

City Council Meeting

December 17, 2007



*Dinner will be provided by:
Dragon Inn*

*Chicken with Cashew Nuts
Shrimp & Seasonal Vegetables
Sweet & Sour Pork
Steamed Vegetables*

COUNCIL COMMITTEE
December 17, 2007
6:00 p.m.
Council Chamber

ANDREW WANG, COUNCIL PRESIDENT

AGENDA

CONSENT AGENDA

COU2007-73 Consider Renewal of SUP for Communication Antenna at 1900 West 75th Street

COU2007-81 Consider 2008 Utility Assistance Program

AGENDA ITEMS FOR DISCUSSION

Presentation on Sister City Trip to Dolyna, Ukraine
Michael Kelly

COU2007-75 Consider formal Sister City relationship with Dolyna, Ukraine
Michael Kelly

*COU2007-76 Consider renewal of AOS Contract
Quinn Bennion

COU2007-77 Consider Fund Transfer from 2007 to 2008
Captain Schwartzkopf

COU2007-78 Consider Obscenity Ordinance
Captain Schwartzkopf

COU2007-80 Consider Prairie Village Legislative Program for 2008
Chris Engel

COU2007-79 Presentation on Emergency Notification System
Chief Jordan

COU2007-51 Village Vision

*Council Action Requested Same Evening

COU2007-73 Consider Renewal of SUP for Communication Antenna at 1900 West 75th Street

Issue:

Should the Council renew a Special Use Permit for wireless communications antenna and equipment at 1900 West 75th Street?

Background:

In 2002, the City Council adopted an ordinance approving a Special Use Permit for wireless communication antennas and equipment to be placed on the roof of the Capitol Federal Building at 1900 West 75th Street for a period of five years. This permit for T-Mobile has expired and the applicants are requesting renewal of the Special Use Permit. A Special Use Permit and a renewal has also been approved for communication antennas at this location for Nextel.

A public hearing was held before the Planning Commission on Tuesday, December 4, 2007 with no members of the public in attendance. The minutes of that hearing are attached. An information meeting was held for neighboring property owners on November 20th with no one attending. The City has not received any complaints regarding this installation. The applicant continues to meet the conditions of approval for the original Special Use Permit.

The Planning Commission reconfirmed its findings on the application and recommend that the City Council adopt an Ordinance renewing the Special Use Permit subject to the following conditions:

1. The renewal of the special use permit be for a maximum of five years. At the end of the five-year period, and any subsequent five-year renewal periods, the applicant shall resubmit the application and shall demonstrate to the satisfaction of the Planning Commission and the City Council that a need still exists for the antennas and that all the conditions of approval have been met. The permit may then be extended for an additional five years and new conditions may be required.
2. All equipment cabinets and wiring shall be screened from view of adjacent streets and properties and the equipment screening shall not exceed 12 feet in height measured from the top of the roof. The antennas shall not exceed the height as shown on the plans submitted with the application.
3. The steel sheeting, antennas and the frames for mounting them shall be painted a color that blends with the building so that their visibility is minimized.
4. The applicant shall not prevent other users from locating on the building.
5. Any permit granted which is found to be in non-compliance with the terms of the special use permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected. If the special use permit becomes null and void, the applicant will remove the antennas, equipment cabinets, and all other appurtenances and shall restore the site to its original condition within 30 days.
6. The applicant shall comply with all local, state and federal regulations.
7. In the event that the leaseholder abandons the facility and fails to remove the installation; the landowner shall remove it within 30 days.
8. The applicant shall submit a copy of the final signed renewal lease agreement between T-Mobile Communications and Capitol Federal Savings to the City.

Recommendation:

Adopt an ordinance renewing the Special Use Permit for the installation of a wireless communication antenna and equipment at 1900 West 75th Street subject to the conditions established by the Planning Commission.

ORDINANCE 2161

AN ORDINANCE APPROVING THE RENEWAL OF A SPECIAL USE PERMIT FOR THE INSTALLATION OF WIRELESS COMMUNICATIONS ANTENNA AND EQUIPMENT TO CAPITOL FEDERAL SAVINGS AND LOAN FOR USE BY T-MOBILE COMMUNICATIONS ON THE PROPERTY DESCRIBED AS FOLLOWS: 1900 WEST 75th STREET, PRAIRIE VILLAGE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE:

Section I. **Planning Commission Recommendation.** At its regular meeting on December 4, 2007, the Prairie Village Planning Commission held a public hearing, found the findings of fact to be favorable and recommended that the City Council approve the renewal of a Special Use Permit for the installation of wireless communications antennas and equipment on the roof of the Capitol Federal Savings & Loan building at 1900 West 75th Street, subject to eight specific conditions contained in the minutes of the Planning Commission for that date.

Section II. **Findings of the Governing Body.** On January 7, 2008, the Governing Body concurred with the findings of fact of the Planning Commission as contained in the minutes of the Planning Commission meeting of December 4, 2007, relating to the application for a Special Use Permit, docketed as PC2007-24 and approved the Special Use Permit to Capitol Federal Savings & Loan for use by T-Mobile Communications subject to the following conditions:

1. The renewal of the special use permit be for a maximum of five years. At the end of the five-year period, and any subsequent five-year renewal periods, the applicant shall resubmit the application and shall demonstrate to the satisfaction of the Planning Commission and the City Council that a need still exists for the antennas and that all the conditions of approval have been met. The permit may then be extended for an additional five years and new conditions may be required.
2. All equipment cabinets and wiring shall be screened from view of adjacent streets and properties and the equipment screening shall not exceed 12 feet in height measured from the top of the roof. The antennas shall not exceed the height as shown on the plans submitted with the application.
3. The steel sheeting, antennas and the frames for mounting them shall be painted a color that blends with the building so that their visibility is minimized.
4. The applicant shall not prevent other users from locating on the building.
5. Any permit granted which is found to be in non-compliance with the terms of the special use permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected. If the special use permit becomes null and void, the applicant will remove the antennas, equipment cabinets, and all other appurtenances and shall restore the site to its original condition within 30 days.
6. The applicant shall comply with all local, state and federal regulations.
7. In the event that the leaseholder abandons the facility and fails to remove the installation; the landowner shall remove it within 30 days.
8. The applicant shall submit a copy of the final signed renewal lease agreement between T-Mobile Communications and Capitol Federal Savings to the City.

Section III. **Granting of Special Use Permit.** Be it therefore ordained that the City of Prairie Village grant a renewal of the Special Use Permit to Capitol Federal Savings & Loan for use by T-Mobile Communications for the installation wireless communications antennas and related equipment on the roof of the Capitol Federal Savings Building at 1900 West 75th Street, Prairie Village, Kansas, subject to the specific conditions listed in Section II.

Section IV. **Take Effect.** That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND ADOPTED THIS 7th DAY OF JANUARY, 2008.

CITY OF PRAIRIE VILLAGE, KANSAS

By: _____
Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Charles E. Wetzler, City Attorney

SPECIAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC 2007-24
Filing Fees: \$100
Deposit: \$500
Date Advertised: 11/13/07
Date Notices Sent: 11/13/07
Public Hearing Date: 12/4/07

APPLICANT: T-Mobile, represented by SSC, Inc PHONE: (913) 438-7700

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

OWNER: Capital Federal Savings PHONE: (816) 395-8331

ADDRESS: 700 South Kansas Ave., Topeka, KS ZIP: 66603

LOCATION OF PROPERTY: 1900 W. 75th Street, Prairie Village, KS 66208

LEGAL DESCRIPTION: See Attached "Exhibit A"

ADJACENT LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>residential</u>	<u>R-16</u>
South	<u>office/residential</u>	<u>C1/R-16</u>
East	<u>office</u>	<u>C-O</u>
West	<u>office</u>	<u>CPO</u>

Present Use of Property: Capital Federal Bank; T-Mobile rooftop installation (CP-O)

Proposed Use of Property: Current use of property; seeking a 5 year SUP renewal

Please complete both pages of the form and return to:

Planning Commission Secretary
City of Prairie Village
7700 Mission Road
Prairie Village, KS 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.
2. Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected.
3. Is found to be generally compatible with the neighborhood in which it is proposed.
4. Will comply with the height and area regulations of the district in which it is proposed.
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.
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

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

If Yes, what length of time? 5 years

SIGNATURE:  DATE: 11/1/07

BY: Justin Anderson

TITLE: Site Acquisition Specialist

Attachments Required:

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



SELECTIVE SITE CONSULTANTS, INC.

A Site Acquisition, Engineering, and Construction Quality Assurance Company

November 2, 2007

City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208
Attention: Joyce Hagen Mundy

Re: Special Use Permit Application for 5 year renewal of an existing T-Mobile wireless site at the Capital Federal Building located at 1900 W. 75th Street.

Dear Ms. Mundy,

Pursuant to the City of Prairie Village Wireless Communication guidelines, I write this letter to supplement the Special Use Permit application concurrently filed herewith on behalf of T-Mobile Central LLC d/b/a T-Mobile. In submitting these documents T-Mobile requests a Special Use Permit renewal for five (5) years to operate a wireless facility at the above noted location. This letter and the back up documentation contained in this application packet is intended to assist you and the approval and permitting authorities in the City of Prairie Village in evaluating and approving this application. This letter will also deal with the updated history of wireless communication, how these systems work, their effect on the every day lives of the surrounding citizenry / community. It shall also provide a general overview of this specific project, including the need for the site and its design parameters.

With the filing of this Special Use Permit application (renewal) T-Mobile requests your support and written determination that T-Mobile has met the criteria of the Planning Commission Policy for the Approval of Wireless Towers by City of Prairie Village.

Property Owners
Capital Federal Savings
700 South Kansas Avenue
Topeka, KS 66603

Applicant
T-Mobile Communications d/b/a T-Mobile
12980 Foster, Suite 200
Overland Park, KS. 66213

Agents for Property Owner & Applicant

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

I. General Information

The intense development of a nationwide system of wireless telecommunications service began in earnest in late 1995 with the Federal Communications Commission auction of portions of the radio spectrum for PCS (digital) service. Since 1995, the intent of the Telecommunications Act (see Appendix A.), which was to encourage competition in the communications marketplace, has intensified the demand for tower space. Subscriptions for wireless services have increased from a few thousand in 1985 to over 195 million by October of 2005 and 220 plus million today.

The demand for wireless service has gone far beyond personal convenience. Business and industry have become relatively dependent on wireless communications capabilities. Local emergency and disaster management agencies are making wireless communications an integral part of their systems. In fact, in the last year there were over 81 million E911 calls to these agencies. A high percentage of individuals had security and safety as an initial reason for becoming wireless subscribers.

The demand is unrelenting! Space needs for wireless internet access and location-based services are just beginning to be considered. This, and increasing competition along with the FCC's requirement for the carriers to provide service pursuant to the FCC licensing requirements within a reasonably short time frame, has led to the continued need and requests for siting telecommunications antennae and towers.

II. Technical Information

There are several "services" or technologies provided by the wireless telecommunication industry ranging from paging and wireless voice/message/data capable services. The 3G (3rd Generation) technologies have generated new wireless applications that are demanding additional tower space. The blending of wireless and fixed wire communications relationships that use your existing television cable connections to interact with the internet as well as voice and data functions has increased.

Cellular phone systems have been around for at least 20 years and were originally referred to as "car phone" systems. "Cellular" is based on analog interfacing equipment and functions at a frequency band width of 800-900 MHz, - which is lower than PCS, but utilizes a higher wattage than the PCS technology.

PCS technology utilizes “broadband” technology in the range of 1,800 to 2,200 MHz of the radio spectrum at much lower wattage requirements using digital interfacing equipment. This provides a higher quality transmission with greater voice clarity than is currently available through existing (analog) cellular technology.

As to how a system evolves, a wireless antenna system is divided into relatively small geographic cells. The size of each cell will vary depending upon demographics, terrain, elevation, ground clutter, foliage, existing and projected customer demand, antenna limitations, transmission power requirements, and the signal, bandwidth, and switching technology used by the individual wireless vendor. All of the technologies involved are governed by line of sight limitations and wireless phones generally need to “see” a compatible wireless communications facility for operation of customer phones, transmission, and reception. Because of this limitation, a Base Transceiver Station (BTS) with antenna is located at the center of each cell. Basically, the BTS is a network component that provides the connection between a user’s mobile handset and either another mobile handset or the “standard” wired network system.

Radio Frequency Engineers will use prediction tools to generate propagation studies in order to determine how effectively a proposed cell site will provide the required coverage. Radio Frequency Engineers with T-Mobile have generated a comprehensive Propagation Study that depicts the current lack of coverage in the area and which shows the coverage after implementation of the proposed tower. That study accompanies this application.

When a T-Mobile Radio Frequency Engineer starts a new system, a system improvement, or system expansion design process they work with an inventory of existing T-Mobile antennae locations as they relate to existing foreign (competitive) towers and structures on which they may collocate antenna. This becomes the foundation for the grid or geographic distribution of cell centers. From that point, using the above mentioned computerized mapping and design technology, the grid or cell system is expanded. The center of each cell now becomes a relative location for a future tower / antenna site. When new tower sites are required, a location is chosen after a “Search Ring” is developed and issued by T-Mobile’s Radio Frequency Engineers. The Search Ring indicates a geographic area in which potential sites may be located which will result in the maximum amount of coverage in an impaired service area. These search rings are issued to site acquisition personnel who are assigned the task of locating property owners receptive to a tower being located on their property.

Site Acquisition Contractors, like Selective Site Consultants, Inc., are instructed by T-Mobile’s management to target existing sites (rooftops, towers, and any existing structures) to collocate equipment on within the Search Ring first, in order to minimize new construction, expedite improved coverage, and to meet the spirit and intent of local zoning regulations, which typically encourage collocation.

When the site acquisition team does make contact with property owners within the search ring they are looking for a site that is:

- Has a willing landlord (owner)
- Presents reasonable construction costs
- Creates minimum impact
- Avoids environmental issues
- Avoids historical sites
- Does not encroach on FAA air space
- Has potential for additional wireless providers
- Has potential for zoning and permitting within the jurisdiction

The above considerations and processes were followed in selecting the site that is the subject of this Special Use Permit application.

III. Specific Site Information

The subject property is located on the northwest corner of 75th Street and State Line. The property is currently a branch of Capital Federal Saving and has two existing wireless sites (Nextel and T-Mobile). There is residential development to the north and south of the site, with the south being abutted by the office space to the east. The east and west are both being used as office space

T-Mobile's equipment comprises a 25' x 25' area on the east side of the roof (See included site plans) to house its radio equipment. The antennas for this site are located on the southwest corner, north end of the building, and the west side of the building. The radio equipment is contained behind a screen wall and is not visible from a public view. Only power and telephone service are at the site. The site is unmanned traffic is to the site is for routine operational maintenance.

The site is an integral part of T-Mobile's network that provides coverage to the service area in the City of Prairie Village, depicted by T-Mobile's Radio Frequency Engineer's Report contained herein.

IV. Specific Site Justification

T-Mobile Radio Frequency Engineers determined the need for improved coverage for this area of the Cities of Prairie Village. The primary communication objective of T-Mobile in placing a facility at this location is to provide adequate coverage to the area bound by 71st Terrace, 79th Street, Springfield Street, and Terrace Street. The coverage also helps to provide the increasing vehicular traffic traveling along these same streets (see RF propagations studies contained hereinafter). Wireless carriers are constantly expanding and improving their networks in order to keep their competitive edge. When a carrier begins receiving complaints from its customer base, whether it be "dropped calls", interference, lack of voice quality, a gap in the seamless coverage required of E911 transmissions, to name a few, they respond. This site enables T-Mobile customers to use their mobile devices in an effective way. The placement of this facility has increased

coverage and therefore service has been substantially improved, resulting in better coverage for current and future T-Mobile subscribers in the area.

The Federal Communications Commission (“FCC”) restricts the power output on all telecommunications antennae, requiring additional sites to fill in gaps in the network. T-Mobile consistently seeks to increase or supplement their coverage footprint so that they may serve their growing customer base. Due to the present and anticipated growth of cell phone use, complaints from existing T-Mobile customers losing their signal while trying to make calls from their homes, where they are shopping, working, or driving in the area, and the existing coverage gap necessitate the additional coverage that is provided by this site.

V. Compliance with the Prairie Village Zoning Code for Special Uses

This application packet is designed to meet the intent of the wireless communications guidelines set forth by the Planning Commission and City staff. Because the site is an existing site, approved in 2002, a Special Use Permit renewal is required in order to maintain a T-mobile site at the subject property.

This application complies with the standards of the Guidelines in all respects. No advertising will be allowed at the site and the only signs will be for site identification purposes and safety notices required by the FCC, these will be located on the entrance gate to the compound. This will be a permanent facility.

The equipment compound is screened by a rooftop screen wall. There will be no strobe lighting on the tower. Traffic to the site consists of a technician coming to the site to perform operational maintenance. The site uses no water, sewer, waste disposal, or similar public services.

VI. Impact on Health, Safety, Morals, and General Welfare

A basis for public gain on each preceding factor is considerable. The following refers to both the immediate proposed site area and the entire City as well.

Health – The existing site and future antennae to be placed thereon will meet or exceed all federal technical health and safety requirements and in addition will function at a miniscule fraction or allowable power levels set by the FCC.

Safety – The closest residential structure is a distance over the height of the antenna. There is no public access to the site.

A reoccurring national and worldwide experience with auto/rail or air accidents, fires, human mayhem and natural disasters have focused in on the utility of and reliance on wireless communications as a key tool in managing such emergencies. Approximately 225,000 or around 1.2% of all phone subscribers make “9-1-1”

and distress calls on a daily basis. As Federal requirements for E911 technology takes hold this number may increase and response become even more effective. Improved wireless coverage improves the level of the community's safety.

Morals, Order – Since the tower provides a quiet ambience - with very little human activity generated after construction - there will be absolutely no impact on moral or order issues.

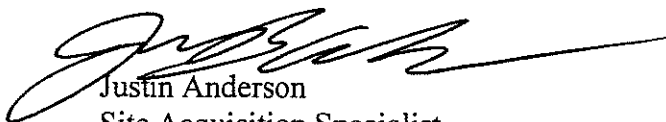
Welfare - The immediate neighborhood, the City, the County, and the State will enhance its welfare or well being as an accumulation of all the benefits noted below. There is absolutely no basis for assuming a reduction of such welfare.

- Convenience – One of the most profound and basic tenants of the wireless telecommunications technology and service is convenience. The fact that any person can have voice, data and industry access to any part of the world regardless of where they are – whether on a tractor, at the lake or behind a desk is convenient. The burgeoning new applications – including GPS capabilities - for wireless technology go well beyond the simple task of calling someone on the phone.
- Prosperity – The business world is beginning to demand a wider range of vendor options when it comes to wireless telecommunications before they commit to business locations. Future business development or expansions are becoming increasingly dependent on this technology.
- While the initial market thrust for antenna sites in the U.S. was to the public traveling along the primary highway corridors, the current system development is much more to the local business and household population.
- The demand and usage of the traditional homebound “hardwired” phones system is declining significantly.
- With the growing technical merging with the computer/internet world, full access to a wide range of the wireless providers can provide a broadened economic basis for attracting additional industry and business enterprises that demand the high tech capabilities found in wireless telecommunications. This is a major economic asset to the City of Prairie Village.

I hope that by supplying you with this comprehensive overview of the project that you will agree to the need for this facility and that you will be able to support our Application to provide wireless telecommunications services to the citizens of your City.

Please contact me if you have any questions or if additional information is required.
Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Anderson", with a long horizontal flourish extending to the right.

Justin Anderson
Site Acquisition Specialist
Selective Site Consultants, Inc.
Agent on behalf of T-Mobile

PLANNING COMMISSION MINUTES
MEETING OF DECEMBER 4, 2007

DRAFT

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, December 4, 2007 in the Council Chambers, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Marlene Nagel, Nancy Vennard, Robb McKim, Bob Lindeblad and Marc Russell.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Pat Daniels, Council Liaison; Doug Luther, Assistant City Administrator; Building Official, Jim Brown and Joyce Hagen Mundy, Planning Commission Secretary.

APPROVAL OF MINUTES

Bob Lindeblad moved the Planning Commission minutes of November 16, 2007 be approved as distributed. The motion was seconded by Randy Kronblad and passed unanimously.

PUBLIC HEARINGS

Chairman Ken Vaughn reviewed the procedures to be followed for the scheduled public hearing.

PC2007-24 Request for Renewal of Special Use Permit for Wireless Communication Antenna at 1900 West 75th Street

Justin Anderson, 8500 West 110th Street with Selective Site Consultants, presented the application on behalf of T-Mobile for the renewal of an existing Special Use Permit for wireless communication antenna located on top of the Capitol Federal Savings building at 1900 West 75th Street. The initial application in the name of Voicestream Wireless, which is now T-Mobile, was approved in September of 2002.

Mr. Anderson noted the application continues to meet the requirements of the initial Special Use Permit and the applicant is requesting a five-year renewal. A neighborhood meeting was held on November 20th with no one attending.

As no one was present to address the Commission on this application, Chairman Ken Vaughn closed the public hearing.

Ron Williamson stated when the original application was filed in 2002, four residents attended the neighborhood meeting with concerns about the visibility of the equipment located on the roof. The City has not received any complaints regarding this application. The antennas and equipment were installed in accordance with the

plans submitted and the applicant has complied with the seven conditions of the original permit. The applicant has submitted a statement that this location is necessary to provide coverage for its current and future users.

Both the antennas and equipment cabinets are located on the roof of the building. The equipment cabinets are mounted on a structural platform, which is 12' x 20' and was enclosed with a screen. The antenna installation is similar to the installation that was approved on the building last year for Nextel. There are three antenna panels mounted on frames and placed on the roof and each panel has two antennas mounted on it. The antennas are about 12 feet in height from the roof to the top of the antenna. The individual antenna panels are approximately 56 inches long by 8 inches in width and are mounted on prefabricated steel support frames that are held on the roof with concrete ballast blocks.

At its regular meeting on August 6, 2002, the Planning Commission found the findings of fact to be favorable and recommended approval of the application to the City Council subject to seven conditions and the City Council approved the Planning Commission recommendation September 3, 2002. The seven conditions were as follows:

1. That the initial approval of the special use permit be for a maximum of five years. At the end of the five-year period, and any subsequent five-year renewal periods, the applicant shall resubmit the application and shall demonstrate to the satisfaction of the Planning Commission and the City Council that a need still exists for the antennas and that all the conditions of approval have been met. The permit may then be extended for an additional five years and new conditions may be required.
2. All equipment cabinets and wiring shall be screened from view of adjacent streets and properties and the equipment screening shall not exceed 12 feet in height measured from the top of the roof. The antennas shall not exceed the height as shown on the plans submitted with this application.
3. The antennas and the frames for mounting them shall be painted a color that blends with the building so that their visibility is minimized.
4. The applicant shall not prevent other users from locating on the building.
5. Any permit granted which is found to be in non-compliance with the terms of the special use permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected. If the special use permit becomes null and void, the applicant will remove the antennas, equipment cabinets, and all other appurtenances and shall restore the site to its original condition within 30 days.
6. The applicant shall comply with all state and federal regulations
7. In the event that the leaseholder abandons the facility and fails to remove the installation, the landowner shall remove it within 30 days.

Mr. Williamson reviewed the application based on the City's policy for wireless communication towers noting that since this is the renewal of an antenna installation and not a tower, a number of items in the policy may not be applicable.

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 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 original application was for the placement of an antenna and equipment and not a request to construct a new communications tower. The applicant was not required to submit an alternative site location analysis of the potential sites with a ½ mile radius, but simply explain their need for the antennas. The City has encouraged the use of existing buildings in order to minimize the negative impacts of towers on residential neighborhoods and two other locations have been approved by the Planning Commission and City Council in the past. They are St. Ann's Church and the office building at 5000 West 95th Street. T-Mobile has requested the installation of the antennas at this location in order to support its system and network and provide adequate service to its customers. The installation of antennas is normally used to help support the system in areas that are exceeding capacity.

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

Since the installation exists, actual photos are attached. The antennas are visible from adjacent properties but most of those properties are office or commercial.

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

Since the antennas are going to be placed on a building rather than a communications tower, it is not necessary for T-Mobile to sign an agreement that it would permit co-location. However, it is important that T-Mobile not prohibit other providers from locating on the building if they need to do so in the future. A review of the communication site lease agreement between T-Mobile and Capitol Federal Savings does not appear to prohibit other providers from leasing on the building.

4. **Copy of Lease - A copy of the lease between the applicant and the land owner 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.**

In response to paragraph a, T-Mobile has not prevented other carriers from leasing space on the building. In response to paragraph b, the lease agreement has not addressed the issue of removal of the communications antenna if the applicant does not do so at the end of the lease period. This issue can be addressed as a condition of approval.

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

Since the installation is in place; is not proposed to be changed and can be viewed, a full site plan is not necessary under these circumstances.

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 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.**

The applicant has not specifically stated they plan to provide any special services to the public and the City, but are going to improve overall communication in the localized area served by this installation.

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

No trees, structures, improvements, facilities or obstructions were temporarily or permanently removed or relocated, because the improvements were located on the roof.

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

Installation is already in place.

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

T-Mobile has other facilities that have been installed in the City of Prairie Village and has set out its qualifications, experience and expertise at the time of those previous applications.

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 indicated the existence of any other governmental approvals required, except the licensing of FCC. This antenna is not in a location that would require FAA approval.

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 is simply an antenna and equipment installation on top of a building, it was not necessary to send out co-location letters.

The Planning Commission reviewed the findings of fact as follows:

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

The proposed antenna installation meets 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.**

A review of the installation does not indicate that there is any adverse effect on the welfare or convenience to the public and the City has not received any complaints. On the other hand, 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 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, November 20, 2007 in accordance with the Planning Commission Citizen Participation Policy and no residents appeared at the meeting. It was noted 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 antenna installation on this building is small in comparison to the building itself, has relatively little impact and does not dominate immediate neighborhood so as to hinder development. It was also noted that the neighborhood is totally developed and the only equipment that will be visible from the exterior, are the antenna panels and the equipment boxes which are screened.

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 not necessary for this particular use because there are no permanent staff on the site. Service staff are on site periodically to maintain the equipment, but the parking that is provided on the site will be adequate for this need.

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

Since there are no external improvements, existing utility, drainage, and other facilities are adequate.

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.**

Antennas and equipment will require only service vehicles for periodic maintenance. The traffic generated by the use is minimal and is easily accommodated by the existing circulation system on site.

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 antennas and equipment do not have any hazardous or toxic materials, obnoxious odors, or intrusive noises that would affect the general public.

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 equipment platform has been screened with architectural steel sheeting. The antennas are exposed on the roof and are not compatible in design with the building, but they as well as the architectural sheeting are painted to match the color of the building.

Marlene Nagel asked how the applicant can be required not to prevent other users from locating on the building when it does own the building. Mr. Williamson responded the agreement with the property owner could stipulate that other users may be located on the building or it can be a condition of approval of the Special Use Permit.

Bob Lindeblad moved the Planning Commission finding favorably on the findings of fact and recommended the City Council approve the requested renewal of a Special

Use Permit by T-Mobile for wireless communication antenna on the roof of the Capitol Federal building at 1900 West 75th Street subject to the following conditions:

- 1) That the renewal of the special use permit be for a maximum of five years. At the end of the five-year period, and any subsequent five-year renewal periods, the applicant shall resubmit the application and shall demonstrate to the satisfaction of the Planning Commission and the City Council that a need still exists for the antennas and that all the conditions of approval have been met. The permit may then be extended for an additional five years and new conditions may be required.
- 2) All equipment cabinets and wiring shall be screened from view of adjacent streets and properties and the equipment screening shall not exceed 12 feet in height measured from the top of the roof. The antennas shall not exceed the height as shown on the plans submitted with this application.
- 3) The steel sheeting, antennas and the frames for mounting them shall be painted a color that blends with the building so that their visibility is minimized.
- 4) The applicant shall not prevent other users from locating on the building.
- 5) Any permit granted which is found to be in non-compliance with the terms of the special use permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected. If the special use permit becomes null and void, the applicant will remove the antennas, equipment cabinets, and all other appurtenances and shall restore the site to its original condition within 30 days.
- 6) The applicant shall comply with all state and federal regulations.
- 7) In the event that the leaseholder abandons the facility and fails to remove the installation, the landowner shall to remove it within 30 days.
- 8) The applicant shall submit a copy of the final signed renewal lease agreement between T-Mobile Communications and Capitol Federal Savings to the City.

The motion was seconded by Marlene Nagel and passed unanimously.

Informal Presentation

Jess Louk, with Selective Site Consultants, representing T-Mobile addressed the Commission regarding T-Mobile's Improvement Plan for Prairie Village and the surrounding area. Also present were the following individuals: Garth Adcock, T-Mobile Real Estate & Zoning Manager; Luke Wilenbring, T-Mobile Senior Radio Frequency Engineer and Cheri Edwards with Selective Site Consultants. T-Mobile wanted to briefly show their long-range plan for Prairie Village including how many future installation they may need.

Mr. Louk stated T-Mobile has been looking for locations within Prairie Village for the past ten years. Initial cellular phone service was designed for in vehicle traffic and sites followed major highways and intersections. With the evolution of cellular phone service providing multiple functions and its rapid growth, coverage is now needed in residential areas. Statistics show that 90% of U.S. residents have cellular phones, and 12% of U.S. households are no longer served by landline phones.

Mr. Wilenbring reviewed coverage maps for T-Mobile showing the current coverage within the City and the areas where coverage is needed or needs to be improved based on complaints from T-Mobile customers. T-Mobile has areas within Prairie Village that need improvement soon and staff are working to address those needs.

Issue:

Should the City provide utility assistance services to low income residents during 2008?

Background:

The City annually contracts with Johnson County Human Services & Aging to administer the Utility Assistance Program. This program helps qualifying Prairie Village residents pay their utility bills. The program is not funded with City General Fund dollars. Rather, the Prairie Village Municipal Foundation provides the money for the program. The program will provide up to \$200 in assistance per year, with \$100 coming from the City (Municipal Foundation) and \$100 through Johnson County.

Fiscal Impact:

In 2007, the Foundation provided \$5,000 in addition to the \$3,742.19 fund balance remaining from 2006. As of December 13, 2007, \$1,332.53 has been expended leaving a fund balance of \$7,409.66. This balance should make it unnecessary for the Foundation to provide additional funding for 2008.

However, in order for Prairie Village residents to remain eligible to participate in this program, the City must enter into a Letter of Understanding with Johnson County for administration of this program.

This item has been placed on the 17 December, 2007 Consent agenda for your consideration.

Recommendation:

**RECOMMEND THE CITY COUNCIL APPROVE A LETTER OF UNDERSTANDING WITH JOHNSON COUNTY HUMAN SERVICES AND AGING IN THE AMOUNT OF \$0 (zero) FOR UTILITY ASSISTANCE SERVICES IN 2008 WITH FUNDING FROM THE PRAIRIE VILLAGE MUNICIPAL FOUNDATION
COUNCIL ACTION REQUIRED**

**LETTER OF UNDERSTANDING
JOHNSON COUNTY UTILITY ASSISTANCE PROGRAM**

2008 PROGRAM YEAR

This Letter of Understanding is entered into by and between the Johnson County Department of Human Services & Aging and The City of Prairie Village for the administration of **UTILITY ASSISTANCE PROGRAM** available to residents of the City.

The parties do mutually agree to as follows:

I. ELIGIBILITY

Human Services & Aging will determine eligibility using the following factors:

- A. Verify that the applicant is a resident of the City and that the name of the applicant, spouse or another adult living in the household is on the utility bill.
- B. Verify that the applicant's household has a gross income at or below the 200% of Poverty Guidelines as published in the Federal Register.
- C. Verify with the utility that, the client has made a self-payment on the utility bill within the previous three months.

II. BENEFIT & SERVICE PROVIDED

In providing utility assistance benefits to eligible City applicants, Human Services & Aging will:

- A. Determine the amount of payment to be made to the utility based on the amount of arrearage or the maximum benefit, whichever is lower.
- B. Match city funds with county funds, up to \$100.00 per calendar year. Each household will be eligible to receive assistance up to the maximum benefit amount per calendar year.
- C. Process payments to the utility vendors through the county's voucher system.
- D. Provide energy conservation materials and referrals for other services to utility assistance clients.
- E. Provide the City with quarterly reports on the number of households served and funds expended.

III. CONSIDERATION

In consideration of the above provisions the City will contribute \$ 0 *
for the services listed in this Letter of Understanding for the **calendar year of 2008.**

At the end of the program year, any unobligated funds will be automatically transferred to the next program year or returned to the City upon request.

* Matching funds to be provided by the Prairie Village Municipal Foundation, if needed.

IV. SPECIAL PROVISIONS

- A. Any exceptions to the above procedures will be discussed, and mutually agreed upon by a designated representative of the City and the County.
- B. The benefit amount to City residents will be reduced, when either City or County funds have been exhausted.
- C. This Letter of Understanding may be terminated by either party upon thirty days written notice.

Executed in duplicate and on the date listed below.

The City of Prairie Village

Johnson County Human Services & Aging

Signature

Deborah Collins
Director, Human Services & Aging

Title

Date

Date

SISTER CITY COMMITTEE
12 November, 2007
MINUTES

Call to Order

Chairperson Cindy Dwigans called the meeting to order at 7.00pm. Members present: Michael Kelly, Cleo Simmonds, Dick Bills, Carole Mosher, Bob McGowan, and Jim Hohensee. Guests: Hildegard Knopp. Also present: Chris Engel.

Approval of Minutes

Cleo pointed out the October minutes referred to the Mayor of Dolyna by his first name and requested his last name, Garazd, be substituted. With this change, Cleo moved for approval of the October 8th minutes. Bob seconded the motion, which passed unanimously.

Fund-raising

Carole reported that Barnes & Noble sent her a schedule of 4 hr blocks to choose from for gift-wrapping. Times are 10 - 2, 2 - 6, and 6 - 10 for the 119th street location. The store will provide all of the materials and the committee could bring flyers but no signage. Cindy said she and Carole could do the majority of the wrapping but would need others to help keep things organized and running smoothly. Carole mentioned that the closer to Christmas they choose, the better the opportunity as last-minute traffic would increase. Two dates were agreed upon: Cindy, Carole, and Dick (if available) on December 18, 6p-10p, and Carole, Bob, Mike, and possibly Jim on December 22, 2p-6p.

Draft of council policy regarding Sister City Committee and discussion

Cindy explained that last month's guest, Pamela Fellin, had inquired about the committees six month trial period and it was brought up at the Council meeting. Mike mentioned that Councilman Wang was upset that people are willing to volunteer but not able. As a result, all citizen-led committees could end up being reorganized. Mike suggested that the rules for membership should be in writing so they don't appear arbitrary. Cindy mentioned that there needs to be some entry level requirement so people get familiar with the committee and it's mission before joining. Cleo expressed the belief that committees with vacancies should allow volunteers more expediently.

Dick led a discussion concerning the need for a one page job description to give people an idea of what the committee does and what the expectation of its members are. It was stressed it should be crisp, to the point, and specific enough to convey the obligations of potential members while including a mission statement for the committee. Once created, potential members could take it home and consider it before coming back the following month. Jim reviewed a list of what this sheet should include and said it should be written down. Jim will complete a rough draft and circulate it by email so a finished version can be presented at the next meeting.

Cleo talked the committee through his rough draft of a recommended council policy governing the committee. Term limits were discussed as a way of ensuring everyone gets a chance to chair the committee if they want. Jim mentioned that if there were limits they should be at least two years because of the time it takes to develop some of the relationships and the learning curve to understand what the committee does. Two-year terms were agreed upon, with the option of multiple terms. Voting rights for student members was discussed next. Cindy voiced concern over having committee members with voting rights that don't attend regularly, in that it is hard to have a quorum. Bob mentioned that in the past students were more readily available but they have become more involved in other activities. It was mentioned that recruiting or attending the volunteer job fair in the fall might be helpful. Jim said that the committee should not overlook students in schools other than SME, students of all ages and schools could be beneficial to the committee. It was discussed that being on a committee would be a learning process for the students and part of that was voting. It was agreed that students should be given voting rights.

Discussion next centered on changing the position of vice-chair to chair-elect. After much discussion it was agreed that a vice-chair would work better for two reasons: agreeing to be chair-elect is a four year commitment (two as elect + two as chair) and not everyone that would like to be vice chair would like to be chair. Also discussed was basing elections on an April 1 - March 31 calendar year to coincide with Mayoral appointments. Discussion also determined that the need of a stipulation for removing a member was not necessary if expectations were explained in the one page job description mentioned above.

Ukraine

Cindy asked the committee their thoughts on moving forward with Ukraine. All agreed they should. Michael expressed the concern that time was running out. Cleo added that to the Ukrainians this process started in September 2006 when they came here, not when we visited them. If there were any reservations or doubts, they should've been worked out long ago. Cindy recommended Ukraine be judged against the list Cleo sent earlier in the year. All agreed and the list was talked over.

1.) *Education* was viewed as being involved because of pen pals starting to communicate between the cities, 2.) Michael said *Government* would be the area they would be most interested in, 3.) Michael and Cleo said *Medical* was an area that could be productive based on conversations they had while visiting, 4.) For *Investments and Commerce* the Chamber could be involved. Cleo said that to Ukraine, this was a huge item and Michael agreed adding that even if they didn't fully grasp what this entailed there was still a great opportunity there. Interest in sports and scouting was also discussed as an inroad to developing a formal relationship.

Cindy guided a discussion on what the next steps should be. Jim asked if there was really something there to benefit both cities. Cleo said they would gain much from our relationship and we would get the satisfaction of helping out with a young democracy. This may not have been what the initial plan was for the committee but this relationship would not preclude other formal relationships. Michael said that the key benefit for us is that it opens the door for people of Prairie Village to a culture

they would have otherwise never known. As facilitators, the exposure of the City benefits everyone and meets the committee's mission. Carole stated that this was within the true spirit of Sister City and we have an opportunity. Cindy mentioned this relationship would be opening Ukraine to people who normally wouldn't go there. Bob asked the committee how to sell this. Jim said that should start now by displaying things from the region and selling them in local shops. Dick mentioned there was no better time to start than now to get people informed. Jim reviewed what everyone had been saying and found the word "opportunity" kept being said and that is exactly what they wanted when they started, an opportunity.

Dick moved to recommend to City Council that Prairie Village extend an official invitation to the City of Dolyna to enter into a formal Sister City agreement. Bob seconded and it passed unanimously.

Correspondence with other sister city prospects.

No correspondence has taken place in the last month.

December meeting place

The committee settled on Tatsu's in Prairie Village for the December holiday dinner.

Other Business

Staff was asked if the city had holiday greeting cards that could be sent from the committee

Adjournment

The next meeting will be at 6.30p on Monday, December 10th at City Hall. The meeting was adjourned at 9.30p.

Cindy Dwigans
Chairperson

COU2007-76 Consider approval Network Services Agreement with Alexander Open Systems for 2008 and 2009.

Background:

The City's Network Services Agreement with Alexander Open Systems (AOS) will expire on December 31, 2007. These services were last re-bid in 2002. Staff in all departments have been satisfied with the services performed by AOS.

AOS is capable of providing a variety of networking services to the City. While staff members handle minor troubleshooting items, the most frequent level of service provided by AOS is Systems Engineering. Fees for this and other levels of service have been unchanged for the past three years.

AOS proposes to continue providing network support services for 2008 and 2009, subject to annual appropriation of funds by the Governing Body based on the following fee schedule.

Former Assistant City Administrator helped secure the renewed contract prior to his departure.

2008 Rates

Skill Level	Standard Rate	Current Rate	Proposed Rate
Design Architect	\$140.00		\$120.00
Project Management	\$140.00		\$120.00
Systems Engineer	\$140.00	\$95	\$110.00 ←
Sr. Systems Engineer	\$160.00	\$95	\$140.00
Systems Consultant	\$225.00	\$105	\$205.00

2009 Rates

Skill Level	Standard Rate	Proposed Rate
Design Architect	\$140.00	\$130.00
Project Management	\$140.00	\$130.00
Systems Engineer	\$140.00	\$120.00 ←
Sr. Systems Engineer	\$160.00	\$150.00
Systems Consultant	\$225.00	\$215.00

Fiscal Impact

The proposed agreement does not require the City to purchase any specific amount of services during the contract period. It simply establishes a fee schedule for the contract term. Either party may terminate this agreement upon 90 days notice.

The payments for AOS services are paid from the department technology accounts. Thus far in 2007, \$48,000.59 has been paid to AOS. \$85,000 has been budgeted for 2008.

Staff members are currently discussing technology needs and desires. AOS provides approximately 12 hours a week of services on selected days of the week and are available for call-in. Technology needs, particularly in the Police Department, may require a different arrangement in the future. Staff will continue to discuss schedule needs and arrangements in the coming months.

Recommendation

Recommend the City Council approve a Network Services Agreement with Alexander Open Systems subject to review and approval by the City Attorney.

ANNUAL AGREEMENT FOR NETWORK SYSTEMS SERVICES

This Agreement, made this _____ day of _____, 2007, by and between ALEXANDER OPEN SYSTEMS, hereinafter referred to as Contractor, and the CITY OF PRAIRIE VILLAGE, KANSAS, hereinafter referred to as City, shall be in full force and effect during the time and pursuant to the terms and conditions identified herein.

1.0 Service Specifications

1.1 The Contractor will provide network systems administration assistance for the Microsoft LAN, WAN, and wireless networks installed at Municipal Building, Public Safety Center and Public Works facilities.

1.2 The network systems administration is defined as:

- a. Installing, setup and configuring for new hardware and software.
- b. Assigning rights, restrictions, and access to application and data directories of specific file locations.
- c. Testing user access, rights, and restrictions to ensure network security is not jeopardized and to ensure user applications are being accessed correctly.
- d. Debugging and troubleshooting issues that arise in operating various network applications and network operating systems.
- e. Providing hardware cleaning, virus check and diagnostics for file servers.
- f. Providing hardware cleaning, virus check and diagnostics for work stations.
- g. Providing hardware and software support, troubleshooting, and other services for PCs and associated hardware and software operating within the Municipal Building, Public Safety Center, and Public Works facilities' network environments.

2.0 General

2.1 The signed agreement will be the authorization for the vendor to provide the described services as may be requested by the City from time to time.

2.2 Nicholas Sanders, Human Resources Specialist at phone (913)385-4664 or Quinn Bennion, City Administrator, at phone (913) 385-4601, will be the City coordinators for the Contractor for providing service and responding to any special needs for the City Hall and Public Works Department. Captain Wes Lovett, 913-385-4606, will coordinate services for the Police Department.

2.3 The City authorizes the Contractor to perform work anytime from 8:00am through 5:00pm weekdays.

2.4 All work performed by the Contractor will be of acceptable workmanlike quality and installation normally associated with this trade and shall occur to the satisfaction of the City before payment will be made by the City to the Contractor.

- 2.5 All invoices with a copy of the service report are to be sent to the Prairie Village Municipal Building, 7700 Mission Road, Prairie Village, KS 66208.
- 2.6 The Contractor shall maintain throughout the life of this contract, General Liability Insurance covering any and all actions of the contractor in the performance of this contract. Minimum limits shall be Bodily Injury \$500,000/500,000; Property Damage \$100,000. Contractor shall also be responsible to provide workmen's compensation insurance and benefits for its employees.
- 2.7 The Contractor is providing services to the City as an independent contractor. The contractor shall be responsible for the death or injury of any employee of the contractor's, while in the performance of service of the terms of this agreement and it shall hold the City harmless and shall indemnify the City for any loss it may have resulting from the contractor providing the services described in this agreement. The City shall not be responsible for any withholding of taxes or social security for any employee of contractor, nor shall it provide to any employee of contractor any fringe benefits of any kind.
- 2.8 This Agreement will commence on the date this agreement is fully executed by both parties and continue through December 31, 2008 with an automatic one-year renewal for a second twelve-month term expiring on December 31, 2009, subject to annual appropriation of funds by the Prairie Village Governing Body.
- 2.9 Either party may terminate this agreement at any time by giving ninety (90) days prior written notice to the other party.
- 2.10 If, in the normal course of business, the City can not allocate funds to continue this contract into the 2nd fiscal year, written notice to terminate must be given (90) days prior to termination of this contract.
- 2.11 The Contractor will commence work within ten (10) calendar days from and after receiving the fully executed agreement from the City and will complete all work covered in this contract.

3.0 Fees

3.1 That the fees for the completion of this service are:

- a. Hourly rates below are for Monday through Friday, 8am to 5pm. All billing shall be in 15 minute increments. Emergency support rates are explained in sections (d) through (f).

Calendar Year 2008 Rates are as follows:

Skill Level	Rate
Design Architect	\$120.00
Project Management	\$120.00
Systems Engineer	\$110.00
Sr. Systems Engineer	\$140.00
Systems Consultant	\$205.00

Calendar Year 2009 Rates are as follows:

Skill Level	Rate
Design Architect	\$130.00
Project Management	\$130.00
Systems Engineer	\$120.00
Sr. Systems Engineer	\$150.00
Systems Consultant	\$215.00

- b. Travel will be billed one-way at the skill level rate.
- c. Phone support will be billed at the applicable skill level in 15 minute increments.
- d. Emergency support will be billed at 150% of the Contract rate with a \$250 minimum charge.
- e. Holidays are billed at 200% of the Contract rate.
- f. Evening and weekends at 150% of the Contract rate.

Contractor Contact: _____

ATTEST:

Address: _____

/s/ _____
 Joyce Hagen Mundy,
 City Clerk

Approved as to Form

/s/ _____
Charles Wetzler, City Attorney

Telephone: _____

Fax Number: _____

/s/ _____
Contractor Agent Date

/s/ _____
Ronald L. Shaffer, Mayor Date



PRAIRIE VILLAGE POLICE DEPARTMENT

Wes Jordan – Chief of Police
7710 Mission Road • Prairie Village, Kansas 66208
Phone: 913/642-6868 • Fax: 913/385-7710



Capt. Tim M. Schwartzkopf
Patrol Division Commander

DATE: November 20, 2007
TO: Chief Jordan *WJ*
FROM: Capt. Tim M. Schwartzkopf *TMS*
SUBJECT: FUND TRANSFER FROM 2007 TO 2008

In 2007, funds were allocated to purchase portable radios, mobile radios, and in-car laptop computers. Due to re-banding, it was not necessary to purchase the radios as they would be replaced in the near future. This was unknown when the 2007 budget was planned. The in-car laptop selection has involved two different vendors, and with uncertainties relating to technology, there are still decisions that need to be made before making a decision on which end user equipment to purchase.

I would ask that rather than making a decision based on limited information the Department postpones these decisions until 2008. This would provide us more time to make a better decision for the Department. I have spoken with the Finance Director regarding this request. I am requesting that we turn back to the City the funds allocated for the above items from 2007, and request this money back in 2008 from the contingency fund.

1-3-25-7100: \$14,150.00

Thank you for your consideration.

PRAIRIE VILLAGE POLICE DEPARTMENT

BUDGET WORKSHEET

PROGRAM: Patrol

LINE ITEM DESCRIPTION: Equipment Acquisitions LINE ITEM # 25-7450

2002 ACTUAL	2003 ACTUAL	2004 ACTUAL	2005 ACTUAL	2006 BUDGET	2007 BUDGET
\$ 87,218	\$ 50,188	\$ 22,202	\$ 45,682	\$ 18,100	\$ 21,550

EXPENDITURE CENTER	COST
(3) Portable Radios	\$ 3,450
(1) Mobile Radio	\$ 1,700
(1) AED (Replacement of units purchased in 1998-99)	\$ 2,500
(1) Moving Radar (Annual Replacement)	\$ 2,500
(2) Prisoner Partition (Annual Replacement)	\$ 2,400
(3) In-car Laptop Computers (Begin replacement of 5-6 year old systems) *	\$ 9,000
* New in 2007 2005 cost due to traffic start up costs 07 budget- remove intox and add computers.	
LINE ITEM TOTAL	\$ 21,550



PRAIRIE VILLAGE POLICE DEPARTMENT

Wes Jordan – Chief of Police
7710 Mission Road • Prairie Village, Kansas 66208
Phone: 913/642-6868 • Fax: 913/385-7710



Capt. Tim M. Schwartzkopf
Patrol Division Commander

DATE: December 10, 2007
TO: Chief Wes Jordan *WJ 12/10/07*
FROM: Capt. Tim M. Schwartzkopf *TMS*
SUBJECT: REVIEW OF OBSCENITY ORDINANCES

At the November 5, 2007 Council Meeting, I gave a brief overview of the changes and/or additions to the UPOC and STO. Councilman Charles Clark had a question regarding the possibility of the obscenity section being challenged, and asked for legal clarification. Attached is the response from Lathrop and Gage.

I have read the memo and it is the legal staff's opinion that the ordinance in the UPOC "virtually mirror the Kansas Criminal statutes...Kansas Courts have validated the definition of obscenity...in the face of constitutional challenges under the First and Fourteenth Amendments, and thus, the City's parallel definition of obscenity is likely to pass constitutional muster." The legal staff recommends that the City add a severability clause to our ordinance. I reviewed the City ordinance and it does not currently have this clause. Legal staff also recommended a few revisions to the ordinance. It appears these changes do not change the intent of the ordinance, but rather add more definitive language or explanation.

Due to the fact that Mr. Clark requested legal review, I would recommend that Mr. Wetzler provide this information back to the Council for further action. I have not talked with Mr. Wetzler and thus he is not aware of this recommendation. If you need me to contact him, let me know.



CHARLES E. WETZLER
(913) 451-5111
EMAIL: CWETZLER@LATHROPGAGE.COM
WWW.LATHROPGAGE.COM

BUILDING 82, SUITE 1000
10851 MASTIN BOULEVARD
OVERLAND PARK, KANSAS 66210-1669
(913) 451-5100, FAX (913) 451-0875

December 6, 2007

Capt. Tim M. Schwartzkopf
Patrol Commander
Prairie Village P.D.
7710 Mission Road
Prairie Village, Kansas 66208

Re: Review of Obscenity Ordinances

Dear Captain Schwartzkopf:

I have attached for your review a copy of a memorandum prepared by Matt Corbin, an associate at my office, addressing: (1) the potential grounds for challenging the City's obscenity ordinances under the First and Fourteenth Amendments of the United States Constitution; (2) the likely merits of such challenges based on prior case law interpreting Kansas's parallel criminal obscenity statutes; and (3) the benefits of adding a severability provision to the ordinances if a court ever deemed a specific provision to be unlawful. I have also enclosed a copy of the ordinances containing a few proposed revisions based on Mr. Corbin's comparison of the ordinances to Kansas's parallel criminal obscenity statutes.

Please contact me if you have any questions, or need any additional information.

Sincerely,

LATHROP & GAGE L.C.

By: 

Charles E. Wetzler

:mc
Enclosures

CWDOCS 560576v1

- Transactions involving only catalytic converters for which the total sale price is \$30 or less;
 - Transactions in which the seller is also a scrap metal dealer; or
 - Transactions for which the seller is known to the purchasing scrap metal dealer to be an established business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.
- Class C Violation.
 - Class A Violation if the person is convicted for a third and subsequent time within a two-year period.

Section 6.25 Unlawfully Buying Scrap Metal. (New Section)

- Makes it unlawful for a dealer to purchase any items of regulated scrap metal in a transaction for which Section 6.24 requires information;
- Dealer must file and maintain a record of information obtained in compliance with Section 6.24;
 - Records shall be open at all times to peace or law enforcement officers and be kept for two years;
 - If information is kept electronically, dealer shall provide a printout of the information to peace or law enforcement officers.
- Class C Violation.
- Class A Violation if the person is convicted for a third and subsequent time within a two-year period.

Section 10.1.1 Concealed Carry; Where Prohibited.

- Section has been deleted.

Section 10.1.2 Concealed Carry; Where Prohibited by Employers.

- Section has been deleted.

Section 10.1.3 Concealed Carry; When Impaired.

- Section has been deleted.

Section 11.1 Promoting Obscenity. (New Section)

Section (a) Defines promoting obscenity is knowingly or recklessly manufacturing, offering or agreeing to manufacture, or possessing with the intent to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise obscene material or obscene device; or producing, presenting, or directing an obscene performance or

participating in a portion thereof which is obscene or which contributes to its obscenity.

Section (b) Any person is presumed to knowingly and recklessly promote obscene materials or obscene devices if such materials or devices were promoted to emphasize their prurient appeal; or any person who is not a wholesaler and promotes the materials or devices in the course of the person's business.

Section (c)(1) Any material or performance is defined as being obscene if:

- The average person would find the materials or performance, taken as a whole, appeals to the prurient interest;
- The average person would find that the material or performance has patently offensive representations or descriptions of sexual acts, normal or perverted, actual or simulated, including sexual intercourse or sodomy; or masturbation, excretory functions, lewd exhibition of genitals; sadomasochistic abuse; "AND" ← insert
- A reasonable person would find the material or performance, taken as a whole, lacks serious literary, educational, artistic, political or scientific value.

Section (c)(2) Material is defined as any tangible thing which is capable of being used or adopted to arouse interest, whether throughout the medium of reading, observation, sound or other manner. "ADAPTED" }

Section (c)(3) Obscene Device is defined as a device, including a dildo or artificial vagina, designed or marketed as useful primarily for the stimulation of human genital organs, except such devices disseminated or promoted for the purpose of medical or psychological therapy.

Section (c)(4) Performance is defined as any play, motion, picture, dance or other exhibition performed before an audience.

Section (c)(5) Sexual intercourse and Sodomy have the meaning provided by K.S.A. 21-3501 and amendments thereto.

Section (d) Defenses to a prosecution for obscenity include:

- The persons who allegedly viewed the obscene material or performance consisted of persons having scientific, educational or governmental justifications for possessing or viewing the same;
- The defendant is an officer, director, trustee or employee of a public library, and the allegedly obscene material was disseminated in accordance with regular library policies; "OR" ← insert

leased or otherwise acquired"
insert

- The allegedly obscene material or device was purchased by a school, college or university, and was distributed by a teacher, instructor, professor or other faculty member as part of or incident to an approved course or program of instruction.

Section (e) The provisions in this section do not apply to a projectionist or assistant projectionist, if such person has no financial interest in the show or in its place of presentation other than as a projectionist or assistant projectionist and no knowledge of the contents of the motion picture. The provisions do not exempt a projectionist or assistant projectionist from criminal liability for any act unrelated to projection of motion pictures in commercial showings to the general public.

- Class A violation

Section 11.2 Promoting Obscenity to Minors. (New Section)

Section (a) Promoting obscenity to minors is defined as promoting obscenity where the recipient of the obscene material or obscene device or a member of the audience of an obscene performance is a child under the age of 18 years.

Section (b) Affirmative defenses to any prosecution under this section:

- Defendant had reasonable cause to believe that the minor involved was 18 or older, and that minor exhibited an official or apparently official document purporting to establish that said minor was 18 or older;
- The allegedly obscene material or device was purchased by a school, college or university, and was distributed by a teacher, instructor, professor or other faculty member as part of or incident to an approved course or program of instruction;
- The allegedly obscene material or device was purchased by a school, college or university, and was distributed by a teacher, instructor, professor or other faculty member as part of or incident to an approved course or program of instruction;
- Exhibition in a state of nudity is for a bona fide scientific or medical purpose, or for an educational or cultural purpose for a bona fide school, museum or library.

insert

insert

Delete
b/c
it is
~~the same~~
insert language from

K.S.A. 21-4201a (b) (3) in its place: "The defendant is an officer, director, trustee or employee of a public library and the allegedly obscene material was acquired by

- Class A violation

Section 11.3 Commercialization of Wildlife. (New Section)

(a) Commercialization of wildlife is knowingly committing any of the following, except as permitted by statute or rules and regulations:

a public library and was disseminated in accordance with regular library policies approved by its governing body, or

Issue: Prairie Village Legislative Priorities

Background:

The City's approach has varied in the past with regards to the legislative agenda and contact with legislators. For several years the Governing Body met with the City's state legislators at a breakfast meeting early in the session. At these meetings state representatives presented their priorities and explained their committee assignments. The Council then presented their legislative priorities.

Four years ago these breakfast meetings were discontinued. Instead, the Council has opted to mail a Legislative Program to representatives each year since 2004 (2007 priority list attached).

Staff has prepared a composite of 2008 priorities established by MARC, Johnson County, as well as other cities in the area (copy attached).

This is a Council discussion item:

- Does Council want to develop Legislative Priorities for 2008? If so, staff desires direction regarding their 2008 priorities.
- Does Council want to meet with the delegation, mail the City's Legislative Program to representatives or deliver the document personally on City Hall Day at the Capitol (January 24, 2008).

The final legislative priority list will be brought to Council at the January 7th meeting. Staff recommends the final priorities be listed on an attractive one-page sheet to be handed to Prairie Village representatives during City Hall Day on January 24, 2008. Staff plans to remain active in the Johnson County legislative platform meetings periodically convened by the Johnson County Manager's office.

2007 Legislative Priorities

EDUCATION

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 public education.

REVENUE AND TAXATION

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.

LEGISLATIVE ITEMS

Eminent Domain – The City of Prairie Village supports legislation which continues to allow for the use of eminent domain for economic and community development purposes, including blight remediation, without seeking legislative approval.

Tax Reduction for Senior Citizens – The City of Prairie Village is concerned that property tax reduction for senior citizens will limit the ability of cities with a high percentage of senior citizens to meet the needs of constituents without increasing the tax rate.

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

City Council

WARD I

4/2010 Bill GRIFFITH
bgriffith@pvkansas.com
4/2008 Al HERRERA
aherrera@pvkansas.com

WARD II

4/2010 David VOYSEY
dvoysey@pvkansas.com
4/2008 Ruth HOPKINS
rhopkins@pvkansas.com

WARD III

4/2010 Michael KELLY
mkelly@pvkansas.com
4/2008 Andrew WANG
awang@pvkansas.com

WARD IV

4/2010 Laura WASSMER
lwassmer@pvkansas.com
4/2008 Pat DANIELS
pdaniels@pvkansas.com

WARD V

4/2010 Charles CLARK
cclark@pvkansas.com
4/2008 Wayne VENNARD
wvennard@pvkansas.com

WARD VI

4/2010 David BELZ
dbelz@pvkansas.com
4/2008 Diana Ewy SHARP
desharp@pvkansas.com

LEGISLATIVE PRIORITIES TO CONSIDER FOR 2008

Open Records – The City of Prairie Village believes that an open government is essential to building public confidence. The City recognizes that in some circumstances the public interest is better served by preventing the disclosure of sensitive information. The City supports the retention of the exemptions in the Kansas Open Records Act and the permitted subject matters for executive sessions contained in the Open Meetings Act currently found in law. *Supported by: JoCo, KAC, OP, LKM, Shawnee*

Right of Way Management – The City of Prairie Village desires to maintain management of the right-of-way. The City opposes any legislation aimed at limiting the authority of local governments to manage their right-of-way or to recover public costs when such property is necessarily used by regulated and non-regulated utilities or service providers, including reasonable franchise fees. *Supported by: JoCo, KAC, OP, LKM, Shawnee*

Local Option for Public Employer-Employee Relations Act (PEERA) – The City of Prairie Village opposes any legislation that would remove the local option provision for the Public Employer-Employee Relations Act. The City would oppose any federal or state mandate that would require collective bargaining at the local level. *Supported by: JoCo, KAC, OP, LKM, Shawnee*

Comprehensive Transportation Plan – The City of Prairie Village supports maintaining the funding for the comprehensive transportation program that will address transportation needs at both the state and local levels. Further, the City would oppose any action of the State to reallocate federal transportation monies earmarked for and shared with counties and cities to finance any State revenue shortfalls in the Comprehensive Transportation Program (CTP). *Supported by: JoCo, MARC, LKM*

Demand Transfers – The City of Prairie Village supports the reinstatement and full funding of the State's three revenue sharing programs with local governments. The City would also oppose any legislation that would further reduce or eliminate this aid, particularly if reductions are not replaced with fair and adequate alternative sources of revenue. *Supported by: JoCo, KAC, LKM, Shawnee*

2007 PRAIRIE VILLAGE 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 public education. *Supported by: JoCo, OP, Shawnee*

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. *Supported by: JoCo, LKM, Shawnee*

Unfunded State Mandates – The City of Prairie Village opposes legislation that imposes additional state mandated functions, activities, or practices on units of local government. *Supported by: KAC, LKM, Shawnee*

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. *Supported by: KAC, OP, LKM, Shawnee*

Franchises and Franchise Fees – See Right-of-Way above.

Eminent Domain – The City of Prairie Village supports legislation which continues to allow for the use of eminent domain for economic and community development purposes, including blight remediation, without seeking legislative approval. *Supported by: JoCo, KAC, LKM, Shawnee*

Tax Reduction for Senior Citizens – The City of Prairie Village is concerned that property tax reduction for senior citizens will limit the ability of cities with a high percentage of senior citizens to meet the needs of constituents without increasing the tax rate.

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, December 17, 2007
7:30 p.m.**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PUBLIC PARTICIPATION**
- V. 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 – December 3, 2007
2. Claims Ordinance 2644
3. Approve Construction Change Order #1 with Shafer, Kline and Warren Inc. for a reduction of \$65,339.36 to Project #190860: 2007 Paving Program.
4. Approve Engineering Change Order #1 with Shafer, Kline and Warren Inc. for a reduction of \$11,992.27 to Project #190862: 75th Street (CARS) Nall Avenue to Mission Road.
5. Authorize the continuation of the following ongoing or multi-year agreements for 2008 with the following:
 - ADP - Payroll & HR Services
 - ASCAP Agreement - Use of Music
 - Board of Police Commissioner - ALERT System Participation
 - Bucher, Willis & Ratliff - Planning Consultant Services
 - Dictaphone Corporation - Lease for Voice Logger
 - City of Westwood - Building Inspector Services
 - Clune Leasing - Administration copier lease
 - DataMax - Public Works Copier
 - EnServe Midwest, LLC - Disposal of Medical Waste
 - Ericsson, Inc (M/A-Com)- EDACS FX PD software & Maintenance
 - Federal Equitable Sharing Agreement - Seizure Funds
 - First Choice Publishing - Design/Production Community Profile
 - Highwoods Properties - PW Lease
 - IBM & Choice Solutions, LLC - PD AS400 System Support
 - Intrust Bank - On-line Banking Agreement
 - Johnson County - AIMS Data Access Agreement
 - Johnson County Wastewater - Right-of-Way Agreement
 - Kansas City Crime Stoppers - TIPS Hotline
 - Leadsonline, Inc. - Public Safety Property Software Program
 - MHM Business Services - 125 Program Administration
 - Mid America Regional Council - 800 MHz Radio Agreement
 - Mid America Regional Council - 9-1-1 Agreement
 - Midwest Office Technology - PD and CC Copier Leases
 - Mobile Radio Communications - Pager Agreement
 - New World Systems - IBM Support for CAD System

Office Depot - Participation Agreement
Otis Elevator - Elevator Maintenance
PropertyRoom.com, Inc. - Property Disposition Services
Postalia, Inc - FP Mailing Solutions - PD & Administration Postage Meter Lease
Southwestern Bell - Pay Phone Lease
Sprint Telephone - Telephone System Lease
Store Financial - Gift Card Agreement
Training@YourPlace - License/Software/Support - Codes & Court
Water District #1 - Right of Way Agreement

By Committee:

6. Approve the carryover of any unspent 2007 funds in the Prairie Village Arts Council account 1-6-41-5167 into the Arts Council's 2008 budget. (Prairie Village Arts Council Minutes – November 28, 2007)
7. Approve the carryover of any unspent funds in the 2007 budget for the Environmental Committee account number 1-6-41-5165 into the Environmental Committee's 2008 budget. (Environmental Committee Minutes – November 28, 2007)
8. Adopt Ordinance 2160 establishing a Capital Improvement Reserve Fund in the City of Prairie Village. (Council Committee of the Whole Minutes – December 3, 2007)
9. Approve an agreement with Robin Lewis to serve as the Prairie Village Public Defender for an annual fee of \$12,500 with funding from the 2008 Court Administration Budget. (Council Committee of the Whole Minutes – December 3, 2007)

VI. STAFF REPORTS

VII. COMMITTEE REPORTS

**Council Committee of the Whole – Andrew Wang
Consider renewal of AOS Contract**

VIII. OLD BUSINESS

IX. NEW BUSINESS

X. ANNOUNCEMENTS

XI. ADJOURNMENT

If any individual requires special accommodations -- for example, qualified interpreter, large print, reader, hearing assistance -- in order to attend the meeting, please notify the City Clerk at 381-6464, Extension 4616, no later than 48 hours prior to the beginning of the meeting.

If you are unable to attend this meeting, comments may be received by e-mail at cityclerk@PVKANSAS.COM

CONSENT AGENDA

CITY OF PRAIRIE VILLAGE, KS

December 17, 2007

CITY COUNCIL
CITY OF PRAIRIE VILLAGE
December 3, 2007

The City Council of Prairie Village, Kansas, met in regular session on Monday, December 3, 2007, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Al Herrera, Bill Griffith, Ruth Hopkins, Michael Kelly, Andrew Wang, Laura Wassmer, Pat Daniels, Charles Clark, Diana Ewy Sharp and David Belz.

Also present were: Quinn Bennion, City Administrator; Charles Wetzler, City Attorney; Wes Jordan, Chief of Police; Doug Luther, Assistant City Administrator; and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led all those present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

William Brockman, 4303 West 77th Terrace, a long time resident of the city addressed the Council with his concerns regarding the lack of exercise opportunities for citizens. He shared with the Council recent research he conducted on the cost of community center memberships at the cities of Mission and Overland Park compared to the YMCA located in Prairie Village. The cost at neighboring community centers was significantly less. He would like to see Prairie Village provide exercise opportunities within the City at a cost at least similar to those offered by neighboring cities. Mayor Shaffer assigned this to the Community Center Committee.

PRESENTATIONS

Mayor Shaffer called Das Hardin forward to present him with a certificate of achievement as the recipient of the 2007 Small Business Award from the Northeast Johnson County Chamber of Commerce. Das thanked the Mayor for the recognition and noted although he has been at the Prairie Village Shopping Center since 1992, he has been in the City since 1980 when The Village Flower Shop was located in the Meadowbrook Shopping Center.

Mayor Shaffer read a letter of resignation from Wayne Vennard due to his recent relocation from Ward V, where he served as Council Representative, to Ward 4. Mayor Shaffer presented Wayne with a proclamation honoring his service as Council representative over the past two years. Mr. Vennard stated he appreciated the opportunity to serve on the Council and enjoyed working with existing Council members and staff.

Mayor Shaffer called upon Assistant City Administrator Doug Luther and presented him with a gift from the City Council and a proclamation in honor of his 12 years of service to the City. Mr. Luther stated he appreciated the opportunity to work with a talented staff and with Council and committee members who truly cared about the City and its residents. As a resident of the City, he is pleased to leave the City in good hands.

CONSENT AGENDA

Andrew Wang moved the approval of the Consent Agenda for Monday, December 3, 2007:

1. Approve Regular Council Meeting Minutes - November 19, 2007
2. Approve the issuance of 2008 Cereal Malt Beverage Licenses to the Hen House #22 at 4050 W 83rd St., the Hen House #28 at 6950 Mission Rd, the Hy-Vee, Inc. at 7620 State Line Rd and Kayo Oil Company DBA Phillips 66 Circle K #2706100 at 9440 Mission Rd.
3. Approve a Laserfiche software maintenance agreement with R & D Computer Systems for 2008 at a cost of \$1,446 with funding from the City Clerk's Operating Budget.

4. Approve Construction Change Order #4 with J. M. Fahey Construction Company for a reduction of \$39,031.75 to Project #190860: 2007 Paving Program.
5. Approve Construction Change Order #6 with J. M. Fahey Construction Company for a reduction of \$102,969.81 to Project #190862: 2008 CARS, 75th Street (Nall Avenue to Mission Road) including \$61,963.14 of City funds to be transferred to Streets Unallocated.
6. Approve the agreement between the City of Prairie Village and Midwest Power Files in the amount of \$530.00 to be paid out of 1-3-22-5240 for maintenance of the power files in the Record Unit for 2008.
7. Approve an agreement between the City of Prairie Village, Kansas and the City of Fairway, Kansas for Multi-Jurisdictional Building Inspection Services.

A roll call vote was taken with the following members voting "aye": Herrera, Griffith, Hopkins, Kelly, Wassmer, Daniels, Clark, Vennard, Ewy Sharp and Belz.

STAFF REPORTS

Public Works - Bob Pryzby

- The duct cleaning work is completed although some related carpet repair needs to be finished.
- He received notice from the City of Overland Park of their intent to change the traffic signal at 95th & Nall in 2008 with the city's share of the cost being \$50,000 to \$75,000. He has responded asking for more information and noting this was not included in the City's 2008 budget.
- There has been an ongoing problem with a sink hole on the west side of the Tomahawk Bridge. The contractor working on the bridge has discovered the north bound lane is currently located over a water main. This will require total removal of the northbound lane for repair; however, he noted it should not be a lengthy process.
- The new FEMA flood plain maps are in final review. There is a 90 day appeal period prior to final approval. He has not had any residents call on or complain about the new map. All city residents with property impacted by the new maps were notified by the City of the change.
- The crews are ready for the first snow fall.

Pat Daniels asked for clarification on the FEMA changes. Mr. Pryzby responded the changes were primarily the result of field verification of actual ground elevations and grade for each address. For example, the base elevation change for Brush Creek is four feet higher than ground level in some locations. Also, all structures potentially in the flood zone were measured for elevation of the lowest opening into the structure. If the opening elevation was below the determined flood zone elevation, the structure was listed as in the flood zone and flood insurance would be required.

Ruth Hopkins asked for a projected completion date on the stormwater project being done in her neighborhood. Mr. Pryzby stated he was aware of some problems with pipe on that project; however, he will need to talk with Tom Trienens to get a projected completion date.

Public Safety - Chief Wes Jordan

- The KU pep rally on November 23rd went very well. Although the weather was very cold, he estimated 3000 people attended the event.
- Chief Jordan received a letter of resignation from Capt. John Walter who has accepted the position of Chief of Police in Mount Home, Idaho. This was anticipated and Chief Jordan distributed a memo to Council on lateral transfers and promotions that would become effective January 7, 2008. However, he noted Captain Walter's last working day would probably be December 7th.

Michael Kelly and Diana Ewy Sharp commended the police department for their handling of the pep rally. Al Herrera noted the rally was co-sponsored by Johnny's and the Salty Iguana and recognized their efforts in bringing this event and the related publicity to the City.

City Attorney - Charles Wetzler

- Nothing to report.

City Administrator - Quinn Bennion

- Mr. Bennion reported he and Karen Kindle met with representatives of Springstead, Inc., the City's financial consultant. The City will be using their services for upcoming redevelopment projects.
- Mr. Bennion expressed his appreciation to the staff and the Council for their support and warm welcome during his first month with the City. He specifically thanked Doug Luther for his support and assistance. He has met extensively with Doug to discuss the search for his replacement and the reallocation of responsibilities during the vacancy. Mr. Bennion presented the Council with a memo outlining the Assistant City Administrator job description and the proposed hiring schedule and process.

Assistant City Administrator - Doug Luther

- Mr. Luther reported the property at 7618 Mohawk is progressing. A great deal of work has been done with the owner basically gutting the house and starting from scratch. The exterior and the yard meet all codes and work will continue on the inside of the structure and will be monitored by codes staff.
- All but three of the major active homes associations have registered for notification of building permits under the new homes association ordinance. This covers almost 50% of the property owners in the City.

COMMITTEE REPORTS

Planning Commission

Mayor Shaffer announced OPUS has withdrawn their application for the rezoning of the Meadowbrook Country Club property.

Police Pension Board

Charles Clark reported the Police Pension Board met on October 11th. Among actions taken by the board not requiring Council action was a change from using the 1983 mortality table to the RP2000 table for 2008. This change would increase the required annual contributions three to five percent and provide a more valid actuarial basis for the Plan.

On behalf of the Police Pension Board, Charles Clark moved the City Council authorize the 2007 annual contribution by the City of \$139,270 to the Police Pension Plan. The motion was seconded by Pat Daniels and passed unanimously.

Bill Griffith asked how this amount compared to the previous year's contribution. Mr. Clark responded it should be very close to last year's amount and confirmed funding is available.

Sister City Committee

Michael Kelly reported in response to the concerns raised a few months ago regarding a resident not being able to serve on the Sister City Committee, the committee has drafted and approved written "Committee Expectations". The expectations ask for individuals to attend two consecutive meetings as a guest prior to applying for membership on the committee.

Ruth Hopkins asked if the size of the committee was changed. Mr. Kelly responded this is being addressed in a policy that is being drafted that will address committee size, appointment term and term of chair.

Municipal Foundation

Diana Ewy Sharp commended the work of the Municipal Foundation in the planning of the Mayor's Holiday Tree Lighting held on November 26th. The event was well attended and went smoothly due largely in part to the planning and work of Jeanne Koontz and Mike Helms. Mrs. Ewy Sharp also noted the efforts of Mely Ballard and Ann Bontrager in moving the event from City Hall to the Corinth Shopping Center. Mayor Shaffer acknowledged the support of Donna Potts with the Prairie Village Merchants Association and Highwoods properties for providing the holiday tree and security for the event.

OLD BUSINESS

Discussion of Exterior Improvement Residential Grant Program

Quinn Bennion stated at the request of Michael Kelly staff did preliminary research into the Exterior Improvement Residential Grant Program and noted there is a wide variety of programs and of approaches taken in administering programs. He noted the City of Lenexa operates a program. The idea is to provide incentives for residential property owners to improve their property. There are several ways it can be administered. Generally the resident applies for funds, pays the costs and then gets reimbursed for a portion of the costs.

Mayor Shaffer noted a grant is a "gift" and asked how it would be funded and processed. Mr. Bennion replied there are a wide variety of options. The City of Lenexa has placed a cap of \$2,000 or 20% of the investment.

Michael Kelly stated Lenexa has seen a significant return on the program.

Bill Griffith stated that makes the assumption the improvement would not have been made without the grant. Mr. Kelly stated Lenexa reported the program did incent people to make improvements.

Ruth Hopkins stated she thought the City was looking at programs using state and federal grant money. Mr. Kelly replied the Kansas Revitalization Act doesn't deal with money, it works through tax abatements.

Diana Ewy Sharp asked how the proposed program differed from the program supported by Ed Stevens several years ago. Doug Luther responded that program was a loan guarantee program where the City set money aside. The program was structured based on income guidelines that were the same as those used for grant programs. Mr. Luther noted the current MARC First Suburb Program is very similar, without any investment of city funds.

Diana Ewy Sharp this was one of the Village Vision objectives and she is supportive of getting more information.

Pat Daniels noted there are a number of things that need to be considered in addition to this. He feels the program has merit and would be seen as an indication of the City's interest and support of improving/upgrading properties. He thinks the program could pay for itself. Mr. Kelly feels this program will send the message that the City supports residents' efforts to improve their neighborhoods and property.

Michael Kelly moved the City Council direct city staff to conduct additional research on the possible implementation of an exterior improvement residential grant program and bring a recommendation forward to the City Council for consideration. The motion was seconded by Pat Daniels and passed by a vote of 9 to 1 with Ruth Hopkins voting "nay".

NEW BUSINESS

There was no New Business to come before the Council.

PUBLIC COMMENT

Craig Salvay, 8826 Birch Lane, addressed the Council regarding the redevelopment of the Meadowbrook Country Club site. He presented the following three items for consideration: 1) Mr. Salvay feels the entire property should be rezoned so the 200' notification requirement would cover the full perimeter of the property providing maximum neighborhood input. 2) The proposal for redevelopment should be in harmony with the existing neighborhood. 3) The developer should consult with the neighborhood beyond the

required 200' radius. Mr. Salvay stated the residents are not opposed to redevelopment of this property, but feel strongly that it is important for it to be done properly.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Planning Commission	12/04/2007	7:00 p.m.
Sister City	12/10/2007	7:00 p.m.
Park & Recreation Committee	12/12/2007	7:00 p.m.
Council Committee of the Whole	12/17/2007	6:00 p.m.
City Council	12/17/2007	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to feature a mixed media exhibit by Christi Roberts-Bony in the R. G. Endres Gallery for the month of December. The reception will be held on December 14th from 6:30 to 7:30 p.m.

The Employee Appreciation Holiday lunch will be on December 14th from noon until 2 p.m. in the Council Chambers. This year's meal will be catered by McGonigle's Market.

Donations to the Holiday Tree Fund are being accepted. The funds will be used to assist 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.

The City offices will be closed Tuesday, December 25, 2007 for the Christmas holiday. Deffenbaugh also observes this holiday and trash pick-up will be delayed one day.

The City will again have drop off points in the following parks for holiday tree recycling from December 22nd through January 20th. Porter, Franklin and Meadowlake Parks and in the Harmon Park parking lot near the water tower.

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

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

8:30 p.m.

Joyce Hagen Mundy
City Clerk

CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

December 1, 2007

Copy of Ordinance
2644

Ordinance Page No. _____

An Ordinance Making Appropriate for the Payment of Certain Claims.

Be it ordained by the governing body of the City of Prairie Village, Kansas.

Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of funds in the City treasury the sum required for each claim.

NAME	WARRANT NUMBER	AMOUNT	TOTAL
EXPENDITURES:			
Accounts Payable			
88039-88132	11/2/2007	293,970.83	
88133-88133	11/5/2007	265.30	
88134-88136	11/6/2007	3,402.19	
88137-88137	11/12/2007	74,779.95	
88138-88225	11/16/2007	504,531.07	
88226-88229	11/21/2007	4,081.74	
88230-88294	11/30/2007	531,806.15	
88295-88296	11/28/2007	3,684.50	
Payroll Expenditures			
11/9/2007		207,149.76	
11/21/2007		217,813.04	
Electronic Payments			
Intrust Bank -credit card fees (General Oper)		546.15	
State of Kansas - sales tax remittance		5.20	
Marshall & Ilsley - Police Pension remittance		6,681.32	
Intrust Bank - fee		409.76	
KCP&L		7,677.36	
MHM - Section 125 admin fees		282.92	
Intrust Bank - purchasing card transactions		7,505.76	
United Health Care			
Kansas Gas		1,576.28	
TOTAL EXPENDITURES:			\$ 1,866,169.28
Voided Checks			
The Kiplinger Letter 81781		(48.00)	
Ivan washington 81791		(10.24)	
Kiplinger's Personal Finar 82318		(84.00)	
Suzanne Lownes 83005		(40.00)	
Suzanne Lownes 88216		(40.00)	
IPMA 86800		(35.00)	
Sanitol 88281		(3,684.50)	
TOTAL VOIDED CHECKS:			(3,941.74)
GRAND TOTAL CLAIMS ORDINANCE			1,862,227.54

Section 2. That this ordinance shall take effect and be in force from and after its passage.

Passed this 17th day of December 2007.

Signed and Approved this 17th day of December 2007.

(SEAL)

ATTEST: _____
City Treasurer
Mayor

**CONSIDER PROJECT 190860 – 2007 PAVING PROGRAM
ENGINEERING CHANGE ORDER #1 - FINAL**

Background:

This is the final engineering change order for this project which has resulted in a decrease of \$65,339.36 (36% under the original contract amount).

Financial Impact:

The unexpended project funds will be transferred to the Capital Infrastructure Program Streets Unallocated.

Suggested Motion:

Move to approve Construction Change Order # 1 with Shafer, Kline and Warren Inc. for a reduction of \$65,339.36 to project #190860: 2007 Paving Program.

Explanation of Changes

This consultant services contract was for the construction administration of the 2007 Street Resurfacing Program. The contractor has completed all work on the project and Shafer, Kline & Warren has completed all work to complete their work on the project. This change order reduces the contract amount to the actual amount used for the work and includes a deduction of fees in the amount of \$1,920.00.

Original Contract Price	<u>\$ 180,000.00</u>
Current Contract Price, as adjusted by previous Change Orders	<u>\$ 180,000.00</u>
NET increase or decrease this Change Order	<u>-\$65,339.36</u>
New Contract Price	<u>\$ 114,660.64</u>

Change to Contract Time:
None Required.

William M. Asbury
William M. Asbury
Project Manager, Shafer, Kline & Warren, Inc.

11/30/07
Date

Thomas Trienens
Tom Trienens, P.E.
Manager of Engineering Services, City of Prairie Village, KS

12/3/07
Date

Ronald L. Shaffer
Mayor, City of Prairie Village, KS

Date

CONSIDER PROJECT 190862: 75TH STREET (CARS) – NALL AVENUE TO MISSION ROAD RESURFACING : ENGINEERING CHANGE ORDER #1 FINAL (CONSTRUCTION ADMINISTRATION) -

Background:

This is the final engineering change order (construction administration) for this project which has resulted in a decrease of \$11,992.27 (15% under the original contract amount).

Financial Impact:

The unexpended project funds will be transferred to the Capital Infrastructure Program Streets Unallocated.

Suggested Motion:

Move to approve Engineering Change Order # 1 with Shafer, Kline and Warren Inc. for a reduction of \$11,992.27 to project #190862: 75th Street (CARS) Nall Avenue to Mission Road.

Explanation of Changes

This consultant services contract was for the construction administration of the 2007 CARS Street Program. The contractor has completed all work on the project and Shafer, Kline & Warren has completed all work to complete their work on the project. This change order reduces the contract amount to the actual amount used for the work.

Original Contract Price	<u>\$ 80,000.00</u>
Current Contract Price, as adjusted by previous Change Orders	<u>\$ 80,000.00</u>
NET increase or decrease this Change Order	<u>-\$11,992.27</u>
New Contract Price	<u>\$ 68,007.73</u>

Change to Contract Time:

None

William M. Asbury
William M. Asbury
Project Manager, Shafer, Kline & Warren, Inc.

11/30/07
Date

Tom Trienens
Tom Trienens, P.E.
Manager of Engineering Services, City of Prairie Village, KS

12/3/07
Date

Ronald L. Shaffer
Mayor, City of Prairie Village, KS

Date

ISSUE: Should the City renew on-going and multi-year leases annually?

Background:

The City has agreements that renew automatically or have been previously approved by the City Council for multiple years. Since the City can only make commitments for one year, the City Attorney has advised that although, by contract, the agreements are current; the agreements should have Council action each year accepting the continuation/renewal of these agreements for 2008. Funds have been budgeted, when needed, in the appropriate departments operating budgets for 2008.

Recommendation

City Council authorize the continuation of the following ongoing or multi-year agreements for 2008:

- ADP - Payroll & HR Services
- ASCAP Agreement - Use of Music
- Board of Police Commissioner - ALERT System Participation
- Bucher, Willis & Ratliff - Planning Consultant Services
- Dictaphone Corporation - Lease for Voice Logger
- City of Westwood - Building Inspector Services
- Clune Leasing - Administration copier lease
- DataMax - Public Works Copier
- EnServe Midwest, LLC - Disposal of Medical Waste
- Ericsson, Inc (M/A-Com)- EDACS FX PD software & Maintenance
- Federal Equitable Sharing Agreement - Seizure Funds
- First Choice Publishing - Design/Production Community Profile
- Highwoods Properties - PW Lease
- IBM & Choice Solutions, LLC - PD AS400 System Support
- Intrust Bank - On-line Banking Agreement
- Johnson County - AIMS Data Access Agreement
- Johnson County Wastewater - Right-of-Way Agreement
- Kansas City Crime Stoppers - TIPS Hotline
- Leadsonline, Inc. - Public Safety Property Software Program
- MHM Business Services - 125 Program Administration
- Mid America Regional Council - 800 MHz Radio Agreement
- Mid America Regional Council - 9-1-1 Agreement
- Midwest Office Technology - PD and CC Copier Leases
- Mobile Radio Communications - Pager Agreement
- New World Systems - IBM Support for CAD System
- Office Depot - Participation Agreement
- Otis Elevator - Elevator Maintenance
- PropertyRoom.com, Inc. - Property Disposition Services
- Postalia, Inc - FP Mailing Solutions - PD & Administration Postage Meter Lease
- Southwestern Bell - Pay Phone Lease
- Sprint Telephone - Telephone System Lease
- Store Financial - Gift Card Agreement
- Training@YourPlace - License/Software/Support - Codes & Court
- Water District #1 - Right of Way Agreement

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

**Prairie Village Arts Council
28 November 2007
Minutes**

The Prairie Village Arts Council met at 6.00 pm in the City Council Chambers. Members present: Randy Kronblad, Chairman, Jack Shearer, Angi Jones, Pam Marshall, Bob Endres, Kyran Wilson, Annie Brabson, and Dan Andersen. Also present: Doug Luther and Chris Engel.

Minutes

Committee members approved minutes from the 17 October 2007 meeting as submitted.

Council Report

Doug informed everyone that the application for the Meadowbrook project had been withdrawn. The project managers will be doing some more community outreach and revisions before resubmitting early next year.

Report from November Reception

Randy reported that the turnout for the MidAmerican Pastel Society was good. He also mentioned that they are booked to return in November 2008.

December and January Exhibits

Christi Roberts Bony will be featured in the gallery during December with the reception being Friday, December 14 from 6.30 – 7.30. Kyran and Angi agreed to help with the reception.

Rusty Leffel will be the featured artist in January and the reception will be Friday, January 11th from 6.30 – 7.30. Pam, Anne, and Kyran volunteered to help.

Carryover Funds

Doug let everyone know there would be ~\$1,500 left at the end of the year once all of the projected costs are settled. In the past, the Committee has requested that the City Council allow these unexpended funds be carried over to the following year. Doug suggested that if the Committee wanted to do the same this year they should be reserved for a specific purpose. Bob asked if all donated funds for 2007 had been collected. Doug responded they had. Randy motioned that the excess funds be requested for the purpose of the State of the Arts event. Bob seconded the motion and all agreed these funds should build upon the success of the event.

**RECOMMEND THE CITY COUNCIL APPROVE THE CARRYOVER OF ANY
UNSPENT 2007 FUNDS IN THE PRAIRIE VILLAGE ARTS COUNCIL
ACCOUNT 1-6-41-5167 INTO THE ARTS COUNCIL'S 2008 BUDGET
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

2008 Budget Planning

Doug said the purpose of this meeting was to develop a spending plan for 2008 and identify how budgeted funds should be allocated. He also reminded everyone that there are also finds

available in the Municipal Foundation account. The Arts Council's 2008 budget as approved by the City Council in August was \$13,500. The majority of the increase over last year's budget was for the State of the Arts. With the ~\$1,500 carryover plus the \$4,500 currently budgeted, a total of \$6,000 will be going to the State of the Arts. The Committee members agreed to the following:

- To collect \$3,000 in donations to offset the increased level of prize money awarded in the juried competition.
- To allocate \$500 for art purchases. It was suggested that perhaps this year the Committee should think 3-D to fill the display case in the gallery.
- To allocate \$200 for sponsorships.
- To allocate \$3,000 to receptions. Doug pointed out that in 2008 these funds would be spent on 11 shows instead of 12 because State of the Arts is now its own entity.
- To allocate \$3,000 for the PV Art Fair. This includes an extra \$1,000 to possibly sponsor a music event instead of co-sponsoring. Bob asked if this would bring us the appropriate level of PR for the amount spent. Randy said that it would. It was also mentioned that the Merchants Association spends about \$40,000 on the show each year compared to our \$3,000.
- To allocate \$1,500 for performances. The hope is to get the Air Force Band and then possibly sponsor the Kacico dancers again.
- To allocate \$500 to co-sponsor an afternoon concert at Villagefest.

Committee members agreed to budget an increase from \$500 to \$1,000 to support the Shooting Stars Scholarship. Randy said this was a great opportunity to recognize young artists that might otherwise be overlooked by the general public. Bob mentioned that the donation would also get them tickets to the banquet. There was discussion over how special the banquet is and everyone was encouraged to attend.

It was also decided that the Committee would allocate \$5,000 to the Juried show. It was discussed that this might be high because some of the work done in 2007 could carryover from year to year lowering costs. It was also decided to raise the prize award line item to \$3,000. To offset this increase it was determined that the extra funds would be raised through donations (see above).

It was once again explained that the Council had already budgeted these funds for the Committee so the internal budget was a working document. It would be revisited from time to time to ensure that the Committee was on-track with its expenditures.


December 2007 Meeting

There will be no December meeting

There being no further business, the meeting adjourned.

Randy Kronblad
Chairman

CITY OF PRAIRIE VILLAGE

TO: MAYOR & CITY COUNCIL
FROM: DOUG LUTHER 
SUBJECT: ENVIRONMENTAL COMMITTEE CARRYOVER
DATE: 12/3/2007
CC:

At its 28 November meeting, the Environmental is requested permission to carry-over unspent funds in the committee's 2007 budget into 2008. The Committee intends to use these funds to complete the installation of the interpretive sign on the Tomahawk Road bridge and send a committee member to the Shadowcliff seminar in Colorado. The carryover amount will be approximately \$4,500. The majority of this amount (\$3,500) represents the costs required to complete installation of the interpretive sign.

This item has been placed on the 17 December, 2007 Consent Agenda for your consideration.

**RECOMMEND THE CITY COUNCIL APPROVE A CORRYOVER OF ANY UNSPENT FUNDS IN THE 2007 BUDGET FOR THE ENVIRONMENTAL COMMITTEE ACCOUNT NUMBER 1-6-41-5165 INTO THE ENVIRONMENTAL COMMITTEE'S 2008 BUDGET
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

PRAIRIE VILLAGE ENVIRONMENTAL COMMITTEE
MINUTES – November 28, 2007

Margaret Thomas opened the meeting at 7:00 p.m. Attending were Dylan Lehrbaum, Toby Grotz, Penny Mahon, Margaret Goldstein, Cheryl Landes, Ann-Marie Hedge, Linda Smith, Don Landes, Bob Pierson, Ruth Hopkins, Margaret Thomas, Karin McAdams, Kathy Riordan and Kristin Riott.

The minutes were read (silently) and approved.

FINANCES – Members passed a motion that the city council would be requested to carry over any unspent funds from the committee's 2007 budget.

PAST EVENTS – Cheryl attended the mass signing in Kansas City of the Mayors' Climate Change Agreement. She reported that the speakers were excellent and all that was lacking from the occasion was media coverage.

We will consider sending someone to Shadowcliff next year, perhaps with the carried-over funds. Ruth said Prairie Village would be sending someone.

UPCOMING EVENTS – We received information and talking points for sending letters to Westar Energy Company, which is planning to add a new scrubber system to clean emission from their Jefferies Energy Plant. There are questions that need to be asked concerning the impact on the Kaw River quality. Committee members wrote letters on the spot for Margaret to send.

Margaret suggested checking out the Lawrence Sustainability Network and considering possibilities for creating a similar one for John County.

Kristin announced that her household will be getting a geothermal heating/cooling system, the first in Prairie Village.

COMMITTEES - The Climate Change Committee will meet with Mayor Shaffer on December 8 to discuss greenhouse gas emissions.

Earth Fair will be on April 7. To encourage early sign-up for committees, Margaret will send a detailed email with possible jobs and a choice of meeting dates: Dec. 5, 7:00 p.m. or Dec. 12, 10:00 a.m. Lots of ideas for the fair came up, such as a used clothing fashion show and selling chimney balloons, light bulbs and other items. We can discuss at the meetings. We should also be thinking of a spectacular special display.

Community Forum thank you notes did get sent, but the committee agreed to send certificates of appreciation to donors as well.

Teri Carey is already working with the Surplus Exchange on an electronics recycling event. If done in connection with large item pickup, it would be right after Earth Fair.

Toby is proceeding with tests on recycled tires used on playgrounds.

The meeting was adjourned at 8:05 in order to honor Doug Luther as he leaves his position with Prairie Village. Everyone appreciated his work and hoped that he would return as a committee member. Cookies were enjoyed.

Respectfully submitted,

Karin McAdams, Secretary

COUNCIL COMMITTEE OF THE WHOLE
December 3, 2007

The Council Committee of the Whole met on Monday, December 3, 2007 at 6:00 p.m. The meeting was called to order by Council President Andrew Wang with the following members present: Mayor Shaffer, Al Herrera, Bill Griffith, Ruth Hopkins, Michael Kelly, Laura Wassmer, Pat Daniels, Charles Clark, Diana Ewy Sharp and David Belz. Staff members present: Quinn Bennion, City Administrator; Charles Wetzler, City Attorney; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Karen Kindle, Finance Director; Doug Luther, Assistant City Administrator; Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

PRESENTATIONS

Shawnee Mission East Traffic Study

Chief Wes Jordan stated the traffic study conducted by Olsson Associates addressed the concerns raised by the proposed expansion of the high school and introduced Tom Fulton to present the report.

Tom Fulton stated the study focused on traffic at the following intersections:

- Mission Road and 75th Street
- Mission Road and 77th Street
- Mission Road and three school entrances
- Internal school drive between two south lot parking areas.

Olsson Associates collected peak hour manual turning movement counts during school peak hours of 7:00 to 8:00 a.m. and 2:15 to 3:15 p.m. The peak 15-minute period was from 7:15 to 7:30 a.m. and 2:45 to 3:00 p.m. In addition to traffic counts, a field review was conducted to determine existing access spacing, circulation patterns, signing, and queuing associated with the school traffic.

The recommendations for improvements to accommodate the expansion of the building while improving circulation, specifically for drivers entering/exiting from Mission Road are as follows:

- Drive 1 (located approximately 280 feet south of 75th Street providing access to the circle drive in front of the school) should be limited to exit only. Due to limited sight distance the drive should be constructed to allow right-turn exiting movements only. The left-turn movement should be restricted.
- Drive 2 (located approximately 270 feet south of Drive 1 & designated for exiting traffic only) should provide entrance only to the school Drive 2 will provide access to parking areas, the new drop-off area, as well as to the existing circle drive. Barricades or other traffic control measures should be utilized during peak hours to prevent drivers from entering the circle drive during peak hours of the school day
 - 200 foot northbound left-turn lane

- Due to site restrictions, it is not feasible to construct a southbound right-turn lane.
- Although site distance is met at Drive 3 (located approximately 400 feet south of Drive 2 with one lane entering and two lanes exiting) it is recommended to limit exiting movements to right-turn only. Dual right-turn egress movements should be provided. If desired, Drive 3 can be an additional ingress point to Drive 2, which would provide access to parking areas. By providing an ingress point at Drive 3, drivers accessing parking areas would be able to by-pass possible queuing near loading zones. Signage should be provided directing drivers to parking areas and pick-up/drop-off zones.
- The student pick-up/drop-off area is proposed to be revised with the proposed building expansion on campus, allowing for one loading zone area. Drivers should be made aware of designated pick-up/drop-off areas prior to the beginning of the school semesters, as well as instructed to pull forward and use the entire storage available. One passing lane should remain open at all times to allow for drivers to proceed to parking areas. Drivers should not be allowed to double park and block this passing lane. Drive 1 (located approximately 280 feet south of 75th Street providing access to the circle drive in front of the school) should be limited to exit only. Due to limited sight

Pat Daniels confirmed the study only involved Mission Road and did not include the exit onto Delmar. He noted the exits onto Mission Road are posted for restricted turning, but are not followed. He asked how this will be enforced.

Chief Jordan responded the police department plans on being very involved at the start of school and at orientation explaining how the traffic flow is to work. Their initial focus will be on educating the public followed by enforcement. He noted the study was presented to the Shawnee Mission School District last week.

David Belz asked if the right turn egress from Drive 3 will be constructed to force compliance. Mr. Fulton stated they are looking at having a directed lane that would direct traffic to the south. Mr. Belz expressed concern with traffic circling through the Mohawk residential area to get back to school or trying to make a left turn at 75th and Mohawk which is extremely difficult and dangerous. Chief Jordan responded based on the traffic counts the impact will be minimal, but is unknown until it is constructed. They will address any unforeseen problems at that time.

2007 Summer Recreational Program Report

Chris Engel was pleased to report that the recreational programs met the goals set in the 2007 budget to

- Continue all recreation programs
- Continue to use collaboration to provide recreation programming
- Improve City information services

Total pool memberships sales were down 5.5% from 2006, but due to a fee increase, revenue was only down 2.5% with total membership revenue being \$172,296. Attendance at the pool was also down 5% compared to 2006 with a year-end attendance total of 78,382. Mr. Engel

felt most of this can be attributed to weather conditions and closing of the pool due to hosted swim meets. Despite a decrease in daily attendance of 5%, food sales were up 3.2% with total sales of \$49,424.

In addition to the challenges of weather, the pool also faced challenges in staff availability. This was particularly a problem at the end of the season as college students returned to school and high school students participating in extra-curricular activities at school were unable to work. The management staff filled in for lifeguards on several occasions. Mr. Engel noted these challenges were not unique to Prairie Village. A survey of area pools found they experienced similar challenges.

In an effort to share resources, the Swim, Dive and Synchro Teams operated as a consolidated "Aquatics Team" this year. All revenues and expenditures were approached programmatically making the whole team much more viable. Aquatics Team revenues were \$23,846 while its expenditures were \$20,392. All programs ran in the black for direct costs. The City successfully hosted several swim meets during the season.

The Junior Tennis League fielded the third largest team in the metro with 98 players. The total revenue brought in by the tennis programs was \$13,421; for a 7.2% decrease from 2006; however, revenues did exceed direct costs.

Mr. Engel stated it was more difficult to determine direct costs for non-city program such as the soccer camps and Johnson County Park & Recreation District program. These programs pay a set fee for use of city facilities. The Red Cross training pays for itself in lower insurance premiums.

Andrew Wang asked for the bottom line status on recreational programs. Mr. Engel responded the programs cover a portion of their costs. He does not have the specific cost figures yet, but anticipates they will be very similar to those for 2006.

Mr. Wang asked if the data base would allow the City to do a follow-up inquiry on those individuals who did not renew their memberships. Mr. Engel responded the City Clerk's staff reviewed the data base during the off-season and purged several individuals who had given false addresses in order to secure Prairie Village memberships. He feels weather had a significant role in the decreased membership. Mr. Wang noted the decrease was over 400 memberships.

Charles Clark asked if there was a specific time when individuals made their decision on whether or not to join. Mr. Engel replied the City started sales earlier, but purchasing was relatively steady through May with several waiting until prices were reduced at mid-season.

Pat Daniels asked based on the report what things would be done differently next year. Chris Engel responded that since he was not involved in the entire setup and operation of the program, he would like to focus next year on existing operations and how they could be improved rather than making changes.

Recruitment and Schedule for Assistant City Administrator

Quinn Bennion reported that he has worked closely with Doug Luther over the past weeks to make arrangements to temporarily allocate his responsibilities to others until a new Assistant City Administrator can be hired. He is working with the Mayor to determine the recruitment process and selection committee.

The City Code provides the following guidelines for the position of Assistant City Administrator:

- Appointment by the Mayor with confirmation of a majority of Council
- A graduate degree in public or business administration is preferred
- Five years of experience in municipal government
- No residency requirement.

Mr. Bennion stated he anticipated the job duties and role within the City would be similar to current functions. Many of the responsibilities of the position involve community development activities such as codes enforcement, building codes, permitting, staff support for committees and neighborhood services. Other duties include oversight of municipal court, information technology, human resource functions and coordination of the solid waste program. The implementation of Village Vision will also be a primary focus.

The anticipated search schedule has the position being published and advertised the first week of December with applications being reviewed the first week of January and interviews set for the last two weeks of January. He would like to have the position filled by the end of February.

COU2007-71 Consider Establishing a Capital Improvement Reserve Fund

Karen Kindle stated several years ago the City Council approved the establishment of a Capital Projects Fund as allowed by State statutes for capital projects in the City's multi-year capital improvement plan. However, the fund must be established by ordinance and an ordinance was never adopted by the City. The City Attorney has drafted an ordinance establishing the Capital Projects Fund as the capital improvement reserve fund in accordance with State statutes.

Charles Clark made the following motion, which was seconded by Ruth Hopkins and passed unanimously:

**RECOMMEND THE CITY COUNCIL ADOPT ORDINANCE 2160
ESTABLISHING A CAPITAL IMPROVEMENT RESERVE FUND IN
THE CITY OF PRAIRIE VILLAGE**

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2007-72 Consider hiring a public defender in the Municipal Court

Bettina Jamerson, Municipal Court Administrator, stated the City provides legal counsel to indigent defendants facing possible imprisonment. These cases typically involve charges of Driving Under the Influence, Driving While Suspended and certain Theft charges. The Municipal Court uses a rotating list of defense attorneys, approved by the Judges, as court-

appointed attorneys for indigent defendants. Ms Jamerson reviewed the current process which is time consuming and does not provide a consistent level of quality service.

The City Council authorized staff to request proposals for this service. Four RFP's were received and reviewed by Ms Jamerson and the Assistant City Administrator and the top two candidates were interviewed. The candidate selected as the most qualified to serve as Prairie Village Public Defender is Robin Lewis. Ms Lewis has been a practicing attorney in Johnson County for over 25 years and is well respected in the legal community. She has extensive experience performing criminal defense work and has appeared regularly in the Prairie Village Municipal Court.

Ms Jamerson stated having a public defender will streamline the process for defendants as they will be able to receive the attorney's business card as soon as they're appointed. There will be one docket a month for all public defender cases resulting in more efficient use of the Prosecutor's time. The Municipal Court annually budgets for public defender services. The 2008 budget contains \$15,000 for these services. The proposed agreement with Ms Lewis would cost \$12,500 annually.

Charles Clark confirmed this is a one year appointment and asked who would conduct annual evaluations. Ms Jamerson replied evaluations would be conducted by City staff, probably including the new Assistant City Administrator.

Laura Wassmer asked how much was spent on public defenders in the past and would this be less. Ms Jamerson responded the amount spent varies based on the number of cases assigned by the judges, noting some years it has been as high as \$14,000.

Bill Griffith asked what surrounding cities did. Ms Jamerson stated most of the cities she spoke with have a public defender. She knows of one city that still uses the rotation method and of two cities that are in the process of hiring a public defender.

Ruth Hopkins made the following motion, which was seconded by Laura Wassmer and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE AN AGREEMENT WITH
ROBIN LEWIS TO SERVE AS THE PRAIRIE VILLAGE PUBLIC DEFENDER
FOR AN ANNUAL FEE OF \$12,500 WITH FUNDING FROM THE 2008
COURT ADMINISTRATION BUDGET.**

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2007-69 Consider Citizen Committees

Quinn Bennion presented the research done by staff on Prairie Village committees relative to size, composition, council representation, leadership and budgets. Staff also researched city committee structures in neighboring cities. Committee expenditures for the past two years were presented.

Ruth Hopkins stated she wanted more in depth information on how the committees were established, how and why they were structured and what was their purpose. She noted not all committees are established on an equal basis. Ms. Hopkins noted she had received the report/analysis conducted by the City of Overland Park on their committees. She would like to have more historical information before the Council discusses this further.

Laura Wassmer confirmed the objective is for everyone to be able to understand how the committees were established, what their purpose is and how they relate to other committees and the Council. Her goal is not equalization, but she feels there should be a clear committee structure and that is missing.

Diana Ewy Sharp feels the issue comes down to lack of communication. The responsibilities of the council liaison need to be defined. The focus should be how the City does a better job of communication within committees as well as to the Council and other committees.

Charles Clark stated based on the staff research there are two distinctive groups - committees that perform a specific function and those with broad jurisdiction. He feels additional clarification is only needed on those with broad jurisdiction and who initiate programs.

Ruth Hopkins stated she would like to have a clear definition of where committees fit.

Michael Kelly agreed that the role of the Council liaison needs to be clarified with a more formal role. He does not see the position as a mere mouthpiece to relay information.

Pat Daniels noted looking at other cities' committees that Prairie Village has significantly more committees. Although, he is pleased to see the resident participation, he questioned if the City should not start from scratch.

Ruth Hopkins said it is wonderful to have active resident involvement. She feels more would become involved if they felt it was useful. She feels some committees are deadwood, others could possibly be combined. It is necessary to have clear historical background on how and why committees were formed and what their function is.

Michael Kelly feels the website could be a valuable tool in communicating information from committees and preventing duplication of efforts.

Quinn Bennion stated he would like to see the Overland Park research on committees.

Pat Daniels questioned asking staff to do more research with the vacancy in the Assistant City Administrator position. Mrs. Hopkins stated this does not need to be completed in the near future.

Quinn Bennion stated staff would review the Overland Park report and reassess the City's Committee structure including historical data and report back to the Council.

Village Vision

Pat Daniels stated HNTB who was selected to analyze the 75th Street Corridor. He noted the process would be very similar to the Village Vision process only focusing on a specific area with HNTB meeting with small groups of people to gather information. He feels the cost for this work will also be similar to that spent on the Village Vision study.

Al Herrera expressed concern with a quote in the newspaper regarding this project indicating that if the residents did not approve of the plan nothing would be done. As a Council representative he feels this is a decision to be made by the Council, even if it does not have the full support of the community. He does not want to see this handled as sidewalks have been handled in the past.

Pat Daniels stated he did not make the direct quote referenced but stated community input was an important part of the process. He agrees with Mr. Herrera that it will be the Council's decision; however, since the taxpayer's will be bearing the costs, he feels their voice must be strongly considered.

This will be a very long process with easement issues. This is a key corridor for the City and its appearance and design is critical. One of the key aspects he feels will be how well the consultant handles the public input sessions. There will be three specific public sessions and these should provide substantial direction as to what is doable.

Diana Ewy Sharp asked what the status of the PVDC was. Mayor Shaffer responded the PVDC has not been active for several years due to concerns of some of the Council members. Mrs. Ewy Sharp feels it would be appropriate to consider reactivating PVDC so it is ready to respond to opportunities such as the possible purchase of land.

Pat Daniels stated in the public realm you have somewhat limited control over development. For that reason, he feels the need for a comprehensive plan for the entire 75th Street corridor is essential. The City will be able to encourage improvements but will not have control over them.

Ruth Hopkins feels it has become a necessity to reestablish the PVDC. She noted other cities have established them without raising the controversy raised by the initial board.

Bill Griffith feels this discussion needs to be continued on an agenda in the next few months and because of the number of new Council members, he would like to have some historical data presented at that time. The purpose of a development corporation is to have it in place and ready for action when it is needed.

With no further business to come before the Committee, Council President Andrew Wang adjourned the meeting at 7:00 p.m.

Andrew Wang
Council President

ORDINANCE NO. 2160

AN ORDINANCE ESTABLISHING A CAPITAL IMPROVEMENT RESERVE
FUND IN THE CITY OF PRAIRIE VILLAGE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE
VILLAGE, KANSAS:

SECTION I. Fund Established

In accordance with K.S.A. 12-1,118 there is hereby established a capital improvement reserve fund which shall be used by the City to finance the capital improvements listed in the City's multi-year capital improvement plan. The Governing Body shall provide for the transfer of moneys from other City funds lawfully available for financing capital improvements to the capital improvement reserve fund.

SECTION II. Policy Objective

It is the policy objective of the Governing Body that the capital improvement reserve fund shall be used to finance capital improvements listed in the City's multi-year capital improvement plan adopted during the annual budget process.

SECTION III. Take Effect. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND APPROVED THIS 17th DAY OF DECEMBER, 2007.

Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy
City Clerk

Charles E. Wetzler
City Attorney

**PUBLIC DEFENDER CONTRACT
THE CITY OF PRAIRIE VILLAGE, KANSAS**

COMES NOW, the City of Prairie Village, Kansas, a Municipal Corporation, and Robin A. Lewis, hereinafter referred to as "ATTORNEY", to enter into this Contract based upon the following terms, conditions, and considerations.

WITNESSETH:

WHEREAS, the CITY desires to retain ATTORNEY for Municipal Court Public Defender Services and ATTORNEY desires to provide those services.

NOW, THEREFORE, it is agreed between the CITY and by ATTORNEY as follows:

1. ATTORNEY'S job responsibilities shall include the following, which ATTORNEY agrees to perform for the consideration herein set out:

- a. Prepare, try and otherwise handle representation of indigent Defendants (who are hereinafter referred to as clients) in the Municipal Court at the regularly scheduled dockets as may be assigned by the Municipal Court Judge. In this regard it is understood ATTORNEY need not be present at each docket, but only those upon which his client's matter is scheduled. ATTORNEY will not be found in breach of this Agreement where circumstances such as illness, Court conflicts, etc., prohibit an appearance, provided ATTORNEY has made a good faith effort to do so and has notified the Court in advance.
- b. ATTORNEY agrees to represent the referred defendants from referral to final disposition, even if such representation continues past the date of this Agreement. If final disposition includes an appeal, such representation shall include preparation and litigation of appeals de novo in the Johnson County District Court, either to the Court or to a jury, as deemed necessary by the ATTORNEY in representation of her clients.
- c. Represent, prepare and submit Diversions for clients at both the Municipal Court level and the Johnson County District Court, if applicable.
- d. Represent assigned clients in termination actions on diversions and prepare for and handle hearings thereon.
- e. Represent assigned clients in parole or probation revocation proceedings of the Municipal Court and the Johnson County District Court, and prepare for and handle hearings thereon as deemed necessary by the ATTORNEY.

- f. Represent assigned clients in contempt and suspended sentence matters, and prepare for and handle hearings thereon as deemed necessary by the ATTORNEY.
- g. Prepare all documents, motions, briefs, letters, etc., with his own staff support and materials. It is understood between the parties that the CITY will attempt to provide a place for ATTORNEY and assigned clients to meet at City Hall and use of a phone during normal business hours.

2. CITY agrees to compensate ATTORNEY for these services the monthly sum of (\$1,041.66) for the calendar year commencing January 1, 2008 through December 31, 2008

3. ATTORNEY'S status shall at all times remain as a Contractee of the CITY. ATTORNEY is not an employee or agent of the CITY. This Contract shall terminate on December 31, 2008, subject to renewal. ATTORNEY represents that she is self-employed and that she individually has responsibilities to correctly report her income/expenses on her tax returns and that the Court has no obligation or right to withhold any FICA income or other taxes from the agreed monthly payment.

4. ATTORNEY represents that she is duly authorized to practice law in the State Courts of Kansas and that she will remain so qualified throughout the Agreement.

5. ATTORNEY shall hold harmless the City of Prairie Village, its employees, officers, and agents and defend and indemnify it against all claims and causes of action in which misconduct or negligence is alleged against ATTORNEY while performing services pursuant to this Contract. This provision shall not apply if the claim is based upon the misconduct or negligence of the CITY, its officers, employees, or agents.

6. During the performance of this contract, the ATTORNEY agrees to maintain for the duration of the contract insurance coverage of the type and minimum liability as set forth below. The ATTORNEY shall furnish to the CITY a Certificate of Insurance verifying such coverage. All general liability insurance shall be written on an occurrence basis unless otherwise agreed to in writing by the CITY.

Professional Liability	\$1,000,000 each claim/aggregate
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7. As a contractor, ATTORNEY understands this is an Agreement to provide the services and perform the tasks herein before set forth, and not an agreement to provide services for a preset number of hours per week. ATTORNEY will remain under contract with the CITY for the period of the Contract, unless otherwise terminated by the CITY, and ATTORNEY understands that the CITY is not creating in her an expectation of continued contract with the CITY beyond the term of this Contract. This Contract may only be amended with the written approval of both of the parties. This Contract may be terminated at any time by either party, with or without cause by providing thirty (30) days written notice and payment by CITY of the pro rata fees earned to the date of termination.

8. Robin A. Lewis understands she is obligated by this agreement and further understands and authorizes the CITY to issue its check in payment for services to Robin A. Lewis, whose tax identification number is 48-1222403.

9. TERMINATION – The CITY reserves the right, in its sole discretion and for its convenience and without cause or default on the part of the ATTORNEY, to terminate this Agreement by providing thirty (30) days prior written notice of such termination to the ATTORNEY. Upon receipt of such notice from the City, the ATTORNEY shall:

- a. Immediately cease all work or
- b. Meet with the City and, subject to the City's approval, determine what work shall be required of the ATTORNEY in order to bring the services described in this agreement to a reasonable termination.

If the City shall terminate for its convenience as herein provided, the CITY shall compensate the ATTORNEY for all work completed to date of termination.

Robin A. Lewis

APPROVED AS TO FORM

Ronald L. Shaffer
Mayor

Charles E. Wetzler
City Attorney

COU2007-76 Consider approval Network Services Agreement with Alexander Open Systems for 2008 and 2009.

Background:

The City's Network Services Agreement with Alexander Open Systems (AOS) will expire on December 31, 2007. These services were last re-bid in 2002. Staff in all departments have been satisfied with the services performed by AOS.

AOS is capable of providing a variety of networking services to the City. While staff members handle minor troubleshooting items, the most frequent level of service provided by AOS is Systems Engineering. Fees for this and other levels of service have been unchanged for the past three years.

AOS proposes to continue providing network support services for 2008 and 2009, subject to annual appropriation of funds by the Governing Body based on the following fee schedule.

Former Assistant City Administrator helped secure the renewed contract prior to his departure.

2008 Rates

Skill Level	Standard Rate	Current Rate	Proposed Rate
Design Architect	\$140.00		\$120.00
Project Management	\$140.00		\$120.00
Systems Engineer	\$140.00	\$95	\$110.00 ←
Sr. Systems Engineer	\$160.00	\$95	\$140.00
Systems Consultant	\$225.00	\$105	\$205.00

2009 Rates

Skill Level	Standard Rate	Proposed Rate
Design Architect	\$140.00	\$130.00
Project Management	\$140.00	\$130.00
Systems Engineer	\$140.00	\$120.00 ←
Sr. Systems Engineer	\$160.00	\$150.00
Systems Consultant	\$225.00	\$215.00

Fiscal Impact

The proposed agreement does not require the City to purchase any specific amount of services during the contract period. It simply establishes a fee schedule for the contract term. Either party may terminate this agreement upon 90 days notice.

The payments for AOS services are paid from the department technology accounts. Thus far in 2007, \$48,000.59 has been paid to AOS. \$85,000 has been budgeted for 2008.

Staff members are currently discussing technology needs and desires. AOS provides approximately 12 hours a week of services on selected days of the week and are available for call-in. Technology needs, particularly in the Police Department, may require a different arrangement in the future. Staff will continue to discuss schedule needs and arrangements in the coming months.

Recommendation

Recommend the City Council approve a Network Services Agreement with Alexander Open Systems subject to review and approval by the City Attorney.

MAYOR'S ANNOUNCEMENTS

Monday, December 17, 2007

Committee meetings scheduled for the next two weeks include:

Prairie Village Arts Council	12/19/2007	7:00 p.m.
Environmental Recycle Committee	12/26/2007	7:00 p.m.
Tree Board	01/02/2008	6:00 p.m.
Council Committee	01/07/2008	6:00 p.m.
Council	01/07/2008	7:30 p.m.

The Prairie Village Arts Council is pleased to feature a photography exhibit by Rusty Leffel in the R.G. Endres Gallery during the month of January. The reception will be held on January 11, 2008 from 6:30 p.m. until 7:30 p.m.

Donations to the Holiday Tree Fund are being accepted. The funds will be used to assist 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.

The City offices will be closed Tuesday, December 25, 2007 and Tuesday, January 1, 2008 for the Christmas and New Year holidays. Deffenbaugh also observes these holidays and trash pick-up will be delayed one day.

The City will again have drop off points in the following parks for holiday tree recycling from December 22nd through January 20th. Porter, Franklin and Meadowlake Parks and in the Harmon Park parking lot near the water tower.

The League of Kansas Municipalities 2008 City Hall Day at the Capitol will be held on Thursday, January 24, 2008. Please RSVP to Jeanne by January 18th, 2008 if you plan to attend.

Don't forget the employee appreciation dinner will be on February 2nd at the New Theatre Restaurant.

The annual large item pick-up has been scheduled with Deffenbaugh for April 19th.

The 50th Anniversary books, Prairie Village Our Story, and Prairie Village Gift Cards continue to be sold to the public.

INFORMATIONAL ITEMS
December 17, 2007

1. Planning Commission Minutes - November 6, 2007
2. Planning Commission Actions - December 4, 2007
3. 2008 City Hall Day at the Capitol registration form
4. Mark Your Calendars
5. Prairie Village Employee Noteworthy
6. Committee Agenda

**PLANNING COMMISSION MINUTES
MEETING OF NOVEMBER 6, 2007**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, November 6, 2007 in the Council Chamber, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Marlene Nagel, Nancy Vennard, Robb McKim, Bob Lindeblad and Marc Russell.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Pat Daniels, Council Liaison; Doug Luther, Assistant City Administrator; Police Chief Wes Jordan and Joyce Hagen Mundy, Planning Commission Secretary.

APPROVAL OF MINUTES

Nancy Vennard moved the Planning Commission minutes of October 2, 2007 be approved with the following changes: change "gold" to "platinum" and change "certified" to "accredited" on page 14; change " to "feet" on page 15; delete the double address on page 17; change "with" to "which is" on page 23. The motion was seconded by Marlene Nagel and passed unanimously.

PUBLIC HEARINGS

Chairman Ken Vaughn acknowledged the large number of people in attendance and reviewed the rules of procedure to be followed for the public hearing noting the applicant would speak first, followed by staff and questions from the Commission, then comments from the public would be heard. After all have had an opportunity to speak, the applicant will have the opportunity to respond to comments. The public hearing will then be closed and the Commission will deliberate.

**PC2007-23 Request for Rezoning from R-1a to MXD
Single Family Residential District to Mixed Use District
91st & Nall (Meadowbrook Country Club)**

David Harrison, 4407 West 92nd Terrace, Manager of Kansas City Operations for OPUS, called upon Jim Cook and Larry Winn to speak on behalf of the Meadowbrook Country Club.

Jim Cook, 4806 Somerset Drive, current president of the club stated Meadowbrook intends to be the same kind of neighbor that they have been in the past. He noted not unlike other golf clubs today, Meadowbrook is facing economic challenges from the current marketplace. Since their initial discussions with OPUS there has been a very positive atmosphere at the club. The club wants to remain in Prairie Village, but it is a business and needs to be practical. The club has been working with OPUS for

more than two years on this project. Membership has shown signs of increasing and the club strongly supports the proposed project. Mr. Cook stated they have discussed selling the club if this project does not go forward, something else will happen at Meadowlake.

Larry Winn, Meadowbrook attorney, stated that over the years the club has reviewed six to eight different proposals for this property. None of them had any intention of keeping the golf course. Had sewer service been in place, this land probably would have already been redeveloped. Density is what developers wanted and what is needed to make this project work and retain the open space. Golf courses are struggling and this is an aging facility in an aging area. .

If no action is taken, the area will continue its decline as seen in the empty retail spaces along 95th Street. It is time for change and the proposed project will provide that impetus of new residential options while retaining the green space that is characteristic of Prairie Village. The land use is the only issue before the Commission. To the neighborhood who desires no change, Mr. Winn stated the club can not exist as it is without substantial changes. It is time to deal with the real life scenario. Taking no action is not an option. The property needs to be redeveloped before it becomes blighted and it will become blighted.

David Harrison reviewed how OPUS arrived at its current proposal.

In March, 2006, the plan contained four multi-story (4-story, 15-story, 9-story & 6-story) condominiums with 256 units located on the northeast side of the lakes on the property with ingress and egress available from Somerset & 95th Street and the clubhouse remaining in its current location.

In October, 2006 the plan contained six multi-story condominiums surrounding the most northern lake on the property. In April, 2007, the Stratford group joined the discussions with the senior living center located at the northwest corner of the property and three multi-story condominiums located around the most northern lake. The clubhouse was relocated next to the tennis courts. Ingress and egress was from Somerset. In August 2007, the proposal reduced the number of condominiums to two multi-story buildings and the addition of attached single homes and town homes. They continued to work to decrease the size and scope of the project to its current submittal.

Rich Horn, Chairman of the Stratford Company located in Indianapolis, addressed the Commission regarding the proposed continuing care retirement community. The vast majority of the residents will be independent. His company has similar projects in throughout the Midwest with the most recent project opening later this year in the Indianapolis/Carmel area. The projects contain a lot of shared amenities, pool, exercise areas, salons, dining areas, etc. to serve their active 70+ year old residents. Historically these projects have resulted in enhanced property values for the surrounding neighborhoods.

Rich Muller, 8600 Mohawk Road, Director of Real Estate Development with OPUS, stated the time is right for this project. The project will allow for the country club and golf course to remain in the area. It will provide new housing stock for residents

wanting to downsize and still remain in the area, freeing up properties to bring new families into the community. The proposed development will increase in the city's tax base without adding commercial development. The project addresses a distinct niche.

Wendy Horn, Chief Marketing Development Officer with The Stratford, stated the demographics of the area confirm the need for this project to allow current senior residents to remain in the community they love. The project will be developed, owned and operated by The Stratford. They want to be a vital and long-term part of the neighborhood.

Kevin Harden with Gastinger Walker Harden Architects reviewed the changes made in their plans to address the comments made at the October 2nd meeting.

- a) The exterior of Stratford Building has been redesigned and now all buildings in the development are in a prairie style architecture using stone at the base, then masonry and stucco. The redesign provides a consistent and coordinated theme throughout the project.

The Stratford Senior Living Building has been reduced from six and seven floors to five and six floors. It also has been redesigned and the height has been reduced from the original 122' to approximately 89' at its highest point. By eliminating one floor the total number of units has been reduced from 258 units to 219 units.

- b) The lighting plan will be presented with the final development plan. The lighting will be consistent throughout the project.
- c) All the monument signs have been relocated so they are setback a minimum of 12' from the back of curb, but the design will be submitted to the Commission for approval with the final development plans.
- d) Trash containers for the condos and Stratford will be in the garages under the building. The units around the clubhouse and pool area will be screened.
- e) The HVAC units on the condominiums will be located in a screened area on top of the building. The Clubhouse units will be located in the middle of the roof and screened. The town home units will be located on the ground next to the units. The Stratford cooling units will be on the ground and rooftop and will be screened.
- f) The final stormwater management plan will be submitted for approval to both the Cities of Overland Park and Prairie Village with the final development plans. They are seeking to increase the storage in the existing ponds with the ability to capture and reuse water on site.
- g) Draft language for the covenants with the condominium owners and with Meadowbrook have been submitted which will run with the property and require the green space to remain in perpetuity. Final covenants will be presented with the final development plan.

- h) Mr. Harden stated this is a single phase project. Proposed construction to begin the second quarter of 2008 with completion the second quarter of 2010.
- i) A detailed final landscape plan will be presented with the final development plans for approval by the Commission and the City's Tree Board. They are currently working with the golf course architects.
- j) Somerset Drive was widened to a full three lanes at Nall and the radius of the intersection was increased to provide a better turning movement.
- k) The off-street parking has been revised and additional spaces have been provided for the condominiums. The plan has 181 more parking spaces than required.
- l) A Sustainable Design Consultant has been hired and has reviewed the project in detail. A LEED project check list has been developed for both the condominiums and the Stratford. The clubhouse is not included at this point in time, but they are planning to do a water analysis to determine ways to reuse and cross use water.
- m) The applicant has submitted two routing plans for the golf course indicating that an 18-hole course can still be achieved. These plans have been prepared by two different golf course architects, but the Meadowbrook Country Club has not made the final selection at this time. The final golf course routing plan will be more challenging and better than the current course.
- n) The driveway off Nall Avenue was retained, however, they will construct a raised median to prevent left turns. A five foot wide sidewalk has been shown adjacent to Nall Avenue and Somerset Drive to provide pedestrian connectivity.

Kevin Harden noted the proposed project leave in excess of 109 acres of land as green space and presented the following alternate land use comparison for traffic generation:

	Net Acres	Units/Acre	Total Units	ADT	Rezoning
Single Family Residences	+/- 109	3.00	327	2300	Yes
Multi-Family Residences	+/- 109	7.00	763	3200	Yes
OPUS Mixed Use proposal	+/- 109	3.00	320	1236	Yes

Mr. Harden noted other development would both remove the golf course and create higher traffic volume. An Overland Park study of traffic for 91st & Nall reflects a 2-3% decrease from 1999 to 2005.

Norm Bowers, 733 West Lula Street, former Johnson County Traffic Engineer, presented the findings of the traffic study.

The proposed development will include senior housing at the southeast corner of Somerset and Nall that will have 219 total units with 175 independent living units.

There will also be 98 condominiums and 9 town homes located near the center of the golf course. The total number of units proposed is 326.

The development will continue to use two existing country club driveways. The west driveway is a right in and right out driveway onto Nall, which will become a minor access to Stratford, the senior living complex. The driveway will be moved about 100 feet north to facilitate deliveries to Stratford. The north driveway is the current main entrance to the Country Club on Somerset Drive. It will be moved east to line up with Rosewood Drive to the north. Rosewood Drive within the development will be a public street with an 80' wide right-of-way and a 10 foot wide landscaped median with one lane in each direction plus parallel parking areas.

The proposed development will result in an increase in traffic of 1236 additional trips per day. The PM peak hour on Somerset Drive and Nall Avenue has 30% more traffic than the AM peak hour, so the PM peak hour was used for the capacity analysis and the turn lane warrants. During the peak hour the development will cause a 3% increase in traffic at the Nall and Somerset intersection, and will increase the average delay less than 2 seconds. No modifications will be necessary to the lane configuration of the Nall and Somerset intersection.

The additional traffic from the development will warrant improvements to Somerset Drive. Westbound left turn storage will be increased at the Nall intersection from 3 to 10 vehicles. Most of this work can be accomplished by pavement marking. However, the current width of Somerset is 30.5 feet including the curb, so it will be necessary to widen Somerset four feet on the south side to provide a minimum of 10 feet wide lanes. The Somerset widening should extend from Nall to a point 75 feet east of Rosewood and should include reconstructing the southeast curb return at the Nall intersection. A right turn lane taper is recommended at Rosewood for eastbound traffic on Somerset Drive.

Judd Claussen, with Phelps Engineering, noted many of the recommendations of the traffic study are needed at this time regardless of the construction of this project.

Rich Muller stated they are in agreement with the City's staff report. They held two informational meetings prior to the October 2nd hearing, volunteered to attend neighborhood meetings held after that meeting, but were not invited to attend, but have responded to the issues raised by the staff and Planning Commission at the October 2nd meeting.

Mr. Muller stated they have heard the community comments which focus on four issues.

- 1) Loss of Green Space. The proposal has been developed to retain as much green space as possible, retaining approximately 109 acres for the golf course. The covenants proposed protect that land from future development.
- 2) Increased Traffic. The revised proposal will generate 1,236 additional daily trips per day rather than the 1,732 originally estimated and significantly less than the development of this property with single family residences which won't produce 2300 additional daily trips and multi-family development which would produce 3200 additional daily trips.

- 3) The Stratford Building size and location. The proposed development has been reduced from seven and six stories in height to six and five stories in height with the five-story section located adjacent to Nall. The architectural design of the buildings has been changed as requested. The building height has been reduced from 123 feet to 89 feet with the number of units reduced from 258 to 219 units. The buildings will be more than 260' from the nearest residence on the north and 200' feet from the nearest residence across Nall.
- 4) Loss of Property Value. The proposed \$130,000,000 development will enhance the community, while providing increasing the property tax base for the City with town homes valued in excess of \$800,000 and condominiums valued between upper \$300,000 and upper \$700,000.

Kevin Harden reviewed the results of site studies done on alternate locations for the Stratford:

Location at Southwest Corner of property off Nall

Positives: Off major collector street
 Separate identity from condominiums
 Close proximity to retail
 Not in flood plain
 Does not require demolition of clubhouse

Negatives: At highest topography (emphasis)
 Blind entrance potential at top of hill (traffic concern)
 Part of retail area and not residential in context or feel
 Access from one street only
 Detrimental to golf course design.

Location at Southeast Corner of property off 95th Street

Positives: Off major collector street(s)
 Separate identity from condominiums
 At lowest topography (reduces impact of building height)

Negatives: Tight site
 Access from one street only
 Located in flood plain
 Immediately adjacent to neighborhood/retail (no buffer)
 Effects major section(s) of existing golf course
 Difficult traffic access

Location at Center of Property

Positives: No impact on immediate neighbors

Negatives: Most disruptive to golf course
 Conflicts with condominium marketability
 One "one-way" into and out of the site
 Negatively impacts golf club's activity

Location Northern part of Property

Positives: Not in flood plain

Negatives: No visual connection to intersection
 "One-way" in and out (limited access)

Loss of golf driving range
Immediately adjacent to residential (no buffer)
No pedestrian connectivity to site

Proposed Location

- Positives: Strong corner presence
Access to/from two streets
Close proximity to church
Not in flood plain
Adds pedestrian connectivity to community
- Negatives: Impacts limited number of neighbors
Requires demolition of clubhouse (unable to phase project)

David Harrison closed the presentation stating that something will happen with this property. They have spent twenty-four months working to come up with what they believe is the best possible solution for all. The proposed \$130 million investment in the City will provide needed additional alternative housing stock and an increased property tax base while maintaining the golf course and desired green space for the community as directed in the Village Vision Plan. Now is the time to invest in the City.

He sincerely believes something is going to happen on this property and he sees the proposal before the Commission as the best solution possible to enhance the community. They have spent 24 months working on this. When you look at \$130 million invested in this area compared with what is happening elsewhere, the only other development you will see within the interloop of I 435 is houses being torn down with a new one being built in its place

If you don't revitalize, reinvent, reinvest, you get tired. You only have to go quarter mile away to see that taking place now at 95th & Nall. You see a grocery store that has closed, retail stores that have changed with a Big Lot instead of a more community orientated retailer. You have to reinvent and reinvest capital. The challenge on this site was to preserve the greenspace provided by the golf course while creating the needed alternative housing stock and increased tax base for the City.

I think the City of Prairie Village has recognized the need in its Village Vision Plan, the need to reinvest and that comes in redevelopment. You see before you a \$130 million reinvestment and you get to keep the green space. He cannot imagine how this would be a negative impact on property values.

Robb McKim confirmed the figures presented on additional daily trips initiated by alternate land use included the development of the entire 109 acres and assuming one access site. Mr. Harrison responded it included the entire 109 acres based on the type of development regardless of the number of ingress or egress sites and also included the existing club traffic at peak seasons.

Nancy Vennard asked how the traffic calculations were determined for The Stratford. Mr. Bowers responded calculations were based on national figures for land uses

using the number of units, number of beds, number of employees, etc. Mrs. Vennard asked what percentage of residents would have vehicles. Mr. Horn responded they allocate 1 car per person, but noted their daily trips are lower than the average residential trips. Wendy Horn added the residents generally do not travel during peak traffic hours and noted the facility will have three buses that will be used for the transportation of residences. Mr. Harrison stated that average single family household generates 10 trips per day, these residents will generate far less.

Mrs. Vennard noted while earlier proposals considered informally contained significantly higher structures, 14 stories, she remains concerned with the height of the structure even though it has been reduced by 30 feet. She feels it is somewhat oxymoron to discuss a six-story Prairie style design. The two different heights help the appearance of the structure. The redesign of the intersection is helpful; however, she still has some problems with the main entrance for the complex off Somerset.

David Harrison responded they considered a number of options off Nall and all had significant negative impact toward maintaining the golf course. They selected the site with the lowest negative impact on the golf course. He noted if there was additional connectivity to Nall, there would be people cutting through the development to avoid the 95th & Nall. They chose to line up with Rosewood, because that is where the property should exit now. He also does not envision the condominium owners being year-round residents.

Mr. Harrison noted a primary entrance off from Nall would not work because of the topography of the land. The natural draw of the land follows the creek. Mrs. Vennard expressed her support for the approach being taken with the sustainability of the development.

Randy Kronblad asked why 181 more parking spaces are being provided than are needed and questioned the need for 36 on-street overflow parking spaces. David Harrison noted the divided boulevard coming into the project only needs one lane in each direction. The additional lane is the least invasive way to handle overflow parking for club events without taking additional green space. They do not want to construct a large parking area that would remain empty most of the time to accommodate infrequent parking needs.

Judd Claussen, in response to the requirements of staff, they have provided a total breakdown of parking per area and use. Parking required is 647, the additional is for club events to prevent parking in the adjacent neighborhoods as was stated is currently being done. Mr. Harrison stressed that a substantial amount of this parking is subsurface that will not impact the amount of available green space or be seen. Overlap parking is not possible with the different types of uses being proposed, the parking needs to be based on the segregated uses.

Ken Vaughn noted that a resident in a letter to the Commission expressed concern with the underground parking garage flooding. Judd Claussen responded the buildings will be elevated above the 100 year flood plain and earthwork balances will be used.

Chairman Ken Vaughn noted the decision of the Planning Commission will be a recommendation to the City Council who would make the final decision. He asked for a show of hands of those in support of the proposal, opposing the proposal and general support of a possible mixed use development. Chairman Vaughn called a five minute recess.

The meeting was reconvened at 8:40 p.m. and Chairman Ken Vaughn opened the public hearing portion of the meeting.

Jeff Anthony, 8140 Cedar, read a letter in support of the proposal that he recently sent to the Mayor. Mr. Anthony stressed the need for the City to provide a new stock of affordable homes for empty-nesters, so they remain a critical asset to this community. He urged the Planning Commission to think outside the box to protect the long-term viability of the City. In order for the City to survive and thrive, it must stand up and do what is right for the City as a whole.

Leon Patton, 4857 West 90th Street, which backs up to the country club, noted there are risks involved with any housing purchase. He is not happy to have buildings built in his backyard that were not present when he purchased his home, but feels this proposal is the best option for this property. The overall direct impact is on very few properties. There will be changes on this site and this proposal provides the best option for the most people. If the site was developed with single-family residences, residences surrounding the entire property would have estate size homes in their backyards. Mr. Patton noted a 30' building 83' away is no better than an 89' building 260' feet away. Overall this is a good plan and he asked the Commission to consider what happens if it is denied over the next three to five years.

Charles Donnelly, 4853 West 90th Street located on the north side of the club, spoke in support of proposal. This is a great opportunity for neighborhood, the City and the Country club.

Micah Feingold, 9114 Walmer, read a letter from John Bryram, who recently purchased the two office buildings to the south of this development on 94th Terrace, to express his enthusiastic support of the proposed redevelopment. This is a first class use of the property by a first class developer.

Carol Passano, 5500 West 92nd Place on the corner of Nall, stated she drove around the surrounding areas and found no building over three stories in height. She felt the Stratford building was well designed and would not be unattractive if it was reduced in height. She would like to see the structure height reduced.

Craig Salvay, 8826 Birch Lane, questioned who submitted the original application for rezoning. The secretary stated the application was filed by Gastinger Walker Harden Architects on behalf of OPUS. Mr. Salvay stated he sees a legal problem in that "OPUS NWR Development, L.L.C." is neither established in nor registered to do business in Kansas nor is "Stratford Companies" raising the questions if either party has the legal standing to request rezoning.

Mr. Salvay expressed concern that the requested rezoning boundary has been drawn to preclude the surrounding property owners from having more than 20% of the property within the statutory 200-foot notice area. Not only that, but none of the proposed development is within 200 feet of the portion of the property that is not being rezoned. Thus any subsequent application will not be required to give notice to the buyers of the condominiums or the owner(s) of the senior housing of any future changes. As the first application for a "mixed use district" Mr. Salvay asked for circumspect consideration by the Commission with due consideration to the rights of both the private landowner and its neighbors.

Mr. Salvay recommended the entire Meadowbrook property be rezoned to protect the maintenance of the golf course and green space clearly into perpetuity and allow for the adjacent property owner to receive statutory notice and that there is a super-majority consensus of the City Council at the time any such a plan is approved.

Liz Christian, 9084 Rosewood Drive, stated she does not feel the "golden factors" have not been met by this application nor does it conform with the Village Vision adopted by the City Council in May. Community input was not sought by the developer. The meetings held by the applicant were strictly informational, not collaborative. The one proposed road leading into and out of the development would not provide integration with the relevant adjoining streets and neighboring areas. The one and a half mile sidewalk along Nall does not provide connectivity to the shopping center. A high-rise structure on the southeast corner of Nall and Somerset is incongruent with the charm and integrity of the entire city, not to mention the character of the adjacent neighborhood of West Riding. Mrs. Christian stated the residents have received over 400 signatures on a popular petition, including several members of Meadowbrook, opposing this development. She noted that 24 to 30 percent of the club membership are not Prairie Village residents. She stated the neighborhood is not against redevelopment, but asked to Commission to follow the direction given in the Village Vision to for a plan that meets its criteria.

Tom Friedman, 9124 Fontana, stated he is open to redevelopment but feels the proposed high-rises will change the character of the neighborhood and expressed concern with the use of TIF funds. Chairman Vaughn responded the Commission is only concerned with the appropriateness of the design and zoning. Financing issues are considered by the City Council.

Mr. Friedman stated this is the second time the club has come to the City with financial problems. It is not the city's responsibility to help a private business get out of financial difficulties. He asked what guarantees there are to the City of Prairie Village that the country club will remain if it gets into financial difficulties again, what guarantees will the city write into any zoning change. Mr. Friedman stated there isn't anyone who lives around the 95th Street corridor that isn't concerned with what is going on 95th. The City of Overland Park is actively addressing vacant buildings along 95th Street. He hopes the Commission will work with the cities of Overland Park and Leawood to ensure these private property owners maintain and reinvest in their properties. He does not want to see this creep any further into Prairie Village. He acknowledged his appreciation to both the Commission and the City Council who are working for what is best for the City.

Sam Zickefoose, attorney residing at 8923 Rosewood, expressed concern with the rezoning boundary which prohibits the filing of a protest petition because of the majority ownership of the adjacent property by the country club. Mr. Zickefoose also questioned draft covenant presented by the applicant noting this was an agreement between the club and OPUS, which the City has no power over and can be changed or amended at any time without approval of the City. The staff report requires 135.51 acres for remain designated for recreation/greenspace in perpetuity. The draft covenants leave blank the number of acres, also references to exhibits are blank. He is very concerned with the maintenance of the greenspace.

Mr. Zickefoose recommends the city mandate the deed restrictions be written through a third party beneficiary that states if the covenant is violated it is the third party that enforces the agreement with the City of Prairie Village being the third party. He urged the City to carefully review the covenants and to also have them reviewed by outside legal counsel to determine if they conform to the city's comprehensive plan.

Mike Nixon, 8220 Briar, asked how much tax revenue this project represents to the City. Chairman Ken Vaughn responded that is not an issue for consideration by the Commission in determining the appropriateness of the zoning and the Commission does not have access to that information.

Al Pugsly, 9029 Rosewood Drive, expressed concern with the traffic particularly the 280 feet between the west side of Rosewood and Nall. This will accommodate the stacking of four to eleven cars depending on the space between vehicles. At the peak times of the day now he can come down Rosewood and not be able to get onto Somerset because traffic is backed up to Birch. He questioned the different traffic counts given out and feels the impact on Somerset and Rosewood would be negative. He acknowledged adding the left hand turn lane would provide some help. However, he stated traffic coming from the west on Somerset turning north on Rosewood would cause backup into the intersection. He felt the double boulevard should not be placed 284 feet from a major intersection. He would recommend placing the entrance to come out on Nall halfway between Somerset and 95th Street with a traffic signal, shutoff access from this property to Somerset alleviating the current problems at that corner and intersection. He would also like to see the large building moved from the corner of the lot to the middle of the lot near the lakes.

Mr. Pugsly noted that just recently the Mayor signed the Mayor's Climate Protection agreement and he feels that any new construction in the City should be required to meet minimum LEED certification. He noted the staff report states the developer will "try" to meet the minimum level of certification. He asked the Commission not to approve any development proposal for this property without them at least meeting or exceeding the minimum level of LEED certification. Mr. Pugsly noted LEED certification also deals with storm water runoff and noted this project will increase the amount of paved surface greatly. He would like to see any construction plan be required to use the new paving material that will allow water to run through and be absorbed by the pavement while still supporting cars.

Mr. Pugsly is seeking more public hearings on this project. They want this to be a collaborative endeavor to see that the property is redeveloped in the most pleasing manner to the residents and the property owner.

Marti Zickefoose, 8923 Rosewood, stated the neighborhood understands that Meadowbrook must be redeveloped, but noted there are many ways that can be done including estate size lots with upscale homes like Mission Farms increasing surrounding property values. Mrs. Zickefoose reviewed the ten principles of development enumerated in the city's VillageVision describing the direction of development and redevelopment within Prairie Village. She highlighted the following principles:

1. Development should not take the form of an isolated project. She feels the proposed project is by its design isolated.
3. Mixed use development should support the functions of daily life, those being employment, recreation, retail, civic and cultural institutions - defined as everything except residential. High-rise apartments, condominiums and townhomes are all residential. She feels that mixed use as defined would not be compatible in any way in a neighborhood that borders three residential neighborhoods; however, it would make sense along 95th Street.
10. Building height and bulk should be consistent even though buildings may be of various shapes and sizes. Clearly a six or seven-story high rise does not meet that condition.

In closing, Mrs. Zickefoose quoted from Village Vision as follows: "Locate retail, office and higher density housing at the edges of neighborhoods on underutilized sites along corridors and major intersections." Major intersections for this area are 95th & Nail and 95th and Roe.

Lori Frederick, 9042 Rosewood Drive, noted the neighbors activism on this project has been fueled by finding out about this proposal on the day it was presented to the Commission last October. She wanted to gather more information and see if it could be done with everyone cooperatively. The major concern is the Stratford. She noted the entire golf course is being redesigned and therefore, feels the Stratford should be placed along the south side near the office buildings with the current parking lot being converted into golf holes. Mrs. Frederick confirmed the grand entrance would be a public street. Mrs. Frederick asked if "Rosewood" was considered as part of the parking counts for the project. Ken Vaughn replied they are not. The other issue is the noise from the HVAC equipment, she noted the location on the south would be adjacent to an office building with windows that do not open and any related noise would not be a problem.

Matt Addison, 8861 Cedar Street, stated the only item agreed upon by all is that at some point in time this property is going to be developed. He asked the Commission to look to the future. He is not confident that a restrictive covenant will stand up to economic conditions and if the country club struggles once again, he fears the property will be sold off and redeveloped. He has been told that at one time this was a 27 hole course and during financial problems in the 70's nine holes were sold off and redeveloped. He would hope the City would have an alternative plan for redevelopment if the golf course is unable to survive.

Read Sullivan, 8712 Birch, stated his concerns with a high-rise development for retired persons and their ability to be safely evacuated without using elevators, which can not be used in case of a fire. He would like to see the Commission require that a detailed evacuation plan be presented for the Stratford.

Cecil Stolte, 4996 Somerset, stated he would rather see big houses than tall buildings and large developments. His biggest concern is with traffic, noting daily traffic is heavy in this area particularly between 3 pm and 7 pm.

John DeCloud, 8120 Tomahawk Road, asked is there going to be a finance meeting and if so when is the meeting. Chairman Vaughn stated that would be addressed by the City Council.

Mike Alteri, 9057 Rosewood Drive, asked the Commission to consider the following three items:

1. Is keeping the golf course part of the City's goal?
2. Noting height is relative, is a six-story, 89' building a high-rise in the City of Prairie Village?
3. Does this meet the City's definition and criteria of a "mixed used district"? He does not see the common functionality, connectivity or the mixed uses.

Jim Christian, 9084 Rosewood Drive, stated he cannot see how the current proposal matches with the character of the neighborhood. He stated the guidelines and rules are in place with the City's Village Vision, Zoning Regulations and "Golden Factors". This provides clear direction for the Commission. The Village Vision identifies Meadowbrook as a gateway property to be developed accordingly in character of the neighborhood and City. He therefore, feels this request should be denied.

Debbie _____, 5500 West 87th Terrace Overland Park across from Hillcrest Church. She can not see the proposed development as a draw to bring new families into the neighborhood. She feels the increase in traffic on Somerset will not only negatively impact the immediate residences but also those using Franklin Park. She suggested making Meadowbrook a public golf course.

William Clark, 8950 Cedar Drive, stated a six or a seven story building is still a high rise. He asked if that is really what is wanted in Prairie Village.

With no one else wanting to address the Commission, Chairman Ken Vaughn closed the public hearing at 10:00 p.m.

Ron Williamson briefly reviewed the project components.

The applicant is proposing a mixed residential project combined with a rebuilding of the Meadow Brook Golf Course, swimming pool, tennis and clubhouse facilities. The existing clubhouse and swimming pool pavilion will be demolished and rebuilt. The swimming pool was recently renovated and a new pavilion will be built in that area. The new clubhouse, however, will be built near the condominiums on the north side of the lake.

The proposed project includes three housing types: condominiums, townhomes and senior living. The proposed condominiums will be located near the lakes on the interior part of the site on 4.81 acres. There will be 96 units in two four-story

buildings. The units will be one to three bedrooms with an average unit size of 1,750 sq. ft. Parking will be provided underground for 164 cars and 34 surface spaces will be provided for visitors for a total of 198 spaces. This is an increase of 15 spaces from the original plan.

The proposed townhomes will be located on the west side of the access road on 4.90 acres. The applicant has proposed nine units in six buildings. The average size will be 3,994 sq. ft. with the typical configuration being three bedrooms. Two car garages will be provided for each unit.

The proposed senior living building (Stratford) will be located at the southeast corner of Somerset Drive and Nall Avenue where the clubhouse is now located on 5.30 acres. The proposed building will be six stories high and contain 219 units. This will be a full service facility with wellness, spa, restaurant and lounge facilities. It will be similar in operation to Claridge Court. Parking will be provided underground for 191 spaces and 112 surface spaces will be provided for a total of 303 spaces.

The three residential uses will occupy 12.01 acres. The golf clubhouse and parking will occupy 2.99 acres, including 160 parking spaces. The swimming pool/tennis center, including 93 parking spaces, will occupy 4.30 acres. The net area of the site is 135.57 acres and after all the developed area is deducted, the net area of the actual golf course will be 116.21 acres.

As this is the first application to be filed and considered by the Planning Commission for the "MXD" Mixed Use District, Mr. Williamson restated the Purpose and Intent for such zoning as follows:

Purpose and Intent

The zoning of property to the MXD, Planned Mixed Use District, is intended to encourage a variety of land uses in closer proximity to one another than would be possible with more conventional zoning districts, to promote sustainable development with projects that achieve a high level of environmental sensitivity and energy efficiency, to encourage design and construction using Leadership in Energy and Environmental Design "LEED" principles and practices; and to encourage building configurations that create a distinctive and memorable sense of place. Developments in this district are allowed and expected to have a mixture of residential, office and retail uses in a single structure or multiple structures along with public spaces, entertainment uses, and other specialty facilities that are compatible in both character and function and incorporate a coordinated consistent theme throughout the development. Developments are also expected to utilize shared parking facilities linked to multiple buildings and uses by an attractive and logical pedestrian network that places more emphasis on the quality of the pedestrian experience than is generally found in typical suburban development. Buildings are intended to be primarily multi-story structures with differing uses organized vertically rather than the horizontal separation of uses that commonly results from conventional zoning districts.

Mr. Williamson responded to the concerns expressed on the covenants, noting that this is a preliminary plan and prior to the final development being approved the

Commission and the City's Attorney would review the final covenants to ensure the greenspace is preserved in perpetuity. He noted the covenants would be filed with the plat and that this is just the first step of many in the process. There will be several opportunities to review the covenants and stated the comments were helpful in giving the City particular items to be looked at.

Regarding LEED certification, Mr. Williamson noted there is not an formal standard for residential developments. It is still being developed, thus the comments were written as they were. The City would be working with them as these are developed. Kevin Harden responded there are different standards for different areas and types of construction. Nancy Vennard noted the applicant has submitted the "new construction" 2.2 standards as the residential is still in a pilot program and the checklists have been separated out for each of the different structure in the project. Kevin Harden stated they spoken with the LEED officials and have been directed to follow the "new construction" standards. They have hired a very knowlegable individual who will oversee the LEED requirements for the entire project. David Harrison noted OPUS was the first company in the United States to build "Gold Certified Industrial Building" Their corporate building recently completed in Denver has received Gold certification.

Nancy Vennard asked Mr. Williamson to address the statements that the "Golden Factors" have not been met. He responded the staff report gives the Commission the information on each of the factors for their determination of the relevancy when the Commission makes its findings for this proposal.

He added the Comprehensive Plan is a general guide for growth and it can be interpreted in a number of different ways. The proposed development is not exactly what was envisioned when the citizens were involved in the Vision Village process; however, the main thing that was clearly part of the vision was to keep as much green space as possible. During discussions people were saying the high-rise buildings proposed at that time would be acceptable if the green space would be maintained. Even though this is a private club, it still remains as one of the few large open spaces in Johnson County and it needs to be protected.

Nancy Vennard asked if he felt the sidewalk on Nall was enough connectivity to the surrounding areas. She noted except going out Somerset or Nall there is no pedestrian or vehicle connectivity to the 95th Street retail area. She would like to see more direct connectivity, such as walkways on the course. Mr. Williamson stated that would need to be addressed by the golf course architect, because the golf course should not be divided by a street if possible. You are looking at the tradeoffs of protecting open space and handling the connectivity. Having a sidewalk on Nall will help because it does provide access, but not as directly as it might be.

Ken Vaughn stated he has the same concern with connectivity. He does not see it in this plan with the 95th Street commercial area and he feels it is important for that to be done. He also still has a lot of concern with the height of the building at the corner of Somerset and Nall. He noted it looks a lot better than it did, but it is still awfully high for that corner, that close to single story, single family residential neighborhoods. He was concerned that the residents feel there was not a spirit of collaboration, but he felt OPUS went out of the way to try to involve the neighborhood.

David Harrison responded the selected area for rezoning was based solely on that area of the property on which construction will take place. It is their intention for the remaining property to remain in perpetuity as green space. The design of their project is dependent on maintaining the green space for their future residents. Notices were sent out to the 23 property owners within 200' of the boundaries of the rezoning as required and they also sent out 190+ additional notices as well as notices to all of the neighboring homes associations inviting them to two different meetings. They also asked to go to their neighborhood meetings, but were asked not invited to attend. They welcome the opportunity to have additional input. Their struggle is to be able to keep all the green space and still make the project work. When you look at the Vision Plan, and you look at good planning going forward and energy conservation, you are looking at more density. They have taken the least amount of density going from 7 and 6 stories to 6 and 5-stories, lowered the height of each floor, lowered the height of the roof 25% and made it as tight as possible recognizing the physical constraints of the site. The maintenance of the greenspace, which will surrounds their property, is vital to the success of this project. He stated they sought out the opportunity to meet with the neighbors, but were asked not to attend.

Robb McKim stated he appreciates the effort that OPUS has put into developing this plan and including the adjacent property owners. He noted he supports mixed use development strongly and recognizes and supports the need for alternative housing opportunities for Prairie Village and northeast Johnson County. While he has concerns about specific elements of this plan, his bigger concern is about the plan as a whole. He is not confident this is the optimal and only opportunity to develop this property. It has already been pointed out that the plan does not meet the intent and purposes of mixed used development ordinance. The development of the plan was not conducted according to the intent of Village Vision which recommended that there be a collaborative process, that he feels would have begun before the submittal to the Planning Commission. The plan, from his point of view, is not mixed use development. It does not provide for connectivity, there are not a mix of use; and he is concerned that if this one opportunity to develop this property is passed.

Nancy Vennard clarified for the public that the entire county club is not being rezoned. Only the area where building is going to take place is being rezoned and the remaining property is still under the special use permit granted by the City. The only that way the golf course property could ever be developed would be to follow the same process being followed now. This land could not be developed without the approval of the City.

Ron Williamson further elaborated on the process noting that, if approved, when the plat is filed there will be a lot for each of these separate types of uses and there will be one large lot that will cover the golf course itself. The golf course will actually be replatted although it is not part of this development plan. This allows for the covenants to be tied together with the entire project to protect the open space. He noted the zoning area may change as the final locations of the buildings is determined. Nancy Vennard added at that point in time the number of acres will be known to be placed in the covenant.

Bob Lindeblad noted his biggest concern last month was the size, height and mass of the buildings at the corner of Somerset and Nall. He wished the location four and six-story buildings were reversed with the tallest buildings at the center of the property. He does not feel the reduction from 7-stories to 6-stories significantly impacts the mass of the project and did not feel he would be comfortable until it was closer to four-stories. He has driven past the site several times in the past month and has tried to envision different scenarios. He agreed with Mr. McKim that this is not the optimal development plan, but noted the Commission does not always get to see the best plan and ultimately needs to react to what is presented before them. With what the applicants have had to work with, he understands the reasoning for their choices, but has a real problem with the massive building at the corner.

Randy Kronblad feels they have come a long way since the last meeting when there were more questions than answers. We now have the answers, however, like Mr. Lindeblad, he is still bothered by the massive building on the corner. Looking at the site plan, it seems that everything is shoved up into that corner. During the development of the mixed use district regulations the Commission struggled with how many rules and regulations to have and he supported more regulations; however, it was pointed out that once the right project is presented, the Commission would know it. He doesn't see this as the right project. The parts just don't seem to fit together for him. His primary concern is the 6- and 5-story building located so close to the corner of Somerset and Nall.

Marc Russell stated he struggles with the connectivity with the southwest corner of the property. He realizes the limitations placed by the development of the golf course, but he sees this as a grand dead-end road leading to a couple of condominiums.

Robb McKim appreciates the importance of maintaining greenspace and acknowledged the work of the developers in doing so. However, related to connectivity and as it is spelled out in Village Vision the importance to use development opportunities to reinforce or enhance existing development, he feels that putting a covenant over all of the property could hamper that development in the future if there was a need. He is not against covenants but noted that a covenant over the undeveloped property would close potential option for future development that could redevelop or enhance the connectivity to the commercial development to the south which is important to the community as a whole.

Ron Williamson noted the city's population is changing with an aging population and a need to provide a different type of housing to open up new housing for families to move into by relocating the empty nesters. The unknown is how much this project, particularly the density of the building on the corner, can be reduced and still allow the project to be feasible and the golf course maintained.

Bob Lindeblad stated the housing choices provided are great, but the discussion is about the plan which places the highest most intense structure directly across from single family residences. When you have to consider the impact on character of the neighborhood, not necessarily property values, this large structure will impact the character of this neighborhood.

The Commission considered the proposed development based on the following "Golden Factors":

1. The character of the neighborhood.

The existing neighborhood is characterized by low density single-family development to the east, north and west of the Country Club with office and commercial to the south. The golf course is a large open space that contains a significant amount of mature trees and water features. There also is a high voltage power transmission line that runs along the north side of the property from the electrical substation on Roe Avenue.

2. The zoning and uses of property nearby.

The application area is zoned R-1A and is developed as a golf, swimming and tennis country club. The property to the north and east is zoned R-1A and is developed for single-family residences. The area to the south is zoned CP-1 and CP-0 and is developed for office and commercial uses. The area on the west side of Nall is in Overland Park and it is zoned R-1 Single-family and developed for single-family residential and a church.

3. The suitability of the property for the uses to which it has been restricted under its existing zoning.

The property currently has an approved special use permit for a country club which includes golf, swimming, tennis and support facilities. The property works well as a country club, but maintaining membership is always difficult as courses and population age. The clubhouse is over 30 years old and needs either major renovation or reconstruction. Sewer is available for this low intensity development but capacity is not available for complete development of the site. The existing use is a low intensity use that provides a large green space for the community and is a real asset. The durability of the existing facility is of concern.

4. The extent that a change will detrimentally affect neighboring property.

The project will generate additional traffic particularly at the intersection of Rosewood Drive and Somerset Drive and Nall Avenue and Somerset Drive but the street network has adequate capacity to accommodate it. The realignment of the main entrance to line up with Rosewood Drive will eliminate a jogged intersection and improve traffic flow. The applicant will also be required to widen Somerset Drive at the intersection with Nall Avenue to improve traffic movement.

The question that was raised most frequently by the neighbors was the height of the Stratford Senior Living Building. At its closest point the building sets back approximately 65 feet from Nall Avenue. The building sets at an angle and sets back approximately 90 feet at its furthest point from Nall Avenue. The building height has been increased in order to preserve as much green space as possible. The height and mass of this building versus open space preservation is one of the main issues to be addressed. It was mentioned several times that the building should be located more interior on the site. Since it will be occupied by elderly people, the number of emergency calls will be greater and accessibility is more critical, therefore a location near the major streets is important.

5. The length of time of any vacancy of the property.

The property is currently occupied by a country club, is not currently vacant and has not been vacant for over 30 years.

6. The relative gain to the public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners.

The approval of this development plan will provide a variety of housing choices to the residents of Prairie Village. The City is built out and there is very little opportunity to bring new housing to the market place. This project will not remove any existing homes from the inventory or cause any relocation. The hardship on neighboring landowners should be minimized through good planning, design and construction. The approval of this project will also provide for preservation of the golf course as open space in perpetuity.

7. City Staff Recommendations.

The Preliminary Development Plan as submitted is a result of an analysis of the site and the potential market for residential development in Prairie Village. Several different plans have been prepared and this Plan has evolved over several months from that process. Staff has reviewed the Preliminary Development Plan and although there are some issues that still need to be addressed, it is Staff's opinion that the Plan is a good one in that it provides higher intensity development as recommended in the Village Vision and it permanently preserves the open space of the golf course which has been a great concern to the community. The issues that still need to be addressed are as follows:

- a. The applicant will need to submit a preliminary outdoor lighting plan that is in accordance with the outdoor lighting regulations in the Zoning Ordinance.
- b. Signage has not been completely addressed for the project and detailed plans will need to be submitted for Planning Commission approval. The location of monument signs is shown on the Preliminary Development Plan, but the design of the signs depicting the materials and text will need to be completed and submitted for approval.
- c. A Stormwater Water Management Plan has been prepared and since this site drains directly into the City of Overland Park, it is being coordinated with the City of Overland Park. Prior to consideration of the preliminary plat or final development plan, concurrence with the City of Overland Park on the Stormwater Master Plan needs to occur.
- d. The applicant needs to submit a copy of the final covenant documents to the City for comment prior to submitting the final development plan.
- e. The landscape plan is conceptual, which is adequate for this level of review, but a detailed Landscape Plan will need to be prepared and submitted for review and approval of the Planning Commission and Tree Board.

8. Conformance with the Comprehensive Plan

The Village Vision specifically addressed the redevelopment of the Meadowbrook Country Club. The recommendation was to develop a planned neighborhood with a mix of residential uses, open space and higher density. The items mentioned are as follows:

- Encourage potential developers to obtain community input. The developer has met with the Meadowbrook Country Club members numerous times to develop a concept plan. The developers have taken that plan to the neighbors for their comments and input. Meetings were held on September 13th and 19th.
- Allocate a portion of the site for public recreation/greenspace. The proposed development will occupy only 12.01 acres which will leave 135.51 acres for recreation/greenspace, which will be permanently preserved for greenspace through covenants.
- Assure Connectivity - The entrance road will be realigned with Rosewood Drive to eliminate a jogged intersection on Somerset Drive. The primary entrance to the project will be from Somerset Drive with secondary access from Nall Avenue. Pedestrian connectivity is also critical. Sidewalks will be located on Somerset Drive, Nall Avenue and the west side of Rosewood Drive. An eight foot wide sidewalk will also be constructed on the east side of Rosewood Drive.

Bob Lindeblad stated he strongly appreciated all the clarifications done in the last month by the developers and adjustments made for this proposal. After reading the traffic study, he stated with the levels of service for the intersection and the amount of additional traffic and turn movements there is a very small traffic impact generated by this development in regard to any other development. He does not see traffic as an issue. All of his previous issues were addressed, except that but he had hoped to see something more dramatic in the reduction in the size of the building on the corner.

He feels the large six-story building in a neighborhood of single family homes is out of character with the neighborhood. The location, size and height for this building will negatively impact the neighborhood. He does not feel it complies with what was desired in the Village Vision for redevelopment of this site; however, he recognizes if the golf course is to remain and some development occurs it may not happen as we envisioned. If there were a much smaller building on the corner, he felt he could probably support the proposal.

For the reasons stated above, Bob Lindeblad moved the Planning Commission recommend the City Council deny the requested rezoning and preliminary development plan. The motion was seconded by Nancy Vennard and passed unanimously.

Bob Lindeblad added he felt the Commission has given sufficient direction and that it was in the best interest to move this application forward to the City Council for its consideration rather than to continue it.

Chairman Ken Vaughn called for a five-minute recess. The meeting was reconvened at 10:25 p.m. without Mr. McKim.

PC2007-114 Preliminary Plat Approval
3101 West 75th Street

The Planning Commission granted the applicant's a written request to continue this application to the December 4th meeting of the Planning Commission.

PC2007-118 Request for Site Plan Approval
Mission Road (Corinth Elementary School)

Dean Jordan, with the DLR, Group, representing the Shawnee Mission School District, presented the proposed site plan for the construction of an addition to Corinth Elementary School. The new addition will have a footprint of 3,700 sq. ft; will be two stories; and will add six classrooms. The proposed addition will be on the northeast side of the building. The new addition is approximately 6,980 sq. ft. or 11.5 percent of the existing floor area and therefore requires Planning Commission approval.

Mr. Jordan noted there would be no changes in the existing ingress or egress. The intent is to make the addition appear to be part of the original construction using the same materials and design. A staging area for construction has been established that will not cause any impact on the existing parking spaces and noted the site has 27 more spaces available than required.

The Shawnee Mission School District has hired a contractor to construct gabions and make improvements to the channel that runs across the south side of the property. Mr. Vaughn asked if this work would not be done in conjunction with this project. Mr. Jordan responded it would not and noted the School District hoped to complete that work yet this year. Mr. Vaughn advised Mr. Jordan to work with the Public Works Department to secure the necessary approvals and permits.

A.J. LoScalzo, 8731 Delmar, shared photographs with the Commission showing the flooding that occurs during heavy rains. Mr. Vaughn advised her to discuss her concerns with Mr. Jordan and Bob Pryzby as this was being addressed separately of this application.

Mr. Jordan stated they were in agreement with the staff comments noting that steps have already been taken to address the erosion problems in the channel and it is his understanding that it would be done yet this year. The timetable for the construction is to begin in March of 2008 and be completed for the opening of the 2009 school year.

They are not changing the intensity or adding any additional lighting to the parking area. The wall mounted lights will be the same style and intensity as those currently on the building. The completed parking exceeds the requirements and the staging area will not negatively impact the existing parking. The required parking spaces will be maintained throughout the construction period. The final landscape plan will be presented to the City's Tree Board for its approval. David Contag, with DLR, noted some of the trees are redbud and are not anticipated to be successfully move. He

confirmed any trees removed during construction would be replaced with larger and higher quality trees and that additional trees will be planted on the site.

The Planning Commission reviewed the following criteria:

- A. The site is capable of accommodating the buildings, parking area, and drives for the appropriate open space and landscape.**

The site is approximately 6.8 acres which is small compared to today's standards for elementary schools. Some classes are overloaded and additional classrooms are needed to accommodate the students. The proposed location will require the removal of several trees and a landscaped sitting area. Because of the small size of the addition and its location, the site is adequate to accommodate it.

The applicant has provided a staging area that will not impact any of the existing 91 parking spaces on the site. The zoning ordinance requires two spaces per classroom. There are 26 existing classrooms plus the six proposed for a total of 32 classrooms. The required parking is 64 spaces and therefore there are 27 spaces more than required by the zoning ordinance.

- B. Utilities are available with adequate capacity to serve the proposed development.**

The property is currently served with all utilities and the proposed improvements will not create the demand for additional utilities. No additional needs are contemplated for water and sewer services.

- C. The plan provides for adequate management of storm water runoff.**

The amount of impervious area that will be created is not significant relative to the size of the site and Public Works has determined that a storm drainage study is not necessary. The drainage ditch along the south and east property lines is on private property in an easement. Maintenance is provided by the adjacent property owners. There is a drain pipe that extends into the ditch from the school parking lot on the south side. This pipe may be causing some erosion of the ditch bank and is being addressed by the school district's engineer

- D. The plan provides for safe and easy ingress, egress, and internal traffic circulation.**

Ingress and egress to the site will be the same after the improvements as it is now. The internal circulation does not appear to be a problem.

- E. The plan is consistent with good planning and site engineering design principles.**

The location of the proposed improvements works well with the existing development of the site. The applicant has attempted to retain as much of the existing vegetation on the property as possible and to supplement it with new plantings. The overall plan appears to be well-conceived and is consistent with good planning and site engineering design principles.

- F. An appropriate degree of compatibility will prevail between the architectural quality of the propose building and the surrounding neighborhood.**

The proposed elevations indicate that the design of the addition will be compatible with the existing buildings on the site. The architect has proposed to use similar materials and colors on the new construction as were used on the original building.

G. The plan represents an overall development pattern that is consistent with the comprehensive plan and other adopted planning policies.

One of the goals of the Village Vision is to support a high quality educational environment for the residents of Prairie Village which includes investment and upgrading of facilities. The proposed project is very consistent with the Comprehensive Plan.

Nancy Vennard moved the Planning Commission approve the site plan as submitted for application PC2007-118 expansion of the Corinth Elementary School at 8301 Mission Road subject to the following conditions:

1. The applicant evaluating the drain pipe in the south parking lot and develop a solution that reduces the erosion of the ditch.
2. Submittal of an outdoor lighting plan in accordance with Section 19.34.050 Outdoor Lighting of the Zoning Ordinance if applicable.
3. The applicant designate a construction staging area and maintain the required number of spaces either onsite or in other location until construction is complete.
4. That the landscape plan be submitted to the Tree Board for review and approval prior to installation.

The motion was seconded by Randy Kronblad and passed unanimously.

**PC2007-119 Building Line Modification
6801 Cedar**

Steve and Casey Roth, 6801 Cedar, presented a request for an eight foot building line modification on the north side of their property to allow for the construction of a two car garage. Mr. Roth stated they had spoken to all but two of the eighteen property owners within 200' of their property and all had been notified of their plans. No one has express opposition to the proposed construction of the garage.

Ron Williamson noted lot is located on the southeast corner of 68th and Cedar Streets. The property is zoned R-1a and has a 45' platted front setback adjacent to 68th Street and a 35' platted front setback adjacent to Cedar Street. Cedar Street is a cul-de-sac and the homes are Williamsburg Colonial design facing on the cul-de-sac. On corner lots, the least dimension adjacent to a street is considered to be the front regardless of which direction the house faces. The dimension adjacent to 68th street is the least dimension and therefore 68th Street is the front of the lot. This is important because the rear yard of the lot is the south property line rather than the east property line.

The applicant is proposing to build a 24' x 24' garage addition and will encroach into the front yard adjacent to 68th Street approximately eight feet. The front yard setback will be reduced from 45' to approximately 37'. The required setback by zoning is 30' so the structure more than adequately meets the ordinance. The dwelling

immediately adjacent to the east sets about 15' closer to 68th Street and the proposed garage would be approximately 8' behind it.

The Planning Commission to give consideration to the following factors:

1. **That there are special circumstances or conditions affecting the property;**
The lot is platted with two front setbacks and both of them exceed the minimum requirements of the zoning ordinance. Therefore the useable yard area on the lot is minimized.
2. **The building line modification is necessary for reasonable and acceptable development of the property in question;**
This is a large lot, approximately 15,286 square feet and the current dwelling only covers about 6 percent of the lot. Therefore this addition of 596 square feet will not cause the lot to be overbuilt. Because of the design of the existing residence, the only logical direction to add garage is to the northeast. There will be more structure added but more useable yard will be created by the removal of the asphalt driveway. The existing driveway will be relocated to line up with the new garage. The proposed addition appears to be a reasonable and acceptable development for the lot.
3. **That the granting of the building line modification will not be detrimental to the public welfare or injurious to or adversely affect adjacent property or other property in the vicinity in which the particular property is situated;**
The adjacent owners have reviewed the plan and have not indicated any objections. The proposed improvement will not be detrimental to the public at large but will be an improvement that adds value to the community. The proposed expansion would not create any site distance problems at the intersection and it will still setback further than the dwelling to the east.

Nancy Vennard moved the Planning Commission find favorably on the factors and approve the requested front yard building setback modification from 45 feet to 27 feet only for the construction of a garage as shown on the plans submitted. The motion was seconded by Bob Lindeblad and passed unanimously.

OTHER BUSINESS

Approval of 2008 meeting and submittal schedule.

The Planning Commission reviewed the proposed meeting and submittal schedule for 2008 based on meeting the first Tuesday of each month. The Commission chose to change the September meeting date which falls the day after Labor Day and conflicts with the City Council meeting to the second Tuesday (September 9th).

December Agenda

The Planning Commission Secretary advised the Commission the agenda for December would include the continued Plat at 75th & Canterbury, a public hearing renewing the special use permit for communication antenna on top of the Capitol Federal Building at 1900 West 75th Street by T-Mobile, a new monument sign for St.

Ann's Church and School at 7231 Mission Road and the final development plan for Panda Express at 7920 State Line Road.

ADJOURNMENT

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 11 p.m.

Ken Vaughn
Chairman

PLANNING COMMISSION ACTIONS
Tuesday, December 4, 2007

**PC2007-24 Request for Renewal of Special Use Permit for Communication
Antenna at 1900 West 75th Street**

The Planning Commission moved to recommend to the City Council approve the renewal of the Special Use Permit for wireless communication antenna by T-Mobile at 1900 West 75th Street .

**PC2007-21 Final Plan Approval
7920 State Line Road**

The Planning Commission approved the final plans under the CP-1 zoning for the Panda Express at 7920 State Line Road subject to the conditions stipulated in the staff report.

**PC2007-114 Request for Preliminary Plat Approval
3101 West 75th Street**

The Planning Commission approved the preliminary Plat for the Mogren Subdivision at 3101 West 75th Street.

**PC2007-119 Request for Monument Sign Approval
St. Ann's School - 7231 Mission Road**

The Planning Commission approved the proposed monument sign as presented.

CITY HALL DAY AT THE CAPITOL

THURSDAY, JANUARY 24, 2008

Register online at www.lkm.org

ACTION AGENDA

The prosperity of the State of Kansas is absolutely dependent upon the prosperity of our cities. Over 80% of Kansans live in an incorporated city. In an effort to promote healthy and sustainable communities, the elected and appointed city officials of Kansas hereby establish the following as our legislative action agenda for 2008:

- Support the re-investment in existing and new infrastructure by implementing a call to action for city officials to identify local transportation needs so that we may effectively participate in the development of a new statewide comprehensive transportation plan.
- Support legislation to provide mitigation and assistance to communities that have been devastated by natural disasters such as ice storms, flooding, and tornadoes.
- Support legislation that would authorize local governments in areas declared as disaster areas to use eminent domain to facilitate the rebuilding of housing, commercial, and industrial properties.
- Encourage 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.
- Oppose mandatory participation in the state one-call program as an unfunded mandate and erosion of local control. We support inclusion of municipal utilities in the state one-call system on a voluntary basis.
- Support legislation to allow cities the same flexibility granted to counties and the State to pass service fees for credit and debit card payments on to the consumer.
- Oppose any federal or state mandate which would require collective bargaining at the local level.

CITY HALL DAY AT THE CAPITOL
THURSDAY, JANUARY 24, 2008



League of Kansas Municipalities • 300 SW 8th Avenue • Topeka, KS 66603-3951
(785) 354-9565 • Fax: (785) 354-4186
www.lkm.org

GOVERNMENT IN ACTION!

The League of Kansas Municipalities is proud to present the fifth annual "City Hall Day at the Capitol" on January 24, 2008. There is a \$25 charge to attend this event. This fee includes lunch.

City officials from all across the state will gather in the Kansas State Capitol for an exciting and informative day. By holding this event in the State Capitol, we hope that you will have the opportunity to see state government in action and find time to visit with your legislators about issues that are important to your community.

Presentations will include briefings by legislative leaders and League staff beginning at 9:30 a.m. and ending by noon. Lunch will be provided from 12:00 p.m. to 1:00 p.m. on the first floor of the Capitol. Throughout the day, city officials will also have the opportunity to attend committee hearings and watch Senate and House floor action from the gallery.

All legislators are welcome to join us for lunch. Please take time to make personal contact with your legislators and invite them.

Sign up today to become a part of the legislative action in Topeka!

SCHEDULED ACTIVITIES

- Discussion of topics on legislation of municipal interest for the 2006 Legislative Session
- Announcement and presentation of the awards in the statewide "If I Were Mayor" essay contest
- Legislative committee hearings
- Legislative floor action
- Lunch with state legislators
- Exhibits highlighting various cities from around the state

CANCELLATIONS

**Cancellations will be accepted until January 22, 2008.
Please make cancellation requests in writing.**

City Name: _____ Address: _____
City, State, Zip: _____ Phone: _____
Name: _____ Title: _____ E-mail: _____
Name: _____ Title: _____ E-mail: _____
Name: _____ Title: _____ E-mail: _____
Name: _____ Title: _____ E-mail: _____

There is a registration fee of \$25 per person. (This includes lunch).

You can also register online at www.lkm.org!

Note: Please do not include payment at this time.
You will be billed for the entire amount.

Please return by Tuesday, January 22, 2008, to:
League of Kansas Municipalities
300 SW 8th Avenue
Topeka, Kansas 66603-3951
Phone: (785) 354-9565 Fax: (785) 354-4186

**Council Members
Mark Your Calendars
December 17, 2007**

December 2007 December 25	Christi Roberts-Bony mixed media exhibit in the R. G. Endres Gallery City offices closed in observance of Christmas
January 2008 January 1 January 7 January 11 January 21 January 22 (Tues.) January 24	Rusty Leffel photography exhibit in the R. G. Endres Gallery City offices closed in observance of New Years Day City Council Meeting Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m. City offices closed in observance of Martin Luther King Jr. Day City Council Meeting City Hall Day at the Capitol - Topeka, KS
February 2008 February 4 February 8 February 18 February 19 (Tues.)	Mark Glover oil exhibit in the R. G. Endres Gallery City Council Meeting Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m. City offices closed in observance of President's Day City Council Meeting
March 2008 March 3 March 8-12 March 14 March 17	Clark Stoeckley exhibit in the R. G. Endres Gallery City Council Meeting NLC Congressional Conference Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m. City Council Meeting
April 2008 April 7 April 11 April 21	Margaret Godfrey acrylics exhibit in the R. G. Endres Gallery City Council Meeting Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m. City Council Meeting
May 2008 May 5 May 9 May 19 May 26	Marearl Denning photography and ceramics exhibit in the R. G. Endres Gallery City Council Meeting Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m. City Council Meeting City offices closed in observance of Memorial Day
June 2008 June 2 June 13 June 16	Steve Karol digital art exhibit in the R. G. Endres Gallery City Council Meeting Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m. City Council Meeting
July 2008 July 4 July 4 July 7 July 11 July 21	Senior Arts Council exhibit in the R. G. Endres Gallery City offices closed in observance of Independence Day VillageFest City Council Meeting Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m. Cit Council Meeting

August 2008 Venus Auxier botanical art exhibit in the R. G. Endres Gallery
August 4 City Council Meeting
August 8 Artist exhibit in the R. G. Endres Gallery 6:30 to 7:30 p.m.
August 18 City Council Meeting

September 2008 Images Group Show mixed media exhibit in the R. G. Endres Gallery
September 1 City offices closed in observance of Labor Day
September 2 (Tues.) City Council Meeting
September 12 Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
September 15 City Council Meeting

October 2008 State of the Arts exhibit in the R. G. Endres Gallery
October 6 City Council Meeting
October 10 Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
October 20 City Council Meeting

November 2008 Mid-America Pastel Society exhibit in the R. G. Endres Gallery
November 3 City Council Meeting
November 7 Artist reception in the R. G. Endres Gallery 6:00 to 8:00 p.m.
November 17 City Council Meeting
November 27 City offices closed in observance of Thanksgiving
November 28 City offices closed in observance of Thanksgiving

December 2008 Tom Wilson, Melanie Nolker & Wendy Taylor mixed media exhibit in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 1 City Council Meeting
December 5 Mayor's 2008 Holiday Party
December 12 Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 15 City Council Meeting
December 25 City offices closed in observance of Christmas

NOTEWORTHY

December 2007

DECEMBER BIRTHDAYS & ANNIVERSARIES

Birthday Wishes to...

12/02	Quinn Bennion	City Hall
12/05	Stephen Albright	City Hall
12/06	Connie Walsh	City Hall
12/06	Stephanie Whitaker	Police Department
12/19	Adam Taylor	Police Department
12/19	Nicholas Evans	Police Department
12/23	Ryan Warkentin	Police Department
12/24	Karen Kindle	City Hall
12/26	Tom Trienens	Public Works

We appreciate your years of service...

Rod Smith	Police Department	18 years
Debra Templeton	Public Works	2 years



Welcome to Mackenzie Parker who starts in dispatch on December 12th and a belated welcome to Becky Dyer who started in court on October 16th.

Employee Holiday Appreciation Lunch

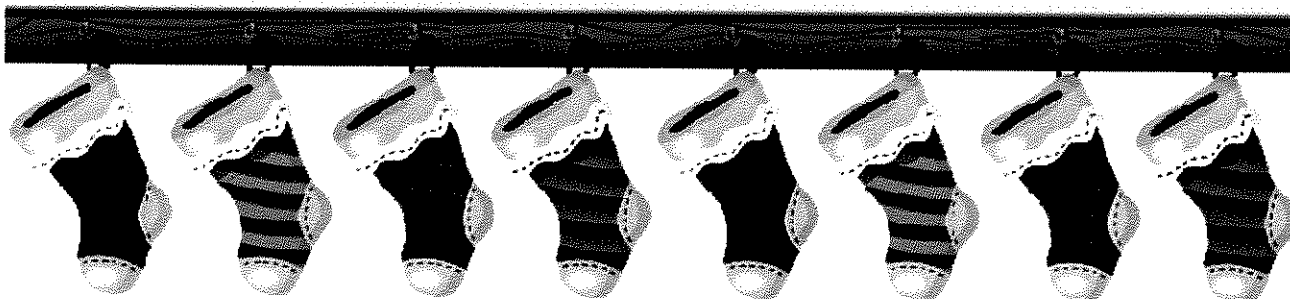
Mark your calendars for Friday, December 14th for the Employee Holiday Appreciation Lunch. The lunch will be provided by McGonigle's and will start at noon in Council Chambers. Mayor Shaffer and Council Members will be present to hand out promotion and tenure awards. Afterwards, a special gift will also be handed out to each employee in recognition of all your hard work!!

Office Holiday Hours

City Offices will be closed Tuesday December 25th and Tuesday January 1st for the Holidays. Emergency services will be available at the Police Department.

Farewell & Best Wishes

We say goodbye to long-time employees Doug Luther and John Walter. Doug is taking a job in the private sector managing homes associations. John is taking a job as Chief of Police in Mountain Home, Idaho. Thank you for your hard work and dedication.



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)

COUNCIL COMMITTEE

COU2006-26 Consider Project 190862: 75th Street from Nall Avenue to Mission Road (CARS) (assigned 8/28/2006)
COU2006-27 Consider Project 190855: Tomahawk Road Bridge Replacement (assigned 8/28/2006)
COU2006-33 Consider Lease of Public Works from Highwoods Properties, Inc. (assigned 8/29/2006)
COU2006-38 Consider Park & Recreation Committee Report (assigned 09/27/2006)
COU2006-55 Consider Project SP105: 2007 Crack Seal/Slurry Seal/Microsurfacing Program (assigned 12/27/2006)
COU2007-02 Consider Reducing the size of the Council & term limits for elected officials (assigned 1/8/2007)
COU2007-11 Consider SP107: 2007 Street Repair Program (1/31/2007)
COU2007-19 Consider Project 190860: 2007 Street Resurfacing Program (assigned 2/14/2007)
COU2007-22 Consider Project 190718: 2007 Storm Drainage Repair Program (assigned 2/28/2007)
COU2007-27 Consider Project 190864 - 2008 Paving Program (assigned 3/9/2007)
COU2007-33 Consider Project 190719: 2008 Storm Drainage Repair Program (assigned 4/11/2007)
COU2007-35 Consider Project 190709: 83rd Street/Delmar Drainage Improvements (moved from POL 2004-15 - assigned 4/11/2007)
COU2007-40 Consider Code Enforcement - Interior Inspections (assigned 5/2/2007)
COU2007-43 Consider Providing Public Works Services to the City of Mission Hills (assigned 5/29/2007)
COU2007-49 Consider Project 190868: Roe - 91st to Somerset Drive (assigned 6/27/2007)
COU2007-54 Consider Project 190708: Tomahawk Road / Nall to Roe (assigned 8/26/2004 - was POL2004-13)
COU2007-62 Consider Construction of Additional Parking at Shawnee Mission East (assigned 10/12/2007)
COU2007-71 Consider Establishing a Capital Improvement Reserve Fund (assigned 11/28/2007)
COU2007-72 Consider Hiring a Public Defender in the Municipal Court (assigned 11/28/2007)
COU2007-73 Consider Renewal of SUP for Communication Antenna at 1900 West 75th Street (assigned 12/4/2007)
COU2007-74 Consider reactivation of Prairie Village Development Corporation (assigned 12/3/2007)
COU2007-75 Consider formal Sister City relationship with Dolyna, Ukraine (assigned 12/12/2007)
COU2007-76 Consider renewal of AOS Contract (assigned 12/12/2007)
COU2007-77 Consider fund transfer from 2007 to 2008 (assigned 12/12/2007)
COU2007-78 Consider Ordinance on obscenity (assigned 12/12/2007)
COU2007-79 Consider Code Red (assigned 12/12/2007)
COU2007-80 Consider 2008 Legislative Priorities (assigned 12/13/2007)
COU2007-81 Consider 2008 Utility Assistance Program (assigned 12/13/2007)

PARKS AND RECREATION COMMITTEE

PK97-26 Consider Gazebo for Franklin Park (assigned 12/1/97)

PLANNING COMMISSION

- 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)
- PC2007-01 **Study City zoning regulations to address those items identified by the Village Vision Strategic Investment Plan in 2007 (assigned 8/20/2007)**

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)