

**APPROVED MINUTES
DERBY CITY COUNCIL MEETING
July 13, 2010
6:30 PM**

Mayor Dion Avello presiding.

ROLL CALL:
WARD I
WARD II
WARD III
WARD IV

COUNCIL MEMBERS PRESENT:
Jim Craig, Jim Meidinger (arrived at 6:36 p.m.)
Heath Horyna, Vaughn Nun
Cheryl Bannon, Chuck Warren
Tom Haynes, Mark Staats

Flag salute was led by Council Member Mark Staats. The invocation was led by Pastor Ben Ray, First Presbyterian Church.

CONSIDERATION OF MINUTES

Minutes of the June 22, 2010 Regular Council Meeting.

MOTION: Horyna moved to approve. Haynes seconded.
VOTE: Motion carried 6-1, Nun abstain, Meidinger absent.

PUBLIC FORUM:

Council Member Craig thanked Jerry Lucas for putting together the 4th of July parade. He also thanked all the service people who came out with their families.

Kathy Sexton, City Manager, announced that tomorrow evening at 7:00 p.m. in the council meeting room there will be a meeting sponsored by Visioneering Wichita, which is a four-county region of the metro Wichita area. They will present for the community information about the new downtown master plan and some of the ideas being kicked around for downtown Wichita.

PROCLAMATION

Mayor declared July 31, 2010 as Kansas All-Star Football Shrine Bowl Day in the City of Derby.

Meshach Kennedy, Derby High School student, and members of the Shriners accepted the proclamation. There are 22 Shrine Hospitals that take care of children with orthopedic injuries, spinal cord injuries, cleft palate, etc. There are also five burn centers. The closest hospital is in St. Louis. It costs approximately \$2 million a day to support those hospitals, and proceeds from the Kansas Shrine Bowl go to support the hospitals.

PRESENTATION: Derby Skatepark

Robert Mendoza, Director of Public Works, introduced Skippy Cavanaugh, the on-site operator of the Skate Park, and Jose Martinez, owner of Sucker Skateboard Company. They will be putting on an event at the end of July.

Mr. Martinez advised he is proud to partner with the City of Derby and local businesses to put on a skate competition, something we haven't seen in this area before. He invited everyone to come out and be a part of the event. This is an event for local athletes, the skaters. Skaters are a non-traditional athlete; they are out there every single day and never get the chance to have a forum to show their skills. Stephanie Bergman from Channel 3 and Melanie Barnes, State Representative, will be there to judge and Big Mike Steinkamp, a professional skateboarder, will help emcee the event. We also expect a visit from Lee Vaughn, a former Dallas Cowboys player, and are in talks with former major league baseball player Travis Stockam. We are expecting about 700 guests to attend the event that will be held on Saturday, July 31. Local sponsors include Bicycle Service, Papa John's, Sonic, Red Bull and Pepsi. One hundred percent of the money from the event will be donated back to the park and the Miracle League Children's Charity. Typically, our company looks for large cities along the coasts based on demographics, and we gloss over middle America. Luckily, he retired from McConnell and was able to see the skate park grow, and it made them look at the kids out there and see the talent we had and he fought with his company to look at this area. We could have gone to Wichita, but he lives here and wants to put Derby on the map. He talked about local skateboarders and talent we have in Derby.

RESOLUTION DECLARING THE CITY'S OPPOSITION TO VACATION OF 71ST STREET SOUTH

Kathy Sexton, City Manager, presented the staff report.

Background:

- Sedgwick County has been requested to vacate that portion of 71st Street South running west from 143rd Street East approximately 1,256 feet.
- The request was made to facilitate redevelopment of Cook Airfield as a private airport in conjunction with proposed high-end residential property to the south of 71st Street.
- On June 17, the Metropolitan Area Planning Commission (MAPC) conducted a public hearing, at which the Derby City Manager appeared and described why maintaining 71st as a "through" roadway is important to the Derby community.
 - Major retail and restaurant facilities are already located along 71st Street (Meadowlark) near Rock Road, and others are likely to follow.
 - St. Mary's Derby-Rose Hill church will soon break ground on an elementary/middle school on this street near Webb Road.
 - Substantial additional residential development is anticipated both north and south along 71st Street east of Rock Road.
- The City of Derby is currently under contract with an engineering firm to widen this street from the entrance of Dillon's MarketPlace east to the current city limit, which is

approximately one mile (the approximate vicinity of where Webb Road would be if it had been able to have been built). Construction of the widening project is planned in 2011.

- The paved 71st Street between the Webb Road area and Greenwich currently carries 2,082 vehicles per day, even though the road east of Greenwich is unimproved.
- As a point of comparison, the traffic count on Meadowlark (71st) at Rock Road as of May 2009 was 3,715 vehicles.
- The City does not dispute the traffic count of 206 vehicles per day on 71st between 127th and 143rd (where the closure would occur). Considering only this portion does not consider the importance of a section line road to regional traffic patterns and undervalues the importance of planning for area development over 20-50 years.
- Travel between rapidly growing communities such as Derby and Rose Hill, less than 5 miles east, should be encouraged rather than impeded.
- Section line roads such as 71st Street almost always become urban arterials as development occurs.
- Following the public hearing, the MAPC voted (8-4-1) to recommend that the vacation be granted as requested.
- The requested vacation will be considered by the Board of County Commissioners at its July 21 meeting at 9:00 a.m.

Financial/Sustainability Considerations:

- The requested vacation likely would adversely affect the appreciation of values for properties along 71st Street South between Cook Airfield and Derby; the effect will become apparent as development along the roadway is delayed or dominated by less intense uses.
 - Much of the affected property will likely be within the Derby city limits in the foreseeable future.
 - Any adverse effect on property values would have a corresponding adverse effect on the City's tax base as those properties come within the City.
 - Vacation of 71st Street South could unnecessarily complicate and increase the cost of infrastructure and utility extensions as development occurs.

Legal Considerations:

- K.S.A. 58-2614 empowers the Board of County Commissioners to vacate streets and roads in unincorporated areas if it finds that "...the public will suffer no loss or inconvenience by such vacation and that no private rights will be injured or endangered thereby."
- The City of Derby does not have a formal role in vacation proceedings before the Board of County Commissioners but is entitled to have its concerns heard and considered.

Policy Considerations:

- Development in Sedgwick County and throughout Kansas typically follows section line roads, which become arterial streets as development proceeds.
 - Metropolitan Area Planning Department staff generally does not favor the vacation of section line roads.
 - The Derby City Planner believes closure of this road, which is only 2.5 miles from the city limit, would not be good for the City's long-term growth forecast.
- Expansion of the airfield and a corresponding increase in takeoffs and landings are likely to make areas surrounding the airfield less attractive for development.

- Several public safety agencies have gone on record with their concerns about closure of the street due to delays in their response times to provide service, including the Sedgwick County Sheriff, Sedgwick County Fire District #1, and Sedgwick County EMS.
 - One of the conditions of the vacation is for the applicants to provide an emergency access easement into the vacated portion of 71st Street and either open or gated 24/7 access for emergency service providers. While this access is better than nothing, it still raises concerns of emergency service providers about the time required to open gates and the safety of their personnel given airplane cross-traffic.
 - Through an Automatic Aid Agreement with Sedgwick County Fire District #1 and a Mutual Aid Agreement with Butler County Fire District #3 (which covers Rose Hill and surrounding area), the Derby Fire & Rescue Department also serves this area primarily from Fire Station #2 on Rock Road at Meadowlark (71st) and echoes these concerns.
- Because KSA 58-2614 requires the County Commission to find that the public would suffer no loss or inconvenience from this vacation, passage of this resolution by the City of Derby is an important vehicle to communicate to the County that such loss and inconvenience would occur.

RESOLUTION NO. 36-2010

A RESOLUTION DECLARING THE REQUESTED VACATION OF A PORTION OF 71ST STREET EAST LYING WEST OF 143RD STREET EAST TO BE CONTRARY TO THE INTERESTS OF THE PUBLIC,, THE CITY OF DERBY, AND SEDGWICK COUNTY, AND REQUESTING THAT THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS DENY SUCH REQUESTED VACATION AS CONTRARY TO THE PUBLIC INTEREST.

Public Forum:

Greg Thomas, Crosswinds Aviation, provided information to the council on Cook Airfield. Cook is the home of 53 aircraft, 21 of those are registered to Derby zip codes. Derby has 67 registered aircraft which means 46 are going to other communities as well as all the money that goes with. Cook's current tax base is \$2.2 million which is on the original 80 acres, including private residences. Crosswinds Aviation bought the field in September 2003. KDOT has invested \$402,000 to improve the public use airport. It is private, but is for public use. Derby residents have invested \$550,000+ in hangers and homes. Other than Derby residents, people we have brought into the community have invested \$1.5 million in those 80 acres. It has been a community effort to bring the airport back to what it is today. After we reach the 3,500 foot status it will become official community status. This allows for exponential growth, it creates jobs. It allows for 18 more residences to have Derby addresses. He indicated the airfield would dedicate 30 feet of future right-of-way should the city ever need a street coming down the side of the airfield. They are not cutting off primary fire response at all; secondary fire will have an additional 1.25 to 1.5 miles around. He advised there could be a future arterial street on 75th Street, which is just as good, if not better than 71st Street. He explained the extension of the runway improves runway safety and brings it to community airport status and allows business aircraft to come in your door. Vacating this road, residences only, will add \$5 million to \$6 million over the next six years that does not include businesses. 71st Street maintenance costs

will be reduced most drivers will go to 63rd Street and 79th Street which are arterial streets. EMS and Fire access to the airport will remain in place, and all utility easements will remain in place. A total of 206 cars a day use this quarter mile road, not 2,000. It is not an arterial street; it is a section line, Rockford Township road. If you read the definition it probably more qualifies as a dirt road. Rockford Township has never voted against vacating. The county has a provision that it gets back the road should the airport ever cease to exist. They are hoping this will create jobs for all surrounding communities.

Council Member Haynes asked what the current length of the runway is.

Mr. Thomas advised the current length is 2,507 ft.

Council Member Haynes asked how close it is to McConnell airspace.

Mr. Thomas indicated that it lies within McConnell's area of influence, but Cook's planes come in at an elevation of 2,300 ft. McConnell's planes fly at an elevation of 3,500 feet, so there is that separation of distance. McConnell has weighed in on this and provided official remarks with three provisions. They don't want an ILS approach, which means no instrument landing approach, they don't want any more water detention off the end of the runway but have approved dry detention so we can control storm water and they want the FAA to weigh in on anything we do, which they do anyway.

Council Member Haynes asked about the property north, what was the reasoning for not going north?

Mr. Thomas advised when they bought the airfield they invested everything they had for the down payment. That property came up for sale in two 10 acre sections and they worked with Mr. Hinshaw to purchase the property. Mr. Hinshaw sold the 10 acres right next to the airfield to Randy and Jeanette Moore; they will not let us through their property. Mr. Hinshaw wants to sell us his 10 acres, but it won't do us any good because we can't hop a runway across the ditch. If we could get that 10 acres we could gain almost 700 ft. and then have 3,200 ft which is the official status KDOT would like to get us to.

Council Member Craig asked about access through the airport.

Mr. Thomas explained that those details haven't been worked out specifically. Part of the MAPC documents require that we provide some sort of gate so in the event of an emergency, emergency vehicles could gain access and cross the runway. That could either be through an electronic gate or it could be a small chain they could easily break.

Council Member Craig asked about the 46 airplanes that are not at Cook, we don't know which ones of those quality are light twins.

Mr. Thomas advised the website lists some as registered to businesses, individuals, partnerships, it's hard to decipher.

Inaudible from audience.

Tom Wilhite would like to see the economic future grow and thinks this is one of the best things we can do to help that economic future. It's kind of ironic that we are worried about getting emergency vehicles to the county line to the east but we can't get across the railroad tracks to the west where we have an industrial park. He thinks they could build that little u-shape down to 75th and back around and make emergency gates across there, he can't see a problem with it.

Charles Kanaga recognizes the value of the aircraft industry we have here. You give consideration to the fact you take the aircraft oriented people who live in Derby and subtract that, Mr. Warren would not have been able to run his real estate company very long. At least 70% of the people who reside in this town are oriented to the aircraft industry. He sees the value of approving this vacation. He himself has an antique aircraft, bought in 1975 and there weren't any hangers available at Cook Airfield. He had his aircraft hangered at the Augusta airport and in Wellington. He finally got a hanger at Cook in 1978 and has been traveling 71st street for a long time. He traveled it today for the last time just to see how rough it was. Every time there was a rain the farmland drained water onto 71st Street. The ditches are all grown up with weeds and grass. If you ever went out there soon after it rained, you better find a different way to go. It's been over 30 years and the county hasn't elected to do anything for the improvement of 71st Street, it will probably be another 30 years before they try to do anything else. The growth of Derby, where the city limit stops and this property begins, is more around 2 miles outside of the jurisdiction of the City of Derby. He was on the Planning Commission in Derby in the late '60's, they didn't have any developer's agreements, and he chaired a committee to get an agreement started. He contested the traffic counts provided, there are two different kinds of counts, one is the road count and the other is a road survey. With a road survey, you find out from that individual if he is going to Derby or not.

Nicholas Thomas, private pilot and aircraft owner and the son of Greg Thomas. When his father and Steve Logue purchased in 2003, being only 12 years old at the time, he saw the airfield as a complete dump and thought they were crazy. He mostly thought this because he saw all the work it would take to accomplish their goals. Anyone can fly into Cook Airfield today and easily see that their dreams were accomplished. These two have literally made something out of nothing and their future goals are only expanding. The extension of the runway across 71st Street would only add to the many restorations that this airpark has already seen. He would like to go to college and major in engineering, relying heavily on the aviation industry in Sedgwick County as many living in this city do. The manufacturing industry in Sedgwick County employs 31% of male residents in Derby. The majority of the manufacturing industry is composed of the aircraft manufacturers which employ nearly 44,000 people. According to the VP of Marketing and Sales Operations for Boeing, the United States is quickly losing its place as a leader in the global aviation market. By 2012 China, Brazil and Russia will pass the United States, and this is due to the decline of general aviation. An article from *Aircraft Owners and Pilots Association* stated that airports all across the country are being closed; we saw this in Sedgwick County with Hamilton Field. We need to do whatever we can to save the aviation industry and thus save Derby and Sedgwick County; this starts with the airports themselves. If he is going to be able to fly throughout his lifetime he will need a place to fly but more importantly for the citizens of Derby, if you are going to continue to manufacture airplanes then you need customers to sell them to and those customers need places to house those planes. As

you can see it's quite a ripple effect, and we must start small if we are going to save the aviation industry. By allowing Cook Airfield to lengthen the runway and thus expand the airport, the airport would not only attract more customers but it would also allow more airplanes to call Cook Airfield home. We all know that the economy of Sedgwick County depends heavily on the idea of more airplanes. He asked the citizens of Derby if they are aware of the fact that they are trying to destroy something that 31% of them rely so heavily on to feed their families. Rather than contain this airport he feels we should all promote its expansion, not only for himself and other pilots but for the City of Derby and Sedgwick County.

Don Kobiskie lives just to the southwest of Cook Airfield, with the vacating of the road he would be at the very end of the $\frac{3}{4}$ mile long dead end. After being at the planning meeting in Sedgwick County and listening to Ms. Sexton, a lot of the comments for the airport were mainly by the people that had the interest in the airport specifically. The ones that were against vacating 71st Street were mainly the residents around there and the access across 71st Street east and west. Other items brought up were safety issues at the intersection and things of that nature. From his perspective he saw the difference between the two antagonists as being interests in personal versus interests of the community around the airport. At the invocation he heard tonight the pastor mentioned the need for freedom. To him the freedom of access is one of the most important freedoms that we can have. If he wants to go to Rose Hill or Derby, for all those residents in the area there is a four-lane just a mile to the north, another 2-lane paved a mile to the south. Yet, for some reason 206 vehicles a day decided to go down this rough, unimproved road. Obviously it's important to them. They do most of their shopping in Derby; he commutes to the north side of town to work at Koch Industries. He uses 143rd so he will have to go all the way around and find another route. Mr. Craig mentioned the American spirit; his understanding of the American spirit is to provide freedom for individuals. Mr. Thomas brought up the point that he missed the opportunity to purchase land to the north and that should have been within the plan at the very beginning. The long term view, Ms. Sexton brought up that freedom to get into Derby or get into Rose Hill is important. We don't know what's going to happen 20-30 years from now, but he purchased his 20 acres mainly for the purpose of having an opportunity when he retires to be able to sell some of the property off and help support his retirement. If we think that Cook Airfield by itself is going to support the aircraft industry, that is kind of a misstatement.

Gary Sanders does not believe the closing of 71st Street and the lengthening of the runway would be a safe condition for the residents that have built homes around the airport. The airport has been pretty much dead for the last 20-25 years that he has been out there. Just recently Greg and his partner have started to bring it back to life. Gary built his home about $\frac{3}{4}$ of a mile south of the airport, feeling as though it was a safe distance. Now the airport wants to encroach on his safety zone. He has planes that fly from 200-300 feet over the top of his home on pretty much a daily basis when they are flying out there. By extending that runway another 1,000 feet closer to his home it will basically give the pilots a green light to do touch and go's off the top of his house, which is basically what they are doing right now. He provided some examples; a Cessna 172, which is a common airplane that flies in and out of this airport requires 1685 feet to take off over an 50-foot object which means the runway they have right now is more than capable of handling 90% of the aviation they have flying into this airport now. He does not want larger planes flying at low levels over his home. He also feels the closing of 71st Street is a safety

issue. Like Ms. Sexton said, the Sedgwick County Fire Department, EMS and the Sheriff's Department have all basically said no to closing 71st Street. He spoke with the Deputy Fire Chief in Derby and he basically stated the same thing, that he didn't feel closing 71st Street was a good idea. Where his home is situated, if he needed an ambulance or emergency services in his area, it will probably come from the station at 71 Street and Rock. The closest way to his home is straight down 71st Street to 143rd and then going south. It's also been said that 63rd Street and 79th Street are also paths out to this area. We all know that 79th Street floods quite often at High Park when it rains, you can take that out of the equation. Now all we have is 63rd and 71st; if you close 71st Street all we have is 63rd Street South. That will add 2-5 minutes in response time out to this area. Other issues we have had, in 1997 an airplane that was used to take skydivers up went down short of the runway on somebody else's property. When they did an investigation they found out the propeller on the plane had fatigued and failed. They also found the propeller was over 19 years old and should have inspected after 1,200 hours of use or 60 months of use, whichever ever comes first. The owner of this plane had gotten a bulletin two years before this that he was to replace that propeller. He waited until he crashed before he thought about doing anything as far as maintenance on this airplane. These are the types of planes that are flying over our homes at very low levels. As far as the larger planes, we have Mid Continent Airport and Jabara Airport for the larger planes. We don't want the larger planes in our area.

Bob Shick has been affiliated with general aviation since he received his pilot's certificate in 1965. He has acquired an experimental aircraft and the previous owners of Cook would not allow it at their field so he was one of the people that had their planes somewhere else, before he found a suitable airport he was in Newton. When he flew he drove from Newton to fly. Derby has the possibility of growing this airport into a nice general aviation airport. Ever since he has been affiliated with general aviation, which is completely out of date right now, business aviation has been beneficial to the communities that are associated with those airports. They bring people into town, and there is a lot of industry around here that might like to have somebody fly in a light plane. It is often said that twin engine airplanes are twice as unsafe as single engine airplanes because you have twice the chance of engine failure. They are a whole lot safer so he doesn't think they are going to fall out of the sky. Generally, most pilots are responsible, if someone called the FAA because someone was doing touch and gos off their roofs they wouldn't have been doing it very long. This airport has the chance to grow and grow businesses with it. People have been arguing about airports for years, but he doesn't think you will find a general aviation airport anyplace that is not beneficial to the community that has it. If anyone has driven 71st Street recently, it should be closed right now; it is so rough. Most of the kids are killed in county accidents because they go down so rough they lose control of their car.

Ron Wolf has been flying out of Cook Airfield since the late '70's, early '80's. He has tried to be a good neighbor to the people that live in the area. There were 50-100 Cessna aircraft stored there until the late 80's. When Mr. Shockey became ill, the whole place went downhill. At that time he presented to the council information about a community airport and the advantages it provides. General aviation airports take pressure off of Mid-Continent airport. Most people in the area know someone that works in the aviation industry. He stated that every aircraft that flies today has an annual inspection before you can fly it. He is for the vacation of the road to extend the runway and make it safer for pilots, bring in other aircraft and extend the possibility of providing an airport for the city.

Brad Mohr lives south of the airfield at 75th Street and 143rd. He is against closing 71st Street for the benefit of a chosen few. They are not as safe as they say they are because we have had a couple of incidents, one on the road and one in the air, on the same day. If they are that easy to forget what's right and wrong he doesn't want them to get any bigger. The road can be made safer by policing it and getting the township to grade it when it's time, not after the time is up. It can be done. Closing a public road for the airport's benefit is wrong.

Paul Brackeen, Derby resident and business owner. One important fact that was brought up tonight, you really have to show economic turmoil here for this to be stopped. There is no single greater economic factor in the air capital of the world than to deny an airport expansion. We live in the air capital of the world. Derby survives and thrives. His office in Derby thrives because of the aircraft manufacturing. Open a phone book, look at aircraft parts manufacturers, there are over 100, a lot of them right here in Derby. Some in Sedgwick County, some on the outskirts of Derby, they supply the tax base for use in Derby so people can shop at Derby MarketPlace. Madison is a main arterial road and is cut off to Haysville. You cannot drive through Madison, or 71st west to get to Haysville straight through to Derby. 71st is a dirt road right now; it is not a main arterial road. He is a life long resident, grew up in Rose Hill, never did we take 71st Street to get to Derby; 63rd or 79th is the way to go, and then we cut over on Greenwich. That's where we get the 2,000 cars a day because we cut back over if that's where we want to go. We need to support the aircraft community that built this town, that built Sedgwick County and keep supplying to us. Rose Hill has fire and EMS right there at 71st and Rose Hill Road. They supply this area, and they are closer to that area and will get there faster. There are multiple avenues here to get to that area. Safety is not an issue; the fire department at 63rd and Rock will go straight down 63rd and cut over on either 127th or 143rd. That's not going to be deterred either. Rose Hill lost a teacher because of a hill on 71st Street, that road is terrible. There was another 15 year old girl that was killed on that same hill in the last year; this road was not meant to have a lot of traffic on it.

John Bode stated that the current runway is too short; however a 5,000 ft. runway like the one at Jabara is excessive for this area. Runway length indicated by KDOT is appropriate to serve this area. Existing roads between Derby and Rose Hill should be adequate well into the future. 63rd Street and 79th Street provide six paved lanes between the two cities, whereas a city of 400,000 and 40,000, like Hutchinson, have four paved lanes. He does not see a lot of money being spent on additional highways between the two cities. An airport sets Derby apart from other small communities that don't have an airport. Restricting the growth of the airport would negatively impact residents and businesses in the area that utilize general aviation transportation. Jet aircraft would not be supported, even with the extended runway so he doesn't think we have any noise abatement issues. For people that think they don't benefit from general aviation, when a personal crisis requires transportation to another city or state and you don't have the funding available, people are often transported free of charge. Angel Flights provide this valuable service using donated aircraft and volunteer pilots. One of the main concerns is the future, as Derby grows. Using the current density per square mile of single family dwellings in Derby, extrapolate that over to the area, there is room for 25,000 single family dwellings this side of 143rd Street. That's a huge growth potential that really is not impacted by the closing of 71st Street. We don't see the growth rates of Rose Hill equaling Derby because Derby is doing things

such as putting in water parks, golf courses, new libraries and churches, etc. All these things are going in and that's what makes this community attractive, and that's why we are growing. A community airport is just another one of those things that sets it apart from other cities. He has been asked by several people if they planned on moving aircraft they have at Benton and Jabara here, but we don't because we do require an ILS approach.

Skip Rand has been involved in aviation since he was 13. In his travels as a professional pilot he gets to see all levels of airports. The majority of which are either large airports, or community airports, most of which are dying. What you have, just a few miles from Derby is an exception. It's an airport that has been revived and is growing and we cannot afford to miss the opportunity to allow it to continue to grow. He had the opportunity to circulate a petition that was mostly in support of the Sedgwick County meeting, he had over 45 positive votes for vacating the road and allowing the runway to expand. Some of them were pilots, but a lot of them were local people who understand the economic impact an airport has to a small community. Derby has traditionally been a bedroom community and gradually we are nudging the tax base away from the homeowners and are looking for every opportunity to continue that progress. The petition was signed by local businessmen, some of which have no direct influence in aviation and one was a project manager for Raytheon Aircraft. They all understand the need for airplanes and airports. Around the local area we have Mid-Continent, which is primarily commercial air and jet traffic. If you look at the overflow at Jabara, it's mostly business aviation with a smattering of light airplanes. What we are looking to do is develop something in the southeast that would support single engine and light airplanes. Some of you may think that airplanes are inherently dangerous or something that rich people do. He can assure that is not the case. Aviation reflects not what we do, but who we are. That's difficult to convey to people who are not pilots. In terms of economic impact, he disagrees that 63rd Street and 79th Street will become bypasses. QuikTrip didn't think so; they built on the corner of Rock Road and 63rd Street. Lowe's didn't think 63rd would be a bypass road. Even though people will be funneling to the north and south it doesn't mean that Derby will be bypassed. The economic impact in some cases is immeasurable but mostly it's in terms of intangibles and it's difficult to measure. If people move to this community are they concerned with the quality of schools? Yes. How about the senior center, the library? These are things that don't necessarily show up with dollars and cents but provide the incentive for people to move to this area of the city. In terms of safety it was brought up that 1650 ft. was the take off distance for a single engine aircraft; yes, under normal circumstances that is correct. With varying circumstances, hotter days, higher density altitudes, that tends to increase. He operates a single engine airplane and there are some concerns out there on hot days for him to take off with the existing runway. It's not that he needs the runway to continue the takeoff; it allows him to have more options should something happen to allow him to reject the takeoff and not have a forced landing off the airport. We just had a mishap on the west side of town, and it's dangerous to speculate the cause and he doesn't know the cause. If the runway were longer, the pilot might have more options to reject the takeoff or successfully land straight ahead. There have been two off-airport mishaps at Cook; it's unfortunate but happens any time you are near an airport. If the runway was longer maybe the plane would have made the runway rather than crash in a field off the end of the runway. It would be interesting to see what the national magazine AOPA will say about the decision you are about to make tonight in terms of the philosophy towards pro-aviation or inhibiting the growth of aviation. It's difficult to be a visionary and figure out what's going to happen 20 years

from now but you need to take a look at what can happen in the near term rather than waiting the next 20 years to get a positive result and be 100% correct in your decision.

Sheriff Bob Hinshaw, Sedgwick County, is in opposition to this, but it has been a very interesting conversation. Our last speaker spoke about vision and where we will be in 20-30 years, which was Ms. Sexton's position. Taking that into account he wants to narrow the focus down to what he knows about after being a cop for 30 years, and that comes down to public safety. For that reason, regardless of how great this could be, he has a concern when any section line road is going to be closed down. EMS and Fire typically come from a stationary point. With law enforcement, especially his deputies, you never quite know where they are and if we get a call of a larceny we can take all the time in the world to get there. If it's a call when moments matter, you want to be able to get there as quickly as you can. It was mentioned in the beginning that there was going to be access across 71st Street, but those details weren't quite worked out. He would submit, until we know for sure how access could be granted and get all those details worked out, his position would be in opposition of this. For example, Hawker Beechcraft, when they decided they needed to extend their runway they paid for and basically built a tunnel so you could still have free access. He tends to equate gates across a runway very similar to the railroad crossing gates. They are there for a reason and if they are down you aren't supposed to cross. If we need to move from point A to point B he also sees a problem with that if the runway is in use at that point. He would like to see it expanded, he thinks it's a great idea and would be great for Derby, but he thinks public safety has to be a significant factor in the final decision that's made.

Scott Montgomery, Trustee of Rockford Township. In their last township meeting a petition was never brought forth so there was no vote and no motion was made. He has worked in aviation since he has been out of high school and he thinks small aircraft and general aviation, we are sitting in the air capital of the world. He listened to the prayer and flag salute and he couldn't help but be proud to be a part of something. Along with this is free enterprise. If the road gets closed he will figure out how to work around it, that is 1,250 ft. he won't have to worry about. He personally thinks it will be beneficial. He doesn't like the fact people are so hateful, he has received threats regarding this. He thinks of safety when he thinks of the road and he thinks about deaths that have happened. One life lost is one too many.

Derrick Blagg is probably the only business owner that will be directly affected by the road being closed. Hearing everyone speak tonight has been very educational. He does not know how many people come from Rose Hill or Derby for services at their body shop, but 71st Street is the only way to their shop and he has no plans to move the shop. He welcomes all of the expansion on the east side of Derby. He sees the positive effects of the airport in the area, and it is a possibility that the road closing will have down sides and it could have up sides. It's more important to consider the people that have been there for a longer time, that have a little more experience with the geography and placement of this road. If there are wiser people than he that can help make this decision it would be the sheriff's department, the fire department, those people have the serious jobs that are way more important than his, there will always be more cars for him to work on. He has three sons of his own that he's raising up to take the shop when he retires. It is unfortunate that Steve and his partner did not get to purchase the land to the north of them that would have allowed the expansion but he sees that opportunity can happen in the future. He sees an opportunity that 71st Street can be improved. If there were any threats given

to road workers it wasn't from them, they do the best they can with what they have, and that's what he is trying to do. It's a free country, everybody has to get up and go to work and make a living, and at some point they are going to get cross with each other. It's working towards the future with each other, not against each other. He agrees right now is not the time to close the road. In the future if the city and the county and the airport owners can get together and come up with a plan that is beneficial to not only the people that are there but to the businesses that want to come into the area, that's fine. Right now there is a lot of hearsay and betting on things that may or may not work out. He will still be there working for his family and he hopes to see Derby expand closer.

Jason Wojteczko has been stationed in the military for 19 years and at McConnell since 2001. He is a commercial pilot, owns two aircraft that he keeps in Wellington. The reason he keeps them down there is for insurance reasons. There is not enough hanger space at Cook, and the length of the runways is not enough for his insurance to be reasonable. If we were able to vacate 71st, which he is for, if we had 3,500 ft. that would allow him to have reasonable insurance and it would give him a chance to purchase land out there, buy his own hanger and possibly purchase more planes. He plans on retiring in the local area and would love to live in an airport and to keep his residence close to McConnell so they can take advantage of the hospital there and the things they afford them as a retiree. Not allowing the extension of the runway would put them in a place where they might think about another area. They have considered Benton, Ks where they have had a lot of growth and have a good general aviation airport but they sure do want to stay in Derby. We like the town, love our home in StoneCreek and love being close to McConnell. He is a little disappointed in the council because he feels this meeting is a little out of order. It would have been nice for all of them to get together and get the facts and learn about the things before Derby took a stand on what they thought needed to happen with that street. When he heard that at the MAPC meeting he was a little disappointed. He is part of Derby and he was not a part of the decision. He hopes that next time we can all get together, take those facts, he would like everyone to come out and look at the area and get the full facts before you make a decision as important as you are going to make today. The other area he is disappointed in is that we are not taking advantage of one more thing that would add to the community that is not going to cost us a dime. The city is very proud of some of the things in our area like Lowe's, Dillons and Target, companies that have come in and not asked for a dime. Neither have these two gentlemen who are trying to grow the dream of their airport. They are not asking for a dime, they are trying to add something to this airport, it's a community airport and he thinks the city should take them up on the offer. There are a lot of things in life that cost money and this is not one of them, and you will make money off of this. He mentioned the City of Derby's Strategic Plan, 92% of the plan supports this. The council voted in 2007 that Strategic Plan would be the basis of our community, our core values. He hopes the council will read that and think about it before you make this important decision.

DISCUSSION:

Council Member Meidinger asked why this is a Derby address, it's closer to Rose Hill.

Ms. Sexton explained its rural addressing. It was made up a long time ago and they didn't know how cities were going to grow.

Council Member Meidinger asked if there is any tax benefit to Derby from Cook Airfield.

Ms. Sexton advised there is not, they are not in our city limits.

Council Member Meidinger stated that when the general public talks about safety, he goes back to the primary concern that faces Derby every time we talk about expanding to the north and that's the AICUZ zone with McConnell. Basically it's a safety zone that McConnell doesn't want us to encroach upon. When he looks at Cook Airfield and they want to expand the runway and build a housing development on the south end of it. That appears to be a civilian AICUZ zone problem. He doesn't quite understand why we would want to do that. To the residents that live in that area, he looks at this as he would an expansion of our parks in Derby. He thinks if we are going to build a park in Derby we should expand it far enough in advance that it doesn't interfere with the population that lives in that general area. Then, a person moves into that general area and they see a park is going to be there, they are going to see there's going to be lights and activities. If they don't want to live there they can go somewhere else. These people have already made their commitment to live in this area, now the airport is going to be expanded. He doesn't think that is fair because then we get into a safety issue. He's not an expert but in looking at Cook Airfield and the fact we have a prevailing south wind so the majority of takeoffs would be going over that housing addition. Timing is everything and it's unfortunate the owners couldn't buy the property to the north. He doesn't see that as a good reason to jeopardize the people that already live out there and have already made their investment. He supports the position of the City of Derby to oppose the closing of 71st Street. Even though it's not a great road we do have to look at the future and we do have to look at the safety of our citizens in that area and look at the commitment the residents have made out there.

Council Member Bannon thanked everyone for their comments. She has lived in Derby and Rose Hill and knows a little about those roads out there. She can tell you that 79th Street is not really viable unless you want to time everything according to the trains. To get out of Rose Hill there is a train every 30 minutes so you are down to 71st Street and 63rd Street. One of the things the county is doing right now is figuring out how to straighten out the jog in Greenwich, it is a main section line road. Those roads were put every mile for a reason: it's access, and it's growth. The airport is a nice airfield; you guys have done a great job and deserve to be commended. However, Derby's comp plan shows growth to the east and northeast. No matter what you do to your airfield. The FAA is not going to allow you to have instrument precision landing. From everything she has read and studied, that was one of McConnell's approval requirements.

Inaudible from the audience.

Council Member Bannon stated that what Mr. Thomas just indicated was that there is such a thing as a GPS that can be done instead of, in some cases, an instrument landing.

Mr. Thomas advised that some people use a GPS approach. An ILS approach requires a certain traffic pattern be flown once you miss that approach. That is McConnell's concern because they do not want our planes going into their traffic pattern, and an ILS approach might require that.

Council Member Bannon clarified that the FAA has decided not to allow ILS approaches here.

Mr. Thomas advised that was not correct. That is a provision we are doing on behalf of McConnell. He can tell everyone has not read all of the documents provided based on some of Mr. Meidinger's comments.

Council Member Bannon stated she has read them, she actually found the items on the website where they have looked at the future plans, so she has read up fairly well and the statement stands that Cook nor the FAA are planning to have instrument approved landings out there.

Mr. Thomas advised they are not planning to have an ILS approach.

Council Member Bannon stated that there are many pilots who won't use that airport because of that reason. There are two reasons most people are not using the airport: #1 the runway is not long enough or bigger, and #2 is the instrument approach. Our growth pattern is out there. Someone spoke awhile ago and made it sound like if Derby passes this resolution we are not aviation friendly, she doesn't think that could be further from the truth. Derby has done nothing in the past to prove how friendly we are to aviation because we know that's where a lot of our citizens come from. However, it's not our job to enrich aviation, our job as a council is to enrich the city. By closing that main road, it's not a main road now; in the future it's going to be. Ten years ago no one would have imagined they were going to make 63rd Street a four-lane road, or none of us would have imagined the commercial business we would have on Rock Road. We don't have a crystal ball but we can look at man-made barriers. We are making a new man-made barrier if we allow the closing of that road. The current size allows new pilots to learn, it allows visual landings. It's great to see local businesses succeed, but not at the cost of many. She doesn't want anyone to think that by passing this resolution we are not supportive of aviation but she cannot get behind closing a road for a minority that affects a majority.

MOTION: Bannon moved to adopt a resolution declaring the City's opposition to vacation of a portion of 71st Street South located to the west of 143rd Street East. Meidinger seconded.

Council Member Warren advised this is a difficult decision with great arguments on both sides. He appreciates the fact that there are a number of speakers that have been in and around Derby longer than he has. He considers himself to be pro-business and pro-aviation, and those arguments do resonate with him and he understands where they are coming from. The difficulty that he has, if this were a decision based on what is going to happen in the next 10 years or 20 years it would be a slam dunk, we could go ahead and go forward with this. Part of the thing we have to do is try to the best of our ability to look forward 50 years down the line. We just went through an experience in Derby where we rethought how we were going to work Buckner Street. Who would have thought 50 years ago when they were laying out our city limits that Buckner was going to be so much commercial and end up with the problems that we had. He is not saying he couldn't be swayed to be in favor of this proposition, but basically his first look at this was about a month ago, that was the first time he had heard this was a possibility. He agrees with Mr. Wojteczko that we need to get the facts before we make a decision. Before we make a decision, once the road gets closed it will be very difficult to open up. We need to make sure we have thought through the ramifications of what is going to be out there. What is the economic impact of closing a road versus the economic impact of not closing the road? There will be an economic impact no matter which way we go. We haven't studied that, we don't know what that

ramification is. Until he has a better feel for this he won't make a decision that could have a very long-term negative impact. He can be swayed on this and will vote in favor of the resolution to buy us the time to find out what is the right thing to do so when we do make the decision we know that we've really kicked it around and looked at all of the options that are available. If the economic impact of this thing is such that it's so negative, maybe there's a way to go back and look at buying that 10 acres again. He knows they don't want to sell that but maybe that is the better way to go.

Council Member Horyna thanked everyone who spoke tonight. There are too many unknowns for him, safety access, thoroughfare access between Rose Hill and Derby and the success and expansion of the airfield. Benton's airfield to his knowledge is completely done and when he was out there a year or so ago he didn't see much development out there. It is a good ways away from Wichita and McConnell, but there just isn't a showing of growth out there. This council takes every issue seriously; we take everything into consideration. We don't make decisions on gut feelings; we read everything and review everything. Later on we will be looking at a \$34 million budget; we do a lot of reading and research and do what is best for our city. He will support the resolution as presented tonight. Additional information would be helpful in the future, but without knowing better what is going to happen it is tough to back something that you just don't know.

Council Member Staats asked what Rose Hill's position is on this issue.

Ms. Sexton indicated she believed it was asked in the MAPC meeting that she attended and it was stated by either Steve or Greg that they thought they were in support of it. She does not know that they have publicly stated that.

Mr. Thomas indicated he would have to go into the official minutes. He does not recall being asked but he may have been. Rose Hill was there and they have not taken an official position either for or against.

Council Member Staats stated that this probably affects their citizens more than ours, not to say that Derby citizens don't travel to Rose Hill. In regards to public safety, we keep hearing about the fire department and access from Station 36, is there a current mutual aid agreement with Sedgwick County Fire and either the Butler County fire department or Rose Hill fire department on the county line at 159th?

Brad Smith, Derby Fire Chief, indicated they do have an auto aid agreement with Butler County Fire District #3 that also runs over into Sedgwick County up to 127th Street.

Ms. Sexton explained that an automatic aid agreement is actually a stronger agreement. Mutual aid means you have to call the other entity to get help. Automatic aid means the trucks get called at the same time so there is not a primary and a secondary, they are the same.

Council Member Staats clarified that if there was a structure fire on 71st Street, east of the proposed vacation Butler County fire would automatically respond.

Ms. Sexton advised that was correct, as would Sedgwick County Fire and Derby Fire.

Council Member Staats stated this is one of those situations where you agree with almost everything that is said up here and makes it difficult to stand by a decision because everybody made sense. He agrees that maybe we need to step back and watch this, ultimately we are not the ones making the decision, this is just Derby's position. The Board of Sedgwick County Commissioners will make the decision.

Mr. Thomas clarified that the FAA rules over airspace, they do not rule over what goes on the land itself. KDOT probably weighs more in on that than the FAA.

Council Member Staats advised that when he came in tonight he was 100% for the city's position and as the night progressed and listening to everyone it resonated with him. It's a tough decision when you sit up here. He thanked everyone for showing up tonight.

Council Member Craig indicated that our area of influence does not cover this but we do have an opinion about it, but it's not a binding position. It's just a piece of paper that puts documentation in front of the county commissioners as to the opinion of Derby. He pointed out that Cook Airfield is in Rose Hill, Kansas but the plat indicates Derby Cook, which one is it?

Mr. Thomas advised that 3-4 years ago we came to this very room and tried to present it as Derby/Rose Hill/Mulvane because we are all about the total community and that's where that comes from. If you go back to the original documents from the FAA it says Rose Hill, KS. If you go to some websites and GPS's it says Derby, KS so it is confusing. KDOT recognizes the closest community, which is Rose Hill so that's why the KDOT documents say Rose Hill. He does not know how Derby got in on it. He received a document from the FAA that says Rose Hill. Their mailing address is Derby but they are in the Rose Hill school district.

Council Member Craig explained this resolution is an opinion and is not binding on the part of the county commissioners. He clarified that access across 71st street has not been solidified, so that is still an issue.

Mr. Thomas agreed that hasn't been worked out with MAPC.

Council Member Craig stated that Station 36 will not be there for much longer, there will be a time when Station 36 will be gone. He thanked everyone for their respectful presentations this evening. He would support this but thinks it's too early in the game. If you drew a dotted line on our projected growth and what is going to happen in the future, 10-15 years down the road, we are investing an incredible amount of money that will allow us to expand to the east and to the northeast which will impact that there. That street, even in the condition it's in, will be very important, but there could come a point where that street is not useful to anyone as time goes on. The expansion plans are well thought out but he does not think this is the time for it. His opinion is to vote in favor of the resolution because he thinks it's too early.

Mr. Thomas commented that it was brought up that Derby didn't know about this until a month ago. He does not know the exact date but this was brought up to Derby at a multi-city Chamber meeting and that was about 1 week after they met with everyone involved and that was approximately two months ago. Another thing that was brought up was houses being built at the end of the runway. He invited the council to look at the plan that's on the website because it shows exactly where houses can build and where they can't. There is no design for a house at the end of the runway. Sedgwick County does not want a house within 1,000 ft. of the end of the runway. This design is built around preserving that airport whether the street is closed or not. Even if that street is not closed and an airplane goes down in that field, houses are away from it.

Council Member Meidinger commented on the statement made about not reading documents. He looked at the map provided by the city manager and was unaware of any additional documents. The map has a red mark indicating Downwind Estates, 2nd Addition, it doesn't say the houses are 1,000 feet or anything like that, so that's all he had. He apologizes if he made a mistake.

VOTE: Motion carried 8-0.

The council recessed at 8:35 p.m. and returned at 8:45 p.m.

2011 RECOMMENDED BUDGET

Kathy Sexton, City Manager presented the staff report.

Background:

- Each year the City Manager recommends and the Derby City Council approves a budget for providing essential services to residents. This budget document is a plan; it is the framework for how the City will allocate its resources to assure continuing excellence in the community's quality of life.
- The proposed budget for fiscal year 2011 has been developed by city staff with input from the governing body as informed by the public. It includes departmental operating budgets and supporting plans. The supporting plans consist of the updated five-year Capital Improvement Plan, the five-year Vehicle Replacement Plan, a ten-year Pavement Management Plan, and a new five-year Equipment Replacement Plan.
- The budget also provides for staffing, tools, and other resources that enhance the quality of life for Derby residents through the services offered by the City.
- The Council heard about departmental budget and CIP requests at a workshop on June 1.
- Opportunities for public comment include the Council meetings on July 27 and August 10. The official budget hearing and formal adoption will occur on August 10.

Financial Considerations:

- The proposed 2011 budget totals \$34,705,978 which is an increase of \$3,165,685 (10%) from the revised 2010 expenditures of \$31,540,294. This amount does not include cash reserves, bond proceeds, or bond redemption. The increase is primarily attributed to the following:
 - \$570,067 – Equipment, software, & other one-time expenses
 - \$570,000 – Library bond payment
 - \$403,284 – New police officers and firefighters
 - \$470,000 – Earmark for future CIP projects
 - \$250,000 – New Special Assessment Projects bond & interest payments
 - \$203,000 – Employee benefit increases (KPERs, KP&F, Unemployment compensation, & health/dental insurance)
 - \$200,000 – HOME Rehabilitation grant
- The proposed 2011 Operating Budget provides for maximum budgeted expenditures of \$41,572,059. This amount includes the General Fund cash reserve and transfers between all budgeted funds. It does not reflect reserve funds (CIP Reserve, Wastewater CIP, Capital Projects Fund and Law Enforcement Trust Fund) totaling \$606,856 that are exempt from budget requirements.
- The amount of ad valorem tax projected to be levied for 2010 is \$8,448,036 based upon a mill levy rate of 47.756. This levy generates much of the revenue required to fund the 2011 budget.

- 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.
- One fund requires the Council to grant authorization to spend money in 2010 that was not previously approved. In recent months, the new Senior Services Advisory Board Fund was set up to better account for revenues raised by Saturday morning breakfasts and other fundraising activities sponsored by Senior Services. An amendment to the 2010 budget is recommended to recognize this new fund and to allow for expenditures of \$7,000 to be made from that fund.

Legal Considerations:

- It is the City Manager's responsibility to present an annual budget that not only meets the needs of the city but also complies with state laws governing municipal budgeting.
- The motion will authorize publication of the Notice of Budget Hearing in the July 28th *Derby Weekly Informer*. Upon adoption of the budget on August 10, the City cannot exceed the maximum expenditure outlined in each fund as certified to the Sedgwick County Clerk.

Policy Considerations:

- The budget and supporting plans comprise the primary policy document of the city. Each document is updated annually to meet the current needs of the community.

Mayor Avello asked, with the way the economy is going now, if we get a double dip how are these projects going to be affected?

Ms. Sexton advised if the economy does deteriorate further there are definitely things we can cut. This is your one time a year to approve a budget, but with a CIP project there are decision points throughout the project that they can be held up. She and Jean brought to your attention last year in the 2009 budget some things that were approved but we did not end up doing and put off because of concerns for the economy. We look at the finances every month, and can definitely make course corrections.

Ms. Sexton continued with the staff report.

Council Member Craig asked what percentage is represented by the rise in the debt service for 2011. We said it was going to be 23% and now it's 21%. What are we adding at the end of this year and the beginning of 2011 to make it jump?

Jean Epperson, Director of Finance/City Clerk, explained that is just the way the chart is drawn. It's the library, that debt service is \$1 million in 2011. As Kathy mentioned, she had given her a number of the difference, being about \$500,000. The difference that she was referring to is the increase over the aquatic park bonds. On the chart that's almost \$1 million, and that is because of the library.

Council Member Craig asked if it will still be in our target of 21%.

Mrs. Epperson advised it is; it has already issued.

Ms. Sexton stated that the numbers we are trying to show you include everything we have in the budget document; 21% has included everything.

Council Member Meidinger asked where the \$5 million wastewater treatment line is going.

Ms. Sexton advised it is the southeast sewer interceptor starting at Rock Road around the Kay Street Bridge and heads to the High Park area.

Council Member Meidinger asked if that was specifically for the Jay Russell addition.

Ms. Sexton advised it is not, it's for much more than that. It's for the addition of housing developments on the entire southeast side and eventually there could be another interceptor phase that hooks on at High Park and goes farther north which would actually serve some of the area we were talking about earlier, closer to James and 71st Street.

Council Member Meidinger clarified it doesn't have anything to do with the Jay Russell development.

Ms. Sexton advised it would serve that area, the Quail Run Addition on east Madison.

Council Member Meidinger asked what happens if Jay Russell doesn't make that big commitment he says he's going to do and we go ahead and spend \$5 million?

Ms. Sexton stated that the actual sewer interceptor project would not be funded by special assessments, it would be funded by the wastewater fees that everyone pays every month and the fees are already set to cover that debt service and that project. When we get to the point of building streets and putting in water and sewer lines for that development, those would be special assessments. Any developer would not want to be strapped with those payments if they didn't think they could sell those lots and build houses.

Council Member Meidinger advised he is concerned about the citizens of Derby paying for a sewer line that potentially won't be used. We really don't have any guarantee that this project will be completed, yet we are spending \$5 million.

Ms. Sexton advised that there are certainly no guarantees. There are ups and downs in the economy and some things could hold. We do know that Mr. Russell has come in this past year and purchased additional land out there and it is going through a replat right now. We have been in communication with him and as far as we know from him directly, he still believes that Derby is a very viable community. You might have seen our recent numbers in terms of houses being built in Derby. We are still building and are fortunate that people are still buying lots and building homes at a faster pace than last year, and there aren't very many cities that can say that. It is pretty consistent growth in Derby.

Council Member Warren commented on the chart, the section that starts at about the \$8 million mark and runs down to 2025 and levels out, what is that for? Most of them when they get to the end they die out, that one looks like it just goes on and on.

Mrs. Epperson believes that is the 2009 bond issue which is the Build America Bonds that funded the wastewater interceptor project, the public works facility and Buckner.

Ms. Sexton explained those are 20-year bonds. They were issued in 2009 and they end in 2029.

Council Member Warren stated it might be nice to put numbers on the chart for each colored line.

Ms. Sexton agreed that was a good idea. The overall message is that so much of it is paid down in the first ten years. You can also see when we add something new what it does to the total. You see from the bottom some of those that are shorter term are going off. It's always important to time your CIP and your debt schedules on ones that are getting paid off. It's probably not great planning to put too many in those years when nothing is going off, it will affect the mill levy then.

Ms. Sexton continued with the staff report.

Council Member Craig commented on the library. Before, the operational monies that were used to pay personnel came from a specific mill levy, is that correct?

Ms. Sexton advised that was correct.

Council Member Craig asked as we transition into the new library, do we continue to pay for certain staff with that and then just pay the additional staff out of the half cent sales tax?

Ms. Sexton said that was correct. We have 4.5 mills of property taxes being levied that have been levied for the library benefit for years, and that continues. That pays for the bulk of the library operating budget including most of the staff. Moving into the new building increased our utility costs, our grounds maintenance costs, our staffing costs, a number of things. All we started funding from the sales tax was that delta that increases, keeping the property tax stable and continuing to mostly fund the library by the property tax.

Ms. Sexton continued with the staff report.

Council Member Horyna clarified that the 2% GPA is for everybody, it is not an additional 2% for the police and fire.

Ms. Sexton explained that the contract we have with the police union does require the council to provide a 2% GPA to those covered by the police union contract in 2011. In addition, we are recommending a 2% increase for all the other employees. Not all employees get this, if an employee has been here for a long time and is maxed out they won't get that.

Ms. Sexton continued with the staff report.

Council Member Bannon commented on the All America City Award. The committee that went to the Kansas City event has since had a meeting, and we are questioning the value right now of doing that versus the dollar figures it would take. Fifteen to twenty people probably would not be enough. The costs are fairly extensive and we have tried to talk to other cities that have previously won this award to see the payback, and we feel there may be other ways to better use those dollars to get better payback. If we wanted to pull that money out and put it aside, do we need to make that motion this evening?

Ms. Sexton indicated this evening would be fine or there will be time at the next meeting or on adoption day, August 10. You could either take the \$35,100 out of the entire budget or you could ask to reallocate that to a community marketing, undesignated line. We are really fortunate to have a strong community marketing plan that has just gotten started. You did not see in your budget workshop any request for that other than \$5,000 for a new fall festival type thing. Cynthia Wentworth has been coming up with a lot of ideas, and she will have a report included in the next bi-monthly reports that are emailed to the council. In that you will see some of the ideas she is thinking of and if the \$35,000 is not the amount we need it would fall into our reserve and go into the next year.

Council Member Bannon stated that the committee has come up with some ideas it would like to put forth.

Ms. Sexton continued with the staff report.

Council Member Craig asked if there is a projection about what the percentage increase will be on insurance/health benefits.

Ms. Sexton indicated we have budgeted 7-8% increases in our health and dental. We have some work to do, as we always do to get those finalized. Nobody will give us good quotes on those things this early in the year. We have a renewal quote from Preferred Health, we also put our health insurance out for bid and expect to know in about 4-5 weeks what those bids are going to come in at to decide if we want to switch providers or accept the renewal from Preferred Health. That will all come to council in September or October. We try to budget enough that we think will cover it.

Council Member Craig asked about the impact of the health care issue might be as it rolls in.

Ms. Sexton advised that in terms of the federal health bill that passed, these bids that are on the street right now will be a big indicator, but we don't expect it to have a big impact on us. Some of the immediate things that affected us this year is that young people are now automatically required to be covered by federal law until age 26 on your parents' coverage. For the city, it didn't change very much for us so we don't expect that to have a huge impact.

Council Member Haynes encouraged the citizens of Derby to review the budget and come to a meeting and ask questions if they have them. He also commended staff on a very well managed budget.

Ms. Sexton advised the budget that we put together reflects the council's conservative nature, your propensity towards making sure there are reserves and rainy day funds, making sure we don't cut things too close. Certainly there will be more things in the news about other local governments having much more difficult times. Some of that they can't help, but some of it is because they didn't have a reserve fund to get through the bad times. Derby is in good shape that way.

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

MOTION: Craig moved to authorize publication of the Notice of Hearing of the 2011 Budget and Notice of Hearing of the Amended 2010 Budget for the Senior Services Advisory Board Fund, as presented, in the July 28 issue of the *Derby Weekly Informer*. Horyna seconded.

VOTE: Motion carried 8-0.

CONSENT AGENDA

Kathy Sexton, City Manager, presented the consent agenda.

Bids for Bicycle and Pedestrian Path, Phase 8 (KDOT Project No. 87 TE-0324-01)

Background:

- Bids for construction of the Bicycle and Pedestrian Path, Phase 8 were opened on June 22, 2010 at 2:00 P.M. An invitation to bid was previously submitted to contractors.
- The following bids were received by the City Engineer's office and witnessed by the City Clerk:

Contractor	Bid
Cornejo & Sons, Inc.	\$96,943.00
Barkley Construction	87,000.00
	Engineer's Estimate* \$144,316,25

*Engineer's estimate prepared by Ruggles & Bohm, P.A.

Financial/Sustainability Considerations:

- Under the City's agreement with the State, 70% of the cost of construction will be paid by KDOT with the remaining 30% by the City. The City is required to pay 100% of the cost of design engineering, construction administration, rights-of-way, and utility adjustments.
- Due to the significant benefits the project provides to Derby Schools, USD 260 has agreed to pay one-half of the city share of the construction cost.
- Construction costs will be shared as follows:
 - KDOT \$60,900 (70%)

- City \$13,050 (15%)
- USD 260 \$13,050 (15%)
- The City's approved Capital Improvement Plan budgeted \$16,500 for the City portion of the construction cost.
- A tabulation of bids and bid documents have been submitted to KDOT, which must concur with the recommended award to Barkley Construction.

Legal Considerations:

- The City has followed all statutory procedures in securing financing, and in planning the project.
- All necessary easements and rights-of-way have been obtained in accordance with State and Federal guidelines.
- The contractor has submitted all appropriate bonds and certifications for this project.

Recommend a Motion to:

- Accept the bid of Barkley Construction in the amount of \$87,000.00, subject to KDOT concurrence, to construct Bicycle and Pedestrian Path Improvements, Phase 8, KDOT Project No. 87 TE-0324-01.

Assessment Ordinance for Nuisance Abatement

Background:

- The City of Derby has incurred costs in abating nuisances found to exist upon certain properties located within the City.
 - The costs are the charges the City incurred in contracting with vendors for mowing and trash removal service, plus a \$50 administrative fee.
 - Each owner of record, at the time the charges were incurred, was sent notification that Council will consider assessment by ordinance of the charges.
- This ordinance includes 4 properties, of which 3 are in foreclosure and 1 is occupied.

Financial/Sustainability Considerations:

- The costs incurred in connection with the parcels to be assessed total \$402.50.

Legal Considerations:

- City ordinance authorizes staff to mow properties with excessively tall vegetation and remove trash when owners fail to do so.
- City staff seeks to collect mowing and debris removal charges through informal efforts so as to avoid the need for formal remedies.
- Charges not timely paid may be assessed against the properties on which the work was performed.

Policy Considerations:

- City ordinance has established the policy that requires bulky waste, construction debris and tree waste be removed from properties to protect the health and safety of citizens.
- Ordinances are brought before the City Council for action as soon as possible so that recovery of the city's costs can occur from the owner of record at the time of assessment. Because affected lots are often in foreclosure or in process of being sold, timely assessment is important to an equitable recovery of city funds.

Recommend a Motion to:

- Adopt an ordinance levying a special assessment upon certain properties the costs incurred by the City of Derby in abating nuisances found to exist thereon.

ORDINANCE NO. 2017

AN ORDINANCE LEVYING AS SPECIAL ASSESSMENTS UPON CERTAIN REAL PROPERTY, HEREINAFTER DESCRIBED, DIRECT AND INDIRECT COSTS INCURRED BY THE CITY IN MOWING GRASS, CUTTING WEEDS, REMOVING DEBRIS OR OTHERWISE ABATING NUISANCES FOUND TO EXIST THEREON.

Right of Way for Buckner Street Improvements

Background:

- The adopted 2009 Capital Improvement Plan includes \$55,000 for right of way acquisition for improving Buckner from Kay Street to the south city limits.
- The adopted 2010 Capital Improvement Plan includes \$602,000 for the construction of this project.
- Because of the on-going expense to maintain this portion of Buckner due to poor storm water drainage, the primary purpose of this project is to widen Buckner so that it complies with city street width standards and to include storm water drainage ditches.
- Long-term calculations were completed by Community Development and Public Works to ensure that it will be less expensive to first reconstruct Buckner and then include it in the city’s pavement management plan.
- The City engaged Land Acquisitions, Inc. to assist in acquisition of needed easements and right-of-ways.

Financial/Sustainability Considerations:

- Right of way acquisition and easements presented for Council’s consideration total \$3,000 for the following property:
 - Russell W. Jensen and Jane E. Jenson: \$3,000 for 1,105 square feet of right of way.
- This is the final acquisition required for this property, except for the property subject to eminent domain.
- The total project estimate is \$657,000 and includes design, land acquisition, utility relocations, and construction.

Legal Considerations:

- The City Council is authorized to acquire right of way and easements in support of this project and to determine an appropriate level of compensation.

Recommend a Motion to:

- Accept the deed for the right of way and authorize payment for the amount noted above.

Interlocal Agreement for Planning and Preventative Maintenance of the Public Transportation Program

Background:

- Over the last four years, the following interlocal agreements have been approved with the City of Wichita for federal funding of the public transportation program (the Derby Dash) within the City of Derby:

2006	◆ \$50,000 for the acquisition of an ADA-compliant bus; ◆ \$50,000 for planning and preventative maintenance
2007	\$75,000 for planning and preventative maintenance
2008	\$50,000 for planning and preventative maintenance
2009	\$50,000 for planning and preventative maintenance
2010	Agreement not needed due to amount of unspent allocation

- Now, in preparation for 2011, the City Council is requested to approve a fifth agreement in the amount of \$50,000; the federal portion is \$40,000 and the City of Derby’s portion is \$10,000 (required 20% local match).
- Approval by the Wichita City Council will be scheduled after the Derby City Council approves this 2011 agreement.

Financial Considerations/Sustainability Considerations:

- The 2010 operating budget for the Derby Dash program totals \$72,194. Of that, all eligible expenses will be requested to be paid from this federal grant, and the same is planned for future years.

Legal Considerations:

- The City Council is empowered to apply for and accept grants to support public transportation programs.
- The City Attorney has reviewed the agreement and approved as to form.

Recommendation:

- Approve the agreement and authorize the Mayor to sign.

MOTION: Craig moved to approve consent agenda as presented. Nun seconded.

VOTE: Motion carried 8-0.

Mayor Avello asked Chief Smith if there were any fireworks problems this year. He thought he read somewhere that the complaints were down.

Chief Smith indicated there were very few problems this year.

Council Member Haynes asked about the cancelled Fourth of July celebration.

Ms. Sexton advised it was cancelled due to the muddy park and the propensity for rain that day. It will be rescheduled, we don’t have a new date yet. We are trying to work with some other local events being planned to make sure we don’t have any conflicts.

Council Member Craig stated that there are some local events that might be combined.

Ms. Sexton indicated we are looking at some local events to see if we can complement those and maybe increase attendance at their event by having the fireworks. We also have the ice cream social part of it where the ice cream was donated, so they want us to go ahead and use that. We

also have Derby residents who practiced and were ready to sing and read, so we have some performers who would love to do something as well so we are trying to find the best night. It's not going to be real soon because we would rather do it in September so we will have a month or so to get the word out. Thousands of people attend these events, but if you just have an event and can't get the word out maybe only hundreds will show up.

ADJOURNMENT:

MOTION: Craig moved to adjourn at 9:32 p.m. Haynes seconded.

VOTE: Motion carried 8-0.

Dion P. Avello, Mayor

ATTEST:

Jean Epperson, City Clerk