



City Council Special Meeting Minutes

May 18, 2020
6:00 p.m.

Mayor: John McTaggart
Councilmember Chuck Adams Carolyn Caiharr Garrett Mellott
Margaret Shriver Chuck Stites

Prior to the start of the meeting, Mayor McTaggart read a statement providing the purpose of the meeting, noting it was called as a result of the written requests of Councilmembers Caiharr, Adams, and Mellott

1. Discuss and consider Coronavirus response plans

- City Manager noted that this meeting would largely be for Council to lead discussion and an executive session may be called if deemed necessary by the City Attorney
- Councilmember Caiharr read through a prepared presentation. Within the presentation, Councilmember Caiharr pointed out the shortfalls of health projections which overestimated the virus's effect on a national level. She compared this data to the economic hardships that are currently being experienced, both by local business and around the county.
- Councilmember Caiharr stressed her displeasure with the County's process in developing the public health recommendations, citing the fact that Edwardsville had no representation at the table when these recommendations were being considered. She emphasized the demographic differences between Kansas City and Edwardsville, specifically in population density, which may necessitate different health considerations.
- Councilmember Caiharr also provided her own research claiming that public health orders may violate citizens constitutional rights on a number of fronts. She provided comments from United States Attorney General William Barr calling for attorneys to be vigilant in looking for possible constitutional rights violations. She posed a question to the Council and to staff on how best the City can protect residents from these concerns.
- Councilmember Adams stated he agreed with many of Councilmember Caiharr's points. He voiced his concern over the reasoning for the extension of the local emergency declarations in the face of mounting economic hardships faced by the population and quoted KCK Mayor David Alvey on his recent comments regarding the possible extension of the red zone of recovery.
- Councilmember Adams referenced the California city of Atwater, which recently declared itself a "sanctuary city" from shelter-in-place orders from the state. He provided a resolution from the City of Atwater and stated it may be a model for possible action by the Edwardsville City Council. He pointed out the various points of confusion and hypocritical statutes that do not appear to apply uniformly to the business community.
- Councilmember Caiharr expressed that she felt our local businesses should be in a position to make decisions on operations for themselves and that it should not be a government decision to keep people from work. She also noted that a majority of the outbreaks have been associated with nursing care facilities and that policies should have been crafted to speak directly to concerns about those facilities rather than apply broadly.
- City Attorney Lisa Dehon provided some context in the authority of the state of Kansas and the county public health department. She stressed that her

responsibility is to protect the City from potential liability. She felt that the actions of Atwater, CA would actually create a larger legal liability on the part of the City than choosing to follow their state's orders. In short, Atwater cannot ensure that people would not come from outside the community, possibly be infected, and bring it outside those city limits. There was discussion on the legal liability of communities potentially faced by cities. Ms. Dehon noted that it is impossible to protect the City from all legal challenges, but that certain actions described earlier would make the City more vulnerable to legal action, not less, specifically because these decisions were not made by citing considerations related to health, safety, or science. She disagreed with the opinion that the actions taken by the state or county to this point are unconstitutional.

- City Manager Michael Webb provided some details on the differences in ordinances and resolutions should the Council decide to go in either direction. There was additional discussion on the enforcement mechanisms of each action.
- Councilmember Caiharr voiced her desire to explore the option of the City employ its own public health officer to provide opinions specific to Edwardsville. Mayor McTaggart voiced his disagreement with this option.
- Councilmember Stites voiced his concerns that many of examples cited earlier do not seem to apply to Edwardsville directly. Many businesses have remained open and there have been no incidents of public safety needing to intervene to enforce a public health measure.
- There was discussion of crafting a resolution that was worded more to support local businesses rather than taking specific legal actions. Councilmember Stites again voiced his confusion on who exactly this document would be crafted for and that perhaps a proclamation may be more appropriate. There was additional discussion about the recent inclusion of Herff Jones representatives on the ReStart WyCo committee and the Council's desire to see an elected official from Edwardsville to serve in that capacity as well. There was a general consensus that the process to form the committee was not satisfactory and that that fact should be included in the proposed resolution.
- Councilmember Shriver provided some of her personal history in dealing with the virus and noted that the exponential spread is a real concern for her.
- After additional discussion on the scope and format of a future resolution, City Manager Michael Webb noted that staff and legal counsel would develop a resolution for consideration on the City Council on the Tuesday, May 26 meeting if it were the will of the Council.
- **Motion:** Councilmember Chuck Adams made a motion to direct staff and legal counsel to develop a draft resolution based on this evening's discussion for consideration at the next City Council meeting.
- **Second:** Councilmember Caiharr seconded the motion
- **Vote:** Motion passes 5-0
- It was determined that no executive session would be needed at this time and the Mayor adjourned the meeting.

ADJOURNMENT

The meeting was adjourned at 9:09 p.m.

Zachary Daniel

City Clerk