

**MINUTES-REGULAR MEETING
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
TUESDAY, SEPTEMBER 19, 2022**

The Goddard City Council met in a Regular Session at Goddard City Hall on Monday, September 19, 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 Hunter Larkin, Sarah Leland, Larry Zimmerman, Brent Traylor, and Michael Proctor.

Also present were, Brian Silcott, City Administrator; Lorie DeVaney, Assistant City Clerk; Lance Beagley, Police Chief; Thatcher Moddie, Assistant to City Administrator; Micah Scoggan, Economic Development Director; Matt Lawn, Finance Director; Brooke Brandenburg, Public Works Director; Harlan Foraker, City Engineer, and Ryan Peck, City Attorney.

APPROVAL OF THE AGENDA

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

CITIZEN COMMENTS

John Ternes, 600 S Main Street #119, inquired about the future of the Community Garden. **Brian Silcott**, City Administrator stated the City has provisions in place to secure another growth season for the Community Garden with the new property owner. He relayed the city is pursuing ground for a New Community Center and hopes to be able to relocate the Community Garden to the Community Center Grounds in the future.

APPOINTMENTS, PROCLAMATIONS, RECOGNITIONS & NOMINATIONS

None

APPROVAL OF THE CONSENT AGENDA

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

**ARBOR CREEK, CLOVER LEAF FARM PHASE I AND ELK RIDGE PHASE III
ASSESSMENT HEARING AND ORDINANCE**

Brian Silcott, City Administrator provided a background of the events leading up to the assessment hearing and proposed ordinance. Silcott stated the City authorized improvements to Arbor Creek Addition Phase I & Collector, Clover Leaf Farms Addition Phase I and Elkridge Phase III residential additions by property owner petition under the provisions of K.S.A 12-6a01 et seq. related to property owner petitioned special assessments for improvements. The documents presented will convert temporary notes financing existing improvements into Series 2022-1 General Obligation Bonds to be financed with special assessments of the property owners identified in the assessment roll and backstopped with the full faith and credit of the City at-large. The assessment proceedings are for Arbor

Creek Addition Phase 1 and Collector, Clover Leaf Farms Addition Phase 1, and Elk Ridge Phase 3. The City Council approved the statement of final costs, approved the certification of the assessment roll, established September 19, 2022 to meet for the purpose of hearing and all written or oral objections to the respective assessments set forth in the Statement of Final Costs and Assessment Roll Certification, and directed the City Clerk to Publish Notice of Public Hearing in the paper of record and distribute the Notice of Public Hearing and Statement of Proposed Cost to all affected property owners and retain these documents for public inspection. Silcott also reviewed the statement of final costs for the seventeen projects within the three subdivisions.

Project No. 1 – Arbor Creek Addition Collector – Sanitary Sewer Improvements Authorized by Resolution No. 21-24; Final Cost \$86,996.89

Project No. 2 – Arbor Creek Addition Collector – Storm Water Sewer Improvements Authorized by Resolution No. 21-25; Final Cost \$253,345.52

Project No. 3 – Arbor Creek Addition Collector – Paving Improvements Authorized by Resolution No. 21-26; Final Cost \$691,202.18

Project No. 4 – Arbor Creek Addition Collector – Water Improvements Authorized by Resolution No. 21-27; Final Cost \$156,476.77

Project No. 5 – Arbor Creek Addition Phase 1 – Sanitary Sewer Improvements Authorized by Resolution No. 19-08; Final Cost \$535,809.15

Project No. 6 – Arbor Creek Addition Phase 1 – Storm Water Sewer Improvements Authorized by Resolution No. 19-10; Final Cost \$358,085.11

Project No. 7 – Arbor Creek Addition Phase 1 - Paving Improvements Authorized by Resolution No. 19-12; Final Cost \$665,981.03

Project No. 8 – Arbor Creek Addition Phase 1 – Water Distribution System Improvements; Authorized by Resolution No. 19-29; Final Cost \$231,926.64

Project No. 9 – Arbor Creek Addition Phase 1 - Grading Improvements Authorized by Resolution No. 19-30; Final Cost \$307,864.06

Project No. 10 – Clover Leaf Farms Addition Phase 1 – Sanitary Sewer Improvements; Authorized by Resolution No. 21-15; Final Cost \$654,382.46

Project No. 11 – Clover Leaf Farms Addition – Storm Water Drain Improvements Authorized by Resolution No. 21-16; Final Cost \$923,849.61

Project No. 12 – Clover Leaf Farms Addition Phase 1 - Paving Improvements Authorized by Resolution No. 21-17; Final Cost \$570,047.36

Project No. 13 – Clover Leaf Farms Addition Phase 1 – Water Line Improvements Authorized by Resolution No. 21-18; Final Cost \$243,117.91

Project No. 14 – Elk Ridge Addition Phase IV – Paving Improvements Authorized by Resolution No. 19-17; Final Cost \$585,339.03

Project No. 15 – Elk Ridge Addition Phase 3 – Sanitary Sewer Improvements Authorized by Resolution No. 19-26; Final Cost \$335,467.73

Project No. 16 – Elk Ridge Addition Phase 3 – Water Improvements Authorized by Resolution No. 19-27; Final Cost \$149,896.14

Project No. 17 – Elk Ridge Addition Phase 3 – Water Main Improvements Authorized by Resolution No. 19-28; Final Cost \$54,085.80

Silcott noted the proposed ordinance apportions the cost within the improvement district of Arbor Creek Addition Collector and Arbor Creek Addition Phase 1, Clover Leaf Farms Addition Phase 1, and Elk Ridge Addition Phase 3. The Notice of Assessment dated September 19, 2022, notifies the property owners of this ordinance and that the assessments may be paid in whole or in part before October 18, 2022. Special Assessments not paid before the October 18, 2022; date will be collected in twenty (20) annual installments in accordance with the provisions of K.S.A. 12-6a01 et seq as petitioned by the property owner(s) at the time of the improvement authorization.

Silcott stated the proposed Ordinance includes copies of the Notice of Assessment, Schedule I, Certificate of Mailing, Certificate of the City Treasurer, and a summary of the ordinance to be published in the September 22, 2022, edition of the Times Sentinel News.

Silcott noted failure to assess the parcel as petitioned by the developer and defined within the statutory process, results in the city at-large incurring the cost of improvements. He stated the documents have been drafted by City Bond Counsel Kevin Cowan or Gilmore & Bell and are based on the assessments and costs identified by City Staff and City Financial Advisor Bret Shogren of Stifel Nicholas and reviewed and approved as to form by City Attorney Ryan Peck.

Mayor Zimmerman opened the public hearing. at 7:18 p.m. p.m. for any written or oral comments to the levying of special assessments for improvements

Terry O'Brien, 1077 Arbor Creek Court, questioned what the Phase I charges are and what the Collector charges are. Silcott replied that the Phase I charges are for improvements specifically serving the property itself and the Collector charges are for the main or primary thoroughfare.

O'Brien also inquired why Collector charges for paving are listed on lots and blocks that are yet to be paved. Silcott replied that the current charges are for the primary thoroughfare only that has been completed and that the future improvements in that area will be assessed later, in accordance with the petition, after the improvements have been completed.

Mayor Zimmerman closed the public hearing at 7:22 p.m.

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: Yea: Larkin, Leland, Zimmerman, Traylor, Proctor
Nay:

Ordinance # 898

**ARBOR CREEK PHASE I, CLOVER LEAF PHASE I, ELK RIDGE PHASE PHASE III
AUTHORIZATION OF BOND SALES**

Silcott presented a Resolution Authorizing the Offering of Sale of General Obligation Bonds, Series 2022-1 for the Authorized Improvements for Arbor Creek Addition Phase 1 & Collector, Clover Leaf Farms Addition Phase 1, and Elk Ridge Addition Phase III. The Series 2022-1 General Obligation Bond issuance totals \$6,310,000. The City selects Gilmore & Bell as Bond Counsel and Stiefel, Nicolas, and

Co as the City’s Financial Advisor and authorizes the Financial Advisor to proceed with the offering of General Obligation bonds. The resolution authorizes the preparation and distribution of a preliminary official statement related to the placement of the bonds. The resolution also directs staff and the mayor to prepare the necessary documents to proceed with this issuance. The resolution sets the sale of the bonds at the Monday November 07, 2022, Regular City Council meeting. The term of the notes will be from 2024 to 2043 with payments made on April 1 and October 1 of each calendar year, beginning on April 1, 2023. The bond sale principal amount totals \$6,620,000. The 2022-1 issuance will be redeemable on a date agreed upon with the issuer. The bonds will be delivered on or about December 1, 2022, and the General Obligation Temporary Notes Series 2019-1, dated December 18, 2019 and maturing on December 1, 2022 in the amount of \$6,300,000 will be retired with this issuance.

MOTION: Councilmember *Proctor* moved to adopt the proposed resolution authorizing the offering of Sale of General Obligation Bonds Series 2022-1. Councilmember *Leland* seconded the motion. The motion carried unanimously.

Resolution 22-20

CONSIDER AN ORDINANCE ADOPTING THE 2022 EDITION OF THE STANDARD TRAFFIC ORDINANCE (STO).

Staff presented a proposed ordinance adopting the 2022 Edition of the Standard Traffic Ordinance. The amendments included in the proposed ordinance would maintain the City of Goddard’s compliance with applicable Kansas statutes while addressing local concerns

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

MOTION: Councilmember *Leland* moved to adopt said ordinance. Councilmember *Proctor* seconded the motion.

Roll Call: Yea: **Larkin, Leland, Zimmerman, Traylor, Proctor**
Nay:

Ordinance #899

CONSIDER AN ORDINANCE ADOPTING THE 2022 EDITION OF THE UNIFORM PUBLIC OFFENSE CODE (UPOC).

Staff presented a proposed ordinance adopting the 2022 edition of the Uniform Public Offense Code for Kansas Cities. The amendments included in the proposed ordinance would maintain the City of Goddard’s compliance with applicable Kansas statutes while addressing local concerns.

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

MOTION: Councilmember *Leland* moved to adopt said ordinance. Councilmember *Proctor* seconded the motion.

Roll Call: Yea: **Larkin, Leland, Zimmerman, Traylor, Proctor**
Nay:

Ordinance #900

CONSIDER RESOLUTION AMENDING & SUPPLEMENTING RES 18-13 & RES 20-17 FOR PRIVATE IMPROVEMENTS WITHIN THE GODDARD STAR BOND DISTRICT

Brian Silcott, City Administrator stated on October 22, 2018 the City Council unanimously adopted Resolution 18-13 authorizing the issuance of revenue bonds in a principal amount not to exceed \$55,500,000 to finance the costs of the acquisition, construction, furnishing and equipping of a multi-sport athletic complex and other commercial facilities, including a natatorium, hotel, health club and ball fields to Goddard Sports, LLC. The City of Goddard is not obligated nor is the City's full faith and credit involved with this issuance of conduit debt. The City Council adopted Resolution 21-17 increasing the aggregate principal amount to acquire project and issuance bonds from \$55,500,000 to \$65,000,000. The remainder of Resolution 18-13 remained unchanged. He noted It is anticipated that additional action will be required in December 2022 to extend the IRB resolutions with Goddard Sports, LLC. for the intent to issue property and sales tax-exempt Industrial Revenue Bonds.

Silcott presented a proposed resolution extending the effective date of Resolutions 18-13 and 20-17 from October 1, 2022, to December 31, 2022. The remainder of the Resolution 18-13 remains unchanged.

Silcott noted the proposed resolution has been constructed by City Bond Counsel and reviewed by the City Attorney.

MOTION: Councilmember **Proctor** moved to adopt the proposed resolution amending and supplementing Res. 18-13 and Res. 20-17 for the private improvements within the Goddard STAR Bond District extending the effective date from October 1, 2022, to December 31, 2022. Councilmember **Leland** seconded the motion. The motion carried unanimously.

Resolution # 22-21

ARBOR CREEK PHASE III FINAL RE-PLAT

Micha Scoggan, Community Development Director stated MKEC engineering submitted an application for a re-plat of a portion of the Arbor Creek development. This re-plat will add two new lots and allow for walk out basements in and around the second entrance location unto 23rd street. The city follows the plating process for re-plating in the same way it would for new plats requiring both a pre-plat and a final plat. Scoggan noted with changing design plans comes the necessity for a revised storm water engineering study which has been reviewed by the city engineer and MKEC. With the introduction of two new lots came the need for either elevated pad sites to meet engineering requirements or an offsite detention pond. Scoggan stated the developer would like to have the offsite detention pond because during the creating of the pond the dirt that is excavated can be used for pad sites for the new phase of development which is more cost effective than hauling in dirt from elsewhere.

Scoggan stated the Planning Commission approved the re-plat of Arbor Creek Phase III on September 12, 2022, contingent upon final review and approval by the city attorney of the offsite drainage agreement. The attorneys representing the city have reviewed the agreement and approved it.

MOTION: Councilmember **Proctor** moved to approve the final re-plat for the Arbor Creek Phase III development contingent upon the acceptance of the offsite drainage proposal. Councilmember **Traylor** seconded the motion. The motion carried unanimously.

CONSIDER RCUT DESIGN AGREEMENT AMENDMENT #3

Brian Silcott, City Administrator presented an overview of the the RCUT project. He stated the city entered into an agreement with KDOT to construct a Restricted Crossing U-Turn (RCUT) in May of 2019. The agreement sets forth the City’s responsibility for design, right-of-way coordination, and project inspection costs with KDOT paying for the cost of construction with an amount not to exceed \$2,000,000. **Silcott** stated as we are all aware, the cost of construction in 2019 is vastly different than the cost in 2022. **Silcott** noted that at the same meeting in May of 2019 the City Council unanimously authorized the design agreement with TranSystems Corporation at a cost of \$186,210.

Silcott relayed the original project estimated cost of construction is \$1,573,310 with a 15% contingency of \$236,000 for a total construction budget of \$1,809,310. At the May 17, 2021, Regular City Council meeting, Amendment #2 was authorized for supplemental design services for the RCUT design amendments by KDOT and the interior connector road totaling \$225,800. **Silcott** said the City is obligated to fund the remaining portion of the project not financed by KDOT for access to the STAR Bond project site. Due to construction cost increases, the current construction estimate for the RCUT totals \$6,670,000 with KDOT funding \$4,000,000 and the City of Goddard financing the remaining difference of \$2,070,000 with \$1,500,000 financed through the Series 2020-1 GO Bonds and remaining financing coming through the cancellation of the connector road and 183rd & Kellogg geometric improvement projects.

Silcott presented Amendment #3 amending the total cost of the original January 6, 2020, design agreement by \$37,500. For a total design cost, including the connector road design and bound redesign to \$454,510.

MOTION: Councilmember **Proctor** moved to authorize the execution of amendment agreement #3 in the amount of \$37,500 for the us-54/400 & Crown Drive RCUT scope of services with Transystems. Councilmember **Traylor** seconded the motion. The motion carried unanimously.

CONSIDER PUBLIC WORKS EQUIPMENT SALE

Brooke Brandenburg, Public Works Director stated Public Works has three pieces of equipment that have reached the end of their useful life. The equipment has been taken out of service due to various mechanical issues. Brandenburg requested approval to place the 2004 F150 Pickup, the 1997 International Dump Truck & the 2000 New Holland 555E Backhoe on an auction site for sale.

MOTION: Councilmember **Proctor** moved to approve the advertisement and sale of the 2004 Ford F150, 1997 International Dump Truck, and the 2000 New Holland 555E Backhoe. Councilmember **Proctor** seconded the motion. The motion carried unanimously.

LEAGUE OF KANSAS MUNICIPALITIES 2022 VOTING DELEGATES

It was recommended the City Council consider electing City of Goddard voting delegates to the League of Kansas Municipalities 2022 annual conference in Overland Park, Kansas, October 8th – 10th.

MOTION: Councilmember **Leland** moved to appoint Mayor Zimmerman and Councilmember Hunter Larkin as primary voting delegates to the League of Kanas Municipalities 2022 annual conference in Overland Park, Kansas. Councilmember **Proctor** seconded the motion. The motion carried unanimously.

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, and the 2022 Pavement rehabilitation Program.

Silcott also reviewed the upcoming notable agenda items for October 2022.

GOVERNING BODY COMMENTS

Councilmember Larkin inquired if the City could publish required publications someplace other than the local newspaper. City attorney, Ryan Peck responded that publication cannot be done via social media or a website. Silcott noted that a ‘Affidavit of Publication’ is required for on certain items that is obtained by publishing in the newspaper.

Councilmember Traylor noted the Farmers market only had four booths and that it was located on Main Street. He stated he thought it was usually held in the park. Scoggan stated the Farmers market is no longer hosted by the city and that it is now hosted by a private organization on private land.

Councilmember Traylor also inquired what was happening at the Linear Park over the weekend. Thatcher Moddie, Assistant to City Administrator said it was a Disc Golf Tournament. Traylor suggested a notification be added to the City’s Facebook or Website for future events such as this that will block off parts of the park.

Mayor Zimmerman inquired how the water wells are functioning. Brooke Brandenburg, Public Works Director stated everything is doing fine and the wells are up and running. He also stated they have turned Well #5 off because it is reading about two and a half million below the cap and they want to hold that in reserve in case it is needed.

EXECUTIVE SESSION

None

ADJOURNMENT

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

Meeting adjourned at 8:06 pm.
Lorie DeVaney, Assistant City Clerk