

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
JUNE 2, 2008**

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 2, 2008, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

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

Also present were: Quinn Bennion, City Administrator; Katie Logan representing the City Attorney; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Karen Kindle, Finance Director; Chris Engel, Assistant to City Administrator and Joyce Hagen Mundy, City Clerk.

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

Mayor Shaffer announced due to receipt of new information the order of the agenda will be changed to address the request to withdraw the Special Use Permit Application at 4805 West 67th Street by the applicant..

COU2008-37 Consider Special Use Permit for wireless communication tower and equipment compound at 4805 W 67th Street

Scott Beeler, 10851 Mastin, Counsel for T-Mobile, stated after discussions with their technical staff it was determined the proposed 120' tower at this location could effectively be constructed at a significantly lower height. Therefore, T-Mobile is withdrawing PC Application 2008-02 on the Council's agenda for consideration and will

be resubmitting a new application for Planning Commission consideration on July 1st for this location at a height of 85 feet.

David Voysey moved the City Council remove from the agenda COU2008-37. The motion was seconded by Ruth Hopkins and passed unanimously.

Mayor Shaffer stated there would be no discussion on this item by the City Council this evening.

PUBLIC PARTICIPATION

Mary Cordill, 4904 West 68th Street, requested the status on discussions initiated last February regarding establishing a task force to study the City's existing cell tower regulations and establishing a moratorium on further applications until this has been completed.

Quinn Bennion responded additional research has been completed by City Staff and was presented to the City Council in March. The Council forwarded the information to the Planning Commission with direction to reconsider the City's regulations in response to the issues raised. Ron Williamson stated the Commission hasn't discussed the information yet because of its consideration of the existing application and past full agendas.

Mrs. Cordill asked the City Council to put into place a moratorium on cell tower applications until the regulations have been reviewed by the Planning Commission.

Stephen Horner, Assistant City Attorney, stated the applicant had withdrawn his application with the understanding that he would be able to file a new application for consideration by the Planning Commission July 1st and it would be inappropriate for the Council to set a moratorium at this time.

Kate Faerber, 4806 West 68th Street, expressed her frustration with the City Council not considering this application and the 5-0 recommendation of the Planning Commission against this application. She noted considerable time and effort has been

extended by the Commission and the residents on this application. Now the Council is requiring its residents to again expend significant time and energy to protect their property.

Mayor Shaffer noted the process in place needs to be followed and noted residents would be notified of the hearing before the Planning Commission on the new application. With no one else wishing to address the Council, Mayor Shaffer closed public participation.

CONSENT AGENDA

David Voysey moved the approval of the Consent Agenda for Monday, June 2 2008:

1. Approve Regular Council Meeting Minutes - May 5, 2008
2. Approve contracts for VillageFest 2008

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

STAFF REPORTS

Mayor Shaffer stated Staff Reports were given at the earlier Council Committee of the Whole meeting.

COMMITTEE REPORTS

Council Committee of the Whole

COU2007-27 Consider Project 190864; 2008 Street Resurfacing Program

On behalf of the Council Committee of the Whole, David Voysey moved the City Council approve Construction Change Order #1 with O'Donnell & Sons Construction for an increase of \$241,750.20 and Construction Change Order #2 for an increase of \$69,183.90 to Project 190864: 2008 Street Resurfacing Program bringing the final

contract amount to \$1,942,450.40. The motion was seconded by Laura Wassmer and passed unanimously

COU2007-62 Consider Project 190863: Shawnee Mission East High School Parking Lot Expansion.

On behalf of the Council Committee of the Whole, David Voysey moved the City Council approve the transfer of \$117,000.00 from the Economic Development Fund to the Capital Improvement Fund (Project 190863: SME High School Parking Lot Expansion) for design, construction, construction administration and testing services. The motion was seconded by Ruth Hopkins and passed by a vote of 11 to 1 with Bill Griffith voting “nay”.

COU2008-39 Consider Highway Rock Salt Bid Award

On behalf of the Council Committee of the Whole, David Voysey moved the City Council award the Highway Rock Salt bid to Cargill, Inc. for the 2008-2009 winter season with a unit cost of \$44.06 per ton. The motion was seconded by Ruth Hopkins and passed unanimously.

COU2008-40 Consider Project 190648: El Monte Fountain Replacement Design Agreement

On behalf of the Council Committee of the Whole, David Voysey moved the City Council approve the Design Agreement with The Larkin Group for \$7,000.;00 for Project 190648: El Monte Fountain Replacement. The motion was seconded by Laura Wassmer and passed unanimously.

Mayor Shaffer stated he had a professional conflict of interest with the next item on the agenda and turned the Chair over to Council President David Voysey.

Planning Commission

COU2008-35 Consider Amendment to Special Use Permit for Veterinary Clinic

Andrew Wang reported the Somerset Veterinary Clinic has been operating at 8823 Roe Avenue under a Special Use Permit issued by the City since July 1, 1991. On May 6, 2008, the Planning Commission held a public hearing on an application to expand the Special Use Permit to include the adjacent suite at 8825 Roe Avenue. This would increase the square footage of the use by approximately 2,888 square feet. There will be no exterior changes to the building. The additional suite will add two additional exam rooms, a state of the art surgical suite and radiology and treatment rooms. The boarding of animals is limited to treatment and observation.

The City has not received any complaints regarding this use and no opposition was expressed at the public hearing or the neighborhood meeting held by the applicant.

On behalf of the Planning Commission, Andrew Wang moved the City Council adopt Ordinance 2167 amending the Special Use Permit to allow the expansion of a veterinary clinic at 8823 Roe Avenue to include Suite 8825 Roe Avenue subject to the conditions recommended by the Planning Commission. The motion was seconded by David Belz.

Charles Macheers, 21704 West 57th Terrace, representing the applicant, confirmed there would be no external changes to the site.

A roll call vote was taken with the following votes cast: "aye" Herrera, Griffith, Hopkins, Voysey, Kelly, Wang, Wassmer, Beckerman, Clark, Morrison, Ewy Sharp and Belz.

Mayor Shaffer resumed the Chair.

COU2008-36 Consider a request for Rezoning Meadowbrook Country Club

Mayor Shaffer called upon Ron Williamson, City Planning Consultant to present the Planning Commission's findings on this application.

Mr. Williamson stated the Planning Commission considered this application on April 1st and May 6th. They unanimously recommended the requested MXD "Planned Mixed Use District" rezoning and preliminary development plan be approved by the City Council.

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

The proposed project includes two housing types: condominiums and senior living. The proposed condominiums will be located near the lakes on the interior part of the site on 5.33 acres. There will be approximately 96 units in two five-story buildings. The units will be one to three bedrooms with an average unit size of 1,750 sq. ft. Parking will be provided underground for 162 cars and 30 surface spaces will be provided for visitors, for a total of 192 spaces.

The proposed senior living building (Stratford) will be located at the southwest corner of the site on 8.68 acres. The proposed building will be three and four stories high and contain 232 units which include 172 independent living units; 20 Alzheimer's living units (24 beds) and 40 assisted living units (48 beds). This will be a full service facility with wellness, spa, restaurant and lounge facilities. It will be similar in operation to Claridge Court. Parking will be provided underground for 174 spaces and on the surface for 161 spaces, for a total of 335 spaces. Required parking is 104 spaces for the units plus one space for each employee.

The two residential uses will occupy 14.01 acres. The golf clubhouse and parking will occupy 2.84 acres, including 156 parking spaces. The swimming pool/tennis center,

including 77 parking spaces, will occupy 3.80 acres. The gross area of the site is 138.70 acres; after all the developed area is deducted (20.65 acres), the net area of the actual golf course including drainage areas will be 118.05 acres.

Since this is the first application for MXD District, Mr. Williamson restated the Purpose and Intent of the District :

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

The applicant held two public information meetings on February 21st and 26th. Approximately 30 people attended the first meeting and 60 at the second meeting. Many questions were asked. The questions that were of concern to the rezoning application relate to traffic, access to Nall Avenue, access south to 94th Terrace, off-street parking, green space, setbacks, sewer service, location, height, and size of the Stratford building, design of the Stratford building, and project financing. The applicant responded to these questions as noted in the detailed meeting memorandums and for the most part satisfied the Prairie Village residents in attendance. Several of the items are addressed in more detail in the associated staff reports.

At its regular meeting on April 1, 2008, the Planning Commission opened the public hearing on the Meadowbrook project and listened to many comments both pro and con regarding the proposal. At the conclusion of the public comments, the Planning

Commission discussed the proposal at length and moved to continue the application to the May 6, 2008 Planning Commission Meeting in order for the applicant to address several concerns which were as follows:

- A. Setback of the building along Nall;
- B. Parking;
- C. Elevation & Grading;
- D. Safe access to and from the drives for emergency vehicles and residents;
- E. Photo simulations demonstrating the design of the building;
- F. Elevation with the street showing the street contour relationship to the building;
- G. Outline of the deed restrictions - concept; and
- H. If project not MXD now, is there some way to keep option open to future integration and development; to the south along the edge of the property.

The applicant addressed each of these issues at the May 6, 2008 Planning Commission meeting and the public had an opportunity to respond to their presentation.

Prior to making its recommendation, the Planning Commission is required to make findings of fact based on the "Golden Factors" which are listed as follows:

- 1. The character of the neighborhood;
- 2. The zoning and uses of property nearby;
- 3. The suitability of the property for the uses to which it has been restricted under its existing zoning;
- 4. The extent that a change will detrimentally affect neighboring property;
- 5. The length of time of any vacancy of the property;
- 6. The relative gain to public health, safety, and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners;
- 7. City staff recommendations; and
- 8. Conformance with the Comprehensive Plan.

The Commission felt the following "Golden Factors" were relevant to this rezoning. They consider this a 138 acre tract of which 13 acres will be intensely developed leaving the majority of the site as open space. The character of the neighborhood will largely remain low-density residential. The impact of the majority of the development is at the southwest corner of the 138 acres adjacent to office development, a church and single family residence across Nall. The larger portion of the site will remain open space within the character of the neighborhood.

Regarding the zoning and uses of property nearby, they noted the property to the south is CP-1 which is a planned commercial district. Putting a multi-family residential development next to offices is an accepted type of land use. They stressed the need to keep in focus that the rezoning is about the entire area, not simply the southwest corner. When talking about the zoning of nearby property in view of the entire site, the proposal is an appropriate land use. The relative gain to the public is the retention of the open space.

Regarding conformance to the Comprehensive plan, the Commission noted that Meadowbrook discussion was based on the area being totally redeveloped. This application is about keeping the golf course along with viable redevelopment. The Commission created a zoning district that was broad enough to allow flexibility to consider several options to be considered based on a specific development plan. This is not a perfect rezoning for "MXD", as envisioned by the ordinance; but this is a real application on a real site to keep the country club and golf course, encourage redevelopment, and add different housing options within the City, increasing property values. Village Vision does not encourage Prairie Village to stay exactly as it is. The City needs to expand its horizons and opportunities. Village Vision did envision the total redevelopment of the area. The proposed development has maintained a considerable amount of green space while introducing greater density into Prairie Village which is part of the Village Vision.

The Planning Commission unanimously found favorably on several of the Golden Factors as stated above and recommends the rezoning of PC2008-03 from R-1a to MXD at 91st & Nall and approval of the preliminary development plan with the following conditions:

1. The applicant submits an outdoor lighting plan in accordance with the outdoor lighting regulations with the final development plan.
2. The applicant submits detailed plans for the monument sign façades with the final development plan.

3. The applicant obtains approval from the City of Prairie Village Public Works Department and the City of Overland Park for the Stormwater Management Plan prior to submitting the final development plan.
4. The applicant submits a copy of the final covenant documents preserving the open space and guaranteeing maintenance of improvements with the final development plan.
5. The applicant submits a detailed landscape plan with the final development plan for review and approval by the Planning Commission and Tree Board.
6. The applicant provides better pedestrian access to the commercial area to the south.
7. The golf course entrance road is a private street.
8. The split rail fence along Nall Avenue is relocated so that it does not cause sight problems for traffic exiting on Nall Avenue.
9. The applicant meet with emergency service providers to be sure that the golf course entrance road is adequate to accommodate emergency vehicles.

If the Council approves the rezoning and preliminary development plan, Staff recommends a 10th condition be added as follows:

10. The applicant shall file a final Development Plan within 18 months of the approval of the Preliminary Development Plan and the ordinance approving the rezoning and Preliminary Development Plan shall not be published until such time as the Final Development Plan is approved.

Mr. Williamson also stated staff has expressed concerns with how the City can ensure the entire development is completed at one time as this is an entire package/project.

Mr. Williamson stated a valid protest petition has been submitted that includes approximately 39% of the area within 200 feet of this site. Since the protest area is more than 20%, it requires a $\frac{3}{4}$ vote of the Governing Body (City Council and Mayor) to approve the application, and that is 10 votes.

The Governing Body shall make its findings of fact based on the "Golden Factors" and either:

- A. Adopt the recommendation of the Planning Commission and approve the rezoning and Preliminary Development Plan which requires 10 favorable votes, or
- B. Override the recommendation of the Planning Commission by a $\frac{2}{3}$ vote of the Governing Body (9 votes), and deny the rezoning and Preliminary Development Plan, or
- C. Return the recommendation to the Planning Commission by a simple majority vote with a statement specifying the basis for the City Council's failure to approve or disapprove the recommendation.
- D. Continue the item to a designated meeting by a simple majority.

Charles Clark stated he felt it was very important to include the staff's recommended condition #10 and asked who will review the final development plan. Mr. Williamson responded the Final Development Plan is reviewed by the Planning Commission and can not vary much from the preliminary development plan. Mr. Clark asked if it would return to the City Council. Mr. Williamson responded "No". However, he noted the final plat including easements, right-of-way dedications and deed restrictions will come back to the Council.

Mr. Clark asked what details would be included in the final development plan. Mr. Williamson stated it would identify specific design of buildings, locations, grading, storm drainage, final landscape plans etc. Mr. Clark asked if it would address the questions raised, such as phasing of construction. Mr. Williamson stated the schedule for the development will be included.

Dale Beckerman asked what happens if the developer fails to return within 18 months, does it change the zoning. Mr. Williamson replied staff is recommending that the ordinance approving the zoning change and the preliminary development plan not be published until such time as the final development plan is approved. The zoning could be approved by the City Council , but it does not become effective until publication of the ordinance.

Al Herrera confirmed the 18 months is not for completion but only for the submittal of the final development plans.

Mayor Shaffer reviewed the public comment process to be followed stating the applicant will present their application, then public comment will be received, the applicant will then be able to respond to questions raised by the public. Upon completion, the public comment portion will be closed and the City Council will consider the application.

David Harrison, 4407 West 92nd Terrace, began his presentation with an aerial of the property. In May of 1996, they responded to a request for proposal from the Meadowbrook Country Club. The initial proposal called for 250 - 300 condominiums in the middle of the golf course with the condos ranging in height from 4 stories to 12 stories. In October of 2006, they looked at grouping six buildings around the central lake. In April, 2007, Stratford was added to the project. At that time the Stratford building was located at the northwest corner of the project at the intersection of Nall Avenue and Somerset and the number of condominiums was reduced. In October of 2007, they reduced the size of the Stratford complex from six and seven stories in height to five to six stories in height. The February 2008 Plan has the three story building on Nall going to a four-story building on the internal portion of the golf course because of the drop in the elevation of the land. Mr. Harrison noted they have also tucked the building in to the southwest corner of the site and the elevation changes will allow them to keep some of the existing mature trees. This resulted in using more ground area so the number of condominiums was reduced to two buildings and three villas along the entry drive were removed. They also relocated the golf course entrance based on conversations with the neighbors. The new drive is located further to the east midway between Rosewood and Birch.

Mr. Harrison pointed out changes made to address traffic, life safety, building elevation, vision lines, etc. He noted this plan retains a larger amount of water on the site helping to address storm water concerns.

- They looked at sight distances and sight line to make sure they were at their optimum
- Corrected existing problems on Somerset & Nall regarding turning radius Turn lanes and stacking lanes were added.
- Created a building with character, the buildings have been designed with several elevation changes and roofline changes to provide a residential look, not a commercial look.

- The loop roads around the condominiums and around the Stratford were redone with the assistance to the Fire District to ensure all the turning radiuses were appropriate for access.
- All parking for the residents is underground to preserve green space. To address potential headlights from cars parked in the northwest corner lot, they have added an architectural screening wall and landscaping.

Mr. Harrison stated a lot of time and detail has gone into the plan to address the questions and concerns of the Planning Commission and neighboring residents.

- Photo simulations of the Stratford building were shown with the following views:
 - Looking southeast towards the northwest corner of Stratford
 - Looking southeast towards front entry of Stratford
 - From the United Presbyterian Church Exit Drive looking northeast towards the southwest corner of the Stratford

Mr. Harrison reviewed the progression of changes to the height of the Stratford building from 122 feet in August of 2007, to 89 feet in October of 2007 to 46 feet in February of 2008. He noted residential story height is 10 to 11 feet while office/commercial story height is 14 feet floor to floor.

Mr. Harrison stated they began working with the club in May of 2006 and at that time there was the desire to keep as much green space as possible for the club. The 2006 plan included approximately 5 acres of development land. By October, 2007, this had grown to approximately 6 acres and the current plan covers 8 acres. The lowering of the height of the project caused more ground to be taken from the golf course.

Mr. Harrison stated the Country Club has signed off on the proposed development. They feel this is a very good piece of real estate which addresses the need for redevelopment. He acknowledged this is a big project covering over 136 acres while preserving green space and providing 330 new places for residents to live freeing up single family homes within the City. There is a strong local demand for this project as people want to stay in their communities as they move out of their homes.

Ruth Hopkins asked how many condominium units were being constructed. Mr. Harrison replied the current plan has 96 units at most there will be 99 units. They have received a lot of interest from qualified buyers. He does not feel there is a better setting for the location of these units and is confident that the real estate market will come back.

Charles Clark asked Mr. Harrison to respond to the 10th condition recommended by staff, and confirm that at the time the final development plan is filed, the City will have a firm construction schedule and financing will be in place, in addition to engineering details. Mr. Harrison stated the applicant is fine with the 18-month sunset on the submittal of the final development plan. They have been working on this for a couple of years and want to keep it moving forward. Mr. Clark stressed the importance of having a firm final development plan including schedule for construction and financing presented to the City.

Diana Ewy Sharp stated she is looking at this as an entire mixed use project and is looking for assurance that the entire project will be constructed as presented. Mr. Harrison stated all parts of the plan have to come together for the plan to be feasible.

Laura Wassmer asked why the building was not proposed with the back towards 95th Street instead of Nall. Mr. Harrison replied the current configuration is less obtrusive and follows the drop of the grade to the east. He noted Stratford also desires to be located on the golf course and to have those views of the course for their residents. Ms. Wassmer noted the suggested change would place the building near commercial buildings which are taller and more compatible in character. Mr. Harrison stated if the building was turned, more of the building would be visible from Nall.

Michael Kelly asked how many square feet are in the Stratford. Mr. Harrison responded 417,000 square feet.

Dale Beckerman asked Mr. Harrison to address traffic along Somerset, particularly at the entrance to the development, also coming down the hill on Nall

towards 95th Street and at the entrance at 92nd. Mr. Harrison preferenced his response with the statement that the traffic generation of the proposed project is low and is lower than single family residents. He stated their engineers have spent a great deal of time on sight distances, traffic counts, stacking and called upon Norm Bowers, who conducted the traffic study and Judd Claussen with Phelps Engineering.

Judd Claussen reviewed the improvements to Somerset which included removing the south curb and widening the street to provide 10' turn lanes. The Somerset widening will extend from Nall to a point east of the new entrance street and include reconstruction the southeast curb return at the Nall intersection. A right turn lane is included on the new street for eastbound traffic on Somerset Drive. Mr. Claussen noted a sidewalk has also been added along Somerset and Nall Avenue.

Bill Griffith asked how far the offset was between Rosewood and the entrance to the development. Mr. Claussen stated the entrance is centered approximately half way between the two streets. Originally the entrance was aligned with Rosewood on the north; however, in response to residents' concerns with increased traffic it was moved to the east. The other impacting element was the location of the existing swimming pool for the club. The pool will not be replaced and the road must provide access to it.

Mr. Claussen reviewed the two main entrances into the Stratford, one at 92nd Place and one at 92nd Terrace. The north entrance at 92nd Terrace is the primary entrance for employee use, residents and deliveries to the back of the building. This has been designed with a more gradual curve into the intersection with Nall. The south entrance at 92nd Place is the front entrance and secondary entrance. The concern with the south entrance is that there would be sufficient sight distance looking south for traffic to safely turn left out of the development. Calculations confirmed there was sufficient sight distance.

David Belz asked what entrance would be used by the residents. Steve Armstrong, Chief Construction Officer for Stratford, responded the north entrance is the main entrance for the project where residents will enter and exit. All residents will have underground parking. The lot off the north entrance will be used for employees. Visitors will park in the visitor spaces located at the front of the building and along the south side where the Alzheimer's unit is located. Service vehicles will also enter from the north and will drive to the service area on the east side of the building.

Laura Wassmer noted one of the diagrams she saw did not show parking in front. Mr. Armstrong stated there is parking in front, however because of the higher elevation of Nall, the parked vehicles will not be visible from Nall at the south end of the project. On the north side there is an architecturally screened wall that will prevent parked vehicles from being seen. Only in the center area will parked vehicles be seen. Ms. Wassmer asked how many buses the Stratford would have and where would they be parked. Mr. Armstrong stated they have two community vehicles, a 8-12 person bus for activities and a full-sized limo-type car for appointments. They will be parked in the employee parking area or on the south side of the building near the health care wing. They will not be parked in front.

Dale Beckerman asked if it would be possible to screen off the north boundary of the parking lot. Mr. Armstrong said it would be possible. It is their intention to integrate them into the golf course as much as possible. Mr. Claussen noted the grading plans were designed to show the changes in elevation throughout the property and this demonstrated the need for screening along the north end of the parking lot. Mr. Harrison stated that as part of the final development plans, a full detailed landscape and grading plan will be presented.

Michael Kelly asked what level of LEED certification was anticipated for this project. Mr. Harrison stated they expect to seek LEED certification on the residential

condos. Mr. Kelly asked if it would be basic certification. Mr. Harrison stated they would also look at silver level certification and noted that the certification process for residential properties are in a pilot stage at this time. His company, OPUS, has more than 150 accredited LEED professionals and have sustainable design and best practices incorporated into their mission statement. Mr. Harrison feels good real estate will demand sustainable design and they are a huge advocate for sustainable design.

Mayor Shaffer opened the floor to the public for comment.

Jan Durrett, 9049 Birch, questioned giving Mixed Use Zoning only to the areas that are being developed and not to the entire area. She felt then the City could keep more control for the future.

Sylvia Craig-Lococo, 5500 West 92nd Terrace, stated she lives diagonally from the entrance to Stratford and has not been contacted by the developer. She has several questions and concerns regarding traffic and screening. She asked what was meant by architectural screening, an 8' concrete wall, green netting, etc.

Doug Patterson, 4630 West 137th Street, representing the Meadowbrook Neighborhood Alliance, consisting of commercial and residential property owners. They are not NIMBYS but are opposed to what appears to be a piecemeal, non-compliant, mixed use plan that does not incorporate any of the significant policy decisions made in the City's Village Vision and does not comply with even the basic purpose of intent established for zoning district. Mr. Patterson stated this is singularly the largest commercial development in Johnson County. This is over 11.3 acres under roof on 8.8 acres of land which is essentially over one half million square feet of structure. He believes this is not the new urbanism mixed use development, it is the construction of a giant box.

Mr. Patterson stated under the City's regulations, this area could be developed as a golf course surrounded by single family homes with lots of more than 10,000 square

feet, building heights of less than 35 feet and a building structure ratio of 30%. This could all be done without any rezoning. The senior living center could be applied for under the city's Special Use Permit regulations as was done with the other senior living centers in the city. However, under the existing regulations, the massive structure proposed by Stratford would require 44 acres of land to meet the 30% lot coverage requirements and a 30 foot, not 25 foot front setback would be required.

Mr. Patterson stated the Stratford building is the equivalent of 10.5 football fields with a FAR (floor area ratio) of the residence portion only of 114%, if the underground parking was considered in the calculations the FAR would be 128%. By comparison the floor area ratio for Town Center Plaza in Leawood is 27%, Park Place in Leawood is 100%, Corporate Woods in Overland Park is 28.3% and the Sprint campus is 48%. The only structure with a similar ratio is Arrowhead stadium. The Stratford building exceeds the floor area ratio of the largest office building in Corporate Woods by 160%. It is larger in mass than the Prairie Village and Corinth Square Shopping centers combined. Using good design and planning standards, this building should be located on 45 acres of land, not eight.

The proposed mixed use development covers 13.73 acres out of the 145 acres being rezoned. Less than 9% of the area being rezoned is being developed. The remaining 131 acres are being restricted to a private golf course, not to be used by the public unless they are guests or residents of the Stratford or condominiums. If the club does not survive, the land is conveyed to the Stratford and condominium owners. There is no public space, retail development, no entertainment or restaurants to benefit the City.

Mr. Patterson stated the proposed development is inconsistent with the definition of "Mixed Use District". Village Vision identifies this area as the gateway to Prairie Village. It is a highly visible site that must be planned as a comprehensive community

within Prairie Village. Village Vision says it should be a "Village within a Village". It referenced an overlay district ensure appropriate development. Mr. Patterson stated this is not the best plan and the City has only one shot at developing this area. It is the only plan that has been submitted to date, but is it the best plan for the site?

Craig Salvay, 8826 Birch Lane, made the following five points:

- 1) This does not seem to be in harmony with the Village Vision.
- 2) The size of the building - 500 feet from side to side and 300 feet deep if placed in a rectangle creates a footprint of 150,000 square feet. The offices adjacent to this are minuscule compared to this building.
- 3) 39% of the property owners of the land adjacent to this area oppose this development.
- 4) If the deed restrictions are not acceptable to the City, can the zoning be denied. Ms Logan responded, stating the condition being proposed requires that the City not publishing the zoning until certain information required with the final development plan has been accepted.
- 5) It was stated that these units would provide residences for Prairie Village residents, however, he felt these residences are already available in the large metropolitan area of which Prairie Village is part and therefore, necessary.

Roy Blazek, 5600 West 92nd Place, Overland Park, stated he has 32 years of traffic safety experience in this area. He compared this area to the roadway from 65th to 71st Street along Metcalf with four lanes, high density traffic, many exceeding the speed limit where there have been many significant head-on collisions. Many of these are the result of having no left turn lanes, just as there are no left turn lanes on this section of Nall Avenue. They currently make only right turns from their home because of the difficulty in making left turns onto Nall. They would prefer to see the entrance off 94th Terrace. There is insufficient line of sight from 92nd Place to the top of the hill.

Carol Pisano, 5500 West 92nd Place, expressed the following concerns: She feels Nall has become a small Metcalf, it is dangerous with traffic exceeding the speed limit. She does not want the sidewalk along Nall eliminating green space and placing walkers at danger from the speeding traffic. The developers have stated this is the not the best location. She noted she has not had problems getting through Somerset and

Nall with the traffic signal making it safer. Decisions should involve the people located on all sides of the area.

Jackie Cordill, 5500 West 87th Terrace, stated she does not feel there will be a strong interest in purchasing the condominiums noting their view of the massive Stratford building, the 24-hour operations, with frequent emergency vehicle visits.

Wolfgang Trost, 5300 West 94th Terrace, is disappointed with the scale and mass of the Stratford. He stated this will have a dramatic affect on the aesthetics for the golf course asking people to envision the structure on the west side of the course. He is not sure the club members appreciate this impact and stated this may not be the best solution for the course and club. He stated there are other options available, including remodeling and the renovation of the club and course. Most importantly the Council should remember this is not mixed use and this is an extremely large structure.

JoAnn Westra, 9070 Birch, on the Birch cul-de-sac, noted this evening the Council has been told the entrance to Meadowbrook is a small offset from Rosewood, it was stated it is half way between Rosewood and Birch. Mrs. Westra stated the middle of the entrance to the middle of Birch is 160 feet while the middle of the entrance to the middle of Rosewood is 245 feet. It is not halfway between Rosewood toward Birch. Her driveway is located directly across from the new entrance and is concerned with the difficulty this will cause getting in and out of her driveway safely. If approved, she would welcome the opportunity to talk with the developer regarding these concerns. She noted she has not had any communication with the developer.

John Byram, 4415 West 74th Terrace, stated this development would have a significant negative impact on the views from the office buildings adjacent to this site. It would make these offices very difficult to lease. He noted the signatures for the protest petition were very easily gathered and noted they did not even contact the large non-

residential properties such as churches and the KCP&L property. He asked the Council to please consider the voice of these neighboring residents.

Micha Feingold, 9114 Walmer, spoke on behalf of the Country Club membership, providing history on how they arrived at this point. Meadowbrook has been at this location for more than 50 years. As a country club it provides benefits to not only to its membership but to the Prairie Village community. Three years ago they formed a development committee to explore ways to utilize their property as a means to subsidize the club. From the outset, total liquidation, relocation or total sale of the property was never considered. They have received numerous inquiries about selling. They are seeking a way to maintain the club, improve their facilities and benefit the entire community. When they sent out requests for proposals, they were elated to receive a proposal from OPUS for the development of a portion of their club. The club's primary focus is to maintain their golf club and improve their facilities. Fourteen of 130 acres are being developed. He noted the Stratford facility will be one of the highest quality facilities in the area. The proposed condominiums will be well received with more than twenty of the club members expressing interest in purchasing units.

Mr. Feingold stated there is no Plan B. They feel this is a plan that benefits not only the County Club but the entire community by providing a financially secure improved country club, preserving over 100 acres of open space and providing unique living opportunities for the citizens of Prairie Village.

Larry Winn, 8305 Outlook Lane, is not concerned with the size of this development. He stated the Golden Criteria does not require neighborhood approval. His only concern is as the City moves forward to other opportunities. If the Council can not work through this project with the development of only 13 of 130 acres with significant open space with neighbors on all four sides, what will happen on smaller more tightly located in-fill projects. This ought to be one of the easiest redevelopment

projects the City will ever see. He commended the Planning Commission and staff for their efforts.

Joan Nordquist, 5501 West 92nd Terrace, stated she never received any communication from the developer or was asked for any input. She feels there are several wonderful ideas that have not even been addressed. She feels the City is jumping on the first idea presented. She would like to see something happen at this location, but does not feel this is the best answer. She is very concerned with the enormous size of the Stratford building.

Mayor Shaffer called upon David Harrison to respond to the comments and questions.

Mr. Harrison stated the Floor Area Ratio comparisons made by Mr. Patterson do not compare apples to apples. He noted Claridge Court has the same density as being proposed. The application for rezoning of the entire parcel was done at the City's request. The original application only involved rezoning the areas being developed. The density of this project, including the underground parking, has 670,000 to 700,000 square feet. If you were to compare it to the Leawood development of Park Place, there could be almost 6 million square feet of development on this parcel.

Mr. Harrison stated the required notification area for this are included 19 properties. They sent out notices to over 190 properties and held several neighborhood meetings. At those meetings, there was a huge push to keep the green space. The plan was designed with that focus. Mr. Harrison noted this is not a standard out of the book plan, but is two years of work by several professionals. He stated this is not mixed use as some people perceive with retail locations below residential and offices. To do that development on this parcel would require millions of square feet.. This is a horizontal mixed-use project that encompasses all 136 acres, maintains green space and has multiple uses - recreational uses from the standpoint of the country club, it has

all the facilities provided by the Stratford, multi-family housing, condominium single family units. There is a mix of uses.

Mr. Harrison noted he is proud of his organization, one of the largest in the country. It is 55 years old and recognized throughout the country. They are successful and profitable; and, he noted 10% of their pre-tax profits are given to area charities.

This is good real estate, the Planning Commission has seen that in their recommendation for approval. He feels this will be an award winning development project.

Richard Horn, Chairman of Stratford Company, stated senior housing means a lot of different things to different people. What they are seeking to do is to provide a wide array of activities within their community resulting in giving residents a full and active life.

When you talk about a 417,000 square foot building, 283,000 feet are the individual living units the remaining square feet is common area - pools, spas, fitness centers, etc. They are proud of their size and the options it provides senior citizens.

With no one else to speak, Mayor Shaffer closed the public comment at 9:50 p.m.

Bill Griffith confirmed mixed use zoning broadens the parameters within the area, but heightens the site plan approval process. He asked if the City maintains control over the development if market conditions do not allow for the development of the area as proposed? Mr. Williamson stated the plan and zoning does control and if the market changes, they would have to come back through the process for an amendment to the plan. What is approved on the plan is what it is. Mr. Griffith confirmed the Council was both approving the zoning and approving the preliminary site plan.

Mr. Williamson stated the rationale for the staff's recommendation of the tenth condition is that requiring completion of the entire project at one time maintains the integrity of the entire plan as presented.

Ms Logan added with the additional condition, the Governing Body retains control in that the zoning does not become effective until the final plan, that is consistent with this plan, is approved.

Laura Wassmer asked what happens if half-way through the project it isn't working. Mr. Williamson stated at some point there may be a development agreement between the developer and the City that would address that. Ms. Wassmer likes that the plan only develops 14 acres. She does not see a busy mixed use district at this location with its impact on traffic and noted several people do not want single family development as it would take away too much green space. This is the crown jewel of Prairie Village and that is what she wants to maintain.

She wants to make sure that in the future, if this does not work, it doesn't become dotted with single family homes. The City could come back and maintain the open space. Ms. Wassmer noted this is a huge amount of information and she is slightly overwhelmed and needs more time to digest it.

Ms. Wassmer feels this project is being short-sighted in that it involves only a piece of land owned by Meadowbrook. She feels the development needs to go beyond one parcel of land. She feels this redevelopment, for the good of the community, should involve the entire area from 95th and Nall to Somerset. With these parcels of land, a true mixed-use development project involving residential, commercial and retail could be constructed.

She would like to see the City, think outside the box and get more businesses involved to truly provide the best redevelopment possible. She feels there are many things that have not been explored and could be addressed. She is not ready to make a decision this evening.

Andrew Wang noted the concept of preserving green space as described in the proposed development is preserving green space for the sake of green space. He noted

Prairie Village residents overall will not be able to use or benefit from the green space. It only benefits the country club members and condo property owners.

David Voysey noted this is not the City's property to develop. The property owner has sought proposals for the development of their property. He feels this does comply with the Village Vision.

Ruth Hopkins agreed with Mr. Voysey. We are being asked to look at the development of the country club's property, not the entire 95th Street area. The proposed development represents the best plan for them and allows for the maintenance of a majority of the green space on the parcel. She is strongly in support of the project.

Michael Kelly noted Prairie Village reflects excellent design and planning. The creation of the Village Vision is a road map offering a sustainable vision for Prairie Village's future. The Village Vision specifically addresses the development of the Meadowbrook area as a significant area of the City. Mr. Kelly quoted the findings in Village Vision on the redevelopment of the Meadowbrook area. It states there should be a redevelopment plan for the area and that any thoughtful plan for the country club should consider the shops as well and include uses that are neighborhood oriented and serve the entire community. Community input should be sought on the development of the area, not simply input on a presented plan and the plan should allocate a portion of the site for public recreation/green space with connectivity. This plan fails in all recommendations of the Village Vision. This property should be treated as a gateway property, an entrance to the City. Mr. Kelly feels the plan before the Council is a patchwork development.

He stated the future will not be determined by the resources available to us, but rather by our scarcity of resources. The amount of land available for development is

limited and requires the best use of this resource. This proposal does not match our comprehensive plan.

Al Herrera stated this is not public land, but is a piece of private property. He feels Mr. Kelly is confusing the role of the Village Vision. This is the development of private property with a plan determined by the property owner to best meet their needs and he totally supports this plan. He noted only 14% of the parcel is being developed. If additional retail and restaurants were added, there would be a significant traffic problem.

Andrew Wang asked for the zoning of Claridge Court and Brighton Gardens. Mr. Williamson responded Claridge Court is C-2 with a Special Use Permit and Brighton Gardens is Single Family residential with a Special Use Permit. Senior Living Facilities are allowed in any zoning district with a Special Use Permit. Mr. Wang asked if this project could be done without rezoning the property. Mr. Williamson responded there would have to be variances granted to address the height and setback questions. Mr. Wang acknowledged that the City does not own this property and the property owner has the right to develop the property as they wish; however, when that development needs the approval of the City, it needs to be looked at from the perspective of its impact on the City.

Charles Clark noted this plan is not perfect but it is a very good plan and feels it is unfair to compare this to whatever each of councilmember can imagine for that location in a perfect world. We must vote on what is before us. This has been thoroughly investigated with months of planning and involvement by the City through staff and the Planning Commission and he feels very strongly that action needs to be taken this evening. He added the condition #10 recommended by staff is very important and should be included in the approval.

Dale Beckerman stated he has some concerns about this and if it is approved, he would like to see the developers spend some more time with the neighbors. We have

heard too many neighbors say they have not had any communication with the developers. He is not influenced by the notion that Meadowbrook owns the property, because it is the responsibility of the Governing Body to determine zoning. What does concern him is he has not heard any discussion of a viable option, not just options. He noted the City does not have another three to four years to get this done. He feels this has been an example of the Planning process at work with the progression of the plan from the initial 14-story buildings to the plan before us. He supports the plan with some reservations.

Diana Ewy Sharp noted there has been much discussion about Village Vision and having spent two years on the steering committee she feels she can speak on that issue. She feels the proposed development does meet what was talked about by the stakeholders, the residents and the Governing Body. The City has discussed for years the need for alternative housing stock. The maintenance of open space it being strongly addressed by this plan. The Vision talks about amenities that are available to residents and she feels having a viable country club is an important amenity the city has to offer. She also noted this is a \$130 million investment in the City. This is significant and she feels the Council is getting caught up with minutia. Developers are not the bad guys, they are investing in our community. She is very supportive of the project.

Bill Griffith asked if the vote does not gain the necessary number of affirmative votes, does the Council need to come up with findings of fact. Ms Logan stated if a motion is made to approve the Planning Commission recommendation, which is to approve the zoning, and there are not sufficient votes, findings are not required as to why the motion was defeated. If it was challenged, the court would look at the rationale stated in this meeting by the members opposing the application and determine if it was reasonable.

Mr. Griffith asked if the number of parking spaces is driven by the City regulations and how does the plan compare. Mr. Williamson stated the proposed parking spaces on the Plan exceed what is required by the City and it is based on the applicant's experience with their other projects. Mr. Williamson noted Claridge Court is a very successful operation which meets the parking requirements, but they are leasing additional parking spaces to meet their needs. Independent senior citizens are keeping their vehicles longer than in the past creating a greater need for parking.

Mr. Griffith would like to see the parking revisited. He would like to see if there is a way to provide entrance through 94th Terrace rather than coming out on residential streets. Mr. Griffith stated the developments have to be economically viable. He feels this is the best project taking into consideration today's economics. This is a project that will work, it is a project that will preserve green space, the project has taken huge steps to be less obtrusive and he feels the Council should be supportive.

David Belz stated he is not in love with the project, but he feels it is a good enough project for this property. He does not think traffic will be an issue. The plan preserves the green space and keeps Meadowbrook viable. He feels this is a good first step for redevelopment.

Quinn Bennion noted when the Council looks at mixed use development, it is looking at the plan and the zoning. The plan includes the building of Stratford, the condos, renovating the golf course and facilities. He questioned what happens if the zoning is approved for the entire plan and only one portion is developed. This is a possibility. Once the zoning is approved, the City does not have any mechanism, that he is aware of, to require the development of the rest of the site.

Laura Wassmer noted the City is looking at redevelopment as a way to increase city revenues and asked if once this is built, could the Stratford become a non-profit, tax-exempt entity. Quinn Bennion responded that is a question for the Stratford

representatives. He noted that Claridge Court, approved as a for profit entity, has gone non-profit. Currently they have an agreement with the City to pay in lieu of taxes, but once that expires they will not be paying property taxes. Ms Wassmer stated this is a huge issue to be resolved - 417,000 square feet of non-taxable property.

Steve Horn responded that Stratford is a for-profit developer and operator of senior communities. Their 100% intention is to develop this as a for-profit operation. Ms Wassmer asked if there was any way to guarantee it remains for profit. Mr. Horn stated they would not be opposed to a stipulation added stating it shall stay as a for-profit enterprise and tax-paying entity. Katie Logan stated there would have to be an agreement between the City and the Stratford that they would develop it as a for-profit and if they chose to become non-profit, they would make payment in lieu of taxes to the City. Mr. Horn responded they would agree to a development agreement.

Dale Morrison stated he has economic concerns based on the history of the country club. The club made assurances the last time they sold off property that they would not sell off any more, but here they are back again. Mr. Morrison questioned the impact of construction on the property to the desirability of the course. The course will be smaller, the view will be the back side of a 417,000 square foot building, not open green space. Is this another short-term solution that will require future sell-offs and piecemeal development of this property?

David Morrison noted while he was campaigning the the City Council, he visited most homes in his ward where the development is located. Over 70% of Ward 5 residents oppose this development. The comments this evening also indicate that surrounding commercial properties oppose this development. This development is not in keeping with the residential neighborhood and will negatively impact the property values of surrounding property. Mr. Morrison stated he strongly opposes this project.

Charles Clark stated an additional condition can be added requiring a development agreement guaranteeing the for-profit status of the Stratford perhaps addressing the complete building of everything planned on the site, addressing having the deed restriction language presented before the final development plan is approved. Upon Mr. Williamson's suggestion, Mr. Clark stated this agreement shall also include any financial issues and the status of the street (public vs. private).

Bill Griffith moved the City Council postpone discussion of the rezoning of 91st & Nall from R-1a to MXD and the approval of the preliminary development plan until the Council meeting on July 7th. The motion was seconded by Ruth Hopkins.

Diana Ewy Sharp agreed with the motion in that this is so much to digest and is such an important decision, she would be more comfortable acting on it in July.

Charles Clark stated he is definitely opposed to postponing this, there have been several opportunities to gather and review information, ask questions and a large amount of information has been made available to the Council. Dale Beckerman agreed with Mr. Clark in opposing the postponement of this item. He also noted he will not be present at the July 7th meeting.

Mayor Shaffer confirmed the absence of a Council member would be considered a "no" vote on the motion.

Laura Wassmer stated this is a huge decision. Her experience with past SUP's has clearly demonstrated the failure to dot all I's and cross all the t's is a major error. It is essential that all details are clearly worked out and included in the decision in writing, nothing should be taken for granted. She has several issues she feels needs to be more fully addressed before Council action being taken. She still feels it would be a much better development if it looked at and included the entire area.

Al Herrera noted there are 12 members present. This is an important decision and all members need to be present. He stated there are a lot of checks and balances

in this process. His primary concern is getting the entire Council and Mayor back together at one meeting.

Michael Kelly stated he has no problem with postponing.

Katie Logan noted this could be postponed to a special meeting called for the purpose of discussing this. It does not have to be a regular meeting.

Bill Griffith amended the motion to postpone discussion of this issue to a special meeting date to be decided amongst the Mayor, staff and Council. Ruth Hopkins agreed to the amendment. The motion was voted on and passed by a vote of 10 to 2 with Wang & Clark voting "nay". It was decided to poll Council members to come up with a date.

OLD BUSINESS

There was no Old Business to come before the City Council.

NEW BUSINESS

There was no New Business to come before the City Council.

.ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Board of Zoning Appeals	06/03/2008	6:30 p.m.
Planning Commission	06/03/2008	7:00 p.m.
Council Committee of the Whole	06/09/2008	6:00 p.m.
Sister City	05/12/2008	7:00 p.m.
75 th Street Steering Committee	06/10/2008	7:00 p.m.
Park & Recreation Committee	06/11/2008	7:00 p.m.
Council Committee of the Whole	06/16/2008	6:00 p.m.
City Council	06/16/2008	7:30 p.m.

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The Prairie Village Arts Council is pleased to feature a digital art exhibit by Steve Karol in the R. G. Endres Gallery for the month of June. The reception will be held on June 13th from 6:30 to 7:30 p.m.

National League of Cities Conference, November 11-15 in Orlando, FL RSVP to Jeanne Koontz if you plan to attend. jkoontz@pvkansas.com

Council Photos will be taken Monday, June 16th from 5 to 6 p.m. in the Council Chambers.

Recreation memberships are on sale at the City Clerk's office.
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 11:10 p.m.

Joyce Hagen Mundy
City Clerk

CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

June 10, 2008

Copy of Ordinance
2649

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			
89368-89468	5/2/2008	458,750.87	
89369-89475	5/9/2008	6,237.87	
89476-89576	5/16/2008	906,939.30	
89577-89584	5/22/2008	6,707.92	
Payroll Expenditures			
5/9/2008		222,752.25	
5/23/2008		218,652.83	
Electronic Payments			
Intrust Bank -credit card fees (General Oper)		364.37	
State of Kansas - sales tax remittance		3.44	
Marshall & Ilsley - Police Pension remittance		8,199.45	
Intrust Bank - fee		350.11	
KCP&L		6,923.32	
MHM - Section 125 admin fees			
Intrust Bank - purchasing card transactions		11,309.75	
United Health Care		77,901.69	
Kansas Gas		3,001.40	
Marshall & Ilsley - Sup. Pension remittance		119,332.40	
TOTAL EXPENDITURES:			\$ 2,047,426.97
Voided Checks			
Deck Scapes	#89399	(25.00)	
University of Kansas	#89466	(245.00)	
TOTAL VOIDED CHECKS:			(270.00)
GRAND TOTAL CLAIMS ORDINANCE			2,047,156.97

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

Passed this 16th day of June 2008.

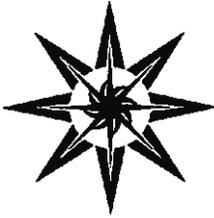
Signed or Approved this 16th day of June 2008.

(SEAL)

ATTEST: _____

City Treasurer

Mayor



ADMINISTRATION DEPARTMENT

Council Meeting Date: June 16, 2008

CONSENT AGENDA: Consider Advertising Agreement with Kansas City Star

RECOMMENDATION

STAFF RECOMMENDS THE CITY COUNCIL APPROVE AN ANNUAL RETAIL ADVERTISING CONTRACT WITH THE KANSAS CITY STAR

BACKGROUND

In order for the City to receive discounted civic rate advertising with the *Kansas City Star*, the City must agree to purchase at least \$1,500 worth of advertising each calendar year. Annually, the City spends more than this amount in advertising.

The attached agreement is identical to the agreement signed by the City last year.

ATTACHMENTS

1. Advertising Contract

PREPARED BY

Jeanne Koontz, Deputy City Clerk
June 6, 2008

THE STAR KansasCity.com

Annual Retail Advertising Contract

This contract is made this 6 day of June, 2008 by and between The Kansas City Star, and The City of Prairie Village. In consideration of the rates associated with the Annual Investment Level and Contract Programs chosen below, The City of Prairie Village (Advertiser) agrees to purchase and pay for advertising and other products/services from The Kansas City Star (Publisher) in accordance with the terms and conditions listed on the reverse side of this contract, in the Rate Cards, all as now in effect or as amended at any time.

Annual Investment Level: \$ 1500.00 (will receive same rate - Level "D")

Flex Program: Yes # _____ Weeks No

Flex Plan Section: N/A

Effective Date: June 25, 2008 Expiration Date: June 24, 2009

Primary Account Number # 048591001

Is this an umbrella contract? No Yes List additional account numbers _____

Current Credit Application attached? Yes No

Publisher

Megan Finn #61
Printed Name of Publishers Sales Representative & Territory Number

Accepted by:
Megan Finn #61
Signature of Publisher's Sales Representative

Signature of Publisher's Sales Manager

Signature of Vice-President of Advertising

Signature of Finance Representative

Entered by _____ Date _____

Advertiser

The City of Prairie Village
Advertiser (Name of Business)

* _____
Printed Name of Authorized Representative Title

* _____
Signature of Authorized Representative Date

913-381-6464
Phone e-mail address

Business Address: 7700 Mission Rd.

Prairie Village Ks 66208
City State Zip

Agency _____

Agency Billing Address _____

City State Zip

The Kansas City Star ★ 1729 Grand Blvd., Kansas City, MO 64108 ★ 816-234-4017



VILLAGEFEST COMMITTEE

Council Meeting Date: June 16, 2008

CONSENT AGENDA: Consider Approval of VillageFest Contracts

RECOMMENDATION

Staff recommends the City Council approve the following contracts for VillageFest 2008.

Miller Marley	Dancers	\$100
KC T-Bones	Mascot - Sizzle	\$200
The Gag Bag, LLC	Clowns & Magician	\$1,020
	Food Vendor	Pay Vendor Fee
Michael Lundeen	Shriner Clowns	\$300
Michael Beers	Michael Beers Band	\$1500

FUNDING SOURCE

VillageFest Fund

ATTACHMENTS

1. Contracts

PREPARED BY

Jeanne Koontz, Deputy City Clerk
June 13, 2008

ENTERTAINMENT/ VENDOR AGREEMENT

THIS ENTERTAINMENT/VENDOR AGREEMENT, (hereinafter "Agreement") is made and entered into this 4 day of June, 2008, by and between the City of Prairie Village, Kansas (hereinafter "the City") and Miller Marley, (hereinafter "Vendor").

WHEREAS, the City is sponsoring an event, entitled VillageFest, for the general public which is to be held on July 4, 2008; and

In consideration of the mutual promises and covenants contained herein, Vendor and City agree as follows:

1. Type of Space Provided: the Vendor shall specify the square footage required including facility foot print and clearance space outside the facility foot print:

30 feet X 15 feet

2. Type of Service Provided: the Vendor agrees to provide the following services:

Dance show

3. Hours of Operation: The Vendor shall provide services to the general public from 10:00 a.m. to 10:30 a.m. on July 4, 2008.

4. Access to Facilities:

- a. Vendor shall have access to Vendor's location on July 4, 2008 for set-up and breakdown between 8:30 a.m. and 11:00 a.m. Vendor's vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow.

- b. Vendor shall furnish City a list of each equipment/facility showing the required electrical power in AC volts and AC amp, required water from a garden hose, required fencing, required set-up/breakdown assistance specifying skills required, and any other special requirements as part of this Agreement. Any amendments to Exhibit A must be approved by the City in writing.

5. Compensation: In consideration for the entertainment provided, the City shall pay to the Vendor the amount of \$100, to be paid on or before July 4, 2008 unless the event is canceled as provided in Section 6 of this agreement.

6. Cancellation of the Event: The City has full authority to cancel the event for any reason. In the event that the City cancels VillageFest, the City shall notify Vendor of the cancellation in a timely manner, and this Agreement shall be terminated.

7. Clean-Up: Vendor shall maintain its Vendor's Booth and/or operating areas in a neat, clean, sanitary condition and in good order and repair, free and clean of all litter, debris and rubbish at all times. Vendor shall be responsible for the clean up of its areas on an ongoing basis during the VillageFest and at the conclusion of business and conclusion of the VillageFest. Vendor's clean up responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in the designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate if Vendor has failed to maintain clean and sanitary conditions in and around Vendor's location.

8. Indemnity:
 - a. Vendor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Work, provided that any such claim, damage, loss or expense (i) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting there from and (ii) is caused in whole or in part by any negligent act or omission of the Vendor, or any sub-contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph.

 - b. The Vendor is responsible for all items left on the VillageFest premises, including, but not limited to, those items left in and around Vendor's location before, during and after the hours of operation of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of equipment, cash and other items belonging to or in the possession of Vendor is on Vendor. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism spoilage, weather or any other cause.

 - c. Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City.

- d. Vendor shall furnish City with a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combines single limits of coverage of not less than \$1,000,000.00 per occurrence, with the City named as additional insured on such policies. **Copies of said certificate shall be provided to City on or before June 23, 2008.**
9. **Notification:** Notification and any other notices under this Agreement shall be made as follows:
- City Clerk
7700 Mission Road
Prairie Village, KS 66208
(913) 381-6464
10. **Staff:**
- a. Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.
- b. Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages, be in possession of controlled substances, acting in a manner prohibited by state law or city ordinance, or conducting themselves in a manner detrimental to the event and the public attending when on duty at or in Vendor Booth.
- c. Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees.
11. **Cancellation:** The City shall retain the right to cancel this Agreement at any time without penalty.
12. **Entire Agreement:** This Agreement evidences the entire agreement between the parties hereto and supersedes all prior agreements and understandings pertaining to VillageFest.
13. **Effective Date:** This Agreement is effective upon City's acceptance as evidence by the execution of this Agreement by City's authorized representatives in the space provided below.

CITY OF PRAIRIE VILLAGE

VENDOR

By: _____
(signed)

Ronald L. Shaffer

Mayor

City of Prairie Village

7700 Mission Road

Prairie Village, Kansas, 66208

913-381-6464

(date of execution)

ATTEST:

City Clerk, Joyce Hagen-Mundy

By: Joan E. Walsh
(signed)

Joan E. Walsh
(typed name)

Director
(typed title)

Miller-Markley School of Dance & Voice
(typed company name)

10448 Martin
(typed address)

Overland Park, KS 66212
(typed city, state, zip)

913-4920004
(typed telephone number)

June 4, 2008
(date of execution)

APPROVED BY:

City Attorney, Charles Wetzler

{ Fax: 913-894-2575
Certificate of Insurance has
been Faxed - June 4, 2008
~~_____~~
Nancy Secretary

ENTERTAINMENT/ VENDOR AGREEMENT

THIS ENTERTAINMENT/VENDOR AGREEMENT, (hereinafter "Agreement") is made and entered into this 24 day of March, 2008, by and between the City of Prairie Village, Kansas (hereinafter "the City") and Kansas City T-Bones, (hereinafter "Vendor").

WHEREAS, the City is sponsoring an event, entitled VillageFest, for the general public which is to be held on July 4, 2008; and

In consideration of the mutual promises and covenants contained herein, Vendor and City agree as follows:

1. Type of Space Provided: the Vendor shall specify the square footage required including facility foot print and clearance space outside the facility foot print:

2. Type of Service Provided: the Vendor agrees to provide the following services:

Two Hour Mascot Appearance

3. Hours of Operation: The Vendor shall provide services to the general public from 10:00 a.m. to 12:00 p.m. on July 4, 2008.

4. Access to Facilities:

a. Vendor shall have access to Vendor's location for set-up and breakdown on July 4, 2008 from 9:30 a.m. to 12:30 p.m. Vendor's vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow.

b. Vendor shall furnish City a list of each equipment/facility showing the required electrical power in AC volts and AC amp, required water from a garden hose, required fencing, required set-up/breakdown assistance specifying skills required, and any other special requirements as part of this Agreement. Any amendments to Exhibit A must be approved by the City in writing.

5. Compensation: In consideration for the entertainment provided, the City shall pay to the Vendor the amount of \$200, to be paid on or before July 4, 2008 unless the event is canceled as provided in Section 6 of this agreement.

6. Cancellation of the Event: The City has full authority to cancel the event for any reason. In the event that the City cancels VillageFest, the City shall notify Vendor of the cancellation in a timely manner, and this Agreement shall be terminated.
7. Clean-Up: Vendor shall maintain its Vendor's Booth and/or operating areas in a neat, clean, sanitary condition and in good order and repair, free and clean of all litter, debris and rubbish at all times. Vendor shall be responsible for the clean up of its areas on an ongoing basis during the VillageFest and at the conclusion of business and conclusion of the VillageFest. Vendor's clean up responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in the designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate if Vendor has failed to maintain clean and sanitary conditions in and around Vendor's location.
8. Indemnity:
 - a. Vendor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Work, provided that any such claim, damage, loss or expense (i) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting there from and (ii) is caused in whole or in part by any negligent act or omission of the Vendor, or any sub-contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph.
 - b. The Vendor is responsible for all items left on the VillageFest premises, including, but not limited to, those items left in and around Vendor's location before, during and after the hours of operation of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of equipment, cash and other items belonging to or in the possession of Vendor is on Vendor. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism spoilage, weather or any other cause.
 - c. Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City.
 - d. Vendor shall furnish City with a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for

personal injuries and property damage with combines single limits of coverage of not less than \$1,000,000.00 per occurrence, with the City named as additional insured on such policies. **Copies of said certificate shall be provided to City on or before June 23, 2008.**

9. **Notification:** Notification and any other notices under this Agreement shall be made as follows:

City Clerk
7700 Mission Road
Prairie Village, KS 66208
(913) 381-6464

10. **Staff:**

- a. Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.
- b. Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages, be in possession of controlled substances, acting in a manner prohibited by state law or city ordinance, or conducting themselves in a manner detrimental to the event and the public attending when on duty at or in Vendor Booth.
- c. Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees.

11. **Cancellation:** The City shall retain the right to cancel this Agreement at any time without penalty.

12. **Entire Agreement:** This Agreement evidences the entire agreement between the parties hereto and supersedes all prior agreements and understandings pertaining to VillageFest.

13. **Effective Date:** This Agreement is effective upon City's acceptance as evidence by the execution of this Agreement by City's authorized representatives in the space provided below.

CITY OF PRAIRIE VILLAGE

VENDOR

By: _____
(signed)

Ronald L. Shaffer

Mayor

City of Prairie Village

7700 Mission Road

Prairie Village, Kansas, 66208

913-381-6464

(date of execution)

ATTEST:

City Clerk, Joyce Hagen-Mundy

By: _____
(signed)

Laura Hayes

Director of Merchandise

Kansas City T-Bones

1800 Village West Pkwy

Kansas City, KS 66111

913-328-5624

March 23, 2008

APPROVED BY:

City Attorney, Charles Wetzler

ENTERTAINMENT/ VENDOR AGREEMENT

THIS ENTERTAINMENT/VENDOR AGREEMENT, (hereinafter "Agreement") is made and entered into this _____ day of _____, 2008, by and between the City of Prairie Village, Kansas (hereinafter "the City") and The Gag Bag, LLC, (hereinafter "Vendor").

WHEREAS, the City is sponsoring an event, entitled VillageFest, for the general public which is to be held on July 4, 2008; and

In consideration of the mutual promises and covenants contained herein, Vendor and City agree as follows:

1. Type of Space Provided: the Vendor shall specify the square footage required including facility foot print and clearance space outside the facility foot print:

2. Type of Service Provided: the Vendor agrees to provide the following services:

Clowns and magician

3. Hours of Operation: The Vendor shall provide services to the general public from 10:00 a.m. to 2:00 p.m. on July 4, 2008.

4. Access to Facilities:
 - a. Vendor shall have access to Vendor's location on July 4, 2008 for set-up between 7:00 a.m. and 9:00 a.m. and for breakdown after 2:00 p.m. Vendor's vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow.
 - b. Vendor shall furnish City a list of each equipment/facility showing the required electrical power in AC volts and AC amp, required water from a garden hose, required fencing, required set-up/breakdown assistance specifying skills required, and any other special requirements as part of this Agreement. Any amendments to Exhibit A must be approved by the City in writing.

5. Compensation: In consideration for the entertainment provided, the City shall pay to the Vendor the amount of \$1,020, to be paid on or before July 4, 2008 unless the event is canceled as provided in Section 6 of this agreement.

6. Cancellation of the Event: The City has full authority to cancel the event for any reason. In the event that the City cancels VillageFest, the City shall notify Vendor of the cancellation in a timely manner, and this Agreement shall be terminated.
7. Clean-Up: Vendor shall maintain its Vendor's Booth and/or operating areas in a neat, clean, sanitary condition and in good order and repair, free and clean of all litter, debris and rubbish at all times. Vendor shall be responsible for the clean up of its areas on an ongoing basis during the VillageFest and at the conclusion of business and conclusion of the VillageFest. Vendor's clean up responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in the designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate if Vendor has failed to maintain clean and sanitary conditions in and around Vendor's location.
8. Indemnity:
 - a. Vendor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Work, provided that any such claim, damage, loss or expense (i) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting there from and (ii) is caused in whole or in part by any negligent act or omission of the Vendor, or any sub-contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph.
 - b. The Vendor is responsible for all items left on the VillageFest premises, including, but not limited to, those items left in and around Vendor's location before, during and after the hours of operation of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of equipment, cash and other items belonging to or in the possession of Vendor is on Vendor. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism spoilage, weather or any other cause.
 - c. Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City.

- d. Vendor shall furnish City with a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combines single limits of coverage of not less than \$1,000,000.00 per occurrence, with the City named as additional insured on such policies. **Copies of said certificate shall be provided to City on or before June 23, 2008.**
9. **Notification:** Notification and any other notices under this Agreement shall be made as follows:
- City Clerk
7700 Mission Road
Prairie Village, KS 66208
(913) 381-6464
10. **Staff:**
- a. Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.
- b. Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages, be in possession of controlled substances, acting in a manner prohibited by state law or city ordinance, or conducting themselves in a manner detrimental to the event and the public attending when on duty at or in Vendor Booth.
- c. Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees.
11. **Cancellation:** The City shall retain the right to cancel this Agreement at any time without penalty.
12. **Entire Agreement:** This Agreement evidences the entire agreement between the parties hereto and supersedes all prior agreements and understandings pertaining to VillageFest.
13. **Effective Date:** This Agreement is effective upon City's acceptance as evidence by the execution of this Agreement by City's authorized representatives in the space provided below.

CITY OF PRAIRIE VILLAGE

By: _____
(signed)

Ronald L. Shaffer

Mayor

City of Prairie Village

7700 Mission Road

Prairie Village, Kansas, 66208

913-381-6464

(date of execution)

ATTEST:

City Clerk, Joyce Hagen-Mundy

VENDOR

By: Rex Nolen
(signed)

REX NOLEN
(typed name)

Owner
(typed title)

THE GAG BAG, LLC
(typed company name)

505 W. 91ST TERR
(typed address)

K.C. MO 64114
(typed city, state, zip)

816-523-2634
(typed telephone number)

6/9/08
(date of execution)

APPROVED BY:

City Attorney, Charles Wetzler

FOOD SERVICE AGREEMENT
VillageFest 2008

THIS FOOD SERVICE AGREEMENT is made and entered into by and between the City of Prairie Village, Kansas, a municipal corporation, hereinafter referred to as ("City") and The Gag Bag, LLC, hereinafter referred to as ("Vendor").

WHEREAS, City is sponsoring a 4th of July celebration within the City limits of Prairie Village, Kansas, for enjoyment of the general public, which event is entitled to "VillageFest 2008" (hereinafter "VillageFest") and

WHEREAS, the festivities of VillageFest shall include the sale to the general public of food items; and

WHEREAS, City is desirous of providing booth space to Vendor during VillageFest and further desires to ensure that services provided to the general public during VillageFest are of the appropriate quality.

NOW THEREFORE, in consideration of the mutual benefits to the parties, it is hereby agreed as follows:

ARTICLE 1

Scope, Duties and Hours of Operation

1.1 Vendor shall have the right to sell food items as supplied by Vendor from a food booth ("Vendor's Booth") located on the site of the VillageFest 2008, the location of which shall be determined by City.

1.2 The dates and hours of operation that Vendor may operate are as follows:

Date: July 4, 2008. Hours: Set up between 7:00 and 9:00 a.m.; Hours of Operation from 10:00 am until 2:00 pm; Breakdown after 2:00 p.m.

ARTICLE 2

Financial Risk

2.1 Vendor acknowledges and agrees that City's prime objective in entering into this Agreement is to ensure the availability of quality food items at a reasonable cost to VillageFest patrons. City has made no representation or warranty to Vendor to the effect that Vendor's participation in the VillageFest will be profitable for Vendor. Vendor acknowledges and agrees that its participation in VillageFest is a demanding business opportunity that involves risk and requires considerable manpower and organizational leadership and further acknowledges that there is the potential for substantial loss. Vendor further acknowledges and agrees to accept sole responsibility for protecting itself against any and all forms or types of loss.

ARTICLE 3
Rental Fee

3.1 Vendor shall pay to City on or before June 23, 2008, a non-refundable rental fee of \$175.00. Included with submission of the rental fee shall be an executed Food Service Agreement and a Proposal Sheet that shall set forth the food items and cost of said food items that Vendor desires to sell to the general public during VillageFest.

ARTICLE 4
Signage

4.1 Vendor shall provide signage for Vendor's Booth that shall legibly state organization or restaurant name, menu and prices. Signage is to be of professional quality and shall be subject to City's approval.

ARTICLE 5
Equipment Provided by Vendor

5.1 Vendor shall be responsible for providing all tables, chairs and equipment utilized by Vendor to serve food items to the general public. Vendor shall also be responsible for providing its own power source, i.e. a power generator.

ARTICLE 6
Sanitary Condition of Vendor's Booth

6.1 Vendor shall maintain Vendor's Booth and all surrounding operating area in a neat, clean and sanitary condition and in good order and repair, free and clear of all litter, debris and rubbish at all times. Vendor shall be responsible for the cleanup of Vendor's Booth on an ongoing basis during the VillageFest, at the conclusion of business and at the conclusion of VillageFest. Vendor's cleanliness responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate Vendor's Booth if Vendor fails to maintain clean and sanitary conditions in and around Vendor's Booth during the term of this Agreement.

ARTICLE 7
Security and Risk of Loss

7.1 Vendor is responsible for all items of personal property and/or inventory owned and/or utilized by Vendor throughout the term of this Agreement, including, but not limited to, those items left in and around Vendor's Booth during and after the hours of operation and at the conclusion of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of food items, equipment, cash and other items belonging to or in the possession of Vendor is Vendor's. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism, spoilage, weather or any other cause.

7.2 Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City during VillageFest.

ARTICLE 8

Access to Facilities

8.1 Vendor shall have access to Vendor's Booth on July 4, 2008 for set-up from 7:00 a.m. to 9:00 a.m. and for breakdown after 2:00 p.m. Vendor's vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow. City shall not be responsible in the event of the towing of Vendor's vehicle(s).

8.2 Vendor shall furnish City a list of all equipment requiring electrical power prior to execution of this Agreement and shall attach any such list to this Agreement as Exhibit A. Exhibit A is hereby incorporated into this Agreement. Any amendments to Exhibit A must be approved by the City in writing.

ARTICLE 9

Items Sold and Prices

9.1 The items sold by Vendor and the prices charged for these items shall be consistent with the family-oriented spirit of the VillageFest. Vendors must prepare a Proposal Sheet which sets forth all items Vendor desires to sell to the general public during VillageFest and the cost of said items prior to execution of this Agreement. Such proposal sheet shall be attached to this Agreement as Exhibit B. Exhibit B is hereby incorporated into this Agreement. Any amendments to Exhibit B must be approved by City in writing.

9.2 Vendor shall not serve free food to anyone at any time other than to volunteers, representatives, staff and employees of vendor.

9.3 All federal, state, and local laws governing retail sales tax must be followed. Vendor understands the rules and regulation of the event and will comply. Vendor realizes that failure to comply may result in expulsion from the event.

ARTICLE 10
Business Information

10.1 Notifications and any other notices under this Agreement shall be made as follows:

If to City:

City Clerk
7700 Mission Road
Prairie Village KS 66208
(913) 381-6464
(913) 381-7755

If to Vendor:

10.2 Vendor's Tax Identification Number is: _____.

ARTICLE 11
Compliance With Laws

11.1 Vendor, all of Vendor's volunteers, representatives, staff and employees shall at all times during VillageFest comply with the laws of the State of Kansas and with City's ordinances, rules, regulations, and guidelines and shall at all times comply with all requests of the City or the City's representatives.

11.2 Vendor shall obtain all necessary permits and licenses in order to operate a Vendor Booth at VillageFest and shall provide copies of such permits and licenses to the City prior to June 23, 2008.

ARTICLE 12
Insurance and Hold Harmless

12.1 Vendor shall furnish to City a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combined single limits of coverage of not less than \$1,000,000.00 with the City named as an additional insured on such policies. Copies of said certificate shall be provided to City on or before June 23, 2008.

12.2 Vendor agrees to assume all liability and responsibility for damages in any form or for costs associated with its activities. Specifically, Vendor agrees to indemnify and hold the City harmless from and against any claims for damages (including attorney's fees necessitated in defending such claims resulting from Vendor's actions, conduct or inaction, whether said claim is premised upon negligence or upon intentional misconduct. Vendor specifically agrees to indemnify and hold the City harmless from and against claims resulting from persons who suffer any sort of injury from the food ingested by such person and/or by virtue of the conditions of the premises located at Vendor's Booth.

ARTICLE 13

Staff

13.1 Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.

13.2 Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages when on duty at, in or near Vendor's Booth.

13.3 Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees and City shall not be responsible for injuries or bodily damage done to Vendor, Vendor's volunteers, employees, representatives and/or staff.

ARTICLE 14

Cancellation

14.1 City shall retain the right to cancel this Agreement at any time and for any reason without penalty. In the event this Agreement is canceled, Vendor shall not be entitled to a refund of Vendor's Rental Fee as set forth in this Agreement.

ARTICLE 15

Entire Agreement

15.1 This Agreement evidences the entire agreement between the parties hereto and supersedes any and all prior agreements and understandings between the parties pertaining to VillageFest.

ARTICLE 16

Effective Date

16.1 This Agreement is effective upon City's acceptance as evidenced by execution of this Agreement by a City authorized representative in the space provided below.

CITY OF PRAIRIE VILLAGE:

VENDOR:

By: _____

By: Rex Nolen

Printed Name: _____

Printed Name: REX NOLEN

Title: _____

Title: OWNER

Date: _____

Date: 6/9/08

PROPOSED FOOD ITEMS

<u>FOOD</u>	<u>PRICE</u>
Candy	2.00
Sno Cones	2.00
Funnel Cakes	4.00

Due to the lack of power supply on the grounds we strongly encourage you to provide generators. If you cannot, electricity will be provided on a first come first serve basis. If any electrical items need to be plugged in, the following information is needed:

VOLTS _____ #OF OUTLETS _____
 AMPERAGE _____

As a Vendor you are responsible for proper signage. This needs to be visible and also include prices. We will provide advertising, a map of the grounds, & signs throughout the grounds for direction.

When I have received all of the contracts I will confirm your participation. Information will be sent to you regarding your location on the Municipal Campus.

There is also NO ALCOHOL to be sold at the event!!!!

ENTERTAINMENT/ VENDOR AGREEMENT

THIS ENTERTAINMENT/VENDOR AGREEMENT, (hereinafter "Agreement") is made and entered into this 31 day of May, 2008, by and between the City of Prairie Village, Kansas (hereinafter "the City") and Michael Lundeen, (hereinafter "Vendor").

WHEREAS, the City is sponsoring an event, entitled VillageFest, for the general public which is to be held on July 4, 2008; and

In consideration of the mutual promises and covenants contained herein, Vendor and City agree as follows:

1. Type of Space Provided: the Vendor shall specify the square footage required including facility foot print and clearance space outside the facility foot print:

2. Type of Service Provided: the Vendor agrees to provide the following services:

2 Clowns

3. Hours of Operation: The Vendor shall provide services to the general public from 10:00 a.m. to 1:00 p.m. on July 4, 2008.

4. Access to Facilities:
 - a. Vendor shall have access to Vendor's location on July 4, 2008 for set-up between 7:00 a.m. and 9:00 a.m. and for breakdown after 2:00 p.m. Vendor's vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow.

 - b. Vendor shall furnish City a list of each equipment/facility showing the required electrical power in AC volts and AC amp, required water from a garden hose, required fencing, required set-up/breakdown assistance specifying skills required, and any other special requirements as part of this Agreement. Any amendments to Exhibit A must be approved by the City in writing.

5. Compensation: In consideration for the entertainment provided, the City shall pay to the Vendor the amount of \$300, to be paid on or before July 4, 2008 unless the event is canceled as provided in Section 6 of this agreement.

6. Cancellation of the Event: The City has full authority to cancel the event for any reason. In the event that the City cancels VillageFest, the City shall notify Vendor of the cancellation in a timely manner, and this Agreement shall be terminated.
7. Clean-Up: Vendor shall maintain its Vendor's Booth and/or operating areas in a neat, clean, sanitary condition and in good order and repair, free and clean of all litter, debris and rubbish at all times. Vendor shall be responsible for the clean up of its areas on an ongoing basis during the VillageFest and at the conclusion of business and conclusion of the VillageFest. Vendor's clean up responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in the designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate if Vendor has failed to maintain clean and sanitary conditions in and around Vendor's location.
8. Indemnity:
 - a. Vendor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Work, provided that any such claim, damage, loss or expense (i) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting there from and (ii) is caused in whole or in part by any negligent act or omission of the Vendor, or any sub-contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph.
 - b. The Vendor is responsible for all items left on the VillageFest premises, including, but not limited to, those items left in and around Vendor's location before, during and after the hours of operation of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of equipment, cash and other items belonging to or in the possession of Vendor is on Vendor. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism spoilage, weather or any other cause.
 - c. Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City.
 - d. Vendor shall furnish City with a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for

personal injuries and property damage with combines single limits of coverage of not less than \$1,000,000.00 per occurrence, with the City named as additional insured on such policies. **Copies of said certificate shall be provided to City on or before June 23, 2008.**

9. **Notification:** Notification and any other notices under this Agreement shall be made as follows:

City Clerk
7700 Mission Road
Prairie Village, KS 66208
(913) 381-6464

10. **Staff:**

- a. Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.
- b. Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages, be in possession of controlled substances, acting in a manner prohibited by state law or city ordinance, or conducting themselves in a manner detrimental to the event and the public attending when on duty at or in Vendor Booth.
- c. Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees.

11. **Cancellation:** The City shall retain the right to cancel this Agreement at any time without penalty.

12. **Entire Agreement:** This Agreement evidences the entire agreement between the parties hereto and supersedes all prior agreements and understandings pertaining to VillageFest.

13. **Effective Date:** This Agreement is effective upon City's acceptance as evidence by the execution of this Agreement by City's authorized representatives in the space provided below.

CITY OF PRAIRIE VILLAGE

By: _____
(signed)

Ronald L. Shaffer

Mayor

City of Prairie Village

7700 Mission Road

Prairie Village, Kansas, 66208

913-381-6464

(date of execution)

ATTEST:

City Clerk, Joyce Hagen-Mundy

VENDOR

By: Michael R Lundeen
(signed)

MICHAEL R LUNDEEN
(typed name)

CLOWN
(typed title)

ARARAT SHRINE
(typed company name)

5100 ARARAT DRIVE
(typed address)

KANSAS CITY, MO. 64129
(typed city, state, zip)

ARARAT-(916-923-1975), M. LUNDEEN-(916-761-7946)
(typed telephone number)

5/31/08
(date of execution)

APPROVED BY:

City Attorney, Charles Wetzler

ENTERTAINMENT/ VENDOR AGREEMENT

THIS ENTERTAINMENT/VENDOR AGREEMENT, (hereinafter "Agreement") is made and entered into this 14 day of April, 2008, by and between the City of Prairie Village, Kansas (hereinafter "the City") and Michael Beers Band, (hereinafter "Vendor").

WHEREAS, the City is sponsoring an event, entitled VillageFest, for the general public which is to be held on July 4, 2008; and

In consideration of the mutual promises and covenants contained herein, Vendor and City agree as follows:

1. Type of Space Provided: the Vendor shall specify the square footage required including facility foot print and clearance space outside the facility foot print:

2. Type of Service Provided: the Vendor agrees to provide the following services:
1 hour concert

3. Hours of Operation: The Vendor shall provide services to the general public from 1:00 p.m. to 2:00 p.m. on July 4, 2008.

4. Access to Facilities:
 - a. Vendor shall have access to Vendor's location on July 4, 2008 for set-up between 11:30 am and 2:30 pm. Vendor's vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow.

 - b. Vendor shall furnish City a list of each equipment/facility showing the required electrical power in AC volts and AC amp, required water from a garden hose, required fencing, required set-up/breakdown assistance specifying skills required, and any other special requirements as part of this Agreement. Any amendments to Exhibit A must be approved by the City in writing.

5. Compensation: In consideration for the entertainment provided, the City shall pay to the Vendor the amount of \$1500, to be paid on or before July 4, 2008 unless the event is canceled as provided in Section 6 of this agreement.

6. Cancellation of the Event: The City has full authority to cancel the event for any reason. In the event that the City cancels VillageFest, the City shall notify Vendor of the cancellation in a timely manner, and this Agreement shall be terminated.

7. Clean-Up: Vendor shall maintain its Vendor's Booth and/or operating areas in a neat, clean, sanitary condition and in good order and repair, free and clean of all litter, debris and rubbish at all times. Vendor shall be responsible for the clean up of its areas on an ongoing basis during the VillageFest and at the conclusion of business and conclusion of the VillageFest. Vendor's clean up responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in the designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate if Vendor has failed to maintain clean and sanitary conditions in and around Vendor's location.

8. Indemnity:
 - a. Vendor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Work, provided that any such claim, damage, loss or expense (i) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting there from and (ii) is caused in whole or in part by any negligent act or omission of the Vendor, or any sub-contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph.
 - b. The Vendor is responsible for all items left on the VillageFest premises, including, but not limited to, those items left in and around Vendor's location before, during and after the hours of operation of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of equipment, cash and other items belonging to or in the possession of Vendor is on Vendor. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism spoilage, weather or any other cause.
 - c. Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City.
 - d. Vendor shall furnish City with a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for

personal injuries and property damage with combines single limits of coverage of not less than \$1,000,000.00 per occurrence, with the City named as additional insured on such policies. **Copies of said certificate shall be provided to City on or before June 23, 2008.**

9. **Notification:** Notification and any other notices under this Agreement shall be made as follows:

City Clerk
7700 Mission Road
Prairie Village, KS 66208
(913) 381-6464

10. **Staff:**

- a. Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.
- b. Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages, be in possession of controlled substances, acting in a manner prohibited by state law or city ordinance, or conducting themselves in a manner detrimental to the event and the public attending when on duty at or in Vendor Booth.
- c. Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees.

11. **Cancellation:** The City shall retain the right to cancel this Agreement at any time without penalty.

12. **Entire Agreement:** This Agreement evidences the entire agreement between the parties hereto and supersedes all prior agreements and understandings pertaining to VillageFest.

13. **Effective Date:** This Agreement is effective upon City's acceptance as evidence by the execution of this Agreement by City's authorized representatives in the space provided below.

CITY OF PRAIRIE VILLAGE

By: _____
(signed)

Ronald L. Shaffer

Mayor

City of Prairie Village

7700 Mission Road

Prairie Village, Kansas, 66208

913-381-6464

(date of execution)

ATTEST:

City Clerk, Joyce Hagen-Mundy

VENDOR

By: Michael Beers
(signed)

Michael Beers
(typed name)

Michael Beers Band
(typed title)

(typed company name)

221 W. 48th St. #1706
(typed address)

Kansas City, MO 64112-4016
(typed city, state, zip)

816-753-9700
(typed telephone number)

MAY 10, 2008
(date of execution)

APPROVED BY:

City Attorney, Charles Wetzler

COUNCIL COMMITTEE OF THE WHOLE
June 2, 2008

The Council Committee of the Whole met on Monday, June 2, 2008 at 6:00 p.m. The meeting was called to order by Council President David Voysey with the following members present: Mayor Shaffer (arrived Al Herrera, Bill Griffith, Ruth Hopkins, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison (arrived 6:15 p.m.), Diana Ewy Sharp and David Belz. Staff members present: Quinn Bennion, City Administrator; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Karen Kindle, Finance Director and Joyce Hagen Mundy, City Clerk.

Laura Wassmer moved the approval of the Consent Agenda for Tuesday, June 2, 2008:

- **Approve Construction Change Order #1 with Musselman & Hall Contractors, Inc. for Project SP107: 2008 Street Repair Program for a decrease of \$10,062.56, bringing the final contract cost to \$149,918.44**

COUNCIL ACTION REQUIRED
CONSENT AGENDA

- **Approve Construction Change Order #1 with O'Donnell & Sons Construction for an increase of \$241,750.20 and Construction Change Order #2 for an increase of \$69,183.90 for Project 190864: 2008 Street Resurfacing Program beginning the contract cost to \$1,942,450.40**
- **Approve the transfer of \$117,000.00 from the Economic Development Fund to the Capital Improvement Fund for Project 190683: SME High School Parking lot Expansion for design, construction, construction administration and testing services.**
- **Approve awarding the Highway Rock Salt bid to Cargill, Inc. for the 2008-2009 Winter Season in the amount of \$44.06 per ton**

COUNCIL ACTION TAKEN
06/02/2008

The motion was voted on and passed unanimously.

COU2008-34 Consider approval of an ordinance relating to restrictions on smoking in public places

At the May 5th meeting, the City Council directed staff and the City Attorney to draft an ordinance regarding smoking regulations in public places within the City after a review of adjacent communities' ordinances. The City's current ordinance adopted in November, 2005 exempted restaurants and drinking establishments until the surrounding cities enacted similar provisions.

Katie Logan reviewed the proposed changes which would prohibit smoking within enclosed areas of bars and restaurants. Smoking on outdoor decks or patios would not be regulated. The non-regulated locations in the draft ordinance are as follows:

- Private residences (in current ordinance)
- Outdoor areas outside of 10 feet from the doorway
- Hotels and motels in designated rooms - not to exceed 25% (in current ordinance)
- Private clubs (included in other ordinances)
- Tobacco shops (included in other ordinances)

Quinn Bennion stated the Council should determine how they want to proceed and direct staff to prepare the ordinance for official council action on June 16th.

Charles Clark asked if there would be a public hearing on the 16th. Mr. Bennion responded public input would be allowed, but there would not be a formal public hearing.

Laura Wassmer stated most of the complaints she has heard are with families and involve eating. Therefore she would support the request by Blue Moose to have the “No Smoking” prohibition start after 9 p.m. as this would not impact young children or people eating.

David Belz responded the task force discussed this option and felt that doing so would be taking a step backwards. If Mission had passed an ordinance, which he understands they will be doing, the city’s original ordinance would already be in effect. He was told enforcement of the 9 o’clock condition would be difficult. He knew Kansas City, Missouri had a similar provision for a time before the total ban. He noted if approved, Prairie Village would be the only city in the area allowing smoking.

Ms Wassmer stated her information was the 9 o’clock hour worked well and was not difficult to enforce. Ms Hopkins stated she had heard the opposite, noting there were individuals still eating at 9 o’clock and there was a conflict. Louie Rieder at the Task Force meeting stated he would like to have a level playing field with uniform regulations throughout the area.

Mrs. Hopkins added the ordinance address concern for employees’ health. Dale Beckerman agreed and noted the smoke from the evening smoking will not be totally gone by the following day.

Al Herrera stated the smoking would be in the bar area only and stated the air purifying equipment at the Blue Moose is very effective. He supports the request of the Blue Moose, noting their evening clientele is primarily adults.

Bill Griffith stated he has always supported the free market systems addressing this. He does not feel this is something that should be legislated and would support the 9 o’clock amendment but prefers no legislation.

Ruth Hopkins made the following motion, which was seconded by Charles Clark passed by a vote of 9 to 3 with Herrera, Griffith & Wassmer:

**DIRECT THE CITY ATTORNEY TO DRAFT THE ORDINANCE
AS PROPOSED FOR ADOPTION BY THE CITY COUNCIL.
COUNCIL ACTION REQUIRED**

COU2008-38 Consider Resolution 2008-03 Supporting the Quarter Cent County Public Safety Sales Tax

Quinn Bennion stated the economic development/school quarter cent sales tax in effect since 2002 will sunset on December 31, 2008. The ballot measure on August 5, 2008 will continue this quarter cent sales tax and dedicate the County's portion to public safety programs. The ballot measure does not include a sunset clause as the County feels the cost of public safety programs and the administration of justice will continue to increase and the County is seeking a dedicated funding source for these programs. The City would receive a portion of the sales tax as determined by the distribution formula contained in the State statutes. The estimated 2009 revenue is approximately \$485,000 from this source.

The proposed resolution includes language stating how the City will use their portion of these funds. Mr. Bennion stated staff has included this funding source in the planning of the City's 2009 budget and has developed a list of one-time technology projects to be funded with the 2009 proceeds from this quarter cent sales tax. Uses for the proceeds in 2010 and beyond will be discussed during future budget deliberations. If the tax does not pass, staff recommends funding the 2009 items with a 0.26 mill levy increase and re-publish the budget in mid August. This revenue would be transferred into the Equipment Reserve Fund with any money remaining after the technology items are purchased would remain in the reserve fund.

Diana Ewy Sharp confirmed the resolution is a recommendation and stressed the need to have an alternate plan of action if the referendum fails. Mr. Bennion stated this would be discussed in detail at the June 9th budget meeting.

Ruth Hopkins made the following motion, which was seconded by David Belz and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE RESOLUTION 2008-03
SUPPORTING THE RENEWAL AND CONTINUATION OF THE ONE-
FOURTH (1/4) CENT COUNTYWIDE SALES TAX IN JOHNSON
COUNTY AND ENDORSING THE USE OF REVENUE FOR CAPITAL
AND OPERATING COST RELATED TO PUBLIC SAFETY PROGRAMS
OF THE COUNTY AND ADMINISTRATION OF JUSTICE.
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2008-40 Consider Project 190653: El Monte Fountain Replacement

On April 9, 2008, the Prairie Village Parks & Recreation Committee voted to recommend the City Council approve the design agreement with The Larkin Group for \$7,000 for Project 190653: El Monte Fountain Replacement. This fountain is located in the island at the intersection of Oxford Road, El Monte Street and 69th Street. It is currently not functioning and the homes association has requested that the City take over the ownership and perform necessary repairs or replacement.

Mr. Pryzby stated staff has requested a design fee from the Larkin Group to replace the fountain. The estimated fee for construction and design is \$55,000 and there is currently \$30,000 in the budget for this project.

He stated he will talk with the homes association when the construction/repair costs are known.

Diana Ewy Sharp stated this has been on the Park & Recreation agenda for several years. The committee supports the repair/replacement of the fountain, but does not have the funding to do so. She feels it is time to add island maintenance funding to the budget as the city's fountains are a source of identification and pride for the City.

Laura Wassmer agreed and noted this is specifically noted in Village Vision. She questioned if The Larkin Group had expertise in this area and why the work was not bid. Mr. Pryzby responded Larkin has a group that specializes in this type of work. Bill Cunningham is knowledgeable of both the fountain and island through his past work for the City. If the contract was for \$70,000 instead of \$7,000, Mr. Pryzby stated he would have bid the work. However, he is confident The Larkin Group is in the best position to provide this service.

Charles Clark asked what the projected timing was for the construction. Mr. Pryzby responded it would be possible to have it done late this year. There will need to be some investigation to determine how much work has to be done. He is hopeful that the City can save most of the structure.

Bill Griffith expressed mixed feelings on this project. His constituents feel very strongly that this needs to be done. He questions the potential expenditure of \$57,000 to repair the fountain.

Mr. Pryzby stated the homes association has provided written documentation turning the fountain over to the City for repair and maintenance; however, if the City chooses not to repair the fountain, they want it returned to them.

Laura Wassmer stated she felt the City needed to begin taking responsibility and ownership for the statues and fountains found on islands. She asked if the islands were considered to be City property and if they were insured. Mr. Pryzby responded the fountains and islands within the areas under the Country Club Homes Association District were insured.

Bob Pryzby stated unless the homes associations provide written documentation accepting an island, they are considered to be City owned as they are located in City right-of-way and deeded to the City through Platting of the property.

David Belz asked what incentive homes associations have to retain the fountains. Mr. Pryzby stated there is only negative incentive in it becomes their responsibility to maintain the islands. Ruth Hopkins added the homes association also likes to have control over the island.

David Voysey felt this action would create an on-going maintenance expense for the City. Mr. Pryzby stated if the islands are to stay in good working condition someone has to take on the

ownership responsibilities. David Belz stated many homes associations do not have the funds to cover these costs.

Charles Clark stated he does not like to see the fountains not working whether they are owned by the City or not. They reflect on the City and he feels it is the City's responsibility to take care of them. He understands this action will be setting a precedent but he feels it is the City's responsibility and could even justify the expenditure of economic development funds as he sees it as keeping up neighborhoods.

Diana Ewy Sharp urged Council to establish a line item in the budget for the maintenance of islands. Mr. Pryzby stated that the Public Works Operating Budget has had a line item for \$5,000 for several years.

Al Herrera stated this island has become a community gathering place with benches provided by the City. Dale Beckerman asked if it made sense to retain the fountain or if something else could be placed on the island that would have less maintenance cost yet be as attractive. Mr. Herrera responded the fountain has been there for years and the neighbors want the fountain. David Voysey state he felt there would be benefit in considering something other than a water fountain at the location. Mr. Pryzby noted if the fountain is not maintained, the homes association will not give the City the island.

Ruth Hopkins made the following motion, which was seconded by Michael Kelly and passed unanimously.

**RECOMMEND THE CITY COUNCIL APPROVE THE DESIGN AGREEMENT
WITH THE LARKIN GROUP IN THE AMOUNT OF \$7000 FOR PROJECT
190653: EL MONTE REFOUNTAIN REPLACEMENT
COUNCIL ACTION TAKEN
06/02/2008**

Laura Wassmer suggested the Foundation, the Parks & Recreation Committee or the Arts Council explore creating a fund-raising drive to support the upkeep and maintenance of the statues, i.e. "Friends of Statutory", perhaps create and sell books on the history and location of statues throughout the City. David Morrison stated the Arts Council is discussing such activities.

Bob Pryzby added the Island Committee is working with Joni Shield, a member of the National Save our Sculptures group and Paul Benson of the Atkins-Nelson Museum on how to best maintain existing statues and fountains. Mrs. Ewy Sharp noted this has also been discussed by the Foundation.

COU2008-41 Consider 2008 Police Pension Plan Contribution

Charles Clark reported in April, 2007, SilverStone Group, the City's pension actuary, delivered the Police Pension Plan Actuarial valuation Report and recommended the Police Pension Board consider updating the mortality table assumption used to develop the valuation. The

current assumption uses a 1983 mortality table which does not reflect the longer life expectancy currently experienced.

The City's actuary noted that not using an updated mortality table could understate the funding required each year. Capt. Schwartzkopf surveyed other public pension plans in the State to determine what mortality table was used. All but one of the plans surveyed use the RP2000 table. The Police Pension Board voted at their October 11, 2007 meeting to implement the actuary's recommendation to use the RP2000 table.

Mr. Clark stated the use of more current mortality table assumption would exceed the amount budgeted for contributions to the Plan. However, the Finance Committee recommended the change be implemented 100% rather than in stages, which result in higher costs. The required contribution to fund the Plan under the revised assumptions would cost \$240,000. The City has \$150,000 budgeted for contributions to the fund. Contingency funds for the difference of \$90,000 are being requested.

Diana Ewy Sharp asked what had been spent from Contingency this year. Karen Kindle responded she thought the total was approximately \$50,000.

Bill Griffith stated the trend reflected from 2003 to 2008/09 is scary and asked if the consultant had given any indication of the trend going out further.

Mr. Clark this is a very large expenditure, however, it is necessary to fund the plan in an actuarially sound manner. Mr. Griffith agreed with the recommendation to fully fund the Plan; however, after being involved in the changes made in 2001 he feels it may be time to re-evaluate the perimeters of the plan, retirement eligibility, etc.

Mr. Clark stated the Plan anticipates retirement after 20 years of service. He noted the State Retirement Plan (KPERs) is being changed and suggested it would be good to look at all of the City's retirement programs at the same time.

Quinn Bennion advised the KPERs changes will become effective July 1, 2008.

Dale Beckerman felt it would be worthwhile to have the actuarial run the numbers ten years out to provide perspective. Quinn Bennion noted the annual report reflects a period of three years.

Charles Clark made the following motion, which was seconded by David Morrison and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE THE POLICE PENSION PLAN
FUNDING OPTION TO IMPLEMENT THE RP1000 MORTALITY TABLE 100%
IN 2008 AND USE CONTINGENCY TO FUND THE \$90,000 DIFFERENCE
BETWEEN THE 2008 BUDGET AMOUNT AND THE REQUIRED CONTRIBUTION.
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2007-51 Consider Village Vision

Quinn Bennion reported the second series of public information meetings on the 75th Street Corridor will be held on June 17, 19 and 21st. This second phase is designed to receive input from residents which the consultant will together in alternative scenarios. He encouraged all to attend.

STAFF REPORTS

Public Works

- Mr. Pryzby reported the recent SMAC meeting recommended \$11.8 million in grants which is slightly less than last year. The comment was made at the meeting that CARS & SMAC funding should not be used for maintenance. He stated he will continue to speak for the inclusion of maintenance projects for grant funding.
- Mr. Pryzby also attended the first TTC meeting. Approximately 40 persons attending heard the Johnson County and MARC Transportation Plans. There was discussion on the formation of the committee and voting rights. He noted this committee is strictly advisory in nature with the Johnson County Commission having the authority.
- Traffic Calming projects are moving along. The Cherokee Drive project is being designed. The Rosewood group is in the process of securing 60% approval from their neighborhood.
- He continues to work on the Utility Fee Implementation. He has reviewed the property analysis which is coming along well. He has also spoken with the County regarding the recording requirements. The information must be certified to the County by August 25th.

Diana Ewy Sharp stated the northeast Johnson County cities need to make sure their voice is heard regarding SMAC and CARS funds.

David Belz noted the discussion of voting rights of different cities on the TCC is the result of cities wanting to maintain control although this is only an advisory board. He feels the city's participation on this board is important and noted this may also be a place where concerns can be voiced regarding SMAC and CARS funding.

Administration

- Quinn noted the upcoming fall Kansas League of Municipalities Conference in October and the National League of Cities Conference in November and asked Council members interested in attending to inform staff as soon as possible
- June 9th will be the next budget discussion. The City's operating budget will be presented. The meeting will begin at 6 p.m. with a meal served. He anticipates the meeting will last several hours.
- 75th Street Corridor signs are available for posting.
- A letter was sent to neighboring property owners in the area of the Kansas City Christian School advising them of staff findings that the school was not in compliance with their Special Use Permit. They are expected to file for an amendment to their Special Use Permit for the Planning Commission August meeting.

- Everest has contacted the City expressing an interest to offer services in the City. Staff will meet with them this week.

Public Safety

- Chief Jordan reported on a domestic incident in the area of 7500 High Drive involving a molotov cocktail and resulting fire. The suspect was apprehended.
- Sixteen officers including Chief Jordan & Quinn Bennion participated in the Special Olympics Torch Run earlier this week
- Captain Wes Lovett presented the following update on police recruitment:
 - The last hiring process involved 32 applicants with 23 being interviewed, 7 interviewed by the Civil Service Board and 1 officer hired
 - Of the 7 eligible for hire; 1 was hired by Leawood, 1 hired by Lenexa, 2 dismissed after polygraph, 1 dismissed after background check and 1 did not show. The process cost \$4,900.
 - The Department has made the following recruitment changes:
 - Updated it's recruiting pamphlet
 - Is offering hiring and referral bonuses
 - Visiting colleges and job fairs
 - Considering the implementation of an internship
 - Creating a recruiting video in 2009
 - Captain Lovett noted Johnson County Sheriff's Office is hiring 109 deputies by the end of 2009
 - The City of Kansas City, Kansas has dramatically enhanced their pay and benefit package to recruit officers.
 - The cost of an ad in the KC Star is \$2300. The City will forego advertising in the Star for the next hiring rotation.

Bill Griffith asked how many new officers were hired by the City each year. Chief Jordan responded three to five new officers are hired annually. The department currently has two vacancies and possibly two additional officers will be leaving before the end of the year.

ADJOURNMENT

With no further business to come before the Council Committee of the Whole, Council President David Voysey adjourned the meeting at 7:25 p.m. and announced the City Council meeting would begin at 7 p.m.

David Voysey
Council President

CITY OF PRAIRIE VILLAGE

RESOLUTION NO. 2008-03

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, SUPPORTING RENEWAL AND CONTINUATION OF THE ONE-FOURTH (1/4) CENT COUNTYWIDE SALES TAX IN JOHNSON COUNTY, NOW SET TO EXPIRE ON DECEMBER 31, 2008, AND ENDORSING USE OF THE COUNTY'S REVENUE FROM THAT TAX FOR CAPITAL AND OPERATING COSTS RELATED TO PUBLIC SAFETY PROGRAMS OF THE COUNTY AND THE ADMINISTRATION OF JUSTICE.

WHEREAS, the governing body of the City of Prairie Village recognizes that public safety and the administration of justice are major priorities for the citizens and residents of the City and the County.

WHEREAS, public safety and the administration of justice are community-wide concerns, affecting all of the cities and residents throughout the county.

WHEREAS, the County Government does provide many community-wide services and facilities, including courts, the detention centers, community corrections, and juvenile justice, which are essential to public safety and the administration of justice for all residents of the city and the county.

WHEREAS, the Board of County Commissioners of Johnson County has proposed renewal and continuation of the one-fourth cent county-wide retail sales tax, set to expire on December 31, 2008, with the county's share of the proceeds to be used for capital and operating costs related to public safety programs of the county and the administration of justice, and that proposal is scheduled to be submitted to the voters at an election on August 5, 2008.

WHEREAS, the governing body of the City of Prairie Village believes that a reliable funding source is necessary to ensure public safety and the administration of justice for residents throughout the county and that renewal and continuation of the county's one-fourth of a cent countywide retailers' sales tax, dedicated for that purpose, is a prudent and reasonable method to provide that funding.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, that the City shall and hereby does support the renewal and continuation of the county's one-fourth of a cent countywide retailers' sales tax, now set to expire on December 31, 2008, and that the City does endorse the dedication and use of the county's share of the revenue from that tax for capital and operating costs related to public safety programs of the county and the administration of justice in Johnson County, Kansas, and that the City shall use the proceeds from the first year of the sales tax for technology projects, most of which are related to public safety.

ADOPTED by the Governing Body this 16th day of June, 2008.

APPROVED AND SIGNED by the Mayor this 16th day of June, 2008.

Ronald Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen-Mundy, City Clerk

Charles E. Wetzler, City Attorney



COUNCIL COMMITTEE

Council Meeting Date: June 16, 2008
Committee Meeting Date: June 2, 2008

Agenda Item: Consider approval of an ordinance relating to restrictions on smoking in public places.

SUGGESTED MOTION

Move that the Governing Body adopt an ordinance related to smoking in public places.

BACKGROUND

The Smoking Task Force convened in late April. After deliberation, the task force recommended changes be made to the City's November 2005 smoking ordinance.

At the May 5th meeting, Council directed staff and city attorney to draft an ordinance to consider regarding smoking regulations. It was also suggested that a review of adjacent community's ordinances be conducted. The city's current ordinance (passed in November 2005) exempted restaurants and bars until the surrounding cities enacted similar provisions.

On June 2nd, Council committee as a whole approved the draft ordinance and advanced the item to City Council for final consideration.

At the June 16th meeting, Council will deliberate and take action on the ordinance. The meeting was also advertised as the place / location for public input regarding the regulations.

The implementation date of the ordinance has been set at August 1st. This will provide enough time to publish, notify the public and affected businesses.

The ordinance would prohibit smoking within enclosed areas of bars and restaurants. Smoking on outdoor decks or patios would not be regulated.

The non-regulated locations in the ordinance are:

- private residences (currently in ordinance)
- outdoor areas outside of 10 feet from the doorway
- hotels and motels in designated rooms - not to exceed 25% (currently in ordinance)
- private clubs (included in other ordinances)
- tobacco shops (included in other ordinances)

Several councilmembers mentioned the importance of notifying the public and ensuring the restaurants have adequate notice of the ordinance and possible changes. The draft ordinance and anticipated schedule has been sent to the 21 registered liquor establishments and restaurants in Prairie Village.

City staff called the two country clubs in PV to inquire about impact to their businesses. Both country clubs responded that they are already smoke-free within the enclosed club areas.

FUNDING SOURCE

Not applicable.

PUBLIC NOTICE

As a courtesy to the impacted businesses, staff sent letters to 21 restaurants in Prairie Village with the draft ordinance and anticipated schedule. If approved by Council, the ordinance will be published for public review.

ATTACHMENTS:

- 1) Ordinance prepared by City Attorney

Prepared By:
Quinn Bennion
City Administrator
Date: June 12, 2008

ORDINANCE NO. 2168

AN ORDINANCE RELATING TO SMOKING REGULATIONS IN THE CITY OF PRAIRIE VILLAGE, KANSAS; AMENDING PRAIRIE VILLAGE MUNICIPAL CODE SECTIONS 11-402, 11-403 AND 11-410.

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

SECTION 1. Prairie Village Municipal Code section 11-402 is hereby amended to read as follows:

- 11-402 DEFINITIONS. The following terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (a) Employee: Any person who performs services for an employer, with or without compensation.
 - (b) Employer: A person, partnership, association, corporation, trust, or other organized group of individuals, including the City or any agency thereof, which utilizes the services of one (1) or more employees.
 - (c) Enclosed: A space bound by walls (with or without windows) continuous from the floor to the ceiling, including, but not limited to, offices, rooms, all space therein screened by partitions, which do not extend to the ceiling or are not solid, "office landscaping" or similar structures and halls.
 - (d) Permanently Designated: A hotel or motel room may be designated as a smoking room only one time a year.
 - (e) Place of Employment means any enclosed area under the control of public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and classrooms, employee cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a childcare, adult day care or health care facility.
 - (f) Private Club means a "Club" as defined by Section 3-101 of Article 1 of Chapter 3 of the City Code.
 - (g) Public Place means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, health facilities, laundromats, public transportation facilities, reception areas, production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a "public place" unless it also serves as a "Place of Employment.
 - (h) Restaurant means a building wherein food is prepared and served in ready-to-eat form to the public for human consumption, wherein alcoholic beverages may be sold for consumption and more than fifty percent of the income is derived from the sale of food. "Restaurant" includes, but is not limited to, café, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steakhouse.
 - (i) Service Line means any indoor line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involved the exchange of money.

- (j) Smoking means the possession of lighted smoking materials in any form, including but not limited to, the possession of lighted cigarettes, cigars, pipes, or other tobacco or other products.
- (k) Sports Arena means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

SECTION 2 Prairie Village Municipal Code section 11-404 is hereby amended to read as follows:

11-404 AREAS WHERE SMOKING IS NOT REGULATED

- (a) Private residences, not serving as enclosed places of employment or an enclosed public place.
- (b) Outdoor, unenclosed areas of restaurants, drinking establishments, and private clubs including but not limited to decks, patios, etc., but only to the extent that such areas are at least ten feet away from any doorway or opening leading to an enclosed area.
- (c) Hotel and motel rooms that are rented to guests and are permanently designated as smoking rooms; provided, however, that not more than twenty-five percent (25%) of rooms rented to guests in a hotel or motel may be so designated.
- (d) An existing retail establishment whose primary business is the sale of tobacco products and new retail establishments whose primary business is the sale of tobacco products which are located in a stand-alone building not attached to or the part of any building devoted to other uses.
- (e) Private Clubs.

SECTION 3. Prairie Village Municipal Code section 11-410 is hereby amended to read as follows:

11-410 EFFECTIVE DATES

- (a) Except as provided below, this article shall become effective upon adoption by the Governing Body and publication in the official City newspaper.
- (b) As applied to restaurants and other food service establishments, this article shall take effect and be in force from August 1, 2008, and after the publication of Ordinance 2168 in the official City newspaper.

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2008

Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Charles E. Wetzler, City Attorney

MAYOR'S ANNOUNCEMENTS

Monday, June 16, 2008

Committee meetings scheduled for the next two weeks include:

Environmental Recycle Committee	06/18/2008	7:00 p.m.
Planning Commission	07/01/2008	7:00 p.m.
VillageFest	07/03/2008	7:00 p.m.
Council Committee	07/07/2008	6:00 p.m.
Council	07/07/2008	7:30 p.m.

The Prairie Village Arts Council is pleased to feature a digital art exhibit by Steve Karol in the R. G. Endres Gallery for the month of June.

Don't forget VillageFest on July 4, 2008!

The City offices will be closed on July 4, 2008 in observance of Independence Day. Deffenbaugh also observes this holiday and trash pickup will be delayed.

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

INFORMATIONAL ITEMS
June 16, 2008

1. Planning Commission Minutes - May 6, 2008
2. Planning Commission Actions - June 3, 2008
3. Council Committee of the Whole Minutes - June 9, 2008
4. Sister City Committee Minutes - May 12, 2008
5. Park and Recreation Committee Minutes - May 14, 2008
6. Finance Committee Minutes - May 21, 2008
7. VillageFest Committee Minutes - May 22, 2008
8. Prairie Village Environmental Committee Minutes - May 28, 2008
9. Prairie Village Municipal Foundation Executive Committee Minutes - June 5, 2008
10. Mark Your Calendars
11. Committee Agenda

**PLANNING COMMISSION MINUTES
MEETING OF MAY 6, 2008**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, April 1, 2008 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, Bob Lindeblad, Marc Russell, Marlene Nagel & Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Andrew Wang, Council Liaison; Bob Pryzby, Director of Public Works; Chief of Police Wes Jordan, Jim Brown, City Building Official and Joyce Hagen Mundy, Planning Commission Secretary.

APPROVAL OF MINUTES

Mark Russell moved the Planning Commission minutes of April 1, 2008 be approved as written. The motion was seconded by Randy Kronblad and passed by a 5 to 0 vote with Commissioner Ken Vaughn abstaining since he was absent from the meeting.

NON-PUBLIC HEARINGS

**PC2008-107 Request for Site Plan Approval for Emergency Generator
4500 West 89th Street
Zoning: C-2**

Scott Posladek, with AB May Company, stated his client is requesting approval to install a Cummins 85 KW Permanent Standby Emergency Generator. The dimensions of the generator are 105" x 40" x 70" in height. The generator will be connected to a natural gas line. Mr. Posladek stated the generator could be located on the side of the building or on the rear of the building.

This is a backup generator that would be utilized only in the event of a power failure; however, if it does get utilized, which should be on infrequent basis, there will be noise involved. Also, the generator will need to be tested at least once a month where it will run from 15 to 30 minutes.

Nancy Vennard asked if there would be any sound covers as the noise rating for this unit is high. Mr. Posladek responded based on staff comments they will be placing a Level 2 sound attenuated enclosure over the unit. This will reduce the decibel rating to 75. He noted they are also screening the unit with a 7' wood privacy fence. Mr. Williamson stated the fencing surrounding the unit should also provide an additional sound buffer. Mrs. Vennard expressed concern with the noise level as these ratings are reflective of noise 23' from the unit.

Mr. Williamson noted this property and the one to the west are zoned C-2 General Business District; the property to the east is zoned C-O Office Building District; the property to the North is zoned R-1A and the property to the south is Zoned RP-1A.

The generator if located in the rear of the buildings will be approximately 200 feet from the residence to the north. The Prairie Village zoning ordinance does not have decibel level performance standards as a part of the zoning regulations. However, a typical requirement is that noise in a residential area should not exceed 50-db at repeated intervals or sustained lengths of time measured at the property line. The City of Overland Park has adopted this standard.

Randy Kronblad confirmed the Commission can establish the location as being in the rear.

Chairman Ken Vaughn let the Commission in a review of the criteria for site plan approval.

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

The proposed generator pad will only add an additional 36 square feet of surfaced area on the site and it will not require any additional parking, drives or other types of associated paved areas. There is a parking lot immediately adjacent to it to the site. The applicant will build a new fenced enclosure around the unit.

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

This proposed generator does not have a need for water or sewer, but natural gas is available on the site adequate to handle the additional needs.

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

The proposed concrete pad is for only 36 square feet which is very insignificant and the amount of increased runoff will not be of a nature that will adversely affect the area.

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

The proposed generator will be located immediately adjacent to a parking lot and therefore there will not be any need for additional driveways or access to the space.

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

The proposal is simply the installation concrete pad, a generator and the construction of a screening fence, which will be integrated into the existing building. The generator is proposed to be placed in a location that should have a minimum impact on surrounding residences. Some sound attenuation needs to be provided for the generator. For this particular unit, Level 2 sound attenuation would reduce the noise from 85-db to 75-db which is the sound of an average automobile.

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

The fence that is proposed to screen the generator should be designed to blend well with the building and maintain the integrity of the design of the overall complex. The specific design of the wood fence should be submitted to Staff for review and approval prior to obtaining a permit for the installation of the generator.

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

The proposed plan is consistent with the Comprehensive Plan in that it represents an investment in an existing area while at the same time maintaining the quality of design to be compatible with the neighborhood. This is an accessory use that will help the operation of a business to sustain itself during adverse conditions while at the same time minimizing the noise that might be objectionable to the neighbors.

Randy Kronblad moved the Planning Commission find in favor of application PC2008-107 and approve the site plan as submitted for the installation of a permanent standby emergency generator at 4500 West 89th Street subject to the following conditions:

1. The generator will be located on the rear side of the building.
2. The generator shall be connected to a natural gas line.
3. The generator shall only be tested between the hours of 8:00 a.m. and 5:00 p.m.
4. The generator shall be installed in accordance with NFPA 37 Standards for the installation and Use of stationary Combustion Engines and Gas Turbines.
5. The generator will provide sound attenuation at a Level 2 which is 75 db.
6. The fence detail be submitted to staff for approval prior to the installation of the unit.

The motion was seconded by Marlene Nagel and passed unanimously.

**PC2008-106 Request for Building Line Modification
Front Setback from 40 to 30 & Side setback from 30 to 15
4414 Homestead Drive**

Ron Williamson stated the applicant has requested this item be continued. They are seeking to come into compliance with the city's zoning regulations.

Marc Russell moved the Planning Commission continue PC2008-106 to the June 2nd Planning Commission and directed the applicant to notify the surrounding residents of the change in meeting date. The motion was seconded by Bob Lindeblad and passed unanimously.

**PUBLIC HEARINGS - 7:00 p.m. - Continued
PC2008-03 Request for Rezoning from R-1a (Single Family Residential)
To MXD (Mixed Use District) Meadowbrook Country Club
Property at 91st & Nall
Applicant: OPUS, NWR, LLC**

Chairman Ken Vaughn reviewed the rules of procedure for the continuation of this public hearing. He stated at its regular meeting on April 1, 2008, the Planning Commission opened the public hearing on the Meadowbrook project and listened to many comments both pro and con regarding the proposal. At the conclusion of the public comment portion, the Planning Commission discussed the proposal at length and moved to continue it to the May 6, 2008 Planning Commission Meeting in order for the applicant to address the following concerns:

- **Setback of the building along Nall**

- **Parking**
- **Elevation & Grading**
- **Safe access to and from the drives for emergency vehicles and residents**
- **Photo simulations demonstrating the design of the building**
- **Elevation with the street showing the street contour relationship to the building.**
- **Outline of the deed restrictions - concept**
- **If the project is not MXD now, is there some way to keep the option open to future integration and development to the south along the edge of the property**

Chairman Ken Vaughn had appointed Randy Kronblad and Bob Lindeblad to meet with the staff and applicant to address the list of issues.

Public comment will be limited to those items setout above.

David Harrison, General Manager with OPUS, NW, 4407 West 92nd Terrace, expressed appreciation for all those involved in this project. He stated as a collaborative effort, the project being presented is better than previous submittals.

Judd Claussen, with Phelps Engineering, presented the changes made to address the concerns identified on April 1st.

Setback of the Building along Nall

On the original plan the parking was setback 15' from the right-of-way line of Nall Avenue. which is the minimum required by ordinance. The comments were that 15' did not provide enough area for landscaping and screening to break up the large façade of the building and the 15' green space was not in scale with the size of the building. The revised plan has moved the building east an additional 10' to increase the landscape area along Nall Avenue to 25'. Along with this change, additional trees have been added at three locations.

Parking

This issue involved several questions. Is too much parking being provided, is too little being provided and how can the large paved areas be softened with plant materials? The applicant has slightly reduced the number of spaces being provided for Stratford from 349 to 335 and 174 of the spaces are still covered. The reduction is in the surface parking which reduces the amount of paved area. The applicant is providing more parking than required by city ordinance and is basing their parking on the experience of their facilities. There is a similar facility in Prairie Village that has provided parking at a much lower ratio per dwelling unit and parking is a problem.

A second issue was a concern that the large paved area needed to be broken up with landscaping. The applicant has provided several bump outs in the parking lot that will contain trees. This should help alleviate this concern. Also the additional 10' provided along Nall Avenue will allow more flexibility in the preparation of the landscape plan.

The applicant has provided two spaces per dwelling unit for the 96 condominiums as required by ordinance. Visitor parking will need to be identified and designed as accessible spaces.

Elevation & Grading

Mr. Claussen reviewed the preliminary grading plan that illustrates how the building will actually set on the ground. At the south end of the building, the 2nd Floor elevation will be 980 which is below the 987.8 elevation of Nall Avenue. That means that a retaining wall will be constructed in the southwest corner of the site to preserve the trees and stabilize the bank. The existing grade where the building will be placed in this area is 976.3 feet which means that the site will need to be filled at this location. At the north end of the building the existing grade is elevation 960 while the elevation of Nall Avenue is 970. There will be a need for significant fill in this area and the parking lot will actually be higher than Nall Avenue in this area. The applicant has proposed a 3.5' screening wall at this location to screen the headlights from the properties on the west side of Nall. It should be noted that the grading is difficult because Nall Avenue slopes from south to north and the site drops off rapidly from Nall Avenue to the east.

Safe access to and from the Drives for Emergency Vehicles and Residents

Mr. Claussen noted concern was expressed about the sight distance at the 92nd Place entrance. The applicant has redesigned the entrance raising the elevation of the drive and increasing the sight distance so that it meets the AASHTO standards.

They have also redesigned the 92nd Terrace entrance so that it is the primary entrance and exit for residents and delivery vehicles. The redesign improves the turning radii and makes the access much easier. The sight distance is significantly better at this location so it will likely accommodate most of the traffic entering and leaving the site. All the internal roads have been redesigned so that they can accommodate fire trucks.

A question was also raised regarding the number of emergency calls that would be generated by this type of use. Consolidated Fire District No. 2 had 104 calls and the Prairie Village Police Department had 22 calls in 2007 to a similar residential project in Prairie Village. That project is about 40% smaller than this one so the pro-ration would be 166 Fire calls and 35 Police calls. That would average about 4 calls per week.

Photo Simulations Demonstrating the Design of the Building

Steve Armstrong with Stratford reviewed the changes to the Stratford site noting the relocation of the main entrance to the facility to the north entrance at 92nd Terrace allowing for greater site distance, the introduction of additional green space and landscape to buffer the appearance of the building from the street. The south entrance will be used primarily for visitors and emergency vehicles, service trucks, employees and residents will use the north entrance. The 3.5' screening wall will screen cars in the parking area and prevent headlights from shining into the residents properties across the street. Mr. Armstrong stated they have also attempted to soften the exterior appearance of the building and called upon Dan Rosenthal, architect for Stratford with Lawrence Architects to review those changes with the photo simulations provided.

Mr. Rosenthal noted photo simulations were made from four different locations identified on the site plan submitted.

- Location A is a view looking southeast towards the northwest corner of Stratford
- Location B is a view looking southeast towards the entry of Stratford.
- Location C is a view from the United Presbyterian Church exit drive looking northeast towards the southwest corner of Stratford
- Location D is a view from 92nd Place looking east towards Stratford front entrance.

Mr. Rosenthal noted among the architectural features used to break-up the mass of the building is the use of a horizontal stone base element with brick in the middle and stucco surface on the upper part of the building. Corner and bay windows are used to provide variations in depth in the façade.

Due to the change in grade and elevation at the southwest corner the view from the street only shows two stories as Nall is five to six feet higher. The final photo simulation was created to reflect the variations in the roof height.

Elevation with the Street Showing the Street Contour Relationship to the Building

The applicant has prepared a drawing “west elevation with landscaping” that illustrate the grade of Nall Avenue as it relates to the height of the building. It does clearly show the difference in height between the north and south ends of the building as Nall Avenue slopes from south to north.

David Harrison presented a slide showing the evolution of the project from a seven story building on five acres in October, 2007; to the five story building on the northwest corner of Nall and Somerset presented in February, 2008; to the current proposal of a three-four story building in the southwest corner of the site. He noted this is a completely different project located on a lot more land

Outline of Deed Restrictions

David Harrison stated one of his concerns is the limitation of future development of the property. The entire tract of land will be rezoned and it is their intent to retain the green space and the golf course.

They have submitted a concise outline of how they envision the deed restrictions will be written regarding the preservation and maintenance of the open space. The City has complete control of the open space through its zoning regulations so no additional development could occur without a public hearing and due process in the zoning regulations

If the project is not MXD now, is there some way to keep option open to future integration and development to the south along the edge of the property.

David Harrison noted because of the retention of the golf course connectivity is very restricted for this project. There is connectivity within the project, but public sidewalks can not be place on a private golf club. The sidewalk along Nall Avenue provides minimal connectivity. However, Mr. Harrison stated as the market allows and the City desires, he feels this project will lead to revitalization of the shops along 95th Street. The economics will be in place for this to occur.

Bob Lindeblad asked the applicant to review the roofline from photo simulation. Mr. Rosenthal reviewed the plans noting the different ridges and eaves in the designed into the building. The roof line will not project as a solid straight line.

Marlene Nagel confirmed the sidewalk along Nall Avenue remained in the plans.

Chairman Ken Vaughn opened the public hearing to comments and discussions from those present.

Jim Cook, 4806 Somerset, a Prairie Village resident and member of Meadowbrook noted the number of meetings that have been held on this project. He stated the club has attempted to be a good neighbor and thanked the developer, the neighborhood and city for their continued dialogue to create this improved project.

Doug Brown, representing the Bel-Aire Heights Homes Association of 367 households, reported a survey of their members reflected 97% of the responding members opposed to the proposed development. The common reasons for opposition were 1) traffic safety, 2) impact of the Stratford on residents' view, 3) negative impact on property values, 4) safety of the residents of the senior living center. He stated they would like to see the entrance off 94th Terrace instead of Nall because of the traffic signal. Mr. Brown stated they had requested information from the developer, but they never received any response. He asked in the spirit of being good neighbors that the Commission consider the questions and concerns of Overland Park residents so strongly impacted by the proposed project.

Doug Patterson, 4630 West 131st Street, addressed the Commission representing the Meadowbrook Neighborhood Alliance, a group of commercial property owners. He stated the group understands the issues with the golf course and the need to redevelop Meadowbrook. However, they are opposed to any development that has the appearance of spot zoning, piecemeal or cherry picking development which does not relate to good public policy decisions. The proposed development is the most intense development in all of Johnson County. It attempts to fit 11.3 acres under one roof into an area of 8.4 acres such as the Stratford building. Mr. Patterson stated the proposed development does not fit under any zoning classification of the City.

This could be built under a Special Use Permit, but that would not allow any buildings over 35' in height. To comply with the city's 30% lot coverage requirement the proposed building would need to be on 44 acres of land. The residential zoning regulations would require a 30' front setback. The proposed plan has a 25' front setback and 15' side yard setback.

The Stratford building is the equivalent of 10.5 football fields with a floor area ratio of the residence portion only is 114% if the parking lot was considered in the calculation, the ratio would be 128%. Mr. Patterson noted by comparison the floor area ratio for Town Center Plaza in Leawood is 27%, Corporate Woods in Overland Park is 28.3% and the Sprint campus is 48%. The only structure with a similar ratio is Arrowhead stadium.

The Stratford Building exceeds the largest office building in Corporate Woods by 160%. It is larger in mass than the Prairie Village & Corinth Square Shopping

Centers combined. Using good design and planning standards, this building should be located on 45 acres of land, not eight.

The proposed development is inconsistent with the definition of "Mixed Use District". Village Vision identifies this area as the gateway to Prairie Village. It is a highly visible site that must be planned as a comprehensive community within Prairie Village. Village Vision says it should be a "village within the Village"

Mr. Patterson noted by rezoning the entire property, the feasibility of getting the necessary 20% of surrounding neighborhood signatures for a protest petition nearly impossible. They are rezoning fourteen acres for the development of 11.3 acres and in doing so placing restrictions on all but 9% of the site.

Mixed Use Districts are to be a grouping of uses such as restaurants, shops, homes, offices, etc. MXD mandates a master plan with multiple public and private interconnected uses. This does not exist in the proposed plan. This development is a senior living center and vertically built condominiums surrounded by a private golf course. According to the proposed covenants if the club can not survive, the condominium owners take over ownership of the site are to preserve the green space. They are in control of the site.

This development does not fit any zoning classification. Village Vision has an overlay district imposed over Meadowbrook to ensure development based on community input consistent with the Plan. Rezoning 131 acres out of 145 acre site for the development of 13 acres for 630,000 square 180,000 square feet more than Prairie Village & Corinth Shopping Center combined.

A resident at 5500 West 97th Street stated Prairie Village has been able to maintain its own quality unlike other Johnson County cities. She urges the city preserve this most beautiful walking area. This proposal will not preserve the area. She also expressed concerns with the fast traffic on Nall and safety of senior residents.

David Harrison apologized to Mr. Brown noting he did not receive his request for information. He stated they have been very open to sharing information with residents and would be glad to provide Mr. Brown with information.

Mr. Harrison noted OPUS is one of the top four office/commercial and top five industrial developers in the county. Mr. Patterson compared office and retail FAR to residential. Overland Park will typically have a 21-28% FAR. When they do an office site, their FAR is typically 43 to 44%. Arrowhead stadium takes up the all that ground because of parking. Town Center retail has a low FAR because of the large amount of parking and one-story buildings.

Claridge Court is 257,000 square feet on about 4.7 acres. If you add the apartments next to it, you are at a density similar to what is being proposed. However, it is being surrounded with 131 acres of green space.

You can not compare FAR on retail/commercial sites with residential sites. These are totally differ uses. Because much of there parking is underground, it does not take up a lot a green space and gives them exponentially low parking ratio. He

stated the proposed development has the lowest potential for traffic impact use possible. Mr. Harrison stated the rezoning of the entire area is being down at the request of the neighbors and the City.

Chairman Ken Vaughn advised those present that the Planning Commission's actions would be a recommendation to the City Council who has the ultimate authority in granting the rezoning.

With no one else wishing to address the Commission, the public hearing was closed at 8:25 p.m.

Ron Williamson stated the applicant has addressed the eight issues raised by the Commission at its April 1st meeting. Mr. Williamson noted #7 on the list of conditions to widen the sidewalk has been addressed by the revised plan with a 5' sidewalk and two sod grass strips. The Commission must make findings based on the conditions established by ordinance on the rezoning and the preliminary site plan. The Commission's recommendation will then be forwarded to the City Council for action. If approved, the applicant would return to the Commission for Final Development Plan and Preliminary and Final Plat approval.

Bob Lindeblad stated the reason this was continued was that there was enough interest from the Commission to continue evaluating the application if the applicant would look at seven identified concerns of the Commission. He feels those issues have been addressed, particularly how the building fit into the site. The grading plan and photo simulations have demonstrated that although this remains a very large building, the perspective of the building with varying rooflines and architectural features, can fit into this site with the slope of the property without appearing to be a 400,000 square foot building. He likes the change in the primary entrance for safety and the screening of the parking are positive.

Chairman Ken Vaughn led the Commission in review of the Golden Factors.

1. The character of the neighborhood.

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

2. The zoning and uses of property nearby.

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

Randy Kronblad confirmed if the rezoning were approved, the existing Special Use Permit for the country club would be superseded by the Rezoning.

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

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

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

The project will generate additional traffic on both Somerset Drive and Nall Avenue, but the street network has adequate capacity to accommodate it. The realignment of the main entrance east of Rosewood Drive will eliminate traffic driving north on Rosewood Drive, which was an objection of the neighbors. The applicant also has agreed to widen Somerset Drive at the intersection with Nall Avenue to improve traffic movement.

The question that is still raised by the neighbors is the height and size of the Stratford Senior Living Building. At its closest point the building sets back approximately 87 feet from the Nall Avenue right-of-way. The height and mass of this building versus open space preservation is one of the main issues that the Planning Commission will need to address. It was mentioned several times that the building should be located more interior on the site. Since it will be occupied by elderly people, the number of emergency calls will be greater and accessibility is more critical therefore a location near the major streets is important.

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

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

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

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

7. City Staff Recommendations.

The Preliminary Development Plan as submitted is a result of an analysis of the site and the potential market for residential development in Prairie Village. Several different plans have been prepared and this Plan has evolved over several months from that process. Staff has reviewed the Preliminary Development Plan and

although there are some issues that still need to be addressed, it is Staff's opinion that the Plan is a workable one in that it provides higher intensity development as recommended in the Village Vision and it permanently preserves the open space of the golf course which has been a great concern to the community. The issues that still need to be addressed are as follows:

- a. The applicant will need to submit a preliminary outdoor lighting plan that is in accordance with the outdoor lighting regulations in the Zoning Ordinance.
- b. Signage has not been completely addressed for the project and detailed plans will need to be submitted for Planning Commission approval. The location of monument signs is shown on the Preliminary Development Plan, but the design of the signs depicting the materials and text will need to be completed and submitted for approval which can occur at the approval of the final plan.
- c. A Stormwater Water Management Plan has been prepared and since this site drains directly into the City of Overland Park, it is being coordinated with the City of Overland Park. Prior to consideration of the preliminary plat or final development plan, the Stormwater Management Plan must be approved by the Prairie Village Public Works Department with concurrence of the City of Overland Park.
- d. The applicant needs to submit a copy of the final covenant documents to the City for comment prior to submitting the final development plan. The covenants need to specifically address the maintenance of the common areas and the preservation of the open space. A question was raised by the Planning Commission whether the open space preservation should have a termination at perhaps 25 years or whether it should be forever. This needs further discussion by the Commission.
- e. The landscape plan is conceptual, which is adequate for this level of review, but a detailed Landscape Plan will need to be prepared and submitted with the final plan for review and approval of the Planning Commission and Tree Board.
- f. The City of Overland Park Planning Staff has reviewed the plans and has several comments for consideration:

Screening: Consider reducing the amount of parking along Nall Avenue and provide a larger buffer area where additional plantings could be added. Stratford is providing nearly 1.5 spaces per dwelling unit which may be more than necessary.

Drainage: A recently completed Indian Creek Watershed Study shows that 50 or more residential structures immediately downstream are subject to flooding. (This is addressed in paragraph c above.) This stresses the importance of the necessity of a stormwater management plan.

Traffic: The concern is the site distance from the driveway opposite 92nd Place for left hand turns. It was pointed out that the driveway location only allows for 380 feet of sight distance to the south when the standard is 455 feet. The traffic study submitted by the applicant indicates that the sight distance to the south from the south driveway is 460 feet, and the required site distance is 416 feet. The City's Traffic Engineer has reviewed the Traffic Study and concurs with the applicant that the sight distance is adequate.

- g. Parking areas - The parking lot at Stratford is approximately 575 feet long running parallel to Nall Avenue with no landscaping to break it up. The sidewalk adjacent to the parking lot curb should be wider. The five-foot width will be reduced to three feet because of vehicle overhang which is not adequate. It should be widened at least an additional two feet. It should also be noted that the off-street parking for the condominiums is less than required by the ordinance. Also ADA parking spaces need to be identified on the plans.
- h. Golf Course Entrance Road - The golf course entrance road is approximately 1,200 feet in length from Somerset to the cul-de-sac. The subdivision regulations recommend that cul-de-sacs generally not exceed 500 feet. Since the applicant will be requesting incentives which will limit the tax revenue generated by this development, it is suggested that this road remain private and be maintained by the Homes Association. The width of this road may not be adequate to accommodate fire trucks and other emergency vehicles.
- i. Access drives to Nall Avenue - The access drives to Nall Avenue are not adequate to accommodate emergency and delivery trucks. These need to be redesigned to accommodate trucks. Also the driveway around the building will need to be redesigned with turnarounds on the east side. Emergency vehicles will not be able to pass through the covered service area.

Ron Williamson noted the applicant has addressed many of these issues in the revised submittal. Those issues still remaining have been placed as conditions for approval in the staff recommendation.

8. Conformance with the Comprehensive Plan

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

- Encourage potential developers to obtain community input. The developer has met with the Meadowbrook Country Club members numerous times to develop a concept plan. The developers have taken that plan to the neighbors for their comments and input. Meetings were held on February 21st and 26th. The Village Vision, however, outlined a more inclusive process for the citizen by which was more active than reactive.

- Allocate a portion of the site for public recreation/green space. The proposed development will occupy only 13.73 acres which will leave 124.97 acres for recreation/green space, which will be permanently preserved for green space through covenants.

- Assure Connectivity - Village Vision encourages both vehicular and pedestrian connectivity to be included in the redevelopment plan. There is neither vehicular or pedestrian connectivity between the proposed residential uses and they have not been integrated into Meadowbrook Village Center. There is a five-foot sidewalk along the west side of the golf course entrance road that connects the condominiums, club house, and pool/tennis area. There is a sidewalk proposed along the east side of Nall Avenue, but a pedestrian connection needs to be made from the building to the southwest corner of the site. The condominiums have no pedestrian connectivity to the commercial areas to the south.

- Neo Traditional Neighborhood Design - The Village Vision identified this as an opportunity for a new neighborhood center with amenities such as open space that cannot be provided in other locations. It would be more of a new community with mixed use integrated rather than an assembly of different residential uses. It should be pointed out, however, that the Village Vision anticipated redevelopment of the entire county club and not just a small part.

Nancy Vennard is still concerned about the issue of connectivity. This is unique situation with the golf course restricting connectivity. This is a private area and connectivity with this plan is limited. Ken Vaughn noted a sidewalk along Nall has been gained. Mrs. Vennard noted the residents of the Stratford will need steps at the southwest corner to access the sidewalk without having to walk around the retaining wall.

Bob Lindeblad stated he felt the following "Golden Factors" relevant to this rezoning. He considers this a 138 acre tract of which 13 acres will be intensely developed leaving the majority of the site as open space. The character of the neighborhood is largely going to remain low-density residential. The impact of the majority of the development is at the southwest corner of the 138 acres adjacent to office development, a church and single family across Nall. The larger portion of the site will remain low-density open space within the character of the neighborhood. Regarding the zoning, he noted the property to the south is CP-I which is a planned commercial district. Putting a multi-family residential development next to offices is an accepted type of land use. He stressed the need to keep in focus that the rezoning is about the entire area, not simply the southwest corner. When talking about the zoning of nearby property in view of the entire site is an appropriate land use. The relative gain to the public is the retention of the open space. Regarding conformance to the Comprehensive plan, Mr. Lindeblad noted the plan had Meadowbrook as being totally redeveloped. This application is about keeping the golf course along with viable redevelopment. The Commission created a zoning district that was broad enough to allow flexibility to consider several options to be considered based on a specific development plan. This is not a perfect rezoning for

“MXD”, as envisioned by the ordinance; but this is a real application on a real site to keep the country club, encourage redevelopment and add different housing options within the City increasing property values. Village Vision does not encourage Prairie Village to stay exactly as it is and not do anything different. We need to expand horizons and opportunities.

Randy Kronblad agreed that Village Vision comments regarding Meadowbrook did envision the total redevelopment of the area. The proposed development has maintained a considerable amount of green space while introducing greater density into Prairie Village which is part of the Village Vision. He commended the developers for the strides that have been made since the first submittal and feels the revised proposal merits moving forward.

Bob Lindeblad moved the Planning Commission finding favorably on several of the Golden Factors as stated above and recommend the rezoning of PC2008-03 from R-1a to MXD at 91st & Nall and the approval of the preliminary development plan with the following conditions:

1. The applicant submit an outdoor lighting plan in accordance with the outdoor lighting regulations with the final development plan.
2. The applicant submit detailed plans for the monument sign façades with the final development plan.
3. The applicant obtain approval from the City of Prairie Village Public Works Department and the City of Overland Park for the Stormwater Management Plan prior to submitting the final development plan.
4. The applicant submit a copy of the final covenant documents preserving the open space and guaranteeing maintenance of improvements with the final development plan.
5. The applicant submit a detailed landscape plan with the final development plan for review and approval by the Planning Commission and Tree Board.
6. The applicant provide better pedestrian access to the commercial area to the south.
7. The golf course entrance road be a private street.
8. The split rail fence along Nall Avenue be relocated so that it does not cause sight problems for traffic exiting on Nall Avenue.
9. The applicant meet with emergency service providers to be sure that the golf course entrance road is adequate to accommodate emergency vehicles.

The motion was seconded by Marlene Nagel.

Bob Lindeblad addressed the Overland Park residents adjacent to this development stating the Commission is attempting to ensure their homes will continue to be across from a first-class country club with quality redevelopment while creating a minimal increase in traffic. He feels this will have long-term positive impact for them.

The motion was voted on and passed by a vote of 5 to 0 with Ken Vaughn abstaining since he was not present for the initial public hearing.

Chairman Ken Vaughn called for a 10 minute recess with the Commission meeting to continue at 9:00 p.m.

The Commission reconvened at 9:00 p.m. Chairman Ken Vaughn reviewed the procedures for the public hearing and opened the public hearing for:

**PC2008-02 Request for Special Use Permit for a
Telecommunications Tower & Related Equipment
4805 West 67th Street
Zoning: R-1a**

Bob Lindeblad stated he has a conflict of interest on application PC2008-02 because he is a member of the church on which the tower is proposed to be located. He stated he would therefore recuse himself from the meeting.

Scott Beeler, 10851 Mastin, Counsel for T-Mobile and Selective Site Consultants, addressed the Commission on behalf of the application. Mr. Beeler introduced Garth Adcock, Regional Manager for T-Mobile, Cheri Edwards and Justin Anderson from Selective Site Consultants.

Mr. Beeler stated that cell phones have gone from being a want to being a necessity. The usage of cell phones has not only increased over the years but it has also dramatically changed. Initially they were used only in cars. Currently, across the nation wireless/cellular service is replacing landline service. In United States 12% of all wireless users have abandoned their land lines totally and that number is increasing. Even in the Kansas City community, 49% of all 9-1-1 emergency service calls made are made by cell phones.

What the Commission is dealing with tonight is the potential adding of a wireless facility to enhance coverage where it is desperately needed. Mr. Beeler noted it is easy to locate towers in the country, in an industrial district and even commercial districts. They can be located in office areas where there are high-rise offices on which the antenna can be placed. It is never easy to find locations for these needed services in residential dominated communities. Prairie Village is largely all developed residential space. The opportunities in residential areas are water towers, churches, parks, public space and sometimes public facilities or country club. Opportunities for location in residential areas are less. Viable locations must meet the following criteria: Available, Agreeable and Acceptable.

Available means there is property that could be leased for this use. Mr. Beeler noted there are a number of potential sites in this area, but the owners are not interested in leasing their property for this use; and therefore, they are not available. If willing to lease, an agreeable business relationship/lease must be negotiated. Lastly, it has to be acceptable. This is where the engineers determine if the site can produce the needed coverage. This coverage includes coverage in buildings.

Mr. Beeler entered into the record a notebook of e-mails received supportive of this application. They are acting on the demands of the market residing within this area. Mr. Beeler reviewed the engineered propagation studies showing existing in-building coverage in the proposed area. The immediate area surrounding the proposed location shows no coverage available. The propagation map after the proposed installation reflects total coverage for the entire area. He then reviewed a slide showing the search ring identifying the location necessary to provide coverage

needed. He noted height, elevation, geography, maturity of tree lines all impact what coverage can be obtained. He stated even if a site is available, agreeable it may not be acceptable from a radio-frequency standpoint. He added the rings move based on the location of other towers in the general area.

Mr. Beeler stated this has been a four-year process for T-Mobile. They have negotiated with Johnson County Water One, with the City, with five different churches at the following locations:

- Woodson Avenue Bible Church (67th & Woodson)
- St. Michaels & All Angels (67th & Nall)
- Nall Baptist Church (67th & Nall)
- 69th & Roe water tower (69th Terrace & Roe)
- Faith Evangelical Church (67th & Roe)
- Homestead Country Club (Homestead & Mission)
- Village Presbyterian Church (67th & Mission)
- Prairie Village Fire Station #2 (63rd & Mission)

They have located an acceptable site, now is the time to move forward.

Mr. Beeler presented a current view of the subject property area with the proposed stealth monopole depicted. He noted towers have to be certain heights to function appropriately and it is difficult to shield them from view. Studies have proven, however, that once something is placed in the normal horizon, the smaller it is and less intrusive it is, the sooner it disappears from your noticeable view.

Mr. Beeler reviewed the different stealth tower designs including, bell towers, flag poles, cross towers, evergreen tree and monopoles. He feels the most stealth tower is a monopole with no platform. The proposed tower is 120' is 41" at the base and 21" at the top. A photo of the proposed tower on this site was presented. The antenna are embedded at the top. T-Mobile will take the top spot with the next two being available for the co-location as required by the city's code. If they had platforms and an array of antennas, their coverage would go further and be better; but the proposed tower is a way to allow T-Mobile to provide the service Prairie Village residents require. They have to be located somewhere, which is why the Telecommunications Act was written with provisions that providers may not be prohibited from providing wireless services.

Stealth monopoles fit best in residential areas. The tower is set back away from the thoroughfare. It is set back 265' from the closest home to south, almost 150' to the closest home to the west, 311' to the closest home to the north and over 400' to the home across Roe. When a tower is set back with that much depth it loses its height perception and you don't notice the difference. Mr. Beeler showed a picture looking north from 68th Street through trees, noting the difficulty to see the tower.

Mr. Beeler restated that 12% of the U.S. population or 36,000,000 residents have replaced their land line phone with mobile phones. In stressing the importance of wireless service, Mr. Beeler stated in 1995, there were 55,000 E-911 calls recorded nationwide per day. In 2006, that number rose to 291,000 per day. In 2006, the total E-911 calls in Johnson County numbered 5900 with 49% of those made from wireless phones. In 2007, T-Mobile averaged 151 E-911 calls per month in Prairie Village.

Mr. Beeler closed stating in Prairie Village, especially in an area like this, with full grown mature trees, with very few sites where this could be located, church sites are the most likely candidate and knowing that this process has been underway for years and a site finally is selected that will work, this is an application that should be supported.

Mr. Beeler noted that all the listed churches have had discussions with T-Mobile, three of them extensively with the churches ending negotiation. The Commission needs to look at this site based on this information.

In response to concerns with the impact on property values, T-Mobile has obtained an independent professional appraiser (Integra Realty Resources) to study in the local area on whether or not home sales are detrimentally affected by a potential site such as that proposed.

Mr. Beeler presented for the record information contained in the report by Integra.

“In the study there are four case studies reflecting properties that are either adjacent to or not cell sites. A number of instances in this report reflect that the property actually abutting the cell site sold for more money, not always, but there are some that actually show. That both in terms of the gross sale price and the square foot price that are in the document. There are also, a few examples where the reverse is true. On a global basis of analysis; they are virtually the same numbers. The appraiser was analyzing the values, not to see if there was any specific differences between some sites, but rather to look at it in a way that allows them to compare abutting vs. non-abutting sites with as few factors as possible. The differences between the houses were minimal in order to determine if a difference in the price was attributable to the tower.

Vacant lots are the best judge of the extent of towers on property values. In other words, lots that homes have not been built on, because then there is no impact from the improvements, i.e. whether it is a slate roof or a shake roof, a pool vs. no pool. It is just value of raw land and in Case Study 1; you will see a lot of sales that were actually more expensive abutting the cell tower site.” Mr. Beeler stated in the many tens of reports he has seen, he has yet to see one that concluded anything other than there is no difference in the sale prices or it is smaller than the market recognizes.

This report provides examples from a +.80 factor up to about a -8% depending upon the example. There are vacant lots in the study, new homes which are the second most accurate comparison as they are more likely to be similar in construction, floor plans and features. Older homes, homes over 50 years in the cases studied, are not as easy to compare. The report finds that “Properties of this age, even if commensurately maintained will have differences based on the utility of the floor plan. The improvements are the more likely to reflect personal tastes and preferences. Given the inconsistencies inherent in older residences used for this analysis, the appraiser’s consider a variance of up to 10% to be a nominal disparity, attributable to the vagaries of the market and the buyers, not the presence or absence of an externality such as an abutting cell tower.

In pairing the sales of individual properties there is not a meaningful difference in value between those abutting and those not abutting a cell tower, outside the price deviation under normal market conditions. Case Studies 1 and 2 provide the purest and most readily applicable findings and represent three types of properties, land, single family attached and single family detached. Mr. Beeler concluded that there is no evidence of any impact that a cell tower site will have on the value of single family residential lots, single family residences or condominiums due to proximity.”

Ken Vaughn asked if the applicant had received the staff comments and if they had any concerns. Mr. Beeler responded they had and with one exception he is prepared to agree to all 16 of the conditions noting the 4’ lightning rod at the top of the tower is not necessary.

Mr. Beeler noted the “Golden Factors” do apply to this application. He noted staff is supportive of this application. The staff report states that “the use proposed is appropriate for this neighborhood and the character of the neighborhood and its use.” The use and the character of the neighborhood as discussed in “Golden” means residential with ancillary uses that will occur and that includes services, whether that be utility poles, a water tower for water services or a cell tower for cellular services. There is no differentiation between those services. Mr. Beeler noted there have been no restrictions to the use of this property created by this application. There is not a change to the property that will detrimentally affect neighboring property. The vacancy consideration does not apply. In response to relative gain to the public health, safety and welfare, Mr. Beeler noted the public is demanding service and emergency service accessible by wireless phones. Staff has recommendation approval of this use and it is in compliance with the comprehensive plan.

Marlene Nagel questioned if they had investigated the Prairie Village Shopping Center area as a potential site. Sheri Edwards responded they had talked with Highwoods Properties and did not enter into any negotiations. They walked away.

Mrs. Nagel stated the staff report indicated negotiations were on-going with the fire district. Justin Anderson responded an agreement had been reached with the Fire District; however, during the engineering studies it was learned the potential location was on top of a utility easement prohibiting the construction of the tower.

Mrs. Nagel noted staff suggested encapsulating the antenna with the existing church structure. Mr. Anderson stated when they first approached the church they attempted to do that. The church has unique architecture and is only 54 feet tall. They need a much taller structure. They were not able to create an appropriate architectural element in relation to the church’s height to secure the necessary height for the tower.

Mrs. Nagel asked the height of the existing light pole. Mr. Anderson replied he did not have the exact height, but felt it was approximately 30’. He noted the white door on the shed next to the proposed tower is eight feet in height.

Mrs. Nagel asked what the height of the existing trees were in the photo taken from 68th Street. Mr. Anderson replied the trees from the parking lot view of the church on 67th Street are approximately 60’ in height. He noted the initial photo simulation was

taken from the north side of the church because they were unable to see through the mature existing trees until winter when there were no leaves on the trees. The trees in the photo taken from 68th & Cedar are approximately 65' to 70' in height.

Mrs. Nagel confirmed they needed the 120' in height to get the coverage needed. Mr. Anderson replied that the 120' also allows for co-location on the tower for future carriers. He said otherwise they could make due with 100'.

Marlene Nagel asked for clarification on the structure at the base of the structure and related equipment. Mr. Beeler responded the structure is fully encased and at staff request will be built in brick to match the building. The structure is 30' by 30' with all the equipment located inside.

Scott Beeler stated most cities, including Prairie Village, require towers to provide for co-location of other carriers to limit the number of towers needed. By having two more carriers the height is increased 18 to 20 feet to allow for the additional cones for other carriers. The height of the tower could be reduced, but it would prevent co-location. However, he noted a height of 120' provides the maximum coverage area.

Nancy Vennard asked if the structure was at the very end of the parking lot or is there parking around it. Mr. Beeler responded it is actually a little beyond the parking lot. Mrs. Vennard asked if there was any landscaping planned around the brick wall. Mr. Beeler stated he does not think there is a final landscape complete yet, but one will be submitted as stipulated by staff.

Randy Kronblad asked if the wall was brick on all sides. Mr. Beeler responded there is an eight foot gate on the east side of the structure.

Marlene Nagel asked if additional carriers were to be added where their equipment compounds would be located. Mr. Beeler stated they would be directly adjacent to their compound. He noted generally speaking they would be smaller because the T-Mobile compound also includes the monopole equipment to operate the monopole. The other carriers will only need enough space for their electronic antenna equipment. The plan has placed future carrier's equipment compounds on the east and west sides of the T-Mobile compound. The wall heights would not be noticeable because of the mature growth of trees in the creek bed immediately due south.

Randy Kronblad confirmed a co-locator could not locate equipment within the proposed wall without expanding the size of the wall. Marc Russell asked why they could not expand the compound. Mr. Beeler stated the co-locators would be competitors and demand security and separation of equipment.

Marlene Nagel asked if the one generator recommended by staff was acceptable. Garth Adcock, Manager of T-Mobile stated the generator could be shared with future tenants. He also noted in residential areas they use a whisper type generator that is very quiet. It could be designed for multiple carriers and they could agree to share it. He said that typically for 4 carriers you would design an 800 amp electric service. It could be done. He said they would like to have the generator, but that they did not have to have it. Randy Kronblad asked if the generator used natural gas for a fuel source. Mr. Adcock stated it could be. Mr. Vaughn stated it would be.

Chairman Vaughn opened the matter for public hearing.

Casey Housley, 4800 West 68th Street, addressed the Commission on behalf of several property owners against the application. He stated they are not against all towers. He does not feel this application meets the zoning requirements and should be denied.

The statement was made that the public requires service; he would submit that it is T-Mobile that demands service. He said there is already service in the area that would be covered by the tower, T-Mobile wants to enhance that service, gaining access within homes to allow broadband coverage and compete more competitively with other carriers. Mr. Housley noted no statistics were presented on number of dropped cell phones.

Mr. Housley agrees that the carrier needs sites to be available, agreeable and acceptable. Eight sites were submitted as being unavailable, unagreeable or unacceptable. However, they know of one phone call made as late as today to the Nall Baptist Church on 67th Street indicating that church would be happy to talk with T-Mobile. Mr. Housley is not suggesting the site be relocated there; however, he is suggesting that if there were two sites with smaller towers more could be done with technology to address the height of the tower and the style of the tower. He asked the Commission to exercise its discretion

The figures given to the Commission regarding the distance of the tower to adjacent properties were figures to homes, not to property lines. This abuts property lines. People use their entire property.

The applicant submitted documentation from people in support of their application. Mr. Housley stated they contacted some of those people and discussed the specifics of this application and three of them changed their support and have signed the petition against the tower.

In response to the E911 argument, Mr. Housley stated T-Mobile is not a hospital, but is a corporation trying to make a profit.

Mr. Housley addressed the report submitted regarding the impact of towers on property values. The report looks at the value of properties based on the proximity to cell phone towers. He states the question is "how much would the properties sell for if the tower were not present?" The report does not address that. He also questioned comparison of properties in Olathe, Leawood and Roeland Park with property in Prairie Village. Mr. Housley noted the cities in the case studies submitted have a comprehensive ordinance governing the use and installation of towers. Namely, they have setback provisions, which Prairie Village does not have. He does not feel the report truly addresses the impact of this cell tower on Prairie Village properties

Mr. Housley submitted an analysis by Donald Gossman, which contradicts the findings in the analysis done by Integra. He finds "The proposed 120' monopole design contemplated in the SUPA PC2008-02 would in my opinion be considered a visual obsolescence in the surrounding neighborhood. A visual obsolescence, to a

reasonable degree of real estate appraising certainty, will cause injury to the value of property in the neighborhood where the visual obsolescence is contained.”

Mr. Housley also submitted an article from Appraisal Journal, copyright 2007 Appraisal Institute entitled “The Effect of Distance to Cell Phone Towers on House Prices in Florida. One-third of the individuals responding to his opinion study stated a cell tower located in close proximity to property would diminish property values by more than 20%.

Another criteria for consideration is whether the tower will hinder future development. Mr. Housley noted there is significant redevelopment along 68th street. This redevelopment increases tax revenue. There are residents in this area who are questioning making improvements to their property because of the possible construction of this tower and its impact on their property.

The proposed tower is not consistent with the architectural style of the neighborhood. The 120 monopole is equivalent in height to a 12-story building. The additional height is needed because this is not the best location.

Mr. Housley stated the Commission can execute its discretion on the basis of aesthetics, property value, future development and public concern and deny this application and the action would probably be upheld. He referenced court cases in other jurisdictions supporting the authority of Planning Commissions to execute discretion.

Over a long period of time a number of alternative sites have been explored; however, there is no reference to reinvestigation. He would submit that these sites are no longer dead or unavailable. Just as supportive statements were submitted by the applicant, they will submit a general petition with over 300 signatures of people within the search ring opposing the tower. If the tower is designed to service a need in the area, why are there over 300 people in this area signing a petition against the tower.

Martha Hardin, 6725 Belinder, a real estate agent for 24 years in northeast Johnson County, stated from her experience houses backing up to high utility lines or a cell tower will always take longer to sell and typically bring less money than other homes.

Cindy Haskell, 4400 West 77th Place, asked the Commission to consider the safety issues created by lack of cellular service inside buildings. As a T-Mobile customer, she is unable to get cellular service inside Faith Lutheran Church. When she has Girl Scout meetings or youth overnight events, parents are unable to contact her. The church does not have landlines in the internal classrooms. The entire church is a dead space. This was noted when the emergency sirens went off during the neighborhood meeting last week and people were unable to use their cell phones. Mrs. Haskell asked for the Commission to consider safety of children over aesthetics.

Kate Faerber, 4806 West 68th Street, directly behind the proposed tower. She first learned of this application last February and attended the neighborhood meeting where she learned the proposed location of the pole, including the 30' x 30' equipment building, would be 24 feet from her rear property line. The land being

leased to T-Mobile is 2400 square feet, a footprint larger than most of the homes in the area. The area will not only include T-mobile equipment but also that of Verizon and another carrier. She noted the area goes into a dry creek with 60' tall trees that have been there for more than 50 years. The construction of the additional equipment structures would require these trees to be removed.

Her family uses their entire back yard. She has three young boys who play in the backyard, her garden is directly behind the proposed area. Mrs. Faerber expressed safety concerns from ice falling from the tower or the tower itself falling during a storm. She does not feel it is appropriate to locate towers adjacent to residential properties, noting other area cities establish setbacks for towers in residential areas. She noted Prairie Village is experiencing population decline and fears the location of cell towers in residential areas will discourage families from living in Prairie Village. Mrs. Faerber shared photographs taken from her back yard. The tower will not be obscured by trees. She stated the tower as displayed by T-Mobile is inaccurate and should be depicted one-third higher than reflected. She urged the Commission to deny this application as it does not fit as proposed.

Ken Vaughn asked how the height of the tower in her photograph was determined. Mrs. Faerber stated it was based on the measurement of the height of the door on the building in which the boy scouts store materials which is 7.5' and multiplied to reflect 120'.

Wyatt Cobb, 6615 Hodges, on corner of 67th & Hodges asked what the mutual benefit to the community would be with this proposal. He noted T-Mobile has a program that allows T-Mobile to connect with wireless internet in a building and receive connection. T-Mobile should promote the services it is already providing on their network to residents in the area that will address this problem. Mr. Cobb stated the City needs to implement very specific guidelines addressing the placement of cellular towers. State and Federal guidelines favor the cell tower companies. He urged adoption of new regulations.

Sheri Rowen-Nigus, 6828 Roe Avenue, stated she does not have cell service in her home. She recently experienced having her daughter at KU unable to reach her after she was sexually assaulted. A daughter who lives in the area was also unable to reach her after a miscarriage because her cell phone does not work in their house. Maybe the proposed tower is not the answer, but there needs to be something done for Prairie Village residents to have competitive services.

Mary Cordill, 4904 West 68th Street, noted people believe they need better coverage, but she noted there are alternative locations and land lines are an option available for service. In a very short period of time, they have secured more than 300 signatures from residents surrounding Faith Lutheran Church opposing the proposed installation. The application does not fit the Village Vision.

They have tried to work with church, but the parish council felt they were providing a community service. The Church should be more sensitive to the concerns of the neighbors.

Her major concern is with the precedence that will be set if this installation is approved. She is concerned with the expansion of additional carrier and additional towers in the area. She feels the City needs to be very deliberate in its consideration of tower applications. She asked if the tower could be shorter. Mrs. Cordill expressed her strong opposition to this application and asked if there was anything the City could do to provide incentives to businesses and commercial properties to encourage them to consider placement of towers on their properties.

Paige Price, 6730 Fonticello, she wants to improve her property. She has had her office in her basement for 14 years and has cell service. She strongly opposes this installation.

Steve Moreland, 6730 Fonticello, noted he currently has approved building plans to build a new home on their property. However, they have placed those plans on hold pending the outcome of this application. He asked Commissioners if they would purchase a new home with a cell tower and asked that the application be denied.

Randy Cordill, 4904 West 68th Street, expressed his strong opposition to this application. He asked when it became an inalienable right to have in home cell service. He feels the presentation by T-Mobile has been deceptive at every step. The depiction of the height of the tower is deceptive. They also have not shown propagation studies that indicate general cellular coverage has very few white areas. The site they have chosen is not within the search ring they have identified. Mr. Cordill noted that going two blocks to the north, there is a 90' hill and requiring a tower at that location would reduce the tower height. This is poor planning and he urged the Commission not to go forward with this application.

Douglas Flora, 4908 West 68th Street, is disappointed that the City does not have a stricter ordinance that sets restrictions for setbacks and architectural requirements for cell towers. He urged the Commission to do so as soon as possible. People state they want better cell service, they also want lower gas prices and lower taxes. He feels the more than 300 signatures gathered over the past weeks opposing this application clearly reflect that cell service is adequate in the area. T-Mobile stated they receive 151 9-1-1 calls per month in Prairie Village. Residents are getting services. There is not a significant gap in coverage. This is a poor location. He questioned what height is actually required by T-Mobile.

Mr. Flora spoke with Bob Clark at Nall Avenue Baptist, who stated they were very open to discussing with T-Mobile the possibility of locating at their site. He urged the Commission to deny the application and stated he would be willing to work with T-Mobile or Selective Site Consultants to reopen negotiations at any of the identified sites.

Harold Neptune, 4722 West 68th Street, stated it is not unheard of for people on 68th Street to care significantly about their back yards that is why they purchased property on 68th Street with large back yards. He noted there isn't any place from their home or their backyard that the proposed monopole will not be the prime focus of their view. Where they plan to place the tower and buildings will require the mature trees in the creek to be cut down. If safety is to be a prime concern, there should be a Federal

law requiring a tower every half mile. There is a potential tower being located a Village Presbyterian Church, a half mile away.

Walter Hickman, 5101 West 68th Street, stated his wife has had T-Mobile for over eight years and has not had any dropped calls or service problems. He acknowledged there are differing opinions on service needs. This is a permanent decision and he urged the Commission to have the applicant spend a little more time to investigate alternative sites to provide the best coverage for all. He urged the Commission to deny the application and direct the applicant to seek alternative locations that are more conducive.

Steve Roth, 6801 Cedar, agreed there is a lot a residential zoning in Prairie Village. He stated the applicant has been less than forthright. The light pole shown in the picture was said to be 30 feet in height. If that is the case, the monopole should be depicted as ten stories high which is totally out of character with this two-story neighborhood. Mr. Roth stated none of his family members have ever had a dropped call and happy with their coverage. Mr. Roth noted he receive an approval from the Commission in October for a building line modification; however, that project is on hold pending the outcome of this application. He is hesitant to invest significant money in his property if the cell tower is constructed at this location.

Anita Bates, 4815 West 68th Street, spoke in opposition to the application. She has cell service in her home with another carrier. She feels residents have the right to choose their carrier they also have the option to hand a land line. She urged the Commission to deny this application.

Jason Julian, 6740 Roe Avenue, adjacent to the parking lot at the church, spoke against the application. He has T-Mobile and has not dropped any calls or had problems receiving calls in his house. He has not heard T-Mobile state this application would guarantee calls for emergency services. There are no guarantees.

Garth Adcock, representing T-Mobile, stated between 2003 and 2006 on the T-Mobile network minutes of use doubled. The network is designed for the future, there is no end to the demand for affordable technology. He stated towers do not fall and when there is a structural failure, they fall on themselves. They do not fall like trees. In January 2007, in Springfield, Missouri lost electric power for almost 60 days and during that time T-Mobile network supported almost 4000 9-1-1 calls. They have exhausted all other alternatives.

Scott Beeler submitted a copy of the power point presentation for the record. He congratulated the individuals attending and speaking at this hearing, that's what the process is about; however, it comes down to the evidence. The Integra Report submitted is a full report submitted under use pap standards for appraisers. The affidavit with Mr. Housley's report is not. While it has an opinion that there could be a deminution in value there are zero comparables, i.e. zero evidence to support his conclusion. Integra, on the other hand, has submitted four separate case studies to support his opinions, two of which are much like Prairie Village. He also noted Ms Hardin's testimony as a real estate agent offer no examples to support her statements that the values are negatively impact. It is not evidence and does not support the conclusion they are asking for.

Mr. Beeler reference the water tower at McCrum Park one and a half blocks from this location. He asked if the water tower is a blight on the community. The tower is nearly 110 feet in height, dark grey with a huge base across. The proposed tower is 41' at the base.

The article submitted by Mr. Housley stated results of their research showed that prices of property decreased just over 20% on average after a tower was built. This is a 2004 report done out of Florida, not Kansas. Remember the Integra Study stated not only is 2% diminual, up to 10% of market value is attributable to the variables of the market and not any individual cause.

The Federal Court in the state of Kansas has determined through its decisions that a failure to allow enhancement of coverage can be construed a prohibition under the Telecommunications Act. Judge this application on its merits and the facts heard tonight.

Mr. Beeler stated bell towers would have a 20 foot base. What is more intrusive 21" at 120 feet or 20 feet across and solid masonry bell tower. What's more intrusive, 21" at the top and 41" at the bottom or an evergreen tree 120 feet tall with branches that come down like a Christmas tree. A stealth tree tower would be so much more obtrusive that the proposed monopole application for this site. There are no trees being cut down by T-Mobile for this installation. The trees are outside the brick enclosure.

They have presented evidence, the photo simulations are computer designed based upon laser technology to show in depth perception the way it would be viewed from that location. These are routinely required by cities as a professional accurate depiction of what the tower will look like. The Commissions job is to weigh the evidence and sort out the emotion and commentary from the evidence and determine what is reasonable, especially in view of the fact that this has been a four-year project for a site which has a negotiated agreement.

Mary Cordill, stated they are not attempting to push the problem to another location but to create options for a smaller tower. Investigating sites where an additional shorter tower could be located that could reduce the need for the 120' in height and may allow a design that could be incorporated into the existing church structure. At the neighborhood meeting with T-Mobile, they asked if they two shorter towers could provide the needed coverage. T-Mobile said yes. At the May 1st meeting they asked if they could set up meetings with alternative sites if T-Mobile would consider them and they stated they would. This is why they approached Nall Avenue Baptist.

Chairman Ken Vaughn closed the public hearing at 11:10 p.m.

Marc Russell asked the applicant to address the ice concerns and need for the 120' height. Mr. Beeler responded the engineering studies revealed in order to fill in the spots indicated on their maps that are not getting coverage, a tower height of 120 feet would be needed. Mr. Adcock replied two and half years ago when he was transferred to the Kansas City area he investigated the impact of ice on towers. His research revealed no evidence of ice falling from cellular towers; however, he noted

the construction of broadcast towers is very different and there has been one incident of ice fall from them in Kansas City.

Ron Williamson stated when the City established the cell tower policy in 1996 the height question was discussed and whether the City wanted shorter towers and more of them or fewer taller towers. It was the desire of the City to restrict the number of towers needed by requiring co-location on towers, with fewer taller towers thus affecting fewer people. This has occurred on the current two towers located in the City.

Nancy Vennard asked when T-Mobile had last contacted Nall Avenue Church. Mr. Beeler responded there was considerable negotiation several years ago before their remodeling. At that time the church was not comfortable with the plan, their finances, their remodeling and that led to a break-off of negotiations. Since then the Church has moved forward and completed their remodeling. Justin Anderson talked to them today, but that discussion was maybe there could be. However, there is no offer, nothing in writing. They have a deal and noted that the Nall Avenue Church location is even further from the search ring than the proposed location. Nancy Vennard asked if their plans were for a smaller bell tower application. Mr. Beeler stated it was a bell tower, so it was stealth in that regard. Was it going to solve the problem for this area with one tower? Mr. Beeler stated one tower can not solve the problem for this area.

Mrs. Vennard stated she hears the residents asking if it would be possible to address the problem with two smaller bell towers at both churches? Would that provide the coverage wanted and would they be lower? Do the trees and terrain allow for them to be lower and as tandem would the coverage be there at an acceptable architectural height?

Mr. Beeler responded, most communities including Prairie Village, require co-location, which means higher towers. The neighbors are suggesting is the opposite of that. It would be lower and they could accomplish coverage lower, not too low. If they were lower at the current site, their coverage would not be as good and that would impact somewhere else. If they had built this application at Nall Baptist, they might not be at this site, but they would be somewhere else. They have taken the lesser consequence, and reduced the size of the structure and gone to the minimum height they need to go to accomplish the city's goal of co-location and no more.

Nancy Vennard noted although there are only two towers in Prairie Village, there are sites on buildings at 75th and State Line, 95th Street and St. Ann's and the water tower. Other solutions have been found in the City besides towers, using a combination of land and building height. Mr. Beeler stated you are limited to the reality of what is there and acknowledged there such applications throughout the country. He noted the water tower at McCrum is not an option as the Water District is planning to remove that tower.

Ken Vaughn has concerns with the impact of a 120' tower near the backyards of people's property but he is also concerned about providing appropriate quality cell coverage. This is an issue with individual's using only cell phones.

Randy Kronblad concurred with Mr. Vaughn concerns regarding the 120' tower at this location. In driving around the area he noted a stealth tower at 94th and Nall. He noted he worked in that area, but never saw the tower as it was surrounded by multi-story buildings in a commercial area where there are other distractions. This is not the case at this location. This is strictly a residential area and nothing of comparable height anywhere. He acknowledged the comment by Mr. Beeler of the tower blending in and not be noticed after installation. He noted this was the case with the tower which blended in with other surrounding structures of similar scale. This is not the situation at this location.

Marlene Nagel agreed with Mr. Kronblad that this is not the right site. She believes public safety is important with access to 9-1-1 by cell phone users. However, she noted the guidelines for cell towers also talk about character of the neighborhood and the impact on the neighborhood in considering a permit. She does not feel this application meets those criteria.

Marc Russell concurred that there is no other vertical structure that would allow the tower to blend in. He said he was concerned it was so close to the backyards and was also concerned about the ice.

Nancy Vennard noted when there are petitions from 300 neighbors, both those with and without coverage, who are opposed this application, she feels it is important to listen to the residents.

Ron Williamson, City Planning Consultant, prepared the following review of this application.

T-Mobile is requesting a Special Use Permit to construct a telecommunications tower and install supporting equipment cabinets at 4805 West 67th Street. The tower is proposed to be 120 feet in height with a 4-foot lightning rod on top. The tower is proposed to be a stealth pole with the antennae mounted inside the pole. An example of this pole is located at 125th Street and Quivira Road in Overland Park. The one difference is that there will be no flags on the monopole proposed in Prairie Village. The tower will be able to accommodate a total of three carriers. The proposed equipment compound will be 30' square surrounded by an eight-foot tall brick screening wall. The brick will match that of the existing church building. This compound however will only accommodate T-Mobile equipment and additional compounds will need to be built for the other two carriers. There is a drainage channel along the south property line and the equipment compound will need to be placed far enough away so that the banks are not disturbed.

In addition to the normal equipment box, the applicant has also proposed to include a standby emergency generator. Standby emergency generators require site plan approval by the Planning Commission so it needs to be addressed as a part of this application. There are some concerns regarding standby generators; one is noise and the other is the source of fuel. The Johnson County Fire District is concerned about multiple installations of standby generators throughout the City and has recommended that they be directly connected to a natural gas line. T-Mobile is the first carrier to submit a request for a standby generator, other carriers have made inquiries. It would be preferable to have one generator at a location and not three.

This would minimize the negative aspects of a standby generator and reduce the size of the equipment compounds. The applicant has indicated that they have concerns about liability, operation and management when multiple users are involved. Those issues are probably the same with the tower owner. It would seem reasonable that whoever owns the tower would also provide the standby generator for all carriers at the location and would limit their liability by contract.

Most of the applications in Prairie Village have either been the installation of antennae and their associated equipment cabinets on buildings or water towers. There are only two towers and they are located at City Hall and at the Fire Station at 90th and Roe Avenue. Towers are more controversial and create more neighborhood concerns. The Telecommunications Act of 1996 established some limitation when considering a wireless facility and the primary points are as follows:

- A city shall not discriminate among providers.
- A city shall not prohibit or have the effect of prohibiting the installation of wireless services.
- An applicant must be acted on within a reasonable period of time.
- A decision to deny an applicant for wireless communications must be in writing and supported by substantial evidence.
- The Federal Communications Commission regulates the environmental effects of radio frequency emissions and a city cannot consider this issue as approving or denying an applicant.

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

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

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

The applicant has requested approval of this specific location in order to provide improved coverage to the residences and vehicular traffic in this portion of Prairie Village. A current gap exists in desired level of service in this area. Calls made on

the T-Mobile system in this geographic area are susceptible to signal fade, with the end result that a call might be dropped and in-building coverage is not at an acceptable level. This installation will significantly improve the coverage which will result in better service to T-Mobile customers.

This location was chosen after a "search ring" was developed and issued by T-Mobile's radio frequency engineering team. The search ring indicates a geographic area in which potential sites may be located that will effectuate the maximum amount of coverage where service is poor.

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

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

Based upon these considerations, the site selection team reviewed a total of eight locations prior to selecting this location. A brief report on each site was contained in a memo dated October 19, 2007, that is accompanying this application request.

The following sites were identified as candidates to meet the coverage objectives of RFP:

1. Woodson Avenue Bible Church (67th & Woodson) - After a year of meetings and an executable lease, the church decided not to sign; they sited their congregation as being a main factor and that they did not want to "deal with it anymore." This lease was being delivered for execution when they called to rescind their offer.
2. St. Michaels & All Angels (67th & Nall) - Not interested
3. Nall Baptist Church (67th & Nall) - They were uncertain of their plans for development and wanted T-Mobile to assist in the cost of a new steeple; rent was above \$2000.
4. 69th & Roe PV Water Tank (69th Terr. & Roe) - This site is still being pursued; Prairie Village has to consent to Water One for ground equipment.
5. Faith Evangelical Church (67th & Roe) - The rent is \$2000 with 3% increase. The church receives \$200 per co-locator; the church will receive future ground leases. They are also receiving a one-time \$7,000 payment.
6. Homestead Country Club (Homestead & Mission) - Could not come to terms with the lease or site location, or design. The club has decided to end negotiations.
7. Village Presbyterian Church (67th & Mission)- Not interested
8. PV Fire Station #2 (63rd & Mission) - The lease is in negotiation; the rent has been agreed upon at \$2000 and 3% increases. There doesn't seem to be any major changes, but the site design / location has not been finalized.

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

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

A photo simulation has been included; showing the proposed stealth tower within the parking lot as viewed from the north. The houses to the south on 68th Street are about 20 feet higher in elevation and will see the portion of the tower that extends above the tree line. A photosym from that direction would be helpful.

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

The proposed installation is designed to accommodate three carriers. T-Mobile has not submitted a statement indicating that it intends to share space with other carriers, but it plans to. This should be a condition of approval if the location is approved.

4. Copy of Lease - A copy of the lease between the applicant and the land owner containing the following provisions:

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

A copy of the lease agreement between T-Mobile and the Faith Evangelical Lutheran Church has been submitted with this application and it does not prohibit co-location. It does not however contain an abandonment clause.

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

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

- No landscape plan has been submitted with this application and because of its location adjacent to a tree lined channel on a parking lot; it does not appear that a landscape plan is needed. Landscaping may be needed for future carriers, but that will be handled through site plan approval.
- The height of the flagpole has been dimensioned, however, there has not been a dimension placed on the width of the base nor the width of the pole at its top. It appears from looking at the drawings and scaling that the base of the pole at the ground is approximately 48" in diameter and the top is about 24" in diameter.
- The plan needs to note that the brick veneer on the wall is to match the existing church building. Staff should review and approve the actual brick color before it is installed
- The site plan submitted would be adequate for T-Mobile; however, any new carriers would need to submit a site plan of their installation for review and

approval by the Planning Commission, particularly relative to the design of the equipment compounds.

- Currently the parking lot sheet drains from north to south and exits the site at this location to drain into the ditch. The applicant needs to address how stormwater runoff will be handled when the equipment compound is built.
- The two future locations for carrier equipment compounds do not appear to be attached to the initial compound. All three compounds should be attached and ultimately appear as one structure when all three carriers are in place.
- The proposed 30' by 30' equipment compound seems to be larger than needed for the amount of equipment contained within it. The standby generator will require a larger compound but it appears to be somewhat excessive. The applicant should try to minimize the size of this facility to minimize the impact on the area. This is just the first of three carriers.

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

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

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

T-Mobile is one of the nation's largest wireless service providers and this proposed installation will be part of their digital telephone network that will ultimately provide nationwide coverage. This particular installation is to provide adequate coverage to the local residents, and traveling public in this area. No special services are being offered or made available to the public.

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

Existing asphalt will be removed and be replaced with a concrete pad and aggregate surfacing. No trees will be removed.

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

T-Mobile anticipates beginning construction in the third or fourth quarter with it being in operation by the first of 2009.

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

T-Mobile has many cell sites that have been installed throughout the metro area and has an approved "Radio Frequency Spectrum" from FCC. They have an existing site in Prairie Village at the Delmar Water Tower.

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

There is no information included with this application that indicates the existence of any other governmental approvals required, except the licensing of FCC. This tower is approximately 120 feet in height and is in location that would not require approval from FAA.

12. **Miscellaneous - Any other relevant information requested by City staff.**
Staff did not request any additional information relevant to this application.

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

No co-location letters have been received.

FINDINGS OF FACT:

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

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

The location of the tower appears to meet all the setback requirements of the regulations. The compounds for T-Mobile and other carriers must be 25' from the rear property line. The proposed tower is to be 120 feet in height, which is less than the 150 foot maximum height set out in the City's policy.

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

A review of the plan submitted does not indicate that there will be any adverse effect on the welfare or convenience to the public. On the other hand, the installation of the tower should be a benefit to the community in that it would provide a necessary communication link for users in immediate neighborhood as well as the traveling public. Several e-mails from area residents have been submitted supporting the installation.

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

The applicant held a meeting on February 12, 2008 in the Faith Evangelical Church in accordance to the Planning Commission Citizen Participation Policy, and approximately 14 residents appeared. Only one of the attendees was opposed to the project and the opposition was based on concerns with health affects and aesthetics. FCC regulations prohibit consideration of health related issues. The applicant also received a number of e-mails in support of the proposed tower. There undoubtedly

will be testimony at the Public Hearing from neighboring residents that oppose the project. The Planning Commission will need to determine from that testimony whether or not the proposed cell tower will cause substantial injury to the value of adjacent property.

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

The Faith Evangelical Lutheran Church is on a site of approximately three acres. It also should be pointed out that the neighborhood is totally developed; the closest residence is approximately 130 feet away and therefore, not immediately adjacent to the installation itself. There is a significant amount of vegetation on the site that screens the facility from the south, but additional plant materials may need to be added as part of this application. Since this tower is proposed as a stealth tower, perhaps the applicant could integrate it more into the church complex rather than it be a stand alone facility. Consideration should be given to incorporating the tower into the church steeple.

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

Additional off-street parking will not be necessary for this particular use because there will be no permanent staff on the site. Service people will be available on site periodically to maintain the equipment, and of course, when installation occurs. The existing church parking lot that is provided on the site will be adequate for this need.

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

Water, sewer and power services to this site should be adequate because there will be no permanent occupancy by people. There will be a need for a gas line if the standby generator is approved. It should be noted however that the area may or may not have additional impervious surface and that a storm drainage master plan should be prepared and submitted to Public Works for their review and approval. Also the proposed equipment compound is located in the natural drainage path of the parking lot and it will be necessary to address that in design.

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

Existing church parking lot will be used for access will be more than adequate to handle the traffic generated by this use.

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

The proposed tower and equipment installation will not have any hazardous or toxic materials, obnoxious odors, or intrusive noises that will affect the general public.

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

The architectural style and materials are typical of those used for utility type electrical poles and towers that are frequently found in urban neighborhoods. This tower will be a stealth pole which will have more of the appearance of a flagpole and no antennas will be visible from the exterior. The screening wall surrounding the equipment compound at the base of the tower will be brick and the brick will match the building on the site.

RECOMMENDATION:

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

- 1) The initial approval of the Special Use Permit shall be for a maximum of five years. At the end of the five year period, the applicant shall resubmit the application to the Planning Commission and shall demonstrate to the satisfaction of the Planning Commission that a good faith effort has been made to cooperate with other providers to establish co-location at the tower site, that a need still exists for the tower and that all the conditions of approval have been met. The application may then be extended for an additional five years.
- 2) The stealth tower shall maintain a hot dipped galvanized finish.
- 3) The tower shall not be lit, but security lighting around the base of the tower may be installed provided that no light is directed toward an adjacent residential property.
- 4) The maximum height for this communication tower shall be 120 feet plus a lighting rod not exceeding four feet.
- 5) If the tower is not operated for a continuous period of six months it shall be considered abandoned and the owner of such tower shall remove the same within 90 days after receiving notice from the City. If the tower is not removed within that 90 day period, the governing body may order the tower removed and may authorize the removal of such tower at the owner's expense.

- The City may, at its option, claim the abandoned tower for its own use, instead of having it removed and the City may sell or lease the tower to other companies or use it for its own needs.
- 6) The plans for the tower shall be prepared and sealed by a structural engineer licensed in the State of Kansas. Construction observation shall be provided by the design engineer provided that said engineer is not an employee of the tower's owner. If the design engineer is an employee of the owner and independent engineer will be required to perform construction observation.
 - 7) Adequate screening of the equipment cabinets located at the tower base shall be provided by an eight foot solid brick wall and said wall shall set back a minimum of 25 feet from the rear property line. The brick shall match the materials of existing church building. All equipment cabinets shall be adequately secured to prevent access by other than authorized personnel.
 - 8) The walled compounds for the two future carriers should be attached to the initial compound so that it has the appearance of being one facility.
 - 9) The applicant shall submit a drainage plan for review and approval of Public Works.
 - 10) The applicant shall have a structural inspection of the tower performed by a licensed professional engineer prior to every five year renewal and submit it as a part of the renewal application.
 - 11) Any permit granted which is found not to be in compliance with the terms of the Special Use Permit will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected if the Special Use Permit becomes null and void, the applicant will remove the towers and all appurtenances and restore the site to its original conditional.
 - 12) Additional carriers will be required to submit a site plan for review and approval by the Planning Commission in accordance with Chapter 19.32 of the Zoning Ordinance.
 - 13) The applicant shall submit copies of co-location letters.
 - 14) Only one standby generator shall be approved for this complex. The generator shall be shared by the three carriers and shall be owned, operated and maintained by the same entity that owns the tower. The generator will be connected to a natural gas line. Staff will need to review the specifications for the proposed standby generator before it is installed to be sure that the noise created by it is minimized.
 - 15) The applicant needs to review the layout of the equipment compound and determine if it can be reduced in size.
 - 16) The applicant shall explore the possibility of integrating the tower and equipment compound into the church complex and incorporating the tower into the church steeple.

Chairman Ken Vaughn led the Commission through a discussion of the nine factors to be considered in making the findings of fact for the issuance of a Special Use Permit.

- 1) The Commission agreed with the findings as stated in the staff report for this factor.
- 2) The Commission expressed concern that the proposed Special Use at the specified location will adversely affect the welfare of the public and does not find in support of this finding.

- 3) The Commission felt the proposed Special Use would cause substantial injury to value of values of other properties in the neighborhood, particularly those located adjacent to the site. They noted the broader impact of residents choosing not to make investments in their property because of their perception of the negative impact on their property. The towers would adversely affect property in this area and the found this factor to be negative.
- 4) The Commission stated the location and size of the Special Use does dominate the neighborhood and found this factor to be negative.
- 5) The Commission agreed with the findings stated in the staff report.
- 6) The Commission agreed with the findings stated in the staff report.
- 7) The Commission agreed with the findings stated in the staff report.
- 8) The Commission agreed with the findings stated in the staff report.
- 9) The Commission felt the proposed Special Use was clearly not compatible with the architectural style of the neighborhood.

Randy Kronblad moved to recommend the City Council deny the request for a Special Use Permit for a communications tower at 4895 West 67th Street based on the negative findings of fact as previously stated and directed staff to prepare written documentation to be submitted to the City Council and applicant enumerating those findings. The motion was seconded by Marlene Nagel and passed unanimously.

Chairman Ken Vaughn called for a five minute recess.

Commissioner Bob Lindeblad returned to the meeting.

**PC2008-04 Request for Amendment to Special Use Permit
For Veterinary Clinic
8825 Roe Avenue
Zoning: CP-1**

Charles Macheers, 21704 West 67th Terrace, Shawnee, addressed the Commission representing the applicant Dr. Kent Kraus. On July 1, 1991, the City Council approved a Special Use Permit for a Veterinary Clinic at 8823 Roe Avenue for a period of two years. The clinic is located in a strip center and occupies approximately 1,195 square feet. On June 21, 1993, a Special Use Permit was approved by the City Council to renew the Veterinary Clinic use at 8823 Roe Avenue.

Dr. Kraus has been asked if he was interested in leasing the suite next to his current office at 8823 Roe Avenue, for which a Special Use Permit has been granted for the operation of a veterinary clinic. Expansion of his clinic into 8825 Roe requires an amendment to the existing Special Use Permit.

The applicant is requesting an amendment to the Special Use Permit to expand the use into suite 8825 Roe Avenue which is adjacent to the south. This would increase the square footage of the use by approximately 2,888 square feet. This suite is currently vacant. There will be no exterior changes to the building. All changes will be within the existing building envelope. The applicant intends to add two additional exam rooms; a state of the art surgical suite and radiology and treatment rooms.

Mr. Macheers stated he does not anticipate any increase in parking or traffic. This is a low intensity use. The boarding of animals is limited to treatment and observation.

A neighborhood meeting was held on April 14th with three residents attending. They were concerned with possible exterior changes to the site. When advised no exterior changes would be made, they were supportive of the application.

No one was present at the public hearing to speak on this application. The public hearing was closed at 11:40 p.m.

Ken Vaughn confirmed the conditions of approval recommended by staff are the same as the existing permit.

Mr. Williamson stated he felt this would be a good use of this site and good for the area.

The Planning Commission considered the following findings of fact:

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

The proposed special use for the Veterinary Clinic is the expansion of an existing use which is contained within an existing building which is in compliance with the zoning regulations.

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

The existing Veterinary Clinic has not caused any adverse effects on the welfare or convenience of the public. The expansion will be operated the same way and therefore should also not cause any adverse effects.

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

The proposed Veterinary Clinic, will be located within an existing structure, and will not create any problems for the adjacent property in the neighborhood. This will be the expansion of an existing use that has operated at this location since 1991 and has not adversely affected the value of property in the neighborhood.

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

The proposed Special Use Permit is for the expansion of an existing use that is within an existing building. This is a very low intensity use and it will not dominate the area or hinder development. The neighborhood is already fully developed.

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

There is not a specific parking standard in the ordinance for Veterinary Clinics so one space must be provided for each 250 square feet of floor area. The building contain approximately 6,785 square feet which requires 28 off-street parking spaces. There are 31 spaces provided on the site, so it meets the zoning regulations. There is a fence behind the building that screens the off-street parking in the rear.

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

Since this use will be occupying an existing facility, utility services are already provided.

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

Adequate entrance and exit drives currently exist at the facility and this proposed special use will utilize the existing infrastructure that is already in place.

- 8. Adjoining properties will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.**

This Special Use Permit will be the expansion of an existing clinic and any hazardous materials, processes, odors or intrusive noises that accompany it shall be mitigated.

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

The proposed special use will not require any changes in the exterior architecture or style of the existing building.

Marlene Nagel moved the Planning find favorably on the factors and recommend approval of the expansion of the Veterinary Clinic to suite 8825 Roe Avenue to the City Council subject to the following conditions:

1. The Holder of this Special Use Permit comply with all of the provisions of Chapter 19.28 of the Prairie Village Municipal Code pertaining to special uses.
2. That the property will not be used in any manner that is in conflict with the ordinances of the City of Prairie Village, Kansas, statutes of the State of Kansas, and any and all other applicable laws and regulations.
3. The City shall at all times retain jurisdiction of determining if the actual use of the property complies with the uses as defined in said Ordinance, with the requirements of the Prairie Village Planning Commission and with representations made at the time of the public hearing on said application, including, but not limited to, that boarding of animals will be limited only to medical care and observation.

4. That the permission hereby granted to operate a veterinary clinic on the above-described property shall automatically and without further notice expire upon the termination of the lease to provide veterinary services at the above referenced location.
5. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

The motion was seconded by Randy Kronblad and passed unanimously.

OTHER BUSINESS

The Secretary announced the June agenda would include the continued request for a building line modification if it is not resolved by the applicant and a request for a building line modification for the construction of a garage at 4306 West 89th Street from 60 feet to 48 feet.

Ron Williamson stated the City Council has directed the Planning Commission to review the current cell tower policy and stated he would begin researching that and present information for consideration. Commission members felt that should not be considered until the current application has been completely resolved by the City Council.

ADJOURNMENT

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 11:50 p.m.

Ken Vaughn
Chairman

Planning Commission Actions

Tuesday, June 3, 2008

PC2008-110 Request for Temporary Use Permit for Retail Sales at 3848 West 75th Street

The Planning Commission approved a Temporary Use Permit to Delaware Interiors for the retail sales for "Marche' du Jour", subject to the following conditions:

1. That the Short-Term Permit for an outdoor market be approved for a period from May 10, 2008 to October 11, 2008.
2. That the hours of operation shall be from 8:00 a.m. to 1:00 p.m. on Saturdays.
3. The Market shall be permitted only in the courtyard and two parking spaces on the west side of Delaware Interiors.
4. The applicant will properly maintain the area and remove all outdoor storage of merchandise after the sale concludes on each Saturday.

Other Business

The Planning Commission discussed requested changes to the City's Communication Cell Tower regulations.

COUNCIL COMMITTEE OF THE WHOLE
June 9, 2008

The Council Committee of the Whole met on Monday, June 9, 2008 at 6:00 p.m. The meeting was called to order by Council President David Voysey with the following members present: Mayor Shaffer, Al Herrera, Bill Griffith, Ruth Hopkins, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz. Staff members present: Quinn Bennion, City Administrator; Wes Jordan, Chief of Police; Captains Wes Lovett and Tim Schwartzkopf; Bob Pryzby, Director of Public Works; Karen Kindle, Finance Director; Dennis Enslinger, Assistant City Administrator and Joyce Hagen Mundy, City Clerk.

Quinn Bennion introduced the draft of the 2009 Operating Budget as prepared by staff. He noted the budget meets the goals and objectives established in the budget process and is balanced with expected revenues equal to or greater than estimated expenditures without a property tax mill levy increase.

The budget assumes the approval of a stormwater utility fee and passage of the county public safety sales tax with the City's portion of the tax in 2009 being utilized for one-time technology upgrades. Mr. Bennion stated the development of the budget was a group effort with significant dialogue among the city council and department heads and staff.

Mr. Bennion noted, however, that last Friday, Karen Kindle learned the City's portion of the County Use Tax will be modified. The full impact of the anticipated reduction is not known at this time and is not reflected in the proposed budget.

Revenue Projections

Karen Kindle reviewed the revenue projections for 2009 noting the following:

- Property tax is the city's largest source of revenue and reflects an estimated growth of 2.5% based on growth in assessed values of property in Prairie Village
- The mill levy will not change. 1 mill represents \$294,000 in revenue for the City and an assessment on the average Prairie Village home of \$25
- Sales tax is the second largest revenue source and the assumption is for sales tax revenue to be flat as it has been for the past several years. Staff provided the following breakdown of sales tax revenue by shopping area:
 - Prairie Village Shops \$407,113
 - Corinth Square \$430,325
 - State Line \$278,082
 - Other local sales tax \$897,067
- Franchise Fees are the 3rd most significant source of revenue and the projection for this source is also flat with a slight decrease. This is projected because fees are not paid on cell phones, so as people change from landlines to only cellular service, this income will decrease.

David Voysey asked about the impact of Everest providing service to the City. Quinn Bennion responded they will be submitting for a franchise and a franchise fee of 5% of gross revenues will be required even if they receive a statewide franchise. He stated he would follow up on this.

- Other General Fund Revenue includes charges for services, intergovernmental, fines & fees, interest, licenses & permits, use tax and miscellaneous income. The 8.6% increase reflected results from the addition of a transfer from the stormwater fund to reimburse for stormwater expenditures paid from the general fund.

Karen Kindle explained Kansas imposes a use tax on goods purchased by Kansans (individual and businesses) from outside Kansas and used, stored, or consumed in Kansas on which no sales tax was paid, or a sales tax less than the Kansas sales tax rate paid. These funds are distributed to the county with cities receiving 36%. A recent ruling that the state owes a significant refund to a company has resulted in the State using the counties' portion of these funds for payment.

- Stormwater Utility Fee is an integral piece of the 2009 budget revenue and is included in the draft budget. Bob Pryzby noted The Larkin Group is finalizing parcel data for assessment calculations. This information will be available by July 1st.

Quinn Bennion added this is a significant change for the public and information will be presented in the July Village Voice and meetings will be held with churches, schools, multi-family properties and business to educate them.

David Belz asked if the funds received from this fee will be the same annually or will it change. Mr. Pryzby responded the City would set a rate to be charged each year and staff is recording changes made on properties that will impact the amount of impervious surface, Mr. Belz expressed concern with having a different fee each year. Mr. Pryzby reviewed a chart reflecting the anticipated funds to be received from this fee and how they would be used. The proposed fee is estimated to raise \$1,443,413 in additional revenue.

Quinn Bennion noted four areas where significant cost increases have impacted this budget:

- Fuel - 2003 cost per gallon was \$1.24, 2007 cost per gallon -\$2.35, budgeted cost per gallon for 2009 is \$4.00
- Pavement - in 1998 \$50,000 would pave 1.28 miles, in 2002 it would pave 1.01 miles and in 2008 it only paves .53 miles (based on cost of materials only)
- Ammunition - these have increased 33% because of supply and demand with military use for the war
- Salt - 2001 cost per ton was \$22.65, 2005 cost was \$30.00 per ton; 2008 cost is \$44.06 per ton.

Ruth Hopkins questioned if the projected fuel cost was high enough. Mr. Pryzby stated the budgeted \$4.00 per gallon represents \$4.18 per gallon to the consumer with the payment of gas taxes. He noted staff are taking actions to reduce the amount of fuel used.

Laura Wassmer noted the charts clearly reflected the problem faced by the City and felt it would be helpful to make this information available to residents.

- Public Safety (jail) tax on the August ballot funds are included in the draft budget and in 2009 will be used for one-time technology/security upgrades. This amount would be transferred to the Equipment Reserve Fund with unspent amounts remaining in the reserve fund.

Mr. Bennion reviewed the proposed breakdown of technology/security needs and how staff anticipates they will be spent. If the tax does not get approved, staff is recommending a .260 mill increase to cover the \$77,000 in technology needs for 2009.

Diana Ewy Sharp stated she opposed a mill increase for \$77,000 and felt funds could be found elsewhere. Mr. Bennion noted the initial budget had a shortfall of \$2.4 million, which staff has already cut. David Belz agreed with Mrs. Ewy Sharp and felt this would be an appropriate use for contingency funds.

Charles Clark asked if all the technology work would be in 2009. Mr. Bennion responded it would be initiated in 2009. The installation of the records management system could take 18 months to implement. He stated the Council will revisit this question if the tax fails to be approved in August.

Department Presentations

Public Safety - Chief Wes Jordan

Chief Jordan began his presentation with a video on budgeting and then reviewed significant changes in the Public Safety budget.

Administration

This area reflects the significant increase in fuel costs. The department uses 24,000 gallons of fuel annually. The projected \$4.00 per gallon costs represents an increase of \$35,000. \$5,000 has been budgeted for the creation of a recruiting video to be used by the department. 2009 will have a CALEA on-site evaluation and these costs have been included in this budget.

Laura Wassmer asked if CALEA accreditation benefitted the City in recruiting. Chief Jordan responded it did not although there are only five agencies in the state that are accredited. However, it does lower the City's liability insurance costs significantly. She asked if it was worth the expense. Chief Jordan responded he felt it was and noted that it may become mandated by Congress.

David Morrison asked if staff schedules could be altered to reduce the amount of overtime pay required during the assessment. Chief Jordan stated it could be done, however, that is a small percentage of the cost and noted some people do use comp time. David Belz asked how much this cost. Chief Jordan stated the on-site assessment is approximately \$13,000 and the annual membership fee is \$5,000. Mr. Belz stated he doesn't have a big concern with the amount of this expenditure.

Staff Services

Code RED is operational. Chief Jordan noted half of this cost is being paid by the City of Mission Hills. The cleaning costs for uniforms will decrease as staff services personnel are moving to a "soft uniform" which will not require dry cleaning and will be less expensive. The major change in this department is the purchase of a records management system. Chief

Jordan reviewed steps required for processing records under the current process. In 2009, the State will be requiring all police reports to be submitted electronically. The current system can not do this. He also noted there is a joint effort to link all public safety departments in the region and also possibly dispatch. The preliminary figure for this system is \$600,000; however, with the assistance of the City of Overland Park's training and IT staff, costs have been reduced to approximately \$300,000. This changeover will be a long time to implement and will require the operating of dual systems.

Ruth Hopkins confirmed other departments, particularly in smaller cities, are experiencing similar problems. Chief Jordan stated the current records management system is the department's biggest technology weakness. This will provide in-car officer access to internal data reducing the demand on dispatch. He noted dispatch conducts an average of 300,000 inquiries to check vehicle registrations, criminal records, driving history, etc.

Community Services

The draft budget includes an in-car computer to enable them to check animal licensing information directly without having to return to the station.

Crime Services

No Changes

Patrol

The current police laptops are seven years old. The purchase of new laptops in 2009 will result in decreased maintenance on the new computers and in-car video systems which will be under warranty. He is also projecting a decrease in radio costs.

Investigations

This budget includes Accurint (Lexis-Nexis) which provides the ability to do research on suspects. JIAC (Juvenile Intak and Assessment Center) costs \$17,000 annually for the processing of juveniles regardless of usage. This is a mandated cost which the City does not control.

Special Investigations

No changes

D.A.R.E.

This program was completely funded in the past by the Liquor Tax; however, it will be partially funded in 2009 from the General Fund. Karen Kindle noted the money received from the liquor tax has been relatively flat while expenses for operation of the program are growing. The projected cost funded by the General fund in 2009 is \$7,000.

Michael Kelly asked if the program is worth the cost. Chief Jordan responded this would probably be one of the first programs cut although it is a very popular program with the community and provides a very positive experience for the city's youth and the department. Mayor Shaffer stated he felt it would be detrimental to cut this program. Ruth Hopkins agreed.

Professional Standards

The two significant changes in this program is the increased cost for ammunition and for shooting range rental fees.

Off-Duty Contractual

No Changes

Traffic

Chief Jordan is requesting an additional traffic officer with the related additional vehicle and equipment. The additional officer would allow the department to have two officers out during both morning and evening rush hour when the volume of calls received is the highest. Speeding traffic is the number one complaint received by they department. Chief Jordan stated each officer produces approximately \$10,000/month in revenue from tickets. He also noted in 2009 the motorcycles will switch over again.

Al Herrera asked about turning crossing guards back to the school district. Chief Jordan responded some of the school crossing locations are not good, i.e. crossing 83rd Street, Nall, etc. He feels police controlled crossing guards provide more safety.

David Voysey asked for clarification between a traffic officer and a patrol officer. Chief Jordan responded that Traffic Officers receive advanced training and their primary assignment is investigating injury accidents, traffic enforcement and traffic education. Although the patrol division enforces traffic laws, they are the primary unit that responds to calls for service.

Improved Security Measures

The 2009 budget includes \$3000 funding for Council security and \$13,500 for court security. Chief Jordan noted Mission Hills has tentatively approved having security at their court sessions and they would be billed directly for this cost. Staff is recommending Prairie Village court security costs be covered by increasing the court administrative fee.

2008 security improvements include the following:

- Door lock upgrades - 7 doors
- Camera installation - 2
- Duress alarm visibility
- Bulletproof glass in dispatch
- Court and Council security

David Morrison asked if security was needed at Council meetings with the Chief in attendance. Chief Jordan responded he is not paying attention to the doors and audience during meetings he's attending. Diana Ewy Sharp stated she feels the security measures proposed provide a good balance of protection.

Council took a 10 minute break.

Public Works - Bob Pryzby

Mr. Pryzby stated his budget has no personnel changes. The following organizational changes have provided the most significant changes:

- Legal Services - city-wide consolidation in Administration Department
- Information Technology Equipment/Software Purchases - City-wide consolidation in the Administration Department
- Building maintenance for City Hall, Public Works, and Community Center consolidated into one program in the Public Works budget
- Pool and Tennis infrastructure maintenance budgets relocated to Public Works budget from Parks & Community budget.
- Streets and Drains program has been split to isolate stormwater related costs.

Mr. Pryzby also noted the traffic signal budget reflects an estimated 5% rate increased based on an interlocal with the City of Overland Park for shared signals. The Street Program reflects a significant increase in salt costs based on 2008 bids. The equipment replacement budget of \$103,500 was presented. \$79,000 has been budgeted for major maintenance/repair of city facilities.

Community Programs - Dennis Enslinger

There are no personnel changes or equipment replacement costs included in this budget. The major impact on this budget is the proposed movement of the Large Item Pickup from the General Fund to the Solid Waste Management Fund to be included with the regular trash service assessments. An additional fee of \$4.97 per household per year will be assessed and the exemption fee for those homes associations exempt from City services will increase from \$3 to \$8.

Quinn Bennion stated under this action the solid waste fund will receive additional funds to pay for the cost of the Large Item Pickup freeing funds in the general fund for other items. David Voysey noted the residents are still paying for the service but simply through a different fund.

Bill Griffith noted when you consider the stormwater utility fee and LIP assessment the Council is indirectly increasing the costs paid by residents by the equivalent of 5 mills or an increase in the sales tax rate to 1.4%. The City is not cutting back.

Laura Wassmer noted the goal is to maintain current service levels and as costs increase the only way to do that is to raise revenue. Residents have stated they want city services to remain at the current level.

David Belz stated if the reserve level is to remain at 15%, additional revenue needs to be raised.

Diana Ewy Sharp repeated that she does not support raising the mill levy as the City is already charging residents more under the stormwater utility fee and increase in the solid waste assessment.

Bill Griffith stated the City has done the equivalent of increasing the mill levy 7 to 8 mills in two years with the approval of this budget.

Ms Wassmer stated costs have increased and these increases need to be passed along. Mr. Griffith asked where it would stop. Ms Wassmer responded the city's mill levy is significantly

lower than other cities and acknowledged the need for the creation of additional revenue sources through redevelopment. Dale Beckerman asked where he would cut the budget. Mr. Griffith responded personnel need to be cut to have any significant impact. He would see an across the board cutback.

Al Herrera noted the City of Overland Park has placed a hiring freeze and are not filling vacancies. Mr. Griffith noted not filling vacancies is the equivalent of cutting personnel. He noted the city is the same size as it was 20 years ago and the population is less than it was 20 years ago, but it is not staffed at the same level as 20 years ago.

Michael Kelly acknowledged this is a short-term fix and that a long-term plan is needed to deal with this. Mr. Griffith stated the city ran through its fund balance two years before it should have. He noted the city's three major revenue sources are directly tied to growth. Each year the City should be looking at growing its franchise revenue, sales tax revenue and property tax revenue while limiting expenditures to that same growth. Mr. Griffith stated the City made a major error in approving the changes to the police pension plan four years ago.

Laura Wassmer noted 50% of the increased costs in the budget are costs the City can not control that are passed on to the City. Mr. Griffith responded that they should be addressed as they are personally - cutbacks have to be made in spending.

David Morrison stated it would be helpful to look at staff in view of population and size over the past years. Mr. Griffith noted the need to look to see if the City has overgrown staff in the past 15 years. David Belz stated you also have to look at what these personnel do for us and whether the citizens are willing to pay more to keep the people or cut them.

Chief Jordan responded when he started the Police Department had a reserve police force of seven individuals who assisted in covering for police absences. He also noted 20 years ago crime in the schools was handled by the schools and did not involve police. The traffic unit 20 years ago had 5 officers, it now has 3. Drug issues did not require a special unit. Crime prevention was not addressed. He noted to cut staff in public safety will require programs to be cut.

Quinn Bennion stated as staff worked on the budget they made significant cuts primarily in the capital improvement program but also in the general operating budget. As we talk about the movement of services it is more than discussion of service levels but the continuation of programs.

Bill Griffith stated he does not propose that 1980 can be equivalent to 2008; but noted the city has only grown in expenditures and programs and has not stepped back to truly evaluate the need for these programs as revenue decreased. It is the Council's responsibility to watch the budget and to rein in expenditures. He feels without doing so the 2010 budget will have yet more increases for residents.

Laura Wassmer stated the City has to come up with alternative sources of revenue. The answer has to be investment in the City. Mr. Griffith noted between 2003 and 2005 revenue and expenditures were relatively equal and with growth in the fund balance.

Administration - Quinn Bennion

There are no personnel changes or equipment replacements included in the budget. The budget reflects changes in the tracking of legal and IT costs. Proposed changes in service levels include the purchase of a financial software package (part of 2008 budget), website improvements (from economic development funds), Village Voice and HR Recruitment software.

Mayor & Council

This budget includes memberships, training and conferences and meals. Mr. Bennion stated he has received inquiries from some council members regarding remuneration. Information was presented from other cities on this issue. Some cities provide benefits paid by the City; others allow council members to participate in the city's benefits at their expense. After discussion, council members decided not to go forward with this.

Solid Waste Management - Dennis Enslinger

Mr. Enslinger noted the City's contract with Deffenbaugh goes through 2009 with a 4% increase cap. The proposed 2009 budget reflects this increase and a reserve for an anticipated significant increase in 2010. It also reflects the movement of the LIP from the general fund to the solid waste management fund.

Mr. Enslinger advised he also anticipates reductions in services in the new agreement. Deffenbaugh has limited other cities to 4 bags of compost and 4 bags of household trash. Prairie Village's current contract has no bag limit.

David Morrison noted Town & Country Disposal charges the City of Roeland Park less than what Prairie Village residents pay Deffenbaugh. Mr. Enslinger replied he does not feel Roeland Park residents are provided composting services. Bill Griffith shared the city's history with Deffenbaugh and results of going out to bid for services. Ruth Hopkins added the county is projecting the landfill to be filled by 2027 and potentially sooner if limitations are not put into place. Charles Clark noted the next nearest landfill is in Jefferson County.

Salary Structure

Quinn Bennion noted the budget reflects a balanced approach to salaries keeping salaries competitive while acknowledging costs. It maintains the current salary structure and the FBD recommendations for market adjustments.

Proposed Fee Increases - Karen Kindle

The City Staff reviewed fees charged for services and have submitted recommendations for changes. They have researched fees charged by other cities as well as the history of the fees.

Ruth Hopkins and Laura Wassmer expressed surprise with the dates of the last increase in many of the fees, noting that several years ago the Legislative/Finance Committee directed staff to review fees annually and recommended annual increases equivalent to the cost of living. Bill Griffith noted, however, several years ago building permit fees proposed by staff were rejected as the committee did not want to discourage home improvements and construction. Quinn Bennion noted the proposed fees provide balance with the primary

emphasis being on commercial fees. Ruth Hopkins asked if the department had considered giving reductions in fees if certain energy efficient accommodations were made. Mr. Enslinger stated that had not been addressed but could be considered. The changes proposed were primarily the replacement of standard fees with fees based on the value of the construction. This is possible.

Quinn Bennion noted a new fee is being proposed for fingerprinting services performed by the Police Department and the increased administration fee for court services that will cover the security costs.

Dale Beckerman asked if the City's fine structure is in line with other cities. Mr. Bennion responded fines are set by the municipal judges and he would provide a copy to Council.

Quinn Bennion stated the proposed budget takes the following steps to close the gap between projected revenue and expenditures:

- Revenue
 - Increased assessed valuation
 - Increased fees
 - Jail sales tax
 - Stormwater utility fee
- Expenditures
 - Thorough review of operating expenditures
 - Decrease in CIP expenditures

The projected outlook for 2010, 2011 is as follows:

- Strong residential tax base - likely to continue
- Professional standards, good public policy foundation and efficient government are positives
- Expenditures will increase just to maintain current service level
- Revenue will likely not increase enough to offset expenditure increase - facing a gap
- Strategic approach to sales tax revenue
- A balanced budget will continue to be a priority and a challenge.

The meeting concluded at 9:30 p.m.

David Voysey
Council President

SISTER CITY COMMITTEE
12 May, 2008
MINUTES

Call to Order

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

Approval of Minutes

Cleo pointed out references to Alyssa should be changed to Larysa. Jim also asked the mention of the Hospital Hill run be changed to the Trolley Run.

Jim moved for the approval of the minutes with corrections. Cleo seconded the motion and it passed unanimously.

Old Business

Dolyna - Cleo reported items for the display case in City Hall would be ready for display soon. Jim requested the items be placed at eye-level for better exposure.

Cleo reported exchange student interest in Dolyna is high.

Cleo reported when the Mayor of Dolyna visits he will likely bring Sasha and Larysa. There was discussion over when they should come and Villagefest was determined to be very appropriate. It was also determined to reciprocate their offer to us last year and pay for all lodging and food if they could arrange their own travel. Cleo estimated the total cost to be approximately \$5,000. In an effort to raise as much of these funds through donations as possible, the committee will be soliciting city businesses as well as organizations such as Kiwanis and Rotary.

Michael motioned to request the Mayor to formally invite a delegation from Dolyna to Prairie Village on July 3 - 7. Carol seconded the motion and it passed unanimously.

Carole contacted SME about textbooks and was directed to the Heritage Book Bank in downtown Kansas City. Unfortunately, the lady that runs it has been ill so Carole will report back next month on any developments. Cleo mentioned he had written his teacher contact in Dolyna to inquire if she had received the books he sent and wanted more. He has not yet received a reply.

Cleo also reported that Barbara Dolci said the International Visitor's Council of Greater Kansas City will be writing an article about our new sister city relationship. The publication will go out to all State Department organizations. It was also mentioned that the Federal government was watching us closely and wanted this relationship to succeed.

Jim will be drafting a letter from the Mayor to invite the delegation to come celebrate our independence at Villagefest. Cleo mentioned he will first send Jim a copy of the letter we were sent last year for guidance when writing ours.

Fundraising

Ideas were discussed for fundraising. Jim suggested a silent auction at Villagefest or a rummage sale. Dick felt a silent auction at Villagefest in the middle of the Dolyna visit may be a risk. Michael suggested partnering with a local restaurant to sell Ukrainian beers with the committee taking a percentage of the profits. Cleo mentioned he had received information from

the Cactus Grille and Jose Peppers on silent auction donations. It is not a difficult process but a date and event would need to be decided upon first. Carole felt the event should become an annual one like the SME lobsters or the Scouts pancake breakfast. She had previously explored selling Christmas wreaths and mentioned it could be such an event. She said the company sends a sample in advance and you only purchase what is ordered so there is less risk. Everyone felt this would be a great idea and should try it at the Hen House.

National Meeting

Carole explained the different break-out sessions available at this year's Sister Cities Conference. The ones she was most interested in were about fundraising.

New Business

Michael reported the Arts Council and Parks & Recreation Committee are getting together to form a subcommittee for starting a new annual city event. There was consensus a Sister City member should try and be involved.

Jim requested all members create a journal to help paint a better picture of life in the United States and Prairie Village. Even a few sentences over the next few weeks would be informative. It should be informal, not Village Voice type information.

Adjournment

The next meeting will be Monday, June 9th at 7 p.m. The meeting was adjourned at 8:10 p.m.

Jim Hohensee
Chair

PARK AND RECREATION COMMITTEE

May 14, 2008

The Park and Recreation Committee met May 14, 2008 at 6:00 pm in Windsor Park. Present and presiding, Chairperson Diana Ewy Sharp. Members present: Vice Chairperson Al Herrera, Diane Mares, Shawn Hickey, Jim Bernard, Jr., Sally Holmes, Joe Nolke, AJ LoScalzo and Peggy Couch. Staff: Quinn Bennion, Dennis Enslinger, Bob Pryzby, Mike Helms, Jeanne Koontz and Chris Engel.

CONSENT AGENDA

Al Herrera moved approval of the consent agenda. Jim Bernard seconded and it passed unanimously.

REPORTS

1. Public Works Report

Mike reported the contractors had begun working on the concession stand roof. He also stated the new picnic tables for Franklin Park would be arriving by the end of the week. Bob informed the committee the diving well was leaking water and would need to be dug up the next morning. He believes it is a broken pipe and will know more once it is dug up.

2. Recreation Program Report

Chris reported that pool staffing was coming along well and the pool manager had hired 40 guards and 16 operations attendants. There was also the possibility that a pool operations manager would be hired by the end of the week.

Chris mentioned the sign-up deadline had passed and dive and Synchro had particularly low numbers signed up so far and wanted some direction on what to do if they did not increase. There was discussion over what an acceptable minimum number of participants should be and what to do if that number is not achieved. Some members felt the teams should be cancelled while others felt they should endure until next year. After discussion it was decided each team needed to have a minimum of 20 participants signed up by May 22 or their seasons would be cancelled. The rationale behind the decision was to allow parents the time to get their children into other programs if the season was cancelled, place some of the onus on the coaches to get their numbers up, and it would not be fair to the children to have a team with so few numbers that it would not be fun.

3. Island Sub-Committee

Shawn reported the committee had met a second time. A landscape contractor, Rich Barrett, had also attended and given the sub-committee guidance on island plantings.

4. Parks Master Plan Sub-Committee

Jim reported the sub-committee would be interviewing the final four firms on Tuesday, May 27. He also requested that any specific questions the committee desired asked of the firms be sent to Chris.

5. Chairperson's Report

The Committee discussed the future of the City's parks. Bob mentioned there was \$150,000 in the 2009 CIP for the Parks Master Plan. In addition, there was still ~\$125,000 in the 2008 budget left since fall-zone replacements and Carroll Plaza were not completed. AJ started by stating the parks needed more exciting and interactive equipment like Loose Park. Jim added the need of more benches, a larger gazebo with a bandstand, and the ability to flood a flat area

for use as a skating rink. Al said he had been in contact years ago with a company that does temporary ice rinks in the winter month and would try to reconnect with them. Other suggestions were adjustable basketball goals, new water features at the pool, tree houses/forts, rope swings, increasing the open space, connecting the parks with a trail system.

Old Business

1. El Monte Fountain Update

Bob reported the El Monte Fountain contract will be going before the Council soon. Diane asked if the cost of adding lights had been figured. Bob replied it had not but could be worked out once design phase starts.

New Business

1. Consider Tropical Flurry

Chris reported concessions did not carry anything similar to this product and it could be positioned very well as an alternative to soda and Gatorade.

Diane moved for the sale of Tropical Flurry in the concessions stand. Shawn seconded the motion and it passed unanimously.

2. Consider 2008 Concession Stand prices

Chris reported that all prices were the same unless the wholesale cost went up or down.

Jim moved for the acceptance of the recommended 2008 concession stand fees as written. Shawn seconded and the motion passed unanimously.

3. Consider Harmon Park reservations for SME freshman football

Jeanne reported that the Shawnee Mission East freshman football team submitted a park reservation application for their team dinners for multiple dates in the fall. According to policy, the Park and Recreation Committee must approve the application. She stated they have not been charged in the past but do not technically fall under the "no charge" category. Bob Pryzby said they have left the pavilion a mess in the past and would recommend charging them. Mike Helms emphasized that they must bring their own trash bags and take their trash to the dumpster. The committee recommended charging them the resident fee and requiring that they follow all rules. They also recommended Public Works check the pavilion after the first use to verify their compliance. The committee approved the permit.

4. Recreation Booklet

Al requested that the inside cover of the recreation booklet be used more effectively because it is such a high visibility spot. Jeanne stated that the current usage of the inside cover was to get certain information out to the citizens in the absence of a spring Village Voice. However, that has changed so there should be no problem changing what is located inside the cover.

Informational Items

1. Next meeting will be the Public Forum on June 11, 2008.

The meeting adjourned at 7.30 pm.

Diana Ewy Sharp
Chairperson

FINANCE COMMITTEE
May 21, 2008

The Finance Committee met on May 21, 2008. Present: Chairman David Voysey, Charles Clark and Wayne Vennard. Staff Present: Quinn Bennion, Bob Pryzby, Chris Engel and Karen Kindle.

Stormwater Utility

Mr. Pryzby gave the Committee a status update on the Stormwater Utility.

- Mr. Pryzby handed out a sample of the work Larkin & Associates is doing on the project. He noted that there are some differences in square footage of impervious area between Larkin's work and the County's information - Larkin's calculations are higher.
- In reviewing the sample of Larkin's work, Mr. Pryzby noted that there were a lot of swimming pools. The decision at the last meeting was not to include swimming pools in the impervious area calculations. Mr. Pryzby asked the Committee for direction - do they want to include swimming pools? The Committee directed Mr. Pryzby to include the house and driveway only in residential calculations. For commercial calculations, the Committee directed Mr. Pryzby to include everything.
- Larkin is scheduled to be done with their work by July 1st. They have one staff person dedicated to this project.
- Mr. Pryzby and Mr. Bennion discussed the public information plans. Commercial property owners, schools and churches would be invited to group meetings in June. The Mayor noted that this concept was discussed with Highwoods at their meeting earlier this year. The July Village Voice would contain information for residential property owners.
- Mr. Bennion noted that staff is finalizing the budget for the Stormwater Utility Fund. So far, expenditures total approximately \$1.4 million. Once Larkin's work is complete staff will know the amount of impervious area in the City and can calculate the fee per square foot.
- The next Council action will be at the July 7th meeting when they adopt the ordinance to establish the utility.
- At the July 21st meeting, Council would approve the fee.
- Mr. Pryzby commented that between August 2008 and January 2009, he will develop the policy/procedures related to credits for stormwater mitigation measures undertaken by property owners.
- The Committee directed Mr. Pryzby to provide a summary of other cities that have a stormwater utility and how their fees are structured.

Meadowbrook Update

- Mr. Bennion updated the Committee on the status of OPUS' public financing application. At this time, OPUS has not submitted an application, but they are working on it. Mr. Bennion noted that he, Mr. Voysey and Mr. Enslinger met with OPUS to discuss their financing plans. Mr. Bennion has not had any further correspondence with OPUS since that meeting.
- Mr. Bennion said that a protest petition had been received and is being reviewed for compliance with statutory requirements. The petition forces a super majority vote (10 of 13) of the governing body for OPUS' application for rezoning to be approved.

FINANCE COMMITTEE
May 21, 2008

- Mr. Bennion informed the Committee that the rezoning application is scheduled to be considered by the Council on June 2nd.

Financial Software

- Mrs. Kindle and Mr. Bennion gave an update on the status of the budget software/financial software acquisition. Mrs. Kindle explained that after discussions with Mr. Bennion, the focus of the project has changed to include not only budget but other financial functions. Mr. Bennion shared his experience with the software in his previous position and how many functions were automated and paperless. He explained that staff still feels there are many efficiencies to be gained with new software.
- Mr. Bennion explained that because of the size of this project, staff has discussed using a consultant to assist with preparing the RFP and vendor selection, and is seeking direction from this Committee. Mr. Bennion discussed the project with one possible consultant and was quoted a price of \$5,000 plus travel expenses. This consultant noted that what he can save the City in maintenance agreement fees with his negotiation skills and knowledge of the market/vendors would more than pay his fees. Staff will be checking with the Government Finance Officers Association because they also provide these services.
- The Committee agreed that utilizing a consultant for a project of this magnitude would be wise.

Grant Fund

- Mrs. Kindle explained that the Police Department recently received a STEP Grant from the Kansas Department of Transportation. The grant reimburses the City for officer overtime related to traffic enforcement around certain holidays. In addition, Mr. Enslinger is working on the Safe Routes to School Grant application. Mrs. Kindle noted that the amount of grant activity seems to be increasing and will likely continue as the City seeks other sources of revenue for projects and operations.
- Mrs. Kindle explained that state statutes allow the City to establish a separate fund for grants. Mrs. Kindle recommends that the City establish a grant fund in accordance with state statutes in order to more easily account for grant money and to more easily meet the reporting requirements that come with grants.
- The Committee agreed with Mrs. Kindle's recommendation. Mrs. Kindle noted that she would bring this to the Council for approval in June or July.

Police Pension

- Mr. Clark discussed the 2008 Actuarial Valuation Report for the Police Pension Plan. In 2007, the Police Pension Board voted to update one of the assumptions used to develop the actuarial valuation. The actuary recommended changing the mortality table from the 1983 table to the 2000 table. The actuary presented several options for accomplishing this change with varying costs associated with each option. All of the options represent a significant increase in the City's contribution.
- The Committee discussed the funding of the plan and directed staff going forward to make the City's contribution in January of each year.

FINANCE COMMITTEE

May 21, 2008

- The Committee decided to recommend the option in which the new mortality table is implemented 100% in 2008. The cost of this option is approximately \$95,000 higher than what is included in the 2008 budget (the mortality table decision was made after the 2008 budget was adopted). The Committee recommends using 2008 contingency to fund the portion in excess of the 2008 budgeted amount.
- Mr. Clark will discuss this recommendation as part of his Pension Board report.

2009 Budget

- Mr. Bennion and Mrs. Kindle went through a draft of the PowerPoint presentation planned for the June 9th budget meeting.
- The Committee provided feedback for minor changes to the presentation.

The meeting was adjourned.

VILLAGEFEST COMMITTEE

May 22, 2008

The VillageFest Committee met May 22, 2008. Present and presiding, Chairman Bob Pisciotta. Members present: Diana Ewy Sharp, Doug Sharp, Joel Crown, John Capito, Luci Mitchell, Julie Weiss, Chris Andrews, Bob Pryzby, Sgt. Byron Roberson, and Jeanne Koontz.

Minutes

Bob Pryzby moved approval of the minutes of the April 2008 meeting. Joel Crown seconded the motion which passed unanimously.

Staff Report/Budget Update

Jeanne Koontz reviewed her staff report. She stated she is still waiting to receive contracts from Miller Marley, Gag Bag, Shriner Clowns, and Michael Beers Band. They have all been contacted. There will be an article in the June Village Voice along with the flyer. The website has also been updated.

The following donations have been received: Intrust Bank, \$500; Commerce Bank, \$1,000; Renewal by Andersen, \$750; and Old Mission Masonic Lodge, \$1,000. The following contracts have been promised but not received: Capitol Federal, \$1,000; Nations Title, \$750; Taylor Made Team, \$1,000; Meadowbrook Country Club, \$500; and Brighton Gardens, \$500. John Capito said Highwoods will be donating again this year at the Gold Level. Luci Mitchell said Community America will be donating again but she does not know what level yet.

Jeanne Koontz said she received a vendor booth request from Melissa McKittrick, a junior at Shawnee Mission East. She has started a project called Whistles for Women. The goal of this project is to provide a whistle to as many women as possible to help women protect themselves from attacks. She would like booth space. Ms. Koontz suggested the committee may want to waive the table and chair fee. Bob Pisciotta said he is not comfortable with waiving the fee because he does not want to start a precedent. He said he is willing to provide space for her. Luci Mitchell suggested she could walk around and hand the whistles out. Diana Ewy Sharp asked if there would be room at the Police Department display since it deals with Public Safety. Byron Roberson said that would be fine.

Jeanne Koontz said the placement of the ticket counter table at the Pancake Breakfast last year created a 'kink' in the long lines. Staff recommends moving the table to one end of the pavilion. The committee agreed and suggested putting it close to the grills.

Jeanne Koontz said she needs a count of pancake breakfast tickets for sponsors and other volunteers. Bob Pisciotta confirmed that a free breakfast will be given to anyone in a military uniform.

Jeanne Koontz reviewed the budget and said it looks good. Bob Pisciotta said he would like for the committee to pay for the shirts this year. Diana Ewy Sharp agreed.

Patriotic Service

Diana Ewy Sharp said the Sister City Committee would like 15 minutes during the day for the official signing of the papers between the City and Dolyna, Ukraine. The delegation has been invited but the committee is uncertain if they will attend. Council Member Mike Kelly indicates the committee understands it is too late to include this in this year's VF flyer and they will print their own if necessary. Bob Pisciotta said there would be time after the Patriotic Service if needed.

Creativity Center

Joel Crown reported that there will be craft tables, face painters, instruments, and balloon artists. He said he could use a few more volunteers.

Children's Parade

The Marching Cobras will follow the children instead of lead them. Doug Sharp and Julie Weiss will help with the parade.

Public Works Display

Bob Pryzby said he will have a display on water quality and some public relations information about the Stormwater Ordinance. He also may set up one of his trains.

Fire District Display

Chris Andrews said he will do the same display as last year and it will be in the same location.

Student Contest

Joel Crown said he has received 25 posters and expects 75 more.

Publicity

John Capito said the flyer will be distributed with the June newsletter. 1,000 extras will be printed to hand out on July 4th. He will order 100 signs and put up 40 – 50 around the City. There will be 4 ads in the Star with one on July 4th. He will blow up 10 signs to post around the grounds.

Hospitality

Lunch for volunteers and staff will be provided by Johnny's and served in the Multi-Purpose Room this year.

Volunteers

Bob Pisciotta said volunteers are needed in the creativity center and possibly at the water booths. Diana Ewy Sharp said the YMCA would like to be involved. She will suggest they can provide volunteers.

City Committees

Jeanne Koontz said the Sister City Committee, Environmental Committee and Municipal Foundation will need booths. She is still waiting to hear from the Arts Council.

Decorations

Flags will be placed the night before.

Other

Diana Ewy Sharp challenged the committee to look for something new for this year.

Bob Pryzby moved to adjourn at 7:40 pm. Joel Crown seconded the motion which passed unanimously.

Bob Pisciotta
Chair

PRAIRIE VILLAGE ENVIRONMENTAL COMMITTEE

MINUTES May 28, 2008

Chair Margaret Thomas called the meeting to order at 7:00 p.m. Attending were Margaret Thomas, Barbara Brown, Margaret Goldstein, Anne-Marie Hedge, Pete Jarchow, Cheryl Landes, Don Landes, Penny Mahon, Karin McAdams, Kathy Riordan, Kristin Riott, Linda Smith, Polly Swafford, David Morrison, Ruth Hopkins, Dennis Enslinger and Deborah English. David Morrison is a City Council member from Ward 5 and will be representing the council on this committee.

The minutes were approved as published

Earth Fair wrap-up – Sandwich making was discussed. Ruth, who was another appreciated volunteer on the lunch crew, suggested using a large off-site kitchen for making the sandwiches and assembling the bags; perhaps the school cafeteria could be used, especially as it would increase the available refrigerator space.

If we wanted another activity for kids, Barbara suggested t-shirts that they could color. Kristin referred her to Leslie Barland at Bridging the Gap.

Village Fest – The committee may cooperate with BTG on a booth. Deborah and Margaret Goldstein will coordinate it. Karin will make a display to encourage people to use clotheslines.

Community Forum – Kathy has arranged for a speaker for the October 9 event. He is Dr. Karl Brooks, and he will speak on "Blowing Smoke: Environmental Law and Kansas Air Quality." Dr. Brooks teaches environmental law at KU.

The Bluebird Bistro will provide the food again. Considering higher food prices, most favored returning to the price of \$20 each, although there wasn't a motion yet.

Electronics Recycling – October 25 in the Shawnee Mission East junior parking lot, probably from 9:00 a.m. to 3:00 p.m. At least 30 volunteers are needed for the following jobs:

- Intake monitors
- Financial overseer
- Unloaders and sorters
- Volunteer tenders
- Forklift operator
- Photographer
- City staff person
- Traffic overseers

Partnering cities will be Mission Hills and (maybe) Roeland Park. Some suggestions for the event were:

- Use this as a chance to build the supporting committee, perhaps recruiting volunteers at Village Fest.
- Publicize the event in the Village Voice, including the recycling fees, and also feature at the fall forum.
- Post highly visible signs with recycling fees clearly noted.

- Train volunteers ahead of time if possible.

Kristin Riott presentation on Five Green Things

In her capacity as Communications Outreach Director at Bridging the Gap, Kristin demonstrated a 15-minute presentation that many people will be bringing to organizations that want short, non-technical information about helping the environment. She invited committee members to volunteer to give presentations. She emphasized practice, modulating the voice, and finding a tone between flippancy and over-seriousness. We hope we can present this as well as she did. We will help BTG recruit speakers with a sign-up sheet at Village Fest.

Committee members applauded everyone's hard work to combat expansion of the Holcomb power plant.

The meeting was adjourned at 8:20 p.m. Next meeting will be on June 18.

Respectfully submitted,

Karin McAdams, Secretary

**PRAIRIE VILLAGE MUNICIPAL FOUNDATION
EXECUTIVE COMMITTEE
June 5, 2008**

Minutes

The Prairie Village Municipal Foundation Executive Committee met June 5, 2008. Present and presiding: Chairman Doris Wieggers. Members present: Mayor Ron Shaffer, A.J. LoScalzo, Diana Ewy Sharp, Bill Nulton, Doris Wieggers, and Marcia Jacobs. Also present: Quinn Bennion and Jeanne Koontz.

Approval of September 11, 2007 minutes

Marcia Jacobs moved approval of the minutes of September 11. AJ LoScalzo seconded the motion which passed.

Brochure

Doris Wieggers presented the brochure for approval. She asked the committee how many they want to print. Diana Ewy Sharp asked what the brochure would be used for. Doris said it would be passed out at VillageFest and it would be available at City Hall. Diana suggested putting the City's website on the brochure and creating a webpage for the Foundation. The committee agreed. The committee discussed the quantity. Bill Nulton moved to approve the brochure as corrected and authorize the printing of 300 brochures. AJ LoScalzo seconded the motion which passed.

VillageFest

Diana Ewy Sharp thanked the committee for agreeing to participate in VillageFest. She passed around a sign-up sheet. Jeanne Koontz will have the display board used last year.

Nominating the Committee

Doris Wieggers asked Marcia, Bill and AJ to serve on the nominating committee. They all agreed to serve.

Holiday Tree Lighting Report

Doris Wieggers reported that Barbara Vernon will be in charge of the event this year. Doris read her report from last year.

Approval of Gifts and Expenditures

Marcia Jacobs moved approval of the statement of gifts and expenditures listed on the report dated 8-1-2007 to 3-31-2008. Diana Ewy Sharp seconded the motion which passed.

Financial Report

Marcia Jacobs moved approval of the financial report dated March 31, 2008. Bill Nulton seconded the motion which passed.

Approval of Memorial Plaque and Park Bench Donation

Doris Wieggers reported that 3 park benches and a trash receptacle have been donated to Franklin Park in honor of Ruthie Simon. There is enough money leftover from her donation to cover the memorial plaque. The proposed plaque would read "Dedicated to the memory of Ruthie Simon who loved this park by her daughters." The committee suggested it read "Dedicated by her daughters to the memory of Ruthie Simon who loved this park."

Island/Statue Fund

Doris Wieggers said a line item has been created to accept donations for the upkeep of city islands and statues. The City has an island committee that is creating an inventory of all islands and statues. Mayor Shaffer said most of the funding for the upkeep of islands comes from homes associations. Marcia Jacobs asked if the committee would allow donations for specific islands or statues. Diana Ewy Sharp said a procedure would be needed to deal with that issue.

Discussion of Johnson County HOME Program, Minor Home Repair, and Utility Assistance

Quinn Bennion reviewed the three programs offered by the County that the City and the Foundation have contributed to in the past. The City will continue to budget money for the minor home repair program. He asked the committee if they would continue to support the HOME Program. Currently there is a remaining commitment of \$9,250 that the committee made in 2005. The committee authorized the committed funds to be used in 2008 for the HOME Program.

Merriam Parks, Recreation and Community Center Foundation

Diana Ewy Sharp said she had seen publicity for the Merriam Foundation and asked Quinn Bennion to speak about it. Quinn said they do two major fundraising events each year. In February or March, they hold a dinner/dance to raise funds. They also do a flag display each year. Individuals and businesses sponsor the flags. The committee liked the flag display idea and discussed the need for another event.

Expenditure Process

Quinn Bennion said he is concerned with the current expenditure process. Currently, staff approves expenditures and makes payment. He said he would prefer having a committee member approve the expenditures first. The committee agreed with this suggestion.

The meeting was adjourned at 7:05 pm.

Quinn Bennion
Secretary

**Council Members
Mark Your Calendars
June 16, 2008**

June 2008	Steve Karol digital art exhibit in the R. G. Endres Gallery
July 2008	Senior Arts Council exhibit in the R. G. Endres Gallery
July 4	City offices closed in observance of Independence Day
July 4	VillageFest
July 7	City Council Meeting
July 11	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
July 21	City Council Meeting
August 2008	Venus Auxier botanical art exhibit in the R. G. Endres Gallery
August 4	City Council Meeting
August 8	Artist exhibit in the R. G. Endres Gallery 6:30 to 7:30 p.m.
August 18	City Council Meeting
September 2008	Images Group Show mixed media exhibit in the R. G. Endres Gallery
September 1	City offices closed in observance of Labor Day
September 2 (Tues.)	City Council Meeting
September 12	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
September 15	City Council Meeting
September 23	Shawnee Mission Fall Breakfast at the Overland Park Convention Center
October 2008	State of the Arts exhibit in the R. G. Endres Gallery
October 6	City Council Meeting
October 10	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
October 11-14	League of Kansas Municipalities Confernece in Wichita, KS
October 20	City Council Meeting
November 2008	Mid-America Pastel Society exhibit in the R. G. Endres Gallery
November 3	City Council Meeting
November 7	Artist reception in the R. G. Endres Gallery 6:00 to 8:00 p.m.
November 11-15	National League of Cities Conference, Orlando, FL
November 17	City Council Meeting
November 27	City offices closed in observance of Thanksgiving
November 28	City offices closed in observance of Thanksgiving
December 2008	Tom Wilson, Melanie Nolker & Wendy Taylor mixed media exhibit in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 1	City Council Meeting
December 5	Mayor's 2008 Holiday Party
December 12	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 15	City Council Meeting
December 25	City offices closed in observance of Christmas

COMMITTEE AGENDA

June 16, 2008

ANIMAL CONTROL COMMITTEE

AC96-04 Consider ban the dogs from parks ordinance (assigned 7/15/96)

COMMUNICATIONS COMMITTEE

COM2008-01 Consider upgrade to City's Website (assigned 10/8/2007)

COUNCIL COMMITTEE

- 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 Master Plan (assigned 09/27/2006)
- COU2007-02 Consider Reducing size of Council & term limits for elected officials (assigned 1/8/2007)
- COU2007-27 Consider Project 190864 - 2008 Paving Program (assigned 3/9/2007)
- COU2007-33 Consider Project 190719: 2008 Storm Drainage Repair Program (assigned 4/11/2007)
- COU2007-35 Consider reactivation of Project 190709: 83rd Street/Delmar Drainage Improvements
- COU2007-40 Consider Code Enforcement - Interior Inspections (assigned 5/2/2007)
- COU2007-49 Consider Project 190868: Roe - 91st to Somerset Drive (assigned 6/27/2007)
- COU2007-62 Consider Project 190863: Parking at Shawnee Mission East (assigned 10/12/2007)
- COU2007-74 Consider reactivation of Prairie Village Development Corporation (assigned 12/3/2007)
- COU2008-01 Consider Project SP105: 2008 Crack Seal/Slurry Seal Program (assigned 12/31/2007)
- COU2008-02 Consider Project SP107: 2008 Street Repair Program (assigned 12/31/2007)
- COU2008-03 Consider Project 191022: 2008 Concrete Repair Program (assigned 12/31/2007)
- COU2008-21 Consider Project 190865:2009 CARS - Roe Avenue Resurfacing from Somerset Drive to 83rd Street (assigned 2/26/2008)
- COU2008-22 Consider Project 190890: 2009 Street Resurfacing Program (assigned 2/26/2008)
- COU2008-25 Consider Project 190871: Mission Lane Bridge Replacement (assigned 2/27/2008)
- COU2008-31 Consider Project 190721: 2008 Storm Drainage Repair Program Design Agreement (assigned 3/31/2008)
- COU2008-34 Consider recommendation from the Smoke-Free Task Force regarding the City's Smoking Ordinance (assigned 4/30/2008)
- COU2008-36 Consider rezoning of 91st & Nall from R-1a (Single family residential) to MXD (Mixed Use District) (assigned 5/7/2008)
- COU2008-38 Consider Resolution No. 2008-03 Supporting the Quarter Cent County Public Safety Sales Tax (assigned 5/27/2008)
- COU2008-40 Consider Project 190648: El Monte Fountain Replacement Design Agreement (assigned 5/27/2008)
- COU2008-41 Consider 2008 Police Pension Plan Contribution (assigned 5/29/2008)
- COU2008-42 Consider Design Agreement for Project 190876: 2009 CARS, 83rd Street Resurfacing from Roe to Somerset (assigned 6/12/2008)
- COU2008-43 Consider approval of a personnel policy relating to differential pay for employees called to active duty in the military (assigned 6/12/2008)

PARKS AND RECREATION COMMITTEE

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

PLANNING COMMISSION

- PC2007-01 Study City zoning regulations to address those items identified by the Village Vision Strategic Investment Plan in 2007 (assigned 8/20/2007)
- PC2008-01 Consider Cell Tower Policy (assigned 3/19/2008)

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)