

CITY COUNCIL MEETING MINUTES
CITY OF LAKE QUIVIRA KANSAS
October 4, 2021
6:30 p.m.

Present

Mayor Brady Lilja
Councilmember Gayle Best
Council President John Christy
Councilmember Dave McCullagh
Councilmember Greg Prieb, II
City Attorney Michelle Daise
City Administrator / City Treasurer Erin Leckey
City Clerk / Court Administrator Kathy Bounds
Chief of Police / Building Official Fred Grenier

Visitors

Bill Cole – SIP Representative - 143 Lakeshore Drive South
Win Zoellner – 440 Navajo
Pat McAnany – 220 Arapahoe East

ZOOM LOG-IN INFORMATION:

<https://us06web.zoom.us/j/86421223630?pwd=ZG9SOHAxY2JHUzZTTERrekUrZ0NkZz09>

Meeting ID: 864 2122 3630 / Passcode: 628590 / Dial in: 1 312 626 6799

Call to Order

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

Pledge of Allegiance

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

Visitor's Comments:

Mayor Lilja recognized visitors. Present were Pat McAnany of 222 Arapahoe East and Win Zoellner of 440 Navajo.

Approval of Minutes from the Regular Council Meeting held on September 13, 2021. Motion:

Councilmember Best made a motion to approve the minutes from the September 13, 2021, Council Meeting. **Second:** Councilmember Prieb seconded. **Vote: 4-0. Motion carried.** Council President Christy abstained from the vote.

Treasurer's Report:

The September monthly treasurer's report was submitted by City Treasurer Leckey for review and consideration. **Motion:** Councilmember McCullagh made a motion to approve the

September 2021 Treasurer's Report as submitted. **Second:** Councilmember Prieb seconded. **Vote: 5-0. Motion carried.**

SIP Report – Bill Cole:

Spillway Phase 2 Request for Proposal (RFP). For Council consideration, Mr. Cole presented an RFP for Phase 2 Engineering Analysis Services, to be provided by Olsson Engineering.

The analysis will address questions and concerns raised during the September 13th City Council Meeting related to proposed east Spillway modifications as provided in the Review Report submitted by McClure in August 2021. The proposed RFP outlines specific tasks to be completed by Olsson Engineering (summary below):

- 1) Review McClure's report and perform additional analysis for abandoning west spillway and converting east spillway.
- 2) Review previous SKW design documents for west spillway modifications and after a site inspection, advise if the design is still reasonable. Address concerns and requirements to route and channelize the spillway discharge under a 40% PMP flood from present end to intersection with Tooley Creek.
- 3) With City Manager and Foresight Solutions notice to proceed, further develop the alternate design. Contact Obermeyer to discuss vandalism protection to air pillows.
- 4) Prepare memorandum report on results of Task 1-3. Present results at the February 2022 Council Meeting to coincide with larger presentation by Foresight Solutions.
- 5) Pending decision and direction by the City Council, prepare a report on the proposed spillway life extension to be presented to the State of Kansas to determine any preliminary comments or concerns.

Discussion ensued about west spillway repair options and downstream concerns related to east spillway modifications. Concerns were also raised with RFP not having task orders to explore those options. Discussion about forming a Dam & Spillway Committee ensued. The purpose would be to obtain outside input, in addition to Olsson's recommendations, for Council consideration. It was noted a committee can provide suggestions to the Council; however, only the Council can take action.

Mr. Cole emphasized the need, at the very least, if the Council decides not to move forward this evening with the RFP, the city needs to provide a plan of action to the State of Kansas as we are now past our deadline and out of compliance. Mr. McAnany responded that the city has been out of compliance (with the state) since he was on the council. Following that statement, City Administrator Leckey asked, for the record, and for clarity, it be noted the city was in compliance with the state until 2016, and we have not been out of compliance with them since the early 2000's as previously stated. City Administrator Leckey also inquired if the compliance issue related to erosion with the dam or the downstream spillway project, to which Mr. Cole replied, erosion.

A Dam and Spillway Committee was formed. Committee Members will include:

Bill Cole

Annie Noland - Chairperson

John Christy

Mike Olson

Pat McAnany

Win Zoellner

The Dam & Spillway Committee will plan to meet prior to the next City Council Meeting. Committee Report to follow at the November Council Meeting.

Discussion returned to the proposed RFP and whether or not the Council should approve the RFP this evening or wait another month to allow the committee time to meet and go over the options and provide suggestions. All agreed they city is at a crucial decision-making point as it relates to the spillway and approving the RFP tonight would help to keep the project moving forward. Mr. Cole made a recommendation that the Council approve the RFP and not move beyond the tasks that deal with the west spillway until the committee has had time to meet.

Motion: Council President Christy made a motion that the Council approve an amount not to exceed \$60,000.00 for necessary engineering services with Olsson as outlined in the RFP and to authorize the mayor to sign an agreement pending legal review by the City Attorney. **Second:** Councilmember Prieb seconded. **Vote: 5-0. Motion carried.**

Motion: Council President Christy made a motion to move money from the Reserve fund to pay Olsson as stated in previous motion. **Second:** Councilmember Best seconded. **Vote: 5-0. Motion carried.**

Police Chief's Report:

Chief Grenier provided his monthly report.

City Attorney's Report

No report.

Council Reports:

Councilmember Best:

Street Signs. Councilmember Best reported Shawnee Public Works has put an order in for our street signs, but noted it may be a month or two before the signs come in.

Structure Study for front of City Hall. Dave Anderson of AMAI reported to Councilmember Best they have started on Phase II of the project. No other information is available at this time.

Community Recycle Bin. Flyers outlining rules for use of the community recycle bin to be delivered to black boxes soon. Information will also be placed on the city's website. Information will not go in the community newsletter as the newsletter is a marketing piece and doesn't align with the information being shared. Erin & the Mayor met with Dean Lytton to discuss adding another recycle dumpster for Q-Inc use. Q-Inc. to pay for the additional dumpster. Erin advised our Waste Management Account Manager, John Blessing, indicated he wanted to meet with her to do a walk-through inventory of all of the containers we have on site before approving another dumpster. The purpose is to ensure city and WM records match up for billing purposes. The walk through is scheduled for next week.

Council President Christy:

Mayor's Christmas Tree Lighting. Planning is underway. The event is scheduled to take place on Saturday November 27th at 6:30 p.m. in front of the Clubhouse. Council President Christy will be meeting with Dean and Eric to discuss festivities inside the Clubhouse following the lighting ceremony. More information to follow as details are confirmed.

Councilmember McCullagh:

Fuel Station. Fuel station volume increased in September, making it the highest month since the city took over management in June. Our average is 22,500 gallons per month.

Councilmember Noland:

No Report.

Councilmember Prieb:

Survey work. A preliminary copy of the survey was provided. Questions about boundaries of city limits as shown on the survey arose. Councilmember Prieb to reach out to Anderson Engineering for clarity. It was noted our City Code describes the city limit's (corporate boundaries) in legal detail in Title I Section 11. A suggestion was made to obtain a legal description of the dam with the final survey. It was also suggested, for accuracy, we should not rely on satellite imagery for the final survey.

Mayor's Report:

None.

Old Business:

No items for Old Business were listed on the October 4th agenda, but discussion from Old Business from the September Council Meeting ensued to include:

- 1) **40 acres.** Councilmember Noland inquired if there was an update regarding the 40 acres discussed at the last Council Meeting. City Attorney Daise reached out to the seller's attorney a couple times by phone with no reply, so she sent him a letter stating

- 2) the city would appreciate having the first opportunity to have a discussion about the future of the land. The response she received was they are still waiting on an appraisal. Following discussion about appraisals and next steps, Mayor Lilja noted he reached out to an off-lake member about the city getting an independent appraisal when and if that time comes. City Attorney Daise mentioned she also conveyed to the seller's attorney the city would appreciate notification prior to the property going on the market and was left with the impression the seller's attorney will reach back out when they receive their appraisal. At the suggestion of the Council, City Attorney Daise will reach out to the seller's attorney again to express the city's interest in the land and to inquire if they want something in writing from the city to allow us the first opportunity. If they do want something in writing, City Attorney Daise will reach out to Mayor Lilja to see if a Special Meeting needs to be called.
- 3) **OPTI Contract.** City Administrator Leckey advised, following the last Council Meeting, she contacted Opti to ask if they offer a multi-year contract at a discounted rate. She was advised multi-year contracts paid up front will lock in the current price of \$7,500 for however many years we want to extend the contract for. Multi-year contracts paid annually will be locked in at a fixed rate or CPI. Since we are working off the initial 2-year contract with no prior history, it was decided to stay with the annual contract rate at this time and not pursue a multi-year contract.

New Business:

- I. **Consider approval of Foresight Solutions, LLC Task Order 2021-02.** The 2021-02 Task Order will cover work Foresight Solutions has done since May 1, 2021, through December 31, 2021, as related to the Spillway project including \$25k already paid. City Treasurer Leckey inquired if Mr. Cole's role with the newly formed Committee would be considered volunteered time or compensated time. Attorney Daise advised the Dam & Spillway Committee work can be compensated as the wording is already in the task order to allow for that.

Motion: Councilmember McCullagh made a motion to approve the 2021-02 Task Order for Foresight Solutions. **Second:** Councilmember Prieb seconded. **Vote: 5-0.**
Motion carried.

City Attorney Daise gave an overview to the Council about what the **II.)** Uniform Public Offense Code for Kansas Cities and the **III.)** Standard Traffic Ordinance for Kansas Cities are and how they relate to our City Code. She noted these books are published annually by the League of Kansas Municipalities and include any new legislation that has been passed the prior year. She also noted, while not required, most cities adopt the newest version(s) annually. The City of

Lake Quivira has been operating out of the 2016 version and with notable changes to the DUI laws, among others, she wanted to bring the city up to the most current version(s) which is what she is presenting to the Council this evening.

- II. **Consider approval of an ordinance adopting by reference the 2021 Uniform Public Offense Code (UPOC) subject to certain amendments, omissions and additions, providing certain penalties, and repealing those sections of Title VI of the Code of the City of Lake Quivira amended thereby.**

Motion: Councilmember McCullagh made a motion to adopt an Ordinance by reference for the 2021 Uniform Public Offense Code (UPOC) subject to certain amendments, omissions and additions, providing certain penalties, and repealing those sections of Title VI of the Code of the City of Lake Quivira amended thereby.
Seconded: Councilmember Prieb seconded. **Vote: 5-0. Motion carried.**

Ordinance No. 318 was assigned.

- III. **Consider approval of an ordinance adopting by reference the 2021 Standard Traffic Ordinance (STO) subject to certain amendments, omissions and additions, providing certain penalties, and repealing those sections of Title VII of the Code of the City of Lake Quivira amended thereby.**

Motion: Councilmember McCullagh made a motion to adopt an Ordinance by reference for the 2021 Standard Traffic Ordinance (STO) subject to certain amendments, omissions and additions, providing certain penalties, and repealing those sections of Title VII of the Code of the City of Lake Quivira amended thereby.
Second: Councilmember Prieb seconded. **Vote: 5-0. Motion carried.**

Ordinance No. 317 was assigned.

Executive Session:

None.

Adjournment: Motion: Councilmember Prieb made a motion to adjourn the regular Council Meeting at 8:14 p.m. **Second:** Council President Christy seconded. **Vote: 5-0. Motion carried.**

The meeting adjourned at 8:14 p.m.

Respectfully submitted by:

Kathy Bounds
City Clerk



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.