

TUESDAY, SEPTEMBER 19, 2017  
BOARD OF ALDERMEN MINUTES  
7:00 P.M.

Mayor Rhorer called the regular meeting to order at 7:00 p.m. on September 19, 2017 at 815 East Broadway, Ashland, Missouri.

Mayor Rhorer led in the pledge of allegiance.

Mayor Rhorer called the roll:

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

Staff Present: Fred Boeckmann, City Attorney, Darla Sapp, City Clerk, Shelley Martin, Treasurer/Deputy City Clerk, Coby Morris, Public Works Supervisor, Curtis Bennett, Water Superintendent and Lyn Woolford, Police Chief/City Administrator.

Mayor Rhorer presented the agenda of September 19, 2017 for consideration. Alderman Bronson made motion and seconded by Alderman Sapp to approve the agenda as presented. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer presented the minutes of September 05, 2017 for consideration. Alderman Bronson made motion and seconded by Alderman Sapp to approve the minutes as presented. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer introduced Jeff Kays, City Prosecutor to give his quarterly update to the Board. Mr. Kays gave an overview of the tickets, trials and dismissed tickets. He stated he is planning a quarterly meeting with Sergeant Creel. He gave an update that the October court docket have a hundred cases due to court being postponed by the Judge. He encouraged the Board to call him or stop by his office if they have questions or concerns.

Mayor Rhorer asked if anyone wished to appear before the Board to come forward to the podium and state their name and place of residence.

Keith Winscott came to the Board to ask for clarification of the dumpster ordinance. He stated he has been using the same company for 17 years and are now being told he has to use Allied Waste for his construction business. He stated our ordinance allows for temporary dumpster but the contract with Allied Waste says they have to use them. Mayor Rhorer stated that he agrees they should be able to get a temporary container with the company they want to use. He stated the contract with Allied Waste makes them exclusive. Alderman Sapp stated he also agreed that the temporary containers should not be included in the contract. Fred Boeckmann, City Attorney stated the contract the City has with Allied Waste does not allow for the other companies to place containers in the City limits. He also stated the contract states the Board will amend the City ordinance on solid waste, which did not get done. Mayor Rhorer suggested we talk with Allied Waste on this matter. Alderman Lewis stated he did not remember this being a discussion item in the contract negotiations. Alderman Campbell stated he felt this is a small community and we should allow local people to do business in the City. He suggested possibly bidding out the temporary containers separately.

Sandy Robinson-Harris informed the Board there was a flyer for the First Responder Appreciation BBQ on Monday, October 2, 2017 at the park. She stated she wanted to personally invite them to attend. She stated this is being put on by the community and Helping Hands.

Bruce Bauer, resident at 3850 Biggs Road, stated he came in support of what Keith Winscott was talking about to allow the contractors to use whatever company they choose. He stated it should be a free market. He questioned if another company would be allowed to bring in a container. Mayor Rhorer reported we have an exclusive contract with Allied Waste and that remains until we can get it amended.

Alderman Lewis asked how many people present was here on the container topic? There was a show of hands of approximately 12 people. Mayor Rhorer stated that would see what they could do on this matter.

Mayor Rhorer presented for consideration Kellye McCord to serve on the Parks and Recreation Board. Ms. McCord was present in the audience for questions. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Campbell-aye, Alderman Bronson-aye, Alderman Sapp-aye, Alderman Clay-absent, Alderman Fasciotti-absent.

Mayor Rhorer presented for consideration Tracy Eichhorn to serve on the Parks and Recreation Board. Ms. Eichhorn was present in the audience for questions. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Clay-absent, Alderman Fasciotti-absent.

Mayor Rhorer presented Council Bill No. 2017-035 for consideration. Alderman Bronson made motion and seconded by Alderman Sapp to take up an ordinance authorizing the appropriation of funds to certain accounts within the fiscal year 2017 Budget. First Reading by title only. Lyn Woolford, City Administrator stated that Shelley Martin, Curtis Bennett and Coby Morris worked on the budget amendments. He stated the changes are in bold. He stated that the main reason for amendments was less income so we had to modify the expenses. Mayor Rhorer stated we are almost at the half-way point in this budget year. He stated the sales tax revenue was down. Shelley Martin stated this is the first fiscal year budget revision and they will probably come back later with more amendments. She stated this depends on the income from sales tax, transportation tax and capital sales tax. There was a discussion of not getting the sales tax from Central Concrete. Lyn Woolford stated the sales tax is approximately \$30,000.00 according to Central Concrete. Shelley Martin explained that sales tax is charged at the origin of sale, not where the product is from. She stated their home office is in Columbia. The Board discussed the heavy use of Angel Lane and city streets and not getting any sales tax from this company. The Board discussed the decrease in sales tax revenue and the need to have more retail stores as well as the use tax on internet sales. Lyn Woolford stated he is running the police department with one officer short due to budget shortages. Lyn Woolford stated the stormwater pipe on Amanda and Renee is coming out of the street budget. There was discussion of no income for stormwater projects. He stated we need to look at a revenue source for stormwater. Coby Morris reported the street projects are almost completed for this fiscal year due to budget restraints. Shelley Martin stated she has a new computer module that allows her to track project costs. Curtis Bennett gave an overview of the well pump motor replacement at Well Number 6 and replacement of a section of pipe. He stated they are also going to change the gate to allow easier access for equipment. He stated the other project is the Optimist water main loop. Shelley Martin stated that MoDot has a new project manager for the Main Street sidewalk project and there seems to be a very slow turn around on reimbursement. Shelley Martin gave an overview of the revenue bonds and a plan to pay them off. Alderman Lewis reported a typing error on the budget amendments. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Clay-absent, Alderman Fasciotti-absent. Motion carried.

Mayor Rhorer presented Council Bill No. 2017-36 for consideration. Alderman Bronson made motion and seconded by Alderman Sapp to take up Council Bill No. 2017-036, an ordinance approving the final plat of South Wind Plat 3. First reading by title only. Lyn Woolford, City Administrator reported the Planning and Zoning has reviewed this, as well as the engineer and has recommended the plat for approval. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Campbell-aye, Alderman Bronson-aye, Alderman Sapp-aye, Alderman Clay-absent, Alderman Fasciotti-absent. Motion carried.

Mayor Rhorer presented Council Bill No. 2017-037 for consideration. Alderman Bronson made motion and seconded by Alderman Sapp to take up Council Bill No. 2017-037, an ordinance granting a conditional use permit to Cameo Construction to permit a warehouse. First reading by title only. Mayor Rhorer called for questions or comments. Alderman Bronson questioned the location of this. Mayor Rhorer reported it is located off Walnut Street behind Charlie Clayton's old carwash. Ryan Gilmore stated his original plan was to put in a warehouse for his tools and equipment. He stated he is now trying to negotiate the purchase of additional property around this and may not want to put a warehouse on this lot. He stated he is also thinking of having a retail space in a portion of the warehouse. He plans to run plumbing and electric to the warehouse. Lyn Woolford reported the property is zoned general commercial. Alderman Sapp reported no one spoke in opposition of the conditional use permit at the hearing the Planning and Zoning conducted. Lyn Woolford reported that the Planning and Zoning Commission recommended the approval of the conditional use permit for a warehouse. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Campbell-aye, Alderman Bronson-aye, Alderman Sapp-aye, Alderman Clay-absent, Alderman Fasciotti-absent. Motion carried.

Mayor Rhorer presented Council Bill No. 2017-038 for consideration. Alderman Bronson made motion and seconded by Alderman Sapp to take up Council Bill No. 2017-038, an ordinance approving the final plat of Palomino Ridge Subdivision Plat 2. First reading by title only. Mayor Rhorer called for questions or comments. Lyn Woolford, City Administrator reported the Planning and Zoning approved this plat. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Clay-absent, Alderman Fasciotti-absent. Motion carried.

Mayor Rhorer presented Ordinance No. 1135 for consideration. Alderman Bronson made motion and seconded by Alderman Sapp to take up Ordinance No. 1135, an ordinance authorizing the Mayor to enter into an agreement with Southern Boone County Chamber of Commerce to transfer all of its interest in the Welcome to Ashland sign. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Campbell-aye, Alderman Bronson-aye, Alderman Sapp-aye, Alderman Clay-absent, Alderman Fasciotti-absent. Motion carried.

Mayor Rhorer presented a Resolution for consideration, authorizing the Emergency Repair/Replacement of a well pump motor. Alderman Bronson made motion and seconded by Alderman Sapp to approve the Resolution authorizing the Emergency Repair/Replacement of a well pump motor. Mayor Rhorer called for questions or comments. Lyn Woolford, City Administrator reported we discussed this earlier in the meeting. Curtis Bennett stated Well #6 pump has been in operation for 8 years and we usually get 7 years before repairs or replacement is needed. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Clay-absent, Alderman Fasciotti-absent. Motion carried.

Mayor Rhorer presented a Resolution for consideration, selecting Allstate Consultants as the engineer for the wastewater treatment project. Alderman Bronson made motion and seconded by Alderman Sapp to approve the Resolution selecting Allstate Consultants as the engineer for the wastewater treatment project. Mayor Rhorer called for questions or comments. Mayor Rhorer reported this is part of the Department of Natural Resources paperwork requirements. Mayor Rhorer called for the vote. Alderman Lewis-aye,

Alderman Campbell-aye, Alderman Bronson-aye, Alderman Sapp-aye, Alderman Clay-absent, Alderman Fasciotti-absent. Motion carried.

Mayor Rhorer reported the next item on the agenda for discussion is training for the various City Boards. Lyn Woolford, City Administrator reported that the Missouri Municipal League has on-line training available for the various boards. He stated that Centralia has a training packet they give to their new board members. Mayor Rhorer stated with the ongoing stormwater run-off issues he felt being educated is a great tool for all of us. He stated it is important to follow the Roberts Rules of Order, only one person speaking at a time, and being educated on the process and responsibilities of each Board member. Lyn Woolford, City Administrator stated they would be working on these training sessions for Board members.

Mayor Rhorer presented a site plan for Town & Country Service Center at 507 East Broadway and discussion of ordinance interpretation of sidewalk and storm water run-off. Mayor Rhorer reported this was passed at the Planning and Zoning Commission meeting with two exceptions. One being the stormwater run off and the requirement of a sidewalk. He reported that this is MoDot right of way and they do not want a sidewalk in their right of way. Fred Boeckmann stated the ordinance requires a sidewalk to be in place. Mayor Rhorer stated that we do not have jurisdiction over the state right of way. Fred Boeckmann, City Attorney reported this matter is not covered under the Board of Adjustment variances. He stated he thinks this falls under the Board of Aldermen. Alderman Sapp stated they are planning on a drivable curb that allows a safe place to walk. Alderman Sapp stated he could have a sidewalk but it would be outside of the standard right of way and cut in his setback. Lyn Woolford stated another option is to reduce the size of the building and some piping for the retention. Coby Morris stated there is piping that stores the detention and releases it slowly into the stormwater ditch. Alderman Lewis questioned sidewalks on this side of Broadway. Mayor Rhorer stated the stormwater run off is 5% and is a very minimal impact on the area. It was reported the only section of sidewalk is at Central Bank. Alderman Sapp stated he is in favor of granting an exception on both of these issues. Alderman Bronson made motion and seconded by Alderman Sapp to grant an exception on the sidewalk and detention basin requirements on Town and Country Service Center at 507 East Broadway. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Clay-absent, Alderman Fasciotti-absent. Motion carried.

Mayor Rhorer presented the assignment of funds to the Ameren settlement case to Missouri Municipal League. The Board discussed this. Lyn Woolford, City Administrator stated we would be getting approximately \$6,900.00 from this settlement. The Board discussed assigning \$400.00 to the Missouri Municipal League. Alderman Bronson made motion and seconded by Alderman Sapp to approve assignment of \$400.00 to the MML. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Clay-absent, Alderman Fasciotti-absent. Motion carried.

Mayor Rhorer presented a letter from the Chamber of Commerce requesting to have alcoholic beverages in the park for the annual tailgate on October 6, 2017. Alderman Bronson made motion and seconded by Alderman Sapp to approve this request. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Clay-absent, Alderman Fasciotti-absent. Motion carried.

Mayor Rhorer presented a request for permission to allow the Cub Scout Troop to have an overnight campout in the Community Park on October 21, 2017. Alderman Bronson made motion and seconded by Alderman Sapp to approve this request. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Clay-absent, Alderman Fasciotti-absent. Motion carried.

Mayors Report:

Mayor Rhorer stated he received a letter from Department of Natural Resources that keeps asking for updates to the engineering cost, project schedule and the construction draw table. He stated this is at least the third time we have received this response and each time we have provided the updates as requested. He stated this project is critical because the Potterfield property and the Baptist Home needs the sewer and DNR keeps delaying. He asked the Board to consider private financing on this project. He stated they would meet with DNR one last time and try to get this resolved.

Mayor Rhorer stated himself and Mr. Woolford attended a meeting on the use tax and educating the public. He stated the use tax is sales tax on internet sales.

City Administrator/Police Chiefs Report:

Lyn Woolford, City Administrator stated he handed out his report and asked if anyone had any questions. Alderman Lewis questioned the speed hump meeting. Lyn Woolford reported it was split on the residents for and residents against the speed hump on Redtail Drive. He stated they did get the parked cars off the street. Coby Morris, streets department stated this is a temporary speed hump. He stated he was unsure how it would hold up in the winter with the snowplows. Lyn Woolford reported that Red Tail was a pilot program and there are no funds available in the budget for more speed humps at this time.

He stated he attended a floodplain management meeting and learned how to read the floodplain map. He informed the Board that we currently have one area that has a flood plain area and it is on the Potterfield property.

Lyn Woolford, reported that ES & S will begin inspection of stormwater and sewer in subdivisions and the cost will be passed on to the developer.

Alderman Bronson asked if the parking at the community park was being enforced with the tenants/guest of the Jimmy Nichols duplexes. He stated he was sure they were parking overnight at the tennis court parking lots.

City Attorney's Report:

Fred Boeckmann had no report.

Board of Aldermen's Report:

Alderman Bronson asked that the Board participate in the walking school bus program.

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

Darla Sapp, City Clerk

Gene Rhorer, Mayor