

**APPROVED  
REGULAR COUNCIL MEETING  
September 22, 2009  
6:30 PM**

Mayor Dion Avello presiding.

ROLL CALL:

WARD I  
WARD II  
WARD III  
WARD IV

COUNCIL MEMBERS PRESENT:

Jim Craig, Jim Meidinger  
Vaughn Nun  
Chuck Warren, Cheryl Bannon  
Tom Haynes

COUNCIL MEMBERS ABSENT

WARD II  
WARD IV

Heath Horyna  
Mark Staats

Flag salute was led by Council Member Cheryl Bannon.

The invocation was led by Pastor Jonathon Hoefler, First Presbyterian Church

**CONSIDERATION OF  
MINUTES**

Minutes of the September 8, 2009, Regular Council Meeting.

MOTION: Warren moved to approve minutes of September 8, 2009 Regular Council Meeting. Haynes seconded.

VOTE: Motion carried 6-0, Horyna and Staats absent.

**PUBLIC FORUM**

**Kathleen Avitt**, Derby Recreation Commission Director of Programs announced the Foghat concert that will be next Saturday night, October 3<sup>rd</sup> at 6:30 p.m. Special guests will be Mountain Ash from Minnesota. Foghat will take the stage around 8:15. The concert is being sponsored by Cox Communications, the City of Derby Ace Grant, the DRC, Freddie's Frozen Custard, Native Lights, 107.3, Meritrust, Buffalo Wild Wings, Bonzai Energy Drinks and Damm Pharmacy. We are building a stage on Friday so it will be much higher than the one that's out there currently so they have the lighting that Foghat requires as well as the stage dimensions they need. You can pick up your free entries to win backstage passes at Freddie's and Cox Communications. This is a free concert so as soon as we fill up the park there will be extra parking at the high school with buses to shuttle people over. Concessions will be available, as well as Buffalo Wild Wings and Freddie's Frozen Custard ice cream.

**Judy Bennett**, Derby Public Library Director announced the public grand opening of the new library is scheduled for Saturday, November 14<sup>th</sup>. There will be a ribbon cutting the day before that on November 13<sup>th</sup>. Judy provided the council with a timeline of things that need to be done to get the library open. The last day of operations at the current location will be Saturday, October 17<sup>th</sup> at 5:00 p.m. After that time books can be returned through the drive thru at the new location. There will be no fines assessed while the library is closed and the due date has been extended to reflect the November 14<sup>th</sup> date. In addition to unpacking while they are closed they will also be doing inventory of the materials. There will be new technology at the library, including a self check machine for those that don't want to stand in line, as well as self funded accounts so people can put money on their patron account so if they want to pay for printing cost from the computer or pay off fines without using actual cash that can be done. There will also be PC reservation, allowing advanced reservations to be done on the computer as well as the ability to monitor computer activity. They will also have e-commerce, allowing payment by credit card, both online and in house. There will be new software to track transactions, as well as room reservations and events calendar. There will be several rooms available for public use so we wanted to make those reservations as user friendly as we could. Reservations can be done online or in the library and that will be seen on the calendar. She invited everyone to the ribbon cutting ceremony at 1:30 on November 13<sup>th</sup> and to the public grand opening on Saturday, November 14<sup>th</sup> beginning at 10:00 am, with several activities planned, including two author visits and Stephanie Bergman helping with activities that day.

**Robert Mendoza**, Director of Public Works read an excerpt from President Obama regarding September 11<sup>th</sup> and the first National Day of Service and Remembrance. While we couldn't devise a program to coincide with the proclamation this year, we at Public Works and the City of Derby want to provide an opportunity for anyone interested in honoring the memory of September 11<sup>th</sup> through community service. We looked at our parks system and our own history and what we saw was some needs, what we saw was Riley Park at the beginning of our park system. This park became a reality through selfless efforts of volunteerism from an organization known as the Jaycees. On Thursday, October 8<sup>th</sup> from 9:00 a.m. to 12:00 p.m. we will be holding a community service event at Riley Park located at 1115 E. Kay. We will be doing a variety of minor repairs to the park such as painting the concession building, painting and staining the dugouts, staining the picnic shelter and several other ground maintenance items. Councilman Meidinger who himself was a Jaycee will be on hand to answer questions and provide a history of the park. We will also be serving lunch to those involved via the city grill at 12:00 p.m. We want to invite the entire community to come and serve with us, if you would like more information please call 788-0301 at public works. We did not make the September 11<sup>th</sup> date, but September 11<sup>th</sup> is a calendar date, our service can occur any day and we wanted to be sure and provide an opportunity for everyone to be involved. This will be our first event and we plan on providing an annual event as close to September 11<sup>th</sup> as possible based upon weather and other things.

**Kathy Sexton**, City Manager commented regarding the trash/recycling program that starts December 1<sup>st</sup>, we had sample carts delivered to city hall yesterday. Everybody in town will have the same carts and when you get your mailer this week in the mail, it will explain some information and ask you to return a postcard survey or get online and complete the survey asking if you want a big cart or little cart. The big cart will look very familiar to what most people have

now, some people have the old style carts with the metal frames, those aren't what we are going to use anymore. The option is the 65 gallon cart or the 95 gallon cart. If anyone is wondering if they can save even more money and go with the smaller cart they can come to city hall and look at that cart and see if they feel like it's big enough. We also have a recycling cart in the lobby for people to look at any time city hall is open. We will keep them out there because we are going to have a couple of open houses on this issue. We are continuing our work for planning on when the library moves. The old library space, we have a committee with council members, members of the senior services advisory board and staff working with our architect to design that space. We have met once, our second meeting is tomorrow and we are making good progress on that project. We have a tri-governmental meeting next Tuesday, the 29<sup>th</sup>. There will be three weeks before our next council meeting so we put the Tri-Gov meeting here at city hall in this room at 6:00. There will be a light supper at 6:00 and the meeting will start around 6:20. On the agenda for that night is an update from the Derby Public Schools on their strategic plan and their board goals. The Derby Recreation Commission will talk about their facilities master planning process. You all know the DRC facility is showing its age and they are wanting to plan for the growth of the city in their facilities. The third item, Dan Squires will give an overview of upcoming street and bike path projects that are near schools and or the DRC. We have several different projects and we want all the board members of those two bodies to know what's going to be happening in the next few months as things get a little torn up before they can get better. The fourth item is the Derby Public Schools will give us an update on the H1N1 flu, where things are in terms of their vaccines, protocols and their planning. The fifth and final item that she knows at this time is a brief update on the library status.

**Council Member Warren** asked if someone chose either one size or the other trash can and decided they needed another size, can they change fairly easily?

**Ms. Sexton** advised we do allow for one change in cart size per year without any fee. If you try one and decide you can go with the smaller one, she encourages people to go with the smaller one and then go with the bigger one if you have to. She started recycling a couple of months ago and you can recycle a whole lot more things than you ever thought possible. Everyone she talked to that has started recycling has realized that they don't need that big trash bin anymore.

**Mayor Avello** commented on the Derby Community Foundation dance last weekend. A good time was had by all. Next year when it rolls around again he invited people to buy a ticket and come; he guarantees you will have a good time.

## **BIDS FOR 2009 PAVEMENT REHABILITATION PROGRAM**

**Dan Squires**, City Engineer presented the staff report.

**Background:**

- A bid opening for the construction of the 2009 Pavement Rehabilitation Program for various streets within the City of Derby, Kansas, was conducted on September 10, 2009 at 2:00 P.M. An invitation to bid was submitted to qualified local contractors.
- As has been customary in the past, some USD 260 school paving projects have been included with the City's projects.
- The Board of Education will consider an agreement to reimburse the City for improvements to its facilities included in this project at its September 28, 2009 meeting.
- A map of the proposed rehabilitation locations is attached.
- The following bids were received by the City Engineer's office and witnessed by the City Clerk:

<u>Contractor</u>	<u>Bid</u>
Kansas Paving, Inc.	\$887,952.50
APAC-Kansas, Inc.	\$784,012.00
Cornejo & Sons	\$776,885.00
Lafarge North America	\$681,766.20

Engineer's Estimate\* \$882,005.00

\*Engineer's estimate prepared by the City Engineer.

**Financial/Sustainability Considerations:**

- The bids received provide an excellent value to the City for pavement rehabilitation.
- Since the bids received result in project costs substantially below budget and the unit prices represent an excellent value to the City, staff has requested and the low bidder has agreed to an increase in the scope of work based on the unit pricing bid. USD 260 has also requested that an add-alternate be added to the scope of their work included in the base bid. The proposed bid modifications are as follows:

Original Base Bid (City and USD 260)	\$681,766.20
USD 260 Add-Alternate 2A	\$ 13,895.50
City Scope Increase	<u>\$168,857.10</u>
Proposed Contract	\$864,518.80

- The City portion of the project totals \$809,482.20, with the additional amount of \$55,036.00 being reimbursed to the City by USD 260.
- The City's 2009 budget includes a total of \$809,535 for the mill and overlay portion of the City's Pavement Management Plan.

**Legal Considerations:**

- The City has followed all statutory procedures in securing funding and in planning the project. No new easements or rights-of-way will be required.
- The City is empowered to enter into cooperative agreements with other governmental agencies for reimbursement of costs attributable to work done on behalf of such agencies.

**Policy Considerations:**

- Lafarge North America has completed several projects in Derby and has submitted all required bonds and financial sureties for the project.

- Upon approval of the modified bid, staff will prepare the required contract documents for the City Manager and City Clerk's signatures.
- Timely maintenance of City streets results in a better ride quality, safer streets, and reduced long term maintenance costs.

DISCUSSION:

**Council Member Craig** asked about the map for the CIP projects, is it inclusive of the add-ons?

**Mr. Squires** advised it does include the add-ons. He showed the council the map and pointed out those items. He explained there is a balancing act between finances and the amount of pavement rehabilitation we can do. Public Works unfortunately gets stuck trying to maintain what we don't mill and overlay. We start out every year with a pavement management plan, rating all of the city streets. Based on the rating of those streets we have different maintenance programs for them; a big piece of that is the mill and overlay program. We take the streets that are in a specific rating area and work with Public Works, taking streets they are getting a lot of calls about or are spending a lot of time and money trying to maintain, and we prioritize those. This year we are moving out of a situation where you had a lot of streets in the older neighborhoods that had what we called DASS streets, which are a double asphaltic surface treatment on a rock base. They are actually very nice to rehab because you mill off all of the asphalt and put two new inches of asphalt down and it works great. We are moving into a different type of rehabilitation which is a six-inch asphalt street. What you tend to see on those streets is more large cracks as you go down the street instead of just some surface cracking like you would see on the DASS streets we were repairing. When we put this program together this year we had a lot more crack repair to do before we could mill and overlay so we initially put the program together on a lot of these same streets only to do the crack repair because we simply didn't have the money to crack repair them and overlay them. When we got the pricing we got we were able to take a lot of those streets that we were only going to do crack repair and add the mill and overlay that we probably would have had to do next year. That includes Willow and Chestnut, Emma and Washington. The green on the map are DASS streets where we are milling off all of the asphalt and coming back, that is a type 2 rehabilitation. The red is crack repair and mill and overlay and along Woodlawn, down Tall Tree and over to the new pavement at The Oaks we are doing crack repair and patching only, that will likely be milled and overlaid next year. We did the majority of crack repair on Rock Road last year and will be doing mill and overlay this year. We will put out press releases to let everyone know what we are doing.

MOTION: Craig moved to approve the modified bid of Lafarge North America for \$864,518.80 for the 2009 Pavement Rehabilitation Program and authorize execution of an agreement with Unified School District 260 for reimbursement of costs for improvements to be made to its facilities. Bannon seconded.

**Mayor Avello** asked how far on Rock Road the overlay will go.

**Mr. Squires** advised it will begin near James and extend about 1300 ft. past Chet Smith.

**Mayor Avello** stated there is a big chunk of concrete missing on Rock Road just south of the bridge.

Mr. Squires advised we will have that repaired before we start.

VOTE: Motion carried 6-0, Horyna and Staats absent.

## **2009 PAVEMENT STRIPING**

Robert Mendoza, Director of Public Works presented the staff report.

### **Background:**

- The Public Works Department is responsible for all pavement striping and markings in the City. To ensure safe travel throughout the community, dilapidated, faded and damaged pavement striping or regulatory markings are replaced on an annual basis.
- The 2009 designated areas include Market St. from the west city limit to Willow St., Chet Smith Ave. from Woodlawn to Rock Rd., Patriot Dr. from K15 to Buckner, and traffic control markings for the Market St. entrance of Fire Station #1.
- Staff contacted three vendors: Traffic Control Services, Highway Technologies, and Road Safe Traffic Systems. The City received two bids: Traffic Control Services for \$43,308.40 and Road Safe Traffic Systems for \$50,270.
- On Sept. 16, the Bid Board approved the bid from Traffic Control Systems as presented.
- Work will begin based on a mutually accepted schedule.

### **Financial/Sustainability Considerations:**

- The 2009 revised budget includes \$44,000 for this project, so the bid of \$43,308.40 is within budget.

### **Legal Considerations:**

- All legal requirements governing solicitation and acceptance of bids have been satisfied.

### **Policy Considerations:**

- The Department followed all bid and purchase guidelines as required by the City of Derby Purchasing Policy.

MOTION: Bannon moved to authorize the City Manager to execute a contract with Traffic Control Systems for \$43,308.40 for centerline pavement striping and traffic control marking of city streets. Haynes seconded.

VOTE: Motion carried 6-0, Horyna and Staats absent.

## **DEBT MANAGEMENT POLICY**

Jean Epperson, Director of Finance/City Clerk presented the staff report.

### **Background:**

- In September 1992, the City Council adopted a debt management policy with a three-year sunset, meaning that the policy would only be effective for three years. Research of meeting minutes since then does not reflect any subsequent action on the policy.

- Although the policy was allowed to sunset in 1995, it has been considered an informal policy and has been used as a guide over the past 19 years.
- The 1992 policy served as a foundation for development of the policy presented today.
- Updates to the policy were developed from reviews of policies of other Kansas cities comparable in population and larger, along with Sedgwick County. In addition, input was sought from the city's financial advisor Greg Vahrenberg of Piper Jaffray & Co. and bond counsel Joe L. Norton of Gilmore and Bell.

**Financial/Sustainability Considerations:**

- The policy will have no immediate financial effect, and over the long term may favorably affect bond ratings, improve the fiscal health of the City and reduce interest costs, which ultimately results in savings to the taxpayers of Derby.

**Legal Considerations:**

- The policy has been reviewed by the city's bond counsel Joe L. Norton with Gilmore & Bell.

**Policy Considerations:**

- The objectives of the policy are to plan and control capital expenditures, provide financing alternatives, provide guidelines for issuance of various debt instruments, hold borrowing costs to a minimum, and maintain ratios within established standards.
- The policy contains more explanation of Pay-as-you-go funding (Section 2) than the 1992 version to communicate the factors that influence the decision to use long-term debt financing.
- The key debt ratio of statutory direct debt as a percentage of assessed valuation (Section 3) remains the same but now also includes clarification of the projects that are excluded from the calculation.
  - The City has historically complied with the statutory requirement that the ratio not exceed 30%, and the policy encourages a maximum of 20%. Derby's current ratio is 26.78% and is expected to decline to less than 23% once the aquatic park bonds are defeased in early 2010.
  - This ratio is calculated with each issuance of debt, including temporary notes. In addition, a projection is prepared each year in conjunction with the budget process and the capital improvement plan to review the impact of assessed valuation growth and future long-term debt issuances on the ratio.
- Provisions for the use of revenue bonds (Section 6) and special assessment bonds (Section 7) have been added.
- Parameters for refunding outstanding debt issues are recommended as a present value saving of 3% of the refunding maturities as a general rule. Research has shown policies of other cities range from 2% to 4%, so 3% is conservative, yet the policy grants flexibility to consider issues on a case-by-case basis.

- The city's practice with regard to arbitrage rebate is incorporated into the policy. Experts in taxation in the Kansas City office of Gilmore & Bell periodically perform the rebate calculations to determine the city's liability as requested.
- This policy incorporates a provision for conduit financings in the form of Industrial Revenue Bonds consistent with the city's practice of many years.
- The 1992 policy included language related to operating and cash reserves which has been deleted and will be revised and brought back for the city council's consideration as a separate cash reserve management policy.

DISCUSSION:

**Council Member Craig** stated he has never seen this document that was approved in 1992. He commented on the language used in Section 13 Item B. The language to him has different interpretations; does that mean the city manager has to approve the application? We know there are other activities in the background that have to do with IRB's such as the Economic Development Board. The way he interprets it is that the city manager must approve what comes forward to the city council.

**Mrs. Epperson** advised that is a correct interpretation. It's in there to indicate the city manager has reviewed it and is in turn presenting it to the city council.

**Council Member Craig** clarified that the Economic Development Board can recommend something but the city manager can say no and it would never come to the city council, is that correct?

**Ms. Sexton** asked Mrs. Epperson if that is contemplating an early policy decision, an intent as opposed to the actual bond documents that come much later. For example, Lakepoint came to the council some time ago, but the council hasn't actually approved the documents, all the legal documents come in a month or so.

**Mrs. Epperson** indicated that refers to the actual issuance of the bonds.

**Ms. Sexton** explained the answer to Mr. Craig's question is no. If staff doesn't agree or recommend the issuance of the bonds or approval of the project or the board doesn't approve it, it doesn't mean the council will never see it, this means the actual issuance of the bonds.

**Council Member Craig** indicated he thinks that needs to be reworded. It gives him the impression that the city manager has the complete authority to say yes or no before anything comes to the council.

**Ms. Sexton** advised that she and Jean did not have a specific conversation about this particular clause. She is guessing this is something that came out of one of many different policies they looked at to create this document.

**Mrs. Epperson** advised it was in multiple policies. She does not have a problem with clarifying the language.

**Ms. Sexton** indicated they would rewrite that line to clarify it is the actual bond documents.

**Council Member Bannon** agreed with Mr. Craig and would like to see it rewritten as well. She asked about Section 3B, we have our 20% that we can exceed if it is for a storm, sanitary sewer, etc. If we lumped all of our exceptions and our current debt together, what percentage are we at?

**Mrs. Epperson** indicated it was close to 40%.

**Council Member Bannon** advised she doesn't notice anywhere in the document that we have some any kind of safety cap built on to that. We are somewhat negligent in looking at our debt level without taking into account all of the accepted items. There is a state level and we are putting on our own city cap but if you look at all of our projects together we can shoot the moon. There are no caps on that and she feels there should be some type of master cap on the total debt.

**Ms. Sexton** explained it's a policy decision, if the council wants to have a policy with a cap on debt, knowing that as a council any time something comes up that you feel like is a necessary project for the good of the city you can make an exception to that. Maybe she can rephrase the question and ask Jean, in all your research of other city policies, did you find any cities that imposed a cap or any other ratios to look at, any other ways of measuring that would be useful for the council to consider?

**Mrs. Epperson** stated that one of the ones that comes to mind is a percentage of assessed valuation, but it's not the statutory direct debt as a percentage of assessed valuation, it was like a percentage of the market value.

**Ms. Sexton** asked value of what?

**Mrs. Epperson** advised it is the market value of the entire city—houses, commercial businesses, etc.

**Council Member Bannon** advised it would have to be an exact, hard and fast cap, but something because she feels like, if we are at 40% now she is a little leery on how high we can keep going. The council, even though we can't override our own decisions, to a degree this document that was so loosely put together 17 years ago has been somewhat of a guiding light. If we are hovering at that 20%, let's not go over it, how can we refinance so we don't bust that cap. She would like to see the inclusion of one on the total debt.

**Mrs. Epperson** indicated that is a number she is not prepared to give tonight.

**Ms. Sexton** advised that if the council wants the policy rewritten, we need to delay approval and rewrite it.

**Council Member Haynes** agreed with Mr. Craig's comments regarding Section 13, conduit financing. He can interpret that both ways, the way Mr. Craig saw it, but also that the city manager makes sure everything is correct from a documentation standpoint before it gets to the

city council. He agrees it might be a good idea if we clarify that a bit as it is open to interpretation.

**Council Member Warren** agrees with the cautionary, conservative aspect of putting a cap on total debt. He asked that we be careful of unintended consequences that may come from something like that. So much of our debt is debt that is brought about by virtue of income that is coming from dedicated sources. He would hate to back future councils into a corner that if there were a large project that was really ideal for the city, something that was large and industrial and we had a policy that would hinder us from going forward despite having things that kept the city relatively safe, with guarantees and upfront deposits, letters of credits, etc, that we would be hindered from going forward with that project by virtue of total indebtedness. He understands the goal, but this is something we really need to think through rather than just putting a cap on it and hamstringing a future council. He does not have a problem with taking a look at it but he's not ready to pounce on that at this point. In terms of rewording this, would it be better to pass the policy and then make amendments to clarify the wording Mr. Craig had concerns about, or would we be better off just to table it and bring it back complete.

**Ms. Sexton** advised there is no particular need to get it done tonight.

**Mrs. Epperson** clarified that what Mr. Warren is referring to is called "self supporting debt," that's what our bond counsel calls it. Typically we think of it as revenue bonds; in this case we also have our sales tax bonds that have a totally different revenue stream than for example, property taxes or special assessments. We can clarify that and explain a little further...going back to Mrs. Bannon's comments, trying to get a ratio that looks at the total numbers when you have debt that is purely supported by a totally different revenue stream.

**Council Member Warren** indicated the goal here is making sure we don't put the city at risk by taking on too much debt that would put us in trouble at some other point. It's bad for individuals, it bad for companies, and it's bad for cities. If there are revenue streams that are coming in we need to take that into consideration and make a policy that is reflective of that.

MOTION: Meidinger moved to table the debt management policy indefinitely. Craig seconded.

VOTE: Motion carried 6-0, Horyna and Staats absent.

**Ms. Sexton** advised if any council members have additional thoughts on this item to call her tomorrow or email her. We don't want to waste council's time; if there are several things that need to be addressed we want to do them all at once.

## **UPDATE COUNCIL PRIORITIES**

**Kathy Sexton**, City Manager presented the staff report.

### **Background:**

- On April 28, 2009, the Council last updated its priority list.

- Today, an updated priority list is provided for Council consideration. One new project has been added to the list since April. Occasionally, Council members mention ideas for additions to the list, but the following is the only one that has been mentioned by more than one member:
  - Policy for First Reading of ordinances, then vote at next Council meeting
- Three projects were completed since April and removed from the list.
  - Update B-5 zoning for APZ
  - Ordinance for Council monthly \$100 stipend
  - Alcohol for special events at High Park, DRC, & new library community room
- Work is underway on many of the 19 priorities on the city list, as well as the 3 priorities on the Water Company's list.

**Financial Considerations:**

- None at this time. Implementation of the priorities will necessarily involve staff time and various expenses that will be determined at a future date and budgeted for as appropriate.

**Legal Considerations:**

- None.

**Policy Considerations:**

- It is important for a governing body to agree on a set of priorities to guide the productive use of staff time. The list does not represent everything the Council has directed staff to accomplish, rather it includes enhancement projects and programs to be worked on as time allows amid other routine responsibilities.

DISCUSSION:

**Council Member Warren** indicated that for the 10 years he has been on the council he has had one soap box item that he brings up occasionally when the time comes up and that is how we deal with development of large acreage near the city, 10-20 acres. We talk about it, but nothing has ever happened with it. He would like for us to put that on the priority list. What do we do if somebody wants to develop a 20-acre lot within the 3-mile sphere of Derby's growth which could hinder our ability to grow in the future. He would like to see if that would be a possibility that we require the planning for future development of that so it doesn't hinder us. He thinks it will take a long time to do, 1-2 years to figure out because it's not really anything that he is aware of in other parts of the country. We may be breaking some new ground which is going to make it difficult to do. He thinks it's important enough to take a look at. At the last council meeting we approved a plat in an area that would have been ideal for taking a look at laying out smaller lots for development. He would like to see that go on the priority list so it goes from him bringing it up every six months to a year, and let's either deal with it and if we don't like it he can stop talking about it.

**Council Member Craig** advised that on item #4, it appears some institutions have really taken advantage of us on the weekends by putting signs all over Derby. He knows folks in code enforcement are doing a good job, but he thinks we need to get the word out about our sign

ordinance and he encouraged those who are doing that to just not do it anymore, it looks really tacky to have 50 signs all over town on the weekends when they know our folks are gone on the weekend and won't be back until Monday morning. Also, he would like to see if we have a point of contact about who the lead is on each of these projects that would tell him exactly who to call if he wants to see what's going on so he doesn't have to bother the city manager.

**Ms. Sexton** indicated it is in the title of the list, "Council Priorities for the City Manager." She is the only one who reports to the council, and it is never a bother when a council member calls. She needs to know if he is concerned about something or if he needs more frequent updates on any of these projects. Right now we have sort of a contract that we update this 3-4 times a year in this meeting. We also update some of these in the bimonthly reports that get emailed to all of you by each department head, so some of them are addressed there. Some are addressed in minutes of advisory board meetings. If you ever have any need to know something more about any of these, please call or email her, she is very accessible.

**Council Member Craig** clarified his point is so we know who it has been assigned to. He stated that the construction at 71<sup>st</sup> and Buckner needs some attention as far as speed. There are a lot of people working there and we have not lowered the speed limit. It is really getting congested and needs some attention.

**Council Member Meidinger** commented on items #5 and #17. If you are going to go green you would think you would want to put the green tanks up there, or the natural gas for vehicles. Derby is leading the way with trash recycling, we have a great big green star above the city right now, and he thinks the next thing we would want to do is use natural gas for our vehicles. He wouldn't want to come back 5 years from now and say we should have put it up there.

**Ms. Sexton** indicated that we have looked at alternate fuel for the vehicles. We have looked at that a couple of different times and at this point given the small size of Derby's fleet we are not seeing it will be beneficial to the city as far as short term cost, short term meaning 5 years or so. But, we think there are federal energy policy changes probably coming that will move the market and will make it much more affordable for us as a fleet. If you are a big fleet you can really get some efficiencies and go into alternate fuel vehicles. It's possible we might be looking at electric plug-in cars before we would be looking at gas-powered cars. We are watching the technology and prices, and she thinks we will do something with that in the future.

**Council Member Meidinger** mentioned the T. Boone Pickens plan, which encouraged government to take the lead in this. He was thinking this would be the opportunity for Derby to lead since we are probably the first city of any consequence in Sedgwick County to do recycling on a large scale basis.

**Council Member Haynes** commented on what Mr. Warren said earlier about land. A 3-mile radius is a good start; we might need to expand it. He thinks that is something we really need to look at. From time to time things get brought before us or the planning commission and they want to develop something, divide land up into separate lots, that is something we really need to put some time and effort into to make a plan so we don't have things out there all over the place kind of spotty. Let's put some thought into that and come up with a good plan. The City of

Derby is growing, we need to really put some thought into some land acquisition to plan for a bigger, newer city hall, expansion of our facilities. This building may be sufficient to sustain us for the next 10-15 years, it may not but it's something we need to put some thought into. The senior center is expanding; we really need to put some thought and strategy into that. We need to come up with a good plan for that, that may come under #9, it needs to be added within that or as a different item itself.

**Council Member Warren** pointed out that sometimes the council leaves the city manager unsure of which way we want to go if one person talks about something but there is no support from the rest of the council.

**MOTION:** Warren moved to add to the priority list the issue of developing a policy that regards large-acre additions into our sphere of influence. Craig seconded.

**VOTE:** Motion carried 6-0, Horyna and Staats absent.

**MOTION:** Warren moved to approve the Council's updated list of priorities as amended. Haynes seconded.

**VOTE:** Motion carried 6-0, Horyna and Staats absent.

## **CONSENT AGENDA**

**Kathy Sexton** presented the consent agenda.

### **Assessment Ordinance for Mowing & Trash Removal**

#### **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, has been sent notification that Council will consider assessment by ordinance of the charges.

#### **Financial Considerations:**

- The costs incurred in connection with the parcels to be assessed total \$3,166.91.

#### **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 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 maintenance of grass and weeds not to exceed the height of ten inches 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.

**Recommendation:**

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

ORDINANCE NO. 1995

AN ORDINANCE LEVYING A SPECIAL ASSESSMENT UPON CERTAIN REAL PROPERTY HEREINAFTER DESCRIBED AS THE COSTS INCURRED BY THE CITY IN CUTTING WEEDS, REMOVING DEBRIS AND OTHERWISE ABATING NUISANCES FOUND TO EXIST THEREON.

**Telephone and Data Wiring Bid for Library**

**Background:**

- The new Library requires telephone and data wiring and associated equipment to facilitate operation. Due to the differences in systems and preferences, this is an owner supplied item.
- Original estimates expected this item to be under the threshold requiring Council action.
- Newer standards and final count of wiring runs now has the estimate over the threshold.
- Invitations to bid were sent to thirteen vendors.
- These bids are scheduled to be opened on September 18 so the bid tabulation will be provided as soon as it is available.

**Financial Considerations/Sustainability Considerations:**

- This item is included in the Library project budget, with \$12,000 remaining in the line for data/telecommunications infrastructure.
- If bids exceed this amount monies are available in contingency funds.

**Legal Considerations:**

- The City has followed all applicable statutory and procurement procedures in financing, planning and soliciting bids for this project.

**Recommendation:**

- Approve the bid as recommended by staff.

MOTION: Bannon moved to approve the Consent Agenda as presented. Haynes seconded.

VOTE: Motion carried 6-0, Horyna and Staats absent.

The council recessed to the El Paso Water Company meeting at 7:57 p.m. and returned at 8:02 p.m.

**EXECUTIVE SESSION**

MOTION: Bannon moved to recess to executive session at 8:02 p.m. to consider pending legal action, land acquisition and matters covered by the attorney/client privilege for not more than 40 minutes to be preceded by a 5 minute break. Haynes seconded.

VOTE: Motion carried 6-0, Horyna and Staats absent.

MOTION: Bannon returned at 8:48 p.m. and moved to extend executive session an additional 15 minutes. Warren seconded.

VOTE: Motion carried 5-0, Horyna, Staats, and Craig absent.

The council returned at 9:10 p.m. and Council Member Bannon advised no binding action was taken.

**ADJOURNMENT**

MOTION: Warren moved to adjourn at 9:10 p.m. Meidinger seconded.

VOTE: Motion carried 5-0, Horyna, Staats and Craig absent.

ATTEST:

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Dion P. Avello, Mayor

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Jean Epperson, City Clerk