



# Voting Summary

## City Council Meeting

6:30 PM - Tuesday, August 12, 2025  
Council Room

### 7 CONSENT AGENDA

- 7.1 Consideration of Minutes
- 7.2 Street Closure for Rotary Car Show
- 7.3 Notification of Emergency Repairs for Brook Forest Rd. Storm Sewer
- 7.4 Energy Encroachment Agreement at MARC Addition

**Rick Coleman moved, seconded by Mike Neel, to approve the Consent Agenda, as presented.**

<b>RESULT:</b>	Carried
<b>(8-0 for Items 7.3 &amp; 7.4; Items 7.1 &amp; 7.2 were each 7-0 with 1 abstention)</b>	
<b>MOVER:</b>	Rick Coleman
<b>SECONDER:</b>	Mike Neel
<b>AYES:</b>	Kristi Truitt, Mike Neel, Elizabeth Stanton, Nick Engle, Jenny Webster, Rick Coleman, Wayne Molt, Jr., and Larry Gould
<b>ABSTAINED:</b>	(Elizabeth Stanton for Item 7.1 only) (Jenny Webster for Item 7.2 only)

### 8 NEW BUSINESS

- 8.1 First Reading: Zoning Regulation Amendments for Window Signage

**Wayne Molt, Jr. moved, seconded by Jenny Webster, to schedule a second reading of the ordinance to adopt the zoning regulation amendments for window signage for August 26, 2025.**

<b>RESULT:</b>	Carried
<b>MOVER:</b>	Wayne Molt, Jr.
<b>SECONDER:</b>	Jenny Webster
<b>AYES:</b>	Kristi Truitt, Mike Neel, Elizabeth Stanton, Nick Engle, Jenny Webster, Rick Coleman, Wayne Molt, Jr., and Larry Gould

- 8.2 Purchase of Property at 355 W. Washington St

**Nick Engle moved, seconded by Rick Coleman, to authorize the City Manager to enter into a real estate purchase contract for 355 W. Washington St., Derby, KS, with a purchase price in the amount of \$395,000, and authorize the City Manager, in his discretion, to take additional steps necessary to close the transaction and acquire the property.**

<b>RESULT:</b>	Carried
<b>MOVER:</b>	Nick Engle
<b>SECONDER:</b>	Rick Coleman
<b>AYES:</b>	Kristi Truitt, Mike Neel, Elizabeth Stanton, Nick Engle, Jenny Webster, Rick Coleman, Wayne Molt, Jr., and Larry Gould



# MINUTES

## City Council Meeting

6:30 PM - Tuesday, August 12, 2025  
Council Room

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### 1 CALL MEETING TO ORDER

Following the administration of the Oath of Office to newly appointed Council Member Larry Gould, Ward 4, the Council meeting was called to order at 6:32 p.m. on August 12, 2025, in the Council Room.

### 2 FLAG SALUTE

Council President **Nick Engle** led the flag salute.

### 3 INVOCATION

Pastor Joplin Emberson, **The Well Worship Center**, gave the invocation.

### 4 ROLL CALL

<b>PRESENT:</b>	Council Member Kristi Truitt Council Member Mike Neel Council Member Elizabeth Stanton Council President Nick Engle Mayor Mark Staats Council Member Jenny Webster Council Member Rick Coleman Council Member Wayne Molt, Jr. Council Member Larry Gould
<b>ABSENT:</b>	None

### 5 ACCEPTANCE OF AGENDA

#### 5.1 Adoption of the Agenda

**Nick Engle moved, seconded by Jenny Webster, to approve the meeting agenda, as presented.**

<b>RESULT:</b>	Carried
<b>MOVER:</b>	Nick Engle
<b>SECONDER:</b>	Jenny Webster
<b>AYES:</b>	Kristi Truitt, Mike Neel, Elizabeth Stanton, Nick Engle, Jenny Webster, Rick Coleman, Wayne Molt, Jr., and Larry Gould

### 6 PUBLIC FORUM & ANNOUNCEMENTS

**Audrey Goff, 3201 N. Woodlawn Blvd.**, raised some concerns about the land development proposal on the southwest corner of Woodlawn and 55th St. The proposal has been objected to by the majority of residents in the surrounding area, up

to and including a petition of protest from the City's own website that was submitted to no avail. The concerns raised consist of: 1) the changing of previous zoning of the property prior to annexation as a single dwelling to R-2, rental duplexes; 2) the increased run-off in an area that already struggles to manage the water volume; 3) the negative impact to property owners in the surrounding area if zoned as R-2 in an area predominantly occupied by large lot single-family homes. In addition to the concerns of the zoning change proposal, those citizens who attended the rezoning hearing were treated to grossly unprofessional behavior by the Planning Commission members, including the following. The denial of a commissioner that any opposition had been given to the proposed zoning change when, in fact, every citizen speaking did voice opposition and concerns. This commissioner demonstrated malfeasance. When the falsehood was stated by the commissioner, a citizen stood up in protest to the lie, to which the Chairman responded in an unprofessional manner. He hammered his gavel and proceeded to yell derogatory comments toward the residents in the room, even singling out a mom seated with her 10-year-old son, attacking her looks and intelligence. He continued to overtalk, bully, and mock people even after that portion of the meeting had closed and residents had gotten up to leave, demonstrating malfeasance, abuse of power, and infringing on our First Amendment right. The residents gathered outside to debrief what appeared to be a pre-planned conclusion to the zoning change, regardless of the concerns raised by anyone at the meeting. This shows collusion and favoritism toward developers at the expense of citizens. The committee further retaliated by calling emergency police force to what we can only assume was meant to intimidate the peaceful gathering of community members consisting of senior citizens, women, and children outside City Hall - another exercise of malfeasance and quite frankly, an action more befitting of a dictatorship. What we are asking of this Council is nothing more than what your job is: to uphold the well-being of all your citizens, not just developers; and to remove the unprofessional Planning Commission members. Further, we require a compromise with the citizens surrounding the property to maintain the stream flow, clear creek obstructions, and allow no more than single-family dwellings on 5-acre lots to aid in the absorption and lessen the impact to the citizens and the City at-large. In conclusion, I will remind the Council that Mr. Hodges was informed the City would be calling on his expertise to help make improvements specifically on issues of flooding in this area. No contact has been made; it has now been 6 years. You have the opportunity here to positively impact your City and those who live therein. In this situation, you can either be the hero or the villain; you choose. Kristi and Mike, we are looking to you as our Ward representatives to cast votes that represent us. I have a video that was not able to make it on the screen tonight, but I will pass it around. It shows our property flooding a whole 3 or more acres of our land. It is a video of man-made flooding we are seeing in our backyard from recent development near our house. Our property has never had flooding, but since the Northbrook Addition was built, it is happening nearly every year. The City denies they are sending any more water to us than what we have always had. This claim is akin to a stubborn toddler with chocolate all over their face denying they ate the cookie. I asked Scott Knebel what happens if they keep developing and the water rises and affects our house? Is the City responsible for the damages caused by their lack of action? His response was no, and that the City suggests we get flood insurance. This interaction and others have the appearance of a land grab at the cost absorbed by Derby citizens. My husband is away on deployment, and my family has sacrificed 20 years in service to our country. We don't expect anything in return, but we never thought we would be here begging the City not to flood us out of our house and off of our land. These facts bear witness to malfeasance and neglect performed by the Derby City Council, as

they had foreknowledge this development was impacting its citizens. The preventable nature of this problem is evidenced in a 2013 study of the hydrology of Derby, proving the City has known what to do, but just hasn't done it. I reject that any of this is outside the control of the City who is working with developers and destroying people's livelihoods to fill their own coffers. We've heard it said actions speak louder than words. We are asking your actions reflect your stated goal to balance the interest of the City with those who live here.

**Lauren May, 1102 Arbor Meadows St.,** said I was present at last week's Planning Commission meeting and want to remind Council you work for us, not the other way around: not big business, not developers, but Derby residents. Your job in government is to be representative of and responsive to us. You are not doing that. This collectivist culture you promote does not align with our Constitution. We do not govern according to the greater good; communist countries do that. I hope that what I say tonight illustrates my point and you are able to see what you are and have been doing. Again, you are accountable to us. We don't owe you anything; you owe us explanations and the ability to handle criticism. People are to hold the government accountable. It is actually each citizen's duty to do so. I've looked back through old Planning Commission minutes to see how often votes have been unanimous. From August 2024 to present, there has only been one meeting where a "no" vote was cast. At the meeting held May 15, 2025, there were two items that received a few no votes. Aside from that, every motion has received unanimous support with a few abstentions or absences from time to time. What are the odds of ten people voting together almost every time? The odds are surprisingly tiny, unless something unusual is taking place. The Tractor Supply debacle had a unanimous vote from the Planning Commission as well. We've all seen the public outcry on social media over that one. When I asked AI what might cause such anomalies, it offered a few different answers. One is shared information and norms. Members often review the same staff reports and get legal advice together. Political alignment was another suggestion. Appointments might come from the same Mayor or Council majority producing ideological unity. A third possibility is informal coordination where members might discuss items informally prior to the meeting. Peer pressure and image management were listed. A dissenting vote may be seen as slowing things down, so members conform. These factors massively raise the probability above the independent "coin flip" math, possibly to the point where unanimous votes become common. I have not had time to go back further in the minutes, but I intend to. Why is the City insisting on making a once small bedroom community a destination community? People moved here to get away from Wichita and big city problems, including myself. I want to thank you for continuing to bring those problems to us without remedy. By the way, my 10-year-old son and Audrey's four kids attended the Planning Commission meeting as a homeschool lesson about city government. They certainly got an education, so thanks for that, too. Questions I need answered by the City Council are: 1) How many Planning Commission members were appointed by our current Mayor?; 2) When was the exact time of the call to police at the last Planning Commission meeting?; and 3) Who is the City Hall social media person?

**Mayor Mark Staats** asked Mr. Mangus to have staff reach out to both speakers with answers and information they requested. Third Thursday is back next week at Madison Avenue Central Park; we hope everyone can come out and enjoy the event. It is back-to-school time, so please be mindful of school zones and patient with traffic as classes begin again.

## **7 CONSENT AGENDA**

**Council Member Jenny Webster** informed Mayor Staats she wished to abstain from voting on Item 7.2 since she serves on the Rotary Board and is involved with the event. **Council Member Elizabeth Stanton** chose to abstain from voting on Item 7.1 Minutes from July 22, 2025, since she was absent from the meeting.

- 7.1** Consideration of Minutes
- 7.2** Street Closure for Rotary Car Show

### **BACKGROUND:**

- The Derby Rotary Club annually holds the Feed a Hungry Child Hot Wheels for Hot Meals Car Show as an event at the Smoke on the Plains BBQ weekend.
- Due to inclement weather this year, the event was unable to be held as originally scheduled on the morning of June 14, 2025.
- This fundraising event has been rescheduled for Saturday, September 27, 2025 from 9:00 a.m. to 2:00 p.m. at the USD 260 Education Support Center at 222 E. Madison.
- To ensure the safety of the entrants and spectators, the Rotary Club requests the closure of E. Walnut St. between North Georgie Ave. and North Derby Ave. from 7:30 a.m. to 3:00 p.m.
- Members of the Derby Rotary Club will contact affected businesses and residents at least 30 days prior to the event.

### **FINANCIAL/SUSTAINABILITY CONSIDERATIONS:**

- Public Works will drop off the barricades in advance and later pick them up.

### **LEGAL CONSIDERATIONS:**

- The City Council has authority to close roads for specific times to facilitate the safety of public events.

### **RECOMMENDED MOTION**

- Approve the street closure as proposed.

- 7.3** Notification of Emergency Repairs for Brook Forest Rd. Storm Sewer

### **BACKGROUND:**

- During the 1970's and 80's it was common to design drainage structures from streets adjacent to waterways to cantilever over the creek allowing stormwater to drop a significant distance into the channel.
  - What has been found that storm sewers constructed in this way in the past create turbulence in the channel and erosion problems occur over time.
- An outfall in the vicinity of 111 N. Brook Forest Rd., which backs up to Dry Creek, was recently discovered to have fallen off into the creek and significant erosion of the adjacent residential lot had occurred with the recent significant rains.

- The needed repairs proved to be beyond the capabilities of Public Works staff and equipment; therefore, a decision was made to bring in a contractor to make emergency repairs.
- Two local underground utility companies responded with estimates to complete this work while a third declined to provide a quote.
- After further deliberation and review of the estimates, staff recommended authorizing Nowak Construction to make repairs, and the City Manager authorized the emergency repair on July 22.
- The outfall was excavated and repaired with restrained joint pipe sections and rock rip-rap was placed to protect the stream banks.

#### **FINANCIAL/SUSTAINABILITY CONSIDERATIONS:**

- Nowak was able to respond quickly and completed the work in late July.
- The total repair cost from Nowak was \$37,970. Funds are available from the Stormwater Fund to pay for the repairs.
  - The other proposal received was from Mies Construction in the amount of \$73,500.

#### **LEGAL CONSIDERATIONS:**

- The purchasing policy authorizes the City Manager to make emergency purchases over \$25,000 when delaying the purchase would threaten (1) the functioning of City government, (2) the preservation or protection of property, machinery, or equipment, (3) the health or safety of any person, or (4) to increase costs to the City.
  - Without repair the erosion would have continued to cut back the stream bank and further damaged the storm sewer line.
  - The residence in close proximity to the outfall has experienced damage to the yard and other improvements which would continue unless repairs were made.
- On July 22, the City manager authorized the repair as an emergency purchase and this agenda item serves as notice to the Council.

#### **RECOMMENDED MOTION**

- Receive and file the notification of emergency repairs for Brook Forest Rd. storm sewer.

#### **7.4 Every Encroachment Agreement at MARC Addition**

#### **FINANCIAL/SUSTAINABILITY CONSIDERATIONS:**

- Every owns electrical transmission lines and easements on the property now platted as MARC Addition to Derby, which is within the City's STAR Bond District.
- The City's dedicated utility easement overlaps the Every easement in some locations.
- Every has asked the City to sign an encroachment agreement to allow the sanitary sewer construction.
  - Construction of the improvements is being managed by the developer, and the City will become the ultimate owner of the public improvements.
  - The City has previously entered into encroachment agreements with Every with the most recent being a 2024 encroachment agreement associated with the sanitary sewer interceptor along the east line of Sky Ridge Addition near 55th and Rock.

- The encroachment agreement clarifies and limits certain activities within Every's easement area with regard to maintenance of the improvements and future projects or changes to the improvements. Examples include seeking pre-approval for landscaping, construction activities and equipment usage within the easement.
  - The City's obligations under the agreement are effective upon completion of the initial construction of the improvements.
  - A separate encroachment agreement between the developer and Every will be negotiated concerning the eventual construction of the private improvements.
- The encroachment agreement also addresses liability for work within the easement.
- Staff has been negotiating mutually agreeable terms with legal counsel for Every and anticipates an acceptable form will be reached soon. Due to the construction timetable associated with the project, Council approval at this meeting is requested.
- The project was bid July 22 and is being reviewed by City staff and developer prior to being awarded. The project will provide sanitary services to most properties north of Tall Tree Rd and east of Rock Rd.

### **RECOMMENDED MOTION**

- Authorize the City Manager to execute an encroachment agreement with Every, upon such terms and conditions determined acceptable by the City Manager and upon a form approved by the City Attorney.

**Rick Coleman moved, seconded by Mike Neel, to approve the Consent Agenda, as presented.**

<b>RESULT:</b>	Carried (8-0 for Items 7.3 & 7.4; Items 7.1 & 7.2 were each 7-0 with 1 abstention)
<b>MOVER:</b>	Rick Coleman
<b>SECONDER:</b>	Mike Neel
<b>AYES:</b>	Kristi Truitt, Mike Neel, Elizabeth Stanton, Nick Engle, Jenny Webster, Rick Coleman, Wayne Molt, Jr., and Larry Gould
<b>ABSTAINED:</b>	(Elizabeth Stanton for Item 7.1 only) (Jenny Webster for Item 7.2 only)

## **8 NEW BUSINESS**

### **8.1 First Reading: Zoning Regulation Amendments for Window Signage**

**Scott Knebel, City Planner, gave the agenda report.**

#### **BACKGROUND:**

- On November 7, 2024, the Planning Commission initiated the process to amend the zoning and subdivision regulations after conducting the annual review of the Vision Derby 2040 Comprehensive Plan and determining that amendments to the zoning and subdivision regulations are needed.
- The Planning Commission appointed a steering committee to guide the process and to develop recommended amendments to the zoning and subdivision regulations.
- The steering committee included the following people:
  - City Council members Mike Neel and Jenny Webster;
  - Planning Commissioners Dana Quigley and Gary Renberger;

- Community Development Advisory Board member Jennifer Brown; and
  - City staff including City Manager Kiel Mangus, Assistant Public Works Director Tom Keil, Code Enforcement Officer II Brent Lichten, City Planner Scott Knebel, and Development Director Dan Squires.
- The steering committee reviewed the needed amendments identified by the Planning Commission and prepared recommended amendments to the zoning and subdivision regulations.
- The recommended amendments were presented to the Planning Commission at a public hearing on April 3, 2025.
  - At the public hearing, several speakers raised issues with the committee's recommended amendments for window signage.
  - The Planning Commission delayed consideration of the window signage amendments and directed the committee to study the issue further.
- The committee met with stakeholders to consider five options, including the original recommendation, and developed a new recommendation.
- The new recommendation for window signage is attached and summarized below.
  - Windows no more than 12 feet above ground level that are covered by an awning or building overhang projecting from the building wall at least 18 inches can be entirely covered with signage without a permit.
  - Any window regardless of height or presence of an overhang can be covered up to 25% by window signage without a permit.
  - Window signage on windows more than 12 feet above ground level that cover more than 25% of the window are considered wall signs, require a permit, and are subject to the size limitations of wall signage.
  - Signs of all types must be maintained to a high quality at all times, and if they are not, the City can provide a notice requiring sign repair within 30 days. If the sign repair is not completed in a timely manner, the City can cause the repair to occur and bill the sign owner.

## **LEGAL CONSIDERATIONS:**

- K.S.A. 12-757 requires the Planning Commission to hold a public hearing for the formal consideration of amendments to the zoning regulations.
  - Notice of the hearing was published in the official city newspaper on June 25, 2025, as required by state law.
  - A public hearing was held July 17, 2025, to consider the recommended amendments to the zoning regulations for window signage.
  - There were no speakers at the public hearing.
  - At the conclusion of the public hearing, the Planning Commission voted (9-0) to recommend Council approval of the zoning regulation amendments for window signage.
  - The minutes of the Planning Commission public hearing are attached.
- All conditions precedent to the Council's consideration of adoption of the recommended amendments have been satisfied.

- In accordance with state law, the Council may take one of the following three actions when considering adoption of the recommended amendments:
  - Adopt the recommendation of the Planning Commission and adopt the amendments by ordinance by a majority vote (5 votes).
  - Override the recommendation of the Planning Commission and disapprove or modify the amendments by a 2/3 majority vote (6 votes).
  - Return the recommendation to the Planning Commission with a statement specifying the basis for the Council's failure to approve or disapprove (5 votes).

### **RECOMMENDED MOTION**

- Schedule a second reading of the ordinance to adopt the zoning regulation amendments for window signage for August 26, 2025.

**Council Member Wayne Molt, Jr.** said when maintenance is required, will they need to apply for a permit to make those changes or updates?

**Scott Knebel, City Planner**, clarified this applies to all signs, not just window signs, so the answer is yes and no. If the original sign required a permit, yes, a replacement will also need to have one. If it did not require a permit initially, it can be replaced without a permit.

**Mr. Molt** said will they have to pay a permit fee again?

**Mr. Knebel** replied no; we do not charge a fee for what we call a face replacement of a sign.

**Mr. Molt** thanked Mr. Knebel and all involved in the discussions leading up to this solution. I know there was a bit of contention at first, but everyone worked together to come up with something that works for everyone. This is a win for the City, our community, and businesses.

**Wayne Molt, Jr. moved, seconded by Jenny Webster, to schedule a second reading of the ordinance to adopt the zoning regulation amendments for window signage for August 26, 2025.**

**Council Member Rick Coleman** asked are the two examples shown in the packet both exempt?

**Mr. Knebel** confirmed they are. In fact, most window signs are. Very few exist that do not have an overhang or that cover the entire window.

**Council Member Mike Neel** said I served on this committee. Do you recall how many businesses were involved in the meetings we had regarding the window signs?

**Mr. Knebel** said at the first meeting, nine participated. At the second, I believe it was six.

**Mr. Neel** asked do other communities of our size in the area have similar regulations?

**Mr. Knebel** said Andover also limits window signs to 25% coverage, as do several other cities in our area.

**Council President Nick Engle** said I'm curious about the City causing a sign to be repaired. I'm not sure what that process would look like. With a tall lawn, it is rather straight-forward; we just send someone to cut it. With signage, I don't know how we repair a sign we do not own or have the correct graphics for.

**Mr. Knebel** said we'd hire a contractor.

**Mr. Engle** said would we ask them to work with the business owner to make the sign what they want it to be?

**Mr. Knebel** stated the ordinance you are being asked to pass does give the City the authority to do so, yes. It is something in my career my position has had the power to do, but I have never had to actually use it.

**Mr. Engle** said that would be my suspicion, as well, that we would never get to that point.

**Kiel Mangus, City Manager**, added over the last few years, we have had the ability to enforce our current sign code. We had a lot of vacant signs, those without face plates on them, or businesses that had gone out of business and kept their signs up. According to our code, if you go out of business, you have 180 days to take your sign down or replace it with a blank face plate. We would send out a letter informing them of this and most comply rather quickly. I don't believe we have ever had to hire a contractor to go out and put in a blank face plate for one of those.

**Mr. Knebel** agreed, saying in the last process regarding those, we sent out around 3 dozen notices and within 18 months of talking to and working with the property owners, we achieved 100% compliance.

**Mr. Engle** said I don't think we'll ever need to get there, but I can't see how we'd go about repairing a sign that already exists. I wonder if for the second reading, it should be updated to removal of the sign if it is in disrepair.

**Mr. Mangus** said most likely if the sign is not repaired within 30 days of notification, I believe the City would put a blank plate in there. We wouldn't try to repair their graphics or put a new sign in for them.

**Mr. Knebel** said I can only see the City using this if it became a safety issue.

<b>RESULT:</b>	Carried
<b>MOVER:</b>	Wayne Molt, Jr.
<b>SECONDER:</b>	Jenny Webster

<b>AYES:</b>	Kristi Truitt, Mike Neel, Elizabeth Stanton, Nick Engle, Jenny Webster, Rick Coleman, Wayne Molt, Jr., and Larry Gould
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## 8.2 Purchase of Property at 355 W. Washington St

**Kiel Mangus, City Manager**, gave the agenda report.

### BACKGROUND:

- The property owner at 355 W. Washington St. recently approached the City about interest in acquiring its 4.074-acre property adjacent to Warren Riverview Park (WRP).
  - Bob Cook Homes, LLC is the property owner and has offered to sell their property to the City.
- WRP has been a popular destination since opening, as residents take advantage of its riverfront location and direct access to water recreation. The park is unique in its natural setting and offers panoramic views of the river, making it a valued space for both recreation and relaxation.
- One of the most common complaints heard about WRP is limited parking availability. The site is consistently busy with daily visitors enjoying the playground and river recreational amenities, and it serves as a very popular rental venue for parties, family gatherings and weddings.
  - The proposed property purchase will help us expand parking and improve the park experience for all users.
- The Parks Master Plan completed in 2022 utilized community input to rank the highest park priorities. Some of highest rated priorities include:
  - Walking trails
  - Shade
  - Restrooms in parks
  - Open green space
  - Updated playground equipment
- The value of the proposed property is its ability to provide expansion opportunities for services in conjunction with WRP that were also heavily desired by the public (as identified in the 2022 Parks Master Plan). These include:
  - Expanded riverfront trails
  - Increased parking
  - Additional playground and picnic space
  - Open green space
  - Small off-leash dog park area
  - Additional restrooms and shade
- Staff has worked to complete the due diligence necessary to proceed with purchase of the property.
  - An environmental evaluation of the property was completed due to soil/contamination issues with the first phase of WRP and the previous use of the proposed property as a concrete batch plant.
  - An environmental engineer was hired to perform a Phase 1 environmental assessment and partial Phase 2 assessment on the property.
  - The assessments showed no apparent environmental issues on the property.

- The intent is to purchase the property at this time although it will not be developed right away. It will be clearly marked with signage and have controlled access initially.
  - Over time, Public Works staff will prepare the site for community use and phase in developed amenities. Site grading and general site cleanup will be the first of many projects to come.
- The purchase of this property will not only double the size of Warren Riverview Park but also allow possible connections for future riverfront trail development to the south.

#### **FINANCIAL/SUSTAINABILITY CONSIDERATIONS:**

- After some negotiations with the City, the property owner has agreed to sell the property to City for a purchase price of \$395,000.
- Funding is available in the Derby Difference Sales Tax to purchase the property.
- The City will also pay for title work and any necessary property survey for the purchase.
- More in-depth development of the park would occur in the future as funding becomes available.

#### **POLICY IMPLICATIONS:**

- The acquisition of the property furthers the goal of preserving beautiful green spaces and meets the desire of the community to engage in walking trails and further develop park spaces with trails, shade, playground equipment and restrooms.

#### **RECOMMENDED MOTION**

- Authorize the City Manager to enter into a real estate purchase contract for 355 W. Washington St., Derby, KS, with a purchase price in the amount of \$395,000, and authorize the City Manager, in his discretion, to take additional steps necessary to close the transaction and acquire the property.

**Council Member Mike Neel** said I remember around 10 years ago having discussions about a possible park in the area. At that time, this same property had an asking price of around \$1.2 million, so I think it is great to see us getting it for significantly less. I think this is something we should do, especially with the assumption of our new 10-year sales tax just began and people continue to spend money in Derby. Some of those funds could help go toward what will eventually be a park on this land. I think it is a great idea.

**Council Member Elizabeth Stanton** said when we first began looking into this, I was concerned. Why build another park when we cannot maintain some of the parks we already have? I'm glad to hear we are purchasing it with the idea that at some point in the future, it will be developed into an extension of Warren Riverview Park. We all know land prices only go up, so buying it now for a good price makes sense. I definitely want our focus now to be on our older parks in Derby because they are important, too. I know there are certain favorite parks in town that get a lot of love and attention, but I want us to also be mindful to not forget the older neighborhood parks as well.

**Kiel Mangus, City Manager**, said with the Derby Difference Sales Tax, the main driver of parks was to finish Decarsky Park Phase 2, look at High Park, and work on some of our older neighborhood parks as far as new playgrounds, more bathrooms, and more shade. With a 10-year sales tax that just began, it is possible we will be able to do more, depending on what kind of revenue it brings in. If toward the end of the tax period it has done well, there may be some funding available to do some development of this new property.

**Council President Nick Engle** said I thank Ms. Stanton for her remarks and agree. I've shared it before, but when I was first elected to Council, I thought Derby has enough parks; we're good as is. Very quickly, however, as I became involved in Vision 2040, the Parks Master Plan and other opportunities for community input, the public made it known that they want even more parks with nature trails and hiking areas. I like the idea we have the opportunity now to get this land for a bargain price with the future intent of developing it into more park space along the river for our community to enjoy. We have plenty of projects going on right now that need our attention but knowing we will have this for a future opportunity is a good move. It will be great for when that time comes.

**Nick Engle moved, seconded by Rick Coleman, to authorize the City Manager to enter into a real estate purchase contract for 355 W. Washington St., Derby, KS, with a purchase price in the amount of \$395,000, and authorize the City Manager, in his discretion, to take additional steps necessary to close the transaction and acquire the property.**

<b>RESULT:</b>	Carried
<b>MOVER:</b>	Nick Engle
<b>SECONDER:</b>	Rick Coleman
<b>AYES:</b>	Kristi Truitt, Mike Neel, Elizabeth Stanton, Nick Engle, Jenny Webster, Rick Coleman, Wayne Molt, Jr., and Larry Gould

## 9 EXECUTIVE SESSION: ATTORNEY-CLIENT PRIVILEGE

**9.1 Nick Engle moved, seconded by Rick Coleman, to recess to Executive Session with the City Manager, Deputy City Manager, and City Attorney for 30 minutes regarding consultation with the City Attorney on matters which would be deemed privileged under the attorney-client relationship pursuant to K.S.A. 45-4319(b)(2) for the purpose of receiving legal advice regarding potential liability and interpretation of state law. The open meeting will reconvene here in the Council Room at 7:42 p.m.**

<b>RESULT:</b>	Carried
<b>MOVER:</b>	Nick Engle
<b>SECONDER:</b>	Rick Coleman
<b>AYES:</b>	Kristi Truitt, Mike Neel, Elizabeth Stanton, Nick Engle, Jenny Webster, Rick Coleman, Wayne Molt, Jr., and Larry Gould

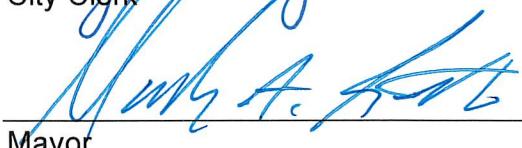
**Council President Nick Engle** returned the meeting to open session at 7:42 p.m. and said no binding action was taken in Executive Session.

## 10 ADJOURNMENT

**Nick Engle moved, seconded by Wayne Molt, Jr., to adjourn the meeting at 7:43 p.m.**

<b>RESULT:</b>	Carried
<b>MOVER:</b>	Nick Engle
<b>SECONDER:</b>	Wayne Molt, Jr.
<b>AYES:</b>	Kristi Truitt, Mike Neel, Elizabeth Stanton, Nick Engle, Jenny Webster, Rick Coleman, Wayne Molt, Jr., and Larry Gould

  
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City Clerk

  
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Mayor