

CHAPTER II

ADMINISTRATION

SECTION II-1. SOCIAL SECURITY--EXTENSION OF BENEFITS TO CITY EMPLOYEES.

A. The City of Buhler, Kansas, in accordance with the provisions of K.S.A. 1978 Supp. 12-16,102 does hereby establish an Employee Benefit Contribution Fund for the purpose of paying the Cities share of employee benefits prescribed by Section B of this Ordinance.

B. The Cities share of the costs of employee benefits authorized for payment from the fund created by Section A of this Ordinance shall include the following:

- (a). Social Security (FICA);
- (b). Kansas Public Employees Retirement System (KPERS);
- (c). Workers' Compensation Benefits;
- (d). Employment security, unemployment compensation benefits.

SECTION II-2. CAPITAL IMPROVEMENTS FUND.

A. In accordance with the provisions of Chapter 67, 1985, Session Laws of Kansas, there is hereby established a Capital Improvement Fund which shall be used by the City to finance, in whole or in part, any public improvement need set forth in the Cities Capital Improvement Plan.

B. In addition to providing a financing mechanism for paying capital improvement costs, such fund may also be used to pay for engineering and other advanced public improvement plans and studies with the fund periodically reimbursed from bond proceeds, special assessments, and from State or Federal aid that maybe available for the completed project.

SECTION II-3. MUNICIPAL EQUIPMENT RESERVE FUND.

A. In accordance with provisions of Chapter 65, 1985 Sessions Laws of Kansas, there is hereby established a Municipal Reserve Fund which shall be used by the City to finance the acquisition of equipment, including machinery, vehicles and other personal property, necessary for the future operation of this City.

Repealed SECTION II-4. OFFICIAL CITY NEWSPAPER. *(Repealed by Ord. No. 429) See Ord. No. 429*
The Buhler News, Inman, Kansas, is hereby designated to be the official City newspaper of the City of Buhler, Kansas.

SECTION II-5. CITY GOVERNMENT.

A. The City of Buhler, Kansas, a mayor-council City, of the third class, by the power vested in it by Article 12, Section V of the Constitution of the State of Kansas, elects to and hereby does exempt itself from, and makes inapplicable to it, Section 15-201 of the 1961 Supplement of the General Statutes of Kansas, 1949, and Section 15-210, General Statutes of Kansas, 1949, both Sections being part of Chapter 60, Laws of Kansas, 1871, as amended, which apply only to mayor-council Cities of the third class and which apply to said City of Buhler, and to provide substitute and additional provisions as hereinafter set forth.

B. A regular city election will be held on the first Tuesday in April, in each odd numbered year. On the first Tuesday in April, 1967, an election shall be held for a mayor, a police judge and five councilmen. The mayor first elected will hold office for two (2) years and until his successor is elected and qualified. At the election in 1969, and each for four (4) years thereafter, the mayor shall be elected to hold office four (4) years and until his successor is elected and qualified. At the election in 1967, two councilmen and the police judge shall be elected to hold office for two (2) years and three councilmen shall be elected to hold office for four (4) years. At the election of 1967, the candidates for councilman receiving the highest, second highest and third highest number of votes shall be elected for four (4) years and the candidates receiving the fourth and fifth highest number of votes shall be elected for two (2) years. In each election year, a police judge shall be elected and hold office for two (2) years and until his successor is elected and qualified; and in such election year, councilmen shall be elected to those council positions which are occupied by incumbents whose terms shall expire in May of that year. An election shall be held for the office of Mayor in those years in which the term of the incumbent of that office expires.

C. The City Clerk shall, within three (3) days after the canvas of the returns and determination by the board of canvassers of the persons elected, deliver to such person a certificate of election signed by him and sealed with the seal of said city and such certificate shall constitute a notice of election. The terms of the offices shall begin at the first regular meeting of the councilmen in May following their election in April and they shall qualify at any time before or at the beginning of said meeting. If any person elected to the office of Municipal Judge or councilman does not qualify within the required time, he shall be deemed to have refused to accept the office and a vacancy shall exist, and thereupon, the mayor shall, with the consent of the majority of the councilmen

remaining, appoint a suitable elector of the City to fill a vacancy for the term to which a refusing person was elected. In case of a vacancy in the office of a councilman by reason of resignation, death or removal from the office by the City, the mayor, by and with the consent of a majority of the remaining councilmen, shall appoint some suitable elector of the city to fill the vacancy until the next election for that office.

In case of a vacancy in the office of mayor occurring by reason of resignation, death, removal from office or from the City, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the councilman becoming mayor.

SECTION II-6. CITY OFFICERS.

adding new subsection as Deputy City Clerk
Amended by Ord No. 501 →

A. The City of Buhler, Kansas, by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to make inapplicable to it and exempts itself from Section 15-209, K.S.A. which applies to said city, but not uniformly to all cities, and provides substitute and additional provision on the same subject as hereinafter provided.

B. All officers of the City of Buhler who are appointed under Article 2, Section 15, of the Kansas Statutes Annotated need not be qualified electors of the City of Buhler under the Constitution and laws of this State and need not be qualified electors of Reno County.

C. All vacancies in appointive offices may be filled any time by appointment by the governing body.

D. Every appointment to office and the date thereof shall be entered on the journal of proceedings of the council.

SECTION II-7. MEETINGS.

Amended by Ord. No. 449
all 7 p.m. mtgs.

A. That the regular meeting of the council shall be held on the last Tuesday of each month and the hour of the meeting shall be 7:00 P.M., except those meetings held in the months of May, June, July and August, which shall be held at 7:30 P.M. If in the opinion of the majority of the City Council the amount of business to be discussed is of such a magnitude or length that another meeting is necessary, the meeting may be adjourned to the next following Tuesday at the same time and place. The place of the meeting shall be the City Office. Special meetings shall be called according to law.

B. The City elections shall be held in the City Office.

SECTION II-8. CITY PARTICIPATION, KPERS.

A. The City of Buhler, Kansas, is an "eligible employer" as defined by K.S.A. 74-4902(13).

B. It is the desire of the City Council of the City of Buhler, Kansas, that the City of Buhler, Kansas become a participating employer in the Kansas Public Employees' Retirement System established under the provisions of K.S.A. 74-4901, et seq.

C. The City of Buhler, Kansas shall make application to become a participating employer to provide for the inclusion of all of its eligible employees under the Kansas Public Employees' Retirement System as provided by K.S.A. 74-4901, et seq, effective January 1, 1973.

SECTION II-9. RECREATION SYSTEM AND COMMISSION.

A. It is hereby constituted, created, and established a supervised recreation system for the City of Buhler, Kansas, pursuant to Kansas Statutes Annotated, 12-1901, et sec, for the maintenance, conduct and operation of which system is delegated to and vested in a recreation commission, hereinafter created, along with the powers, duties, and obligations necessary for the conduct of said system.

B. There is hereby constituted and created a recreation commission for the city which shall consist of five (5) members all of which shall serve without pay, and of which the governing body of the City shall appoint four members, the first appointee to serve for four (4) years, the second for three (3) years the third for two (2) years, the fourth for one (1) year, and the fifth member who shall also serve four (4) years shall be appointed by the four appointee members of the commission. Thereafter, the members of the commission shall be selected in the same manner as the member he is succeeding in the term of office of which shall be four (4) years.

C. The recreation commission is hereby empowered to administer in all respects the business and affairs of the recreation system. The disbursement made by the commission shall be paid by voucher, and the claims paid by the commission shall be duly verified. The refunds received from taxes, as provided in Kansas Statutes Annotated, 12-1908, shall be set over to the commission and used by the commission for the purposes of the system; and shall be held by the treasurer of the City who shall be ex-officio treasurer of the commission.

D. The commission shall annually, and not later than twenty (20) days prior to the date of the publishing of the budget of the city, certify its budget to the governing body of

the city, which shall consider said budget and shall levy a tax sufficient to raise the amount required by such budget, but in no event more than two (2) mills, as provided in Kansas Statutes Annotated, Section 12-1908.

SECTION II-10. PLANNING COMMISSION. — *Repealed by Ordinance # 456*
and contents of 456 incorporated (see Ord 456)

A. There is hereby created a City Planning Commission as provided for and authorized by Section 12-701 of the General Statutes of Kansas of 1949 as amended.

** Amended by Ord. No. 431*
B. That the City Planning Commission shall consist of nine (9) taxpayers of which two (2) members shall reside outside of, but within three (3) miles of, the corporate limits of the City of Buhler, Kansas; but the remaining members shall be residents of the City to be appointed by the Mayor with the consent of the council. The members of the commission first appointed shall serve respectively for terms of one (1) year, two (2) years and three (3) years divided equally. Thereafter members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term only. Members of the commission shall serve without compensation for their services.

C. That the members of the City Planning Commission shall meet within two (2) weeks following their appointment and organize by selection of one of their members as chairman, one as vice-chairman and one as secretary who shall serve one (1) year and until his successor has been selected and qualified. Said City Planning Commission shall meet thereafter at least quarterly, said quarterly meetings to be held the second Monday in January, April, July and October. That the City Planning Commission may meet more often than quarterly as they deem necessary by calling a special meeting. Notice shall be given to all Planning Commission members either personally or in writing by the chairman of the Planning Commission. In addition notice shall be given to the public of any special meetings by posting the date, time, and place of said special meeting in the City Hall. Any meeting maybe adjourned from time to time as is necessary. A majority of said commission shall constitute a quorum for the transaction of business. The commission shall cause a proper record to be kept of all the proceedings.

D. That the Planning Commission shall serve as a advisory body to the City Council in the general areas of street system planning, parking and traffic, public buildings, public health, schools, zoning, recreation, subdivision regulations, land use and finance.

E. Powers and duties of said commission shall be those enumerated in the General Statutes of Kansas 1949, Sections 12-704 and 12-705 as follows: To make plans and maps of the

whole or any portion of the City and of any land outside of the City which in its opinion bears relation to the planning of the City and to make changes in such plans or maps when it deems the same advisable. Such plans or maps shall show the commission's recommendation for the streets, alleys, ways, viaducts, bridges, parks, parkways, playgrounds or any other public ground or improvement and the removal, relocation, widening or extension of public works then existing with a view of the systematic planning of the City. The commission may make recommendations to the governing body concerning location of the streets, transportation, and communication facilities, public buildings, and ground. The governing body may require the City Planning Commission to divide the City into districts for zoning, recommend the boundaries of the same, and the appropriate regulations and restrictions for the location of trades and industries and the location, erection, alteration and repair of buildings designed for specific uses and the uses of land within each district or zone. Whenever the commission shall have met and agreed upon a plan for development of the City or any portion thereto, such plans or plans shall be submitted to the governing body for their consideration and action.

F. That all plans, plats, replats of lands laid out in building lots in the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and descriptions of all streets, alleys or public ways intended to be deeded or dedicated for public use, or for the use of purchasers or owners of the land fronting thereon or adjacent thereto which is not intended to be platted into lots or other designated tracts, and located within the city limits of a city in which a city planning commission has been or may hereafter be created, or any addition or plan of the streets, public ways located outside the city limits, provided such territory is within the same county in which said city is located entirely or in part within three (3) miles of the nearest point of the city limits of any such city, shall be submitted to the governing body of such city for their official consideration and action. And, no such plat or replat or dedication or deed of street or public way shall be filed with the Register of Deeds as provided by law until such plat or replat or dedication or deed shall have been endorsed on it the fact that it has first been submitted to the City Planning Commission and by the City Planning Commission to the governing body of such city and by such governing body duly approved.

G. Before exercising the power referred to above, the City Planning Commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper area of streets in relation to other existing or planned streets and to the mapped plan for adequate

and convenient open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light, air, and for the avoidance of congestion of population, including minimum width and area of lots.

SECTION II-11. FIXED ASSETS.

In accordance with the provisions of K.S.A. 75-1120(a), the governing body finds that accounting for general fixed assets and assets of proprietary fund types is not relevant to the requirements of the cash basis and budget laws in the State of Kansas and is of no significant value to the governing body or members of the general public of Buhler, Kansas.

SECTION II-12. TAX LEVY LIMITATIONS.

A. The City of Buhler, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it K.S.A. 79-5011, to provide and substitute additional provisions as hereinafter set forth in this charter ordinance. K.S.A 79-5011 is a part of an enactment of the legislature establishing an aggregate tax levy limitation applicable to this city but not applicable uniformly to all cities, and the legislature has not established classes of cities for the purpose of imposing aggregate limitations under said constitutional provision.

B. The provisions of K.S.A. 79-5001 to 79-5016, inclusive, shall not apply to the levy of taxes by the City of Buhler for the payment of:

1. Principal and interest upon bonds and temporary notes;
2. No-fund warrants issued with the approval of the state board of tax appeals;
3. Legal judgments rendered against the City;
4. Rent due under any lease with a public building commission;
5. Special assessments charged against the City at large;
6. Utility service costs, whether paid from a separate property tax levy fund of the City or from any other tax supported fund;
7. Employee benefits whether paid from a separate property tax levy fund of the City or from any other tax supported fund;
8. Public safety costs of police and fire protection and ambulance service, whether paid from a separate property tax levy fund of the city or from any other tax supported fund;
9. Street maintenance and improvement costs whether paid from a separate property tax levy fund of the City or from any other tax supported fund.

C. The provision of Article 50 of Chapter 79 of the Kansas Statutes Annotated shall not apply to any taxes levied by the City of Buhler, levied under the provisions of K.S.A. 40-2305, 74-4920, 74-4967, 12-1617h, or to any tax levies required for the payment of employer contributions to any pension and retirement program, or to any other taxes authorized by state law to be levied in addition to or exempt from the aggregate levy limitation of the City of Buhler.

Amounts produced from any levy specified or authorized in this charter ordinance, including any levy or purpose authorized to be levied in addition to or exempt from the aggregate levy limit of the City, shall not be used in computing any aggregate limitation under Article 50 of Chapter 79 of the Kansas Statutes Annotated.

D. The City of Buhler is hereby authorized to levy a tax and create a special fund for each of the following purposes:

1. Paying utility service costs which are defined to include payments made by the City to water, electric or natural gas systems, companies or utilities for the purpose of obtaining street lighting or traffic control signals or for the lighting, heating, cooling or supplying of water or energy to any city building or facility or for the operation or performance of any function or service by the City of Buhler;

2. Paying the City's share of the costs of employee benefits which shall include Social Security (FICA), Kansas Public Employees Retirement System (KPERS). Workmen's Compensation benefits, employment security and unemployment compensation benefits and medical, health and hospitalization insurance;

3. Public safety costs which shall include but are not limited to law enforcement costs, fire protection costs, ambulance service costs and shall also include traffic control signs and devices, communication systems, salaries, equipment, commodities and services necessary for the provision of police and fire protection and ambulance services to the City of Buhler.

4. Paying street maintenance and improvement costs which shall include the City's costs for salaries, equipment, materials and commodities for services necessary for the repair and improvements of streets within the City of Buhler.