

# Kansas

GOVERNMENT JOURNAL

VOLUME 105 - NUMBER 7

AUGUST/SEPTEMBER 2019



**Kansas' Role in Women's Suffrage**

**Home Rule Upheld by Supreme Court**

**Moderate Income Housing Program**



THE  
**LEAGUE**  
OF KANSAS MUNICIPALITIES

A Publication of  
The League of Kansas Municipalities

# Are You Ready to Experience the **PREMIER MUNICIPAL CONFERENCE IN KANSAS?**



By Megan Gilliland, Communications and Education Manager, League of Kansas Municipalities

**T**his October, hundreds of local government officials will travel to Overland Park to attend the League's Annual Conference. The League's Annual Conference is the largest gathering of city officials in Kansas. It is the best place to learn about local challenges and hear from acclaimed speakers as well as practitioners in the field.

Do you find it hard to manage competing funding priorities in your community? Do you get bogged down not knowing that productivity of your city can be improved but you just don't know how? Have you ever struggled to find balance between your public service work and your personal life? This year's conference is for you!

## CONFERENCE KEYNOTE – ANDY CORE



Andy Core is a credentialed, award-winning thought leader on increasing employee engagement, productivity, and wellness motivation. His talent lies in helping hardworking, conscientious adults thrive at work and in their personal lives. Core has spent the last 15 years researching ways to become better equipped in today's hectic society. By doing so, he helps organizations build teams that cost less, have better attitudes, and accomplish more.

Andy will lead the keynote session on Sunday, October 13 as well as a break-out session featuring his best-selling book, *Change Your Day, Not Your Life*. Andy offers a proven strategy to help you become energized at work. It is designed as a resource for work-life balance, a tool to help you increase productivity during the final two hours of work by up to 47%, content to fuel employee communication, and a curriculum that departments can use in weekly or monthly meetings to keep everyone working at their best.

## MUNICIPAL TRAINING INSTITUTE

Three Municipal Training Institute (MTI) courses will be offered as separate pre-conference workshops on Saturday, October 12. Each course is \$100, refreshments and course materials are included. A more detailed description of each of the courses is available online with the conference information. The three classes this year are: Personnel Management (Core), Open Meetings for Elected Officials (Core) and Economic Development (Elective).

## EXHIBIT HALL

This year, connect with nearly 100 vendors on Sunday, October 13. Due to an overwhelming response on post-event evaluations, the trade show will only be open Sunday of conference this year. Be sure to take the time to visit with vendors and find out what's new in technology, management, and local government services.

## LEAGUE & HOST CITY SOCIAL EVENT: SUNDAY EVENING TAILGATE PARTY

The League is dialing it back to something a little more casual this year. Enjoy award-winning Kansas City BBQ and a variety of tailgate games on Sunday, October 13. This event will give attendees more opportunities to network and carry on conversations well into the evening.

We're excited to offer this opportunity to local government leaders across the state! Join us October 12-14 in Overland Park. Registration and additional information can be found at [www.lkm.org/annualconference](http://www.lkm.org/annualconference).

## THIS YEAR, WE HAVE SECURED MANY SPEAKERS TO DISCUSS THE FOLLOWING TOPICS:

- Commerce in Kansas: Secretary Toland Shares his Thoughts on Economic Development and the Vital Role of Cities
- Mayors Make a Difference: Learning to Lead, Listen, and Leverage Your Role as Mayor
- It's About the Numbers: 2020 Census & How Data Affects Your City
- Keys to Citizen Engagement and Visioning
- Defining Priorities and Progress for the League's Upcoming Strategic Plan
- Women in Public Service: Lessons Learned and Creating Changes
- Downtown Revitalization: Bringing Old Buildings Back to Life
- Findings from the Office of Rural Prosperity Tour & What's Next for Rural Kansas
- Social Media for Cities: How to Create Engaging Content for Your City
- Mental Health Matters: City of Shawnee Co-Responder Program
- Advancing Your Career Through the Kansas Certified Public Management Program
- Using Moderate Income Housing Programs for Your City
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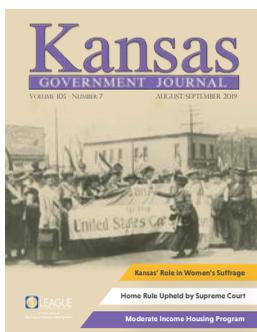
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**ON THE COVER:** A photograph showing a group of delegates to the Kansas Equal Suffrage Association in Topeka, Shawnee County in 1916. This group voted to affiliate with the national association as support for a women's suffrage amendment to the U. S. Constitution. Kansas women had already won the right to vote in 1912.

# Kansas

## GOVERNMENT JOURNAL

The *Kansas Government Journal* is published by:

© League of Kansas Municipalities  
 300 S.W. 8<sup>th</sup> Ave. Suite 100 • Topeka, Kansas 66603-3951  
 phone: (785) 354-9565 • fax: (785) 354-4186  
[www.lkm.org](http://www.lkm.org)

General subscriptions are \$40 annually. Subscriptions for League member cities and research subscribers are \$20 annually. Individual issues cost \$5, with an additional \$10 charge for the Tax Rate Book edition.

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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.*

### Connect with the League on Social Media



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### 2019 League Events Calendar

#### SEPTEMBER

September 6 ..... MTI: Harassment in the Workplace (Russell)  
 September 13..... MTI: Planning and Zoning (Winfield)

#### OCTOBER

ANNUAL CONFERENCE EVENTS – all events held in Overland Park

October 11..... City Attorney Association of Kansas Meeting  
 October 12..... Governing Body Meeting  
 October 12..... MTI: Personnel Management  
 MTI: KOMA for Elected Officials  
 MTI: Economic Development  
 October 13-14..... League Annual Conference  
 October 15..... League Office Closed  
 October 20-23..... ICMA Conference (Nashville)

Visit [www.lkm.org/events](http://www.lkm.org/events) for event registration.

## Obituaries

**Nancy S. Bryant, 67**, Silver Lake, left this earthly life on June 29 surrounded by her family at her home in Silver Lake. She was born on December 31, 1951 in Concordia, Kansas. Nancy graduated from Glasco High School in 1970. She graduated from Fort Hays State University with her Bachelor's degree in education and later earned her Master's degree. She taught high school for eight years until she went to work for the Kansas Secretary of State's office. She served on the leadership team, retiring as Chief of Staff in October 2014. She was a 1992 YWCA Leadership Nominee recognizing women in the professional workforce. Nancy was councilwoman for the City of Silver Lake, also serving on the Housing Authority. She is survived by her husband, Brad, and a large extended family.

**Keith E. Mongeau, 68**, Plainville, passed away July 12. He was born in Plainville on January 25, 1951. He attended and graduated from Palco High School. After graduation, he attended Fort Hays State University. Keith was a member of Sacred Heart Catholic Church. On August 21, 1971 he married the love of his life, June Fisher in Zurich, Kansas.

Keith worked for Kansas Nebraska Energy/Midwest Energy for forty-four years, served as Fire Chief with the Plainville Fire Department, and raised crops. Even after his retirement from Midwest Energy and the fire department, he continued his passion for farming. Keith is survived by his wife June of the home, and a large, extended family.

**Robert "Bob" Wise, 71**, Plainville, passed away July 12. He was born on February 28, 1948 in Hays. He attended school in Plainville. Bob was united in marriage to Kathy Brown on August 16, 1968 in Plainville.

Bob was the street supervisor for the City of Plainville for 24 years before retiring in 2011. Bob was always one to provide service and help when and where he could. He served as a member of the Plainville Fire Department for 37 years and retired as the Assistant Fire Chief in Plainville in 2007. His father started the Plainville Rescue Squad in which Bob was an active member. He was also a member of the Plainville Police reserve and the Plainville Ambulance Service. Bob is survived by his wife, Kathy of the home and a large, extended family.

# DIRECTOR'S FOREWORD

By Erik Sartorius

This past June marked the 100<sup>th</sup> anniversary of Kansas ratifying the 19<sup>th</sup> Amendment, providing full voting rights to women. Our cover story from the Kansas Historical Society sheds light not only on the efforts to ratify the 19<sup>th</sup> Amendment in Kansas, but also the deeper history in Kansas regarding women's suffrage.

As we see throughout our history, Kansas did not wait for the nation to act. Efforts began in the 1880s to allow women to vote in municipal elections. Not only was that authority granted in 1887, but the legislation also allowed women to hold municipal office in Kansas. No time was wasted in exercising that provision, with Susanna Salter's election as Mayor of Argonia that year making her the first female mayor in the U.S. Out west, Syracuse became the first city in the nation to elect an all-female city council that year.

This trailblazing spirit of Kansans is needed again as the state wrestles with how best to address our economic and demographic challenges. Recent studies and talks I have attended have made clear the hard road ahead for many of our cities. Fortunately, there is some work being done on strategies and opportunities. Last legislative session, the House named a standing committee focused on rural revitalization. Governor Kelly has tasked Lieutenant Governor Rogers with overseeing the Office of Rural Prosperity, and he has spent this summer on a "listening tour" of the state gathering input on how best to help rural Kansas.

In July, the inaugural "Meet in the Middle" rural summit was held in Lindsborg. There, over 100 local leaders from across the state gathered to begin conversations about how our rural areas can best survive – and thrive! – in the coming years. Topics included political civility, government consolidation, how to retain talented populations, and examples of current successes in cities.

Professor Matt Sanderson of Kansas State University provided a sobering look at rural Kansas from a statistical viewpoint. Most of us have heard about the continued migration of rural population to urban areas in Kansas. By the 2040s, close to half the Kansas population is expected to be found either in northeast Kansas around Kansas City or in a combination of Johnson County and Sedgwick Counties. Population that remains in rural Kansas will be older, though Dr. Sanderson pointed out there has been a small increase of individuals in their 20s and 30s in these areas.

Two other disconcerting statistics he shared really hit home with me. First, from 2010-2017, the rural population in their "prime earning



years" (40s) shrunk by 19% in Kansas. That is stunning. Equally stunning are statistics for suicides in rural Kansas, which are up 79% since 2011. (For "frontier" counties with populations of less than 6,000, the rate is up 87%).

While earlier I noted efforts at the state level, some legislators at the summit suggested not to wait for them. "Save yourselves" was their advice. The state, in their opinion, cannot fix things. Citizens will need to come together, focus on what will work best for their specific circumstances, and then get moving toward meeting those needs.

Where do we head to "do it ourselves?" Professor Sanderson's recommended path is "attract and retain." Neither birth rates nor death rates can be affected overnight, if at all. That leaves holding onto as many people as possible and searching for new ones. To counteract the "brain drain" of rural cities, one paper has laid out the case for issuing "Heartland Visas."

In making its case, the Economic Innovation Group notes, "demographic decline leads to a variety of economic problems. Population loss reverberates through housing markets and municipal finances. Low-growth places have weaker labor markets and suffer from less economic dynamism." Creating a program allowing such distressed areas to sponsor and gain skilled, immigrant workers could be a puzzle piece for the overall health of a community. I am still reading this report but am intrigued by the potential of such a program.

Another new study I encourage you to review is "The Future of Work in America," produced by the McKinsey Global Institute (MGI). The report looks at how automation may impact communities across the country, rather than just overall figures showing national impact.

To do so, the MGI study looked at 315 cities and 3,000 counties, incorporating myriad statistics to paint their picture. In the end, they divided the cities and counties among 13 different community archetypes, such as megacities, college-centric towns (Lawrence, Manhattan), "America's Makers" (Wichita), "Americana" (Finney & Pratt Counties) and "Distressed Americana" (Neosho & Wallace Counties).

This report notes that the impact of automation is likely to be gradual, but significant, and will require adaptation across all cities. They do point out that the "growing acceptance of remote working models could be a positive trend for creating jobs in rural counties." Some Kansas cities presently are preparing for a move in this direction, and I hope to highlight them in a future column.

Please share with me any questions, concerns or comments with me at [esartorius@lkm.org](mailto:esartorius@lkm.org) or (785) 354-9565. 

"This trailblazing spirit of Kansans is needed again as the state wrestles with how best to address our economic and demographic challenges. Recent studies and talks I have attended have made clear the hard road ahead for many of our cities. Fortunately, there is some work being done on strategies and opportunities."

# VOTING RIGHTS FOR WOMEN: CELEBRATING 100 YEARS OF WOMEN'S SUFFRAGE IN AMERICA

## KANSAS' SUCCESS INSPIRED WOMEN'S SUFFRAGE CAMPAIGNS IN OTHER STATES

By Bobbie Athon, Director of Communications,  
Kansas State Historical Society

**K**ansas' path toward granting rights for women is filled with the stories of many supporters. These advocates began their fight even before statehood, amid the violence of Bleeding Kansas. As supporters of women's rights, they were often involved with causes like the antislavery and temperance movements. Their victories were hard fought and incremental. With each campaign, women worked together with men, developing strategies, building unlikely alliances, and gaining experience. They passed along their successes and knowledge to succeeding generations of women to take up the fight.

Susan Wattles had long been an advocate for women's rights before she and her husband, Augustus, moved to Kansas Territory in 1857. Strongly supporting the antislavery movement, they believed in education for all. While living in Lawrence they were editors for the newspaper, *Freedom's Champion*. There Susan sent out a call to women across the nation to move to Kansas and own land. The Wattles soon resettled in Moneka, Linn County, where they opened an academy and both taught courses.

Known for their hospitality, they hosted a meeting of like-minded residents in February 1858. They formed the Moneka Woman's Rights Association; Esther Wattles, Susan's sister-in-law, was elected president. The 42 members were evenly split between women and men. With the goal to influence Kansas laws, they wrote a constitution to "secure woman her natural rights and to advance her educational interests" They addressed the rights of women to own property, to be guardians of their children, to seek employment in professional life, and to vote in elections.

In 1858 few women in the United States had the right to vote. The U.S. Constitutional Convention of 1787 had given states the authority to define voter qualifications. Women and African Americans held that right in New Jersey until 1807. An 1838



*A group of suffragists on the steps of the Kansas Statehouse, Topeka, Kansas in August, 1916.*

Kentucky law let women heads of household vote in some local elections. When women gathered in Seneca Falls, New York, in 1848, they set a woman's right to vote as their primary goal, inspiring a series of conventions to follow.

In Kansas, male voters were more concerned about whether the state would be free or slave. Voters had considered three constitutions on the path toward statehood—one proslavery and two free state, with no provisions for women's suffrage. After these ultimately failed, Kansans held a fourth constitutional convention in Wyandotte in 1859.

Moneka members hired Clarina Nichols, a newspaper woman and leader in the women's rights movement in Wyandotte County, to carry their 250 petitions to the constitutional convention. One of only three women at the convention, Nichols was not a delegate and could not vote but she took every opportunity to persuade the 52 delegates to consider women's rights. As the result of her impassioned pleas, the Wyandotte Constitution, which eventually made Kansas a state, provided women with some rights to child custody, property ownership, and votes in school board elections. Their efforts advanced Kansas women's rights ahead of other states.

Clarina Nichols was a newspaper editor who supported women's rights in her native Vermont before moving to Kansas Territory. Her

editorials helped advance property rights for women in her home state, making her a popular speaker at women's rights conventions. In Kansas, she invited her friends and activists—Susan B. Anthony, Lucy Stone, and Elizabeth Cady Stanton—to come help push a state amendment for women's suffrage. Since suffrage for African American men was a platform priority for the Republican Party during Reconstruction, proponents joined forces to support the impartial suffrage. Voters had three separate amendments to consider in November 1867. One would eliminate the word “white” to allow voting by all male citizens; another would remove the word “male” to allow women to vote; the other restricted voting “to loyal persons.” High profile supporters attended conventions in different communities throughout the spring, summer, and fall. Voters ultimately defeated the first two amendments and supporters turned to focus on advancing separate interests.

As part of Reconstruction, the U.S. Congress introduced the 14th Amendment 1868, among the first to classify citizens and voters as “male.” Later that year U.S. Senator Samuel Pomeroy from Kansas introduced the federal women's suffrage amendment. In another act on behalf of Reconstruction, African American men were granted voting rights with the 15th Amendment, which passed in 1870 denying states the right to deny votes on the grounds of “race, color, or previous condition of servitude.” Native American men willing to dissociate from their tribes were granted U.S. citizenship in 1887 and technically eligible to vote. Many states failed to enforce these voting rights.

Kansas women continued to advocate for full voting rights. Laura Johns of Salina joined the Kansas Equal Suffrage Association in 1884. Johns supported a “graduated” approach toward full suffrage and began working to push a law granting women the vote in municipal elections. Legislators passed the bill in February 1887, which took immediate effect, and included a provision for women to hold “any municipal office.” Women were both voters and candidates in April elections across the state. Susanna Salter was elected mayor of Argonia in Sumner County, the first female mayor in the nation. Syracuse in Hamilton County elected an all-female city council, Oskaloosa selected all women the following year.

Johns coordinated suffrage conventions around the state again in 1892. As president of both the Kansas State Suffrage Association and the Republican Woman's Association, she became caught between political parties. The People's Party (Populists), which adopted a platform supporting women's suffrage, gained power in the legislature, along with the governor's seat, in the 1892 elections. The Republican Party decided to reverse its previous position, leaving Johns representing opposing perspectives. As legislators opened the 1893 session both Republicans and Populists claimed control. The state militia and state supreme court were enlisted to end the armed legislative war. It was during that same legislative sessions that the second suffrage amendment was introduced.

Annie Diggs of Lawrence became sympathetic to the economic hardships of farmers and women. She had moved to the area with her family as a teenager around 1867. She soon married, had three children, and became a newspaper reporter to supplement the family income. Diggs wrote articles supporting the Populist and the temperance causes. She shared her beliefs in lectures across the state and around the nation. Diggs joined the effort to support the second amendment on women's suffrage.

## #MARTHAMAKESHISTORY

The Kansas Historical Society presents *#MarthaMakesHistory*, an exhibit in the State Archives gallery in Topeka highlighting the collection of Martha Farnsworth, a Kansan who worked tirelessly to earn the right to vote for women, opening November 1, 2019. The collection of diaries she wrote spans nearly 40 years and is also being featured in the Historical Society's special Twitter program *#MarthaMakesHistory*.

The Kansas Museum of History presents *Upward to Equality: Kansas Women Fight to Vote*, honoring the 100th anniversary of the women's suffrage amendment and the courageous women who made it possible, in the special exhibits gallery in Topeka, opening March 2020.

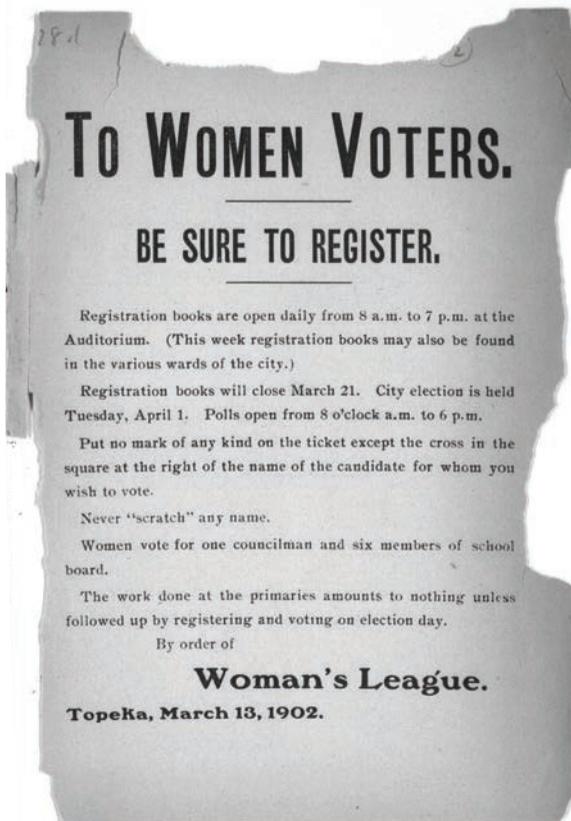
Women in communities around the state added their voices to the cause, sharing personal stories on the benefits of empowering women. Churches and literary societies provided a venue for these local gatherings, which drew speakers like Carrie Langston, the future mother of poet Langston Hughes, Louisa Belle Carr, and Mamie Dillard, of Lawrence. They were joined in the campaign by the nation's suffrage leaders who came to Kansas to promote the amendment issue on November 1894 ballot. The Populists and the suffrage amendment both lost in the election.

Women's suffrage supporters were discouraged but not defeated. They began to plan for a third attempt to seek full voting rights.

Lilla Day Monroe settled in WaKeeney in 1884 where she married and raised four children. She worked as a clerk in her husband's law office, eventually passed the bar examination, and was admitted to practice in 1894. Her family moved to Topeka where she became an active supporter of women's suffrage and a journalist. As president of the state organization she became a familiar face to legislators beginning in 1908.

Lucy Browne Johnston and her husband moved to Minneapolis, Kansas, after their marriage in 1875 and raised two children. A supporter of the temperance movement, Johnston became an active supporter of the suffrage amendment in 1910. As president she helped energize the ratification campaign. Her husband, Chief Justice William Agnew Johnston, led the Men's Equal Suffrage League. Supporters like Helen Brewster Owens, a mathematician originally from Pleasanton, returned to Kansas to speak in 96 of 105 counties on behalf of the suffrage amendment.

# A LOOK AT *Kansas' Suffrage History*



*Top left:* Distributed by the Woman's League, this handbill urges women to register to vote in the upcoming election in Topeka, Kansas.

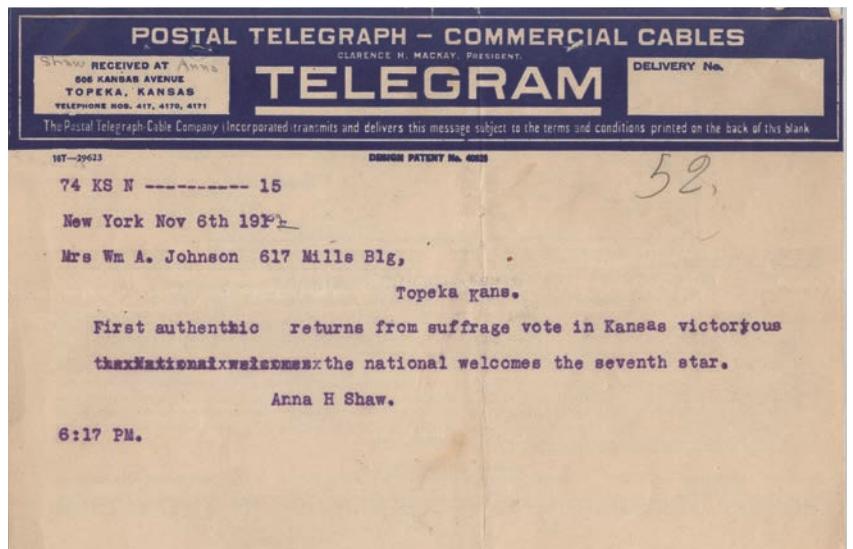
*Top right:* This photograph shows a group of women posed in front of a sign that reads "suffragists". Two of the women have their feet on the table and several are reading newspapers. The photograph was possibly taken in Gray County, Kansas between 1905 and 1910.



*Middle:* Laura Clay, President of Kentucky Equal Rights Association; Lucy B. Johnston; Sarah A. Thurston; Helen Eacker; and Stella H. Stubbs. They were all members of the Kansas Equal Suffrage Association.



*Bottom right:* Anna Shaw, president of the National American Woman Suffrage Association, sent this telegram to Lucy Johnston, president of the Kansas Equal Suffrage Association, announcing that women in Kansas had gained the vote.



Legislators agreed to send voters a third equal suffrage amendment. Supporters developed a well-organized campaign to elicit broad support, distribute literature, gain endorsements, and include an essay contest in schools. They staged appearances around Kansas to inspire voters with visits to churches, fairs, and reunions.

Finally, on November 5, 1912, voters supported the amendment by a clear margin, making Kansas the eighth state to grant women full voting rights. Many supporters from around the state gathered for a victory celebration in Lawrence, adopting a new organizational name, Good Citizenship League, in May 1913. Advocates turned their attention toward registering these new women voters.

Minnie Grinstead, who was born in Crawford County, had been a district committee chair in the campaign. In 1918 she was the first woman elected to the Kansas House of Representatives. Twice reelected, Grinstead served on the judiciary committee and worked on legislation related to women, education, and agriculture.

Kansas' success inspired women's suffrage campaigns in other states. The National Women's Party, organized in 1913, focused on a federal amendment. The U.S. Congress finally passed the Susan B. Anthony Amendment, originally introduced in 1878. Passed in the U.S. House of Representatives on May 21, 1919, and the U.S. Senate on June 4, the amendment was sent to the 48 states for ratification. Two-thirds or 36 state legislatures were needed to ratify the amendment.

Kansas Governor Henry J. Allen wasted no time in calling for a special session of the legislature. On June 16 the House and Senate voted overwhelmingly in favor, making Kansas the first full suffrage state to support the amendment, and the fourth in order of ratification. Legislators agreed to pay their own expenses and meet without salary during this special session.

On August 18, 1920, Tennessee voted for ratification, completing the needed two-thirds majority. The U.S. Secretary of State certified the 19th Amendment on August 26, 1920, which provided full voting rights for most women in the United States. Citizenship was granted later to Native Americans and Asian Americans. Some voters still faced challenges at the polls.

Kansans can be proud of the state's role in women's rights made possible by the tireless support of advocates like Susan Wattles, Clarina Nichols, Susana Salter, and also the hundreds of supporters, mostly unsung, who worked as local and state levels to empower women. Their efforts made possible these incremental victories, inspiring generations of women to take on the banner of citizenship. 🌟

🌟 **Bobbie Athon** is the Director of Communications for the Kansas State Historical Society. She can be reached at [Bobbie.Athon@ks.gov](mailto:Bobbie.Athon@ks.gov).



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## Nuisances in Plain Sight

By Peter Qiu, Legal Extern, League of Kansas Municipalities

**Y**ou are a city attorney. The grass on a citizen's front yard is overgrown and has become a nuisance under a city ordinance. The code enforcement officer has sent the citizen a notice of violation and asked the citizen many times to mow his grass. Each time, the citizen refused. The code enforcement officer would like to remove the nuisance herself; however, she is worried that this would violate the citizen's 4<sup>th</sup> Amendment right against "unreasonable searches and seizures." She asks you for your advice on whether the city needs an administrative search warrant from the state district court before entering the citizen's property. How would you advise the code enforcement officer?

In a previous forum titled *Administrative Search Warrants*, we discussed the need for administrative search warrants to enter and inspect a person's home due to the 4<sup>th</sup> Amendment.<sup>1</sup> In your city's case, the nuisance could be observed from the public street or sidewalk. Recently, we have noticed that city officials are being told to obtain administrative search warrants before removing these plain-sight nuisances as a safeguard against a potential violation. In this forum, we will discuss why a city

does not need to pursue an administrative search warrant when removing a visible nuisance such as grass or weed.

Why might there be a need for an administrative warrant to remove this type of nuisance? One reason may be precaution. City officials may be unsure if a situation requires an administrative warrant and chooses to pursue a warrant just in case. Another reason may be legitimacy. Court warrants tend to increase the legitimacy of actions taken by local authority such as law enforcement, at least in the minds of the people and officials.

These concerns are understandable but unnecessary. Cities do not need to seek administrative warrants to remove visible nuisances such as grass or weed for three main reasons. First, Kansas laws allow cities to remove these kinds of nuisances and these laws are constitutional. Second, cities are unlikely to encounter problems from lawsuits. Finally, seeking warrants in such cases would undermine a city's self-governance.

Current state law firmly establishes that removing grass or weed is within a city's powers. K.S.A. 12-1617e states that "any city may have removed or abated...all nuisances, including

rank grass, weeds, or other vegetation.”<sup>2</sup> K.S.A. 12-1617f states that “any city is hereby authorized to provide for and require the cutting or destruction of all weeds.”<sup>3</sup> Additionally, district courts have refused to issue warrants in cases of grass or weed because aforementioned statutes make warrants unnecessary. Hence, potential plaintiffs would have no basis to file lawsuits.

The next question is whether these statutes are constitutional. Constitutional concerns include the 4<sup>th</sup> Amendment and the 14<sup>th</sup> Amendment. The 4<sup>th</sup> Amendment guarantees a right “against unreasonable searches and seizures.”<sup>4</sup> The actions of the code enforcement officer can be separated into two acts. The first is the act of spotting the nuisance, which would constitute the “search.” The second is the act of entering the citizen’s yard to remove the nuisance, which would be the “seizure.” In *Cal. v. Ciraolo*, 476 U.S. 207 (1986), the U.S. Supreme Court ruled that the observation of a person’s visible yard does not violate the 4<sup>th</sup> Amendment.<sup>5</sup> Furthermore, in *Santana v. City of Tulsa*, 359 F.3d 1241 (10<sup>th</sup> Cir. 2004), the 10<sup>th</sup> Circuit ruled that abating a public nuisance without a warrant does not violate the 4<sup>th</sup> Amendment, so long as procedural due process is satisfied.<sup>6</sup>

This brings us to the 14<sup>th</sup> Amendment, which prohibits the deprivation of property, without due process of law.<sup>7</sup> In *Alliance Mortg. Co. v. Pastine*, 281 Kan. 1266, 136 P.3d 457 (2006), the Supreme Court of Kansas lists two elements needed to satisfy procedural due process.<sup>8</sup> They are (1) notice and (2) an opportunity to be heard at a meaningful time and manner. Neither element mentions the need for cities to obtain a warrant.<sup>9</sup> If the city notifies the citizen of the violation and grants a reasonable hearing before abating the nuisance, there would be no 14<sup>th</sup> Amendment violation. At the same time, the 10<sup>th</sup> Circuit’s ruling in *Santana* that abatement without a warrant is legal if due process is satisfied implies that due process does not require a warrant. Therefore, K.S.A. 12-1617e and K.S.A. 12-1617f are constitutional. There is no need to obtain a search warrant if a city complies with Kansas statutory requirements.

Furthermore, lawsuits are unlikely to be a problem. In Kansas, there are rarely cases of citizens suing cities for removing alleged nuisances. Even when such suits arise, they are limited to claims of negligence in *Dahl v. City of Shawnee*, 2006 Kan. App. Unpub. LEXIS 179<sup>10</sup>; that a city’s actions were not allowed under its ordinances in *Lantz v. Lawrence*, 232 Kan. 492, 657 P.2d 539 (1983)<sup>11</sup>; or that an ordinance itself was unconstitutional in *Bratton v. City of Atchison*, 2016 Kan. App. Unpub. LEXIS 510, 376 P.3d 95, 2016 WL 3460388.<sup>12</sup> There appears to be no suits in Kansas or other states alleging that the removal of grass or weeds require an administrative warrant. Thus, not only is there no legal basis to sue a city, but cities are not being sued.

Finally, pursuing administrative warrants for removing grass and weeds undermines cities’ self-governance. Before 1961, cities in Kansas lacked the power to govern themselves and were completely dependent on the state government’s authorization to take actions. Even then, the state legislature was likely overburdened with its own affairs and had little effort to spare on the needs of individual cities. This created an inefficient system of delay and decision-making by legislators unfamiliar with conditions within the cities. In 1961, the Kansas Constitution was amended to give cities the power to “determine their local affairs and government.”<sup>13</sup> Self-governance is further reinforced

by K.S.A. 12-1617e and 12-1617f, directly enabling cities to deal with grass and weed. By pursuing administrative warrants when not necessary, cities voluntarily relinquish a self-governing power granted by both the constitution and common law.

Giving up these powers creates a situation similar to the pre-1961 era. Once again, cities would be dependent on authorization from higher authority. This time, in the form of district courts. Like the state legislature, courts are overburdened. First, awaiting permission from a district court takes time, which means nuisances would be present for longer. This would be inconvenient and harmful to the well-being of citizens. Second, courts may not be as familiar with issues in cities as local authorities and may not be in the best positions to make decisions regarding such issues. A court may rule that an alleged nuisance is not a nuisance and not grant a warrant. In this scenario, a city would be faced with two choices. One, the city could disregard the ruling of the court, to which they voluntarily surrendered the decision-making power to. The city would still be acting within its powers, but it would look poor in the process. Alternatively, the city could comply with the court and allow what they have deemed as a nuisance to remain and continue causing problems. Either way, the city loses.

Cities have understandable concerns as to why they might need administrative warrants for plain-sight nuisances. These concerns are either alleviated or outweighed by our laws and circumstances. State law and federal precedence give cities full authority to abate these nuisances. Voluntarily giving up this authority undermines self-governance and will only lead to further problems. 🌞

🌞 **Peter Qiu** is a Legal Extern for the League of Kansas Municipalities. He is a second-year law student at The University of Kansas.

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## Sources:

<sup>1</sup> Eric Smith, *Administrative Search Warrant*, Vol. 105 *Kansas Government Journal*, pg. 150 (2019).

<sup>2</sup> K.S.A. § 12-1617e.

<sup>3</sup> K.S.A. § 12-1617f.

<sup>4</sup> USCS Const. Amend. 4.

<sup>5</sup> *Cal. v. Ciraolo*, 476 U.S. 207, 106 S. Ct. 1809 (1986).

<sup>6</sup> *Santana v. City of Tulsa*, 359 F.3d 1241 (2004).

<sup>7</sup> USCS Const. Amend. 14.

<sup>8</sup> *Alliance Mortg. Co. v. Pastine*, 281 Kan. 1266, 136 P.3d 457 (2006).

<sup>9</sup> *Id.*

<sup>10</sup> *Dahl v. City of Shawnee*, 2006 Kan. App. Unpub. LEXIS 179.

<sup>11</sup> *Lantz v. Lawrence*, 232 Kan. 492, 657 P.2d 539 (1983).

<sup>12</sup> *Bratton v. City of Atchison*, 2016 Kan. App. Unpub. LEXIS 510, 376 P.3d 95, 2016 WL 3460388.

<sup>13</sup> *Kan. Const. Art. 12, § 5.*

# LANA MCPHERSON,

## *IIMC PRESIDENT*

Lana McPherson, MMC, City Clerk for De Soto succeeded to the International Institute of Municipal Clerks (IIMC) Presidency during the Organization's 73<sup>rd</sup> Annual Conference in Birmingham, AL, on May 22, 2019. She will serve a one-year term, culminating in May 2020.

McPherson has been the City Clerk for De Soto since 1998. She is the quintessential City Clerk advocate. Known as Clerk Mom – McPherson has devoted her professional career to unselfishly supporting other clerks – as well as serving her city and community.

She has been involved in the Kansas CCMFOA committees and has instructed various classes ranging from ethics to preserving a city's heritage. Her state association recognized her in 2010 with the Mildred Vance Clerk of the Year Award – the state's highest honor to a Municipal Clerk. From 2005 to 2007, she served as Chair for the City of De Soto's Sesquicentennial celebration. McPherson also serves on the Kansas Board of Directors for the Midwest Public Risk Municipal Insurance Pool and is a current member of the League of Kansas Municipalities Public Officers and Employees Policy Committee.

McPherson is a past IIMC Region VII Director and an Athenian Fellow. She is a true champion of the "I" in IIMC. In 2014, McPherson was a co-winner of IIMC's region director membership challenge and gave her complimentary conference registration that year to one of the organization's international members from the Netherlands. In 2016, McPherson received the Organization's highest honor – the Quill Award, recognized by her peers as an individual who always surpasses what is expected of them in her profession and her community. She is the consummate team player and an inspiration to many clerks.

Founded in 1947, IIMC is a professional nonprofit association with more than 15,000 members throughout North America and 12 other countries, representing municipalities with populations of 1,000 to more than 10 million. IIMC prepares its membership to meet the challenges of the diverse role of the municipal clerk by providing services and continuing educational development opportunities in 46 permanent college-and university-based learning centers. IIMC offers municipal clerks a Certified Municipal Clerk Program (CMC), a Master Municipal Clerk Academy (MMCA) Program and other opportunities to benefit members and the government entities they serve. A 26-member Board of Directors governs IIMC. 



“ My deepest thanks and appreciation to each of you for your unfailing support as I go through this next year as our IIMC president ... I know I am truly blessed and I trust you know my heart is truly grateful. Thank you for believing in me. ”

# Kansas Supreme Court Upholds HOME RULE CASE

By Amanda Stanley, General Counsel, League of Kansas Municipalities

**C**onstitutional Home Rule is the cornerstone of governance in Kansas cities, so it is always a great day when the Kansas Supreme Court reaffirms this important Constitutional right.

Constitutional Home Rule powers for cities in Kansas were approved by the voters on November 8, 1960, by a vote of 346,739 to 270,820. The amendment to the Kansas Constitution, Article 12, Section 5, took effect July 1, 1961.

Prior to the granting of Home Rule powers, and for the first 100 years of statehood, cities in Kansas were entirely dependent upon the state legislature for authority to take any action. Cities were subject to a court-made rule of law known as Dillon's Rule which states that political subdivisions of the state have only such powers as are expressly or impliedly conferred upon them by the state legislature. Basically, a city needed an enabling statute in order to do anything at the local level. Constitutional Home Rule turned this notion of governance on its head. With its passage, cities were no longer dependent on the state legislature to act and can now initiate legislation without first getting authority from the state legislature.

The basic power granted to cities by the home rule amendment is included in these few words: "Cities are hereby empowered to determine their local affairs and government. . ." Except for certain restrictions contained in the home rule amendment and conflicting state laws, cities may pass ordinances on any subject without the need for enabling legislation.

At issue in *Dwagfys Mfg., Inc. v. City of Topeka*, 443 P.3d 1052 (Kan. 2019) was whether the City of Topeka's ordinance amending the Uniform Public Offense Code § 5.7 (2015) making it unlawful for any person to: "(1) Sell, furnish or distribute cigarettes, electronic cigarettes,

tobacco products or liquid nicotine to any person under 21 years of age; or (2) Buy any cigarettes, electronic cigarettes, tobacco products or liquid nicotine for any person under 21 years of age" was unconstitutional under Article 12, Section 5 of the Kansas Constitution because it impermissibly conflicted with, and was preempted by, the Kansas Cigarette and Tobacco Products Act.

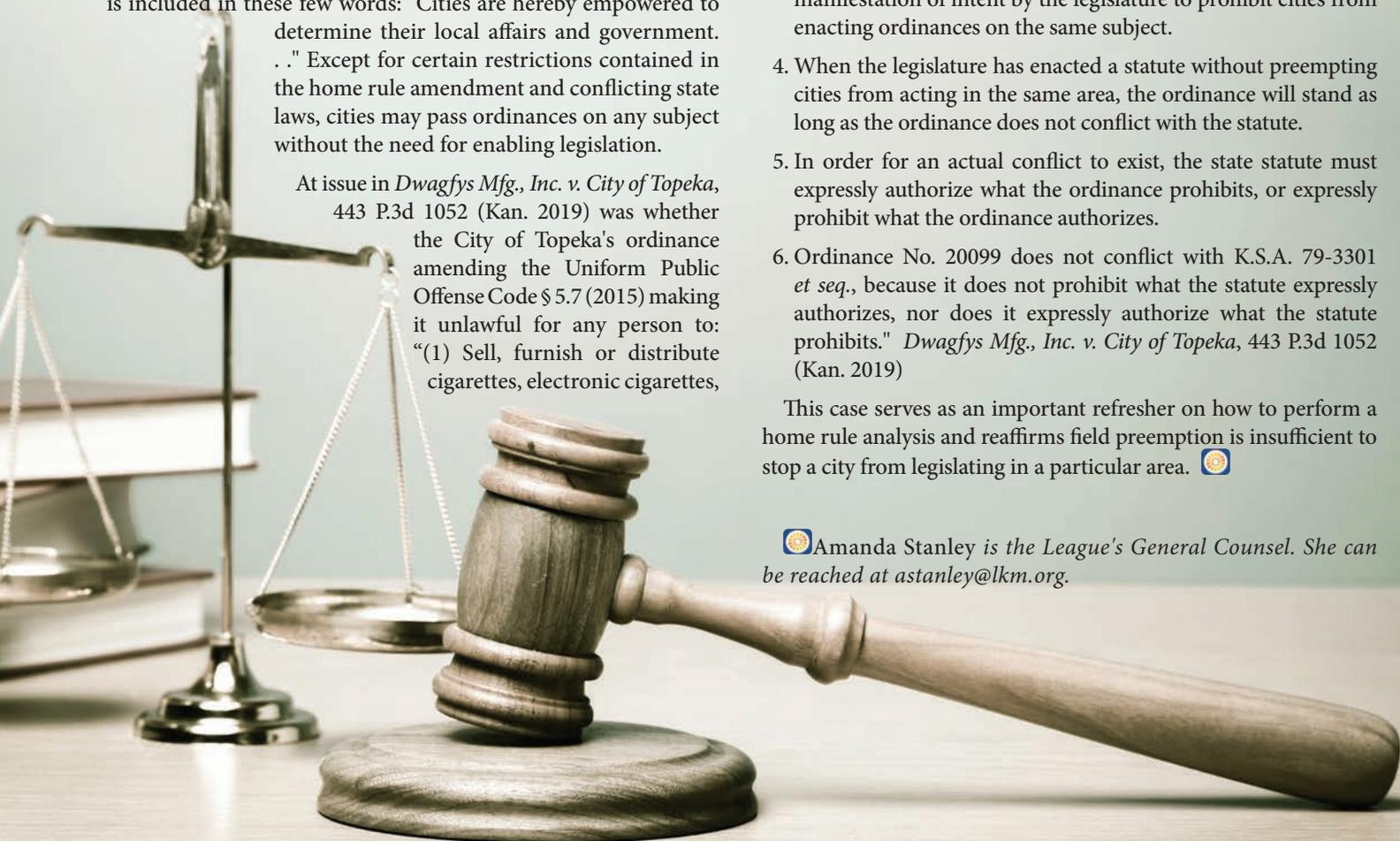
The City argued the mere fact that the local ordinance was more restrictive than state law did not create a conflict with state law; and if the state wanted to preempt the City from acting, it needed to clearly state that in the law.

## The Kansas Supreme Court agreed with the City and held:

1. A city may adopt ordinary ordinances when no state law exists on the subject or when a uniform law applicable to all cities exists on the subject but the legislature has not expressed a clear intent to preempt the field and there is no conflict between the state and local law.
2. Legislative intent to preempt the field must be clearly manifested on the face of the statute. Courts will not find legislative preemption by implication.
3. The provisions of K.S.A. 79-3301 *et seq.*, do not show a clear manifestation of intent by the legislature to prohibit cities from enacting ordinances on the same subject.
4. When the legislature has enacted a statute without preempting cities from acting in the same area, the ordinance will stand as long as the ordinance does not conflict with the statute.
5. In order for an actual conflict to exist, the state statute must expressly authorize what the ordinance prohibits, or expressly prohibit what the ordinance authorizes.
6. Ordinance No. 20099 does not conflict with K.S.A. 79-3301 *et seq.*, because it does not prohibit what the statute expressly authorizes, nor does it expressly authorize what the statute prohibits." *Dwagfys Mfg., Inc. v. City of Topeka*, 443 P.3d 1052 (Kan. 2019)

This case serves as an important refresher on how to perform a home rule analysis and reaffirms field preemption is insufficient to stop a city from legislating in a particular area. 🌟

🌟 Amanda Stanley is the League's General Counsel. She can be reached at [astanley@lkm.org](mailto:astanley@lkm.org).



# E.A. Mosher Excellence in Local Government Award

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

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

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

**Guidelines for the selection of the 2019 award winner are as follows:**

- Nominations will not be accepted after 5:00 p.m. on September 11, 2019;
- Nominations may be made by any elected or appointed official of a League member city;
- The Awards Committee of the League Governing Body will select the award recipient; and
- The winner's name will be kept confidential until the presentation at the League Annual Conference in Wichita.

**Submit nominations online at**

<http://www.lkm.org/Excellence>.



## PAST RECIPIENTS

**2001:** Mayor Bob Knight, Wichita

**2002:** Mayor Carol Marinovich, Kansas City

**2003:** Mayor Warren Hixson, Colby

**2004:** Mayor Ed Eilert, Overland Park

**2005:** Commissioner John Zutavern, Abilene

**2006:** Commissioner Richard Jackson, Ottawa

**2007:** Commissioner Pat Pettey, Kansas City

**2008:** Mayor Don DeHaven, Sedgwick

**2009:** Councilmember Diane Linver, Lenexa

**2010:** Mayor Bruce Snead, Manhattan

**2011:** Mayor Clausie Smith, Bonner Springs

**2012:** Mayor Kenneth Bernard, Lansing

**2013:** Mayor Brad Smiley, Canton

**2014:** Mayor Carl Brewer, Wichita

**2015:** Mayor Joe Denoyer, Liberal

**2016:** Andy Huckaba, Lenexa

**2017:** Kim Thomas, Stockton

**2018:** Mayor Tom Brown, McPherson

# STAFF PROFILE

## Kaitlyn Willis, *Administrative Assistant*



### **What is your position and what do you do?**

I have been an Administrative Assistant with the League since September 2018. I help coordinate meetings for the Governing Body, the Kansas Association of City/County Management, policy committees, and other legislative meetings. I also answer the phones and mail publications.

### **What is your favorite thing about Kansas?**

My favorite thing about Kansas is the people. Kansans are some of the nicest and friendliest people I have ever met.

### **A little bit of information about you.**

I graduated from K-State in 2017 and then interned with officials in the federal and state government. I'm very happy to work for the League and help cities at the local level.

### **Have you always lived in Kansas?**

No. I moved to Kansas about six years ago. Since then, I have lived in Abilene, Manhattan, Kansas City, and now Topeka!

### **What is your favorite scenic part of Kansas?**

The first time I saw K-State's campus was in the fall; I will never forget how beautiful it was. I also really enjoy the view of the Flint Hills while driving on I-70 – especially during sunsets.

# BEST PRACTICES

## Appointments Project<sup>®</sup>

Best Practices for Improving the Diversity and Effectiveness of Civic Boards and Commissions

### The Gender Gap in Government

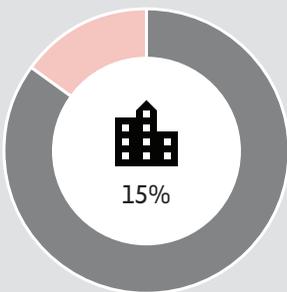
Local public officials play a critical role in governance. Local leaders shape public policy, deliver vital services, and make decisions that have an impact on citizens' daily lives. In addition to elected positions, many of these leaders serve on civic boards and commissions, which wield substantial influence over policy implementation and service delivery. Notably, women are significantly underrepresented in government leadership relative to their proportion of the population.

#### KEY QUESTION

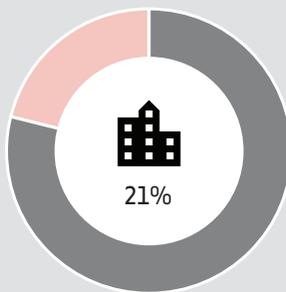
What is the percentage of women serving on civic boards and commissions in my community?



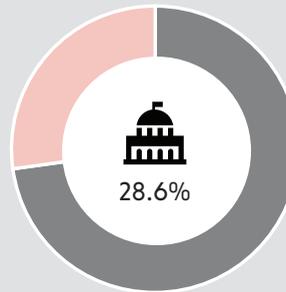
#### PERCENTAGE OF WOMEN AT VARIOUS LEVELS OF US GOVERNMENT



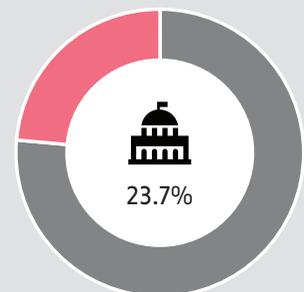
CITY ADMINISTRATORS



MAYORS



STATE LEGISLATORS



US CONGRESS

### Why appoint more women?

Research shows that increasing the number of women on civic boards and commissions does the following:



Increases public trust in government



Boosts efficiency



Improves the lives of residents

## Solution: Appointments Project®

Established in 2014, the Appointments Project® works to empower women and strengthen communities by increasing the gender diversity of civic boards and commissions by:

Educating women on the need and importance of their representation on civic boards and commissions.

Managing a talent bank of women interested in serving on civic boards and commissions. Our database allows us to match expertise, interests, and skills with available openings.

Engaging elected officials on the appointment process and encourage the adoption of best practices.

## KEY QUESTION

Do I have a road map for improving civic boards and commissions?



## Solution: Best Practices for Improving the Diversity and Effectiveness of Civic Boards and Commissions

Our research identified five best practices for civic boards and commissions to increase and sustain the number of women serving.

- ✓ **Ease and transparency of applying for positions**  
The application process should be easy to navigate and clear to both potential applicants and officials.
- ✓ **Outreach in the community**  
Reaching out to individuals within the community to expand the pool of qualified candidates beyond those who normally seek vacant board positions.
- ✓ **Professional development and training**  
Commitment to professional development and training not only at the time of on boarding, but throughout a member's time on the board, can help make a member more successful, which can translate to a more effective and trusted board.
- ✓ **Formal policies and procedures**  
Developing formal policies and training members in how to implement them is important, but to make it actionable, boards should develop policies that make reporting, investigation, and decision-making processes clear.
- ✓ **Regularly assessing performance**  
Regularly assessing performance can provide boards and commissions with information about how well they are achieving their goals and help motivate improvement.

The Appointments Project® is a research-based solution developed by the Womens Foundation. Visit [www.AppointmentsProject.org](http://www.AppointmentsProject.org) for more information.

The League is working with the Women's Foundation to grow diversity in government.

# Moderate Income Housing Program



## *Funds Available for Kansas Municipalities*

*By Ryan Vincent, Executive Director, Kansas Housing Resources Corporation*

Like many states, Kansas struggles to offer quality, affordable housing options, particularly in our rural communities. Aging housing stock, rising construction costs, limited contractor availability, and tight lending conditions all create barriers to individuals and families moving into rural areas. In turn, employers cannot house their workers, preventing business expansion and requiring employees to drive in from adjacent counties and even states. Federal housing programs are available to help address the needs of low-income citizens. However, moderate income households that cannot afford market-rate housing but do not qualify for housing assistance need resources too.

**History of Moderate Income Housing Program.** Recognizing these challenges and how important affordable housing is to economic development and vibrant communities, the Kansas Legislature created the Moderate Income Housing (MIH) Program in 2012. The State has allocated \$2 million annually for the program.

The MIH Program is administered by Kansas Housing Resources Corporation (KHRC), the State's housing finance corporation. "Unlocking Home" for citizens of our State, KHRC's mission is to help Kansans access the safe, affordable housing they need and the dignity they deserve. Information on KHRC's programs can be found at [www.kshousingcorp.org](http://www.kshousingcorp.org).

**MIH Eligibility & Uses.** The MIH Program funds grants and/or loans to Kansas cities and counties with populations of less than 60,000 people. Currently, there are 97 counties and over 600 communities in Kansas that are eligible for the Program.

By statute, the funds must pass through the cities and counties; however, awardees may partner or contract with outside entities like housing authorities, non-profit organizations, community housing development organizations or developers.

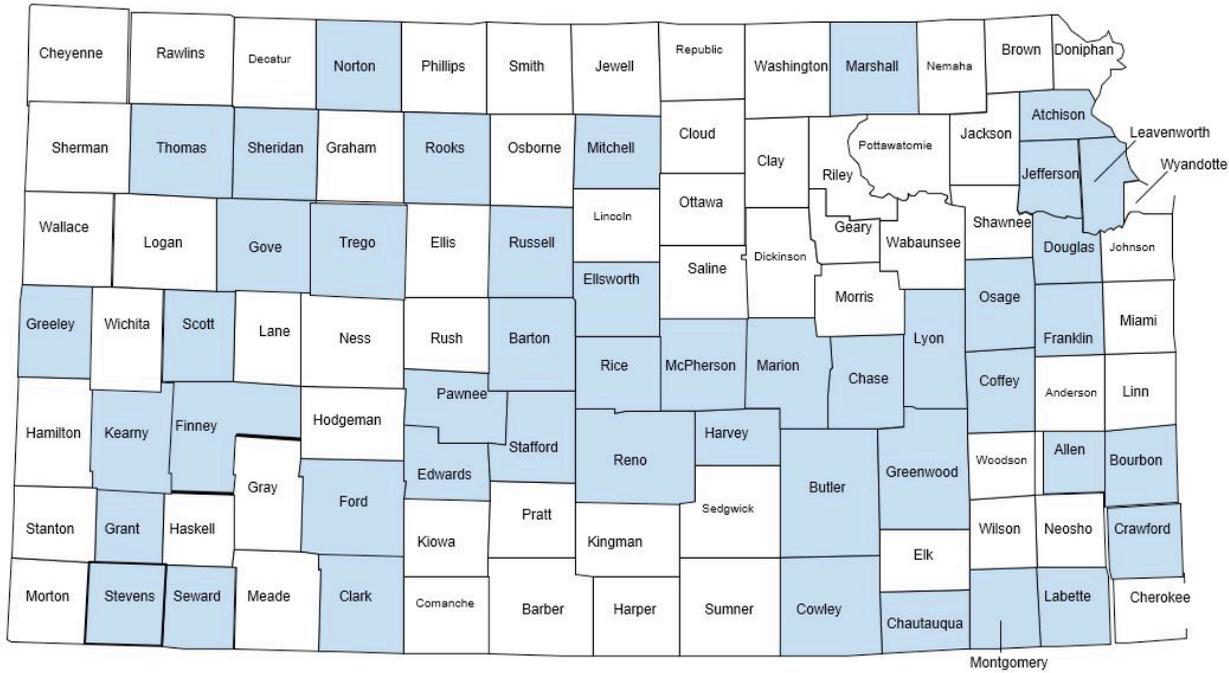


*The MIH program was used in Montgomery County in southeast Kansas. The County is experiencing job growth at VT Hackney, an international company that makes refrigerated trucks (75 new jobs), and Cessna where over 50 new positions are being created. John Deere and Spear Manufacturing are also adding jobs. Many employees in the county live in Oklahoma because there is inadequate housing in the local communities where the 2007 flood destroyed over four percent of the housing. KHRC provided a \$80,000 loan to provide homebuyer assistance to support the construction of eight new single-family homes in Cherryvale and Independence with matching funds provided by the County and the respective cities.*

MIH funds are used for housing development activities for multi-family rental units, single-family for-purchase homes, and water, sewer and street extensions for residential dwellings. MIH funds finance construction costs, rehabilitate unsafe or dilapidated housing and offer down payment and closing cost assistance to homebuyers.

**Impact of MIH.** Since its inception, KHRC has received 122 applications from cities and counties requesting \$35.8 million in MIH funding. KHRC has awarded \$14.4 million to 52 communities across the State. KHRC has achieved a leverage factor of almost \$6 for every \$1 of state resources spent.

# 2012-2018 Moderate Income Housing (MIH) Program Awards



*Liberal, the county seat of Seward County in southwest Kansas is experiencing job growth in the agri-business sector, notably in the beef processing industry where National Beef would like to expand if there was adequate housing. There is the potential for new meat processing companies as well. The Liberal school district has experienced a large turnover in teachers which adds to the need for housing.*

*A community-wide market study for Liberal states a need for 77 to 100 houses a year to meet the pent-up demand. Another study shows a great need for additional rental housing. The City has a real estate tax rebate program through the Neighborhood Revitalization Program. It has also established a Rural Housing Incentive District to help address infrastructure needs. MIH funding has been provided to assist in the development of 48 new rental housing units.*

In its most recent funding round, KHRC funded (among other projects): infrastructure costs for a new neighborhood in Arkansas City; a rehab of a historic YMCA building in downtown Atchison into 16 rental units; gap financing for new duplexes off Main Street in Lucas; and demolition and new construction funds to replace dilapidated housing in Sedan.

**How to Apply.** Upon receiving funds from the State each year, KHRC issues a Request for Proposal (RFP) for MIH funds, which details eligible applicants and activities, application procedures, grant/loan structuring, award criteria,

compliance monitoring and reporting requirements. For the 2019 funding round, KHRC has posted its RFP on its website at: <http://www.kshousingcorp.org/funding-availability.aspx>

The deadline to submit proposals under the MIH RFP is Monday, September 30, 2019. 🕒

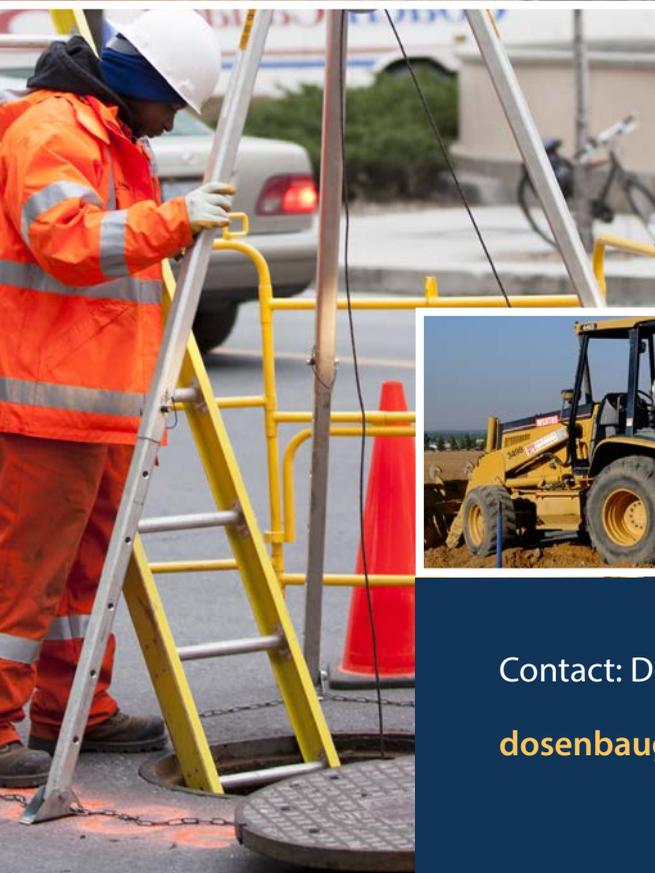
👤 **Ryan Vincent** is the Executive Director of the Kansas Housing Resources Corporation. He can be reached at [rvincent@kshousingcorp.org](mailto:rvincent@kshousingcorp.org).



# KMIT

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[dosenbaugh@cox.net](mailto:dosenbaugh@cox.net) or 316-259-3847



## HALL TO APPOINT LEAGUE NOMINATING COMMITTEE

League President Daron Hall, City Manager for Pittsburg, will appoint a seven-member committee to serve as the 2019 League Nominating Committee. The Committee will be chaired by Jeff Longwell, Mayor of Wichita. 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. The League 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. The League 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 League 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 14, during the League Annual Conference.

**2019 Nominating Committee Members will be published in September editions of *League News*. For a listing of members, visit [www.lkm.org/league\\_news](http://www.lkm.org/league_news).**

## GUIDELINES FOR LEAGUE GOVERNING BODY SELECTION

Pursuant to Article 4, Section 3 of the League Bylaws, the Governing Body has established the following guidelines for League Governing Officer Elections.

**Section 1. Primary Considerations.** The overall strength of the individual candidates for the League Governing Body should be the primary consideration of the nominating committee. Candidates should be evaluated service to the League, 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. **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 League Governing Body has adopted a regional map as a benchmark, but we all recognize that this is not a perfect system. 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. A) President.** In keeping with long-standing League tradition,

the Vice President ascends to the position of President. This policy enables the Vice President to participate on the League 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 the League, potential leadership contributions, and their willingness to serve the organization. Other considerations include: 1) at least one year of prior service on the League Governing Body; 2) alternation between large and small cities; and 3) geographic diversity.

"Large-city" directors shall also be eligible for these offices, provided they meet the stated criteria.

# Proving You're An ALL-AMERICA CITY

By Sean Sandefur, Budget Analyst, City of Wichita

Somewhere along I-70 in western Kansas, a group of Wichitans — some of whom were employees of the City of Wichita, some residents and community leaders — were headed to Denver for a presentation at the All-America City Awards. They'd been preparing for this trip for months. Each city competing had to come up with an original 10-minute skit, which highlighted the materials in their application in a lively, well-rehearsed way. Most of the hard work had already been done — pages and pages were written about the innovative programming and community outreach happening throughout the community, along with weeks of preparation for their presentation. So, in the meantime, the hours were passed by playing games and talking about their favorite movies. Although given the opportunity to fly to the presentation, City Council Member Becky Tuttle said that the cramped SUV provided a unique bonding opportunity for those involved.

"I just got to know more about the people I work with on a different level — it was a chance for us to lighten up a bit," Tuttle said. "I felt like I did 500 crunches, my stomach hurt from so much laughing."

Assistant City Manager Donte Martin echoed this sentiment.

"In the SUV we had a city council member, the park director, transit staff, and a police sergeant, but once we got on the road, those titles weren't a part of the conversation — we were just people who were passionate about Wichita and the work we do."

Once in Denver, the group was met with other enthusiastic participants from Wichita and 19 other communities across the country. They were all there to do one thing: bring home the title of All-America City. The displays were elaborate — full drum lines, color guards, and even mascots joined presenters on stage to rep their cities. Wichita prepared a 10-minute riff on *The Tonight Show* with Jimmy Fallon, which included actual community members as guests. While the skit was a lighthearted attempt at humor, the backbone was about how the City of Wichita worked with various community leaders and agencies to address serious issues in innovative ways. The theme of the 2019 All-America City Awards was "creating healthy communities through inclusive civic engagement." The topics Wichita focused on included solving issues of hunger and lack of access to healthy food, improving

police and community relations, reinventing and reinvesting in our City Center by activating downtown streets, and providing athletic opportunities for disadvantaged youth.

"It was easy to get anxious while watching the other groups," Martin said. "Some had as many as 80 people there, but we remained true to our story and we knew we had a solid application, great stories and an excellent presentation."

When it came time for them to present, the participants from Wichita were nervous. Although they had rehearsed several times, the delivery wasn't perfect. They skipped some of the lines, and even ran a little long. But in the end, they got their message across and delivered some laughs. According to Martin, he began to feel confident when he saw all of the community members gathered on stage responding to questions from the panel.

"We had the expertise to tell a convincing story and back up our application," he said. "We had the right people on stage at the right time."

Sure enough, when it came time to announce the winners, Wichita was one of ten chosen as an All-America City out of the 20 finalists who presented. The panel made the winning announcements by reading clues about the applicants, each more revealing than the last. Park Director Troy Houtman said the whole group was on the edge of their seat, waiting for anything Wichita related.

"The second clue they read was something about a community that was reinvesting in their youth by creating innovative athletic programming," Houtman said. "By that time, we knew it was us." The group went from digging their nails into their seats in anticipation to jumping up and down.

"I wonder what the trip would've been like on the way back if we didn't win," Tuttle joked. "I'm glad we didn't have to find out, because it was so much fun to celebrate."

## WHAT DOES IT TAKE TO BECOME AN ALL-AMERICA CITY?

In October of 2018, Wichita City Manager Robert Layton expressed interest in the City applying for the award, given all that he had witnessed in terms of civic engagement and progress on many important community issues over the last several years. Layton tasked Donte Martin with gathering key community leaders





*Members of the City of Wichita's All-America City delegation gathered together when they were named All-America City 2019.*

so that the process was significantly influenced by the people who were directly involved in various initiatives.

Martin facilitated a brainstorm session attended by Becky Tuttle, Chief Gordon Ramsay, Park Director Troy Houtman, and Transit Director Mike Tann. The group easily identified more than 20 projects that exemplified creating healthy communities through inclusive civic engagement. The challenge was narrowing this long list of outstanding projects down to three projects that would be included in the final application.

The decision was made early on for City employees and community members to write the application materials and develop the presentation themselves, rather than hiring an outside firm, which had been done in previous attempts.

“We have talent in-house,” Martin said. “We have residents and staff that could tell a compelling story about how the selected projects affected our community and what makes Wichita a great place to live, it was an opportunity to speak from a firsthand perspective.”

To do that, the City had to seek out and engage those perspectives. Prior to Becky Tuttle’s appointment to City Council, Martin approached her due to the work she accomplished with the Health & Wellness Coalition of Wichita, which is an important resource for education and outreach for healthy eating and recreation in the area. Tuttle said that she was flattered to be asked to be a part of the process and was impressed that the City was reaching out to community members.

“This was about the city as a community, not about the city as a municipality, and that was really important,” Tuttle said.

Martin contacted Superintendent Alicia Thompson to discuss USD 259 alternative breakfast programs. Dr. Thompson enthusiastically agreed to support Wichita’s All-America City effort. Pastor Roosevelt DeShazer of the Progressive Missionary Baptist Church and members of the Wichita Police Department were engaged to talk about the work that the City and community leaders had done to improve the dialogue and relationships between law enforcement and minority residents in Wichita. Finally, Martin tapped Park and Recreation Director Troy Houtman to talk about League 42 and Open Streets ICT. Houtman recruited the Jeronimo family, in order to tell the story of League 42 through the eyes of those who were passionate about the effects this program had on their children. Various City employees from several departments were also asked to contribute to the application and presentation.

The application itself included portions that covered basic demographics, such as unemployment rates and racial/ethnic data. The most influential and daunting task was approximately 20 pages of essays, the bulk of which covered three major projects: Wichita Police Department strengthens community bonds, barriers to accessing healthy foods, and the League 42 and Open Streets ICT project.

All of the projects mentioned in the application spoke directly to the 2019 All-America City Award directive of “creating healthy communities through inclusive civic engagement.” While the

application and presentation was an important vehicle for telling the story of Wichita, the City said it was the initiatives themselves that won the award. Years of engaging with area non-profits, businesses and individuals in order to address some of the most pressing issues facing Wichita was what truly mattered. When the participants traveled to Denver to compete alongside all of the other finalists, they quickly learned that these communities had put in the work, too. They were all there for a reason.

“There were 20 finalists, the best of the best,” said Troy Houtman. “To sit and listen to their stories and presentation, that was a great education.”

Staff from the City of Wichita came back with notes and contacts from other cities about innovative ideas and approaches to a wide variety of issues. This speaks to one of the most important takeaways that staff with the City of Wichita mentioned: the work isn't done. While it's nice to win the award and revel in their accomplishments for a short time, they're all ready to keep forging ahead and making even more progress in their community.



Wichita prepared a 10-minute sketch about Wichita's recent engagement effort.

Since 1949, the National Civic League has recognized and celebrated the best in American civic innovation with the prestigious All-America City Award. This year, 10 communities showed how a determined local government can tackle tough issues and create real change. 🏆

🏆 **Sean Sandefur** is a Budget Analyst with the City of Wichita. He can be reached at [ssandefur@wichita.gov](mailto:ssandefur@wichita.gov) or (316) 268-4238.

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## League Governing Body Nominations

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

Article 4 of the League 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 14, during the League's Annual Conference in Overland Park.

**In order to facilitate the process, we ask that all nominations be received by Friday, September 13 at 5:00 p.m. to the League of Kansas Municipalities, 300 SW 8<sup>th</sup> Ave., #100, Topeka, KS 66603. You can also go online and submit your form electronically at [www.lkm.org/GovBodyNomination](http://www.lkm.org/GovBodyNomination).**



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# KANSAS GOVERNMENT

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## KDOT Local Consult Meetings

KDOT will hold local consult meetings in August around the state. Cities should attend to ensure their comments about transportation needs for the future are represented. ★

### **SALINA**

August 19  
1:30 - 4:30 p.m.

### **HUTCHINSON**

August 20  
9 a.m. - 12 p.m.

### **INDEPENDENCE**

August 21  
9 a.m. - 12 p.m.

### **OVERLAND PARK**

August 22  
9 a.m. - 12 p.m.

### **TOPEKA**

August 26  
1:30 - 4:30 p.m.

### **WICHITA**

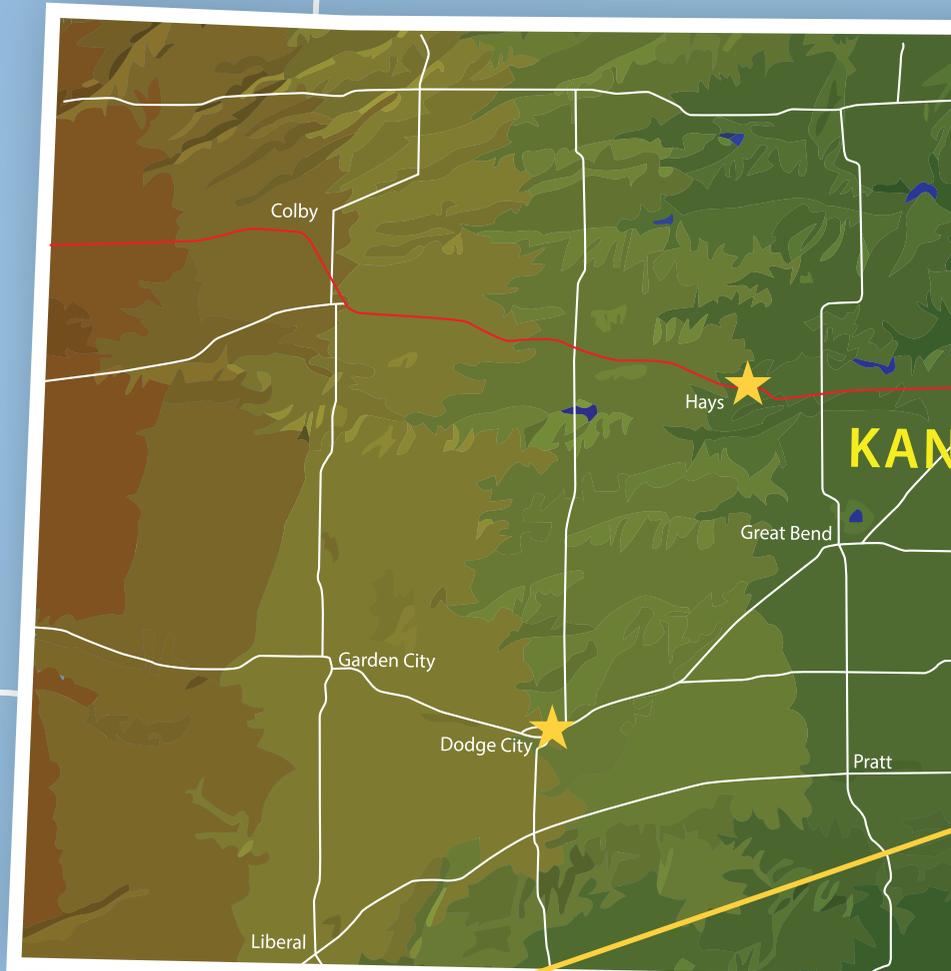
August 27  
9 a.m. - 12 p.m.

### **DODGE CITY**

August 28  
9 a.m. - 12 p.m.

### **HAYS**

August 29  
9 a.m. - 12 p.m.



★ Santa Fe

## Wichita

### City Launches New Tool to Connect Residents with City's Resources, Services

In July, the City of Wichita launched an online tool meant to connect residents with the City's resources and services, and to allow them to easily report non-emergency issues or concerns.

Access Wichita is a self-service portal that allows residents to get information about the City, request services from various departments, or report problems such as pot holes or bike path repairs. The site can be reached by visiting [AccessWichita.gov](http://AccessWichita.gov) and is optimized for phones, tablets, and desktops.

The City says the tool not only allows residents to quickly access questions about Wichita, it also streamlines the process for reporting problems. The City says the process should be a time saver for staff.

**Source:** KWCH

Oklahom

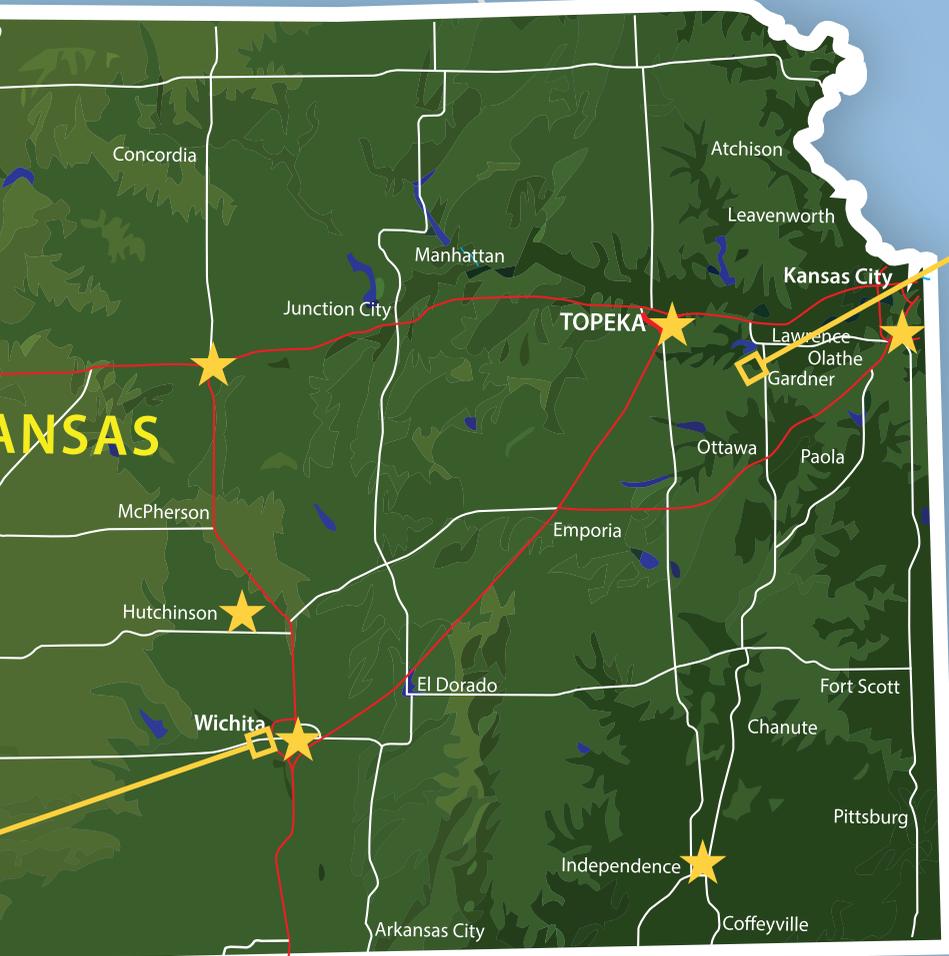
# GOVERNMENT NEWS

Des Moines ★

Lincoln ★



We are always seeking content ideas for stories and briefs. Please send your ideas and thoughts for content or story ideas to Megan Gilliland at [mgilliland@lkm.org](mailto:mgilliland@lkm.org).



## Gardner

### Police Create Safe Exchange Zones for Internet, Child Custody Exchanges

The Gardner Police Department created a safe place outside its headquarters for child custody exchanges and internet commerce transactions. The Safe Exchange Zone is defined by signs and blue lines painted around several stalls in the main parking lot at Gardner Justice Center. The Safe Exchange Zone is full view from the road, well-lit, and covered by a 24-hour video surveillance system.

*Source: KC Star*

Oklahoma City ★

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### How to Apply / Contact

For a complete job description and application instructions please visit our website [www.wyocokck.org/jobs](http://www.wyocokck.org/jobs).

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## City Manager Dodge City

The City of Dodge City is accepting applications for the position of City Manager. The City offers a competitive salary starting at \$114,649. Salary is negotiable dependent on qualifications and experience. Candidates must be able to quickly understand the growth and diversity of the community. In addition, applicants must possess the ability to communicate effectively orally and in writing; strong interpersonal skills; ability to work with and motivate all levels of employees; knowledge of public utilities; ability to interact with business community and general public; demonstrate proactive leadership skills and knowledge of labor relations.

The candidates for the position must hold a Bachelor's degree in Business Administration or Public Administration or similar field, and a minimum of (5) five years of progressive work experience of increasingly responsible management experience in a comparably sized community with similar growth and business environment or an Assistant Manager in a larger community. A Master's degree in Business Administration or Public Administration is highly desirable, as is, a proven track record of success. Bilingual candidates in English/Spanish is a plus.

The current City Manager will retire in July 2020, the start date of employment for next City Manager will be dependent on experience and qualifications. The successful candidate will be required to establish residency within the city limits of Dodge City and possess a valid Kansas driver's license, or be able to obtain within 60 days, with good driving history.

### How to Apply / Contact

Qualified individuals should submit application and attach resume at [www.dodgecity.org/careers](http://www.dodgecity.org/careers) no later than October 1, 2019. Please request the City Manager Profile document for more details about the position and organization or visit [www.dodgecity.org/careers](http://www.dodgecity.org/careers).

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## Chief of Police, Junction City

Junction City, Kansas – a prosperous, ethnically diverse community located in the heart of Kansas and adjacent to Fort Riley, home of the 1st Infantry Division and birthplace of the 7th Cavalry- is seeking a new Chief of Police. The Chief of Police will lead a team of highly skilled staff and oversee all Police Department services in a high performing organization characterized by excellence, integrity, compassion, professionalism, teamwork, and commitment. The Junction City Police Department's mission is to

protect and serve with honor while being committed to establishing a positive relationship with a community rich with history and inviting atmosphere.

Under the direction of the City Manager, the Chief of Police provides for the health, safety, and well-being of Junction City's citizens and visitors through management of assigned law enforcement and crime prevention resources. The ideal candidate holds a bachelor's degree in Police Science, Criminal Justice Administration, or a Law Enforcement related field and a minimum of 10 years of law enforcement experience, with at least three years of command/executive level experience. The chosen candidate must also possess or be able to obtain certifications as a law enforcement officer mandated by Kansas State statutes.

### How to Apply / Contact

Applications will only be accepted electronically at <https://ks-junctioncity.civicplushrms.com/careers/>. Applicants will be required to complete an online application form and to provide a detailed resume and letter of interest. This position will remain open until filled with the first review of applications beginning September 3, 2019. Please contact Lorena Pula at 785-238-3103 ext 112 or via email at [lorena.pula@jcks.com](mailto:lorena.pula@jcks.com) for any additional assistance or inquiries.

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## City Prosecutor, Lenexa

The City of Lenexa is a growing, dynamic and progressive city due in large measure to its commitment to quality growth as a "planned community" in partnership with its citizens. Lenexa has a diverse population of approximately 48,000, with a similar number of people coming into the city each day for work. Encompassing 34.40 square miles of land, Lenexa is located in the greater Kansas City metropolitan area, and was

ranked 47 in Money Magazine's 100 Best Places to Live in America; the only city in Kansas to make the list this year. City of Lenexa employees are dedicated to providing exceptional public service to the community. We value integrity, service, teamwork, dedication, vision and employees who care.

We are now accepting applications for both a full-time AND a part-time City Prosecutor to join our team within the Legal department. The City Prosecutor is skilled in all aspects of municipal court prosecution, including criminal law and procedure, trial work, plea negotiations, and sentencing recommendations. These positions also will handle zoning, building code, and animal violations, legal research, writing motions and briefs, advising city departments on related issues, and handling appeals from municipal court. The successful candidates must demonstrate good judgment and have excellent interpersonal communication skills.

**Qualifications:** Must be an attorney in good standing and licensed to practice law in Kansas.

**Preferred qualifications:** At least one to two years' experience in criminal law (defense or prosecution). Previous experience in municipal law and/or litigation is also desirable.

The ideal candidate will have a passion for public service, possess initiative with a demonstrated ability to multi-task and prioritize a heavy workload, have a stable work history, demonstrate strong communication skills, and have a dynamic personality.

Compensation and Benefits are different for each position, please visit our website for further information. [www.lenexa.com/jobs](http://www.lenexa.com/jobs)

### How to Apply / Contact

For best consideration apply immediately as application review will begin in early August. Apply online and attach both a cover letter and resume.

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The Clay Center Street Department is currently selling a 2004 JCB 214 E backhoe loader. The unit has a four cylinder diesel Perkins engine with 4995 hours. This unit does have an enclosed cab with heat but no AC. The backhoe has the extend ahoie feature that allows extra digging depth as well as a 24" wide digging bucket, a 36" wide digging bucket and a 30" smooth bit digging bucket. The front end loader bucket has a hydraulic four in one bucket with a fold up forklift feature. To view this unit please call Ken Shivers at (785) 632-3818 and make arrangements.



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