

**CITY COUNCIL MEETING MINUTES
CITY OF LAKE QUIVIRA KANSAS
September 13, 2021
6:30 p.m.**

Present

Mayor Brady Lilja
Councilmember Gayle Best
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

Absent:

Council President John Christy

Visitors

Bill Cole – SIP Representative - 143 Lakeshore Drive South
Tom Haag – Foresight Solutions, LLC
Gerald Baird – 470 Hillcrest Road East
Win Zoellner – 440 Navajo
Pat McAnany – 220 Arapahoe East

ZOOM LOG-IN INFORMATION:

<https://us06web.zoom.us/j/89964663070?pwd=UTRGblYrQytudXdsQ2RUWkxvaXB1UT09>

Meeting ID: 899 6466 3070

Passcode: 444488

Dial in: 1- 312-626-6799

Call to Order

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

Pledge of Allegiance

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

PUBLIC HEARING TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE.

Mayor Lilja opened the Public Hearing at 6:32 p.m.

Mayor Lilja asked if there were any comments from the public. Hearing no comments, Mayor Lilja closed the Public Hearing and entertained a motion to adopt a Resolution Levying a Property Tax Rate Exceeding the Revenue Neutral Rate.

Motion: Councilmember McCullagh made a motion to approve a Resolution Levying a Property Tax Rate Exceeding the Revenue Neutral Rate. **Second:** Councilmember Best seconded. **Vote: 4-0. Motion carried.**

The Resolution was signed by the mayor and attested by the City Clerk. It was assigned No. 145.

PUBLIC HEARING TO CONSIDER A RESOLUTION ADOPTING THE 2022 FISCAL YEAR BUDGET.

Mayor Lilja opened the Public Hearing at 6:33 p.m. Mayor Lilja asked if there were any comments from the public. Hearing no comments, Mayor Lilja closed the Public Hearing and entertained a motion to adopt a Resolution for the 2022 fiscal year budget.

Motion: Councilmember Best made a motion to adopt a Resolution adopting the 2022 fiscal year budget. **Second:** Councilmember Noland seconded. **Vote: 4-0. Motion carried.**

The Resolution was signed by the mayor and attested by the City Clerk. It was assigned No. 146.

Mayor Lilja closed the Public Hearing at 6:33 p.m.

Visitor's Comments:

Mayor Lilja recognized visitors. Present were Pat McAnany of 222 Arapahoe East. Win Zoellner of 440 Navajo. Gerald Baird of 470 Hillcrest East. Mayor Lilja opened the floor to them for discussion. Mr. McAnany noted he was here to discuss the Spillway Improvement project and the 40 acres that borders Lake Quivira in Shawnee, Kansas that is for sale. Mr. Zoellner was interested in both of those topics as well. Mr. Baird asked for a copy of the budget and was provided a copy.

Approval of Minutes from the Regular Council Meeting held on August 2, 2021. Following a correction in the minutes under the mayor's report, a motion was made to approve the August 2, 2021, Council Meeting Minutes as amended. **Motion:** Councilmember Noland made a motion to approve the minutes from the August 2, 2021, Council Meeting as amended. **Second:** Councilmember Prieb seconded. **Vote: 4-0. Motion carried.**

Approval of Minutes from the Special Council Meeting held on June 22, 2021. Motion: Councilmember Noland made a motion to approve the June 22, 2021, Special Council Meeting minutes. **Second:** Councilmember Prieb seconded. **Vote: 4-0. Motion carried.**

Treasurer's Report:

The monthly treasurer's report for August was submitted by City Treasurer Leckey for review and consideration. **Motion:** Councilmember Best made a motion to approve the August 2021

Treasurer’s Report as submitted. **Second:** Councilmember McCullagh seconded. **Vote: 4-0.**
Motion carried.

SIP Report – Bill Cole:

For Council consideration this evening, Bill reported he and Tom are proposing a spillway modification; and to continue the study with the information they now have from McClure in the initial study.

1. Convert the existing emergency spillway on the east side of the dam to the primary spillway that controls the crest gates.
2. After proving that to be successful, abandoning the existing west spillway retaining the gate structure for the lake draw down.

Bill Cole and Tom Haag then led the discussion and Power Point presentation on “Results of Conceptual Study on Spillway Modifications.” (s. = *Power Point* slide).

Proposed Spillway Modifications (s. 2):

- Convert the existing emergency spillway on east side of the dam to the primary spillway with controllable crest gates.
- Potentially abandon the existing west spillway, retaining gate structure for lake drawdown.

s. 3 consisted of a drawing showing where the proposed Obermeyer gate would be installed as well as the 7’ long wall proposed to be removed.

Comparison of Existing vs. Proposed Storm Impacts on Lake Level (s. 4):

[Storm Event]	[Rainfall in 6 hrs]	[Existing Lake Elevation]	[Proposed Lake Elevation]
<u>100-year (1%)</u>	<u>5.96 inches</u>	<u>827.87 ft</u>	<u>826.99 ft</u>
<u>40% PMP</u> (extreme event)	<u>11.00</u>	<u>830.40 ft</u>	<u>829.71 ft.</u>

1. Under a 100-year flood, flooding in the city beings at EI. 827.5 under the existing conditions. With the proposed spillway flooding will not occur until a flood approaching the 250-year.
2. The existing dam crest (top of wall) is EI. 830.10. Under the existing conditions the spillway is overtopped by about 4 inches during an extreme event. Under the proposed condition the wall is not overtopped by about 4 inches.

Comparison of Existing vs. Proposed Storm Impacts on Downstream Flooding (s. 5):

[Storm Event]	[Rainfall in 6 hrs]	[Existing Spillway Discharge]	[Proposed Spillway Discharge]
<u>100-year (1%)</u>	<u>5.96 inches</u>	<u>1,806 cfs</u>	<u>1,376 cfs</u>
<u>40% PMP</u> (extreme conditions)	<u>11.00</u>	<u>4,187 cfs</u>	<u>3,494 cfs</u>

1. Under both storm events the spillway discharge is significantly lower, resulting in lower flood risk to the areas and facilities downstream of the dam like Holliday Drive, the BNSF rail line and utilities.

Other Study Results (s. 6):

- Even if the gates failed to lower, the lake level impacts would be no worse than they are today.
- McClure had a detailed discussion with Obermeyer Hydro, the proposed gate supplier. They determined that their product would work well for the Lake Quivira application.
- The study indicated that the following improvements will be required downstream of the spillway:
 - Install additional channel length to direct flow away from the toe of the dam.
 - For the extreme floods, increase the height of the chute wall.
- McClure estimated the cost, not including downstream improvements at about \$918,000.

Evaluation of McClure Report (s. 7):

- The study was late.
- The study confirmed that by converting the east spillway to a primary spillway, the west spillway can be abandoned without reducing hydraulics.
- The proposed modifications will result in lower risk of flooding to facilities on the lake shore. Will take about a 250-year flood instead of 100-year flood.
- Foresight has not independently evaluated McClure report in detail (final just delivered). McClure has provided the model data.
- Disappointed that the study did not significantly increase the freeboard at the dam under extreme flood event.
- The study assumes that with the gates lowered the spillway acts as a box culvert under a road. The hydraulic benefits of the spillway are constrained when the lake level reaches the roof of the culvert.

Foresight Evaluation of McClure Report (s. 8):

- The \$917,000 McClure estimate compares to Foresight's rough estimate of \$813,000. This does not include downstream improvements, that could push the estimate to \$1,000,000 +/- \$200,000.

Next Steps (s. 9):

- The McClure study was conceptual and simplistic but confirmed the feasibility of the spillway modifications.
- It is important to have the hydraulic results confirmed by another Engineer and determine required downstream modifications.
- Determine the relative cost and benefits of the proposed spillway modifications vs. completing the originally planned Phase 2 of west spillway improvements.

- Prepare a draft operational plan for City’s consideration since this will require the City to more actively participate in dam operations, especially routine lake level control.

NEXT STEPS (s.10)

Suggest the following plan for the next three months:

- Foresight Solutions prepares the operation plan.
- Propose Olsson Engineers review McClure results in detail. (September).
- If Olsson finds report acceptable, the prepare a few general design drawings. (October).
- Review the general design drawings and operation plan with State. (November).
- Request contractor(s) to provide budgetary price. (November).
- City meet in December to determine how to proceed.

Assuming a December decision to proceed on original design or revise:

- First quarter 2022 for final design and permitting and State approval.
- Order gates in second quarter 2022 (if revised plan is accepted).
- Construction and testing in fourth quarter of 2022, during lake drawdown.

Discussion points during the presentation were:

- How accurate is McClure study data? Answer: Recommendation to continue to verify the data we have received to date, possibly with Olsson Engineering.
- What happens if the Obermeyer gates fail to lower? Answer: We are in no worse of a situation than we currently have.
- What are we (city) required to do? Answer: protect the dam; protect resident’s upstream from unnecessary flooding with inadequate spillway capacity; protect infrastructure as much as possible downstream – downstream is a shared responsibility.
- How can we improve the intersection? Answer: Widen it by either removing the entire existing spillway or by taking up at least part of it.
- Need to reroute water discharge to Tooley Creek. Answer: More information/data needed and will be sought.
- Would it make more sense to keep both spillways? Answer: Keeping both is definitely an option. Estimate 1,000,000. To excavate the channel.

No decisions were made tonight. Tabled until the October 4, 2021, Council Meeting.

- I. **Consideration of Task Order 2021-2 with Foresight Solutions LLC for services related to the Lake Quivira East Spillway Conceptual Study.** Tabled until the October 4, 2021, Council Meeting.

Police Chief’s Report:

Chief Grenier provided his monthly report and asked if there were any questions. An inquiry about the hit and run that occurred on Hillcrest East was made and if a citation has been issued. Chief Grenier reported the hit and run was not observed. No citation has been issued.

City Attorney's Report

No report.

Council Reports:

Councilmember Best:

Street Signs. Councilmember Best reported the City of Shawnee Public Works Department provided a bid for street sign project in the amount of \$17,018.00. The bid includes replacement and removal of signs and posts on the three main roads: Renner Road, Quivira Lane, and Holiday Drive. Discussion ensued about having only one or two roads done at a time for budgetary reasons; however, since there is money left in road repairs for 2021, the consensus was to move forward with the project as a whole.

Motion: Councilmember Noland made a motion to spend up to \$18,000.00 on a project for signage replacement for all three main roads. **Second:** Councilmember Prieb seconded. **Vote: 4-0. Motion carried.**

Tree Trimming. Elite Tree completed the tree trimming project.

Structure Study for front of City Hall. AMAI completed phase one of their study related to the conceptual design for the concrete terrace in front of City Hall. The study concluded the design concept appears feasible. AMAI suggested including parapet to the roof and heavy timber cedar for support. Phase two will result in construction ready documents.

Council President Christy:

Absent.

Councilmember McCullagh:

Fuel Station. Councilmember McCullagh reported while current fuel management processes are working well, more formal processes will evolve. The new credit card readers have had some glitches; however, we are not the only gas station having issues with them. On the profit margin, we are maintaining approximately 22 cents per gallon.

Waste Management Landfill. Odor complaint calls have significantly decreased since the waste cell was moved further west.

Councilmember Noland:

City's 50th Year Celebration. Councilmember Noland reported we had 204 people at our celebration dinner/program. It was a great evening and a lot of fun. The video turned out really well and we will be able to use it to promote the city through YouTube and other social media platforms.

Triathlon. Successful triathlon. Thank you to all who volunteered and participated.

Fire Department Activity Reports. Per a conversation with Shawnee Fire Chief, Rick Potter, we will start receiving quarterly fire/medical call reports for the agenda packets.

Councilmember Prieb:

Survey work. Email from Anderson Engineering confirms initial field work has been completed and they are now working on the drawings. They have acquired all the plats and will start marking property lines soon.

Mayor's Report:

Thank you to the City's 50th year planning committee. It was a great event and comments received have all been very positive.

Old Business:

- I. **Discuss renewal of the OPTI Service Agreement.** City Administrator Leckey reminded the Council the OPTI system was installed in the back pond by the horse stables a year ago to help control silt going into the lake. Johnson County Storm Water assisted with the cost to install the system at 75% their share, 25% our share; however, they are unable to assist with the annual service fee that is now due of \$7500.00. The service includes alert notifications from the National Weather Center in Boston, which go out to authorized city personnel, about upcoming rain events. The alerts help those authorized manage lake levels during such events. An inquiry was made whether the annual service agreement might be more cost effective if we agreed to a multi-year contract. City Administrator Leckey said she would be happy to look into that. However, because the service term already expired and we are operating on an extension with OPTI, she requested the Council consider approving the annual contract this evening.

Motion: Councilmember McCullagh made a motion to approve the contract with OPTI for another year. **Second:** Councilmember Prieb seconded. **Vote: 4-0. Motion carried.**

Following the motion, City Attorney Daise advised, if there is a multi-year discount available, this can be brought back before the Council to amend the contract extending the service agreement term.

City Administrator Leckey advised she had been under the impression we still had another year left in the service agreement before payment would be due; therefore, it was not budgeted for payment in 2021. With that, she asked the Council for permission to use Reserve Funds to pay for the OPTI contract if she cannot find another line item to take it out of. **Motion:** Councilmember McCullagh made a motion to approve the use of Reserve Funds up to \$7500 to pay for the OPTI contract. **Second:** Councilmember Noland seconded. **Vote: 4-0. Motion carried.**

A request to add an agenda item to old business discussing the 40 acres for sale in Shawnee, Kansas was inadvertently left off of the agenda. Discussion about the 40 acres ensued at this point.

- a. **Discussion of 40 acres for sale in Shawnee, Kansas.** Resident Pat McAnany began the discussion noting in the early 2000's the Council looked at acquiring said 40 acres. However, after unsuccessful attempts to reach the landowner, it was not pursued any further. Mr. McAnany reported about a month ago he received a phone call from Jim Butler, his corporate attorney, indicating he had a friend interested in selling a piece of property and asked Mr. McAnany if he could put him in touch with an appraiser. After discussion about where the property was located, he realized it is the same 40 acres as mentioned above. Mr. McAnany expressed to Mr. Butler that the city may be interested in this piece of property and asked if he would consider allowing the city to engage in a discussion toward acquisition of the property. Notably, the property borders Lake Quivira and also lies in one of the watersheds.

Councilmembers expressed their interest in exploring the possibility of acquiring the property to 1) secure the perimeters surrounding Lake Quivira and 2) control what can be done with the land. Following lengthy discussion about the property and options for purchasing it, City Attorney Daise advised she would follow up with a letter to the property owner's attorney, on behalf of the city, expressing the city's interest in being considered for possible acquisition of the property. It was also noted, should the city pursue this, they should hire their own independent appraiser. It is not known if the property owner has listed the selling price yet.

Following discussion above, City Attorney Daise requested the Mayor, Council, herself and Erin Leckey meet in Executive Session for purposes of consultation with legal counsel on matters deemed privileged in the attorney-client relationship (K.S.A. 75-4319(b)(2)) relating to legal advice.

Motion: Councilmember Prieb made a motion to enter into executive session for 15 minutes, to include the Mayor, Council, City Attorney and Erin Leckey for purposes of consultation with legal counsel on matters deemed privileged in the attorney-client relationship (K.S.A. 75-4319(b)(2)) relating to legal advice. **Second:** Councilmember McCullagh seconded. **Vote: 4-0. Motion carried.**

Executive session began at 8:32 p.m. and adjourned at 8:47 p.m.
Mayor Lilja called the regular meeting back to order at 8:47 p.m.

New Business:

- I. **Discussion of overflow issue with community recycling bin.** City Administrator Leckey brought this item for discussion following continued misuse of the recycling bin resulting in overfilling and items being left outside of the bin on the ground. This results in the city being charged extra trip charges to get it emptied ahead of our normally schedule date, and Waste Management will not pick up items left outside of the bin, and if said items are in the way of their truck getting to the bin, they will

not empty the bin, but will still charge us for that trip. Before getting rid of the bin all together, following discussion of what the best direction would be to remedy this situation would be, one suggestion was for Qinc to get their own recycling bin as it has been reported boxes from the Pro Shop, maintenance shop etc. are getting thrown in the bin causing it to fill up faster. Another solution will be to install a large sign with instructions not to leave recycling items on the ground if the bin is full. Councilmember McCullagh indicated he will start working on a recycling educational video to promote to the community.

Damage to vehicle. This item was not on the agenda.

Chief Grenier was on call, after hours, a few weeks ago when he received a call for service during a heavy rainstorm to remove a tree limb that fell and was blocking the street on Sebring Hill. On his way in to work, he sustained damage to his personal vehicle after a deer jumped out in front of him. Because he was on call responding to a work-related incident, he requested the city pay for the damage to his personal vehicle. Chief Grenier provided three estimates for the repair work. Erin called the city's insurance company to see if the city could pay for the damages. Their response was the city could not, they could only pay for is his insurance deductible. Chief Grenier expressed he preferred not to have to file a claim with his personal insurance. The decision before the Council tonight is to decide if the city will pay for the repair work or pay the deductible only. Mayor Lilja noted going forward, we will be updating our personnel policy handbook to cover incidents like this.

The mid bid Chief Grenier provided was for \$11,500. Erin explained, per the city's insurance company, the city could not pay the body shop directly because the accident didn't occur in a city vehicle. The city would have to cut Fred a check as a show of good faith. There was discussion about whether or not there was money in the Police budget to cover the repair work.

City Attorney Daise asked for an Executive Session for a period of 5 minutes for the purpose of consultation with legal counsel on matters deemed privileged in the attorney-client relationship (K.S.A. 75-4319(b)(2)) relating to: legal advice. Present will be City Attorney Daise, the Mayor, Council and Erin Leckey.

Motion: Councilmember Prieb made a motion for the City Attorney, Mayor, Council and Erin Leckey to enter into Executive Session for a period of 5 minutes for consultation with legal counsel on matters deemed privileged in the attorney-client relationship (K.S.A. 75-4319(b)(2)) relating to: legal advice. **Second:** Councilmember McCullagh seconded. **Vote: 4-0. Motion carried.**

Executive Session began at 9:09 p.m.

Executive Session concluded at 9:14 p.m.

Motion: Councilmember Prieb made a motion to go back into Executive Session for an additional five minutes for the same reason as described above with the same people present. **Second:** Councilmember Noland seconded. **Vote: 4-0. Motion Carried.**

Executive Session reconvened at 9:15 p.m.

Executive session adjourned at 9:20 p.m. and Mayor Lilja called the regular meeting was called back to order.

Motion: Councilmember McCullagh made a motion that the city reimburse Fred for his insurance deductible. **Second:** Councilmember Prieb seconded. **Vote: 4-0. Motion carried.**

Adjournment: Motion: Councilmember Prieb made a motion to adjourn the regular Council Meeting at 9:21 p.m. **Second:** Councilmember McCullagh seconded. **Vote: 4-0. Motion carried.**

The meeting adjourned at 9:21 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.