

AGENDA

City Council Meeting

6:00 PM - Wednesday, May 27, 2026

*This meeting will be held at the USD 260 Administrative Center,
1550 E. Walnut Grove Rd.*



Members of the public desiring to speak during Public Forum are asked to please submit a request to the City Clerk by noon on the day of the City Council meeting. Individuals wishing to provide written public comments must provide them to the City Clerk no later than 5 p.m. on the Wednesday before a Council meeting. Those comments will be included as part of the published agenda packet. Any written or emailed comments received after that time will be provided to Council Members but will not be included as part of the meeting record. City Clerk Lynn Ciarleglio may be reached via email at CityClerk@derbyks.gov or phone at 316-788-3132. Questions or comments on agenda items may also be submitted to your elected officials directly by email or phone before the meeting (contact information at derbyks.gov/113/City-Council).

In accordance with provisions of the ADA, every attempt will be made to accommodate the needs of persons with disabilities. Please contact the City's ADA Coordinator for assistance at least 24 hours before the meeting time at 316-788-1519.

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1. CALL MEETING TO ORDER	
2. FLAG SALUTE	
3. INVOCATION – Council Member Wayne Molt, Jr.	
4. ROLL CALL	
5. ACCEPTANCE OF AGENDA	
5.1. Adoption of the Agenda	
Recommended Motion: Approve the meeting agenda, as presented.	
6. PRESENTATIONS	
6.1. 2026 Smoke on the Plains BBQ & Music Fest	5 - 6
Agenda Item Report - AIR-26-119 - Pdf	
7. PUBLIC FORUM & ANNOUNCEMENTS	
8. CONSENT AGENDA	
8.1. Consideration of Minutes	7 - 38
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8.2. Assessment for Nuisance Abatement Ordinance	39 - 41
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8.3. VFW Request for Event Street Closures	43 - 44

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- 8.4. Extension of Electrical Service to serve the Water Treatment Plant 45

[Agenda Item Report - AIR-26-120 - Pdf](#)

- 8.5. Resolution Amendment and Public Improvements to Serve Spring Ridge 4th Addition 47 - 53

[Agenda Item Report - AIR-26-116 - Pdf](#)

- 8.6. Relocation of Utilities for N. Woodlawn Blvd. Reconstruction 55
Recommended Motion: Approve the Consent Agenda, as presented.

[Agenda Item Report - AIR-26-124 - Pdf](#)

9. NEW BUSINESS

- 9.1. Second Reading: Zoning and Subdivision Regulation Amendments 57 - 71

[Agenda Item Report - AIR-26-113 - Pdf](#)

Recommended Motion: Adopt an ordinance amending the zoning regulations of the City and adopt an ordinance amending the subdivision regulations of the City as presented.

- 9.2. Paving Improvements to Serve Crosswater 2nd Addition 73 - 76

[Agenda Item Report - AIR-26-115 - Pdf](#)

Recommended Motion: Authorize execution of an agreement with Conspec Inc. in an amount not to exceed \$1,209,212.05 for construction of paving improvements to serve The Courtyards at Crosswater Second Addition.

- 9.3. Madison Avenue Crossing and Park Hill TEAP Study 77 - 78

[Agenda Item Report - AIR-26-118 - Pdf](#)

Recommended Motion: Receive and file the report.

- 9.4. Updates to the List of Council Priorities 79 - 82

[Agenda Item Report - AIR-26-114 - Pdf](#)

Recommended Motion: Provide feedback and approve the City Council's updated list of priorities.

- 9.5. Authorization to Submit Conditional Clearance to KDOT on Rock Rd. Project 83 - 87

[Agenda Item Report - AIR-26-127 - Pdf](#)

Recommended Motion: Authorize submission to KDOT of a Request for Conditional Clearance for the Rock Rd. project in a final form acceptable to the City Engineer as the City's designated project representative and

authorize the City Manager to approve payment of the appraisal award in the eminent domain proceedings.

10. EXECUTIVE SESSION – Attorney-Client Privilege
11. ADJOURNMENT

Presentation



Subject: 2026 Smoke on the Plains BBQ & Music Fest
Meeting: City Council - 27 May 2026
Presented by: Andrea Walters, Marketing & Events Manager

BACKGROUND:

- The City will hold the 15th Annual Smoke on the Plains BBQ & Music Fest on June 12 and 13 at High Park. The event will include live music on the Don Hattan Derby Mainstage, the People's Choice Tasting Contest, Kids Corner activities, cornhole tournament, food trucks, beer garden and more. The Derby Recreation Commission's Smokin' 5K and Pickleball Tournament will be held June 13.
- There are three contests, including the KCBS Cook-off, Backyard Cook-off and BRG Precision Products Kids Que. As of May 18, we have 33 pro and 20 backyard teams. We still have spots open for our Kids Que, Pie Contest and Kids Cookie Contest.
- The Derby Public Library will hold its 6th Annual Medallion Hunt beginning June 8.
- Military Appreciation Night will be held Friday, June 19 at Rock River Rapids. The event is being sponsored by Evergy.
- Friday, June 12 Schedule:
 - Security 1st Title Food Truck Row, Derby Lions Club Beer & Beverage Tent, First Man Brewery, and Shaken or Stirred Bartending, 6 to 10 p.m.
 - Derby Recreation Commission Toss Like a Boss Cornhole Tournament, KCBS Kids Que and Kids Cookie Contest
 - People's Choice Tasting Contest, 7 to 9 p.m., tent south of the amphitheater
 - The Nailbiters, 6 to 7:30 p.m. and Paramount, 8 to 10 p.m. on the Don Hattan Derby Mainstage
- Saturday, June 13 Schedule: 9 a.m. to 3 p.m. and 6 to 10 p.m.
 - Derby Recreation Commission Smokin' 5K at 7:30 a.m.
 - Derby Recreation Commission Grills, Thrills & Pickleball Skills Coed Tournament, 9 a.m.
 - KBCS Cook-off and Backyard BBQ Cook-off
 - Security 1st Title Food Truck Row, 9 a.m. to 3 p.m. and 6 p.m. to 10 p.m.
 - Derby Lions Club Beer & Beverage Tent, First Man Brewery, and Shaken or Stirred Bartending, 11 a.m. to 3 p.m. and 6 to 10 p.m.
 - Smile Safari and Derby Orthodontics Kids Corner, 9 a.m. to 3 p.m., featuring bounce houses, face painting, princesses, Toss with a Twin, Derby Fire & Rescue and more.
 - BBQ Awards Ceremony on the Don Hattan Derby Mainstage, 3 p.m.
 - Smokin' Sampler brought to you by The Derby Chamber of Commerce, 6 p.m.
 - Live music on the Don Hattan Derby Mainstage: Matthew Ebberwein from 6 to 7:30 p.m. and Jaelen Johnston from 8 to 10 p.m.

- Thank you to our generous sponsors: Don Hattan Derby, Smile Safari, Derby Orthodontics, Everygy, Security 1st Title, All States Home Improvement, BRG Precision Products, AT&T, Lamar Advertising, Hutton Design + Build, Advanced Physical Therapy, Climate Shield Home Exteriors, Renewal by Anderson, Grill Shak, Moore Water & Air, Credit Union of America, Derby Community Foundation, Outdoor Adventures RV



MINUTES

City Council Meeting

6:00 PM - Tuesday, May 12, 2026
Council Room

1 CALL MEETING TO ORDER

The City Council meeting was called to order on May 12, 2026, at 6:00 p.m. in the Council Room.

2 FLAG SALUTE

Council President Jenny Webster led the flag salute.

3 INVOCATION

Pastor Ben Ray, First Presbyterian Church, expressed thanks to the community for their support and involvement with the Police Appreciation Banquet held last evening. Derby is such a great community to live and serve in because of the way everyone works together and encourages one another. He then offered the invocation.

4 ROLL CALL

PRESENT: Council Member Gabe McKeever
Council Member Kristi Truitt
Council Member Mike Neel
Council Member Nick Engle
Mayor Mark Staats
Council President Jenny Webster
Council Member Wayne Molt, Jr.
Council Member Jessica Rhein
Council Member Jared Brown

ABSENT: NONE

5 ACCEPTANCE OF AGENDA

5.1 Adoption of the Agenda

Jenny Webster moved, seconded by Wayne Molt, Jr., to approve the meeting agenda, as presented.

RESULT:	Carried
MOVER:	Jenny Webster
SECONDER:	Wayne Molt, Jr.
AYES:	Gabe McKeever, Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Wayne Molt, Jr., Jessica Rhein, and Jared Brown

6 PRESENTATIONS

6.1 Apraxia Awareness Day Proclamation

Mayor Mark Staats presented the Proclamation to Savannah Morrow and her parents, Drew and Rachel.

BACKGROUND:

- May 14, 2026, marks Childhood Apraxia of Speech Day, created to raise awareness about this extremely challenging speech disorder.
- The City of Derby wishes to recognize these children and their families for their effort, determination, and resilience in the face of the many challenges brought about from CAS.

Rachel Morrow thanked Mayor Staats and the Council for recognizing Apraxia Awareness Day, sharing that they had also received a Proclamation from Governor Laura Kelly naming May 14, 2026, as Apraxia Awareness Day in the State of Kansas. For children with Apraxia, even forming simple words can take incredible effort, repetition, and perseverance. As a family, this journey has taught us about patience, resilience, and celebrating progress one small victory at a time. Several members of Savannah's support team were recognized and thanked for their commitment to helping her meet and overcome the challenges CAS brings.

6.2 Public Works Week Proclamation

Mayor Mark Staats presented the Proclamation to Tom Keil, Assistant Public Works Director.

BACKGROUND:

- This is a time to recognize the vital role Public Works plays in our everyday lives and to thank the dedicated employees who serve our community.
- Their work helps build and maintain the spaces we rely on while protecting systems essential to our health and well-being.
- This year's American Public Works Association theme, "Rooted in Service, Powered by Community," reflects the deep commitment of public works professionals and the strong connection between their service and the community they support.

Tom Keil, Assistant Public Works Director, thanked the Mayor and Council for the Proclamation. Public Works cannot do what we do without working closely with and depending on the Planning and Engineering staff, so I've asked Scott Knebel to stand with me in accepting the recognition. Our departments work closely to make Derby a safer, more vibrant community. This year's theme of "Rooted in Service, Powered by Community" is in line with the departmental vision shared by our 67 employees. The support shown for our team by the Council and City management is appreciated all year long, not just during Public Works Week.

6.3 Upcoming Season for Derby Twins

Jeff Wells, President and General Manager, Derby Twins, said this is our 20th season in Derby, and our 19th season overall. Last year we finished 5th in the NBC World Series and we hope to be back in the Series again this year. Our games start at the end of May, and admission is free, so please look at our schedule and plan on coming out to cheer on the Twins this summer. Family Week will be the week of July 4th, and it is always a great opportunity to show off Derby to our players' families. Every year I hear how impressed the families are with the fans in Derby and the community as a whole. They love our town. We hope to see some of you at our games this season; it should be a good one. Thank you for continued support of the Derby Twins.

BACKGROUND:

- The 2026 adopted budget includes a \$3,000 donation to support the Derby Twins baseball team.
- The Twins will open their season with a home game on May 30 at Panther Field
 - The Team will play throughout June and July
 - More information on their schedule can be found at derbytwins.com or their Facebook page
- This is the year 29 for the Twins, and their year 21 being in Derby.
- The NBC World Series will be hosted at WSU Eck Stadium July 23-August 1.

Mayor Mark Staats thanked Mr. Wells and all of his volunteers who work to provide a summer full of baseball for Derby to enjoy each year.

6.4 VFW State Firefighter of the Year Award

John Turner, Fire Chief, introduced Lieutenant Chad Sterrett as the State Firefighter of the Year, Derby's seventh to receive the honor. Thank you to our partners at the VFW for being here tonight, along with former Chiefs Pat Swaney and Brad Smith. The nomination for Lt. Sterrett was an easy one to write. Responding to a severe multi-vehicle accident on the turnpike on January 2, 2025, Lt. Sterrett entered through the broken windshield of a van leaking fuel to rescue a severely injured victim. Upon re-entry, he determined a second victim was deceased, then located and extricated a third critically injured person pinned deep within the wreckage. Sterrett's quick actions contributed to the survival of that third victim. All of this was done without the extra protection of hose line and with continually leaking gasoline. Beyond his efforts in such emergency responses, Lt. Sterrett plays an important role in the day-to-day operations of the Department. He has worked to establish a First Responder Behavioral Health Program as a support system for members of Derby Fire and Rescue.

BACKGROUND:

- Since 2001, each year after Derby Fire Department announces our Firefighter of the Year, the awarded firefighter is submitted to the Derby VFW Post 7253 for consideration for their State award.

- We are proud to announce that Lieutenant Chad Sterrett has been awarded the VFW 2024-2025 State Firefighter of the Year Award.

Dallas Love, Past State VFW Commander, explained the many steps a nomination goes through. Derby FD submits their nomination to the local Post who then submits their choice to the District. The chosen District winner then moves up to the State and then up to the National level. Lt. Sterrett was the Kansas State winner, and he also received recognition at the national level. We are very proud of the great work the Derby Fire Department continues to do and the way they represent our community on a larger stage.

Toni Hann, Commander, VFW Post 7253, presented Lt. Sterrett with the 2024-2025 Post award.

Aaron Grunden, VFW 5th District Emergency Services Chairman, thanked Chief Turner for another outstanding nomination. The board for our District, covering all of south central Kansas, started going through the nominations, and once we read this one, we knew we had our winner. I am proud to present the 5th District Firefighter of the Year plaque to Lieutenant Chad Sterrett. Congratulations.

Mr. Love presented Lt. Sterrett with the State Firefighter of the Year award.

Chairman Grunden read the Certificate of Recognition from the VFW National Commander in Chief, Carol Whitmore, presenting it to Lt. Sterrett.

Lieutenant Chad Sterrett thanked the VFW and Council for the opportunity to be recognized. I especially want to thank Lieutenant Chris Harrold and Firefighter Josh Walker, who were with me that night. The rescues were a team effort and would not have been possible without them. I have been very fortunate to have been influenced by some exceptional leaders throughout my life. Thank you.

7 PUBLIC FORUM & ANNOUNCEMENTS

Lynn Ciarleglio, City Clerk, received four emails the senders had requested be read into the record.

Ryan Croley wrote regarding Stone Creek 6th Addition. I understand the property in question is zoned commercial. However, many residents purchased and built home here under the understanding that the site was planned for an assisted living facility. Changing course now to allow high-density apartments feels like a bait-and-switch that prioritizes profit over the commitments made to this neighborhood. So, I'll ask every member who intends to vote yes: would you approve this same development, at this same density, adjacent to your own backyard, I suspect the odds of a "yes" would be slim to none - and slim left town. This project would create significant congestion at what is already one of the busiest intersections in our area. Traffic, safety, and infrastructure strain are real concerns that deserve data, not assumptions. Parking is

a major part of that. Without adequate on-site parking, we'll see overflow into surrounding streets and neighborhoods. Any approval should require a minimum of 1.5 dedicated off-street parking spaces per bedroom, plus guest parking, before occupancy is granted. I grew up in Mulvane and chose to make Derby my home to get away from small-town politics, reckless spending, and a corrupt police department. I've been proud to live here, to raise my three daughters here, and to operate a small business that carries Derby in its name. My special-needs daughter, Breckyn Croley, receives the best educational support Kansas has to offer right here. That's why we're here. I have spent my adult life in the aircraft industry, and I invested in Derby because I believed in this city's character and judgment. If the City allows this project to move forward as proposed, I will be forced to reconsider that investment - including closing my business and relocating my family. This decision should not be about maximizing return for someone who won't live with the consequences. It should be about safety, infrastructure, neighborhood compatibility, and keeping faith with the residents who bought into Derby's promise. Right now, this looks like greed at the expense of the people who call this place home. I urge you to vote no, or at a minimum table this until we have an independent traffic study, a public meeting with the developer, and a clear explanation of why an assisted living facility is no longer feasible. Thank you for your time and service to Derby!

Piper Utt also wrote regarding Stone Creek 6th Addition. I am writing as a concerned Derby resident to respectfully request reconsideration of the proposed Stone Creek Residences development and the associated incentives currently under review. I also respectfully request that this letter be read into the public record at the upcoming meeting. While I understand from the agenda materials the City has identified a need for additional housing and that this project aligns with elements of the Vision Derby 2040 Comprehensive Plan. I have serious concerns about whether this specific development is appropriate for its proposed location and scale. First, the density of this project - 144 apartment units on approximately 5 acres - is significant for an area that is currently surrounded by established, well-maintained neighborhoods. These neighborhoods consist of homeowners who contribute substantial property taxes and maintain HOA standards that support the quality and character of the community. A development of this size and type represents a major shift in land use that may not be compatible with the surrounding environment. Second, there are already existing challenges with street parking and traffic congestion in this area. Adding 144 units will inevitably increase vehicle volume, strain local infrastructure, and create additional parking overflow into nearby residential streets. This raises concerns not only about inconvenience, but also about emergency access and overall neighborhood safety. Third, the proximity of the proposed development to Stone Creek Elementary School is particularly concerning. Increased traffic, congestion, and pedestrian activity in this area could pose safety risks for young students, especially during peak drop-off and pick-up times. In addition, many families in this area are already experiencing capacity constraints within local schools. The City should carefully evaluate the impact that 144 additional units could have on school enrollment and resources. At a minimum, there should be coordination with the school district to ensure that existing neighborhood families, who have invested in this community through homeownership and property taxes, retain reasonable access to their local schools. The potential for overcrowding and displacement of current students to other schools is a serious concern that should be addressed before moving forward. In addition, there are concerns related to stormwater drainage and runoff. Increased density and impervious surface area can

impact drainage patterns and potentially affect nearby properties. A clear plan addressing stormwater management and downstream impacts should be provided. There are also concerns regarding water infrastructure capacity, including potential impacts to water pressure and overall system performance for existing residents. Comparable municipalities in the Wichita area, including nearby communities such as Goddard, as well as prior higher-density proposals within Derby, have undergone extensive public and planning review with developments of similar scale have been proposed. In those cases, the core issues raised were consistent and substantial: whether existing water, sewer, traffic, and school infrastructure could realistically support the added demand, and whether the proposed density was compatible with established single-family neighborhoods. In multiple instances, those concerns materially affected outcomes - resulting in reduced density, revised site plans with stronger buffering and transitions, or outright denial of proposals when impacts were determined to be too significant. These are not isolated reactions, but part of a consistent regional planning pattern when large-scale multifamily development is introduced into established residential contexts. Privacy and buffering are also important considerations. Given the proximity to existing single-family homes, details regarding building height, setbacks, landscaping, and screening should be clearly defined to ensure a reasonable transition between uses. Residents would also benefit from understanding what specific property management, security, and site design measures will be implemented to maintain safety and quality of life for both new and existing residents. Finally, the scale of public incentives being considered, approximately \$1.9 million in city-supported tax abatements and exemptions, raises questions about fairness and fiscal responsibility. Current residents are already paying high property taxes and is difficult to reconcile those contributions with significant incentives being granted for a development that may negatively impact existing neighborhoods. I respectfully ask the City to: reconsider the location and density of this project; conduct a more thorough traffic and infrastructure impact analysis; coordinate with the local school district regarding capacity and student impact; ensure that neighborhood families are not displaced from their local schools due to overcrowding; provide detailed plans for stormwater management and drainage impacts; evaluate water system capacity, including potential impacts to water pressure; address privacy, buffering, and compatibility with surrounding homes; reevaluate the level of public incentives in light of community impact; engage more directly with nearby residents before moving forward. Growth is important, but must be balanced, thoughtful, and aligned with the best interests of current residents as well as future ones. The experiences of comparable developments in the region underscore that these decisions have long-term consequences and warrant careful, deliberate review before approval. Thank you for your time and consideration.

An unsigned email: I am a Derby resident writing to respectfully request reconsideration of the proposed Stone Creek Residences and the incentives currently under review. Please include this letter in the public record for the upcoming meeting. I support thoughtful growth, but I have several serious concerns about the proposed site, scale, and community impacts to established single-family neighborhoods. Key Concerns. Neighborhood compatibility and character. The proposed density represents a major change from surrounding well-maintained single-family neighborhoods. Impacts to neighborhood character, property values, and HOA expectations should be carefully evaluated. Traffic, parking and public safety. Existing street parking and congestion are already issues. Adding these units will likely

increase traffic, create parking overflow onto residential streets, and could impede emergency vehicle access. Proximity to Stone Creek Elementary school and school capacity. Increased traffic and pedestrian activity near the school raises safety concerns during drop-off/pick-up. Many nearby families already face school capacity constraints; the City should quantify how additional units would affect enrollment and resources and coordinate with the school district. Infrastructure and environmental impacts. Please requires clear analyses and mitigation plans for stormwater/runoff, sewer capacity, and water system impacts (including potential changes to water pressure for existing residents). Also consider environmental effects such as increased impervious surface and construction impacts (noise, dust, duration) Design, buffering, and property management. Provide detailed plans showing building heights, setbacks, landscaping, screening, lighting, and transitions to adjacent homes. Clarify property management, security, and ongoing maintenance commitments to preserve neighborhood safety and quality of life. Fiscal responsibility and incentives. Approximately \$1.9 million in city-supported tax abatements/exemptions warrants a transparent fiscal impact analysis: expected tax revenue over time versus added service costs (schools, public safety, utilities, infrastructure). Requested actions. Reconsider the proposed location and density or require a reduced density/alternative site analysis. Commission independent traffic, school-capacity, stormwater, sewer, and water-system studies. Coordinate directly with the school district to quantify student impacts and safety mitigation measures. Require detailed site plans showing buffering, building heights/setbacks, and property-management/security practices. Provide a public fiscal analysis of the proposed incentives and how the City will mitigate any costs to current residents. Hold an additional neighborhood meeting with nearby residents before any final decision and ensure transparent documentation of studies and mitigation commitments. Consider phasing or conditional approvals tied to demonstrated infrastructure capacity and approved mitigation. Thank you for considering these requests. I appreciate the City's efforts to meet housing needs, but urge a careful, transparent review to protect existing neighborhood character, safety, and public resources.

Former Council Member Chuck Warren wrote regarding Council Stipends. Mayor and Council, I am writing to express my support for the proposed increase in the stipend for Derby City Council members. I served on the Derby City Council from 1999 to 2018. During that time, I watched Derby grow and prosper. With that growth came increased time commitments and greater responsibilities for councilmembers. When the Council first adopted a \$100 monthly stipend in 2009, I supported it. Not because I needed the money, but because it helped open the door for more members of the community to serve. I remember a young councilman who missed a workshop. Later, when I gave him a hard time about it, he explained that his wife was working and he would have had to pay for a babysitter to attend. Many of us had older children or no children at home, so those kinds of costs weren't on our radar, but they are very real for working parents. That was many years ago, and the need is even clearer today. If we want younger people, working families, blue-collar residents, and professionals to be able to "afford" to serve their communities, we should ensure the stipend reflects today's realities and helps offset some of the basic costs of serving. I have always been a fiscal conservative and a strong advocate for spending tax dollars wisely. My voting record over nearly two decades reflects that. Supporting a reasonable stipend increase is consistent with that approach because it strengthens

representation and helps ensure the Council can reflect the full community it serves. For these reasons, I believe now is the right time to increase the Council stipend.

Council Member Wayne Molt, Jr. said next Thursday, the 21st, is a Third Thursday event at Madison Avenue Central Park; we hope you will all come out to enjoy the music, food, and vendors. I echo Pastor Ray's comments regarding the Police Appreciation Banquet; it was a great evening honoring our law enforcement officers. Last week we had a chance to honor and celebrate Public Employee Appreciation Week with different events and activities for employees all week, including a mid-week luncheon everyone enjoyed. I want to thank Mr. Mangus for his weekly "Good Things" emails the Council receives. These highlight the progress of many projects in Derby, such as High Park nearing completion, as well as accomplishments of employees, like the four who just completed the Mini-MPA program at WSU. There is a lot to celebrate and be proud of. Production of Engine 81 has begun; will we see that later this summer?

Kiel Mangus, City Manager, replied it will likely take a bit longer. We will be sure to keep Council updated.

8 CONSENT AGENDA

8.1 Consideration of Minutes

8.2 Issue Cereal Malt Beverage License for BBQ

BACKGROUND:

- Vendors of cereal malt beverages are required to be licensed by the City.
- An application for a special event permit for a CMB license has been received from Andrea Walters, the City's Marketing & Events Manager, for the Smoke on the Plains BBQ & Music Fest, which will be held June 12th and 13th at High Park.
- Chapter 5.16, Article VII of the Municipal Code establishes qualifications for issuance of cereal malt beverage licenses. A license may not be issued until all qualifications have been met.
- The application has been approved by the Police Chief and complies with City qualification requirements.

LEGAL CONSIDERATIONS:

- If the applicant is qualified as provided by law, the Municipal Code states the Governing Body shall direct the City Clerk to issue the license.

RECOMMENDED MOTION

- Authorize issuance of a cereal malt beverage license for the Smoke on the Plains BBQ & Music Fest.

8.3 2026 Computer Workstation Replacements - Award to Next Lowest Bidder

BACKGROUND:

- Council approved the purchase of computer workstation replacements at the February 24 council meeting from Aztek LLC in the amount of \$35,618.40.
 - Aztek LLC informed the City recently that they are unable to fulfill the order due to the ongoing constraints within the technology supply chain.
- City staff contacted the next lowest bidder, Compugov, who has confirmed they can honor their originally submitted bid amount.
- The total cost would remain the same as the original bid from Compugov, with only minor changes to the computer case style and monitor brand due to supply availability.
 - These changes still meet the original bid specifications.
- The City has previously purchased from Compugov, and they have proven to be a reliable vendor.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The total bid from Compugov is \$38,235.00.
 - This equates to \$1,096.75 per computer and \$106.65 per monitor.
- Compugov's bid reflects an increase of \$2,616 in total over the Aztek bid, but the overall total cost is still within budget.
- Computer workstation replacements are budgeted out of the General Fund through the IT Budget.

RECOMMENDED MOTION

- Approve the purchase of computer workstation replacements from Compugov in the amount of \$38,235.00

Jenny Webster moved, seconded by Wayne Molt, Jr., to approve the Consent Agenda, as presented.

RESULT:	Carried
MOVER:	Jenny Webster
SECONDER:	Wayne Molt, Jr.
AYES:	Gabe McKeever, Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Wayne Molt, Jr., Jessica Rhein, and Jared Brown

9 NEW BUSINESS

9.1 Public Works Dump Truck with Brine System and Plow

Tom Keil, Assistant Public Works Director, gave the agenda report.

BACKGROUND:

- As part of the approved 2026 Equipment Replacement Plan budget, Public Works is scheduled to purchase a Single Axle Dump Truck equipped with a Spreader, Liquid Salt Brine Application System and Snowplow.
- The truck will be used in daily street operations to haul large quantities of materials for street maintenance activities.

- This includes transporting aggregates, debris, and other roadway materials, as well as supporting winter weather operations by hauling and distributing brine, salt and sand to maintain safe driving conditions.
- This unit will replace a 1983 tanker truck used for brine application.
- The truck is no longer mechanically sound and cannot be relied on for daily use.
- A bid was posted on the City's website on March 18, 2026, and bids were opened on April 7, 2026.
- Bid results were as follows:

Vendor	Model	Total Bid Price	Meets Specifications
MasterTech Truck and Equipment	Freightliner 1080SD	\$268,751.91	Yes
Industrial Truck Equipment	Freightliner 1080SD	\$267,718	Yes
Truck Center Companies	Freightliner 1080SD	\$273,408	Yes

- Staff recommends the purchase of the Freightliner 1080SD and attachments from MasterTech Truck and Equipment.
- The equipment attachments can be serviced locally under the manufacturer's warranty, minimizing downtime and transportation costs.
- The vendor providing the low bid is located in Oklahoma, which would require the equipment to be transported out of state for warranty service.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The recommended bid for the dump truck with attachments is \$18,752 over the approved budget of \$250K, paid for via the Derby Difference Sales tax fund.
 - The remaining funds are available in the Derby Difference Sales tax fund for the purchase.
- The tanker unit 309 will be disposed of through a public auction.
- Bid Board reviewed and recommended approval of the bid on May 4, 2026.

RECOMMENDED MOTION

- Approve the purchase of a dump truck and attachments from MasterTech Truck and Equipment in the amount of \$268,751.91.

Council Member Kristi Truitt asked do we expect to get 42 years of use from the new truck?

Tom Keil, Assistant Public Works Director, said probably not. Twenty to twenty-five years is the normal life expectancy.

Kristi Truitt moved, seconded by Mike Neel, to approve the purchase of a dump truck and attachments from MasterTech Truck and Equipment in the amount of \$268,751.91.

Council Member Mike Neel said I like to see we are supporting local rather than automatically going with the lowest bid.

Kiel Mangus, City Manager, reminded Council we do have a local preference policy for purchases, so this item fits that as well. We implemented it when we kept seeing Shawnee Mission Ford undercutting local dealers by \$500 or \$1,000; we would rather have supported a local dealership, given such a small price difference.

Mr. Neel noted the price difference on this purchase is nominal, so not choosing the local vendor in this case would probably raise more questions.

Council President Jenny Webster said I remember when we decided to adopt that policy, so I love to see us purchasing from and supporting local businesses. For this item, especially, it makes sense. We can get needed parts and service without needing to transport the truck across state lines, which would require it to be trailered, costing us quite a bit more than the small price difference in bids. I fully support this purchase.

Ms. Truitt emphasized the difference in bids is only \$1,000, so this really is the better choice for us.

RESULT:	Carried
MOVER:	Kristi Truitt
SECONDER:	Mike Neel
AYES:	Gabe McKeever, Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Wayne Molt, Jr., Jessica Rhein, and Jared Brown

9.2 Sale of General Obligation Bonds Series 2026-A and Temporary Notes Series 2026-1

Megan Pater, Finance Director, gave the agenda report.

BACKGROUND:

- On March 10, the City Council authorized the sale of General Obligation Bonds Series 2026-A and Temporary Notes Series 2026-1 to finance the following projects:
 - General Obligation Bonds:
 - Water Treatment Facility
 - Woodlawn Reconstruction
 - Temporary Notes
 - Spring Ridge 3rd/4th Additions - Paving Ph1, Sanitary Sewer Ph1, Drainage Ph1, Water Ph1
 - Sterling East and Sterling East 2nd Additions - Sanitary Sewer Ph2, Water Line Ph2, Paving Ph2, Storm Water Drain Ph2, Greenwich Water Main Ph2
- The competitive sale was originally scheduled for April 8; however, it was postponed due to market uncertainty stemming from proposed property

tax limitation legislation. Although the bills advanced through both the Senate and the House, they were subsequently vetoed by the Governor.

- The sale was held the morning of May 6. The resolution authorizing the sale of the bonds and notes contained parameters that allowed the Mayor to award the sale if the bids were within the following parameters:
 - General Obligation Bonds
 - Maximum principal of \$22,000,000
 - Maximum true interest cost of 5.17%
 - Temporary Notes
 - Maximum principal of \$3,855,000
 - Maximum true interest cost of 5.21%
- City Council approval of the bond ordinance and resolution will ratify the sale

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- Resolution 23-2026 adopted the sale resolution, authorized the sale of the bonds and provided that the aggregate principal amount shall not exceed \$22,000,000
 - An agreement was entered into with Robert W. Baird on May 6, 2026 with a principal amount of \$20,950,000.
 - A true interest cost (TIC) of the bonds is 4.1203305%, which was lower than the maximum rate provided for in the authorizing bond resolutions of 5.17%.
- Resolution 23-2026 adopted the sale resolution, authorized the sale of the temp notes and provided that the aggregate principal amount shall not exceed \$3,855,000.
 - A temp note agreement was entered into with Brownstone Investment Group on May 6, 2026 with a principal amount of \$3,685,000.
 - A true interest cost of the notes is 3.3092779%, which was lower than the maximum rate provided for in the authorizing temp note resolution of 5.21%.

LEGAL CONSIDERATIONS:

- Gilmore and Bell serves as the City's bond counsel and has verified this issue is in full compliance with state laws and local resolutions and ordinances.

RECOMMENDED MOTION

- Adopt an ordinance authorizing and providing for issuance of \$20,950,000 principal amount of General Obligation Bonds Series 2026-A, and
- Adopt a resolution prescribing the form and details of and authorizing and directing the sale and delivery of \$20,950,000 principal amount of General Obligation Bonds Series 2026-A, and
- Adopt a resolution prescribing the form and details of and authorizing and directing the sale and delivery of \$3,685,000 principal amount of Temporary Notes Series 2026-1.

Council Member Nick Engle said I will be abstaining from voting on this item due to professional requirements since it deals with the issuance of bonds.

Jenny Webster moved, seconded by **Wayne Molt, Jr.**, to

- adopt an ordinance authorizing and providing for issuance of \$20,950,000 principal amount of General Obligation Bonds Series 2026-A, and
- adopt a resolution prescribing the form and details of and authorizing and directing the sale and delivery of \$20,950,000 principal amount of General Obligation Bonds Series 2026-A, and
- adopt a resolution prescribing the form and details of and authorizing and directing the sale and delivery of \$3,685,000 principal amount of Temporary Notes Series 2026-1.

Mayor Mark Staats asked do we know if by waiting we got a better deal or would we have maybe been better off holding the sale earlier as originally planned? I know we got a great deal, but could we have gotten a better one? I know Mulvane lost money right around the time we rescheduled our sale.

Kiel Mangus, City Manager, replied it is hard to say. I think the interest rates at the time were pretty similar, as were the parameters we were going to set. You all probably saw the article about the Mulvane bonds that were sold right around the time the bill was passed; the winning bidder backed out on them. Hopefully anything the legislature brings forward in the future will take into account the full faith and credit impact on a city's bonding capabilities. When the League of Kansas Municipalities asked me to go testify in Topeka on the bill, it was specifically about the bond portion of the bill. Some of those in the legislature understood; others I think didn't care or realize the financial impact it would have on cities, counties, and schools - like what we saw in Mulvane. An example is our item tonight. Part of the bond sold was for our water treatment plant. We are going to pay that back from water funds generated by fees. We get a better interest rate by issuing General Obligation bonds backed by our full faith and credit instead of Special Revenue bonds with a higher interest rate. A one or two percent difference in interest could mean a difference of several million dollars over the life of the bond, costing the taxpayers more. That's the message we want to be sure legislators understand; cities want to be good stewards of taxpayer funds by spreading those costs out over time.

Mayor Staats said I hope the legislators will start listening to cities about the consequences we face from decisions they make in Topeka. None of us want to pay more taxes, but we do have a City to run and need to make sure the costs of doing so are covered.

Mr. Mangus said Mr. Herrmann and Gilmore and Bell were very helpful during the legislative session in monitoring that bill and providing language that would provide needed exemptions for the bond piece that cities, counties, and schools need. We will continue working with them to try to educate our legislators about what bonding is; I think many of them don't know or understand differences between a school bond and city bonds. I'm hopeful we can help them to gain a

better understanding of their purpose and why they are such an important part of local government.

RESULT:	Carried
MOVER:	Jenny Webster
SECONDER:	Wayne Molt, Jr.
AYES:	Gabe McKeever, Kristi Truitt, Mike Neel, Jenny Webster, Wayne Molt, Jr., Jessica Rhein, and Jared Brown
ABSTAINED:	Nick Engle

9.3 First Reading: Zoning and Subdivision Regulation Amendments

Scott Knebel, City Planner, gave the agenda report.

BACKGROUND:

- On November 20, 2025, the Planning Commission initiated the process to amend the zoning and subdivision regulations after conducting the annual review of the Vision Derby 2040 Comprehensive Plan and determining that amendments to the zoning and subdivision regulations are needed.
- The Planning Commission appointed a steering committee to guide the process and to develop recommended amendments to the zoning and subdivision regulations.
 - The steering committee included the following:
 - City Council Members Wayne Molt and Kristi Truitt;
 - Planning Commissioners Weston Heflin and Phil Heseltine;
 - Community Development Advisory Board Member Jennifer Brown; and
 - City staff including City Manager Kiel Mangus, Public Works Director Robert Mendoza, Code Enforcement Officer II Brent Lichti, City Planner Scott Knebel, and Development Director Dan Squires.
- The steering committee reviewed the amendments identified by the Planning Commission and prepared recommended amendments to the zoning and subdivision regulations, which are summarized below in the Policy Considerations section and are detailed in the attached Recommended Zoning and Subdivision Regulation Amendments.
- The City hosted an open house on April 9, 2026, to get public input on the recommended amendments pertaining to Duplex Density and Design Standards and Building Variety Standards.
 - A summary of the feedback received at the open house is attached.
 - The summary was presented to the Planning Commission at the public hearing.

LEGAL CONSIDERATIONS:

- K.S.A. 12-749 and K.S.A. 12-757 require the Planning Commission to set a public hearing for the formal consideration of amendments to the zoning and subdivision regulations.
 - The Planning Commission set the public hearing for April 16, 2026, and notice of the hearing was published in the official city newspaper on March 12, 2026, as required by state law.

- At the public hearing, an opportunity was granted to interested parties to be heard.
 - One citizen spoke in opposition to reducing compatibility setback requirements.
 - Staff noted that the requirement is not proposed to be reduced; instead, administrative reductions of up to 25% are proposed for properties that meet the identified criteria for a reduction.
- Upon conclusion of the public hearing, the Planning Commission voted to recommend City Council approval of the recommended zoning and subdivision regulation amendments.
 - The minutes of the Planning Commission public hearing are attached.
- All conditions precedent to the Council's consideration of adoption of the recommended amendments have been satisfied.
- In accordance with state law, the Council may take one of the following three actions when considering adoption of the recommended amendments:
 - Adopt the recommendation of the Planning Commission and adopt the amendments by ordinance by a majority vote (5 votes).
 - Override the recommendation of the Planning Commission and disapprove or modify the amendments by a 2/3 majority vote (6 votes).
 - Return the recommendation to the Planning Commission with a statement specifying the basis for the Council's failure to approve or disapprove (5 votes).
- The attached ordinances to enact recommended amendments to the zoning and subdivision regulations have been reviewed and approved as to form by the City Attorney.

POLICY IMPLICATIONS:

1. Permitted Material for Non-Screening Fences: The Zoning Regulations require screening fences to be constructed of brick, stone, masonry, architectural tile, concrete, or wood or a combination of those materials and do not permit the use of woven wire, welded wire, or metal panels (except in M-1). The standard is intended to promote a high community aesthetic; however, since it does not apply to fences constructed for purposes other than required screening, aesthetically unappealing fences, particularly of metal panel construction, have been constructed in visible locations.
 - The committee recommends prohibiting exclusively metal panel fences except in the M-1 district and recommends permitting metal panel fence material in other districts only when it is framed by another fence material.
 - The committee also recommends clarifying that chain link fencing with slats is not a permitted screening fence type.
2. Permitted Size of Outdoor Display Areas in B-3 and B-4: Home improvement centers and garden centers in the B-3 and B-4 districts are permitted an outdoor display area, but it is limited to 20% of the area of the enclosed portion of the business and 50% of the outdoor

display area must be beneath a roof structure. In the B-5 district, home improvement centers and garden centers are permitted an outdoor display area equal to the size of the enclosed business with no requirement for the area to be covered by a roof structure. Recent home improvement center projects in the B-3 district have sought, and received approval of, outdoor display areas closer to the size of the enclosed portion of the business with no roof covering.

- The committee recommends that home improvements centers in the B-3 and B-4 districts be permitted an outdoor display area equal in size to the indoor portion of the business, up to a maximum outdoor display area of 25,000 square feet.
 - The committee also recommends removing the roof structure requirement for 50% of the outdoor display area.
3. Lot Splits with Access by Easement: The Subdivision Regulations permit administrative approval of lot splits; however, a lot cannot be created by lot split that does not have street frontage and is accessed via access easement across adjoining property. Such lots are required to be created by replat, which is an expensive and time-consuming effort with little benefit.
- The committee recommends permitting administrative approval of lot splits involving an access easement as long as the access easement is approved by the City or County Engineer, as applicable, and is recorded prior to or concurrently with the lot split.
4. Time Extensions for Temporary Use Permits: A variety of temporary uses can be permitted administratively subject to time limitations set by the Zoning Regulations. Several businesses have requested extensions for temporary uses, but the Zoning Regulations make no provision for extending the time for which the temporary use is allowed to operate.
- The committee recommends that the Zoning Administrator be granted the authority to extend the permitted time for a temporary use by 20%.
5. Equipment Rental and Sales: The definition of equipment rental and sales is very specific, and a Special Use is required for equipment rental and sales in the B-3 district. Home improvement centers are permitted to sell some of the same equipment as an equipment rental and sales business but are permitted by right in the B-3 district.
- The committee recommends clarifying that home improvement centers that sell or rent concrete mixers, vertical lifts, construction equipment, trucks, vehicles, trailers, portable signs, scaffolding, and similar equipment are also classified as an equipment rental and sales business and would require Special Use approval in the B-3 and B-4 districts.
6. Front Yard Utility Easements: The Subdivision Regulations require that utility easements be platted along the rear property line. Recently, Evergy has been requiring utility easements to be platted along front property lines, and Evergy has notified the City that it will no longer be installing electric service in the rear yard.

- The committee recommends allowing front yard utility easements when required by utility companies but limiting the easements to 10 feet in width.
- 7. Parking Requirements: The parking requirements were recently simplified, and the parking requirement for uses not specifically listed in the regulations is determined through site plan review. The regulations only provide general guidance on determining the appropriate requirement for uses not specifically listed. More specific guidance will assist designers in determining how much parking likely will be required through site plan review.
 - The committee recommends requiring applicants to submit a parking demand and circulation analysis for uses not specifically listed in the Zoning Regulations.
 - The analysis would consider the number of employees, number of expected customers, total operating hours, and peak operating hours.
- 8. Duplex Design Standards and Density Options: The City Council has established a priority item to address design standards and density options for duplexes.
 - The committee recommends amending the R-1A "Urban Density Residential District" to permit "self-contained units" of duplex development by right, which would be a maximum size of two blocks.
 - The self-contained units of duplex development would have separation requirements from existing/future single-family development, to promote compatibility, and from existing/future duplex development, to discourage concentrations of duplex development.
 - Additionally, when permitted by right in the R-1A district, duplex development would be subject to design standards requiring a pedestrian-scaled front entry, requiring front windows to comprise at least 10% of the front facade, and limiting garage doors to 50% of the front facade.
- 9. Building Variety Standards: Recent developments containing dozens of identical or nearly identical residential buildings have resulted in concerns with the negative impact of such developments on community aesthetics. Building variety standards are an established zoning approach requiring buildings within proximity to one another to have varying design features to create a more visually appealing neighborhood.
 - The committee recommends requiring building variety standards for future single-family and duplex development in neighborhoods platted since 2022.
 - The standards would prevent identical or nearly identical buildings from being located next door and across the street.
 - Buildings will meet the variety standards if they have a different roof type, width, height, or silhouette.
 - If the buildings have the same roof type, width, height, and silhouette, then the building designs would need to be

differentiated using design treatments involving the roof line, windows, and/or exterior materials.

10. Design Criteria for Accessory Structures: Accessory structures over 200 sq. ft. in area, other than outdoor living structures, are required to be of a similar architectural design and material as the principal structure. The requirement has been difficult for citizens to understand and can be improved by including examples in the regulations of how an accessory structure can be of a “similar” design.
 - The committee recommends that accessory structures be considered of a similar design if the proposed accessory structure closely coordinates with the principal structure in at least two of the following criteria: roof style and material; exterior siding material; color scheme; or other shared design feature.
11. Administrative Adjustment of the Compatibility Setback: The Zoning Regulations were recently amended to permit administrative approval of minor reductions of setbacks; however, the compatibility setback requirement was not included in the setbacks that can be administratively reduced.
 - The committee recommends authorizing administrative approval of up to a 25% reduction of the compatibility setback, which only applies when multi-family or non-residential development is adjacent to single-family or two-family zoning.
12. Entry Monuments: The Zoning Regulations permit entry monuments for residential subdivisions; however, the design criteria are general in nature and have resulted in the approval of entry monuments within medians that have proven to be problematic from a maintenance and visibility standpoint.
 - The committee recommends prohibiting entry monuments, that impede the area between 33 inches and 8 feet above the curb, in medians.
 - Entry monuments also could not be pole style signs and would require a long-term maintenance plan.
13. Fences in Front of the Principal Structure: Fences up to 6 feet in height are permitted to enclose the portion of a residential yard that is behind the front wall of the principal structure. Most houses have varying projections, with the garage typically on one side of the house and protruding significantly further toward the front property line than the residential portion of the structure. When a garage on one lot is adjacent to the recessed portion of a residential structure on an adjoining lot, the result can be that the two adjoining lots have a staggered fence pattern that is aesthetically unappealing. Additionally, prohibitions on fences in front of the dwelling are problematic for dwellings without doors to side or rear yard that provide direct access to a fenced yard.
 - The committee recommends allowing additional side yard areas to be fenced in circumstances where both adjoining properties fence the side yard up to the front of the house closest to the street.
 - Additionally, the committee recommends a provision allowing dwellings without a side or rear door to fence an area for access to the side or rear yard from the front door.

14. Width of Pedestrian Access Ways: The Subdivision Regulations require all pedestrian access ways to be 10 feet wide. When the pedestrian access way is connecting two 5-foot-wide sidewalks, the extra width is unnecessary.
- The committee recommends that pedestrian and access ways be the width of the widest sidewalk to which it connects and be located within a reserve at least twice as wide as the width of the pedestrian and access way.
15. Accessory Structures in Easements: The zoning administrator is authorized to permit structures in an easement that are “movable” or “do not significantly obstruct” the easement. Clarity is needed as to what is considered “movable,” and direction is needed on what is considered a “significant obstruction” of an easement.
- The committee recommends that accessory structures in easements be limited to 120 square feet in size and be limited to anchoring by straps or bolts and not placed on a foundation.
16. Use Limitations in the B-1 District: The B-1 “Office Business District” restricts businesses in the B-1 district to 4,000 square feet of floor area; however, several larger businesses have been permitted in the B-1 district over the years without noticeable negative impact.
- The committee recommends permitting a building larger than 4,000 square feet in B-1 if the building has a minimum setback of 100 feet from property zoned R-1 or R-2.
 - The existing buildings that are larger than 4,000 square feet meet the proposed setback requirement.
17. Basic Industry: The Zoning Regulations include a category called “basic industry”, which includes the most intensive industrial uses that are only permitted in the M-1 “Industrial District” with additional approval of a Special Use. The definition needs to be updated to include hemp processing and data centers.
- The committee recommends expanding the definition of basic industry to include business involving high utilization of water and electricity and to include industrial hemp processing and data centers as examples of such businesses.

RECOMMENDED MOTION

- Schedule a second reading of the ordinances adopting the zoning and subdivision regulation amendments for May 27, 2026.

Kiel Mangus, City Manager, said right now, a duplex can be built in R-1 Districts with a special use. Many of our established neighborhoods are R-1, where some duplexes can be found. When applying the design standards, variety, and density regulations, we used the R-1A District, which is found in newer developments.

Scott Knebel, City Planner, confirmed a duplex can be built with additional zoning approval in R-1, but it is fairly new within the code, starting five or six years ago.

Mr. Mangus said the intent is to see a better mix of uses and styles throughout our newer neighborhoods. One example is a block of duplexes in Stone Creek by the elementary school. Another can be found near Rock River Rapids.

Mr. Knebel said Fontenelle is a good example of a self-contained unit of two blocks of duplexes. In Stone Creek, there are duplexes permitted because they are directly across from the school, rather than across from single-family homes.

Council Member Nick Engle said that blending of styles is just for R-1A. Could the facade standards be carried through to be used in R-2 neighborhoods as well?

Mr. Knebel said yes. In fact, that is the next item on the list: addressing the design standards and building variety standards for all single-family and two-family new construction in Derby. It is proposed that there be no identical or nearly identical buildings built next to each other except through an exception request. This passing would require a minimum of four designs by developers in neighborhoods.

Mr. Mangus pointed out we have talked with builders throughout the process of developing design and building standards. Our purpose was to allow for variety, but not with criteria that would be too burdensome for developers. We do review our regulations annually, so if we find more changes are needed as we get into using these standards, we can address them at the next update.

Council Member Jessica Rhein said only entry monuments found within medians are affected, correct? This would not apply to those found on corners or other property?

Mr. Knebel said correct; it pertains only to residential entry monuments in medians.

Council Member Kristi Truitt said the monument standard will apply only to new developments, and we would grandfather in those there now. We aren't asking anyone to tear down their existing ones, are we?

Mr. Knebel said if one were destroyed or needed rebuilding, we would not allow it to be rebuilt in the same way, but no, this doesn't require they remove any currently existing median monuments.

Mr. Mangus said maintenance of monuments within the median is a real challenge. As a result, over time the HOAs who have median monuments often ask the City to take over those medians. In those cases, we do remove them because of the difficulty they pose for maintenance and for traffic issues.

Council Member Jared Brown said thank you for the presentation and work on this. I have a question regarding the fences, particularly the definition of metal or wood. As a contractor, I know there are constantly new composites and materials

coming out. Would there be an exception for a metal or composite material that has a wood look? Wood is expensive and not as durable as some of these other materials that look nice.

Mr. Knebel showed a photo from the presentation and said this fence is all metal, both the fence and the framing material. So, yes, it would be allowed. The difference is the framing, rather than just having metal sheeting. Also, we update these standards regularly, so as new materials come out for use, the regulations will be adjusted to address them.

Mr. Brown said I'm glad to see updates to the accessory structure design criteria to say it needs to be similar to the principal structure in "at least two" areas. We all want our city to look nice throughout, but we cannot expect someone to spend just as much on an accessory building as they do their home because they are trying to match materials. Currently, I believe metal buildings are not allowed in residential areas of the City; is that correct?

Mr. Knebel said no. We do not restrict metal exterior materials on single-family or two-family residences. It is not even prohibited for multi-family or commercial properties as long as it is of an architectural style rather than a seamed corrugated style.

Mr. Brown said thank you, that is good to know. I have had questions about it because they are much more cost effective to build than a wood structure.

Mr. Knebel clarified in terms of the commercial materials, especially, they are coming up with materials that look almost like any other exterior: even a stucco look or a wood look.

Mr. Brown added I'm also glad to see us addressing the data center issue on the front end of things, rather than trying to play catch up later. I appreciate the forward thinking on that for our community to have tools available and ready to address it.

Mr. Engle said I appreciate that you and your staff go through these every year to be sure we are staying relevant and making needed adjustments to our regulations. Things change very quickly, but you work diligently to meet the needs of our community through those changes by meeting with community stakeholders, both residents and developers. Especially this year with the duplex design and density standards, I know there is a ton of legwork involved. Thank you very much.

Council Member Gabe McKeever asked are the catalysts for these changes mainly one-offs or are they repeating issues that arise?

Mr. Knebel replied most of the clean-up amendments are one-offs. Updates in regard to design criteria and the like have kind of evolved and built upon one another each time we make changes. A lot of them are things that come up when

we go to issue a permit, but the code isn't very clear. Fixing that code makes it easier for future generations as they issue permits.

Mr. Mangus said Mr. Knebel and his staff really do a good job of trying to save our residents time and money. Saving them the process of going through a site plan process and paying for a survey when it really isn't needed also frees up our own staff time, increasing efficiency. Finding items that can be handled administratively in two weeks rather than engaging in a two-month or longer process works out better for everyone involved.

Council Member Wayne Molt, Jr. echoed Mr. Engle's comments of thanks and appreciation for the work put into this. Thank you for allowing me and Ms. Truitt to serve on the committee that discussed and looked into these updates. It was quite a learning experience and instilled in me a deeper appreciation for the work of you and your department. Thank you.

Wayne Molt, Jr. moved, seconded by Kristi Truitt, to schedule a second reading of the ordinances adopting the zoning and subdivision regulation amendments for May 27, 2026.

RESULT:	Carried
MOVER:	Wayne Molt, Jr.
SECONDER:	Kristi Truitt
AYES:	Gabe McKeever, Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Wayne Molt, Jr., Jessica Rhein, and Jared Brown

9.4 Mayor and Council Member Stipends

Kiel Mangus, City Manager, gave the agenda report.

BACKGROUND:

- At the most recent Council Priority list update, discussion occurred regarding the current stipend amount for the Mayor and Council Members.
- Staff was tasked with researching the topic and bringing it back to Council for discussion.
- Many other cities in the Wichita metro area provide stipends of varying amounts, along with other Cities of the First Class across Kansas.
 - Research results on stipend amounts are included in the packet.
- In 2009, a stipend was added for Council Members to go with the stipend received by the Mayor. The stipend amount has not changed since 2009.
 - Council members currently receive a stipend of \$100 monthly (\$1,200/year).
 - The Mayor receives a stipend of \$500 monthly (\$6,000/year).
 - In that same timeframe (16 years), inflation has increased 40-50%, eroding the value of that stipend over time.
- The stipend is not intended to be a salary or to compensate for the value of time in service.
 - The stipend does help elected officials with offsetting costs such as daycare/babysitting, transportation to meetings and events, monthly internet charges, and other personal expenses.

- Raising the stipend could help recruit more candidates to run for elected office and can ensure working parents, young professionals, and those without flexible jobs can still serve, strengthening representation of the full community.
- City staff researched Council Member and Mayoral pay amounts among Cities of the First Class in Kansas and area cities.
- Mayor/Chair yearly stipends ranged from \$132,818 in Unified Government/Wyandotte County down to \$0 in a few communities.
 - The average Mayor/Chair stipend was \$20,027.79 for all 1st Class cities and cities of comparable size in Kansas.
 - Looking at cities in the Wichita metro (not including Wichita itself) the average Mayor/Chair yearly stipend was \$4,860.92.
- Average Council Member yearly stipends ranged from \$54,395 in Wichita down to \$0 in a few communities.
 - The average Council Member stipend was \$9,222.09 for all 1st Class cities and cities of comparable size in Kansas.
 - Looking at cities in the Wichita metro (not including Wichita itself) the average Council Member yearly stipend was \$2,689.01.
- Governing Body stipends are set in City Municipal Code which would require an update in order to change stipend amounts.
 - A draft ordinance is attached, which would need to be completed with the amount of the stipend based upon Council direction.
 - The current code provision does allow for Council Members to donate their stipend to approved non-profits such as Derby Community Foundation, Derby Community Family Services, Derby Historical Museum, United Way of the Plains, or to the City General Fund to support the public library, senior services, or parks.
 - Any approved increases in stipends would still allow for donation of the stipend if desired.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The City currently budgets \$15,600 total for Mayor and Council Member stipends at the current level (\$100 monthly for Council and \$500 monthly for Mayor).
- Any increases in costs would have to be accounted for in the budget.
- Increasing the Council Member stipend to a range of \$300-500 monthly (\$3,600-\$6,000 yearly) and the Mayoral stipend to \$800-1,000 monthly (\$9,600-\$12,000 yearly) would cost an additional \$21,600-\$44,400 annually in budget impact, depending on the level selected by Council.
- Some of the increased costs could be offset by a reduction in the general fund budget for City Council that has traditionally been used to pay for event tickets/area meetings/etc. for Council Members. Those costs could then be paid by Council Members and covered by the increased stipends.
- Any budgetary increase would have to be accounted for this year in the 2026R budget.

LEGAL CONSIDERATIONS:

- Ordinance language updates attached have been prepared and reviewed by the City Attorney.

POLICY IMPLICATIONS:

- A City Council should reflect the demographics of the community as much as possible. The goal of a stipend is to help ensure that people of all income levels are able to serve as Council members and that concern about personal expenses does not deter people from running for elected office.

RECOMMENDED MOTION

- Provide feedback and direction on Council Stipends.

Council Member Jared Brown said I appreciate Mr. Warren's email read earlier; his comments are similar to my own thoughts on this item. As a blue-collar small business owner, I offer a different perspective compared to many who currently serve on this council. I can tell you firsthand that serving on Council comes with real costs. Whether it's time away from work, lost opportunities professionally, or even the personal expense of purchasing business attire to properly represent the community - something that isn't part of my everyday work as a contractor. But this isn't about me - it's about who we want sitting at this table in the future. Right now, there are probably many good community voices that never even consider running because they simply can't afford to serve. We need to be careful not to create a system where only people who are financially independent and insulated from public scrutiny can realistically hold office. When you own a small business or work for yourself, there's often no real separation between public decisions and your personal livelihood. Sometimes difficult votes can affect relationships, customers, or income in ways people don't always think about - or quite frankly, can't even be calculated. By increasing the stipend a modest amount, we help remove some of those barriers. Whether that's a single parent paying for childcare to attend council meetings, a working family trying to balance public service with household expenses and inflation, or a small business owner losing time and income while serving the community. The goal here is to make sure public service remains accessible to a broad range of residents, not just those with the financial flexibility to absorb the costs. This proposal is not out of line with what similar communities in our area already provide. In many ways, it simply keeps Derby in line with what is already considered par for the course among comparable cities. And for anyone who feels strongly about it, there is always the option to voluntarily donate the stipend back into local programs, community organizations, or city initiatives they support. It's not about large sums - it's about ensuring every resident, regardless of financial situation, has the opportunity to have a voice in our city's future.

Jared Brown moved, seconded by Gabe McKeever, to adopt an ordinance amending the stipend amounts for the governing body to provide that the Mayor shall receive a monthly stipend of \$1,000 and each Council Member shall receive a monthly stipend of \$500, effective July 1, 2026, with a portion of the increased cost being offset by eliminating certain city-funded ticket purchases for events and meetings.

Council Member Gabe McKeever said I'm not married to any particular amount. I believe those who served on Council long before us deserved to get a higher stipend than what has been in place since 2009. Aside from the \$1.50 hotdog at Costco, I can't think of anything that hasn't increased in price for that long! I agree that an increased stipend may encourage others to run and serve without fear of the costs involved.

Council Member Kristi Truitt said I appreciate the perspective from Mr. Warren's email and from what Mr. Brown shared. I struggle with this a bit, though, and want to hear from everyone on the bench. In this economic environment and the budget process we are about to enter, I think we need to have some hard discussions about what we can and can't do as a City. With our city staff about to present to us their requests and needs for the 2027 budget, I have a hard time saying I should get a larger stipend, or anything for that matter. I've elected to donate my stipend to the Senior Center; that was my personal choice. When I ran for Council it was as a volunteer, not for money, but I also realize that is not a spot everyone can be in. On the other hand, I don't know if a few hundred dollars more would offset someone's job. In my mind it would have to be thousands more to do that. I just want to be really conservative with taxpayer dollars, so that's where I am on this. If we were to get a huge outcry that residents feel they are not getting the kind of representation they need or want from this bench, and we felt that a larger stipend would draw better candidates, I'd be all about it. I don't think that's where we are, though. This last election we had one seat out of four that was a contested race.

Council Member Nick Engle said this is definitely an uncomfortable conversation, but if this is going to be done, it will have to be by us. No one else is going to, nor can they, do it. It is a stipend, given with the intent that it is going to help offset some of the expenses incurred by serving. We cannot replace the time required to serve; those desiring to be on Council should recognize you are basically donating your time with a small stipend offered. I kind of fall in the middle on this one. If you consider phones, computers, apparel, and community engagement through events, it makes sense to assist in covering those costs. Mr. Warren's email pointed out some other good considerations as well. I don't feel opportunity costs should be accounted for, rather, we need to look more at the true costs. Why aren't people running for City Council? I've run unopposed twice. Is that because no one wants to run or because there are obstacles preventing them from doing so? I don't know. I would rather be early than late on the issue, though. Looking at what other cities are doing is important, but that should not be our sole reason to increase the stipend. When do we want a change to take effect? July 1st, or should we wait to include with our next budget cycle? I considered the idea of including an automatic increase for inflation but think that muddies the water a bit. While this is a difficult and uncomfortable conversation, it should be. If future councils want to increase their stipend, they should need to have the same uncomfortable conversation. As far as the ordinance goes, do we want to include language that the stipend review should take place every 5 years or so?

Kiel Mangus, City Manager, said adding a timeframe into an ordinance is difficult. Perhaps we could instead add it as a goal in the Governing Body Manual that Council will review and discuss the stipend every 5 or 7 years. The manual is reviewed and updated annually already, so having the goal listed in there could help us keep it in mind and bring it up for discussion on a certain schedule.

Jacque Butler, City Attorney, agreed it would be easier to implement from the Governing Body Manual. If we add a certain timeline to the ordinance, it then becomes part of the municipal code, and we risk a chance of overlooking it rather than prompting the discussion as intended.

Mr. Engle said that makes sense to me and I'm agreeable to handling it that way if the rest of the bench agrees. The amounts I had in mind were \$350 for Council and \$700 for the Mayor, based on costs I had calculated, but I'm interested to hear everyone's opinion. I won't fight over a few hundred dollars per month if the bench supports the current motion, but I did have lower numbers in mind.

Mr. Mangus said from a staff perspective, we can implement this on any date. Given it is tied to an ordinance, publication is required, so the soonest a change could start is Wednesday of next week. July 1, as proposed, will work too. From a budgeting perspective, we underspend our salaries because of vacant positions typically. The governing body is paid from the General Fund in which we carry forward between \$900,000 to \$1 million on average, so there is money available to allow an increase.

Council Member Wayne Molt, Jr. said I asked Mr. Mangus some questions about this earlier today. I feel politicians voting for their own pay raises is perverse, at all levels of government. When I agreed to run for Council, I did not even know there was a stipend available. When my employer informed me I could not use my work-provided phone for Council business, I did have to purchase another phone. The stipend has helped to cover that cost for me. I am not stuck on any certain amount but think there should be an increase. The time involved as we study our packet materials, serve on committees, and represent our community at various events is significant. I planned to bring this up when I am no longer serving. At that time, I planned to ask the sitting Council to consider increasing the stipend due to the time commitment involved.

Mr. Mangus said there is never a perfect time to do this, and it is a difficult conversation to have, so I commend you for holding the discussion.

Mr. Molt added I solicited feedback from some of my constituents, and none of those responding felt a stipend increase was unwarranted. In fact, most were quite surprised at what our stipend is. That input, along with the email from Mr. Warren, helped me feel a bit better about this, but it is still uncomfortable.

Mr. Mangus said that is a common reaction we get from residents who call City Hall to talk to the Council President, they don't know this isn't your real, full-time job. It is a common question fielded by staff, "Why isn't my councilmember there?"

Isn't that what they are paid for?" While it is not a volunteer position; it really isn't too far from it.

Council Member Mike Neel said when I look at communities on this list that are similar in size, or even smaller, it is surprising at what they make. The amount some of them, like Andover, are paying is astonishing, and makes me curious to see what their mill levy looks like. I think all of us serving Derby seem to be of the same mind, that this is uncomfortable to discuss, but the discussion is needed. I appreciate what everyone has shared.

Council Member Gabe McKeever said I agree that the amounts we are discussing could not replace anyone's job, nor do I believe it should. We do not want someone running for office in order to obtain a lifestyle change. As some others have said, I did not know there was a stipend involved when I signed up to run. As I've settled in and learned more of what being on the bench involves, however, I am beginning to realize how much time it takes. I am honored to serve and represent our community, and I commend former Councils for keeping the amount the same for so long. I don't believe it requires each newly elected council to vote for raises, I do think for the amount of time involved in truly serving in these positions, a larger stipend could encourage some others to run. If we continue as is and say we expect you to be available at these times on these days, it could shrink the pool of candidates to only include retirees or self-employed individuals.

Council President Jenny Webster said I never intended my position on Council to replace my chosen career, and it should not. For all of us, it has never been about the stipend. I enjoy giving back to the community I love and from which I have received so much. There are time constraints, mileage, technology like phones, and other things with costs attached. An increase is not something I have to have, and I'm not set on any specific dollar amount, but I do believe an increase makes sense. For example, it is 8:10 p.m. right now and we all have families continuing on without us tonight, so there is some sacrifice associated with being on Council. I am in support of an increase, and I am happy we are including an increase for the Mayor who gives even more outside time than most of Council. I believe the community will support this as well, recognizing we are all invested in serving, especially when you look at what some other area councils are making.

Mr. Mangus pointed out the budget's General Fund is around \$28 million and around 75% of that is for salaries. In the overall picture, the Council stipends are a very small percentage of costs, even with an increase. If I said we cannot afford a stipend increase, it would not be true. We are getting ready to go through another budget process, and we've managed to survive another year of the State of Kansas making decisions that affect how we do business. We also know we are a growing community that will need to say no to some things in order to live within our means. Every dollar matters, but I do want to point out the stipends are a very small portion of the overall finances of the City.

Ms. Webster said if finances take a turn and we do find ourselves in a worse situation, there's nothing that says we can't come back again to change, reduce, or eliminate stipends, is there?

Mr. Mangus replied Council can have the stipend discussion as often as you want, it just requires an ordinance change.

Mayor Mark Staats said I truly believe the mission of everyone on the bench is to serve our neighbors and community; but doing so can come at a cost. We've all heard the old saying "Time is money", and it is true. Mr. Brown made a comment earlier about the potential for lost income. That could impact almost any of us, but it is hard to quantify that impact or put a dollar amount to it. To use Mr. McKeever as a quick example, he is in the mortgage business. There could be a time when someone does not like the way he votes, so they leave him out when seeking a loan. The increase proposed would not bring about a lifestyle change for any of us. I hope that money will never be what drives someone to run to serve in Derby; that they truly want to serve and work for the community. Although I do not have a vote on this item, I am in support of the motion. Lastly, I'll point out the amount being considered is where Andover was before their last increase.

RESULT:	Carried
MOVER:	Jared Brown
SECONDER:	Gabe McKeever
AYES:	Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Wayne Molt, Jr., Jessica Rhein, and Jared Brown
NAYS:	Gabe McKeever

9.5 Policy Concerning Multiple-Occupancy Private Spaces

Jacque Butler, City Attorney, gave the agenda report.

BACKGROUND:

- During the 2026 legislative session, the Kansas Legislature enacted H Sub for SB 244 requiring the designation of multiple-occupancy private spaces in public buildings for use by only one sex.
 - The legislature overrode the Governor's veto to enact the law.
- The law places the following requirements on governing bodies with regard to the management of multiple-occupancy private spaces in public buildings:
 - Designate each multiple-occupancy private space for use by one biological sex, as defined by state statute.
 - The governing body shall take every reasonable step to ensure an individual does not enter a multiple-occupancy private space that is designated for use only by individuals of the opposite sex.
- Relevant definitions under the law are as follows:
 - "Multiple-occupancy private space" means a facility designed or designated for simultaneous use by more than one individual and in which an individual may be in a state of undress in the presence of another individual, regardless of whether the facility provides curtains or partial walls for privacy. These spaces include, but are

not limited to, a restroom, locker room, changing room, or shower room.

- "Single-occupancy private space" means a facility designed or designated for use by only one individual at a time and in which the individual may be in a state of undress. These spaces include but are not limited to (1) single toilet restrooms with a locking door that is designed or designated as unisex; or (2) a family restroom or changing room.
- "Public building" means a building owned or leased by a governmental entity.
- There are several exceptions to the general rule of single-sex presence in multiple-occupancy private spaces.
- Failure to comply with the above requirements creates the potential for civil penalties against the city of \$25,000 for a first violation and \$125,000 for each subsequent violation.
- In addition, the law requires that the city maintain processes to receive, investigate and respond to complaints of violations of the law.
- Rather than having the law take effect on July 1st, the legislature opted to have the law take effect immediately.
- Since its passage, staff have taken multiple steps to prepare for the law's impact including the following:
 - Completing an inventory of multiple-occupancy private spaces in city-owned buildings and confirming they are appropriately signed under the law.
 - Communicating and working with other local governmental entities, as well as cities across the state to review the legal requirements and discuss implementation and policies.
 - Review model policies and guidance issued by the League of Kansas Municipalities.
- A resolution establishing a policy focused on compliance with the law is attached for review and approval.

LEGAL CONSIDERATIONS:

- Failure to comply with the law places the city at risk for significant civil penalties.
- The draft policy reflected in the resolution is a modified version of the model policy recommended by the League of Kansas Municipalities.

RECOMMENDED MOTION

- Approve a resolution to adopt the policy for multiple-occupancy private space management.

Jenny Webster moved, seconded by Wayne Molt, Jr., to approve a resolution to adopt the policy for multiple-occupancy private space management.

Council Member Nick Engle asked would the failure to comply be not implementing the policy?

Jacque Butler, City Attorney, clarified it is not to implement the policy and to not see it through because you are tasked with "every reasonable step". So, if we don't have a policy and we got a complaint, it could be that we failed to designate the space with appropriate signage, or it could be the lack of an investigatory process. I will say to their credit, the legislature did build in some safe harbor provisions. If you get asked by the Kansas Attorney General to become compliant, there is a fifteen day period granted to allow for you to come into compliance and some room for discretion. It does other things, too, such as creating private causes of action between individuals who feel their privacy has been invaded. It creates the potential for criminal charges for repeat offenders. There is a lot in this one bill regarding utilization of these spaces by members of the opposite sex. What we want to focus on for this resolution are the City's obligations.

Kiel Mangus, City Manager, said Ms. Butler has done a great job being in touch with the DRC, the school district, as well as other communities and the League of Kansas Municipalities to understand what we are obligated to do. One of the first tasks was to go through all of our facilities, taking an inventory of these spaces, and ensuring they have appropriate signage. Adopting this policy is the next step toward ensuring we are compliant with the law passed.

Ms. Butler commended Tom Keil and facility staff for the inventory of all private spaces and noting where some changes may be needed. From their work, we were very fortunate to find out there were not many, if any, updates needed to our signage regarding private spaces.

Mr. Engle said I long for the day when policymakers stop wasting their time on bathroom legislation.

Council Member Jessica Rhein said I can see the potential here for a lot of political talk, and I want to make sure as Ms. Butler indicated, we are here only to focus on one thing: how does Derby become compliant with what has passed. I appreciate the time involved in ensuring we are compliant.

Ms. Butler noted the political speak component may create a challenge, particularly for law enforcement and those who may encounter individuals who feel there has been a violation of this law. We have some tools to share with them that can help them through those situations. I think the expectation of what the law is versus the reality of what it is, including the next steps, differ.

Council Member Jared Brown asked just to clarify, if someone encounters this situation, they do not call the police?

Ms. Butler replied they might call the police, because they may not know what else to do. The process is for them to file a complaint, which will be routed to the Deputy City Manager, and the complaint will get investigated. There are circumstances of more than just being present in the space which may arise to the level of criminal activity; when those occur, law enforcement will become involved.

RESULT:	Carried
MOVER:	Jenny Webster
SECONDER:	Wayne Molt, Jr.
AYES:	Gabe McKeever, Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Wayne Molt, Jr., Jessica Rhein, and Jared Brown

9.6 Ordinance Update to Allow Alcohol at Derby Senior Center

Jacque Butler, City Attorney, gave the agenda report.

BACKGROUND:

- Since 2012 the City has allowed alcoholic liquor and enhanced cereal malt beverage to be possessed or consumed at certain City properties.
 - Those properties include the Derby Public Library, High Park, Madison Avenue Central Park, the Welcome Center, Warren Riverview Park, Hubbard Arts Center, and Decarsky Park.
 - Decarsky Park was most recently added to this ordinance back in November 2025 to allow future alcohol sales when the Phase 2 construction is complete.
- The possession or consumption of alcohol on city properties only occurs subject to certain terms/conditions/rules and regulations contained in a rental agreement or alcohol use agreement.
- Adding the new Derby Senior Center to the list of approved City properties would allow alcoholic beverages to be possessed or consumed in designated areas at the new center similar to other locations.
- The Senior Center traditionally has had some programmed events with alcohol such as paint and sip classes, and they would like to continue these programs at the new center or add other possible programming that might involve alcohol.
- City staff is also currently evaluating the spaces, rates, and programming needs to allow some use of the Senior Center space (multipurpose room) as an available after-hours rental space.
 - This ordinance change would also facilitate use of the site as a potential future rental space as many private events desire the option of serving alcohol.

LEGAL CONSIDERATIONS:

- The Derby Municipal Code defines "enhanced cereal malt beverage" to include CMB as defined by state law and beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas Cereal Malt Beverage Act.
- The ordinance has been reviewed and approved by the City Attorney.
- The ordinance also adds the language "city manager or designee" to provide flexibility if the City Manager needs to have the Deputy City Manager or Director of Senior Services and Transportation determine an applicable location for an event.

RECOMMENDED MOTION

- Adopt an ordinance adding Derby Senior Center to the list of facilities where alcoholic liquor and enhanced cereal malt beverages are allowed, subject to approval by the City Manager or designee.

Wayne Molt, Jr. moved, seconded by Jenny Webster, to adopt an ordinance adding Derby Senior Center to the list of facilities where alcoholic liquor and enhanced cereal malt beverages are allowed, subject to approval by the City Manager or designee.

RESULT:	Carried
MOVER:	Wayne Molt, Jr.
SECONDER:	Jenny Webster
AYES:	Gabe McKeever, Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Wayne Molt, Jr., Jessica Rhein, and Jared Brown

Mayor Mark Staats stated I wasn't sure where the stipend discussion earlier was going to go. I would encourage every member of Council to become involved in community events. We all get emails informing us of things happening and ways to become involved. As community leaders, it is important to step out and be present at events throughout the Derby area. Sometimes there are ticket costs associated with those events; I am hopeful the increased stipend will allow for Council participation at those. Get involved; be seen and be active with our community.

10 ADJOURNMENT

Jenny Webster moved, seconded by Wayne Molt, Jr., to adjourn the meeting at 8:35 p.m.

RESULT:	Carried
MOVER:	Jenny Webster
SECONDER:	Wayne Molt, Jr.
AYES:	Gabe McKeever, Kristi Truitt, Mike Neel, Nick Engle, Jenny Webster, Wayne Molt, Jr., Jessica Rhein, and Jared Brown

City Clerk

Mayor

Consent Agenda Item



Subject: Assessment for Nuisance Abatement Ordinance
Meeting: City Council - 27 May 2026
Presented by: Lynn Ciarleglio, City Clerk

BACKGROUND:

- City ordinance requires debris be removed from properties and lawns be maintained at 10 inches or less to protect the public health and safety.
- The City has incurred costs in abating nuisances found to exist on one owner-occupied residence.
- Because affected lots are often in foreclosure or in the process of being sold, timely assessment is important to an equitable recovery of City funds.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- Costs total \$450, which include the City's debris removal costs plus administrative fees.

LEGAL CONSIDERATIONS:

- City ordinance authorizes staff to mow excessively tall vegetation and remove debris when property owners fail to do so. Staff seeks to collect reimbursement through informal efforts to avoid the need for formal remedies. Charges not timely paid may be assessed against the properties on which the work was performed.
- The City is authorized to recover costs incurred for mowing and/or debris removal by levying assessments against respective lots and parcels upon which such remedial work was performed by or on behalf of the City.

RECOMMENDED MOTION:

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

ATTACHMENTS:

[052726 Abatement List](#)

[052726 Nuisance Abatement Ordinance](#)

<u>Property Owner</u>	<u>Property Address</u>	<u>Legal Description</u>	<u>Work Done</u>	<u>Invoice</u>	<u>Fee</u>	<u>Total</u>
Courtney N. Mauer	1200 N. Buckner Ave.	LOT 10 BLOCK 1 PLEASANTVIEW 2ND. ADD.	debris removal	\$375.00	\$75.00	\$450.00

ORDINANCE NO. _____

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

WHEREAS, the City of Derby has incurred certain costs in abating nuisances found to exist upon certain real property located within the City; and

WHEREAS, the City is authorized to recover so much of such costs as remains unpaid by levying the same as special assessments against the respective lots and parcels upon which such remedial work was performed by or on behalf of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. The sums set out opposite the following lots and parcels of land should be, and the same are hereby, levied as special assessments upon such lots and parcels to pay the cost incurred by the City in mowing grass, cutting weeds, removing debris, or otherwise abating nuisances found to exist thereon during the year 2026:

Legal Description:

Legal: LOT 10 BLOCK 1 PLEASATNVIEW 2ND. ADD.
City of Derby, Sedgwick County, Kansas
PIN: 00301541
Address: 1200 N. Buckner Ave.

Assessment:

\$450.00

Section 2. This Ordinance shall be effective from and after its publication once in the official City newspaper.

PASSED by the City Council on the ____ day of _____, 2026, and **SIGNED** by the Mayor.

Mark A. Staats, Mayor

ATTEST:

Lynn Ciarleglio, City Clerk

Approved as to form:

Jacqueline R. Butler, City Attorney

Consent Agenda Item



Subject: VFW Request for Event Street Closures
Meeting: City Council - 27 May 2026
Presented by: Lynn Ciarleglio, City Clerk

BACKGROUND:

- VFW Post 7253 has submitted applications for Temporary Use Permits for two events they are hosting this summer: one on June 20th and the second on July 18th.. Planning & Engineering staff are working with the applicant to obtain all required documents for approval of the permit.
- To ensure the safety of those attending these events, the VFW has requested the closure of Washington St. from the west side of Baltimore Ave. to the alleyway to the west of the railroad tracks as shown on the attached map.
 - On Saturday, June 20, 2026, the VFW will be holding a Poker Run, for which they request the closure from 8:00 a.m. through 6:00 p.m., allowing for cleanup and tear down of the event.
 - On Saturday, July 18, 2026, to accommodate their Commander's Picnic, the street closure is requested from 8:00 a.m. through 5:00 p.m.
- Members of the VFW will set up, tear down, and man the barricades for the event.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- Public Works will drop off the needed barricades in advance of each event and later pick them up.

LEGAL CONSIDERATIONS:

- The City Council has authority to close roads for specific times to facilitate the safety of public events.

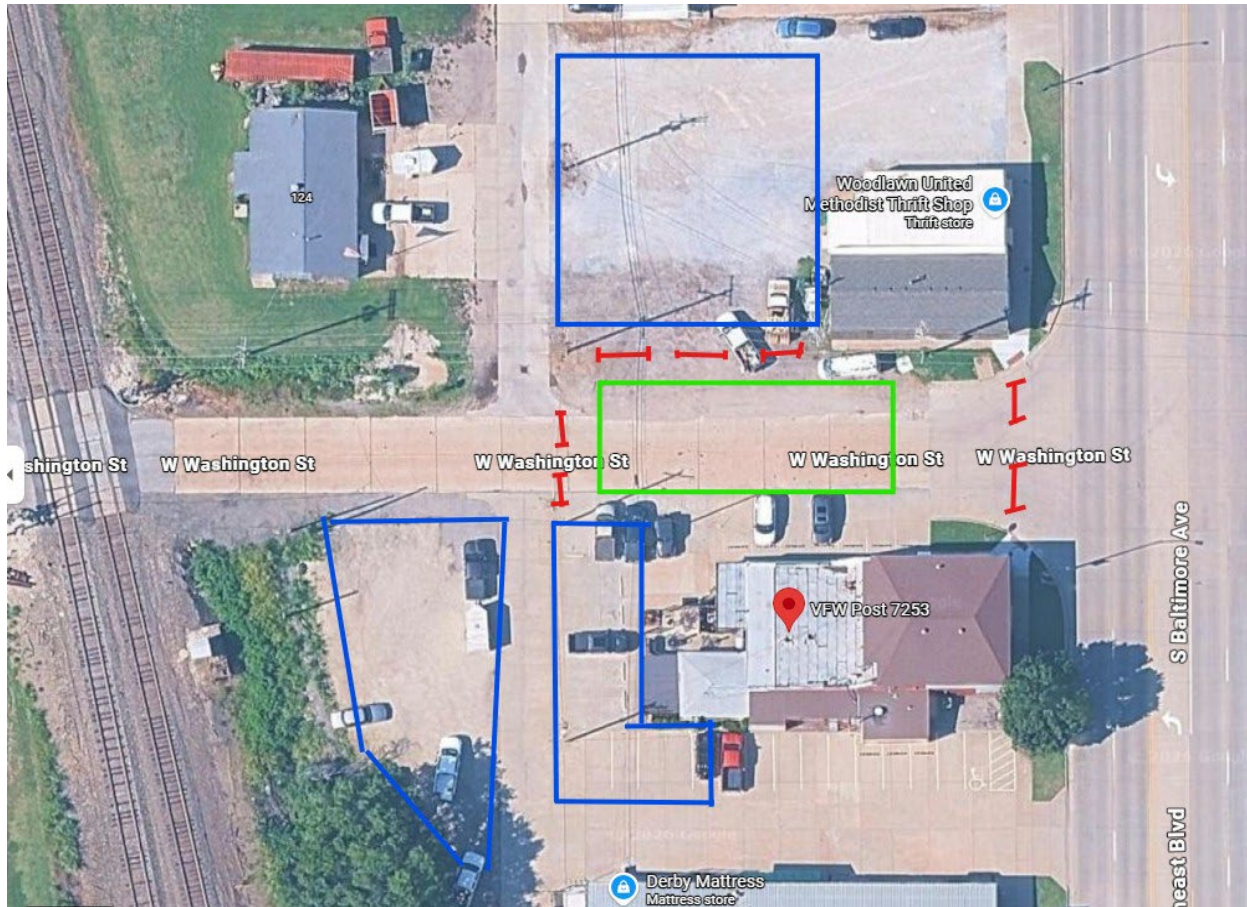
RECOMMENDED MOTION:

- Approve the street closures for June 20 and July 18, 2026, as proposed.

ATTACHMENTS:

[VFW Street Closure map](#)

VFW Street Closure Request



BLUE AREAS – Parking

GREEN AREA – Motorcycle Parking

RED lines = Barricades requested

Consent Agenda Item



Subject: Extension of Electrical Service to serve the Water Treatment Plant
Meeting: City Council - 27 May 2026
Presented by: Dan Squires, Development Director

BACKGROUND:

- A new electrical line is necessary to provide the 3-phase power necessary to operate the city's proposed Water Treatment Plant (WTP) on Hillside St. just north of 95th St. South.
- The closest existing 3-phase power is along Hillside St. north of 83rd St. South, approximately 1 mile north of the proposed WTP.
- Evergy has indicated they are willing extend the required power to the site but the city would be responsible for trimming or removing the existing trees within the corridor.
- Evergy provided costs for both trimming and full removal of the trees. Evergy prefers full removal of the trees to avoid future maintenance costs.
 - The proposed cost for full removal of the trees is \$160,000.
 - The proposed cost for tree trimming is \$65,000.
- City staff has indicated a willingness to pay for trimming but not the increased cost for removal at this time.
- The tree trimming will be performed by Evergy's staff.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- Funds are available in the Water Fund to pay for the expenditure.

RECOMMENDED MOTION:

- Authorize payment to Evergy in an amount not to exceed \$65,000 for tree trimming necessary to extend electrical service to the Water Treatment Facility.

Consent Agenda Item



Subject: Resolution Amendment and Public Improvements to Serve Spring Ridge 4th Addition
Meeting: City Council - 27 May 2026
Presented by: Ky Louanghaksaphone, Assistant City Engineer

BACKGROUND:

- Spring Ridge 4th Addition is generally located south of Meadowlark and west of Spring Ridge Drive (location map attached). The 4th Addition is a replat of 21.95 acres of Spring Ridge Addition that was originally platted in 2000.
- The developer has provided financial guarantees required for the City to construct public improvements for this phase of the development.
- The improvements including stormwater drainage, water, paving, and sanitary sewer will result in 24 buildable single-family lots.
- Bids for the improvements were received and opened on May 12, 2026:

<u>Bidder</u>	<u>Bid Amount</u>
Mies Construction	\$576,000.00
Nowak Construction Co.	\$555,605.50
PSE Contractors, LLC	\$643,548.75
McCullough Excavation, Inc.	\$555,326.00
Fremar Corporation	\$643,201.35
Duling Construction Co.	\$662,202.50
Dondlinger & Sons Construction	\$663,105.50
<i>Engineer's Estimate Provided by BHC, Inc.</i>	<i>\$753,617.85</i>

- While the low bid from McCullough Excavation is below the engineer's estimate; the stormwater improvements portion exceeds the authorized funding allowed by the existing resolution, therefore an amendment to the associated resolution is necessary.
 - The final stormwater design requires additional stormwater sewer pipes, structures and grading that were not anticipated at the time the original petition was developed.
 - The additional improvements will also facilitate and reduce costs for the subsequent phases.
- The developer has submitted a petition requesting the City to amend the original resolution to accommodate the additional costs.
- The bid tabulation for improvements is attached.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The cost of the improvements will be paid 100% by the improvement district.
- The improvements will also eliminate a dead-end street (Glen Hills Dr) and provide redundancy for the water distribution which will improve accessibility and water services.

LEGAL CONSIDERATIONS:

- The attached amending resolution was prepared by the City's bond counsel, Gillmore & Bell, P.C.

RECOMMENDED MOTION:

- Adopt a resolution amending Resolution No. 51-2025 and authorize execution of an agreement in the amount of \$555,326 with McCullough Excavation, Inc. for construction of public improvements to serve phase 1 of Spring Ridge 4th Addition.

ATTACHMENTS:

[052726 Spring Ridge 4th Bid Tab](#)

[052726 Spring Ridge 4th Map](#)

[052726 Amending Res. Spring Ridge 4th drainage](#)



Spring Ridge 4th Addition - Phase 1
Bid Date: 2026-05-12
Bid Tabulation

Bid Tabulation Date: 2026-05-14

Paving Improvements Resolution No. 37-2025

Item No.	Description	Quantity	Unit	Dondlinger & Sons		Duling Construction Co.		Fremar Corporation		McCullough Excavating		Mies Construction		Nowak Construction		PSE Contractors		Engineers Estimate	
				Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	Excavation (cut)	2650	CY	\$ 7.00	\$ 18,550.00	\$ 8.50	\$ 22,525.00	\$ 5.85	\$ 15,502.50	\$ 7.00	\$ 18,550.00	\$ 9.00	\$ 23,850.00	\$ 7.00	\$ 18,550.00	\$ 5.00	\$ 13,250.00	\$ 3.00	\$ 7,950.00
2	Fill, Compacted (95%)	4100	CY	\$ 1.50	\$ 6,150.00	\$ 4.15	\$ 17,015.00	\$ 2.90	\$ 11,890.00	\$ 1.50	\$ 6,150.00	\$ 2.00	\$ 8,200.00	\$ 1.50	\$ 6,150.00	\$ 2.00	\$ 8,200.00	\$ 2.00	\$ 8,200.00
3	Fill, Haul In	1450	CY	\$ 23.00	\$ 33,350.00	\$ 24.50	\$ 35,525.00	\$ 13.45	\$ 19,502.50	\$ 23.00	\$ 33,350.00	\$ 16.00	\$ 23,200.00	\$ 23.00	\$ 33,350.00	\$ 20.00	\$ 29,000.00	\$ 40.00	\$ 58,000.00
4	AC Pavement (2-in surface w/3-in base)	2742	SY	\$ 24.00	\$ 65,808.00	\$ 25.00	\$ 68,550.00	\$ 24.40	\$ 66,904.80	\$ 24.00	\$ 65,808.00	\$ 24.00	\$ 65,808.00	\$ 24.00	\$ 65,808.00	\$ 23.00	\$ 63,066.00	\$ 27.50	\$ 75,405.00
5	Reinforced Crushed Rock Base (5-in)	3481	SY	\$ 8.00	\$ 27,848.00	\$ 5.50	\$ 19,145.50	\$ 9.40	\$ 32,721.40	\$ 8.00	\$ 27,848.00	\$ 8.00	\$ 27,848.00	\$ 8.00	\$ 27,848.00	\$ 10.25	\$ 35,680.25	\$ 10.00	\$ 34,810.00
6	Combined Curb & Gutter	146	LF	\$ 22.00	\$ 3,212.00	\$ 20.00	\$ 2,920.00	\$ 37.10	\$ 5,416.60	\$ 22.00	\$ 3,212.00	\$ 22.00	\$ 3,212.00	\$ 22.00	\$ 3,212.00	\$ 35.00	\$ 5,110.00	\$ 26.00	\$ 3,796.00
7	Combined Roll Type Curb & Gutter	1681	LF	\$ 13.00	\$ 21,853.00	\$ 12.00	\$ 20,172.00	\$ 14.30	\$ 24,038.30	\$ 13.00	\$ 21,853.00	\$ 13.00	\$ 21,853.00	\$ 13.00	\$ 21,853.00	\$ 13.50	\$ 22,693.50	\$ 25.00	\$ 42,025.00
8	Reinforced Valley Gutter	108	SY	\$ 74.00	\$ 7,992.00	\$ 75.00	\$ 8,100.00	\$ 85.00	\$ 9,180.00	\$ 74.00	\$ 7,992.00	\$ 74.00	\$ 7,992.00	\$ 74.00	\$ 7,992.00	\$ 80.00	\$ 8,640.00	\$ 50.00	\$ 5,400.00
9	Connect to Existing Street	2	EA	\$ 500.00	\$ 1,000.00	\$ 2,500.00	\$ 5,000.00	\$ 1,500.00	\$ 3,000.00	\$ 500.00	\$ 1,000.00	\$ 500.00	\$ 1,000.00	\$ 500.00	\$ 1,000.00	\$ 550.00	\$ 1,100.00	\$ 1,500.00	\$ 3,000.00
10	4-in Sidewalk	947	SF	\$ 4.50	\$ 4,261.50	\$ 4.00	\$ 3,788.00	\$ 7.45	\$ 7,055.15	\$ 4.50	\$ 4,261.50	\$ 4.50	\$ 4,261.50	\$ 4.50	\$ 4,261.50	\$ 7.00	\$ 6,629.00	\$ 9.00	\$ 8,523.00
11	4-in Sidewalk Ramp w/truncated domes	2	EA	\$ 1,200.00	\$ 2,400.00	\$ 650.00	\$ 1,300.00	\$ 960.00	\$ 1,920.00	\$ 1,200.00	\$ 2,400.00	\$ 1,200.00	\$ 2,400.00	\$ 1,200.00	\$ 2,400.00	\$ 900.00	\$ 1,800.00	\$ 1,750.00	\$ 3,500.00
12	Signage	1	LS	\$ 1,800.00	\$ 1,800.00	\$ 2,000.00	\$ 2,000.00	\$ 5,000.00	\$ 5,000.00	\$ 9,000.50	\$ 9,000.50	\$ 1,800.00	\$ 1,800.00	\$ 1,800.00	\$ 1,800.00	\$ 2,950.00	\$ 2,950.00	\$ 3,000.00	\$ 3,000.00
13	Seeding & Erosion Control	1	LS	\$ 14,800.00	\$ 14,800.00	\$ 20,000.00	\$ 20,000.00	\$ 19,700.00	\$ 19,700.00	\$ 13,200.00	\$ 13,200.00	\$ 14,950.00	\$ 14,950.00	\$ 14,500.00	\$ 14,500.00	\$ 13,200.00	\$ 13,200.00	\$ 2,000.00	\$ 2,000.00
14	Site Clearing & Restoration	1	LS	\$ 75,000.00	\$ 75,000.00	\$ 70,000.00	\$ 70,000.00	\$ 64,900.00	\$ 64,900.00	\$ 37,581.00	\$ 37,581.00	\$ 66,890.93	\$ 66,890.93	\$ 33,500.00	\$ 33,500.00	\$ 45,000.00	\$ 45,000.00	\$ 2,500.00	\$ 2,500.00
	Contingencies																	\$ 38,716.35	\$ 38,716.35
	SUB TOTAL				\$ 284,024.50		\$ 296,040.50		\$ 286,731.25		\$ 252,206.00		\$ 273,265.43		\$ 242,224.50		\$ 256,318.75		\$ 296,825.35

Sanitary Sewer Improvements Resolution No. 42-2025

Item No.	Description	Quantity	Unit	Dondlinger & Sons		Duling Construction Co.		Fremar Corporation		McCullough Excavating		Mies Construction		Nowak Construction		PSE Contractors		Engineers Estimate	
				Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	Sanitary Sewer Pipe: 8-in SDR-35	837	CY	\$ 55.00	\$ 46,035.00	\$ 42.00	\$ 35,154.00	\$ 38.10	\$ 31,889.70	\$ 44.00	\$ 36,828.00	\$ 33.00	\$ 27,621.00	\$ 41.00	\$ 34,317.00	\$ 55.00	\$ 46,035.00	\$ 50.00	\$ 41,850.00
2	Standard Manhole, Type P, 4-ft diameter	3	EA	\$ 5,500.00	\$ 16,500.00	\$ 5,500.00	\$ 16,500.00	\$ 5,200.00	\$ 15,600.00	\$ 4,950.00	\$ 14,850.00	\$ 4,950.00	\$ 14,850.00	\$ 4,600.00	\$ 13,800.00	\$ 6,500.00	\$ 19,500.00	\$ 5,000.00	\$ 15,000.00
3	Service Riser Assembly (4-in)	24	EA	\$ 1,300.00	\$ 31,200.00	\$ 1,000.00	\$ 24,000.00	\$ 1,215.00	\$ 29,160.00	\$ 950.00	\$ 22,800.00	\$ 825.00	\$ 19,800.00	\$ 1,100.00	\$ 26,400.00	\$ 1,280.00	\$ 30,720.00	\$ 1,200.00	\$ 28,800.00
4	Connect to Existing Manhole	1	EA	\$ 1,400.00	\$ 1,400.00	\$ 2,500.00	\$ 2,500.00	\$ 2,680.00	\$ 2,680.00	\$ 1,000.00	\$ 1,000.00	\$ 1,375.00	\$ 1,375.00	\$ 1,800.00	\$ 1,800.00	\$ 1,500.00	\$ 1,500.00	\$ 3,000.00	\$ 3,000.00
5	Site Clearing & Restoration	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 25,000.00	\$ 25,000.00	\$ 16,650.00	\$ 16,650.00	\$ 232.00	\$ 232.00	\$ 3,668.19	\$ 3,668.19	\$ 2,500.00	\$ 2,500.00	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00
6	Seeding & Erosion Control	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 1,800.00	\$ 1,800.00	\$ 125.00	\$ 125.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 1,300.00	\$ 1,300.00	\$ 100.00	\$ 100.00	\$ 4,000.00	\$ 4,000.00
	Contingencies																	\$ 14,647.50	\$ 14,647.50
	SUB TOTAL				\$ 102,635.00		\$ 104,954.00		\$ 96,104.70		\$ 75,810.00		\$ 67,414.19		\$ 80,117.00		\$ 107,855.00		\$ 112,297.50

Drainage Improvements Resolution No. 51-20025

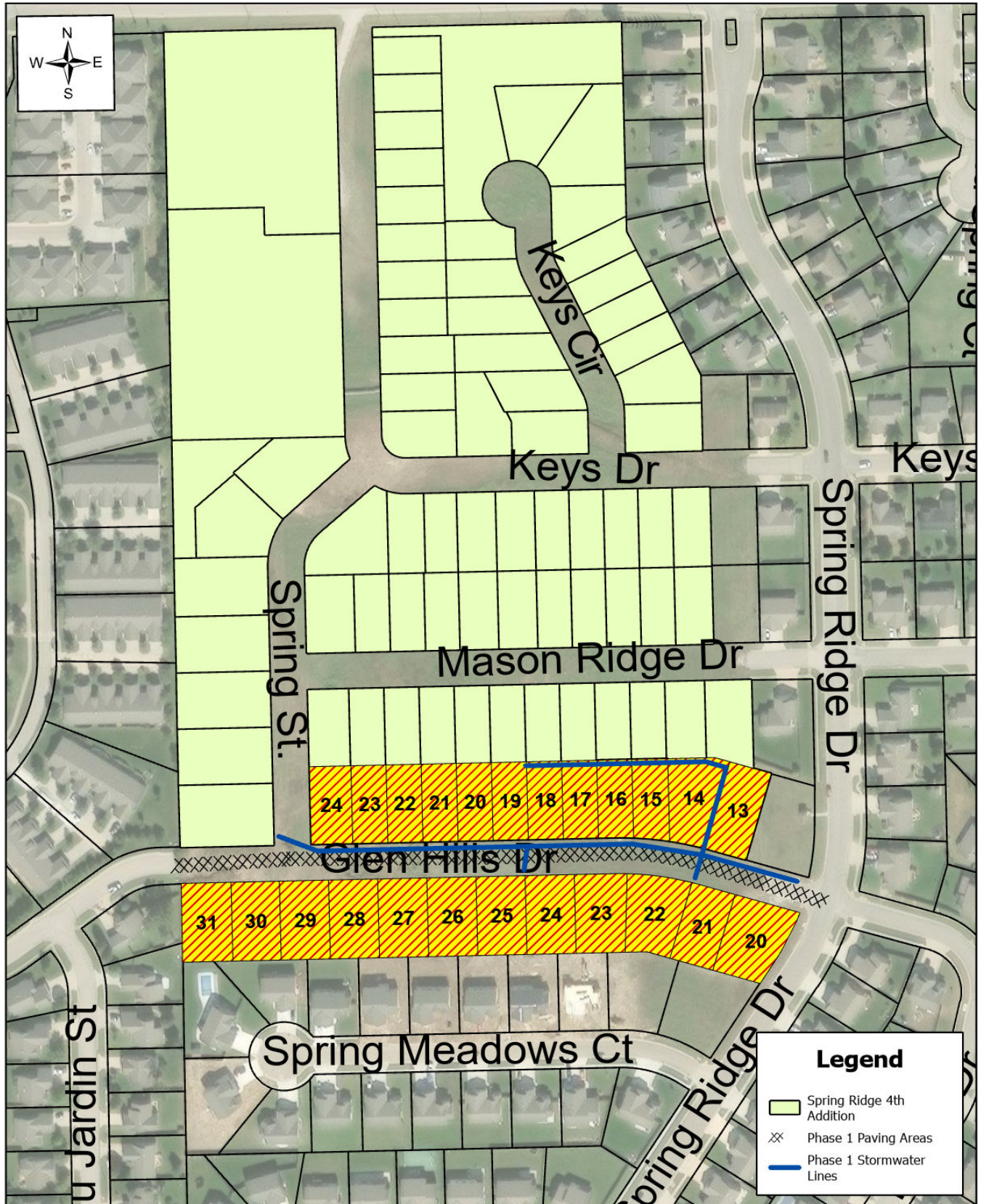
Item No.	Description	Quantity	Unit	Dondlinger & Sons		Duling Construction Co.		Fremar Corporation		McCullough Excavating		Mies Construction		Nowak Construction		PSE Contractors		Engineers Estimate	
				Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	15-in RCP	316	LF	\$ 56.00	\$ 17,696.00	\$ 70.00	\$ 22,120.00	\$ 57.00	\$ 18,012.00	\$ 52.00	\$ 16,432.00	\$ 66.00	\$ 20,856.00	\$ 64.00	\$ 20,224.00	\$ 65.00	\$ 20,540.00	\$ 75.00	\$ 23,700.00
2	18-in RCP	616	LF	\$ 65.00	\$ 40,040.00	\$ 78.00	\$ 48,048.00	\$ 84.75	\$ 52,206.00	\$ 62.00	\$ 38,192.00	\$ 72.00	\$ 44,352.00	\$ 74.00	\$ 45,584.00	\$ 80.00	\$ 49,280.00	\$ 100.00	\$ 61,600.00
3	24-in RCP	432	LF	\$ 80.00	\$ 34,560.00	\$ 95.00	\$ 41,040.00	\$ 85.20	\$ 36,806.40	\$ 73.00	\$ 31,536.00	\$ 93.00	\$ 40,176.00	\$ 83.00	\$ 35,856.00	\$ 110.00	\$ 47,520.00	\$ 125.00	\$ 54,000.00
4	Curb Inlet - 4'-8" x 5'	1	EA	\$ 7,200.00	\$ 7,200.00	\$ 6,600.00	\$ 6,600.00	\$ 6,555.00	\$ 6,555.00	\$ 5,500.00	\$ 5,500.00	\$ 6,150.00	\$ 6,150.00	\$ 5,500.00	\$ 5,500.00	\$ 6,870.00	\$ 6,870.00	\$ 5,000.00	\$ 5,000.00
5	Curb Inlet - 3'-8" x 10'	1	EA	\$ 8,400.00	\$ 8,400.00	\$ 7,800.00	\$ 7,800.00	\$ 7,780.00	\$ 7,780.00	\$ 7,000.00	\$ 7,000.00	\$ 7,350.00	\$ 7,350.00	\$ 6,800.00	\$ 6,800.00	\$ 7,915.00	\$ 7,915.00	\$ 7,500.00	\$ 7,500.00
6	Curb Inlet - 3'-8" x 5'	4	EA	\$ 6,400.00	\$ 25,600.00	\$ 6,000.00	\$ 24,000.00	\$ 6,215.00	\$ 24,860.00	\$ 5,000.00	\$ 20,000.00	\$ 5,365.00	\$ 21,460.00	\$ 5,400.00	\$ 21,600.00	\$ 6,525.00	\$ 26,100.00	\$ 5,000.00	\$ 20,000.00
7	Storm Manhole - 5-ft diameter	1	EA	\$ 5,100.00	\$ 5,100.00	\$ 5,000.00	\$ 5,000.00	\$ 4,765.00	\$ 4,765.00	\$ 6,900.00	\$ 6,900.00	\$ 4,285.00	\$ 4,285.00	\$ 4,000.00	\$ 4,000.00	\$ 4,945.00	\$ 4,945.00	\$ 7,500.00	\$ 7,500.00
8	Backyard Inlet - 4' x 4'	3	EA	\$ 4,300.00	\$ 12,900.00	\$ 4,000.00	\$ 12,000.00	\$ 4,020.00	\$ 12,060.00	\$ 5,150.00	\$ 15,450.00	\$ 2,950.00	\$ 8,850.00	\$ 3,300.00	\$ 9,900.00	\$ 3,840.00	\$ 11,520.00	\$ 4,500.00	\$ 13,500.00
9	Connect to Existing Inlet	1	LS	\$ 1,700.00	\$ 1,700.00	\$ 3,000.00	\$ 3,000.00	\$ 4,110.00	\$ 4,110.00	\$ 2,000.00	\$ 2,000.00	\$ 650.00	\$ 650.00	\$ 2,600.00	\$ 2,600.00	\$ 1,500.00	\$ 1,500.00	\$ 2,500.00	\$ 2,500.00
10	Site Clearing & Restoration	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 3,620.00	\$ 3,620.00	\$ 1,230.00	\$ 1,230.00	\$ 3,668.19	\$ 3,668.19	\$ 3,300.00	\$ 3,300.00	\$ 10,000.00	\$ 10,000.00	\$ 25,000.00	\$ 25,000.00
11	Seeding & Erosion Control	1	LS	\$ 500.00	\$ 500.00	\$ 1,800.00	\$ 1,800.00	\$ 125.00	\$ 125.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 1,300.00	\$ 1,300.00	\$ 100.00	\$ 100.00	\$ 1,000.00	\$ 1,000.00
	Contingencies																	\$ 33,195.00	\$ 33,195.00
	SUB TOTAL				\$ 158,696.00		\$ 181,408.00		\$ 170,899.40		\$ 144,340.00		\$ 157,897.19		\$ 156,664.00		\$ 186,290.00		\$ 254,495.00

Water Distribution Improvements Resolution No. 56-2025

Item No.	Description	Quantity	Unit	Dondlinger & Sons		Duling Construction Co.		Fremar Corporation		McCullough Excavating		Mies Construction		Nowak Construction		PSE Contractors		Engineers Estimate	
				Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	8-in Water Line Pipe	1020	LF	\$ 55.00	\$ 56,100.00	\$ 45.00	\$ 45,900.00	\$ 57.30	\$ 58,446.00	\$ 54.50	\$ 55,590.00	\$ 48.00	\$ 48,960.00	\$ 50.00	\$ 51,000.00	\$ 52.00	\$ 53,040.00	\$ 50.00	\$ 51,000.00
2	8-in Anchored Valve Assembly	1	EA	\$ 3,100.00	\$ 3,100.00	\$ 3,400.00	\$ 3,400.00	\$ 2,700.00	\$ 2,700.00	\$ 3,000.00	\$ 3,000.00	\$ 3,065.00	\$ 3,065.00	\$ 3,300.00	\$ 3,300.00	\$ 3,145.00	\$ 3,145.00	\$ 3,000.00	\$ 3,000.00
3	Fire Hydrant Assembly	2	EA	\$ 9,200.00	\$ 18,400.00	\$ 9,000.00	\$ 18,000.00	\$ 10,500.00	\$ 21,000.00	\$ 7,500.00	\$ 15,000.00	\$ 9,450.00	\$ 18,900.00	\$ 8,400.00	\$ 16,800.00	\$ 9,950.00	\$ 19,900.00	\$ 5,000.00	\$ 10,000.00
4	8-in Cap	1	EA	\$ 550.00	\$ 550.00	\$ 500.00	\$ 500.00	\$ 1,065.00	\$ 1,065.00	\$ 950.00	\$ 950.00	\$ 475.00	\$ 475.00	\$ 600.00	\$ 600.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00
5	Connet to Existing Line	2	EA	\$ 650.00	\$ 1,300.00	\$ 1,200.00	\$ 2,400.00	\$ 1,950.00	\$ 3,900.00	\$ 2,500.00	\$ 5,000.00	\$ 715.00	\$ 1,430.00	\$ 1,000.00	\$ 2,000.00	\$ 1,950.00	\$ 3,900.00	\$ 2,500.00	\$ 5,000.00
6	Pipe Testing & Disinfection	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 2,800.00	\$ 2,800.00	\$ 1,730.00	\$ 1,730.00	\$ 2,000.00	\$ 2,000.00	\$ 825.00	\$ 825.00	\$ 100.00	\$ 100.00	\$ 2,500.00	\$ 2,500.00	\$ 1,000.00	\$ 1,000.00
7	Site Clearing & Restoration	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 500.00	\$ 500.00	\$ 1,330.00	\$ 1,330.00	\$ 3,668.19	\$ 3,668.19	\$ 1,500.00	\$ 1,500.00	\$ 10,000.00	\$ 10,000.00	\$ 3,000.00	\$ 3,000.00
8	Seeding & Erosion Control	1	LS	\$ 300.00	\$ 300.00	\$ 1,800.00	\$ 1,800.00	\$ 125.00	\$ 125.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 1,300.00	\$ 1,300.00	\$ 100.00	\$ 100.00	\$ 1,000.00	\$ 1,000.00
	Contingencies																	\$ 15,000.00	\$ 15,000.00
	SUB TOTAL				\$ 87,750.00		\$ 79,800.00		\$ 89,466.00		\$ 82,970.00		\$ 77,423.19		\$ 76,600.00		\$ 93,085.00		\$ 90,000.00

Summary

Resolution	Dondlinger & Sons	Duling Construction Co.	Fremar Corporation	McCullough Excavating	Mies Construction	Nowak Construction	PSE Contractors	Engineers Estimate
Paving Improvements Resolution No. 37-2025	\$ 284,024.50	\$ 296,040.50	\$ 286,731.25	\$ 252,206.00	\$ 273,265.43	\$ 242,224.50	\$ 256,318.75	\$ 296,825.35
Sanitary Sewer Improvements Resolution No. 42-2025	\$ 102,635.00	\$ 104,954.00	\$ 96,104.70	\$ 75,810.00	\$ 67,414.19	\$ 80,117.00	\$ 107,865.00	\$ 112,297.50
Drainage Improvements Resolution No. 51-20025	\$ 158,696.00	\$ 191,408.00	\$ 170,899.40	\$ 144,340.00	\$ 157,897.19	\$ 156,664.00	\$ 186,290.00	\$ 254,495.00
Water Distribution Improvements Resolution No. 56-2025	\$ 87,750.00	\$ 79,800.00	\$ 89,466.00	\$ 82,970.00	\$ 77,423.19	\$ 76,600.00	\$ 93,085.00	\$ 90,000.00
TOTAL	\$ 633,105.50	\$ 662,202.50	\$ 643,201.35	\$ 555,326.00	\$ 576,000.00	\$ 555,605.50	\$ 643,548.75	\$ 753,617.85



SPRING RIDGE 4TH ADDITION - PHASE 1

(Published in *The Derby Informer* on June 3, 2026)

RESOLUTION NO. __-2026

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 51-2025 OF THE CITY OF DERBY, KANSAS, WHICH DETERMINED THE ADVISABILITY OF MAKING CERTAIN IMPROVEMENT IN THE CITY (DRAINAGE-PHASE 1 IMPROVEMENTS/SPRING RIDGE 3RD AND 4TH ADDITIONS).

WHEREAS, the governing body of the City of Derby, Kansas (the “City”), adopted Resolution No. 51-2025 on October 28, 2025 (the “Prior Resolution”), which authorized pursuant to K.S.A. 12-6a01 *et seq.* certain improvements to serve the following described improvement district:

Lots 20 through 31, Block 3, Spring Ridge 3rd Addition; and Lots 13 through 24, Block D, Spring Ridge 4th Addition, all to the City of Derby, Sedgwick County, Kansas; and

WHEREAS, the Prior Resolution was recorded with the Register of Deeds of Sedgwick County, Kansas, and appears at Document # 2025-055720; and

WHEREAS, the City has received and filed a revised Petition proposing modifications of the estimated costs of the improvements, and the City hereby finds and determines that said revised Petition is sufficient and that it is necessary to make such modifications; and

WHEREAS, in order to make such modifications, the governing body of the City hereby finds and determines it necessary to amend and supplement **Section 1** of the Prior Resolution, as hereinafter set forth.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. Amendments. **Section 1** of the Prior Resolution is hereby amended to read as follows:

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements (the “Improvements”):

Construction of a drainage system, including stormwater inlets, piping, and appurtenances to serve the Improvement District defined below, all in accordance with City of Derby Standards and plans and specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the proposed Improvements is: \$343,500, exclusive of interest on financing and administrative and financing costs; said estimated cost to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this Resolution.

(c) The extent of the improvement district (the “Improvement District”) to be assessed for the cost of the Improvements is:

Lots 20 through 31, Block 3, Spring Ridge 3rd Addition; and Lots 13 through 24, Block D, Spring Ridge 4th Addition, all to the City of Derby, Sedgwick County, Kansas.

(d) The method of assessment is: equally per lot.

In the event all or part of the lots or parcels in the proposed Improvement District are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(e) The apportionment of the cost of the Improvements between the Improvement District and the City-at-large is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

Section 2. Repealer; Ratification. *Section 1* of the Prior Resolution is hereby repealed and the rest and remainder thereof ratified and confirmed.

Section 3. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the governing body of the City on May 27, 2026.

(SEAL)

By: _____
Name: Mark A. Staats
Title: Mayor

ATTEST:

By: _____
Name: Lynn Ciarleglio
Title: City Clerk

Consent Agenda Item



Subject: Relocation of Utilities for N. Woodlawn Blvd. Reconstruction
Meeting: City Council - 27 May 2026
Presented by: Alex Lane, City Engineer

BACKGROUND:

- Woodlawn Boulevard is currently under design and is scheduled to be bid for construction in 2026.
- Portions of Sedgwick County Rural Water District #3 water lines are in conflict with the reconstruction work and must be relocated prior to construction.
- The water lines that are in conflict are within a private easement to RWD #3 and therefore the City is responsible for the cost of relocation.
- RWD#3 provided costs for water line relocation in the amount of \$40,765.00.
- The water line relocation will be performed by RWD #3.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- Funds are available in the project fund budget to pay for the expenditure.

RECOMMENDED MOTION:

- Authorize payment to Sedgwick County Rural Water District #3 in an amount not to exceed \$40,765.00 for water line relocation necessary to reconstruct Woodlawn Blvd. to an urban standard.

New Business Item



Subject: Second Reading: Zoning and Subdivision Regulation Amendments
Meeting: City Council - 27 May 2026
Presented by: Scott Knebel, City Planner

BACKGROUND:

- On May 12, 2026, the City Council held a first reading of the attached ordinances adopting amendments to the zoning and subdivision regulations and approved further consideration of the matter with a second reading.
- There are no substantive changes to the proposed ordinances since the first reading.
- The attached ordinances amend zoning and subdivision regulations to address the following issues:
 - Permitted Material for Non-Screening Fences
 - Permitted Size of Outdoor Display Areas in B-3 and B-4
 - Lot Splits with Access by Easement
 - Time Extensions for Temporary Use Permits
 - Equipment Rental and Sales
 - Front Yard Utility Easements
 - Parking Requirements
 - Duplex Design Standards and Density Options
 - Building Variety Standards
 - Design Criteria for Accessory Structures
 - Administrative Adjustment of the Compatibility Setback
 - Entry Monuments
 - Fences in Front of the Principal Structure
 - Width of Pedestrian Access Ways
 - Accessory Structures in Easements
 - Use Limitations in the B-1 District
 - Basic Industry

LEGAL CONSIDERATIONS:

- K.S.A. 12-749 and K.S.A. 12-757 sets out the procedure for adoption of subdivision and zoning regulation amendments. All conditions precedent to the Council's consideration of adoption of the recommended amendments have been satisfied.
- In accordance with state law, the Council may take one of the following three actions when considering adoption of the recommended amendments:
 - Adopt the recommendation of the Planning Commission and adopt the amendments by ordinance by a majority vote (5 votes).
 - Override the recommendation of the Planning Commission and disapprove or modify the amendments by a 2/3 majority vote (6 votes).

- Return the recommendation to the Planning Commission with a statement specifying the basis for the Council's failure to approve or disapprove (5 votes).
- If approved, the amendments will become effective after publication of the adopting ordinances in the official city newspaper.

RECOMMENDED MOTION:

- Adopt an ordinance amending the zoning regulations of the City and adopt an ordinance amending the subdivision regulations of the City as presented.

ATTACHMENTS:

[052726 Zoning Regs Ordinance](#)

[052726 Subdivision Regs Ordinance](#)

Passed: _____
Published: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CITY OF DERBY, KANSAS, AS FIRST ADOPTED BY ORDINANCE NO. 940 AND SUBSEQUENTLY AMENDED, MOST RECENTLY INCORPORATED BY REFERENCE VIA ORDINANCE NO. 2500 AND MOST RECENTLY AMENDED BY ORDINANCE NO. 2605.

WHEREAS, the City of Derby, Kansas (hereinafter “City”) is granted authority by the statutes of the State of Kansas in K.S.A. 12-757 to amend existing zoning regulations; and

WHEREAS, the Planning Commission on November 20, 2025, initiated an amendment of the existing zoning regulations after the annual review of the Vision Derby 2040 Comprehensive Plan determined that amendments to the zoning regulations are warranted; and

WHEREAS, the Planning Commission gave proper notice in the official City newspaper on March 25, 2026, and held a public hearing on April 6, 2026, at which time an opportunity was granted to interested parties to be heard; and

WHEREAS, at the conclusion of the public hearing the Planning Commission voted to recommend approval of amendments to the zoning regulations and transmitted the same to the Governing Body, along with an accurate written summary of the proceedings of the public hearing; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. The Zoning Regulations of the City of Derby, Kansas as incorporated by reference in Section 17.04.010 of the Derby Municipal Code (hereinafter “Regulations”) are hereby amended as follows:

1. The following definitions found in Article 202 of the Regulations are hereby amended to read as follows:

BASIC INDUSTRY: An establishment engaging in the basic processing and manufacturing of products predominately from extracted or raw materials, or a use engaging in storage or manufacturing processes which involve or have the potential to involve commonly recognized offensive or dangerous conditions, or a use engaging in processes which involve or have the potential to involve high utilization of resources such as, but not limited to, water and electricity. Typical uses include fat rendering plants; poultry and rabbit dressing; pulp processing and paper products manufacturing; stockyards; slaughter houses; commercial feed lots; primary smelting of base metals from ore; tanneries or the storage of rawhides or skins; acid manufacture; cement, lime, gypsum, or plaster of Paris manufacture; creosote or tar treatment; distillation of bones; fertilizer manufacture; garbage; offal or dead animal incineration or reduction; explosives or fireworks manufacture or storage; glue and soap manufacture; petroleum processing and refineries; industrial hemp processing; data centers and similar uses.

EQUIPMENT RENTAL AND SALES BUSINESS: A business whose trade is characterized by the renting and/or sales of the following types of equipment: 1) miscellaneous hand operated equipment and tools, 2) non trailer mounted generators, air compressors, pumps, sweepers and similar non trailer mounted equipment, 3) lawn mowers, 4) portable concrete mixers which do not exceed a maximum capacity of 9 cubic feet, 5) vertical lifts which do not exceed a 25-foot maximum working height, 6) lawn and

garden tractors which do not exceed 30 horsepower, 7) miscellaneous utility or light construction equipment which does not exceed 30 horsepower, 8) trucks which do not exceed a gross vehicle weight of 14,000 pounds, 9) vehicles used for moving purposes that are equipped with a van or bed area that does not exceed 10 feet in length, 10) trailers which do not exceed 12 feet in length, 11) portable signs, 12) scaffolding, and 13) similar equipment. In addition, a business which is defined as an equipment rental and sales business shall not store or display on site heavy construction or farm equipment such as, but not limited to, earth movers, graders, bulldozers, scrapers, dump trucks, combines, trenching shields, rollers that exceed 30 horsepower or any of the above-referenced equipment identified as permitted, which exceeds established size, weight or horsepower maximums. A business such as a hardware store, home improvement center or garden center that occasionally rents hand tools and equipment or lawn maintenance or gardening equipment shall not be construed to be an equipment rental and sales business, unless the business is renting or selling concrete mixers, vertical lifts, construction equipment, trucks, vehicles, trailers, portable signs, scaffolding, and similar equipment. A business whose trade involves the rental of kitchen appliances such as stoves, refrigerators, washing machines and similar appliances or equipment shall also not be construed to be an equipment rental or sales business.

2. Article 303.E.2.c. of the Regulations is hereby amended to read as follows:
 - c. open and closed fences not exceeding eight feet in industrial districts and six feet in height in all other districts provided that such fences shall not be constructed of metal paneling, woven wire, or welded wire, except in the M-1 District or in all other districts when decorative metal paneling is framed by another permitted fence material, and further provided that such fences located in residential districts do not extend beyond the corner of a principal structure into any open area fronting on a street for which the facade has been designated for the property address number, except that such fences may extend to the building setback line of a corner lot, including the reduced corner lot setback provided for in these regulations, for which the facade has not been designated, and except the portion of the side yard extending beyond the corner of the principal structure may be fenced if the side yard on the abutting property also is fenced, provided that fence shall be no closer to the street than the fence on the abutting property and no portion of the fenced area shall extend into any required front yard. Additionally, dwellings without a door into the side or rear yard and with a front door that is recessed behind the front wall of the dwelling at least 15 feet, an area that provides fenced access from the front door to the side and/or rear yard is permitted provided that the fence is located no closer than one-half distance from the recessed front door to the front wall of the dwelling and further provided that fence includes a gate of at least 80% opacity providing visibility of the front door from the street.
3. The entirety of Article 303.G. of the Regulations is hereby amended to read as follows:
 - G. **Building Variety Standards**
For lots platted after January 1, 2022, building variety standards shall apply to permits issued after July 1, 2026, for single-family, zero-lot line (ZLL), single-family attached, or two-family dwellings. No dwelling shall be similar in appearance to another dwelling as follows, further provided that similar dwellings shall not be located on immediately adjoining lots or directly across the street:

1. For non-corner lots, a dwelling shall not be similar to up to two dwellings with which it shares a side lot line and one dwelling located across the street.
2. For corner lots, a dwelling shall not be similar to one dwelling with which it shares a side lot line and two dwellings located across the street.
3. For lots on a cul-de-sac, similar dwellings shall not be permitted on lots for which more than 50% of the lot frontage abuts the turnaround. Cul-de-sac lots for which less than 50% of the lot frontage abuts the turnaround shall be considered non-corner lots or corner lots, as applicable.
4. For lots without a dwelling across the street, a dwelling shall not be similar to any dwelling with which it shares a side lot line, except for dwellings on corner lots, which shall not be similar to dwellings on the two nearest lots on the same block face.

Dwellings with a different roof type; different width and/or height; or different shape of the silhouette of the front elevation are not similar in appearance. Dwellings determined to be similar in appearance shall be differentiated by three (3) or more of the following characteristics, which must be in at least two of the following three categories:

1. Roof lines, which can be differentiated by:
 - a. Gable roof addition to a predominately hip roof,
 - b. Hip roof addition to a predominately gable roof,
 - c. Gable or hip projections above windows,
 - d. Window dormers,
 - e. Change in soffit overhang or eave height, or
 - f. Addition of skylights, cupolas, or similar treatments.
2. Windows, which can be differentiated by:
 - a. Size, location, or type of windows,
 - b. Changing from single windows to a multiple window arrangement,
 - c. Changing from a multiple window arrangement to a single window, or
 - d. Providing a bay window or other decorative window treatment in a prominent location on the front facade.
3. Exterior Materials, which can be differentiated by:
 - a. Width of siding material,
 - b. Orientation of siding material (horizontal or vertical),
 - c. Brick facing,
 - d. Stone facing,
 - e. Stucco or similar facing, or
 - f. Color change, which cannot be merely a shade change.

4. Article 304.I.1.d. of the Regulations is hereby amended to read as follows:
 - d. **MATERIALS USED FOR SCREENING WALLS AND FENCES.** Walls or fences erected to satisfy the screening requirements of this subsection shall be constructed of brick, stone, masonry, architectural tile, concrete or wood (including composite products) or a combination of those materials, but may not include the use of chain link with slats, woven wire, welded wire or metal panels, except that metal panel screening fences are permitted in the M-1 zoning district on properties with a principal structure with predominately metal exterior building materials. Walls or fences erected to satisfy the screening requirements of this subsection

shall be per a plan approved in accordance with subsection 304.E. of these regulations.

5. Article 401A.A.1. of the Regulations is hereby amended to read as follows:
 1. Residential Uses:
 - a. Accessory Dwelling Unit, subject to Use Limitation 401A.F.5.
 - b. Group Home.
 - c. Residential-Design Manufactured Home, subject to Use Limitation 401A.F.1.
 - d. Single-Family Dwelling.
 - e. Single-Family Attached Dwelling, subject to Use Limitation 401A.F.6.
 - f. Short-Term Rental, subject to Use Limitation 401A.F.4. and Supplemental Regulation 1105.J.1.
 - g. Two-Family Dwelling, subject to Supplemental Regulation 1101.D.9.
6. Article 401.A.B.1 of the Regulations is hereby amended to read as follows:
 1. Residential Uses:
 - a. Multi-Family Dwelling, subject to Supplemental Regulation 1101.D.9.
7. The entirety of Article 401A.C. of the Regulations is hereby amended to read as follows:
 - C. **General Conditions**
 1. Land used for Zero Lot Line (ZLL), Single-Family Attached, and Two-Family dwellings in a R-1A District:
 - a. Shall be located as a self-contained unit of exclusively Zero Lot Line (ZLL), Single-Family Attached, or Two-Family development, which shall be limited to no more than two adjoining blocks comprised of: (1) a group of homes surrounding a cul-de-sac, which shall not exceed the length permitted Article 602.J. of the Subdivision Regulations; (2) lots whose front lines are oriented to face similar types of lots across a street and are located on a block face not exceeding the length permitted by Article 603.B. of the Subdivision Regulations; or (3) lots which face multi-family or non-residential land uses, either existing or potentially to be developed, which are located on a block face not exceeding the length permitted by Article 603.B. of the Subdivision Regulations,
 - b. A self-contained unit of exclusively Zero Lot Line (ZLL), Single-Family Attached, or Two-Family development shall be located at least 660 feet from another self-contained unit and a lot zoned R-2 "Two-Family Residential"; shall be located at least 330 feet from a lot zoned R-1, R-1B, or R-1C; and shall not include lots that front a collector or arterial street.
 - c. Shall, as a condition of zoning, be platted according to City Subdivision Regulations with specific attention given to any problems of drainage or utility easements, which may be created by the particular design concept.
 2. A fencing and/or screening design plan for all ZLL lots shall be submitted showing how privacy for each lot and its relationship to other lots will be achieved.

3. To ensure privacy, no windows, doors or other openings shall be permitted on a wall located on a property line. Such wall shall be constructed of the same material as the other exterior walls of the dwelling unit.
 4. Proposed restrictive covenants shall be submitted guaranteeing the maintenance of the fencing and/or screening plan, access for maintenance of structures in close proximity to one another, and other restrictions necessary to carry out the intent of the overall design concept.
8. Article 401A.E.2.b. of the Regulations is hereby amended to read as follows:
 - a. Minimum side yard: 5 feet, except none is required for the common lot line of an attached dwelling. For ZLL dwellings, a minimum of 10 feet shall be maintained between the adjacent residential structures. Overhanging eaves and gutters are permitted by Section 303.E.1.; provided, that provisions for their extension and maintenance over adjacent property is contained in the restrictive covenants.
9. Article 401A.F.5. of the Regulations is hereby established as follows:
 5. Accessory Dwelling: A maximum of one accessory dwelling may be allowed on the same lot as a principal dwelling subject to the following standards, provided, however, no more than two dwelling units are permitted on a lot.
 - a. The accessory dwelling shall be limited to no more than 75% of the area of the principal dwelling or the maximum size permitted by the maximum lot coverage, whichever is less;
 - b. The appearance of an accessory dwelling shall be compatible with the principal dwelling and with the character of the neighborhood and shall use siding materials and roof designs compatible with dwellings in the neighborhood;
 - c. Accessory dwellings shall remain accessory to and under the same ownership as the principal dwelling. Ownership shall not be divided or sold as a separate dwelling unit;
 - d. Accessory dwellings shall conform to the bulk regulations for accessory structures specified in Section 600.C;
 - e. A separate driveway from that provided for a principal dwelling shall not be permitted for an accessory dwelling except on a corner lot or lot with at least twice the required minimum lot width;
 - f. If an on-street parking space is not available adjacent to the lot on the same side of the street, one off-street parking space is required for the accessory dwelling in addition to the off-street parking spaces required for the principal dwelling. If an off-street parking space is required for the accessory dwelling, it may be located within a required front yard, provided that a parked vehicle does not overhang into the street right-of-way; and
 - g. Utility services provided to the accessory dwelling shall not be provided as separate service from the principal dwelling. Accessory dwellings may be connected to the same septic system as the principal dwelling; provided the septic system is designed with enough capacity to adequately serve the total number of occupants residing in both the principal dwelling and the accessory dwelling, as determined by the City's Building Trades Official.
10. Article 401A.F.6. of the Regulations is hereby established as follows:

6. Single-Family Attached/Two-Family Dwelling: A maximum of two dwelling units per lot, which shall have a minimum permitted lot area of 4,800 square feet, may be allowed subject to the following standards:
 - a. The appearance of single-family attached/two-family dwellings shall be compatible with the character of the neighborhood and shall use siding materials and roof designs compatible with dwellings in the neighborhood;
 - b. A pedestrian-scaled entry shall be a prominent feature of the front façade with entry doors oriented to the street in front of each dwelling unit;
 - c. A garage facing the street shall occupy no more than 50% of the ground-level façade facing the street and shall project no farther than five feet from the front wall line of the dwelling;
 - d. Required off-street parking shall not be located in front of the dwelling except additional accessory off-street parking may be located on a driveway to a garage, provided that a parked vehicle does not overhang into the street right-of-way;
 - e. The façade facing the street shall contain transparent, glazed areas not less than 10% of the area from the base of the dwelling to the start of the roofline for any other vertical wall of interior living space facing the street. The total wall area shall exclude gabled portions of the facade not containing livable area. The glazed area on doors, including garage doors, shall not be included in the calculation of the required area of glazing; and
 - f. Dwellings shall comply with the Building Variety Standards of Article 303.G.
11. Article 407.E.9. of the Regulations is hereby amended to read as follows:
 9. Business and professional offices shall not exceed 4,000 square feet of floor area, unless the building has a minimum 100-foot setback from property zoned R-1 or R-2.
12. Article 407.E.11. of the Regulations is hereby amended to read as follows:
 11. Medical service businesses shall be limited to 4,000 square feet of floor area or less and shall not include emergency or 24-hour services, unless the building has a minimum 100-foot setback from property zoned R-1 or R-2.
13. Article 409.E.1.e. of the Regulations is hereby amended to read as follows:
 - e. HOME IMPROVEMENT CENTERS may have storage or display areas which are located outside of completely enclosed buildings, for building materials and supplies, equivalent to not more than 100% of the total floor area of the completely enclosed portion of the Center, up to a maximum area located outside of completely enclosed buildings of 25,000 square feet; provided that;
14. Article 409.E.1.e.2) of the Regulations is hereby amended to read as follows:
 - 2) Any roof structure covering the outdoor area shall complement the style of the Center's overall architecture. All ground surface beneath the roofed structure shall be paved with a concrete or asphaltic concrete surface. Any fencing or partial enclosure of the sides, front, or back of the roofed structure shall not contrast with the architectural style of the Center;
15. Article 410.E.1.f. of the Regulations is hereby amended to read as follows:
 - f. HOME IMPROVEMENT CENTERS may have storage or display areas which are located outside of completely enclosed buildings, for building materials and

supplies, equivalent to not more than 100% of the total floor area of the completely enclosed portion of the Center, up to a maximum area located outside of completely enclosed buildings of 25,000 square feet; provided that;

16. Article 410.E.1.f.2) of the Regulations is hereby amended to read as follows:
 - 2) Any roof structure covering the outdoor area shall complement the style of the Center's overall architecture. All ground surface beneath the roofed structure shall be paved with a concrete or asphaltic concrete surface. Any fencing or partial enclosure of the sides, front, or back of the roofed structure shall not contrast with the architectural style of the Center;

17. Article 501.B of the Regulations is hereby amended to read as follows:

B. MINIMUM REQUIRED PARKING IN THE “B-2A” DISTRICT:

1. Residential uses in the “B-2A” District shall provide a minimum of 1 off-street parking space.
2. Non-residential uses in the “B-2A” District shall provide a minimum of 3 off-street parking spaces.
3. Commercial developments comprised of two or more platted lots and/or un-platted parcels will be required to provide parking in accordance with Section 501.C of these regulations.

18. Article 501.C of the Regulations is hereby established to read as follows:

C. MINIMUM REQUIRED PARKING FOR OTHER USES:

The minimum number of required parking spaces for other permitted uses, which are not listed above, shall be provided in accordance with the determination of the Planning Commission for properties subject to site plan review pursuant to Section 305 of these regulations, or the Zoning Administrator for properties not subject to site plan review. Such determination shall be made with respect to the minimum number of spaces required to serve employees and/or patrons of such use, which shall be determined based on a parking demand and circulation analysis provided by the applicant with the site plan review or building permit application, as applicable. Required minimum amounts of parking for special uses, unless specified in Section 501, shall be established as part of the application review process. For special uses where minimum amounts of parking are specified by Section 501, required minimum amounts of parking may be increased above the minimum specified during review of the application for a special use.

19. Article 600.C.5. of the Regulations is hereby amended to read as follows:

5. Accessory structures 200 square feet in floor area or more shall be of a similar architectural design and material as the principal structure, except that outdoor living structures such as pavilions, pergolas, gazebos, trellis, arbors, patio covers and similar structures no larger than 50% of the floor area of the principal structure shall be exempt from this requirement. To be considered of a similar architectural design and material as the principal structure, the design of the accessory structure shall meet at least two of the following requirements, which shall closely coordinate with the principal structure:
 - a. Roof style (gable, hip, etc.) and material,

- b. Exterior siding material,
 - c. Color scheme,
 - d. Exterior siding and roofing material can be made of different materials than the principal structure, as long as the width, orientation, and color of the material closely coordinates principal structure, or
 - e. Other coordinating building design features as determined by the Zoning Administrator.

- 20. Article 601.A.2. of the Regulations is hereby amended to read as follows:
 - 2. Within the B-3, B-4 and B-5 zoning districts and as provided below for school and church property, CHRISTMAS TREE, FIREWORKS, PUMPKIN AND SIMILAR NATIONALLY ACCEPTED AND RECOGNIZED CELEBRATION SALES for a period not to exceed 30 days, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate.. Display of such merchandise need not comply with the bulk requirements of the districts or observe platted setbacks; provided that no merchandise, displays, temporary structures or axle-mounted enclosures shall be located within 30 feet of the intersection of the curb line of any two streets or at any location near a driveway that may interfere with the view of either motorists or pedestrians. Merchandise display, temporary structures and axle-mounted enclosures shall not occupy or interfere with any required parking spaces or circulation aisles providing access thereto. The area occupied by nationally recognized celebration sales shall not be counted as part of the percentage of outdoor display and sales permitted by specific district regulations. The temporary use may include the use of temporary signage which requires a sign permit and may be displayed only during the period in which the temporary use is permitted including set-up and break-down time. Such signage is limited to not more than one (1) percent of the square footage of the zoning lot, with no individual temporary sign larger than 32 square feet. Such signage, including temporarily displayed electronic message signs, may be placed on vehicles or trailers associated with the temporary use. The square footage calculation shall not include signage permanently painted or permanently affixed to such vehicles or trailers, except that vehicles or trailers specifically designed for the purpose of displaying signage shall be included in the square footage calculation and limitation on individual sign size. Additionally, balloon signs shall be permitted for a period not to exceed 10 days, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate.

- 21. Article 601.A.4. of the Regulations is hereby amended to read as follows:
 - 4. Within any residential zoning district, use of a site built dwelling or manufactured housing as a TEMPORARY REAL ESTATE OFFICE where information about the availability of dwellings or lots within the applicable housing project is discussed with prospective buyers or where sales contracts are executed; provided any manufactured housing used for such purposes shall not be located within any required yard or platted setback and shall be removed from the site once 90 percent of all lots within the subject housing project have been developed, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate. For site-built housing, use of the dwelling unit as a temporary real estate office shall be discontinued once 90 percent of all lots within the subject housing project have been developed, provided that the

Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate.

22. Article 601.A.5. of the Regulations is hereby amended to read as follows:
 5. Within any residential zoning district, GARAGE, YARD, ESTATE, RUMMAGE OR SIMILAR SALES; provided no one sale exceeds a period of more than three days and not more than one sale shall be held at a dwelling during any consecutive six-month period, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate.
23. Article 601.A.6.a. of the Regulations is hereby amended to read as follows:
 - a. No such promotional sale shall be held for a period longer than 14 days and no more than one such sale shall be held, per zoning lot, per consecutive three-month period, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate;
24. Article 601.A.7. of the Regulations is hereby amended to read as follows:
 7. Within the B-3, B-4 and B-5 districts and as provided below for school and church property, RECYCLING CENTERS operating for not more than 10 days during any one period and no more than three times during any consecutive 12-month period, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate. The area occupied by the recycling center shall not be counted as part of the percentage of outdoor display and sales permitted by specific district regulations. The area occupied by the recycling center may be within required yards or platted setbacks, but shall not be located within 30 feet of the intersection of the curb line of any two streets or at any location near a driveway that may interfere with the view of either motorists or pedestrians. The recycling center use shall not occupy or interfere with required parking spaces or circulation aisles providing access thereto. The temporary use may include the use of temporary signage. This is provided that such signage is limited to not more than two signs with a combined square footage of 32 square feet or less. Such signage may be placed on vehicles or trailers associated with the temporary use and the square footage calculation shall not include signage that may be permanently painted or permanently affixed to such vehicles or trailers.
25. Article 601.A.8. of the Regulations is hereby amended to read as follows:
 8. Within the B-3, B-4, B-5 and M-1 districts, TEMPORARY SALES for not more than 60 days during any consecutive 12-month period, per zoning lot, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate and further provided that:
26. Article 601.A.9. of the Regulations is hereby amended to read as follows:
 1. For a period not to exceed 90 days, between March 1 and June 30, and for a period not to exceed 60 days, between August 15 and November 15, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate, businesses located on property within districts zoned B-3, B-4 or B-5, or a combination thereof, may have outdoor display and sales areas that are twice the amount permitted by district regulations, provided the area in excess of the area permitted by the district regulations, is used solely for the DISPLAY AND SALES OF LIVING PLANTS and, provided that:

27. Article 703.A.14. of the Regulations is hereby amended to read as follows:
14. Permanent markers located on private property for the convenience of the public in the identification of a subdivision or the streets therein, provided that they shall first have been submitted to the Zoning Administrator for approval. The markers shall be in conformance with the general design of the area, provided that the markers must be monument and not pole/pylon style, and the size shall be limited in height and area dependent upon their location on the property. Markers located on reserves in street rights-of-way shall not impede the area between 33 inches and 8 feet above the grades of the bottom of the curb of the intersecting streets. The Zoning Administrator shall require a long-term maintenance plan for the marker to be established.
28. Article 901.A.2.b. of the Regulations is hereby amended to read as follows:
- b. An accessory structure that is no larger than 120 square feet in area that is anchored by straps or bolts and is not placed on a foundation, or an accessory structure that will not, in the judgment of the Zoning Administrator, significantly obstruct a public or utility easement or effect the maintenance, repair, replacement or reconstruction of a public or utility improvement or installation located within any such easement, including any authorized future use thereof, may be located within or project over such utility easement, improvement or installation; provided that the owner thereof shall post and continuously maintain in a conspicuous place upon such building or structure the following notice:
- “This structure is located within a public utility easement. Neither the City of Derby nor any utility company entitled to use this easement is liable for damage to or destruction of this structure as a result of maintenance, repair or replacement activities, or installation of new facilities, within this easement.”*
29. Article 1004.B.7. of the Regulations is hereby amended to read as follows:
7. Building variety standards
30. Article 1004.B.8. of the Regulations is hereby established as follows:
8. Other exceptions as specified elsewhere in these regulations
31. Article 1004.D.11. of the Regulations is hereby established as follows:
11. The proposed exception would result in a demonstrable cost reduction resulting in the provision of housing units affordable to households earning 120% of Area Median Income or less.
32. Article 1005.B.10. of the Regulations is hereby established as follows:
10. Permitting a dwelling unit to be similar to another dwelling unit located on an adjoining lot or across the street, provided that only one zoning adjustment shall be permitted within a block face.
33. Article 1005.B.11. of the Regulations is hereby established as follows:
11. Reducing the compatibility setback by up to 25 percent.

Section 2. All original provisions of the Regulations, including the Official Zoning Map, shall remain in full force and effect except as specifically amended herein.

Section 3. Any proceedings initiated prior to the effective date of the amended Regulations may proceed under the provisions of the Regulations in effect at the time the proceeding was initiated.

Section 4. The amended Regulations shall take effect and be in force and effect after adoption and publication of this Ordinance once in the City’s official newspaper.

ADOPTED BY THE CITY COUNCIL this _____ day of _____, 2026, and **SIGNED** by the Mayor.

Mark A. Staats, Mayor

Seal:

Attest:

Lynn Ciarleglio, City Clerk

Approved as to form:

Jacqueline R. Butler, City Attorney

Passed: _____
Published: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS OF THE CITY OF DERBY, KANSAS AS FIRST ADOPTED BY ORDINANCE NO. 905 AND SUBSEQUENTLY AMENDED, MOST RECENTLY INCORPORATED BY REFERENCE VIA ORDINANCE NO. 2500 AS MOST RECENTLY AMENDED BY ORDINANCE NO. 2594.

WHEREAS, the City of Derby, Kansas (hereinafter “City”) is granted authority by the statutes of the State of Kansas in K.S.A. 12-749 to amend existing subdivision regulations; and

WHEREAS, the Planning Commission on November 20, 2025, initiated an amendment of the existing subdivision regulations after the annual review of the Vision Derby 2040 Comprehensive Plan determined that amendments to the subdivision regulations are warranted; and

WHEREAS, the Planning Commission gave proper notice in the official City newspaper on March 25, 2026, and held a public hearing on April 16, 2026, at which time an opportunity was granted to interested parties to be heard; and

WHEREAS, at the conclusion of the public hearing the Planning Commission voted to recommend approval of amendments to the subdivision regulations and transmitted the same to Governing Body along with an accurate written summary of the proceedings of the public hearing; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. The Subdivision Regulations of the City of Derby, Kansas (hereinafter “Regulations”) are hereby amended as set out herein.

1. Article 603.C.1. of the Regulations is hereby amended to read as follows:
 1. Utility easements shall be provided where necessary and centered on rear or side lot lines and shall be at least 20 feet wide along rear lot lines and 10 feet wide along side lot lines; except that easements for street lighting, telephone or cable television purposes shall not in any event be required to exceed 10 feet. Side lot easements, when needed for other than street lighting purposes, may exceed 10 feet. When required by private utility companies, an easement not exceeding 10 feet wide shall be provided along front lot lines. Utility and drainage easements may be combined; however, no blanket easements for utilities shall be permitted.
2. Article 603.C.3. of the Regulations is hereby amended to read as follows:
 3. Pedestrian and Access Ways. Pedestrian and access ways shall be provided to establish a convenient and direct route to other existing or planned pedestrian ways, including hike and bike paths; to public features such as schools and parks; to connect open space areas such as Reserves in adjacent developments; for pedestrian access to and from commercial developments; between adjacent cul-de-sacs; at the end of a cul-de-sac that would allow access to a public sidewalk or other public facility; and other such situations as the Planning Commission

determines would encourage pedestrian and bicycle friendly access. Pedestrian and access ways shall be provided to such destinations when the direct access distance can be reduced by 50 percent or 400 feet, whichever is less, unless a modification is permitted at the discretion of the Planning Commission under Section 11-1103.

Pedestrian and access ways shall be paved to a width equal to the maximum width of the pedestrian and access ways to which in connects and shall be located in a Reserve of at least twice the width of the pedestrian and access way, unless a modification is permitted at the discretion of the Planning Commission under Section 11-1103.

- 3. Article 902.A.5. of the Regulations is hereby amended to read as follows:
 - 5. Such split will result in a building site without direct access to an opened street, unless an access easement approved by the City Engineer or County Engineer is established prior to or concurrently with the lot split;

Section 2. All original provisions of the Regulations shall remain in full force and effect except as specifically amended herein.

Section 3. Any proceedings initiated prior to the effective date of the amended Regulations may proceed under the provisions of the Regulations in effect at the time the proceeding was initiated.

Section 4. The Regulations shall take effect and be in force and effect after adoption and publication of this Ordinance once in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL this _____ day of _____, 2026, and **SIGNED** by the Mayor.

Mark A. Staats, Mayor

Seal:

Attest:

Lynn Ciarleglio, City Clerk

Approved as to form:

Jacqueline R. Butler, City Attorney

New Business Item



Subject: Paving Improvements to Serve Crosswater 2nd Addition
Meeting: City Council - 27 May 2026
Presented by: Alex Lane, City Engineer

BACKGROUND:

- The Courtyards at Crosswater 2nd Addition is a replat of The Courtyards at Crosswater Addition located on the north side of Meadowlark Blvd east of St. Mary Church.
- The parcel of land with 104 single-family residential lots was replatted in 2025 to 109 lots.
- The developer desires to develop in multiple phases. A map showing the lots and improvements is attached.
- The Phase 1 paving improvements will result in 48 buildable lots. A collector street (Spring Ridge Dr) is required to be constructed for the initial phase.
- On May 12, the following bids were opened for construction of paving improvements:

<u>Bidder</u>	<u>Bid Amount</u>
APAC-Kansas	\$1,351,355.02
Conspec Inc. D.B.A Kansas Paving	\$1,209,212.05
Pearson Construction	\$1,381,095.55
<i>Engineer's Estimate*</i>	<i>\$1,274,546.00</i>

**Engineer's Estimate provided by MKEC*

- The bid amounts for all parts of the project are still within the values authorized by the corresponding resolutions (see attached bid tab).
- Sanitary Sewer, drainage, water main improvements to serve the first phase are currently under construction.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The costs for the local paving and incidental stormwater improvements will be assessed 100% to the Improvement District.
- Because Spring Ridge Drive improvements will provide a connection for future developments, the City's Policy on the Financing of Public Improvements provides for a portion of the cost of collector street improvements.
- Spring Ridge Drive will be a "Derby Grand Tour" collector street with wide sidewalks on both sides and landscaped medians.
- The cost of the improvements is \$685,778.90 and will be assessed as follows:
 - 46.9% of the construction cost (\$321,630.30) will be assessed to the Improvement district.
 - 53.1% of the construction cost (\$364,148.60) will be paid by the City-at-large.

RECOMMENDED MOTION:

- Authorize execution of an agreement with Conspec Inc. in an amount not to exceed \$1,209,212.05 for construction of paving improvements to serve The Courtyards at Crosswater Second Addition.

ATTACHMENTS:

[052726 CrossWater Bid Tab](#)

[052726 Crosswater Second Map](#)

EXTENDED BID TABULATION
PAVING ARTERIAL (RES. 19-2025)
PAVING PHASE 1 (RES. 14-2025)
PAVING SIDEWALK PHASE 1 (RES. 23-2025)
COURTYARDS AT CROSSWATER SECOND ADDITION
DERBY, KANSAS
Bids Received: Tuesday, May 12, 2026, 2:00 pm

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	ENGINEERS ESTIMATE		APAC-KANSAS		KANSAS PAVING		PEARSON CONSTRUCTION	
				UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
PAVING - PHASE 1 - RES. NO. 14-2025											
1	Earthwork	1	LS	20,000.00	\$ 20,000.00	11,000.00	\$ 11,000.00	15,000.00	\$ 15,000.00	13,250.00	\$ 13,250.00
2	5" AC Pavement	4792	SY	30.00	\$ 143,760.00	22.50	\$ 107,820.00	19.00	\$ 91,048.00	25.00	\$ 119,800.00
3	7" Reinf Conc.Valley Gutter	108	SY	60.00	\$ 6,480.00	79.00	\$ 8,532.00	70.00	\$ 7,560.00	75.00	\$ 8,100.00
4	5" Geogrid Reinforced Rock Base	6602	SY	12.00	\$ 79,224.00	10.50	\$ 69,321.00	8.00	\$ 52,816.00	8.00	\$ 52,816.00
5	6" Reinf. Conc Pavement	1082	SY	55.00	\$ 59,510.00	62.00	\$ 67,084.00	60.00	\$ 64,920.00	73.00	\$ 78,986.00
6	6" Geogrid Reinforced Rock Base	1233	SY	13.00	\$ 16,029.00	12.50	\$ 15,412.50	9.00	\$ 11,097.00	9.00	\$ 11,097.00
7	Curb & Gutter (6 5/8")	1207	LF	13.00	\$ 15,691.00	14.50	\$ 17,501.50	10.00	\$ 12,070.00	14.00	\$ 16,898.00
8	Curb & Gutter (3 5/8")	1900	LF	10.00	\$ 19,000.00	14.00	\$ 26,600.00	10.00	\$ 19,000.00	13.00	\$ 24,700.00
9	Curb Mono (6 5/8")	65	LF	5.00	\$ 325.00	3.25	\$ 211.25	2.00	\$ 130.00	6.00	\$ 390.00
10	Wheelchair Ramp (With Detectable Warning Pavers)	4	EA	2,500.00	\$ 10,000.00	900.00	\$ 3,600.00	650.00	\$ 2,600.00	1,450.00	\$ 5,800.00
11	Inlet Hookup	7	EA	750.00	\$ 5,250.00	475.00	\$ 3,525.00	650.00	\$ 4,550.00	875.00	\$ 6,125.00
12	Mh Adjust	4	EA	1,000.00	\$ 4,000.00	500.00	\$ 2,000.00	400.00	\$ 1,600.00	500.00	\$ 2,000.00
13	Curb Inlet (Type 1 A)(5'x3')	5	EA	4,500.00	\$ 22,500.00	5,000.00	\$ 25,000.00	5,100.00	\$ 25,500.00	5,000.00	\$ 25,000.00
14	Curb Inlet (Type 1 A)(5'x4')	1	EA	5,000.00	\$ 5,000.00	5,300.00	\$ 5,300.00	5,500.00	\$ 5,500.00	5,300.00	\$ 5,300.00
15	Curb Inlet (Type 1 B)(10'x5')	1	EA	7,500.00	\$ 7,500.00	8,000.00	\$ 8,000.00	7,800.00	\$ 7,800.00	8,000.00	\$ 8,000.00
16	Drop Inlet (2'x2')	1	EA	4,000.00	\$ 4,000.00	4,500.00	\$ 4,500.00	4,600.00	\$ 4,600.00	4,500.00	\$ 4,500.00
17	SWS MH 4" Dia (Shallow)	4	EA	4,000.00	\$ 16,000.00	2,900.00	\$ 11,600.00	3,800.00	\$ 15,200.00	2,900.00	\$ 11,600.00
18	RCP 15"	320	LF	70.00	\$ 22,400.00	48.00	\$ 15,360.00	70.00	\$ 22,400.00	48.00	\$ 15,360.00
19	RCP 18"	278	LF	80.00	\$ 22,240.00	55.00	\$ 15,290.00	80.00	\$ 22,240.00	55.00	\$ 15,290.00
20	RCP 24"	39	LF	100.00	\$ 3,900.00	79.50	\$ 3,100.50	90.00	\$ 3,510.00	79.50	\$ 3,100.50
21	RCP 36"	25	LF	150.00	\$ 3,750.00	135.00	\$ 3,375.00	120.00	\$ 3,000.00	135.00	\$ 3,375.00
22	RCP 48"	148	LF	200.00	\$ 29,600.00	200.00	\$ 29,600.00	170.00	\$ 25,160.00	200.00	\$ 29,600.00
23	Flowable Fill (Backfill)	272	LF	80.00	\$ 21,760.00	67.50	\$ 18,360.00	15.00	\$ 4,080.00	67.50	\$ 18,360.00
24	Riprap (Light Stone)	82	SY	150.00	\$ 12,300.00	72.00	\$ 5,904.00	100.00	\$ 8,200.00	72.00	\$ 5,904.00
25	Signage	1	LS	10,000.00	\$ 10,000.00	5,000.00	\$ 5,000.00	5,000.00	\$ 5,000.00	5,000.00	\$ 5,000.00
26	Seeding, Temporary	1	LS	10,000.00	\$ 10,000.00	2,000.00	\$ 2,000.00	2,000.00	\$ 2,000.00	2,000.00	\$ 2,000.00
27	BMP, Back of Curb Protection	3140	LF	4.00	\$ 12,560.00	1.26	\$ 3,956.40	1.26	\$ 3,956.40	1.26	\$ 3,956.40
28	BMP, Curb Inlet Protection	7	EA	150.00	\$ 1,050.00	127.00	\$ 889.00	127.00	\$ 889.00	127.00	\$ 889.00
29	BMP, Drop Inlet Protection	5	EA	150.00	\$ 750.00	127.00	\$ 635.00	127.00	\$ 635.00	127.00	\$ 635.00
30	BMP, Ditch Check	2	EA	150.00	\$ 300.00	219.00	\$ 438.00	219.00	\$ 438.00	219.00	\$ 438.00
31	BMP, Silt Fence	235	LF	5.00	\$ 1,175.00	4.00	\$ 940.00	4.00	\$ 940.00	4.00	\$ 940.00
32	Site Clearing & Restoration	1	LS	11,188.00	\$ 11,188.00	64,000.00	\$ 64,000.00	49,700.00	\$ 49,700.00	60,000.00	\$ 60,000.00
SUBTOTAL PAVING - PHASE 1 - RES. NO. 14-2025					\$ 597,242.00		\$ 555,655.15		\$ 493,139.40		\$ 559,209.90
PAVING ARTERIAL - RES. NO. 19-2025											
1	Earthwork	1	LS	10,000.00	\$ 10,000.00	21,000.00	\$ 21,000.00	19,000.00	\$ 19,000.00	32,000.00	\$ 32,000.00
2	6" AC Pavement	6779	SY	30.00	\$ 203,370.00	27.00	\$ 183,033.00	22.00	\$ 149,138.00	29.00	\$ 198,591.00
3	8" Geogrid Reinforced Rock Base	8809	SY	10.00	\$ 88,090.00	15.00	\$ 132,135.00	11.00	\$ 96,899.00	12.00	\$ 105,708.00
4	7" Reinf Conc.Valley Gutter	584	SY	60.00	\$ 35,040.00	75.00	\$ 43,800.00	70.00	\$ 40,800.00	75.00	\$ 43,800.00
5	5" Geogrid Reinforced Rock Base	625	SY	9.00	\$ 5,625.00	10.50	\$ 6,562.50	8.00	\$ 5,000.00	8.00	\$ 5,000.00
6	Lip Curb & Gutter (1 1/2")	20	LF	10.00	\$ 200.00	18.50	\$ 370.00	20.00	\$ 400.00	50.00	\$ 1,000.00
7	Curb & Gutter (6 5/8")	2774	LF	12.00	\$ 33,288.00	17.25	\$ 47,851.50	11.00	\$ 30,514.00	17.00	\$ 47,158.00
8	Curb & Gutter Reverse (6 5/8")	115	LF	12.00	\$ 1,380.00	33.00	\$ 3,795.00	15.00	\$ 1,725.00	24.00	\$ 2,760.00
9	Curb & Gutter (8")(Median)	2310	LF	14.00	\$ 32,340.00	13.00	\$ 30,030.00	11.00	\$ 25,410.00	14.00	\$ 32,340.00
10	Curb Mono (6 5/8")	365	LF	5.00	\$ 1,825.00	3.50	\$ 1,277.50	2.00	\$ 730.00	6.00	\$ 2,190.00
11	Conc Median Nose	7	EA	1,000.00	\$ 7,000.00	1,100.00	\$ 7,700.00	650.00	\$ 4,550.00	2,000.00	\$ 14,000.00
12	6" Driveway on 6" Compacted Subgrade	46	SY	50.00	\$ 2,300.00	57.00	\$ 2,822.00	75.00	\$ 3,450.00	87.00	\$ 4,002.00
13	Conc. Flume	18	LF	80.00	\$ 1,440.00	69.00	\$ 1,242.00	125.00	\$ 2,250.00	80.00	\$ 1,440.00
14	4" Sidewalk	23360	SF	2.50	\$ 58,400.00	3.75	\$ 87,600.00	3.00	\$ 70,800.00	3.00	\$ 70,800.00
15	4" Sidewalk (Thickened Edge)	519	SF	4.50	\$ 2,335.50	6.00	\$ 3,114.00	5.00	\$ 2,595.00	3.75	\$ 1,946.25
16	Wheelchair Ramp (With Detectable Warning Pavers)	17	EA	2,500.00	\$ 42,500.00	900.00	\$ 15,300.00	650.00	\$ 11,050.00	1,450.00	\$ 24,650.00
17	Wheelchair Ramp (Type B)	1	EA	2,500.00	\$ 2,500.00	1,100.00	\$ 1,100.00	650.00	\$ 650.00	1,300.00	\$ 1,300.00
18	6" Sleeve	866	LF	20.00	\$ 17,320.00	23.00	\$ 19,918.00	40.00	\$ 34,640.00	23.00	\$ 19,918.00
19	Inlet Hookup	4	EA	500.00	\$ 2,000.00	475.00	\$ 1,900.00	650.00	\$ 2,600.00	875.00	\$ 3,500.00
20	Curb Inlet (Type 1 B)(10'x3')	3	EA	7,500.00	\$ 22,500.00	6,500.00	\$ 19,500.00	7,500.00	\$ 22,500.00	6,500.00	\$ 19,500.00
21	Curb Inlet (Type 1 C)(15'x4')	1	EA	8,000.00	\$ 8,000.00	10,000.00	\$ 10,000.00	9,000.00	\$ 9,000.00	10,000.00	\$ 10,000.00
22	SWS MH 5" Dia (Shallow)	1	EA	7,000.00	\$ 7,000.00	4,300.00	\$ 4,300.00	4,000.00	\$ 4,000.00	4,300.00	\$ 4,300.00
23	Curb Inlet (Relocate)	1	EA	2,500.00	\$ 2,500.00	3,700.00	\$ 3,700.00	2,130.00	\$ 2,130.00	3,700.00	\$ 3,700.00
24	RCP 15"	99	LF	70.00	\$ 4,130.00	89.50	\$ 4,100.50	70.00	\$ 4,130.00	89.50	\$ 4,100.50
25	RCP 18"	62	LF	80.00	\$ 4,960.00	71.00	\$ 4,402.00	80.00	\$ 4,960.00	71.00	\$ 4,402.00
26	RCP 24"	176	LF	100.00	\$ 17,600.00	97.75	\$ 17,204.00	90.00	\$ 15,840.00	97.75	\$ 17,204.00
27	Flowable Fill	188	LF	15.00	\$ 2,820.00	67.00	\$ 12,596.00	15.00	\$ 2,820.00	67.00	\$ 12,596.00
28	Riprap (Light Stone)	48	SY	90.00	\$ 4,320.00	69.00	\$ 3,312.00	100.00	\$ 4,800.00	69.00	\$ 3,312.00
29	Signage	1	LS	7,133.50	\$ 7,133.50	825.00	\$ 825.00	825.00	\$ 825.00	825.00	\$ 825.00
30	Pavement Stripping	1	LS	2,500.00	\$ 2,500.00	2,450.00	\$ 2,450.00	2,450.00	\$ 2,450.00	2,450.00	\$ 2,450.00
31	Seeding	1	LS	5,000.00	\$ 5,000.00	2,240.00	\$ 2,240.00	2,240.00	\$ 2,240.00	2,240.00	\$ 2,240.00
32	BMP, Slope Protection (SC-250)	204	SY	10.00	\$ 2,040.00	6.25	\$ 1,275.00	6.25	\$ 1,275.00	6.25	\$ 1,275.00
33	BMP, Back of Curb Protection	2915	LF	3.00	\$ 8,745.00	1.26	\$ 3,672.90	1.26	\$ 3,672.90	1.26	\$ 3,672.90
34	BMP, Inlet Protection	5	EA	150.00	\$ 750.00	125.00	\$ 625.00	125.00	\$ 625.00	125.00	\$ 625.00
35	BMP, Construction Entrance	1	LS	1,000.00	\$ 1,000.00	1,100.00	\$ 750.00	750.00	\$ 1,500.00	1,500.00	\$ 1,500.00
36	Site Clearing & Restoration	1	LS	2,500.00	\$ 2,500.00	64,000.00	\$ 64,000.00	102,200.00	\$ 102,200.00	90,000.00	\$ 90,000.00
SUBTOTAL PAVING ARTERIAL - RES. NO. 19-2025					\$ 650,452.00		\$ 765,652.90		\$ 685,778.90		\$ 791,085.65
PAVING SIDEWALK - PHASE 1 - RES. NO. 23-2025											
1	Concrete Sidewalk 4"	4925	SF	3.40	\$ 16,745.00	4.00	\$ 19,700.00	3.95	\$ 19,453.75	4.00	\$ 19,700.00
2	Wheelchair Ramp w/ Detectable Warnings	2	EA	4,000.00	\$ 8,000.00	1,152.47	\$ 2,304.94	650.00	\$ 1,300.00	1,650.00	\$ 3,300.00
3	6" Sleeve	56	LF	20.00	\$ 1,120.00	25.00	\$ 1,400.00	40.00	\$ 2,240.00	25.00	\$ 1,400.00
4	Seeding, Temporary	1	LS	430.00	\$ 430.00	400.00	\$ 400.00	400.00	\$ 400.00	400.00	\$ 400.00
5	Site Clearing & Restoration	1	LS	557.00	\$ 557.00	6,242.03	\$ 6,242.03	6,900.00	\$ 6,900.00	6,000.00	\$ 6,000.00
SUBTOTAL PAVING SIDEWALK - PHASE 1 - RES. NO. 23-2025					\$ 26,852.00		\$ 30,046.97		\$ 30,293.75		\$ 30,800.00
BASE BID TOTAL					\$ 1,274,546.00		\$ 1,351,355.02		\$ 1,209,212.05		\$ 1,381,095.55

BID BOND

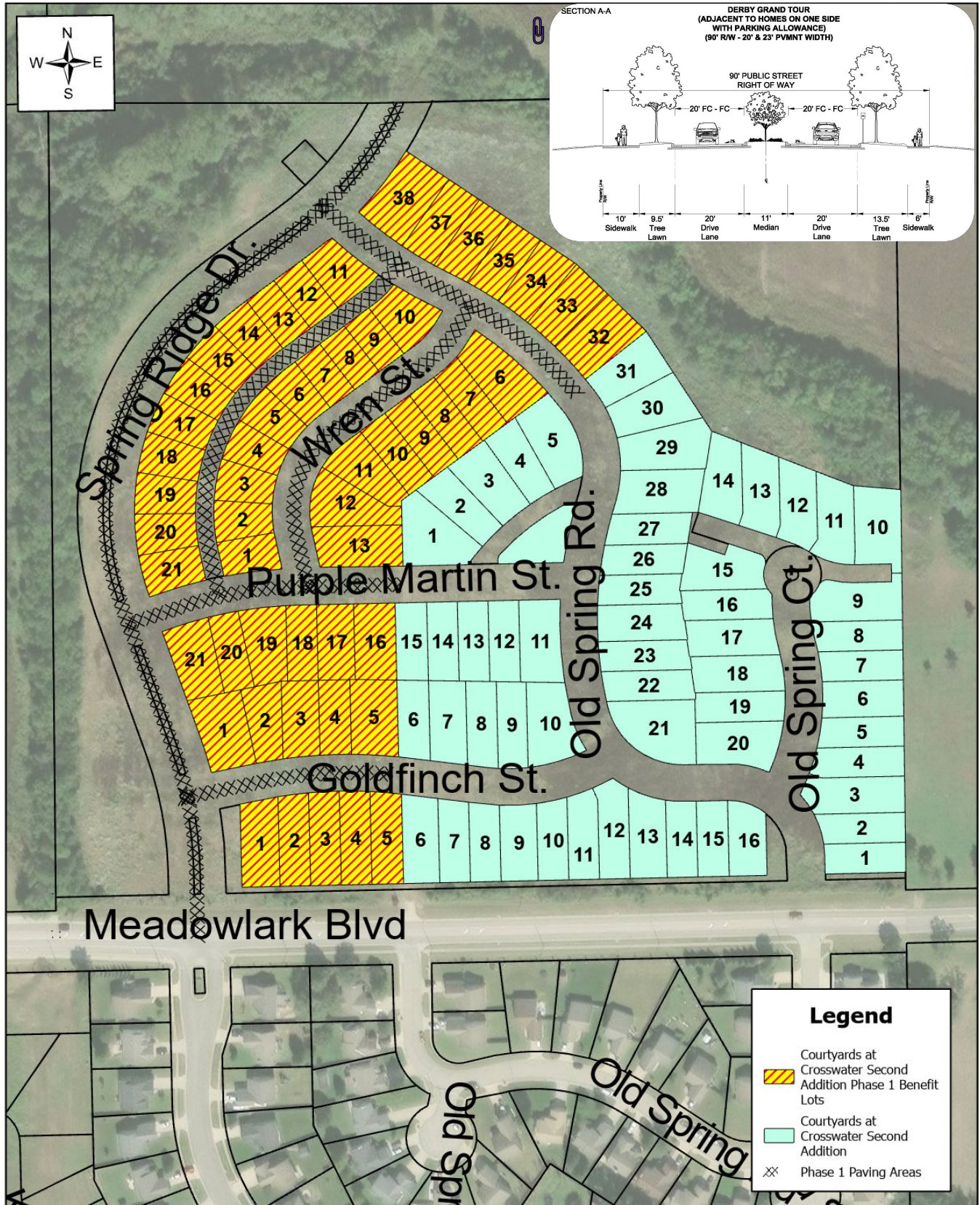
ADDENDUM ACKNOWLEDGEMENT (1)

X

X

X

To be considered by City Council 5/25/2026



COURTYARDS AT CROSSWATER SECOND ADDITION

New Business Item



Subject: Madison Avenue Crossing and Park Hill TEAP Study
Meeting: City Council - 27 May 2026
Presented by: Alex Lane, City Engineer

BACKGROUND:

- The City coordinated with KDOT to complete a Transportation Engineering Assistance Program (TEAP) study related to pedestrian crossings near Derby Middle School and Park Hill Elementary.
- The primary purpose of the studies was to evaluate the potential justification for a marked pedestrian crosswalk across Madison Avenue near the northeast corner of the school property.
- A secondary objective of the study was to review the existing marked crosswalk at Park Hill St. and Rushwood Dr. to determine if changes are needed and whether the crossing remains justified under current conditions.

TEAP Study Process:

- The Transportation Engineering Assistance Program (TEAP) is a service provided by KDOT to assist local governments with transportation-related engineering evaluations and recommendations.
- After a successful application process, a consultant is hired by KDOT from a prequalified pool and the study is initiated.
- TEAP studies are commonly used to evaluate:
 - Traffic operations
 - Pedestrian accommodations
 - Roadway safety concerns
 - Signing and striping improvements
 - Traffic control devices
- The study process generally includes:
 - Interview with representatives from the local authority
 - Field observations
 - Traffic and pedestrian counts
 - Review of roadway geometry and sight distance
 - Crash history review
 - Comparison against recognized engineering guidance and warrants
- Following the evaluation, the consultant provides findings and recommendations to assist the City in making informed transportation decisions.

Study Procedure and Results:

- The study included observations during school arrival and dismissal periods.
- Pedestrian crossing activity and traffic operations were evaluated along Madison Ave. near Derby Middle School.
- Existing roadway conditions, traffic counts and gaps, and crash history were reviewed.

- The existing crosswalk at Park Hill St. and Rushwood Dr. was also evaluated for continued necessity and operational effectiveness under current conditions.
- The study recommendations indicate that a crosswalk on Madison Ave. at the northeast corner of Derby Middle School property (near Marguerite Pkwy.) is not recommended, although other improvements should be considered.
- The study also found that the crosswalk near E. Rushwood Dr. and Park Hill St. is no longer necessary and should be removed.
- The City Engineer will present information from the study at the meeting.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- As noted TEAP is administered by KDOT. The program provides federal funds to local cities and counties to address traffic engineering needs typically focused on roadways or intersections that are not on state routes addressed by KDOT staff.
- The City applied for the study and was selected by KDOT staff for the project (there is a limited pool of funds KDOT has for TEAP studies so it is typically first-come, first-served).
- There is no cost to the City for the study. Implementation costs are expected to be minimal from the study results. PW Street staff will remove the crosswalk near Park Hill and any signage additions/needs from the City will be addressed and implemented through PW staff as well.

RECOMMENDED MOTION:

- Receive and file the report.

New Business Item



Subject: Updates to the List of Council Priorities
Meeting: City Council - 27 May 2026
Presented by: Kiel Mangus, City Manager

BACKGROUND:

- Staff and Council have made progress on the 16 approved priorities last updated in February.
- Some items have been completed and are recommended for removal from the list. A status report and updates on items will be presented at the Council meeting.
- Three items are proposed to be removed from the list:
 - Item 3-High Park Phase 1 Construction.
 - Ribbon cutting for the new facility is Friday, May 29, and the project is complete.
 - Park updates include a new playground, splash pad, two new restrooms, additional parking, 8 lighted pickleball courts, amphitheater restroom upgrades, and Zimmerman Shelter upgrades.
 - Item 4-Senior Center Construction.
 - The new Senior Center officially held a ribbon cutting on April 14 and opened to the public April 20.
 - Staff is adjusting to the new space and will continue to tweak programming to best fit our operations. We do anticipate bringing back some fee resolution updates this fall regarding rental of the multipurpose space at the center.
 - Item 5-Duplex Design Standards & Density Options.
 - The City Council's second reading and consideration of ordinances updating the City's Zoning & Subdivision Regulations includes recommendations regarding this issue. If approved, the new duplex density options and design standards will go into effect upon ordinance publication.
 - The Zoning and Subdivision Regulations Committee worked through this item and received recommendations of approval from the Planning Commission as well before final approval by Council. A public workshop was also held in early April on these items with mostly positive feedback from the community.
- The following items are recommended to be added to the shorter-term projects and policies list:
 - Franchise Trash Contract.
 - The City has franchised for curbside recycling and trash pickup services since 2009. The franchise trash agreement has saved Derby citizens money by using a single-source hauler and has helped prevent further damages to City streets with multiple trash trucks driving over them.
 - The current 5-year franchise trash contract with Waste Connections ends at the end of 2026.

- Staff has prepared an RFP for a new franchise trash contract agreement and has put it out for consideration. The new contract is anticipated to be 7 years with options for 3 additional years. It is anticipated that staff will bring back options for Council consideration this summer.
- City Strategic Plan Update.
 - Derby's current strategic plan has been in place since 2013 with affirmation by Council last received in 2021. A strategic plan update is included in the 2026 budget.
 - It is anticipated that an RFP will be drafted and distributed in late summer/early Fall for a consultant to help update the strategic plan.
 - The intention is to have the consultant work with City Council and staff on a 4–5-year strategic plan that would update our current plan and merge our priority list update process with a community feedback process as well. The updated strategic plan will serve as the primary policy guidance document for City Council and staff, providing a clear and actionable framework for decision-making, resource allocation and organizational direction.
- The following items are recommended to be moved up from the watch list to the priority list:
 - Shorter-Term:
 - Countywide Sales Tax Distribution.
 - The Kansas Legislature ended up not passing a bill that would change the countywide sales tax distribution formula but left clear feedback that they would like direction/input from cities and counties on a new formula that would move away from taxes levied as part of the formula.
 - City staff is working with Sedgwick County and other cities in the county, along with a working group of larger cities across the State, to bring back options for consideration by the Kansas Legislature this upcoming session.
- One item is proposed to be added to the watch list:
 - Comprehensive Plan Update.
 - Starting in 2027 and continuing over a 4–5-year period, the City will be updating the Vision Derby 2040 Comprehensive Plan. This will include updates to a transportation plan, housing and neighborhoods plan, development and land use plan, comprehensive plan document, and zoning and subdivision regulations.
 - It is anticipated that near the end of 2026 staff will be preparing an RFP for phase 1 of updates, likely involving transportation and housing.

POLICY IMPLICATIONS:

- When a governing body agrees on priorities, staff time is used most productively. This list mostly includes enhancement projects to be worked on as time allows amid routine responsibilities.

RECOMMENDED MOTION:

- Provide feedback and approve the City Council's updated list of priorities.

ATTACHMENTS:

[052726 Priority List Update Markup](#)
[052726 Priority List Update Clean](#)

City Council Priorities for the City Manager
27-May-26

Shorter-Term Projects & Policies

- 1 North Area Interceptor and Forcemain Sewer Project
- 2 Decarsky Park Phase 2
- 3 ~~High Park Phase 1 Construction~~
- 4 ~~Senior Center Construction~~
- 5 ~~Duplex Design Standards & Density Options~~
- 6 Amber Ridge, Glen Hills, Duck Creek Park Project Design
- 7 Courts & City Hall Construction
- 8 Police Facility Project Design
- 9 Rock Road Corridor Study

City Strategic Plan Update

Franchise Trash Contract

Countywide Sales Tax Distribution*

Longer-Term Projects & Policies

- 1 Water Treatment Plant/Wastewater Treatment Plant Master Plan Projects
- 2 K-15 Area Plan Project Implementation
- 3 STAR Bond Projects
- 4 River bridge at 95th Street (ARC95)
- 5 USD 260 Sports Facility Partnerships
- 6 Wichita Water Contract Updates
- 7 Water Reuse

Bold = Just added to the list
*** = Moved up from Watch List**

Watch List (in no particular order)

- A Chip site cost/benefit, future direction & green waste
 - B Derby Difference Sales Tax Street Maintenance Project Development
 - C ~~Countywide Sales Tax Distribution~~
 - D State Property Tax Budget Changes
- Comprehensive Plan**

City Council Priorities for the City Manager
27-May-26

Shorter-Term Projects & Policies

- 1 North Area Interceptor and Forcemain Sewer Project
- 2 Decarsky Park Phase 2
- 3 Amber Ridge, Glen Hills, Duck Creek Park Project Design
- 4 Courts & City Hall Construction
- 5 Police Facility Project Design
- 6 Rock Road Corridor Study
- 7 **City Strategic Plan Update**
- 8 **Franchise Trash Contract**
- 9 **Countywide Sales Tax Distribution***

Longer-Term Projects & Policies

- 1 Water Treatment Plant/Wastewater Treatment Plant Master Plan Projects
- 2 K-15 Area Plan Project Implementation
- 3 STAR Bond Projects
- 4 River bridge at 95th Street (ARC95)
- 5 USD 260 Sports Facility Partnerships
- 6 Wichita Water Contract Updates
- 7 Water Reuse

Bold = Just added to the list
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Watch List (in no particular order)

- A Chip site cost/benefit, future direction & green waste
- B Derby Difference Sales Tax Street Maintenance Project Development
- C State Property Tax Budget Changes
- D **Comprehensive Plan**

New Business Item



Subject: Authorization to Submit Conditional Clearance to KDOT on Rock Rd. Project
Meeting: City Council - 27 May 2026
Presented by: Alex Lane, City Engineer

BACKGROUND:

- The City is preparing to begin construction of the North Rock Road Reconstruction Project.
 - This project will improve Rock Road (from Freedom Street to one-half mile north of 55th Street) to urban standards including signalization, storm sewer, sidewalks, and curb and gutter.
 - The project requires acquisition of street right-of-way and temporary construction easements. The majority of land required for the project was acquired through negotiated agreements.
- On February 10, 2026, the City Council approved an ordinance authorizing initiation of eminent domain proceedings to acquire 2 tracts of right-of-way and 2 temporary construction easements on property owned by The Bridge 55, LLC.
- A Petition for Proceedings in Eminent Domain was filed in the Sedgwick County District Court on March 19, 2026, and, following required notices, the consideration hearing was held on April 21, 2026.
- Following the hearing, the Court found that the City is a municipality vested with the power of eminent domain and the taking is necessary to the lawful corporate purposes of the city.
- Staff would like to proceed with submitting a request for conditional clearance to KDOT to secure federal funding and keep timelines moving while the eminent domain process proceeds.
- The attached agreement sets forth the City's obligations with regard to the conditional clearance request.

LEGAL CONSIDERATIONS:

- The eminent domain process has taken longer than anticipated.
- The conditional clearance document confirms the City's intent to finalize land acquisition through the eminent domain process and authorizes payment of the appraisal award subject to the City's ability to appeal the award.
- The requested action tonight authorizes both submission of the Conditional Clearance form and payment of the appraisal award in the eminent domain proceedings once received.
 - The City Manager and City Attorney will seek additional approval from the City Council if it is recommended that an appeal of the award be filed.

RECOMMENDED MOTION:

- Authorize submission to KDOT of a Request for Conditional Clearance for the Rock Rd. project in a final form acceptable to the City Engineer as the City's designated project representative

and authorize the City Manager to approve payment of the appraisal award in the eminent domain proceedings.

ATTACHMENTS:

[052726 KDOT Request for Conditional Clearance](#)

A Conditional Clearance may only be granted if the LPA has a condemnation hearing has been held and authority to condemn has been approved. Negotiations may proceed, but the LPA must file for condemnation before requesting Conditional Clearance.

STATE OF KANSAS

**FEDERAL AID PROJECTS
REQUEST FOR
CONDITIONAL RIGHT-OF-WAY CLEARANCE**

**BY THE LOCAL AGENCY TO THE KANSAS DEPARTMENT OF TRANSPORTATION
OF REAL PROPERTY ACQUISITION PROCEDURES
AND UTILITY ARRANGEMENTS**

5/28/26

**PROJECT NUMBER 087 N-0758-01
COUNTY SEDGWICK**

WHEREAS: Said improvement is located along Rock Rd. from Freedom St. to ½ mile north of 55th St. S., and

WHEREAS: Said improvement consists of storm sewer, curbs, gutters, pavement and sidewalks, hereinafter referred to as Project, and

WHEREAS: The Secretary of Transportation of the State of Kansas, hereinafter referred to as the Secretary, as agent for the City of Derby, Kansas, hereinafter referred to as the City, have entered into an agreement dated April 11, 2024 and

WHEREAS: The above referenced agreement requires the City to certify compliance with Kansas Department of Transportation and Federal Highway Administration Right-of-Way Acquisition procedures.

NOW THEREFORE, THE CITY HEREBY CERTIFIES:

1. That all of the right-of-way (R/W) and easements for borrow areas, channel changes, and/or other construction as indicated on the plans as necessary for the construction of the Project have been acquired, including legal and physical possession, evidenced by said documents being recorded in the Register of Deeds office.

EXCEPT, the following properties have not been acquired and for the following reasons.

- **Tracts 7 & 8, The Bridges 55, LLC**
- The property listed above is currently in eminent domain proceedings and the court has found that the City has the power of eminent domain and the taking is necessary to lawful corporate purposes.
- City is open to settlement up to the date of the appraisal hearing, anticipated 45 days after filing of journal entry with the court.
- Legal possession of property will occur as soon as possible after the appraisal hearing. Anticipated to be within the first 3 business days after the hearing.
- There is not Relocation on these properties.

Therefore, we believe it is in the public's best interest to let this project. We feel this project should be let in the September 2026 letting.

Furthermore, all acquisitions are being completed by the City in compliance with the Federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (42 U.S.C. 4601 et seq.),

A Conditional Clearance may only be granted if the LPA has a condemnation hearing has been held and authority to condemn has been approved. Negotiations may proceed, but the LPA must file for condemnation before requesting Conditional Clearance.

and amendments thereto, BLP MEMOS 99-2 and 02-11 and Attachments 1 through 9, and the Federal Highway Administration's booklet entitled, *Real Estate Acquisition Guide for Local Public Agencies*.

2. That the total number of tracts being acquired equals 20
- A: Number of tracts purchased 18
B: Number of tracts being condemned 2
C: Number of tracts donated 0
3. If buildings, structures, or other improvements (personal property) owned by a tenant or landowner were acquired or relocated, the Bureau of Right of Way of the Kansas Department of Transportation was contacted for guidance as to the proper procedures.
- A: Number of tracts with relocation 0
B: Were buildings, structures, or other improvements involved in this project? YES ☐ NO ☒
4. If the new R/W or permanent easement acquired for the Project is adjacent to, along, or abutting KDOT highway R/W, copies of the deeds and plan sheets showing the applicable R/W tracts shall be submitted to KDOT Bureau of Local Projects.
- Was new R/W or permanent easement acquired adjacent to, along, or abutting KDOT highway R/W? YES ☐ NO ☒
5. Records will be maintained on file for at least three (3) years after the acquiring agency has been notified that the Project has been accepted by the Kansas Department of Transportation.
6. Any companies owning or operating utilities or other facilities within the limits of the Project, have been contacted and the facilities have been relocated, or arrangements made and/or plan notes indicating the moving, removing, or adjusting of such facilities, as may be necessary, upon due notification of such companies by the City. (D.O.T. Form No. 1304, attached hereto, lists such companies with headquarters' addresses and gives the status of relocations).
7. That City funds will be available for the matching of State and/or Federal funds to finance construction work on this Project.
8. If any tract of land is in condemnation proceedings, the City/County agrees the amount of the award as stated in the Report of Appraisers in said case shall be paid in a timely manner so as to not to delay the Project. The City/County understands said payment should not forgo their ability to appeal the award and that they have ultimate responsibility for said appeal.

A Conditional Clearance may only be granted if the LPA has a condemnation hearing has been held and authority to condemn has been approved. Negotiations may proceed, but the LPA must file for condemnation before requesting Conditional Clearance.

BE IT RESOLVED: The City makes the above request and certifications and the Secretary can proceed in accordance with the provisions of the agreement above referenced for the Project.

Adopted this ____ day of ____, 20____, at ____, Kansas.

REQUESTED BY:

City Engineer

LOCAL AGENCY APPROVAL:

Mayor

City Clerk

KDOT APPROVAL:

Bureau Chief, Bureau of Local Projects