



## Agenda

**REGULAR MEETING  
GOVERNING BODY  
CITY OF LENEXA, KANSAS  
17101 W. 87<sup>th</sup> STREET PARKWAY**

**November 19, 2019  
7:00 PM  
COMMUNITY FORUM**

### CALL TO ORDER

### ROLL CALL

### APPROVE MINUTES

Minutes from the November 5, 2019 City Council Meeting

### MODIFICATION OF AGENDA

### PRESENTATIONS

Henderson Engineers, Inc. Charitable Foundation—The Great Give Back Volunteer Event presentation

Federico Consulting—2020 Legislative Session preview

### CONSENT AGENDA

#### Item Numbers 1 - 7

All matters listed within the Consent Agenda have been distributed to each member of the Governing Body for review, are considered to be routine, and will be enacted by one motion with no separate discussion. If a member of the Governing Body or audience desires separate discussion on an item, that item may be removed from the Consent Agenda and placed on the regular agenda.

1.

Acceptance of utility and landscape easements as shown on the final plat for Bristol Highlands, 3rd Plat

*This final plat is for the Bristol Highlands subdivision, 3rd Plat. Utility and landscape easements are being dedicated to the City as part of the Bristol Highlands, 3rd Plat. PT19-23F*

16. Consideration of resolution amending the official City newspaper designation and charter ordinance exempting the City from K.S.A. 64-101 regarding official city newspapers

- a. Resolution designating the official City newspaper and repealing Resolution No. 2009-39
- b. A charter ordinance exempting the City from the provisions of K.S.A. 64-101 regarding official city newspapers and repealing Charter Ordinance No. 44.

*The Olathe News was acquired by The Kansas City Star and no longer meets the current requirements for designation as an official city newspaper. This resolution repeals a previous resolution that designated The Olathe News as one of the official newspapers of the City and designates The Johnson County Legal Record as the only official newspaper. The City is having difficulty finding newspapers that meet the qualifications set out in K.S.A. 64-101 for designation as an official newspaper. Therefore, the City desires to exempt itself entirely from this statute and to provide the flexibility to establish its own criteria by ordinance for designating its official publications.*

**BUSINESS FROM FLOOR**

Comments will be accepted from the audience on items not listed on the agenda. Please limit remarks to a maximum of five (5) minutes per person/issue.

**COUNCILMEMBER REPORTS**

**STAFF REPORTS**

17. Review 9/30/2019 quarterly financial report

**ADJOURN**



**CITY COUNCIL  
MEMORANDUM**

**ITEM 16**

**SUBJECT:** Consideration of resolution amending the official City newspaper designation and charter ordinance exempting the City from K.S.A. 64-101 regarding official city newspapers.

**CONTACT:** Cindy Harmison, City Attorney

**DATE:** November 19, 2019

**ACTION NEEDED:**

- (a) Adoption of the resolution designating the official city newspaper and repealing Resolution No. 2009-39; and
- (b) Passage of the charter ordinance exempting the City from the provisions of KSA 64-101 and repealing Charter Ordinance No. 44.

**PROJECT BACKGROUND/DESCRIPTION:**

KSA 64-101 sets out the requirements for designation of an official city newspaper. It is a non-uniform statute with different requirements for different classes of cities. The statute provides that a selected newspaper must meet the following 4 qualifications:

- (1) is published at least weekly 50 times a year and been so published for at least one year prior to designation;
- (2) is entered at the post office as periodical class mail matter;
- (3) has general paid circulation on a daily, weekly, monthly or yearly basis in the county in which the city is located and is not a trade, religious or fraternal publication; and
- (4) is published in the county in which the city publishing the official publication is located. If there is no newspaper published in the county, the newspaper shall be published in Kansas and shall have general paid circulation in the county.

In 1997, the Lenexa Governing Body passed Charter Ordinance No. 44 exempting itself from the provisions of KSA 64-101 to allow the City to designate multiple newspapers by resolution, but the approved charter ordinance maintained all of the newspaper qualification requirements of KSA 64-101. The City had no need to exempt itself from those qualifications because, at the time of passage, the City had several newspaper options available.

Instead, the City simply maintained the State law qualification requirements and approved, by resolution, the designation of both *The Johnson County Legal Record* and *The Olathe Daily News* as its official newspapers. In 2009, the City passed Resolution 2009-39 amending the 1997 resolution to change the name of *The Olathe Daily News* to *The Olathe News*. Since that time, the City has learned that *The Olathe News* was acquired by the *Kansas City Star* and the *Kansas City Star* does not meet the 4 statutory qualification requirements carried over into Charter Ordinance No. 44. Even though staff recommends passage of the new charter ordinance that would remove the existing newspaper

qualifications; that process, if approved, will take several months so the City needs to go ahead and pass the resolution now, adjusting its approved city newspaper(s) to meet existing law.

Nevertheless, because the City is having difficulty finding newspapers that meet the statutory qualifications, staff recommends the City pass the charter ordinance exempting itself entirely from KSA 64-101 and allowing the City to adopt substitute and additional provisions, if desired, by regular ordinance. Passage of a charter ordinance requires an affirmative vote of 2/3 of the entire Governing Body, followed by publication for two consecutive weeks and a period of 60 days to allow for a petition and referendum. If no valid petition is filed, the charter ordinance becomes effective on the 61st day after the last publication.

The legal staff is also working with the City Clerk's office and the Communications Department to find better ways to communicate legal and public notices on the City's website as we believe residents are much more likely to access the City website than they would *The Johnson County Legal Record*. The City's legislative platform also advocates for change at the State level to make city websites an official publication.

**STAFF RECOMMENDATION:**

Staff recommends adoption of the resolution and passage of the charter ordinance.

**ATTACHMENTS**

1. Resolution
2. Charter Ordinance

**RESOLUTION NO. 2019 - \_\_\_\_\_**

**A RESOLUTION DESIGNATING OFFICIAL CITY NEWSPAPERS FOR THE PUBLICATION OF LEGAL NOTICES, ADVERTISEMENTS OR PUBLICATIONS OF ANY KIND WHICH MAY BE REQUIRED BY LAW TO BE PUBLISHED AND REPEALING RESOLUTION NO. 2009-39.**

WHEREAS, K.S.A. 64-101 provides that the governing body of each city of the first class shall designate by resolution a newspaper to be the official city newspaper, and once designated, the newspaper shall be the official city newspaper until such time as the governing body designates a different newspaper; and

WHEREAS, on July 1, 1997 the City passed Charter Ordinance No. 44 exempting itself from certain provisions of K.S.A. 64-101 by establishing additional and/or substitute provisions to allow for the designation of multiple official newspapers; and

WHEREAS, pursuant to Resolution 2009-09 and in accordance with Charter Ordinance 44 the Governing Body designated The Johnson County Legal Record and the Olathe News as the official City newspapers for publication of legal notices, advertisements, or publication of any kind which may be required or provided by the laws of the state of Kansas or the City of Lenexa, Kansas, to be published in an official newspaper; and

WHEREAS, the City recently learned that the Olathe News is no longer operating but was acquired by the Kansas City Star and the Kansas City Star does not meet the requirements of Charter Ordinance No. 44 to serve as an official newspaper of the City; and

WHEREAS, the City wishes to repeal Resolution 2009-39 and to designate only The Johnson County Legal Record as the official City newspaper for publication of legal notices, advertisements or publications of any kind which may be required or provided by the laws of Kansas or the City to be published in an official newspaper.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS AS FOLLOWS:**

SECTION ONE. In conjunction with Charter Ordinance No. 44, the Lenexa Governing Body hereby declares and designates the Johnson County Legal Record as the official City newspaper for publication of City legal notices, advertisements or publications of any kind which may be required or provided by the laws of Kansas or the City to be published in an official newspaper.

SECTION TWO. Any publication in any newspaper, which at the time of the publication was an official City newspaper, shall be valid notwithstanding the adoption subsequent to the publication of a resolution changing the designation of the official City newspaper.

SECTION THREE: Resolution No. 2009-39 is hereby repealed.

SECTION FOUR. This Resolution shall become effective upon adoption of the City Council.

ADOPTED by the City Council on November 19, 2019.

SIGNED by the Mayor on November 19, 2019.

[Seal]

CITY OF LENEXA, KANSAS

\_\_\_\_\_  
Michael A. Boehm, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Cynthia L. Harmison, City Attorney

**CHARTER ORDINANCE NO. 79**

**A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 44 AND EXEMPTING THE CITY OF LENEXA FROM THE PROVISIONS OF K.S.A. 64-101 REGARDING THE DESIGNATION OF OFFICIAL CITY NEWSPAPER PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.**

WHEREAS, the City of Lenexa (“City”) is a city of the first class organized and existing in the State of Kansas; and

WHEREAS, K.S.A. 64-101 sets for the requirements for designation of official newspapers; and

WHEREAS, K.S.A. 64-101 is neither an enactment of uniform applicability, nor a part thereof, and therefore subject to home rule.

WHEREAS, the City, by the power vested in it by Article 12, Section 5 of the Kansas Constitution, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 64-101 and may provide substitute and additional provisions as hereinafter set forth in this charter ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:**

**SECTION ONE:** The City of Lenexa, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution elects to and hereby exempts itself and makes inapplicable to it K.S.A. 64-101 which statute is not uniformly applicable to all cities.

**SECTION TWO:** The City of Lenexa, Kansas may also enact, by ordinary ordinance, substitute and additional provisions, if any, in lieu of those provisions found at K.S.A. 64-101 and amendments thereto, from which it is exempted pursuant to Section One above, and thereafter modify, amend or repeal such ordinary ordinance(s) in accordance with State law as the Lenexa City Council deems appropriate.

**SECTION THREE:** Any newspaper that has been designated by resolution as an official City newspaper on the effective date of this ordinance shall continue to be an official City newspaper unless or until such time as the Governing Body shall adopt a resolution providing otherwise.

**SECTION FOUR:** This Charter Ordinance shall be published in its entirety once each week for two (2) consecutive weeks in the official City newspaper.

**SECTION FIVE:** This Charter Ordinance shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the Charter Ordinance as provided in Article 12, Section 5, subsection (c)(3) of the Kansas Constitution, in which case this Charter Ordinance shall only become effective upon approval by a majority of the electors voting thereon.

**SECTION SIX:** Upon the effective date of this Charter Ordinance, Charter Ordinance 44 is hereby repealed.

**SECTION SEVEN:** Upon its effective date, this Charter Ordinance shall be recorded by the Lenexa City Clerk in a book maintained for charter ordinances of the City and a certified copy shall be filed with the Kansas Secretary of State.

**PASSED** by the Governing Body of the City of Lenexa, Kansas by not less than 2/3 of the members-elect voting in favor thereof, this 19<sup>th</sup> day of November, 2019.

**SIGNED** by the Mayor this 19<sup>th</sup> day of November, 2019.

**CITY OF LENEXA, KANSAS**

\_\_\_\_\_  
Michael A. Boehm, Mayor

**ATTEST:**

\_\_\_\_\_  
Jennifer Martin, City Clerk

**APPROVED AS TO FORM:**

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Cynthia L. Harmison, City Attorney