

DECEMBER 17, 2013  
BOARD OF ALDERMEN MINUTES  
7:10 P.M.  
DRAFT COPY NOT APPROVED BY BOARD

Mayor Rhorer called the regular meeting to order on December 17, 2013 at 7:10 p.m. at 303 North Main-Middle School Annex, Ashland, Mo.

Alderwoman Martin gave the invocation.

Mayor Rhorer led in the pledge of allegiance.

Mayor Rhorer called the roll.

Ward One: David Thomas-here, Louise Martin-here

Ward Two: John Hills-here, Jeff Anderson-here

Ward Three: Anthony Taggart-here, Carl Long-here

Staff Present: Josh Hawkins, City Administrator, Darla Sapp, City Clerk, Lyn Woolford, Police Chief, Travis Davidson Assistant Public Works Director and Andrew Bach, Interim City Attorney.

Mayor Rhorer presented the agenda for December 17, 2013 for consideration. Alderman Thomas made motion and seconded by Alderman Long to approve the agenda with the addition of 8A. to allow for the second reading of Council Bill No. 2013-030. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer presented the minutes of December 03, 2013 for consideration. Alderman Thomas made motion and seconded by Alderman Hills to approve the minutes as presented. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer presented the bills to be paid for consideration. Alderman Thomas made motion and seconded by Alderwoman Martin to approve the bills as presented. Mayor Rhorer called for questions or comments. Alderman Anderson questioned Alderman Hills and Andrew Bach on the legal bill and articles of impeachment. The Board discussed this bill already being approved previously since it is the October bill. Jessi Kendall, City Treasurer reported this check was voided then rewritten is why it showed back up on the invoices. The Board debated this matter at length. Alderman Thomas called for point of order since we were voting on the bills to paid. Alderman Thomas suggested a roll call vote on the bills. Alderman Anderson stated the bidding process for Sapp's Home Pro was not followed. Mayor Rhorer called for the vote. Alderman Taggart-aye, Alderman Anderson-aye, Alderwoman Martin-aye, Alderman Long-aye, Alderman Hills-aye, Alderman Thomas-aye. Motion carried.

Travis Davidson gave his monthly report to the Board. He reported his findings on the light for Meadowmere View and Meadowmere Drive being no cost for installation but a monthly cost of 10.00 to 11.00 dollars per month. He stated that Chief Woolford had the police officers look at

this area and it is a safety issue. He reported the street light request for Red Tail Drive would be a cost of \$5,000.00 since there is currently no electric to these undeveloped lots. He presented a quote of \$4,500.00 to install a guard rail on the corner of Ash and Bass Street. The Board discussed placing a post with cable. Travis Davidson reported we do not have extra funds in the budget at this time to do this. He informed the Board the extension of Peterson Drive is open for traffic. The Board discussed the infrastructure improvements testing and inspections. Travis Davidson gave an update on Setter's Knoll Plat 3 and 4 infrastructure and punch list items not completed in the subdivision. Alderman Anderson questioned if a vote was needed for the street lights on Meadowmere View and Meadowmere Drive. Josh Hawkins, City Administrator stated they are working on a base line policy for installing new street lights and light saturation in the city.

Mayor Rhorer asked if anyone in the audience wished to appear before the Board. No one came forth.

Mayor Rhorer presented Council Bill No. 2013-029 for consideration. Alderman Thomas made motion and seconded by Alderman Long to take up Council Bill No. 2013-029 an ordinance approving the re-plat of Lots 51, 52 and 53 of Bluegrass Estates Subdivision. First Reading by title only. Mayor Rhorer called for questions or comments. Steve Heying, surveyor explained the re-plat is to make the three lots into two lots. He stated that Mr. Begemann wants to purchase the adjoining lot to make a bigger yard. Josh Hawkins reported the Planning and Zoning Commission has recommended this for approval and the City Engineer has also reviewed it. Steve Heying asked the Board to consider the second reading for the Council Bill tonight as well. Alderman Anderson questioned if the recommendations had been completed. Steve Heying reported that the plat reflects the recommendations. Mayor Rhorer called for the vote. Alderman Long-aye, Alderman Hills-aye, Alderman Thomas-aye, Alderman Taggart-aye, Alderman Anderson-aye, Alderwoman Martin-aye. Motion carried.

Alderman Hills made motion and seconded by Alderman Long to have the second reading of Council Bill No. 2013-029, and ordinance approving the re-plat of Lots 51, 52 and 53 of Bluegrass Estates Subdivision. Mayor Rhorer called for the vote. Alderman Long-aye, Alderman Hills-aye, Alderman Thomas-aye, Alderman Taggart-aye, Alderman Anderson-aye, Alderwoman Martin-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2013-030 for consideration. Alderman Thomas made motion and seconded by Alderman Long to take up Council Bill No. 2013-030, an ordinance to change the zoning of a parcel of land from R-1 (Single Family Residential) to C-G (General Commercial) for Julia White. First Reading by title only. Mayor Rhorer called for questions or comments. Alderman Thomas reported he received a request to do the second reading tonight by the property owner. Mayor Rhorer reported this zoning is in compliance with the comprehensive plan and adjacent to commercial property. Mayor Rhorer reported he worked on the building and he would not vote in case of a tie. Alderman Taggart questioned if it met all the commercial standards such as parking and handicapped accessibility. It was reported this would be addressed on the site plan. Mayor Rhorer called for the vote. Alderman Long-aye Alderman

Hills-aye, Alderman Thomas- aye, Alderwoman Martin aye, Alderman Anderson-aye, Alderman Taggart-aye. Motion carried.

Alderman Thomas made motion and seconded by Alderwoman Martin to have the second reading of Council Bill No. 2013-030, an ordinance to change the zoning of a parcel of land from R-1 (Single Family Residential) to C-G (General Commercial) for Julia White. Mayor Rhorer called for the vote. Alderman Long-aye, Alderman Hills-aye, Alderman Thomas-aye, Alderman Taggart-aye, Alderman Anderson-aye, Alderwoman Martin-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2013-031 for consideration. Alderman Thomas made motion and seconded by Alderwoman Martin to take up Council Bill No. 2013-031, an ordinance approving the re-plat for Lot 7A and 8A of Ashland Industrial Park 1A to Lot 201. First Reading by title only. Mayor Rhorer called for questions or comments. Alderman Thomas questioned the location of this. It was reported it was off Angel Lane. Alderman Thomas questioned the impact this would have on Angel Lane since we are getting ready to repair this road. Cooper Snyder reported it would be truck traffic delivering sand, gravel and cement trucks using this roadway. The Board discussed the road improvements to Angel Lane would be constructed for this type of traffic. Mayor Rhorer called for the vote. Alderman Taggart-aye, Alderman Anderson-aye, Alderwoman Martin-aye, Alderman Long-aye, Alderman Hills-aye, Alderman Thomas-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2013-032 for consideration. Alderman Thomas made motion and seconded by Alderwoman Martin to take up Council Bill No. 2013-032, an ordinance to grant a conditional use permit to Central Concrete Company for the purpose of a manufacturing and shipping ready mix concrete. First Reading by title only. Mayor Rhorer called for questions or comments. Alderman Anderson questioned the need for a special use permit. Dan Brush of Brush and Associates reported this zoning does not necessarily allow for a concrete batch plant or doesn't prohibit it. Josh Hawkins, City Administrator reported it is not prohibited in the Airport Industrial zoning. He reported the Columbia Regional Airport does not have anything against this and we have received this verbally but we are waiting for this in writing. He discussed the paved driveway requirements of being dust free. He stated this would be done in a phased plan. Mayor Rhorer called for the vote. Alderman Long-aye, Alderman Hills-aye, Alderman Thomas-aye, Alderman Taggart-aye, Alderman Anderson-aye, Alderwoman Martin-aye. Motion carried.

Mayor Rhorer presented Resolution #12-17-2013 for consideration. Alderman Thomas made motion and seconded by Alderwoman Martin to approve Resolution #12-17-2013. Mayor Rhorer reported he felt the j turns would increase the City's traffic problems on Broadway and Henry Clay Blvd. He stated he would like to see a traffic study for the Henry Clay intersection. Josh Hawkins, City Administrator reported we have not been getting any data or traffic counts on the proposed MoDot project. He stated that this resolution outlines our concerns. Alderman Hills stated he would agree with some of the points in the resolution but he felt MoDot has a contingent plan. Alderman Anderson stated we voted to have Allstate Consultant act as our representative on this issue and wanted to know if they did any work or got paid for this. Chief Woolford reported the safety issue this would cause to Lakeview Estates for fire, ambulance and

police with the cross over at Liberty being eliminated. It was reported there is only one way to get in and out of the subdivision. Mayor Rhorer called for the vote on the resolution. Alderman Long-aye, Alderman Hills-aye, Alderman Thomas-aye, Alderman Taggart-aye, Alderman Anderson-aye, Alderwoman Martin-aye. Motion carried.

**Mayor's Report:**

Mayor Rhorer wished everyone a good holiday.

**Aldersperson's Report:**

Alderman Hills wished everyone happy holidays and to be safe.

Alderman Thomas reported he has missed some meetings due to health issues. He wished everyone a Merry Christmas and Happy New Years.

Alderwoman Martin thanked Travis Davidson and the Police Chief for looking into the lighting on Meadowmere View and Meadowmere Drive.

Alderman Anderson expressed his concern on how the Board has went about making decisions on the suspension and articles of impeachment and legal fees of Alderman Hills contact with legal counsel on these matters.

Alderman Taggart expressed his concern on one article of impeachment being discussed then it went to seven articles of impeachment.

Alderman Anderson expressed his concern of the legal costs from Bandre, Hunt and Snider being \$2,500 to \$3,000 in the news paper and it is well in excess of \$7,000.00 for the first months bill.

Alderman Taggart stated he has concerns on where the articles of impeachment came from. He stated that Ahern and Bach and Dave Bandre can't tell them where the articles of impeachment came from. He stated we are still spending money on this impeachment. He stated he only knows of one of the articles of impeachment came from and that was the mold and roof repair. He stated this is an embarrassment. He made motion to remove all articles of impeachment against Alderman Anderson. Alderman Anderson seconded the motion. Alderman Thomas called for point of order due to it not being legal for Alderman Anderson to vote on the matter. This was discussed with legal counsel. Mayor Rhorer called for the vote. Alderman Long-nay, Alderman Hills-nay, Alderman Thomas-nay, Alderwoman Martin-nay, Alderman Taggart-aye, Alderman Anderson-aye. Motion failed.

**City Administrator Report:**

Josh Hawkins updated the Board on winter weather preparedness the staff is working on and improvements. He discussed the sewer workshop and trying to decide which election to use for this ballot issue. Josh Hawkins gave an update on the roof repair and mold remediation. He discussed requiring a site plan to go through Board of Aldermen for approval since the Planning

and Zoning Commission is a recommending Board. He also reported openings in the Planning and Zoning Commission and the City's choice to not fill the Community Development Director position and other options that may be available. Mr. Hawkins stated he is reviewing contracts the City has with everyone right now, street lighting and street inventory. Alderman Anderson questioned if we were up to date on the inspections on construction projects.

City Attorney Report:

Andrew Bach, interim City Attorney had nothing to report.

Alderman Anderson encouraged the Board and Andrew Bach to review Chapter 2 of the City Code on removal of officers. He also addressed the Board on Article 2 of his impeachment regarding mold remediation. He stated that he was getting accused of something because of the city doing unfair bidding practices.

Alderman Anderson insisted on answers regarding the articles of impeachment.

Alderman Thomas reported he could not make the special meeting on Monday because he was ill.

Alderman Thomas made motion and seconded by Alderwoman Martin to adjourn the meeting. Mayor Rhorer called for the vote. Alderman Taggart passed out requests for resignation to some Board members. Motion carried.

Darla Sapp, City Clerk

Gene Rhorer, Mayor

GL ACCT #	VENDOR NAME	REFERENCE	TOTAL	CHECK#	CHECK DATE
----- ACCOUNTS PAYABLE CLAIMS -----					
10-02-2001	United States Treasure	FED/FICA TAX	1,333.80	9126558	12/13/13
10-02-2001	United States Treasure	FED/FICA TAX	1,404.37	9126563	12/27/13
10-02-2002	United States Treasure	FED/FICA TAX	2,012.60	9126558	12/13/13
10-02-2002	United States Treasure	FED/FICA TAX	2,091.20	6,841.97	9126563 12/27/13
10-02-2003	MO. DEPARTMENT OF REVENUE	STATE TAX	992.13	24467	12/27/13
10-02-2010	Missouri Local Government	Lagers - Police	2,050.79	24468	12/27/13
10-02-2012	COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	5,827.59	2899	12/30/13
10-02-2012	MADISON NATIONAL LIFE	DENTAL INSURANCE	158.87	2903	12/30/13
10-10-5210	AHERN & BACH, LLC	CITY ATTORNEY NOV. 2013	1,911.30	2893	12/30/13
10-10-5211	BANDRE', HUNT & SNIDER, L.L.C.	SPECIAL ATTORNEY IMPEACHMENT	6,836.85	2896	12/30/13
10-10-5305	AMERENUE	UTILITIES	332.68	2894	12/30/13
10-10-5380	AUSTIN COFFEE SERVICE	COFFEE	9.39	2895	12/30/13
10-10-5380	RICOH USA, INC	CANON IR3030	20.58	2902	12/30/13
10-10-5790	AMERENUE	UTILITIES	20.27	2894	12/30/13
10-15-5020	Missouri Local Government	LAGERS	274.45	2904	12/30/13
10-15-5125	ED ROEHR SAFETY	VESTS	1,403.80	2900	12/30/13
10-15-5305	AMERENUE	UTILITIES	604.21	2894	12/30/13
10-15-5380	AUSTIN COFFEE SERVICE	COFFEE	9.39	2895	12/30/13
10-15-5380	RICOH USA, INC	CANON IR3030	20.58	2902	12/30/13
10-15-5420	RANDY'S AUTO REPAIR	OIL CHANGES 604 & 602	115.84	2905	12/30/13
10-15-5810	FASTSIGNS	POLICE DECALS 602	1,341.50	2901	12/30/13
10-15-5850	ED ROEHR SAFETY	VESTS	1,400.00	2900	12/30/13
10-15-5928	BOONE COUNTY CIRCUIT CLERK	BOND DEREK JORDAN FISHER	100.00	2897	12/30/13
10-18-5305	AMERENUE	UTILITIES	163.92	2894	12/30/13
10-18-5366	AMERENUE	UTILITIES	10.86	2894	12/30/13
10-18-5367	AMERENUE	UTILITIES	9.79	2894	12/30/13
10-18-5368	AMERENUE	UTILITIES	9.95	194.52	2894 12/30/13
10-18-5368	BOONE ELECTRIC COOPERATIVE	UTILITIES	35.52	2898	12/30/13
10-18-5369	AMERENUE	UTILITIES	25.18	2894	12/30/13
10-18-5371	AMERENUE	UTILITIES	9.79	2894	12/30/13
10-18-5372	AMERENUE	UTILITIES	9.79	2894	12/30/13
10-18-5373	AMERENUE	UTILITIES	9.79	54.55	2894 12/30/13
20-02-2001	United States Treasure	FED/FICA TAX	61.08	9126558	12/13/13
20-02-2001	United States Treasure	FED/FICA TAX	61.08	9126563	12/27/13
20-02-2002	United States Treasure	FED/FICA TAX	211.14	9126558	12/13/13
20-02-2002	United States Treasure	FED/FICA TAX	211.14	544.44	9126563 12/27/13
20-02-2003	MO. DEPARTMENT OF REVENUE	STATE TAXES	62.00	24467	12/27/13
20-02-2010	Missouri Local Government	Lagers - Reg.	276.00	24468	12/27/13
20-02-2012	COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	647.51	2899	12/30/13
20-20-5305	AMERENUE	UTILITIES	163.92	2894	12/30/13
20-20-5305	BOONE ELECTRIC COOPERATIVE	UTILITIES	846.49	2898	12/30/13
45-02-2001	United States Treasure	FED/FICA TAX	928.73	9126558	12/13/13
45-02-2001	United States Treasure	FED/FICA TAX	862.54	9126563	12/27/13
45-02-2002	United States Treasure	FED/FICA TAX	1,503.62	9126558	12/13/13
45-02-2002	United States Treasure	FED/FICA TAX	1,431.92	4,726.81	9126563 12/27/13
45-02-2003	MO. DEPARTMENT OF REVENUE	STATE TAXES	611.87	24467	12/27/13
45-02-2010	Missouri Local Government	Lagers - Reg.	1,692.97	24468	12/27/13
45-02-2012	COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	4,070.79	24479	12/30/13
45-02-2014	COLBY BRANCH	HSA	95.08	9126560	12/13/13
45-02-2014	COLBY BRANCH	HSA	95.08	190.16	9126565 12/27/13
45-02-2014	WADE MIDDLEDAUGH	HSA	95.08	9126559	12/13/13

GL ACCT #	VENDOR NAME	REFERENCE		VENDOR TOTAL	CHECK#	CHECK DATE
45-02-2014	WADE MIDDAUGH	HSA	95.08	190.16	9126564	12/27/13
45-30-5310	BOONE ELECTRIC COOPERATIVE	UTILITIES		542.88	24478	12/30/13
45-30-5315	AMERENUE	UTILITIES		1,549.78	24476	12/30/13
45-30-5628	USA BLUEBOOK	THERMOMETERS, PAPER GOODS		155.95	24481	12/30/13
45-40-5310	BOONE ELECTRIC COOPERATIVE	UTILITIES	496.44		24478	12/30/13
45-40-5311	BOONE ELECTRIC COOPERATIVE	ANGEL LANE	22.00	518.44	24478	12/30/13
45-40-5315	AMERENUE	UTILITIES	327.84		24476	12/30/13
45-40-5325	AMERENUE	UTILITIES	2,435.12		24476	12/30/13
45-40-5330	AMERENUE	UTILITIES	41.47		24476	12/30/13
45-40-5340	AMERENUE	UTILITIES	56.70		24476	12/30/13
45-40-5350	AMERENUE	UTILITIES	63.75	2,924.88	24476	12/30/13
45-40-5605	USA BLUEBOOK	PAPER GOODS, GLOVES		61.54	24481	12/30/13
45-45-5625	WATER & SEWER SUPPLY, INC.	BRASS SADDLES, ETC		1,218.18	24482	12/30/13
45-45-5628	USA BLUEBOOK	PAINT, PAPER GOODS		448.83	24481	12/30/13
45-50-5380	AUSTIN COFFEE SERVICE	COFFEE		9.40	24477	12/30/13
45-50-5380	RICOH USA, INC	CANON IR3030		20.58	24480	12/30/13
73-73-5753	SOUTHERN BOONE LEARNING GARDEN	LEARNING GARDEN DECEMBER 2013		5,233.78	1013	12/13/13
				=====		
			TOTAL ACCOUNTS PAYABLE CHECKS	57,264.14		

PAYROLL CHECKS

10	GENERAL	9,918.21
20	STREET	1,127.15
45	UTILITIES	7,492.10
		=====
PAYROLL CHECKS ON 12/13/2013		18,537.46
10	GENERAL	10,301.28
20	STREET	1,127.15
45	UTILITIES	7,146.43
		=====
PAYROLL CHECKS ON 12/27/2013		18,574.86
		=====
TOTAL PAYROLL CHECKS		37,112.32

\*\*\*\* PAID TOTAL \*\*\*\* 94,376.46  
 =====  
 \*\*\*\*\* REPORT TOTAL \*\*\*\*\* 94,376.46  
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FUND	FUND NAME	TOTAL	CHECK#	DATE
10	GENERAL	50,776.27		
20	STREET	4,794.66		
45	UTILITIES	33,571.75		
73	LEARNING GARDEN	5,233.78		

IN THE CITY OF ASHLAND, MISSOURI

COUNCIL BILL NO. 2014-001

ORDINANCE NO. 969

AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY AND ACCEPT FUNDS FOR THE TRAFFIC ENGINEERING ASSISTANCE PROGRAM GRANT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION, FOR TRAFFIC STUDIES IN THE PUBLIC SCHOOL ZONES; AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SHAFER, KLINE, AND WARREN, TO PROVIDE PROFESSIONAL SERVICES FOR SAID PROJECT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ASHLAND, MISSOURI, AS FOLLOWS:

Section 1. The Board of Aldermen hereby determines that it is in the best interest of the citizens of Ashland to apply and accept funds from Missouri Department of Transportation for traffic engineering assistance in the City of Ashland.

Section 2. The Board of Aldermen hereby authorizes the Mayor to apply and enter into an agreement with Shafer, Kline and Warren, Inc. for professional services related to said project attached as Exhibit A, hereby approved, adopted and made a part herein by reference as fully as if set out herein verbatim.

Section 3. Effective Date. In view of the need to meet the application deadline, the Board of Aldermen hereby declares passage of this ordinance by conducting two readings during the same meeting to be necessary. This ordinance shall therefore be in full force and effect immediately upon its final passage and approval.

FIRST READING, SECOND READING, AND FINAL PASSAGE HELD ON THIS 7th DAY OF JANUARY, 2014.

\_\_\_\_\_  
Gene Rhorer, Mayor

ATTEST:

\_\_\_\_\_  
Darla Sapp, City Clerk



MEMORANDUM OF UNDERSTANDING  
(Appendix 6)

WHEREAS the City of Ashland feels that the safe and efficient flow of traffic and the safety of pedestrians and bicyclists are major concerns; and

WHEREAS the City of Ashland desires to have conducted accurate and timely traffic studies to determine effective countermeasures for these concerns in the Public School Zones; and

WHEREAS the City of Ashland has neither the funds nor the engineering expertise necessary to conduct such an expert traffic engineering study; and

WHEREAS the City of Ashland desires to participate in the Federally funded Transportation Engineering Assistance Program (TEAP) as administered by the Missouri Department of Transportation.

NOW, THEREFORE, the City of Ashland hereby agrees that it shall commit 20% of the project estimate on the TEAP Project Estimate Form for professional services performed by Shafer, Kline & Warren, Inc., who has been selected from a pool of qualified TEAP consultants. The project estimate for this project is \$10,000.00, of which the City of Ashland agrees to fund \$2,000.00. In-kind services are not acceptable for funding of City of Ashland's share of project costs. All City of Ashland's responsibility must be monetary in order to receive the 80% Federal match. The Consultant will be reimbursed the remaining 80% of the project estimate of approved projects through funds administered by MoDOT. In the event a proposed project is determined not to fall within the TEAP Scope of Services, any preliminary study costs, including the scope development, will be the responsibility of the City of Ashland.

IN WITNESS WHEREOF, the City of Ashland acknowledges this Memorandum of Understanding.

Acknowledged by City of Ashland this 7<sup>th</sup> day of January, 2014.

\_\_\_\_\_  
Gene Rhorer, Mayor

ATTEST:

\_\_\_\_\_  
Darla Sapp, City Clerk

**AN ORDINANCE AMENDING CHAPTER 19, CRIMINAL CODE, ARTICLE IV; BY ENACTING SECTION 19.220: USE OF HAND-HELD ELECTRONIC WIRELESS COMMUNICATIONS DEVICES WHILE DRIVING PROHIBITED IN THE ASHLAND MUNICIPAL CODE**

Whereas, the Police Chief has reviewed Chapter 19, Criminal Codes and has recommended the Board of Aldermen amend Article IV, Offenses Concerning Public Safety by enacting Section 19.220;

Whereas, the Board of Aldermen has reviewed Section 19.220.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF ASHLAND, MISSOURI AS FOLLOWS:

Section 1. The Board of Aldermen hereby amends Chapter 19; Criminal Code as follows:

**CHAPTER 19, CRIMINAL CODE, ARTICLE IV; OFFENSES CONCERNING PUBLIC SAFETY, SECTION 19.220: USE OF HAND-HELD ELECTRONIC WIRELESS COMMUNICATIONS DEVICES WHILE DRIVING PROHIBITED**

A. Except as otherwise provided in this Section, no person operating a moving motor vehicle on roads exclusively within the jurisdiction of the City of Ashland, Missouri, by means of a hand-held electronic wireless communications device shall send, read or write a text message or electronic message.

B. The provisions of Subsection (A) of this Section shall not apply to a person operating:

1. An authorized emergency vehicle; or
2. A moving motor vehicle while using a hand-held electronic wireless communications device to:
  - a. Report illegal activity;
  - b. Summon medical or other emergency help;
  - c. Prevent injury to a person or property; or
  - d. Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

C. Nothing in this Section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a motor vehicle on roads exclusively within the jurisdiction of the City.

D. As used in this Section, "*electronic message*" means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. "*Electronic message*" includes, but is not limited to, electronic mail, a text message, an instant message or a command or request to access an Internet site.

E. As used in this Section, "*hand-held electronic wireless communications device*" includes any hand-held cellular phone, Palm Pilot, Blackberry or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.

F. As used in this Section, "*making or taking part in a telephone call*" means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.

G. As used in this Section, "*send, read or write a text message or electronic message*" means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading or writing a text message or electronic message does not include reading, selecting or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.

H. A violation of this Section shall be deemed an infraction and punishable of a fine of not more than \$200.00 and deemed a moving violation.

I. The provisions of this Section shall not apply to:

1. The operator of a vehicle that is lawfully parked or stopped;
2. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;
3. The use of voice-operated technology;
4. The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service. (Ord. No. 7642 §1, 10-14-09)

Cross Reference--As to similar restrictions on drivers 21 years of age and younger, §304.820 RSMo.

Section 2. The Board of Aldermen hereby adopts Section 19.220 as amended.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Gene Rhorer, Mayor

Attest:

\_\_\_\_\_  
Darla Sapp, City Clerk

AN ORDINANCE APPROVING THE RE-PLAT FOR LOT 7A AND 8A OF ASHLAND INDUSTRIAL PARK PLAT 1A TO LOT 201

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WHEREAS, the City has enacted a Subdivision Ordinance; and

WHEREAS, in accordance with the Subdivision Regulations, The Planning and Zoning Commission has recommended the approval of the re-plat for Lots 7A and 8A of Ashland Industrial Park Plat 1A to Lot 201 at their meeting on December 10, 2013; and

WHEREAS, the Board of Aldermen accepts the recommendation of the Planning and Zoning Commission.

THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ASHLAND, MISSOURI AS FOLLOWS:

Section 1. The re-plat for lots 7A and 8A of Ashland Industrial Park Plat 1A to Lot 201 meets the requirements of Chapter 11, Subdivision Regulations, of the City of Ashland Municipal Code and is approved for filing.

Section 2. The legal description of said subdivision is as follows:

A tract located in the South East Quarter of the North West Quarter of Section 35, Township 47 North, Range 12 West, City of Ashland, Boone County, Missouri, being lots 7A and 8A of Ashland Industrial Park Plat 1A as shown in Plat Book 42 Page 53 Boone County records and contains 5.02 acres.

Section 3. The City Clerk is hereby instructed to have said plat recorded.

Section 4. This ordinance shall be in full force and effect after its passage and approval.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Gene Rhorer, Mayor

Attest:

\_\_\_\_\_  
Darla Sapp, City Clerk

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO CENTRAL CONCRETE COMPANY FOR THE PURPOSE OF A MANUFACTURING AND SHIPPING READY MIX CONCRETE

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WHEREAS, Central Concrete Company is the owner of certain property in the City of Ashland on which they desire to build manufacturing and shipping ready mix concrete on Lot 201 of Ashland Industrial Park Plat 2 ; and

WHEREAS, the proposed location legally described as Lot 7A and 8A of the Ashland Industrial Park Plat 1, which is presently zoned Airport Planned Industrial District; and

WHEREAS, a Conditional Use Permit is required for said use in a Airport Planned Industrial District;

THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ASHLAND, MISSOURI AS FOLLOWS:

Section 1. The Board of Aldermen having duly considered the application finds that the granting of the Conditional Use Permit will not substantially increase traffic hazards, congestion, or adversely affect the general character of the neighborhood or the general welfare of the community, nor will it overtax public utilities or notably increase traffic hazard or congestion.

Section 2. A Conditional Use Permit for the purpose of manufacturing and shipping ready mix concrete is hereby granted to Central Concrete of passage and approval of this ordinance. The conditional use must comply with all regulations set forth in the zoning code for the district in which the use is located except those which have been specifically accepted under this permit, and all other applicable ordinances of the City of Ashland, Missouri, and under any special conditions contained in the Conditional Use Permit. The Mayor is hereby given the power to execute the Conditional Permit for and on behalf of the City of Ashland, Missouri.

Section 3. Attached hereto is Exhibit "A" titled Planning & Zoning Commission report, Re-plat of lot 7A and 8A, Exhibit "B" Planning and Zoning Report, Conditional Use Permit and Exhibit "C" Special Conditions and incorporated herein by reference is the formal findings and conclusions of the City.

Section 4. This ordinance shall be in full force and effect upon its passage and approval.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Gene Rhorer, Mayor

Attest:

\_\_\_\_\_  
Darla Sapp, City Clerk



**THE CITY OF ASHLAND, MISSOURI**

December 20, 2013

Mr. Mike Schupp, P.E.  
Area Engineer  
Missouri Department of Transportation  
1511 Missouri Blvd.  
Jefferson City, MO 65109

**RE: Request for Additional Traffic Improvements and Funding; City of Ashland/US Highway 63 Improvements**

Dear Mr. Schupp,

I am writing to discuss the potential impacts the proposed US Highway 63 improvements could have on City of Ashland infrastructure. We have worked with Allstate Consultants, LLC to review these proposed improvements and prepare this correspondence.

MoDOT's proposed US Highway 63 improvements, including the construction of "J-turns", the construction of roundabouts at the US Highway 63/Route Y/Highway M Interchange and left turn restriction of the intersections of Liberty Lane and Peterson Lane with US Highway 63, will surely have a positive impact on the operation and safety of the Highway 63 corridor.

Most notably, we are concerned that the "J-turn" will result in delayed response time for emergency vehicles accessing Perry Lane businesses and the residences in the adjacent neighborhood. Emergency vehicles currently cross Liberty Lane to access this neighborhood but would be forced to travel approximately one mile south on Highway 63, utilize the proposed "J-turn", merge with traffic and travel approximately one mile north on Highway 63 to turn right onto Perry Lane.

In addition to these improvements, the changes proposed will undoubtedly have an impact on infrastructure within the City of Ashland. The city anticipates two major impacts from these improvements.

First, restriction of Liberty Lane and Peterson Lane will result in increased trips through Ashland to access US Highway 63 via the Route Y/Highway M interchange. These increased trips will likely impact two routes and several major intersections.

The first route includes the most major route to US Highway 63 for drivers who used to access Northbound US Highway 63 from Liberty Lane and Peterson Lane and choose not to utilize the "J-turns." This route includes the following intersections:

- Peterson Blvd. and Henry Clay Blvd

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- Liberty Lane and Henry Clay Blvd
- Highway M and Henry Clay Blvd
- Highway M and Oak Street

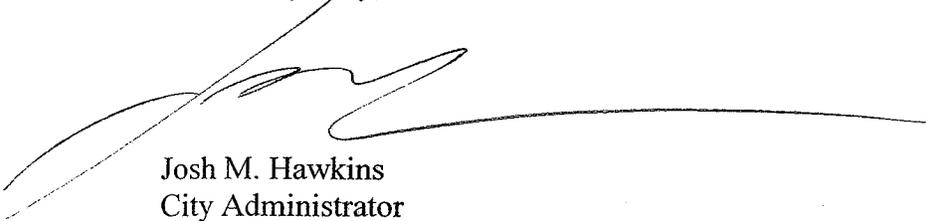
The second route provides a “cut-through” access to the US Highway 63 interchange for drivers who used to access Northbound US Highway 63 from Liberty Lane and choose not to utilize the “J-turns.” This second route includes the following intersections:

- Liberty Lane and Douglas Dr.
- Douglas Dr. and Tandy St.
- Tandy St. and Oak St.
- Highway M and Oak Street

A second impact will be seen on City infrastructure due to the improved operation of the interchange ramp terminals. Currently, queues develop at these intersections during peak periods. We would anticipate that the roundabouts proposed would operate with significant additional capacity and that this would allow a higher number of vehicles onto Highway M. Vehicles allowed onto Highway M from Highway 63 at a higher rate will likely have impacts at both the intersections of Highway M & Oak St. and Highway M & Henry Clay Blvd. Both of these intersections currently experience queuing during peak periods.

While the specific impacts to these intersections are unclear, we believe there will be impacts. The attached “US 63 J-Turns – Intersection Review” provided to the City of Ashland by MoDOT will provide valuable background data for discussion and analysis of potential impacts. The City of Ashland respectfully requests a meeting with MoDOT (with Allstate Consultants present) to discuss the potential impacts as well as potential solutions. The City of Ashland appreciates MoDOT’s dedication and devotion to the people of Missouri and their safety; we look forward to working with you.

Yours very truly,



Josh M. Hawkins  
City Administrator

Cc: The Honorable Sen. Kurt Schaefer  
The Honorable Caleb Jones  
The Honorable Karen Miller  
Mr. Derin Campbell, P.E.; Boone County Public Works



**THE CITY OF ASHLAND, MISSOURI**

December 13, 2013

Missouri Department of Natural Resources  
Water Protection Program  
PO Box 176  
Jefferson City, MO 65102  
ATTN: NPDES Permits and Engineering Section/Permit Comments

**Re: Permit #MO-0106844**

The draft copy of the Missouri State Operating Permit for the City of Ashland Wastewater Treatment Facility (MO-0106844) has implemented many changes. In our opinion these provisions place an unwarranted and not legally required burden of expense on the citizens of the city of Ashland and the service community. We believe these provisions are overreaching and not supported by science and data. The stream studies and downstream impact analysis that have been completed to date and accepted by the MDNR and EPA for the area downstream of our WWTP discharge location do not require the following provisions in our permit. We would like the following items and all of their related provisions to be removed and or modified to remove the fiscal impact to the taxpayers. The current data and analysis does not support all of the changes proposed in the permit, furthermore, the Department of Natural Resources now considers the facility as a mechanical treatment plant. The following is a list of some items and/or concerns the City should be aware of on the draft copy of the Operating Permit from our review.

1. A manual bar screen is listed in the facility description. An influent screen was a planned improvement, however, was not installed.
2. The following are changes to influent/effluent requirements which may require operational or monitoring changes and may have a monthly or annual financial impact to the City:
  - a. Effluent limits for Biochemical Oxygen Demand<sub>5</sub> (BOD<sub>5</sub>) has changed from 65/45 to 45/30 (Weekly Avg./Monthly Avg.). Also, a composite sample must now be taken for this test. We do not believe the laws require composite sampling as required in the permit.
  - b. Effluent limits for Total Suspended Solids (TSS) have changed from 65/45 to 45/30 (Weekly Avg./Monthly Avg.). Also, a composite sample must now be taken for this test.
  - c. Monthly influent monitoring is now included for BOD<sub>5</sub> and TSS. A composite sample must be taken for this test.
  - d. The required efficiency removal for BOD<sub>5</sub> and TSS has changed from 65% to 85%.

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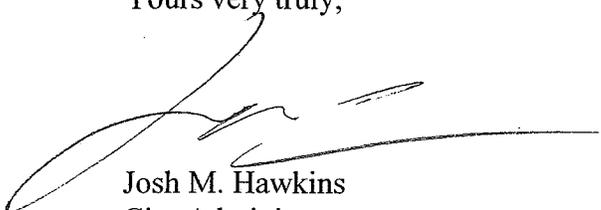
- e. An ammonia effluent limitation shall be implemented and effective 4 years after issuance of the permit.
- f. New monthly testing parameters include: Dissolved Oxygen, Nitrogen, and Phosphorus. The new parameters have a monitor requirement only.
- g. A Whole Effluent Toxicity (WET) test is required once per permit cycle.

We recommend the City request to perform grab sampling for influent and effluent monitoring of phosphorus, nitrogen, BOD5 and TSS not composite sampling which is very expensive and is not required by the clean water act in our opinion. It is not justified to require this from the data that has been analyzed.

- 3. The City shall submit an annual report for measures taken to locate and eliminate sources of infiltration and inflow (I&I) into the collection system. There is no data or law that requires this provision.
- 4. The City is required to develop and/or implement a program for maintenance and repair of the collection system to address sanitary sewer overflows and inflow and infiltration by means of a Special Condition or Schedule of Compliance. The Department recommends the US EPA's Guide for Evaluating Capacity, Management, Operation and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems as a guide for developing your program. This CMOM is very expensive and no data or law requires this provision.
- 5. The facility must now have an operator with a "C" level certification. Mr. Curtis Bennett is listed as the primary facility operator and has a "D" level certification. This should be updated to show Mr. Travis Davidson as the primary operator as he has a "C" level certification. Otherwise, a Schedule of Compliance will be implemented to address this issue.

We submit the above comments in response to changes made in the draft copy of the Missouri State Operating Permit for the City of Ashland Wastewater Treatment Facility (MO-0106844). Please do not hesitate to contact me with any questions you may have.

Yours very truly,



Josh M. Hawkins  
City Administrator



## **THE CITY OF ASHLAND, MISSOURI**

**DATE:** January 3, 2014

**To:** Mayor Rhorer and the Ashland Board of Alderpersons

**From:** Josh M. Hawkins, City Administrator

**RE:** City Administrator's Report

### **Budget**

The City will begin collecting property tax revenues in January as well as the Transportation Tax revenues (which will not be credited to the City until February, 2014). There are no changes in the budget since the revision passed by the Board. Salt has been ordered due to the high-level of use in the month of December, any necessary changes in the budget will be reflected in end of the year budget amendments. The inventory for the surplus auction will take place this month.

### **TEAP Grant Application**

The ordinance on the agenda authorizes the City to apply for a grant under the Traffic Engineering Assistance Program. The TEAP program provides 80% funding of qualifying traffic safety studies while the recipients are required to agree to pay the remaining 20% of the project. The City will only apply for a fundable project. This program is designed to assist local governments with professional assistance to address traffic safety issues. Specifically, we are looking for long term solutions to the traffic at the Elementary School on South Henry Clay Boulevard as the program targets traffic studies typically under \$10,000 in total cost. Shafer, Kline and Warren, Inc. will be writing and administering the grant on behalf of the City.

### **Recycling**

The City will increase pick-ups at the recycling drop-off site to three days per week, up from the current twice a week pick-up schedule. The need exists as the drop-off recycling program is increasing in popularity in Ashland. The increased monthly fee is within the current budget and no amendments will be necessary.

### **Winter Weather Preparedness**

The staff continues to respond to snow events at an excellent level. Public Works crews communicate with the Police Department and formalize plans and shifts based on weather forecasts and make adjustments as necessary. If any snow-response issues need to be addressed please let me know.

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### **Street Lighting**

The City has submitted a request to Ameren to place the requested street lights at Meadowmere Drive and Meadowmere View as this will be in the best interest of public safety in the neighborhood.

### **Correspondence**

I have included a copy of two letters in your packet. The first is our response to the Missouri Department of Natural Resources draft permit concerning the extension on our lagoon system. The second is an official letter following up on our concerns expressed in the resolution concerning the adverse affects of installing the roundabouts and J-turns in Ashland.