

**MINUTES-REGULAR MEETING  
CITY OF GODDARD  
118 NORTH MAIN, GODDARD, KS  
MONDAY, APRIL 15, 2019**

The Goddard City Council met in a Regular Session at Goddard City Hall on Monday, April 15, 2019. Mayor Blubaugh called the meeting to order at 7:00 p.m. Councilmember Torske led in the Pledge of Allegiance and the Invocation. Council members present were, Joe Torske, Larry Zimmerman, Sarah Leland, Brent Traylor and Brook Brandenburg.

Also present were: Brian Silcott, City Administrator; Craig Crossette, Assistant to City Administrator; Teri Laymon, City Clerk; Matt Lawn, City Treasurer; and Harlan Foraker, City Engineer.

**APPROVAL OF THE AGENDA**

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

**CITIZEN COMMENTS**

Kevin Frymire, Administrator of Dove Estates, commented on the amount of time it takes to process a 5 K run event permit and asked if there is a way to streamline the process. Frymire said that he would usually have about four months' notice prior to an event. Mayor Blubaugh said that perhaps he could get together with the Chief of Police to map out a permanent 5 K route for this kind of event, but if the planner's wanted to change the route, it might take up to six months to plan.

**APPROVAL OF THE CONSENT AGENDA**

The City Clerk presented the consent agenda consisting of following items:

- Minutes of the regular city council meeting dated April 1, 2019
- Accounts Payable dated April 2, 2019 for \$33,736.48
- Accounts Payable dated April 8, 2019 for \$120,565.42
- Accounts Payable dated April 10, 2019 for \$7,627.95

**MOTION:** Councilmember *Zimmerman* moved to approve the consent agenda as presented. Councilmember *Brandenburg* seconded the motion. The motion passed with Councilmember Torske abstaining.

**ARBOR CREEK FINAL PLAT APPROVAL**

Craig Crossette, Assistant to the City Administrator presented a final plat from the development group MKEC, on behalf of the land owner. The Plat is for the subdividing of land east of Amelia Earhart Elementary School at 183<sup>rd</sup> West and 23<sup>rd</sup> Street South. The Preliminary Plat has passed through and been approved by the Planning Commission on March 11, 2019 and the Final Plat was approved by the planning Commission on April 8, 2019

As per the City's subdivision regulations, the final plat was submitted to the appropriate City staff and area utility companies for review, along with the request that they forward proposed changes and comments. Those changes and comments were communicated to the applicant and are incorporated in the copy of the final plat.

Crossette added that staff has also reviewed the attached final plat and found it in compliance with the City's subdivision regulations.

- It has been noted that the land marked "Reserve S" has been designated for park land.
- The Plat has been sent to the Sedgwick County fire department and they have reviewed and commented that two entrances is ideal given the lots exceed 36
- It has been noted that the lots on the west side of the tract of land, and the lots on the south, have the easement pushed further in to protect the hedgerow.

The plat now comes before the City Council for consideration. If the Council is satisfied that the requirements of all applicable subdivision regulations have been met, you may approve the final plat

**MOTION:** Councilmember *Torske* moved to approve Arbor Creek Final Plan as presented. Councilmember *Traylor* seconded the motion. The motion passed unanimously.

### **OAK STREET ELEMENTARY FINAL PLAT**

Brian Silcott, City Administrator stated that Oak St Elementary School is going through the process of adding an addition on to their structure located at 501 Oak St to meet the growing need for additional space. This process has led to discussion between the City of Goddard and Baughman Company, who represent the School District, for the necessity of platting the property.

Silcott explained that according to Article 4, Section 101.A 4 "Public and private schools: educational buildings for primary, intermediate and secondary schools including administrative centers, transportation centers, recreation areas, spectator sports facilities and the like must be located on land which is platted according to the City Subdivision Regulations", and all new structures hereafter shall comply with all the provisions of these regulations.

Silcott added that surveying the property has revealed that it currently has an unvacated easement that will need to be vacated or vacated by platting. It has also been revealed that the existing line runs underneath the foundation of the building on the Southwest corner as well as a shed located in the northwest corner. During discussion with the School district and Baughman company the possibility of moving the existing line was presented both after further review it was determined to cost prohibitive. This has led to the discussion that with the current easement in place should any maintenance need to be done to the sanitary main the City would need to have a hold harmless agreement in place between the City and the School district such that the School will field all the costs to any maintenance that might be incurred outside of the easement during maintenance.

This was agreed by the School district and a hold harmless agreement was drafted by the City Attorney and included in this agenda packet for review.

If the Council is satisfied that the requirements of all applicable subdivision regulations have been met, you may approve the final plat

**MOTION:** Councilmember *Torske* moved to approve the Oak Street Elementary Final Plat and to approve the hold harmless agreement. Councilmember *Leland* seconded the motion. The motion passed unanimously.

### **LINEAR PARK PLAYGROUND SURFACE IMPROVEMENT**

Craig Crossette stated that in 2017, the City Council approved the over \$1 million splash pad and pavilion project for Goddard's Linear Park. The Park amenity has proven to be very popular with our neighbors with high usage during its 2018 inaugural warm season. While the project has been successful, one issue with the infrastructure is its proximity to the Linear Park playground equipment and its pea gravel base. There are signage warning residents against bringing pea gravel into the splash pad and pavilion area, but pea gravel continues to naturally traverse into the area as neighbors move from the playground equipment, to the splash pad, to the pavilion.

Staff has concerns that the pea gravel could damage not only the splash pad plumbing infrastructure, but also the sliders underneath the pavilion doors. Another challenge is the opportunity costs the Public Works team is experiencing due to them being required to take time each day to sweep the rocks from the splash pad and pavilion area. This time could be more efficiently utilized in completing other important City tasks. To fix this issue, staff would like the Public Works team to transfer the pea gravel from Linear Park to Means Park. Further, staff has requested bids from firms that specialize in poured in place rubber surfacing to replace the pea gravel.

Crossette added that the playground surfacing must adhere to certain requirements related to fall heights and distances between play equipment infrastructure and the perimeter of fall surfaces. Staff gathered five (5) quotes from firms requesting scope of project costs for poured in placed rubber surfacing that is sufficient for 8-foot fall heights and an adequate surface area from playground equipment to fall surface perimeter. The quotes for the project can be seen below:

**Cunningham Recreation:** \$44,873.50

**Athco:** \$38,883.00

**Noah's Park:** \$30,101.76

**Adventure Turf:** \$24,552.00

**Ecoturf Surfacing:** \$20,816.64

Staff believes that the low bid provided by Ecoturf Surfacing will be the most cost-efficient option while also considering the safety regulations and requirements mentioned above. If a contract is awarded to Ecoturf Surfacing, the City will be responsible for providing a trash dumpster and a safety fence during the project. Eco-turf Surfacing has provided that the project

will take 2-3 business days start to finish. Staff would prefer a \$5,000 contingency allowance included with the total costs to ensure that additional surfacing can be provided if needed to comply with regulations, or, if further excavation is needed beneath the equipment for site preparation once the pea gravel has been removed.

If approved, the \$20,816.64 total cost and \$5,000 contingency expenditures will be allocated towards the Capital Improvement Fund, Parks/Trails, Contractors/Construction line item 90-670-

**MOTION:** Councilmember *Torske* moved to award the poured in place rubber surfacing contract to Eco-turf Surfacing for an amount not to exceed \$20,816.64 with a \$5,000 contingency allowance. Councilmember *Traylor* seconded the motion. The motion passed unanimously.

### **FARMER'S MARKET ALCOHOL ORDINANCE WAIVER**

Craig Crossette explained that beginning in 2016, the City has allowed limited and temporary consumption of alcohol for all legal aged adults during a brief window for Goddard Gathering concerts/events. This has occurred for the City's Jazz in the Park event as well as Color and Wine events at the library. During the March 4<sup>th</sup>, 2019 City Council Meeting, an Ordinance was approved to allow consumption of beer or wine by legal aged adults on the second Saturday of each month from 5 p.m. until 9 p.m. at the Public Library during the 2019 calendar year.

The City of Goddard has consulted with Farm Shop LLC. to host a comprehensive Farmers' Market in Linear Park each Tuesday of the month from May until October, 5 p.m. until 8 p.m. CDT. City Staff would like to propose an Ordinance with a similar purpose to that of the Library Ordinance mentioned above, to allow beer or wine consumption during the regularly scheduled, re-occurring Farmers' Markets.

The ordinance allows consumption of beer or wine by legal aged adults during Farmers' Markets occurring on each Tuesday evening beginning at 5 p.m. CDT and lasting until 8 p.m. CDT, between the months of May and October. Consumption of beer or wine shall be limited to the confines of an area described as within: 60 feet to the east of the Pavilion, 60 feet to the west of the Pavilion, the public sidewalk north of the Pavilion, and the Prairie Sunset Trail south of the Pavilion. Park goers will not be allowed to consume beer or wine outside of the area defined above and said areas will be clearly marked by temporary signage during Farmers' Market Events.

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

**MOTION:** Councilmember *Torske* moved to adopt said ordinance. Councilmember *Brandenburg* seconded the motion. The motion passed unanimously.

Roll Call Vote:

Yea: Torske, Zimmerman, Leland, Traylor, Brandenburg

Nay:

***Ordinance # 828***

**JAZZ NIGHT ALCOHOL ORDINANCE WAIVER**

Craig Crossette presented an Ordinance that will allow consumption of alcohol by legal aged adults on Friday, April 26, 2019 between the hours of 5:00 pm CDT until 9:00 pm CDT. The ordinance takes effect upon publication in the Times-Sentinel News, the City's paper of record.

**MOTION:** Councilmember *Leland* moved to waive the reading of the Ordinance. Councilmember *Brandenburg* seconded the motion. The motion passed with Councilmember Zimmerman voting no.

**MOTION:** Councilmember *Leland* moved adopt said Ordinance. Councilmember *Brandenburg* seconded the motion. The motion passed unanimously.

Roll Call Vote:

Yea: Torske, Leland, Traylor, Brandenburg

Nay: Zimmerman

***Ordinance # 829***

**DRAFT ORDINANCE AND RECOMMENDATION TO THE PLANNING COMMISSION FOR AN AMENDMENT TO THE MONUMENT SIGN ORDINANCE AND SIGN CODE**

Brian Silcott stated that on March 21, 2016 the City Council adopted Ordinance 783 establishing a “monument sign ordinance” for the City. The ordinance limits sign dimensions for all zoning classifications. The General Business District (C-2) zoning classification is the most significantly impacted. The maximum surface area established is square feet of sign area for each one-foot lineal street frontage; provided, that no single sign shall exceed a gross surface area of 150 square feet. Maximum height of signage is 10 feet and roof signage may not exceed more than five feet about the highest point of the roof. All signs must conform to the ordinance by December 31, 2021, a five-year compliance period.

The Governing Body and City staff have received numerous complaints from local businesses expressing displeasure. Considering these conversations, Mayor Blubaugh has directed staff to construct an ordinance “grandfathering” existing business from this requirement.

Legal counsel drafted the original ordinance. The proposed amendment is intended to “grandfather” signage adopted before March 21, 2016. Please note, should replacement of grandfathered signage need to occur, there is no requirement to adhere to Ordinance 783.

Silcott explained that because this action amends the zoning code, the Planning Commission must make a recommendation to the City Council; a public hearing must be conducted, and the zoning text amendment is then considered by the City Council.

The proposed draft ordinance amending the zoning text, is the City Council’s recommendation to the Planning Commission for discussion and consideration for a formal recommendation illustrates the proposed change to the existing zoning code. Any final recommendation from the Planning Commission may include additional textual changes for conformance to the Supreme Court ruling in *Reed v. Town of Gilbert, AZ*.

Should action be taken, there will be a small publication fee to publish a notice of public hearing and publication of a final ordinance.

Silcott recommended the City Council: Review and Comment on the draft ordinance and desired recommendation to the Goddard Planning Commission.

**MOTION:** Councilmember *Leland* moved to recommend to the Planning Commission to reconsider the monument sign ordinance to allow for grandfathering and the ability to utilize a pool of funds yet to be determined for upgrading non-conforming signs. Councilmember *Brandenburg* seconded the motion. The motion passed unanimously.

### **RECEIVE AND FILE FIRST QUARTER REPORT**

Brian Silcott presented the 2019 Governing Body Work plan update along with the status of current approved projects. Silcott reminded the Governing Body that the work plan is a “Living Document” that can be amended, and accountability will be maintained through routine City Administrator reports with a more detailed focus on quarterly updates the first meeting of each new quarter.

Teri Laymon, City Clerk presented the First Quarter Administration Report.

Brian Silcott presented the First Quarter Police Report.

Craig Crossette presented the City Planning First Quarter Report.

Craig Crossette presented the Public Works First Quarter Report.

Matt Lawn City Treasurer presented the First Quarter Financial Report

### **CITY ADMINISTRATOR’S REPORT**

To: Honorable Mayor and City Council  
From: Brian W. Silcott, City Administrator  
Cc: Department Directors & Staff  
Re: City Administrator Report for the April 15<sup>th</sup> Regular City Council Meeting  
Date: April 15, 2019

Below is a brief update on projects and future agenda items for the City.

2020 Budget Development: The budget season is almost upon us! We are working to prepare a draft capital improvement list for review and comment at the May 6<sup>th</sup> City Council meeting. If you have any potential projects for inclusion on the list, or you think of one that is not included on the draft project list, please reach out to Matt or me. We will also be presenting the water & sewer budgets in May & June with the General Fund following in June & July. Mayor has discussed having 2-3 workshops for the utility and General funds. Our goal is to have the budget adopted at the July 15<sup>th</sup> regular meeting or July 22<sup>nd</sup> or 29<sup>th</sup> special meeting.

Board & Commissions Update: Staff will present a comprehensive municipal code update for our boards & commissions at the May 20<sup>th</sup> regular City Council meeting.

*City Council Minutes*  
*April 15, 2019*

Kellogg & Frontage Road Projects: The Kellogg Traffic Signal & Intersection Improvement (KDOT Project #54-87 KA-4362-01) traffic study was deferred to April to coincide with the Community Improvement District amendment and Transportation Development District petition. The project will be designed by the traffic engineering firm Transystems, who is the KDOT consultant and completed the STAR Bond project traffic impact study and presented at the May 6<sup>th</sup> City Council meeting. The Kellogg & 183<sup>rd</sup> turn lane & frontage road project (KDOT Project #28-19 KA-5215-0) is progressing. We plan to present a modified right-of-way acquisition agreement to adjust for the increased appraisal value that the City is required by federal law to pay, as well as a KDOT construction agreement at the May 6<sup>th</sup> meeting.

2019 Pool Season Prep: The 2019 Pool Season kicks off on Sunday, May 19<sup>th</sup> and Public Works is busy preparing the pool. This week's activities include painting the pool basin and the pool house interior. More information will be presented as we near opening.

Goddard Gathering: Jazz in the Park is Friday, April 26<sup>th</sup> at 6pm. The Eisenhower High School Jazz Ensemble and the Wichita State Jazz Ensemble will play in this annual Jazz Appreciation Month event. We hope to see you there!

Community Service Officer: I am pleased to report that Chief Farris has hired Aja Fultcher as our newest member of the City team. Aja is replacing Donna Elson, who retired in March. Aja will be a Community Service Officer, a position that has expanded responsibilities beyond the Police Clerk position. Chief will introduce Aja at the May 6<sup>th</sup> City Council meeting.

Public Works Laborer: The City has advertised a Public laborer position, which will remain open until May 3<sup>rd</sup>. To date we have received more than 50 applications.

2019 Roadway Maintenance: Management Intern Thatcher Moddie and Assistant to the City Administrator Craig Crossette are working on the 2019 roadway maintenance bid process. The City annually allocates \$200,000 in maintenance programming to maintain existing roadways on a systematic maintenance schedule. Thatcher & Craig have worked diligently to update the tracking spreadsheet that had fallen into disrepair over the past three years. This item will be presented at the May 6<sup>th</sup> regular meeting.

Community Center Siding Rehab: Craig Crossette is working with vendors to gather quotes for a partial and full residing of the building. The quotes are for steel and vinyl. We estimate \$25,000 for a full replacement with vinyl siding. This item will be presented at the May 6<sup>th</sup> or May 20<sup>th</sup> meeting, depending upon the agenda schedule.

Water Well & Tower Meters: We are currently working on securing a second quote for the water wells and water tower transmission line water meters. I plan to present this item at the May 6<sup>th</sup> meeting as we have been estimating consumption longer than I care to do so.

SCADA Upgrade: SCADA (Supervisory Control and Data Acquisition) is a system that allows for control of pump systems and telemetry systems for water & sewer operations. The City's

system is scheduled for replacement this year and staff is working to provide quotes. The sewer jetter is having persistent and continual issues and I fear that it will not last much longer. The unit is approximately 20 years old and is in need of replacement.

Direct Oxygen Sensors: DO Sensors are used in the wastewater treatment facility's digestion process. The sensors measure the amount of oxygen in the aerobic (oxygenated) and anaerobic (un-oxygenated) basins. These sensors are experiencing wear and tear. Staff is assessing the best approach to mitigate the damage to these critical sensors. A future agenda item may be presented on one or more of these items.

Respectfully Submitted,  
Brian W. Silcott,  
City Administrator

### **GOVERNING BODY COMMENTS**

Councilmember Torske thanked staff for their accomplishments.

Councilmember Torske stated that he wants to address the cost of water and sewer.

Councilmember Zimmerman stated that he doesn't want to compromise the City's esthetics by allowing the tall signs.

Councilmember Leland asked what happened with the purchase of the portable stage. Craig Crossette said staff found the same stage for \$1,000 less than was approved.

Mayor Blubaugh stated he would like to review the budget in depth and be involved with the preparing of the budget process.

### **EXECUTIVE SESSION**

**MOTION:** Councilmember *Brandenburg* moved to recess into executive session to discuss a matter involving a city employee pursuant to the non-elected personnel matters exception, K.S.A. 75-4319(b)(1). The City Council will reconvene the open meeting in the City Council Chambers at 9:25 p.m. Councilmember *Torske* seconded the motion. The motion carried unanimously.

*The City Council recessed into executive session at 9:08 p.m. and reconvened at 9:23 p.m. Mayor Blubaugh announced there was no binding action taken in executive session.*

### **ADJOURNMENT**

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

*Meeting adjourned at 9:27 p.m.  
Teri Laymon, City Clerk*