

**APPROVED MINUTES
REGULAR COUNCIL MEETING
June 22, 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
Heath Horyna
Cheryl Bannon
Tom Haynes, Mark Staats

COUNCIL MEMBERS ABSENT:

WARD II
WARD III

Vaughn Nun
Chuck Warren (arrived later in meeting)

Flag salute was led by Council Member Mark Staats. The invocation was led by Pastor Paul Wilke, Woodlawn United Methodist Church.

CONSIDERATION OF MINUTES

Minutes of the June 8, 2010 Regular Council Meeting.

MOTION: Haynes moved to approve. Meidinger seconded.

VOTE: Motion carried 5-0, Bannon abstain, Warren and Nun absent.

PUBLIC FORUM:

Lisa Nelson, Derby Twins, stated that Parents Week for the Twins is quickly approaching. It will be Wednesday, June 30th through Tuesday, July 6th. It has been a tradition since the Twins organization came to Derby that we welcome the families of all of the players to come to our fine community and enjoy all we have to offer. Families are impressed with the hospitality they experience when they are here and the quality of baseball they get to see. Many have never visited Kansas prior to this trip during the 4th of July weekend and they are impressed that it's not the stereotypical place that they thought it was. We have a "welcome to Derby" reception on Friday, July 2nd at Buffalo Wild Wings at 2:00 p.m. where the families have their first event and meet each other. We will participate in the 4th of July parade, which actually occurs July 3rd this year. The parade will be followed by a family picnic that the Warren family is so gracious to host each year. During the 4th of July celebration, unfortunately the Twins can't be at High Park but they will be playing a game at 7:00 p.m. at Panther Field. Last year the fireworks were spectacular from Panther Field, and the parents thought the show was just for the baseball game. We are proud of our community fireworks display; it rivals Lawrence Dumont Stadium on July 4th. The reason we are able to offer this parents weekend is because we are an ACE Grant recipient from the City of Derby, and we are thankful for that sponsorship and the families are very thankful they can come to the games for free. The day after Parents' Week, Verus Bank has sponsored that evening and the Derby Senior Center will be honored at that game which will be Wednesday, July 7th. Make sure you come out and support our great senior community that will

also be at the park during that week. There are several games during that week, every single night during parents' week we are looking for someone to throw out the first pitch, and it's always fantastic when a member of the council, the mayor or other elected official can do that ceremonial first pitch.

Rhonda Cott, Derby Chamber of Commerce, reminded everyone this Thursday night, June 24th, the Chamber will host a candidate meet and greet at the Powerhouse at 302 N. Georgie. This event is open to the public and our surrounding neighbors of Haysville, Mulvane and Rose Hill as some representatives will be there from those communities as well. We have invited Sedgwick County Commission District 5 candidates and all of those candidates will be in attendance. We have also invited State Representative candidates from districts 81, 82, 96 and 98, and all of the candidates from Derby district 82 will in attendance. We have also invited candidates and their representatives from the Governor's office, U.S. Senate, U.S. Representative District 4. Twenty have confirmed their attendance.

Lisa Nelson, Derby Recreation Commission, stated that they will have the largest softball tournament in the history of the Derby Recreation Commission this weekend. Sixty teams will come to our community to play in our Summer Slam softball tournament. Multiply that by the 10-12 girls represented by each one of those teams. Multiply that by the families who travel with those girls who are represented by those teams, and we are going to have a significant visitor base to our community this weekend. The tournament will start Friday at 6:00 p.m. and end on Sunday evening. We have teams from Larned, McPherson, Independence and teams from Oklahoma, including Ponca City, Newkirk and Bartlesville. We will have visitors both staying in our community and visiting for the day because some teams from Emporia stay and some drive back and forth each day depending on how their bracket falls. She encouraged community members to embrace all those visitors, those girls that you see in their ball uniforms and ponytails, and their families. For some this is their first experience with our community, and we have a lot to showcase. We are proud that our Derby Recreation Commission tournaments have become such an asset to our community that people are coming from so far away.

Council Member Haynes asked how many fields would be used.

Ms. Nelson advised they always use High Park and this time we will have High Park, Garrett Park, English Park and Tanglewood fields all in use during that time. The girls are ages 8-18 so on some of those smaller fields such as English Park and Tanglewood we can have those younger girls and the older girls will be at Garrett and High Park.

Council Member Bannon stated that the Derby Farmers Market is open every Saturday from 7:00 a.m. to 12:00 p.m. selling produce, crafts and all kinds of products. It runs from May – September in the El Paso Village shopping center on K-15. The 4th of July parade is Saturday the 3rd at 10:00 a.m., not Sunday the 4th. The fireworks will be on the 4th, the program begins at 7:00 p.m., with fireworks beginning around 9:40 p.m. She thanked everyone for their patience on Madison and the contractor for their work ethic because it's coming right along.

Council Member Craig stated that the Kiwanis Club will have a pancake feed on the 4th starting at 7:30 a.m. at the DRC. He thanked those that showed up last weekend at the Dillon's parking lot to celebrate the completion of Buckner Street.

Mayor Avello advised he read about a month ago of a gentleman by the name of Grant Lemaster who graduated from Annapolis and became a fighter pilot. Grant was a young boy that used to live across the street from him and knock on his door to play with his son. He congratulated the Lemaster family and Connie Nunnally who served on the Planning Commission. He asked Ms. Sexton to explain the Bloomberg report naming Derby one of the most affordable cities to live in.

Ms. Sexton advised that a publication called *Bloomberg Business Week* did an award for what they call the "best affordable suburb". They looked at all the states in the union and picked one city from each state they feel is the best value, not the cheapest per se, although affordability is important, but they didn't want a run-down community with high crime. They looked at crime statistics, playgrounds, recreation, parks, etc., as well as affordability to live there. Derby was the city that they chose for Kansas. There were more details in last week's *Informer*; including comparisons of other Midwestern cities. This was an unsolicited thing for us, kind of like Family Circle. Different magazines like to do different things like this.

Council Member Warren arrived at 6:52 p.m.

PROCLAMATIONS:

Proclamation honoring Don Myers, Kansas Representative for the 82nd District.

Don Myers accepted the proclamation and thanked the Mayor and council. He also thanked District 82 which includes a little more than Derby. This district is probably one of the most sought after because it is a great district. It is full of family oriented people, hard workers, people dedicated to raising a family. Eighteen years is a long time, he did not figure he would stay in the house that long. He has been through two primary campaigns, nine general elections and as the Mayor said, it is not easy. He thanked his family for their support, especially his wife who has supported him all the way. He introduced his family members that were present. Mr. Myers gave a history of his political career and thanked everyone for their support.

Proclamation declaring July as Recreation and Parks Month by the National Recreation and Park Association.

CONSTRUCTION OF SALT AND SAND STORAGE STRUCTURE AT PUBLIC WORKS

Kathy Sexton, City Manager, presented the staff report.

Background:

- Construction of the Derby Public Works Facility began in December 2009. The original project consisted of a single main structure to house all administrative functions,

personnel services and shop areas as well as a metal building to protect equipment and supplies.

- An interior mezzanine, originally cut from the bid invitation to reduce costs, was added back into the project in February 2010.
- A salt & sand storage structure, although very important for winter operations, was not included in the original bid invitation because of concern over costs.
- Because of the favorable bid received for this project, funds are available to proceed with construction of the salt & sand storage structure. Construction of this structure will enable the Public Works Department to vacate its current site completely.
- WDM Architects, PEC Engineering, and Dondlinger & Sons Construction have provided a design and work change proposal for construction of a salt & sand storage structure at a cost of \$109,233. As part of this proposal, the City would be credited \$13,000 for a metal panel change, making the net additional cost \$96,233.
- Construction of the salt & sand storage structure will add approximately 8 weeks to the established construction schedule of the original project. The addition of this work will not adversely affect the completion date of the primary structure.

Financial/Sustainability Considerations:

- Current costs associated with this project include project design (\$144,000), original construction cost (\$3,277,000), addition of mezzanine (\$117,050), design of the salt & sand storage structure (\$5,000), engineering of the salt & sand storage structure (\$9,250), and alterations to the cold storage structure (\$9,043). The project total thus far is \$3,561,343.
- Addition of the salt & sand storage structure adds \$96,233, bringing the total project cost to \$3,657,576.
- Financing for this project (\$4.0 million) was included in G.O. Bond Series 2009-A, and is sufficient to cover all identified project costs.

Legal Considerations:

- The City followed all applicable statutory requirements and procurement procedures in financing, planning, bidding and constructing this project.

Policy Considerations:

- Acceptance of this bid continues the process of complying with Council direction to build a new Public Works Facility and vacate the current site for transformation into a city park.

DISCUSSION:

Council Member Meidinger asked if this was a separate standing building.

Ms. Sexton advised it is, to store the salt and sand.

Council Member Meidinger asked why we didn't open this to public bids.

Ms. Sexton explained because we have Dondlinger Construction already on the site doing the major project which is over \$3.5 million. This is a relatively small portion and you probably wouldn't want two different contractors out there at the same time. This is considered by the architect and others looking at it to be a reasonable price for it. You could bid it separately but it would have to be something that was done after. If you remember, the building project is due to

be done this fall so there might be a timing issue if you were to hire a separate contractor and not have them on site until Dondlinger vacated in late September or so.

Council Member Meidinger thinks we should bid the project. \$100,000 is a lot of money not to be bidding on it.

Council Member Craig asked if this will free-up the old facility completely as far as what we planned for a riverfront park.

Ms. Sexton advised it would. This addition to this project is critical to be able to abandon the current public works site and clean that up and convert it into a park. If we don't have this done by winter then our guys will have to go back and forth with salt and sand trucks and keep the salt and sand operation at the old site.

Council Member Craig clarified that if we don't do this the future plan for the park would not be able to be done until this is moved.

Ms. Sexton advised that is correct. This has always been considered part of the project. She mentioned that we never planned to bid it with a general contractor but there is one more item on this whole project that will come to you and that is the fueling station. That was never going to go through the general because we are going to bid that completely separate so don't think this is the last time we will come to you. We will probably have one more bid.

MOTION: Warren moved to authorize execution of a work change agreement with Dondlinger & Sons Construction Co., Inc. for construction of a salt and sand storage structure for \$96,233. Haynes seconded.

VOTE: Motion carried 6-1, Meidinger nay, Nun absent.

ECONOMIC DEVELOPMENT POLICY UPDATES

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

Background:

- The current Economic Development Incentive Policy was approved by the City Council in January 2007. It was modeled after the policy in use by the City of Wichita and Sedgwick County.
- Since that time, several minor updates have been identified to improve the incentives request process, including:
 - The Incentive Policy is recommended to be reorganized in numbered and lettered sections for easier navigation.
 - Some elements of the Incentive Policy have been moved within the document, particularly in Section VI that now outlines the three-step evaluation process beginning with the cost-benefit analysis and followed by use of the incentive matrix and a discussion of policy criteria.
 - A brief summary of the application process was added in Section VI.
- Several policy-level changes to the Incentive Policy are recommended as well, including:

- Wages: As part of the Incentive Matrix calculation, the current policy requires each new job to be “weighted” based on average wages for that position in the Wichita MSA. Staff recommends eliminating this calculation. Salaries are accounted for by the cost-benefit analysis which estimates the impact of salaries on the local economy. The weighting done in conjunction with the incentive matrix is time consuming and has a very minor effect on the overall benefit to the community.
- Eligibility: In the eligibility section, two changes are recommended.
 - In the Housing category, staff recommends changing the wording to be consistent with the rest of the list of categories, meaning that an application for incentives would be accepted by City staff and presented to the Council for a decision. As the community experiences the effects of the aging of the Baby Boom generation and as we see many people in the Greatest Generation live longer than previous life expectancy calculations would have anticipated, opportunities for expanding the diversity of housing options in Derby exist. “Senior housing” could include Independent Living, Assisted Living, and various forms of specialty areas like dementia or memory care. (Skilled nursing is considered a medical service, not housing.) It’s possible that Derby may be considered for such new construction projects but may be in competition with other cities. The City should consider whether such projects should be eligible for a property tax incentive on a case-by-case basis. While the current policy says that housing for seniors and the disabled is of the highest priority and that the City’s intention is to encourage housing for all ages, abilities, and incomes, housing is the only instance where property tax abatement is rejected outright. With the current policy in place, such projects would be considered automatically ineligible for property tax abatements. This policy update would be consistent with the incentives available in other eligible categories and would give the Council discretion to award tax abatements for certain specialized housing projects when appropriate.
 - In the Medical Services category, eliminate the word “specialty” from “specialty hospitals.” The term “hospitals” is broad enough to cover specialty hospitals as well as community hospitals.
- Other Criteria:
 - Several items in the original 14-item list were deleted because they were duplicative. The resulting list was narrowed to 9 items.
- In addition to the changes to existing policy, a second policy document titled “Special Development District Policy” has been drafted to establish guidelines for the use of district-level economic development tools available in Kansas.
 - The newest of these tools is the Community Improvement District (CID), which was approved by the Kansas legislature in 2009.
 - Other district-level tools include Tax Increment Financing (TIF) districts, Transportation Development Districts (TDD), Enterprise Zones (EZ) and the Buckner Business District (BBD).
 - Only the Buckner Business District is specific to the City of Derby. Other tools are available statewide. Derby has had an Enterprise Zone designated for some time.

Describing all these tools together in one policy document will aid in communications and economic development efforts.

Financial/Sustainability Considerations:

- The recommended policy changes have no immediate financial impact.

Legal Considerations:

- The policy continues to follow legal requirements for economic development incentives.

Policy Considerations:

- The changes will ensure that Derby continues to be competitive in the incentives offered to new and expanding businesses.
- The policy documents will ensure that the application and evaluation process continues to be open and transparent.
- The new Special Development District Policy establishes guidelines that are specific to district-wide economic development incentive tools.
- The Economic Development Board reviewed the recommended changes in three separate meetings over the past six months and is supportive.

DISCUSSION:

Council Member Craig asked if there is a list of definitions that go in the front of this. There are a couple of things that a person might not have a grasp on, including the definition of MSA. He indicated his copy of the document states it was adopted in 2006 and Ms. Moeding's copy indicates 2007. We should probably find out when the document was adopted. He asked Ms. Sexton if she felt it appropriate that we change "agreed to" to "approved by" on page 4.

Ms. Sexton clarified that the suggestion is to replace the words "agreed to" with the word "approved". She sees no difference in the meaning, it is a clarity issue and we recommend that change. On page 1, Item B, where it first references the MSA, if we could insert there "Wichita Metropolitan Statistical Area" we would define it up front and after that use the acronym.

Council Member Craig appreciates the work done to separate this out.

Council Member Bannon asked if there are any decisions or cost benefit analysis that would have been inherently different if we did them now without that job factor than when we did them with this job factor.

Ms. Moeding indicated she did not think so. In the cost benefit analysis, jobs are considered an indirect impact. An average salary might be \$35,000 and we know only a small percentage of that salary actually comes back to local government. Much of that gets spent.

Council Member Bannon stated that what the council had spoken of before was instead of counting total hours and lumping part-timers as all FTE we really wanted to have it separated out. It was put in the policy that we would prefer they be full-time employees but we really have not stipulated that you won't take two part-timers and add them together to become an FTE.

Ms. Moeding explained that doing research on that topic she thinks all the other policies she has looked at, FTE is really the cleanest way to do that. She and the city manager discussed that placing a preference on full-time jobs with benefits was a meaningful statement to companies without having to get into the accounting logistics of how many part-time jobs you can combine, if you can combine them at all. In many places part-time jobs are valuable and desired.

Council Member Bannon advised they are valuable but a part-time position generally doesn't have the benefits accredited to a full-time position. She asked about page 18 of the incentives policy. She asked if we should change "additional five years" to "a possible additional five years". She would hate for any company to think that an additional five years is more or less part of the package when in reality when that was originally passed we would give five and you come back and see us at the end of the five and we would make a decision at that time. It wasn't given up front that you got five plus five.

Ms. Sexton pointed out if you read on in that sentence that last clause is pretty clear. She suggested following the word "plus" in the second line of that paragraph to read "plus a possible additional five years" and delete the word "and".

MOTION: Bannon moved to approve the updates to the Economic Development Incentives Policy with the changes discussed, adding the verbiage "possible" on page 18, adding the acronym explanation of MSA and replacing the words "agreed to" by the word "approved" and adopt a new special development district policy. Craig seconded.

Council Member Craig indicated it is important for people to know that we are not eliminating things. He too has a problem with full-time job equivalent as Ms. Bannon also has. He has found out, after talking to Ms. Sexton that in the formula that the high driver is the dollars. That is what makes the numbers either work for the incentive or not. The number of jobs is minor compared to the number of dollars that is associated with what they think they are going to have to pay people.

VOTE: Motion carried 7-0, Nun absent.

ORDINANCE INITIATING EMINENT DOMAIN PROCEEDING FOR BUCKNER RECONSTRUCTION FROM KAY STREET TO THE SOUTH CITY LIMIT

Phil Alexander, City Attorney, presented the staff report.

Background:

- The City is preparing to reconstruct Buckner Street from Kay Street to the south city limit. To complete the project, the City must acquire right-of-way from several property owners.
 - The City engaged Land Acquisitions, Inc. to assist in acquisition of needed right-of-way.
- The owners of one property informed Land Acquisitions in late May that they had relinquished the property after Bank of America initiated a foreclosure action.

- Based on its experience in working with Bank of America, Land Acquisitions recommended that the City initiate an eminent domain proceeding, since it would be the most expeditious and reliable means of acquiring the necessary right-of-way.
- Resolution no. 35-2010, adopted at the Council’s June 8 meeting, directed the city engineer to prepare a survey and description of the property interest necessary to be acquired for the project.
- The next step of the eminent domain process is adoption of an ordinance to approve the survey and descriptions and to direct the city attorney to initiate appropriate proceedings in eminent domain.

Financial/Sustainability Considerations:

- None resulting from the adoption of the propose ordinance.
- The City will pay just compensation for the property interest acquired and also pay the costs of the action, including court costs and fees set by the court for three appraisers appointed to value the property interests.

Legal Considerations:

- The City has the power of eminent domain for any lawful public purpose, including reconstruction of a city street.
- Following a hearing to establish the City’s right to exercise the power of eminent domain, the District Court will appoint three appraisers who will conduct a hearing and report their findings to the Court.
- After the report is filed, the City may acquire the right-of-way by paying the amount of the award into the Court.
- Either party may appeal an appraisal (the amount ultimately awarded may vary from the appraisal), but title to the condemned property passes to the City when the amount is paid into Court.
- Eminent domain proceedings typically require 90 to 180 days to complete.

Policy Considerations:

- Adoption of the proposed ordinance is necessary to assure timely acquisition of property and initiation of the reconstruction project.
- City staff will continue to work with the affected property owner, Bank of America, to acquire the necessary property economically and with minimal disruption of private property rights.

ORDINANCE NO. 2025

AN ORDINANCE APPROVING THE SURVEY AND DESCRIPTION OF CERTAIN INTERESTS IN REAL PROPERTY, ACQUISITION OF WHICH IS NECESSARY FOR RECONSTRUCTION OF BUCKNER STREET WITHIN THE CITY OF DERBY, KANSAS, FROM KAY STREET TO THE SOUTH CITY LIMITS, TOGETHER WITH APPROACHES, STORMWATER SEWERS, DITCHES AND OTHER DRAINAGE IMPROVEMENTS, TRAFFIC CONTROL DEVICES, AND OTHER IMPROVEMENTS APPURTENANT THERETO; DECLARING IT TO BE A PUBLIC NECESSITY TO ACQUIRE SAID INTERESTS BY PROCEEDINGS IN EMINENT DOMAIN FOR SUCH PURPOSES; AND DIRECTING THE CITY’S ATTORNEY TO MAKE PROPER APPLICATION TO THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR APPOINTMENT OF

APPRAISERS TO APPRAISE SAID INTERESTS AND TO CONDUCT PROCEEDINGS IN EMINENT DOMAIN RELATIVE THERETO, ALL AS HEREINAFTER DESCRIBED.

DISCUSSION:

Council Member Craig clarified that we are approving this for the entire eminent domain action, even though there is just one property we are trying to take action on quickly and that's the one with Bank of America, correct?

Mr. Alexander explained that this ordinance will authorize only condemnation of the one tract. We anticipate being able to acquire the others, if we have not already. Ms. Knebel is working on that.

Ms. Sexton advised it might interest the council to know, you have approved several already and there is one on the consent agenda today and one more yet to be reached agreement on. Everyone has been a willing seller. These original owners were willing but then lost ownership themselves.

MOTION: Craig moved to adopt an ordinance declaring it necessary for the City to acquire certain lands or interests therein by eminent domain; and authorizing the city's attorney to initiate appropriate proceedings. Haynes seconded.

VOTE: Motion carried 7-0, Nun absent.

CONSENT AGENDA

Kathy Sexton, City Manager, presented the consent agenda.

Construction of Storm Water Drain Improvements to Serve Stone Creek 4th Addition

Background:

- A bid letting for construction of Storm Water Drain Improvements to serve Stone Creek 4th Addition was conducted on Tuesday, June 15, 2010, following issuance of an invitation for bids to qualified contractors.
- The following bids were received by the City Engineer's office and witnessed by the City Clerk:

Contractor	Bid	
Lange Brothers Excavating		\$422,757.30
Amino Brothers		357,700.00
Alen's Excavating		338,451.50
Mies Construction		258,042.80
Bob Bergkamp Construction		225,510.30
Pearson Excavating		178,234.45
	Engineer's Estimate*	\$204,895.80

**Engineers estimate prepared by Baughman Co., P.A.*

Financial/Sustainability Considerations:

- The cost of the improvements will be assessed 100% to the benefit district.
- Special assessments will be spread against the benefit district properties over a 15-year period.

- The wide range and number of bids is likely a result of continued financial pressure in the construction industry and variations in the workload of the contractors bidding the project.

Legal Considerations:

- Solicitation, receipt and analysis of bids complied with all statutory procedures and local policies for planning and securing financing for the project.

Recommend a Motion to:

- Authorize execution of a contract with Pearson Excavating in the amount of \$178,234.45 for construction of Storm Water Drain Improvements to serve Stone Creek 4th Addition.

Easement 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:

- An easement presented for Council's consideration is from Susan K. Dailey and Carol J. Burket for \$2,300 for 9,094 square feet of permanent easement.
- Additional right of way acquisition is in progress and will be presented at a future Council meeting.
- 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 easement and authorize payment as presented.

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 11 properties, of which 4 are in foreclosure, 6 are vacant, and 1 is occupied. At the June 8 Council meeting, Ordinance 2024 was passed to assess 14 properties, of which 7 were in foreclosure, 6 were vacant, and 1 was occupied.

Financial/Sustainability Considerations:

- The costs incurred in connection with the parcels to be assessed total \$2,827.50.
- One assessment of \$1,450 is unusually large because of the nature of the nuisance. A great deal of debris was removed from the back yard, and weeds had grown higher than the fence. The abatement action was taken after the City was notified by neighbors of the neglected condition of the property.

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. 2026

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.

Council Member Haynes thanked Ms. Sexton for the additional information on the properties. The more information we have the better decisions we can make.

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

VOTE: Motion carried 7-0, Nun absent.

ADJOURNMENT:

MOTION: Craig moved to adjourn at 7:24 p.m. Horyna seconded.

VOTE: Motion carried 7-0, Nun absent.

Dion P. Avello, Mayor

ATTEST:

Jean Epperson, City Clerk