

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

PLANNING & ZONING AND
REGULAR SESSION
THURSDAY, OCTOBER 29, 2015

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, October 29, 2015, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Mayor Holland, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Joe Connor, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Bridgette Cobbins, Unified Government Clerk; Ken Moore, Interim Chief Counsel; Rob Richardson, Director of Urban Planning and Land Use; Jamie Ferris, Planner; Chief Zeigler, KCKPD; Major Rodney Smith, KCKPD; Wilba Miller, Director of Community Development; and Captain George Sims, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Holland.

INVOCATION was given by Reverend Ken Nettling, Faith Lutheran Church.

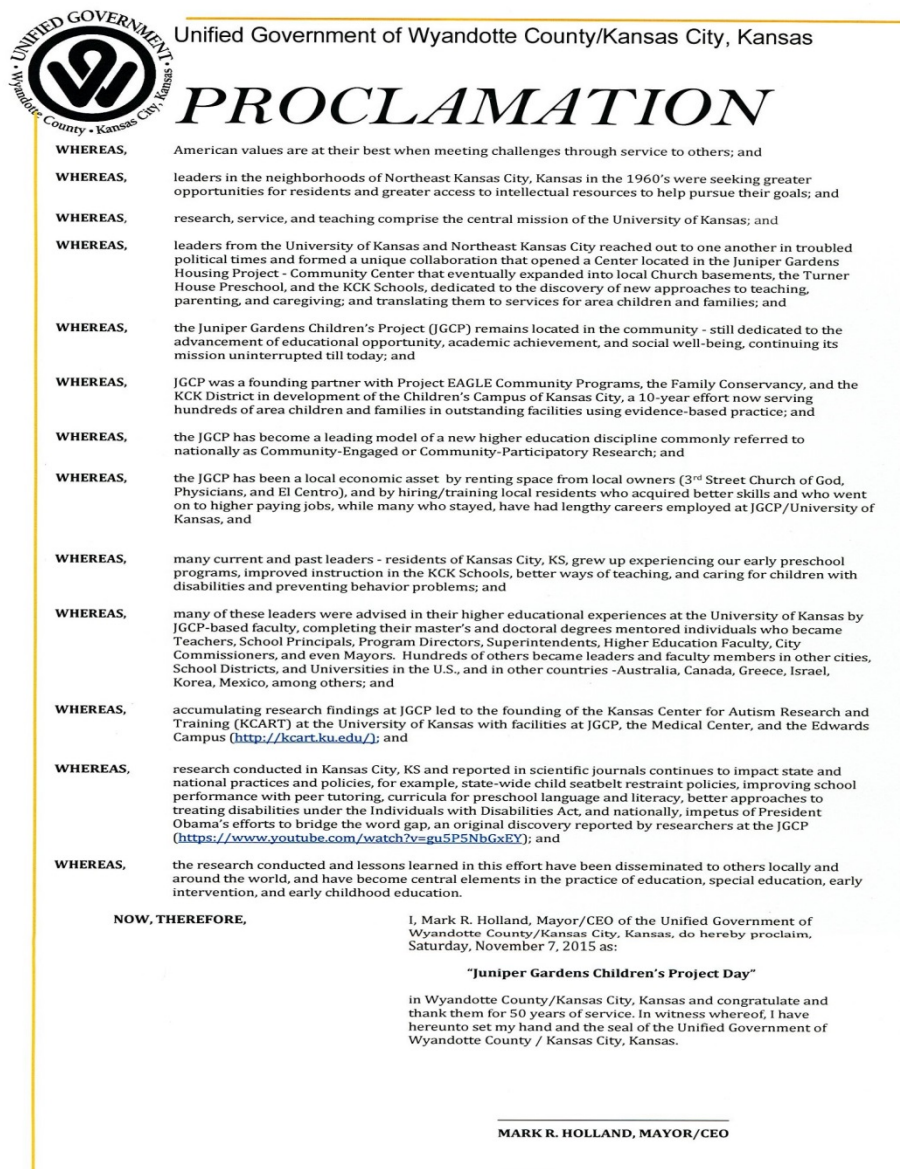
Mayor Holland asked if there were any revisions to the agenda.

Bridgette Cobbins, UG Clerk, said yes, Mr. Mayor, a blue sheet has been distributed. Under Section XI, Non-Planning Consent Agenda, Item No. 2 is being removed at the request of the developer. Item No. 2 is a plat for Legends Auto Plaza Second Plat. We're also adding an item. Item No. 7 is the Appointment to Boards and Commissions. It's the appointment of Deidra Tolon to the Alcohol & Drug Fund Advisory Committee, submitted by Commissioner Philbrook. Under Section XIII, Standing Committee's Agenda, we've added an item. It's Item No. 2, the Grant: Body Worn Cameras.

PROCLAMATION

PROCLAMATION: JUNIPER GARDENS CHILDREN'S PROJECT DAY

Synopsis: A proclamation proclaiming Saturday, November 7, 2015, as Juniper Gardens Children's Project Day.



Ms. Cobbins, UG Clerk, read the Proclamation.

Dr. Charles Greenwood, Director of Juniper Gardens Children's Project, said I just want to thank the Mayor and I'd like to thank all of you. I'd also like to thank my former director, Dr. Vance Hall, who was one of the original founder's of the Juniper Gardens Children's Project.

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Also here is Marilyn Hall who worked in programs with the first generation of KU Faculty of working with community leaders in the northeast community. My Associate Director, Debra Camps and my Administrative Director, Jenny Bryant and we're pleased to be here, thank you. We'll keep working and continue this great legacy.

Mayor Holland said tonight there are two distinct parts of our meeting. The Planning and Zoning portion will be handled next followed by the Regular Commission meeting.

I'll now ask the Clerk to read the Planning and Zoning statement followed by the items on the Planning and Zoning Consent Agenda.

Ms. Cobbins asked if any member of the Commission wished to disclose contact with proponents or opponents on any item on the agenda. There were none.

Ms. Cobbins, UG Clerk, read all items on the Planning and Zoning Consent Agenda.

Mayor Holland asked would anyone in attendance tonight or any Commissioner wish to remove an item on the Consent Agenda. Any item not removed will remain and voted for with a single vote as recommended by the Planning and Zoning Commission. **Commissioner Walker** asked to set-aside A-2, Special Use Permit, #SP-2015-53 and Special Use Permit Item No. 6, #SP-2015-58.

Mayor Holland said items No. 2 and 6 will be removed and asked if there were others.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the Consent Agenda subject to stipulations, excluding the set-asides.** Roll call was taken and there were ten "Ayes," McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

PLANNING AND ZONING CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 15178...SPECIAL USE PERMIT APPLICATION #SP-2015-48 – ANTHONY NOVICH

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Synopsis: Special Use Permit for a horse at 8731 Swartz Road, submitted by Robin H. Richardson, Director of Planning. (Recommended for denial). The Planning Commission voted 9 to 0 to recommend denial of Special Use Permit Application #SP-2015-48.

Below are the comments sent to the applicant:

Urban Planning and Land Use Comments:

1. Any approval would be for two years.
2. How many structures are on your property? What are the dimensions of each structure, including the horse's stall? Please provide pictures of the horse's stall.
3. When was each building constructed?
4. What detailed steps will be taken to improve and ensure future adequate ground cover? Please provide pictures of the ground cover.
5. What detailed measures are in place to control the smell from the horse's waste?
6. How often will the horse's waste be disposed of and in what way?
7. How often is the horse fed and given fresh water?
8. Do you store a trailer for the horse on your property, and if so, where do you store this trailer on your property?
9. How many square feet are enclosed within the fenced area?

Animal Control Comments:

If #SP-2015-48 is approved by the Board of Commissioners, an animal control permit must be obtained through the Animal Control office.

Conservation District Comments:

There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes, and Armster Clay loam, 3 to 8 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.

This site is not well suited to a horse operation. The fenced-in area is too small for the horse. The vegetation cover is mostly weeds with very poor grass growth. The animal waste needs to be controlled. Weeds are not a good erosion control for the soil nor the waste produced. Animal waste may cause health issues with the runoff into the road ditch and carried on down to the pond below. This can contaminate the drainage way and pond downstream. All waste needs to be disposed of in a proper manner that protects the community from contamination.

We would not recommend this site for a horse stable. Horses need a large field for exercising and grazing. Pastures need to be free of trees with good grass cover. For winter lots and in

wet times, horses may damage vegetation. In the spring these areas need to be reseeded and allowed to get well established.

There is not enough area for maintaining a good grass cover while supporting a horse.

Public Works Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval: None
- B. Items that are conditions of approval (stipulations): None
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the denial of Special Use Permit Application #SP-2015-48. Roll call was taken and there were ten "Ayes," McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 2 – 15179...SPECIAL USE PERMIT APPLICATION #SP-2015-53 – EDMOND F. MUMMERT

Synopsis: Renewal of a Special Use Permit (#SP-2013-32) for ten cats and one dog at 4001 Booth Street, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-53 subject to:

Urban Planning and Land Use Comments:

1. Are all animals current on all vaccinations?
Applicant's Response: Yes (see attached animals' medical records).
2. Are all animals inside the residence at all times, or do some go outside at times?
Applicant's Response: Yes and no.
3. What detailed steps are taken to ensure timely and proper animal waste removal?
Applicant's Response: I am retired, so I have litter boxes, six of them, and I keep them clean at all times, and I dispose of the waste through the trash disposal Deffenbaugh.
4. The previous application was approved by the Board of Commissioners with the stipulation that no further cats would be added, despite any cats succumbing or

disappearing, until the applicant was in compliance with the ordinance.

Applicant's Response: Okay.

Applicant's Additional Statement: These animals are being cared for. I have proof of all their vaccinations and all their other ailments. I spend about five thousand dollars a year on them, including their special foods from the vets.

P.S. I welcome anybody to come and look at our home anytime.

Animal Control Comments:

Animal Control finds no issues with this petition. If #SP-2015-53 is approved by the Board of Commissioners, an animal control permit must be obtained through the Animal Control office.

Conservation District Comments:

There is one major soil type in the plat area: Ladoga silt loam, 8 to 15 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover. Ten cats sound like an unusually high number of cats to have in one house. Special ventilation may be needed for cat and human health issues. Our major concern would be that the animal waste is disposed of in a manner that is safe to the public. Water quality is an issue if waste is not disposed of in a safe manner. It would be easy to contaminate the surrounding area.

Mayor Holland asked is Mr. Mummert in the audience tonight. If you'd like to come forward, you're welcome to make a statement about why you are making this request and then we'll open a public hearing.

Edmond Mummert, 4001 Booth Street, said well I'm just asking for renewal.

Mayor Holland said let me ask for anyone else who wants to speak in advance. Anyone in attendance who would like to speak in favor of this, please come forward at this time. Let the record show no one coming forward.

Anyone who would like to speak in opposition, please come forward at this time. Let the record show no one is coming in opposition. We will close the public hearing and it's now open to the Commission.

Commissioner Walker said, Mr. Mummert, you've been before the board before. Are these the same ten cats you had the last time? **Mr. Mummert** said yes sir. **Commissioner Walker** said and you understand that this is not a permit for you to perpetually have ten cats. **Mr. Mummert** said excuse me. **Commissioner Walker** said if one of your cats dies, runs away, disappears, whatever the circumstances might be, this is not an authorization for you to replace that—**Mr. Mummert** said I understand. **Commissioner Walker** asked you understand that. **Mr. Mummert** said yes sir. **Commissioner Walker** said, Rob, do we know, do you know what cats he has? Do you have photos, mugshots? **Rob Richardson, Director of Urban Planning and Land Use**, said no sir. **Commissioner Walker** said okay.

Mayor Holland said I want to ask a question. Are all of these spayed and neutered? **Mr. Mummert** said yes. **Mayor Holland** asked and you have the documentation for that...**Mr. Mummert** said yes I have. **Mayor Holland** said and it has been submitted to Planning and Zoning? Do you have all the vaccinations? Are they all registered? **Mr. Mummert** said yes I do. **Mayor Holland** asked do they have litter boxes inside or are they just dispelled into the neighborhood to---**Mr. Mummert** said no they're inside. They've got litter boxes inside. They don't go outside.

Mayor Holland said alright. I will just voice my standing opposition to additional animals in homes. Ten is far and away above and beyond anything we allow. I think it damages our housing stock. I think it's hard to resale homes that have had this many animals in it. I think it diminishes the long-term value.

A homeowner might want to do that for their time, but our housing stock outlasts all of our homeowners and new homeowners I think it just diminishes the value. I think having ten cats is too many and it's in a dense neighborhood. I think it's very difficult to tell other people who come forward.

We just worked on dogs and cats and spent an extensive amount of time working on it. We increased the number of dogs you could have to three. How many cats do we allow? Three. So we have a maximum of six animals of any kind and we're doing ten dogs and one cat. We're up to eleven. I also feel sorry for that dog.

I just want to say I'm fundamentally opposed to this and if it comes to me, I'll vote against it.

Commissioner Walker said I'm not oblivious to the plight of animals and the need for adoption and people taking on responsibility. I think I voted for this the last time. I'll probably vote for it this time, but I agree with the Mayor in principle that we have got, as a Commission, to get a handle on animals and what is going to be allowed. He's right, if your next door neighbor came to us and said he wanted ten cats, I would be in a terrible position to tell that individual that he couldn't do it.

We've had this rule on the limitation of animals for many years. I know it goes back before I even started working here in 1979. To come forward at this time basically is a statement, not particularly this time, the last time, that you were already in violation of an existing ordinance and you wanted to be exempted from it. Well, I'm not going to put seven animals and have them euthanized or perhaps adopted out or even worse abandoned, but we've got to get a handle on animal control in general.

I have some other comments on the other item I put aside. You've got five years and I will be very surprised if you have the same ten cats five years from now if I'm here.

Mr. Mummert said these animals were inherited to me by the neighbors behind me. I started out with one cat. My daughter came up with a cat on the motor hood of her car so I took it. I go to the vets and get another one for a playmate. In the meantime these neighbors behind me were feeding feral cats. When they moved out, these cats all came to my place, little cats, and I took about four or five more and sold them to the vets. I had to give \$50.00 a piece to get them adopted out. The rest of the cats wound up at my place and I took them and got them neutered and everything. I spent \$5,000 to \$6,000 last year on these animals; special food and they get all their medications and they don't go outside, they don't harm nobody. My house is clean. Anybody who wants to come over to my house and look at it, you're welcome. These cats are not in cages. They roam the house and they don't hurt a soul.

Previously in my life I've never had cats. I've always had a dog, but I could not turn my back on them. I mean the little things were starving to death. I got one that had three legs, four to begin with but a dog chewed him up. I got two or three that's got sores, they're growths. Everything that goes wrong with them cats they get special care. I got a veterinarian down at Rainbow Vets that takes care of them. Like I said they are not hurting. They don't hurt nobody and these animals they get special care. That's all I can say.

Commissioner Murguia said, Mr. Mummert, thank you very much for what you do for our community in the way of stray cats. I really appreciate that and if everybody did that we wouldn't have a stray cat problem. **Mr. Mummert** said that's a fact. **Commissioner Murguia** said that is a fact. I greatly appreciate all you're doing and it just goes again to testimony that if you review the details, things are not always as they appear. Sometimes things like this are beginning done may not look good on the surface, but are incredibly beneficial to our community so I'd encourage all of us next time to review all the details and the amount of money and all the paperwork and documentation that Mr. Mummert has brought forward.

I just want to tell you, again, I greatly appreciate what you do. You make my district better and I greatly appreciate that.

Commissioner Philbrook said well I appreciate the fact that you did, you took on the steps of actually doing what we recommend and that is spay and neuter. You're following all the guidelines that we're asking you to do. You're being an excellent citizen and yes sometimes we prejudice folks because we don't have the experience or we haven't had the experience of having a lot of animals in a home and knowing that it can be done and be done in a great fashion. Thank you very much.

Commissioner Walker said I too, Mr. Mummert, appreciate the fact that you've taken on this responsibility and my point is not that you have taken on a responsibility that most people wouldn't, but the issue remains that it is impossible in the neighborhood to believe that everyone should be able to have as many dogs and cats as they want and not have some regulation of them. I appreciate what you said. You understand that as the cats move on in whatever way that you're not going to add more cats to it. The fact that none of your neighbors are here is a testament to that. For me this was just an opportunity to say this and another issue tonight are indicative of a trend and I think great I'm glad to see people doing what you're doing. **Mr. Mummert** said thank you.

Action: **Commissioner Murguia made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit #SP-2015-53 for five years, subject to the stipulations.** Roll call was taken and there were ten "Ayes," McKiernan,

Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 3 – 15180...SPECIAL USE PERMIT APPLICATION #SP-2015-54 - MARIA VILLEGAS WITH SOCCER NATION

Synopsis: Renewal of a Special Use Permit (#SP-2013-32) for a youth athletic training facility at 520 South 55th Street, submitted by Robin H. Richardson, Director of Planning. The applicant wants to continue operation of an indoor soccer facility. The applicant requests a special use permit renewal for five years. The Planning Commission voted 9 to 0 to recommend approval of the Special Use Permit Application #SP-2015-54 subject to:

Urban Planning and Land Use Comments:

1. Have any parking issues arisen since the original special use permit (#SP-2013-32)?
Applicant's Response: No issues have arisen since the beginning of the original special use permit was issued.
2. Please submit confirmation of a current shared parking agreement with Eagle Investors at 450 South 55th Street.
Applicant's Response: See attached.
3. Are any signs (permanent or temporary) posted on the property? If so, please state the sign type.
Applicant's Response: We have a wall sign. Picture included.

Public Works:

No Comments

Business License Comments:

Soccer Nation has maintained current occupation tax for the facility and concessions, as required.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit #SP-2015-54 for five years, subject to the stipulations. Roll call was taken and there were ten "Ayes," McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 4 – 090217...SPECIAL USE PERMIT APPLICATION #SP-2015-55 – ALISTAIR TUTTON WITH VOX THEATRE, LLC

Synopsis: Renewal of a Special Use Permit (#SP-2010-38) for an event center at 1405 Southwest Boulevard, submitted by Rob Richardson, Director of Planning. The applicant seeks renewal of a special use permit to continue operation of a commercial photography studio and an event space for private parties. Common events are wedding receptions and corporate events. The applicant requests a ten year renewal after having a five year special use permit previously. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-55, subject to:

Urban Planning and Land Use Comments:

The original 2009 application was approved with the following stipulations:

Urban Planning and Land Use Comments:

1. The parking plan that was submitted during the application submittal shows on-street parking. On-street parking cannot be counted towards your overall parking count. They have applied for a variance.
UPDATE: The appeal was approved on August 3, 2010, subject to:
 1. All shared parking agreements are recorded with the Register of Deeds. (This has been fulfilled).
 2. Copies of the recorded agreements are submitted to planning staff. (This has been fulfilled).
 3. If ownership of any of the properties where parking is being shared changes, the applicant shall notify planning staff and either gets a parking agreement with the new owner or find another area to park.
 4. All surfaces improved for parking and striped.
2. A parking agreement is required between the property owner at 1405 Southwest Boulevard and the property owner of the proposed parking lot. A copy of the parking agreement shall be returned to the Urban Planning and Land Use Department after the agreement has been notarized and filed with the Register of Deeds. The applicant has signed and notarized copies of parking agreements between various property owners. The applicant is in the process of filing them with the Register of Deeds.
3. What are your proposed hours of operation? The applicant indicated that the proposed hours of operations for event rentals will be 5:00 – 10:00 p.m. Sunday through Thursday and 5:00 – 11:00 p.m. Friday through Saturday. The building will be open from 9:00 a.m. – 5:00 p.m. daily for deliveries and business associated with the photography studio.
4. What is the anticipated maximum occupancy load in the building? The applicant stated that the maximum occupancy is 220 seated and less than 300 for a standing

function. Mr. Tutton anticipates 150-220 guests for most events.

5. As indicated on the application, food and alcohol will be brought in from licensed caterers. There are no loading zones in front of 1405 Southwest Boulevard. Where will these vehicles unload their deliveries? Mr. Tutton confirmed that vehicles will unload inside the building via the garage door off Southwest Boulevard. He also stated that deliveries can unload from the rear via the alley; however, the alley is unimproved and very narrow.
6. If approved, it should only be approved for one year to assess the neighborhood impact.
7. Staff has received numerous emails from surrounding property owners. They have expressed their support for the petition. Please see the attached emails from adjacent property owners.
8. Although this applicant has much community support, our experience is that owners have no control of patrons once they leave the premises. No matter how good the owner may be, they have no control of on-street vandalism, litter, and other crimes associated with this type of use.
9. Security must be provided for all events on-site and in the north parking area adjacent to the residences if it will be used.

The 2010 application was approved with the following stipulations: (See Applicant's Response to Draft Staff Report Below):

1. Wendy Wilson, Rosedale Development Association, has indicated that there have been no issues with this operation the last year.
2. Have any of the parking agreements changed? Please submit letters from the owners stating that the parking agreements are still in place.

Current Comments:

1. Please provide documentation of current and notarized shared parking agreements with surrounding property owners.
Applicant's Response: See attached. Applicant submitted current shared parking agreements with Rosedale Development Association, Inc. and DAB Holdings, LLC, Midtown Signs.
2. What are the days and hours of operation?
Applicant's Response: Sunday through Thursday 5:00 p.m. – 10:00 p.m., Friday through Saturday 5:00 p.m. – 11:00 p.m. The building will be open from 9:00 a.m. – 5:00 p.m. daily for deliveries and business associated with the photography studio.

3. How often do live entertainment events take place?

Applicant's Response: Live entertainment events take place typically every weekend, ranging from 1 – 3 total events each week. For the year, we are close to 75 events.

Public Works Comments:

No Comments

Business License Comments:

Vox has maintained current occupation tax for the event venue as required, however, there is no annual live entertainment license. There is no alcohol license for the venue, but if any of the events held at the venue combine catered alcohol and any type of live entertainment (Band, DJ, Instrumentalists, etc.), then a live entertainment license is required. If there are alcohol catered events at the venue, any alcohol caterer does also need to have current occupation tax filing with our office.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit #SP-2015-55 for five years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 5 – 15182...SPECIAL USE PERMIT APPLICATION #SP-2015-57 – CASA AGAVE

Synopsis: Renewal of a Special Use Permit (#SP-2013-49) for live entertainment in conjunction with existing restaurant at 1340 Village West Parkway, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting a renewal of original special use permit (#SP-2013-49) to allow live music at Casa Agave. The music would, at times, take place outside on the restaurant's patio. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-57 subject to:

Urban Planning and Land Use Comments:

1. What days of the week will live entertainment events take place?

Applicant's Response: Live entertainment will take place on weekends – Fridays, Saturdays, and Sundays. Outdoor entertainment will be seasonal and will only take place in the spring through the fall.

2. What time will the proposed events begin and end?

Applicant's Response: Live entertainment will begin at 9:00 p.m. and end at 1:00 a.m.

3. Please provide details of your current security plan.

Applicant's Response: Our current security plan is the utilization of two off-duty Kansas City, Kansas police officers, which is what we have done during the course of the prior special use permit.

Applicant's Additional Comment: Your e-mail under date of September 5, 2015 makes reference to an illegal advertising sign placed in the right-of-way. That sign has been removed. The zoning sign was placed on the property prior to September 22, 2015 and does remain on site as of this date.

Public Works Comments:

No Comments

Business License Comments:

Casa Agave has maintained current occupation tax and annual entertainment license, as required.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit #SP-2015-57 for five years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 6 – 150147...SPECIAL USE PERMIT APPLICATION #SP-2015-58 – CINDY BURTON

Synopsis: Special Use Permit for ten chickens at 816 South 72nd Street, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-58, subject to:

Urban Planning and Land Use Comments:

1. Per Sec. 7-170(a-b)
 - a. It shall be unlawful for any person to keep or maintain any livestock or fowl or

any pen for the same within the city in areas not zoned agricultural without first obtaining a permit to do so from the office of director of animal control.

- b. Application for the permit shall be made to the office of director of animal control on forms furnished by the office. Such application shall state the name of the person so desiring to keep such animals or fowl and maintain pens therefore within the city, the location of the premises where the same are to be kept and maintained, the kind of animals and fowl to be kept and maintained, and any other information that the office may desire. Such application shall be signed by the applicant and shall bear the date that the application is made. No permit will be granted unless the request conforms to the zoning ordinances of the city. The initial permit fee and annual renewal fee shall be set by the County Administrator.

Applicant Response: Acknowledged.

2. Because the chickens will be in the coop, will they move around the property or stay in a single location at all times?

Applicant Response: The coop will stay in a single location.

3. What are the estimated dimensions of the area that the chickens will take up on the property?

Applicant Response: The area is 30' x 30' that the chickens will take up on the property.

4. Please provide a drawing/image relating to where the chickens will be kept in relation to the home on the property, neighboring homes, property line and other structures.

Applicant Response: See attached photos.

5. Please submit a plan for how the chickens will be kept in addition to a plan to deal with waste from the chickens.

Applicant Response: The chicken waste will be used for compost and fertilizer the garden.

6. Please address issues of feed and diet for the chickens, how will they be fed?

Applicant Response: The chickens are fed layers blend feed and black sunflower seeds, plus vegetables from the garden.

7. Due to the fact that Mill Creek bisects the property, how do you intend on keeping animal waste from running into the creek?

Applicant Response: The creek is far enough way to not matter. I rake the pen weekly and keep my coop clean.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval: None

B. Items that are conditions of approval (stipulations): None

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- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Cindy Burton, 816 South 72nd Street, said they're in a contained area that's completely covered. We have the whole corner block. The neighbor kids have come over and they're learning about the chickens and eggs. We have a garden and I just found out I needed the permit for them.

Mayor Holland said I will open up the public hearing. Is there anyone tonight in attendance who would like to speak in favor of this petition? Let the record show no one moving forward. Would anyone like to speak in opposition? Let the record show no one is coming forward. We'll close the public hearing and we'll turn it over to the commissioners.

Commissioner Philbrook said this is in my district and I happened to be present during the presentation before Planning and Zoning and heard everything that was said and saw what was going on. I don't have any problem with her having the ten chickens because I believe that she's very dutiful person and she's doing it for that reason. If you want to explain to them why you have ten chickens? **Ms. Burton** said we turned off at 12 because we figured several of them would die before they got big enough. We didn't loose any of them, but we have had two, animals along the creek that come up and we've lost two of them to that is how we ended up with ten. **Commissioner Philbrook** asked but they're all enclosed appropriately? **Ms. Burton** answered yes. **Commissioner Philbrook** said and they're not out running the neighborhood? **Ms. Burton** answered no. **Commissioner Philbrook** said I personally don't see any problem with this particular one. I'm not saying I want everybody to have ten chickens in their backyard because I know I'm not going to, but for her the way her land is setup, the way her setup is, I don't see a problem.

Commissioner Walker said I don't particularly have a problem either. I'm familiar where this location is. My point in setting it aside is an opportunity to make a statement that I have—again there seems to be a trend of returning to the farm and livestock and I'm just simply—chickens in the right location there's plenty of places where people could raise an appropriate number of chickens and there are no problems in the neighborhood. There are neighborhoods just to the

east of here, for example, on 25 foot lots where windows are two feet apart and having four chickens in the backyard could be a problem.

I know that we are waiting some report from the committee regarding the committee being this ad hoc group that is studying this ordinance. I would like to get ahead of the curve on request for chickens and ducks and rabbits and perhaps bigger livestock if that's an issue before it becomes a problem with everybody wanting fresh eggs and wanting to raise them. I'm not saying there aren't a lot of locations, I'm not saying if you have the right kind of location, I just think there are locations where you don't have enough ground. I know chickens don't take up a lot of ground, but they make noise, they defecate, they—the good intentions of people don't always follow through. I just think we're going to have a deluge of chicken applications if we don't have some criteria by which to judge these. Right now we're just doing it ad hoc.

Commissioner Philbrook said we just finished up a meeting last week meeting with some folks to help us out on creating differences in codes for chickens and it looks like it's going to be a lot more restrictive than what some people want, but on the other hand, it's going to make things available for some people to have chickens, but be responsible so that we don't have to worry about people getting ill from the chicken droppings and all that other stuff. It'll give us a good foundation to work from.

Commissioner Walker said could I ask just a general question? Is this group going to solicit input from the Commission before they drop a proposed ordinance on us? **Commissioner Philbrook** said what we're asking is that the Legal Department put it together and then we can have it disseminated to you to take a look at. **Commissioner Walker** said thank you and I have no more questions about this particular item.

Mayor Holland said Commissioner Philbrook we just don't want that committee to lay an egg. Is there a motion?

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Murguia, to approve the Special Use Permit #SP-2015-58 for two years, subject to the stipulations.** Roll call was taken and there were ten "Ayes,"

McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 7 – 15149...SPECIAL USE PERMIT APPLICATION #SP-2015-59 – SARAH PURTEE WITH HIGH HEEL SWEETS

Synopsis: Home Occupation Special Use Permit for a bakery at 12516 Farrow Avenue, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-59, subject to:

Urban Planning and Land Use Comments:

1. No signs posted on the property.
2. No employees, other than members of the immediate family, residing on the property.
3. No more than two clients at any one time.
4. Approval for two years.

Public Works Comments:

None

Business Licensing Comments:

If approved, applicant will need to file the required occupation tax application for the business with our office.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit #SP-2015-59 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 8 – 15183...SPECIAL USE PERMIT APPLICATION #SP-2015-60 – CURTIS PETERSON WITH POLSINELLI

Synopsis: Renewal of a Special Use Permit for an existing skilled nursing and assisted living facility (change of ownership only) at 8900 Parallel Parkway, submitted by Robin H.

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Richardson, Director of Planning. Curtis Petersen with Polsinelli PC, on behalf of the owner, MS Kansas City, LLC has filed for a special use permit in order to sell the property to Welltower, Inc. that will operate the 100 bed skilled nursing and assisted living facility at 8900 Parallel Parkway. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-60 subject to:

Urban Planning and Land Use Comments:

1. This special use permit is simply being filed due to a change in ownership. Welltower, Inc. is purchasing the property and facility from MS Kansas City, LLC. Special use permits are non-transferrable, so this process is required.

Public Works Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval: None
- B. Items that are conditions of approval (stipulations): None
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit #SP-2015-60. Roll call was taken and there were ten "Ayes," McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 9 – 15184...SPECIAL USE PERMIT APPLICATION #SP-2015-61 – MICHAEL A. RHODES/COMMERICAL LANDSCAPERS

Synopsis: Home Occupation Special Use Permit for a commercial landscaping business at 10702 Donahoo Road, submitted by Robin H. Richardson, Director of Planning. Mr. Rhodes is requesting approval of a special use permit for a home occupation to operate his landscaping business, Commercial Landscapers, out of his home. The property will have his house as well as an accessory building to house the landscaping equipment and materials, for which a variance for extra square footage is also being requested of the Board of Zoning Appeals on October 12, 2015. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-61, subject to:

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Urban Planning and Land Use Comments:

1. What is the long-term plan for the business? Is the intention to perpetually keep the business at this location, or to move it to a commercially zoned property in the future?

Applicant Response: *Only the office operations of the business are located on site. Mr. Rhodes and his assistant are the only employees who regularly work at this location; business performed on site are office functions. No delivery of landscape material to the site as these are delivered to the project site. Plan is maintain these operations on site indefinitely.*

2. Please indicate the hours of operation

Applicant Response: *Hours of operation are 8 a.m. to 5 p.m.*

3. How many employees will work on site?

Applicant Response: *Employees are Mr. Rhodes and his assistant (2)*

4. Where will those employees park on the site?

Applicant Response: *Mr. Rhodes and one employee will park either in the drive or in front of the accessory structure.*

5. Please disclose the number of and type of vehicles that will be on the property and where will those vehicles be located.

Applicant Response: *Vehicles on site will be Mr. Rhodes and his family's personal vehicles and his one employee's personal vehicle.*

6. Please disclose the location of equipment, bulk materials and other landscaping products. This can be best illustrated in a site plan.

See site plan below

7. Submit a full site plan showing parking, outbuildings and material storage areas.

See site plan below.

Stipulations:

1. No on-site signage
2. Hours of operation may not extend past 7 pm
3. No non-family member employees may reside on the premises
4. No outside storage will be allowed
5. Approval for two years

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit #SP-2015-61 for two years, subject to the stipulations. Roll call was taken and there were ten "Ayes," McKiernan,

Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

MISCELLANEOUS – ORDINANCE

ITEM NO. 1 – 15185...ORDINANCE – VACATE UTILITY EASEMENTS

Synopsis: An ordinance vacating utility easements (#U/E-2015-8) at 1405 North 98th Street, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-63-15**, “An ordinance vacating utility easements (#U/E-2015-8) at 1405 North 98th Street.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 15186...SPECIAL USE PERMIT APPLICATION #SP-2015-56 – CLAUDINE BARNETT

Synopsis: Renewal of a Special Use Permit (#SP-2013-37) to keep three horses at 3814 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning. The applicant seeks renewal of a special use permit to continue to keep three horses on her property. The Planning Commission voted 7 to 2 to recommend approval of Special Use Permit Application #SP-2015-56, subject to:

Urban Planning and Land Use Comments:

Case History:

When Ms. Barnett applied to house three horses on her property in 2011 she stated her expertise in horse care and indicated that she would maintain the animals and property well as to avoid any nuisance or hardship on both the horses and neighbors. No one was in opposition in 2011.

During the renewal process in 2013, staff received two letters of opposition and one of support from neighbors. Those in opposition expressed concerns over the upkeep of the yard, the disposal of horse waste, the attraction of vermin, and Animal Control concerns. Ms. Barnett indicated that she was looking into renting a dumpster from Deffenbaugh to dispose of the horses' waste.

Staff has not been made aware of any current code violations or neighborhood concerns.

Animal Control Comments:

Animal Control finds no issues with this petition. If #SP-2015-56 is approved by the Board of Commissioners, an animal control permit must be obtained through the Animal Control office.

Conservation District Comments:

There are two major soil types that were identified: Knox silt loam, 12 to 18 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover. This is not a good site to house three horses. The building is down in a valley very close to the stream. There is a lot of fast water from streets and homes upstream that flows through the site. The area is covered with a lot of trees so grass cover is very poor. The horses have destroyed what little green grass was there as well as the leaf litter. They have compacted the area so little water will infiltrate the area. Due to the lack of ground cover and increase compaction there will be more runoff. This combination will cause contaminated water flow into the stream. There is no buffer between the stream and the pastured area. This removes any natural filtering which might occur. Waste products will pollute the stream and can cause contamination of drinking water. Horses need about two acres of good grass to support them. With three horses there needs to be at least 5 acres of good grass to support a healthy herd. This site needs protection of the stream before it is approved. It should not be approved until such time as changes are made. The same problems were noted in January 2011 and May 2013. There has been no change in the situation. The Conservation District would be happy to provide assistance to the landowner in improving the situation.

Mayor Holland asked is Ms. Barnett here?

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Mr. Richardson, said, Mr. Mayor, the Clerk is passing around a letter that we received yesterday afternoon concerning this case from another neighbor.

Claudine Barnett, 3814 Leavenworth Road, said I am here to try to get another permit to keep my horses on my property. I own three horses. They have been with me since—the youngest is now about 12 or 13 and I've had him since he was two years old. The oldest is probably about 19 or 20.

I keep them in like a dry lot area and I provide hay and sweet feed for them and pretty much anything else they need. I come from a farm environment. I went to K-State for agriculture and pre-veterinarian medicine and I work for the State of Kansas also as a Vet-Tech for the Kansas Racing and Gaming Commission at the Woodlands working with the greyhounds and race horses.

Mayor Holland said thank you and I'll open up the public hearing. Is there anyone in attendance tonight who would like to speak in favor of this application? Let the record show no one is moving forward to speak in favor. Would anyone like to speak in opposition to this petition? Let the record show no one speaking in opposition. We will close the public hearing and open it up to the Commission.

Commissioner Townsend said I have a few questions about what has not happened from the conservation notes that I'm reading that were suggested two years ago when this was approved. There was some concern raised then about the grass and site needs protection of the stream and the Conservation District at that time. I guess this time is not recommending approval until something is done for the ground cover.

Now I understand from the comments here that you contacted the Conservation Committee, but what's going with that. I'm concerned that this is for five years instead of two. I'm not sure why the recommendation was for five years instead of two as well. **Ms. Barnett** said Conservation came out and they're giving me like literature and pointers of what I need to do and I'm in the process of making a little containment pen where I can reseed the ground so hopefully over the winter the seeds will set and then I can have grass. **Commissioner Townsend** asked how long will that take. Did Conservation say in terms of establishing adequate ground cover? **Ms. Barnett** said that's probably what they told me is that over the

winter because I'm going to have to throw like not mulch, but like straw or something to keep the seeds in place. When spring comes I should see a new growth of grass.

Commissioner Townsend said the other question I have was dealt with their recommendation, their being the Conservation District again, about the amount of acreage needed for your animals. **Ms. Barnett** said yes, ordinarily if you have grazing animals and you're letting them eat off the existing ground you would need one acre per animal, but I'm providing hay and I put a large round bale in the pen with the horses and they're allowed to free range feed off of it. I'm providing what they need. They're not ever hungry because they have something in front of them.

Commissioner Townsend said as I said my only concern was that this is recommended for five years instead of two. What I would really like to see is another two years and come back and we see how the ground cover situation is going. That would be my reservation about the way this is currently proposed. **Mayor Holland** asked is two years or five? I believe it's two. **Commissioner Townsend** asked is it two or is it five? I was thinking it was five. **Mr. Richardson** said I believe it was recommended by the Planning Commission for five years. **Mayor Holland** said I have two in my booklet. **Commissioner Townsend** said now see I thought in the past it had been two, but I think this recommendation is for five. I would recommend two not five. **Mayor Holland** said my packet says two unless there's a misprint in my packet. **Mr. Richardson** said in the minutes of the Planning Commission on page 12 of your staff report, the Planning Commission approved for five years. **Mayor Holland** said okay so the summary is wrong. It is five years then? **Mr. Richardson** said correct.

Commissioner Walters said I think this is a question for you Rob. I'm reading the same comments that Commissioner Townsend is and it says they're concerned about runoff. This site needs to be protected. The site needs protection of the stream before it is approved. It should not be approved until such time as changes are made. The same problems were noted in 2011 and 2013 and there's been no change in the situation. Was there conversation in the Planning Commission about that particular item? **Mr. Richardson** said yes and about the general maintenance of the property. We indicated we would not recommend any future approvals if the situation didn't—we recommended approval this time and she understands that they won't have staff support if they come before us again and the situation hasn't changed. **Commissioner**

Walters said but they did approve it for five years. **Mr. Richardson** said yes. **Commissioner Walters** said that seems inconsistent. If there was a problem in 2011, there's a problem in 2013, there's still a problem and it sounds like we're not really taking the recommendations with the Conservation District very seriously if we just ignore their comments. Just from my standpoint I think we should not approve this until these recommendations and these changes are made consistent with the recommendations of the Conservation District.

Commissioner Kane asked can I second that. The reason I'm saying, they've given you a chance in the past. We're already talking about how things have gotten on the ground and run away and I don't think we should approve it if she hasn't got it fixed from the last time, until she shows improvement or fixes what's the recommendations are because that's just blowing us off. We're here to set the tone and it's quite a rebuttal, so to speak, and in my mind I'm like Commissioner Walter, I don't want to recommend something if she hasn't lived up to what she's suppose to in the first place. **Ms. Barnett** asked can I make a comment. **Mayor Holland** said just a moment we have more comments from the Commission. I'll let you make a summative comment at the end.

Commissioner Philbrook said yes I myself have a real conflict with this. I don't believe that she should be approved to have horses in that location period. That's just—and I'm a horse lover, but I don't believe that location is right and she hasn't followed our recommendations so far and our requests. I'm against it.

Commissioner Townsend said I read and I understand where Commissioner Walker and Commissioner Kane are coming from. Ms. Barnett could you—do you want to explain to us...**Ms. Barnett** said yes about the creek...**Commissioner Townsend** said well and the recommendations why they weren't followed with regard to ground cover from two years ago.

Ms. Barnett said well I have too much I guess there's a lot of small trees on the property, and I didn't realize that the trees were taking away from the grass that's there. That's what Conservation explained to me, I didn't know that. I thought that the trees were helping with keeping the ground cover and erosion but that's not true.

Secondly, the creek that's there is a creek only by name. What it does—there's no water in it except for when it rains. It's a box culvert that's directed toward the creek and pushes the water through it. I wouldn't even allow my horses to drink from it and the fence line to the creek is about 30 foot. They have like a stock tank to drink from because that creek is not—it has run off from the street with oil and everything on it.

Commissioner Townsend said if the trees are a problem and preventing this ground cover from flourishing, what are your plans with regard to the trees or...**Ms. Barnett** said I'm thinning them out. If somebody comes by the property, they'll see that it's been really cutback and I'm just working on thinning them out so that I can throw some grass seeds down so that I can potentially have grass. **Commissioner Townsend** said if we were to deny this permit what would happen to the horses. **Ms. Barnett** said I guess I'd have to find somewhere else to put them because they wouldn't be able to stay there. I've got friends that have a barn that I could probably try to rent from them. Yes, they have horses there themselves, but they're not going to be abandoned or anything. They've been with me so long those are my babies. I can't—I'll find somewhere to take them.

Commissioner Townsend said it is concerning that there were recommendations made the last time that haven't been addressed this time. I would hate to see these horses leave your possession so maybe if there's some way that the Commission could see giving you a year and you'd have to come back and if things were not in accordance that—I certainly didn't see five years, but based on what the other commissioners have made mention of and I agree it doesn't look good that the last time this special permit was granted, certain things haven't been acted on.

Commissioner McKiernan said I just want to make a general comment and follow-up Commissioners' Walters and Kane, it's very concerning to me. The stipulations that were attached to previous approvals of special use permits are not followed and I've brought this up before, a concern about to what extent we actually follow through to see that stipulations we've put on these approvals are adhered to. I think it really sets a very bad precedent if we are aware of the fact that stipulations have not been adhered to and we just blindly approve or reapprove a permit because it tells other applicants just put on there, just agree to them, you don't really need to abide by them. That is a bad message that we're sending if in fact we go through with that. I just want to say it is of great concern to me as well. Stipulations were outlined and not followed through.

Mayor Holland said ma'am I'll let you make a summative comment and then I'll ask Mr. Walters if he wants to make his statement into a motion.

Ms. Barnett said just to sum it up, I have not been a very good conservationist obviously and I did need help. I didn't know how to do it or where to go, but now I have direction so hopefully I can fix what's been done and make everything look better for everything concerned: for the horses, for me, for the land and I'll just do my best. That's all I can do.

Mayor Holland asked, Mr. Walters, do you want to make a motion.

Commissioner Walters said I've heard all this discussion, I think a lot of us are on the same page, but I also am concerned about the welfare of the horses and the intent of the applicant to try to increase her ability to comply with the regulations. My motion is to grant the special use permit for one year.

Action: **Commissioner Walters made a motion, seconded by Commissioner Townsend, to approve Special Use Permit #SP-2015-56 for one-year.**

Mayor Holland said it has been moved and seconded for a one year application and I think there's been clarity on expectation in terms of what's to happen next.

Commissioner McKiernan asked is this motion with the stipulation that consultation with the Conservation District to ensure adequate ground cover and that that stipulation actually says that the Conservation District concurs that adequate steps have been taken. **Commissioner Walters** said that sounds great.

Mayor Holland asked does the second accept that. **Commissioner Townsend** said absolutely.

Commissioner Murguia said I just have a quick process question. We do this, sorry to use your case as the example, but we do this a lot. Is there a way that staff if she doesn't meet compliance next time around, is there a way staff can prohibit it from coming on the agenda all together? **Commissioner Walker** said I would agree, Commissioner Murguia, if you don't have this

approval don't even apply again. **Commissioner Murguia** said my point is it's not just with her application. **Commissioner Walker** said no, but everybody's. **Commissioner Murguia** said it's just a—or does that have to be a policy discussion at a later date? **Mr. Richardson** said I believe by the law we have to let people apply. **Mr. Walters** said but the Planning Commission is the first step. **Mayor Holland** said and I think we need to also say we all have a representative on the Planning Commission who by and large do a terrific job, but clearly they need to be the ones enforcing the expectations and need to be making sure that that's happening because I think just passing them down the pike, they need to do that hard work for us and screen these before they get to us. If we can pass that word down to the Planning and Zoning Commission. If they really need to—if we approve a special use permit they need to make sure all those stipulations are met before it comes forward again. **Mr. Richardson** said I think in this case...**Commissioner Walker** asked can we have a meeting with the Planning Commission at some time as a special session so we could all make clear to all of them at one time what all our expectations are.

Mayor Holland said no that's a good possibility, I don't think we've ever done that. That's a good possibility. **Mr. Richardson** said in this case we have a gentleman on the Planning Commission that's very versed in animal husbandry and they really look to that gentleman for advice on how the animals are being kept and working. I think he felt like the animals were in good condition here and that it was maybe not as bad as the Conservation District had made it out to be given the buffer between the fence and the creek. They did take these into consideration. Sometimes folks have a different perspective of it. It's not that they didn't analyze it or look at it or question it, but that's where they came from. They were more lenient than you all are and I'll take that direction back and to the staff as well.

Mayor Holland said it's been properly moved and seconded for one year. I believe that requires eight votes because it's changing the recommendation of the Planning and Zoning Committee.

Roll call was taken and there were six "Ayes," Kane, Markley, Walters, Bynum, Walker, Townsend and four "Nays," McKiernan, Murguia, Johnson, Philbrook. Motion failed.

Mayor Holland said alright it is still before us without a motion. **Commissioner Walker** said motion to send it back to the Planning Commission. **Commissioner Philbrook** seconded the

motion. **Mr. Richardson** asked, Mr. Walker, would it be appropriate to say to hold that hearing in January to give her some time so the Planning Commission can analyze what's been happening on the site since that point and time. **Commissioner Walker** said that will be fine.

Action: **Commissioner Walker made a motion, seconded by Commissioner Philbrook, to send Special Use Permit Application #SP-2015-56 back to the Planning and Zoning Committee and be taken up in January.** Roll call was taken and there were ten "Ayes," McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

REGULAR SESSION

MAYOR'S AGENDA

No item of business.

NON-PLANNING CONSENT AGENDA

Mayor Holland asked does anyone in the audience tonight or any commissioner wish to remove any item? Any item remaining will be voted on with a single vote. Let the record show no one is moving to remove an item.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve all items on the Non-Planning Consent Agenda.** Roll call was taken and there were ten "Ayes," McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 1 – 15189...PLAT: ELDRIDGE CUSTOM HOMES

Synopsis: Plat of Eldridge Custom Homes located at 47th Terrace & County Line Road and being developed by Cary W. Eldridge, submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the plat and authorize the Mayor to sign said plat.** Roll

call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 2 – 15187...PLAT: LEGENDS AUTO PLAZA SECOND PLAT

Synopsis: Plat of Legends Auto Plaza Second Plat located at North 98th Street & Parallel Parkway and being developed by Schlitterbahn Water Parks and Resorts, submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.

Action: Item removed from agenda at the request of the developer.

ITEM NO. 3 – 15188...PLAT: MELROSE MANOR

Synopsis: Plat of Melrose Manor located at 1002 County Line Road and being developed by Ellen R. Melrose, submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the plat and authorize the Mayor to sign said plat.** Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 4 – 15193...APPOINTMENT/REAPPOINTMENT: BOARDS & COMMISSIONS

Synopsis: Appointment/Reappointment to Boards and Commissions:

Appointment of Melissa Bynum to the KCATA, 10/29/15 – 6/1/19, submitted by Mayor Holland
Reappointment of Barbara Jolley to the SSMID Board, 10/29/15 – 5/30/19, submitted by Commissioner Markley.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve.** Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 5 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated October 15 and 22, 2015.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to receive and file and authorize fund transfers. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 6 – MINUTES

Synopsis: Minutes from regular session of September 24, 2015.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 7 – 15204...APPOINTMENT TO BOARDS AND COMMISSIONS

Synopsis: Appointment of Deidra Tolon to the Alcohol & Drug Fund Advisory Committee, 10/29/15 – 5/30/17, submitted by Commissioner Philbrook.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

PUBLIC HEARING AGENDA

No items of business.

STANDING COMMITTEES’ AGENDA

Mayor Holland said we have the CDBG Reallocation and Grant Application Process that has been requested by the committee to be fast tracked to tonight. I’ll turn it over to Wilba Miller for presentation.

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ITEM NO. 1 – 15164...CDBG REALLOCATION AND GRANT APPLICATION PROCESS

Synopsis: Request approval of the 2016 application for CDBG funding and approve a timeline to implement the CDBG grant application process for allocated dollars from 2015 and 2016, submitted by Wilba Miller, Community Development Director. This item was scheduled to appear before the Administration and Human Services Standing Committee, co-chaired by Commissioner Bynum, on October 26, 2015. It was requested, and approved by the Mayor, to fast track this item to the October 29, 2015 full commission meeting.

Wilba Miller, Director of Community Development, said as you know during the budget process I was directed to create a new process for the application of CDBG funding. We've met with the Administration and Human Services Committee twice now and have given a version of a 2016 grant application for CDBG funding. We've attached to that a timeline to implement the grant application process for a total of \$608,000 to begin advertising and marketing next week, the week of November 2nd, to have a deadline of December 11th for submission and to bring back to the Standing Committee in January.

Mayor Holland said Commissioner Bynum you chaired this item. Is there any statement you'd like to make about it? **Commissioner Bynum** said I chaired it this past Monday when Commissioner Markley was out of town. Very little discussion, it was very late and we voted to move it forward to full commission. **Mayor Holland** said alright it is before you.

Commissioner Kane said you did a great job and we put a lot of pressure on you as we always do. I think the changes are going to make a big difference for all of us as we go forward. I'd like to make a motion that we approve the change.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve.**

Commissioner Walker said the only comment that I want to make is on some of these where there's boxes is there somewhere I've missed where it says if you need to attach additional

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pages. Like for example, “History of the Organization”, not a lot of space to put it there. **Ms. Miller** said yes sir that agenda item went out two weeks ago. We’ve made some changes. We’ve now made it a fillable PDF and it’ll be online and they will be able to submit either by mail, on our online or hand delivered and they can add as much as they need to. **Commissioner Walker** said very good and thank you.

Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

Mayor Holland said that brings us to our final item tonight. It’s a blue sheet item. There was a grant that we agreed as a Commission to vote to move forward for application back in May, but we’ve had some time to look into this further and I’m going to ask Mr. Bach to make comment and prepare us for this presentation.

ITEM NO. 2 – 15168...GRANT: BODY WORN CAMERAS

Synopsis: Action requested on a \$352,500 grant from the Federal Department of Justice for the Body-Worn Camera Policy and Implementation Program, submitted by Jenny Myers. On October 26, 2015, this item was presented to the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, for discussion only. Action needs to be taken on the grant by November 4, 2015.

Doug Bach, County Administrator, said the concept of the body worn cameras as the Mayor’s pointed out was one opportunity for a grant came forward to us earlier in the year. At that time the Commission gave us direction to go ahead and submit application for the grant; however, with the caveat that we were concerned about: 1) policy that would be in place in relation to body worn cameras, and 2) investigation of other ancillary costs and issues related to these.

As we’ve progressed through the year we’ve now reached the point where we were fortunate to receive the grant; however, we were still continuing our research as to some of the different aspects, many different issues on policy, but some that the Chief had put together with his staff was related to the costs of not just buying the cameras, but also the on-going operation of those. That is what he brought forth to the Committee on Monday night.

The Committee did offer up direction in this regard; however, we didn't have it setup for a formal vote. It really I think does need to be in that place and I can speak to that a bit, but I'd like to turn it over to Chief Zeigler for him to offer his presentation that he set out before a committee on Monday.



Terry Zeigler, KCK Chief of Police, said I wish I could come here and tell you that this has already been done. A body worn camera project is out there and we could just copy that model and roll it out, but it's not. Law Enforcement is struggling with body worn cameras and there's a lot of issues surrounding them that—Law Enforcement Agencies; 1) being costs is learning as they go along.

COST OF BWC PROGRAM												
Enter Variable Here	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Number of cameras purchased		235				118	117				118	117
Number of cameras in use 24-hrs (patrol stations)		89										
Number of cameras in use 8-hrs (COPPS, TSU, SOU, etc.)		67										
Average minutes recorded per shift (per officer)		360										
Short term storage duration in days		120										
Long term storage percentage		20%										
Estimated Costs	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
New Cameras Purchased	\$0	\$111,625	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Camera Updated/Replaced	\$0	\$0				\$56,050	\$55,575				\$56,050	\$55,575
Client Software License Fees	\$0	\$0	\$15,275	\$15,275	\$15,275	\$22,945	\$22,945	\$22,945	\$22,945	\$22,945	\$22,945	\$22,945
Short Term SAN Purchased	\$0	\$673,334					\$673,334					\$673,334
Long Term SAN Purchased	\$0	\$134,667					\$134,667					\$134,667
Google Fiber	\$500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Admin. Support Specialist (salary \$38,397 + benefits \$21,850)	\$60,247	\$60,247	\$60,247	\$60,247	\$60,247	\$60,247	\$60,247	\$60,247	\$60,247	\$60,247	\$60,247	\$60,247
TOTAL ANTICIPATED YEARLY COSTS	\$560,247	\$979,873	\$75,522	\$75,522	\$75,522	\$139,242	\$946,708	\$83,192	\$83,192	\$83,192	\$139,242	\$946,708
Total Cost of Program (10-years) = \$3,347,150 (Today's Costs)												

We came up with the initial plan, we submitted a grant and since then we've continued to do more research. These are the current figures based on what we think would be a good camera project and one that we would want to sustain.

We applied for the grant and we had asked for 235 cameras. That puts a camera on every officer that is involved in some type of contact with the public or enforcement action. As we start trying to figure out cost based on how many videos we're going to store, how long and all of that, we start going down and we look at number of cameras in 24-hour use, number of cameras in eight hour use and that becomes important when you go down and we plug these numbers into a formula that L-3 gave us to determine cost.

One of the big factors is when you look at the average minutes recorded per shift per officer, we came up with 360. There are a lot of schools of thought out there on how long a camera should run. Some people believe that from the moment the officer shows up in roll call he hits record, it stays on, he comes off duty, he hits the camera again and he turns it off. That takes eight hours of recording which drives the cost of storage. We're looking at it. The best information we have we came up that our officers on average will record about six hours of video per shift per officer.

Then, we go down and we look at short-term storage. These are the videos that an officer is going on a call turns on the recording, it's an alarm call, he gets out he walks around the building nothing there to capture, he turns the camera off. The video is of no value to us. We would hold those videos for four months or 120 days; short-term storage.

So then we said the next number we had to come up with was long-term storage. There are no guidelines out there on what percentage of videos captured by law enforcement should or have to be maintained for long-term storage meaning two years, five years or 20 years. We determined from our best estimates that probably 20% of our videos would have to be saved long-term.

We plugged all these numbers in and the next thing I just want to point out to you that's important is the cameras have to be replaced every four years. Initially we'd replace half the fourth year and the other half the fifth year to try and control the cost and how it hits our budget. Then we get down to the dollars. As we stepped through this new camera purchase in 2016 is \$111,000 for the cameras. This year in 2015 we factored in fiber cost. We had asked about Google, the PD was under the assumption that we would get Google Fiber. There were some hiccups there with Google. We were told no. I went out to price to find out what fiber would cost for us to pay for it and it's \$500,000 to connect all of our substations. We have to have fiber in order to implement a camera project. The reason being is we have to put—we have to connect fiber to every substation back to Police Headquarters where all the servers and data would be stored.

Right now in our in-car cameras we're moving little media cards. We have a sergeant at the end of the shift to pull the card out, put it in an envelope, drives it to Headquarters. The Administrative Assistant plugs it into the computer, downloads the video, erases the video, gives it back to the sergeant in an envelope. He drives back out to the station and he puts it back in the car. It is completely inefficient. We cannot do that with body cameras so we need fiber.

I've been told that right now it looks like that we'll be able to get fiber for somewhere under \$100,000 through Google. That brings the cost down, so you're looking, it's a \$400,000 savings, it'll be \$160,000 this year.

The next cost that we didn't have the first time was this Administrative Support Specialist. Currently we have an Administrative Support Specialist who manages our 19 in car cameras. It takes about 50% of her day to do what I've just described, download videos onto the server and then go through and say okay here's a work order for a video from a pursuit. I've got to download this. She has to tag it, she's got to put the CD down in the property room. It takes a lot of work. With 235 body cameras there is no way that that employee is going to be able to manage all those videos and the in-car camera. We will have to add an employee to our pen inventory. We're going to have to hire somebody else to help manage that.

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We spread the cost; there's a rule, we spread the cost out over ten years. I kind of progressed it out ten years so you can get a view of long-term cost and roughly we're at \$3.3M. Let me just say this caveat. That is \$3.3M in today's cost. That's today's cost that is replacing our storage servers every five years. That is where a big portion of this cost comes in because the servers to store the short and long-term data or files is about \$800,000. We have to replace that every five years.

We looked at doing Cloud storage. Before the issue of body cameras came up, our motorcycle officers requested that the department buy body cameras because they do a lot of car stops and they don't have anyway to record them. We hooked up with a company and we were experimenting with them and we were using a Cloud server. The initial reports were the cloud server works real well. The company would manage our data, delete our data, purge our data, according to what we tell them. It was \$25 a month per camera. The problem is Ferguson happened. When Ferguson happened, the same company notifies us that they're going to \$55 a month per camera to store our files on the Cloud. When we called to find out why such a drastic jump, they said because cameras are going to be in demand, our servers on the Cloud are going to be in demand so we have to raise the cost. When we looked at this project we believed that the best way for us to possibly control cost is to have our own servers to store our own videos on.

Those are all the big cost. There are a couple of things that I can't predict for you. This year the state of Kansas came in and they had a bill proposed by one of the state legislators to come in and regulate how law enforcement agencies in the state of Kansas use body worn cameras. They had things like how long files would be stored, what would happen if a complaint or lawsuit was filed against an officer and the officer for some reason did not record that event that the evidence—the courts would look at it most favorable to the complainant in those situations because they should have been videoed.

I don't know what the legislature will do, but I can tell you this, if there is legislation introduced that makes us save our files longer or videos longer or it says that files will run for a complete eight hour shift, these costs will go up substantially. There are some unknowns in there. We did get the federal grant. The federal grant is for about \$352,000 and over a ten year period that's not much going to \$3.3M, that's just believing that the costs will never change over the next ten years. If you have any questions, I'll be more than happy to try and answer them.

Commissioner Kane said the Chief comes to our committee the other day and I thought boy this is going to work out pretty good when we first started talking about the body cameras. That'll protect our officers, protect the people that live here. Then if we go back to when we were forced to buy radios that were compatible to the metropolitan area at a cost of \$2M, you know you sit there and you're like oh, because as I said the other day this is the expense that keeps on giving and the unknowns are more than the knowns and like right now the cameras are at a premium because I think only one or two corporations makes them. **Chief Zeigler** said I'm not sure how many right now, Commissioner. **Commissioner Kane** said it's not very many and eventually it'll be flooded and it will be more and they will be cheaper obviously, but this is an expense that I don't think this Commission can take on as much as I would like to take it on. Would it be impossible to fund this and still maintain our mill levy where it's at? I don't know what anybody else thinks, but I'm not ready to purchase something that's this expensive.

Commissioner Bynum said when you came to the standing committee originally and we talked about applying for the federal grant and then I think when you came back we were supportive. There's support for the concept of the body worn camera. I felt like at the time that we gave approval to apply we were putting that grant ahead of making the policy and I still feel that way today. We see that there are expenses associated with it that we have not anticipated. It's a very expensive proposition.

There are a lot of unanswered questions and I think that in general we have expressed support for the notion, but there's a lot of work to do ahead of implementing a project like this. I think we're going to be asking that we deny the grant. The last thing I have is a question for you. A year or so ago we were at a Livable Neighborhood's dinner and there were officers there from Topeka. I'm certain they were wearing body worn cameras and I'm wondering if we've reached out to our friends in Topeka to talk to them about what policies have they created. How many of their officers are wearing them. Those are our friends over there. Those are our former KCK Police Department folks. I'll bet they'll tell us what they're doing. If we haven't, we should ask them, but I think we're going to be, is it a motion? **Mayor Holland** said you are welcome to make a motion.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Kane, to deny the federal grant for Body Worn Cameras.**

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Commissioner McKiernan said, Chief, I'm not going to say that I don't have a life, but I actually watched your presentation on television Monday night. I will say I was stunned when you put the yellow letters down at the bottom of this slide and estimated out the total cost or the cost of ongoing operations, it was much, much higher than I had anticipated. I think you've done a nice job of outlining where those costs come from, and if anything, my thought was you probably estimated conservatively on this and the actual cost of operation would probably be higher than that.

This comes with capital cost and personnel cost that I didn't really think about the first time around. Not that I'm asking you to do it, but I'd just be curious to know—you know every year when we go through CMIP for example, we ask you to prioritize. Out of all the possible things that you really should purchase or lease or replace for the standard operation of your police department where these would fall in—and I know that it's hard to estimate that because these have proven to be or could potentially be an extraordinarily valuable piece of equipment for the protection of both our citizens and our officers. Back to what Commissioner Kane had said here, there are so many other things that your Police Department requires because we've put off these purchases for so long that I'm struggling with where this fits in the priority matrix.

Chief Zeigler said if I can comment on priorities. Looking at this project it would be nice to have. There are some things that we could do in advance. I think probably one of the biggest things that this has brought out is that we've got to get fiber. Fiber will improve the efficiency in the way we handle our in car cameras. That is huge for us. Once that piece is in place then we can look at what would it take to build this project out over years instead of doing it now and jumping into the money and really obligating ourselves to some unknown cost.

The fiber is huge. That'll be one of the top priorities for next year for us. It's getting the money to be able to secure fiber to all of our substations back to headquarters.

Commissioner Townsend said I just want to reiterate the point brought up by Commissioner Kane and I agreed Monday. I sat in on that committee meeting and it put in perspective these number for me that the grant we're getting would be the rough equivalent of just one year and then that's it. I agree that this would be great to have, but something else you said Monday night that stuck with me as well was the status of our in car cameras. Are they okay? Where are we with that and the expectation that you mentioned on Monday night if people see these,

they should be functional and the equipment that we have should be usable? It would be great to put the emphasis on that to keep what we having going and look to this in the future with some more money and some more time. This would be great to have, but I just think right now the numbers we can't do it.

Chief Zeigler said the question about the in-car cameras, I think there's about \$700,000 budgeted towards this if we would have got the grant. That would be great money to get our in car camera system where it needs to be; paying for the fiber, making sure that they're on good repair and add them to some of the patrol cars that don't currently have them.

There's money I think budgeted for next year that was budgeted for this that could go to make that project or that program very solid.

Commissioner Johnson said, Chief, I just want to commend you for the work you put into this and all the work the officers are doing that are a part of the force. I had some opportunity to just observe them in recent days and I was very impressed with them. Congratulations on that. I would say while I agree that the numbers don't really—they don't add up so to speak, I would encourage you to look for opportunities as we go along. God forbid one situation occurs and maybe our perspective changes, I hope and pray, I genuinely hope and pray that never happens in our community, but I would say don't let this die. Don't let this issue die. We know it doesn't make sense in terms of dollars and cents, but something could happen and we see it everyday, something happening all the time. I would just ask that you keep this as something we're continuing to look into for opportunities where that cost may go down, creative ideas that may allow us to offer some type of alternative solution. I would just ask of that from you.

Commissioner Murguia said thank you, Chief, for your presentation. It was very well done and packed full of facts which I always appreciate. I will just tell the Commission that when this topic first came up in front of the Commission, since I'm not a police officer and I don't know about security, I didn't really know what to think. I've made it a practice now of reaching out to some researchers over at the University of Kansas to ask them what the latest data says on body worn cameras for police officers. At that time prior to—this was after the vote by the time they got back to me, they had said that there were definitely downsides and especially in terms of the costs tradeoff and data storage issue which just is emphasizing what you're already

saying. Balance of cost to value was a big piece of that and also that the view is only where officer's chest body is oriented and can't take in the periphery so can't equal the view of the officer. I wish I sounded that smart, but that's right from the doctor that researched the data for me.

It wasn't just a cost issue, but I would add that at the time that she collected this data for me, it was not in favor of officers wearing body cameras. She does admit in her recent, because I knew this was coming on the agenda, she does admit that because so many more cities are implementing the use of body cameras that the research and the data my have changed.

I would just suggest that beyond the cost that we take a look at the latest data when you come back in front of us. **Chief Zeigler** said we will.

Commissioner McKiernan said one last thing. I just wanted to say that I'm surprised. We've had a high speed fiber partner here in Kansas City for a couple of years and I'm surprised and a little disappointed to understand that basically you can't get there from here is what I'm hearing you saying. I would like to follow-up with you and find out what barriers there have been to getting high speed connections from your substations back to headquarters so that we can look at innovative ways to overcome those barriers, because it would seem to me that anything we can do to help the Police Department would similarly help other public safety as well as other governmental operations. I will follow-up with you afterwards. Thank you Chief.

Mayor Holland said I do want to say, and I appreciate the Chief's presentation, and I agree with the Commission that now is not the right time to accept this grant. I hate applying for a grant and then turning it down because I think as a rule that's bad policy. I think as a rule it's looked down upon when we apply in the future to turn down a grant.

The concerns I have obviously the costs are one though I would say \$330,000 through the course in a budget as large as our Police Department how much money we spend on police, I think is not an unreasonable amount of money to think about for our program, if it's the right program and I think that's the key. I think we do need some time to think about it. My experience is everything we want to do cost more than we wish it did. I think the concerns too that I do want to echo what Commissioner Johnson said. I don't want to just say no we've decided tonight that we're not doing body cameras. I think what we're deciding tonight is that we're not prepared to take this grant because we're not ready to move forward on the cameras

under this format. Now if they'd give us a two year, an 18 or 24 month push to say would you give us 24 months to decide and we could look into it more, that might be worthwhile. If they wouldn't do that because there might be other departments that are further along and ready to go than we are, they might want to reallocate it, but I always hate to turn down money. I also agree that it is only the cost of the initial camera purchase and it doesn't even cover the cost of the storage purchase. As much money as it is, someone pointed out it's only 10% and like grants that are 50% and 80%, those might not be out there.

While you're continuing to look into this I really want to look into best practices for privacy issues. I'm very concerned about police officers walking into someone's home who have had a call for help and maybe it's a CIT call, maybe it's a member of their family having a mental health or behavioral health crisis, I want to make sure that video protects the confidentiality of our residents and it isn't simply available for a public information request. That kind of video would compromise really the privacy of someone's home.

Police find people sometimes in their worst moments of their lives and I would want to make sure that if it's not the commission of a crime that that video is able to be protected so we protect those privacy concerns of our citizens. I know cities are wrestling with those because that's one of the hot topics I hear about when I hear about that. I'd want to make sure we had a clear policy for what videos are even releasable and why maybe we don't store them for 120 days just for any reason. I just want to make sure there's a clear protection of people's privacy. I don't know if you already have a policy that you're working on in that regard.

Chief Zeigler said we do because the grant was going to give us six months to come up with a policy and we've got a rough draft of a policy, but here's what has to happen. We were going to go to Livable Neighborhoods, Fraternal Order of Police, The Law Enforcement Advisory Board, the DA's Office, City Prosecutor's Office and let them review the policy and then meet with them to see if they had any suggestions.

We have looked at the privacy issue. As good as our policy may be or become the issue is whether or not the state will come in and legislate that these videos have to be open record, that a third party can get access to the videos. Those are the unknowns that we don't know. Jenny Myers has been involved in this with us from the beginning from Legal. She's done a whole lot of research. She sits on our Policy Review Committee and we felt like we were in a position to probably start moving forward with the policy if the grant was accepted. The

unknown would be what's the state going to do. **Mayor Holland** said that's an unknown in a lot of areas of our life up here on this Commission.

The other issue is I do like the idea of the money that you have allocated to match this grant going towards the car cameras and the infrastructure to get this setup. Perhaps some of the infrastructure purchased for the car cameras could be purchased that could begin to prepare the way for the eventual movement to the body cameras. I just want to say I feel strongly that body worn cameras are probably the wave of the future.

I do think because of the cost it's worth being cautious and seeing how other cities, how it's developing in other cities because I do think I mean the statistics do show that it reduces complaints against police by some 80%. It also reduces incidents of potential violence for citizens. I think it's a benefit to both our officers and our citizens to have these long term.

Most of us up here have sat in executive sessions when we've had legal action against the city and we've had to make payouts to claimants because of behavior that wasn't conducive with our values and expectations and didn't go with the law. We've had to make those kinds of payments. I think from a fiscal responsibility perspective those payments tend to range in \$250 to \$500,000 range and it doesn't take very many of those for this to seem like a bargain what you're offering up here if we can prevent those. I do know of one specific case right after Ferguson there was an arrest made and there were allegations made of abuse and racial abuse. That dash camera was working, it was on the site, media came over and viewed that and walked away and said it was nothing because the officer had acted absolutely in the right manner and everything checked out on the video.

There is great value to our community and to our officers and to our citizens. I want us to continue to push this out and again just to monitor other cities. These best practices are moving fast and really we just have current practices, maybe not even best practices yet.

I would say I'm comfortable turning down the grant today. We have a motion and a second, but I hope that we can—I do have a question. Chief, do you think there's any value in asking for a 24 month extension? **Chief Zeigler** said if you ask for a 24 month extension I mean it won't change the cost here, but still the unknown is the state. The Police Executive Research Forum (PERF) the executive director of that, Chuck Wexler, has stated that law enforcement agencies should move very cautiously toward a body worn camera program because of the issues of privacy, because of the issues of cost, because the camera like Commissioner Murguia said it doesn't capture everything. Once we put a camera on an officer,

there will be an expectation in District Court and Municipal Court that there will be video of the incident. I think what happens if there's no video, you'll find that conviction rates will go down because the courts and the public will become dependent upon that evidence. Those are some of the things that the current people who are looking at what's going on in law enforcement, that's some of their thoughts.

Twenty-four months, I do like the idea of strengthening our in-car cameras. Our in car cameras have been invaluable. Accidents do happen when we're in pursuits. We've gotten good videos from that that have helped our position. That program has not been as strong as it could be. By getting the fiber in I will improve the efficiency in which we move the data from the car to headquarters which is a big plus. It will save huge manhours and then also putting more cameras out there. I really like that idea and kind of build the infrastructure for the body worn cameras and then let's see what happens with the legislature.

Mayor Holland said I'll accept that as a no, it's not worth pushing it for two years.

Roll call was taken and there were ten "Ayes," McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

Mr. Bach said I just want to clarify and I believe this is the clear direction since we authorized \$500,000 to go toward this grant, that this governing body is giving me authority to work with the Chief as we go through and identify other expenditures we'd have in relation to the fiber or the car cameras, that we can direct money for that in the coming year. **Mayor Holland** asked do you need a motion Mr. Bach. It is \$500,000. **Mr. Bach** said the budge revision I would have to move through, but we can go through and submit as we come along, but we can start down that direction and then I can submit budget revisions to the Standing Committee as we go along. They'll show you where the money is.

Action: **Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to approve that the Administrator and the Police Chief work together to reallocate the current allocation as stated today.** Roll call was taken and there were ten "Ayes," McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

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COMMISSIONERS' AGENDA

No items of business.

LAND BANK BOARD OF TRUSTEES' AGENDA

No items of business.

PUBLIC ANNOUNCEMENTS

No items of business.

MAYOR HOLLAND ADJOURNED

THE MEETING AT 8:39 P.M.

October 29, 2015

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Bridgette Cobbins
Unified Government Clerk

October 29, 2015