

**CITY COUNCIL MEETING MINUTES
CITY OF LAKE QUIVIRA KANSAS
February 10, 2020
6:30 p.m.**

Governing Body

Mayor Brady Lilja and the following Councilmembers were present:

Gayle Best
John Christy
Dave McCullagh
Annie Noland
Greg Prieb, II

City Staff

The following staff members were present:

Erin Leckey, City Administrator/ Treasurer
Kathy Bounds, City Clerk / Court Administrator
Fred Grenier, Chief of Police / Building Official
Michelle Daise, City Attorney

Call to Order

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

Pledge of Allegiance

Councilmember Christy led the Pledge of Allegiance.

Recognition of Visitors

Chad Johnson – Olsson Engineering
John Nelson – 480 Lakeshore Drive
Mike Olson – 139 Terrace Trail West
Leanna Walters – 348 Terrace Trail West

Mike Olson expressed concerns with the lack of attention some of the contractors have shown on their work sites recently, noting we live in a really special place it and should be treated at a very high level by all. One project in particular is on Terrace Trials West. He reported erosion netting not being installed properly as well as trash not being thrown away in proper receptacles. As a result, there is mud buildup on the roads and trash blowing into neighboring yards, both of which could ultimately end up in the lake. Mr. Olson pointed out the Storm Water Ordinance that was adopted a few years ago. He suggested stricter codes enforcement for the negligent contractors. He realizes the city has limited staffing, and he does not want to create a negative environment that would discourage contractors from performing work in the city; however, he feels stricter enforcement would send a message to contractors that these

are unacceptable practices, and that we are no different than other cities and we expect them to adhere to our policies and standards just as they would anywhere else.

Mr. Olson also expressed concern with people speeding around the lake. He reported cars driving well over the 20 mph speed limit in his neighborhood, and stated there is no excuse for speeding in the community. He asked if the City could send a reminder out about the 20 mph speed limit.

Discussion ensued about construction hours and if the City and Q-Inc. have the same policies on those hours. It was thought both allowed workers to enter at 7 a.m., but Q-Inc. did not allow construction to start until 8 a.m. Construction is to end by 7 p.m. Saturday hours are 8 a.m. to 6 p.m. It was reported there has been some (noisy) work going on during what is believed to be non-construction hours. It was noted unless it involves emergency repair work, construction outside of the approved hours could be in violation of the City's Noise Ordinance. Dock repairs were used as an example of non-emergency repair work.

Mayor Lilja indicated there is temporary speed signage that we can request be put up around the lake to remind people of the 20 mph speed limit, and he agreed that sending out a reminder is a good idea too. Chief Grenier reported the police department will increase patrol and issue citations as needed.

Mayor Lilja thanked Mr. Olson for sharing his concerns about the contractor's, and reported they are trying to stay on top of the construction issues. Mayor Lilja reported he, Councilmember Prieb, and Building Official Grenier have been working together to draft an Erosion and Sediment Control Standards Policy, and indicated it will address things such as enforcement and compliance guidelines, giving a 24 hour notice, setting fine amounts, and hiring a company to come in and clean up if contractors aren't getting their work sites cleaned up in time. Mr. Olson thanked him, and noted he has seen improvements since first reaching out about the problems.

Leanna Walters inquired why the Mayor's Report (narrative of the meeting) submitted to the Quiviran newspaper each month does not include motions from the meeting. It was explained that the narrative is only a summary of the meeting and not the official minutes, and to include the motions would give the impression that they are the minutes. Ms. Walters noted it is not uncommon to see headlines in newspapers containing the outcome of motions/votes of meetings. The City Attorney advised if a reporter wants to come to a meeting, write a report, include the motions made in that meeting, and publish it in the newspaper that is totally their right as a reporter as it is an open meeting. She also explained minutes cannot be distributed before they have been approved, but once they are approved, they are available on the City's website, and hard copies can also be obtained from City Hall. Mayor Lilja expressed the Mayor's narrative originated as a means to provide better communication and complete transparency of City Council meetings, but was always meant to be a summarized version so it was not misconstrued as the actual minutes. A suggestion was made to add wording to the opening paragraph of the narrative to help better explain that part to the reader. Ms. Walters

thanked the Governing Body, noting communication is much better than it used to be. Mayor Lilja thanked Ms. Walters for everything she does for the community as well.

Approval of Minutes from the January 6, 2020 Council Meeting

Mayor Lilja entertained a motion to approve the minutes from the January 6, 2020 meeting.

Motion: Councilmember McCullagh made a motion to approve the minutes from the January 6, 2020 Council meeting.

Second: Councilmember Best seconded the motion.

Vote: 5-0 - Motion carried.

Treasurer’s Report:

The Treasurer’s Report was submitted by City Treasurer Leckey. She went through the report and offered to answer any questions. She reported the Audit has been completed and anticipated receiving their final report in the next month or so.

Mayor Lilja entertained a motion to approve the Treasurer’s report as submitted.

Motion: Councilmember Christy made a motion to approve the Treasurer’s Report as submitted.

Second: Councilmember Noland seconded the motion.

Vote: 5-0 - Motion carried.

**A complete copy of the approved Treasurer’s Report can be obtained at City Hall.*

SMAC Report:

Bill Cole was unable to attend the meeting.

John Nelson gave the following updates:

OPTI – all the control systems have been delivered and are being stored in the fire station bay. The primary tubing was delivered to Agra Grain and they will install the valve system on that. He anticipates construction to begin in late March.

Lake level monitoring system – believes it is up and running. Trying to coordinate a time to test the warning system. Need to update points of contact on both the City and Q-inc.’s side.

Duck Cove – concrete work should be finished February 11th. Restoration work to be in the next week or so, including final sod placement, weather dependent. Anticipates all of the expenses being wrapped up in April. Expects full road opening of Navajo mid-April to early May, well before Memorial Day, and noted we are on McAnany’s list for that.

Police Chief’s Report:

Chief Grenier reviewed his monthly report, noting he had nothing new to report.

Councilmember Christy inquired what a report of a parent/child dispute might consist of. Chief Grenier indicated most often those calls are more of a request to help mediate a situation that

has gotten out of hand between the parent and the child; however, it is his policy anytime a juvenile is involved, a report is generated, even if there are no arrests made or citations issued.

Mayor Lilja inquired how the police car was running. Chief Grenier reported it is at 90k miles and in need of a tune up. Options were discussed about selling the current car or keeping it as a backup car when a new car is purchased. Benefits of keeping the car were discussed. The question was raised of how much the current police car would bring in if sold, and Chief Grenier believed it would sell for \$5-6k on eBay. City Treasurer Leckey reported there is \$30,000 allocated in reserve fund for a new police vehicle, and noted if not purchased this year, the funds would remain in reserves for next year too.

Fire Chief's Report:

None.

City Clerk's Report:

None.

City Attorney's Report

None.

Mayor's Report:

Mayor Lilja reported the first order of business was to appoint a new City Attorney, noting Ellis Rainey submitted his resignation due to time constraints with other projects. He reported he and Erin met with Michelle Daise following Ellis's resignation, noting she has filled in for Ellis in the past and has done a great job.

Mayor Lilja entertained a motion to appoint Michelle Daise as City Attorney through May 2020.

Motion: Councilmember Best made a motion to appoint Michelle Daise as City Attorney through May 2020.

Second: Councilmember Prieb seconded.

Vote: 5-0. Motion carried.

Mayor Lilja reported we received a notice from the State of Kansas regarding a Dam Inspection Report that is coming due, and noted Bill Cole will oversee the inspection report along with John Nelson and Councilmember Christy.

Mayor Lilja reported after speaking to former Fire Chief, Mark Stephan, he has decided to hold off on forming a committee relating to new uses for the Fire Station bay space. He indicated Mr. Stephen advised he has received little interest on the Fire Truck sale. It is Mr. Stephan's opinion that it is a very over saturated market right now with a lot of fire trucks for sale that are newer. He indicated he is going to add ours to a couple more websites, Kansas Firewire and the Greeley Mountain Publication, and still thinks we can around \$12k for it.

Mayor Lilja reintroduced discussion held during Mr. Johnson's presentation that he reached out about the CARS (County Assistance Road System) program, noting we did not meet the criteria required for that funding. He advised he has also reached out to Mayor Alvey of the Unified

Government about Holliday Drive and he is hopeful they will be able to reach some sort of an agreement to co-fund the project.

Council Reports:

Councilmember Best:

- Yard and recycling dumpster issues. She provided handouts that listed several options for remedying the issues such as moving the dumpsters to a less visible place within the community, to removing them all together. Another option was to offer curb side pick-up. Discussion ensued relating to costs for keeping the dumpsters vs. curbside pickup. The consensus was there needs to be more education and communication on the subject before a decision is made about which direction to go. It was noted the dumpster area had been cleaned up recently and is looking better.
- Landscape plan for the gas station island. She discussed which existing trees need to be removed due to disease and/or because they are no longer thriving, and reported they would be replaced with arborvitae shrubs, dogwood trees, and some new ornamental grasses. Cost for the project, including purchasing the items and planting, totals \$2,500.
- Bathroom remodel project. A detailed proposal including costs of additional supplies as well as plumbing contractor and general contractor fees totaling \$13,670.00 was presented and discussed. It was noted these costs are in addition to the \$2000.00 approved for fixtures and supplies at the last meeting for the remodel.

Discussion ensued whether or not we had any other bids. Councilmember Best indicated we did not. Mayor Lilja inquired of Councilmember Prieb, with his construction background, if he felt this was a reasonable bid, and he reported he thought it was. It was noted we would need to transfer funds from the reserve account to cover the additional remodeling costs.

Mayor Lilja entertained a motion to approve the bid as provided for the City Hall bathroom remodel project.

Motion: Councilmember Best made a motion to approve \$13,700.00 for the remodel of the two bathrooms at City Hall.

Second: Councilmember McCullagh seconded.

Councilmember Best withdrew the motion before it went to vote following discussion of the need to purchase additional flooring to complete the project and also to include a not to exceed amount in the motion.

Motion: Councilmember Best made an amended motion to approve an amount not to exceed \$15,000 to purchase additional flooring and to cover the bids as presented to complete the bathroom remodel for City Hall.

Second: Councilmember McCullagh seconded.

Vote: 5-0. Motion carried.

Councilmember Christy:

- Reported the 4th of July contract has been submitted and the invoice paid. He noted the incentive for getting this completed by the end of January was to receive an additional 10% in product for the display.
- Requested discussion relating to the NDO (Non-Discriminatory Ordinance) be tabled until he has had more time to confer with City Attorney, Michelle Daise on it.
- Requested feedback relating to the draft Donation Policy he provided at the last meeting. Discussion ensued and it was determined the City of Lake Quivira will not engage in monetary donation requests. The City Clerk was advised if donation requests are received, she should communicate to the organization that they are welcome to attend our meetings, but the City of Lake Quivira has opted out of participating in monetary donations.

Councilmember McCullagh:

- Reported on the gas station island refurbishing project. He reported on bids he and Fred have received from two companies, Hunter Pump Islands and Simon Surfaces, noting he wants to get a couple more in before making a decision on a contractor. He reported he is still waiting to hear back from Double Check, who currently does all the maintenance on the gas station, just to get an idea from them of what an apples to apples comparison might look like. Discussion ensued about the gas station area as a whole and what poor condition it is in. Suggestions were made for short term improvements such as power washing and painting. It was noted this is a focal point as people come into the community and it needs to be maintained nicely.
- Discussed the idea of offering ethanol free gas. Discussion ensued noting there are stations not far from Lake Quivira that offer ethanol free gas, and the thought from those in attendance at the meeting was the percentage of consumers from within the community that would purchase it would be too low to justify it. A suggestion was made to send a survey out to the community for feedback. Councilmember McCullagh advised he will continue working on getting bids for the pump island upgrade, as well as some power washing bids and present them at the March meeting.
- Provided an update relating to the odor complaints with Waste Management. He advised he spoke with Mike Hey at Waste Management who indicated they will be moving to a new cell in July, and the current cell, causing our current odor problems, will close by the end of the year. He noted he is pushing for him to begin using the new cell before the summer when odors tend to get worse. He will report back as he receives new or updated information.

Councilmember Noland:

- Reported she has been working on the process for formulating employee evaluations, noting she met with Kathy and Fred and they have done a good job of documenting their responsibilities and accomplishments. She will be meeting with Erin soon for the same. She expressed she feels like we now have a good structure in place to move forward with. She reported reaching out to Councilmembers who were on the Council in 2019 for their feedback, and she will assimilate that feedback on the evaluation

forms. She discussed a timeline, including meetings throughout the year, to help the Council be better prepared for the evaluations by the November meeting.

Councilmember Prieb:

- Reported researching the MYWYCO 311 app, noting it allows you to report pothole and street maintenance issues as well as upload images. He will continue to reach out to various contacts to see what, if any, kind of funding assistance we might be able to get with the Holliday Drive project on the west end and report back at the March meeting.

Discussion ensued as to what we have in the budget for road repairs. City Treasurer Leckey reported \$20,000 is budgeted each year for road repairs, and we currently have \$60,000 in reserves for road repairs. She also reported there is \$114,270 in unallocated reserve funds that can be moved and used for road repairs if needed.

Old Business:

Chad Johnson with Olsson Engineering was present to discuss a proposed Storm Water Study his firm prepared relating to storm water run-off on Holliday Drive, both in front of City Hall as well as a portion further west on Holliday Drive.

He discussed two options for repairs. One is to install curb and guttering to help funnel the storm water off the roadway. The other was to install larger culvert piping, noting the current piping is outdated and too small to handle the current flow of water coming from the hillside. He reported to bring the current culvert up to standards, the piping should be at least 3x the size it is now to handle the hillside run-off. It was also noted that clearing out the ditches would be of benefit too. Costs for each option were discussed.

Mr. Johnson expressed his concern about the water coming down from the hillside, which seems to be originating at or near the Golf Maintenance shed, noting work needs to be done at the top of the hill to control the water run-off and the mud and sediment coming down onto the roadway, and without any repair work up top, repair work on Holliday Drive will be compromised. Discussion ensued about cost sharing between the City and Q-Inc. since the water run-off is originating on the Q-Inc. side. Mr. Nelson indicated Q-Inc. budgeted \$75,000 two years ago for repairs at the top, but the project has never come to fruition. Mr. Nelson reported he would bring it up again at the next board meeting. He also expressed his concern over the serious infrastructure issues all around the community.

Councilmember Christy asked if repairs were not done at the top, if it would shorten the duration or life of the repairs below, and Mr. Johnson commented it would definitely increase the maintenance, noting the mud and sediment will still be an issue, ultimately clogging up the infrastructure requiring it to be cleaned out on a regular basis.

The question was raised if there would be a benefit to just doing the culvert work right now and road work later. Mr. Johnson advised there would be from a safety perspective as it would help take the water that is now settling on top of the road, under the road. But from a planning

perspective repairing the run-off issue at the top of the hill in tandem with work on Holliday Drive would be the ideal way to go, noting at the very least though, the culvert needs to be replaced. He reiterated if work at the top is done in parallel to the culvert going in, it would certainly help facilitate the future of the culvert infrastructure. Discussion ensued about ways of storing the storm water and metering it out and/or building a retention pond.

With respect to costs, Mr. Johnson's recommendation was to do the project in phases. With phase one being replacement of the culvert and fixing the water run-off issue at the golf maintenance area, and then phase two would be to concentrate on the roadway repair below. Mayor Lilja asked what a wait and see scenario would look like doing it this way. Mr. Johnson replied that is really hard to say and would be dependent on what kind of wet season we have going forward and how much sediment continues to come down the hillside. If we don't have a real wet season and the infrastructure doesn't get clogged up, it could be a 5-10 year fix.

Mr. Johnson then discussed the issues further west on Holliday Drive, reporting on the area where the road gets a little bumpy on the north side of the road (nearest to the river), and where the guard rail has been compromised. He noted the lane that is up against the hillside seems to be fairly stable. The outer lane is where the issues lie. He reported it has been overlaid more than once, and with asphalt, when they see bumps like that, it usually indicates there is something happening underneath the asphalt creating the problem. He also noted where the hillside drops down into the ditch beside the railroad, stating it is quite possible there is a problem with the whole slope and not just what is right underneath the road. Mr. Johnson also reported on the drive way near the area stating it has no culvert underneath it, so storm water that runs down that driveway and crosses the road, is causing secondary problems. He pointed out that the guardrail lays over more, and the slope is steeper, where the water comes across the road. Mr. Johnson reported it looks like the storm water has been crossing over the roadway for a year or longer. The recommendation would be to take the asphalt out, rebuild the slope, put the asphalt back, and then put the guardrail back. He estimated costs to run approximately \$130,000.

Jurisdictional boundaries were raised specifically to that north lane. Mayor Lilja commented that former Mayor, Ben Kalny, reached out to Mayor Alvey at the Unified Government to request assistance with repair work there a couple years ago, and Mayor Alvey sent a crew out and they patched it. Mr. Johnson noted it is hard to tell exactly where the boundary lines lie in that area, and noted another challenge is along railroad right of ways, where those limits often get described hundreds of times, they are not always describing the same lines. So even in incorporated cities, they will get property lines that are reported 10-20 feet different among various documents. Mr. Johnson indicated for this portion of Holliday Drive, safety is the first priority, and addressing the dip in the road and repairing the guardrail should come first, and then addressing the water run off at the driveway should be secondary.

Discussion ensued that since Lake Quivira has 12 or so homes that are actually in Wyandotte County, maybe having those resident's reach out to their perspective Commissioner's in Wyandotte County to see if they could vie for any help. Mr. Johnson said that would be a good

way to at least let them know, or generate some interest in the problem, and to let them know it isn't just an aesthetic issue, but a safety concern, to see if they can suggest any county programs or funding that might offer assistance.

The question was raised if Olsson Engineering would do the construction work, and Mr. Johnson advised they would do the engineering, design and construction operations, but couldn't do the actual construction work. He recommended bidding that out. He also recommended considering the timeline of the project, noting winter would not be an ideal time as it would pose a more dangerous situation on the roadway with construction, so he suggested considering construction in the summer time, which would mean starting the bid process around April or May.

Various funding options we discussed. City Administrator Leckey and Councilmember Prieb indicated they will begin researching with KDOT, the county (UG), and other various grants that might be available to see if we can get some financial assistance with the project, especially since Holliday Drive is such a heavily trafficked roadway. Mayor Lilja indicated he reached out to see if we would qualify for the CARS (County Assistance Road System) program and found out we are not eligible. He noted even if the area is in Johnson County, it did not meet the criteria required for that funding.

Councilmember Noland inquired about the priority of the projects, noting the discussion held about phase one in front of City Hall relating to the culvert. Mr. Johnson replied looking at it from a safety standpoint, and as a public perception standpoint, the area further west does seem like it needs attention before replacing the culvert system, noting the city has lived with the piping issues for quite a few years, but this area west on Holliday Drive keeps getting worse, and the potential for someone going off the road and crashing would deem it to be top priority.

In the interim as a temporary fix by City Hall, it was suggested bringing in a back hoe and clearing out the ditches to help alleviate some of the mud backing up on the road, and then provide some low cost maintenance for six months or so until the other project is completed and then turn the focus back to the storm water run-off issues.

Councilmember Prieb and Councilmember Noland offered to spearhead the Holliday Drive project for the City, along with John Nelson on the Q-Inc. side. Discussion ensued indicating we want to do the project(s) correctly and not continue to put band aides on the issues, but also feel it is necessary to reach out to all the various contacts and resources available to see if we can get some help with funding.

Mr. Johnson provided his and his firm's contact information and encouraged members to reach out with any questions following the meeting. Mayor Lilja thanked Mr. Johnson for the detailed presentation and for his time.

New Business:

Council President Appointment. Mayor Lilja explained in the event of his absence as Mayor, there needs to be a Council President to fill in and run the meeting. Mayor Lilja advised he cannot make the recommendation for appointment; however, he reported having discussions with Councilmember's Best and Christy, and Councilmember Christy expressed an interest in being the Council President.

Motion: Councilmember Preib made a motion to appoint John Christy as the Council President.

Second: Councilmember Best seconded.

Vote: 5-0. Motion carried.

AIMS Agreement. This agenda item just pertains to renewing the annual subscription with have with Johnson County AIMS and paying the subscription fee. City Treasurer Leckey will move forward with paying the annual subscription fee.

City Clerk Bounds swore Councilmember Christy in, under oath, as Council President.

City Clerk Bounds swore Michelle Daise in, under oath, as City Attorney.

Executive Session:

Mayor Lilja entertained a motion for the Governing Body and City Attorney to recess into Executive Session, for a duration of 15 minutes, pursuant to K.S.A. 75-4319 (b)(1) for the purpose of discussing the 2020 Pay Ordinance and to protect the privacy of non-elected personnel.

Motion: Councilmember Noland made a motion for the Governing Body and City Attorney to recess into Executive Session, for a duration of 15 minutes, pursuant to K.S.A. 75-4319 (b)(1) for the purpose of discussing the 2020 Pay Ordinance and to protect the privacy of non-elected personnel.

Second: Councilmember McCullagh seconded.

Vote: 5-0. Motion Carried.

The Governing Body and City Attorney adjourned to executive session at 9:37 p.m. for 15 minutes pursuant to K.S.A. 75-4319 (b)(1) to discuss the 2020 Pay Ordinance and to protect the privacy of non-elected personnel.

The Governing Body and City Attorney returned to regular session at 9:52 p.m.

Motion: Councilmember Christy made a motion to return to executive session with the City Attorney for an additional 5 minutes pursuant to K.S.A. 75-4319 (b)(1) to further discuss the 2020 Pay Ordinance and to protect the privacy of non-elected personnel.

Second: Councilmember Prieb seconded.

Vote: 5-0. Motion carried.

The Governing Body and City Attorney returned to executive session at 9:53 p.m. pursuant to K.S.A. 75-4319 (b)(1) to further discuss the 2020 Pay Ordinance and to protect the privacy of non-elected personnel.

The executive session adjourned at 9:58 p.m. and regular session resumed.

Motion: Councilmember Noland made a motion for City Attorney Daise to draft the 2020 Pay Ordinance for the March 2, 2020 Council Meeting.

Second: Councilmember Prieb seconded.

Vote: 5-0. Motion carried.

Adjournment:

Motion: Councilmember Christy made a motion to adjourn the meeting at 9:59 p.m.

Second: Councilmember McCullagh seconded.

Vote: 5-0. Motion Carried.

Meeting adjourned at 9:59 p.m.

Respectfully submitted by:

Kathy Bounds

City Clerk

NEXT SCHEDULED MEETING

March 2, 2020

6:30 P.M.



AREAS OF RESPONSIBILITY

12-02-19

- **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.