

**MINUTES-REGULAR MEETING  
CITY OF GODDARD  
118 NORTH MAIN, GODDARD, KS  
MONDAY, JUNE 20, 2022**

The Goddard City Council met in a Regular Session at Goddard City Hall on Monday June 20, 2022. **Mayor Larry Zimmerman** called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance and the Invocation led by Councilmember Larkin. Council members present were Larry Zimmerman, Brent Traylor, Micahel Proctor, and Hunter Larkin. Council member Sarah Leland was absent.

Also present were, Brian Silcott, City Administrator; Teri Laymon, City Clerk; Thatcher Moddie, Assistant to City Administrator; Brooke Brandenburg, Public Works Director; Micah Scoggan, Economic Development Director; Lance Beagley Police Chief.

**APPROVAL OF THE AGENDA**

**Brian Silcott, City Administrator** stated that Item G.2: North Main Street Land purchase agreement; has been added to the agenda and the executive session has been removed.

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

**CITIZEN COMMENTS**

None

**APPROVAL OF THE CONSENT AGENDA**

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

**411 N CRAIG STREET CODE VIOLATION UPDATE**

**Micah Scoggan**, explained that on March 15, 2022, the city code enforcement officer documented a violation of the city of Goddard code section 8-308 upon the premises located at 411 N Craig St. A certified letter was sent allowing 15 days to elapse to remediate the issue.

The property owners are Scott and Tiffany Wegerer who live in Colwich Kansas. The tenant is Larry Veltman who is disputing the code violation.

Mr. Veltman was informed of his right to legal counsel if he desired it and he provided notice within the 15-day time allowed to be considered before the Governing Body per city of Goddard code 8-312.

The City of Goddard code officer found the following non-compliance with the City of Goddard code, Chapter 8, Article 3 Environmental Code: "It shall be unlawful for any person to allow to

exist on any residential, commercial or industrial premises, conditions which are injurious to the health, safety or general welfare of the residents of the community or conditions which are detrimental to adjoining property, the neighborhood or the city. For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:

(a) Exterior conditions (yard) shall include, but not be limited to, the scattering over or the parking, leaving, depositing or accumulation on the yard of any of the following:

- (1) lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse.

On May 16, 2022; Mr. Veltman came before the Governing Body and stated he is in the process of cleaning up the property and requested additional time to complete the process.

The Governing Body granted Mr. Veltman 30 days to remediate the property with a follow up meeting on June 20, 2022, to review the progress.

Scoggan stated a review of the property on Friday June 17, 2022, has found the property to be improved but not fully remediated.

*Larry Veltman* addressed the Governing Body and explained cleanup is now 95 percent complete. His cleanup efforts continued into the afternoon on Friday, June 17, 2022, after *Micah Scoggan's* follow-up visit in the early afternoon. Mr. Veltman said the AC units that are left along the fence line are working units that he sells. He feels he should be able to store the units in his backyard and states renting or purchasing a storage unit would negate his profits. He is willing to move them closer to the house and cover them with a tarp.

**MOTION:** Councilmember *Larkin* moved to consider the violation abated, subject to a future review. Councilmember *Traylor* seconded the motion. The motion carried unanimously.

### **NORTH MAIN STREET LAND PURCHASE AGREEMENT AMENDMENT NO. 3**

*Brian Silcott, City Administrator* presented a third amendment to the real estate purchase and sale agreement between the City of Goddard, Kansas and Uneeda Storage, LLC for a property with the common address of 900 North Main St.; approximately four acres directly north of Orscheln's. The amendment extends the inspection period to October 1, 2022 at 5:00 PM CDT to allow the purchasers development team additional time to finalize their due diligence process.

**MOTION:** Councilmember *Traylor* moved to authorize the mayor to execute the third amendment extending the due diligence period 90 days. Councilmember *Proctor* seconded the motion. The motion carried unanimously.

### **CONDUCT PUBLIC HEARING FOR CODE VIOLATION - 520 N GODDARD ROAD**

*Mayor Zimmerman* opened the public hearing for 520 N Goddard Road at 7:26 pm.

*Micah Scoggan* stated on May 13, 2022, the city code enforcement officer documented a violation of the city of Goddard code section 8-502 and 8-201 upon the premises located at 520 N Goddard Rd. A certified letter was sent allowing a maximum of 15 days to elapse to remediate the issue. The items identified were grass and or weeds exceeding eight inches and piles of brush

and limbs with cinder blocks and concrete debris in a disorderly pile upon the lot. The property owners are Smith Matthew Everett & Jessica Ann Chapman. They are disputing the code violation. The property owners mowed the property but have yet to remove the accumulation of brush and limb piles with cinder blocks off the property.

The City of Goddard code officer found the following non-compliance with the City of Goddard code, Chapter 8, Article 5 Weeds & Chapter 8, Article 2 Health Nuisance

- Goddard City Code 8-502 “states that all properties shall have grass and or weeds no higher than 8 inches. Any such weeds and grasses shall be presumed to be blighting in nature if they exceed that height”
- Goddard City Code 8-201 It shall be unlawful for any person to maintain, cause or permit any nuisance within the city limits of the City of Goddard, Kansas. For the purposes of this ordinance, “nuisance” means:
  - (j) “Salvage material, industrial material, or commercial material located upon premises located within any area zoned for residential purposes, except building materials to be used within ninety (90) days in conjunction with a construction project on such premises; or,
  - (k) Piles or otherwise disorderly accumulations of wood located upon any residential or commercial properties, or vacant lots in residential or commercial areas, except wood that is for use on the premises upon which it is located and which is stored in an orderly fashion at least six (6) inches above ground or completely on concrete.

**Scoggan** presented a resolution to City Council for approval; to determine the property located at 520 N Goddard Rd is in violation of city of Goddard code 8-201. Goddard City Code 8-502 violation was abated by the property owners and is not included in the resolution.

Jessica Ann Chapman addressed the council stating she was not in attendance to argue about violation of code but to argue that the code is a bit arbitrary. Ms. Chapman presented her points and asked the council for several changes; clarification on abatement, detailed compliance notices, detailed costs of abatement, a remedy for those who are unable to comply to the code, offer a list of organizations that provide the type of services that may be needed, Clarity in the code language and update to The City Code to eliminate vague statements.

Council member **Larkin** stated the flexibility in the City Code allows for an exception in difficult situations. **Scoggan** agreed the code is broad to give city staff latitude before the issue is brought to City Council.

**MOTION:** Councilmember **Traylor** moved to adopt the resolution as presented. Councilmember **Larkin** seconded the motion. The motion carried unanimously.

**Mayor Zimmerman** closed the public hearing.

**Resolution #22-16**

**CONSIDER REZONING OF 4 ACRE CITY OWNED PROPERTY**

**Micah Scoggan** stated Beau Hudson of Landmark Commercial Real estate (LCR) has submitted an application on behalf of a Mr. R.D Wood to rezone four acres of city owned land from C-2 general commercial district to R-4 high density residential. The city has been working with LCR since June of last year, reviewing all the possible option for developing the four acres of city owned land located directly north of Farm and Home store. Original conversations started with the property remaining commercial for a commercial development. However, after some review it was determined that the location made it difficult for that property to be marketed to the general public due to it being screened from US-54 by Orscheln. This led to conversations of rezoning to a mixed use or a higher density development and ultimately the decision was made to look at possibly rezoning to higher density residential. The Planning Commission considered this item on June 13th, 2022 and voted in favor of the rezoning 6-0.

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

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

Roll Call Vote:

Yea: Larkin, Zimmerman, Traylor, Proctor

Nay:

**Ordinance #889**

**REZONING OF 167<sup>TH</sup> AND MAPLE PROPERTY**

**Micah Scoggan** stated Fisher Wells has submitted a rezoning request on behalf of both himself and Justin Underwood for a proposed development on Maple between 167 St and 183rd. The rezoning request would change the zoning classification of the proposed land development from “R-1” Single Family Residential Development to “R-2” Two Family Development. The purpose of the rezoning of the land would be to allow duplexes to be built for a duplex community development. This would allow the developer to proceed without having to go through a Conditional Use Permit (CUP) for each lot.

The Planning Commission failed to establish an official vote since the vote was split with three against, two in favor of and one abstaining vote which counts as a in an affirmative vote.

The re-zoning is now being considered by the City Council for a final decision and if it were approved, it would become official 30 days after publication in the city newspaper.

**Scoggan** stated the original request proposed by the developer has been amended to rezone only the western; 72.6 acres with a single family detached buffer to the north.

*Justin Underwood* addressed the Council and explained the original rezoning request was amended due to the oppositions concern of size & butting duplexes up to existing single-family homes to the north.

*Underwood* explained the duplexes they build are high quality and are built to hold. The duplexes will be managed internally by RPM; a management company that they own. The exterior & interior will be manicured and well maintained by the management company.

*Phil Meyer* with Baughman Company; agent for the applicant, states there is a lift station that sits across the street on maple that can serve the development.

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

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

Roll Call Vote:

Yea: Larkin, Zimmerman, Traylor, Proctor

Nay:

***Ordinance #890***

### **CONSIDER REPAIR OF POLICE DEPARTMENT VEHICLE**

***Lance Beagley, Police Chief*** states Police vehicle #33 is a 2015 Dodge Charger All Wheel Drive with 107,000 miles. It was purchased used in 2017 with 50,000 miles from the Kansas Highway Patrol fleet program. As part of the current fleet replacement plan, vehicle #33 is scheduled to be sold in 2023.

On May 21, 2022 the engine failed and the vehicle was towed to Davis Moore for repair. A final diagnosis from Davis Moore said there are metal shavings inside the engine caused by worn lifters. It is currently not operable. An estimate of \$8,860 was provided for replacement of the engine.

***Beagley*** states by repairing the engine on vehicle #33, we will be able to retain our current fleet count without a major disruption. Currently each officer has a vehicle assigned to them per the City's take-home vehicle policy. A new officer is due to complete field training in August and will be assigned to vehicle #28, which is the vehicle currently being driven by the officer assigned to vehicle #33. Currently the department has one open officer position to fill and an officer on military leave who can return to work the first quarter of 2023 or sometime in 2024.

Based on our current staffing and fleet needs, the goal is to continue with the scheduled replacement of two vehicles in 2023 then beginning in 2024, hopefully increase the number of vehicles replaced each year to 3 to accommodate a full staff. This would also allow vehicles to be replaced before they encounter costly repair needs. Replacing the motor in vehicle #33 will increase the resale value when it is taken out of service in 2023.

**Beagley** noted the two vehicles Council approved for purchase earlier in the year were reserved in October of 2021. Delivery of the new vehicles are at least two months out due to production delays.

**Matt Lawn, City Treasurer** stated, if approved, the repairs to vehicle #33 will be allocated to Equipment Reserve fund 81-210-8210.

**MOTION:** Councilmember **Traylor** moved to approve the repairs to vehicle #33 in the amount of \$8,860 plus an additional \$1,000 to service the transmission and differential for a total of \$9,860. Councilmember **Larkin** seconded the motion. The motion carried unanimously.

### **2023 UTILITY FUND BUDGET**

**Matt Lawn, City Treasurer** presented a proposed 2023-2024 Water and Sewer Budget for City Council's review. **Lawn** estimated the 2023 water revenues at \$983,520 with \$1,116,150.00 in expenditures. **Lawn** estimated the 2023 sewer revenues at \$1,721,500 with \$2,053,180 in expenditures

### **CITY ADMINISTRATOR'S REPORT**

**Brian Silcott, City Administrator** reviewed the progress of the STAR Bond Site and updated the City Council on the current residential developments, including Arbor Creek, Elk Ridge, Clover Leaf, Rustic Creek Silcott also provided an update for the construction of duplexes between Main Street & Cedar Street to the south of US 54/400 and Scooter's Coffee.

**Silcott** added the 4<sup>th</sup> of July Celebration is coming up on July 2<sup>nd</sup> at 7:00pm and is hosted by the Goddard Lions Club.

**Silcott** also reviewed the upcoming notable agenda items for July 2022.

### **GOVERNING BODY COMMENTS**

**Councilmember Larkin** thanked Micah Scoggan. He stated his job is not always the most glamorous, but they all feel he is doing a good job. Larkin also thanked Lawn for the budget report.

**Councilmember Proctor** thanked Micah Scoggan for standing up during some awkward commentary and stated he is excited for the new neighborhood coming to Goddard.

**Councilmember Traylor** also stated Micah Scoggan & Brian Silcott did a good job.

**Mayor Zimmerman** thanked Micah Scoggan for his efforts and inquired how the well repairs are progressing. **Brandenburg** responded wells #4, #5 and #8 are functioning properly. **Brandenburg** stated he does not have a start date yet for the repair of Well #7's but will be following up with Layne Christensen Company on Tuesday. **Zimmerman** also stated a two-story house a block to the west on First Street has tall grass and asked Scoggan to look at it.

**ADJOURNMENT**

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

*Meeting adjourned at 8:45 pm.*  
*Teri Laymon, City Clerk*