

**MINUTES-REGULAR MEETING
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
MONDAY, JUNE 4**

The Goddard City Council met in a Regular Session at Goddard City Hall on Monday, June 4, 2018. Mayor Jamey Blubaugh called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. Mayor Blubaugh provided the invocation. Council members present were Larry Zimmerman, Joe Torske, Brent Traylor and Brook Brandenburg. Councilmember Ramirez was absent.

Also present were: Brian Silcott, City Administrator; Cathy Schroeder, Utility/Court Clerk; Tim Johnson, Community Development Director; Fred Farris, Police Chief; and Harlan Foraker, City Engineer.

APPROVAL OF THE AGENDA

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

CITIZEN COMMENTS

Jeffrey Jones, 621 E Fourth St., asked if it would be possible to get the contact information for Rick Warner. He said people have found his Linked in account but the only email is through the Oppenheimer Corporation and Mr. Warner is no longer associated with that company. He asked what could be done with downtown? He said he was at Mrs. Coles recently and when he looked from the south end to the North end of Main Street he saw nothing remarkable. He said there is a nice wide street and grass. He indicated there is still salt and sand in the road. He also said when the flags were up for Memorial Day it looked very nice and asked if we could get seasonal banners or something to make it look less blah. He would like to know about street paving. He said he lives on Fourth Street, but not the one that got repaved. He has been there 11 years and hasn't had any type of paving on his street. He said he would like to see his street on the list of areas for paving. He said there has been some chatter online about doing a farmers market and in years past Goddard has had a Farmer's Market where the Dollar Tree Store is currently located. He has heard there was some confusion and issues with vendors being required to carry their own insurance. He said many people are going to other cities and wanted to know how we can bring people to Goddard.

Brian Silcott responded to Mr. Jones. Concerning the Farmer's Market. He said he has been in contact with the gentleman who coordinates the Farmer's market in Old town Wichita. Now that the Pavilion is open there is a possibility of doing a Farmer's market on a Thursday in anticipation of the weekend. They would need to coordinate with the area growers to make certain that they would want to participate in that.

Councilmember Zimmerman said he would not be opposed to them using the lot across the street since the City owns that land. Silcott indicated staff had previously presented some schematics for possible construction of an open air structure to be used for parking or the farmers market.

Mayor Blubaugh responded to Mr. Jones concerning Main Street. He said Mr. Silcott is always working on downtown revitalization including architectural control along main street and keeping a certain design. Mr. Silcott said this includes streetscape where overhead power lines would be buried and uniform lighting which would dovetail or augment the exterior paths and the downtown linear park. Mayor Blubaugh told Mr. Jones he could find the list of streets to be paved on the Agenda for May 21st

APPOINTMENTS, PROCLAMATIONS, RECOGNITIONS, & NOMINATIONS

MOTION: Councilmember *Torske* moved to appoint Kenneth Tingle to the Library Board. Councilmember *Brandenburg* seconded. The motion carried unanimously.

APPROVAL OF THE CONSENT AGENDA

The Mayor presented the consent agenda consisting of the following items for the City Council's review.

- Minutes of the May 21, 2018 regular city council meeting
- Accounts Payable dated May 14, 2018 for \$91,836.12
- Approval of Pathway Church Special Event Permit – Pavilion Rental
 - a) June 22, 2018 3PM set-up w/Concert 6:30PM-8:30PM

MOTION: Councilmember *Zimmerman* moved to approve the consent agenda. Councilmember *Traylor* seconded the motion. Councilmember *Torske* abstained. The motion carried unanimously

2017 AUDIT PRESENTATION BY RANDY FORD, CPA

Randy Ford, Auditor, reviewed the highlights of the financial audit, including the Auditor's Opinion of Financial State.

CONSIDER A RESOLUTION AUTHORIZING TEMP NOTE PLACEMENT

Brian Silcott stated at the May 16, 2016 meeting the City Council unanimously approved Resolution 16-07. This resolution authorized the project for infrastructure improvements. The Series 2016-2 notes authorized \$770,000 with \$631,650 for street/roadway improvements, \$84,150 for sewer improvements, and \$54,200 for water improvements. Administration of the STAR Bond project has always intended for the temporary notes to be converted to long term bonds with a 15-20 year duration. The temporary notes were sold to Central States Capital Markets with an average interest rate of 1.21% and known as Issuance Series 2016-2 at the June 20, 2016 Regular City Council Meeting. On May 21, 2018, the City Council unanimously approved the authorizing the sale/offering of the notes as a private placement of the 2016-2 temporary note series as 2018-2 temporary note series. He stated the resolution authorizes the placement of \$825,000 (estimated \$770,000 principal & \$55,000 capitalized interest) in temporary notes. The notes will mature on July 1, 2020 with note delivery planned for June 28,

2018. Beginning January 1, 2019, interest payments will be made by January 1 and July 1 of each year. The best bidder is Emprise Bank with an interest rate of 2.22% with the physical delivery of bond notes. The resolution also authorizes staff and the City's representatives (Gilmore & Bell as Bond Counsel and George K Baum as Financial Representative) to complete the terms of note resolution (evidence of the formal Governing Body action), the note purchase agreement (provides terms and details of the notes for related actions), transcript index (transcription of actions & activities), transcript certificate (certifies the accuracy and effectiveness of the note resolution), the agreement between the issuer and the agent (authorizes the State Treasurer to serve as paying agent and bond registrar, legal opinion, and the closing certificate (verifies completion of the above tasks for the closing to occur). When the 2018-2 series temporary notes mature on July 1, 2020, they will be converted into General Obligation bonds with payment being from the City's General tax levy within Fund 92, the STAR Bond Fund. Temporary Note interest payments will be made semiannually on January 1st & July 1st in 2017 and 2018. Financial: Temporary Note Interest Payments will be made from the City's Bond & Interest Fund. He added the Resolution was authored by City Bond Counsel Kevin Cowan and Reviewed by City Attorney Ryan Peck. He recommended the City Council Approve the Resolution as presented by a voice vote to waive the reading of the Resolution.

MOTION: Councilmember *Torske* moved to waive the reading of the Resolution. Councilmember *Traylor* seconded the motion. The motion. carried unanimously

MOTION: Councilmember *Zimmerman* moved to adopt the Resolution as presented. Councilmember *Torske* seconded the motion.

Roll Call Vote:

Yea: Torske, Zimmerman, Traylor, Brandenburg

Nay:

RECEIVE AND FILE GPD 10-HOUR SHIFT REVIEW

Police Chief Fred Farris gave an overview of the implementation of 10-hours shift schedule to begin June 25, 2018.

Councilmember Ramirez arrived at 7:28 p.m.

REQUEST TO ADDRESS THE GOVERNING BODY RELATED TO KEEPING CHICKENS

Tim Johnson stated on April 17, 2018 staff mailed a notice citing the owner of the property located at 300 Brazos Drive with a violation of Goddard Municipal Code Chapter II, Article 1.2-116(b), which states: On or after July 7, 2003, it shall be unlawful for any person to keep within the city limits of the City of Goddard, Kansas, any livestock as defined by Section 2-101(o) of the City Code of the City of Goddard, Kansas, including, but not limited to cattle, horses, goats,

sheep, chickens, geese, ducks, turkeys, guineas or any other animal commonly regarded as farm or ranch animals, but shall not include fowl kept indoors commonly kept as household pets, including, but not limited to, parakeets, parrots, and other exotic bird species. The specific violation is in this instance the keeping of chickens at this location. The letter from the City of Goddard requested the owner bring the property into compliance with City Code no later than May 21, 2018.

On April 19, 2018 the owner delivered a response to the city clerk requesting to address the City Council on this matter.

Mr. Johnson stated council's legal considerations were to either enforce the Municipal Code as written, whereby the owner of the chickens must remove them from within the city limits or the city may remove those chickens itself or impound them and finally the city may issue a citation to the owner requiring the person to appear at the next Municipal Court date. He stated that alternatively Council may direct staff to research and possibly prepare an ordinance allowing for the keeping of chickens either at this location or generally throughout the city. He stated that the city has no leeway on this issue at this time.

Colleen Casenove, 300 Brazos Drive, stated she and her husband have lived in Goddard for 26 years. She gave a brief overview of the benefits of backyard chicken keeping. She stated she has contacted some of the surrounding communities and noted that all of the surrounding communities allow backyard chicken keeping. She noted none of the Surrounding Cities allow Roosters due to noise considerations.

MOTION: Councilmember *Torske* moved to direct staff to delay the enforcement of this ordinance while staff research and draft an ordinance allowing for the keeping of hens in the city limits. Councilmember *Traylor* seconded the motion. The motion carries unanimously.

ORDINANCE SUSPENDING ALCOHOL PROHIBITION AT THE PUBLIC LIBRARY

Beginning in 2016 the City has begun allowing limited and temporary consumption of alcohol for all legal aged adults during a brief window for Goddard Gathering concerts. The ordinance allows consumption of alcohol by legal aged adults on Monday, June 25, 2018 between the hours of 7:00 pm CDT until 9:00 pm CDT. At the Goddard Public Library.

MOTION: Councilmember *Torske* moved to waive the reading of the Ordinance. Councilmember Ramirez seconded the motion. The motion carried unanimously.

MOTION: Councilmember *Torske* moved to adopt the Ordinance. Councilmember Ramirez seconded the motion.

Roll Call Vote:

Yea: Torske, Zimmerman, Ramirez. Traylor, Brandenburg

AUTHORIZE POOL SHADE PURCHASE

Brian Silcott stated the City's 2017 CIP contained \$30,000 for shade improvements at the pool. This item was dropped from the 2018 CIP as it was planned to be rolled into the Linear Park improvements as a change order, which did not occur until much later in the project. He said Staff proposes the removal of the existing shade structure and the addition of a three (3) cantilever shade structures. The shade sails features include:

- "rapid release" mechanism for quick removal
- Rated to withstand 105 mph sustained winds
- Snow load of 5 psf
- Concrete Footings 8' in depth

He stated the total cost is \$108,160. If approved, Staff recommends allocating this expenditure to the Capital Improvement Fund, line item 90-670-8130

After a brief discussion concerning warranty, cost, and the actual amount of time the shades would be used:

MOTION: Councilmember *Torske* moved to Table this item to a future date to allow staff to get more information. Councilmember *Ramirez* seconded the motion. Motion carried unanimously.

AUTHORIZE WASTEWATER TREATMENT BLOWER MOTOR REPAIR

Brian Silcott stated the Goddard Wastewater Treatment Facility currently utilizes four blowers that operate on a 24/7 basis, with one of the four blowers used solely for the purpose of aiding the fuzzy filters and providing air and circulation to the exterior Aeromod aerobic basins. The four original blowers were installed during the construction of the wastewater treatment facility and are approaching ten years old. Without four properly functioning blowers, the wastewater treatment facility cannot properly operate or meet the quantitative requirements set forth by the Kansas Department of Health and Environment (KDHE) and the Environmental Protection Agency (EPA). He further stated Blower Motor #1 experienced a catastrophic failure resulting in the need for a significant rebuild of the internal motor. The blower motor is original to the plant and is Kaeser Model FB 790c. Failure to complete this repair will result in a subsequent premature failure of the existing two blowers as operation requires two blowers and operation is rotated between three blowers to reduce wear and prolong the operating life. This is separate blower motor from the repair that was authorized by the Council at the March 19, 2018 regular meeting and allocated to line item 30-860-6130.

He stated four quotes were solicited with the following contractors listed alphabetically with the preferred bidder listed in bold italics:

- ***B&B Electric Motor \$8,150.00***
- Kaeser Compressors (manufacturer rep) \$19,738.35
- Midwest Electric & Machine \$5,000.00

- Rotek Services \$9,126.80

He stated the preferred bidder is not the low bid. He explained three (3) of the four (4) bidders visited the facility and inspected the blower. The low bid did not visit the facility to inspect the blower. The three bidders who visited the facility and inspected the blower identified the same general deficiencies, which are included in their bids and are not included in the lowest bid. An example of such an omission includes the replacement of several roller bearings, while the low bid does not. The 3 bidders who inspected the blower all identified removal and repair as critical while the low bid presents an onsite motor rebuild. All four bids acknowledge that additional work or balancing may be required, which would increase the cost. However, the low bid also reserves the right to amend the estimate within 2-4 business days after making the inspection and the City has awarded the bid. Because of the factors identified above, staff recommends awarding the repair work to the next lowest bid B&B Electric Motor in the amount of \$8,150.00.

B&B has worked with the City previously and staff believes they would provide quality work and craftsmanship. Staff has no reservations to work with any of the bidders, therefore the bid recommendation is based on what is believed to be the lowest bid with the fullest assessment of the situation

MOTION: Councilmember *Zimmerman* moved to award the bid to B&B Electric Motor in the Amount of \$8150.00. Councilmember *Torske* seconded the motion. The motion carried unanimously.

ORDINANCE AMENDING ZONING MAP OF 211 SOUTH GODDARD RD FROM R-1 TO C-2

Tim Johnson stated this report was the result of a request for a Zoning District amendment submitted to the Goddard Planning Commission by Mr. William Smith, for property located at 211 S. Goddard Rd/199th St. The applicant requests a change of zoning from the current R-1 (Single Family Residential District) to a C-2 (General Business District). At their July 13, 2006 meeting, the Planning Commission conducted the necessary public hearing on this matter. At the conclusion thereof, the Planning Commission voted 5-0 to recommend approval of the change of zoning from the current R-1 (Single Family Residential District) to a C-2 (General Business District) classification based on information presented by staff. At their August 7, 2006 meeting the City Council tabled consideration of an ordinance changing the zoning of this property from an R-1 (Single Family Residential District) to a C-2 (General Business District) classification pending completion of several requirements associated with replatting the property. Those requirements were met, and a Final Plat was approved by the governing body October 2, 2006. However, the ordinance changing the zoning from R-1 to C-2 was never adopted by the City Council, and the commercial activity that has taken place at this location over the past twelve years is, from a zoning perspective, non-compliant. The owner now wishes to sell the property, and prospective buyers wish to continue using it for commercial rather than residential purposes. Unfortunately, the R-1 zoning will not allow commercial activities. Further, the location and nature of the property are such that no residential use would be appropriate here, and it should be zoned for commercial purposes. Following consultation with the city attorney, staff determined

the City Council may reconsider and adopt the ordinance without going through the entire public hearing and Planning Commission review process a second time.

This view is based on the following considerations:

- 1) The oversight in adopting the ordinance is not the fault of the petitioner.
- 2) The uses allowed under a C-2 zoning classification have occurred on this property since 2006.
- 3) The nearby property owners have grown accustomed to those uses.
- 4) The property is appropriate for C-2 uses.
- 5) The Planning Commission recommended approval of the requested zoning classification.

He further stated the recommendation complies with the Zoning Amendment Review Criteria incorporated in Article 13, Section 100.H of the City of Goddard's Zoning Regulations.

He stated that in considering its decision the Governing Body, having reviewed the Commission's findings of fact and the factors upon which their recommendation is based, shall either adopt the Commission's findings and factors by reference or record their own findings of fact and the factors upon which their decision is based. Per the City of Goddard's Zoning Regulations, Article 13, Section 104, when the Planning Commission in its report submits a recommendation of approval or disapproval of a proposed amendment or special use including the basis therefore, the Governing Body may: 1. Adopt such recommendation by an effectuating ordinance; 2. Override the Commission's recommendation by a 2/3 majority vote of the membership of the City Council; or 3. Return such recommendation to the Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Commission's recommendation, the Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new or amended recommendation. Upon the receipt of such recommendation, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the effectuating ordinance or it need take no further action thereon. If the Commission fails to deliver its recommendation to the Governing Body following the Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Commission as a resubmission of the original recommendation and proceed according.

MOTION: Councilmember *Torske* moved to waive the reading of the Ordinance. Councilmember *Ramirez* seconded the motion. The motion carried unanimously.

MOTION: Councilmember *Ramirerz* moved to adopt the Ordinance. Councilmember *Torske* seconded the motion.

Roll Call Vote:

Yea: *Torske, Zimmerman, Ramirez. Traylor, Brandenburg*

Nay:

DISCUSSION OF GODDARD GATHERING SPONSORSHIP

Brian Silcott stated the city began hosting Goddard Gatherings back in 2013. The events have been held in Linear Park, the Public Library, and the City Pool, and have included at least quarterly gatherings ranging concerts, to movie nights, to holiday events such as the tree lighting and Halloween activities. These events have never received sponsorship. He stated the City has been approached by the Chamber of Commerce to facilitate these community events, which would include sponsorships for the events. The City is the single largest provider of revenue for the Chamber and looks forward to supporting the Gatherings being coordinated by the Chamber. Sponsorships are not necessary for the Goddard Gatherings to continue, however we have several businesses who desire to “give back” to the community through an event sponsorship.

It was the consensus of the Council that the sponsorship would be advantageous for all parties.

CITY ADMINISTRATOR’S REPORT

Brian Silcott submitted and reviewed the City administrator’s report dated 6/4/18

To: Honorable Mayor and City Council
From: Brian W. Silcott, City Administrator
Cc: Department Directors & Staff
Re: City Administrator Report for the June 4th Regular City Council Meeting
Date: June 4, 2018

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

City Staffing News: I am pleased to announce that Joseph Turner will be joining us as the Director of Public Works on July 9th. Joe joins us from California, having served the citizens of San Bernardino. His experience includes work as a Public Works analyst and communications specialist. His first day will be Monday, July 9th.

GPD is currently conducting interviews to fill the department’s single vacancy. We hope to have a hiring announcement later this month.

Public Works employees Gary Medley and Mike Holmes have completed their annual Aquatic Facility Operator recertification. This certification is required to operate our municipal pool.

Also, a reminder that Craig Crossette begins his service as the Assistant to the City Administrator on Monday, June 11th.

Water Storage Cross Connection & Tower Cleaning & Painting: This project, which was approved at the May 7th meeting, has been completed. Work to clean & paint the water tower is scheduled to begin on Wednesday, June 6th. However, this is subject weather conditions at the Maguire Iron work crew’s current location in Texas, where a slight delay looks possible. The tower’s color will be white with the city logo, no school mascots or logos are planned. I would like to thank Gary Medley for his work on the cross connection project, where he played a

critical role in helping to keep the water safely flowing to our neighbors and community members.

Library Grounds Greenspace Expansion: Work continues on this project. I am working with Library staff, board members, and the Lions Club to finalize plan design. I will be presenting a request for the City to fund in whole or in part a bronze sculpture to fill a portion of the space. A meeting is planned for later this week to narrow down the sculpture selection with our community volunteers. The estimated cost of the sculpture is \$6,500 to \$10,000.

STAR Bond Development Agreement Amendment: I hope to have this item presented to the Governing Body in July. There is a framework meeting scheduled for later this week.

Upcoming June 4th Agenda Items:

- Authorize the 183rd Street Sidewalk Project
- Consider Library Greenspace Bronze Sculpture Purchase
- Adoption by Reference the MABCD Building & Construction Code Ordinance
- 2019-2020 General Fund & Debt Service Fund Budget Discussion

2019-2020 Budget Calendar

- General & Property Tax Supported Funds
 - June 18th, & Finalize July 2nd, July 16th (Finalize No Later Than)

Finalized Budget & Direct Publication of the Notice of Public Hearing

GOVERNING BODY COMMENTS

Councilmember *Zimmerman* stated someone has mentioned to him that there is water flowing in the men's bathroom. Brian Silcott Stated the city is aware of the problem and is working to correct it.

Councilmember *Brandenburg* stated he would like to see the Farmer's market come to fruition so we can take advantage of this year's growing season.

Mayor *Blubaugh* stated it doesn't take a study to know the light at 199th is not working correctly.

Brian Stated the light at 199th has magnetic sensors. He said if people don't pull up over the sensor the light will not get tripped to change.

Mayor *Blubaugh* stated he would also like to get a city building maintenance log. He would like to see an analysis of all of the City buildings.

ADJOURNMENT

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

Meeting adjourned at 8:31 p.m.

Cathy Schroeder, Utility/Court Clerk