



City Council Meeting Minutes

February 13, 2023

6:00 p.m.

Mayor: Carolyn Caiharr
Councilmember Chuck Adams Mark Bishop Garrett Mellott
Greg Scott Margaret Shriver

1. Requests or Comments from the public

- John Altevogt, 10601 Shawnee and Chairman of the Edwardsville Planning Commission, addressed the City Council to provide additional context on the Planning Commission's decision to deny the rezoning request included in the original agenda (*note: this application was requested to be withdrawn by the applicant and was not considered at this meeting*).
- Ryan Parker, 1040 Edwardsville Dr., thanked the Planning Commission for upholding the elements of the Comprehensive Plan as it relates to the proposed industrial development in the City's north end. He also expressed support for the Mayor's proposed ordinance related to amending of the agenda, stating it would increase transparency in Council proceedings.
- Bob Newlin, 507 Newton, read prepared remarks stating his support for Ordinance No. 1063 and removing the option for an agenda to be amended within 48-hours of public distribution.
- Breanna Abbott, 11102 Kansas Ave., thanked the City for making meetings available online, noting she does follow them to stay up to date. She stated her support for Ordinance No. 1063, and provided a list of reasons she felt it should be considered. She thanked the City Council for their openness for dialogue and the efforts to get agenda materials out to the public. She feels that "last-minute" agenda items would not serve the public's best interests.
- Camilla Adcox, 1520 S. 104th Terrace, stated her support for Ordinance No. 1063, stating she felt it increased transparency.
- Gary Carpenter, 110 Riverview, thanked the Planning Commission for their decision related to the recent industrial rezoning request. He stated that his neighbors were all opposed to this kind of development in this area of town. He also asked for assistance related to the dust being generated by the Bonner Springs project.

2. Consider approval of consent agenda items

- a) Approve minutes of January 23, 2023
 - b) Statement of bills paid in the amount of \$214,801.20
 - c) Approve 2022 Special Law Enforcement Trust Fund Report
 - d) Approve business license application for Liquor Xpress 2 located at 9701 Kaw Dr.
- **Motion:** Councilmember Mellott made the motion to approve the consent agenda items.
 - **Second:** Councilmember Shriver seconded the motion
 - **Vote:** Passes, 5-0

Planning Commission Items

3. Consider the following recommendations from the Edwardsville Planning Commission

- a) **Recommendation of approval regarding a Special Use Permit (SUP) located at 1040 Edwardsville Dr. (2023-02-SUP)**
 - City Manager Michael Webb reviewed this item, noting that City Planner Bradley Hocevar could not make this evening’s meeting.
 - Mr. Webb reviewed the SUP application, noting it was for a short-term rental, similar to other applications made in the past. The property owner would be on site during the rentals.
 - There was additional discussion on how transient guest taxes for these establishments are remitted back to the City.
 - There was additional discussion on the voting preferences for Planning items, with the City Manager noting that these could either be considered separately or voted on all at once. There was also clarification on the voting thresholds for these items based on a recent review of state statutes.
 - **Motion:** Councilmember Mellott made the motion to approve the Special Use Permit related to 1040 Edwardsville Dr.
 - **Second:** Councilmember Scott seconded the motion.
 - **Vote:** Passes, 5-0
- b) **Recommendation of denial regarding the rezoning of property located at 11200 Riverview Ave. (2023-01-Z) – WITHDRAWN BY APPLICANT**
- c) **Recommendation of adoption of Ordinance No. 1062 adopting Temporary Use Permit regulations**
 - City Manager Michael Webb reviewed the Planning Commission review of this particular item and detailed the scenarios in which a temporary use permit would be used. Mr. Webb provided examples of uses that may not meet certain zoning thresholds at the time of application, but could possibly permit a certain use if it does not create adverse issues for the surrounding area. He provided a recent example related to a landscape company in town that is not technically zoned for the use, but does not create hardships or complaints from neighbors.
 - Councilmember Scott had questions related to the allowable 36-month timeframe for TUP’s. Mr. Webb noted that the Planning Commission felt that limiting to one year may not allow proper due diligence for business owners to get properly established. He also noted that violations of the TUP regulations could result in revocation of their permit.
 - There was additional questions related to other possible uses for a TUP.
 - **Motion:** Councilmember Mellott made the motion to approve the consent agenda items.
 - **Second:** Councilmember Bishop seconded the motion
 - **Vote:** Passes, 5-0

Cemetery, Parks, and Public Spaces (CPPS) Board Items

- 4. **Consider the following recommendations from the Edwardsville CPPS Board**
 - a) **Recommendation of the use of Special Sales Tax funds for the Historic Cemetery Restoration Project**
 - Assistant City Manager Zack Daniel reviewed this project and its history with the CPPS Board.
 - This funding for this project would come through the Special Sales Tax fund, as it is related to the development of a park/public space. The total request is for \$15,850, which would cover appraisals, surveying, platting application materials, and other contingent costs.
 - The project is ultimately designed to redevelop the Historic Cemetery as a public space with the potential for expanding the trail feature in the north area of town.

- **Motion:** Councilmember Adams made the motion to approve the consent agenda items.
- **Second:** Councilmember Shriver seconded the motion
- **Vote:** Passes, 5-0
- Councilmember Adams gave additional comments in support of this project, noting it's been in the works for a number of years. He was excited that it is moving forward now.

5. Consider Ordinance No. 1063 related to City Council agenda development

- Mayor Caiharr read a prepared statement noting her reasons for requesting changes to the agenda development process through the proposed Ordinance. Chiefly, she feels this would increase the transparency of the governing body and allow citizens to be more informed on City Council activity.
- There was an amended version of the Ordinance distributed that changed the proposed language to allow for items to be removed from an agenda, but not added within the 48-hour window prior to the meeting.
- Councilmember Adams voiced his concerns with the proposed ordinance, noting that it would inhibit the Council's ability to move time-sensitive items forward. He felt there was room for the new rules to be abused that would not be in keeping with the spirit of the ordinance. He pointed to the Robert Rules of order as a model for meeting and agenda procedures which would give voice to Councilmembers in the agenda development process.
- Mayor Caiharr noted that similar ordinances exist in other communities and that the residents have voiced their support of the change.
- Councilmember Mellott noted that he felt this Council and City staff have operated in a very transparent matter and that he did not see what this change is meant to correct. He noted that in rare instances, expediency and flexibility is needed and the Council should not be limited to deal with these issues should they arise.
- Councilmember Bishop asked for the input from legal counsel. City Attorney Joshua Ney raised the idea to recess into executive session to discuss potential implications this ordinance may have. Councilmember Mellott stated his preference to continue to discussion in regular session and pointed out that this recommendation from legal counsel could not be considered if the ordinance was currently in place. Mr. Ney noted that the ordinance as written does not account for time-sensitive or emerging instances where an executive session may be advised.
- **Motion:** Councilmember Adams made the motion to table final action on this item pending a City Council work session regarding procedures for the development of City Council agendas.
- City Manager Michael Webb noted there may be LKM resources that could be valuable in the discussion.
- There was additional discussion about the current agenda development and distribution processes.
- Mr. Ney again floated the idea to recess into Executive Session under attorney-client privilege to more clearly unpack the implications of the ordinance. He noted that any agenda should consider the potential for private consultation with legal counsel if necessary.
- Mayor Caiharr asked about potential revisions to the ordinance to allow for the instances Mr. Ney brought up.
- **Second:** Councilmember Mellott seconded the motion and called the question for a vote.
- Mayor Caiharr asked Mr. Ney to finish his response. Mr. Ney laid out potential formats for agenda development allowing for appropriate legal counsel. He did not

present a formal format, only noting there may be other options to consider in this respect that may be included in this or a future Ordinance.

- Mayor Caiharr stated she felt the ordinance could still be considered even with the proposed work session.
- Councilmember Bishop noted that the Council has concerns over the implications of this ordinance and how it affects agenda development, being that the ordinance (in the Attorney's words) are not clear in some respects.
- **Vote:** Passes, 5-0
- There was general consensus to hold his work session at a date other than tonight to adequately prepare questions or other input related to the process.

6. Consider Resolution 2023-01 authorizing the preparation and submittal of a grant application to the 2023 Moderate Income Housing – American Rescue Plan Act (MIH-ARPA) program

- City Manager Michael Webb reviewed this item, noting that the KHRC annually requests grant applications for individuals and families with moderate incomes.
- The proposed grant application would be prepared by Highland Drive Development LLC for a total of \$1,250,000 for the proposed Highland Ridge subdivision. The use of funds would be to offset inflationary home building costs of \$25,000 per unit to ensure affordability.
- Mayor Caiharr asked for clarification on who would be receiving the funds and the definition of moderate income. Representatives for the project were on-hand to answer these questions.
- **Motion:** Councilmember Adams made the motion to adopt Resolution 2023-01
- **Second:** Councilmember Mellott seconded the motion.
- **Vote:** Passes, 5-0

7. Consider authorizing the purchase of a 2023 Ford Explorer for the Edwardsville Police Department

- Police Chief Mathies reviewed this item. Chief Mathies provided the background for the request, noting the recent incident that resulted in the totaling of a police vehicle.
- Chief Mathies reviewed the EPD's fleet management structure, noting that having this car out of rotation posed difficulties.
- There was a review of the insurance process as well as the partial lease payoff for the totaled vehicle. The total cost for the vehicle, approximately \$49,120, would be absorbed by the EPD budget, but the overall General Fund impact should only be about \$17,000 accounting for insurance proceeds.
- Chief Mathies noted that Olathe Ford is the only dealership with the appropriate vehicle in stock and ready to purchase. Review went as far south as Wichita.
- Mayor Caiharr suggested considering other less expensive vehicles as this would be an administrative vehicle. Chief Mathies noted the preference to keep the fleet as designed.
- **Motion:** Councilmember Scott made the motion to approve the purchase of a 2023 Ford Explorer for the Edwardsville Police Department
- **Second:** Councilmember Adams seconded the motion.
- **Vote:** Passes, 5-0

8. Hear staff presentation regarding the 2023 Street Maintenance Plan

- Public Works Director CE Goodall presented an overview of his review of street conditions. This report was informed partially by street rating data provided by Wyandotte County.

- The areas of focus were on Speaker Rd., N. 2nd St., Kansas Ave., Swartz Rd., 98th St. (south of Swartz), and Richland Ave.
- There was some discussion about the reintroduction of CiFi funding through Wyandotte County.
- Individual street sections were discussed, including recent maintenance projects and other projects in the area (specifically on 98th St.)
- Councilmember Bishop noted that Richland served as a bus stop for the school district, and this kind of use should be considered when looking at potential projects.
- There was additional discussion on the potential funding mechanisms for these projects.
- No official action was taken at this time.

9. Hear staff presentation regarding the 2022 Quarterly Budget Review for Quarter 4

- Assistant City Manager Zack Daniel reviewed the Q4 budget report for 2022.
- Revenues overperformed in most of the major revenue areas in 2022, with current figures showing a 9% increase in estimated revenue overall. General Fund expenditures also came in about 7% over budget. Mr. Daniel reviewed the major reasons for 2022 spending over the budget, including the unplanned/emergency facility repairs related to the City Hall roof and Community Center air conditioning. He also isolated inflationary impacts in areas such as materials and fuel. Finally, he noted that overtime in public safety departments, specifically in EMS, were higher than anticipated due to staff vacancies.
- Mr. Daniel then reviewed the other budgeted funds, noting the ones that were amended before the end of the year. There were no major concerns with the performance of these funds at year end.
- No official action was requested for this item.

10. Consider a motion to recess into Executive Session pursuant to K.S.A. 75-4319(b)(6) for discussion related to the acquisition of real property in the City of Edwardsville

- **Motion:** Councilmember Adams made the motion to recess into Executive Session for the reasons stated to include the City Manager and City Attorney, with regular session to resume at 9:00 PM.
- **Second:** Councilmember Bishop seconded the motion.
- **Vote:** Passes, 5-0
- *The group recessed into Executive Session, returning at 9:00 PM*
- **Motion:** Councilmember Mellott made the motion to return to regular session
- **Second:** Councilmember Shriver seconded the motion
- **Vote:** Passes, 5-0
- **Motion:** Councilmember Mellott made the motion to authorize the City Manager to execute a real estate contract between the City and Eugene and Tami Snider.
- **Second:** Councilmember Adams seconded the motion
- **Vote:** Passes, 5-0

11. City Manager Report

- Police Chief Mathies reviewed a recent street closure on Village South Parkway.

12. Council and Mayor Comments

Councilmember Mellott asked about the City's possible role in expediting the silent crossing finalization, citing the numerous train whistles the neighborhood

experienced over the weekend. Mr. Webb reviewed his recent discussions with County officials on this topic and stated he would see what could be done.

Councilmember Bishop asked for an update on Evergy's plans in the north end. Mr. Webb reviewed his recent discussions with the company and the recent right-of-way application they submitted. He noted that the application could not be approved as is due to the City's recent underground utility ordinance and he expected Evergy to ask for a variance to this requirement. Councilmember Bishop then noted he'd like to see the sale dates expanded for fireworks considered, per a request from a local vendor at a previous meeting. He then raised his concerns about the placement of certain traffic signage along 110th St.

Councilmember Adams noted his appreciation for the reintroduction of CiFi and for the roles that Mayor Caiharr and Commissioner Stites and Commissioner Burroughs have had ensuring that WyCo is more accountable to the western edge of the County.

Councilmember Scott noted he has reached out to Superintendent Brungardt regarding bus routes in Edwardsville as they relate to future street improvement projects. He also voiced his support to speed up the Silent Crossing project.

Councilmember Shriver stated she felt the conversation regarding Ordinance No. 1063 became larger than anticipated. She thanked residents for their input. She also asked for clarification a recent utility bill misprint, which Mr. Daniel responded to. She also thanked Mr. Goodall for his road presentation.

Mayor Caiharr reviewed the CiFi decision made by Wyandotte County. She also referred to Ordinance No. 1047 related to code enforcement and asked for more efforts in this area. She stated she looked forward to working with the Council on the planned agenda development work session.

ADJOURNMENT

The meeting was adjourned at 9:18 p.m.

Zachary Daniel
City Clerk