

**MINUTES-REGULAR MEETING
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
MONDAY FEBRUARY 6, 2017**

The Goddard City Council met in a Regular Session at Goddard City Hall on Monday, February 6, 2017. Mayor Gregory called the meeting to order at 7:00 p.m. Joe Torske provided the invocation. Council members present were Joe Torske, Enrique Ramirez, Larry Zimmerman, and Chris Hahn.

Also present were: Brian Silcott, City Administrator; Justin Constantino, Assistant to City Administrator; Teri Laymon, City Clerk; Matt Lawn, City Treasurer; Gary Medley, Public Works Foreman; Lance Beagley, Police Lieutenant; Harlan Foraker, City Engineer; and Ryan Peck, City Attorney.

APPROVAL OF THE AGENDA

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

CITIZEN COMMENTS

Lois Snodgrass, 2316 E. Dori Street, stated that she has a dog that is contained by an invisible fence and it is not like an electric fence because the cable is buried and a person could not get shocked by it.

PROCLAMATIONS, AWARDS, RECOGNITIONS AND NOMINATIONS

Mayor Gregory nominated Todd Wentz to fill the vacant seat on the City Council.

MOTION: Councilmember *Torske* moved to approve the nomination of Todd Wentz. Councilmember *Hahn* seconded the motion. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Teri Laymon, City Clerk presented the following to the City Council for approval: Minutes of the Regular Meeting of the City Council dated January 17, 2017; Minutes of the Special Meeting dated January 23, 2017; and an Accounts Payable list dated February 1, 2017 for \$ 174,584.25.

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

AUTHORIZE PINE AND SPRUCE STREET DRAINAGE PROJECTS

Justin Constantino, Assistant to the City Administrator stated that during the development of the 2017-2022 Capital Improvement Program, staff budgeted \$10,000 for proposed concrete flutes designed to alleviate flooding near Pine St. and N. Spruce St. City Engineer Harlan Foraker estimated the total cost to be \$6,500 if this project is coupled with any proposed concrete work on the Goddard City Pool in an effort to consolidate resources and potentially reduce costs.

Staff recommend allocating the cost of the improvement to line item 90-665-8430.

MOTION: Councilmember *Torske* moved to approve the drainage project as submitted. Councilmember *Hahn* seconded the motion. The motion carried unanimously.

AUTHORIZE SWIMMING POOL IMPROVEMENT PROJECTS

Justin Constantino stated that during the development of the 2017-2022 Capital Improvement Program, staff budgeted \$30,000 for proposed swimming pool improvements. In January 2016, staff began working with city engineer Harlan Foraker to determine the areas of the swimming pool that would require removal and replacement of concrete.

The initial estimate of the removal and replacement of concrete areas around both the pool and the pool building from the city engineer is \$79,808.

Constantino recommended that the City Council to determine whether to proceed with the release of a request for proposals (RFP) for total pool improvements or to improve only the areas of the pool deck that require the most repair.

It was the consensus of the Governing Body to proceed with the release of a request for proposal only for the areas inside the pool area.

RECEIVE AND FILE UPDATE ON WATER WELLS #7 AND #8

In November 2016, staff received a message from a Wichita resident residing at 11706 W. Jewell St. regarding standing water in her backyard. The resident had previously contacted the City of Wichita about the water and was told that the water line running through her backyard was maintained by the City of Goddard. The resident informed staff that the water behind her home had been standing since Spring of 2016 and that the area of the water was slowly growing larger.

Staff contacted the resident and met with her at her home to determine the cause of the standing water. Staff conducted an onsite chlorine test and determined that the water was indeed from the City of Goddard water line. In an effort to determine if there was a leak in the water line, staff shut down Well 7 and Well 8 to see if the standing water would subside. After monitoring the site on a regular basis, it was determined in late November 2016 that the water had subsided and it was likely that there was a leak in the water line.

In an attempt to find the location of the leaks on the water line, staff informed the resident that we would turn on Well 7 and Well 8 and begin utilizing GPS to mark the points at which water began to resurface.

In February 2017, staff analyzed the GPS points of the water line leaks to determine where we would begin digging to alleviate the standing water. Staff intends to repair the water line beginning at Well 8 first, allowing staff to put Well 8 back online prior to pursuing any repairs near Well 7. Weather permitting; staff intends to begin making repairs to the water line beginning the second week in February. The water digs will occur in our easement behind 11706 W. Jewell St. All affected Wichita residents will be notified of the work with door hangers and contacted via phone if possible.

The cost of the materials for this project are dependent on the number and severity of leaks along the water line. Staff intends to purchase pipe and clamps for the repairs, as well as fence posts and ties to set up a barrier around the dig to safely secure the exposed area around the water line after regular work hours conclude. Further costs will be determined once staff is able to diagnose the affected areas.

DISCUSSION OF WIRELESS/INVISIBLE FENCE MUNICIPAL CODE UPDATE

Brian Silcott, City Administrator explained that from time to time City staff receives complaints from residents shocked to learn that the City's municipal code prohibits the use of wireless/invisible/underground/radio fence systems. Staff also receives complaints from residents who

are fearful of dogs running off leash in front and side yards, often behaving aggressively. The most recent of these incidents occurred within days of each other. One complainant is a resident who recently installed a system, and a second owns a wireless pet fence company. The business owner notified the City that he has installed more than 50 systems within Goddard, which indicates there is the potential for future confusion as the code is currently written. Staff also received a series of complaints from residents of a neighboring property utilizing a wireless pet containment system with two pit bulls running loose and off leash in the front yard. Staff was unable to approach the residence due to the aggressive nature of the animals and movement within the public right-of-way is stressful when the animals are present. This has been personally confirmed by police and code enforcement personnel. The issue of animal behavior should be addressed as a separate and individual matter.

The pertinent section of municipal code regulating this issue is contained in Chapter II Animal Control, Article 1 General Provisions and Article 2 Dogs & Cats. There are three sections of the municipal code affecting this issue: 2-101 Definitions (d), 2-115 Animal Confines; shelters (e), and 2-211 Dogs prohibited from running at large; fine. The referenced sections will be listed below:

ARTICLE 1. GENERAL PROVISIONS

2-101. Definitions.

(d) At-large means to be outside of a fence or other enclosure which restrains the animals to a particular premise or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be "At-large."

2-115. Animal confines; shelters.

(e) Barbed wire fences and electrically charged fences shall not be permitted for animal confines except on properties for which an agricultural classification permit is held or where the barbed wire fence or electrically charge fence is protected by an exterior fence.

ARTICLE 2. DOGS AND CATS

2-211. Dogs prohibited from running at large; fine.

(a) It shall be unlawful for the person owning or harboring any dog to permit such dog to run at large within the City of Goddard at any time.

Staff recommends the following items for your consideration and direction.

- Including a provision to address Section 2-115 (e) to accommodate use of a wireless pet containment system.
 - This should include prohibiting placement of underground wire within public right-of-way or easement.

- Placement of visible signage denoting a wireless pet fence (etc.) at intervals of 25 feet (or some other desired distance).
- Desired placement restrictions such as use within the backyard or side yards only as opposed full yard use.
- Any additional pertinent items desired by the City Council.
- To address wireless pet containment system violation to Sections 2-101 and 2-211, please consider including exceptions for the lawful placement and use of the items identified in Section 2-115 or relative section addressing wireless pet containment systems.

Below is an example of similar code from a neighboring community:

(3) Dogs may be confined to the premises of the residential property of their owner, keeper or harbinger by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's or harbinger's property. The collar may be controlled manually by a person or automatically in a predetermined manner. Dogs confined to residential property of the owner, keeper, or harbinger, by an electronic fence or an electronic collar, shall not be permitted to be nearer than 10 feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the front yards of an owner's, keeper's or harbinger's property. No dog having been found a dangerous animal by the animal control division shall be confined by an electronic fence or an electronic collar.

There is no direct financial factors related to this item. Should the Governing Body desire to amend portion(s) of the municipal code, there will be a small publication expense.

Staff recommended the City Council: Offer terms and conditions related to desired language for amendments to the municipal code to create a code that accounts for the advances in technology regarding wireless pet containment systems while safeguarding the public safety and peace of mind.

Discussion ensued regarding the reliability of the containment systems. City Attorney Ryan Peck stated that he will attempt to draft an ordinance that will address all of the concerns discussed and he will submit it to the City Council for approval at a later date.

REVIEW OF NOISY ANIMAL MUNICIPAL CODE

Brian Silcott explained that as the weather begins to warm, neighbors will soon begin spending more time in backyards and on their patios. Because of this, residents will become more aware of their surroundings as will the neighborhood dogs. In an effort to maintain, or in some cases, seek to achieve neighborhood fellowship, the City will undertake a program to promote a "Good Neighbor" campaign. This program will include encouraging block parties, getting to know your neighbor, and seek to facilitate neighborhood interaction with City employees such as police, public works, and administrative personnel. In addition to these efforts, we will also promote municipal code items that promote a clean and harmonious environment. The first item that we will promote will be to educate the community on our "noisy animal" code.

The pertinent section of code is Chapter 2, Section 2-113 Noisy Animals, which is provided below:

2-113. Noisy animals.

No person owning or harboring any animal shall allow such animal to continuously bark, howl, yelp, mew, roar or screech so as to unreasonably disturb the peace of any other person. Violation of this section shall be punishable by a fine of not more than \$100 or imprisonment of not more than 30 days, or both such fine and imprisonment.

Efforts will include write-ups in the Goddard Glance and posts to Facebook and Twitter.

CITY ADMINISTRATOR’S REPORT

Brian Silcott reviewed the following City Administrator’s Report dated February 6, 2017:

To: Honorable Mayor and City Council
 From: Brian W. Silcott, City Administrator
 Cc: Department Directors & Staff
 Re: City Administrator Report for the February 6th Regular City Council Meeting
 Date: February 6, 2017

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

Splash Pad & Pavilion Projects: The Park Advisory Board’s open house a success. I have included a picture of the public in attendance reviewing splash pad & pavilion designs. The Governing Body was to approve designs at this meeting, however due to some utility conflicts, additional time was needed to ensure that splash pad is properly place. The splash pad is free and clear of any utility conflicts, with the only items in conflict being approach sidewalks to the splash pad. Think of these as interior sidewalks crossing on top of utility infrastructure buried underground. It is identical to sidewalks or drive ways sitting atop water lines or cable, or telecom wires. Final design approval and authorization to proceed with the solicitation of bids on the design will occur at the February 21 regular meeting. This meeting is on a Tuesday, due to the observance of President’s day. A timeline of project milestones for each project is listed below.

SPLASH PAD MILESTONES

Date	Action Item	Board Responsible
February 21 st	Final Design Presentation	City Council
March 7 th	Pre-Bid Meeting	---
March 28 th	Bids Due 2pm	---
April 3 rd	Bid Award	City Council
April 17 th	Mobilize for Construction	---

PAVILION MILESTONES

Date	Action Item	Board Responsible
February 21 st	Final Design Presentation	City Council
April 4 th	Pre-Bid Meeting	---
April 25 th	Bids Due 2pm	---
May 1 st	Bid Award	City Council
May 15 th	Mobilize for Construction	---

STAR Bond Project: There is nothing new to report on the project. All parties continue to communicate regarding the loan closing date, as soon as any changes are known, they will be immediately communicated. I am hopeful for a closing around March 1 and as soon as a date it will be communicated.

Dementia Friendly Communities: Staff will present a draft letter of support of dementia friendly communities in March.

US-54/400/Kellogg Traffic Impact Study: Last week, Staff met with the traffic impact study engineer as he presented a draft report of the analysis. We hope to provide feedback on the draft document by February 17. Original cost estimates for current standard design mitigation was \$2-3 million dollars with funding assistance provided by the state. This assistance would likely be a 75% state funds and 25% local funds. Splitting the difference of the estimate the project would approximately \$625,000.

Tasers Purchase: The Taser's approved at the January 17 regular meeting have been ordered and are reflected on the February 1 accounts payable list. Estimated arrival is the week of February 13.

Citywide Clean-Up: The annual citywide clean up and area wide Neighbors United clean-up is scheduled for Saturday, April 22. The same procedure as last year will occur again with this spring clean-up. City staff will be providing support and dumpsters at the City yard.

Planning Commission: The next planning commission meeting is scheduled for 7pm on Monday, February 13. Agenda items include: approval of the September 12, 2016 meeting minutes; a review of the powers & duties of Kansas Planning Commissions by Community Development Director, and former Hugo Wall School adjunct instructor of Planning & Development Tim Johnson; a city update by the Director; and an update on the 2017-2021 CIP.

Utility Shut-offs: A heads up that shut-off for non-payment of the January 20 utility bills.

Future Agenda Items: Assistant to the City Administrator, Justin Constantino is working on developing RFP requests for the budgeted purchase of the 2017 public works 1-ton heavy-duty work truck and a water tower cleaning and exterior painting.

Executive Recruiter: Staff has solicited submittals from two prominent executive recruiters, the Waters Group and Strategic Government Resources. Would the Governing Body like to have a workshop to allow for questions and answers on the submittals with the perspective recruiters on Monday, February 20 with a possible award at the Tuesday, February 21 meeting, or roll the item into the February 21 meeting agenda?

Respectfully Submitted,

Brian

It was the consensus of the Governing Body to have a special workshop on Monday February 20 to interview the two recruiters.

GOVERNING BODY COMMENTS

Councilmember Joe Torske asked if the 183rd Project is still on. Brian Silcott said it would be discussed at the first City Council meeting in March.

Councilmember Larry Zimmerman asked if the flaking concrete on the walk/bike path could be addressed with the other concrete projects. Brian Silcott stated City Staff could probably repair the walking/bike path in house.

Councilmember Chris Hahn asked if any food truck vendors have been contacted for Spring events. Brian Silcott said that staff would begin planning for the April Goddard Gathering soon.

Mayor Gregory announced that there will be SCAC Meeting at the Hugo Wall School on Saturday and said anyone to wants to go can ride with her.

ADJOURNMENT

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

Meeting adjourned at 8:13 p.m.
Teri Laymon, City Clerk