

**MINUTES-REGULAR MEETING
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
MONDAY, JUNE 15, 2020**

The Goddard City Council met in a Regular Session at Goddard City Hall on Monday June 15, 2020. Mayor Blubaugh called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance and the Invocation. Council members present were Hunter Larkin, Larry Zimmerman, Sarah Leland, and Michael Proctor. Councilmember Traylor was absent.

Also present were Teri Laymon, City Clerk; Matt Lawn, City Treasurer, Micah Scoggan, City Planner; Fred Farris, Police Chief; Thatcher Moddie, Administrative Fellow; Harlan Foraker, City Engineer; Brook Brandenburg, Public Works Director; and Ryan Peck, City Attorney.

APPROVAL OF THE AGENDA

MOTION: Councilmember *Larkin* moved to approve the Agenda as presented. Councilmember *Proctor* seconded the motion. The motion carried unanimously.

CITIZEN COMMENTS

Jim Butler, 127 North Cedar stated that Cedar Street from 1st to Santa Fe is like a minefield. The Potholes in the Street are very bad.

Cody Carlyle 217 North Cedar stated that 2nd Street is full of potholes as well.

Michelle Stewart, 626 North Goddard Road, expressed her support for the library. Stewart said that there have been some great changes at the library, and she would like to see it continue. Stewart expressed her concern that people need to have access to free resources during hard times like this.

Vicki Luthi, 718 Timmy Court, President of the Library Board, stated that the Library Board never new that they could ask for an increase in funds. Luthi said the budget was always set by the City and the Library Board was told what the Budget would be. After being consulted by Wichita State University in the Library's strategic plan, they now know that the funding level is not at an appropriate level and it is the Board's duty to set the budget. Luthi stated that as the City grows, they want to be able to provide the services to patrons, but they need the support of the City Management to do this.

Lisa Fouts, 1961 McRae Ct., Library Board Member, stated the Board is asking for a 2-mill increase in the budget and explained how that increase would affect the community. Fouts said that she believes that the services the increase would provide would outweigh the additional costs. Fouts explained that based on her property value, a 2 mill increase would be approximately \$3.83 per month. Fouts added that it does not have to be or nothing. The City did increase the funds they received last year by almost 1-mill to cover operating costs and if the City wanted to increase property taxes by one mill it would only be \$1.92 per month (based on her property value). Seeing that all April has accomplished in the past year, she has shown that

she is capable of making an impact on the library. Fouts asked the City Council to empower the library director to expand upon what she has started taking the Library to the next level.

Carrie Wharton, Programming and Outreach Specialist, 10805 W Blake Circle, stated she has been part of the community for eight years. Wharton stated her background is in early childhood education but at the library she works with people of all ages within a given week. Wharton said she is involved in Storytime, book clubs, family boardgame nights and so much more. Another part of Carrie's job is reaching out for sponsorship and donations for the Library and stated that it surprisingly easy with the support of the community. Wharton explained that the library needs to be funded for the future and they currently do not have sufficient funding for programs. Storytime's are packed and they need to put up extra tables for wine & color nights and family boardgame nights. During the school year the Library has 15 to 20 students from 3:00 to whenever their parents pick them up and there is not enough space or enough staff to assist them. Wharton said that in order to grow, the library needs to be funded appropriately.

APPROVAL OF THE CONSENT AGENDA

The following was submitted to the City Council for approval:

Approval of Minutes
Regular Meeting – June 1, 2020

Accounts Payable
June 3, 2020 for \$95,547.02
June 10, 2020 for \$84,092.58

Receive and File Boards and Commissions
Library Board – May 2020
Planning Commission – May 2020

RUSTIC CREEK DEVELOPMENT AGREEMENT AND PETITIONS

Brian Silcott, City Administrator, explained that City Staff met with the developer on September 5, 2019 at City Hall for the preliminary discussion regarding the possibility of developing the land. City staff discussed the history of the land and stormwater issues to the west. It was also noted that the property had a blanket drainage easement on the property, which should be on the title work for the property. Staff also stated that any activity or cost share on the part of the City requires City Council approval and would also incorporate adoption of a development agreement.

At the March 2, 2020 regular City Council meeting, the City Council received a request for financial assistance to construct road and stormwater improvements for Rustic Creek Addition. The developer requested the City participate in the following cost estimate for Rustic Creek for a total cost of \$193,916.23 as described below:

- Modifications required to onsite SWS System \$38,010.00
- Cost of Detention Improvements \$92,858.33
- Cost of Roundabout Pavement \$18,298.00
- 30% project costs at 30% \$44,749.90

The City Council directed staff to draft a development agreement with City participation identified by improvements with a not to exceed dollar amount requested by the developer.

At the June 1, 2020 Regular City Council meeting, staff presented a development agreement to the City Council and the Council voted to table the issue and direct staff to renegotiate without the roundabout funding.

The development agreement was authored by City legal attorney Robert Coykendall, utilizing a framework and form previously approved for the Elk Ridge, St Andrews Place, and Arbor Creek Additions. Highlights of the agreement include:

- Special Assessment Financing with letters of credit equal to 35% of costs to be funded by special assessments. 50% of the letters of credit are authorized for release when 50% of the phase is occupied and 100% is released when 80% of the residential lots are occupied by residents. A 2% administrative charge will be included in the assessment.
- The developer will dedicate a lot for development and use as public park.
- The City will provide the following funding assistance totaling \$170,128.83
 - Modifications required to onsite SWS System \$38,010.00
 - Cost of Detention Improvements \$92,858.33
 - 30% of the City's total participating cost (not to exceed amount of \$39,260.50)
- Sanitary Sewer Lines are estimated to require an 8" diameter main. The City covering the cost of additional diameter requirements in excess of 10".
- Water Mains are estimated to be 8" in diameter to serve the development.
- Stormwater will be designed according to the Wichita Metro area standards and approved by the City Engineer. As listed above, and because of a blanket drainage easement for Hopper and Autumn Blaze Additions, the City will provide financial assistance in an amount not to exceed \$138,868.33.
- Streets & Roadways will receive no more than \$18,298.00 for the construction of a roundabout and paving.

The developer has submitted petitions for three phases of development to construct sanitary sewer, water distribution, paving, and stormwater improvements for 20 years and a per lot annual payment estimated at 3.5% interest of \$176.20. The petitions include the cost of the City of Goddard contributing an amount not to exceed \$170,128.33 for the improvements listed above. The developer has also presented petitions for approval as follows: Sanitary Sewer \$368,000; Water Phase 1 \$213,000; Paving Phase 1 \$637,200; Drainage Phase 1 \$694,900, City contribution is \$170,100; Drainage Phase 2 \$368,000.

Should the City Council direct changes to the proposed agreement, staff will plan to present the development agreement incorporating the changes as well as petitions reflecting the terms and conditions set forth in the development agreement and petitions at a July regular meeting.

Costs related to the City are presented above. Financing would be through the issuance of a 20-year debt service. Assuming 3.00% interest on 20-year bonds requires an estimated annual cash flow, including estimated fees, of \$11,500/year. The developer will market homes ranging in value from \$200,000 to \$250,000 with 35 lots being included in Phase I. Using the \$200,000 amount provided by Mr. Relph, the development agreement draft document contains a minimum house value of \$200,000. Using a \$11,500 annual debt service with a base value of \$200,000 requires 16 homes to cash flow the debt service on the current mill levy of 30.323 (this figure excludes the 3.0 mills for Library operations).

Silcott recommended the City Council: Consider the proposed agreement and if approved, accept

the petitions and cost estimates for Rustic Creek Addition Phase 1, Phase 2, and Phase 3 with Goddard Investments, LLC.

MOTION: Councilmember *Larkin* moved to authorize the Mayor to Execute the Development Agreement for Rustic Creek Addition with Goddard Investments, LLC. The motion was seconded by Councilmember *Proctor*. The motion passed unanimously.

MOTION: Councilmember *Zimmerman* moved to accept the Petition for Phase 1 Paving, Sanitary Sewer, Stormwater Drainage and Water for Rustic Creek Addition from Goddard Investments, LLC. The motion was seconded by Councilmember *Larkin*. The motion passed unanimously.

MOTION: Councilmember *Larkin* moved to accept the Petition for Phase 3 Paving, Sanitary Sewer, and Water for Rustic Creek Addition from Goddard Investments, LLC. The motion was seconded by Councilmember *Zimmerman*. The motion passed unanimously.

Resolution #20-10

CONSIDER SPECIAL EVENTS PERMIT AND CURFEW WAIVER FOR MOVIE NIGHT EVENT

Thatcher Moddie, Administrative Fellow, stated in the past, certain privately or publicly sponsored events at City Park facilities have been granted a temporary suspension on the restricted curfew. Previous councils have determined what events should be considered when temporarily waiving the ordinance. The Council will also need to approve the Special Event Permit.

Mark Collier, of Collier Allstate in Goddard, has requested to rent the Linear Park Pavilion area for a privately sponsored movie event on June 26, 2020. Mr. Collier is paying the rental fee to host the event in and around the Pavilion, as it is a privately sponsored event for public attendees. Mr. Collier has filed a special event permit, acquired event insurance and turned in the necessary documents for renting the Park Pavilion. This event is not in conjunction with the City of Goddard. Included in the event permit is verification that the event sponsor will have adequate sanitation measures, approved parking and signage by Goddard Police Department, approval from Sedgwick County Fire Marshal related to electrical, lighting and other provisions. The Special Event permit has been reviewed and approved by City Planner Micah Scoggan. The proposed event will take place from 7:00 to 11:00 p.m. on June 26th.

Staff would like to propose a temporary suspension of ordinances which restrict curfew and sound in order to allow an event where a movie will be played until no later than Midnight on June 26, 2020 at Linear Park. Specific municipal code related to curfew ordinances can be seen in Chapter XI. Public Offenses Article 4 Minors Section 11-405, and the noise ordinances can be seen in Chapter XI Public Offenses Article 13 Loud Noises Sections 11-1301 through 11-1303.

MOTION: Councilmember *Leland* moved to waive the reading of the ordinance. The motion was seconded by Councilmember *Larkin*. The motion passed unanimously.

MOTION: Councilmember *Leland* moved to adopt said ordinance. The motion was seconded by Councilmember *Proctor*.

Roll Call Vote:

Yea: Larkin, Zimmerman, Leland, Proctor

Ordinance #852

LINEAR PARK MEMORIAL BENCH REQUEST PRAIRIE TRAVELERS

Brooke Brandenburg, Public Works Director stated the Prairie Travelers have recently completed a brick memorial in Linear Park by the statue near the Pavilion. The Travelers now wish to include a bench near the area. The proposed bench is constructed from stone and will be placed on a concrete slab, resembling the bench that currently resides west of Linear Park, just behind the school district's bus barn. It would be located on the south side of the trail directly adjacent to the existing brick memorial. Prairie Travelers will pay the entire cost of the bench, base and installation.

The Travelers have indicated this is the last portion of the memorial to complete. With the Council's approval, the Travelers can move forward with completing the project in the coming weeks.

Larry Hatfield, President of the Prairie Travelers, Inc, stated the Memorial Bench is in memory of William "Bill" VanderWall, a longtime member of the Prairie Travelers who spearheaded the first mile of the Prairie Sunset Trail and almost single handedly worked hundreds of hours to help make it the trail it is today.

MOTION: Councilmember *Proctor* moved to approve the request to install a memorial bench in the Linear Park as presented. The motion was seconded by Councilmember *Zimmerman*. The motion passed unanimously.

LIBRARY FUNDING ORDINANCE

Brian Silcott stated the City Council received a request from the Goddard Library Board & Staff Librarian to increase funding from 3.00 mills to 5.00 mills. The Librarian's presentation included references K.S.A. 12-1220, an uncited Attorney General opinion, and League of Kansas Municipalities (LKM) position that City Councils/City Commissions must grant funding requests of Library Boards. Neither the City Administrator, perhaps more importantly in matter of law, the City Attorney believe this to be the case. Although the Library Board did not make a formal budget presentation it is clear the intention is a request of an additional 2.00 mills for a total levy of 5.00 mills.

Staff has included KSA 12-1220, Attorney General Opinion 97-35, and the League of Kansas Municipalities "Kansas Government Journal" article from April 2014 addressing this very

matter. The LKM's position is that cities adopt a "regular ordinance" to establish the Library's levy. This regular ordinance is beyond the usual annual budget and/or appropriation ordinances. Whether the City Council chooses to maintain the funding allocation of 3.00 mills or grant the Library Board's request for a funding increase, it is the recommendation of the City Administrator to adopt an ordinance establishing the Library Board's property tax mill levy. Included with this report are two draft ordinances, the first is for the current levy of 3.00 and the second is the requested 5.00 mill levy. As this is a simple ordinance, the amount may be changed with a simple majority vote. It is possible to include a non-binding referendum to ascertain the public's willing to increase funding from 3.00 mills to 5.00 mills, the cost of which would be borne by the City of Goddard and not the Library Board.

Councilmember Zimmerman stated he would like to leave the Library at 3.00 mills and let the Citizens of Goddard vote on whether they want the increase to the mill levy. Councilmember Larkin agreed.

Thereupon, an Ordinance establishing a mill levy limit of 3 mills was presented to the City Council for consideration.

MOTION: Councilmember *Zimmerman* moved to waive the reading of the ordinance. The motion was seconded by Councilmember *Larkin*. The motion passed with Leland voting no.

MOTION: Councilmember *Zimmerman* moved to adopt said ordinance. The motion was seconded by Councilmember *Proctor*.

Roll Call Vote:

Yea: Larkin, Zimmerman, Proctor

Nay: Leland

Ordinance #853

MOTION: Councilmember *Zimmerman* moved to direct staff to come back with an outline and plan for a non-binding referendum of a mill increase. The motion was seconded by Councilmember *Proctor*. The motion passed unanimously.

RECEIVE AND FILE SPECIAL REVENUE AND RESERVE FUNDS BUDGET

Matt Lawn, City Treasurer reviewed the Street Fund, Special Parks and Recreation Fund, Tourism Promotion Fund, Equipment Reserve Fund, Water and Sewer Reserve Funds, Capital Improvement Fund and the STAR Bond Fund.

GOVERNING BODY COMMENTS

Councilmember Larkin wanted the Library Board Members to know that he is not anti-library, but that he is concerned with the current economy and that the Citizens of Goddard can pay their bills.

Councilmember Zimmerman explained to the Library Board Members that he too is concerned with Citizens not being able to pay their utility bills. Zimmerman said he has had citizens come

to the City Council Meetings crying because they were on a fixed income and could not afford their utility bills.

Councilmember Leland expressed her frustration over the library funding issue. Leland added that had we done something to lower the utility bills earlier maybe the citizens could afford a tax increase for the library.

Councilmember Proctor thanked the library board for coming and explained that he too was concerned with the current economy and that he believes that if there is to be a tax increase it would should be voted on.

EXECUTIVE SESSION

MOTION: Councilmember *Larkin* moved to recess into executive session in order to discuss a performance matter involving a city employee pursuant to the non-elected personnel matters exception, K.S.A. 75-4319(b)(1), to include the City Attorney. The City Council will reconvene the open meeting in the City Council Chamber at 9:00 p.m. The motion was seconded by Councilmember *Zimmerman*. The motion carried unanimously.

The City Council recessed into executive session at 8:30 p.m. and reconvened at 9:00 p.m. Mayor Blubaugh announced there was no binding action taken in executive session.

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ADJOURNMENT

MOTION: Councilmember *Leland* moved to adjourn the regular meeting. Councilmember *Zimmerman* seconded the motion. The motion carried unanimously.

*Meeting adjourned at 9:33 pm.
Teri Laymon, City Clerk*