



Voting Summary

City Council Meeting

6:30 PM - Tuesday, October 14, 2025
Council Room

8 CONSENT AGENDA

- 8.1 Consideration of Minutes
- 8.2 Street Closure for Cruise & Grill Event
- 8.3 2025 Holiday Events in Derby
- 8.4 Donations for Derby Senior Center
- 8.5 One-Step Plat: Kirkland Addition (County)
- 8.6 Fire Personal Protective Equipment
- 8.7 Police Department Phone and Radio Recording Equipment

Nick Engle moved, seconded by Wayne Molt, Jr., to approve the Consent Agenda, as presented.

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

9 NEW BUSINESS

- 9.1 Zone Change: R-1 "Single-Family Residential District" to M-1 "Industrial District" and Special Use: Public Utility (North of 95th St. S. and east of Hillside Ave.)

Rick Coleman moved, seconded by Jenny Webster, to adopt ordinances to change the zoning district classification of the subject property from the R-1 "Single-Family Residential District" to the M-1 "Industrial District" and to approve a special use for a public utility based on the findings of fact, subject to conditions, and subject to platting the subject property within one year.

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

9.2 Final Plat: Spring Ridge 4th Addition

Nick Engle moved, seconded by Mike Neel, to approve the final plat of the Spring Ridge 4th Addition; adopt resolutions for construction of public improvements to serve the addition; authorize the Mayor to sign and staff to publish and record the necessary documents; and adopt the reassessment ordinance.

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

9.3 McIntosh Rd. Construction

Rick Coleman moved, seconded by Nick Engle, to authorize execution of a construction contract with Pearson Construction, LLC in the amount of \$2,183,621 for the McIntosh Rd. reconstruction project.

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

9.4 Pre-Purchase of Equipment for Water Treatment Facility & Authorizing Project Resolution

Nick Engle moved, seconded by Rick Coleman, to authorize the City Manager to execute an agreement with WesTech Engineering, LLC in the amount of \$2,591,000 plus applicable fees and taxes for the purchase of water treatment equipment and adopt the authorizing project resolution.

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

9.5 Updates to the List of Council Priorities

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

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



MINUTES

City Council Meeting

6:30 PM - Tuesday, October 14, 2025
Council Room

1 CALL MEETING TO ORDER

The Council meeting was called to order on October 14, 2025, at 6:30 p.m. in the Council Room.

2 FLAG SALUTE

Council President Nick Engle led the flag salute.

3 INVOCATION

Pastor Ben Ray, First Presbyterian Church, gave the invocation.

4 ROLL CALL

PRESENT: Council Member Mike Neel
Council Member Elizabeth Stanton
Council President Nick Engle
Mayor Mark Staats
Council Member Jenny Webster
Council Member Rick Coleman
Council Member Wayne Molt, Jr.
Council Member Larry Gould

ABSENT: Council Member Kristi Truitt

5 ACCEPTANCE OF AGENDA

5.1 Adoption of the Agenda

Nick Engle moved, seconded by Rick Coleman, to approve the meeting agenda, as presented.

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

6 PRESENTATIONS

6.1 Recognize American Legion 408 Foundation Donation to K-9 Jax

Lem Moore, Deputy Police Chief, offered his thanks to members of the American Legion 408 Foundation for their continued support of Derby's K-9, Jax.

BACKGROUND:

- The American Legion 408 Foundation continues to support Derby's K-9 Jax.
- Most recently they donated \$632.09 of item to support Jax in the following ways:
 - Food in the amount of \$130.18.
 - Dog collar, chain & leash in the amount of \$181.92.
 - An e-collar, which allows for remote communications reinforcing training when off-leash, in the amount of \$319.99.

Michael Saindon, American Legion Family Post 408 member, said when their organization first learned Derby was getting a K-9 officer, they were excited to help and kicked off a fundraising campaign as a way to show support. Through generous donations from many in the community, enough funds were raised to purchase a bulletproof vest for Jax in 2023. The community was so generous, there were even funds left over, so we told Derby PD to reach out and let us know when they had other needs related to Jax. Recently we learned of their need for food, leashes, an e-collar and other items, so we responded by assisting with those purchases. We are so excited to partner with them and continue to support both our Derby Police Department and Derby Fire and Rescue whenever we can. Thank you for letting us take part in keeping Jax safe and healthy.

6.2 Employee Service Awards

Kiel Mangus, City Manager, presented the employee service awards with assistance from Jenny Turner, Human Resources Director, and Mayor Mark Staats.

BACKGROUND:

- Since 1992, the City of Derby has recognized employees for their years of service. Awards are provided in five-year increments, beginning with five years of service.
- Since 2007, members of the Governing Body have been recognized for their years of service as elected officials. Their recognition begins at eight years of service and thereafter is in accordance with the employee schedule.
- This year, 39 employees are being recognized for their years of service. There are no Council Members eligible for years of service awards this year.

Employee Service Awards

5-Years:

Lynn Ciarleglio
Colin Crosby
Dennis Beiswanger

10-Years:

Agustin Hernandez
Michael Williams
Jeremiah Toothaker

Michael Stroot
RJ Hackney
Ben Deaver
Scott Knebel
Ariana Davis
Zach Arroyo
Alex Lane
Ryan Mumma
Judy Morris
Emily Kindel
Aiden Clark

Josh McMillin
Patrick Kozicki
Jessica Whitehead
Jonathan Peralta
Brad Conrady
Chad Sterrett
Janelle Brines
Astacia Taylor
Garrett Plush
Kirk Brown

15-Years:

Hector Gonzalez
Caleb Rue
William Emerson
Ken Linot
Stephanie Cox

25-Years:

Bill Souder
Janae Springer
Brandon Russell

30-Years:

Casey Cornelison
Kendra Hill

35-Years:

Renee Doyle
Frank Knipfer

7 PUBLIC FORUM & ANNOUNCEMENTS

Bruce Fitzwater, 10323 S. Bluff St., said my property is as far south as anyone can be in Derby. My neighbor to the south, Mark, who is also here tonight, is actually in Mulvane. I'd like to address the proposed new water wells near 95th and Hillside, about which I have concerns. We all rely on same aquifer, which as I understand it goes from northwest to southeast. The draw-down from a water plant would affect me greatly since I am located only about a mile from the site. We want to be good neighbors. I'm not here to complain; I understand it needs to be done. I just don't want to be left out in the cold if my well goes dry. Around a year-and-a-half ago, I had only about 2-1/2 feet of water in my well due to the drought conditions. We've been assured these will be rapid-recovery wells, but if they are not we will be in trouble. I'd like to see the City of Derby work with us and offer us some peace of mind. While you can provide water to your residential customers, could you also allow us to buy in to the same service? I love living in Derby and hope you'll consider our concerns about this project.

Mark Carver, 3800 E. 103rd St. S. (Mulvane), said although my address is in Mulvane, I have many of the same concerns my neighbor, Bruce, mentioned. I've lived there for over 24 years and am concerned about the quality and quantity of water related to the proposed wells and project.

Mayor Mark Staats said while we do not take action on items in Public Forum, our City Engineers are here tonight and are very involved in this project. I assure you the City also wants to be a good neighbor, and we will do what we can to work with you and keep you informed throughout the process. If you are not getting responses or need something else, please come back and let Council know.

Council Member Wayne Molt, Jr. thanked Council for the opportunity to attend the Wichita Chamber's City-to-City event in Detroit recently. It is an interesting city with a lot of history. In 2014, Detroit actually filed for bankruptcy. As a result, their streetlights were off, they stopped maintenance of parks, and their population plummeted from nearly 1.8 million at their peak to only around 700,000. This left behind a lot of abandoned homes and downtown became like a ghost town. Now, things are really turning around for their city. There are 4 professional sports teams that play within blocks of one another downtown. A billionaire investor also came in and bought several buildings, sparking renewed interest in drawing businesses back to downtown Detroit. From his efforts, there exists a 4 square mile area that holds approximately the population of Derby. Detroit created a land bank from many of the abandoned properties. They go in and purchase these abandoned homes, renovate them and work to make neighborhoods cleaner and more appealing for folks to move back in. It also helps raise the value of the surrounding properties, protecting the investment of those owners. When they went bankrupt, they stopped taking care of their parks so now their 23 parks are taken care of by a non-profit organization that fundraises in order to operate, so zero tax dollars are going toward park maintenance. I think that is a great testament to the community seeing a need and stepping in. Ford bought the old train station and donated \$1 billion to revitalize that area, making one of the worst symbols of dilapidation into a beacon of rebuilding and restoration for their city. They are focusing on innovation and entrepreneurship through different programs and opportunities. They've been reaching out to residents to determine what their priorities and desires are for their community. I encourage you to go visit Detroit yourself, if you have the chance, and see some of the great things they are doing to turn their city around.

Kiel Mangus, City Manager, reminded everyone of the final Third Thursday of the season on October 16 at Decarsky Park. The event will include the Howl-O-Ween Dog Costume Contest, food trucks, dog-centered vendors, live music, and more. Other locations are the American Legion Cruise-In Car Show and Derby Public Library art exhibits. That will complete 2025 Third Thursdays as we then move into the Holiday events season.

8 CONSENT AGENDA

8.1 Consideration of Minutes

8.2 Street Closure for Cruise & Grill Event

BACKGROUND:

- The American Legion Post 408 Foundation has submitted an application for a Temporary Use Permit for their "Cruise & Grill" event on Saturday, October 25, 2025, from 8 a.m. to 10 p.m.
- Planning & Engineering staff have worked with the applicant to obtain all the required documents for approval of the permit.

- The event will include a car show, outdoor music with picnic tables in the parking lot, "cook your own" steaks, and beer served by House of Schwann's.
- To ensure the safety of those attending the event, the Legion requests street closures surrounding their building from 7:30 a.m. through the end of the event at 10:00 p.m. The attached map shows where closures will occur:
 - Intersection of Georgie Ave. & Market St.
 - Intersection of Georgie Ave. & Washington St.
 - Washington St. at east edge of alley (leaving access to the alley, but not Washington)
 - The alleyway directly north of the Legion building.
- Members of the American Legion have contacted businesses within the affected area about the closure. None of these are open on Saturdays, so they will not be affected.
- Homes within the selected zone have alternate access points available, but members of the Legion will contact them as well, so they are aware of the event.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

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

LEGAL CONSIDERATIONS:

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

RECOMMENDED MOTION

- Approve the street closures as proposed.

8.3 2025 Holiday Events in Derby

BACKGROUND:

- Several community events are planned for the upcoming Christmas holiday, including the following:
 - The 20th Annual City Tree Lighting on Thursday, November 20 from 6 to 8 p.m. at Madison Avenue Central Park. This kickoff to the holiday season will have the Mayor lighting the tree as well as snacks, food trucks, and holiday music to enjoy as you walk around the park and enjoy the lights. Santa and Operation Holiday will be on-hand in the Pavilion. In the Venue, there will be a "Cards for Troops" booth as well as a kids' holiday craft station.
 - Derby's 6th Annual Holiday Lights Contest, sponsored by MJB Heating & Cooling, will run from December 5 through 27. Enjoy a tour of some of the best holiday lights in town and help pick a People's Choice winner by voting on Facebook. Registration will be open from November 1 - December 3. Residents who want to show off their lights without entering the contest may do so by adding their address to the City's Facebook page announcing the contest.

- The Derby Christmas Parade presented by the Derby Chamber of Commerce will be held Saturday, December 6 at 6 p.m. This year's theme is Rockin' Around the Christmas Tree.
- Christmas in the Park is Saturday, December 13 from 9 a.m. to 6 p.m. at Madison Avenue Central Park. This day of fun and celebration includes Breakfast with Santa by the Derby Recreation Commission, Santa's Village by the Derby Public Library, and horse-drawn carriage rides by Julie Olmstead Insurance Agency. The event will also include photos with Santa, holiday-themed inflatables, Christmas crafts, miniature train displays, Tanganyika animals, food trucks, carolers, a carousel, and more.
- Santa Paws will be available for photos at El Paso Animal Hospital on Saturday, December 20, from 1 to 3 p.m. Come by to get your pup's photo taken with Santa for \$5. Sponsored by the Derby Recreation Commission.
- Two events need approval from the City Council for use of the City right-of-way: the Christmas Parade and Christmas in the Park.
 - For the parade, participants will depart from Panther Stadium, going west on Madison to Georgie, south on Georgie to Market, east on Market and reentering the middle school parking lot from the south entrance.
 - For Christmas in the Park, to safely accommodate the horse-drawn carriage rides, some temporary street closures are recommended:
 - Carriage rides will run from 2:30 to 5:30 p.m., and the temporary street closures would be from 2:00 to 6:00 p.m.
 - The following streets surrounding the park will be closed: Britain Street, Westview Drive, Derby Avenue, and both westbound lanes of Madison Avenue adjacent to the park. Traffic cones and signage (along with police assistance) will be used to make the two east bound lanes of Madison Avenue multi-directional to avoid total closure of the road.
 - Barricades would be at all four corners of Westview, Derby, Britain, and Madison to help identify the closures. There will be a partial barricade on Derby and Britain.
 - The horse-drawn carriage will pick up riders in the park's east parking lot. The carriage will go north to Britain Street, east on Britain to Westview, south on Westview to Madison, west on Madison to Derby Ave., and then back north to the parking lot into Madison Avenue Central Park.
 - Prior to the streets closing at 2:00, event attendees can park on Derby Ave., Britain St., and Westview Dr. in areas of the roadway not otherwise designated as "no parking" zones. The primary parking lot for event attendees is available at Derby Middle School. Handicap and special needs parking will be available in the northeast parking lot.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

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

RECOMMENDED MOTION

- Approve the request to hold the Christmas Parade on December 6 at 6:00 p.m. and temporary street closures around Madison Avenue Central Park from 2:30 to 6:30 p.m. on December 13 for Christmas in the Park.

8.4 Donations for Derby Senior Center

BACKGROUND:

- The Senior Center has many members and community individuals who graciously give donations throughout the year. When someone involved with the Senior Center passes away, they sometimes designate the Senior Center for memorial donations to offset the costs of programming.
- While some people donate to the Senior Center at-large to enhance programming, others will donate to the Derby Dash to assist with transportation costs for those in the community who might not otherwise be able to ride due to cost. Occasionally, a donor will designate another specific area where they wish their donation to go.
- The 6 donations listed below total \$555. Donations of \$500 or less and those who wish to remain anonymous are recognized quarterly on the Consent Agenda.

<u>Name</u>	<u>Donation Area</u>	<u>Amount</u>
Joseph & Lisa Beitler	Waldschmidt Memorial	\$100
Derby PEO Chapter HT	Runquist Memorial	\$25
Brenda & Robert Ferguson	Runquist Memorial	\$30
Glennys J. McPhilimy	Runquist Memorial	\$100
Warren & Elaine Miller	Waldschmidt Memorial	\$25
Virginia & Benjamin Tuminello	Waldschmidt Memorial	\$275

- Donors listed above made contributions between July 1 and September 30, 2025. Each donor was sent a letter of thanks from the Mayor.

RECOMMENDED MOTION

- Recognize the donations.

8.5 One-Step Plat: Kirkland Addition (County)

BACKGROUND:

General Location: South of 63rd St. South and the Riviera Neighborhood (Location Map attached).

Applicant/Agent:

- **Applicant:** Marlan Kirkland Jr. & Tiffanie Kirkland
- **Agent:** Philip Meyer, Baughman Company

Reason for Request: Plat the subject property into two lots for single-family housing development.

Background Information:

- The subject property is approximately 6.6 acres in size and is part of a larger 44 acre property along the Arkansas River.
- The property is located within unincorporated Sedgwick County within the City of Derby's subdivision jurisdiction. Properties within the subdivision jurisdiction are required to be platted in accordance with Derby's Subdivisions Regulations to ensure compliance with the regulations in the event the property is annexed.
 - The subject plat area is occupied by six structures that will be demolished to facilitate construction of two single-family residences.
 - The south end of the plat area is bounded by an existing pond of which will be platted as a "Floodway Easement" to restrict development. The majority of the remaining lot areas are encumbered by the 1% flood hazard zone. The applicant has indicated that the property owner intends to construct a residence on Lot 1 in an area that is outside of the flood hazard zone. An additional residence may be constructed on Lot 2 in the future.
- The request qualifies for one-step review in accordance with Article 418 of the Subdivision Regulations.
 - Residential developments qualify for one-step plat approval if the plat contains no more than 20 lots and does not propose to dedicate a public street across the property.
- The proposed plat (Final Plat attached) would create two lots and one reserve for single-family residential development.
 - The proposed lots along with the remaining property not included in the subject plat will continue to take access from an existing private driveway that takes access from Vassar Ave. in the Riviera neighborhood directly to the north.
- The Derby Planning Commission voted unanimously to recommend City Council approval of the plat at its meeting on April 17, 2025 (excerpt of meeting minutes attached).

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The applicant has not requested extension of City services to serve the property. If the applicant desires City services in the future, they are required to petition the City to extend services, the costs for which will be assessed in accordance with the City's public improvement finance policy.

LEGAL CONSIDERATIONS:

- In approving the plat, the Planning Commission determined the plat conforms to Kansas law and the City's subdivision regulations. The plat has been reviewed in accordance with both the City and the County zoning regulations to ensure compliance with each.
- As a multi-jurisdictional review, the Derby Planning Commission first reviews the plat, followed by the Derby City Council. If approved by the City Council, the plat will proceed to the Board of County Commissioners for final approval.

- The applicant is responsible for submitting any necessary documents or guarantees required by the County. Four additional documents will be recorded along with the plat:
 - Access Easement Grant: Since the shared private drive passes through Reserve C of the adjacent Clifton Cove Addition and the reserve proposed with this plat, an access easement grant is required to facilitate access through these properties. These properties are currently owned and controlled by the applicants. The document details the maintenance responsibilities of the drive, with the respective owners of the proposed lots being equally responsible for sharing the costs.
 - Floodway Easement: Required by the County Stormwater Manager, the Floodway Easement will establish covenants and restrictions for the portion of the existing pond that encroaches into the proposed plat. No fill, change of grade, and/or buildings are permitted within the easement without the approval of the governing body.
 - Reserve Restrictive Covenant: Since a reserve (Reserve A) is proposed to be created with this plat, a restrictive covenant is required detailing the ownership and maintenance responsibilities. The attached restrictive covenant states that Reserve A is reserved for open space, landscaping, drainage, private drives, and water lines. The document indicates that a homeowner's association will be formed and shall be responsible for ownership and maintenance of the reserve.
 - Sewer Restrictive Covenant: The properties do not have access to municipal sanitary sewer and will instead be served by alternate sewer systems. The restrictive covenant document establishes the restrictions and requirements for these systems.
- Building permits and inspections will be administered through the Metropolitan Area Building and Construction Department (MABCD).

POLICY IMPLICATIONS:

- In accordance with Article 502.Q.10 of the 2021 Subdivision Regulations, language has been included on the plat that indicates that the property owners within the subdivision consent to future annexation by the City of Derby.

RECOMMENDED MOTION

- Approve the one-step plat of Kirkland Addition, authorize the Mayor to sign the plat, and direct staff to forward the plat to the Board of County Commissioners.

8.6 Fire Personal Protective Equipment

BACKGROUND:

- Personal Protective Equipment (PPE) is the firefighting protective garments that crew members wear on a daily basis.
- PPE has a maximum life span of 10 years but rarely last that long due to deterioration of material from soil/contaminants, normal wear and tear, and the heavy wash cycles needed to keep it clean.

- The PPE that is being replaced with this item will be passed down to volunteer staff for their use during training and emergency responses. This has been a standard practice for several years.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The 2025 Equipment Replacement Plan has \$48,837 remaining in the budget for the purchase of new Fire Personal Protective Equipment.
- The proposed purchase will include 6 new sets of PPE for a total of \$27,315.12.
- Delta Fire & Safety is the current vendor who provides the customized PPE for Derby Fire. They are the proposed vendor to be used in order to match our current PPE apparel.

RECOMMENDED MOTION

- Authorize the purchase of 6 sets of Personal Protective Equipment from Delta Fire & Safety in the amount of \$27,315.12.

8.7 Police Department Phone and Radio Recording Equipment

BACKGROUND:

- The recording of phone calls at the police station plays a vital role in quality control.
- The system allows for the review of complaints made by phone and follow up on issues brought up by phone.
- The recording of radio transmissions also allows for immediate review when radio traffic is missed or misunderstood by the police support specialists as well as case evidence when needed.
- The current recording system is beyond its useful life and has no support or replacement parts available as it fails.
- Specifications were developed for the needed system and a bid opportunity was posted.
- Three proposals were submitted for the new phone and radio recording equipment.
- The lowest responsible bid is from Voice Products-NICE in the amount of \$27,394.

<u>Product</u>	<u>Bid</u>	<u>Delivery Time</u>
Voice Products -NICE	\$27,394	5-7 Weeks
Replay Systems	\$37,399	8 Weeks
Voice Products- Exacom	\$49,904	6-8 Weeks

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The proposed project was approved as part of the 2025R/2026 budget process with a budget of \$32,000. The proposed low bidder is under budget.
- The Bid Board reviewed and recommended approval of the lowest, responsible bid on October 2.
- The price includes a 5-year maintenance agreement on the system.
- The project is being paid for with Derby Difference Sales Tax Funds.

RECOMMENDED MOTION

- Approve the purchase of the Voice Products NICE recording system in the amount of \$27,394.

Nick Engle moved, seconded by Wayne Molt, Jr., to approve the Consent Agenda, as presented.

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

9 NEW BUSINESS

- 9.1** Zone Change: R-1 "Single-Family Residential District" to M-1 "Industrial District" and Special Use: Public Utility (North of 95th St. S. and east of Hillside Ave.)

Scott Knebel, City Planner, gave the agenda report.

BACKGROUND:

General Location:

- North of 95th St. S. and east of Hillside Ave. (Location Map attached).

Applicant/Agent:

- Property Owner: Dan Squires on behalf of the City of Derby
- Agent: Charlie Brown, Professional Engineering Consultants, PA

Background Information:

- The subject property was annexed into the city limits effective July 8, 2025, at which time the current zoning of R-1 "Single-Family Residential" was established.
- The 12.8-acre subject property is comprised of two unplatted tracts.
 - The southern tract is 9.88 acres and is proposed for the construction of a water treatment facility and a water well.
 - The northern tract is 2.92 acres and is proposed for the construction of a water well.
 - The attached site plan illustrates how the subject property is proposed to be developed.
- A water treatment facility and water wells are defined by the Zoning Regulations as a "public utility".
 - A public utility requires approval of a special use in all zoning districts, including the requested M-1 "Industrial District".
 - The M-1 district is being requested because properties developed in the M-1 district are exempt from the Design Criteria of the Zoning Regulations.
 - The Design Criteria are urban in nature and compliance with urban criteria for the development of a property in a rural area would be out of character.

- The subject property is unplatted, so the property will need to be platted prior to the requested zone change and special use becoming effective.
 - A preliminary plat of the subject property was approved by the Planning Commission on September 18, 2025.
- The Planning Commission held the required public hearing for the zone change and special use request on September 18, 2025.
 - Five people spoke in opposition to the request and cited the following concerns.
 - Residential water wells will go dry if the City begins pumping water in the area.
 - The Arkansas River will be polluted by the waste discharge pipeline to be constructed between the water treatment facility and the wastewater treatment facility.
 - Approval of a water treatment facility also will permit a wastewater treatment facility.
 - Traffic from the facility will cause congestion on Hillside Ave.
 - Lighting from the facility will ruin the night sky enjoyed in rural areas.
 - The applicant spoke at the public hearing to address the concerns and provided the following information.
 - The City will be pumping water using existing ground water rights that have been appropriated by the State of Kansas. The water appropriation process takes into account available water in the area to ensure water is not over appropriated.
 - The City will follow the design requirements of the State of Kansas to ensure that the waste discharge pipeline from the facility does not cause contamination.
 - The zoning approval is only for a water treatment facility and two water wells and not a wastewater treatment facility.
 - The facility will have only a handful of employees, so traffic should be light.
 - Site lighting is required to be contained within the boundaries of the property by the City's design standards.
 - At the conclusion of the public hearing, the Planning Commission voted (9-0) to recommend approval of a zone change from R-1 "Single-Family Residential District" to M-1 "Industrial District" and a special use for a public utility consisting of a water treatment facility and two water wells.
 - Approval is recommended subject to platting the subject property within one year and subject to the conditions stated in the attached special use ordinance.
 - The Planning Commission recommendation is based on the findings of fact stated in the attached Planning Commission Minutes.

LEGAL CONSIDERATIONS:

- All conditions precedent to the Council's consideration of this requested zone change and special use have been satisfied, including notification of surrounding properties in accordance with state law.
- No protest petitions were filed with the City Clerk within the statutory 14-day protest period following the public hearing.

- Rezoning a specific tract of land is a quasi-judicial proceeding and requires disclosure of *ex parte* communications.
- In accordance with state law, the Council may take one of the following actions when considering adoption of the requested zone change and special use.
 - Adopt the recommendation of the Planning Commission and approve the zone change and special use via ordinance by majority vote of the City Council (5 votes).
 - Override the Planning Commission by two-thirds majority vote of the City Council (6 votes) and deny the zone change and special use. If this option is selected, the City Council must adopt findings of fact in support of disapproval.
 - Return the recommendation to the Planning Commission with a statement specifying the basis for the Council's failure to approve or disapprove by a majority vote of the City Council members present.
- The attached zone change and special use ordinances have been reviewed and approved by the City Attorney.

RECOMMENDED MOTION

- Adopt ordinances to change the zoning district classification of the subject property from the R-1 "Single-Family Residential District" to the M-1 "Industrial District" and to approve a special use for a public utility based on the findings of fact, subject to conditions, and subject to platting the subject property within one year.

Mayor Mark Staats asked Council to disclose any *ex parte* communications regarding this zone change. None were reported.

Council Member Mike Neel asked is the State appropriations study something we can share with the neighboring property owners? It seems to me their biggest concern is if we proceed with this project, their wells may run dry.

Dan Squires, Development Manager, confirmed that is the concern shared with us.

Mr. Neel asked could City wells cause theirs to run dry?

Mr. Squires replied it is not a realistic possibility. You may recall a while back I came to Council and shared a map with circles on it showing that we can be within this circle, but not within this other one. When you move or get appropriated water, there are spacing requirements related to how close you can be to another water supply. It is different for an irrigation well used for agricultural purposes than it is for domestic, or residential, well. Therefore, we had to be very careful when siting these wells to be sure we were appropriately spaced from other wells per those requirements. It's a strange situation where in the past we received complaints we needed to turn our wells back on because there was too much ground water. Now, coming out of a long period of drought, the opposite concern is being shared: that we will take away too much of the ground water and our wells will dry up. The reality is neither scenario is going to happen. The impact our plant will have on the water surface elevation in this area will be minimal. It has very fast, sandy soil - a fast-moving aquifer that has been studied

a couple different times. Therefore, I'd say the concerns shared earlier tonight and that we have heard previously are largely unlikely. What will impact water levels is the weather; we will not pump enough water from the aquifer to have a significant impact on other wells in the area.

Mr. Neel asked is there an opportunity for those homes in the area to connect to the City's water supply once the plant is in operation? Is that a future possibility?

Kiel Mangus, City Manager, said there would be challenges from a piping perspective. We will have large distribution pipes that run from the plant into the City, but we won't have distribution pipes going to homes in the area. Is it a possibility later on? Possibly, but it will cost quite a lot, which is always the challenge when providing new services to those outside the city limits. Usually when we do so, we also require the property owners to consent to annexation if we provide utility services. That would be one consideration to talk through with those parties when and if the time comes; usually that stops the process because most do not wish to be annexed. So, while I won't say it is not possible, it will definitely present some challenges from where we pump to then bring the water back to them. As Mr. Squires said, they've done a rather comprehensive study of the area including Bluff and Hancock Acres. That study showed that if the wells were run 24/7, 365, it would change the groundwater a very minimal amount. Weather will ultimately be the dictator of water supply. I think we can work with these homeowners and talk with them if it ever becomes an issue. It will come down to cost and their desire to spend on the required infrastructure. It would not be paid for by the city at-large.

Mr. Squires added we over-pumped our existing wells on Bluff for nearly a decade. We've moved these wells a half mile further away and they'll be pumping much less. So, again, this project does not pose much risk at all of running other wells in the area dry. KDA has very specific spacing requirements, a waiver would be required from the property owner if we were going to be within that distance.

Mr. Neel said thank you, those answers help alleviate the concern I had for the citizens in this area. If we would help get that information out to them and help explain the situation as we did tonight, I think they'd be more comfortable with the project.

Mr. Squires said I gave them my card earlier tonight and will be happy to talk with them, or anyone else, about it further.

Council Member Rick Coleman asked have we deactivated those other 7 wells, or are they still showing as active with the State?

Mr. Squires explained they are not actually deactivated; we have not obtained any additional water rights in the area. What we are doing is simply changing the point of diversion by applying to the State to move the existing water rights to the new location. tapping into the same aquifer but largely abandoning the old sites.

Rick Coleman moved, seconded by Jenny Webster, to adopt ordinances to change the zoning district classification of the subject property from the R-

1 "Single-Family Residential District" to the M-1 "Industrial District" and to approve a special use for a public utility based on the findings of fact, subject to conditions, and subject to platting the subject property within one year.

Council Member Wayne Molt, Jr. said while we have discussions with the concerned property owners in the area and are already installing lines to get the water for City use, would it make sense to go ahead and try to lay lines to those homes at the same time we are already digging and building?

Mr. Squires pointed out we are going the opposite direction. We are heading away from Bluff and not working in that area. We are going north to tie into our system where Wichita does, near Patriot Ave. and K-15, which is nowhere near those properties. There are a lot of other things to consider as well. Using a 16-inch line to supply a few households is problematic; you'd need to put in smaller lines, more like a rural water line.

Mr. Molt asked is there a rural water connection anywhere close to them, should they need an alternative?

Mr. Squires said not that I'm aware of. They could drill a new well, which is sometimes what is needed if one well goes dry.

Mr. Mangus noted that in previous years, the main discussion in this area has been regarding too much water and that basements were flooding. During the recent drought, however, that obviously was not a problem. The soil is very sandy in this area and can easily be drilled for deeper wells to get water.

Mr. Squires added that in that area the wells typically are not very deep because the water table is rather high.

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

9.2 Final Plat: Spring Ridge 4th Addition

Scott Knebel, City Planner, gave the agenda report.

BACKGROUND:

General Location:

- South of Meadowlark Blvd. and west of Spring Ridge Dr. (Location Map attached).

Applicant/Agent:

- Property Owner: Rob Roy, P/R Development LLC
- Agent: Matthew Tucker, BHC, Inc.

Background Information:

- The 21.95-acre subject property was platted as part of the Spring Ridge Addition in 2000.

- In the 25 years since the Spring Ridge Addition was originally platted, approximately two-thirds of the development has been completed with the construction of single-family homes on individual lots, but portions of the addition remain undeveloped.
- On July 23, 2024, the City Council approved a zone change for a portion of the subject property from R-1 "Single-Family Residential" to R-3 "Multi-Family Residential" subject to replatting the property within one year.
 - The property owner requested the zone change to permit the construction of duplexes along the western boundary of the subject property, including constructing multiple duplexes on a single lot, which is defined as multi-family development by the Zoning Regulations.
- On March 20, 2025, the Planning Commission granted an extension of time to complete the platting requirement of the zone change to October 21, 2025.
- The subject property is proposed to be developed with 72 single-family residences, seven (7) duplexes on individual lots, and two (2) multi-family lots (Final Plat attached).
 - Development of the multi-family lots requires Site Plan Review.
- The Planning Commission recommended approval of the final plat at its August 21, 2025, meeting (minutes attached).
- A developer's agreement and restrictive covenant (both attached) have been submitted to address maintenance and other responsibilities.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The developer submitted petitions as financial guarantees for installation of public improvements necessary to serve the development, including paving, stormwater, sanitary sewer, water, and sidewalks.
- The cost of development will be assessed 100% against the property within the development in accordance with the City's public improvement finance policy.
- A respread agreement (attached) has been submitted to reassesses existing assessments for paving, stormwater, sanitary sewer, and water improvements.

LEGAL CONSIDERATIONS:

- In approving the plat, the Planning Commission determined the plat conforms to Kansas law and the city's subdivision regulations.
- The attached resolutions for public improvements were prepared by the city's bond counsel, Gilmore & Bell, P.C., in accordance with K.S.A. 12-6a01, *et seq.*
- The developer's agreement, restrictive covenant, and reassessment ordinance have been reviewed and approved by the City Attorney.

RECOMMENDED MOTION

- Approve the final plat of the Spring Ridge 4th Addition; adopt resolutions for construction of public improvements to serve the addition; adopt the

reassessment ordinance, authorize the Mayor to sign and staff to publish and record the necessary documents.

Council Member Elizabeth Stanton said Derby has had lots of changes over the last few years. Developers are wanting to build duplexes and multi-family housing. Even if these are initially planned to be owner-occupied, they do not stay owner-occupied for long. I fear we are setting up Derby to become a rental community, and honestly, renters just do not give the same level of care to properties as homeowners do. I know we also have a great need for affordable housing in our community, but one of the reasons people have come to Derby is it was known as a bedroom community with single-family housing which is well-kept. As we continue to move forward with development in Derby, I encourage Council to consider what we want Derby to look like ten or twenty years from now.

Council Member Jenny Webster admitted I've gone back and forth on this myself. When we looked at this item during the zone change, I had real concerns for those who bought in the area a long time ago thinking they were purchasing in a single-family neighborhood only to later see duplexes proposed. Looking at the way the plat is laid out, I think it will be good and work well. As Ms. Stanton said, we have a need for affordable housing, which this will help provide in a way that looks nice. We already have several areas in town where duplexes are mixed in with single-family homes which look really nice. Some may not be able to afford a single-family home, but a duplex is more attainable for them. Our community is made up of a variety of people, including military families and retirees for whom a duplex might be ideal. I am glad to see this area being developed after remaining untouched for so long and am interested in what others on Council think.

Ms. Stanton thanked Ms. Webster for her comments. You make a really good point. I am absolutely not against condos or other multi-family communities where they are owner-occupied, such as Hamilton Estates. Those people invested in their homes and take pride in them. However, we have to acknowledge that rentals will not be as well-kept as owner-occupied properties, and rentals do impact the homeowners in a neighborhood. I want us to keep our community beautiful and a place folks want to move to.

Council Member Wayne Molt, Jr. asked how many duplexes have we built in the last 3 to 5 years?

Scott Knebel, City Planner, said we will get you that information; I do not know off the top of my head.

Mr. Molt said thank you. The reason I ask is we have gotten some emails from those upset about multi-family housing. I am not in any way against duplexes or other multi-family housing options. Where I do have a bit of an issue is when people buy into a neighborhood they've been presented as single-family only to later have that plan change to include multi-family housing. What was the original plan for this area? Wasn't it single-family?

Dan Squires, Development Manager, said I believe originally this was intended as R-1. I do want to point out Council already approved the zoning for this, and

tonight we are voting on the plat. It seems we are having more of a zoning discussion than one related to the platting. As far as an earlier question about how many duplexes have been built, I do not have an exact number, but it seems only around 6 or 8 have actually been built. We have been permitting and platting for additional multi-family housing, including 3- and 4-unit dwellings. Those have not yet been built; but they are in the pipeline. You may recall we did a housing study that identified several needs in Derby, at both the high and low end of the spectrum. What you are seeing now is the market's response to those needs. In Derby, we have never dictated what kind of housing can come in; we've allowed development to be market-driven. What we do have control over is trying to make sure development is compatible with adjacent neighborhoods, if our infrastructure can handle it, and those other golden factors that are considered during zoning.

Mr. Molt replied I don't think we actually are building nothing but duplexes; I'd just like those numbers to help show those who ask.

Jacque Butler, City Attorney, reminded Council the action item before them is the review of a plat and whether or not your Planning Commission reviewed it for conformity with Kansas law and the City's subdivision regulations. You have upcoming zone change items which require procedural safeguards as part of your process. I'd be remiss if I did not remind you that having discussions outside of that process, you are treading near an area outside of what you are to be reviewing on this action item. If you feel we need additional discussion on that point, I can provide you with a motion to take us into executive session where I can provide you with legal advice.

Council Member Mike Neel said this plat shows 72 single-family homes and approximately a half-dozen duplexes with maybe around a dozen other lots that could be developed with multi-family housing. To me, this looks to be platted very appropriately.

Council President Nick Engle agreed with Mr. Neel that the layout is attractive and fits the area nicely. As always, I lean heavily on the expertise provided by our Planning Commission, and I trust their recommendation.

Nick Engle moved, seconded by Mike Neel, to approve the final plat of the Spring Ridge 4th Addition; adopt resolutions for construction of public improvements to serve the addition; authorize the Mayor to sign and staff to publish and record the necessary documents; and adopt the reassessment ordinance.

Ms. Webster thanked Mr. Neel for pointing out this includes several single-family homes as well, rather than being fully developed as multi-family units. That's where I was having a hard time. I agree this fits well with the neighborhood and is a good layout; I am comfortable with it. I hope in the future, the Council will be mindful of long-term homeowners in similar situations.

RESULT:	Carried
MOVER:	Nick Engle
SECONDER:	Mike Neel
AYES:	Mike Neel, Nick Engle, Jenny Webster, Rick Coleman, Wayne Molt, Jr., and Larry Gould

NAYS:	Elizabeth Stanton
ABSENT:	Kristi Truitt

9.3 McIntosh Rd. Construction

Alex Lane, City Engineer, gave the agenda report.

BACKGROUND:

- McIntosh Road from Madison Ave. to Meadowlark Rd is an asphalt mat road with open ditches.
- The City of Derby took over this section of road from Sedgwick County in 2006 and 2007 during annexations of adjacent parcels.
 - Since that time, City maintenance has been limited to patching and pothole repairs. There is insufficient structure to the existing asphalt surface to make significant lasting repairs.
 - Recently a more extensive repair was needed on the existing 60" CMP culvert located just south of Woodland Drive that crosses McIntosh.
- JEO Consulting Group was selected to prepare a design, including construction plans, to reconstruct McIntosh Road with asphalt mat paving, shoulders, and improved ditches and will also include connecting the existing River St. cul-de-sac to McIntosh Rd.
- Bids were opened on September 30 with the following results;

<u>Company</u>	<u>Bid</u>
APAC-Kansas Inc.	\$2,297,382.00
Pearson Construction, LLC	\$2,183,621.00
<i>Engineer's Estimate</i>	<i>\$2,112,481.50</i>

**Engineer's estimate prepared by JEO*

- Pearson Construction has performed many projects in Derby and has the resources and expertise to complete the project efficiently and on schedule.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- Construction of the project will be paid through the issuance of G.O. Bonds with repayments paid for by the Derby Difference Sales Tax.
- The low bid price of \$2,183,621 is well below the budgeted amount of \$2,500,000 in the capital improvement plan.

RECOMMENDED MOTION

- Authorize execution of a construction contract with Pearson Construction, LLC in the amount of \$2,183,621 for the McIntosh Rd. reconstruction project.

Council Member Rick Coleman said I am very happy to see this happening. I know several in Derby are as well; those of us on Council hear about McIntosh Rd. quite often.

Rick Coleman moved, seconded by Nick Engle, to authorize execution of a construction contract with Pearson Construction, LLC in the amount of \$2,183,621 for the McIntosh Rd. reconstruction project.

Council Member Neel agreed it is exciting to see this getting closer to fruition. It has been a need for a long time. When do you expect to begin construction?

Alex Lane, City Engineer, said we are getting close to winter when weather can slow things down a bit; we gave the contractor both an early and late start date. The early start date would be November 1, and a late date would be around January 1.

Mr. Coleman asked are we connecting to River St. with this project?

Mr. Lane said yes. As Council mentioned, McIntosh has been a concern for a number of years. There were a lot of people in attendance at the bid opening for this one who were not involved in bidding; they just want to know what is happening on McIntosh. I'd say probably 10% of the complaints we receive about streets have to do with McIntosh.

Kiel Mangus, City Manager, noted we evaluated a couple of different options for reconstructing McIntosh. We looked at curb and gutter, more like the street standards we normally use, but that would increase the cost of this project by another \$2 million. That was ultimately why we decided to move forward with improving the shoulder, road surface, and ditches instead.

Mr. Coleman asked will we add curb and gutter to the section connecting with River St. to match the rest of River St.?

Mr. Lane replied yes.

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

9.4 Pre-Purchase of Equipment for Water Treatment Facility & Authorizing Project Resolution

Dan Squires, Development Director, gave the agenda report.

BACKGROUND:

- The City is currently working to design and build improvements to utilize the city's existing water rights to provide a portion of the city's water needs.
- The required improvements include a new water treatment facility (WTF) and more than 6 miles of waterlines.
- The new WTF will utilize green sand filter (GSF) and reverse osmosis (RO) treatment technologies to treat the well water to a quality consistent with the current Wichita water supply.

- As the City does not have enough water rights to meet the entire water demand of residents, the water will be blended with water purchased from Wichita.
- Water treatment equipment is highly specialized, constructed to fit individual applications and requires significant lead times.
- In order to begin treating water as soon as possible, and to reduce the risk of price increases, city staff believes it is advantageous to pre-purchase the GSF and RO treatment process equipment prior to final design of the WTF.
- City staff, in conjunction with Professional Engineering Consultants (PEC), made an extensive effort to evaluate GSF and RO equipment from various manufacturers.
 - City and PEC staff visited several sites to review installations of various equipment and visit with treatment facility operators regarding their experience with the equipment.
 - Estimated equipment cost, operation cost, ease of operation, and availability of field service were also evaluated. The equipment analysis memorandum is attached.
- After detailed evaluation, City staff and PEC recommend purchasing the GSF and RO equipment from WesTech Engineering, LLC (represented by the Ray Lindsey Company).
- The cost of the equipment is \$2,591,000.
- While the equipment was selected based on a multitude of factors, it was also the least expensive option.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- Funding for the equipment purchase will be provided by the issuance of general obligation (GO) Bonds with repayments of the bonds coming from the Water Fund.
- The issuance of GO Bonds requires adoption of an authorizing resolution (attached).
- The authorizing resolution was prepared by the city's bond counsel, Gilmore & Bell.

LEGAL CONSIDERATIONS:

- The equipment purchase will be facilitated utilizing contract documents approved by the City Attorney.

POLICY IMPLICATIONS:

- Pre-purchasing equipment will help assure timely completion of the project.
- Construction of the improvements to utilize the city's existing water rights is not only financially advantageous to the City but also improves water resiliency for the region.

RECOMMENDED MOTION

- Authorize the City Manager to execute an agreement with WesTech Engineering, LLC in the amount of \$2,591,000 plus applicable fees and taxes for the purchase of water treatment equipment and adopt the authorizing project resolution.

Council Member Rick Coleman said I've received several questions from residents about, "Will this mean we go back to the hard water Derby had in the 1980's?". We will still have the same quality of water we now receive by purchasing Wichita's water, correct?

Dan Squires, Development Director, said correct. We will treat the water from our wells to the same quality and blend it for use with what we will still purchase from Wichita.

Council President Nick Engle said you mentioned these pieces of equipment are highly specialized and often manufactured for specific projects. Are they standardized enough, though, to still be able to fit in with our overall plan?

Mr. Squires replied they are all pretty much standard applications that do the same thing. Our engineers will lay out the system and then we start designing around a set of equipment. We've completed 60% of our plans to KDHE for review, so we are comfortable enough with our progress to confidently order this equipment.

Nick Engle moved, seconded by Rick Coleman, to authorize the City Manager to execute an agreement with WesTech Engineering, LLC in the amount of \$2,591,000 plus applicable fees and taxes for the purchase of water treatment equipment and adopt the authorizing project resolution.

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

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 15 approved priorities last updated in May.
- 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 2 and 8 on shorter term projects and policies list are proposed to be removed.
 - Shorter Term:
 - Item 2- Energy Efficiency & Capital Reinvestment Program. Council approved an energy and construction services contract with Schneider Electric earlier this year. Installation of building automation system improvements at several City facilities are underway and staff anticipates completion before the end of the year. BAS and HVAC improvements at

the new Senior Center and PD facility/south City Hall will also occur as part of those construction remodel projects.

- One more piece related to this will be brought to Council in the near future, likely November 10. The roof replacement at City Hall is scheduled to occur in phases over the next three years. The opportunity has presented itself where we may be able to do solar on the roof as it is being replaced and quickly recover those costs over time through a tax credit program that expires at the end of this year.
 - Item 8- Derby Traffic Ordinance (DTO) and Public Offense Code (POC) Updates. Council adopted the Uniform Public Offense Code and the Standard Traffic Ordinance for Kansas Cities at its September 9th and September 23rd meetings.
- The following item is recommended to be added to the priority list as a new item:
 - Shorter Term:
 - Consent Annexation Policy. We have had some recent discussions on how the City handles consent annexations. The proposed policy resolution will be brought back to Council for consideration that will focus on making the consent annexation process as transparent as possible.
- The following item is recommended to be moved up from the watch list to the shorter term priority list:
 - Derby Difference Sales Tax Park Project Development. We will change the name of this item to Amber Ridge, Glen Hills, and Duck Creek Park Project Design.
 - An RFP is planned to be issued in October that will seek a design consultant to design all three of these park improvement projects. The process will include design, neighborhood engagement, and implementation of Parks Master Plan Goals in the process. Construction will then be staggered after design is complete in future years for the projects.
- The following items are recommended to be added to the Watch List.
 - Water Reuse. We have a budgeted 2026 item to hire a consultant to perform a water reuse study. City staff is monitoring legislative action now and ensuring our state representatives understand the importance of water reuse. City staff is also involved with Wichita's current water reuse study to ensure we are ready when the time comes for Derby's water reuse study.
 - Duplex design standards and density options. This item came up during subdivision and zoning regulation updates last year and has been discussed some during recent rezoning requests. Staff plans to again make part of our annual subdivision and zoning regulation updates and research further options on the topic for Council to consider.
 - Countywide Sales Tax Distribution. Council has discussed the countywide sales tax formula the last few years during the budget process as the City has lowered the property tax mill levy which can

negatively impact the countywide sales tax distribution amount to Derby. More recently this last legislative session Sedgwick County proposed a bill at the State level that would change the formula to use assessed valuation as a factor in the formula in place of taxes levied. This would have negatively impacted Derby greatly. City staff is working with State Legislators and Sedgwick County to try and determine a possible sales tax formula fix that would be palatable at the State and local levels while moving away from using property taxes levied for a portion of the formula.

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 said I'd like to see a long-term item added regarding moving away from property tax to rely more heavily on sales tax. The Derby Difference will be up in 9 years. Before we get to when it ends, we need to be talking to cities in Johnson County and Wyandotte County to see how they made that shift for their communities and use it as a roadmap for what Derby could do.

Kiel Mangus, City Manager, said you'd like it to be added on the list? What would we call it?

Mr. Coleman replied we could call it "Property Tax Stabilization" which is the term we used when we were having the Derby Difference election. We passed an additional 1/2-cent sales tax which brings in roughly 11 to 14 mills of income for the City which is great because around 30% of that is coming from those who live outside our city limits. I think the City's residents should get a benefit from that increase by seeing a decrease in their property tax.

Mr. Mangus said I believe our residents are seeing a benefit from the sales tax income in all of the new park projects and street improvements being made. Those 11 to 14 mills don't just correlate directly to property tax; we are still spending it on projects and needs of the City. On the watch list we are specifically looking into the countywide sales tax distribution formula, which is gaining some traction because Sedgwick County is now also looking into it. We do not like what the County offered; their solution would have them gain approximately \$3 million while we would lose around \$800,000. We will need to stay active and engaged on the matter. I do think everyone agrees that if you lower your mill levy, you should not be punished by then receiving less from the sales tax formula. We've started the conversations, which will affect all 105 counties, not just Derby and Sedgwick County. Our legislators know it needs attention, but we need to keep reminding them and bringing it before them for

discussion and a decision. If we want to add it as an item on our list, we can certainly do so, although it is discussed in depth during each budget cycle.

Mr. Coleman agreed the formula needs to be fixed before we can move forward to reduce by 3 or 4 mills. Let's at least have it on the radar for our citizens to know we are being financially responsible with their tax dollars. I'm interested to hear what my fellow council members think.

Council Member Elizabeth Stanton said I appreciate what you are saying, but I'm just not sure how we make the sales tax be the heavier portion than property tax. The City is hot-to-trot to put duplexes and multi-family units everywhere because that means more property tax.

Mr. Mangus asked are you saying Derby is hot-to-trot for more duplexes? I would have to disagree with that statement. The City of Derby doesn't dictate what is developed. You, as a Council, have zoning requests brought to you on which you decide. What we have seen is developers building \$400,000 homes, but are not able to sell them, so they are looking for different products to offer. We can do different incentives for different things to try and target them if you want, but the City of Derby is not going to them saying, "Build us duplexes".

Ms. Stanton said the housing study we paid for did say we need them.

Mr. Mangus clarified the housing study showed we need housing, not necessarily just duplexes. The study did say we need to be building over 200 housing units each year, which we have never done, even in the years we built the apartments by the golf course. The solution to bringing housing costs down is to increase the supply. Building our way out of it would be quite a challenge. The housing study focused on that we need housing in this price point, the very low end, and this price point, the very high end.

Ms. Stanton said I agree with your earlier comment that Goddard is a sea of duplexes, and it's not real pretty driving into Goddard. I don't want to see Derby begin to look like that. I've lived here since 1977 and want Derby to continue to be the suburb everyone chooses to call home.

Mr. Mangus said I believe that is where Council can have the discussion in the long run. To this point, we have been a market-driven community; do we want to change that and begin incentivizing more single-family housing?

Ms. Stanton replied I do not think we should incentivize anything.

Mr. Mangus went on, then that poses a challenge because the market is driving more multi-family housing. We could choose to turn away the growth, or we can try to incentivize them to build a product they do not want to build. We do still see single-family development, but not solely single-family plans; now it is more a mix of single-family with 2-, 3-, and 4-family units mixed in. I think one of the first steps would be for Council to decide if we should put in our zoning and subdivision regulations some parameters to prohibit us seeing these large,

several acre developments with nothing but duplexes on them. Instead, we can have regulations requiring there also be single-family units included.

Ms. Stanton said the areas to the north of 55th St. and Rock Rd. are planned as mixed use, aren't they?

Mr. Mangus said yes, both Greenwood Village and Sky Ridge are proposed to have different pieces of commercial, single-family, duplexes, townhomes, and apartments as Planned Unit Development.

Ms. Stanton said I think that is great because those are going into an area where they are not encroaching on or impacting already well-established neighborhoods.

Council President Nick Engle said as always, I appreciate hearing these updates and learning of progress on the many irons we have in the fire. I'm in favor of updating the consent annexation processes because although it is not required, I feel it is the right thing to do. We can take steps to be more transparent with neighboring property owners early on and receive their input throughout the process. Seeing the needle move a little on ARC 95 is also important. We talk about thinking forward, and this is something we are thinking 50 to 100 years ahead on for the benefit of our region, not just our city. Conversations regarding implementing some duplex standards will also be beneficial for a lot of the reasons already discussed this evening. I'd like to also be sure Council gets numbers on how many of each type of housing has been built, how many are in the pipeline to be built, and so on. That way we can ensure we are maintaining a good balance among housing types, since our study showed we need every type.

Mr. Mangus added Ms. Stanton is not wrong that developers come in and want to use the path of least resistance. That path may not always be what we desire as a City, so we need to determine what makes sense where. Part of that is done through zoning; part of it is accomplished with platting and site plan review. Certain incentives may produce more of a variety, but that's something staff will need to look into and bring back.

Mr. Engle said I'm always open to conversations about sales tax over property tax, and you're correct that 9 years will go by quickly. It is still quite a ways out, so I don't know if we necessarily add it as an item officially or just keep planning ahead.

Mr. Mangus said I agree. We talk about it every year as we work through the budget, so it is already very much in our minds and plans. We will need to decide if long-term we want to make a fundamental shift to sales tax. With this last tax election, a lot of it is already spent; so, it is not additional funding. In the long run, do we want to move to levels like what you see in Johnson County with 9% sales tax in order to drop property tax? That is always an option. Haysville just did that without designating it for anything specific like we did with the Derby Difference. Things at the State level may dictate exactly what we can do with something like that, but let's look into it if that is the way Council wants to go. With the way the State fought about property taxes all last year, they will definitely be taking up the

issue again this year. Chances are if something is passed, it will not be something that helps a growing community like ours. Likely, it will restrict our growth in some way, so we will need to look for alternative funding sources or just make cuts. Those are our two options. The State is funded through income tax, sales tax, and a little bit of property tax. Unfortunately, municipal government only gets to vote on one source yearly: property tax. We need to try to diversify our streams of revenue and look for ways to do things differently, so the pressure does not land squarely on property tax. For example, I've thrown out the idea, if a city is revenue neutral or lower on property tax, can that city approve a small local sales tax increase without an election? Right now, a sales tax increase requires an expensive election, and you have to also spend a lot of money and time on educating people about it. Property tax requires we educate residents through our budget process, but you have seen how many people respond or get involved with our budget hearings. If RNR municipalities were allowed to have their governing bodies vote on sales tax increases, I believe we'd see mill levies drop all over the state. It would be a challenge, though, to get something like that passed. The unfortunate truth is that there is zero trust between local and state government.

Council Member Wayne Molt, Jr. said I also appreciate all the work that goes into bringing us updates on the list. I agree with Mr. Engle's comments that duplex requirements should have some more discussion. I also agree with Ms. Stanton that we should not incentivize developers to build certain items because to do so can encourage bad behavior. Let's look to revamping some of our standards and regulations instead. I'm glad to see ARC 95 discussions continuing. I do want to share that the things Derby is working on, many people are interested in. We joke sometimes about our 3 viewers of the Council meeting, but during my recent City-to-City trip, I learned there actually are a lot of people watching and paying attention to what is going on in Derby.

Mr. Mangus said right now, it feels like our list is very construction heavy, because we are deep into construction. For a few years, the list was primarily focused on policy matters, but now it has swung a different direction, which is good. It shows we are continuing to grow and adapt to items that arise while we look toward the future.

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

Ms. Stanton said thank you to everyone on Council for listening to me and taking into consideration all I had to say. Although my term comes to an end in a few months, I really do care about this community and the direction future Councils take. I appreciate each of you for listening and offering your feedback as well.

Mayor Mark Staats said I like where Mr. Coleman was going with the tax discussion. I'm not sure if it needs to become a priority list item or if we just keep working toward the goal. Last year some of the Sedgwick County Commissioners held a sales tax symposium for mayors and city managers where they proposed a possible county wide sales tax to drop the County mill levy. So, these conversations are taking place beyond just Derby. I've not heard any more on that since the end of 2024, though.

Mr. Mangus said I believe they are still looking into it. The reality is, if the County proposes it and people vote for it, the State still has to approve of it in Topeka. That doesn't make much sense. If the people down here vote for it, why do we have to have 50 or so people in Topeka say it's okay? Those laws are being looked into. If you have a ballot question that passes, it should not require an extra legislative step for approval.

Mayor Staats said I know people are having these conversations, and that it is a real concern for many. As an example, my mom still pays property taxes each year, which continue to rise, but as she ages, her spending decreases so she's not generating much in the way of sales tax. If the 30 to 33% of shoppers who come to Derby but do not live here can help pay for the needs of our city, homeowners won't need to pay in as much. Cabela's is in a CID with 9% sales tax, but most people do not look at their receipt or notice. If Derby could implement something like that, we could really help out our property owners. Let's be sure to keep those conversations going and work on making a plan.

Mr. Mangus said it is a matter of how do we optimize that 30 to 33%? Not every city has the sales tax volume and capacity that Derby does. Sales tax is volatile, but not so much so that we could not work to use it for mill levy reduction.

Mr. Coleman added if we look at the Derby Shores project that estimates around 89% of those visiting will be from not only outside Derby, but outside a 100 mile radius, we could capitalize on those numbers with additional sales tax. That is how Johnson County and Wyandotte County are doing it. They have the racetrack, Legends, and other tourism destination points that draw in shoppers. Long-term, I'd like to see Derby use funds from being a destination to alleviate the property tax burden for our residents.

Mr. Mangus agreed saying, we can continue to have those discussions through our budget process. For this last sales tax, the focus was not the amount of the tax as much as it was the tenure. We did not want a tax that would stay indefinitely; we wanted it for a set number of years and ear-marked for specific purposes. If we want to shift instead to focus on a permanent tax for operational purposes, let's talk about moving that direction. We will need to have a good messaging plan for how to educate the voters on the shift and what our goal is. Once we see what the State decides about property tax, we could conduct a survey to see how residents feel about a change in order to create appropriate messaging.

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

10 ADJOURNMENT

Rick Coleman moved, seconded by Wayne Molt, Jr., to adjourn the meeting at 8:46 p.m.

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



City Clerk



Mayor