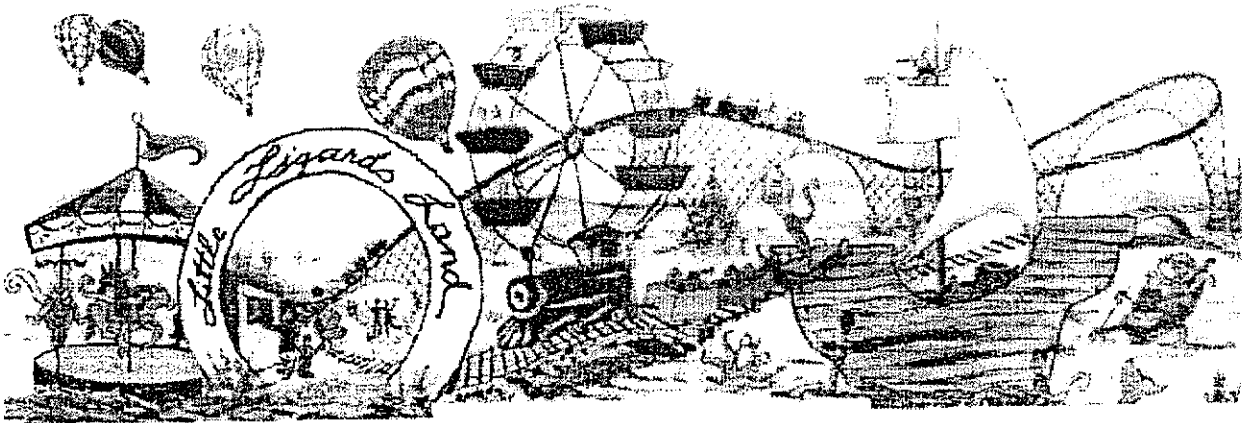


City Council Meeting

October 15, 2007



Dinner provided by:

SALTY IGUANA

Prairie Village Burritos

Enchiladas

Beans and Rice

Iguana dip,

Chips and sauce

COUNCIL COMMITTEE

October 15, 2007

6:00 p.m. Council Chamber

Agenda

ANDREW WANG, COUNCIL PRESIDENT

AGENDA

CONSENT AGENDA

**COU2007-31 Consider Ordinance changes for City Administrator and
other appointed Officials**

AGENDA ITEMS FOR DISCUSSION

**COU2007-61 Consider Rezoning of 7920 State Line Road from C-O
to CP-1
Ron Williamson**

**COU2007-62 Consider Construction of Additional Parking At
Shawnee Mission East
Bob Pryzby**

**COU2007-63 Consider MUTCD "Stop for Pedestrian" signs
Capt. Tim Schwartzkopf**

**COU2007-51 Consider Village Vision
Committee reports**

CONSIDER ORDINANCE CHANGES FOR CITY ADMINISTRATOR AND OTHER APPOINTED OFFICIALS

Background:

On March 19, 2007 the City Council briefly discussed a suggestion for the City to change from a City Administrator to a City Manager form of government. Staff was directed to compile information for the Council on this issue.

On March 28, 2007, the City Attorney sent a letter to the Mayor and Council explaining and comparing the two forms of government. His suggestion was for the Council to review and compare duties of the current city administrator with those of a City Manager to decide if changes are in order.

The issue was discussed at the April 2 Council Committee meeting.

On July 2, 2007 Council considered several ordinance changes to Chapters 1 and one change in Chapter 10. (Excerpt of those minutes is attached). The Council directed the City Attorney to prepare changes to the current ordinances clearly establishing the City Administrator as the Chief Administrative Officer of the City and establishing a hiring, management and removal process for appointed officials that involves the administrator in the hiring process and, after appointments are made, requires the city administrator to supervise appointed officials who are department managers according to Council approved personnel policies. The City Attorney, working with Jack Rowe, an attorney in the firm who works primarily with personnel matters, developed the ordinances which are attached. Managers who will be affected by these changes have approved the ordinances.

RECOMMENDATION:

MOVE APPROVAL OF:

AN ORDINANCE AMENDING CHAPTER 1 OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE 3 ENTITLED "OFFICERS AND EMPLOYEES" BY AMENDING SECTION 1-301 ENTITLED "APPOINTIVE OFFICERS AND EMPLOYEES, TERMS AND SALARY" ; SECTION 1-302 ENTITLED "EMPLOYEES" ; SECTION 1-303 ENTITLED "REMOVAL": AND SUBSECTIONS (a) AND (f) OF SECTION 1-313 ENTITLED "CITY ADMINISTRATOR: DUTIES".

AN ORDINANCE AMENDING CHAPTER 1 OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "ADMINISTRATION" BY AMENDING SECTION 2 ENTITLED "GOVERNING BODY " BY AMENDING SECTION 1-205 ENTITLED "POWERS OF THE MAYOR"

AN ORDINANCE AMENDING CHAPTER X OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "POLICE" BY AMENDING ARTICLE 10 ENTITLED "POLICE DEPARTMENT" BY AMENDING SECTION 10-109 ENTITLED "CONTROL OF POLICE BY THE MAYOR AND CHIEF OF POLICE: SUSPENSION, DEMOTIONS, REMOVAL FROM OFFICE".

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER I OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE 3 ENTITLED "OFFICERS AND EMPLOYEES" BY AMENDING SECTION 1-301 ENTITLED "APPOINTIVE OFFICERS AND EMPLOYEES; TERMS AND SALARY;" SECTION 1-302 ENTITLED "EMPLOYEES;" SECTION 1-303 ENTITLED "REMOVAL;" AND SUBSECTIONS (a) AND (f) OF SECTION 1-313 ENTITLED "CITY ADMINISTRATOR; DUTIES."

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

Section I.

Section 1-301 of the Prairie Village Municipal Code entitled "APPOINTIVE OFFICERS AND EMPLOYEES; TERMS AND SALARY" is deleted in its entirety and in lieu thereof, the following section of the same number is hereby adopted:

Section 1-301 APPOINTIVE OFFICES; TERMS AND SALARY. The Mayor, with the approval of the City Council, and after receiving recommendations from the City Administrator, may appoint a City Attorney, Assistant City Attorney, City Prosecutor, City Clerk, City Treasurer, Assistant City Administrator, City Engineer, Director of Public Works, City Architect, and Chief of Police. The term of all elected and appointive officers shall be for four years and until their successors are appointed and duly-qualified, and the salaries of all such officers shall be fixed by Ordinance.

Section II.

Section 1-302 of the Prairie Village Municipal Code entitled "EMPLOYEES" is deleted in its entirety and in lieu thereof, the following section of the same number is hereby adopted:

Section 1-302 APPOINTMENT OF CITY ADMINISTRATOR. The Mayor, with the approval of the City Council, shall appoint a City Administrator.

Section III.

Section 1-303 of the Prairie Village Municipal Code entitled "REMOVAL" is deleted in its entirety and in lieu thereof, the following section of the same number is hereby adopted:

Section 1-303 REMOVAL OF CITY ADMINISTRATOR AND APPOINTIVE OFFICERS.

- (a) The City Administrator may be removed either by the Mayor, with the approval of a majority of the City Council, or by the City Council alone if at least nine members vote in favor of removal. If requested by the City Administrator, the Mayor and the City Council shall grant the City Administrator a public hearing within 30 days following notice of such removal. During the interim, the Mayor, with the approval of a majority of the City Council, may suspend the City Administrator from duty, but shall continue his or her salary for two calendar months following the final removal date; provided, however, that if the City Administrator shall be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued.

- (b) Subject to personnel system regulations, and after receiving a recommendation from the City Administrator, all other appointive officers may be removed either by the Mayor, with the approval of a majority of the City Council, or by the City Council alone if at least nine members vote in favor of removal.

Section IV.

Subsections (a) and (f) of Section 1-313 of the Prairie Village Municipal Code entitled "CITY ADMINISTRATOR; DUTIES" are deleted in their entirety and in lieu thereof, the following subsections of the same name and number are hereby adopted:

Section 1-313 CITY ADMINISTRATOR; DUTIES.

- (a) Administrative Office: The City Administrator shall be the chief administrative assistant to the Mayor and the Governing Body and, as such, shall be the administrative officer of the City government. Except as otherwise specified by Ordinance or by law of the State of Kansas, the City Administrator shall coordinate and generally supervise the operation of all departments of the City.
- (f) Personnel System: The City Administrator shall act as the personnel officer of the City. The City Administrator shall directly supervise all department heads and make recommendations to the Governing Body concerning their appointment, salaries, and removal. In addition, subject to the personnel system regulations, the City Administrator shall have the power to hire all other employees of the City and, after consultation with department heads, shall approve all terminations and advancements of such employees. The City Administrator, after consultation with department heads, shall also approve appropriate pay increases for all such City employees within the pay plan and position classification system adopted by the City Council. For purpose of this Ordinance, the term "department heads" shall mean the City Clerk, Assistant City Administrator, Director of Public Works and Chief of Police and shall further include any additional employee or officer that the Governing Body may designate in the future as a "department head".

Section V.

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of October, 2007.

ATTEST:

Mayor Ronald L. Shaffer

Joyce Hagen Mundy, City Clerk

APPROVED AS TO FORM

Charles E. Wetzler, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 1 OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE 2 ENTITLED "GOVERNING BODY" BY AMENDING SECTION 1-205 ENTITLED "POWERS OF THE MAYOR."

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

Section I.

Section 1-205 of the Prairie Village Municipal Code entitled "POWERS OF THE MAYOR" is deleted in its entirety and in lieu thereof, the following section of the same name and number is hereby adopted:

Section 1-205 POWERS OF THE MAYOR. The Mayor shall preside at all meetings of the Governing Body. The Mayor shall have the tie-breaking vote on all questions when the members present are equally divided. The Mayor shall:

- (a) Have the superintending control of all officers and affairs of the City, which control may be delegated to the City Administrator as chief administrative assistant to the Mayor in accordance with Article 3 of this Chapter;
- (b) Monitor that the Ordinances of the City are complied with;
- (c) Sign the commissions and appointments of all officers elected and appointed;
- (d) Endorse the approval of the Governing Body on all official bonds;
- (e) From time to time communicate to the City Council such information and recommend such measures as he or she may deem advisable;
- (f) Have the power to approve or veto any Ordinance in any manner as provided by state law;
- (g) Sign all orders and drafts drawn upon the City treasury for money; and
- (h) Cause all subordinate officers to be dealt with promptly for any neglect or violation of duty.

Section II.

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of October, 2007.

Mayor Ronald L. Shaffer

ATTEST:

Joyce Hagen Mundy, City Clerk

APPROVED AS TO FORM

Charles E. Wetzler, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER X OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "POLICE" BY AMENDING ARTICLE 10 ENTITLED "POLICE DEPARTMENT" BY AMENDING SECTION 10-109 ENTITLED "CONTROL OF POLICE BY THE MAYOR AND CHIEF OF POLICE; SUSPENSION; DEMOTIONS; REMOVAL FROM OFFICE."

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

Section I.

Section 10-109 of the Prairie Village Municipal Code entitled "CONTROL OF POLICE BY THE MAYOR AND CHIEF OF POLICE; SUSPENSION; DEMOTIONS; REMOVAL FROM OFFICE" is deleted in its entirety and in lieu thereof, the following section of the same number is hereby adopted:

Section 10-109 CONTROL OF POLICE BY CHIEF OF POLICE; SUSPENSION; DEMOTIONS; TERMINATIONS

The Chief of Police, in the discharge of his or her duties, shall be responsible for all police policy and procedure.

- (a) All new commissioned police officers shall be hired under a one-year probationary period, and the period of probation may be removed by the Chief of Police after one year, and upon recommendation of the Chief of Police, the civil service status shall apply, and removal shall be as provided by the rules and regulations set forth in the Civil Service Commission Standard Operations Procedure Manual and Personnel Policy Manual adopted by the City Council.
- (b) All promotions to police rank position shall be upon the recommendation of the Civil Service Commission to the Chief of Police with final decision by the Chief of Police.
- (c) A police department supervisor may place a commissioned police officer on a temporary administrative suspension when he or she has a reasonable cause to believe:
 - (1) The officer's continued performance of his or her duties poses a threat to the health, safety, and general welfare of the public, the department, or the officer; or
 - (2) The officer has killed, wounded or physically injured another, either in the line of duty or otherwise.

The Chief of Police must review the temporary suspension within 24 hours of its issue. If, after his or her review, the Chief has reasonable cause to believe that conduct falling within either subsections (1) or (2) above has occurred, he or she may issue an administrative suspension. Such suspension will be with pay and may be issued for up to seven calendar days commencing with the date of issuance of the administrative suspension by the Chief. There shall be no right to appeal an administrative suspension with pay issued pursuant to this Section 10-109(c). The purpose of such an administrative suspension shall be to afford the Chief of Police an opportunity to investigate the

conduct and circumstances giving rise to the administrative suspension in order to determine whether remedial action or discipline is appropriate. During such period, the Chief may order the officer to undergo physical and/or mental examinations as provided in the Standard Operations Procedure Manual. Refusal to submit to said examination may result in disciplinary action or discipline as provided in the Standard Operations Procedure Manual. At the conclusion of the investigation, the Chief shall promptly notify the suspended officer of his or her determination in accordance with the Standard Operations Procedure Manual. If the above-described investigation results in a suspension without pay, a demotion, or a termination, the affected officer shall have an immediate right to appeal the suspension without pay, demotion, or termination pursuant to the appeals procedure set forth in Section 1-808(5) of the Prairie Village Municipal Code.

Section II.

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of October, 2007.

Mayor Ronald L. Shaffer

ATTEST:

Joyce Hagen Mundy, City Clerk

APPROVED AS TO FORM

Charles E. Wetzler, City Attorney

COUNCIL COMMITTEE OF THE WHOLE
July 2, 2007

The Council Committee of the Whole met on Monday, July 2, 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, Ruth Hopkins, Michael Kelly, Laura Wassmer, Pat Daniels, Charles Clark, Wayne Vennard, Diana Ewy Sharp and David Belz. Staff members present: Barbara Vernon, City Administrator; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator and Joyce Hagen Mundy, City Clerk.

David Belz moved the approval of the Consent Agenda for Monday, July 2, 2007. The motion was voted on and passed unanimously.

- Approve Engineering Change Order #1 on Project 190864: 2008 Paving Program with HNTB Corporation in the amount of \$68,900.00 and authorize the transfer of \$70,000.00 from Project 190865 to Project 190864.

COUNCIL ACTION REQUIRED
CONSENT AGENDA

- Continue COU2006-57 Special Use Permit for Communications Antenna at 7700 Mission Road

CONTINUED

Andrew Wang confirmed the City Attorney is working to address some concerns the Council had regarding the language in the lease agreement for this application.

COU2007-31 Consider City Administrator/City Manager forms of government

Barbara Vernon reviewed earlier discussion on this topic and the research prepared by the city attorney that reported 45% of cities use the City Administrator and 55% of cities use the City Manager form of government. In his report, Mr. Wetzler advised the Council an election would be required to change to the City Manager form of government and noted residents would expect compelling reasons for making the change. He suggested changes could be made to the current ordinances to address some of the issues raised by Council without changing the form of government.

Mrs. Vernon provided historical background on the city's establishment of the City Administrator form of government in 1983. She noted the ordinance was patterned after the Leawood and Lenexa ordinances. Since that time, both cities have revised their ordinances by aligning the authority of the position with its responsibilities making it similar to those of a city manager. The cities of Mission and Merriam have revised their ordinances to strengthen the position of city

administrator in their cities and relieve their Mayors of daily responsibility for supervision of staff and operations.

The city's current ordinances (PVMC 1-302 - PVMC 1-303), which were written prior to having a city administrator, establishes the Mayor as the person who has the responsibility to oversee and control everything that happens in the City with the following authority:

- To hire and terminate all other employees, or such authority may be delegated to the respective department heads
- To remove, without cause, any appointed employee if approved by the governing body
- To remove any appointed officer for good cause.

KSA 13-527 and Prairie Village ordinance 1-301 state: The Mayor, by and with the consent of Council may appoint a city attorney, assistant city attorney, city prosecutor, city clerk, city treasurer, city administrator, assistant city administrator, municipal judge or judges, city engineer, director of public works, city architect and chief of police.

Staff recommends the existing PVMC1-302 & 1-303 be removed and a new ordinance prepared that states: The Mayor

- Shall be the elected chief executive of the City
- Shall have the authority to hire and terminate the city administrator
- Shall have authority to remove the city administrator for cause.

Barbara Vernon reviewed the responsibilities given to the city administrator by the current municipal code, which states in PVMC1-313: "The city administrator is appointed to " . . . be the chief administrative assistant to the Mayor and governing body and as such shall be the administrative officer of the city government." The definition of an administrative officer is one responsible for " . . . execution of public affairs as distinguished from policy making."

The city code also states the city administrator shall act as the personnel officer, appropriating pay increases, approving terminations and advancements, etc. It also states "the city administrator may make recommendations of appointment and removal of appointive city employees to the Mayor". The Mayor determines the extent to which the administrator can be involved in the interview and hiring decision of individuals he/she must supervise, coordinate and work with on a daily basis.

The staff recommends the current ordinances be changed to clearly establish the city administrator as the Chief Administrative Officer of the City. Establish hiring, management and removal process for appointed officials that involve the administrator in the hiring process and, after appointments are made, require the city administrator to supervise appointed officials who are department managers according to Council approved personnel policies.

Diana Ewy Sharp confirmed the Mayor would retain the authority for appointment with the approval of the governing body.

Charles Clark stated he felt the Leawood ordinances were the best written, although he felt it would be beneficial to specifically address the positions viewed as "department heads".

David Belz expressed concern with the wording giving the city administrator authority to appoint or remove "all subordinate employees of the City". As this is worded, it appears to give the city administrator the ability to remove a public works employee. He sees this as an action of the department head, not the city administrator. Mr. Belz prefers the language used by the City of Lenexa.

Wayne Vennard asked for input from the Chief of Police and Director of Public Works on the proposed changes.

Chief Jordan expressed concern with ensuring the delegation of authority. He has seen other cities where the city administrator has tried to become the police chief. He noted police officers are protected under the guidelines of the Civil Service Commission. He would like to see the delegation of authority clearly specified in the ordinance.

Bob Pryzby stated he would like to see the city administrator given authority to recommend with department heads given the authority to manage their departments. Mr. Pryzby stated the city's personnel policies are well written and should be referenced and followed.

Michael Kelly clarified the Mayor would be the Chief Executive Officer and the city administrator would be the Chief Operating Officer.

Ruth Hopkins asked if the city administrator sets policy. Mrs. Vernon responded some of the Council policies give the city administrator additional authority such as sign purchases orders, etc., but the administrator does not set policy.

David Belz questioned what if down the road the Council wanted input on the hiring of department heads other than the city administrator. Mrs. Vernon replied she discussed that issue with the Leawood and Lenexa city administrator's who stated they use selection committees when hiring including the Mayor, one or two Council members, residents and possibly other employees. They did not feel a professional city administrator would take action without involvement of others. Mr. Belz asked if language should be added giving that direction as several Council members want to be involved.

Mrs. Vernon stressed the need for the city administrator's strong involvement in selection as department heads are individuals they work very closely with and need to be comfortable working with them. She suggested that perhaps the city

administrator could bring their top candidates to a selection committee or the Council.

Pat Daniels stated he likes having the city administrator taking care of it and feels the city administrator needs to be at the center of the selection, not 12 individual council members.

Charles Clark sees the proposed changes as giving the city administrator the ability to do their job without worrying about the whims of council members.

Diana Ewy Sharp asked how department heads have been hired in the past. Mrs. Vernon responded selection committees have been used.

Mayor Shaffer asked what timeframe was available for the Council to take action. Mrs. Vernon responded she had received the first draft of the city administrator's job description from the consultant and will be sending it out to the selection committee. She noted the brochure advertising the position was not complete and she would be sending the consultant changes. Mayor Shaffer confirmed the need to have this in place for the selection process. Wayne Vennard noted, if adopted, candidates would need to be notified of the change.

Ruth Hopkins noted the proposed changes impact the authority of the Mayor and asked Mayor Shaffer for his input. Mayor Shaffer stated he supports the proposed revisions and sees them as a good step into the future.

David Belz moved the City Council direct the city attorney to prepare ordinances removing PVMC 1-302 and 1-303 and stating the Mayor shall be the Chief Executive of the City, have the authority to hire and terminate the city administrator and the authority to remove the city administrator for cause. The motion was seconded by Pat Daniels.

Andrew Wang moved the City Council direct the city attorney to prepare changes to the current ordinances to clearly establish the city administrator as the Chief Administrative Officer of the City and establish hiring, management and removal process for appointed officials that involve the administrator in the hiring process and, after appointments are made, require the city administrator to supervise appointed officials who are department managers according to Council approved personnel policies. The motion was seconded by Pat Daniels and passed unanimously.

Chief Jordan asked in absence of a city administrator who would have those powers. Mrs. Vernon stated that would be the decision of the Mayor and Council in the appointment of an acting city administrator.

COU2007-61 Consider Rezoning of 7920 State Line Road from C-0 to CP-1

Background:

On October 2, 2007, a public hearing was held by the Planning Commission on the requested rezoning of the property at 7920 State Line Road from C-0 (Office Building District) to CP-1 (Planned Restricted Business District). The minutes from that meeting are attached.

This property is located immediately south of the converted service station at the intersection of Somerset and State Line Road. The property has 156 feet of frontage on State Line Road and has a depth of approximately 273 feet. The site has an irregular boundary and contains approximately 0.82 acres. The site is currently occupied by an office building that was built in 1958. The applicant plans to demolish that building and build a Panda Express fast food restaurant that will have a drive-up window.

Mr. Williamson noted in May of 2006, the Planning Commission recommended approval of CP-1 Planned Restricted Business District and a Preliminary Development Plan for this site, but the applicant did not secure tenants and did not move the project forward. The proposal at that time was for retail shops that would complement the converted service station on the corner. At that time, the Board of Zoning Appeals granted a variance to allow parking in the required 15 feet landscape area along State Line Road. For the plan that is currently proposed, the variance will not be necessary.

The applicant proposes to construct a 2,488 sq. ft. building that will be setback 35.5 feet from the front property line and a 14' x 21' x 3" shelter that will setback 15 feet from the front property line. The shelter will provide an outdoor eating area during nice weather.

Both driveways will be retained but will be moved closer to the building to provide more green space on each side. The north drive will have an exit and an entrance while the south drive will be two exit lanes. Based upon seating capacity the ordinance requires 29 parking spaces and the applicant is providing 31.

The applicant held a meeting for the neighborhood property owners on September 17, 2007 and one resident appeared. The resident was interested in the hours of operation, site lighting and screening. She also expressed concern about rodents around the building to the north. She was not opposed to the project, but was interested in conveying her feelings to the Planning Commission.

The zoning ordinance sets out eight factors the Planning Commission must consider to recommend approval or denial of a zoning change. The Planning Commission has reviewed those factors and found the project to meet them.

In planned zoning the zoning is based on a specific plan. In conjunction with the application, a preliminary development plan is presented showing the intended use of the property. The preliminary plan is reviewed in conjunction with the requested rezoning. If the zoning is approved by the Governing Body, the applicant will present to the Planning Commission a final development plan for approval.

The preliminary development plan presented for this site was approved by the Planning Commission subject to the following conditions:

1. That prior to obtaining a permit for construction the applicant shall submit a final plan for review and approval by the Planning Commission.
2. That if the applicant intends to have any exterior lighting on the project, that a plan be included with the sub mission of the final development plan and be designed in accordance with the outdoor lighting regulations of the zoning ordinance.
3. That if the HVAC units are installed externally, either on the roof or on the ground, they shall be screened from adjacent properties.
4. That the landscape plan as approved shall be installed as a part of the development construction.
5. That the applicant shall submit the landscape plan to the Tree Board for review and approval prior to submitting the final development to the Planning Commission for approval.
6. That the sidewalk north of the north driveway be realigned to connect to the existing sidewalk on commercial property to the north.
7. That the monument sign designated Option 2 be approved subject to it not exceeding 5 feet in height, 20 sq. ft. per sign face and being placed at least 12 feet back of the curb on private property.
8. That the applicant removes all "weed" trees along the northwest property line, and plant new trees to provide more screening for the adjacent residences. The revised plan shall be submitted to Staff for review and approval.
9. That the applicant submits a fence detail that will be used to screen adjacent residences.

Options:

- The Council can adopt the recommendation of the Planning Commission by ordinance; or
- The Council can override the recommendation of the Planning commission by a 2/3 vote; or
- The Council can return such recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve the recommendation.

Recommendation:

Recommend the City Council adopt an ordinance granting the requested zoning change from Commercial Office Building District (C-0) to Planned Restricted Business District (CP-1) for the property located at 7920 State Line Road and approve the preliminary development plan subject to the ten conditions approved by the Planning Commission.

Ordinance No. _____

AN ORDINANCE REZONING PROPERTY LOCATED AT 7920 STATE LINE ROAD, PRAIRIE VILLAGE, KANSAS FROM C-0 (OFFICE BUILDING DISTRICT) TO CP-1 (PLANNED RESTRICTED BUSINESS DISTRICT), DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF PRAIRIE VILLAGE, KANSAS; AND REINCORPORATING SAID ZONING MAP BY REFERENCE.

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

Section I. Planning Commission Recommendation. That having received a recommendation from the Planning Commission; proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Zoning Regulations of the City of Prairie Village, Kansas, the zoning classification or districts of the lands hereinafter legally described are changed from C-0 Office Building District to CP-1 Planned Restricted Business District and a Preliminary Development Plan is adopted as set forth in Sections II and III.

Section II. Rezoning of Property. That the real estate located at 7920 State Line Road, Prairie Village, Kansas and hereinafter described, to-wit: MEADOW LAKE NELY TR LOT 14, 123 FT ON S & 62.85 FT ON W & ALL LOT 15 BLK 8 PVC-7790N commonly referred to as

7920 State Line Road, Prairie Village, Kansas

is hereby rezoned in its entirety from C-0, Office Building District to CP-1 Planned Restricted Business District.

Section III. Preliminary Development Plan. That a Preliminary Development Plan as revised and presented to the Planning Commission on October 2, 2007 is hereby approved subject to the following conditions:

1. That prior to obtaining a permit for construction the applicant shall submit a final plan for review and approval by the Planning Commission.
2. That if the applicant intends to have any exterior lighting on the project, that a plan be included with the sub mission of the final development plan and be designed in accordance with the outdoor lighting regulations of the zoning ordinance.
3. That if the HVAC units are installed externally, either on the roof or on the ground, they shall be screened from adjacent properties.
4. That the landscape plan as approved shall be installed as a part of the development construction.
5. That the applicant shall submit the landscape plan to the Tree Board for review and approval prior to submitting the final development to the Planning Commission for approval.
6. That the sidewalk north of the north driveway be realigned to connect to the existing sidewalk on commercial property to the north.
7. That the monument sign designated Option 2 be approved subject to it not exceeding 5 feet in height, 20 sq. ft. per sign face and being placed at least 12 feet back of the curb on private property.
8. That the applicant removes all "weed" trees along the northwest property line, and plant new trees to provide more screening for the adjacent residences. The revised plan shall be submitted to Staff for review and approval.
9. That the applicant submits a fence detail that will be used to screen adjacent residences.

Section IV. Reincorporation By Reference of Prairie Village, Kansas, Zoning District Map as Amended. That the Official Zoning District Map of the City is hereby amended in accordance with Section II, of this ordinance and is hereby reincorporated by reference and declared to be the Official Zoning District Map of the City as provided for and adopted pursuant to the provisions of Section 19.04.010 of the Title 19 Zoning of the Prairie Village Zoning Regulations.

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

PASSED AND APPROVED THIS ____ DAY OF NOVEMBER, 2007.

/s/ Ronald L. Shaffer
Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

/s/ Joyce Hagen Mundy
Joyce Hagen Mundy
City Clerk

/s/ Charles E. Wetzler
Charles E. Wetzler
City Attorney

**PLANNING COMMISSION MINUTES
MEETING OF OCTOBER 2, 2007**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, October 2, 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 (arrived 7:05), 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; Bob Pryzby, Director of Public Works and Joyce Hagen Mundy, Planning Commission Secretary.

APPROVAL OF MINUTES

Bob Lindeblad moved the Planning Commission minutes of September 4, 2007 be approved as submitted. The motion was seconded by Randy Kronblad and passed by a vote of 6 to 0 (Mrs. Vennard not present at time of vote).

PUBLIC HEARINGS

Chairman Ken Vaughn announced there were several public hearings on the agenda and reviewed the rules of procedure to be followed for the public hearings 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.

**PC2007-21 Request for Rezoning from C-0 to CP-1
Planned Office District to Planned Restricted Business District
7920 State Line Road**

**PC2007-22 Request for Conditional Use Permit for Drive-thru
7920 State Line Road
Zoning: CP-1**

Chairman Vaughn noted the first two applications relate to the same development and will be heard together with consideration of the rezoning considered first followed by the request for a conditional use permit for a drive-thru.

Marvin Barden, Architect with Klover Architects, 10955 Lowell Avenue, Suite 700, Overland Park, addressed the Commission representing Panda Express Restaurants. Panda Express is moving into the Johnson County opening its first restaurant next month in Olathe. They are seeking rezoning to allow for the construction of a restaurant at 7920 State Line Road. The one-story restaurant will

be 2,488 square feet and have internal seating capacity of 48, with an outdoor, covered patio seating 24. The restaurant is also seeking approval for a drive-thru.

The development will reduce the existing amount of impervious surface by 30% and contain parking for 31 cars. The drive-thru will accommodate the stacking of nine vehicles. A new retaining wall and screened fence will be placed along the entire west side of the property ending with a wrap-around to the south where the drive-thru window will be placed facing the office building on the south.

Bob Lindeblad referenced an e-mail received from Joy Richard, 2015 Somerset Drive, expressing concern with the amount of noise, lighting and smell being emitted from the operation of the restaurant. Mr. Barden responded the lighting of vehicles would not be visible with the fence and landscaping that will cover the entire northwest side of the property. External lighting will be from cutoff fixtures and have a zero emission rating at the property line. Mr. Lindeblad asked how much area would be available for planting between the fence and the curb. Mr. Barden responded 8'.

Ken Vaughn confirmed the applicant has received the staff comments and accepts the conditions recommended for approval.

Randy Kronblad asked what the height of the retaining wall would be on the south side. Mr. Barden stated at that location the wall would be relatively low and would be more decorative in nature than providing retainage. He noted this area is currently terraced. The wall on the north side of the property will be from 18" in height to 4'.

Robb McKim questioned the grading contours. Mr. Barden stated the grading for the entire project has a 4% slope from the street to the west end of the property. Mr. McKim questioned the impact of the height of the fence would have on lighting. Mr. Williamson responded his recommendation is for a combination of trees with a tall canopy and the fence to address the need for screening from the adjacent residential properties. Mr. Barden noted the grade on this site is 4' lower than the grade on the property to the north.

Chairman Ken Vaughn asked if there was anyone in attendance wishing to address either the application for rezoning or for the drive-thru at this location. With no one wishing to address the Commission, the public hearing was closed at 7:15 p.m.

**PC2007-21 Request for Rezoning from C-0 to CP-1
Planned Office District to Planned Restricted Business District
7920 State Line Road**

Ron Williamson noted there are very few areas in Prairie Village where a drive-thru restaurant would be appropriate; however, he feels this location on State Line Road with nearby businesses that have drive-thru facilities would be an appropriate location.

This property is located immediately south of the converted service station at the intersection of Somerset and State Line Road. The property has 156 feet of frontage on State Line Road and has a depth of approximately 273 feet. The site has an irregular boundary and contains approximately 0.82 acres. The site is currently

occupied by an office building that was built in 1958. The applicant plans to demolish that building and build a Panda Express fast food restaurant that will have a drive-up window.

Mr. Williamson noted in May of 2006, the Planning Commission recommended approval of CP-1 Planned Restricted Business District and a Preliminary Development Plan for this site, but the applicant did not secure tenants and did not move the project forward. The proposal at that time was for retail shops that would complement the converted service station on the corner. At that time, the Board of Zoning Appeals granted a variance to allow parking in the required 15 feet landscape area along State Line Road. For the plan that is currently proposed, the variance will not be necessary.

The applicant proposes to construct a 2,488 sq. ft. building that will be setback 35.5 feet from the front property line and a 14' x 21' x 3" shelter that will setback 15 feet from the front property line. The shelter will provide an outdoor eating area during nice weather.

Both driveways will be retained but will be moved closer to the building to provide more green space on each side. The north drive will have an exit and an entrance while the south drive will be a two lane exit. Based upon seating capacity the ordinance requires 29 parking spaces and the applicant is providing 31.

The applicant held a meeting for the neighborhood property owners on September 17, 2007 and one resident appeared. The resident was interested in the hours of operation, site lighting and screening. She also expressed concern about rodents around the building to the north. She was not opposed to the project, but was interested in conveying her feelings to the Planning Commission.

Ron Williamson reviewed the required "golden factors" as they related to this application as follows:

1. The character of the neighborhood.
The general character of this area is business, particularly on both sides of State Line Road. Culvers restaurant, CVS Pharmacy and McDonald's are located on the east side of State Line Road and all three have drive-thru windows. There are residential uses to the northwest of this property which have their rear yard adjacent to the site.
2. The zoning and uses of property nearby.
The property to the north is zoned C-2 General Business District and is occupied by a small retail complex; the property to the east is located in Kansas City, Missouri, is zoned commercial and the uses are a CVS drugstore and Culvers restaurant; the property to the south is zoned R1-b and is developed for an office; and the property to the west is zoned R1-b and contains single family dwellings and the parking lot for the office located adjacent to the south.
3. The suitability of the property for the use to which it has been restricted under its existing zoning.

The existing building is currently being used for office space. Its floor plan is somewhat unusual in that its essentially two separate buildings connected by a corridor and it probably is not a very efficient utilization of space. The office market in Prairie Village is weak for this type of space. This building is older, having been built in 1958, and its appearance is not such that it would command the interest of a lot of potential tenants. The existing building probably is at a state where a teardown and rebuild is a logical solution to more economically and effectively use the site. Since this property is on State Line Road, redevelopment for commercial uses has a strong potential. In order to redevelop the site, the new use needs to generate higher revenue to offset the development costs.

4. The extent that a change will detrimentally affect neighboring property.
The properties to the north, south and east are developed for business uses and the redevelopment of this property will not detrimentally affect them. There will be additional traffic because a fast food restaurant generates more traffic than an office, but State Line Road can accommodate it. The residential use to the northwest would be most affected by the restaurant because of noise and lights. Fencing and landscaping will be required to screen the use from the residential properties which should mitigate negative affects. The restaurant will be required to follow the outdoor lighting regulations which will minimize the impact on outside lighting.
5. Length of time of vacancy of the property.
The building has a low occupancy rate but is not totally vacant. As pointed out earlier the market for office space at this level is soft in the City of Prairie Village.
6. The relative gain to the public health, safety and welfare by the destruction of the value of the applicant's property as compared to hardship on other individual landowners.
The new development of this site will permit the removal of one structure that is not at the quality that is desired and will allow the redevelopment for a use that will be of higher value and be a greater generator of revenue to the City. The redevelopment of the site should provide a structure that is better designed and more attractive which would be an asset to the neighborhood rather than create a hardship on the other adjacent owners.
7. City Staff Recommendations.
It is the opinion of Staff that this is a logical request for CP-1 Restricted Business District Zoning because this is a mixed office retail area; the property needs renovation; it is located on a very highly traveled arterial street; and it will be an extension of the commercial property to the north. There are only two residential lots that abut the property and those can be protected through proper screening controls. There are very limited areas in Prairie Village where a fast food restaurant would be appropriate and this location works for that use.
8. Conformance of the Comprehensive Plan.
The Village Vision has pointed out that Prairie Village retail is slightly oversupplied with marginally performing uses and that reinvestment and repositioning are needed to improve the performance of the retail sector. The Village Vision

encourages the upgrading of uses to create higher density and intensity development. This is an underperforming property that needs reinvestment.

Ron Williamson advised the Commission that since the requested zoning is for a planned development, the Planning Commission must also recommend approval of a Preliminary Development Plan.

The criteria for evaluating Preliminary Development Plan are as follows:

- a. **The site is capable of accommodating the buildings, parking areas, and drives with the appropriate open space and landscaping.**

The site is an irregular shape which contains approximately 0.82 acres and it has been laid out to accommodate 2,448 square feet of restaurant area with 31 parking spaces. Only 29 off-street parking spaces are required by the ordinance so the project is providing more off-street parking than is required. Less of the site will be covered with impervious surface than it is now which will reduce stormwater runoff and create more green space.

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

The property is currently served with water, sewer, gas, electric, telephone and cable. The size of the proposed building does not appear that it would require anything out of the ordinary and the utilities that are available should be adequate to handle the project.

- c. **The plan provides for adequate management for stormwater runoff.**

The area of the site is 34,700 sq. ft. and 29,725 sq. ft. are covered with impervious material which includes a building and pavement. The proposed project will have 25,210 sq. ft. of impervious area. This is a reduction of 4,065 sq. ft. of impervious area. Since the impervious area has been reduced, a stormwater master plan will not be required at this time. How the stormwater is handled will be reviewed as a part of the building permit process.

- d. **The plan provides for safe easy ingress/egress and internal traffic circulation.**

Ingress and egress will be provided from two locations off State Line Road. The north driveway will provide for both an entrance and an exit. The south drive will provide two lanes for exit only. The placement of the drive-up window allows an ample number of stacking spaces so that it should not be a traffic problem on State Line. The plan has been reviewed by a Traffic Engineer and the internal circulation works well. The volume of traffic generated by the restaurant is not significant enough to affect State Line Road.

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

The site plan appears to be well laid out considering the limited size of the site. The plan has added additional landscape area over what exists, which will certainly be a benefit for both the neighbors and the environment. More open area allows for more landscaping which should provide more screening as well as reduce stormwater runoff.

The applicant has provided a sidewalk adjacent to State Line Road which should connect to the property to the north. The sidewalk in this area do not really connect very well to the neighborhood but it is hoped that sidewalks will be installed as redevelopment occurs and the area will have a complete network of sidewalks that will be beneficial to the community as a whole at some time in the future.

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

The proposed use is a fast food restaurant which has the distinct architectural style of the Panda Express brand. The design is not compatible with Prairie Village architecture and probably would not fit well in other locations in the City. This location is on State Line Road with a McDonald's, CVS Drugstore and Culvers Restaurant across the street. By those standards the architecture is compatible with the surrounding neighborhood.

The applicant has submitted a proposed monument sign Option 2 for approval by the Planning Commission. The sign height cannot exceed 5 feet including the base; the sign face cannot exceed 20 sq. ft. and the sign must be placed at least 12 feet back of curb on private property.

- g. **The plan presents an overall development pattern that is consistent with the Comprehensive Plan and other adopted plan policies.**

The Village Vision has pointed out that Prairie Village retail is slightly oversupplied with marginally performing uses and that reinvestment and repositioning are needed to improve the performance of the retail sector. The Village Vision encourages the upgrading of uses to create higher density and intensity development. This is an underperforming property that needs reinvestment.

Mr. Williamson noted there are several items that will need to be addressed on the final development plan that will be presented to the Commission for review if the rezoning is approved and prior to any permits being issued. Those items are contained in the staff recommendation as conditions of approval.

Marlene Nagel asked if the "thank you" sign was permitted under the City's sign regulations. Mr. Williamson responded an "exit" sign is allowed, but probably not "thank you". Mrs. Nagel also asked if other colors were considered instead of the bright red. Mr. Barden shared a materials board with the Commission reflecting the materials to be used and their actual coloring. Mr. Williamson stated the colors are traditional for Panda Express and other alternatives were not considered. He noted had the location been in a different, more residential area of the City, this may have been requested. He also noted the restaurant will set back 35' although the City regulations only require a 15' setback.

Robb McKim asked Mr. Williamson if he was satisfied the fence and landscaping would mitigate the impact on the adjacent residential properties. Mr. Williamson stated he was and noted that a fence detail and more trees would be included in the final development plan.

Ken Vaughn stated the proposed project is a significant improvement to the existing property.

Bob Lindeblad moved the Planning Commission find favorably on the findings of fact for the proposed rezoning and for the preliminary development plan. The motion was seconded by Marlene Nagel and passed unanimously.

Bob Lindeblad moved the Planning Commission recommend to the City Council the requested rezoning of the property at 7920 State Line Road from C-0 to CP-1 Planned Restricted Business District and the proposed preliminary development plan subject to the following conditions:

1. That prior to obtaining a permit for construction the applicant shall submit a final plan for review and approval by the Planning Commission.
2. That if the applicant intends to have any exterior lighting on the project, that a plan be included with the sub mission of the final development plan and be designed in accordance with the outdoor lighting regulations of the zoning ordinance.
3. That if the HVAC units are installed externally, either on the roof or on the ground, they shall be screened from adjacent properties.
4. That the landscape plan as approved shall be installed as a part of the development construction.
5. That the applicant shall submit the landscape plan to the Tree Board for review and approval prior to submitting the final development to the Planning Commission for approval.
6. That the sidewalk north of the north driveway be realigned to connect to the existing sidewalk on commercial property to the north.
7. That the monument sign designated Option 2 be approved subject to it not exceeding 5 feet in height, 20 sq. ft. per sign face and being placed at least 12 feet back of the curb on private property.
8. That the applicant removes all "weed" trees along the northwest property line, and plant new trees to provide more screening for the adjacent residences. The revised plan shall be submitted to Staff for review and approval.
9. That the approval of the Preliminary development Plan is subject to approval of the Conditional Use Permit for the drive up window and if the Conditional Use Permit is not approved, the applicant shall revise the site plan and resubmit it for approval by the Planning Commission.
10. That the applicant submits a fence detail that will be used to screen adjacent residences.

The motion was seconded by Randy Kronblad and passed unanimously.

**PC2007-22 Request for Conditional Use Permit for Drive-thru
7920 State Line Road
Zoning: CP-1**

The Planning Commission reviewed the Findings of Fact for consideration of a Conditional Use Permit for the requested drive-thru at 7920 State Line Road as follows:

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

The proposed drive-thru window meets all the yard regulations of the ordinance.

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

The properties to the north, south and east are developed for business and this proposed use will not adversely affect them. The properties that may be adversely affected are the residences on the northwest side of the site. Traffic entering the site might cause problems with headlights; however, the adjacent properties will be screened with a solid or semi-solid fence that will help mitigate this problem. It is also possible that noise from the ordering box could affect the neighbors but it has been placed on the south side of the building away from the residences.

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

The business properties on State Line will not be adversely affected. Some injury to the value of the adjacent residential properties might occur but fencing and landscaping should improve the appearance from what is there now.

4. The location and size of the conditional 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 given access to it, are such that the conditional 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 conditional use will so dominate the immediate neighborhood, consideration should be given to:

- a. The location, size, nature and height of buildings, structures, walls and fences on the site; and

- b. The nature and extent of landscaping and screening on the site.

The proposed building is approximately one third of the size of the existing building so it will not dominate the area by size. The neighborhood is completely developed so it will not hinder development in the area. The building will be approximately 20 feet in height except for the tower which will be 23 feet in height. Less land will be devoted to hard surface, buildings and parking, which will open more area for green space. The residential neighbors will also be screened with a solid/semi solid fence.

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

The applicant is providing more off-street parking than the minimum required by the zoning ordinance and is providing more than adequate vehicle stacking for the drive-thru window. The residential areas will be screened from the parking area.

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

Since this is a redevelopment project, utilities are already available at the site. Drainage will be addressed in the final plans, but less area will be impervious than under the current conditions so there will be less runoff.

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

The property will be accessed by one exit/entrance drive on the north and a two-lane exit drive on the south. Stacking area for a minimum of nine cars has been provided for the drive-up window and this could increase during peak periods. Adequate access is being provided and internal circulation should be adequate.

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

There should not be any hazardous materials or obnoxious odors associated with this project. There could, however, be some noise associated with the use, primarily cars. This will be mitigated by landscaping and fencing.

Bob Lindeblad moved the Planning Commission find favorably on the findings of fact for the proposed conditional use permit for a drive-thru at 7920 State Line Road. The motion was seconded by Marc Russell and passed unanimously.

Bob Lindeblad moved the Planning Commission approve PC2007-22 granting a Conditional Use Permit for the drive-thru as presented at 7920 State Line Road subject to the following conditions:

- 1 That the Conditional Use Permit approval is contingent upon approval of the CP-1 Zoning and the Preliminary development Plan. If the rezoning and Preliminary Development Plan are not approved by the City Council, the approval of this Conditional Use Permit will be null and void.
- 2 That the applicant maintains the fencing and landscaping and replaces any plant materials that die and fence that is damaged so that the integrity of the landscape/screening is maintained throughout the life of the project.
- 3 That the Conditional Use Permit shall terminate when the fast food restaurant use terminates.

The motion was seconded by Marlene Nagel and passed unanimously.

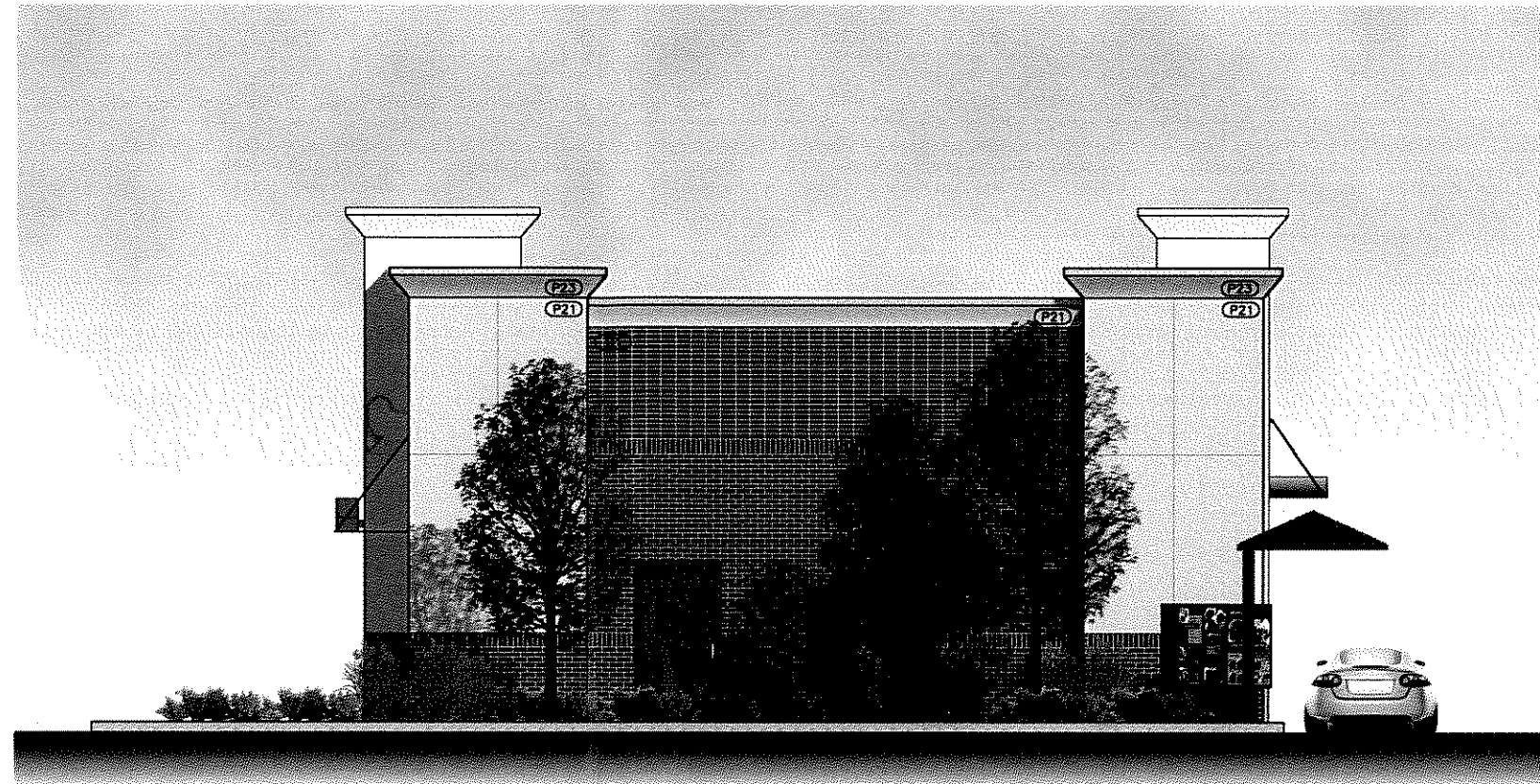
Robb McKim confirmed the conditional use permit will be contingent upon Council approval of the requested rezoning

**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 and Rich Muller, 8600 Mohawk Drive, Director of Real Estate Development with OPUS addressed the Commission noting representatives of the architectural firm

EXTERIOR FINISH SCHEDULE				
NO.	MANUFACTURER	MFG #	COLOR	FINISH
P4	BENJAMIN MOORE	1315	POPPY (BRIGHT RED)	POWDER COAT
P21	BENJAMIN MOORE	2181-50	YELLOW SQUASH	EPS, SAND FINISH
P22	NOT USED	-	-	-
P23	SHERWIN WILLIAMS	8059	INTERFACE TAN	EPS, SAND FINISH
P24	DUNN-EDWARDS	DEC 771	SHAGGY BARKED	-
B1	ENDICOTT	-	MEDIUM IRONSPOT #77	WOODLAK, SMOOTH
B2	ENDICOTT	-	DESERT IRONSPOT	WOODLAK, SMOOTH

NOTE: PAINT ALL VENTS, DOWNSPOUTS, FLASHINGS & UTILITY METERS TO MATCH ADJACENT SURFACE.



ELEVATION ②
SCALE: 1/8"=1'-0"



ELEVATION ①
SCALE: 1/8"=1'-0"



PANDA RESTAURANT GROUP INC.
1683 Walnut Grove Ave.
Rosemead, California 91770
Telephone: 626.795.9898
Facsimile: 626.372.8288

REVISIONS:

NO.	DATE	DESCRIPTION

ISSUE DATE:

NO.	DATE

DRAWN BY: KAP

PANDA PROJECT #:
ARCH PROJECT #:

ARCHITECT:

H. C. KLOVER
ARCHITECT
10955 LOWELL AVE., SUITE 200
OVERLAND PARK, KANSAS 66210
PH (913) 668-8181 FX (913) 648-1275

STAMP:

PANDA EXPRESS

A-2.1

EXTERIOR ELEVATIONS

EXTERIOR FINISH SCHEDULE				
NO.	MANUFACTURER	MFG #	COLOR	FINISH
P4	BENJAMIN MOORE	1315	POPPY (BRIGHT RED)	POWDER COAT
P21	BENJAMIN MOORE	2181-50	YELLOW SQUASH	EPS, SAND FINISH
P22	NOT USED	-	-	-
P23	SHERWIN WILLIAMS	8059	INTERFACE TAN	EPS, SAND FINISH
P24	DUNN-EDWARDS	DEC. 771	SHAGGY BARKED	-
B1	ENDICOTT	-	MEDIUM IRONSPOT #77	MODULAR, SMOOTH
B2	ENDICOTT	-	DESERT IRONSPOT	MODULAR, SMOOTH

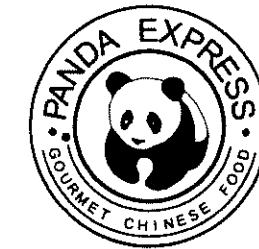
NOTE: PAINT ALL VENTS, DOWNSPOUTS, FLASHINGS & UTILITY METERS TO MATCH ADJACENT SURFACE.



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ELEVATION ①
SCALE: 1/8"=1'-0"



PANDA RESTAURANT GROUP INC.
1883 Walnut Grove Ave.
Rosemead, California 91770
Telephone: 626.799.9898
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H. C. KLOVER
ARCHITECT
10966 LOWELL AVE., SUITE 200
OVERLAND PARK, KANSAS 66210
PH: (913) 648-8181 FX: (913) 648-1275

STAMP:

PANDA EXPRESS

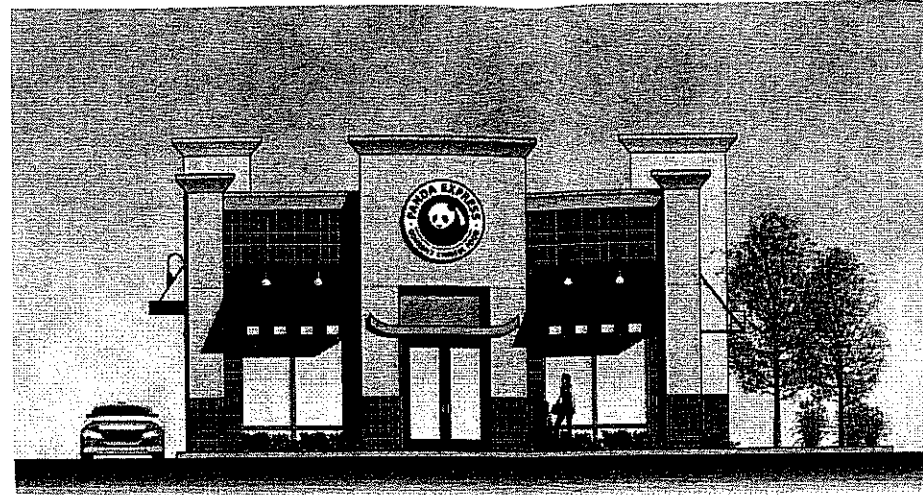
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EXTERIOR ELEVATIONS

GENERAL NOTES

- IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO FULLY EXAMINE THE TENANT SPACE. ALL EXISTING STRUCTURES AND ALL OTHER EXISTING STRUCTURE ON THE PROJECT SITE BEFORE COMMENCING THE WORK. GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS (VERTICAL, HORIZONTAL AND OTHERWISE), AS WELL AS TO VERIFY THE CONDITIONS AND NATURE OF THE TENANT CONSTRUCTION, MATERIALS, AND AVAILABLE UTILITIES AND STRUCTURAL ELEMENTS AND TO NOTIFY THE OWNER'S REPRESENTATIVE, IN WRITING OF ANY AND ALL DISCREPANCIES BETWEEN THE SAID EXISTING CONDITIONS AND THESE DRAWINGS. FURTHER, IT SHALL BE THE JOINT RESPONSIBILITY OF THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS AND SUPPLIERS OF MATERIALS TO SECURE ALL NECESSARY ADAPTATIONS TO SAME AS REQUIRED FOR THEIR RESPECTIVE WORK PRIOR TO ORDERING, FABRICATION OR INSTALLATION OF ANY MATERIALS, EQUIPMENT OR COMPONENTS WHICH ARE TO BE INTEGRATED INTO THE WORK OF THIS PROJECT. NO CLAIMS FOR ADDITIONAL COMPENSATION SHALL BE MADE OR SHALL BE WAIVED UNLESS WRITTEN NOTIFICATION IS RECEIVED BY THE OWNER'S REPRESENTATIVE AND THE ADDITIONAL COMPENSATION IS APPROVED IN ADVANCE OF PROCEEDING WITH THE WORK.
- COMMENCEMENT OF WORK IN ANY AREA BY THE CONTRACTOR SHALL BE CONSTRUED AS THAT THE CONTRACTOR HAS CHECKED THE EXISTING CONDITIONS AND FOUND THEM TO BE SATISFACTORY TO ACCEPT THIS PORTION OF THE WORK.
- ALL WORK SHALL BE PERFORMED AS TO COMPLY WITH ALL GOVERNING STATUTES, ORDINANCES, REGULATIONS, CODES AND INSURANCE RATING BOARDS. NO WORK SHALL COMMENCE UNTIL ALL GOVERNMENTAL AND JURISDICTIONAL PERMITS AND APPROVALS ARE OBTAINED.
- ALL WORK SHALL BE PERFORMED IN A FIRST CLASS MANNER AND SHALL BE IN GOOD AND USABLE CONDITION AT THE DATE OF COMPLETION THEREOF.
- UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR INSTALL OR PERMIT TO BE INSTALLED, ANY MATERIALS CONTAINING ASBESTOS WITHIN THE TENANT'S LEASE PREMISES.
- NO CONSTRUCTION MATERIAL OR DEBRIS SHALL BE PLACED IN ANY OF THE LANDLORD'S TRASH RECEPTACLES OR COMPACTORS AT ANY TIME. THE CONTRACTOR SHALL ARRANGE (IF REQUIRED) FOR A TRASH DUMPSTER, SIZE AND LOCATION OF WHICH IS SUBJECT TO LANDLORD'S APPROVAL, FOR THE REMOVAL OF REFUSE.
- THE ABBREVIATION OF "N.L.C." INDICATES WORK AND OR MATERIAL IS NOT IN THE CONTRACT OF THE GENERAL CONTRACTOR, HOWEVER THIS DOES NOT RELIEVE THE G.C. OF THE RESPONSIBILITY OF COORDINATION.
- ALL CONCEALED WOOD BLOCKING IN WALLS AND CEILING SHALL BE FLAME RETARDANT TREATED.
- THE LOCATIONS OF EXISTING UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDIVIDUALLY VERIFIED BY THE OWNER OR HIS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT OCCUR BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES.
- ALL WALL & CEILING CONSTRUCTION SHALL BE SUPPORTED BY STRUCTURE & NOT BY ROOF DECK IF APPLICABLE.
- THE TERM "OWNER" OR "TENANT" SHALL REFER TO PANDA EXPRESS AND ITS AGENTS OR REPRESENTATIVES. THE TERM "GENERAL CONTRACTOR" AND "G.C." SHALL REFER TO THE PERSON AND/OR PERSONS WHO HAVE CONTRACTED OR SUBCONTRACTED FOR THE WORK.
- IN ADDITION TO THE GENERAL NOTES LISTED HEREIN, A.I.A. DOCUMENT A201 GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION SHALL APPLY.

PANDA EXPRESS



**7920 STATE LINE ROAD
PRAIRIE VILLAGE, KANSAS**

PROJECT DIRECTORY

PANDA EXPRESS

OWNER CFT DEVELOPMENTS, LLC 1683 WALNUT GROVE AVENUE ROSEMARE, CA 91770 T: 626.799.9898 F: 626.372.8288	ARCHITECT MARY BARDEN H.C. KLOVER ARCHITECT 10955 LOWELL AVE., SUITE 700 OVERLAND PARK, KS 66210 T: 913.649.8181 F: 913.649.1275	CIVIL & LANDSCAPE DAVID EICKMAN OLSON ASSOCIATES 7301 W. 133RD ST., SUITE 200 OVERLAND PARK, KS 66213 T: 913.381.1170 F: 913.381.1174
OWNER'S REPRESENTATIVE ALEX PHELPS PANDA RESTAURANT GROUP 1577 EAST NICHOLS DRIVE CENTENNIAL, CO 80122 T: 303.568.9523 F: 626.403.8510	STRUCTURAL DAVID McNAGHTEN PAGE McNAGHTEN 4350 SHAWNEE MISSION PARKWAY SUITE 200 FAIRWAY, KS 66205 T: 913.831.1262 F: 913.831.0148	MECHANICAL PLUMBING, ELECTRICAL CHRIS STURGES HENDERSON ENGINEERS 8325 LENEXA DR., SUITE 400 LENEXA, KS 66214 T: 913.307.5300 F: 913.307.5400

JURISDICTIONAL AUTHORITIES

PLANNING & ZONING CITY OF PRAIRIE VILLAGE COMMUNITY DEVELOPMENT 7700 MISSION ROAD PRAIRIE VILLAGE, KS 66208 T: 913.381.6464	SEWER JOHNSON COUNTY WASTEWATER 11811 S. SUNSET DRIVE, SUITE 2500 OLATHE, KS 66061 T: 913.715.8500	ELECTRIC xxx
BUILDING DEPARTMENT CITY OF PRAIRIE VILLAGE CODES ADMINISTRATION 7700 MISSION ROAD PRAIRIE VILLAGE, KS 66208 T: 913.381.6464	WATER WATER ONE 10747 RENNER BLVD. OVERLAND PARK, KS 66219 T: 913.895.8501	GAS xxx
HEALTH DEPARTMENT JOHNSON COUNTY HEALTH DEPT. 11811 S. SUNSET DRIVE, SUITE 2700 OLATHE, KS 66061 T: 913.715.6900	PUBLIC WORKS xxx	TELEPHONE xxx



PANDA RESTAURANT GROUP INC.
1683 Walnut Grove Ave.
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91770
Telephone: 626.799.9898
Facsimile: 626.372.8288

All plans, analyses, arrangements and plans indicated or represented by this drawing are the property of the architect and shall remain the property of the architect. No part of these plans, analyses, arrangements, or plans shall be used for any other project without the written permission of Panda Express Inc.

REVISIONS:

1	CITY COMMENTS	02.21.07
2	EQUIP. UPDATE	05.09.07

ISSUE DATE:

1ST	PLANNING & ZONING	08.20.07
2ND		
3RD		
4TH		
5TH		

DRAWN BY: KAP

PANDA PROJECT #: CFT8-08-D1690
ARCH PROJECT #: 07044.021

ARCHITECT:

**H. C. KLOVER
ARCHITECT**
10955 LOWELL AVE., SUITE 700
OVERLAND PARK, KANSAS 66210
TEL: (913) 649-8181 FAX: (913) 649-1275

STAMP:

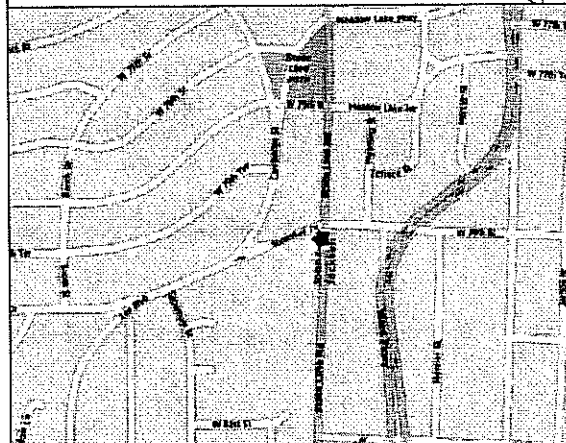
PANDA EXPRESS

CFT DEVELOPMENT
79th & STATE LINE
7920 STATE LINE ROAD
PRAIRIE VILLAGE, KS

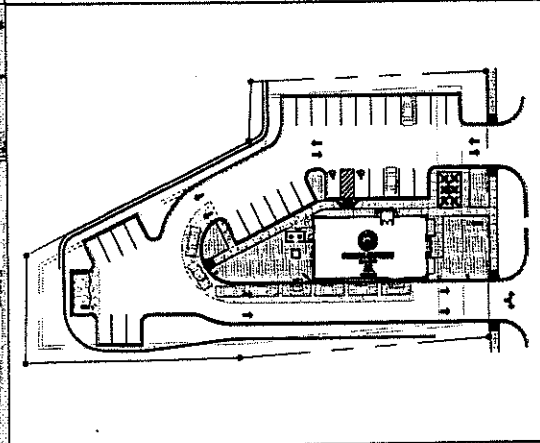
T-1.0

TITLE SHEET

VICINITY MAP N.T.S.



KEY PLAN N.T.S.



DRAWING INDEX

NO.	TITLE	DATE
T-1.0	TITLE SHEET	
CIVIL		
C-1.1	DIMENSION / LAYOUT PLAN	
C-2.1	GRADING & UTILITY PLAN	
C-2.2	STORMWATER MANAGEMENT & EROSION CONTROL PLAN	
LANDSCAPE		
L-1.1	LANDSCAPE PLAN	
ARCHITECTURAL		
A-0.1	ARCHITECTURAL SITE PLAN	
A-0.2	TRASH ENCLOSURE ELEVATIONS & SITE DETAILS	
A-0.3	PATIO MARQUEE PLAN, ELEVATIONS & DETAILS	
A-2.0	EXTERIOR ELEVATIONS	
A-2.1	EXTERIOR ELEVATIONS	

REVISIONS

SYMBOLS

- | | | |
|---------------------|------------------------|--------------------|
| (D) DOOR TYPE | (3A) KITCHEN EQUIPMENT | (NEW DOOR) |
| (W) WINDOW TYPE | (101) ROOM NUMBER | (TEMPERED GLAZING) |
| (TA) FLOOR FINISH | (MARK OF ELEVATION) | (EXT. ELEV.) |
| (W) WALL TYPE | (DETAIL) | |
| (1) STRUCTURAL GRID | (INT. ELEV.) | |
| (C) CEILING FINISH | (SECTION) | |
| (P-C) WALL FINISH | | |

ABBREVIATIONS

AFF	ABOVE FINISHED FLOOR	INT.	INTERIOR
ALUM.	ALUMINUM	K.E.C.	KITCHEN EQUIP. CONTRACTOR
BV	BALL VALVE (FULL PORT)	L.L.	LANDLORD
B.O.	BOTTOM OF	MC	MECHANICAL CONTRACTOR
C.	CONDUIT	(N)	NEW
CO	CONDUIT ONLY	NC	NOT IN CONTRACT
CW	COLD WATER	NTS	NOT TO SCALE
(E)	EXISTING	OA	OUTSIDE AIR
EC	ELECTRICAL CONTRACTOR	O.C.	ON CENTER
EW	ELECTRICAL WATER HEATER	PC	PLUMBING CONTRACTOR
EXT.	EXTERIOR	RAR	RETURN AIR REGISTER
FD	FACE OF FINISH	R.I.H.	ROUGH-IN HEIGHT
FOS	FACE OF STUD	S.S.	STAINLESS STEEL
F.S.	FLOOR SINK	STL	STEEL
G.C.	GENERAL CONTRACTOR	STRUC.	STRUCTURE, STRUCTURAL

CODE ANALYSIS

APPLICABLE CODES: ALL WORK UNDER THIS CONTRACT SHALL COMPLY WITH THE PROVISIONS OF THE SPECIFICATIONS AND DRAWINGS, AND SHALL SATISFY ALL APPLICABLE CODES, ORDINANCES AND REGULATIONS OF ALL GOVERNING BODIES INVOLVED. ALL PERMITS AND LICENSES NECESSARY FOR THE PROPER EXECUTION OF THE WORK SHALL BE PROCURED AND PAID FOR BY THE CONTRACTOR INVOLVED. APPLICABLE CODES INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:

- CODES**
- BUILDING: xxx
 - MECHANICAL: xxx
 - PLUMBING: xxx
 - ELECTRICAL: xxx
 - ENERGY: xxx
 - FIRE: xxx
 - ACCESSIBILITY: xxx

DEFERRED SUBMITTALS

SIGNAGE AND CIVIL TO BE SUBMITTED UNDER SEPERATE PERMIT.

SITE

ZONING: C-0 Current, Requesting CP-1
SITE AREA: REFER TO CIVIL DRAWINGS
LOT COVERAGE: REFER TO CIVIL DRAWINGS
LANDSCAPE PROVIDED: REFER TO LANDSCAPE DRAWINGS
PARKING REQUIRED: REFER TO CIVIL DRAWINGS
PARKING PROVIDED: REFER TO CIVIL DRAWINGS
SET BACKS: REFER TO CIVIL DRAWINGS

BUILDING

ALLOWABLE AREA: 6,000 S.F.
BUILDING AREA: 2,448 S.F. (PANDA EXPRESS)
USE GROUP: A-2
CONSTRUCTION TYPE: V-B NON-SPRINKLERED
CONSTRUCTION: WOOD FRAME STRUCTURE W/ WOOD TRUSS JOISTS
ALLOWABLE HEIGHT: 1 STORY (40' MAXIMUM)
HEIGHT: 1 STORY (23')

OCCUPANT LOAD

DINING: 837 SF/15 = 56
QUEUE: 170 SF/5 = 34
KITCHEN: 914 SF/200 = 5
TOTAL OCCUPANT LOAD: 95 PERSONS

EMPLOYEES: 10 EMPLOYEES/SHIFT (2 SHIFTS PER DAY)
DINING ROOM SEATING: 46 SEATS (INCLUDING 2 ACCESSIBLE)
PATIO SEATING: 36 SEATS

EGRESS

REQUIRED EGRESS WIDTH: 95 x 0.2 = 19"
EGRESS WIDTH PROVIDED: 2 @ 72" = 144"
1 @ 42" = 42"

EXITS REQUIRED: 2

EXITS PROVIDED: 3 (ALL ACCESSIBLE)

PERMITTED TRAVEL DISTANCE: 200'
MAX. POSSIBLE TRAVEL DISTANCE: 88'

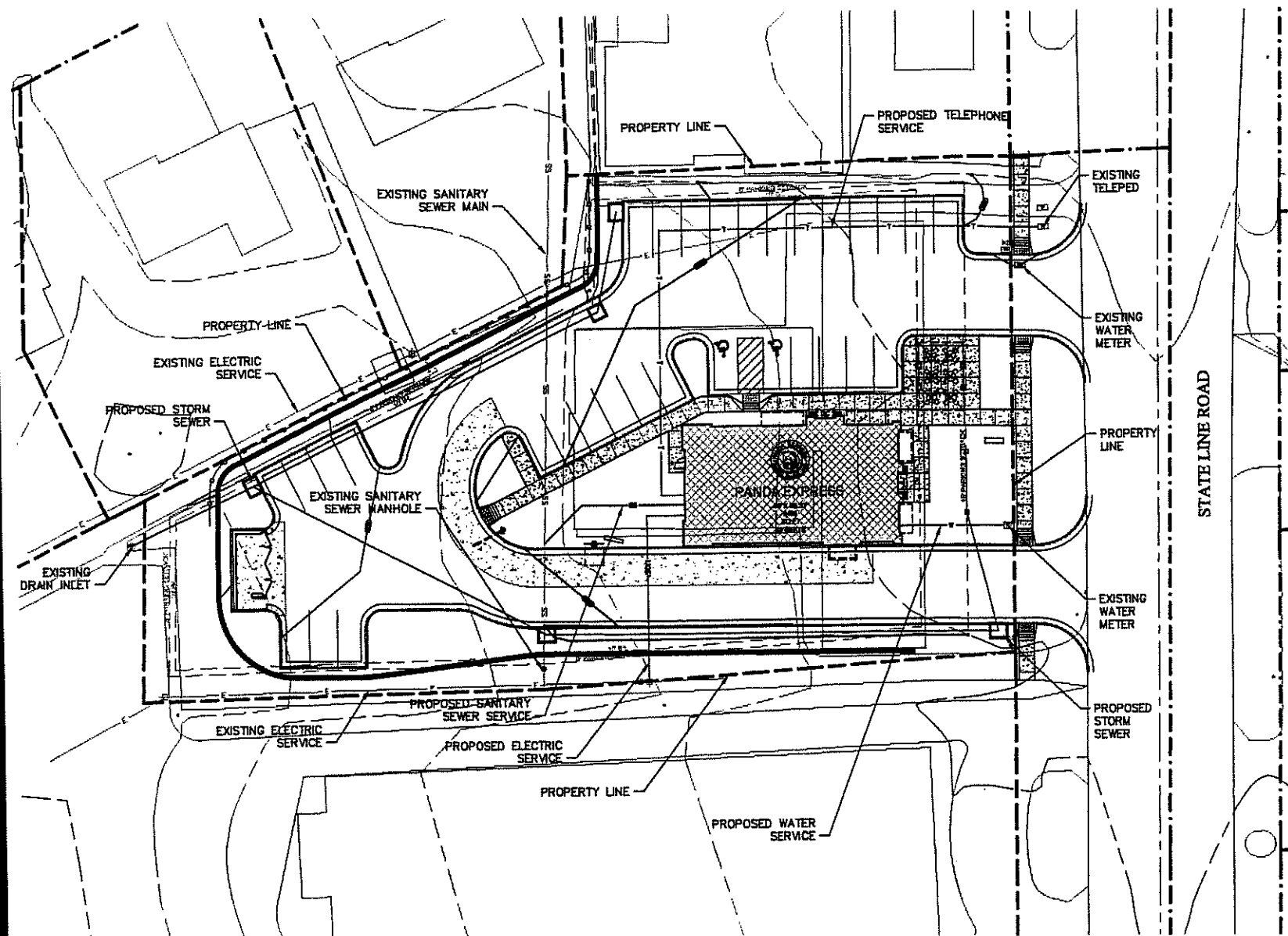
SEPERATION OF EXITS:

DINING ROOM: MIN. SEPERATION: 58'-10"/2 = 29'-5"
ACTUAL SEPERATION: 31'-3"
KITCHEN: MIN. SEPERATION: 65'-0"/2 = 32'-6"
ACTUAL SEPERATION: 45'-10"

REQUIRED PLUMBING FACILITIES

30 W.C. URINALS LAVATORIES
MALE: 1(1 PROVIDED) 0(1 PROVIDED) 1(1 PROVIDED)
FEMALE: 1(2 PROVIDED) 1(1 PROVIDED)

DRINKING FOUNTAINS: 1(WATER PROVIDED AT BEVERAGE COUNTER)
SERVICE SINK: 1(1 PROVIDED)



- LEGEND**
- Property Line
 - Finished Grade Contour
 - Existing Grade Contour
 - Proposed Water Service
 - Proposed Electric Service
 - Proposed Sanitary Sewer Service
 - Proposed Telephone Service
 - Proposed Storm Sewer
 - Concrete Pavement
 - Construct 2' Curb & Gutter



PANDA RESTAURANT GROUP INC.
 1683 Walnut Grove Ave.
 Rosemead, California
 91770
 Telephone: 626.798.9888
 Facsimile: 626.372.8288

(Small, illegible text block)

REVISIONS:

ISSUE DATE:

REV	PLANNING & ZONING	08.28.07

DRAWN BY: KAP

PANDA PROJECT #: CFT8-08-D1800
 ARCH PROJECT #: 07044.021

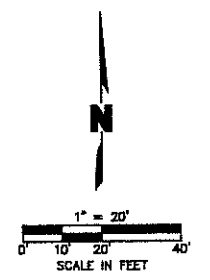
CONSULTANT:
MOLSSON ASSOCIATES
101 West 10th Street, Suite 200
 Minneapolis, MN 55402-4001 TEL: 612.339.1100 FAX: 612.339.1101

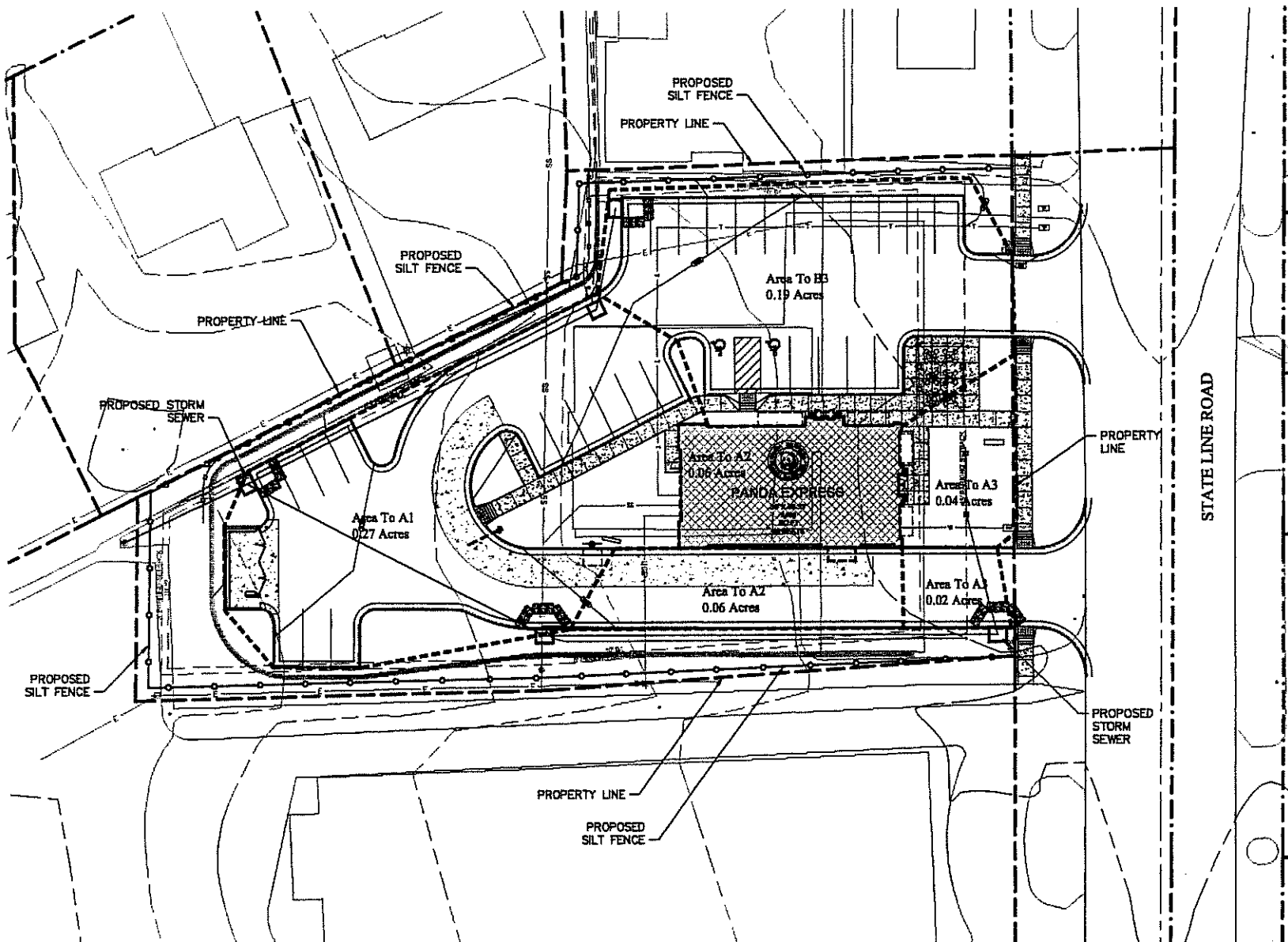
STAMP:

PANDA EXPRESS
 CFT DEVELOPMENT
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 PRAIRIE VILLAGE, KS

C-2.1

GRADING & UTILITY PLAN





- LEGEND**
- Property Line
 - Finished Grade Contour
 - Existing Grade Contour
 - Proposed Water Service
 - Proposed Electric Service
 - Proposed Sanitary Sewer Service
 - Proposed Telephone Service
 - Proposed Silt Fence
 - Proposed Erosion Control
 - Proposed Storm Sewer
 - Concrete Pavement
 - Construct 2' Curb & Gutter



PANDA RESTAURANT GROUP INC.
 1633 Walnut Grove Ave.
 Rosemead, California
 91770
 Telephone: 626.796.9686
 Facsimile: 626.572.8288

(Small text regarding project details and approvals)

REVISIONS:

NO.	DESCRIPTION	DATE

ISSUE DATE:

REV	DESCRIPTION	DATE
001	PLANNING & ZONING	08/28/07

DRAWN BY: KAP

PANDA PROJECT #: CFT8-08-D1690
 ARCH PROJECT #: 07044.021

CONSULTANT:



STAMP:

STORM SEWER PIPE AND STRUCTURE TABLE

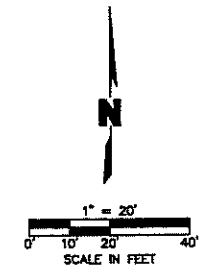
TITLE: Panda Express - 79th and State Line
 JOB #: 007-XXXX
 DESIGN CONDITIONS: Private - 10 Year Storm Event

Structures		Runoff Calculations							Pipe Design					
From	To	Direct Area (acre)	Total Area (acre)	C	KC (K=1.0)	Tc (min)	Flow time (min)	Intensity (in/hr)	Design Q (cfs)	Description	Pipe length (ln ft)	Pipe Slope, %	Pipe dia (in)	Q full (cfs)
A3	A2	0.02	0.81	0.81	5.0	7.35	0.12	7.35	0.12	Curb Inlet	129.00	1.00	15	6.48
A2	A1	0.06	0.81	0.81	5.0	7.35	0.36	7.35	0.36	Curb Inlet	117.00	1.00	15	6.48
B2	B1	0.19	0.81	0.81	5.0	7.35	1.13	7.35	1.13	Curb Inlet	36.00	1.00	15	6.48
B1	A1	0.00	0.81	0.81	5.0	7.35	0.00	7.35	0.00	Junction Box	122.00	1.00	15	6.48
A1	EX MH	0.27	0.81	0.81	5.0	7.35	1.81	7.35	1.81	Curb Inlet	40.00	1.00	15	6.48

STORM SEWER PIPE AND STRUCTURE TABLE

TITLE: Panda Express - 79th and State Line
 JOB #: 007-XXXX
 DESIGN CONDITIONS: Private - 100 Year Storm Event

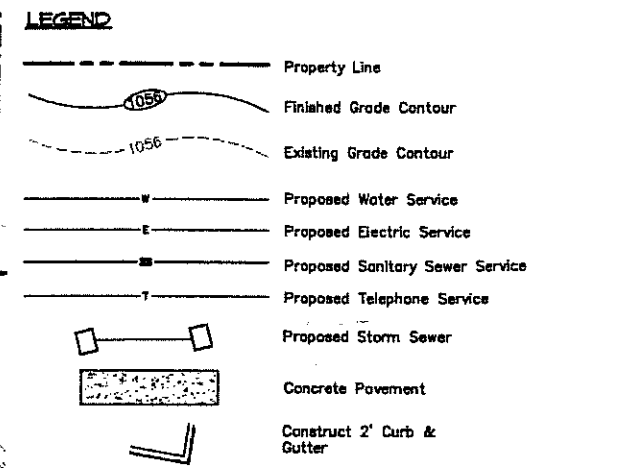
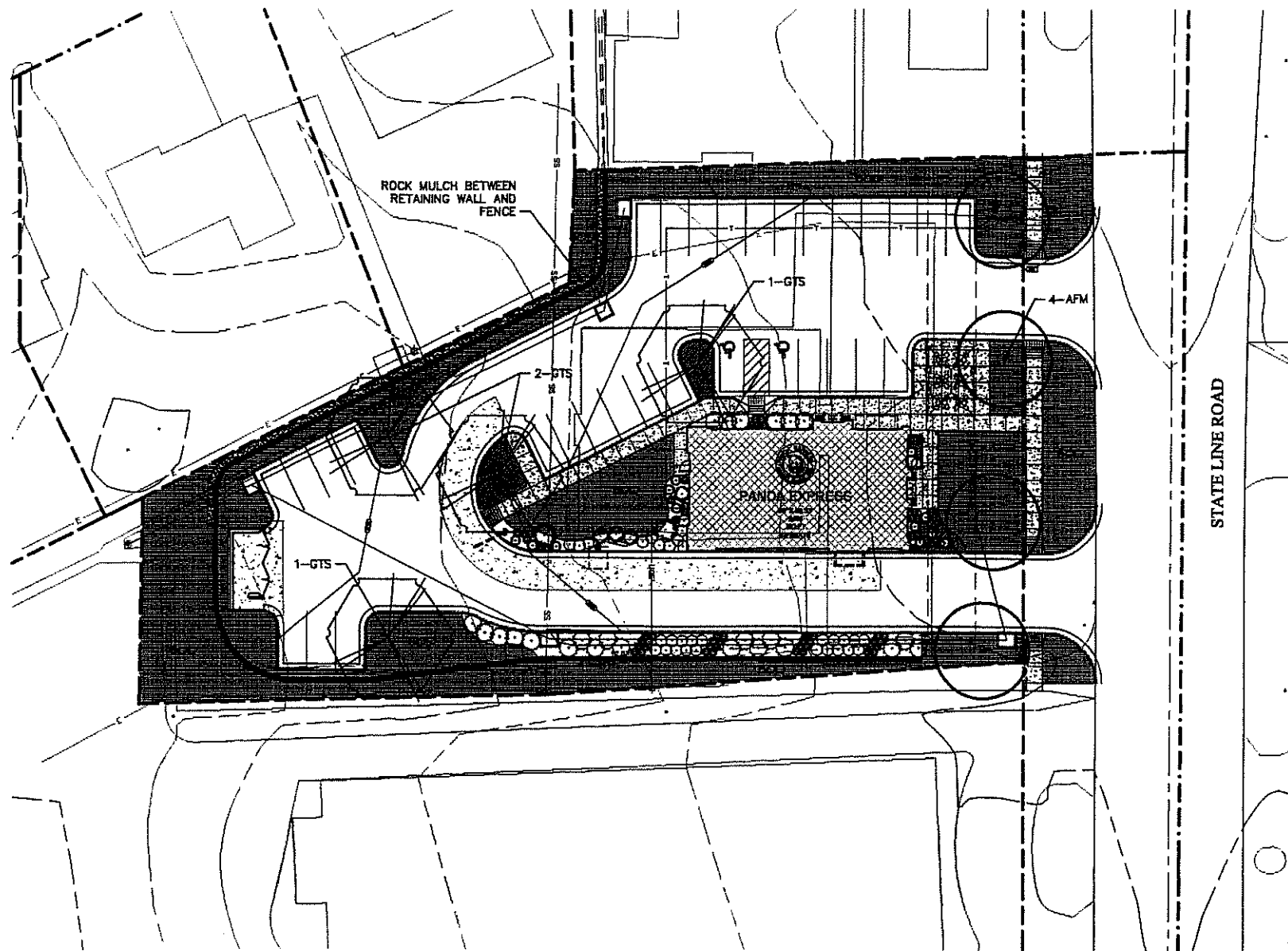
Structures		Runoff Calculations							Pipe Design					
From	To	Direct Area (acre)	Total Area (acre)	C	KC (K=1.25)	Tc (min)	Flow time (min)	Intensity (in/hr)	Design Q (cfs)	Description	Pipe length (ln ft)	Pipe Slope, %	Pipe dia (in)	Q full (cfs)
A3	A2	0.02	0.81	0.81	1.00	5.0	0.64	10.32	0.21	Curb Inlet	129.00	1.00	15	6.48
A2	A1	0.06	0.81	0.81	1.00	5.0	0.64	10.32	0.62	Curb Inlet	117.00	1.00	15	6.48
B2	B1	0.19	0.81	0.81	1.00	5.0	0.43	10.06	1.81	Curb Inlet	36.00	1.00	15	6.48
B1	A1	0.00	0.81	0.81	1.00	5.0	0.13	10.32	1.98	Junction Box	122.00	1.00	15	6.48
A1	EX MH	0.27	0.81	0.81	1.00	5.0	0.44	10.27	1.95	Curb Inlet	40.00	1.00	15	6.48



PANDA EXPRESS
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 PRAIRIE VILLAGE, KS

C-2.2

STORMWATER MANAGEMENT & EROSION CONTROL PLAN

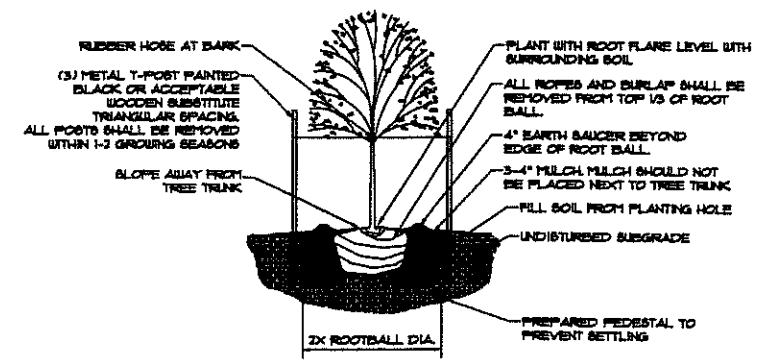


PLANT LIST

QTY.	Abbrev.	Common/Scientific Name	Size
SHADE TREES			
4	AFM	Autumn Blaze Maple <i>Acer x freemanii 'Autumn Blaze'</i>	2" cal.
4	GTS	Shademaster Locust <i>Gladiata trianthos nana 'Shademaster'</i>	2" cal.
DECIDUOUS SHRUBS			
33		Rose Glow Barberry <i>Berberis thunbergii 'Rose Glow'</i>	3 gal.
EVERGREEN SHRUBS			
24		Sea Green Juniper <i>Juniperus chinensis 'Sea Green'</i>	3 gal.
2		Tolleson's Blue Weeping Juniper <i>Juniperus scopulorum 'Tolleson's Blue Weeping'</i>	5 gal.
4		Welch Juniper <i>Juniperus scopulorum 'Welch'</i>	6" B&B
12		Danica Arborvitae <i>Thuja occidentalis 'Danica'</i>	3 gal.
ORNAMENTAL GRASSES			
45		Dwarf Maiden Grass <i>Panicum strans 'Yaku Jima'</i>	1 gal.
280		Black Mondo Grass <i>Ophiopogon planiscapus 'Nigrescens'</i>	1 gal.

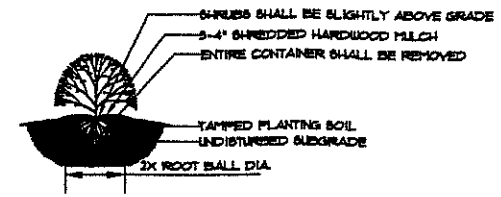
- ### GENERAL NOTES
- All landscape planting areas, excluding turf areas shall be mulched with a minimum of 3-4" shredded hardwood mulch.
 - Plants and other materials are quantified and summarized for the convenience of the city and local governing bodies. Confirm and install sufficient quantities to complete the work as drawn.
 - Plan is subject to changes based on plant size and material availability. All changes must be approved by the City of Prairie Village, Kansas and the Landscape Architect.
 - Steel landscape edging is to be used on all landscape beds abutting sodded areas.
 - All landscape areas shall be permanently irrigated. Irrigation shall be design-build to meet all city requirements.
 - All landscape areas shall receive a minimum of 6" of finely graded topsoil.
 - All plant material shall be nursery grown to meet minimum size as specified in the American Standard for Nursery Stock established by the American Nursery & Landscape Association (ANLA).
 - Planting of trees, shrubs, sodded and seeded turfgrass shall be commenced during either the Spring (March 15-June 15) or Fall (September 1 - October 15) Planting season.
 - Rock Mulch shall be 2-4" nominal size Colorado River Rock mulch to a depth of 4". Weed barrier fabric shall be placed between the ground surface and the rock mulch.

- ### SODDING NOTES
- All disturbed areas shall be sodded with Turf-Type Tall Fescue.
 - The entire surface to be sodded shall be reasonably smooth and free from stones, roots, or other debris.
 - Sod shall be carefully placed. Sod strips shall be butted together but not overlapped with the seams staggered on each row.
 - The Sod shall be thoroughly watered immediately after placement.



NOTES:
 1. DO NOT ALLOW AIR POCKETS TO FORM WHEN BACKFILLING
 2. IN AREAS OF TURF, SURROUND BED WITH 6" DIAMETER OF MULCH

Deciduous Tree Planting Detail
 not to scale



NOTES:
 1. MINIMIZE ROOT SPREAD TO BE IN ACCORDANCE WITH ANLA STANDARDS
 2. PRUNE DAMAGED LIMBS OR ROOTS AFTER INSTALLATION
 3. MAKE SURE ROOTS DO NOT DRY OUT DURING INSTALLATION
 4. SOAK GENEROUSLY TO COMPACT AND SETTLE

Shrub Planting Detail
 not to scale



PANDA RESTAURANT GROUP INC.
 1683 Walnut Grove Ave.
 Rosemead, California
 91770
 Telephone: 626.798.9686
 Facsimile: 626.372.8288

All Work, Design, Installation and Plant Material to be provided by the Contractor. The Contractor shall be responsible for obtaining all necessary permits and approvals from the City of Prairie Village, Kansas and the Landscape Architect.

REVISIONS:

NO.	DATE	DESCRIPTION

ISSUE DATE:
 08.28.07

DRAWN BY: KAP

PANDA PROJECT #: CFT8-08-D1690
 ARCH PROJECT #: 07044.021

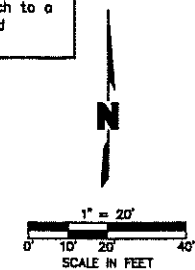


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 PRAIRIE VILLAGE, KS

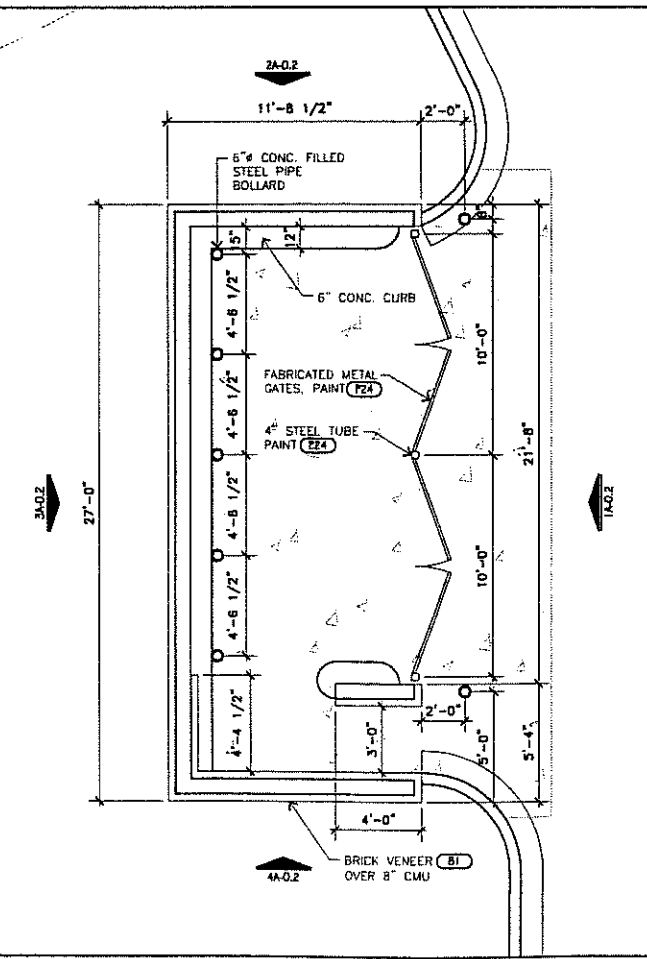
L1.1

LANDSCAPE PLAN

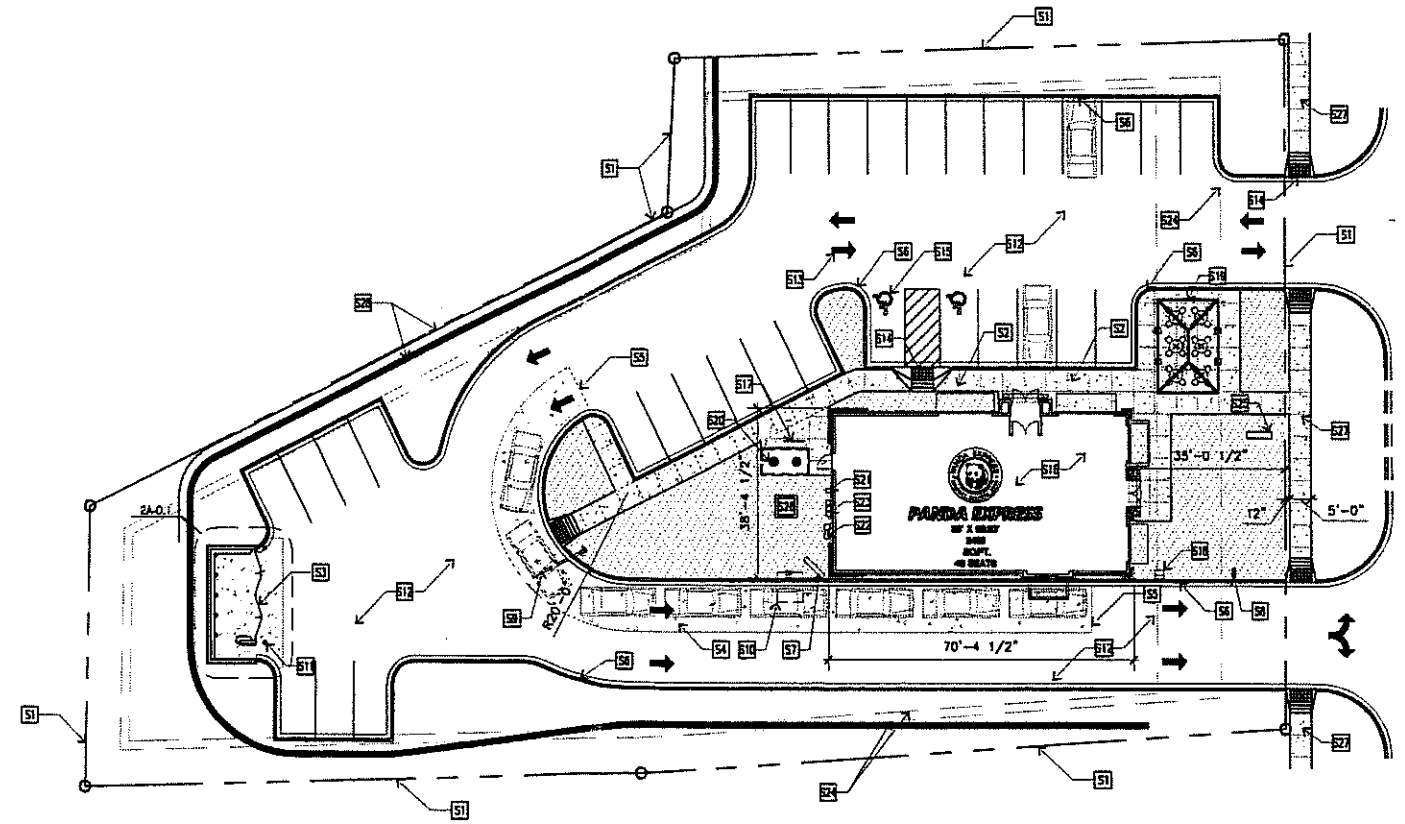


NOT USED ④
SCALE:

NOT USED ③
SCALE:



ENLARGED TRASH ENCLOSURE PLAN ②



STATE LINE ROAD

ARCHITECTURAL SITE PLAN ①

KEYNOTES

- 51 PROPERTY LINE, RE: CIVL.
- 52 PATIO AND SIDEWALK CONCRETE
FLAT WORK TO BE L.M. SCOFFIELD
CO. COLOR: C-22 CORAL RED.
- 53 TRASH ENCLOSURE, RE: CIVL
STRUCTURAL, & 2/A-0.1
- 54 BLACK CONCRETE PAVING W/
METALLIC OXIDE PIGMENT @
DRIVE-THRU LANE.
- 55 TRANSITION BETWEEN ASPHALT
PAVEMENT AND CONCRETE
DRIVE-THRU LANE. FIELD VERIFY
EXACT LOCATION.
- 56 CONCRETE CURB BY G.C.
- 57 DRIVE-THRU MENU BOARD,
RE: ELEC.
- 58 THANK YOU SIGN AT EXIT
DRIVEWAY BY PANDA, RE: SIGN
PACKAGE & ELECTRICAL
- 59 CLEARANCE BAR INSTALLED BY
G.C. RE: SIGN PACKAGE &
ELECTRICAL
- 60 ORDERING CANOPY PROVIDED BY
PANDA & INSTALLED BY G.C.
- 61 6" DIA. STEEL BOLLARD,
RE: 9/A-0.2
- 62 ASPHALT PAVING THROUGHOUT
PARKING AREA BY G.C. RE: CIVL
- 63 PAVEMENT ARROW BY G.C. (2)
COATS WHITE HIGHWAY PAINT, TYP.
- 64 ACCESSIBLE INTEGRATED CURB
RAMP,
RE: CIVL
- 65 ADA PARKING PAVEMENT MARKINGS
& SIGNAGE PER CIVL.
- 66 RE: CIVL FOR PAD ELEVATION
- 67 BICYCLE RACK PROVIDED BY G.C.
RE: 8/A-0.2
- 68 DRIVE-THRU WASTE RECEPTACLE
PROVIDED BY PANDA & INSTALLED
BY G.C.
- 69 PATIO MARQUEE STRUCTURE
- 70 1000 GAL. MIN.
GREASE INTERCEPTOR,
RE: PLUMBING
- 71 PROPOSED LOCATION OF GAS
SERVICE METER,
GAS LOAD = 2310 MBH,
RE: PLUMBING
- 72 WATER SERVICE
MIN. 1-1/2" AT
60 PSI
- 73 ELECTRICAL SERVICE
400A MIN.
- 74 SETBACK LINE
- 75 MONUMENT SIGN RE: SIGN
PACKAGE & ELECTRICAL
- 76 TRANSFORMER ON CONCRETE PAD
- 77 NEW 5" WIDE CONCRETE
SIDEWALK, TO EXISTING
SIDEWALK AT NORTH AND SOUTH
PROPERTY LINES
- 78 NEW RETAINING WALL & FENCE
RE: CIVL



PANDA RESTAURANT GROUP INC.
1883 Walnut Grove Ave.
Rosemead, California
91770
Telephone: 626.799.9898
Facsimile: 626.372.8288

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REVISIONS:

NO.	DESCRIPTION	DATE

ISSUE DATE:

NO.	DESCRIPTION	DATE
1ST	PLANNING & ZONING	08.29.07
2ND		
3RD		
4TH		
5TH		
6TH		

DRAWN BY: KAP

PANDA PROJECT #: CFT8-08-D1690
ARCH PROJECT #: 07044.021

ARCHITECT:
H. C. KLOVER
ARCHITECT
18055 LOWELL AVE., SUITE 700
OVERLAND PARK, KANSAS 66210
TEL: (913) 649-8181 FAX: (913) 649-1275

STAMP:

PANDA EXPRESS
CFT DEVELOPMENT
79th & STATE LINE
7920 STATE LINE ROAD
PRAIRIE VILLAGE, KS

A-0.1
ARCHITECTURAL
SITE PLAN



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 1683 Walnut Grove Ave.
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REVISIONS:

ISSUE DATE:

1ST	PLANNING & ZONING	08.26.07
2ND		
3RD		
4TH		
5TH		
6TH		

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 ARCH PROJECT #: 07044.021

ARCHITECT:

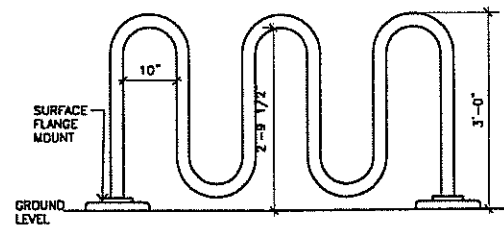


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A-0.2

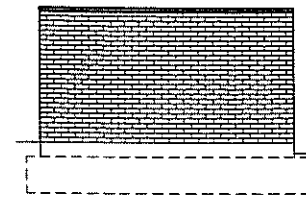
TRASH ENCLOSURE
 & SITE DETAILS



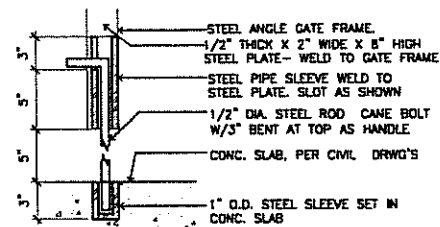
RIBBON BY BRANDR, MODEL:
 RE05-S-C (5 BICYCLES) -
 CONTACT (212) 505-8500

NOT USED 12
 SCALE:

BICYCLE RACK DETAIL 8
 SCALE: 3/4"=1'-0"

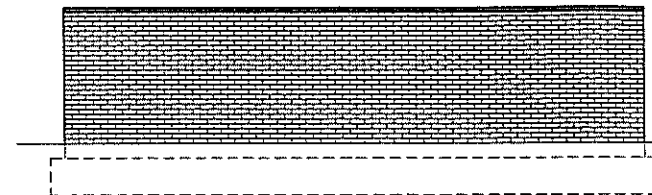


TRASH ENCLOSURE SOUTH ELEVATION 4
 SCALE: 1/4"=1'-0"

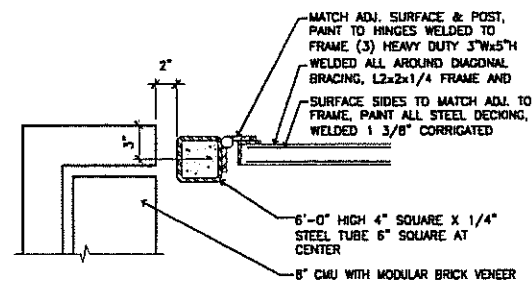


NOT USED 11
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CANE BOLT DETAIL 7
 SCALE: 1-1/2"=1'-0"

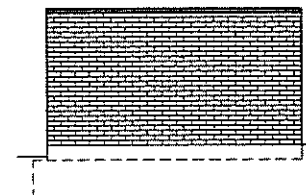


TRASH ENCLOSURE WEST ELEVATION 3
 SCALE: 1/4"=1'-0"

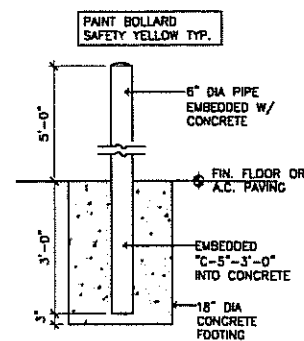


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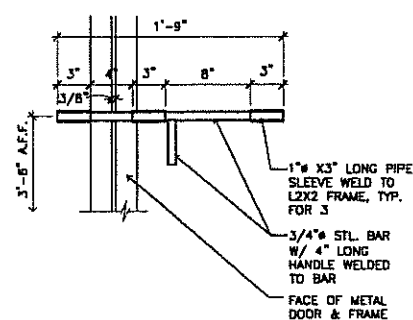
DOOR FRAME DETAIL 6
 SCALE: 1-1/2"=1'-0"



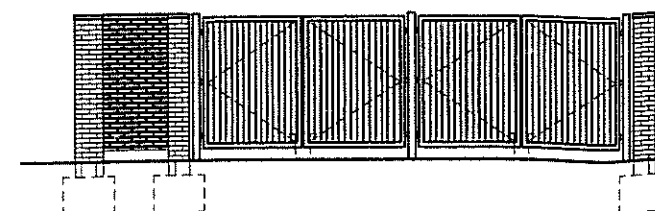
TRASH ENCLOSURE NORTH ELEVATION 2
 SCALE: 1/4"=1'-0"



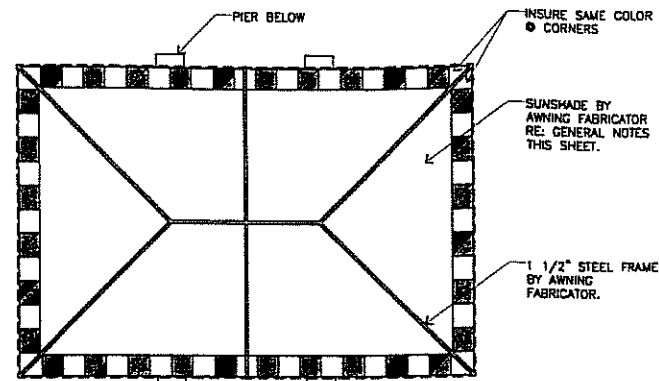
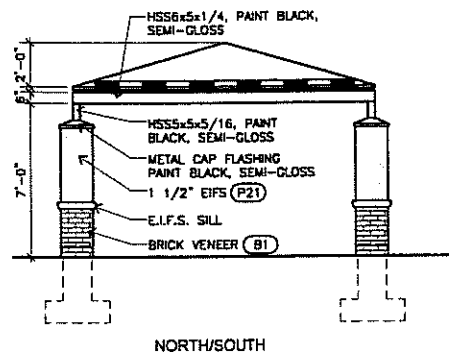
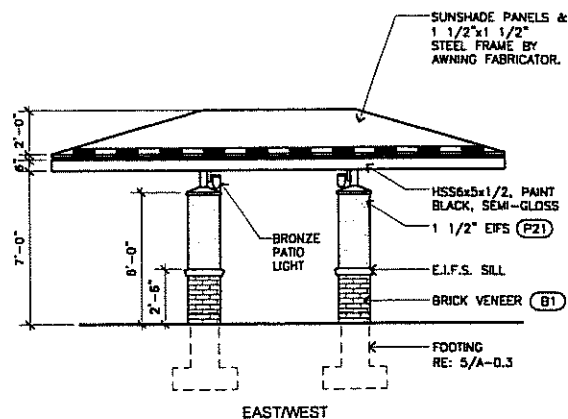
PIPE BOLLARD DETAIL 5



SLIDING BAR LATCH DETAIL 4



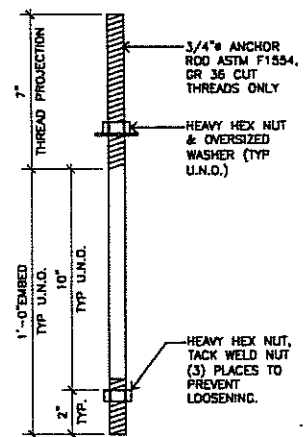
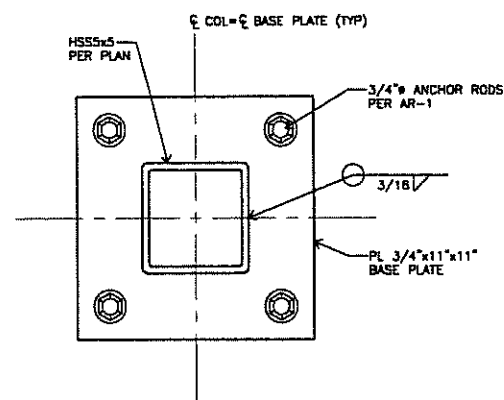
TRASH ENCLOSURE EAST ELEVATION 1



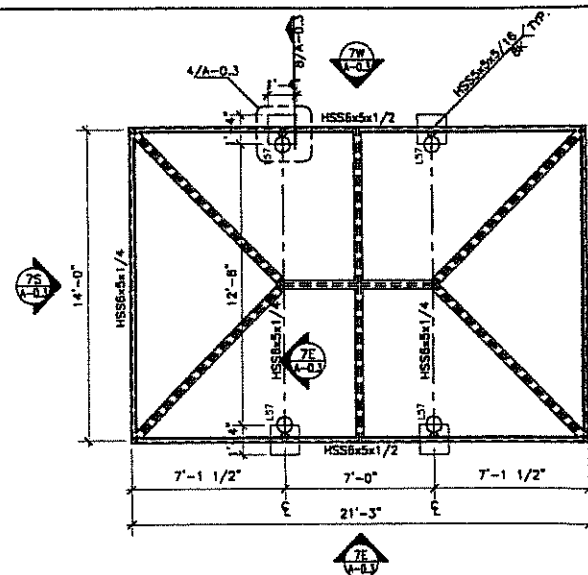
NOTE:
REFERENCE SHEET A-2.0 FOR FINISH SCHEDULE.

PATIO MARQUEE ELEVATIONS ⑦
SCALE: 1/4"=1'-0"

PATIO MARQUEE ROOF PLAN ③
SCALE: 1/4"=1'-0"



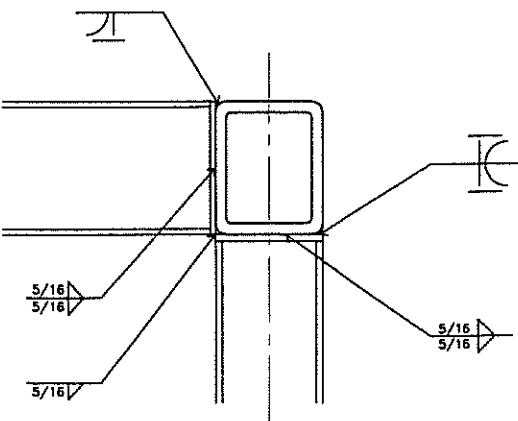
AR-1



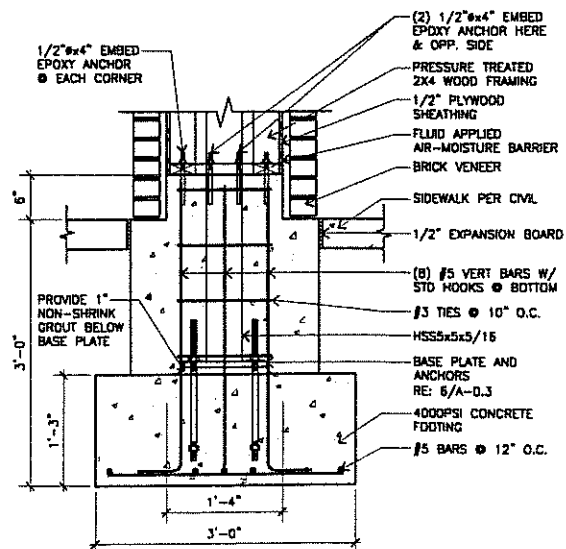
NOTE:
ALL STEEL SHALL BE ARCHITECTURALLY EXPOSED STRUCTURAL STEEL.

COLUMN BASE PLATE DETAIL ⑥
SCALE: 3/8"=1'-0"

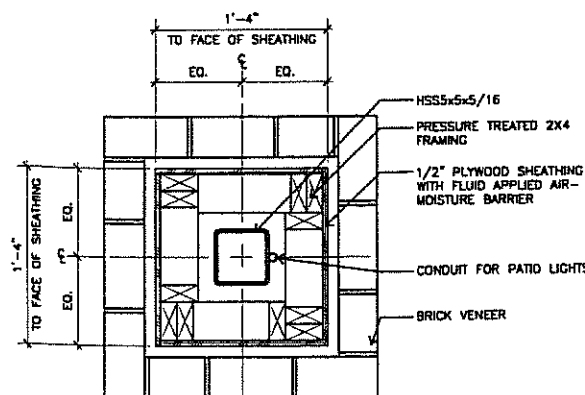
PATIO MARQUEE GENERAL PLAN ②
SCALE: 1/4"=1'-0"



STEEL FRAME SECTION ②



PIER FOOTING DETAIL ⑤



37

PATIO MARQUEE PIER DETAIL ④

- PIERS TO CONSIST OF 2X4 PRESSURE TREATED STUD CONSTRUCTION WITH 1/2" PLYWOOD SHEATHING, CONC. BACKER BD. & MANUFACTURED STONE VENEER(W/ ENDICOTT CAST STONE ROLOK SILL) AROUND HSS5x5x1/4 STEEL COLUMN.
- HORIZONTAL STEEL FRAME ABOVE TO BE ENGINEERED BY STEEL FABRICATOR. AWNING FABRICATOR TO ATTACH STEEL FRAME TO HSS MEMBERS WITH 1 1/2" SPACERS TO CONSIST OF 1 1/2" STEEL TUBES(NUMBER AND SPACING TO BE ENGINEERED). FABRIC PANELS TO MATCH AWNINGS ON BUILDING.
- SUNSHADE PANELS & STEEL SUPPORT FRAME BY AWNING FABRICATOR. AWNING FABRICATOR TO ATTACH STEEL FRAME TO HSS MEMBERS WITH 1 1/2" SPACERS TO CONSIST OF 1 1/2" STEEL TUBES(NUMBER AND SPACING TO BE ENGINEERED). FABRIC PANELS TO MATCH AWNINGS ON BUILDING.
- PATIO LIGHT (L57); EXCELINE KALEIDOSCOPE VAPORTITE SERIES RLW100GNC511-20V (ARCHITECTURAL BRONZE) G.C. TO PROVIDE POWER

PATIO MARQUEE GENERAL NOTES ①



PANDA RESTAURANT GROUP INC.
1683 Walnut Grove Ave.
Rosemead, California 91770
Telephone: 626.799.9898
Facsimile: 626.372.8288

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1ST	PLANNING & ZONING	08.29.07
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3RD		
4TH		
5TH		
6TH		

DRAWN BY: KAP

PANDA PROJECT #: CFT8-08-D1690
ARCH PROJECT #: 07044.021

ARCHITECT:



STAMP:

PANDA EXPRESS
CFT DEVELOPMENT
79th & STATE LINE
7920 STATE LINE ROAD
PRAIRIE VILLAGE, KS

A-0.3

PATIO MARQUEE PLAN,
ELEVATIONS & DETAILS

EXTERIOR FINISH SCHEDULE

NO.	MANUFACTURER	MFG #	COLOR	FINISH
(P4)	BENJAMIN MOORE	1315	POPPY (BRIGHT RED)	
(P21)	BENJAMIN MOORE	2161-50	YELLOW SQUASH	
(P22)	NOT USED	-	-	
(P23)	SHERWIN WILLIAMS	6059	INTERFACE TAN	
(P24)	DUNN-EDWARDS	DEC 771	SHAGGY BARKED	
(B1)	ENDICOTT	-	MEDIUM IRONSPOT #77	MODULAR, SMOOTH
(B2)	ENDICOTT	-	DESERT IRONSPOT	MODULAR, SMOOTH

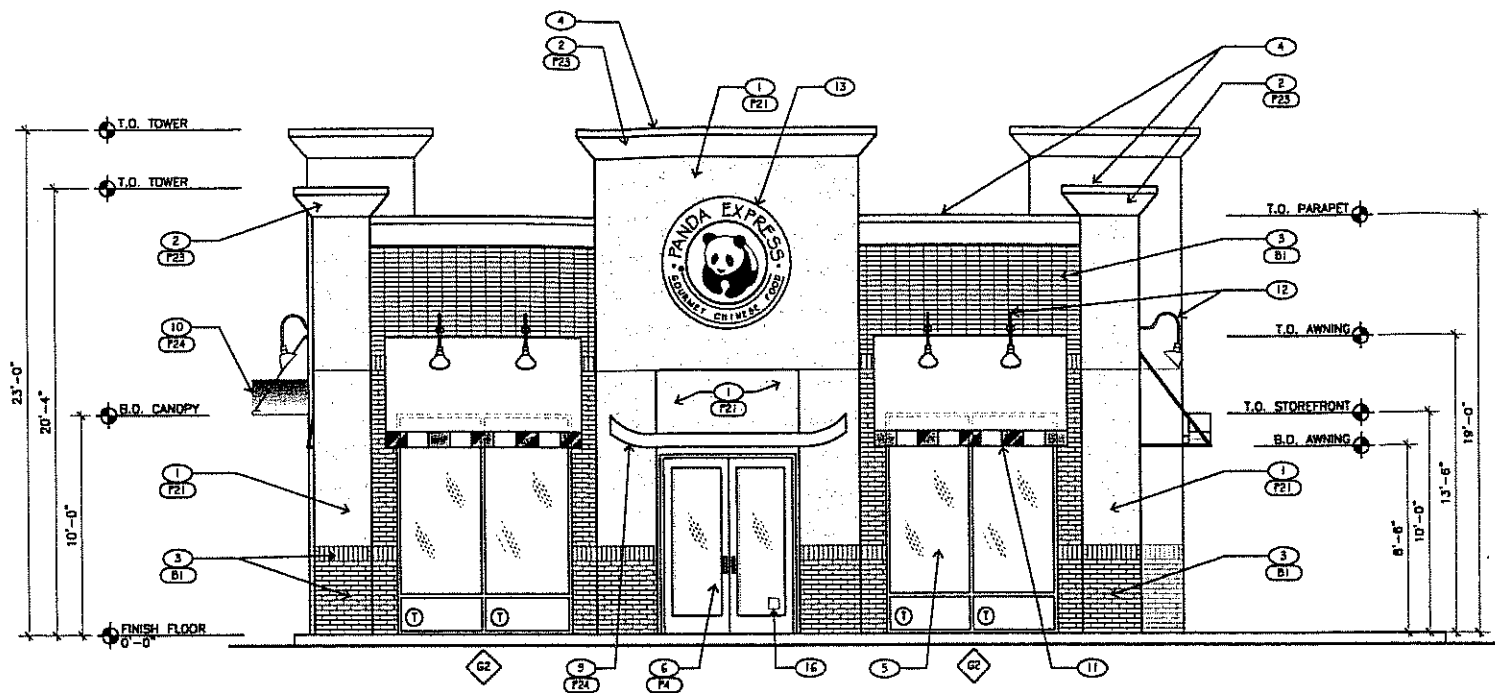
NOTE: PAINT ALL VENTS, DOWNSPOUTS, FLASHINGS & UTILITY METERS TO MATCH ADJACENT SURFACE.

WINDOW SCHEDULE

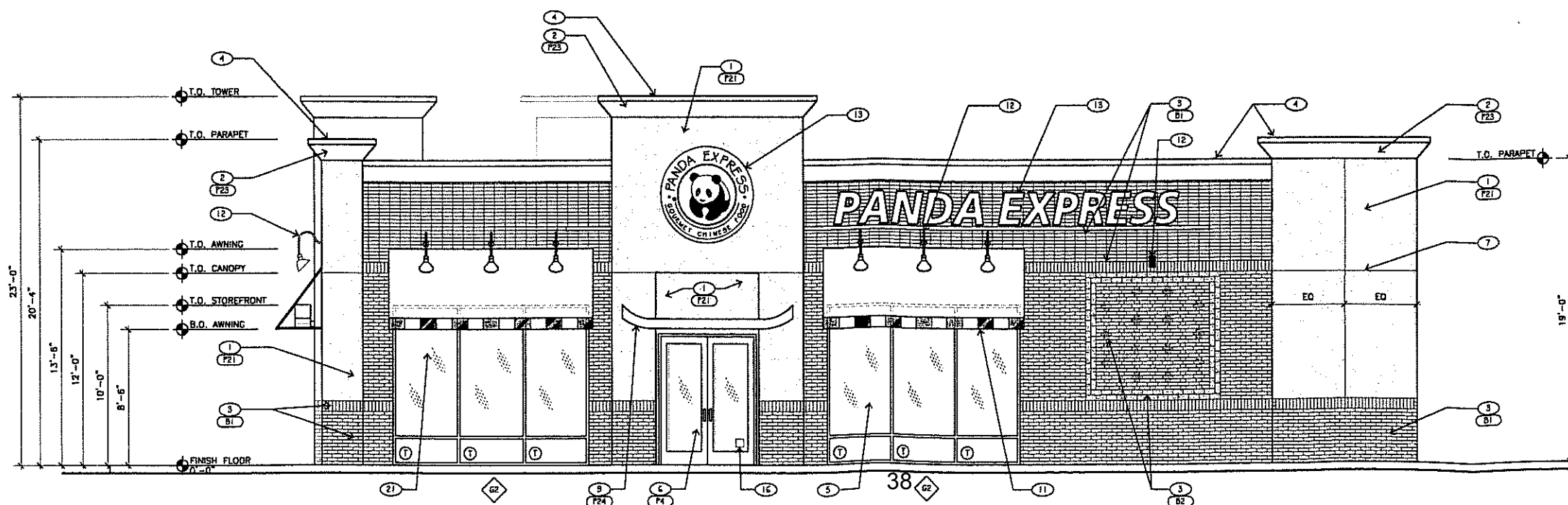
NO.	WIDTH	SILL	HEAD	GLASS	FRAME	REMARK
(G1)	PER PLAN	0'-0"	10'-0" A.F.F.	REFER TO SPEC.	CLEAR ANNOXIDIZED ALUMINUM	2" x 4 1/2" STOREFRONT SYSTEM RE: SPECIFICATIONS
(G2)	PER PLAN	3'-6" A.F.F.	10'-0" A.F.F.	REFER TO SPEC.	CLEAR ANNOXIDIZED ALUMINUM	2" x 4 1/2" STOREFRONT SYSTEM RE: SPECIFICATIONS
(G3)	3'-11 1/2"	3'-0" A.F.F.	7'-11 1/2" A.F.F.	PER MNFR.	CLEAR ANNOXIDIZED ALUMINUM	READY ACCESS WOOD. 375 (43 1/2") W/ A300 ELECTRIC WINDOW W/ HEATED AIR CURTAIN VERIFY INSTALL REQUIREMENTS W/ MNFR. RE: ELECTRICAL

NOTES:

- G.C. TO FIELD VERIFY DIMENSIONS OF ALL OPENINGS PRIOR TO ORDERING STOREFRONT SYSTEM.
- (T) INDICATES TEMPERED GLASS.



EAST ELEVATION
SCALE: 1/4"=1'-0" (2)



NORTH ELEVATION (1)

KEYNOTES

- EXTERIOR INSULATION & FINISH SYSTEM (EIFS), 1 1/2" THICK UNLESS NOTED OTHERWISE. SAND FINISH. SEE SPECIFICATIONS FOR ADDITIONAL INFORMATION. SEE EXTERIOR FINISH SCHEDULE THIS SHEET FOR COLOR.
- EIFS OVER POLYSTYRENE FOAM SHAPE. RE: WALL SECTIONS
- FULL BRICK VENEER. SEE EXTERIOR FINISH SCHEDULE THIS SHEET FOR ADDITIONAL INFO.
- CONTINUOUS METAL COPING. PAINT TO MATCH ADJACENT FINISH.
- ALUMINUM STOREFRONT SYSTEM. RE: WINDOW SCHEDULE A-2.0 & SPEC.
- ALUMINUM STOREFRONT SYSTEM DOOR. POWDER COAT DOOR & FRAME P4. RE: DOOR SCHEDULE A-1.0
- REVEAL IN EIFS
- HOLLOW METAL DOOR & FRAME. PAINT TO MATCH B1. RE: DOOR SCHEDULE SHEET A-1.0
- REVERSE ARCH FASCIA. GALV. METAL PAINTED P24. RE: DETAIL 6/A-3.1
- DRIVE-THRU CANOPY. GALV. METAL PAINTED P24. RE: DETAIL 3/A-2.5
- RED AWNING W/ BLACK & WHITE CHECKER PATTERN BY SUNBRELLA. PROVIDED AND INSTALLED BY G.C. RE: DETAIL 5/A-3.1
- EXTERIOR LIGHT FIXTURE. RE: SHEET A-1.1 FOR ADDITIONAL INFO.
- INTERNALLY ILLUMINATED PANDA EXPRESS LOGO & LOGO SIGNAGE AS PROVIDED & INSTALLED BY SIGN CONTRACTOR. G.C. TO PROVIDE POWER AND BLOCKING AS REQUIRED. RE: ELECTRICAL
- DRIVE-THRU WINDOW BY READY ACCESS. INSTALLED BY G.C. MODEL - 275 (43 1/2") W/ A300
- BUSINESS ADDRESS TO BE POSTED 6" HIGH LETTERS AT THE SITE PRIOR TO THE FIRST BUILDING INSPECTION AND A PERMANENT ADDRESS SIGN TO BE PLACED ON THE SITE BEFORE OCCUPANCY PER LOCAL REQUIREMENTS. COORDINATE REQUIREMENTS W/ FIRE MARSHALL.
- INTERNATIONAL SYMBOL OF ACCESSIBILITY DECAL.
- UTILITY METERS. VERIFY LOCATIONS. PAINT TO MATCH ADJACENT SURFACES.
- LINE OF ROOF BEYOND SHOWN DASHED.
- ROOF TOP MECHANICAL EQUIPMENT BEYOND SHOWN DASHED.
- DRIVE THRU MENU BOARD
- PATIO CANOPY RE: SHEET A-0.3



PANDA RESTAURANT GROUP INC.
1683 Walnut Grove Ave.
Rosemead, California 91770
Telephone: 626.799.9898
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NO.	DESCRIPTION	DATE

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NO.	DESCRIPTION	DATE
1ST	PLANNING & ZONING	08.29.07
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DRAWN BY: KAP

PANDA PROJECT #: CFT8-08-D1690
ARCH PROJECT #: 07044.021

ARCHITECT:



STAMP:

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CFT DEVELOPMENT
79th & STATE LINE
7920 STATE LINE ROAD
PRAIRIE VILLAGE, KS

A-2.0

EXTERIOR ELEVATIONS

EXTERIOR FINISH SCHEDULE

NO.	MANUFACTURER	MFG #	COLOR	FINISH
(P4)	BENJAMIN MOORE	1315	POPPY (BRIGHT RED)	
(P21)	BENJAMIN MOORE	2161-50	YELLOW SQUASH	
(P22)	NOT USED	-	-	
(P23)	SHERWIN WILLIAMS	6059	INTERFACE TAN	
(P24)	DUNN-EDWARDS	DEC 771	SHAGGY BARKED	
(B1)	ENDICOTT	-	MEDIUM IRONSPOT #77	MODULAR, SMOOTH
(B2)	ENDICOTT	-	DESERT IRONSPOT	MODULAR, SMOOTH

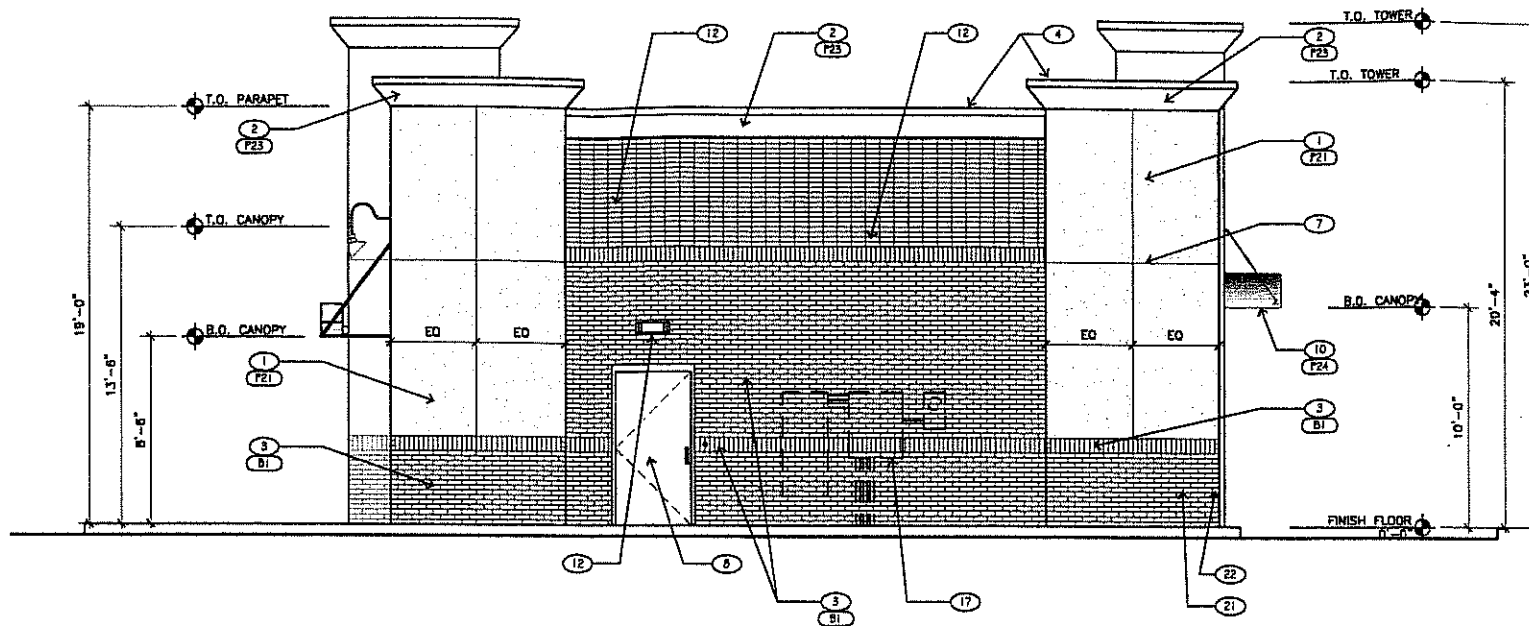
NOTE: PAINT ALL VENTS, DOWNSPOUTS, FLASHINGS & UTILITY METERS TO MATCH ADJACENT SURFACE.

WINDOW SCHEDULE

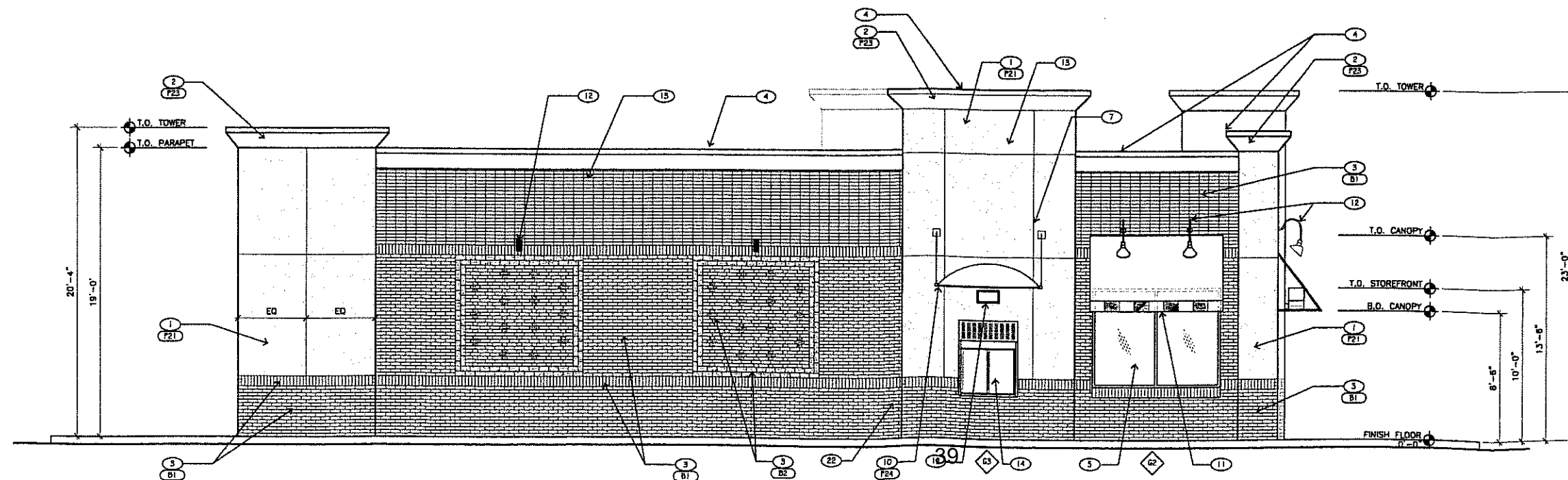
NO.	WIDTH	SILL	HEAD	CLASS	FRAME	REMARK
G1	PER PLAN	0'-0"	10'-0" A.F.F.	REFER TO SPEC.	CLEAR ANHODIZED ALUMINUM	2' x 4 1/2" STOREFRONT SYSTEM RE: SPECIFICATIONS
G2	PER PLAN	3'-6" A.F.F.	10'-0" A.F.F.	REFER TO SPEC.	CLEAR ANHODIZED ALUMINUM	2' x 4 1/2" STOREFRONT SYSTEM RE: SPECIFICATIONS
G3	3'-11 1/2"	3'-0" A.F.F.	7'-11 1/2" A.F.F.	PER MNFR.	CLEAR ANHODIZED ALUMINUM	READY ACCESS MODEL 375 (43 1/2") W/ A4300 ELECTRIC WINDOW W/ HEATED AIR CURTAIN VERIFY INSTALL REQUIREMENTS W/ MNFR. RE: ELECTRICAL

NOTES:

- G.C. TO FIELD VERIFY DIMENSIONS OF ALL OPENINGS PRIOR TO ORDERING STOREFRONT SYSTEM.
- (T) INDICATES TEMPERED GLASS.



WEST ELEVATION (2)
SCALE: 1/4"=1'-0"



SOUTH ELEVATION (1)

KEYNOTES

- EXTERIOR INSULATION & FINISH SYSTEM (EIFS), 1 1/2" THICK UNLESS NOTED OTHERWISE. SHAD FINISH: SEE SPECIFICATIONS FOR ADDITIONAL INFORMATION. SEE EXTERIOR FINISH SCHEDULE THIS SHEET FOR COLOR.
- EIFS OVER POLYSTYRENE FOAM SHAPE. RE: WALL SECTIONS.
- FULL BRICK VENEER. SEE EXTERIOR FINISH SCHEDULE THIS SHEET FOR ADDITIONAL INFO.
- CONTINUOUS METAL COPING. PAINT TO MATCH ADJACENT FINISH.
- ALUMINUM STOREFRONT SYSTEM. RE: WINDOW SCHEDULE A-2.0 & SPEC.
- ALUMINUM STOREFRONT SYSTEM DOOR. POWDER COAT DOOR & FRAME P4. RE: DOOR SCHEDULE A-1.0.
- REVEAL IN EIFS.
- HOLLOW METAL DOOR & FRAME. PAINT TO MATCH B1. RE: DOOR SCHEDULE SHEET A-1.0.
- REVERSE ARCH FASCIA, GALV. METAL PAINTED P24. RE: DETAIL 6/A-3.1.
- DRIVE-THRU CANOPY, GALV. METAL PAINTED P24. RE: DETAIL 3/A-2.5.
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- DRIVE-THRU WINDOW BY READY ACCESS. INSTALLED BY G.C. MODEL - 275 (43 1/2") W/ A4300.
- BUSINESS ADDRESS TO BE POSTED 6" HIGH LETTERS AT THE SITE PRIOR TO THE FIRST BUILDING INSPECTION AND A PERMANENT ADDRESS SIGN TO BE PLACED ON THE SITE BEFORE OCCUPANCY PER LOCAL REQUIREMENTS. COORDINATE REQUIREMENTS W/ FIRE MARSHAL.
- INTERNATIONAL SYMBOL OF ACCESSIBILITY DECAL.
- UTILITY METERS. VERIFY LOCATIONS. PAINT TO MATCH ADJACENT SURFACES.
- LINE OF ROOF BEYOND SHOWN DASHED.
- ROOF TOP MECHANICAL EQUIPMENT BEYOND SHOWN DASHED.
- DRIVE THRU MENU BOARD.
- PATIO CANOPY RE: SHEET A-0.3.
- STEEL PIPE BOLLARD, PAINT YELLOW.



PANDA RESTAURANT GROUP INC.
1883 Walnut Grove Ave.
Rosemead, California 91770
Telephone: 626.799.9898
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ISSUE DATE:

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DRAWN BY: KAP

PANDA PROJECT #: CFT8-08-D1690
ARCH PROJECT #: 07044.021

ARCHITECT:



10935 LOVELL AVE., SUITE 700
OVERLAND PARK, KANSAS 66210
PH: (913) 648-8181 FX: (913) 649-1275

STAMP:

PANDA EXPRESS
CFT DEVELOPMENT
79th & STATE LINE
7920 STATE LINE ROAD
PRAIRIE VILLAGE, KS

A-2.1

EXTERIOR ELEVATIONS

CONSIDER CONSTRUCTION OF ADDITIONAL PARKING AT SHAWNEE MISSION EAST

Background:

During the discussions relative to the proposed building additions and subsequent changes to the parking lot and entrances, it was mentioned about the possibility of constructing additional parking spaces on the south side of the existing lot. The Shawnee Mission School District requested that their architect prepare a preliminary plan and cost estimate.

The plan is to construct about an additional 148 parking spaces by adding two rows of parking (see attached diagrams). The estimated construction cost is \$150,000. It is estimated that the design and construction observation will increase the project cost by \$25,000.

The proposal is for the City to design and construct the additional parking spaces as part of the City 2008 Paving Program.

Financial Impact:

The proposal will require an Interlocal Agreement between the Shawnee Mission School District and the City. The agreement would be for the design and construction costs to be shared the \$175,000 equally. It is proposed that the City share be paid by a transfer from General Fund Contingency.

Suggested Motion:

The City Council moves to authorize Public Works staff to prepare an Interlocal Agreement with the Shawnee Mission School District to construct additional parking spaces at Shawnee Mission East High School.

SMEHS

W 77TH ST

W 77TH TER

NEW SIDEWALK

NEW PARKING

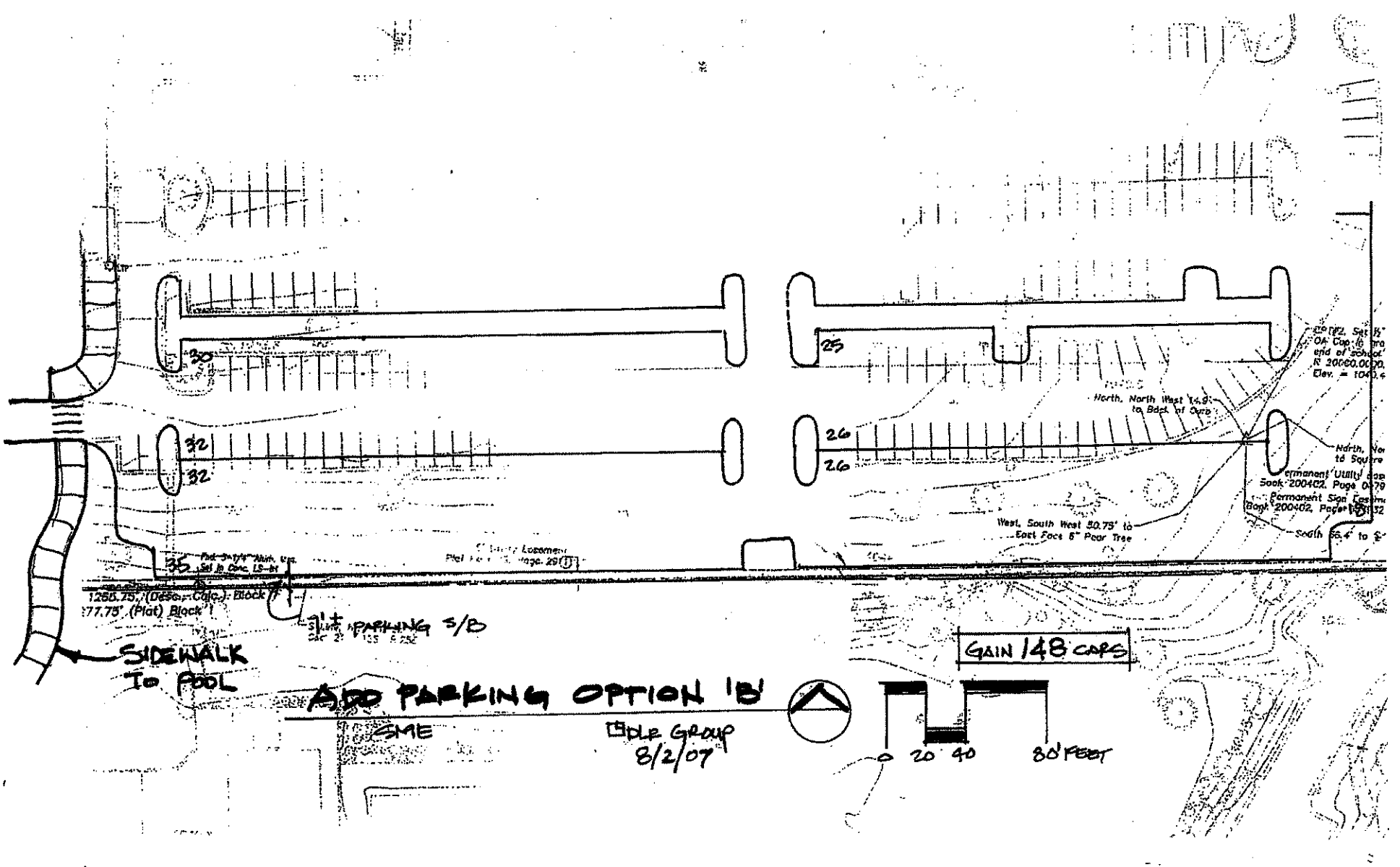
W 77TH PL

DELMAR ST

POOL

CITY OF PV





**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, October 15, 2007
7:30 p.m.**

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

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 – October 1, 2007
2. Claims Ordinance 2643
3. Pass a resolution in support of a National EMS Memorial in Kansas City.
4. Approve authorizing ADP, Inc., to prepare and file Kansas Unemployment Tax forms and make deposits.
5. Approve the frequency reconfiguration agreement between the City of Prairie Village and Nextel.
6. Approve Construction Change Order #5 with J. M. Fahey Construction Company in the amount of \$1,379.16.
7. Ratify the Mayor's appointment of Sally Holmes to the City's Park and Recreation Committee.
8. Designate Jeanne Koontz as Deputy City Clerk for the City of Prairie Village.

VI. STAFF REPORTS

VII. COMMITTEE REPORTS

VIII. OLD BUSINESS

Consider Resolution in support of Mayors Climate Protection Agreement

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

October 15, 2007

**COUNCIL
CITY OF PRAIRIE VILLAGE
October 1, 2007
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 1, 2007, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer called the meeting to order with the following Council members present: Al Herrera, Ruth Hopkins, David Voysey, Michael Kelly, Andrew Wang, Pat Daniels, Charles Clark, Wayne Vennard and Diana Ewy Sharp.

Also present were: Barbara Vernon, City Administrator; Charles Wetzler, City Attorney; Police Chief Wes Jordan; Bob Pryzby, Public Works Director; Doug Luther, Assistant City Administrator; Karen Kindle, Finance Director and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led all present in the Pledge of Allegiance.

SPECIAL PRESENTATION – COMMISSIONER ED PETERSON

Johnson County Commissioner Ed Peterson addressed the Council with his annual presentation on the Johnson County budget and addressed the County's desire to renew the quarter cent sales tax currently going to schools with the funds being designated for public safety in the county.

Although expenditures have increased slightly, the 2008 budget is less than the 2007 budget. The increased expenditures are primarily due to costs for the construction of the new county jail. Commissioner Peterson noted an additional wing has been added to the building increasing the number of beds by 100 and postponing the need for an additional facility in the near future. In response to the anticipated increased public safety costs, the county has been building its reserves and will be using some of those reserves in 2008. The county mill levy will remain at its 2007 level with the county receiving some additional funding due to rising property values.

Commissioner Peterson noted the county receives only 16% of the property tax distribution with cities receiving 15% and the majority (57%) going to fund schools. Local governments receive less than half of the property revenue collected. The distribution of sales tax revenue has 72% of the revenue collected going to the state, 21% going to cities with the county receiving 5%. Mr. Peterson noted the only revenue sources showing growth in the county are fees and grants.

To better explain the future needs of the County, Commissioner Peterson shared with the Council a summary of county capital improvement projects for which funding has not been indentified and the impact of funding these projects through mill levy increases and/or debt. If the quarter cent sales tax for public safety is approved, it will raise the equivalent of 2.4 mills for the County. Although this will provide significant help in funding these projects, Mr. Peterson cautioned that a large gap (8.03 mills) remains to meet the total anticipated costs.

Ruth Hopkins asked what the County process was for increasing the mill levy. Mr. Peterson replied the County does not have the same cap restriction as cities and noted the Commission has full authority to vote an increase.

Diana Ewy Sharp asked about the status of CARS funding. The CARS funding for 2008 will remain at the same level. However, he anticipates there will be a meeting held to discuss increasing CARS funding although no date has been set.

David Voysey asked about the operation of the county's reserve fund. Commissioner Peterson replied approximately two years ago the county increased the mill levy to pay for the initial costs of construction for the jail ; however, recognizing the upcoming and ongoing operational costs for this facility, it began a concerted effort to build the reserve fund to have funds available for the future increased operational costs. Any remaining funds at year-end from other funds were placed in the reserve fund, etc.

Commissioner Peterson introduced Josie Stanley who serves as the County Liaison for the Commissioners dealing directly with residents to resolve problems.

SPECIAL PRESENTATION – ANDREW BERGER

Andrew Berger, 4010 West 74th Terrace, addressed the City Council to apologize for acts of vandalism he was responsible for in the City. He stated he is sorry for his actions and the damages to city property. Mayor Shaffer accepted the apology on behalf of the City Council.

PUBLIC PARTICIPATION

Randy Kronblad, Chairman of the Arts Council, presented invitations to Councilmembers to attend the reception for the State of the Arts Exhibit being held on October 12th featuring 31 pieces of work selected from over 150 entries. Three pieces of work will be designated as award winners whose artist will receive a \$500 check.

Diana Ewy Sharp commended the Council on the attractive banners for the event. Pat Daniels noted Prairie Village resident Margaret Conrads, the juror for the exhibit, is an extremely qualified and serves as the curator of American Art at the Nelson Art Gallery.

Randy Kronblad acknowledged the support of the following sponsors in addition to the Arts Council: Community America Credit Union, Hy-Vee; Jewelry Arts and Callahan Creek.

Mayor Shaffer welcomed and recognized eight high school students from Rockhurst attending the meeting as a class requirement for their Advanced Placement American Government class.

CONSENT AGENDA

Andrew Wang moved the approval of the Consent Agenda for Monday, October 1, 2007:

1. Approve Regular Council Meeting Minutes - September 17, 2007
2. Approve a Letter of Understanding with Johnson County for the rehabilitation of a home with funds from the Prairie Village Municipal Foundation.
3. Approve an agreement with Lowenthal, Singleton, Webb, & Wilson for the audit of the City's 2007 financial statements.
4. Ratify the Mayor's execution of a proclamation for September 27, 2007 to be "Lancer Day"
5. Approve Ordinance 2152 amending Chapter 19.10 entitled "District R-2 two family residential district" by amending Section 19.10.005 entitled "Use regulations."
6. Approve the deletion of the following committee assignments from the Council Committee Agenda: COU99-13, COU2000-42, COU2000-44, COU2000-45 and LEG2000-25.

7. Approve the deletion of the following committee assignments from the Council Committee Agenda: COU2004-10, COU2004-11, COU2004-13, LEG2003-12, COU2004-12 and COU2004-14.
8. Approve the deletion of COU2005-21 from the Council Committee Agenda.
9. Approve the deletion of the following committee assignments from the Council Committee Agenda: COU2005-27, COU2005-44 and LEG2005-49.
10. Approve the deletion of COU2007-10 from the Council Committee Agenda.
11. Approve the deletion of COU2007-51 from the Council Committee Agenda.

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

STAFF REPORTS

Director of Public Works

- Work began today on the cleaning of the air conditioning vents at City Hall
- Work on the Tomahawk Road Bridge continues to be on schedule, the support work will be removed on Wednesday after the final concrete tests are conducted.
- Wednesday, October 3rd is the Tree Boards' annual fall seminar at City Hall at 7 p.m.

Chief of Police

- Reported the Mission Road Bridge in Fairway is closed for construction, he is not sure what the traffic impact will be on neighboring roads, PD staff will be monitoring the situation.
- He encouraged Council members who have not done so, to attend the next Citizens Police Academy conducted by Public Safety staff
- The traffic counts have been completed at Shawnee Mission East and are being tabulated.
- Two officers will be participating in a Kansas Police Officers Association first responders debriefing exercise.

Assistant City Administrator

- The Code Enforcement Officer has finished the inspection of the 644 rental properties in the City and found fewer violations than last year.
- Eight Homes Associations, representing 1500 homes in Prairie Village, have registered to receive notification of building activity and the first notification was mailed today in Ward 5
- Three new businesses are opening in Prairie Village including a barber shop at Corinth Square, a retail store at Somerset & State Line and a new bakery in the Prairie Village Shops.
- To date 117 building permits have been issued reflecting an increase of 17% over 2006 with construction value of approximately two million dollars.
- The First Suburbs Program issued grants totally \$1.2 million to date with \$210,000 going to Prairie Village residents, exceeded only by Raytown.

City Attorney

- Mr. Wetzler referenced his recent communication with the Council regarding their responsibilities and involvement in zoning applications.

City Administrator

- Last Friday, Mrs. Vernon, the Mayor and three councilmembers attended the second annual Leadership Conference sponsored by Johnson County to continue discussions regarding ways in which the County and cities can work together to solve common issues. David Adkins, moderator of the panel discussion, said these meetings are a way to expand the boundaries of what a community is to the benefit of all.
- Statistics given by Chris Tatum with ETC reflected the following changes over the past ten years:
 - The cost of housing in Johnson County doubled
 - Johnson County residents considered to be in poverty increased 44%
 - The non-english speaking population in the county increased 63%
- Johnson County residents gave the following reasons for living in the county:
 - They feel safe
 - Housing
 - Good place to raise children
 - Close to work
- In National surveys Johnson County trails the national average in
 - Storm water management
 - Transportation
 - Emergency Preparedness.
- When asked if they trusted city elected officials, 2 of 3 said they always trust elected, but very few could name their councilmembers. 20% could name their Mayor.
- Dr. Kaplan stated the issue for schools and other governmental agencies is how to position for a different kind of world and changing demographics.
- In discussions on how to affect legislation at the state level, it was noted the Johnson County delegation in Topeka does not vote as a unit and therefore have not been successful in achieving major legislations. It was also noted they are more responsive to business than to city or county government needs.

COMMITTEE REPORTS

Finance Committee - David Voysey

Consider Consultant for GASB 45 evaluation

David Voysey stated the requirements of GASB 45 require the city to conduct an evaluation of the City's employee benefit liability. This must be computed as of January 1, 2008 in order to be in compliance with audit requirements. The evaluation will be reflected in the audit notes. The committee is recommending an amendment to the agreement with SilverStone, the city's actuarial consultant, for this evaluation at a cost of \$7,000.00.

On behalf of the Finance Committee, David Voysey moved the City Council approve an amendment to the Actuarial and Administrative Services Agreement with SilverStone Group to include GASB 45 services. The motion was seconded by Charles Clark.

Ruth Hopkins confirmed it was mandatory and asked what information had to be provided. Charles Clark responded the evaluation will reflect the liability incurred by the City in providing insurance coverage to retired employees. Karen Kindle added the city offers insurance coverage to retirees until they reach the age of 65. They do not have to participate and those participating pay 100% of the premium cost. This needs to be reported separately.

Charles Clark stated the analysis will show how many participants can be expected, how long they will be on the plan and what the cost would be to the City. Karen Kindle noted that because they are being allowed to participate in the city's plan, which includes a diverse population, it is assumed they are paying less in premiums than if they purchased coverage independently and thus are considered to be receiving a benefit from the City in providing this service. Mr. Clark noted the requirement came about as a result of firms in the private sector not reflecting this on their books.

Diana Ewy Sharp asked if funding was available for this service. Karen Kindle replied funds are available in the Administration Department budget. She noted the City will have a better sense of its potential liability in this area after the study is completed.

The motion was voted on and passed unanimously.

Consider the establishment of an Economic Development Fund

The Finance Committee has been working on creating an ordinance to establish an Economic Development Fund for the City. David Voysey stated significant

discussion went into the formation of a definition of "Economic Development". The definition in the ordinance reads as follows:

"A project will be considered an "Economic Development Project" if it is to directly increase city revenues, and/or city population, and/or property values of either commercial or residential property. These projects may include, but not be limited to the purchase of real property, encouragement of the creation and/or retention of businesses, the encouragement of redevelopment of property both commercial and residential, and the encouragement of property."

Section IV of the ordinance specifies the following authorized uses of the funds:

1. To provide funds for economic development activities
2. To provide for improvement and maintenance of areas designated for redevelopment or reinvestment initiatives.
3. To purchase or otherwise acquire real property or any interest therein.
4. To acquire, receive, hold title to, administer, sell, lease or otherwise dispose of real and personal property or any interest therein and to use said property or the proceeds thereof for the purposes encouraging and promoting economic development in the City.
5. To foster and promote public awareness of economic development needs and activities in the City.
6. To enlist the services of planners, consultants, legal counsel, and other professional services incidental to accomplishing the policy objectives identified in this Ordinance.
7. To carry on such other activities as may be incidental to or will assist in the accomplishment of the above-stated purposes.
8. To engage in any projects, programs or improvements within the city of Prairie Village deemed by the Governing Body as appropriate and related to economic Development within the City

David Voysey noted Section V. addresses revenues to be credited to the Fund and Section VI. addresses expenditures from the Fund. He particularly noted that "no single expenditure from the fund shall be in an amount less than \$5,000 unless the Governing Body finds that special circumstances exist" and "expenditures from this fund may not be used to pay costs associated with the employment of full or part-time City employees".

Diana Ewy Sharp noted this fund is geared toward the implementation of Village Vision and that is reflected clearly in the definition. Michael Kelly complimented the committee on the well drafted document.

Pat Daniels noted by the time the quarter cent sales expires, the economic development fund will have a balance of \$2,000,000.

On behalf of the Finance Committee, David voysey moved the City Council adopt Ordinance 2153 establishing an Economic Development Fund in the City of Prairie Village and establishing policies and procedures for spending the fund. The motion was seconded by Ruth Hopkins.

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

Sister City Committee

Michael Kelly reported the Sister City Committee and several guests gathered last Wednesday evening to view pictures and hear about the recent trip to the Ukraine. The next meeting of the committee will be Monday, October 8th.

OLD BUSINESS

Mayor Shaffer thanked the Council for their support of Peanut Butter Week and noted the strong community involvement in this annual campaign. The report from Harvesters on the amount collected at each of the participating locations will be available to Council at the completion of the drive.

NEW BUSINESS

Consider Order of Abatement for 4807 West 64th Street

Doug Luther reported the property owner responded to the City's notice and a tree service is currently working on removing the tree. The Code Enforcement Officer will continue to monitor the property. No action is needed from the Council at this time.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Planning Commission	10/02/2007	7:00 p.m.
Tree Board	53 10/03/2007	6:00 p.m.

Communication Committee	10/08/2007	6:00 p.m.
Sister City	10/08/2007	7:00 p.m.
Park & Recreation Committee	10/10/2007	7:00 p.m.
Council Committee of the Whole	10/15/2007	6:00 p.m.
City Council	10/15/2007	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to feature the State of the Arts Exhibit in the R.G. Endres Gallery during the month of October. It will be a juried show featuring 31 entries from local artists. There will be three prizes of \$500.00 each and the winners will be announced at the reception on Friday, October 12th from 6 p.m. to 8 p.m. .

The League of Kansas Municipalities Annual Conference is October 6-9 at the Overland Park Convention Center.

Flu shots for City employees and Council members are scheduled to be given on Monday, October 15th from 8:30 a.m. to 10 a.m. at Public Works and from 1 to 3 p.m. in the Multi-Purpose room at City Hall.

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 8:35 p.m.

Joyce Hagen Mundy
City Clerk

CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

October 1, 2007

Copy of Ordinance
2643

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			
87590-87671	9/7/2007	83,948.60	
87672-87672	9/12/2007	91.95	
87673-87676	9/12/2007	4,267.64	
87677-87791	9/21/2007	1,573,324.31	
87792-87797	9/27/2007	7,010.70	
Payroll Expenditures			
9/14/2007		224,602.92	
9/28/2007		213,835.68	
Electronic Payments			
Intrust Bank -credit card fees (General Oper)		552.34	
State of Kansas - sales tax remittance		749.15	
Marshall & Ilsley - Police Pension remittance		6,681.32	
Intrust Bank - fee		434.36	
KCP&L		16,110.40	
MHM - Section 125 admin fees		282.92	
Intrust Bank - purchasing card transactions		8,552.91	
United Health Care		74,365.67	
Kansas Gas		1,037.43	
TOTAL EXPENDITURES:			\$ 2,215,848.30
Voided Checks			
void-Comm. Assc. #87397		(187.45)	
void-Jo Co Human Serv #87734		(64.95)	
TOTAL VOIDED CHECKS:			(252.40)
GRAND TOTAL CLAIMS ORDINANCE			2,215,595.90

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

Passed this 1st day of October 2007.

Signed or Approved this 1st day of October 2007.

(SEAL)

ATTEST: _____

City Treasurer

Mayor

**CONSIDER RESOLUTION IN SUPPORT OF A NATIONAL EMS MEMORIAL
IN KANSAS CITY**

Background:

Kansas City is in the running with Colorado Springs for a National Emergency Medical Service memorial. Local EMS agencies are working to bring the memorial to Kansas City. The location within the metro area has not yet been determined.

MARCER, MARC's emergency responder committee, has asked for letters of support or a resolution of support from area cities and counties. A sample letter and resolution are attached. The Memorial would be an important way for the Kansas City community and the nation to express its appreciation for the EMS personnel who give the ultimate sacrifice in their profession.

MOTION:

**RECOMMEND THE CITY COUNCIL PASS A RESOLUTION IN SUPPORT OF
A NATIONAL EMS MEMORIAL IN KANSAS CITY.**

CONSENT AGENDA

RESOLUTION 2007-05

A RESOLUTION EXPRESSING SUPPORT FOR LOCATING THE NATIONAL EMS MEMORIAL MONUMENT IN THE KANSAS CITY METROPOLITAN AREA

WHEREAS, the City of Prairie Village, (the “City”) has an excellent Emergency Medical Services system operated by Johnson County providing life saving services to the citizens of Prairie Village; and

WHEREAS, the City is involved in regional cooperation on a number of issues and has become aware of an effort within the Kansas City metropolitan area to host the National EMS Memorial within the metropolitan area; and

WHEREAS, the National EMS Memorial Service conducts an annual memorial service in May to honor EMS providers who die in the line of duty; and

WHEREAS, the Kansas City metropolitan area is one of three remaining sites being considered by the National EMS Memorial Service for location of a permanent memorial to recognize EMS personnel who give the ultimate sacrifice to their profession; and

WHEREAS, the City of Prairie Village desires to express its support for the location of the National EMS Memorial in the Kansas City metropolitan area;

NOW THEREFORE, be it resolved by the City Council of Prairie Village, Kansas as follows:

THAT the City of Prairie Village hereby supports the application of the Missouri Region’s Emergency Medical Services Memorial Committee to host the National EMS Memorial Monument in the Kansas City metropolitan area and encourages the National EMS Memorial Service to select Kansas City as the location for a permanent monument honoring EMS providers who die in the line of duty.

PASSED AND ADOPTED by the Governing Board of the City of Prairie Village, Kansas, this _____ day of October, 2007.

Ronald L. Shaffer, Mayor

ATTEST:

Joyce Hagen Mundy
City Clerk

Memo

To: Mayor and City Council
From: Jeanne Koontz
Date: 10/5/2007
Re: Letter of Support for National EMS Memorial

If you would like to send a personal letter of support for the National Emergency Medical Service Memorial Monument, a sample letter is attached. Letters should be sent to one of the following by the end of October.

Rande McCrary
PO Box 2
Trenton, MO
64683

Jason White
6750 Eastwood Trafficway
Kansas City, MO
64129

Dear

On behalf of the city of Prairie Village, I am pleased to express support for the placement of the National EMS Memorial Monument in metropolitan Kansas City. Our community has an excellent Emergency Medical Services system operated by Johnson County providing life saving services to our residents and daytime workforce.

Our city is involved in regional cooperation on a number of issues and has become aware of an effort within the Kansas City metropolitan area to host the National EMS Memorial within the metropolitan area. This Memorial would be an important way for our community and the nation to express its appreciation for the EMS personnel who give the ultimate sacrifice to their profession.

We encourage the National EMS Memorial Service to select Kansas City as the location for a permanent monument honoring EMS providers who die in the line of duty.

Sincerely,

**CONSIDER FOR CONSENT AGENDA
ATTORNEY-IN-FACT – ADP, INC –
KANSAS UNEMPLOYMENT TAX FILINGS**

BACKGROUND

In March 2007, the City contracted with ADP, Inc., to provide payroll processing services, including payroll tax filing preparation and submission. The documents signed in March did not cover the Kansas Unemployment Tax filing. The attached document gives ADP, Inc., the authority to prepare the Kansas Unemployment Tax filing forms and submit tax deposits on the City's behalf.

RECOMMENDATION

Approve authorizing ADP, Inc., to prepare and file Kansas Unemployment Tax forms and make deposits.

State:

SUI:



AUTHORIZATION

KNOW ALL MEN BY THESE PRESENTS:

THAT THE UNDERSIGNED, _____,

a _____ Employer Identification No. _____,
(CORPORATION, PARTNERSHIP, INDIVIDUAL)

having its principal office at _____, does hereby constitute and appoint ADP, Inc., its divisions and subsidiaries the true and lawful attorneys-in-fact of the undersigned, until further written notice, to represent the undersigned before any and all government bodies, agencies or instrumentalities, in all matters affecting unemployment insurance taxes including, without limitation, all claims, contributions and experience ratings and the signing of any and all documents relating thereto.

Each of said attorneys-in-fact shall have the power to act with or without the others and the power and authority to perform, in the name and on behalf of the undersigned, every act necessary to carry out the subject matter hereof as fully as the undersigned could do. The undersigned hereby ratifies and approves the acts of said attorneys-in-fact.

This Authorization supersedes and revokes any prior power of attorney or authorization from the undersigned relating to the subject matter hereof.

IN WITNESS WHEREOF, the undersigned has duly executed and delivered this Authorization this
X _____ day of X _____ 20 X _____.

Name of Company (type or print)

ATTEST:

By: X _____
Signature (Authorized Officer)

X _____
Name and Title (type or print)

CONSIDER THE FREQUENCY RECONFIGURATION AGREEMENT BETWEEN THE CITY OF PRAIRIE VILLAGE AND NEXTEL

Issue:

Should the City of Prairie Village approve the frequency reconfiguration agreement with Nextel regarding the 800 MHz rebanding process of the Cities radio system?

Background:

In an effort to alleviate interference in the 800 MHz spectrum with public safety systems and commercial wireless systems, the Federal Communications Commission has ordered the rebanding of affected public safety radio systems. The Cities radio system falls in this group, and therefore one channel needs to be moved within the 800 MHz frequency. Nextel has been charged by the FCC with funding relocation costs to affected licenses.

The City is under the Mid America Regional Council's guidance in coordinating the rebanding process for the entire metro area. MARC hired a private consultant, Tusa Consulting Services, to assist agencies with planning and coordinating this effort. The consultant's agreement was approved by the governing body on August 21, 2006. The governing body also approved the planning funding agreement between the City and Nextel on March 19, 2007.

The frequency reconfiguration agreement will allow the City to move forward on the rebanding process with Nextel. The City Attorney has reviewed the agreement.

Financial Implications:

None, Nextel is responsible for all costs.

Recommendations:

Staff recommends the approval of the frequency reconfiguration agreement between the City of Prairie Village and Nextel.

FREQUENCY RECONFIGURATION AGREEMENT

THIS FREQUENCY RECONFIGURATION AGREEMENT (this "Agreement") is made as of this ____ day of _____, 2007 ("Effective Date"), by and between **City of Prairie Village**, a municipal subdivision incorporated under the laws of the State of Kansas ("Incumbent"), and **Nextel West Corp.** ("Nextel"), a wholly owned indirect subsidiary of Sprint Nextel Corporation, a Kansas corporation (each is referred to in this Agreement as a "Party" and collectively as the "Parties").

RECITALS

- A. On August 6, 2004, the Federal Communications Commission ("FCC") issued a report and order that modified its rules governing the 800 MHz band. The purpose of the order was to reconfigure the 800 MHz band to minimize harmful interference to public safety radio communications systems in the band ("Reconfiguration").
- B. On December 22, 2004, the FCC issued a Supplemental Order and Order on Reconsideration. The August 6, 2004 and December 22, 2004 FCC orders, any binding actions issued by the Transition Administrator pursuant to its delegated authority under the orders ("Actions"), and any supplemental FCC orders in the Reconfiguration proceeding or subsequent Actions after the date of this Agreement, are collectively referred to as the "Order."
- C. Pursuant to the Order, Incumbent and Nextel are licensed on frequency allocations subject to Reconfiguration.
- D. Pursuant to the Order, Nextel will pay Incumbent an amount to effect a Reconfiguration of Incumbent's affected frequency allocations ("Reconfiguration Cost"). Incumbent will certify to the transition administrator appointed pursuant to the Order (the "Transition Administrator") that the Reconfiguration Cost is the minimum amount necessary to provide comparable facilities.

FOR GOOD AND VALUABLE CONSIDERATION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

AGREEMENT

1. **Frequencies to be Reconfigured:** Incumbent is the licensee under the license(s) granted by the FCC identified in Schedule A (the "Incumbent Licenses") for the operation of certain 800 MHz frequencies at the locations identified on Schedule A (the "Incumbent Frequencies"). Nextel, including its subsidiaries or affiliates, is the licensee under license(s) granted by the FCC (the "Nextel Licenses") for the operation of Specialized Mobile Radio ("SMR") systems on the frequencies and at the locations identified in Schedule B (the "Replacement Frequencies"). Pursuant to the Order, Incumbent must relinquish the Incumbent Frequencies and relocate its system to the Replacement Frequencies.

2. **Frequency Reconfiguration Process:**

(a) On or before the Closing Date (as defined below) (i) Nextel or Incumbent will cause the modification of the Incumbent Licenses to add the Replacement Frequencies or Nextel will cause the creation of a new FCC license for Incumbent that includes the Replacement Frequencies; (ii) Incumbent will assign the Incumbent Frequencies to Nextel or at Nextel's election will cause the deletion of the Incumbent Frequencies from the Incumbent Licenses following Reconfiguration of Incumbent's system; and (iii) Nextel will cause the modification and/or cancellation of the FCC licenses it holds for the operation of 800 MHz frequencies that are co-channels of the Replacement Frequencies, to the extent required to meet the

technical short-spacing requirements of Section 90.621(b) of the FCC's Rules, 47 C.F.R. § 90.621(b) ("Section 90.621(b)"), as such rule may be amended from time to time by the FCC.

(b) The Parties agree that Nextel will make the FCC assignment filings for the Replacement Frequencies on a future date to be determined by the Parties through mutual agreement, as provided in Section 5(iii). The Incumbent reserves the right to make its own FCC filings for the Replacement Frequencies on such mutually agreed date, rather than relying on Nextel to do so, by so notifying Nextel in accordance with the Notice provision of this Agreement.

3. Reconfiguration Costs:

(a) Acknowledgement of Obligations. Incumbent agrees that:

(i) the cost estimate set forth in Schedule C (the "Cost Estimate") and the equipment set forth on Schedule D, sets forth all of the work required to reconfigure Incumbent's existing facilities to comparable facilities that will operate on the Replacement Frequencies;

(ii) after all of the work contemplated by the Cost Estimate has been performed and all Schedule D equipment provided in accordance with this Agreement, and Nextel has paid all amounts required by this Agreement, the Incumbent's reconfigured system shall be deemed for all purposes of the Order to be "comparable" to Incumbent's existing system prior to Reconfiguration, and Nextel shall be deemed to have satisfied its obligations under the Order to pay the cost of relocating Incumbent's system from the Incumbent Frequencies to the Replacement Frequencies.

(b) Payment Terms. In order to facilitate the Incumbent's transition to the Replacement Frequencies, Nextel will pay the costs incurred to reconfigure Incumbent's system in an amount not to exceed the Cost Estimate. Nextel will make payments in accordance with the payment terms identified on Schedule C for both payments made directly to Incumbent and payments made on behalf of Incumbent directly to each third party vendor identified on the Cost Estimate ("Vendor").

(i) Prior to the Closing Date, Incumbent will submit to Nextel documentation (including without limitation invoices, receipts, and timesheets or equivalent documentation) demonstrating the actual costs that Incumbent reasonably incurred or paid to other entities to reconfigure Incumbent's system ("Actual Costs"). Upon receipt by Nextel of documentation of the Actual Costs, Nextel will issue a statement to Incumbent ("Reconciliation Statement") and Nextel and Incumbent will reconcile the Actual Costs against the payments made by Nextel to Incumbent identified on Schedule C (the "Reconciliation"). The Reconciliation Statement will identify what the Parties agree upon as the amount of any additional payments (subject to Section 8) due to Incumbent or any refunds due to Nextel. The date of receipt by Nextel of Incumbent's signed Reconciliation Statement is the "Reconciliation Date".

(ii) Any additional payments due to Incumbent from Nextel will be disbursed to Incumbent within thirty (30) days of the Reconciliation Date, provided the additional payments do not result from Actual Costs that exceed the Cost Estimate (in which case the provisions of Section 3(b)(iii) of this Agreement will apply). Any refunds due from the Incumbent to Nextel will be made within thirty (30) days of the Reconciliation Date.

(iii) In the event Incumbent's Actual Costs exceed the Cost Estimate, Incumbent must submit a Change Notice pursuant to Section 8 of this Agreement describing the change in scope of work that resulted in Incumbent's Actual Costs exceeding the Cost Estimate. Approval of any Change Notice will not be automatic but will be processed in accordance with Section 8 of this Agreement. Additional payments due to Incumbent which result from any Change Notice prior to the Reconciliation Date or an excess of Actual Costs over the Cost Estimate, as agreed on the Reconciliation Date, will be disbursed to

Incumbent and/or its vendors within thirty (30) days of execution by the Parties of the Amendment documenting the approved changes from such Change Notice.

(iv) Prior to the Closing Date (as defined below), Nextel will pay on behalf of itself and Incumbent, both Parties' applicable sales and transfer taxes, if any, and all FCC fees in connection with the preparation and filing of the necessary FCC applications for the assignment(s) described in Section 2 of this Agreement.

4. **Loaned Reconfiguration Equipment:** If needed in order to facilitate the Incumbent's transition to the Replacement Frequencies, Nextel will loan any equipment identified in Schedule D as "Loaned Reconfiguration Equipment". The Loaned Reconfiguration Equipment and Nextel Replacement Equipment may be referred to collectively as the "Nextel Schedule D Equipment". Nextel will deliver any Nextel Schedule D Equipment to Incumbent in accordance with Schedule D. Any Loaned Reconfiguration Equipment will be returned to Nextel by Incumbent prior to the Closing Date. Incumbent will fax to Nextel a bill of lading associated with each shipment of Nextel Schedule D Equipment signed by an authorized representative of Incumbent acknowledging receipt of the Nextel Schedule D Equipment in good working order.

5. **Retuning Cooperation:** For purposes of this Section, the "Current Program Completion Date" shall mean June 26, 2008 or such other date as may be established by the FCC for the completion of the Reconfiguration. The Parties acknowledge that the number of frequencies and locations covered by this Agreement will require the Parties to cooperate closely in performing their respective reconfiguration activities. The Parties agree that: (i) as of the Effective Date, the Incumbent may begin the reconfiguration of its subscriber units, in accordance with the appropriate sections of Schedule C and Schedule D, (ii) Incumbent may commence such other activities associated with the reconfiguration of its system as further detailed on Schedule C as of the Effective Date; and (iii) the Parties will agree on a schedule to make the FCC filings, clear the Replacement Frequencies and decommission the Incumbent Frequencies (the "Schedule"). Depending on the timing of the adoption of this Schedule, it may require the submission of a Change Notice in accordance with Section 8 and/or an Amendment to this Agreement, but in any event the Parties agree to adopt the Schedule no later than forty-five (45) days from the Effective Date of this Agreement or September 30, 2007, whichever is later, or such other date as the FCC may require; provided, however, that in the event the completion date in the Schedule for the reconfiguration of Incumbent's system extends beyond the Current Program Completion Date, the completion date in the Schedule will be subject to FCC approval.

6. **Representations and Warranties:** Each Party represents and warrants to the other as follows:

(i) it is duly organized, validly existing and in good standing under the laws of the state of its incorporation;

(ii) this Agreement has been duly authorized and approved by all required organizational action of the Party;

(iii) neither the execution and delivery of this Agreement nor the consummation of the transactions contemplated by this Agreement will conflict with, or result in any material violation or default under, any term of its articles of incorporation, by-laws or other organizational documents or any agreement, mortgage, indenture, license, permit, lease, encumbrance or other instrument, judgment, decree, order, law or regulation by which it is bound;

(iv) it is the lawful and exclusive FCC licensee of its respective license(s) described in this Agreement, such licenses are valid and in good standing with the FCC, and it has the authority to request the FCC to assign, modify or cancel such licenses;

(v) there is no pending or threatened action or claim that would have the possible effect of enjoining or preventing the consummation of this Agreement or awarding a third party damages on account of this Agreement; and

(vi) to the best of its knowledge, all information provided to the other Party concerning the transactions contemplated by this Agreement is true and complete.

All representations and warranties made in this Agreement shall survive the Closing Date (defined below) for two (2) years.

7. **Covenants:** From the Effective Date until the Closing Date (defined below), each Party will promptly notify the other Party of any pending or threatened action by the FCC or any other governmental entity or third party to suspend, revoke, terminate or challenge any license described in this Agreement or to investigate the construction, operation or loading of any system authorized under such licenses. From the Effective Date until the Closing Date, Incumbent will not enter into any agreement resulting in, or otherwise cause, the encumbrance of any license for the Incumbent Frequencies, and Nextel will not enter into any agreement resulting in, or otherwise cause, the encumbrance of any of the Replacement Frequencies.

8. **Changes:** The Parties acknowledge that as the Reconfiguration of Incumbent's facilities proceeds in accordance with the work contemplated by the Cost Estimate, the need for changes to the scope of such work may arise. The Parties agree that their review of any such needed changes must be performed expeditiously to keep the work on schedule and that they will provide sufficient staff to manage changes. If either Party believes that a change to the work contemplated by the Cost Estimate is required (including changes by Vendors), such Party will promptly notify the other Party in writing. Such written notice (the "Change Notice") shall set forth (i) a description of the scope of the change to the work contemplated by the Cost Estimate believed to be necessary and (ii) an estimate of any increase or decrease in the Cost Estimate and in the time required to reconfigure Incumbent's existing facilities to operate on the Replacement Frequencies. A Party receiving a Change Notice shall immediately perform its own analysis of the need for and scope of the change and its impact on the Cost Estimate and schedule and negotiate the change in good faith with the other Party. After the Parties have agreed upon a change to this Agreement, they shall prepare a proposed amendment to this Agreement pursuant to Section 25 and submit to the Transition Administrator a copy of the proposed amendment together with a written request for its approval. Such request shall be accompanied by reasonable documentation supporting the need for and scope of the change and any proposed increase or decrease in the Cost Estimate and in the time required to reconfigure Incumbent's existing facilities to operate on the Replacement Frequencies. Incumbent is responsible for all unauthorized changes necessary as it relates to work performed by a Vendor on behalf of Incumbent. No change to the Cost Estimate, the work contemplated by the Cost Estimate or the time required to reconfigure Incumbent's existing facilities to operate on the Replacement Frequencies shall become effective until the Transition Administrator has approved the change in writing and both Parties have signed an amendment incorporating such approved change into this Agreement pursuant to Section 25.

9. **Closing:** The closing of the transactions contemplated by this Agreement will take place after (i) FCC approval of the assignment of the Incumbent Frequencies to Nextel and/or deletion of the Incumbent Frequencies from the Incumbent Licenses, (ii) FCC approval of the modification to add the Replacement Frequencies to the Incumbent Licenses or the creation of a new license for Incumbent that includes the Replacement Frequencies, (iii) notification by Incumbent to Nextel that the Incumbent Licenses are clear of all users pursuant to Section 5, (iv) delivery by Incumbent of all receipts, invoices and other documentation required to substantiate the Actual Costs and signing by Incumbent and delivery to Nextel of the Reconciliation Statement and other documents required to complete the Reconciliation similar to those identified on Exhibit B, (v) FCC approval of the modification and/or cancellation of the

FCC licenses Nextel holds for the operation of 800 MHz frequencies that are co-channels of the Replacement Frequencies, to the extent required to meet the technical short-spacing requirements of Section 90.621(b) of the FCC's Rules, 47 C.F.R. § 90.621(b), as such rule may be amended from time to time by the FCC, (vi) the refund to Nextel or payment to Incumbent as described in Section 3(b)(ii), (if applicable); and (vii) the satisfaction of all other conditions specified in this Agreement (the "Closing Date").

10. **Closing Conditions:** Performance of each Party's Closing obligations is subject to satisfaction of the following conditions (except to the extent expressly waived in writing by the other Party):

(a) the continued truth and accuracy of the other Party's representations and warranties set forth in this Agreement;

(b) all of the covenants of the other Party described in this Agreement are performed in all material respects;

(c) execution and delivery by the other Party of Closing documents as well as any other Closing instruments and documents either Party or its counsel may reasonably request. Incumbent will execute and deliver to Nextel a closing certification required by the Transition Administrator ("Completion Certification"); and

(d) The Parties will cooperate in good faith and exercise their reasonable best efforts to finalize and execute these instruments and documents on or prior to the Closing Date in order to effect the Reconfiguration contemplated.

11. **Review Rights:** In order to enable the Transition Administrator to comply with its audit obligations under the Order, Incumbent agrees to maintain records and other supporting evidence related to the costs that Incumbent has expended in connection with the Reconfiguration contemplated by this Agreement and that Nextel has paid or will pay to Incumbent pursuant to this Agreement. Incumbent agrees to maintain such records and make them reasonably available to the Transition Administrator for review or reproduction until eighteen (18) months after the date of Incumbent's executed Completion Certification required by this Agreement. As used in this provision, "records" includes books, documents, accounting procedures and practices and other data regardless of type and regardless of whether such items are in written form, in the form of computer data or in any other form.

12. **Excluded Assets; No Assumption of Liabilities:** Nothing in this Agreement should be construed as a transfer or assignment from either Party to the other Party of any assets (including FCC licenses) except as expressly set forth in this Agreement. Other than as expressly provided in this Agreement, neither Party is obligated to assign and transfer to the other any asset, tangible or intangible, nor is either Party entitled to assume any asset, tangible or intangible. Neither Party is assuming, nor is either Party responsible for, any liabilities or obligations of the other Party arising out of or in connection with the other Party's licenses (or related systems and facilities) that are the subject of this Agreement.

13. **Confidentiality:** The terms of this Agreement and any proprietary, non-public information regarding the Incumbent Frequencies, Replacement Frequencies, Nextel's business and Incumbent's business must be kept confidential by the Parties and their employees, shareholders, agents, attorneys and accountants (collectively, "Agents"), which confidentiality will survive the Closing or termination of this Agreement for a period of two (2) years. The Parties may make disclosures: (i) as required by law, (ii) to the Transition Administrator, (iii) to a manufacturer of Replacement Equipment to allow for the provisioning of that equipment to Incumbent (but only to the extent such disclosure specifically relates to that manufacturer's equipment as identified on Schedule D), (iv) to the Mid-America Regional Council

(MARC) and municipalities within Incumbent's NPSPAC regions, and (v) to a Vendor (but only to the extent such disclosure specifically relates to that Vendor's work and costs under this Agreement (as identified on Schedule C) as required to perform obligations under this Agreement, provided, however, that each Party will cause all of its Agents to honor the provisions of this Section. Nextel, Incumbent and their respective Agents may make disclosures regarding the terms of this Agreement to other public safety licensees and their Agents. Each party involved in such disclosures shall cause all of its Agents to confine the disclosure of the terms of this Agreement to only public safety licensees and will advise the party to whom the disclosure was made, to limit further disclosure to only public safety licensees in accordance with the FCC Order, WT Docket No. 02-55, adopted January 8, 2007.

14. **Cooperation**: The Parties will cooperate with each other and the Transition Administrator with respect to the Reconfiguration work contemplated by this Agreement. Without limiting the foregoing obligations, the Parties agree to cooperate in the preparation of any applications required to be filed with the FCC, and Incumbent agrees to provide reasonable access to its facilities so that the Transition Administrator may comply with any audit obligations and so any Reconfiguration work contemplated by this Agreement may be performed in accordance with the Cost Estimate and performance schedule. If a Party is subject to a denial of FCC benefits for delinquent non-tax debts owed to the FCC that would prevent or delay the timely processing of any FCC applications, such Party shall cure such delinquency in an expeditious manner and at its sole expense.

15. **Indemnification**: From and after the Closing Date, each Party (the "Indemnifying Party") will indemnify and defend the other Party, its officers, directors, employees and agents (collectively, the "Indemnified Party"), from and against all demands, claims, actions, losses, damages, liabilities, costs and expenses, including, without limitation, reasonable attorneys' fees and expenses (collectively, "Costs"), asserted against, imposed upon or incurred by the Indemnified Party arising from or related to: (i) any breach of any covenant, agreement, representation or warranty of the Indemnifying Party contained in, or made pursuant to, this Agreement; or (ii) any and all liabilities (including successor liabilities) or obligations relating to periods prior to the Closing Date resulting from the Indemnifying Party's operation of the system operated pursuant to the Incumbent Licenses or the Nextel Licenses, as applicable, or the ownership or use of those licenses or from the Indemnifying Party's employment, or termination of employment, of its employees. The obligations under this Section survive the Closing for a period of three (3) years.

16. **Disputes**: The Parties agree that any dispute related to the Replacement Frequencies, Nextel's obligation to pay any cost of the Reconfiguration of Incumbent's system contemplated by this Agreement, or the comparability of Incumbent's reconfigured system to Incumbent's existing system prior to Reconfiguration, which is not resolved by mutual agreement, shall be resolved in accordance with the dispute resolution provisions of the Order, as it may be amended from time to time.

17. **No Gratuities**: No gift, gratuity, credit, thing of value or compensation of any kind shall be offered or provided by Incumbent, directly or indirectly, to any officer, employee or official of Nextel for the purpose of improperly obtaining or rewarding favorable treatment under this Agreement.

18. **Liens**: If any liens or security interests attach to any of Incumbent's facilities in favor of any vendor or service provider that is performing any Reconfiguration work contemplated by this Agreement as a result of Nextel's breach of any obligation to make direct payment (not in dispute) to such vendor or services provider, Nextel upon receipt of Notice from Incumbent will cooperate to remove any Liens.

19. **Vendor Performance Issues**: Incumbent will select and contract directly with any vendor or service provider performing work required to reconfigure the Incumbent's existing facilities to operate on the Replacement Frequencies. Neither the Transition Administrator nor Nextel will be responsible for, or assume the risk of any failure of that Vendor to perform its obligations under any contract entered into

between Incumbent and such Vendor in connection with the Reconfiguration contemplated by this Agreement.

20. Nextel Replaced Equipment:

(a) If the reconfiguration of the Incumbent's existing facilities to operate on the Replacement Frequencies involves the replacement of any of Incumbent's existing equipment with equipment provided by Nextel (as identified on Schedule D) or equipment the cost of which is being paid by Nextel pursuant to this Agreement as listed in Schedule C (collectively the "Replacement Equipment"), then (i) title to the equipment replaced by the Replacement Equipment (the "Nextel Replaced Equipment") as listed in Schedule D shall pass to Nextel at Closing free and clear of liens and any other encumbrances, and (ii) Incumbent shall execute such documentation as Nextel may reasonably request to transfer title to Nextel and shall within thirty (30) days deliver the Nextel Replaced Equipment to Nextel at Nextel's expense and pursuant to Nextel's instructions. Title to Replacement Equipment provided by Nextel will pass to Incumbent at Closing and Nextel shall execute such documentation as Incumbent may reasonably request to transfer title to Incumbent free and clear of liens.

(b) If Incumbent fails to return any item of the Nextel Replaced Equipment to Nextel, Incumbent must return to Nextel those items of the Replacement Equipment that would have replaced the Nextel Replaced Equipment not returned, in new condition within thirty (30) days of receipt of the Replacement Equipment. If Incumbent fails to return any item of the Nextel Replaced Equipment to Nextel under this Section 20(b) and a Product Typical Value is set forth in Schedule E for the item of Replacement Equipment then either: (i) Nextel will deduct the Product Typical Value (as set forth in Schedule E) for those items of Replacement Equipment provided to replace the Nextel Replaced Equipment not returned to Nextel (including tax (if any) and shipping) (the "Nextel Equipment Refund") from the final payment due to Incumbent after the Reconciliation; (ii) Incumbent must pay Nextel the Nextel Equipment Refund prior to the Closing Date (if no final payment is due to Incumbent; or (iii) Nextel will deduct the portion of the Nextel Equipment Refund up to the value of the final payment due to Incumbent and Incumbent must pay Nextel the remaining Nextel Equipment Refund not covered by the final payment prior to the Closing Date (If the final payment due Incumbent is less than the Nextel Equipment Refund).

21. **Termination:** This Agreement may be terminated and the transactions contemplated by this Agreement abandoned: (i) by mutual consent of the Parties provided in writing; (ii) for cause by either Party upon material breach of the other Party, following a thirty (30) day period for cure by the breaching Party following receipt of written notice of the breach or (iii) by Nextel in the event of any Adverse Decision by any governmental entity of competent jurisdiction affecting the Order. For purposes of this Agreement, an "Adverse Decision" means an order, decree, opinion, report or any other form of decision by a governmental entity of competent jurisdiction that results, in whole or part, in a stay, remand, or reversal of the Order, or otherwise in any revision to the Order that Nextel determines, in its sole discretion, to be adverse to its interests. In the event of termination, the Parties shall take all necessary action (including preparing and filing FCC documents) to return the *status quo ante* on the date of this Agreement. In the event of termination, Nextel shall pay all costs associated with the return to the *status quo ante* except if such termination was due to an uncured material breach by Incumbent.

22. **Attorney's Fees:** In any legal proceeding by a Party to enforce its rights under this Agreement against the other Party, the Party prevailing in such proceeding will be entitled to recover its reasonable attorney's fees and costs from the other Party.

23. **Notices:** All notices and other communications under this Agreement must be in writing and will be deemed given (i) the same day if delivered personally or sent by facsimile; (ii) the next business day if sent by overnight delivery via a reliable express delivery service; or (iii) after five (5) business days if sent

by certified mail, return receipt requested, postage prepaid. All notices are to be delivered to the Parties at the following addresses:

If to Incumbent, to: Prairie Village, City of 7710 Mission Road Prairie Village, KS 66208 Attn. Tim Schwartzkopf	If to Nextel, to: Nextel West Corp. c/o Nextel Communications, Inc. 2001 Edmund Halley Drive Reston, VA 20191 Attn: Heather P. Brown, Esq. Phone: (703) 433-4000 Fax: (703) 433-4483
Nikki F. Moss Public Safety Maintenance Supervisor Mid-America Regional Council 600 Broadway, Suite 300, Kansas City, MO 64105 Phone 816/701-8323 nmoss@marc.org	With a copy that shall not constitute Notice: Nextel Communications, Inc. 6575 The Corners Parkway Norcross, GA 30092 Attn: William Jenkins, VP Spectrum Resources Phone: (770) 326-7484 Fax: (678) 405-8252

24. **Assignment:** This Agreement is binding upon and inures to the benefit of the Parties and their respective successors and permitted assigns. Either Party may assign this Agreement to any direct or indirect subsidiary or affiliate of the Party, upon delivery of written notice to the other Party.

25. **Amendments:** This Agreement, including without limitation the scope of work contemplated hereby and the Estimated Cost thereof to be paid by Nextel, may be amended or modified only by a written instrument signed by authorized representatives of both Parties, provided, however, no amendment or modification to this Agreement shall become effective until approved by the Transition Administrator.

26. **Benefits:** This Agreement is for the benefit of the Parties and their successors and permitted assigns, and nothing in this Agreement gives or should be construed to give any legal or equitable rights under this Agreement to any person or entity, other than (i) the successors and assigns of the Parties, and (ii) the Transition Administrator as specifically provided for in this Agreement.

27. **Miscellaneous:** If any provision(s) of this Agreement is held in whole or part, to be invalid, void or unlawful by any administrative agency or court of competent jurisdiction, then such provision(s) will be deemed severable from the remainder of this Agreement, will in no way affect, impair or invalidate any other provision contained in the Agreement and the Parties will use their commercially reasonable efforts to amend this Agreement to make the unlawful provision compliant with applicable law so as to preserve the rights and obligations of the Parties. No action taken pursuant to this Agreement should be deemed to constitute a waiver of compliance with any representation, warranty, covenant or agreement contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature. This Agreement, together with the Schedules, constitutes the entire understanding and agreement between the Parties concerning the subject matter of this Agreement, and supersedes all prior oral or written agreements or understandings. This Agreement is governed by the laws of the Commonwealth of Virginia without regard to conflicts of law principles thereof. This Agreement may be executed in one or more counterparts, including by facsimile, which will be effective as original agreements of the Parties executing the counterpart.

In consideration of the mutual consideration set forth herein, this Agreement is effective as a legally binding agreement between the Parties upon execution by the Parties.

INCUMBENT:
City of Prairie Village

NEXTEL:
Nextel West Corp.

By: _____

By: _____

Name:

Name:

Title:

Title:

SCHEDULE A

Incumbent Frequencies

Incumbent's Name: Prairie Village, City of

Incumbent Assigns to Nextel:

CALLSIGN	Frequencies	Licensee	Location	# of Frequencies	Issue Date	Lat (N)	Long (W)
WPEJ208	860.2375	Prairie Village, City of	Prairie Village, KS	1	12/23/2003	38' 59' 20' N	94' 37' 58.8' W

SCHEDULE B

Replacement Frequencies

Incumbent's Name: Prairie Village, City of

Nextel Assigns to Incumbent:

Replacement Frequencies	Lat (N)	Long (W)	ERP (W)	Gnd Elev (ft)	Ant. Height (ft)	New Licensee	Location
855.7875	38' 59' 20 N	94' 37' 58.8 W	251	1040	171	Prairie Village, City of	Prairie Village, KS

SCHEDULE C

800 MHZ RECONFIGURATION

COST ESTIMATE – CERTIFIED REQUEST

Incumbent’s Name: Prairie Village, City of

Request for Reconfiguration Funding

Pursuant to the Order, Incumbent is required to reconfigure its existing facilities and requests Nextel to fund the estimated reconfiguration costs included below:

Incumbent Payment Terms: Nextel will pay Incumbent an amount not to exceed the Estimated Cost(s) for Incumbent with respect to each category of work, as set forth below. Nextel will pay Incumbent \$13,417 within 15 days (30 days if Incumbent elects to be paid by check rather than electronic funds transfer) after receipt by Sprint Nextel of the fully executed Agreement and fully completed Incumbent Information Form (as set forth on Exhibit A). Nextel will pay any outstanding balance of the Actual Costs due to Incumbent within 30 days after the Reconciliation Date (as “Actual Costs” and “Reconciliation Date” are defined in Section 3(b)(i)).

Vendor Payment Terms: Sprint Nextel will pay each Vendor an amount not to exceed the Estimated Cost(s) for that Vendor with respect to each category of work, as set forth below. Sprint Nextel will pay each Vendor within 30 days after receipt by Sprint Nextel of (A) an invoice from the Vendor and (B) Incumbent’s approval of receipt of goods and services and approval of associated costs included on the Vendor invoice.

1. **System Description:** Owner operates a, single site 3-channel EDACS trunked public safety radio network manufactured by M/A-COM (WPEJ208). Of the 3 channels, one channel falls 860.2375 MHz, in the newly planned expansion band, and therefore is elected to be retuned. The City of Leawood, FCC license WPF676, shares the City's infrastructure. Although the City of Leawood does not have any channels affected by rebanding, their license is part of the infrastructure shared by the City of Prairie Village. For this reason, the City of Leawood's subscriber user equipment must be retuned at the same time as the City of Prairie Village's reconfiguration.

The major system elements to be reconfigured are summarized in the table below:

	Total In System	Total Included in FRA
Base station frequencies	3	1
- Voice channels	3	1
- Home/Control channels	3	1
Repeater sites	1	1
Other sites (remote recv, BDA)	0	0
Subscriber units retuned	117	117
Subscriber units reprogrammed	0	0
Subscriber units replaced	307	307
Entities operating on the system	2	2

2. Reconfiguration Milestones:

Reconfiguration Task	Estimated Duration in # of Days
Reconfigure Subscriber Equipment	60
Reconfigure Infrastructure Equipment	5

3. **Implementation Plan:** The attached Implementation Plan and associated deliverables describe the reconfiguration implementation plan resulting from funds expended under the Planning Funding Agreement dated 4-10-2007.

See attachment.

4. Cost Estimate:

Description of Work To Be Performed	Payee (separately identify Incumbent and each Vendor being paid for work performed)	Estimated Cost(s) for Incumbent and each Vendor (Not to exceed listed amount)
I. Subscriber Equipment Reconfiguration		
a. Subscriber Equipment Reconfiguration – Communication Associates (see Exhibit C)	Communication Associates (Vendor) 8271 Melrose Drive Lenexa, Kansas 66214 913-495-2300	\$135,555
b. Subscriber Equipment Reconfiguration – Tusa Consulting (see Exhibit C)	Tusa Consulting LLC (Vendor) 3416 Metairie Heights Ave, Metairie, LA 70002 Att. Dean Hart 816-792-1775	\$7,680
c. Subscriber Equipment Reconfiguration – City of Prairie Village (see Exhibit C)	City of Prairie Village (Incumbent) 7710 Mission Rd. Prairie Village, KS 66208 Att. Tim M. Schwartzkopf 913-385-4609	\$23,804
II. Infrastructure Equipment Reconfiguration		

a. Infrastructure Equipment Reconfiguration – Communication Associates (see Exhibit C)	Communication Associates (Vendor)	\$29,284
b. Infrastructure Equipment Reconfiguration – Tusa Consulting (see Exhibit C)	Tusa Consulting LLC (Vendor)	\$1,180
c. Infrastructure Equipment Reconfiguration – City of Prairie Village (see Exhibit C)	City of Prairie Village (Incumbent)	\$470
III. Engineering and Verification		
a. Testing – Communication Associates (see Exhibit C)	Communication Associates (Vendor)	\$10,851
b. Testing – Tusa Consulting (see Exhibit C)	Tusa Consulting LLC (Vendor)	\$2,630
c. Testing – City of Prairie Village (see Exhibit C)	City of Prairie Village (Incumbent)	\$280
IV. Contracts and Legal	N/A	N/A
V. Other Costs		
a. Other Costs – Tusa Consulting (see Exhibit C)	Tusa Consulting LLC (Vendor)	\$2,295
b. Other Costs – City of Prairie Village (see Exhibit C)	City of Prairie Village (Incumbent)	\$2,280
Total Estimated Costs		\$216,309

Certification

Pursuant to the Order, Incumbent hereby certifies to the Transition Administrator appointed pursuant to the Order that the funds requested above are the minimum necessary to provide Incumbent reconfigured facilities comparable to those presently in use in a manner that is reasonable, prudent and timely. Incumbent further certifies, to the best of Incumbent's knowledge, that any vendor costs identified on the Schedule C are comparable to costs previously charged by each such vendor to Incumbent.

Signature: _____
Print Name: _____
Title: _____
Phone Number: _____
E-mail _____
Date: _____

SCHEDULE D

2) Replacement Equipment (to be provided by Nextel)

Quantity	Manufacturer	Description	Model Number	New/Used
2	M/A Com	SOFTWARE, EDACS RADIO PROGRAMMER	TQS3385	New
2	M/A Com	Programming cables RC-232 (for P7100 and P5100)	TQ3419	New
2	M/A Com	M7100 Programming cables	TQ3409	New
2	M/A Com	KIT, PROGRAMMING INTERFACE MODULE, 110 VAC	TQ3370	New
88	M/A Com	M7100IP Radio Type Unencrypted	MAHG-S8MXX	New
		FEATURE PACKAGE, EDACS TRUNKING OPERATION (includes Conventional operation)		
88	M/A Com		MAHG-ED	New
88	M/A Com	CONTROL UNIT, SCAN, FRONT MOUNT	MAHG-CP7U	New
88	M/A Com	MICROPHONE, MOBILE	MAHG-MC7T	New
88	M/A Com	KIT, ACCESSORY, FRONT MOUNT, 50W TX AND BELOW	MAHG-ZN5W	New
88	M/A Com	KIT, KEYCAP, SCAN CONTROL UNIT, 11 keys and extractor tool	MAHG-MK3E	New
13	M/A Com	M7100IP Radio Type Unencrypted	MAHG-S8MXX	New
		FEATURE PACKAGE, EDACS TRUNKING OPERATION (includes Conventional operation)		
13	M/A Com		MAHG-ED	New
13	M/A Com	CONTROL UNIT, SYSTEM, REMOTE MOUNT	MAHG-CP7X	New
13	M/A Com	MICROPHONE, MOBILE	MAHG-MC7T	New
13	M/A Com	KIT, ACCESSORY, REMOTE MOUNT, 50W TX AND BELOW	MAHG-ZN5X	New
13	M/A Com	FEATURE, STATUS/MESSAGE AND RADIO TEXTLINK	MAHG-TS	New
		KIT, KEYCAP, SYSTEM CONTROL UNIT, 72 keys and extractor tool		
13	M/A Com		MAHG-MK3F	New
67	M/A Com	P5150 Radio Type (Scan)	MAHM-S8DXX	New
		MICROPHONE, LAPEL Includes Rubber PTT Button, Emergency Button, 2-Position Volume Control, and Earphone Jack<IS>		
67	M/A Com		MAHM-AE7A	New
67	M/A Com	CHARGER, DESK, RAPID, 120/230 VAC	MAHM-CH9E	New
33	M/A Com	CASE, LEATHER, WITH BELT LOOP & SWIVEL<IS>	MAHM-HC7N	New
34	M/A Com	BELT CLIP, METAL<IS>	MAHM-HC7P	New
67	M/A Com	ANTENNA, 806-870 MHZ, WHIP<IS>	MAHM-NC1K	New
106	M/A Com	BATTERY, NICD, HIGH CAPACITY	MAHM-PA9N	New
1	M/A Com	MANUAL, MAINTENANCE, P5100 SERIES, 800 MHZ	MAMM-800HM	New

81	M/A Com	P5150 Radio Type (Scan)	MAHM-S8DXX	New
56	M/A Com	MICROPHONE, LAPEL Includes Rubber PTT Button, Emergency Button, 2-Position Volume Control, and Earphone Jack<IS>	MAHM-AE7A	New
4	M/A Com	CHARGER, MULTI, RAPID, 120/230 VAC	MAHM-CH9A	New
31	M/A Com	CHARGER, DESK, RAPID, 120/230 VAC	MAHM-CH9E	New
63	M/A Com	CASE, LEATHER, WITH BELT LOOP & SWIVEL<IS>	MAHM-HC7N	New
18	M/A Com	BELT CLIP, METAL<IS>	MAHM-HC7P	New
81	M/A Com	ANTENNA, 806-870 MHZ, WHIP<IS>	MAHM-NC1K	New
112	M/A Com	BATTERY, NICD, HIGH CAPACITY	MAHM-PA9N	New
6	M/A Com	P7170IP Radio Type	HT7170T81X	New
1	M/A Com	BATTERY CONDITIONER/ANALYZER, 4 BAYS, Requires sleeves below	CADEX-7400	New
4	M/A Com	ADAPTER, SLEEVE FOR CADEX-7400 SYSTEM FOR NICD/NIMH BATTERIES	CADEX-C7 Adapter	New
2	M/A Com	MICROPHONE, LAPEL Includes Rubber PTT Button, Emergency Button, 2-Position Volume Control, and Earphone Jack <IS>	HTAE7A	New
1	M/A Com	CHARGER, MULTI, RAPID, 120/230 VAC	HTCH9A	New
6	M/A Com	CHARGER, DESK, RAPID, 120/230 VAC	HTCH9E	New
6	M/A Com	FEATURE PACKAGE, EDACS TRUNKING OPERATION (includes Conventional operation)	HTED	New
6	M/A Com	CASE, LEATHER, WITH BELT LOOP & SWIVEL<IS>	HTHC7N	New
6	M/A Com	ANTENNA, 806-870 MHZ, WHIP <IS>	HTNC1K	New
11	M/A Com	BATTERY, NICD, HIGH CAPACITY	HTPA7V	New
6	M/A Com	P7170IP Radio Type	HT7170T81X	New
6	M/A Com	FEATURE PACKAGE, EDACS TRUNKING OPERATION (includes Conventional operation)	HTED	New
6	M/A Com	ANTENNA, 806-870 MHZ, WHIP <IS>	HTNC1K	New
6	M/A Com	MICROPHONE, LAPEL Includes Rubber PTT Button, Emergency Button, 2-Position Volume Control, and Earphone Jack <IS>	HTAE7A	New
6	M/A Com	CASE, LEATHER, WITH BELT LOOP & SWIVEL<IS>	HTHC7N	New
6	M/A Com	CHARGER, DESK, RAPID, 120/230 VAC	HTCH9E	New

12	M/A Com	BATTERY, NICD, HIGH CAPACITY	HTPA7V	New
6	M/A Com	P7170IP Radio Type	HT7170T81X	New
5	M/A Com	MICROPHONE, LAPEL Includes Rubber PTT Button, Emergency Button, 2-Position Volume Control, and Earphone Jack <IS>	HTAE7A	New
4	M/A Com	CHARGER, DESK, RAPID, 120/230 VAC	HTCH9E	New
6	M/A Com	FEATURE PACKAGE, EDACS TRUNKING OPERATION (includes Conventional operation)	HTED	New
3	M/A Com	CASE, LEATHER, WITH BELT LOOP & SWIVEL<IS>	HTHC7N	New
3	M/A Com	BELT CLIP, METAL<IS>	HTHC7P	New
6	M/A Com	ANTENNA, 806-870 MHZ, WHIP <IS>	HTNC1K	New
10	M/A Com	BATTERY, NICD, HIGH CAPACITY	HTPA7V	New
1	M/A Com	MANUAL MAINTENANCE, P7100IP SERIES, 800 MHZ	MM800HT	New
23	M/A Com	P5150 Radio Type (Scan)	MAHM-S8DXX	New
20	M/A Com	MICROPHONE, LAPEL Includes Rubber PTT Button, Emergency Button, 2-Position Volume Control, and Earphone Jack<IS>	MAHM-AE7A	New
25	M/A Com	CHARGER, DESK, RAPID, 120/230 VAC	MAHM-CH9E	New
19	M/A Com	CASE, LEATHER, WITH BELT LOOP & SWIVEL<IS>	MAHM-HC7N	New
3	M/A Com	CASE, NYLON, WITH BELT LOOP/SWIVEL, BLACK<IS>	MAHM-HC7R	New
23	M/A Com	ANTENNA, 806-870 MHZ, WHIP<IS>	MAHM-NC1K	New
47	M/A Com	BATTERY, NICD, HIGH CAPACITY	MAHM-PA9N	New
1	M/A Com	MANUAL, MAINTENANCE, P5100 SERIES, 800 MHZ	MAMM-800HM	New
61	M/A Com	P5150 Radio Type (Scan)	MAHM-S8DXX	New
37	M/A Com	MICROPHONE, LAPEL Includes Rubber PTT Button, Emergency Button, 2-Position Volume Control, and Earphone Jack<IS>	MAHM-AE7A	New
8	M/A Com	CHARGER, MULTI, RAPID, 120/230 VAC	MAHM-CH9A	New
5	M/A Com	CHARGER, DESK, RAPID, 120/230 VAC	MAHM-CH9E	New
24	M/A Com	CASE, LEATHER, WITH BELT LOOP & SWIVEL<IS>	MAHM-HC7N	New
15	M/A Com	BELT CLIP, METAL<IS>	MAHM-HC7P	New
61	M/A Com	ANTENNA, 806-870 MHZ, WHIP<IS>	MAHM-NC1K	New
109	M/A Com	BATTERY, NICD, HIGH CAPACITY	MAHM-PA9N	New

47	M/A Com	M7100IP Radio Type	MAHG-S8MXX	New
		FEATURE PACKAGE, EDACS TRUNKING OPERATION (includes Conventional operation)		
47	M/A Com		MAHG-ED	New
		CONTROL UNIT, SCAN, FRONT MOUNT		
47	M/A Com		MAHG-CP7U	New
		MICROPHONE, MOBILE		
47	M/A Com		MAHG-MC7T	New
		KIT, ACCESSORY, FRONT MOUNT, 50W TX AND BELOW		
47	M/A Com		MAHG-ZN5W	New
		KIT, KEYCAP, SCAN CONTROL UNIT, 11 keys and extractor tool		
47	M/A Com		MAHG-MK3E	New
5	M/A Com	M7100IP Radio Type	MAHG-S8MXX	New
		FEATURE PACKAGE, EDACS TRUNKING OPERATION (includes Conventional operation)		
5	M/A Com		MAHG-ED	New
		CONTROL UNIT, SYSTEM, REMOTE MOUNT		
5	M/A Com		MAHG-CP7X	New
		MICROPHONE, MOBILE		
5	M/A Com		MAHG-MC7T	New
		KIT, ACCESSORY, REMOTE MOUNT, 50W TX AND BELOW		
5	M/A Com		MAHG-ZN5X	New
		FEATURE, STATUS/MESSAGE AND RADIO TEXTLINK		
5	M/A Com		MAHG-TS	New
		KIT, KEYCAP, SYSTEM CONTROL UNIT, 72 keys and extractor tool		
5	M/A Com		MAHG-MK3F	New
2	M/A Com	M7100IP Radio Type	MAHG-S8MXX	New
		FEATURE PACKAGE, EDACS TRUNKING OPERATION (includes Conventional operation)		
2	M/A Com		MAHG-ED	New
		CONTROL UNIT, SYSTEM, FRONT MOUNT		
2	M/A Com		MAHG-CP7V	New
		MICROPHONE, DESK		
2	M/A Com		MAHG-MC5A	New
		KIT, ACCESSORY, FRONT MOUNT, 50W TX AND BELOW		
2	M/A Com		MAHG-ZN5W	New
		KIT, KEYCAP, SYSTEM CONTROL UNIT, 72 keys and extractor tool		
2	M/A Com		MAHG-MK3F	New
		DESKTOP BASE, TONE REMOTE, LOCAL CONTROL, CLOCK/VU METER		
2	M/A Com		DSDX07	New
90	M/A Com	M7100IP Radio Type Unencrypted	MAHG-S8MXX	New
		FEATURE PACKAGE, EDACS TRUNKING OPERATION (includes Conventional operation)		
90	M/A Com		MAHG-ED	New
		CONTROL UNIT, SCAN, FRONT MOUNT		
90	M/A Com		MAHG-CP7U	New
		MICROPHONE, MOBILE		
90	M/A Com		MAHG-MC7T	New
		KIT, ACCESSORY, FRONT MOUNT, 50W TX AND BELOW		
90	M/A Com		MAHG-ZN5W	New
		KIT, KEYCAP, SCAN CONTROL UNIT, 11 keys and extractor tool		
90	M/A Com		MAHG-MK3E	New
13	M/A Com	M7100IP Radio Type Unencrypted	MAHG-S8MXX	New
		FEATURE PACKAGE, EDACS TRUNKING OPERATION (includes Conventional operation)		
13	M/A Com		MAHG-ED	New

13	M/A Com	CONTROL UNIT, SYSTEM, REMOTE MOUNT	MAHG-CP7X	New
13	M/A Com	MICROPHONE, MOBILE	MAHG-MC7T	New
13	M/A Com	KIT, ACCESSORY, REMOTE MOUNT, 50W TX AND BELOW	MAHG-ZN5X	New
13	M/A Com	FEATURE, STATUS/MESSAGE AND RADIO TEXTLINK	MAHG-TS	New
13	M/A Com	KIT, KEYCAP, SYSTEM CONTROL UNIT, 72 keys and extractor tool	MAHG-MK3F	New

3) Replaced Equipment (to be delivered to Nextel prior to Closing)

Quantity	Manufacturer	Description	Model Number
88	M/A Com	MDX Scan (each with front mount and microphone) - Mobile	MDX Scan
13	M/A Com	RANGR (System) (each with front mount and microphone) - Mobile	RANGR (System)
67	M/A Com	300P Scan - Portable	300P Scan
106	M/A Com	300P Batteries	
67	M/A Com	300P Speaker Mics	
34	M/A Com	Belt Clips, Metal	
67	M/A Com	Desk Charger	
33	M/A Com	Leather Cases	
81	M/A Com	PCS Scan - Portable	PCS Scan
63	M/A Com	Leather Cases	
18	M/A Com	Belt Clips, Metal	
31	M/A Com	Desk Charger	
4	M/A Com	Multi-charger	
112	M/A Com	PCS Batteries	
56	M/A Com	PCS Speaker Mics	
6	M/A Com	MPA System - Portable	MPA System
11	M/A Com	MPA Batteries	
6	M/A Com	MPA Leather Case	
2	M/A Com	MPA Speaker Mics	
1	M/A Com	Multi-Charger	
1	M/A Com	Optimizer/Conditioner (3 Pockets)	
6	M/A Com	Desk Charger	
6	M/A Com	300P Pad(System) - Portable	300P Pad(System)
6	M/A Com	300P Speaker Mics	
6	M/A Com	300P Leather Cases	
6	M/A Com	Desk Charger	
12	M/A Com	300P Batteries	
6	M/A Com	PCS System - Portable	PCS System
3	M/A Com	Metal Clip	
4	M/A Com	Desk Charger	
10	M/A Com	PCS Batteries	
3	M/A Com	PCS Leather Case	
5	M/A Com	PCS System Speaker Mics	
23	M/A Com	300P Scan - Portable	300P Scan
47	M/A Com	300P Batteries	
19	M/A Com	300P Leather Cases	
20	M/A Com	300P Speaker Mics	
25	M/A Com	Desk Charger	

3	M/A Com	Nylon Cases	
61	M/A Com	PCS Scan - Portable	PCS Scan
15	M/A Com	Metal Clips	
8	M/A Com	Multi-charger	
109	M/A Com	PCS Batteries	
24	M/A Com	PCS Leather Cases	
37	M/A Com	PCS Speaker Mics	
5	M/A Com	Desk Charger	
47	M/A Com	MDX Scan (with front mount and microphone) - Mobile	MDX Scan
5	M/A Com	RANGR System (remote mount with microphone) - Mobile	RANGR System
2	M/A Com	RANGR CS System (each with desk microphone and tone remote, local control, clock/vu) - Mobile	RANGR CS System
250	M/A Com	Portable antennas	Portable antennas
90	M/A Com	MDX Scan (with front mount and microphone) - Mobile	MDX Scan
13	M/A Com	RANGR System (remote mount with microphone) - Mobile	RANGR System

SCHEDULE E

Product Typical Values

The Product Typical Values for Replacement Equipment shall be:

- a. for Replacement Equipment set forth on Schedule C, the cost shown on Schedule C for the item of Replacement Equipment; or
- b. for Replacement Equipment comprising M/A-COM subscriber radios, options and accessories, the most recent price list as of the date a reconciliation statement is sent to Incumbent by Nextel less 15%.

Exhibit A

Incumbent Information

The following questions are required for processing Electronic Funds Transfers and if Incumbent wants Nextel to complete the FCC filings on its behalf. All information contained herein shall be kept strictly confidential and will be used only in completion of the Frequency Reconfiguration transaction.

I. INCUMBENT INFORMATION

Please provide the following information:

Company/Name: CITY OF PRAIRIE VILLAGE KANSAS
Contact: TIM SCHWARTZKOPF Title: CAPTAIN
Address: 7700 MISSION RD
City/State/Zip: PRAIRIE VILLAGE KS 66208
Phone: 913 385 4609
Fax: 913 385 7710

If not identified in the contract, please provide the following:

If Incumbent is a Partnership, please provide name, address and phone numbers of all other partners:

Name: _____ Name: _____
Address: _____ Address: _____

City/State/Zip: _____ City/State/Zip: _____
Phone: _____ Phone: _____

II. BANK ACCOUNT INFORMATION (Required for payment via electronic funds transfer.)

Name of Bank: INTRUST BANK
Address of Bank: 4000 SOMERSET
City/State/Zip: PV KS 66208
Bank Phone #: 913 385 8206
ABA (Routing #): 101100029
Account #: 8290512
Name on Account: CITY OF PRAIRIE VILLAGE
Federal, State or Individual SS #: 48-6077081
Name of Brokerage Firm (if applicable): N/A
Brokerage Account # (if applicable): N/A

In the event Incumbent will not provide information for electronic funds transfer, Incumbent acknowledges that all payments made by check will be mailed within thirty (30) days of the date of performance required by Incumbent (for each payment) as stipulated in the Agreement.

Acknowledged by Incumbent: _____ (signature required only if Incumbent does not want an electronic funds transfer)

III. TAX INFORMATION

The Internal Revenue Service and state tax authorities require Nextel to report all transactions, even if the transaction is exempt from taxation (if so, it will be reported to the IRS as a like-kind exchange). Therefore, it is necessary for Nextel to collect the information below. If you have specific questions about your tax implications in this transaction, you should consult your own accountant or financial advisor.

Incumbent's Federal, State or Individual Tax ID #, FEIN (Federal) or SSN (individuals):

48-6077081

State(s) – sales tax license, resale permit, employment, etc.):

N/A

Local (if applicable):

N/A

Current State and County location for your principal executive office:

JOHNSON COUNTY, KANSAS

If there has been more than one location for the principal executive office within the past five (5) years, list each such City/County/State location:

IV. REGULATORY INFORMATION

Would you like Nextel's Regulatory department to prepare and file all necessary FCC paperwork on your behalf? Yes / No

If yes, please provide the following Universal Licensing System ("ULS") information for your licenses:

FRN (FCC Registration Number): 0010-0568-93

ULS PASSWORD: GOLDWING

Contact Representative for any FCC related issues:

Name: TIM SCHWARTZKOPF

Phone Number: 913 385 4609

If no, please provide the following information regarding who will take care of the preparation and filing of all necessary FCC paperwork on your behalf:

Contact Name: _____

Organization: _____

Address: _____

City: _____

State/Zip: _____

Phone Number: _____

Email Address: _____

I hereby acknowledge that all of the information provided herein is true and correct as of the date signed below.

Incumbent Signature: _____

Print Name: RONALD L SHAFER

Title: MAYOR

Date: _____

EXHIBIT B

Reconciliation Documentation

Certification of Labor Rates

Incumbent hereby certifies that the information provided above is true and accurate to the best of Incumbent's knowledge. Incumbent further certifies that the reimbursed rate/s listed above have been determined in accordance with the TA's policy on Incumbent Labor Rates as documented at <http://www.800ta.org/content/PDF/policy/IncumbentLaborRatePolicy.pdf>. The Incumbent acknowledges that all costs incurred and/or charged by the Incumbent are subject to audit and that the Incumbent is prepared to provide to the TA upon request documentation to support all costs incurred and/or charged. The Incumbent also certifies (i) the rates charged for the reconfiguration of equipment [complete as appropriate] represents established market based bill rates that the Incumbent currently charges for similar work and (ii) the rates charged for other charges such as [complete as appropriate] represents base hourly rates plus reasonable overhead rates. The Incumbent further acknowledges that (i) the Incumbent is prepared to provide to the TA with invoices issued by the Incumbent to non-related third-party customers where the Incumbent has charged such market based bill rates for similar work and the Incumbent is prepared to demonstrate that such invoices have been liquidated and ii) the Incumbent is prepared to provide the TA documentation to support the actual base hourly rates and overhead rates charged by the Incumbent.

Incumbent Name: _____

Related Invoice #'s: _____

Signature: _____

Name: _____

Title: _____

Date: _____

Exhibit C

Prairie Village, KS

Infrastructure

Service/Equipment	Entity	Unit	Resource	Qty	Rate	Ext. Price
Communications Associates						
Project Manager	CA	hours	1	16	\$175	\$2,800
Technician	CA	hours	2	8	\$110	\$1,760
System Engineer	CA	hours	1	16	\$175	\$2,800
Performance Bond Required by City	CA	Each	1	1	\$20,471	\$20,471
Project Manager travel	CA	Trips	1	1	\$447	\$447
Tech travel for reconfiguration	CA	Trips	1	1	\$640	\$640
System Engineer Travel	CA	Trips	1	1	\$366	\$366
Communications Associates Sub Total:						\$29,284

TUSA						
On site PM	Tusa	Hours		8	\$135	\$1,080
Travel Expenses	Tusa	Days		1	\$100	\$100
Tusa Sub Total:						\$1,180

Prairie Village						
Participate and monitor Infrastructure reconfiguration activities	PV	Hours		2	\$35	\$70
Coordinate infr. cutovers	PV	Hours		16	\$25	\$400
Prairie Village Sub Total:						\$470

Subscriber

Service	Entity	Unit	Resource	Qty	Rate	Ext. Price
Communications Associates						
Quality Assurance Manager	CA	hours	1	180	\$175	\$31,500
Project Management	CA	hours	1	30	\$175	\$5,250
Program estimated 260 replacement portables	CA	Unit	1	260	\$40	\$10,400
Program estimated 153 replacement mobiles	CA	Unit	1	153	\$40	\$6,120
Program 8 replacement Control Stations	CA	Unit	1	8	\$65	\$520
Remove and install 135 mobiles (front)	CA	Unit	1	135	\$150	\$20,250
Remove and install 18 mobiles (remote)	CA	Unit	1	18	\$300	\$5,400
Program 28 deployed radios	CA	Unit	1	1	\$1,820	\$1,820
Remove and install 8 control stations	CA	Unit	1	8	\$250	\$2,000
Second Touch 8 Control Stations + Motorola Control Station	CA	Unit	1	8	\$65	\$520
Second Touch 427 radios reprogrammed	CA	Unit	1	427	\$60	\$25,620
MIA Radio Reprogramming	CA	10%	1	42	\$60	\$2,520
System Engineer	CA	Hours	1	24	\$175	\$4,200
Technician Vehicles (2) both touches	CA	Days	2	25	\$62	\$3,075
Freight	CA	Each				\$0
Control Station equipment	CA	Each				\$0
QAM Travel Expenses	CA	Months	1	1	\$900	\$900
Project Management T&L	CA	Trips	1	1	\$460	\$460
Tech T&L Touch 1	CA	Days	1	10	\$600	\$6,000
Tech T&L Touch 2	CA	Days	1	15	\$600	\$9,000
Communications Associates Sub Total:						\$135,555

TUSA						
Off Site Project Management	Tusa	Hours	16	\$135	\$2,160	
On-Site Engineering Services	Tusa	Hours	32	\$135	\$4,320	
On-Site Engineering Travel	Tusa	Days	12	\$100	\$1,200	
TUSA Sub Total:						\$7,680

Prairie Village						
Organize schedules for users to deliver radios to proper location for both touches	PV	8 units/hr	54	\$35	\$1,890	
Organize and reschedule MIA units	PV	8units /hr	16	\$25	\$400	
Organize desktop CS locations, provide specific addresses and configurations	PV	Hours	4	\$25	\$100	
Asset Numbers for new Eq & retire old numbers	PV	Hours	80	\$25	\$2,000	
Monitor radio replacement and reprogramming	PV	1.5hr/day	90	\$25	\$2,250	
Mobile Install Staging Site Cost	PV	Days	30	\$300	\$3,000	
Officer participation for portables, first touch to include training	PV	Hours	151	\$20	\$3,015	
Officer participation for mobiles, first touch to include training	PV	Hours	151	\$20	\$3,015	
Officer participation for portables, final touch	PV	Hours	100	\$20	\$2,000	
Officer participation for mobiles, final touch	PV	Hours	108	\$20	\$2,160	
Rack Chargers	PV	Each	12	\$262	\$3,144	
New Control Head Bracket Cost	PV	Each	25	\$33.20	\$830	
Prairie Village Sub Total:						\$23,804

Testing

Service	Entity	Unit	Resource	Qty	Rate	Ext. Price
Communications Associates						
SE Planning and Eng.	CA	Hours	1	16	\$175	\$2,800
FRA Negotiations (subcontractor)	CA	Hours	1	15	\$175	\$2,625
SE Functional and acceptance Testing	CA	Hours	1	24	\$110	\$2,640
SE Travel + Lodging	CA	Trips	1	1	\$366	\$366
IMD Study	CA	Study	1	1	\$2,420	\$2,420
Communications Associates Sub Total:						\$10,851

TUSA						
Witness and document coverage verification; compare differences	Tusa	Hours		8	\$135	\$1,080
Compare differences off-site	Tusa	Hours		4	\$135	\$540
Labor for Testing - Functional and Acceptance.	Tusa	Hours		6	\$135	\$810
Travel Expenses	Tusa			2	\$100	\$200
TUSA Sub Total:						\$2,630

Prairie Village						
Attend Infrastructure final test	PV			8	\$35	\$280
Prairie Village Sub Total:						\$280

Professional and Misc Services

TUSA						
Phase II, Task 7.2, Cost Docs	Tusa	Hours	1	\$135		\$135
FRA Negotiations	Tusa	Hours	16	\$135		\$2,160
TUSA Sub Total:						\$2,295

Prairie Village						
Development of radio inventory	PV		32	\$35		\$1,120
Development of radio inventory	PV		24	\$25		\$600
Planning Meetings with Consultant	PV		16	\$35		\$560
Prairie Village Sub Total:						\$2,280

Vendor/Licensee Totals						
Communications Associates						\$175,690
TUSA Consulting						\$13,785
Prairie Village & Leawood						\$26,834

Total Offer Amount						\$216,309
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**CONSIDER PROJECT 190862 – 2007 C.A.R.S. -75TH STREET
(NALLAVENUE TO MISSION ROAD) CONSTRUCTION CHANGE
ORDER #5**

Background:

The plans called for paint to be used for pavement markings on the concrete approaches to intersections. This change order is to upgrade that material to epoxy which typically lasts longer than paint. This results in a \$1379.16 increase (or 0.1%) to the current contract amount.

Financial Impact:

Funds are available in the Capital Infrastructure Program under Project 190862. Half of the total of \$1379.16, or \$689.58, will be reimbursed to the City by the County since this is a CARS project.

Suggested Motion:

Move to approve Construction Change Order #5 with J. M. Fahey Construction Company in the amount of \$1379.16.

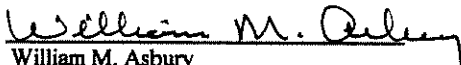
Explanation of Changes

Project 190862; 2007 CARS Program. This change order is to cover the following items:
The original contract called for the traffic marking on the concrete portion of the work to be completed with ordinary white traffic paint. This change order provides for the use of an epoxy white paint which will has more durability and will not have to be repainted for several years.

Original Contract Price	<u>\$ 924,194.05</u>
Current Contract Price, as adjusted by previous Change Order No. 4	<u>\$ 982,505.05</u>
NET increase or decrease this Change Order	<u>\$ 1,379.16</u>
New Contract Price	<u>\$ 983,884.21</u>

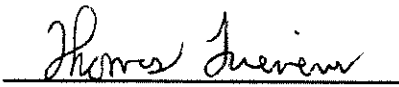
Change to Contract Time:
N/A

The Engineering Consultant does not anticipate a related Engineering Change Order .



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

8/30/07
Date

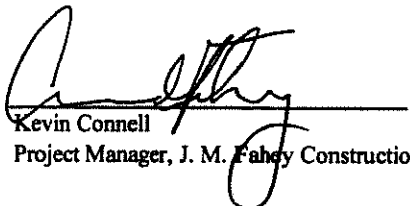


Tom Trienens, P.E.
Manager of Engineering Services, City of Prairie Village, KS

9/4/07
Date

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

Date



Kevin Connell
Project Manager, J. M. Fahey Construction Co.

9/4/07
Date

Issue:

Consider Park and Recreation Committee Appointment

Background:

Mayor Shaffer is pleased to place before you the appointment of Sally Holmes to the Park and Recreation Committee as a youth representative. Her volunteer application is attached.

Recommendation:

Ratify the Mayor's appointment of Sally Holmes to the City's Park and Recreation Committee.

CONSENT AGENDA



**City of Prairie Village
APPLICATION TO VOLUNTEER**

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

Name Sally Holmes Spouse's Name _____

Address 4117 W. 73rd Terr. PV, KS Zip 66208 Ward _____

Telephone: Home 913-544-2614 Work _____ Fax _____

E-mail sholmes92@gmail.com Other Number(s): cell 913-709-3986

Business Affiliation _____

Business Address _____

What Committee(s) interests you? Parks + Rec

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

I'm a junior at SM East and am currently doing the IB program. I'm involved in the tennis team at East + participate in various clubs like French club, international club and ballroom club (a mix of ballet + yoga that I co-founded). I'm co-president of my 4-H club, the Greenwood Meadow-larks, so I've had a little experience in council-type meetings. This will be my 5th year in 4-H and I also attended county council for 4-H this past year. I am also a member of the Young Adult Advisory Council at Central Resource Library.

Thank you for your interest in serving our community.

CONSIDER DESIGNATION OF A DEPUTY CITY CLERK

By State Statute, the City Clerk is responsible for maintenance of all legal records of the City. In addition to taking and preparing minutes, making sure contracts, ordinances and other legal documents are properly executed, published and filed, Joyce is responsible for a variety of other duties. In Prairie Village the City Clerk is also responsible for record keeping and processing for the Planning Commission and Board of Zoning Appeals as well as management of staff in the City Clerk's office. When Joyce is gone, several of us try to fill in for her but we are not able to provide services as well – or as quickly – as she can.

During her short time as an employee in the City, Jeanne Koontz has shown an interest and has begun learning about what Joyce does. She took the City Clerk's place at Council meetings a few times this past year, attended City Clerk functions with Joyce and is currently taking training which will lead to City Clerk Certification.

We recommend the Council designate Jeanne Koontz as the City's Deputy City Clerk. In that capacity she can sign certain documents in Joyce's absence, attend meetings in an official capacity and coordinate with Joyce to provide the consistent, effective service level required of the position. This is not a new position; it is official recognition that Jeanne Koontz is capable of performing duties of Deputy City Clerk for the City.

RECOMMENDATION:

DESIGNATE JEANNE KOONTZ DEPUTY CITY CLERK FOR THE CITY OF PRAIRIE VILLAGE.

CONSENT AGENDA

COUNCIL COMMITTEE OF THE WHOLE
October 1, 2007

The Council Committee of the Whole met on Monday, October 1, 2007 at 7:00 p.m. The meeting was called to order by Mayor Ron Shaffer with the following members present: Al Herrera, Ruth Hopkins, David Voysey, Michael Kelly, Andrew Wang, Laura Wassmer, Pat Daniels, Charles Clark, Wayne Vennard and Diana Ewy Sharp. Staff members present: Barbara Vernon, City Administrator; Wes Jordan, Chief of Police, Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator and Joyce Hagen Mundy, City Clerk..

Consider Resolution in support of Mayors Climate Protection Agreement

Mayor Shaffer distributed earlier a revised Resolution supporting the Mayor's Climate Protection Agreement that was discussed several months ago. The City's Environment/Recycle Committee is still reviewing the resolution and will be bringing forth recommendations for its implementation if approved.

Mayor Shaffer noted that two weeks ago he was attending a conference representing MARC in Seattle where this issue was discussed and supported. The Northeast Johnson County Mayors are looking to have a unified signing of the resolution on November 2nd. Mayor Shaffer stated he has advised other Mayor's that he will not sign the resolution without the support of the Council. He noted that this proposed resolution has been modified and the language softened.

Ruth Hopkins stated she strongly supports signing the resolution. She recently met with the Johnson County Climate Control Committee who has joined with other environmental groups nationwide to encourage simple actions such as parents not idling cars while waiting to pick up their children at schools, encouraging people to not use drive-thru windows if the line is long, but rather to go inside for service. Mrs. Hopkins noted other area cities are envious of the strong Environment/Recycle Committee in Prairie Village. Mayor Shaffer noted they will be a valuable resource to the city in moving forward.

Doug Luther stated the revised resolution is similar to the earlier resolution; however, the language has been changed from "requiring" to "encouraging" or "attempting" to take action. This allows more flexibility in what actions are taken by the City.

Charles Clark noted the “softened” tone of the resolution particularly as it relates to Federal Governmental actions. Wayne Vennard sees it as more “advisory” in nature.

Michael Kelly asked how this would be implemented and what would it mean to the residents of Prairie Village. Mayor Shaffer responded the implementation is being reviewed by the Environment/Recycle Committee. Mr. Kelly feels “global warming” is more of a religion than a science and noted several respected individuals and organizations with completely conflicting findings. He noted some have even compared the movement to “socialism”.

Mayor Shaffer stated he is researching the issue and asked Council members to do likewise noting he will request direction from the Council at the next Council meeting.

Diana Ewy Sharp stated she has significant concerns with the language in Section 1 of the resolution. She does not feel enacting policy to be advisory and is concerned with the potential impact on residents. She agrees with looking at ways to preserve the environment, but she feels the resolution asks for too many specific actions without sufficient information.

Al Herrera strongly expressed his opposition to the proposed resolution. He feels this is more of a political agenda of a special interest group and it is not appropriate for the Council to support it and feels it would be a huge mistake for the City to sign this document.

Pat Daniels stated he is strongly supportive of any financially prudent action taken to mitigate the negative impacts on our environment.

Wayne Vennard noted if additional presentations are to be given on this issue that there be a time limit set on the presentations and that they be representative of all views.

The meeting was adjourned at 7:25 p.m. by Mayor Shaffer.

Resolution No. {Resolution Number}

A RESOLUTION IN SUPPORT OF THE MAYORS CLIMATE PROTECTION AGREEMENT AND THE CITIES FOR CLIMATE PROTECTION CAMPAIGN.

WHEREAS, scientific consensus has determined that Carbon Dioxide (CO₂) and other greenhouse gases released into the atmosphere have a profound effect on the Earth's climate; and

WHEREAS, in September 2007, President Bush convened a conference of the world's largest 15 polluters to look at ways to reduce greenhouse emissions and vowed that it is an important issue for the United States; and

WHEREAS, in 2003, the American Geophysical Union adopted a Statement noting that human activities are increasingly altering the Earth climate and that natural influences cannot explain the rapid increase in near surface temperatures observed during the second half of the 20th century; and

WHEREAS, in 2001, at the request of the Administration, the National Academy of Sciences (NAS) reviewed and declared global warming a real problem caused in part by the actions of humankind; and

WHEREAS, the 2001 Third Assessment Report from the International Panel on Climate Change (IPCC) and the 2000 U.S. Global Change Research Program's (USGCRP) First National Assessment indicate that global warming has begun; and

WHEREAS, energy consumption, specifically the burning of fossil fuels, accounts for more than 80% U.S. greenhouse gas emissions; and

WHEREAS, local governments influence communities' emissions by exercising key powers over land use, transportation, construction, waste management, and energy management;

NOW, THEREFORE, BE IT RESOLVED, that the City of *{City Name}* commits to participate in building a framework for the Kansas City area for the reduction of greenhouse gas and air pollution emissions throughout their community and the region, and agree to the following actions,

Section 1) We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;

Section 2) We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that 1) includes clear timetable and emissions limits and 2) a flexible, market-based system of tradable allowances among emitting industries;

Section 3) Strive to meet the established targets outlined in the Mayors Climate Protection Agreement using the following components and processes,

- a) Conduct a global warming emissions inventory in City operations and in the community;
- b) Establish a greenhouse gas emissions reduction target;
- c) Develop an action plan with both existing and future actions which, when implemented, will meet the local greenhouse gas reduction target, including but not limited to the following,
 - (1) Promote and adopt land-use policies that reduce sprawl, preserve open space, and create compact, mixed-use and walkable urban communities;
 - (2) Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;
 - (3) Increase the use of clean, alternative energy by, for example, investing in “green tags,” advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology;
 - (4) Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
 - (5) Purchase only Energy Star equipment and appliances for city use;
 - (6) Practice and promote sustainable building practices using the U.S. Green Building Council’s LEED program and National Association of Home Builders (NAHB) Model Green Home Building Guidelines or similar systems;
 - (7) Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
 - (8) Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;

- (9) Increase recycling rates in city operations and in the community;
 - (10) Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO2; and
 - (11) Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.
- d) Implement the action plan; and
 - e) Monitor the action plan to review progress.

ADOPTED by the Governing Body this _____ day of *{MONTHNAME}*, 2007.

{Name of the Mayor}, Mayor

ATTEST:

{Name of the City Clerk},
City Clerk

APPROVED AS TO FORM:

{Name of the City Attorney},
City Attorney

A Cheat Sheet for the Mayor's Climate Agreement

Why should our city sign the Mayor's Climate Agreement?

The need to reduce greenhouse gases to prevent catastrophic climate change is now acknowledged by most of the world's scientists, most of the world's governments, most states in the United States, many leading U.S. companies, and over 500 U.S. cities who have signed the mayors' agreement. By signing, our city will be preparing for a worldwide paradigm shift which many see as inevitable and similar in magnitude to the Industrial Revolution. By not signing, we will be less competitive on many fronts (more below).

If you don't believe that greenhouse gases are causing climate change, reducing burning of fossil fuels has other benefits:

It also reduces ground-level ozone, which this summer exceeded federal law, discouraging new employers from locating in Kansas City

It saves money for citizens, institutions and businesses on utility bills, waste management, and gasoline whose costs are increasing rapidly

It reduces harmful health effects—over 200 human diseases are linked to increases in air pollution (Boston University) including toxic substances like mercury which are released by coal burning, the major cause of air pollution in the Midwest

It preserves scarce resources (oil reserves, trees, natural gas, etc.)

It improves the quality of life with cleaner air, less crowded roads, and happier and more committed communities—all of which attract young residents

Citizens want it: a study presented at the Kansas Energy Efficiency forum on Sept. showed that well over 90% of citizens believe that conserving energy is the right thing to do (only 78% say they love their mother!!)

If we sign the mayor's agreement, committing to reduce greenhouse gases by 7%, how can we achieve this goal?

In residential communities, home heating, cooling, lighting, and car mileage are by far the largest sources of greenhouse gases. We can cut our use in half by encouraging residents and businesses to:

Add chimney balloons, attic and basement insulation, caulk windows and cracks

- Carpool
- Replace conventional bulbs with compact fluorescents (CFL's)
- Buy efficient appliances
- Walk or bike for short trips
- Build or renovate using LEEDs standards

Is signing the mayor's climate agreement anti-business?

On the contrary: alternative energies are believed to present major economic opportunities, especially in Kansas, which has the third greatest wind resources of the 50 states. Leading corporations like Wal-mart, Dupont, and General Electric are crusading that "green means green"—that is, it is profitable. Twenty five of the Fortune 400 have joined forces with four leading environmental groups to ask Congress to mandate caps on carbon emissions. Wall Street is now including carbon footprints in company valuations, and employers are using "green" as a recruiting strategy and a competitive advantage. The Kansas City Chamber of Commerce has become active in environmental issues in recognition of their positive strategic impact on business.

What is global warming?

A predicted increase in average global temperatures from 2-10 degrees in this century due to mankind's fossil fuel and wood burning, which send tons of carbon dioxide and methane into the atmosphere, causing more of the sun's heat to be trapped in it.

How do scientists know it's happening? (Intergovernmental Panel on Climate Change—an unprecedented 2000 scientists worldwide concur with over 90% certainty that global warming is caused by human activity)

- 997 of 1000 largest **glaciers melting** in both hemispheres
- Ice coring** shows CO2 levels and temperature rise & fall together; CO2 levels have risen to historic levels (380 parts per million) and are expected to double again
- Surface temperatures** hottest on record
- Ocean temperatures** rising
- Ocean levels rising** commensurate with ice melting
- Melting of North Pole, Antarctic, and Greenland ice sheets**
- Melting of permafrost** in Alaska and elsewhere
- Violent weather** as predicted by warming temperatures & moisture evaporation: **floods, drought, hurricanes, tornadoes** all increasing in frequency & power

What are the likely consequences of global warming in Kansas?

Agricultural sector severely damaged by soil erosions due to drying and high winds
Wheat and sunflowers are unlikely to be grown in Kansas by mid-century due to heat and moisture evaporation from soils (Association of Wheat Growers, Land Institute);

Disruption of our economy due to the domino effect of more violent weather world-wide, rising ocean waters, drier soils, refugee movements

Increased threats of disease epidemic as heat favors disease carrying vectors (mosquitoes and other insects)

A less attractive community due to extreme heat and loss of vegetation

Can we stop it, and how?

Some level of warming (perhaps 2 degrees by mid-century) is now believed inevitable (IPCC, Jan. 2007), but the degree of warming beyond that will be determined by our response to this crisis, and if we act quickly we can avert the worst. But we need **leadership** in every walk of life to:

Educate the public in the credibility and severity of the problem, provide incentives to act. Research shows they don't want to act alone; we must build communities of action.

Reminders are important: "please turn off the lights" signs increase compliance 50%.

Shift subsidies and incentives away from fossil fuels and toward alternative energy sources.

Cheapest and fastest is to eliminate waste of existing energy sources **Convert to sustainable fuel sources** as rapidly as possible

MAYOR'S ANNOUNCEMENTS

Monday, October 15, 2007

Committee meetings scheduled for the next two weeks include:

Prairie Village Arts Council	10/17/2007	7:00 p.m.
Environmental Recycle Committee	10/24/2007	7:00 p.m.
Municipal Foundation	10/25/2007	5:30 p.m.
Council Committee	11/05/2007	6:00 p.m.
Council	11/05/2007	7:30 p.m.

The Prairie Village Arts Council is pleased to feature the State of the Arts Exhibit in the R.G. Endres Gallery during the month of October. It will be a juried show featuring 31 entries from local artists.

Reminder - Flu shots for City employees and Council members are scheduled to be given Monday, October 15th from 8:30 - 10 a.m. at Public Works and from 1 - 3 p.m. in the Multi-Purpose room at City Hall. They will be \$8.50, to be deducted through payroll.

The Employee Appreciation Dinner will be held February 2, 2008 at the New Dinner Theatre. Please RSVP by October 26, 2007 to Jeanne Koontz at jkoontz@pvkansas.com.

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

INFORMATIONAL ITEMS
October 15, 2007

1. Planning Commission Actions - October 2, 2007
2. Planning Commission Minutes = September 4, 2007
3. Tree Board Minutes - September 5, 2007
4. Park and Recreation Committee Minutes - September 12, 2007
5. Prairie Village Environmental Committee Minutes - September 26, 2007
6. Tree Board Minutes - October 3, 2007
7. Informational Articles
8. Mark Your Calendars
9. Committee Agenda

PLANNING COMMISSION ACTIONS
Tuesday, October 2, 2007

**PC2007-21 Request for Rezoning from CP0 to CP-1
Planned Office District to Planned Restricted Business District**
The Planning Commission moved to move forward the application to rezone the property at 7920 State Line Road from CP-0 to CP-1 Planned Restricted Business District with the Preliminary Plan presented by Panda Express with recommendation for approval.

**PC2007-22 Request for Conditional Use Permit for Drive-thru
7920 State Line Road**
The Planning Commission approved a conditional use permit for a drive-thru to Panda Express at 7920 State Line Road contingent upon approval of the requested rezoning and preliminary plan by the City Council

**PC2007-23 Request for Rezoning from R-1a to MXD
Single Family Residential District to Mixed Use District
91st & Nall (Meadowbrook Country Club)**
The Planning Commission continued this application to their November 6th meeting.

**PC2007-117 Request for Preliminary Plat Approval
91st & Nall**
The Planning Commission continued this application until after the City Council has approved the Preliminary Development Plan for this project.

**PC2007-114 Preliminary Plat Approval
3101 West 75th Street**
The Planning Commission continued this application to their November 6th meeting.

**PC2007-115 Request for Monument Sign Approval
5225 West 75th Street**
The Planning Commission approved the revised monument sign for the property at 5225 West 75th Street with the condition that the external lighting for the sign be installed flush to the ground.

**PC2007-116 Request for Site Plan Approval - First Floor Elevation
8029 Canterbury Street**
The Planning Commission approved a 2.27 foot increase to the first floor elevation as shown on the plans for 8029 Canterbury.

**PLANNING COMMISSION MINUTES
MEETING OF SEPTEMBER 4, 2007**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, September 4, 2007 in the Multi-Purpose Room, 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 and Joyce Hagen Mundy, Planning Commission Secretary. Also in attendance Jim Brown, Building Official.

APPROVAL OF MINUTES

Randy Kronblad moved the Planning Commission minutes of August 7, 2007 be approved as submitted. The motion was seconded by Marc Russell and passed by a vote of 4 to 0 with Vennard and Russell abstaining.

PUBLIC HEARINGS

**PC2007-13 Request for Conditional Use Permit for Communication Utility Boxes at
7135 Buena Vista
Zoning: R-1b (Single Family Residential District)**

Chris Carroll, Director of External Affairs for AT&T, noted this application initially came before the Commission May 1, 2007. At that time several concerns were raised by the neighboring property owners and AT&T was directed by the Commission to meet with the neighbors to address their concerns if possible.

AT&T held a neighborhood meeting on May 15th and a number of residents appeared. Concern was expressed about heavy traffic in the area and that locating the new equipment box in the right-of-way on Buena Vista would create site problems at the intersection of Alhambra and Buena Vista. It was suggested that the equipment cabinets be moved to the island in the intersection and redesign of the boxes be investigated. .

The neighbors, AT&T and City Staff had agreed that another meeting would be held with the neighbors prior to the item being placed back on the Planning Commission Agenda. That meeting was held on August 29th. Only a few of the neighbors were available to attend but it appeared that significant progress had been made. The results of the traffic calming study were explained by City Staff. AT&T presented a revised plan. The new plan has the two equipment boxes and the handhole installed in the island. The existing SAI box and pad in the right-of-way on Buena Vista will be removed and the area will be resodded. Also through the process, AT&T engineering reanalyzed the service area and reduced the size of both boxes. The replacement

SAI box will be 57.25" x 18" (7.25 sq. ft.) x 49" High on a 64" x 72" (32 sq. ft.) pad compared to the current 58" x 28" (11.3 sq. ft.) x 64" High on a 64" x 72" (32 sq. ft.) pad. The height and footprint of the SAI box have both been reduced. The VRAD box will be 50" x 26" (9.0 sq. ft.) x 48" High on a 60" x 60" (25 sq. ft.) pad compared to the originally proposed box 50" x 43.5" (15.1 sq. ft.) x 63" High on a 60" x 60" (25 sq. ft.) pad. Both the footprint and height of the VRAD box has been reduced. The pad area for the boxes will be excavated approximately 7" so that the final height of the boxes will be approximately 42". The existing pedestal and urn will remain intact and new landscaping will be installed. Public Works has checked the site distance requirements for the intersection and the placement of the boxes will not be a factor. Chris Carroll stated he feels the end result is a win/win situation for the residents, the City and AT&T and complimented all those involved in the process.

Ron Williamson noted the staff has requested the location of the power meter be switched to allow for an additional plant. Mr. Carroll stated AT&T agrees to make the changes requested by staff and will resubmit plans to staff for final review.

Robb McKim confirmed the existing SAI box would be relocated to the island. Mr. McKim asked if it was technologically possible to combine service areas to reduce the number of different box locations. Mr. Carroll responded the new VRAD boxes need to be tied to and within a specific distance of the existing SAI box and the capacity of these existing units is 400 to 600 customers. Multiple service areas can not be served by combining boxes in a central location due to the established cable lines. He added it was economically unfeasible to abandon existing lines and create new service areas with new lines.

Marlene Nagel asked if moving the urn on the island to the south thus being able to fully landscape around the units. Ron Williamson replied the neighbors want the urn to remain in its current location. Mr. Carroll responded this also keeps the area to the south clear and unobstructed for traffic.

Commissioner Bob Lindeblad arrived.

Randy Kronblad noted the plans show some of the island curb being removed. Mr. Carroll stated a small portion of the curb will be removed to allow for drainage from the island.

Truman Abram, 7142 Buena Vista, addressed the Commission to confirm the neighboring property owners are supportive of the new location. He noted those that were unable to attend the meeting on the 29th have received the information presented via e-mails and approve of the plan.

Ron Williamson noted the Ordinance requires that utility boxes having a footprint greater than 12 sq. ft. in area; a pad greater than 32 sq. ft. or a height of more than 54 inches be approved as a conditional use prior to installation. The proposed utility boxes have been reduced in size and no longer require conditional use approval, but since this application was started as a Conditional Use Permit requiring Planning Commission approval, the applicant has requested that it continue on through the CUP process.

Mr. Williamson also noted during the neighborhood meetings, the neighbors requested a traffic calming study be prepared by the City because of the cut through traffic from Mission Road to 71st street on Buena Vista. The City's Traffic Engineer conducted the study and the findings did not warrant the installation of traffic calming improvements. This study was conducted in the summer when school was not in session and the neighborhood residents pointed out that the problem really occurs when school is in session and perhaps the results would be different if the study was performed at this time.

Chairman Ken Vaughn expressed the pleasure of the Commission with the efforts of AT&T, Staff and the community to work together for an amenable solution. With no one else wishing to address the Commission on this application, the public hearing was closed at 7:15 p.m.

Marlene Nagel asked how the cable would be moved and if there were any concerns with damage to City property. Ken Vaughn responded it is common practice to use directional drilling which has minimal impact on existing surfaces and noted the Public Works Department will oversee the process and ensure any damage is corrected.

Nancy Vennard noted earlier complaints regarding the parking of service trucks and asked where the service vehicles would park while servicing this unit. Mr. Carroll responded there is not sufficient area to park at the island and felt the vehicles would probably park along Alhambra. He restated technical staff have been directed to minimize the time spent at units. Mr. Vaughn stated keeping service time at the sites to a minimum, especially on busy streets is appreciated by the City.

The Planning Commission reviewed the factors for consideration on the new location of the proposed communication utility boxes as follows:

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

The proposed VRAD utility box and the SAI replacement box have been reduced in size and now meet the requirements of what is permitted by Staff approval.

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

The island location proposed for the utility equipment boxes will not adversely affect the welfare or convenience of the public, but will actually benefit the public because it will improve electronic communications to households in Prairie Village. Also the boxes will no longer be in the front yard of one of the residences and will no longer be a potential sight line concern.

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

The proposed VRAD utility box and the SAI replacement box will be located in the island at the intersection of Alhambra and Buena Vista Drive. The

proposed utility boxes have been reduced in height and footprint and are relatively small in size and therefore, they should not cause substantial injury to the value of the property immediately in the neighborhood. The proposed utility box as well as the existing SAI Box will be screened with landscaping. In determining whether or not the proposed use will cause substantial injury to the value of property, the Planning Commission would need to hear testimony from an expert or experts in the field such as appraisers. The testimony would need to identify substantial injury to the property value rather than just indicating it may be negative.

4. The location and size of the conditional 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 given access to it, are such that the conditional 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 conditional use will so dominate the immediate neighborhood, consideration should be given to:
 - a. The location, size, nature and height of buildings, structures, walls, and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site.

The landscape plan shows a complete replanting of the island. Since the location is on public property, the landscape plan will need to be approved by the Tree Board.

The size of this use is not such that it would dominate the neighborhood or hinder development. The neighborhood is residentially developed to the east, west, north and south and this use is being installed on an island in the right-of-way that should be able to accommodate it compatibly without it being a problem for the other properties in the neighborhood.

Robb McKim acknowledged the effort to resolve the concerns of the neighboring residents; however, he is not supportive of placing the units on a City island designed to be an enhancement to the community. He feels the intent of the island and statue to embellish the island will be lost with the addition of the equipment units and hopes that this does not become a standard practice. Randy Kronblad stated this should not be seen as setting a precedent.

Ken Vaughn agreed it does create a more intense use of the island and will have a greater visual impact. Ron Williamson noted the VRAD boxes must be located within a specific distance of the existing SAI boxes, most of which are located in side or rear yard utility easements. This was a difficult location and he does not see this becoming a common practice.

Chris Carroll noted of the four to five hundred boxes installed in the metropolitan area this and an island at 11115 Eby in Overland Park are the only units located on islands.

5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from

adjoining residential use and located so as to protect such residential uses from any injurious affect.

The only parking that will be required for this use is what will be needed while construction and installation are occurring, and then periodic maintenance. There is no need to provide permanent off-street parking for this use as it can easily be accommodated in the street.

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

Since this is a very small installation, the details of drainage will be worked out with the Public Works Department as a part of the right-of-way permit.

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

There will not be a need for access roads or entrance and exit drives because all the parking will be adequately handled in the street. It should be noted that there is a stop sign on Alhambra at its intersection with Buena Vista. Neither left nor right turns on Buena Vista should be a problem because the equipment boxes will be on the north end of the island out of the line of the sight for the intersection.

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

The proposed use does not utilize any hazardous or toxic materials and does not generate any obnoxious odors or unnecessarily intrusive noises.

Marc Russell stated his on-going objection to granting an indefinite permit. He feels the indefinite term provides no incentive for AT&T to invest in newer technology with potentially smaller units or the placement of units underground. He feels a limited permit would provide an incentive to make these improvements in order to retain their permits.

Chris Carroll responded 99% of the permits issued for these units throughout the metropolitan area are for indefinite periods of time. He noted all other permits issued by Prairie Village have been with indefinite terms and asked for consistency by the Commission. He noted he returned in good faith to the Planning Commission for approval of units that under the new design could have been approved by staff in accordance with the city's zoning regulations.

Nancy Vennard moved the Planning Commission find favorably on the findings of fact for the proposed Conditional Use Permit to allow installation of the VRAD utility box and the replacement SAI box in the island at the intersection of Alhambra and Buena Vista Streets and approve a Conditional Use Permit subject to the following conditions:

1. The applicant maintain the grounds and landscaping replacing any plant materials that die so that the integrity of the landscape screening is maintained throughout the life of the project.

2. That the applicant obtain a right-of-way permit and install the utility boxes as shown on the site plan.
3. That the applicant shall have the Landscape Plan approved by the Tree Board and shall install the landscaping as shown on the plan immediately after installation of the utility box.
4. That the Conditional Use be approved for an indefinite period of time.
5. That should the equipment boxes become obsolete and not functional they shall be removed from the site within six months.
6. That a revised plan be submitted to staff for approval with the relocation of the meter.
7. That the sod and landscaping removed in the relocation of the SAI box be replaced immediately.

The motion was seconded by Marlene Nagel and passed by a vote of 5 to 2 with McKim and Russell voting "nay".

PC2007-19 Proposed Amendment to Chapter 19.10 District R-2 Two Family Residential District to allow for Single Family Attached Dwellings

Chairman Ken Vaughn opened the public hearing at 7:35 p.m.

Ron Williamson stated at its regular meeting on August 7, 2007, the Planning Commission discussed the issue of selling off individual units in a duplex and authorized a public hearing to consider an amendment to the R-2 Two Family Residential District.

Units in several duplexes have been sold off individually, but this is not a large problem in the City because there is very little area zoned "R-2". There are two areas; one is on the west side of Corinth Square and the other is on the west side of the cemetery on 83rd Street. The problem is that if a sold off unit is partially or totally destroyed, a permit could not be issued to rebuild because it is an illegal nonconforming use.

Mr. Williamson noted there are several positive points in allowing duplexes to sell-off. It creates another housing choice which is supported by the Village Vision; it converts rental property to owner occupied property and it should help stabilize property values. There are no major negatives, but there are issues that need to be addressed when selling off attached units such as insurance, setbacks, access, easements, maintenance, covenants, etc.

The City of Overland Park has a very simple regulation which is as follows:

- B. Two-family dwellings which otherwise comply with the ordinances of the City may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownership shall not constitute violation of the lot and yard requirements of this chapter.

The division is approved by Staff and the Planning Commission and City Council do not consider these splits. This division would require approval of a lot split or a replat

in Prairie Village which requires the approval of the Planning Commission and City Council.

The City of Leawood allows the sell-offs, but it is done through a planned Two-Family Residential District. Issues are dealt with on the development plan that would be approved for the project.

The City of Eudora has the following regulations:

- (b) Two-family dwellings or duplexes. Fee simple ownership of individual dwelling units may be permitted provided that:
 - i. Easements are dedicated and separate utilities are provided to each unit in the duplex;
 - ii. Lots meet or exceed the minimum 3,750 sq. ft. per dwelling unit; and
 - iii. Existing subdivisions are replatted as a condition of use permit approval.

The regulations discussed by the Commission at its last meeting were more comprehensive including such conditions as follows:

- a. The common wall between attached units shall be on the side lot line separating the two lots and shall not be subject to side yard requirements providing there are no doors, windows, vents or other openings in the common wall.
- b. Not more than two units shall be attached in this district.
- c. No unit shall have a depth greater than four times its width.
- d. Any exterior wall which is not a common wall must meet all yard requirements.
- e. Each lot must have direct access to a public street.
- f. The deed to each lot must include covenants requiring the proper and timely reconstruction of any damaged or destroyed dwellings.
- g. The application for such conditional use must include a plot plan with the general location of buildings, parking areas, driveways, fences and other structures, the location of easements and utility lines, the number and type of all dwelling units, and the property lines within the proposed development.
- h. The property must be in conformance with the subdivision regulations and either be replatted or have a lot split approved.
- i. The dwelling units must meet building codes based upon the building being split in ownership.

The Planning Commission expressed that they would like a simple regulation, but it should cover the issues. Based upon the information collected, Mr. Williamson drafted the following language for consideration using the definition followed by Overland Park, but retaining approval of lot splits by the Planning Commission or replats approved by the Council:

Add a new use to Section 19.10.005 Use Regulations as follows:

- F. Two-Family dwellings may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownership

shall not constitute violation of the lot and yard requirements of this chapter subject to the following conditions:

1. Utilities are provided to each unit separately and appropriate easements are dedicated.
2. Direct access shall be provided to a public street for each unit or an access easement shall be provided.
3. Each lot shall meet the minimum 4,800 sq. ft.
4. The property must be in conformance within the subdivision regulations and either be replatted or have a lot split approved.

With no one present to address the proposed amendment, the public hearing was closed at 7:40 p.m.

Bob Lindeblad stated his only concern is with item #3 requiring a minimum lot size of 4,800 square feet. He noted that not all duplexes are placed directly in the center of the lot. He would recommend that this condition be removed.

Robb McKim confirmed that some of the drives off Somerset are shared access drives and the setback is addressed in the definition. Mr. McKim asked if there were any building code issues that would be impacted by the proposed language. Jim Brown, City Building Official, stated there were not.

Nancy Vennard noted these units were usually built by one owner and sold as an entire building.

Ron Williamson noted several have already been split and one is in the process of being sold and split. Ken Vaughn asked how these were reflected on maps. Mr. Williamson responded they are shown on the AIMS maps with a line drawn through the lot. Bob Lindeblad noted they are often addressed as lot#a and lot#b.

Robb McKim confirmed the square footage requirement for lot size still has to be met.

Bob Lindeblad moved the Planning Commission forward the proposed ordinance revision adding a new Section 19.10.005 entitled "Use Regulations" to the zoning regulations as presented with the deletion of #3. The motion was seconded by Marlene Nagel and passed unanimously.

NON PUBLIC HEARINGS

**PC2007-111 Site Plan Approval - Building Line Modification
 4529 West 65th Street
 Zoning: R-1**

Jon Shutt, 8604 Sagamore, representing James Dailey at 4529 West 65th Street, briefly reviewed the proposed expansion for the property as presented earlier to the Board of Zoning Appeals, which granted the requested side yard variance for the screened porch from 25 feet to 17 feet. Mr. Shutt is seeking approval of the Planning Commission for a building line modification to allow for the expansion of his existing

ranch home with a screened in porch which encroaches into the 25-foot side yard setback by approximately 7.5 feet.

Mr. Dailey stated the plans have been reviewed and approved by the neighboring property owners and the Indian Fields Homes Association.

Ron Williamson noted this lot is located on the southwest corner of 65th Street and 65th Street Court, a cul-de-sac. The property is zoned R-1a and has a 35-foot platted setback adjacent to 65th Street and a 25-foot platted setback adjacent to 65th Street Court.

The adjacent lot to the south has a 50-foot platted front setback measured at the side property line and therefore the side yard setback is one half of that which is 25 feet. This means that the applicant must obtain both a Building Line Modification and a variance through the Board of Zoning Appeals in order to build the screened in porch. The Board of Zoning Appeals granted the variance at its meeting earlier today. The platted setback line does not parallel the current right-of-way of the cul-de-sac as is typically done on cul-de-sacs, but is a straight line measured off the side property lines. It appears that the setback at its closest point to the right-of-way of the cul-de-sac is approximately 35 feet.

The Commission reviewed the following factors for granting a building line modification:

- 1. That there are special circumstances or conditions affecting the property;**
Normally there would be a 15-foot side yard setback adjacent to the cul-de-sac; however, because of the way the adjacent lot was platted, a 25-foot side yard is required. The front setback for the adjacent lot should have been 35 feet parallel to the right-of-way line of 65th Street Court. The side yard setback for this lot would have been 17.5 feet rather than 25 feet.
- 2. The building line modification is necessary for reasonable and acceptable development of the property in question;**
This is an existing house and there are limitations as to how it can be expanded. This is a logical location for a screened in porch. The backyard rises in elevation very quickly and there really is limited opportunity to expand to the west. The configuration of the lot and the grade changes on it make it a difficult lot to develop.
- 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 all 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 residence immediately to the west is much higher in elevation and this improvement would not affect their view. The proposed expansion would not create any site distance problems at the intersection.

Bob Lindeblad noted it would be beneficial for the Planning Commission to receive expanded site plans showing the location of structures on adjacent properties when considering applications.

Nancy Vennard moved the Planning Commission find favorably on the three factors for approval. The motion was seconded by Randy Kronblad and passed unanimously.

Nancy Vennard moved the Planning Commission grant the requested side yard building setback modification from 25 feet to 17 feet for only the porch area as shown and the site plan. The motion was seconded by Marlene Nagel and passed unanimously.

**PC2007-112 Site Plan Approval - Cactus Grill, PV-LLC
3901 Prairie Lane
Zoning: C-2**

Jay McConnell, with McConnell Contracting, and Cactus Grill owner Ed Geiselman, 14955 Waterfall Drive, Overland Park, presented a revised site plan for 3901 Prairie Lane based on staff comments.

Cactus Grill has taken over the former Applebee's location in the Village Center and is requesting approval for an outside eating area. They originally proposed to place four round tables, previously used by Applebee's, on the east walkway which is adjacent to Mission Lane, with four seats at each table for a total of 16 customers. The sidewalk is approximately 15 feet wide at this location and the applicant proposes to use approximately six feet. This would add approximately 162 square feet to the restaurant.

Staff had requested concern with maintaining a clear walkway of 48" for ADA. The revised site plan presented by Mr. McConnell using four rectangular tables which would provide 52" clear walkway, six inches more than required by ADA.

The staff also expressed concern with the permanent location of the table to ensure that the clear walkway was maintained and suggested the area be enclosed with a fence similar to the outdoor areas approved for the Blue Moose and Johnny's Tavern to provide a permanent barrier. Mr. McConnell stated the tables could be secured to ensure the open space. They do not want to do a fence, but are open to some type of barrier. The proposed lighting would be one can-lit recessed bulb for each table to not create any glare off the site.

Ron Williamson note the total 15' sidewalk and the canopies are on the right-of-way of Mission Lane. The City signed a release with J.C. Nichols to permit that construction. The release may need to be redrafted to permit the outdoor eating. The outdoor eating areas for Starbucks, Einstein Bros. and Café Provence are on private property.

Ken Vaughn stated he would prefer to see the tables fastened rather a barrier. Randy Kronblad asked what they envisioned for a barrier. Mr. McConnell stated they

did not have anything specific in mind at this time and noted whatever they did would need the approval of Bob Jones and Highwoods Properties. They could do solid or wrought iron posts. Mr. Vaughn stated he felt the barrier could be approved by staff and would not need Commission action.

Ron Williamson expressed support for the use of rectangular tables to address the problem. Nancy Vennard stated ADA requires only that a clear area be available. She does not support a fenced area and felt that securing the tables would be acceptable. Mrs. Vennard also questioned if the barrier needed to go completely to the ground suggesting a ledge be placed at the end of the table that could be served over but would discourage customers from placing chairs at the end interfering with the clear walkway. Mr. Geiselman stated that would reduce the seating from 164 to 152.

The Planning Commission shall give consideration to the following criteria, in approving or disapproving a site plan:

A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.

The proposed site plan indicates that the location can accommodate the additional square footage for the outdoor eating area with very little affect on the center. This location is on the outside edge of the center and is not in a high traffic area. No new parking areas or drives are proposed for this use so it will simply utilize the parking and drives that are already in place. Since this proposed expansion will increase the restaurant by only 162 square feet, there is not a requirement for additional parking. This area is all hardscape (street and sidewalks) and no landscaping is planned.

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

Utilities are currently in place serving the Village Center and are adequate to serve minor expansion.

C. The plan provides for adequate management of stormwater runoff.

There will be no increase in impervious surface so stormwater is not an issue.

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

The proposed site will utilize existing streets and the general circulation of the Center will not be changed.

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

This is such a minor expansion that land planning and site engineering are not relevant concerns. The primary concern is that a minimum 48-inch walkway remains open for ADA accessibility. In order to assure this, the outdoor eating area should be separated by a wall or decorative fence so that tables and chairs do not encroach into the walkway.

- F. **An appropriate degree of compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.**
There are no new architectural features. The proposed use will be a part of the existing building and sidewalks.
- G. **The plan represents an overall development pattern that is consistent with the comprehensive plan and other adopted planning policies.**
One of the principles of the Village Vision was to focus on redevelopment and reinvestment in the community. These issues have become primary goals for the City and this project represents a step in that direction. This is the opportunity to enhance and intensify the use of the building that will generate additional revenues for the City.

Ken Vaughn noted very few changes were proposed to the interior of the building. Nancy Vennard asked what the timetable was for opening. Mr. Geiselman replied he hoped to be open by mid October.

Bob Lindeblad moved the Planning Commission find favorably on the criteria for approval and approve Application PC2007-112 for proposed site plan for the Cactus Grill subject to the following conditions:

- 1) That all lighting used to illuminate the outdoor area be installed in such a way as to not create any glare off the site.
 - 2) That a barrier be installed at the end of the tables to prevent chairs from encroaching into the walkway, with the barrier design to be submitted to staff for review and approval.
 - 3) That the release be redrafted if necessary to allow the use of outdoor eating.
- The motion was seconded by Randy Kronblad and passed unanimously.

**PC2007-113 Site Plan Approval - Building Elevation
8100 Rosewood Drive
Zoning: R-1**

Christopher Castrop, 118 SW Blvd., Suite 200, Kansas City, Missouri, addressed the Commission on behalf of Janie Jackson & Linda Westbrook requesting approval of a building height elevation of one foot for the reconstruction of the home at 8100 Rosewood Drive. The existing house burned down and a new one will be built in its place. The house was built in 1960 and has the typical low basement ceilings that were built at that time. The applicants would like to increase the ceiling height in the basement by raising the first floor one-foot. The existing foundation is planned to be used for the rebuild.

Mr. Castrop stated Andrew Sponek has been hired to prepare the requested foundation landscape plan requested by staff.

Bob Lindeblad confirmed the garage floor will remain at its existing elevation.

Ron Williamson noted the existing house is significantly higher than the street and the first floor elevation appears to be about two feet higher than the house to the south.

The ground slopes from west to east and the house adjacent to the west is about ten feet higher than this house.

The Planning Commission reviewed the following factors in evaluating the requested building height modification:

1. **That there are special circumstances or conditions affecting the property;**
The existing house burned down and now there is an opportunity to rebuild it in a manner that is more compatible with today's market for single-family dwellings. The existing basement/foundation will be reused so it is not possible to go deeper. The land in this area is hilly with significant elevation changes. A one-foot modification is probably not going to be that noticeable. The proposed rebuild will be higher than that to the south but lower than that to the west.
2. **That the elevation change is necessary for reasonable and acceptable development of the property in question;**
In today's market, taller ceilings are highly desirable and they make basement space more livable. When opportunities occur for properties to be rebuilt, a reasonable effort should be made to allow the new building to meet current market demands provided that it is compatible with the neighborhood. A one-foot increase is minimal and could be accomplished at this location.
3. **That the granting of the building elevation change 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 proposed house will maintain essentially the same setbacks as the existing house. The front yard setback exceeds the requirements of the zoning ordinance. The terrain is hilly in this area and an elevation change of one-foot with proper foundation landscaping should not adversely affect the public welfare or be injurious to property in the immediate area.

Nancy Vennard moved the Planning Commission find the factors to be favorable and approve the requested one-foot change in elevation. The motion was seconded by Marlene Nagel and passed unanimously.

OTHER BUSINESS

The Planning Commission Secretary advised the Commission the filing deadline for the October meeting had past and no applications were received for the Board of Zoning Appeals. However, the Commission will have four public hearings and four non-public hearing applications to consider. These include two rezoning applications, a special use permit for communication antenna and a conditional use permit for a drive-thru. The non-public hearings include two preliminary plat approvals, a building height elevation and a monument sign. The Meadowbrook Project is on the agenda.

ADJOURNMENT

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 8:25 p.m.

Ken Vaughn
Chairman

TREE BOARD
City of Prairie Village, Kansas

MINUTES

Wednesday – September 5, 2007, 6:00PM Meeting
Public Works – Conference Room
3535 Somerset Drive

Board Members attending: Cliff Wormcke, Jack Lewis, Deborah Nixon, Luci Mitchell, Art Kennedy, Greg VanBooven

Other Attendees: Mike Helms

- 1) **Review and Approve minutes from May 2, 2007 meeting.** Approved on a motion
- 2) **El Monte Street Sweet Gum Tree** – Discussed and decided to take no action at this time
- 3) **Sub-Committee Report**
 - 3.1) **Fall Seminar**
 - a) **Event discussion** – Reviewed final plan for Fall Seminar on October 3, 2007 at 7:00pm in the City Council Chamber. Rick Barrett will be the guest speaker. There will also be a giveaway of shrubs.
- 4) **Election of new chairperson** – After review of former chairpersons it was decided that Debra Nixon will be the newly elected chairperson for the Tree Board.
- 5) **Old Business** – None.
- 6) **New Business** – None.
- 7) **The next meeting will be November 7, 2007 due to the fact that the Fall Seminar is being held in October.**

PARK AND RECREATION COMMITTEE
September 12, 2007

The Park and Recreation Committee met September 12, 2007 at 7:00 p.m. Present and presiding, Chairperson Diana Ewy Sharp. Members present: Vice Chair Al Herrera, Shawn Hickey, Shelly Trewolla, Peggy Couch, Diane Mares, A.J. LoScalzo, and Kathy Peterson. Also present: Barbara Vernon, Chris Engel, and Bob Pryzby.

PUBLIC PARTICIPATION

Diana introduced Toby Grotz from the Environmental Committee. Toby distributed a letter written to the Council describing the results of a trip he made to one of the parks. While walking through Harmon Park on a hot summer day he noticed a strong chemical smell coming from what he believed to be the rubberized wood chips in the playground. He did some research into the shredded rubber and was going to send his results to the Council but came before the Committee first. His findings were that shredded tires contain carcinogenic compounds and, based on his research, the City should consider an alternative material in their parks like woodchips. His research showed that when tires are heated up they release hydrocarbons into the air and it affects the entire vicinity. He also pointed out that in Texas a similar playground caught fire; fire was less his concern than poisoning our children. He asked that the Committee consider removing them from all of the City parks.

Diane asked if this was a result of the shredding process and Toby replied yes because the shredding creates more surface area. A.J queried if this was part of the process that pollutes the air surrounding highways. Toby said that as tires degrade they spread hydrocarbons. Al asked staff if they checked on these materials before we purchased them and Bob replied 'yes.' Bob also talked to the Johnson County environmental people and consulted the Consumer Product Safety Council and they both said there should be no adverse effects from using this material. Bob pointed out that we have had a problem this year with cicada wasps and the City has sprayed the playgrounds because they burrow there, perhaps that was the smell emanating from the playground. Even so, a state certified pesticide applicator was brought in and, realizing there were kids that played in the immediate area, treated the area accordingly. Toby mentioned that no pesticides should be used in the future because of the presence of children.

Diana thanked Toby for bringing this issue before the Committee prior to the Council and said the issue would be discussed later in the evening if he would like to stay.

CONSENT AGENDA

Al Herrera moved approval of the consent agenda. The motion passed unanimously.

REPORTS

1. Public Works Report – Mike Helms

Mike was in San Antonio attending the American Public Works Association conference but sent Diana a written report. The report stated that Public Works has purchased some treggators and were gearing up for their fall treatments. Additionally, they had replaced the bridge planks at Windsor Park, equipment at Franklin Park, and would be starting on

the vandalized posts on the tennis courts at Harmon on Tuesday. There was some discussion over how much the post replacement would cost but Bob did not have the figures with him.

2. Vandalism Report – Mike Helms

Diana stated there has been some progress on the vandalism problem in the parks. A couple of high school kids had recently been caught by police and police patrols had been increased.

3. Recreation Program Report – Chris Engel

Chris reported that the pool was closed for the season and there had been no major incidents for the year. He indicated that he did not have any final numbers yet but preliminary figures showed that attendance was slightly down but revenue was up. Chris attributed these two things to the poor weather early in the season and the increased fee at the gate. Chris also mentioned this was the first year in three that the pool was awarded Red Cross 'Aquatic Examiner' certification. This is awarded when a pool passes three surprise inspections that included skills testing and video surveillance. Chris informed the Committee that the pool had a shortage of guards at the end of the year and some of the pools were closed in the complex. As a result, the entry fee was discounted for the last two weeks on weekdays. Chris said this was normal in the area and was actually the first time in three years the pool did not have to completely close for guard availability.

Chris had some aquatics figures that showed the program was covering about 97% of their direct costs. There had been slight increases in the Dive and Synchronized revenue but a decrease in the Swim team revenues. Chris explained this as being a welcome decrease because the number of swimmers last year was almost unmanageable. Chris said that swim levels were good as is and would be working on getting attendance in dive and synchro up for next year. Chris reported that the tennis team also covered their direct costs but it was very close to breaking even because of the larger percentage of membership fees that are channeled to the instructor. The tennis team was the third largest in the metro area and had about seven members make it to the championship rounds of the city tournament.

4. Sculpture Garden Sub-Committee – Kathy Peterson

Kathy said the sub-committee was coming along but she had not heard from anyone recently.

5. Community Center Sub-Committee

Kathy mentioned that she thinks the City really needs a community center. Diana said a Council Committee had met and were assessing the need for meeting space. Barbara stated that the key was determining if it is worth the cost because of there are several other centers in the area. There were various comments about residents having to go to other municipalities. Diana mentioned a feasibility study for a community center was part of Village Vision as well as a recommendation from the Parks & Rec committee last year to the Council.

6. Municipal Foundation Gazebo Project Update – A.J. LoScalzo
A.J. had nothing to report.
7. Chairperson’s Report – Diana Ewy Sharp
 - a. Diana informed the committee that Zach Hardy had resigned and there was now a vacancy. She asked for members to provide possible candidates to the Mayor or her.
 - b. Diana informed the Committee that as they go forward with the master plan for next year she thought that joining the Kansas Recreation and Park Association (KRPA) would be a good idea and an educational tool for committee members. Diana asked Chris to explain what the association was and its benefits. Chris explained that KRPA was an organization comprised of over 900 individuals with varying levels of experience and exposure within parks and recreation organizations. Membership would grant the Committee access to that network and afford them the opportunity to attend workshops and the state conference. Other benefits include a membership directory, buyers guide, quarterly publication, online access to the network, professional development, and government representation through the association’s legislative agenda. Chris said that he, Bob, and Mike were currently individual members. Diane asked what the cost would be and what the difference was between the single memberships we currently had and an agency membership. Chris said the cost would be \$400 and as agency members they would be able to personally access the information network and attend the various workshops and conferences. Diana pointed out conference fees would be the responsibility of committee members as there were no funds available for such costs. Shawn asked if any other local municipalities were members and Chris said they were listed in the guide but was unsure if they were members. Diana asked if there were fund in the budget to join and Chris replied there were.

A.J. moved that the Committee appropriate the funds of \$400 to join the Kansas Park and Recreation Association. Kathy seconded the motion and it passed unanimously.

OLD BUSINESS

1. End of Season Dog Swim
Diana informed the Committee that it was determined at the last committee meeting this was probably not a good idea. Bob explained that the pool uses a sand based filter system that requires cleaning at the end of the year. The introduction of mass amounts of dog hair into this system would complicate the cleaning process. The City has made an investment in the system and the additional burden that hair would create would not be good. Shawn asked how other cities managed to have dog swims and Bob replied he did not know. Consensus was reached that this was not a good idea for the pool.
2. Sand Volleyball Court
There was discussion over concerns that the sand on the volleyball courts at Weltner Park was too hot and needed to be cooled somehow. It was decided that because the courts

could not be covered and a water hose could not be monitored there were no viable solutions other than shoes.

NEW BUSINESS

1. Consider New Fee Structure for 2008 – Chris Engel

Chris handed out a list of the various membership restrictions of local cities. He pointed out that he was there not to make any recommendations but give the Committee an idea of the things he would be researching for next year. There was consensus that he should proceed as planned.

2. Park Master Plan – Arts Council Involvement

Bob reported that there was art to be found in most of our outdoor areas, parks, islands, and parklets. Since this enhances the aesthetics and culture of the City the Arts Council would like to be involved in the Parks & Recreation master plan process. Diana said the committee agreed and Diana would speak with Doug Luther.

3. Toxic Playgrounds – Environmental Committee

Bob reiterated that when choosing these materials the Johnson County Park & Recreation Department and the Health Department were consulted and saw no problems. Mike also went to the Material Safety Data Sheets on the playground material and they showed no health hazards because the quantity is so low. Mike also discussed this matter with the Johnson County Health Department which considered this concern a few years ago and the County was satisfied with their research. Bob also pointed out this product has been in use for over 20 years and has been tested and improved over the years. He said that the early material was mostly shredded tires but has gotten away from that and now included recycled materials including old tennis shoes.

Bob was asked how many parks in the City use this material and Bob replied they all do. Diane suggested that when this material wears out in the far distant future perhaps the City should try something new like woodchips. Bob informed the committee that the material was ADA compliant as wheelchair users are able to move across the rubber chips, unlike woodchips, and stayed in the playground pits better than woodchips thus creating a cleaner appearance. Al mentioned that Prairie and Corinth schools had just switched to this material and that should be taken as a sign it is safe. Kathy asked if there was further testing that could be done on the material to alleviate any fears. Bob said there were, but they would be cost prohibitive. Diana stated safety is paramount but the City, other cities, and the schools have all done their research and found the material to be safe. The committee asked that the Council be informed that they had come to the consensus that the materials had been carefully considered and researched regarding the safety concerns brought forward by Mr. Grotz. The committee agreed to recommend that the City continue to use these materials.

4. 2008 Capital Projects – Bob Pryzby

Bob went through the list of 2008 capital programs and asked the Committee for guidance how to best proceed. First was \$40,000 for fall zone replacements like rubberized mats and rubberized woodchips. The \$40,000 would be used to complete

areas in Harmon Park. In light of the previous discussion, Bob suggested that a statement be put in the master plan stating what materials could be used in the parks and until that is completed this program perhaps should be postponed.

Second were park identification signs with an allotted budget of \$51,000. Bob said there had been some preliminary discussion over how they should look but nothing had been decided.

Third is \$30,000 for the fountain replacement on the El Monte island. Bob said he was waiting on a letter from the Homes Association and would then need direction from the Committee.

Fourth is \$50,000 for the Park Master Plan. Bob stated that in the Capital Infrastructure Program proposal that the scope of services could include an inventory of all park features with comments as inclusion in the Master Plan. Also, Larkin was using all of the available plans on Porter Park for an AutoCAD drawing. He expected them to be done with Meadowlake and Windsor by next month. Bob raised the question that the Committee needs to decide what they want the parks to be. Would they want changes, deletions, additions? New lighting, playgrounds, splash parks? How active would they like it to be? Consider the impact in terms of parking, toilets, and drinking fountains. Bob recommended they think about it for inclusion in the scope of services for the consultant.

Fifth would be \$15,000 for Carroll Plaza. Bob mentioned the electrical and water fixtures were worn out. Consideration should be given to the scope of Councilmen Daniels 75th Street corridor study. Diana said that was a good idea and the Committee should considering collaborating with the 75th committee and perhaps bank the money for this project until their process is complete. Diana and Bob both mentioned that they routinely receive complaints about this highly visible site.

Last was \$50,000 for the Swimming Pool Reserve Fund. These funds will be bankrolled for the next major project that may be the lap pool. He said there was some concern about the lap pool and the starting blocks. When asked the lifespan of the most recent pool renovations, he replied 25 – 40 years because concrete had been used. All of the pools were completed in 2000 except for the lap and adult pools. The Diving well had new gutter system installed on the original pool.

Diana asked committee members to think over these items and be prepared to discuss them during the October & November meetings.

Diana informed the Committee that there were six items that relate to Parks & Recreation included in Village Vision. She said she would talk to the Mayor to find out how to proceed with those items. Committee members asked how to get copies of the report and Diana informed them they could download it from the City's website.

5. Islands Ad-hoc Committee – Bob Pryzby

Bob said the Council had agreed to form an ad-hoc committee for sculptures on City islands and a Parks & Recreation committee member must serve on this new committee. Diana asked members to let her know if they were interested in serving. These sculptures range from rocks to statuary and the Committee is comprised of members from other various committees. Bob said some of these items were brought over from Europe by JC Nichols and about two dozen of these items need attention or repair. Bob is seeking membership from Paul Benson, a PV resident who handles this type of work at the Nelson Art Gallery and Joanie Shields, another PV resident, who serves as the Chairperson for the Kansas City chapter of Save Outdoor Sculpture. Bob will keep us informed as the committee begins to meet.

INFORMATION ITEMS

The next meeting will be Wednesday, October 10^h, 7:00 pm at **Public Works**.

The meeting adjourned at 8:35 pm.

Diana Ewy Sharp
Chairperson

PRAIRIE VILLAGE ENVIRONMENTAL COMMITTEE
September 26, 2007

Margaret Thomas, Chair, called the meeting to order. Present were Doug Luther, Don Landes, Linda G. Smith, Barbara J. Brown, Diane Mooney, Polly Swofford, Margaret Goldstein, Cheryl Landes, Mary Montello, Kathy Riordan, Toby Y. Grotz, Naomi Glynn (guest), Margaret Thomas, Dylan Lehrbaum, Karin McAdams, Tom Heintz, Mary Helen Korbelik and Ann Marie Hedge. The next meeting will be on October 24.

The August minutes were approved as corrected.

Naomi Glynn introduced herself; she lives in Countryside and is interested in what the environmental committee does.

EVENTS

Margaret and Kathy attended the KNRC meeting in Beaumont, KS, and enjoyed visiting the Elk River wind farms. They saw new towers being built and learned that at 150 megawatts, this is the largest wind operation so far in Kansas.

Margaret attended the KCPL meeting on environmental legislation and reports that energy efficiency needs to be considered a capital investment; legislation is needed to make sure that conservation does not come to be a financial liability.

Members are urged to contact Governor Sebelius urging her to oppose creation of more coal-fired plants. A new study, which should be published soon, shows that wind parks can generate more jobs than coal fired energy plants.

REPORTS

Toby Grotz reported that the PV Parks and Recreation committee was not concerned about his report on the toxicity of ground tires in local playgrounds. They thought he might have smelled a recently applied pesticide: cause for concern it itself. We will do further research: Mary will contact the EPA and the state PTA, Margaret will call MARC, Cheryl will call the KDHE, and Toby will contact the state of California.

Kathy Riordan reported on the upcoming Community Forum. Reservation numbers are still low, and each member received another card to address to a friend.

Each committee reported; most seemed to be going smoothly. Publicity has been sent to many places, but it seems that the reservation cut-off date needs to be changed to October 8 to make sure that people have time to respond to all the press coverage.

Appetizers will be served by some five students. It was suggested that the apples be cut back by 25%.

The water theme will be carried out by graphics in the program, which were discussed, and water-related handouts at the committee's table.

The question of next year's venue has been solved as the Justice, Peace and Environment Committee at Village Church, at the suggestion of Jerry Reese, will co-sponsor (though not be responsible for) the event.

Members will try to get information about water-related legislation that may be coming up in the next session of the Kansas legislature, to be shared with attenders of the dinner.

The meeting was adjourned about 8:30.

Respectfully submitted,

Karin McAdams
Secretary

TREE BOARD
City of Prairie Village, Kansas

FALL SEMINAR MINUTES

Wednesday – October 3, 2007, 7:00PM Meeting
Municipal Offices – Council Chambers
7700 Mission Road

Board Members attending Cliff Wormcke, Jim Hansen, Deborah Nixon, Luci Mitchell, Art Kennedy, Greg VanBooven

Other Attendees: Bob Pryzby, Rick Barrett

- 1) **Fall Seminar** – Chair Greg VanBooven welcomed about 15 residents to the Tree Board Annual Fall Seminar. He explained that the seminar was to provide an opportunity for residents to meet on subjects relative to trees and landscaping. Another feature of the seminar is to announce Champion Trees and Best of Species awardees. The 2007 awardees were:

Address	Tree Species	Winning Year	Type of Award
8046 Mohawk St	Cypress - Bald	2007	Champion Tree
7905 Granada	Ginko - Unknown	2007	Best of Species
8248 Reeds Ln	Holly - American	2007	Best of Species
8710 Alhambra St	Magnolia - Sweet Bay	2007	Best of Species
8320 Briar Ln	Maple - Box Elder	2007	Best of Species
7120 Alhambra	Oak - Red	2007	Best of Species
7753 Roe Ave.	Redbud - Unknown	2007	Best of Species
5312 W. 76th St	Sycamore	2007	Best of Species

Chair Greg VanBooven introduced Rick Barrett a local landscape designer. Mr. Barrett has worked with the City Public Works Department on several projects. The most recent was the landscaping for the Prairie Family Fountain and additional park area. Mr. Barrett and Mr. VanBooven answered questions for almost 1.5 hours.

Refreshments were served and the drawings were made for six plants.

- 2) **The next meeting will be November 7, 2007**

FIVE REASONS WHY AN EMPLOYER SHOULD ADOPT AN E-MAIL POLICY

by Mike Delaney

Even a small employer's e-mail system handles a vast amount of traffic. Assume that the average employee in your organization sends or receives 50 e-mails each day at work. In a typical year the employee will send or receive 13,000 messages, or over one million pieces of e-mail for an organization with only 100 employees!

In this article we explain five reasons why every employer should consider implementing a comprehensive e-mail policy and what to consider in developing such a policy.

Reason One: E-mail now is a favorite form of evidence in all types of litigation. E-mails offer a rich source of evidence because they are usually informal, often erroneously thought by their authors to be private, confidential, or protected from disclosure, and because they are easy to search. Employees discuss topics and use language in e-mails they would never consider appropriate in a letter, report, or memorandum prepared for the file. Moreover, employees expect that only the intended recipient will see the e-mail. Consequently, they bypass others in the chain of command that might exercise "quality control" over its content.

Many employees, including supervisors and managers, mistakenly think that their "private" or "unofficial" interoffice communications are not "business records" and will not be subject to disclosure in litigation. This mistake can prove costly when, for example, a supervisor's e-mail suggests a reason for a subordinate's termination other than the one shown

in the employee's personnel file. Many supervisors also do not realize that e-mails are normally not protected by the attorney-client privilege.

Combing through hundreds of personnel files looking for evidence of discrimination in paper records can be a daunting task for a plaintiff's lawyer or governmental agency. By contrast, searching for similar evidence in e-mails is a snap. Investigators looking for confirmation that a supervisor has used racially or sexually disparaging comments can easily search for key words in all of the e-mails generated by the target. In a case in which "Sue Smith" is a claimant, all e-mail messages in which the words "Sue," "Susie," or "Smith" appear can be located with a simple search.

Reason Two: Employee misuse of e-mail can lead directly to employer liability.

Examples abound of cases in which e-mail misuse has created liability.

- Two African American workers used e-mails to prove that supervisors exchanged "racially vile" messages. *Curtis v. Citibank N.A.*

- Sex harassment claims by four female employees based on sexually offensive e-mails sent through the employer's system resulted in a \$2.2 million settlement by Chevron. *Vandall v. Chevron.*

- Two African American employees filed a \$60 million race discrimination against their employer because of use of company e-mail to circulate racist jokes. *Owens v. Morgan Stanley & Co.*

- Norwich Union paid approximately \$130 million to settle

a defamation claim by a competitor based on an employee e-mail stating that the competitor was suffering financial problems.

The ease with which e-mail can be circulated to large audiences adds to the problem. A vulgar sexist comment made verbally to a single individual might be viewed by a court as a "stray remark" not resulting in liability. The same comment circulated to a whole work group and preserved in an e-mail file is much less likely to escape censure. Furthermore, any derogatory e-mail comment by a supervisor, even if the content does not necessarily give rise to a legal claim (e.g., "I'm sick and tired of dealing with this employee's constant whining"), can be used in a lawsuit to paint an unflattering picture of the employer and gain sympathy from a jury.

Reason Three: E-mail misuse and mistakes can put confidential employer information at risk.

Many security lapses occur as a result of inadvertent errors and lack of attention. Embarrassing e-mail stories are legion about misdirected messages containing bargaining strategies sent to competitors or confidential pricing information transmitted to customers that resulted from hasty use of the "Reply to All" feature. Some security breaches are intentional. An employee used Borland International, Inc.'s e-mail system to send trade secrets to a competitor for its use in a bid both companies were seeking. The case resulted in criminal prosecutions of both the sender and recipient.

Reason Four: E-mail use can expose the e-mail system to viruses and slow down the network.

E-mail is the single, largest source of computer virus infections, and much of the threat comes from "personal" e-mails received and opened by employees at work. In addition, receipt and retransmission of "chain" e-mails or group messages, especially those containing large graphics files, can slow busy e-mail systems to a crawl. Furthermore, individuals who attempt to steal identities and personal information also intentionally try to corrupt e-mail systems, because identity theft is easier when a user can hack into a system that is unstable.

Reason Five: Employee misuse of e-mail can result in lost productivity.

Even if the "typical" employee only spends 15 minutes a day of work time reading and responding to non-business related e-mails, the employer's hypothetical 100 person workforce will lose over 800 workdays per year to this form of "goofing off" alone.

REDUCE YOUR RISK WITH AN E-MAIL USE POLICY AND TRAINING

No policy can completely eliminate e-mail related problems, but a well crafted policy, employee training, and diligent policy enforcement can minimize the risks. What should you consider as you develop your organizations policy?

- Identify key e-mail risks and common problems so employees understand why your policy exists.

- Describe prohibited content.

Specifically prohibit use of the e-mail system to prepare, send, or retransmit vulgar, offensive, discriminatory, harassing, or sexually explicit messages or e-mails that contain derogatory references to age, race, sex, religion, disability, national origin, sexual orientation, political beliefs, (especially in the public sector) or any other protected characteristic.

Describe and explain any prohibition on the use of the e-mail system to communicate confidential business information inside and outside the organization or to comment on customers, competitors, or regulators.

Describe and explain restrictions on supervisory use of e-mails to discuss HR issues, particularly performance or behavior problems of individual employees; provide guidance on when and to what extent e-mails should be used as a form of documentation about employee performance and behavior problems; develop a formal training program on when and how to use e-mails to create appropriate documentation and to avoid liability.

Prohibit use of the e-mail system for any unlawful purpose such as gambling or copyright infringement.

Explain how complaints by employees of co-worker misuse should be handled (e.g. use the discrimination/harassment reporting system, if appropriate).

- Explain limits on personal use. Set out restrictions on transmission of chain or group e-mails. Limit or prohibit attaching or opening certain types of files.

- Identify any disclaimers, confidentiality notices, or other content that you require to be incorporated in any e-mail generated on the employer's system.

- Outline your standard e-mail retention policy and incorporate your special procedures for preserving e-mails in the event of legal action.

- Describe your e-mail monitoring procedures and clearly notify employees if you intend to monitor employee e-mail use for compliance with your policies.

- Clearly explain consequences for violating the policy. □

Mike Delaney is an attorney with Spencer Fane Britt & Browne LLP. His practice includes representation of management in traditional labor relations matters as well as employment litigation and human resources counseling. As a trial lawyer, he has represented employers in courts before administrative agencies and in arbitration throughout the United States.

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PUTTING COMMUNITIES AT THE CENTER OF BRANDING

by Don McEachern

Imagine for a moment you're not a local government manager. Instead, picture yourself as your locality's brand manager. Don't relax just yet. This is anything but a cushy position.

Since it's your first day on the job, here's a simple task. Collect the marketing and communication materials from all the players on your team, including the convention and visitors bureau, the economic development group, the chamber of commerce, any arts alliances, and, of course, your own local government. Also take a minute to determine what the private sector is conveying about your community when it speaks to the outside world.

Spread out these materials on a table. Do they have a similar look and feel? Are they integrated at some level? Are they relevant? Are they distinct? Do your private sector companies give an appropriate nod to your locality's brand? Do you recognize your brand? Is there even a common theme?

If you answered yes to all these questions, stop reading. You're light years ahead of most places and probably have a good handle on your brand. But if you were surprised by the incongruity of your community's marketing materials, you're not alone. The vast majority of local governments are in the same boat. In the words of a client who was recently given this assignment, "What a mishmash!"

DON'T PANIC

This exercise illustrates why a local government should be at the center of a branding initiative. The various entities that make up your community operate with distinct agendas. They speak in their own unique voices. That's their job. But when a brand is launched, it is advantageous for a community to speak in one voice, and what is spoken needs to be strategic.

Branding efforts of various

groups, although individually well executed, often work against each other with counter messages if they are not coordinated. Only a local government operates in an umbrella fashion, with an eye toward making sure all entities thrive. When a brand is managed by the local government, the brand stands a significantly greater chance of working for the locality as a whole.

This means a brand has a greater chance of working, period. An added bonus: following the branding process, the diverse organizations and entities that worked on the initiative often find themselves appreciating the other groups more and working with them on additional projects.

By now a lot of managers may be panicking - "I'm willing to take this position hypothetically, but I've got too much on my plate to take it literally!"

Some communities may choose to have their managers handle their branding, but many of my clients are successfully elevating the public information officer, the communications manager, or the director of marketing and communications to the role of brand manager.

Forward-thinking Missouri communities may even want to consider being the first on the block to hire a brand manager. As the branding wave continues to grow in acceptance and importance, it's only a matter of time until the significance of branding demands a specialized position.

MANAGE BUT NOT OWN

Notice that when I talk about local government's role in branding I say "manage," not "own." A number of problems are inherent in the idea of a locality wholly owning and controlling its brand. First, that type of control may affect buy-in from the bigger group, including the private sector. And buy-in is mandatory, from the perspectives of both implementation and financing.

In addition, every four years or so a local government may experience a turnover in elected officials. I've had more than one client implement a dynamite brand, only to have it abandoned by newly elected officials looking to make their own marks.

Ideally, ownership of your community's brand platform and brand identity should be held by a sizable and inclusive marketing partnership comprising local government as well as big and small players from the public and private sectors. And, although the amount of resources each group brings to the table can impact each group's influence over the process - big fish will be big fish - all should be invited.

Gainesville, Florida, for example, recently launched a branding initiative backed zealously and financially by an alliance of marketing professionals from 46 organizations in the public, private, and nonprofit sectors, including such heavy hitters as the University of Florida and Shands HealthCare. This alliance will "own" the brand, making it invincible to political pressure.

A team approach such as Gainesville's furthers the buy-in and adoption of the resulting work. It keeps in mind the big picture for the community, and it weathers changes in administrations.

FROM INSIGHT TO INSPIRATION

Let's say you accept the premise that branding begins with a local government (which you should). And, for the purposes of this article, you are still your community's brand manager. The next step is to review the process of branding, beginning with a definition of a brand. Contrary to common thinking, a brand isn't a logo, a mission statement, or even a positioning platform. Your brand isn't something you produce or provide to others, like an ad, brochure, or radio spot.

Your brand rests in the minds

and hearts of other people. It is what they say about you when you're not around. It can be influenced and shaped by marketing materials. What has more influence over the things people say about your community - Your logo or someone's experience in your community? Your positioning line or what a prospect hears from a friend?

Although there are several approaches to building a brand (some more complicated than others), the process I advocate involves four steps:

Understanding. Research is conducted to understand your community's physical attributes in relation to the competition, to glean the opinions of the stakeholders, to determine the perceptions of current and prospective consumers, and to identify demographic and psychographic information about consumers.

In other words, knowing your audience and knowing what your audience thinks of you are two basic laws of persuasive communication.

This stage is a lot of hard work, but

it should be a lot of fun too! **Researchers** should talk to **elected officials, residents, visitors, and business owners.** They must test your community's attractions, dive into its history, and explore its economic development opportunities. They should visit neighborhoods, schools, museums, and traditional town squares. They should explore and fish (if that's what you offer!) and attend local meetings. They should eat, shop, and check out your hotels.

Insights. The most successful brands establish an emotional - not just an intellectual - connection. In other words, you now need to translate all those fascinating facts gathered during the research phase into emotional sparks that can bring your brand to life. Your brand strategy must be relevant to your situation while it differentiates you in the competitive marketplace.

Imagination. During this phase, you breathe life and character into the understanding and insights that the process has revealed. For most communities, this is the most exciting stage. Here all the data and high-

level strategies are transformed into tangible creative products that embody your brand. The results are consistent communication concepts (positioning lines, logos, ads, public relations, Web sites, outdoor boards, and so forth) and strategic initiatives (civic awards, architectural guidelines for redevelopment, way-finding systems) that support the strategy.

Evaluation. Finally, take time to make sure your brand is working for you. Put in place measures that track how your community's brand is perceived in the marketplace, and determine whether these changes in perception have worked to achieve the desired objectives of the brand.

Just as I advocate placing local government at the center of branding, I am adamant about the benefits of integrating research, strategy, and creativity into a single process. Piecemealing the process opens up too many opportunities for disconnection. How many of you, for example, have a thick book of research results sitting on your shelf right now? Ultimately, research is useless without strategic and creative shaping to bring it to life for the consumer.

It is just as problematic to proceed with a clever marketing campaign if research has not been conducted to determine the relevancy of that approach (or, as often happens, if research conducted by one company is being ignored by a creative agency because the creative types didn't conduct it and they don't find it relevant).

Marketing is merely a promise to the consumer of fun, creativity, safety, charm, and none of it means anything if the destination can't deliver.

Finally, energetic, exciting, and relevant outcomes result more often when there is interaction among the people who conduct the research, the people who develop the strategy, and the people who cook up the creativity. Countless times I have seen our research people confer with the creative teams, and even take them to focus groups and interviews, in an effort to further their understanding of a certain quality a community may possess.

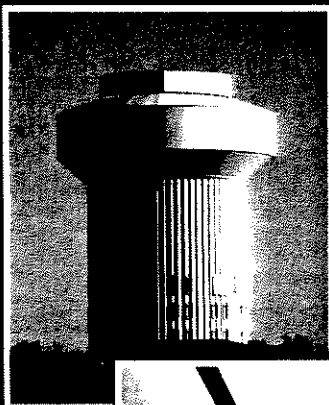
USE YOUR COMMUNITY AS A CANVAS

As a brand manager, you are responsible for identifying your local

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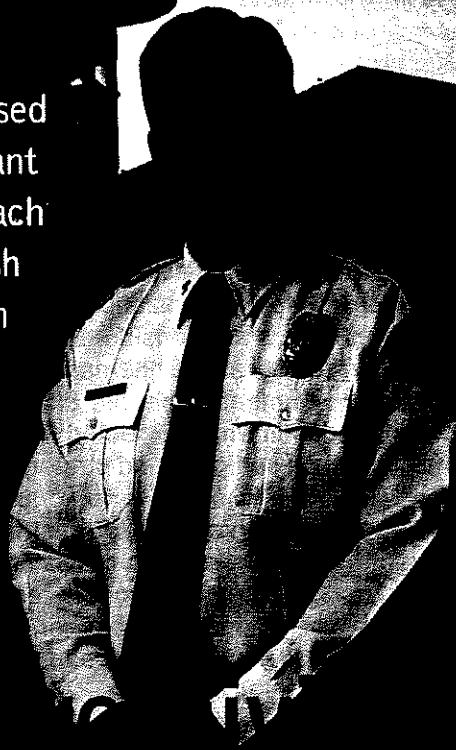
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government's brand and bringing that brand to life. Clearly, this will involve marketing, so you will be accountable for the effectiveness and the return on investment of your community's marketing efforts to both residents and the outside world.

But it doesn't stop there. The brand must be represented in your community's architecture, in its events and attractions, in its public art and signage, in the aesthetic overlays to development and redevelopment, in the attitudes of residents and public servants, in the community's approach to entrepreneurs, and in its educational offerings. In other words, your community must do more than advertise its new brand; it must wear it like a second skin.

Columbus, Indiana, for example, has just launched its branding campaign and is currently in the process of inventorying all city property that can serve as a canvas for the brand including: water towers, storefronts, buses, police car doors, and signage. Cape Girardeau, Missouri, converted an

ugly floodwall along the river into a 24-panel historical mural which embodies the brand and vividly conveys all the stories of the community.

I encourage you to take it a step further and leverage relationships with communication providers. In exchange for the lease on cell and radio towers, ask for time on the airwaves to promote your brand. If you provide a cable company access to public institutions like hospitals and prisons, demand a little time on their channel.

Of course, your community will never become a branding canvas without its local leadership. Because most of what we're discussing is local property, your message will never make it to the storefront, the water tank, or the airwaves without government approval.

CHALLENGES OF COMMUNITY MARKETING

The four Ps of marketing are product, place, price, and promotion. The four Ps of community marketing are politics, politics, politics, and politics.

By their very nature, cities and counties are composed of different groups with different interests, agendas, and turfs to protect. How can you manage your community as a cohesive brand?

Further complicating the problem, is the fact that a single community can mean so many different things to so many people. Communicating effectively in today's cluttered marketplace will require you to hone that tangle of feelings and thoughts to a single distinct point.

All of this requires strong government leadership to keep branding from becoming bogged down "in committee." Solicit input from your entire alliance but give actual decision making to only a few. Try to make the ultimate decision makers reflective of your community's makeup. Include, for example, representatives from the public, the private, and the nonprofit sectors.

Stress early and often that branding is not about compromise or even consensus. Branding is about determining the strong singular message that will define your community. It is about creativity and, yes, even risk. When all the subvoices within a community clamor to contribute their two cents regarding the brand message, the result too often is watered-down pabulum.

Finally, have fun with the process. I've heard community branding referred to as a science, and in some ways it is. But despite all its scientific principles, at its core, branding is about eliciting an emotional reaction. All the research, all the strategizing, all the logos, positioning lines, and advertising are working toward one goal: the tiny reaction in someone's head or heart after an encounter with your brand.

When the group charged with branding a community actually enjoys the process, when group members are excited or even challenged by the research findings, when they are willing to take risks creatively and think like consumers rather than politicians, the resulting brand is almost always a winner. □

Don McEachern is president of North Star Destination Strategies, the leader in community branding with offices in Nashville, Denver and Largo, Florida. www.northstarideas.com

AGING OF THE BABY BOOM: A COMMUNITY "BLUEPRINT FOR ACTION"

by Neal Peirce

What will the aging of the baby boom generation mean for American's communities?

Will the folks whose sheer numbers and market mastery brought us endless subdivisions, monster malls, and life in the SUV lane want to keep sprawling out in the ample swath of golden years that modern medicine seems to promise them?

Or will many want to return to the more walkable, accessible town and neighborhood settings of yesteryear?

The questions pop out from a read of a new "Blueprint for Action" on how smart communities can adjust to and capitalize on the oncoming tidal wave of seniors, prepared by Partners for Livable Communities for the MetLife Foundation and the National Association of Area Agencies on Aging. The report was released in Washington last month (www.aginginplaceinitiative.org). NLC was one of the partners in the research and preparation of the blueprint.

The overwhelming number of seniors, it notes, won't be moving off to the Sunbelt (if they're not already there) or be residents in nursing homes. Most will choose to "age in place," in the same homes or close to the same communities they've lived in for years.

But needs often shift at 65-plus - or if not then, 75-plus or 85-plus. Physical strength and reactions wane; eventually most seniors either can't or shouldn't be driving. Friends, doctors' offices, stores, places of entertainment all become harder to reach. The big house becomes excess space. A home may need new "accessibility" features such as wider doors or grab bars.

So localities, the new Blueprint advocates, had better think hard about town planning and services that "aging in place" scenarios will be requiring.

A major target: post-World War

II zoning codes that often make it literally illegal to recreate the intimate, mixed-use neighborhoods that marked all of earlier American history. Large minimum lot sizes, setting buildings back from street lines, the separating of residences, shops and offices, and requiring more than ample parking - all push us further and further apart.

So communities now need to look to an 180-degree turn - new land use plans and zoning codes that actually encourage residences within easy walking and biking distance of such basic amenities as food markets, drug store's, cafes, banks, and parks. Seniors then could have a normal life, even without a car for every errand.

A big potential: widening the supply of "accessory dwelling units - also called "granny flats" or "mother-in-law apartments." These small upstairs and backyard units, spaced correctly for one or two people, were common in the late 19th and early 20th centuries in towns and both large and small. But they've been opposed in recent years by neighbors complaining they'll bring renters or undesirable people into communities or create parking problems.

Enough already! Seniors can be tenants of such units attached to homes occupied by children or relatives. Or if they still own their homes, seniors can carve out and rent space in them to others, sometimes in exchange for household duties. Or if there's a garage in back, convert it to rental space for a young single person and pick up some extra income.

With the added population the extra units provide, communities can expect tax yields to rise, local businesses to flourish, and livelier communities to grow. Santa Cruz, Calif., has not just cleared zoning for the granny flats but hired seven architects to design prototypes and made it possible for

homeowners who build the prototypes to go through

the permitting process with minimal delays.

The new Blueprint includes a draft of new strategies for seniors. Richmond, Va., is among the communities that have instituted "walkability audits" to identify correctable barriers such as short pedestrian crossing cycles or broken sidewalks. For seniors who do still drive, the Michigan Department of Transportation has cut back on injurious crashes through brighter stoplights and larger street-name signs.

Refresher driving courses for older adults, more flexible transit services, training of law enforcement officers to detect and report elder abuse - the Blueprint list is extensive. It goes on to include: arts and culture programs that involve people of all ages, digital age training for computer literacy, a major emphasis on civic engagement including seniors meeting to define their own community priorities and volunteering for one-on-one counseling and mentoring of school children.

On the health front, the report lists exercise and active living programs and a single area-wide point of entry for information about services ranging from transportation to doctors' offices to home health care.

About the only recommendation that made me recoil was special property tax exemptions for seniors, school taxes included. Bad idea! In this age of Medicare and Social Security, it's more often young working families who are caught in the worst fiscal squeeze. Anyway, the point is not to make seniors a privileged class. It's to create full communities in which seniors are full, living partners with us all. □

This article is a re-print from the *Nation's Cities Weekly*, issue June 11, 2007, published by National League of Cities.

**Council Members
Mark Your Calendars
October 15, 2007**

October 2007 Prairie Village State of the Arts Exhibit in the R. G. Endres Gallery

November 2007 Mid-America Pastel Society exhibit in the R. G. Endres Gallery
November 5 City Council Meeting
November 9 Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
November 13-17 National League of Cities Annual Conference in New Orleans
November 19 City Council Meeting
November 22-23 City offices closed in observance of Thanksgiving
November 26 Mayor's Holiday Tree Lighting - Corinth Shopping Center
November 30 NE Johnson County Chamber's Annual Dinner - Lake Quivira Country Club

December 2007 Christi Roberts-Bony mixed media R. G. Endres Gallery
December 3 City Council Meeting
December 7 Mayor's Holiday Gala
December 14 Artist reception in R. G. Endres Gallery 6:30 to 7:20 p.m.
December 17 City Council Meeting
December 25 City offices closed in observance of Christmas

January 2008
January 1 City offices closed in observance of New Years Day
January 7 City Council Meeting
January 21 City offices closed in observance of Martin Luther King Jr. Day
January 22 (Tues.) City Council Meeting

February 2008
February 4 City Council Meeting
February 18 City offices closed in observance of President's Day
February 19 (Tues.) City Council Meeting

March 2008
March 3 City Council Meeting
March 17 City Council Meeting

April 2008
April 7 City Council Meeting
April 21 City Council Meeting

May 2008
May 5 City Council Meeting
May 19 City Council Meeting
May 26 City offices closed in observance of Memorial Day

June 2008
June 2 City Council Meeting
June 16 City Council Meeting

July 2008
July 4 City offices closed in observance of Independence Day
July 4 VillageFest

July 7	City Council Meeting
July 21	Cit Council Meeting
August 2008	
August 4	City Council Meeting
August 18	City Council Meeting
September 2008	
September 1	City offices closed in observance of Labor Day
September 2 (Tues.)	City Council Meeting
September 15	City Council Meeting
October 2008	
October 6	City Council Meeting
October 20	City Council Meeting
November 2008	
November 3	City Council Meeting
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	
December 1	City Council Meeting
December 5	Mayor's 2008 Holiday Party
December 15	City Council Meeting
December 25	City offices closed in observance of Christmas

ANIMAL CONTROL COMMITTEE

AC96-04 Consider ban the dogs from parks ordinance (assigned 7/15/96)

COMMUNICATIONS COMMITTEE

COM2000-01 Consider redesign of City flag (assigned 7/25/2000)
 COM2000-02 Consider a brochure to promote permanent local art and history (assigned Strategic Plan for 1st Quarter 2001)
 COM2000-04 Consider the installation of marquees banners at City Hall to announce upcoming civic events (assigned Strategic Plan for 1st Quarter of 2001)

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)
 COU2006-54 Consider Renewal of Special Use Permit at 7700 Mission Road (assigned 12/7/2006)
 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)
 COU2007-31 Consider City Administrator/City Manager forms of government (assigned 3/19/2007)
 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)
 COU2007-47 Consider using MUTCD "Stop for Pedestrian" signs. (assigned 6/19/2007)
 COU2007-49 Consider Project 190868: Roe - 91st to Somerset Drive (assigned 6/27/2007)
 COU2007-53 Consider EasyRide Program (assigned 7/13/2007)
 COU2007-54 Consider Project 190708: Tomahawk Road / Nall to Roe (assigned 8/26/2004 - was POL2004-13)
 COU2007-61 Consider Rezoning of Property at 7920 State Line Road from CP-0 to CP-1 (assigned 10/2/2007)
 COU2007-62 Consider Construction of Additional Parking at Shawnee Mission East (assigned 10/12/2007)
 COU2007-63 Consider MUTCD "Stop for Pedestrian" signs (assigned 10/12/2007)

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)