

AGENDA

City Council Meeting

6:00 PM - Tuesday, May 12, 2026



To best accommodate space in the Council Room 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, email requests can also be read aloud at the meeting. 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 e-mail or phone before the meeting (contact information at www.derbyks.gov) or to the City Clerk.

This meeting is held in the City Council Room at City Hall, 611 N. Mulberry Rd. 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 at 316-788-1519 for assistance.

	Page
1. CALL MEETING TO ORDER	
2. FLAG SALUTE	
3. INVOCATION – Pastor Ben Ray, First Presbyterian Church	
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. Apraxia Awareness Day Proclamation	5 - 6
Agenda Item Report - AIR-26-099 - Pdf	
6.2. Public Works Week Proclamation	7 - 8
Agenda Item Report - AIR-26-094 - Pdf	
6.3. Upcoming Season for Derby Twins	9 - 12
Agenda Item Report - AIR-26-105 - Pdf	
6.4. VFW State Firefighter of the Year Award	13
Agenda Item Report - AIR-26-098 - Pdf	
7. PUBLIC FORUM & ANNOUNCEMENTS	
8. CONSENT AGENDA	

8.1. Consideration of Minutes 15 - 30
[City Council - 28 Apr 2026 - Minutes - Pdf](#)

8.2. Issue Cereal Malt Beverage License for BBQ 31
[Agenda Item Report - AIR-26-082 - Pdf](#)

8.3. 2026 Computer Workstation Replacements - Award to Next Lowest Bidder 33 - 39
[Agenda Item Report - AIR-26-101 - Pdf](#)

Recommended Motion: Approve the Consent Agenda, as presented.

9. NEW BUSINESS

9.1. Public Works Dump Truck with Brine System and Plow 41 - 42
[Agenda Item Report - AIR-26-106 - Pdf](#)

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

9.2. Sale of General Obligation Bonds Series 2026-A and Temporary Notes Series 2026-1 43 - 123
[Agenda Item Report - AIR-26-071 - Pdf](#)

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.

9.3. First Reading: Zoning and Subdivision Regulation Amendments 125 - 230
[Agenda Item Report - AIR-26-104 - Pdf](#)

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

9.4. Mayor and Council Member Stipends 231 - 236
[Agenda Item Report - AIR-26-049 - Pdf](#)

Recommended Motion: Provide feedback and direction on Council Stipends.

- 9.5. Policy Concerning Multiple-Occupancy Private Spaces 237 - 243
[Agenda Item Report - AIR-26-108 - Pdf](#)

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

- 9.6. Ordinance Update to Allow Alcohol at Derby Senior Center 245 - 249
[Agenda Item Report - AIR-26-102 - Pdf](#)

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.

10. ADJOURNMENT

Presentation



Subject: Apraxia Awareness Day Proclamation
Meeting: City Council - 12 May 2026
Presented by: Mark Staats, Mayor

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.

ATTACHMENTS:

[051226 Apraxia Proclamation](#)



PROCLAMATION

OF
THE CITY OF DERBY, KANSAS
FOUNDED IN 1869

WHEREAS, childhood apraxia of speech (CAS) affects 1-in-1,000 children and is a severe speech deficit causing difficulty in learning to speak; and

WHEREAS, while the act of learning to speak comes effortlessly to most children, those with apraxia often require many years of early, appropriate, and intensive speech therapy; and

WHEREAS, without appropriate speech therapy intervention, children with apraxia will have diminished communication skills, and are at high risk for secondary impacts on skills such as reading, writing, and spelling; and

WHEREAS, public awareness about childhood apraxia is essential for families and the professionals who support them to achieve needed services for those learning to use their own voice.

NOW, THEREFORE, BE IT RESOLVED, that I, Mark Staats, Mayor of the City of Derby, Kansas, do hereby proclaim May 14, 2026 as

Apraxia Awareness Day

in the City of Derby, Kansas.



Mark A. Staats, Mayor



Presentation



Subject: Public Works Week Proclamation
Meeting: City Council - 12 May 2026
Presented by: Tom Keil, Assistant Public Works Director
Guests: Dillan Curtis, Eric Newell

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.

ATTACHMENTS:

[051226 PW Week Proclamation](#)



PROCLAMATION

OF
THE CITY OF DERBY, KANSAS
FOUNDED IN 1869

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities, as well as to the public health and a high quality of life for the citizens of Derby; and

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals at all levels who are responsible for maintaining, rebuilding, improving, and protecting our transportation systems, water supply, water treatment and solid waste systems, public buildings, open spaces and other structures and facilities essential to our citizens; and

WHEREAS, the year 2026 marks the 66th annual National Public Works Week sponsored by the American Public Works Association, with a theme of “Rooted in Service, Powered by Community;”

NOW, THEREFORE, BE IT RESOLVED, that I, Mark Staats, Mayor of the City of Derby, Kansas, do hereby proclaim the week of May 17 – 23, 2026, as:

NATIONAL PUBLIC WORKS WEEK

in the City of Derby, Kansas.



Mark A. Staats, Mayor



Presentation



Subject: Upcoming Season for Derby Twins
Meeting: City Council - 12 May 2026
Presented by: Hannah Baker, Assistant to the City Manager
Guests: Jeff Wells, President and General Manager, 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.

ATTACHMENTS:

[051226 Derby Twins Budget 2026](#)
[051526 Derby Twins Schedule 2026](#)
[051226 Derby Twins Roster](#)

2026 Derby Twins Budget

Coaches	\$9000.00
Field Cost	\$1350.00
Chief Umpire	\$500.00
Game Umpires	\$4500.00
League Fees	\$1600.00
NBC World Series	\$1900.00
Bus Expense	\$5000.00
Meal Expense	\$1536.00
Baseballs	\$1320.00
Team Equipment	\$4000.00
Gas Expense	\$768.00
Webcaster	\$500.00
Interns	\$1200.00
Miscellaneous	\$2000.00
TOTAL	\$35,174.00

2025 Derby Twins Expenses

Coaches	\$6500.00
Field Cost	\$1500.00
Chief Umpire	\$500.00
Game umpires	\$5000.00
League Fees	\$2000.00
NBC World Series	\$1600.00
Bus Expense	\$6000.00
Meal Expense	\$1536.00
Baseballs	\$1950.00
Team Equipment	\$3650.00
Gas Expense	\$768.00
Webcaster	\$500.00
Interns	\$1200.00
Miscellaneous	\$2000.00
TOTAL	\$34,701.00

2026 Derby Twins Schedule

5/30	Sat	Haysville	Home	7PM*
5/31	Sun	Haysville	Home	7PM*
6/1	Mon	Rose Hill	Away	7PM*
6/2	Tue	Rose Hill	Home	7PM*
6/4	Thu	Great Bend	Home	7PM*
6/6	Sat	Great Bend	Away	6PM*
6/7	Sun	Hutchinson	Away	7PM*
6/9	Tue	Hutchinson	Home	7PM*
6/11	Thu	Newton	Home	7PM*
6/12	Fri	Newton	Away	7PM*
6/13	Sat	Kingman	Home	7PM*
6/14	Sun	Dodge City	Away	7PM
6/15	Mon	Kingman	Away	7PM*
6/16	Tue	Dodge City	Home	7PM
6/18	Thu	Junction City	Home	7PM*
6/19	Fri	Junction City	Away	7PM*
6/21	Sun	Augusta	Home	7PM*
6/22	Mon	Augusta	Away	7PM*
6/24	Wed	Haysville	Away	7PM*
6/25	Thu	Haysville	Away	7PM*
6/27	Sat	Rose Hill	Away	7PM*
6/28	Sun	Rose Hill	Home	7PM*
6/30	Tues	Great Bend	Away	7PM*
7/1	Wed	Great Bend	Home	7PM*
7/2	Thu	Hutchinson	Away	7PM*
7/3	Fri	Hutchinson	Home	6PM*
7/5	Sun	Newton	Home	7PM*
7/6	Mon	Newton	Away	7PM*
7/8	Wed	Kingman	Away	7PM*
7/9	Thu	Kingman	Home	7PM*
7/11	Sat	All-Star game	Hutch	7PM
7/14	Tue	Junction City	Away	7PM*
7/15	Wed	Junction City	Home	7PM*
7/17	Fri	Kansas Curve	Home	7PM
7/18	Sat	Augusta	Away	7PM*
7/19	Sun	Augusta	Home	7PM*
7/23-8/1	NBC World Series		WSU	TBA

Home games on bold, league games noted by*

All home games played at Panther Field (NE corner of Woodlawn & Market).

2026 Derby Twins Roster

<u>Pitchers</u>	<u>POS</u>	<u>B/T</u>	<u>HT</u>	<u>WT</u>	<u>School</u>	<u>Hometown</u>
AJ Bekedam	LHP	L/L	6-0	190	York College	Hanford CA
Landon Blais	LHP/OF	L/L	5-10	175	Cochise CC	Las Vegas NE
Ian Carlson	RHP	R/R	6-2	195	LSU-Eunice	Kingwood TX
Mekai Gallien	RHP	R-R	6-2	175	LSU-Eunice	Rosenberg TX
Reese Kortum	LHP	R/L	6-5	230	Wichita State	Lincoln NE
Caynen Kagami	RHP	R/R	6-0	190	Cuesta CC	Honolulu HI
Brock McKown	RHP	R/R	6-0	195	Paris CC	Argyle TX
Hayden Ruff	RHP	R/R	6-4	235	Alma College	Bay City MI
Cade Sutherland	RHP/OF	R/R	6-0	185	Alma College	Riverdale MI
Beau Sweeney Jr.	LHP	L/L	6-0	165	Cuesta CC	San Luis Obispo CA
Josh Turner	LHP	R/L	5-11	200	Nelson U	Katy TX
Josh Weaver	RHP	R/R	6-2	200	Cowley CC	Fruita CO
Peyton Wells	LHP	L/R	5-10	190	Ark-Rich Mountain	Sheridan AR
Justin Zerger	RHP	R/R	6-1	210	Pomona Pitzer	Newton KS

Catchers

David Brabb	C	R/R	6-1	220	Seward CC	Castle Pines CO
Grady Clements	C	R/R	5-10	200	Tabor	Haysville KS
Jesse Saucedo	C	R/R	5-11	185	Cuesta CC	Merced CA

Infielders

Noah Allison	1B	R/R	6-3	200	Mesa CC	Florence AZ
Juan Alvarez	SS	R/R	6-1	185	Seward CC	Medillin Columbia
Hayden Hernandez	1B	R/R	6-2	220	LSU-Eunice	Youngsville LA
Marshall Louque	INF/P	R/R	6-3	210	LSU-Eunice	Paulina LA
Spencer Simpson	3B,2B	L/R	5-10	195	UT-Tyler	Southlake TX
Brit Vick	3B/1B	L/R	6-0	185	LSU-Eunice	Lake Charles LA
Mason Wisnieski	3B/1B	R/R	6-0	225	Hutchinson CC	Malcom NE

Outfielders

Jude Almaraz	OF	R/R	6-2	190	Paradise Valley CC	Goodyear AZ
Gavin Mesa	OF	L/R	6-4	208	Cochise CC	Phoenix AZ
Brady Skinner	OF	R/R	6-2	195	Cochise CC	Las Vegas NV

Head Coach	Colton Flax
Ass't Coach	Caleb Coats
Ass't Coach	Doug Rhodes

Presentation



Subject: VFW State Firefighter of the Year Award
Meeting: City Council - 12 May 2026
Presented by: John Turner, Fire Chief
Guests: Lieutenant Chad Sterrett; Cody Jacobs, Derby VFW Post Commander; Aaron Grunden, VFW 5th District Emergency Services Chairman; Jay Boyle, VFW State Senior Vice Commander

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.



MINUTES

City Council Meeting

6:00 PM - Tuesday, April 28, 2026
Council Room

1 CALL MEETING TO ORDER

The City Council meeting was called to order on April 28, 2026, at 6:00 p.m. in the Council Room.

2 FLAG SALUTE

Council President Jenny Webster led the flag salute.

3 INVOCATION

Pastor Derek White, The Well Worship Center, gave 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 National Water Safety Month Proclamation

Mayor Mark Staats presented the Proclamation to Donita Grinde-Houtman and Vanessa Rugg, Derby Recreation Commission, and recognized DRC Board members in attendance.

BACKGROUND:

- National Water Safety Month began in May 2007 through a decision by the World Waterpark Association (WWA), Association of Pool and Spa Professionals (APSP), and the National Recreation and Park Association (NRPA) to celebrate a month-long water safety initiative in May when swimming activity increases across the country.
- National Water Safety Month focuses on the importance of communicating water safety rules and programs to families and individuals of all ages.

Donita Grinde-Houtman, Aquatic Director, Derby Recreation Commission, thanked the Mayor and Council for continuing to recognize the importance of water safety education. The DRC strives to promote water safety throughout the year, not just during this recognized month. To that end, we offer the Unsinkables program, which is 8 days of free swimming lessons for all second graders in the Derby School District each year. This year, we just finished serving 468 students through the Unsinkables program. Rock River Rapids also offers the opportunity to participate in the World's Largest Swimming Lesson; this year that free event will be held on June 25.

6.2 Bike Month Proclamation

Mayor Mark Staats presented the Proclamation to Stacy Haines and Vanessa Rugg of the DRC.

BACKGROUND:

- May is National Bike Month
 - It is a chance to showcase the many benefits of bicycling, as well as an opportunity to encourage people to give biking a try.
- The national designation was established in 1956, and the Derby Health Collaborative has been working with local bicycle enthusiasts for the past several years to celebrate biking as both a transportation and recreation activity, and as a way to support our well-being and everyday lives.
- The National Bike Month campaign highlights both the physical and mental health benefits of biking and also promotes the movement for safer streets, connected communities, a healthier planet, and healthy people.

Stacy Haines, Community Wellness Director, Derby Recreation Commission, thanked Mayor and Council for partnering with the DRC in promoting I Bike Derby month. Bicycling for exercise, leisure, or even transportation, provides many benefits to riders. During I Bike Derby month, the DRC offers a few events in which residents can participate. National Ride a Bike Day is on May 3; May 15th National Ride a Bike to Work Day. On the

evening of May 22, we will hold a Light the Night Family Bike Ride at Panther Stadium for all ages. Multiple activities are on the I Bike Derby calendar where you can also log your miles to enter a drawing for a prize. A coloring and drawing contest for youth will also have prizes.

7 PUBLIC FORUM & ANNOUNCEMENTS

Eric Tauer, 917 Lost Hills Ct., said I'm happy to be here to support the DRC's proclamations. Thank you, Mayor, for reappointing me to serve on the DRC Board for the City. It has been a pleasure to do so for the past 12 years, and I'm looking forward to another 4 years of community service, strategic planning, and tactical budgeting to best serve the residents of Derby. I'd also like to address and clarify some concerns heard at your last meeting. The first concern was that the DRC chose to raise its mill levy. The current General Fund mill levy was approved in 2007, almost 20 years ago, by a joint resolution of the DRC and USD 260 and has remained stable ever since. The only exception was in 2024 when the Board elected to postpone some capital improvement projects, and we lowered the mill levy by a quarter point. As you know, postponing CIP projects doesn't make them go away; it just delays the spending. That's where the DRC Board found itself when we restored the mill levy to the current statutorily approved limit. Earlier this month, the DRC Board approved spending up to \$456,000 for a much-needed replacement of the 32-year-old indoor pool deck, which has become a safety hazard. This project will be done this summer while Rock River Rapids is open, offering patrons an alternative facility to use while the work is being done. The project was awarded through a competitive bidding process with the low bidder winning the job. Our staff also worked with the contractor to value-engineer the project to find additional savings. I'm disappointed this was criticized as a tax increase without recognizing the savings of the previous year. The DRC Board was mindful of the optics and earmarked that quarter mill to a New Facility Development Fund to assure taxpayers we were not squandering it on general operations but rather planning for the future. Over the years, the DRC has committed \$9.4 million to major facility projects without raising the mill levy, including \$6.1 million in 2012 for the DRC remodel; \$2.6 million in 2020 in cooperation with the City of Derby and the Derby Historical Society for the development of the former Sixth Grade Center into the Hubbard Arts Center; and in 2021, the DRC committed \$722,000 to the City of Derby to fully fund a fourth field at Decarsky Park to ensure the park opened as a quadplex sufficient to sponsor baseball and softball tournaments. In addition, we are planning for the future. The DRC's lease of the Oaklawn Activity Center expires in July of 2028. We recognize this facility is under-utilized; therefore, we have initiated discussions regarding joint use of the facility with USD 260 to hopefully share and save on costs. We are also exploring the possibility of a new Derby North DRC facility since our existing fitness center, gymnasium, and parking lot are frequently overcrowded. That is the one concern I hear most from patrons, even more than concerns about the mill levy. A North facility would help to serve the rapidly growing areas of Derby to the east and northeast. The second issue I'd like to address is the statement that DRC employees have nearly fully paid health insurance benefits that police and fire do not receive. A similar comment was made recently at a school board meeting, so I'd like to clear up the misunderstanding. Three of our employees have selected a high-deductible health plan, paying between \$21 and \$66 per month for their premium. However, they are personally responsible for a \$3,400 individual deductible and a

\$6,800 family deductible before insurance begins coverage. Most of our employees have a more expensive mid-level plan with monthly premiums costing between \$46 and \$146 with a \$1,500 individual and \$3,000 family deductible, 20% coinsurance, and a \$5,000 to \$10,000 out-of-pocket maximum annually. Several employees have also selected the highest-tier plan with monthly premiums of up to \$224. I won't claim to be an expert on the City's insurance plan, and I find comparing insurance plans is like comparing apples to oranges. A quick glance at the 2026 Employee Benefit Guide shows the City's health insurance plan has a zero-dollar individual and family deductible, zero-dollar employee coinsurance, and an out-of-pocket maximum ranging between \$2,500 and \$5,000, which is half that of the DRC. A City employee who is a non-tobacco user with platinum status pays between \$69 and \$244 per month for a far superior plan without a deductible or coinsurance.

Mike Neel moved, seconded by Wayne Molt, Jr. to allow Mr. Tauer an additional 3 minutes to speak.

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

Mr. Tauer continued. I don't think this should be about value when you're devaluing the hard-working employees of the City or the school district or the DRC. I view this as part of an overall compensation package that all three Tri-Governmental entities offer in different ways to attract and retain talented, highly skilled, and dedicated employees for our organizations. My final comment relates to the comment that taxpayers are subsidizing goat yoga. Although I am not a participant myself, apparently goat yoga is a fitness craze that has swept the nation over the last few years. The DRC held three goat yoga events in 2021, 2023, and 2024. An average of 41 participants paid \$25 to \$30 per person to attend, and El Paso Animal Hospital even sponsored one of the events. The DRC made a net profit of \$2,244 from those events, so I assure you there was no taxpayer subsidy. In fact, the DRC Board last year adopted a cost-recovery plan to ensure that highly individualized programs like this have at least a 125% cost recovery, so they are not a burden on taxpayers. Goat yoga had a 261% cost recovery. Programs like this pay for themselves and even help subsidize other community programs we offer. In conclusion, I commit to you ongoing stewardship and accountability. I'll continue to work in the best interests of the City while serving on the DRC Board because a vibrant, thriving Recreation Commission is an asset to the community, provides economic benefits to area businesses, and enhances the quality of life for all residents. Our Superintendent, Chris Drum, was not able to be here this evening, but thanks to his hard work, along with our Directors and talented staff, we have one of the best Rec Commissions in Kansas. We are the envy of other communities and should take pride in that. I'm happy to speak with any of you to further address concerns or questions you may have. You can reach me via my DRC email to schedule a call or meeting. I'm also happy to share any feedback you have with our Superintendent and Board. Thank you.

Council Member Wayne Molt, Jr. commented that April's Third Thursday event, the first one combined with the Derby Market, was a huge success. Congratulations to

Andrea Walters and staff for putting together a great event. I know a lot of hard work went into it, and it definitely paid off; everyone seemed to really enjoy it. I also wanted to apologize for missing a few recent birthdays. Happy belated birthday wishes to Council Members Neel, Truitt, and Rhein.

Council Member Jared Brown pointed out Mr. Molt also recently celebrated his birthday.

Kiel Mangus, City Manager, took the opportunity to give brief updates on a few projects. Our new Senior Center opened last week, and we have received a lot of good feedback from our Seniors who are moving to their new space and adjusting to changes. We appreciate the work put in by Public Works staff as well as Senior Services to get everything transitioned over and ready to serve at the new location. I also want to share we are seeing good progress on McIntosh Rd. I know we have heard concerns with those in the area about limited access due to the construction, the river, and trains. While we cannot control the railroad, I want to publicly state emergency access is available. While we do not have through access on the south, emergency access is available; we do not want anyone to feel trapped without services when a train is on the tracks.

8 CONSENT AGENDA

8.1 Consideration of Minutes

8.2 Investment Policy Updates

BACKGROUND:

- The Investment Policy provides guidance to staff regarding the investment of available funds within the parameters authorized by applicable law and this policy.
- The Kansas Collateral Program (KCP) was established by the 2025 Kansas Legislature through HB 2152. This law requires that any depository of public funds in the State of Kansas secure deposits exceeding amounts insured or guaranteed by the FDIC, in accordance with K.S.A. 9-1402 and 12-1675, and amendments thereto, through participation in the Kansas Collateral Pool.
- Prior to this amendment, each financial institution was individually responsible for maintaining collateral for municipal investments.
- All financial institutions currently holding funds with the City have transitioned to the KCP.
- This update does not affect the process for staff when investing idle funds but does change the requirements for the financial institutions. It helps streamline the audit process as well, as the auditors currently review collateral reports from multiple banks and will now be able to receive one report from the State to verify that all investments are properly collateralized.

RECOMMENDED MOTION

- Approve the Investment Policy as presented.

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 Position Count Change for Senior Services

Dan Bronson, Deputy City Manager, gave the agenda report.

BACKGROUND:

- Derby Senior Services currently staffs a full-time Administrative Assistant position to support front desk activities.
 - This role is augmented by one part-time (20 hour/week) position.
 - Together those two positions help provide general administrative support, answer phones, and greet members attending the center.
- Since Senior Services is a smaller division, it often runs into situations where staffing the front desk of the Center requires pulling a Coordinator or even the Senior Center Director to ensure coverage.
 - This primarily happens when the current part-time position reaches their weekly hour limit or the full-time position is on leave.
- Recently, the full-time Administrative Assistant position became vacant following the resignation of an employee.
- During the position review, it was determined that this position would better fit the needs of the new Senior Center operationally if it were split into two part-time positions (25 hour/week each), instead of keeping it as a single full-time position.
- Doing so improves operations by:
 - Reducing the need to pull Coordinators and the Director to cover the front desk duties during absences or lunch breaks.
 - Increasing staffing availability by ten hours each week while allowing more flexibility for part-time staff schedules.
 - Creating a slight savings to the department's personnel line.
- The 2026 approved staffing table includes 230 full-time and 49 part-time positions. This action would change those counts to 229 full-time and 51 part-time positions.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The wages and benefits for the current full-time position total \$64,308.
- This change reduces senior services personnel costs by \$1,639, because the two part-time positions are not eligible for health and dental insurance but are eligible for KPERS benefits.

POLICY IMPLICATIONS:

- Increases to the 2026 approved staffing table requires the approval of the City Council.

RECOMMENDED MOTION

- Authorize the change from one full-time Senior Services Administrative Assistant position to two part-time Senior Services Administrative Assistant positions in the 2026 approved staffing table.

Wayne Molt, Jr. moved, seconded by Jenny Webster, to authorize the change from one full-time Senior Services Administrative Assistant position to two part-time Senior Services Administrative Assistant positions in the 2026 approved staffing table.

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

9.2 Sale of West End Business Park Lot to Mid Continent Controls, Inc. (MC2)

Marcia Hartman, Development Manager, gave the agenda report, noting **Mike Freel, Senior Advisor, MC2**, in attendance.

BACKGROUND:

- In 1999, the City developed the Derby Industrial Park 2nd Addition, currently known as the West End Business Park (WEBP), to assure availability of affordable property for new or expanding businesses.
 - This in turn encourages capital investment and job creation in the community.
- The City's Economic Development Plan encourages economic development efforts to include a focus on retaining and growing existing Derby businesses.
- Mid Continent Controls (MC2) began operating in 1996 under the ownership of Rick Hemphill.
- The business started its operations at 207 S. Buckner, moved its location to 219 S. Water Street and in 2001 built and relocated to its existing facility at 901 N. River Street.
 - MC2 designs and manufactures products for the aviation market and is a market leader for cabin interior electrical equipment.
 - MC2 also offers design, manufacturing and sales services to other leading aviation equipment providers.
 - In 2017, MC2 partnered with Bongiovi Aviation to bring their revolutionary speakerless audio system to the aviation industry.
 - Over the last 10 years MC2 has steadily grown its range of products and services for general aviation customers.
 - MC2 currently employs 68 people.

- In October 2024, Mid Continent Controls was purchased by Heico Corporation and MC2 became a wholly owned subsidiary of Heico, operating under the Electronics Technologies Group.
- Heico appointed Thomas Hemphill, Rick Hemphill's son, as president of MC2.
 - Heico was founded in 1957 and has been in business for over 60 years and is a NYSE listed company.
 - Heico's annual net sales for 2025 were \$4.5 billion and includes over 11,000 team members in over 150 subsidiaries within the United States and 21 countries.
 - Heico is a rapidly growing aerospace and electronics company focused on markets and cost-saving solutions. The company designs, manufactures and distributes specialized components and systems for aerospace, defense and electronics.
 - Heico has been listed by Forbes on the 100 Most Trustworthy Companies in America.
- In April 2025, MC2/Heico acquired all the ownership interest of Rosen Aviation, a leading cabin electronics partner in aviation.
 - Founded in 1980, Rosen started with automotive seat-back screens and then pivoted to aviation, designing and manufacturing in-flight entertainment products, in-cabin displays and control panels for the business and work-in-progress aviation markets.
- MC2 desires to expand their business by adding an additional 20,000 sq. ft. to the south side of their existing 21,207 sq. ft. facility.
 - The estimated value of the project is \$3,800,000.
 - MC2 anticipates hiring an additional 25 employees over the next five years.
 - Under the terms of the agreement MC2 would operate the business development under Mid Continent Controls and be required to own and operate at the location for a minimum of 5 years following construction of the facilities.
- As proposed, the City would sell Lot 3/Block A for \$1.00 plus development obligations on the buyer.
 - The sale of the lot at the proposed price is in lieu of any other financial incentives. The City has sold other lots recently in the Business Park for \$1 in order to facilitate development.
 - The recommendation recognizes Mid Continent Controls as a Derby business choosing to expand here rather than moving to another area city.
 - The building expansion is largely on land already owned by Mid Continent Controls; however, additional land is necessary to facilitate the complete building, and to replace and add parking.
- The Community Development Advisory Board (CDAB) reviews lot sales and proposed deals for the business park.
 - CDAB held a special meeting on April 8, 2026, to consider the proposed sale and on a unanimous vote recommended approval of the sale of the lot for \$1 plus development requirements.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- Sale and development of the land will return the property to the tax roll and result in an increase in the City's assessed valuation.
- The purchase price and any additional sums due from the buyer will be paid at the time of closing.

LEGAL CONSIDERATIONS:

- The purchase contract will be prepared by Planning & Engineering staff and reviewed by the City Attorney.

POLICY IMPLICATIONS:

- One of the City's Economic Development Plan goals is to promote growth of local businesses.
- The transaction facilitates the continued growth of a local business, adds to the City's tax base, and promotes additional business growth.

RECOMMENDED MOTION

- Authorize execution of a contract with Mid Continent Controls, Inc. for the sale of Lot 3/Block A, Derby Industrial Park 2nd Addition for \$1 plus development requirements.

Council Member Mike Neel said with the sale of this lot, how many remain available in the Business Park?

Marcia Hartman, Development Manager, replied if this sale is approved, there will be two lots left, with interest in one of those already.

Council President Jenny Webster said I am excited to see more growth in the West End Business Park. It is especially great to hear about the opportunity for an additional 25 jobs related to this expansion. Thank you, Mr. Freel, for your continued interest and investment in Derby.

Jenny Webster moved, seconded by Mike Neel, to authorize execution of a contract with Mid Continent Controls, Inc. for the sale of Lot 3/Block A, Derby Industrial Park 2nd Addition for \$1 plus development requirements.

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

9.3 Fee Resolution Update

Megan Pater, Finance Director, gave the agenda report.

BACKGROUND:

- Most of the City's fees and charges are accumulated into one resolution, which is periodically reviewed for sufficiency. The most recent updates were made in November 2025.
 - Those fee changes included CMB licenses, temporary structure permits, open records requests, and several different municipal court related fees.
- With the new construction at High Park and improvements to the Zimmerman Family Shelter City staff has worked with the Derby Recreation Commission (DRC) and Derby Public Library to transition rentals at High Park to the Library staff.
 - Currently rental of the Zimmerman Family Shelter, Amphitheater, Gazebo and north shelter at High Park are handled through the DRC.
- With the improvements to the park the desire is to transition the rental responsibilities to the Library, who currently handle two premier City facilities (Madison Avenue Central Park and Warren Riverview Park).
- The transition will allow High Park to be handled through the Meet In Derby website similar to the other two regional premier parks in the Derby Parks System. With the change some fee structures would need to occur for consistency with Library staff and to reflect the updated space at High Park.
- The DRC will continue to rent spaces at High Park until May 18 when Derby Public Library staff will take over. The Zimmerman Family Shelter is currently not being rented because of remodeling work being completed to the facility and adjacent park. We will begin renting out the Zimmerman Family Shelter on July 6.
- The changes proposed to the fee resolution are mainly to Section 13. Park and Facility Fees.
 - The current section on High Park would be deleted and moved down. The categories would be deleted for rentals on High Park and High Park rental categories would fall under the same discounts/etc. as Madison Avenue Central Park and Warren Riverview Park.
 - Zimmerman Family Shelter fees would be \$150 Monday-Friday (\$300 full day) and on Saturday/Sunday would be \$250 (\$500 full day).
 - Timeframes are 7am-3pm and 4pm-11pm Monday-Friday for rentals. On Saturday/Sunday rental options would be 7am-2pm and 4pm-11pm. The additional time gap on the weekend is needed to allow the cleaning company time to come in and clean before the next rental since we will rent out Zimmerman Shelter 2x a day on weekends.
 - A damage deposit of \$250 will be required for Zimmerman Family Shelter for renters.
 - The Open Shelter at High Park would be treated fee-wise like the shelter at Warren Riverview Park Lodge.
 - Proposed fee is \$80 Monday-Friday (7am-3pm) or \$130 Monday-Friday (4pm-11pm). On Saturday/Sunday the

- open shelter fee is \$130 for either the 7am-3pm or 4pm-11pm, or \$250 for the full day for longer events.
 - The Amphitheater and gazebo at High Park have also been rentable in the past. We propose removing the gazebo from rentals as it has had very few rentals in the last few years and leaving it for use on a first come-first served basis.
 - The amphitheater will remain rentable and the proposed fee is \$100 Monday-Friday (7am-3pm) or \$150 (4pm-11pm).
- There were some slight corrections in the fee schedule to fix typos in the Commercial Building Permit Fee section.
 - Corrected the \$5,000,000.01-1,000,000 range to say "\$5 for each additional \$1,000" (prior version incorrectly said each additional \$100,000).
 - Corrected the \$5,000,000.01 or greater range to say "\$18,328 for the first \$5,000,000" (prior version incorrectly said \$500,000,000).

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- Making occasional adjustments to fees as we learn about the market, our costs, and the needs of our customers is consistent with prudent financial management.

RECOMMENDED MOTION

- Approve the resolution as presented.

Kiel Mangus, City Manager, said Meet In Derby with Warren Riverview Park and Madison Avenue Central Park, two time slot options are listed, but we only rent those out once each day: for one slot or the other. Those are typically used for big gatherings such as weddings, requiring significant set-up and tear-down times. We would handle the Shelters, Amphitheatre and Zimmerman at High Park the same way for weekdays, but the difference would be the weekend High Park rentals. On Saturday and Sunday, we will offer both times for rentals. We envision the Zimmerman Shelter becoming a kind of "birthday party central" with it being right by the new playground and splashpad. Since Zimmerman does not have air conditioning, I don't see it being used for weddings or more formal gatherings; it will likely be for birthdays, graduations, and family reunions.

Jenny Webster moved, seconded by Nick Engle, to approve the fee resolution as presented.

Mayor Mark Staats asked if on a Saturday two different groups rent out the Zimmerman Shelter, will we send in a cleaning crew between the rentals?

Mr. Mangus replied yes. There is a two-hour scheduling gap between 2 p.m. and 4 p.m. to allow for cleaning of the shelter between rentals. Zimmerman has concrete floors and picnic tables, so cleaning should be manageable

within that gap. Air Cap is our contracted custodial service for all City facilities, so they would be who would send someone out to clean between rentals. That is why the fee for those weekend rentals bumped up a bit; we need to cover those custodial costs.

Council Member Kristi Truitt asked what we changed in regard to Zimmerman. I know you said it does not have air conditioning and the cost of maintenance is fairly low. What is the change we are making?

Mr. Mangus said the weekend cost for a 7-hour rental of Zimmerman went up to \$250 from the fee of \$150 that the DRC was charging. That increase is to cover our custodial cost of approximately \$95.

Ms. Truitt asked am I reading the chart correctly, that on a weekend, Zimmerman costs \$500 to rent?

Mr. Mangus clarified if you want the full day, from 7 a.m. to 11 p.m., yes, it is a \$500 fee. A seven-hour rental, either from 7 a.m. to 2 p.m. or 4 p.m. to 11 p.m., costs only \$250.

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

9.4 First Amendment to Moderate Income Housing (MIH) Grant Agreement and Cooperative Grant Agreement

Kiel Mangus, City Manager, gave the agenda report.

BACKGROUND:

- The State of Kansas provides funding to the Kansas Housing Resources Corporation (KHRC) to administer a variety of housing programs, including the Moderate-Income Housing (MIH) grant program.
 - The grant is designed to serve the needs of moderate-income households that do not qualify for federal housing assistance. Typically, the household must make no more than 150% and no less than 60% of the State Median Income.
 - MIH grant funds are awarded to cities and counties to help develop multi-family rental units and single-family homes in communities with populations fewer than 60,000 people. Typically, cities partner with developers for the grant projects.
 - In 2023, the state of Kansas allocated \$20M as part of the American Rescue Plan Act (ARPA) for the MIH program.
- Derby Destination Development, LLC partnered with the City of Derby in applying for a MIH-ARPA grant in the amount of \$2M for the construction of 108 moderate-income residential rental apartment units in Derby.

- The 108 units would be located north of Cambridge and west of Amber Ridge in the STAR bond district in 3-4 buildings.
- City Council approved a resolution of support for the grant in May 2023.
- KHRC notified the City later in 2023 that we were successful in the grant application and would be awarded \$2M.
- The grant agreement is officially between KHRC and the City of Derby and was signed in early 2024.
- There is also a separate cooperative grant agreement between the City and Derby Destination Development (DDD) that requires DDD to administer the grant and meet all obligations of the grant, including monitoring income levels for the required 5-year period.
- A letter of credit is also included with the cooperative grant agreement that requires the developer (DDD) to deliver to the City a letter of credit (LOC) in the amount of \$400,000 as a guaranty that DDD will follow the requirements of the grant agreement from KHRC.
- The City Council approved the KHRC grant agreement and the cooperative grant agreement on January 9, 2024.
- Since the project has progressed slower than originally anticipated, KHRC is requiring an amendment to the agreement in order to preserve the grant funds for use and distribution for the project.
 - Because the grant funding is tied to federal ARPA funds, KHRC requires the money to be distributed by August 31, 2026. The amendment also stipulates that the project will be complete by June 30, 2028.
 - The new disbursement schedule for the \$2M grant will be tied to vertical construction beginning.
 - The City recently received a site plan application from the developer tied to the apartment project, which is the next step in the process. Once site plan review is completed, a building permit can be submitted and granted for construction.
- An amendment to the cooperative grant agreement with DDD is also required to match the KHRC amendment information.

FINANCIAL/SUSTAINABILITY CONSIDERATIONS:

- The \$2M in funds will be provided by KHRC to the City upon approval of vertical construction beginning.
- DDD will provide project progress reports and invoices to verify the amounts and then the City will approve disbursement of the grant funds to DDD.
 - Other details on how the grant funds are transferred and utilized are spelled out in the grant agreement.
- No City costs are anticipated through the grant process outside of minimal staff administrative time.

LEGAL CONSIDERATIONS:

- The City Attorney has reviewed and approved the draft amendments.

RECOMMENDED MOTION

- Approve and authorize execution of the First Amendment to the MIH grant agreement with Kansas Housing Resources Corporation and the First Amendment to the cooperative grant agreement with Derby Destination Development in substantially the forms presented and authorize the City Manager to approve the final form of each amendment prior to execution.

Council Member Jessica Rhein said I'm unfamiliar with this process; has KHRC been amenable to this agreement?

Kiel Mangus, City Manager, said they were the ones who came to us suggesting an amendment. We looked at a couple of different ways of handling this. One was for the City to be a "pass through" for the federal funds which means the money would get sent to us, thus "spent", and we would release it to the Developer as certain benchmarks of the project were reached. KHRC, however, preferred to go this route, which will be fine if the Developer hits the assigned deadlines. The Developer has indicated to us they intend to meet those deadlines. As July and August arrive, it will become a bit more challenging for them if they have not made the anticipated progress. If they fail to meet deadlines, the Developer will be out the \$2 million grant toward this approximately \$15 million project.

Council Member Mike Neel said there are 108 units tied to this grant, but how many apartments will the project have in total?

Mr. Mangus said the STAR Bond Developer's Agreement has a stipulation of 300 apartment units. The way it is written, they need to build these initial units and then when they reach a certain occupancy level for a certain amount of time, additional units are to be built. If that occupancy level is never hit, then no additional units are required. As you can see from the site plan, 300 units will not fit on this site; they would need to find somewhere else in the STAR Bond District to build the additional apartments. Alternatively, the City could come back and say we are fine with only the initial 108 units. Phase 1 has always required 100 units; these are 3 buildings of 36 each, so it is slightly above that first 100. If they hit their occupancy levels, the way the agreement reads now, they would then move toward 300 total units.

Council Member Jared Brown asked is the City itself at risk if any of the grant requirements are not met?

Mr. Mangus explained we would "lose" the grant, but it is not really ours. An MIH Grant requires that a municipality be the applicant, so we submitted the application. In contrast, for the senior housing development going in near Patriot right now, the Developer applied for a different grant, an ABODE Grant, which was open to private entities. From a community standpoint, we want to see Moderate Income Housing, or workforce housing, come to Derby. However, the City will not be financially impacted if for some reason the Developer does not meet the building timelines; the Developer would just no longer receive the \$2 million grant.

Council Member Wayne Molt, Jr. said this is a lot of great information; thank you for explaining it all to us.

Wayne Molt, Jr. moved, seconded by Jenny Webster, to approve and authorize execution of the First Amendment to the MIH grant agreement with Kansas Housing Resources Corporation and the First Amendment to the cooperative grant agreement with Derby Destination Development in substantially the forms presented and authorize the City Manager to approve the final form of each amendment prior to execution.

Council Member Kristi Truitt asked is this the same development and Developer as the Derby Shores?

Mr. Mangus said yes, Derby Destination Development is the Master Developer for the STAR Bond District. Sometimes the Master Developer will piecemeal some of the elements out to others, but in this case, they are also the owners of these apartments.

Ms. Truitt said this step is a signal that Derby Shores is moving forward.

Mr. Mangus said correct. We have been waiting quite a while for amendments to the Development Agreement and Project Plan to come forward because ours has been out-of-date for some time. The Developer has executed an agreement with Crystal Lagoons, which was a good sign. The State has to sign off on everything since most STAR Bond money is State sales tax money. Currently, the State is reviewing the Project Plan Amendment to ensure they approve it; we do not want to approve it if they do not. If they approve it, we will then come back to Council for approval of both the Project Plan Amendment and the Developer's Agreement Amendment. The Project Plan is an agreement between the State, the Developer, and the City, whereas the Developer's Agreement is simply between the City and the Developer. There has been a lot of activity on this over the last 6 months with utilities infrastructure and paperwork for special use zoning for the aerial park and lagoon as outdoor recreation facilities. After a lot of waiting, we now seem to be moving more quickly on this project.

Ms. Truitt asked if the apartments are built, but Derby Shores is not coming, then what happens?

Mr. Mangus said the Developer acknowledged there is a need in the market. If for some reason the State does not approve Derby Shores, we have verbal confirmation they still intend to build housing. Obviously, that means the site plan would look quite different from what is presented here.

Ms. Truitt commented I just hope they will be forthright with people who think they are getting a shore-side apartment, only to later learn that is not the case.

Mr. Mangus said I think the apartments will be the first construction you see here, but based on the timing requirements, the Shores should not be far behind. We would know well before the apartments are done whether or not there will be a water feature next door. Anyone living in these apartments would not be going into it thinking it is one thing only to find out it is another.

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

10 ADJOURNMENT

Jenny Webster moved, seconded by Nick Engle, to adjourn the meeting at 6:58 p.m.

RESULT:	Carried
MOVER:	Jenny Webster
SECONDER:	Nick Engle
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: Issue Cereal Malt Beverage License for BBQ
Meeting: City Council - 12 May 2026
Presented by: Lynn Ciarleglio, City Clerk

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.

Consent Agenda Item



Subject: 2026 Computer Workstation Replacements - Award to Next Lowest Bidder
Meeting: City Council - 12 May 2026
Presented by: Richard Montano, Director of IT

BACKGROUND:

- Council approved the purchase of computer workstation replacements at the February 24 council meeting from AztekC 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

ATTACHMENTS:

[051226 Compugov Bid](#)

[051226 2026 Computer Replacement Bid Tab](#)



CompuGov
10 Peppertree
Aliso Viejo, CA 92656
Phone (949) 309-2442

Quotation

DATE 4/28/2026
Quote # WH1693
Valid Until: 5/28/2026
Account Rep: Wayne Hwang
wayne@compugov.com

CompuGov is a SBA Certified Small Disadvantaged Business (SDB)

Customer:

Richard Montañó
City of Derby
611 N. Mulberry Road, Suite 300
Derby, KS 67037

Fed Tax ID: 26-2001071

DUNS: 962404500

Cage Code: 868R0

SAM Unique Entity ID: KPTHL6ASXP47

CA Small Business Certification: 1327880

Version	Quote for RFQ #:	FOB	Terms	Delivery
1	2026-002	Dest.	Net 30	30-60 Days ARO

Part Number	DESCRIPTION	Qty	Price	AMOUNT
	Alternate Desktop Proposal		-	
				
System	ASRock AR-H810M-MT Mini-Tower Workstation - CTO (Configured to Order) - By CG Systems - Intel® Core™ Ultra Processors (Series 2) Processors - Up to 128GB DDR5 Memory - Intel® H810 Chipset - Supports NVMe and SATA Drives - Up to 3 Displays (HDMI, DisplayPort, D-Sub) - Supports Discrete GPU - Realtek ALC897 7.1 CH HD Audio - 4x USB 3.2, 4x USB 2.0 - 2.5 Gigabit LAN 10/100/1000/2500 Mb/s			
CPU	Intel Core Ultra 7 265K Icosa-core (20 Core) 3.90 GHz Processor			
Heat Sink	High Efficiency CPU Air Cooler for Intel i7 Gen14			
Memory	16GB DDR5 5200 Desktop Memory			
SSD	512 GB M.2 PCIe 3.0 NVME SSD			

Optical Drive	24x DVD+/- RW Drive			
Discrete GPU	Not-Installed			
Ports	Front: 2x USB 3.2 Gen1 Type-A, HD Audio Jacks: Line in / Front Speaker. Rear: 1x PS/2 Mouse/Keyboard, 1x D-Sub, 1x HDMI, 1x DisplayPort 1.4, 2x USB 3.2 Gen1 Type-A, 4x USB 2.0, 1x RJ-45 LAN, HD Audio Jacks: Line in / Front Speaker / Microphone			
Power Supply	650W ATX Power Supply w/ 6ft PowerCord, US			
Keyboard / Mouse	Logitech MK120 Wired Keyboard and Mouse Combo for Windows, Optical Wired Mouse, Full-Size Keyboard, USB Plug-and-Play - USB Cable Keyboard - 104 Key - USB Cable Mouse - Optical - 1000 dpi - 3 Button - Scroll Wheel			
Operating System	Microsoft Windows 11 Professional, 64 bit, Installed			
Warranty	3 Years Advanced Parts Replacement, w/ included 2-Way shipping			
Alternate TOTAL	CG Systems AR-H810M-MT Mini-Tower Desktop - CTO (Configured to Order) w/ Monitor and Keyboard bundle - Fully Configured and Tested - TAA Compliant, Built in USA	30	1,096.75	32,902.50
Monitors	MSI PRO MP251 E2 24.5" Full HD HDR 120 Hz Monitor, FHD 1080P, Max 100Hz, VESA 100x100mm Compatible, Built-in Speakers, Black, DisplayPort, HDMI, VGA, Speaker Port	50	106.65	5,332.50
	FREE Shipping is included			

CompuGov is a Small Disadvantaged Business.

Ordering/Remit to address:

CompuGov
10 Peppertree
Aliso Viejo, CA 92656

CompuGov RMA Policy:

Please carefully check your order upon delivery. CompuGov can only accept RMAs without restocking fee for order errors, and only for 30 days after delivery.

RMA's for reasons of customer choice must be approved before returns are accepted, and may be subject to a minimum 25% restocking fee.

SUBTOTAL	\$ 38,235.00
TAX RATE	0.00%
SALES TAX	-
TOTAL	\$ 38,235.00



BUSINESS PRODUCTIVITY MONITORS

PRO MP251 E2

SLIM, SLEEK, SMOOTH



SPECIFICATIONS

PANEL SIZE	24.5"
PANEL RESOLUTION	1920 x 1080 (FHD)
REFRESH RATE	120Hz
RESPONSE TIME	1ms (MPRT) / 4ms (GTG)
PANEL TYPE	IPS
BRIGHTNESS (NITS)	300 cd/m2
VIEWING ANGLE	178°(H) / 178°(V)
ASPECT RATIO	16:9
CONTRAST RATIO	1500:1
sRGB	99%
ACTIVE DISPLAY AREA (MM)	543.744(H) x 302.616(V)
PIXEL PITCH (H X V)	0.2832(H) x 0.2802(V)
SURFACE TREATMENT	Anti-glare
DISPLAY COLORS	16.7M
COLOR BIT	8 bits (6 bits + FRC)
HDR SUPPORT	HDR Ready
VIDEO PORTS	1x HDMI™ 2.0 (FHD@120Hz) 1x DisplayPort (1.4a) 1x D-Sub (VGA)
AUDIO PORTS	1x Headphone-out 1x Line-in
KENSINGTON LOCK	Yes
SPEAKER	2x 2W
VESA MOUNTING	100 x 100 mm
POWER TYPE	External Adaptor 12V 2.5A
POWER INPUT	100~240V, 50~60Hz
DYNAMIC REFRESH RATE TECHNOLOGY	Adaptive-Sync
ADJUSTMENT (TILT)	-5° ~ 20°
DIMENSION (W X H X D)	556.89 x 413.91 x 188.2 mm (21.92 x 16.30 x 7.40 inch)
CARTON DIMENSION (W X H X D)	630 x 411 x 142 mm (24.8 x 16.18 x 5.59 inch)
WEIGHT (NW / GW)	2.7 kg (5.95 lbs) / 4.9 kg (10.8 lbs)
CERTIFICATES	CB/CE Energy Star

FEATURES



PerfectEdge

Set-up multi-display immensely with the 4-side edgeless design and enjoy the wider and more immersive view.



120Hz High Refresh Rate

Enjoy the high-quality entertainment with a smoother and flicker-free images.



Broadened Display

View your applications, spreadsheets and more with a perfect screen size for work desk that aligns with the visual's comfort zone.



IPS Grade Panel

Instantly optimize the screen colors and brightness to ensure that you enjoy every detail at its best while creating your own on-line video



EyesErgo

An eye care solution designed with ergonomics in mind.



Eye-Q Check

Help have self-check eyes & remind to take a rest while using the monitor for a long time.



Built-In Speaker

Built-in speakers allow you to listen clearly without connecting external speakers.



VESA Mountable

To be mounted on the wall of your office & home with a VESA standard design which can make it completely invisible on a desk.



BUSINESS PRODUCTIVITY MONITORS

PRO MP251 E2

SLIM, SLEEK, SMOOTH

VIDEO INPUT COMPATIBILITY

PC, Mac, PS5™, PS4™, Xbox, Mobile, Notebook

* All trademarks and the registered trademarks are the property of their respective owners.

Note

HDMI™: 1920 x 1080 (Up to 120Hz)
DisplayPort: 1920 x 1080 (Up to 120Hz)

D-Sub (VGA): 1920 x 1080 (Up to 60Hz)

HDMI™ CEC Support

*sRGB follow CIE1976 Standard

CONNECTIONS



1. 1x DC-in
2. 1x DisplayPort 1.4a
3. 1x HDMI™ 2.0 (FHD@120Hz)
4. 1x D-Sub (VGA)
5. 1x Line-in
6. 1x Headphone-out
7. 1x Kensington Lock
8. 1x 5-way navigator

Bid/Proposal No: 2026-002
 Bid/Proposal Title: Computer Replacements
 Opening Date/Time: 2-4-26 2 PM
 City Staff present: Brad Burdick, Richard Montano

Vendor	Hypertec USA	CompUGov	Unistar Sperco Computers	Major and Company Inc	Aligned Scope Solutions LLC
Bid Amount	\$38,272	\$40,507.20 \$38,235.00 A/H		\$36,431.30 \$35,351.30 A/H	\$57,743.40 \$54,354.60 A/H
If required, Bid Bond received					
Other Info/Notes	\$1,100 each PC \$105.44 each Monitor	\$35,174.70 PCs \$5,332.50 Monitors A/H \$32,902.50 PCs \$5,332.50 Monitors	Monitors only \$5,497.50	\$31,041.30 PCs \$5,390.00 Monitors A/H \$29,961.30 PCs \$5,390.00 Monitors	\$51,009.90 PCs \$6,733.50 Monitors A/H \$47,621.10 PCs \$6,733.50 Monitors

Bid/Proposal No: 2026-002
 Bid/Proposal Title: Computer Replacements
 Opening Date/Time: 2-4-26 2 PM

Vendor	Aztek	RTI Riverside Technologies Inc			
Bid Amount	\$35,618.40	\$42,698.30			
If required, Bid Bond received					
Other Info/Notes	\$28,809.90 PCs \$6808.50 Monitors	\$37,666.80 Pcs \$5031.50 Monitors			

New Business Item



Subject: Public Works Dump Truck with Brine System and Plow
Meeting: City Council - 12 May 2026
Presented by: Tom Keil, Assistant Public Works Director

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:

<u>Vendor</u>	<u>Model</u>	<u>Total Bid Price</u>	<u>Meets Specifications</u>
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.

New Business Item



Subject: Sale of General Obligation Bonds Series 2026-A and Temporary Notes Series 2026-1
Meeting: City Council - 12 May 2026
Presented by: Megan Pater, Finance Director
Guests: Garth Herrmann, Gilmore & Bell, P.C. and Ben Hart, Baker Tilly Municipal Advisors, LLC

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.

ATTACHMENTS:

[051226 GO Bond Ordinance](#)

[051226 GO Bond Resolution](#)

[051226 TN 2026-1 Resolution](#)

EXHIBIT A
BID TABULATION

CITY OF DERBY, KANSAS
GENERAL OBLIGATION BONDS

Dated: May 28, 2026
Series 2026-A
Good Faith Deposit: \$397,100

Sale Date: May 6, 2026
10:00 a.m., Central Time
Max Interest Rate: 7.383%

BIDDERS

<u>Bidder</u>	<u>TIC</u>
Robert W. Baird & Co. Inc.	4.1322%
TD Financial Products LLC	4.2315%
FHN Financial Capital Markets	4.2548%
R. Seelaus & Co., Inc.	4.3398%

EXHIBIT B

(BID OF PURCHASER)

Robert W. Baird & Co., Inc. - Milwaukee, WI's Bid

City of Derby, Kansas



\$19,855,000 \$20,950,000 General Obligation Bonds, Series 2026-A

For the aggregate principal amount of ~~\$19,855,000.00~~ \$20,950,000.00, we will pay you \$20,304,486.45 \$21,450,514.91, plus accrued interest from the date of issue to the date of delivery. The Bonds are to bear interest at the following rate(s):

Maturity Date	Amount \$	Amount \$	Coupon %	Yield %	Dollar Price	Bond Insurance
12/01/2027	495M	530M	5.0000	2.6400	103.467	
12/01/2028	520M	555M	5.0000	2.6000	105.791	
12/01/2029	545M	585M	5.0000	2.6500	107.823	
12/01/2030	575M	615M	5.0000	2.7100	109.656	
12/01/2031	605M	645M	5.0000	2.7800	111.265	
12/01/2032	630M	675M	5.0000	2.8800	112.499	
12/01/2033	660M	710M	5.0000	2.9200	113.932	
12/01/2034	695M	745M	5.0000	3.0300	114.677	
12/01/2035	730M	780M	5.0000	3.1100	115.454	
12/01/2036	770M	820M	5.0000	3.2000	114.656	
12/01/2037	410M	470M	5.0000	3.2700	114.039	
12/01/2038	435M	495M	5.0000	3.3300	113.514	
12/01/2039	455M	515M	4.0000	3.5500	103.604	
12/01/2040	475M	540M	4.0000	3.6500	102.790	
12/01/2041	500M	560M	4.0000	3.7500	101.983	
12/01/2042	525M	580M	4.0000	3.8500	101.184	
12/01/2043	555M	605M	4.0000	3.9500	100.392	
12/01/2044	580M	630M	4.0000	4.0000	100.000	
12/01/2045	610M	655M	4.0000	4.0400	99.463	
12/01/2046	640M	680M	4.0000	4.0800	98.895	
12/01/2047	670M	710M	4.0000	4.1200	98.298	
12/01/2048	705M	735M	4.1250	4.1600	99.491	
12/01/2049	740M	765M	4.1250	4.2000	98.886	
12/01/2050	780M	800M	4.1250	4.2400	98.257	
12/01/2051	815M	830M	4.2500	4.2800	99.536	
12/01/2052	855M	865M	4.2500	4.3200	98.901	
12/01/2053	900M	905M	4.2500	4.3600	98.246	
12/01/2054	945M	940M	4.3750	4.3800	99.918	
12/01/2055	995M	985M	4.3750	4.3900	99.752	
12/01/2056	1,040M	1,025M	4.3750	4.4000	99.582	

Total Interest Cost:	\$14,987,324.22	\$15,582,757.81
Premium:	\$449,486.45	\$500,514.91
Net Interest Cost:	\$14,537,837.77	\$15,082,242.90
TIC:	4.132263	4.120330
Total Insurance Premium:	\$0.00	
Time Last Bid Received On:	05/06/2026 9:34:31 CDST	05/06/2026 9:34:31 CDST

This proposal is made subject to all of the terms and conditions of the Official Bid Form, the Official Notice of Sale, and the Preliminary Official Statement, all of which are made a part hereof.

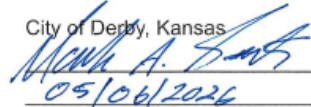
Bidder: Robert W. Baird & Co., Inc., Milwaukee, WI

Contact: Peter Anderson

Telephone: 414-765-7331

Issuer Name: City of Derby, Kansas

Company Name: Robert W. Baird & Co., Inc.

Accepted By: 

Accepted By: Peter Anderson

Date: 05/06/2026

Date: 5/6/26

ORDINANCE NO. []

OF

THE CITY OF DERBY, KANSAS

PASSED

MAY 12, 2026

**GENERAL OBLIGATION BONDS
SERIES 2026-A**

ORDINANCE NO. [____]

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2026-A, OF THE CITY OF DERBY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the City of Derby, Kansas (the “City”) is a city of the first class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to the laws of the State of Kansas applicable thereto, by proceedings duly had, the City Council of the City (the “Governing Body”) has authorized the following improvements (the “Improvements”) to be made in the City, to-wit:

<u>Project Description</u>	<u>Res. No.</u>	<u>Authority (K.S.A.)</u>	<u>Amount</u>
Water Treatment Facility Improvements	61-2025/ 20-2026	13-1024a/ Charter No. 56	\$18,499,675.74
Street Improvements-Woodlawn (Winding Lane to 55 th)	22-2026	13-1024a/ Charter No. 56	<u>3,395,324.26</u>
Total			<u>\$21,895,000.00</u>

WHEREAS, the Governing Body is authorized by law to issue general obligation bonds of the City to pay the costs of the Improvements, and none of such general obligation bonds heretofore authorized have been issued and the City proposes to issue \$20,950,000 of its general obligation bonds, together with bid premium thereon, to pay the costs of the Improvements; and

WHEREAS, the Governing Body has advertised the sale of the Bonds in accordance with the law on May 6, 2026, and awarded the sale of such Bonds to the best bidder.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DERBY, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“**Act**” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620 *et seq.*, and K.S.A. 13-1024a, as amended by Charter Ordinance No. 56, all as amended and supplemented from time to time.

“**Bond and Interest Fund**” means the Bond and Interest Fund of the City for its general obligation bonds.

“**Bond Resolution**” means the resolution to be adopted by the Governing Body prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the City's General Obligation Bonds, Series 2026-A, dated May 28, 2026, authorized by this Ordinance.

“City” means the City of Derby, Kansas.

“Clerk” means the duly appointed and acting Clerk of the City or, in the Clerk's absence, the duly appointed Deputy, Assistant or Acting Clerk.

“Director of Finance” means the duly appointed and acting Director of Finance of the City or, in the Director of Finance's absence, the duly appointed Deputy, Assistant or Acting Director of Finance of the City.

“Governing Body” means the City Council of the City.

“Mayor” means the duly elected and acting Mayor of the City or, in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the City.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“State” means the State of Kansas.

“Substitute Improvements” means the substitute or additional improvements of the City authorized in the manner set forth in the Bond Resolution.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Bonds, Series 2026-A, of the City in the principal amount of \$20,950,000, for the purpose of providing funds to: (a) pay the costs of the Improvements; and (b) pay costs of issuance of the Bonds.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes, which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the Governing Body.

Section 5. Levy and Collection of Annual Tax. The Governing Body shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of

and interest on the Bonds as and when the same become due and the fees and expenses of the paying agent for the Bonds. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the City Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

Section 6. Further Authority. The Mayor, Director of Finance, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 7. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Governing Body, approval by the Mayor and publication of the Ordinance or a summary thereof in the official City newspaper.

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PASSED by the City Council on May 12, 2026 and **SIGNED** by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on May 12, 2026; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance or a summary thereof was published in *The Derby Informer* on May 20, 2026.

DATED: May 20, 2026.

Clerk

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(PUBLISHED IN *THE DERBY INFORMER* ON MAY 20, 2026)

SUMMARY OF ORDINANCE NO. [____]

On May 12, 2026, the governing body of the City of Derby, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2026-A, OF THE CITY OF DERBY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

The Series 2026-A Bonds approved by the Ordinance are being issued in the principal amount set forth therein to finance certain improvements in the City, and constitute general obligations of the City payable as to both principal and interest, to the extent necessary, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 611 N. Mulberry, Derby, Kansas 67037. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.derbyks.gov.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: May 12, 2026.

City Attorney

RESOLUTION NO. []-2026

OF

THE CITY OF DERBY, KANSAS

ADOPTED

MAY 12, 2026

**GENERAL OBLIGATION BONDS
SERIES 2026-A**

TABLE OF CONTENTS

ARTICLE I

DEFINITIONS

Section 101.	Definitions of Words and Terms.....	1
--------------	-------------------------------------	---

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201.	Authorization of the Bonds.....	8
Section 202.	Description of the Bonds.....	8
Section 203.	Designation of Paying Agent and Bond Registrar.....	9
Section 204.	Method and Place of Payment of the Bonds.....	9
Section 205.	Payments Due on Saturdays, Sundays and Holidays.....	10
Section 206.	Registration, Transfer and Exchange of Bonds.....	10
Section 207.	Execution, Registration, Authentication and Delivery of Bonds.....	11
Section 208.	Mutilated, Lost, Stolen or Destroyed Bonds.....	12
Section 209.	Cancellation and Destruction of Bonds Upon Payment.....	12
Section 210.	Book-Entry Bonds; Securities Depository.....	12
Section 211.	Nonpresentment of Bonds.....	13
Section 212.	Preliminary and Final Official Statement.....	14
Section 213.	Sale of the Bonds.....	14

ARTICLE III

REDEMPTION OF BONDS

Section 301.	Redemption by Issuer.....	14
Section 302.	Selection of Bonds to be Redeemed.....	14
Section 303.	Notice and Effect of Call for Redemption.....	15

ARTICLE IV

SECURITY FOR BONDS

Section 401.	Security for the Bonds.....	16
Section 402.	Levy and Collection of Annual Tax; Transfer to Debt Service Account.....	17

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS

DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501.	Creation of Funds and Accounts.....	17
Section 502.	Deposit of Bond Proceeds.....	17
Section 503.	Application of Moneys in the Improvement Fund.....	18
Section 504.	Substitution of Improvements; Reallocation of Proceeds.....	18

Section 505.	Application of Moneys in Debt Service Account.	18
Section 506.	Application of Moneys in the Rebate Fund.	19
Section 507.	Deposits and Investment of Moneys.	19
Section 508.	Application of Moneys in the Costs of Issuance Account.	19
Section 509.	Application of Moneys in the Compliance Account.	20

ARTICLE VI

DEFAULT AND REMEDIES

Section 601.	Remedies.	20
Section 602.	Limitation on Rights of Owners.	20
Section 603.	Remedies Cumulative.	20

ARTICLE VII

DEFEASANCE

Section 701.	Defeasance.	21
--------------	------------------	----

ARTICLE VIII

TAX COVENANTS

Section 801.	General Covenants.	21
Section 802.	Survival of Covenants.	22

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901.	Disclosure Requirements.	22
Section 902.	Failure to Comply with Continuing Disclosure Requirements.	22

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001.	Annual Audit.	22
Section 1002.	Amendments.	22
Section 1003.	Notices, Consents and Other Instruments by Owners.	23
Section 1004.	Notices.	24
Section 1005.	Electronic Transactions.	24
Section 1006.	Further Authority.	24
Section 1007.	Severability.	25
Section 1008.	Governing Law.	25
Section 1009.	Effective Date.	25

<i>EXHIBIT A</i> – FORM OF BONDS	A-1
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RESOLUTION NO. []-2026

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2026-A, OF THE CITY OF DERBY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. [] OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Issuer has heretofore passed the Ordinance authorizing the issuance of the Bonds;
and

WHEREAS, the Ordinance authorized the City Council of the Issuer (the “Governing Body”) to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds; and

WHEREAS, the Governing Body hereby finds and determines that it is necessary for the Issuer to authorize the issuance and delivery of the Bonds in the principal amount of \$20,950,000 to pay the costs of the Improvements and pay costs of issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DERBY, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Bond Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“**Act**” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620 *et seq.*, and K.S.A. 13-1024a, as amended by Charter Ordinance No. 56, all as amended and supplemented from time to time.

“**Authorized Denomination**” means \$5,000 or any integral multiples thereof.

“**Beneficial Owner**” of the Bonds includes any Owner of the Bonds and any other Person who, directly or indirectly has the investment power with respect to such Bonds.

“**Bond and Interest Fund**” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

“Bond Registrar” means the State Treasurer and any successors and assigns.

“Bond Resolution” means this resolution relating to the Bonds.

“Bonds” or **“Bond”** means the General Obligation Bonds, Series 2026-A, authorized and issued by the Issuer pursuant to the Ordinance and this Bond Resolution.

“Business Day” means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC and any successor nominee of DTC.

“City” means the City of Derby, Kansas.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk's absence, the duly appointed Deputy Clerk or Acting Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Compliance Account” means the Compliance Account created pursuant to *Section 501* hereof.

“Consulting Engineer” means an independent engineer or engineering firm, or architect or architectural firm, having a favorable reputation for skill and experience in the construction, financing and operation of public facilities, at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Consulting Engineer by this Bond Resolution.

“Costs of Issuance” means all costs of issuing the Bonds, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving ratings on the Bonds, and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

“Costs of Issuance Account” means the Costs of Issuance Account for General Obligation Bonds, Series 2026-A created pursuant to *Section 501* hereof.

“Dated Date” means May 28, 2026.

“Debt Service Account” means the Debt Service Account for General Obligation Bonds, Series 2026-A created within the Bond and Interest Fund pursuant to *Section 501* hereof.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody's or Standard & Poor's that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Director of Finance” means the duly appointed and acting Director of Finance of the Issuer or, in the Director of Finance's absence, the duly appointed Deputy, Assistant or Acting Director of Finance of the Issuer.

“Disclosure Undertaking” means the Continuing Disclosure Undertaking, dated as of the Dated Date, relating to certain obligations contained in the SEC Rule.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution (other than the covenants relating to continuing disclosure requirements contained herein and in the Disclosure Undertaking) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding.

“Federal Tax Certificate” means the Issuer's Federal Tax Certificate, dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the Governing Body to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created pursuant to or referred to in *Section 501* hereof.

“Governing Body” means the City Council of the Issuer.

“Improvement Fund” means the Improvement Fund for General Obligation Bonds, Series 2026-A created pursuant to *Section 501* hereof.

“Improvements” means the improvements referred to in the preamble to the Ordinance and any Substitute Improvements.

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Bond Resolution.

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Bond which shall be June 1 and December 1 of each year, commencing December 1, 2026.

“Issue Date” means the date when the Issuer delivers the Bonds to the Purchaser in exchange for the Purchase Price.

“Issuer” means the City and any successors or assigns.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor” means the duly elected and acting Mayor, or in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the Issuer.

“Moody's” means Moody's Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody's” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

City Hall
611 N. Mulberry
Derby, Kansas 67037
Fax: (316) 788-6067

(b) To the Paying Agent at:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Fax: (785) 296-6976

(c) To the Purchaser:

Robert W. Baird & Co., Inc.
777 E. Wisconsin Avenue, 25th Floor
Milwaukee, Wisconsin 53202
Fax: (414) 298-7478

(d) To the Rating Agency(ies):

Moody's Municipal Rating Desk
7 World Trade Center
250 Greenwich Street, 23rd Floor
New York, New York 10007

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

or such other address as is furnished in writing to the other parties referenced herein.

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Bond Registrar and Paying Agent, the Director of Fiscal Services.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.

“Official Statement” means Issuer’s Official Statement relating to the Bonds.

“Ordinance” means Ordinance No. [] of the Issuer authorizing the issuance of the Bonds, as amended from time to time.

“Outstanding” means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

- (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Bonds deemed to be paid in accordance with the provisions of the Bond Resolution; and
- (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register. Whenever consent of the Owners is required pursuant to the terms of this Bond Resolution, and the Owner of the Bonds, as set forth on the Bond Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Bonds.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the State Treasurer and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities

described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's or Standard & Poor's; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Bonds plus accrued interest to the date of delivery, plus a bid premium of \$500,514.91.

“Purchaser” means Robert W. Baird & Co., Inc., Milwaukee, Wisconsin, the original purchaser of the Bonds, and any successor and assigns.

“Rating Agency” means any company, agency or entity that provides, pursuant to request of the Issuer, financial ratings for the Bonds.

“Rebate Fund” means the Rebate Fund for General Obligation Bonds, Series 2026-A created pursuant to *Section 501* hereof.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” means, when used with respect to any Bond to be redeemed, the date fixed for the redemption of such Bond pursuant to the terms of this Bond Resolution.

“Redemption Price” means, when used with respect to any Bond to be redeemed, the price at which such Bond is to be redeemed pursuant to the terms of this Bond Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Replacement Bonds” means Bonds issued to the Beneficial Owners of the Bonds in accordance with *Section 213* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor's” or “S&P” means S&P Global Ratings, a division of S&P Global Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor's shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Substitute Improvements” means the substitute or additional improvements of the Issuer described in *Article V* hereof.

“Treasurer” means the duly appointed and/or elected Treasurer of the Issuer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. The Bonds have been heretofore authorized and directed to be issued pursuant to the Ordinance in the principal amount of \$20,950,000, for the purpose of providing funds to: (a) pay the costs of the Improvements; and (b) pay Costs of Issuance.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in *Article III* hereof, and shall bear interest at the rates per annum as follows:

<u>Stated Maturity</u> <u>December 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>	<u>Stated Maturity</u> <u>December 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
2027	\$530,000	5.000%	2042	\$ 580,000	4.000%
2028	555,000	5.000%	2043	605,000	4.000%
2029	585,000	5.000%	2044	630,000	4.000%
2030	615,000	5.000%	2045	655,000	4.000%

2031	645,000	5.000%	2046	680,000	4.000%
2032	675,000	5.000%	2047	710,000	4.000%
2033	710,000	5.000%	2048	735,000	4.125%
2034	745,000	5.000%	2049	765,000	4.125%
2035	780,000	5.000%	2050	800,000	4.125%
2036	820,000	5.000%	2051	830,000	4.250%
2037	470,000	5.000%	2052	865,000	4.250%
2038	495,000	5.000%	2053	905,000	4.250%
2039	515,000	4.000%	2054	940,000	4.375%
2040	540,000	4.000%	2055	985,000	4.375%
2041	560,000	4.000%	2056	1,025,000	4.375%

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as **EXHIBIT A** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar by (a) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at

such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 206. Registration, Transfer and Exchange of Bonds. The Issuer covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange

of Bonds provided for by this Bond Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to **Article III** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this **Article II**.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual, electronic or facsimile signature of the Mayor, attested by the manual, electronic or facsimile signature of the Clerk, and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual, electronic or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual, electronic or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Bond Registrar for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the

certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

Section 209. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Bonds; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in this Section. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository

and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds; or

(b) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name of and authenticate and deliver Replacement Bonds to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Bonds. The cost of printing, registration, authentication, and delivery of Replacement Bonds shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Bond Registrar receives written evidence satisfactory to the Bond Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in an Authorized Denominations and form as provided herein.

Section 211. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for

payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. The Preliminary Official Statement relating to the Bonds is hereby ratified and approved. The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor and Director of Finance are hereby authorized to execute the Official Statement as so supplemented, amended and completed, and the use and public distribution of the Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Bonds. The sale of the Bonds to the Purchaser and the execution of the official bid form are hereby ratified and confirmed. Delivery of the Bonds shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Bond Resolution), upon payment of the Purchase Price.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, Bonds maturing on December 1 in the years 2036, and thereafter, will be subject to redemption and payment prior to their Stated Maturity on December 1, 2035, and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the Redemption Date.

Section 302. Selection of Bonds to be Redeemed. Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized

Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption.

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar and the Purchaser. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice

from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the Issuer. The full

faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax; Transfer to Debt Service Account. The Governing Body shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by, to the extent necessary, levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be transferred to the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due, taking into account any scheduled mandatory redemptions, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

- (a) Improvement Fund for General Obligation Bonds, Series 2026-A.
- (b) Debt Service Account for General Obligation Bonds, Series 2026-A (within the Bond and Interest Fund).
- (c) Rebate Fund for General Obligation Bonds, Series 2026-A.
- (d) Costs of Issuance Account for General Obligation Bonds, Series 2026-A.
- (e) Compliance Account.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Bonds are Outstanding.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

- (a) Excess proceeds, if any, received from the sale of the Bonds shall be deposited in the Debt Service Account.

(b) An amount necessary to pay the Costs of Issuance shall be deposited in the Costs of Issuance Account.

(c) The remaining balance of the proceeds derived from the sale of the Bonds shall be deposited in the Improvement Fund.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying the costs of the Improvements, in accordance with the plans and specifications therefor prepared by the Consulting Engineer heretofore approved by the Governing Body and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable by the Consulting Engineer and approved by the Governing Body; (b) paying interest on the Bonds during construction of the Improvements; (c) paying Costs of Issuance; and (d) transferring any amounts to the Rebate Fund required by this *Article V*.

Withdrawals from the Improvement Fund shall be made only when authorized by the Governing Body. Each authorization for costs of the Improvements shall be supported by a certificate executed by the Clerk (or designate) stating that such payment is being made for a purpose within the scope of this Bond Resolution and that the amount of such payment represents only the contract price of the property, equipment, labor, materials or service being paid for or, if such payment is not being made pursuant to an express contract, that such payment is not in excess of the reasonable value thereof. Authorizations for withdrawals for other authorized purposes shall be supported by a certificate executed by the Clerk (or designate) stating that such payment is being made for a purpose within the scope of this Bond Resolution. Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Bonds provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the Governing Body in accordance with the laws of the State; (2) a resolution or ordinance authorizing the use of the proceeds of the Bonds to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the Governing Body pursuant to this Section; and (3) the use of the proceeds of the Bonds to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Bonds under State or federal law.

(b) The Issuer may reallocate expenditure of Bond proceeds among all Improvements financed by the Bonds; provided the following conditions are met: (1) the reallocation is approved by the Governing Body; (2) the reallocation shall not cause the proceeds of the Bonds allocated to any Improvement to exceed the Financeable Costs of the Improvement; and (3) the reallocation will not adversely affect the tax-exempt status of the Bonds under State or federal law.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and

Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the Bonds shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Bond Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Bonds.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States: (a) which has a main or branch office located in the Issuer or (b) if no such entity has a main or branch office located in the Issuer, with such an entity that has a main or branch office located in the county or counties in which the Issuer is located. All such depositories shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Bond Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction of the Improvements, earnings on the investment of such funds may, at the discretion of the Issuer, be credited to the Debt Service Account.

Section 508. Application of Moneys in the Costs of Issuance Account. Moneys in the Costs of Issuance Account shall be used by the Issuer to pay the Costs of Issuance. Any funds remaining in the

Costs of Issuance Account, after payment of all Costs of Issuance, but not later than the later of 30 days prior to the first Stated Maturity of principal or one year after the date of issuance of the Bonds, shall be transferred to the Improvement Fund until completion of the Improvements and thereafter to the Compliance Account or Debt Service Account.

Section 509. Application of Moneys in the Compliance Account. Moneys in the Compliance Account shall be used by the Issuer to pay fees and expenses relating to compliance with federal arbitrage law and state or federal securities laws. Any funds remaining in the Compliance Account on the sixth anniversary of the Issue Date shall be transferred to the Issuer for deposit in the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Bond Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein.

Every substantive right and every remedy conferred upon the Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall, subject to any determination in such action or proceeding or applicable law of the State, be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with *Article III* hereof. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Bond Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor and Director of Finance are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations,

published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to *Article VII* hereof or any other provision of this Bond Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Undertaking, the provisions of which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section. Notwithstanding any other provision of this Bond Resolution, failure of the Issuer to comply with its covenants contained in the preceding section shall not be considered an Event of Default under this Bond Resolution.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Director of Finance. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Bonds, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the Governing Body shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Bond Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may be amended or modified at any time in any respect by ordinance or resolution of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument

or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution.

Any provision of the Bonds or of this Bond Resolution may, however, be amended or modified by ordinance or resolution duly adopted by the Governing Body at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Bonds among Improvements, to provide for Substitute Improvements, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution or ordinance adopted by the Governing Body amending or supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental ordinance or resolution, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or resolution or of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the ordinance or resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any

of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution, Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The transactions described in this Bond Resolution may be conducted, and documents related to the Bonds may be sent, received, executed, and stored, by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor, Director of Finance and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Bond Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1007. Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

Section 1008. Governing Law. This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Bond Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

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ADOPTED by the City Council on May 12, 2026.

(SEAL)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Bond Resolution of the Issuer adopted by the Governing Body on May 12, 2026, as the same appears of record in my office.

DATED: May 12, 2026.

Clerk

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**EXHIBIT A
(FORM OF BONDS)**

**REGISTERED
NUMBER** ____

**REGISTERED
\$**

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation ("DTC"), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF SEDGWICK
CITY OF DERBY
GENERAL OBLIGATION BOND
SERIES 2026-A**

**Interest
Rate:**

**Maturity
Date:**

**Dated
Date:** May 28, 2026

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Derby, in the County of Sedgwick, State of Kansas (the "Issuer"), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to the Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable semiannually on June 1 and December 1 of each year, commencing December 1, 2026 (the "Interest Payment Dates"), until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Bond shall be paid at maturity or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of this Bond at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). The interest payable on this Bond on any Interest Payment Date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s) for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by

the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Bonds shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Bond Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

Authorization of Bonds. This Bond is one of an authorized series of Bonds of the Issuer designated "General Obligation Bonds, Series 2026-A," aggregating the principal amount of \$20,950,000 (the "Bonds") issued for the purposes set forth in the Ordinance of the Issuer authorizing the issuance of the Bonds and the Resolution of the Issuer prescribing the form and details of the Bonds (collectively the "Bond Resolution"). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 13-1024a, as amended by Charter Ordinance No. 56, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Bonds constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Redemption Prior to Maturity. The Bonds are subject to redemption prior to maturity as set forth in the Bond Resolution.

Book-Entry System. The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Bond Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository's participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove

contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the Issuer, the Bond Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE BOND RESOLUTION, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Bond, together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Bonds are issued in fully registered form in Authorized Denominations.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the manual, electronic or facsimile signature of its Mayor and attested by the manual, electronic or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

CITY OF DERBY, KANSAS

(Facsimile Seal)

By: _____ (facsimile)
Mayor

ATTEST:

By: _____ (facsimile)
Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Bonds, Series 2026-A, of the City of Derby, Kansas, described in the within-mentioned Bond Resolution.

Registration Date: _____

Office of the State Treasurer,
Topeka, Kansas,
as Bond Registrar and Paying Agent

By _____

Registration Number: 4126-087-052826-____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Bonds:

GILMORE & BELL, P.C.
Attorneys at Law
100 N. Main Suite 800
Wichita, Kansas 67202

(PRINTED LEGAL OPINION)

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF SEDGWICK)

The undersigned, Clerk of the City of Derby, Kansas, does hereby certify that the within Bond has been duly registered in my office according to law as of May 28, 2026.

WITNESS my hand and official seal.

(Facsimile Seal)

By: _____ (facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

STEVEN JOHNSON, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in the office of the State Treasurer, and that this Bond was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Facsimile Seal)

By: _____ (facsimile)
Treasurer of the State of Kansas

EXHIBIT A
BID TABULATION

\$3,685,000 CITY OF DERBY, KANSAS
GENERAL OBLIGATION TEMPORARY NOTES

Dated: May 28, 2026
Series 2026-1

Sale Date: May 6, 2026
10:00 a.m, Central Time
Max Interest Rate: 7.383%

BIDDERS

Bidder	TIC
Brownstone Investment Group, LLC	3.3092%
Robert W. Baird & Co. Incorporated	3.3326%
Loop Capital Markets, LLC	3.3594%
Oppenheimer & Co. Inc.	3.7069%

EXHIBIT B

(BID OF PURCHASER)

Brownstone Investment Group, LLC - New York, NY's Bid



**City of Derby, Kansas
\$3,630,000 \$3,685,000 General Obligation Temporary Notes, Series 2026-1**

For the aggregate principal amount of ~~\$3,630,000.00~~ \$3,685,000.00, we will pay you ~~\$3,644,850.00~~ \$3,666,575.00, plus accrued interest from the date of issue to the date of delivery. The Bonds are to bear interest at the following rate:

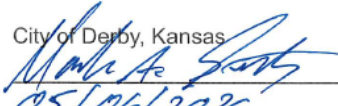
Maturity Date	Amount \$	Amount \$	Coupon %	Yield %	Dollar Price
12/01/2028	~~3,630M~~	3,685M	3.1000	3.2610	99.615

Total Interest Cost:	~~\$282,262.75~~	\$286,539.46
Discount:	~~\$18,150.00~~	\$18,425.00
Net Interest Cost:	~~\$300,412.75~~	\$304,964.46
TIC:	~~3.309278~~	3.309278

Time Last Bid Received On:05/06/2026 9:26:45 CDST

This proposal is made subject to all of the terms and conditions of the Official Bid Form, the Official Notice of Sale, and the Preliminary Official Statement, all of which are made a part hereof.

Bidder: Brownstone Investment Group, LLC, New York, NY
Contact: Thomas Murray
Telephone:212-905-0551

Issuer Name:	City of Derby, Kansas	Company Name:	Brownstone Investment Group, LLC
Accepted By:		Accepted By:	
Date:	05/06/2026	Date:	5-6-2026

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RESOLUTION NO. []-2026

OF

THE CITY OF DERBY, KANSAS

ADOPTED

MAY 12, 2026

**GENERAL OBLIGATION TEMPORARY NOTES
SERIES 2026-1**

RESOLUTION

TABLE OF CONTENTS

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms.....	2
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ARTICLE II

AUTHORIZATION AND DETAILS OF THE NOTES

Section 201. Authorization of the Notes.....	9
Section 202. Description of the Notes.	9
Section 203. Designation of Paying Agent and Note Registrar.	9
Section 204. Method and Place of Payment of the Notes.	10
Section 205. Payments Due on Saturdays, Sundays and Holidays.	10
Section 206. Registration, Transfer and Exchange of Notes.....	10
Section 207. Execution, Registration, Authentication and Delivery of Notes.	11
Section 208. Mutilated, Lost, Stolen or Destroyed Notes.....	12
Section 209. Cancellation and Destruction of Notes Upon Payment.....	12
Section 210. Book-Entry Notes; Securities Depository.....	12
Section 211. Nonpresentment of Notes.....	14
Section 212. Preliminary and Final Official Statement.	14
Section 213. Sale of the Notes.	14

ARTICLE III

REDEMPTION OF NOTES

Section 301. Redemption by Issuer.....	14
Section 302. Selection of Notes to be Redeemed.	14
Section 303. Notice and Effect of Call for Redemption.	15

ARTICLE IV

SECURITY FOR NOTES

Section 401. Security for the Notes.	17
Section 402. Levy and Collection of Annual Tax.....	17

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS

DEPOSIT AND APPLICATION OF NOTE PROCEEDS

Section 501. Creation of Funds and Accounts.....	17
Section 502. Deposit of Note Proceeds.....	18
Section 503. Application of Moneys in the Improvement Fund.....	18
Section 504. Substitution of Improvements; Reallocation of Proceeds.....	18

Section 505. Application of Moneys in Debt Service Account.	19
Section 506. Application of Moneys in the Rebate Fund.	19
Section 507. Deposits and Investment of Moneys.	19
Section 508. Application of Moneys in the Costs of Issuance Account.	20
Section 509. Application of Moneys in the Compliance Account.	20

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies.	20
Section 602. Limitation on Rights of Owners.	20
Section 603. Remedies Cumulative.	21

ARTICLE VII

DEFEASANCE

Section 701. Defeasance.	21
-------------------------------	----

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants.	22
Section 802. Survival of Covenants.	22

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements.	22
Section 902. Failure to Comply with Continuing Disclosure Requirements.	22

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit.	22
Section 1002. Amendments.	23
Section 1003. Notices, Consents and Other Instruments by Owners.	24
Section 1004. Notices.	24
Section 1005. Electronic Transactions.	24
Section 1006. Further Authority.	25
Section 1007. Severability.	25
Section 1008. Governing Law.	25
Section 1009. Effective Date.	25

<i>EXHIBIT A</i> – FORM OF NOTES.	A-1
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RESOLUTION NO. []-2026

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2026-1, OF THE CITY OF DERBY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the City of Derby, Kansas (the “Issuer”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to the provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Issuer has caused the following improvements (the “Improvements”) to be made in the City, to-wit:

<u>Project Description</u>	<u>Res. No.</u>	<u>Authority (K.S.A.)</u>	<u>Authorized Amount</u> ¹
Sterling East and Sterling East 2 nd Additions-Sanitary Sewer Improvements Phase 2	01-2026	12-6a01 <i>et seq.</i>	\$741,000.00
Sterling East and Sterling East 2 nd Additions-Water Line Improvements Phase 2	02-2026	12-6a01 <i>et seq.</i>	392,000.00
Sterling East and Sterling East 2 nd Additions-Paving Improvements Phase 2	03-2026	12-6a01 <i>et seq.</i>	978,000.00
Sterling East and Sterling East 2 nd Additions-Storm Water Drain Improvements Phase 2	04-2026	12-6a01 <i>et seq.</i>	906,000.00
Sterling East and Sterling East 2 nd Additions-Greenwich Water Main Improvements Phase 2	08-2026	12-6a01 <i>et seq.</i>	275,000.00
Spring Ridge 3 rd and 4 th Additions-Paving Improvements Phase 1	45-2018/ 37-2025	12-6a01 <i>et seq.</i>	336,500.00
Spring Ridge 3 rd and 4 th Additions-Sanitary Sewer Improvements Phase 1	43-2018/ 42-2025	12-6a01 <i>et seq.</i>	164,000.00
Spring Ridge 3 rd and 4 th Additions-Drainage Improvements Phase 1	46-2018/ 51-2025	12-6a01 <i>et seq.</i>	69,500.00
Spring Ridge 3 rd and 4 th Additions-Water Improvements Phase 1	44-2018/ 56-2025	12-6a01 <i>et seq.</i>	<u>138,500.00</u>
<i>Total</i>			<i>\$4,000,500.00</i>

¹ Plus costs of issuance and capitalized interest

WHEREAS, the governing body of the Issuer is authorized by law to issue general obligation bonds to pay the costs of the Improvements; and

WHEREAS, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issuer pursuant to the Act; and

WHEREAS, none of such general obligation bonds or temporary notes heretofore authorized have been issued and the Issuer proposes to issue its temporary notes to pay a portion of the costs of the Improvements; and

WHEREAS, the governing body of the Issuer has advertised the sale of the Notes and at a meeting held in the Issuer on this date ratified and confirmed the sale of such Notes to the best bidder; and

WHEREAS, the governing body of the Issuer hereby finds and determines that it is necessary for the Issuer to authorize the issuance and delivery of the Notes in the principal amount of \$3,685,000 to pay the costs of the Improvements.

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

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Note Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, specifically including K.S.A. 10-123, K.S.A. 10-620 *et seq.*, and K.S.A. 12-6a01 *et seq.*, all as amended and supplemented from time to time.

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

“Beneficial Owner” of the Notes includes any Owner of the Notes and any other Person who, directly or indirectly has the investment power with respect to any of the Notes.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Business Day” means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC.

“City” means the City of Derby, Kansas.

“Clerk” means the duly elected/appointed and acting Clerk of the Issuer, or in the Clerk's absence, the duly appointed Deputy, Assistant or Acting Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

“Compliance Account” means the Compliance Account created pursuant to *Section 501* hereof.

“Consulting Engineer” means an independent engineer or engineering firm, having a favorable reputation for skill and experience in the construction, financing and operation of public facilities, at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Consulting Engineer by this Note Resolution.

“Costs of Issuance” means all costs of issuing the Notes, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, and all expenses incurred in connection with receiving ratings on the Notes.

“Costs of Issuance Account” means the Costs of Issuance Account for General Obligation Temporary Notes, Series 2026-1 created pursuant to *Section 501* hereof.

“Dated Date” means May 28, 2026.

“Debt Service Account” means the Debt Service Account for General Obligation Temporary Notes, Series 2026-1 (within the Bond and Interest Fund) created pursuant to *Section 501* hereof.

“Debt Service Requirements” means the aggregate principal payments and interest payments on the Notes for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Note which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody's or Standard & Poor's that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Director of Finance” means the duly appointed and acting Director of Finance of the Issuer or, in the Director's absence, the duly appointed Deputy, Assistant or Acting Director of Finance of the Issuer.

“Disclosure Undertaking” means the Continuing Disclosure Undertaking, dated as of the Dated Date, relating to certain obligations contained in the SEC Rule.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Notes shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Notes shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Notes or in this Note Resolution (other than the covenants relating to continuing disclosure requirements) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Notes then Outstanding.

“Federal Tax Certificate” means the Issuer's Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the governing body of the Issuer to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created by or referred to in *Section 501* hereof.

“Improvement Fund” means the Improvement Fund for General Obligation Temporary Notes, Series 2026-1 created pursuant to *Section 501* hereof.

“Improvements” means the improvements referred to in the preamble to this Note Resolution and any Substitute Improvements.

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Note Resolution.

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Note which shall be June 1 and December 1 of each year, commencing December 1, 2026.

“Issue Date” means the date when the Issuer delivers the Notes to the Purchaser in exchange for the Purchase Price.

“Issuer” means the City and any successors or assigns.

“Maturity” when used with respect to any Note means the date on which the principal of such Note becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor” means the duly elected and acting Mayor, or in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the Issuer.

“Moody's” means Moody's Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody's” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Note Payment Date” means any date on which principal of or interest on any Note is payable.

“Note Register” means the books for the registration, transfer and exchange of Notes kept at the office of the Note Registrar.

“Note Registrar” means the State Treasurer and its successors and assigns.

“Note Resolution” means this resolution relating to the Notes.

“Notes” means the General Obligation Temporary Notes, Series 2026-1, authorized and issued by the Issuer pursuant to this Note Resolution.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

City Hall
611 N. Mulberry
Derby, Kansas 67037
Fax: (316) 788-6067

(b) To the Paying Agent at:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Fax: (785) 296-6976

(c) To the Purchaser:

Brownstone Investment Group, LLC
505 Fifth Avenue, 10th Floor
New York, New York 10017

(d) To the Rating Agency(ies):

Moody's Municipal Rating Desk
7 World Trade Center
250 Greenwich Street
23rd Floor
New York, New York 10007

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Note Registrar and Paying Agent, the Director of Fiscal Services.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.

“Official Statement” means Issuer’s Official Statement relating to the Notes.

“Outstanding” means, when used with reference to the Notes, as of a particular date of determination, all Notes theretofore authenticated and delivered, except the following Notes:

- (a) Notes theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Notes deemed to be paid in accordance with the provisions of *Article VII* hereof; and
- (c) Notes in exchange for or in lieu of which other Notes have been authenticated and delivered hereunder.

“Owner” when used with respect to any Note means the Person in whose name such Note is registered on the Note Register. Whenever consent of the Owners is required pursuant to the terms of this Note Resolution, and the Owner of the Notes, as set forth on the Note Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Notes.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the State Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located, which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's or Standard & Poor's; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Notes plus accrued interest to the date of delivery, less an underwriting discount of \$18,425.00.

“Purchaser” means Brownstone Investment Group, LLC, New York, New York, the original purchaser of the Notes, and any successors and assigns.

“Rating Agency” means any company, agency or entity that provides financial ratings for the Notes.

“Rebate Fund” means the Rebate Fund for General Obligation Temporary Notes, Series 2026-1 created pursuant to *Section 501* hereof.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” when used with respect to any Note to be redeemed means the date fixed for the redemption of such Note pursuant to the terms of this Note Resolution.

“Redemption Price” when used with respect to any Note to be redeemed means the price at which such Note is to be redeemed pursuant to the terms of this Note Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Replacement Notes” means Notes issued to the Beneficial Owners of the Notes in accordance with *Article II* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor's” means Standard & Poor's Ratings Services, a division of McGraw Hill Financial Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor's shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Note or any installment of interest thereon means the date specified in such Note and this Note Resolution as the fixed date on which the principal of such Note or such installment of interest is due and payable.

“Substitute Improvements” means the substitute or additional improvements of the Issuer described in *Article V* hereof.

“Treasurer” means the duly appointed and/or elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest

on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE NOTES

Section 201. Authorization of the Notes. There shall be issued and hereby are authorized and directed to be issued the General Obligation Temporary Notes, Series 2026-1, of the Issuer in the principal amount of \$3,685,000, for the purpose of providing funds to: (a) pay the costs of the Improvements; and (b) pay Costs of Issuance.

Section 202. Description of the Notes. The Notes shall consist of fully registered notes in Authorized Denominations, and shall be numbered in such manner as the Note Registrar shall determine. All of the Notes shall be dated as of the Dated Date, shall become due in the amounts on the Stated Maturity, subject to redemption and payment prior to the Stated Maturity as provided in *Article III* hereof, and shall bear interest at the rates per annum as follows:

<u>Stated Maturity</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>
December 1, 2028	\$3,685,000	3.10%

The Notes shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in *Section 204* hereof.

Each of the Notes, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as *EXHIBIT A* or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Note Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Note and Note Registrar with respect to the registration, transfer and exchange of Notes. The Mayor of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Note Registrar and Paying Agent for the Notes.

The Issuer will at all times maintain a Paying Agent and Note Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Note Registrar by (a) filing with the Paying Agent or Note Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Note Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Note Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Note Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Note Registrar.

Every Paying Agent or Note Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Notes. The principal of, or Redemption Price, if any, and interest on the Notes shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Note shall be paid at Maturity to the Person in whose name such Note is registered on the Note Register at the Maturity thereof, upon presentation and surrender of such Note at the principal office of the Paying Agent. The interest payable on each Note on any Interest Payment Date shall be paid to the Owner of such Note as shown on the Note Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Notes, by electronic transfer to such Owner upon written notice given to the Note Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Note shall cease to be payable to the Owner of such Note on the relevant Record Date and shall be payable to the Owner in whose name such Note is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Note and the date of the proposed payment (which date shall be at least 45 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Owner of a Note entitled to such notice at the address of such Owner as it appears on the Note Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Notes and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Note Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Note Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Note Payment Date, and no interest shall accrue for the period after such Note Payment Date.

Section 206. Registration, Transfer and Exchange of Notes. The Issuer covenants that, as long as any of the Notes remain Outstanding, it will cause the Note Register to be kept at the office of the Note Registrar as herein provided. Each Note when issued shall be registered in the name of the Owner thereof on the Note Register.

Notes may be transferred and exchanged only on the Note Register as provided in this Section. Upon surrender of any Note at the principal office of the Note Registrar, the Note Registrar shall transfer or exchange such Note for a new Note or Notes in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Note that was presented for transfer or exchange.

Notes presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Note Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Notes is exercised, the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Note Resolution. The Issuer shall pay the fees and expenses of the Note Registrar for the registration, transfer and exchange of Notes provided for by this Note Resolution and the cost of printing a reasonable supply of registered note blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Note Registrar, are the responsibility of the Owners of the Notes. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Notes.

The Issuer and the Note Registrar shall not be required (a) to register the transfer or exchange of any Note that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to **Article III** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Note during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this **Article II**.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Note is registered on the Note Register as the absolute Owner of such Note, whether such Note is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Note and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Note Registrar, the Note Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Notes then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Note Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Notes. Each of the Notes, including any Notes issued in exchange or as substitutions for the Notes initially delivered, shall be executed for and on behalf of the Issuer by the manual, electronic or facsimile signature of the Mayor, attested by the manual, electronic or facsimile signature of the Clerk and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Notes in the manner herein specified, and to cause the Notes to be registered in the office of the Clerk, which registration shall be evidenced by the manual, electronic or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Notes shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual, electronic or facsimile

signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. The Notes shall be countersigned by the manual, electronic or facsimile signature of the Clerk and the seal of the Issuer shall be affixed or imprinted adjacent thereto following registration of the Notes by the Treasurer of the State of Kansas. In case any officer whose signature appears on any Notes ceases to be such officer before the delivery of such Notes, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Note may be signed by such persons who at the actual time of the execution of such Note are the proper officers to sign such Note although at the date of such Note such persons may not have been such officers.

The Mayor and Clerk are hereby authorized and directed to prepare and execute the Notes as herein specified, and when duly executed, to deliver the Notes to the Note Registrar for authentication.

The Notes shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Note Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Notes that may be issued hereunder at any one time. No Note shall be entitled to any security or benefit under this Note Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Note Registrar. Such executed certificate of authentication upon any Note shall be conclusive evidence that such Note has been duly authenticated and delivered under this Note Resolution. Upon authentication, the Note Registrar shall deliver the Notes to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Notes. If (a) any mutilated Note is surrendered to the Note Registrar or the Note Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Note, and (b) there is delivered to the Issuer and the Note Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Note Registrar that such Note has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Note Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Note, a new Note of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Note has become or is about to become due and payable, the Issuer, in its discretion, may pay such Note instead of issuing a new Note.

Upon the issuance of any new Note under this Section, the Issuer may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Note issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Note Resolution equally and ratably with all other Outstanding Notes.

Section 209. Cancellation and Destruction of Notes Upon Payment. All Notes that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Notes so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Notes; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Notes shall initially be registered to Cede & Co.,

the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Notes, except in the event the Note Registrar issues Replacement Notes as provided in this Section. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Notes to the Participants until and unless the Note Registrar authenticates and delivers Replacement Notes to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes; or

(b) if the Note Registrar receives written notice from Participants having interests in not less than 50% of the Notes Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes, then the Note Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Note Registrar shall register in the name of and authenticate and deliver Replacement Notes to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Note Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Note. Upon the issuance of Replacement Notes, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Note Registrar, to the extent applicable with respect to such Replacement Notes. If the Securities Depository resigns and the Issuer, the Note Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to Owners, as provided herein. The Note Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Notes. The cost of printing, registration, authentication, and delivery of Replacement Notes shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Note Registrar receives written evidence satisfactory to the Note Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Note Registrar upon its receipt of a Note or Notes

for cancellation shall cause the delivery of Notes to the successor Securities Depository in appropriate denominations and form as provided herein.

Section 211. Nonpresentment of Notes. If any Note is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Note have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Note shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Note, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Note Resolution or on, or with respect to, said Note. If any Note is not presented for payment within four (4) years following the date when such Note becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Note, and such Note shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. The Preliminary Official Statement relating to the Notes is hereby ratified and approved. The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor or chief financial officer of the Issuer are hereby authorized to execute the final Official Statement as so supplemented, amended and completed, and the use and public distribution of the final Official Statement by the Purchaser in connection with the reoffering of the Notes is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Notes sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Notes. The sale of the Notes to the Purchaser and the execution of the official bid form are hereby ratified and confirmed. Delivery of the Notes shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Note Resolution), upon payment of the Purchase Price.

ARTICLE III

REDEMPTION OF NOTES

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, the Notes will be subject to redemption and payment prior to maturity on December 1, 2027, and thereafter, as a whole or in part (selection of the amount of Notes to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

Section 302. Selection of Notes to be Redeemed. Notes shall be redeemed only in an Authorized Denomination. When less than all of the Notes are to be redeemed and paid prior to their Stated

Maturity, such Notes shall be redeemed in such manner as the Issuer shall determine. Notes of less than a full Stated Maturity shall be selected by the Note Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Note Registrar may determine.

In the case of a partial redemption of Notes by lot when Notes of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption each minimum Authorized Denomination of face value shall be treated as though it were a separate Note of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Note is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Note to the Note Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Note or Notes of the aggregate principal amount of the unredeemed portion of the principal amount of such Note. If the Owner of any such Note fails to present such Note to the Paying Agent for payment and exchange as aforesaid, such Note shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Notes for redemption prior to maturity, written notice of such intent shall be provided to the Note Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Note Registrar shall call Notes for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Note Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Notes to be called for redemption. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in this Section are met.

Unless waived by any Owner of Notes to be redeemed, if the Issuer shall call any Notes for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Notes to the Note Registrar and the Purchaser. In addition, the Issuer shall cause the Note Registrar to give written notice of redemption to the Owners of said Notes. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Notes are to be redeemed, the identification (and, in the case of partial redemption of any Notes, the respective principal amounts) of the Notes to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Note or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Notes are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Notes or portions of Notes that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Notes, the Note Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Note (having been mailed notice from the Note Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Note so affected, shall not affect the validity of the redemption of such Note.

Official notice of redemption having been given as aforesaid, the Notes or portions of Notes to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Notes or portion of Notes shall cease to bear interest. Upon surrender of such Notes for redemption in accordance with such notice, the Redemption Price of such Notes shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Note, there shall be prepared for the Owner a new Note or Notes of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Notes that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. Further notice may be given by the Issuer or the Note Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Notes being redeemed; (2) the date of issue of the Notes as originally issued; (3) the rate of interest borne by each Note being redeemed; (4) the maturity date of each Note being redeemed; and (5) any other descriptive information needed to identify accurately the Notes being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Note Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Notes and to one or more national information services that disseminate notices of redemption of obligations such as the Notes.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Notes being redeemed shall bear or have enclosed the CUSIP number of the Notes being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange

Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Note.

ARTICLE IV

SECURITY FOR NOTES

Section 401. Security for the Notes. The Notes shall be general obligations of the Issuer payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of the Improvements, or from general obligation bonds of the Issuer, and if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes as the same become due.

Section 402. Levy and Collection of Annual Tax. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Notes as the same become due, if necessary, by levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be deposited in the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Notes as and when the same become due, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Notes when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF NOTE PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Notes, there shall be created within the Treasury of the Issuer the following funds and accounts:

- (a) Improvement Fund for General Obligation Temporary Notes, Series 2026-1.
- (b) Debt Service Account for General Obligation Temporary Notes, Series 2026-1.
- (c) Rebate Fund for General Obligation Temporary Notes, Series 2026-1.
- (d) Costs of Issuance Account for General Obligation Temporary Notes, Series 2026-1.
- (e) Compliance Account.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Note Resolution so long as the Notes are Outstanding.

Section 502. Deposit of Note Proceeds. The net proceeds received from the sale of the Notes shall be deposited simultaneously with the delivery of the Notes as follows:

(a) An amount necessary to pay the Costs of Issuance shall be deposited in the Costs of Issuance Account.

(b) The remaining balance of the proceeds derived from the sale of the Notes shall be deposited in the Improvement Fund.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying the costs of the Improvements, in accordance with the plans and specifications therefor prepared by the Consulting Engineer heretofore approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable by the Consulting Engineer and approved by the governing body of the Issuer (b) paying interest on the Notes during construction of the Improvements; (c) paying Costs of Issuance; and (d) transferring any amounts to the Rebate Fund required by this *Article V*.

Withdrawals from the Improvement Fund shall be made only when authorized by the governing body of the Issuer and only on duly authorized and executed warrants therefor accompanied by a certificate executed by the Clerk (or designate) that such payment is being made for a purpose within the scope of this Note Resolution and that the amount of such payment represents only the contract price of the property, equipment, labor, materials or service being paid for or, if such payment is not being made pursuant to an express contract, that such payment is not in excess of the reasonable value thereof. Authorizations for withdrawals for other authorized purposes shall be supported by a certificate executed by the Clerk (or designate) stating that such payment is being made for a purpose within the scope of this Note Resolution. Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Notes provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution authorizing the use of the proceeds of the Notes to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the governing body of the Issuer pursuant to this Section; and (3) the use of the proceeds of the Notes to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Notes under State or federal law.

(b) The Issuer may reallocate expenditure of Note proceeds among all Improvements financed by the Notes; provided the following conditions are met: (1) the reallocation is approved by the governing body of the Issuer; (2) the reallocation shall not cause the proceeds of the Notes allocated to any Improvement to exceed the Financeable Costs of the Improvement; and (3) the reallocation will not adversely affect the tax-exempt status of the Notes under State or federal law.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Notes as and when the same become due and the usual and customary fees and expenses of the Note Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Notes and the fees and expenses of the Note Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent, if other than the Issuer, in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Note Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Notes are no longer entitled to enforce payment of the Notes or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Note Resolution and shall be held by the Paying Agent for the benefit of the Owners of the Notes entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the indebtedness for which the Notes were issued shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Notes shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) of the Code in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Notes and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Note Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Notes.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States: (a) which has a main or branch office located in the Issuer; or (b) if no such entity has a main or branch office located in the Issuer, with such an entity that has a main or branch office located in the county or counties in which the Issuer is located. All such depositories shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Note Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction of the Improvements, earnings on the investment of such funds may be credited to the Debt Service Account.

Section 508. Application of Moneys in the Costs of Issuance Account. Moneys in the Costs of Issuance Account shall be used by the Issuer to pay the Costs of Issuance. Any funds remaining in the Costs of Issuance Account, after payment of all Costs of Issuance, but not later than the later of 90 days after the issuance of the Notes, shall be transferred to the Improvement Fund until completion of the Improvements and thereafter to the Debt Service Account.

Section 509. Application of Moneys in the Compliance Account. Moneys in the Compliance Account shall be used by the Issuer to pay the to pay fees and expenses relating to compliance with federal arbitrage law and state or federal securities laws. Any funds remaining in the Compliance Account on the sixth anniversary of the Issue Date shall be transferred to the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Note Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Notes. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Notes at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Notes similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Note Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Notes.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Notes shall be for the equal benefit, protection, and security of the Owners of any or all of the Notes, all of which Notes shall be of equal rank and without preference or priority of one Note over any other Note in the application of the funds herein pledged to the payment of the principal of and the interest on the Notes, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Note Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Notes.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Note shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Notes by this Note Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Notes shall, subject to any determination in such action or proceeding or applicable law of the State, be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Notes, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Note Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Notes or scheduled interest payments thereon so paid and discharged. Notes, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Note Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Notes or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Notes and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Notes, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Notes, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Note Registrar to give such notice of redemption in compliance with **Article III**. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Notes, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Notes, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Note Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that: it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor, Director of Finance and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Notes will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Notes pursuant to *Article VII* hereof or any other provision of this Note Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Undertaking, the provisions of which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Notes, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same,

a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Note Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Notes or of this Note Resolution, may be amended or modified at any time in any respect by resolution or ordinance of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Notes then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) Extend the maturity of any payment of principal or interest due upon any Note;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Note;
- (c) permit preference or priority of any Note over any other Note; or
- (d) reduce the percentage in principal amount of Notes required for the written consent to any modification or alteration of the provisions of this Note Resolution.

Any provision of the Notes or of this Note Resolution may, however, be amended or modified by resolution or ordinance duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Notes at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Note Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Notes among Improvements, to provide for Substitute Improvements, to conform this Note Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Notes or of this Note Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution or ordinance adopted by the governing body of the Issuer amending or supplementing the provisions of this Note Resolution and shall be deemed to be a part of this Note Resolution. A certified copy of every such amendatory or supplemental resolution or ordinance, if any, and a certified copy of this Note Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Note or a prospective purchaser or owner of any Note authorized by this Note Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or ordinance or of this Note Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution or ordinance of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Notes then Outstanding. It shall not be necessary to note on any of the Outstanding Notes any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Notes or this Note Resolution which affects the duties or obligations of the Paying Agent under this Note Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Notes, if made in the following manner, shall be sufficient for any of the purposes of this Note Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Notes, the amount or amounts, numbers and other identification of Notes, and the date of holding the same shall be proved by the Note Register.

In determining whether the Owners of the requisite principal amount of Notes Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Note Resolution, Notes owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Note Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Notes which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Notes so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Notes and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Note Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The transactions described in this Note Resolution may be conducted, and documents related to the Notes may be sent, received, executed, and stored, by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Note Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1007. Severability. If any section or other part of this Note Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Note Resolution.

Section 1008. Governing Law. This Note Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Note Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on May 12, 2026.

(SEAL)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Note Resolution of the Issuer adopted by the governing body on May 12, 2026, as the same appears of record in my office.

DATED: May 12, 2026.

Clerk

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**EXHIBIT A
(FORM OF NOTES)**

**REGISTERED
NUMBER _____**

**REGISTERED
\$**

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation (“DTC”), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF SEDGWICK
CITY OF DERBY
GENERAL OBLIGATION TEMPORARY NOTE
SERIES 2026-1**

**Interest
Rate:**

**Maturity
Date:**

**Dated
Date: May 28, 2026**

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Derby, in the County of Sedgwick, State of Kansas (the “Issuer”), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to said Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable semiannually on June 1 and December 1 of each year, commencing December 1, 2026 (the “Interest Payment Dates”), until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Note shall be paid at maturity or upon earlier redemption to the person in whose name this Note is registered at the maturity or redemption date thereof, upon presentation and surrender of this Note at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the “Paying Agent” and “Note Registrar”). The interest payable on this Note on any Interest Payment Date shall be paid to the person in whose name this Note is registered on the registration books maintained by the Note Registrar at the close of business on the Record Date(s)

for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Notes, by electronic transfer to such Owner upon written notice given to the Note Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Notes shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Note Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Note Resolution.

Authorization of Notes. This Note is one of an authorized series of Notes of the Issuer designated “General Obligation Temporary Notes, Series 2026-1,” aggregating the principal amount of \$3,685,000 (the “Notes”) issued for the purposes set forth in the Resolution of the Issuer authorizing the issuance of the Notes (the “Note Resolution”). The Notes are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-123, and K.S.A. 12-6a01 *et seq.*, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Notes constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby pledged for the payment of the principal of and interest on this Note and the issue of which it is a part as the same respectively become due.

Redemption Prior to Maturity. The Notes are subject to redemption prior to maturity as set forth in the Note Resolution.

Book-Entry System. The Notes are being issued by means of a book-entry system with no physical distribution of note certificates to be made except as provided in the Note Resolution. One Note certificate with respect to each date on which the Notes are stated to mature or with respect to each form of Notes, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Notes by the Securities Depository's participants, beneficial ownership of the Notes in Authorized Denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Note Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Note, as the owner of this Note for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Note, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Notes by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Note Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities

(Facsimile Seal)

By: _____
(facsimile)
Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Note is one of a series of General Obligation Temporary Notes, Series 2026-1, of the City of Derby, Kansas, described in the within-mentioned Note Resolution.

Registration Date: _____

Office of the State Treasurer,
Topeka, Kansas,
as Note Registrar and Paying Agent

By: _____

Registration Number: 4126-087-052826-____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Notes:

GILMORE & BELL, P.C.

Attorneys at Law
100 N. Main Suite 800
Wichita, Kansas 67202

(PRINTED LEGAL OPINION)

NOTE ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Note to which this assignment is affixed in the outstanding principal amount of \$ _____, standing in the name of the undersigned on the books of the Note Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Note on the books of said Note Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF SEDGWICK)

The undersigned, Clerk of the City of Derby, Kansas, does hereby certify that the within Note has been duly registered in my office according to law as of May 28, 2026.

WITNESS my hand and official seal.

(Facsimile Seal)

(facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

STEVEN JOHNSON, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Note has been filed in the office of the State Treasurer, and that this Note was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Facsimile Seal)

By: _____
(facsimile)
Treasurer of the State of Kansas

New Business Item



Subject: First Reading: Zoning and Subdivision Regulation Amendments
Meeting: City Council - 12 May 2026
Presented by: Scott Knebel, City Planner

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.

ATTACHMENTS:

[051226 Z&S Amendments - Recommended Zoning and Subdivision Regulation Amendments](#)
[051226 Z&S Amendments - Open House Summary](#)
[051226 Z&S Amendments - Planning Commission Minutes](#)
[051226 Zoning Regs Ordinance](#)
[051226 Subdivision Regs Ordinance](#)

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.

Section 15.28.010 of the Municipal Code defines a fence as, “a freestanding structure composed of metal, masonry, glass or wood, natural vegetation, or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, landscaping, or partition purposes.” Section 8.08.090.A.6.a. of the Municipal Code establishes a minimum maintenance standard for fences. The unsightly fences that led to this topic of discussion can be improved significantly through enforcement of the maintenance standards.

That said, metal panel fences generally are industrial in character and can be incompatible with residential and higher-end commercial uses. Therefore, the following amendment to Article 303.E.2.c. of the Zoning Regulations is proposed:

- 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.

Sample Photo – Decorative Metal Panel Fence with Framing



Related to this issue is chain link fencing with slats. The City does not permit chain link fencing with slats when the fence is required to meet the screening requirements, but the code does not clearly state this prohibition. Therefore, the following amendment to Article 304.I.d. of the Zoning Regulations is proposed:

- 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.

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. Article 409.E.1.e. (B-3) and Article 410.E.1.f. (B-4) are proposed to be amended 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 ~~20%~~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;
 - 1) Items being stored outside of a completely enclosed building are a part of the Center's inventory for future on-site retail sale;
 - 2) ~~At least 50% of all items being stored outside of the enclosed portions of the Center are stored beneath a~~Any roof structure, ~~which covering the outdoor area shall~~ complements 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;
 - 3) Any area used for outside merchandise storage or display shall be paved with concrete or asphaltic concrete and provided with appropriate fire-lane aisles;
 - 4) Any accessory structures built or placed for merchandise storage or display purposes and any INCIDENTAL CONCRETE MIXING FACILITY, approved as an exception, shall not be located within a required FRONT YARD SETBACK and shall be located behind the front wall or the principal building. Such accessory structures and uses shall observe at least a 40-foot setback from any perimeter property line, however, only a 10-foot side or rear yard setback is required if the adjacent property is zoned B-3, B-4, B-5 or M-1;
 - 5) All items being stored or displayed outside of a completely enclosed building shall be provided solid visual screening and landscaping to block ground-level view by persons occupying residential uses adjacent to or across a street from the Center and along the zoning lot's direct boundary with any residential zoning district. When bordered by any non-residential zoning district, other than the B-3, B-4, B-5 or M-1 Districts, the outside storage or display area shall be provided landscaping to partially screen its ground-level view from such districts;

- 6) The use area of the outside storage and display shall not be a factor in determining the Center's overall off-street parking requirement;
 - 7) Outside display and storage areas shall not be located within a required FRONT YARD SETBACK and shall observe at least a 10-foot setback from any perimeter property line, however, no side or rear yard setback need be observed if the adjacent property is zoned the B-3, B-4, B-5 or M-1 District.
- 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 ~~20%~~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;
- 1) Items being stored outside of a completely enclosed building are a part of the Center's inventory for future on-site retail sale;
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 - 3) Any area used for outside merchandise storage or display shall be paved with concrete or asphaltic concrete and provided with appropriate fire-lane aisles;
 - 4) Any accessory structures built or placed for merchandise storage or display purposes and any INCIDENTAL CONCRETE MIXING FACILITY, approved as an exception, shall not be located within a required FRONT YARD SETBACK and shall be located behind the front wall of the principal building. Such accessory structures and uses shall observe at least a 40-foot setback from any perimeter property line, however, only a 10-foot side or rear yard setback is required if the adjacent property is zoned B-3, B-4, B-5 or M-1;
 - 5) All items being stored or displayed outside of a completely enclosed building shall be provided solid visual screening and landscaping to block ground-level view by persons occupying residential uses adjacent to or across a street from the Center and along the zoning lot's direct boundary with any residential zoning district. When bordered by any non-residential zoning district, other than the B-3, B-4, B-5 or M-1 Districts, the outside storage or display area shall be provided landscaping to partially screen its ground-level view from such districts;
 - 6) The use area of the outside storage and display shall not be a factor in determining the Center's overall off-street parking requirement;

- 7) Outside display and storage areas shall not be located within a required FRONT YARD SETBACK and shall observe at least a 10-foot setback from any perimeter property line, however, no side or rear yard setback need be observed if the adjacent property is zoned the B-3, B-4, B-5 or M-1 District.

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.

ARTICLE 9. LOT SPLITS

900 INTENT AND PURPOSE.

In order to provide a less time consuming and costly procedure for the division of existing platted lots, the following lot split procedures and requirements are established.

901 APPLICATION PROCEDURE.

Requests for lot split approval shall be made by the owner of the land in a form approved by the City. Upon review and a determination made that all requirements for approval of the lot split have been met, the Development Director shall approve and have recorded such lot split. Should an applicant object to any conditions for approval of a lot split, an applicant may request that the Planning Commission hear and decide upon those conditions being contested. The request for approval shall consist of the following:

- (A) A completed lot split application form.
- (B) The appropriate filing fee.
- (C) A survey, prepared by a licensed land surveyor, of the lot(s). The drawing shall depict or provide the following:
 - 1. The location of any structures on the lot and the location of any curb cuts or driveway openings that serve the lot;
 - 2. The precise nature, location, dimensions and legal description of the lot which is proposed to be split;
 - 3. Legal description(s) for the proposed new building sites (portions of the original lot);
 - 4. The amount of square footage contained in each portion of the original lot;

5. All existing easements and, if any, access control. If the easements or access control were granted by separate instrument, the recording information shall be indicated;
6. All platted building setbacks;
7. The recording information for all vacation orders for previously vacated easements, building setback lines, access control or public rights-of-way;
8. A legend of all property corners set or found during the conduct of the survey for each corner of each parcel of land to be created by the lot split;
9. A certificate indicating that the lot split has been reviewed by the County Surveyor in accordance with K.S.A. 58-2005;
10. A certificate of approval as worded in Section 902(C); and
11. Surveyor's certificate, signature, and seal.

In order to facilitate records storage, the lot split drawing shall be drawn on either letter or legal size paper and shall meet the requirements of the Sedgwick County Register of Deeds.

- (D) A drawing which indicates the location of existing municipal water mains, water meters and sanitary sewer laterals which serve the lot being split.

902 APPROVAL GUIDELINES.

Approval or disapproval of lot splits shall be made based on the following guidelines:

- A. A lot split shall not be approved if any of the following conditions exist:
 1. A new street or alley is needed or proposed;
 2. A vacation of streets, alleys, setback lines, access control or easements is required or proposed;
 3. There is less street right-of-way than required by these Regulations or Comprehensive Development Plan unless such dedication can be made by separate instrument;

4. All easement requirements have not been satisfied;
 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;
 6. A substandard size building site will be created or left or an existing structure will not be able to meet all yard requirements of the applicable City Zoning Ordinance or County Zoning Code;
 7. The lot is subject to periodic flooding which cannot be feasibly corrected according to the standards established by Section 606.
 8. Except for commercially or industrially zoned lots, such action will result in a platted lot being split into more than two separate building sites. A commercially or industrially zoned platted lot may be split into two or more building sites provided such lot divisions meet the approval guidelines of this Article;
 9. A lot grading plan has not been approved by the City Engineer for a lot split site located within the corporate limits of the City of Derby, which is zoned for multiple-family, institutional, office, commercial or industrial purposes. For lot split sites located within the unincorporated portions of Sedgwick County, a lot grading plan for properties zoned for multiple-family, institutional, office, commercial or industrial purposes must be approved by the County Engineer prior to lot split approval.
 10. Necessary approval has not been obtained for on-site sewage disposal and/or water supply if sanitary sewer and/or municipal water is not available for extension to serve the lot split site.
- B. The City may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of street and drainage rights-of-way and easements.
- C. The City shall approve with or without conditions or disapprove the lot split within 30 days after the date the lot split request was filed with the City. If approved, and after all conditions have been met, the Development Director shall sign the following certificate of approval on the face of the lot split drawing:

The Development Director hereby certifies that this lot split has been examined and found to comply with the Subdivision Regulation of the City of Derby, Kansas and is, therefore, approved for recording.

Date Signed: _____, 20____.

Development Director

State of Kansas)
Sedgwick County)

The foregoing instrument acknowledged before me, this _____ day of _____, 20__,
by _____, Development Director.

_____, Notary Public

My Appointment Expires _____

One copy thereof shall be filed with the applicable official designated to issue building and/or zoning permits. One copy shall be furnished to the applicant. One copy shall be filed with the County Register of Deeds by the City Clerk.

TIME EXTENSIONS FOR TEMPORARY USES

A variety of temporary uses can be permitted administratively subject to time limitations set by the Zoning Regulations. Several businesses 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.

601 TEMPORARY USES.

A. Permitted Temporary Uses.

The following temporary uses of land are permitted in specific zoning districts, subject to the restrictions established by this Section, and except as specifically modified by this Section, the regulations of the zoning district in which the use is permitted and other applicable provisions of these regulations.

1. Within any zoning district, temporary outdoor **CARNIVALS, CIRCUSES, MUSIC FESTIVALS, COMMUNITY CELEBRATIONS** or other events of a temporary or intermittent nature may be approved, with or without conditions, by the Zoning Administrator, provided that events on property within the APZ Accident Potential Zone Overlay District are limited to a maximum occupancy of 50 people per acre. Compliance with the bulk requirements of the applicable zoning district, observed platted setbacks, and other requirements may be waived by the Zoning Administrator in approving such an event provided that, temporary structures or equipment, axle-mounted enclosures, displays and events shall not interfere with the view of operators of motor vehicles on the public streets and 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 area occupied by the temporary uses shall not be counted as part of the percentage of outdoor display and sales permitted by specific district regulations.
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.

On property that is a part of a zoning lot for a school or church use, CHRISTMAS TREE, FIREWORKS, PUMPKIN AND SIMILAR NATIONALLY ACCEPTED AND RECOGNIZED CELEBRATION SALES are permitted provided the sales and display area for such is located along an arterial, collector or business street. All conditions listed above for nationally accepted and recognized celebration sales in the B-3, B-4 and B-5 zoning districts shall also apply to school or church property.

3. Within any zoning district, **TEMPORARY BUILDING CONTRACTOR'S OFFICE AND EQUIPMENT SHEDS** or a manufactured/mobile home accessory to a construction project for a period not to exceed the duration of the construction project. Such temporary structures need not comply with the bulk requirements of the zoning district in which they are located or observe platted building setbacks, but shall not be located near any driveway which may obstruct the view of either motorists or pedestrians.
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.-
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.
6. Within the B-3, B-4, and B-5 zoning districts, **PROMOTIONAL ACTIVITIES OF RETAIL MERCHANTS**, involving the display of merchandise outside of enclosed buildings, may exceed the percentage of outdoor display and sales permitted by district regulations, provided that:
 - 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;

- b. Outdoor merchandise displays need not comply with the bulk requirements of the applicable district regulations, provided that any temporary structures, axle-mounted enclosures or vehicles with a weight classification of 1 ton or greater, placed for use in conjunction with the promotional activities, shall not encroach upon required yards or platted setbacks;
 - c. Outdoor display of merchandise shall not interfere with the view of operators of motor vehicles on the public streets and 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;
 - d. Display of merchandise or placement of associated temporary structures or axle-mounted enclosures shall not occupy or interfere with required parking spaces or circulation aisles providing access thereto.
 - e. 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.
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.

On property that is a part of zoning lot for a school or church use, RECYCLING CENTERS are permitted provided such use is located along an arterial, collector or business street. All conditions listed above for recycling centers in the B-3, B-4 and B-5 zoning districts shall apply to the school and church property.

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:

- a. The temporary sales use need not comply with the bulk requirements of zoning districts or platted setbacks, except that any vehicle with a weight classification of 1 ton or greater or any axle-mounted enclosure or temporary structure used in conjunction with the temporary sales, shall not be located upon required yards or within platted setbacks;
 - b. The temporary sales use shall not interfere with the view of operators of motor vehicles on the public streets and 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;
 - c. The temporary sales use shall not occupy or interfere with required parking spaces or circulation aisles providing access thereto;
 - d. The area occupied by the temporary sales use shall not be counted as part of the percentage of outdoor display and sales permitted by specific district regulations.
 - e. 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.
9. 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:
- a. Outdoor display and sales of living plants need not comply with the bulk requirements of the districts, however, any temporary structures, axle-mounted enclosures or vehicles with a weight classification of 1 ton or greater, placed for use in conjunction with the sales and display of living plants, shall not encroach upon required yards or platted setbacks;
 - b. Outdoor display and sales of living plants shall not interfere with the view of operators of motor vehicles on the public streets and 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;
 - c. Display and sales of living plants or placement of associated temporary structures shall not occupy or interfere with required parking spaces or circulation aisles providing access thereto.

10. Within any residential zoning district, **PORTABLE STORAGE CONTAINERS FOR TEMPORARY ON-SITE STORAGE**; provided, that:

- a. Only one (1) portable storage container may be located at a residence at any one time, provided that the container is placed on a paved driveway or personal parking area and does not obstruct any City right-of-way or interfere with any vehicular or pedestrian circulation.
- b. Portable storage containers shall not be utilized as permanent accessory structures in any residential district.
- c. Portable storage containers shall only be permitted to be located at a residence once during any consecutive 12-month period for not longer than 45 days during the same period, provided that the Zoning Administrator, or his or her designee, may grant additional time if deemed appropriate.
- d. Within the B-3, B-4 and B-5 districts a business shall be permitted temporary on-site storage in portable storage containers provide that:
 - 1) Portable storage containers shall only be permitted to be located at a business twice during any consecutive 12-month period for not longer than 90 days during the same period, provided that the Zoning Administrator, or his or her designee, may grant additional time if deemed appropriate.
 - 2) The area occupied by portable storage containers shall not exceed 10 percent of the floor area of the business.
 - 3) Portable storage containers shall be located behind the front building wall and shall be located at least 20 feet from a residential district.
 - 4) Signage on portable storage containers shall be limited to one sign per Container, not exceeding two square feet. The signage shall not be visible from any street or residential district.
 - 5) Portable storage containers shall not block any required parking space, fire lane, or access aisle.
 - 6) Vertical stacking of portable storage containers is prohibited.

11. Within any district, **PORTABLE CONTAINERS FOR TEMPORARY ON-SITE STORAGE OF CONSTRUCTION MATERIAL AND DEBRIS**, provided that:

- a. Only one (1) portable container for temporary storage of construction material and debris may be located at the construction site at any one time; provided, that the container does not obstruct any City right-of-way or interfere with any vehicular or pedestrian circulation.
- b. Portable containers used for temporary storage of construction material and debris shall only be permitted in conjunction with a valid building permit or as otherwise permitted by the Zoning Administrator or his or her designee.

B. Temporary Use Permit Required.

1. Prior to the commencement of a temporary use, except for those temporary uses specified below as not requiring a Temporary Use Permit, the person responsible for the proposed temporary use shall file with the Zoning Administrator, or their designated agent, the following:
 - a. A completed Temporary Use Application;
 - b. A drawing which depicts the perimeter of the zoning lot and where on the zoning lot the temporary use is proposed to be placed;
 - c. If vehicular parking spaces are proposed to be used as the area for the temporary use, information shall be submitted which shows that the number of parking spaces that will remain available on the zoning lot for parking purposes will meet the minimum number of off-street parking spaces required by Section 501 of these regulations;
2. The following temporary uses ARE NOT subject to the requirement for a Temporary Use Permit:
 - a. COMMUNITY CELEBRATIONS and other such activities provided for by 601.A.1, if such activities are part of a city-organized event;
 - b. TEMPORARY BUILDING CONTRACTOR'S OFFICE OR SHEDS provided for by 601.A.3;
 - c. The use of site-built dwelling as a TEMPORARY REAL ESTATE OFFICE provided for by 601.A.4;
 - d. GARAGE, YARD, ESTATE, RUMMAGE OR SIMILAR SALES, provided for by 601.A.5;
 - e. PORTABLE STORAGE CONTAINERS FOR TEMPORARY ON-SITE STORAGE provided by 601.A.10.a., 601.A.10.b., and 601.A.10.c.; and
 - f. PORTABLE CONTAINERS FOR TEMPORARY ON-SITE STORAGE OF CONSTRUCTION MATERIAL AND DEBRIS provided by 601.A.11.

Nothing in this Section shall be construed to mean that a Temporary Use Permit is required for the temporary display or sales of merchandise, outside of a completely enclosed building, which may be permitted by the regulations of specific zoning districts.

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.

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 horse power 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 and sales business.

GARDEN CENTER: A retail or wholesale business which sells a wide variety of plants, seeds, bulbs, shrubs, trees, lawn maintenance equipment, lawn or patio furniture, fertilizers, pesticides and gardening and landscaping tools, implements and supplies. This use may involve the growing of plant materials either within greenhouses or within fenced and perhaps partially screened outdoor plant nurseries. Businesses whose trade is not characterized by the sale of the wide variety of merchandise described above shall not be defined as a Garden Center, e.g., plant stores, florist shops, pottery stores, etc.

HOME IMPROVEMENT CENTER: A retail business with limited outside storage, whose trade is the sale of a complete line of building supplies, materials and tools, which are commonly needed to substantially complete all aspects of building construction. Businesses whose trade is not characterized by the sales of such a wide variety of building supplies, materials and tools shall not be defined as a home improvement center, e.g., hardware stores, swimming pool businesses, heating and cooling businesses, lighting and home decorating businesses, landscaping businesses, carpet and tile stores, etc.

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.

C. Easements/Access Ways.

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.

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 do not provide any guidance on determining the appropriate requirement for uses not specifically listed. Providing such guidance will assist designers in determining how much parking likely will be required through site plan review.

501 REQUIRED PARKING SPACES

Except for properties zoned “B-4” Central Shopping District and “B-2A” Buckner Business District, the minimum number of off-street parking spaces required for the uses designated shall be as shown in the table in Section 501.A. below. When located in the “B-4” District, the provision of a minimum number of off-street parking spaces is not required. When located in the “B-2A” District, the provision of a minimum number of off-street parking spaces shall be as required in Section 501.B. For uses established on or after January 1, 2022, that are required to provide more than 25 off-street vehicular parking spaces, parking for bicycles equal to five percent (5%) of the number of off-street vehicular parking spaces shall be provided at a location as convenient to the main entrance as the most convenient off-street vehicular parking space without blocking required accessible routes. The bicycle parking shall be comprised of lockers, racks, posts, or bollards expressly designed for secure storage of bicycles.

A. Minimum Required Parking

	Land Use	Minimum Number of Off-Street Vehicular Parking Spaces
Residential Uses	Single-family dwelling	1 space
	Earth-sheltered dwelling	1 space
	Residential-design manufactured home	1 space
	Mobile home dwelling	1 space
	Two-family dwelling	1 space per unit
	Multi-family dwelling	1 space per efficiency unit, and 1 space per 1-bedroom unit, and 1.5 spaces per 2-bedroom or larger unit.
	Assisted care home	0.35 spaces per unit
	Boarding house or room house	1 space per guest room
	Group home	1 space per unit
Public and Civic Uses	Athletic field or stadium (indoor or outdoor)	1 space per 4 spectator seats
	Church of place of worship	1 space per 4 seats located in the space with the largest capacity
	School and college (vocational and business)	1 space per employee, plus 10 visitor spaces, plus 1 space per 5 students high school age or older
Commercial Uses	Sale and rental Lot (automobile, truck, trailer, boat, motorcycle, recreational vehicle, manufactured homes)	1 space per 500 square feet of building floor area, plus 2 spaces for the first 10,000 square of lot area uses sales display, plus 1 space for each 10,000 square feet of lot area uses for sales display
	Business and professional office	1 space per 400 square feet of building floor area
	Convenience store	1 space per 400 square feet of building floor area
	Drinking establishment	1 space per 3 occupants ¹
	Financial institution	1 space per 400 square feet of building floor area
	Fitness center or health club	1 space per 200 square feet of building floor area

	Hotel or motel	1 space per guest room, plus 1 space 400 square feet use for retail purposes or service facilities
	Medical and dental clinic or office	1 space per 400 square feet of building floor area
	Public assembly uses	1 space per 4 seats
	Recreational vehicle campground	1 space per camping space
	Restaurant	1 space per 3 occupants ¹
	Retail store (except "large items" below)	1 space per 400 square feet of building floor area
	Retail store, large items (furniture, appliances, carpet, and machinery)	1 space per 1,000 square feet of building floor area
	Theater, indoor	1 space per 4 seats
	Vehicle repair business	4 spaces minimum, plus 2 spaces for each service bay
Industrial Uses	Warehousing	1 space per 2,500 square feet for the first 20,000 square of building floor area, plus 1 space per 5,000 square feet of building floor area over 20,000 square feet, plus 1 space per 400 square feet of office area
	Wholesale or business service	1 space per 2,500 square feet of warehouse storage, plus 1 space per 400 square feet of office area 1 space for each vehicle maintained on the premises
	Manufacturing	1 space per 500 square feet of building floor area

¹Occupant load as established by the Derby Building Trades Official in accordance with the Building Code adopted by the City.

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.

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.

PARKING AND CIRCULATION		
Required and accessory off-street parking, loading and unloading, on-site circulation and vehicle stacking space areas must provide all of the following:		
APPLICANT	CITY STAFF	REQUIREMENT
		<u>Is the proposed use listed in Minimum Required Parking Table in Article 501.A.1. of the Zoning Regulations? Yes No</u> <u>If yes, include a parking calculation table of the parking requirement.</u> <u>If no, provide the following information:</u> <u>Number of employees on largest shift</u> <u>Number of customers per day</u> <u>Daily operational hours</u> <u>Peak hour(s) of operation</u> <u>Other information regarding operations impacting parking:</u>
		Perimeter street rights-of-way including existing and proposed access control
		Location of existing and proposed driveways to public street rights-of-way
		Existing off-street parking spaces
		Proposed off-street parking spaces
		Standard detail for the dimensions of a typical parking space (Parking spaces that do not conform to the standard detail shall be provided their own individual depth and width dimensions.)
		ADA accessible parking spaces (location and number)
		Standard detail for dimensions of a typical ADA accessible parking space
		Standard detail for dimensions of ADA accessible aisles and path to entrance (Note color of pavement marking)
		On-site circulation aisles and dimensions
		Loading and unloading areas
		Vehicle stacking spaces for drive-thru facilities
		Type and thickness of paving surface shall be noted
		Pedestrian access on the property as well as to and from the site (See Appendix C, Section 5 of the Zoning Regulations for requirement details)
		Location and type of all on-site traffic control signs and pavement markings (All signs and markings must comply with the current edition of the <u>Manual of Uniform Traffic Control Devices</u> . Provide standard details as necessary.)

DUPLEX DESIGN STANDARDS AND DENSITY OPTIONS

The City Council has established a priority item to address design standards and density options for duplexes. Illustration of how the regulations would impact the Skyridge Addition, the Sterling East Addition, and the sketch plat for 55th and Woodlawn follows the text.

401A R-1A URBAN DENSITY RESIDENTIAL DISTRICT.

This special purpose district is intended to provide infill development in core neighborhoods and higher-density density development in new neighborhoods through flexibility and innovation that permits a variety of housing types and zero lot line (ZLL) housing designs.

A. Permitted Uses.

1. Residential Uses:
 - a. Accessory Dwelling Unit, subject to Use Limitation 401A.F.5.
 - ~~a-b.~~ Group Home.
 - ~~b-c.~~ Residential-Design Manufactured Home, subject to Use Limitation 401A.EF.1.
 - d. Single-Family Dwelling.
 - ~~c-e.~~ Single-Family Attached Dwelling, subject to Use Limitation 401A.F.6.
 - f. Short-Term Rental, subject to Use Limitation 401A.EF.4. and Supplemental Regulation 1105.J.1.
 - ~~d-g.~~ Two-Family Dwelling, subject to Use Limitation 401A.F.6.
2. Public and Civic Uses:
 - a. Golf Course, subject to Use Limitation 401A.E.2.
 - b. Park and Playground.
 - c. School, Public and Private.
3. Commercial Uses:
 - a. Mobile Food Vending, subject to Use Limitation 401A.F.3.
4. Other uses not specifically listed above as permitted uses, but which in the opinion of the Zoning Administrator are in keeping with the intent of the district and these regulations.

B. Special Uses.

1. Residential Uses:
 - a. ~~Accessory Dwelling, subject to Supplemental Regulation 1101.D.1.~~
 - b. Multi-Family Dwelling, subject to Supplemental Regulation 1101.D.9.
 - c. ~~Single-Family Attached Dwelling, subject to Supplemental Regulation 1101.D.12.~~
 - d. ~~Two-Family Dwelling, subject to Supplemental Regulation 1101.D.14.~~

2. Public and Civic Uses:
 - a. Adult Care Center, subject to Supplemental Regulation 1101.D.17.
 - b. Cemetery.
 - c. Child Care Center, subject to Supplemental Regulation 1101.D.17.
 - d. Communication structures, antennas or towers owned or operated by a commercial communication company for the dwelling's sole use.
 - e. Educational, Cultural, or Philanthropic Institution.
 - f. Governmental Use.
 - g. Place of Worship.
 - h. Privately-Owned Park and Playground, subject to Supplemental Regulation 1101.D.10.
 - i. Public Utility.
3. Commercial Uses:
 - a. None.
4. Other uses not specifically listed above as permitted special uses but which in the opinion of the Zoning Administrator are in keeping with the intent of the district.

C. General Conditions for Zero Lot Line (ZLL) Dwellings.

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: such as (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) ZLL-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 and are not located on a street carrying substantial volumes of traffic such as arterial or collector streets; or (3) lots which face multi-family or non-residential land uses, other than single or two-family dwellings 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.
 - a-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.
 - b-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 with the shortest distance to a setback line located on a property line. Such wall shall be constructed of the same material as the other exterior walls of the dwelling unit.
- ~~4. In addition to the parking space requirements of Section 501(A)(1), each dwelling shall have adequate space for at least two automobiles on the driveway area.~~
- 5.4. 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.

D. Lot Size Requirements.

1. Minimum lot area:
 - a. Residential dwellings: 4,800 square feet
 - b. All other permitted uses: 6,000 square feet
2. Minimum lot width: 40 feet.
3. Minimum lot depth: 80 feet.

E. Bulk Regulations.

1. Maximum structure height:
 - a. Residential Uses: 35 feet.
 - b. Other Permitted Uses: 45 feet.
 - c. Special Uses: Determined as part of the applicable review process.
2. Yard requirements:
 - a. Minimum front yard: 20 feet, except that on corner lots one of the yards may be reduced to 15 feet; however, 20 feet shall still be required for yards with access to a garage.
 - b. 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 ~~maintained~~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.
 - c. Minimum rear yard:
 - 1) Residential dwellings: 15 feet
 - 2) All other permitted uses: 10 feet
 - d. Compatibility setback: For all permitted uses except single-family dwellings, single-family attached and two-family dwellings, a minimum 15-foot setback from property zoned R-1, R-1A, R-1B, R-1C, and R-2 shall be provided. Such setback shall increase by one (1) foot for each five (5) feet of lot width over 50 feet to a maximum 25-foot setback. Any structure over 35 feet in height requires a minimum 50-foot setback from property zoned R-1, R-1A, R-1B, R-1C, and R-2.
3. Maximum lot coverage: 60%

F. Use Limitations.

1. In addition to other use limitations, the following use limitations shall apply to Residential Design Manufactured Homes:
 - Such units shall provide all of the accommodations necessary to be a dwelling unit and all utilities shall be connected in conformance with applicable City regulations.
 - Such structures shall be on a permanent foundation which has minimum dimensions of 22 body feet in width, contain a pitched roof, siding and roofing materials which are customarily used on site-built homes, and comply with the following architectural or aesthetic standards so as to ensure their compatibility with site-built housing:
 - a. The roof must be predominantly double-pitched and have a minimum vertical rise of 2.2 inches for every 12 inches of horizontal run, and must be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass, or metal roofing materials. The roof shall have a minimum eave projection and roof overhang on at least two sides of 10 inches, which may include a gutter.
 - b. Exterior siding shall be of a non-reflective material customarily used on site-built dwellings, such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with City building codes.
 - c. The home shall be installed in accordance with the recommended installation procedures of the manufacturer and the standards set by the International Code Council (ICC) and published in the most current edition of "Guidelines for Manufactured Housing Installations." A continuous, permanent concrete or masonry foundation or masonry curtain wall, unpierced except for required ventilation and access which may include walk-out basements and garages, shall be installed under the perimeter of the home, also in accordance with the above referenced guidelines.
 - d. At the main entrance door there shall be a landing that is a minimum of three feet by three feet, which is constructed to meet the requirements of the City's building codes.
 - e. The moving hitch, axles, wheels and transporting lights must be removed at the time of installation of the home on the lot.
 - f. The finished floor of the home shall be a maximum of 24 inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance into the dwelling.
 - g. Any attached addition to such a home shall comply with all construction requirements of the City's building codes. Architectural and aesthetic standards, as specified above, shall be applicable to all additions.

- h. If 50% or more of the existing site-built housing on both sides of the street on which the residential-design manufactured home is to be installed have a garage and a covered porch or recessed entry, such a home shall also provide a garage and porch or entry. On a corner lot, the street shall mean that street on which the facade has been designated for the household address number. External roofing and siding material of the garage and porch or entry shall be similar in appearance to the materials on the roofing and siding of the residential-design manufactured home.
- 2. Golf courses are permitted for daytime use only and may, as accessory uses, offer for daytime use only areas for pitch and putt and golf driving ranges. In addition, golf courses may, as an accessory use, provide a clubhouse.
- 3. Mobile Food Vending is limited to properties developed with a park or school or at city-approved events.
- 4. Short-term rental is permitted only upon approval of an Administrative Permit pursuant to the provisions of Section 1105 or, as applicable, upon approval of a Special Use pursuant to the provisions of Section 1101.
- 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

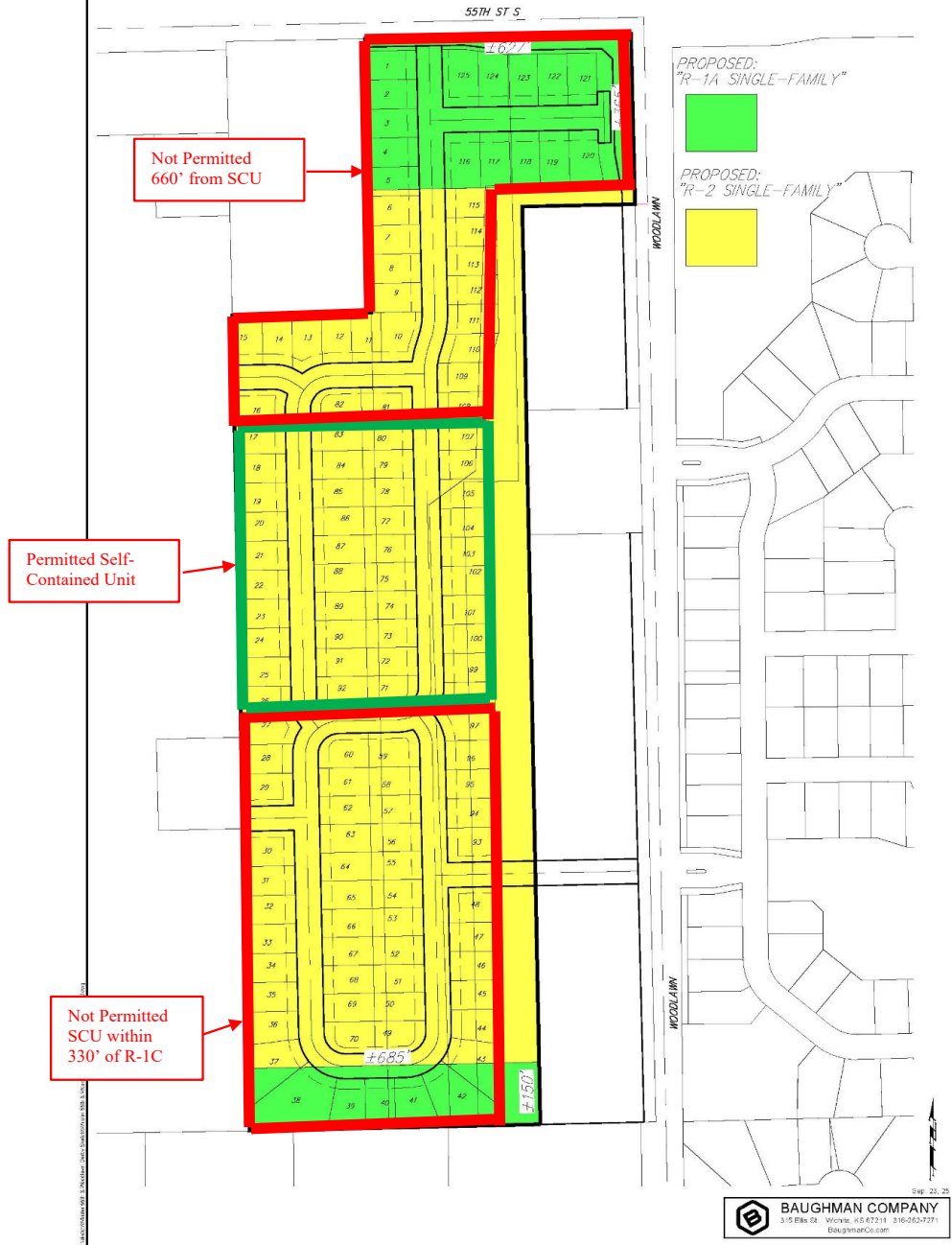
principal dwelling and the accessory dwelling, as determined by the City's Building Trades Official.

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
- a-f. Dwellings shall comply with the Building Variety Standards of Article 303.G.

[illegible]

ZONING EXHIBIT DERBY, SEDGWICK COUNTY, KANSAS



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.

A “miscellaneous requirement” is proposed be established in Article 303.G. of the Zoning Regulations. Examples of applying the standards are illustrated below the text.

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.

To provide needed flexibility in the administration of the building variety standards, Zoning Adjustments (Article 1005.B.10.) approvable by staff and Exceptions (Article 1004.B.7.) approvable the Board of Zoning Appeals are proposed as follows.

B. Authorized Zoning Adjustments. Zoning adjustments shall be limited to the following:

- 1. Reducing the minimum lot area, width, or depth by up to 10 percent.
- 2. Increasing the maximum structure height by up to 20 percent.
- 3. Reducing the minimum front, rear, or side yard by up to 20 percent.
- 4. Increasing the maximum lot coverage by up to 10 percent.
- 5. Reducing off-street parking and loading requirements, the required depth of parking stalls and the required width of circulation aisles by up to 25 percent.
- 6. Permitting off-street parking in residential districts to be located within the required front yard.
- 7. Increasing the maximum height of a sign by up to 10 percent.
- 8. Increasing the maximum size of a sign by up to 10 percent.
- 9. Increasing the permitted height of a fence located within a setback to a maximum of eight feet in height.
- 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.

B. Authorized Exceptions. The Board shall be authorized to grant exceptions for off-site parking pursuant to Section 502 and for signs pursuant to Section 708 of these regulations. The Board further shall be authorized to grant exceptions for the following provisions of these regulations:

- 1. Lot sizes
- 2. Bulk regulations
- 3. Use limitations
- 4. Permitted obstructions in required yards
- 5. Screening and landscaping requirements

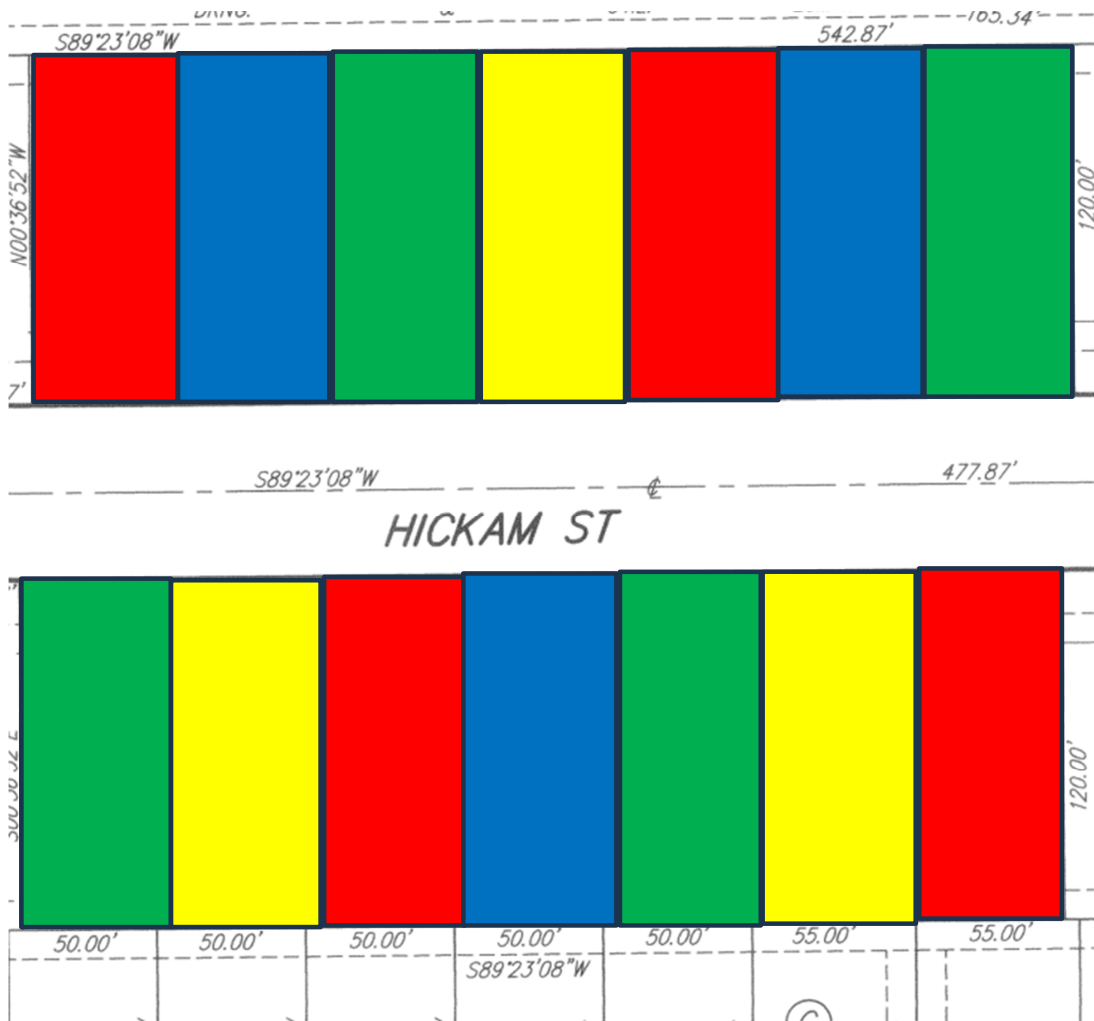
6. Off-street parking and loading requirements

7. Building variety standards

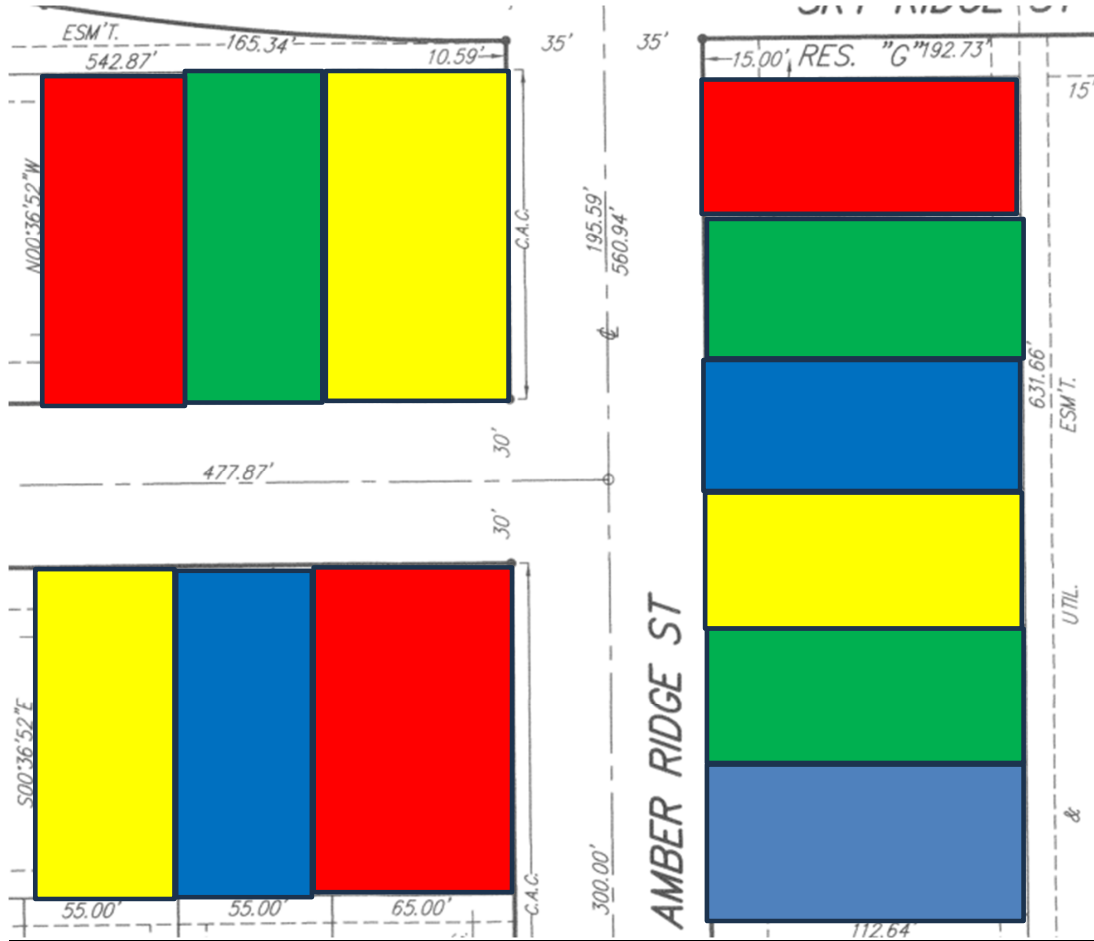
8. Other exceptions as specified elsewhere in these regulations

Examples are presented of how the building variety standards would be applied. For the examples, the developer has proposed four (4) different dwelling units: red, blue, green, and yellow.

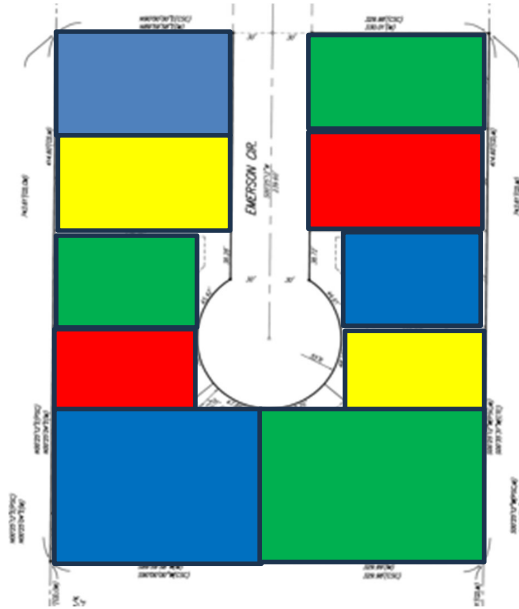
Non-Corner Lot Example



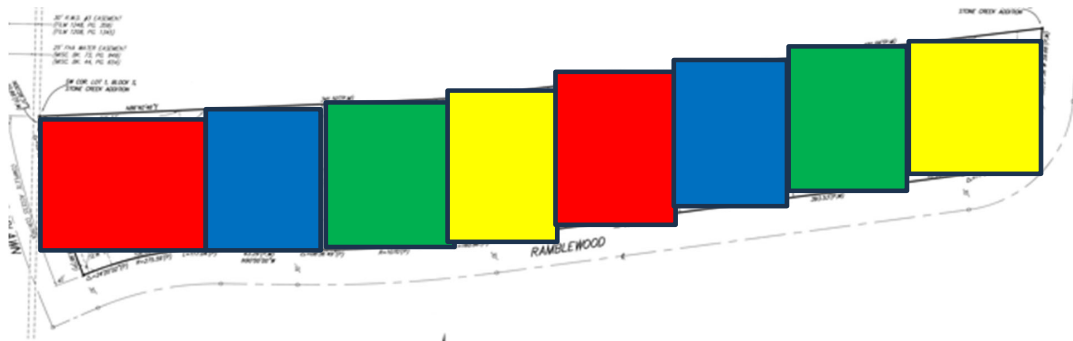
Corner Lot Example



Cul-de-Sac



Residential on One Side of the Street



DESIGN CRITERIA FOR ACCESSORY STRUCTURES

Accessory structures, other than outdoor living structures, over 200 sq. ft. in area, 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.

C. Bulk and Design Regulations.

1. Accessory structures and uses shall maintain the same side and front yard setback as required for the principal structure, unless they are permitted obstructions within the provisions of Section 303(F).
2. Accessory structures shall be set back at least five feet from the rear lot line, except that garages with entrances facing alleys shall be set back at least 10 feet. [See Section 901.A. for zoning permits on easements].
3. No part of any accessory structure shall be located closer to a principal structure than permitted by the applicable building and fire code.
4. Accessory structures and uses shall otherwise comply with the bulk regulations applicable in the district in which they are located, except that in residential districts, accessory structures shall be limited to 80% of the maximum structure height of the underlying district.
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.

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.

1005 ZONING ADJUSTMENTS.

The intent and purpose of this section is to allow for streamlined action on requests for minor modifications or adjustments to certain provisions of these regulations.

A. Authority. The Zoning Administrator, with the concurrence of the Development Director, shall have the authority to approve applications for zoning adjustments. For properties subject to site plan review pursuant to Section 305 of these regulations, the Planning Commission shall have the authority grant zoning adjustments as part of the site plan review process if it determines the request meets the standards in Section C below.

B. Authorized Zoning Adjustments. Zoning adjustments shall be limited to the following:

1. Reducing the minimum lot area, width, or depth by up to 10 percent.
2. Increasing the maximum structure height by up to 20 percent.
3. Reducing the minimum front, rear, or side yard by up to 20 percent.
4. Increasing the maximum lot coverage by up to 10 percent.
5. Reducing off-street parking and loading requirements, the required depth of parking stalls and the required width of circulation aisles by up to 25 percent.
6. Permitting off-street parking in residential districts to be located within the required front yard.
7. Increasing the maximum height of a sign by up to 10 percent.
8. Increasing the maximum size of a sign by up to 10 percent.
9. Increasing the permitted height of a fence located within a setback to a maximum of eight feet in height.

9-10. Reducing the compatibility setback by up to 25 percent.

The standards upon which exceptions and administrative adjustments are recommended to be amended to include a provision to promote affordable housing.

D. Standards. The Board may grant an exception based upon specific written findings of fact made after consideration of the request and any comments and/or evidence presented to the Board before and during the hearing provided in accordance with subsection C above in light of relevant factors, including but not limited to the following:

1. The proposed exception will not cause substantial injury to the value of other property in the neighborhood.
2. The location and size of the use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the exception will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.
3. Adequate utility, drainage, sidewalks and other such necessary facilities have been installed or will be provided by platting, dedications and/or guarantees.
4. Adequate access roads, entrance and exit drives and/or access control is available or will be provided by platting, dedications and/or guarantees and shall be designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
5. The exception will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
6. Orderly land use planning will be achieved in keeping with the goals and proposals of the Comprehensive Plan.
7. An alternative approach accomplishes the general spirit and intent of the provision in a manner that is equal to or better than strict compliance with the provision.
8. Strict compliance with the provision is not feasible due to topography, existing development, or a natural area or feature or constitutes an unnecessary hardship upon the property owner.
9. The proposed exception arises from such a condition that is unique to the property and that is not ordinarily found in the same zone or district.
10. The proposed exception would be compatible with existing or permitted uses in surrounding areas.
- 40-11. 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.

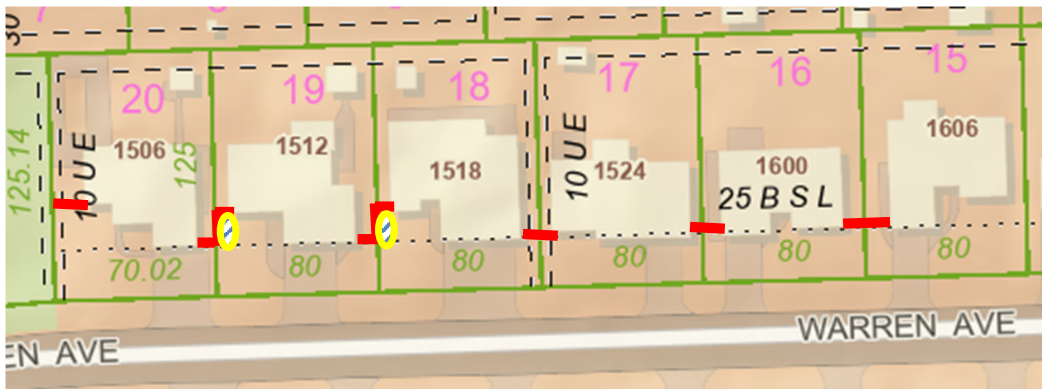
ENTRY MONUMENTS

The Zoning Regulations permit entry monuments for residential subdivisions; however, the design criteria are general nature and have resulted in the approval of entry monuments within medians that have proven to be problematic from a maintenance and visibility standpoint.

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.

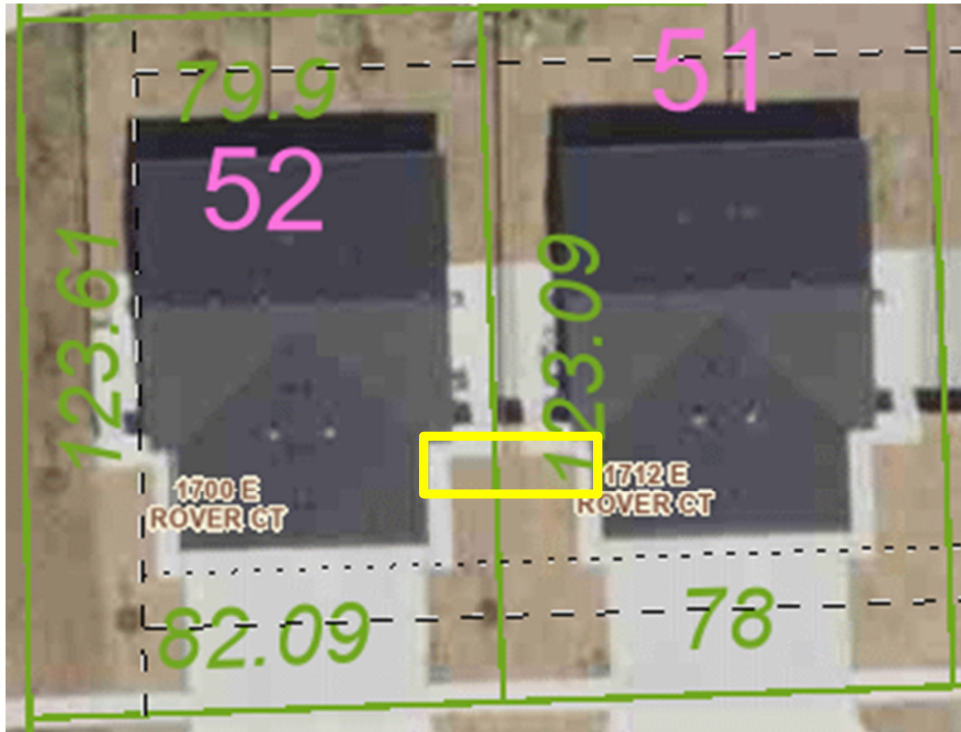
FENCES IN FRONT OF THE PRINCIPAL STRUCTURE

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 (example below with staggered fences shown in red and the area in question circled in yellow). 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.



- c. open and closed fences not exceeding eight feet in industrial districts and six feet in height in all other districts provided 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.

Fenced Access from Front Door to Side/Rear Yard (Additional Fenced Area in Yellow)



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.

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 ~~of 10 feet 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 ~~20 feet in 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.

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.

When an accessory structure is permitted within an easement, the owner is required to post and continuously maintain in a conspicuous place on the 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."

The allowance of accessory structures in an easement was added to the zoning regulations in 1993, with a subsequent amendment requiring the sign to be posted. Applications are received on a regular basis for accessory structure permits within easements, and code enforcement discovers a sizable number of accessory structures placed without permits in easements as well.

Based on the number of structures in easements, it appears past zoning administrators were rather liberal in their interpretation of what is “movable” or “does not significantly obstruct” and potentially allowed any accessory structure upon which the required sign was placed. The following amendment is recommended:

- a. An accessory structure that is movable-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."

USE LIMITATIONS IN B-1

In 2011, the Zoning Regulations were amended to limit medical services to 4,000 square feet in floor area in the B-1 district. At the time, there were four lots zoned B-1 with businesses larger than 4,000 square feet that became non-conforming. In 2021, the restriction was expanded to include business and professional offices; however, no businesses have been developed in the B-1 district in more than 20 years. An amendment is proposed that would remove the non-conforming status from the four structures by requiring the 4,000 square foot limitation only within 100 feet of property zoned R-1 or R-2. The four existing buildings meet the proposed setback.

E. Use Limitations.

1. Exterior lighting shall be shaded and/or directed to minimize light cast upon adjoining properties and public streets.
2. All business, service, storage, and display goods shall be located within a completely enclosed structure, except:
 - a) Paved customer and employee vehicle parking and paved parking for vehicles used in conjunction with the use occupying the zoning lot.
 - b) Outdoor recreation space for day care facilities incidental to a permitted use.
3. All structures shall be located on sites that are planted and landscaped, except for parking areas and hard-surfaces walks.
4. Off-street parking facilities shall not be used for the display of vehicles or items for sale.
5. The promotional activities of any business establishment shall not involve the following:
 - a) Outdoor use of string type lighting.
 - b) Outdoor use of sound projecting devices or loudspeakers.
 - c) Advertisement attached or painted to any wall or fence erected to provide screening from adjacent properties.
 - d) Outdoor placement of temporary signage or displays which advertise types of products, name brands or management policies.
6. Outdoor signs as permitted by Article 7 of these regulations, unless specifically prohibited by the text of this district.
7. Off-street parking and loading as required by Article 5 of these regulations.
8. Screening and Landscaping as required by Section 304 of these regulations.
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.
10. Financial institutions shall not have drive-through facilities.
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.

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. If cannabis is legalized in Kansas, it is proposed that the term “commercial cannabis cultivation/processing” would be added to the definition.

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.

OPEN HOUSE SUMMARY

On April 9, 2026, the City of Derby hosted an open house to garner community input regarding the proposed Zoning Regulation amendments for duplex density and design standards and building variety standards. The open house had 23 participants, 10 of whom completed the attached participant survey. At the open house, participants reviewed the attached posters and voted with dots on images of duplexes that they liked and did not like. The following is a summary of the feedback received.

Participant Survey

- The survey had 10 questions regarding participant's opinions about housing, and duplexes in particular.
- All ten respondents live in a single-family home that they own, so the responses are not representative of the Demographics of Derby, which is comprised of 72% single-family houses with 59% owner occupancy among all housing types.
- Of the participants, 40% indicated that they worried about being able to afford all of their housing expenses.
- Another 40% of the participants indicated that they know someone who would like to live in Derby but cannot afford the cost of housing.
- Eight of the 10 respondents indicated that they have family and friends that live in housing other than a single-family dwelling.
- Two-thirds of the respondents (6 responses) indicated that they are opposed to living in close proximity to duplexes or non-single-family houses.
- All of the respondents (5 responses) supported housing in Derby that is affordable for the people who work here and housing variety so that people can continue to live here as their housing needs change over their lifespan.
- Five of the six respondents indicated support for housing variety so that people can choose housing that meets their needs.
- Participants were evenly split (6 responses) on if their primary concern with duplexes is the appearance.
- Comments indicated that the houses at Decarsky Villas and Oak Forest Duplexes are ugly.
- Comments indicated that Derby has many affordable housing options and that most people living in Derby do not work here.

Open House Posters

- Participants prefer single-story designs over two-story.
- Of the compliant two-story designs on which participants voted, only one (Wheeler AB7953-A) received more favorable votes than non-favorable and one (Townhouse Duplex D-662) received no favorable votes at all.
- Participants generally did not prefer the non-compliant designs, with three of them (Ranch House Plan 70-1743, DR Horton-Olsen Twin Home, Ranch Duplex Plan D-659) receiving no favorable votes.
- Three of the non-compliant designs (Archival Designs AB5774-A, Archival Designs AB-7770-A, Archival Designs Raymond Q-4974-A) were favored by large majorities, including all favorable votes for Archival Designs AB5774-A.
- The favored non-compliant designs were all non-compliant because the garage door occupied more than 50% of the front façade and the garage protruded more than 5 feet in front of the front door.

**Duplex Design and Density Standards Open House
Participant Survey**

(Circle Your Answers)

1. I live in a:
 - a. Single-Family House
 - b. Duplex
 - c. Triplex/Fourplex
 - d. Apartment/Townhouse
 - e. Assisted Living
 - f. Other (please describe): _____

2. What is the ownership status of your house?
 - a. Own, no mortgage
 - b. Own, with mortgage
 - c. Rent
 - d. Other (please describe): _____

3. The amount I pay for housing is affordable to me, and I never worry about not being able to make a payment or being able to pay for repairs, taxes, and insurance.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree

4. I know someone that would like to live in Derby but cannot find an affordable place to live.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree

5. I have family and/or friends that live in (check all that apply):
 - a. Duplex
 - b. Triplex/Fourplex
 - c. Apartment/Townhouse
 - d. Assisted Living
 - e. None of the Above

6. I am opposed to living in close proximity to duplexes or non-single-family houses.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree
7. I believe Derby should be an affordable place to live for all who work here.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree
8. I think that Derby should have a variety of housing types so that people can continue to live here as their housing needs change over their lifespan.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree
9. I support a variety of housing types in Derby so that people can choose the type of housing that meets their needs.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree
10. My primary concern with duplexes is the way they look.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree

Comments:

Duplex Design & Density Standards

Derby annually updates its zoning and subdivision regulations as a best practice to ensure changing conditions and needs can be met in the community. One of the current priorities of City Council is duplex design standards and density. This topic is being addressed as part of this year's zoning and subdivision regulation updates. The goal is to support additional housing options while maintaining the character and visual appeal of Derby neighborhoods. These proposed standards would only apply to future development and would not affect existing homes or neighborhoods.

Duplexes remain an important part of our community housing mix, but the City has recently received proposals for very large duplex-only developments (40–50 acres). The proposed standards focus on creating clear standards that support housing choice while preventing repetitive, monotonous development patterns.

The goal is to encourage and allow a variety of housing types, require good design, and ensure compatibility with existing neighborhoods. Derby supports housing variety. Must be located at least 330 ft. from a lot zoned as an R-1 “Single-Family Residential” district (includes R-1, R-1B, and/or R-1C).

Proposed Regulation Updates are Intended to:

- Support housing choice by continuing to allow duplexes and other housing types in appropriate locations
- Prevent large-scale monotony
- Require design quality so duplexes look and function like neighborhoods
- Protect single-family neighborhoods through spacing, compatibility, and transition standards
- Create predictability so residents and developers/builders know what is expected

This project is not a ban on duplexes or an effort to stop growth or housing development in Derby. This project is:

- A community-focused update to improve design, variety, and compatibility
- A response to development patterns that raised concerns
- A way to keep Derby’s neighborhoods attractive, stable, and family-friendly

Building Variety Standards

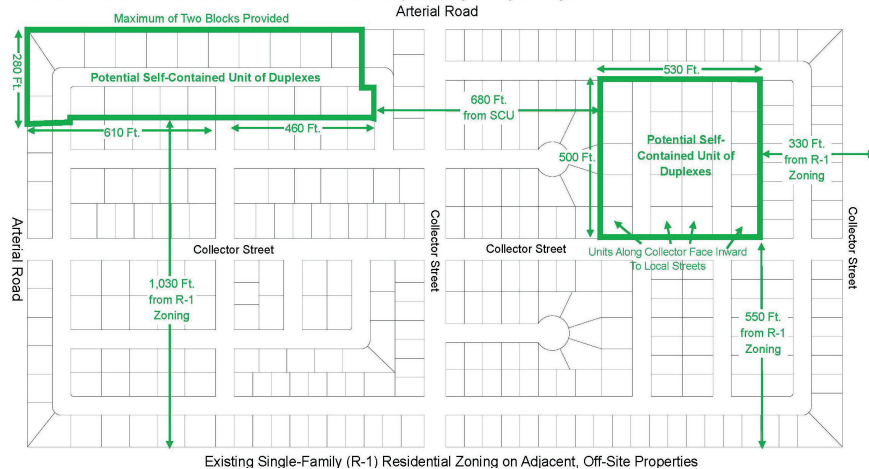
Similar concerns with large-scale monotonous single-family and two-family developments have led the City Council considering building variety standards. The proposed standards would prevent identical home designs from being located next to and across from one another. These standards would apply to all **new single-family and two-family dwellings in subdivisions platted since 2022.**

Self-Contained Units of Duplexes

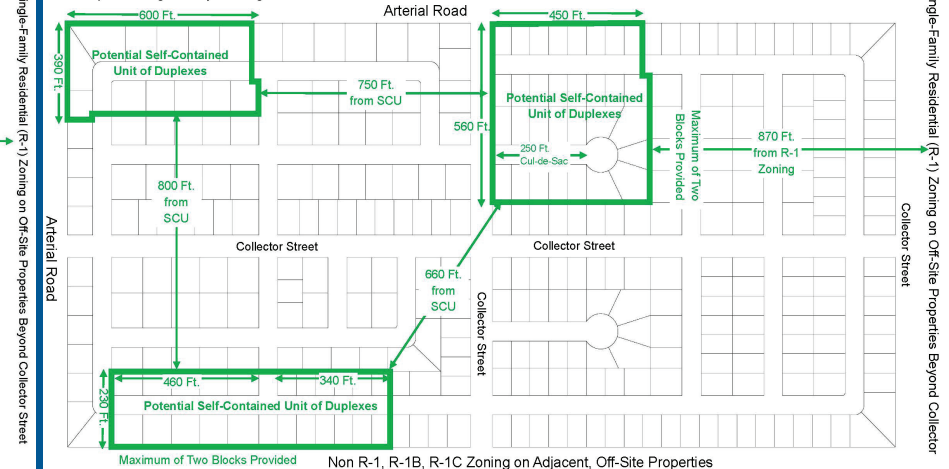
Two-family dwellings (duplexes) are proposed to be allowed by-right in the R-1A “Urban Density Residential District” if they meet specific location, density, and design standards. The proposed regulations would integrate duplexes in single-family residential neighborhoods as “self-contained units” with specific location and design standards in order to maintain visual harmony and computability in the neighborhood. Self-contained units of duplexes 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. Self-contained units of duplexes must comply with the following criteria:

- Must be located at least 330 ft. from a lot zoned as an R-1 “Single-Family Residential” district (includes R-1, R-1B, and/or R-1C)
- Must be a minimum of 660 ft. from another self-contained unit and a lot zoned R-2 “Two-Family Residential”
- May be located on a cul-de-sac so long as the cul-de-sac does not exceed 300 Ft. in length
- Self-Contained Unit lots are required to face similar types of lots across the street (i.e. duplexes cannot face single-family dwellings)
- Self-Contained Unit blocks cannot exceed 660 ft. in length. A maximum of two adjacent blocks are permitted.

Scenario 1: In this scenario, this R-1A “Urban Density Residential” zoned plat is bounded by existing R-1 “Single-Family Residential” zoned properties to the east and south and arterial roads (think Rock Rd./Meadowlark Blvd.) to the north and west. The green outlined areas are possible locations for self-contained units (SCU) of duplexes based on the existing conditions and proposed spacing requirements and size restrictions. The remainder of the non-outlined lots would be developed as single-family dwellings.



Scenario 2: In this scenario, this R-1A “Urban Density Residential” zoned plat is bounded by existing R-1 “Single-Family Residential” zoned properties to the east, non-single-family residential zoned properties, such as R-1A or B-3 “General Business District” to the south and arterial roads (think Rock Rd./Meadowlark Blvd.) to the north and west. The green outlined areas are possible locations for self-contained units (SCU) of duplexes based on the existing conditions and proposed spacing requirements and size restrictions. The remainder of the non-outlined lots would be developed as single-family dwellings.



Proposed Duplex Design Standards

The following design standards would apply to duplexes constructed in self-contained units within the R-1A “Urban Density Residential District.” Please note that these standards would not apply to duplexes in the R-2 “Two-Family Residential” and other zoning districts.

1. **Compatibility:** The appearance of single-family attached/two-family dwellings (duplexes) shall be compatible with the character of the neighborhood and shall use siding materials and roof designs compatible with dwellings in the neighborhood.
 - **Purpose:** To encourage architectural and material compatibility and harmony in neighborhoods between single-family and two-family residences.
2. **Front Door Entry:** A pedestrian-scaled entry shall be a prominent feature of the front faced with entry doors oriented to the street in front of each dwelling unit.
 - **Purpose:** To avoid front doors being located on the sides of dwelling, where they are non-visible from the street.
3. **Garage Limitation:** 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 (5 ft.) from the front wall line of the dwelling.
 - **Purpose:** Many duplexes constructed in recent years have front garages as the dominant feature of the façade, often occupying more than 50% of the façade area. This regulation will discourage this and also bring the front of the actually dwelling area closer to the front of the garage rather than being located further back.
4. **Parking:** 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
 - **Purpose:** Avoid all of the parking in front of dwellings. Note that each dwelling unit is required to provide a minimum of one off-street parking space.
5. **Front Windows:** The façade facing the street shall contain transparent, glazed areas (windows) 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 façade not containing livable area. The glazed are on doors, including garage doors, shall not be included in the calculation of the required area of glazing.
 - **Purpose:** To avoid front facades being devoid of front facing windows.
6. **Building Variety:** Dwellings shall comply with the Building Variety Standards, as further explained on another poster
 - **Purpose:** Prevent identical designs of dwellings from being located next to and across from one another.

Proposed Design Standards in Practice

Neighborhood Compatibility: The following examples portray duplex designs that both comply and do not comply with the proposed compatibility regulation. In this scenario, the single-family dwelling shown on the left in both examples is the typical form of single-family residence in a neighborhood, featuring gable roofs, vertical siding, and a prominent front porch. Due to this being the predominant form of the neighborhood, any two-family residence constructed must be of a similar form in order to be compatible.



Compliant: Both the single-family residence and the two-family residence feature a traditional design, gable roofs, prominent front porches, and similar siding.



Non-Compliant: The duplex lacks a gable roof and is of a different architectural style and materials as the single-family residence.

Front Door Entry, Front Windows, Garage Limitation: The following examples portray a duplex that complies and one does not with the proposed front door entry requirement, garage door limitation, and minimum front window(s) requirements.



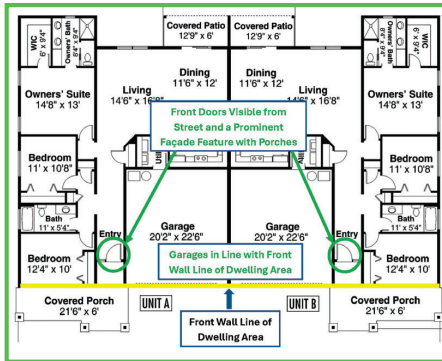
Compliant: The front doors are prominent and readily visible from the street. The garages occupy 46% of the façade area and windows occupy 12% of the façade area.

Non-Compliant: The entry doors are not visible from the street as they are located on the sides of the units. The garage doors occupy more than 50% of the façade and the windows are less than 10% of the façade area.



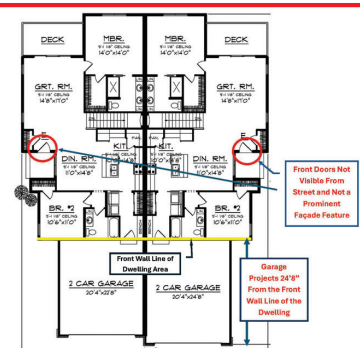
Proposed Design Standards in Practice

Front Door Entry and Front Dwelling Wall Line: The proposed regulations require front doors to be visible from the street as prominent front façade features and restrict garages from projecting no more than 5 ft. from the front wall line of the dwelling area. The following examples portray duplex designs that both comply and do not comply with the proposed regulations.



Compliant: The garages are in line with the front wall line of the dwelling areas. Front doors are clearly visible from the street with front porches, furthering its pedestrian appeal.

Non-Compliant: The garages project more than 5 ft. from the front wall line of the dwelling. Front doors are located nearly 45 ft. back from the front of the garages, on the sides of the house and are not visible from the street. This lends to the garage being the dominant façade feature.



Parking: Each dwelling unit is required to provide a minimum of one off-street parking space. The proposed regulation will restrict the required parking space to a garage interior or an exterior space behind the front line of the residence. Note that parking in addition to the minimum required parking is permitted in front of the residence, such as the driveway



Compliant: One-car garages for each dwelling unit are provided, fulfilling the requirement. Additional parking can be provided on the driveways fronting the units, so long as vehicles do not overhang into the public right-of-way.

Non-Compliant: While a high-quality design that complies with all other proposed design regulations, the required parking would be provided in front of the residence, which is not permitted. This can be remedied by locating parking on the sides of the residence, past the front wall. Please note that Zoning Regulations do not restrict required parking to solely garage interiors.



Building Variety Standards

Building Variety Standards: In an effort to avoid developments containing large amounts of identical or nearly identical single-family and two-family dwellings, Building Variety Standards, also known as Anti-Monotony Standards, are proposed for all **new single-family and two-family dwellings**. Under the proposed standards, a dwelling's exterior appearance cannot be identical to those next to or across from it. A dwelling must meet three or more of the following criteria in at least two of the following categories in order to be considered different from surrounding dwellings:

Category 1: Roof Lines, which can be differentiated by:

- Gable Roof Addition to a Predominantly Hip Roof
- Hip Roof Addition to a Predominantly Gable Roof
- Gable or Hip Projections Above Windows
- Window Dormers
- Change in Soffit Overhang or Eave Height
- Addition of Skylights, Cupolas, or similar treatments

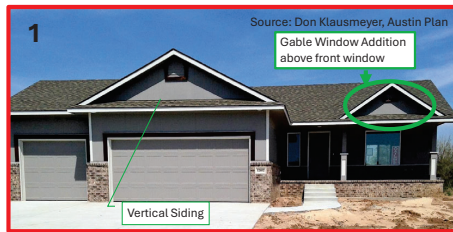
Category 2: Windows, which can be differentiated by:

- Size, Location, or Type of Windows
- Changing from Single Windows to a Multiple Window Treatment
- Changing from a Multiple Window Arrangement to a Single Window
- Providing a Bay Window or Other Decorative Window Treatment in a Prominent Location of the Front Facade

Category 3: Exterior Materials, which can be differentiated by:

- Width of Siding Material
- Orientation of Siding Material (Horizontal or Vertical)
- Brick Facing
- Stucco or Similar Facing
- Color Change, which cannot be merely a shade change

In the following demonstration, a developer has selected to construct a neighborhood with four house styles that have differing exterior finishes and treatments to comply with the criteria. Two of the houses are the same model with the same floor plan but meet the standards due to different exterior finishes.



House Styles 3 & 4: These two houses are the same model but meet the variety standards due to different roof lines, window shapes, siding materials and orientation, and differing brick/stone. The colors of the houses could also be easily changed to provide a fourth differentiating characteristic.



House Styles 1 & 2: These two houses are the same model but meet the variety standards due to different roof lines, siding materials and orientation, and differing brick/stone. The colors of the houses could easily be changed to provide a fourth differentiating characteristic.



Example Compliant Duplex Designs

The following designs comply with the proposed duplex design standards when duplexes are constructed in the R-1A “Urban Density Residential District.” Review the designs and use the green and red dots to rate your preferences and non-preferences

Source and Plan Number: Houseplans.com - Traditional County Farmhouse 430-315

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 60 sq. ft. (12.7% of Façade Area)
- ✓ Garage Area: 219 sq. ft. (46% of Façade Area)
- ✓ Front Wall Setback from Garage: 5 Ft.



Rate this Design in Space Below
Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Source: Archival Designs – Colbourne Springs AB5973-A

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 162 sq. ft. (17% of Façade Area)
- ✓ Garage Area: 378 sq. ft. (39.7% of Façade Area)
- ✓ Front Wall Setback from Garage: 5 Ft.



Rate this Design in Space Below
Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Source and Plan Number: Associated Designs- Artondale 60-059

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 188 sq. ft. (14% of Façade Area)
- ✓ Garage Area: 224 sq. ft. (27% of Façade Area)
- ✓ Front Wall Setback from Garage: In-Line



Rate this Design in Space Below
Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Source and Plan Number: Houseplans.com Traditional Craftsman County 124-1298

- ✓ Front Doors are Visible from Street
- ✓ Front Windows Provided: 82 sq. ft. (11 % of Façade Area)
- ✓ Garage Area: 360 sq. ft. (48 % of Façade Area)
- ✓ Front Wall Setback from Garage: In Line



Rate this Design in Space Below
Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Example Compliant Duplex Designs

The following designs comply with the proposed duplex design standards when duplexes are constructed in the R-1A “Urban Density Residential District.” Review the designs and use the green and red dots to rate your preferences and non-preferences

Source and Plan Number: Archival Designs – Wheeler AB7953-A

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 140 sq. ft. (10.2% of Façade Area)
- ✓ Garage Area: 360 sq. ft. (26% of Façade Area)
- ✓ Front Wall Setback from Garage: In Line



Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Source: Donald Gardner Architects – The DeVille Plan 8101

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 166 sq. ft. (16.6% of Façade Area)
- ✓ Garage Area: 396 sq. ft. (39.6% of Façade Area)
- ✓ Front Wall Setback from Garage: Front Wall Projects Approximately 10 Ft. Beyond Garage



Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Source and Plan Number: Flintrock Builders – Nolan (Temple, TX)

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 60 sq. ft. (15.6% of Façade Area)
- ✓ Garage Area: 160 sq. ft. (41.6% of Façade Area)
- ✓ Front Wall Setback from Garage: 5 Ft.



Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Source and Plan Number: Houseplans.pro - Town House Duplex D-662

- ✓ Front Doors are Visible from Street
- ✓ Front Windows Provided: 80 sq. ft. (11.8 % of Façade Area)
- ✓ Garage Area: 198 sq. ft. (29 % of Façade Area)
- ✓ Front Wall Setback from Garage: 5 Ft.



Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Example Non-Compliant Duplex Designs

The following designs do not comply with the proposed duplex design standards when duplexes are constructed in the R-1A “Urban Density Residential District.” Review the designs and use the green and red dots to rate your preferences and non-preferences.

Source and Plan Number: Archival Designs – AB5774-A

- ✓ Front Doors are Visible from Street
- ✓ Front Windows Provided: 88 sq. ft. (14% of Façade Area)
- ✗ Garage Area: 342 sq. ft. (55% of Façade Area)
- ✗ Front Wall Setback from Garage: ~19 Ft.



Rate this Design in Space Below
Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Source and Plan Number: Archival Designs – Raymond Q4975-A

- ✓ Front Doors are Visible From Street
- ✗ Front Windows Provided: 60 sq. ft. (7.75% of Façade Area)
- ✓ Garage Door Area: 351 sq. ft. (45% of Façade Area)
- ✓ Front Wall Setback from Garage: In Line



Rate this Design in Space Below
Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Source and Plan Number: HousePlans.com – Ranch House Plan 70-1473

- ✗ Front Doors are Not Visible From Street
- ✗ Front Windows Provided: 24 sq. ft. (4.4% of Façade Area)
- ✗ Garage Area: 360 sq. ft. (66% of Façade Area)
- ✗ Front Wall Setback from Garage: 25 Ft.



Rate this Design in Space Below
Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Source and Plan Number: DR Horton- Olsen Twin Home (Ankeny, IA)

- ✓ Front Doors are Visible From Street
- ✗ Front Windows Provided: 36 sq. ft. (8 % of Façade Area)
- ✗ Garage Door Area: 320 sq. ft. (70 % of Façade Area)
- ✗ Front Wall Setback from Garage: 20 Ft.



Rate this Design in Space Below
Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Example Non-Compliant Duplex Designs

The following designs do not comply with the proposed duplex design standards when duplexes are constructed in the R-1A “Urban Density Residential District.” Review the designs and use the green and red dots to rate your preferences and non-preferences.

Source and Plan Number: Archival Designs – AB7770-A

- ✓ Front Doors are Visible from Street
- ✓ Front Windows Provided: 112 sq. ft. (15.5% of Façade Area)
- ✗ Garage Area: 396 sq. ft. (55% of Façade Area)
- ✗ Front Wall Setback from Garage: 8 Ft.



A two-story duplex with a brick and stone exterior, multiple gables, and two large white garage doors. The front yard is landscaped with green grass and some shrubs.

Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Source and Plan Number: Archival Designs – Raymond Q4975-A

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 74 sq. ft. (12% of Façade Area)
- ✗ Garage Door Area: 342 sq. ft. (56% of Façade Area)
- ✗ Front Wall Setback from Garage: 10 Ft.



A two-story duplex with a grey and white exterior, multiple gables, and two large white garage doors. The front yard is landscaped with green grass and some shrubs.

Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Source and Plan Number: Houselans.pro – Ranch Duplex Plan D-659

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 40 sq. ft. (10% of Façade Area)
- ✓ Garage Area: 360 sq. ft. (66% of Façade Area)
- ✗ Front Wall Setback from Garage: 20 Ft.



A two-story duplex with a dark roof, large windows, and two large grey garage doors. The front yard is landscaped with green grass and some shrubs.

Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Source and Plan Number: Architectural Designs – Modern Farmhouse Duplex 623194DJ

- ✓ Front Doors are Visible From Street
- ✗ Front Windows Provided: 76 sq. ft. (8% of Façade Area)
- ✓ Garage Door Area: 342 sq. ft. (36 % of Façade Area)
- ✗ Front Wall Setback from Garage: 12 Ft.



A two-story duplex with a white and blue exterior, multiple gables, and two large grey garage doors. The front yard is landscaped with green grass and some shrubs.

Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design



MINUTES

Planning Commission Meeting

6:30 PM - Thursday, April 16, 2026
Council Room

The Planning Commission of the City of Derby was called to order on Thursday, April 16, 2026, at 6:30 PM, in the Council Room, with the following members present:

PRESENT: Mitch Adams
Weston Heflin
Phil Heseltine
Eric Petre
Shane Price
Dana Quigley
Gary Renberger
Dale Wells
Jamie Werbin
Chris Voth

ABSENT:

- 1 **CALL MEETING TO ORDER**
- 2 **ROLL CALL**
- 3 **CONSIDERATION OF MINUTES**
 - 3.1 **Adoption of Minutes**

Gary Renberger moved, seconded by Weston Heflin, to approve the regular meeting minutes of March 19, 2026, as presented.

RESULT:	Carried
MOVER:	Gary Renberger
SECONDER:	Weston Heflin
AYES:	Mitch Adams, Weston Heflin, Phil Heseltine, Eric Petre, Shane Price, Dana Quigley, Gary Renberger, Jamie Werbin, and Chris Voth
ABSTAINED:	Dale Wells

4 **PUBLIC FORUM**

Anthony Neises, 1119 E. Thorn Apple St., addressed the Commission regarding the proposed apartment complex at the northeast corner of Patriot Ave. and Triple Creek Dr. (Stone Creek 6th) as well as the proposed amendments to the compatibility setback. The development proposes six three-story apartment buildings and five duplexes for a total of 154 units. He

previously spoke to the City Council during public forum and encouraged the Commission to review the video recording as it encapsulates many of their concerns with this development. Concerned with the reduction of the compatibility setback that is essential to the privacy of Derby citizens. The preliminary design of the project has the duplexes 10 ft. from the north property line, which is shared with single-family residences, and apartments are separated by less than 50 ft. from the east property line. During a Q&A meeting held last week, City staff assured residents that there would be a redesign of the project to accommodate compatibility setbacks. He was surprised to see there is a proposal to reduce this compatibility setback by 25% when reviewing this meeting's agenda. Most houses in Derby are 50 ft. from the rear property line. Reducing the compatibility setback will push the multi-story apartments even closer to the east property line and reduce privacy with windows peering into those residents' backyards. Similar concern with the duplexes along the north, which could be even closer to the property line if the proposed adjustment is approved. Very few developments in Derby observe the required minimum compatibility setbacks when considering the blend between single-family dwellings and multi-family dwellings. Recommending against the inclusion of an amendment for administrative adjustments to compatibility setbacks since the 25 ft. to 50 ft. required setbacks are already a bare minimum and very little space to begin with. He perceives that this amendment, like many requested waivers, will be used by developers to squeeze as much density as possible on lots. If a developer has a design that truly requires an additional 6 ft. to make feasible, perhaps that design is not appropriate for that lot. That is such a small margin that it makes him question the need for the reduction in the first place. This reduction erodes the spacing and privacy protections of those single-family dwellings. At the same Q&A meeting, it was made clear that waivers are granted to regulations all the time for a variety of reasons. The criteria used to review adjustments are poorly defined, vague, and open to broad interpretation. He can see a request being made for every development that requires a compatibility setback and under the vaguely defined criteria and the precedent that waivers are granted all the time, compatibility setbacks will always be effectively reduced by 25%. Recommends that the Planning Commission vote down the amendment changes to the compatibility setback to ensure that all Derby citizens are afforded the basic spacing and privacy protections that make Derby a great city to live in. Do support growth and development in the community but want developments that match the character of the surrounding environment and meet or exceed the minimum compatibility setbacks. Derby citizens deserve the space and privacy that compatibility setbacks provide without reduction.

5 NEW BUSINESS

5.1 Public Hearing: Zoning and Subdivision Regulation Amendments

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 people:
 - 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 recommended amendments were presented to the Planning Commission on March 19, 2026, and the Planning Commission voted set a public hearing on April 16, 2026, to formally consider the recommended amendments for adoption.
- The City is scheduled to host 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.
 - The outcome of the open house will be reported 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.
- Upon conclusion of the public hearing, the Planning Commission is required to make a recommendation to the City Council regarding the proposed zoning and subdivision regulation amendments.
 - The recommendation must be passed by a majority vote of the entire membership of the Planning Commission, which requires a minimum of six affirmative votes.
- The recommended amendments will be submitted to the City Council for consideration along with a written summary of the public hearing.
 - The recommendation of the amendments includes authorization for City staff to make any necessary adjustments to numbering, spacing, and formatting of the regulations before submission to the City Council.

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

- Recommend approval to the City Council of the proposed amendments to the zoning and subdivision regulations with authorization for city staff to make necessary adjustments to numbering, spacing, and formatting prior to presentation to the City Council; and direct the secretary to submit the proposed amendments to the City Council for consideration, along with a

written summary of the public hearing.

PUBLIC HEARING OPEN

Commissioner Adams opened the public hearing and determined that a quorum was present. Adams asked if proper notice had been given.

Scott Knebel, City Planner announced that proper notice had been given in accordance with State law.

Adams asked staff to introduce the proposed amendments.

Knebel introduced the agenda item and also summarized the results of the April 9 open house, which is attached to these minutes for reference. Each amendment item was reviewed individually:

1. Permitted Material for Non-Screening Fences

Commissioner Adams noted that the Planning Commission previously reviewed the proposed amendments at the March 19 meeting. This is not the first and only time they have reviewed the proposals and made comments/asked questions.

The Commission had no questions pertaining to the proposed amendment.

2. Permitted Size of Outdoor Display Areas in B-3 and B-4

The Commission had no questions pertaining to the proposed amendment.

3. Lot Splits with Access by Easement

The Commission had no questions pertaining to the proposed amendment.

4. Time Extensions for Temporary Use Permits

The Commission had no questions pertaining to the proposed amendment.

5. Equipment Rental and Sales

The Commission had no questions pertaining to the proposed amendment.

6. Front Yard Utility Easements

Commissioner Quigley asked if Everygy requesting front easements is not just a Derby issue but rather a larger metropolitan issue.

Knebel confirmed that is correct. Everygy is asking for front easements in most communities in the Wichita metropolitan. Derby is among the first to accommodate Everygy's request by amending its Subdivision Regulations.

7. Parking Requirements

The Commission had no questions pertaining to the proposed amendment.

8. Duplex Design Standards and Density Options

Commissioner Wells asked if a percentage/size limitation will be applied to self-contained units of duplexes, depending on the size of the overall development. Is that feasible?

Knebel answered that self-contained units will be governed by a maximum size and minimum distance/separation requirements. The more land you have, the more opportunity you have to get more units that meet the separation

requirements. Larger developments will have more opportunity to get more than one self-contained unit of duplexes as opposed to smaller developments.

Wells stated that an 80 acre development, for example, may have two self-contained units that are separated. Wells have if they could be contiguous and if there are separation requirements between the duplexes and existing single-family residences. Are the self-contained unit blocks defined by specific parameters?

Knebel answered that self-contained units cannot be contiguous and there are separation requirements from existing single-family residences. Blocks of self-contained units can be no longer than 600 ft. and no more than 2,400 ft. in perimeter.

Wells asked if the purpose of the proposed regulations is to avoid another Villas at Decarsky Park development.

Knebel answered that is one driver.

Wells stated he wanted to clarify that the Commission is not creating a situation where there is only a block left for single-family development in a smaller plat.

Knebel responded that more than likely, based on how the proposed regulations are worded, a developer is not going to be able to take an R-1A parcel of any size and develop the majority of it as duplexes. The development is going to be majority single-family regardless of the layout of the self-contained units of duplexes. Knebel clarified that the proposed standards will only apply to duplexes in the R-1A district. If an applicant requests R-2 "Two-Family Residential" zoning, the proposed standards would not apply. However, the comprehensive plan discourages larger, duplex only developments and instead encourages smaller developments with a mixture of housing types.

9. Building Variety Standards

Commissioner Heseltine asked how the design standards would affect the property and proposed layout of the plat at the northeast corner of Triple Creek Dr. and Patriot Ave. (Stone Creek 6th Addition). It seems that some of these standards would affect the design of that development.

Knebel answered that the proposed building variety standards would only apply to single-family and two-family housing, not multi-family residential, which are instead governed by the Design Criteria of the Zoning Regulations, which already exist.

Heseltine asked if the Stone Creek 6th property is zoned for multi-family residential development.

Knebel answered it is zoned I-1 "Institutional" which permits multi-family residential among other uses. Knebel added that buildings in multi-family residential developments are typically identical which is actually desirable. The existing Design Criteria focuses more on what the buildings look like compared to the proposed building variety standards which are not implementing the same standards as the Design Criteria but instead focusing on building variety. The Stone Creek 6th development is a multi-family development so it will be subject to the existing Design Criteria, not the proposed building variety standards. Conformance with the Design Criteria is reviewed during site plan review.

Commissioner Quigley asked if the proposed duplex design standards and building variety standards will only apply to the R-1A district.

Knebel answered that the duplex design and density standards will only apply to the R-1A district but the building variety standards will apply to all single-family and two-family development in plats (subdivisions) recorded since 2022.

10. Design Criteria for Accessory Structures

The Commission had no questions pertaining to the proposed amendment.

11. Administrative Adjustment of the Compatibility Setback

Knebel clarified that the proposed amendment is to not reduce the compatibility setback requirement but instead provide a secondary method by which an applicant could seek a reduction up to 25% of the compatibility setback. Under the current regulations, any reduction of the compatibility setback requires an Exception by the Board of Zoning Appeals. Administrative adjustments are reviewed under the same criteria as Exceptions. The speaker during public forum stated there is no evidence of compatibility setbacks being implemented in the city and that is because it is a relatively new requirement, since 2022, and has never been applied. There was one project that underwent site plan review where a compatibility setback is required but it has not yet been constructed. Knebel further clarified that the criteria used to consider modifications to the Subdivision Regulations completely differ from the criteria for adjustments.

Heseltine asked if the designer for the Stone Creek 6th project submitted a request to change the compatibility setback requirement.

Knebel answered they have not. They are still going through the platting process. The buildings identified on the preliminary plat's utility plan are shown in order to provide a visual on how utilities will be routed through the site to serve the buildings. However, he believes the applicant is considering a redesign in order to take access from Patriot Ave. rather than Triple Creek Dr. He is uncertain what the design of the final plat will be.

Heseltine asked if the final plat will come back before the Planning Commission.

Knebel confirmed that is correct along with site plan review, which follows the platting process. Site plan review will cover the specifics of how the buildings will be sited, design, and parking.

Commissioner Werbin asked what are the checks and balances during the administrative adjustment review process that assures people that the City is going to prioritize their best interests.

Knebel answered that administrative adjustments are granted or denied based on a set of criteria, the same criteria that the Board of Zoning Appeals reviews for Exceptions. The request has to satisfy those criteria in order to be eligible for an adjustment. Wichita has used compatibility setbacks for decades and what typically occurs is there is a project with a compatibility setback next to a vacant parcel. In some cases, the developer owns both parcels and wants to build up to the property line but cannot due to the compatibility setback. That is the most common scenario where the setback reduction is approved. Another common scenario is where the setback is required to be 25 ft. but the developer needs 23 ft.

Werbin asked if administrative adjustments are included in platting/site plan review processes or if they are separate review processes.

Knebel answered that administrative adjustments are independent from site plan review/platting processes. The Planning Commission would consider an adjustment if someone wanted to appeal the administrative decision. People have 30 days to appeal a decision.

12. Entry Monuments

The Commission had no questions pertaining to the proposed amendment.

13. Fences in Front of the Principal Structure

The Commission had no questions pertaining to the proposed amendment.

14. Width of Pedestrian Access Ways

The Commission had no questions pertaining to the proposed amendment.

15. Accessory Structures in Easements

Everett Haynes, Assistant City Planner, stated that out of the all the proposed amendments, this particular amendment will most likely be the most controversial and difficult to implement, specifically with homeowners wanting to place an accessory structure as close to the property lines as possible. Currently, accessory structures are required to observe a 5 ft. rear setback, which is typically where the 10 ft. utility easement is located. Now, structures will have to be a minimum of 10 ft. from the rear property line.

The Commission had no questions pertaining to the proposed amendment.

16. Use Limitations in the B-1 District

The Commission had no questions pertaining to the proposed amendment.

17. Basic Industry

The Commission had no questions pertaining to the proposed amendment.

Adams asked commissioners to report any *ex parte* communications. No *ex parte* communications were reported.

Anthony Neises, 1119 E Thorn Apple St., referred to the language provided on page 92 of the agenda packet. He understands that a developer/property owner could request an Exception and it would only have to meet one of the 11 criteria. Some of the criteria very specific while others are vague, specifically items 5, 9, and 10. He does not see how the property owner could not make an argument that a 25% reduction of the compatibility setback is justified based on those grounds. A new proposed criteria is consideration of housing affordability. Property owner could just argue that the housing is affordable to justify the reduction of a compatibility setback, even if they are not. The property owner could just change the cost of the rent and the City can do nothing about it. Any developer/property who reads the criteria can justify why they need an Exception and he does not see how it will be not be granted by the City.

Knebel responded that that is a mischaracterization of the Exception process, which involves a detailed analysis. It is not as simple of a process where an applicant can just make an application with weak arguments and supporting materials and the Board of Zoning Appeals just approves it. Staff and the Board are very conscious at reviewing all of the criteria in detail and ensuring that everyone in the community is protected.

Voth asked if the appeal process would escalate the request to the Board of Zoning Appeals for review.

Knebel confirmed if an appeal is submitted for the decision of an administrative adjustment, the request would be brought to the Board of Zoning Appeals for review. Exceptions always go to the Board of Zoning Appeals first as public hearing items. Exceptions, as public hearings, require public notice and

notification to adjacent property owners.

Neises thanked the Commission for the response and their time. He is learning about the planning processes. His concern is the language being used for the Stone Creek 6th property, where the City is continuing to say that the zoning has been in place for years and there is nothing the City can do about it. He is concerned that same type of language will be applied to some of the Exception criteria. Understands that the Commission gets put in a difficult position when it implements new codes since it will now have to litigate them.

Knebel clarified that under the current code, an applicant can seek a 100% reduction of a compatibility setback as an Exception request. The only change that is being proposed is to authorize staff to consider and grant/deny requests to reduce the compatibility setback up to 25%. Any further reduction will trigger an Exception request, requiring a public hearing before the Board of Zoning Appeals.

Neises asked if administrative adjustments require public hearings.

Knebel answered that an administrative adjustment to reduce the compatibility setback up to 25% does not require a public hearing. Any further reduction requires a public hearing as an Exception case brought before the Board of Zoning Appeals.

Neises stated he has an issue with a 25% reduction not requiring a public hearing.

Knebel added that an administrative adjustment still require the application of the same criteria as an Exception. Administrative adjustment reviews are administrative but the decision can be appealed to the Board of Zoning Appeals.

Neises hopes that this would be applied fairly in the situations that it would.

Adams stated that it always the intention.

Knebel stated he would be willing to meet with Mr. Neises to discuss how the process works and the ethics he is bound to as a certified planner.

Werbin noted that Exceptions and Administrative Adjustments are reviewed per not only the standards listed in the regulations but also other relevant factors. He likens it to being able to file a lawsuit for anything he wants but when it gets to litigation, the suit may have no standing. He believes that is the approach the City takes when considering such requests. Staff is required to comply with a robust review process for adjustments up to 25% and the Board trust that staff is looking out for our interests. However, if the request is for a reduction greater than 25%, it will come to the Board for review and a decision. Decisions are not just made arbitrarily and sometimes decisions are made that he does not personally like but it is more important that the decision was made fairly and objectively.

Adams noted that the proposed amendment is not intended to make it easier for developers but it is very costly to go through the Exception process before the Board of Zoning Appeals. Mr. Knebel has over 30 years of planning experience and so much goes into the planning processes. Understands the interests of Mr. Neises who lives in Stone Creek but many different areas have different situations and instead of making applicants go through the entire Exception process for a minor adjustment, they are amending the code to authorize administrative adjustments up to 25% by City staff, which not only include the planning staff but also engineers, fire marshal, and building code officials. Sometimes it makes more sense to have minor adjustments approved administratively than brought before the Board of Zoning Appeals.

Haynes added that the vast majority of Administrative Adjustment requests are made by homeowners. Otherwise, they would have to go through the Exception

process which involves a \$350 application fee and an ownership list of property owners within 200 ft. of the subject property, which are typically several hundred dollars. The total costs can range from \$500 to \$1,000 for an Exception. The most common request is to increase fence heights from 6 ft. to 8 ft., which typically involves a situation where an adjacent property is higher and looks "down" into the subject property. City engineering, police, the fire marshal, and the building trades officials review the request to ensure it complies with applicable codes and does not conflict with public health, safety, and/or welfare. It is not necessarily an arduous process but the same level of review is adhered to as Exception cases are but without the costs. However, there are still limitations on what and how much staff can approve administratively.

Neises thanked the Commission for its time and as they are learning more about and going through the process, they are open to dialogue and collaboration on these matters. How this (the Stone Creek 6th) development has come across has been unusual with the I-1 zoning and no one can refute it. He would not be speaking if he was not concerned about this type of process leading something becoming closer and closer to his and others' property lines. Wants to ensure that his concerns are voiced and known and that this type of development makes sense for their properties and neighborhood.

Heseltine thanked Mr. Neises for his comments and being part of the process. Heseltine asked the public to let the Commission know when they believe it is not being transparent enough as he would like the Commission to get ahead of that and be as transparent as possible.

Chris Voth moved, seconded by Dana Quigley, to recommend approval to the City Council of the proposed amendments to the zoning and subdivision regulations with authorization for city staff to make necessary adjustments to numbering, spacing, and formatting prior to presentation to the City Council; and direct the secretary to submit the proposed amendments to the City Council for consideration, along with a written summary of the public hearing.

RESULT:	Carried
MOVER:	Chris Voth
SECONDER:	Dana Quigley
AYES:	Mitch Adams, Weston Heflin, Phil Heseltine, Eric Petre, Shane Price, Dana Quigley, Gary Renberger, Dale Wells, Jamie Werbin, and Chris Voth

Adams thanked those in attendance and the Commission does listen and consider the public's thoughts and input. The Commission is comprised of volunteers and appreciates feedback which will continue through the Stone Creek 6th process to ensure it is done right.

Knebel added that the City Council will consider the amendments at its May 12 meeting.

6 ANNOUNCEMENTS

Commissioner Adams asked for announcements from the Commission. None were given. Adams announced that the next scheduled meeting is May 7 and

asked if agenda items were scheduled.

Scott Knebel, City Planner, answered there are two agenda items scheduled for the May 7 meeting: two preliminary plats.

Adams asked if any commissioners anticipated being absent from the May 7 meeting. No Commissioners indicated they would be absent.

7 ADJOURNMENT

Gary Renberger moved, seconded by Dale Wells, to adjourn at 7:35 p.m.

RESULT:	Carried
MOVER:	Gary Renberger
SECONDER:	Dale Wells
AYES:	Mitch Adams, Weston Heflin, Phil Heseltine, Eric Petre, Shane Price, Dana Quigley, Gary Renberger, Dale Wells, Jamie Werbin, and Chris Voth

Everett Haynes, Recording Secretary

Mitch Adams, Chair

**Planning Commission
Public Forum
General Comments**

1. NAME Anthony ~~Deigo~~ Neises (Nigh-sus)
ADDRESS 1119 E. Thorn Apple St.
2. NAME - SET BACKS - TO SMALL (REDUCED)
- SPACING & PRIVACY
ADDRESS _____
3. NAME _____
ADDRESS _____
4. NAME _____
ADDRESS _____
5. NAME _____
ADDRESS _____
6. NAME _____
ADDRESS _____
7. NAME _____
ADDRESS _____
8. NAME _____
ADDRESS _____
9. NAME _____
ADDRESS _____

Public Hearing
Zoning and Subdivision Regulation Amendments
(Please Sign-Up if You Desire to Speak During the Public Hearing on
this Item)

1. NAME Anthony Neises
ADDRESS 1119 E Thorn Apple
2. NAME _____
ADDRESS _____
3. NAME _____
ADDRESS _____
4. NAME _____
ADDRESS _____
5. NAME _____
ADDRESS _____
6. NAME _____
ADDRESS _____
7. NAME _____
ADDRESS _____
8. NAME _____
ADDRESS _____
9. NAME _____
ADDRESS _____
10. NAME _____
ADDRESS _____



OPEN HOUSE SUMMARY

On April 9, 2026, the City of Derby hosted an open house to garner community input regarding the proposed Zoning Regulation amendments for duplex density and design standards and building variety standards. The open house had 23 participants, 10 of whom completed the attached participant survey. At the open house, participants reviewed the attached posters and voted with dots on images of duplexes that they liked and did not like. The following is a summary of the feedback received.

Participant Survey

- The survey had 10 questions regarding participant's opinions about housing, and duplexes in particular.
- All ten respondents live in a single-family home that they own, so the responses are not representative of the Demographics of Derby, which is comprised of 72% single-family houses with 59% owner occupancy among all housing types.
- Of the participants, 40% indicated that they worried about being able to afford all of their housing expenses.
- Another 40% of the participants indicated that they know someone who would like to live in Derby but cannot afford the cost of housing.
- Eight of the 10 respondents indicated that they have family and friends that live in housing other than a single-family dwelling.
- Two-thirds of the respondents (6 responses) indicated that they are opposed to living in close proximity to duplexes or non-single-family houses.
- All of the respondents (5 responses) supported housing in Derby that is affordable for the people who work here and housing variety so that people can continue to live here as their housing needs change over their lifespan.
- Five of the six respondents indicated support for housing variety so that people can choose housing that meets their needs.
- Participants were evenly split (6 responses) on if their primary concern with duplexes is the appearance.
- Comments indicated that the houses at Decarsky Villas and Oak Forest Duplexes are ugly.
- Comments indicated that Derby has many affordable housing options and that most people living in Derby do not work here.

Open House Posters

- Participants prefer single-story designs over two-story.
- Of the compliant two-story designs on which participants voted, only one (Wheeler AB7953-A) received more favorable votes than non-favorable and one (Townhouse Duplex D-662) received no favorable votes at all.
- Participants generally did not prefer the non-compliant designs, with three of them (Ranch House Plan 70-1743, DR Horton-Olsen Twin Home, Ranch Duplex Plan D-659) receiving no favorable votes.
- Three of the non-compliant designs (Archival Designs AB5774-A, Archival Designs AB-7770-A, Archival Designs Raymond Q-4974-A) were favored by large majorities, including all favorable votes for Archival Designs AB5774-A.
- The favored non-compliant designs were all non-compliant because the garage door occupied more than 50% of the front façade and the garage protruded more than 5 feet in front of the front door.

Duplex Design and Density Standards Open House Participant Survey

(Circle Your Answers)

1. I live in a:
 - a. Single-Family House
 - b. Duplex
 - c. Triplex/Fourplex
 - d. Apartment/Townhouse
 - e. Assisted Living
 - f. Other (please describe): _____
2. What is the ownership status of your house?
 - a. Own, no mortgage
 - b. Own, with mortgage
 - c. Rent
 - d. Other (please describe): _____
3. The amount I pay for housing is affordable to me, and I never worry about not being able to make a payment or being able to pay for repairs, taxes, and insurance.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree
4. I know someone that would like to live in Derby but cannot find an affordable place to live.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree
5. I have family and/or friends that live in (check all that apply):
 - a. Duplex
 - b. Triplex/Fourplex
 - c. Apartment/Townhouse
 - d. Assisted Living
 - e. None of the Above

6. I am opposed to living in close proximity to duplexes or non-single-family houses.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree
7. I believe Derby should be an affordable place to live for all who work here.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree
8. I think that Derby should have a variety of housing types so that people can continue to live here as their housing needs change over their lifespan.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree
9. I support a variety of housing types in Derby so that people can choose the type of housing that meets their needs.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree
10. My primary concern with duplexes is the way they look.
 - a. Strongly Disagree
 - b. Disagree
 - c. Agree
 - d. Strongly Agree

Comments:

Duplex Design & Density Standards

Derby annually updates its zoning and subdivision regulations as a best practice to ensure changing conditions and needs can be met in the community. One of the current priorities of City Council is duplex design standards and density. This topic is being addressed as part of this year's zoning and subdivision regulation updates. The goal is to support additional housing options while maintaining the character and visual appeal of Derby neighborhoods. These proposed standards would only apply to future development and would not affect existing homes or neighborhoods.

Duplexes remain an important part of our community housing mix, but the City has recently received proposals for very large duplex-only developments (40–50 acres). The proposed standards focus on creating clear standards that support housing choice while preventing repetitive, monotonous development patterns.

The goal is to encourage and allow a variety of housing types, require good design, and ensure compatibility with existing neighborhoods. Derby supports housing variety. Must be located at least 330 ft. from a lot zoned as an R-1 “Single-Family Residential” district (includes R-1, R-1B, and/or R-1C).

Proposed Regulation Updates are Intended to:

- Support housing choice by continuing to allow duplexes and other housing types in appropriate locations
- Prevent large-scale monotony
- Require design quality so duplexes look and function like neighborhoods
- Protect single-family neighborhoods through spacing, compatibility, and transition standards
- Create predictability so residents and developers/builders know what is expected

This project is not a ban on duplexes or an effort to stop growth or housing development in Derby. This project is:

- A community-focused update to improve design, variety, and compatibility
- A response to development patterns that raised concerns
- A way to keep Derby’s neighborhoods attractive, stable, and family-friendly

Building Variety Standards

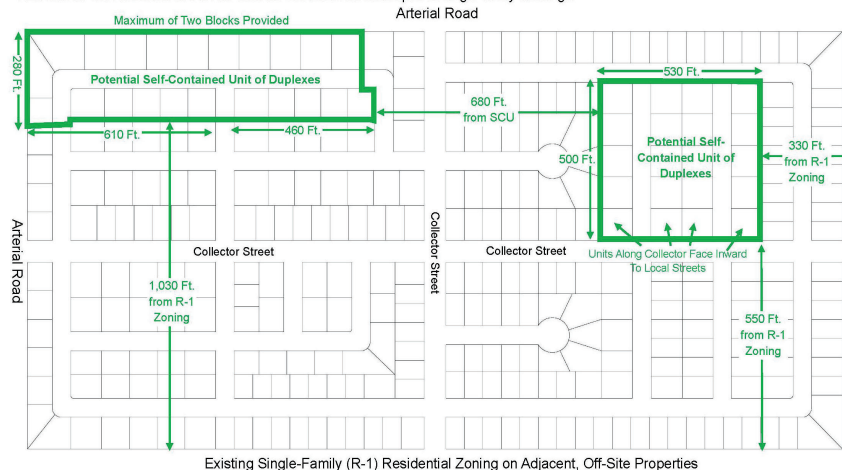
Similar concerns with large-scale monotonous single-family and two-family developments have led the City Council considering building variety standards. The proposed standards would prevent identical home designs from being located next to and across from one another. These standards would apply to all **new single-family and two-family dwellings in subdivisions platted since 2022.**

Self-Contained Units of Duplexes

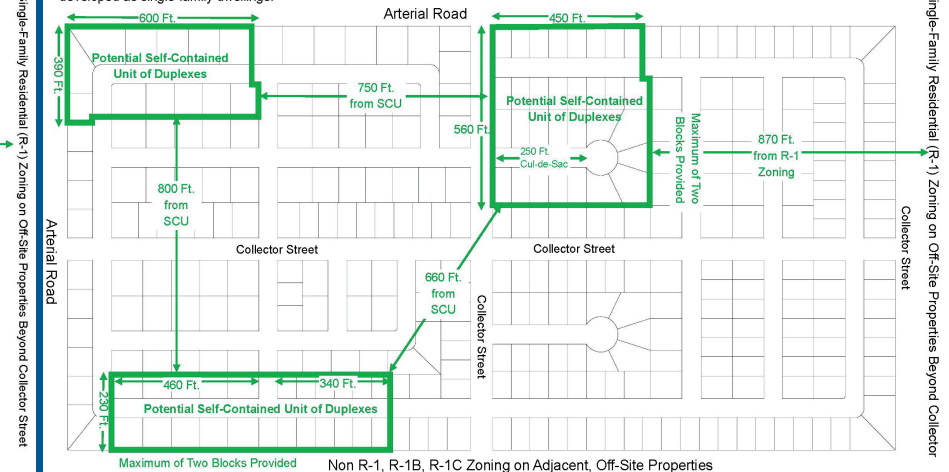
Two-family dwellings (duplexes) are proposed to be allowed by-right in the R-1A “Urban Density Residential District” if they meet specific location, density, and design standards. The proposed regulations would integrate duplexes in single-family residential neighborhoods as “self-contained units” with specific location and design standards in order to maintain visual harmony and computability in the neighborhood. Self-contained units of duplexes 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. Self-contained units of duplexes must comply with the following criteria:

- Must be located at least 330 ft. from a lot zoned as an R-1 “Single-Family Residential” district (includes R-1, R-1B, and/or R-1C)
- Must be a minimum of 660 ft. from another self-contained unit and a lot zoned R-2 “Two-Family Residential”
- May be located on a cul-de-sac so long as the cul-de-sac does not exceed 300 Ft. in length
- Self-Contained Unit lots are required to face similar types of lots across the street (i.e. duplexes cannot face single-family dwellings)
- Self-Contained Unit blocks cannot exceed 660 ft. in length. A maximum of two adjacent blocks are permitted.

Scenario 1: In this scenario, this R-1A “Urban Density Residential” zoned plat is bounded by existing R-1 “Single-Family Residential” zoned properties to the east and south and arterial roads (think Rock Rd./Meadowlark Blvd.) to the north and west. The green outlined areas are possible locations for self-contained units (SCU) of duplexes based on the existing conditions and proposed spacing requirements and size restrictions. The remainder of the non-outlined lots would be developed as single-family dwellings.



Scenario 2: In this scenario, this R-1A “Urban Density Residential” zoned plat is bounded by existing R-1 “Single-Family Residential” zoned properties to the east, non-single-family residential zoned properties, such as R-1A or B-3 “General Business District” to the south and arterial roads (think Rock Rd./Meadowlark Blvd.) to the north and west. The green outlined areas are possible locations for self-contained units (SCU) of duplexes based on the existing conditions and proposed spacing requirements and size restrictions. The remainder of the non-outlined lots would be developed as single-family dwellings.



Proposed Duplex Design Standards

The following design standards would apply to duplexes constructed in self-contained units within the R-1A “Urban Density Residential District.” Please note that these standards would not apply to duplexes in the R-2 “Two-Family Residential” and other zoning districts.

1. **Compatibility:** The appearance of single-family attached/two-family dwellings (duplexes) shall be compatible with the character of the neighborhood and shall use siding materials and roof designs compatible with dwellings in the neighborhood.
 - **Purpose:** To encourage architectural and material compatibility and harmony in neighborhoods between single-family and two-family residences.
2. **Front Door Entry:** A pedestrian-scaled entry shall be a prominent feature of the front faced with entry doors oriented to the street in front of each dwelling unit.
 - **Purpose:** To avoid front doors being located on the sides of dwelling, where they are non-visible from the street.
3. **Garage Limitation:** 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 (5 ft.) from the front wall line of the dwelling.
 - **Purpose:** Many duplexes constructed in recent years have front garages as the dominant feature of the façade, often occupying more than 50% of the façade area. This regulation will discourage this and also bring the front of the actually dwelling area closer to the front of the garage rather than being located further back.
4. **Parking:** 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
 - **Purpose:** Avoid all of the parking in front of dwellings. Note that each dwelling unit is required to provide a minimum of one off-street parking space.
5. **Front Windows:** The façade facing the street shall contain transparent, glazed areas (windows) 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 façade not containing livable area. The glazed are on doors, including garage doors, shall not be included in the calculation of the required area of glazing.
 - **Purpose:** To avoid front facades being devoid of front facing windows.
6. **Building Variety:** Dwellings shall comply with the Building Variety Standards, as further explained on another poster
 - **Purpose:** Prevent identical designs of dwellings from being located next to and across from one another.

Proposed Design Standards in Practice

Neighborhood Compatibility: The following examples portray duplex designs that both comply and do not comply with the proposed compatibility regulation. In this scenario, the single-family dwelling shown on the left in both examples is the typical form of single-family residence in a neighborhood, featuring gable roofs, vertical siding, and a prominent front porch. Due to this being the predominant form of the neighborhood, any two-family residence constructed must be of a similar form in order to be compatible.



Compliant: Both the single-family residence and the two-family residence feature a traditional design, gable roofs, prominent front porches, and similar siding.



Non-Compliant: The duplex lacks a gable roof and is of a different architectural style and materials as the single-family residence.

Front Door Entry, Front Windows, Garage Limitation: The following examples portray a duplex that complies and one does not with the proposed front door entry requirement, garage door limitation, and minimum front window(s) requirements.



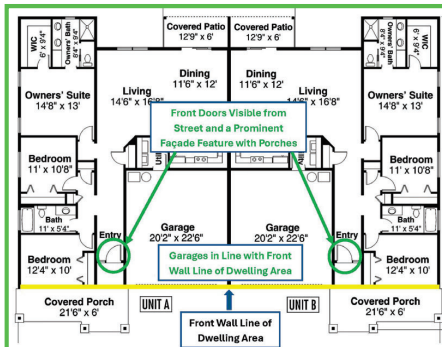
Compliant: The front doors are prominent and readily visible from the street. The garages occupy 46% of the façade area and windows occupy 12% of the façade area.

Non-Compliant: The entry doors are not visible from the street as they are located on the sides of the units. The garage doors occupy more than 50% of the façade and the windows are less than 10% of the façade area.



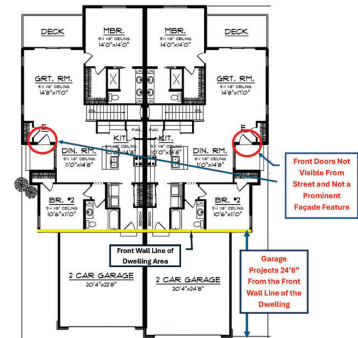
Proposed Design Standards in Practice

Front Door Entry and Front Dwelling Wall Line: The proposed regulations require front doors to be visible from the street as prominent front façade features and restrict garages from projecting no more than 5 ft. from the front wall line of the dwelling area. The following examples portray duplex designs that both comply and do not comply with the proposed regulations.



Compliant: The garages are in line with the front wall line of the dwelling areas. Front doors are clearly visible from the street with front porches, furthering its pedestrian appeal.

Non-Compliant: The garages project more than 5 ft. from the front wall line of the dwelling. Front doors are located nearly 45 ft. back from the front of the garages, on the sides of the house and are not visible from the street. This lends to the garage being the dominant façade feature.



Parking: Each dwelling unit is required to provide a minimum of one off-street parking space. The proposed regulation will restrict the required parking space to a garage interior or an exterior space behind the front line of the residence. Note that parking in addition to the minimum required parking is permitted in front of the residence, such as the driveway



Compliant: One-car garages for each dwelling unit are provided, fulfilling the requirement. Additional parking can be provided on the driveways fronting the units, so long as vehicles do not overhang into the public right-of-way.

Non-Compliant: While a high-quality design that complies with all other proposed design regulations, the required parking would be provided in front of the residence, which is not permitted. This can be remedied by locating parking on the sides of the residence, past the front wall. Please note that Zoning Regulations do not restrict required parking to solely garage interiors.



Building Variety Standards

Building Variety Standards: In an effort to avoid developments containing large amounts of identical or nearly identical single-family and two-family dwellings, Building Variety Standards, also known as Anti-Monotony Standards, are proposed for all **new single-family and two-family dwellings**. Under the proposed standards, a dwelling's exterior appearance cannot be identical to those next to or across from it. A dwelling must meet three or more of the following criteria in at least two of the following categories in order to be considered different from surrounding dwellings:

Category 1: Roof Lines, which can be differentiated by:

- Gable Roof Addition to a Predominantly Hip Roof
- Hip Roof Addition to a Predominantly Gable Roof
- Gable or Hip Projections Above Windows
- Window Dormers
- Change in Soffit Overhang or Eave Height
- Addition of Skylights, Cupolas, or similar treatments

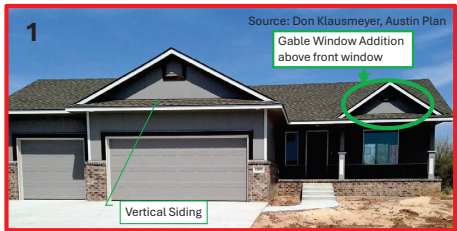
Category 2: Windows, which can be differentiated by:

- Size, Location, or Type of Windows
- Changing from Single Windows to a Multiple Window Treatment
- Changing from a Multiple Window Arrangement to a Single Window
- Providing a Bay Window or Other Decorative Window Treatment in a Prominent Location of the Front Facade

Category 3: Exterior Materials, which can be differentiated by:

- Width of Siding Material
- Orientation of Siding Material (Horizontal or Vertical)
- Brick Facing
- Stucco or Similar Facing
- Color Change, which cannot be merely a shade change

In the following demonstration, a developer has selected to construct a neighborhood with four house styles that have differing exterior finishes and treatments to comply with the criteria. Two of the houses are the same model with the same floor plan but meet the standards due to different exterior finishes.



House Styles 3 & 4: These two houses are the same model but meet the variety standards due to different roof lines, window shapes, siding materials and orientation, and differing brick/stone. The colors of the houses could also be easily changed to provide a fourth differentiating characteristic.



House Styles 1 & 2: These two houses are the same model but meet the variety standards due to different roof lines, siding materials and orientation, and differing brick/stone. The colors of the houses could easily be changed to provide a fourth differentiating characteristic.



Example Compliant Duplex Designs

The following designs comply with the proposed duplex design standards when duplexes are constructed in the R-1A “Urban Density Residential District.” Review the designs and use the green and red dots to rate your preferences and non-preferences

Source and Plan Number: Houseplans.com - Traditional County Farmhouse 430-315

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 60 sq. ft. (12.7% of Façade Area)
- ✓ Garage Area: 219 sq. ft. (46% of Façade Area)
- ✓ Front Wall Setback from Garage: 5 Ft.



Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Source: Archival Designs – Colbourne Springs AB5973-A

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 162 sq. ft. (17% of Façade Area)
- ✓ Garage Area: 378 sq. ft. (39.7% of Façade Area)
- ✓ Front Wall Setback from Garage: 5 Ft.



Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Source and Plan Number: Associated Designs- Artondale 60-059

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 188 sq. ft. (14% of Façade Area)
- ✓ Garage Area: 224 sq. ft. (27% of Façade Area)
- ✓ Front Wall Setback from Garage: In-Line



Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Source and Plan Number: Houseplans.com Traditional Craftsman County 124-1298

- ✓ Front Doors are Visible from Street
- ✓ Front Windows Provided: 82 sq. ft. (11 % of Façade Area)
- ✓ Garage Area: 360 sq. ft. (48 % of Façade Area)
- ✓ Front Wall Setback from Garage: In Line



Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Example Compliant Duplex Designs

The following designs comply with the proposed duplex design standards when duplexes are constructed in the R-1A “Urban Density Residential District.” Review the designs and use the green and red dots to rate your preferences and non-preferences

Source and Plan Number: Archival Designs – Wheeler AB7953-A

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 140 sq. ft. (10.2% of Façade Area)
- ✓ Garage Area: 360 sq. ft. (26% of Façade Area)
- ✓ Front Wall Setback from Garage: In Line



Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Source: Donald Gardner Architects – The DeVille Plan 8101

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 166 sq. ft. (16.6% of Façade Area)
- ✓ Garage Area: 396 sq. ft. (39.6% of Façade Area)
- ✓ Front Wall Setback from Garage: Front Wall Projects Approximately 10 Ft. Beyond Garage



Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Source and Plan Number: Flintrock Builders – Nolan (Temple, TX)

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 60 sq. ft. (15.6% of Façade Area)
- ✓ Garage Area: 160 sq. ft. (41.6% of Façade Area)
- ✓ Front Wall Setback from Garage: 5 Ft.



Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Source and Plan Number: Houseplans.pro - Town House Duplex D-662

- ✓ Front Doors are Visible from Street
- ✓ Front Windows Provided: 80 sq. ft. (11.8 % of Façade Area)
- ✓ Garage Area: 198 sq. ft. (29 % of Façade Area)
- ✓ Front Wall Setback from Garage: 5 Ft.



Rate this Design in Space Below

Green Dots = Preferred Design

Red Dots = Non-Preferred Design

Example Non-Compliant Duplex Designs

The following designs do not comply with the proposed duplex design standards when duplexes are constructed in the R-1A “Urban Density Residential District.” Review the designs and use the green and red dots to rate your preferences and non-preferences.

Source and Plan Number: Archival Designs – AB5774-A

- ✓ Front Doors are Visible from Street
- ✓ Front Windows Provided: 88 sq. ft. (14% of Façade Area)
- ✗ Garage Area: 342 sq. ft. (55% of Façade Area)
- ✗ Front Wall Setback from Garage: ~19 Ft.



Rate this Design in Space Below

Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Source and Plan Number: Archival Designs – Raymond Q4975-A

- ✓ Front Doors are Visible From Street
- ✗ Front Windows Provided: 60 sq. ft. (7.75% of Façade Area)
- ✓ Garage Door Area: 351 sq. ft. (45% of Façade Area)
- ✓ Front Wall Setback from Garage: In Line



Rate this Design in Space Below

Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Source and Plan Number: HousePlans.com – Ranch House Plan 70-1473

- ✗ Front Doors are Not Visible From Street
- ✗ Front Windows Provided: 24 sq. ft. (4.4% of Façade Area)
- ✗ Garage Area: 360 sq. ft. (66% of Façade Area)
- ✗ Front Wall Setback from Garage: 25 Ft.



Rate this Design in Space Below

Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Source and Plan Number: DR Horton- Olsen Twin Home (Ankeny, IA)

- ✓ Front Doors are Visible From Street
- ✗ Front Windows Provided: 36 sq. ft. (8 % of Façade Area)
- ✗ Garage Door Area: 320 sq. ft. (70 % of Façade Area)
- ✗ Front Wall Setback from Garage: 20 Ft.



Rate this Design in Space Below

Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Example Non-Compliant Duplex Designs

The following designs do not comply with the proposed duplex design standards when duplexes are constructed in the R-1A “Urban Density Residential District.” Review the designs and use the green and red dots to rate your preferences and non-preferences.

Source and Plan Number: Archival Designs – AB7770-A

- ✓ Front Doors are Visible from Street
- ✓ Front Windows Provided: 112 sq. ft. (15.5% of Façade Area)
- X Garage Area: 396 sq. ft. (55% of Façade Area)
- X Front Wall Setback from Garage: 8 Ft.



Rate this Design in Space Below

Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Source and Plan Number: Archival Designs – Raymond Q4975-A

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 74 sq. ft. (12% of Façade Area)
- X Garage Door Area: 342 sq. ft. (56% of Façade Area)
- X Front Wall Setback from Garage: 10 Ft.



Rate this Design in Space Below

Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Source and Plan Number: Houselans.pro – Ranch Duplex Plan D-659

- ✓ Front Doors are Visible From Street
- ✓ Front Windows Provided: 40 sq. ft. (10% of Façade Area)
- ✓ Garage Area: 360 sq. ft. (66% of Façade Area)
- X Front Wall Setback from Garage: 20 Ft.



Rate this Design in Space Below

Green Dots = Preferred Design
Red Dots = Non-Preferred Design

Source and Plan Number: Architectural Designs – Modern Farmhouse Duplex 623194DJ

- ✓ Front Doors are Visible From Street
- X Front Windows Provided: 76 sq. ft. (8% of Façade Area)
- ✓ Garage Door Area: 342 sq. ft. (36 % of Façade Area)
- X Front Wall Setback from Garage: 12 Ft.



Rate this Design in Space Below

Green Dots = Preferred Design
Red Dots = Non-Preferred Design

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 401A.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: Mayor and Council Member Stipends
Meeting: City Council - 12 May 2026
Presented by: Kiel Mangus, City Manager

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.

ATTACHMENTS:

[051226 1st Class Cities Stipend Comps](#)
[051226 Wichita Metro Cities Stipend Comps](#)
[051226 Ordinance- Council Stipends](#)

1st Class Cities & Comparable Size

<u>City</u>	<u>Population</u>	<u>Mayor/Chair</u>	<u>Council Member/ Commissioner</u>
Wichita	395,699	\$ 125,970	\$ 54,395
Overland Park Unified Govt.	197,106	\$ 50,000	\$ 16,800
Wyandotte	165,746	\$ 132,818	\$ 21,544
Olathe	145,616	\$ 30,858	\$ 15,429
Topeka	125,963	\$ 40,000	\$ 20,000
Lawrence	95,256	\$ 22,044	\$ 22,044
Shawnee	67,511	\$ 16,272	\$ 9,615
Lenexa	58,388	\$ 24,919	\$ 12,475
Manhattan	54,763	\$ 7,200	\$ 6,000
Salina	46,481	\$ 3,600	\$ 3,600
Hutchinson	39,712	\$ -	\$ -
Leavenworth	37,176	\$ 7,200	\$ 6,000
Leawood	33,743	\$ 20,000	\$ 11,000
Garden City	27,856	\$ 9,095	\$ 5,912
Dodge City	27,690	\$ 15,600	\$ 10,400
Derby (current)	26,233	\$ 6,000	\$ 1,200
Gardner*	24,206	\$ 8,493	\$ 3,836
Emporia	24,009	\$ 6,000	\$ 6,000
Prairie Village	22,878	\$ -	\$ -
Junction City	22,429	\$ 10,800	\$ 8,400
Hays*	21,136	\$ 15,000	\$ 12,000
Pittsburg	20,738	\$ 1	\$ 4
Liberal	19,640	\$ 6,000	\$ 4,800
Newton	18,433	\$ 2,700	\$ 2,100
Andover*	15,628	\$ 16,560	\$ 10,810
Atchison	10,694	\$ 75	\$ 75
Parsons	9,479	\$ 3,600	\$ 3,000
Coffeyville	8,847	\$ -	\$ -
Fort Scott	7,513	\$ 1	\$ 1
AVERAGE	\$	20,027.79	\$ 9,222.09

Wichita Metro Cities

<u>City</u>	<u>Population</u>	<u>Mayor/Chair</u>	<u>Council Member/ Commissioner</u>
Derby	25,847	\$ 6,000	\$ 1,200
Newton	18,433	\$ 2,700	\$ 2,100
Andover	15,628	\$ 16,560	\$ 10,810
El Dorado	12,865	\$ 2,000	\$ 1,500
Winfield	11,701	\$ 600	\$ 600
Haysville	11,287	\$ 9,000	\$ 1,200
Bel Aire	10,066	\$ 6,000	\$ 3,000
Park City	8,656	\$ 10,000	\$ 4,550
Wellington	7,640	\$ 2,400	\$ 1,200
Valley Center	7,348	\$ 1,200	\$ 600
Mulvane	6,763	\$ 1,200	\$ 1,200
Maize	6,405	\$ 8,400	\$ 4,800
Goddard	5,559	\$ 4,800	\$ 4,800
Rose Hill	4,294	\$ 2,000	\$ 1,200
Kingman	2,964	\$ 4,976	\$ 4,553
Cheney	2,161	\$ 2,400	\$ 1,200
Garden Plain	943	\$ 2,400	\$ 1,200
AVERAGE	9,327	\$ 4,860.92	\$ 2,689.01

Passed: _____
Published: _____

ORDINANCE NO. _____

AN ORDINANCE RELATING TO STIPENDS FOR MEMBERS OF THE GOVERNING BODY; AMENDING SECTION 2.04.010 OF THE DERBY MUNICIPAL CODE AND REPEALING THE ORIGINAL SECTION 2.04.010 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.

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

Section 1. Section 2.04.010 of the Derby Municipal Code is hereby amended to read as follows:

“2.04.010 – Stipends for members of governing body.

A. Amount of stipend.

1. The mayor shall, upon his or her election to accept the same, be entitled to receive a stipend of _____ dollars for each calendar month that he or she holds office, such stipend to be paid monthly.
2. Each council member shall, upon his or her election to accept the same, be entitled to receive a stipend of _____ dollars for each calendar month that he or she holds office, such stipend to be paid monthly.

B. In the event the tenure of a member of the governing body begins on a day other than the first day of a month or ends on a day other than the last day of a month, the stipend for such month shall be prorated for the number of days served.

C. No stipend shall be payable hereunder to any member of the governing body who does not elect to accept the same; provided, that such member may recommend that a donation equal to the amount of such stipend be made to an organization identified on the city’s approved list as contained in the then-current Governing Body Manual of the City of Derby.

Section 2. Repeal

Original section 2.04.010 of the Derby Municipal Code is hereby repealed. All other provisions of the Municipal Code of the City of Derby, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 3. Severability

Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

Section 4. Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance or a summary thereof once in the City's official newspaper as provided by state law.

PASSED by the City Council this ____ day of May, 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: Policy Concerning Multiple-Occupancy Private Spaces
Meeting: City Council - 12 May 2026
Presented by: Jacque Butler, City Attorney

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.

ATTACHMENTS:

[051226 Resolution--Multiple-Occupancy Private Spaces](#)

Resolution No. _____-2026

**A RESOLUTION OF THE CITY OF DERBY, KANSAS, ESTABLISHING
A POLICY REGARDING MULTIPLE-OCCUPANCY PRIVATE SPACE
MANAGEMENT**

WHEREAS, the City of Derby (“City”) owns and operates public buildings for the benefits of its residents and the general public; and

WHEREAS, the Kansas Legislature adopted House Substitute for Senate Bill 244 which addresses the designation and use of multiple-occupancy private spaces in certain public buildings; and

WHEREAS, the City desires to adopt a policy to ensure compliance with applicable Kansas law and to establish consistent procedures for designation of facilities, as well as complaint handling and administration; and

WHEREAS, the governing body finds it appropriate and advisable to formally adopt such policy guide City staff and operations; and

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

SECTION 1. The City of Derby hereby establishes a policy regarding Multiple-Occupancy Private Space Management to read as follows:

1. **Purpose.** The purpose of this policy is to ensure compliance with House Substitute for Senate Bill 244, regarding the designation and use of multiple-occupancy private spaces in public buildings owned or leased by the City. This policy establishes procedures for designation of such spaces, responding to complaints, and documenting actions taken to comply with the law.
2. **Applicability.** This policy applies to all public buildings owned or leased by the City, except for buildings owned by the City that are leased to a private entity if the lease agreement was in force before February 26, 2026.
3. **Definitions.**
For purposes of this policy, the following definitions apply:
 - A. **Multiple-Occupancy Private Space:** 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. Examples include, but are not limited to restrooms, locker rooms, shower rooms, and changing rooms.

B. **Single-Occupancy Private Space:** 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. Examples include single-user restrooms with locking doors and family restrooms.

C. **Sex:** An individual's biological sex, either male or female, at birth.

4. **Designation of Facilities.**

A. All multiple-occupancy private spaces located within a public building owned or leased by the City and subject to this policy shall be designated for use only by individuals of one sex.

B. Clear signage shall be posted identifying the designation of each multiple-occupancy private space.

C. Where feasible, the City may provide single-occupancy private spaces for use by any individual seeking additional privacy.

5. **Exceptions.**

Consistent with Kansas law, individuals may enter multiple-occupancy private space designated for the opposite sex under the following circumstances:

A. Custodial, maintenance, or inspection purposes;

B. Rendering medical or emergency assistance;

C. Assisting an individual who needs assistance for using the facility;

D. Law enforcement purposes;

E. Coaching or athletic training during athletic events when precautions are taken to ensure no individual is in a state of undress;

F. A child who is under nine years of age if accompanied by a caregiver.

6. **Reasonable Steps to Ensure Compliance.** The City shall take reasonable steps to ensure compliance with facility designations. Reasonable steps may include:

A. Posting clear signage;

B. Providing staff training; or

C. Establishing procedures for receiving and documenting complaints.

7. **Complaint Reporting.**

A. City employees who receive a complaint regarding the use of a multiple-occupancy private space shall provide the individual with a City complaint form and direct the individual to submit the completed form to the City Clerk for

processing. Complaints submitted through this process may be reviewed and investigated by the Deputy City Manager or their designee.

- B. City employees should not verify an individual's sex, request personal documentation, or directly confront individuals regarding the use of a multiple-occupancy private space. Employees who receive a concern should refer the matter through the complaint process outlined in this policy.
- C. Employees shall respond to complaints in a professional manner and refer concerns to a supervisor or designated administrator as appropriate.
- D. The City may review concerns brought to its attention even if a complaint form is not completed.

8. Complaint Review and Investigation.

- A. The Deputy City Manager shall be responsible for reviewing complaints related to this policy.
- B. Upon receiving a complaint, the Deputy City Manager may:
 - 1) Review incident reports.
 - 2) Speak with staff of witnesses.
 - 3) Evaluate whether further action is appropriate.
- C. The Deputy City Manager shall document the outcome of the review.

9. Written Notice of Violation.

- A. If the City determines that an individual has violated the designation of a multiple-occupancy private space under Kansas law, the City shall issue written notice of violation to the individual. The written notice may be delivered via personal delivery to the individual or via certified mail, return receipt requested to the individual's last known address.
- B. The written notice shall include:
 - 1) The date and location of the multiple-occupancy private space where the violation occurred;
 - 2) A statement that repeated violations may result in fines or criminal charges; and
 - 3) The procedure to administratively appeal the finding that such individual violated this section.

10. Appeal of Determination.

- A. Any individual who receives a written notice of violation under this policy may request an administrative review of the determination.
- B. A request for review must be submitted in writing to the City within ten business days after the date the written notice is issued.

- C. The request should include the individual's name, contact information, and a brief explanation of why the individual believes the determination was made in error.
 - D. The appeal shall be reviewed by the City Manager or their designee provided that the reviewing official was not directly involved in the initial determination when practicable.
 - E. In conducting the review, the City may consider:
 - 1) The incident report;
 - 2) Statements from City employees or witnesses; and
 - 3) Any written information submitted by the individual requesting review.
 - F. The reviewing official may affirm, modify, or dismiss the determination.
 - G. The City shall provide written notice of the decision to the individual. The decision of the reviewing official shall constitute final administrative action of the City.
11. **Recordkeeping.** The City shall maintain records of complaints and investigations related to this policy in accordance with applicable records retention requirements.
12. **Staff Training.** To assist with implementation of this policy, the City may provide guidance or training, as appropriate, to employees who interact with members of the public.
13. **Policy Administration.** The City Manager shall be responsible for administering this policy and may develop forms, procedures, and guidance necessary to implement it.
14. **Effective Date.** This policy shall take effect immediately upon approval by the City Council

ADOPTED BY THE GOVERNING BODY of the City of Derby, Kansas, this _____ day of _____, 2026.

Mark A. Staats, Mayor

Attest:

Lynn Ciarleglio, City Clerk

Approved as to form:

Jacqueline R. Butler, City Attorney

New Business Item



Subject: Ordinance Update to Allow Alcohol at Derby Senior Center
Meeting: City Council - 12 May 2026
Presented by: Jacque Butler, City Attorney

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.

ATTACHMENTS:

[051226 Ordinance- Senior Center Alcohol Clean](#)

Passed: _____
Published: _____

ORDINANCE NO. ____

AN ORDINANCE RELATING TO THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR AND ENHANCED CEREAL MALT BEVERAGE ON PUBLIC PROPERTY; AMENDING SECTION 5.16.040 OF THE DERBY MUNICIPAL CODE AND REPEALING THE ORIGINAL SECTION 5.16.040 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.

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

Section 1. Section 5.16.040 of the Derby Municipal Code is hereby amended to read as follows:

“5.16.040 – Possession and consumption of alcoholic liquor, enhanced cereal malt beverage on public property.

- A. No person shall unlawfully possess or drink or consume alcoholic liquor or enhanced cereal malt beverage upon the public streets, alleys, roads or highways of the city or inside a vehicle while on such public streets, alleys, roads or highways.
- B. Except as otherwise provided in this section, no person shall unlawfully possess or drink or consume alcoholic liquor or enhanced cereal malt beverages on city-owned property.
- C. Alcoholic liquor may be possessed and consumed upon or within the following city-owned premises, properties and facilities pursuant to and in compliance with the terms, conditions, rules and regulations contained in or applicable to a rental agreement or alcohol use agreement therefor and, if any, the applicable license or temporary permit for sale of alcoholic liquor issued and in effect for such premises, property or facility:
 - 1. Any real property leased by the city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto;
 - 2. The Derby Public Library, during hours when the library is closed to the public;
 - 3. The Derby Public Library Community Room, during hours when the library is open to the public;
 - 4. High Park, Madison Avenue Central Park, Warren Riverview Park, and Decarsky Park in areas specifically designated by the city manager or designee for consumption of alcoholic liquor; and
 - 5. The Derby Welcome Center in areas specifically designated by the city manager or designee for consumption of alcoholic liquor.
 - 6. The Hubbard Arts Center in areas specifically designated by the city manager or designee for consumption of alcoholic liquor.

7. The Derby Senior Center in areas specifically designated by the city manager or designee for consumption of alcoholic liquor.

Provided, that during any period for which a license or temporary permit for sale of alcoholic liquor is in effect for a premises or area, no person shall possess or consume any alcoholic liquor not purchased from the holder of such license or permit.

- D. Enhanced cereal malt beverage may be possessed and consumed upon or within the following city-owned premises, property and facilities pursuant to and in compliance with the terms, conditions, rules and regulations contained in or applicable to a rental agreement or alcohol use agreement therefor and, if any, the applicable license or permit issued and in effect for such premises, property or facility:
 1. Any real property leased by the city to others under the provision of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes, or purposes incidental thereto; and
 2. The Derby Public Library, during hours when the library is closed to the public;
 3. The Derby Public Library Community Room, during hours when the library is open to the public;
 4. High Park, Madison Avenue Central Park, Warren Riverview Park, and Decarsky Park, in areas specifically designated by the city manager or designee for consumption of enhanced cereal malt beverages; and
 5. The Derby Welcome Center in areas specifically designated by the city manager or designee for consumption of enhanced cereal malt beverages.
 6. The Hubbard Arts Center in areas specifically designated by the city manager or designee for consumption of enhanced cereal malt beverages.
 7. The Derby Senior Center in areas specifically designated by the city manager or designee for consumption of enhanced cereal malt beverages.

Provided, that during any period for which a special event CMB permit is in effect for a premises or area, no person shall possess or consume any enhanced cereal malt beverage not purchased from the holder of such permit.

- E. No person other than the holder of a license or temporary permit for sale of alcoholic liquor shall sell, offer for sale or otherwise distribute alcoholic liquor upon or within any premises, property, facility or area for which such license or permit has been issued.
- F. No person other than the holder of a CMB license or special event CMB permit shall sell, offer for sale or otherwise distribute enhanced cereal malt beverage upon or within any premises, property, facility or area for which such permit has been issued.
- G. Violations of subsection A., E. or F. of this section are punishable by a fine of not more than five hundred dollars, imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.
- H. Violations of subsection B. of this section are punishable by a fine of not less than fifty dollars or more than two hundred dollars.

- I. Upon conviction of a violation of this section, a person eighteen or more years of age but less than twenty-one years of age, the municipal judge shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto and to pay a fee not to exceed the fee established by that statute for such evaluation; provided, that such fee may be waived if the judge finds a defendant to be indigent.”

Section 2. Repeal

Original section 5.16.040 of the Derby Municipal Code is hereby repealed. All other provisions of the Municipal Code of the City of Derby, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 3. Severability

Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

Section 4. Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance or a summary thereof once in the City’s official newspaper as provided by state law.

PASSED by the City Council this ____ day of May, 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