

TUESDAY, JULY 05, 2016  
BOARD OF ALDERMEN MINUTES  
7:00 P.M.

Mayor Rhorer called the regular meeting to order at 7:00 p.m. on July 05, 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-here, James Fasciotti-here

Ward Three: Rick Lewis-here, Fred Klippel-here

Staff Present: Fred Boeckmann City Attorney, Darla Sapp City Clerk, Terry Toalson Deputy Police Chief

Mayor Rhorer presented the agenda of July 05, 2016 for consideration. Alderman Bronson made motion and seconded by Alderman Klippel to approve the agenda as presented. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer presented the minutes of June 21, 2016 for consideration. Alderman Bronson made motion and seconded by Alderman Lewis 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 place of residence.

Mike Fulca resident of 513 Terra Linda Lane since 2005 said he was here to discuss the proposed rezoning of the lot north of Liberty Lane and east of Middleton Crossing. He stated it is on this agenda for final approval and he wanted to state his case again. He stated when he looked to purchase his house he looked at all the zoning around the area and that was part of making their decision to move there. He stated now ten years later they want to change the zoning to allow multi- family housing. He stated there is already duplexes on Liberty Lane and he felt the traffic and parking would be an issue. He stated we don't need to add to the burden by adding 6 more duplexes. He read from the City Code Chapter 9; Section 9.010: Purpose; He stated the point in the purpose of planning and zoning is to provide for and plan the growth of the city. He stated for this to become multi- family is not doing that. He felt their property values would change. He stated several years ago the City looked at expanding their maintenance facility to this tract. He stated just because duplexes are already on Liberty Lane does not mean there should more. He stated the City does not need more rental property they need to generate tax revenue. He stated residential housing adds to the burden.

Cecil Payne reported he is a resident and also on the Southern Boone Economic Development Committee has a vacancy on the committee and would like to have someone from the City serve on this committee. He reported that the previous City Administrator served on this. He reported there are three to four meetings per year and would like Lyn Woolford to sit on this Board.

John Hills stated he previously served on the Planning and Zoning Commission and gave an overview of the planning background and history behind Middleton Crossing. He stated the Planning and Zoning Commission are very well skilled businessmen and they look into projects prior to coming to the meetings. He expressed concern for Middleton Crossing property owner's property value and safety with storm water

runoff being a major concern. He pointed out a major concern, and of historical interest, was the concern with the ratio of rental property and home owners. He stated that Ashland is at 40 percent rental property. He stated there is 58 rental properties currently surrounding Middleton Crossing and 44 homes or residences. He stated we have run across this problem before such as in Palomino Ridge Subdivision. He stated they have traffic problems with duplexes. He stated we should not make the same mistake twice. He asked they reconsider the proposal to build rental housing.

Rich Ward resident at 302 Collins Court reported Holts Summit uses a 311 program for code enforcement. He discussed covenants not being enforced in Bluegrass South. He stated he felt this program would be an asset to the work load and tracking. Mr. Ward reported the tennis court nets are falling apart and need to be replaced.

Farron Klemme resident at 501 Middleton Drive stated this is the fourth meeting they have been to regarding rezoning in their area. He asked how a no vote got changed to a yes vote. Mayor Rhorer reported that the Planning and Zoning Commission is a recommending Board to the Board of Aldermen. Alderman Campbell explained what Mr. Richardson is presenting is a lot different than what Mr. McCubbin presented for rezoning. Mr. Campbell discussed the J-turn going in created issue with the commercial use of this lot, the growing community and predicting the zoning of land. Farron Klemme reported the Aldermen were voted in to represent all of the citizens and he continued to ask why they changed their vote on the rezoning. He stated he is against the rezoning and expressed his dissatisfaction with the city and stated they would be moving out of Ashland.

Justin Wobbe resident at 603 Middleton Drive read from a prepared statement to the Board. He apologized for his behavior at the last meeting. He stated the citizens are not telling Mr. Richardson what to do with his property, but the zoning regulations are. He stated the burden is not logistical but is arrogant and capitalism not favoritism. He asked that the Board keep it commercial not residential. He stated this is an ethical issue with Board. He commented when the 40-plex came up Mayor Rhorer said he would side with the public interest on the zoning and he questioned what has changed from that situation. He stated he was opposed to rezoning.

Sandy Harris resident at 202 Sarah Drive reported there is 44 homeowners in Middleton Crossing and they are involved in the community and spend their money in town. She stated she thought she was missing something.

Keith Porting stated he has been a business man for 35 years and he stated the pros and cons should be considered. He stated rental property does not pay property taxes and this burdens the schools. He asked that if this goes through can the Board assure them they don't lose out on their property values. He discussed sewer issue, water runoff and traffic issues.

Mayor Rhorer reported the condos that Bauer's have on Commerce Drive were done under a conditional use permit not a rezoning. He stated this still goes through the Planning and Zoning process and is approved through the Board of Aldermen. Fred Boeckmann explained there is permitted uses in certain zoning and conditional uses.

Keith Porting asked about their constitutional rights and hope they are not being short sighted for a long term gain. He asked that they consider the Middleton Crossing residents wishes to deny the rezoning request.

Alderman Campbell stated it was within Mr. Richardson's right to ask for the rezoning. He asked if anyone from the area took the time to talk with Mr. Richardson and the developer on this proposed rezoning. The

residents responded that it was not their place to do this that the Board of Aldermen meeting was the place to make their case.

Judy Collins resident at 410 Middleton stated she has been to several meetings and nothing has changed on her part. She stated the zoning was placed for a reason and should remain. She stated the Aldermen were put into place for a reason, to do the best thing for the neighbors in the Middleton Crossing area. She reported it floods behind her house. She stated no one came around the neighborhood to talk with them about the rezoning.

Andy Evans resident of 403 Middleton Drive stated this is the third meeting he has been to regarding a rezoning proposal. He reported he is a current law enforcement officer and he is opposed to the development. He stated there are pros and cons to rental property. He stated there is normally higher crime rates, he stated this does not fall within a 1000 feet from a school so it would allow registered sex offenders to live there. He stated the J-turns were placed on Highway 63 due to the fatality rate of that intersection. He stated that we would be adding more cars and further increase traffic at that intersection. He asked that this be taken into consideration when the Board votes.

Gene Basinger, Professional land surveyor discussed the progression of zoning. He stated Mr. Richardson is looking to make 6 lots with 12 duplexes. He reported covenants are not regulated or enforced by the government. He stated he felt this tract of land is suitable for what Mr. Richardson is proposing.

Steve Straub asked the Board to make a decision that is the right decision. He stated he has not heard one good thing about this rezoning request. He asked that the Board oppose this proposed rezoning request.

Cecil Payne, local real estate broker stated he has no interest in this proposed zoning. He stated he has seen worst case scenarios with commercial use of property backed up to residential. Mr. Payne commented he understood both sides of this. He stated that it seems this is at a standoff and everyone needs to work together on this. He stated a lot of people that rent here then buys a home later. He stated that the Board of Aldermen had a hard decision to make.

Chad Sayre, Representative from Allstate Consultants discussed the current code for concrete sidewalks. He reported the City of Ashland code was adopted from the Boone County standards in 2002. He stated the County has changed their standards. He explained this to the Board. He gave examples from Jefferson City, Mo, Columbia and Boone County standards on sidewalks. The Board discussed this at length and Mr. Sayre stated he would be sending a recommendation for Board consideration.

Mayor Rhorer presented Terry Cassil as the Emergency Management Director for Ashland, Missouri with the consent from the Board of Aldermen. Alderman Bronson made motion and seconded by Alderman Klippel to appoint Terry Cassil as the Emergency Management Director for Ashland, Missouri. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Clay-aye, Alderman Fasciotti-aye, Alderman Lewis-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2016-032 for consideration. Alderman Bronson made motion and seconded by Alderman Lewis to take up Council Bill No. 2016-032, an ordinance authorizing the Mayor to execute addendum No. 2 for engineering services with Allstate Consultants LLC for the mechanical wastewater plant. First reading by title only. Mayor Rhorer called for questions or comments. Chad Sayre, explained the addendum to the contract was a decrease in the budget and this is needed to meet the State Revolving Fund requirements. He stated it removes the City of Columbia participation from the project scope. He updated the Board on permitting for the wastewater project and discussed being out of compliance. Chad Sayre reported we are still waiting on our facility plan approval from DNR before we

can proceed. He stated they have had this for review for 13 months. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Fasciotti-aye, Alderman Clay-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2016-034 for consideration. Alderman Bronson made motion and seconded by Alderman Klippel to take up Council Bill No. 2016-034, an ordinance to amend Chapter 14, City of Ashland Code to modify lead ban policy. First Reading by title only. Mayor Rhorer called for questions or comments. Chad Sayre reported there is updates to the compliance of lead through Department of Natural Resources. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Fasciotti-aye, Alderman Clay-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2016-035 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Council Bill No. 2016-035, an ordinance to amend the development agreement with The Baptist Home. First reading by title only. Mayor Rhorer called for questions or comments. Steve Long was in attendance to answer any questions. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Clay-aye, Alderman Fasciotti-aye, Alderman Lewis-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2016-036 for consideration. Alderman Bronson made motion and seconded by Alderman Klippel to take up Council Bill No. 2016-036, an ordinance authorizing the Mayor to execute the first amendment to the lease agreement between the City of Ashland, Missouri and Cellco Partnership d/b/a Verizon Wireless. First Reading by title only. Mayor Rhorer called for questions or comments. Mayor Rhorer reported this is a renewal of lease on our water tower for cell space. Fred Boeckmann, City Attorney reported this was drafted by the phone cell companies not the cities. The Board discussed the terms and lease payments. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Fasciotti-aye, Alderman Clay-aye. Motion carried.

Mayor Rhorer presented Ordinance No. 1080 for consideration. Alderman Bronson made motion and seconded by Alderman Klippel to take up Ordinance No. 1080, 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. Alderman Klippel suggested tabling this. Alderman Bronson was in favor of amending the motion to table Ordinance No. 1080. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote to table Ordinance No. 1080. Alderman Klippel-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Clay-aye, Alderman Fasciotti-aye, Alderman Lewis-aye. Motion carried.

Alderman Fasciotti suggested sitting down an hour before a regular meeting to hear the grievances if everyone is agreeable to that on the rezoning request.

Alderman Campbell felt an open communication line between Middleton Subdivision, C.L. Richardson and Schoolers Construction is needed. He stated without it there would be no progress. He stated maybe a happy medium could be met.

Alderman Bronson stated he felt there is a good solution. if we can get together and work through this.

Mayor Rhorer presented Ordinance No. 1078 for consideration. Alderman Bronson made motion and seconded by Alderman Klippel to take up Ordinance No. 1078, an ordinance authorizing the Mayor to execute addendum No. 2 for engineering services with Allstate Consultants LLC for the mechanical wastewater plant. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote.

Alderman Klippel-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Fasciotti-aye, Alderman Clay-aye. Motion carried.

Mayor Rhorer presented Ordinance No. 1081 for consideration. Alderman Bronson made motion and seconded by Alderman Campbell to take up Ordinance No. 1081, an ordinance to amend the development agreement with The Baptist Home. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Clay-aye, Alderman Fasciotti-aye, Alderman Lewis-aye. Motion carried.

Mayor Rhorer presented Ordinance No. 1082 for consideration. Alderman Bronson made motion and seconded by Alderman Klippel to amend the budget for fiscal year 2016-2017. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Fasciotti-aye, Alderman Clay-aye. Motion carried.

#### Mayor's Report:

Mayor Rhorer reported there was a great turn out for the 4th of July parade. Megan Young from the audience asked if anyone had pictures of the parade they could share to go on the city's website.

#### City Attorney's Report:

Fred Boeckmann reported that zoning issues similar to what the Board heard tonight was similar to the ones he has heard over the last thirty years in Columbia, Missouri.

#### Board of Aldermen's Report:

Alderman Klippel reported he would not be in attendance at the next meeting due to medical issues. He asked that the workshop we have on the rezoning be in August on C.L. Richardson property. He stated there was some good arguments and some arguments were not valid. He asked if the Chairman of the Planning and Zoning Commission could be present at the workshop.

Alderman Bronson stated the Lemonade Daze and 4th of July parade went well. He thanked the Park Board for all they do.

Alderman Campbell stated he felt the rezoning of Mr. Richardson's property will not make everyone happy. He stated not everyone gets everything they want in life but I think it will work out in the long run.

Alderman Lewis stated he was on the fence on the rezoning request but is looking forward to the open decision. He stated there are a lot of worst case scenarios for general commercial development. He stated his seat is not a political seat, he is going to do what is best for the community.

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

Darla Sapp, City Clerk

Gene Rhorer, Mayor