



MINUTES

City Council Meeting

6:30 PM - Tuesday, February 25, 2025
Council Room

1 CALL MEETING TO ORDER

The City Council meeting was called to order on February 25, 2025, at 6:30 p.m. 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

PRESENT:	Council Member Kristi Truitt Council Member Mike Neel Council President Nick Engle Mayor Mark Staats Council Member Jenny Webster Council Member Rick Coleman Council Member Chris Unkel Council Member Wayne Molt, Jr.
ABSENT:	Council Member Elizabeth Stanton

5 ACCEPTANCE OF AGENDA

5.1 Adoption of the Agenda

Nick Engle moved, seconded by Wayne Molt, Jr., to approve the meeting agenda, as presented.

RESULT:	Carried
MOVER:	Nick Engle
SECONDER:	Wayne Molt, Jr.
AYES:	Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Rick Coleman, Chris Unkel, and Wayne Molt, Jr.
ABSENT:	Elizabeth Stanton

6 PRESENTATIONS

6.1 Senior and Transportation Services 2024 Annual Report

Jenny Foster-Farquhar, Senior Services & Transportation Director, introduced members of the Senior Center Advisory Board and Amy Bruso, Activity and Volunteer Coordinator, in attendance and then shared the video report.

BACKGROUND:

- The purpose of the 2024 Annual Report is to inform the City Council of the activities and accomplishments of the Senior Center and Derby Dash during the previous year.

Council Member Jenny Webster said I loved the presentation. I like to see innovative new ways of sharing information; the video was great.

Council Member Kristi Truitt agreed, adding I appreciate all you and the Center do in, and for, the community.

Council Member Mike Neel said the report lists 1,334 active members. What does it take to be considered an active member?

Jenny Foster-Farquhar, Senior Services & Transportation Director, replied checking in or attending one event at least once a year.

Council Member Rick Coleman said I think we have the best Senior Center in the state, if not the nation. Great job. I am looking forward to the new building for the Center.

Council Member Chris Unkel said this was the best presentation I've seen in the 3-plus years I've been on Council. It was concise, to-the-point, and really highlighted all the great things the Senior Center offers. Remind me, how many new members this year?

Ms. Foster-Farquhar said 289.

Mr. Unkel asked what goes into recruiting new members; how do people over 55 find out about the Center?

Ms. Foster-Farquhar said many times it is word-of-mouth. Our members are our best sales reps, so to speak. They love being involved and invite others to attend events. Other times, they may see pictures or reporting on an event, like our recent Super Bowl party, and think that looks fun, so they check out what else we offer.

Mr. Unkel said that is great; you had about a 20% increase in just a year, so it is working.

Ms. Foster-Farquhar noted we have an incredible team supporting both the Senior Center and the Derby Dash. Our Advisory Board is also incredibly

involved and supportive, as well as many members who volunteer and desire to make the Center a welcoming place.

Mr. Unkel said if any of us had doubts about our choice of how to use the property gifted to us by Cross of Glory, this report should have settled them. You are doing amazing work, and the new space will allow you and the team to offer even more ways for our older population to remain active and involved.

Mayor Mark Staats said the video format for your report really allowed us to see the people involved and get a better idea of the activities and events offered. Thank you to your staff, the board, and all your volunteers for all the work you do. I, too, am excited to see how things grow and become even better once the Center is in its new home.

6.2 Police Department 2024 Annual Report

Brandon Russell, Police Chief, gave the annual report.

BACKGROUND:

- The 2024 Derby Police Department Annual Report is an opportunity to publicly acknowledge the activities and staff of the police department from the last year, as well as give a glimpse into the upcoming year.

Council Member Wayne Molt, Jr. thanked Chief Russell for a great presentation. There were several things that stuck out to me. One is the emphasis on training the trainer, continuing with internal training to share and sharpen skills throughout the department. Another is how both Jax and the drone are being used to assist other communities and build those relationships was another. We learned you are a KLEAP Assessor reaching beyond our own force to help train and equip other departments, and that you may have additional speaking opportunities at a national level. All these things are great stuff showing our department is trendsetting and leading the way. Keep up the good work.

Council Member Chris Unkel said we can see the results of your efforts to build camaraderie as well as community engagement. I love seeing your work with the Library to provide leadership and strength-building resources for your team. We are definitely heading in the right direction with us now receiving applications outnumbering the amount of open positions.

Council Member Kristi Truitt commented your passion for people showed through in your presentation. Do you know what led to an increase in applicants?

Chief Russell credited Deputy Chief Moore with the phrase, "You can't buy culture." That certainly seems to be a driving factor. People want to be here, even though other agencies may pay more. They see what we are doing in Derby and want to be a part of it.

Kiel Mangus, City Manager, said there are a couple of issues I see Derby deals with frequently. The first is, we are basically a two-major road city with a lot of traffic on K-15 and Rock Rd. Those two main roads are where most of our accidents occur, and we want to reduce accidents on those areas. The second is property crime. Flock cameras have been instrumental in helping us with property crime. We do have a grant through WAMPO to look at a traffic corridor study on Rock Rd. to help us evaluate each intersection from both a policing standpoint and an engineering standpoint working together. I also would mention I am copied on all surveys sent in from police interactions, and 9 times out of 10 those are positive, even when someone has been stopped for a ticket. That is a testament to the professionalism of the officers.

Mayor Staats said I love seeing the work put in to improving the culture over the years and even in the two short years you have been Chief, the difference shows. You are building something that will last after you move on, a true legacy for the department. You are doing a great job, and we appreciate all you do.

7 PUBLIC FORUM & ANNOUNCEMENTS

Mayor Mark Staats said the Derby Community Foundation held their Bronze Ball last weekend, and it was a great event. There were approximately 270 in attendance to support our community in various ways and to fundraise for the organization. Council Member Stanton is not with us this evening, but she was very involved with the event. She and many others worked hard to put together a wonderful evening focused on ways to enhance our community.

Council Member Rick Coleman acknowledged how hard the Public Works crew has worked to keep our streets clear and safe with all the snow and ice we've had over the last couple of months.

8 CONSENT AGENDA

- 8.1 Consideration of Minutes
- 8.2 Street Closures for 2025 Smokin' 5K and Just Tri Youth Triathlon

BACKGROUND:

- In 2023, the Derby Recreation Commission added a 5K to the events being held in conjunction with the Smoke on the Plains BBQ & Music Festival.
 - The 5K is proposed to take place on Saturday, June 14, 2025 at 7:30 a.m.
 - To better ensure the safety of participants, road closures will include James St. from the roundabout to the high school, the high school drive from James St. to Madison Ave., and Bel Arbor St.

- See attached map to note that James St. at Timberleaf and the high school should reopen at 7:45 a.m. Bel Arbor should be entirely open at 8:10 a.m. and everything including the roundabout will remain open with volunteers directing traffic across the drives. The portion of the race on Madison Ave. will be on the sidewalk.
 - Volunteers from the DRC will staff the traffic barricades and reopen streets to traffic as soon as possible.
- The Derby Running Club will host its annual Just Tri Youth Triathlon on Sunday, July 27, 2025.
 - To better ensure the safety of participants, College Park St. should be closed from the west entrance of Rock River Rapids to James St., and James St. should be closed from College Park east to the roundabout from 7:00 a.m. to approximately 9:30 a.m.
 - The roundabout will be closed since the bikes will be traveling into High Park.
 - Once the bike portion of the race is done, the road can be reopened. The runners will be on the sidewalks.
 - Residents affected will be given advance notice by the running club members and also informed how to exit their neighborhoods during the closure.
 - The impact on businesses will be minimal; Village Inn will remain accessible to vehicular traffic.
 - Volunteers from the Derby Running Club will staff the traffic barricades to give directions to the public.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- Two police officers will work each event to address any safety concerns.
- 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 closures as proposed.

8.3 KDOT Authorizing Resolution for K15 Traffic Signals

BACKGROUND:

- The Kansas Department of Transportation (KDOT) has created and designed a project to upgrade the signal poles and controllers at the intersections of K-15 and Meadowlark Blvd.; K-15 and E. 47th St. S.; and K-15 and MacArthur Rd.
- On February 11, Council approved a consent agenda item authorizing execution of an agreement with KDOT in order to facilitate upgrade of signal poles and controllers along K15.

- Staff has been advised that a formal resolution of the Council is required for City participation.
- KDOT is required to receive authorization in the form of an agreement from both the City of Derby and Sedgwick County to proceed with the improvement project.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- KDOT is financially responsible for the project and there is no cost to the City of Derby.
- Sedgwick County has maintenance responsibility of the traffic signal poles and controller at all three proposed intersections.
- KDOT is responsible for the utility expenses of the signal poles and controller at the intersection of K-15 and Meadowlark.

RECOMMENDED MOTION

- Authorize a resolution to allow KDOT to act for the City and obtain benefits under the Federal-Aid HSIP Safety Program.

Nick Engle moved, seconded by Jenny Webster, to approve the Consent Agenda, as presented.

RESULT:	Carried
MOVER:	Nick Engle
SECONDER:	Jenny Webster
AYES:	Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Rick Coleman, Chris Unkel, and Wayne Molt, Jr.
ABSENT:	Elizabeth Stanton

9 NEW BUSINESS

9.1 Senior Center Land Agreement

Kiel Mangus, City Manager, gave the agenda report.

BACKGROUND:

- On September 12, 2023, the City Council accepted a donation of a church and associated land from the Cross of Glory Lutheran Church.
 - The property included 6.639 total acres and a 6,400 square foot church facility, a small maintenance shed, and drainage reserve.
 - The donation and acceptance of the property was in anticipation of using the site as the future home of the Derby Senior Center.
- Shortly after the donation, the City hired Hutton Construction to perform a space study of the church facility and site, Derby Police and Courts Building, and the current Senior Center space on the south end of City Hall.
- The space study was presented to Council in February 2024.
 - Renderings were shown at the three facilities, and the final report breaks down current spaces and proposed future spaces, construction needs, phasing/timing, and estimated costs.

- In June 2024, City Council approved phase one of a design-build services contract with Hutton for the Senior Center, Police Department, and City Hall/Courts Facilities design.
- In October 2024, Hutton presented to Council and recommended a teardown and build new option for the Senior Center due to the costs being the same as the remodel option, and the long-term maintenance costs being much less for the new build.
 - Council approved moving forward with the tear down and build new option.
- The City was approached by a developer interested in developing the adjacent lot to the north of the City's property and future Derby Senior Center location.
- The developer has proposed plans to develop a higher-density senior housing product and is hoping to partner with the City for use of some of the 6.639 acres on the City site.
 - In October, the City Council received some information about the possible development on the north site and saw some site plan previews as to where items would be located and the need for some City land to accommodate their desired site plan.
- City staff and Hutton have worked with the developer, PETRA, LLC, on their proposed site plan and needs in order to try and create a more comprehensive, cohesive site flow between the two sites.
- The City senior center site includes an angled piece of land on the north end that cuts to the northeast.
 - This portion of land is proposed to be sold to the developer for their site development and construction of shared parking and amenities.
- The parties are negotiating an agreement to sell the portion of land to PETRA with the following terms:
 - The City would sell to PETRA approximately 1.23 acres of land off of the north end of the site for a cash purchase price of \$1.
 - Additional consideration for the transaction is provided by PETRA's agreement to develop the property as part of its larger senior living development including their agreement to construct a surface parking lot adjacent to our senior center property, two pickleball courts and a gazebo structure adjacent to our property and provide paved sidewalk connections to the Senior Center site.
 - As noted, PETRA would grant an easement for some shared parking to the City and would grant senior center patrons the ability to use the pickleball courts, gazebo, and sidewalks on PETRA property.
 - PETRA intends to seek a zone change to facilitate its intended develop of the property and the sale of city property to PETRA would be contingent on a zone change for the property.
 - PETRA would be required to complete platting of the property no later than June 1, 2026, and would be required to submit a petition for financial participation in a turn lane/access lane off of Rock Rd.
 - A Restrictive Covenant would be entered into at the time of closing of the sale to provide security for PETRA's ongoing obligations.

- A timeline would be established within the restrictive covenant that would require PETRA to start building the amenities within 36 months and complete construction 24 months after that.
- Once the property is developed and the amenities built, the restrictive covenant would be released.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The City is proposing to sell the land to the buyer for the cash purchase price of \$1.
 - The nominal cash price for the property is offset by the additional consideration from the developer in the form of construction of parking and amenities, as well as shared access to senior center patrons.

LEGAL CONSIDERATIONS:

- The City Attorney is working with the City Manager and developer's counsel to negotiate a final agreement consistent with the above parameters.

RECOMMENDED MOTION

- Authorize the City Manager to negotiate and enter into an agreement to sell approximately 1.23 acres of City property for a cash purchase price of \$1 plus additional consideration with authority granted to the City Manager to approve the final form of the agreement and transaction terms, in his discretion, after consultation with the City Attorney.

Kiel Mangus, City Manager, said this will be a denser development than we are used to seeing in Derby. They propose a 4- or 5-story complex with elevators. It makes sense to build higher when already having the expense of an elevator.

Council President Nick Engle agreed this is a great opportunity for a public-private partnership. I am curious about the agreement for shared amenities, though. Will that be a legal agreement or how will it work?

Jacque Butler, City Attorney, said we are still working out the details, but it will be a written use agreement or access agreement because we will have the parking element as well as the amenities. There may be two agreements. One as an easement and parking access agreement and the other as a use agreement for the amenities.

Mr. Engle asked will those go on in perpetuity or have a time limit?

Ms. Butler replied we anticipate them being in perpetuity. Parking and access easements will be recorded with the register of deeds. The use agreement may be tied to the use of our Senior Center facility since it is for the patrons of the Center and may be more of a contractual document.

Mr. Mangus clarified we do not have an agreement to share with you tonight, as the motion this evening is to authorize us to begin moving toward those needed agreements with the sale of this land. We have a good outline of what we need through Ms. Butler's ongoing work with the developer's legal counsel.

Council Member Mike Neel said we plan to start building the Senior Center this spring. The covenant says they have 5 years to build, but what does their timeline really look like?

Mr. Mangus stated the first step for the developer is rezoning, followed by platting. They have told us they'd like to start building this summer, or at least later this year. I don't see this becoming a 4-year build. For example, the Senior Center is set to begin construction hopefully in April this year and finishing in about 12 months. Their development is a bigger facility and as such will take a little longer, but not 3 or 4 years.

Mr. Neel asked do the citizens who live on the cul-de-sac directly behind this area know that there is a 4- or 5-story structure proposed behind them?

Mr. Mangus said they are about to find out because part of the rezoning process is for the City to send out notices to those in the immediate area. We also put up signs and publish notices in the paper announcing the public hearing about proposed zone changes. I expect we will probably hear from some of them on this.

Ms. Butler clarified Council's approval of the motion tonight is not an approval of the zoning change. That is a separate process that will come before Council later. When the zone change does come to Council, you need to be sure you are considering the Golden Factors, or the Findings of Fact, only, not any personal feelings or views about the project.

Rick Coleman moved, seconded by Wayne Molt, Jr., to authorize the City Manager to negotiate and enter into an agreement to sell approximately 1.23 acres of City property for a cash purchase price of \$1 plus additional consideration with authority granted to the City Manager to approve the final form of the agreement and transaction terms, in his discretion, after consultation with the City Attorney.

RESULT:	Carried
MOVER:	Rick Coleman
SECONDER:	Wayne Molt, Jr.
AYES:	Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Rick Coleman, Chris Unkel, and Wayne Molt, Jr.
ABSENT:	Elizabeth Stanton

9.2 Decarsky Park Phase II Construction

Steve White, Parks Director, gave the agenda report, recognizing Samantha Warkins, Project Manager, PEC, and Vince Haines, Gravity Works Architecture, in attendance.

BACKGROUND:

- On January 23, 2024, the City Council approved a design and construction services agreement with Professional Engineering Consultants (PEC) for design of Decarsky Park Phase 2.
- On September 24th, City Council approved the pre-qualification of five construction companies capable of building and managing the Decarsky Phase II project.
 - This was done to ensure the project bidding contractors were qualified to handle a project of this size/scope.
- Following pre-qualification of bidders, the design and construction documents for the project were finalized in preparation for bidding.
- Phase II of the park project includes:
 - Four new ballfields with LED field lighting, dugouts, and score boards
 - Four additional batting cages (6 Total)
 - One Adaptive Play field
 - Warmup field
 - Playground
 - Main Concessions building with restrooms
 - Park operations, equipment and material storage space
 - Second satellite restroom building
 - Stormwater management pond.
 - Extension of Line Drive
 - A 763-stall parking lot (1,017 total spaces will be available once complete)
 - Shade, benches, sidewalks, and landscaping throughout phase II
 - Additional shade areas along the main corridor of phase 1
 - Shade structures for large and small dog lawns
- Bid data was provided to the pre-qualified construction companies on January 7. Three of the five companies submitted bids on January 31 with the following results:

<u>COMPANY</u>	<u>TOTAL BID</u>
Dondlinger Construction	\$16,903,100
McCownGordon Construction	\$18,267,649
Key Construction	\$18,532,000
Snodgrass Construction	No bid
Crossland Construction	No bid

- Dondlinger Construction provided the lowest, responsible bid for the project. City staff has reviewed their bid and recommends awarding the contract to them.
 - The City has a long history of working with Dondlinger on different projects and has had great experiences with them.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The 2025 Capital Improvement Plan budget included \$20 million for Decarsky Park Phase II construction.

- The recommended lowest, responsible bid from Dondlinger was under budget.
 - Considering the scale of the project, and the potential for unforeseen issues a 3% contingency budget, totaling \$507,093, is recommended to be included in addition to the \$16.9M bid price.
- The City also plans to directly purchase certain items in order to reduce contractor project mark-up costs and to ensure product consistency with Decarsky Park Phase I. Items include the following:
 - Shaw Artificial Turf, utilizing the Sourcewell Purchasing Cooperative in the amount of \$530,167.
 - Site furnishings from Galaxy Business Equipment, utilizing the State of Kansas Purchasing Agreement to provide tables and chairs for concessions seating and picnic tables throughout the park in the amount of \$183,550.
 - Appliances and equipment for the concession stand from Webstaurant in the amount of \$99,807.
 - Dondlinger Construction will provide assembly and installation of provided equipment.
- A project of this size and complexity also requires inspection services of a nature unable to be provided by city staff.
 - Third party construction inspection services by PEC will provide the expertise needed to act as the owner's representative, ensuring construction meets the design intent and project construction documents.
 - The cost of inspection services is \$356,825.
- Total costs for the project (including bid, contingency, prepurchase items, and construction inspection services) is \$18,580,542.
 - The project will be bonded, and debt payments will be made from the Derby Difference Sales Tax Parks fund.

LEGAL CONSIDERATIONS:

- The City Attorney will review and approve the final construction contract.
- Bond Counsel (Gilmore and Bell) prepared the project resolution and will assist in the bond sale.

POLICY IMPLICATIONS:

- Completion of Decarsky Park Phase II is a top priority identified in the 2022 Parks Master Plan.
- City Council approved the Parks Masterplan in October 2022.

RECOMMENDED MOTION

- Approve a resolution authorizing Decarsky Park Phase II and providing for issuance of bonds for payment of the costs, authorize the City Manager to enter into an agreement with Dondlinger Construction in an amount not to exceed \$17,410,193 for construction of the project, authorize the City Manager to enter into an agreement with Professional Engineering Consultants in an amount not to exceed \$356,825 for construction

inspection services on the project, and authorize the purchase of artificial turf, site furnishings, and appliances in the total amount of \$813,524.

Kiel Mangus, City Manager, said we are also addressing some things from Phase 1, can you spell those out?

Steve White, Parks Director, said yes, we are adding additional shade, particularly at the dog park and along the main corridor walkways.

Council Member Chris Unkel said on the slide, the parking lot looks huge, but is it really going to be enough? Parking for tournaments fills up very quickly and has been an issue. Did we study other tournament facilities in the area to compare and determine how much parking will be needed?

Mr. White said we will have a little over 1,000 parking spaces total.

Mr. Unkel asked is that average for 8 ball fields? To the west, we'd discussed possibly having a sledding hill. Do we need to instead look at additional parking while we are already building?

Mr. Mangus said originally in Phase 1, we had a consultant evaluate the need for parking, but I think their estimate was a bit off for Phase 1. We have since added to that evaluation and used information from the tournaments we held to increase the number of spaces to around 1,000. Based upon numbers I've seen; I think we are good. As far as the area to the west and a future sledding hill, we haven't decided anything yet. If necessary, we could have it as overflow parking.

Mr. Mangus pointed out we had our first pre-qualified contractor process with this project because of its size and scale, as well as the need to match and tie in with Phase 1. Through that process, we pre-qualified 5 contractors and 2 of those decided not to bid. I am very confident in the Dondlinger bid.

Council Member Rick Coleman said right now the facility has concessions and a restroom. Phase 2 adds a satellite restroom toward the other end of the park. Why don't we also look at a smaller satellite concession stand with snack-type foods and drinks? Customers can still go to the main concession area for more meal-type products but have some snack options closer to the other end of the park as well. My other question is, have we talked with the school district yet about use of the fields? I know that became an issue with Phase 1.

Mr. Mangus said we currently have an agreement for a turf swap. The softball team uses a couple of fields, and the school pays for that use through turf maintenance. If they want further or additional use, then we would need to discuss additional maintenance, but for now they only use a couple fields for softball.

Mr. Coleman said I want to make sure they understand it is going from 4 fields to 8.

Mr. Mangus clarified the school pays based upon their usage. If they stay at the same usage, the City will pay for the maintenance of the additional fields when the vendor services the others. The only way USD260 would begin paying for more turf maintenance is if they increase their usage.

Council Member Wayne Molt, Jr. asked just for clarity, have we had those discussions with the school? I don't want to see this becoming a point of contention or a wedge between us and our partners in the community.

Mr. Mangus replied I have not talked with them about the additional fields directly, but I feel we made it clear in our current agreement that the value they receive for the rental of our fields will be in exchange for the same value of turf maintenance paid by them. More usage will require more value. I can have that conversation with them, however, to be sure both sides are clear.

Mr. Molt said thank you; I'd like for us to have the discussion sooner rather than later when it may be a problem. This is an expensive \$18 million project we are looking at approving. Can you explain again the long-term benefit to Derby from such an investment?

Mr. Mangus said we had WSU conduct an economic impact study that estimated \$10 million to \$11 million annually just from Phase 2. So, when you combine Phase 1 and Phase 2, it is probably around \$15 million to \$20 million. That is not direct sales tax to the City, but the overall economic impact for the area, including hotel stays, shopping, eating, and all that goes with an increase in visitors to Derby.

Mr. Molt said not only is Decarsky Park a good thing for Derby in general, but it is also bringing in ball tournaments and visitors spending time and money in our city. While the \$18 million price tag is still very high, the benefits to Derby far outweigh the construction costs involved.

Wayne Molt, Jr. moved, seconded by Jenny Webster, to approve a resolution authorizing Decarsky Park Phase II and providing for issuance of bonds for payment of the costs, authorize the City Manager to enter into an agreement with Dondlinger Construction in an amount not to exceed \$17,410,193 for construction of the project, authorize the City Manager to enter into an agreement with Professional Engineering Consultants in an amount not to exceed \$356,825 for construction inspection services on the project, and authorize the purchase of artificial turf, site furnishings, and appliances in the total amount of \$813,524.

Council President Nick Engle said I understand these are renderings, not blueprints, but will there be additional protective netting or screening for the playground area. There is a field right next to it.

Mr. White answered yes. We will have field netting on the north and south sides, creating a protected area.

Mr. Engle asked what about the retention pond; will it likewise have some protective barrier?

Mr. White said we will have railing there.

Mr. Engle noted there is no way to accurately project true economic impact, but from reports we received from gas stations and grocery stores, Phase 1 has had quite a significant impact with additional dollars spent in Derby. This is a fulfillment of the promises of the Derby Difference Sales Tax which then gets replenished from the added sales tax generated by the project, but the money is not everything. There is a big cultural component as well. Derby is a park-centered city and people want more. These quality-of-life amenities are part of why Derby is such a desirable place to live. I appreciate all the work and multiple layers of planning that have gone into this, including the cost-saving measures taken.

Council Member Chris Unkel agreed it is kind of a cyclical process. The Derby Difference pays for this park project which then generates additional sales tax dollars. I'm thankful our constituents voted for the one-cent sales tax to allow for continued growth and projects like this. How big is the stormwater retention pond?

Mr. White replied approximately 3 acres, which is about the same as the one at the other end of the park.

Mr. Unkel said we have sprinkler systems for the fields but are also under watering restrictions. What kind of grass will be used?

Mr. White said we are going with cool season. We just went through our second winter kill this past year and had to overseed the entire park. We will be putting in 5 wells in this phase for irrigation.

Mr. Mangus said one of the things we learned from Phase 1 was we did not dig our wells deep enough. The Villas duplexes went deeper and had a lot of success with their wells, where we did not. By going deeper in Phase 2, we should be able to have better wells to utilize.

Mr. Unkel said we need to think about this going forward. We cannot complete these huge projects investing \$2 million in sod only to have it die. Let's say we drill these wells, and they are not as successful as expected; what will we do? We need to think through that scenario. What are our other options? We have a 3-acre pond on each end of the park; could we use the wells to continually fill those so we can pull from there for irrigation? I don't want us to lose any of the big investment we are making because we didn't think through all possibilities.

Mr. Mangus said we can certainly evaluate that. Originally, for Phase 2 we were looking at a purple pipes project, running pipes from the wastewater treatment plant to the park using non-potable water for irrigation. However, as we explored it further, the calculations for water use was less than expected, so the repayment cost was going to be extremely high over time. We could certainly look at the success of the wells and evaluate using them to replenish the ponds.

Mr. Unkel asked did we lay the infrastructure in Phase 1 for purple pipes, but then just not use them?

Mr. White said yes, Phase 1 was completed with purple pipe infrastructure in place, but we decided not to follow suit with Phase 2 for cost reasons.

Mr. Unkel said why can't we proceed with adding purple pipe infrastructure to Phase 2 as well, while it is under construction, just to have it in place should it be needed later as a viable alternative?

Mr. Mangus said the big cost was not laying purple pipe at the park, but rather the construction of piping from the wastewater treatment plant to the park. So, I suppose adding purple pipe in Phase 2 could be looked at for not much additional cost.

Mr. Unkel said another problem we saw in Phase 1 was related to trees intended as a buffer zone dying. How are we addressing that?

Samantha Warkins, Project Manager, PEC, said not only are we creating more berms in Phase 2, but we are also adding dirt onto the berms of Phase 1. This will increase the elevation for Phase 1 between 3 and 5 feet; Phase 2 will be in the 3-to-7-foot range with a variety of shapes and sizes for a more aesthetically pleasing look. Obviously at planting, the trees and other landscaping will not be at full growth height. As they grow and fill in, it will provide additional screening between the neighborhood and the park.

Mr. Unkel said I understand, and it is important. A building is a building; it is there and looks nice as long as it has basic maintenance. If a 5-year-old tree dies, you must start all over and begin growth again. I want to make sure it is done right this time. I love the designs and everything planned; I just want to be sure the outside area is also being considered.

Ms. Warkins replied we are trying to build up those berms as high as possible while keeping a slope of 4:1 or 3:1 so it is still manageable for staff to maintain.

Mr. Molt mentioned at Koch they have a retention pond that collects stormwater run-off from the parking lot for use in irrigation, and it has saved a significant amount of money. Is there a way we can similarly use the Phase 2 pond to capture the run-off from the new, large parking lot?

Ms. Warkins replied for Phase 2, it is graded to run off into new storm sewer system that will fill up the pond. I actually worked on the Koch project you mentioned. That pond is a groundwater pond, which keeps it replenished for irrigation purposes, so it is not quite the same situation.

Mr. Molt said I've heard from residents in this area of town that wells are very hard to get, so if we can capture some of the run-off it will certainly help a bit.

Mr. Mangus said we will have to evaluate how we could use the ponds if needed, but honestly, I do not believe they are big enough to irrigate the fields for long without a source of replenishment. That could be from wells or purple pipes from the treatment plant. We will need to look at a variety of options and the financing involved to make alternative plans. I do like Mr. Unkel's idea to put the infrastructure in place now so we can be ready if it comes to a point we need it.

Ms. Warkins noted the first well drilled for Phase 1 only went to 60 or 65 feet before they hit shale, so that is why they were not successful. The wells in the duplex area are down to between 115 to 125 feet. We anticipate going at least that deep for the 5 planned wells in Phase 2.

Mr. Mangus pointed out this park includes a giant concession stand that will sell food. We are also looking to sell alcohol at Decarsky Park. Council will see that come back for consideration as we work through zoning and State licensing processes. It is becoming more common to see this in larger ball parks.

Mr. Coleman agreed, saying the sale of alcohol is pretty standard anymore for complexes with 8 to 10 fields.

RESULT:	Carried
MOVER:	Wayne Molt, Jr.
SECONDER:	Jenny Webster
AYES:	Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Rick Coleman, Chris Unkel, and Wayne Molt, Jr.
ABSENT:	Elizabeth Stanton

9.3 Pre-purchase of Traffic Signal Poles

Alex Lane, City Engineer, gave the agenda report.

BACKGROUND:

- Improvements to the Patriot Ave. and Triple Creek Dr. intersection are currently under design.
- The project will improve traffic flow and provide protected left turn movements from Triple Creek Dr. to Patriot Ave.
- Signal poles are a specialty item with only one vendor supplying poles in the area.
 - Lead times have been as much as 6 months on recent projects.
- Pre-procurement of the signal poles will allow fabrication of poles to begin while final construction documents are being completed, and before the project is bid.

- If we waited it would likely lead to delays in the construction timeline.
- Transystems has coordinated with the local signal pole supplier to obtain a not to exceed price of \$225,000 for the signal poles.
 - It is anticipated that the final design will result in a cost below the not to exceed price.
- Design is anticipated to be complete and out for construction bids this summer.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- Pre-purchasing the signal poles will result in cost savings by eliminating the contractor mark-up, which is typically around 15%.
- The cost of the signal poles is included in the total construction project budget of \$950,000.
 - The project is being paid for using general obligation bonds with repayment coming from the Derby Difference Sales Tax streets.

LEGAL CONSIDERATIONS:

- The purchase documents will be reviewed by the City Attorney prior to execution by the City Manager

POLICY IMPLICATIONS:

- Pre-purchasing the signal poles allows the project to proceed to construction in 2025 and results in cost savings to the City.

RECOMMENDED MOTION

- Authorize the City Manager to execute a purchase agreement for the purchase of traffic signal poles at the intersection of Patriot Ave. and Triple Creek Dr. in an amount not to exceed \$225,000.

Council Member Wayne Molt, Jr. said someone with a child at Stone Creek Elementary and who serves on their PTO board, I am very glad to see this project moving forward.

Wayne Molt, Jr. moved, seconded by Jenny Webster, to authorize the City Manager to execute a purchase agreement for the purchase of traffic signal poles at the intersection of Patriot Ave. and Triple Creek Dr. in an amount not to exceed \$225,000.

Council Member Jenny Webster concurred; I am excited to see this happening. I have fielded several questions from the public about when it will happen since we first discussed the project. I really appreciate staff continuing to look for ways to save money. By pre-purchasing the poles directly, does that deter future bids from contractors since it cuts into their profit margin?

Alex Lane, City Engineer, said no.

Council Member Mike Neel asked who is the manufacturer, or what is the brand of these poles?

Mr. Lane replied Belmont.

Mr. Neel said considering that, a 6-month wait time is rather conservative.

RESULT:	Carried
MOVER:	Wayne Molt, Jr.
SECONDER:	Jenny Webster
AYES:	Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Rick Coleman, Chris Unkel, and Wayne Molt, Jr.
ABSENT:	Elizabeth Stanton

9.4 First Reading: Updates to Rain Sensor Ordinance

Kiel Mangus, City Manager, gave the agenda report.

BACKGROUND:

- The City currently has an ordinance that requires residents who have automatic sprinkler systems to have rain sensors installed on them.
 - This ordinance, approved in April 2008, was intended to encourage conservation of water by helping prevent overwatering.
- Recently, an irrigation contractor reached out about rain sensors in light of technology changes in irrigation system controllers and suggested potential updates.
- Many of the irrigation controllers (that run the automatic sprinkler systems) being installed today are "smart controllers".
 - The majority of smart controllers run off of the internet and have built-in capabilities to forecast the weather and shut the sprinkler system off if moisture is anticipated to occur.
- An additional technology utilized for water conservation in an automatic sprinkler system are soil-moisture sensors.
 - These sensors read the moisture level in the soil and adjust the irrigation levels when optimum moisture is reached, preventing overwatering.
- The proposed ordinance changes allow for the company/resident getting the lawn sprinkler permit to use a rain sensor, smart controller, or soil moisture sensor (water saving technology).
- The ordinance would continue to require all these technologies to be set to prevent activation of the irrigation system when 1/2 inch or more of rain has fallen.
- The City currently inspects irrigation systems for these sensors when a permit is issued, and this practice would continue.
- Enforcement of this ordinance is done via complaint or through observation of an apparent violation.
 - A majority is done through informal enforcement where the resident or business is talked to about shutting off their sprinklers during rain events.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The City currently charges \$25 for a lawn sprinkler permit and that fee is not proposed to change.
 - We do not anticipate financial impacts from this ordinance change.
 - Ultimately, this ordinance change could help save the consumer money by allowing alternate technology to be considered compliant with City requirements and not requiring an additional installation of a rain sensor.

LEGAL CONSIDERATIONS:

- The City Attorney has reviewed and assisted in drafting the proposed ordinance.

POLICY IMPLICATIONS:

- Water is an increasingly scarce and valuable commodity and should not be wasted.
- Updating our ordinance to reflect changes in technology over time ensures our residents and businesses are afforded options in their automatic sprinkler systems.

RECOMMENDED MOTION

- Schedule a second reading of the rain sensor ordinance.

Council Member Chris Unkel said this makes sense with the updates in technology since the 2008 ordinance was passed. As a contractor in this field, it doesn't make sense to keep installing the older technology that can blow off or that has batteries die. With smart controllers, everything can be linked to and controlled from your phone. Not only can it be set not to water when raining, but also if winds are high or other factors may interfere with irrigation. Currently when an inspector comes out to look at an irrigation system connected to a well, they are only looking for a rain sensor. If someone is a licensed contractor with the City and they pull a permit for an irrigation system, could they just turn in a receipt or something to prove the correct kind of sensor was part of the job?

Kiel Mangus, City Manager, said the inspection process is not addressed by the ordinance, only the technology requirement. This is something that can certainly be looked into being updated as well. I know for a water heater install or a roof replacement, we allow pictures to be submitted as the inspection piece.

Mr. Unkel said I realize there is more involved, such as a backflow preventor, when the system is tying into City water, but for well connections, let's look into it.

Chris Unkel moved, seconded by Rick Coleman, to schedule a second reading of the rain sensor ordinance.

Council Member Rick Coleman added I would like to see pictures of the job allowed for almost all permitted trades work across the City. We need to utilize more updated technology for some of these things.

Mr. Mangus said I appreciate that feedback. We now have our list of contractors' licenses synched to MABCD's expiration dates. We also are almost to the point we can take electronic submissions and payments for some of our simpler permits, rather than having a multi-step process required.

RESULT:	Carried
MOVER:	Chris Unkel
SECONDER:	Rick Coleman
AYES:	Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Rick Coleman, Chris Unkel, and Wayne Molt, Jr.
ABSENT:	Elizabeth Stanton

9.5 Updates to Code of Meeting Procedure and Governing Body Manual

Kiel Mangus, City Manager, gave the agenda report.

BACKGROUND:

- The Code of Meeting Procedure (COMP) and Governing Body Manual (GBM) are orientation resources for new members of the governing body and serve as reference documents for incumbent elected leaders.
- Updating them periodically and having Council Members vote on the documents assures consistent following of protocols and guidelines and is a great reminder for Council Members on what their role is versus staff and how business is conducted.
- The City Council last updated these documents in February 2024.
- Majority of proposed updates for 2025 to the GBM and COMP are minor in nature with no substantial changes or procedural changes proposed this year.
- Recommended updates/edits to the Governing Body Manual and Appendices include the following:
 - City classification updates.
 - Information on the relationship with the City Attorney.
 - Roles of the Mayor, Council President and City Manager.
 - Changes to consent agenda dollar amounts to reflect changes in the purchasing policy.
 - Updates regarding information on executive sessions.
 - Information regarding public hearings on zoning items outside of Planning Commission.
 - KOMA Violation information.
 - Changes to Appendix C on Advisory Boards and Commissions.
 - Information was added on number of members, term lengths, when the boards meet, and who the staff liaison is in order to make the sections easier to read.
 - An addition of Appendix D that lays out a Council Statement of Values to reflect on best practice areas Council Members should focus on in their service. Many of these items are reflected through other areas of the manual but this is a comprehensive list in the appendix.

- Area of focus for Council Members include Image, accountability, communication, planning, decision-making, teamwork, personal development, ethics.
- Council will have rules of conduct regarding being prepared for meetings, open discussion that is respectful and professional, recognize and respect the principles of majority rule, and refrain from non-recognized conversation during meetings.
- Recommended updates/edits to the Code of Meeting Procedure include the following:
 - Clarifying workshops are open to the public.
 - In changes to the agenda showing that executive sessions may be called at any point during a meeting.
 - Clarification on violations of KOMA.

LEGAL CONSIDERATIONS:

- The City Attorney has reviewed proposed updates to the governing body manual and code of meeting procedure.

POLICY IMPLICATIONS:

- Having a written rulebook and an orientation manual provides predictability and promotes civility in efficiently conducting meetings of the governing body.
- Routine updates ensure the continued ability to meet evolving needs and ensures Council is actively looking at best practices in conduct.

RECOMMENDED MOTION

- Adopt the Code of Meeting Procedures and Governing Body Manual.

Nick Engle moved, seconded by Mike Neel, to adopt the Code of Meeting Procedures and Governing Body Manual.

RESULT:	Carried
MOVER:	Nick Engle
SECONDER:	Mike Neel
AYES:	Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Rick Coleman, Chris Unkel, and Wayne Molt, Jr.
ABSENT:	Elizabeth Stanton

Mayor Mark Staats thanked staff for the work put into these updates. I really like the addition of the Council Statement of Values; it is a good reminder for us to read through the manual and remember how things are set up.

Kiel Mangus, City Manager, said we use these documents as orientation and onboarding tools for new Council members, but also as a resource when questions may arise. It is a good idea for us all to look at these periodically for a refresher. We do post these to our website as well so the public can better understand how and why we do things a certain way or to understand the role of a councilmember or the mayor. I believe there is value in bringing this back each

year for the Council to vote on, so we are all in agreement this is how we will operate.

10 ADJOURNMENT

Jenny Webster moved, seconded by Nick Engle, to adjourn the meeting at 8:35 p.m.

RESULT:	Carried
MOVER:	Jenny Webster
SECONDER:	Nick Engle
AYES:	Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Rick Coleman, Chris Unkel, and Wayne Molt, Jr.
ABSENT:	Elizabeth Stanton

City Clerk

Mayor

DRAFT