OCTOBER 19, 2021 BOARD OF ALDERMEN MINUTES 7:00 P.M.

Mayor Sullivan called the regular meeting to order at 7:00 p.m. on October 19, 2021 via zoom.

Mayor Sullivan gave the invocation.

Mayor Sullivan led in the pledge of allegiance.

Mayor Sullivan called the roll:

Ward One:	Nathan Volkart-here, Jean Selby-here
Ward Two:	Melissa Old-here, Stephanie Bell-here
Ward Three:	Rick Lewis-here, Dorise Slinker-here

Staff Present: Darla Sapp, City Clerk, Nathan Nickolaus, City Attorney, Dan Vandevoorde, Building Inspector, Lelande Rehard, Assistant City Administrator, City Administrator Tony St. Romaine, John Conway, Civil Engineer and James Creel, Public Works Director.

Mayor Sullivan presented the minutes of the October 05, 2021 Board meeting for consideration. Alderwoman Old made motion to approve the minutes as presented. Alderman Lewis seconded the motion. Mayor Sullivan called for the vote. Motion carried.

Mayor Sullivan presented the agenda for consideration. Alderwoman Old made motion and seconded by Alderwoman Selby to approve the agenda. Mayor Sullivan called for the vote. Motion carried.

Mayor Sullivan stated there are no scheduled public comments. He reminded everyone that a written request must be received by the City Clerk by Wednesday before the meeting date. He stated there is a public speaking comment section after each agenda item.

Mayor Sullivan called the public hearing to order on the proposed voluntary annexation of 15.15 acres, located off of Log Providence Road and E. Hayes Road for R. Anthony Property Holdings, LLC. Mayor Sullivan called for the staff report. Lelande Rehard, Assistant City Administrator stated this is for annexation voluntary off of East Log Providence Road and E. Hayes Road. He stated this is the second time this annexation has come before us. He stated Rob Wolverton is on the call to answer any questions. He stated this is only the annexation into the City limits of Ashland. Mayor Sullivan stated property owners are allowed to reapply. Rob Wolverton stated he had no prepared remarks. Mr. Wolverton stated he felt he would be better served in the City of Ashland with the sanitary sewer at some point being extended. He stated he wished to annex his 15.15 acres into the City Limits of Ashland. Mayor Sullivan stated this is not rezoning only strictly annexation. Nathan Nickolaus, City Attorney questioned if this tract was contiguous to the City Limits of Ashland and if Ashland can provide utilities in a responsible amount of time. It was reported yes to both questions.

Mayor Sullivan asked for the public that wished to speak to raise your hand virtually then state your name and address for the record.

Allen Bunch 5502 E Log Providence Road stated he was confused on this coming back within three weeks. He stated Mr. Wolverton could reapply and it is certainly his right. He stated he could not see that anything has been changed. He stated the road is bad, no sewer and there is no tax base for the City. He stated it is not like they don't know what is going in since they have just recently submitted. He stated they would apply for rezoning for a unwed mothers facility. He stated their objection is the fact that this is not

appropriate for this area, infrastructure is not there and it is not safe. He said he understands the fire board changed their mind a little on the Lakeside Ashland and having two accesses. He stated this makes no sense to add additional vehicles at this time. He stated that Mr. Wolverton mentioned they would have armed security guards to keep the girls safe. Mayor Sullivan asked them to stay on point and comment on the annexation. He stated the 50 families out there do not want commercial development. He stated they have lived out there a long time and wants to be left alone. He stated he objects the annexation and any future commercial development.

Mayor Sullivan called for any public wishing to speak in favor of the annexation. No one asked to speak.

Keith Birkes 5400 East Hayes Road stated he lives adjacent to the tract of land in question. He stated this is 40 feet from his west boundary. He stated he is opposed for all the same reasons they were a month ago. He is concerned for safety, bottled neck single access road and the existing 60 households and any additional activity of residential or commercial will add to the unsafe circumstances like the violation of fire code. Mayor Sullivan asked him stay on point with the annexation. Mr. Birkes stated this will devalue everyone's land and he is against the annexation. He stated it is unsafe and will devalue property in the neighborhood. He stated it is not suitable for development and is in a protected creek. He questioned why they would bring these activities in our neighborhood. He stated it is undesirable and unsafe. He asked the Board to please do not do this.

Susan Skinner 5350 East Log Providence Road stated she is not for this annexation and has seen no difference in the last three weeks since this was presented and voted down. She stated she does not know why the Board is considering it. She stated there were no changes to the property owners request and felt like it has not been a responsible period of time to request this annexation. She stated this property is not equipped to provide services and does not make any sense to her. She asked that this annexation be denied again.

Lucie Hess 5027 East Log Providence Road stated basically people are against this annexation. She stated she did not know why this area is being chosen. She stated the property is wooded and not suitable for building. She questioned why Ashland does not want to grow out to the west, east, or south where there are already neighborhood residential. She questioned why this annexation is being considered again. She stated she is not against the group home for pregnant woman but for any annexation and development back there.

Daniel Zekor 10151 S. Bartel Lane stated he is opposed to the annexation for reasons already stated.

DeeCee Darrow 10151 S Bartel Road stated she is opposed to the annexation. She stated she does not see the upside for Ashland. She stated there would be a lot of tax dollars spent to make roads passible to get into property. She stated she is against this annexation and any commercial development due to the increase of traffic on the road and the issue of ingress and egress not being resolved.

Lori Wallace asked if she could make a comment. She stated she lives at 4445 E Log Providence Road and is strongly opposed to any annexation. She stated during the Lakeside Ashland discussion they were told they should have been involved and opposed the annexation and rezoning at that time. She stated they have been opposing this annexation since the beginning. She stated the Board did not want to talk about what might go in there only the annexation. She stated they suspect it is the same as Mr. Wolverton previously applied for. She stated they are still opposing this for all the reasons that has been stated. She stated she did not see what the hurry is and why this has to be revisited so soon. She stated they are opposed to it and no one is in favor of this annexation but the owner of the property. She stated she appreciates the Boards time to listen to all of us.

Mayor Sullivan closed the Public Hearing at 7:24 p.m.

Lelande Rehard, Assistant City Administrator presented Council Bill No. 2021-056, an ordinance amending Chapter 27 Animal Ordinance, Section 27.025, Keeping near dwellings of the Code of the City of Ashland. Alderwoman Old made motion and seconded by Alderman Slinker to take up for consideration Council Bill No. 2021-056, an ordinance amending Chapter 27 Animal Ordinance, Section 27.025, Keeping near dwellings of the Code of the City of Ashland. Mayor Sullivan called for the staff report. Dan Vandevoorde, Building Inspector, stated this ordinance is to change Chapter 27 at the request of a citizen and at the direction of the Board of Aldermen. He stated the original ordinance stated the chicken coop had to be 100 feet from another dwelling and they reduced it to 75 feet. He stated the provision can be reduced by fifteen (15) feet for every chicken less than the maximum of five allowed. He stated this gives people a little more flexibility. He stated a small change was made to the chickens shall be kept in the rear of the primary dwelling, structure, and shall (instead of should) not extend into the side yard. He stated the intent was for noise and the smell. Mayor Sullivan called for public comments. Jared Vredenburg, 104 Red Tail Drive stated he is the one that initiated the ordinance change and he thinks it is a great comprise. He stated he wanted some pets and work ethics for his children. Mayor Sullivan called for questions or comments from Mayor Sullivan called for the vote. Alderwoman Selby-aye, Alderman Slinker-aye, the Board. Alderwoman Old-aye, Alderman Lewis-aye, Alderwoman Bell-aye, Alderman Volkart-aye. Motion carried.

Lelande Rehard presented Council Bill No. 2021-057, an ordinance extending the Corporate limits of the City of Ashland, Missouri by annexing incorporated area; directing the City Clerk to give notice of the annexation. Alderman Lewis made motion and seconded by Alderwoman Old to take up for consideration Council Bill No. 2021-057, an ordinance extending the Corporate limits of the City of Ashland, Missouri by annexing incorporated area; directing the City Clerk to give notice of the annexation. Mayor Sullivan called for the staff report. Lelande Rehard stated this is the annexation in which you had public hearing this evening of the 15.15 acres. Mayor Sullivan called for comments from the public for people who did not get a chance to speak at the public hearing or if there is additional information. Ed Bartel 5480 East Hayes Road stated Boone County has maintained the roadway over the years and he expressed concern of Ashland having the ability to maintain the roadway. Lelande Rehard stated the City maintains two other gravel roads within the City. James Creel, Public Works Director stated we currently have 2 miles of gravel we maintain in the City limits. Tony St. Romaine stated once this property is developed it will no longer be gravel because it will have to be brought up to City street standards. Eric Kuhrts 4965 E. Woodson Harris Road stated he is not against growth of Ashland or commercial growth. He stated this will provide no tax base for the City of Ashland, fire district or the school since it will be nonprofit. He stated it will bring high crime rate into the neighborhood, it would deteriorate the area and is an unfit area for the proposed commercial growth. He stated he was against the annexation.

Rob Wolverton stated he had two comments to make. One it is his understanding Hayes Road is already being maintained by the City of Ashland because of Lakeside Ashland. He stated there will be security on site as most homes have a security system. He stated he finds if offensive that the property owners think this will generate crime. Mayor Sullivan called for questions or comments from the Board. Alderman Slinker questioned the sewer and water and who would paying for this. Mayor Sullivan stated this goes back on the developer. He stated we have the annexation before us right now. He stated the property owner has the right to ask for this to be annexed into the City limits of Ashland. He stated Mr. Wolverton strongly desires to have this annexed into the city limits of Ashland and mainly because of the access of the sewer. Mayor Sullivan stated they will develop a plan to bring this under the road. He stated the sewer revenue would be a revenue source for Ashland. Tony St. Romaine, City Administrator stated this is contiguous and within a reasonable time frame utilities will be there. He stated Lakeside Ashland is not needing sewer now but will for phase 2 of his development. He stated they will be working on the cost to bore under the highway and potential of upgrading a lift station.

aye, Alderman Slinker-aye, Alderwoman Old-aye, Alderman Lewis-aye, Alderwoman Bell-aye, Alderman Volkart-aye. Motion carried.

Mayor Sullivan presented Council Bill No. 2021-058, an ordinance imposing a use tax for general revenue purposes. Alderman Volkart made motion and seconded by Alderman Lewis to take up for consideration Council Bill No. 2021-058, an ordinance imposing a use tax for general revenue purposes. Mayor Sullivan called for the staff report. Lelande Rehard, Assistant City Administrator stated the use tax has been on their radar. He stated this has passed state legislation. He stated this allows us to collect on line sales tax and is not a new tax it is just an extension of the sales tax. He stated this would apply to amazon purchases. He stated this is the first reading and he is asking for the Board if they wish to have this question placed on the ballot for the April 2022 Municipal Elections. He gave them a projected revenue increase if this passes of approximately 10 to 15 percent with a total projection of \$100,000.00 per year. He stated if this ballot measure passes the increase will not take effect until 2023. He stated they have talked to the Chamber of Commerce and Economic Development Committee and the Planning and Zoning Commission. He stated there will be more education on this use tax to the community. Mayor Sullivan called for comments from the public. Mayor Sullivan called for questions or comments from the Board. Alderman Volkart stated he did not like this at all. He stated he knows what it does for the city as far as revenue but we do not offer all those options for shopping in our community so we are not replacing the money. He stated it is not like this is taking away from our local stores and this is an effort to replace the sales tax revenue. He stated he felt it was a sneaky way to get our hands on money. However he stated he is in favor to putting it on the ballot and let the citizens decide. Mayor Sullivan called for public comment. Mike Frese stated on-line sales is putting local businesses out of business. He stated the citizens could vote whether they wanted this or not. He stated this will be an uphill battle to pass. He also thought Lelande Rehards number was on the conservative side. He stated we have numerous needs in transportation projects. Alderwoman Bell questioned the wording on the ballot in 2017 that was struck down a few years ago. Alderman Lewis stated going back to Alderman Volkart's comment if you shop in Jefferson City the sales tax stays there. He stated if he has to pay sales tax he would rather it come back to our community. Tony St. Romaine, City Administrator reported 160 communities have a use tax in place. He stated this tax is important and will be a benefit to Ashland and what we can get accomplished. He stated it would be an uphill battle and the ballot issue for most cities takes twice. He stated we would need to get a campaign committee since the city can't spend tax dollars on promoting a ballot issue. Mayor Sullivan called for the vote. Alderman Volkart-aye, Alderwoman Bell-aye, Alderman Lewis-aye, Alderwoman Old-aye, Alderman Slinker-aye, Alderwoman Selby-aye. Motion carried.

Mayor Sullivan presented Council Bill No. 2021-059, an ordinance approving the re-plat for Westhoff's Addition. Alderman Lewis made motion and seconded by Alderwoman Selby to take up for consideration Council Bill No. 2021-059, an ordinance approving the re-plat for Westhoff's Addition. Mayor Sullivan called for the staff report. Dan Vandevoorde, Building Inspector stated this is a re-plat of lots 8, 9 and 10 of Gay's Addition and the submitting engineer is Luebbert Engineering. He stated this is on the corner of Redbud Lane and North Henry Clay Blvd. He stated the Planning and Zoning Commission reviewed this at the October 12 meeting and recommended approval. Mayor Sullivan called for comments from the public. Eric Fogle 4950 Soft Pit Hill Road Hartsburg, Missouri stated he opposes this re-platting of the lots. He stated at first they were talking about a buffer area like placing a fence to protect the back yard of his wife's house. He stated it is his understanding this is not going happen and he is disappointed to how Mr. Westhoff is handling this. He stated it appears the dumpsters will be within 15 to 20 feet of their house. He stated they are not getting the buffer that was previously discussed and Mr. Westhoff has backed out of this. He stated he does not want a commercial dumpster in his backyard collecting flies. He stated this degrades the quality for neighbors next door. Dan Vandevoorde stated the site plan shows a fence and it has to be there. David Westhoff developer stated this is the re-platting not the site plan. He stated the dumpster is not part of the re-platting. Mayor Sullivan stated in the site plan there is a fence shown. Dave Westhoff stated that has never been taken away and has been in the plan from day one. Mayor Sullivan called for

questions or comments from the Board. Alderman Lewis stated they discussed the garbage at the Planning and Zoning Commission meeting and this will most likely be office trash nothing like a restaurant or nuisance items. Mayor Sullivan called for the vote Alderwoman.Selby-aye, Alderman Slinker-aye, Alderwoman Old-aye, Alderman Lewis-aye, Alderwoman Bell-aye, Alderman Volkart-aye. Motion carried.

Mayor Sullivan presented Council Bill No. 2021-060, an ordinance approving the final plat for Ranken Subdivision. Alderman Slinker made motion and seconded by Alderwoman Old to take up for consideration Council Bill No. 2021-60, an ordinance approving the final plat for Ranken Subdivision. Mayor Sullivan called for the staff report. Lelande Rehard, Assistant City Administrator stated this is a minor re-plat property within the city. He stated this is the second time it has been through the Planning and Zoning Commission. He stated this allows the school to acquire the Ranken lot. Alderman Lewis questioned if the lines changed from the original platting. Lelande Rehard explained the difference in the two plats. He stated the Planning and Zoning Commission recommended approval of this plat. Mayor Sullivan called for comments from the public. Mayor Sullivan called for questions or comments from the Board. Mayor Sullivan called for the vote. Alderwoman Selby-aye, Alderman Slinker-aye, Alderwoman Old-aye, Alderman Lewis-aye, Alderwoman Bell-aye, Alderman Volkart-aye. Motion carried.

Mayor Sullivan presented Council Bill No. 2021-061, an ordinance authorizing the Mayor to enter into a cost share agreement with Missouri Highways and Transportation Commission. Alderwoman Old made motion and seconded by Alderwoman Bell to take up for consideration Council Bill No. 2021-061, an ordinance authorizing the Mayor to enter into a cost share agreement with Missouri Highways and Transportation Commission. Mayor Sullivan called for the staff report. Lelande Rehard, Assistant City Administrator stated this is a cost share agreement with MoDot. He stated this project is a road extension of Perry Avenue between Industrial Drive and Ashley Drive. He stated this is part of the Ranken Project. He stated the project cost is estimated to be \$805,421 and the city's 50% share equals \$402,711.00 and the City is responsible for overruns. He stated the Economic Development Agency grant for the development of Ranken institute campus will allow a 60% reimbursement rate for the City's 50%. He stated they estimated the City's contribution to be between \$150,000 to \$200,000. He stated the entrance to Ashley Drive from Highway 63 will be removed as part of the project and the main access for Ranken Institute will be provided by the extension. He stated the City will be administrating this project. Mayor Sullivan called for public comments. Mayor Sullivan called for questions or comments from the Board. Alderwoman Old questioned how being in charge of this project would benefit us. Lelande Rehard, Assistant City Administrator stated we still have to follow the process but he felt the communication would be easier. He stated this project is not on MoDot right of way and has no land acquisition. Mayor Sullivan called for questions or comments from the Board. Alderwoman Selby asked if this street addition brings the traffic up through the commercial neighborhood on Route Y. She expressed concern of the amount of traffic at that intersection. The Board discussed this with James Creel and Lelande Rehard. Mayor Sullivan stated MoDot will cut off Highway 63 and it will be safer. Alderman Lewis questioned if those numbers include closing off the Highway 63 and Perry Avenue. Lelande Rehard stated it is included in the scope of the project. Mayor Sullivan called for the vote. Alderwoman Selby-aye, Alderman Slinker-aye, Alderwoman Old-aye, Alderman Lewis-aye, Alderwoman Bell-aye, Alderman Volkart-aye. Motion carried.

Mayor Sullivan presented a resolution establishing the members and terms of the Ashland Betterment Coalition. Alderman Lewis made motion and seconded by Alderwoman Selby to take up for consideration the resolution establishing the members and terms of the Ashland Betterment Coalition. Mayor Sullivan called for the staff report. Tony St. Romaine, City Administrator as the Board recalls we dissolved Broadway Beautification Task Force at the last meeting. He stated following the recommendation of the Broadway Beautification Task Force and Missouri Main Street the Downtown Betterment Coalition (a non-profit) has been formed and approved by the Missouri Secretary of State. He stated the initial slate of Board members to this organization have already received initial training from Missouri Main Street four or five

weeks ago. He stated there will be nine members plus seven ex officio members. He stated the Coalition will need to elect officers, bring forward a funding proposal and staffing a part time Executive Director. He stated they are working with the Chamber for partially funding this but they do not have this worked out yet. He stated they could apply for grant funds for making improvements to downtown. He stated the Boards first meeting would be December 1. Mayor Sullivan questioned what roll the Board of Alderman plays in this in the future? How will the vacated spots be filled? Tony St. Romaine stated this is a not for profit and the three incorporators is himself, Darla Sapp, Jon Sanders and Lelande Rehard is the agent name. He stated the Board will unofficially accept the initial slate. He stated any vacant positions will be filled by the Ashland Betterment Coalition. Mayor Sullivan called for comments from the public. Mayor Sullivan called for questions or comments from the Board. Mayor Sullivan called for the vote. Alderwoman Bell-aye, Alderman Slinker-aye, Alderman Volkart-aye, Alderman Lewis-aye, Alderwoman Selby-aye, Alderwoman Old-abstained as she is on this Board. Motion carried.

Mayor Sullivan presented a resolution to award a contract to Watson Concrete, Inc. for the FY 22 Curb Repair Project. Alderman Lewis made motion and seconded by Alderman Slinker to take up for consideration the resolution to award a contract to Watson Concrete, Inc. for the FY 22 Curb Repair Project. Mayor Sullivan called for the staff report. James Creel, Public Works Director stated this project was allotted \$50,000.00 thousand dollars. He stated they used the co-op bid from City of Columbia and is to replace 1,122 linear feet of curb and gutter throughout town. He stated a project of this size would take up their entire season. He stated by using the co-op they did not have to solicit bids. He stated Watson Concrete has done work for the City before and they did good work. He recommended approval for the Mayor to enter into a contract with Watson Concrete, LLC. Mayor Sullivan called for public comment. Mayor Sullivan called for questions or comments from the Board. Mayor Sullivan called for the vote. Alderman Volkart-aye, Alderwoman Bell-aye, Alderman Lewis-aye, Alderwoman Old-aye, Alderman Slinker-aye, Alderwoman Selby-aye. Motion carried.

Mayors Report:

Mayor Sullivan stated he had no report tonight.

City Administrator's Report:

Lelande Rehard, Assistant City Administrator stated we have been awarded a traffic study grant from MoDot for the intersection at Liberty Lane, South Henry Clay and Main Street. He stated we received our first round of ARPA funds in the amount of \$400,000 thousand dollars and they will breaking down projects this fall within the federal guidelines. He stated Jon Sanders our Treasurer is going to take training on the guidelines and reporting of these funds.

Tony St. Romaine, City Administrator stated during the budget we discussed recodification of the city code. He stated the current code is hard to access and is not searchable. He stated they have drafted a request for qualification's that was sent out this week. He stated it is approximately 1,100 pages. He stated he will be exited to get this work done. He stated the subdivision, zoning and storm water codes are currently being rewritten and hopes to incorporate those in the codification as well.

City Attorney's Report:

Nathan Nickolaus, City Attorney explained how the process works in codifying ordinances. He stated they take a model code and splice it into our code with the missing pieces.

Public Works Director's Monthly Report:

James Creel gave an update on the progress of the construction of the Route M/Henry Clay Blvd. round- about project. He stated the plan is to get Broadway opened sooner. He stated they are wrapping up other projects at the end of the season. He stated him and Lelande are working on the bids for the ball field renovation and getting the veterans memorial wrapped up before winter. Mayor Sullivan questioned if Mr. Creel was aware what is going on over on Middleton. He stated he did and would be working with Lelande on this.

Board of Aldermen's Reports:

Alderman Slinker questioned the status of the Middle Creek sewer study results. Lelande Rehard stated they have a draft report and will be moving to a final draft to bring to the Board.

Alderman Slinker questioned the status of the speed limit signs in Sunset Meadows. James Creel, Public Works Director reported they have been working on the street patches as weather permits but will get this done soon.

Alderman Slinker discussed a pot hole on North Henry Clay Blvd. at Optimist Drive needing some attention. James Creel reported this is partially on the City Street and partially on the Optimist Drive. He stated they have reached out to Barrett Glascock with the Optimist Club on this matter. He stated they would work in conjunction with the Optimist Club. Barrett Glascock was in attendance via zoom and stated he would meet James Creel and Lelande Rehard at this site this week to look at this issue.

Mayor Sullivan stated we should put up a sign that says City Maintenance ends so people will know it is not City maintained. James Creel stated he would mirror what the County does.

Alderman Slinker stated he has received several complaints on the derelict cars yard at 710 West Broadway. Dan Vandevoorde stated this is across from West Oaks Subdivision and he has looked into this and these cars are being worked on and there is no code violation. Alderman Slinker stated some of them have not been moved for a long time. He questioned if we could make them put up a fence. Dan Vandevoorde stated we do not have any code to make them put up a fence. Nathan Nickolaus stated he has some model ordinances on derelict vehicles for the Board to look at. Mayor Sullivan stated he has noticed other areas of town with wrecked vehicles and cars up on jacks. Alderman Volkart questioned if these cars are parked on gravel driveway or on grass? Alderman Slinker reported under carport and on gravel. Alderman Lewis stated he has been approached also. He stated he drove by there and felt this was infringing on the property owners rights and this is a hobby. He stated he is uncomfortable to pass anything to target them. Alderwoman Old stated she agrees with Alderman Lewis. Alderwoman Selby stated the aesthetics of property is worse than cars in a driveway. She stated the house of Broadway has had a blue tarp for a year. She stated maybe we should look at the whole picture.

Alderman Slinker suggested next year during the Pumpkin Fest we have an officer at the four way stop on West Broadway to flag traffic through. He stated it was backed up pretty far.

Alderman Slinker stated they had 20 people confirmed to set up booths at the Optimist Club "Spooktacular" event. He stated it should be an exciting time.

Mayor Sullivan called for additional comments from the public, board or staff.

Mike Frese stated the reports James Creel gives is not seen by the public until two weeks after the meeting.

Mike Frese stated the neighborhood he moved into the contractor did not put in a second meter for an irrigation system. He stated it was never mentioned at the time of getting a building permit. He asked if the City would consider doing a five month average on the sewer bill as Columbia does. Mayor Sullivan stated he does not mind getting the logistics on how it would work. He stated he would discuss the current process with Lelande and get back with Mr. Frese.

Mayor Sullivan stated he has been dealing with family health issues and has not been able to respond to email or text messages.

Mayor Sullivan called for the vote to adjourn. Alderman Lewis made motion and seconded by Alderman Slinker to adjourn the meeting. Mayor Sullivan called for the vote. Motion carried.

Darla Sapp, City Clerk

Richard Sullivan, Mayor