

**APPROVED  
REGULAR COUNCIL MEETING  
June 26, 2007  
7:00 PM**

Mayor Dion Avello presiding.

ROLL CALL:

WARD I  
WARD II  
WARD III  
WARD IV

COUNCIL MEMBERS PRESENT:

Jim Craig, Jim Meidinger  
Loren Johnson, Chuck Warren  
Charlie Schwarz, Cheryl Bannon  
Mark Staats, George Arnold

COUNCIL MEMBERS ABSENT:

Flag salute was led by Council President Charlie Schwarz.

The invocation was led by Rev. Brad Beets, Pleasantview Baptist Church.

**CONSIDERATION OF  
MINUTES**

Minutes of the June 12, 2007, Regular Council Meeting.

MOTION: Schwarz moved to approve minutes of June 12, 2007 Regular Council Meeting. Warren seconded.

VOTE: Craig yea, Meidinger abstain, Johnson yea, Warren yea, Schwarz yea, Bannon yea, Staats yea, Arnold abstain, 6 yea, 0 nay, 2 abstain, 0 absent, motion carried.

Minutes of the June 15, 2007 Special Council Meeting.

MOTION: Schwarz moved to approve minutes of June 15, 2007 Special Council Meeting. Arnold seconded.

VOTE: Craig abstain, Meidinger abstain, Johnson yea, Warren yea, Schwarz abstain, Bannon yea, Staats yea, Arnold yea, 5 yea, 0 nay, 3 abstain, 0 absent, motion carried.

**PUBLIC FORUM**

**John Haraburda**, 1248 Sunset Drive, expressed his concern regarding a semi that is parked in a vacant lot adjacent to his home associated with a fireworks display. The semi was completely loaded, or was completely loaded yesterday morning. In examining the city's fire codes and codes for the issuance of licenses no provision is made as to the close proximity to a residential area. His house is about 300 ft. from this semi. Using estimates of what he knows about freight there is about 4,000 lbs. of explosives on that truck, which means that any houses in close proximity to that truck could explode. He spoke with fire station #2 and found out that their hands are tied, he also spoke with the department of transportation to find out what the emblems on the truck represent and in the event of a fire or hazard, the first thing the fire department would recognize is the fact that is an explosive situation. The DOT has not gotten back with him, but it is his understanding from conversations with other folks is that that vehicle should not be parked in a residential area. What the council does about it is fine, his concern at this point is that he wants that truck moved, he wants the display moved, it is too close to his house, as well as another 4 houses that are right in line with that particular display.

**Council Member Warren** advised he had read the email from Mr. Haraburda as well as a letter from the city manger and a note from the police chief.

**Ms. Sexton** clarified that there was a note from the fire chief that was forwarded to the council, that is not the information that was forwarded to Mr. Haraburda.

**Mayor Avello** explained the council does not take action during a public forum, but the council will discuss it.

**Mr. Haraburda** commented "so in the meantime, nothing takes place."

**Ms. Sexton** explained that her note to Mr. Haraburda indicated that this matter is being considered, we are doing research and reviewing the safety of the matter and we will determine what needs to be done and we will let Mr. Haraburda know the outcome.

**Mr. Haraburda** advised the council has been put on notice of what is possible with that current situation.

**Mandy Wagner**, Assistant to the City Manager, along with Kathleen Avitt, gave an update of the plans for the 4<sup>th</sup> of July.

**Ms. Avitt** explained this year will be a "new old fashioned 4<sup>th</sup> of July". It will be held at High Park, beginning at 8:00 p.m. with fireworks beginning at 9:30 p.m. The Fast Food Junkies will be performing beginning at 8:00 p.m. There will also be an ice cream social, courtesy of Highland Dairy on a first come, first serve basis to the first 500 people. There will be a hydration station providing free bottled water courtesy of Pleasantview Baptist Church, as well as a hot dog feed courtesy of the Derby Historical Society to raise money for their museum. There will be a bike decorating contest, with registration at 8:00 p.m. and a parade starting at 8:30 p.m.. A Derby Hero's booth, featuring Derby's firefighter and police officers of the year sponsored by Walgreen's, who will provide a free 4x6 picture.

**Ms. Wagner** explained the parking situation at High Park. There are 459 paved parking spots in High Park. In addition they will be opening the southeast lawn, if the weather permits, which will provide another 250, maybe 300 cars. There will also be parking in Ashborough, which has a sidewalk that connects to High Park at the intersection of Timber Creek and Beau Jardin. She also advised they are in need of volunteers; anyone interested can contact her at 788-1519.

**Ms. Avitt** further advised this weekend, as part of the summer concert series, they will have a bluegrass concert beginning at 7:30 p.m.

**Council Member Bannon** added that she went last Saturday night; it is being very well attended and reminded everyone to bring your bug spray. There is a lot going on in our community, Saturday night is also a Derby Twins doubleheader, sponsored by the City. You can contact city hall for more information. This is the first year for both the concert series as well as the 4<sup>th</sup> of July celebration at High Park, it is not going to be perfect, it is a work in progress. Maybe in the future we can look at putting a question on the web site to ask for suggestions on what could make it better for next year. Both items are going to continue and they will only continue to improve as we go.

**Council Member Craig** announced the Kiwanis Club will be holding their annual 4<sup>th</sup> of July Pancake feed at the DRC, beginning at 7:30 a.m. to 11:30 a.m.

**Mayor Avello** asked how many fireworks tents we have.

**Ms. Sexton** advised we have 13 this year, that is up from last year when we had 8.

**Mayor Avello** asked what we are charging each tent.

**Ms. Sexton** explained those that met the early deadline paid \$5,000, those that came in after May 1<sup>st</sup> paid \$6,000.

## **PROCLAMATION**

Mayor Avello declared the month of July as Recreation and Parks Month in the City of Derby.

Staff and board members of the Derby Recreation Commission were present to accept the award.

**MEMORANDUM OF  
AGREEMENT – POLICE  
DEPARTMENT  
BARGAINING UNIT**

**Kathy Sexton**, City Manager presented the staff report. She also thanked members of the negotiating teams from both the police department and the city.

**Background:**

- In January 2005, the Fraternal Order of Police Lodge No. 16 petitioned the Public Employee Relations Board (PERB) for formation of a bargaining unit within the Derby Police Department. As proposed, the bargaining unit would have included all employees other than the chief, the captain, the lieutenants and the secretary.
- In July 2005, the parties agreed to a bargaining unit made up of patrol officers and master patrol officers, some of whom are assigned as detectives. This agreement was subsequently ratified by PERB.
- In March 2006, PERB conducted an election and the bargaining unit selected Fraternal Order of Police (FOP) Lodge No. 16 as its designated representative.
- Under Kansas law, the City must negotiate with a recognized bargaining unit with respect to:
  - hours and work schedules;
  - pay and benefits; and
  - working conditions.
- City and FOP negotiating teams began bargaining by exchanging proposed contracts in November 2006. The original proposals differed dramatically on items related to compensation, leaves of absence, and other benefit issues.
- Beginning in December 2006, the bargaining teams began meeting weekly or biweekly to negotiate and reached tentative agreement on all contested issues in May 2007.
- On June 18, 2007, the bargaining unit (representing 28 employees) voted to approve the proposed contract, which would cover the period July 1, 2007 to December 31, 2009.
- Major features of proposed Agreement --
  - Management Rights: The City retains its authority to determine the type and level of services to be offered by the City and the number of employees required, to direct the work of employees, and to take such action as it deems necessary to carry out its mission and maintain the efficiency of its operations.
  - Compensation (\$135,700<sup>1</sup>):
    - \* Pay Schedule (\$103,900): Reevaluating salary survey and eliminating three lowest comparables for both positions resulted in changes to the respective pay ranges:

<b>Current</b>		<b>Proposed</b>	
<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
\$15.02	\$20.33	\$15.72	\$21.27
2. Master Police Officer (including Detective)			

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<sup>1</sup> Dollar figures in parentheses represented anticipated cost to the City over the 2 ½ year term of the Agreement, not including costs, such as overtime, that cannot be precisely calculated.

<b>Current</b>		<b>Proposed</b>	
<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
\$17.48	\$23.65	\$18.10	\$24.49

3. Each police officer and master police officer will receive the greater of a 2.75% increase in his or her base rate of pay, or the increase necessary to bring such Employee up to the minimum base rate of pay for their position and a 30% credit for years of service adjustment.
- \* Shift Differential (\$15,100): Changed to reflect current practices (two shifts rather than three) and increase shift differential pay from 25 cents per hour to 40 cents per hour.
  - \* Standby Pay (\$6,700): Increases from 50 cents per hour to 75 cents per hour.
- Vacation Leave (\$29,900). Changed to accrue hours on each paycheck at a rate of 40 hours for the first year of employment. Accrual increases from the current schedule for those with 5-15 years of service.

<u>Current</u>	<u>Proposed</u>
Accrues on anniversary date	Accrues bi-weekly
Year 1 – no vacation	Year 1 -- 40 hours; use after 6 months
Years 2-10 – 80 hours	Years 2-5 – 80 hours
Years 11-15 – 120 hours	Years 6-10 – 120 hours
16 years or more – 160 hours	Years 11-15 – 144 hours
	16 or more years – 160 hours

- Disciplinary Procedure: Provides for progressive system of disciplinary actions with less serious discipline being imposed within the department and more severe discipline by the City Manager.
- Grievance Procedure: Provides for final decision by City Manager with optional advisory board for termination appeals. Current process ends with a three-member panel making a final decision.
- Promotion Procedure: Establishes eligibility criteria for promotion, factors to be considered and a scoring system for comparing applicants for promotion.

**Financial Considerations:**

- The original FOP proposal represented a cost increase of \$882,600 over three years.
- The City’s original proposal anticipated no increase in cost.
- Implementation of the proposed memorandum of agreement throughout its 2½ year term will cost approximately \$171,900 for 2007-2009:
  - \$31,100 for last 6 months of 2007
  - \$68,300 for 2008
  - \$72,500 for 2009

**Legal Considerations:**

- The Kansas Public Employer-Employee Relations Act (PEERA) provides for collective bargaining between cities and recognized public employee groups.
- Participation in collective bargaining under PEERA is optional; a city must elect to do so. The City elected to bring itself under operation of PEERA in the 1980s, but has not had a functioning bargaining unit for about 18 years.
- Kansas law permits cities to contract with bargaining units for up to three years as an exception to the cash basis law.
- Provisions concerning disciplinary, grievance and promotion procedures represent a substantial improvement over current policies.

**Policy Considerations:**

- Collective bargaining is an effective means of resolving disagreements between the City and its employees.
- The bargaining process involved discussion of and agreement on a broad range of issues of concern to the City, the bargaining unit, or both.
- The proposed agreement represents an appropriate compromise of competing interests and should contribute to continued improvement in relations between the City and members of the bargaining unit.

DISCUSSION:

**Council Member Warren** thanked both teams for the attitude they took into this as well as their open mindedness. He was really nervous going into this, you read in the papers how difficult labor negotiations can be and he appreciates the fact everyone came to this with an open mind and a willingness to work together and compromise, it has ended up being a good thing for the city.

**Council Member Craig** advised he knows how difficult these things can be and how they can go astray and he is very glad this stayed on track. The team members are to be commended for their approach and the way that they worked for compromise in a win win situation which is really hard to do sometimes, especially when you are starting from ground zero with no experience.

MOTION: Craig moved to approve the proposed Memorandum of Agreement between the City of Derby and Fraternal Order of Police Lodge no. 16 in substantially the form presented and authorize the city manager to execute the agreement. Warren seconded.

**Matt Liston**, President of the FOP in Derby. He advised he was very pleased with the way things went. From their side those guys worked very hard and were pleased with everything that happened on the city's side as well. He did not expect it to go that way either, everyone was very professional and did a good job. Ultimately everybody gets something out of this; the police officers working for the city will be able to provide an even better service now for the citizens of Derby.

VOTE: Craig yea, Meidinger yea, Johnson yea, Warren yea, Schwarz yea, Bannon yea, Staats yea, Arnold yea, 8 yea, 0 nay, 0 absent, motion carried.

## **STRATEGIC PLANNING & PRIORITIES**

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

### **Background:**

- At a strategic planning workshop on April 30, 2007, the Council developed six strategic priorities. These were further refined at a workshop on June 12, 2007, as follows:
  1. Develop a marketing plan for the community.
  2. Work to obtain All-America City status.
  3. Update the 1999 Park Master Plan.
  4. Plan for services to seniors, especially housing.
  5. Develop and implement a Performance Measurement system for City services.
  6. Ensure future growth is sustainable and respects Derby's history.
- The Council may want to further discuss, re-order, or wordsmith these six priorities before adoption.
- Also provided for Council consideration is an update on the priority list last approved by the Council on March 13, 2007. The above six new strategic priorities have been added to the top of the list, indicating their level of importance to the Council. Three new projects have been added to the list since March, and six projects have been completed since then.

### **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.

### **Policy Considerations:**

- It is important for a governing body to set for strategic priorities to lead the community and guide staff efforts. Efforts to develop a new mission statement for the City are ongoing and will be presented for Council consideration at a future meeting.

## DISCUSSION:

**Council Member Craig** asked if #9 was a subset of #1 now.

**Ms. Sexton** advised it could be, the reason she did not combine them is because the community marketing project is the one established last year with the Community Foundation, the Chamber, the school district, the DRC and the city. It is five groups and was funded as a very defined project with indications that if it went well we could always expand it or do something different. At this point that project is creating the community portal, which went live a couple of weeks ago, Derbyks.com. They are also making a visitors brochure with a map that will be going to the printer in a few weeks and will be available soon. They are also putting together a display type of unit that could be taken, for example, to the home show or other trade shows. The school district could also use it to recruit teachers. A marketing plan is more of a longer range, bigger picture to determine what we need to do and to get cost estimates for those ideas and then implement it.

**Council Member Craig** pointed out that once the community marketing project is done you could use that data to support the long term marketing plan.

**Ms. Sexton** stated that the timing of doing a marketing plan in 2008 is really good timing. That project has “cherry picked” off the easy stuff, the obvious things. We obviously need a brochure to market the community with a little map so people know how to get around once they get here. The basic things being done in the marketing plan effort can get more of the nitty gritty strategies and numbers. Council Member Arnold commented at the work shop that you can spend your money any way you want to on marketing, but if you don’t have a plan you will spend a lot of money on marketing and maybe not get much.

**Council Member Craig** asked about Item F, the James and Woodlawn study, is there something else going on? We put the four-way stop in there, are we continuing to do something else?

**Ms. Sexton** explained that the second page is everything that has been accomplished.

**Council Member Craig** pointed out it says “in process”.

**Ms. Sexton** advised the tags in front of those are perhaps confusing at this point. When it was all started back in March of 2006, that was an indication that that was one of the things she was given that very first day on March 6, 2006 that indicated things that had already begun, but aren’t finished. On this page it is really irrelevant. On the front page it gives you an idea of how long things have been on the list and how long they have been in process.

**Council Member Johnson** asked if this was for information only, or are they taking some action on this, regarding some of the new things.

**Ms. Sexton** recommended the council discuss and approve a list of priorities.

**Council Member Johnson** asked about item #15, “equity buy-in fee for water and sewer”.

**Ms. Sexton** explained that was a discussion item from the council a couple of months ago. It is the staff work that goes into writing an ordinance that would help us be able to pay for things like new sewer interceptors to serve new developments by a way other than a city wide, all rate payers pay the same amount. In other words, if you are a developer putting a housing development in and it requires a new sewer interceptor to get to it, you are going to be assessed part of the cost of that project because you are the primary beneficiary of it.

**Council Member Warren** asked what is involved in obtaining an All-American City status.

**Ms. Sexton** advised it is a very prestigious award that is given out to several cities every year throughout the United States. The city organization itself has to put a lot of effort into the application process. What is great about it is that they tell you up front the types of things you have to do to get the award. One of the things that is needed is community based interaction with government, as opposed to, sort of a stale community that doesn’t have feedback, back and

forth. An example for us would be when we ask a question on the website and people give us their feedback. When the city creates a youth advisory board, for example, we are showing that interaction with the youth and caring about all people who live in the community. Most of the decisions made by the council don't affect the community right now; they affect it in 20 years, that is why it makes sense to include youth. There are things we know we can do to get us closer to that day when we are ready to apply for that award. This is what she would consider a 3-5 year type of goal that we would work toward every year.

**Mayor Avello** asked about item #16 regarding turnpike exit and highway access, didn't we change that to just signage?

**Ms. Sexton** advised she has not updated that title. We have checked into it enough with the turnpike to know that we are not going to get a new exit, but we are working a project updating the signage that directs people to Derby from the turnpike. She would be happy to change that title.

MOTION: Schwarz moved to approve the Council's new list of priorities. Craig seconded.

VOTE: Craig yea, Meidinger yea, Johnson yea, Warren yea, Schwarz yea, Bannon yea, Staats yea, Arnold yea, 8 yea, 0 nay, 0 absent, motion carried.

EXECUTIVE SESSION:

MOTION: Schwarz moved to recess to Executive Session at 7:59 p.m. for 30 minutes to consider matters privileged in the attorney, client relationship. Seconded by Meidinger.

VOTE: Craig yea, Meidinger yea, Johnson yea, Warren yea, Schwarz yea, Bannon yea, Staats yea, Arnold yea, 8 yea, 0 nay, 0 absent, motion carried.

The council returned at 8:29 p.m. and:

MOTION: Schwarz moved to extend the Executive Session for an additional 30 minutes.

The council returned at 8:51 p.m. and Council Member Schwarz stated that no binding action was taken.

Council recessed 8:51 p.m. to 9:00 p.m.

**ADULT HOTEL  
ORDINANCE**

**Phil Alexander**, City Attorney presented the staff report.

**Background:**

- At its April 24, 2007 meeting, the City Council reviewed and deferred action on this proposed ordinance regulating business that qualify as “adult hotels”.
- The Council expressed concern about the need for and timeliness of the proposed ordinance as well as inquiring whether or to what extent it would impact “conventional” hotels and motels.
- Adult hotels are defined as those in which a substantial portion of the material presented over image-producing devices emphasizes sexual activities or specified anatomical area.
- The proposed ordinance:
  - References findings made by the Council prior to adoption of the adult entertainment ordinance (no. 1881) with respect to the adverse secondary effects of adult entertainment.
  - Requires that regulated businesses be licensed and imposes licensure fees.
  - Provides that a license may not be issued to anyone who is under age 18 or has a conviction for a felony or morals charge within 5 years.
  - Requires that licensed establishments be more than 750 feet from a church, school, residential dwelling, park, or another adult entertainment establishment.
  - Provides for punishment of violators by suspension or revocation of the license and fine or imprisonment upon conviction by the municipal court.

**Financial Considerations**

- No immediate financial impact is anticipated.
- Because there are currently no businesses operating in Derby that would be affected by this ordinance, the proposed ordinance will neither generate revenue nor trigger any immediate requirement for enforcement efforts.

**Legal Considerations**

- Adoption of the findings made by the Council with respect to adult entertainment generally makes clear the Council’s intent to regulate the effects of adult hotels rather than any expressive quality such activity might have.
- Regulating adult hotels in the manner proposed is a legitimate exercise of the City’s police power.
- An “adult hotel” is one in which a “substantial or significant” portion of the material presented over image-producing devices in individual guest rooms that are occupied by guests, emphasizes depictions or descriptions of “Specified Sexual Activities” or “Specified Anatomical Areas”.
  - This definition of “adult hotel” included in the proposed ordinance is in common use in other jurisdictions and has been determined to be the most practical for enforcement.
  - Conventional hotels and motels often offer some adult programming but will not fall within the definition of “adult hotel” for purposes of this ordinance.
- Council members have personally reviewed the results of this research and may reasonably conclude that without adequate regulation of such businesses, Derby would experience similar results.
- The proposed ordinance will alert prospective licensees to the nature and extent of applicable regulations before operations are commenced and provide a powerful tool for policing illegal operations.

ORDINANCE NO.1894

AN ORDINANCE REGULATING ADULT HOTELS OPERATING WITHIN THE CITY OF DERBY, KANSAS.

DISCUSSION:

**Council Member Warren** thanked Mr. Alexander and staff for the work put into this, as well as Mr. Tice. This is dealing with something hopefully way in the future, but if we have learned anything, it is better to be proactive rather than reactive.

MOTION: Warren moved to adopt ordinance regulating adult hotels located or operating within the City of Derby. Meidinger seconded.

VOTE: Craig yea, Meidinger yea, Johnson yea, Warren yea, Schwarz yea, Bannon yea, Staats yea, Arnold yea, 8 yea, 0 nay, 0 absent, motion carried.

**BIDS FOR STONE  
CREEK COMMERCIAL  
3<sup>RD</sup> ADDITION – STREET  
PAVING & SIDEWALK  
IMPROVEMENTS**

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

**Background:**

- A bid opening for the construction of Street Paving and Sidewalk Improvements to serve Stone Creek Commercial 3<sup>rd</sup> Addition was conducted on Tuesday, June 12, 2007 at 2 p.m.
- A solicitation for bids was submitted to contractors after advertisement in the appropriate publications.
- The following bids were received by the City Engineer’s office and witnessed by the City Clerk:

Lafarge North America	\$124,606.50
Cornejo & Sons, Inc.	\$113,932.94
Engineer’s Estimate	\$123,911.25

**Financial Considerations:**

- Funds for the construction work are included in the 2007-1 temporary note issue.
- Costs for the Street Paving and Sidewalk Improvements will be paid 100% by the benefit district and none by the City-at-Large.
- Special Assessments will be spread against the benefit district properties over a 15-year period.

**Legal Considerations:**

- The City followed all applicable procedures in soliciting and evaluating bids for the project.

**Policy Considerations:**

- Cornejo & Sons, Inc. has completed several projects in Derby and has submitted all required bonds and financial sureties for the project.
- Upon approval of the bid, staff will prepare the required contract documents.

DISCUSSION:

**Council Member Bannon** advised she has always known LaFarge to be a concrete supplier and questioned when they became a contractor.

**Mr. Squires** explained that LaFarge purchased Richie and R-Con.

MOTION: Bannon moved to approve the bid of Cornejo & Sons, Inc. in the total amount of \$113,932.94 for the construction of Street Paving and Sidewalk Improvements to serve Stone Creek Commercial 3<sup>rd</sup> Addition. Schwarz seconded.

VOTE: Craig yea, Meidinger yea, Johnson yea, Warren yea, Schwarz yea, Bannon yea, Staats yea, Arnold yea, 8 yea, 0 nay, 0 absent, motion carried.

**APPROVAL OF REVISED  
MUTUAL AID  
AGREEMENT BETWEEN  
MULVANE & DERBY**

**Brad Smith**, Fire Chief presented the staff report.

**Background:**

- The Cities of Derby and Mulvane have long enjoyed a relationship of mutual cooperation to provide both with additional resources for fire protection and disaster responses.
- The current mutual aid agreement is outdated and requires the incorporation of language that reflects the use of the National Incident Management System.
- Like the previous agreement, this agreement will be on-going unless discontinued in writing by one of the parties involved.
- In the past 3 years, Derby Fire has responded to Mulvane twice to assist with emergencies while Mulvane has not been requested to assist Derby.

**Legal Considerations:**

- The proposed agreement describes the circumstances under which either party will respond to an emergency in the other’s jurisdiction and provides the legal basis for such response.

**Policy Considerations:**

- Mutual assistance among neighboring municipalities allows participants to make maximum use of available emergency response resources.

MOTION: Warren moved to approve the mutual aid agreement and authorize the Mayor to sign the agreement in substantially the form presented. Craig seconded.

VOTE: Craig yea, Meidinger yea, Johnson yea, Warren yea, Schwarz yea, Bannon yea, Staats yea, Arnold yea, 8 yea, 0 nay, 0 absent, motion carried.

**CREATING A YOUTH  
ADVISORY BOARD**

**Mandy Wagner**, Assistant to the City Manager presented the staff report.

**Background:**

- Through its strategic goal of attaining the All-American City Award, the City Council has prioritized Derby youth. While involving youth and addressing their needs are critical to the City being competitive for the All-American City Award – a prestigious designation – it also insures inclusive leadership and decision-making for the Derby community.
- “Prioritizing youth” means representing the youth voice in the Council’s decision-making process, a willingness to seek out and act on issues affecting youth, and empowering peer-to-peer innovation in addressing youth issues.

**Discussion:**

- During May 2007, the City convened a visioning team of high school students. The students were asked to brainstorm ways to best represent the youth voice in City affairs.
- The recommendation put forth by the visioning team was to create a Youth Advisory Board (YAB) whose formal incorporation as an advisory arm of the City Council would ensure attention to youth issues and the participation of youth in addressing those issues.
- The visioning team recommended that the mission of the YAB should be to respond to issues directed to the Board by the Council as well as alerting the Council to issues affecting youth that warrant addressing. The visioning team also recommended that the mission of the YAB should include a service element, perhaps an annual service project or initiative undertaken by the YAB, so that YAB youth leaders would have an active stake in improving the Derby community for all young people.
- The attached ordinance creates a Youth Advisory Board and prescribes its structure and functions.

**Financial Considerations:**

- It’s estimated that a Youth Advisory Board will need approximately \$300 annually to cover snacks, supplies, and other incidentals. Anticipating this, staff has accounted for the impact in the recommended FY 2008 budget

**Legal Considerations:**

- A Youth Advisory Board will be vested with the same scope of powers and responsibilities as those possessed by other entities that serve in an advisory capacity to the City Council.
- The four class presidents will be ex officio members of the Board (by virtue of their positions) with full ability to participate in discussions and vote. All other members will be appointed by the Mayor on the approval of the City Council following an open and competitive application process.

**Policy Considerations:**

- The student visioning team recommended a board of twelve positions according to the following criteria:
  - Positions should consist of the presidents of the freshmen, sophomore, junior and senior classes; one member of Student Council; one DECA member; one Youth Leadership Council member; one student athlete; two members representing other student organizations; and two members appointed at-large.
  - YAB members should be enrolled in Derby High School and residents of USD 260.
- In creating a Youth Advisory Board, the City gains the benefit of the youth perspective in its policy-setting and decision-making processes.
- Investing in the youth affirms for all young people in the Derby community that their needs matter, their opinions matter, and their involvement matters.

- A YAB is an opportunity for the City to make local government transparent and understandable to youths through an up-close experience with its affairs and operations.
- A YAB gives youths a prestigious opportunity for leadership, increasing their competitiveness for educational and professional opportunities in the future.
- Supplementing civics education with civics experience may ignite a desire in the youths to pursue elected leadership or professional careers in local government (or state or federal government).
- The Ordinance Review Advisory Board reviewed this matter at its June 19, 2007 meeting and unanimously voted its endorsement of the ordinance to create a Youth Advisory Board.
- Dr. Sherwood, principal of Derby High School, has pledged her support and that of staff in recruiting student participants as well as providing meeting space and other accommodations.

ORDINANCE NO. 1895

AN ORDINANCE CREATING A YOUTH ADVISORY BOARD AND PRESCRIBING ITS COMPOSITION AND FUNCTIONS.

DISCUSSION:

**Council Member Bannon** advised many years ago she was involved in a youth political organization in Haysville and they actually effected some change in the community and helped make some improvements. She applauded Ms. Wagner's efforts and involvement with not only this youth group, but also the others she is involved in within the city. The youth are our future leaders that will run this community and it is very important to make them part of this process.

MOTION: Bannon moved to adopt the ordinance creating a Youth Advisory Board. Meidinger seconded.

**Council Member Warren** commented that last year when he attended the National League of Cities, one of the highlights was at the closing session luncheon they encountered a number of youth that were very sharp and excited about being involved. The issues with middle school and home school, his opinion on middle school kids is that there is definitely a maturing situation there and he challenges the new body to figure out a way to involve them without necessarily making them members of the board. Regarding home school, that would be a good first project to figure out how they are going to incorporate them.

VOTE: Craig yea, Meidinger yea, Johnson yea, Warren yea, Schwarz yea, Bannon yea, Staats yea, Arnold yea, 8 yea, 0 nay, 0 absent, motion carried.

**REAP WATER  
RESOURCES  
COMMITTEE**

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

**Background:**

- On October 26, 2004, the Derby City Council voted to participate in the South Central Water Coalition. The Coalition's purpose was to help local governments in the REAP (Regional Economic Area Partnership) region to collaborate on common issues related to long-term water supply and quality. The Council authorized \$2,500 in annual dues

and appointed Dion Avello, Ken Mulanax, Phil Alexander, and Mark Schroeder to represent the City.

- Since then, the Water Coalition has actively met, held a Water Conference in Hesston, collected data and developed a regional water plan, and led collaborative efforts on regional issues of water quality and supply. Coalition members also determined the progress was necessarily slower than desired due to the absence of professional staff.
- In 2006, the Council replaced its appointments of Dion Avello and Ken Mulanax with Loren Johnson and Jim Craig. Late in 2006, the Coalition decided the time was right to hire a director, so budget estimates were developed.
- In early 2007, the issue was discussed at several REAP meetings, and a decision was made to incorporate the Coalition into REAP as the REAP Water Resources Committee for the purposes of reduced cost and taking advantage of REAP's good reputation with legislators.

#### **Financial Considerations:**

- An annual assessment of \$4,000 from the City of Derby is requested to fund the staffing and support costs for the REAP Water Resources Committee for the first year (July 1, 2007-June 30, 2008).
- Since the REAP organization operates on a fiscal year beginning July 1, and cities operate on a fiscal year beginning January 1, payment of \$2,000 is also requested to cover the period July 1, 2008 to December 31, 2008. Thereafter, annual dues of \$4,000 would be budgeted.

#### **Legal Considerations:**

- Although the South Central Kansas Water Coalition has been consolidated as a standing committee of REAP, it will continue to be funded separately to assure participants that contributions are used for the purposes intended.

#### **Policy Considerations:**

- Local governments have historically treated water supply and quality as local issues.
- The diminishing supply of readily available, high quality water militates in favor of a regional approach.
- This regional organization will be the primary advocate for water quality and supply to serve South Central Kansas. Derby's participation ensures that we are part of the solution in terms of dealing with state water regulators and provides a vehicle for Derby to exert leadership in this arena regionally.

#### DISCUSSION:

**Council Member Meidinger** asked why there aren't any rural water districts involved.

**Ms. Sexton** advised she did not know, she will have to check into that.

**Council Member Meidinger** stated he thinks we should pay this, but it should be based on the amount of water that the city of Derby actually pumps out of our water wells and uses.

**Council Member Warren** asked for an explanation of that comment.

**Council Member Meidinger** advised that we have this asset that we are not using and now we are being taxed on water that we are not pumping out of the ground, that does not make sense to him.

**Council Member Warren** stated he does not look at it as a tax.

**Council Member Meidinger** asked if it was free money.

**Council Member Warren** responded that you belong to an organization that looks at issues that affect the city as it deals with water and we need to pay a share of that. It has nothing to do with how much water I drink or how much water I pump, that is ridiculous.

**Ms. Sexton** explained the assessment is based on population, all of the various cities pay different amounts, and certainly Wichita would pay the largest amount, as it has the largest population base in the south central Kansas region. The mission of the group for the coming couple of years is to serve as a regional voice, further develop this regional water plan, and deal with quality and quantity issues. They are looking at the 20-30 year horizon where it is becoming more common knowledge that a lot of municipal water systems don't have plans for more than 20-30 years and there are a lot of changes happening. It is hard to believe now that the rivers are full, but it was not hard to believe last summer when the City of Salina had severe water restrictions, as did Russell and a couple of others. Salina is a 40,000 population community and their river was dry and they had serious problems. She thinks there is becoming a more widespread understanding that we are all in this together or we are all in serious trouble.

**Mayor Avello** added that the other intent of this is to have one voice rather than scattered voices all over the place, which accomplishes nothing.

MOTION: Warren moved to approve the City of Derby's participation in the REAP Water Resources Committee for an annual assessment of \$4,000 per year. Schwarz seconded.

**Council Member Craig** commented that based upon previous studies involving water; there were various voices that expressed opinions on how we should look to the future for sources of water. This is a buy in of the city to look for the long range plan that will be successful for Wichita and the surrounding communities. It is not something that is going to be solved today and it might take 20 years to solve this, to provide water for this area, but it will come to that. Salina and Hays are prime examples of not taking proactive action, long term; you can be in trouble in a real short period of time. He endorses this only to bring those fractured elements together so they can at least be one voice to try and solve this resource that will be quite critical in the future.

VOTE: Craig yea, Meidinger yea, Johnson yea, Warren yea, Schwarz yea, Bannon yea, Staats yea, Arnold yea, 8 yea, 0 nay, 0 absent, motion carried.

## **CONSENT AGENDA**

**Kathy Sexton**, City Manager presented the consent agenda.

### **Derby Golf and Country Club Fireworks Display**

#### **Background:**

- Lindsey Management/Derby Golf and Country Club is requesting permission to exhibit a fireworks display for its members and residents.
- This event will take place on July 3, 2007.
- Display will be limited to 6" mortars.
- Stellar Fireworks will be the display operators and have provided the necessary documentation as required by Derby Fire Code.
- City Ordinance Title 8.16 requires approval by Council for this display.

#### **Legal Considerations:**

- As required by the Derby Municipal Code, the pyrotechnic operator has provided proof of the following:
  - Kansas State Fire Marshal's license to be a Fireworks Display Operator in the State of Kansas;
  - Certificate of Liability Insurance; and
  - Map of the area detailing the location of displays.

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

VOTE: Craig yea, Meidinger yea, Johnson yea, Warren yea, Schwarz yea, Bannon yea, Staats yea, Arnold yea, 8 yea, 0 nay, 0 absent, motion carried.

**Mayor Avello** commented that we had 3,000 kids here last week and he was impressed at several eating establishments where he encountered some of the kids, they were well mannered, very nice, well spoken, well dressed. He questioned if we had any problems that we don't know about.

**Ms. Sexton** advised she had not heard of any problems. She has talked with quite a number of people in the community who were recognizing the students out on the street as they were walking between schools and to restaurants. If you were trying to eat in a restaurant on Monday or Tuesday you might have been like her and stopped by about 3 before you found one you could get through the line fast enough. It was a great thing for the community, good press on the situation and reached a lot from all over the country. She talked to a lot of business owners who said the kids coming in had commented on how much they liked Derby, there was success all around.

ADJOURNMENT:

MOTION: Bannon moved to adjourn at 9:30 p.m. Meidinger seconded.

VOTE: Craig yea, Meidinger yea, Johnson yea, Warren yea, Schwarz yea, Bannon yea, Staats yea, Arnold yea, 8 yea, 0 nay, 0 absent, motion carried.

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Dion P. Avello, Mayor

ATTEST:

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Jean Epperson, City Clerk