

January 17, 2006



*City Council
Meeting*



Dinner will be provided by:

Dragon Inn

*Chicken with Cashew Nuts
Shrimp & Seasonal Vegetables
Spicy Shredded Beef, Szechuan Style
Sweet & Sour Pork
Steamed Vegetables*

COUNCIL COMMITTEE

**Tuesday, January 17, 2006
Council Chambers**

Agenda

- COU2006 – 01 Consider Request for Special Use Permit for Communication
Antenna and equipment building at McCrum Park
Ron Williamson, City Planner**
- | | |
|--|---------------|
| Issue Information | 1 – 02 |
| Application, Site Plan & Staff Report | 3 – 36 |
| Planning Commission Minutes | |
| Correspondence | |

COUNCIL COMMITTEE

- COU99-13 Consider Property Audits (assigned 4/12/99)
- COU2000-42 Consider a proactive plan to address the reuse of school sites that may become available (assigned Strategic Plan for 4th Quarter 2001)
- COU2000-44 Provide direction to PVDC regarding its function / duties (assigned 2000 Strategic Plan)
- COU2000-45 Review current City definition for blight and redefine it where appropriate (assigned 2000 Strategic Plan)
- COU2004-10 Develop programs to promote and encourage owner occupied housing (transferred from PVDC on 3/15/2004)
- COU2004-11 Identify potential redevelopment areas and encourage redevelopment proposals (transferred from PVDC on 3/15/2004)
- COU2004-12 Pursue development of higher value single-family housing (transferred from PVDC on 3/15/2004)
- COU2004-13 Proactively encourage redevelopment to increase property values (transferred from PVDC on 3/15/2004)
- COU2004-14 Meet with the Homes Association of the Country Club District (HACCD) to obtain their input regarding deed restrictions (transferred from PVDC on 3/15/2004)
- COU2005-15 Consider planning meetings for the Governing Body (assigned 9/6/2005)
- COU2005-16 Consider how to improve the Council's effectiveness as a team (assigned 9/6/2005)
- COU2005-17 Consider how to expand leadership opportunities for Council members (assigned 9/6/2005)
- COU2005-18 Develop a school zone policy (assigned 9/6/2005)
- COU2005-19 Consider committee term limits for elected officials and residents (assigned 9/6/2005)
- COU2005-20 Develop a sidewalk policy (assigned 9/6/2005)
- COU2005-21 Develop a policy for use of Fund Balance (assigned 9/6/2005)
- COU2005-22 Consider Council mentoring program (assigned 9/6/2005)
- COU2005-23 Consider sponsoring social events with other jurisdictions (assigned 9/6/2005)
- COU2005-24 Develop and improve parliamentary procedures (assigned 9/6/2005)
- COU2005-25 Consider changing procedure for selecting Council President (assigned 9/6/2005)
- COU2005-26 Consider automated Council packets (assigned 9/6/2005)
- COU2005-27 Consider concept of Outcomes Measurement or Quantifying Objectives (assigned 9/6/2005)
- COU2005-28 Consider more effective public notice of Council and Committee vacancies (assigned 9/6/2005)
- COU2005-29 Consider City service to remove oak pollen in gutters and curbs (assigned 9/6/2005)
- COU2005-30 Consider \$500 deposit from landlords for remediation of code violations (assigned 9/6/2005)
- COU2005-31 Consider amending weed ordinance (assigned 9/6/2005)
- COU2005-32 Consider City service to eliminate weeds in the street (assigned 9/6/2005)
- COU2005-40 Consider Planning Commission Recommendation – Planning Consultant (assigned 11/14/2005)
- COU2005-44 Consider YMCA Partnership (assigned 12/14/2005)
- COU2006-01 Consider Request for Special Use Permit for Communication Antennae at McCrum Park (assigned 12/7/2006)

Consider Special Use Permit Application for installation of telecommunications equipment at McCrum Park

BACKGROUND

For some time Cingular Wireless has searched for a new site location in order to fill a gap in its coverage over the northwest corner of the City. McCrum Park was identified as a potential site because the antennae could be located on the existing water tower. However, because the Water District leases the water tower property from the City, City approval is necessary before the Water District can allow Cingular to locate on the water tower. Further, Cingular also needs a lease with the City in order to locate an equipment building for its necessary equipment and other facilities.

When Cingular first approached the City, the matter was referred to the Parks Committee for review of the appropriation of park space. On August 11, 2004, the Parks Committee voted unanimously to recommend the use of park land for Cingular's equipment storage facility. (There are some comments in the minutes that the neighbors should be consulted.) The matter then went to the Legislative/Finance Committee on September 7, 2004, where the committee voted 4-2 to recommend a lease of park space for \$2,000 per month. Cingular's agent advised that this amount was too high, but the committee reconfirmed its recommendation on November 1, 2004. Almost a year later, Cingular came back to the City and resubmitted its request (with some design modifications). On August 10, 2005, the Parks Committee again voted unanimously to recommend the use of park land for Cingular's equipment building, subject to the approval of the Planning Commission and the Tree Board's approval of any landscaping. The matter then returned to the Legislative/Finance Committee on September 6, 2005, where the committee voted 5-1 to recommend a lease of park space for five years at \$2,000 per month, with annual increases of 3%, subject to site plan approval by the Planning Commission and approval of conditions and terms of the lease by both parties. The reason for the stipulation for the lease approval was because staff advised the committee that, with the exception of the rent amount, Cingular's then proposed lease was unacceptable and would require significant negotiation. It should also be noted that during the meeting concern was expressed about obtaining neighborhood input. However, it was determined that public input would be obtained during the public hearing for the Special Use Permit application. On September 19, 2005, the Council adopted the recommendation of the Legislative/Finance Committee with a vote of 10-1. To date, no further negotiations have taken place with regard to the remaining terms of the lease.

Based upon the Council's vote to tentatively approve a lease (subject to the above stipulations), and based upon a consent letter from the Water District's General Manager indicating that they were in the process of negotiating a lease with Cingular, Cingular proceeded with filing an application to the Planning Commission for the approval of a Special Use Permit to operate wireless facilities

at McCrum Park (please see the planning staff report and site plan for design specifics). In accordance with the Planning Commission's Citizen Participation Policy, Cingular conducted a meeting with surrounding neighbors on October 21, 2005, and ran into significant opposition. A public hearing was then conducted before the Planning Commission on December 6, 2005. Despite staff recommendation for approval, the Planning Commission thereafter voted to recommend denial of the application.

The City's Zoning Regulations provide the City Council with three options for responding to the Planning Commission's recommendation:

1. Adopt the Planning Commission recommendation by Ordinance
2. Override the Planning Commission recommendation by a 2/3 majority vote of the membership of the City Council, or
3. Return the recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.

Steve Horner, Assistant City Attorney, will be present at the January 16th Council Committee of the Whole meeting to answer questions.

Recommendation:

SPECIAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC 2005-05

Filing Fee: \$100

Deposit: \$500

Date Advertised: 10/11/05

Date Notices Sent: 10/11/05

Public Hearing Date: 11/1/05

APPLICANT: J. Trevor Wood, Selective Site Consultants, Inc., for
New Cingular Wireless PCS, LLC PHONE: (913)438-7700

ADDRESS: 8500 W. 110th Street, Suite 300
Overland Park, KS 66210 ZIP: _____

OWNER: City of Prairie Village, KS and Water District No 1 of JoCo
7700 Mission Road, Prairie Village PHONE: (913)381-6464

ADDRESS: (WD1 address is 10747 Renner Boulevard, Lenexa KS
care of: Mike Iverson (913)895-5570) ZIP: _____

LOCATION OF PROPERTY: SW corner of intersection of 69th Terrace and
Roe Avenue, Prairie Village

LEGAL DESCRIPTION: All of Lot1, in Block 55, of PRAIRIE VILLAGE, a
subdivision of land in the City of Prairie Village, in
Johnson County, Kansas.

ADJACENT ZONING AND LAND USE:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Residential</u>	<u>R-1</u>
South	<u>Park</u>	<u>R-1</u>
East	<u>Residential</u>	<u>R-1</u>
West	<u>Residential</u>	<u>R-1</u>

Present Use of Property: Water tank facility and park

Please complete both pages of the form and return to:

Codes Administrator
City of Prairie Village
7700 Mission Road
Prairie Village, Kansas 66208

Does the proposed special use meet the following standards? If yes, attach a separate sheet explaining why.

Yes No

- 1. Is deemed necessary for the public convenience at that location. X _____
- 2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected. X _____
- 3. Is found to be generally compatible with the neighborhood in which it is proposed. X _____
- 4. Will comply with the height and area regulations of the district in which it is located unless specifically granted. X _____
- 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect. X _____
- 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided. X _____

Should this special use be valid only for a specific time period? Yes _____ No X

If Yes, what length of time? _____

SIGNATURE: Selective Site Consultants, Inc.

DATE: 10/7/2005

BY: [Signature]

TITLE: Agent for New Cingular Wireless PCS, LLC

Attachments Required:

- Site plan showing existing and proposed structures on the property in question, and adjacent property, off-street parking, driveways, and other information.
- Certified list of property owners.

EXHIBIT A

LEGAL DESCRIPTION OF
THE PROPERTY

The Property is described and/or depicted as follows:

LEGAL DESCRIPTION: Parent Parcel as Provided

All of Lot 1, in Block 55, of PRAIRIE VILLAGE, a subdivision of land in the City of Prairie Village, in Johnson County, Kansas.

PROJECT INFORMATION

SCOPE OF WORK: UNMANNED TELECOMMUNICATIONS FACILITY MODIFICATIONS
 SITE ADDRESS: 69TH TERRACE AND ROE BLVD
 PRAIRIE VILLAGE, KANSAS
 LATITUDE: 39° 00' 10.529"
 LONGITUDE: 94° 38' 25.250"
 JURISDICTION: JOHNSON COUNTY KANSAS
 PROPOSED USE: TELECOMMUNICATIONS FACILITY



SITE NUMBER: KS-5509
SITE NAME: 67TH & ROE

A/E DOCUMENT REVIEW STATUS			
Status Code	ENG	CONST	
1	Accepted-With or no comments, construction may proceed		
2	Not Accepted resolve comments and resubmit		
Acceptance does not constitute approval of design details, calculations analyses, test methods or materials developed or selected by the subcontractor and does not relieve subcontractor from full compliance with contractual obligations.			
Revised			
By			Date

CINGULAR WIRELESS APPROVAL
 _____ Date _____

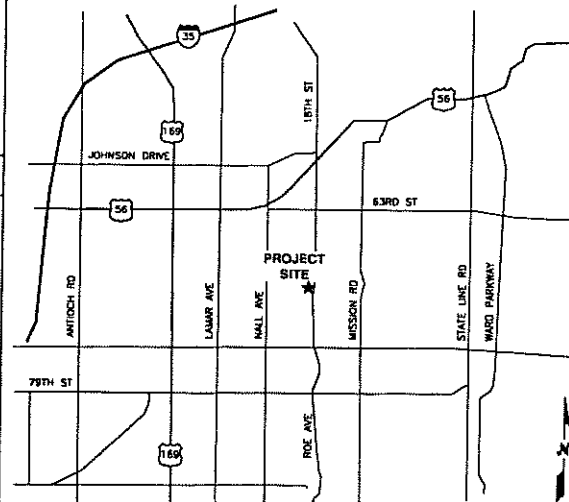
OWNER APPROVAL
 _____ Date _____

DRAWING INDEX

	REV	RESPONSIBLE ENGINEER
KS-5509-01 TITLE SHEET SURVEY	D	HAN/TMS
KS-5509-02 OVERALL SITE / LANDSCAPING PLAN	D	HAN
KS-5509-03 SITE PLAN & TOWER ELEVATION	D	HAN
KS-5509-04 SHELTER ELEVATIONS	D	HAN
KS-5509-05 LANDSCAPE ELEVATION	D	HAN

VICINITY MAP

DIRECTION: FROM CINGULAR'S OVERLAND PARK SWITCH AT I-35 & 75TH STREET /7801 FARLEY: EAST ON 75TH ST TO ROE AVE; NORTH ON ROE AVE TO 69TH TERR; WEST ON 69TH TERR TO SITE.



APPLICABLE BUILDING CODES AND STANDARDS

SUBCONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AAJ) FOR THE LOCATION. THE EDITION OF THE AAJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.

BUILDING CODE:
 [INTERNATIONAL BUILDING CODE (IBC), 2000 AS ADOPTED BY LOCAL BUILDING AUTHORITY]

ELECTRICAL CODE:
 [NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70 - 2002, NATIONAL ELECTRICAL CODE, AS ADOPTED BY LOCAL BUILDING AUTHORITY]
 LIGHTNING PROTECTION CODE:
 [NFPA 780 - 2000, LIGHTNING PROTECTION CODE]

SUBCONTRACTOR'S WORK SHALL COMPLY WITH THE LATEST EDITION OF THE FOLLOWING STANDARDS:
 AMERICAN CONCRETE INSTITUTE (ACI) 318, BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE
 AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC), MANUAL OF STEEL CONSTRUCTION, ASD, NINTH EDITION
 TELECOMMUNICATIONS INDUSTRY ASSOCIATION (TIA) 222-F, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWER AND ANTENNA SUPPORTING STRUCTURES;
 TIA 607, COMMERCIAL BUILDING GROUNDING AND BONDING REQUIREMENTS FOR TELECOMMUNICATIONS

INSTITUTE FOR ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE) 81, GUIDE FOR MEASURING EARTH RESISTIVITY, GROUND IMPEDANCE, AND EARTH SURFACE POTENTIALS OF A GROUND SYSTEM
 IEEE 1100 (1999) RECOMMENDED PRACTICE FOR POWERING AND GROUNDING OF ELECTRONIC EQUIPMENT

IEEE C62.41, RECOMMENDED PRACTICES ON SURGE VOLTAGES IN LOW VOLTAGE AC POWER CIRCUITS (FOR LOCATION CATEGORY "C3" AND "HIGH SYSTEM EXPOSURE")

TELECORDIA GR-1275, GENERAL INSTALLATION REQUIREMENTS

TELECORDIA GR-1503, COAXIAL CABLE CONNECTIONS

ANSI T1.311, FOR TELECOM - DC POWER SYSTEMS - TELECOM, ENVIRONMENTAL PROTECTION

FOR ANY CONFLICTS BETWEEN SECTIONS OF LISTED CODES AND STANDARDS REGARDING MATERIAL, METHODS OF CONSTRUCTION, OR OTHER REQUIREMENTS, THE MOST RESTRICTIVE REQUIREMENT SHALL GOVERN. WHERE THERE IS CONFLICT BETWEEN A GENERAL REQUIREMENT AND A SPECIFIC REQUIREMENT, THE SPECIFIC REQUIREMENT SHALL GOVERN.

DETAIL 103

NOTES

- SEE THE FOLLOWING NOTES, SYMBOLS AND DETAILS, BECHTEL DOCUMENT NUMBER 24782-000-A3-EF-00001 FOR THE IMPLEMENTATION OF THIS SITE DESIGN PACKAGE:

CONCRETE AND REINFORCING STEEL NOTES.....	(DETAIL 102)
APPLICABLE BUILDING CODES AND STANDARDS.....	(DETAIL 103)
DIRECT BURIED CONDUIT DETAIL.....	(DETAIL 105)
ABBREVIATIONS & SYMBOLS.....	(DETAIL 112)
GROUND ROD DETAIL.....	(DETAIL 114)
INSTALLATION OF GROUND WIRE TO GROUND BAR.....	(DETAIL 118)
INSTALLATION OF GROUND WIRE TO GROUND BAR.....	(DETAIL 121)
INSTALLATION OF CABLE GROUNDING KIT.....	(DETAIL 122)
CONNECTION OF CABLE GROUND KIT.....	(DETAIL 132)
PLAN VIEW - TOWER DETAIL.....	(DETAIL 612)
SITE WORK GENERAL NOTES.....	(DETAIL 619)
STRUCTURAL STEEL NOTES.....	(DETAIL 820)
GROUNDING NOTES.....	(DETAIL 821)
ELECTRICAL INSTALLATION NOTES.....	(DETAIL 822)
GENERAL NOTES.....	(DETAIL 823)
COAX TAG IDENTIFICATION DETAIL FOR GREENFIELDS.....	(DETAIL 835)
GROUND ROD WITH ACCESS AREA.....	(DETAIL 844)

SELECTIVE SITE CONSULTANTS, INC.
 A NEA Affiliated, Engineering, and Construction Quality Assurance Company
 8500 W. 110th St., Suite 300 Phone: 913-438-7700
 Overland Park, Kansas 66210 Fax: 913-438-7777

67TH & ROE
KS-5509
 69TH TERRACE AND ROE BLVD
 PRAIRIE VILLAGE, KANSAS



NO.	DATE	REVISIONS	BY	CHK	APP'D
D	12/01/05	ISSUED FOR ZONING	JMB	HAN	HAN
C	11/23/05	ISSUED FOR ZONING	JMB	HAN	HAN
B	06/22/05	ISSUED FOR ZONING	JMB	HAN	HAN
A	08/08/05	ISSUED FOR ZONING	JMB	HAN	HAN

SCALE: AS SHOWN DESIGNED: JMB DRAWN: JMB

CINGULAR WIRELESS

TITLE SHEET

DRAWING NO.	REV
KS-5509-01	D

67th & ROE
PART OF LOT 1, BLOCK 55, PRAIRIE VILLAGE
A SUBDIVISION IN JOHNSON COUNTY, KANSAS

PROPERTY DESCRIPTION: Parent Parcel as Provided
 All of Lot 1, in Block 55, of PRAIRIE VILLAGE, a subdivision of land in the City of Prairie Village, in Johnson County, Kansas.
 NOTE: The parent parcel graphically shown hereon, in full or in part, is the same as that described above.



VICINITY MAP

Property information shown hereon was provided by Continental Title Company, agent for First American Title Insurance Company of Kansas, Commitment No. 0001489D, effective April 1, 2004 at 8:00 a.m.

Schedule B information affecting Lease Area is noted unless shown hereon.

Schedule B information not shown hereon:

- (#1) Restrictions in Book 44 Misc., Page 47.
- (#2) Restrictions in Book 44 Misc., Page 30.
- (#3) Terms and Provisions of Home Association Declaration in Book 44 Misc., Page 208.
- (#4) Declaration of Charges for Kansas Water Company Service Area in Book 333, Page 836.

Notes:

Bearings shown hereon are based on Kansas State Plane Coordinate System at 1983 (NAD 83).

Set 1/2" iron bar of Lease corners unless otherwise noted.

The purpose of this survey is to establish and describe a Lease Parcel and associated easements. This is not a boundary survey of the Parent Parcel.

The utilities as shown on this drawing were developed from the information available (existing utility maps, aboveground observations and/or surface markings placed on the ground by the utility company or a representative thereof). This company has made no attempt to excavate or go below surface to locate utilities and does not assume or imply a guaranty or warranty as to the exact location or inventory of utilities in this area. It shall be the contractor's responsibility to verify the location and depth of all utilities (whether shown or not) prior to excavation or construction and to protect said utilities from damage.

PROPERTY DESCRIPTION: Proposed Lease Area, Access & Utility Easement

A 17 foot by 24 foot Lease Area, together with a 12 foot wide Access Easement and a 5 foot wide UTILITY Easement, situated in Part of Lot 1, Block 55, Prairie Village, a Subdivision in Johnson County, Kansas, more particularly described as follows:

COMMENCING at the Northwest Corner of Lot 1 of said Subdivision described in Warranty Deed in Book 2423, Page 830 (found 1.5" Aluminum monument), said point bears North 02°47'23" West, a distance of 250.06 feet (250 feet, plus) from the Southwest corner of Lot 33 of said Subdivision (found 3.5" Aluminum monument); thence South 30°54'03" East, a distance of 49.20 feet to the POINT OF BEGINNING of said 17 foot by 24 foot Lease Area, said point bears North 21°01'45" West, a distance of 58.48 feet from the center of an existing water tower; thence South 90°00'00" East, a distance of 12.90 feet to a point hereafter referred to as Point "A"; thence continuing South 90°00'00" East, a distance of 11.10 feet; thence South 00°00'00" West, a distance of 17.00 feet; thence North 80°00'00" West, a distance of 18.60 feet to a point hereafter referred to as Point "B"; thence continuing North 90°00'00" West, a distance of 4.62 feet; thence North 00°00'00" East, a distance of 17.00 feet to the POINT OF BEGINNING. Containing 408 square feet, more or less.

Together with a 12 foot wide Access Easement, lying 6.00 feet on each side of the following described centerline:

BEGINNING at aforesaid Point "A"; thence North 00°00'00" East, a distance of 33.52 feet to the POINT OF TERMINATION on the Southerly right-of-way line of 69th Terrace as road is now established. Containing 402 square feet, more or less.

Along with a 5 foot Utility Easement, lying 2.50 feet on each side of the following described centerline:

COMMENCING at aforesaid Point "B"; thence South 00°00'00" West, a distance of 3.59 feet; thence South 44°58'24" West, a distance of 27.06 feet; thence South 00°36'39" East, a distance of 37.06 feet; thence South 46°11'04" West, a distance of 24.62 feet to the POINT OF TERMINATION at the Southwest corner of said Lot 1. Containing 453 square feet, more or less.

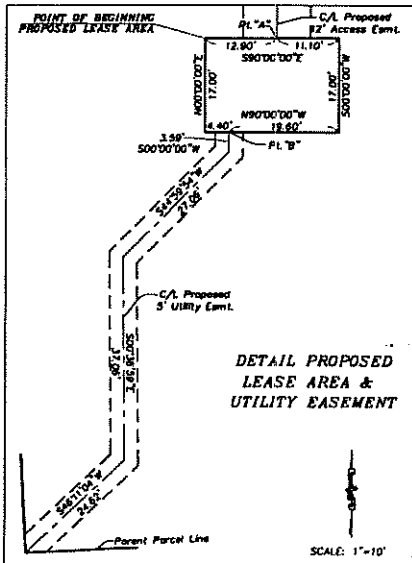
CERTIFICATION:

I HEREBY CERTIFY THAT A SURVEY WAS MADE BY ME, OR UNDER MY DIRECT SUPERVISION, ON THE GROUND OF THE LEASE AREA, LEASE ACCESS EASEMENT, AND LEASE UTILITY EASEMENT PREMISES HEREON DESCRIBED, AND THE RESULTS OF SAID SURVEY ARE REPRESENTED HEREOF. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT ANNUAL STANDARDS FOR PROPERTY BOUNDARY SURVEYS OVER SAID LEASE PREMISES TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

JEFFREY B. LOVELACE KS-LS1326

DATE: _____

8/15/03 - REVISED LEASE AREA INFO
 9/10/04 - ADDED LEASE DESCRIPTION
 7/21/04 - ADDED TITLE INFORMATION



DETAIL PROPOSED LEASE AREA & UTILITY EASEMENT

SCALE: 1"=10'

LEGEND

- | | |
|---------------------------------|---------|
| TELEPHONE & POWER POLE | ⊕ PP/TP |
| LIGHT POLES | ⊕ LP |
| WATER METER | ⊕ WM |
| GAS METER | ⊕ GM |
| WATER VALVE | ⊕ WV |
| FIRE HYDRANT | ⊕ FH |
| BENCHMARK | ⊕ |
| CONTROL POINT | ⊕ |
| GATE POST | -CP |
| PROPERTY CORNER | ⊕ |
| SIGN | ⊕ |
| TOWER POINT | ⊕ |
| MANHOLE (SAN, STORM, TEL.) | ⊕ |
| TREE (D&A) | ⊕ |
| TREE LINE | ⊕ |
| FENCE | ⊕ |
| OVERHEAD POWER & TELEPHONE LINE | ⊕ |

FLOOD NOTE:
 According to my interpretations of Community Panel No. 2009IC0094 F of the Flood Insurance Rate Map for Johnson County, Kansas and Incorporated Areas, dated June 17, 2002, the subject property is in Flood Zone "X", i.e. "areas determined to be outside the 500 year flood plain".



CALL BEFORE YOU DIG - DRILL - BLAST
 800-344-7233
 (816)-546-7233
 (316) 687-3753
 (FAX)

KANSAS ONE CALL SYSTEM, INC.

PROPOSED CELL TOWER DATA
 Grid Coordinate
 N 79729.335m
 E 690946.046m

Center of tower
 Lot 30'00"0.520" North
 Long 94°38'23.230" West
 Ground Elevation = 983 ft.
 Top of Water Tower Walkway = 1083 ft.
 Top of Walkway Railing = 1087 ft.
 Top of Water Tank = 1110 ft.

BENCH MARK
 Top of Set 1/2" Rebar with Control Cap at CP-1.
 ELEVATION = 978.89 ft.

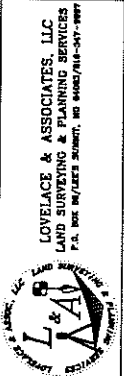
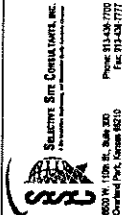
Note: Kansas State Plane Coordinates North Zone Conversion

1 Meter = 3.28083333 Feet
 Project Grid Factor = 0.999992421

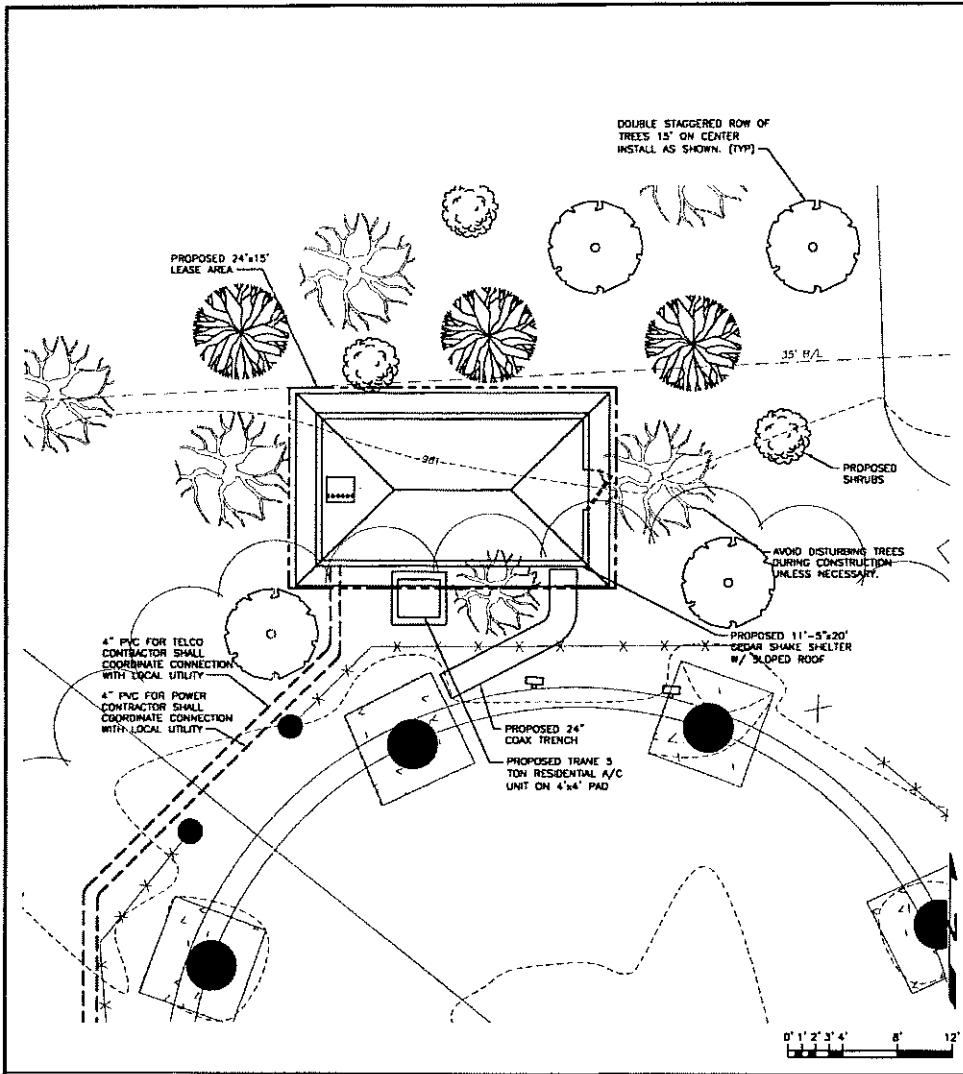
Project Coordinates:

CP-1 (Set 1/2" Rebar with Control Cap)
 N 261430.005
 E 2267013.424
 ELEV. = 978.89 ft.

CP-2 (Set 1/2" Rebar with Control Cap)
 N 261875.871
 E 2267001.341
 ELEV. = 980.81 ft.

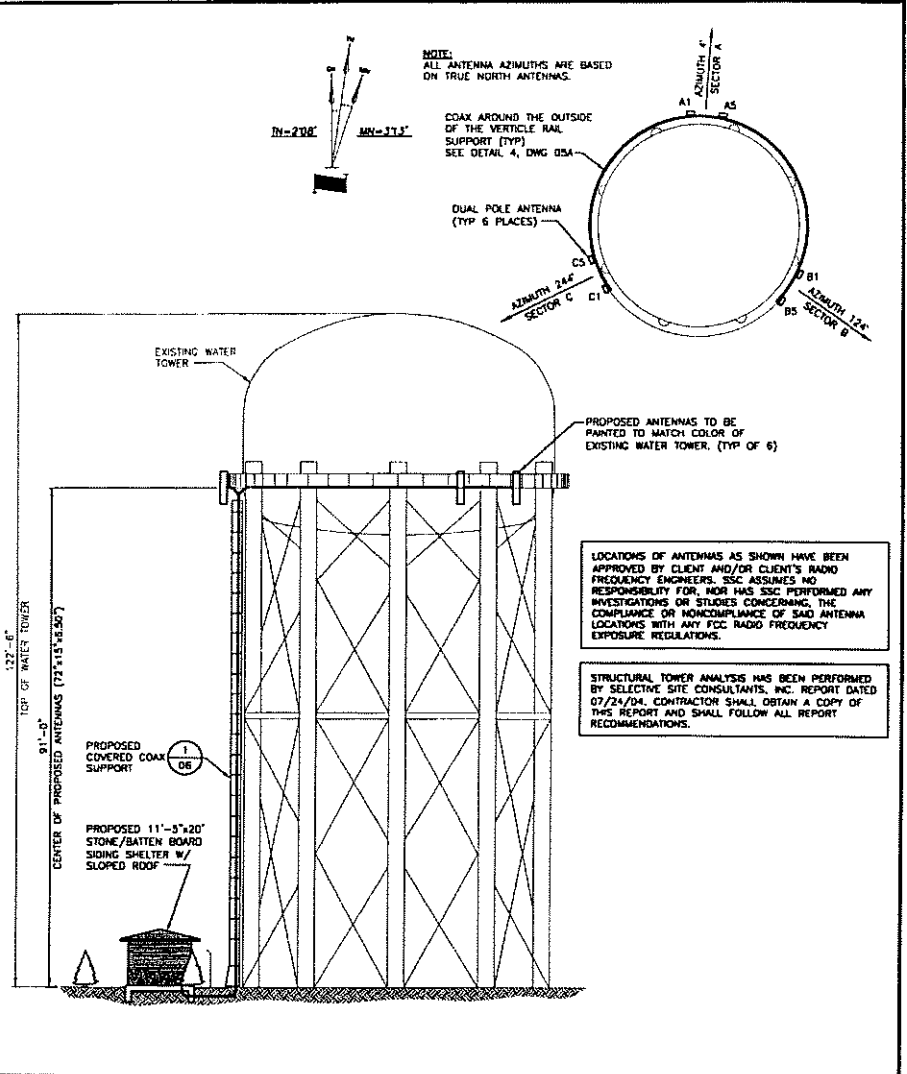


SURVEY PROVIDED FOR: RELUCTIVE SITE CONSULTANTS 8300 W. 110th St. Suite 300 Overland Park, KS 66210 Tel: (913) 438-7700		SURVEY PROVIDED BY: LOVELACE & ASSOCIATES, LLC P.O. Box 88 Law's Summit, MO 64063 Tel: (816) 347-9897	
SITE NO.: KS 5009		SITE NAME & LOCATION 67th and Roe Prairie Village / Roe Ave. Prairie Village, Kansas	
DATE: 07-13-04		FIELDWORK DATE: 07-06-04	
SHEET NUMBER 1 OF 1			



ENLARGED SITE PLAN

2



TOWER ELEVATION

1

SELECTIVE SITE CONSULTANTS, INC.
 A 300 Accredited, Engineering and Construction Quality Assurance Company
 8500 W. 110th St., Suite 300 Phone: 913-438-7700
 Overland Park, Kansas 66210 Fax: 913-438-7777

**67TH & ROE
 KS-5509**
 69TH TERRACE AND ROE BLVD
 PRAIRIE VILLAGE, KANSAS

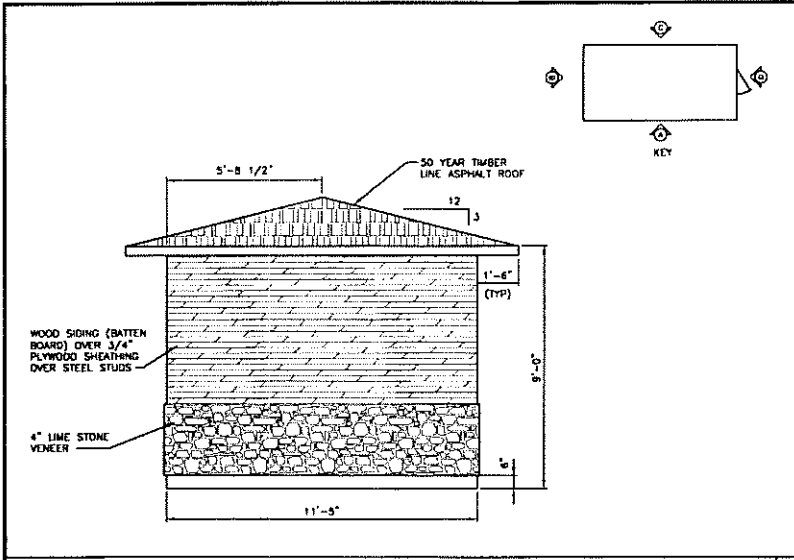
D	12/01/05	ISSUED FOR ZONING	JMB	HAN	HAN
C	11/23/05	ISSUED FOR ZONING	JMB	HAN	HAN
B	06/22/05	ISSUED FOR ZONING	JMB	HAN	HAN
A	08/08/05	ISSUED FOR ZONING	JMB	HAN	HAN
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE: AS SHOWN		DESIGNED: JMB	DRAWN: JMB		

DATE: 07/24/04
 DRAWN: JMB
 CHECKED: HAN
 APPROVED: HAN

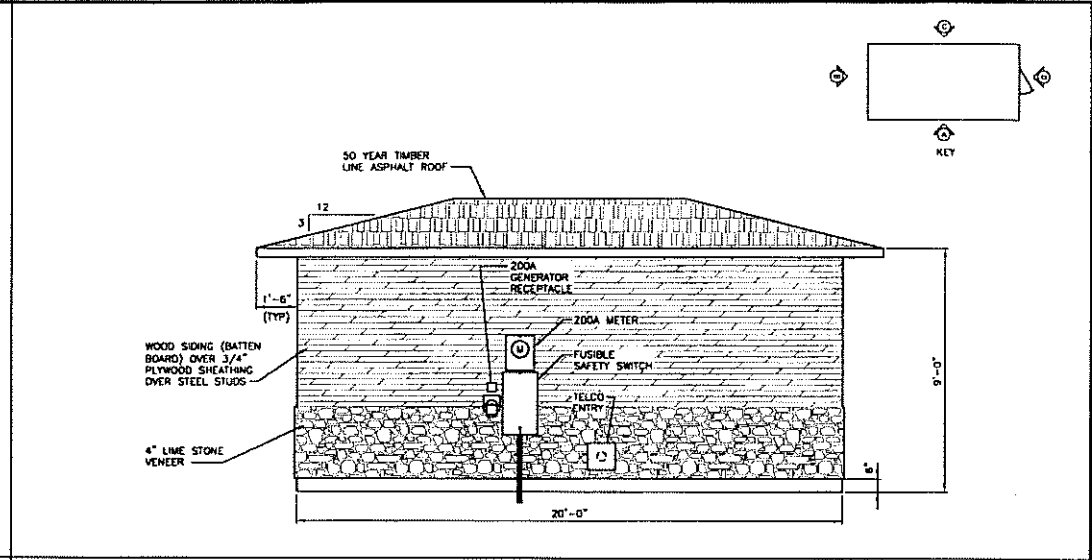
CINGULAR WIRELESS

**SITE PLAN &
 TOWER ELEVATION**

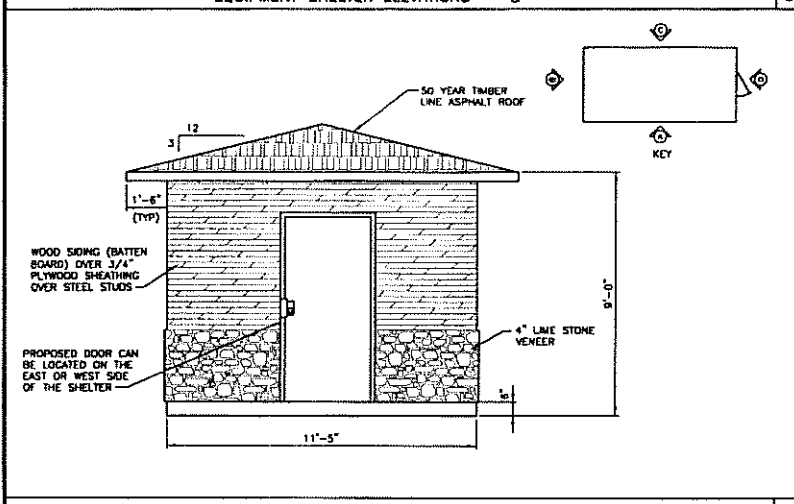
DRAWING NO. KS-5509-03
 REV D



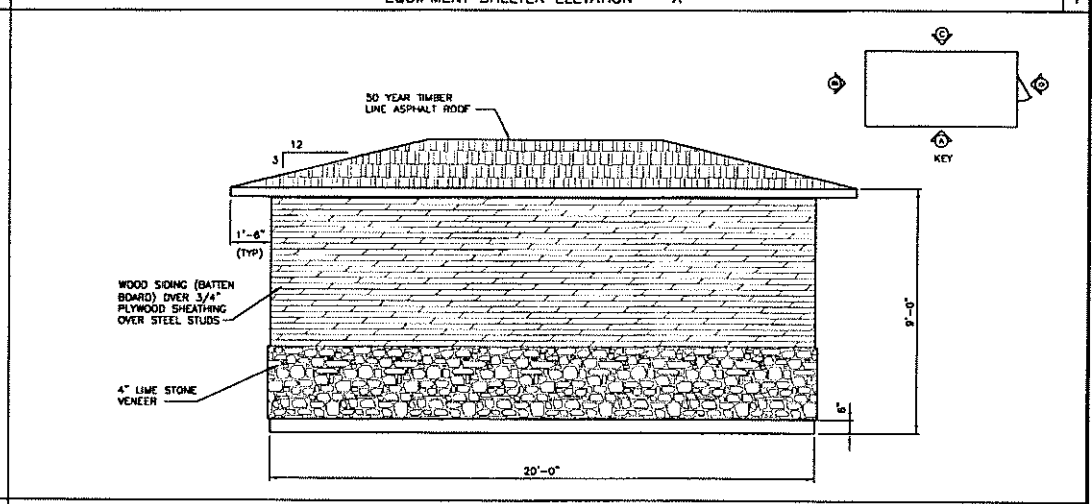
EQUIPMENT SHELTER ELEVATIONS - "B"



EQUIPMENT SHELTER ELEVATION - "A"



EQUIPMENT SHELTER ELEVATION - "D"



EQUIPMENT SHELTER ELEVATION - "C"

SELECTIVE SITE CONSULTANTS, INC.
A Site Analysis, Engineering, and Construction Quality Assurance Company
 1600 W. 119th St., Suite 300
 Overland Park, Kansas 66210 Phone: 913-438-7100
 Fax: 913-438-7777

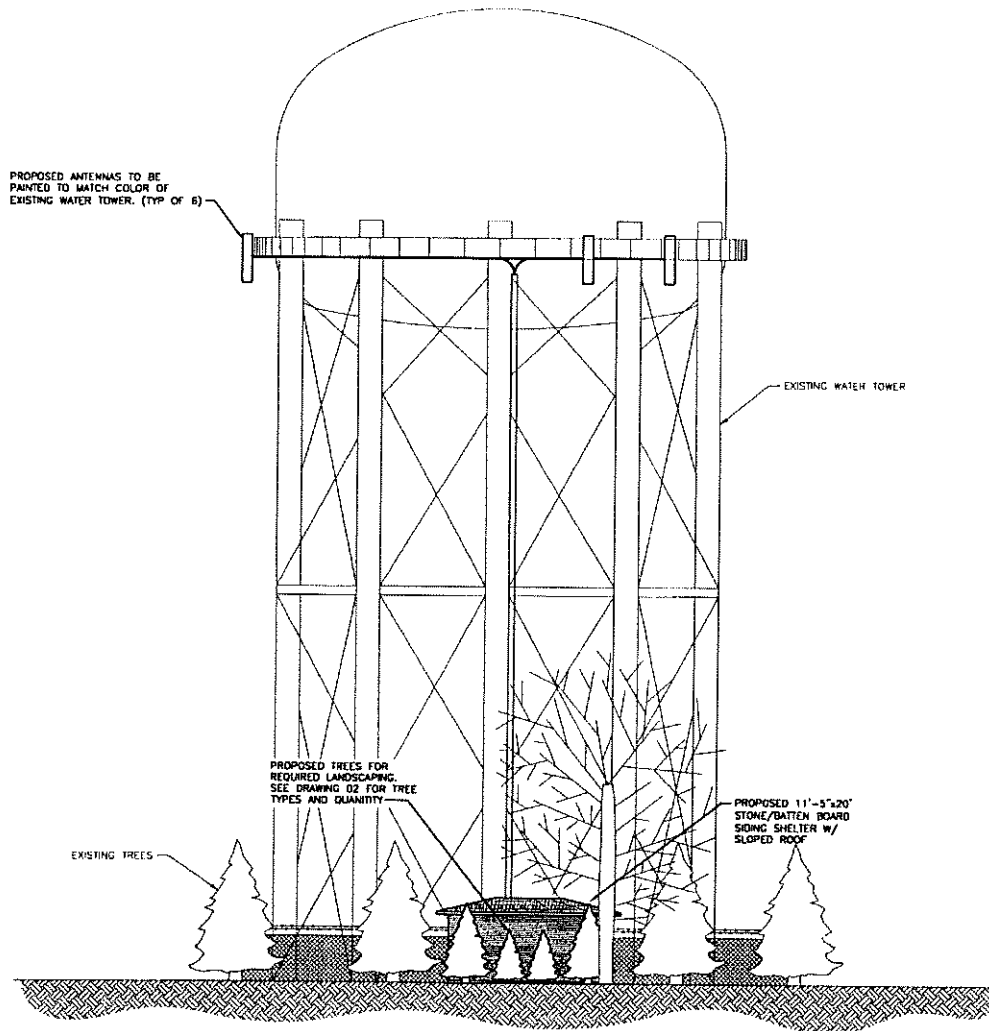
**67TH & ROE
 KS-5509**
 69TH TERRACE AND ROE BLVD
 PRAIRIE VILLAGE, KANSAS

cingular
WIRELESS

NO.	DATE	REVISIONS	BY	CHK	APP'D
D	12/01/05	ISSUED FOR ZONING	JMB	HAN	HAN
C	11/23/05	ISSUED FOR ZONING	JMB	HAN	HAN
B	08/22/05	ISSUED FOR ZONING	JMB	HAN	HAN
A	08/08/05	ISSUED FOR ZONING	JMB	HAN	HAN

SCALE: AS SHOWN DESIGNED: JMB DRAWN: JMB

CINGULAR WIRELESS		
SHELTER ELEVATIONS		
DRAWING NO.	REV	
KS-5509-04	D	



EQUIPMENT SHELTER ELEVATION - "C"

SELECTIVE SITE CONSULTANTS, INC.
A Site Assessment, Engineering, and Construction Quality Assurance Company
 8500 W. 110th St., Suite 300
 Overland Park, Kansas 66210
 Phone: 913-438-7700
 Fax: 913-438-7777

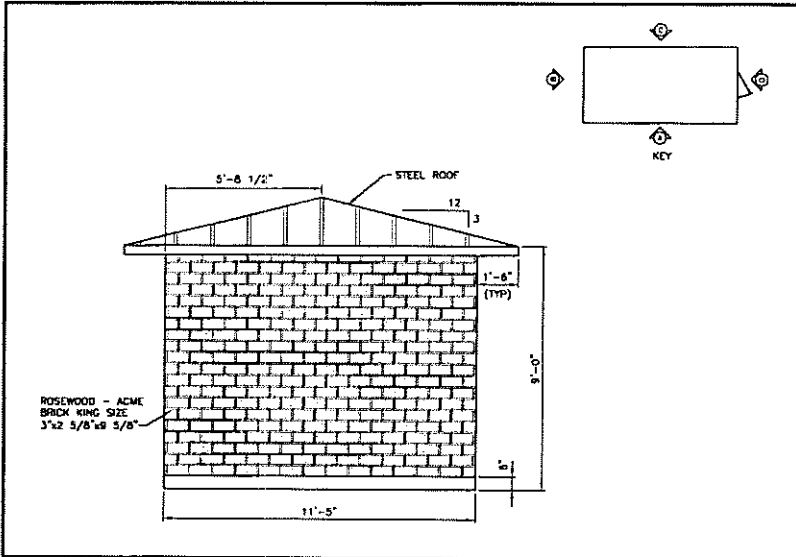
**67TH & ROE
 KS-5509**
 69TH TERRACE AND ROE BLVD
 PRAIRIE VILLAGE, KANSAS



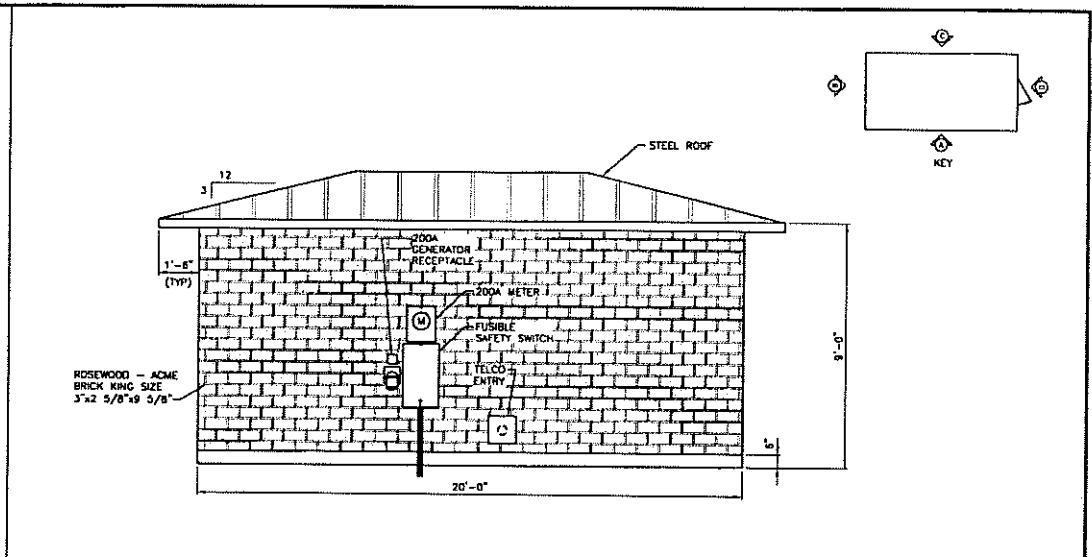
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C	11/23/05	ISSUED FOR ZONING	JMB	HAN	HAN
B	06/22/05	ISSUED FOR ZONING	JMB	HAN	HAN
A	08/08/05	ISSUED FOR ZONING	JMB	HAN	HAN

SCALE: AS SHOWN DESIGNED: JMB DRAWN: JMB

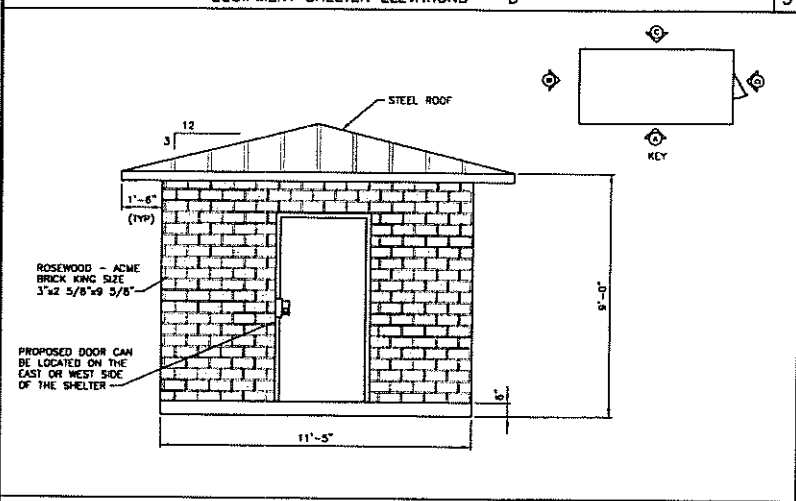
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LANDSCAPE ELEVATION	
DRAWING NO.	REV
KS-5509-05	0



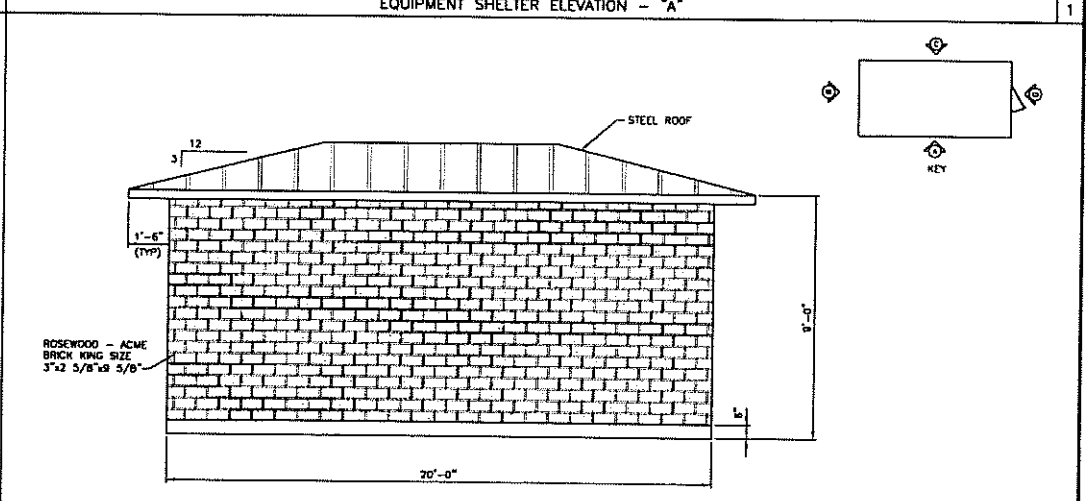
EQUIPMENT SHELTER ELEVATIONS - "B"



EQUIPMENT SHELTER ELEVATION - "A"



EQUIPMENT SHELTER ELEVATION - "D"



EQUIPMENT SHELTER ELEVATION - "C"

SELECTIVE SITE CONSULTANTS, INC.
A 90% Accredited, Engineering, and Construction Quality Assurance Company

8500 W. 110th St., Suite 300 Phone: 913-438-7700
Overland Park, Kansas 66210 Fax: 913-438-7777

67TH & ROE
KS-5509
69TH TERRACE AND ROE BLVD
PRAIRIE VILLAGE, KANSAS

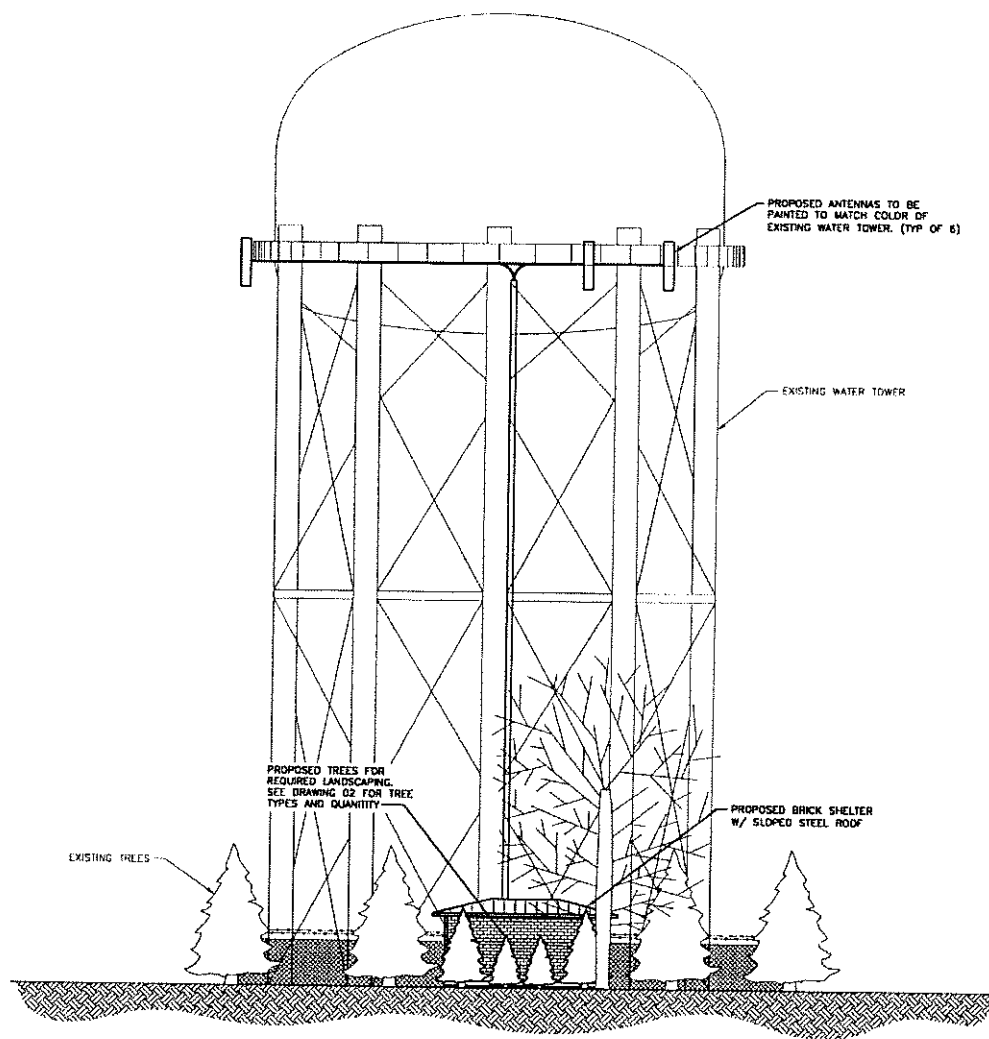


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C	11/23/05	ISSUED FOR ZONING	JMB	HAN	HAN
B	08/22/05	ISSUED FOR ZONING	JMB	HAN	HAN
A	08/08/05	ISSUED FOR ZONING	JMB	HAN	HAN

SCALE: AS SHOWN DESIGNED: JMB DRAWN: JMB

CINGULAR WIRELESS	
SHELTER ELEVATIONS	
DRAWING NO.	REV
KS-5509-04	D

13



EQUIPMENT SHELTER ELEVATION - "C"

SELECTIVE SITE CONSULTANTS, INC.
A 90 Associates, Engineering and Construction Quality Assurance Company
 8500 W. 110th St., Suite 200
 Overland Park, Kansas 66210
 Phone: 913-438-7700
 Fax: 913-438-7777

67TH & ROE
KS-5509
 69TH TERRACE AND ROE BLVD
 PRAIRIE VILLAGE, KANSAS

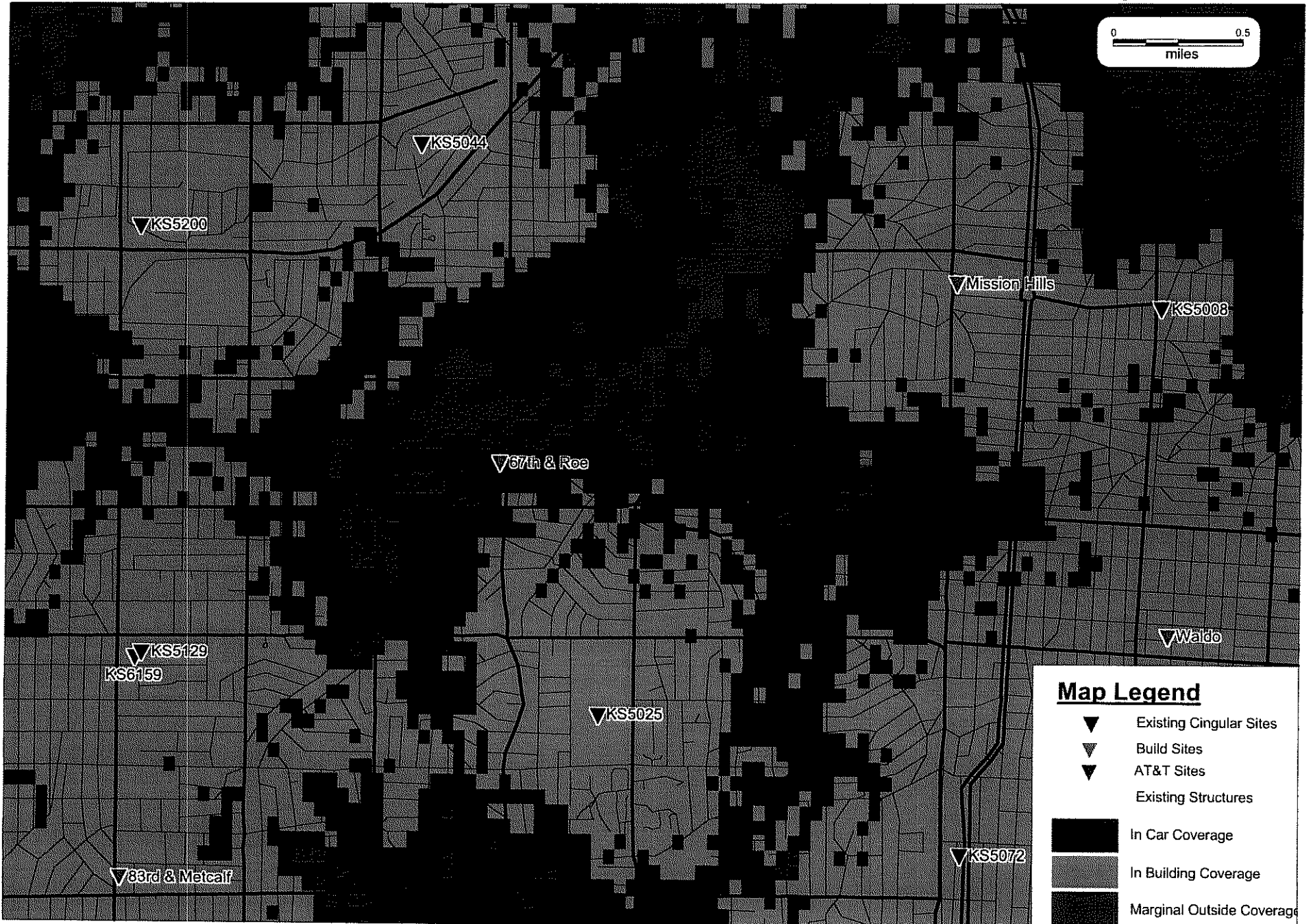


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C	11/23/05	ISSUED FOR ZONING	JMB	HAN	HAN
B	08/22/05	ISSUED FOR ZONING	JMB	HAN	HAN
A	06/08/05	ISSUED FOR ZONING	JMB	HAN	HAN
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE: AS SHOWN		DESIGNED: JMB	DRAWN: JMB		

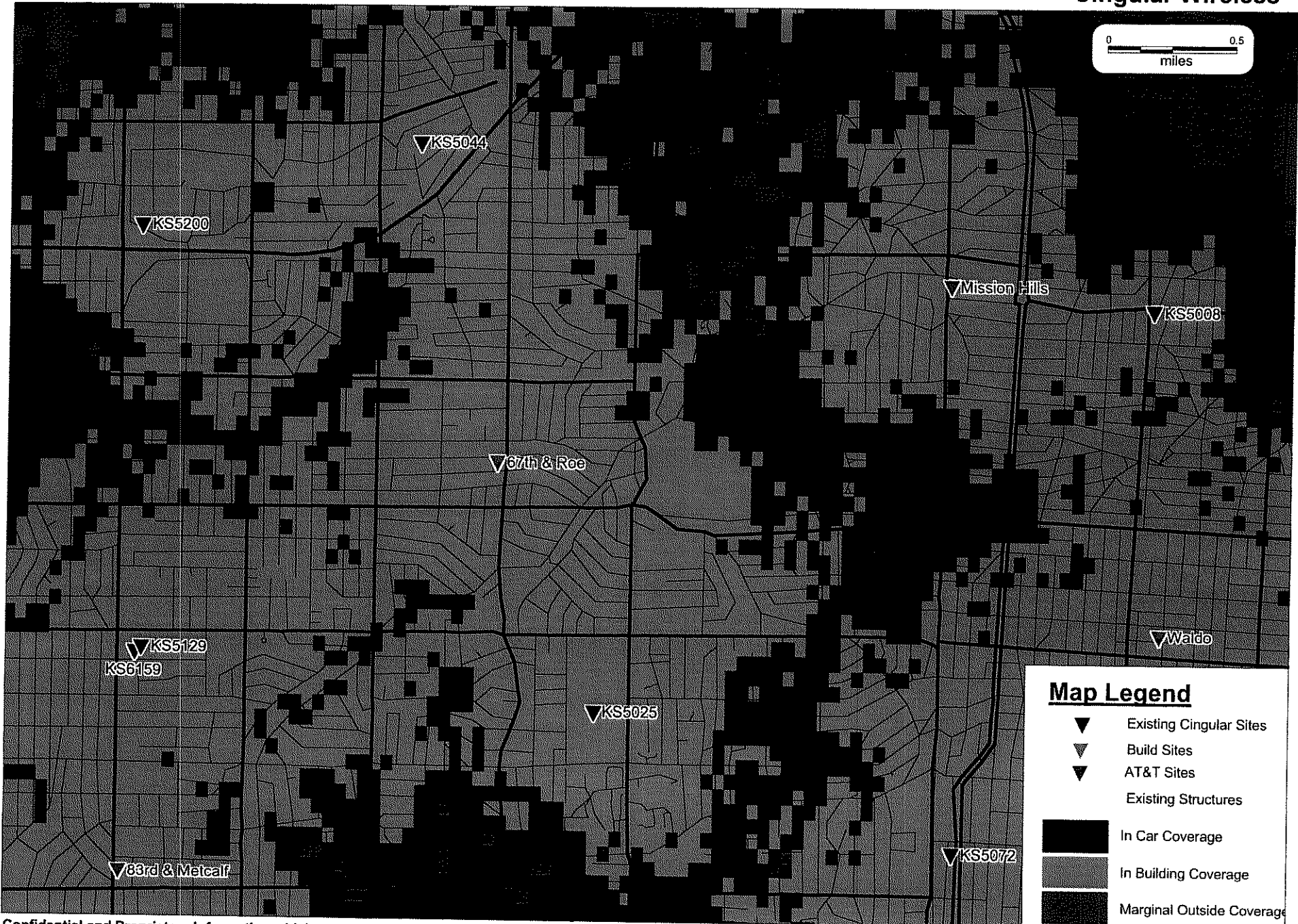
CINGULAR WIRELESS

LANDSCAPE ELEVATION

DRAWING NO.	REV
KS-5509-03	0



14



Confidential and Proprietary Information which may not be used or disclosed outside of Cingular Wireless except pursuant to a written agreement.

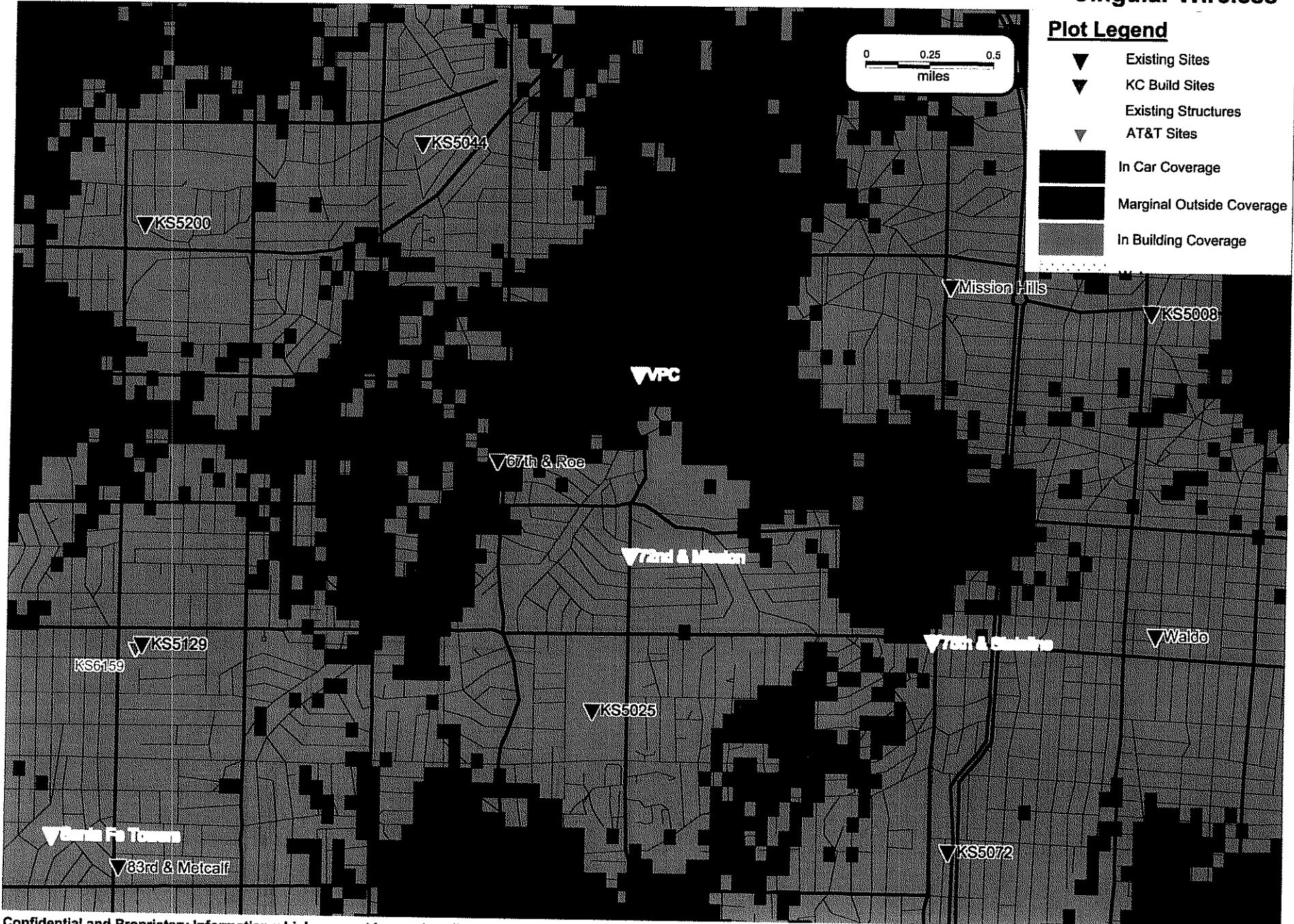
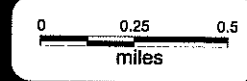
October 3, 2005

Prairie Village: Coverage from 72nd and Mission

Cingular Wireless

Plot Legend

- ▼ Existing Sites
- ▼ KC Build Sites
- Existing Structures
- ▼ AT&T Sites
- In Car Coverage
- Marginal Outside Coverage
- In Building Coverage



Confidential and Proprietary Information which may not be used or disclosed outside of Cingular Wireless except pursuant to a written agreement.

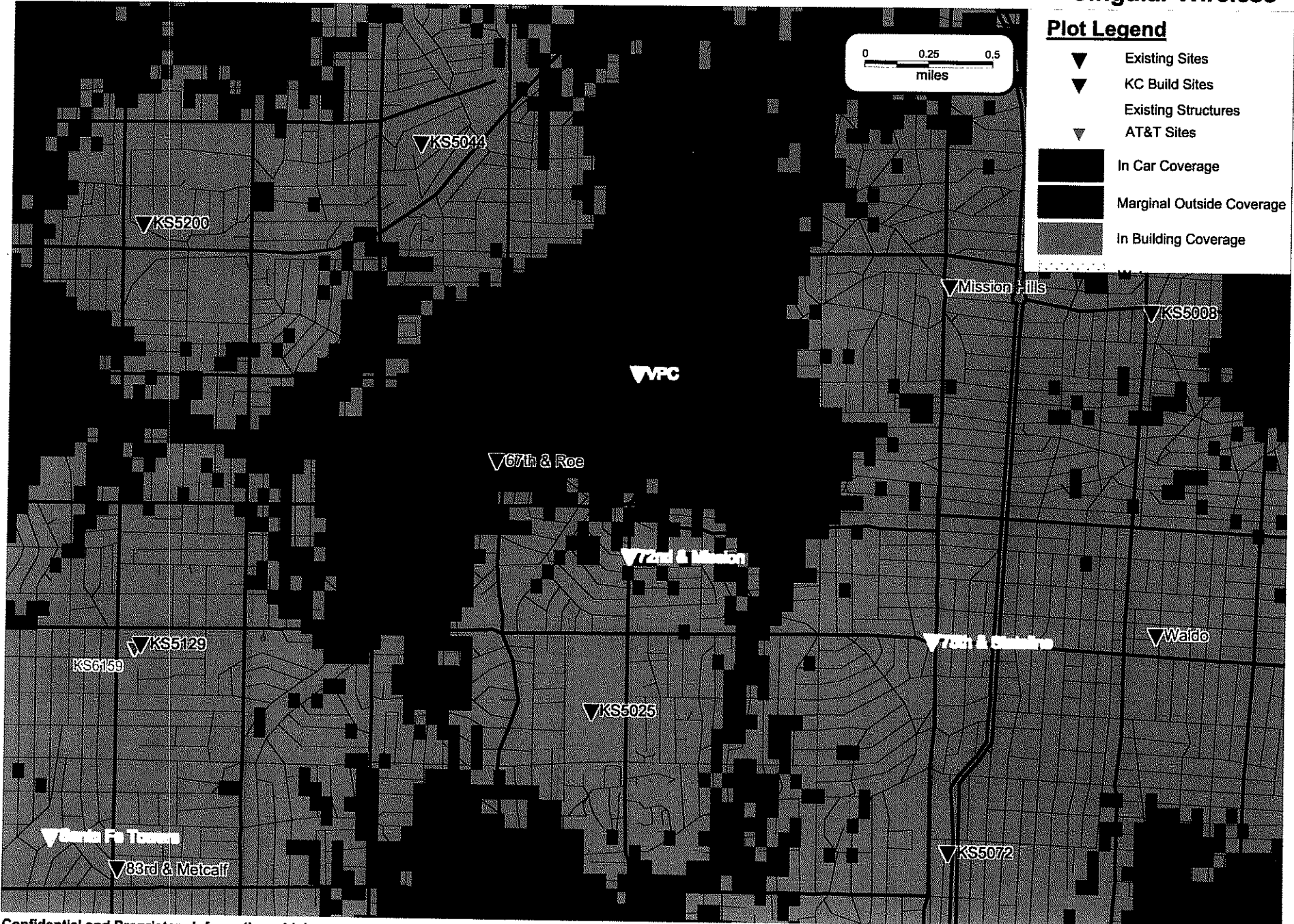
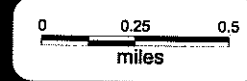
November 1, 2005

Prairie Village: Coverage from 75th and Stateline

Cingular Wireless

Plot Legend

- Existing Sites
- KC Build Sites
- Existing Structures
- AT&T Sites
- In Car Coverage
- Marginal Outside Coverage
- In Building Coverage

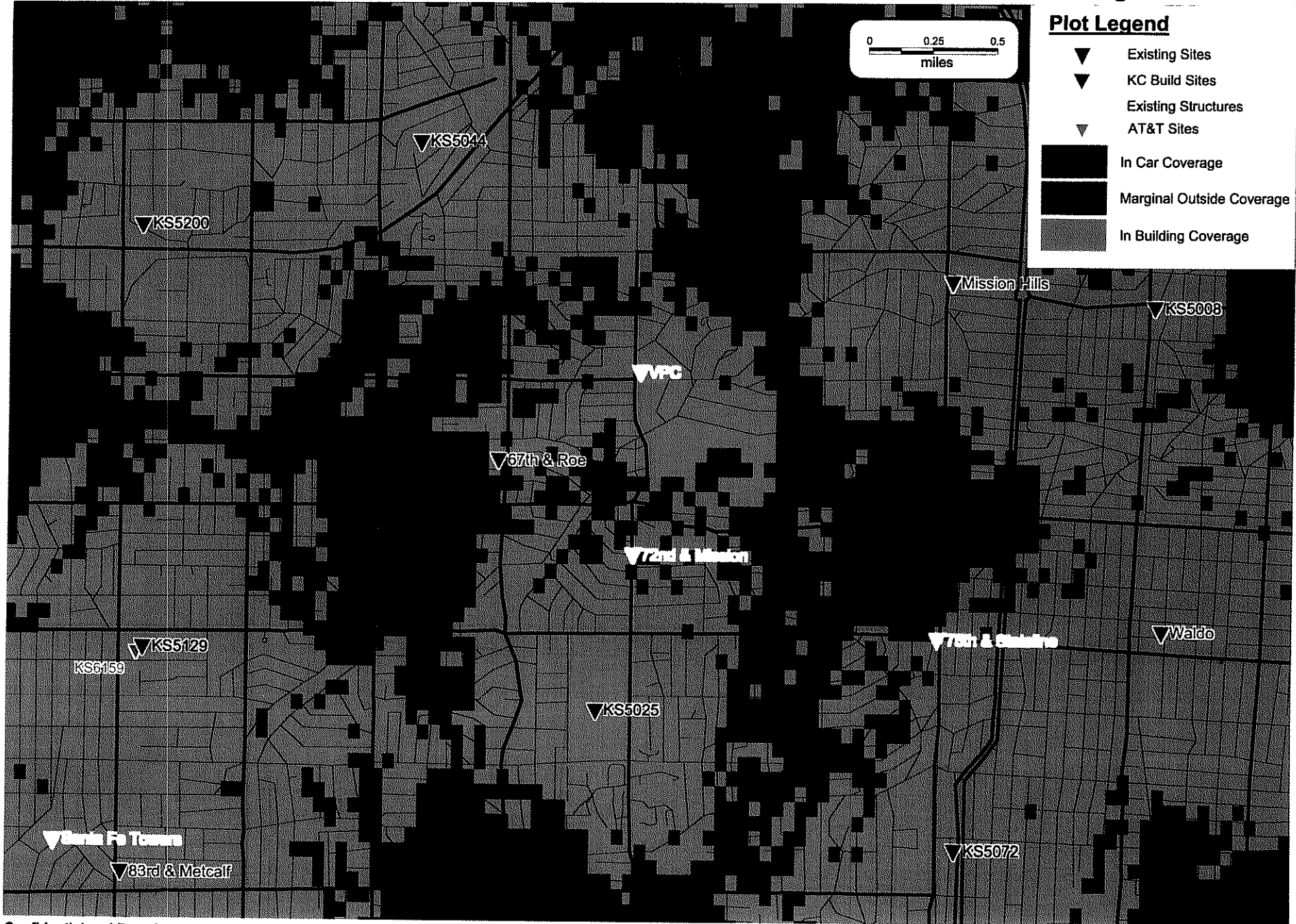


Confidential and Proprietary Information which may not be used or disclosed outside of Cingular Wireless except pursuant to a written agreement.

November 1, 2005

Prairie Village: Coverage with Village Presbyterian Church

Cingular Wireless



Confidential and Proprietary Information which may not be used or disclosed outside of Cingular Wireless except pursuant to a written agreement.

November 1, 2005

Consent of the Owner of Property

TO WHOM IT MAY CONCERN:

The *Water District No. 1 of Johnson County*, a quasi-municipal corporation of the State of Kansas, hereinafter called "WaterOne," and *Southwestern Bell Wireless, LLC d/b/a Cingular Wireless, as general partner of the Kansas City SMSA Limited Partnership*, hereinafter called the "Lessee," are in the process of negotiating a lease for the purpose of granting certain non-exclusive rights to the Lessee for limited occupancy of a designated elevated water tank of WaterOne to operate and maintain communications antennae and appurtenant equipment (the "Antenna Facilities"). The tank in question is located on real property located at approximately 69th Street and Roe Avenue in Prairie Village, Johnson County, Kansas (Parcel ID Number OP55000055 0001) and is more particularly described on Exhibit "A" attached hereto (the "Property").

Selective Site Consultants, Inc. as the agent for Lessee, will be filing an application for zoning and/or permitting with the City of Prairie Village in order to allow for the situation of the Antenna Facilities on the Property.

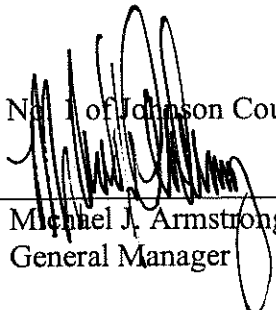
WaterOne hereby authorizes Selective Site Consultants, Inc., at Selective Site Consultants, Inc.'s sole cost and expense, to pursue permitting before all governing authorities and agencies for the limited purpose of making applications, filings, and taking such actions as are necessary to obtain all desired zoning, land use, and building code approvals associated with the construction of the Antenna Facilities.

WaterOne agrees to cooperate with Selective Site Consultants, Inc. and its agents and all governing authorities and, if necessary, to reasonably execute documents required in the securing of permits, approvals, filings, and actions referenced above.

APPROVAL:

Water District No. 1 of Johnson County

By: _____


Michael J. Armstrong
General Manager

Date: _____

10/1/04



SELECTIVE SITE CONSULTANTS, INC.
A Site Acquisition, Engineering, and Construction Quality Assurance Company

October 6, 2005

VIA HAND DELIVERY

Joyce Hagen Mundy
City Clerk
Municipal Building
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Re: Cingular Wireless - Special Use Permit Application for placement of antennas on existing Water District No 1 Water Tank and adjacent ground space at 69th Terrace, Prairie Village, KS – ½ mile radial search of alternative sites

Dear Ms. Mundy:

I am writing in follow-up to Item 1 of the Prairie Village Planning Commission Policy for the Approval of Wireless Communication Towers. Item 1 requires that, upon the submission of a Special Use Permit application for a communication tower, the applicant provide a study comparing potential sites within a one-half mile radius of the proposed application area.

The region in which Cingular seeks a new site is dominated by single family residential homes. Several semi-public facilities exist within the area. This letter is written in order to address Selective Site's review of other potential lease sites within one-half mile of the proposed site.

Attached is an exhibit that depicts the locations Selective Site considered on behalf of Cingular, with a brief description of the location for each site. Following is an itemization of those sites, with a brief description of why each site is either not suitable for Cingular's needs, is unavailable for use, or is a poor location versus the site Cingular has selected.

Cingular has elected to collocate on an existing structure that sits on property owned by the City of Prairie Village. We infer that the reason for the establishment of the City's Wireless communication installation policy is to encourage collocation on existing towers and structures.

1. Nall Avenue Baptist Church

This Church is currently renovating and expanding. The Church's plans do not incorporate any tall structures, and a monopole tower would likely need to be built somewhere on the property.

Further, coverage to the East, along Mission Road, would likely suffer, resulting in the potential need for an additional site.

2. City Park

This City Park is too far South of Cingular's area of coverage concern. Further, this Park does not contain any existing structures of significant height, so even if it worked from a geographical standpoint a new tower would need to be built.

3. Faith Evangelical Lutheran Church

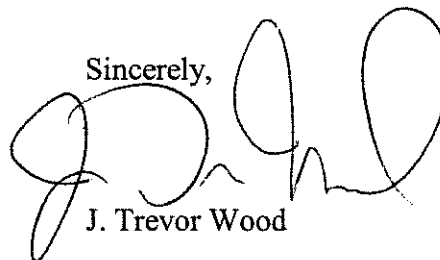
This Church has a steeple which is perhaps forty to fifty feet in height, which is too low in elevation for Cingular's coverage to penetrate the dense foliage and built environment. Further, the steeple is not constructed in a way that antennas could be mounted upon it. Utilization of this site would require construction of a new tower structure.

4. Prairie Village Shopping Center

This shopping center on the West side of the Mission Road and East of Tomahawk Creek Parkway has been looked at several times, and discussions have taken place with a representative of the property owner. However, the tallest structure in the complex is only approximately forty feet in height, and a new tower would need to be constructed on the property in order to achieve Cingular's coverage objectives.

Please contact me with questions about our site search at (913)438-7700 or Trevor.wood@selectivesite.com.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Trevor Wood". The signature is fluid and cursive, with a large initial "J" and "W".

J. Trevor Wood

cc: Mike Utt, Cingular Wireless
Sean Wyrick, Cingular Wireless
Jay Reading, Bechtel Communications
Larry Louk, Selective Site Consultants, Inc.

EXHIBIT A

CINGULAR WIRELESS ½ MILE RADIAL SEARCH



1. Nall Avenue Baptist Church
5401 West 67th Street

3. Faith Evangelical Lutheran Church
6700 Roe

2. City Park
7200 Roe

4. Prairie Village Shopping Center
71st and Tomahawk Road



Proposed Cingular Collocation Site
Water District No 1 tank at
McCrum Park, 69th Terrace and Roe

Approximate ½ mile Radius from
proposed Collocation site on Water
District No 1 tank



SELECTIVE SITE CONSULTANTS, INC.
A Site Acquisition, Engineering, and Construction Quality Assurance Company

October 7, 2005

Joyce Hagen Mundy
City Clerk
Municipal Building
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Re: Cingular Wireless - Special Use Permit Application for wireless installation on Water District Number One Water tank at 69th Terrace and Roe Avenue, Prairie Village, KS

Dear Ms. Mundy:

I am writing pursuant to the City of Prairie Village Planning Commission's Policy for the Approval of Wireless Communication Towers ("the Policy"). This letter is submitted on behalf of New Cingular Wireless PCS LLC ("Cingular"), which is applying for the Special Use Permit to construct, operate and maintain an antenna installation and associated ground equipment at an existing Water District Number One of Johnson County, KS water tank site. This letter provides a general overview of the project, including its need and its design.

With the filing of this Special Use Permit application, we would like the City's support and a determination that we have met the criteria of the Policy for the granting of Special Use Permits for communication antennas.

I. Applicant

New Cingular Wireless, PCS, LLC
13075 Manchester Road, Suite 100N
Saint Louis, MO 63131

Agents for Applicant

Larry Louk
Trevor Wood
Selective Site Consultants, Inc.
8500 W. 110th Street, Suite 300
Overland Park, KS 66210
(913)438-7700 (Phone)
(913)438-7777 (Facsimile)

II. Location and description of property

The property that is the subject of the Special Use Permit application (the "Subject Property") is a 300 square foot tract of land located on Real Property owned by the City of Prairie Village and used as a park at the Southwest corner of 69th Terrace and Roe Avenue (the "Parent Property"). A one hundred twenty plus foot water tank sits on a lease tract on the parcel. Single family residential homes are located to the North, West and East of the proposed project. The property to the South is also owned by the City and used as a Park.

III. Proposed Use

Cingular proposes to collocate six (6) antennas on the hand rail of the water tank at the at the ninety-one foot level in order to enhance its network in the area. The antennas will be painted to match the tank, and all coaxial cable runs leading to the antennas will be covered with an exterior tray and painted to minimize the visual appearance of the installation. A 12' x 20' ground-mounted aggregate equipment shelter will sit on the North side of the Water District Number One lease area, and will have a hipped architectural steel roof in order to allow it to blend in with the surrounding environment. The shelter will be tastefully landscaped to break up its view from adjacent residences.

The primary communication objective in placing a wireless installation at this location is to provide adequate coverage to the residents and businesses in this portion of Prairie Village and to offload existing Cingular sites in the area that experience heavy call traffic.

IV. Why this location was chosen

This location was chosen after a "Search Ring" was developed and issued by Cingular's Radio Frequency Engineering team. The Search Ring indicates a geographic area in which potential sites may be located which will effectuate the maximum amount of coverage where service is poor.

Typical considerations in locating communication installations are the ground elevation and clearance above ground clutter, such as buildings or vegetation. In addition, the communications facility must be located in the correct geographical area to provide continuous coverage to the sites that are indicated on the propagation studies as having poor levels of service.

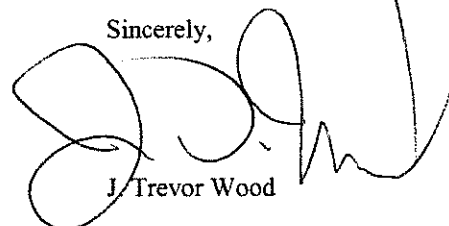
Typically, Site Acquisition Specialists target potential collocation sites within the Search Ring first, in order to minimize the cost of new construction for carriers and in order to meet the spirit and intent of local regulations that encourage collocation in order to minimize the number of towers in a jurisdiction.

The above considerations and processes were followed in selecting the site that is the subject of this Special Use Permit application. After review of all potential sites within the search ring, it was determined that the existing Water District Number One water tower would provide the best location for Cingular without the requirement that a new structure be erected. A report on other potential adjacent sites accompanies this application. Collocating Cingular's antennas furthers the spirit and intent of the Policy, one aspect of which is to minimize the impact wireless communication installations have on adjacent properties. Any other location in the geographic vicinity will require construction of a new tower. A monetary benefit will accrue to the City inasmuch as Cingular will lease ground space from the City for its shelter.

The proposed Facility will have little impact on traffic patterns or utility systems in the area. Once the facility is constructed, vehicles will visit the site for maintenance purposes approximately twice a month. The proposed Facility will be unmanned, and will operate continuously. No sewer or water service is required for operation of the Facility.

Should you have any additional questions or if I can be of further assistance please do not hesitate to contact me.

Sincerely,



J. Trevor Wood

cc: Mike Utt, Cingular Wireless
Jay Reading, Bechtel Communications
Larry Louk, Selective Site Consultants, Inc.



SELECTIVE SITE CONSULTANTS, INC.
A Site Acquisition, Engineering, and Construction Quality Assurance Company

October 25, 2005

VIA HAND DELIVERY

Joyce Hagen Mundy
City Clerk
Municipal Building
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Re: Cingular Wireless – PC2005-05 - Special Use Permit Application for wireless communication facility at McCrum Park 69th Terrace and Roe, Prairie Village, KS

Dear Ms. Mundy:

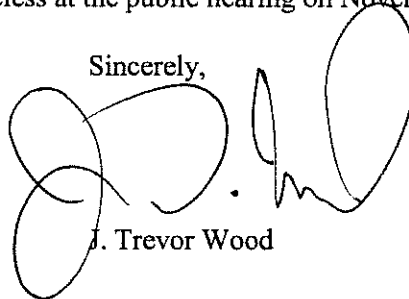
Attached are the sign posting and certified mailing affidavits in regard to the above-referenced project.

We conducted a neighborhood meeting for this project on Thursday night, October 20th. Around a dozen property persons attended the meeting. The sign-in sheet that I passed around is attached to this letter.

The meeting was held in the Prairie Village Community Center, and lasted for one hour. Most of the neighbors whom attended the meeting indicated that they oppose the project. The reasons that were given were generally proximity to RF emissions, aesthetics, the use of park property for commercial purposes, and perceived diminution in property values as a result of the installation on and below the 122' tall water tank.

Should you have any additional questions, please do not hesitate to contact me at (913)438-7700 or Curtis M. Holland, Esq., of Polsinelli Shalton Welte Suelthaus PC at (913)451-8788. Mr. Holland will make the presentation on behalf of Cingular Wireless at the public hearing on November 1st.

Sincerely,



J. Trevor Wood

cc: Greg Stockell, Cingular Wireless
Curtis M. Holland, Esq., Polsinelli Shalton Welte Suelthaus, PC
Ron Williamson, AICP, Bucher Willis and Ratliff Corp.
Jay Votraw, Bechtel Communications
Larry Louk, Selective Site Consultants, Inc.



Cingular Wireless

Neighborhood Meeting 10/20/2005

Name

Address

1. ~~John~~ Fern

4718 W. 69th Terr.

2. Patricia D. Fern

4718 W. 69th Terrace

3. Jori Nelson

4802 W69 Terrace

4. Melissa Seybert

4902 W69 Terr

5. ~~S. Moore~~ for Annette Moore 4805 W. 69 Terr

6. Tina Lloyd + Jon Christensen

4711 West 69th Terrace

7. Brandon + Virion Stewart

4702 W. 69th. Ter.

8. Ric Delaney

EXECUTIVE DIRECTOR,
HOMES ASSOCIATION OF THE COUNTRY CLUB DISTRICT

222 W Gregory Blvd STE 201
JCC MO 6414 816-523-2190

9. Mary Rhea Waller

4717 W. 70 St. PV.

Judy + George Holter

4705 W. 70 St

MARC BERTOLINO, AIA

4708 W 70th ST.

REVISED STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, BWR, Planning Consultant
SUBJECT: PC 2005-05: Request for a Special Use Permit to Install Wireless Communication Antennas and an Equipment Shelter in McCrum Park at 69th & Roe
DATE: December 6, 2005 **BWR Project # 2005-0024.01.0002**

COMMENTS:

Cingular Wireless is requesting approval of a Special Use Permit to install six antennas on the water tower and construct an equipment shelter. Cingular Wireless has been searching for a new site in Prairie Village for many months. McCrum Park has been identified as a potential site and has been considered by other carriers. It is somewhat complicated because the land is owned by the City and the water tower is owned by Water District Number One. Prior to applying for a Special Use Permit, Cingular Wireless needed to obtain tentative approval from both Water District Number One and the City of Prairie Village. After months of negotiation, most of the details have been worked out with the exception of the approval of the Special Use Permit. The six antennas will be mounted on the water tower hand railing at a height of approximately 91 feet. All coaxial cable will be covered with a metal shield that will be painted the same color as the water tower. The applicant has offered two alternative designs for the equipment shelter which will be custom built. The applicant had previously proposed a manufactured shelter. It will be 11.5'x20'x12' in height and will be placed on the north side of the water tower. Water District Number One has stated that it will allow only two carriers to be located on this tower.

The applicant held a meeting with the surrounding neighbors on Thursday, October 21st in accordance with the Planning Commission's Citizen Participation Policy. Approximately 15 residents attended the meeting. For the most part they are opposed to the project and several have submitted their comments in writing. Other neighborhood residents have also submitted their comments in opposition to the proposed installation. Most of the opposition is directed toward the equipment shelter in that it would be an unattractive facility.

The consideration for the Special Use Permit is further complicated by The Telecommunications Act of 1996 which purports to preserve the local zoning authority of cities while at the same time establishing some limitations. The specific language is as follows:

- (7) *Preservation of local zoning authority*
(A) *General authority*

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a state or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) *Limitations*

- (i) *The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—*
- (I) *shall not unreasonably discriminate among providers of functionally equivalent services; and*
- (II) *shall not prohibit or have the effect of prohibiting the provision of personal wireless services.*
- (ii) *A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.*
- (iii) *Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.*
- (iv) *No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.*
- (v) *Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.*

The Staff has reviewed the application based on the City's policy for wireless communications facilities and has the following comments regarding the information submitted:

- 1. Validation Study – A study comparing all potential sites within an approximate ½ mile radius of the proposed application area. The study shall include the location and capacity of existing towers, potential surrounding sites, a discussion of the ability or inability of the tower site to host a communications facility, and reasons why certain sites were excluded from consideration. The study must demonstrate to the City's satisfaction that alternative tower sites are not available due to a variety of constraints. It must also contain a statement explaining the need for the facility in order to maintain the system and include a map showing the service area of the proposed tower as well as any other existing and proposed towers.**

If the use of current towers is unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower construction; technical limitations of the system; equipment exceeds structural capacity of facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable.

The applicant has chosen this location in order to provide adequate coverage to the residents and business customers in this area as well as the traveling public. This site will also be used to offload existing Cingular sites in the area that are experiencing heavy demand.

This location was chosen after a "search ring" was developed and issued by Cingular Wireless's radio frequency engineering team. The search ring indicates a geographic area in which potential sites may be located that will effectuate the maximum amount of coverage where service is poor.

Typical considerations in siting communication installations are the ground elevations and clearance above ground clutter, such as buildings or vegetation. In addition, the communications facility must be located in the correct geographical area to provide continuous coverage to the sites that are indicated on the propagation studies as having poor levels of service.

Typically, site acquisition specialists first target potential co-location sites that have already been approved within the search ring. This is done in order to minimize the cost of new construction for carriers and in order to meet the spirit and intent of the local regulations that encourage co-location in order to minimize the number of towers in a jurisdiction.

Based upon these considerations, the site selection team reviewed a total of four locations in the search ring prior to selecting the McCrum Park site. A brief report on each site was contained in a letter dated October 6, 2005, that is accompanying this application request. The sites that were identified are as follows:

1). *Nall Avenue Baptist Church – 67th Street & Nall Avenue*

The renovation plans for the church do not include any structures adequate in height to provide the necessary coverage. A new monopole would need to be built and the location would not provide the full coverage needed.

2). *Porter Park – 7200 Roe Avenue*

There are no existing tall structures in the park and a new monopole would need to be constructed.

3). *Faith Evangelical Lutheran Church – 6700 Roe Avenue*

The Church steeple is only forty to fifty feet in height which is not adequate to provide coverage. The steeple also was not built to accommodate the antennas and a new monopole would need to be built.

4). *Prairie Village Shopping Center*

The tallest structure on the site is about forty feet in height which would not be adequate and a new monopole would need to be built.

The applicant has submitted a propagation study and coverage report that shows the existing coverage without the McCrum Park site and shows the proposed coverage with the McCrum Park site indicating how the coverage would be improved for the users in this location.

2. **Photo Simulation – A photo simulation of the proposed facility as viewed from the adjacent residential properties and public rights-of-way.**

Two photo simulations have been included; one shows the antennas on the water tower and the other shows the equipment shelter.

3. **Co-Location Agreement – A signed statement indicating the applicant's intention to share space on the tower with other providers.**

This is not necessary since the co-location will be controlled by Water District Number One and the City of Prairie Village. Water District Number One has limited the number of carriers on this water tower to two.

4. **Copy of Lease – A copy of the lease between the applicant and the landowner containing the following provisions:**

- a. **The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.**
- b. **The landowner shall be responsible for the removal of the communications tower facility in the event that the leaseholder fails to remove it upon abandonment.**

This is not necessary since the lease will be with Water District Number One and the City of Prairie Village.

5. **Site Plan – A site plan prepared in accordance with Chapter 19.32 Site Plan Approval.**

The site plan submitted generally includes all required information; however, there are some additional details needed as follows:

- The proposed landscape plan will need to be approved by the Park Board prior to installation.
- Water District Number One would allow a maximum of two carriers on this tower and, therefore, a new site plan would need to be submitted if a second carrier would choose this location.

6. **Transmission Medium – Description of the transmission medium that will be used by the applicant to offer or to provide services and proof that applicant will meet all federal, state, and city regulations and laws including, but not limited to, FCC regulations.**

The applicant has been allocated a radio frequency spectrum by FCC and is required to meet all state and federal regulations prior to obtaining a building permit from the City.

7. **Description of Services – Description of services that will be offered or provided by the applicant over its existing or proposed facilities including what services or facilities the applicant will offer or make available to the City and other public, educational and governmental institutions.**

Cingular Wireless is one of the nation's largest wireless service providers and this proposed installation is to provide adequate coverage to the local residents, businesses and traveling public in this area. No special services are being offered or made available to the public.

8. **Relocated Items – Indication of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate.**

According to the site plan submitted, one tree would be removed to accommodate the equipment shelter.

9. **Construction Schedule – Preliminary construction schedule including completion dates.**

The applicant has not submitted a construction schedule at this time.

10. **Qualifications and Experience – Sufficient detail to establish the applicant's technical qualifications, experience and expertise regarding communications or utility facilities and services described in the application.**

Cingular Wireless has one other installation in Prairie Village and is well established in the Kansas City Metro Area.

11. **All Required Governmental Approvals – Information to establish the applicant has obtained all government approvals and permits to construct and operate communications facilities including, but not limited to, approvals by the Kansas Corporation Commission.**

There is no information included with this application that indicates the existence of any other governmental approvals required, except the licensing of FCC. The proposed antennas will be lower than the top of the water tower and would not require approval from FAA.

12. **Miscellaneous – Any other relevant information requested by City staff.**

Staff did not request any additional information relevant to this application.

13. Copies of Co-Location Letters – Copies of letters sent to other wireless communication providers notifying them of the proposed request and inquiring of their interest to co-locate.

Since this installation will be on a City and Water District owned property, co-location letters were not necessary.

FINDINGS OF FACT:

The Planning Commission shall make findings of fact to support its recommendation to approve, conditionally approve or disapprove the special use permit. In making its decision, consideration should be given to any of the following factors that are relevant to the request:

1. The proposed special use complies with all applicable provisions of these regulations including intensity use regulations, yard regulations, and use limitations.

The proposed installation of the antennas and equipment shelter meet all the setback, height and area regulations contained in the Zoning Ordinance.

2. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.

Prairie Village is a built out community and every change affects someone either positively or negatively. Many of the neighbors in the immediate neighborhood view this as an intrusion into their space and oppose it. On the other hand other residents of the community will benefit from the installation because of improved communication. When the Telecommunications Act of 1996 became law, wireless communication was viewed by many as a novelty or even a luxury. Nine years later wireless technology has expanded incredibly and it is used to transmit written, pictorial and verbal communication. Many people no longer have a land line. People use cell phones to keep track of children and senior adults as well as to call on important business transactions while away from the office. Wireless communications has taken on more of a utility form and is considered by many as an expected service that needs to be provided. It is similar to cable TV and telephone systems except it has fewer but larger equipment installations. In considering wireless installations the Planning Commission and City Council must weigh the demand for wireless service with concerns of the adjacent residents and make their decision on what is best for the community as a whole.

Most communities try to avoid the construction of new towers and encourage antenna installations to be placed on existing structures. With proper screening of the equipment boxes, this seems to be the best way to provide service while minimizing community impact. Also collocation is encouraged at those sites to minimize the proliferation of towers. Another factor that needs to be considered is that wireless facilities can only be installed in locations where property owners will agree to lease their land. A church, school, commercial area, etc. may be a good potential site but if the owner is not receptive the site is unavailable.

Prairie Village has allowed a variety of installations most of which are on public property. A similar installation is on the water tower on Delmar. Other installations on public property include the one behind City Hall and the tower at the Johnson County Fire Station 9011 Roe Avenue. Antenna and equipment installations have been approved for St. Ann's Church, Capitol federal and the office building on west 95th street. Johnson County water District Number One has a policy of allowing wireless communications facilities to be installed on their towers. The water towers normally are on the highest points of land and the needs to construct new towers is avoided. Each water tower is evaluated independently and a number of carriers is determined. The District will only allow two on this tower where four were allowed on the Delmar tower. They also do not allow equipment to be located inside the fenced area under the tower because all that area is needed when the towers are painted. There is an installation in Roeland Park at the intersection of W. 48th Street and 48th Lane that is similar to this proposal. The equipment shelter is a little smaller, the cables are exposed and there is less screening which is different than this proposal.

Approval of this Special Use Permit will enhance the welfare and convenience of the public because it will improve the communication link to the residents of and travelers through the City, but at the same time it may have some negative impact on the immediate neighborhood.

3. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

The installation of the proposed antennas and equipment building will have a minimum impact on the adjacent properties. A new tower will not be constructed and the antennas will be installed on the hand railing of the existing water tower. The coaxial cable will be covered by a metal shield painted to match the water tower so they will not be visible. A small, 12'x20', equipment building will be placed on the north side of the tower. This building will look no different than a utility building that would be provided by a utility. It should be pointed out that a single-family residence is allowed one storage building not exceeding 10'x12' in area. A permit is required but there is no review of the design or construction materials. The equipment building will be custom constructed with building materials that are used in the neighborhood and will be appropriately screened with plant materials. No evidence has been presented that the equipment shelter will cause substantial injury to the value of property.

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to: (a) the location, size and nature of the height of building structures, walls and fences on the site; and (b) the nature and extent of landscaping and screening on the site.

The installation of the antennas on an existing water tower and the installation of a small equipment building will have relatively little impact on the neighborhood and will not hinder its development or, more appropriately, in this instance its redevelopment. The building is a 12'x20' or 240 square

feet floor area that will be placed within a site that is 41,832 square feet or just slightly less than an acre. The building will cover about 0.6 percent of the site and will be located adjacent to the water tower fence.

A more detailed landscape plan has been submitted, specifying the addition of 13 new plantings. This plan needs to be submitted to the Park Board for its approval. The plants should provide screening that blends with the site rather than create a densely landscaped area that calls attention to the shelter.

5. **Off-street parking and loading areas will be provided with standards set forth in these regulations, and areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.**

Additional off-street parking will not be necessary for this particular use because there will be no permanent staff on the site. Service people will be on site periodically to maintain the equipment, and, of course, when installation occurs. Vehicles visiting the site for maintenance will park on the street.

6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided.**

Water, sewer and power services to this site should be adequate because there will be no permanent occupancy by people. It should be noted however that the area will have some additional impervious surface and that the stormwater storm drainage master plan should be prepared and submitted to Public Works for their review and approval. The amount of increased impervious area will be minimal, but it will create some additional runoff.

7. **Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent hazards and to minimize traffic congestion in public streets and alleys.**

Currently there are no entrances, exit drives or roads on the site and none are proposed.

8. **Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing process, obnoxious odors, or unnecessary intrusive noises.**

The proposed tower and equipment installation will not have any hazardous or toxic materials, obnoxious odors, or intrusive noises that will affect the general public. The air-conditioning units are less noisy than a residential unit and as previously pointed out FCC regulates the environmental affects of radio frequency emissions.

9. **Architectural style and exterior materials are compatible with such style and materials used in the neighborhood in which the proposed structure is to be built or located.**

The antennas and cable shield will be painted to match the water tower in color and will be compatible in appearance. The cable will run under ground from the equipment shelter to the water

tower so no cables will be visible. The applicant has proposed two shelter concepts for consideration and both will be custom built. One is 11'5"x20' with a tumbled brick exterior and an architectural steel (standing seam) roof. The second design is an 11'5"x20' with a cedar shake shingle exterior and a fifty year Timberline shingle roof. There are not many brick structures in the area but there are many cedar shake shingle structures and it may be the most compatible with the architecture in the neighborhood.

RECOMMENDATION:

After a review of the proposed application in relation to the nine factors previously outlined, it is the opinion of the Staff that the findings support approval of the application. The Planning Commission may either recommend approval of the special use permit with or without conditions, recommend denial, or continue it to another meeting. In granting this special use permit, however, the Planning Commission may impose such conditions, safeguards, and restrictions upon the premises benefited by the approval of the special use permit as may be necessary to reduce or mitigate any potentially injurious effect on other property in the neighborhood. If the Planning Commission recommends approval of the special use permit to the City Council, it is recommended that the following conditions be included:

1. The initial approval of the special use permit shall be for a maximum of five years. At the end of the five-year period, the applicant shall resubmit the application to the Planning Commission and shall demonstrate to the satisfaction for the Planning Commission that a need still exists for the installation, and that all the conditions of approval have been met. The application may then be extended for an additional five years.
2. The approval of the Special Use Permit will be for a maximum of two carriers. One carrier may install their antennas and equipment building based on the approval of the plans submitted and approved by the Planning Commission and City Council as a part of this application. Prior to installing antennas and equipment cabinets for a second carrier, the applicant shall submit a site plan to the Planning Commission for its review and approval.
3. The antennas shall be painted a color that matches the water tower, and all cables that connect to the antennas shall be enclosed in a metal shield that is painted the same color as the water tower.
4. There will be no security lighting installed around the base of the tower or on the tower.
5. The plans for the antenna connections shall be prepared and sealed by a structural engineer licensed in the State of Kansas with construction observation provided by a design engineer that is not an employee of the antenna's owner.
6. The applicant shall have a structural inspection of the antennas performed by a licensed professional engineer prior to every five-year renewal and submit it as a part of the renewal application.

7. The equipment shelter shall be custom built using the cedar shake shingle exterior finish that is similar to the building materials used in the neighborhood. Material samples shall be submitted to Staff for its review and approval prior to issuing a permit for its construction.
8. Any permit granted which is found not to be in compliance with the terms of the Special Use Permit will become null and void within ninety days of notification of noncompliance unless the noncompliance is corrected. If the Special Use Permit becomes null and void, the applicant will remove the antennas, equipment cabinets and all appurtenances and restore the site to its original condition.
9. The carriers will be allowed to erect temporary towers when the water district is stripping and painting the water tower.
10. The applicant shall prepare a stormwater management plan and submit it to the Department of Public Works prior to obtaining a building permit for approval.
11. The applicant shall submit a detailed landscape plan for screening the equipment shelter specifying the location, variety and size of plants for Park Board review and approval prior to obtaining a permit for construction.
12. The site plan submitted with this application shall be incorporated as a part of the approval of this application.

**PLANNING COMMISSION MINUTES
MEETING OF DECEMBER 6, 2005**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, December 6, 2005 in the Council Chambers of the Municipal Building, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Bob Lindeblad, Randy Kronblad, Marlene Nagel, Nancy Vennard and Charles Clark. Commissioner Robb McKim arrived at 7:45 p.m.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Bill Griffith, Council Liaison; Doug Luther, Assistant City Administrator; Stephen Horner, Assistant City Attorney and Joyce Hagen Mundy, Planning Commission Secretary.

APPROVAL OF MINUTES

Charles Clark moved to approve the minutes of November 1, 2005 as written. The motion was seconded by Marlene Nagel and passed by a vote of 6 to 0.

NON PUBLIC HEARINGS

**PC2005-119 Request for Building Line Modification
8631 Delmar**

Jim Andrews, 2519 West 84th Street, and property owner Chris Bowmaster, 8361 Delmar, addressed the Commission requesting a front building line modification from 75' to 64' to allow the construction of a new garage. Mr. Andrews reviewed the proposed site plan with the Commission and stated they had received written approval of the Town & Country Homes Association Board and the two adjacent property owners.

This lot is located on the east side of Delmar Lane at the intersection of 84th Street. The lot is approximately 190 feet wide and 200 feet deep for a total lot area of 37,269 square feet. The current house and garage cover approximately 2,460 square feet which is approximately 6.6 percent of the site. The maximum lot coverage permitted by the zoning ordinance is 30 percent or 11,343 square feet which means that the applicant could have a significant amount of expansion and still remain within the lot coverage requirements of the zoning ordinance. The applicant is proposing to add a new garage 35 feet wide and 23 feet deep. The property is located in the Town & Country Estates subdivision which has 75 foot platted front setbacks. The proposed garage addition would extend into the front setback line approximately 11 feet. The lots on both sides of this property are of approximately the same size and therefore this improvement would not have an adverse affect on either residence. It also should be pointed out that Delmar Lane has a slight curve and the houses do not line up in straight rows like they do on typical residential streets.

The lot is zoned R-1a and the required setback by zoning is 30 feet. The proposed reduction to 64 feet would still more than adequately meet the minimum requirements of the zoning ordinance.

Nancy Vennard noted in the Homes Association approval the requirement for an area of plantings along the entire front of the garage. Mr. Bowmaster confirmed this would be done.

Charles Clark moved the Planning Commission application PC2005-119 for a front building setback line modification from 75 feet to 64 feet for that portion of the lot that would accommodate the construction of the garage allowing two feet of landscaping between the garage and the driveway, as shown on the attached site plan for the proposed garage addition that has been submitted with this application. The motion was seconded by Bob Lindeblad and passed by a vote of 6 to 0.

The Secretary advised Mr. Bowmaster that a resolution approving this action would be prepared for signature by the Chairman and would need to be filed by the application with the Johnson County Register of Deeds.

PC2005-120 Site Plan Approval for the Re-Imaging of the Phillips 66 Station 9440 Mission Road

Ms Kathleen Warman, 1828 Swift Suite 333, with Warm Design Group Architects, presented the application on behalf of Conoco Phillips. Ms Warman stated the station is seeking to replace the existing fascia and canopy with the new corporate image. The existing bronze fascia with the red strip would be replaced with a fascia that would be painted "Pueblo Tan". They will also be replacing the existing Phillips 66 signs on the fascia with new signs as well as the existing monument sign. The current sign face of the monument sign is approximately 50 square feet while the proposed replacement would be approximately 65 square feet.

Mr. Williamson noted the city's ordinance allows a 70 square foot area per face for service station monument signs. He also noted the tan color scheme is more subtle and appears to be more complementary to the surrounding area. The under canopy lights are apparently shielded and do not create off premises glare.

Bob Lindeblad moved the Planning Commission approve application PC2005-120 for the re-imaging of the Phillips 66 Service Station at 9440 Mission Road in accordance with the plans as submitted. The motion was seconded by Marlene Nagel and passed by a vote of 6 to 0.

**PC2005-121 Sign Approval
3500 West 75th Street**

Ron Williamson advised the applicant requesting approval of a monument sign for the office building located at 3500 West 75th Street was advised by staff that as this is a multi-tenant building sign standards should be submitted with their application.

They have requested in writing that the application be continued to the Planning Commission's January meeting to allow them time to prepare the sign standards for submittal with the proposed monument sign.

Charles Clark moved the Planning Commission continue Application PC2005-121 a request for sign approval for 3500 West 75th Street to the January 3rd meeting of the Commission at the request of the applicant. The motion was seconded by Marlene Nagel and passed by a vote of 6 to 0.

PUBLIC HEARINGS

At the request of the Chairman, the minutes for this portion of the meeting will be presented as a transcript of actual comments.

Ken Vaughn – The next item on the agenda which you're all excited about being here for is a public hearing – a request for special use permit for wireless antenna and equipment building – PC2005-05. Since this is a public hearing, there are a few rules that apply to it. The applicant will have an opportunity to express their desires. Citizens will have an opportunity to express support or opposition to the issue. We do ask you, however, to limit your presentations to items that haven't been previously covered. At the end of the public hearing, at that time the public hearing will be closed and discussion will happen only amongst the members of the Planning Commission or people that they invite for questions and answers. Anyone that is coming to speak tonight, we need to have you sign in at the podium up here, rather than have us try to take down all names and address. You can do that when you come up, you don't have to do it now. There will be plenty of time for you to do that.

Nancy Vennard – We want to let you know that in our packets we did receive copies of all your letters and all that information so you don't have to come up and repeat that information. Planning Commission members have had the opportunity to read them.

Ken Vaughn – Thank you very much Nancy, that occupied about four hours of my time today. But we do appreciate all your input and it all is important. Would the applicant care to come forward and give your presentation.

Curtis Holland – Thank you Mr. Chairman and members of the Planning Commission. My name is Curtis Holland, I'm an attorney representing Cingular Wireless in this application and act as their outside zoning counsel for any zoning entitlements that are

required for their communication facilities. It a pleasure to be with you tonight to present this application. Before I get started, I would like to introduce Shawn Wyrick who is a radio frequency engineer who is in attendance on behalf of Cingular Wireless and can speak to some of the technical issues related to this site – why Cingular is requesting this particular site, in this location and so if you have any technical questions along those lines, I would ask that Shawn Wyrick, again a radio frequency engineer would again be able to address those concerns.

The application before the Commission is for a Special Use Permit as you know, staff report has been submitted to you for review and you will note that the staff is recommending approval of this application. Prior to making or rather in support of our application Cingular Wireless did submit a packet of information to the City to explain their proposal and I believe you all should have a copy the application and its contents – site plans and so forth and written materials explaining why we are trying to place a communications facility at this location. So I know that's been entered into the record and that you all have hopefully been able to read that material.

I'm probably using some of the overhead, if the City Clerk could help me with the projector then I could

The application that's before you is the result of a process that Cingular undertook to correct a problem they have in this particular area of the City. In this particular area they have a significant coverage gap for their network. Meaning that when you're driving in and around this particular area the quality of the call, the quality of the coverage in this particular area for Cingular customers is not good and so given that this is a very competitive environment what with all the different carriers that are also trying to improve their network, to vie for customers if you will. It is important for Cingular to provide a quality product, so that when they are selling their services to the customers, the customers can feel confident that they are able to use the phone and are getting good value for what they are paying. And again in this particular area of the City this is a problem area for Cingular Wireless. They have poor coverage in this area, and so they are trying to remedy their coverage quality in this particular area of Prairie Village.

I'm going to put up a couple of drawings here to explain our application. Again, this is in the packet that you received and I would tell you that when we start this process in terms of trying to identify an area or after we've identified an area where we do need facility the first thing that Cingular would do, and all of the carriers do this, and that is to go into the field and to try to find an existing tall structure that they could utilize to attach their antennas to. In the industry we call that, co-locate. So, that we don't have to introduce new tall vertical elements into a community.

I think it's fair to say that nationwide, community by community that when they evaluate these kinds of applications they prefer that you co-locate your antennas on existing tall structures or existing structures of any kind so that we aren't introducing new vertical structures into a community because as many people as you see here tonight, you could double or triple that number if we were here to propose a brand new communication

tower/structure in Prairie Village. So again, we try to avoid, try to avoid these conflicts where possible and unfortunately, with this particular application we aren't able to do so. Not because we can't use an existing structure, but because we can. But more because of exactly where it is in relation to surrounding property owners and the fact that it is in a park. Again, I would tell you that in every community I've been in, which is a lot, and all of the materials I've read, this is absolutely preferred over building a new communication tower structure and you all know what I'm talking about I think by now. We're talking about new cell support lattice towers or new guide tower type structure, often we use what are called monopoles and you'll see them driving around. You'll see them along the highways, you'll see them in the cities, you'll see them really all over the place. So that's what we're trying to avoid with this particular application, having to build a new communication tower structure in Prairie Village. Of course you know that in Prairie Village, that is the policy also and that in fact, the City of Prairie Village has already authorized and allowed for communication antennas to be placed on another water tank in the city – the Harmon Park – it's located in Harmon Park at 77th and Delmar where there are antennas attached to the water tank and at the base of the water tank there is equipment-ground equipment, telecommunications equipment, electronic equipment that assists in making these systems work. So again, we're trying to do—at least we thought we were trying to do what was proper in this case and that was to utilize and existing structure, co-locate our antennas on an existing water tower.

The water tower, there is a water tower here, it's at the southwest corner of 69th Terrace and Roe, that is the subject location. I have on the map here a picture of that tower, a depiction of that tower. The tower itself, if you've been by the site, and undoubtedly you have is quite large. In fact the height of the water tower is 120 feet plus, so it's an extensive, large metal water tank there in the park. It's got quite a history, it's been there for at least 60 years and was built there originally by J.C. Nichols Company and currently is owned and operated, it is in use, operated by Johnson County Water District #1.

When we started this application or started this proposal we did start with the City's park board. I would submit, at least let you know for the record, that the park board has approved this location at this park. There are a couple of other entities that we have to work with before this matter is ultimately approved and ultimately constructed. Namely that is Water District #1 which owns the tank, but does not own the ground, it has a ground lease with the City. The City is now the owner of the Ground. One is we will have to have a lease executed with Water District #1. Two, we will also have to have a lease executed with the City of Prairie Village. My understanding is that those agreements have been substantially negotiated, but they have not yet been executed at the request of the City Council, who had indicated to us that we needed to proceed through the zoning process prior to completing the lease agreement; but they have authorized us to proceed with our zoning application which again is for a special use permit.

I'm going to put up here what's called a propagation map. I know that some of you have seen these before. This represents what is the existing coverage. Cingular's existing coverage in and around this particular site and I would indicate, that if you just look at the map the areas that are green. Those are areas where we have an existing facility of some

kind – either in a church steeple, on a monopole, on the roof of a building or something else, but in each of these sites (I don't know if it's easier to point, I've tried that and I don't know if that's better or not for you all. If it comes up on your screens up there, ok I'll point here). So again, the green areas are where we have existing sites and green, just to let you know, that is the color that we are seeking to provide to this area of Prairie Village. Our site is located here by this triangle where I'm pointing now, that is the location of the proposed facility. The areas that you see here currently in the blue and the red, particularly the red is very bad, that indicated poor quality coverage in those areas, most likely you will have dropped calls and inability to make calls and all of those things that we hate as cell phone users and I know we all here have had those experiences at times, no matter who the carrier is and I would say this that all the carriers have some sort of this problem in some portions of their network area of some kind or another. And again back to Cingular, what we have going on is a poor level of service in these areas of Prairie Village.

So the proposal is to remedy that coverage gap. Again, green is good. Green means you can use your phone in the building, that's the best call quality you can have. You can use it in your car obviously. Any more we are using our phones more and more than just simply driving down the road and talking on it or walking around in the mall. We are using it for our businesses, in our building. The technology itself has advanced a lot since this started about ten years ago. We are now using the phone for internet, using the phone to download e-mail from our computers at work, to communicate with our children, to use it to take pictures. **I mean, to send faxes, there is a whole gammit that are now being made, that cell phones are used applications that we can utilize on our cell phones that we couldn't before.** It's a computer that we are carrying around in our pocket. And to make that work requires sites and that's one reason why we're trying to place this facility in this location. But in its simplest terms, green is good, red is bad and blue is ok but not preferred – it's not real good quality of coverage and something that we are trying to avoid and correct.

The site, I have if you will call this the before picture and this the after picture. The site if we're finally approved and constructed located here, and if you will recall that area was all red and blue and now it's filled in green. So this site absolutely corrects a weakness in their coverage in this area of Prairie Village.

I am not sure Ron whether these have been submitted to you previously, but I will make this part of the record. You have them, OK, Great.

Again when we identified that this was a problem and we're trying to correct it. We did send our team into the field to find hopefully existing structures to co-locate on. Most of the time we don't find these kinds of structures available to us, and so I'm before a Governing Body or Planning Commission explaining to them that we have tried to co-locate and can't because there isn't an existing structure in the area. I'm usually here requesting a special use permit so we can put up a brand new tower and again I usually get a lot of people opposed to those too. We've done a lot of co-locations, so we're not opposed to doing those. In fact, it's quite beneficial for us to do a co-location because of

the time and cost of building a new facility is quite substantial and so it is to our benefit to co-locate where we can. It is only after we have exhausted all possible alternatives that we resort to an application for a new communication tower. I'm here to say, and really this should be good news that we do have an existing tower structure that we are making use of, that's what the proposal is.

I guess I would just like to make a point of record here that as far as these proceedings go. I understand that everybody, not everybody, but a lot of people have poster boards and they are flashing them up, but I would object to that just on the record. Unless they are going to submit them as part of the record, as part of the evidence in this case, that those not be used or shown.

Ken Vaughn – gavel I would ask that if you have a sign or poster hold it in one place. Do not wave it. Keep it at your seat.

Curtis Holland – In regards to, again, this application there are no other existing structures or towers that will suit a co-location for our use. So we were left with selecting or trying to place the antenna facility on the water tank here at McCrum Park. And we've been in negotiation with the water district and also with the City Council for a lease and we're now before you tonight with our application for special use permit.

The area of the park, again is located at the southwest corner of 69th Terrace and Roe. It is approximately an acre, just shy of an acre. I have before you on the screen a survey of the property. The area in red indicates the outline of the park. The circular area located here is where the water tower is located and then the ground equipment, or equipment building, I've identified by this highlighted area just north of the water tank, so you can see where the equipment building is physically in relation to the property. Again, this is usually a good thing that we can co-locate our antennas. In this particular case, we have a whole lot of people in the room who are opposed to it and one of the reasons, and you've read through the materials, and maybe the primary reason has to do with our equipment building that's highlighted in yellow and located here.

The equipment building is needed to house our telecommunication equipment and typically what we would do is construct or erect a pre-fabricated concrete building and just set our equipment in it. The materials of the equipment building is an exposed aggregate, or the fascia of it, is an exposed wash pebble aggregate type look – concrete with washed stone. I think you've seen it and it was presented to you earlier on as the typical building that would be placed at the bottom of this park.

In response to the concerns expressed by the adjoining property owners and those living in the neighborhood, with particular respect to this equipment building and what it looks like and all of the other comments they've made of it that you have in your packet, Cingular has agreed, and this is something they don't do very often – and I can't remember when they've ever done it, but they have agreed to do what we'll call a custom build equipment building at the base of the water tank to try to address the concerns of that have been expressed about the industrial look of this particular building – the

concern about wires coming out of the back of it, the concern about air conditioning units and noise and those kinds of things.

We submitted recently revisions to our proposed building and in fact, we have two alternatives that have been presented to you that are in the packet. I would start off this conversation by telling you that "We'll do whatever you all decide is the appropriate thing to do here relative to the architecture of the building, relative to the use of materials of the building." These aren't intended to be final proposals by Cingular but merely intended to start the discussion about what we can do to make the building look a little nicer in this area. And so it's been submitted as part of our recent site plan.

We have essentially two variations, one being an all brick type proposal, which I'm not showing, and then this one here, which has, is basically wood construction but we've incorporated of stone, limestone on the bottom of the building. In each case we would propose a hip or gable roof. In this particular case, we are proposing asphalt composite shingles. We could do shake shingles, wood shake shingles, we can do lots of things with this building. Again, it just depends on what is decided by you with the input of the community as to what would be best here.

There were a couple of concerns raised by some of the adjoining property owners to me relative to the conduits that are sticking out, were initially shown coming out of the side of the building. So what we've done is we've agreed to bury everything, so there would not be any exposed wiring or conduits. In this particular case, everything would be brought underground so you wouldn't see anything sticking out of the back or side of the building. The other change that we made relative to the building had to do with the air conditioners. In the original proposal we had two air conditioners on each side. Just so you know, there was a question raised about those. Those air-conditioners only one of them will operate at a time. The other one is a back-up in case the other one breaks or goes down, so it was sort of a redundancy type system. But in any event, we've removed the air conditioners from the back of the building and are placing it on the ground next to our equipment building and it will be a five-ton air-conditioning unit, much like you would have at a house in every respect. So that we hope would alleviate some of the concerns about the look of the building. We have added landscaping. Again I would say that isn't intended to be a final product but again, something to start a discussion with. It is up to you all with the input of everybody as to what would ultimately be required and what is best for providing any additional screening or greenery to the location there.

I know this is a hard decision to make for you mainly because of the numbers of the opposition that are here and the, I guess, the intensity of their concerns or opposition that they have raised. I would tell you that in every other case I've had concerning a co-location like this, I haven't been met with this kind of intense opposition and it strikes me that there is this level of opposition for this project because in the final analysis what we're talking about is placing an equipment building at the base of the water tower--a large 120 foot tall water tower. And I understand there's been statements or concerns by the residents that we are using up green space, we are taking their green space. You know, that's a legitimate comment. Some of the other things that have been said I would

suggest to you aren't necessarily legitimate at all. In particular issues that have been expressed by them related to health issues and those types of things.

But with respect to the green space issue if you will, the site really it is not a large park, I will concede that. It is almost an acre. There are other uses that are on the park and I think you should take those into consideration. It is not entirely green. You have a tennis court here, you have a playground over here, you got a swing set here, and you have other uses that are being made of the park. What we're talking about is a small equipment building at the base of the water tank and if you consider just the building itself. The building itself will occupy approximately 230 square feet, if you do the math. But it's been mentioned that we will also be removing some of the space between the building and the fence – that's true there are some trees there. They don't get used -that area does not get used too much right next to the trees, But, I would go ahead and say the application would probably take up approximately 400 square feet of space if you count the building footprint what other area of the park they would be making unavailable to the public. So we're talking about still a relatively small area in this small park. I know that Prairie Village prides itself on its park system. I know that there's about 11 parks that are in Prairie Village and that Prairie Village has approximately 60 acres of parkland that has been set aside for the public. I guess my point is that contrary to the opinion of the folks that live next to it. We do not think this is a significant impact to the park and or to its use by them or any other members of the public. We are requesting and hoping that you will recommend approval of this application on to the City Council. This matter one way or another will go to them. And, again staff is recommending approval of it, we're here in support of it. I would offer up, if you have any questions, I'd be happy to take any or if you have any technical questions for Shawn Wyrick, our RF engineer, he'd be happy to answer any questions. With that I would close, except to answer questions. Although, Mr. Chairman, I would ask if there is an opportunity to address some of the comments we are going to hear, I would like have that opportunity later

Ken Vaughn – I think that can happen. Are there questions of the applicant?

Charles Clark – I do not see a discussion of fencing of the equipment building. Is that being considered?

Curtis Holland - This proposal would not include fencing of the equipment building at the base. We don't have a plan for putting fencing there.

Charles Clark – You do not feel it is required?

Curtis Holland – We don't think it's necessary. If you want a fence there we would be happy to put a fence there.

Charles Clark – There have been some concerns from the neighborhood about safety for example. I know that fences create still another structure. You could probably tie that into the water tower, it would be a three sided fence.

Curtis Holland – We could do that if you felt that was necessary. It will be a secured building. It won't. you won't be able to get into the building at all. We're not that concerned about safety from our standpoint, but if you feel that it is important, we're not opposed to putting a fence there.

Ken Vaughn – Other Questions? Marlene

Marlene Nagel - Curtis, your report indicated that you looked at a variety of other potential sites when evaluating other locations within this area, did you consider the fire station property at 63rd and Mission Road?

Curtis Holland - The answer is No, but there's a reason. And this is something that's a hard concept for people to understand, but if you look at our coverage map in order for the providers' network to properly function it needs to have a series of base transmission stations, where you have antennas that transmit signals back and forth. In order for the coverage to work and for the network to properly and efficiently work, you have to build your network so the antenna facilities or base stations are in strategic geographic locations because otherwise you can't cover and provide seamless, uninterrupted coverage unless you pay attention to where you place these antennae facilities. So if you note on this plan for example, you'll see the surrounding area (if you could zoom out if you will). You will see that we have sites, here, here, here, here, here, here, we're putting a site here in Mission Hills in the church there in the steeple. The target area is right here. And so a search ring is generated by the radio frequency engineers that identifies a specific geographic area within which needs to be placed another base station. In this case that search ring is a quarter mile and is centered right here on this water tank. So going to 63rd and Mission, a mile or more away – a half-mile is still, when you start picking up a site and moving the site over here for example, what you create are coverage areas, coverage gaps in the after picture. So you would have for example, if you start moving this site over here for example, right there, you are going to end up with coverage holes or holes in your coverage right here. So we know that that is not going to be possible.

Nancy Vennard - But if you take it to the east it would be possible.

Curtis Holland – Yes, but it would be creating another hole over to the west.

Ken Vaughn – Other questions? Nancy

Nancy Vennard – Over on the tower at Harmon Park there is some signage on the equipment stating that that radio frequency exceeds the FCC standards. Is what you're proposing for this area different frequency, different technology that would not exceed it or are we going to have that same problem.

Curtis Holland – I think you may have misconstrued the signage there. It doesn't say it does exceed FCC?

Nancy Vennard – It says may exceed

Curtis Holland – And that's a warning. That's simply a warning to the public essentially to keep out. But the answer to your question is no we will not exceed any of the FCC limitations relative to EMS. And by law we can not.

Nancy Vennard – Second question. Has there been any changes in technology that allow this type of equipment to be installed underground?

Curtis Holland – The, that question's been asked in a, by a number of jurisdictions and we have never placed our equipment underground for several reasons. But, one of the reasons is, for example, that you can never guarantee or guard against moisture getting into an underground vault for example. This is highly sensitive equipment and so placing it underground, making it susceptible to moisture and other kinds of issues has not been preferred or desired by the carriers and really no carriers place there equipment in underground vaults.

Nancy Vennard – Is that just in this area or nationally, that you've never heard of it being done.

Curtis Holland – I can't say nationally what they've done. It is not done in this area.

Ken Vaughn – Randy

Randy Kronblad – Will the same signage be place at McCrum Park as is placed at the Harmon Park site.

Curtis Holland – No, it won't be.

Ken Vaughn – Do all the Commissioners have their microphones on? There's a large crowd in the room it would be better if everybody is able to hear you. Randy

Randy Kronblad – To follow up, the reason for that being – those issues will no longer apply to the current technology.

Curtis Holland – It's not an issue relative to this site at all – whatsoever. In fact, EMS, and I even hesitate to go down this path, but it's not an issue with this site period.

Randy Kronblad – Thank you.

Ken Vaughn – Bob

Curtis Holland – Let me back up. The reason I hesitate to talk about is not that I'm afraid to, but because these matters are governed by the Telecommunications Act of 1996 and as you know, we can't make decisions about these type of facilities based on health concerns. So, it does us no good to talk about them because I'm not an expert, you're not

an expert, they're not experts and we're all talking about things that we don't know enough about personally and because it's been prohibited in terms of being a reason for denying these kind of sites. I wouldn't deny to you that it has been raised as an issue, in fact, I don't have it with me. It's absolutely been raised as an issue – it's improper for you all to consider it in this case. I think you all understand that but

Ken Vaughn – We're aware of that. Did you finish your question?

Bob Lindeblad – I hadn't started yet.

Ken Vaughn – Go ahead

Marlene – Related to that, the City policy for the approval of wireless communication towers does say “that the applicant will provide proof that it will meet all federal, state and city regulations and laws, included but not limited to FCC regulations”.

Curtis Holland – I don't have any issue with that statement or that requirement.

Marlene Nagel – Have you provided proof that you meet the FCC regulations regarding emissions.

Curtis Holland – We have submitted nothing to you at this time, but we will submit whatever proof is thought necessary on that issue. We have no concern or issue about doing that.

Ken Vaughn – Ok, Bob

Bob Lindeblad – Mr. Holland in your validation study you pointed out four other locations that were considered and all of those would require new poles to be constructed. Did you or who you're representing actually contact those either agencies or bodies to see if there was any potential for?

Curtis Holland – We have contacted several, I don't know if I could stand before you and say we have contacted all of those folks. One thing I don't try to do is lie before the people or if I don't know something, I will tell you I don't know something. And I don't know the answer to that particular question about all of them. We have done many, inquired of many different businesses or entities about this.

Bob Lindeblad – But they haven't, they have not individually each told you that they would not even consider

Curtis Holland – We've had answers both ways - “No” and “Perhaps we'll talk with you”. Our approach on this particular application was that we've got an existing water tower, let's make use of it instead of introducing a new cell tower into the area. That was why they approached this particular site.

Bob Lindeblad – Thank you.

Ken Vaughn – Robb

Robb McKim – Mr. Holland what are the provisions that are made for on-going maintenance and repair of these facilities? Is there a schedule that you develop?

Curtis Holland – Well, once the site is constructed there is very little follow-up maintenance that's necessary, except for an occasional visit one or two times a month to the site just to make sure things are working properly, but it is on an as needed basis if there is any issue at all, which we don't have lots of issues but do have occasions when technicians may have to come to the facility and check things out. But again, once or twice a month.

Robb Mc Kim – An additional clarification questions. You're proposal is that the lines, whatever they are power lines/wires will exit the building through the floor of the building.

Curtis Holland – Yes, Sir

Robb McKim – As opposed to the side wall even with an enclosure and then down to the ground.

Curtis Holland – Yes Sir.

Ken Vaughn – Other questions. Most of mine have already been asked. I was going to ask about the possibility of underground storage of the equipment also and you talked about that, but you didn't say it wasn't possible. You just said it hasn't been done.

Curtis Holland – As engineers like to say, anything can be done. I'm telling you that Cingular nor any other carrier that I know of, and I've represented a lot of them, put their equipment underground in vaults for reasons I stated relative to moisture in those areas, the sensitivity of the equipment, and safety of the maintenance workers going down into those areas that don't have lots of air. There are a number of issues that are associated with doing these underground and that's why they don't do them.

Ken Vaughn – I understand that, but you're certainly aware that a great deal of the opposition to the application relates to the above ground portion of the building, at least

Curtis Holland – Yes, I'm aware of that; and I think our approach and position is that we don't feel that this is causing a significant intrusion into the park and interfering with its continued use and enjoyment as a park. There still will be lots of the area of the park that will continue to be used. There will be green areas, notwithstanding what has been said, less, for people to use. So that's been our position. We didn't feel, don't feel that it's appropriate approach to this and certainly not Cingular's policy to do.

Bob Lindeblad – One more question of Mr. Holland. Who or how was the decision made that the equipment building should be face 69th Terrace on the north side of the water tower – were any other locations considered.

Curtis Holland – I believe it was probably the best location for it if you been to the park there is not a lot of area at the park where you would put it. If you think there is a better spot for it, we're not necessarily opposed to that. So, I think we looked at it and felt that was the best place to put it.

Bob Lindeblad – Was there any discussions with the neighborhood as to other alternative locations that might not impact as much.

Curtis Holland – I think that this – there's nothing we can do to satisfy there concerns relative to that issue. We can address or try to address what this building looks like, but the issue about taking away green space – I guess I would suggest to you really that probably not even the overriding concern of the adjacent property owners. It is just one concern, but the overriding concern being health.

Ken Vaughn – You mentioned earlier that in your negotiations with the water district that there was the capability of another antenna set on the tower, that that would be possible. Is that not right?

Curtis Holland – I don't recall those discussions, but it is possible that additional antennas could be placed on the water tank. I mean, we wouldn't be using it exclusively, if that's the question.

Ken Vaughn – I think I read that up to two providers.

Curtis Holland – I don't know how many additional providers could be put on there, but I would say it is limited – it's rather limited because you have separation requirements between the carriers in terms of where there antennas can be. There are the antenna from other carriers, so it's a special thing – you're limited by the space that is there.

Ken Vaughn – If there was another carry put on the tower then I assume that they would need another building, they wouldn't be using yours.

Curtis Holland – They wouldn't be using our building but they may not need a building. Some of the carriers use outdoor cabinets, if you will. You think of those green utility looking boxes that you see sometimes in the yard or sides. Some carriers use those for example, so it may not be in a building.

It is a function of the system with every carrier uses a different engineering, network platform to produce their coverage. PCS carriers use things that are different from cellular carriers and there are different reasons for doing that.

Rob McKim - A couple related questions, this is a PCS system correct?

Curtis Holland –It's a cellular system – an 850 system.

Robb McKim – What dictates or what determines the size of the equipment structure?

Curtis Holland – how much equipment you need to put in there, adequate space for the technicians to maneuver within the building itself - So it's dictated by those parameters.

Robb McKim – What was the frequency?

Curtis Holland – It's an 850 megahertz system.

Ken Vaughn – Nancy did you have another question?

Nancy Vennard - Is that the only system that Cingular uses and or is there a system they could use in this area that would have the green utility boxes on the ground

Curtis Holland – No madam, not in this case. They do have different licenses, they have PCS licenses as well. Cingular is a big company. They own lots of licenses but in this particular area that's what they're using so thus the equipment building.

Ken Vaughn – Robb

Robb McKim – Could you clarify what systems work on a cellular system at this time, I thought most phones had transitioned to the PCS

Curtis Holland – No that's not true, we have large systems that are operating under the old cellular frequencies if you will – the 850 to 900 megahertz range. PCS is a different license and operates on a different frequency. Different carriers have PCS licenses. There's lots of cellular licenses around and operating and being used. The cellular old analog system aren't used much anymore they're digital systems, but it's still operating under the same old 850 frequency. There are two primary frequencies that carriers operate in – that's the 850 megahertz range and the 1850 to 1900 megahertz range that's the PCS license as opposed to what we call the cellular license.

Ken Vaughn – Any other questions of the applicant before we open up for public comment.

Curtis Holland – Thank You.

Ken Vaughn – Thank you. Just as a little further instruction I certainly hope that you will do your best to give us new information each time you come up and present yourselves tonight. The first thing I'd like to do is we want to offer everybody a chance to express how they feel. One of the ways we can do that is just finding out if there is anybody in the audience who cares to speak in favor of this application. Is there anyone out there? Then ok, it looks there's quite a few that don't. Who would like to be first.

Laura Leiffing – I'll be very brief. My name is Laura Leiffing, 6740 Granada Lane with my husband and 6-year old son, and I moved to this area – we moved to Prairie Village for the schools, the parks, the library and the community – not for the cell phone reception. Those are the things that are important to us. I talked to a lot of people today, and you know what. Everybody agreed with those four things. I don't think that Cingular's reception area is going to play very large in their list of criteria for why they live here – why they continue to live here – what makes property values here high – what makes it a good community, a wonderful community. I'm very concerned about anything that will jeopardize that. My son is growing up and is an active little boy and I can tell you that he considers McCrum "our park" we don't have an adjacent property we live a couple blocks away but that's our park and he plays in every inch of it and I don't want to see any of that space go away. Thank you very much.

Ken Vaughn – Thank you. Would request that you hold your applause. We know how you feel, but that just takes up more time.

Marc Bertolino – My name is Marc Berolino. I live at 4708 West 70th Street, my wife and my son and daughter have been here for about six and a half years. Again, I apologize, I probably out of the four hours that you spent reading that material about three hours was probably my response to this proposal. I'm very opposed to this proposal on so many different levels, which have been documented. I thought that I would disclose that I am a practicing and licensed architect and have been so for the past three years. One of the things that I do as an architect is try and visualize the built environment. I think this is a very important issue in regards to people who have to look at this building in the park. So what I put together is a little visual package for everyone to look at to get an understanding of what this building will essentially look like and this is based on the buildings we were told to look at Harmon Park and Roeland Park. I apologize for the black and white copies.

I have appropriately titled this pamphlet "The Future of McCrum Park" because I think it's very important that based on the prototypes that are out in Harmon Park and Sweeney Park that this is potentially what this project is going to look like. I think that this building and antenna will require ongoing remedies in the form of security fencing, landscaping, maintenance public disclosure and any other appendages deemed necessary by Cingular and the City. Such a structure if placed in McCrum Park will inevitably come to look like the structure placed in Harmon Park that is a weed invested eyesore enclosed in a chain-linked prison with strategically placed warnings to the public. Because of its location the project will openly place much of the liability and responsibility back on the City and the Water District.

As a practicing architect there are three issues that I deal with in regard to any built project in the public realm and that is health, safety and welfare. I know that we've touched on a lot of the health issues and I know that you as a Planning Commission can not deny an application strictly based on "RF" emissions or health concerns, but I feel I can express my opinion in regards to that. About three months ago my daughter was

diagnosed with “**Wess Syndrome**” which is a debilitating form of epilepsy which creates constant neurological interference within her brain causing my daughter to literally have hundreds of small seizures every hour every day. The prognosis for children with “**IS**” or **Wess Syndrome** is not positive. Since this proposal is basically in my backyard, I feel there are potential risks that my family and I will be subjected to which are written and documented. Nancy pointed out the sign located on the structure at Harmon Park. In reading over the documents submitted by Selective Site Consultants there is a note that reads “SSC assumes no responsibility for nor has SSC performed any investigations or studies concerning the compliance or non-compliance of said antenna location with any FCC radio frequency exposure regulations.” My question to SSC and Cingular is then who is investigating it and who is claiming responsibility. Because I still have not had that question answered.

I just wanted to wrap up and skip a lot of this other stuff because I know there are a lot of other people who want to talk. But you as a Planning Commission, I hope that you would answer or at least ask these questions. What is the relevance of FCC regulated RF emissions if they are being ignored and what is the relevance of all this documentation by SSC and Cingular if they are not adhering to it? By simply placing a warning sign are we led to believe that Cingular or the city will not be held responsible for RF emissions and the potential health risks being emitted from the building, if so, then who will be responsible? And finally is this proposal worth endangering the health, safety and welfare of the residents of Prairie Village? Thank you.

Ken Vaughn – Thank you. Next person

(undistinguishable conversation)

Jori Nelson - My name is Jori Nelson. I live at 4802 West 69th Terrace, less than 200 feet from this proposed site. I am a single mother of 2 children, Ean 12 and Audrey 9. When I purchased this house eight years ago, I chose it for the beautiful location, wonderful schools and charming McCrum Park. This is perfect neighborhood and city to raise my family that is why I am adamantly opposed to the Cingular proposal. First is safety – safety for myself, my children and all the families that live near and frequent the park. I am a breast cancer survivor. I had breast cancer 16 years ago and since that time I've had several operations and done everything in my power to protect myself. I do not want to put myself, my children or anybody else's children in danger. One of the safety issues that concern me are the radio frequency emissions. The United States has the highest level of acceptability of exposure of any other country in the world. While the FCC maintains its safety record, there are studies including the World Health Organization that conflict with their findings. All of them state that more research is required regarding long term exposure to "RFE", not 5 years, not 10 years, but 30, 40 and 50 years. Didn't our government at one time say that tobacco was not dangerous to our health, what about asbestos, then we insulated our buildings and schools, what about lead paint, all of our homes were painted with what we now know to be a toxic and dangerous substance in around our families and especially to our children. Why do we have to turn off cell phones when we enter a hospital? Could it be because of their effect on hospital medical

equipment? What kind of long-term effects will this have on all of us that live near and play in our parks? No matter how small the risk Cingular and the FCC say it is, the government has made many claims in the past regarding the safety of our citizens. Are you willing to put your health in their hands?

You have in your hands photos taken of the Harmon Park site with the signs that you were speaking of earlier. I don't know if you've seen pictures of that site also with the chain link fence, the weeds growing around it. It is an eyesore. I do not want to be a guinea pig for these greedy corporations. They will argue that the antennas are 91 feet high on the water tower and the "RFE"s are produced in a linear fashion, but they are called radio frequency waves and they are not linear at all.

My second safety concern is that it is an invitation to vandalism. At night there are teens that climb the tower and mess around at the park. They could injure themselves, the equipment or those below them. This building also provides a place for someone to hide behind while putting children who play in and around the area, people who walk day or night, ride their bikes beside the park in danger. This proposed building is very close to the street and is not set back like the homes that line our street.

The third is aesthetics. When I visited a couple of the sites that are suppose to resemble this project, I found that Harmon Park sits no where near 50 feet of any home. In fact it is not near the playground area where children play. It is fenced off, one a chain link the other wooden and is across the parking lot from the tennis courts. The building and the area were surrounded by weeds, unkept and unsightly. When I was there the generators turned on and off several times. They were very loud. It is not something I want to look out my window at or to listen to when my windows are open. No matter how many times they change their plans, materials or landscaping the building is ugly. Prairie Village prides itself on the construction and maintenance of homes for more than 50 years, goodness knows there is a code regulating nearly every aspect of our homes, trees and properties. This building in no way can fit into the aesthetics plan of the City no matter how many trees, shrubs or bushes they plant around it. If we wanted to put an enormous building like this in our front yard, we know what the answer from the city would be.

Fourth, it does not in any way, shape or form fit the Village Vision. This vision is built upon ideas and suggestions by over 250 residents and Prairie Village business owners alike. The list comes from over 500 ideas that make Prairie Village the best community it can be. One of the things included was the community character. I would ask the Planning Commission, how does this project improve the character of our community. It doesn't make it attractive, friendly or safe for people of any age. The community facilities, activities and services states that it provides our diverse community with expanded city parks and green space. You are actually taking away at least 17 by 24 feet of whatever little green space we have in this park. McCrum Park is smallest park in Prairie Village with only .95 acres. Housing – how does this tie into our strong property values. Given a choice, I wouldn't purchase a home close to any generators, antenna or corporations taking up space in our public parks. Land Resources – how does this

preserve our community's character, create a sense of identity, a sense of place for who or whom – Cingular or the residents. Leadership and Government – how does this project promote and maintain a strong Prairie Village? For only \$2,000 a month income out of a \$21 million budget – certainly it's not benefiting our neighborhood. Prosperity – how does this meet the needs of the residents around the park. Prairie Village's time and energy would be much better spent seeking other avenues of revenue for the city. This just seems to be an easy quick fix and income for Prairie Village at the expense of our neighborhood. You also have in your hands "89 reasons why you should oppose this proposal". These signatures speak for those families that couldn't be here and those that are here and not speaking tonight. I want you to take the time to look at the pictures of the site at Harmon Park, read the signage, look at the aesthetics of the area, not just the building, but the area around the building. Cingular and other wireless corporations will say the technology has been around for some time and that the RFE's are everywhere, that very well may be but there is really nothing I can do about that, but this is my neighborhood, my park, my community and my family. I can do something about it and that is why I am here adamantly opposing this proposal. Are each of you willing to take responsibility and liability for this project this year and in years to come? I thank you for your time.

James Rosberg - Good evening, my name is James Rosberg. I live at 4800 West 70th Street. First of all I apologize for the cell phone call I got, I did turn my phone off. At first I wasn't opposed to this, but after I researched it a little bit more I am opposed to it for all the reasons that have been talked about – the small park, and you even hit the nail on your head sir, I can't remember your name- Curtis. There are other things in that park. There are tennis courts, there is a tennis court, there is a playground and there is less grass and they want to take more of that and it is going to be ugly. I think, and by the way, you could put it underground, if you wanted to. If you wanted to spend the money, it could be put underground, anything could be put underground, he was right about that. There are other options. Shawnee Mission East has a lot of land, right over here. There are cell towers up and down Mission Road. I don't think that it's exactly where you strategically place the tower from what I was told by a technical support person named Steve at Cingular years ago, it's the sheer number of towers that you have for handoff problems and rambling they call it. So they could move a half mile one way or another, they could to 63rd and Mission, they could go to 75th and Mission Road. You have one at 72nd at St. Ann's Church, you have one here at this facility, you have one at Harmon Park, so you could put another one and you could give your \$2000 plus what you're going to give Water One to school district 512 who desperately needs money. So that's another option and build it a little higher

Still it's a standalone. Yes it's going to cost a little more money to do that, I understand that, I think I hand delivered every letter, I don't see Bill Griffith up here, oh there's Bill, I'm sorry. He's the only one I didn't get to personally hand deliver my letter to so you've all read it and I wanted to comment on one thing that was in it. The water tower is abandoned. Curtis said the water tower is not abandoned and that it is being used. If you want to consider WaterOne's maintenance to it being used, but I was told by their supervisor that when we did the addition to WaterOne at 108th and Renner that those

types of towers are outdated. They are not used, the one at 87th and I-35 is not used. So I don't know for sure. I don't know the person, but I put that in my letter so I wanted to tell you where that information came from. It was from a construction area supervisor at WaterOne, who I do not recall his name. I've been in the neighborhood, 4800 West 70th, for 25 plus years. I used to see them come in and flush the tower and work on it. The locks that are on the ground on the pipes are rusted. They haven't been opened in quite some time, so I don't know if it is being used or not. All I know is that I put a tape measure to it and it's 50 feet from a bedroom—not my bedroom. It's too close. It's going to be ugly, it might be noisy. I've worked on, I've built cell site. I'm in the concrete construction business, I been inside the building. I personally know the techs would not go underground unless they had to and it is very expensive for the union techs to go underground, its confined space. It's a whole world of things – it's waterproofing. Yes, it's an existing tower and it's very inexpensive for them to do what they want to do. I don't know if they are jeopardizing anyone's health or not. It could be, but it's a risk that I wouldn't want to take and it's a risk that I don't think anyone sitting up there would want to take. Thank you.

Ladies and Gentlemen of the Commission, I really have to reminisce a bit, it was 36 years ago that I bought my house right up the street from McCrum Park.

Ken Vaughn said, excuse me, what is your name?

John J. Hayde - My name is John J. Hayde and I live at 5219 West 69th Terrace. But I cannot help but reminisce 36 years ago when I attended a few City Council meetings in the basement of the old Safeway Store, that is now Hen House, and now I am in these lovely chambers, but one thing strikes me as I sit here tonight. This Prairie Village is one lovely city and people here have a certain ideal that is carried forth from 36 years ago where I first encountered it right up to this very cold night when people have poured out here and I do respect them and I know you ladies and gentlemen respect it as well. I am going to read off my part and I promise to be brief.

My whole thought on this subject revolves around a trust – we all know what a fiduciary and a legal trust is – there's a trustor and a trustee and there is honor and you carry the wishes of the trustor forward into a new generation – that's what a trust is. Alright, I think the apparent issue here is the trust. So I will address you all ladies and gentlemen on the assumption that as a member of the City Commission here you have a basic and overriding duty to safeguard the beauty of our City, the welfare of the citizens that was established as an ideal years ago before the creation of Prairie Village. This small green space was created as a common area, reserved and restricted for families and children. So it has always been used very happily for that purpose. I've watched it for the past 36 years.

Now consider this, in May, 1941, at the creation of The Prairie Village Ideal, if you will, J.C. Nichols filed Restrictive Covenants in Book 26 – pages 358 – 364 in Johnson County Courthouse, on this very parkland, reserving it as “Residential – Green space” ok and it was so platted together with all of our properties as “Residential” – commercial use

prohibited. Ok These covenants run with the land, we all know how these work, and they're transferred when deeded, we know all about that. Every time we get a warranty deed it is subject to the conditions and covenants of record on our houses, our houses are all bound the same set of restrictions – residential, we can not remove our house and put a store building there. So the ideal carried forth is something that was a new concept and was away from the utilitarian blight that cursed so many of our American cities – straight blocks utilitarian functional commercial So J.C. Nichols in May, 1941, created this marvelous departure and he put it in a trust through a restrictive covenant. Ok The Nichols Company deeded this property to the City by two deeds. One in 1952, the other in 1986 with the restrictive covenants still in place. We know that you have certain rights, residual rights through eminent domain and other city powers to do certain things, we know this, but still the issue is the trust and the honor that comes with the trust. How to preserve this ideal?

A little bit like a European city with lovely little park places and places of art. We've done this in Prairie Village and we really don't want to change. We don't want the slightest inroad to change, because this has worked. The trust was therefore, handed over when it was deeded over to Prairie Village. The trust was attached to Prairie Village and they are honor bound to carry it out. So what will you gentlemen and ladies do, will you honor the trust. We see an overwhelming number of citizens asking that you do or will you subvert it for the benefit of one corporation with a small bag of cash. Ok We would hope and indeed expect that you as a City Planning Commission member would honor that trust and deny a "special use" for a commercial use on our small parkland. Thank you very much.

Ken Vaughn – I must ask you again, please don't use up our time with applause. There is plenty of time for that. Can you give us your name please.

Tina Lloyd - My name is Tina Lloyd. My address is 4711 West 69th Terrace. I am the resident that is within 50 of the proposed equipment building at the park and I just want to say a few words in opposition to the proposal. As you know, I and my family reside next to the north side of McCrum Park directly adjacent to the proposed wireless equipment building and antennas. I adamantly oppose the proposal for a number of reasons, several of which have been touched upon tonight such as the safety of parks and residents, potential for vandalism, noise, aesthetics citing of the equipment building and reduction of property values.

The main issue I want to talk about tonight is the lack of green space. My husband and I have lived in Prairie Village for 14 years and have grown to love the city and our neighborhood. When we bought our house on 69th Terrace it was a starter home, but we quickly grew to love the neighborhood, adjacent park and local school for our two sons. McCrum Park has been a good neighbor and my kids consider the park an extension of our yard. For years, my sons have played on the playgrounds, tennis court and in the little bit of open space on the north side of the park. They often throw Frisbees or footballs around in this area. And that open space is my older son's favorite play touch football with his friends after school.

It is perplexing that Prairie Village would consider this proposal, when it is in direct opposition to many of the proposed "Village Visions", particularly the loss of green space, a precious commodity in Prairie Village. Particularly when Prairie Village is actively seeking acquiring land new park space such as along Mission Road just north of the Prairie Village Shopping Center. McCrum Park is one of only a few parks in this neighborhood, and Prairie Village already has considerably less park space than many surrounding suburbs and far less than the national guidelines. Based on the September 2005, Village Vision presentation as compared to the national guidelines developed by the National Recreation Parks Association, Prairie Village has approximately 80% less parkland than the national guidelines.. Cingular proposed to place their equipment building and accompanying landscaping in the only open space at McCrum Park, a park with so little open space to begin with. The proposed building and landscaping would effectively destroy the remaining open space at the park. Why should we give that up for Cingular? Why should we give up our park space to a commercial endeavor when as a City we have a vision of additional park and green space? Why should my son give up playing at that space so Cingular can use the park instead?

In closing, I do not believe this proposal is in the best interest of our neighborhood or Prairie Village. As you know, Prairie Village was recently recognized as a top suburb by the Kansas City Star. By rejecting this proposal you are strengthening our community as one of the best places to live in the area; therefore, I strong urge you to vote against Cingular's proposal. Thank you.

Bruce Wendlandt - Good evening, my name's Bruce Wendlandt. I live at 4400 West 71st.

Ken Vaughn – Before you begin let me ask something here that has been brought to my attention. We have all received all your letters. There's no reason for you to go over your letters again if you've submitted one of them.

Resident from audience – noted they did not know what has been submitted.

Ken Vaughn responded – I'm sure that's right, we just don't have time to go over every one of those letters tonight. Go ahead.

Bruce Wendlandt – I don't envy your position, I am sure everyone in this room appreciates the time and energy you are putting into this. In fact, I even respect Mr. Holland, because I know it's a tough job, what he's got to do and as I sat here tonight I couldn't help but think when you all were sitting up there his presentation brought forth so many great arguments to not do this. I'm not going to split hairs on all the details. It's not right to be comparing McCrum Park to Harmon Park. Scale is totally different. There is no comparison, bottom line. I think we have to recognize that. In terms of this structure, yes there are ways to get the structure underground and I'm not saying that's the right thing to do. By nature that building having two air conditioning systems obviously air-conditioning is all about dehumidification – that's why it's so critical for temperature and dehumidification to be considered for this equipment. Double sump

pump systems, equipment weight – that’s all neither here nor there. The bottom line is it still isn’t the right place for it. I think the bigger issue is it’s not an argument about whether or not this is better because it doesn’t need a new tower. Certainly that’s convenient. It would also be more convenient for people from Missouri cutting down 71st Street to be able to drive 45 or 50 miles per hour, but that’s not going to do my kids and my pets any good either. I think you have to look at what’s right and what’s safe.

Probably the biggest issue is when Mr. Holland was standing up here he said, “You all aren’t experts, we’re not all experts and everybody out here is not all experts”. That said, at the end of the day if this goes forth, members of the Planning Commission, members of the company aren’t going to be there for these people who are immediately impacted with a bedroom window 50 feet from this. Nobody really knows. I think that’s what you have to ask yourself is ‘What is right here, not what is convenient?’ so with that, thank you very much.

Pat Kaufman - Hi there, I’m Pat Kaufman, 4307 West 63rd Terrace and I didn’t write a letter. I used to live on 70th Terrace close to the park – my kids grew up in that park. They called it “tower park”. Just as an aside, I have to tell you, I’m looking at this map tonight and I’m sure these people are being completely candid, but when I ordered Cingular several years ago they never said anything about ‘you know what, you’re in a red and blue zone’. It was just very interesting. I wonder if those were public information, if I could look at Sprints’ if I could look at everyone’s and go where my zone is.

My comments will be extremely brief, I’ve been involved in Village Vision, involved in as you all have heard from me before, and you know my concerns about how Prairie Village looks. I think with the exception of some of the roadways along Mission Road it’s really coming along except for those bricks. I mean it’s an entrance to our City. It’s gorgeous, we are the Michigan Avenue of Prairie Village and you guys have done a fabulous job. Now, where do you put a shed, even the nicest shed in the world. You put it in the back yard or you put it on the alley. I don’t think we should treat Mission Road like Michigan Avenue and treat Roe like an alley. I really want you to think about that.

James Rosberg - I just wanted to add one more comment before George here, and I neglected to say something. I use to be a Cingular customer and I’m not any more but I did conduct a little test with Sprint from the area and feel that if someone else can provide service without a tower at this location, you should be able to also.

George Holter - I’m George Holter at 4705 West 70th Street. My wife and I have been residents there for 35 years. We are directly across from McCrum Park. I’m two thumbs down on this whole proposal for Cingular or anybody else getting in McCrum Park. I’ll be quick, but I have a couple items, I’ve really noticed these towers and you find two buildings around these towers not one so it’s my thought as soon as somebody gets in here with one building there is going to be another proposal and how are you going to keep those people out when you’ve let one company get in there? The second part is that McCrum Park is not just a summer park. It’s also a winter park. Living right across the

street, if we have this big snowstorm like they say may be coming on Thursday, we have actually seen some people, being it's a walkup park, walk through McCrum Park with the big snow shoes just to get out and walk around the park. If we have a big ice storm, we've seen kids play hockey on the tennis courts. So it's used throughout the year, it's not a summer park and another thing I think they're sugar-coating here is that maintenance part – that nobody will be around. Well, my concern is that when the contractor, whoever Joe Blow puts this up. I have a site line from my front porch directly to the west side of the surrounding park where the gate is. Every maintenance company that has ever painted the tower, put the fence up around the tower, cut the grass – they pull there trucks right up on the grass right by the fence. I can't conceive of these people parking in the street and putting this building on their back with all the components, they're going to be walking up and assembling this thing. They're going to be driving right up into the park assembling this thing and when they do that it restricts people from, even in the wintertime, if a guy got his snow shoes, his snow boots – he can't walk around there because this is all blocked off. When they put the electric rods for lightning inside the tower, they had to replace them because the old ones were all rusted out, the company had these huge tower rods and had the yellow tape around there so we couldn't even get around that part of the area. So when companies, don't have a blind eye, when these companies come in they take over, construction people take over. They're going to drive right up in the park. They're going to cut down these trees and they're not going to haul these trees off on their back; they're going to have chain saws, trucks and everything. So I'm going to leave with that. In closing, I'd like to say have a good holiday all of you.

Art Needham - Thank you for this opportunity to speak to you gentlemen and women. My name is Art Needham. I live at 4812 West 70th Street. I've lived there for 48 years. I'm a retired realtor. I worked for J.C. Nichols Company, a very distinguished firm. I am here to object to anything that is trying to be done to McCrum Park. It is just not right for the area. J.C. Nichols, as you know, would be very proud to see what has become of Prairie Village. We have a very special area around this area. It is a very hot area when you talk about real estate. The values have increased. People want in this area for various reasons; schools close to parks and a shopping center. We want to keep our parks clear of anything other than just recreation and the usage of the people who bought homes and wanted to settle there for life, like me-I've been there a long time. I intend to stay there. There's a lot of young families that are using this facility. My family used it. I have four grandsons, they use it. It will always be one of the busiest parks in Prairie Village. It will have a bearing on re-sale of properties because people buy where facilities are available. You've heard of real estate business saying –"location, location, location is the key" Well this area is that type of a hot spot in the real estate business. I ask you to not let our parks go down the drain. I think this will be wrong to approve this request. Thank you for your time.

Ken Vaughn – Thank you. Mr. Needham. Do we have someone else?

Steve Sinclair - Good evening my name is Steve Sinclair and this is my wife Marissa and this is my son Parker back there. He's getting a little tired this evening. We live directly

across and north of the park on 69th Terrace at 4710. My wife's parents purchased our house in 1967 and just out of curiosity are here with us tonight and that was when my wife was less than one year old. They set down roots here early in their marriage to raise a family in a quaint, beautiful neighborhood. The home was chosen because of the neighborhood and the serene park across the street. My wife and her sister cut their teeth on the playground equipment in McCrum. Many fond memories and stories remain of their carefree days of play. Back in the early 90's before I met my wife, she purchased the home and so that we could set down roots when we started our family as her parents did 30 years before. Our son Parker was born six and a half years ago. From that time, from the time he could walk and talk, he has referred to McCrum Park as "my park". He never knew it was a public park, all he knew was that it was his park to have fun in. Now you're talking about making changes to "his" park and depleting his and other children's area to play and just be kids. I ask you all, would you do this to your own children or grandchildren. A few years ago when our son was a toddler, my wife Marissa and a friend down the street worked together to form a summer kids program at McCrum called "Moms at McCrum". The group meets one morning a week during the summer for children's activities, games and crafts while the mothers meet for fellowship. Again, this Cingular Wireless proposal would be a detriment to this mothers group. As has been said earlier, McCrum is less than one acre in size. The Prairie Village Vision Plan finished a couple of years back calls for the need for much more green space, yet instead this Cingular Wireless proposal drastically cuts into our precious green space. And if passed, every day of our lives, I'm talking about our own family because we are directly north of the park, will be forced to look outside our front picture window and see this ugly shed put there by a commercial entity in our peaceful residential neighborhood. Would all of you like a front door view like this? I think not. Why then must we be forced into this against our will? This park is our park and we're proud of it. Please do not allow this corporate giant, Cingular Wireless, to be given the freedom to desecrate this park. Thank you for your time.

Marissa Sinclair – I might, just wanted to add. He mentioned there were four other areas that were a possibility and I don't feel like those avenues were thoroughly investigated before bringing this proposal to the table. I think that that's extremely important. I know that it's suppose to be such a great deal to be able to approach the water tower because it's an already existing structure but definitely because it saves them dollars in the long run. It is not a benefit to any of us and he mentioned there was a great deal of forethought put into this, especially choosing the McCrum Park location because of the existing water structure, but apparently not. If there had been any looking into the Harmon Park, again it is there are no residents directly in front of that standing structure currently, and it is in front of a parking lot and there is no play equipment near that area. So there was not a whole lot of forethought put into it, I don't believe. Then again, several times it was mentioned that the area would not get used too much next to the trees and that there would not be significant intrusion into the use of the park and that this environment because it's not used for enjoyment. Well, I'm sorry but I have lived in Prairie Village the majority of my life. I am 39 years old. I can tell you that I have lived a majority of my childhood in that park. I bought my home back to take my child there every day and to live it and enjoy it and be able to look out my front door every day is

like a picture. So whoever says that corner doesn't get used is somebody that doesn't live in our neighborhood and play there on a daily basis. I found that insulting that someone would say that, it was very upsetting. Most of the topics I wanted to speak to have already been spoken to but my other concern is if these antennas are so dangerous to human contact to be within close proximity to them or you can't have a pacemaker and be in close contact and they say oh don't worry about it because it's way up in the air next to the water tower; well, I'm sorry if they are so dangerous then why are they putting them right next to our water supply. Furthermore, if they're going to take out the trees to put in this freestanding building, I would assume that our tax dollars have paid all the money to put the new saplings in so they look beautiful like J.C. Nichols originally had planned and now they're wanting to tear them all out and that concerns me a great deal as well as in the long term if they don't know what the "RFEs" do then who is going to pay the money out in 10, 20, 30, 40, 50 years. Is it Prairie Village, is it Cingular, is it Water District #One, when they find out down the road that this too, just like lead paint is causing horrendous problems that we never knew about. So please don't take away our beautiful park, our green space, where my son plays every day. We have picnics in that area that is not used all the time, so please don't desecrate our park.

Ken Vaughn – Thank you. Is there anyone else who wants to speak?

My name is J. J. Wenrich. I live at 6700 El Monte Street. I'm president of the Prairie Village Homes Association and am here representing myself as a homeowner in Prairie Village, my family and also the Board of Directors of the Prairie Village Homes Association. As you know from my letter, the Prairie Village Homes Association represents over 1700 homes in Prairie Village including the homes surrounding this park. The homes association was established long before my time. In 1941, as Mr. Hayde said, my J.C. Nichols Company, that is ten years prior to the City of Prairie Village being incorporated. McCrum Park was an original part of the homes association before it was deeded to the City in 1962. So it was actually ours before it was yours. To this day, our homes association takes an part in making Prairie Village a unique and beautiful city. We know that our tree-lined streets have higher value per square foot than comparable neighborhoods in Johnson County and the metro area, that's why our board has spent over \$8,000 a year since 1998 to fertilize the trees lining the streets in our neighborhood.. We know that our neighborhood parks are wonderful locations for families to spend time enjoying the outdoors and each other and that's why on November 4th of 05 our Board of Directors voted unanimously to oppose the construction by Cingular Wireless at McCrum Park.

McCrum Park, as you know, is already a highly attractive park that gives up substantial green space to the water tower. The proposed construction of this building would further occupy vital green space which is already in short supply. As you know, McCrum is the smallest of the parks in Prairie Village. We feel that the commercial occupation of our park space is insensitive to the residents in our association and is not in the best interests of the long-term plans of the City or our association. Granting the special use permit would be at the expense of the aesthetics, quality of life and property values of our neighborhood. Our city's at a very crucial point in this history. The growth in the metro

area has been focused on the outer edge of the metro area, west Shawnee, Olathe, Stillwell, Lee's Summit, etc. During the 90's Prairie Village was the only city in Johnson County to actually loose population. Those of us who live in Prairie Village, we know that our city offers a charming uniqueness that other cities cannot. To maintain this competitive advantage and to grow into the future our City Planners must pay special attention to their decisions to make sure that we make the city an attractive option for homeowners. That's what Village Vision is all about – to make sure that we do grow as a City and continue to be a special place in the metro area. When families look to move into a community, they look for amenities like schools, like attractive parks for their children to play in. They don't care whether their cell phone works here or there. Thank you very much.

Ken Vaughn – Thank you. Alright, Mr. Holland, did you want to say something too? OK come on up.

Ann Hawley - My name is Ann Hawley. I live at 4815 West 69th Terrace. I've already submitted an extensive letter to this Commission, so I won't go over those points; however, I would like to bring up a couple points that Mr. Holland addressed in his presentation.

First, while Mr. Holland initially stated that the preference of communities in general was to co-locate on existing structures so that new infrastructures are not introduced into the community, I believe it is abundantly clear to this Commission that co-location is not this community's preference. Mr. Holland acknowledged in his presentation, it is to Cingular's benefit to co-locate where it can and only after it has exhausted all other existing structures will it consider a new communications tower. Clearly, the impending proposal adheres to the benefit of Cingular and not to the community. Cingular should not be allowed to place antenna on the water tower simply because it is cheaper for them to do so and it is cheaper for them to do this than to build a monopole or a tower. Counsel also stated that he would concede that McCrum Park is not a large park, but that in Cingular's opinion this proposal would not make a significant impact on the park or that it would not interfere with the park's use and enjoyment. With all do respect Mr. Holland and Cingular's opinion that this intrusion is minor. I believe it is also clear to this Commission that the intrusion would be considered quite significant by this community.

Finally, when counsel for Cingular was asked about the feasibility of alternate sites within the search ring, he was unable to state with any certainty whether or not those sites could in fact be available for a monopole. It seems obvious that Cingular has its sites set on this tower in McCrum Park and has not fully explored other possible sites. At minimum, Cingular should be required to provide an accurate answer to this Commission's question regarding the feasibility of other sites in the area. This city has been very fair to wireless providers in the past. This situation is unique. This is one time that you should not approve a wireless providers' application. You can say no to Cingular and let them come back with an alternate site. This time approval of the permit is taking fairness to wireless providers one step too far. Thank you.

Ken Vaughn – Thank You.

Linda McDonnell - Hello, I'm Mary Linda McDonnell. I live at 4619 West 69th Street and I've been there since 1984. I just want to be extremely brief, I didn't write you a letter, but I sure reacted when I found out about the plans. I just want to say how meaningful this small park has been. It has been such a wonderful thing, it feeds my spirit and I would hate to see anything to change that. I have just enjoyed over all these years.

Ken Vaughn – Thank you. Anyone else. Ok, we've completed all the public comments then. Mr. Holland had asked for a minute to respond to some questions and we'll give you a couple minutes to do that.

Curtis Holland – I'll try to make this brief. I'd like to just clarify a couple of issues that were raised – one dealing with noise. Just so you know, we aren't going to have a generator on this site, so we won't have any noise coming from a generator. The plan does include an air-conditioning unit on the ground. I would tell you though that it's probably sixty to seventy feet to the closest home – that home being to the immediate west of the tower and just would note for the record that most of these homes in this community are fifteen feet or even less from each other and have air-conditioning units and so I don't see the air-conditioning unit in this particular case creating a significant noise issue.

With regards to the restrictive covenant, it is my understanding that the restrictive covenant does not apply to this particular tract of ground. But I would say in that regard, that's a legal question and probably isn't one that's proper for you to evaluate. The charge, if you will of this Board, is to look at the criteria that has been set forth in the code for evaluating these kinds of applications and when you look at the staff report evaluation it concludes that it meets your standards and it should be approved. We heard about trees being removed. I would tell you that we don't intend to remove any trees. I would tell you that it might be necessary to remove a tree or two, but I would commit to you that we would do our absolute very best not to remove any trees in the park and I think there is sufficient area there – we've looked at it – that we don't believe there will be a requirement or need to remove any of the trees.

With regards to whether or not, and this plays into the comments we've heard about "EMS". And that seems to be the overriding concern here, I would suggest to you that even if we could or would bury this facility underground that no one here would like that either because of the perceived health issue. There is no health issue. When I stated here that 'I'm not an expert nor is anybody else here, that didn't mean there aren't experts in this area there are, and there have been lots of studies in this area done and the problem is that when we lay people read them we don't understand them, but the "EMS" from this facility is no more than what is generated inside each of these homes, and so there is no issue about health and those kind of things. If they've read the studies and read them more closely, they would know that the issue has to do with the handsets, the phone

that's in their hand that they talk into. It has nothing to do with the cell tower, and even the studies relative to the handsets themselves are completely inconclusive. The difficulty in trying to study this kind of an issue is trying to prove a negative. It's hard to prove a negative and they can't find that it does cause any problem, but of course they are going to continue to study the issue like they should. But relative to the tower, there is not an "EMS" issue from the tower, there is no "EMS" coming from the building either. There is a complete misconception about "EMS" being generated by the building. There is none. So, the whole concern about health I would respectfully suggest in this case has been misunderstood.

I do find it a bit interesting though that they would say go put a communication tower over some place else or go put more antennas on top of St. Ann's Church for example or in Harmon Park. Because if there was a true concern about health and safety and those kinds of things it doesn't make sense to me that we should go ahead and put these antennas next to somebody else. As long as they're not being affected, its OK.

In terms of the Vision of Prairie Village, I don't disagree with what's been said but I would also add that the desires of the community in Prairie Village and in others is to not introduce new communication towers wherever possible. So we feel like we were trying and did address that particular goal. The placement of the ugly shelter, I would disagree with the representation that that's what this would be. I've indicated to you all, that we will do something very nice here, it can be brick, it can be stone it can be a combination of things, it can have different materials added that will make this look like a nice building, not an ugly shed that we wouldn't be proud of or that we'd have to hide behind somebody's house. I would object for the record on a lot of the pictures in here (the future of McCrum Park) Could you put the overhead on real quick? Just for the record that pages, except for pages 3, page 5 and page 7; I consider this to be a complete misrepresentation of what the facility will look like, especially this picture. This is just simply intended to inflame everybody and to distract them from what the real issue is, which in this case is "ems". These pictures I'm not going to object to. It's brick, it's probably in the right location, it doesn't have a fence around it like we're proposing. This is not accurate because it has a fence and it has warning signs up on it. It won't look like that. This it's fairly, is Ok, I wouldn't object to this representation. I would object to this representation because it's a fence and has signs on it. I wouldn't object to this representation. But finally, I did want to point out, in terms of the open space, this particular picture is helpful to understand what is the open space in the park. The water tank, the courtyard/tennis court and the playground. There is a small swing set over here that is not shown here, but really, he's done a great job of representing that everything else here that I'm pointing to is open space and it will all remain open space. The only thing that will not remain open, if you will any more is this small nice looking equipment building that will be at the base of the tower. So, again I would disagree with a lot of the representations that were made by this depiction, I think I've addressed. Perhaps the only other thing I didn't address is the property values. We have lots of studies. This issue has been looked at by NIA appraisers, I will happy to submit them, that indicate that these kinds of facilities do not cause a negative impact to property values. So with that I will close, unless there are any questions.

Ken Vaughn – Thank you very much. That will conclude the public participation portion of the meeting. We really do appreciate the time that you've spent putting together your ideas and getting them to us in a way that we could really look at them carefully and you've done a good job of that. Thank you. Ron would you like to present the staff report.

(The entire staff report on this application shall be attached and considered as part of the official record for this meeting.)

Ron Williamson – I will go ahead and briefly review the findings portion. I should mention again, and I don't know if this is maybe for the benefit of the audience. Has everyone had an opportunity to look at the staff report? I know that several people picked it up. We will start from the beginning and talk about it from the beginning.

We reviewed it and there are some issues involved in cell towers that are somewhat different than others and it is the Telecommunications Act of 1996 which sets out some limitations on the consideration by the local zoning authority, which is the Planning Commission and in this case the City Council. And some of the limitations that were discussed earlier deal with they can not discriminate amongst providers so that if they allow certain providers in one area they need to do that and be reasonable and considerate of those in other locations that are similar. Can not have the affect of prohibiting personal wireless service; must act within a reasonable period of time; if the application is denied, it must be in writing and supported by substantial evidence to that effect in the written record and cannot be and that the state and local governments can not regulate based on the environmental effects of the radio frequency emissions. The FCC has kept that in their purview. Lot of the discussion tonight dealt with that and the Planning Commission and City Council. It's not in their purview, that's dealt with at the FCC.

In terms of the requirements of an application, the city requires a validation study. That has been completed by the applicant – that is the propagation plan that showed why they selected this particular site. They did mention the other sites that they have reviewed. As a comment here, the fire station at 63rd and Mission has been discussed previously and the fire district did not want a cell tower at that location. They did a new building and all and they did not feel it was appropriate. They do have one at 90th and Roe however, as they did feel that was appropriate. However, they have rejected that in the past. That does not mean they might not change in the future.

They have submitted a photo simulation which is the second requirement, both of the tower and the building. The building will change from what their photo simulation showed if this were to be approved.

The co-location agreement really is not necessary in this area because this is the Water District and the City owns the land so there will be agreements between those two entities and that will be controlled by the governmental agencies. The reason they require a co-location agreement is that if they are independently placed units we don't want to have a

provider or a carrier prevent someone else from locating on that particular tower because there are not that many areas that these facilities can be located.

They did submit a site plan and the applicant went through that and I believe most of you have reviewed that.

They are required to meet all the FCC requirements and this is by the city's policy and that would be a condition of approval if approved.

The services that they provide are going to be their typical services. They have they will be removing some trees on the site, but they will be replacing those with additional trees. If this would be approved that plan would have to go to the Park Board for them to approve the change in the landscaping and the new trees that would be put in place.

They have not submitted a construction schedule. If this were approved, I believe someone mentioned how long this would take and how long it would be torn up, that is something that the applicant would need to submit.

There qualifications and experience – they do have other installations in the city and in the metropolitan area. So they are a well established organization.

The governmental approvals that are required are basically the FCC licensing which controls the environmental issues as well.

Those are the things that actually need to look at in terms of their submittal and then the Planning Commission and the City Council are required to look at what is termed "findings of fact". There are a number of findings that are set out in the ordinance that they must consider when recommending approval or denial or conditional approval of an application.

The first one is **"The proposed special use complies with all applicable provisions of these regulations including intensity use regulations yard regulations and use regulations."** What this one if this primarily means in this situation is that it does meet the setback regulations. The setback on this site is 35' feet and this particular building would be set back 35' which is the same setback as the dwelling that is located to the west.

"The proposed special use at the specified location will not adversely affect the welfare or convenience of the public." This is an issue since Prairie Village is obviously a built out community so every change that occurs has an affect and in some cases it's positive and in some cases its negative. From what all the neighbors here have said, the immediate neighborhood feels that it's negative; however, there is the other side of the population that actually uses the cell phones that would view it as positive. So the job of the Planning Commission and Council is to balance this out and determine what they think is better – whether it is the general public or immediate neighborhood. I think it was mentioned before and we mentioned here many people don't have a land line any

more, people simply use cell phones and use them for a variety of purposes. So what the Planning Commission needs to do is determine whether or not this is appropriate in this location. If it is appropriate, how do they minimize the impact on the immediate neighborhood.

In terms of locations in Prairie Village there is a variety of locations. The major ones are on public property. We have the one here at City Hall, there is the water tower on Delmar, and Johnson County Fire District on Roe are the primary locations. There are a couple of installations at St. Ann' Church, Capital Fed has roof installation and then there are one on the office building on 95th Street. So, there are other installation throughout the community that help to provide this service.

Third point is **“The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located”**. There hasn't really been any specific testimony to the affect that it will adversely affect the property values and whether it will cause substantial injury is a question as to what is substantial. It is a small building. It is 12 feet by 20 feet and will be closely placed to the fence around the water tower. It is small in comparison to the water tower and in comparison to the size of the park.

The location and size of special use, the nature and intensity of operation is such that it will not dominate the immediate neighborhood. The water tower is obviously the thing that would dominate. The antennas are small in comparison to the tower itself and the equipment building is fairly small in comparison to other buildings. Its 240 square feet. Plus there will be some remediation in terms of landscape and plant material that would be added and again that would be subject to the approval of the park board.

The fifth item is **“Off-street park and loading”** will not be necessary as they will park on the street when they come to service.

The sixth item is **“Adequate utility, drainage and other such necessary facilities be provided.”** There is no need for water and sewer as it is already at the site. They will be required to submit a storm drainage plan to public works for review and approval because there will be some additional hard surface there that will need to be addressed.

“Adequate access road” The drives are not an issue on this one.

Item eight **“Adjoining properties and the general public be protected from any hazardous or toxic materials, hazardous manufacturing process, obnoxious odors, or unnecessary intrusive noises.”** The FCC regulates the environmental affects and that would take care of it at that point.

The ninth point is **Architectural style and exterior materials are compatible with such style and materials as used in the neighborhood.** This is one that is still open. They have submitted several plans and this would need to be addressed by the Planning Commission in terms of whether or not – how that building could be designed so that it

would be compatible. There was a location that was referenced in the staff report in Roeland Park that has a bunch of wires sticking out the side – some of you may have gone out and visited that, but this one will not have those. They are not going to be permitted to have external wiring sticking outside the building. It will have to go underground in conduits, so that won't happen here.

That's basically a review of the findings of fact. The Planning Commission would need to go through and discuss those and make a determination or if there is additional information you need to make your recommendation.

Ken Vaughn – Are you ready to go through those one by one and talk about them?

Bob Lindeblad – I have a couple questions of Ron first.

Ken Vaughn – OK

Bob Lindeblad – I believe that either you or Mr. Holland said that the park board reviewed this and found no problem with this building.

Ron Williamson – No, they have approved the concept of allowing a facility to be in the park, but they would have to approve this specific facility.

Bob Lindeblad – Bob's raising his hand. He might have a little more information.

Bob Pryzby – If I might. I was with the park committee when they went to the site with a representative of Selective Site Consultants and they agreed that they did not have a problem using the site. They did not vote on the building or the landscaping. The landscaping has been reviewed by the Tree Board and there are some revisions, so they are still reviewing it.

Bob Lindeblad – But they didn't have a problem with that building at that location.

Bob Pryzby – They didn't know what the building was going to look like. They just said they had no problem with the use of the land for a building.

Bob Lindeblad – They didn't know the size of the building, ok My second question in your recommendation, item #2 discusses a maximum of two carriers for the water tower. Is this a city idea that we would this special use permit would allow a second carrier.

Ron Williamson – The Water District will allow two carriers on this facility. The city has not addressed that issue to my knowledge. But the Water Department has said they'd allow two carriers, so that kind of sets the maximum that could be allowed on that thing.

Bob Lindeblad – Well, I guess to me that's a really important

(Side conversations from the Commission & complaints from audience that they could not hear comments).

Ken Vaughn – We'll try to speak a little louder.

Bob Lindeblad – I'm usually accused of speaking too loud. I guess that is the one thing that really concerns me is that knowing the different varieties of carriers and if there's an unknown as to what the next carrier comes, and I don't think we could turn them down, on their equipment if it it's anything as big as or small than we're approving now and so this leaves it open. It just says a second equipment cabinet for a second carrier would be approved by the Planning Commission as a plan approval which would not be a public hearing, but I see this as we would be opening. . . We could not, almost, basically deny a second carrier with a second 10 by 20 building out here and I guess that's what my question is.

Ron Williamson – Well, you could limit it to one carrier at this time and the other one would have to come back for a special use permit that would need to be approved. However, since the city really has to agree to this as the owner of the property, the City, not through the zoning process, but the City could simply say we're not going to approve another one on this site, which is not in the zoning forum. So then that does not trigger all this process. That's totally separate because any carrier has to have an agreement with the City and the Water Department, so they have to have two agreements to make this work.

Marlene Nagel – The City's policy on wireless communication towers promotes co-location so if we do approve the one, it seems that we would have less grounds to deny the second.

Ron Williamson - That's true. However, if it doesn't come before you as an application; what I'm saying is that the City may take a position after they look at that and say that one is all we're going to allow in the park – not through a zoning issue, but through its leasing arrangement. No one can apply then because they have to have someone willing. Like they couldn't apply on the fire district property because the fire district said we don't want to have a cell tower on our tract, and the water department limited it to four users over on the Delmar Tower so there's a different situation.

Ken Vaughn – gavel Please keep your discussions down so we can hear up here, we would appreciate it. If you need to talk, go outside. OK, where were we

Side conversations unable to distinguish

Bob Lindeblad – I'd asked the question, I guess Ron has answered. I guess in the recommendation where it says a maximum of two I presume that either the City or somebody from the City staff is the one that brought that up – that it could be a good idea for two or

Ron Williamson – Well, the Water Department has said that they would allow two, so that was what we suggested then that consideration be given to two. When Delmar was approved, it was approved for four but there were not four carriers at that time. The other carriers came in later as a site plan approval so it was following the same procedure that had been done on previous water towers. Now that does not mean you can not say you are going to limit it to one. You can do that and require the next one to come through as a special use permit.

Randy Kronblad – Ron, can that be a condition of approval on this one though that no other carriers would be permitted, they wouldn't even be considered.

Ron Williamson – I don't think you can do that, but you can just approve it for one.

Charles Clark – Mr. Chairman that would be my preference to have a second one come back for a special use permit rather than approving a potential second carrier site tonight.

Randy Kronblad – I believe that is already the way it is written.

Charles Clark – I don't think that that's what Ron is saying. He's saying this is being proposed as the Delmar tower was with up to four and only the first one came in as a special use permit, the other three came in without a public hearing. And that would not be my preference for a second one as this site. I would want to see full details as we are on this one.

Robb McKim - I apologize for needing to go back and ask a question that I asked earlier and may necessitate Mr. Holland responding further, but back on the issue of site ring study or location study, you mentioned in your comments that this is in a cellular frequency, are all the other towers ,

Curtis Holland – They would be new facilities at those other locations. There in the staff report, if you would look in the staff report, the other sites that were looked at.

Robb McKim – I was referring to the existing building

Curtis Holland – The existing facilities that Cingular has that surround, that we have in the area or that exist period. We are co-located with other carriers that are PCS carriers. We have co-locations at other locations where you have both an 850 megahertz license and a 1900 megahertz license – the PCS and the cellular. They can co-exist together. Our application, by the way, is for Cingular and I agree with everybody that another would have to come through for their own special use permit. So our application is just for our facilities, not for two carriers. We don't have any control over that at all. I mean , you all do. The city has to lease the land to them and the water district would have to enter into a lease with them. It is my understanding that they would have to go through the same process that we're made to go through.

Ken Vaughn – Other questions? Marlene Nancy Do you want to talk about each one of these individually or have we already done that pretty quickly.

Ron Williamson – Procedurally we do need to have a motion on the findings separately and then, you can take them as a group or you can take them individually whatever your preference. They're not all at the same value. Some of those you may consider to be higher value than others. So, it doesn't mean that you need to find a majority of them in favor or not. You can use your judgment on that.

Bob Lindeblad – Mr. Chairman, I would suggest that we have some general discussion amongst the Commission first about our general concerns non concerns about the specific findings of fact – numbers 1 through 9 if Commission members have concerns on any of them.

Ken Vaughn – OK, let's here about those. Any of the issues under the findings of fact title that you want to talk about. Marlene

Marlene Nagel – Mr. Chairman on finding, the second one, regarding that it would not adversely affect welfare or convenience of the public; as I see the McCrum Park as a very small public space and although the proposed structure would not be a large one, I think it would have an adverse impact on that facility and on the public that uses that facility. I would not agree with the findings of fact as presented here with regard to that particular one.

I guess that also relates to finding number 4, that the special use will not dominate the immediate neighborhood. Again, I think that the park is a major attribute to the surrounding neighborhood and I think that structure and its placement in the park would have an adverse impact on that neighborhood.

Ken Vaughn – Anyone else want to comment about those? Nancy

Nancy Vennard - I have been the chairman of the Park Board at one point and respect everyone who is on that board and the time and interest they have for the parks of the City, but I am totally surprised that they have made a visit to this park and have given their approval for this structure on this ground. Not having been there, I don't know what the exact vote is or what their thinking was; but when I was involved with the Parks, every inch of the parks meant something to the point where green space was important for us to consider for free play so that in this situation, there's a swing set there but we didn't want another swing set there because we knew the importance of having just open play space and we provided such a variety of things there that that was important so the kids could just roll in the grass, play tag and tag football and things like that. So, I really think that this, the aesthetics of the building and the need of green space is an important issue and I don't think that we meet it in this number 2.

Ken Vaughn – Any other comments about those or anything else?

Randy Kronblad – Mr. Chairman

Ken Vaughn – Randy

Randy Kronblad – I appreciate the fact that McCrum Park is a small park, one of the gentlemen, I think Mr. Wendtland, made a comment that he didn't feel we could compare McCrum Park with Harmon Park – they're two completely different entities. I felt that was well stated. McCrum Park is a small park and I just have issues with placing a structure of the type that is proposed in this park. I think some of the issues that were brought up that this is going to take up an enormous amount of space and wouldn't make the park usable, I think some of that has been probably blown out of proportion. But I think that the intent, I understand the intent, in which it was offered and do feel we are setting a precedent in this particular park that is not good, specifically if there is another carrier that shows up or another commercial entity that shows up and wants a few more square feet – I don't know how we stop it if we start it with this one.

Ken Vaughn – Thank you Randy. Anyone else care to comment. Charles

Charles Clark – On the other hand, I've been here on the Commission ten years and had cellular phone problems for ten years because Congress in its wisdom said we would will put these towers into and this technology into the existing community whether we're a colonial Williamsburg or Carmel by the Sea or Prairie Village, Kansas, we will fit it in. You cannot keep these folks out. What we must therefore do is try to make the most reasonable accommodation we can. If we don't do this, we are going to face another monopole, which has also been greatly opposed wherever they've been proposed. There will be cellular service in somebody's neighborhood and this location in 91 feet in the air on top of a hill. It could mean more than one tower is required to replace this facility. It's been our policy to try to put antenna on existing facilities. We try to use existing structures and get them as high as possible so that it will eliminate the total number of towers in the City. It is certainly not an ideal proposal, but I still think it's the right thing to do.

Ken Vaughn – Thank you Charles. Robb

Robb McKim – Well I think – in a related sense if you are going to place facilities there to begin with you want to try to maximize the co-location and I don't believe that that location can go with the higher number that would seem to be the optimum way to develop a site, wherever that may be. If it can only accommodate one or two, then we're not maximizing the benefit to the community in general with this development. I don't believe it can accommodate more than even one if it is going to require more on ground buildings.

Bob Lindeblad – This is a tough one because I am a total believer in trying to find existing structures to put cellular antennas and the city's done a very good job of it and anywhere you have an opportunity to do that, that is the first thing you should do. However, in this case, I see a couple of issues and one that really bothers me is the co-

location of, encouraging several to co-locate together and if we are concerned about one 10 x 20 or 12 by 20 building on this small park. I can see that keeping another one out will be much more difficult. I don't think the site can hold two, it's difficult to hold one building, but my concern is the potential of another co-location on the water tower and then again that would derogate the small park again even further.

Another thing is in looking at the findings of fact and most of these are to a degree and the one that I would to the degree question is #4 on the special use permit will not dominate the immediate neighborhood. And this is to a degree, is it going to have any negative impacts on future development of adjacent properties and what you could do in that zoning district. I look and then it goes "immediate neighborhood consideration shall be given to the location, size nature and height of buildings structures, walls and fences on the site and the nature and extent of landscaping and screening. This building is right at the 35' building line on 69th Terrace – right in line with every other house. It's going to be very visible and prominent the way it is proposed. That's why I was asking questions about other locations somewhere else around the water tower other than right up at the building line where it's quite prominent and homes across the street and next door – its going to be a focal point and it can be a beautiful building but in that small park in that small location it's going to look like an accessory structure the size of a detached two-car garage. And, I really, am concerned on how that impacts the neighbors. Also we have not been told that the other sites that have been considered that they have been told no we absolutely will not discuss a tower and cell site at two or three other locations. And so I think that that's another one of the reasons this is not the one and only site that is possible. Now, again remember that all these other sites requires another monopole and co-location, so you're talking 91 or more feet of a monopole, possibly at a church site. There's a number of churches in the neighborhood the applicant said they had look at. So that's the other option and then those neighborhoods will have exactly the same concerns, but I don't think any of those church sites are at the location where your limited to the mechanical equipment shelter right at the front building line on a single family street.

So, the multiple co-locations, that we haven't totally exhausted other sites and that it's such a prominent location on a small park. Those are my concerns.

Ken Vaughn – Nancy

Nancy Vennard – I'm not unlike anybody else, I own cell phone. I used to have Cingular and drive up and down Roe every day and did loose a lot of phone calls that way although I try not to talk on the phone while I'm driving. But, my concern is not that there's going to be anything on that tower, I applauded the water department that finally agreed to start doing that and allowing it places, but if there was different technology that Cingular had and used the technology that other companies did, by using the small green boxes, I think this would be a great solution for the consumers and for the neighborhood. A smaller box might even be allowed underneath the water tower with some negotiation with the water company. But and if we deny this and another company comes in with a

smaller box, I must admit, I will look at it in a different light and perhaps the residents will too.

Ken Vaughn – I tend to agree with Marlene, Nancy and Bob particularly about what I consider the incompatibility of the building, the size of it particularly, as it relates to the, if you will, the elevation view of the each side of the park. I think it's not appropriate. I think we also have a problem if we approve this one proposal, I think it would be very difficult to turn down a second proposal even if it came in separately. So that's where I stand.

Does anyone want to add anything. We've discussed the findings of fact. Do we need to take a vote on those?

Ron Williamson – You can take a vote on them in their entirety saying that what I'm hearing is that it does not meet the findings of fact and your recommendation simply would be to follow that would be to deny if that's the way it would go

Ken Vaughn – Well let's find out if anyone is ready to make a motion.

Marlene Nagel – Mr. Chairman I will make a motion that we find that the findings of fact do not represent our view on this case and we recommend denial

Ken Vaughn/Ron Williamson – We do that separately

Marlene Nagel – that we do not accept the findings of fact.

Randy Kronblad – Second

Ken Vaughn – Alright it's been moved that the findings of fact have not been met and the motion has been seconded. Is there discussion? Bob

Bob Lindeblad – Could we specifically say for the record which ones which of the, what I would suggest, what I heard from the Commissioners is items # 2 and #4 in particular.

Ken Vaughn – Does the maker of the motion and seconded agree to that?

Marlene Nagel – I guess the only other one I suggest would be finding number 9 the architectural style and materials I don't feel are compatible with the neighborhood.

Ken Vaughn – So the motion now covers 2, 4 and 9

Charles Clark – Number 9 the applicant was open to anything we wanted to do. I don't know that we have an objection. He was open ended on what he proposed and I do not feel that should be in the motion.

Bob Lindeblad – I would agree

Randy Kronblad – I would agree with #2 and 4

Ken Vaughn – Do you want to restate the motion?

Marlene Nagel – Recommending that the Planning Commission not accept the findings of fact based on findings #2 and #4.

Ken Vaughn – Is that the complete list? Is there any further discussion? Those in favor of the motion raise your hand. Those opposed – The motion passes.

(The show of hands reflected the following Commission members voting “aye” Vennard, Nagel, Kronblad, Vaughn, McKim and Lindeblad with Charles Clark voting “nay”)

Ken Vaughn – It would be appropriate to make another motion, Marlene

Marlene Nagel – I would make a motion that the Planning Commission recommend denial of PC2005-05 request for a special use permit.

Member of audience stated they could not hear.

Marlene Nagel – I recommended that we deny the application for PC2005-05 a request for a special use permit.

Randy Kronbald – Second

Ken Vaughn – It has been moved and seconded that the application be denied. Not be recommended. It has been and seconded that the application be recommended to be denied since this does go to the City Council. Is there any discussion?

Charles Clark – I’m going to vote in favor of this motion, since it was the negative findings of the group as a whole; despite the fact I voted the other way on the findings, as a matter of logic.

Ken Vaughn – Thank you Charles, All those in favor of the motion raise your hand. Alright the recommendation from the Planning Commission will be that the request be denied. (The show of hands vote reflected all Commission members voting in support of the motion.)

Ken Vaughn asked the audience to please remain quiet or leave the room if they wished to talk as the Commission has more business to discuss.

OTHER BUSINESS

Ken Vaughn noted a letter included in the Commissioner's packet from Kevin Temple, with Conoco Phillips asking the Commission to reconsider ordinance 19.34.035 which prevents convenience stores from selling cereal malt beverages.

Commission members questioned when this ordinance was adopted. Mr. Williamson responded it has been on the books for several years.

Planning Commission Secretary, Joyce Hagen Mundy, advised this was a major discussion issue of the Commission several years ago. The driving force behind the regulations was to prevent mini-stores such as Quick-Trip from going up next to service stations. The Commissioners felt very strongly that service stations should remain first and only as service stations. You will note in addition to limiting what items could be sold, they also limited the space available for retail sales.

The Commission members directed Mr. Williamson to look into these regulations and bring back information for discussion at the January meeting of the Commission.

The Secretary reported the January meeting of the Planning Commission would be held on Tuesday, January 3rd in the Multi-Purpose Room. The agenda items to date include consideration of the sign application for the Windsor Building continued by the Commission this evening, a possible public hearing for a special use permit for a storage facility at Mission Valley Middle School by Shawnee Mission East. The City Council has also returned to the Commission for further consideration the proposed fence regulations and the selection of a planning consultant.

Charles Clark noted the division amongst the Council members and advised the Commission' recommendation to the Council on the Planning Consultant be a written with recommendation with documented reasons for the recommendation.

ADJOURNMENT

With no further business to come before the Commission, Chairman Ken Vaughn adjourned the meeting at 10 p.m.

Ken Vaughn
Chairman

January 10, 2006

City of Prairie Village
City Council
7700 Mission Road
Prairie Village, KS 66208

Attention: Mayor Ron Shaffer and City Council Members

Regarding: Selective Site Consultants/Cingular Wireless

I am writing in response to the Bucher, Willis and Ratliff's recent memo dated December 6, 2005 request for a Special Use Permit for McCrum Park.

The following are my concerns:

- 1) The Validation Study requires SSC to study all potential sites within an approximate ½ mile radius of the proposed application area. The study must demonstrate to the City's satisfaction that alternative sites are not available DUE TO A VARIETY OF CONSTRAINTS.

My response: I don't believe that they have, in good faith, looked for other viable and alternative options within Prairie Village. I can hardly believe that there were only four other possible sites that were considered. What happens to their coverage if it is ¾ of a mile? The reasons SSC stated in their response were very limited. They stated that a new monopole would need to be constructed. The real reason is because they don't want to incur any extra expense on Cingulars' behalf. They are a corporate giant and they are trying to make as much money as they can with as little expense as possible. If they were truly concerned about their customers and their ability to communicate, the expense of a monopole wouldn't and shouldn't be a factor. What exactly would the cost be to build a new monopole? How many "customers" are there within this half-mile radius? Is it our responsibility to provide wireless coverage for people traveling down Roe?

- 2) The Photo Simulation – a photo simulation of the proposed facility as viewed from the adjacent residential properties and public right of way.

My response: Those photos were completely inaccurate of the area and the "size" of the proposed large building. The actual equipment shelter is much larger according to their blueprint plans submitted.

- 3) Co-location Agreement – A signed statement indicating the applicant's intention to share space on the tower with other providers.

My response: Yes, the co-location would be controlled by Water Department Number One...but, the land is controlled by the city. If there was another carrier that applied for this permit then they too would need MORE of our green space and another 25% would be lost to a commercial corporation that would be receiving financial gains in a public park. We DON'T WANT TO LOSE AN INCH OF OUR PRECIOUS PARK! This definitely sets a precedent and there will be no turning back!

- 4) Copy of Lease – A copy of the lease between the applicant and the landowner containing the following provisions:
 - a. The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location. (stated above why this is a bad idea!)
 - b. The landowner shall be responsible for the removal of the communications tower facility in the event that the leaseholder fails to remove it upon abandonment.

My response: Apparently SSC isn't going to be responsible for much of anything including taking care of the shed that they are proposing to build. What happens when this technology goes out of date and they abandon this building? As you know, technology is changing ALL of the time...how long before that happens? Then we are stuck with an abandoned building.

- 5) Transmission Medium – Description of the transmission medium that will be used by the applicant to offer or to provide services and proof that applicant will meet all federal, state, and city regulations and laws including, but not limited to, FCC regulations.

My response: Just because they have "allocated a radio frequency spectrum by the FCC" doesn't mean they will be adhering to the FCC regulations in regards to Radio Frequency Emissions. How will they be monitored? Who will be responsible for making sure they are adhering to the regulations? How often will the equipment be monitored? This is less than 22' from a swing set!!! They stated that there will be no FCC signage like there is in Harmon Park. My question is why? Is this site different than that park? Does this have different equipment in the building? On their latest drawings for the site dated November 23, 2005 they have the following stated: "SSC assumes no responsibility for, nor has SSC performed any investigations or studies concerning, the compliance or noncompliance of said antennae locations with any FCC radio frequency exposure regulations." Again, what are they going to be responsible for during this process and in the future?

Now, onto the Findings of Fact:

- 1) The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.

My response: While they state that Prairie Village is a built out community and every change affects someone either positively or negatively. ALL of the neighbors in the immediate neighborhood view this as an INTRUSION into our space and adamantly oppose it! They state that the residents of the community will benefit from the installation because of improved communications. I would like to ask the Council exactly how many people in this ½ mile radius have Cingular? Who will this truly benefit? ONLY CINGULAR! This is definitely not best for our community. The public will be greatly inconvenienced when 25% of our park is no longer able to be used! I would also ask the Council to look at their statement that “a church, school, commercial area etc. may be a good potential site but if the owner is not receptive the site is unavailable. If this is such a win/win situation for everyone~why wouldn't a church or commercial be receptive? The Village is already zoned commercial...why not erect a monopole on top of the Jones Store? My hope is that you too will tell them that we are NOT RECEPTIVE to their proposal either!

SSC goes onto say that Harmon Park has 4 carriers on their tower. This is not a viable comparison. There are no homes 50 feet from the site. There are not playgrounds near this site. There are no children playing anywhere around the building. Harmon Park is very large...and McCrum Park is very small! You are not comparing apples to apples in this situation. If you look at the pictures that were taken...the Harmon Park site is very unkempt, unmanaged, and run down. This is NOT something we want to happen to our park! This will in NO WAY ENHANCE the welfare of the public. SSC states that “It may have some negative impact on the immediate neighborhood.”

- 2) The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

My response: Well, in one paragraph they say that it may have some negative impact on the immediate neighborhood and then the very next paragraph it says that it will have minimum impact on adjacent properties. Even if it is MINIMUM~any impact is unacceptable to us. The building is large measuring 12x20...but that isn't the area that is taken away around it for “landscaping” etc. They point out that single-family residence is allowed one storage building not exceeding 10'x12'. That is true...but, if we wanted to put this “storage building” in our FRONT yards the answer would be no. Storage buildings are placed in the back yard and out of sight for a reason!

- 3) The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be give to: a) location, size and nature of the height of building structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.

My response: What is immediate neighborhood? Is it the 30+ families that live 200 feet from this proposed site? Because of those 30+ families almost ALL of them will be impacted in some respects. Whether it is looking at the building or driving down 69th Terrace or Roe...this will have an immediate impact on everyone that passes by McCrum Park. Is this something Prairie Village would be proud of? It certainly isn't in line with any of the points in the Village Vision which was written by 250 residents and business owners. Those are just the visual concerns.

There are other concerns in which it would impact the neighborhood. First, it will be taking away coveted green space. As you know we are a land locked city and every inch of our green space is important to us. It is not just the building...but, the entire area of the building that would be lost to the park users...where families picnic and kids play football and Frisbee. It is a free space area for the imagination of all that use the park. It is a place to sit and reflect in a quiet space. So, the .6 percent of the site is again a misleading statement and fact. It will have an impact...a NEGATIVE one!

There are also safety concerns that surround the building. It provides a place for strangers to hide behind and it provides a place for kids to climb.

- 4) Adjoining properties and the general public shall be adequately protected from any hazardous or toxic material, hazardous manufacturing process, obnoxious odors, or unnecessary intrusive noises.

My response: As we know in 1996 FCC has made it a law stating the RFE's were not an arguable point. But, since no one is taking responsibility for that than I would assume that you, the City Council, by allowing this into the park would be liable for any future health problems that would arise. Because, we know that tobacco, asbestos, and lead were all "approved" to be safe at one point too! The SSC also states that the air-conditioning units will be less noisy too. Have you visited one of the sites and listened to them turn on and off? Do you picnic outside in the summer next to your A/C unit? Do you think visitors to the park want to picnic next to this building either?

- 5) Architectural style and exterior materials are compatible with such style and materials used in neighborhood in which the proposed structure is to be built or located.

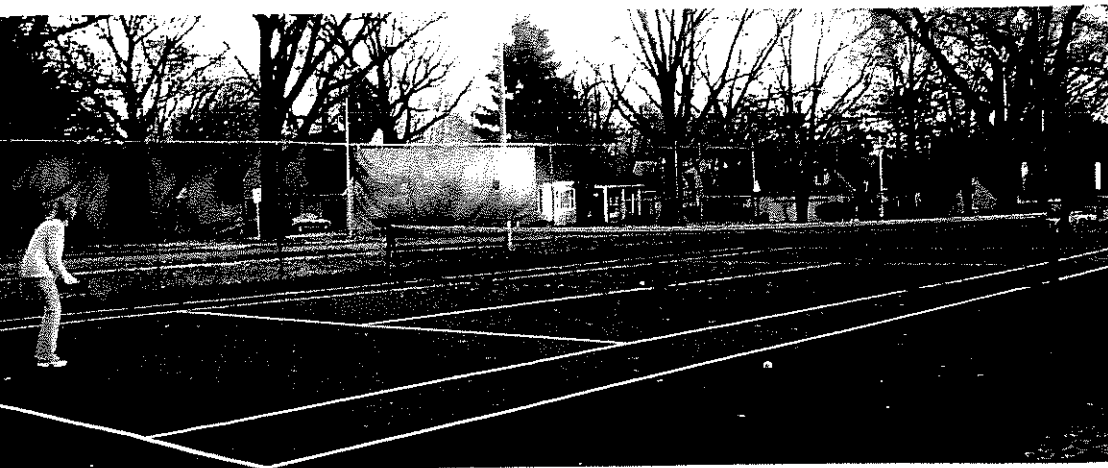
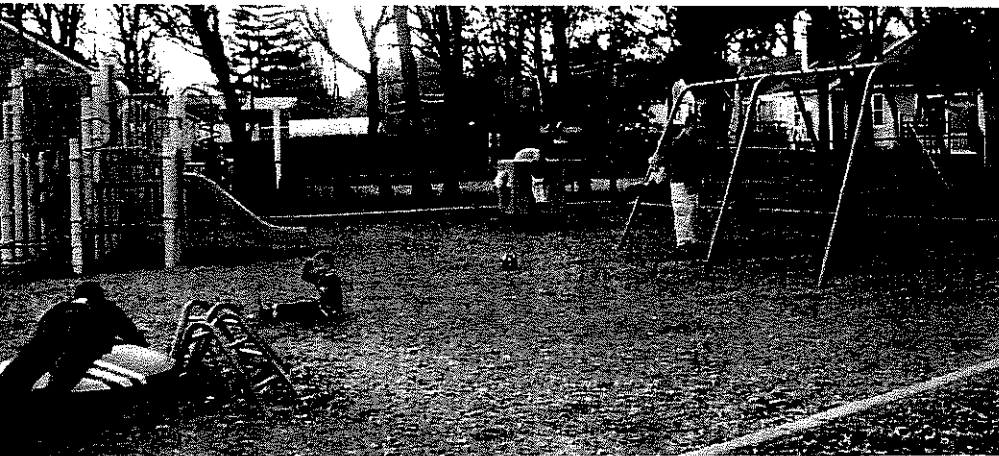
My response: As you know they have turned in numerous renderings with numerous materials for this building. But, the materials in the last blueprints were not compatible with our neighborhood.

In the recommendations, SSC stated that the applicant shall have a structural inspection of the antennas performed by a licensed professional engineer prior to every FIVE YEAR renewal...as part of the renewal application. Is that the ONLY time this property will be inspected? SSC has been very unprofessional throughout this entire process. Not only


have they submitted three different proposals (all of which have had the incorrect address of McCrum Park) but, their lack of professionalism and lack of responsibility for this site after it is built is also a cause of great concern.

In conclusion, I'm very disappointed that no one, neither the City nor Cingular, had bothered to contact those of us that live within 200' of the proposed site to see what our thoughts and feelings were about this project. This project has been in the works for well over a year! We will be the one's impacted every day, every week, every month, every year as long as that building is in McCrum Park. Tell them that McCrum Park is NOT for sale! Please support the Planning Commissions recommendation and deny Cingular the Special Use Permit.

This is McCrum Park on a Sunday afternoon in January. This is how McCrum Park should stay! It is user friendly for people of all ages enjoying the green space and amenities...to play, to sit, to watch and to enjoy!



This is Harmon Park. This is what McCrum Park will look like if you allow Cingular's Special Use Permit.



NOTICE

RF Controlled Area Beyond This Point


Radio frequency ("RF") emissions may exceed FCC Standards for general public exposure. Only authorized workers are permitted to enter.

For your safety:

- ▶ Obey all posted signs.
- ▶ Maintain minimum distance of 7 feet from all antennas.
- ▶ Do not stop in front of antennas.

For further information, please call 1-888-563-9835 and reference Site Number _____.

In accordance with FCC rules on radio frequency emissions 47 CFR 1.1307 (b).



NOTICE

GUIDELINES FOR WORKING IN RADIOFREQUENCY ENVIRONMENTS

- ▶ All personnel should have electromagnetic energy (EME) awareness training.
- ▶ All personnel entering this site must be authorized.
- ▶ Obey all posted signs.
- ▶ Assume all antennas are active.
- ▶ Before working on antennas, notify owners and disable appropriate transmitters.
- ▶ Maintain minimum 3 feet clearance from all antennas.
- ▶ Do not stop in front of antennas.
- ▶ Use personal RF monitors while working near antennas.
- ▶ Never operate transmitters without shields during normal operation.
- ▶ Do not operate base station antennas in equipment room.



Petition against Cingular Wireless Special Use Permit

We, the residents of Prairie Village, Kansas in the area of the parcel of land located in Ward One in Prairie Village vehemently oppose the 12x20 building proposed by Cingular Wireless and the placement of six antennas on the water tower. Below is a list of signatures from the residents from the area.

Name	Address	Phone
<u>John F. Nayde</u>	<u>5219 W 69th TERR DUKS 66208</u>	<u>913 432 7753</u>
<u>DALE & CAROL LESHOVSKY</u>	<u>4907 W 69th ST P.V. 66208</u>	<u>913-262-2857</u>
<u>Alvina Petro</u>	<u>4900 N. 70th ST P.V.</u>	<u>913-362-9311</u>
<u>Susan Forrest</u>	<u>6837 El Monte</u>	<u>913 262 6312</u>
<u>Arthur Neelham</u>	<u>4812 W. 70th ^{TLL}</u>	<u>913-432-8538</u>
<u>Alberta Neelham</u>	<u>4812 W. 70th th</u>	<u>913-432-8538 8538</u>
<u>Ashley Weaver</u>	<u>6739 El Monte</u>	<u>913 515 4869</u>
<u>Jon & Marsha Parkinson</u>	<u>5003 W. 69th Terr</u>	<u>913-236-6601</u>
<u>Aimee E. Hawley</u>	<u>4815 W. 69th Terr.</u>	<u>913-432-3805</u>
<u>David Schlegel</u>	<u>4810 W 69th Terr</u>	<u>913-262-5212</u>
<u>Joyce Ann Flavel</u>	<u>4814 W. 69th Terr.</u>	<u>913-362-0873</u>
<u>Granite Neidert</u>	<u>4709 W 69th St.</u>	<u>913 677 4360</u>
<u>Donna Windholt</u>	<u>4900 W. 71st.</u>	<u>913.384.2436</u>
<u>Jill</u>	<u>John Neidert 6700 El Monte</u>	<u>913 7607</u>
<u>Jill</u>	<u>6700 El Monte</u>	<u>913 7607</u>

Petition against the building of the Cell Phone Tower for Cingular Wireless

We, the residents of Prairie Village, Kansas in the area of the parcel of land located in the 6900 Block of Roe in Prairie Village vehemently oppose the building of the cell phone tower. Below is a list of signatures from the residents of the area.

Name Address Phone Number

Name	Address	Phone Number
✓ [Signature]	4802 W 69 th St	236-9973
Ann Cochran	5224 S 70 th St	262-1786
✓ Judy K. Hester	4705 W 70 th St	262-1786
✓ [Signature]	4705 W 70 th St	262-1786
[Signature]	4709 W 70 th St	262-1786
[Signature]	4709 W 70 th St	262-1786
[Signature]	4804 W 70 th St	677-1467
[Signature]	4808 W 70 th St	591-3483
[Signature]	4816 W 70 th St	262-3502
[Signature]	4904 W 70 th St	707-0001
[Signature]	4908 W 70 th St	522-6203
[Signature] (Holy Box)	4908 W 70 th St	913-522-1005 or 913-649-1333
[Signature]	5207 W 70 th St	913-406-7757
[Signature]	5207 W 70 th St	913-524-0911
LORIE JONES	4401 WEST 70 th	913-881-0911
JACQUELINE	4817 W 70 th St	913-432-5107
Trevi Spore	4809 W 70 th St	913-271-8410
Lindsay Osborn	2100 W 70 th St	913-384-5997

Petition against the building of the Cell Phone Tower for Cingular Wireless

We, the residents of Prairie Village, Kansas in the area of the parcel of land located in the 6900 Block of Roe in Prairie Village vehemently oppose the building of the cell phone tower. Below is a list of signatures from the residents of the area.

Name Address Phone Number

✓ [Signature]	4802 W 69 th St	236-9973
[Signature]	5222 W 70 th St	262-1786
✓ [Signature]	4705 W 70 th St	262-1786
✓ [Signature]	4908 W 70 th St	262-1786
[Signature]	4909 W 70 th St	262-1786
[Signature]	4709 W 70 th St	262-1786
[Signature]	4804 W 70 th St	677-1467
[Signature]	4808 W 70 th St	549-3483
[Signature]	4816 W 70 th St	262-1786
[Signature]	4404 W 70 th St	707-0001
[Signature]	4908 W 70 th St	522-6203
[Signature] (Holy Bull)	4908 W 70 th St	913-522-1005 or 913-649-1333
[Signature]	5201 W 70 th St	913-406-2229
[Signature]	4908 W 70 th St	913-522-1005
LURIE JONES	4401 WEST 70 th	913-522-0911
JESSA COZZO	4817 W 70 th St	913-432-5107
TREVIS SCOTT	4809 W 70 th St	913-271-8410
LINDSEY OSBORN	2160 W 70 th St	913-384-5997

Petition against the building of the Cell Phone Tower for Cingular Wireless

We, the residents of Prairie Village, Kansas in the area of the parcel of land located in the 6900 Block of Roe in Prairie Village vehemently oppose the building of the cell phone tower. Below is a list of signatures from the residents of the area.

Name	Address	Phone Number
Timothy	4800 W 69th Terr	722-3541
Gregory	4814 W 69 th Terr	913-362-0272
Michael M. Seibert	4902 W 69 th Terr	913-354-0171
John W. Switzer	4910 W 69 th Terr	913-262-2535
Danville	4914 W 69 th Terr	913-432-4521
Mark Deobank	5002 W 69 th Terr	913-362-9785
Lee	510 W 69 th Terr	913-244-9374
EV	520 W 69 th Terr	913-244-9211
Blair	5011 W 69 th Terr	913-362-5516
John	5002 W 69 th Terr	913-244-9374
Page Bens	4919 W 69 th Terr	913-441-3571
Sarah	4919 W 69 th Terr	913-509-9514
Pat	4919 W 69 th Terr	913-441-4351
John	4915 W 69 th Terr	913-766-5365
Paul	4901 W 69 th Terr	913-262-2857
Wendy	4903 W 69 th Terr	913-403-8101
Dan	4903 W 69 th Terr	913-441-3571
Pat	4719 W 69 th Terr	913-677-4716
Jack	4811 W 69 th Terr	913-262-0588

January 12, 2006

Marc Bertolino, AIA
4708 West 70th Street
Prairie Village, Kansas 66208

City of Prairie Village
City Council
7700 Mission Road
Prairie Village, Kansas 66208-4230

Attn.: City Council Members:

Mayor Ronald L. Shaffer
Al Herrera
Bill Griffith
Steve Noll
Ruth Hopkins
Greg Colston
Andrew Wang
Laura Wassmer
Pat Daniels
Kay Wolf
Jeff Anthony
David Belz
Diana Ewy Sharp

Re: Selective Site Consultants/Cingular Wireless Special Use Permit Application

To the Prairie Village City Council:

I am writing in response to Selective Site Consultants/Cingular Wireless Special Use Permit Application for placing telecommunications equipment and associated antennas in McCrum Park, at the intersection of 69th Terrace and Roe. After an initial introduction, I will be addressing key points related to Bucher Willis and Ratliff's comments to the City of Prairie Village, on the City's policy for wireless communications facilities.

In regards to Bucher Willis Ratliff's Memorandum to the Planning Commission, I have already responded to not only comments, but also **Findings of Fact**, submitted by BWR, dated December 6th, 2005. Based on yet another set of revised plans submitted by Selective Site Consultants/Cingular Wireless prior to the Planning Commission on December 6th, I again have to respond to issues related to this Special Use Permit Application. Although the Planning Commission has already denied the application, it is my understanding that Cingular will see this process through, with yet another presentation, this one to the City Council.

My apologies if this response is redundant, but it seems as though Cingular is determined to establish a stake in this site, in my community, and essentially, in my back yard. Complicating the issue further, are the numerous parties involved in this process, including myself, who must go on the defensive to protect my family and my investment. Of course, I am only one resident. During the Planning Commission in December, it became evident just how others feel about this permit application. Nearly one hundred residents signed a petition in opposition to this proposal and equally as many filled the chambers at City Hall to publicly voice their opposition directly to the Planning Commission. I have spoken to literally hundreds of people regarding this proposal and

have yet to find a single advocate, other than Cingular. Even those who have Cingular as a wireless provider oppose this project.

For the past six years, I have lived directly adjacent to McCrum Park, at 4708 West 70th Street. One of the reasons that my wife and I chose to live in this community is very simple. It is one of the last established neighborhoods within the Kansas City area that still maintains a vision. When Prairie Village was established in the 1950's, the intention was to create and hopefully maintain a sense of community, through a delicate balance of single family residential, commercial/retail property, and most importantly, a fantastic placement of public greenspace for residents to enjoy. Providing public greenspace is critical in the development of a successful community. Fifty years later, Prairie Village still exhibits such appeal. This longevity can be attributed to many factors, including positive planning and zoning. But what really creates a community are its residents.

Over this timeframe, I feel McCrum Park has been both a blessing and a curse. Living next to the park has been a wonderful experience for my family. With two young children, the park is the perfect anecdote for thriving and energetic minds. It is a safe, friendly, and inviting place to live next to. My wife, my children and I all have formed community bonds within the park, using it as a forum to interact with all of our neighbors. It is what public space promotes; positive community interaction. Despite all its positive attributes, the park occasionally becomes the target of isolated vandalism and a site for public display of bored-teenage antics, including those who wish to prove or disprove their fearlessness of attempting to scale the water tower. Such incidents are atypical of McCrum Park and very isolated.

What is most discouraging about the park though, is the relentless drive of private enterprise. Since the water tower exhibits one of the higher points in Prairie Village and perhaps the Johnson County area, it seems private (and note, the key word here is private) telecommunication companies feel that it is the perfect opportunity to further globalize their network(s), all in an effort to provide "constant and uninterrupted" cellular phone service and to apparently deal with the extremely critical issue of "dropped calls" as noted by Cingular. Because of my proximity to the park, my house, my neighborhood, and my community all have been subjected to such telecommunication proposals, from mounting switchgear and antennae in the park and on the tower, to placing equipment in the Northeast corner of my lot.

It has almost become amusing. Here is a typical anecdote. After living in my house for less than a month, I was approached by a similar site consulting company, asking if I would be willing to let Motorola place an 8'x10' concrete pad, to support a generator, in my backyard. I was told that Motorola would offer me a "generous" monthly stipend of \$100 a month to allow this to happen. This concept was very similar proposal to the one by Cingular, the only difference being that the actual equipment or structure would be located outside the park boundaries and in my yard. As I laughed the gentleman off of my front stoop, I took refuge in the fact that his only conceivable rationale for wanting to place the equipment on my lot, as opposed to the park, was because the city would never entertain such a ridiculous proposal.

The health and safety of this particular proposal are questionable and very subjective, at best, and is not of any benefit to anyone other than Cingular. While the city might recognize an initial financial gain, a mere \$2,000 a month, the repercussions of putting this equipment in the park will have adverse affects on surrounding property values, which in turn generates less tax revenue. As a taxpayer and a resident, I find this application insulting.

The bottom line for Cingular is simple: getting a stake in the park to ensure future profitability for the **immediate** future. There is a reckless disregard for the future viability of the neighborhood and its residents. The site and tower are limited to no more than two wireless carriers. That being said, this type of development is self-limiting in regards to this particular site. One carrier (and inevitably, two carriers) will destroy the ambience and physicality of not only the park itself, but

the surrounding properties, negatively altering the neighborhood. **I cannot reiterate this enough: a company, whose only true incentive is monetary gain, wants to privatize a public space, opening the door for a host of other private entities to follow suit, at the expense of property owners' health, safety, and welfare.** It is extremely disappointing on so many levels.

Below are my comments, based on revised plans, submitted by Selective Site Consultants and Cingular Wireless dated December 6th, 2005. Since these comments again have to be modified based on last minute submittals by SSC/Cingular, I feel it necessary to elaborate on the revisions to not only the plans, but also the entire process that SSC/Cingular has taken prior to the Planning Commission meeting on December 6th, 2005. There are discrepancies on all sets of plans and drawings submitted thus far that are misleading, inaccurate, or simply confusing. The site documents that have been submitted to the City at least three different times, still have the incorrect site location listed, at 67th Street. Ironically, this is the location of a church, another potential location only partially pursued by Cingular. As an architect, I find it astonishing that a site consulting firm would submit a set of plans for zoning approval riddled with inconsistencies, not once, but three times.

There are particular issues to discuss from this **Staff Report** Memorandum issued by Bucher Willis and Ratliff post-dated December 6, 2005 and submitted to the Planning Commission which I am responding to, in ***bold italics***:

2. Photo Simulation – A photo simulation of the proposed facility as viewed from the adjacent residential properties and public rights-of-way.

BWR Staff Report Response: Two photo simulations have been included; one shows the antennas on the water tower and the other shows the equipment building.

Response: The photo simulation described "as viewed from the adjacent residential properties" provided by SSC is completely inaccurate and misleading, based on the site plans submitted by SSC. The placement of the structure on the site, the scale of the structure, as well as the door as shown on the North Elevation of the building, are not an accurate representation of the proposed building. Based on the submitted plans, I personally have marked the location of the proposed structure in the park and have developed accurate renderings of how the building will realistically fit into the context and vernacular of the surrounding properties. These images were submitted to the Planning Commission on December 6th, 2005. While Cingular was opposed to some of the imagery at the meeting, I feel that residents, the Planning Commission and the City Council should both understand the ramifications of such a proposal. As noted by Trevor Wood of Selective Site Consultants at the initial 'Community Meeting' held in October of 2005, we as residents were told to look at two built prototypes for this proposal; one in Sweeney Park, at the intersection of Neosho and Wells, in Roeland Park, and another in Harmon Park, at the intersection of 77th and Delmar, in Prairie Village. Due to the constant revisions and modifications to the documents submitted by SSC/Cingular, it is difficult to even understand what is being proposed in regards to the site building. These built prototypes that we were told to look at are the only basis I personally have to gain an understanding of the FUTURE impact this project will have on the neighborhood. Since safety concerns were raised by the Planning Commission, including the lack of perimeter fencing around the structure and its accessibility to the public, residents should prepare themselves for the eventuality that additional site features could be added after the structure is built. This will be inevitable, due to the fact that this project is being placed IN A PARK. Therefore, the images submitted to the Planning Commission are all relevant, based on existing built prototypes and the discussion at the meeting in December.

6. Transmission Medium – Description of the transmission medium that will be used by the applicant to offer or provide services and proof that applicant will meet all federal, state, and city regulations and laws including, but not limited to, FCC regulations.

BWR Staff Report Response: The applicant has been allocated a radio frequency spectrum by FCC and is required to meet all state and federal regulations prior to obtaining a building permit from the City.

Response: While the applicant has been “allocated a radio frequency spectrum by the FCC” this has nothing to do with adhering to FCC regulations in regards to Radio Frequency emissions. Similarly constructed equipment and buildings in the City of Prairie Village are not adhering to FCC regulations already. An existing structure placed in Harmon Park has the following warning placed near the telecommunications equipment:

“Radio Frequency (RF) emissions may exceed FCC Standards for general public exposure.”

By simply placing a warning sign, are we led to believe that Cingular Wireless or the City of Prairie Village will not be held responsible for any RF emissions and potential health risks being emitted from the building? If so, then who will be held responsible for any risks to residents and park users? The applicant for this Special Use Permit may or may not be adhering to all applicable FCC regulations. There should be additional clarification as to whether or not this proposed structure in McCrum Park will in fact abide by current FCC regulations for RF emissions. If the applicant is not, residents and park users need to be warned, above and beyond a posted sign, as to the risks involved in placing such equipment in a park. The proposed building is to be placed roughly 22’ from an existing swing set.

The revised site drawings, dated November 23, 2005, submitted by Selective Site Consultants, states the following:

“SSC assumes no responsibility for, nor has SSC performed any investigations or studies concerning, the compliance or noncompliance of said antennae locations with any FCC radio frequency exposure regulations.”

This is an indication to me that this proposal may or may not abide by FCC regulations.

There are also several particular excerpts to discuss from the **Findings of Fact** Memorandum issued by Bucher Willis and Ratliff post-dated December 6, 2005, which I am responding to:

4. (Excerpt): “The special use will not dominate the immediate neighborhood”:

Response: Selective Site Consultants (SSC), Cingular Wireless, and/or the City has defined the “immediate neighborhood” as being an area within 200’ of the park. Since these were potentially the only residents notified of the proposal, I want to give a profile of what this “immediate neighborhood” consists of:

36 property owners whose property intersects a 200’ dimension parallel to each face of the park and/or a 200’ diameter from the corner of the park.

Of these 36 properties in the “immediate neighborhood”:

- 15 of 36 will have a direct view of the building from their property (42%)
- An additional 9 will have a limited view of the building (22%)
- Meaning (64%) of property owners will have to look at the building from somewhere on their property

- **(100%) of property owners will see the building when traveling on Roe Avenue. As will every park visitor no matter where they are in the park. The existing screening around the water tower provides insufficient visual protection from the proposed structure on the North side of the site. The greenspace buffer along 69th Terrace will be eliminated and/or modified and the proposed structure will be visible from every vehicle that travels Northbound or Southbound on Roe Avenue, a main artery that serves the City of Prairie Village.**

4. (Excerpt): "In determining whether the special use will so dominate the "immediate neighborhood", consideration shall be given to: (a) the location, size and nature of building structures, walls and fences on the site, and (b) the nature and extent of landscaping and screening on the site.

Response: The actual building height, based on the elevations provided will be approximately 11'. Based on the existing site conditions and to ensure proper drainage, this dimension will most likely be around 13' from street level. The "nature" of the building, based on similarly constructed stations, including those placed in Harmon Park and Sweeney Park, will be precast concrete and will have a metal roof, composed of either a metal parapet and coping or a standing-seam metal roof. The revised drawings, dated November 23, 2005, submitted by Selective Site Consultants, indicate two alternates for the proposed structure, one of which is incorrectly noted as having a shake shingle exterior and an asphalt roof. What is actually shown on the elevation drawings is CMU (concrete masonry units) and a cedar shake roof. This information is misleading and inaccurate. There are no windows located on the proposed building, nor any front porch or stairs leading to a stoop and no sidewalk leading to a front door. The predominant vernacular in the "immediate neighborhood" is wood frame construction, with shingle siding, and glass fiber asphalt shingle roofing. Therefore, the size, location, and nature of the building will dominate the "immediate neighborhood" by being a non-conforming anomaly, based on its site location, its materiality, and its lack of physical or perceived connection to the street.

BWR Response (Excerpt): "The building will cover about 0.6 percent of the site".

Response: While this may be true of the overall site, what is relevant to this permit application is the amount of existing public greenspace and the effect this proposal will have on that usable area. The actual usable greenspace available on the site, excluding non-impervious areas, is 30,295 square feet. The proposed lease area is indicated as 24'x17', or 408 square feet. The associated underground cabling required to power the proposed building that will affect existing greenspace is 2620 square feet. Therefore, a minimum of 3000 square feet, roughly 10% of the existing greenspace will be affected or eliminated on site, including the removal and/or disturbance of several existing trees. Because of the placement of the building, approximately 25% of the existing greenspace will become unusable, due to the proximity of the structure to the curb line and adjacent property on 69th Terrace.

9. "Architectural style and exterior materials are compatible with such style and materials used in the neighborhood in which the proposed structure is to be built or located".

Response: The materiality of the building has already been discussed in Response #4 – it is precast concrete with a metal roof, neither of which materials exist in any of the 36 properties in the "immediate neighborhood". The fact that the proposed building has an "architectural" roof does not categorize or classify a building as being of a particular "style", nor does simply applying a veneered material, such as limestone or brick to the face of a building. Based on the revised drawings, dated November 23, 2005, submitted by Selective Site Consultants, there are discrepancies between what is intended and what is indicated, as discussed above. While the building has been revised to be a "custom"

building, there is little or no flexibility in regards to size for this particular project, since the site is so small to begin with. There is no historical reference to any sort of proportion or scale, nor any ornament or level of detail that would classify the building as being of a particular "style". This building type is commonly referred to as a "station" or a "shed", neither of which belongs in a park. The IBC 2000 (International Building Code) which is the governing building code for this particular proposal, classifies this type of structure as 'U', which stands for "Utility". It is an uninhabited, unmanned utility shed being placed in a public park, in the middle of a residential district.

As an architect and a very concerned resident, I cannot help but question not only the responses addressed in Bucher Willis and Ratliff's Staff Report and SSC/Cingular's ongoing revisions to the permit application process, but also the insignificant monetary gain the City is receiving in return for this proposal. The process of securing approval of such a specialized project, especially in a public space, needs to **start** with the community and its residents who directly use that public space.

I will be attending the City Council meeting scheduled for December 17th.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc Bertolino', with a long horizontal flourish extending to the right.

Marc Bertolino, AIA

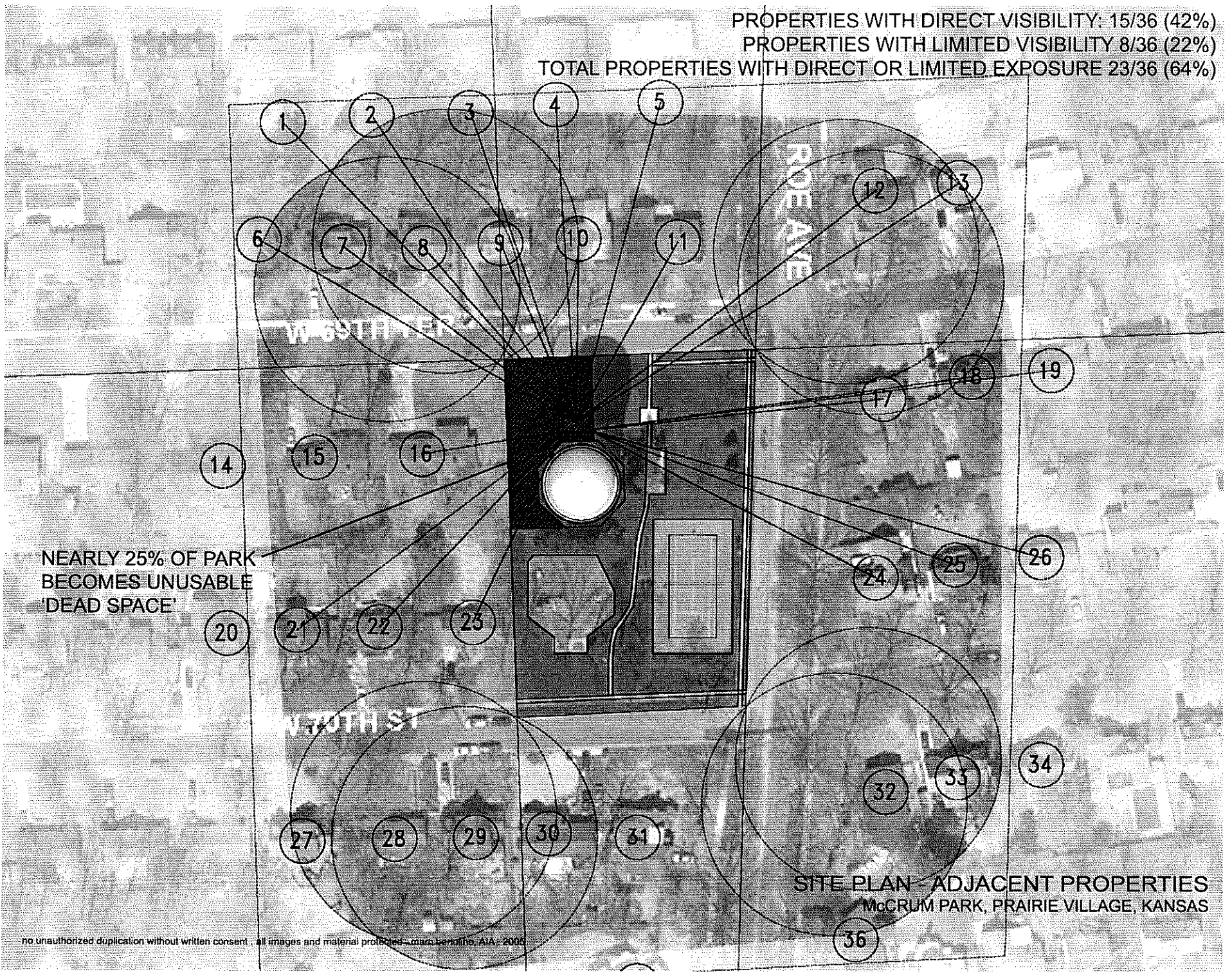
Enc: submitted PC images/booklet



THE FUTURE OF McCRUM PARK
PRAIRIE VILLAGE, KANSAS

no unauthorized duplication without written consent. all images and material protected. marc bertolino, AIA. 2005

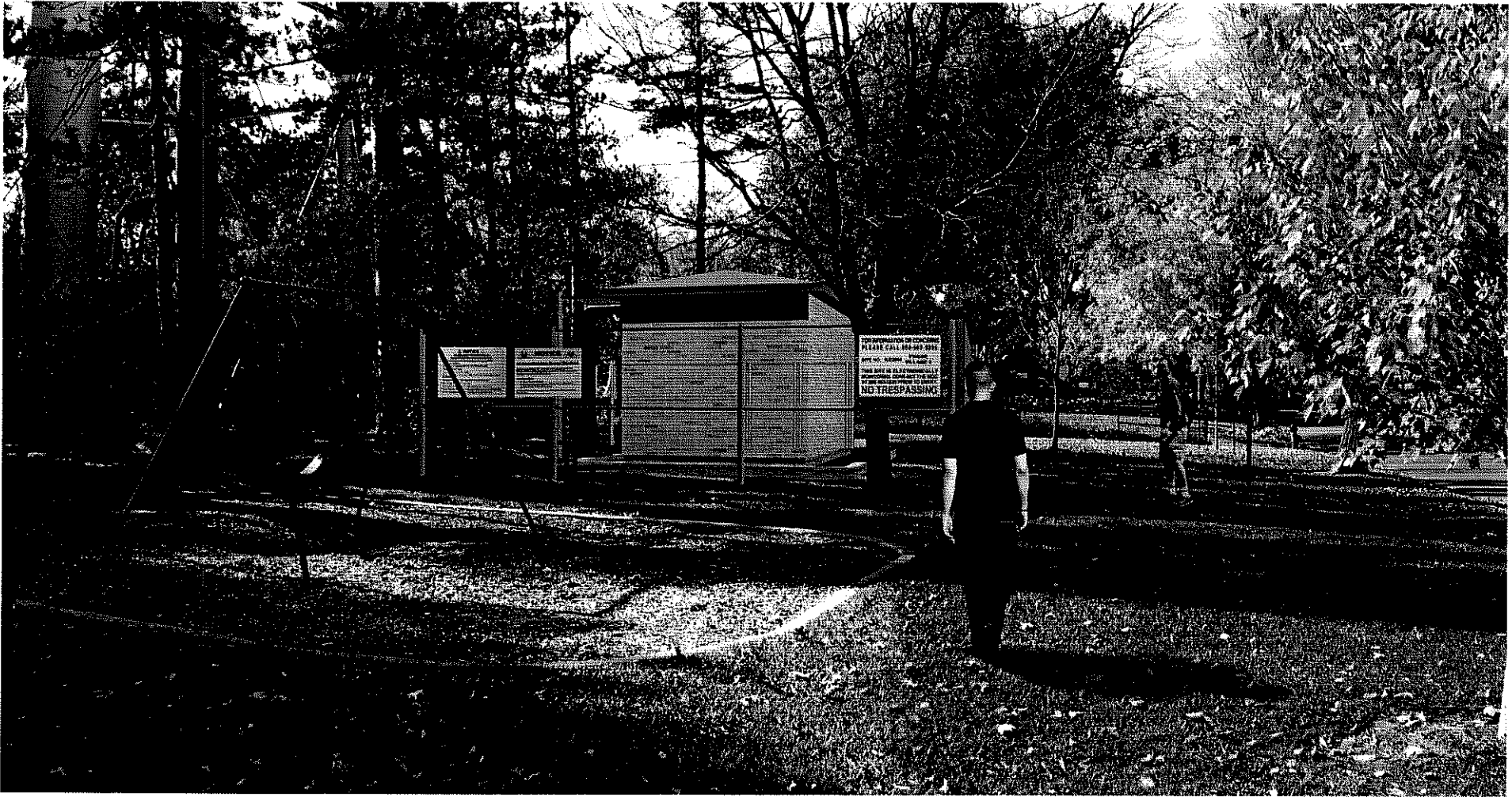
PROPERTIES WITH DIRECT VISIBILITY: 15/36 (42%)
PROPERTIES WITH LIMITED VISIBILITY 8/36 (22%)
TOTAL PROPERTIES WITH DIRECT OR LIMITED EXPOSURE 23/36 (64%)



SITE PLAN - ADJACENT PROPERTIES
McCRUM PARK, PRAIRIE VILLAGE, KANSAS



PROPOSED STRUCTURE - PHASE 1
McCRUM PARK, PRAIRIE VILLAGE, KANSAS



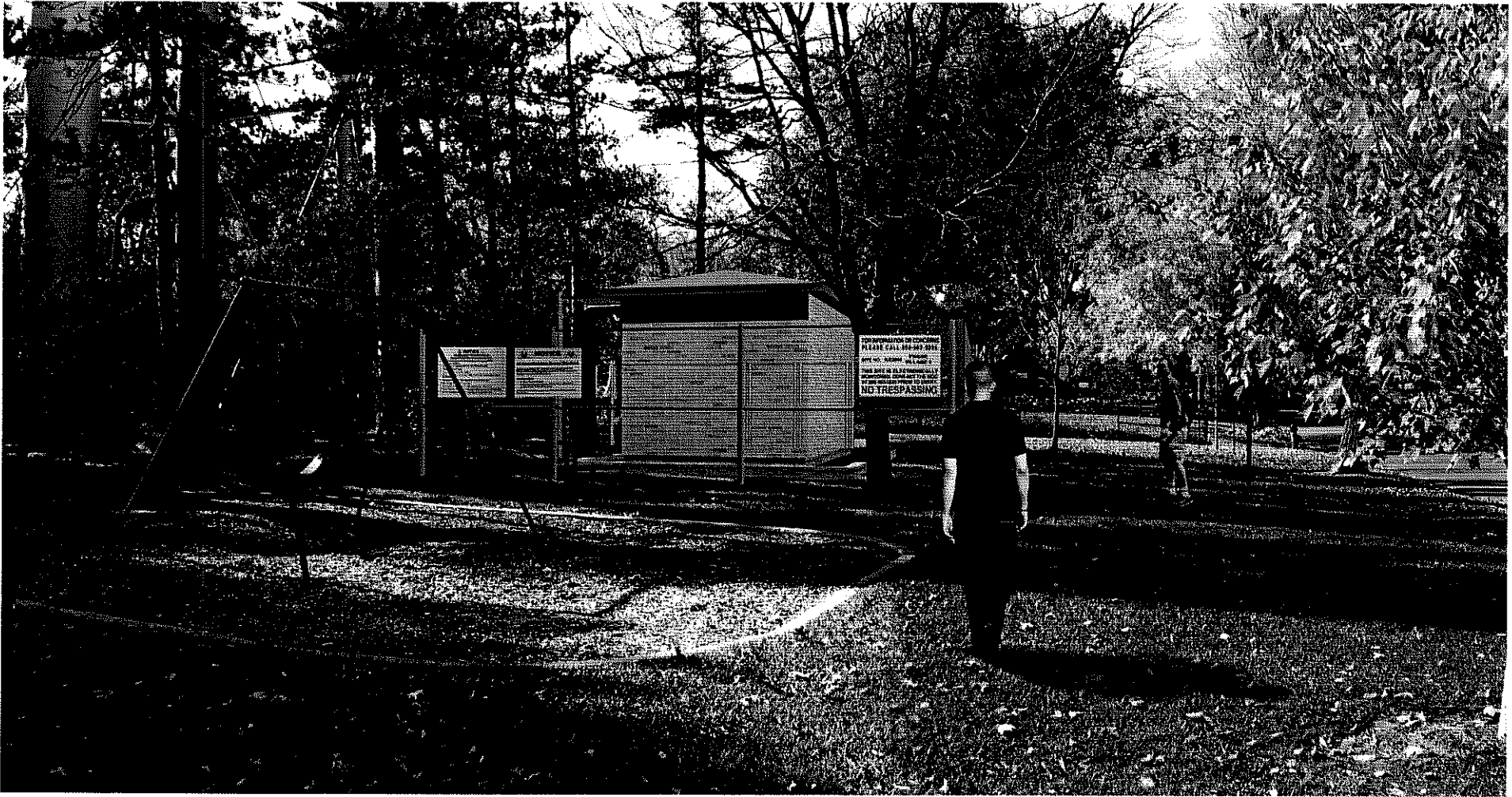
FUTURE ANTICIPATED 'GROWTH' - PHASE 2
McCRUM PARK, PRAIRIE VILLAGE, KANSAS



PROPOSED STRUCTURE - PHASE 1
McCRUM PARK, PRAIRIE VILLAGE, KANSAS



PROPOSED STRUCTURE - PHASE 1
McCRUM PARK, PRAIRIE VILLAGE, KANSAS



FUTURE ANTICIPATED 'GROWTH' - PHASE 2
McCRUM PARK, PRAIRIE VILLAGE, KANSAS



PROPOSED STRUCTURE - PHASE 1
McCRUM PARK, PRAIRIE VILLAGE, KANSAS



FUTURE ANTICIPATED 'GROWTH' - PHASE 2
McCRUM PARK, PRAIRIE VILLAGE, KANSAS



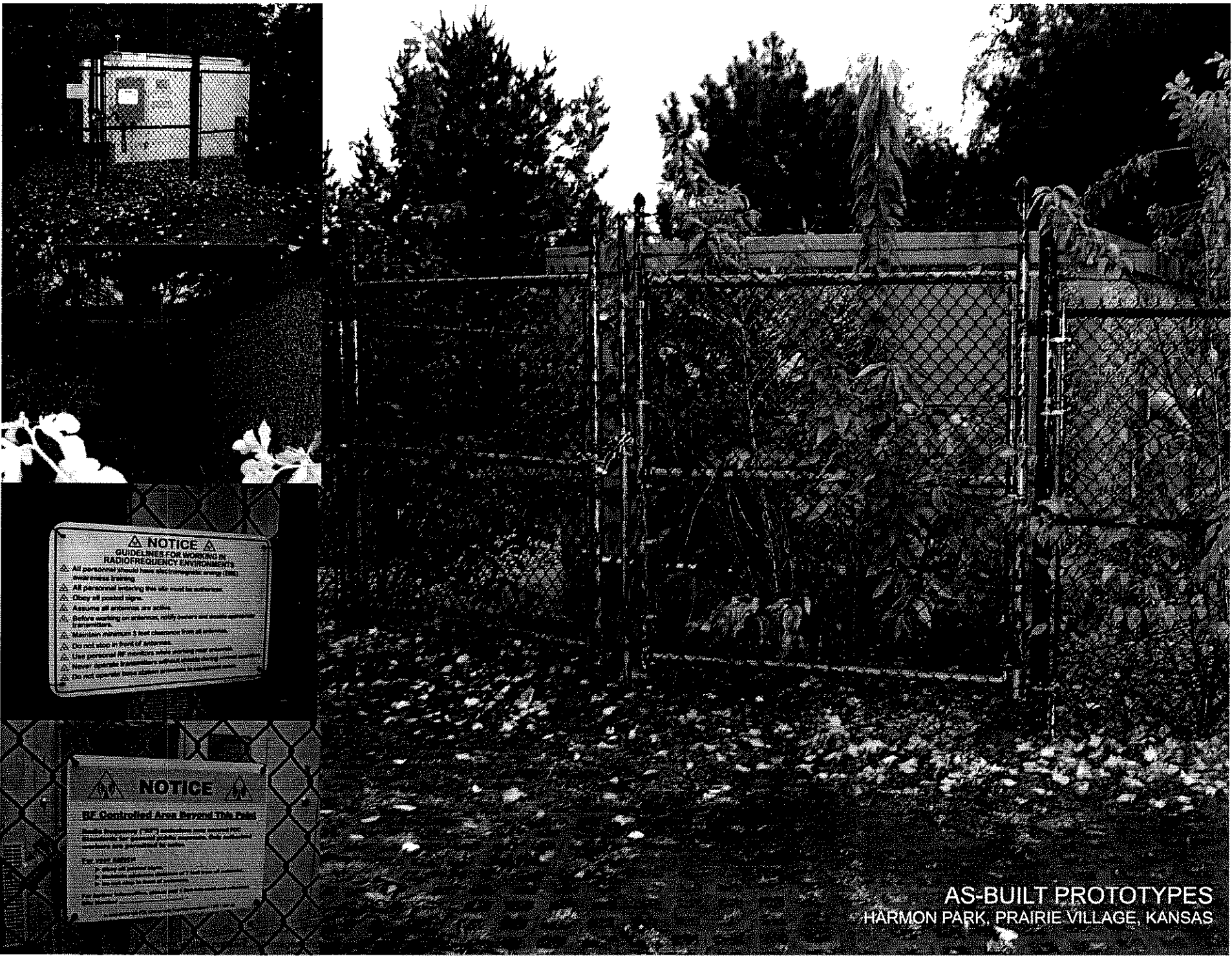
PROPOSED STRUCTURE - PHASE 1
McCRUM PARK, PRAIRIE VILLAGE, KANSAS



FUTURE ANTICIPATED 'GROWTH' - PHASE 2
McCRUM PARK, PRAIRIE VILLAGE, KANSAS



AS-BUILT PROTOTYPES
SWEENEY PARK, ROELAND PARK, KANSAS



NOTICE

GUIDELINES FOR WORKING IN RADIOFREQUENCY ENVIRONMENTS

- ⚠ All personnel should have electromagnetic safety (EMS) training.
- ⚠ All personnel entering the site must be advised.
- ⚠ Obey all posted signs.
- ⚠ Assume all antennas are active.
- ⚠ Before working on antennas, notify owners and de-energize transmitters.
- ⚠ Maintain minimum 3 feet clearance from all antennas.
- ⚠ Do not stop in front of antennas.
- ⚠ Use personal RF monitors while working near antennas.
- ⚠ Never operate transmitters without trained, licensed personnel.
- ⚠ Do not operate radio station equipment in unlicensed areas.

NOTICE

RF Controlled Area Beyond This Point

Radio frequency (RF) emissions may be present for electromagnetic interference (EMI) protection. This barrier is not intended to prevent RF entry.

RF Field Levels:

- Antennas radiating signals of 1 watt or more.
- Antennas within 10 feet of antennas.

For more information, please call 1-800-368-7233.

AS-BUILT PROTOTYPES
 HARMON PARK, PRAIRIE VILLAGE, KANSAS

11-1-05

To Prairie Village Council -

My husband, Robert McCreary,
died Jan. 26, 1994. This park
was named after him.

Bob was very proud of this
little park. We were here
many times. This area
is full of small families
and not a business district.

He was a very civic minded
man and would be
disappointed if the park
has a business on it which
already is small in size.

They should be persuaded to
build their own tower in
a less populated area.

I was invited to your meeting
but my driving is done in
the daylight any more.

Please consider leaving the
park for young people as it
was intended!

913
432
3048

Sincerely
Jeanne G. McCreary
5542 Oak Dr. SM, K666205

ANNE E. HAWLEY
4815 W. 69th Terrace
Prairie Village, Kansas 66208
(913) 432-3805

January 12, 2006

City Council
C/o Joyce Mundy, City Clerk
City of Prairie Village
7700 Mission Road
Prairie Village, Kansas 66208

RE: Cingular Wireless Proposal in McCrum Park

Dear Council Members:

I am opposed to Cingular's proposal to install wireless antennas and an equipment building in McCrum Park.

Prior to the Planning Commission meeting on December 6, 2005, I submitted a letter to the Planning Commission that discussed my concerns and objections to the pending proposal. Because my concerns and objections have not changed, I would like to submit my December 2, 2005 letter for your consideration.

Thank you.

Sincerely,

Anne E. Hawley

ANNE E. HAWLEY
4815 W.69th Terrace
Prairie Village, Kansas 66208
(913) 432-3805

December 2, 2005

Planning Commission
C/o Joyce Mundy, City Clerk
City of Prairie Village
7700 Mission Road
Prairie Village, Kansas 66208

RE: Cingular Wireless Proposal in McCrum Park

Dear Members of the Planning Commission:

I am a new member of this community. I chose to live in Prairie Village because of its quaintness, its quiet charm and its established neighborhoods.

At the end of my block is McCrum Park, which, as you know, has been a part of the Village since the 1950's. Although I have lived in Prairie Village for less than a year, I have seen McCrum Park regularly in use. With the exception of Brenizer Park, which has no park-like amenities other than seating, McCrum is the smallest park in the entire city. According to information provided by the City, McCrum Park is not even one acre in size (Attachment A). Yet in this small and compact space, McCrum Park provides a true park atmosphere. Parents take their children to play in the park, families picnic on the benches or on the grass, and groups of kids play games in the grassy areas.

Loss of Green Space

Most of the green space in McCrum Park is located on the north side, which is the same side as the site of the proposed building. The proposed building will be approximately 12' wide, 20' long and 10 feet tall. This regularly used, but tiny park, does not have green space to spare. As this Commission likely is aware, the only other park in the City where wireless antennas and equipment buildings have been installed is Harmon Park. Harmon Park, however, is 23 times the size of McCrum Park.

Not only will Cingular's building occupy 240 square feet, but the area of impact of the building will be substantially greater. First, Cingular is requesting a lease space of 24' x 17', which is larger than the actual physical structure. Second, the park space between the west side of the building and the neighboring property's fence will no longer

have any enjoyable use by park visitors since the building will block the view of the park. And, of course, the green space located behind the building will have no practical use by park visitors since it will be only a few feet from the water tower fence.

Additionally, the noise from the building's air conditioning unit or units will interfere with use and enjoyment of the park area surrounding the building. While there is no information that I am aware of representing the decibel levels of the air conditioning units, I believe it is a fair assumption that the noise from the building proposed in the original and second site plans will be substantially similar, if not identical, to the noise emanating from any of the three equipment buildings located by the water tower in Harmon Park.

When APT, Nextel and Sprint applied for a special use permit at Harmon Park to install their antennas and equipment buildings in 1997, Commissioner Judy Stanton asked if any noise would be emitted from the equipment buildings. At that time, it was represented that two of the proposed units were noiseless and that one building would require a small air conditioning unit, which would emit minimal noise (Attachment B). All one needs to do now is spend a few minutes standing near the equipment buildings at Harmon Park to know that this simply isn't true. The units are loud and constantly kick on and off. Regardless of which carriers currently own the equipment shelters at Harmon Park, one fact is clear: the units emit far more than "minimal noise."

Yesterday, I learned that a third site plan is going to be presented to this Commission, although I have not yet seen this latest plan. From what I understand, however, this revised site plan proposes one air conditioning unit to be placed on the ground, as opposed to two units attached to the building as reflected on the first two site plans. Presumably, an argument will be made that this design will allow for better insulation or muffling of the noise. However, should such an argument be made regarding the quietness or noiselessness of the ground unit, this Commission should consider that assertion with caution, considering the similar representations made at the 1997 Planning Commission and the noisy units now operating at Harmon Park.

If this building were to be placed in McCrum Park, the noise from the air conditioner(s) units would be intrusive and would further diminish the use and enjoyment of what green space would be left around the equipment building. I cannot imagine that many users of McCrum Park would want to picnic or play with their children anywhere near the noise of two large air conditioning units or a ground unit. In reality, the proposed equipment building is not merely going to take up a 12' x 20' space. For all of the reasons stated above, the building will effectively cut off most, if not all, of the park's green space west of the sidewalk from its current enjoyable use.

According to the official Prairie Village website, during a series of Community Visioning Workshops earlier this year, over 250 residents and business owners provided ideas of ways to improve Prairie Village. They identified strong and weak places in the City related to various areas, including parks. After reviewing and considering these ideas and suggestions, a set of eight goals was developed to guide the Village Vision

(Attachment C). The Village Vision Steering Committee worked with the City's planning consultants and developed a set of ten principles to guide future development in Prairie Village (Attachment D). These goals and principles, while not yet adopted by the City, reflect the desires and concerns of its citizens. One stated goal is to "provide diverse community recreation areas, cultural programs and expanded parks and greenspace." Cingular's proposal does nothing to further this goal of expanded parks and green space but instead, directly contradicts it.

Safety Risk

Also listed as a proposed Village Vision Principle for Development is the following: The relationship of buildings and streets should create safe and stable neighborhoods by providing "eyes on the street."

This building does nothing toward creating a safe neighborhood. Rather, the proposed building at this particular park will create a safety concern. As the park stands now, virtually all areas of the park are visible. There are no easy hiding places for a person to lie in wait. This building will provide a 12' by 20' wall behind which a potential predator could conveniently and completely hide from public view. This is especially true when considering the addition of the trees or shrubs that will be planted in an attempt to screen the building.

If children actually do play in this area or choose to investigate the building, they could easily be met by a person who has hidden behind the structure. Within seconds, a small child could be grabbed and taken to a waiting car on the nearby street. Not only will park patrons be at risk, but so will the many people who jog or walk along or through McCrum Park. Without question, this structure will pose a safety risk to the public.

Nearness to homes

Finally, I find it noteworthy that in both Staff Reports dated November 1, 2005 and December 6, 2005 regarding the pending application, no substantive discussion was directed at the building's very close proximity to residences. The water tower, which would host the antennas, is located quite close to residences, as would be the proposed equipment building. Factor number three of the Staff Report and the Revised Staff Report contains an analysis of whether the proposed special use permit will cause "substantial injury to the value of other property in the neighborhood in which it is to be located." Nothing is mentioned about the facility's nearness to homes under that factor or elsewhere in the reports. Yet in 1997, when an equipment building was proposed for the Harmon Park water tower, the planning consultant highlighted the fact that the "water tower is immediately surrounded by public property" to support of a finding that no "substantial injury" would occur from the placement of the antennas and equipment building (Attachment E). In the present case, however, the water tower is "immediately surrounded" by residences, not by public or commercial properties.

Moreover, at the October 3, 2000 Planning Commission hearing regarding the installation of additional antennas on the Harmon Park water tower, the following information was contained within the findings of fact:

The installation of the proposed antennas and equipment shelter shall have relatively little impact on the adjacent area because the antennas will be installed on the existing water tower and the equipment shelter will be contained within an existing fenced and landscaped area. **It should also be noted that the water tower is set back a significant distance from Delmar so the facility itself will not be directly across from any existing residential properties.**

(Attachment F). Yet again, in 2001, when a request was made for a special use permit to install an antenna and place equipment in a building, the following analysis was presented in support of a finding of no "substantial injury:"

It should be noted that there are **no residences immediately adjacent** to the building and there is a **significant distance** between any residential development and the building where the antennas will be installed.

(Attachment G). Thus, the findings of fact with respect to prior applications for similar special use permits have used the lack of proximity to homes to support a finding of no "substantial injury." If the "significant distance" between a wireless facility and residential properties has been a basis in the past to find no "substantial injury," how can it now be that the nearness of Cingular's proposed facility to people's homes is not, conversely, considered a negative factor that at the very least raises the question of substantial injury to property values? Instead, the close proximity to homes in this instance has been wholly ignored in the staff reports.

While I recognize that this City must balance competing interests in making its decision regarding this permit, I believe that the detriment to the neighborhood, the community and the general public outweighs the possible telecommunication or financial benefits. The approval of this special use permit would jeopardize public safety and decrease precious usable park space, and would be in direct conflict with the proposed Village Vision goals and principles for development.

I ask that this Commission deny Cingular's pending application for a special use permit. Thank you.

Sincerely,


Anne E. Hawley

PRAIRIE VILLAGE PARKS

A

Park Name	Address	Acres
Bennett Park	77 th Street and Rosewood	1.45
Harmon Park	77 th Place and Delmar	23.12
Meadowlake Park	2900 W. 79 th Street	4.60
Santa Fe Pavilion	7805 Delmar	3.40
Windsor Park	71 st Terrace and Windsor	5.79
Franklin Park	87 th Street and Roe	11.12
McCrum Park	69 th Terrace and Roe	.95
Porter Park	4601 Tomahawk	7.2
State Line Park	78 th Street and State Line	1.8
Brenizer Park	Prairie Lane and Tomahawk	.4
	Total	59.83

(B)

The existing carriers need working platforms for their antennas, but the three new carriers do not. The antennas for the different carriers are not be the same because of the requirements of the different types of communication.

Margie Lundy, 4300 W. 78th Street, spoke in favor of the application as she felt it was a better location for a tower than the proposed tower at 7801 Delmar which abutts the park. The placement of the communications tower at the park location would distract from the park.

Mayor Taliferro confirmed that the tower at 7700 Mission Road would be owned by the City.

With no one else wishing to speak on the application, the public hearing was closed at 7:25 p.m.

**PC 97-05 - Request for a Special Use Permit for a Wireless Communications Tower
7801 Delmar**

Bob Herlihy, stated that this application for installation of communication antennas uses the existing water tower located at 7801 Delmar. It is the desire of everyone in the industry to use existing towers as opposed to creating new towers. They have met several times with the Water District to discuss the use of their tower. Mr. Herlihy acknowledged the work of the Mayor and City Council in encouraging the Water District to explore the option of using their tower.

APT is joined in their application by Nextel Communications and Sprint PCS for a special use permit to install antennas and place ground based equipment on Johnson County Water District #1 tower. Ultimately, the tower could accommodate five telecommunications carriers, two of which will be determined in the future. Two carriers, Southwestern Bell Mobile Systems, Inc. and CMT Partners (CellularONE) utilize the existing monopole tower at City Hall and their antennas and transmitting equipment will remain at that site.

They are seeking a permit to allow for five carriers. The additional carriers would have to obtain site plan approval from the Planning Commission prior to being placed on the tower. The proposed antennas will be on the railing of the tower with some raised above the railing. No antennas will protrude from beneath or on top of the tower. The antennas can all be painted to match the color of the water tower. An APT antenna was presented at the meeting and is 6" wide and 72" in height, the Sprint antennas are 9" wide and 64" in height, Nextel antennas are 48" x 5" x 9". A structural analysis of the tower railings is currently being done to ensure the stability of placing units on the railings.

The weatherproof equipment cabinetry is the approximate size of a refrigerator and can be painted any color. This equipment will be placed at the base of the tower. It was

suggested that the equipment be buried beneath the tower. In exploring that option, APT's engineer provided the following analysis.

"The current site's topography does not allow any deep excavations for the vaults. Any deep excavation could cause a shifting of the soils layer that might result in catastrophic failure of the footings of the two closest tower legs and the nearby fencing. Furthermore, any underground vault will require stringent air and environmental monitoring systems and controls. A vault also creates concealed space entry problems for emergency services on the BTS equipment due to the entry constraints. The underground vaults will create major re-grading of the affected and surrounding areas which could cause significant changes to the drainage system for the water tower site and surrounding areas."

The existing water district fence will remain for security of the water district. One of the remaining items to be negotiated with the water district is the allowable fencing. The District does not want an opaque solid fence that would prohibit visibility and thus impact the security of the tower.

Ken Vaughn confirmed that the project requires a new power supply and noted that the proposed transformer is shown on park property. Mr. Herlihy confirmed that the new power supply would supply all the units and that it could be buried or relocated on water district property.

Judy Stanton asked if any noise would be emitted from the units. The APT and Sprint unit are noiseless. The Nextel unit will require a small air conditioning unit, approximately the size of a window unit, which will emit minimal noise.

Curtis Holland, 7500 College Blvd., Suite 750, addressed the Commission representing the co-locator, Sprint Spectrum. He stated that this use of an existing tower is an excellent way to meet the needs of the industry and the City. He noted that one of the primary concerns of the Water District, was the loss of the tax exempt status of the property. This has been addressed in the proposed lease with Sprint covering any new taxes as a result of the use.

Mr. Holland reconfirmed the concern and objection expressed by APT to the suggestion of burying the equipment cabinets. He noted their cabinet is 5' x 6' x 3' and stated that it could be easily and effectively screened by landscaping. If a buried vault were required, Sprint would very possibly withdraw its application and request space on the proposed monopole at 7700 Mission Road.

Mr. Holland addressed the concerns raised in a memo submitted by Glen Froelich. He stated that five buildings would not be constructed in conjunction with the project, but small equipment cabinets would be installed.

The site plan submitted contained sufficient information from which the Planning Commission could take action on the Special Use Permit based on the city's planning



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Employee Services

Community Choices Workshop and Open House



Join your Prairie Village neighbors and friends as we take the next step in developing the **Village Vision** at a Community Choices Workshop and Open House on September 13th and 14th.

Community Choices Workshop

Tuesday, September 13th

Indian Hills Middle School

6400 Mission Road

7:00 pm

Village Vision Open House

Wednesday, September 14th

Indian Hills Middle School

6400 Mission Road

7:00 pm

At both events you will have an opportunity to:

- Review the [Village Vision Goals](#) which were developed based on input provided by over 250 Prairie Village residents during a series of [Community Visioning Workshops](#) earlier this year;
- Receive a progress report on the Village Vision planning process;
- Review and comment on future development scenarios for 75th Street and the Corinth Square area; and
- Meet with and ask questions of the Village Vision planning team.

If you're unable to attend one of these meetings, please stop by and visit with the planning team on September 13th or 14th from 8:00 am -- 4:00 pm in Suite 105 of the Continental Building, 3520 W. 75th Street.

Questions? Contact Doug Luther at 913-381-6464 or send an e-mail to villagevision@pykansas.com.

Village Vision Goals

Goals for the Village Vision are based upon ideas and suggestions provided by over 250 Prairie Village residents and business owners at a series of [Community Visioning Workshops](#) earlier this year. After reviewing over 500 ideas for making Prairie Village the best community it can be in the coming years, the Village Vision Steering Committee grouped the Ideas into eight broad themes and developed a goal for each theme. These themes and goals are:

Community Character

Frequently asked questions about the Village Vision

[What is Village Vision?](#)

[How will the Vision be developed?](#)

[Why create a vision?](#)

[What is a visioning process?](#)

[Do I have to be an expert to contribute my ideas?](#)

[I like things the way they are. Why change?](#)

[Who can I contact for more information?](#)

Provide an attractive, friendly and safe community with a unique village identity appealing to people of all ages.

Community Facilities, Activities and Services

Provide diverse community recreation areas, cultural programs, and expanded parks and green space, including a new or renovated community center, complemented by well-maintained public utility infrastructure and excellent City services.

Housing

Encourage neighborhoods with unique character, strong property values and quality housing options for families and individuals of a variety of ages and incomes.

Land Resources

Encourage a high quality natural and man-made environment that preserves community character, creates identity and sense of place, and provides opportunities for renewal and redevelopment, including vibrant mixed-use centers.

Leadership & Governance

Provide a City government that communicates effectively with the public and works cooperatively with other communities to promote projects and programs that maintain a strong Prairie Village.

Learning

Support the provision of high quality educational environments for residents at all stages of their lives, including strong public K-12 institutions.

Prosperity

Promote a strong economy where a diverse mix of quality businesses contribute to a stable tax base, provide opportunities for redevelopment, meet the needs of residents, and attract visitors.

Transportation

Encourage a variety of transportation choices including safe, interconnected, and well-maintained roadways, sidewalks, biking trails, and public transportation systems that support the community's needs.


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Village Vision Principles for Development

What are Principles?

- Principles are statements of intent that describe the direction of future development and redevelopment.
- Principles focus on the quality, pattern, character, and organization of development and address a desire to strengthen the quality of the physical environment.
- Principles apply to established neighborhoods, corridors, and centers—all areas of the community.

Village Vision Principles for Development

1. Development should help "repair" or enhance existing neighborhoods or create new ones and should not take the form of an isolated project.
2. Areas within existing neighborhoods or along corridors should be reclaimed by using redevelopment strategically to leverage current investment and strengthen social fabric.
3. The creation of mixed-use developments should be promoted that support the functions of daily life: employment, recreation, retail and civic and cultural institutions.
4. Development should reinforce the interconnection of streets and public open places, including connecting places within and between neighborhoods.
5. Development should incorporate open space in the form of plazas, squares and parks that may include civic uses. They should also be interconnected with the public realm as defined by the street network.
6. The relationship of buildings and streets should create safe and stable neighborhoods by providing "eyes on the street" and should encourage interaction and community identity.
7. A clear definition of the public and private realm should be provided through block and street design.
8. Opportunities to create a range of housing types and price levels should be provided to bring people of diverse ages, races, and incomes, into daily interaction.
9. The needs of people who walk (convenience, safety, distance, access ability, interest, etc.) should be fully taken into consideration in all designs.
10. The image and character of development should respond to the best traditions of residential, mixed-use and civic architecture in the area. Building height, bulk, and palette of materials should be consistent even though buildings may be of various shapes and sizes.

If you have comments or questions about these principles, please share them with us by sending an e-mail to villagevision@pvkansas.com.

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City of Prairie Village

7700 Mission Road
Prairie Village, Kansas 66208-4230
voice: 913-381-6464
fax: 913-381-7755
TDD: 1-800-766-3777
info@pvkansas.com

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Developed by:



E

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, BWR, Planning Consultant
SUBJECT: PC 97-05 Request for Special Use Permit for a Wireless Communication Tower located at 7801 Delmar
DATE: March 11, 1997

COMMENTS:

APT Kansas City, Inc., Nextel Communications, and Sprint PCS are applying for a special use permit to install antennas and place ground based equipment on Johnson County Water District #1 tower located at 7801 Delmar. Ultimately, the tower could accommodate five telecommunications carriers, two of which will be determined in the future. Two carriers, Southwestern Bell Mobile Systems, Inc. and CMT Partners (CellularONE), utilize the existing monopole tower at City Hall and their antennas and transmitting equipment will remain at that site.

The staff has reviewed the application based on the City's new policy for Wireless Communications Towers and has the following comments regarding the information submitted. Policy statements are shown in bold type.

1. **Validation Study - A study comparing all potential sites within an approximate ½ mile radius of the proposed application area. The study shall include the location and capacity of existing towers, potential surrounding sites, a discussion of the ability or inability of the tower site, to host a communications facility and reasons why certain sites were excluded from consideration. The study must demonstrate to the City's satisfaction that alternative tower sites are not available due to a variety of constraints. It must also contain a statement explaining the need for the facility in order to maintain the system and include a map showing the service area of the proposed as well as and other existing and proposed towers.**

If the use of current towers is unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower construction; technical limitations of the system; equipment exceeds structural capacity of facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable.

A narrative site study was included in the applicant's submittal. This brief narrative gives evidence on why this site was chosen and modifications that will be required at the site to support a total of five (5) carriers. The reasons given to support the suitability of this site are listed below:

- 1. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.

The location of the tower meets all the setback, height, and area regulations.

Have I ok with rear setback

- 2. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.

The existing water tower will accommodate the proposed antennas on the existing railing, and, therefore, should not physically adversely affect the public welfare or convenience. The proposed tower will provide a necessary link in the overall communications network that will enable users to take advantage of current technology.

- 3. The proposed special use will not cause substantial injury to the value of other property in a neighborhood in which it is to be located.

The water tower is immediately surrounded by public property, will undergo very little physical change, and, therefore should not have any negative impact on the values of other property in the area.

J

- 4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to: (A) the location, size and nature of the height building structures, walls and fences on the site and (b) the nature and extent of landscaping and screening on the site.

The water tower is already in place and this application is only for the addition of antennas and ground based equipment which is minimal compared to a new tower. Landscaping and screening around the equipment compound has not been shown but will be required as part of this application.

- 5. Off-street parking and loading areas will be provided with standards set forth in these regulations, and areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.

This factor is not applicable to this particular application.

- 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

The site plan has not addressed this issue. There undoubtedly will be more concrete pads to accommodate the equipment of the new carriers. The amount should be minimal; however, it is not shown on the plan.

?

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**PLANNING COMMISSION MINUTES
MEETING OF OCTOBER 3, 2000**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, October 3, 2000 in the Council Chamber of the Municipal Building, 7700 Mission Road. Chairman Judy Stanton called the meeting to order at 7:00 p.m. with the following members present: Robin Walker, Charles Wooten, Jr. and Charles Clark.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Council Liaison Kay Wolf and Joyce Hagen Mundy, Planning Commission Secretary.

APPROVAL OF MINUTES

Charles Clark moved the Planning Commission minutes of September 5, 2000 be approved as submitted. The motion was seconded by Charles Wooten and passed unanimously.

PUBLIC HEARING

Judy Stanton reviewed the procedures to be followed during the scheduled public hearing and confirmed that the appropriate notices had been published and mailed.

**PC2000-05 Request for Special Use Permit for the installation
of additional antennas on the Communications Tower
7801 Delmar Road**

Trevor Wood, Selective Site Consultants, 13540 West 95th Street, representing AT&T, presented the application. He advised the Commission that in 1997 a special use permit was granted to allow the wireless communications antennas and equipment to be installed on the water tower at 7801 Delmar and recommended the approval of the special use permit subject to fourteen (14) conditions. One of those conditions was that the permit would be for three carriers: American Portable Telecom, Sprint PCS, and Nextel Communications, subsequently, American Portable Telecom and Nextel Communications installed their equipment and antennas, however, Sprint PCS has not completed an installation to date. The conditions also required that any new carriers would have to apply for a special use permit and obtain site plan approval using the same process that was used for the three carriers that were initially approved. Sprint PCS has withdrawn its participation at the Water Tower and now is being replaced by AT&T.

2. **The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.**

Approval of this special use permit should positively affect the welfare and convenience of the public because it will provide improved communications links to residences and businesses in the Prairie Village community and it is proposed to co-locate on a facility that already has existing wireless communications providers.

3. **The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.**

The installation of the proposed antennas and equipment shelter shall have relatively little impact on the adjacent area because the antennas will be installed on the existing water tower and the equipment shelter will be contained within an existing fenced and landscaped area. It should also be noted that the water tower is set back a significant distance from Delmar so the facility itself will not be directly across from any existing residential properties. The applicant has met with the neighbors and has agreed to design a fence that is acceptable to them.

4. **The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to: (a) the location, size and nature of the height of building structures, walls and fences on the site; and (b) the nature and extent of landscaping and screening on the site.**

The antennas will be installed on an existing water tower and the equipment shelter will be located within a fenced and landscaped compound, which should provide adequate protection for the adjacent property owners.

5. **Off-street parking and loading areas will be provided with standards set forth in these regulations, and areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.**

Off-street parking is available to serve this site from the adjacent parking lot and the need for parking for this facility is minimal because it is only necessary for periodic maintenance.

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**PLANNING COMMISSION MINUTES
MEETING OF JUNE 5, 2001**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, June 5, 2001 in the Multi-Purpose Room of the Municipal Building, 7700 Mission Road. Chairman Judy Stanton called the meeting to order at 7:00 p.m. with the following members present: Ken Vaughn, Robin Walker, Patty Bennett and Charles Clark.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Kay Wolf, Council Liaison; Barbara Vernon, City Administrator and Joyce Hagen Mundy, Planning Commission Secretary

APPROVAL OF MINUTES

Charles Clark moved the Planning Commission minutes of May 1, 2001 be approved as submitted. The motion was seconded by Robin Walker and passed unanimously.

PUBLIC HEARINGS

Chairman Judy Stanton reviewed the procedures to be followed during the public hearings and called upon the first applicant to address the Commission.

**PC2001-02 Request for Special Use Permit for Wireless Communication Antenna
1900 West 75th Street
Applicant: Nextel Communications**

Mike Reed, Senior Engineering Manager for Nextel Communications 7007 College Blvd, addressed the Commission as an agent for the property owner Capitol Federal Savings. Nextel is requesting a special use permit to install, operate, and maintain wireless communications antennas and the accompanying equipment at The Capitol Federal Savings Building, at 1900 West 75th Street. The antennas will be placed on the roof of the building and the equipment will be placed inside the basement of the building. Two air conditioning units will be added outside, however, they will be located in the area that contains the trash bin and the electrical transformer.

The proposed antenna installation meets all the setback, height and area regulations contained in the Zoning Ordinance. There is a dumpster located in the service area that is not screened as required by ordinance. The applicant has agreed to screen the dumpster.

2. **The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.**

A review of the plan submitted does not indicate that there will be any adverse effect on the welfare or convenience to the public. Rather, the installation of the antennas should be an improvement to the communications link for users in the immediate area and should be a benefit to the public in that respect.

3. **The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.**

The applicant held a meeting on Tuesday, May 22, 2001 in accordance with the Planning Commission Citizen Participation Policy and only one resident attended the meeting. The resident was interested in what was being proposed but had no negative comments regarding the proposal. It should be noted that there are no residences immediately adjacent to the building and there is a significant distance between any residential development and the building where the antennas will be installed.

4. **The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to: (a) the location, size and nature of the height of building structures, walls and fences on the site; and (b) the nature and extent of landscaping and screening on the site.**

The proposed antenna installation on this building is small in comparison to the building itself and will have relatively little impact. The neighborhood is totally developed and the only equipment that will be visible from the exterior, are the antenna panels and two air conditioning units. The two air conditioning units will be screened by the applicant from the view of the street.

5. **Off-street parking and loading areas will be provided with standards set forth in these regulations, and areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.**

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Tuesday, January 17, 2006
7:30 p.m.**

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC PARTICIPATION

IV. CONSENT AGENDA

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (Roll Call Vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

By Staff:

1. Approve Regular Council Meeting Minutes – January 3, 2006.
2. Ratify the Mayor’s reappointment of Lori Sitek and Thomas Brill to the Civil Service Commission for three-year terms expiring in January, 2009
3. Ratify the Mayor’s appointment of James Reimer to the Park & Recreation Committee for a three-year term expiring in April, 2009 and Luci Mitchell to the Prairie Village Tree Board to complete the unexpired term of Kathleen Riordan expiring in April, 2007.

By Committee:

4. Delete the following committee agenda items from the Policy/Services Committee assignments: POL2004-11, POL2004-12, POL2005-14, POL2005-17, POL2005-22 and POL2005-32 (Policy/Services Committee Minutes – January 3, 2006)
5. Approve the interlocal agreement with the City of Overland Park for public improvements to Nall Avenue – 83rd to 95th Street with Prairie Village sharing 50% of the estimated project cost of \$55,000 (Policy/Services Committee Minutes – January 3, 2006)
6. Approve Construction Change Order #1 for Project 191012: 2005 Concrete Repair Program to McAnany Construction for an increase of \$25,256 with funding from the Capital Infrastructure Program project allocation (Policy/Services Committee Minutes – January 3, 2006)
7. Approve the following pool membership and admission fees for the 2006 Season

Resident

Individual Membership	\$62.00
2 Person Family Membership	\$123.00
Family Membership (more than 2 people)	\$128.00
Senior Citizen Membership (age 60 & over)	\$46.00

Non-Resident

Individual Membership	\$133.00
Family Membership	\$256.00
Senior Citizen Membership	\$87.00
Child Membership	\$87.00

Other

10 Swim Card	\$40.00
Daily Admission Fee	\$5.00
Lost ID Card	\$3.00
Pool Rental	\$359.00

(Legislative/Finance Committee Minutes – January 3, 2006)

8. Approve the following Team fees for the 2006 Season:

Swim Team

Resident	\$83.00
Resident, second child on swim team	\$78.00
Non-resident without pool membership	\$121.00

Non-resident with pool membership	\$83.00
Synchronized Swim Team	
Resident	\$88.00
Resident, second child on team	\$83.00
Non-resident without pool membership	\$121.00
Non-resident with pool membership	\$88.00
Dive Team	
Resident	\$71.00
Resident, second child on dive team	\$66.00
Non-resident without pool membership	\$82.00
Non-resident with pool membership	\$71.00
Tennis Lessons	
Youth Group	\$35/\$46
Adult	\$52.00
Semi-Private	\$11.00 per ½ hour
Private	\$18.00 per ½ hour
Three & a Pro	\$13.00 per hour
Junior Tennis League	
Participant	\$80.00
2 nd Participant from same family	\$75.00

(Legislative/Finance Committee Minutes – January 3, 2006)

9. Approve a twilight admission fee of \$3 per person to the pool complex after 5:30 p.m. during the 2006 season (Legislative/Finance Committee Minutes – January 3, 2006)
10. Approve a fee of \$5 per hour per swimmer for semi-private swim lessons taught by swim team coaches with each lesson having a maximum of three swimmers per coach per ½ hour (Legislative/Finance Committee Minutes – January 3, 2006)
11. Approve an agreement with British Soccer Camp to conduct a camp at Meadowlake Park from June 5 – 9, 2006 (Legislative/Finance Committee Minutes – January 3, 2006)
12. Approve the following revisions to Facility Reservation Fees:

Facility	Resident Fee	Non-Resident Fee
Prairie Village Community Center	\$5.00/hr.	\$10.00/hr.
Park Shelters	\$5.00/hr.	\$10.00/hr.
Prairie Village Pool	\$359.00	\$359.00
Prairie Village Tennis Courts	\$5/hr/court	\$5/hr/court
Baseball/Soccer Fields	\$1.00/hr.	\$1.00/hr.
Community Center & Shelter Reservations	\$25 refundable Deposit	\$25 refundable Deposit

(Legislative/Finance Committee Minutes – January 3, 2006)

V. COMMITTEE REPORTS

Policy/Services Committee – Steve Noll

POL2005-37 Consider Council Policy 042 entitled “Construction Estimate”

Legislative/Finance Committee

LEG2005-42 Consider letter of interest in participating in First Suburbs Coalition/Fannie Mae Program

VI. OLD BUSINESS

VII. NEW BUSINESS

CONSENT AGENDA

CITY OF PRAIRIE VILLAGE, KS

Tuesday, January 17, 2006

**COUNCIL
CITY OF PRAIRIE VILLAGE
January 3, 2006
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, January 3, 2006 at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer called the meeting to order with the following Council members responding to roll call: Bill Griffith, Ruth Hopkins, Steve Noll, Andrew Wang, Pat Daniels, Jeff Anthony, Wayne Vennard, Diana Ewy Sharp and David Belz.

Also present were: Charles Wetzler, City Attorney; Charles Grover, Chief of Police; Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator; Josh Farrar, Assistant to the City Administrator and Lauren Claas, Administrative Support Specialist.

PUBLIC PARTICIPATION

No one was present to address the Council.

CONSENT AGENDA

Ruth Hopkins asked for the removal of item #8 from the consent agenda – “Approve interim agreement for planning services with Bucher, Willis, and Ratliff.”

Jeff Anthony moved the approval of the Consent Agenda with the removal of Item #8 for Tuesday, January 3, 2006:

1. Approve Regular Council Meeting Minutes – December 19, 2005
2. Approve Claims Ordinance 2622.
3. Approval of Construction Change Order #3 for a deduction of \$2,583.08 and #4 for a deduction of \$65,080.09 to McAnany Construction for Project 190841 and the

transfer of project unexpended funds to Capital Infrastructure Program Street Unallocated.

4. Approval of Construction Change Order #4 for a deduction of \$9,112.30 and #5 for a deduction of \$31,485.09 to McAnany Construction for Project 190847 and the transfer of project unexpended funds to Capital Infrastructure Program Street Unallocated.
5. Approval of Construction Change Order #1 for a deduction of \$9,214.11 and #2 is for a deduction of \$1,257.72 to McAnany Construction for Project 190848 and the transfer of project unexpended funds to Capital Infrastructure Program Street Unallocated.
6. Approval of a letter of understanding with the Johnson County Department of Human Services and Aging for administration of the Utility Assistance Program for Prairie Village residents.
7. Ratify the Mayor's appointment of Richard Bills to the Prairie Village Sister City Committee for a three-year term expiring in April 2008 and Pam Marshall to the Prairie Village Arts Council to complete the unexpired term of Joan Kemp expiring in April, 2006.

By Committee:

8. Affirm the decision of the ADA Compliance Committee denying the appeal of Mr. James Olenick (Council Committee of the Whole Minutes – December 19, 2005)
9. Direct staff to move forward with the construction of a sidewalk on the west side of Canterbury as approved by the City Council on November 21, 2005. (Council Committee of the Whole Minutes – December 19, 2005)
10. Adopt an ordinance to dissolve the current restricted residential parking district located on Eaton, 74th Terrace and 74th Street as the criteria required by the ordinance no longer exist. (Council Committee of the Whole Minutes – December 19, 2005)

A roll call vote was taken with the following members voting "aye": Griffith, Hopkins, Noll, Wang, Daniels, Anthony, Vennard, Ewy Sharp and Belz.

Mayor Shaffer stated that since Item #8 is relevant to his position with his firm, he will excuse himself from the Chamber and asked that Jeff Anthony, Council President, preside over the meeting.

Ruth stated that after long deliberation, she has some comments to make regarding item #8. Ruth moved to approve the interim agreement for planning services with Bucher, Willis, and Ratliff. Andrew Wang seconded the motion. Ruth also moved to amend the proposed Planning Advisory Services agreement with Bucher, Willis, and Ratliff by striking the first sentence in Article III, Section 2 and replacing it with the

following sentence: This agreement shall be effective for a one-year period commencing January 1, 2006. Andrew Wang seconded the motion.

Jeff Anthony, Council President, stated that the first motion needs to be discussed before the second motion is made. Ruth replied that the amendment is on the floor legally and has already been seconded. Ruth then asked for a Call of Order. Charlie Wetzler replied that Ruth can amend the motion on the floor. Charlie then explained that the Council should discuss the amendment and then vote on the amendment. Jeff replied that they would then discuss the amendment.

Ruth made the following statement: "I believe that Mayor Shaffer's involvement with Bucher, Willis, and Ratliff creates the appearance of a conflict of interest. However, I have also come to believe that my insistence on challenging his personal belief that no conflict exists is causing turmoil not only between us as council members, but also between us and the Planning Commission and the administrative staff. After much soul searching, I have decided that I am willing to change my vote in support of retaining Bucher, Willis, and Ratliff as our planning consultant for the year 2006. I believe that Mayor Shaffer must ultimately bear sole responsibility for his decision and any ramifications that may result. My vote tonight is not based on principle but on practicality and the wish to end the discord. I ask that this statement be entered into the official minutes of this meeting."

Ruth then repeated the amendment to the motion for the Council to review. Bill Griffith responded that he is trying to catch up and verified that the Council is looking at Article III, Section 2. Ruth explained that basically the amendment would change the

agreement from an interim agreement on a month by month basis to a one-year agreement.

Diana Ewy Sharp stated that she was surprised that someone who was so adamantly opposed to the agreement a month ago is changing her mind. Diana feels that if Ruth is endorsing this, then she is carrying the burden rather than Mayor Shaffer. She feels that if we endorse it, we are carrying that burden. Diana then asked Ruth if the Mayor had talked to her about this particular matter and Ruth replied that she had no comment. Pat Daniels commented that he has always been supportive of this amendment and would like to commend the thinking not necessarily because it agrees with his thinking but it has involved some thinking that is not easy to go through. Pat then noted that he is supportive of this amendment. He also noted that the statement on the record may involve the Mayor but the amendment itself does not state that. Andrew Wang stated that he supports the motion because he has not changed his mind. Andrew also said that he is willing to bear the responsibility of the decision that is made here and, because of the authority and power the Council members have and the independence and authority that the Planning Commission has, that he does not have any problem working with a firm with which the Mayor is a member. Andrew also mentioned that there was an open process and there was no question whatsoever on the qualifications of the Executive Vice President at Bucher, Willis, and Ratliff to be our Planning Consultant.

Bill Griffith stated that one of the things that reaffirmed his position on this issue in the last 30 or 60 days was the controversy involving the proposed cell tower. He feels the city, prior to going to the Planning Commission, had given some cursory endorsement of that proposal going forward through the Parks and Recreation Committee as well as

the Legislative Finance Committee which established a fee. After the committee established a fee, the Planning Consultant came back to the Planning Commission with a recommendation to approve the cell tower. Bill continued that he believes if the Planning Commission agreed with the consultant, which they did not, he feels that we would have had a neighborhood that rightly or wrongly would have cried, very loudly, "foul" because a principal in the planning consultant's firm was the Mayor of the City and that created the conflict. Bill Griffith reiterated that it highlights his concern that the perception of a conflict is as detrimental as a true conflict. Bill agreed that he has struggled with this too and feels there is not a vote that he would be 100% comfortable with but still thinks there is a problem.

Jeff Anthony said that the Council has a fiduciary responsibility to the people of Prairie Village and not necessarily to each other. He also said that he agrees with Bill and feels this is a conflict of interest whether there is one or not and will vote steadfastly against this.

Ruth then commented that she knows enough about numbers to know that she is outnumbered tonight and decided to go forward with this so that others in the city would realize that the general numbers are shifting and that this obviously will be coming back since it was returned to the Planning Commission.

Wayne Vennard asked that the vote be delayed until there is greater representation on the Council since there are a number of people absent.

Charlie asked Ruth if it was her intention to leave in the part of the contract that states that the city can terminate the 30 day interim. Ruth replied yes. Jeff asked if that could be done unilaterally and Charlie replied yes.

Wayne then asked if it were possible to delay a vote on this amendment until all representation of the Council were present. Ruth asked Wayne if he would just table. Wayne then moved to table. Jeff asked if there was any discussion. Diana stated that we do have an established forum here tonight and she would be voting against tabling this. Steve Noll stated that he does not know why the other members are not here tonight but they were all aware that this topic would come up so he feels that they have chosen to not be a part of the vote. Jeff then called to question the motion on tabling the motion. The motion failed with a five to four vote with Ruth Hopkins, Andrew Wang, Pat Daniels, and Wayne Vennard voting for the motion.

Jeff then asked if there was any further discussion on the amendment. Ruth repeated the motion, which was to approve a one-year agreement with Bucher, Willis and Ratliff. Jeff asked for a vote. The motion failed with a five to four vote with Ruth Hopkins, Andrew Wang, Pat Daniels, and Wayne Vennard voting for the motion.

Jeff stated that they will be going back to the first motion which is to approve the interim agreement with Bucher, Willis, and Ratliff on a month to month basis as presented in your packets. Jeff asked if there was any discussion. A vote was taken and the motion passed.

Mayor Shaffer then returned to the Chambers to chair the remainder of the meeting.

COMMITTEE REPORTS

Mayor Ron Shaffer asked if there were any items for Committee Reports. Ruth had one item from the Legislative/Finance Committee – an addendum to the 2006 Legislative Program concerning the Mid-America Regional Council's transportation and

infrastructure needs issue. Their recommendation is to include a statement requesting support of enabling legislation for regional public infrastructure systems and she would so move. Pat Daniels seconded the motion. Ruth added that this is just to have the Kansas Legislature enable us as a region to vote on this and we are not endorsing any particular transportation program. A vote was taken and the motion was passed.

Diana stated that they have set their first Villagefest Committee meeting for January 26, 2006 at 7:00 p.m. and would be happy to have new committee members so if you know of anyone, please encourage them to attend that meeting. Diana also stated that she does not have any new information from Meadowbrook so she cannot answer any questions about the proposal.

OLD BUSINESS

Pat Daniels inquired about the Village Vision project and whether it was losing steam. Doug Luther replied that ACP and ERA were to have produced a rough draft document a month ago but he only received the rough draft of the planned document last Thursday. He said that according to ACP and ERA, they had more work to do on it and that is the reason for delay. Pat then asked whether Doug was comfortable with the process. Doug replied that he was uncomfortable with the delay and is still reading the draft so he cannot give all of his thoughts at this time, but now that we have something to discuss with ACP and ERA and with the Steering Committee, the process should move forward. Pat asked if the fact that the number of sessions was reduced from four to three was a factor in the delay. Doug replied that he feels that ACP and ERA are the cause of the delay, not the reduction in the number of public sessions. Pat asked if there needs to

be a fourth session. Doug did not see the need. Pat asked if more committee feedback was needed. Doug replied that he feels the draft reflects what has happened so far, not necessarily feedback.

NEW BUSINESS

There was no New Business to come before the Council.

ANNOUNCEMENTS

The City has received a plaque from the National League of Cities for 30 years of membership and dedicated service. The Mayor thanked all of those who participate in those meetings on a yearly basis and who have been on committees and the board.

Committee meetings scheduled for the next two weeks include:

Planning Commission	1/03/2006	7:00 p.m.
Tree Board	1/04/2006	6:00 p.m.
Sister City	1/09/2006	7:00 p.m.
Park & Recreation Committee	1/11/2006	7:00 p.m.
Council Committee of the Whole (Tuesday)	1/17/2006	6:00 p.m.
City Council	1/03/2006	7:30 p.m.

The Prairie Village Arts Council is pleased to feature a mixed media exhibit by Gary Mehl and Art Whorton in the R.G. Endres Gallery during the month of January. The opening reception will be held on January 13th, from 6:30 – 7:30 p.m.

Prairie Village Gift Cards are now on sale at the Municipal Building. This is a great way to encourage others to “Shop Prairie Village.”

Donations to the Mayor’s Holiday Tree Fund are being taken. The funds will be utilized in assisting Prairie Village families and Senior Citizens needing help to pay their heating and electric bills during the cold winter months, as well as with home maintenance throughout the year. Your tax-deductible contributions are appreciated. As of December 30th, \$7,726.00 has been collected.

Remember to Mark Your Calendar for the Employee Appreciation Dinner on Friday, February 3, 2006 at the New Dinner theatre. Seating begins at 6 pm.

Holiday tree recycling is available until January 16th at Harmon Park, Franklin Park, Porter Park and Meadowlake Park.

There will be **no trash services** provided on Monday, January 16th in observance of the Martin Luther King Jr, holiday. Pick-up will be delayed one day all week.

City offices will be closed on January 16th in observance of the Martin Luther King Jr holiday.

The City Council will **NOT** meet on Monday, January 16th, but **will meet on Tuesday, January 17th**.

The 50th Anniversary books, **Prairie Village Our Story**, are being sold to the public.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at 8:10 p.m.

Lauren Claas
Administrative Support Specialist

Issue:

Consider reappointments to the Prairie Village Civil Service Commission

Background:

Lori Sitek has served on the Civil Service Commission for the past 9 years. Thomas Brill was appointed last September to complete an unexpired term. Both have provided excellent service to City and have agreed to accept reappointment.

Recommendation:

Ratify the Mayor's reappointment of Lori Sitek and Thomas H. Brill to the Prairie Village Civil Service Commission for three-year terms expiring in January, 2009
CONSENT AGENDA

Issue:

Consider appointments to the Prairie Village Park & Recreation Committee and Prairie Village Tree Board

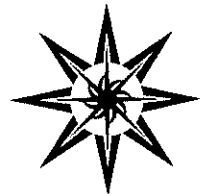
Background:

Mayor Shaffer is pleased to place before you the appointments of James Reimer and Luci Mitchell. Mr. Reimer will fill the vacancy created by the resignation of Karen Frederick for a three-year term on the Park Committee to expire in April, 2009. Ms Mitchell will fill the vacancy created by the resignation of Kathleen Riordan completing the unexpired term on the Tree Board that ends in April, 2007. Both of their volunteer information sheets are attached.

Recommendation:

Ratify the Mayor's appointment of James Reimer to the Park & Recreation Committee for a three-year term expiring in April, 2009 and Luci Mitchell to the Prairie Village Tree Board to complete the unexpired term of Kathleen Riordan expiring in April, 2007.

CONSENT AGENDA



City of Prairie Village

APPLICATION TO VOLUNTEER

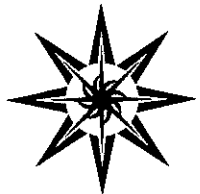
Please complete this form and return it to the City Clerk's Office, 7700 Mission Road, Prairie Village, Kansas 66208. If you have any questions, please contact the City Clerk's Office at 913-381-6464 or send an e-mail to cityclerk@pvkansas.com.

Name James Reimer Spouse's Name Piper Reimer
Address 4103 W. 73rd Terr Zip 160208 Ward 3
Telephone: Home 913 677 4502 Work 816 943 2251
Fax _____ Other Number(s): _____
Business Affiliation St Joseph Anesthesia Services
Business Address 1000 Carondelet Dr. KC, MO 64114.
What Committee(s) interests you? Parks & Rec

Please tell us about yourself, listing any special skills or experiences you have which would qualify you for a volunteer with the City of Prairie Village.

Prairie Village resident for 14 yrs. and a father of (3) children. Use Prairie Village Parks with great regularity. Active in coaching teams that use Prairie Village Parks. Served on Prairie Village Skatepark committee 2 yrs.

Thank you for your interest in serving our community.



City of Prairie Village

APPLICATION TO VOLUNTEER

Please complete this form and return it to the City Clerk's Office, 7700 Mission Road, Prairie Village, Kansas 66208. If you have any questions, please contact the City Clerk's Office at 913-381-6464 or send an e-mail to cityclerk@pvkansas.com.

Name Luci Mitchell Spouse's Name N/A
Address 4915 W. 77th Terr. Zip 66208 Ward _____
Telephone: Home 913-385-1966 Work 816-936-5683
Fax _____ Other Number(s): _____
Business Affiliation Social Security Administration
Business Address SSA, RO, CDP 601 E. 12th, Rm 448 KC MO 64106
What Committee(s) interests you? Tree Board

Please tell us about yourself, listing any special skills or experiences you have which would qualify you for a volunteer with the City of Prairie Village.

I have a great personal interest in trees and landscaping in general, and I love to learn. I am physically fit and would be able to perform or assist with many outdoor activities, e.g., tree census, pruning, clean up, etc. I enjoy working as a member of a team to achieve the group's goals.

Thank you for your interest in serving our community.

Policy/Services Committee
January 3, 2006
-Minutes-

The Policy/Services Committee met on Tuesday, January 3, 2006 at 6 p.m. in the Council Chamber for the City of Prairie Village. Present: Mayor Ron Shaffer, Steve Noll, Pat Daniels, Jeff Anthony and David Belz. Staff present: Bob Pryzby and Joyce Hagen Mundy.

POL2005-36 Policy/Services Committee Agenda Item Deletions

Bob Pryzby reviewed with the committee the following committee assignments which have either been completed or reassigned and recommended their deletion from Policy/Services Committee assignments:

- POL2004-11 Consider Project 190849: Roe Avenue paving – this is replaced by POL2005-23
- POL2004-12 Consider Project 190714: 2004 Storm Drainage Program – project is closed
- POL2005-14 Consider Project 190852: 2005 Crack/Slurry Program – project is closed
- POL2005-17 Consider revising bidding ordinance – this is replaced by POL2005-28
- POL2005-22 Consider Storm Drainage Consultant – completed
- POL2005-32 Consider Tree Trimming Area 43 – completed

Mr. Pryzby noted he would be closing out engineering agreements on three projects in February. Steve Noll asked if there were any outstanding issues on projects. Mr. Pryzby responded only the 2004 projects done by Miles Excavating.

Pat Daniels made the following motion, which was seconded by David Belz and passed unanimously:

**RECOMMEND THE FOLLOWING COMMITTEE AGENDA ITEMS
BE DELETED FROM THE POLICY/SERVICES COMMITTEE
ASSIGNMENTS: POL2004-11, POL2004-12, POL2005-14, POL2005-17
POL2005-22 AND POL2005-32**

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

POL2005-35 Consider Illicit Water Discharge

Bob Pryzby advised additional regulations regarding this issue are coming down from NPDES, which the Kansas Department of Health and Environment are currently reviewing. Once they determine what actions they will require an ordinance will be prepared and presented to the Council for consideration. At this time, Mr. Pryzby stated he would like to at least get a policy statement addressing the issue. He noted the following proposed code

language found on page 4 of the committee packet is very similar to what the NPDES is considering:

16-535 Illicit Water Discharge. Any water discharge point of non-polluted water from a sump pump system, roof drain, or swimming pool shall not be within (10) feet from any property line. Any pipe/hose carrying the discharge shall not be cut into the curb or gutter without first obtaining a drainage permit from Public Works. Any person who causes a discharge that is polluted or causes a hazardous condition, such as icing, slipperiness or debris, on any City sidewalk or City street shall be charged with a violation of this section and shall be subject to a penalty in accordance with City of Prairie Village Municipal Code 1-116.

The problem is to come up with a system that is better than having water discharged directly onto City streets or sidewalks. In conversations with his peers from across the country, the most common solution is the use of a small drainage pipe to the back of the curb and gutter connecting to a storm drain or creek outlet. Public Works has obtained cost estimates for installing a 4-inch PVC pipe behind the curb at a depth of 30-inches. The range of cost is from \$18 to \$21 per foot. Using this information, Mr. Pryzby selected a neighborhood and mapped out how the water from the homes would be directed into the city's existing systems and potential costs based on the property frontage with various connection fees of \$21 representing the estimated cost, \$25 for cost plus, \$15 and \$10.50 representing possible shared costs between the residents and the City.

Steve Noll asked if the homeowner's would have the option of using alternative solutions rather than connecting to the city's system. Mr. Pryzby stated they would have that option, but based on his past experience, he does not feel most will be successful. He noted that some people are currently running their sump pumps out into the City creeks and questioned if there should be a fee for this action.

Steve Noll confirmed the number of homes identified with this problem was 53. Mr. Pryzby noted that number could probably be doubled based on another review of the city made by his staff. Mr. Noll asked if once these problems have been dealt with if Mr. Pryzby anticipated an invasion of new problems. Mr. Pryzby responded no, but noted some new problem areas could be created by construction/improvements made to other properties causing a change in the flow of water. They should be few in number.

Mr. Noll confirmed the proposed policy would not have any impact on properties other than those identified. Mr. Pryzby responded the policy only address those areas where a water hazard is created for the public by the discharge.

Jeff Anthony stated the need for the ordinance to have teeth to be effective and asked what the proposed fine would be for any violation. Mr. Pryzby noted that would be set by the Council, but the current fine is \$25. Mr. Anthony noted in the past he had a swimming pool and would discharge pool water and asked if this was a problem. Mr. Pryzby responded pool water is generally not a problem for the City but for adjacent property owners as they are usually drained down towards the owner's property line, not the street. He restated this policy only addresses water discharge that causes a hazard to the general public on a City street or sidewalk.

David Belz confirmed the residents only pay when/if they connect to the city's system.

Jeff Anthony asked if the pipe could be placed through a trench or if the ground would need to be dug up. Mr. Pryzby feels the ground would probably have to be dug up, but noted it would be a relatively small trench area that would be easily filled and re-sodded.

David Belz asked how the City could require property owners to tie into the system. Mr. Pryzby stated they would be identified and cited for a code violation requiring corrective action to be taken. He noted the city would work with the residents to come up with the best solution.

Mayor Shaffer questioned if sump pumps have enough power to force water into the ground. Mr. Pryzby responded they did and would be hooked up to the existing system by a 4-inch pipe. Steve Noll noted that generally sump pumps are run across property just below or at the level of the property. Mr. Pryzby stated the 4-inch pipe should work if the distance to connect to the pipe is kept relatively short.

Mr. Pryzby noted if the city does the connecting, the property owner would not be required to get a drainage or right-of-way permit as the city would be doing the work.

Mr. Pryzby reviewed the proposed language for the new Council Policy #371 entitled "Water Discharges to City Lands and Right-of-Way".

A budget of \$50,000 is recommended to install the new 4-inch PVC pipes. This cost would be offset by revenue from the \$21 per property front foot assessment.

Steve Noll asked if this \$50,000 was intended to be a revolving fund. Mr. Pryzby stated when residents connect to the system the connection fee would go into this account and serve to replenish the account. Mr. Noll asked if this account would support on-going maintenance to the pipe. The pipe maintenance would be covered under the public works department general operating budget – the account would be used only for installation costs.

Jeff Anthony stated he was not comfortable with the policy yet and asked how it would be administered. Mr. Pryzby responded it has not been set at this time, but it would be his preference to have it where it is keyed to the safety of the walking or motoring public. If the water is creating a safety hazard for the walking or motoring public, it would be deemed a violation of code.

Jeff Anthony asked if there was a way to mitigate the problem without connecting if it could be done. Mr. Pryzby stated the changes of mitigating without hooking up are slim and noted that most of the properties already have pipe run. Mr. Anthony stressed the need for teeth in the ordinance via the established fine.

David Belz asked about the "10' from the property line" drainage designation. Mr. Pryzby stated what the policy is really addressing is drainage at the curb. However, drainage at the property line causes erosion, so that is also included. Drainage further back than 10' generally is able to spread out without causing erosion. The 10' designation came from what was being used successfully by his peers at other locations.

Mayor Shaffer confirmed if there is not a problem, this does not become an issue.

Steve Noll asked if it was Mr. Pryzby's intent to work through the 53 properties identified. Mr. Pryzby stated if he has to send a salt truck out because of icing or if he received a sidewalk complaint from a neighbor, it is appropriate to tell these people there is a problem and work with them to resolve the problem. He anticipates action will be taken on a case by case basis. He noted if all 53 properties were addressed immediately, \$50,000 would not be sufficient funding.

David Belz confirmed the connection fee is only paid if and when the city's drainage system is connected into.

Committee members discussed the \$21 connection fee based on estimated costs. Members expressed concern with the resident's ability to pay this fee and talked about what options were available including monthly statements, assessment through the county, cost sharing with the city. The committee will continue to discuss the fee.

Bob Pryzby noted he would make revisions based on the discussion and get additional information and return with a written policy/procedure in February.

POL2005-37 Consider Council Policy 042 entitled Construction Estimate

Bob Pryzby reviewed Charter Ordinance No.12 which pertains to obtaining cost estimates for projects costing more than \$10,000.00. Recently, because of increased costs of oil, construction bids have exceeded the detailed estimate of construction cost. In reviewing Charter Ordinance No. 12 that was adopted by the City on 5 June 1989, Public Works Staff have determined that:

1. The Charter Ordinance provides that the City of Prairie Village "exempts itself from and makes inapplicable to it, the provisions of K.S.A. 13-1017".
2. The Charter Ordinance provides "substitute and additional provisions".
3. The "substitute and additional provisions" are the exact language contained in K.S.A. 13-1017, except the amount for sealed proposals is changed from \$2,000 (as in K.S.A. 13-1017) to \$10,000.

He noted "Public Improvement is defined as to not include the making of repairs or the maintenance of any building, street, sidewalk, or other public facility in Prairie Village by employees of Prairie Village or the making of any expenditures from the city budget for such purposes."

Mr. Pryzby has discussed the ordinance with the City Attorney and has prepared a new City Council Policy to address the issue. The new policy provides definitions that clarify provisions of Charter Ordinance No.12 and also details a procedure to assist the Public Works Director in administering the policy. Mr. Wetzler advises the City needs to repeal Charter Ordinance #12 and write a new ordinance stating the City exempts themselves from the state statutes and establishes a policy/procedures on construction estimates by Council Policy.

The proposed policy states that if the projected construction cost is less than \$100,000, no construction cost estimate is required. If the projected construction cost is \$100,000 or more, the Public Works Director will prepare a construction cost estimate for review by the Governing Body.

The proposed procedure states that if a bid does not exceed the construction cost estimate, then the Public Works Director may recommend that the City Governing Body consider awarding a construction contract.

If all bids exceed the final construction cost estimate, the City may consider four options:

- a. Approve the bid award if the bid cost does not exceed the final construction cost estimate by 10% and additional funding is available.
- b. Request staff to revise the project scope and/or specifications as necessary to reduce the construction cost.
- c. Reject all bids and authorize staff to obtain new bids.
- d. Terminate the project and the agreement with the Engineer/Architect.

David Belz asked if the proposed 10% was sufficient to cover variances noting the large number of bids received over estimate during the past year. Mr. Pryzby responded bids last year were running 12-15% over estimate. Mr. Belz stated then the city would be back to the same problem.

Mr. Pryzby noted the 10% can be set at any value the Council feels is appropriate. He noted the cities of Overland Park and Olathe use 10% and the city of Shawnee uses 7%.

Jeff Anthony asked what percentage of projects is below \$100,000 in value. Mr. Pryzby responded very few projects are below the \$100,000 value, noting this is for new capital improvements, not for maintenance and repair. Mr. Anthony expressed some concern with leaving the city open to some criticism without requiring bid estimates, although he strongly supports the policy as it gets running the City into the hands of its staff and away from Council micro-management.

Mr. Pryzby noted cost estimates would be prepared even if they are not required. He reviewed past records of costs that are maintained by his staff and reflect what costs have been in the past and are used to gauge the appropriateness of bids received. Mr. Pryzby also stated he is keeping design cost information on projects. Historically, design costs have run 14% with construction administration costs running 10%.

Pat Daniels expressed astonishment at the engineering costs for past projects. Steve Noll explained some of those costs were unique situations where several designs were successively considered such as the Prairie Family Statue.

Mr. Pryzby noted there is no direct financial impact by adopting the new Council Policy.

Pat Daniels made the following motion, which was seconded by David Belz and passed unanimously:

RECOMMEND THE CITY ATTORNEY BE DIRECTED TO AMEND CHARTER ORDINANCE #12 AND THE CITY COUNCIL ADOPTS CITY COUNCIL POLICY NO. 042 ENTITLED "CONSTRUCTION COST ESTIMATE"

COUNCIL ACTION REQUIRED

POL2005-38 Consider Agreement with the City of Overland Park for Public Improvements to Nall Avenue from 83rd Street to Nall Avenue

Bob Pryzby stated Nall Avenue from 83rd Street to 95th Street was last paved in 1999. The City of Overland Park who shares the ownership of this portion of Nall Avenue with the City of Prairie Village has requested consideration to micro-surface this section of Nall Avenue. An Interlocal Agreement has been prepared by the City of Overland Park and reviewed by the Prairie Village City Attorney.

The micro-surfacing is planned for the summer of 2006 and will be administered by the City of Overland Park. Mr. Pryzby stated the City has an excellent working relationship with Overland Park.

Mr. Pryzby stated the estimated project total cost is \$55,000.00. The City of Prairie Village share is 50% (\$27,500.00) of the estimated cost and funding is available in the 2006 Public Works Operating Budget.

Steve Noll asked if this was surface was similar to slurry seal. Mr. Pryzby responded it was a grade higher than slurry seal.

Pat Daniels made the following motion, which was seconded by David Belz and passed unanimously:

RECOMMEND THE CITY COUNCIL APPROVES THE INTERLOCAL AGREEMENT WITH THE CITY OF OVERLAND PARK FOR PUBLIC IMPROVEMENTS TO NALL AVENUE – 83RD TO 95TH STREET WITH PRAIRIE VILLAGE SHARING 50% OF THE ESTIMATED PROJECT COST OF \$55,000

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

POL2005-13 Consider Project 191012: 2005 Concrete Repair Program

Mr. Pryzby stated this project has been completed and a review of the final construction quantities has resulted in a Construction Change Order for an increase of \$25,256.00. The increase is due to a significant increase in the amount of concrete curb and gutter and for ADA sidewalk ramps.

It was noted that funding is available in the Capital Infrastructure Program Project allocation.

Steve Noll asked how this project was inspected. Mr. Pryzby stated initially the City had an internal construction inspector, but that individual quit shortly after the project started. He noted the City has hired a new construction inspector, Debra Templeton.

David Belz made the following motion, which was seconded by Pat Daniels and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE CONSTRUCTION
CHANGE ORDER #1 FOR PROJECT 191012: 2005 CONCRETE
REPAIR PROGRAM TO MCANANY CONSTRUCTION FOR AN
INCREASE OF \$25,256 WITH FUNDING FROM THE CAPITAL
INFRASTRUCTURE PROGRAM PROJECT ALLOCATION
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

Bob Pryzby announced discussion of the sidewalk policy, procedures, and concerns will be discussed in February. Committee members discussed some of their questions and concerns with the issues raised and recommended the discussion be held not at the Policy/Services Committee but at the Council Committee of the Whole to allow complete input and discussion by the entire Council.

With no further business to come before the Committee, Co-chairman Steve Noll adjourned the meeting.

Steve Noll
Co-Chairman

Effective Date:

Amends: NEW POLICY

Approved By:

Page 1 of 2

I. Purpose:

1. To establish policy for receiving Cost Estimate for a Public Improvement Project

II. Responsibility:

1. Public Works Director.

III. Definition:

1. “**City**” shall mean the City of Prairie Village.
2. “**City Clerk**” shall mean the City Clerk employed by the City of Prairie Village or designee.
3. “**Engineer/Architect**” shall mean the company or individual whose services are rendered by engineers, architects, landscape architects and surveyors licensed by the Kansas State Board of Technical Professions.
4. “**Construction Cost Estimate**” shall mean and include the cost of the entire construction of the Project, including all supervision, materials, supplies, labor, tools, equipment, transportation, and/or other facilities furnished, used or consumed, but such cost shall not include Consultant Engineer/Architect fees or other payments to the Consultant Engineer/Architect and shall not include the cost of land or right-of-way and easement acquisition.
5. “**Engineer/Architect**” shall mean those professional services, labor, materials, supplies, testing, surveying, title work, if applicable, and all other acts, duties, and services required of the Engineer/Architect.
6. “**Project**” shall mean any work undertaken by the City for the construction or reconstruction of any public infrastructure, including without limitation, streets, bridges, sidewalks, storm drains, traffic control devices, street lights, parks, buildings or lands work.
7. “**Public Works Director**” shall mean the Director of Public Works employed by the City or that person’s designee.

IV. Policy:

1. If the projected construction cost is less than \$100,000, no Construction Cost Estimate is required.

2. If the projected construction cost is \$100,000 or more, the Public Works Director will prepare a Construction Cost Estimate for review by the governing body.

V. Procedure:

1. If a bid does not exceed the Construction Cost Estimate, then the Public Works Director may recommend that the City governing body consider awarding a construction contract.
2. If all bids exceed the Final Construction Cost Estimate, the City may consider four options.
 - a. Approve the bid award if the bid cost does not exceed the Final Construction Cost Estimate by 10% and additional funding is available.
 - b. Request staff to revise the Project scope and/or specifications as necessary to reduce the construction cost.
 - c. Reject all bids and authorize staff to obtain new bids.
 - d. Terminate the project and the agreement with the Engineer/Architect.

AGREEMENT BETWEEN THE CITY OF OVERLAND PARK, KANSAS AND THE CITY OF PRAIRIE VILLAGE, KANSAS FOR THE PUBLIC IMPROVEMENT OF NALL AVENUE FROM 83RD STREET TO 95TH STREET.

THIS AGREEMENT, made and entered into this _____ day of _____, 2005, by and between the CITY OF OVERLAND PARK, KANSAS, and the CITY OF PRAIRIE VILLAGE, KANSAS, each party having been organized and now existing under the laws of the State of Kansas,

WITNESSETH:

WHEREAS, the parties hereto have determined it is in their best interest to make the public improvement to Nall Avenue from 83rd Street to 95th Street as such improvement is hereinafter described; and

WHEREAS, K.S.A. 12-2908 authorizes the parties hereto to cooperate in making the public improvement; and

WHEREAS, the governing bodies of each of the parties hereto have determined to enter into this Agreement for the aforesaid public improvement, as authorized and provided by K.S.A. 12-2908 and K.S.A. 68-169; and

WHEREAS, the governing body of the CITY OF OVERLAND PARK, KANSAS, did approve and authorize its mayor to execute this Agreement by official vote of the body on the _____ day of _____, 2005.

WHEREAS, the governing body of the CITY OF PRAIRIE VILLAGE, KANSAS, did approve and authorize its mayor to execute this Agreement by official vote of the body on the _____ day of _____, 2005.

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants and agreements herein contained, and for other good and valuable considerations, the parties hereto agree as follows:

1. PURPOSE OF AGREEMENT. The parties hereto enter into this Agreement for the purpose of constructing the public improvement on Nall Avenue as heretofore described by performing the following work: The street improvement of Nall Avenue from 83rd Street to 95th Street including microsurfacing the existing street and repair of asphalt pavement, pavement markings and other items incidental to the street reconstruction.
2. ESTIMATED COST OF PROJECT.
 - A. The estimated cost of construction for the public improvement covered by this agreement is FIFTY-FIVE THOUSAND DOLLARS (\$55,000.00).
 - B The cost of making the public improvement shall include:
 - (1) Labor and material used in making the public improvement; and
 - (2) Such other expenses which are necessary in making the public improvement, exclusive of the cost of acquiring real property and any improvement thereon for the location of the public improvement. These costs include but are not limited to project administration, construction inspection, material testing and utility relocations.
 - C. The local share of the cost for construction of said public improvement, as described hereinabove, shall be distributed within each CITY as follows:
 - (1) The CITY OF PRAIRIE VILLAGE, KANSAS shall pay 50% of the local share of said public improvement (estimated to be \$27,500.00).

(2) The CITY OF OVERLAND PARK, KANSAS shall pay 50% of the local share of said public improvement (estimated to be \$27,500.00).

3. FINANCING. THE CITIES OF OVERLAND PARK, KANSAS, and PRAIRIE VILLAGE, KANSAS, shall pay their portion of the cost with monies budgeted and appropriated funds.

4. OVERLAND PARK ADMINISTRATION OF PROJECT. It is acknowledged and understood between the parties that since there are two separate cities included within the proposed improvement, one of the cities should be designated as being “in charge” of the project to provide for its orderly design and construction. However, both cities shall have the right of review and comment on project decisions at any time throughout duration of this Agreement, and any subsequent agreements hereto. The public improvement shall be constructed and the job administered by the CITY OF OVERLAND PARK, KANSAS, acting by and through the Director of Public Works for Overland Park, Kansas, who shall be the principal public official designated to administer the public improvement; provided, that the Director of Public Works shall, among his several duties and responsibilities, assume and perform the following:

A. Make all contracts for the public improvement, including the responsibility to solicit bids by publication in the official newspaper of Overland Park, Kansas. In the solicitation of bids, the appropriate combination of best bids shall be determined by the aforesaid governing body administering the project, except that the governing body of the CITY OF PRAIRIE VILLAGE, KANSAS reserves the right to reject the successful bidder in the event that the bid price exceeds the engineer’s estimate. If all bids exceed the estimated cost of the public improvement, then either CITY shall have the right to reject the bid. In such case, the project shall rebid at a later date.

- B. Submit to the CITY OF PRAIRIE VILLAGE on or before the 10th day of each month, or as received, estimates of accrued costs of constructing the public improvement for the month immediately preceding the month the statement of costs is received; provided that the CITY OF PRAIRIE VILLAGE shall within thirty (30) days after receipt of a statement of costs as aforesaid, remit their portion of the accrued costs to the CITY OF OVERLAND PARK as herein agreed.
- C. Upon completion of the public improvement, the Director of Public Works shall submit to the CITY OF PRAIRIE VILLAGE a final accounting of all costs incurred in making the public improvement for the purpose of apportioning the same among the parties as provided herein.
- D. The CITY OF PRAIRIE VILLAGE shall be named as additional insured on all applicable certificates of insurance issued by the contractor for this project.
- E. The CITY OF OVERLAND PARK shall require performance and completion bonds for the improvement from all contractors and require that all contractors discharge and satisfy any mechanics or materialman's liens that may be filed.
- F. The CITY OF OVERLAND PARK shall require that any contractor provide a two-year performance and maintenance bond for the Improvement. As Administrator, the CITY OF OVERLAND PARK will, upon request of PRAIRIE VILLAGE, make any claim upon the maintenance bond or performance bond and require that the contractor fully perform all obligations under the performance and maintenance bonds.

G. The CITY OF OVERLAND PARK shall include in contracts for construction a requirement that the contractor defend, indemnify and save OVERLAND PARK and PRAIRIE VILLAGE harmless from and against all liability for damages, costs, and expenses arising out of any claim, suit or action for injuries or damages sustained to persons or property by reason of the act or omissions of the contractor and the performance of his or her contract.

5. DURATION AND TERMINATION OF AGREEMENT. The parties hereto agree that this Agreement shall exist until the completion of the aforesaid public improvement, which shall be deemed completed upon certification to each of the parties hereto by the Director of Public Works advising that the public improvement has been accepted by him as constructed; provided that upon the occurrence of such certification by the Director of Public Works, this Agreement shall be deemed terminated and of no further force or effect.
6. PLACING AGREEMENT IN FORCE. The attorney for the administering body described in paragraph 4 hereof shall cause this Agreement to be executed in triplicate. Each party hereto shall receive a duly executed copy of this Agreement for their official records.
7. AMENDMENTS. This Agreement cannot be modified or changed by any verbal statement, promise or agreement, and no modification, change nor amendment shall be binding on the parties unless it shall have been agreed to in writing and signed by both parties.
8. JURISDICTION. This Agreement shall be construed according to the laws of the State of Kansas and may be enforced in any court of competent jurisdiction.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed in triplicate by each of the parties hereto on the day and year first above written.

CITY OF OVERLAND PARK, KANSAS

By _____
CARL GERLACH, MAYOR

ATTEST:

MARIAN COOK, CITY CLERK

APPROVED AS TO FORM:

JANE NEFF-BRAIN
SENIOR ASSISTANT CITY ATTORNEY

CITY OF PRAIRIE VILLAGE, KANSAS

By _____
RONALD L. SHAFFER, MAYOR

ATTEST:

JOYCE HAGEN-MUNDY, CITY CLERK

APPROVED AS TO FORM:

CHARLES E. WETZLER, CITY ATTORNEY

Jayle

CITY OF PRAIRIE VILLAGE
 PUBLIC WORKS DEPARTMENT
 CONSTRUCTION CHANGE ORDER NO. 1 (FINAL)

Consultant's Name: None

Project Title: 2005 Concrete Repair Program

Date Requested: December 16, 2005

Owner's Project No.: 191012

Contract Date: June 6, 2005

Contractor's Name: McAnany Construction

REQUIRED CHANGES IN PRESENT CONTRACT

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
9218	\$216,623.00	LF	Concrete Curb & Gutter	10716.5	\$23.50	\$251,837.75
449	\$26,267.00	SY	6" Concrete Driveway	429.7	\$58.50	\$25,137.45
3480	\$167,040.00	SY	4" Concrete Sidewalk	3209.6	\$48.00	\$154,060.80
6	\$10,200.00	EA	ADA Sidewalk Ramps	19	\$1,700.00	\$32,300.00
2000	\$8,000.00	SY	Sod	0	\$4.00	\$0.00
20	\$2,000.00	EA	Lawn Sprinkler Heads	16	\$100.00	\$1,600.00
50	\$2,500.00	LF	Lawn Sprinkler Pipe	9	\$50.00	\$450.00
50	\$2,500.00	LF	Gravel Filter Bags	0	\$50.00	\$0.00
50	\$2,500.00	LF	Straw Bales	0	\$50.00	\$0.00
50	\$2,500.00	LF	Silt Fence	0	\$50.00	\$0.00
			Contingent Items			

TOTAL \$440,130.00

NET

0
 0 TOTAL \$465,386.00
 0 Decrease \$ 25,256.00
Increase

LEGISLATIVE/FINANCE COMMITTEE
3 JANUARY, 2006
MINUTES

The Legislative/Finance Committee met at 6:00 pm in the Public Safety Center Conference Room. Members present: Co-Chairs Ruth Hopkins and Bill Griffith, Andrew Wang, Wayne Vennard, and Diana Ewy Sharp. Also present: Mayor Shaffer, Barbara Vernon, Doug Luther, and Josh Farrar.

LEG2005-49: Consider Building permit and Plan Review fees

Mr. Luther reported that the City's current permit fees were last revised in 1994. After comparing the City's current permit fees with those of other cities and the costs of operating the Codes Administration Department, staff is recommending the fees be increased approximately 25%. This would be consistent with the 2.5% annual increase the City makes to other user fees.

Mr. Luther reported that, over the past several years, permit and plan review fee revenue has been stagnant, while the costs of operating the Codes Administration department have increased annually.

Mr. Luther presented several examples of how permit and plan review fees would increase for different types of construction projects under the proposed fee structure. In most cases, permit fees under the proposed structure would remain below 1% of total construction costs under the proposed system.

Mr. Griffith noted that most permit fees are based on construction value. Given this, fees are already adjusted for inflation as construction costs increase. Mr. Luther said this is accurate. However, the construction value listed by contractors on permit applications is often under-reported.

Mrs. Ewy Sharp noted that permit fees are covering a smaller portion of the Codes Department's personnel and operating costs than they have in prior years, so a fee increase may be appropriate.

Committee members asked about the recommended changes to the permit fees that are not based on value, noting that the recommended increases for re-roofing and fence permits are significant. Mr. Luther said fixed fees are used for several types of construction projects. In the case of roofs and fences, both projects take a significant amount of staff time to inspect, and the increased fee would more accurately reflect the effort required to perform inspections of these projects.

Mr. Griffith expressed concerns with increasing both the base permit fee and the plan review fee. He said that, because plan review fees are a percentage of the permit fee, the increase has already been taken into account.

Committee members inquired about the higher plan review fees for commercial vs. residential construction projects. Mr. Luther said commercial construction projects are much more complex and require a more lengthy and detailed and time consuming review process. Therefore, a higher plan review fee is charged.

Committee members expressed some confusion regarding the way Prairie Village and other cities charge permit fees. Mr. Luther said each city has a different method of calculating permit fees, making direct comparisons very difficult. For example, some cities base fees on construction value, while others base fees on square footage.

Committee members asked Mr. Luther to provide more information clarifying the differences between the current and proposed fee schedules and present it to the Committee at its next meeting.

CONTINUE

LEG2005-43: Swimming pool fees

Following a significant change in the pool fee structure for the 2005 season, Mr. Farrar recommended pool admission fees for the 2006 season based on the 2.5% annual increase formula developed several years ago. This fee schedule has been approved by the Park & Recreation Committee as follows:

Mr. Griffith moved and Mrs. Hopkins seconded the following motion which passed unanimously:

RECOMMEND THE CITY COUNCIL APPROVE THE FOLLOWING POOL MEMBERSHIP AND ADMISSION FEES FOR THE 2006 SEASON

	2005	2.5%	2006	Actual Increase
Resident				
Individual Membership	\$60.00	\$1.50	\$62.00	3.33%
2 Person Family Membership	\$120.00	\$3.00	\$123.00	2.50%
Family Membership (more than 2 people)	\$125.00	\$3.13	\$128.00	2.40%
Senior Citizen Membership (age 60 and over)	\$45.00	\$1.13	\$46.00	2.22%
Non-Resident				
Individual Membership	\$130.00	\$3.25	\$133.00	2.31%
Family Membership	\$250.00	\$6.25	\$256.00	2.40%
Senior Citizen Membership	\$85.00	\$2.13	\$87.00	2.35%
Child Membership	\$85.00	\$2.13	\$87.00	2.35%
Other				
10 Swim Card	\$40.00	\$1.00	\$40.00	0.00%
Daily Admission Fee	\$5.00	\$0.13	\$5.00	0.00%
Lost ID Card	\$3.00	\$0.08	\$3.00	0.00%
Pool Rental	\$350.00	\$8.75	\$359.00	2.57%

COUNCIL ACTION REQUIRED CONSENT AGENDA

LEG2005-44 Team Fees

Mr. Farrar reported that the City's swim, tennis, diving, and synchronized swim teams were very successful last year, with membership fees covering costs for all teams except the dive team.

Mr. Farrar recommended a 2.5% increase for all team fees for the 2006 season. The Park and Recreation Committee has approved the proposed fee increases.

Mr. Wang moved and Mr. Griffith seconded the following motion which passed unanimously:

RECOMMEND THE CITY COUNCIL APPROVE THE FOLLOWING TEAM FEES FOR THE 2006 SEASON

Consider Team and Lesson Fees

Swim Team:	2004 Fee	2005 Fee	2006 Fee
Resident	\$79.00	\$81.00	\$83.00
Resident, second child on swim team	\$74.00	\$76.00	\$78.00
Non-resident without PV Pool Membership	\$116.00	\$119.00	\$121.00
Non-resident with PV Pool Membership	\$75.00	\$81.00	\$83.00

Synchronized Swim Team:	2004	2005	2006
Resident	\$84.00	\$86.00	\$88.00
Resident, second child on synchronized swim team	\$79.00	\$81.00	\$83.00
Non-resident without PV Pool Membership	\$116.00	\$119.00	\$121.00
Non-resident with PV Pool Membership	\$84.00	\$86.00	\$88.00

Dive Team:	2004	2005	2006
Resident	\$65.00	\$70.00	\$71.00
Resident, second child on Dive team	\$65.00	\$65.00	\$66.00
Non-resident without PV Pool Membership	\$65.00	\$80.00	\$82.00
Non-resident with PV Pool Membership	\$66.00	\$70.00	\$71.00

Tennis Lessons:	2004	2005	2006
Youth Group	\$34/\$44	\$35/\$45	\$35/\$46
Adult	\$50.00	\$51.00	\$52.00
Private	\$18/ 1/2 hour	\$18/ 1/2 hour	\$18/ 1/2 hour
Sumi-Private	\$11.00/person/1/2 hours	\$11.00/person/1/2 hours	\$11.00/person/1/2 hours
Three and a Pro	\$13/hour	\$13/hour	\$13/hour

Junior Tennis League:	2004	2005	2006
Participant	\$77.00	\$79.00	\$80.00
2nd Participant from same family	\$72.00	\$74.00	\$75.00

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

LEG2005-45: Twilight pool fees

Mr. Farrar reported that a reduced twilight admission fee of \$3 was implemented in August, 2005 for persons entering the pool after 5:30 pm. The regular admission fee is \$5.

Mr. Farrar said that, because the twilight fee was implemented so late in the season it is difficult to determine the total revenue lost due to the discount. However, since its implementation \$1,316 in revenue was lost due to the reduced fee. This would amount to approximately \$6,000 over the course of the season.

Mr. Griffith asked if many patrons stay until closing time. Mr. Farrar said that, if the weather is good, people will use the pools until closing time.

Mr. Wang said that, if the purpose of the twilight fee is to encourage evening attendance at the pool, the discount should not be provided unless it can be cost justified.

Mr. Griffith said he believes the purpose of the twilight fee is to encourage use of the pool by families. The foregone revenue is not significant and promotes the pool as a fun place for families to visit in the evenings.

Mr. Vennard suggested the twilight fee be continued for the 2006 season in order to develop a full year's worth of data before making a decision on whether or not to continue the program for the 2007 season.

Mr. Vennard moved and Mrs. Hopkins seconded the following motion which passed 4-1 with Mr. Wang voting nay:

**RECOMMEND THE CITY COUNCIL APPROVE A TWILIGHT
ADMISSION FEE OF \$3/PERSON TO THE POOL COMPLEX AFTER
5:30 PM DURING THE 2006 SEASON.
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

LEG2005-48: Swim Team Program addition

Mr. Farrar proposed a program allowing the swim team coaches to provide semi-private lessons to swim team members. The lesson fee would be \$5 for ½ hour with a maximum of three swimmers per lesson. The purpose of the program would be to allow the swim team coaches to make money above their base coaching salaries and provide competitive swimming instruction to swim team members outside of the regularly scheduled team practices. Mr. Farrar said that, for each ½ hour lesson, the coach would receive \$4/swimmer and the City would receive \$1.

Mr. Griffith noted that coaches should be instructed to educate swimmers and parents that semi-private lessons are available, but not aggressively sell these services, as their motives may be misinterpreted by parents.

Mr. Wang moved and Mrs. Hopkins seconded the following motion which passed unanimously:

RECOMMEND THE CITY COUNCIL APPROVE A FEE OF \$5 HOUR PER SWIMMER FOR SEMI-PRIVATE SWIM LESSONS TAUGHT BY SWIM TEAM COACHES. EACH LESSON WOULD HAVE A MAXIMUM OF THREE SWIMMERS PER COACH PER ½ HOUR.

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

LEG2005-47: British Soccer Contract Amendment

Mr. Farrar reported that British Soccer Camps would like to conduct an additional soccer camp in Meadowlake Park this Summer. Space is available in the park because the Comets will not be holding a camp in the park.

The camp would be from 5-9 June, and the City would receive a fee of \$10/participant.

Mrs. Hopkins moved and Mr. Vennard seconded the following motion which passed unanimously:

RECOMMEND THE CITY COUNCIL APPROVE AN AGREEMENT WITH BRITISH SOCCER CAMP TO CONDUCT A CAMP IN MEADOWLAKE PARK FROM 5-9 JUNE, 2006.

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

LEG2005-46: Facility Reservation Fees

Mr. Farrar said the City's RecWare software will allow for on-line viewing and reservation of city facilities such as the Community Center, meeting rooms, park shelters, and ball fields. However, in order to coordinate the reservations with the software system, changes would be required in the reservation fees.

The most significant change would be required in the fees for use of the community center. Currently, fees are based on the type of organization making the reservation and the number of times the organization reserves the facility. This would need to change to an hourly fee. Mr. Farrar recommended a fee of \$5/hour for all facilities by residents and \$10/hour for non-residents. This would increase facility reservation costs for groups currently using the community center.

Another significant change would be in the reservation of park pavilions. These are currently available free of charge. Mr. Farrar recommended a fee of \$5/hour for residents and \$10/hour for non-residents.

A final significant change would be in the reservation of ball fields. Teams currently pay a fee of \$50/season. Under the proposed system this would change to a fee of \$1/hour with a maximum of three hours/week.

Committee members asked how individuals would make reservations. Mr. Farrar said the reservation process would be the same in 2006, but they would need to go on-line to make their reservation request beginning in 2007. He added that space would be available on a first come, first served basis.

Mr. Griffith moved and Mr. Vennard seconded the following motion which passed unanimously:

RECOMMEND THE CITY COUNCIL APPROVE A REVISED SCHEDULE FOR FACILITY RESERVATION FEES:

Facility	Current Fee Structure			Proposed Fee Structure		
	Internal	Civic	Private	Internal	Resident	Non-Resident
Prarie Village Community Center	\$0.00	1-2 Uses - \$20.00 each 3-12 Uses - \$50.00 total \$5.00/hour for 13+	\$20.00 per hour \$25.00 Maintenance Fee	\$0.00	\$5.00/hour	\$10.00/hour
Multi-purpose Room, PV City Hall	\$0.00	NA	NA	\$0.00	NA	NA
Executive Conference Room, PV City Hall	\$0.00	NA	NA	\$0.00	NA	NA
FOC, PV City Hall	\$0.00	NA	NA	\$0.00	NA	NA
Council Chambers, PV City Hall	\$0.00	NA	NA	\$0.00	NA	NA
Harmon Park Pavilion	\$0.00	\$0.00	\$0.00	\$0.00	\$5.00/hour	\$10.00/hour
Sante Fe Pavilion	\$0.00	\$0.00	\$0.00	\$0.00	\$5.00/hour	\$10.00/hour
Windsor Park Pavilion	\$0.00	\$0.00	\$0.00	\$0.00	\$5.00/hour	\$10.00/hour
Bennet Park Pavilion	\$0.00	\$0.00	\$0.00	\$0.00	\$5.00/hour	\$10.00/hour
Porter Park Pavilion	\$0.00	\$0.00	\$0.00	\$0.00	\$5.00/hour	\$10.00/hour
Prarie Village Pool	\$0.00	\$50.00 for the evening	\$350.00 for the evening	\$0.00	\$359 for the evening	\$359 for the evening
Tennis Courts	\$0.00	\$5.00/hour/court	\$5.00/hour/court	\$0.00	\$5.00/hour/court	\$5.00/hour/court
Baseball Field	\$0.00	\$50.00/team/season for 3 hours/week		\$0.00	\$1.00/hour - max 2 practices/3hours/week	
Soccer Field	\$0.00	\$50.00/team/season for 3 hours/week		\$0.00	\$1.00/hour - max 2 practices/3hours/week	
All Community Center and Pavilion Reservations					\$25.00 refundable Deposit	\$25.00 Refundable Deposit

- Internal:** PV Governing Body, committees, boards and personnel, other governmental entities, residents and groups participating in City-sponsored programs, formal city council meetings.
- Civic:** Educational, cultural, recreational, civic or political groups which are nonprofit organizations. (A copy of the group's Nonprofit Corporation State Certification must be provided.)
- Private:** Meetings, seminars, private parties or receptions where no admission is charged.
- Resident:** A person residing within the City limits of Prairie Village or owning a business with a physical location in Prairie Village.
- Non-Resident:** An individual whose primary living domicile is outside the City limits of Prairie Village.

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

LEG2005-42: Consider letter of interest in participating in First Suburbs Coalition/Fannie Mae program

Mr. Luther reported that the MARC First Suburbs Coalition has been working to develop a program to encourage residents in first tier suburbs to renovate their homes. The Coalition is considering partnering with Fannie Mae to allow qualified homeowners to receive below market rate home improvement loans. Although the interest subsidy would be provided by Fannie Mae, participating cities would need to provide a financial guarantee for a portion of the program by setting aside funds or providing a letter of credit in the amount of \$10,000 -- \$20,000 per community. These funds would be used in the event participating homeowners defaulted on their loans.

Under the proposed program, cities would be required to identify neighborhoods in which the program would be available. This would allow property owners meeting minimum income requirements in these neighborhoods to obtain a home improvement loan of up to \$25,000.

MARC is not requesting financial commitments from cities at this time. Rather, MARC is requesting that cities interested in participating in the program to submit a letter of interest.

Committee members agreed that this type of program could help make home improvements more affordable for Prairie Village residents.

Mr. Vennard moved and Mr. Wang seconded the following motion which passed unanimously:

**RECOMMEND THE CITY COUNCIL AUTHORIZE THE MAYOR TO
SEND A LETTER OF INTEREST TO THE MID AMERICA REGIONAL
COUNCIL INDICIATING THE CITY'S INTEREST IN PARTICIPATING IN
THE FIRST SUBURBS COALITION HOME IMPROVEMENT AND
REMODELING LOAN PROGRAM.
COUNCIL ACTION REQUIRED**

LEG2006-01 Consider Amendment to 2006 Legislative Program

Mayor Shaffer requested that the City's 2006 Legislative Program be revised to include a statement in support of a regional infrastructure financing initiative that is being recommended by the Mid America Regional Council. This initiative is seeking enabling legislation in the Missouri and Kansas Legislatures allowing voters in the metropolitan area to consider a regional sales tax to fund area wide infrastructure projects.

Committee members confirmed that only enabling legislation is being requested at this time.

Mrs. Ewy Sharp moved and Mr. Vennard seconded the following motion which passed unanimously:

**RECOMMEND THE CITY COUNCIL AMEND THE 2006 LEGISLATIVE PROGRAM TO INCLUDE THE FOLLOWING STATEMENT: "SUPPORT ENABLING LEGISLATION FOR REGIONAL PUBLIC INFRASTRUCTURE SYSTEMS.
COUNCIL ACTION TAKEN
3 JANUARY, 2005**

There being no further business, the meeting adjourned.

Ruth Hopkins
Co-Chair

Bill Griffith
Co-Chair

SAMPLE LETTER of INTEREST

Dean Katerndahl
Director, Government Innovations Forum
Mid-America Regional Council
600 Broadway, Suite 300
Kansas City, Missouri 64105-1554

Dear Mr. Katerndahl:

The city of **(NAME OF CITY)** is interested in participating in the First Suburbs Coalition/Fannie Mae home improvement and remodeling loan program targeting post-WWII housing. This letter is provided as an expression of interest and does not obligate the city to participate in the program once it is developed and a lender / program administrator has been selected. At that time, firm letters of commitment will be required and the City will reconsider its level of involvement. This letter of interest is being submitted to support continued development of this program.

The city of **(NAME OF CITY)** would be willing to provide a loan guarantee in the form of a letter of credit or cash set aside for a period of seven years in the amount of **(\$10,000 or \$20,000)**. Such a provision would entitle the city to designate **(2 neighborhoods for \$10,000 or 5 neighborhoods for \$20,000)** and participate in the loan program by leveraging our local funds into a home improvement loan pool of approximately \$1 million.

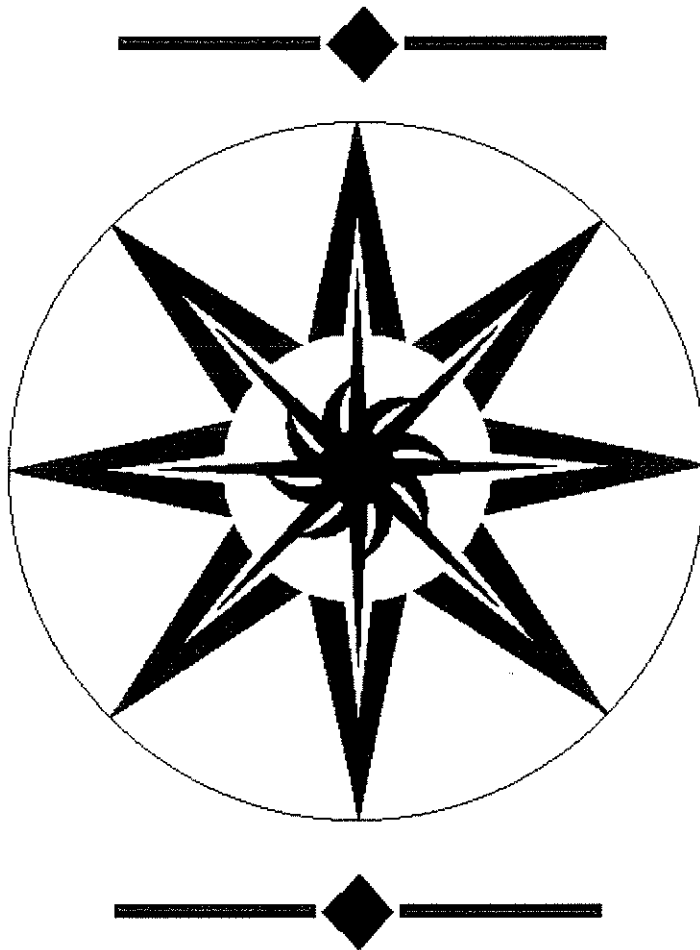
As a part of this letter of interest we designate **(NAME OF CITY REPRESENTATIVE)** to participate in the development of this program.

Finally, we reiterate that this is a letter of interest only and does not obligate the city in any fashion to participate in the home improvement and remodeling financing program or to provide any kind of support to that program.

Yours truly,

(CITY OFFICIAL)

CITY OF PRAIRIE VILLAGE



**LEGISLATIVE PROGRAM
2006**

2006 Legislative Priorities

State Funding of Public Education – The City of Prairie Village supports legislation that would remove or raise school districts' local option budget cap – the limit on money a district can raise through taxes above its basic state aid. The City does not oppose a state tax increase to fund K-12 public education.

Municipal Revenue – The City of Prairie Village supports legislation that preserves existing municipal revenue sources, including state aid, or provides authority for local option municipal revenue enhancement.

Unfunded State Mandates – The City of Prairie Village opposes legislation that imposes additional state mandated functions, activities, or practices on units of local government.

Spending Limitations and Tax Lids – The City of Prairie Village opposes legislation imposing limits to either taxing or spending by local governments. Consistent with the concept of Home Rule authority, local governing bodies most appropriately make local taxing and spending decisions.

Franchises and Franchise Fees – The City of Prairie Village encourages the Kansas Congressional Delegation and the Kansas Legislature to protect the ability of cities to manage their rights-of-way and impose franchise fees regarding telecommunications and cable companies.

Local Control of Firearms – The City of Prairie Village supports legislation which defends local control and opposes preemption of local ordinances regarding firearms.

Eminent Domain – The City of Prairie Village supports legislation which continues to allow for the use of eminent domain for economic development purposes, and strengthens the process which balances private property interests and the welfare of the community at large.

Public Infrastructure Systems – The City of Prairie Village supports enabling legislation for regional public infrastructure systems.

Listing of Elected City Officials

All public officials and appointed staff can be reached at the Prairie Village Municipal Building by calling 913-381-6464 or by sending an e-mail to their respective addresses.

Mayor

4/2007 Ron SHAFFER
mayor@pvkansas.com

Council Member

WARD I

4/2006 Bill GRIFFITH
bgriffith@pvkansas.com
4/2008 Al HERRERA
aherrera@pvkansas.com

WARD II

4/2006 Steve NOLL
snoll@pvkansas.com
4/2008 Ruth HOPKINS
rhopkins@pvkansas.com

WARD III

4/2006 Greg COLSTON
gcolston@pvkansas.com
4/2008 Andrew WANG
awang@pvkansas.com

WARD IV

4/2006 Laura WASSMER
lwassmer@pvkansas.com
4/2008 Pat DANIELS
pdaniels@pvkansas.com

WARD V

4/2008 Wayne VENNARD
wvenard@pvkansas.com
4/2006 Jeff ANTHONY
janthony@pvkansas.com

WARD VI

4/2006 David BELZ
dbelz@pvkansas.com
4/2008 Diana Ewy SHARP
desharp@pvkansas.com

MAYOR'S ANNOUNCEMENTS

Tuesday, January 17, 2006

Committee meetings scheduled for the next two weeks include:

Prairie Village Arts Council	01/18/2006	7:00 p.m.
Board of Code Appeals	01/25/2006	6:00 p.m.
Environmental Recycle Committee	01/25/2006	7:00 p.m.
VillageFest Committee	01/26/2006	7:00 p.m.
CACCS	01/31/2006	7:00 p.m.
Tree Board Committee	02/01/2006	6:00 p.m.
Policy/Services Committee	02/06/2006	6:00 p.m.
Legislative/Finance Committee	02/06/2006	6:00 p.m.
Council	02/06/2006	7:30 p.m.

The Prairie Village Arts Council is pleased to feature a mixed media exhibit by Gary Mehl and Art Whorton in the R.G. Endres Gallery during the month of January.

The Mayor's Holiday Tree Lighting Ceremony has received \$8,694.19 in donations as of January 12th, 2006. Donations to the Holiday Tree Fund will be utilized in assisting Prairie Village families and Senior Citizens needing help to pay their heating and electric bills during the cold winter months, as well as with home maintenance throughout the year. Your tax-deductible contributions are appreciated.

Remember the Employee Appreciation Dinner on Friday, February 3rd, 2006 at the New Dinner Theatre.

The 50th Anniversary books, **Prairie Village Our Story**, and Prairie Village Gift Cards continue to be sold to the public.

Mark your Calendar the Large item pick-up has been scheduled for Saturday, April 22, 2006.

INFORMATIONAL ITEMS
January 17, 2006

1. City Administrator's Report
2. Planning Commission Actions-January 3, 2006
3. Tree Board Minutes-January 4, 2006
4. Citizens Advisory Committee Minutes – November 29, 2005
4. Mark your Calendar
5. Council Committee Agenda

CITY ADMINISTRATOR'S REPORT

January 12, 2006

Emergency Management

Joshua Farrar is the City's director for this city-wide program. Last year we were notified that in order for a region to be eligible for future homeland-security related federal grants, local governments must meet certain National Incident Management System (NIMS) compliance deadlines. NIMS is the national standard on how command and control should work on any kind of man-made or natural disaster. NIMS guidelines call for all city (and elected) personnel to complete training requirements. Much of that training must be completed by September 30, 2006.

Joshua is organizing training schedules for all employees. Some of the training can be taken online, and Mid America Regional Council (MARC) also offers training sessions at their offices. MARC will come to the City if we have at least 15 students per class so Joshua is scheduling classes and inviting other cities to send their employees. The training program ranges from four hours for entry level responders to 26 hours for emergency operations center staff. There is no cost for any of the training courses.

Elected officials will be asked to complete two courses which will take approximately four hours each and are available online. We have not made a plan for this training but we will try to find something painless for you before the end of the year.

National League of Cities

Last month I attended the National League of Cities annual conference. As usual, there were many good sessions that provided participants with a variety of information as well as predictions and projections for the future.

One of the most important sessions I attended covered legal developments in 2005 specifically related to rulings and trends affecting cities. Generally, the question of fairness is the base of what is being litigated – and probably always has been.

Cases against law enforcement agencies are increasing across the nation with the basic issue being the affirmative duty to protect. The most prominent cases were those in which departments were not able to enforce protection orders. These cases often are ruled against the city which in turn leads to significant increases in insurance premiums for cities that have police departments.

Another major litigation area is in the area of property rights and public priorities. Historically, a property right has been described in this manner: "one should use his own property so as not to injure others". This basis is used when enforcing minimum standard maintenance codes, sign ordinances, citing of telecommunications equipment and taking of property which may result in condemnation. The difficulty arises when private property values and community values are in conflict.

The presenters had no easy answers for making decisions in these areas other than to be fair to both sides, make decisions and laws that are sensible and effective, and be willing to go to court to defend your position.

Public Safety

The selection process for the position of detective was recently completed. Seven officers participated in the process. As a result of the process, Officer Baldwin will be transferred from the Patrol Division to the Investigative Division in February. These four year transfers to the Investigative Division provide an opportunity for several officers to obtain knowledge and improve skills in initial follow-up and criminal investigations.

Public Works

The relatively nice weather this season has provided time for the crews to prepare early for Spring, finish leaf removal in the parks and on the islands, and complete repairs in the parks.

Roger Wyatt, Field Superintendent, resigned late last year. Applications are being accepted for his replacement.

Personnel Compensation Project

The consultants have reviewed the City's job evaluations and are working with those that need to be revised. They plan to meet with the Legislative/Finance Committee to develop a policy guideline before developing recommendations.

Internal Revenue Service

Late last year, during the Annual League of Kansas Municipalities Conference, staff members warned cities that the Internal Revenue Service recently established some local offices that will investigate compliance by cities. Shortly after that I received a notice from the IRS setting an appointment in November to conduct an employment tax compliance check. They wanted to review Employers Quarterly Federal tax returns, annual returns of withheld federal income tax, W-2, W-3, W-4 and W-9 reports along with the annual reports for each for the year 2003. They assured me this was not an examination, inspection, or an audit under the Internal Revenue Code; however, if, as a result of the compliance check they felt it necessary, they would open a formal examination.

We were able to locate most of the information they wanted. The inspector reviewed the records then interviewed us for two hours. They provided us with a formal report listing corrective actions necessary. Most of the corrective actions they require have to do with mistakes they had found on one of the forms. They did notice that the City reimburses meals when an overnight stay is not required. According to the tax code these reimbursements should be included as wages.

As a result of this recent compliance check, I plan to work with Charlie Wetzler to review some procedures and reimbursements that may create compliance issues in the future. This may require a change in the City's travel policy and reimbursement schedule.

Planning Commission Actions
Tuesday, January 3, 2006

**PC2006-101 Request for Amendment to Sign Standards and Sign Approval
for 7910 State Line Road**

The Planning Commission continued this application to allow the applicant to work with the Planning Consultant to explore other options for signage and the sign standards.

PC2006-102 Building Line Modification – 3308 West 71st Street

The Planning Commission approved the requested setback line modification from 85 feet to 54 feet for that portion of the lot that would accommodate the construction of the garage as shown on the plan submitted subject to the following conditions: 1) That prior to obtaining a building permit, the applicant obtain written concurrence from the adjacent property owners on the east and west, and submit it to the City. And 2) That prior to obtaining a building permit, the applicant obtain approval from the Prairie Hills Homes Association and submit written documentation to that effect to the City.

PC2005-05 Reconsider revisions to fence regulations

The Planning Commission discussed the concerns of the City Council regarding the proposed fence regulations and moved the proposed fence regulations be returned to the City Council with the following revisions: D. Retaining Walls revised per staff recommendation; E. Drainage and Utility Easements revised per staff recommendation with the direction that staff work out the implementation and C. Location to be returned as initially recommended with the 5' setback.

Discussion

Request for Ordinance Revision

The Planning Commission received a request to consider ordinance revisions to allow for the sale of cereal malt beverages at service stations. After reviewing regulations in adjacent cities and Prairie Village, the Commission found the regulation in its current form reflects the quality of character of Prairie Village and should remain as is and did not authorize any further study.

TREE BOARD
City of Prairie Village, Kansas

MINUTES

Wednesday – January 4, 2006, 6:00PM Meeting
City Hall – Multi-Purpose Room
7700 Mission Road

Board Members in Attendance: Cliff Wormcke, Jim Hansen, Gregory VanBooven, Deborah Nixon, John Capito,
Other Attendees: Bob Pryzby and Pat Daniels

- 1) Review and Approve minutes from September 7, 2005 meeting – approved on a motion by Greg VanBooven and John Capito.

- 2) Sub-Committee Report
 - 2.1) Arboretum:
 - a) Completion of Inventory – Bob Pryzby reported that Jack Lewis has given him all the maps. Bob needs to review.
 - b) Tree Adoption Program – Debbie Nixon handed out the proposal for the program. The Board agreed to proceed with the program. The Board discussed having a plaque at City Hall noting Tree Board honorees, tree donations, and the new program donators.

 - 2.2) Fall Seminar
 - a) Wrap up of Event – Greg VanBooven reported the meeting went very well with 22 persons in attendance. Topics for the next Fall Seminar were Oak Wilt and again time for questions. Suggest that advertisement begin earlier.

 - 2.3) Arbor Day
 - a) Outline Event – Greg VanBooven discussed that the event was just not for honoring a person, but should focus on the significance of Arbor Day. It was decided who will be honored at the next Arbor Day.

- 3) New Tree List from Kansas Forestry Service – Bob Pryzby noted that there is a new list of recommended trees for this area. Bob will review against the Board's list.

- 4) Old Business:
 - 4.1) Corinth Shopping Center tree removal – It was noted that new trees have been planted.

 - 4.2) Arbor Day honoree selection process – Reviewed proposal prepared by Kathy Riordan and accepted the work on a motion by Debbie Nixon and Cliff Wormcke. John Capito will contact the various Homes Associations about the program.

 - 4.3) Marcy Davenport of 5105 Tomahawk - Tree Removal – Greg VanBooven reported that tree is a 30-inch DBH and good condition and he does not recommend removal. Jim Hansen discussed the procedure for handling future resident request for removal of city trees. It was agreed that the Board would review such requests on a case by case basis.

- 5) New Business – Bob Pryzby reported that the Tree USA application has been submitted.
- 6) The next meeting will be February 1 at 6PM in the Multi-Purpose Room.
- 7) Being no further business the meeting was adjourned at 7:05 PM.

Minute prepared by Bob Pryzby.

CITIZENS ADVISORY COMMITTEE

November 29, 2005

Minutes

The Citizens Advisory Committee met November 29, 2005. Present: Chairman Pat Daniels, Orville Matthies, Clarence Munsch, and Margie Lundy. Staff: Barbara Vernon and Doug Luther.

Comprehensive Plan

Doug Luther provided information about the status of the Village Vision project. He reported that the project, which began in early 2005, was initiated by the City Council to help prepare Prairie Village for the future, and to address redevelopment and other issues which will likely arise in the coming years, as well as develop strategies to keep the City financially stable. To date, the planning process has had two major public input sessions. Responses and ideas from these sessions are being incorporated into a draft Village Vision Comprehensive Plan document which will be reviewed by the Village Vision Steering Committee and presented to the Planning Commission and City Council in the Spring of 2006.

The first series of public meetings occurred in April and May. During these sessions attended by over 250 residents, participants generated over 500 ideas for maintaining and improving Prairie Village into the future. Participants also identified strong and weak places in the community in areas such as housing, parks & open space, commerce, and neighborhood appearance. These ideas and suggestions were reviewed by the Steering Committee and planning consultants, and a series of eight goals were identified upon which the Village Vision would be based. These goals address the topical areas of:

1. Community Character
2. Community Facilities and Services
3. Housing
4. Land Resources
5. Leadership & Governance
6. Learning
7. Prosperity
8. Transportation

The second round of public meetings occurred in mid-September. At these meetings, attended by another 200 residents, participants reviewed the above goals and had an opportunity to review and comment on how redevelopment might appear in Prairie Village. Mr. Luther presented several slides of future development scenarios which were presented at the September meetings. He stressed that these ideas and locations are for

illustrative purposes only, and that there are not pending redevelopment proposals at these locations.

Consistent themes appearing at both sets of public meetings were that Prairie Village residents are generally pleased with their community, and that, while redevelopment will occur, it will be important for the City to ensure that the redevelopment does not fundamentally change the character of the community. Participants said they want to maintain the feeling of inviting neighborhoods with retail businesses that primarily serve local residents. A clear preference was also displayed for maintaining Prairie Village as a primarily residential community.

The plan will provide information and recommendations which will be applicable city-wide. In addition, the plan will pay particular attention to two areas of the City: the 75th Street corridor and the Corinth Square Shopping Center.

Some of the suggested improvements to 75th Street included possibly narrowing the traffic lanes in an effort to reduce vehicle speeds on 75th Street and either increasing green space along the sidewalk or creating a turf median along the corridor to create more of a boulevard appearance.

A significant amount of attention was paid to the Corinth Square shopping center. Many participants at the public meetings indicated a need for additional housing in the city and that efforts be made to create mixed-use developments which would better integrate into the surrounding neighborhoods, making them accessible by both pedestrians and vehicles. Mr. Luther presented several conceptual drawings of the center which could reflect redevelopment. General themes of the conceptual design include: moving buildings closer to the street to improve pedestrian access, considering multi-story buildings to permit increased commercial activity in the center, and the inclusion of a residential component to the area, such as apartments or town homes which would serve to buffer the commercial areas from surrounding neighborhoods.

Future Agenda

Pat Daniels asked committee members if they believe there is a demand for this committee. Attendance last year and this year has been very low which indicates a lack of interest. There are 58 members and 2 co-chairman on the committee. Three members attended the September meeting, and only three members are at this meeting.

The agenda for this committee has been issue driven but, based on attendance, there is little interest in City issues.

Staff said many years ago the group met only once each year in the Spring to learn about the street and storm drainage programs for the year. This gave homes association members the opportunity to know what was planned for their areas.

Committee members agreed the meetings should be less frequent, perhaps annually, quarterly or semi-annually. They agreed to send a survey with the minutes of this meeting to request input from members about future meetings and agenda.

Pat Daniels
Co-Chairman

Survey

Please select one of the following statements and respond by e-mail, telephone or mail. Include your name and address.

I do not have interest in attending meetings of this committee.

I am interested in attending meetings of this committee on an annual basis.

I am interested in attending meetings of this committee on a semi-annual basis.

I am interested in attending meetings of this committee on a quarterly basis.

e-mail = bvernon@pykansas.com

telephone = 913-395-4601

mail = Barbara Vernon

7700 Mission Rd.

Prairie Village, Kansas 66208

Survey

Please select one of the following statements and respond by e-mail, telephone or mail. Include your name and address.

I do not have interest in attending meetings of this committee.

I am interested in attending meetings of this committee on an annual basis.

I am interested in attending meetings of this committee on a semi-annual basis.

I am interested in attending meetings of this committee on a quarterly basis.

e-mail = bvernon@pvkansas.com

telephone = 913-395-4601

mail = Barbara Vernon

7700 Mission Rd.

Prairie Village, Kansas 66208

Village Vision — City of Prairie Village



Citizens Advisory Committee

29 November, 2005

What is Village Vision?

Community-wide effort to chart a course for Prairie Village's future

- Forward looking
- Inclusive
- Building on past success

Why Plan?

- Steady population loss since 1970
- Many young families "outgrow" Prairie Village
- Stabilize and improve retail areas
- Financial security

Why Plan?

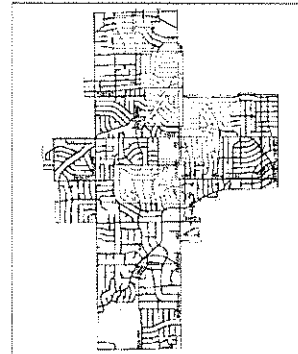
- Allow Prairie Village to take advantage of redevelopment opportunities
- Communicate the community's goals to potential developers
- Preserve community character

Village Vision Update

- April/May Visioning Workshops
 - Ideas for the Future
 - Strong Places / Weak Places
- 250 Participants – 522 Ideas

Workshop Participants

- Participation greatest in areas with active homes associations



Village Vision — City of Prairie Village

Goals

- Community Character
- Community Facilities & Services
- Housing
- Land Resources
- Leadership & Governance
- Learning
- Prosperity
- Transportation

Goals

- Community Character
 - Provide an attractive, friendly and safe community with a unique village identity appealing to people of all ages.
- Community Facilities and Services
 - Provide diverse community recreation areas, cultural programs, and expanded parks and green space including a new or renovated community center, complemented by well-maintained public utility infrastructure and excellent City services.

Goals

- Housing
 - Encourage neighborhoods with unique character, strong property values and quality housing options for families and individuals of a variety of ages and incomes.
- Land Resources
 - Encourage a high quality natural and man-made environment that preserves community character, creates identity and sense of place, and provides opportunities for renewal and redevelopment, including vibrant mixed-use centers.

Goals

- Leadership and Governance
 - Provide a City government that communicates effectively with the public and works cooperatively with other communities to promote projects and programs that maintain a strong Prairie Village.
- Learning
 - Support the provision of high quality educational environments for residents at all stages of their lives, including strong public K-12 institutions.

Goals

- Prosperity
 - Promote a strong economy where a diverse mix of quality businesses contribute to a stable tax base, provide opportunities for redevelopment, meet the needs of residents, and attract visitors.
- Transportation
 - Encourage a variety of transportation choices including safe, interconnected, and well-maintained roadways, sidewalks, biking trails, and public transportation systems that support the community's needs.

Principles for Development

- Development should help “repair” or enhance existing neighborhoods or create new ones and should not take the form of an isolated project
- Areas within existing neighborhoods or along corridors should be reclaimed by using redevelopment strategically to leverage current investment and strengthen social fabric.

Village Vision – City of Prairie Village

Principles for Development

- The creation of mixed-use developments should be promoted that support the functions of daily life: employment, recreation, retail and civic and cultural institutions.
- Development should reinforce the interconnection of streets and public open places, including connecting places within and between neighborhoods.

Principles for Development

- Development should incorporate open space in the form of plazas, squares and parks that may include civic uses. They should also be interconnected with the public realm as defined by the street network.
- The relationship of buildings and streets should create safe and stable neighborhoods by providing "eyes on the street" and should encourage interaction and community identity.

Principles for Development

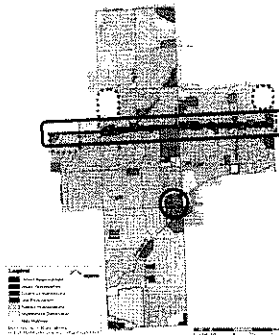
- A clear definition of the public and private realm should be provided through block and street design.
- Opportunities to create a range of housing types and price levels should be provided to bring people of diverse ages, races, and incomes, into daily interaction.

Principles for Development

- The needs of people who walk (convenience, safety, distance, access ability, interest, etc.) should be fully taken into consideration in all designs.
- The image and character of development should respond to the best traditions of residential, mixed-use and civic architecture in the area. Building height, bulk, and palette of materials should be consistent even though buildings may be of various shapes and sizes.

Planning Framework

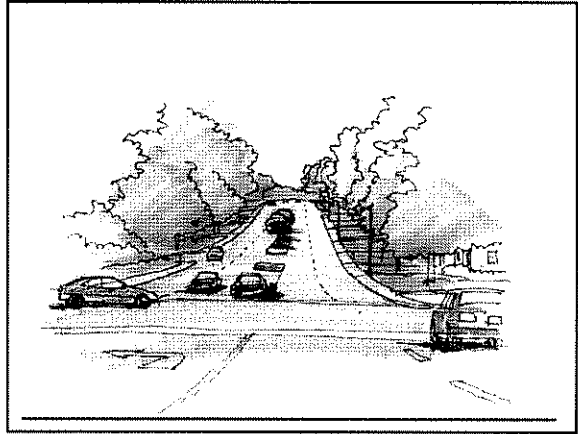
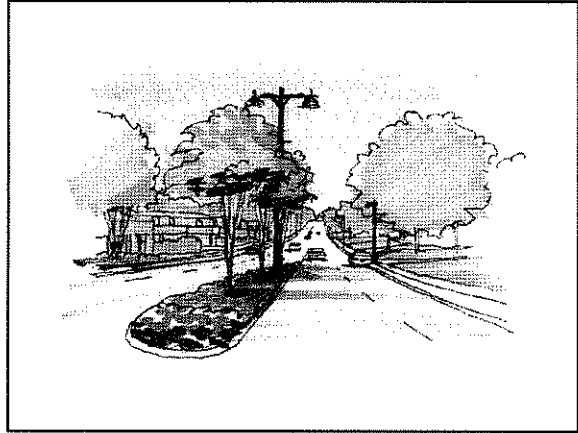
- Corridor Redevelopment
- Center Redevelopment
- Civic Enhancement
- Commercial Improvement
- Potential Redevelopment
- Neighborhood Improvement
- Neighborhood Conservation



75th Street Recommendations

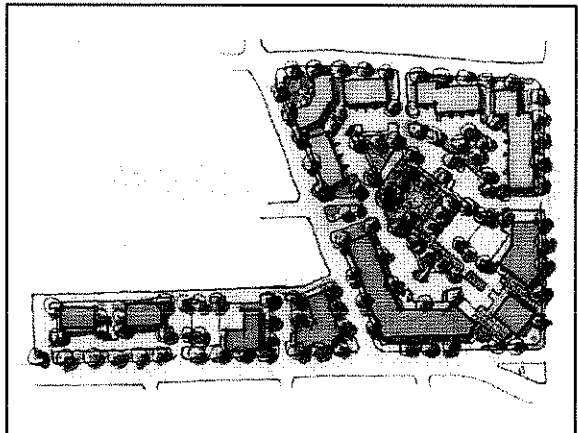
- Consider reducing lane width
 - Space for median
 - Lawn between curb & sidewalk
 - Adjust design speed to be more consistent with posted speed (35 mph)
- Landscape improvements
- Explore mitigating visual impact of utility lines
 - Strategically burying power lines
 - Re-planting trees to minimize conflicts with utility lines

Village Vision — City of Prairie Village

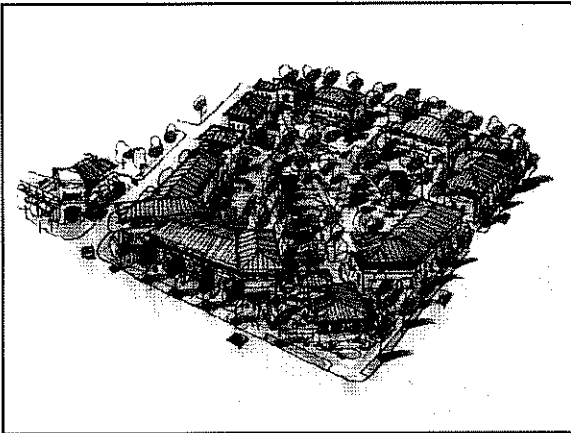


Entrance / Gateway Development

- Unique identity
- Mixed-use development
- Pedestrian Friendly

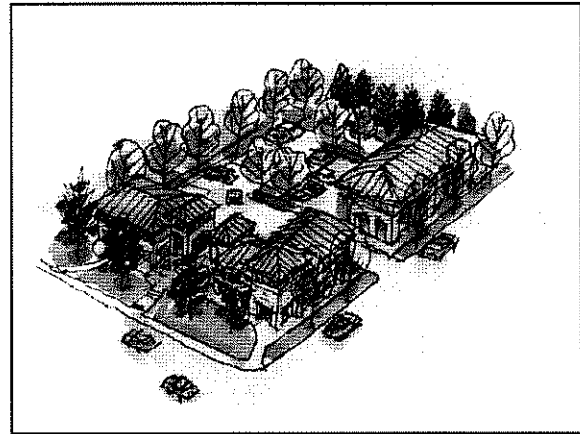


Village Vision — City of Prairie Village



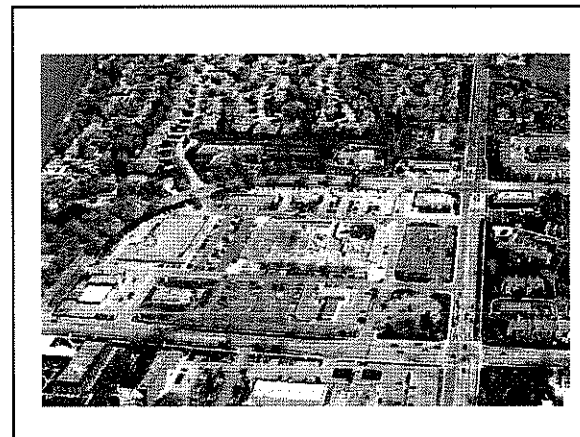
Neighborhood-Scale Redevelopment

- More efficient use of smaller sites
- Neighborhood serving commercial uses
- Mixed-use development
- Pedestrian friendly

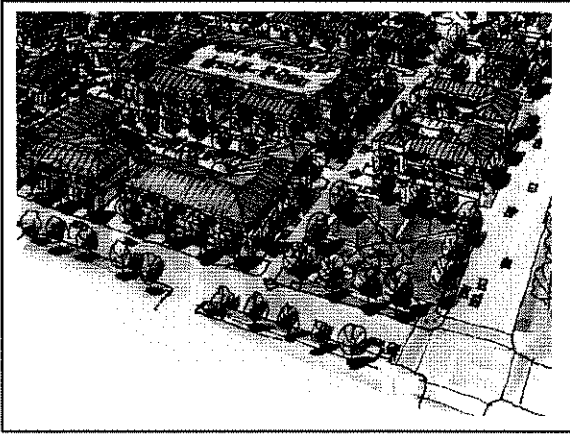
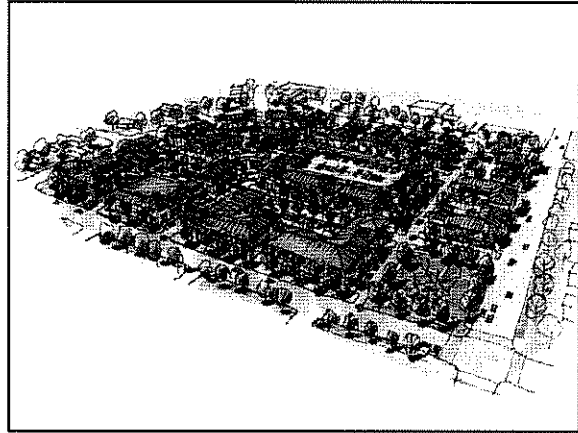
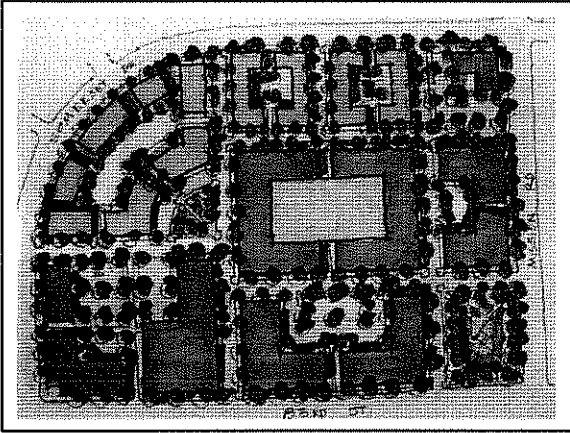


Corinth Square

- Mixed-use development
- Higher intensity of uses
- Pedestrian friendly
- Improve connectivity with surrounding areas
- Civic space



Village Vision — City of Prairie Village



What's Next?

- Presentation to Planning Commission & City Council
 - Public Hearing in Feb. or March, 2006
- Adoption by City Council – Spring 2006

How Do I Learn More?

- Doug Luther
 - Assistant City Administrator
 - 913-385-4603
- villagevision@pvkansas.com
- www.pvkansas.com

Village Vision — City of Prairie Village



Thank You



VILLAGE VISION GOALS

Goals for the Village Vision are based upon ideas and suggestions provided by over 250 Prairie Village residents and business owners at a series of Community Visioning Workshops earlier this year. After reviewing over 500 ideas for making Prairie Village the best community it can be in the coming years, the Village Vision Steering Committee grouped the ideas into eight broad themes and developed a goal for each theme. These themes and goals are:

1. **Community Character:** Provide an attractive, friendly and safe community with a unique village identity appealing to people of all ages.
2. **Community Facilities, Activities and Services** - Provide diverse community recreation areas, cultural programs, and expanded parks and green space, including a new or renovated community center, complemented by well-maintained public utility infrastructure and excellent City services.
3. **Housing** - Encourage neighborhoods with unique character, strong property values and quality housing options for families and individuals of a variety of ages and incomes.
4. **Land Resources** -- Encourage a high quality natural and man-made environment that preserves community character, creates identity and sense of place, and provides opportunities for renewal and redevelopment, including vibrant mixed-use centers.
5. **Leadership & Governance** - Provide a City government that communicates effectively with the public and works cooperatively with other communities to promote projects and programs that maintain a strong Prairie Village.
6. **Learning** -- Support the provision of high quality educational environments for residents at all stages of their lives, including strong public K-12 institutions.
7. **Prosperity** - Promote a strong economy where a diverse mix of quality businesses contribute to a stable tax base, provide opportunities for redevelopment, meet the needs of residents, and attract visitors.
8. **Transportation** -- Encourage a variety of transportation choices including safe, interconnected, and well-maintained roadways, sidewalks, biking trails, and public transportation systems that support the community's needs.



VILLAGE VISION PRINCIPLES FOR DEVELOPMENT

WHAT ARE PRINCIPLES?

- Principles are statements of intent that describe the direction of future development and redevelopment.
- Principles focus on the quality, pattern, character, and organization of development and address a desire to strengthen the quality of the physical environment.
- Principles apply to established neighborhoods, corridors, and centers—all areas of the community.

VILLAGE VISION PRINCIPLES FOR DEVELOPMENT

1. Development should help "repair" or enhance existing neighborhoods or create new ones and should not take the form of an isolated project.
2. Areas within existing neighborhoods or along corridors should be reclaimed by using redevelopment strategically to leverage current investment and strengthen social fabric.
3. The creation of mixed-use developments should be promoted that support the functions of daily life: employment, recreation, retail and civic and cultural institutions.
4. Development should reinforce the interconnection of streets and public open places, including connecting places within and between neighborhoods.
5. Development should incorporate open space in the form of plazas, squares and parks that may include civic uses. They should also be interconnected with the public realm as defined by the street network.
6. The relationship of buildings and streets should create safe and stable neighborhoods by providing "eyes on the street" and should encourage interaction and community identity.
7. A clear definition of the public and private realm should be provided through block and street design.
8. Opportunities to create a range of housing types and price levels should be provided to bring people of diverse ages, races, and incomes, into daily interaction.
9. The needs of people who walk (convenience, safety, distance, access ability, interest, etc.) should be fully taken into consideration in all designs.
10. The image and character of development should respond to the best traditions of residential, mixed-use and civic architecture in the area. Building height, bulk, and palette of materials should be consistent even though buildings may be of various shapes and sizes.

Council Members
Mark Your Calendars
January 17, 2006

January, 2006	Gary Mehl & Art Whorton mix media exhibit in the R.G. Endres Gallery
January 24	Filing Deadline for 2006 elections, noon
January 26	City Hall Day at the Capitol
February, 2006	Not Filled yet exhibit in the R.G. Endres Gallery
February 3	Employee Appreciation – New Dinner Theater
February 6	City Council Meeting
February 10	Prairie Village Arts Council reception for art exhibit
February 20	President's Day – City offices closed
February 21 Tuesday	Council Committee of Whole – 2007 Capital Equipment Budget
February 21 Tuesday	City Council Meeting
February 28	Primary Election
March, 2006	Virginia Fortner watercolor exhibit in the R.G. Endres Gallery
	Sister City local young artists exhibit in the R. G. Endres Gallery
March 6	City Council Meeting
March 10	Prairie Village Arts Council reception for art exhibit
March 11-15	NLC Congressional City Conference in Washington DC
March 20	City Council Meeting
April, 2006	Ms. Bobbi Toyne & Bess Duston mixed media exhibit in the R.G. Endres Gallery
April 3	City Council Meeting
April 4	General Election
April 14	Prairie Village Arts Council reception for art exhibit
April 17	Council Committee of the Whole – 2007 PW Capital Projects Budget
April 17	City Council Meeting
April 22	Large Item Pick-up
May, 2006	Studio West pastel exhibit in the R.G. Endres Gallery
May 1	City Council Meeting
May 8	Budget Worksession – Public Works & Public Safety
May 12	Prairie Village Arts Council reception for art exhibit
May 15	Council Committee of the Whole – 2007 Budget presentations – Admin., Ct. & Parks
May 15	City Council Meeting
May 25	Budget Worksession if needed
May 29	City Offices closed in observance of Memorial Day
June 2006	Kevin Spykerman oils and illustrations exhibit in the R.G. Endres Gallery
June 5	City Council Meeting
June 9	Prairie Village Arts Council reception for art exhibit
June 12	Budget Worksession if needed
June 19	Budget Worksession at Council Committee of Whole if needed
June 19	City Council Meeting
June 26	Budget Worksession if needed

July 2006	Pat Deeter watercolor and pastels exhibit in the R.G. Endres Gallery
July 3	City Council Meeting
July 4	City Offices closed in observance of 4 th of July
July 4	Villagefest
July 17	City Council Meeting
August 2006	Not filled yet exhibit in the R.G. Endres Gallery
August 7	City Council Meeting
August 21	City Council Meeting
September 2006	Dale Cole's Photography exhibit in the R.G. Endres Gallery
September 4	City Offices Closed observance of Labor Day
September 5 Tuesday	City Council Meeting
September 18	City Council Meeting
October 2006	Senior Arts Council mixed media exhibit in the R.G. Endres Gallery
October 2	City Council Meeting
October 7-10	League of Kansas Annual Conference in Topeka
October 16	City Council Meeting
November 2006	Mid-America Pastel Society's exhibit in the R.G. Endres Gallery
November 6	City Council Meeting
November 7	Johnson County Election
November 20	City Council Meeting
November 23-24	City offices closed in observance of Thanksgiving
December 2006	Marearl Denning photography and ceramics exhibit in the R.G. Endres Gallery
December 1	Mayor's Holiday Gala
December 4	City Council Meeting
December 5-9	NLC Congress of Cities Conference in Reno Nevada
December 18	City Council Meeting
December 25	City Offices Closed in observance of Christmas

ANIMAL CONTROL COMMITTEE

AC96-04 Consider ban the dogs from parks ordinance (assigned 7/15/96)

COMMUNICATIONS COMMITTEE

COM2000-01 Consider redesign of City flag (assigned 7/25/2000)

COM2000-02 Consider a brochure to promote permanent local art and history (assigned Strategic Plan for 1st Quarter 2001)

COM2000-04 Consider the installation of marquees banners at City Hall to announce upcoming civic events (assigned Strategic Plan for 1st Quarter of 2001)

COMMUNITY STANDARDS COMMITTEE**COUNCIL COMMITTEE**

COU99-13 Consider Property Audits (assigned 4/12/99)

COU2000-42 Consider a proactive plan to address the reuse of school sites that may become available (assigned Strategic Plan for 4th Quarter 2001)

COU2000-44 Provide direction to PVDC regarding its function / duties (assigned 2000 Strategic Plan)

COU2000-45 Review current City definition for blight and redefine it where appropriate (assigned 2000 Strategic Plan)

COU2004-10 Develop programs to promote and encourage owner occupied housing (transferred from PVDC on 3/15/2004)

COU2004-11 Identify potential redevelopment areas and encourage redevelopment proposals (transferred from PVDC on 3/15/2004)

COU2004-12 Pursue development of higher value single-family housing (transferred from PVDC on 3/15/2004)

COU2004-13 Proactively encourage redevelopment to increase property values (transferred from PVDC on 3/15/2004)

COU2004-14 Meet with the Homes Association of the Country Club District (HACCD) to obtain their input regarding deed restrictions (transferred from PVDC on 3/15/2004)

COU2005-15 Consider planning meetings for the Governing Body (assigned 9/6/2005)

COU2005-16 Consider how to improve the Council's effectiveness as a team (assigned 9/6/2005)

COU2005-17 Consider how to expand leadership opportunities for Council members (assigned 9/6/2005)

COU2005-18 Develop a school zone policy (assigned 9/6/2005)

COU2005-19 Consider committee term limits for elected officials and residents (assigned 9/6/2005)

COU2005-20 Develop a sidewalk policy (assigned 9/6/2005)

COU2005-21 Develop a policy for use of Fund Balance (assigned 9/6/2005)

COU2005-22 Consider Council mentoring program (assigned 9/6/2005)

COU2005-23 Consider sponsoring social events with other jurisdictions (assigned 9/6/2005)

COU2005-24 Develop and improve parliamentary procedures (assigned 9/6/2005)

COU2005-25 Consider changing procedure for selecting Council President (assigned 9/6/2005)

COU2005-26 Consider automated Council packets (assigned 9/6/2005)

COU2005-27 Consider concept of Outcomes Measurement or Quantifying Objectives (assigned 9/6/2005)

COU2005-28 Consider more effective public notice of Council and Committee vacancies (assigned 9/6/2005)

COU2005-29 Consider City service to remove oak pollen in gutters and curbs (assigned 9/6/2005)

COMMITTEE AGENDA

January 17, 2006

- COU2005-30 Consider \$500 deposit from landlords for remediation of code violations (assigned 9/6/2005)
- COU2005-31 Consider amending weed ordinance (assigned 9/6/2005)
- COU2005-32 Consider City service to eliminate weeds in the street (assigned 9/6/2005)
- COU2005-40 Consider Planning Commission Recommendation – Planning Consultant (assigned 11/14/2005)
- COU2005-44 Consider YMCA Partnership (assigned 12/14/2005)
- COU2006-01 Consider Request for Special Use Permit for Communication Antennae at McCrum Park (assigned 12/7/2006)**

LEGISLATIVE/FINANCE COMMITTEE

- LEG2000-07 Consider current policies and procedures for code violations (Transferred from CCW 3/18/2002)
- LEG2000-25 Review fee schedules to determine if they are comparable to other communities and adjust where appropriate (assigned Strategic Plan for 1st Quarter of 2001)
- LEG2003-12 Consider Resident survey - choices in services and service levels, redevelopment (assigned 8/7/2003)
- LEG2004-31 Consider Lease of Park Land to Cingular Wireless (assigned 8/31/2004)
- LEG2005-38 Consider proposed ordinance revisions to PVMC 19.44.025 entitled "Height and Area Exceptions – Fences" (assigned 11/2/2005)
- PK2005 -11 Consider Use of right-of-way island at Somerset and Lee Blvd (assigned to L/F Committee)
- LEG2005-42 Consider a letter of interest in participating in the First Suburbs Coalition/Fannie Mae home improvement and remodeling loan program (assigned 12/15/2005)**
- LEG2005-43 Consider 2006 Pool Fees (assigned 12/15/2005)**
- LEG2005-44 Consider 2006 Team Fees (assigned 12/15/2005)**
- LEG2005-45 Consider 2006 Twilight Pool Program Addition (assigned 12/15/2005)**
- LEG2005-46 Consider Facility Reservation Fees (assigned 12/15/2005)**
- LEG2005-47 Consider British Soccer Camp Amendment (assigned 12/15/2005)**
- LEG2005-48 Consider Swim Team Program Addition (assigned 12/15/2005)**
- LEG2005-49 Consider Building Permit and Plan Review Fees (assigned 12/21/2005)**
- LEG2006-01 Consider an Increase in the Rate the City Charges for Off-Duty Contractual Employment of Police Officers (assigned 1/4/2006)**

PARKS AND RECREATION COMMITTEE

- PK97-26 Consider Gazebo for Franklin Park (assigned 12/1/97)
- PK2003-06 Consider Capital Improvement Plan for 2004-2006 (assigned 8/13/2003)

PLANNING COMMISSION

- PC2000-01 Consider the inclusion of mixed-use developments in the City and create guidelines criteria and zoning regulations for their location and development (assigned Strategic Plan)
- PC2000-02 Consider Meadowbrook Country Club as a golf course or public open space – Do not permit redevelopment for non-recreational uses (assigned Strategic Plan 2nd Qtr 2001)

POLICY/SERVICES

- POL2003-14 Consider Project 190845: Mission Road – 75th St to 79th St (CARS) (assigned 7/3/2003)
POL2004-06 Consider Project 190715: 2005 Storm Drainage Repair Program (assigned 2/25/2004)
POL2004-08 Consider Project 190841: Mission Road – 71st to 75th (CARS) (assigned 2/25/2004)
POL2004-09 Consider Project 190848: Mission Rd – Somerset to 83rd (CARS) (assigned 2/25/2004)
- POL2004-10 Consider Project: 190847: 2005 Street Paving Program (assigned 2/25/2004)
POL2004-11 Consider Project 190849: Roe Avenue – Somerset to 95th St. (CARS) (assigned 2/25/04)
POL2004-12 Consider Project 190714: 2004 Storm Drainage Repair Program (assigned 3/30/2004)
POL2004-11 Consider Project 190847: 2005 Street Paving Program (assigned 7/29/2004)
POL2004-15 Consider Project 190707: Somerset, Delmar to Fontana Street (assigned 8/26/2004)
POL2004-16 Consider Project 190708: Tomahawk Road Nall to Roe (assigned 8/26/2004)
POL2004-18 Consider Sidewalk Policy (assigned 9/18/2004)
POL2005-02 Consider Project 190616: Harmon Park Skate Facility (assigned 1/31/2005)
POL2005-03 Consider Project 190850: Reeds Street – 69th to 71st St. (assigned 1/31/2005)
POL2005-04 Consider Project 190809: 75th Street and State Line Road (assigned 2/1/2005)
POL2005-11 Consider Project 190715: 2005 Storm Drainage Repair Program (assigned 6/2/2005)
POL2005-12 Consider Project 190854: 2005 Pavement Repair Program (assigned 6/2/2005)
POL2005-13 Consider Project 191012: 2005 Concrete Repair Program (assigned 6/2/2005)
POL2005-14 Consider Project 190852: 2005 Crack/Slurry Seal Program (assigned 6/2/2005)
POL2005-17 Consider revising bidding ordinance (assigned July 19, 2005)
POL2005-21 Consider Project 190851: 2006 Paving Program - Sidewalks (assigned 8/30/2005)
POL2005-23 Consider Project 190857: Roe Avenue – 95th to 91st Street (CARS) (assigned 8/28/2005)
POL2005-28 Consider Charter Ordinance No. 12 “Public Improvements” (assigned 11/1/2005)
POL2005-29 Consider Council Policy No. 041 “Selection of Professional Consulting Services (assigned 11/1/2005)
- POL2005-30 Consider Project 190855: Tomahawk Road Bridge (assigned 11/1/2005)
POL2005-31 Consider Canterbury Street Sidewalk Petition (assigned 11/1/2005)
POL2005-33 Consider establishment of school crossing guard policy (assigned 11/14/2005)
POL2005-34 Consider Project 190717: 2006 Storm Drainage Repair Program (assigned 11/20/2005)
POL2005-35 Consider illicit water discharge (assigned 11/30/2005)
POL2005-36 Consider Policy/Services Committee Agenda item deletions (assigned 12/21/2005)
POL2005-37 Consider Council Policy 042 entitled “Construction Estimate” (assigned 12/21/2005)
POL2005-38 Consider Agreement with the City of Overland Park (assigned 12/21/2005)

PRAIRIE VILLAGE ARTS COUNCIL

- PVAC2000-01 Consider a brochure to promote permanent local art and history (assigned Strategic Plan for the 1st Quarter of 2001)