

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS**  
**Civil Division**

MARC VIANELLO,	)	
a resident and taxpayer of the City of	)	
Prairie Village, Kansas,	)	
<i>Plaintiff,</i>	)	Case No.:
	)	Division:
v.	)	
	)	
CITY OF PRAIRIE VILLAGE, KANSAS,	)	
a municipal corporation,	)	
<i>Defendant.</i>	)	
	)	

Pursuant to K.S.A. Chapter 60

**PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

COMES NOW Plaintiff, Marc Vianello, a citizen, resident, and taxpayer of the City of Prairie Village, Kansas, by and through his counsel, Fritz Edmunds of Edmunds Law Office, LLC, and brings this cause of action for declaratory judgment and injunctive relief against Defendant, City of Prairie Village, Kansas (the “City”). Plaintiff seeks a determination: (a) that Prairie Village Charter Ordinance No. 28, adopted July 18, 2016, is invalid to the extent it purports to exempt the City in 2025 from the voter approval requirements and debt limitations of K.S.A. 13-1024a for issuing \$30 million in general obligation bonds for a new City Hall; (b) that Charter Ordinance 28 is ineffective at bypassing the statutory requirement for public vote for bond elections in general; and (c) that Charter Ordinance No. 28 is inapplicable to the specific City Hall bond issue in particular. Plaintiff further seeks an injunction to prevent bond issuance without a public vote and an order requiring such a vote if the City still intends to proceed with its project. In support thereof, Plaintiff states as follows:

**I. INTRODUCTION**

**A. The State of Kansas has ensured public protection through its statutes and its Constitution.**

1. Kansas Statutes and the Kansas Constitution provide citizens with protection against rogue city council members from funding their pet projects on the backs of taxpayers by obligating them to indebtedness for decades without a public vote.

2. K.S.A. 13-1024a specifically requires a majority of voters to approve bond issuance in excess of \$100,000.<sup>1</sup>

3. K.S.A. 13-1024a exempts first-class cities, like Prairie Village, from bond elections for certain improvements,<sup>2</sup> but only if “the total amount of bonds issued for such purposes [does] not exceed the sum of one hundred thousand dollars (\$100,000) in any one year.”

4. The Kansas Constitution was amended in 1961 to allow cities home rule authority for their own affairs through the enactment of charter ordinances, except in circumstances that are present in this action. KAN. CONST. Article 12 § 5 (the “Home Rule Amendment”).

**B. City Council members seek to fund a pet project through illegal means without a vote.**

5. On June 16, 2025, the Prairie Village City Council (the “City Council”) voted to spend \$30 million on a new City Hall to house 22 employees and to issue general obligation bonds to finance said project without a bond election vote of the people. **Exhibit 1** – Resolution 2025–04, attached hereto and incorporated herein by this reference.

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<sup>1</sup> K.S.A. 13-1024a allows cities to borrow money and issue bonds for specific purposes, “*Provided, That no bonds shall be issued for such purposes unless the same were authorized by a majority of the votes cast at an election held for that purpose.*” (emphasis added)

<sup>2</sup> “For the purpose of paying for any bridge, viaduct, public building, including the land necessary therefor, for lands for public parks and developing the same, within or without the city, for the establishment and construction of crematories, desiccating or reduction works, including the land necessary therefor, within or without the city, or for the improvement, repair or extension of any waterworks, sewage disposal plant, electric light plant, crematory, desiccating or reduction works or other public utility plant owned by the city, and for the purpose of rebuilding, adding to or extending to the same from time to time ...”

6. Prairie Village citizens of all stripes, from all walks of life, all age groups, and all political persuasions, overwhelmingly desire a vote on the City Council’s plans to issue \$30 million in general obligation bonds and new taxes to pay for the lame-duck City Council’s pet project.<sup>3</sup> 85% of the citizens polled want a vote on the project, only 6% did not want a vote, and 9% were not sure.<sup>4</sup>

Should Prairie Village hold an election so residents can vote on whether to spend \$30 million on the project?										
435 Adults	All	Age				Home		Ideology		
Credibility Interval: ± 3.6 pct pts		18-34	35-49	50-64	65+	Own	Rent	Conserv	Mod.	Liberal
Should hold an election	85%	84%	82%	90%	85%	87%	83%	92%	83%	86%
Should not hold an election	6%	9%	8%	2%	3%	6%	5%	4%	6%	7%
Not Sure	9%	7%	10%	7%	12%	7%	12%	3%	11%	7%

Source: SurveyUSA poll conducted May 18-29, 2025 on behalf of Kansas Policy Institute

7. The Prairie Village City Council is attempting to bypass the statutory requirement for a bond election, in order to fund its \$30 million pet project through a 2016 charter ordinance. **Exhibit 2** – Charter Ordinance No. 28, attached hereto and incorporated herein by this reference; *See also* Exhibit 1.

8. As referenced above, under the 1961 “home rule” amendment to the Kansas Constitution, “[a]ny city may by charter ordinance elect in the manner prescribed in this section that the whole or any part of any enactment of the legislature applying to such city, *other than* enactments of statewide concern applicable uniformly to all cities, other enactments applicable uniformly to all cities, and *enactments prescribing limits of indebtedness*, shall not apply to such city.” Art. 12 Sec 5(c)(1) (*emphasis added*).

<sup>3</sup> State statutes require bond elections for expensive or long-term projects because a city council usually exists for only 2 years before nearly half of the City Council is up for election and a completely new group of council members take office. Here, 6 out of 13 of the Prairie Village City Council members will be gone in November, and 4 of the 6 are not even running again.

<sup>4</sup> <https://sentinelksmo.org/new-polling-shows-prairie-village-residents-overwhelmingly-want-to-vote-on-proposed-30-million-bond-issue/>

9. K.S.A. 13-1024a requires authorization by a majority of voters in a vote of the people in a bond election before cities may issue bonds, with certain exceptions.

10. K.S.A. 13-1024a also provides that cities of the first-class, like Prairie Village, may borrow money and issue bonds “without such bonds having been authorized by a vote of the people, *but the total amount of bonds issued for such purposes shall not exceed the sum of one hundred thousand dollars (\$100,000) in any one year*” (*emphasis added*).

11. K.S.A. 13-1024a is, therefore, an enactment of the legislature prescribing limits of indebtedness in two ways: (a) limit by dollar amount for small bond indebtedness; and (b) limit by bond election for large bond indebtedness.

12. The Home Rule Amendment, therefore, does not allow the City to issue bonds in excess of \$100,000 in any one year without a bond election.

13. Charter Ordinance No. 28, therefore, does not relieve the City from its obligation to hold a bond election for the proposed \$30 million City Hall project.

14. The City Council’s vote on Resolution 2025-04, expressly relying on “Article 12, Section 5 of the Constitution of the State of Kansas and Charter Ordinance No. 28,” to issue \$30 million in general obligation bonds to bypass K.S.A. 13-1024a without approval from a majority of the voters in a public election is unconstitutional and void because the Home Rule Amendment prohibits a city from using either an ordinary or a charter ordinance to opt out of or exempt itself from any of four at least potentially overlapping types of state statutes. Here, the relevant type is: (4) enactments prescribing limits of indebtedness. KAN. CONST. Art. 12, § 5(b); *Farha v. City of Wichita*, 284 Kan. 507, 514, 161 P.3d 717 (2007) (1-3 types omitted).

15. For the reasons stated herein, Prairie Village Charter Ordinance 28 does not exempt the City from the public vote of its citizens in a bond election for the purposes of the \$30

million new City Hall pet project of the City Council.

## **II. PARTIES**

16. Plaintiff, Marc Vianello, is a citizen, resident, and taxpayer of the City of Prairie Village, Johnson County, Kansas. Plaintiff, has standing to bring this action as a person whose rights and legal interests, including the right to vote on municipal bond issuance and protection from excessive municipal debt and excessive taxes to pay for same, are directly affected by the City's actions and its plan to fund the city Council members' pet project through the issuance of bonds under Charter Ordinance No. 28. *Blevins v. Board of Douglas County Comm'rs*, 251 Kan. 374, 382, 834 P.2d 1344 (1988).

17. Additional party plaintiffs may be joined.

18. Defendant, City of Prairie Village, Kansas, is a municipal corporation organized under the laws of the State of Kansas, with its principal offices located at 7700 Mission Road, Prairie Village, Kansas 66208. It can be served by serving Eric Mikkelsen, current mayor of Prairie Village, Kansas, or Adam Geffert City Clerk for Prairie Village, Kansas at 7700 Mission Rd, Prairie Village, KS 66208 and Defendant can be served and noticed electronically at mayor@pvkansas.com, ageffert@pvkansas.com, or cityclerk@pvkansas.com.

## **III. JURISDICTION AND VENUE**

19. This court has jurisdiction over this matter pursuant to K.S.A. 60-1701 (Declaratory Judgments) and K.S.A. 60-901, 60-907 (Injunctions), as this action seeks to determine the validity of a municipal charter ordinance and prevent its use to bypass state statute to act in accordance with an illegal resolution.

20. Venue is proper in Johnson County, Kansas, pursuant to K.S.A. 60-602, as the City of Prairie Village is in Johnson County, and the cause of action arises from actions taken,

and to be taken, by the City within this judicial district.

#### IV. ADDITIONAL STATEMENT OF FACTS

21. On July 18, 2016, the City Council, during a Committee of the Whole voted to accept Charter Ordinance No. 28, entitled “A Charter Ordinance Exempting The City Of Prairie Village, Kansas, 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 The Purpose of Paying For Said Improvements; And Repealing Charter Ordinance No. 25.” Exhibit 2.

22. Because it was in a Committee of the Whole session, not subject to the Kansas Open Meetings Act, 75-4317, *et seq.*, and because Committee of the Whole sessions cannot be used to conduct the regular business of the City Council, Charter Ordinance No. 28 was not officially enacted by the City. **Exhibit 3** – July 18, 2016 Agenda and Official Meeting Minutes. *See also* PV City Code 1-804(c-d) (council committee of the whole *empowered to make “recommendations* to the Governing Body”) (*emphasis* added).

23. Charter Ordinance No. 28 purports to exempt the City, *ad infinitum*, from the provisions of K.S.A. 13-1024a, which governs the issuance of general obligation bonds by cities, including limits on the amount of bonded indebtedness and requirements for voter approval for bond issuances in excess thereof.

24. Charter Ordinance No. 28 was enacted in 2016 in connection with a streetlight project.

25. The excerpt of minutes from July 18, 2016 were prepared in advance, five days earlier, on July 13, 2016, by bond counsel Gilmore & Bell, P.C. and contradict the July 18, 2016 Agenda and Meeting Minutes. **Exhibit 3**.

26. The Home Rule Amendment requires: “Each charter ordinance becoming effective shall be recorded by the clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy *shall* be filed with the secretary of state, who shall keep an index of the same.” KAN. CONST. Art. 12 § 5a(b)(3) (**emphasis** added).

27. But Charter Ordinance No. 28 was not filed with the secretary of state until January 21, 2025. **Exhibit 4** – Secretary of State Index Excerpt.<sup>5</sup>

28. Charter Ordinance No. 28 is overly vague and its title does not notify the citizen taxpayers of Prairie Village of the purported elimination of public vote for *all* bond issuances.

29. The City relied on Charter Ordinance No. 28 to pass Bond Resolution No. 2025-04 (a 2016 ordinance for streetlights) in attempting to issue \$30 million in general obligation bonds in 2025 to fund the construction of a new City Hall, without submitting the bond issuance to a vote of the citizens, in violation of the debt limitations and public vote requirements of K.S.A. 13-1024a. *See* Exhibit 1.

30. K.S.A. 13-1024a mandates voter approval for certain general obligation bonds, such as those for public improvements in excess of \$100,000.

31. The Kansas Constitution, Article 12, Section 5(b), explicitly prohibits cities from using charter ordinances to override state laws prescribing limits of indebtedness.

32. Charter Ordinance No. 28 seeks a blanket exemption from K.S.A. 13-1024a for “general improvements” without specifying the scope, purpose, or timeframe of applicable projects.

33. Charter Ordinance No. 28, therefore, is inapplicable to the 2025 proposed \$30 million bond issuance for a new City Hall.

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<sup>5</sup> <https://sos.ks.gov/general-services/governmental-entity/INDEX-City-Charter-Ordinance.pdf>

34. The City has previously relied on Charter Ordinance No. 28 to incur \$5 Million in temporary notes, including issuing fees, that are being paid until reimbursed by the illegal \$30M bonds without an election; and \$1.15 Million in taxes for bonds that have expired and have no payments due, that are earmarked for the new City Hall bond repayment, which violates (a) K.S.A. 10-117 (misuse of bond proceeds); (b) K.S.A. 12-1737 (requiring a specific resolution to levy tax for a building fund); and (c) Section 5 of the Streetlights Bond Ordinance which provides: “taxes levied and collected, shall be solely for the payment of the principal and interest on the Bonds.”

35. The City’s previous reliance on Charter Ordinance No. 28 for temporary notes was illegal.

## **V. LEGAL CLAIMS**

### **Count I – Declaratory Judgment**

36. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

37. Article 12, Section 5(b) of the Kansas Constitution prohibits cities from using charter ordinances to override state laws prescribing limits of indebtedness.

38. Using Charter Ordinance No. 28 to exempt the City from the K.S.A. 13-1024a \$100,000 bond limitation and/or to bypass the election of the people in a bond election, as well as failing to provide substitute provisions for either limitation, violates the Kansas Constitution. So Charter Ordinance No. 28 is inapplicable.

39. To the extent Defendant seeks to exempt the City from the \$100,000 bond limitation without a vote in a bond election through the unconstitutional and invalid Charter Ordinance No. 28, Resolution 2025-04 is null and void.



40. Additionally, no substitute provisions were provided in Charter Ordinance No. 28, eliminating the small bond dollar limitation, without substitution of a different dollar amount (for no public vote) and eliminating the large bond limitation (requiring public vote), without any substitution offered.

41. Art. 12, Sec. 5(c)(2) of the Kansas Constitution requires substitution provisions if a city wishes to supplant the point at which a public bond election is required under K.S.A. 13-1024a.

42. The City of Prairie Village eliminated the taxpayers' right to vote on any bond issuance of any amount, without proper notice and in violation of the Kansas Constitution Home Rule Amendment.

43. Moreover, the City of Prairie Village attempted to make Resolution 2025-04 “effective immediately.” No statute or Prairie Village charter ordinance authorizes bypassing public notice of City action and immediate effectiveness without exigent circumstances.

44. Pursuant to K.S.A. 60-1701, Plaintiff seeks a declaratory judgment that:

- a. Resolution 2025-04 is null and void.
- b. Charter Ordinance No. 28 issued in 2016 in connection with a streetlights project for which the bonds have long since been retired is overbroad in that it attempts to bypass state statutes *ad infinitum*, without any public vote ever.
- c. Charter Ordinance No. 28 is also unconstitutional for lack of substitute provisions for the dollar limitation or the election limitations on indebtedness.
- d. The use of expired bond money to pay for the new City Hall bonds is illegal.

## **Count II – Injunctive Relief**

45. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

46. Pursuant to K.S.A. 60-901 *et seq.*, Plaintiff seeks a permanent injunction prohibiting the City of Prairie Village from issuing \$30 million in general obligation bonds under Charter Ordinance No. 28.

47. Plaintiff is likely to succeed on the merits, as Charter Ordinance No. 28 is unconstitutional and does not bypass state statute K.S.A. 13-1024a.

48. Plaintiff, a taxpayer in Prairie Village, will suffer irreparable harm if the City issues \$30 million in bonds without a public vote or without following the indebtedness limitations of K.S.A. 13-1024a, as this would deprive Plaintiff of his statutory right to vote, would increase tax burdens indefinitely, and would risk indefinite fiscal instability; harms not adequately remedied by monetary damages.

49. The balance of equities favors Plaintiff, as enjoining unlawful bond issuance protects taxpayers and voters' rights, while the City can pursue lawful financing through a public vote. There is no immediate need to begin construction on a new City Hall.

50. The public interest is served by ensuring compliance with the Kansas Constitution, state statutes, and principles of democratic oversight.

WHEREFORE, Plaintiff respectfully prays for the declaratory relief and injunctive relief as stated herein.

Respectfully submitted,

**EDMUNDS LAW OFFICE, LLC**

/s/ Fritz Edmunds

FRITZ EDMUNDS (KS Bar # 16829)

11715 W. 101st Street

Overland Park, Kansas 66214

(913) 669-3000  
[fritz@edmundslaw.com](mailto:fritz@edmundslaw.com)  
ATTORNEY FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing was served this date, June 19, 2025, on  
mayor@pvkansas.com, ageffert@pvkansas.com, or cityclerk@pvkansas.com.

/s/ Fritz Edmunds  
Attorney for Plaintiff

# Exhibit 1

**RESOLUTION NO. 2025-04**

**A RESOLUTION AUTHORIZING THE ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, AND EQUIPPING OF PUBLIC BUILDINGS WITHIN THE CITY AND THE FINANCING THEREOF.**

**WHEREAS**, Article 12, Section 5 of the Constitution of the State of Kansas and Charter Ordinance No. 28 of the City of Prairie Village, Kansas (the “City”), authorize the City Council of the City (the “Governing Body”) to make a variety of improvements as further described in Charter Ordinance No. 28 and to issue its general obligation bonds or other obligations of the City for the same; and

**WHEREAS**, the Governing Body of the City deems it necessary to acquire, design, construct, reconstruct and equip public buildings, as more fully described herein.

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

**Section 1.** Pursuant to Charter Ordinance No. 28, the Governing Body hereby authorizes the acquisition, design, construction, reconstruction, and equipping of public buildings currently located at approximately 7820, 7700, and 7710 Mission Road, and any other necessary and appurtenant improvements (the “Improvements”), in the amount of \$30,000,000, plus costs of issuance and any interest costs for temporary financing.

**Section 2.** The cost of the Improvements shall not exceed \$30,000,000, exclusive of issuance costs and any interest costs for temporary financing. The Governing Body hereby authorizes the issuance of the City’s general obligation bonds to pay for the Improvements.

**Section 3.** The City expects to make capital expenditures after the date of this Resolution in connection with the Improvements, and the City intends to reimburse itself for such expenditures with the proceeds of bonds and/or notes in the maximum amount of \$30,000,000, exclusive of issuance costs and any interest cost for temporary financing.

**Section 4.** This Resolution shall take effect immediately.

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# Exhibit 2

(Published in *The Legal Record* on July 26, 2016, and August 2, 2016)

**CHARTER ORDINANCE NO. 28**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF PRAIRIE VILLAGE, KANSAS, 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 THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS; AND 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 enactments of the Kansas Legislature; and

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

**WHEREAS**, K.S.A. 13-1024a is part of an enactment of the Kansas Legislature (K.S.A. 13-1024a *et seq.*) relating to general improvements and the issuance of bonds for such purposes, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

**WHEREAS**, the governing body of the City desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 13-1024a, and to provide substitute and additional provisions therefor.

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

**Section 1. Exemption – K.S.A. 13-1024a.** The City by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and hereby makes inapplicable to it the provisions of K.S.A. 13-1024a, and does hereby provide the following substitute and additional provisions in place thereof:

For the purpose of paying for any bridge, viaduct, street, sidewalk or pedestrian way improvement, airport, public building or structure, parking improvement, or other public utility or works, including any appurtenances related thereto and the land necessary therefor, for lands for public parks and recreation facilities, including golf courses, stadiums and community centers, and developing and making improvements to the same, within or without the city, for the establishment, development and construction of crematories, desiccating or reduction works, including any appurtenances related thereto and the land necessary therefor, within or without the city, or for the improvement, repair or extension of any streetlights, waterworks, sanitary sewer facilities, sewage treatment or disposal plant, sewerage system, storm water improvement, electric light plant, crematory, desiccating or reduction works or other public utility plant or works owned by the city, and for the purpose of rebuilding, adding to or extending to the same or acquiring land necessary therefor from time to time, as the necessities of the city may require, or for the acquisition of equipment, vehicles and other personal property to be

used in relation to any of the improvements authorized herein, the city may borrow money and issue its general obligation bonds and/or temporary notes for the same.

**SECTION 3. Severability and Termination.** If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

**SECTION 4. Repeal of Charter Ordinance 25.** This Charter Ordinance shall supersede Charter Ordinance No. 25 and upon effectiveness of this Charter Ordinance, Charter Ordinance No. 25 is hereby repealed.

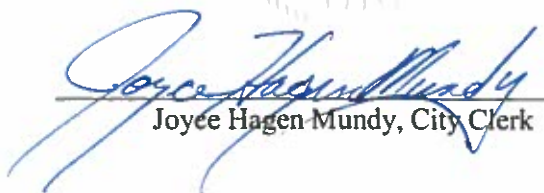
**SECTION 5. Effective Date.** This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper, and shall take effect sixty-one (61) days after final publication, unless a petition signed by a number of electors of the City equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such purpose.

**PASSED** with at least a two-thirds (2/3) vote of the entire Governing Body of the City of Prairie Village, Kansas, on July 18, 2016, and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

ATTEST:

  
\_\_\_\_\_  
Laura Wassmer, Mayor

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



**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF PRAIRIE VILLAGE, KANSAS  
HELD ON JULY 18, 2016**

The governing body met in regular session at the usual meeting place in the City, at 7:30 P.M., the following members being present and participating, to-wit:

Mayor Laura Wassmer, Ashley Weaver, Jori Nelson Serena Schermoly, Steve Noll, Eric Mikkelson, Andrew Wang, Sheila Myers, Brooke Morehead, Dan Runion, Courtney McFadden, and Ted Odell

Absent: Terrence Gallagher

The Mayor declared that a quorum was present and called the meeting to order.

\* \* \* \* \*

Thereupon, there was presented a Charter Ordinance entitled:

**A CHARTER ORDINANCE EXEMPTING THE CITY OF PRAIRIE VILLAGE, KANSAS, 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 THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS; AND REPEALING CHARTER ORDINANCE NO. 25.**

Thereupon Councilmember Ashley Weaver moved that said Charter Ordinance be passed. The motion was seconded by Councilmember Steve Noll. Said Charter Ordinance was duly read and considered, and upon being put, the motion for the passage of said Charter Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: Weaver, Nelson, Schermoly, Noll, Mikkelson, Wang, Myers, Morehead, Runion, McFadden, Odell and Mayor Wassmer

Nay: \_\_\_\_\_

Thereupon, the Charter Ordinance having passed with more than a 2/3 vote of the Governing Body, the Mayor declared said Charter Ordinance duly passed and the Charter Ordinance was numbered Charter Ordinance No. 28 and was approved and signed by the Mayor and attested by the City Clerk.

\* \* \* \* \*

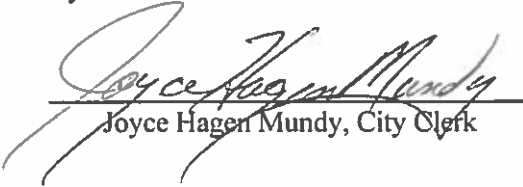
(Other Proceedings)

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## CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Prairie Village, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

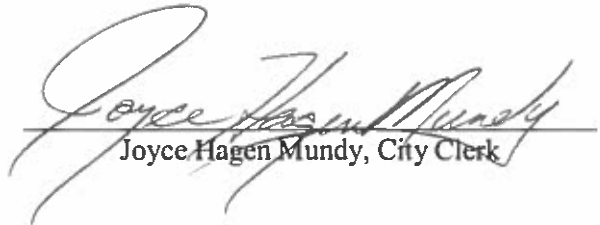
(SEAL)

  
Joyce Hagen Mundy, City Clerk

# **CERTIFICATE**

I, hereby certify that the above and foregoing is a true and correct copy of Charter Ordinance No. 28 of the City of Prairie Village, Kansas, adopted by the Governing Body on July 18, 2016, as the same appears of record in my office.

DATED: July 18, 2016



Joyce Hagen Mundy, City Clerk

# Exhibit 3

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
JULY 18, 2016**

The City Council of Prairie Village, Kansas, met in regular session on Monday, July 18, 2016 at 7:30 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas.

**ROLL CALL**

Mayor Laura Wassmer called the meeting to order and roll call was taken with the following Council members present: Ashley Weaver, Jori Nelson, Serena Schermoly, Steve Noll, Eric Mikkelsen, Andrew Wang, Brooke Morehead, Sheila Myers, Dan Runion, Courtney McFadden and Ted Odell.

Staff present was: Tim Schwartzkopf; Chief of Police; Captains Myron Ward and Byron Roberson; Keith Bredehoeft, Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Wes Jordan, Assistant City Administrator; Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk. Also present was Planning Consultant Chris Brewster.

**INTRODUCTION OF STUDENTS & SCOUTS**

One Boy Scout was in attendance from Troop 99 for his "Citizenship and the Community" Badge.

**PUBLIC PARTICIPATION**

Dale Beckerman, 4509 West 82<sup>nd</sup> Street, addressed the Council urging them to retain the existing ban against pit bulls. He noted that Prairie Village is a residential

suburban community. He feels that removing the ban would diminish the attractiveness of the city to young families. Local government is the first line in providing for the security of its residents. He urged the Council to resist the push from pit bull advocates to remove the ban.

Beth Steinbacher, 5415 West 71<sup>st</sup> Terrace, spoke in opposition to bully breed legislation providing information from four recognized organizations that support the education of the public on dogs, responsible dog ownership and breed neutral legislation.

Public Participation was closed at 7:40 p.m.

### **CONSENT AGENDA**

Ted Odell moved the approval of the Consent Agenda items for July 18, 2016:

1. Approve the regular City Council meeting minutes of July 5, 2016
2. Approve an exemption from city provided Solid Waste Services for 2017 for the following Homes Associations: Countryside East Homes Association and Town & Country Homes Association
3. Approve the contract for School Crossing Guard Services with ACMS, Inc. for the 2016-2017 school year
4. Adopt Ordinance 2351 approving the KU Kickoff Event at Corinth Square as a special event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of barricaded public areas of the event
5. Authorize the Mayor to execute the Final Plat for Mission Chateau - 2<sup>nd</sup> Plat - Replat of Lot 2 for acceptance of rights-of-way and easements subject to the conditions of approval required by the Planning Commission
6. Authorize the Mayor to execute the Final Plat for the Prairie Ridge Replat of Lots 2, 3 & 4 and part of 5 (Block 2, Block 22 & Block 23) subject to the conditions of approval required by the Planning Commission

A roll call vote was taken with the following members voting "aye": Weaver, Nelson, Schermoly, Noll, Mikkelson, Wang, Myers, Morehead, Runion, McFadden and Odell.

### **COMMITTEE REPORTS**

### **Council Committee of the Whole**

#### **COU2016-43 Consider approval of a Construction Contract for the 2016 Drainage Repair Program (DRAINx)**

Jori Nelson moved the City Council authorize the Mayor to execute the Construction Contract with WCI, INC. for the 2016 Drainage Repair Program (DRAINx) in the amount of \$295,554.00. The motion was seconded by Ted Odell and passed unanimously.

#### **COU2016-46 Consider Adoption of Charter Ordinance #28 for the issuance of bonds for the purchase of the City's Streetlight System**

Ashley Weaver moved the Governing Body adopt Charter Ordinance No. 28 exempting the City of Prairie Village, Kansas, 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 the purpose of paying for said improvements; and repealing Charter Ordinance No. 25. The motion was seconded by Steve Noll.

A roll call vote was taken with the following votes cast: "aye" Weaver, Nelson, Schermoly, Noll, Mikkelson, Wang, Myers, Morehead, Runion, McFadden and Wassmer; with Mr. Odell abstaining.

#### **COU2016-47 Consider Approval of the 2016 Parks Playset Packages**

Steve Noll moved the City Council authorize the Mayor to execute the agreements with Athco, LLC and Fry Park and Playground for the 2016 Parks Playset Packages at a cost of \$149,671.90. The motion was seconded by Jori Nelson and passed unanimously.

### **Mayor's Report**

Mayor Wassmer thanked Brooke Morehead for preparing blue ribbons for the Council

to wear in support of law enforcement officials. She added her full support of and pride in the services provided to Prairie Village by our Police Department.

## **STAFF REPORTS**

### **Public Safety**

- Chief Schwartzkopf thanked the Mayor for her comments and noted the outpouring of support the Department has received in the past weeks from Council members, residents and businesses. His staff appreciates the e-mails, letters, gifts and expressions of support it has received from the Prairie Village community since the tragedies of the past ten days.
- The Department will be hosting a "Coffee with a Cop" on Thursday, July 21 from 7 a.m. to 9 a.m. at Starbucks in the Village Shops.

### **Public Works**

- Mr. Bredehoeft reported curb on the left side of the Mission Road project has been completed and the project is on schedule to have the major work on the project completed prior to the beginning of school.
- The Storm Drainage Permits have been issued and work begun on the Meadowbrook project.
- The 2016 park projects are underway.

Ashley Weaver asked if the sidewalk along Mission Road in front of Homestead would be completed prior to the start of school. Mr. Bredehoeft replied that he will make sure it is completed prior to the opening of school.

Brooke Morehead asked for an update on the Mission Chateau project. Mr. Bredehoeft replied they are currently doing mass grading on the site. Wes Jordan reported that the Plans have been resubmitted to the Building Official addressing his comments for his review and approval. Jori Nelson asked about mowing on the site. Mr. Jordan responded it is being monitored.

### **Administration**

- Quinn Bennion reported that an individual has been hired for the Assistant to the City Administrator position and will begin on July 25<sup>th</sup>.
- The City hosted a successful "All City Swim Meet" last week.

## **OLD BUSINESS**

Serena Schermoly reported that the Art Exhibit reception for the Senior Arts Council was very well attended last Friday.



## **NEW BUSINESS**

Dan Runion expressed his appreciation to city staff for their work on the new 2017 budget presentation and time spent addressing questions from the Council.

## **ANNOUNCEMENTS**

### **Committee meetings scheduled for the next two weeks:**

Prairie Village Arts Council	07/27/2016	5:30 p.m.
Environment/Recycle Committee	07/27/2016	5:30 p.m.
VillageFest Committee	07/28/2016	5:30 p.m.
Council Committee of the Whole	08/01/2016	6:00 p.m.
City Council	08/01/2016	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to present the works of the Senior Arts Council in the R.G. Endres Gallery during the month of July.

## **ADJOURNMENT**

With no further business to come before the City Council the meeting was adjourned at 7:52 p.m.

Joyce Hagen Mundy  
City Clerk

# Exhibit 4

## **Potwin**

No. 1: A charter ordinance exempting city from 12-4411, relating to court costs, passed 4-13-83, filed 5-20-83.

No. 3: A charter ordinance relating to the Recreation Commission, eff. 12-24-85, filed 1-29-86.

No. 4: A charter ordinance relating to election of mayor and city councilmen, eff. 3-28-86, filed 6-23-86.

No. 5: A charter ordinance exempting from 79-5001 to 79-5017, eff. 4-26-88, filed 5-9-88.

## **Prairie View**

No. 11-01: A charter ordinance exempting the City of Prairie View from the provisions of KSA 6-1801 et seq., the Kansas underground utility damage protection act, and providing substitute and additional provisions on the same subject. Filed 12/22/11.

## **Prairie Village**

No. 890: filling vacancy in office of mayor, eff. 3-15-65.

No. 896: A charter ordinance relating to police judge pro tempore, eff. 4-27-65.

No. 3: A charter ordinance relating to city election, eff. 10-7-68.

No. 4: repeals No. 890, relates to police judge pro tempore, eff. 2-20-73.

No. 5: A charter ordinance relating to appointive officers and employees, terms, salary, and vacancies, eff. 2-20-73.

No. 6: pertains to the designation of the official newspaper, eff. 2-3-75.

No. 7: pertains to police department pensions, eff. 10-20-75.

No. 8: repeals No. 5, relates to appointive officers and employees, terms, salaries and vacancies, eff. 11-17-75.

No. 9: A charter ordinance relating to a license required for miscellaneous professions, eff. 12-27-78, filed 12-28-78.

No. 10: exempt from 79-5011, levying taxes for street construction and repair. 7-28-81, filed 7-30-81.

No. 1628: A charter ordinance levying taxes to pay for construction and maintenance of streets, etc.; passed 3-7-88, filed 6-24-88.

No. 11: A charter ordinance repealing charter ordinance no. 3, related to elections, terms of office, etc., passed 8-1-83.

No. 12: A charter ordinance relating to public improvements, passed 6-5-89.

No. 13: A charter ordinance repealing No. 11 and exempting the city from 25-2107 and 13-304, relating to city elections, passed 4-2-90, filed 7-20-90.

No. 14: A charter ordinance exempting the city from 25-2107 and 13-304, relating to election of city council members, passed 4-2-90, filed 7-20-90.

No. 15: A charter ordinance exempting the city from 25-2113(b), relating to city elections, passed 4-2-90, filed 7-20-90.

No. 16: A charter ordinance relating to notices to appear and complaint filing, passed 12-3-90.

No. 21: A charter ordinance exempting the City of Prairie Village from the provisions of KSA 47-712 which prohibits alcoholic liquor sale on Sunday and certain holidays and providing substitute and additional provisions authorizing the city to allow alcoholic liquor sales on Sunday and holidays. Filed 11-6-03.

No. 25: Repealed by charter ordinance 28. Filed 1/21/2025

No. 28: A charter ordinance exempting Prairie Village from KSA 13-1024a regarding general improvements and issuance of bonds and repealing charter ordinance 25. Filed 1/21/2025

No. 29: A charter ordinance exempting Prairie Village from KSA 12-1696 to 1201689a relating to Transient guest tax levy and repealing Charter Ordinance 27.

## **Pratt**

No. 1: fixing salaries of officers, eff. 7-28-62.

No. 2: An election and terms of officers, eff. 9-21-68.

No. 3: duties of city treasurer, eff. 12-12-68.

No. 4: distribution of revenues from utilities, eff. 2-6-69.