

**SPECIAL CITY COUNCIL
CITY OF PRAIRIE VILLAGE
OCTOBER 26, 2009**

The City Council of Prairie Village, Kansas, met in special session on Monday, October 26, 2009, at 6:00 p.m. in the Council Chambers of the Municipal Building to consider Ordinance 2207 related to bond issue for storm drainage improvements and the options in response to the protest petition filed against Charter Ordinance No. 25 related to bonding authority.

ROLL CALL

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Al Herrera, Dale Warman, Ruth Hopkins, Andrew Wang, Dale Beckerman, David Morrison, Charles Clark, Diana Ewy Sharp and David Belz.

Also present were: Quinn Bennion, City Administrator; Katie Logan, City Attorney; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to City Administrator, Keith Bredehoeft, Project Manager and Joyce Hagen Mundy, City Clerk. Also present was Gary Anderson with Gilmore & Bell and representatives of Columbia Capital.

Mayor Shaffer stated this meeting was called pursuant to K.S.A. 13-510 and all appropriate notifications have been made. He reviewed the procedures to be followed for the meeting, noting that only those items listed on the agenda for this special meeting will be discussed.

COU2009-91 Consider Ordinance 2007 related to bond issue for storm drainage improvements

Quinn Bennion stated the earlier ordinance adopted authorizing the issuance of bonds for storm drainage improvements provided a general location for the proposed areas for improvement. The Attorney General recommended that the locations be more specifically identified. The public works staff has prepared an attachment to the proposed ordinance which identifies the corrugated metal pipe replacement locations and an approximation of the number of feet of pipe to be replaced.

Gary Anderson noted if the Charter Ordinance had been successful, the general description given in the previous ordinance would have been satisfactory. Dale Beckerman confirmed the previous ordinance did not have to be repealed.

Dale Beckerman moved the Governing Body adopt Ordinance 2207 authorizing certain storm drainage improvements, and providing for the manner of paying for the same. The motion was seconded by Al Herrera.

A roll call vote was taken with the following votes cast: “aye” Herrera, Warman, Hopkins, Wang, Beckerman, Clark, Morrison, Ewy Sharp and Belz.

Consider options in response to the protest petition filed against Charter Ordinance No. 25 relating to bonding authority

Quinn Bennion advised the Council that although the election office has validated the necessary number of signatures have been submitted on the protest petition, the City has not received confirmation from the District Attorney’s Office that the language on the petition is acceptable. Therefore, staff is now recommending the Governing Body take no action at this time.

Katie Logan stated she had received a copy of the letter and petition submitted to the District Attorney. She called the District Attorney's Office, but was unable to speak with the District Attorney to verify that the language had been approved. Mr. Morrison has not received verification from the District Attorney's Office. Ms Logan noted the statutes are highly technical in regard to the wording of petitions and she is not sure whether the submitted petition will meet the criteria of the court. If it is found to not be in compliance, the Charter Ordinance may be deemed valid and therefore, it is her recommendation that it not be repealed at this time.

She added that even if the District Attorney finds the petition language to be valid, the City could still challenge the opinion of the DA through the courts. As this would be a narrow and refined interpretation, she would expect the cost to be relatively inexpensive. However, the City can and needs to move forward on the proposed bonds as amended with the removal of park projects at this time. There is no reason to take action on the Charter Ordinance and related protest petition this evening.

Mayor Shaffer noted if the necessary information was received this week, the Council could take action at their November 2nd meeting.

Quinn Bennion noted staff had been asked to compile a cost estimate associated with the City's response to the protest petition filed against Charter Ordinance No. 2. The estimated costs are the incremental amount required to prepare the second method of authority and financing for the bond issue. Employee costs are estimated salary and benefits costs of the hours spent with the alternate plan. Mr. Bennion reviewed the cost estimated which totaled \$6,750.

In response to the petition, the City Clerk requested information from the Johnson County Election Office regarding the estimated cost for a special election. The cost of an election for Prairie Village would be \$3 per registered voter. There are 16,941 registered voters resulting in an estimated election cost of \$50,823. The cost for a mail-in ballot would be very similar and the election office would require twelve weeks to plan a mail-in ballot election.

Quinn Bennion noted with the changes made to bond issue, he asked the Finance Director to prepare the following current summary of the 2009A Bond Series:

2009 Series Bonds

Project Description	Amount
Park Improvements	-
Public Building Projects	370,000
Street Projects	6,000,000
Storm Drainage Projects	<u>3,050,000</u>
Subtotal - new bonds	\$9,420,000
Refinance of Series 2000 Bonds	675,000
Estimated Cost of Issuance	<u>145,000</u>
Grand Total	<u>\$10,240,000</u>

Quinn Bennion noted the costs for refinancing bonds and the costs for issuance are estimates.

Andrew Wang confirmed the City could go forward with the issuance of bonds as presented. Gary Anderson replied the proposed bonds can be issued under the city's existing statutory authority. With the unclear status of the validity of Charter Ordinance No. 25, park improvement projects can not be included in this bond issue.

Mayor Shaffer asked for the final status of the signatures on the petition. Mr. Bennion responded the Johnson County Election Office reviewed the petition, withdrawal petitions and certified 124 signatures. The petition required 118 signatures

for passage. There were 157 signatures submitted. The City does not know which signatures were removed by the election office.

Al Herrera noted most of the individuals he contacted regarding withdrawing their signatures were active residents and registered voters.

ADJOURNMENT

Dale Beckerman moved for adjournment. The motion was seconded by David Belz and passed with the meeting being adjourned at 6:20 p.m.

Joyce Hagen Mundy
City Clerk