



City Council Meeting Minutes

January 23, 2023
6:00 p.m.

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

1. Requests or Comments from the public

- Frances Vertz, representing Peanuts Fireworks, requested that the City Council consider changing the ordinance related to sale dates for fireworks to line up with the state calendar. Mr. Vertz also proposed a tiered-pricing model in case other businesses did not want to participate in the expanded sales.
- Lane Cooper, 1535 S. 104th Terrace, addressed the Council encouraging the group and City staff to put together agenda packets sooner to allow for the appropriate level of review from the elected officials.

2. Consider approval of consent agenda items

- a) Approve minutes of January 13, 2023
- b) Statement of bills paid in the amount of \$887,654.27
- c) Appointments to the following citizen advisory boards:

i. Planning Commission

ii. Cemetery, Parks, and Public Spaces (CPPS) Board

- **Motion:** Councilmember Adams made the motion to approve the consent agenda items.
- **Second:** Councilmember Mellott seconded the motion
- **Vote:** Passes, 5-0
- Mayor Caiharr recognized Ryan Parker and Sandy Bonfield in the audience, who were appointed to the Planning Commission and CPPS Board respectively.

3. Consider appointment of Kriegshauser Ney Law Group to serve as the Edwardsville City Attorney

- City Manager Michael Webb noted the recent resignation of the previous City Attorney Lisa Dehon, and introduced Joshua Ney of the proposed new firm.
- Joshua Ney, representing the law firm, addressed the Council, citing his group's extensive county counseling experience in the area. He recounted his other municipal and state-level experience and his personal history in the region. Mr. Ney's partner Ryan Kriegshauser was then introduced and provided a summary of his municipal legal experience at the local and state levels.
- Councilmember Adams noted that he is familiar with the Kriegshauser family in both a personal and political capacities. He asked Mr. Ney what he felt the role of the City Attorney was. Mr. Ney noted that it is primarily an advisory role for the legislative branch of local government in applying and developing local policies and ordinances. Councilmember Adams asked if the group is engaged with the League of Kansas Municipalities. Mr. Ney noted that the firm is more engaged with County-level organizations, but there are staff members who have interaction and involvement with LKM on different letters.
- Councilmember Adams asked if Mr. Ney was consulted at all over recent discussions the City was engaged in over mask mandates and changes to the

Unified Public Offense Code. Mr. Ney responded that his group was not consulted in those matters and he was not aware of the items, nor was he prepared to provide a legal opinion on them at this time.

- Mr. Adams pointed out the increase in the hourly rate for this attorney compared to the previous attorney and noted his concern over the increase. He also noted that the rationale behind the proposed change has not been made.
- Mayor Caiharr noted that the rate proposed is reasonable based on review done by the City Manager. She also pointed out that the City Attorney position is an appointment of the Mayor and she was within her right to make that change at this time. She also noted the different level of scrutiny over this choice vs. the choice to select the previous attorney. She pointed out the different legal challenges the City may be engaged in in different areas and that she felt the previous attorney did not show the capacity to move forward on those items.
- There was additional discussion over the hourly needs per month. Mr. Ney pointed out that the rate represents a cumulative annual rate, not a per-month cap. Mr. Ney also noted that this first year would likely determine many of the pricing and needed hours for future years.
- Mr. Webb reviewed the general differences in pricing and interaction between larger firms and sole proprietors.
- Mayor Caiharr suggested the possibility of approving the selection of the attorney at this time and allowing the City Manager to finalize contract details later.
- Councilmember Mellott asked the Mayor for an example of the kinds of projects she felt the attorney would be engaged in, as it would likely have an impact on the total hours and rates charged to the City. He also noted that he felt the choice for a change in attorneys came quickly and without the involvement of City Council. Mayor Caiharr noted elimination of pilot payments on BPU utility bills, changes to franchise agreements with utility companies, and changes to library districts as an example.
- Mr. Ney reviewed the discounted rate offered to the Cities. There was discussion on the broad number of hours typically dedicated by the City Attorney.
- There was a general consensus to restructure the agreement set at 12-hours per month.
- **Motion:** Councilmember Adams made the motion accepting the appointment of Kriegshauser Ney Law Group as the City Attorney and authorized the City Manager to enter into a contract with the group with the suggested changes to the structure of the contract as discussed.
- Mr. Webb noted that Joshua Ney would be the signatory for the purposes of administering the oath of office and that the contract details would be finalized
- **Second:** Councilmember Scott seconded the motion.
- **Vote:** Passes, 5-0
- Following the vote, Assistant City Manager/City Clerk Zack Daniel administered the oath of office for Mr. Ney.

4. Consider authorizing the City Manager to enter into a contract with Westland Construction for construction of the KVIP lift station and force main

- Mr. Webb reviewed the project and the bid solicitation process.
- Mr. Webb noted this is related to the Kincaid project in the industrial park and the City's portion would be funded through the Woodend Road RIF District and the City's Sewer Fund.
- Councilmember Shriver asked if the City has used this firm before, which Mr. Webb noted that he does not believe so, but is familiar with their projects in the region.

- There was additional discussion regarding the project and its impact on the project area, including capacity for future growth.
- **Motion:** Councilmember XXX made the motion to authorize the City Manager to enter into a contract with Westland Construction for the KVIP lift station/force main project
- **Second:** Councilmember Bishop seconded the motion.
- **Vote:** Passes, 5-0

5. Consider Fogel Anderson as construction manager for city facilities projects

- City Manager Michael Webb reviewed the RFQ process to select a construction manager for City facilities projects. He reviewed the selection committee process as well.
- Mr. Webb reviewed Fogel Anderson’s experience in this area and the basis for their selection by the committee.
- Councilmember Bishop noted his rationale for this recommendation, citing Fogel Anderson’s understanding of the City’s needs for this project and their vision for the overall project.
- Mr. Daniel noted that there has not been a final decision in terms of the makeup of any future public facilities.
- **Motion:** Councilmember Mellott made the motion to authorize the City Manager to enter into a contract with Fogel Anderson for this project.
- **Second:** Councilmember Bishop seconded the motion.
- **Vote:** Passes, 5-0

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

- The Council did not hold this executive session.

7. City Manager Report

- City Manager Michael Webb noted that staff will research the fireworks items raised earlier in the meeting. Fire Chief Tim Whitham also commented on this item.
- Fire Chief Whitham noted that the new ambulance would be delivered before the end of January.
- Assistant City Manager Zack Daniel reminded the group on the upcoming Property Tax Valuation clinic coming up on Feb. 9

8. Council and Mayor Comments

Councilmember Scott was glad to hear about the ambulance delivery. He welcomed Joshua Ney to the team. He noted that his concerns about the appointment was strictly budgetary and not a reflection on the Mayor or the law firm.

Councilmember Bishop thanked the new members of the advisory boards for their participation in the City.

Councilmember Shriver echoed Councilmember Bishop’s thanks to the new appointments and stressed their importance in developing of City policies and programs. She asked Chief Whitham about the use of the old ambulance, and he responded it would likely be sold and used as a backup until then.

Councilmember Mellott had comments about the facilities planning project. He also thanked the volunteers on the City's committees and noted his appreciation for their participation. He suggested that Wyandotte Commissioner Stites appear before the City Council to provide an update on County activity as it relates to the City.

Mayor Caiharr reviewed the recent Harvester's Food Pantry performance numbers and thanked the event's volunteers.

ADJOURNMENT

The meeting was adjourned at 7:49 p.m.

Zachary Daniel

City Clerk