



MINUTES

City Council Meeting

6:30 PM - Tuesday, March 11, 2025
Council Room

1 CALL MEETING TO ORDER

The City Council meeting was called to order on March 11, 2025, at 6:30 p.m. in the Council Room.

2 FLAG SALUTE

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

3 INVOCATION

Pastor Tom Johnson, Faith Lutheran Church, gave the invocation.

4 ROLL CALL

PRESENT:	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 Chris Unkel Council Member Wayne Molt, Jr.
ABSENT:	Council Member Rick Coleman

5 ACCEPTANCE OF AGENDA

5.1 Adoption of the Agenda

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

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

6 PRESENTATIONS

6.1 2024 Public Works Annual Report

Robert Mendoza, Director Public Works, gave the annual report, recognizing Assistant Directors Tom Keil and Dillan Curtis, as well as Steve White, Parks Director, in attendance.

BACKGROUND:

- The purpose of the 2024 Annual Report is to inform the City Council of the activities and accomplishments of the Public Works Department this last year.

Robert Mendoza, Public Works Director, thanked Council, City Management, and Public Works staff for their support during his absence. The team stood in the gap while I was gone and continued to keep things on time, on target, and on budget. I could not have asked for more. I appreciate the support shown and I am happy to be back.

Council Member Elizabeth Stanton said Public Works is my favorite department because they help create so much pride in our community. The Christmas lights and decorations are beautiful, and our parks are fantastic. Derby has become a benchmark for what other cities aspire to be. All our employees, in Public Works and other departments, are pillars in their professions. They represent our town the way we want to be represented. Thank you for keeping everything clean and beautiful for all of us.

Council Member Mike Neel added I have known Mr. Mendoza and Mr. White for several years now, and they run a great department. I've had the chance to see Public Works from the inside out. Not a lot of people in the general public understand what it is you do, but you do everything, and the list is constantly changing. You are appreciated.

Council Member Wayne Molt, Jr. echoed the thoughts already shared. I am glad to see you back and doing well, Mr. Mendoza.

Council Member Chris Unkel had a question regarding drought conditions and the 1.8 million gallons of water we pump into the river daily from the wastewater plant. Is there any way to capture some of that and reuse it for irrigation or other needs? I know the City is already taking several measures toward water conservation, and we are educating the public on watering restrictions. This seems like a lot of water we could be using. Could we hold it and have it available for distribution or use somehow?

Mr. Mendoza replied yes, and no. Effluent water can be a useable product when done correctly, but we do not have the infrastructure to do so at this time. It must be managed, moved, stored, and pumped out correctly. Previously we discussed capturing it for use at Decarsky Park and that was around a \$1 million project four or five years ago. We are certainly looking into ways we could reuse water in the future. The effluent water we have now is cleaner than the river, but not something you'd want to grab a bucket of to use.

Kiel Mangus, City Manager, noted Dan Squires, our Development Director, was recently invited to take part in interviews with Wichita for a consultant to evaluate reuse of water throughout Wichita. We do not have enough water rights in Derby, so we would love the opportunity to reuse water at our plant.

Ms. Stanton requested Mr. Mendoza repeat his introductory tag line about Public Works.

Mr. Mendoza replied, "If you drive on it, play on it, walk on it, flush it, or drink it; it is us."

Ms. Stanton said that is so good, and true! How many miles of sewer line and water line did you say we have?

Mr. Mendoza responded Derby has 137 miles of sewer line and 151 of water line.

Mayor Mark Staats said you and your leadership team have created a great culture within Public Works. You value your employees, they want to be there, and they truly take pride in the work they do for the community. Thank you.

7 PUBLIC FORUM & ANNOUNCEMENTS

Council Member Mike Neel said both the Derby boys' and girls' basketball teams are in the State tournament. If you have the chance, go out to Koch Arena and support them.

Council Member Elizabeth Stanton thanked the Derby Informer for their great article recently highlighting three Council members.

Mayor Mark Staats shared Mr. Mangus, the City Administrator for Goddard, and I went to Topeka recently to attend a hearing before the House Finance Committee regarding STAR Bond Districts losing food sales tax. Mr. Mangus testified in the hearing and did a fantastic job. He helped educate the committee on the situation and strongly presented our viewpoint on the matter. As one of the first to speak, he took a lot of tough questions on a complicated topic, but in doing so, he cleared the path for some good discussion when others testified.

Kiel Mangus, City Manager, said with spring weather arriving, we have begun sending out robocalls as well as articles and reminders to residents that we are still under watering restrictions. After hearing from the public about some difficulties with the assigned days for watering, we have adjusted those a bit. For properties north of James St., they are still allowed to water from 8:00 p.m. on Mondays through 10:00 a.m. on Tuesdays. Properties south of James St. will change to have watering hours from 8:00 p.m. on Thursdays through 10:00 a.m. on Fridays. Staff will be bringing back some updates to our water conservation plan to Council soon. The updates are

simply to have our plan better match that of Wichita to add clarity. Wichita also has renewed their rebate program, so residents are encouraged to check that information out on our website as well to see which water-saving devices or purchases are eligible for a rebate.

8 CONSENT AGENDA

8.1 Consideration of Minutes

Nick Engle moved, seconded by Mike Neel, to approve the Consent Agenda, as presented.

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

9 NEW BUSINESS

9.1 Second Reading: Updates to Rain Sensor Ordinance

Kiel Mangus, City Manager, gave the agenda report.

BACKGROUND:

- Council considered first reading of this ordinance on February 25.
 - There are no proposed ordinance code language changes from the first reading.
- The City currently has an ordinance that requires residents who have automatic sprinkler systems to have rain sensors installed on them.
 - This ordinance, approved in April 2008, was intended to encourage conservation of water by helping prevent overwatering.
- Recently, an irrigation contractor reached out about rain sensors in light of technology changes in irrigation system controllers and suggested potential updates to the code.
- Many of the irrigation controllers (that run the automatic sprinkler systems) being installed today are "smart controllers".
 - The majority of smart controllers run off of the internet and have built-in capabilities to forecast the weather and shut the sprinkler system off if moisture is anticipated to occur.
- An additional technology utilized for water conservation in some automatic sprinkler systems are soil-moisture sensors.
 - These sensors read the moisture level in the soil and adjust the irrigation levels when optimum moisture is reached, preventing overwatering.
- The proposed ordinance changes allow for the company/resident getting the lawn sprinkler permit to use a rain sensor, smart controller, or soil moisture sensor (water saving technology).

- The ordinance would continue to require all these technologies to be set to prevent activation of the irrigation system when 1/2 inch or more of rain has fallen.
- The City currently inspects irrigation systems for these sensors when a permit is issued, and this practice would continue.
- Enforcement of this ordinance is done via complaint or through observation of an apparent violation.
 - A majority is done through informal enforcement where the resident or business is talked to about shutting off their sprinklers during rain events.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

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

LEGAL CONSIDERATIONS:

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

POLICY IMPLICATIONS:

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

RECOMMENDED MOTION

- Approve an ordinance amending the municipal code regarding rain sensors as proposed.

Council President Nick Engle asked have we heard anything from the public one way or the other on this update? I defer to Mr. Unkel for his expertise in this area. If he is onboard with this change, I support it as well.

Kiel Mangus, City Manager, replied we have not heard from the public. Council Member Unkel and I discussed this, and it seems fairly standard for new irrigation systems to have smart controllers, so this change will save them from needing to have both a smart controller and a rain sensor to abide by the ordinance. Over time the rain sensors tend to break down and become unusable.

Nick Engle moved, seconded by Wayne Molt, Jr., to approve an ordinance amending the municipal code regarding rain sensors as proposed.

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

9.2 Purchase of Patrol Vehicles

Brandon Russell, Police Chief, gave the agenda report, noting several members of the Citizen's Police Academy in attendance.

BACKGROUND:

- This item is for the purchase of two police patrol vehicles.
- The 2025 Equipment Replacement Plan includes the replacement of one vehicle and the addition of one vehicle to the Police Department patrol fleet.
- A bid request was published for two Ford Interceptor SUVs and for one Dodge Durango Pursuit SUV.
 - Derby PD continues to focus on two different patrol vehicle makes and models to ensure if there was ever a recall on one model, we still have patrol cars available for service.
 - PD experienced a recall on the Interceptors in the recent past and almost had to down the fleet. This brought to light the need for diversity in our patrol fleet.
- The addition of a new vehicle to the fleet will require all new equipment including computer, radar, gun locks, etc.
 - As a general rule, when replacing vehicles, the computer, radar, gun mounts, etc. do not need replaced. They are transferred to the new vehicle.
- The new vehicle and equipment bid was for a Dodge Durango Pursuit.
 - Because of the new equipment needed, the price is more than just replacing a vehicle. The cost for this vehicle and new equipment is reflected in the bid chart below.
- The replacement vehicle bid was for a Ford Interceptor. It will replace a 2020 Interceptor, per the vehicle replacement plan.
 - This replacement Interceptor will require new light bars, cage, and other equipment specific to changes in the body style between the 2020 vehicle and the new vehicle, but PD will be able to reuse the radar, computer, siren box and other equipment from the vehicle it is replacing.
- The two vehicles in the replacement plan had bid specifications that also included 2 new pieces of technology not on other patrol cars as of now.
 - These are the Noptic thermal imaging device and a Federal Signal perimeter alarm. We also recommend adding this equipment to the vehicle being replaced that was in the accident.
- Bids were closed on February 24, 2025.
 - Two dealerships submitted bids for the Ford Interceptor and two dealerships submitted bids for the Dodge Durango Pursuit.
- Bid results were as follows:

<u>Vendor</u>	<u>Vehicle</u>	<u>Price</u>
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Rusty Eck Ford	Police Interceptor Hybrid & Replacement Equipment	\$65,737
Shawnee Mission Ford	Police Interceptor Hybrid & Replacement Equipment	\$66,053
Davis-Moore Automotive	Durango Pursuit & New Equipment	\$65,972.07
Parks Motors	Durango Pursuit & New Equipment	\$68,081.07

- Rusty Eck had the lowest bid for both the Interceptor needing new equipment due to changes in the body style (\$65,737).
- The recommended low bid on the Dodge Durango Pursuit was from Davis-Moore Auto in the amount of \$65,972.07. This includes all new equipment.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- Total purchase price for the two vehicles and equipment is \$131,709.07.
 - This includes a cost of \$4,875 to add Noptic and perimeter alarm to the replaced totaled vehicle as well.
- The equipment replacement plan included \$140,000 for the replacement of two vehicles.
 - The two bids recommended (Interceptor and Durango Pursuit) totaled \$131,709.07, so they are \$8,290.93 under budget in the replacement plan.
- Both vehicles and equipment will be paid for using Derby Difference Sales Tax Funds.
- Bid Board recommended approval of the bids on 02/28/2025.

RECOMMENDED MOTION

- Approve the purchase of one Interceptor from Rusty Eck Ford, one Durango Pursuit from Davis-Moore Automotive, and associated equipment for an amount not to exceed \$131,709.07.

Council Member Jenny Webster said I am excited to see we are buying local. For a while, it seemed we purchased several vehicles from Shawnee, so I am happy to see we are supporting businesses in our local area.

Council Member Elizabeth Stanton said the total cost for the Noptic and Perimeter Alarm is under \$5,000, correct?

Brandon Russell, Police Chief, replied yes, it is around \$4,800.

Ms. Stanton said if we retrofit some of our older vehicles with this equipment, would it be around the same cost?

Chief Russell said the equipment would cost the same, but there might be a little difference in price for installation. I'd have to check. Right now, we have 13

vehicles and are expanding to a fleet of 14. Retrofitting the additional dozen vehicles would be over \$50,000.

Ms. Stanton said I think that would be money well-spent. When you are ready, come back to Council and we will have the discussion. I, for one, am fully behind adding this equipment to all our police vehicles. I love the idea no one can sneak up on you. We want to keep our officers safe. I also think the infrared technology will be helpful and enhance your ability to see what is going on.

Elizabeth Stanton moved, seconded by Jenny Webster, to approve the purchase of one Interceptor from Rusty Eck Ford, one Durango Pursuit from Davis-Moore Automotive, and associated equipment for an amount not to exceed \$131,709.07.

Mayor Mark Staats asked can the sensor on the perimeter alarm be programmed to alert only within the vehicle?

Chief Russell said yes. You can set it to be an internal alert only, rather than a siren and lights flashing, which will be helpful when we are running radar or doing paperwork at one of the schools.

Mayor Staats said I like to see the advances in technology helping keep our officers safe while also assisting them in doing their job more efficiently. I also like where Ms. Stanton was going with adding this to all the vehicles. We can crunch numbers and have those discussions later after you have used the new equipment for a while and report back to us. Thank you for a good presentation.

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

9.3 2025 Pavement Rehabilitation

Ky Louanghaksaphone, Assistant City Engineer, gave the agenda report.

BACKGROUND:

- Each year, the City prepares plans and accepts bids for significant pavement rehabilitation, which requires specialized equipment and is beyond the capabilities of City staff.
 - The pavement rehabilitation project is designed to address pavement rehabilitation in a cost-effective way, depending on the pavement condition. Projects listed as "reconstruction" include replacement of asphalt pavement and soil subgrade between the existing curbs and generally do not include geometric improvements.
 - To improve longevity and drainage, sections of curb and gutter may be replaced as part of reconstruction as well.

- The work proposed for 2025 includes a combination of mill and overlay and total street reconstruction.
 - Reconstruction of local streets typically consists of 3" asphalt pavement over 6" reinforced crushed rock while local-collector streets such as James and Market will be 5" asphalt pavement over 5" reinforced crush rock base.
- The locations of the proposed streets to be rehabilitated for 2025 are shown on the attached map.
 - Market Street will be reconstructed during the school summer break to minimize traffic impacts.
 - A project to replace and improve the water main along Market Street is in the bidding process and will be completed before Market Street reconstruction begins.
- Due to the variety of funding sources that will be utilized for this year's rehabilitation, the project was bid in three parts.
- A public bid opening was held on February 25 with the following bid results:

<u>Bidder:</u>	<u>Part A: (Yearly Projects)</u>	<u>Part B: (Dry Creek Dr & Cul-de-Sacs)</u>	<u>Part C: (Market St/ K-15 to Woodlawn)</u>	<u>Total</u>
APAC-Kansas	\$1,308,660.25	\$481,721.50	\$527,212.50	\$2,317,594.25
Pearson Const.	\$1,389,322.50	\$526,505.00	\$565,856.00	\$2,481,683.50
Kansas Paving	\$1,485,816.00	\$605,978.00	\$581,287.00	\$2,673,081.00
*Engineer's Estimate	\$1,311,366.50	\$487,860.50	\$531,008.10	\$2,330,235.10

**Engineer estimate's prepared by Derby's Planning and Engineering Department*

- APAC -Kansas was the lowest, responsible bidder on all three parts of the project bids with a total bid of \$2,317,594.25.
 - The City has previously worked with APAC on the annual rehabilitation project and been satisfied with their work.
- The bids were below the engineer's estimate, which was based on unit prices staff has observed on projects in the past few years.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- A total of \$2,352,000 was budgeted for this year's pavement rehabilitation program broken out as follows:
 - Part A of the annual pavement project was budgeted for \$300,000 via the Special Street Fund and \$1,000,000 via the Derby Difference Sales Tax.
 - Part B was an additional \$480,000 from the Derby Difference Sales Tax budgeted for the Dry Creek & Cul-de-sacs rehabilitation.
 - Part C is \$572,000 budgeted for Market St. reconstruction, also paid out of the Derby Difference Sales Tax.
- Part A and Part B are over budget by \$8,660.25 and \$1,721.50, respectively. While Part C is under budget by \$44,787.50.
 - The \$10,381.75 deficiency of Part A and B will be covered by the surplus from Part C.

- Based on the previous pavement rehabilitation projects, the actual conditions in the field may increase or decrease the costs of the project.
- The \$34,405.75 surplus may be used to cover any additional costs necessary.

LEGAL CONSIDERATIONS:

- The City Attorney will review and approve the agreement.

POLICY IMPLICATIONS:

- Timely street maintenance results in improved ride quality, safer streets and reduced long-term maintenance costs.
- Project selection is guided by the 10-year pavement management plan.
 - The plan was generated after completion of a Pavement Management Analysis with a focus on maximizing the return on investment of street maintenance funding over a 10-year period.
- The City recently completed a new pavement condition evaluation which will be utilized to guide future maintenance projects and will be presented to Council in the near future.

RECOMMENDED MOTION

- Authorize execution of a contract with APAC-Kansas in the amount of \$2,317,594.25 for the 2025 Pavement Rehabilitation Project.

Council Member Wayne Molt, Jr. said I remember former Mayor Randy White saying it is important to keep ahead on our street maintenance, and it seems we are working to do just that. I have had several residents ask about 63rd St. or Patriot Ave. With changes in newer vehicles such as larger diameter wheels and lower profile tires, I can drive down Patriot in one car and it is a bit rough, but in another car, it really isn't a problem. Do we know when that street will be on the schedule for work?

Kiel Mangus, City Manager, stated Patriot Ave. is a major arterial street, and as such is not typically on our 10-year plan. The 10-year plan is usually for collectors and smaller neighborhood streets. Those are projects we will need to fit in with funds from the new Derby Difference. We will be evaluating it along with other needs. As mentioned in the report, the information from our new pavement survey plan will be coming before Council in another month or two. One thing done differently with this evaluation was we dug for soil samples to determine what issues there might be with the base upon which we are building and improving our streets. Another new element of the survey was a sidewalk analysis. Right now, I do not have a timeframe to report to you regarding Patriot Ave., but we can get back to you.

Wayne Molt, Jr. moved, seconded by Chris Unkel, to authorize execution of a contract with APAC-Kansas in the amount of \$2,317,594.25 for the 2025 Pavement Rehabilitation Project.

Council President Nick Engle pointed out not too long ago, our entire budget for annual pavement management was only \$800,000. Now it is nearly three times that because we had a pavement analysis done and prioritized staying ahead of the need for street maintenance. This is another element of pride, having nice streets. Thank you to our Derby voters for approving the Derby Difference Sales Tax which will allow us to keep investing in keeping streets well-maintained. The Derby Difference also allows us to capture some funding from those who use our streets but do not reside within Derby or pay property tax here.

Mayor Mark Staats remarked all the bids were very close, and close to the engineer's estimate as well. That is good to see.

Mr. Mangus added Council Member Coleman, who could not be here tonight, had shared some questions with me on this item. He asked about McIntosh Rd.; weren't we going to improve it this year? Yes, but that is a project outside the 10-year maintenance plan. As Mr. Engle mentioned, that \$2 million project is also possible because of the Derby Difference. Likewise, the \$1 million in improvements at Patriot & Triple Creek is able to occur because of the Derby Difference Sales Tax. In all, we are doing around \$4 million in street and traffic work this year, when just a few years ago we were only able to complete around 1/5 of that. Another upcoming street project will be North Woodlawn; we should see a design contract this year and look to construct it next year.

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

9.4 2025 Pavement Markings

Tom Keil, Assistant Director Public Works, gave the agenda report.

BACKGROUND:

- To ensure safe pedestrian crossing and vehicle traffic flow throughout the community, the City routinely replaces striping and regulatory markings.
- The 2025 pavement marking projects are identified in the attached map.
 - This year includes several crosswalk improvements projects (14+) and longer stretches of pavement marking improvements on Rock/Chet Smith/Madison/ and K-15.
- We received three bids for the project, with the results as follows:

Company	Bid Total
Heartland Traffic Services	\$360,000
Defined Line Striping	\$273,885
Traffic Control Services	\$258,135

- Traffic Control Services provided the lowest, responsible bid in the amount of \$258,135 and staff recommends moving forward with their bid.

- Traffic Control Services has completed similar work in the past for Derby and we are confident in their performance.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The 2025 approved pavement marking budget is \$300,000 with funding coming from the Special Streets Fund.
 - The low bid from Traffic Control Services is \$41,865 under budget
- The City Bid Board reviewed and recommended approval of the bid on March 3, 2025

LEGAL CONSIDERATIONS:

- The City Attorney will review and approve the final agreement.

RECOMMENDED MOTION

- Authorize the City Manager to enter into an agreement with Traffic Control Services in the amount of \$258,135 for the 2025 pavement markings project.

Council President Nick Engle said this item pairs nicely with the last one and again ties into pride in our community through nice streets.

Nick Engle moved, seconded by Wayne Molt, Jr., to authorize the City Manager to enter into an agreement with Traffic Control Services in the amount of \$258,135 for the 2025 pavement markings project.

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

Kiel Mangus, City Manager, asked what is the proposed timeline for this project?

Tom Keil, Assistant Public Works Director, replied Traffic Control Services likes to move quickly. In our bid documents, we specified spring and summer for areas around schools to avoid active school zones.

10 ADJOURNMENT

Jenny Webster moved, seconded by Nick Engle, to adjourn the meeting at 7:53 p.m.

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

City Clerk

Mayor

DRAFT