

**SPECIAL COUNCIL MEETING  
CITY OF PRAIRIE VILLAGE, KANSAS**

**Monday, October 26, 2009**

**6:00 p.m.**

**Council Chambers**

**Be it known that pursuant to K.S.A. 13-510, Mayor Ronald L. Shaffer called a Special Council Meeting.**

**The agenda items are as follows:**

**COU2009-91 Consider Ordinance 2207 related to bond issue  
for storm drainage public improvements**

**Consider options in response to the protest petition filed against Charter Ordinance No. 25 relating to bonding authority. (Options include approving an ordinance to repeal Charter Ordinance No. 25 in lieu of calling an election.)**

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**Ronald L. Shaffer, Mayor**

**Signed: \_\_\_\_\_**

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(Published in *The Legal Record* on October \_\_\_, 2009)

**ORDINANCE NO. 2207**

**AN ORDINANCE AUTHORIZING CERTAIN STORM DRAINAGE IMPROVEMENTS, AND PROVIDING FOR THE MANNER OF PAYING FOR THE SAME.**

**WHEREAS**, K.S.A. 12-631r and 12-631s, as amended (the “Act”), authorize the City of Prairie Village, Kansas (the “City”) to construct storm sewers, channels, retention basins or drains for the purpose of managing the storm drainage areas of the City, and to issue general obligation bonds to pay the cost thereof; and

**WHEREAS**, the City has determined that it is necessary to improve or reimprove portions of the storm drainage system of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, AS FOLLOWS:**

**Section 1.** Pursuant to the Act, the governing body of the City hereby finds and determines that it is necessary to make the following improvements (collectively, the “Improvements”):

**Drainage Improvement #1:**

Construction of a new storm drainage pipe and drain inlets on Alhambra Street for a distance of approximately 1,000 feet from Mission Road and replacement of galvanized pipe in the intersection of Alhambra Street and Mission Road. Project includes design, engineering, inspections, and all other necessary improvements related thereto.

**Drainage Improvement #2:**

Construction of a new storm drainage pipe and inlets on Prairie Lane for a distance of approximately 900 feet from Tomahawk Road. Project includes design, engineering, inspections, and all other necessary improvements related thereto.

**Drainage Improvement #3:**

Improve or reimprove portions of the storm drainage system of the City as described on **Exhibit A** attached hereto, by replacing existing deteriorated corrugated metal pipes and associated drainage structures with reinforced concrete pipe, concrete structures and/or trenchless rehabilitation methods. Project includes design, engineering, inspections, and all other necessary improvements related thereto.

**Section 2.** The City Administrator and other City staff are authorized to take all necessary actions to proceed with the Improvements.

**Section 3.** For the purpose of providing funds for the Improvements, as approved by the governing body, the City hereby authorizes the issuance of its general obligation bonds and/or temporary notes pursuant to the Act, in an amount not in excess of \$3,050,000, plus capitalized interest and costs of issuance.

**Section 4.** The City expects to make capital expenditures on and after the date of adoption of this Ordinance in connection with the Improvements, and intends to reimburse itself for such expenditures with the proceeds of one or more series of general obligation bonds and/or temporary notes of the City in the estimated maximum principal amount of \$3,050,000, plus capitalized interest and costs of issuance.

**Section 5.** This Ordinance shall take effect and be in full force and effect from and after its passage by the governing body and its publication in the official City newspaper.

**PASSED** by the Governing Body on October 26, 2009 and **APPROVED** by the Mayor.

(SEAL)

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Mayor Ronald L. Shaffer

ATTEST:

\_\_\_\_\_  
Joyce Hagen Mundy, City Clerk

## EXHIBIT A

### Corrugated Metal Pipe replacement locations:

- Replace approximately 1,400 feet of pipe along 87<sup>th</sup> Street from Somerset Drive to Rosewood Drive.
- Replace approximately 1,500 feet of pipe along Somerset Drive from Roe Avenue to 87<sup>th</sup> Street.
- Replace approximately 2,300 feet of pipe along Mission Road from 87<sup>th</sup> Street to 91<sup>st</sup> Street.
- Replace approximately 550 feet of pipe along Juniper Lane from 83<sup>rd</sup> Terrace to 84<sup>th</sup> Terrace.
- Replace approximately 350 feet of pipe along 83<sup>rd</sup> Terrace from Juniper Lane to Rosewood Drive.
- Replace approximately 750 feet of pipe along Roe from 89<sup>th</sup> Street to 90<sup>th</sup> Terrace.
- Replace approximately 1,500 feet of pipe along 90<sup>th</sup> Street from Roe Avenue to Somerset Drive.
- Replace approximately 175 feet of pipe along 71<sup>st</sup> Street east of Roe Avenue.
- Replace approximately 40 feet of pipe along 83<sup>rd</sup> Terrace east of Mission Road.
- Replace approximately 140 feet of pipe along 86<sup>th</sup> Street and Linden Drive.
- Replace approximately 30 feet of pipe along 86<sup>th</sup> Street east of Cedar Drive.
- Replace approximately 30 feet of pipe along 87<sup>th</sup> Terrace west of Catalina Street.
- Replace approximately 160 feet of pipe along 88<sup>th</sup> Street west of Somerset Drive.
- Replace approximately 220 feet of pipe along Roe Avenue between 88<sup>th</sup> Street and 89<sup>th</sup> Street.
- Replace approximately 80 feet of pipe along El Monte Street south of 67<sup>th</sup> Street.
- Replace approximately 30 feet of pipe along 64<sup>th</sup> Street north of 64<sup>th</sup> Terrace.
- Replace approximately 230 feet of pipe along Chadwick Drive east of Canterbury Street.
- Replace approximately 550 feet of pipe along 79<sup>th</sup> Street east of Canterbury Street.
- Replace approximately 30 feet of pipe along 71<sup>st</sup> Terrace west of State Line Road.

# City of Prairie Village 2009 CMP Replacement Locations October 21, 2009



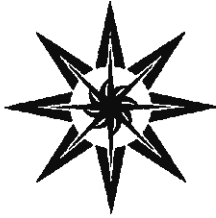
## 2009 CMP Replacements

 2009 Bond CMP



THE CITY OF PRAIRIE VILLAGE  
*Star of Kansas*

October 21, 2009



## COUNCIL COMMITTEE

Special Council Meeting Date: October 26<sup>th</sup>, 2009

**Agenda Item: Consider options in response to the protest petition filed against Charter Ordinance No. 25 relating to bonding authority. (Options include approving an ordinance to repeal Charter Ordinance No. 25 in lieu of calling an election.)**

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### **SUGGESTED MOTION**

Move to approve an ordinance to repeal Charter Ordinance No. 25 in lieu of calling a special election.

### **STAFF RECOMMENDATION**

Staff and City Attorney recommend that Council repeal Charter Ordinance No. 25 in lieu of calling a special election. The City will issue bonds in early November using existing statutory bonding authority.

### **BACKGROUND**

On August 3, 2009, the City passed Charter Ordinance No. 25 exempting the City from the provisions of K.S.A. 13-1024a and providing substitute and additional provisions relating to general improvements and the issuance of bonds.

On October 19, 2009, a valid petition was filed with the City Clerk demanding that Charter Ordinance No. 25 be submitted to a vote of the electors for approval. The Johnson County election office reviewed the petition, accounted for the withdrawn signatures and certified 124 signatures. The petition required 118 signatures to be a valid petition.

The District Attorney's office must approve the petition language. As of Friday afternoon, official notice had not been received from the DA's office, although it is probable that the petition language is sufficient.

With the valid protest petition, Council has the following options to consider:

- 1) Schedule a city-wide special election to submit the Charter Ordinance to a vote of the electorate. Within 30 days of the petition filing, the Council must determine if an election is to be held. The special election must be held within 90 days of the call for an election. The ballot would contain one question for a yes or no vote: Shall the following ordinance be adopted? Charter Ordinance No. 25 as stated.

There is not a general election within 120 days of Oct. 19<sup>th</sup>, therefore, a special election would be necessary. The City Clerk inquired with the Johnson County Election Office and obtained the following information regarding a special election:

- a) The cost of an election for Prairie Village would be \$3.00 per registered voter. With 16,941 registered voters, the estimated election cost would be \$50,823.
  - b) The special election can be a mail-in ballot; however, the cost would be very similar to a standard election: \$3.00 per registered voter.
  - c) The JoCo Election Office needs 12 weeks to plan a mail-in ballot election.
- 2) Rescind the Charter Ordinance #25 with attached ordinance. This option is staff's recommendation. The bond sale will occur on Nov. 2nd using existing statutory authority for street, storm drainage and building public improvement projects. Parks projects will not be included within the bond issue.
  - 3) Take no action. After 30 days following the petition filing, Charter Ordinance No. 25 will expire as an election has to be scheduled within 30 days after a valid petition is filed.

#### **FUNDING SOURCE**

Not applicable for options #2 & #3. If an election is desired, the cost is not currently budgeted and would likely be an expense of General Fund contingency.

#### **PUBLIC NOTICE**

None required for options #2 & #3. If an election is desired, public notice will be a part of the election process.

#### **ATTACHMENTS:**

- 1) Ordinance to rescind Charter Ordinance No. 25 as prepared and approved by bond counsel.

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Prepared By:

Quinn Bennion

City Administrator

Date: October 23, 2009

(Published in *The Legal Record* on October \_\_\_, 2009)

**ORDINANCE NO. 2222**

**AN ORDINANCE REPEALING CHARTER ORDINANCE NO. 25.**

**WHEREAS**, Article 12, Section 5 of the Constitution of the State of Kansas (the "Act"), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform statutes and acts of the Kansas Legislature; and

**WHEREAS**, the City of Prairie Village, Kansas (the "City") is a City, as defined in the Act and is a City of the first class, duly created and organized, under the laws of the State of Kansas; and

**WHEREAS**, on August 3, 2009, the City passed Charter Ordinance No. 25 exempting the City from the provisions of K.S.A. 13-1024a and providing substitute and additional provisions on the same subject relating to general improvements and the issuance of bonds for such purposes; and

**WHEREAS**, on October 19, 2009, in accordance with the Act, a valid petition was filed in the office of the City Clerk demanding that Charter Ordinance No. 25 be submitted to a vote of the electors for approval by a majority of the electors voting at an election held for such purpose prior to taking effect; and

**WHEREAS**, the governing body of the City desires to repeal said Charter Ordinance No. 25 in lieu of calling an election.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, AS FOLLOWS:**

**Section 1.** Upon the effective date of this Ordinance, the City desires to repeal Charter Ordinance No. 25.

**Section 2.** This Ordinance shall take effect and be in full force and effect from and after its passage by the governing body and its publication in the official City newspaper.

**PASSED** by the Governing Body on October 26, 2009 and **APPROVED** by the Mayor.

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Ronald L. Shaffer, Mayor

(SEAL)

ATTEST:

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Joyce Hagen Mundy, City Clerk