman Apprentice or Journeyman • Water Technician • Public Works Technician All positions are full time positions with competitive benefits package including insurance, vacation and PERA retirement. Complete descriptions of each position are available on our web site at [www.wrayco.net](http://www.wrayco.net). Applications, resumes and Inquiries may be directed to City Manager, PO Box 35, Wray, CO 80758 or to [wrayworks@centurytel.net](mailto:wrayworks@centurytel.net).

#### **Senior Planner (Housing & Advance Planning)**

The City of Hutchinson, Kansas is seeking qualified applicants for its Senior Planner (Housing & Advance Planning) position. Reports to the Planning and Development Director and will cultivate initiatives to improve the quality of housing in Hutchinson, as well as lead comprehensive planning efforts for housing, neighborhood development, downtown vitality and historic preservation.

The primary functions are:

- Plans and administers housing programs; develops and implements program policies and procedures; monitors program delivery to ensure compliance with fair housing and equal opportunity requirements;
- Oversees and conducts research, compiles information and interprets data related to housing activities, neighborhood programs and comprehensive planning, including oversight of the administration of homelessness prevention grants;

- Prepares and reviews reports for and provides staff support to the Housing Commission, Community Improvement Commission and the Land Bank Board. Establishes and maintains relationships with other agencies and the public to exchange information and serve as a resource for housing and community development.

Requirements include: Bachelor's degree from an accredited college or university in urban or regional planning, community development, business or public administration or a related field is required. A master's degree is preferred.

Five years of progressive and preferably supervisory experience in housing or community development. Experience with new development, redevelopment, rehabilitation property management or a related field is desirable.

Salary Range: \$49,162 - \$69,668 DOQ. Please Submit Online Application (Résumé and Cover Letter should be uploaded on the online application form but not in lieu of). Interested persons may apply on-line at:

<http://agency.governmentjobs.com/hutchinsonks/default.cfm>  
EEO/ AA Employer

#### **Water/Wastewater & Maintenance Superintendent**

The City of Cunningham, Kansas (pop. 454) is accepting applications for a Water/Wastewater Operator / Maintenance Superintendent. A high school diploma or GED is required. Valid Kansas driver's license required. Mechanical aptitude required. Water and Wastewater Certifications preferred – must be able to obtain certifications within one year of employment. The position will involve, but is not limited to water and wastewater utility maintenance, street work, park and swimming pool maintenance, general maintenance of city property and equipment. Salary will depend on qualifications. The City of Cunningham offers a competitive benefit package and residency is required. Send completed application to: City of Cunningham, PO Box 188, Cunningham, KS 67035. Call (620)298-3077 or email [clerk67035@gmail.com](mailto:clerk67035@gmail.com) for application, job description, and additional information. Position is open until filled. EOE.



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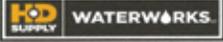
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# KGJ: A Look Back

## KANSAS GOVERNMENT JOURNAL

VOL. XXXVII

AUGUST, 1951

No. 8

### Flood Disaster

Editorial by The League of Kansas Municipalities Staff

The 1951 floods in Kansas will probably be a calendar reference for many years to come. Oldtimers have reported the Indian stories on how the floods were from “here to there” in 1844. Up to 1951 white men were inclined to grin when they used these Indian citations. According to current reports, the 1951 floods have topped all the tall Indian tales of the floods of 1844.

The 1951 flood disasters tried many city governments in Kansas. City governing bodies and their city administrations demonstrated that the greatest flood and the greatest disaster in our history can be handled with no disease epidemics and a minimum of loss of life. That meets the first responsibilities of city governments in time of disaster.

People volunteered their personal services and the services of their equipment and facilities in rescue work and in the care of distressed citizens and they responded generously to man the dikes. The National Guard and our regular Armed Services rendered superb services.

While it is true that few general dikes withstood the 1951 floods, yet in a number of cities emphasis was placed successfully on saving water and electric utility plants which unfortunately had been established on too low ground.

It seems to us the basic principle in flood disaster is the calculated risk which the citizens, the manufacturers, the railroads and the government take when they locate on ground known to have been built by flood water. Under our systems of government, the taking of these calculated risks by private persons as well as local governments is the responsibility of those who take them. However, when recurring disaster responsibilities fall upon the governments to go in at three o’clock in the morning and bail out such private citizens, it would appear that the community—the government—should limit these governmental risks by requiring

private persons and firms to take less flood disaster risks at the public expense. It is customary and generally an expenditure in the public interest for our governments to encourage and finance flood programs, soil and water conservation, ponds, dams, reservoirs and dikes. The execution of these programs call for a balancing of private and public interests. Here, as a rule, those private persons who own flood disaster risk land along the streams resist giving up such lands to be included in wider stream beds; hence, stream flow areas between dikes are generally too limited...

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



*Double line of men on the east levee at the Topeka water plant, passing heavy, wet and slippery sacks of sand along to reinforce weakened spots, as backwaters of the Kaw crept higher. The Great Flood of 1951 caused over \$8 billion in damage, took 17 lives, displaced 518,000, and caused the State of Kansas to build dozens of levees, dams, and reservoirs to prevent future flooding.*

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