

TUESDAY, JUNE 21, 2016  
BOARD OF ALDERMEN MINUTES  
7:00 P.M.

Mayor Rhorer called the regular meeting to order at 7:00 p.m. on June 21, 2016 at 815 East Broadway, Ashland, Missouri.

Alderman Klippel gave the invocation.

Mayor Rhorer called the roll:

Ward One: George Campbell-here, Danny Clay-here  
Ward Two: Jesse Bronson-absent, James Fasciotti-here  
Ward Three: Rick Lewis-here, Fred Klippel-here

Staff Present: Lyn Woolford, Police Chief/City Administrator, Fred Boeckmann, City Attorney, Darla Sapp, City Clerk and Shelley Martin, Treasurer/Deputy City Clerk.

Mayor Rhorer presented the agenda of June 21, 2016 for consideration with the removal of Council Bill No. 2016-032. Alderman Klippel made motion and seconded by Alderman Lewis to approve the agenda as amended. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer presented the minutes of June 07, 2016 for consideration. Alderman Lewis made motion and seconded by Alderman Clay to approve the minutes as presented. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer asked if anyone wished to appear before the Board to come forward and state their name and address.

Phillip and Crystal Smith of 510 Justin Lane and Sarah Enoch of 513 Justin Lane asked for the City to repair the city sidewalk in between 510 and 512 Justin Drive. Mr. Phillips stated the sidewalk has deteriorated. They informed the Board that the City accepted the infrastructure for this subdivision. Mr. Smith stated they do not walk on the sidewalk, the residents do and he did not feel he was responsible to pay for any of the sidewalk maintenance/repair. He also felt it was not coincidence that we have listed on our agenda to change the ordinance on sidewalk maintenance. The Board discussed their concerns at great length with the Smith's. They discussed the transportation plan and inventory of sidewalk and streets as well as the small town growth and changes.

Sarah Enochs discussed the heavy speeding issue on Justin and Mustang and expressed concern for the children, dogs and safety for the bus stop. She stated she has reported this several times and asked that it be readdressed. She asked that the stop sign be replaced or a speed bump be placed there. Mr. Smith reported that there is federal regulations that stipulate a cross walk.

Mike Fulca of 513 Terra Linda Lane stated there was a number of residents present from Middleton Subdivision regarding the rezoning from Commercial to R-2 Zoning on the vacant lot on East Liberty Lane backing up to Middleton. He stated they attended the Planning and Zoning Commission meeting where this request was denied. He stated that they bought their property with the understanding that this property was commercial. He asked that they consider homeowners in the area, the impact on them and how that would affect the traffic in area.

Justin Wobbe of 603 Middleton stated his major concern is what can happen to the value and security of their homes with a lot of rentals. He stated this is not good and the property value goes down. He stated before the Board was talking about sales tax revenue from commercial property. He stated this is currently zoned commercial why would we want to change that. He asked that the Board do what is for the greater good of the citizens. He asked that the Board vote against this rezoning.

Gene Basinger stated he would like to discuss Council Bill No. 2016-030, concerning Richardson rezoning. He stated Mr. Richardson and his engineer was present to answer any questions, as well as the developers. He stated this piece of property sets between single family and commercial and is south of the city maintenance shed area. He stated the zoning in the surrounding area is R-2, commercial and industrial already.

Nathan Lacy of 1300 East Route M presented a copy of the assessors map showing multi-family already in this area. He asked if the Board had any questions.

Scott Schooler of East Clatterbuck Road stated his son is wanting to build six duplexes on this property. He plans to build something nice. He stated that within 500 feet of this tract of land there is mini storage units, a bar, restaurant and doctors office. He felt the duplexes would have less impact then commercial property.

Jeff Smith of 602 Middleton Drive stated he felt this rezoning was not good because it would devalue their property, cause traffic issues and potential problems with rental property. He asked the Board consider the persons in this room and deny the rezoning request for Mr. Richardson. He stated this would not keep him from developing this property. He stated there is a dozen of things that could built on this property such as, small patio apartments, or condos like the Bauer's. He stated the residents are concerned about the apartments and duplexes and rental property where multiple families live that could cause a lot of problems that go with that.

Mayor Rhorer presented Council Bill No. 2016-030 for consideration. Alderman Klippel made motion and seconded by Alderman Campbell to take up Council Bill No. 2016-030, an ordinance to change the zoning of a tract of land from (C-G) General Commercial to (R-2) Moderate Density residential for Richardson Family L.P. First reading by title only. Mayor Rhorer called for questions or comments. Alderman Fasciotti expressed his feelings of commercial zoning versus residential zoning. Justin Wobbe disagreed with Alderman Fasciotti on the effect of R-2 zoning. They had a heated debate. Mr. Smith and Mr. Fulca gave a rebuttal to comments made by Alderman Fasciotti. Alderman Campbell stated he believed in Mr. Richardson. He stated Mr. Richardson has done a lot for this community. Alderman Klippel stated there is currently R-2 development on East Liberty Lane. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Fasciotti-aye, Alderman Clay-aye, Alderman Bronson-absent. Motion carried.

Mayor Rhorer presented Council Bill No. 2016-031 for consideration. Alderman Klippel made motion and seconded by Alderman Fasciotti to take up Council Bill No. 2016-031, an ordinance to amend the budget for fiscal year 2016-2017. First reading by title only. Mayor Rhorer called for questions or comments. Lyn Woolford reported we had to add line items to the budget. Shelley Martin, Treasurer/Deputy City Clerk explained the line items in detail. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Campbell-aye, Alderman Clay-aye, Alderman Fasciotti-aye, Alderman Lewis-aye, Alderman Bronson-absent. Motion carried.

Mayor Rhorer presented Council Bill No. 2016-033 for consideration. Mayor Rhorer reported the changes are to allow the project to have tax exemption. It was reported that an amended development agreement should be resolved from the Baptist Home for consideration at the next Board meeting. Mayor Rhorer

reported this has been worked on back and forth for a year now and we have to move forward on this. The Board discussed if the work is finished then the Baptist Home would have to pay to have this work redone in order to connect. Mayor Rhorer reported we promised minimal impact to people who granted the easements. Fred Boeckmann reported he would contact The Baptist Home attorney tomorrow with a deadline. Alderman Klippel made motion and seconded by Alderman Lewis to take up Council Bill No. 2016-033, an ordinance authorizing the Mayor to enter into an amendment to the development agreement with Hummingbird Properties, LLC. First reading by title only. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Campbell-aye, Alderman Clay-aye, Alderman Fasciotti-aye, Alderman Lewis-aye, Alderman Bronson-absent. Motion carried.

Alderman Fasciotti made motion and seconded by Alderman Campbell to have a 10 minute recess at 8:11 p.m. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer called the meeting back to order at 8:19 p.m.

Mayor Rhorer presented Ordinance No. 1079 for consideration. Alderman Klippel made motion and seconded by Alderman Clay to take up Ordinance No. 1079, an ordinance authorizing the Mayor to enter into an amendment to the development agreement with Hummingbird Properties, LLC. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Campbell-aye, Alderman Clay-aye, Alderman Fasciotti-aye, Alderman Lewis-aye, Alderman Bronson-absent. Motion carried

Mayor Rhorer presented special firework display permits for Ashland Healthcare, Ashland Villa and Bluegrass Terrace for consideration. Alderman Fasciotti made motion and seconded by Alderman Lewis to approve the special firework display permits. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Campbell-aye, Alderman Clay-aye, Alderman Fasciotti-aye, Alderman Lewis-aye, Alderman Bronson-absent. Motion carried.

Mayor Rhorer presented a petition for annexation for Knipp Farms LLCs, Anna Marie Knipp, Anna Marie Knipp Charitable Remainder Trust, Ollie Mae Knipp and Ollie Mae Knipp Charitable Remainder Trust and setting a public hearing for July 19, 2016 at 7:00 pm. Alderman Fasciotti made motion and seconded by Alderman Klippel to accept the petition as presented and set a public hearing for July 19, 2016 at 7:00 p.m. Mayor Rhorer called for questions or comments. Mayor Rhorer reported this property backs up to Larry Potterfields. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Campbell-aye, Alderman Clay-aye, Alderman Fasciotti-aye, Alderman Lewis-aye, Alderman Bronson-absent. Motion carried.

Mayor Rhorer presented for discussion an amendment to 11.215.5 to remove the requirement of 4 inch rock base beneath sidewalks. Lyn Woolford, City Administrator reported that Boone County Code requires compaction instead of the 4 inch rock base under sidewalks. He stated our codes are conflicting so he asked what direction the Board wanted to take. He reported Ash Street project was bid out with compaction only no base rock. The Board discussed if the rock was needed for drainage and the difference between rock base and compaction. Lyn Woolford reported Steve Shultz from Bartlett and West said it is not a necessity anymore to require a rock base. Lyn Woolford reported he would have Coby Morris come to the next meeting to discuss this.

Mayor Rhorer presented for discussion an amendment to 11.260 City to maintain pertaining to sidewalk ordinance. Lyn Woolford, City Administrator and Fred Boeckmann discussed this and agreed the city was to maintain and upkeep the improvements. Fred Boeckmann reported that is correct but it is not determined how this is paid for. Mr. Boeckmann reported several options are the property owners are taxed bill for all or part of the maintenance. Crystal Smith reported the sidewalk is crumbling and there is a section that is

dangerous for strollers or wagons. The Board discussed options of a fifty-fifty partnership as we do on driveway approaches for sidewalks. The Board discussed the fact that we have no budgeted funds for these kind of repairs, they discussed sidewalk specifications and limited budget funds. Mr. Smith stated he was not going to pay for the sidewalk he would just remove the sidewalk. The Board discussed this and felt they needed to have Coby Morris come and answer questions on sidewalk requirements and implementing testing of sidewalk concrete.

#### Mayor's Report:

Mayor Rhorer reported the Lemonade Daze went great and he thanked the Park Board and Lemonade Daze committee for their work on the event. He thanked Aldermen Campbell for loaning them the tents. He reported he attended the MML conference.

#### City Administrator's Report:

Lyn Woolford reported that Shelley Martin and he would present an expense sheet for the Lemonade Daze next month. He reported that Alderman Campbell saved them \$750.00 since he supplied the tents. He reported the personnel cost was \$1300.00. He informed the Board of counterfeit money in Ashland and a potential training session for businesses on this matter. Chief Woolford presented a summary of speed data for Justin Lane. He presented the financial statement for June and reported sales tax revenue is up. He reported they added a property tax line item to the report. He informed the Board the line item for The Callaway Bank was actually held at UMB. Shelley Martin, Treasurer/ Deputy City Clerk reported for this first installment of bond money we would have to submit requisition for funds. She explained this to the Board. Lyn Woolford updated the Board on getting bids for the sludge removal at the lagoon. He informed the Board that the new blower has gone out at the lagoon and is not covered under warranty. He reported there is only one place that sells this kind of blower. The Board discussed this. Lyn Woolford presented an emergency expenditure of \$8405.00 for a new blower. Alderman Fasciotti made motion and seconded by Alderman Lewis to approve the emergency expenditure of \$8405.00 from Kaeser Compressor. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Campbell-aye, Alderman Clay-aye, Alderman Fasciotti-aye, Alderman Lewis-aye, Alderman Bronson-absent. Motion carried.

Lyn Woolford reported he is going to have the company install the next blower.

Lyn Woolford reported the line-up for the 4<sup>th</sup> of July parade will be at the primary school at 8:30 a.m. He asked if the Board wished to participate to let him know so we can have something for them to ride on.

Lyn Woolford reported that MoDot has a cost share program that is due by July 29 and presented three locations to consider: 1. Sidewalk on Broadway in front of McKinney's property 2. Second entrance at McDonalds/Fastlane area just east of Oak Street. Allowing for right in right out. 3. Sidewalk on one side of round- a-bouts and overpass.

#### City Attorney's Report:

Fred Boeckmann had nothing to report.

#### Board of Aldermen's Report:

Alderman Klippel questioned if the sign that Dave Westhoff is putting in at the Hwy 63 and Broadway overpass met City requirements. Lyn Woolford reported it did and they also have a state permit since it is on state right-of-way.

Alderman Clay reported at the next Planning and Zoning Commission meeting they are going to have a workshop. Lyn Woolford reported they have a full agenda and will schedule this at a later date.

Alderman Lewis reported he had some calls from Justin Lane on the dump trucks running through the subdivision to go to Sunset Meadows. He reported the Mayor took care of this issue. Mayor Rhorer reported there was complaints of the dump trucks hauling fill dirt to Sunset Meadows through Justin. He stated he talked with the developer and they diverted the trucks to a different location.

Alderman Clay made motion and seconded by Alderman Campbell to adjourn the meeting. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Campbell-aye, Alderman Clay-aye, Alderman Fasciotti-aye, Alderman Lewis-aye, Alderman Bronson-absent. Motion carried.

Darla Sapp, City Clerk

Gene Rhorer, Mayor