

COUNCIL MEETING MINUTES
CITY OF LAKE QUIVIRA KANSAS
July 6, 2020
6:30 p.m.

Present

Mayor Brady Lilja
Council President John Christy
Councilmember Gayle Best
Councilmember Dave McCullagh
Councilmember Annie Noland
Councilmember Greg Prieb, II

City Attorney Michelle Daise
City Administrator / Treasurer Erin Leckey

Present by Zoom (ID: 9880535600623 / Password: 530409)
City Clerk / Court Administrator Kathy Bounds

Absent

Chief of Police / Building Official Fred Grenier

Visitors

John Nelson – 480 LSW
Margaret Bowker – 465 Hillcrest E
Steve & Lynn Sestak – 489 LSE
OJ Simpson – 216 Apache Tr.
Bill Cole – 143 LSDS
Dean Lytton, CCO/General Manager for Q-Inc.

Call to Order

Mayor Lilja called the meeting to order at 6:31 p.m.

Pledge of Allegiance

Council President Christy led the Pledge of Allegiance. All were welcomed to participate.

Visitor's Comments:

A visitor in the audience inquired about an item under new business relating to city application licensing fees for massage therapists. Mayor Lilja noted City Ordinance No. 312 was adopted at a Council Meeting held in June 2019, under Former Mayor Ben Kalney, providing rules and regulations pertaining to massage therapy services at the new Community Center, and per the Ordinance, massage therapists are to be licensed by the City of Lake Quivira; however, fees for processing the license application had not been set in the Ordinance. With the opening of the

new community center, the fee(s) is being proposed this evening. Discussion ensued regarding the fee amounts. City Attorney Daise advised through research of similar fees with surrounding cities, as well as consideration of staff time involved in processing the license application, the suggested fee amounts are \$50.00 for a new license, and \$35.00 for yearly renewal of a license. Discussion ensued about the timeline for issuing licenses. It was noted the timeline will be reliant upon the City receiving information back from the Kansas Bureau of investigations regarding a criminal history background check on the applicant, and per the KBI, upon submission, it could take up to two weeks to process and return those results to the city.

City Attorney Daise drafted a Resolution with the above-listed license application fee amounts for massage therapists. Mayor Lilja entertained a Motion to adopt a Resolution setting the City License Application Fees for Massage Therapists. **Motion:** Councilmember McCullagh made a motion to adopt a Resolution setting City License Application Fees for Massage Therapists. **Second:** Council President Christy seconded. **Vote: 5-0. Motion carried.**

The adopted **Resolution** was assigned **No. 139**.

Approval of Minutes from the Regular Council Meeting held on June 1, 2020. Motion: Council President Christy made a motion to approve the minutes from the, June 1, 2020 Council Meeting. **Second:** Councilmember Noland seconded the motion. **Vote: 5-0. Motion carried.**

Treasurer's Report:

Written report submitted by City Treasurer Leckey for review and consideration. Mayor Lilja entertained a motion to approve the Treasurer's report as submitted. **Motion:** Councilmember Best made a motion to approve the Treasurer's Report as submitted. **Second:** Councilmember McCullagh seconded the motion. **Vote: 5-0 - Motion carried.**

**A copy of the Treasurer's Report can be obtained, by request, at City Hall.*

SMAC Report:

Bill Cole, SMAC Representative, provided an update on the following:

- **OPTI Project** – online and operational. Commissioning is underway and training for Q Inc. and City staff will be held next week. Need to coordinate ongoing dredging with Q Inc. versus every seven years.
- **Lake Level Monitoring** – online and operational. City Administrator Leckey has received training to monitor it. Emergency testing has been performed and is working well. City Council can be added to the list of web based monitors if desired.
- **Spillway** - Requested the City consider a study to update options for the "Spillway Enhancement Plan". Discussion ensued and it was determined a work session should be scheduled to address long-term capital improvements and include the Spillway. If a

work session is scheduled, it will be posted on the City website and on the City Hall front door to let the public know the date and time.

Mr. Cole concluded his report by noting the county has been fully paid/reimbursed by the City, and since we came in under budget with construction projects, the City could receive money back.

Police Chief's Report:

Police activity report was submitted in the agenda packet by Chief Grenier. Mayor Lilja indicated he would try to answer questions in Chief Grenier's absence. An inquiry was made whether or not charges have been filed, or citations issued, related to various incidents listed on the report. Mayor Lilja provided what information he could, noting incident's under open investigation, or involving juveniles, could not be commented on. Mayor Lilja advised the incident related to the dock sites, noting someone came forward, took responsibility and apologized to those affected.

City Attorney's Report

No report.

Council Reports:

Councilmember Best:

Large Item Drop-off Event - Councilmember Best reported the Large Item Drop-off Event was very successful, but a lot busier than was anticipated. She noted having the location moved from the beach area to the area east of the tennis courts was very beneficial due to the amount of vehicles lined up to drop off items throughout the day. Councilmember Best expressed optimism if we are unable to return to curbside pickup in the fall, this experience will help us plan the next event to make it run even smoother. Councilmember Best reported City Union Mission filled two truckloads of items for donation to the Mission throughout the day, making it a very successful event for them as well. She noted there was a delay getting the bins picked up following the event because the ground was saturated from rain, and the trucks could not safely pick them up until the ground dried out. She thanked those who donated their time to help out during the event. Discussion ensued about charging a fee to those members utilizing the drop-off service, if another drop-off event is planned, to help with expenses incurred to host the event.

Waste Management Trash Pick-up – Councilmember Best reported several residents who live on Terrace Trail West have reported issues with their trash being missed on pickup day. She noted this has become a reoccurring problem over the past few months. John Blessing with Waste Management was contacted about the issue. It was noted the alleyway is not equipped for the large trucks to safely go down and/or turn around; however, since this has only become an issue in recent months, it is believed a new route driver has been assigned, and likely is unaware of the bins along the alleyway. Mr. Blessing suggested the homeowners place their

bins at the top/end of the alleyway for collection. The Council noted that is not a viable solution for the resident's impacted. Councilmember Best will continue working with Mr. Blessing until a resolution is found.

Councilmember Best expressed concern about the roadway toward the south end of the dam that appears to be crumbling and in need of repair. Councilmember Prieb to drive by and assess the roadway.

Council President Christy:

Fourth of July Celebration - Council President reported on the Fourth of July celebration noting the event was very successful and he has received nothing but positive feedback about the day and the fireworks display. He expressed his appreciation to Waste Management for donating the garbage bins for the fireworks as well as the Porta Pott's. He also thanked the Police Department for assisting during the event.

Capital Improvement Plan – Council President Christy will coordinate a work session with the Governing Body for the purpose of discussing a long-term capital improvement plan.

Councilmember McCullagh:

Fuel Station - Councilmember McCullagh reported he, Chief Grenier, and City Clerk Bounds attended a class in Lawrence, Kansas to obtain required certification to manage the underground storage tanks at the fuel station. He reported all passed the exam, and are now A B certified by the State of Kansas. Councilmember McCullagh noted the next step in moving forward includes tracking fuel levels, per Kansas Department of Health and Environment (KDHE) requirements. He indicated we will start collecting this data over the next few weeks to get a better feel for the process and determine if it makes sense for the City to begin managing the fuel station in-house. City Attorney Daise researching requirements and/or legalities of a City owned and managed fuel station. Councilmember McCullagh noted Terry Presta, who currently manages the fuel station, has been very supportive and helpful, and offered to take management back over if it becomes something the City is no longer interested in doing; however, Councilmember McCullagh is confident this is the right direction for the City to take at this time, especially in terms of revenue.

Odor from Landfill – Councilmember McCullagh reported he provided Mike Haag at Waste Management a calendar of events for July, and anticipates odor not being an issue during those scheduled events. He said communication with Waste Management is going very well and is encouraged with this type of communication, we will stay ahead of this being an issue in the future.

Councilmember McCullagh reported he is currently researching bond issuance requirements. Once he has gathered all the necessary information, he will present his findings to the Council to determine if this is something the City may want to pursue in the future.

Councilmember Noland:

Security Cameras - Councilmember Noland reported she and Councilmember McCullagh have been researching what is involved in placing security cameras within the community, following recent events at the dam. She noted several items of discussion including the different types of cameras, costs associated, and installation of the cameras. She inquired if footage could be utilized if a crime is reported. City Attorney Daise to research the legalities of video recorded on private property being admissible in Court, and will report her findings. Councilmember Noland and Councilmember McCullagh will continue their research efforts as well.

City's 50 Year Anniversary Celebration – Councilmember Noland reported the first committee meeting for the City's 50 year celebration, comprising of herself, Councilmember Best, Former Mayor Mike Olson, and City Clerk Bounds was held. She noted some of the preliminary ideas discussed at the meeting and indicated a date for the fall of 2021 is being considered. Updates will follow as the planning progresses.

UPS Dropbox – Councilmember Noland provided an update to the UPS drop box placement, which is an item under new business for this evening. Councilmember Noland noted this was requested by a couple of members, and City Clerk Bounds has been looking into what it would take to get one placed. Per her findings, there is no cost to the City to have it placed; however, once it is placed, keeping it will be dependent upon volume and usage. If the volume isn't there, UPS will simply remove the box. The box will be placed next to the Post Office box at the fuel island station in front of City Hall. UPS executed an agreement to be signed by the City (the Mayor) outlining the volume clause. UPS also encourages marketing materials be distributed to let people know the box is there to increase volume. City Attorney Daise reviewed the agreement and found the legal language to be appropriate. Following discussion of the agreement, the Council voiced support for having the UPS drop box placed. **Motion:** Councilmember Noland made a motion to approve the agreement between UPS and the City to place a drop box in front of City Hall. **Second:** Councilmember Prieb seconded. **Vote: 5-0.** **Motion carried.**

City Clerk Bounds is also in discussions with Fed-x to see if we can also get a drop box placed by them in the same location. Updates will follow as information becomes available.

Councilmember Prieb:

Holliday Drive Asphalt Repair Project - Councilmember Prieb provided an update on the Holliday Drive asphalt repair project, noting he contacted the Wyandotte County Engineer for clarification on the scope of work and a timeline. The Wyandotte County Engineer responded by email with the following information:

- **Scope:** Full depth replacement including base repair/stabilization for approximately 350' of the West bound lane. The road will be reduced to one lane and temporary signals will be utilized during construction. We are aware there are additional concerns with the stabilization of the hillside and will be looking at that slope in the near future. However, this repair will address the immediate concerns with the road.

- **Timeline:** The contractor is planning on starting work sometime (exact date still to be determined based on when they complete another site) after July 10th and are planning on having it completed by the end of July. The actual work should only take a week or so.

Mayor Lilja thanked Councilmember Priebe for his time spent on this project and expressed appreciation to Wyandotte County for stepping in and assisting with the project as well.

Mayor's Report:

Mayor Lilja thanked John Nelson and Dean Lytton for all of their help over the Fourth of July weekend, and with everything else going on within the community.

Mayor Lilja thanked Councilmember's Best, Noland and McCullagh for donating their time during the Large Item Drop-off Event.

Mayor Lilja thanked Chief Grenier and the officers who were on duty during the Fourth of July celebration. He noted the event went very well and he thanked everyone for getting the word out and helping make it a great day of celebration.

Old Business:

Mayor Lilja reported he asked John Blessing with Waste Management to reschedule his presentation to a future Council Meeting since this is the first in person Council Meeting we have been able to hold due to COVID restrictions, and Mayor Lilja wasn't sure how busy it was going to be or how much room we would have in the Council Chambers to provide safe social distancing. Mr. Blessing obliged and indicated he will present at the August City Council Meeting.

The Council took a five minute break before beginning budget discussions. Audio recording continues during the break.

I. Budget discussion

Following the 2021 budget presentation at the June 1, 2020 Council Meeting, City Treasurer Leckey, at the request of Council, made adjustments to various line items in the budget. The Governing Body received a hard copy of the adjusted 2021 budget in their agenda packet to follow along as City Treasurer Leckey presented it. City Treasurer Leckey reported the mill levy would remain the same as last year with the requested adjustments made. A copy of the proposed 2021 budget will also be distributed to Lake Quivira residents via black box prior to the August 3rd Council Meeting. The proposed 2021 budget will then be presented during the Public Hearing segment of the August 3rd Council Meeting.

New Business:

- I. Free Range Chickens – Mr. O.J. Simpson of 216 Apache Trail West addressed the Council with concerns of people owning free range chickens within the city limits of Lake Quivira. Discussion ensued about adopting an ordinance to provide regulations for owning chickens within city limits. One suggestion for the ordinance was to require chickens be kept in coops or otherwise contained on the owner's property. Mr. Simpson noted he is not against people owning chickens, his concern is with them being free range and going onto other people's property. Mayor Lilja agreed discussion was appropriate for this topic but advised the City needs to do more research before an ordinance could be considered. Councilmember McCullagh and Council President Christy will contact surrounding cities with similar ordinances to see what their ordinance language looks like. They will bring their findings back for discussion at a future Council Meeting. Mayor Lilja thanked Mr. Simpson for attending the meeting.
- II. Bid for Gutter Replacement at City Hall – Councilmember Priebe obtained a bid from Complete Home Concepts to replace the guttering around City Hall. The bid came in at \$1,842.00. The contractor noted an electrical line in or around a section of the guttering that would need to be disconnected before work could begin. With other infrastructure projects in need of funding right now, discussion ensued about the overall condition of the gutters and whether they need to be replaced this year or if they could wait until the next budget year. It was noted the gutters do need to be replaced; however, they are in good enough shape that it can wait until next year. The electrical line issue will be addressed. Alex Grenier will clean the gutters as needed for preventive maintenance.

Various infrastructure projects were discussed and budgeting for those projects. The Council concluded a work session should be scheduled for the purpose of establishing a long-term capital improvement plan so projects can be assessed by need and cost and planned accordingly. Council President Christy will coordinate a date for a work session. When that date is finalized, a notice will be posted to the City website and on the front door of City Hall notifying the public of the work session.

- III. September 2020 Council Meeting Date Change – because the Labor Day Holiday falls on the first Monday in September, an alternate date of the 14th was discussed and agreed upon for holding the September City Council Meeting. Mayor Lilja entertained a motion to change the date for the September 2020 Council Meeting from the 7th to the 14th.
Motion: Councilmember Noland made a motion to change the date for the September 2020 Council Meeting from the 7th to the 14th. **Second:** Councilmember McCullagh seconded. **Vote: 5-0. Motion Carried.**

City Attorney Daise suggested the Council consider setting an annual calendar in December so it is already in place and then motions would not be needed.

IV. Setting a Massage Therapy License Application Fee – discussed under Visitor's earlier in the meeting.

V. UPS Dropbox – discussed under Councilmember Noland's report.

Executive Session:

Motion: Council President Christy made a motion for the Lake Quivira City Council, Mayor, City Attorney and City Treasurer to recess into executive session for a period of ten (10) minutes for the purpose of consulting with legal counsel on matters deemed privileged in the attorney-client relationship (K.S.A. 75-4319(b)(2) relating to legal advice. **Second:** Councilmember Prieb seconded. **Vote: 5-0. Motion carried.** Executive Session began at 9:22 p.m.

Mayor Lilja called the meeting back to regular session at 9:32 p.m.

Motion: At 9:33 p.m. Council President Christy made a motion for the Lake Quivira City Council, Mayor, City Attorney, and City Treasurer to return to executive session for an additional ten (10) minutes for the purpose of consulting with legal counsel on matters deemed privileged in the attorney-client relationship (K.S.A. 75-4319(b)(2) relating to legal advice. **Second:** Councilmember McCullagh seconded. **Vote: 5-0. Motion carried.** The executive session resumed at 9:34 p.m.

Mayor Lilja called the meeting back to regular session at 9:54 p.m.

Adjournment:

Motion: Council President Christy made a motion to adjourn the meeting at 9:55 p.m. **Second:** Councilmember Noland seconded. **Vote: 5-0. Motion Carried.**

The meeting adjourned at 9:55 p.m.

Respectfully submitted by:

Kathy Bounds

City Clerk

**NEXT SCHEDULED MEETING
September 14, 2020 (due to Labor Day Holiday)
6:30 P.M.**



- **Brady Lilja** - Quivira Inc., Q2 Board, Lake Quivira Foundation and Police.
- **Gayle Best** - Tree City, Railroad, Aesthetics, Landfill, City Hall and Holliday Drive.
- **John Christy** - Dam/Spillway, Litigation, 4th of July/Fireworks, and Holliday Drive.
- **Dave McCullagh** - Budget/Finance, Ordinances, Gas Station, Landfill Odor, Deer Harvest and Research.
- **Annie Noland** - Employee Performance Reviews and Issues, Insurance, Web Presence and vacant fire station space.
- **Greg Prieb** - Roads, Lake Preservation, Zoning and Development, Building Requirements and City Hall.