

**MINUTES-REGULAR MEETING
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
TUESDAY, SEPTEMBER 7, 2021**

The Goddard City Council met in a Regular Session at Goddard City Hall on Tuesday, September 7, 2021. Mayor Hunter Larkin called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance and the Invocation. Council members present were Larry Zimmerman, Sarah Leland, and Michael Proctor. Council member Traylor was absent.

Also present were Teri Laymon, City Clerk; Matt Lawn, Finance Director; Brooke Brandenburg, Public Works Director; Micah Scoggan, Community Development Director; Thatcher Moddie, Assistant to City Administrator; Lance Beagley, Interim Police Chief; and Harlan Foraker, City Engineer.

APPROVAL OF THE AGENDA

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

CITIZEN COMMENTS

Jim Milligan, 1217 Lake Edge Drive, stated that he attended a presentation at the Community Center where they were talking about a potential Community Center/library, which was very exciting to here about. Milligan stated he knows that this will be in the future but encouraged the City Council that when it does happen to go big. Milligan stated that he thinks that Goddard has a bright future, and it would be something we are all proud of, a model for other communities.

CONSENT AGENDA

The following was submitted to the City Council for approval:

1. Approval of Minutes
 - a. Regular Meeting – August 16, 2021
2. Accounts Payable
 - a. August 18, 2021, for \$17,482.23
 - b. August 25, 2021, for \$920,164.41
 - c. September 1, 2021, for \$30,548.94

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

101 NORTH CEDAR UPDATE AND DISCUSSION

Micah Scoggan, Community Development Director provided background information regarding the demolition of 101 North Cedar. Scoggan stated that there has been a transfer of ownership to Mr. Ward Hilyard on August 23, 2021, per document 30093494 and an application for demolition has been submitted. Scoggan recommended the city Council consider the following options. Move forward with demolition by the city through a bid option. Allow Ward Hilyard to

proceed and consider the matter resolved, to be handled through the permitting process, or table for a future date.

MOTION: Councilmember *Leland* moved to allow Mr. Hilyard to proceed to be handled through the permitting process but to bring the issue before the City Council for a follow up at the first meeting in October. Councilmember *Proctor* seconded the motion. The motion carried unanimously

ARBOR CREEK ADDITION PHASE 2 STORM WATER, SANITARY SEWER, AND WATER

Brooke Brandenburg, Public Works Director presented five bids for Arbor Creek Addition Phase 2 storm water, sanitary sewer, and water. Bids were advertised and solicited for a Thursday, September 2, 2021, at 10 am in the Goddard City Council Chambers. Five (5) bids were received.

Of the five (5) bids received, Nowak Construction is the best bid with a total cost of \$236,533.50. Nowak's bid is itemized as follows: storm water \$91,311.50; sanitary sewer \$61,645.00; water distribution \$83,577.00. The next best bid is \$24,555.50 more expensive and totaled \$261,089.00.

The construction agreement conforms with previous agreements for Phase 1 improvements and includes a substantial completion date of 40 days after the Notice to Proceed is issued. The contract amount is \$236,533.50, itemized as follows: storm water \$91,311.50; sanitary sewer \$61,645.00; water distribution \$83,577.00. The next best bid is \$24,555.50 more expensive and totaled \$261,089.00.

The contract includes a two-year maintenance of improvements, essentially a warranty for materials, parts, and craftsmanship, from project completion. There is a \$236,533.50 statutory and performance & maintenance bond. Disagreements will be settled through litigation. The City Engineer is the primary City representative for the project.

Brandenburg stated the improvements are financed and administered in accordance with the special assessment process, K.S.A. 12-6a01 *et seq.* The improvements are to be financed 100% by the improvement district. The developer owns 100% of the improvement district and is the sole petitioner. This issuance complies with Rule G-32 of the Municipal Securities Rulemaking Board.

Brandenburg recommended the City Council declare and award Nowak Construction Co, Inc. as the best bid and award the bid to Nowak Construction to construct the Arbor Creek Addition Phase 2 storm water, sanitary sewer, and water distribution improvements and authorize the mayor to execute the construction agreement with Nowak Construction Co. Inc. for the construction of Arbor Creek Addition Phase 2 storm water, sanitary sewer, and water distribution improvements

MOTION: Councilmember *Proctor* moved to award the bid to Nowak Construction for \$236,533.50 as presented. Councilmember *Leland* seconded the motion. The motion carried unanimously

CONSIDER UPS REPLACEMENT FOR SERVER ROOM

Thatcher Moddie, Assistant to the City Administrator explained that recently, the UPS or “Uninterruptible Power Source” Device that powers our servers recently was damaged beyond repair in a Power Surge at City Hall. The UPS provides power to the Server for up to 15 minutes during a power outage in order to give staff time to save work and can avoid a shutdown of the entire system most of the time. This device also powers the PD Watchguard System, which stores video from the Officers’ vehicles and body cameras. PD requires constant power backup to this system in order to store the video footage properly. Downtime reduces the amount of video feed that can be stored and cause operational issues with other equipment. Since this device powers our entire server, it needs to be able to have a longer battery backup than traditional UPS units in Staff offices. Currently, our entire system is being operated by an office-sized unit which only has 30-seconds to a minute of backup.

Short of a full-scale backup generator for City Hall, this device is the next affordable option. Gilmore Solutions made the recommendation to order and replace the unit in a timely manner to prevent outages or downtime. Gilmore will install the unit and ensure it is operating properly, with limited downtime. The unit is ready to be ordered. With the frequent power outages and surges at City Hall, this item is frequently used.

The new UPS System will be allocated to the Capital Improvement Fund, City Hall cost center.

Moddie recommended the City Council Consider authorizing the purchase of the new UPS System at **\$5,366.45**

MOTION: Councilmember *Zimmerman* moved to authorize the UPS replacement for \$5,366.45 as presented. Councilmember *Proctor* seconded the motion. The motion carried unanimously.

CONSIDER GRASS MANAGEMENT PLAN LINEAR AND MEANS PARK BID AWARD

Thatcher Moddie stated the Grass at Linear Park is currently in poor condition. While it is growing well and watered frequently, crabgrass and weeds have taken over much of the park. There are also many dead spots throughout the area. Another concern is inconsistencies in the types of grass. There are spots of fescue growing throughout Bermuda. Some of the worst grass is surrounding the playground, pavilion, and splash pad area. There are several spots where gravel may be impeding growth. The recommendation by numerous companies was to overseed with fescue grass before the winter, then focus on Weed Management. Most of the weeds and crabgrass growing in the park are not pollinators and do not support local bees and insects. There are numerous flower beds to support local bees. The treatments would be conducted around times of the day when the park is less busy, to avoid any patrons coming in contact with any

fertilizer or other treatment.

In order to get the best deal, City Staff considered bids from three companies. Staff would like to make this consideration the first part in a Grass Management Plan in Linear Park and Mean's Park, where the grass is treated and cared for on a more regular basis. There are 5 total zones (4 in Linear, 1 in Means) of grass that will be added to the Grass Management Plan. The cost of watering the grass with sprinklers and keeping the grass mowed on a yearly is costly. City Staff believes that the best benefit for the grass and cost-efficient use of water would come through regular overseeding, aerating, treatment, and fertilization of the park grass. City Staff recommends the best bidder through TruGreen, because they can do small treatments on a regular basis and treatments can be added or removed as necessary. The budget would include services in 2021 and 2022. TruGreen provided an extensive, multi-year plan to get the grass into good shape. They provided vast information on a watering plan and will monitor progress throughout the winter into early spring. Other bidders were more costly, for much less service. Also, any planned services that are not used can be rolled over to later months or the next year. City Staff ultimately does not recommend other bidders. This Fall, grass would be overseeded and watered extensively to improve thickness, consistency and eliminate patches. Next Spring, staff would present a further plan for weeds to be treated, aeration would occur, and fertilizer applied for rapid growth. PW Staff will work internally to address lacking areas of Sprinkler coverage.

The service plan will be allocated to the General Fund – Parks & Recreation Cost Center – Repair & Maintenance – Grounds 10-320-6145.

Moddie recommended the City Council go with the best bid from TruGreen for **\$8,210.00** for Overseeding and Fertilization this Fall 2021

MOTION: Councilmember *Leland* moved approve the bid from TruGreen for \$8,210.00 as presented. Councilmember *Proctor* seconded the motion. The motion carried unanimously.

REVENUE NEUTRAL RATE – PUBLIC HEARING

Matt Lawn, Finance Director explained that in its 2021 session, the State Legislature adopted Senate Bill No. 13 which limits local taxing entities from adopting budgets which exceed the Revenue Neutral Rate (RNR). As defined in state law, the RNR is the number of mills needed to levy the same dollar amount in property tax as levied in the prior year. This law limits the ability of growing communities, like the City of Goddard, from capturing new valuation growth in the form of the property tax needed to fund city operations. The new law essentially obligates growing cities to cut their mill levies annually. The law does not allow exemptions for inflation, increased commodity costs, new growth, or public safety.

Lawn stated that the proposed Budget does not raise City of Goddard personal property tax rates. The proposed budget maintains a levy of 33.226 mills or \$1,700,132 in property (ad valorem) tax; with 29.226 mills (\$1,495,466) for general government operations (all will be used for public safety/police operations), 1.000 (\$51,160) to debt service, and 3.000 (\$153,506) to the Goddard Public Library. The 2021 budget adopted a levy of 33.226 mills or \$1,558,382 in property taxes.

Lawn recommend the City Council conduct the Revenue Neutral Rate Public Hearing for the 2022 Proposed Budget and adopt Resolution 21-37 to exceed the Revenue Neutral Rate.

Mayor Larkin opened the public hearing for verbal and written comments at 7:35 p.m. There being no verbal or written comments Mayor Larkin closed the public hearing at 7:37 p.m.

MOTION: Councilmember *Leland* moved to adopt a resolution to exceed the revenue neutral rate for the 2022 proposed budget. Councilmember *Proctor* seconded the motion. The motion carried unanimously.

Resolution 21-37

FINAL 2022-2023 BUDGET PUBLIC HEARING

Mayor Larkin opened the public hearing to hear verbal and written comments regarding the formal adoption of the 2022 budget with a total mill levy of 33.226 mills.

Jim Milligan, 1217 Lake Edge Avenue, provided positive comments regarding the adoption of the proposed budget.

MOTION: Councilmember *Leland* moved approve the 2022-23 operating budget. Councilmember *Proctor* seconded the motion. The motion carried unanimously.

CITY ADMINISTRATOR'S REPORT

Thatcher Moddie presented the City Administrator's Report dated September 7, 2021.

GOVERNING BODY COMMENTS

Councilmember Zimmerman asked the status of the water wells. Brooke Brandenburg confirmed that all four wells are up and running.

Councilmember Leland thanked Matt Lawn for managing the budget so well and not causing us to raise the mill levy.

Councilmember Proctor stated he was excited that we had some public engagement with the budget this year.

Mayor Larkin inquired about the mowing notice sent to Goddard Destination. Micah Scoggan stated the city hired a contractor to mow 60 acres and the city will bill Genesis for reimbursement.

ADJOURNMENT

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

***Meeting adjourned at 7:53 pm.
Teri Laymon, City Clerk***