



# MINUTES

## City Council Meeting

6:30 PM - Tuesday, May 13, 2025  
Council Room

### 1 CALL MEETING TO ORDER

The City Council meeting was called to order on May 13, 2025, at 6:30 p.m. in the Council Room.

### 2 FLAG SALUTE

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

### 3 INVOCATION

Pastor Jeff Jewett, Derby Church of the Nazarene, 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.
<b>ABSENT:</b>	Council Member Chris Unkel

### 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.**

<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, and Wayne Molt, Jr.
<b>ABSENT:</b>	Chris Unkel

### 6 PRESENTATIONS

#### 6.1 Apraxia Awareness Day Proclamation

**Mayor Mark Staats** presented the Proclamation to Savannah Morrow and her parents, Drew and Rachel.

**BACKGROUND:**

- May 14, 2025, marks Childhood Apraxia of Speech Day, created to raise awareness about this extremely challenging speech disorder.
- The City of Derby wishes to recognize these children and their families for their effort, determination, and resilience in the face of the many challenges brought about from CAS.

**Rachel Morrow** thanked Mayor Staats and the Council for recognizing Apraxia Awareness Day, explaining the difficulties this neurological condition causes for children like Savannah. Several friends and members of Savannah's support team were also recognized and thanked for their commitment to helping her meet and overcome the challenges that CAS brings.

**6.2 Upcoming Season for Derby Twins**

**Jeff Wells, President and General Manager, Derby Twins**, gave an overview of the coming season and introduced Matt Benson, Assistant General Manager.

**BACKGROUND:**

- The 2025 adopted budget includes \$3,000 to support the Derby Twins baseball team.
- The Twins open their season with a home game on May 31 at Panther Field.
  - The team will play throughout June and July.
  - More information on their schedule can be found at [derbytwins.com](http://derbytwins.com) or on their Facebook page.
- This is the 28th year of the Twins and the 20th year in Derby.
- Colton Flax will be the head coach again this season for the Twins.
- The team is still looking for families to host players for the summer. Host families often develop lifelong friendships with players and are a key part of making this opportunity possible in Derby.
- The NBC World Series will be held at WSU Eck Stadium July 24-August 2nd.

**Donna Rhodes** was one of the original host families for Twins players 20 years ago. She encouraged others to consider hosting; it is a rewarding experience. Her young son gained several "big brothers" through hosting over the years, and he later even became an assistant coach for the team.

**Council Member Mike Neel** asked when is the first game? Is it at home?

**Jeff Wells, President and General Manager, Derby Twins**, said we open on Saturday, May 31 at Panther Field. I hope you will come join us and cheer us on.

### **6.3 Public Works Week Proclamation**

**Mayor Mark Staats** presented the Proclamation to Robert Mendoza, Public Works Director, and several members of the Public Works staff.

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

- This is an opportunity to recognize the value of Public Works and recognize our employees whose jobs are focused on maintaining infrastructure, facilities, public spaces and services that are of vital importance to our quality of life and well-being for all Derby citizens.
- This is the 65th annual celebration of Public Works Week, and this year's theme is "People, Purpose and Presence".

**Robert Mendoza, Public Works Director**, noted this year's national theme of "People, Purpose, and Presence" really sums up what public works does beautifully. We strive to advance infrastructure in our community to enhance the lives of our residents. It is not just about the work, however. It is also very much about the people we serve. I've asked members of the Planning and Engineering staff to join us up here tonight because so much of what we do is intertwined and we rely heavily on them and their expertise on many of our projects. Thank you to our amazing staff and to Council for your continued support.

**Council Member Elizabeth Stanton** said I love Public Works; you guys are like the unsung heroes of Derby. I saw the street sweeper out this week and was so excited, I grabbed my camera to take a video. I'm sure the operator thought I was nuts. Your team works so hard to do all the things that keep our city running well and looking beautiful. Thank you!

**Mayor Staats** said what always stands out to me is the great pride your staff takes in their work, no matter what the task. It is quite commendable and serves to debunk the stereotype some people assign to government workers. You all do a great job, and we are thankful for your service to the community.

### **6.4 2025 Work Based Learning Graduates**

**Tom Keil, Assistant Public Works Director**, introduced Sandy Barton, Derby Public Schools, who shared what the work-based learning program involves.

#### **BACKGROUND:**

- In partnership with Derby Public Schools, we will celebrate the accomplishments of our work-based-learning students who successfully completed the 2025 school year.
  - Drayson Marsh - Street Operator
  - Kortney Smyth - Laboratory Analyst
  - Lauren Snead - Laboratory Analyst
  - Ethan Jeffery - Electrician
  - Leah Rodgers - Parks

- We will highlight the valuable on-the-job training and experiences they gained through the program, and their readiness for future career or educational opportunities.

**Sandy Barton, Derby Public Schools**, thanked the City for being a partner with USD 260 for the work-based learning program. We already have 8 interns lined up with the City for next year and are hoping for 10. There are others in the community who also partner with the program, and we appreciate everyone who commits to assisting these young people in gaining work experience and employability skills.

**Tom Keil, Assistant Director Public Works**, added thanks to the families of the students for letting them be part of the program and for helping with the scheduling and transportation required to help their students succeed.

**Leah Rodgers, Parks Intern**, said through this program I learned the importance of hard work, which sets me up for success. When I started, I wasn't sure what I wanted to do, but now I have decided I'd like to study biology and have a career in environmentalism. Thank you for the opportunity to work for and with the City.

**Marissa Kline, Laboratory Analyst**, showed the cords each City Intern will wear at graduation. We chose chartreuse as our representative color because it is the color of the high visibility vests every Public Works Intern wears at one time or another.

**Council President Nick Engle** said I serve on REAP, the Regional Economic Area Partnership, where we have had numerous workforce discussions noting the need to integrate young people into working in our communities. That is exactly what this program does, and you're helping set the standard for others to follow. Great job.

**Mayor Mark Staats** said I love this program and how it helps open doors for students and offer avenues for learning beyond the classroom. It is a great experience for everyone involved. Congratulations on completing the program.

## 7 PUBLIC FORUM & ANNOUNCEMENTS

**Council Member Elizabeth Stanton** said at the recent Derby Community Foundation Scholarship Reception, one of our work-based learning students was a recipient. Overall, due to the generosity of those in our community, I am happy to report \$134,000 in scholarships were awarded. Thank you to everyone for making that possible.

**Mayor Staats** said he, along with Council Members Engle and Stanton, attended the annual Police Appreciation Banquet last evening. The event is always very well done, and I thank Pastor Ben Ray from the First Presbyterian Church for spearheading the effort each year.

**Kiel Mangus, City Manager**, reminded everyone that Third Thursday is happening this week at Madison Avenue Central Park. There will also be events at the Library, Hubbard Arts Center, and the American Legion. We hope everyone will come out to enjoy the fun.

## **8 CONSENT AGENDA**

- 8.1 Consideration of Minutes**
- 8.2 2025 Computer Workstation Replacements**

### **BACKGROUND:**

- The City of Derby budgets to replace a portion of computer workstations each year.
- For 2025 we are proposing the replacement of 28 computers and 66 monitors.
  - Starting in 2025 we have included two monitors per workstation as part of the standard replacement plan.
  - The additional 10 monitors included in the bid are for workstations that are laptop-based but still need monitors at their workstations.
- A request for bids was posted on the City website, and emails were sent to known vendors.
- 13 vendors submitted bids (bid list attached).
  - The lowest bid provided by Malor & Company, Inc. did not meet bid requirements outlined in the request for bids.
- The lowest responsible bidder meeting specifications was Riverside Technologies, Inc. in the amount of \$33,177.54.
- The City has not purchased through Riverside Technologies, Inc. in the past, but is comfortable moving forward as they are an HP platinum partner certified through HP directly.
- A revised bid form was requested from Riverside Technologies Inc. after the total number of computers was reduced from 30 to 28 following the bid posting (revised RFP attached), which slightly reduced the overall bid amount.

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

- Riverside Technologies Inc.'s total bid is \$897.93 per computer and \$121.75 per monitor. The total bid is \$33,177.54.
  - Computer workstation replacements are budgeted out of the General Fund, IT Budget.
- Bid Board reviewed and recommended approval of the bid from Riverside on May 1.

### **RECOMMENDED MOTION**

- Approve the purchase of computer workstation replacements from Riverside Technologies Inc. in the amount of \$33,177.54.

- 8.3 Independence Day Parade Request**

**BACKGROUND:**

- The Veterans of Foreign Wars (VFW) Post 7253 will host the annual Independence Day parade at 10:00 a.m. on Friday, July 4, 2025, and requests use of City street right-of-way for the parade.
- Due to planned construction on Market St., the usual parade route cannot be utilized this year. Our proposed alternate route has been shared with the VFW and is attached.
  - Staging will take place at the parking lots adjoining The Powerhouse, Crosswinds Community Church, and the former One Church building.
  - The parade will commence North on Georgie Ave. to Madison Ave, turning left (east) onto Madison and continuing to the Panther Stadium parking lot where it will end and groups will disperse.
- The VFW has obtained permission from the churches whose lots will be used for staging.

**FINANCIAL/SUSTAINABILITY CONSIDERATIONS:**

- The City will supply police patrol, barricades and traffic cones.

**RECOMMENDED MOTION**

- Approve the request to hold the Independence Day Parade on Friday, July 4, 2025, at 10:00 a.m.

**8.4 Issuance of Cereal Malt Beverage License****BACKGROUND:**

- Vendors of cereal malt beverages are required to be licensed by the City.
- An application for a special event permit for a cereal malt beverage license has been received from Andrea Walters, the City's Communications Specialist, for the Smoke on the Plains BBQ & Music Fest, which will be held June 13 & 14 at High Park.
- Chapter 5.16, Article VII of the Municipal Code establishes qualifications for issuance of cereal malt beverage licenses.
  - A license may not be issued until all qualifications have been met.
- The application has been approved by the Police Chief and complies with City qualification requirements.

**LEGAL CONSIDERATIONS:**

- If the applicant is qualified as provided by law, the Municipal Code states that the Governing Body shall direct the City Clerk to issue the license.

**RECOMMENDED MOTION**

- Authorize issuance of a cereal malt beverage license for the Smoke on the Plains BBQ & Music Fest.

## **8.5 Pay Matrix Update**

### **BACKGROUND:**

- The revised pay matrix reflects updates to the titles for two positions to reflect the current roles and responsibilities more accurately.
- Pay matrix updates include the following changes:
  - Changes the Customer Service Manager title to Utility Billing Manager.
  - Changes the Project Manager/GIS Programmer title to GIS Manager.
- There are no changes to the pay grade for either position.

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

- There are no costs associated with these changes because they are already accounted for in the current budget.

### **POLICY IMPLICATIONS:**

- By making organizational changes as needed, the City is better able to meet changing needs and ensure efficiencies within City operations.

### **RECOMMENDED MOTION**

- Approve changes to the pay matrix, as presented.

## **8.6 Notification of Emergency Change Order for Watermain Replacement Project**

### **BACKGROUND:**

- During the Market Street watermain replacement project, four additional valves were identified to be replaced and an extension of the tapping location on K-15 was necessary.
  - The valves were discovered to be non-operational and are required for proper isolation of the area to pressure test new water main.
  - The tapping location extended approximately 15 additional feet into the pavement of K-15 requiring additional traffic control, additional concrete and stronger backfill material due to upcoming road work.
- Staff negotiated with Nowak Construction for installation of the additional infrastructure.
- On May 2, the City Manager approved the emergency change order to move forward with the project to meet the May 16 deadline.
  - Market St. is set to be constructed at the end of May as a part of the City's pavement rehabilitation projects.

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

- The cost for Nowak Construction to complete the work was \$31,430.24.
- The repairs were funded from the savings of the project and additional funds from the Water Fund.

### **POLICY IMPLICATIONS:**

- The City's purchasing policy allows the City Manager to exercise discretion to authorize emergency purchase when deemed in the best interest of the City and report said decisions to the City Council at the next available meeting.
- This report serves as the notification required by the policy.

### **RECOMMENDED MOTION**

- Receive and file the report.

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

<b>RESULT:</b>	<b>Carried</b>
<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, and Wayne Molt, Jr.
<b>ABSENT:</b>	Chris Unkel

## **9 NEW BUSINESS**

### **9.1 Second Reading: Zoning and Subdivision Regulation Amendments**

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

#### **BACKGROUND:**

- On April 22, 2025, the City Council held a first reading of the attached ordinances adopting amendments to the zoning and subdivision regulations and approved further consideration of the matter with a second reading.
- There are no substantive changes to the proposed ordinances since the first reading.
- The attached ordinances amend zoning and subdivision regulations to address the following issues:
  - Temporary Signs
  - Office-Flex Use
  - Driveways in Landscaped Street Yard
  - Planting Right-of-Way Side Strip
  - Screening of Mechanical Equipment
  - Height of Accessory Structures
  - Limits on Congregations of People in the APZ
  - Screening Fences in M-1
  - Special Use for Mini-Storage Warehouse in B-3
  - One-Step Plats
  - Annexation Certificate for County Plats
  - Signature Block and Position Responsibilities
  - PUD Drainage Provisions for Reduced Setbacks
  - Design Criteria

#### **LEGAL CONSIDERATIONS:**

- K.S.A. 12-749 and K.S.A. 12-757 set out the procedure for adoption of subdivision and zoning regulation amendments. 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).
- If approved, the amendments will become effective after publication of the adopting ordinances in the official city newspaper.

#### **RECOMMENDED MOTION**

- Adopt an ordinance amending the zoning regulations of the City and adopt an ordinance amending the subdivision regulations of the City as presented.

**Wayne Molt, Jr. moved, seconded by Nick Engle, to adopt an ordinance amending the zoning regulations of the City and adopt an ordinance amending the subdivision regulations of the City as presented.**

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

#### **9.2 Initiation of Island Annexation: Water Treatment Facility and Well Site**

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

#### **BACKGROUND:**

**General Location:** North of 95th St. S. and east of Hillside Ave. (General Location Map and Specific Location Map attached).

**Applicant:** City of Derby (Property Owner)

**Reason for Request:** Initiate the process to annex a 12.8-acre tract of land not adjoining city limits to facilitate the construction of a water treatment facility and two water wells.

#### **Background Information:**

- On November 12, 2024, the Council approved an agreement to purchase 12.8 acres located on the east side of Hillside Ave., one-quarter mile north of 95th St. S., for the future construction of a water treatment facility and two water wells.
  - The purchase was completed on April 21, 2025.
- As the authorized representative of the owner of the subject property, the City Manager submitted the attached Request for Annexation by Consent.
  - Annexation of the property is proposed so that the water treatment facility and water wells can be constructed using Derby's zoning, subdivision, and building regulations rather than those of Sedgwick County.
  - Prior to construction, the subject property will need to be rezoned and platted to permit development of a water treatment facility and water wells.
  - If annexed, zoning and plat approvals will be considered by the Derby City Council instead of the Sedgwick County Board of County Commissioners.
- The property does not adjoin the city limits; therefore, it is considered an "island annexation" under State law.
  - Island annexations require that the property owner request annexation by consent.
  - K.S.A. 12-520c further requires that the Sedgwick County Board of County Commissioners (BOCC) make a finding that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county. The BOCC review is triggered by this Council's adoption of a resolution requesting such finding.

### **LEGAL CONSIDERATIONS:**

- K.S.A. 12-520c outlines the process for island annexations. The process is initiated by the Council's adoption of a resolution asking the BOCC to make a finding, by 2/3 majority vote, that annexation of the land will not hinder or prevent proper growth and development of the area or that of any other incorporated city within Sedgwick County.
- Upon approval of the resolution, the City Clerk will file a certified copy of the resolution with the BOCC for its review and consideration.
  - The BOCC is required to make a finding and notify the City of its decision within 30 days after receiving the resolution.
- If approved by the BOCC, the Council will consider adopting an ordinance to formally annex the property.
  - The annexation ordinance is tentatively scheduled for Council consideration at the July 8, 2025, meeting.

### **POLICY IMPLICATIONS:**

- The Vision Derby 2040 Comprehensive Plan has a recommended implementation action that states, "add utility extensions and facilities to support the Future Land Use Map."

- The Future Land Use map illustrates that the City likely will expand by 1,600 to 2,400 acres to accommodate growth through the year 2040.
- Three major utility projects are underway to accomplish the recommended implementation action and support community growth.
  - Northeast sanitary sewer extension and lift station
  - Upgrade wastewater treatment facility
  - New water treatment facility and water wells
- Annexation of the subject property helps accomplish the recommended implementation action of the Vision Derby 2040 Comprehensive Plan.

### **RECOMMENDED MOTION**

- Adopt a resolution initiating island annexation proceedings and instruct the City Clerk to forward a certified copy of the resolution to the Sedgwick County Board of County Commissioners for its review and consideration in accordance with K.S.A. 12-520c.

**Rick Coleman moved, seconded by Wayne Molt, Jr., to adopt a resolution initiating island annexation proceedings and instruct the City Clerk to forward a certified copy of the resolution to the Sedgwick County Board of County Commissioners for its review and consideration in accordance with K.S.A. 12-520c.**

**Mayor Mark Staats** asked can we keep that area as an island annexation in perpetuity? I don't see our City limits ever growing out that far.

**Scott Knebel, City Planner**, said yes. We do not anticipate Derby growing west of the river. We are building the plant there because it is where the water is.

**Mayor Staats** added I do not want people who live in that area to think it is step one of Derby expanding and absorbing their property into the City.

**Jacque Butler, City Attorney**, explained we cannot use an island annexation to annex areas around it unless the rest of the City has grown out to that point.

**Kiel Mangus, City Manager**, said currently we are at about 30% of the plans for the plant itself, so there are still a lot of steps needed. Once we actually annex the site, what happens next?

**Mr. Knebel** replied once annexed, we will need to complete a zoning change, platting, and a site plan review. The site plan review will occur at 90% completion of the plans.

**Mr. Mangus** said this means we are still looking to finish the plant in 2027, contingent on KDHE approvals.

**Council Member Rick Coleman** asked what is the plan for getting the water to this side of the river?

**Mr. Mangus** said that will be one of the more time-restrictive pieces of the project. We will need to build several miles, approximately 5-to-6, of pipe. Some of this will be built on County right of way and some easements will need to be acquired. We have already been in contact with some of those property owners, making them aware of the project and that the route may require access across their land. Building the plant itself will be fairly quick, although there are some long lead times for ordering equipment. Council may see us request pre-order approvals to stay ahead of those lead times.

**Council Member Elizabeth Stanton** asked is there any indication the County would not approve our request for the annexation?

**Mr. Mangus** said I do not anticipate any issues.

**Ms. Stanton** said it is exciting to see we are getting closer to being more self-sustaining with our own water treatment plant.

**Mr. Coleman** asked will we lay purple pipe here while we are already going through the expense and effort to add these miles of pipe? That way if re-use of water is approved, we will already have the infrastructure in place.

**Mr. Mangus** said we have asked PEC to update the purple pipe study for Decarsky Park to see if it even makes financial sense to pursue.

**Mr. Coleman** clarified I am asking about the pipes we will be putting under the river. If the State approves water reclamation from our wastewater plant, it would make sense to put infrastructure in place for that while we are laying the new pipeline for the water plant.

**Mr. Mangus** explained the routing for reuse of water would be different than the routing for this project. We'd need to put in place pipe from the wastewater plant to the new water plant. The proposed lines for this project go to the north, not south where the wastewater plant is. In the upcoming budget discussions, Council will see a request for a water reuse study that will explore the possibilities.

**Alex Lane, City Engineer**, said until we have the study done, there is not a lot to report regarding reuse. I did want to let Council know there is a waste line that runs from our water plant east to the river. We have talked about if we do move toward reuse of water, we want to make sure we have enough easement room to run a reuse line along the route as well.

<b>RESULT:</b>	<b>Carried</b>
<b>MOVER:</b>	Rick Coleman
<b>SECONDER:</b>	Wayne Molt, Jr.

<b>AYES:</b>	Kristi Truitt, Mike Neel, Elizabeth Stanton, Nick Engle, Jenny Webster, Rick Coleman, and Wayne Molt, Jr.
<b>ABSENT:</b>	Chris Unkel

### 9.3 Rock Rd. Reconstruction Design Supplemental

**Alex Lane, City Engineer**, gave the agenda report.

#### BACKGROUND:

- As the City of Derby has grown and expanded, Rock Rd has periodically been reconstructed to be upgraded to an urban standard with curb and gutter, storm sewer improvements and pedestrian and bicycle facilities.
- There are anticipated and active developments along Rock Rd., north of Derby North Middle School.
  - Skyridge Addition and the Greenwood Village as well as future development west of Rock Rd. will be served by the proposed reconstruction.
  - Additional City sanitary sewer infrastructure is in the process of being extended to serve these developments.
- PEC was selected for the design of Rock Rd. from Freedom St. to 1/2 mile north of 55th St. S. at the July 11, 2023, council meeting to serve these new developments.
- The original design contract included improvements for 55th St. at the intersection of Rock Rd. that include left turn queuing distances and the first entrance into Greenwood Village east of Rock Rd.
- During discussions with the developers of both the Skyridge Addition and Greenwood Village it was determined that extending the paving of 55th St. South from Rock Rd. to 1/2 mile east at an earlier stage provides economic and procedural efficiencies.
  - Construction costs are subject to inflation and constructing the additional improvements to 55th St. now will save the cost increases that will be potentially introduced by a delay.
  - Constructing the full length of 55th St. will eliminate installing temporary improvements that will have to be removed when 55th St. is extended further east.
  - Requesting that PEC take on this work now will save going through the time and effort to select a separate designer.
  - Due to the progress of the projects responsible for providing the sanitary sewer for these developments and the proposed entrance location for Greenwood Village's first phase, the additional 55th St. improvements will be needed earlier than originally expected.

#### FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The two developments (Greenwood Village and Sky Ridge) adjacent to 55th St. have or will provide petitions that require them to share in the cost of the design and construction of the 55th St. paving improvements.
- The original contract for the design of Rock Rd. was \$345,000 and the supplemental design cost is an additional \$89,200 for a total contract amount of \$434,200.

- \$71,139.30 will be paid by the developments and the remaining costs will be paid by the City at large. Derby Difference sales tax funds are being used to pay for this project, along with a WAMPO grant to help pay for construction.

### **RECOMMENDED MOTION**

- Authorize a supplemental agreement with Professional Engineering Consultants to add paving improvements for 55th St South.to the Rock Rd. Reconstruction design contract for an amount not to exceed \$89,200.

**Kiel Mangus, City Manager**, said neighborhood streets within developments are paid 100% through specials. For arterial streets, however, the city-at-large typically pays around 80-to-85% of the cost because these are wider streets carrying traffic for more of the community than just one area. Developments pay more of the cost for turn lanes, but the roads themselves are paid mostly by the City.

**Council Member Elizabeth Stanton** said will 55th St. from Rock Rd. east be two lanes with a center turning lane?

**Alex Lane, City Engineer**, said yes.

**Ms. Stanton** said good because I foresee this becoming a very busy area.

**Council Member Rick Coleman** asked is anything being done on the west side of Rock Rd.?

**Mr. Lane** said yes, it will be just long enough to get a turning lane added for left turns onto 55th St.

**Mr. Mangus** added this project will also include a new signal at 55th and Rock Rd., rather than the smaller one the County currently has there. It will be a full signal with turns, like you see elsewhere on Rock Rd.

**Ms. Stanton** asked will the developer have to add a sidewalk along Rock Rd. here, like we have throughout Derby, rather than needing to come back later as an infill project?

**Mr. Mangus** replied the developer will be required to pay for a regular sidewalk, but the City will pay the additional cost of making it wider to meet the standards of our Hike and Bike Path you see along Rock Road.

**Council Member Wayne Molt, Jr.** said I have fielded many complaints about the current light at 55th, particularly during times of heavy school traffic, so I'm happy to see it being addressed. I appreciate we are thinking ahead about future needs as well as our current ones.

**Nick Engle moved, seconded by Elizabeth Stanton, to authorize a supplemental agreement with Professional Engineering Consultants to add paving improvements for 55th St South.to the Rock Rd. Reconstruction design contract for an amount not to exceed \$89,200.**

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

**9.4 Emergency Water Regulations Ordinance Second Reading and Water Conservation Plan Update**

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

**BACKGROUND:**

- On April 22, 2025, the City Council held a first reading of the attached ordinance related to updates of emergency water regulations. Council also discussed updates to the City Emergency Water Conservation Plan.
  - Feedback was given by Council along with questions. The only substantive change proposed to the ordinance for second reading is the addition of an appeal process. No other substantial changes are proposed beyond some minor formatting updates.
- The City of Derby and El Paso Water Company are required by the Kansas Water Office (KWO) to maintain a water conservation plan.
- As a wholesale purchaser of water from the City of Wichita, our contract with Wichita also requires we maintain a water conservation plan and emergency water regulations.
- The conservation plan is part of our operations manual and includes long-term water efficiency guidelines and short-term emergency plans.
- The City Municipal Code lays out basic emergency water regulation stages and the violation and enforcement process.
  - The code provisions contain far less detail than the plan itself. The water conservation plan goes into more details on each stage from a water use and operations perspective, including levying administrative fees.
  - The water conservation plan is intended to provide more flexibility and ease to the Council or City Manager to update and implement provisions as needed based upon water conservation scenarios and direction from the City of Wichita.
- The City added emergency water regulations to the City Code in 2013 and then updated the code in 2018.
- Proposed changes to the emergency code include the following:
  - In Derby's current emergency regulations there are three stages, compared to Wichita's four stages. A "Stage 4: Critical Water Emergency Stage" is proposed to be added for consistency with Wichita's regulations.

- It is also proposed to update the code to clarify abatement practices and specify that administrative fees for violations will be added to customer water bills.
- Proposed changes to the water conservation plan are similar in nature to the emergency regulations in the code.
- These changes are needed to better reflect current practices we are seeing in Stage 2 and to match Wichita's conservation plan. The proposed changes include the following:
  - Clarifies watering days for areas north of James Street vs. south of James Street.
  - Adds a Stage 4: Critical Water Emergency Stage and details this stage.
    - Stage 4 is a dire water emergency. Many of the components of Stage 3 restrictions are in place but at this stage there is also a component of working to reduce indoor water use.
    - All outdoor watering is banned, and penalties are in place for repeat violators.
    - The City is implementing all water conservation measures possible in its operations.
    - All water customers are required to reduce their household water usage (not just outdoor watering) by 15% from their average winter consumption. This is to match the language from Wichita for a critical water stage.
    - No new pool permits are issued in Stage 4.
    - The water regulation ordinance and the rain sensor ordinance are appendices to the water conservation plan. Council recently approved updates to the rain sensor ordinance so that document is updated to reflect those changes as well.
  - Proposed clarification in the fee schedule portion of the plan to let customers know that any violation fees issued will be added to the next utility bill for the customer.
  - Added language that the City will utilize the utility billing software system to notify customers when entering stage 2/3/4 levels. The software allows us to send text messages/robocalls to customers with alerts and information.
  - There are some other clarification and minor edits to the plan as a whole.
- Once the new Derby water treatment plant is constructed, we intend to discuss the terms of our water contract with Wichita, including watering restrictions and the ability of the City to provide more of its own water over time.
- A general overview of where drought restrictions stand and some updated information from Wichita will be shared at the Council Meeting.
- From the beginning of Phase 2 restrictions in August 2024 to the end of the year, the City of Derby saved over 92 million gallons of water from the prior year. Residents did a great job of conserving where possible!

## **FINANCIAL/SUSTAINABILITY CONSIDERATIONS:**

- Based upon the watering restrictions required in our emergency water regulations and water conservation plan there is a fiscal impact on the Water Fund.
  - The fund will lose money during drought restrictions due to less use of water, but the City will also have some reduced costs during that same timeframe due to buying less water from the City of Wichita.
  - The City billed out ~\$284K less dollars in 2024 than in 2023, mostly due to watering restrictions (selling less water).
- Violation fees associated with violations of watering restrictions are deposited into the Water Fund.
  - In 2024, \$28,100 in administrative fees for violations were charged.

#### **LEGAL CONSIDERATIONS:**

- Through our wholesale purchasing agreement for water from the City of Wichita the City of Derby is required to have a water conservation plan in place and that the plan/regulations conform to Wichita's regulations.
- Derby is also required to institute and enforce upon its customers any changes Wichita makes to watering restrictions.

#### **POLICY IMPLICATIONS:**

- Water is a finite resource. Emergency water regulations and the water conservation plan ensure the City of Derby is working to be a good steward of the resource well into the future.

#### **RECOMMENDED MOTION**

- Adopt an ordinance amending the emergency water regulations of the City and an updated emergency water conservation plan.

**Council Member Jenny Webster** said once we have our own plant online, we will likely have changes to this plan again, correct?

**Kiel Mangus, City Manager**, said yes. Our current contract for water with Wichita runs roughly from 2020 to 2043. When signed, however, it was always our plan to revisit the agreement once we finish our own plant. We want to start having those discussions now while we are in a drought. Wichita seems open to allowing us to use more of our own water rights as a way to help save on water for the region. The current contract only allows us to use 30% of our own water rights. Ultimately, we want to have the discussion about restrictions; if we are producing and using more of our own water, why would we still need to follow Wichita's restrictions?

**Ms. Webster** said as I understand it, during the peak season we would go to providing more of our own water rather than Wichita's.

**Mr. Mangus** said correct. Use is skewed during peak season, nearly doubling from winter to summer months. If allowed, we would like to provide 100% of the water for that additional peak demand, taking the load off Wichita and Cheney Lake. As we make more of our own water, it will result in a loss of revenue for

Wichita, so that creates some of the back-and-forth in negotiating. The good thing about being in a long-term contract with them, is it allows for discussions about incrementally increasing and phasing in more Derby-sourced water. My goal is if we are providing the peak demand during irrigation season, we should not need to follow their restrictions on use.

**Council Member Rick Coleman** said under the current restrictions, I had someone tell me he probably uses more by watering three times on the one day a week than he would if allowed to water just once on two days each week.

**Mr. Mangus** unfortunately we are lumped in with the 30-some other wholesale buyers from Wichita, not treated differently or carved out according to our actual usage. Once our plant is online, we will be the only wholesale buyer who is also producing some of their own water, so it should allow us to negotiate those terms more effectively. I don't anticipate us being able to move out of drought phases any time soon. In 2013, the drought lasted just under two years. We are now almost at two years for the current drought. Hopefully soon we might receive some prolonged and heavy rains to bring us relief.

**Rick Coleman moved, seconded by Jenny Webster, to adopt an ordinance amending the emergency water regulations of the City and an updated emergency water conservation plan.**

**Council Member Elizabeth Stanton** thanked Mr. Mangus for going to bat for our community and working hard to put Derby first. I still feel we are being penalized for doing a great job monitoring and reducing our water use. We've added smart meters throughout the city, which allows us real-time reporting to find those violating restrictions and correct their actions. Your hard work sticking up for us is noted and greatly appreciated.

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

## 9.5 Updates to the List of Council Priorities

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

### BACKGROUND:

- Staff and Council have made progress on the 14 approved priorities from February.
- Some items have been completed and are recommended for removal from the list. A status report and updates on items will be presented at the Council meeting.
- Three items are proposed to be removed from the list. Items 3, 7 and 8 on shorter term projects and policies list are proposed to be removed.
  - Shorter Term:

- Item 3- Police and Courts, City Hall, Senior Center Project Design. The portion of this regarding senior center project design is complete. This item is proposed to be split into Police and Courts, City Hall project design and Senior Center Construction items.
  - Item 7- Water Emergency Code/Water Conservation Plan Updates. Council is approving second reading of the water emergency code ordinance and updates to the conservation plan at the meeting tonight (5/13/25).
  - Item 8- Subdivision & Zoning Regulation Updates. Council is approving second reading of the subdivision and zoning regulation updates at the meeting tonight (5/13/25).
- The following items are recommended to added to the priority list as a new item:
  - Shorter Term:
    - Police and Court, City Hall Project Design. Again, this is simply an update to the title since the Senior Center project design is done. The Police Department addition and Court addition to City Hall south end will begin design this summer.
    - Senior Center Construction. Project broke ground last month (04/21 groundbreaking). Hutton Construction is having weekly project meetings and updates. Planned for completion March 2026.
- The following item is recommended to be moved up from the Watch List to the shorter-term projects and policies priority list.
  - Derby Traffic Ordinance (DTO) and Public Offense Code (POC) Updates. Legal and PD will start working on these updates this summer in preparation for a typical Fall Council approval timeframe. Routine updates related to State changes and in this case also updates to the formatting of how we codify DTO and POC.
- The following item is recommended to be moved up from the Watch List to the long-term projects and policies priority list.
  - Wichita Water Contract Updates. The original intent was to wait and have more in-depth conversations with Wichita once the water treatment plant is complete. With the Council recently approving an agreement for future well field testing in an area west of Derby for possible water right additions, and with ongoing drought restrictions in Wichita, we need to begin having more conversations now with Wichita on how we utilize more water rights and the ability to use more Derby water rights. We won't be able to finalize the changes until the plant is complete, but the conversation can start now.
- Another item for consideration on addition to the short-term list for discussion is fireworks sales.
  - The State of Kansas Legislature recently changed the state law on fireworks sales.
    - Two main changes:
      - The period during which seasonal fireworks stands are allowed to operate and sell fireworks has been increased from 9 to 18 days each year. The new

- season being allowed would run from June 20 to July 7.
- A new type of fireworks retail operation is now allowed. Permanent fireworks retailer that is permitted to sell year-round. Unlike seasonal though, these permanent retailers will have to register with the State Fire Marshal annually and will be required to operate from a permanent building that meets the requirements of the State Fire Marshal (NFPA 1125 and Kansas Fire Prevention Code).
  - I believe these changes mainly stemmed from desires of border cities (near Oklahoma and Missouri). Those states both allow longer sales times for fireworks and discharge times.
  - The relevant portion of this for possible discussion is the discharge times. Currently, the City of Derby allows the sale of fireworks from June 27 to July 5 and also allows the discharge of fireworks during those same days (at various timeframes depending on the day).
  - State law still allows cities to determine the timeframes on what they want to allow in terms of the sale and discharge of fireworks.
  - Does Council want to change the sale and discharge times for seasonal fireworks? Would have to modify our ordinance so change for this year would have to occur quickly? Fireworks retailer permits are due May 15.
    - Wichita is undecided, they just recently changed their ordinance last year to allow sales. Andover has said they don't plan to change their sale/discharge times.
    - Would recommend that we match sales days and discharge days if we change. Fireworks are hard to police/enforce so allowing sales and not discharge would be difficult.

#### POLICY IMPLICATIONS:

- When a governing body agrees on priorities, staff time is used most productively. This list mostly includes enhancement projects to be worked on as time allows amid routine responsibilities.

#### RECOMMENDED MOTION

- Provide feedback and approve the City Council's updated list of priorities.

**Council Member Rick Coleman** offered to serve on the High Park committee. I've heard from several members of the community who have asked about using parts of the lake for paddleboarding or kayaking.

**Kiel Mangus, City Manager**, said the water is not very deep at High Park, but we could look into what might work for activities like those. That would not be part of the design concept, but rather an issue of scope. We've tried to include elements such as pickleball, splash pads, restrooms and shade from the results of the Parks Master Plan survey. I will send out a message to Council about

serving on the committee when the time comes. We'd like to have 2 or 3 members of Council along with 2 or 3 members of the Parks Board and some staff form the committee for those discussions.

**Council Member Kristi Truitt** said the only comments I have received about our parks are requests for open batting cages.

**Mr. Mangus** replied we do not have any open batting cages at this time. Due to expense, we are not pursuing anything related to the ballfields in Phase 1.

**Council Member Jenny Webster** said will we update the lighting like we did at Decarsky?

**Mr. Mangus** said yes, when we get into Phase 2 and work on the ballfields, we will address the fields, grading, and lighting for them. We've had discussions about adding more lighting through the park, such as along the trails. We do not really want people in the park after dark, but it does happen, so we are looking into different options. Solar has come a long way and might be considered; we do not have funds to run conduit all throughout the park.

**Mayor Mark Staats** said in previous discussions the Council expressed a desire to have more conduit infrastructure to allow for a holiday-themed lights display. Is that still being considered while we are making these updates?

**Mr. Mangus** said yes, it is a possibility. There is need for a lot of electrical work to be done in the park because what exists is outdated and was initially done very inexpensively. Part of Phase 1 will be beefing up the electrical connectivity for both current events such as the BBQ and future events and plans, like a holiday lights display.

**Council Member Wayne Molt, Jr.** said while I love fireworks and always enjoy celebrating by lighting them, I realize not everyone feels that way. I think we should keep the current dates and match what our neighboring communities are doing.

**Council Member Mike Neel** agreed. I think we should not expand our dates allowing sales and discharge, even though I, too, really enjoy fireworks.

**Council Member Rick Coleman** said I'd maybe like to see us permit use for Derby High School football games. Is that even possible?

**Mr. Mangus** replied for a temporary special event, there might be the possibility of issuing a show permit. I'd have to look into it further and get back to you. At our latest meeting of City Managers in the area, we discussed this. Most share the same dates Derby allows and are not looking to make any changes. Wichita will probably drive most of the other cities' policies. If they choose to expand, we will likely have to do the same for continuity in enforcement as well as to keep

vendors coming to Derby. If they can sell more days in Wichita, they won't choose to put tents in Derby.

**Council Member Kristi Truitt** said have we reached out to any of our regular vendors to learn what they think? I know our church has run a tent before, and sometimes it is difficult to tear down the tent on July 5 while still selling product. Trying to make sure everything is removed on that final day can be a challenge.

**Mr. Mangus** said the vendors want to sell as much as possible, I'm sure. The reality is, however, those operating the tents are often groups using it as a fundraiser, such as churches or sports teams. Even with the current dates, by the time sales end, they are exhausted and have a hard time providing workers, including staying overnight to guard the inventory. Fireworks is a divisive issue and difficult to enforce, even with limited dates and hours. From this discussion, it seems Council is of a mind to keep things as they are at least for this year. At their meeting next week, Wichita is considering prohibiting year-round sales and permanent retailers. Once they make that decision, Council can look at how we want to handle permanent and/or year-round sales. If we allow year-round sales, people will be shooting them off all year as well. We have had one retailer express interest in purchasing land in Derby on which to build a permanent site. They were looking to build something similar to what you see in Haysville or Andover, where it is used part of the year for fireworks and the rest of the year as "Jumpy-Jump Land" or other attraction. If year-round sales are allowed, however, then they would be selling fireworks full-time. I think that's a discussion to have and a decision to make sooner rather than later. We also will rely heavily on advice from the Fire Marshal because permanent sites have a lot of restrictions and are usually very expensive to build. You may have noticed these are typically far away from other structures, and that is intentionally done for safety.

**Wayne Molt, Jr. moved, seconded by Jenny Webster, to provide feedback and approve the City Council's updated list of priorities.**

<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, and Wayne Molt, Jr.
<b>ABSENT:</b>	Chris Unkel

## 10 ADJOURNMENT

**Rick Coleman moved, seconded by Jenny Webster, to adjourn the meeting at 8:32 p.m.**

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

---

City Clerk

---

Mayor

DRAFT