

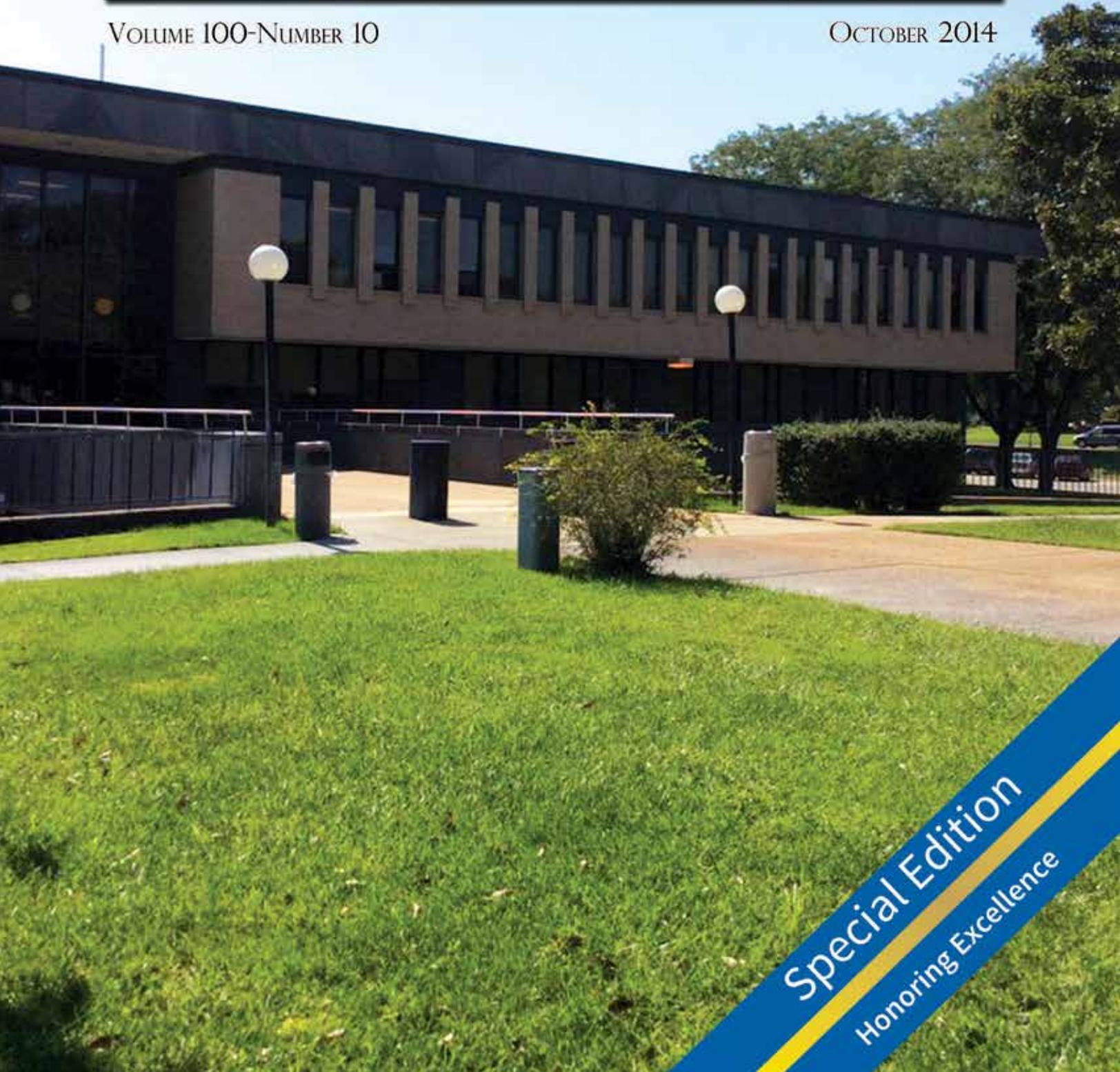


Kansas

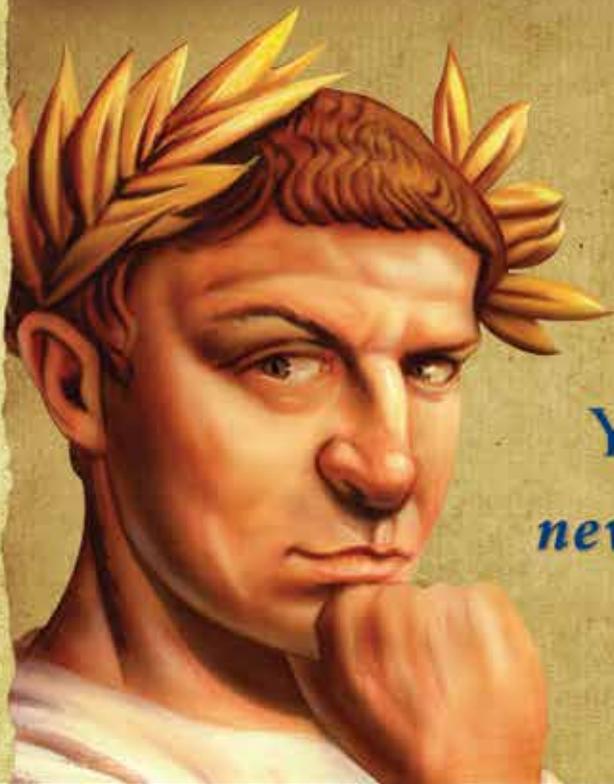
GOVERNMENT JOURNAL

VOLUME 100-NUMBER 10

OCTOBER 2014



Special Edition
Honoring Excellence



“ STOP BEING
paranoid, Julius.
YOUR FRIENDS WILL
never stab you in the back. ”

{ *Marcus Junius Brutus, 44 B.C.* }

It matters who you listen to.


GILMORE BELL

GILMORE & BELL, P.C.

BOND COUNSEL

The choice of a lawyer is an important decision and should not be based solely on advertisements.

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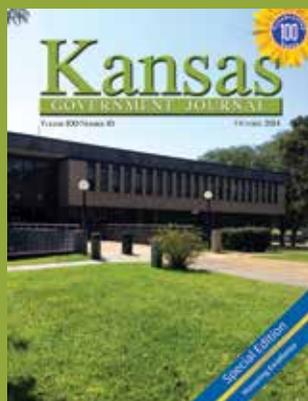
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About the Cover:
This month's cover shows the Salina City Hall. Photo provided by Rachel Hinde.

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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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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

November

- 06 - Regional Supper, Independence
- 12 - Regional Supper, Ottawa
- 14 - MLA: Personnel Management, Hays
- 15 - MLA: Personnel Management, Hiawatha
- 21 - MLA: Personnel Management, Mulvane
- 27-28 - LKM Holiday: Thanksgiving

December

- 12 - LKM Governing Body Meeting, Topeka
- 24 - LKM Holiday: 1/2 Day Christmas Eve
- 25 - LKM Holiday: Christmas

Obituaries

Donald R. Anderson, 81, died August 11, 2014.

Mr. Anderson was born June 29, 1933, in Newton, Kansas. He graduated from Newton High School and was drafted into the United States Army in 1953. Mr. Anderson was very active in the community and served as Newton's mayor from 1991 to 1992. He was city commissioner for six years and was always busy helping others.

Robert "Bob" Arthur Oleen, 96, died August 31, 2014.

Mr. Oleen was born in Falun, Kansas. He graduated from Falun High School and Wichita Business College. He was named the Oldest Kansas Worker by the Kansas Department of Commerce, and was interviewed by CNN regarding his remarkable work history. Mr. Oleen was Chairman of the Board of Farmers State Bank in Dwight, a Trustee for the Morris County Hospital for 16 years, a member of Dwight city council, and served as Dwight city clerk for a number of years.

Robert J. "Bob" Varsolona, 74, died September 4, 2014.

Mr. Varsolona was one of the founding members of the Galesburg Museum, was instrumental in arranging its exhibits, and enjoyed giving tours. He served on the Galesburg city council for several years and was active in other community activities.



Director's Foreword

by Erik Sartorius



It's finally arrived! I can't tell you how excited I am now that our annual conference is just days away. I know I probably sound like a broken record (how many more years can one use that analogy and have anyone understand it?), but we have a GREAT program in store for you! From our keynote speakers to the breakout sessions and roundtables, I think you will

find information that's both new and scalable to your individual city. See you in Wichita!

I want to be sure and offer a big THANK YOU to the League staff in preparing for this conference. I previously have attended at least a half dozen LKM conferences, but it is a much different perspective from the inside! Securing excellent keynote speakers and roundtable session leaders, interesting off-site sessions, and good food and entertainment are just some of the elements of preparation. Our office has been full of service awards and games for the trade show, while staff is also putting the final touches on the conference app. Once you make it to Wichita, don't forget to follow us on twitter (@LeagueKSMunis), and please share your conference experiences via #lkmcon14.

One important element of the conference is the review and adoption of the League's Statement of Municipal Policy. This document defines the core principles of the League, and guides our efforts in working with the Kansas Legislature in the upcoming legislative session. I would like to thank League members who participated on the four policy committees to review and update this document. As part of these meetings, we arranged for the committees to receive briefings from key figures in state government. I would like to thank Secretary of Revenue Nick Jordan (along with David Harper and Deann Williams); KPERS Executive Director Alan Conroy; Susan Metzger, chief of planning and policy for the Kansas Water Office; and Chris Courtwright, principal economist with the Kansas Legislative Research Department.

There are several steps remaining at the annual conference before adoption of the Statement of Municipal Policy, and I invite you to participate in each of those. On Saturday, October 11, from 2 – 3 p.m., the Legislative Policy Committee will conduct a final review of the policy, with additional issues possibly brought up for consideration. The League Governing Body will review the policy at its regular meeting on Sunday from 4 – 5 p.m., with final adoption made by members at the annual business meeting on Monday at 2:30 p.m. Additionally, if there are legislative initiatives your city will be pursuing individually or with a regional coalition, we would love to hear about them.

What's next, you might ask? While the annual conference certainly is a major milestone in our programming year, there is still plenty going on in the next few months. First, I encourage you

to attend one of our Regional Suppers, which are a great chance to visit with fellow League members and local legislators (see page 293 or our website for a link to the registration form). We will be discussing the League's 2015 legislative priorities and providing an update on our operations. Additional Municipal Leadership Academy courses will be offered in the fall, and expect at least one more "Hot Topic" webinar before the end of the year. For city managers and administrators, we are assisting the Kansas Association of City/County Management as they prepare to hold their annual conference in Manhattan in early December.

As we will be less than a month away from fall elections when this issue reaches you, I wanted to take a moment to reiterate some of the information provided by Larry Baer in our May 2014 issue. Specifically, keep in mind for yourself and any officer or employee of your city the limits on campaign participation. Using or authorizing the use of public funds, vehicles, machinery, equipment or supplies of the city, or the compensated time of an employee or officer, to expressly advocate for the nomination, election or defeat of a clearly defined candidate for state or local office is prohibited. This includes forwarding from a city-owned computer or phone any email, text, Facebook message or similar contact an officer or employee may have received regarding the nomination, election or defeat of an identified candidate. Please see our May 2014 *Kansas Government Journal* (p. 135) for additional guidance.

In addition to the League's programs and events, I would encourage you to consider attending the National League of Cities' Congress of Cities in Austin, Texas, November 19-22. (Look for a letter on page 312 for some details.) At a recent meeting of fellow state league executive directors, I spent several hours visiting with NLC Executive Director Clarence Anthony. What I think you will see from NLC in the coming years is a refocusing of the organization on issues and knowledge development critical to the success of cities. NLC is celebrating 90 years of service this year, and I would be remiss if I did not boast to you that the League of Kansas Municipalities was one of the ten founding members of this national organization.

I do have a request for the benefit of the *Kansas Government Journal*. You are certainly familiar with our monthly feature in the magazine, "Main Street," where we highlight activities and projects of our member cities. If you have a newsworthy event occurring in your city, would you share that with us? Our intern, Donyell Wolfe, would be happy to receive your submissions at dwolfe@lkm.org.

Here's to an informative and fun League conference! I look forward to meeting you in Wichita, and hope that you will share with me or staff your feedback on any aspect of the conference.



League of Kansas Municipalities 2014 Regional Suppers

The League of Kansas Municipalities invites all Kansas city officials to join us for the 2014 Regional Suppers. We hope you will take this opportunity to discuss the upcoming Legislative session that will highlight LKM's 2015 Legislative priorities.

October 21 • Hill City

Remington's
415 W Main
\$19 per person
RSVP by October 15

October 29 • Clay Center

Life's Finer Moments
1285 16th Rd
\$17 per person
RSVP by October 23

November 6 • Independence

Memorial Hall
410 N. Penn Ave
\$19 per person
RSVP by October 31

October 22 • Garden City

City Administrative Center
(Upstairs)
301 N 8th St.
\$14 per person
RSVP by October 15

October 30 • Maize

City Hall, Rec Commission
Multi-Purpose Room
10100 Grady Ave
\$19 per person
RSVP by October 23

November 12 • Ottawa

Ransom Memorial Hospital
1301 S. Main
\$17 per person
RSVP by November 7

Registration for all locations will begin at 5:30 p.m. with dinner beginning at 6:00 p.m.

Registration is available online at www.lkm.org/regionalsuppers.

Written cancellations need to be made 72 hours prior to the meeting date or participant will be responsible for payment.

**STOCKTON MAYOR
KIM THOMAS
2014
MAYOR OF THE YEAR**



Mayor Kim Thomas, Stockton, was recognized as the 2014 Kansas Mayor of the Year during the annual Kansas Mayors Association conference and Leadership Summit in Manhattan this past May. During the past decade, Mayor Thomas has served on the board of directors for the KMA, the League of Kansas Municipalities, the Kansas Municipal Electric Association, and has been a hospital auxiliary member. She has served as mayor of Stockton for 12 years, and was the first African-American female mayor in the State of Kansas. Thanks to her direction, new water lines and a new water plant have been constructed, the City is currently working on a new sewer lagoon project, an old city building has been repurposed as the police station, and the City has received a grant to make a number of city buildings more energy efficient. Recently, the City also received a grant from the Kansas Housing Resources Corporation for the construction of four moderate income houses.

The KMA consists of 355 mayor members throughout Kansas, and exists to advance the proficiency of Kansas mayors and improve the quality of life in Kansas communities. As part of its efforts, the KMA annually recognizes individuals like Mayor Thomas who have gone above the call of duty to provide exceptional community leadership.

Nominations for the 2015 Kansas Mayor of the Year will be accepted through March 2015, and can be sent to Nikki Harrison, League of Kansas Municipalities, 300 SW 8th Ave., Suite 100, Topeka, KS 66603; emailed to nharrison@lkm.org; or faxed to (785) 354-4186. For more information about KMA, contact Nikki at (785) 354-9565.

LENEXA CITY CLERK DAVID BRYANT 2014 CLERK OF THE YEAR



City Clerk David Bryant, MMC, was awarded the Mildred Vance City Clerk and Municipal Finance Officer of the Year Award during the annual conference of the City Clerks and Municipal Finance Officers Association (CCMFOA) of Kansas on March 13, 2014, in Wichita, Kansas.

Bryant was recommended for the award for his dedication and commitment to his community, as well as to CCMFOA and the Institute of Municipal Clerks (IIMC). Lenexa's City Administrator noted, "CCMFOA's core values are competency, integrity, efficiency and accountability in the delivery of local government service. David exemplifies all of these characteristics. Our early implementation of paperless packets was innovative and forward-thinking. David's leadership in this process was insightful, progressive and made a significant impact on how we do business." The award is presented each year to a City Clerk or Finance Officer who has made significant contributions to the state association, the profession, and to their city. The award is named in honor of Mildred Vance, former auditor and City Clerk/Finance Officer for the City of Parsons, Kansas, who served her community from 1948 to 1988. Mildred strongly believed that city clerks and finance officers should contribute to their communities, and she unselfishly gave of her time and talents in church, community, and civic activities.

Bryant began his public service career with the City of Fairway, serving as Assistant City Clerk from 1992 to 1996. He has worked for the City of Lenexa since 1996, serving as Administrative Clerk and Assistant City Clerk before being appointed as City Clerk in 2009. Bryant has served on numerous CCMFOA committees, including serving on the Education/Program Planning Committee, the Membership/Mentoring/Regional Committee, the IIMC Scholarship Committee, and the Nominating Committee. He chaired the Newsletter/Publicity Committee from 2005 to 2014, producing the quarterly "WINGS" newsletter for the membership. He also currently serves on the IIMC Public Relations and Marketing Committee. Bryant is an instructor for the award winning "Learning About Lenexa Program," volunteers for Boy Scouts of America, served as Assistant Program Director for St. Agnes Catholic Church, and volunteers to assist with the equipment for the Shawnee Mission West High School Marching Band. Bryant achieved the designations of Certified Municipal Clerk (CMC) in 2003 and Master Municipal Clerk (MMC) in 2010.

Bryant will be recognized as the recipient of the Mildred Vance City Clerk and Finance Officer of the Year award at the League of Kansas Municipalities Conference in Wichita in October.

To be eligible for the award, nominees must: (1) be a current City Clerk or Finance Officer in Kansas, who has held the position for at least three years; (2) be a member of the City Clerks and Municipal Finance Officers Association (CCMFOA) of Kansas for at least three years; and (3) have attained the status of Certified Municipal Clerk (CMC) or have received the Government Finance Officers Association (GFOA) Certificate of Achievement in Financial Reporting. Nominations may be submitted by fellow city clerks, mayors, council members, city managers/administrators, or fellow employees.

A five-member panel of judges reviews all nominations and rates candidates on a point system. The Selection Committee consists of two prior year recipients of the award, the Missouri City Clerks/Finance Officers Association President, the Illinois City Clerks Association President and a representative of the League of Kansas Municipalities, as assigned by the Executive Director of the League.

Nominations for the 2015 Mildred Vance City Clerk/Finance Officer of the Year award will be accepted through December 31, 2014, and can be sent to Brenda Davis, City Clerk, City of Scott City, 221 W. 5th Street, Scott City, KS 67871. Email: scottcty@pld.com or Fax: (620) 872-3391. For further information, contact Brenda at (620) 872-5322.

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- **Annual Contribution Discounts** — Members earn discounts based on safety records and participation in KMIT safety programs.

KMIT is a workers' compensation program endorsed by the League of Kansas Municipalities

For more information, contact:
(785) 272-2608 • dosenbaugh@cox.net

2014 NOMINATING COMMITTEE



DEARDOFF APPOINTS LKM NOMINATING COMMITTEE

LKM President John Deardoff, City Manager for the City of Hutchinson, has appointed an eight member committee to serve as the 2014 LKM Nominating Committee. These appointments were confirmed by the LKM Governing Body at its September meeting in Hutchinson. The Committee will be chaired by Brenda Chance, LKM Past President and City Clerk from Phillipsburg. There are four director positions on the Governing Body, each with a three-year term of office, considered each year. In addition, the Committee will consider nominations for President and Vice-president for one-year terms.

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 your organization. LKM welcomes officials from both large and small cities, from all regions of Kansas, to nominate their colleagues or even themselves for Governing Body positions. See the guidelines for selection below.

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.

2014 NOMINATING COMMITTEE MEMBERS

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Derby, KS 67037-3533
acmelithoenv@aol.com

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Brenda Chance
City Clerk
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bchance@cityofphillipsburg.com

Howard Partington
City Administrator
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hdpart@greatbend.com

Toni Wheeler
City Attorney
6 E. 6th Street
Lawrence, KS 66044-0708
twheeler@ci.lawrence.ks.us

GUIDELINES FOR LKM GOVERNING BODY SELECTION

Pursuant to Article 4, Section 3 of the LKM Bylaws, the Governing Body has established the following guidelines for LKM Governing Body and Officer Elections: **Section 1. Primary Considerations.** The overall strength of the individual candidates for the LKM Governing Body should be the primary consideration of the nominating committee. Candidates should be evaluated based upon the length of term in office, past service to LKM, potential leadership contributions, and their willingness to serve the organization. In addition, the nominating committee should consider the following factors: **A) Class and Size of City.** A concerted effort should be made to provide for diversity on the Governing Body based on city population. As is traditional, there should be a representative on the Governing Body from each of the cities with a population in excess of 120,000. **B) Elected and Appointed Officials.** The large majority of the Governing Body members should be elected officials. The office of city manager/city administrator should be represented by one or two members. Other appointed officials may be represented by one or two

members. **C) Regional Distribution.** It is important to try to reach a regional distribution that is as diverse as possible. The LKM Governing Body has adopted a regional map as a benchmark. Regional diversity is a general goal that we strive to maintain. **D) Gender, Race, and Ethnicity.** The Committee should factor in gender, race, and ethnicity considerations in order to achieve diversity as well. **Section 2. Officer Candidates.** **A) President.** In keeping with long-standing LKM tradition, the Vice President ascends to the position of President. This policy enables the Vice President to participate on the LKM Executive Committee for a year before leading the organization. **B) Vice President.** Candidates for Vice President should be evaluated primarily based upon the length of term in office, past services to LKM, potential leadership contributions, and their willingness to serve the organization. Other considerations include: 1) at least one year of prior service on the LKM Governing Body; 2) alternation between large and small cities; and 3) geographic diversity.



Merriam Fire Department to Merge with Overland Park's

The Merriam Fire Department recently honored long-time public servant and fire chief, Bob Pape, before preparing to merge the department with the City of Overland Park's. Pape is scheduled to retire after 38 years of service with the Merriam Fire Department.

In 1947, the Merriam Fire Department was established as a volunteer organization and eventually transitioned into a full professional group. All of Merriam's equipment will remain at the Merriam station and the trucks will have an Overland Park patch but also say "Serving Merriam." Merriam will continue to use their

station and equipment, and have been covering north Overland Park this year in preparation for the merger. The move will be official this December, saving both departments a considerable amount of money over the course of their 10-year contract. The contract offers an opt-out with a one-year notice.

Source: Blom, D. (2014, September 9). Merriam Fire Chief Bob Pape Closes long career; department prepares for merger with Overland Park. Retrieved September 10, 2014, from <http://pvpost.com/2014/09/05/merriam-fire-chief-bob-pape-closes-long-career-department-prepares-for-merger-with-overland-park-31114>.

New Online Crime Reporting Service in Riley County

The Riley County Police Department has introduced a new online crime reporting service. In order to file a report, residents must have a valid email address and internet access. Only a special selection of crimes will be accepted through the online service, although it will benefit the department when distributing cases to officers. Any case report containing crimes that contain a suspect, evidence, injury, or emergency of some kind will not be accepted online.

The program has been tested for several months and the

department announced the launch on the one-year anniversary of their website (www.RileyCountyPolice.org). Riley County personnel describe this new method of reporting crime as a minor alteration to the old system and look forward to this new way of responding to their community.

Source: Press Release: Online Crime Reporting at RileyCountyPolice.org. (2014, September 4). Retrieved September 10, 2014, from <http://www.rileycountypolice.org/news/2014/09/04/press-release-online-crime-reporting-at-rileycountypoliceorg>.

Lawrence Website Receives Pinnacle Award

City of Lawrence - The City of Lawrence website, www.lawrenceks.org, received a 2014 Pinnacle Award from the National Association of Government Web Professionals (NAGW) during its annual conference in St. Paul, Minnesota, on September 11, 2014.

Pinnacle Awards are judged by a group of web professionals from inside and outside of government web development, and are awarded to the best entries based on the following judging criteria: Team Size; Content; Organization; Design; Performance and Flexibility; Accessibility Standards; and Interactivity.

"I'm honored we received this award, both for the recognition it brings to our organization and to the community," says Chris Stringer, web developer for the City of Lawrence.

"In the past year, we've expanded multimedia content, added interactive tools such as maps and notifications, and enhanced integration with our back-end databases," said Stringer.

The city's website was redesigned in November 2013. A major part of that redesign was employing responsive technology which

is essential to creating a mobile-friendly site.

"Since the redesign, we have seen a substantial increase in use via smart phones and tablets," said Stringer. "It's highly rewarding for our team's efforts to receive accolades from fellow web development professionals."

The National Association of Government Web Professionals (<http://nagw.org>) is a 501(c)6 non-profit organization of local government webmasters working together to share knowledge, ideas and other resources. NAGW members collaborate on technologies and network with other professionals to improve the capacity to provide the value across the web to member communities.

For more information, visit

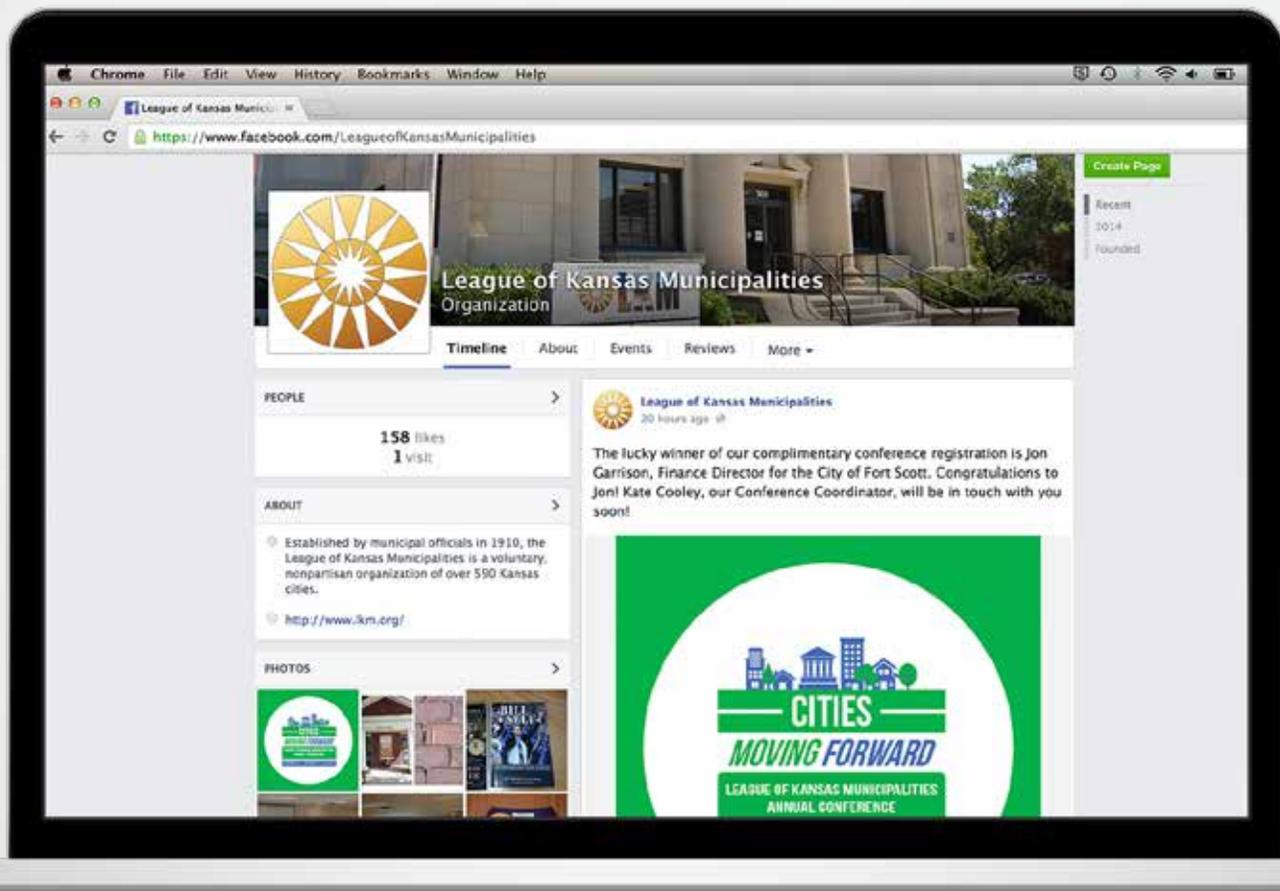
<https://nagw.org/news/2014/09/14/2014-nagw-pinnacle-award-winners-announced>.

If you have an interesting story about your community and would like it printed in the *Kansas Government Journal*, please submit it to Donyell Wolfe at dwolfe@lkm.org.



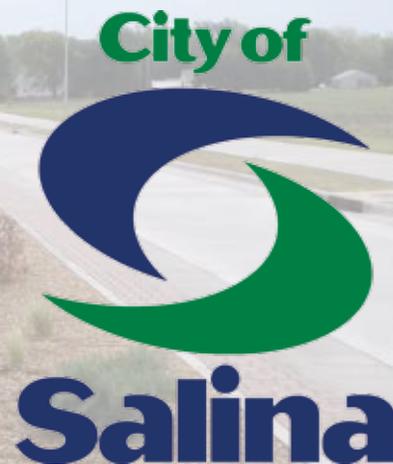
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Salina Gets Serious About Performance Efficiencies

*By Jason Gage, City Manager – ICMA-CM
Bryon Johnson, Process Improvement Director, MBB
Edited by Rachel Hinde, Community Engagement Coordinator*



The Great Recession was a challenging period in time for most local governments and businesses, and Salina was no exception. According to one Federal Reserve estimate, between December 2007 and June 2009, the United States lost nearly \$14 trillion, an entire year's worth of economic activity. To combat the immediate and long-term effects of the financial crisis, the City of Salina applied methodologies not typically seen in local government, rather in America's most efficient and successful factories. The results are astonishing. This year alone they have identified \$302,000 in one-time cost savings, \$107,000 in ongoing savings, and by 2019 they project a total cost savings of \$2.5 million. Joining over 50% of Fortune 500 Companies and only a handful of municipalities nationwide, here is how and why Salina integrated Lean Six Sigma (LSS).

Impact of the Great Recession

A year prior to the Great Recession, our organization had implemented a very progressive pay plan for our employees. We recognized that retaining and hiring the best and brightest individuals was a good organizational strategy. Then, our budget was hit with slightly declining tax revenues. This phenomenon, combined with other revenue reductions created huge budget pains. To no one's surprise, the expectation to provide quality public services remained strongly intact. While the tax decline soon subsided, it was replaced with a long-term dose of stagnancy that still exists today. The threat of layoffs appeared to be imminent, but this was not a tool that fit into our organizational values. As a result, we needed to quickly discover other options.

Certainly, addressing this structural revenue/expenditure imbalance was a top priority for our governing body. We started by applying many of the typical local government budget repair tools, including: targeted expense reductions, strategic use of attrition, conservative salary decisions, a focus on performance indicators and a conservative approach to service delivery by a highly competent executive staff. Initially this helped to stop the bleeding, but a long-term strategy was still necessary since the economy had changed drastically.

Introduction to Lean Six Sigma

In early 2011, a local resident and efficiency expert stepped into the city manager's office. He very politely said that if the City of

Salina was not implementing Lean Six Sigma (LSS), we should consider it. He offered free assistance, indicated he was not looking to work as a consultant and left behind two books; The Lean Six Sigma Pocket Toolbook and Lean Six Sigma for Service.

Although LSS tools are typically found in America's most efficient and successful factories like Salina's Philips Lighting plant, further research indicated LSS tools could successfully be applied to transaction environments and in a local government setting. Early examples of success after applying LSS tools can be found in Grand Rapids, Michigan; Fort Wayne, Indiana and Tyler, Texas. Shortly after the city manager was introduced to LSS, Salina's governing body blessed the request to hire an expert to assist in the implementation of LSS within our organization. This individual is our process improvement director, and our program is Continuous Process Improvement (CPI).

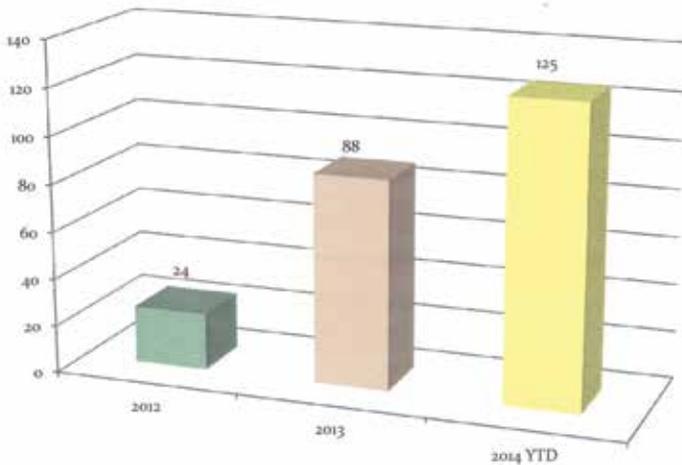
Continuous Process Improvement Methodology

Continuous improvement in government is an ongoing effort to improve services and processes. This means being faster, better and more responsive. Success from these efforts may be incremental in nature or result from a breakthrough achievement. The focus is on the process, which includes specific steps for completing a task. These processes can be defined, measured and modified. We have found that until a process has been broken down into smaller steps and critiqued, small inefficiencies are often invisible. Our intent is to create process templates that document the very best way our organization knows how to do each task. This is an adaptation from the best examples in the private sector and the foundation of Salina's model for improving city government.

Lean and Six Sigma Methodologies

Our approach involves the application of a basic Continuous Process Improvement (CPI) framework, combined with the use of Lean and Six Sigma. Both the Lean and the Six Sigma methodologies look at the same aspects of profit maximization, but from a different angle. Six Sigma focuses on the customer and end product, while Lean focuses on waste and production methods. Our approach creates a baseline foundation by documenting each step of every process in outline form. The process is standardized, improved and measured using takt time. Takt time is the average amount of time it takes to complete an entire process, including

Improvements Completed 237 Total



allowances for breaks, training and routine interruptions. Once a process is documented in this manner, annual estimates can be obtained by multiplying takt time by the frequency a process is used in one year. Calculating workload in this way allows management to determine the workload requirements for every process, position and work unit. This effort creates an amazing and powerful tool, the ability to know how long it will take to do something. Because tasks often include significant variation, shared responsibility, use of equipment and disruptions, the actual time to complete a task is quite possibly the most elusive aspect of government service delivery. The proper application of takt time solves this problem. While the application of this methodology is commonplace for a “best in class” industry, it is unique to government and is now the cornerstone of Salina’s CPI model.

Eliminating Non-value-added Tasks and Maximizing Efficiency

Simply put, if a task doesn’t add value to the customer or citizen, then that time is non-valuable and costs should be eliminated. This could be more than 50% of a service cost. Certainly no local government likes to admit this level of inefficiency. It is important to clarify that adequate resources do not equate to efficiency, competence and confidence are not equivalent, and all local governments have significant inefficiencies to be addressed. Lean tools focus on eliminating non-value-added tasks, maximizing process speed and reducing complexity.

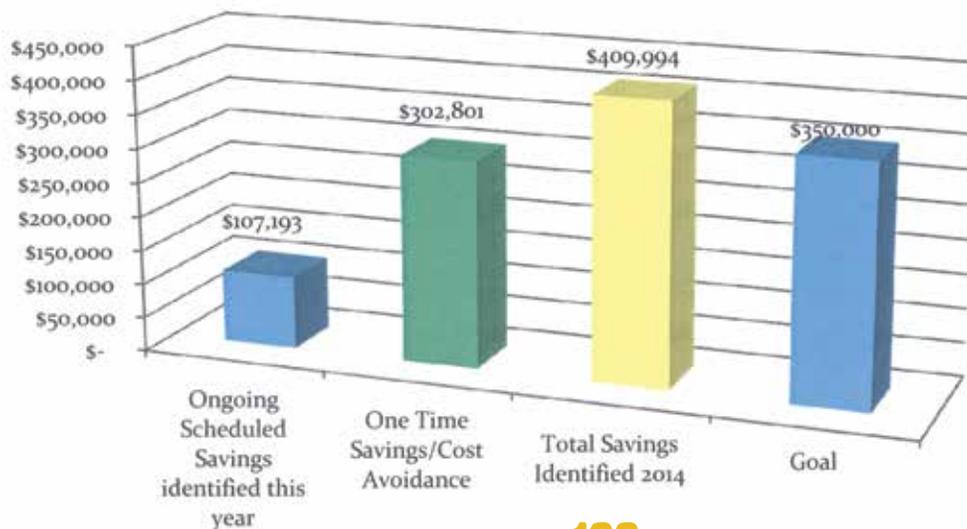
Hybrid Model Approach

Salina’s approach to Lean engages all employees in eliminating non-value-added tasks by focusing their attention on Lean principles that pertain to government transactions. Our CPI model uses six categories of waste that are identified in Lean, plus two additional waste categories that are critical for government. The six common to Lean include: wasting time, mistakes, excess movement or motion of workers, inefficient processes, transporting of work and excess inventory. The City of Salina added two principles; do it right the first time and always do the right thing. These additions enhance Salina CPI model’s effectiveness for government.

To remember the eight categories of non-value-added tasks, City employees created the acronym W-MEDIATE. Management is also tasked with applying other Lean principles that focus on labor utilization, supply management, efficient processing methods, the voice of the customer and effective leadership habits.

The primary intent of Six Sigma is to eliminate variation that causes defects using data-driven tools. Our Six Sigma focus is targeted to the CPI program management approach. We use small teams of experts to work on high impact projects. This strategy uses the traditional Six Sigma approach of developing a cadre of well trained green belt certified personnel. These green belts are assigned high impact projects under the direction of a black belt project leader. An executive support team led by the city manager identifies high impact projects and assigns them to these teams by

2014 Only



using project charters. The PDCA/PDSA cycle (plan, do, check, act/plan, do, study and adjust) is used to guide each high impact project. To increase competency throughout the organization these teams are rotated off after six projects. This approach reduces normal operational disruptions and creates an ongoing employee development environment throughout the organization.

The Intended Outcome

The City of Salina's intent is quite simple, to create a culture of continual improvement where the following occurs: all processes have been standardized and improved; workload requirements are known for every process, position and unit; employees constantly contribute to improving processes; management applies lean principles; and high impact projects are focused on by small groups of highly trained employees. This is an ongoing incremental process for improvement. When these results are attained, the Salina municipal government will meet its long-term goal of being the most efficient local government organization in Kansas. An early indication of training and cultural success is when from time to time we hear an employee comment about how inefficient they found some aspect of a local business they have visited.

Successes and Projections

Over the past two years, the City of Salina has documented 728 processes, made 237 process efficiency improvements and increased organizational capacity by 4,652 hours. This truly begins with small projects and successes. So far this year, \$302,000 in one-time cost savings and \$107,000 in ongoing savings have been identified. With just two years of hard work using CPI, we can accurately project a five year impact of \$2.5 million in total cost-savings through efficiency gains. We do expect this number to increase in time.

This year the City of Salina was a proud partner in hosting the community's first continuous improvement conference. However, we are still in the early stages of CPI implementation. It is expected to take another three years to gain a long-term cultural foothold. Nevertheless, the key strategies are gradually gaining ground and

will eventually dovetail into furthering a culture that is destined to have significant long-term impact.

The Takeaway

LSS tools are not just a trend and shouldn't be considered a short-term panacea. They can define efficiency and are here to stay. If properly applied, over time, LSS tools can help uncover hidden inefficiencies, understand the voice of the customer, improve operations and save tax dollars. The tools can be applied comprehensively or on a case-by-case basis. It is also important to remember that any organizational change is about cultural change. A plan for cultural change that is integrated with the technical change must be created, monitored and occasionally modified. It is our suggestion that every local government at least consider applying LSS tools before ever considering raising taxes, fees or cutting services. These tools are applied in private sector organizations considered "best in class." In time, they will also define "best in class" local government organizations.

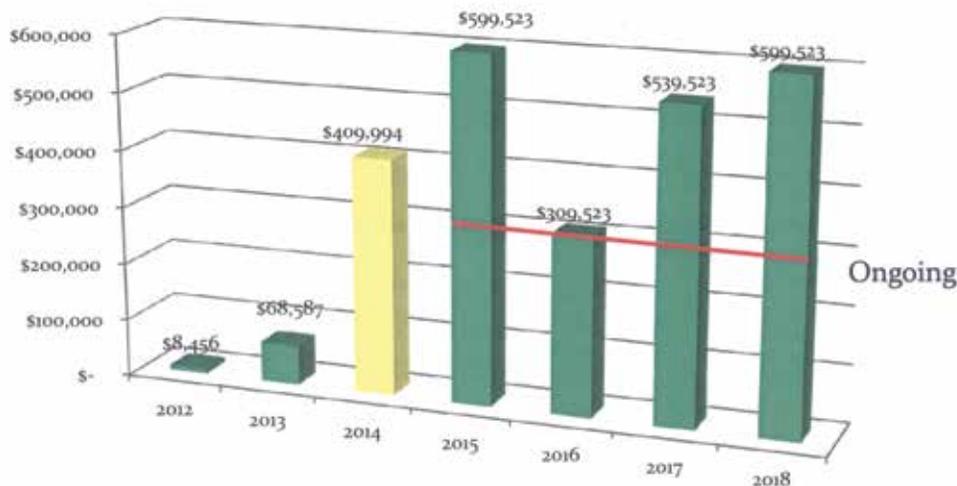
 Jason Gage is the City Manager for the City of Salina. He can be reached at (785) 309-5700. Bryon Johnson is the Process Improvement Director for the City of Salina. He can be reached at (785) 309-5790 Ext. 2108. Rachel Hinde is the Community Engagement Coordinator for the City of Salina. She can be reached at (785) 309-5745.

Sources

- George, M. (2003). *Lean Six Sigma for Service: How to Use Lean Speed and Six Sigma Quality to Improve Services and Transactions*. New York, NY: McGraw-Hill.
- George, M., Rowlands, D., Price, M., & Maxey, J. (2005). *The Lean Six Sigma Pocket Toolbook: A Quick Reference Guide to Nearly 100 Tools for Improving Process Quality, Speed, and Complexity*. New York, NY: McGraw-Hill.

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Employee or Independent Contractor: Does it Matter?

The short answer is “YES.” Misclassification of an employee as an independent contractor can result in substantial headaches and penalties down the road. The proper classification is critical for the purposes of Internal Revenue Service (IRS), the Fair Labor Standards Act (FLSA), and in workers’ compensation issues. Regardless of the context, it is important for cities to use the correct classification of employee or independent contractor.

Generally, a worker’s classification financially impacts a city. If the worker’s classification is an employee, the city is responsible for paying minimum wage and overtime; withholding and reporting federal and state income taxes and the employees’s share of social security and Medicare (FICA); paying the employer’s share of FICA; paying all state and federal unemployment taxes; paying workers’ compensation premiums on behalf of the worker; and furnishing the employee an IRS Form W-2. In addition, most cities provide several benefits, including retirement, health insurance, vacation, holidays, and sick leave.

On the flip side, with an independent contractor, the city is responsible only to make payment as required under the agreement with the contractor and to furnish an IRS Form 1099 to the contractor at the end of the year. The city has no responsibility for computation, withholding, and reporting of state and federal taxes, FICA, and the like. In addition, the city does not incur any liabilities for unemployment taxes, workers’ compensation premiums, costs incurred for providing employee benefits, or overtime.

While many of the principles discussed have corresponding provisions in Kansas law, the balance of this article will be confined to a discussion of the federal law that would be applied in an IRS or FLSA issue. Before discussing the federal law, it is important to note that just because you refer to someone doing work as an independent contractor, or the individual agrees to be a contract employee and receive a fixed amount for performing a job, or even signs a contract stating that the city and the individual are contracting for a purpose does not, in and of itself, make the person an independent contractor.

Generally, the answer to the question of independent contractor or employee comes from court opinions. There are two main tests that courts look to in resolving the issue. The first is the federal common-law test, which is often referred to as the right to control test. This is used to determine IRS issues, i.e. tax withholding, social security, Medicare and other employer related withholding issues. (This is also quite similar to the test used in Kansas for determining workers’ compensation cases.) The second is the economic reality test. It is used by courts in deciding FLSA matters, basically the application of minimum wage and payment of overtime.

Under both tests it is the relationship between the individual being employed and the hiring entity (the city) that is examined. An independent contractor agrees to do a specific job, acting on his or her own judgment and work methods. The independent contractor receives no supervision by the city and the city retains only the ability to approve the final project. An independent contractor is not subject to discipline. Whereas, an employee is directed by an employer to handle duties in a designated way, time, and with specified methods. An employer may discipline or, under some circumstances, terminate an employee for failure to follow instructions.

When using the right to control test (IRS standard), courts look at three factors:

(1) Behavioral Control covers facts that show whether the business

has a right to direct and control what work is accomplished and how the work is done through instructions, training, or other means.

(2) Financial Control covers facts that show whether the business has a right to direct or control the financial and business aspects of the worker’s job. This includes: the extent in which the worker has unreimbursed business expenses; the extent of the worker’s investment in the facilities or tools used in performing services; the extent in which the worker makes his or her services available to the relevant market; how the business pays the worker; and the extent in which the worker can realize a profit or incur a loss.

(3) Relationship of the Parties covers facts that show the type of relationship the parties had. This includes: written contracts describing the relationship the parties intended to create; whether the business provides the worker with employee type benefits, such as insurance, a pension plan, vacation pay, or sick pay; the permanency of the relationship; and the extent in which services performed by the worker are a key aspect of the regular business of the company.¹

For FLSA issues, the courts use the economic reality test. This test examines “whether the individual is economically dependent on the business to which he renders service or is, as a matter of economic fact, in business for himself.” *Doty v. Elias*, 733 F.2d 720, 723 (10th Cir. 1984). This test, generally, considers five factors:

- (1) The degree of control exerted by the employer;
- (2) The extent of the relative investment of the worker and the employer;
- (3) The worker’s opportunity for profit or loss;
- (4) The skill and initiative required in performing the job; and
- (5) The permanence of the working relationship.

The economic reality test factors are similar to the control test factors. Both tests look at who exercises the control over the worker, the extent of the investment by the parties, and the financial results to be gained or lost by the worker. No single factor is controlling.

Yes, all of this can be confusing. There are two hints that a city can look at in trying to decide if there is an employee or independent contractor relationship. If the individual is doing work that is normally or traditionally done by a city employee, you most likely have an employer-employee relationship. If the individual advertises and regularly performs the same type of service or work for others, you most likely have an independent contractor relationship.

Even with these hints, consultation with your city attorney is critical. Misclassifying employees as independent contractors can create liabilities for unpaid overtime, underpaid employee and employer withholding, interest, and penalties. The city, as employer, is liable for payment of all penalties, fines, and payments imposed and may not seek reimbursement from the employee.

In summary, few people performing services for a city can be deemed true independent contractors. Errors in classification can be costly. Confer with your city attorney.

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

Footnote

1. For more information on the IRS, refer to Publication 15 A, pp. 7-8 (<http://www.irs.gov/pub/irs/pdf/p15a.pdf>), Employer’s Supplemental Tax Guide, or Publication 1779 (PDF), Independent Contractor or Employee (<http://www.irs.gov/pub/irs/pdf/p1779.pdf>). Also see <http://www.irs.gov/>



KDOT Statewide Transportation Meetings

Several statewide meetings have been planned to give Kansans the opportunity to discuss their transportation priorities with the Kansas Department of Transportation and the Kansas Turnpike Authority. This fall, eight local consultation meetings have been planned, to discuss highways and other modal needs including rail, aviation, transit and bike/pedestrian plans. The search for common goals at the state and regional level is important; feedback from communities will supplement current construction work, as well as aid with new projects. The first meetings will be held in September in Kansas City, and continue until mid-October.

Members of the community can pre-register for these events and express any particular transportation topic that participants would like to discuss. A summary of each local consultation meeting will be posted on the KDOT website. You may find more information regarding the meeting schedule at http://www.ksdot.org/Assets/wwwksdotorg/Headquarters/PDF_Files/pressrelease2014/localconsultSept8.pdf.

Source: Kansans invited to come to statewide transportation meetings. (2014, September 8). Retrieved September 10, 2014, from <http://www.ksdot.org/>.

U.S. Transportation Secretary Announces TIGER Project for Southwest Kansas

Department of Transportation - U.S. Transportation Secretary Anthony Foxx announced that the Department of Transportation would provide \$600 million for 72 transportation projects in 46 states and the District of Columbia from its TIGER (Transportation Investment Generating Economic Recovery) 2014 program.

One of the projects will be to restore bolted rail between Hutchinson, Kansas, and Las Animas, Colorado (over which Amtrak's Southwest Chief currently travels), to a much safer and higher performing standard featuring continuously welded rail, new turnouts, and panelized grade crossings. Improvements are being targeted to locations with the most urgent needs, preventing additional deterioration of service in the immediate future.

The project will directly benefit more than 355,000 Amtrak

passengers annually through increased reliability; will reduce travel time along the corridor by approximately 30 minutes per train by increasing average speed; and combine multiple sources of public and private funding from federal, state, and local government, as well as Burlington Northern Santa Fe and Amtrak.

"As uncertainty about the future of long-term federal funding continues, this round of TIGER will be a shot in the arm for these innovative, job-creating and quality of life-enhancing projects," said Secretary Foxx. "We're building bridges from Maine to Mississippi. We're creating ladders of opportunity for the middle-class and those seeking to enter the middle-class by investing in transit, road and rail projects from Los Angeles to Detroit to New York City, increasing access to jobs and quality of life."

Four Counties Added to the Rural Opportunity Zones Program

The Rural Opportunity Zones program plans to add four additional counties during the 2015 Fiscal Year. Cherokee, Labette, Montgomery, and Sumner counties have decided to join the initiative designed to bring new residents to rural Kansas after decades of population loss.

The Rural Opportunity Zones program permits individuals who meet certain requirements to move to one of the 77 certified counties and have their state income taxes waived for up to five years. Additionally, counties who decide to partner with the state may offer student loan repayments of up to \$15,000. Roughly 70 counties have agreed to participate in the student loan repayment

program. Over 1,600 applications have been received for participation in the student loan repayment program from residents of 42 states have been received. These applicants represent a wide variety of industries and educational backgrounds, with especially strong representation of education, healthcare, and agricultural applicants. For more information regarding Rural Opportunity Zones program, visit KansasCommerce.com/Rural.

Source: Rural Opportunity Zones program expands to additional counties. (2014, August 28). Retrieved September 10, 2014, from <http://www.kansascommerce.com/CivicAlerts.aspx?AID=1058>.

KANSAS PRIDE AWARDS

By Jaime Menon

In 2013, 65 PRIDE communities engaged in 902 collaborative partnerships at the local, regional, and state level. PRIDE communities reported that 311 of these collaborations engaged youths. In 2013, PRIDE communities reported 56,723 hours of volunteerism. This conservatively calculates to a dollar value of more than \$1,146,500. Kansas PRIDE communities reported raising \$901,000 for reinvestments in their communities during 2013. These are surely great examples of “*Vibrant Communities with a Positive Future!*”

The mission statement of Kansas PRIDE is to promote an enhanced quality of life for citizens of Kansas communities through education, leadership development and recognition. In 2013, the volunteers from the 65 Kansas PRIDE communities, working as a team, demonstrated fantastic effort and commitment

to Kansas community improvement initiatives. Providing support to the Kansas PRIDE communities is a partnership team including K-State Research and Extension, Kansas Department of Commerce, and Kansas PRIDE, Inc. To enroll, a group of interested volunteers collaborate with local government to organize a PRIDE committee. Then, with technical support from the partners, a research-based community planning process based on the Community Capitals is initiated. This includes assessment, goal setting, project implementation, evaluation, and celebration! Kansas PRIDE provides recognition through three major programs including STAR Project awards, Community of Excellence, and Partners in PRIDE. In 2013, the communities on the following pages received statewide recognition for their work based on one of the seven community capitals.





Fun at the Neighborhood Watch Block party.



Youth participating in babysitting clinic.



Work at the Lenora pet clinic.



Work to restore bleachers in the park.

Social STAR Capital Award - 2013

Spearville PRIDE Neighborhood Watch Block Party

Social Capital: Groups, organizations, networks in the community, the sense of belonging and bonds between people.

Spearville PRIDE hosted its first Neighborhood Watch Block party in September 2013. They divided the town into workable block areas and invited people in each area to serve as block captains. Simultaneously, the entire community came together for an evening of fellowship. This event solved two issues that the PRIDE organization is actively involved in, welcoming newcomers and addressing the safety of residents through the Neighborhood Watch program. The evening was a success and plans are underway for 2014.

Social STAR Capital Award - 2013

Lenora PRIDE Park Rehabilitation

The Lenora PRIDE organization is working to rehabilitate two community parks. In 2013, they were able to work with the City of Lenora to place a restroom facility at the school playground. In addition to the restrooms, Lenora PRIDE placed a structure for shade above the picnic tables and planted several trees. At Larrick Park, they added a sign showing the location of the park and painted the fencing, playground equipment, picnic tables, and refurbished the bleachers. All a great way to provide opportunities for people to gather!

Human STAR Capital Award - 2013

Lenora PRIDE Pet Clinic

Human Capital: All the skills and abilities of people, leadership, knowledge, and the ability to access resources.

More than 20 years ago, Lenora PRIDE identified a need in the community for a pet clinic as a way to ensure a community comprised of healthy pets and people. Today, Lenora is located at least 20 miles from the closest veterinarian and has 68 registered pets. Each year Lenora PRIDE partners with a local veterinarian to operate this pet clinic. In 2013, they served more than 30 animals in Lenora, eliminating the need for people to travel far or take off work for the annual pet examinations. Lenora is now a town of healthy pets and happy people.

Human STAR Capital Award - 2013

Spearville Babysitting Clinic

The Spearville PRIDE Committee is always identifying needs to address in their community. It was recently identified that a list of babysitters would be beneficial to local families. As a first step, it was decided to conduct a babysitting clinic for area youth from 5th grade through seniors and offer basic instruction and education on the proper etiquette of a babysitter and basic first aid. They partnered with Ford County Extension and Ford County EMS on the event. They also collaborated with Spearville USD 381 for the use of the school lunchroom. Twenty-six youth were trained in basic first aid, CPR, and other basic knowledge expected of a good babysitter. The list of participants was listed in the Spearville News and also posted at the library, local grocery store, and post office. This helped fill the need of having youth that were qualified to care for children.

Cultural STAR Capital Award - 2013

Lenora PRIDE Historical Calendar

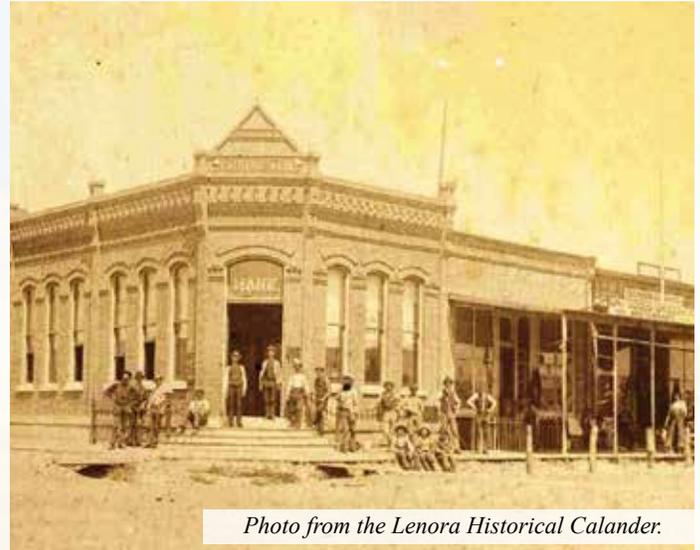
Cultural Capital: Ethnicity, generations, stories, and traditions, spirituality, habits, and heritage.

The Lenora PRIDE organization identified a need in the community to showcase their unique history and cultural identity as well as celebrate dates for birthdays, anniversaries, and other occasions. By combining these needs into one project, PRIDE Historical Calendars, it has also turned into a great fundraiser. To date, more than \$700 worth of calendars have been sold. This project was built on partnerships between individuals and business members of the community.

Cultural STAR Capital Award - 2013

Lucas PRIDE – Millers Park Conservation and Relocation

In 2013, Lucas was fortunate to have the Kohler Foundation take on the preservation of Miller's Park. It was a cooperative effort between the Kohler Foundation, the Schwaller family, Lucas PRIDE, Friends of S.P. Dinsmoor's Garden of Eden, Lucas Historical Society, Russell County Convention and Visitor's Bureau, the City of Lucas, and the Lucas Area Chamber of Commerce. The community of Lucas has had a cultural niche



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Partners in PRIDE grants used to make improvements to a ball park.

for grassroots art and folk art since the early 1900s. This niche is what keeps Lucas and its businesses viable. For years, the park welcomed visitors to Lucas as they traveled across the country. Now the younger generation is enjoying what their grandparents played around with when they were kids. Visitors to the Garden of Eden just can't resist walking over to the relocated Miller's Park to see the miniature buildings and cone shaped mountains. Miller's Park is a great example of the level of collaboration required to preserve outdoor art environments. Miller's Park will have a permanent location adjacent to the Garden of Eden in Lucas. As of November 2013, Kohler Foundation passed stewardship of Miller's Park to the Friends of S.P. Dinsmoor's Garden of Eden.

Built STAR Capital Award - 2013

Lucas PRIDE Playground Equipment Installation

Built Capital: Buildings and infrastructure-schools, roads, water and sewer systems, and main streets-in a community.

In the 2011 – 2012 school year, Luray-Lucas Elementary School and Lucas-Luray High School joined with Sylvan Unified School. A major change in Lucas included the elementary grades at the Lucas facility. It had been several years since elementary-aged students were located in Lucas, so the facility did not have any playground equipment for the students. The elementary students started fundraising at the end of the 2012 – 2013 school year, to acquire playground equipment for the school year. A playground not only encourages exercise and healthy living, but also aids in developing important social skills. Before the playground equipment was installed, the students were walking or running laps around the school for exercise. Area businesses and organizations stepped up and donated enough money to get the basic playground equipment and the rubber chunks that keep the students safe as they come down the slides. Volunteers worked to put the equipment together, digging holes for concrete stabilization, and applying the layer of rubber chunks around the equipment. Even now, the students and teachers continue to raise funds for additional pieces of playground equipment for all ages at the Lucas Sylvan

Elementary School. This goal will continue to keep Lucas looking ahead toward the future of its students and community.

Partners in PRIDE Grants

Political Capital: Connections to people in power; access to resources, leverage, and influence to achieve goals.

Financial Capital: Money, charitable giving, grants, access to funding, and wealth.

Partners in PRIDE grants are mini grants of up to \$2,000 from Kansas PRIDE, Inc. They are intended to be used by local PRIDE communities to address a need that has been identified through a community planning process and will move the community closer to their long-term goals. To date, 19 awards have been made totaling nearly \$35,500 that is matched dollar for dollar at the local level through cash or in-kind donations — a total investment in community improvement of more than \$70,000. In 2013, the following communities received Partners in PRIDE grants to support a variety of projects. These projects included campground improvements, fall festivals, ballparks, and historical preservation.

- Iola – Downtown Beautification and Historic Walking Tour
- Larned – Time to Get Moving Family Activity Program
- Lucas – Lucas Grassroots Art Walking/Driving Tour
- Potwin – Ball Field Rehabilitation
- Ashland – Park Court Lighting Project
- Humboldt – Park Restroom Project
- Glasco - Museum Complex Project

In addition to these communities, the following communities received funds through the Partners in PRIDE, Get It Do It program, which is intended to fund projects that engage youth in the community planning process. These youth work as partners with adults in the community to identify the need, plan, execute, evaluate, and celebrate the local improvement projects.

Community of Excellence

Kansas PRIDE recognizes communities who have initiated and continue to follow a comprehensive community planning process including assessment, goal setting, identified projects, evaluation, recognition, and celebration. These communities have provided evidence of following the process and are currently designated as Kansas PRIDE Communities of Excellence:

2012-2014

Glasco
Humboldt
Larned

2013 – 2015

Ashland
Alton
Iola
Lakin
Lenora
Lucas
Potwin
Rossville
Spearville
Wilson

2014 – 2016

Goff
Grainfield
Highland
Perry

Achieving Community of Excellence status provides these communities recognition for their planning efforts, opportunities to apply for Partners in PRIDE grants, and the opportunity to be pointed to as highly functioning PRIDE communities who honor their past while planning for their future.

- Randolph – Park Bridge Project
- Larned - Walking Trail and Fitness Stations

Kansas PRIDE would like to recognize the 2013 corporate sponsors of the PRIDE program community initiative:

Atmos Energy
Black Hills Energy
Blue Valley Telecommunications
Casey's General Stores, Inc.
Hutton Construction
Kansas Bankers Association
Kansas Gas Service
Kansas Rural Water Association
Midwest Energy
Nex-Tech
Southern Star Central Gas Pipeline
Westar Energy
The Kansas Association of Counties (in kind)
The League of Kansas Municipalities (in kind)

All resources donated by these sponsors are returned to the communities through communication, education, recognition and community grants.

 *Jaime Menon is with K-State Research and Extension Kansas PRIDE Program. She can be reached at jmenon@ksu.edu. All photos for this article were provided by PRIDE.*



Berkshire Hathaway

HOMESTATE COMPANIES

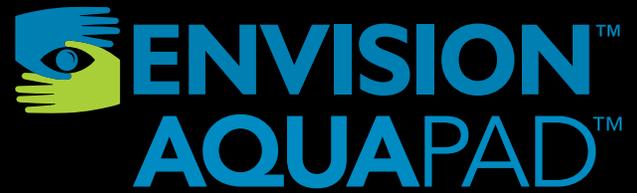
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NATIONAL LEAGUE of CITIES



October 1, 2014

Dear Members of the League of Kansas Municipalities,

On behalf of the League and the National League of Cities, we would like to extend an invitation for you to join us at the National League of Cities Congress of Cities conference in Austin, Texas, this November 19-22. The partnership between the State leagues and NLC is one that was established in the founding of the National League of Cities and today is stronger than ever.

This year's NLC conference will be jam-packed with workshops to prepare you for whatever comes your city's way. Take your leadership to the next level by getting expert insights into relevant topics like climate resilience, veteran employment, economic development, and transportation technology. Don't miss out on this opportunity to get the emerging strategies and best practices you need to take your city into the future!

Take a field trip around Austin with one of NLC's mobile workshops, which will showcase 16 of Austin's creative solutions to common city challenges, like affordable housing and downtown development. Go on a hike through the Lady Bird Johnson Wildflower Center, taste organic produce at an urban farm, and visit an award-winning mixed-use redevelopment. You're sure to find inspiration while learning all about the vibrant, innovative city of Austin.

You'll also have plenty of chances to network with local leaders from all over the country, including a fantastic Closing Celebration at the LBJ Library, featuring all different kinds of live music and Austin's best food! Make new connections at one of the networking events, and catch up with your colleagues at the joint reception sponsored by the League of Kansas Municipalities and the Missouri Municipal League, to be held Friday, November 21.

The League and NLC continue to work as partners to bring a voice to your cities and towns statewide and nationally. We hope you're able to come to Austin and take advantage of this wonderful networking opportunity to learn from your peers about the great things happening in cities around the country. Learn all about it at: www.nlc.org/CoC!

Best regards,
Clarence Anthony
Executive Director
National League of Cities

Erik Sartorius
Executive Director
League of Kansas Municipalities



Should Cities Regulate the Use of Electronic Cigarettes?

In the spirit of election season, I decided to turn this month's Best Practices column into a debate. The debate topic will be whether cities should extend the state's public smoking ban to the use of electronic cigarettes (or "e-cigarettes").

Before debating the issue, here is a little background on e-cigarettes and e-cigarette regulations. E-cigarettes were first developed in China, and were introduced to the U.S. market in 2007. Typically, they are composed of a rechargeable, battery-operated heating element and a replaceable cartridge. They are smoke-free and tobacco-free, and designed to deliver nicotine or other substances to a user in the form of a vapor. The liquid used to produce that vapor is typically a combination of nicotine, flavorings, propylene glycol (a solvent), and other additives.¹

In 2011, the Kansas Attorney General's Office released an opinion stating that the state's Clean Indoor Air Act did not apply to the use of e-cigarettes in public places.² However, that Act included language expressly authorizing cities and counties to pass more stringent smoking local regulations, which could include extending the ban to e-cigarettes.³ In 2012, the Kansas Legislature joined a handful of other states to ban their sale to minors.⁴ This August, Overland Park became one of the first cities in Kansas to extend the state's public smoking ban to e-cigarettes.⁵ They were joined a few weeks later by the City of McPherson, which passed a similar ban.⁶ There are currently no federal e-cigarette regulations, but the Food and Drug Administration (FDA) has proposed rules that would establish minimum age requirements and require ingredient listings and health warnings on the products.⁷

Include E-Cigarettes in Your Community's Public Smoking Ban

One of the main roles of local government is to protect the public's health, and that should include decreasing the use of and exposure to e-cigarettes. The vapor created by these products is from liquid nicotine, which is extracted from tobacco and can be lethal. The FDA found some cartridges of liquid nicotine contained about one percent diethylene glycol (DEG), a toxic chemical ingredient also found in antifreeze.⁸ In 2013, 24 people (11 of whom were children) reported toxic exposure from e-cigarettes to poison control. Cities should do whatever they can to discourage exposure to these dangerous substances.

Proponents of e-cigarettes often claim that prohibiting their use in public does not make sense because there are no second-hand exposure concerns. However, many e-cigarette devices release metals like tin during use, as well as other materials known to be toxic or carcinogenic.⁹ These are the same types of chemicals the Kansas Legislature intended to ban from indoor areas open to the public when they enacted the Kansas Indoor Clean Air Act. Not including e-cigarettes in a community's smoking ban amounts to a loophole that individuals can use to circumvent the purpose of this Act.

Additionally, e-cigarettes may lead young people to try other tobacco products like conventional cigarettes. Allowing the widespread use of a gateway product like e-cigarettes could increase smoking, which is the leading cause of preventable disease and death in the United States.

Finally, Kansas's public smoking ban is extremely popular, and municipalities should recognize that a vast majority of their residents now expect smoke and vapor free public environments.¹⁰ As stated by Overland Park City Councilmember Terry Goodman, "Whether it's harmful or not, Overland Park residents have a right to go into a restaurant or bar and not sit next to a table full of six people puffing away on vaping devices and exhaling the vapor or smoke...."¹¹

Do Not Regulate the Use of E-Cigarettes in Public

The whole conversation about regulating e-cigarettes is another example of busybody government unnecessarily intruding on the lives of its citizens. Most evidence suggests e-cigarettes are safer than smoking tobacco products, and possibly as safe as other nicotine replacement products.¹² Shouldn't Kansans have the freedom to enjoy safe products in public?

Additionally, e-cigarettes can help smokers quit using regular cigarettes. Cities are not considering outlawing the public use of the patch or nicotine gum, which arguably can also lead to nicotine addiction. It makes little sense for cities to ban another product that could decrease cigarette use, which, as my opponent mentioned, is the leading cause of preventable disease and death in the United States.

It is also important to recognize that e-cigarettes do not cause the same second-hand exposure issues created by regular cigarettes. The aerosol produced from e-cigarettes has notably fewer toxicants than cigarette smoke and likely poses less harm to others.¹³ Since Kansas's public smoking ban was passed primarily to protect non-smokers from the effects of second-hand smoke, there is no reason to expand that ban to e-cigarettes.

Finally, banning e-cigarettes in public is anti-business. Hip establishments designed for individuals to enjoy e-cigarettes (often called "vaping hangouts") are a fast-growing industry in Kansas. Passing ordinances that prevent the continued proliferation of these businesses will harm entrepreneurs and job creation in our state.

In summary, please reject the nanny-state approach of my opponent. Public regulation should be reserved for legitimate public health issues. Banning e-cigarettes in public is simply another example of government overreach.

 *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.*

To view the sources for this article, see page 315.

Chief of Police

The City of Norton, Kansas, is accepting applications for the position of Police Chief, to supervise a five officer department. Applicants must be at least 21 years old, possess a high school diploma/GED and valid driver's license, and possess KLETC certification or equivalent. Four years of progressively responsible law enforcement including two years in an administrative capacity required. Minimum starting salary is \$22,796/hour with excellent benefits. Send resume to City Clerk Darla Ellis, P.O. Box 160, Norton, KS 67654, or call (785) 877-5000 for application. Deadline: October 10, 2014. E.O.E.

City Administrator

Columbus, Kansas (pop. 3,250; \$4.5 million budget; 32 FTE's), the county seat of Cherokee County, is located twenty-five miles west of Joplin, Missouri, on the edge of the Ozarks in southeast Kansas. The community has a strong, diverse economy, which is anchored by one of the largest construction contractors in the state. Columbus is also home to a technical college which helps maintain its skilled workforce, along with some of the best broadband service in southeast Kansas.

Columbus has a mayor-council form of government. The City maintains four parks and a number of other recreational facilities; operates water, wastewater, and solid waste utilities; and has police and fire departments. The City Administrator exercises general supervision over all municipal staff and manages day-to-day operations. The position is also expected to develop ideas to improve the community, research information for the council, and evaluate city programs.

Applicants are required to possess a bachelor's degree in public administration or a related field and at least three years of management experience. Candidates must showcase a history of hard-work, leadership, and have experience managing personnel. The new City Administrator will be expected to instill professionalism within the organization, and collaborate with the public, council, and staff. Past budgeting experience is preferred.

Competitive benefits; Salary \$55,000-\$65,000 DOQ. Interested candidates should submit a cover letter, resume, and three work-related references to nharrison@

lkm.org or LEAPS-Columbus, 300 SW 8th, Topeka, KS 66603. If confidentiality is requested, please note in application materials. Position will remain open until filled. Application review will begin October 2. EOE.

City Manager

The City of Chanute, Kansas, is seeking a new City Manager. Chanute (population 9,112) is located 90 miles SW of Metro Kansas City. The City operates as a full service community, plus electric, natural gas, water, sewer, storm water, fiber optic, landfill, refuse collection, and airport. Chanute operates with a \$50M combined funds budget with 150 FT employees plus PT and seasonal staff. The City is a Commission/Manager form of government.

Qualifications: A Bachelors of Arts or Science Degree in Public Administration or related field from an accredited university with a minimum of three years of high level knowledge of management and budgetary experience. A Master's degree is preferred. BA/BS Degrees and Master's Degree can be exchanged in combination to 5-6 years of high level senior management experience in a private or public sector. Experience as a City Manager or Assistant City Manager with knowledge of public management, utility management and budgetary experience is highly desired. Competitive candidates should have at least 7-10 years of senior level experience in a similar or greater complexity and size of organization. Any equivalent combination of experience, training and education that will provide the skills and ability necessary for satisfactory performance of the required duties. Salary: \$90,000-\$150,000 D.O.Q.

December 8, 2014 (First Review-Open until Filled) Mail applications, supplemental questions, resumes and cover letters to: City of Chanute, City Manager Search, % Janice McCoy Director of Human Resources, P.O. Box 907 Chanute, Ks 66720 or electronically to jmccoy@chanute.org.

View complete position profile at www.chanute.org.

Director of Creative Services

The City of Kansas City, Missouri is seeking an energetic connector and a dynamic leader who believes that arts and culture are essential to creating an even

“greater city,” and to improving the quality of life for all Kansas City, MO residents and visitors. Reporting to the City Manager, the Director of Creative Services functions as the catalyst for cultural community planning, facilitating partnerships between artists, cultural organizations, and governmental / civic organizations for the overall cultural development and creative placemaking of the City. This newly created position will direct citywide cultural activities in all areas of the arts through an extensive set of programs, special projects, and policy-setting initiatives. Requires a Bachelor's degree and 8 years of experience including 4 years of administrative and supervisory experience. A Master's degree is desirable. The salary range is \$67,284 - \$117,168. Apply immediately. This position is “open until filled”. Electronic submittals are strongly preferred to Ralph Andersen & Associates at apply@ralphandersen.com. Submissions should include a compelling cover letter, comprehensive resume, and salary history. Confidential inquiries are welcomed to Heather Renschler at (916) 630-4900. Detailed brochure available at www.ralphandersen.com.

Economic Development/CVB Director - City of Lansing -

The city of Lansing, Kansas, is seeking an energetic and highly motivated individual to oversee the economic development efforts of the City, while also managing the tourism activities for our growing community to include all City events. Must be creative and possess excellent writing skills. This position also oversees the Lansing Historical Museum, the Government Access Channel 2, and Information Technology. Excellent public relations skills are a requirement as this position represents the city in many different capacities with the public and other governmental agencies.

Qualified applicants must have a bachelor's degree in business, marketing, communications, public administration or related field with a minimum of five years of experience in a local government position with at least three years of progressively responsible supervisory or managerial experience.

Must be 18 years of age and possess a valid Kansas driver's license. Residency requirement must be met within 6 months.

Compensation DOQ. Apply Monday-Friday at Lansing City Hall, 800 1st Terrace, Lansing, KS 66043, 8 a.m. to 4:30 p.m., or apply online at www.hrepartners.com or www.lansing.ks.us. Excellent benefits package. This position provides retirement benefits through the Kansas Public Employees Retirement System. Electronic applications preferred. Equal Opportunity Employer.

Full-time Police Officer

City of Anthony is accepting applications for a full-time police officer. Applicants must be 21 years, have a high school diploma or equivalent, valid driver's license, and no criminal record. Salary is DOQ. Excellent benefits including: BC & BS health insurance, KPERS retirement plan, paid vacation, and paid sick leave. Law enforcement certification is required. Send completed job application to: City of Anthony, P.O. Box 504, Anthony, KS 67003. Call (620) 842-3134 or visit www.anthonykansas.org/jobs for more information. Position is open until filled. The City of Anthony is an EOE.

Public Works Director-City of Ottawa, Kansas

Looking for a forward-thinker possessing strong leadership, communication, budget and management skills. Creative team leader that will motivate and collaborate with employees, executive team, elected officials and the public.

Must have 5-7 years of supervisory experience with public works in public sector or closely related field. Bachelor's degree in Business, Engineering or related field. Engineering background, experience with public works grants, special assessment districts, stormwater management and sustainable infrastructure desirable.

Apply to www.hrepartners.com and also submit cover letter, resume, three professional and three personal references to City of Ottawa Human Resources PO Box 60 Ottawa, KS 66067. Position closes October 19, 2014.

Public Works Utility Worker II or III Position

The City of Chapman is accepting applications for the position of Utility Worker II or III. Equipment operation experience is required, as well as knowledge of water, wastewater and electric distribution. State of Kansas water/wastewater, or journeyman lineman certification preferred. Must pass

a drug screen upon employment offer and have valid Kansas driver's license. Salary DOQ. Excellent benefits including health insurance, KPERS retirement, paid vacation and sick leave. (EOE)

Job description and applications may be obtained at City Hall, 446 N Marshall, Chapman, KS 67431 or by calling 785-922-6582.

Open until filled.

Utility Department Maintenance Worker

The City of Moundridge is accepting applications for a full-time position with our utility department which includes water, natural gas distribution, and electrical distribution systems. The job will require working in inclement weather conditions, working with electrical, natural gas and water systems, heavy lifting, learning to operate a variety of equipment, along with many other city related responsibilities. Gaining a vast knowledge of the city's electrical, natural gas and water distribution systems is essential. The applicant must have a good work ethic, have a positive attitude, and possess the necessary skills to work in a public setting. All utility employees are required to be on the rotating "on call" schedule that will require occasional after hour service restoration. Within 60 days of employment the candidate must live within close proximity of the City of Moundridge. The ideal candidate will have a High School Diploma or GED, be insurable, have a valid Class B CDL Kansas driver's license, and submit to post job offer background check, drug screening, physical and DOT / PHMSA random drug testing if selected. Experience in municipal utilities, have class 2 water operator license, and OQ in natural gas is preferred, but not required. Training will be provided the right person. The City of Moundridge provides a competitive wage and a good benefit package. Applications can be picked up at city hall 225 S. Christian, Moundridge KS 67107, by calling 620-345-8246, or by emailing rfrazier@moundridge.com

The City of Moundridge is an Equal Opportunity Employer.

Water/Wastewater Superintendent

The City of Kiowa, Kansas (pop. 1,023), is seeking a Water/Wastewater Superintendent to serve the community. The ideal candidate will have a minimum ten years of experience working with water/wastewater systems and currently hold both Class I Water and Small

System Wastewater certifications, and have a strong aptitude for: chemical treatment of water, hydraulics of water systems, lagoon maintenance, heavy equipment use and basic electronics operation and repair. Must know how to properly plan for system repairs, improvements and expansions to these systems, and be able to appropriately compile and communicate information on a regular basis. This full-time position oversees one operator in training and reports to the City Superintendent. Must possess a valid Kansas Class C driver's license. Pay for this position is DOQ. City provides excellent benefits. Please send resume, work history and four work-related references to: City of Kiowa, P.O. Box 228, Kiowa, KS 67070. Call (620) 825-4127 for job description and additional information. First review of applications will begin October 27th. Position is open until filled. City of Kiowa is an EOE.

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KGJ: A Look Back

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KMIT - An Idea Whose Time Has Officially Arrived

As most League members know, the Kansas Municipal Insurance Trust has officially become another of the League's growing list of member services. This workers' compensation pool, known as KMIT, was granted a certificate of authority to operate within the State of Kansas on December 30th, 1993, by Ron Todd, Commissioner of Insurance, for the State of Kansas. Since that date, KMIT has experienced phenomenal growth.

Starting with an initial membership of only 13 cities, KMIT already boasts a membership of nearly 50 cities with every indication that number will continue to grow. So successful has been the response across the state, that the KMIT Board of Trustees decided to close membership for 1994 as of April 29th. This decision was not only in response to unprecedented and unexpected growth, but also to follow through on commitment to those cities that have chosen to become KMIT members -- a commitment to provide better claims handling and reporting; loss control procedures; and risk management services than those currently provided to cities through traditional insurance carriers.

The League has already conducted several successful risk management SolutionSessions™ across the state. These sessions focused on the process of claims handling; discussed loss control concepts especially tailored for supervisors; and addressed general workers' compensation issues. The workshops were free of charge to KMIT members, but a surprisingly large number of non-KMIT cities also attended. Two more SolutionSessions™ series are scheduled for the summer and fall of 1994.

The only frustrating aspect of KMIT becoming a new League service has been the protests and innuendos of local insurance agents opposed to the pooling concept in general. Some agents, recognizing that they might lose a client to the pool, have resorted to half-truths and scare tactics about the accessibility feature of pools, bankrupt cities, and the like. These actions only serve to validate the fact that KMIT is a viable - and in many cases less expensive - alternative to traditional workers' compensation insurance. KMIT staff members at the League stand ready to answer any questions or address any concerns raised by local insurance agents.

Once again, membership for the 1994 calendar year will close on April 29th. Please contact the League if you are interested in joining the pool.

 *Article written by Bernie Hayen, Director of Special Services for the League, for the March 1994 issue of the **Kansas Government Journal**. This year marks KMIT's 20th Anniversary.*



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