

CITY OF ASHLAND
109 EAST BROADWAY
ASHLAND, MO.
BOARD OF ALDERMEN AGENDA
TUESDAY, MAY 20, 2014
7:00 P.M.

Work Session- 6:00 p.m. Wastewater Treatment Facility

Call to order

Invocation

Pledge of Allegiance

Roll Call

CONSENT

1. Consideration of the 05-20-2014 agenda: **Action:** _____
2. Consideration of the meeting minutes from 5-06-2014: **Action:** _____
3. Bills to be paid: **Action:** _____

APPEARANCES

4. Mayoral declaration for Masonic Home of Missouri Day-June 14, 2014
5. Travis Davidson, Public Works Department monthly report
6. Lyn Woolford, Chief of Police, updates and introductions
7. Anyone wishing to appear before the Board

APPOINTMENTS

8. None

COUNCIL BILLS

9. Council Bill No. 2014-013, an ordinance to change the zoning of a parcel of land from C-N, Neighborhood Commercial to R-1, Single Family Residential District for McKinney Properties. First Reading by title only. **Action:** _____
10. Council Bill No. 2014-014, an ordinance approving the preliminary plat for Sunset Meadows, Phase 2 for Mike Collins. First Reading by title only. **Action:** _____
11. Council Bill No. 2014-015, an ordinance approving the final plat for Sunset Meadows, Phase 2 for Mike Collins. First Reading by title only. **Action:** _____

ORDINANCES

12. Ordinance No. 976, an ordinance to amend Chapter 2 of the Code of the City of Ashland "City Organization," Sections 2.103, 2.105, 2.110, 2.115, 2.200, 2.300, 2.305, 2.315, 2.325, 2.340, 2.405, 2.408, 2.410, and 2.505. **Action:** _____
13. Ordinance No. 977, an ordinance calling an election in the City of Ashland, Missouri. **Action:** _____

14. Ordinance No. 978, an ordinance to repeal Sections 28-1.03, 28-1.4 and 28-1.5 of the Code of the City of Ashland and to amend the code of the City of Ashland by adding two new articles which shall be designated as articles VI and VII of Chapter 28 pertaining to nuisances and to weeds and trash. **Action:** _____

15. Ordinance No. 979, an ordinance of the City of Ashland, Missouri, amending the City's Code of Ordinances, Chapter 12, Appendix A-1, Section 260.3.5. **Action:** _____

16. Ordinance No. 980, amending Chapter 14-Appendix C-1: Sewer Rates and appendix C-2 Water Rates of the Ashland Municipal Code. **Action:** _____

17. Ordinance No. 981, an ordinance approving the preliminary plat for Sunset Meadows, Phase 2 for Mike Collins. **Action:** _____

18. Ordinance No. 982, an ordinance approving the final plat for Sunset Meadows, Phase 2 for Mike Collins. **Action:** _____

RESOLUTIONS

19. None

OTHER

20. None

REPORTS

- 21. Mayor's Report
- 22. Board of Aldermen's Report
- 23. City Administrator's Report
- 24. City Attorney's Report
- 25. Vote to adjourn the meeting

The City of Ashland wants to make certain our meeting is accessible to all citizens. If you require any accommodations (signing, interpreter, translator, etc. that we do not normally have at our meetings, please let Darla Sapp, City Clerk know of your needs. (if possible 48 hours advance of the meeting.)

The City of Ashland Board of Aldermen may have a study session, or special meeting or hold a closed meeting pursuant to Chapter 610.021 (1) thru 610.021 (21).

TUESDAY, MAY 6, 2014
BOARD OF ALDERMEN MINUTES
7:00 P.M.
DRAFT COPY NOT APPROVED BY BOARD

Mayor Rhorer called the meeting to order at 7:00 p.m. on May 6, 2014 at Ashland City Hall, 109 East Broadway.

Alderman Anderson gave the invocation.

Mayor Rhorer led in the pledge of allegiance.

Mayor Rhorer called the roll.

Ward One: George Elliot-here, George Campbell-here

Ward Two: Jeff Anderson-here, James Fasciotti-here

Ward Three: Anthony Taggart-here, Fred Klippel-here

Staff Present: Josh Hawkins, City Administrator, Lyn Woolford, Police Chief, and Jessica Kendall, Treasurer, Deputy City Clerk.

Mayor Rhorer presented the agenda for May 6, 2014 for consideration. Alderman Fasciotti made a motion and seconded by Alderman Klippel to approve the agenda as presented. Mayor Rhorer called for the vote. Alderman Taggart-aye, Alderman Klippel-aye, Alderman Fasciotti-aye, Alderman Campbell-aye, Alderman Elliot-aye, Alderman Anderson-aye. Motion carried.

Mayor Rhorer presented the minutes of April 15, 2014 for consideration. Alderman Taggart made motion and seconded by Alderman Campbell to consider the minutes of April 15, 2014 as presented. Mayor Rhorer called for amendments or discussion. Mayor Rhorer called for the vote. Alderman Campbell-aye, Alderman Fasciotti-aye, Alderman Klippel-aye, Alderman Taggart-aye, Alderman Anderson, Alderman Elliot-aye. Motion carried.

Mayor Rhorer presented the bills to be paid for consideration. Alderman Klippel made motion and seconded by Alderman Taggart to approve the bills as presented. Mayor Rhorer called for questions or comments. Alderman Campbell questioned the Allstate Consultants and Water & Sewer bill. Alderman Klippel questioned Randy's Automotive bill. Alderman Anderson questioned the cancellation phone charges and Animal Control bill. Alderman Anderson also questioned the insulation bill and the warranty of it. Mayor Rhorer called for the vote. Alderman Anderson -aye, Alderman Taggart -aye, Alderman Elliot -aye, Alderman Klippel -aye, Alderman Fasciotti, Alderman Campbell -aye. Motion carried.

Mayor Rhorer reported the next item is appearances Lyn Woolford, Police Chief. Lyn Woolford, Police Chief, presented his monthly report to the Board. Additionally, Police Chief Woolford informed the Board that parking tickets are decreasing and only 4 tickets issued in April are

unpaid at this time. Traffic tickets were up in March but lower in April. The Ashland Police Department will continue to be pro- active to keep our community safe. Chief Woolford is working on a police hiring roster and there are 10 applicants at the present time. Officer Braden Duckworth left employment on April 27 and was replaced with James Creel. Officer James Creel started with the City as a paid employee on April 17 2014. He comes with five years of experience and was an easy transition with his background. He was a reserve officer with the City of Ashland before accepting a full time position. Police Chief Woolford received a scholarship from the Regional Planning Commission to attend the State Emergency Conference in St. Louis. The Conference was very informative and has a GIS data system which can be accessed for free. The recent prescription Drug Take Back was a great success. Ashland took in 72 lbs. Tomorrow morning May 7, 2014 there will be a Regional, Law Enforcement Agency Meeting in Ashland. The group meets monthly however, this will be the first time Ashland has hosted the gathering. The purpose of the meeting is to share information. Animal Control costs this year should be decreasing as the Police Department becomes the initial responders to animal calls to determine if a response from Animal Control is necessary.

Mayor Rhorer asked if anyone wished to appear before the Board.

Dave Westhoff, 15750 Hawkins Rd, Commercial owner of Farmers Insurance, was present to ask the Board of Aldermen permission to present to the board information on the YMCA. Permission was granted to agenda.

Mayor Rhorer presented the appointments and Board of Aldermen voted.

Appointment of Chief of Police-Lyn Woolford

Alderman Taggart-aye	Alderman Klippel-aye
Alderman Anderson-aye	Alderman Fasciotti-aye
Alderman Elliot-aye	Alderman Campbell-aye

So moved

Appointment of City Attorney-Fred Boeckmann

Alderman Klippel-aye	Alderman Taggart-aye
Alderman Fasciotti-aye	Alderman Anderson-aye
Alderman Campbell-aye	Alderman Elliot-aye

So moved

Appointment of City Prosecutor-Jeffrey Kays

Alderman Anderson-aye	Alderman Elliot-aye
Alderman Taggart-aye	Alderman Klippel-aye
Alderman Fasciotti-aye	Alderman Campbell-aye

So moved

Appointment of Mayor Pro-tem-Tony Taggart

Alderman Klippel-aye	Alderman Fasciotti-aye
Alderman Campbell-aye	Alderman Elliot-aye
Alderman Anderson-aye	Alderman Taggart-aye

So moved

Appointment of City Clerk-Darla Sapp

Alderman Taggart-aye	Alderman Anderson-aye
Alderman Elliot-aye	Alderman Klippel-aye
Alderman Fasciotti-aye	Alderman Campbell-aye

So moved

Appointment of Deputy City Clerk/Treasurer-Jessica Kendall

Alderman Klippel-aye	Alderman Fasciotti-aye
Alderman Campbell-aye	Alderman Taggart-aye
Alderman Anderson-aye	Alderman Elliot-aye

So moved

Mayor Rhorer presented Council Bill No. 2014-006 for consideration. Alderman Campbell made a motion and seconded by Alderman Klippel to take up Council Bill No. 2014-006, an ordinance to amend Chapter 2 of the Code of the City of Ashland "City Organization," Sections 2.103, 2.110, 2.115, 2.200, 2.300, 2.305, 2.315, 2.325, 2.340, 2.405, 2.408, 2.410, and 2.505. First Reading by title only. Mayor Rhorer called for questions or comments. After a short discussion Mayor Rhorer called for a vote for **Section 2.103, City Administrator**, as presented.

Alderman Klippel-aye	Alderman Fasciotti-aye
Alderman Campbell-aye	Alderman Taggart-aye
Alderman Anderson-aye	Alderman Elliot-aye

Section 2.110, Removal of officers, as presented.

Alderman Klippel-aye	Alderman Fasciotti-aye
Alderman Campbell-aye	Alderman Taggart-aye
Alderman Anderson-aye	Alderman Elliot-aye

Section 2.115, Term of appointive officers was amended to say:

All appointive officers shall be appointed by the Mayor with the advice and consent of the Board of Aldermen annually to serve for a period of one year except for the City Administrator who shall be appointed to serve for a period of two years. Each year, following the City elections-, the appointed officers of the City whose terms expire shall be reappointed or new officers shall be appointed to fill their positions. If any officer is not reappointed and no successor is appointed, the previous officer shall continue to serve until his or her successor is appointed or until he or she is removed from office pursuant to 2.110.

Alderman Taggart-aye	Alderman Anderson-aye
Alderman Elliot-aye	Alderman Klippel-aye

Alderman Fasciotti-aye

Alderman Campbell-aye

Section 2.200, Qualifications of Aldermen, as presented.

Alderman Klippel-aye

Alderman Fasciotti-aye

Alderman Campbell-aye

Alderman Taggart-aye

Alderman Anderson-aye

Alderman Elliot-aye

Section 2.300, City Attorney, as presented.

Alderman Klippel-aye

Alderman Fasciotti-aye

Alderman Campbell-aye

Alderman Taggart-aye

Alderman Anderson-aye

Alderman Elliot-aye

Section 2.305, City Prosecutor, as presented.

Alderman Klippel-aye

Alderman Fasciotti-aye

Alderman Campbell-aye

Alderman Taggart-aye

Alderman Anderson-aye

Alderman Elliot-aye

Section 2.315, City Clerk, was amended to say:

Qualification, Terms, Appointment. The Board of Aldermen, at the first meeting after each annual election shall elect a City Clerk who shall hold office for one year and until a successor is appointed and qualified or until he or she is removed from office pursuant to 2.110.

Alderman Taggart-aye

Alderman Klippel-aye

Alderman Fasciotti-aye

Alderman Campbell-aye

Alderman Elliot-aye

Alderman Anderson-aye

Section 2.325, City Treasurer, was amended to say:

Qualification, Terms, Appointment. The Board of Aldermen, at the first meeting after each annual City election shall appoint a suitable person as City Treasurer who shall hold office for one year and until a successor is appointed and qualified or until he or she is removed from office pursuant to 2.110.

Alderman Taggart-aye

Alderman Klippel-aye

Alderman Fasciotti-aye

Alderman Campbell-aye

Alderman Elliot-aye

Alderman Anderson-aye

Section 2.340, Out of pocket expenses, as presented.

Alderman Taggart-aye

Alderman Klippel-aye

Alderman Fasciotti-aye

Alderman Campbell-aye

Alderman Elliot-aye

Alderman Anderson-aye

Section 2.405, Compensation set for employees, as presented.

Alderman Taggart-aye

Alderman Anderson-aye

Alderman Elliot-aye

Alderman Klippel-aye

Alderman Fasciotti-aye

Alderman Campbell-aye

Section 2.408, Employees at will, as presented.

Alderman Taggart-aye	Alderman Anderson-aye
Alderman Elliot-aye	Alderman Klippel-aye
Alderman Fasciotti-aye	Alderman Campbell-aye

After a short discussion on **Section 2.410, Annual review of salaries**, as presented.

Alderman Klippel-aye	Alderman Fasciotti-aye
Alderman Campbell-aye	Alderman Elliot-aye
Alderman Taggart-nay	Alderman Anderson-nay

Section 2.505, Regular meetings, as presented.

Alderman Elliot-aye	Alderman Anderson-aye
Alderman Taggart-aye	Alderman Klippel-aye
Alderman Fasciotti-aye	Alderman Campbell-aye

Alderman Campbell made a motion to approve Chapter 2 of the Code of the City of Ashland "City Organization," Sections 2.103, 2.105, 2.110, 2.115, 2.200, 2.300, 2.305, 2.315, 2.325, 2.340, 2.405, 2.408, 2.410, and 2.505 with amended changes to Chapter 2 as presented.

Seconded by Alderman Klippel. Mayor Rhorer called for a vote.

Alderman Taggart-nay	Alderman Klippel-aye
Alderman Fasciotti-aye	Alderman Campbell-aye
Alderman Elliot-aye	Alderman Anderson-nay

Motion carried.

Alderman Elliot made a motion and seconded by Alderman Campbell to take a short break.

Mayor Rhorer called for a vote.

Alderman Klippel-aye	Alderman Taggart-aye
Alderman Fasciotti-aye	Alderman Campbell-aye
Alderman Elliot-aye	Alderman Anderson-aye

Motion carried.

Mayor Rhorer called meeting back to order.

Mayor Rhorer called the roll.

Ward One: George Elliot-here, George Campbell-here

Ward Two: Jeff Anderson-here, James Fasciotti-here

Ward Three: Anthony Taggart-here, Fred Klippel-here

Mayor Rhorer presented Council Bill No. 2014-009, an ordinance calling an election in the City of Ashland, Missouri. First Reading by title only. Alderman Taggart made a motion to amend Council Bill No. 2014-009, to include the dollar amount of 7 million. Seconded by Alderman Campbell. Mayor Rhorer called for questions or comments. Alderman Taggart inquired about the increase in amount. City Administrator Josh Hawkins stated the standards have gone up and have changed. Mayor Rhorer called for a vote.

Alderman Klippel-aye	Alderman Taggart-aye
----------------------	----------------------

Alderman Fasciotti-aye
Alderman Elliot-aye
Motion carried.

Alderman Campbell-aye
Alderman Anderson-aye

Mayor Rhorer presented Council Bill No. 2014-010 for consideration. Alderman Campbell made motion and seconded by Alderman Klippel to take up an ordinance to repeal Sections 28-1.03, 28-1.4 and 28-1.5 if the Code of the City of Ashland and to amend code of the City of Ashland by adding two new articles which shall be designated as articles VI and VII of Chapter 28 pertaining to nuisances and to weeds and trash. First Reading by title only. Mayor Rhorer called for questions or comments. Josh Hawkins, City Administrator explained the process we have now and how this amendment will make a difference. If not followed through we can put a lien on the property. Mayor Rhorer called for a vote.

Alderman Elliot-aye
Alderman Taggart-aye
Alderman Fasciotti-nay
Motion carried.

Alderman Anderson-aye
Alderman Klippel-aye
Alderman Campbell-aye

Mayor Rhorer presented Council Bill No. 2014-011 for consideration. Alderman Taggart made a motion and seconded by Alderman Anderson to take up an ordinance of the City of Ashland, Missouri, amending the City's Code of Ordinances, Chapter 12, Appendix A-1, Section 260.3.5. First Reading by title only. Mayor Rhorer called for questions or comments. City Administrator Josh Hawkins discussed this ordinance with the Board. City's Engineer will approve pipe being used. Mayor Rhorer called for a vote.

Alderman Taggart-aye
Alderman Elliot-aye
Alderman Fasciotti-nay
Motion carried.

Alderman Anderson-aye
Alderman Klippel-aye
Alderman Campbell-aye

Mayor Rhorer presented Council Bill No. 2014-012 for consideration. Alderman Fasciotti made a motion and seconded by Alderman Campbell amending Chapter 14-Appendix C-1: Sewer Rates and appendix C-2 Water Rates of the Ashland Municipal Code. First Reading by title only. Mayor Rhorer called for questions or comments. Josh Hawkins City Administrator addressed the Board of reviewing the rates annually. Mayor Rhorer called for a vote.

Alderman Klippel-aye
Alderman Campbell-aye
Alderman Anderson-nay
Motion carried.

Alderman Fasciotti-aye
Alderman Taggart-nay
Alderman Elliot-aye

Discussion of truck traffic on Angel Lane.

Alderman Campbell addressed the Board about No thru Truck signs on Angel Lane. The city is developing the area and with the construction of Angel Lane the road will handle the trucks. Alderman Campbell suggests removing the Angel Lane No thru Truck signs. The City will look into whether there was a ordinance for posting the sign or not.

Mayor's Report:

Mayor Rhorer reported to the Board, Regional Planning Commission contacted him about an imagery flight with other municipalities which we can benefit from updating our aerial view for \$4200. Mayor Rhorer attended the Leadership Breakfast and announced Commerce Bank as Business of the Year, Baptist Home meeting and the Southern Boone High School Scholarship night. Mayor Rhorer handed out four \$500.00 scholarships to four Southern Boone Seniors sponsored by Allied Waste and the City of Ashland.

Board of Aldermen's Report:

Alderman Taggart addressed the tall grass on Ash Street.

Alderman Anderson addressed the Board about landlords and building inspections for rentals. Silt fencing that was passed a year ago and not posted on the website. Alderman Anderson discussed enforcing the codes.

Alderman Elliot announced his upcoming wedding this Saturday, May 10th.

Alderman Klippel informed that Planning and Zoning has addressed rentals in Ashland and the silt fencing issues. Spring is here please watch out for the kids.

Alderman Fasciotti disagreed with Alderman Anderson report.

Alderman Campbell disagreed with Alderman Anderson report.

City Administrator's Report:

Josh Hawkins reported that he has received only one complaint about slit fencing. It was reported and corrected. Sales tax is good and the fiscal year 2014 budget ended well. City Administrator Josh Hawkins informed the Board of the Sewer Project hearing at 6:00 before the regular schedule May 20th City Council Meeting. Also a rate workshop will be schedule.

City Attorney's Report:

Fred Boeckmann had nothing to report.

Mayor Rhorer called for a motion to close the open meeting and go into executive session.

Alderman Elliot made a motion to go into executive session pursuant to Chapter 610.021 (1) legal matters and 610.21 (3) personal matters. Seconded by Alderman Klippel.

Alderman Klippel-aye

Alderman Taggart-aye

Alderman Fasciotti-aye

Alderman Campbell-aye

Alderman Elliot-aye

Alderman Anderson-aye

Motion carried.

Jessica L. Kendall
City Treasurer/Deputy City Clerk

Gene Rhorer
Mayor

The City Treasurer/Deputy City Clerk was not present at closed meeting.

Mayor Rhorer reported they were back in open session with no reportable action taken.

Alderman Campbell made a motion to adjourn the meeting Seconded by Alderman Taggart.

Roll call vote.

AN ORDINANCE TO CHANGE THE ZONING OF A PARCEL OF LAND FROM (C-N) NEIGHBORHOOD COMMERCIAL TO (R-1) SINGLE FAMILY RESIDENTIAL FOR MCKINNEY PROPERTIES

WHEREAS, Public Notice of such was given as prescribed by Missouri State Statute 89.040, and a public hearing was held on Tuesday, May 13, 2013; and

WHEREAS, the Planning and Zoning Commission has reviewed the pertinent information and received comment from adjacent residents and has unanimously agreed to recommend to the Board of Aldermen to approve the rezoning from (C-N) Neighborhood Commercial to (R-1) Single Family Residential; and

WHEREAS, the Board of Aldermen of the City of Ashland, Missouri has reviewed the request as submitted and has elected to rezone the property described in Section 1 from (C-N) Neighborhood Commercial to (R-1) Single Family Residential; and

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

Section 1. The zoning is hereby amended from the present (C-N) Neighborhood Commercial to (R-1) Single Family Residential for the following described property:

- Palomino Ridge- Lot 4, Parcel No. 24-219-00-07-004.0001
- Palomino Ridge- Lot 5, Parcel No. 24-219-00-07-005.0001

Section 2. The City hereby finds and declares that the property described in Section 1 hereof is at the present particularly suitable for the purposes and uses of (R-1) Single Family Residential and in conformity with the existing uses and value of the immediately surrounding properties.

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

Dated this _____ day of _____, 2014.

Gene Rhorer, Mayor

Attest:

Darla Sapp, City Clerk

Certified to correct form:

Fred Boeckmann, City Attorney



THE CITY OF ASHLAND, MISSOURI

DATE: May 8, 2014

TO: Members of the Planning and Zoning Commission

FROM: City Staff

CC: McKinney Properties

SUBJECT: Rezoning Request, C-N, Neighborhood Commercial to R-1, Single Family Residential District

The purpose of this report is to provide you with information regarding a Rezoning Request from McKinney Properties from C-N, Neighborhood Commercial to R-1, Single Family Residential District. The subject property is located at Palomino Ridge, Lots 4 & 5. Chapter 9, Code of Ordinances authorizes the Planning and Zoning Commission to review and recommend approval to the City's Board of Aldermen.

GENERAL INFORMATION

Parent Parcel Identification: 24-219-00-07-004.0001
24-219-00-07-005.0001

Legal Description: Palomino Ridge, Lot 4
Palomino Ridge, Lot 5

Zoning Classification. C-N (Neighborhood Commercial District)

Proposed Zoning Classification: R-1, (Single Family Residential)



Notes

This property sits on Main Street and serves as the entrance to the Palomino Ridge subdivision. The 2009 Comprehensive Plan indicates this property as a future commercial designation for the potential growth of the Main Street corridor going north. The Comprehensive Plan relies on the commercial zoning of the Main Street corridor as an economic development tool to bridge downtown with future residential growth northward. The Planning and Zoning Commission should take the intended economic development of Main Street under consideration when evaluating this request.

The proposed rezoning will only allow a single family residence to be built on the property which would not disrupt the neighborhood but it should be understood where the driveway/vehicular access to any future home would come from: Martha Crump Drive or Crump Lane/Main Street. The Planning and Zoning Commission should weigh the applicant's request versus the intent of the original Comprehensive Plan and make their decision accordingly.

COUNCIL BILL NO. 2014-014

ORDINANCE NO.

AN ORDINANCE APPROVING THE PRELIMINARY PLAT FOR SUNSET MEADOWS,
PHASE 2 FOR MIKE COLLINS

WHEREAS, a preliminary plat for development of a single family residential subdivision for Sunset Meadows, Phase 2 was submitted to the City of Ashland; and

WHEREAS, the staff has reviewed the Preliminary Plat and recommends its approval; and

WHEREAS, The Planning and Zoning Commission has reviewed the preliminary plat for Sunset Meadows, Phase 2 and recommended the approval of the preliminary plat for Sunset Meadows, Phase 2 at their meeting on May 13, 2014;

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

Section 1. The Board of Aldermen has reviewed the preliminary plat and has determined that it conforms to the long term land use strategy adopted by the City as part of its comprehensive plan.

Section 2. The Board of Aldermen approves the preliminary plat for Sunset Meadows, Phase 2.

Section 3. 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

Certified to correct form:

Fred Boeckmann, City Attorney



DATE: May 8, 2014
TO: Members of the Planning and Zoning Commission
FROM: City Staff
CC: Chris Sanders, A Civil Group
SUBJECT: Sunset Meadows Phase 2, Preliminary Plat

The purpose of this report is to provide you with information regarding a request by Mike Collins, property owner, Chris Sanders, A Civil Group, Engineers for Sunset Meadows Phase 2, Preliminary Plat. The subject property is located behind current Sunset Meadows subdivision off Broadway. Section 11.150 of the City's adopted Code of Ordinances authorizes the Planning and Zoning Commission to review and recommend approval to the City's Board of Aldermen of plats.

GENERAL INFORMATION

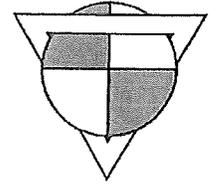
Parent Parcel Identification. 24-203-00-00-002.0001 (26.88 acres)

Parcel Size / Physical Characteristics. The portion south of the property is developed, Sunset Meadows, for single family residential use. The property to the west of it is developed, West Oaks, single family residential use.

Zoning Classification. R-1 (Single Family Residential)



Existing lot configuration shown in yellow.



April 28, 2014

Mr. Chris Sander, P.E.
A Civil Group
3401 Broadway Business Park Court
Suite 105
Columbia, MO 65203

RE: Design Plan Comments
Sunset Meadows Plat 2
Ashland, MO

Allstate Consultants has completed a review of the aforementioned Design Plans on behalf of the City of Ashland with the following result:

- (X) All comments have been addressed
- () All comments have NOT been addressed

Land Disturbance/Street/Storm:

(all comments addressed)

Sanitary Sewer:

(all comments addressed)

Water:

(all comments addressed)

These Design Plans will be placed on the Planning and Zoning Commission agenda for consideration after approval of the Final Plat of Sunset Meadows Plat 2. Please contact Allstate Consultants with any questions.

Sincerely,

Allstate Consultants LLC

Wes Bolton, P.E.

AN ORDINANCE APPROVING FINAL PLAT FOR SUNSET MEADOWS, PHASE 2 FOR
MIKE COLLINS

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 Sunset Meadows, Phase 2 at their meeting on May 13, 2014; and

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

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

Section 1. The subdivision record final plat of Sunset Meadows, Phase 2, dated March 26, 2014, 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 of land located in the southeast quarter of section 9, Township 46 North, Range 12 West, City of Ashland, Boone County, Missouri, being a part of the tract described by warranty deed recorded in book 4161, Page 2 and being a part of the survey recorded in book 704, Page 611 of the Boone County Records, and being more particularly described as follows:

Beginning at the northwest corner of Sunset Meadows Plat 1 as recorded in plat book 40, page 10, said point also being on the west line of said survey; Thence along the west line of said survey, N02° 41'45" E, 224.93 feet; Thence leaving said line, N75°18'55" E, 232.51 feet; Thence N15°19'45"E, 170.24 feet; thence N35°16'20"E, 203.36 feet; Thence S87°44'10"E, 279.06 feet to a point on the west line of West Oaks Plat 3 recorded in plat book 31, Page 51; Thence along said line, S 02°41'45"W, 637.11 feet to the northeast corner of said Sunset Meadows Plat 1; Thence along the north line of said plat for the following five (5) calls N 87°17'35"W, 171.20 feet; Thence along the non-tangent 1975.00 -foot radius curve to the left, 33.12 feet, said curve having a chord which bears N07°03'25"E, 33.12 feet; Thence N87°17'35"W, 269.90 feet; Thence along a non-tangent 2025.00 foot radius curve to the right, 30.08 feet, said curve having a chord which bears S06°53'10"W, 30.08 feet; Thence N87°17'35"W, 206.88 feet to the point of beginning and containing 6.90 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

Certified to correct form:

Fred Boeckmann, City Attorney



DATE: May 8, 2014
TO: Members of the Planning and Zoning Commission
FROM: City Staff
CC: Chris Sanders, A Civil Group
SUBJECT: Sunset Meadows Plat 2, Final Plat

The purpose of this report is to provide you with information regarding a request by Mike Collins, property owner, Chris Sanders, A Civil Group, Engineer for Sunset Meadows Plat 2, Final Plat. The subject property is located north of current Sunset Meadows, Plat 1, off Broadway and south portion of Sunset Meadows Phase 2, preliminary plat. Section 11.150 of the City's adopted Code of Ordinances authorizes the Planning and Zoning Commission to review and recommend approval to the City's Board of Aldermen of plats.

GENERAL INFORMATION

Parent Parcel Identification. 24-203-00-00-002.0001 ()

Parcel Size / Physical Characteristics. The portion south of the property is developed, Sunset Meadows, for single family residential use. The property to the west of it is developed, West Oaks, single family residential use.

Zoning Classification. R-1 (Single Family Residential)



Existing lot configuration shown in yellow.

Planning and Zoning Action Needed

City staff requests that the Planning and Zoning Commission review the proposed Sunset Meadows, preliminary plat phase 2, the engineering comments and recommend approval to the City's Board of Aldermen.

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE CITY OF ASHLAND "CITY ORGANIZATION," SECTIONS 2.103, 2.110, 2.115, 2.200, 2.300, 2.305, 2.315, 2.325, 2.340, 2.405, 2.408, 2.410, AND 2.505.

BE IT ORDAINED by the Board of Aldermen of the City of Ashland, Missouri, as follows:

Section 1. Chapter 2 of the Ashland City Code is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

2.103. City Administrator

1. The Mayor, with the approval of a majority of the Board of Aldermen, shall appoint a qualified person to be City Administrator for the City of Ashland. In doing so, the City does not adopt a City Administrator form of government as authorized in 77.048 RSMo. (State law reference-77.042 RSMo.)

A. Appointment and Tenure: The City Administrator shall be an employee at will, and serve for a period of two years. His or her term shall automatically be renewed for an additional year upon the approval of a majority of the Board of Aldermen. In the event his or her term is not renewed, the former City Administrator shall serve as interim City Administrator until his or her successor is appointed or until his or her term is renewed or until he or she is removed from office pursuant to 2.110.

2.110. Removal of officers

1. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office, for cause shown, any elective officer of the city, such officer being first given opportunity, together with his witnesses, to be heard before the Board of Aldermen sitting as a board of impeachment. Any elective officer, including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any appointive officer of the city, other than the chief of police, at will, and any such appointive officer may be so removed by a two-thirds vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Board of Aldermen may pass ordinances regulating the manner of impeachments and removals. The removal of members from commissions and boards shall be as prescribed in the individual chapters of this Code and in accordance with state statutes. (State law reference-79.240 RSMo.)

2. The chief of police may be removed from office as provided for in Section 106.273 RSMo.

2.115. Term of appointive officers

All appointive officers shall be appointed by the Mayor with the advice and consent of the Board of Aldermen annually to serve for a period of one year except for the City Administrator who shall be appointed to serve for a period of two years. Each year, following the City elections, the appointed officers of the City whose terms expire shall be reappointed or new officers shall be appointed to fill their positions. If any officer is not reappointed and no successor is appointed, the previous officer shall continue to serve until his or her successor is appointed or until he or she is removed from office pursuant to 2.110.

2.200. Qualifications of Aldermen

1. Qualifications of Aldermen, Terms of Office. No person shall be an Alderman unless he or she is at least ~~twenty-one~~ eighteen years of age, a citizen of the United States, and an inhabitant and resident of the City for one year next preceding his or her election, and a resident, at the time he or she files and during the time he or she serves, of the ward from which he or she is elected; nor shall any person be elected an Alderman who is in arrears for any tax, lien, forfeiture, or defalcation in office. All members of the Board shall hold their office for a term of two years. (State law reference-79.250 RSMo.)

2.300. City Attorney

1. Qualifications, Term, Appointment. The Mayor, with the advice and consent of the Board of Aldermen, at the first meeting after each annual election, shall appoint a suitable person as City Attorney who shall hold office for one (1) year, unless sooner removed from office, and until his or her successor is appointed and qualified. No person shall be appointed to the office of City Attorney unless he or she is a licensed and practicing attorney at law in this State. (State law reference-79.230 RSMo.)

2.305. City Prosecutor

1. Qualifications, Term, Appointment. The Mayor, with the advice and consent of the Board of Aldermen, at the first meeting after each annual city election shall appoint a suitable person as City Prosecutor who shall hold office for one (1) year, unless sooner removed from office, and until his or her successor is appointed and qualified. No person shall be appointed to the office of City Prosecutor unless he or she is a licensed and practicing attorney at law in this State.

2.315. City Clerk

1. Qualifications, Term, Appointment. The Board of Aldermen, at the first meeting after each annual election, shall elect a City Clerk who shall hold office for one (1) year and until a successor is appointed and qualified or until he or she is removed from office pursuant to 2.110.

2.325. City Treasurer

1. Qualifications, Term, Appointment. The Mayor, with the advice and consent of the Board of Aldermen, at the first meeting after each annual City election shall appoint a suitable person as City Treasurer who shall hold office for one (1) year and until a successor is appointed and qualified or until he or she is removed from office pursuant to 2.110.

2.340. Out of pocket expenses

Appointed officers and all other municipal officers and employees of the City of Ashland, Missouri, are authorized payment for their necessary out-of-pocket expenses, including a mileage allowance of ~~twenty-eight cents (.28)~~ per mile for privately owned automobiles utilized in connection with City business. Mileage reimbursement will be at the business standard mileage rate established by the Internal Revenue Service for the year in which the private vehicle was used.

2.405. Compensation set for employees

~~The Mayor is authorized to make recommendations of employment and hire personnel at their respective salaries, subject to a vote of approval by the Board of Aldermen. All persons serving as officers and employees shall serve at the will of the Board of Aldermen under the terms and conditions of appointment established by the Ashland, Missouri, City Code, and other lawful ordinances. All officers and employees of the City of Ashland shall be entitled to receive reimbursement for all out-of-pocket expenses as authorized by other ordinances of the City of Ashland, Missouri, and shall receive such salary as may be designated by the Board of Aldermen by ordinance.~~ City Administrator subject to any restrictions established by the Board of Aldermen by ordinance.

2.408. ~~Written Contracts~~ Employees at will

~~The duties and compensation for every City employee shall be set forth in a written contract. All employees shall be considered at will employees.~~

2.410. Annual review of salaries

~~The Mayor and Board of Aldermen~~ City Administrator shall annually review the salaries of City employees to provide increases or decreases in their salary based upon the cost of living and merit, subject to the availability of appropriated funds.

2.505. Regular meetings

The Board of Aldermen of this City shall meet in regular session in the Council Chambers of the City Hall at the hour of 7:00 p.m. on the first and third Tuesday of each month, unless so amended by the Board of Aldermen. (amended Ord. 2002-54, 12-30-2002)

1. When any such meeting day is a holiday, the regular meeting shall be held at such time as may be provided by the Board on motion at the previous meeting.

2. The Board may, by motion, dispense with any regular meeting, but at least one meeting, regular or special, must be held in each calendar month.

3. At the first regular meeting after each municipal election, the Board of Aldermen shall establish its meeting schedule for that year.

4. Should, for lack of a quorum or any other reason, the Board of Aldermen be unable to conduct business at the time and date set by ordinance for its regularly scheduled monthly meetings, the Mayor and the Aldermen who are present at said meeting may adjourn said meeting to reconvene said meeting at a date certain by publicly announcing at the time of adjournment, the date, place, and time said regular monthly meeting shall be reconvened. Should the Mayor and Aldermen present be unable to agree upon such date or be unable to determine when a quorum will be available, the meeting shall be reconvened seven days from the date of the adjourned meeting at 7:00 p.m. and at the same place as the adjourned meeting.

5. The mayor may cancel any regular or special meeting when a disaster or weather conditions make, or threaten to make, traveling to the meeting dangerous. If the mayor cancels a regular meeting because of disaster or weather conditions, the canceled meeting shall be held seven days from the date when it was originally scheduled unless the mayor or any two aldermen schedule it sooner following the procedure in Section 2.515 for calling a special meeting.

56. A quorum of the Board of Aldermen shall consist of a majority of the full membership (including vacancies and the Mayor of the City.) In case a lesser number than a quorum shall convene at a regular or special meeting of the Board of Aldermen, the majority of the members present are authorized to direct the Chief of Police or other city officer to send for and compel the attendance of any or all absent members upon such terms and conditions and at such time as such majority of the members present shall agree.

67. No member of the Board of Aldermen may leave the Board chamber while in regular or special session without permission from the presiding officer.

78. Voting. Every member of the Board shall vote upon every question and when requested by any member the vote upon any question shall be taken by "ayes" and "nays" and be recorded, except that every Board member who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the Board of Aldermen the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

SECTION 2.EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage.

Dated this day of, 2014.

Gene Rhorer, Mayor

Attest:

Darla Sapp, City Clerk

Certified as to correct form:

Fred Boeckmann, City Attorney

**AN ORDINANCE CALLING AN ELECTION IN THE CITY OF
ASHLAND, MISSOURI.**

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

Section 1. The Board of Aldermen finds it necessary and hereby declares its intent to borrow \$ 7 million for the purpose of purchasing, constructing, extending and improving the combined waterworks and sewerage system of the City and acquiring any land and easements necessary therefor (the "Project") and to evidence such borrowing by the issuance of combined waterworks and sewerage system revenue bonds of the City in the same amount.

Section 2. An election is hereby ordered to be held in the City of Ashland, Missouri, on August 5, 2014, on the following question:

QUESTION

Shall the City of Ashland, Missouri, issue its combined waterworks and sewerage system revenue bonds in the amount of \$ 7 million for the purpose of purchasing, constructing, extending and improving the combined waterworks and sewerage system of the City and acquiring any land and easements necessary therefor, and the principal of and interest on said revenue bonds to be payable solely from the revenues derived by the City from the operation of its combined waterworks and sewerage system, including all future extensions and improvements thereto?

The authorization of said bonds (the "Bonds") will authorize the City to fix, establish, maintain and collect rates and charges for the services provided by the City through its combined waterworks and sewerage system, including all extensions and improvements thereto hereafter constructed or acquired by the City, in addition to the other rates and charges for such services provided by law, as will produce income and revenues sufficient to provide funds to pay the costs of operation and maintenance of said combined waterworks and sewerage system and the principal of and interest on said bonds as they become due and to retire the same within thirty-five years from the date thereof, and to provide for the establishment of reasonable reserves therefor.

Section 3. The form of the Notice of Election for said election, a copy of which is attached hereto and made a part hereof, is hereby approved.

Section 4. The City Clerk is hereby authorized and directed to notify the County Clerk of Boone County, Missouri, of the passage of this Ordinance no later than 4:00 P.M. on May 27, 2014, and to include in said notification all of the terms and provisions required by Chapter 115 of the Revised Statutes of Missouri, as amended.

Section 5. The City expects to make expenditures on and after the date of adoption of this Ordinance in connection with the Project, and the City intends to reimburse itself for such expenditures with the proceeds of the Bonds. The maximum principal amount of Bonds expected to be issued for the Project is \$ _____.

Section 6. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the Board of Aldermen this ____ day of May 2014

[SEAL]

Mayor

ATTEST:

City Clerk

APPROVED by the Mayor this ____ day of May, 2014.

[SEAL]

Mayor

ATTEST:

City Clerk

Certified as to correct form:

Fred Boeckmann, City Attorney

NOTICE OF ELECTION

CITY OF ASHLAND, MISSOURI

Notice is hereby given to the qualified voters of the City of Ashland, Missouri, that the Board of Aldermen of the City has called an election to be held in the City on August 5, 2014, commencing at 6:00 A.M. and closing at 7:00 P.M., on the question contained in the following sample ballot:

**OFFICIAL BALLOT
NOTICE OF ELECTION
CITY OF ASHLAND, MISSOURI
AUGUST 5, 2014**

QUESTION

Shall the City of Ashland, Missouri, issue its combined waterworks and sewerage system revenue bonds in the amount of \$ 7 million for the purpose of purchasing, constructing, extending and improving the combined waterworks and sewerage system of the City and acquiring any land and easements necessary therefor, and the principal of and interest on said revenue bonds to be payable solely from the revenues derived by the City from the operation of its combined waterworks and sewerage system, including all future extensions and improvements thereto?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

The election will be held at the following polling places in the City:

PRECINCT

POLLING PLACE

DATED: _____, 2014.

City Clerk of Ashland, Missouri

AN ORDINANCE TO REPEAL SECTIONS 28-1.3, 28-1.4 AND 28-1.5 OF THE CODE OF THE CITY OF ASHLAND AND TO AMEND THE CODE OF THE CITY OF ASHLAND BY ADDING TWO NEW ARTICLES WHICH SHALL BE DESIGNATED AS ARTICLES VI AND VII OF CHAPTER 28 PERTAINING TO NUISANCES AND TO WEEDS AND TRASH

BE IT ORDAINED by the Board of Aldermen of the City of Ashland, Missouri, as follows:

Section 1. Chapter 28 of the Ashland City Code is hereby amended to repeal Sections 28-1.3, 28-1.4 and 28-1.5.

Section 2. Chapter 28 of the Ashland City Code is hereby amended by adding the following Article VI:

Article VI. Nuisances

Section 28-6.1 Definitions

The following definitions apply to this article:

Enforcement official means any person designated by the Chief Code Official to enforce the provisions of this article.

Hearing officer means the Chief Code Official or a person designated by the Chief Code Official to conduct hearings under this article.

Private property means any property within the corporate limits of the city that is not owned or controlled by the city.

Section 28-6.2 Remedies not exclusive

The remedies set forth in this article are cumulative and not exclusive. The city may pursue any available civil remedies in addition to prosecuting violations and following the abatement procedures of this article.

Section 28-6.3 Nuisances enumerated

The following are declared to be nuisances:

- (1) Any condition, substance or thing on public or private property that is injurious or dangerous to public health or safety.
- (2) Any condition or thing defined as a nuisance in the Ashland City Code or any code adopted by the Ashland City Code.
- (3) A tree or any tree limb that is dead and that is a hazard to life or property.
- (4) A tree or any tree limb that causes a safety hazard by obstructing the line of sight of a motor vehicle driver, bicyclist or pedestrian at a street intersection.

- (5) A tree or any tree limb that could interfere with the passage of motor vehicles, bicycles or pedestrians on any public right-of-way.
- (6) A tree that harbors insects or disease that constitutes a potential threat to other trees.
- (7) Noxious fumes.
- (8) Accumulations or deposits of garbage other than garbage temporarily stored for lawful disposal provided that the garbage is temporarily stored in a leak proof container designed for the storage of garbage.
- (9) Sewage or other human organic waste discharged or exposed on any land in a manner that makes it a potential instrument or medium for the breeding of flies and mosquitoes, the production of odors, or the transmission of disease, or which contaminates surface water or ground water.
- (10) Any barn or other place where animal or fowl waste collects that is not kept in a clean and wholesome condition so that no odors offensive to a person of ordinary sensibilities are allowed to escape the premises.
- (11) Deposits of leaves, grass, dirt or other material that interfere with the proper functioning of any sewer inlet or fixture.
- (12) Any accumulation of unwholesome, impure or stagnant water.
- (13) Any accumulation of material that does or could afford harborage for rats, mice or snakes.
- (14) Any condition or thing listed as a nuisance in Section 67.398 RSMo.

Section 28-6.4 Nuisances prohibited

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

Section 28-6.5 Liability for nuisance

It is the duty of every owner of property within the city, as well as the owner's agent in charge of the property and every tenant and occupant of the property, to maintain the property free of nuisances.

Section 28-6.6 Defense

It is an affirmative defense to a charge of permitting, maintaining or allowing the creation or maintenance of a nuisance in violation of this division, that the defendant did not have the legal right to control the location where the alleged violation occurred.

Section 28-6.7 Continuing violation

Each day that a violation of this division continues shall be deemed a separate offense.

Section 28-6.8 Penalty

Any person who violates Section 28-6.4 shall, upon conviction, be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

Section 28-6.9 Abatement procedure

(a) *Applicability.* The provisions of this section shall apply only to violations of this chapter that do not have specific abatement procedures. The notice provisions of this section are not required as a prerequisite for prosecution of an ordinance violation under Section 28-7.4.

(b) *Abatement notice.* When an enforcement official determines that a nuisance exists in violation of this article, the enforcement official may initiate a nuisance abatement procedure by serving an abatement notice on the owner of the property upon which the nuisance is believed to exist. The abatement notice shall contain the following:

- (1) a description of the location and nature of the alleged nuisance,
- (2) a statement of the acts necessary to abate the alleged nuisance,
- (3) an order establishing the time for beginning (which shall not be less than seven days after receiving the notice) and completing abatement of the alleged nuisance and requiring that abatement activities continue without unreasonable delay,
- (4) information on the right and manner of requesting a hearing to contest the enforcement official's abatement notice, and
- (5) a statement that if the nuisance is not abated as ordered and if no request for hearing is made within the prescribed time, the city may abate the alleged nuisance and assess the costs against the property owner and the property.

(c) *Service of abatement notice.*

- (1) The enforcement official shall serve the abatement notice on the property owner by first class mail or by personal service in the same manner as legal process is served under any Missouri statute or court rule. Mailed notice shall be presumed received three (3) days after it is mailed.
- (2) If the enforcement official is unable to obtain service by either of the above methods, service may be obtained by publishing the abatement notice once in a newspaper of general circulation in the city and by posting the abatement notice on the property where the alleged nuisance exists. Notice shall be considered given on the date the notice is published or the notice is posted, whichever is later.

(d) *Request for hearing.* The owner of property on which the nuisance is alleged to exist may contest the abatement notice by requesting a hearing. The request for hearing must be made in writing and received by the Chief Code Official within seven (7) days of service of the abatement notice. The request for hearing must be either hand-delivered to the office of the Chief Code Official or sent to the Chief Code Official by United States mail, facsimile machine or electronic mail. The request for hearing must state an address to which a notice of hearing may be sent.

(e) *Notice of hearing.* At least ten (10) days written notice of the hearing shall be given to the property owner except in cases where the public health, safety or interest shall make a shorter time reasonable. Notice shall be hand-delivered to the property owner or mailed to the address provided by the property owner in the request for hearing. Notice shall be presumed received three (3) days after it is mailed.

(f) *Hearing and decision.* The hearing officer shall conduct the hearing and enter a decision in accordance with the requirements of chapter 536, RSMo. If the hearing officer determines that a nuisance exists as charged in the abatement notice, the hearing officer may enter an order of abatement directing that the nuisance be abated under such conditions and within such time as the hearing officer deems appropriate under the circumstances.

(g) *Appeal.* An appeal from the decision of the hearing officer may be made to the circuit court of Boone County in accordance with chapter 536, RSMo.

Section 28-6.10 Abatement by city

If the order of abatement is not complied with or if no hearing is requested and the abatement notice is not complied with, the Chief Code Official may have the nuisance abated by city employees or by persons under contract with the city.

Section 28-6.11 Collection of abatement costs

(a) The Chief Code Official shall certify the cost of abatement to the City Clerk. The cost shall include administrative costs as well as the actual cost of abating the nuisance. The City Clerk shall cause a special tax bill against the property to be prepared in the amount of the abatement costs. The tax bill from the date of its issuance shall be a lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity. No clerical error or informality in the tax bill or in the proceedings leading up to the issuance of the tax bill shall be a defense in an action to collect the tax bill. Tax bills issued under this section, if not paid when due, shall bear interest at the rate of eight percent (8%) per annum.

(b) The cost of abatement shall also constitute a personal obligation of the owner of the property and of any other person who caused the nuisance.

Section 28-6.12 Emergency abatement

(a) The Chief Code Official may abate any nuisance without following the abatement procedures of this article if the nuisance presents an immediate threat to the health, safety or welfare of any inhabitant of the city.

(b) The Chief Code Official may assess the cost, including administrative costs, of abating a nuisance under this section against the property on which the nuisance was located. Before assessing costs, the Chief Code Official shall serve a bill of costs on the property owner. The bill of costs shall describe the nuisance that was abated, state the cost of abatement and inform the owner of the right and manner of requesting a hearing.

(c) The bill of costs shall be served on the property owner by first class mail, or by personal service in the same manner as legal process is served under any Missouri statute or court rule. Mailed notice shall be presumed received three (3) days after it is mailed. If service is not able to be obtained by either of the above methods, service may be obtained by publishing notice of the bill of costs in a newspaper of general circulation in the city.

(d) The property owner may contest the assessment of costs by requesting a hearing. The request for hearing must be made in writing and received by the Chief Code Official within seven (7) days of service of the bill of costs or publication of notice of the bill of costs. The request for hearing must be either hand-delivered to the office of the Chief Code Official or sent to the Chief Code Official by United States mail, facsimile machine or electronic mail. The request for hearing must state an address to which a notice of hearing may be sent.

(e) *Notice of hearing.* At least ten (10) days written notice of the hearing shall be given to the property owner. Notice shall be hand-delivered to the property owner or mailed to the address provided by the property owner in the request for hearing. Notice shall be presumed received three (3) days after it is mailed.

(f) *Hearing and decision.* The hearing officer shall conduct the hearing and enter a decision in accordance with the requirements of chapter 536, RSMo. If the hearing officer determines that the abatement was justified under subsection (a), the hearing officer shall certify the cost of abatement to the City Clerk for collection pursuant to the provisions of Section 28-7.11.

(g) *Appeal.* An appeal from the decision of the hearing officer may be made to the circuit court of Boone County in accordance with chapter 536, RSMo.

(State law reference – 67.398 RSMo.)

Section 3. Chapter 28 of the Ashland City Code is hereby amended by adding the following Article VII:

Article VII. Weeds and Trash

Section 28-7.1. Definitions

The following definitions apply to this article:

“Hearing officer” means the Chief Code Official or a person designated by the Chief Code Official to conduct hearings under this article.

“Permit” means to give permission to; or to allow by silent consent, by not prohibiting, or by failing to exercise control.

“Weeds” mean:

(1) All vegetation, other than commonly known and recognized trees, decorative shrubs and ornamental grasses, which has attained a height of 10 inches or more and which meets any one of the following tests:

- a. Vegetation which may exhale unpleasant or noxious odors.
- b. Vegetation which does or could conceal deposits of trash or other material or which does or could afford food or harborage for rats, mice or snakes.
- c. Vegetation which is commonly known and recognized as weeds and grasses.
- d. Vegetation which causes a safety hazard by obstructing the line of sight of a motor vehicle driver, bicyclist or pedestrian at a street intersection.

e. Vegetation which could interfere with the passage of motor vehicles, bicycles or pedestrians on any public right-of-way.

(2) Poison ivy, poison oak and poison sumac, at any height or stage of maturity.

Section 28-7.2. Weeds and accumulations of trash declared a nuisance

Any accumulation of trash or growth of weeds on any lot or ground is hereby declared to be a nuisance.

Section 28-7.3. Weeds and accumulations of trash prohibited

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of any growth of weeds in violation of this article. It shall be unlawful for any person to cause, permit, maintain or allow the accumulation of trash in violation of this article.

Section 28-7.4. Defense

(a) It is an affirmative defense that the defendant did not have the legal right to control the location where a violation of this article occurred.

(b) It is an affirmative defense that a growth of weeds was for agricultural purposes, provided that a fifteen foot wide, weed-free buffer was maintained on the perimeter of the property wherever the property adjoins property used for residential or commercial purposes.

(c) It is an affirmative defense that the growth of weeds was part of a federal or state agricultural or conservation program.

Section 28-7.5 Continuing violation

Each day that a violation of this article continues shall be deemed a separate offense.

Section 28-7.6 Abatement of weeds and trash accumulation.

(a) *Initiation of abatement procedure.* When the Chief Code Official has reason to believe that trash has accumulated or weeds have been allowed to grow on any property in violation of this article, the Chief Code Official may initiate an abatement procedure by calling a hearing to determine whether a violation exists.

(b) *Notice of hearing.* The owner of the property on which the violation of this article is believed to exist shall be given notice of the hearing at least four (4) days before the hearing. The notice shall describe the location and nature of the alleged violation and state the time and place of the hearing. When there is more than one owner of the property, notice need be given to only one of the owners.

(c) *Service of notice.* The notice shall be served by at least one of the following methods:

(1) Personal service on the owner or the owner's agent,

(2) Service by mail addressed to the last known address of the owner or the owner's agent,

(3) Posting the notice on the property where the violation is alleged to exist.

Notice shall be considered given on the date the notice is personally served, mailed or posted.

(d) *Hearing and order.* The hearing officer shall conduct an informal hearing at the time and place designated in the notice of hearing. If the hearing officer determines, after reviewing all evidence presented at the hearing, that trash has been allowed to accumulate or that weeds have been allowed to grow on the subject property in violation of this article, the hearing officer may declare the accumulation of trash or the weeds to be a nuisance and order the nuisance to be abated within five (5) business days.

(e) *Abatement by city.* If the accumulation of trash has not been removed or the weeds are not cut down and removed as ordered by the hearing officer, the hearing officer may have trash accumulations removed or the weeds cut down and removed by city employees or by persons under contract with the city.

(f) *Collection of abatement costs.* The Chief Code Official shall certify the cost of abatement to the City Clerk. The cost shall include administrative costs as well as the actual cost of removing the trash or cutting and removing the weeds. The City Clerk shall cause a special tax bill against the property to be prepared in the amount of the abatement cost. The tax bill from the date of its issuance shall be a lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity. No clerical error or informality in the taxbill or in the proceedings leading up to the issuance of the tax bill shall be a defense in an action to collect the tax bill. Tax bills issued under this section, if not paid when due, shall bear interest at the rate of eight percent (8%) per annum. The cost of abatement shall also constitute a personal obligation of the property owner.

(State law reference – 71.285 RSMo.)

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage.

Dated this _____ day of _____, 2014.

Gene Rhorer, Mayor

Attest:

Darla Sapp, City Clerk

Certified as to correct form:

Fred Boeckmann, City Attorney



THE CITY OF ASHLAND, MISSOURI

NOTICE OF CODE VIOLATION

John Q. Public
123 ABC Lane
Ashland, MO 65010

May 20, 2014

Dear Sir/Madam,

Chapter 28 Code Enforcement, Article III Minimum Property Standards of Ashland's Code of Ordinances under Section 28-3.2 Revisions, the 2009 edition of the International Property Maintenance Code, Section 302.4, Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation. You are listed as the owner of record on the following property which has been found in violation of this ordinance:

Parcel Number: 24-220-00-02-025.00 01- 210; 123 ABC Lane

Please take corrective action on the items shown above on or before **May 27, 2014** in order to avoid further code enforcement action.

If you wish to dispute that this violation is valid, you may request a hearing with the code enforcement official to provide evidence of existing conditions not being in violation of Chapter 28 of the Ashland Code of Ordinances. The request for hearing must be either hand-delivered to Ashland City Hall or sent to the Ashland City Hall by United States mail, facsimile machine or electronic mail. The request for hearing must state an address to which a notice of hearing may be sent.

AN ORDINANCE OF THE CITY OF ASHLAND, MISSOURI,
AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 12,
APPENDIX A-1, SECTION 260.3.5

BE IT ORDAINED, by the Board of Aldermen of the City of Ashland, Missouri, as follows:

Section 1. Chapter 12, Appendix A-1 of the Ashland City Code is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

260.3.5 High Density Polyethylene (HDPR) Pipe- ~~HDPE pipe shall only be used when the pipe ends within a structure (inlets, junction, box, etc.)~~ Pipe installation must meet the manufacturer recommendations and specifications. There are a wide range of HDPE pipe products on the market. The City Engineer must approve specifications of HDPE pipe to be used.

Section 2. Effective Date: This Ordinance shall be in full force and effect from and after its passage.

Dated this _____ day of _____, 2014.

Gene Rhorer, Mayor

Attest:

Darla Sapp, City Clerk

Certified as to correct form:

Fred Boeckmann, City Attorney

AN ORDINANCE AMENDING CHAPTER 14- APPENDIX C-1: SEWER RATES AND APPENDIX C-2: WATER RATES OF THE ASHLAND MUNICIPAL CODE

WHEREAS, the City Code, Section 14.211 Annual Inflation Adjustment adopted June 21st of 2011 states as follows: It shall be mandatory to review the rates, which fund operations and maintenance of the water and sewer systems, each February so that rates shall be revised every May to reflect the annual inflation rate as stated by the most current Consumer Price Index as published by the Federal Government. Rates as stated in Appendix C-1 and C-2 and all other rate revisions shall not have a bearing on or be used in lieu of the annual rate review.

BE IT ORDAINED by the Board of Aldermen of the City of Ashland, Missouri, as follows:

Section 1. Chapter 14 of the Ashland City Code is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

APPENDIX C-1: SEWER RATES

(A) Minimum charge for 0 gallons used shall be ~~Eight Dollars and Seventy Seven Cents (\$8.77)~~ Eight Dollars and Ninety Cents. (\$8.90)

(B)The charge for each additional 1,000 gallons, or fraction thereof, used shall be set at ~~Three Dollars and Seventy Two Cents (\$3.72)~~ Three Dollars and Seventy Eight Cents. (\$3.78)

Angel Lane Waste Water Treatment Facility

~~From and after May 1, 2012~~

Connection Fees per 200 gallons per day minimum

Pre-operational \$6,900 or \$34.55 per unit

Post operational \$8,000 or \$40.00 per unit

Monthly Rates

Base Charge ~~\$12.28~~ \$12.46

Charge for each 1000 gallons per month actual usage ~~\$4.79~~ \$4.86

Gallons Base	Per 1000 gallons		Total
1000	12.28 <u>12.46</u>	4.79 <u>4.86</u>	16.69 <u>17.32</u>

2000	12.28 <u>12.46</u>	9.58 <u>9.72</u>	21.48 <u>22.18</u>
3000	12.28 <u>12.46</u>	14.37 <u>14.58</u>	26.27 <u>27.48</u>
4000	12.28 <u>12.46</u>	19.16 <u>19.44</u>	31.06 <u>31.90</u>
5000	12.28 <u>12.46</u>	23.95 <u>24.30</u>	35.85 <u>36.76</u>

FEES:

Inspection Fee. For inspection of the actual sewer connection a fee of zero dollars (\$0), shall be paid to the City. The property owner shall be responsible for installing all lateral lines and making the actual connection. The specifications for any such connection shall be as established by the City Public Works Director.

Treatment Impact Fee-Residential. Any person or property owner who connects or causes to be connected, a dwelling unit or any property to the City Sewer system, shall pay a Treatment Impact Fee in the amount of eight hundred (\$800.00), any property with more than than one dwelling unit the owner shall pay a treatment impact fee for each.

Treatment Impact Fee-Other than Single Family Residential. Any person or property owner who connects or causes to be connected, any property to the City Sewer system a building other than a single family residence, shall pay a Treatment Impact Fee in the amount determined by the following chart:

<u>Meter Size</u>	<u>Treatment Impact Fee</u>
5/8 inch and ¾ inch	\$ 800.00
1 inch to 1 ½ inch	\$ 900.00
2 inch	\$ 1400.00
3 inch	\$ 1600.00
4 inch	\$ 2900.00
6 inch	\$ 3900.00

Collection System Fee- Residential. Any person or property owner who connects or causes to be connected, a dwelling unit or any property to the City Sewer system, shall pay a Collection System Fee in the amount of seven hundred and fifty dollars (\$750.00), any property with more than than one dwelling unit the owner shall pay a Collection System Fee for each.

Collection System Fee- Other than Single Family Residential. Any person or property owner who connects or causes to be connected, any property to the City Sewer system a building other than a

single family residence, shall pay a Collection System Fee in the amount determined by the following chart:

<u>Meter Size</u>	<u>Collection System Fee</u>
5/8 inch and ¾ inch	\$ 750.00
1 inch to 1 ½ inch	\$ 850.00
2 inch	\$ 1350.00
3 inch	\$ 1550.00
4 inch	\$ 2850.00
6 inch	\$ 3850.00

APPENDIX C-2: WATER RATES

- (A) Minimum charge for 0 gallons used shall be ~~Eight Dollars and Seventy-Seven Cents (\$8.77).~~ Eight Dollars and Ninety Cents. (\$8.90)

- (B) The charge for each additional 1,000 gallons, or fraction thereof, used shall be ~~Four Dollars and Sixty-Four Cents (\$4.64).~~ Four Dollars and Seventy-Four Cents. (\$4.74)

These sections are set out in the Appendix of the Code and shall be considered a part thereof as if more fully and completely set out within.

Customers provided for water by Consolidated Public Water District within the city service area rates will be as follows:

- (A) The minimum charge shall be ~~Ten Dollars and Thirty-Two Cents (\$10.32).~~ Ten Dollars and Forty-Seven Cents. (\$10.47)

- (B) The charge for each additional 1,000 gallons, or fraction thereof, used shall be ~~Five Dollars and Sixteen Cents (\$5.16).~~ Five Dollars and Twenty-Four Cents. (\$5.24)

Fees :

Installation Fee. For installation of a water meter the fee in the amount of Four Hundred (\$400.00) dollars shall be paid to the City. The property owner shall be responsible for installing all service lines and making the actual connection. The specifications for any such connection shall be as established by the City Public Works Director.

Impact Fee-Residential. Any person or property owner who connects or causes to be connected, a dwelling unit or any property to the City Water system, shall pay an Impact Fee in the amount of zero dollars (\$0), any property with more than one dwelling unit the owner shall pay a treatment impact fee for each.

Impact Fee-Other than Single Family Residential. Any person or property owner who connects or causes to be connected, any property to the City Water system a building other than a single family residence, shall pay an Impact Fee in the amount determined by the following chart:

<u>Meter Size</u>	<u>Impact Fee</u>
5/8 inch and ¾ inch	\$0
1 inch to 1 ½ inch	\$0
2 inch	\$0
3 inch	\$0
4 inch	\$0
6 inch	\$0

Distribution System Fee- Residential. Any person or property owner who connects or causes to be connected, a dwelling unit or any property to the City Water system, shall pay a Distribution System Fee in the amount of zero dollars (\$0), any property with more ~~then~~ than one dwelling unit the owner shall pay a Distribution System Fee for each.

Distribution System Fee- Other than Single Family Residential. Any person or property owner who connects or causes to be connected, any property to the City Water system a building other than a single family residence, shall pay a Distribution System Fee in the amount determined by the following chart:

<u>Meter Size</u>	<u>Distribution System Fee</u>
5/8 inch and ¾ inch	\$0
1 inch to 1 ½ inch	\$0
2 inch	\$0
3 inch	\$0
4 inch	\$0

6 inch

\$0

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage.

Dated this _____ day of _____, 2014.

Gene Rhorer, Mayor

Attest:

Darla Sapp, City Clerk

Certified to as correct form:

Fred Boeckmann, City Attorney



THE CITY OF ASHLAND, MISSOURI

DATE: May 16, 2014

To: Mayor Rhorer and the Ashland Board of Alderpersons

From: Josh M. Hawkins, City Administrator

RE: City Administrator's Report

Budget

The water tower project will require a \$6,500 budget amendment to include the City of Ashland logo. The Southern Boone County Public School District will pay for their logo to be added to the tower as well. I believe this is a small price to pay in order to put our best face forward on a recognizable landmark for our community. The original agreement was to simply use the block letters currently on the north tower.

There is a hole in a line in our north well, which has caused cloudy water in the neighborhood around North Henry Clay Blvd. We anticipate a repair estimate to arrive early next week (5/19 or 5/20).

Code Enforcement

I have included a sample abatement notice in your packet to highlight how the new process will look to residents receiving a notice. The staff will send notices and tag the property, as they do now. Should a recipient request a hearing to dispute the alleged code violation, the City Administrator will serve as the hearing officer. All abatement notices will be filed with photographs of the alleged violation.

Planning and Zoning

With no available staff person, I am seeking affordable third party options to develop staff reports and provide recommendations to the Planning and Zoning Commission based on Ashland's ordinances and common land-use practices.

Angel Lane

The pre-bid meeting was held Thursday, May 15 at 8:30 AM in the Boone County Government Center. I am confident that the project will give us some quality options, including the proposed full-depth reclamation (FDR) which features 12" of concrete and asphalt mix with 2" of asphalt layered over the FDR mix. I have been in communication with Ashland Industrial Park and their real estate agent; they indicate that with the addition of natural gas and the rehabilitation of Angel Lane, their shovel-ready lots adjacent to the airport are very attractive to potential companies.

109 E. BROADWAY ~ P.O. BOX 135 ASHLAND, MO 65010 (573) 657-2091

POLICE DEPT: (573) 657-9062 FAX: (573) 657-7018 WWW.ASHLANDMO.US

The bid will be opened on Thursday, May 29th at 1:30 PM; Boone County will prepare a recommendation and the Ashland Board of Aldermen will award the bid at our regular meeting on Tuesday, June 3. Within this timeline we can anticipate construction to begin in July, when Ameren should be completing the pipeline installation at Ashland Industrial Park.

Regional Economic Development, Inc. (REDI) Board of Directors

The Board of Directors agreed that the natural gas pipeline would greatly benefit Ashland's economic development on the eastside of U.S. 63. They are encouraged by Ashland's willingness to cooperate with the County and the City of Columbia (specifically, the airport) to develop the airport corridor and the U.S. 63 corridor between our community and Grindstone Parkway. Ashland is recognized as a regional player in the future of Mid-Missouri's economy.

Columbia was named the #3 best small city in the U.S. for job growth by Forbes Magazine. According to Forbes, *"In Columbia, Mo., home to the 35,000-student University of Missouri, employment has expanded 9.7% since 2008 and 4% in 2013, placing it third on our small cities list."*

This healthy economy has encouraged Ashland's growth and as Columbia creates jobs, we will see our population grow. REDI is targeting bioscience industry jobs (such as Northwest Medical Isotopes) and datacenters to capitalize on the emerging technical workforce being developed by the University of Missouri. Ashland will be an appealing community for a number of these workers and we can anticipate further residential growth assuming continued success by REDI to attract new jobs to Boone County.

Emergency Communications

The gas leak on May 7, 2014 was handled well by the Ashland Police Department and our Public Works crews. The leak was contained and traffic reopened in less than two hours from when we received notification. I have been in communication with the Mayor and I would like to develop a comprehensive communications plan for the City. The County has supplied us with useful resources to help guide our emergency communications policies. I recommend advising residents to sign-up for emergency alerts from Boone County Joint Communications through <http://local.nixle.com/boone-county-public-safety-joint-communications/>