

**AGENDA-SPECIAL MEETING
GODDARD CITY COUNCIL
118 NORTH MAIN
GODDARD, KANSAS
MARCH 23, 2020 7:00 P.M.**

A) CALL TO ORDER

B) NEWBUSINESS

1. Conduct a public hearing on the advisability of creating a community improvements district in the City of Goddard, Kansas and undertaking and financing of certain community improvement district projects therein.
2. Consider an ordinance create the Community Improvement District, authorize the Projects therein, approve the estimated costs of such improvement Projects, contain the legal description and map of the boundaries of the Community Improvement District, levy a community improvement district sales tax and approve the method of financing the improvement Projects, all in accordance with the provisions of the Act.
3. Consider an ordinance rezoning of 227 Cedar St from a R-1 Classification to a R-3 Classification.

C) ADJOURNMENT

NOTICE: SUBJECT TO REVISIONS

It is possible that sometime between 6:30 and 7:00 pm immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the council chambers or lobby of City Hall. No one is excluded from these areas during those times.

**City of Goddard
City Council Meeting
March 23, 2020**

TO: Mayor and City Council
SUBJECT: Conduct a Public Hearing on the Advisability of Creating the Tanganyika Wildlife Park Community Improvement District
INITIATED BY: City Administrator
AGENDA: New Business

Background: The owners of Tanganyika Wildlife Park presented the City with a petition for the creation the Tanganyika Wildlife Park Community Improvement District (CID). At the March 2, 2020 Regular City Council meeting, the petition was accepted by the City Council, calling for a public hearing to be conducted for the purpose of creating CID for Tanganyika Wildlife Park. A notice of Public Hearing was published in the Times-Sentinel Newspaper on March 5, 2020 and March 12, 2020.

The CID statute (K.S.A. 12-6a26 *et seq.*) authorizes the creation of a CID to finance allowed uses stipulated by the statute. The proposed \$8,300,000 project would utilize \$1,650,000 through a 22-year, 2% sales tax within the CID. The resolution calls for a Public Hearing on Monday, March 23, 2020 at 7:00 PM in the City Council Chambers. The petitioner, Jim & Sheri Fouts of Tanganyika Wildlife Park are the sole petitioners and sole property owners impacted by the creation of the CID district.

Analysis: Conduct a public hearing on the advisability of creating a community improvements district in the City of Goddard, Kansas and undertaking and financing of certain community improvement district projects therein.

Financial: None

Legal Considerations: Approved as to form.

Recommendations/Actions: It is recommended the City Council: Conduct a public hearing on the advisability of creating a community improvements district in the City of Goddard, Kansas and undertaking and financing of certain community improvement district projects therein.

1. Open the Public Hearing (Limit 3-Minutes per Statement)
 - a. Verbal Motion & Second
2. Close the Public Hearing
 - a. Verbal Motion & Second

Attachments: None

**City of Goddard
City Council Meeting
March 23, 2020**

TO: Mayor and City Council
SUBJECT: Consider an Ordinance Creating a Community Improvement District for Tanganyika Wildlife Park
INITIATED BY: City Administrator
AGENDA: New Business

Background: The City Council will conduct a public hearing on the advisability of creating a community improvements district in the City of Goddard, Kansas and undertaking and financing of certain community improvement district projects therein. Resolution 20-04 was published in the Times-Sentinel Newspaper on March 5 & 12, 2020.

Analysis: The ordinance authorizes the levying of a 2.00% sales tax limited solely to the confines of the district; is LOT 1, BLOCK 1, TANGANYIKA WILDLIFE PARK ADDITION, CITY OF GODDARD, SEDGWICK COUNTY, KANSAS, commonly known as 1000 S. Hawkins Lane, Goddard, Kansas. The tax is essentially a self-imposed sales tax on TWP. The tax would finance park improvements. The proposed project to be constructed within the District includes but is not limited to: construction, acquisition, furnishing and equipping of a Splash Park, event facilities, enlarged playground, Safari Park, Education building, Children’s zoo, new lion facility, enlarged gift shop, expanded parking; utilities; landscaping; lighting; signage; marketing, advertising and promotion; cleaning, maintenance, and upkeep of the property; art, sculptures and other cultural amenities; security personnel and facilities; water management and drainage related items; professional services; eligible financing costs; additional soft costs of the Project; and the City’s administrative and permit costs and fees in establishing, permitting and maintaining the CID.

Financial: The proposed park expansion will cost an estimated \$8,300,000 with approximately \$1,650,000 financed through the CID’s 2% revenue. The CID financed portion of the project will generate an approximate assessed valuation of \$412,500 and \$13,750 in City property taxes, \$29,920 to the USD 265, and \$20,330 to the state of Kansas for a total CID improvement tax revenue of \$64,000. \$69,145.23 is estimated City property tax revenue to be generated at the City’s current mill levy of 33.323. No special assessments are being requested and project financing is 100% “pay go.”

Legal Considerations: Approved as to form. The City’s “full faith and credit” is not applicable to the issuance of these special use bonds.

Recommendations/Actions: It is recommended the City Council: Adopt the ordinance create the Community Improvement District, authorize the Projects therein, approve the estimated costs of such improvement Projects, contain the legal description and map of the boundaries of the Community Improvement District, levy a community improvement district sales tax and approve the method of financing the improvement Projects, all in accordance with the provisions of the Act.

Attachments: Ordinance (3 pages)

(Published in *The Times Sentinel* on March 26, 2020.)

ORDINANCE NO. _____

A ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF GODDARD, KANSAS; AUTHORIZING CERTAIN IMPROVEMENT PROJECTS THEREIN; APPROVING THE ESTIMATED COSTS OF SUCH IMPROVEMENT PROJECTS; CONTAINING THE LEGAL DESCRIPTION AND MAP OF THE BOUNDARIES OF THE DISTRICT; LEVYING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX; AND APPROVING THE METHOD OF FINANCING THE IMPROVEMENT PROJECTS.

WHEREAS, the governing body of the City of Goddard, Kansas (the “City”), has heretofore received a Petition pursuant to K.S.A. 12-6a26 *et seq.* (the “Act”) and passed Resolution No. 20-04 of the City, containing the time and place of a public hearing on the advisability of creating a community improvement district (the “Community Improvement District”), the general nature of proposed improvement projects within the Community Improvement District (the “Projects”), the estimated costs of the Projects, the proposed method of financing the Projects, the proposed amount a sales tax within the Community Improvement District, the proposed method of assessment, if any, and a map and legal description of the proposed Community Improvement District; and

WHEREAS, Resolution No. 2020-04 was published twice in *The Times Sentinel*, the official City newspaper, on March 5 and March 12, 2020; and

WHEREAS, the governing body has heretofore on this date conducted a public hearing on advisability of creating the Community Improvement District; and

WHEREAS, the governing body hereby finds and determines it to be advisable to pass this Ordinance to create the Community Improvement District, authorize the Projects therein, approve the estimated costs of such improvement Projects, contain the legal description and map of the boundaries of the Community Improvement District, levy a community improvement district sales tax and approve the method of financing the improvement Projects, all in accordance with the provisions of the Act.

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

SECTION 1. Creation of Community Improvement District; Legal Description and Map.

The governing body hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, the Community Improvement District. The legal description of the Community Improvement District is LOT 1, BLOCK 1, TANGANYIKA WILDLIFE PARK ADDITION, CITY OF GODDARD, SEDGWICK COUNTY, KANSAS, commonly known as 1000 S. Hawkins Lane, Goddard, Kansas.

A map of the property contained in the Community Improvement District is set forth on *Schedule I* attached hereto and incorporated by reference herein.

SECTION 2. Authorization of Community Improvement District Projects; Estimated Costs.

The governing body hereby authorizes the improvement Projects within the Community Improvement District, as more fully described below:

Construction, acquisition, furnishing and equipping of a Splash Park, event facilities, enlarged playground, Safari Park, Education building, Children’s zoo, new lion facility, enlarged gift shop, expanded parking; utilities; landscaping; lighting; signage; marketing, advertising and promotion; cleaning, maintenance, and upkeep of the property; art, sculptures and other cultural amenities; security personnel and facilities; water management and drainage related items; professional services; eligible financing costs; additional soft costs of the Project; and the City’s administrative and permit costs and fees in establishing, permitting and maintaining the District.

The estimated costs of the Projects are \$8,300,000.

SECTION 3. Method of Financing.

(a) The costs of the proposed Projects are proposed to be financed by “Pay-as-you-go financing,” as defined in K.S.A. 12-6a27, and paid from the fund of the City identified in K.S.A. 12-6a34. It is estimated that the City will pay \$1,650,000 to the petitioner/property owner, or its successor(s) or a related business entity, which amount shall not be limited in amount by this Ordinance authorizing the Projects.

(b) There will be **no** special assessments levied on property within the boundaries of the Community Improvement District.

SECTION 4. Levy of Sales Tax. In order to provide funds to finance the costs of the Projects, the levy, in accordance the provisions of the Act, of a community improvement district sales tax within the Community Improvement District, in an amount of 2% on the selling of tangible personal property at retail or rendering or furnishing services within the Community Improvement District (the “Sales Tax”), is authorized and directed. The collection of the Sales Tax shall commence on July 1, 2020 and shall expire 22 years from such commencement date. The Sales Tax shall be administered, collected and subject to the provisions of K.S.A. 12-187 *et seq.* The City Clerk, upon passage of this Ordinance, shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189.

SECTION 5. 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.

PASSED by the governing body on March 23, 2020, and **APPROVED AND SIGNED** by the Mayor.

(Seal)

Jamey Blubaugh, Mayor

ATTEST:

Teri Laymon, City Clerk

SCHEDULE I

MAP OF COMMUNITY IMPROVEMENT DISTRICT



**City of Goddard
City Council Meeting
March 23, 2020**

TO: Mayor and City Council
SUBJECT: rezoning 227 Cedar St
INITIATED BY: City Planner
AGENDA: New Business

Background: AST Investment properties has submitted a rezoning request for a property located at 227 N Cedar St. The property currently exists as an empty lot and the builder is proposing to build a 3-plex. The current zoning is R-1 and they would like to rezone to a R-3 zoning classification.

The Planning Commission tabled the consideration on December 9, 2019 and approved a motion for a resubmittal of the rezoning application from a PUD to an R-3 on January 13, 2020.

The developer changed the design from a 5-plex to and 3 plex dropping the number of units and allowing the new proposal to fit the bulk regulations of a R-3 classification.

The Planning Commission approved the rezoning request on March 9, 2020

Analysis:

- With the residential growth occurring inside Goddard, there is an unmet demand for rental properties of quality.
- Density within proximity to main street would help buttress proposed and existing commercial businesses.
- This rezoning to a R-3 would allow for the three-unit development being proposed increasing the water usage and property taxes generated.
- The property manager would do credit checks and background checks to ensure renters of quality
- According to Jack Manion (Sedgwick County Residential Land Analyst) this development will virtually guarantee property values to increase in proximity due to it being proposed on a vacant lot

Financial: Public notice was given incurring a small cost.

Legal Considerations: Approved as to form

Recommendation/Actions:

Motion to waive the reading of the ordinance (**MOTION**)

It is recommended that the City Council approve the rezoning of 227 Cedar St from a R-1 Classification to a R-3 Classification (**ROLL CALL**)

Attachments: Exhibit H.3a Notice of Affidavit (1 Page); Exhibit H.3b Letter of notice and list of real property owners (3 Page) Exhibit H.3c Ordinance of the rezoning (1 Page)

Affidavit of Publication

Michelle R. Leidy-Franklin
Of lawful age being duly sworn upon oath states
That she is the lawful billing clerk at

**Times-Sentinel Newspapers, LLC
State of Kansas**

A weekly newspaper printed in the state of Kansas,
And published in and of general circulation in Sedgwick
County, with a general paid circulation on a yearly
Basis in Sedgwick County of Kansas, and that said
Newspaper is not a trade, religious, or fraternal
Publication. That said newspaper has been published
At least weekly 50 times a year, has been so published
Continuously and uninterruptedly in said county and state
For a period of more than five years prior to the first
Publication of said notice and has been admitted to the
Post Office of Cheney, Kansas, in Sedgwick County as
Second class matter. That the attached is a true copy
Thereof and was published on the following dates in the
Regular and entire Issue of said newspaper.

First Publication was made
On the 6th Day of Feb, 2020
Second Publication was made
On the _____ Day of _____, 2020
Third Publication was made
On the _____ Day of _____, 2020

Total Publication Fee \$ 94.50

Michelle R. Leidy-Franklin

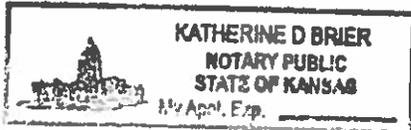
Subscribed and sworn to before me this

6th Day of Feb., 2020

Kathleen D. Brier

Notary Public

My Commission expires on 5/8/23



PUBLIC NOTICE

First Published in The Times-Sentinel February 6, 2020 (1)

NOTICE OF HEARING

TO ALL PERSONS CONCERNED:

Notice is hereby given that the Goddard Board of Zoning Appeals will conduct a public hearing in the City Council chambers at Goddard City Hall, 118 N. Main Street, Goddard, KS on Monday, March 9, 2020 at 7:00 p.m. or as soon thereafter as the matter may be heard, to consider a Rezoning permit for the property located at 227 N Cedar St.

For:

The consideration of rezoning an R-1 lot to an R-3 zoning classification. For the purpose of allowing the development of a three-plex development on an otherwise empty lot.

At such time and place, all persons interested may appear and be heard as to this matter. After hearing the views and wishes of all persons interested in the case, the Board of Zoning Appeals will close the public hearing. The public hearing may be recessed and continued from time to time without further notice.

The application for the rezoning application, including the full legal description of the property at issue, is on file at Goddard City Hall, 118 N. Main St. Goddard, KS 67052 and may be inspected during general business hours of 8:00 a.m. – 4:30 p.m. Monday – Friday. If you are unable to attend the meeting you may submit your comments in writing to the City and those comments will be presented to the Board of Zoning Appeals during the public hearing.

If you have any questions concerning this matter please contact Goddard City Hall, 118 N. Main St; via phone at (316) 794-2441; or email at mscoggan@goddardks.gov

/s/ Micah Scoggan
City Planner/Code Enforcement
City of Goddard, Kansas

NOTICE OF HEARING

TO ALL PERSONS CONCERNED:

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For:

The consideration of rezoning an R-1 lot to a Planned Unit Development (PUD) For the purpose of allowing the development of a five-plex development on an otherwise empty lot.

At such time and place, all persons interested may appear and be heard as to this matter. After hearing the views and wishes of all persons interested in the case, the Board of Zoning Appeals will close the public hearing. The public hearing may be recessed and continued from time to time without further notice.

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Micah Scoggan, City Planner

Micah Scoggan
City Planner/Code Enforcement
City of Goddard, Kansas



W 2ND AVE

E 2ND AVE

227 N CEDAR ST

N MAIN ST

N CEDAR ST

W 1ST AVE

E 1ST AVE

E 1ST AVE

City Hall

N CEDAR ST



0 50 100 Feet

— Roads

▭ Property for re-zoning to PUD

W SANTA FE ST

E SANTA FE ST

S MAIN ST

Property Owners within 200 Feet

1. 301 N Cedar St – Apple Investments LLC
2. 311 N Cedar St – Thomas & Betty Barriner
3. 315 N Cedar St – Rhonda Poindexter
4. 228 N Main St – Jamie Arnold
5. 222 N Main St – Foursite LLC
6. WWFO Properties LLC
7. 318 N Main St – WWFO Properties LLC
8. 228 N Cedar St – Kim Stephen
9. 220 N Cedar St – AM Plumbing Inc.
10. 217 N Cedar St – Daniel Carlyle & Tammy Famtr
11. 211 N Cedar St – Amy Rodman
12. 120 E 1st St – Edwin & Laura Knox
13. 214 N Cedar St – Clayton Jones
14. 208 N Cedar St – Beth Davis
15. 200 N Cedar St – Bankers Trust Co.
16. Darrick & Misti Stephen
17. 216 N Main St – Darrick & Misti Stephen
18. 206 N Main St – Collier Properties LLC
19. 300 N Cedar St – Goddard United Methodist Church

THE CITY OF GODDARD, KANSAS
ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING FROM AN R-1 TO AN R-3 ZONING CLASSIFICATION FOR THE PROPERTY LEGALLY DESCRIBED AS LOTS 17-18 OF BLOCK 13 OF THE ORIGINAL TOWN OF GODDARD, COMMONLY REFERRED TO AS 227 CEDAR STREET:

WHEREAS, notice of a March 9, 2020, Goddard Planning Commission public hearing on changing the zoning classification from R-1 to R-3 was published in the official city newspaper on February ___6th___, 2020.

WHEREAS, certified mail was sent out to owners of real property within 200 feet of the property to notify them of the public meeting and the proposed re-zoning.

WHEREAS, the Goddard Planning Commission conducted a public hearing on March 9, 2020 on changing the zoning classification from a R-1 zoning to a R-3 zoning and after reviewing the information presented, voted to approve said change, pursuant to K.S.A 12-757.

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

Section 1. Rezoning Property

The lot(s) currently and legally described as lot (s) 17-18 of Block 13 of the Original town of Goddard, zoned R-1 Single Family Residential District, are now rezoned as R-3 Multiple-Family Residential District.

Section 2. Effective Date

This Ordinance shall take effect and be in force thirty (30) days from and after its Publication in the official city newspaper.

Passed by the City Council this 6th Day of April 2020.

Approved by the Mayor this 6th Day of April 2020.

SEAL

JAMEY BLUBAUGH, MAYOR

ATTEST:

TERI LAYMON, CITY CLERK