

**MINUTES-REGULAR MEETING
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
TUESDAY JANUARY 3, 2023**

The Goddard City Council met in a Regular Session at Goddard City Hall on Tuesday, January 3, 2023. Mayor Larry Zimmerman called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance and the Invocation. Council members present were Hunter Larkin, Sarah Leland, Larry Zimmerman, and Brent Traylor

Also present were, Brian Silcott, City Administrator; Thatcher Moddie, Assistant to City Administrator; Lorie DeVaney, Assistant City clerk; Matt Lawn, Finance Director; Lance Beagley, Police Chief; and Harlan Foraker, City Engineer.

APPROVAL OF THE AGENDA

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

CITIZEN COMMENTS

Eight people spoke against the request to rezone the property near 167TH & US 54 from R-1 TO R-2 Case #ZONE-22-05.

Denise Heick, 2300 S. Leo Street, Goddard
Mitch Tibbs, 2520 Leo Circle, Goddard
Sheila Tibbs 2520 Leo Circle, Goddard
Chris Simon, 17900 W. Highview, Goddard
Jeff Tibbitts, 2210 S. Leo Street, Goddard
Sheri Breckenridge, 2341 South Leo Street, Goddard
Pat Brady, 420 North David, Goddard
Sara Meng, 2250 South Leo Street, Goddard
Steven Brady 2226 S. 167th Street, Goddard

APPOINTMENTS, PROCLAMATIONS, RECOGNITIONS & NOMINATIONS

Police Chief Lance Beagley announced that Christopher Poirer has been hired as a detective for the Goddard Police Department effecting December 19, 2022. Chris has over 20 years involved in law enforcement, including 16 years employed with the Derby Police Department. Prior to being hired full-time to the Derby Police Department at the age of 21, Chris serviced as a police explorer for five years. Chris brings a wealth of knowledge, training, and experience to our agency.

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.

183RD & US 54 REZONING FROM R-1 TO PLANEDED UNIT DEVELOPMENT CASE # ZONE 22-4

Micah Scoggan, Community Development Director explained that Baughman Company has submitted an application on behalf of the developer Ben Healy for rezoning two parcels of land from “R-1” Single Family to “P.U.D” Planned Unit Development. The land is approximately 53 acres and is located on the east side of 183rd just across the street from Walmart north of Prairie Traveler Trail and south of US-54.

The land is intended to be developed into a mix of commercial and residential uses including, but not limited to, apartments, commercial retail, commercial restaurants, townhomes, patio homes and outdoor space.

The Planning Commission approved the rezoning request unanimously at the December 12, 2022, meeting and is now being considered by the City Council for a final decision. If approved, it would become official 30 days after publication in the city newspaper.

Scoggan presented a proposed ordinance changing the zoning from an R-1 to a Planned Unit Development (P.U.D) classification for a parcel of land intended to be developed into a mix of commercial and residential uses.

Scoggan recommended that the City Council waive the reading of the ordinance and adopt the Ordinance approving the rezoning request case # ZONE-22-4.

MOTION: Councilmember *Larkin* moved to waive the reading of the ordinance. Councilmember *Leland* seconded the motion. The motion carried with Councilmember Traylor abstaining.

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

Roll Call Vote:

Yea: Larkin, Leland, Zimmerman,
Nay: Traylor

Ordinance #911

167TH & US 54 (A) REZONING I-1 & C-2 TO R-1 & R-4 CASE #ZONE-22-6

Micah Scoggan stated that Baughman Company has submitted an application on behalf of the developer Paul Kelsey for rezoning one tract of land from “I-1” Industrial District & “C-2” General Business District to “R-4” High Density Residential and “R-1” Single Family-detached.

This development is scheduled to be all owner-occupied dwellings, introducing different housing types for ownership while working around the odd shape of the track of land.

The Planning Commission approved the rezoning request unanimously at the December 12, 2022, meeting and is now being considered by the City Council for a final decision. If approved, it would become official 30 days after publication in the city newspaper.

Scoggan presented a proposed ordinance changing the zoning from Industrial District and C-2 General Business District to R-4 High Density Residential and R-1 Single Family detached classification for approximately 50 acres generally located on the west side of 167th Street north of Prairie Traveler Trial

and south of US 54.

Scoggan recommended that the City Council waive the reading of the ordinance and adopt the ordinance approving the rezoning request case # ZONE-22-6.

MOTION: Councilmember *Larkin* 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 *Larkin* seconded the motion.

Roll Call Vote:

Yea: Larkin, Leland, Zimmerman, Traylor
Nay:

Ordinance # 912

167TH & US 54 (B) REZONING FROM INDUSTRIAL TO R-4 CASE #ZONE 22-7

Baughman Company has submitted an application on behalf of the developer Paul Kelsey for rezoning one tract of land from “I-1” General Business District to “R-4” High Density Residential. The land is generally located on the west side of 167th St South of Prairie Traveler Trail and south of US-54.

The land is approximately 11.31 acres, and it is intended to be developed into single family detached housing, two-stories, with smaller lots.

This development is scheduled to be all owner-occupied dwellings, introducing different housing types for ownership while working around the odd shape of the track of land.

The Planning Commission approved the rezoning request unanimously at the December 12, 2022, Meeting and is now being considered by the City Council for a final decision and if it was approved, it would become official 30 days after publication in the city newspaper.

Scoggan presented a proposed ordinance changing the zoning from I-1 General Business District to R-4 high density residential classification for the property and recommended the City Council waive the reading of the ordinance and adopt said ordinance approving the rezoning request case #Zone 22-7.

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

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

Roll Call Vote:

Yea: Larkin, Leland, Zimmerman, Traylor
Nay:

Ordinance #913

167TH & US 54 (C) REZONING FROM R-1 TO R-2 CASE #ZONE-22-05

Baughman Company has submitted an application on behalf of the developer Paul Kelsey for rezoning one tract of land from “R-1” Single Family-detached to “R-2” Two-Family Residential. The land is generally located on the northwest corner of 167th St and Pawnee/ W 23rd.

The land is approximately 69.9 acres, and it is intended to be developed into duplexes. The land is not abutting the greater corporate city limits of Goddard which required it to be annexed as an island annexation per K.S.A 12-520c.

The City Council reviewed the request on October 3, 2022, and per state law agreed to a resolution requesting findings of fact from the Board of County Commissioners (BOCC) determining if the tract of land was a reasonable annexation.

The BOCC met on November 2nd at 9:00 am and determined, based on the facts presented to them, that this request was reasonable and approved the request for annexation.

Once annexed the land defaults to “R-1” Single-family at which point the developer can ask for a rezoning hearing to change the classification.

The Planning Commission denied the recommendation for a rezoning request with a unanimous vote against the consideration at the December 12, 2022, meeting. This now requires a super majority vote of the City Council to approve the rezoning. The re-zoning is now being considered by the City Council for a final decision and if approved, would become official 30 days after publication in the city newspaper.

Scoggan presented a proposed ordinance that if adopted would change the zoning on the property from R-1 Single Family detached to R-2 Two Family Residential and recommended the City Council waive the reading of the ordinance and adopt said ordinance approving the rezoning request case #Zone 22-5.

MOTION: Councilmember *Traylor* moved to deny the request for rezoning and to send the rezoning request back to the Planning Commission for reconsideration.
Councilmember *Larkin* seconded the motion. The motion carried unanimously.

2023 GAAP WAIVER FOR CASH BASIS AND MODIFIED ACCRUAL ACCOUNTING

Brian Silcott, City Administrator, presented a resolution providing for a waiver from the generally accepted accounting principles and fixed asset accounting for the year ending December 31, 2022.

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

Resolution 23-01

2023 APPROPRIATION RESOLUTION

Brian Silcott presented a resolution providing for the appropriation, by fund, of the budget of the City of Goddard for the year beginning January 1, 2023, and appropriating money from the various funds to pay payrolls and claims against the City of Goddard for the calendar year 2023.

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

Resolution 23-02

2023 BOUNDARY RESOLUTION

Brian Silcott presented a resolution declaring the entire boundary of the City of Goddard, Sedgwick County Kansas.

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

Resolution 23-03

PETITIONS AND RESOLUTIONS AUTHORIZING IMPROVEMENTS FOR BIG ARM ADDITION IMPROVEMENTS

Brian Silcott explained that this is the first of three actions to be taken by the City Council for the authorization of improvements. The acceptance of the petition and consideration of the improvement authorization resolution can be taken as a single motion with a voice vote accruing after a motion and second. The resolution accepts the petitions, authorizes the project and issuance of temporary notes to construct the improvements for future bond issuance under the special assessment statutes.

Brian Silcott presented a resolution authorizing the construction of grading of swales and a storm water pond; and drainage structures to serve the area according to plans and specifications to be furnished by the City Engineer. The petition authorizes the construction of stormwater improvements in the amount of \$309,000 with a pro rata rate of 1% per month from and after March 1, 2022, to offset potential inflationary costs before construction is authorized. The extent of the improvement district to be assessed for the cost of the improvements is lots 2 through 19, Block A, and Lots 1 through 11, Block B, Big Arm Addition.

MOTION: Councilmember *Traylor* moved to accept the petition for stormwater improvements and adopt said resolution as presented. Councilmember *Leland* seconded the motion. The motion carried unanimously.

Resolution 23-04

Brian Silcott presented a resolution authorizing the construction of paving improvements for Big Arm Addition. The petition authorizes the construction of paving improvements in the amount of \$268,000 with a pro rata rate of 1% per month from the date of March 1, 2022, to offset potential inflationary costs before construction is authorized. The extent of the improvement district to be assessed for the cost of the improvements is lots 2 through 19, Block A, and Lots 1 through 11, Block B, Big Arm Addition.

MOTION: Councilmember *Leland* moved to accept the petition for paving improvements and adopt said resolution as presented. Councilmember *Traylor* seconded the motion. The motion carried unanimously.

Resolution 23-05

Brian Silcott presented a resolution authorizing sanitary sewer improvements for Big Arm Addition. The resolution authorizes the construction of sanitary sewer lateral, with plans and specifications to be furnished by the City Engineer. The petition authorizes the construction of sanitary sewer improvements in the amount of \$236,000 with a pro rata rate of 1% per month from the date of March 1, 2022, to offset potential inflationary costs before construction is authorized. The extent of the improvement district to be assessed for the cost of the improvements is lots 2 through 19, Block A, and Lots 1 through 11, Block B, Big Arm Addition.

MOTION: Councilmember *Traylor* moved to accept the Petition for sanitary sewer improvements and adopt said resolution as presented. Councilmember *Leland* seconded the motion. The motion carried unanimously.

Resolution 23-06

Brian Silcott presented a resolution authorizing water line extension improvements for Big Arm Addition. The resolution authorizes the construction of a water distribution, including necessary water mains, pipes, valves, hydrants, meters, and appurtenances to serve the benefit district with plans and specifications to be furnished by the City Engineer. The petition authorizes the construction of water distribution improvements in the amount of \$139,000 with a pro rata rate of 1% per month from the date of March 1, 2022, to offset potential inflationary costs before construction is authorized. The extent of the improvement district to be assessed for the cost of the improvements is lots 2 through 19, Block A, and Lots 1 through 11, Block B, Big Arm Addition.

MOTION: Councilmember *Leland* moved to accept the petition for water line extension improvements and adopt said resolution as presented. Councilmember *Larkin* seconded the motion. The motion carried unanimously.

Resolution 23-07

BIG ARM ADDITION ENGINEERING SERVICES AGREEMENT WITH GARVER, LLC, FOR STORM WATER PAVING, SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS

Brian Silcott presented a proposed agreement between the City and Garver, LLC, who provides for the design of bond financed improvements conditioning of paving, storm sewer, water system and storm water system improvements. Staff recommends using Garver LLC. As this firm provided the preliminary engineering services for the platting of the Bid ARM Addition, can expedite plan preparation and is the Developer's preferred engineer.

Payment will be upon submission of invoice by Garver, LLC. and approval by the City. The total amount to be paid is \$104,000 and will be paid by the city, through the temporary note and special assessment processes. The city may present the improvement authorization and offering of sale resolutions sequentially at the same meeting. The Closing date for the bonds is anticipated to be on February 23, 2023.

MOTION: Councilmember *Larkin* moved to designate the City Engineer and City Administrator to act as the City's representatives and to authorize the mayor to sign the engineering service agreement with Garver, LLC, contingent upon the sale of the improvement notes in accordance with K.S.A 12-6a01 et seq. Councilmember *Traylor* seconded the motion. The motion carried unanimously.

AMENDED IMPROVEMENTS PETITIONS AND RESOLUTION AUTHORIZING IMPROVEMENTS FOR TRAILS END ADDITION

Brian Silcott stated the original Trails End improvement authorization resolutions were approved at the May 16, 2022, City Council meeting and on December 20, 2022, bids were received in excess of the petitioned amount necessitating amended improvement petitions and supplementary issuance. Silcott stated the acceptance of the petition and consideration of the improvement authorization resolution can be taken as a single motion with a voice vote occurring after a motion and a second.

In accordance with state statutes and developer petitions, upon maturity these General Obligation Temporary Notes will be converted or rolled into longer term General Obligation Bonds through the special assessment process outlined in K.S.A. 12-6A01 et seq.

Brian Silcott presented a proposed resolution authorizing a water transmission line which restates and repeals resolution #22-09 increasing the authorization amount from \$399,000 to \$496,000 a difference of \$97,000. Cost is apportioned 1/202 through the assessment process K.S.A. 12-6a01. The City is paying \$100,000 in oversize capacity with the cost to be received through the application of a benefit fee to future users. The extent of the improvement district to be assessed for the cost of the improvements is Lots 1 through 93, Block 1; Lots 1 through 66, Block 2; Lots 1 through 43, Block 3, Trails End Addition.

Silcott recommended the City Council adopt the proposed resolution accepting the amended improvement petitions and authorizing the construction of a water transmission line.

MOTION: Councilmember *Traylor* moved to accept the petition for water transmission improvements and adopt said resolution as presented. Councilmember *Larkin* seconded the motion. The motion carried unanimously.

Resolution 23-08

Brian Silcott presented a proposed resolution authorizing a water distribution improvement which restates and repeals resolution #22-10 increasing the authorization amount from \$987,000 to \$1,317,000, a difference of \$330,000. Cost is apportioned 1/145 through the assessment process K.S.A. 12-6a01. The extent of the improvement district to be assessed for the cost of the improvements is Lots 23 through 93, Block 1; Lots 1 through 66, Block 2; Lots 1 through 8, Block 3, Trails End Addition.

Silcott recommended the City Council adopt the proposed resolution accepting the amended improvement petitions and authorizing the construction of a water distribution for Phase 1.

MOTION: Councilmember *Leland* moved to accept the petition for water distribution improvements and adopt said resolution as presented. Councilmember *Traylor* seconded the motion. The motion carried unanimously.

Resolution 23-09

Brian Silcott presented a proposed resolution authorizing a lift station and forced main which restates and repeals resolution #22-11 increasing the authorization amount from \$786,000 to \$1,330,000 a difference of \$544,000. Cost is apportioned 1/202 through the assessment process K.S.A. 12-6a01. The extent of the improvement district to be assessed for the cost of the improvement is Lots 1 through 93, Block 1; Lots 1 through 66, Block 2; Lots 1 through 43, Block 3, Trails End Addition. Silcott recommended the City Council adopt the proposed resolution accepting the amended improvement petitions and authorizing the construction of a lift station and forced main.

MOTION: Councilmember *Leland* moved to accept the petition for sanitary sewer lift station and forced main improvements and adopt said resolution as presented. Councilmember *Traylor* seconded the motion. The motion carried unanimously.

Resolution 23-10

Brian Silcott presented a proposed resolution authorizing a sanitary sewer improvement which restates and repeals resolution #22-12 increasing the authorization amount from \$878,000 to \$1,215,000 a difference of \$377,000. Cost is apportioned 1/155 through the assessment process K.S.A. 12-6a01. The extent of the improvement district to be assessed for the cost of the improvement is Lots 18 through 93, Block 1; Lots 1 through 66, Block 2; Lots 1 through 33, Block 3, Trails End Addition.

Silcott recommended the City Council adopt the proposed resolution accepting the amended improvement petitions and authorizing the construction of a sanitary sewer improvement for Phase 1.

MOTION: Councilmember *Traylor* moved to accept the petition for sanitary sewer improvements and adopt said resolution as presented. Councilmember *Leland* seconded the motion. The motion carried unanimously.

Resolution 23-11

Brian Silcott presented a proposed resolution authorizing a storm water improvement which restates and repeals resolution #22-14 increasing the authorization amount from \$1,430,000 to \$1,865,000 a difference of \$435,000. Cost is apportioned through the assessment process K.S.A. 12-6a01. The extent of the improvement district to be assessed for the cost of the improvement is as follows: Lots 23 through 93, Block 1; Lots 1 through 66, Block 2; Lots 1 through 8, Block 3, Trails End Addition.

- 1/370 for Lot 23, Block 1; Lots 50 through 66, Block 1; Lots 72 through 93, Block 1; Lots 1 through 15, Block 2; Lots 58 through 66, Block 2; Lot 1, Block 3
- 3/370 for Lots 24 through 49, Block 1; Lots 67 through 71, Block 1; Lots 16 through 57, Block 2; Lots 2 through 8, Block 3

Silcott recommended the City Council adopt the proposed resolution accepting the amended improvement petitions and authorizing the construction of a storm water improvement for Phase 1.

MOTION: Councilmember *Traylor* moved to accept the petition for storm water improvements and adopt said resolution as presented. Councilmember *Larkin* seconded the motion. The motion carried unanimously.

Resolution 23-12

RESOLUTIONS AUTHORIZING THE SOLICITATION OF BIDS FOR THE SALE OF SERIES 2023-2 GO TEMPORARY NOTES FOR BIG ARM AND TRAILS END ADDITIONS

Brian Silcott explained that Trails End Addition issued Series 2022-2 totaling \$6,333,000 and bids were received in excess of the authorized petition amounts, necessitating a supplemental issue. The amended petitions increased the issuance amount to \$8,076,000, an increase of \$1,743,000. This would be in addition to the Big Arm Addition authorized amounts totaling \$952,000.

Silcott presented a proposed resolution authorizing the offering for sale of general obligation temporary notes, Series 2023-2 of the City of Goddard.

MOTION: Councilmember *Traylor* moved adopt said resolution authorizing the solicitation of bids for the sale of Series 2023-2 General Obligation Temporary Notes for Big Arm and Trails End Additions. Councilmember *Larkin* seconded the motion. The motion carried unanimously.

Resolution 23-13

DISCUSSION AND CONSENSUS OF CITY COUNCIL VACANCY PROCESS

Brian Silcott reviewed Section 4 of the City Charter that addresses the filling of vacancies in office of the mayor, vice mayor, or council member. The portion of Section 4 regarding city council vacancies states:

“In the event a vacancy occurs in the membership of the city council because of resignation, death, ouster, disqualification or other reasons except expiration of an elected term, the mayor shall, with the consent of the remaining city council members, appoint a suitable elector of the City of Goddard, Kansas to fill such vacancy for the remainder of the unexpired term.”

Mayor Zimmerman has requested the discussion of a process for interested citizens of Goddard to submit their names to the City Council for consideration.

Silcott stated a vacancy announcement and solicitation of interested parties has been drafted for the Governing Body’s review and comment. In addition to the announcement a form expressing an interest in serving on the City Council has been created for review and comment.

By State law, applicants must be qualified electors (K.S.A. 14-205) of the City of Goddard, i.e., a registered voter residing in the Goddard municipal corporate limits, and 18 years of age and older. The applicant selected will serve the balance of the unexpired term from date of appointment until January 6, 2026, following the November 4, 2025, elections.

Silcott reviewed a recommended timeline for the consideration process which included a January 13 deadline for receiving the Interest Forms due by 4:00 p.m. A selection of qualified interested individuals for interview by January 17 and Interviews of selected individuals and consideration of Mayor’s appoint by February 6.

Councilmember Leland agreed with the January 13, deadline for receiving interest Forms and requested that the interested individuals be requested to attend the January 17 City Council meeting.

AUTHORIZATION FOR CITY ATTORNEY AND CITY ADMINISTRATOR TO SECURE QUIT CLAIMS WITH BURLINGTON NORTHERN SANTA FE – PEREZ FAMILY FOR 7,500 TOTAL AMOUNT 15,000

Brian Silcott stated on July 5, 2022, the City Council adopted Resolution 22-17 declaring it necessary to acquired property for the potential construction of a new community center and other public purpose. The City Council authorized the condemnation of ground for a community center on September 6, 2022, including the parcels identified for this request with Ordinance 896.

City Attorney Ryan Peck is in contact with the attorneys for BNSF and the Perez Family and both parties are willing to sign a quit claim deed for \$7,500, a total of \$15,000. The City Attorney request authorization to execute an agreement to secure the parcels.

Silcott recommended the City Council authorize the City Attorney and City Administrator to complete the quit claim and property acquisition of Lots 4, 5, 6 Block 16, Goddard Addition.

MOTION: Councilmember *Traylor* moved to authorize the City Attorney and City Administrator to complete the quit claim and property acquisition documents as presented. Councilmember *Leland* 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, Cedar and Main Duplexes, Storage Facility Development and Trails End.

Silcott also reviewed the upcoming events and notable agenda items for the January 17 City Council Meeting.

GOVERNING BODY COMMENTS

Councilmember Larkin stated it was an exciting evening and said he wonders how it will turn out at the City Planning Commission meeting. Larking stated that everyone has different opinions and that is okay.

Councilmember Leland stated it was an interesting meeting and it was definitely one of our longest but went well and accomplished a lot. Leland thanked attendees Aubrey and Keaton for coming to the meeting and experiencing how the process works.

Councilmember Traylor stated that having all the attendees this evening is a start of a good year.

Mayor Zimmerman thanked all participants and stated he is hoping for a qualified candidate for City Council, someone who independent thinking and has an invested interest in the community. Zimmerman stated he would like a candidate who shares in his goals of making Goddard a good, safe community that they can call home.

ADJOURNMENT

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

Meeting adjourned at 9:28 pm.
Teri Laymon, City Clerk