



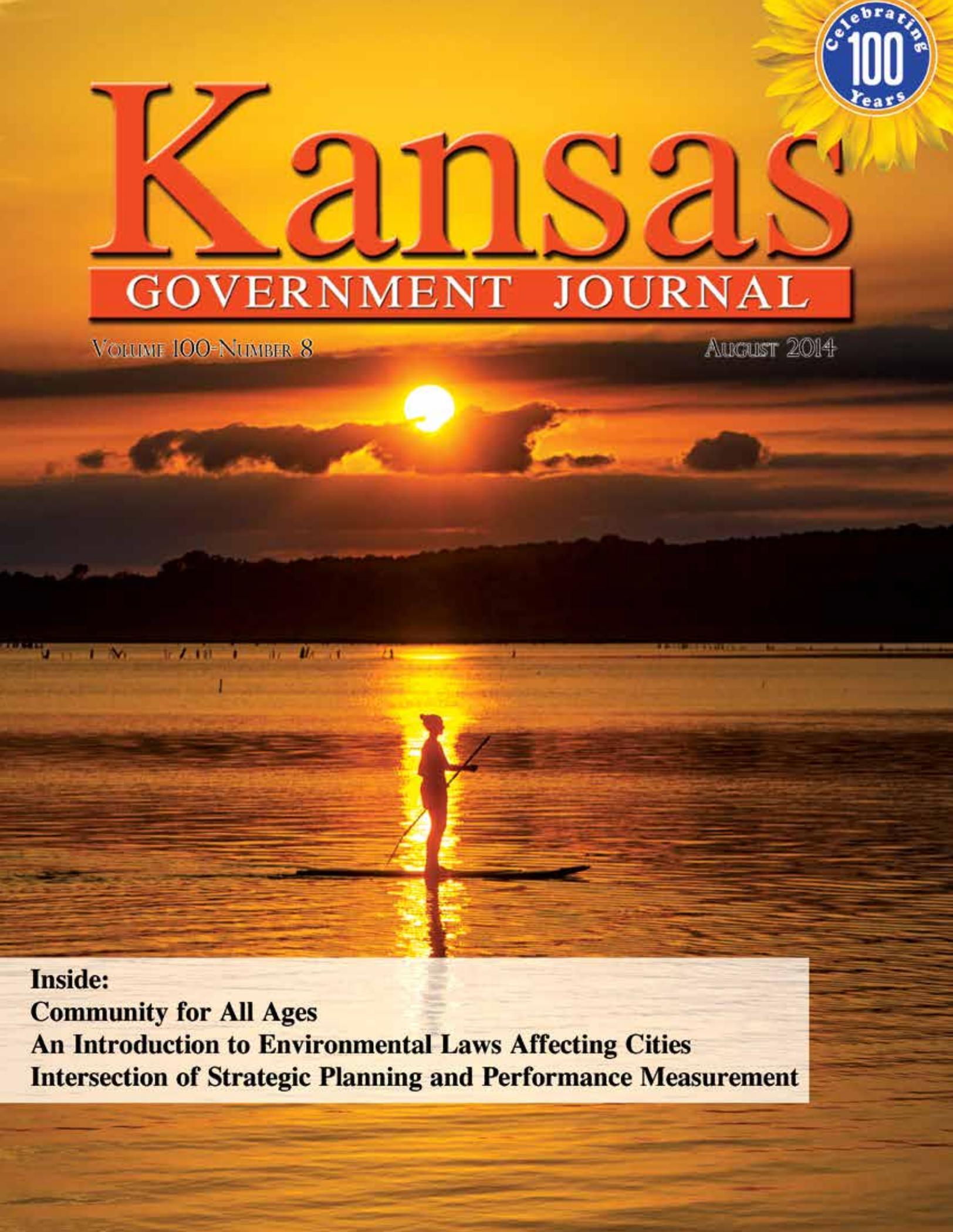
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Kansas

GOVERNMENT JOURNAL

VOLUME 100-NUMBER 8

AUGUST 2014



Inside:

Community for All Ages

An Introduction to Environmental Laws Affecting Cities

Intersection of Strategic Planning and Performance Measurement



2014 E. A. Mosher Excellence in Local Government Award

The E. A. Mosher Excellence in Local Government Award is presented annually to an elected city official who has not only demonstrated outstanding service to his or her own city, but has also shown an active commitment to strong local government and service to the League of Kansas Municipalities (LKM). Named in honor of E. A. Mosher, League Director from 1960 to 1991, this award is designed to honor excellence and leadership at the highest level.

Nominees for the E. A. Mosher Excellence in Local Government Award must meet the following qualifications:

- Must be an elected official from an LKM member city;
- Must have held elective office for a minimum of four years;
- Must have nomination in at the close of nominations on August 22, 2014;
- Must demonstrate contributions that have had a significant impact on the quality of life of the citizens of his or her city;
- Must demonstrate contributions in promoting positive intergovernmental relationships; and
- Must show involvement with LKM.

Guidelines for the selection of the 2014 award winner are as follows:

- Nominations will not be accepted after 5:00 p.m. on August 22, 2014;
- Nominations may be made by any elected or appointed official of an LKM city;
- The Awards Committee of the LKM Governing Body will select the award recipient;
- The decision of the Awards Committee will be final; and
- The winner's name will be kept confidential until the presentation at the LKM Annual Conference in Wichita.

For a nomination form, go to <http://www.lkm.org/excellence/> or, contact Anna DeBusk at (785) 354-9565 or adebusk@lkm.org.

LKM GOVERNING BODY NOMINATIONS

LKM encourages officials from all member cities to participate in our organization and to consider serving on the governing body. Being part of the governing body is an excellent way to shape the future development of the organization. LKM welcomes officials from all cities, in all regions of Kansas, to nominate their colleagues or even themselves for governing body positions.

Article 4 of the LKM Bylaws charges the Nominating Committee with submitting a written report at least 24 hours before the start of the annual business meeting of the organization.

This year's business meeting, including elections, will be held Monday, October 13, during the LKM Annual Conference in Wichita.

In order to facilitate the process, we ask that all nominations be received by Friday, September 5 at 5:00 p.m. to the League of Kansas Municipalities, 300 SW 8th Ave., Topeka, KS 66603. **You can also go online and submit your form electronically at www.lkm.org.**



National League of Cities

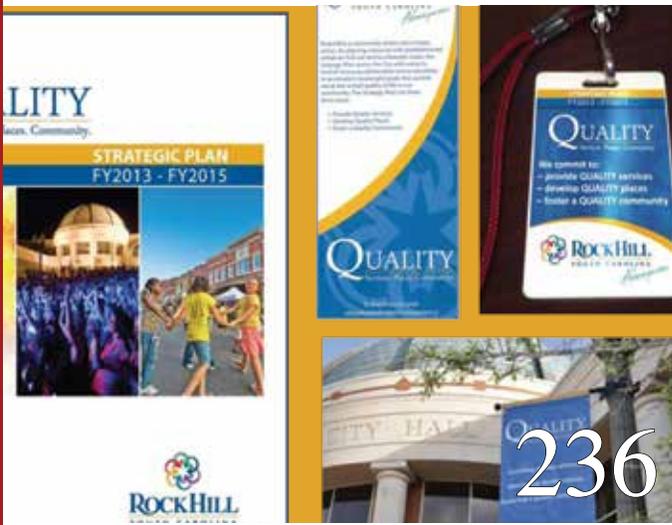
Interested in Serving on the NLC Board?

The LKM Awards Committee is charged with reviewing applicants who seek the endorsement of LKM with regard to a position on the National League of Cities Board of Directors. If you are interested in being considered for endorsement, please send a cover letter and resume to Anna DeBusk

at adebusk@lkm.org or 300 SW 8th Ave., Topeka, KS 66603, (785) 354-9565 by 5:00 p.m. on Friday, August 22, 2014. The Awards Committee will review all requests for endorsement and make a recommendation to the LKM Governing Body for final action.

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About the Cover:
Clinton Lake in Lawrence at sunset. On July 1, Governor Brownback discussed the 50 Year Vision for the Future of Water in Kansas. Be sure to attend the LKM Annual Conference in Wichita if you would like to learn more. Photo by Patrick Emerson. You can see more of his photos at <https://www.flickr.com/photos/kansasphoto/>

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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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August

- 08 - MLA: KOMA/KORA, Cimarron
- 09 - MLA: KOMA/KORA, Leawood
- 12 - Finance and Taxation Policy Committee, Topeka
- 14 - Public Officers and Employees Policy Committee, Topeka
- 19 - Hot Topic: Economic Development Tools, Webinar
- 20 - Utilities and Environment Policy Committee, Topeka
- 21 - Legislative Policy Committee, Topeka

September

- 01 - LKM Holiday: Labor Day
- 05 - Governing Body Meeting, Hutchinson
- 12 - MLA: The Power of Leadership, Salina
- 19 - MLA: The Power of Leadership, Lawrence

October

- 11-13 - Annual Conference, Wichita
- 12 - LKM Governing Body Meeting, Wichita
- 21 - Regional Supper, Hill City
- 22 - Regional Supper, Garden City
- 29 - Regional Supper, Clay Center
- 30 - Regional Supper, Maize

Obituaries

Kenneth Hall, 75, died on July 6, 2014.

Mr. Hall attended schools in Knott County, Kentucky, and entered the U.S. Army directly after graduation. He was a 23 year veteran of the military, retiring as a Sergeant First Class.

After discharge from the U.S. Army, Mr. Hall continued public service as a police officer for Grandview Plaza for 17 years. He served one term as the mayor of Grandview Plaza.

Victor Carl Perkins, 88, died on July 23, 2014.

Mr. Perkins graduated from Iola High School in 1944 and served in the U.S. Army for 23 months during World War II.

Mr. Perkins had a long career with the City of Iola. He was a bookkeeper for five years before serving 34 years as city clerk. He also served as treasurer for U.S.D. 257 for 22 years.

Clyde Robert Strine, 67, died on July 1, 2014.

Mr. Strine graduated from ACCHS in 1964, and attended two years at Highland Community College. He joined the National Guard and served during the Vietnam Conflict.

Mr. Strine held many positions in the Effingham community. He served on Effingham city council, as mayor, and as chief of the volunteer fire department.

Director's Foreword

by Erik Sartorius



I'm writing from a cruising altitude of 35,000 feet, en route with a few fellow staff members to the National League of Cities' staff workshop (in Portland). There, we will be joining colleagues from other state municipal leagues to discuss ways we can better serve our members. Topics will include legislative advocacy, trends in annual conferences, member engagement and the use of technology by state leagues. While innovation in-house is great, I'm a firm believer in also looking outside your day-to-day environment to borrow the best practices and innovations of others.

Travel seems to be a theme in my first few months (I can now make "month" plural!) with the League, primarily by car. In the latter half of June, I made my way out of Topeka and onto US-169. Osawatomie City Manager Don Cawby and I got together for a great lunch at We B Smokin' BBQ, located at the Miami County Airport between Osawatomie and Paola.

Leaving Don, I stopped by Osawatomie City Hall and had a nice visit with City Clerk Ann Elmquist. She told me about the growing success of their annual music festival, as well as their visit from the Kansas State Historical Society's Kansas Archeology Training Program. Ann said the week-long visit from the KSHS proved to be a popular event for citizens, and a bit of an economic boon for local businesses (League staff will be working on a story about this program for a future issue of the Kansas Government Journal).

I made a short detour to Beagle, Kansas (unincorporated), mostly because I never knew that we had a Beagle, Kansas! I took a picture to prove to friends it exists, and then headed to Parker, the hometown of Gov. Sam Brownback. A town event had city hall closed for the day, but I look forward to getting back and saying "hi" on another visit.

After a brief stop in Greeley, I stopped in to Garnett City Hall, where City Manager Joyce Martin was most generous with her time - especially considering it was late on a Friday afternoon! Garnett, as most cities, is knee deep in budget preparation. We talked about growth in Garnett, particularly some impressive business expansions and arrivals in recent months. I also heard about the challenges of maintaining five different city utilities. (I'm excited to be getting around and meeting people, and think some of what I'm learning will be of value to you, too. I hope you are sharing my excitement and interest.)

I've been fortunate to get to greet some people at the League office, as well. If you are in Topeka, please do stop by. A visit by Diane Stoddard, assistant city manager in Lawrence and vice president of the Kansas Association of City/County Management, provided a chance to talk about several exciting projects occurring in Lawrence, as well as growth of the KACM. Colin Hansen, executive director of Kansas Municipal Utilities, also stopped by with a warm welcome. While many of us have electric or gas utilities in mind when we think of KMU, I was surprised to learn about the amount of time they are devoting to water and wastewater utilities.

One project I have begun to undertake is a review of the raw data collected during the strategic planning process. I believe this will enlighten me as to the deeper meaning behind several facets of the strategic plan. What I have seen so far suggests to me that the needs and desires of member cities are pretty similar, rather than being differentiated by the size or location of the cities that shared input. We want to make sure we are executing the plan as intended.

Our electronic transformation continues to unfold. As I previewed last month, we have now joined the Facebook universe. We would like it if you "like" our Facebook page, but we will love it if you give us your feedback on the content we are providing. Are you seeing the type of information that is helpful to you? Are we posting too frequently, too infrequently or just about right? Some content will be shared through Facebook and Twitter, as well as the League's website.

Speaking of our website, we have some new features for you to peruse there, too. First, we have rolled out the searchable archives of the Kansas Government Journal. Previous issues of the magazine will be placed in the archives on a rolling, 12-month lag. The search feature is not perfect, given constrictions due to design features in the issues. We do, however, believe it will serve as a useful tool. Second, you may go to the "Contact Us" portion of the website, where you will find email addresses - and now photos, if you want to put a face with a name!

This column is due well ahead of publication. As such, I find it difficult to share with you what I am seeing at the League without it seeming dated. For instance, the 75 "likes" for our new Facebook page may not seem overwhelming, but that figure is only for the five days the page has been "live" before I turned in this column. I will do my best to keep this column timely, and provide you context if I am concerned figures I provide may not make sense when you receive the magazine.

If you have not already done so, please go to the League's website and sign up to participate on one of the policy committees. These committees are a key vehicle to surface emerging legislative issues, as well as review existing League legislative policies. If you are unable to attend, but have an issue you believe will come before the legislature next year, please let us know.

As I wrap up, allow me to introduce our new intern, Donyell Wolfe. We have been without interns the past few years, but will be looking to reestablish partnerships involving public administration students. Donyell will be assisting the League with several projects; including handling some of the Kansas Government Journal's monthly columns and writing occasional feature articles.

Donyell is just underway in the KU Master of Public Administration program. She is working hard to survive the grueling summer schedule of three classes in an extremely short, six-week period. She is a graduate of the University of Arkansas-Little Rock, and was an active volunteer while there. In particular, Donyell spent significant time at the National Historic Site of Central High School in Little Rock, site of the 1957 desegregation fight involving the "Little Rock Nine."

As always, please let me know if you have questions or comments by emailing me at esartorius@lkm.org or calling 785-354-9565.



Mainstreet News

Mulvane Grants \$38,500 to Local School District

City of Mulvane - The Mulvane city council approved a grant for the Mulvane school district. The grant is part of the “Increasing Substance Abuse & Mental Health Support in an Academic Environment” program, which emphasizes the importance of alcohol and drug abuse treatment and awareness among high school students.

Through the program, trained counselors will be accessible to students throughout the school year and offer assistance beyond the academic calendar. The implementation of the program is primarily funded by the state’s local alcohol tax, and has been effective in reducing alcohol and drug abuse amongst community

teenagers.

The State collects the tax on the sale of alcohol and distributes a portion of the tax to each city quarterly. Under K.S.A. 79-41a04, a city population exceeding 6,000 or more must be distribute the local alcohol tax equally into three city funds: the general fund, special parks & recreation, and fund the special alcohol & drug fund. In 2013, the City of Mulvane approved over \$40,000 worth of grants, with the school district securing over half of the allotted funds to power alcohol and drug abuse prevention programs in the community.

Bel Aire Receives Several Awards

City of Bel Aire - Community leaders of Bel Aire received multiple awards this year for excellence in the areas of budgeting, housing, planning, and transportation. A transportation award was presented by Kansas Chapter of American Public Works Association for the Bel Aire “Sunflower Commerce Park” and its ability to create an environment to advance manufacture research and production technologies.

Along with technology advancements, the City earned recognition as a playful city. The KaBOOM! Playful City USA program selected Bel Aire for the second time as a city that makes it easy for kids to get balanced and active play. KaBOOM!, in partnership with the Humana Foundation, honors 212 cities and towns annually across the United States that take bold steps to ensuring children—especially the 16 million American kids living in poverty— have play-friendly communities.

Additionally, NerdWallet, a consumer advocacy website, ranked the Bel Aire community as the 4th best place for home ownership in the state of Kansas. NerdWallet researched homeownership rates, monthly homeowner costs, monthly household incomes, and population growth as the criteria to rank communities in Kansas.

Finally, the Department of Homeland Security and the Federal Emergency Management Agency approved up to a ten percent discount on premiums for the cost of flood insurance within the community. These savings are part of the National Flood Insurance Program’s policy to issue savings to homeowners in community’s that implement effective flood mitigation practices.

Governor Brownback Joins Officials in Announcing U.S. Soccer National Training Center in Kansas City

Office of the Kansas Governor - Governor Sam Brownback joined Sporting KC, the Unified Government of Wyandotte County/ KCK, and representatives from Schlitterbahn Water Park and EPR Properties to announce the development of a U.S. Soccer National Training Center complex in Kansas City, Kansas. The facility will house the National Training and Coaching Development Center, an elite athlete training and performance analytics campus, and national youth soccer development programs.

“Kansas’s strong economy and Kansas City’s reputation as a tremendous soccer city helped attract this state-of-the-art facility,” Brownback said. “As a result, our state will benefit from new jobs, investment, and an economic impact that is projected to exceed \$1 billion.”

The \$75-plus million soccer village, which will be located at the southeast corner of Parallel Parkway and 98th Street, will provide a world-class environment to develop players, coaches, and referees

of all ages. The state-of-the-art facility will include approximately 100,000 square feet for a indoor facility with a practice field, eight lighted professional smart fields, and eight youth fields. Additional amenities will include a climate-controlled indoor pavilion and specialized facilities tailored toward strength, nutrition, hydration, sports science, health and wellness, video, and analytics. The complex will also feature a 125-room full-service hotel.

During the next 30 years, the National Training and Coaching Development Center is anticipated to have a total economic impact of more than \$1 billion for Kansas and Wyandotte County/KCK. The facility will house a variety of U.S. National Team training camps and bring opportunities for Sporting Park to host matches for the men’s and women’s National Teams at the youth and senior levels. The complex will also feature referee and coach education sessions and many additional U.S. Soccer events.

Community for All Ages

By Cathy Boyer-Shesol and Julie MacLachlan

Ten thousand baby boomers turn



every 24 hours.

Are our cities prepared to take advantage of the opportunities — or meet the challenges — presented by a growing number of older adults?

Day by day, America is getting older. Ten thousand baby boomers turn 65 every 24 hours. According to census projections, by 2050, the number of older people in America will double to more than 89 million, when more than one out of five Americans will be 65 or older.

The nine-county Kansas City region anticipates that the population of those 65 and older will have grown from 218,636 in 2010 to 416,367 in 2030 — a 90 percent increase. And the population in Kansas, as in most states, will also experience an increase in the number of older adults between now and 2030.

Surveys show that the vast majority want to “age in place,” meaning they want to remain in their homes or in their current town or neighborhood as they age, as opposed to a retirement community or long-term care facility in another location.

The challenge for our communities

Our cities, however, are not prepared to take advantage of the opportunities — or meet the challenges — presented by a growing number of older adults. In the past, healthy aging has been largely focused on changing the behaviors of people as they age, encouraging healthy eating and exercise. Recently, however, there is a greater appreciation for the important roles the built environment, neighborhood settings and support systems play in

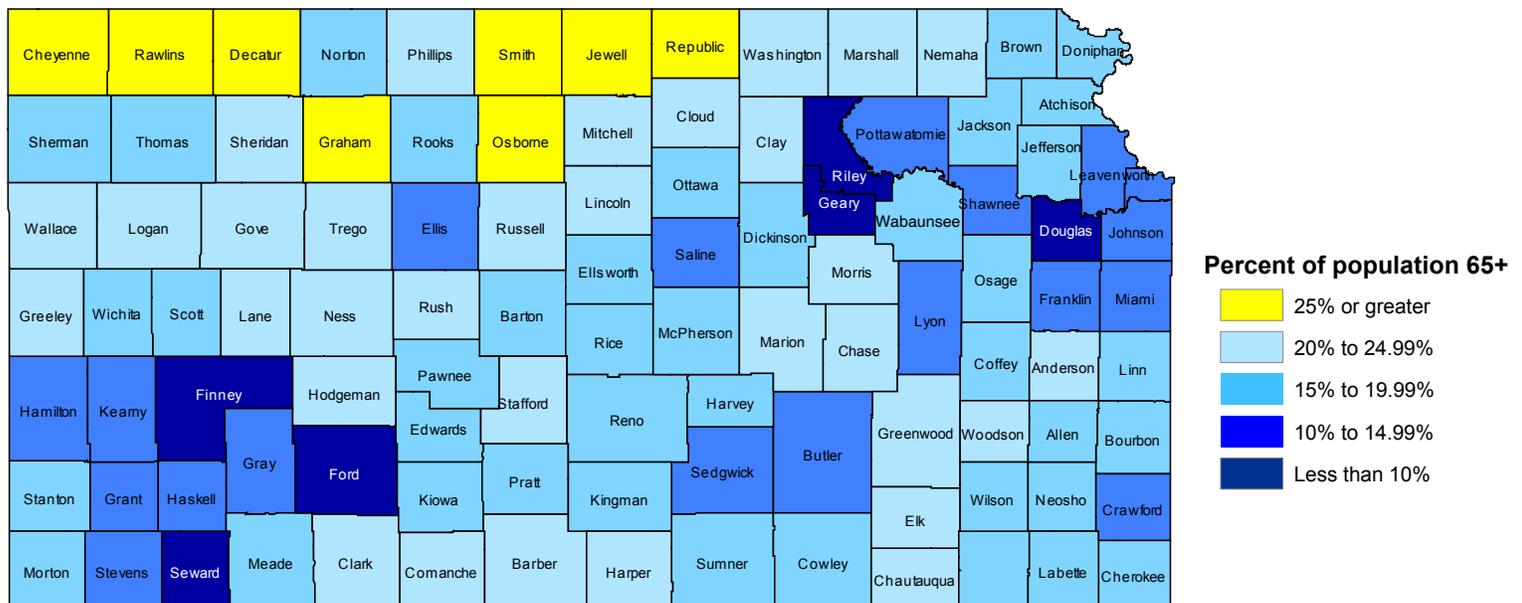
an individual’s ability to “age in place.”

In 2012, the Pfizer Foundation, in partnership with Grantmakers In Aging, selected Kansas City as one of five U.S. partners to participate in the Community AGenda initiative designed to advance efforts of cities working to create better communities for older adults and people of all ages. During the first phase of the project, the Mid-America Regional Council (MARC) — through the First Suburbs Coalition and KC Communities for All Ages — developed *Making Your Community Work for All Ages — A Toolkit for Cities* to help elected officials, planners and civic leaders take measures to improve the quality of life and opportunities for healthy living for older adult residents in the Kansas City region’s older suburbs, as well as address the interests of residents of all ages. The toolkit is available on the KC Communities for All Ages website, www.kccfaa.org.

Promoting communities for all ages within municipalities

At the conclusion of Phase I, the First Suburbs Coalition indicated an interest in developing a program where communities could achieve recognition as a “Community for All Ages.” With continued Phase II Community AGenda funding, MARC recently tested the use of a draft recognition checklist with four First Suburbs pilot communities: Mission and Prairie Village in Kansas,

Kansas Population Age 65+ by County 2010



Source: US Census Bureau, 2010 Census

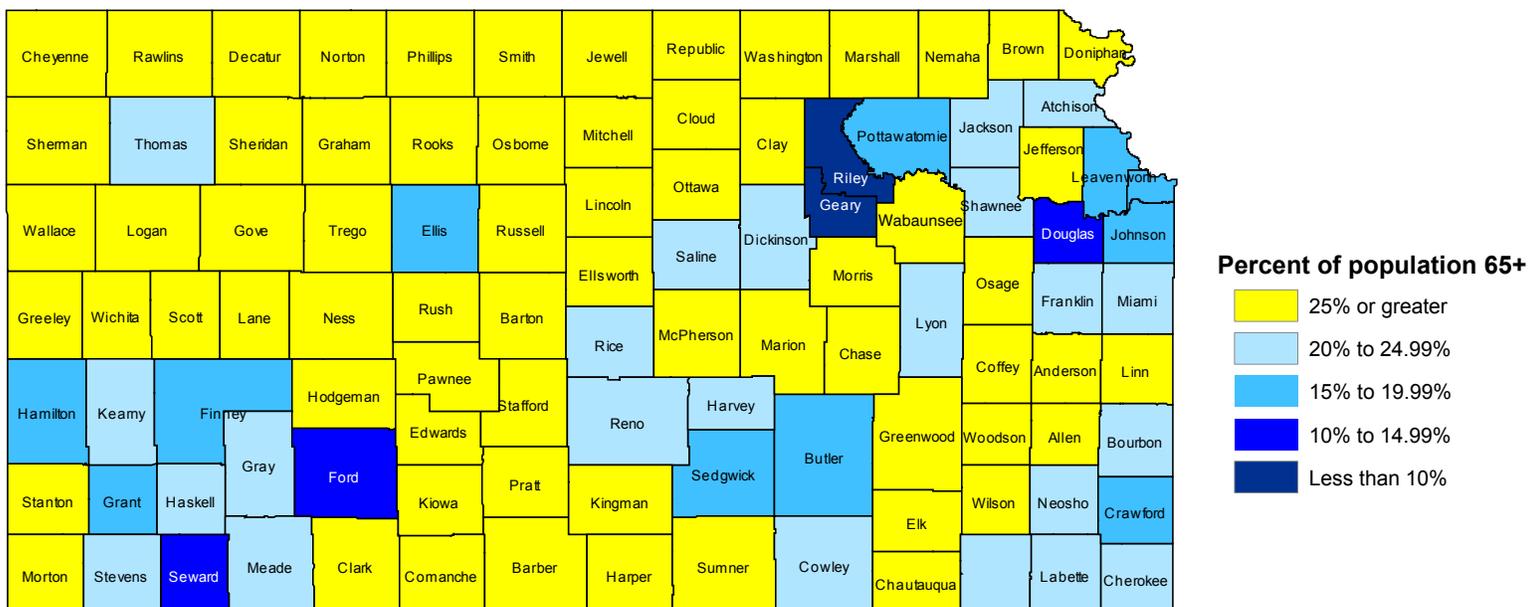
and Gladstone and Raytown in Missouri. The checklist identifies policy and program options in six categories that city leaders can implement to be considered a Community for All Ages. Policy areas currently assessed in the checklist include: public outdoor spaces and buildings; housing and commercial development; transportation and mobility; social inclusion, communication and participation; civic participation and employment; and community and health services.

Each of the four pilot communities convened a task force made up of elected officials, city staff and residents. The Louis Berger Group, the consulting firm contracted to facilitate the work in the pilot communities, met with the four task force teams from February through May to conduct self-assessments of their community's policies and action as compared to the draft checklist. In addition, each task force identified which characteristics should be required of cities that wish to participate in the Communities for All Ages recognition program. Based on these recommendations, the draft checklist was revised and presented to members of the First Suburbs Coalition and others at a workshop held at the Kauffman Conference Center on June 17, 2014.

The proposed recognition program incorporates three phases: Awareness, Action and Assessment. The revised draft checklist and proposed recognition program will be formally



Kansas Population Age 65+ by County 2030



Source: Wichita State University Center for Economic Development and Business Research

presented to the First Suburbs Coalition for approval at their September 2014 meeting.

Enhancing our communities to respond to a growing number of older people and doing it in a way that benefits young and old alike makes sense. This will result in improved public outdoor spaces and buildings, increased housing options, enhanced transportation and mobility options, social connections, strong communication between cities and residents, enhanced volunteerism and employment options, and strong links to community and health services. However, driving this kind of transformational change will not be easy. It will require the active engagement of elected officials, business leaders, residents of all ages, planners, funders, developers, transportation professionals, the nonprofit sector, health care systems, and many others.

If your community is interested in learning more about the project

or the use of the checklist, contact Cathy Boyer-Shesol, Project Manager, KC Communities for All Ages, cboyer@marc.org or Dean Katerndahl, Director, Government Innovations Forum, Mid-America Regional Council deank@marc.org. The draft checklist is available on the KC Communities for All Ages website, www.kccfaa.org and a workbook to assist in its use will be available in August 2014.

☀ *Cathy Boyer-Shesol is a Project Manager at KC Communities for All Ages an initiative of Mid-America Regional. She can be reached at cboyer@marc.org or (816) 701-8246.*

☀ *Julie MacLachlan is a Senior Analyst at Louis Berger. She can be reached at lbogue@marc.org or (816) 701-8246.*



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Tips to Help Create An Age-Friendly Community

The lessons that emerged from KC Communities for All Ages' checklist assessment work with the four pilot communities.

- Older adults have significant economic impact in their communities. Older adults spend about the same amount as young households, and are the only age group whose spending is rapidly increasing, according to a Bureau of Labor Statistics Consumer Expenditure Survey.
- Language is important. When introducing new concepts — particularly with residents unfamiliar with planning terminology — it is critical to take time to make sure everyone understands terms and their meanings. In the case of “age-friendly” terminology, the pilot communities adamantly recommended all age-related terminology be exchanged with language referencing all ages. For instance, universal design is a common term and people believe they understand what it means. However, task force members had differing opinions about what constitutes universal design. It’s important to provide definitions and resource materials to teams new to the subject.
- Clarify which policies or actions are the city’s sole responsibilities, and which should be accomplished jointly with partners. It takes a village to create and sustain communities for all ages. Municipalities alone can’t take responsibility for all actions that will result in vibrant, age-friendly communities. During the pilot community assessment work, elected officials and city staff were better able to identify what is the responsibility of the city, and were pleasantly surprised to learn of existing community organizations — willing and eager — to partner with the city.
- ADA is the floor, not the ceiling. With an increased aging demographic projected for all Kansas City-area municipalities, universal design is emerging as a preferred design — making buildings and homes more accommodating to all, for example, wider hallways and doors, and the absence of thresholds for wheeled accessibility and to help prevent trips and falls.
- Importance of current data and trends. Providing current and trending data on regional and local demographics is imperative to guide decision making. Not only are communities projecting a significant increase in their older adult population over the next twenty years, there will also be fewer families with children, more single-person households, more millennials (20-34 year olds), and more people of color.
- Include multiple perspectives. Task force discussions about how cities can improve the quality of life and opportunities for healthy living for all ages prompted discussion about the role of cities beyond providing traditional services and amenities like public safety, public works and public spaces. Include multiple perspectives about city operations and priorities. This will make discussions more representative and strengthen recommendations for action that may evolve out of a self-assessment process.
- Generational interests are converging. Residents of all ages want to be included in discussions about how to prepare their cities for the future. Task force members made it clear that measures to improve the quality of life and opportunity for healthy living by older adults improve the quality of life for all residents. There is inter-generational interest in more transportation options, affordable and lower-maintenance housing, and services and amenities that connect residents to one another and their local leaders.
- Measurable standards yet to emerge. By 2018, 65-year-olds will outnumber those under five — a historic first. What does this mean for municipalities? Across the country, planners are recognizing that the increasing number of aging boomers will transform the way cities look, their growth and development patterns, and small details like the height of curbs and the font sizes on street signs. This recognition is just beginning. It will take time for stakeholders involved in creating and sustaining communities for all ages to determine measurable standards that are meaningful and relevant.
- Assessment leads to deeper conversation. Becoming a community for all ages is a journey — not necessarily a destination. The process of conducting a self-assessment leads elected officials, city staff and residents to hold deeper conversations about what characteristics are important for their community — both in the short- and long-term.
- Citizen input is critical. Throughout the four-month pilot project, residents who participated on the task force teams or focus groups showed that they will come to the table — and remain at the table — when they feel an issue is important. Residents of all ages care deeply about the community in which they live. Their perspectives are important, and their insights often contribute to successful problem solving.

INTERSECTION OF STRATEGIC PLANNING AND PERFORMANCE MEASUREMENT: WHERE VISION MEETS ACTION

By Monica Croskey

Governments are rarely accused of having too few mission statements or too few aspirations, with frequent proclamations of becoming the safest city in America, the most business-friendly community in the nation, or the best place to live, work and play. No - what governments are often accused of is having too much vision and not enough action. After all, how does a community determine whether it's truly the safest in America? By having a complete absence of crime, or by having the lowest crime rate per 1,000 residents? What steps will a community take to decrease its crime rate? What resources – financial, human capital, partnerships, and so on – will be needed to accomplish such a goal? A well-developed strategic plan can help a community accomplish meaningful goals by incorporating performance management to ensure that the jurisdiction's resources are tied to its broader vision.

THE PROCESS MATTERS

The way a strategic plan is developed will influence the extent to which it is useful and meaningful. A strategic plan that was created by budget analysts alone will likely only be meaningful to the budget office. The key to a successful process is involving stakeholders. Doing so communicates the important message that others' contributions are valuable, and their participation will also create buy-in. Governments should develop processes that, at minimum, include citizens, elected officials, senior staff leadership, and even the local media.

Citizen Involvement. Since governments exist to serve the public, strategic plan processes should include contributions from the public. From online citizen forums to neighborhood charrettes, there are many ways governments can involve citizens. Exhibit 1 illustrates the process used by Rock Hill, South Carolina,

which begins with a citizen survey and citizen focus groups, both conducted by an independent third party. The planning timeline allows the city to review the citizen survey results before conducting focus groups, so any concerns can be discussed there.

Data – Share, and then Reflect. In addition to gathering data on citizen opinions and perceptions, a government should consider reviewing its current priorities, initiatives, and performance. Once data has been gathered, it needs to be shared with key stakeholders, and time should be set aside for stakeholders to discuss and reflect on the data. If elected officials and staff reflect on the data and develop their insights in complete isolation, the strategic plan will have diminished utility; it is no longer a robust tool for mutual awareness. Rock Hill sets aside two days for an elected officials and senior staff leadership retreat to discuss data and begin developing the framework of the strategic plan. To lay a foundation for informed discussion, all attendees are given the citizen survey results and the focus groups report before the retreat starts. Given the open meetings law, it is common for the local newspaper to have its assigned government reporter attend the retreat, and like all other attendees, the reporter is provided with the survey results. Additionally, the city manager and public affairs staff meet with the local reporter to discuss the survey.

During the retreat, third-party facilitator guides elected officials and city staff through discussions regarding the citizen survey and focus groups, as well as current initiatives, performance, and priorities. These discussions help the city council develop the strategic plan's focus areas – the highest level of the plan's framework. The two-day retreat doesn't provide enough time to develop the entire plan, so afterward, using the retreat discussion as a springboard, department heads work with staff to further develop the plan's goals, objectives, tasks and performance measures. Once

Exhibit 1: The Rock Hill, South Carolina, Strategic Plan Development

Data Gathering	Data Sharing & Discussion	Refinement	Draft Presentation	Finalization
<ul style="list-style-type: none"> • Citizen Survey • Focus Groups • Current: Initiatives Priorities Performance 	<ul style="list-style-type: none"> • City Council & Senior Staff Retreat • Development of Plan's Focus Areas 	<ul style="list-style-type: none"> • Staff Further Develops Plan • Engage Employees • Develop & Share Draft 	<ul style="list-style-type: none"> • City Council Workshop to Discuss Draft • City Council Provides Feedback 	<ul style="list-style-type: none"> • City Council Changes Incorporated • Plan Finalized • City Council Adopts Plan

staff develops a draft of the plan, it is provided to the city council and then discussed during a scheduled city council workshop where elected officials offer their feedback. After staff incorporates the city council's changes into a final draft, the city council adopts the plan during an official meeting.

Meeting with local media to discuss citizen outreach in preparation for a retreat might seem excessive, but such efforts can be beneficial to both parties. Media outlets are always searching for stories, and governments often need avenues for communicating with the public. In Rock Hill's case, shortly before the retreat, the newspaper ran several articles discussing the citizen survey with headlines such as "Survey to help update priorities: Rock Hill Council to review newest resident poll before setting the budget." During the retreat, the newspaper featured daily articles summarizing discussion with headlines such as "Rock Hill Council ends 2-day review of survey. One Goal: Better communication with Rock Hill residents." Sharing the data before the retreat helped the newspaper provide informed coverage. In turn, Rock Hill's retreat and use of citizen survey data received significant local media coverage that sent a resounding message to the community regarding the city's commitment to seek public input as well as its commitment to reflect on and use public feedback in meaningful ways.

ORGANIZING THE PLAN: THINK AHEAD

In the process of developing a strategic plan, considerable thought should go into to what is included in the plan, and how the plan is organized. Both elements will affect how meaningful it is and how easy or difficult it will be to evaluate and communicate.

Organization. Several frameworks can be used to organize strategic planning and performance measurement information. They can be as complex or simple as a government desires, but in general, a solid structure will incorporate a cascading framework that includes high-level, visionary components as well as more tangible, action-oriented components. This will help governments move along the vision to action continuum. Exhibit 2 shows Rock Hill's framework, which has five cascading levels. Focus areas and goals lend themselves to communicating the city's vision, while objectives and tasks communicate the city's plan of action, and performance measures communicate how success will be defined.

To Measure, or Not to Measure – this is a Common Question.

Organizations are often weighed down with questions about what to include in their plans. Should it exclude output, workload, and project milestone-type performance measures? Should the plan focus more on productivity, effectiveness, and efficiency measures? Organizations need to review literature, research best practices, and consult with leading organizations, but ultimately, questions about what to include in a strategic plan are best answered by the organization itself.

Governments operate in environments that have different priorities, cultures, and values; what's important to one community may not matter to another. For example, if an organization is consistently accused of failing to complete major projects on time or within budget, it may be valuable to include phased milestone dates and budget targets for major projects in its strategic plan. While this performance information might not be interesting to an academic critic or another jurisdiction reading the strategic plan, it will likely be interesting to that community's elected officials, staff, and citizens. Rock Hill has found a comprehensive approach to be most useful. Its plan includes project completion milestone

Exhibit 2: Rock Hill's Strategic Plan Framework



measures, outcome, productivity and citizen satisfaction measures, and benchmarking measures (industry benchmarks, benchmarks against other jurisdictions, and benchmarks against the past performance of a city). Deciding what to include in a strategic plan should be less about satisfying a best practice checklist and more about measuring areas of performance that the organization's elected officials, staff, and community find meaningful.

COMMUNICATE AND EVALUATE

Once a strategic plan is developed and organized, it needs to be communicated and periodically evaluated for progress in meeting its performance.

Effective Communication. Actively communicating a strategic plan both internally and externally promotes transparency. Essentially, the strategic plan helps a government openly share how it will use public resources to accomplish public goals, and a mutual understanding among staff, elected officials, and the public can foster a sense of shared goals and shared purpose. A strategic

plan communicates how the individual efforts of the organization’s employees contribute to the organization and community’s success, and it can help citizens feel connected to the community at-large. To experience these benefits, a government must develop strategies for communicating its strategic plan.

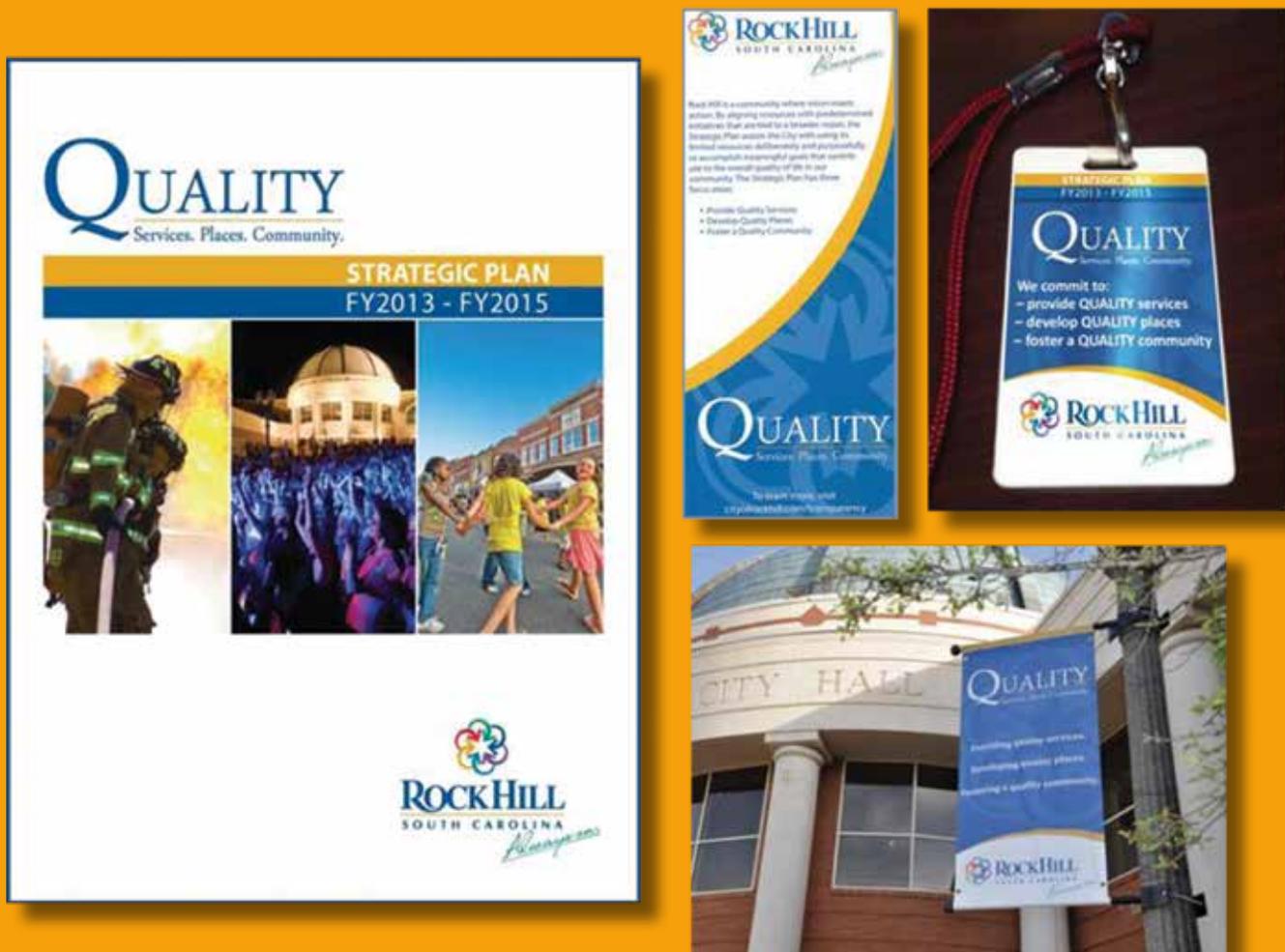
Rock Hill’s strategic plan has a simple framework that has been easy to communicate. The plan is organized around three focus areas, services, places and community. In short, Rock Hill commits to providing quality services, developing quality places, and fostering a quality community. (Exhibit 3 shows a few of Rock Hill’s communication pieces.) To help communicate the strategic plan, the city developed an easily read 30-page strategic plan document that lays out the city’s strategy and performance measures. The document is available on the city’s transparency website (cityofrockhill.com/transparency). Visual aids include a staff-created logo, summary rack cards that are displayed at all city facilities, and banners that hang on lamp posts around city hall and that are placed on every marked city vehicle. These efforts remind employees and the public about the city’s commitment to quality.

City staff also produced two six-minute videos that provide a high-level overview of the strategic plan. One video was aimed at communicating the strategic plan to employees and demonstrating how their work relates to the plan. Every employee saw the video during their monthly department meetings and received a decal summarizing the strategic plan focus areas to put on the back of their city employee badges. New employees watch the video and receive their decals as part of the new employee orientation. The second video was aimed at communicating the plan to the community; it is shown on the city’s television channel as well as being available on the city’s transparency website.

Accountable Evaluation. Including performance targets in the strategic plan clarifies the outcomes that are desired, ultimately promoting accountability and improvement. Performance can be evaluated in many ways. For instance, rather than aspiring to a robust economy or wishing for safe neighborhoods, Rock Hill’s strategic plan clearly states how success will be defined. Whether the goal is to add 500 new jobs over three years or to reduce violent

Exhibit 3: The Rock Hill Strategic Plan Communication Pieces

(From left to right: strategic plan document, rack cards, employee badge decal, and banners)



crime by two percent annually, the standards by which the city will be judged are explicitly stated.

Rock Hill produces mid-year and year-end performance reports each year that quantify the city's progress in meeting these targets. The reports are provided to the city council and made public on the city's transparency website. The mid-year progress report is discussed page-by-page at the mid-year retreat with staff, the city council, and the media present. Whether it is a green dot (signifying success) or a red dot (signifying challenges) that catches a council member's eye, department heads are called on to discuss and account for performance. These performance reviews do not take place in an adversarial environment, but one that encourages open discussion and shared brainstorming. Rock Hill complements its semi-annual progress reports with a performance dashboard, also available on the city's transparency website that communicates the city's progress on many of the goals in the strategic plan.

Just as unsatisfactory performance needs to be addressed, successful performance should be acknowledged, as well. In Rock Hill, each department works with city leadership to identify the "key measures" that are critical to its operations and to moving the strategic plan forward. If these measures are met, every employee within that department receives a small incentive. The city also established performance targets related to citizen satisfaction with city employees' courtesy, knowledge, and responsiveness. If the satisfaction targets are met, every city employee receives an incentive.

Use the Plan. In addition to evaluating performance and communicating vision, governments should explore other

opportunities for using their strategic plans. In Rock Hill, budget requests with a strong connection to advancing the strategic plan's goals are prioritized higher than those that are less in sync with the plan. Additionally, if a city council agenda item is directly linked to a strategic plan goal, the goal is listed alongside the item on the city council agenda. These practices help demonstrate how individual requests and decisions affect the city's larger vision.

CONCLUSIONS

Incorporating performance management into a government's strategic plan helps it move from vision to action. Establishing a collaborative development process improves mutual awareness among elected officials, staff, and the community regarding vision, goals, priorities, and action steps associated with the strategic plan. A strategic plan helps a government first identify its priorities and then use its limited resources as effectively as possible to address those priorities. Finally, explaining exactly what a government is trying to accomplish provides transparency to staff, elected officials, and the community, including formal evaluation and communication of performance.

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2014 Uniform Public Offense Code and Standard Traffic Ordinance Changes

The 2014 Uniform Public Offense Code (UPOC) and Standard Traffic Ordinance (STO) are available for cities to order. (See the order form in this month's KGJ or order online at www.lkm.org.) Most of the changes to the STO are diminutive in nature. As such, this article focuses on the changes to the UPOC.

Four years ago, the Kansas Legislature recodified the state criminal code. This recodification took effect on July 1, 2011. As noted in Sandra Jacquot's July 2012 Legal Forum, LKM chose to gradually incorporate the changes in the state criminal code to the UPOC. As these changes occurred, cities could still enforce the UPOC, because the publication did not conflict with state law. The 2014 edition reflects all of the changes made by the Legislature in the 2011 recodification. The changes are too numerous to discuss in a single Legal Forum, but the publication and order form provide a list of every section changed. City officials and staff should note that the name of some of the offenses changed. For example, section 3.9 "Criminal Defamation" changed to "Criminal False Communication," section 6.20 "Computer Trespass Computer Password Disclosure" changed to "Unlawful Acts Concerning Computers," section 6.21 "Posting Land" changed to "Taking Wildlife Without Permission on Land Posted 'By Written Permission Only,'" section 7.4 "Interference; Administration of Justice" changed to "Interference with the Judicial Process," section 9.11 "Funeral Picketing" changed to "Unlawful Public Demonstration at a Funeral," and section 11.9 "Permitting Premises to be Used for Commercial Gambling" changed to "Commercial Gambling."

Most noteworthy are the changes to Article 10 in light of HB 2578, the firearms and knives bill passed by the Legislature this year. Here is a list those changes:

- Section 10.1.1 (Criminal Carrying of a Weapon): Subsections (a)(4) and (a)(5) were deleted from this section, because cities can no longer charge individuals for openly carrying a firearm or transporting a loaded firearm in a motor vehicle.

- Section 10.3 (Criminal Disposal of a Firearm): While most of this section remains the same, the offense's name has changed to "Criminal Distribution of Firearms to a Felon."

- Section 10.3.1 (Criminal Possession of a Firearm): This section was deleted. The offenses charged in this section include: (1) unlawfully possessing a firearm by a person who is addicted to a controlled substance; (2) unlawfully possessing a firearm on school property; and (3) refusing to surrender or remove a firearm from school property, can be found in section 10.1 (Criminal Use of a Weapon).

- Section 10.4 (Confiscation, Disposition of Weapons): This section has significantly changed, because confiscated weapons can no longer be destroyed unless they are in poor condition. Instead, weapons must be forfeited to: (1) the law enforcement agency that seized the weapon; (2) the Kansas bureau of investigation for law enforcement; (3) a county regional forensic science center; or (4) the Kansas department of wildlife, parks and tourism. The law enforcement agency that seized the weapon may keep it for its own use or sell or trade the weapon to a properly licensed federal firearms dealer. Weapons must be returned to an individual 30 days after the conclusion of a case, however, if the individual is not convicted of a violation. Before returning the weapon, law enforcement must verify that it was not stolen. This section defines "weapon" as any weapon described in K.S.A. Supp. 21-6301, and amendments thereto, which means bludgeons, sand clubs, metal knuckles, throwing stars, daggers, dirks, billies, blackjacks, slungshots, dangerous knives, straight-edged razors, stilettos, spring guns, and firearms, all fall under these requirements.

In addition to these changes, HB 2578 makes it unlawful to possess a firearm under the influence. After careful consideration, LKM decided not to include this offense in the UPOC. While HB 2578 does not make it unlawful for cities to enforce an ordinance regulating the possession of a firearm, section 7 of the bill takes away a city's authority to regulate the carrying of firearms. HB 2578 defines "possession of a firearm under the influence" as "knowingly possessing or carrying a loaded firearm on or about such person . . . while under the influence of alcohol or drugs . . ." Because the carrying of a firearm is included in the definition of "possession of a firearm under the influence," and there may be extra litigation costs for cities that choose to prosecute this offense, LKM believes every city should make the individual choice if it will prosecute such cases. If a city wishes to prosecute this offense, it should pass an ordinary ordinance making it unlawful to possess a firearm under the influence.

In conclusion, the UPOC significantly changed this year to address all of the changes to the criminal code recodification in 2011, and HB 2578 passed this year. City officials and staff should review every section that has changed. Please feel free to contact me or another attorney at LKM with questions about the changes. We are happy to help.

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

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State Scene

\$1.9 Million Grant Awarded for Flint Hills Nature Trail

Kanza Rail-Trails Conservancy - The Kansas Department of Transportation has awarded a \$1.9 million Federal Transportation Alternatives grant to the Kansas Department of Wildlife, Parks and Tourism for the continued development of the Flint Hills Nature Trail that stretches 117 miles between Osawatomie and Herington.

Kanza Rail-Trails Conservancy, the trail manager, has already developed about 60 miles of the scenic rail-trail using donated funds and volunteers. The additional funds will be used for Phase II of the project that stretches between US 75 and Admire.

Phase I, which extends between Osawatomie and US 75, is in the design phase now, and construction will start late summer or early fall. Funds will be used to install a hard-packed, crushed limestone surface suitable for bicycles, wheelchairs and horses, plus signage, railing, decking and repair of bridges, culvert repair and other necessary upgrades.

The combined grants will be sufficient to complete the trail from Osawatomie to Council Grove, a distance of 90 miles.

Nine Local Schools Awarded \$38,000 for Kansas Agriculture Skills and Competencies Certificates

Kansas Department of Agriculture - The Kansas Department of Agriculture (KDA) recently awarded the Kansas Agriculture Skills & Competencies Certificates. The Certificates were earned by 38 Kansas agriculture education students from nine schools. Each certificate awarded earns the school \$1,000, distributed by the Kansas Department of Education.

The Kansas Agriculture Skills & Competencies Certificate recognizes agriculture education students who demonstrate excellence and a well-rounded experience by meeting the requirements of all three parts of the agriculture education model. Agriculture education with a combination of classroom instruction, supervised agricultural experience experiential learning, as well as leadership and skill development through FFA is key to developing young professionals to work in the agriculture industry. More than 11,000 students are enrolled in the 172 agriculture education programs in Kansas.

“The Kansas Department of Agriculture is committed to helping

grow Kansas agriculture. Our industry needs young people who are interested in working in the fields of food, fiber, technology and production and have the skills to be successful in any career they choose,” said Kansas Secretary of Agriculture Jackie McClaskey.

Agriculture is the state’s largest industry, providing more to the state economy, and employs more people than any other single industry in Kansas.

The certificate is listed as a qualifying certificate for Governor Brownback’s Career Technical Education (CTE) initiative. The certificate has been endorsed by the Kansas agriculture community, including the Kansas FFA Association, Kansas Farm Bureau, Kansas Grain & Feed Association, Kansas Livestock Association and other industry organizations and employers.

Applications for the Kansas Agriculture Skills & Competencies Certificate are accepted each spring. To find out more information, visit agriculture.ks.gov/ageducation.

Governor Brownback Declares July 26 Kansas Day of the Cowboy

Governor Brownback signed a proclamation declaring July 26 as Kansas Day of the Cowboy. The day is meant to celebrate how the Kansas landscape and culture was shaped by cowboy traditions.

House Bill 2402, which enacted legislation to celebrate the cowboy in the state, passed the House legislature in March 2014. “There is no doubt the cowboy shaped many of our communities in Kansas and in some of our towns still does today. I believe Kansas Day of the Cowboy is a fitting tribute to the spirit and pride shared by the American Cowboy,” stated Representative Kyle Hoffman in support of the bill on the House floor.

The U.S. Congress has previously dedicated the fourth Saturday of July to celebrating the National Day of the Cowboy. The American cowboy embodies honesty, integrity, courage, compassion and determination with a spirit of patriotism and strength of character. An excellent steward of the land and animal caretaker, the cowboy is a mainstay and hero of the American frontier.



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An Introduction to Environmental Laws Affecting Cities, Part 1: The Cross-State Air Pollution Rule

By Geoff Colbourne, Josh DeRosia, and Meghan Spillers

In 2011, the U.S. Environmental Protection Agency (EPA) finalized the Cross-State Air Pollution Rule (CSAPR), with the intent of reducing air pollution and creating national ozone and fine particle standards. Specifically, CSAPR requires states to reduce power plant emissions that cross state lines. The goal of this rule is to implement the Clean Air Act’s “good neighbor” provision, which consists of the three goals listed in Table 1.¹ There was a legal challenge to CSAPR, but the Supreme Court in a 6-2 decision ruled it was constitutional.²

CSAPR regulates the fine particle pollution, sulfur dioxide (SO₂) and nitrogen oxide (NO_x) emissions by power plants. These emissions can move across state lines and are especially dangerous to the elderly and children. The emissions of 28 states, including Kansas, are regulated under this rule. The rule affects states differently, depending on which pollution group they belong to. Group 1 states must make significant additional reductions in SO₂ emissions by



2014 in order to eliminate their significant contribution to air quality problems in downwind areas. Group 1 emitters can be seen in green on Figure 1. The blue states are Group 2 polluters, which do not create as much downwind pollution, but are required to

Table 1

Air Quality Improvement	- Improve the air quality of hundreds of counties, which are home to 75% of the nation’s population
Emission Reductions	- 6.4 million tons per year of SO ₂ - 1.4 million tons per year of NO _x - 340,000 tons per year of NO _x during ozone season
Air Improvement and Emission Reductions at a Low Cost	- \$120-280 billion in annual health and welfare benefits in 2014 - Each state given a budget for as they seem fit (EPA)

cut downwind emissions. Finally, the yellow states are required to follow “a separate but related regulatory action,” which requires them to cut summertime ozone emissions. The ultimate goal of CSAPR is to reduce SO₂ by 73% and NO_x by 54% from their 2003 levels.³

CSAPR is also an allowances trading program, which increases the incentive for power plants to cut emissions because they can sell unused allowances on the open market.⁴ CSAPR was enacted under the assumption that, “most upwind states propel pollutants to more than one downwind state, many downwind states receive pollution from multiple upwind states, and some states qualify as both upwind and downwind,” according to Supreme Court Justice Ruth Bader Ginsburg.⁵ The amount of individual connections between downwind and upwind states is in the thousands, as shown in Figure 1.

Costs and Benefits

According to EPA, CSAPR will produce \$120 to \$280 billion in annual health and environmental benefits (see Table 2 on page 246). These benefits dwarf the projected \$800 million in annual projected costs. EPA hopes this rule, coupled with the Clean Air Interstate Rule (CAIR) (which has created \$1.6 billion in capital investments) will improve the health of 240 million individuals.⁶

Application to Municipalities

EPA has expressed their intent to work with municipalities to help reduce harmful emissions while keeping costs low. The rule was created with municipalities in mind, with EPA stating, “No community should have to bear the burden of another community’s polluters.”⁹

There are local solutions to the problem of pollution carrying over from state to state and city to city. Some examples were released by the Denver Regional Air Quality Control Center, which recommends increased public awareness and helping mitigate contributions to pollution and increasing the levels of ozone during high-ozone periods.¹⁰ The approach is mostly concerned with limiting ground level ozone during summer months. These guidelines exemplify how one city can limit pollution and improve air quality within its own boundaries. However in higher density areas, this would not prevent neighboring municipalities from contaminating the city’s air if that neighbor is upwind from the city.

Best Practices

EPA has set up specific requirements for states involved in the Cross-State Air Pollution vicinity. Under these requirements, the involved firms must record and report their emissions, which affect

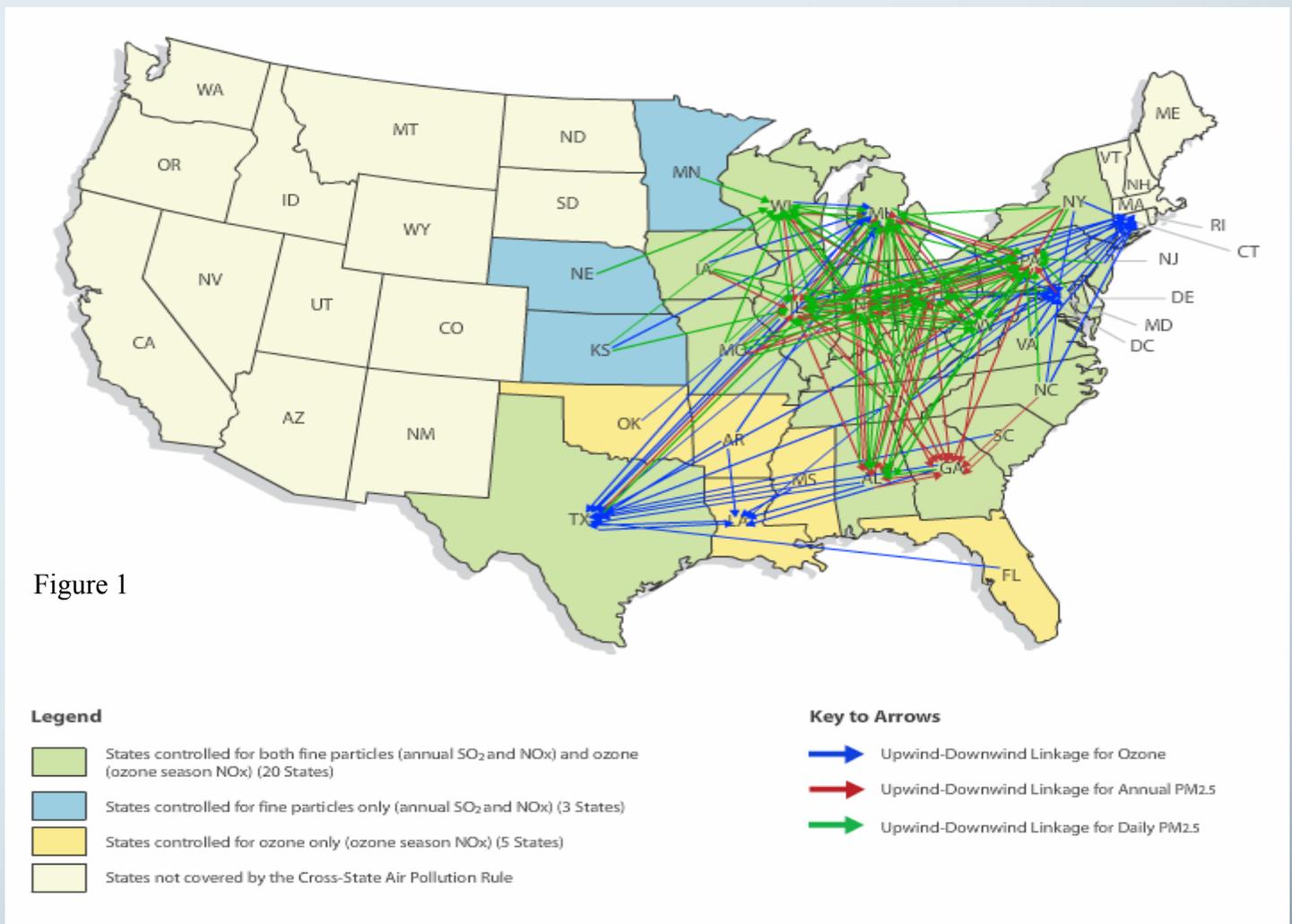


Figure 1

air quality from state to state. This rule is divided state-by-state, so each state has money to implement the rule. Most states will not have to change the reporting that took place under the CAIR, which the CSAPR replaced. The rules that apply to the CSAPR are separated into three categories, based on coal-produced pollution, acid rain, and other emissions that do not apply to either.

Table 3 lists a few practices from the Regional Air Quality Council (RAQC) that governments can use to participate and play an active role in reducing air pollution.¹¹ Cities who initiate eco-friendly activities can always encourage businesses to do the same, and can also actively inform their residents on steps they can take to reduce air pollution. RAQC offers many programs to inform and educate individuals, and their resources are available through their website, raqc.org. The City of Wichita, Kansas, has already begun a two-pronged attack on summertime air pollution.¹² They have requested citizens reduce mobile emissions by carpooling and biking, and by using low-emission lawn equipment. CSAPR's implementation is a step in the direction of protecting the environment, and keeping states accountable for their emissions.

 *Geoff Colbourne, Josh DeRosia, and Meghan Spillers are undergraduate students at Colorado State University. Special thanks to their professor, Jonathan Fisk, former League Research Assistant, for organizing this collaboration with his students.*

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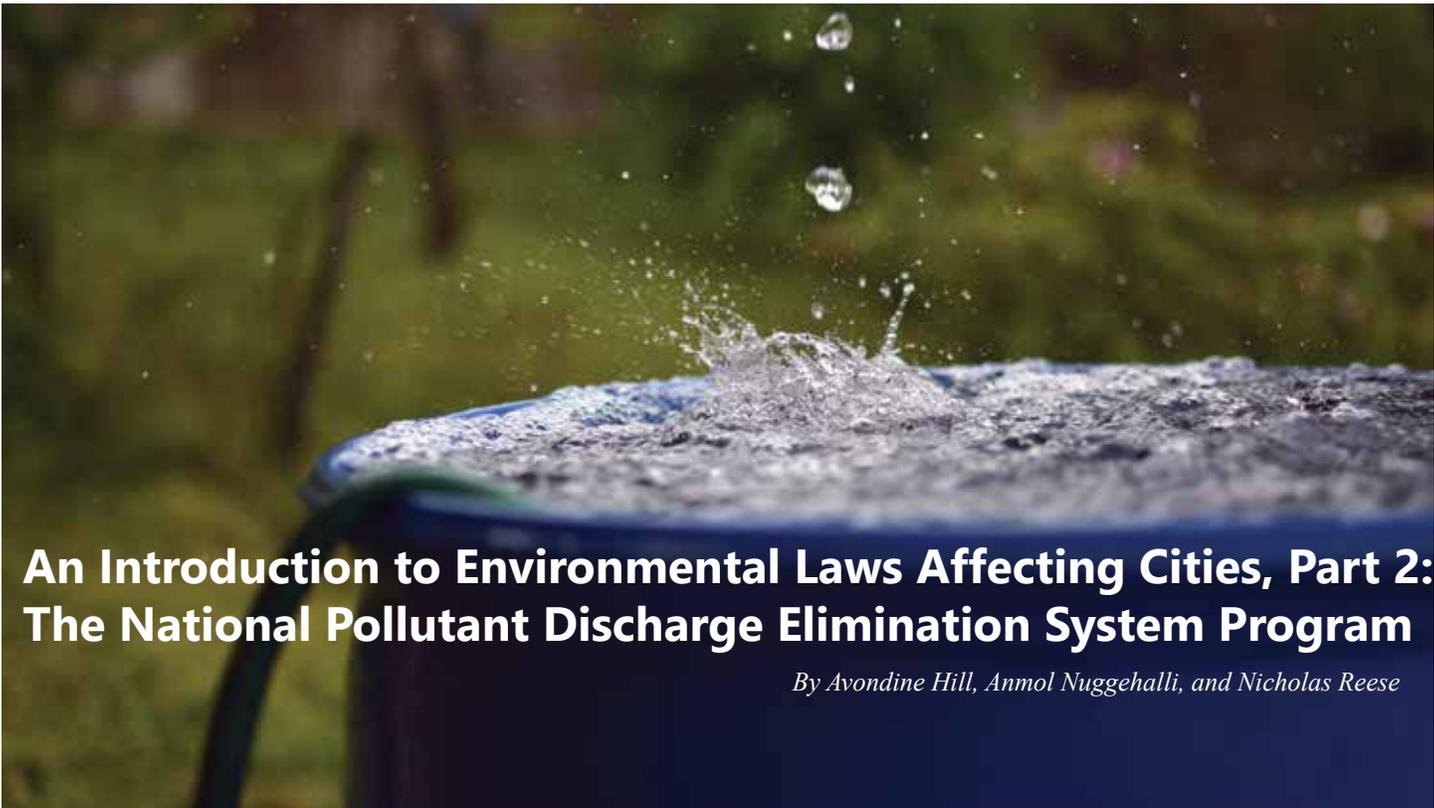
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Table 2⁸ Cost/Benefit Summary

Category	Monetized benefits or costs (2007\$)
Estimated public health benefits	\$120 -\$280 billion in 2014
Estimated public welfare benefits	\$4.1 billion in 2014
Estimated costs for power plants	\$1.4 billion in 2012; \$0.8 billion in 2014

Table 3

Mobile Source Strategies:	People-Oriented Strategies:	Area Source Strategies:	Stationary Source Strategies:
Inspect and maintain vehicles	Keep citizens informed	Implement tree planting	Implement renewable energy programs
Reduce fuel use with GPS technology	Spread awareness	Implement idling policies	Encourage businesses to as well
Combine/reduce auto trips	Implement biking programs	Use low-emission lawn equipment	Take advantage of state and federal programs as well



An Introduction to Environmental Laws Affecting Cities, Part 2: The National Pollutant Discharge Elimination System Program

By Avondine Hill, Anmol Nuggehalli, and Nicholas Reese

As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. By controlling discharged pollutants, the NPDES program has increased the U.S. waters that are safe for fishing and swimming, while helping to slow the rate of watershed deterioration and mitigating the impact of agricultural runoff. Much of this progress has been achieved through state and federal monitoring of the more than 400,000 facilities that require an NPDES permit, including municipal stormwater systems.

EPA has begun to better utilize newer resources, such as the Internet and major advances in geographic information technology (GIS), for its NPDES permit process. Advances in their use of technology has created better data to perform the agency's responsibilities, and heavy reliance on local resources through their delegation of monitoring and management of its program has helped NPDES better meet its goals of ensuring water quality across the country. Additionally, with renewed dedication to issues of stormwater requirements in 2014, EPA has seen major growth in the need for permit issuance and monitoring.

Operating as a partial preemption program, EPA delegates programmatic authority of NPDES to states, Tribes and territories to implement the program, i.e. issue individual NPDES permits for industrial and municipal sources. According to the CWA, each state, Tribe and territory may be allowed to implement, oversee and manage parts or the entire NPDES national program, while leaving final authority to EPA to set standards. If the state does not wish to implement the NPDES program, or is unable to shoulder such responsibility, EPA manages all parts to ensure that states, as well as affected neighboring states, ensure continued compliance with CWA water standards.

The NPDES permit is EPA's primary tool of ensuring water quality, and uses two levels of control:

1. technology-based limits based on the ability of dischargers in the same industrial category to treat wastewater
2. water quality-based limits (if technology-based limits are not sufficient to provide protection of the water body)

NPDES permits allow facilities like municipal separate storm sewer systems (MS4s) to release a managed and safe amount of designated pollutant(s) into receiving water. Permits are given in two basic forms - individual and general.

- Individual permits - made for specific facilities, taking into account each facility's unique functions and resultant needs.
- General permits - generally issued to those companies having multiple facilities needing a permit within a certain geographical area. Created to be a more efficient option, general permits group common needs and functions between the involved facilities, and give regulations and allowances for those functions under a single permit. Such permits cover stormwater point sources.



EPA has also created a standard permitting process for all covered facilities (including MS4s) to follow to receive a NPDES permit. Using 14 steps, NPDES permit writers use the information provided by the facility(s), as well as its own data collected from multiple sources to draft a permit. Using state and national water quality standards, the permit sets appropriate levels of monitoring, allowable levels and types of pollutant release, and the conditions by which such pollutants should be released. These details, as well as principal facts, significant factual legal, methodological and policy questions considered in preparing the draft permit, are summarized in a fact sheet, after which final issuance of the permit may occur.

Watershed Planning

A relatively recent evolution of the NPDES program has been its efforts to incorporate watershed planning. According to EPA, a watershed is the area of land where all of the water that is under it, or drains off of it, goes into the same place. Josh Wesley Powell, a scientist geographer and former director of the U.S. Geological Survey, described it as “that area of land, a bounded hydrologic system, within which all living things are inextricably linked by their common water course and where, as humans settled, simple logic demanded that they become part of a community.”

The connection and impact of a watershed to its community has led the NPDES to use and rely heavily on local personnel and resources to help plan and monitor facilities. By approaching watershed permit duties and goals using local approaches to management of pollution and water, as well as point and non-point controls, EPA believes “regulatory agencies, regulated dischargers, and non-regulated sources may meet otherwise unattainable watershed objectives with potential cost savings relative to source-by-source permitting.” Differences in community types, their watersheds and their relationship to that watershed require unique and often different approaches to management and regulation of

that system. Lacking the resources to visit, evaluate and make an action plan for every community in the country, EPA believes communities themselves are the best able to manage their system and find where better efficiency can be found. Furthermore, as weather patterns and precipitation have become less stable, water protection has become more important, giving communities increased motivation to both protect and use their water efficiently.

Stormwater Systems

Another important portion of the NPDES is the management of stormwater discharges from MS4s. The EPA defines MS4s as:

- Systems of delivery that are owned by a state, city, village, or other public entity that discharges waters of the U.S.
- Designed or used to collect or convey stormwater (including storm drains, pipes, ditches)
- Not a combined sewer
- Not part of a Publicly Owned Treatment Works (water treatment plant)

MS4s carry runoff from rain and other forms of precipitation, and in the past have been delivery systems of pollutants into which the bodies of water feed. NPDES has sought to stop such pollution by mandating NPDES permits for all “medium and large cities or certain counties with populations of 100,000 or more,” known as Phase I, as well as “urbanized areas... [and] small MS4s outside the urbanized areas that are designated by the permitting authority, to obtain NPDES permit coverage for their stormwater discharges,” phase two of MS4 management.

Source for Best Practices

Based on different local approaches to the management of NPDES permits, EPA in June of 2014 released a comprehensive guide, the “Post Construction Performance Standards & Water Quality-Based Requirements: A Compendium of Permitting Approaches.” This guide serves both as a fairly comprehensive account of the diverse approaches local municipalities have taken in creating and regulating their respective MS4s, and a go-to guide as to the nationwide NPDES MS4 requirements that all areas must adhere to. The guide can be found at http://water.epa.gov/polwaste/npdes/stormwater/upload/sw_ms4_compendium.pdf.

☀️ *Avondine Hill, Anmol Nugehalli, and Nicholas Reese are undergraduate students at Colorado State University. Special thanks to their professor, Jonathan Fisk, former League Research Assistant, for organizing this collaboration with his students.*

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Streamlining New Business Development

Small businesses play a critical role in Kansas's economic vitality. Of Kansas's almost 60,000 businesses, 94% have less than 100 employees, and those account for over 1/3 of all private employment in the state.¹ These small businesses often interact with local governments when applying for permits or licenses, which help ensure the businesses are complying with safety, tax, and land-use rules. For example, permits prevent new businesses from violating zoning regulations or building codes, may provide information on state and federal rules with which the enterprises need to comply, can connect owners with business development resources within the community, and inform the city of which companies may be able to contract to provide city services.

Unfortunately, companies often have difficulty navigating local rules for establishing their enterprises within city limits. A recent survey by Thumbtack and the Ewing Marion Kauffman Foundation found that small business owners think that burdensome and confusing licensing requirements are the most important component of a business-friendly community (this factor was actually reported as being twice as important as the city and state's tax climate). Although Kansas cities generally received high scores for their simple licensing requirements, local officials should always be looking for new ways to support small business development in their communities.²

The City of Salina is one community that has recognized the importance of making life simple for its small businesses. In an effort to cut through the red tape that often accompanies approval for a commercial development project, the City has formed a Development Review Team (DRT). The DRT is comprised of key staff members that work on development projects on a daily basis. Their mission is to work closely with the project representatives, provide thorough review and feedback of each major proposed project, unearth solutions to project issues at the earliest possible stages, and generally increase the chance of each project's success. Businesses can utilize the DRT by scheduling a meeting, which provides them with an opportunity to obtain feedback, guidance, and clarification on regulations prior to submitting building permit applications. Some of the project questions the DRT staff may address include whether land is zoned for the proposed use; whether city water and sewer is available; whether emergency vehicles can get to the building and whether customers and employees can safely enter and exit the property; whether the property is in a floodplain; whether ADA accessibility requirements affect the proposed building; and many others.³

The City's DRT has been a huge success amongst Salina's business community. At a planning commission meeting last month, Ron Fiscus, representing RibCrib BBQ restaurant, stated, "We get to see a lot of planning commissions, city councils and city staffs throughout the country. You as a Planning Commission need to know that the process that your staff goes through with the design [development] review team is excellent. It's absolutely the best we've seen. As you are looking at development in Salina, you need to know your staff is well-equipped for that."⁴

Other city governments across Kansas have established programs similar to Salina's DRT. The City of Haysville's Business Establishment and Steering Team (BEST) was formed to facilitate

the starting, expanding, or relocating of businesses in Haysville. BEST serves as a first point of contact for existing businesses as they make plans for physical changes to buildings and grounds, such as interior or exterior building alteration, landscaping, signage, wall construction/demolition, and lighting. BEST also strives to be an ongoing resource to Haysville businesses as they grow.⁵ However, cities do not need to commit a large number of employees to help small businesses succeed. The City of Newton and other municipalities have created simple online checklists to help guide companies through the development process.⁶ Even these small measures can make the development process substantially easier for businesses.

Nationally, other cities are also creating innovative programs to streamline small business development. The Kansas City (Missouri) Business Customer Service Center (KCBizcare), established under the City Manager's Office, provides road maps for opening a business; public access to city computers to look up property and zoning information, access city records, and submit applications on-line; referrals to city departments, agencies, and partner organizations involved in regulation or business assistance; and guidance navigating the city's licensing, permitting, and approval processes. Since KCBizcare opened its doors, the center has assisted 6,664 customers and has made 14,235 referrals to resource partners.⁷

Elsewhere, New York City and other large cities have created searchable online "Starter Guides," which often include dashboards of upcoming license renewal dates and clear explanations of local rules, regulations, and programs. In Chicago, the City recently launched an "Express Lane" for simple requests like account information, printing new licenses, renewing licenses, and applying for seasonal licenses. Prior to implementation, some clients waited over an hour for a five minute transaction. Today, the Express Lane serves 25% of all clients in 15 minutes or less.⁸

By looking at services through the eyes of small business owners, city officials in Salina, Haysville, and across the country are discovering new strategies to streamline the development process. As more municipalities embrace these practices, cities will be seen more and more as key actors in the economic growth of our communities.

 *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.*

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Classified Advertising

City Attorney

The City of St. John is accepting applications for City Attorney. St. John is a city of the third class centrally located with bi-monthly council meetings on the first and third Tuesdays of each month. We have a Mayor-Council form of government. Send resume to City Clerk, P.O. box 367, St. John, KS 67576.

City Manager

Joshua, Texas, is seeking a new City Manager. The City of Joshua, located just 23 miles south of Fort Worth and 53 miles southwest of Dallas, has a population of more than 6,100 residents.

Joshua, a home rule city with a Council-Manager form of government, has 35 full-time and 3 part-time employees and an annual 2013-2014 budget of \$3.4 million.

Bachelor's degree and 3-5 years' experience as a City Manager in a comparable city, or as an ACM in a larger community required. Municipal government experience required. Master's degree preferred and credentials as a Certified Public Manager highly desired.

View complete position profile and apply online at:

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For more information contact:

Molly Deckert, Executive Search Manager
Strategic Government Resources
MollyDeckert@GovernmentResource.com

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City Manager

City of Ontario, Oregon

\$105,000 - \$120,000

For complete job description & to apply online, visit Prothman at http://www.prothman.com/Current_Searches/index.aspx.

Under policy direction from the City Council, the City Manager serves as the Chief Administrative Officer for the City.

First review: September 7, 2014 (open until filled).

City Manager

Port Arthur, Texas, is seeking a new City Manager. Resting on the shoreline of the Texas Gulf Coast, Port Arthur is home to over 57,000 people, and along with the other

Southeast Texas communities of Beaumont, Nederland, Groves, and Port Neches, is a travel destination for thousands more each year. Port Arthur is located 86 miles east of Houston and is part of the Beaumont-Port Arthur Metropolitan Area.

Port Arthur is a true full-service city with 705 full-time employees, an FY 2013-2014 annual budget of \$130.6 million, and an ad valorem tax rate of \$0.792 per \$100 valuation.

The selected candidate should have a bachelor's degree in public administration, business administration, or a related field from an accredited university. A master's degree in public administration, business administration, or a related field from an accredited university is preferred. The selected candidate will be expected to engage in continuing career and educational development. Ten or more years of experience in municipal government operations and five years serving at department head level or higher is required. Experience as a city manager, assistant city manager, or functionally equivalent experience in a full-service city is preferred.

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City Manager

City of McMinnville, Oregon

\$140,000 - \$165,000

For complete job description & to apply online, visit Prothman at http://www.prothman.com/Current_Searches/index.aspx.

Under direction of the City Council, the City Manager plans, organizes, and directs city operations.

First review: August 31, 2014 (open until filled).

Director of Public Works

Deadline

September 2, 2014

Salary

Anticipated salary \$108,000 +/- DOQ plus an excellent benefit package.

Description

The City of Lee's Summit, Missouri (population 93,000), a progressive municipal government with an accredited Public Works Department, is seeking a highly qualified Public Works executive to be its next Director of Public Works. A dynamic community located in the southeastern edge of the Kansas City metropolitan area, Lee's Summit enjoys a strong retail, commercial, and residential base with nationally recognized schools. The Public Works Department operates with a budget of \$18.7 million. The Director is appointed by the City Manager.

Requirements

Bachelor's degree in Engineering, or a closely related field, and Professional Engineers License is required - Master's degree is preferred. Minimum ten (10) years of increasingly responsible experience in Public Works management is required. Proven administrative, financial, operational and organizational skills are important, along with strong communication abilities.

EOE.

How to apply

Submit a resume and cover letter with six professional references to Human Resources-DPW, City of Lee's Summit, 220 SE Green, Lee's Summit, MO 64063. Resumes may be faxed to (816)969-1055 or e-mailed to HRJOBS@cityofls.net.

City Superintendent

The City of Caney is searching for hard-working professional to serve as its next city superintendent. The position reports to the mayor, and directs and supervises street, sanitation, cemetery, park maintenance, water, and wastewater activities. Duties include planning and directing department activities; supervising and scheduling department personnel; assisting in preparation of the department budget; overseeing operation of the water plant and waste water plant; supervising operations in the landfill; and performing other related duties.

Applicants must have, or be able to obtain, Class II Water Operator certification and a valid Kansas driver's license.

Competitive benefits. Salary based on experience. Qualified applicants should

respond by August 29 to the City Clerk at 620-879-2772, or mail a resume to: Caney City Hall, P.O. Box 129, Caney, KS 67333.

Police Officer

The City of Columbus is accepting applications for a Police Officer. This is a full time position with benefits. Minimum requirements include a high school diploma or GED, at least 21 years old and a valid driver's license. Applicants must be a Cherokee County resident or relocate within 6 months. EOE. Contact City Hall for applications, 300 East Maple, Columbus, Ks. 66725; 620-429-2159.

Police Officer,

Horton Police Department

Horton is located in Northeast Kansas in Brown County. We are within 1 hour of St. Joseph Mo. and Topeka, Kansas. We are currently accepting applications from all interested individuals that can meet our requirements to fill the position of a Police officer. You must be willing to work any and all shifts. If you have strong work ethic, and have the desire to help our department progress in a professional manner, you are encouraged to apply.

TYPE: Full Time

SALARY: Commensurate with education and/or experience. We offer a competitive benefit package.

MINIMUM QUALIFICATIONS:

Must be 21 years of age

High School Diploma or Equivalent

Valid Driver's License

Must be free of any Felony or Domestic Violence conviction

KLETC certification is preferred

Good Physical condition

Must be able to successfully pass a thorough background investigation

OBTAINING AN APPLICATION:

Applications may be obtained at www.hortonkansas.com, at the Horton Police Department located at 205 East 8th, Horton, Kansas 66439 or by contacting Chief John Calhoun at 785-486-2694 CLOSING DATE: Until Filled

Police Officer

The McLouth Police Department is accepting applications for a full-time police officer. Applicants must be 21 years of age, possess a valid driver's license and a high school diploma or equivalent, have no criminal history or lengthy traffic violation record, be in good physical condition,

KLETC certified and preferably, patrol and investigation experienced. Wages are dependent on experience and qualifications. City benefits include BC & BS health insurance, paid vacation and sick leave and KPERS retirement plan. To obtain an application form: print from the City of McLouth website - cityofmclouth.org - or from the McLouth City Hall - 110 North Union Street, McLouth, Kansas 66054. Completed applications with resumes will be accepted by the Chief of Police until the position is filled. The City of McLouth is an E.O.E

Program Coordinator

The Program Coordinator will provide logistics support for the Hugo Wall School's (HWS) locally and nationally focused outreach and training programs. This position will be an integral part of HWS outreach efforts and have a critical role in service coordination and maintaining the school's current relationships with various federal, state, and local government partners; as well as cultivating opportunities to expand and enhance service delivery both locally and nationally. This self-directed position will provide event management, financial support, program/project tracking and special project coordination. This position will manage professional development events which will include budget development, income and expense tracking, implement and oversee event/programmatic reporting and provide assistance on special projects. This position may also have occasional regional travel to assist with events. To apply online, go to <http://wichita.edu/wsujobs>. Offers of employment are contingent upon completion of background checks as required by the Kansas Board of Regents. Wichita State University is an Affirmative Action/Equal Opportunity Employer

Purchasing Manager

The Unified Government of Wyandotte County/Kansas City, KS is seeking a Purchasing Manager. Responsibilities include professional and administrative work managing and directing the Unified Governments purchasing procurement and contracting operations. Duties include serving as the ultimate technical official regarding purchasing. Supervises subordinate purchasing, clerical and service staff. Work is performed under the administrative direction of the Director of General Services. For more information regarding qualifications and application

instructions, please visit our website at www.wycokck.org or contact Human Resources at 913.573.5660. Must be a resident of Wyandotte County or be willing to relocate within 12 months of the date of hire. Salary: \$ 4,882.14-\$6,428.94/mo. Closes on August 27, 2014. EOE

Service (Street) Division Superintendent

The City of Hays is accepting resumes from experienced applicants for the position of Service (Street) Division Superintendent, a division of the Public Works Department. A valid driver's license with the ability to obtain a Kansas Commercial Driver's License (CDL) Class A with Tanker Certification and 3-5 years of experience required. A college degree is preferred. Applicants must possess excellent supervisory, leadership, communication, organizational and mechanical skills. This position is responsible for the daily operations of the division and the repair and maintenance of City infrastructure including streets, alleys, signs, traffic signals, snow and ice clearing, fleet maintenance and buildings and grounds. All job offers are contingent on passing a physical exam and drug test. Residency within the three-mile planning boundary of the City is required within 180 days of employment. Salary range: \$49,248 - \$80,280 annually plus excellent benefits including free family health insurance. For more information about the job and benefits visit www.haysusa.com. Resumes must include a minimum of 3 references, 5-year salary history, and cover letter. Resumes can be sent to jsalter@haysusa.com or Human Resources, P.O. Box 490, Hays, KS 67601. Position is open until filled. Phone: 785-628-7320 Fax: 785-628-7323 EOE

Water Operator

The City of Haven is accepting applications for a Water Operator. Duties will include water leak repair and water service installation, operating and maintaining ion exchange nitrate treatment plant, wells and lift stations, as well as assisting Public Works staff with equipment maintenance, mowing, snow removal, street repair, building and grounds maintenance, and electric line work. Must reside in Haven or be willing to relocate. Must have a valid driver's license and be eligible for a CDL. Must have, or be able to obtain, Class II Water Operator certification. Salary negotiable based on experience. Applications, available at the City Office, 120 S. Kansas Ave. or <http://havencityhall.org/forms.html>



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KGJ: A Look Back

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Water for Our Cities: Major Issue for the Future

The importance of water and the uncertainty of its future supply is a critical problem in Kansas today. We are running out of water and time to do something about it.

There are 20 state agencies dealing with water management activity, including planning, research, development and assistance. The major agencies in this group are the Kansas water resources board; the state board of agriculture's division of water resources, the state department of health and environment, and the Kansas Geological Survey.

Today, I want to briefly discuss (1) preservation and protection of the cities' existing supply and rights; (2) conservation of our existing water supply; (3) preparation of drouth or emergency plans for times of critical shortages; and (4) development of a long-term future water supply source.

There is evidence that the vested and appropriated water rights of many Kansas cities are not clear. City officials should immediately check their records or contact appropriate state agencies to determine if their water rights are in order and if the need to be revised to meet future water demands. It is equally important to know if a more recent appropriator is encroaching upon the water rights of the city.

Either a ground or surface supply for city water must be protected from the danger of contamination from industrial or agricultural chemicals. Improperly supervised chemical dumps located near a surface supply or over a ground water aquifer can, in time, contaminate the supply.

In Kansas, there is a considerable amount of crop spraying, and equipment used must be washed down when ever the type of chemicals are changed. The wash-down area for such equipment must be carefully supervised so that these chemicals cannot cause contamination of either type of water source. Once contamination is found in either a ground water or surface supply, it is too late. The damage has been done, in most cases, is impossible to rectify. The consequences are, of course, catastrophic.

It is important to know the capacity and physical condition of treatment plants, wells, pumping equipment, and meters, and to have detailed records of quality and quantity of water produced for the distribution system. The declining capacity of a well may be due to several factors, including declining water table, plugged well screens or worn pump equipment. Keeping accurate records of these conditions will often signal trouble that can be rectified and thus prevent and emergency from arising during drouth or other unusual water demand conditions.

It's been found that some water distribution systems leak so badly that only 50 percent of the water delivered to the system ever reaches the customer's service; 25 percent unaccounted for losses are quite common. A water system properly designed and maintained should provide an adequate supply for fire fighting; in many instances, deficiencies in the system cause higher insurance rates to the citizens...

 *EDITOR'S NOTE. This is part of a speech given by Mayor Fred D. Diehl of McPherson on October 13, 1980, during the 70th Annual City Conference of the League of Kansas Municipalities in Wichita.*

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