

**MINUTES-REGULAR MEETING
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
MONDAY, SEPTEMBER 16, 2019**

The Goddard City Council met in a Regular Session at Goddard City Hall on Monday September 16, 2019. Mayor Blubaugh 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, Brent Traylor and Hunter Larkin.

Also present were: Brian Silcott, City Administrator, Micah Scoggan, City Planner; Fred Farris, Chief of Police; Brook Brandenburg, Public Works Director; Thatcher Moddie, Administrative Fellow; Matt Lawn, City Treasurer and Harlan Foraker, City Engineer.

APPROVAL OF THE AGENDA

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

CITIZEN COMMENTS

None

GODDARD GRATITUDE

In late spring the Goddard Police Department began researching the possibility of purchasing an Unmanned Aerial System (UAS) for operational use. Officer Lamar became aware of a grant opportunity through Walmart and contacted store manager Curtis Koirth. The grant application was completed and within a week we were notified by Walmart Corporation that it had been sent to Curtis for approval at the store level. Only two weeks after our application, we received a check for \$2,500.00 to go toward our UAS.

Curtis has been a great partner since transferring to the Goddard store and is committed to working with our officers to deter crime in our community

PLANNING COMMISSION APPOINTMENT

Jody Dendurent has been selected to become the newest member of the Goddard Planning Commission. Jody has an engineering background and currently works in Colwich at ERI Solutions. She has been a resident of Goddard for eighty years and hopes to bring her technical skills and passion for growth in Goddard to the position.

She has a good rapport with City Staff, the Mayor and Governing Body members. Mayor Blubaugh believes she will be an excellent addition to the Planning Commission.

APPROVAL OF THE CONSENT AGENDA

The following was submitted to the City Council for approval:

- Minutes of the regular city council meeting dated August 19, 2019
- Accounts Payable dated August 16, 2019 for \$16,775.86
- Accounts Payable dated August 21, 2019 for \$136,631.32
- Accounts Payable dated August 29, 2019 for \$53,385.57
- Accounts Payable dated September 10, 2019 for \$109,250.72.

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

CHANGER OF COMMERCE FALL FESTIVAL BEER GARDEN ALCOHOL ORDINANCE WAIVER

Thereupon, an Ordinance was presented to the City Council for consideration entitled:

AN ORDINANCE RELATING TO THE TEMPORARY SUSPENSION OF THE BAN ON BEER OR WINE IN LINEAR PARK

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

MOTION: Councilmember *Leland* moved to adopt said Ordinance. Councilmember *Traylor* seconded the motion.

Roll Call Vote:

Yea: Zimmerman, Leland, Traylor, Larkin

Ordinance # 834

CONSIDERATION OF WATER RATE ORDINANCE

Brian Silcott, City Administrator, presented an ordinance regulating the water utility of the City of Goddard through establishing water service charges by amending section 15-209 of the Code of the City of Goddard.

Silcott stated that during the 2020 budget process, staff presented utility rate change suggestions that would shift the burden of debt service and operation & maintenance cost increases onto usage charges. The aim of this strategy is to lower the base rates for the water and sewer utilities and reduce the monthly bills for low usage customers.

This ordinance establishes the following monthly Water Utility base rates:

- Residential In City \$12 (Currently \$20.94)
- Residential Outside City \$22 (Currently \$31.44)
- Non-Residential In City \$18 (Currently \$26.44)

- Non-Residential Outside City \$28 (Currently \$35.44)
- Bulk Water Sales \$33.00 (Currently \$40.44)

The ordinance would also establish the following usage rates

- In City Customers
 - \$4 per 1,000 up to 5k (Currently \$1.50)
 - \$5 per 1,000 5k to 10K (Currently \$1.75)
 - \$6 per 1,000 over 10K (Currently \$2.00)
- Outside City Customers
 - \$4.40 per 1,000 up to 5k (Currently \$1.55)
 - \$5.50 per 1,000 5k to 10k (Currently \$1.80)
 - \$6.60 per 1,000 over 10k (Currently \$2.05)

Discussion ensued regarding how the rate changes would affect the utility customers as a whole.

No binding action was taken.

CONSIDERATION OF SEWER RATE ORDINANCE

Brian Silcott, City Administrator, presented an ordinance regulating the sewer utility of the City of Goddard through establishing water service charges by amending section 15-307 of the Code of the City of Goddard

This ordinance establishes the following monthly Sewer Utility base rates:

- Sewer Base Rates (Currently \$59.32)
 - Residential Base Rate \$36
 - Non Residential Base Rate \$48

The ordinance would also establish the following usage rates

- User Charge
 - \$8 per 1,000 gallons (Currently \$1.65)
- Usage Fee (Non-Residential and Residential Customers located outside the City)
 - \$2 per 1,000 up to 50k (Currently \$1.65)
 - \$2.5 per 1,000 50 to 100K (Currently \$1.95)
 - \$3 per 1,000 over 100K (Currently \$2.25)

No Binding Action was taken

2019 STANDARD TRAFFIC ORDINANCE

Thereupon, a draft ordinance was presented to the City Council for consideration entitled:

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GODDARD, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2019, WITH CERTAIN CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES; AND REPEALING ORDINANCE NUMBER 814 AND ALL OTHER CONFLICTING ORDINANCES.

The proposed ordinance would adopt the 2017 Edition of the STO. The amendments included in the proposed ordinance would maintain the City of Goddard’s compliance with applicable Kansas statutes while addressing local concerns. Several changes have been incorporated into the 2017 Standard Traffic Ordinance, which generally described below. Please note that we have historically included a brief description of changes, which are currently unavailable from the League of Municipalities.

- Section 133
 - Lamps and Other Equipment on Bicycles
- Section 182.1
 - Seat Belts

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

MOTION: Councilmember *Zimmerman* moved to adopt said Ordinance. Councilmember *Leland* seconded the motion.

Roll Call Vote:

Yea: Zimmerman, Leland, Traylor, Larkin
Ordinance # 835

2019 UNIFORM PUBLIC OFFENSE CODE ORDINANCE

Thereupon, a draft ordinance was presented to the City Council for consideration entitled:

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF GODDARD, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2019, WITH CERTAIN CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AND REPEALING ORDINANCE NUMBER 818, AND ALL OTHER CONFLICTING ORDINANCES.

The proposed ordinance would adopt the 2018 Edition of the UPOC. The amendments included in the proposed ordinance would maintain the City of Goddard's compliance with applicable Kansas statutes while addressing local concerns. Ordinance 799 adopting the 2017 edition of the UPOC is repealed. Several changes are incorporated into the 2018 Uniform Public Offense Code and include:

The following represents the changes in the UPOC from the 2018 edition to the 2019 edition:

- Article 7.A. Crimes Affecting Public Trust
 - 8. Crimes Involving Violation of Personal Rights (formerly Denial of Civil Rights)

- Section 1.1 Definitions:
 - Added:
 - Cannabidiol Treatment Preparation
 - Debilitating Medical Condition
 - Federal Law Enforcement Officer
 - State of Nudity
 - Transmission
 - Visual Depiction

 - Amended:
 - Alcoholic Liquor
 - Nonferrous Metal
 - Public Employee

- Section 3.1.1
 - Domestic Battery
- Section 3.2.1
 - Sexual Battery
- Section 3.4
 - Unlawful Interference with an Emergency Medical Services Attendant
- Section 3.7.1
 - Interference with Custody of a Committed Person
- Section 3.10
 - Hazing
- Section 3.13
 - Stalking
- Section 5.1.2
 - Unlawful Possession of a Visual Depiction of a Child
- Section 5.1.3
 - Unlawful Transmission of a Visual Depiction of a Child
- Section 5.3

- Unlawfully Hosting Minors Consuming Alcoholic Liquor or Cereal Malt Beverages
- Section 6.1
 - Theft
- Section 6.6
 - Criminal Damage to Property
- Section 6.7.1
 - Trespassing on Railroad Property
- Section 6.16
 - Giving a Worthless Check
- Section 6.23.1
 - Unlawful Use of Recordings
- Section 6.24
 - Commercial Fossil Hunting
- Section 6.25
 - Counterfeiting
- Section 6.26
 - Automobile Master Key Violation
- Section 7.4
 - Interference with the Judicial Process
- Section 7.15
 - Intimidation of a Witness or Victim
- Section 7.16
 - Obstructing Apprehension or Prosecution
- Section 8.2
 - Unlawful disclosure of Tax information
- Section 8.3
 - Unjustifiably Exposing a Convicted or Charged Person
- Section 9.9.1
 - Unlawful Possession of Marijuana and Tetrahydrocannabinols
- Section 9.9.2
 - Possession of Drug Paraphernalia and Simulated Controlled Substances
- Section 9.9.3
 - Unlawful Distribution of Controlled Substances
- Section 9.9.4
 - Unlawful Possession of Controlled Substances
- Section 9.9.5
 - Unlawful Possession of a Simulated Substance
- Section 9.9.6
 - Distribution of a Non-controlled Substance
- Section 10.2
 - Possession of a Firearm Under the Influence
- Section 10.4
 - Failure to Register Explosives

- Section 10.21
 - Selling Beverage Containers with Detachable Tabs
- Section 10.28
 - Endangering the Food Supply
- Section 11.1
 - Promoting Obscenity
- Section 11.2
 - Promoting Obscenity to Minors
- Section 11.9.1
 - Illegal Bingo Operation
- Section 11.10
 - Possession of a Gambling Device
- Section 11.11
 - Cruelty to Animals
- Section 11.13
 - Unlawful Possession of Dog Fighting Paraphernalia;
Unlawful Attendance of Dog Fighting
- Section 11.14
 - Illegal Animal Ownership
- Section 11.15
 - Permitting a Dangerous Animal to be at Large
- Section 11.16
 - False Membership Claim

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

MOTION: Councilmember *Leland* moved to adopt said Ordinance. Councilmember *Zimmerman* seconded the motion.

Roll Call Vote:

Yea: Zimmerman, Leland, Traylor, Larkin
Ordinance # 836

RIGHT- OF- WAY ORDINANCE

Brian Silcott presented an ordinance entitled:

AN ORDINANCE GRANTING TO IDEATEK TELCOM, LLC, A CONTRACT FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM IN THE CITY OF GODDARD, KANSAS.

Silcott explained that the agreement with IdeaTek Telecom, LLC was developed by City Attorney Ryan Peck using the City of Wichita's agreement with IdeaTek as a model. The

agreement conforms with our existing 5% receipts for right-of-use/franchise agreements and is for a 10-year duration. Key provisions are listed below:

- The City will receive a franchise payment from the company equal to five percent (5%) of its gross receipts from sales within the City limits. Any change in rates of compensation by the City will automatically apply to the company upon proper notice.
- The term of the franchise is 10 years with reopening of the agreement within that time if changed by the City or assigned by IdeaTek.
- IdeaTek must repair or replace any of the City's public improvements that are impacted by the placement or maintenance of its facilities.
- The City has the right to review and approve facilities placed in the right-of-way.
- IdeaTek must relocate its facilities when necessary for the construction of public improvements.

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

MOTION: Councilmember *Zimmerman* moved to adopt said Ordinance. Councilmember *Traylor* seconded the motion.

Roll Call Vote:

Yea: Zimmerman, Leland, Traylor, Larkin

Ordinance # 836

APPOINT 2019 LKM VOTING DELEGATES

It was recommended the City Council consider electing City of Goddard voting delegates to the League of Kansas Municipalities (LKM) 2019 annual conference in Overland Park, Kansas, October 12th – 14th.

MOTION: Councilmember *Zimmerman* moved to appoint Mayor Blubaugh and Councilmember Hunter Larkin as primary voting delegates to the League of Kansas Municipalities 2019 annual conference in Overland Park, Kansas October 12 through 14. Councilmember *Leland* seconded the motion. The motion carried unanimously.

MOTION: Councilmember *Zimmerman* moved to appoint and City Treasurer Matt Lawn and Brook Brandenburg as alternate voting delegates to the League of Kansas Municipalities 2019 annual conference in Overland Park, Kansas, October 12 through 14. Councilmember *Leland* seconded the motion. The motion carried unanimously.

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 week of September 16th
Date: September 16, 2019

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

North Park: I had hoped to present the sale agreement for the north park ground at tonight's meeting, but I am confident that we will have it ready to go at the October 7th City Council meeting. The delay is due to travel schedules and work conflicts by legal staff.

Residential Development Update: City Staff and property developers have conducted preconstruction meetings for the improvements at Arbor Creek Phase I, Elk Ridge Phase III, and once KDHE has completed plan review of improvements, log ago submitted, we anticipate scheduling a preconstruction meeting in the approaching weeks for Clover Leaf Phase I.

STAR Bond District Update: We anticipate the Old Chicago to begin construction in late winter or early spring 2020. The estimated construction date for Braums is estimated to be spring 2021. The STAR bond project has a preconstruction meeting scheduled tomorrow morning for infrastructure improvements to serve the entire development. The issuance of building permit is imminently anticipated.

STAR Bond Refinance: We are continuing to work with Crews & Associates, the current bond holders to work through the refinancing/redemption provisions. I completed a call to review several items related to the district's sales tax analysis being completed by PGAV's St Louis office. The Federal Reserve Board meets to consider additional interest rate policy decisions on Wednesday. If our forecast for an additional reduction holds true, this could generate an additional \$2,184,267 for an estimated \$4,368,534 in potential interest rate & net present value savings.

Playground Expansion: The playground expansion approved by the Governing Body in May has experienced a couple of weeks of weather related delays. The pour in place surface material will be poured this week and should be ready for use by the weekend. As a result of the relocation of the playground to accommodate a USD 265 fiber right-of-way line that was donated by the City, City staff will present a request for additional concrete and shade & park bench purchases as the play area was relocated to accommodate the fiber line running through the center of the park. The fiber right-of-way was dedicated prior to my arrival in 2008.

GPD Hiring: Chief Farris has made a conditional job offer to two individuals pending medical evaluation. Both candidates are scheduled to attend KLETC in January 2020. We hope to introduce them at the October 7th City Council meeting.

Monument Sign Zoning Text Amendment: The Goddard Planning Commission's public hearing to discuss revocation of the City's requirement for monument signage throughout the business and commercial corridor is being presented on October 14th at p.m. at the regular Planning Commission meeting. The proposed ordinance negates the mandatory provision for monument signage.

Respectfully Submitted,
Brian W. Silcott,
City Administrator

GOVERNING BODY COMMENTS

Councilmember Zimmerman stated the new playground looks nice.

Councilmember Leland thanked Jody Dendurent for joining the Planning Commission.

Councilmember Traylor also thanked Jody Dendurent for coming to the City Council meeting.

ADJOURNMENT

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

Meeting adjourned at 7:59 pm.
Teri Laymon, City Clerk