

**MINUTES-REGULAR MEETING  
CITY OF GODDARD  
118 NORTH MAIN, GODDARD, KS  
TUESDAY JANUARY 17, 2023**

The Goddard City Council met in a Regular Session at Goddard City Hall on Tuesday, January 17, 2023. Mayor Larry Zimmerman 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, Sarah Leland, Larry Zimmerman, and Brent Traylor

Also present were, Brian Silcott, City Administrator; Thatcher Moddie, Assistant to City Administrator; Teri Laymon, City Clerk; Thatcher Moddie, Assistant to City Administrator; Matt Lawn, Finance Director; Brooke Brandenburg, Public Works Director; Lance Beagley, Police Chief; Harlan Foraker, City Engineer and Ryan Peck, City Attorney.

**APPROVAL OF THE AGENDA**

**MOTION:** Councilmember *Traylor* moved to approve the agenda as presented.  
Councilmember *Leland* seconded the motion. The motion carried unanimously.

**CITIZEN COMMENTS**

Three people spoke against the request to rezone the property near 167<sup>TH</sup> & US 54 from R-1 TO R-2 Case #ZONE-22-05.

Sheila Tibbs 2520 Leo Circle, Goddard  
Jeff Tibbitts, 2210 S. Leo Street, Goddard  
Denise Heick, 2300 S. Leo Street, Goddard

Jamey Blubaugh, 2226 Eastridge Court, Goddard, asked to be appointed to the vacant seat of the Goddard City Council. Blubaugh apologized for not meeting the 4:00 p.m. deadline on Friday as he was unaware of the vacancy until Friday evening.

**APPOINTMENTS, PROCLAMATIONS, RECOGNITIONS & NOMINATIONS**

Brian Silcott, City Administrator presented a draft Sedgwick County Board of County Commissioners resolution for the creation of a steering committee for the Sedgwick County Fire Department (SCFD). The resolution established Goddard, along with Bel Aire, Haysville, Maize, and Park City, as a representative city.

There will also be four at-large members selected from residents and business owners. It was the consensus of the City Council to support the creation of a SCFD steering committee.

Mayor Zimmerman nominates Assistant to City Administrator Thatcher Moddie as the City's representative member of the SCFD Steering Committee.

**MOTION:** Councilmember *Traylor* moved to approve the nomination of Thatcher Moddie as the City's representative member of the SCFD Steering Committee. Councilmember *Leland* seconded the motion. The motion carried unanimously.

**APPROVAL OF THE CONSENT AGENDA**

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

**167<sup>TH</sup> & US 54 (C) REZONING FROM R-1 TO R-2 CASE #ZONE-22-05**

Micah Scoggan, Economic Development Director provided the background of the rezoning case and added that the Planning Commission denied the recommendation for a rezoning request with a unanimous vote against the consideration at the December 12, 2022, meeting. The re-zoning was considered by the City Council for a final decision on January 3, 2023, and unanimously sent the consideration back to the Planning Commission, which was heard on January 9, 2023, and after deliberating determine to resubmit their original vote of a no vote. Scoggan explained that upon the receipt of such recommendation, the Governing Body, by a simple majority vote, may revise or amend and adopt such recommendation by the effectuating ordinance, or it need take no further action.

Micah Scoggan presented what the developer thought was a reasonable compromise, a proposed plat showing 120 single family homes (60%) and 81 duplexes (40%). Phil Meyer, Baughman Company, who is an agent for the applicant, Paul Kelsey explained that all the yards and common areas will be maintained by a company. Myers added that there will also be approximately 300 feet of buffer along 167<sup>th</sup> Street, there will be berms with evergreen trees along Pawnee, so the area will be screened, which he believes is the concern of the City Council.

It was recommended that the City Council consider the following options:

- 1) Make a motion to veto the Planning Commission approving the rezoning with a simple majority of three council members.
- 2.) Make a motion to deny the rezoning.
- 3.) Make a motion to amend the request.

**MOTION:** Councilmember *Leland* moved to veto the planning commission approving the rezoning as presented. The motion failed for a second.

Discussion ensued regarding the percentage of duplexes to single family homes and the maintenance on the duplex development.

**MOTION:** Councilmember *Leland* moved to make another motion to veto the planning commission approving the rezoning as presented and to waive the reading of the Ordinance. Councilmember *Zimmerman* seconded the motion. The motion carried with Councilmember Traylor voting no.

**MOTION:** Councilmember *Leland* moved to approve the Consent Agenda as presented. Councilmember *Larkin* seconded the motion.

Roll Call Vote:

Yea: Larkin, Leland, Zimmerman  
Nay: Traylor

***Ordinance #914***

**SIGN REGULATION AMENDMENT ORDINANCE**

Micah Scoggan presented a proposed ordinance amending the City of Goddard zoning regulations by amending the allowable sign standards within each zoning classification. Scoggan stated that due to a large request for sign variances the Planning Commission reviewed the possibility of changing the General Business District sign regulations only to reflect the changes desired by businesses.

These changes include the increased height maximum, the increased gross square footage, and the maximum number of wall signs. The Planning Commission approved the changes on January 9, 2023.

Scoggan stated the changes would only apply to the C-2 General Business District. The proposed change would allow two of each type per zoning lot plus one additional sign for each free-standing principal building if used for a monument sign except wall signs shall be allowed to have two per wall face. It would also allow a maximum gross surface area of 500 square feet and a maximum height of 35 feet.

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

**MOTION:** Councilmember *Leland* moved to adopt said ordinance. Councilmember *Larkin* seconded the motion.

Roll Call Vote:

Yea: Larkin, Leland, Zimmerman

Nay: Traylor

***Ordinance #915***

**FINAL PLAT – BRIDGER & MAPLE**

Micah Scoggan presented a preliminary plat for the City Council’s consideration. The plat was approved by the Planning Commission on November 14, 2022. The development is for 179 lots that has been rezoned as R-2 for the building of 155 lots for duplexes and 24 lots for single family detached housing.

**MOTION:** Councilmember *Larkin* moved to approve the final plat for the Bridger at Maple Development. Councilmember *Traylor* seconded the motion. The motion carried unanimously.

**LIONS CLUB CAR SHOW SOUND WAIVER AND ROAD CLOSURE**

Micah Scoggan stated the Goddard Lions club would like to host a car show on April 1<sup>st</sup> on Main Street in Goddard between the hours of 10:00 AM and 5:00 PM. They have submitted a road closure permit to host this event along with all necessary documents including liability insurance.

The event will have amplified sound with music and announcements that will be audible 150’ away and will require a sound waiver to be approved by the city council.

Scoggan recommended the City Council: Waive the reading of the ordinance, approve the waiver for the sound ordinance for the Goddard Lions Club car show and approve the road closure application.

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

**MOTION:** Councilmember *Leland* moved to adopt the waiver for the sound ordinance for the Goddard Lions Club car show and approve the road closure application.  
Councilmember *Larkin* seconded the motion.

**Roll Call Vote:**

Yea: Larkin, Leland, Zimmerman, Traylor

Nay:

**Ordinance #916**

**TRAFFIC CAMERA REPLACEMENT 199<sup>TH</sup> & KELLOGG**

Brooke Brandenburg, Public Works Director stated the traffic control infrastructure currently in place to operate the traffic signals at the intersection of Kellogg and 199<sup>th</sup> street consists of a ‘hybrid’ system that utilizes a combination of underground sensor loops and elevated traffic detection cameras. The traffic detection loops operate in the east and west bound turn lanes on Kellogg and work in conjunction with a single north facing camera on 199<sup>th</sup> to detect oncoming traffic and provide safe, timed signal transition for the intersection.

In 2020 Kansas Dept of Transportation (KDOT) surface milled and laid asphalt on the east bound lanes of Kellogg. In the process the sensor loop that activates the northbound turn lane from Kellogg onto 199<sup>th</sup> St. was damaged. When the mill and overlay was completed, the loop functioned properly and did not show any signs of damage. Approximately six months later the eastbound traffic loop began to intermittently fail. KDOT was made aware of the problem and refused to pay for repairs because of the time lapse between the road work completion and the signal failure.

Because of the failed detection loop and single north-facing camera there are times the signal fails to detect northbound traffic on 199<sup>th</sup> Street and vehicles turning south off westbound Kellogg Avenue.

Replacing the damaged loop in the westbound turn lane on Kellogg will require a significant amount of work, costs nearly \$30,000 and will only address problems affecting eastbound traffic that intends to turn left (north) onto 199<sup>th</sup> St. Public Works is requesting approval to replace the existing hybrid loop/camera detection system to a camera only system that is more economical to install and maintain.

Public Works solicited and received bids from two companies and Iteris Inc. provided the best bid. The proposed system utilizes a new Iteris Vantage Next camera system and Central Control Unit that detects traffic on both Kellogg and 199<sup>th</sup> St. The new cameras will be mounted on the signal arms allowing easier maintenance and repairs than an in-ground loop system.

Cost of the proposed system:

- Iteris Cameras and Central Control Unit:     **\$27,768.04**
- Phillips Southern Electric installation cost:   **\$6,995.00**
- Total Cost of installed camera system:     **\$34,763.04**

Public Works is requesting spending approval of \$34,763.04 to install new traffic signal cameras at the intersection of Kellogg Ave. and 199<sup>th</sup> St. The amount will be charged to 90-680-8520 Capital Improvement Fund – Streets – Traffic Lights.

Brandenburg recommended that the City Council approve the purchase and installation of a new traffic signal control for Kellogg and 199th in the amount of \$34,763.04.

**MOTION:** Councilmember *Larkin* moved approve the purchase and installation of a new traffic signal control system for the intersection of Kellogg and 199<sup>th</sup> Street West in the amount of \$34,763.04. Councilmember *Traylor* seconded the motion. The motion carried unanimously.

### **CONSIDER LIBRARY WATER LINE REHAB**

Brooke Brandenburg stated the water lines feeding the bathrooms at the library have aged and become brittle causing multiple water leaks over the past couple of years. A broken water line requires removal of the portion of the wall covering the break to access the leak and make the repair. After fixing the most recent leak Public Works was informed that the water lines are in poor condition and that it is likely

The broken water lines have leaked water throughout the southern portion of the library creating a potential for black mold growth. The various repairs required multiple access holes be cut into the library's bathroom walls. Public Works recommends replacing all the internal lines that provide water to the library's three bathrooms. The rehab would include removing the bathroom walls covering the old, worn copper lines and replacing them with new poly lines and shutoff valves. A Northstar water softener will be installed. After the lines are replaced, the walls will be restored with new sheetrock, trim and paint.

Costs of the repairs are as follows:

- Water line replacement: \$2,600
- NorthStar water softener: \$1,750
- Sheetrock/wall rehab: \$3,000
  - Total Cost: \$7,350

Public Works is requesting spending approval of \$7,350.00 to replace the water lines and install a water softener in the library. The amount will be charged to 10-350-6140 General Fund – Library Building Services – Repair & Maintenance - Building.

It was recommended that the City Council approve library water line rehabilitation in the amount of \$7,350.00.

**MOTION:** Councilmember *Traylor* moved approve the spending approval of \$7,350.00 to replace the water lines and install a water softener in the library as presented. Councilmember *Leland* seconded the motion. The motion carried unanimously.

### **APPOINTMENT PROCESS FOR CITY COUNCIL VACANCY**

Brian Silcott stated the portion of Section 4 regarding city council vacancies states:

“In the event a vacancy occurs in the membership of the city council because of resignation, death, ouster, disqualification or other reasons except expiration of an elected term, the mayor shall, with the consent of the remaining city council members, appoint a suitable elector of the City of Goddard, Kansas to fill such vacancy for the remainder of the unexpired term.”

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*January 17, 2023*

Silcott added by State law (K.S.A. 12-104(a)(c), the vacancy must be filled within 60 days of the effective date of the resignation. At the December 19, 2022, regular meeting, Council Member Proctor resigned his seat effective December 31, 2022. The vacancy must be filled by Wednesday, March 1, 2023, or the Governing Body shall pass a resolution calling for a special election to fill the vacancy.

At the January 3<sup>rd</sup> regular City Council meeting the Governing Body established January 17<sup>th</sup> as the initial review of potential Council Members with the request that interested parties be present at the January 17<sup>th</sup> meeting to discuss qualifications for Mayor Zimmerman's nomination and subsequent consideration by the City Council.

By State law, applicants must be qualified electors (K.S.A. 14-205) of the City of Goddard, i.e., a registered voter residing in the Goddard municipal corporate limits, and 18 years of age and older. The applicant selected will serve the balance of the unexpired term from date of appointment until January 6, 2026, following the November 4, 2025, elections.

The following residents have submitted a form expressing interest in serving on the City Council for the remainder of the vacant term ending in January 2025.

- Brady Burdge (withdrawn)
- Aubrey Collins
- Keaton Fish
- Jeffery Jones
- Jamey Blubaugh (received at 9:11 p.m. on January 16, 2023)

Mayor Zimmerman asked for each applicant to come forward and tell the City Council about themselves.

Aubrey Collins, Keaton Fish, Jeffery Jones, and Jamey Blubaugh approached the City Council and provided a summary of their background, views, and values.

Mayor Zimmerman stated that this will be a hard decision which falls on him to make a recommendation as mayor and shared a little bit about how he has come to a decision on the recommendation. Zimmerman stated that one of his goals when starting in this field 27 years ago is to try to make Goddard a safe place. A place that people are proud to call home. A place where people know each other and could get together in events and where it would be a friendly atmosphere.

Zimmerman continued that Goddard needs to be a place where people are proud to call home. "I've been proud to call home here for closing on 40 years now." Zimmerman added that he is looking for somebody that can think for themselves and not easily swayed by other people and are willing to listen to other people's opinions and weigh them out. Zimmerman stated that he is trying to steer clear of anyone that is friends with anyone on the Council because he wants them to be single minded. Zimmerman said he has been on the City Council before where business was talked about at the card game and finalized at the next City Council meeting and that is no fun place to be.

With no further comments Zimmerman nominated with Jeffery Jones. Mr. Jones has showed a lot of interest in the past and has contacted elected officials in the past of different issues and tried to get a feel for how the city ran.

**MOTION:** Councilmember *Traylor* moved to accept Mayor Zimmerman's nomination of Jeffery Jones to City Council. Councilmember *Zimmerman* seconded the motion. The motion failed due to a tie vote.

There being a tied vote, Mayor Zimmerman nominated Aubrey Collins to serve on the City Council.

**MOTION:** Councilmember *Leland* moved to accept Mayor Zimmerman's nomination of Aubrey Collins to City Council for the remainder of the vacant term ending in January 2025. Councilmember *Leland* seconded the motion. The motion carried unanimously.

*City Clerk, Teri Laymon, administered the oath of office to newly appointed Aubrey Collins. Council member Aubrey Collins took the seat on the bench.*

**MOTION:** Councilmember *Larkin* moved to amend the agenda and move into executive session to discuss matters of unelected personnel for 25 minutes. Councilmember *Leland* seconded the motion. The motion carried unanimously.

*The City Council recessed into executive session at 8:12p.m. and reconvened at 8:37 p.m. Mayor Zimmerman announced there was no binding action taken in executive session.*

**MOTION:** Councilmember *Larkin* moved to remove Mayor Zimmerman as Mayor effective immediately. Councilmember *Leland* seconded the motion. The motion carried unanimously.

**MOTION:** Councilmember *Larkin* moved to conduct a new mayor and vice mayor election. Councilmember *Traylor* seconded the motion. The motion carried with Councilmember Zimmerman voting no.

**MOTION:** Councilmember *Leland* moved to nominate Hunter Larkin as Mayor. Councilmember *Traylor* seconded the motion. The motion carried with Councilmember Zimmerman voting no.

**MOTION:** Councilmember *Larkin* moved to nominate Sarah Leland as Vice Mayor. Councilmember *Collins* seconded the motion. The motion carried with Councilmember Zimmerman voting no.

**MOTION:** Councilmember *Larkin* moved to add agenda item H.7) Removal of Certain City Staff.

*Councilmember Larry Zimmerman resigned as City Council Member effective immediately.*

**MOTION:** Councilmember *Larkin* moved to accept the resignation by Council Member Larry Zimmerman. Councilmember *Leland* seconded the motion. The motion carried unanimously.

*Mayor Hunter Larkin nominated Keaton Fish to fill Larry Zimmerman's remaining term as City Council Member.*

**MOTION:** Councilmember *Larkin* moved to appoint Keaton Fish to the open seat. Councilmember *Collins* seconded the motion. The motion carried unanimously.

*City Clerk, Teri Laymon, administered the oath of office to newly appointed Keaton Fish. Council member Keaton Fish took the seat on the bench.*

**MOTION:** Councilmember *Larkin* moved to add agenda item H.7) Removal of City Staff and

made a motion to terminate the employment of City Administrator, Brian Silcott. Councilmember **Leland** seconded the motion.

**Roll Call Vote:**

Yea: Leland, Larkin, Collins, Traylor, Fish

Nay:

Mayor Larkin asked to make a motion to recess into executive session.

Brian Silcott, City Administrator, approached the bench and stated that termination for just cause is defined as the continued physical or mental incapacity to perform the necessary duties or that conduct amounting to habitual neglect of duty or willful misconduct of the duty or obligation reasonably of the city as a condition of employment. The city may terminate City Administrator for just cause if a majority of the council votes to do so in an open meeting after a hearing which shall be held in executive session, provided that the administrator shall be given a written notice setting forth any charges at least seven days prior to the hearing. It is understood by the parties there too that the provisions herein for severance pay do not apply if the employment relationship is terminated by reason of death or voluntary resignation.

Mayor Larkin stated that according to Article 3, Section 1-303, City Code number 2012 states that a majority of all members elect of the governing body may remove any appointed officer at any time with or without cause. "Is that correct? Madam Clerk?" City Attorney, Ryan Peck stated that the Code doesn't invalidate a contract.

**EXECUTIVE SESSION**

**MOTION:** Councilmember **Leland** moved to recess into executive session to discuss the removal of City Administrator, to include the City Attorney. The City Council Meeting will reconvene in the City Council Chamber at 8:55 p.m. The motion was seconded by Councilmember **Collins**. The motion passed unanimously.

*The City Council recessed into executive session at 8:40 p.m. and reconvened at 9:10 p.m.*

**MOTION:** Councilmember **Larkin** moved to recess into executive session for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship K.S.A. 75-4319 (b) (2). The City Council Meeting will reconvene in the City Council Chamber at 9:30 p.m. The motion was seconded by Councilmember **Collins**. The motion passed unanimously.

*The City Council recessed into executive session at 9:10 p.m. and reconvened at 9:30 p.m. Mayor Larkin stated that the city no longer has a City Administrator and to skip item 1) City Administrator's Report.*

**GOVERNING BODY COMMENTS**

Councilmember Fish stated it was a heck of a first day and thanked all to stayed to stick out the meeting. Fish stated he is looking forward to the future of what this City Council can do and promised to always listen and to put the future of Goddard first.



Councilmember Leland stated there have been a lot of changes but believes that they are moving in the right direction and are doing what is best for this community, our city staff and businesses.

Councilmember Traylor commented on the upcoming car show and welcomed both new city council members.

Councilmember Collins stated it has been a tough day but said there is a positive future ahead. To him, it is "City First."

Mayor Larkin stated, "Today was a tough day, it wasn't fun." "I don't think anybody here enjoyed it, but I want you all to know, it was done out of love." Mayor Larkin stated that the Council Members as a whole love this community, the neighbors and every single one of the staff that works for the City of Goddard, and sometimes when you love something so much you have to do the tough things to keep moving forward. Larkin said he has hopes for the future to build a team back that is going to be stronger than ever before and a team that other communities across the state are going to be envious of. Larkin listed some important items to accomplish this year, the STAR Bond project that is way behind, a deal with Rural Water District, and we are going to find a water reserve for growth 15 to 20 years from now. Larkin stated, "The day and age where unelected bureaucrats, that run this town is over." Larkin added that this Governing Body is going to more involved than ever before, and that is a good thing.

### **EXECUTIVE SESSION**

**MOTION:** Councilmember *Fish* moved to recess into executive session for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship K.S.A. 75-4319 (b) (2) to include the City Attorney. The City Council Meeting will reconvene in the City Council Chamber at 10:15 p.m. The motion was seconded by Councilmember *Leland*. The motion passed unanimously.

*The City Council recessed into executive session at 9:45 p.m. and reconvened at 10:15 p.m. Mayor Larkin stated that there was no binding action taken in executive session.*

### **ADJOURNMENT**

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

*Meeting adjourned at 10:20 pm.*  
*Teri Laymon, City Clerk*