



City Council Meeting Minutes

September 26, 2022

6:00 p.m.

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

1. Consider approval of consent agenda items

a) Approve minutes of September 12, 2022

b) Statement of bills paid in the amount of \$296,002.27

c) Authorization of use of grant funds for the purchase and installation of wall lockers for the Edwardsville Fire Station

- **Motion:** Councilmember Mellott made the motion to approve the consent agenda items.
- **Second:** Councilmember Scott seconded the motion
- **Vote:** Passes, 5-0 with Councilmember Adams abstaining

2. Requests or Comments from the public

- David Streit, 1396 S. 104th St., addresses some of the UPOC verbiage recently discussed. He referenced his children in the USD 204 district. He encouraged the Council and the rest of the community to consider going further than what the school is able to do to protect kids. He stated that we should jump at the opportunity to tighten certain restrictions if it helps protect kids. He referenced “furries” and school fights as disruptive elements in the classroom that school officials cannot always respond to effectively.
- Mellissa Camus, 216 Blake St., encouraged the Council to protect the children where they can. She stated her belief that the Council has the ability to rewrite the UPOC as they see fit and encourages them to do so to protect kids like her own.
- Camilla Adcox, 1500 S. 104th Terrace, also stated the Council can change the language. She also reviewed the current language in the UPOC and her worries. She worried about the effect on children’s brains, and the body image effects on young girls after being exposed to obscene materials. She also noted that the current language is an open door for grooming by increasing risk of victimization.
- Mike Vernon, pastor at Edwardsville Christian Church, stated he knows the Council has the community’s best interest in mind and encourages them to take extra steps to protect children.
- John Altevogt, 10601 Shawnee Rd., supported the proposed amendments to the UPOC and noted he is a court-appointed special advocate for kids who have been abused and he relayed the damage he has seen. He referenced recent cases where he believes the current UPOC language would have let predators go free.
- Ryan Parker, 1040 Edwardsville Dr., supported the proposed amendments and relayed the difference in curriculum. He stated his employer forbids him from stating his position but he does note he serves the community in some capacity.
- Sandy Bonfield, 507 S. 110th, noted she is a Head Start Preschool in Bonner Springs, and worried for her students and the materials they may be exposed to.
- James Everheart, 10512 Shelton Ave., also representing his wife Christy, noted he felt it was important to protect children to protect our future. He noted one of his

children who went through USD 204 and is now in KU. He referenced schoolboard meetings where inappropriate material is being discussed.

- Kenny Shaw, 602 Newton, thanked the Council for discussing this issue proactively. He noted he felt the proposed changes would also help protect teachers.

3. Consider Ordinance No. 1059 adopting the 2022 Unified Public Offense Code for Kansas cities – OLD BUSINESS

- City Manager Michael Webb noted that the ordinance in the packet is the same ordinance that has been presented in the past with the standard amendments that have been included over the years.
- Mr. Webb then reviewed the role of staff and legal counsel in making recommendations as it relates to UPOC adoption. He reviewed the proposed amendments from Mayor Caiharr in section 11 of the UPOC.
- Mr. Webb stressed that the current language does not offer broad immunity from prosecution for teachers for engaging in exposing children to harmful materials, as some have stated. He also referenced a possible change from defense to prosecution to 'affirmative' defense to prosecution.
- Mayor Caiharr summarized her proposed changes and emphasized the amendments the City include every year during UPOC review/adoption. She referenced unnamed attorneys and teachers she spoke to who felt the City was well within their authority to make the proposed changes to the UPOC and that the document only serves as a suggestion to cities. She also referenced home rule statutes in support of her position. She continued by reviewing the current section 11 language and the definitions provided. She provided hypothetical scenarios by which children could be exposed to harmful materials. She closed by questioning the motivation to include this language in the UPOC to begin with and ask that everyone be held to the same standards when it comes to protection of children. She then summarized the three options for the Council: the ordinance as written and recommended by staff and legal counsel, 2) adoption of the UPOC changing 'defense to prosecution' to 'affirmative defense of prosecution' which the City's legal staff was comfortable with, though did not recommend, and 3) moving forward with UPOC adoption with the standard amendments and proposed Mayoral amendments to section 11.
- **Motion:** Councilmember Shriver made the motion adopt Ordinance No. 1059 with the standard amendments in addition to the amendments striking sections 11.1 d, 11.2 c, and 11.7 b and 11.7 d in their entirety.
- Councilmember Scott asked additional questions related to the items that would be stricken.
- City Attorney Lisa Dehon noted that most of the comments made during the public comments did not relate to the item being discussed, and would likely be treated as felonies to be heard outside the municipal court processes. She noted that it is not illegal to make any of the changes that have been recommended, but that in her legal opinion and the opinion of the legal counsel of the League of Kansas Municipalities, the specific amendments to section 11 would run counter to state statute, which could create procedural problems in a hypothetical case. It would create a larger pool of potential defendants. She stressed there is no protection for any teachers who are exposing children to materials with a prurient intent.
- Councilmember Adams referenced the vetoed Parent's Bill of Rights at the state level and restated his opinion that these changes should come at the state level vs. addressing them at this level, though he noted his disgust with the activity being described.
- There was additional discussion on other legal matters as it relates to the proposed amendment.

- **Second:** City Councilmember Scott seconded the motion.
 - **Vote:** Passes, 3-2, with Councilmembers Adam and Mellott dissenting. Adams contextualized his “no” vote by noting his concern for being in conflict with State law in future criminal prosecutions. Mellot stated his dissenting vote because he felt he did not have enough time to review all of the options presented thoroughly.
4. **Hear presentation from BHC regarding the 2022 Sanitary Sewer &Inventory Inspection project**
- Randy Gorton from BHC reviewed the project, authorized earlier in the year.
 - Mr. Gorton ran through the data collected via an online web portal that contains map and infrastructure information.
 - Mr. Gorton noted that 251 manholes were located and 13 were determined not to be owned by the City. There were also 11 manholes that were inaccessible during the time of the inventory.
 - There was additional discussion on the overall condition of the system, with Mr. Gorton highlighting the areas that would need the most attention in the shortest amount of time.
 - Mr. Webb noted that this project is coming in under budget due the smaller amount of manholes that originally anticipated.
 - Mr. Gorton noted that the final USB drive of data still needs to be delivered to City staff, as well as mapping data that could be made available to departments who may need it.
 - No action was requested or required as part of this presentation.
5. **Selection of Gordon CPA to serve as the City’s auditor for the year ending December 31, 2022**
6. **Consider Resolution 2022-13 regarding GAAP waiver for the 2022 audit**
- Assistant City Manager Zack Daniel reviewed these two items, recapping the City’s history with Gordon CPA.
 - If approved, this would be the first extension of the 2019 agreement with Gordon, which allows up to two extensions before the requirement to go back out for bid.
 - Mr. Daniel then reviewed the GAAP waiver resolution, a routine procedure which allows the City to follow a cash basis form of accounting for audit purposes.
 - Mr. Webb added that retention of the City’s current auditor is also advised due to the current vacancy in the Finance Manager position, as the auditor will help ensure consistency as the position gets filled.
 - **Motion:** Councilmember Mellott made the motion to approve the selection of Gordon CPA as the City’s FY22 auditor
 - **Second:** Councilmember Shriver seconded the motion
 - **Vote:** Passes, 5-0
 - **Motion:** Councilmember Mellott made the motion to adopt Resolution 2022-13 regarding the GAAP waiver for the 2022 audit
 - **Second:** Councilmember Scott seconded the motion
 - **Vote:** Passes, 5-0
7. **Consider Resolution 2022-14 supporting a grant application for home buyer assistance**
- Mr. Webb reviewed this grant opportunity, noting it is for a moderate-income housing program. The City is working on this in conjunction with the developer behind the recent RHID housing development.
 - Generally, the grant would provide an opportunity for home buyers to receive a \$10,000 payment to assist with closing costs, interest buy-downs, etc. It is not a

rent subsidy or a way to enrich builders, but is meant to encourage home ownership.

- Mayor Caiharr provided additional details on the current market conditions for first time home buyers.
- **Motion:** Councilmember Adams made the motion to authorize the grant application via adoption of Resolution 2022-14
- **Second:** Councilmember Bishop seconded the motion
- **Vote:** Passes, 5-0

8. City Manager Report

- Mr. Webb reviewed the goDotte discussion recently held at the Planning Commission level and noted it would be in front of the City Council at some point in the future. Mr. Webb also updated the group on the search for a Public Works Director.

9. Council and Mayor Comments

Councilmember Scott thanked the public for their comments and noted his surprise that the current state laws do not do a better job protecting students and teachers. He thanked the Mayor for doing her due diligence and bringing it to the Council's attention.

Councilmember Adams asked for more details about the police canine competition, which Deputy Chief Short provided. He restated he felt the UPOC discussion earlier should have been handled at the school board and state level and noted he was concerned about the unintended consequences.

Councilmember Bishop noted his complaints about a recent social media posting where the Bonner Springs Police Department appeared to ticket the Edwardsville Fire Department. He did not find the posting funny and requested that the mutual aid arrangement between the City be re-addressed in light of this treatment as well as other instances related to north end development.

Councilmember Shriver thanked Zack and the other City staff for their work putting together the AutumnFest event. She asked about the planned bulky item pickup planned for November. Mr. Daniel noted he had a call scheduled with KC Disposal scheduled for tomorrow to finalize the date and start getting the word out. She closed by noting a road failure on 110th St. by Ani-Pals, which Mr. Webb noted is likely a BPU issue and that he would be discussing it with the proper officials.

Councilmember Mellott thanked the public for their input and stressed the difficult decisions the Council has to make. He noted his 'no' vote was due to not believing he had enough information on the amendments and that he trusted the school board and USD 204 officials to do the right thing for their students and for the community. He added he was not against the intent of the amendments, but felt the City likely overstepped its position to be in opposition to state statute. He closed by adding to his request for more pressure to be put on KDOT to clean up K-32.

Mayor Caiharr thanked staff for putting together the AutumnFest event as well as Fastenal for organizing the 5K out of their facility. She noted her recent work gathering information on state and federal money for infrastructure and broadband projects. She also wanted to clarify slides on the 9/12 budget presentation, noting it was her request to see the mill levy at the levels noted, but that the specific

recommendations on the slide were not developed by her. She thanked the Council for their vote on the UPOC item earlier in the night

ADJOURNMENT

The meeting was adjourned at 8:13 p.m.

Zachary Daniel

City Clerk