

**APPROVED
REGULAR COUNCIL MEETING
May 8, 2007
7:05 PM**

Mayor Dion Avello presiding.

ROLL CALL:

WARD I
WARD II
WARD III
WARD IV

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT:

WARD II

Loren Johnson

Flag salute was led by Council President Charlie Schwarz.

The invocation was led by Greg Perkins.

**CONSIDERATION OF
MINUTES**

Minutes of the April 24, 2007, Regular Council Meeting.

MOTION: Schwarz moved to approve minutes of April 24, 2007 Regular Council Meeting. Craig seconded.

VOTE: Craig yea, Meidinger yea, Johnson absent, Warren yea Schwarz yea, Bannon yea, Staats yea, Arnold yea, 7 yea, 0 nay, 1 absent, motion carried.

PUBLIC FORUM

Greg Perkins, 1254 Sunset Drive, representing Community Fireworks Display Committee. The committee for this annual event has traditionally been a community based one that functioned through the contributions of businesses and private citizens, but as many of you are aware this event is now being publicly funded through a portion of the fireworks vendor licenses paid to the city. This year the committee is being brought under the city's official supervision and they have been tasked with rekindling community interest and participation in this family friendly event. The committee consists of Victoria French, who has been a driving force for this committee for many years and has provided great continuity in their efforts to revitalize this event. In addition, the members are Mandy Wagner, Assistant to the City Manager, Councilman Chuck Warren, Ron Wolf, Jennifer Ramsey, Kathleen Avitt, and himself. In the face of

dwindling participation in recent years at the 4th of July stadium event, there was actually consideration of discontinuing the event all together and maybe pursuing other efforts and funneling those funds towards other projects for fireworks at other events. It was only considered that way for a moment because as we considered that thought, the fireworks display for the 4th of July has become a part of the fabric and tradition of our community. With this in mind we are reaffirming our commitment to this family friendly event by moving it to High Park with an old fashioned theme that would also call attention to the efforts of the Derby Historical Museum to preserve our rich community heritage. Families will be encouraged to picnic in the park in the late afternoon and stay for the events of the evening. The highlight of the evening is the fireworks in the park at nightfall, but leading up to that grand finale there will be a number of family friendly activities that they are hoping will entertain those in attendance. The program will officially begin at 8:00 p.m. with plans for an ice cream social, a local celebrity pie eating contest, a hot dog eating contest, as well as a kids bike parade, which encourages kids of all ages to decorate their bikes in a patriotic theme and show them off in front of family and friends. Other planned activities include a fireworks safety booth, a Derby hero's booth where kids and families can pose for a photograph with our men and women in uniform, the Derby Police Department as well as the Derby Fire Department. The main event of the evening will be a bluegrass band with some contemporary influence, which you will notice by their name, the Fast Food Junkies. As part of the efforts to bring attention to the Derby Historical Museum, they will be encouraging membership throughout the evening. They will be recruiting new members and we are hoping to help them spotlight that. He believes this will be a great event, although parking will be somewhat of an issue, it will be a first come, first served basis. Praise Assembly of God, who owns the adjacent lot has graciously volunteered to let us use their lot for us to park cars for overflow and that will be very close. We are seeking the involvement of businesses to help sponsor some of the events, as well as the churches in the community to be a part of that as well. He also mentioned they are looking for volunteers to assist with parking control, to alleviate some of the responsibility on the police officers, and things of that nature. He invited all those that would like to help to give a committee member a call and he invited the public to be a part of the activities.

Brad Beets, 2212 Horseshoe Cr., chair of the underage drinking committee for the Derby Community Coalition Promoting Healthy Choices. The Coalition held two town hall meetings recently, one in March and one in April to discuss the issue of underage drinking amongst our youth here in the Derby community. There were over 87 individuals involved in discussions at those two town hall meetings, including city leaders, school board members, school administrators, residents, parents and youth. The coalition presented some data on alcohol use by our underage youth in the Derby area as well sharing responses from students regarding a "Communities that Care" student survey that is filled out on an annual basis responding to questions about alcohol use and views of alcohol amongst other youth. They also showed a video based out of Overland Park based on instances that had occurred and student's responses to the questions of underage drinking. Participants were divided into small groups and discussed the problems and contributing factors that people saw in the community regarding underage drinking in Derby. The top vote getters and problem areas were identified as; over consumption, alcohol overdose, drinking and driving, and teen drinking parties. Some contributing factors indicated were parental and adult indifference, tolerance of underage drinking, the code of silence among youth, easy availability of alcohol and greater acceptance of alcohol use other

than other drugs. He noted that a high majority of our youth talked about the lack of alternatives for them after 9:00 p.m. on weekends. Some of the adults didn't quite understand that, but when you realize that kids stay up later than the adults, there probably isn't much going on after 9:00 in the City of Derby. After that the committee had a chance in the last month to look at these issues and see how they are going to attack those and get the community involved. They have two meetings coming up, the first being this coming Thursday night at 7:00 p.m. to talk with the youth leadership council to get some suggestions of alternative things for youth to do in the City of Derby. The second meeting will be June 14th, and there will be a program coordinator from the state alcohol beverage commission to talk about the availability and accessibility of alcohol to youth and to discuss some of the issues that deal with that in the state as well as what they are aware of in our community and how we as a community can be involved and get retailers involved in keeping alcohol away from our young people. The underage drinking committee meets the 2nd Thursday of each month at 7:00 p.m. at Pleasantview Baptist Church and they would love to have the community and community leaders involved in those discussions.

Major Rob Horwitz, McConnell Air Force Base. He advised that the McConnell Air Force Base Open house will be held on July 14-15. This year is a big year for the Air Force in general, it is their 60th anniversary and they plan to showcase the most exciting aircraft that have been used throughout history. He invited everyone in Derby to attend, they are very proud of what they do and want people to come out and see it firsthand. Gates will open at 10:00 a.m., it is free to the public and parking is free. He stated that the Blue Angels will be there this year and there are two seats left if Mayor Avello is interested in one of them. He went on to discuss the other attractions that will be there during the open house.

Council Member Craig asked if there were any chance that the raptor might show up.

Major Horwitz advised there was not a good chance of that happening.

Mayor Avello asked if Major Horwitz knew what time the President was coming to town tomorrow and if Rock Road would be closed.

Major Horwitz advised he did not know, public affairs would be the ones to contact.

Ron Brown, 225 W. Meadowlark, President of Derby Days Board. Derby Days will be held June 1st, 2nd and 3rd at the Derby High School. Some of the highlights will be the parade Friday evening at 6:30 p.m., the kid fest on Saturday from 10-4, musical acts each day, the carnival, which opens on Thursday evening May 30th and runs through June 3rd. There will also be a Derby Days dog show which will offer prizes in many different categories for dogs and their owners. There will also be the business fair, craft fair, and softball and golf tournaments. He thanked the city for their ongoing support and stressed this event would not be able to happen without the city's support. The price, as always, for Derby Days is the nominal \$2.00 button and he encouraged everyone to purchase one as it is their only means of revenue other than contributions. They are looking for volunteers for many different duties ranging from a couple of hours to several days worth of work. There will be a volunteer orientation at the DRC on May 22nd at 7:30 p.m. Buttons will be going on sale next week and will be available at city hall, the

DRC, the Chamber of Commerce and many local banks and retailers as well. New information will be posted soon at www.derbydaysks.com.

Mandy Wagner, Assistant to the City Manager introduced Kassidy English and Ashley Keller from the Derby schools 6th grade center. They are representing the Future Problem Solvers, a critical thinking activity, challenging the critical thinking of young minds. The Derby teams have won 1st, 2nd, 3rd and 4th places at the recent regional tournament. This is celebration enough, but also means they get to go to the international tournament in Ft. Collins, Co. at the end of May. Teams were requested to bring along items from their home towns and home states to swap with other teams. Kassidy and Ashley were presented with several Derby items to take on their trip.

Gary Read, 1136 Armstrong Ct., representing the Library Board. He advised that tonight the city council has the opportunity to approve, and send to the voters a plan to finance a new library for the city of Derby. The proposal before the council tonight is the culmination of the efforts of the design committee, library trustees, the library staff, the Gossen Livingston Architect Firm, and the many citizens who provided input regarding the need for and the design of a new library. These people represent an excellent cross section of the community. The library trustees believe the structure recommended by the design committee is well conceived, appropriate to the needs of this community and affordable. It is a very functional building with ample room for later expansion, which should serve our library needs well for the next 25 years. The proposed library is not a "pie in the sky" structure. It was designed as a realistic solution to the current library's critical need for space. When the library vacates its existing building there will be much needed room for expansion by the city's senior center and administrative staff. We believe that financing the new library with a 1/2% sales tax is an excellent plan. Historically about 36% of the library's users do not live in Derby, a sales tax will spread some of the cost of a new library to these users. Since Derby is becoming a regional shopping area, a substantial portion of the sales tax revenue will come from out of town shoppers rather than solely from the tax payers of Derby. As you know, the sales tax has worked very well for Rock River Rapids and we think it will work equally well for a new library. While some people may think the proposed structure is too costly, the reality is that it will cost tax payers substantially more over the long run to build a smaller structure now and then expand it later. We believe this project should be done right the first time, rather than have to face the issue of too little room, again, in a few years. In fact, the design committee considered a smaller structure but unanimously rejected it because it was deemed inadequate. In 2002 when the voters of Derby approved the existing sales tax, they also approved the construction, at a cost not to exceed \$7 million, of what became Rock River Rapids; a facility that is open only during the summer months of each year. Spending \$10 million, 5 years later for a new library seems like a reasonable amount to pay for the only public building in the city that is open to all ages, without charge, year round. The size of the proposed library is based on the standards, published by the state library of Kansas, the agency responsible for library development in the state. These standards were formulated by a committee appointed by the State Library Advisory Commission, who reviewed public library standards from across the nation in developing the Kansas standards. The proposed library meets these standards based on the current and projected populations of the city. The library trustees concur with the library design committee's recommendation that the size of the proposed structure is essential for the current and future needs of the library. The library trustees feel very strongly that the

Tanglewood site is the preferred location for a new library. It is already owned by and readily available from the Derby school district and it does not involve taking any property off of the tax rolls. We also believe that a new library should be a free standing structure that is designed as a library from the start, not a makeover of an existing structure. The trustees want to build a structure that this community will be proud of, that will be a popular gathering place for years to come and a destination point similar to what Rock River Rapids has become in the summer time. We urge you to listen carefully to the combined wisdom of the design committee, the architect firm and all the other people who participated in developing the proposal before you. We strongly encourage you to approve an appropriate ballot question this evening and send the proposal for a new library to the voters for their consideration this fall.

Council Member Bannon announced that the three weekends leading up to July 4th there will be concerts at High Park. They are free to the public and there will be vendors selling food. The first night is country, the second night is rock and roll and the third night is blues. Bring your lawn chairs and your blankets, it starts at 7:30 and a good time will be had by all. There is a lot to do in town with something going on throughout the summer, make use of what is available.

Kathy Sexton, City Manager, pointed out that Derby is on the front page of the Kansas Government Journal, with an article written by Mandy Wagner as the feature article regarding Derby being a city of the second class. She also mentioned that she and council member Staats went to Topeka on Saturday to attend an informational meeting put on by the Kansas League of Municipalities regarding home rule, open meeting act, municipal finance, etc. Finally, the school district will be hosting the national forensic league tournament June 18-21. They are looking for volunteers and we are very supportive of this program being here and the Derby and Wichita area receiving national attention from this tournament. They are looking for judges and other people to help and she encouraged people to sign up, they need a lot of volunteers.

Mayor Avello advised it has been a rough weekend for the state of Kansas. Sunday, he got really concerned about the weather around 11:00 and his first impulse was to call Ms. Sexton and make sure all our people were in place and ready to go if anything happened. She told him the spotters were already out and everybody was in place. He knows there is nothing you can do while a tornado is going on, but he wants everyone to know we were there and ready to go. He called Mr. Schwarz who was at church and gave him the message because he had to leave town. He is really proud of our staff; that has always been his biggest concern; are we ready to do something if we have a disaster.

Ms. Sexton explained it has been a year of preparedness. We have had in this past year, two disaster drills for city staff to learn to work together and learn how each other does things. It is different in different communities and we have several new members of the leadership team here so we have made that a priority. Fire Chief Brad Smith has taken the lead on preparing us in that regard and certainly many people have had a hand in things and will continue to. She has no doubt that when something happens, our public safety professionals are on top of it, but as we all learned with Greensburg this week it is a lot more than just the public safety professionals. We have a manual that is our emergency operations plan and we are in the process of updating that. All the senior staff are working on different chapters, and we will bring it to the council for review and approval, probably in a couple of months. We are updating some of the procedures

that were last updated more than five years ago, so things need to change and we all have to get familiar with that. In addition, the federal government has mandated some training for many local governments. Every time we go to training we learn more and become better prepared. We will be making some communications out to the public as well as to how people can get informed, trained and prepared. Essentially, at home, if you don't have a weather radio, go buy one. Radio Shack, as of today still has some, Wal-Mart and Dillon's are restocking right now, but they will be getting more. It is also important to have your kit in the basement, and if you don't have a basement have a good relationship with your neighbor who does have a basement; as that obviously is your best defense. Have your shoes down there, your prescriptions and whatever other necessities you have because you just don't have time to think, let alone grab things when it's time to run down there.

Mayor Avello asked about phone calls being received about helping Greensburg.

Ms. Sexton responded that we appreciate those phone calls. There are lots of ideas in today's Wichita Eagle as well as on television about how to get involved or donate funds. The City of Derby is not collecting cash; we would love it if people would donate to the charity of their choice. Those folks have disaster assistance functions and they will funnel the money to the people in need. When we have a disaster of this magnitude, a community that does not have a city hall, fire station, police station, cars, we are, as a city organization in communication with our peers. The police department got a call for some officers so they are figuring out logistics of when and how we can send a couple of officers out to help. From a city management prospective, there is a list of city managers around the state and it has been very active and they have all been sharing information, sharing equipment, ideas, etc. There will be a need for months in terms of staff going back and forth. Sedgwick County and Wichita have already been on scene, but the immediate need is helped by the National Guard, FEMA, etc. Once they get things cleaned up, they will be gone and that is when their neighbors here in Kansas can be of more help because they will have to rebuild and we will help them any way we can. There are many cities around the state figuring out what they can send, whether it's staff, cars, equipment, etc.

Council Member Schwarz stated that he had recently spoken with an individual that writes insurance policies and part of the tragedy you are going to see in Greensburg is that a lot of the homeowners are going to find that their homeowners insurance was written on cost, which is depreciated out over a series of years, rather than replacement costs. What the insurance agent indicated to him is that what they found in Haysville was that there were a lot of policies written there based on cost, not on replacement cost. One of the stories that was the saddest was someone that lost their house and all their possessions and received \$1,500 insurance payment. He encouraged everyone to look at that, get it updated, discuss with your insurance agent exactly what is in your policy. That really hit home because about 4 weeks ago his sump pump broke and fortunately he had an insurance agent, many years ago, talk to him about the higher level of coverage for sump pump failure.

Council Member Craig pointed out there are two public shelters in town, one is fire station #2 on Rock Road and the other one is Pleasantview Baptist Church on Buckner Street. The fire station is open 24/7, however Pleasantview is not; there will be sign on Buckner indicating when

it is open. For those that have shelters, pay attention, sometimes the storms are way up north or west, but they are obligated to operate the sirens on a county basis.

**RESOLUTION
AUTHORIZING THE
SALE OF \$5,020,000 IN
TEMPORARY NOTES
SERIES 2007-1**

Jean Epperson, Director of Finance presented the staff report.

Greg Vahrenberg, Piper Jaffrey explained the action in the resolution, authorizing them to move forward with the sale of the temporary notes.

Background:

- The City Council has previously taken action which authorized via resolution a number of internal improvement projects following petitions submitted by developers and property owners.
- The purpose of this temporary note sale is to provide interim financing during the construction of the authorized projects. The permanent financing (GO) bonds, along with the special assessment process, would be expected to take place during the fall of 2008, toward a December 1, 2008 general obligation issue.
- The improvement projects are in the various subdivisions throughout the city, along with the reconstruction of Rock Road, and involve the following improvements:

<u>Project</u>	<u>Res. No.</u>	<u>Project Costs</u>
Stone Creek Commercial, 3rd Addition:		
Sanitary Sewer	2-2007	\$ 82,428
Water line	3-2007	85,004
Sidewalk	4-2007	15,455
Street	5-2007	234,404
Oaks Addition, Phase XIB		
Sanitary Sewer	51-2003	90,014
Springcreek Plaza Addition		
Water line	33-2007	22,324
Anderson Farm Commercial		
Phase I Sanitary Sewer	34-2007	80,710
Derby Marketplace Addition		
Sanitary Sewer	27-2007	133,945
Waterline	31-2007	255,870
Water Main	32-2007	133,945
Street	28-2007	343,449
Drainage	25-2007	<u>154,552</u>

Total Miscellaneous Projects \$1,633,100

Rock Road Reconstruction:

The Oaks, Phase XV		
5' Sidewalk	64-2003	127,281
Decel Lane	67-2003	156,484
Center Turn Lane	71-2003	111,924
The Oaks, Phase XV and Derby Marketplace		
Traffic Signal	30-2007	148,406

Rock Road Reconstruction continued:

Mac's Corner Commercial 2 nd Addition		
Decel Lane	52-2002	46,965
5' Sidewalk	53-2002	8,050
Mac's Corner Commercial Addition		
5' Sidewalk	12-1998	5,370
Kwik Shop 2 nd Addition		
Decel Lane	35-2004	85,382
Derby Downs Addition		
Decel Lane/Left Turn	2-1998	184,579
Derby Marketplace Addition		
Decel Lane & Major Entrance	24-2007	103,681
Rock Road Reconstruction	18-2006	<u>2,408,778</u>
(City-at-large)		
Total Rock Road Reconstruction		\$3,386,900

- The reconstruction of Rock Road will be paid for primarily by the city-at-large along with special assessments to the benefiting properties along Rock Road.

Financial Considerations:

- Included in the project costs detailed above are costs of issuance and underwriter's discount, along with rounding the size of the issue, of approximately \$50,000.
- The resolutions related to subdivisions above call for 100% of the cost to be paid by the benefit districts with no cost to the city-at-large, with the exception three resolutions. Resolution No. 28-2007 provides for Tall Tree, a collector street in the Derby Marketplace and calls for the city-at-large to pay for 14.80% of the cost or approximately \$50,830. Resolution 64-2003 provides for 5-foot sidewalk on the west side of Rock Road and calls for the city-at-large to pay 37% of the costs or approximately \$47,094. Resolution 30-2007 provides for a traffic signal at Rock Road and Tall Tree and calls for the city-at-large to pay 60% of the cost or approximately \$89,044.
- The estimated costs to be borne by the city-at large involved in this temporary note total \$2,595,746.
- Bids will be solicited for the notes and presented at the regular City Council meeting to be held on May 22nd.

Legal Considerations:

- The notes are being issued pursuant to and in full compliance with the Constitution and statutes of the State of Kansas. Local resolutions, ordinances and policies have been adhered to.
- The resolution provides for the approval of the Preliminary Official Statement in substantially the form presented, which outlines the details of the offering to prospective buyers of the notes.

RESOLUTION NO. 42-2007

RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF TEMPORARY NOTES, SERIES 2007-1, OF THE CITY OF DERBY, KANSAS.

DISCUSSION:

Council Member Bannon asked what the interest rate was running on something like this right now.

Mr. Vahrenberg stated that the tax exempt interest rates for short term temporary notes are higher today then where they were 2 years ago. We think about those very low investment rates of 1-2%, we were selling temporary notes at about that rate as well. Right now we would expect the interest rate to be somewhere around 3.75%, it is going to be higher then where we were two years ago, but it is about 15-20 basis points, maybe almost ¼% lower than where we were at the beginning of the year. In addition, the Federal Reserve is meeting today and tomorrow and they will announce their actions on interest rates and their action impacts short term interest rates. We don't expect any change in the rates but the wording of their statement, of if they do in fact change rates, that could impact the rate on the temporary notes.

MOTION: Schwarz moved to approve a Resolution authorizing the sale of temporary notes in the amount of \$5,020,000. Warren seconded.

VOTE: Craig yea, Meidinger yea, Johnson absent, Warren yea Schwarz yea, Bannon yea, Staats yea, Arnold yea, 7 yea, 0 nay, 1 absent, motion carried.

**LIBRARY PROJECT
UPDATE**

Kathy Sexton, City Manager presented the staff report.

Background:

- On March 27, the Council heard a presentation about the design concept for building a new library (36,620 square-feet) and several options for financing construction and the increased operating costs of a larger facility. The Council directed staff to return in approximately one month with draft language for ballot questions for options A and B.
- Option A is for a half-cent sales tax for 10 years, beginning in 2010 after the aquatic park sales tax ends. Option B is for 0.35 cent sales tax for 10 years for the building project and 0.15 cent sales tax for an indefinite period of time for operating and maintenance costs.
- For planning purposes, the architect's project cost estimate of \$8.5 million in 2007 was inflated to \$9.0 million for construction that would realistically occur primarily in 2009, and \$500,000 was estimated for renovating the current library and HVAC system into space usable for the Derby Senior Activity Center, a shared community room, and City Hall office/storage space in 2010. Complete renovation will require more than this estimate, and at this point, grants are anticipated to make up the difference.

Financial Considerations:

- Four questions were posed on March 27 for Council consideration: How much do we want to spend? Where is the money coming from? What financing mechanisms are available to us? Who will make decisions about which taxing source and which financing mechanism to use?
- First, how much do we want to spend?
 - Project costs total \$10.5 million, including \$9.0 million for design, construction, site improvements, project management, and contingency; \$500,000 for renovation of existing space; \$800,000 for interim financing costs; and \$200,000 for issuance expenses of attorney fees, underwriting fees, and the like.
 - The Library Design Committee determined the needs and desires of the community for a new library and developed a design concept with the assistance of the architects. This size of library is recommended by the Design Committee as well as the Library Board. However, it remains the Council's decision as to how much to spend.
 - The additional operating costs projected for the first full year of operations is estimated to be around \$320,000.
- Second, where is the money coming from?
 - Options currently on the table include:
 - A. Sales tax (0.50 cent for 10 years) for new library, renovation of current building, and an operating reserve for the library.
 - B. Sales tax (0.35 cent for 10 years) for new library & renovation of current building, and a permanent sales tax (0.15 cent) for additional operating expenses.
- Third, what financing mechanisms are available?
 - General Obligation bonds – G.O. bonds are the best mechanism to provide the cash up front to pay project expenses. These bonds are backed by the taxing authority of the City. Revenue from the sales tax would repay the bonds over time. State law requires an election by the voters to issue G.O. bonds for a library, and the proposed ballot language fulfills this requirement.
 - Temporary Notes would also be used to finance construction in either late 2008 or early 2009. These notes would be repaid when the G.O. bonds are issued in 2010.
- Lastly, who will make decisions about which taxing source and which financing mechanism to use?
 - City Council – The Council decides the extent to which it is interested in pursuing a new library project and the wording of any question to put before the voters for election. It also decides the timing and format of an election. After consultation with the Election Commissioner, the proposed date for a special election is Tuesday, October 16, 2007, plus several days for advance voting. The cost to the City would be approximately \$5,000.
 - Other options include a mail ballot election, which would cost the City approximately \$10,000, or an election on August 7, 2007 when the County holds an election on the casino gambling issue, which would not cost the City anything since that election is already planned for County purposes.
 - Voters of Derby – The voters of Derby would ultimately decide through an election whether a library project is pursued.

Legal Considerations:

- A special purpose sales tax would be limited to 10 years under current state law.
- A general sales tax to fund operating expenses is not time-limited, although our bond counsel advises that such a tax cannot be specified in the ballot language for use only for library expenses. It can be designated by the City Council for a specific use.

Policy Considerations:

- A decision on location is not required for purposes of the ballot language. The location currently being considered for the new library is a portion of the lot currently owned by Derby Public Schools at the corner of Walnut Grove and Sumac streets, just east of Tanglewood Elementary School. The City is working with the school district to develop terms of an agreement to transfer the land to the City if the library financing is approved.
- According to Judy Bennett, Library Director, the standards for public libraries in Kansas recommend square footage between 12,600 and 21,200 for cities with populations between 10,000 and 25,000. The standards can be summarized as follows:
 - 10,000 – 25,000 population 12,600 – 21,200 sq. ft.
 - 25,000 – 100,000 population 21,200 – 58,000+ sq. ft.
- According to Judy Bennett, the proposed library of 36,620 square feet would serve the community as it reaches a population of 32,000 and beyond.
- The City’s estimated population is currently 20,543. According to the 2005 Comprehensive Plan, the population is expected to reach 25,000 in approximately 2018 and 31,144 in 2030.
- The current library is approximately 9,000 square feet, which is less than the minimum recommended for a population of 10,000.

DISCUSSION:

Mayor Avello asked how close we are to the bonding lid.

Ms. Sexton clarified he was talking about the debt/ratio; she believes we are at about 20%.

Mrs. Epperson stated that the POS that was passed out tonight has a higher percentage, approximately 22%, that is because of the timing. We are borrowing money for the temporary note but we haven’t made our December 1 annual bond principal payment. At the end of the year it will probably go back down to the 20%. One thought we had is, when the money would be borrowed to construct the library, the percentage would increase, but then as the bonds are defeased on the aquatic park you would see a large drop. For a temporary period of time your assessed valuation ratio would be higher, however she does not have what that number would go to.

Council Member Schwarz asked, regarding the sales tax revenue collections, do we have a forecast of Target and Kohl’s in here?

Ms. Sexton responded that they have forecasted the recent developments as best they can at this time.

Council Member Schwarz asked if those were based on a fairly conservative number, or what did we base the Target revenues on?

Mrs. Epperson explained they based both Target and Kohl's on \$75,000 per year. Then they used an average rate of all other between 3-4%, which some might view as conservative because there will probably be a lot of spin off business that will come in but they chose to go with what they see out there now.

Council Member Craig asked if the large businesses, such as Kohl's, Target, Dillon's, gas stations, will they not be the high drivers as far as revenue goes? They are the high drivers now, are they not? He asked for an average of what we are taking in now for the .5% per month that is being realized by the city from the sales tax.

Mrs. Epperson stated it is approximately \$125,000 per month, but she is not sure she understands the full question.

Council Member Craig advised she had answered the question, but he thought he understood that you are only targeting \$75,000 for a total year from Kohl's and Target.

Mrs. Epperson advised that was correct.

Council Member Craig clarified that each one would contribute over a year, \$75,000.

Mrs. Epperson again advised that was correct.

Council Member Bannon stated that everyone knows where she stands on a public library. In this town we have a history of entertainment versus education and resources. We have funded Rock River Rapids very successfully to date via use of a sales tax. We funded a skate park and now we are looking at a library that takes care of people from birth to death as far as literary needs, education, literacy programs, etc. The really sad thing is our library could do so much more if we only had more space, that is one thing she doesn't think anybody realizes. She is a little disappointed to date with the gentleman on the bench; e-mails, phone calls and conversations have just been flying around this town and not one of you have stepped up, although perhaps she has not given them enough time. We are dealing with a library board of people that are appointed volunteers, these people are not mind readers, so any questions or concerns that you have, and she has read some of them, because what the library has heard to her knowledge, to date, are the conversations that took place in the focus groups. They have been receiving comments that all of the council received copies of for the first 10-days to 2 weeks that they were received. She would like to have this conversation opened up a little more, but right before it is, there was an e-mail earlier today that alluded to the fact that they need to get real. The real figure is that this library is not 36,000 sq. ft. 36,000 sq. ft. is the total size of the building. When you add in the community room and the gathering area you are at about 4,500 to 5,000 sq. ft., just for that, that doesn't have anything to do with the library. The library is not costing \$10.5 million. She got off the phone with the architect this afternoon and the library cost is \$8.5 million, that is the hard cost for a library. You put that against the \$6.5 million over at

Rock River Rapids, they are two very different issues. If the only amount this council is willing to spend is \$5-6 million, you are all wasting our time, the library board's time and staff's time. You cannot build a facility, of adequate size for this city on that kind of money. We have \$2 million of "soft costs" built in. The first \$500,000 shouldn't be there in her mind, that is money to remodel the senior center area and administrative staff area. We are lumping it in, so everybody thinks that is part of the library cost. That is not a library cost, it is a cost for that end of the building to be rehabbed, that should come from someplace else. The next \$500,000 that is in there, city staff has added because the architect's cost is based on building right now. Building costs go up, they also go down, but typically up, so the second \$500,000 is in there to send that up. The next cost is, if we want to build it in the next year, keeping in mind our current library is ½ the size it should be for a town of our size. If we want to build it anytime soon we have some interim interest costs, but if you offset that and we don't build this library until Rock River Rapids pays off we are looking at a build time of 2011-2012, building costs will far exceed the \$800,000 interim costs. Then we have the \$200,000 issuance cost of bonds, that one she understands, it is a cost of borrowing. She wants everyone to remember, apples to apples and oranges to oranges and what is at stake. This is not a "we versus them", them is the people we have appointed and charged with this and they don't know what you want until you tell them in a nice friendly manner and say "have you thought about this, let's talk about this", because she can guarantee there is not a member of the library board that doesn't want to see a new library. Would they like to have everything, yes, did they ask for everything, no, she attended those focus meetings Does the \$10.5 million figure scare her? You bet, she thinks it would anybody, but in today's real costs, is it feasible, possibly. Is it possible there are people in the community that think it's the wrong area to spend that much money on a library, maybe, but maybe someone thinks \$2.5 million on Rock Road is too much. These are all decisions we need to think about, but there needs to be communication, that is where everything seems to break down and if anything is breaking down on this one, that is what she would like to see opened up. She would like to hear a discussion this evening, not e-mails or phone calls (it has all been legal, one on one), but it needs to be out in the public, this is a public facility, it is for the community.

Council Member Schwarz stated quite a few years ago he was a citizen and was crazy enough to join a group that looked at a vision. Derby was a much different community then versus now. This presentation was made 30 days after 9/11 and back then we didn't have a golf course or an aquatic park. He got the general impression from a lot of commercial people in Wichita that they did not want to come to Derby; Derby was a dead community economically. We're not going to spend our dollars in Derby; we're going to go somewhere else where it is more productive. Today that environment is totally different; you would not have a Lowe's, Kohl's or a Target unless people came forth to make the effort to sell projects and dreams to this community. A community that invests in itself will flourish; those that don't will die. He thinks we have an opportunity to build a facility that all of us will be proud of and that will fit our needs in the future. We have all had the discussions about a community room, we have no community room, we have a room in the DRC that has tile floors and sound that bounces off every wall. That speaks volumes to him because he has a daughter getting married in a month and no place to have an adequate reception. We put our full faith and credit into this design committee to put forth what they thought our community needed and he will support the design committee in what they put together. The only question he has is the financing issue.

Council Member Warren stated he feels like in many ways he has been vocal in talking with the community about where he stands on this issue. He has brought up the idea of alternative buildings that can be considered. He agrees with Mrs. Bannon that square footage is a key issue in providing a quality program; you have to have a roof over your head. He does not know if the building he has talked about is going to be available and he has had a lot of people say that is not what we want, it does not make the statement that we want to make for our new library, it is too plain, it's too much of a box, we want something that is a little more architecturally pleasing. He understands that and if the community wants to pay for that he has no problem with going down that road. It is a consideration to take a look at, that we can possibly get a lot of square footage for a lot less money and provide programs. His concern is not with the design committee's ideas and what they have come up with; his concern comes from a marketing standpoint. The feedback that he is getting from the community is that they will not support anything that approaches the number that we are putting out there. If he is wrong, he apologizes, but the feedback he is getting is more than the community will go for. He wants to see a quality library pass and he wants to see us get something going, but if we put a number out there that is so large that the community says that we have not done our due diligence and looked at every option to pare this thing down to what we can afford and this thing goes down at the polls, we will set ourselves back 3-5 years and get the reputation outside of the community that we don't care about quality of life issues. He would rather see a number go forward that is a little more marketable to the community that has a chance of passing, rather than one that has got a very strong chance to go down in failure, although he wishes there was another way around that. There are some things Mrs. Bannon talked about that he agrees with; that we funnel all of this and it makes for a big number. If we were to take the community room out of the equation and not build that, it would be a cutback on the square footage, but that is not a part of the essential library, let's cut that out and use the space where the old library was for a community room. That is something that the community would look at and say they have done their due diligence to try to make the best use of existing facilities to save us money and meet our needs. He also agrees that remodeling costs should be taken out of the equation, there are some other ways that we can do that, from a marketing standpoint if we can pull that \$500,000 out of the equation and pare our number down that we take to the voters we have a better chance of getting that sold from that standpoint. He does not know how long it would be before the building that he has been looking at would be available and we can't go on indefinitely, but when you can get a lot more square footage than what we are proposing here for a lot less money and we don't pursue that until we know whether we can or can't do that, then he doesn't think we have done our due diligence and we will have a lot of people that are just going to say they aren't going to vote for it. He appreciates the work put in by the library design committee and he agrees that the things that they want are the things that people have indicated they want, but if we can't sell it and the people won't vote for it, then we get nothing. He is looking for something rather than nothing.

Council Member Meidinger also appreciates the work the committee has done. He agrees with Mrs. Bannon that the \$500,000 for the existing building shouldn't be in here, however since Rock River Rapids has been successful and the people voted on it, the only thing that we as a council should decide is which option we want, A or B. He does not think we need to sit here and say "we shouldn't do this" the ultimate people that will decide will be the voters. If the voters want everything that the library committee has put together than so be it. He is not going to try to out guess the general public. As a matter of fact when Rock River Rapids was

proposed, he supported it but he sure didn't think it would be as successful as it was, so for him to second guess the Rock River Rapids program, he is not going to that, we should just get on with it and decide if it's going to be A or B and let the voters decide. He agrees with what Mrs. Sexton said, it should be a Derby only vote, he does not think it should be mixed up with a casino vote, maybe a mail in vote or walk in vote, but keep it away from the casino vote because a casino and a library, that is such a mixed issue that it shouldn't even be discussed. We should agree on A or B and get on with this.

Council Member Arnold agrees with Mr. Meidinger. We have not done a very good job of disseminating to the public exactly what it is we are trying to do and we have added an awful lot of confusion in the process. He supports a new library, he voted for the library the first time we talked about it. We do have to decide at this point whether we want option A or B, but it needs to be so simply written that it takes all of the confusion out. He has not sent out any e-mails, he has not made any phone calls because he was too busy answering them. The biggest issue is not that they don't want a library, but they questioned why they had to have all the added taxes. Everyone thought it was just add on, add on, add on and it was just total confusion. We need to do a much better job on any option we choose, whichever one that may be, to make sure the public totally understands exactly what they are voting for. The terminology should be so basic that it eliminates almost all confusion, and then he believes we will be on the right track. Our obligation tonight is to choose either option A or B and take it from there. Let the voters decide one way or the other. He did not hear any complaints about a library per se; he heard complaints about the cost because they didn't understand the tax structure and how long it was going to be. He asked Ms. Sexton about the .15% additional operating system and questioned if there were any other municipalities using that concept.

Ms. Sexton advised the concept, yes, in the sense of some other cities are using the sales tax as an ongoing revenue source for their operations. They are doing it because of the pressure on the property tax. Basically nobody likes taxes, but everybody hates the property tax more than the sales tax.

Council Member Arnold advised he didn't want everyone thinking it was a concept that Derby itself drew up.

Council Member Craig commented that there is always a risk when you start with a blank sheet of paper for anything that has a design to it. He appreciates Mrs. Bannon's position and everyone's comments. He stated he had sent out an e-mail expressing comments people had made to him. All he is asking for is to get the most bang for the taxpayer's buck and he has no problem at all if this council wants to drive in the direction of putting this on the ballot for \$10.5 million. He too would like to see some things drawn out of that and put in a different bucket. He does not have a problem with that because the voters will decide, but he is a realist when it comes to statistics that when you place something on the ballot that now the risk is high if the cost is too high. That is his only caution and Mr. Warren has adequately explained that, that if it fails it will be hard to bring it back again. There are things that can be done to reduce the cost, but right now; the people that have contacted him say that people are predisposed to disapprove something of that cost. He apologizes if he ruffled anybody's feathers, but you have to look at it

from the perspective of, are you getting the most for the taxpayer's dollars and are you doing it with the best financial interest of this city.

Council Member Staats advised he has spoken with a lot of people and they think this tax will be on top of the Rock River Rapids tax. We need to make sure people understand this will not go into effect until the Rock River Rapids tax expires. As far as the senior center goes, he is not sure he is for pulling the \$500,000 out because they need to expand over there; it is a good way to fund that. There are a lot of seniors in this town that vote, everybody knows that and it's a good way to sell it. We also have to let the people know that this tax does have a sunset, people are worried about taxes not sun setting, they think they are there permanently, they think it is like a property tax that will stick around forever. That is the only negative he has heard is the 15% tax staying on forever, he doesn't know if that is going to be an issue when they vote on it. There is always a distrust of government, even at the city level, of people voting for one thing, but the money is going somewhere else and he thinks that concerns a lot of people out there that he has talked to.

Council Member Bannon stated that she asked the architect this afternoon how much they would save if they removed just the community room, not the gathering space because he would have to redesign and he doesn't know how much square footage that would take out. To remove just the community room would be \$491,000, which is substantial, but if you look at the overall project, and as Mr. Schwarz pointed out this community really does want and need a community room. Regarding the building Mr. Warren has discussed, number one it has to be for sale first, we also have no idea what the cost would be to purchase the building, nor to remodel it. We would be taking a huge amount of money off of our current tax rolls that we currently receive by doing that. The overhead on it would be higher and we would have to find financing for the additional overhead. She is not in disagreement that more square footage is great, but it does come with some inherent problems. When the design committee and the library board were all put together, the one thing they were charged with was to make a design that would last 25 years. That is part of the reason this building is sized the way it is, that was one of their charges, make it for 25 years, that is what that square footage is for. No one said, make it for 25 years, but keep it at this dollar figure, that wasn't what the design committee nor library board were charged with, so they did what was asked of them. If you think it is too big, that is probably why, they were trying to make it for the 25 years. At the time the design committee and library board approved this they only had the building costs, they didn't have the additional soft costs that staff has added to it. When they approved this, they approved a build job of \$8.5 million, not knowing this was going to add up to a dollar figure we are having an issue with. She asked Ms. Sexton that if the library board meets and decides that the sales job of the full \$10.5 million is more than what they want to take to the public, they really want a library, they don't want to see this go down and have to come back. There is a history in this city that if it goes down by vote the council then approves it, and we all know that is probably not going to happen in the case of a library, would they be available, or how long a time would they have to come back to us and request a lesser amount on the ballot.

Ms. Sexton responded that if Mrs. Bannon is talking about having the special election that was recommended for October 16, we have until mid July to get specific ballot language to the election commissioner. Those doing the campaign might want it done a little sooner than that so

they have time to get their posters made and get their efforts going, but election commissioner wise we still have a couple of months that if you wanted to go back to the drawing board, direct staff to look at something smaller, ask the library board to take another look at this and come down to a smaller total cost package or smaller building, then we have time to do that.

Council Member Bannon stated that what she is actually thinking of, as she thinks she has heard a consensus from a number of the council members that the \$500,000 remodel cost for the senior center area really is not part of this cost and they would like to at least explore options to take that out of this build and they would like staff to look at that. In addition, there are a number of members of the library board in attendance this evening that have heard concerns. As much as she herself wants a library, she does not want it to fail and she knows there are a couple of council members who think they should just put it on the ballot and if it goes down in flames, then that's what happens, that is the wrong outlook to have, we are in this together.

MOTION: Bannon moved to table this item for 30 days to allow staff to find alternative financing for the \$500,000 remodel of the vacated building and to allow the library to reevaluate and let them make the decision to go forward, and at what dollar fee. Craig seconded.

Ms. Sexton clarified that Ms. Bannon meant the library board.

Council Member Bannon advised she did.

Council Member Warren agreed with all the comments Mrs. Bannon made regarding the Dillon's building. We don't know if it's available and we don't know the cost, we would also pull revenue off of the city tax roll, all those are true statements. It's just an idea that he thinks can be explored. He asked if the multi-purpose room was going to be like an auditorium with sloped floors or will it be a multi-purpose room with chairs that can be moved out.

Ms. Sexton explained it will be a flat surface floor where you can move in tables, chairs, etc.

Council Member Warren advised that was his understanding from the beginning, but he had heard today that was not the case and wanted to be sure we were all on the same page.

Mr. Alexander pointed out that a motion to table is not a debatable motion.

VOTE: Craig yea, Meidinger yea, Johnson absent, Warren yea Schwarz nay, Bannon yea, Staats yea, Arnold yea, 6 yea, 1 nay, 1 absent, motion carried.

Council Member Craig stated he wants to see this make the grade. It is very important to this city but we are not in a race time wise to get this done, somewhat time wise, but it is not critical. There are no showstoppers in front of us unless the people decide to stop it, if they vote no, that's a showstopper. He asks that we slow down and think and he appreciates Mrs. Bannon's motion to let another 30 days settle on this and bring it back to us, he thinks that is the only way. If it goes forward we will work to make it happen for Derby. The people will decide.

Council Member Schwarz explained he voted no because on the SOAC committee he gave a quote that stuck with him for a long time from Reggie Jackson regarding momentum (mo). The SOAC committee used the summer months and all the activities that are out there associated with the City of Derby to get the word out about the aquatic center. They had actual fights within the committee about whether to have the vote in November or April. One of the things they decided was that if they go past the winter months they would lose the mo. He encouraged the library board that if they are going to redo this to not lose the mo, go forward this summer with every opportunity to get the word out about the new library, and go for a November 2008 election. He knows it is a long time out, but deal with the mo, deal with the strengths.

Ms. Sexton advised that an item that might be helpful in terms of direction is, she heard several people say “keep it simple” and staff has presented two options. Option A is certainly simple, it’s clear, its 10-years max, ½ cent sales tax. She does not know if the council is ready for us to continue to have those two options before the council when this comes up again in 30 days, or if the council is ready to zero in on either A or B as a concept at this time.

Council Member Bannon advised she was for Item A, she thinks that is the only way to go.

Mayor Avello commented that he thinks the council went off on some tangents tonight, although he thinks it is good they did because he has not heard anybody being confused about how we were going to fund this. It is clear as a bell to him that we were going to do it after we sunset Rock River Rapids and he doesn’t know how many times we have said that. He doesn’t know where that is coming from, we can’t be any plainer when we use the word “sunset”. This council will sunset Rock River Rapids sales tax and it will go to a vote on whether you want to fund a library with a sales tax. Maybe the 30 days is good, we can harp on that a little bit more and let people understand that.

Council Member Warren asked if the consensus is Option A, is that enough or do we need to vote on that.

Mayor Avello advised direction was good enough.
The council recessed at 8:45 p.m. and returned at 9:00 p.m.

ANNEXATION OF PROPERTIES BEING PLATTED AS QUAIL RUN ADDITION

Charlie Brown, Director of Community Development presented the staff report.

Background

- The proposed Quail Run Addition is located on the south side of Madison, east of High Park and consists of approximately 153 acres.

- A residential Planned Unit Development (PUD) zoning district was approved by the Council on September 12, 2006. The PUD indicates a total of 389 single family units in the development.
- The zoning approval is subject to the plat being prepared and approved. That platting process is underway. The Planning Commission has approved the Final Plat and the City Council will be considering that Final Plat in the very near future.
- Plat approval will be subject to the developer providing the appropriate petitions for extension of Derby municipal services to the property. This, in turn, requires that the property be annexed into the City of Derby.
- In this particular case, the proposed annexation properties are not presently adjacent to the existing city boundary. Thus, annexation process requires the Board of County Commissioners (BOCC) to consider this “island annexation” case.
- The proposed City Council action is to adopt a resolution requesting that the BOCC make a finding that annexation of the subject property will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located in the county.

Financial Considerations:

- Completion of the annexation and ultimately the platting will require extension of municipal services to the area. The most notable extension is the proposed Phase 3 Southeast Sewer Interceptor which is planned to be constructed in 2008. Additional City-at-Large costs will include the typical oversizing of water mains and collector streets.
- There will be a modest increase in City valuation.
- Property taxes on the annexed property will increase by the equivalent of about 25-30 mils as imposition of City taxes is offset by elimination of some special district taxes.

Legal Considerations:

- Upon approval of the subject resolution, the City Clerk will file a certified copy with the BOCC.
- The BOCC findings should occur within 30 days.
- After BOCC approval, the City Council will be required to adopt an ordinance annexing the property.

Policy Considerations:

- The Council has historically approved annexations that are requested by developers or landowners.
- The proposed development is in the heart of the City’s growth area as identified by the Comprehensive Plan.
- Because the property has already been approved for a zone change, all properties will be zoned PUD upon completion of the annexation and platting.
- Annexation will not adversely affect any existing uses upon the subject property.
- While this annexation will ultimately require significant extension of water and sewer services, those extensions have been addressed through the City’s Capital Improvement Plan or will be further addressed through the various petitions required with the Final Plat.

- Other City services such as Fire, Police, Public Works & Parks will also be affected by this annexation and its ultimate development.

RESOLUTION NO. 43-2007

A RESOLUTION REQUESTING THAT THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, MAKE A FINDING THAT ANNEXATION OF CERTAIN REAL PROPERTY, HEREINAFTER DESCRIBED, NOT ADJOINING THE CITY OF DERBY, KANSAS, WILL NOT HINDER OR PREVENT THE PROPER GROWTH AND DEVELOPMENT OF THE AREA OR OF ANY OTHER INCORPORATED CITY LOCATED WITHIN SEDGWICK COUNTY, ALL PURSUANT TO K.S.A. 12-520c.

DISCUSSION:

Council Member Craig asked if there has been any discussion about improving Webb Road at that location.

Mr. Brown advised there have been discussions about that during zoning and during preparation of the comprehensive plan. Webb Road is an arterial road, but during the development of the zoning and the comprehensive plan it was decided not to improve that to an arterial standard because it is in the flood plain and the costs associated with a new bridge and elevating the roadway. The surfacing itself will probably show up in our CIP in the next few years, to resurface that to have an asphalt mat of some type, but it is at that this point, unless the council directs otherwise during our CIP, is not going to be an arterial roadway with curb and gutter as you might normally see with an arterial road.

Council Member Craig asked if the developer has any plans to change or strengthen that road because there will be a lot of construction equipment in there.

Mr. Brown asked if he was talking about strengthening Webb Road.

Council Member Craig advised he was, if it becomes an access into that area, when it was platted there is an access to the west.

Mr. Brown advised there is an access that will eventually line up with Kay Street, it is an extension of a collector street that will go through a yet undeveloped area and connect into the subject property and wind around and back up to Madison.

Council Member Craig advised the question is still unanswered. Are there any plans for Webb Road as development starts in that area?

Phil Meyer, Baughman Company, explained there are no plans for paving Webb Road or accessing Webb Road. When they start this development they will start if off of Madison and go south. The connection to Webb Road will be the last phase they do in the subdivision. One of the things Mr. Russell wanted him to talk about is that they have been working on this development for many years, at least 5-6 years. They are very eager to get it started and Mr.

Brown is correct that there will be a plat in front of the council in 30-60 days. As soon as the annexation is done, if the council is supportive of it, they will have a Mylar turned in and ready to bring it to the council after the county acts on the annexation. They would very much like to ask the council to keep the present sanitary sewer interceptor project on line with the CIP track the way it is now. They hope the sewer will be in sometime in the fall of '08 and if it stays on that line they will be ready to start this subdivision as soon as the sewer is available. As you all know that CIP project was scheduled for 2006 once upon a time and council moved it back to 2010-2011. Now it has been moved back up to 2008, which is working great and they would like to see that held.

Council Member Meidinger stated that he knows Jay Russell has been very benevolent to the Wichita area in developing and he donated a 150 acre park to one of the developments. He asked how many acres of open space are in this area for parks and recreation.

Mr. Meyer advised there are 24 acres of reserve.

Council Member Meidinger asked what can be in a reserve area.

Mr. Meyer explained there will be a sidewalk system in the reserve area, they have some lakes planned, there will be detention facilities and they have a swimming pool planned.

Council Member Meidinger asked if the swimming pool would be for that area only.

Mr. Meyer advised it would be a neighborhood swimming pool.

Council Member Meidinger clarified there is no open space as such.

Mr. Meyer advised there is open space, but there is no public park ground.

Council Member Meidinger stated that we are building a 150 acre development with no open public space, is that correct?

Mr. Meyer advised that was correct, but they are right down the street from High Park.

Council Member Meidinger advised he understands that, but he looks at High Park and 79th Street will some day be expanded to 4-lanes and it won't be real convenient to send your 6-year old over to High Park to play with his buddies. It looks to him like with 153 acres there should be some public space. Mr. Russell wants us to keep this CIP open for him, but what is he going to do for us? It seems like there should be a little more of a trade off.

Mr. Meyer responded that to be quite honest, this is the first time; out of the 5-6 years in working on this that they have been asked about a public park.

Council Member Meidinger stated that he thought maybe that is something the planning commission might think of, it's not Mr. Meyer's fault, he would think our planning commission would be looking at that.

Mr. Brown advised it is his belief that this plat, in its planning stages was sent to the park board for comment and for their input as far as the amount of park land, if any, was proposed, if he remembers correctly. Tonight's action is an annexation, not a plat discussion, but he understands the concerns. He does believe they were given the opportunity to comment on the park issue and the present plan is in accordance with their comments.

Ms. Sexton added that it is her understanding that there has been a change of thinking that has occurred sometime recently in this community that we no longer want to have little bitty parks hidden away in neighborhoods that are the responsibility of the city government to maintain as public parks. That is why many of the newer developments are set up as homeowners associations with their responsibility to take care of the parks, pools and playgrounds and those kinds of things because they are so hidden away. The public sector, the city government would focus on the larger parks, such as the aquatic park and the skate park and High Park, and that is why she believes, to speak for the park board for a minute, is why we didn't ask this developer for park land.

Council Member Meidinger reminded city staff what happened to the homeowners association on north Buckner. They went belly up and now the taxpayers and the rest of the city are paying for their homeowners association. A homeowners association isn't the answer to some of these problems that he sees. It is time for the developers to start taking part in the development of Derby. We mentioned one time that we are looking for a partnership with developers, and he doesn't see that here. As Mr. Brown pointed out, this isn't the time to talk about that, but he couldn't let this pass and it's something we need to address. If you don't address it this time or next time, then you end up with no public open space. Then you start looking for open space and you don't utilize the open space that we have. You put something in open space because it's there and that doesn't work out sometimes.

Council Member Bannon asked how much we have in the CIP currently for that project.

Mr. Brown advised that cost is in the range of \$5 million.

Council Member Bannon asked if we have found the funding for that yet.

Mr. Brown stated that will be covered by sewer rates, GO bonds and that sort of thing.

Ms. Sexton advised we have to find funding.

Council Member Bannon asked what the price range of homes was that were planned for that area.

Mr. Meyer advised everything is exactly as it was when they brought the PUD to the council.

Council Member Bannon asked for home costs for phases 1, 2 and 3.

Mr. Meyer advised he does not know that, he can give an estimation but he does not set the price. The lot sizes in phase 1 range from 78 ft. to 84 ft.

Council Member Bannon pointed out that phase 3 will be the cheapest.

Mr. Meyer stated this is very dangerous; he doesn't set the lot prices. His experience is, with that size of lot, they would probably put in a \$225,000 and up house.

Council Member Bannon asked if that was phase 3.

Mr. Meyer advised that is phase 1, that's where he started. Parcel 3 are the smaller lots, 60 ft. wide lots that are starter home lots. Those are the lots where they worked on the reduced side yard setbacks. Those will be \$100,000 to \$125,000 houses.

Council Member Bannon asked about police and fire protection. If we annex this and are out past High Park with Bel Arbor being the last street until we put the one through High Park that hooks in. How responsible are we out there and are we set up to cover that right now.

Ms. Sexton explained that we are responsible for anything that is within our city limits and certainly we would provide police and fire protection to them. This is, as you can tell by the map a move in the direction of filling in our southeast side so to speak, so this will be the beginnings of a time to look at the geography of our city and make sure we have the staff or will need to add staff at some point. Certainly there is a fire station impact, we all know that when we look at the maps, the next fire station, although she is not saying it will happen anytime soon, will need to be built in that southeast quadrant as homes are developing. This is the first one to come to us, but that will be the affect of adding a southeast interceptor. As Mr. Brown said, with Kay Street going on up, the intent is to add housing developments to that area in future years. It will take a while for them to build out, but we will definitely be looking at additional growth in city services.

Council Member Bannon asked what would happen if we don't annex it right now and allow the county to continue to provide fire and police. As Mr. Brown pointed out it is rather doubtful that Mulvane or Rose Hill are going to come down and annex it at this point, and we later do an annexation to bring them into the city.

Ms. Sexton stated that if you are talking about police, fire and city services, vacant land does not have much affect on police and fire services, it's when we build structures. City services will expand when structures expand, she will not be adding staff just because we've added land size. They will have to drive out there once in awhile, but it doesn't mean much unless you actually have calls coming from that area.

Mr. Brown advised to answer that question simply it is up to the council. Do you want a piece of land that is developed, in the county with no city revenue being hooked on to our city sewer and water? That is the only way that subdivision is going to happen is with Derby sewer and Derby water. If that is the case, it needs to be in the city, it's pretty plain and simple. It should not be a county plat with city services.

Ms. Sexton added that we as a city do not have any precedents for extending our water service or other city services to an area not in our limits. She advised that is a policy of most cities, you want the tax base if you are going to extend services at all.

Council Member Bannon asked about the piece of land that Mr. Russell is developing by the river, that the City of Derby basically gave away, did the City of Wichita annex that?

Mr. Meyer advised they did annex it. It was annexed through the street right-of-way on the northwest side of the river.

Council Member Warren advised that if we want to control it we need to annex it. If we want to use our building codes and our engineers to design it the way we want it then we need to annex it in. It sounds like maybe we need to get back with our park board and have an open space study, but he agrees with what Ms. Sexton said earlier. We have been down the road where we have asked developers to give small parcels of land for small parks and we ended up with something that really wasn't good for the entire community, yet we were spending a lot of money in maintaining those parks. He thinks what we really want are larger parks that meet a broader need for the overall community. If we need to have that discussion as to how we want to go about that, it is probably something we want to charge our park board to review that policy.

Ms. Sexton reminded the council that was added in the 2007 budget, a little bit of money to do a park and open space master plan update. The one on file was done in 1999 and is very irrelevant to life today because we have already done an aquatic park, High Park, a skate park and those are the main things in that document. She spoke with Robert Mendoza, the parks director this afternoon and they were talking about drafting the RFP (request for proposals) to get that project started.

Council Member Warren asked if the cost of extending services to the subdivision would fall on the city. He knows the county has discussed trying to come up with some kind of a policy that would require development that comes along later to participate in the cost of extension. When you extend a water or sewer line down a ¼ mile or ½ mile down an undeveloped piece of land, why should the person that comes in 2nd or 3rd get a free ride. Where are we at on the extension of services to this area and how will that be paid for?

Mr. Brown explained the sewer is at this point 100% on the city, starting at Rock Road and Spring Creek Bridge and going northeast to a lift station at High Park, providing access to this subdivision. That is, as we speak, 100% city, in our CIP. We do not have a policy or program for an equity buy in fee that many cities use, where after this sewer is in and an area wants to develop with access to a sewer and they have not paid anything for a sewer. If he understands Mr. Warren, he is suggesting a buy in fee to pay for a portion of the cost and we do not have that, we have talked about it many times through the years and have not received direction from the council to pursue that.

Council Member Warren responded that it is time to review that and do something to at least recover some of the expense.

MOTION: Warren moved to approve the resolution as presented. Arnold seconded.

Council Member Bannon agreed that the equity buy-in is the way to go. If we annex this this evening and we pass an equity buy-in, will this parcel fall under that or will they be grandfathered?

Mr. Alexander advised that would depend on the policy that council directs staff to draft. The discussion we have had tonight he has been following with some interest because he has always been curious about past inability to recover cost from intervening development. Although in the past some of those developments, for example Timberleaf and Amber Ridge, the developers actually paid the cost of extending the sewer line and others got in free so to speak. Extending the sewer interceptor is done under city policy and as to who pays for the cost of the size of the line. He asked Mr. Brown if a portion of this line would be assessed under our current policy even if this were all developed.

Mr. Brown asked if Mr. Alexander was referring to the interceptor sewer.

Mr. Alexander advised he was.

Mr. Brown advised it would not.

Mr. Alexander explained his point is, the cost of the interceptor line really isn't an issue because under our current policies that would all be paid by the city at large regardless of the configuration of the property. If the council wants to direct staff to develop a policy to recover some portion of cost from intervening development he thinks that is a fine idea.

Council Member Bannon advised we are back to the same question. If we pass this annexation this evening and pass the plat when it comes in the next month or so, have we just grandfathered them in to where we cannot attach a buy-in fee to this particular subdivision?

Mr. Alexander responded that under our current policy there would be no need for a buy-in fee because this is a city at large project anyway.

Council Member Bannon restated her question, if we wanted to change the policy, but we have annexed them and passed the plat, is the horse out the door.

Mr. Alexander advised it is not out of the door legally, he will leave it to other people as to what the practical impact on the development is.

Council Member Bannon asked if they could sue us if we passed it.

Mr. Alexander stated they could always sue, but he doesn't think they would win.

Council Member Bannon believes we need to do the equity buy-in fee and this subdivision is a perfect example of why. We are running sewer and water a long distance and not only are they

going to benefit, but at some point in time subdivisions in between will as well and we have to have a way to pay the \$5 million, we can't put it all on taxes and an equity buy-in is the way to go. She will support this annexation tonight as long as everyone, including the developer is under the understanding that we as a council need to immediately begin looking at a buy-in policy on something of this nature.

Mayor Avello asked Ms. Sexton if we can have that on the agenda for the next meeting.

Ms. Sexton stated that might be rushing it a little bit. This is a pretty big policy change and she thinks we all need to understand this a little bit more. What little she has learned this past year on sewer interceptor it was her understanding that we have always paid for sewer interceptors on sewer fees so we are not talking about raising taxes to pay for this new sewer interceptor. She also understands that sewer interceptors in this community have always been paid for by sewer rates of the whole rate base. The interceptor is just the big pipe that gets you out there so you can develop the whole region, and then every housing development is then assessed their small pipes off of the big one to get their housing development. That is a competitiveness issue so we need to all understand that if we think we are going to assess a \$5 million project to just one little area versus assessing it to the whole rate. Think about when you bought your house, you didn't pay for your sewer interceptor either, somebody before you did, so as long as you are continually putting it on the rate base of the whole community it's a minor amount. There are a lot of things to think about in terms of how to do this. She is not saying let's not explore it, it's great to explore it but she doesn't think we are going to be ready for the next meeting.

Council Member Warren stated he apparently wasn't as clear as he thought he was. He doesn't believe the interceptor is something that would require the buy-in, what he was talking about would be from the point where the interceptor connects to High Park, from that point east to the entrance is an area where we are extending a sewer line to get to the subdivision. That would be the type of sewer line that he thinks could have some buy-in situation. You are going to have some land potentially develop on the south on the north, and to the west that is just part of the normal sewer line, not the interceptor line. Then we could look at a buy-in policy. In the past if one development occurred right next to another we just extended that and you didn't have to deal with that. This is one of the first ones he has seen where we are going to have about 1/2 mile from the High Park connection to the entrance of the subdivision. That would be the portion he would think that as we look at a policy that deals with buy-in, that would be the type of line he would be looking at that would require some buy-in aspects, not the main sewer interceptor.

Ms. Sexton advised she understands that and she knows what county policy he is referencing. They went through a lot of work a couple of years ago to figure that out. We will take a look at that and see what we can do, that is not the same as the sewer interceptor.

VOTE: Craig yea, Meidinger yea, Johnson absent, Warren yea Schwarz yea, Bannon yea, Staats yea, Arnold yea, 7 yea, 0 nay, 1 absent, motion carried.

Mr. Brown advised Mr. Meyer wanted him to point out that on the water line for this project, from Bel Arbor to Quail Run is being paid by the developer in this case. The city is paying a small over sizing portion, but they are extending ½ mile or more to get water to that subdivision.

Council Member Warren pointed out that is the nice thing that if the developer is doing that and some other developers came along, he could be reimbursed for a portion of that, it is a fairness issue.

RECESS

MOTION: Schwarz moved to recess the city council meeting at 9:35 p.m. until completion of the El Paso Water Company Board Meeting. Craig seconded.

VOTE: Craig yea, Meidinger yea, Johnson absent, Warren yea Schwarz yea, Bannon yea, Staats yea, Arnold yea, 7 yea, 0 nay, 1 absent, motion carried.

The Derby City Council meeting was reconvened at 10:07 p.m.

UPDATE OF RETAIL WATER RATES AND CHARGES

Phil Alexander, City Attorney presented the staff report.

Background:

- El Paso Water Company's current rates and charges for water service to retail customers have been in effect since August 1, 2005.
- Based on a comprehensive review of the Company's costs and revenue, its Board of Directors recommended that the Council modify rates and charges to reflect the Company's costs and anticipated future operations.

Financial Considerations:

- The recommended rates and charges were selected from multiple alternatives developed by Professional Engineering Consultants, P.A.

Legal Considerations:

- Water rates and charges are established by City ordinance based on recommendations of the Company's Board.

Policy Considerations:

- The proposed rates and charges are intended to ensure the financial integrity of the water system, minimize the cost of service to customers and maximize equity among customers.

ORDINANCE NO. 1887

AN ORDINANCE AMENDING §13.04.020 OF THE DERBY MUNICIPAL CODE; APPROVING WATER RATES AND CHARGES FOR RETAIL CUSTOMERS OF EL PASO WATER COMPANY, INC., FOR SERVICE BILLED ON OR AFTER JUNE 1, 2007; AND REPEALING ORIGINAL §13.04.020 OF SAID CODE AS HERETOFORE AMENDED.

MOTION: Warren moved to adopt an ordinance establishing rates and charges for water service to retail customers of El Paso Water Company, Inc.

Mr. Alexander clarified that motion was based on the same option the Water Board recommended.

The council agreed it was.

VOTE: Craig yea, Meidinger yea, Johnson absent, Warren yea Schwarz yea, Bannon yea, Staats yea, Arnold yea, 7 yea, 0 nay, 1 absent, motion carried.

BOARD AND COMMISSION APPOINTMENTS

Mayor Dion Avello presented the nominations

- It is the practice for the Mayor to request appointments to fill expired terms and vacancies in Boards and Commissions at the first meeting in May, annually.
- Many good applications were received for service on city boards and commissions. The Mayor's recommended appointments are as follows:

ADA Board:	Reba Livingston (reappoint) Judy Morris (reappoint) Larry Hart (appoint)
Board of Zoning Appeals:	John Riggenbach (appoint)
Construction Trades Board:	Thaine Barnes (reappoint) Rich Schmidt (appoint)
Economic Development Board:	Kevin Chase (reappoint) Paula Langworthy (appoint)
Chamber of Commerce Appoint to EDB:	Jeff Smith
Library Board:	Frank Fanning (appoint) Kelly Gifford (appoint)
Ordinance Review Advisory Board:	Daniel Cady (reappoint) Tom Haynes (appoint)
Planning Commission:	Keith Volz (reappoint) Kelly Farber (reappoint) Ken Mulanax (appoint)
Senior Center Board:	Gerald Brownlee (reappoint)

Ms. Sexton stated they would like to add Jeff Smith as the Chamber appointee for the Economic Development board. She explained the Chamber has their choice of who they want to appoint but our attorney advises we need to make that an official appointment of the council as well. The Chamber chose to keep Mr. Smith on there a second year as their policy they have devised is that they want this to be the duty of the past chairman of the chamber board. Jeff did it when he was chairman and now he will do it as past chairman and that would be the tradition they would like to start now.

MOTION: Craig moved to approve the Mayor's reappointments and appointments to Derby Boards and Commissions with the addition of Jeff Smith's reappointment to the Economic Development Board. Meidinger seconded.

DISCUSSION:

Council Member Warren advised he does not have any objections to the list, but as a matter of precedence, in the past if somebody did have one or more people that they are concerned about it is permissible to pull a name out. He is fine with the Mayor's selection, but don't assume that since we have made this motion that you have to vote yes or no on the group, you can pull individuals out for discussion if you would like.

VOTE: Craig yea, Meidinger yea, Johnson absent, Warren yea Schwarz yea, Bannon yea, Staats yea, Arnold yea, 7 yea, 0 nay, 1 absent, motion carried.

Mayor Avello thanked all those that applied.

**BIDS FOR SPRING
RIDGE ADDITION,
PHASE 2 – DETENTION
POND IMPROVEMENTS**

Dan Squires, City Engineer presented the staff report.

Background:

- A bid opening for the construction of Detention Pond Improvements to serve Spring Ridge Addition, Phase 2 was conducted on Tuesday, May 1, 2007 at 2:00 p.m.
- Requests for quotations were 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:

Pearson Excavating	\$ 799,840
Bob Bergkamp Construction	541,478
Mies Construction, Inc.	511,985
Engineer's Estimate	\$ 521,550

Financial Considerations:

- Funds for the construction work are included in the 2006-1 temporary note issue.
- Costs for the Detention Pond 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 has followed all statutory procedures in securing financing and in planning the project.

Policy Considerations:

- Mies Construction, 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 for signatures.

DISCUSSION:

Council Member Craig asked how many lots are in Phase II of the Spring Ridge Addition.

Mr. Squires advised he didn't know the answer to that.

Council Member Craig asked if there were existing houses there.

Mr. Squires clarified that Mr. Craig was asking if there were existing houses that were going to be assessed.

Council Member Craig advised that was correct.

Mr. Squires stated there were not.

(Both speaking at once)

Council Member Craig ...so there won't be any surprises for existing homeowners.

Mr. Squires responded he does not believe there are any existing homeowners that will be assessed.

MOTION: Craig moved to approve the bid of Mies Construction Inc. in the total amount of \$511,985 for the construction of Spring Ridge Addition, Phase 2 Detention Pond Improvements. Bannon seconded.

VOTE: Craig yea, Meidinger yea, Johnson absent, Warren yea Schwarz yea, Bannon yea, Staats yea, Arnold yea, 7 yea, 0 nay, 1 absent, motion carried.

**BIDS FOR STONE
CREEK COMMERCIAL
3RD ADDITION –
SANITARY SEWER,
WATER DISTRIBUTION
SYSTEM & STORM
WATER DRAINAGE
IMPROVEMENTS**

Dan Squires, City Engineer presented the staff report.

Background:

- A bid opening for the construction of Sanitary Sewer, Water Distribution System and Storm Water Drainage Improvements to serve Stone Creek Commercial 3rd Addition was conducted on Tuesday, May 1, 2007 at 2:00 p.m.
- Requests for quotations were 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:

Mies Construction	\$ 341,216
Middlecreek Corporation	275,042
Engineer’s Estimate	\$ 257,152

Financial Considerations:

- Funds for the construction work are included in the 2007-1 temporary note issue.
- Costs for the Sanitary Sewer, Water Distribution System and Storm Water Drainage 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 has followed all statutory procedures in securing financing and in planning the project.

Policy Considerations:

- Middlecreek Corporation 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 for signatures.

MOTION: Arnold moved to approve the bid of Middlecreek Corporation in the total amount of \$275,042 for the construction of Sanitary Sewer, Water

Distribution System and Storm Water Drainage Improvements to serve Stone Creek Commercial 3rd Addition. Warren seconded.

VOTE: Craig yea, Meidinger yea, Johnson absent, Warren yea Schwarz yea, Bannon yea, Staats yea, Arnold yea, 7 yea, 0 nay, 1 absent, motion carried.

**BIDS FOR ANDERSON
FARM COMMERCIAL,
PHASE 1 AND THE OAKS
PHASE XIB SANITARY
SEWER
IMPROVEMENTS**

Dan Squires, City Engineer presented the staff report.

Background:

- A bid opening for the construction of Sanitary Sewer Improvements to serve Anderson Farm Commercial Addition, Phase 1 and The Oaks Addition, Phase XIB was conducted on Tuesday, May 1, 2007 at 2:00 p.m.
- Requests for quotations were 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:

Duling Construction	\$ 310,035
Nowak Construction	286,790
Middlecreek Corp.	264,660
Mies Construction	235,873
Utility Contractors	207,350
Engineer's Estimate	\$ 199,825

- Although the bids received exceed the engineer's estimate, the resulting project costs can be awarded with the existing resolution.

Financial Considerations:

- Funds for the construction work are included in the 2006- temporary note issue.
- Costs for the Sanitary Sewer 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 has followed all statutory procedures in securing financing and in planning the project.

Policy Considerations:

- Utility Contractors 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 for signatures.

DISCUSSION:

Council Member Schwarz asked if this goes under Rock Road.

Mr. Squires advised it did not; it is adjacent to Rock Road and goes under Patriot.

Council Member Schwarz asked how that is done.

Mr. Squires explained they will auger and bore a casing pipe under Patriot Avenue and will push the sanitary sewer line through that cased pipe. We will not be affecting the traffic along Patriot Avenue, nor will we be cutting our new pavement.

Council Member Schwarz asked what kind of guarantee we have that there will not be a speed bump on Patriot Avenue like we have on Rock Road from boring.

Mr. Squires advised if he is not mistaken this is a different procedure than what they used there. He does not think they cased that line, but if the contractor causes a problem with Patriot Avenue then we will address that with the contractor at that time.

Council Member Craig asked who the developer was for the Anderson Farm Commercial Addition.

Mr. Squires advised it was Lusk, for both that and The Oaks.

Council Member Craig asked if we are talking north or south of Patriot.

Mr. Squires advised it is north. The Oaks is south of Patriot Avenue and Anderson Farm is north.

Council Member Craig asked if this was adjacent to the water tower.

(Inaudible, both speaking at the same time)

Mr. Squires explained this particular improvement will not extend all the way to the water tower because it has been broken into two phases, but yes, it is the parcel adjacent to the water tower.

Council Member Meidinger observed that we have asked Mr. Lusk to extend Tall Tree to the west to Derby Hills Elementary School and he is not too interested in doing that is he?

Mr. Squires explained he does not believe that Mr. Lusk has not agreed to do that. Mr. Brown knows better where we are in this process. We have been working with some issues with the financing and the letters of credit.

Council Member Meidinger advised he is trying to get some sense of community development with our developers. He has noticed that with the earlier program we had with Jay Russell, he wanted us to extend favors to him, but it didn't seem he was willing to extend anything to us. Now Mr. Lusk wants us to do this and he has made several requests to get Tall Tree extended to the west and have been told Mr. Lusk is not interested in doing it, and if we want it done, we do it ourselves. He is trying to get some sense of cooperation between the city development and developers in this area and he doesn't really see it. He remembers in private practice when he was working, we had better relationships with the companies he worked with and it was kind of a win/win situation. He is wondering if once construction starts on Rock Road, how much of a win/win situation we are going to get involved with when Tall Tree is not an avenue to exit from The Oaks area. He questioned how we can get some better cooperation. Although he realizes that is something this bid has nothing to do with, but he is just making a general comment.

Ms. Sexton addressed that comment so no one would think we have a developer that is not being cooperative. We are working with them, we have had several meetings with Mr. Lusk and Mr. Weast and they are in process of issuing letters on the water line. Tall Tree east has to start with a water line project, then a box culvert and the street. So they all have to be done in sequence and we have a contractor for the water line project and letters of credit are in process, so that project is going to start soon. It will take about a month or so and then we will continue. It is taking longer than all of us want, but the problem is some of the bids came in higher than expected so we had to go back to the drawing board and keep working on that. The developers are working with us on those projects. At this point we do not anticipate a problem, per se, with the Rock Road project; it too is delayed over what we had originally told you. That is good and bad, because now we probably won't have any conflicts with the forensics tournament and Rock Road. It is a big project and we want to make sure we are doing it right. There have been some design changes on the Rock Road project involving the Derby Marketplace situation. We didn't want to design it and bid it and have to go back and change something later, so the start date has changed, but that is okay and we are making it work.

MOTION: Arnold moved to approve the bid of Utility Contractors in the total amount of \$207,350 for the construction of Sanitary Sewer Improvements to serve Anderson Farm Commercial, Phase 1 and The Oaks, Phase XIB. Schwarz seconded.

VOTE: Craig yea, Meidinger yea, Johnson absent, Warren yea Schwarz yea, Bannon yea, Staats yea, Arnold yea, 7 yea, 0 nay, 1 absent, motion carried.

CONSENT AGENDA

Kathy Sexton, City Manager presented the Consent Agenda.

Derby Days Parade

Background:

- The Derby Days Parade Committee is requesting the use of city street rights-of-way to conduct the annual Derby Days Parade on Friday, June 1 at 6:30 p.m. The parade will line up in the parking lot of the football stadium, leaving through the south entrance to proceed west on Market to Georgie, north to Madison and then east on Madison to Mulberry.
- The parade route has changed slightly from the previous year, when the parade turned north on Westview from Market. Benefits of this change include the use of a wider street and the availability of four more city blocks along Madison for public viewing. The Police Department is supportive of this change.

Financial Considerations:

- The City will supply police officers at intersections as well as provide barricades and traffic cones. The estimated value of these services is \$1600.

Legal Considerations:

- The Council is within its legal purview to allow use of street rights-of-way for this purpose.

Part-time Employee Pay Plan**Background:**

- The City Council approved a new pay plan for full-time positions on September 26, 2006. At this time the Council was informed that a pay study for El Paso Water Company and part-time city employees would follow. The El Paso Water Company Board approved a new pay plan on February 27, 2007.
- Thirty-two organizations were surveyed for part-time position data using the same process used for both the City's full-time position survey and the El Paso Water Company survey. Market minimum and maximum rates were collected, and the market actual hourly rate was used to create the recommended minimum (85%) and maximum (115%), which is the same methodology used for the previous surveys.
- Once approved by the Council, employees currently compensated at a rate lower than the minimum of the new pay plan for their position classification will be brought up to the minimum level of their position. Employees currently in the position will receive 30% credit for their years of service to ensure against wage compression problems in the pay plan. Only one of the four part-time employees will receive a pay adjustment.

Financial Considerations:

- Implementation of the pay plan will cost approximately \$70 for the year 2007.

Legal Considerations:

- Pursuant to Charter Ordinance no. 38, responsibility for fixing compensation for City employees rests with the City Council. The City Council may establish those pay ranges

for specific positions or classes of positions which, in its judgment and after consultation with the City Manager, will enable the City to attract and retain qualified employees.

- The City Council may delegate to the City Manager the responsibility of fixing the compensation of each employee within the appropriate established range.

Policy Considerations:

- Having a market-comparable pay plan for part-time employees will help ensure that the City can attract and retain quality people.
- The need for an organization-wide pay study can be avoided; if the matrix continues to be updated annually for inflation through a general pay adjustment (GPA) and if individual positions are surveyed and considered for adjustment as the need arises.

Approval of Fireworks Display Permit

Background:

- The Community Fireworks Display Committee requests permission on behalf of pyrotechnic operator Creative Magic to shoot fireworks at High Park on July 4, 2007, at dusk for a community fireworks display.
- Chapter 8.16 of Derby Municipal Code requires City Council approval for all commercial fireworks displays.

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.
 - Map of the area detailing the location of displays.

Policy Considerations:

- To the satisfaction of Fire Chief Brad Smith, Creative Magic has completed a Public Display of Fireworks application and provided sufficient proof of the aforementioned items.

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

VOTE: Craig yea, Meidinger yea, Johnson absent, Warren yea Schwarz yea, Bannon yea, Staats yea, Arnold yea, 7 yea, 0 nay, 1 absent, motion carried.

GENERAL DISCUSSION:

Council Member Craig thanked everyone for their attention to detail and thinks it was the right move to send back to the library board and planning design committee, he appreciates all of their

hard work. He does not want it to fail; whatever we can do to make it successful is the ultimate objective. This fine city deserves it and we should not put something out there that is questionable.

ADJOURNMENT

MOTION: Warren moved to adjourn at 10:27 p.m. Craig seconded.

VOTE: Craig yea, Meidinger yea, Johnson absent, Warren yea Schwarz yea, Bannon yea, Staats yea, Arnold yea, 7 yea, 0 nay, 1 absent, motion carried.

Dion P. Avello, Mayor

ATTEST:

Jean Epperson, City Clerk

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