

**CITY COUNCIL MEETING MINUTES**  
**CITY OF LAKE QUIVIRA KANSAS**  
**September 9, 2019**  
**6:30 p.m.**

**Governing Body**

Mayor Ben Kalny and the following Councilmembers were present:

Gayle Best  
John Christy  
Brady Lilja  
Bruce Rimbo  
Dave White (by telephone)

**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 Daises, Protem City Attorney

**Recognition of Visitors:**

John Nelson  
Charles Segebrecht  
Linda Segebrecht  
Mary Linda Boling  
Dave McCullagh  
Chad Johnson  
Brian Pietig  
Lee Kellenberger  
Leanna Walters  
Chris Rone  
Bill Cole

**Call to Order**

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

**Pledge of Allegiance**

All were welcomed to participate.

### **Approval of Minutes from the regular Council Meeting held on August 5, 2019**

**Motion:** Councilmember Rimbo made the motion to approve the minutes dated August 5, 2019 with an amendment on page 7, under Councilmember Rimbo's comments, by removing "Councilmember Rimbo stated that **he** would like to see the flags flown on September 11th" and replacing it with "**The previous Council and Mayor** stated they would like to see the flags flown on September 11th."

**Second:** Councilmember Best seconded the motion.

**Vote: 5-0 - Motion carried.**

### **Approval of Minutes from the Special Meeting held on August 22, 2019**

**Motion:** Councilmember Christy made the motion to approve the minutes from the Special Meeting held on August 22, 2019.

**Second:** Councilmember Lilja seconded the motion.

**Vote: 5-0 – Motion carried.**

Following the approval of minutes, discussion from the audience ensued regarding dates flags are to be flown in Lake Quivira. Leanna Walters inquired if there is a list detailing those dates and if September 11<sup>th</sup> was included. Ms. Walters stated she recalled the first time the flags were flown on September 11<sup>th</sup> was when the golfers were having a tournament that fell on September 11<sup>th</sup>, and they wanted to have a patriotic theme so they asked if they could have the flags flown, but before then, she did not recall them being flown on September 11<sup>th</sup>. Mayor Kalny stated he recalled there being a list at one time, which he believed did not include September 11<sup>th</sup>, and as a result of that, the former Mayor and Council, of which he was a Councilmember at the time, decided the flags should be up on September 11<sup>th</sup> and that the City would absorb the expense of putting them up and taking them down along the dam. John Nelson reported from what he was told, there was supposedly a letter from the individual who donated the flags that indicated the flags were only to be flown on six dates; however, he has never seen the letter and the letter has never been produced. He stated he presented to the Lake Quivira Board that the City Council has requested that the flags be flown on September 11<sup>th</sup>, and from that discussion he learned that September 11<sup>th</sup> is included as one of the six dates the flags are to be flown. Mr. Nelson reported the six dates include: Memorial Day, Flag Day, 4<sup>th</sup> of July, Labor Day, September 11<sup>th</sup>, and Veteran's Day. Mr. Nelson also noted that in 2004 (2002\*) President Bush designated September 11<sup>th</sup> as Patriot's Day and declared it a National Holiday. Mary Linda Boling shared she was given information that if flags are flown on September 11<sup>th</sup>, they should be flown at half-mast, and if that isn't possible, or if the flag poles are short, then a black ribbon should be tied around the poles; with the main flag in the community being flown at half-mast. Councilmember Best stated she wanted to clarify something about the donated flags. She reported during one of their annual Pontoon Crawls which fell on September 11<sup>th</sup>, the City of Shawnee loaned them (the Garden Club) 300 flags. They put the flags up all over the community and everyone loved it. Because of that, Mary Ann White initiated a donation effort that very evening and within several weeks she had received approximately \$7,000 to purchase flags with. Councilmember Best reported since the Pontoon Crawl is a Garden Club function, they now hold a reserve of \$2,500 in their account specifically

for replacing flags as needed. Councilmember Best also reported following the pontoon crawl in 2011, flags were discussed at the Q-Inc. Board meeting and that discussion should be reflected somewhere in the minutes from that meeting. Councilmember White concurred with what Councilmember Best said, and expressed concern that this type of discussion is even needed in order to fly the American flag. Mayor Kalny asked if anyone had heard any opposition to the flags being flown on September 11<sup>th</sup> and the responses provided were no. \*A Google search indicated President Bush enacted Patriot's Day in 2002.

#### **SMAC Report:**

##### *Summary:*

Bill Cole introduced Lee Kellenberger from Johnson County Public Works, stating Mr. Kellenberger is responsible for the Stormwater Management System in our county, and is also responsible for writing the checks related to expenditures on stormwater projects in our City. At the request of the Mayor and Council, Mr. Kellenberger was in attendance to provide them with information relating to the switch over from a County-wide Stormwater Management Program to a Watershed-wide Management Program. Mr. Kellenberger opened by giving some history of the current program stating it started back in the late 1980's when the Kansas Legislature authorized counties to adopt a 1/10<sup>th</sup> of 1% sales tax for approval of stormwater management. He stated Johnson County was the only county to adopt that tax and has been collecting it ever since, which is over 28 years. Mr. Kellenberger reported subsequent to adopting the tax, they created a Stormwater Management Advisory Council (also known as SMAC) and each city has one voting representative. He noted votes are counted equally across the board regardless of a city's size or population, and that the Board of County Commissioner's ultimately decide on which projects to fund. Mr. Kellenberger reported since they started collecting the tax, they have generated around \$270 million dollars from that tax, with an additional \$90 million dollars collected through city resources, the total investment is approximately \$360 million in stormwater management. He reported that for the past 5-7 years or so, they have been hearing there was a need for change, so they undertook a strategic planning exercise. That process which kicked off in 2015, wrapped up in 2016, and they have been working on implementing those recommendations ever since. Through a power point presentation, Mr. Kellenberger explained the restructuring of the program and how some of the changes would impact Lake Quivira. He pointed out that they have been municipally driven in the past, for example all twenty cities would bring forth their priority projects for consideration and then they were ranked on a master list to try and determine project funding. He went on to say there were some inherent flaws with that process because a city is really confined to its jurisdictional boundaries when coming up with a solution for a flooding problem, and confined to spending their money within their own jurisdictional boundaries. Even if the problem originated upstream, and vice versa, if improvements were made in your city and downstream benefited, there was no real way of implementing cost share. Mr. Kellenberger reported by reorganizing from a County-wide Stormwater Management program to a Watershed-wide Stormwater Management program they will be moving away from year to year plans, and begin focusing on 5/10/15 year capital improvement plans. The funding matrix will also change from a 75/25 cost share to a 50/50 cost share for local projects, and 100% county funding for significant watershed projects or those projects that benefit multiple

jurisdictions or rise to a level of importance by having the highest needs in the county. He reported there will be a total of a six watershed jurisdictions. They will be based on some common factors. Those factors include community characteristics, the type of development you esteem, or expect in the future, common receiving waters and some other factors. They formed a committee and divided the committee into two separate groups. The two groups delineated as to what made sense to them based on the different characteristics, and then Stormwater Management came up with the different watershed organizations. He reported Lake Quivira is in the Cedar/Mill Creek Watershed, even though it drains into the Kansas River, geographically this is the watershed boundary it lies in. Included in that same watershed is Bonner Springs, De Soto, Johnson County Unincorporated, Lenexa, Olathe, and Shawnee. He went on to say that historically the program has funded flooding only, specifically habitable buildings and street flooding. But they are also seeing more types of flooding problems and the need to change their focus a little differently, specifically with more focus on public safety and less on private property damage. He stated with this, the types of flooding projects that will be funded in the future may change slightly. He also stated, there has been a strong need for a stand-alone home buyout program in our county for a while now, noting there are some properties where there is no good solution for getting them out of a flood plain, and those properties continue to be repetitive losses. He reported while they don't have a program right now that allows them to buy out just one single house, that is something that should be coming online in the near future. Mr. Kellenberger reported there are three new project areas that will be focused on. Those include water quality, system management, and planning. He stated they will be implementing master plans which are almost ready to kickoff. Lake Quivira will be participating in that process by providing information on their flooding issues, water quality, and system management needs. They will then help Lake Quivira identify where the problems are, where the opportunities are, and how to move forward over the next 5/10/15 years. He stated if your city doesn't have a dedicated stormwater revenue funding source, such as a stormwater utility, now is a good time to be thinking about that. He also stated they are working on the Watershed Agreements now, and expect to have them out to everyone before the end of the year. He stated the master planning exercise will continue over the next 15 months and will serve as their road maps. In closing, he reported they are also working on policies for their administrative procedures, and that their Board will need to adopt those policies to allow them to do some of the things mentioned in his presentation this evening, further adding that ultimately there will also need to be a revised interlocal agreement, as the current agreement has not been updated since 2002.

Bill Cole reported that John Nelson will be the inspector on the current stormwater project and is attending training for that, noting Fred Grenier may also be an inspector on the project in the future as well.

Bill Cole concluded his report by stating the last two of the Opti projects will be funded at the 75/25 and then after that, funding will go to 50/50 as mentioned in Mr. Kellenberger's presentation. He anticipates the Opti projects being completed by the end of this year.

#### **DUCK COVE STORM WATER PROJECT:**

*Summary:*

Chad Johnson, of Olsson Engineering, provided an update on the Duck Cove project. He reported VF Anderson was selected as the contractor for the project. He stated Olsson Engineering has worked with VF Anderson in the past and has full confidence in the quality of work they will provide. Mr. Johnson reported that Olsson has prepared the contract and VF Anderson is in the process of getting their bonding in place. Once they have their bonding in place, they will give the contracts back to Olsson. Olsson will bind the contracts, return them to the City for signature, and then once all signatures are in place, the contracts will be distributed accordingly. Mr. Johnson stated there will also be a PDF digital copy of the contract available as well. He reported VF Anderson intends to start the project on October 1<sup>st</sup> and will begin with the box culvert. They anticipate the road leading up to the box culvert will be closed for approximately four weeks. Before that, the utilities will come through. Mr. Johnson reported while Kansas gas is here, they are going to replace more than what is needed for the project as an update to their existing system which is pretty dated.

Councilmember Lilja inquired about the 2 year warranty (bond) that VF Anderson is securing and asked if the 2 years is standard. Mr. Johnson reported that it is standard. They will be responsible for any failures or issues with the project for 2 years following completion of the project.

John Nelson reported in anticipation to the contractor starting on October 1<sup>st</sup>, the lake will be lowered earlier than usual by about a month, on Friday September 27<sup>th</sup>. It will be dropped a total of 32 inches. The reason for lowering it early is because they have to give full access to the box culvert at that end of the lake. Lake and Residential will help coordinate getting boats out via the new launch ramp. There will also be a resident's meeting to discuss the construction project on September 10<sup>th</sup> at the Clubhouse, and representatives from Olsson, the City, Q-Inc., and VF Anderson will be there to help answer questions.

Councilmember White inquired about road closures and suggested putting road closure notifications on the digital message board by the front gates. John Nelson stated only Lakeshore West, which is where the box culvert is going, would be closed completely. He reported there are provisions in place for emergency vehicles to be able get through. The other roads in the area of the project will be accessible during the entirety of the project. Mr. Johnson stated that the contractor will have a sign out by the front entrance notifying of any road closures through the duration of the project.

Mr. Johnson went on to report on the utility relocation agreements. He stated it is common for cities and utilities to have franchise agreements regarding utility relocates as it pertains to right of ways, like on Holliday Drive, and in that agreement it states who pays for that, but it wasn't clear who would be paying for the utility relocations for the Duck Cove project. With Waterone, their attorney's agreed that Q-Inc. or the City, whoever is paying the costs of the project, would be responsible for the costs associated in relocating that utility. However, Kansas Gas and Q-Inc.'s lawyer are agreeing to disagree on who is responsible for it. So that left the option of stopping the project until someone made a final determination on who was

responsible for those costs, or keep the process moving forward. Mr. Johnson reported that he, Erin Leckey and John Nelson met with Kansas Gas last week and again today, about their cost. The original cost estimate was \$144k for the relocation. We suggested to Kansas Gas that might be a little conservative. We also suggested that Q-Inc. should be responsible for quite a bit less than that. He reported they settled on about \$110k for the estimated cost of the Kansa Gas utility relocation, and stated that becomes a City, Q-Inc. liability. Mr. Johnson stated he spoke with Lee Kellenberger, who stated those are typically eligible costs to be reimbursed at the 75/25 cost share; however, that amount would exceed the current maximum allowable, so it will require a special request be made through Johnson County SMAC for additional funds for the gas relocations. Mayor Kalny stated this is an effort that Q-Inc., not the City, needs to undertake and proceed with, and Mr. Johnson agreed. Mayor Kalny asked if we had a decision on that front, and Mr. Johnson stated for now everyone is in general agreement that this is the road to go down to keep the project moving forward, and to request additional money from SMAC.

Mayor Kalny thanked Mr. Johnson for all of his help on this project recognizing that there are a lot of moving pieces and he has been instrumental in helping us along.

Mr. Johnson stated he would like to bring a couple of items to the Mayor and Council's attention. The first item is the original design contract. Mr. Johnson reported Olsson had originally excluded structural design; however, he reported there is a sewer line back by the sewer pump station that they have incurred some extra costs finishing up with as well as coordinating with utilities. He reported Olsson is requesting an extra design fee of \$14,400 to cover those costs. The second item for discussion is the professional services contract. When they were looking at Olsson being out here full time and providing engineering support, he threw out a number of \$75k, but when they totaled it out, it comes up to \$84k to cover additional time. He stated he isn't sure they will need the additional time, so he anticipates it will be less than that, but he was asked for a robust number and that is where that comes from. Councilmember Rimbo asked if that was a full service package number and Mr. Johnson reported that it was.

Mayor Kalny stated the City is not paying for the project. The City is operating as a conduit through which we achieve the grant funding. Q-Inc. is a private road and it is the responsibility economically and otherwise of Q-Inc. to fix the problem. However, the funds are not available to Q-Inc. but they are available to a City. So we as the City are the conduit in which this funding takes place. All of the line items are discussion points that we are ultimately going to pay for after Q-Inc. signs off on it and says, yes, that we agree to pay for it. We then pay and Q-Inc. reimburses the City. Erin Leckey, as the City Treasurer oversees this payment process and will assure that the City is economically safe.

Mr. Nelson reported that all of the contracts have to go through the City, so the City needs to approve the various contracts. If possible, he asked that the Council would a motion to approve both contracts, pending final review and approval by Q-Inc.

The \$14,400 is for the additional engineering work that had to be done due to structural change orders that were not originally on the radar. The \$86,490 is for professional services agreement, not to exceed amount.

**Mayor Kalny** entertained a Motion to approve \$14,400 for the engineering change orders for the Duck Cove Project, pending review and approval from Q-Inc.

**Motion:** Councilmember Lilja made the motion to approve \$14,400 for the engineering change orders for the Duck Cove Project, pending review and approval from Q-Inc.

**Second:** Councilmember Rimbo seconded the motion.

*Following the Second on the Motion, and before it was put to vote, Mayor Kalny asked Protem City Attorney, Michelle Daise, if there needed to be two separate motions made?*

*Councilmember Christy also asked if they needed to include in the motion that this falls under the reimbursement agreement. Ms. Daise responded by stating yes to both, and added that they should also include in the motion that this is subject to legal review by Ellis Rainey, City Attorney, in relation to the reimbursement agreement by Q-Inc. and SMAC.*

**The original Motion made above by Councilmember Lilja was amended to:**

**Motion:** Councilmember Lilja made an amended motion to approve \$14,400 for the engineering change orders for the Duck Cove Project, pending review and approval from Q-Inc., and pending legal review of the reimbursement agreement by City Attorney, Ellis Rainey for the purpose of securing the SMAC funding and Q-Inc. reimbursement.

**Second:** Councilmember Christy seconded the amended motion.

**Vote: 5-0. Motion carried.**

The next item up for approval was the contract for Professional Services in the amount of \$86,490.00. Mr. Johnson reported Olsson is currently at risk on the \$86,490 as they have already put forth efforts with the project, and by delaying approval of the contract with the additional conditions added tonight, it puts Olsson at an even higher risk if they continue to do work on the project until the contract is approved. He suggested if the same conditions are attached to the \$86,490.00 as they are with the \$14,400.00, it leaves them at risk. Councilmember Christy asked if they could include an “up to” number to satisfy that risk. Mr. Johnson stated he was fine with that, but stated they can’t bill anything until those agreements are in place. Mr. Johnson also stated alternate language to approve \$5,000 of the contract tonight, would allow them to move forward, and then the remainder could be provided at the end. Doing this, would at least give Olsson some assurance on the efforts being put forth now.

**Mayor Kalny** entertained a motion to approve \$10,000 be paid to Olsson now to reduce their risk exposure, with the remaining \$76,490 contingent upon review and approval from Q-Inc., and pending legal review by the City Attorney, Ellis Rainey, for the purpose of securing the SMAC funding and Q-Inc. reimbursement.

**Motion:** Councilmember Christy made the motion to approve \$10,000 be paid to Olsson now, to reduce their risk exposure, with the remaining \$76,490 contingent upon review and approval from Q-Inc., and pending legal review by the City Attorney, Ellis Rainey, for the purpose of securing the SMAC funding and Q-Inc. reimbursement.

**Second:** Councilmember Lilja seconded the motion.

**Vote: 5-0. Motion carried.**

**Mayor Kalny entertained a Motion** that City Attorney, Ellis Rainey, draft a document that memorializes the agreement formalizing Q-Inc. to reimburse the City for their 25% financial responsibility to the project, and that the Mayor is authorized to sign the document subject to Mr. Rainey's approval.

**Motion:** Councilmember Rimbo made the motion that City Attorney, Ellis Rainey, draft a document that memorializes the agreement formalizing Q-Inc. to reimburse the City for their 25% financial responsibility to the project, and that the Mayor is authorized to sign the document subject to Mr. Rainey's approval.

**Second:** Councilmember Lilja seconded the motion.

**Vote: 5-0. Motion carried.**

Mayor Kalny thanked the Council for their involvement in this project. He reported during a Special Meeting he called recently, he had 100% Councilmember attendance, stating everyone showed up, in person, and without hesitation, all in an effort to keep this project moving forward and he really appreciated it.

As previously requested by the Governing Body, Chad Johnson with Olsson Engineering also provided the Mayor and Council with design proposals and cost analysis relating to roadway improvements at the juncture of Holliday Drive and Quivira Lane, and to address storm drainage issues along Holliday Drive. Both have been areas of concern for quite some time.

Mr. Johnson briefly outlined the concept proposals from an engineering standpoint for both projects. He noted a traffic study would be required to address safety concerns in the area of Quivira Lane, which brought the cost of that project up significantly, to \$33,000. The cost to address the drainage issues along Holliday Drive was proposed at \$8500.00, and includes replacing an outdated culvert system in the area. The Mayor and Council agreed the storm drainage issue is more cause for concern at this point, and couldn't justify spending \$33,000.00 for a traffic study at this time; therefore the road improvement project was tabled.

**Motion:** Councilmember Rimbo made the Motion to approve the agreement with Olsson Engineering, not to exceed \$8500.00, for the storm drainage improvements as presented.

**Seconded:** Councilmember Christy seconded the motion.

**Vote: 5-0. Motion carried.**

Councilmember Lilja suggested, per recent discussions related to moving the entrance to the City Hall parking lot in an effort to help with turning in and out during high traffic times, could be included in the traffic study should the road improvement project be revisited.

**Treasurer's Report:**

*Revenue: 22.7% above budget for the month; -0.5% below budget for the year*

*Expenses: 48.7% over budget for the month; 8.1 % over budget for the year*

Treasurer Leckey reported that August had two pay periods, and that was listed on page 1 and page 4 of the Check Detail Report.

Councilmember Best inquired about the \$65,380.00 paid for response services to the City of Shawnee, and Treasurer Leckey reported that is the yearly contract for fire protection services, noting it came in lower than budgeted numbers that were expected..

**Motion:** Councilmember Rimbo made the motion to approve the Treasurer's Report.

**Second:** Councilmember Best seconded the motion.

**Vote:** 4-0 - **Motion carried.**

**Police Chief's Report:**

Chief Grenier reviewed the monthly report and had no additional items to report on.

**Fire Chief's Report:**

City Administrator Leckey provided an update on a project that former Fire Chief Mark Stephan had started on before he left regarding how calls that come in for service are dispatched. She reported currently the way the calls are dispatched are very general in nature as far as what location to respond to. For example, if a call for service goes out for 100 Crescent, they might respond to Clubhouse, the Q-Inc. offices or other locations near that address. City Administrator Leckey stated she reached out to the dispatch company, which is a nationwide company based out of Maryland, and is working with them on updating their mapping so calls of service locations can be better identified. Discussions are leading toward creating zones within the community to help with this issue.

Councilmember Lilja inquired about the fire truck sale. Chief Grenier reported that he had an individual interested in it who came out and looked over some of the equipment but he wanted to do some price checking on a couple of things before he decided. He is still waiting to hear back as to whether or not he is still interested in purchasing the truck. Chief Grenier reported at one time there was also a resident who expressed interest in buying the truck. As of right now, one has given a price and the other one hasn't. However, the price offered is lower than what the truck would go for on Purple Wave. Former Fire Chief Stephan was out last week taking photographs of the truck and plans to feature it online to see what other responses we might get. He is hoping to get it sold this year.

**City Clerk's Report:**

City Clerk Bounds submitted her report. No additional items to report on. Councilmember Rimbo inquired about the Cash Bond account mentioned in her report, and City Clerk Bounds explained it is a non-interest bearing account that is required when a Court accepts cash bonds related to bench warrants and/or cases that are on appeal. It serves as a holding account for those bonds. Once the court case is satisfied, the bond is either forfeited to the general fund, applied to fines and fees, or refunded to the bond poster. Councilmember Rimbo also inquired about the need for two cash drawers she reported on, and City Clerk Bounds explained for cash handling and providing change, monies received for city fees and monies received for court fees should be kept separate for auditing purposes. In the past all monies received went into one central drawer.

### **City Attorney's Report**

None

### **Mayor's Report:**

Mayor Kalny reported on the future plan for the Q-2 Board for the Community Center. He reported they want to have city representation on subcommittees to assure proper alignment. He stated in talking with the Q-2 Board, with upcoming elections in November, they didn't feel it made sense to get all that established now and then have a changeover, so the plan is to wait until the new Council and Mayor are in place to proceed with that process. Mayor Kalny stated this is another way Q-Inc. and the City can work together.

Mayor Kalny reported on the proposed Massage Ordinance, stating the State of Kansas has put it on the cities to regulate massage therapy activities. And with the new Community Center coming in, we will have those services offered. With that, he stated, we have gone through an extensive process, and as we typically do, we referred to similar Ordinances in Shawnee and used that as a springboard for discussion for ours. Then we modified it to fit what we do and how we are set up. He reported this is very helpful because Ellis and his team are also legal counsel for Shawnee and for other cities. He also stated we are very fortunate in that Tim Congrove donated his time to help shape this, and that Mark Kissler, and Ellis Rainey were also extremely helpful in getting this together, noting he has been highly involved in this too. Mayor Kalny then opened it up for discussion and asked if anyone had any questions, concerns or feedback relating to the Massage Ordinance.

Councilmember Rimbo inquired about the hours of operation and about keeping the facility clean. He asked if the City is responsible for that. Protem City Attorney, Ms. Daise, reported that yes, the City would be. Chief Grenier reported if a citizen were to complain, and the police department investigated the complaint and found the complaint to be viable, the Ordinance provides the Police Department the authority to cite them into Court. Mayor Kalny stated they have had a lot of dialogue about this, and stated the massage therapy professionals will be recruited by Community Center staff leadership, and they will be under them as far as uniforms and other protocol goes, so they have a vested interest in assuring that it is kept clean and runs accordingly.

Councilmember Rimbo inquired about the penalties section and asked if that section pertained to the whole document, and Ms. Daise reported that it does apply to the whole document. She stated it applies to the entire Section (8) of the City Code.

**Motion:** Councilmember Lilja made the motion to approve Ordinance No. 312, regulating Massage Operations and Massage Therapists.

**Second:** Councilmember Rimbo seconded the motion.

**Vote: 5-0. Motion carried.**

*The summary page of Ordinance No. 312 will be published in the Quiviran and the Legal Record.*

Mayor Kalny reported on the odor coming from the Waste Management landfill, stating it has been really bad lately. He reached out to the City of Shawnee and requested a meeting with their staff as well as with Waste Management to discuss it. Mayor Kalny expressed his frustrations that this continues to be an ongoing issue, and one he doesn't feel is being satisfactorily addressed by Waste Management, and reported he is going to be asking for very specific efforts toward resolution of this ongoing issue during the meeting.

Discussion ensued about the 18 month, renewable special use permit, Shawnee has with Waste Management which requires them to follow-up on every odor complaint that is submitted through the Shawnee Connect App within 48 hours. Mayor Kalny stated they are a professional organization and they are very good at saying what they are supposed to say, and good at documenting that they did do *something* in response to complaints received. He reported they even advised him they have an odor control misting system they use to try and combat the odor, but the fact is, the odor still persists, and he is going to address that with them at the upcoming meeting.

### **Councilmember Reports:**

#### **Councilmember Best:**

Councilmember Best reported she and several residents from the community participated in the recycling audit with Waste Management, and that they had a very good experience, noting it was very educational. Mr. Charles Segebrecht of 155 Lakeshore South, who was one of the attendee's, reported the recycling facility is quite remarkable, stating the facility is bigger than a football field with conveyors that go up and down and over and around the whole building sorting all the different recyclables. Councilmember Best reported that Lake Quivira did very well with the audit. She reported John Blessing, with Waste Management, expressed an interest in providing an educational program for the residents of Lake Quivira to report on their findings. She stated that she and Mr. Segebrecht are meeting Mr. Blessing this week to talk about what the next steps would be to organize and facilitate the program. Councilmember Best inquired if a motion was needed to move forward with the educational program, and Mayor Kalny responded that a motion wasn't needed. Councilmember Best stated she just wanted to make sure she had the Council's approval before moving forward. The Mayor and Council agreed they are in support of the program.

Councilmember Best reported she reached out to Albert Becerra, the contractor for our masonry signage (inaudible). She stated they had a discussion regarding the location of the current City Hall sign and placement of the new signage should the City move forward with changing the entrance to the City parking lot. She said they both were in agreement that the camp style sign we have now is such that when you drive up, you don't have a clue that this is City Hall until you pull in and see that this is City Hall, and there would be a better place for it that is more out in the open. She also reported there are people on the Q-Inc. Board who are working on a 2020 signage project and are collecting budget items to replace the street signs and traffic signs to make everything look nicer around the lake, like a more upscale neighborhood. She stated they reached out to her and they thought perhaps our front entry project included signage, but she reported it doesn't. She noted it could potentially include improved signage along Holliday and Quivira.

Councilmember Best expressed concern about the Avalon property stating she heard there are companies who are looking at investing in the property as a business. Chief Grenier reported the Avalon property is zoned residential, so if an investor were to come in wanting to run it as a business, they would have to come before the BZA and Planning Commission and ask for a zoning change. Mayor Kalny reported he spoke with the realtor over the weekend, noting it is being advertised very aggressively, but reiterated it is a residential property, and they would have to go through the same process as anyone else in Lake Quivira to rezone it.

**Councilmember Christy:**

Councilmember Christy gave an update on the Mayor's Christmas Tree Lighting Ceremony. He reported the music (choir) is being staged to perform inside and outside during the event. He noted there are still a few things to work out with Q-Inc. to enhance the event, but planning appears to be going well and on target. He stated, same as last year, the event will be held on the Saturday following Thanksgiving, hoping this will become the new tradition.

Councilmember Christy reported that Hillcrest East seems to have become the spot for trick or treaters on Halloween, and he has been approached about the logistics of getting the street closed down to traffic in an effort to address safety concerns. John Nelson stated the Safety and Security meeting that was scheduled for this evening got cancelled, but suggested Councilmember Christy get ahold of Leslie and Tim Arnold, stating they would have to bring it to the Board, which meets two weeks from tomorrow.

Councilmember Christy provided a copy of a donation policy he drafted for the Council to review. He reported the (draft) policy is in follow-up to a recent donation request made by an entity that gets funded by different municipalities. He stated the Council had varying views on whether or not we should, as a public entity, be sending public dollars to a private entity. He reported, as he stated he would, he did some research on donation policies from other area municipalities, as well as some examples he found online, and put the information into a one page policy format which includes some key points. He stated he didn't think there needed to

be any action on this tonight, it is just a starting point on what the language might include should we consider putting a policy in place down the road.

Mayor Kalny added to the conversation stating the donation bin that was placed in the City Hall parking lot recently was received with multiple inquiries from concerned residents as to why we were supporting City Thrift, when there are other organizations that we could support instead. Mayor Kalny went on to say, over the last couple of meetings we have had an organization in attendance that vets on behalf of charities and then asks cities to financially support those various charities. This prompted a long and very appropriate discussion about whether or not it is the job of a municipality to tax, and then take those tax dollars and gift them on behalf of the tax payers, as opposed to leaving that up to our generous residents to do so on their own to an organization of their own choosing.

**Councilmember Lilja:**

Councilmember Lilja reported he had two items to go over this evening, the new website and the 2019 Deer Management Program. He began with the Deer Management Program and opened it up for discussion and questions to those in attendance at the meeting.

Resident Mary Linda Boling of 131 Lakeshore Drive South, and resident's Linda and Charles Segebrecht of 155 Lakeshore South, expressed concerns with the program. Mrs. Boling stated they don't feel enough research has gone into it and there isn't any data to support having a deer harvest program this year, referencing it to a deer hunt instead. Concerns were raised related to safety, especially along the trail system, noting the trails system wasn't in place when this program first came to be. Now that there is a trail system and people are using it, including kids and pets, there is a heightened concern for safety. Mrs. Boling reported they had spoken with a biologist at Shawnee Mission Park, the Kansas Department of Wildlife and the Missouri Department of Wildlife to obtain information on what goes into deciding when a deer harvest is necessary, and the response across the board was data. It was expressed that just because we have had a deer harvest program in the past, doesn't mean we need to have one now. We should only have it if the data supports we need to, and from what research they had done, the data isn't there to support it.

Councilmember Lilja reported the hunters do have to check in with the front gate to let them know where they will be hunting, and Q-Inc. and Lake and Residential require them to post signs at the trials where they are hunting. He also stated the hunters in deer stands do not like to be anywhere near the trials because the deer aren't near the trials. He reported they are in an elevated position, shooting about 20 yards away, so it is very safe. He also advised the hunters all have their hunter's certification through the State of Kansas, and that is verified through the City. In addition, they also have to take a written test and a shooting test from an elevated stand, so stated he feels like they do have their bases covered with regard to safety.

Discussion from the audience ensued regarding how the number 12 was arrived at as the number of deer that need to be harvested. The response was Q-Inc. and Lake and Residential provided that number, as a suggested number. Councilmember Lilja reported when he took on

the responsibility of the deer management program in 2010, they were taking on average 30 deer a year. Mr. Segebrecht remarked that 12 is just an arbitrary number, and asked is 12 adequate, or should it be 36? Is it one too many? Mr. Segebrecht reported when he made the Motion three years ago to have the Deer Harvest, he did so, because all of the statistics were in place suggesting there was going to be a lot deer. He stated a detailed study was performed by Kansas Parks and Wildlife, and from that study, statistics supported the need for a deer harvest; however, there is no recent data available to indicate there is a deer overpopulation issue now to support having the program this year. The comment was made that there is no opposition to having a deer harvest if it is warranted, but there are strong objections for having it just to have it.

Councilmember Lilja stated there isn't data to say they should have it and there isn't data to say they shouldn't. The program got cancelled last year, and put back on this year. His feelings are to go ahead and have it this year, and look into collecting better data for next year. John Nelson stated Lake and Residential are requesting a lot more data this year than they have in the past. Mr. Nelson also noted the regulations set forth by Lake and Residential are more restrictive than what the City Ordinance is.

Chris Rone of 14108 W. 51<sup>st</sup> Court, Shawnee, Kansas, joined the discussion, giving his point of view, as a hunter, as to why he was in support of the deer harvest program, stating he thinks it helps manage the herd in the long run, and reported the State of Kansas regulates tags issued every year, and if the State felt the herds were in jeopardy, they would reduce the amount of tags they issue.

Discussion ensued about the length of the harvest season, which is currently four months. The question was raised whether or not it has to be that long. It was noted that it doesn't have to be for four months long, but that timeframe seems to help accommodate the hunters whose schedules might not allow them to hunt during one part of the season, but are available to hunt during another part of the season.

Chief Grenier addressed discussion from earlier in the evening regarding statistics related to traffic accident's involving deer. He reported the last update he could find was from 2017 and that it was put out by the Kansas Department of Transportation. For traffic accidents involving deer, Johnson County reported 340, Douglas County reported 313, Leavenworth County 234, Wyandotte County 62, noting Wyandotte County is the smallest of those counties. He was asked about accidents in Lake Quivira, and he reported the numbers stay pretty much the same, stating we usually see a couple of accidents each year on Holliday Drive. He further reported on statistics provided by KDOT which listed the number of crashes involving deer statewide from 2007 to 2017. In 2007 it listed there were a little over 10,000 crashes, and the same was reported for 2017, with a little over 10,000 crashes. In 2013 showed a slight decline with 9500 crashes reported involving deer. He was asked if deer management had any impact on those numbers at all, and he stated he was just providing the numbers from KDOT.

Mayor Kalny stated he thought it helpful for the community to know where the Council stands on important issues like this. He pointed out that they have had this discussion every year, even back when he was on the Council, and he thinks it is a healthy exercise to have this kind of dialogue, noting these are the kinds of things the Governing Body grapples with, and if they didn't think it was important they would just put it rest.

Councilmember Lilja thanked the residents for attending and for providing their input.

Councilmember Lilja moved to his second item of discussion which was the new website. He provided a mock-up of the website stating we can add or subtract anything we want from it. He asked for feedback and various comments were provided. Mayor Kalny suggested to Councilmember Lilja that he meet with Mrs. Leckey, Ms. Bounds, and Mr. Grenier later in the week for fine tuning since they would be the ones most connected with it. A meeting was planned for later in the week.

**Councilmember Rimbo:**

Councilmember Rimbo reported he remains very frustrated and disappointed with the delay in the pothole project. He reported the contract was signed with Harbour Construction on July 3<sup>rd</sup>, and to date we are still waiting on the work to be done. He reported he reached out to Mr. Harbour on several occasions asking when the work would get started. Mr. Harbour's responses have been they needed to finish up with a project they had going with the schools before school opened, and then more recently Mr. Harbour reported due to all the recent rains, they were backed up so he couldn't give an exact start date. Councilmember Rimbo stated he is almost ready to suggest we cancel the contract and just move on, adding we are getting to a point now where we might as well wait for the potholes that will come from this winter and do them all at one time.

No action was taken.

**Councilmember White:**

Councilmember White reported on the gas station noting the problems we experienced a little earlier in the summer with the gas pumps being down was related to an internet issue that has since been resolved. He reported he hasn't heard of anymore issues and the pumps appear to be up and running fine now.

**New Business:**

**Shred-it Event**

City Administrator Erin Leckey inquired if the City would like to host a city-wide shred-it event to coincide with the large item pick up day. She stated she has had several residents ask about including it this year. The Mayor and Council were in favor of it. She reported she would contact Shred-it to obtain costs and get more details about whether or not they can do the shredding onsite.

### County-wide Debris Management Program

City Administrator Leckey reported on the program stating the program allows us to become part of a bargaining group with the rest of Johnson County, and if there was a disaster, the contract Johnson County enters into would allow us to be a part of it at a reduced rate relating to clean-up efforts and services. Mayor Kalny inquired if it would require a vote, and she stated it would not. It would just be a signed agreement, by the Mayor, allowing the City to participate in it. She reported for full disclosure, they have already talked to Wyandotte County, and Wyandotte County has no problem allowing Johnson County to cover all of Lake Quivira in the event of a disaster. The Mayor and Council are in favor of participating in the program.

### Security Camera Bids Presentation

Shannon Trevino, Deputy Chief with the Lake Quivira Police Department, was asked by Chief Grenier to provide a security camera bid, in addition to the bids the City received from Security Equipment Inc. and Sentry Security, and he was in attendance to present that bid and discuss how it compared to the other bids received. Mr. Trevino opened by stating he has been employed with the Lake Quivira Police Department since 2010. In addition to his employment here, he has also been employed with Cerner since 2007. In his capacity with Cerner, he manages all physical security access control and video surveillance around the world. He stated in trying to be a good steward with the City of Lake Quivira's money, he worked to try and find the right vendor to quote the project. The quote he received was from Electronic Technologies Incorporated, and he reported this was a company he has worked with for many years and felt confident in their quality of cameras and videoing capabilities. He discussed the different locations the cameras would need to be installed, in and around City Hall, stating we would need to purchase a total of 9 cameras to cover all of the surveillance areas. Through a power point presentation, he provided a detailed comparison analysis of the three quotes as they related to the types of cameras each company quoted, the quality of those cameras, the quality of the video feedback, and how the cameras would be installed. He began with Sentry Security's quote. He stated they are a company that has been around for a long time, and they do a lot of work in the commercial industry. He reported their quote only included 8 cameras, and that they were 2 megapixel cameras which produces lower quality video. He also noted they quoted two indoor cameras to monitor the gas station, and those need to be outdoor cameras, and they didn't include the extra camera needed for the Police Station. They also don't provide the 120 volt power that is needed out at the gas pumps, so adding these things into their quote will increase it by about \$3,000 to meet those specifications, which brings the total bid to approximately \$18k. Next he reported on Security Equipment Inc.'s quote. He stated they are also a commercial security integrator, noting they had a lot of exclusions in their quote. He stated their quote only includes 8 cameras as well, and that they quoted on an 8 port MBR, instead of a 12 port MBR, which is the recorder. He stated they also do not supplying the conduit, and the system they quoted is a wired system from the gas station back to City Hall. This would involve boring under the City Hall parking lot along with trenching and this would increase their quote by an additional 5-7 thousand dollars, bringing their total bid to approximately \$20k. Lastly, he reported on Electronic Technologies Inc. He stated they quoted

a 12 terabyte server, which is 3x larger than the 4 terabyte servers the other two companies quoted, they provide for a 24 port switch which would allow for more cameras to be installed should we want or need to add more cameras in the future. Another feature they provide, that the other two companies do not, is a microphone for the cameras in the Police Station, the Sally Port and the main entry of City Hall. He stated the microphones are important because if there is ever an incident where the body cameras aren't working, we would have the audio captured on the video portion, which would be important for court. He also mentioned they would put an antenna on the front of City Hall to provide a wireless connection to the gas station. Their quote for the project came in at \$15,965 and includes all the features mentioned in his presentation. He added that the Kansas City Missouri Police Department, along with eight other Johnson County municipalities, use Electronic Technologies Inc. He pointed this out because this would allow us to tie in with Shawnee dispatch who could monitor our cameras when no one was in the office, or if they had to bring an arrestee in to book them and are all by themselves, Shawnee would be able to see what was going on, and send help in the event they were not able to get on the radio to call for help, which is an added safety bonus. Based on everything they provide, the cost they quoted, and the fact that he is very familiar with the cameras, he can install them as well as work on them, it was Mr. Trevino's recommendation that we go with Electronic Technologies, Inc. for our security camera project.

Mayor Kalny asked City Treasurer Leckey what part of the budget we would fund this project from if we decided to move forward with it. City Treasurer Leckey stated it would come out the reserve fund.

After the presentation concluded, discussion ensued about some of the features mentioned during the presentation. Mr. Trevino answered questions and provided additional details in response.

**Motion:** Councilmember White made the motion to approve Electronic Technologies Inc., not to exceed \$16,000.

**Second:** Councilmember Christy seconded the motion.

**Vote: 5-0. Motion carried.**

#### **Executive Session**

None.

#### **Adjournment**

**Motion:** Councilmember Rimbo made the motion to adjourn at 10:10 p.m.

**Second:** Councilmember Lilja seconded the motion.

**Vote: 5-0. Motion carried.**

The meeting was adjourned at 10:10 p.m.

Respectfully submitted by:

Kathy Bounds  
City Clerk

**NEXT SCHEDULED MEETING**  
**October 7, 2019 AT 6:30 P.M.**