

**APPROVED
REGULAR COUNCIL MEETING
August 11, 2009
6:30 PM**

Mayor Dion Avello presiding.

ROLL CALL:

COUNCIL MEMBERS PRESENT:

WARD I
WARD II
WARD III
WARD IV

Jim Craig, Jim Meidinger
Heath Horyna, Vaughn Nun
Chuck Warren, Cheryl Bannon
Tom Haynes, Mark Staats

Flag salute was led by Council President Mark Staats. The invocation was led by Pastor Don Engle, Grace Fellowship.

**CONSIDERATION OF
MINUTES**

Minutes of the July 28, 2009, Regular Council Meeting.

MOTION: Warren moved to approve minutes of July 28, 2009 Regular Council Meeting. Horyna seconded.

VOTE: Motion carried 8-0.

PUBLIC FORUM

Mayor Avello commented that the decel lane on Patriot Avenue in front of Kohl's is a bit too short. People get on your tail and they don't get off and he's afraid something is going to happen.

Chuck Fields stated that in the past he was municipal judge, his duties included traffic violations, trash burning, checks and alcohol violations among other things. The most problems were handled by following the city ordinances; alcohol was an entirely different problem. A fine with possibly some jail time never did any good other than deprive the family of food and clothing. He searched for a better way and finally found it with a man name Jim James who was a non practicing alcoholic, which meant he was an alcoholic who didn't drink. Once an alcoholic always an alcoholic, some are drinking, some are not. Jim ran a home in Wichita that was a half way house and a meeting place for an AA chapter. After some education on his part he would use several criteria to determine how the defendant's life was affected by alcohol. What was strange was that no one was ever brought in to court who had had more than two beers. The court could give a fine and jail time, if the verdict included jail time it would usually give them the choice between jail time and attending a certain number of AA meetings at the chapter of his choice within a given length of time as ruled by the court. He thought this was working pretty well for several years but then he started to get some of the same people back on alcohol charges. Checking back on his own records he found he was only getting about 20%

success for people being sober for a year, who can run a business with 20% success? He got back with AA and found that the Derby court had one of the best sobriety records in the state at 20%, which is terrible. This sad figure was a wake up for him on the alcohol problem. It also means that making the consumption of alcohol a favorable part of recreation, family gatherings including weddings, picnics, etc., where children can be exposed to seeing their parents and other adults consuming alcohol and apparently having a good time only wets their appetite to try these same things. Remember, one cigarette is not okay and one drink is not okay, one leads to the other. Alcohol is the most available and one of the very worst and promoted more by society than other drug. When he was the Derby judge he was asked by several alcoholics to assist them in getting a place to organize an AA chapter and hold meetings. He helped in a small way and the chapter is still operating in a local church, that was more than 20 years ago. They have also added an Al Anon chapter for family members and others whose lives have been affected by alcohol and an Alateen chapter for the children. There is also a chapter for narcotics abuse; will the next one be for gambling? These family destroying problems can only get worse if promoted by government. The laws of God and man obviously cannot be enforced all the way, try driving on one of our through streets and see how many people, while driving 30 mph pass you. He thinks this is a poor way to advertise Derby as a good place to raise your family.

Myron Schwarz was born just north of where Lowe's is, in 1925, he has been around here for a long time. He has lived within the city limits for about 16 years, and this is the first time he has ever attended a city council meeting. He advised he appreciates what the council does, without these meetings to control the things that happen in this community he doesn't know how it could exist. It has really exploded in his lifetime; he thinks the council does a heck of a job. He also thinks that nothing in this community, or most communities, operate very good except for the volunteer people who do a lot of the work. He finds that true at the senior center where he spends a lot of time. A lot of people are there daily and they have a need for additional space. That is being considered within this proposal and it seems that if we are able to remove the partition between the big room they have now and the space being offered to them that this thing will turn out to be a great improvement to all of us.

Hilda Lowe has been with the senior center longer than most. Her first encounter is when Frank Seitz was hired to dream about a DRC. He had a little building on the south side of Madison with a pool table in a big room and they met there. The Golden Agers had been meeting at the First Baptist Church and were given a place at the DRC and were very grateful to get a start. There was space in the old library building about 51% wanted to move over there, we don't take change very well. One woman didn't want to move because she didn't want to drive across Madison, then later she drove across Madison, then moved east of Rock Road and drove across Rock Road. We do make some improvements in our lives, gradually, it's not easy. We didn't make a lot of progress at the old library but when Dee Williams was hired and we got to move over to this building it has exploded. We were told at our meeting the other day that we have 2,500 people signed up at the senior center. When they have the lunches on Fridays they call all the people on that list if their birthday or anniversary is that day. It takes several people to do that. When they get towards the bottom of the list the seniors say they tried to buy a ticket and they were all sold out. Dee tells her that happens very often, that we cannot accommodate all the people. The other day she asked how many volunteers they have, in addition to the good employees Dee has, and there are 115-125 volunteers. We are not in favor of the Chamber of

Commerce taking a part of the building that is paid for by taxpayers. Everybody in our school district can belong to the senior center, as well as others outside the city and school district can participate, but they cannot vote. They are very proud of their senior center and she thanked the city for all they have done.

Robert Bequette attends the senior center and enjoys it, but that is not why he is here tonight. He is here to discuss the ordinance that allows alcohol to be served at public locations. He is against the ordinance and serving alcohol at places such as the library, DRC and High Park. He is not a member of the Derby Community Coalition promoting Healthy Choices and would not know they existed had he not seen their ads in the Derby Informer. He speaks only from experiences he had as he grew up. Derby USD 260 is developing drug and alcohol prevention plans for the school system which apparently might include random drug and breath analyzer tests and drug sniffing dogs, these are only things they have talked about according to what he has read. The objective of this proposed effort would be to send a message to local youth that alcohol and drug use are not things the community wishes to see them do. The weekly arrest list in the Derby Informer indicates many Derby youth are in to drugs and alcohol. A survey quoted in the Informer seems to show this. His own experience suggests that young people pattern after adults. He grew up in Montana, on Saturday nights during local celebrations and rodeos, people carried mixed drinks and beer from bar to bar and to the dances, that was the way they lived. His brothers and friends thought that drinking and smoking were a mark of manhood. They had older people buy them bottles until they could buy drinks in the bars. In many towns they could buy drinks in the bars at a very young age and the authorities weren't too concerned about it. Often the sheriff would stop in the bars to see how they were behaving and told them to be careful if they drove home. If a highway patrolman stopped him he would often give him a lecture on drinking and driving and write him a reckless driving ticket. Not all highway patrolmen were like that but several were. Today, walking around with a drink in those towns is no longer allowed. They bring in many extra law enforcement officers during local celebrations and rodeos to prevent it. He asked the council to think about the influence on our youth before you pass the proposed ordinance. Someone commented there is already an ordinance prohibiting smoking in public, including the bars; let's use the same thoughts for alcohol.

Judy Greteman stated that after attending the Senior Center board meeting on August 5th, she has some suggestions about the vacated space in the library. When the aquatic center was almost finished the council proposed building a new library and extending the mill levy to pay for the new facility, she was very excited. She is a retired librarian and she volunteers at a library so it's very near and dear to her heart. Finally, Derby would have a new library which was and is very much appreciated. However, she was also under the impression that the senior center would be allowed to expand in to the vacated space. What an opportunity to have two things she wanted and the City of Derby truly needed more space for both. She provided nine quotes from the newspaper to the council but will only refer to three of them. She thinks we should take a step back and see how this original vote came to be. The three articles she addressed indicated that the seniors would be able to expand; the city would have a new library facility and a new useful community room. Derby seniors, one of the fastest growing populations will benefit as well by expanding in to the old library space, giving them some much needed room. The library will solve these problems and could provide a community meeting room, community information center, cultural center and business center. Then, in the Derby Informer our city manager Kathy

Sexton indicated we are open to ideas, and that is what she is hoping to present this evening. She cited several quotes from the Derby Informer. All of these quotes are what led members of the senior community to believe that substantial space, not just two classrooms in the vacated library would be available to them. She understands the need of the city to also expand, we are all growing. She submitted a modified version of the architects drawing to the council. She added space to the two classrooms and enlarged the kitchen and the serving area. Due to the noise in the fitness room she placed it on the west wall, doubling the space that was originally allowed. This would give the city employees access to the fitness room during their lunch hour if they so desired. She is sure the senior center would be more than willing to share the space if it were more adequate in size. There are still two areas open for the city to use as needed, however she has eliminated the training area. The large multipurpose area of the senior center needs to be set up with all the tables and chairs in place to accommodate the large group gatherings. The two or three adjoining classrooms should have movable walls for the times when an overflow might occur, however they should be used for the smaller classes most of the time. The senior center has a person on staff who does the scheduling for the Derby Dash and feels confident she would be able to schedule any events that might need a larger group area when it is not in use by the senior center. In her plan the city and the senior center would be dividing the area vacated by the library in half, which seems to be fair and an equal compromise. Compromise and cooperation should be the two big areas of concern in this issue. She commended Dee and her staff for all the wonderful programs they offer. They are always friendly and helpful. She requested the council accept these ideas and revisit the proposal allowing the senior center to supply the services for the ever growing senior population of Derby.

Sharon Holcomb has been a resident of Derby for 34 years. She came here 34 years ago with three children. What attracted her to Derby at that time were good schools, a nice convenient library, some kind of exercise available, a sense of community and the fact it was closer to a bigger city but safer. Now, 34 years later with all three children grown and gone from home she stays for most of the same reasons, adding the Derby senior center. Her main focus at the senior center so far has been exercise. The advantages to exercising at the senior center at this age is that all the classes and the facility are free. All you have to do is go in and sign up and you're a member to come and go as you wish. You don't have to sign up for the classes, you just come in, most are free, some are \$1.00 to \$2.00. The variety of classes that are offered are bands, weights, aerobics, core and even yoga. The fitness room is especially good for rehabbing after joint replacement or getting strength back after heart or cancer issues. You can park at the back door and come in for however long each day. As senior citizens we all know that every day is different. Also, many of us are care givers for parents, spouses or both, our personal time and emotional needs can change each day. We need the flexibility to come in when we can and feel comfortable, visit with friends, read or just work out a little on the treadmill. Another important program for many members is the lunch program, which she personally has not had much to do with but she knows there is a crowd every day. It seems to be a healthy, hot and affordable meal and you can meet new and old friends. She has become acquainted with many people while at the senior center. She may not put a name with every face but she certainly enjoys their enthusiasm, energy and the fun they have at the various activities. Activities include bingo, games, cards, birthday dinners and bus trips, just to name a few. Also, one of her favorite services they offer are massages, what a great service for those of us with arthritis and joint

problems, they are also very affordable. She hopes everyone realizes what a benefit the senior center is to our community. However, we are definitely overcrowded in many classes and activities and our age group is definitely growing each day. We need large rooms that are easily accessible each day without moving or folding tables and chairs. Please give us more space; we will defiantly put it to good use.

Eleanor Underwood represents the Senior Center Advisory Board. She expressed their appreciation and support of the council in past years. For instance, when we came here in 2002 the council saw the need and cared enough to include the senior center and to provide funding. During the years since 2002 our membership and budget has grown and we have continued to receive the support of the council. We are also quite pleased with the Derby Dash and the service it provides to any citizen who needs transportation within the city limits of Derby. That's not just for senior citizens, but anyone who might need it. We are also very appreciative of the senior center administrator and staff; she believes they are probably the reason for their growth and success. The Derby Senior Center Advisory Board also requests they have a meeting with the architect to express their needs prior to finalizing the plans for the space usage. She repeated quotes cited by Mrs. Greteman from the Derby Informer. One of the reasons for needing larger rooms and more space is that currently we have a waiting list for birthday and anniversary lunches, it is really disappointing to the people that can't attend. One of the favorite activities at the senior center has been the jam sessions, those have been cancelled for the last six months due to lack of room. These usually had an attendance of about 120 attendees plus approximately 20 or 30 musicians with their instruments. Many of the themed events have been moved to the DRC for lack of room, some of those events have had as many as 250 participants. With a room that holds 90-100 people, that's not adequate. There are special events monthly, weather permitting, where people are turned away. This makes patrons very unhappy if there is an event they want to attend and they cannot come. Then we look at the multi purpose room where we have group exercise classes. This morning we had a class with over 30 participants and they were hitting the chairs because there was not a place to put them. We need more space in that room. It has been proposed to add a couple of classrooms but that doesn't meet the need of the larger fitness room. More people would come if there were more room and we would really like to provide that space to those people who would like to exercise. There have been many concerns about having to lift and turn tables and chairs. The multi purpose room is used five days a week for meals at lunch time; the kitchen really needs more space and equipment to make it easier for those serving the food. The classrooms are also overcrowded; this includes card playing and game playing. Cards and games are important to keep yourself mentally alert. They have classes on many different things, including medical problems; many times the classroom is overcrowded. A recent article in the paper stated that in 2030 the folks over 65 will almost double. In Kansas, the increase was 13% versus 12.6 % nationwide. If that projection were to come even close to true she would think we would want to plan for the senior center to have more space, even planning into future years rather than limit the space that is available now.

Vivian Piper has lived in Derby for 39 years. She thanked the City of Derby, the mayor and council for providing the great center they have. Her husband was looking for a place to play Cribbage so they went to the senior center to see if they played Cribbage there. They did not play Cribbage there at the time but Dee asked if they would be willing to teach it and her

husband said yes. She and her husband got Cribbage going at the senior center and it's still going today. What that did for her was open her eyes to what the senior center had to offer. She has been a steady customer ever since and goes every day. She can't say enough about Dee and her staff and all the programs they offer and give them the opportunity to better themselves and make them a more viable citizen, keeping them healthy and on their own and not bothering their children. One of the activities they have is Meals on Wheels, volunteers that deliver food each day and they are as good as the postman; delivering rain, snow, sleet, whatever. This is sometimes the only avenue these people that are homebound have. No one else is looking in on them but they do have the daily contact of the volunteers to check on their well being and make their day for them. With the presentations and programs that Dee and her staff want to develop, they just don't have the space. They need space and would appreciate any consideration the council can give them.

Shirley Sheridan advised she would like to see some improved understanding of the allocation of space in the old library. She would like to see improved awareness of city staff of elder population and needs. She would like to discover ways that seniors can be honored and celebrated in this community. When they voted for the new library they also understood they were voting for increased space for the senior center. She and her husband are active in the card room, playing three times a week. The "use it or lose it" saying is very true as far as dementia and Alzheimer's. Any sort of problem solving activity is very important for us as we grow older. She understands the standard of space allowed per person is 7 square feet, as stated in the fire codes. Keep in mind that is for a healthy person, not someone with durable medical equipment such as an oxygen tank, walker, etc. She stopped playing during the week do to the noise level, lack of ventilation, crowding of tables and the number of people that were talking. A lot of the seniors have hearing problems, that happens as we grow older and it made it difficult to hear and participate in the game. Different games are played in the same area, in the same small room with a lot of things going on. The ventilation is very poor in that room. Room air has 21% oxygen and the more people you cram in to a small space breathing room air; they are going to us that up. There are fans in there but the ventilation is very poor. There are a lot of seniors that have respiratory challenges and we have to maintain our health. She noted there are several community rooms already available in Derby, reading the July 2009 business review she learned the Dillon's Marketplace is planning a new community room. She assumes the new hotel will have a meeting room. The Knights of Columbus, the VFW and the many churches in Derby have lots of facilities for community events. Will the large room that is being saved solely for this purpose be in competition with all the other facilities? They would like to see the senior center brought up to code in every way. Her concerns are mostly about the card room but why is a large room being left empty, awaiting the possibility of a rental when the elderly of this community could be honored and cared for in a more seemly way with the use of it. Derby's population is increasing rapidly; add to that the baby boomers factor and our community needs, our community needs to be ready to serve the elderly. What do we do with these concerns, being here tonight is one of them, petitions can be drawn up and signed, there are a lot of avenues. We are all growing older and it is unavoidable. The quality of life that our elderly population enjoys relies on the graciousness of the community we live in. Let us honor our fine folks that taught your children, cared for your sick, built your houses and all the talents we see among us. Keep in mind that what we build now will be there for you in the future.

William Mulford thanked the council for the support given to the senior center. It has been his privilege to be on the advisory board for several years and serve as treasurer. They make lots of money with their Saturday biscuits and gravy and encouraged everyone to come to that. He advised he and his wife were over 70 before they ever thought they were seniors. One time they went to a meeting at the senior center and it was about stretch bands. Dee asked him if he would like to lead the group and he said he didn't know anything about stretch bands. By Dee inviting people to do things it has been tremendously meaningful to him, to be invited to be a part of a group. Before they start their exercise they tell a joke and they all laugh. He went to a conference one time where it was said that two minutes of laughing will make you feel good all day. They also start their exercise class with deep breathing. He suggested maybe the council could use some jokes and deep breathing.

Barbara Klish has lived in Derby since 1967. Last summer on a short trip out of state they drove through a small town where she saw a small church building with a sign on it that said senior center. There were no cars, the door was shut. It made her think how fortunate we are to have such a vibrant and active membership, a community that values its senior citizens, a place to meet for fun, physical activity, practical information and fellowship. She believes she speaks for all the seniors that they do appreciate the support of the city council and are very grateful for the wonderful director and staff at the senior center. This place helps the seniors stay healthy and upbeat and possibly out of our kids' hair. She is convinced it keeps them out of the hospitals and off of the psychiatrist's couches. At their board meeting last week that was attended by a large number of seniors, it was mentioned that the current architecture plan is designed to consider future needs of the city building. The area planned for the senior center includes two new art classrooms, which will make new activities possible, however the overcrowding in the fitness room and the large activity rooms is still a very pressing problem. She feels this will be an increasing challenge, not only with the retirement of the boomers, but it may be even more increased with the fact we have a new golf course that will attract retirees, we have some new and very attractive senior residences being built on the east side of town and probably some other things planned for retirees. They would like to work closely with everyone involved in this plan, including the architect so they can go over all of their needs and any revisions such as Judy has presented could be considered in the final architectural drawing. This morning she was in an exercise class with 13 people and their exercise mats which take up quite a bit of space, there were two that mats between tables and there were 14 others in the back next to the kitchen wall, that is typical. On Thursdays they do not have access to that room because another class meets there so they meet in the council room, they move the tables and chairs out of the way and move them back, except one day a nice man came in and said they didn't need to do that because that was his job security. They really would like to have a team approach and work together with everyone involved.

Becky Robinson, Derby Community Coalition, presented information on this year's Summerfest. It will be held on Saturday, August 29th at High Park. This is the 3rd year of Summerfest, and they have received a lot of community support. The booths will open at 5:00 p.m. until about 8:00 p.m. There will be a punt, pass and kick competition, and the winner can move on to a regional event. There will be an ice cream social provided by Schwan's for the first 600 people, as well as a movie under the stars, *The Tale of Desperaux*. She invited

everyone to come out and see what the City of Derby and other supporting agencies have to offer.

Lucy French moved to Derby from Winfield 3½ years ago. She thought she would never love a town as much as she loved Winfield, but she loves Derby. She was received with open arms when she went to the senior center and she just became a member of the community, each time she went she felt more warm and fuzzy. She is on the advisory board at the Senior Center and there is only one point that hasn't been covered. She understands there is the possibility the city would allow some space to be rented by an outside entity as well as a possibility that one meeting room would be reserved for reservation by people of the community other than senior citizens. Her concern is, with the inevitable growth of the senior population that the parking space is going to be a real issue if we start extrapolating out, it is certainly good will to share our space with the public but we are going to run out of parking space. With the onset of age we need pretty close to door-side parking. You can't stretch a parking lot. She asked that that be taken into consideration when the usage of the areas comes up.

Mayor Avello explained that no action is taken on items discussed during the public hearing. This item will be discussed during the meeting, but no public comment will be allowed at that time.

Council Member Warren suggested Council comments be held until after the city manager makes her presentation.

SCHOOL RESOURCE OFFICER AGREEMENT, 2009-2010 SCHOOL YEAR

Robert Lee, Chief of Police presented the staff report.

Background:

- This is an agreement between the City of Derby and Derby Unified School District #260 explaining the duties and responsibilities of School Resource Officers.
- A total of three School Resource Officers will be deployed during the school year. Two of these officers will be assigned to Derby High School and one to Derby Middle School.
- School Resource Officers play a vital role in conflict resolution, monitoring of student behavior, education, and overall safety and orderly conduct within the schools.

Financial Considerations:

- All three School Resource Officer positions are included in the 2009 approved budget.
- During the time they are assigned to the schools in the 2009-2010 school year, the school district will pay \$57,024 to the City for the services of the officers.

Legal Considerations:

- The City is empowered to contract with the district to provide law enforcement officers to act as school resource officers.

Policy Considerations:

- All School Resource Officers adhere to the general orders and regulations of the Derby Police Department.

DISCUSSION:

Council Member Haynes asked about the SRO training course and what they are teaching our officers.

Chief Lee advised they want to be sure that every SRO in the Derby school system has been sufficiently trained. They are trained by NASRO (National Association of School Resource Officers); we just completed training for that last week. Derby is recognized in the Midwest as one of the finest training locations for school resource officers. We had attendees from Colorado, Nebraska, Missouri and throughout Kansas last week. Some of the things they cover in the basic training sponsored by NASRO is a history of the SRO program, public speaking, law, instructional techniques, lesson plan development, classroom management, counseling, child abuse, special education issues, dysfunctional families, school safety, crime prevention and substance abuse. We are fortunate enough that one of our SROs has attended the advanced SRO training (24-hour course) which is greatly focused on site security and security assessments for a facility. We had the opportunity to send two of our SROs to the NASRO national conference this year where they dealt with internet predator training, teen violence, drug recognition, how to do a school lockdown and gang violence/gang enforcement in schools. The training is extremely critical; we want them to be very well trained, and this is all in addition to the 40 hours of in-service training that most of them receive throughout the year anyway.

Council Member Staats asked if the hope of the Adopt-a-School program is to expand to all the elementary schools, or is it going to be on a semester by semester basis.

Chief Lee commented that as they look at expansion of the Adopt-a-School program, they will have to balance their ability to meet the demand for 911 calls. Obviously, we have to be able to make those emergency calls. That will be our first priority, because this is a beat officer program, not an SRO program. Is it possible to be expanded to another school or two in the future? That's something that we can look at. We started off with one school and will take a critical look at it to see how it progresses throughout the 2009-2010 school year.

Council Member Staats stated he is glad to see Derby continue with the SRO program. If you read the paper, USD 259 is struggling with keeping SROs in the schools. It's a testament to our city and our school district that we are not even considering weakening the program. It's an important program. He is retired from the police department and spent a lot of time in the schools. Having that officer there on a full-time basis, some may think it's a waste of time, it's not. You are not taking a rookie officer and putting them in there; you are taking an experienced police officer and putting them in the school. Derby High School is bigger than a lot of cities in Kansas, and you are putting that officer there and he is doing a lot of proactive police work, things you can't even measure.

MOTION: Staats moved to approve the agreement and authorize the necessary signatures. Nun seconded.

Council Member Craig commended Chief Lee for taking the lead on this, as well as Craig Wilford for moving in this direction. It's really important because at this age, the students' mindsets haven't been set in concrete. To be able to set up role models that the guys in blue are the good guys is very hard in this day and age for young people to understand who the good ones are and who the not so good ones are.

VOTE: Motion carried 8-0.

STATUS REPORT ON USE OF OLD LIBRARY SPACE

Kathy Sexton, City Manager presented the staff report.

Background:

- While an exact date for the library to vacate its current space to move to the new library is not yet determined, it's fair to say that such move will occur in the October/November timeframe.
- In August 2008, the City Council approved a Capital Improvement Plan that provides for the 12,000 square feet of vacated space on Mulberry Street will be remodeled in 2010 for the purposes of (1) expanding the Senior Center, (2) expanding City Hall, and (3) creating a big room to be shared to meet various City needs for training, meetings, and Senior Center programs.
- In February 2009, a first draft of a floor plan was developed and shared with the Senior Services Advisory Board and on display in the Senior Center.
- In May 2009, the City received a proposal from the Derby Chamber of Commerce to repurpose a small part of the space to create a Derby Welcome Center to serve as the front door to the community and to be staffed by the Chamber staff.
 - Essentially, the proposal is to exchange city-owned office space for services rendered by the Chamber and for a lease payment.
 - Services would include responding to requests from visitors and residents for information about community events and business opportunities.
 - A Derby Welcome Center would serve the role that is typically in many cities served by a Travel & Tourism Department of the City or a Convention & Visitors Bureau (which is funding with public tax dollars). The City of Derby has neither such office, rather relies on the goodwill of the Chamber to provide an uncompensated service.
- In July 2009, the City received a letter from the Derby Community Foundation indicating its desire to be involved with the Chamber and the City in discussing the Welcome Center concept and possibly consideration of a small office space for the Foundation.
- In August 2009, a second draft of a floor plan was developed to include the Welcome Center. Highlights of how the 12,000 square feet would be used include:
 - 1,826 square feet devoted to the Senior Center, including 2 new classrooms and a new fitness room and storage closet. Some existing space would be repurposed for other uses as well. The current Senior Center is 9,000 square feet, so this addition would represent a 20% increase in space.

- 1,143 square feet devoted to City Hall expansion, including 4 staff offices and a storage room.
- 318 square feet devoted to the Chamber office and workroom.
- 142 square feet devoted to the Foundation's office.
- 3,596 square feet shared by City Hall, Senior Center, Chamber, & Foundation to create the Welcome Center, including a large training room, a conference room to seat 12, coat closet, and vending area.
- 983 square feet reserved for future needs.
- The remaining 3,992 square feet include hallways, lobby, restrooms, and the electrical/mechanical room.
- In addition to the Welcome Center shared-space concept, the first draft of the floor plan compares as follows to the second draft:
 - An additional 71 square feet are devoted to the Senior Center.
 - 341 square feet less is devoted to City Hall uses.
 - The big room was reduced from 4,200 to 3,110 square feet due primarily to the need to ensure the room was not too big for the amount of parking available. The room is designed to seat approximately 140 people at rectangular tables in a seminar-style arrangement. Without tables, the room will likely seat about 300. This room is 1,782 square feet larger than the current Senior Center's Multi-purpose room, which is the largest room in the building complex currently.
 - 983 square feet are shown as reserved for the future rather than shown as remodeled into offices. The intent is to "live" in the building for a few years before finishing the space to give everyone some time to determine its highest and best use.

Financial/Sustainability Considerations:

- The remodeling project is planned and budgeted for 2010 for \$800,000 using a mix of federal grant revenue and City tax revenue. Once a final floor plan is determined, a cost estimate can be developed and the federal grant can be applied for.

Legal Considerations:

- None at this time.

Policy Considerations:

- Consideration of the Welcome Center proposal is underway. No decisions have been made by staff or Council regarding the Chamber or the Senior Center. We are drafting ideas and discussing them with the Chamber and with the Senior Center Advisory Board.
- Questions and concerns raised at this time are very helpful as we revised draft 2 into what will at some point become the final floor plan.

DISCUSSION:

Council Member Haynes suggested that staff look at the wall in the existing community room to determine if it is a load bearing wall to see if they could use temporary partitions that could be moved back and forth. That would open up a huge room and might alleviate some of the room problems we have.

Council Member Warren thanked everyone present tonight and the way they presented their case. Quite often when people come to speak and they are passionate about an issue it can become very emotional and sometimes they become angry. This was done in a positive way and

he appreciates that. The council is certainly aware of the needs we have with our seniors. He has lived in Derby since 1955. Back then there weren't many seniors, it was a very young community with young families. We have grown into a complete community, we still have young families but we also have a very strong, growing senior population and we have a need to try and do everything we can to take care of those. One of the things that is important is doing what we can while keeping costs down, keeping taxes down. Many seniors are on fixed income so property tax increases have a more negative impact than it would on working families that are actually seeing their incomes grow. Senior incomes are steady and if there is any inflation you are actually seeing it go down. There is a real need to try and do everything we can to keep taxes as low as possible which means to try to use our facilities in the best way we can which is multiple uses. Trying to do that in a way that pleases everybody and works for everybody is difficult but it is something we need to do. Mrs. Klish talked about the aspect of partnership and he fully agrees with that, we will keep the communication lines open and try to work this out in a way that will satisfy the needs of the seniors as well as some of the other needs we have in the community. He commented that we currently have three conference rooms in city hall, he asked if that is an area that would be a big loss if we had to sacrifice city hall space. He also asked if there were national standards for how much space a city needs to provide for seniors. How do we compare with other communities, what do Sedgwick County and Wichita offer? What would be the appropriate amount of spending on that situation? If we look at the square footage as a whole, from where the old library connects to city hall, all the way to the end of the building to the south, if we had a blank sheet of paper and started over from scratch with no interior walls, would we do things differently and could that gain us space. Maybe we are confined because we are dealing with some existing wall constraints, if we just gutted it to a bare shell and started over, would we have a better plan that would work for everybody.

Ms. Sexton commented that these are all great ideas. We will certainly look at the movable wall idea in terms of the usage of the large room versus the needs and cost. Movable walls are something that are often times looked at as very helpful—and they are helpful in moving on and getting a building done—but they are not always helpful long term. In her own personal experience they are expensive to buy up front, they are heavy and hard on the back, you tend to get more workers compensation claims, and in this case, we might have helpful patrons of the senior center trying to move them and people might get hurt because such walls are heavy. The better ones for sound proofing are heavier. If you are going to have meetings where people need to hear, you need to have good hard insulated walls. There are pros to movable walls but she advises caution. We can look at the small conference room and the use of the other small conference rooms. Anytime you build an office building you typically build more conference rooms than you need because in 5-10 years that's going to become two people's offices. Our rooms are heavily used now, including this one during the week. The library moving will free up some space in this room as well as the senior center getting additional space, including the use of the training room. She stressed that this is not making a big room for somebody else to rent, this is for us and certainly for the senior center to use. If there is a time when it's not being used by the senior center or other city needs, it could be used by an outside agency, but that's not the primary purpose. We close at 5:00 so we would not be looking to have this room open for rental in the evenings other than for something that could not find any other place, in other words, if the DRC rooms are full and the library rooms are full. Those entities both stay open until 8:30 to 9:00 p.m. so those rooms are more available in the other buildings. This is considered a

business-type environment and a senior center environment for using that room. Definitely we can look at the small rooms and see if we need to do that. We can look at national standards for senior centers, she doesn't have that off the top of her head but that is something we will research. What she can say about Sedgwick County is there are a number of cities that have senior centers and there are five or six in Wichita. The county gives them all a rating according to how big they are in terms of membership served and number of programs and Derby is right up there at the top of the list. The downtown senior center is at the very top of the list, what they call Level 3 Multi-purpose Senior Center. Derby is a Multi-purpose Level 2 and is 2nd in terms of size, scope, and funding from the county. The other five in the City of Wichita are all smaller operations and certainly not attended as well or funded as well as Derby's is. The other ones are all really small cities. It's hard to compare Derby to other cities in Sedgwick County; we are twice as big as the next biggest one, which is Haysville. All the other ones are way smaller than Derby. We need to get some comps from comparable cities. When staff has looked at this area over the last year we have definitely had budget issues on our mind. Right now this is thought to be at least \$500,000. We are not just redoing the space but we need to replace all the air conditioning units on top of the roof and that's a big deal, that's going to cost us a lot of money. We will look at all ideas.

Council Member Staats liked the idea of starting from bare bones; he knows the senior center needs some things. Their kitchen is small for what they do, they need some commercial equipment and that's probably for a conversation on down the line. He supports that wholeheartedly. One thing he wants to clear the air about, he is a member of the Derby Chamber of Commerce and on the board of directors. He has been on the board for three years and was just reappointed to another three years. That being said, tonight's action is non-binding, we are receiving and filing the report, city staff has let him know there is no conflict for tonight's action. At this point in time any further discussion of this on this bench he will abstain and remove himself from the room, that way there is absolutely no appearance of impropriety.

Council Member Horyna advised over this past weekend he took in a lot of information on this issue. He was glad to hear Mrs. French's concern about space, what amount of space is going to be allocated for the Chamber and welcome center for parking.

Ms. Sexton advised they have not done the parking plan. The Chamber employs three people so they probably won't have more than three cars. The issue with the parking is not the office space. It is when there are events. If there were to be a big event in this room at the same time as the big new training room that we are all envisioning, plus the multi-purpose room, then we have to coordinate. If we did that during the day when all the city staff are here and the senior center folks are here, we would probably have a parking problem. If we had a big meeting in the evening, that would be a different deal. We are paying attention to the parking issue.

Council Member Horyna asked if we have looked at the rate of growth of the senior center. If we chose either draft, at what point are we going to find ourselves in the situation that we will need to find additional space for the senior center.

Ms. Sexton advised someone said it earlier, if you build it they will come. There are people who live here who want to go to programs that are full, we know that is true. We will add on

however much of this space now and at some point we will be faced with the same thing. Her point is, welcome to a growing city. She could say the same thing for police, fire, city hall, parks, ball fields and the rec center. She is not saying that takes away from anybody's needs because the needs are there but unfortunately it is her job and the job of the council to balance those needs to time projects according to our debt burden. How much can we afford to pay in cash for things, how much do we have to finance? Timing everything often means that some people are crowded while somebody else is getting a new building. We just did a library and it will take 8-10 years to pay that off. That doesn't mean we can't work on the next project in that 10 years but it will be difficult to fund a good many things at the same time.

Council Member Meidinger advised he was a member of the Sedgwick County Council on Aging at one time and you can rest assured that Dee Williams does a great job. During that period of time we would go to various senior centers around Sedgwick County, and Derby is head and shoulders above everybody else. He asked how long we are going to take on option 1, option 2, or option 3. How long will it be before we make a decision?

Ms. Sexton stated there are a lot of problems with option 1. It was a first draft that we did a year ago to just get a budget number. Draft 2 has some issues obviously so we will get to draft 3. She thinks they will bring this back to the council in either late September or early October for further discussion and a decision.

Council Member Meidinger asked if the senior board had any input on the first draft.

Ms. Sexton advised they did the draft and then showed it to the board. We heard feedback, and some of that feedback went into the making of draft 2, but draft 2 got a little overwhelmed by the fact we had a new request from the Chamber. The actual devoted senior center square footage is actually more than it was in draft 1. There are issues each way, and we need to keep working on it.

Council Member Meidinger asked who would be in charge of scheduling the training room on draft 2.

Ms. Sexton stated it was not really determined and something that doesn't have to do with the floor space so much, it's really more a matter of whether the city proceeds with the Chamber or the Community Foundation. At the budget workshops a couple of months ago, she is getting input from the council as far as questions and concerns and she told the Chamber thanks for the proposal but she didn't have time to deal with it then because we were working through a pretty serious budget crisis. She told Rhonda that she would work on this with her in September after the budget is over. She met with Rhonda last week and showed her draft 2 and asked her for some information, and Rhonda asked for information and they agreed to meet in a few weeks.

Council Member Meidinger repeated comments made by Mrs. Greteman from local newspapers during the library campaign in 2007. The whole question is expansion, what did we mean by expansion? He guarantees when this information was put out, the assumption was the whole library. He looks at the fact that when we built the new library that the seniors were going to move into the old library. That was his assumption and he thinks that is probably what

everybody else thought at that time. There was also a little bit of city space in there, he understands that part. There weren't 3rd, 4th or 5th parties involved in this. He thinks that if we allow one entity into public space there would be a 2nd and 3rd one and where do you draw the line? There are a lot of good organizations in Derby. Each one of these very good organizations would say they perform great duties for the City of Derby, why don't we get a space? He thinks we should keep this facility for the senior center and the city offices. He hopes we don't drag this out as long as we have dragged out some other issues in town. He wants to get this settled and get on down the road.

Council Member Bannon commented the building of the library is a win/win. That is what it was planned for and that's what it is already. Last night the library board worked on its meeting room, they have a very large community room and they will be having public events in this activity room. The bridal showers, wedding receptions, those types of things, that's what that room over there was designed for. At this point there needs to be a sit down with the Senior Services Advisory Board, senior center staff, and city staff to discuss what space the seniors need. Floor plans evolve, this is an evolution. She likes the vestibule entrance; it is very flat, which is very important for the seniors to get in and out. It's a floor plan that has some flexibility. The gutting on the face of it sounds like a great idea but is not feasible budgetwise. Everyone needs to be patient and have open minds. When you open up and build on the old library space, there will have to be someone there to greet and direct people—who is going to do that? Will it be volunteers from the senior center, is it senior center staff, or who is it? You've got to think about that when you add all this space and maybe the Chamber could provide that. Give that a little thought. As far as the Chamber issue, she has had one major issue from the start, and that has not changed after she spoke with Rhonda and Kathy both about it. The Chamber of Commerce represents its membership, if you put a Chamber of Commerce in a city taxpayer paid, subsidized building, they would also need to represent the interests of all businesses in the city not just member businesses. That's something that their board needs to take up and they need to decide if this is going to be a good move for them and we need to decide whether that's something we feel they can do adequately to the satisfaction of both parties. From the time the library building process started until now, the priority for this has always been senior center, large activity space, and city hall. If we have room for something else, that's great. The seniors and the library have been on the back end for a number of years of space requirements in this city; it's time to change that. We are being given an opportunity and with a little thought and open discussion we can get there.

Council Member Haynes stated that as leaders of our community we have to come together. Open those lines of communication; understand where everyone is coming from; understand where the seniors are coming from, where the city is coming from as far as growing, what we need as far as city hall. We have to find some common ground we can all live with and be proud of, which represents the vision and the future of our city. One of the reasons he is here is because he believes in the vision we have set forth for our city and he wants to be a part of that, he wants to be part of the leadership team to take that forward. He encourages these organizations to stay engaged as we work through this process and we plan for our future. It's important that we communicate.

Council Member Craig stated there will be about \$800,000 appropriated for remodeling. We were briefed that one of the main chunks of money was going to be for heating, ventilation and air conditioning and that was going to be significant and there was another chunk of money for remodeling. That rounded up to around \$800,000. He sees from draft 1 to draft 2 that part of that \$800,000 is already spent, as you start to add furniture, fixtures, walls, rooms and offices. He is concerned about that. That means the budget on this is probably going to go up, so we need to have some type of projection for that. In his mind the key is to keep it simple. It is going to take a team to do this. He is looking for flexibility and the word “multipurpose” came to mind to accommodate more than one entity that might be there. He has a problem when we come up with hallways, lobby, restroom and mechanical rooms equaling more than 33% of the total available square footage. That is not what he would consider an efficient use of square footage. 30% is shown for city hall, senior center, Chamber and Foundation—that works if you can get all that flexibility for all those in there; he doesn’t think that’s possible. At this time he is not positive on putting a commercial entity into a government building. Priority one is expansion of the senior center. The second priority one is the addition of city hall office space that will be almost mandatory as we continue to grow. After that is satisfied with flexibility and multi-purpose use, if you can fit something else in there that makes good sense for the utilization of the floor space he will be for that. At this time he sees those two entities as the main drivers and what the focus should be for utilization of this space. This plan will evolve and he is anxious to see the players sit down with some reason and understanding of what it will take to satisfy the main stakeholders in this.

MOTION: Warren moved to receive and file the report. Bannon seconded.

Mayor Avello commented that at this morning’s meeting as well as tonight’s, civility ruled. We have wonderful people here in Derby and he is sure we can work this out. He thinks what we are doing here with this building is buying time. He spoke to some of the seniors about what he thinks they need to do; they need to make a long-range plan for themselves like the library did. He envisions the seniors in their own free-standing building someday, but the seniors have to lay the ground work, put the plans out. We have an effective tool for that, we have built two things with that so far and he thinks we can build a third, but that’s in the future. The way this city is growing and will continue to grow he doesn’t think that will be a problem in the future.

Ms. Sexton added that the senior center is a department of the city. The city is responsible for them and Dee reports to her like the police chief and fire chief do. All functions are responsible to the council as far as funding buildings. She accepts the challenge and understands we have many facility issues to deal with.

VOTE: Motion carried 8-0.

The council recessed at 8:50 p.m. and returned at 9:00 p.m.

**2010 BUDGET & 2010-
2014 CAPITAL
IMPROVEMENT PLAN**

Kathy Sexton, City Manager presented the staff report.

Background:

- A Public Hearing will be held during the council meeting for the purpose of hearing comments of citizens related to the proposed 2010 Operating Budget.
- The proposed 2010 Operating Budget provides for maximum budgeted expenditures of \$42,026,227. This amount includes the General Fund cash reserve and transfers between all budgeted funds. However, it does not reflect reserve funds (CIP Reserve, Wastewater CIP and Capital Projects Fund) totaling \$1,415,103 that are exempt from budget requirements.
- The budget differs from the statutory budget maximum because it includes the El Paso Water Company yet is reduced by the amount of transfers between funds and cash reserves.
- Once cash reserves, bond proceeds and the bond redemption account are excluded, **expenditures planned for 2010 total \$35,071,155, which is a decrease of \$2,207,789 (5.92%) from the revised 2009 expenditures of \$37,278,944.**
- The amount of ad valorem tax projected to be levied for 2009 is \$8,165,289 based upon a mill levy rate of 47.756. The levy is projected to remain level with the 2008 levy, although the 2008 levy was a reduction of nearly ½ mill from the prior year (2007).
- There are no changes to the budget from the Manager's Recommended Budget presented on July 14th or from public comments received since then.

Legal Considerations:

- State statutes govern the timetable for budget preparation, publication, public hearing, adoption and certification.
- The Notice of Public Hearing and Budget Summary for the 2010 Operating Budget have been published in *The Derby Informer* in accordance with state statutes.

Policy Considerations:

- The policy priorities to be implemented in this budget and CIP include the following:
 - Maintain infrastructure, especially streets, storm water management, parks, bike paths, and wastewater treatment.
 - Position the staffing level so the City organization can meet the public safety and other needs of our growing population.
 - Balance the needs of new development with maintenance and enhancement of existing neighborhoods.
 - Provide the quality of services that Derby citizens enjoy and expect.
 - Partner with the school district, Chamber of Commerce, and other community partners to get the most service possible out of limited public dollars.
 - Respond to the national and regional economic recession.

Council Member Craig pointed out that after we have had a two-hour discussion on the library and senior center, he is not sure of the appropriateness of having page 5 of the capital improvements section in the budget book. It doesn't add anything and is really not part of the budget. We already have it listed as the renovation. He would prefer to have this one page intentionally blank, just for the fact that he doesn't think it adds to the budget.

Ms. Sexton explained that's not a problem, you are not approving that page or document; it's not part of the budget. It was put in the document given to council as the manager's recommended just as other pages are put in there for information sake.

Council Member Craig advised this becomes our guide, the numbers pages.

Ms. Sexton stated that there is nothing being approved about the welcome center tonight.

Council Member Craig indicated he understood that, it's just the inference.

MOTION: Craig moved to have page 5 in the section of capital improvement plan inserted as "intentionally left blank." Bannon seconded

Council Member Warren asked if that changed anything, are we still able to look at that as a possibility.

Ms. Sexton advised that was correct. For reference, this page simply explains that the Chamber of Commerce has presented the city with a proposal to do a welcome center. It specifically says on that page it's zero dollars, no budget impact, it's an issue to be debated by the council at a future time. She put it in the book given to the council on July 14th as a reference document because it was something that was a matter of discussion. What you are approving tonight is a budget that includes \$800,000 to renovate the old library space and a CIP that specifically states senior center/city hall/HVAC for \$800,000, which is the same exact wording approved last August.

Council Member Haynes clarified that the motion is to remove page 5.

Council Member Craig stated the motion is to turn that page into "intentionally left blank." He sees this as our guide for people who read it.

Ms. Sexton explained that when you approve the budget we create a new book called the "Approved Budget Book" and it doesn't have any of those supplemental pages in it. It has a new format that includes performance measures and information about the departments. The numbers, the budget is what you are approving; you are not approving all the narrative included in the manager's recommended document.

Council Member Horyna asked if this motion is even necessary if it's not going to be part of the budget we are approving.

Mayor Avello clarified that page won't even be in the book.

Ms. Sexton advised it would not. We don't put all the supplemental requests in the approved budget for example. It was included as explanatory so the council could see from the workshop notebook, all the requests. You could easily flip through the recommended book and see what's recommended and have the detail. It was just put in there for reference.

Council Member Horyna understands Mr. Craig's reason for wanting to remove it but is it something we need to do?

Ms. Sexton stated we would not create a page that says “intentionally left blank” on it.

Council Member Craig clarified this will not be in the approved budget.

Ms. Sexton advised that was correct.

Council Member Craig withdrew his motion.

Council Member Bannon withdrew her second.

Mayor Avello opened the public hearing. With no one present to speak he closed the public hearing.

MOTION: Haynes moved to approve the 2010 Operating Budget as proposed to fund City of Derby services from January 1 to December 31, 2010 and approve the 2010-2014 Capital Improvement Plan. Staats seconded.

Council Member Warren pointed out this is the first time we have reduced the actual budget; it’s a nice precedent to have out there.

Council Member Horyna thanked Ms. Sexton and her staff for their work on the budget.

Council Member Craig added that we are well covered as far as city services. Even though times are less than positive in some areas we are doing good. We appreciate all the hard work.

VOTE: Motion carried 8-0.

GRANT APPLICATION FOR 2009 HOME GRANT

Allison Moeding, Director of Economic Development, presented the staff report.

Background:

- The federal HOME Investment Partnerships Program supplies funding to the Kansas Housing Resources Corporation (KHRC) for the HOME Rehabilitation Program, which focuses on improvements to owner-occupied homes.
 - The City was awarded its first HOME grant in 2006 for the amount of \$225,000 and was given a second grant of \$200,000 in 2007.
- If funding is awarded for a 2009 HOME grant, the City will again contract with an independent administrator, chosen through an RFP process, to coordinate documentation and provide inspection services over a 24-month period beginning in 2010 and ending in 2012.
 - The City has selected the South Central Kansas Economic Development District (SCKEDD) to serve as grant administrator for the two past grants.
- The City would use the same target area for eligible homes used in the 2006 and 2007 grants and would again solicit applications from homeowners in the area. There are currently about 12 homeowners on the waiting list, and the City continues to accept new applications.

- To be approved, all homes must be within a designated target area (see the attached map.) Homes must also be insured and property taxes must be current. Homes in the 100-year and 500-year floodplain are not eligible.
- When work is completed, a three-year forgivable lien on the property is filed with the Register of Deeds. If the house is sold before the 3-year period is over, a pro-rated portion of the funds used for the repairs must be repaid.
- Common improvements include windows, doors, roofs, electrical systems, plumbing, heating and air conditioning systems, insulation and siding.
- If the City receives the maximum award of \$300,000, about 15 homes can be rehabilitated.
- Eligible homeowners must meet income guidelines as follows:

Household Size	Maximum Income
1	\$34,250
2	\$39,150
3	\$44,050
4	\$48,950
5	\$52,850
6	\$56,800
7	\$60,700
8	\$64,600

Financial/Sustainability Considerations:

- The City will pledge a 29% match for the 2009 grant, which amounts to \$78,000. As in past years, the cash portion will be \$46,050.
 - The remaining part of the City’s match will come from other sources, including \$2,250 in waived building permit fees, \$11,700 in waived sales taxes on project materials (materials purchased through the program are automatically sales tax exempt), and \$27,000 in funding from the Kansas Weatherization Assistance Program.
 - The City’s cash contribution will be paid over a two-year period.
- Funds have already been requested in the 2010 budget (Community Development Department, Code Enforcement Division) in anticipation of the program.
- The maximum administrative fees for the program will be \$18,000. The state automatically awards an additional 5% of the total grant amount for administration, and the grant administrator typically charges an additional flat fee. SCKEDD has previously charged \$3,000 per grant cycle.

Legal Considerations:

- The City is not obligated to accept the funds if the grant is awarded.

Policy Considerations:

- With a qualified waiting list of approximately 12 homeowners in the target area, there is a demonstrated demand for the program.
- Rehabilitation of aging homes can help preserve the city’s older neighborhoods and prevent signs of decline from proliferating.
- The program may provide remediation options to some code enforcement violators.

- Improvements could address concerns about declining property values in some neighborhoods.

Council Member Warren asked if this included any houses on the north side of Buckner from Fernell to Meadowlark or houses on the east side of the street from Woodlawn to James.

Mrs. Moeding advised it includes homes on both sides of Meadowlark and both sides of Buckner. It was a function of making it easy for people to understand if you live on Meadowlark south and from Woodlawn west. We said people of both sides would be eligible so we weren't pitting people right across the street from each other. All homeowners in Derby are eligible for this program through Sedgwick County, so even if they aren't available through our grant money we can send them to Sedgwick County housing and they can get on the waiting list there.

MOTION: Craig moved to approve the grant application in the amount of \$300,000 and authorize the Mayor to sign the application. Haynes seconded.

VOTE: Motion carried 8-0.

UPDATE ON RECENT LEGISLATION RELEVANT TO THE CITY

Stephanie Knebel, Assistant City Manager, presented the staff report.

Background:

- During the 2009 session of the Kansas Legislature, several bills passed that affect cities across the state. Each new law is being reviewed by City staff either to implement (if the new law imposes requirements applicable to all cities, and we have no choice but to comply) or to present options to the City Council for consideration as to how to proceed (for those laws that the Legislature provided cities with some choice).
 1. Economic Development
 - HB 2324 provides options for creating a Community Improvement District (CID) when 100% of the landowners agree; authorizes its creation when 55% of the landowners petition after notice and public hearing. The purpose of establishing a CID is to raise revenue through special assessments, sales taxes, or ad valorem taxes to pay for improvements needed for a development.
 - SB 78 allows the use of sales taxes as a revenue source in lieu of, or in addition to, bonding. This bill also allows a city to reduce or eliminate assessments after sufficient revenues have been raised.
 - HB 2155 allows cities to establish a land bank for the purpose of "banking" properties to be redeveloped or sold for other uses. A land bank is a public authority created to efficiently hold, manage and develop tax-foreclosed property. Successful land bank programs revitalize blighted neighborhoods and direct reinvestment back into these neighborhoods to support a long-term community vision.

- ◆ *Next Steps: These three tools will be evaluated by the Economic Development Board at its August and September meetings and recommendations presented to the City Council in October.*

2. Community Development

- H Sub for SB 91: For all residential developments, vesting developer rights will occur upon recording of the plat, and the developer will then have 10 years to begin construction. For all other properties, vesting will occur with the issuance of permits, and the developer will then have 10 years to complete “substantial work.” Cities may allow for earlier vesting of development rights in their zoning regulations.
- ◆ *Next Steps: Staff will review zoning regulations and present recommendations to the Planning Commission and then to City Council.*
- HB 2142: Licensing requirements for plumbers, electricians, and HVAC contractors and journeymen have been changed so that the continuing education requirement of 12 hours every 2 years can now be done as 6 hours each year. Notation on the license is now required.
- ◆ *Next Steps: Review current ordinances and recommend amendments to the Construction Trades Boards then forward to City Council for final action.*
- S Sub for HB 2369: This bill provides the ability to offset part or all of the customer-generator’s own electrical energy requirements. These net-metering facilities must meet all electrical safety codes as well as local subdivision and zoning requirements.
- Westar is required by this bill to: 1) make net-metering available, 2) provide a meter at no charge, and 3) educate their customers about this program. The Kansas Corporation Commission (KCC) is charged with establishing rules and regulations for this net-metering program by next summer.
- ◆ *Next Steps: Review current subdivision and zoning requirements to determine existing requirements and possible restrictions that are currently in place. Develop recommended changes to subdivision and zoning requirements and present to Planning Commission for review and discussion. Forward to City Council for final action.*

3. Public Safety

- Approval of the following two bills affects the Standard Traffic Ordinance (STO):
 1. HB 2060 defines the requirements for law enforcement to charge “eluding a police officer.”
 2. SB 154 adds requirements for those who sell cigarettes.
- ◆ *Next Steps: The 2009 editions of the Standard Traffic Ordinance (STO) and Uniform Public Offense Code (UPOC) will be presented to City Council by way of the Ordinance Review Advisory Board (ORAB) later this year for approval.*
- ◆ *Note: The STO and UPOC are documents produced by the League of Kansas Municipalities and that the City of Derby annually adopts. These*

documents provide a comprehensive list of laws common to all cities in Kansas. They are adopted by reference into our City Code.

- SB 212 includes several provisions: 1) a governing body can now request the State of Kansas Alcohol Beverage Control (ABC) to hold a hearing to determine if the license of a club or drinking establishment should be suspended or revoked. Previously, a governing body only had this opportunity when the license was applied for or renewed, or when violations had occurred; 2) the ability for wine to be sold at farmer's markets; and 3) the ability for drinking establishments to have on-premises storage for wine sold to a customer for consumption at a later date and stored in an unopened container.
 - ◆ *Next Steps: Current ordinances are being reviewed. Recommended changes will be presented to City Council for approval by way of the Ordinance Review Advisory Board.*
 - ◆ *Note: This bill also provides the ability for the City of Derby to create a special event zone in which alcohol can be consumed on public streets, highways, sidewalks, alleys or roads. City staff recommends that no action be taken by City Council on this provision.*
- SB 53 authorizes the City to waive circumstances that heretofore disqualified an applicant from being issued a cereal malt beverage (CMB) license (which means that the City may deny a license for criteria that previously required denial). Criteria are: 1) violating state or local CMB laws, 2) drunkenness of the licensee, 3) permitting an intoxicated person to remain on the premises, 4) sale of CMB to an underage person, 5) permitting the mixing of drinks, and 6) permitting possession or consumption of alcoholic liquor.
 - ◆ *Next Steps: Current ordinances are being reviewed. Any recommended changes will be presented to City Council for approval by way of the Ordinance Review Advisory Board.*
- Senate Bill 115 allows highways to be blocked by all emergency response personnel. In the past, statutes allowed fire departments only to block or barricade highways only for firefighting purposes and not for protection while working accidents, extrications or hazardous material responses.
 - ◆ *Next Steps: An ordinance will be prepared and presented to the City Council.*
- HB 2152 provides cities with the authority to regulate and allow golf carts or micro-utility work-site vehicles on city streets. Without City Council approval, it remains illegal to operate these alternative vehicles on any street within the City of Derby.
 - ◆ *Next Steps: Current ordinances are being reviewed. Discussions are occurring to determine needs within the golf course development and needs of major employers regarding work-site vehicles. Any recommended changes will be presented to City Council for approval by way of the Ordinance Review Advisory Board.*
- HB 2152 changes towing regulations. Local ordinances will need to include guidelines to 1) set a maximum towing rate, 2) allow the owner of

the towed vehicle to have access to his vehicle within 48 hours, and 3) make a requirement for the towing company to report the location of a towed vehicle to law enforcement within 2 hours of the tow.

- ◆ *Next Steps: Current ordinances are being reviewed. Any recommended changes will be presented to City Council for approval by way of the Ordinance Review Advisory Board and the annual update of the fee resolution.*

4. Local Government

- SB 135 amended the Kansas Open Meetings Act (KOMA). The previous language that “meetings in a series shall be open” was deleted and the phrase “interactive communications in a series shall be open” inserted to clarify that serial meetings involving the governing body are required to be open under KOMA when this type of communication:
 - a) collectively involves a majority of the membership of the governing body (when a series of smaller meetings eventually adds up to a majority of the membership),
 - b) shares a common topic of discussion concerning the business of the governing body, and
 - c) is intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the governing body (if any of the participants in a series of meetings is attempting to reach agreement among a majority of the governing body on a matter that requires binding action).
- In Derby, five council members constitute a majority. Because the governing body has always encouraged open and transparent discussion of issues, this amendment should have minimal impact.
- ◆ *Next Steps: The Governing Body Manual and Code of Meeting Procedure are being reviewed. Recommended changes will be presented for City Council approval in September.*
- Senate Bill 103 did not pass the 2009 Legislative Session, but the concept behind it needs to be brought forward for City Council discussion.
- During the 2008 Legislative Session, the law governing primary elections was amended in an attempt to reduce the number of primaries. A primary election is now held if more than three candidates run for office.
- Some cities interpreted the law to mean that if there is a primary election then 3 people would go through to the general election. Derby did not interpret it this way.
- Other cities chartered out of the new law to ensure that three candidates don't split the vote in a general election enabling a winner who does not receive a majority of the votes.
- Legislation proposed in 2009 (SB 103) would have taken the local primary election law back to pre-2008 changes and return city elections to the traditional primary where only 2 candidates would proceed to the general election.
- Because state election laws are non-uniform, the use of a charter ordinance is available to the City of Derby if the council wants to have 2

candidates on the ballot for a single elected position at a general election. On the other hand, if the City Council is okay with 3 candidates on the ballot, then no action is needed.

Financial/Sustainability Considerations:

- None.

Legal Considerations:

- None.

DISCUSSION:

Council Member Horyna asked how our police department is set to take care of the public safety issues.

Ms. Sexton stated it's a good question but there is really no way to answer it now. Most of these questions need to be analyzed and taken to different boards. When we come back on most of these, the council will have discussions. We were trying to give the council a preview tonight. Hopefully the legislature won't give us too many unfunded mandates, but apparently there was some major issue involved in towing regulations. These were the things they gave us and we pretty much have to respond.

MOTION: Warren moved to direct staff to draft a charter ordinance to return the City to the previous primary election process to ensure no more than two candidates for a single elected position are on the general election ballot. Meidinger seconded.

Council Member Haynes indicated he was troubled by this. He doesn't see a third option here. Can we refer this to the Ordinance Review Advisory Board, do we have that option? He thinks we need to put some time into this and some thought into this and fully understand the impact of the decision we are going to make tonight or whenever this comes about. The last election we had one ward that had three individuals running. We need to put some time into this before we make that decision.

Ms. Sexton advised it can be sent to ORAB. The only reason staff did not put that out as an option is typically people on this governing body have been more knowledgeable about election-type issues. If you would rather have someone else advise you on the matter, that's fine.

Council Member Haynes wants to make sure we get it right the first time.

Council Member Warren pointed out that his motion takes them back to the way we have been doing things for the last number of years; it's not a change from the past. The reason he is going this route is that if we go forward to a general election with three candidates he sees a scenario where two popular candidates are desired by the majority of the people and split the vote and the least popular candidate becomes the elected official. You have candidate A, a lot of people like him and he gets 30% of the vote, one gets 30% and one gets 40% and you end up having two candidates split and the least desirable candidate gets in. He would prefer to see the primary as the way to weed out and allow the two candidates to go forward. This is not a huge change from what we have done in the past, it takes us right back to the way we have done it as long as he has been on the council and as long as he can remember. This is preserving the status quo and he doesn't want to change it.

Council Member Bannon pointed out this is a democracy and he who gets the most votes wins, whether they are the popular vote or not.

Council Member Craig agreed with Mrs. Bannon, those with the most marbles walk away from the game and they win.

Council Member Meidinger asked what a primary election costs.

Ms. Sexton advised she does not have a good number. The county holds that election.

Council Member Meidinger asks if costs the city any money.

Ms. Sexton advised the county pays for primary elections; the city pays for special elections if we have an issue put on the ballot.

Council Member Meidinger agrees with Mr. Warren but also thinks we should think about this and doesn't think we should make a decision tonight.

VOTE: Motion carried 5-3, Nun nay, Bannon nay, Craig nay.

Ms. Sexton clarified that the council wants staff to draft a charter ordinance to go back to the old way of doing it, which is if there are three people who file we have a primary.

The council agreed.

VISIONEERING WICHITA
REGION-TO-REGION
LEADERSHIP VISIT

Kathy Sexton, City Manager, presented the staff report.

Background:

- The City of Derby has been asked by *Visioneering Wichita* to participate in its 2009 Region-to-Region Leadership Visit to Chattanooga, Tennessee on October 14-16. Approximately 50 business people and community leaders from the Wichita metro area, including city officials from Goddard and Wichita, plan to attend.
- Chattanooga is located on the Tennessee River in southeastern Tennessee and is a community approximately the same size as Wichita.
- The purpose of the event is to share knowledge about economic development and downtown revitalization, specifically learning about some of Chattanooga's successes incorporating their river into their city activities and determining how those lessons can help the Wichita region. Chattanooga is also home to the North American Volkswagen manufacturing operation, and there are lessons for the Wichita region in how the community attracted this large manufacturer.
- Council members Heath Horyna and Mark Staats and City Manager Kathy Sexton have volunteered to participate.

Financial/Sustainability Considerations:

- The registration fee of \$1,600 per person includes roundtrip air transportation on AirTran Airways, bus ride to and from Atlanta airport (2 hours), room accommodations for two nights, all meals (except Thursday dinner), and all other event-related expenses.

- The total cost to the City would be approximately \$4,800, which is available in the contingency fund of the 2009 budget.
 - Typically, the budget includes sufficient funding for one out-of-state event for two council members and one staff person per year.
 - During the budget revision process a few months ago, this amount was removed from the 2009 budget after determining no interest in attending the National League of Cities meeting this fall. At that time, we were unaware of this Visioneering event.

Legal Considerations:

- Use of City funds to pay the expenses of designated members of the City Council and staff to attend a regional event of this type is a permissible public purpose.

Policy Considerations:

- For a growing City like Derby, it is important to learn from other cities how they address common concerns and plan for the future. As the second largest city in the region, it is also important that Derby leaders participate in efforts to advance the regional economy.

MOTION: Warren moved to authorize Council members Horyna and Staats and City Manager Sexton to represent the City of Derby at *Visioneering Wichita's* Region-to-Region Leadership Visit to Chattanooga, Tennessee on October 14-16, 2009. Haynes seconded.

VOTE: Motion carried 8-0.

CONSENT AGENDA

Kathy Sexton, City Manager presented the consent agenda

Update Ordinance Concerning Rabies Inoculation

Background:

- Section 6.04.140 of the City's Municipal Code requires annual rabies vaccines for dogs and cats.
- In December 2007, the National Association of State and Public Health Veterinarians published its annual update to their *Compendium of Animal Rabies Prevention and Control*. This document provides current, fact-based research and recommendations to state public health veterinarians.
- The December 2007 update advised that rabies vaccines used in state and local rabies control programs should have at least a three-year duration of immunity as this type of vaccination provides the most effective method of increasing the proportion of immunized dogs and cats.
- Because new longer-lasting vaccines are now available on the market, the current ordinance should be updated to better recognize that rabies shots are no longer administered on an annual basis.
- Vaccinating against rabies is important because the disease is commonly transferred from animals to humans and can be fatal.
- Local governments assist public health agencies through their ability to ensure vaccination of all dogs and cats, and to remove strays and unwanted animals.

Financial Considerations/Sustainability Considerations:

- Adopting this ordinance has no financial effect on the City.
- Pet owners may save money by getting rabies shots for their animals every three years instead of annually.

Legal Considerations:

- City ordinances establish requirements for inoculating dogs and cats against rabies.

Recommendation:

- Approve the ordinance.

ORDINANCE NO. 1992

AN ORDINANCE AMENDING SECTION 6.04.140 OF THE DERBY MUNICIPAL CODE, PERTAINING TO INOCULATION OF DOGS AND CATS AGAINST RABIES; AND REPEALING ORIGINAL SECTION 6.04.140 OF SAID CODE.

Purchase of Computer Workstations

Background:

- A request for bids was sent to 11 vendors for computer equipment. Eight vendors returned bids. This year we are budgeted to replace 25 workstations.
- The low bid that met specifications was provided by ISG Technology, out of Wichita, using Dell computers. This bid is recommended, including alternates one and four. Alternates two and three will not be purchased. See attached bid tab spreadsheet.
- The bid board has reviewed and approved this recommendation. This purchase is within the budgeted amount.

Financial Considerations/Sustainability Considerations:

- These items are funded through the equipment section of the budget previously approved by the Council.

Legal Considerations:

- All applicable policies and procedures were followed in completing this bid.

Recommendation:

- Approve the purchase of 25 computer workstations from ISG Technology for \$23,738.25.

MOTION: Horyna moved to approve Consent Agenda as presented. Craig seconded.

VOTE: Motion carried 8-0.

Council Member Meidinger commented on the alcohol ordinance. His understanding is the library board decided they didn't really like it but if we forced it on them they would accept it. This is probably one of the more interesting ordinances we have come up with. On the clean air ordinance at least he got some people that favored it, some were against it and there was a lot of give and take. On this ordinance he hasn't heard anybody that's really in favor of it. Do we want to continue with this process? Does the council want to keep the process going on this ordinance? He thinks we should just forget it. He would like to have this put on the next agenda and discuss it or forget it. We have other things to do and he doesn't think people in Derby favor this item.

Council Member Warren advised his concern is we have come a long way down the process and we are towards the end. He is not going to be in favor of going against any board so if the

library board does not want it for their facility he is not going to figure out a way to force it on them. He doesn't know that the DRC board has met yet and he doesn't know how the park board feels. He would like to give them the opportunity to discuss it. The majority of the calls he has received have been opposed, and he's not going to try and force it on any of our partners. We are so close to the end he would like to see it run its course and make a decision at that time.

Council Member Haynes advised he has also received a lot of comments against this. He agrees with Mr. Warren, we have come a long way and would like to hear the remaining boards and what they have to say about it. We need to let it run its course and that way we can make an informed decision based on what's best for the community and the City of Derby.

Council Member Craig agreed. He thinks we need an action date, tell us what you think by the next meeting, that way we can make a decision and move on.

Ms. Sexton stated that that sounds like a reasonable request; her only concern is that the DRC board asked for more time. As you all know that is where this issue originated, with the DRC. The DRC Board has not been able to deal with the matter and the reason they asked for the extension is because they are really focused on the Oaklawn Activity Center and getting that project done. They asked if they could have a little more time and discuss this at their October meeting. The park board has weighed in and said they would prefer not to have it in the parks. They said it makes sense to have it in the buildings but they don't want it in the parks. If the council wants to have it in the parks, the park board suggested making the ordinance open to any park, that way whenever you are handling each individual event on a case-by-case basis you can figure it out then. The Economic Development Board dealt with the issue of people taking their weddings, class reunions, etc. to Wichita because there are not facilities here that serve alcohol, but they did not see that as a significant issue of economic impact, so they don't want to do it. The Library Board met last night, and they did not see a need for it. There was significant discussion among board members that a wine and cheese party and an art gallery type of event seems like a reasonable usage, but in the end the board voted no. There seemed to be a desire to have a special permit process but maybe also a little confusion that that is what the ordinance is—a special permit process. The DRC Board has seen the information and they don't want to take a vote until they are clear that they would be able to separate the rec center use and special event use. They wanted to work out their security plan, so to speak, and how they would make these events work. If you want to rush it, we can; but there is some value to letting your rec center board debate it and think about it. That is the main facility this was always geared for; in terms of a wedding or something they have the biggest room in town. That is the only place people are currently having weddings and that type of event. There aren't a lot, because people usually want to have some champagne or something.

Council Member Craig stated that most council members have overwhelmingly received feedback questioning why it is being done and stating it doesn't make sense for Derby. He thinks the DRC should make up its mind. This has been dragged out for a long time. Give the DRC another month if they need it, but we need to get on with it.

Council Member Horyna has also received a lot of negative emails and only two positive. He asked if it would be possible to get a progress report of what each board said and give the public an opportunity to come and provide their input as well.

Ms. Sexton clarified that Mr. Horyna was asking for a full staff briefing on the topic and not wait on the advisory boards.

Council Member Horyna asked if it was the DRC we were waiting on.

Ms. Sexton reminded the council that ORAB has not voted yet on the issue. They were waiting to hear from the other boards.

Council Member Horyna asked if they could get a progress report.

Ms. Sexton advised they could, it's pretty much what she just said, and she can do another one.

Mayor Avello pointed out the council just had a progress report.

Council Member Bannon agreed the council just received the report. The whole idea of this was to get away from spending staff time. She asked if there were any way to satisfy everyone up here tonight and let Stephanie know she can just hang in there and let the DRC meet. She is sure the paper will report to the public that the library has said no and it won't be happening there. She suggested letting the process play out but not have staff spend any more time on the issue.

Council Member Warren advised that there is wisdom in taking our time. It's not going to happen at the library, it's not likely to happen in the parks. The DRC Board is the last one, let them come up with their recommendation and then we will come up with our final decision.

ADJOURNMENT

MOTION: Craig moved to adjourn at 9:59 p.m. Haynes seconded.
VOTE: Motion carried 8-0.

ATTEST:

Dion P. Avello, Mayor

Jean Epperson, City Clerk