

**COUNCIL MEETING MINUTES
CITY OF LAKE QUIVIRA KANSAS
June 1, 2020
6:30 p.m.**

To reduce the spread of COVID-19, the Lake Quivira Governing Body utilized Zoom, an online meeting tool, to conduct its regularly scheduled meeting on Monday, June 1, 2020.

The public was invited to watch the live broadcast of the meeting using the following Zoom information:

<https://zoom.us/j/96099883245?pwd=MWF6ejYyUnBnaWtWaVZzZkVDR0ZiZz09>

Meeting ID #: 960 9988 3245

Or by calling: 301-715-8592; 312-626-6799 – and entering Password: 042561#

The public was invited to submit information or comments related to any item on the agenda that they would like to have presented to the Governing Body, and to do so in writing, no later than noon (CST) on Monday June 1, 2020, to clerk@lakequivira.ks.gov. **NO COMMENTS WERE SUBMITTED.**

During this time of health emergency, the Governing Body will be prudent with its business agenda, and will not be accepting public comments during the meeting.

Present at City Hall

Mayor Brady Lilja

Kathy Bounds, City Clerk/Court Administrator

Fred Grenier, Chief of Police/Building Official

Present via Zoom:

John Christy, Council President

Gayle Best, Councilmember

Dave McCullagh, Councilmember

Annie Noland, Councilmember

Greg Prieb II, Councilmember

Erin Leckey, City Administrator/City Treasurer

Michelle Daise, City Attorney

John Nelson, Q-Inc. Representative

Bill Cole, SMAC Representative

Elliott Coulson

Audrey Cox

Therese Frees

Howard Ellis

**Due to technical difficulties, the audio recording of the meeting begins approximately ten minutes into the meeting during the SMAC Report presented by Bill Cole.*

Call to Order

Mayor Lilja called the meeting to order at 6:30 p.m.

Mayor Lilja read the opening announcement listed above outlining the Zoom Meeting details, and he reported no public comments were received.

Pledge of Allegiance

Mayor Lilja led the Pledge of Allegiance. All were welcomed to participate.

Approval of Minutes from the Regular Council Meeting held on May 4, 2020

Mayor Lilja entertained a motion to approve the minutes from the May 4, 2020 Council Meeting. Council President Christy requested approval of the minutes be tabled until later in the meeting to confer with City Attorney Daise about retracting language under his report he believed was somewhat unclear and unnecessary to the discussion. The approval of minutes was tabled to later in the meeting.

Continuation of Approval of the Minutes from the May 4, 2020 Council Meeting. Council President Christy requested that language, unclear and unnecessary to the discussion, be retracted under his report in the May 4, 2020 Council Meeting minutes. Upon retraction of the requested language, Mayor Lilja entertained a motion to approve the minutes as amended from the May 4, 2020 Council Meeting. **Motion:** Council President Christy made a motion to approve the minutes as amended from the May 4, 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 McCullagh made a motion to approve the Treasurer's Report as submitted. **Second:** Councilmember Noland 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 & Lake Leveling Project:
 - OPTI Project is 95% complete. Waiting on camera and pond level monitoring equipment to be installed.
 - Lake Leveling Project Administrative Group consisting of Bill Cole, John Nelson, and Erin Leckey to receive training related to the lake level system on Thursday at 10 a.m. This to be followed by testing of the "Full Notify Group" which includes John Nelson for Q-Inc., Mayor Lilja, Erin Leckey, Fred Grenier and an on-duty police officer for the City, Bill Cole, George Winters and the new GM of Q-Inc. (when hired). The list can be revised as needed. The plan is for the community to also be able to view lake levels via a website.

- Spillway operated successfully during last rain storm; however, we need to establish our revised plan for the Spillway and other improvements in the near future.

Police Chief's Report:

Police activity report submitted by Chief Grenier.

Chief Grenier reported while the old police car (white car) is in the shop for repairs, the new police car (gray car) is being utilized in the community, noting the new car does not have the logo on it yet because the decal is on order, but will be added as soon as it arrives. John Nelson of Q-Inc. reported additional speed limit signs, a children at play warning sign, and a new stop sign were installed in the community.

City Attorney's Report

No report.

Council Reports:

Councilmember Best:

Councilmember Best provided an update on the City Hall bathroom remodel project, noting the remodel is near completion, minus a few finishing details.

Infrastructure improvement projects, proposed at prior Council Meetings, were brought back for discussion. These include relocation of the entrance and exit to the City Hall parking lot, updating signage and city markers, gutter replacement, and landscaping along Holliday Drive. Funding for the projects to be discussed during the budget presentation.

A date for the bulk item event was discussed. Depending on county restrictions, they city is hopeful to host the event by the end of summer. Date to be announced when determined. It was noted, the bulk event is also planned for the fall in conjunction with Fred Braun Day.

Curbside recycling options, as presented by John Blessing of Waste Management during the March Council Meeting, were discussed. Since this involves service and pricing changes, it was determined more information is needed before a decision is made. Councilmember Best will reach out to Mr. Blessing for more information. It was also noted during the discussions, the City has a contract with Waste Management through 2021 which includes set pricing. City Attorney Daise to review the contract. Discussion ensued about putting our trash and recycling services out for bid. City Administrator Leckey will reach out to area City Manager's to see who they use for services. Councilmember Best will follow-up with bid requests.

Council President Christy:

Council President Christy acknowledged Elliott Coulson as a guest at the Council Meeting via Zoom, and advised Elliott is working on an Eagle Scout project. Mayor Lilja welcomed Elliott to the meeting.

Council President Christy reported he is working with the Mother's Club to finalize activities for the 4th of July. Promotional items to be distributed were discussed. Council President Christy inquired if a motion was needed to approve the purchase of the items. City Attorney Daise advised a motion was not needed since it is already budgeted for. Kathy will order the agreed upon items.

Council President Christy expressed his interest in continuing to explore a Non-Discriminatory Ordinance; however, he recommend tabling further discussions until Council Meetings resume to in-person meetings to help facilitate the conversation and allow citizens the opportunity to attend and participate in the discussion. Mayor Lilja agreed, and thanked Council President Christy for the time and research he has put into this.

In response to a letter addressed to Council President Christy and copied to several others, a meeting was held with the author of the letter (a lake member), Council President Christy, Mayor Lilja, City Administrator Leckey, and the editor of the Quiviran, to address the letter, which was very accusatory in nature, suggesting the City was involved in an NDA (Non-Disclosure Agreement). The meeting was reported as being very productive. For the record, Council President Christy noted, the author of the letter came to the conclusion about the NDA after reading a portion of an unapproved narrative from the April 6th Council Meeting. The narrative had been provided to the Quiviran, but not yet published; therefore, somehow leaked to the author of the letter. It was further noted, for the record, at no point in time has the Governing Body, or the City, ever been involved in a Non-Disclosure Agreement. Council President Christy has submitted a letter to the Quiviran, for publication in the next edition, to further address the matter. Mayor Lilja reported he also addressed it under his Mayor's report to the Quiviran. Mayor Lilja noted, for the record, due to this unfortunate circumstance, a narrative will no longer be provided to the Quiviran.

Councilmember McCullagh:

Councilmember McCullagh reported he contacted Mike Haag at Waste Management regarding odor complaints and they had a very positive conversation. Mr. Haag suggested Waste Management be provided with a calendar of events, or to be notified in advance of community events, so they can postpone waste burns to minimize odor during those times.

Councilmember McCullagh reported he, Mayor Lilja, Fred and Kathy will be attending a fuel station AB Certification training class in Lawrence on June 18th, noting this is a State of Kansas requirement, and the next step for the City to consider managing the fuel station. City Attorney Daise is researching the legalities of a city owned/managed fuel station, and will report her findings to the Council.

Councilmember Noland:

Councilmember Noland reported after meeting with members of Q-Inc., Mayor Lilja, Fred, and Erin to discuss Lake Security, she gained a better understanding of what the Lake Quivira Police Department is able to enforce within the community with respect to law violations versus HOA rules. Discussion ensued about summer staffing for Lake Security and budgeting for the position.

Councilmember Noland provided updates to some projects she is working on. One is gathering feedback from the community for the fire station space, and how best to utilize that space, once it is completely cleared out. The other relates to forming a planning committee for the City's 50th year anniversary which will be in 2021. The committee will be comprised of herself, Kathy and other volunteers. Councilmember Best volunteered to be on the planning committee, and a suggestion was made to reach out to Mike Olson as well. Discussion ensued about the budget for the celebration and will be addressed in more detail during the budget presentation.

Councilmember Prieb:

Councilmember Prieb reported receiving an email from Wyandotte County Public Works advising they plan to begin the asphalt work on Holliday Drive in the next couple of weeks. It was noted work will primarily be focused on the weekend when traffic is lighter. Councilmember Prieb indicated he will reach out for a more definitive timeline and request no work be done over the 4th of July holiday weekend.

City Administrator Leckey reported receiving complaints about a pothole on Quivira Lane, noting the pothole is in Wyandotte County's jurisdiction. It was suggested pothole concerns be reported through the MyWyco app. Kathy will add contact information to the city website to help assist resident's in reporting potholes.

Councilmember Prieb brought back for discussion the Stormwater project along Holliday Drive, reminding the Council of a study that was provided by Chad Johnson with Olsson Engineering at a Council Meeting earlier this year. Councilmember Prieb noted the project is multi-layered involving stormwater run-off from the golf maintenance area onto Holliday Drive. Discussion ensued about funding for the project. Councilmember Prieb reported the engineering and design estimates, per the study, came in around \$65k, noting this does not include construction costs. Discussion ensued about the City and Q-Inc. cost sharing in the project. John Nelson indicated he would reach out to Chad Johnson for an estimate on engineering costs for Q-Inc.'s portion, and noted Q-Inc. has approximately \$55k budgeted for the project.

Councilmember Best inquired about clearing out the ditch and culvert, an option discussed at the time the study was presented, and asked if that might be a more cost effective approach until the project can be fully funded to replace the culvert. Councilmember McCullagh reported his notes indicate repair cost estimates ranged from \$103k for minor repair work (ditch/culvert clearing) to \$105-\$108k for intermediate repairs (replacing pipe), up to \$334k to completely replace the culvert and piping, and add curbing. Since this is a shared project between the City

and Q-Inc., City Attorney Daise advised the City and Q-Inc. should enter into a written agreement before beginning any work.

Mayor's Report:

Mayor Lilja noted, for the record, it is him speaking, not Kathy Bounds, as it may be listed on attendee's screens, as he is utilizing her laptop to conduct the Zoom Council Meeting.

Mayor Lilja reported receiving a very nice letter from the Overland Park Chief of Police, thanking Chief Grenier for attending the vigil service for one of their fallen officers. Chief Grenier was appreciative of the mention, and reported Assistant Chief Trevino also assisted with shift coverage for Overland Park PD, as did other agencies, so their officers could attend the memorial service and still have coverage. Mayor Lilja thanked both of them for their participation.

Mayor Lilja reported receiving an email from a long-time resident containing questions he would like addressed. Mayor Lilja noted this is related to the leaked portion of the meeting narrative from the April 6th Council Meeting which caused such an uproar. Mayor Lilja read the email out loud and provided responses to the questions.

**The email is in black font. Responses by the Mayor's, and others who responded, are in red font.*

"Mayor Lilja, my name is Dave White of 561 Lakeshore East, and a former City Council member. I am very aware of the care we took to be fiscally responsible for our taxpayers and I would like clarifications on some disturbing happenings.

- 1) Because of the leaking of a recent council meeting of the minutes, which as I understand were not yet approved, how much money did this unnecessarily cost our tax payers, and how much did this cost those personally having to fix this? (Mayor Lilja): I don't think Dave is listening, I don't see it on the screen, but I still feel like we need to address it. First of all, it was not a leak of the meeting minutes, it was simply a narrative of the meeting minutes. We have been told that not the entire narrative was released to the resident, just the section that mentioned the NDA. When it comes to trying to figure out tax payer dollars and how much it cost those personally having to fix this, I don't want to put a number on it. Michelle (City Attorney) spent significant time on it, John (Council President Christy) spent a significant amount of time on it, as did I, on Monday, mainly just trying to decipher what the heck they were talking about, and under increased pressure because there were some others cc'd on it, although we found out they weren't really cc'd, but a veiled threat of cc'ing the Johnson County District Attorney and Kansas Attorney General. So I don't want to put a cost on it, or a price, but I will say that some of the accusations, we pride ourselves on Sunshine Laws and Executive Sessions and KOMA, and just for that to go out, or the veiled threat to go out, I was very disappointed and I feel like our reputation as a City and City Council, even with three new members, that is something we are proud of and to have that

questioned in the way it was, in my opinion was offensive, so obviously there was significant time, for instance, John took three hours away from time he could have spent with clients, same as myself, when a simple phone call, cup of coffee, email – anything could have cleared it up. I was very disappointed in how this went down. I do want to note we did submit the information to the Quiviran, and we have no control over that information once we submit it, and while there has been an expectation the Quiviran would publish the information in the form received without discussion with others, I just assumed the editor printed what was sent to her, and I never thought that it was shared with others before it was published, so again disappointed with that. Again, the Quiviran is not a part of the Lake Quivira City Government and as a result not controlled by the City, and as we talked about this before, if they want to do an article about the City, then they can come and report an article themselves. John do you have anything in addition, and Erin, since you were in the meeting? ***John and Erin were both satisfied with his answer.**

- 2) Do we have any legal recourse to those responsible, for the leak and for sending the correspondence to all, which could have been avoided with a simple phone call? (Mayor Lilja): I am not an attorney; but the simple answer is no. Michelle, you are welcome to add anything you want to that, but frankly for some of the reasons stated in my answer to the first question, we really don't. ***Attorney Daise agreed with Mayor Lilja's statement.**
- 3) How much does the city, not including what the board gives, goes to fund the Quiviran? (Mayor Lilja): \$350 per month. When Mike Olson was Mayor, I think it was \$200 per month, if I remember correctly, it was a unanimous decision to increase it to \$350 and include the narrative, and we were happy to do that.
- 4) Why would we continue to fund the paper? (Mayor Lilja): I had the same sentiment. I immediately thought, well that's it for this paper. There is a part of me that respects the Quiviran and enjoys seeing the positive articles, and another reason that we do contribute money to it. We can publish our ordinances, our budget, which is very easy to do, so that is another reason. Having said that, we do have this under discussion under new business if we want to continue to do that. So to answer Dave's question, the Mayor's report, publishing ordinances and the budget, and we are no longer doing the narratives. So we will talk about that under new business, so just keep that in mind. John, Erin, any follow up to that? **John is in agreement to discuss more under new business, but asked City Administrator Leckey if we have a contract with the Quiviran? City Administrator Leckey replied we do not have a contract, just an ongoing quarterly payment. City Administrator Leckey indicated during the meeting they made it clear that we (the City) have appreciated (inaudible) over the years and enjoyed the human interest stories and appreciated the city aspects that we have been able to publish. John mentioned he is not in favor of trying to renegotiate the payment immediately based on the lack of the submission of the narrative, noting as Erin said, it was certainly a large topic of conversation in that meeting, that the Quiviran, by and large, has been a good partner of the city, and his opinion is that we do not adjust that payment immediately while we sort all this out.**

It makes me so sad and disappointed that citizens in this small community would act in this manner, this may have an effect on our property values if this irresponsible behavior goes unchecked.

- 5) For the record, who was copied on the letter? (Mayor Lilja): It was addressed specifically to John Christy; myself, all Lake Quivira Councilmembers, our City Attorney, Leanna Walters the editor of the Quiviran, and those were the actual cc'd copies that we see at the beginning of the email thread. You had a question Greg? **Councilmember Prieb: I want to clarify that I did not receive a copy of it, it was actually sent to my father's email address.** (Mayor Lilja): Yes, that is correct. He emailed the wrong Greg Prieb. I will have to amend those minutes next month. And then wrote at the bottom of the letter, after he signs his name, he had typed cc'd with the people I just mentioned individually as well as five attorney's, three or four that had the same last name as the author of this letter, Stephen Howe, the Johnson County District Attorney, and Derek Schmidt, the Kansas Attorney General, again this goes back to the time and money it took to figure this out. I spoke with the author of this letter on the phone a day or two after this happened, and he assured me that this was a threat meant to get our attention, and that he did not send it to those attorney's or the Attorney General or the District Attorney. I simply said well, unfortunately, I wouldn't be doing my job as the Mayor if we didn't follow up with that because, again, it comes down to our reputation. We did nothing wrong and there was a possibility that several attorney's, and several powerful people, could get this letter, so we followed up on it. We found out that it was not emailed to Stephen Howe or Derek Schmidt, and as far as the other five attorney's, we didn't have any information with them. A couple other conversations with the author, he said he did not, he fully admitted that it was meant to grab our attention and initiate a response. Erin, John, am I correct there? **City Administrator Leckey: yes you are spot on. I believe it was to make sure we responded in a timely manner.** (Mayor Lilja): So those are Dave's questions. Unfortunately, he's not on this Zoom meeting. He might have some other questions once the meetings come live. He wanted to try and attend virtually, but I think he is out of town. If he listens to these minutes, once they are approved, and he is happy with them we can move on, if not we can possibly expect additional questions, as well as from other residents too. I think this letter and the story is kind of out there. The Quiviran is going to come out in a day or two with a response from John, possibly a response from the Editor of the Quiviran, and myself that will talk about it even more. As much as I want this to go to bed, we might be hearing about it for a couple months. Dave, Annie, Greg, do you guys have any questions about anything since we're just talking about that right now? **Dave, Annie, Greg: No.**

Thank you for your and the city's hard work and I appreciate you taking the time to address these questions. (Signed) Dave White." (Mayor Lilja): Ok. Thank you Dave White. Appreciate it.

In closing of his Mayor's report, Mayor Lilja wanted to reiterate the new police car is being utilized in the community while the older one is in the shop, so if there are any questions about

it being used without the logo, we just don't have the decals for it yet. Mayor Lilja also noted that he, Erin, Kathy and Fred had a very productive meeting recently to discuss future (2021) projects. He reported the meeting went really well and was hopeful it would help budget discussion go a little smoother tonight.

Old Business:

Due to technical difficulties, at approximately 2:25 of the audio recording, the Governing Body moved to take a ten minute recess to address the technical difficulties. Audio recording continues during the ten minute recess.

Motion: Councilmember Prieb made a motion to take a ten minute recess to address technical difficulties beginning at 9:12 p.m. **Second:** Council President Christy seconded. **Vote: 5-0. Motion carried.**

Recess began at 9:12 p.m.

Motion: Councilmember McCullagh made a motion to return from recess, and continue with the Council Meeting at 9:22 p.m. **Second:** Councilmember Best seconded. **Vote: 5-0. Motion Carried.**

Council meeting resumed at 9:22 p.m.

I. Budget discussion

City Treasurer Leckey provided a hard copy of the proposed 2021 budget to the Governing Body in their agenda packet. City Treasurer Leckey presented the proposed 2021 budget, detailing each line item as she went along. Discussion ensued about various pending projects and funding of those projects. Discussion also ensued about whether a mill levy increase should be considered to fund certain projects. Pros and cons related to raising the mill levy were discussed. At the conclusion of her presentation, City Treasurer Leckey reported, based on discussions this evening, she will make adjustments to the budget, and present an adjusted 2021 budget at the July 6th Council Meeting. Discussion ensued about having a work session prior to the July 6th Council Meeting. No definitive decision was made. Public notice will be provided if a work session is scheduled before the July 6th Council Meeting.

- II. Consider recycling options. Discussed under Councilmember Best's report.
- III. Consider date for bulk item event. Discussed under Councilmember Best's report.
- IV. Consider 4th of July promotional items. Discussed under Council President Christy's report.

New Business:

- I. **Mayor's Reappointment of Non-Elected City Officials.**
 - Michelle Daise – City Attorney
 - Dan Parker – Municipal Court Judge

- Josh Allen – City Prosecutor
- Erin Leckey – City Administrator/City Treasurer
- Kathy Bounds – City Clerk/Court Administrator
- Alex Grenier – Building Maintenance Tech/Custodial
- Fred Grenier – Chief of Police/Building Official
- Shannon Trevino – Deputy Chief of Police
- Reece Hays – Police Officer
- Manuel Olmos-Molina – Police Officer
- Roy Owens – Police Officer
- Glen Cannizzaro – Police Officer
- Jeremy Budde – Police Officer
- Troy Kasselmann – Police Officer
- Zack Stamper – Police Officer
- Todd Bledsoe – Police Officer
- Dan Tennis – Police Officer

Mayor Lilja entertained a motion to approve the reappointment of Non-Elected City Officials.

Motion: Councilmember Best made a motion to approve the Mayor’s Reappointment of Non-Elected City Officials. **Second:** Councilmember McCullagh seconded. **Vote: 5-0. Motion carried.**

Mayor Lilja noted for the record, Councilmember Prieb’s cell phone disconnected from the meeting and he called back on a different phone line (913-780-3399) to rejoin the meeting.

II. **Continue submitting articles to Quiviran newspaper.**

Mayor Lilja asked Councilmember’s their thoughts about the City continuing to submit articles to the Quiviran. Discussion ensued among the Council. All expressed disappointment in how the (April 6th) narrative was handled by the Quiviran, and to avoid anything like that happening again, it was agreed the City should no longer provide a narrative to the paper. It was noted approved meeting minutes are made available on the City’s website and/or a hard copy can be requested at City Hall. All were in agreement, however, that the Quiviran has been a great community newspaper, it has been around for a long time, and people generally look forward to receiving it and seeing photos and reading positive articles about the community; therefore, for that reason, the consensus was to continue supporting the Quiviran, both financially, and by providing content. Content will include the Mayor’s report, budget information, publishing of Ordinances, and advertisement of City sponsored events (i.e- Fred Braun Day, Pet Clinic etc.). No one wants to bring financial hardship to the paper by not supporting it all together, but agreed meeting narratives should no longer be provided to avoid what was just experienced. Council Meetings are open to the public and citizens, as well as the Quiviran newspaper, are encouraged to attend and participate in the meetings.

Executive Session:

None.

Adjournment:

Motion: Council President Christy made a motion to adjourn the meeting at 10:08 p.m.

Second: Councilmember Prieb seconded. **Vote: 5-0. Motion Carried.**

The meeting adjourned at 10:08 p.m.

Respectfully submitted by:

Kathy Bounds

City Clerk

NEXT SCHEDULED MEETING

August 3, 2020

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.