

**CITY OF ASHLAND  
109 EAST BROADWAY  
BOARD OF ALDERMEN AGENDA  
TUESDAY, MAY 21, 2013  
7:00 P.M.**

Invocation

Pledge of Allegiance

Roll Call

**CONSENT**

1. Consideration of the 5-21-13 agenda: **Action:** \_\_\_\_\_
2. Consideration of the 4-16-13 minutes: **Action:** \_\_\_\_\_
3. Bills to be paid: **Action:** \_\_\_\_\_

**APPEARANCES**

4. Charles Senzee, Community Development Director-monthly report
5. Anyone wishing to appear before the Board

**APPOINTMENTS**

6. Appointment on Ward Three vacant seat-swear into office
7. Appointment of Deputy City Clerk/Treasurer
8. Appointment of City Clerk
9. Appointment of Chief of Police
10. Appointment of City Attorney
11. Appointment of City Administrator
12. Appointment of Mayor Pro-tem

**COUNCIL BILLS**

13. Council Bill No. 2013-013, an ordinance accepting public infrastructure of Middleton Crossing Plat 3 (Lots 11, 14-18), Middleton Crossing Plat 4 (Lots 19-25, 31-34, 42-44,53) and Middleton Estates (Lots 45-52) for Winscott Construction. First Reading by title only. **Action:** \_\_\_\_\_
14. Council Bill No. 2013-014, an ordinance approving Southwoods Commercial Park, Plat 3 for March Properties, LLC. First Reading by title only. **Action:** \_\_\_\_\_

**ORDINANCES**

15. None

**RESOLUTIONS**

16. None

### OTHER

17. Discussion of vacant Alderman seat "No" vote
18. Discussion on spending moratorium of over \$10,000
19. Vote on relocating the Fall Festival Beer Garden into City Park
20. Request for permission to allow alcohol in park on June 22 for Missouri Credit Union
21. Discussion of City Hall roof repairs and mold mitigation/ relocating City Hall
22. Discussion of infrastructure in Ashland Keystone

### REPORTS

23. Mayor's Report
24. City Administrator's Report
25. City Attorney's Report
26. Board of Alderperson's Report
27. Vote to adjourn meeting

If you would like to add an item on the agenda, please do so in writing 7 days prior to the meeting date.

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 in 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).

Posted: 5-16-2013

City Hall and Web site [www.ashlandmo.us](http://www.ashlandmo.us)

APRIL 16, 2013  
BOARD OF ALDERMEN MINUTES  
7:00 P.M.  
DRAFT MINUTES NOT APPROVED BY BOARD

Mayor Jackson called the regular meeting to order on April 16, 2013 at 7:00 p.m. at Ashland City Hall, 109 East Broadway.

Alderman Wyatt gave the invocation.

Mayor Jackson led in the pledge of allegiance.

Mayor Jackson called the roll.

Ward One: David Thomas-here, Gene Rhorer-here

Ward Two: Randy Wyatt-here, Mike Calvert-here

Ward Three: Matt Uhrig-here, vacant seat

Staff Present: Kelly Henderson, City Administrator, David Bandre, City Attorney, and Darla Sapp, City Clerk.

Mayor Jackson presented the agenda of April 16, 2013 for consideration. Alderman Thomas made motion and seconded by Alderman Rhorer to approve the agenda as presented. Mayor Jackson called for the vote. Motion carried.

Mayor Jackson presented the minutes of April 2, 2013 for consideration. Alderman Thomas made motion and seconded by Alderman Wyatt to approve the minutes as presented. Mayor Jackson called for corrections. Mayor Jackson called for the vote. Motion carried.

Mayor Jackson presented the bills to be paid for consideration. Alderman Wyatt made motion and seconded by Alderman Thomas to approve the bills as presented. Mayor Jackson called for questions or comments. The Board asked various questions. Mayor Jackson called for the vote. Motion carried.

Mayor Jackson presented Ordinance No. 949 for consideration. Alderman Thomas made motion and seconded by Alderman Calvert to take up Ordinance No. 949, an ordinance adopting an annual Budget for the fiscal year beginning May 1, 2013 and appropriating funds pursuant thereto. Mayor Jackson called for questions or comments. Alderman Calvert questioned several items on the proposed budget; skid steer and dump truck. He suggested renting a dump truck as we need it until the budget gets more solid. Mr. Henderson reported the skid steer was the yearly lease payment not an additional one. He stated the \$19,000 could be lease purchase of a dump truck. He asked about the budget still having six police officers in it when they decided to go to five. Kelly Henderson reported he is waiting on the Boone County Sheriff's Department and a narrative from Chief on providing coverage for Ashland. Alderman Calvert discussed purchasing a new

patrol car and the possibility of buying used Highway Patrol cars. It was reported we did this in the past and the Board made a decision to go with a program to buy a new car every year and rotate out the older cars. He asked the advantage of having a sewer camera. Kelly Henderson reported it was to find manholes, taps, and to find where damage in sewer lines are at. He stated that it would pay for itself. He asked the cost of rental of a sewer camera. It was reported approximately \$600.00 dollars per day. There was discussion of tighter budgeting and doing work in house versus bidding out projects. Alderman Calvert asked how Mr. Henderson figured the numbers on doing a project in house versus bidding out. Mr. Henderson explained this. Mayor Jackson called for the vote. Alderman Thomas-aye, Alderman Rhorer-aye, Alderman Wyatt-aye, Alderman Uhrig-aye, Alderman Calvert-nay. Motion carried.

Mayor Jackson presented a resolution declaring the election results. Alderman Thomas made motion and seconded by Alderman Wyatt to approve the resolution declaring the election results of the General Election held in the City of Ashland, Missouri on April 2, 2013. Mayor Jackson called for the vote. Alderman Rhorer-aye, Alderman Thomas-abstained, Alderman Calvert-aye, Alderman Wyatt-aye, Alderman Uhrig-aye. Motion carried.

Mayor Jackson thanked Alderman Uhrig and Alderman Calvert for their service.

Alderman Thomas made motion and seconded by Alderman Rhorer to adjourn the meeting. Mayor Jackson called for the vote. Motion carried.

The City Clerk gave the Oath of Office: Alderman Ward One: David Thomas, Alderman Ward Two: Jeff Anderson, Alderman Ward Three: Anthony Taggart

Mayor Jackson called the meeting to order with the new Board of Aldermen at 7:26 p.m.

Ward One: David Thomas-here, Gene Rhorer-here

Ward Two: Jeff Anderson-here, Randy Wyatt-here

Ward Three: Anthony Taggart-here, vacant seat

Wade Middaugh, Fall Festival Chairman, asked the Board to consider allowing the Park Board to relocate the fall festival beer garden. He stated that in the past the beer garden has been at the corner of Redbud and Bass Street. The Park Board has asked that the beer garden be moved into the park to make it cohesive. He stated it would be easier for volunteers and police to have the beer garden and BBQ in the park. He explained the BBQ and beer garden would be by the gazebo. He stated they would not have to rent a stage. Wade Middaugh stated the area would be fenced. Alderman Anderson asked if this was permitted? It was reported that with the approval of Board they have allowed alcohol in park at events. Alderman Thomas stated he was against beer in the park. Alderman Wyatt said his concern in the past the park area is for family entertainment. Alderman Taggart stated that most small town events and some larger towns allow people to drink beer. Alderman Anderson felt we went from no beer sold at all, to beer

sold off site, now we are moving it in the park. He felt the fall festival was a family friendly place. He stated that community members lost jobs for serving beer at a private graduation party and we had to consider this carefully. The Board discussed this and felt they would like to think about this before voting. The City Clerk was asked to place this on the next meeting's agenda.

Mayor Jackson asked if anyone wished to appear before the Board. Doris Richardson reported she did talk with the Mayor and City Administrator about the plans to overlay Redwood, a concrete street with asphalt. She stated she has talked with several neighbors and they are opposed to the asphalt overlay. She stated she understood that they have agreed to postpone this for a year. She stated she understood that some of the street had potholes and asked how those could be repaired temporarily, so this will help all the neighbors. She stated she moved to this up standing neighborhood for the concrete streets. She felt the City should rethink this and do concrete patches in the bad areas.

Ron Wilcox reported he lives on Redwood and he did not care about either asphalt or concrete. He remarked on the bad soil and items that get overlooked on street projects in Ashland. He stated he was surprised that he got a door flyer on Friday for a project that was to start on Monday. He asked what the project entailed. He asked that other streets in worse shape like Ash Street and Renee be fixed first since they have been in bad condition for years.

Kelly Henderson, City Administrator reported we piggybacked onto a contract with the County on asphalt work with APAC and there is a warranty on the work. They discussed base failure and failure of materials of different streets. The reason for using asphalt over concrete was discussed. Kelly Henderson reported that Tandy Court is going to get an overlay in lieu of Redwood this year. Mayor Jackson discussed getting a neighborhood group together to talk through the process and see how neighbors feel. Alderman Taggart asked why we were putting asphalt over concrete. Kelly Henderson stated it was because of the cost. There was a lengthy decision of street repair and maintenance. Mayor Jackson suggested we have a work session on this topic in the future to inform the new Board members.

Mike Fulca, Chairman of the Parks and Recreation Board stated the park board has kicked the idea around for several years to move the beer and BBQ into the park. He stated that the bands are located at the beer and BBQ area leaving the park without bands. He stated they are losing people from staying in the park by the separation. He stated they felt it would be better for the fall festival to have it all in the park instead of two locations. He stated the event is about bringing people to the park. He stated the volunteers are either stuck in the park or at the beer and BBQ area not allowing them to see anything or listen to the bands. He asked that Board consider allowing this.

Vee Fasciotti stated she agreed with moving the beer and BBQ into the park because it would keep the children from running back and forth between the two locations. She stated it is a family festival. She asked for the Board to consider allowing this.

Mayor Jackson presented Council Bill No. 2013-012 for consideration. Alderman Wyatt made motion and seconded by Alderman Rhorer to take up Council Bill No. 2013-012, an ordinance establishing a surcharge on Utility Payments. First Reading by title only. Kelly Henderson, City Administrator presented gross revenue tax on utilities of 5 percent. David Bandre, City Attorney stated that the outsourced utilities have a 5 percent franchise fee they pay to the city. He stated this is a legal tax we can utilize funding from the water and sewer side. He stated the City operates our own water and sewer utilities. He explained the water and sewer operations of the City do not operate at a fiscal profit. Alderman Thomas questioned if the 5 percent was charged to the total bill or just water and sewer portion? It was reported it was charged only to the water and sewer portion of the bill. Alderman Taggart asked if we were short in water and sewer revenue then why would this go to the general fund. Alderman Anderson stated he thought we had a surplus for the last years. David Bandre, City Attorney reported the budget does not include a new plant, major lines and other improvements needed for the water and sewer system. Accrual accounting versus cash basis accounting was explained. The Board discussed restricted funds. The Board discussed the need for an additional revenue source for the general fund. There was discussion of the transportation sales tax ballot issue for August. Mayor Jackson called for the vote. Alderman Thomas-aye, Alderman Wyatt-aye, Alderman Rhorer-aye, Alderman Taggart-nay, Alderman Anderson-nay. Mayor Jackson voted aye. Alderman Anderson questioned this vote. David Bandre, City Attorney explained the vacant seat is a no vote, making it a tie vote which allows the Mayor to vote. Motion Carried.

Mayor Jackson reported the next item on the agenda was the current city hall building and alternatives. Kelly Henderson, City Administrator reported the roof leaks on City Hall and we have had it worked on several times. He stated that mold has been spotted so we had a company come in to do testing to see if it was safe to have our employees work in here. He stated that air scrubbers have been placed in two different locations in the building. He asked if we wanted to repair the building or for him to look into municipal bonding for a new municipal building. He stated we are getting private financing for the wastewater plant and now may be the time to do it. He stated he has not gotten the cost estimate back yet on the mold mitigation. He stated the roof repair is estimated at \$20,000.00 and the air scrubbers are \$600.00 a piece per monthly rental. The Board discussed the flat roof and other issues with the building itself and the cost of repairs. The Board felt they should have cost estimates on the repairs before making a decision. There was discussion of leasing a building, building a new building or repairing our existing building. The City Clerk was instructed to place this on the next agenda for discussion.

#### Mayor's Report:

Mayor Jackson reported the 2013 elected official conference is in June and encouraged everyone to attend. He stated the flyer was in the packet.

Mayor Jackson informed the Board he would not be at the next meeting.

City Administrator's Report:

Kelly Henderson, City Administrator brought up the proposed refinancing of the Series 2002 bonds as proposed by D.A. Davidson & Company. He stated we talked about it at the last meeting but no action was taken. He suggested implementing Option #1 (2002 Series) as being a viable option. He stated the amount of reserves needed to retire this issue is justifiable to produce a savings of \$76,000.00. He stated that we would use \$170,000.00 to retire the 2002 Series. Alderman Thomas made motion and seconded by Alderman Wyatt to authorize the refinancing of the 2002 Bond Series. Mayor Jackson called for the vote. Alderman Taggart-abstained, Alderman Wyatt-aye, Alderman Thomas-aye, Alderman Anderson asked where the funds were coming from. Kelly Henderson reported the utility side reserve funds either restricted or unrestricted, it had not been determined at this time. Alderman Anderson-aye, Alderman Rhorer-aye. Motion carried

Kelly Henderson reported the meeting with MDNR to review existing wastewater permitting requirements; project design and construction schedule took place on April 4 at 2:00 p.m. The conclusion was more documents and reports were requested before a final determination could be made. Mr. Henderson reported they will be procuring the sewer camera that was allocated for the in the 2013-2014 Budget. He updated the Board on the water distribution system owner supervised program computer model as well as the emergency power for pumps, towers, and wells. Mr. Henderson reported the subdivision infrastructure acceptance for Middleton Estates will be presented at next meeting. He stated Lakeview is close but is not complete. He stated the others have shown no movement. Kelly Henderson reported he is working with MoDot and Archer to request a written scope of work and schedule from JCI for remedy on the asphalt areas which did not meet specifications. He stated that this has been forwarded to their bonding agency. He discussed MoDot plans for J turns on Hwy 63 scheduled for the summer of 2015. He stated we are looking at the traffic control on Henry Clay and Broadway. He updated the Board on stormwater repairs on Jameson Drive, Caspian Circle and Southwoods Court. Alderman Taggart discussed stormwater issues he observed during the heavy rain last week.

City Attorney's Report:

David Bandre, City Attorney reported he has reviewed 75 percent of the police policy and procedure manual. He stated that once this was reviewed it would go to the insurance carrier for review. He updated the Board on the AT & T litigation and stated he is waiting on the settlement paperwork.

Board of Aldermen Report:

Alderman Anderson thanked the Board for their patience while he is trying to get up to speed with what is going on. He presented a letter asking for a voluntary suspension as Police Chaplain, in order to avoid possible conflicts of interest. He stated by making this inactive, it would make provisions for the city to access the Chaplain resource if deemed necessary then once the duty was completed he would return to inactive status. David

Bandre, City Attorney reported this is an appointment by the Mayor with Board confirmation. David Bandre, City Attorney stated he would have to research this.

Alderman Wyatt reported that he and Kelly Henderson went out to look at the stormwater around town on Wednesday night during the rain event.

Alderman Taggart thanked the Board for working with him as well and looks forward to working with the Board in the future.

Alderman Thomas made motion and seconded by Alderman Wyatt to go into executive session pursuant to Chapter 610.021 (3) Personnel matters. Mayor Jackson called for the vote. Motion carried.

The City Clerk was not present at the closed session.

Darla Sapp, City Clerk

Michael P. Jackson, Mayor

Mayor Jackson reported we are in open session with no reportable action taken.

Alderman Thomas made motion and seconded by Alderman Rhorer to adjourn the meeting. Mayor Jackson called for the vote. Motion carried.

The meeting adjourned at 10:27 p.m.

Kelly Henderson, City Administrator

Michael P. Jackson, Mayor

CLAIMS REPORT

GL ACCT #	VENDOR NAME	REFERENCE	INVOICE AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
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ACCOUNTS PAYABLE CLAIMS						
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10-02-2001	United States Treasure	FED/FICA TAX	1,490.69		9126487	4/19/13
10-02-2001	United States Treasure	FED/FICA TAX	1,502.70		9126492	5/03/13
10-02-2002	United States Treasure	FED/FICA TAX	2,064.54		9126487	4/19/13
10-02-2002	United States Treasure	FED/FICA TAX	2,076.84	7,134.77	9126492	5/03/13
10-02-2003	MO. DEPARTMENT OF REVENUE	STATE TAXES	430.00		23900	4/19/13
10-02-2003	MO. DEPARTMENT OF REVENUE	STATE TAX	470.00	900.00	23900	4/19/13
10-02-2010	Missouri Local Government	Lagers - Reg.	1,039.59		23901	4/19/13
10-02-2010	Missouri Local Government	Lagers - Reg.	1,037.13	2,076.72	23901	4/19/13
10-02-2012	ANTHEM BLUE CROSS BLUE SHIELD	HEALTH INS PREMIUM	84.80	84.80	2343	4/25/13
10-02-2012	COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	552.09		2330	4/18/13
10-02-2012	COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	1,171.52		2330	4/18/13
10-02-2012	COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	4,249.20		2330	4/18/13
10-02-2012	COVENTRY HEALTH CARE OF MO.	HSA HEALTH INSURANCE	3,297.42	9,270.23	2391	5/16/13
10-02-2012	MADISON NATIONAL LIFE	HEALTH INSURANCE DENTAL	154.68		2337	4/18/13
10-02-2012	MADISON NATIONAL LIFE	DENTAL INSURANCE	159.68	314.36	2396	5/16/13
10-02-2014	ANTHONY CONSIGLIO	HSA	76.09		9126489	4/19/13
10-02-2014	ANTHONY CONSIGLIO	HSA	76.09	152.18	9126494	5/03/13
10-02-2014	KELLY HENDERSON	HSA	38.05		9126490	4/19/13
10-02-2014	KELLY HENDERSON	HSA	38.05	76.10	9126495	5/03/13
10-02-2016	LEGALSHIELD	PRE PAID LEGAL SERVICES	43.85	43.85	2352	4/25/13
10-10-5040	MISSOURI EMPLOYERS MUTUAL	WORKERS COMP	241.67	241.67	2370	5/06/13
10-10-5205	Winter Dent & Company	PROPERTY, LAW ENFORCEMENT	34,000.00	34,000.00	2378	5/06/13
10-10-5210	BANDRE', HUNT & SNIDER, L.L.C.	CITY ATTORNEY FEES APRIL 2013	1,253.32	1,253.32	2361	5/06/13
10-10-5211	JOHNSON & SPORLEDER	KIMBLE VS CITY OF ASHLAND	3,668.64	3,668.64	2335	4/18/13
10-10-5240	Boone County Recorder	RECORDING CS PROPERTIES	39.00	39.00	2380	5/16/13
10-10-5300	BANKCARD CENTER	MICROWAVE, HEATER, DOOR KEY	58.78	58.78	2345	4/25/13
10-10-5300	K & T CONSTRUCTION	LOBBY DOOR	603.00	603.00	2336	4/18/13
10-10-5300	Lowe's Business Account	TAPE	22.76	22.76	2395	5/16/13
10-10-5305	AMERENUE	UTILITIES	255.53	255.53	2357	4/29/13
10-10-5305	CHARTER COMMUNICATIONS	CITY HALL INTERNET SERVICE	18.33	18.33	2388	5/16/13
10-10-5360	AT & T	1/3 LONG DISTANCE 2091	27.93	27.93	2382	5/16/13
10-10-5360	CENTURYLINK	1/2 2091, 1/3 7018	57.34	57.34	2366	5/06/13
10-10-5380	ANN WALLACE	REIMBURSEMENT CELL PHONE	75.00	75.00	2322	4/18/13
10-10-5380	Atkins Pest Control	MONTHLY PEST CONTROL	6.25	6.25	2384	5/16/13
10-10-5380	AUSTIN COFFEE SERVICE	MONTHLY COFFEE SERVICE	14.09	14.09	2324	4/18/13
10-10-5380	CULLIGAN WATER	SERVICE AGREEMENT	7.20	7.20	2392	5/16/13
10-10-5380	FRANCOTYP-POSTALIA, INC	POSTAGE METER AGREEMENT	28.87	28.87	2393	5/16/13
10-10-5380	RICOH USA, INC	COPIER AGREEMENT IR3030	22.54		2333	4/18/13
10-10-5380	RICOH USA, INC	COPIER AGREEMENT IR3030	29.38	51.92	2394	5/16/13
10-10-5380	PITHWIDGET	CLEANING SERVICES APRIL 2013	75.00	75.00	2358	5/03/13
10-10-5670	QUILL CORPORATION	TABS, BINDERS, INK	148.81		2339	4/18/13
10-10-5670	QUILL CORPORATION	HP TONER	127.99		2353	4/25/13
10-10-5670	QUILL CORPORATION	MONITOR	27.49		2374	5/06/13
10-10-5670	QUILL CORPORATION	ORANGE PAPER , POST ITS	62.20		2400	5/16/13
10-10-5670	QUILL CORPORATION	FOLDERS, INK, CASH DRAWER	98.92	465.41	2400	5/16/13
10-10-5670	STAPLES CREDIT PLAN	PAPER, PENS	24.99	24.99	2355	4/25/13
10-10-5670	Witt Print Shop	WINDOW ENVELOPES	22.84	22.84	2403	5/16/13
10-10-5690	CHARLES SENZEE	REIMBURSEMENT	25.00	25.00	2328	4/18/13
10-10-5690	COPPER KETTLE	ECONOMIC DEVELOPMENT LUNCHEON	212.50	212.50	2367	5/06/13
10-10-5690	RURAL SOCIOLOGY UNV.OF MISSOURI	COMMUNITY SURVEY	250.00	250.00	2340	4/18/13
10-10-5790	AMERENUE	UTILITIES	20.21	20.21	2357	4/29/13

GL ACCT #	VENDOR NAME	REFERENCE	INVOICE AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
10-10-5815	BANKCARD CENTER	ROUTER	26.00	26.00	2345	4/25/13
10-10-5815	DELL MARKETING L.P.	COMPUTER	623.06	623.06	2349	4/25/13
10-10-5835	ASHLAND PC TECH, LLC	NEW COMP INSTALL	243.75	243.75	2360	5/06/13
10-10-5955	COLUMBIA DAILY TRIBUNE	CITY WIDE SALE AD	47.00	47.00	2390	5/16/13
10-10-5955	MARBLE GRAPHICS INC	BUSINESS OF YEAR PLAQUE	70.00	70.00	2338	4/18/13
10-10-5955	Central MO Newspapers, Inc.	CITY WIDE SALE AD	43.20	43.20	2398	5/16/13
10-10-5955	WORLD CLASS SIGNS	BUSINESS OF YEAR BANNER	79.08	79.08	2341	4/18/13
10-11-5040	MISSOURI EMPLOYERS MUTUAL	WORKERS COMP	2,575.45	2,575.45	2370	5/06/13
10-11-5130	BO. CO. PLANNING & BUILDING	APRIL 2013	3,086.20	3,086.20	2362	5/06/13
10-11-5130	SOBOCO FIRE PROTECTION DISTRIC	(1) SITE INSPECTION	60.00	60.00	2376	5/06/13
10-11-5135	ARCHER-ELGIN	SOUTHWOODS COMMERCIAL PARK	170.00	170.00	2386	5/16/13
10-11-5360	AT & T	1/3 LONG DISTANCE 2091	27.93	27.93	2382	5/16/13
10-11-5380	Atkins Pest Control	MONTHLY PEST CONTROL	6.25	6.25	2384	5/16/13
10-11-5380	AUSTIN COFFEE SERVICE	MONTHLY COFFEE SERVICE	14.10	14.10	2324	4/18/13
10-11-5380	CULLIGAN WATER	SERVICE AGREEMENT	7.20	7.20	2392	5/16/13
10-11-5380	FRANCOTYP-POSTALIA, INC	POSTAGE METER AGREEMENT	28.87	28.87	2393	5/16/13
10-11-5380	PITHWIDGET	CLEANING SERVICES APRIL 2013	75.00	75.00	2358	5/03/13
10-11-5670	QUILL CORPORATION	REPORT COVERS	33.99		2339	4/18/13
10-11-5670	QUILL CORPORATION	HP TONER	127.99		2353	4/25/13
10-11-5670	QUILL CORPORATION	MONITOR	27.50		2374	5/06/13
10-11-5670	QUILL CORPORATION	POST ITS	8.24		2400	5/16/13
10-11-5670	QUILL CORPORATION	FOLDERS, INK, CASH DRAWER	87.94	285.66	2400	5/16/13
10-11-5670	STAPLES CREDIT PLAN	PAPER, PENS	24.99	24.99	2355	4/25/13
10-11-5670	Witt Print Shop	WINDOW ENVELOPES	22.84	22.84	2403	5/16/13
10-11-5675	BANKCARD CENTER	ROUTER	26.00	26.00	2345	4/25/13
10-11-5675	DELL MARKETING L.P.	COMPUTER	923.06	923.06	2349	4/25/13
10-11-5676	Boone County Recorder	EAGLE LAKES PLAT 3A	138.00	138.00	2342	4/25/13
10-11-5835	ASHLAND PC TECH, LLC	NEW COMP INSTALL	243.75	243.75	2360	5/06/13
10-14-5040	MISSOURI EMPLOYERS MUTUAL	WORKERS COMP	56.38		2370	5/06/13
10-15-5040	MISSOURI EMPLOYERS MUTUAL	WORKERS COMP	7,340.83	7,397.21	2370	5/06/13
10-15-5110	CHIEF SUPPLY/LAW ENFORCEMENT	UNIFORM	72.99		2329	4/18/13
10-15-5110	CHIEF SUPPLY/LAW ENFORCEMENT	UNIFORMS	281.49	354.48	2389	5/16/13
10-15-5115	BANKCARD CENTER	TRAINIG	225.00		2345	4/25/13
10-15-5240	BANKCARD CENTER	HINGE/LOCK	19.78		2345	4/25/13
10-15-5300	BANKCARD CENTER	MICROWAVE, HEATER, DOOR KEY	37.00	281.78	2345	4/25/13
10-15-5300	FASTSIGNS	POLICE DOOR LETTERING	47.00	47.00	2351	4/25/13
10-15-5300	K & T CONSTRUCTION	LOBBY DOOR	301.50	301.50	2336	4/18/13
10-15-5305	AMERENUE	UTILITIES	387.37	387.37	2357	4/29/13
10-15-5305	CHARTER COMMUNICATIONS	CITY HALL INTERNET SERVICE	18.33	18.33	2388	5/16/13
10-15-5360	AT & T	LONG DISTANCE 9062	64.90	64.90	2382	5/16/13
10-15-5360	AT&T MOBILITY	TELEPHONES	215.32		2323	4/18/13
10-15-5360	AT&T MOBILITY	MDT AIR CARD	180.00		2344	4/25/13
10-15-5360	AT&T MOBILITY	MDT SERVICE FEE	180.00	575.32	2383	5/16/13
10-15-5360	CENTURYLINK	1/3 7018	79.12	79.12	2366	5/06/13
10-15-5380	Atkins Pest Control	MONTHLY PEST CONTROL	6.25	6.25	2384	5/16/13
10-15-5380	AUSTIN COFFEE SERVICE	MONTHLY COFFEE SERVICE	14.09	14.09	2324	4/18/13
10-15-5380	CHRIS SMITH	FIREARMS TRAINING FEE	50.00	50.00	2348	4/25/13
10-15-5380	CULLIGAN WATER	SERVICE AGREEMENT	7.20	7.20	2392	5/16/13
10-15-5380	FRANCOTYP-POSTALIA, INC	POSTAGE METER AGREEMENT	28.88	28.88	2393	5/16/13
10-15-5380	RICOH USA, INC	COPIER AGREEMENT IR3030	22.54		2333	4/18/13
10-15-5380	RICOH USA, INC	COPIER AGREEMENT IR3030	29.38	51.92	2394	5/16/13
10-15-5380	PITHWIDGET	CLEANING SERVICES APRIL 2013	75.00	75.00	2358	5/03/13
10-15-5415	RANDY'S AUTO REPAIR	PARTS/SUPPLIES	22.93		2354	4/25/13
10-15-5415	RANDY'S AUTO REPAIR	CAR 604 BRAKE LIGHT	367.90		2401	5/16/13

CLAIMS REPORT

GL ACCT #	VENDOR NAME	REFERENCE	INVOICE AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
10-15-5420	RANDY'S AUTO REPAIR	TIRE MAINTENANCE	15.00		2354	4/25/13
10-15-5420	RANDY'S AUTO REPAIR	LABOR	15.00		2354	4/25/13
10-15-5420	RANDY'S AUTO REPAIR	CAR 604 BRAKE LIGHT	16.00	436.83	2401	5/16/13
10-15-5425	Warrenton Oil Company	FUEL APRIL 2013	1,188.69	1,188.69	2377	5/06/13
10-15-5670	QUILL CORPORATION	HP TONER	127.99		2353	4/25/13
10-15-5670	QUILL CORPORATION	MONITOR	27.50		2374	5/06/13
10-15-5670	QUILL CORPORATION	POST ITS	8.24		2400	5/16/13
10-15-5670	QUILL CORPORATION	FOLDERS, INK, CASH DRAWER	87.94	251.67	2400	5/16/13
10-15-5670	STAPLES CREDIT PLAN	PAPER, PENS	24.99	24.99	2355	4/25/13
10-15-5670	Witt Print Shop	WINDOW ENVELOPES	22.86	22.86	2403	5/16/13
10-15-5815	BANKCARD CENTER	ROUTER	26.00	26.00	2345	4/25/13
10-15-5835	ASHLAND PC TECH, LLC	NEW COMP INSTALL	131.25	131.25	2360	5/06/13
10-17-5040	MISSOURI EMPLOYERS MUTUAL	WORKERS COMP	100.71	100.71	2370	5/06/13
10-18-5305	AMERENUE	UTILITIES	89.54	89.54	2357	4/29/13
10-18-5305	BOONE ELECTRIC COOPERATIVE	UTILITIES	35.34		2325	4/18/13
10-18-5305	BOONE ELECTRIC COOPERATIVE	UTILITIES	35.25	70.59	2385	5/16/13
10-18-5366	AMERENUE	UTILITIES	10.63		2357	4/29/13
10-18-5367	AMERENUE	UTILITIES	9.79		2357	4/29/13
10-18-5368	AMERENUE	UTILITIES	16.23		2357	4/29/13
10-18-5369	AMERENUE	UTILITIES	9.79		2357	4/29/13
10-18-5371	AMERENUE	UTILITIES	23.84		2357	4/29/13
10-18-5372	AMERENUE	UTILITIES	9.79		2357	4/29/13
10-18-5373	AMERENUE	UTILITIES	9.79	89.86	2357	4/29/13
10-18-5410	Farm Power Lawn & Leisure, Inc	BATTERY	154.37		2332	4/18/13
10-18-5410	Farm Power Lawn & Leisure, Inc	JD TIRE BLADE FOR FRONT DECK	144.99	299.36	2368	5/06/13
10-18-5425	MFA Oil Company	FUEL APRIL 2013	139.18	139.18	2397	5/16/13
10-18-5603	Philips & Company	MH LAMP 18902	52.20	52.20	2399	5/16/13
10-18-5603	RIBACK SUPPLY COMPANY	PARK SINK	187.54	187.54	2402	5/16/13
10-18-5605	FABICK AND COMPANY	PADLOCK	52.03	52.03	2350	4/25/13
10-18-5605	USA BLUEBOOK	TOILET PAPER	288.05	288.05	2356	4/25/13
10-18-5610	SENTINEL LUMBER & HARDWARE	SUPPLIES	13.01	13.01	2375	5/06/13
15-16-5448	JEFFREY R. KAYS	PROSECUTOR ATTORNEY FEE	833.33	833.33	2334	4/18/13
15-16-5450	MO. DEPARTMENT OF REVENUE	AUTOMATION FUND FEE APRIL 2013	14.00	14.00	2371	5/06/13
15-16-5452	MO. DEPT. OF REVENUE	STATE CLERKS FEE APRIL 2013	24.00	24.00	2373	5/06/13
15-16-5454	NICOLE GALLOWAY	COUNTY CLERKS FEE	6.00	6.00	2369	5/06/13
15-16-5456	MO. DEPARTMENT OF REVENUE	C.V.C. APRIL 2013	14.26	14.26	2372	5/06/13
15-16-5458	BUDGET DIRECTOR	APRIL 2013	2.00	2.00	2363	5/06/13
20-02-2001	United States Treasure	FED/FICA TAX	211.51		9126487	4/19/13
20-02-2001	United States Treasure	FED/FICA TAX	267.67		9126492	5/03/13
20-02-2002	United States Treasure	FED/FICA TAX	392.98		9126487	4/19/13
20-02-2002	United States Treasure	FED/FICA TAX	456.18	1,328.34	9126492	5/03/13
20-02-2003	MO. DEPARTMENT OF REVENUE	STATE TAXES	87.00		23900	4/19/13
20-02-2003	MO. DEPARTMENT OF REVENUE	STATE TAX	70.00	157.00	23900	4/19/13
20-02-2010	Missouri Local Government	Lagers - Reg.	307.98		23901	4/19/13
20-02-2010	Missouri Local Government	Lagers - Reg.	273.48	581.46	23901	4/19/13
20-02-2012	AFLAC	HEALTH INSURANCE	42.90	42.90	2321	4/18/13
20-02-2012	ANTHEM BLUE CROSS BLUE SHIELD	HEALTH INS PREMIUM	21.20	21.20	2343	4/25/13
20-02-2012	COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	1,148.12		2330	4/18/13
20-02-2012	COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	1,148.12	2,296.24	2391	5/16/13
20-20-5040	MISSOURI EMPLOYERS MUTUAL	WORKERS COMP	2,500.00	2,500.00	2370	5/06/13
20-20-5110	BANKCARD CENTER	UNIFORMS JEANS	200.98	200.98	2345	4/25/13
20-20-5305	AMERENUE	UTILITIES	137.88		2357	4/29/13
20-20-5305	AMERENUE	UTILITIES	3,519.86	3,657.74	2381	5/16/13
20-20-5305	BOONE ELECTRIC COOPERATIVE	UTILITIES	846.49		2325	4/18/13

GL ACCT #	VENDOR NAME	REFERENCE	INVOICE AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
20-20-5305	BOONE ELECTRIC COOPERATIVE	UTILITIES	846.49	1,692.98	2385	5/16/13
20-20-5360	AT&T MOBILITY	TELEPHONES	38.58	38.58	2323	4/18/13
20-20-5360	CENTURYLINK	1/5 2568, 1/5 INTERNET	18.26	18.26	2366	5/06/13
20-20-5380	RICOH USA, INC	COPIER AGREEMENT RICOH	17.25	17.25	2333	4/18/13
20-20-5420	WREN'S AUTOMOTIVE	BATTERY	91.79	91.79	2379	5/06/13
20-20-5425	MFA Oil Company	FUEL APRIL 2013	575.26	575.26	2397	5/16/13
20-20-5425	SENTINEL LUMBER & HARDWARE	OIL	7.16	7.16	2375	5/06/13
20-20-5603	BOONE QUARRIES	STREET POTHOLES	548.99	548.99	2326	4/18/13
20-20-5603	Carter Waters	STREET PATCHES	694.32		2327	4/18/13
20-20-5603	Carter Waters	3-WAY STATIC MIXER	50.48	744.80	2364	5/06/13
20-20-5603	CENTRAL CONCRETE COMPANY	MUSTANG DRIVE CONCRETE	1,005.00		2387	5/16/13
20-20-5603	CENTRAL CONCRETE COMPANY	COLLINS COURT	452.25	1,457.25	2387	5/16/13
20-20-5604	BE CO CONCRETE PRODUCTS	CULVERT FOR ASH STREET	3,421.20	3,421.20	2346	4/25/13
20-20-5604	CENTRAL CONCRETE COMPANY	CONCRETE ASH STREET	1,386.00	1,386.00	2365	5/06/13
20-20-5604	SENTINEL LUMBER & HARDWARE	STRUCT HEM FIR, SUPPLIES	123.86	123.86	2375	5/06/13
20-20-5605	FABICK AND COMPANY	PADLOCK	52.03	52.03	2350	4/25/13
20-20-5605	SENTINEL LUMBER & HARDWARE	KEYS	8.19	8.19	2375	5/06/13
20-20-5605	USA BLUEBOOK	ORANGE SPRAY PAINT	63.82	63.82	2356	4/25/13
20-20-5609	ARCHER-ELGIN	W. BROADWAY STORM	1,554.40		2347	4/25/13
20-20-5609	ARCHER-ELGIN	PROFESSIONAL SERVICES	539.00	2,093.40	2386	5/16/13
20-20-5670	QUILL CORPORATION	STAPLERS, HOLE PUNCH	15.67	15.67	2353	4/25/13
20-20-5817	SENTINEL LUMBER & HARDWARE	NUTS, BOLTS, WASHERS	9.46	9.46	2375	5/06/13
45-02-2001	United States Treasure	FED/FICA TAX	613.68		9126487	4/19/13
45-02-2001	United States Treasure	FED/FICA TAX	632.29		9126492	5/03/13
45-02-2002	United States Treasure	FED/FICA TAX	1,163.60		9126487	4/19/13
45-02-2002	United States Treasure	FED/FICA TAX	1,206.32	3,615.89	9126492	5/03/13
45-02-2003	MO. DEPARTMENT OF REVENUE	STATE TAXES	254.00		23900	4/19/13
45-02-2003	MO. DEPARTMENT OF REVENUE	STATE TAX	253.00	507.00	23900	4/19/13
45-02-2010	Missouri Local Government	Lagers - Reg.	810.41		23901	4/19/13
45-02-2010	Missouri Local Government	Lagers - Reg.	808.34	1,618.75	23901	4/19/13
45-02-2012	AFLAC	HEALTH INSURANCE	85.11	85.11	23902	4/18/13
45-02-2012	ANTHEM BLUE CROSS BLUE SHIELD	HEALTH INS PREMIUM	53.00	53.00	23917	4/25/13
45-02-2012	COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	552.09		23907	4/18/13
45-02-2012	COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	2,009.21		23907	4/18/13
45-02-2012	COVENTRY HEALTH CARE OF MO.	HSA HEALTH INSURANCE	4,801.29	7,362.59	23964	5/16/13
45-02-2012	MADISON NATIONAL LIFE	HEALTH INSURANCE DENTAL	31.71		23911	4/18/13
45-02-2012	MADISON NATIONAL LIFE	DENTAL INSURANCE	26.71	58.42	23969	5/16/13
45-02-2014	KELLY HENDERSON	HSA	38.04		9126490	4/19/13
45-02-2014	KELLY HENDERSON	HSA	38.04	76.08	9126495	5/03/13
45-02-2014	WADE MIDDGAUGH	HSA	76.09		9126488	4/19/13
45-02-2014	WADE MIDDGAUGH	HSA	76.09	152.18	9126493	5/03/13
45-02-2016	LEGALSHIELD	PRE PAID LEGAL SERVICES	17.95	17.95	23922	4/25/13
45-30-5040	MISSOURI EMPLOYERS MUTUAL	WORKERS COMP	1,909.07	1,909.07	23940	5/06/13
45-30-5300	BANKCARD CENTER	MICROWAVE, HEATER, DOOR KEY	23.36	23.36	23918	4/25/13
45-30-5310	BOONE ELECTRIC COOPERATIVE	UTILITIES	865.12		23906	4/18/13
45-30-5310	BOONE ELECTRIC COOPERATIVE	UTILITIES	816.48	1,681.60	23960	5/16/13
45-30-5315	AMERENUE	UTILITIES	1,439.41	1,439.41	23928	4/29/13
45-30-5360	AT&T MOBILITY	TELEPHONES	102.73	102.73	23904	4/18/13
45-30-5360	CENTURYLINK	1/5 2568, 1/5 INTERNET	87.69	87.69	23935	5/06/13
45-30-5380	RICOH USA, INC	COPIER AGREEMENT RICOH	17.25	17.25	23909	4/18/13
45-30-5410	SENTINEL LUMBER & HARDWARE	GRADER WIRE	17.99	17.99	23944	5/06/13
45-30-5425	BEE LINE SNACK SHOP	FUEL APRIL 2013	315.00	315.00	23959	5/16/13
45-30-5603	HAWKINS, INC	VACUUM REGULATOR, PARTS	5,335.66	5,335.66	23938	5/06/13
45-30-5605	BANKCARD CENTER	MICROWAVE, HEATER, DOOR KEY	29.49	29.49	23918	4/25/13

GL ACCT #	VENDOR NAME	REFERENCE	INVOICE AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
45-30-5605	SENTINEL LUMBER & HARDWARE	RIVET TOOL	21.88	21.88	23944	5/06/13
45-30-5623	Consolidated Public Water	HUNTERS BEND	69.84	69.84	23963	5/16/13
45-30-5816	RAY BROWN ENTERPRISES LTD	DIESEL GENERATOR TAHOE	2,125.00	2,125.00	23912	4/18/13
45-35-5900	ALLIED WASTE SERVICES #035	MONTHLY RECYCLING	433.00	433.00	23916	4/25/13
45-35-5910	CLEAN CUT SERVICES	MONTHLY YARD WASTE FEE	1,345.83	1,345.83	23936	5/06/13
45-35-5920	ALLIED WASTE SERVICES #035	APRIL 2013	20,689.54	20,689.54	23932	5/06/13
45-40-5040	MISSOURI EMPLOYERS MUTUAL	WORKERS COMP	504.48	504.48	23940	5/06/13
45-40-5300	BANKCARD CENTER	MICROWAVE, HEATER, DOOR KEY	23.36	23.36	23918	4/25/13
45-40-5310	BOONE ELECTRIC COOPERATIVE	UTILITIES	592.95		23906	4/18/13
45-40-5310	BOONE ELECTRIC COOPERATIVE	UTILITIES	619.95		23960	5/16/13
45-40-5311	BOONE ELECTRIC COOPERATIVE	ANGEL LANE	37.47	1,250.37	23960	5/16/13
45-40-5315	AMERENUE	UTILITIES	89.54		23928	4/29/13
45-40-5325	AMERENUE	UTILITIES	2,238.77		23928	4/29/13
45-40-5330	AMERENUE	UTILITIES	46.65		23928	4/29/13
45-40-5335	AMERENUE	UTILITIES	272.18		23928	4/29/13
45-40-5340	AMERENUE	UTILITIES	70.85		23928	4/29/13
45-40-5345	AMERENUE	UTILITIES	34.17		23928	4/29/13
45-40-5350	AMERENUE	UTILITIES	49.82	2,801.98	23928	4/29/13
45-40-5355	Philips & Company	SPRING NUT, CABLE TIES	36.44	36.44	23923	4/25/13
45-40-5356	TRI-STATE CONSTRUCTION EQUIP.	O-RING	5.92		23945	5/06/13
45-40-5356	TRI-STATE CONSTRUCTION EQUIP.	O-RING	5.92	11.84	23973	5/16/13
45-40-5360	CENTURYLINK	1/5 2568, 1/5 INTERNET	115.94	115.94	23935	5/06/13
45-40-5380	RICOH USA, INC	COPIER AGREEMENT RICOH	17.25	17.25	23909	4/18/13
45-40-5380	TRAVIS DAVIDSON	REIMBURSEMENT CELL PHONE	150.00	150.00	23913	4/18/13
45-40-5420	O'REILLY AUTOMOTIVE STORES, INC	FUEL FILTER	13.09	13.09	23942	5/06/13
45-40-5425	CASEY'S GENERAL STORE, INC.	FUEL APRIL 2013	322.70	322.70	23961	5/16/13
45-40-5425	MFA Oil Company	FUEL APRIL 2013	125.00	125.00	23970	5/16/13
45-40-5605	FABICK AND COMPANY	PADLOCK	52.02	52.02	23920	4/25/13
45-40-5605	HYDRO-KINETICS	LOCK NUT, O RING, OIL SEAL	89.02	89.02	23921	4/25/13
45-40-5605	SENTINEL LUMBER & HARDWARE	STRAW	5.00	5.00	23944	5/06/13
45-40-5605	USA BLUEBOOK	ORANGE, GREEN SPRAY PAINT	155.74	155.74	23926	4/25/13
45-40-5605	Westlake Hardware	FASTENERS & BULBS	65.96	65.96	23947	5/06/13
45-40-5615	Engineering Surveys & Services	WASTEWATER TESTING	117.00		23929	4/29/13
45-40-5615	Engineering Surveys & Services	WASTEWATER TESTING	117.00	234.00	23966	5/16/13
45-40-5670	QUILL CORPORATION	STAPLERS, HOLE PUNCH	15.65	15.65	23924	4/25/13
45-40-5800	Allstate Consultants	GENERAL CONSULTING	138.00	138.00	23956	5/16/13
45-40-5815	TRI-STATE CONSTRUCTION EQUIP.	CLAM BUCKET	1,690.00	1,690.00	23914	4/18/13
45-40-5816	Allstate Consultants	WASTEWATER TREATMENT	9,417.50	9,417.50	23956	5/16/13
45-45-5040	MISSOURI EMPLOYERS MUTUAL	WORKERS COMP	2,087.55	2,087.55	23940	5/06/13
45-45-5300	BANKCARD CENTER	MICROWAVE, HEATER, DOOR KEY	23.36	23.36	23918	4/25/13
45-45-5315	AMERENUE	UTILITIES	89.55	89.55	23928	4/29/13
45-45-5360	AT&T MOBILITY	TELEPHONES	19.47	19.47	23904	4/18/13
45-45-5360	CENTURYLINK	1/5 2568, 1/5 INTERNET	18.26	18.26	23935	5/06/13
45-45-5425	BEE LINE SNACK SHOP	FUEL APRIL 2013	318.57	318.57	23959	5/16/13
45-45-5600	MISSOURI ONE CALL SYSTEM, INC.	65 LOCATES APRIL 2013	84.50	84.50	23941	5/06/13
45-45-5605	FABICK AND COMPANY	PADLOCK	52.02	52.02	23920	4/25/13
45-45-5605	HANNIBAL CONCRETE PRODUCTS	GRADE RINGS, RUB-R-NEC SEALER	194.00	194.00	23937	5/06/13
45-45-5605	USA BLUEBOOK	BLUE SPRAY PAINT	188.91	188.91	23926	4/25/13
45-45-5628	SENTINEL LUMBER & HARDWARE	PETERSON HOOKUP SUPPLIES	34.45	34.45	23944	5/06/13
45-45-5628	TRI-STATE CONSTRUCTION EQUIP.	CLAMP 108 S. MAIN	5.00	5.00	23945	5/06/13
45-45-5628	WATER & SEWER SUPPLY, INC.	SUPPLIES	2,928.58		23915	4/18/13
45-45-5628	WATER & SEWER SUPPLY, INC.	VALVE BOX, VALVES	208.20		23946	5/06/13
45-45-5628	WATER & SEWER SUPPLY, INC.	RISER	342.94	3,479.72	23975	5/16/13
45-45-5670	QUILL CORPORATION	STAPLERS, HOLE PUNCH	15.65	15.65	23924	4/25/13

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GL ACCT #	VENDOR NAME	REFERENCE	INVOICE AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
45-45-5670	SENTINEL LUMBER & HARDWARE	BATTERIES	8.76	8.76	23944	5/06/13
45-45-5815	RAY BROWN ENTERPRISES LTD	DIESEL GENERATOR TAHOE	2,125.00	2,125.00	23912	4/18/13
45-50-5040	MISSOURI EMPLOYERS MUTUAL	WORKERS COMP	83.93	83.93	23940	5/06/13
45-50-5300	BANKCARD CENTER	MICROWAVE, HEATER, DOOR KEY	37.00	37.00	23918	4/25/13
45-50-5300	K & T CONSTRUCTION	LOBBY DOOR	301.50	301.50	23910	4/18/13
45-50-5305	CHARTER COMMUNICATIONS	CITY HALL INTERNET SERVICE	18.33	18.33	23962	5/16/13
45-50-5360	AT & T	1/3 LONG DISTANCE 2091	27.93	27.93	23957	5/16/13
45-50-5360	CENTURYLINK	1/2 2091,1/3 7018	57.35	57.35	23935	5/06/13
45-50-5380	Atkins Pest Control	MONTHLY PEST CONTROL	6.25	6.25	23958	5/16/13
45-50-5380	AUSTIN COFFEE SERVICE	MONTHLY COFFEE SERVICE	14.10	14.10	23905	4/18/13
45-50-5380	CULLIGAN WATER	SERVICE AGREEMENT	7.20	7.20	23965	5/16/13
45-50-5380	FRANCOTYP-POSTALIA, INC	POSTAGE METER AGREEMENT	28.88	28.88	23967	5/16/13
45-50-5380	RICOH USA, INC	COPIER AGREEMENT IR3030	22.55		23909	4/18/13
45-50-5380	RICOH USA, INC	COPIER AGREEMENT IR3030	29.38	51.93	23968	5/16/13
45-50-5380	PITHWIDGET	CLEANING SERVICES APRIL 2013	75.00	75.00	23931	5/03/13
45-50-5670	QUILL CORPORATION	HP TONER	127.99		23924	4/25/13
45-50-5670	QUILL CORPORATION	MONITOR	27.50		23943	5/06/13
45-50-5670	QUILL CORPORATION	POST ITS, CARD STOCK	36.23		23972	5/16/13
45-50-5670	QUILL CORPORATION	FOLDERS, INK, CASH DRAWER	87.94	279.66	23972	5/16/13
45-50-5670	STAPLES CREDIT PLAN	PAPER, PENS	24.99	24.99	23925	4/25/13
45-50-5670	Witt Print Shop	WINDOW ENVELOPES	22.84		23976	5/16/13
45-50-5670	Witt Print Shop	UTILITY BILLS	476.12	498.96	23976	5/16/13
45-50-5680	POSTMASTER	POSTAGE	100.00	100.00	23927	4/29/13
45-50-5810	DELL MARKETING L.P.	COMPUTER	800.00	800.00	23919	4/25/13
45-50-5815	BANKCARD CENTER	ROUTER	26.00	26.00	23918	4/25/13
45-50-5815	DELL MARKETING L.P.	COMPUTER	123.06	123.06	23919	4/25/13
45-50-5835	ASHLAND PC TECH, LLC	NEW COMP INSTALL	243.75	243.75	23933	5/06/13
45-55-5040	MISSOURI EMPLOYERS MUTUAL	WORKERS COMP	133.93	133.93	23940	5/06/13
45-55-5205	Winter Dent & Company	PROPERTY, LAW ENFORCEMENT	11,338.00	11,338.00	23948	5/06/13
45-55-5210	BANDRE', HUNT & SNIDER, L.L.C.	CITY ATTORNEY FEES APRIL 2013	1,253.33	1,253.33	23934	5/06/13
45-55-5225	Mo. Dept. of Natural Resources	MONTHLY PRIMACY FEE	351.25	351.25	23971	5/16/13
45-55-5240	BANKCARD CENTER	ROUTER	21.78	21.78	23918	4/25/13
45-55-5360	CENTURYLINK	1/5 2568, 1/5 INTERNET	18.26	18.26	23935	5/06/13
45-55-5380	ANN WALLACE	REIMBURSEMENT CELL PHONE	75.00	75.00	23903	4/18/13
45-55-5380	RICOH USA, INC	COPIER AGREEMENT RICOH	17.25	17.25	23909	4/18/13
45-55-5520	UMB BANK, N.A.	SERIES 2007A	42.00		23974	5/16/13
45-55-5530	UMB BANK, N.A.	SERIES 2007A	3,750.00		9126491	4/25/13
45-55-5535	UMB BANK, N.A.	SERIES 2007A	718.18	4,510.18	9126491	4/25/13
45-55-5815	BANKCARD CENTER	ROUTER	25.99	25.99	23918	4/25/13
45-55-5815	DELL MARKETING L.P.	COMPUTER	300.00	300.00	23919	4/25/13
50-51-5881	APAC - MISSOURI, INC.	ASPHALT OVERLAY	147,713.27	147,713.27	2359	5/06/13
50-51-5881	ARCHER-ELGIN	TWA2	1,295.00	1,295.00	2386	5/16/13
73-73-5753	SOUTHERN BOONE LEARNING GARDEN	APRIL 2013	9,428.43	9,428.43	1005	4/24/13

TOTAL ACCOUNTS PAYABLE CHECKS 362,135.00

PAYROLL CHECKS

10	GENERAL	10,075.66
20	STREET	1,987.35
45	UTILITIES	5,847.89

FUND	FUND NAME	INVOICE AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
-----					
	PAYROLL CHECKS ON 4/19/2013		17,910.90		
10	GENERAL		10,130.07		
20	STREET		2,274.13		
45	UTILITIES		6,086.87		
=====					
	PAYROLL CHECKS ON 5/03/2013		18,491.07		
=====					
	TOTAL PAYROLL CHECKS		36,401.97		
=====					
***** REPORT TOTAL *****			398,536.97		
=====					

FUND	FUND NAME	AMOUNT	TOTAL	CHECK#	DATE
-----					
	GENERAL		103,836.42		
	COURT FUND		893.59		
	STREET		27,413.29		
	UTILITIES		107,956.97		
	CAPITAL		149,008.27		
	LEARNING GARDEN		9,428.43		

AN ORDINANCE ACCEPTING PUBLIC INFRASTRUCTURE OF MIDDLETON CROSSING PLAT 3 (LOTS 11, 14-18), MIDDLETON CROSSING PLAT 4 (LOTS 19-25, 31-34, 42-44, 53) AND MIDDLETON ESTATES (LOTS 45-52) FOR WINSCOTT CONSTRUCTION

---

WHEREAS, the developer petitions the City of Ashland that 1,330 feet of Middleton Drive and 560 feet of Sarah Drive be accepted as public streets; and

WHEREAS, in addition to the streets listed above the developer has petitioned the City of Ashland that all infrastructure improvements within Middleton Crossing Plats 3 & 4 and Middleton Estates be accepted as public infrastructure; and

WHEREAS, the developer represents the public improvements listed above as being completed to the City specifications; and

NOW THEREFORE, be it ordained by the Board of Aldermen of the City of Ashland, Missouri as follows:

Section 1. The Board of Aldermen accepts all streets and infrastructure improvements within Middleton Crossing Plats 3 & 4 and Middleton Estates.

Section 2. The Board of Aldermen instructs the Treasurer of the City to add to the inventory of the City of Ashland:

Streets: 1,330 linear feet of Middleton Drive as depicted in the recorded plats Middleton Crossing Plats 3 & 4 and Middleton Estates.

560 linear feet of Sarah Drive as depicted in the recorded plat of Middleton Crossing Plat 4

Infrastructure: All infrastructure contained within Middleton Crossing Plats 3 & 4 and Middleton Estates.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

---

Michael P. Jackson, Mayor

Attest:

---

Darla Sapp, City Clerk

AN ORDINANCE APPROVING SOUTHWOODS COMMERCIAL PARK, PLAT 3 FOR  
MARCH PROPERTIES, LLC.

---

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 Southwoods Commercial Park, Plat 3 a replat of lot 6 of Southwoods Commercial Park, Plat No. 1 at their meeting on May 14, 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 minor subdivision record plat of Southwoods Commercial Park, Plat 3, dated April 02, 2013 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 Northeast quarter of Section 15, township 46 north, Range 12 West, City of Ashland, Boone County, Missouri being lot 6 of Southwoods Commercial Park, Plat No. 1, as shown in Plat book 37, Page 49 of Boone County records and being 1.33 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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
Michael P. Jackson, Mayor

Attest:

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



**THE CITY OF ASHLAND, MISSOURI**

**DATE:** May 1, 2013  
**TO:** Ron Shy, Allstate Consultants  
**FROM:** Charles Senzee, Community Development Director  
**SUBJECT:** SP 13-04: Southwoods Commercial Park Plat 3 Review Comments

The following comments are based upon a review of the proposed plat dated April 2, 2013. The applicant shall respond to all comments in a comment response letter and all required information shall be submitted to the City. Additional comments may be generated upon submittal of additional information.

**Community Development Comments**

**Reviewer:** Charles Senzee, Community Development Director

1. The submitted plat is not signed by the property owner. This is acceptable for Planning and Zoning review but a signed version must be submitted prior to review by the City's Board of Aldermen.
2. The property owner's certification paragraph states that March Properties is the owner of the "above described tract". However the legal description is not located "above" but on the other side of the page. Please correct.
3. No dedication statement has been provided for the utility easement on the property.
4. Only the legal description for the existing parent lot has been provided. Two legal descriptions, one for Lot 6A and one for 6B, must be provided on the plat.
5. The legal description at the top of the plat indicates that the property is in "Range 2". It should read "Range 12".
6. The "Board of Alderman" signature line should be changed to read "Board of Aldermen".

**City Engineer Comments**

**Reviewer:** C.M. Archer Group

7. Provide the name and address of the owner(s) of record and developer (if applicable) on the plat.
8. Recommend a utility easement be shown between lots 6A and 6B.
9. Confirm there are no existing utilities on the current site. If utilities are present, they should be identified on the drawing.
10. Recommend adding line types to the drawing legend for clarity.

**Southern Boone County Fire Protection District Comments**

**Reviewer:** Captain Michael Bauer

11. A minimum fire hydrant spacing of 300 feet is required. A minimum flow rate of 1,000gpm is required. Have these two requirements been met for this subdivision?

---

**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**

**Ameren Missouri Comments**

**Reviewer:** Chris Bruemmer, Customer Service Specialist

12. No comments at this time.

# **BRUSH & ASSOCIATES**

CONSULTING ENGINEERS AND LAND SURVEYORS  
506 NICHOLS STREET, SUITE A COLUMBIA, MISSOURI 65201  
PHONE : (573) 442-3110 FAX: (573) 442-4851

PROFESSIONAL ENGINEERS  
JAMES W. BRUSH PE - RETIRED  
J. DANIEL BRUSH PE

LAND SURVEYORS  
JAMES W. BRUSH PLS - RETIRED  
J. DANIEL BRUSH PLS

May 6, 2013  
Mr. Charles Senzee  
Community Development Director  
109 E. Broadway  
P.O. Box 135  
Ashland, MO 65010  
573-657-2091

RE: Comments for Southwoods Commercial Park Plat 3

Response to the comments regarding Southwoods Commercial Park Plat 3 are as follows:

Community Development Comments:

1. This will be taken care of prior to the Board of Aldermen review.
2. The word "above" was removed from the Property Owner Certification.
3. Dedication for Utility Easements was added to the Property Owner Certification.
4. As Per our Phone Conversation it is my understanding that the current Property Description is sufficient.
5. Range 2 was corrected to Range 12
6. The spelling of Aldermen was corrected.

City Engineer Comments:

7. To my knowledge this is not a requirement on a Final Plat but only on the Preliminary Plat.
8. There is no Utility Easement needed in this location at this time.
9. To my knowledge this is not a requirement on a Final Plat but only on a Preliminary Plat.
10. Each area denoted by a different line type is clearly marked as to what the area represents.

# **BRUSH & ASSOCIATES**

CONSULTING ENGINEERS AND LAND SURVEYORS  
506 NICHOLS STREET, SUITE A COLUMBIA, MISSOURI 65201  
PHONE : (573) 442-3110 FAX: (573) 442-4851

PROFESSIONAL ENGINEERS  
JAMES W. BRUSH PE - RETIRED  
J. DANIEL BRUSH PE

LAND SURVEYORS  
JAMES W. BRUSH PLS - RETIRED  
J. DANIEL BRUSH PLS

## Southern Boone County Fire Protection District Comments:

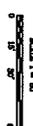
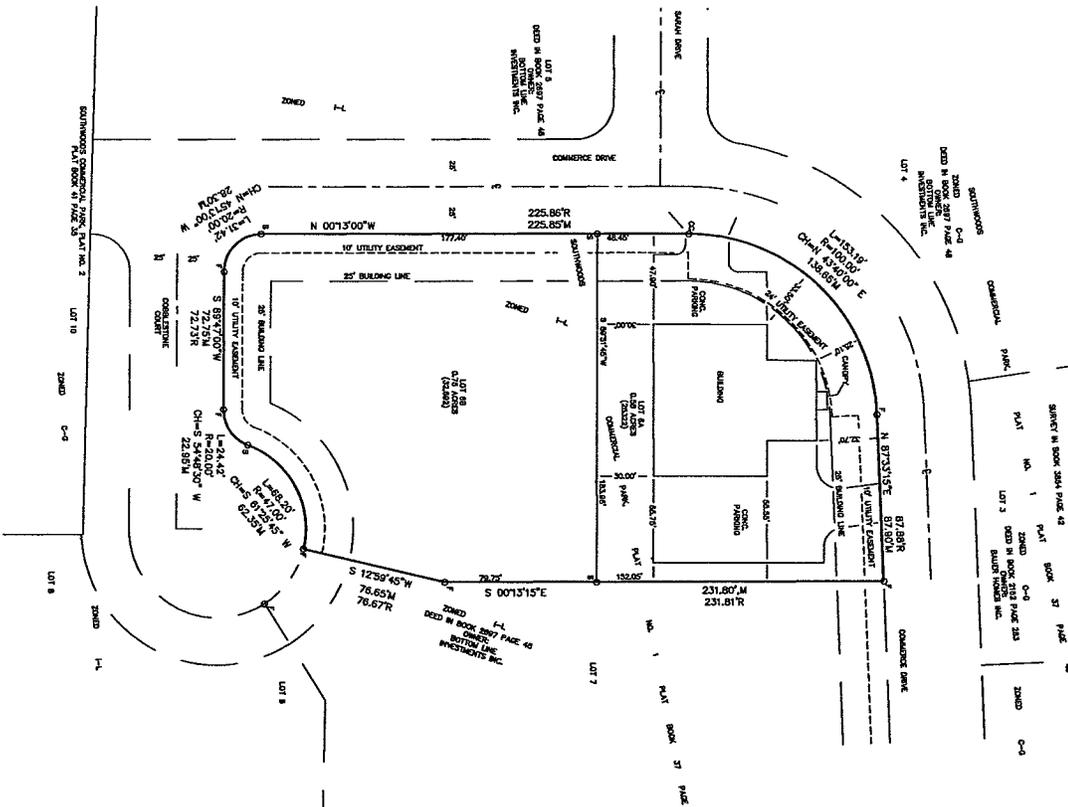
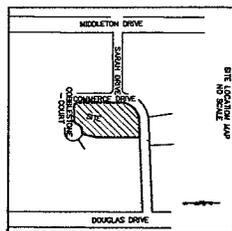
11. There is a fire hydrant located on the west side of Commerce Drive north of Cobblestone Court with a flow rate of 1130gpm which is over the 1000gpm required.

Sincerely,

Kevin Schweikert

**SOUTHWOODS COMMERCIAL PARK, PLAT NO. 3**

A REPLAT OF LOT 8 OF SOUTHWOODS COMMERCIAL PARK, PLAT NO. 1  
 NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 49 NORTH, RANGE 12 WEST  
 CITY OF ASHLAND, BOONE COUNTY, MISSOURI  
 SUBMITTED DATE: APRIL 21, 2013



DATE: JANUARY 14, 2013  
 SURVEY FOR LOTS 7, 8, 9, 10, AND 11 ACCORDING TO THE ORIGINAL PLAT NO. 1 AND THE CITY OF ASHLAND, MISSOURI. THIS SURVEY IS A REPLAT OF LOT 8 OF SOUTHWOODS COMMERCIAL PARK, PLAT NO. 1, AND IS SUBJECT TO THE RECORDS OF RECORDS OF BOONE COUNTY, MISSOURI.  
 NOTES: THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE MISSOURI SURVEYING ACT AND THE MISSOURI BOARD OF SURVEYING AND MAPPING. THE SURVEY WAS CONDUCTED BY THE SURVEYOR AND HIS ASSOCIATES, INC. ON BEHALF OF THE CITY OF ASHLAND, MISSOURI.  
 THE SURVEY WAS CONDUCTED ON JANUARY 17, 2013.  
 THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE MISSOURI SURVEYING ACT AND THE MISSOURI BOARD OF SURVEYING AND MAPPING.

DESCRIPTION:  
 A SURVEY OF LOTS 7, 8, 9, 10, AND 11 IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF ASHLAND, BOONE COUNTY, MISSOURI. THIS SURVEY IS A REPLAT OF LOT 8 OF SOUTHWOODS COMMERCIAL PARK, PLAT NO. 1, AND IS SUBJECT TO THE RECORDS OF RECORDS OF BOONE COUNTY, MISSOURI.

THE RESULTS OF THIS SURVEY ARE AS SHOWN ON THE PLAT.  
 THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE MISSOURI SURVEYING ACT AND THE MISSOURI BOARD OF SURVEYING AND MAPPING. THE SURVEY WAS CONDUCTED BY THE SURVEYOR AND HIS ASSOCIATES, INC. ON BEHALF OF THE CITY OF ASHLAND, MISSOURI.  
 THE SURVEY WAS CONDUCTED ON JANUARY 17, 2013.  
 THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE MISSOURI SURVEYING ACT AND THE MISSOURI BOARD OF SURVEYING AND MAPPING.

SUBSCRIBED AND SWORN TO before me, a Notary Public, in and for Boone County, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Notary Public  
 My Commission Expires \_\_\_\_\_

APPROVED BY THE BOARD OF ASHLAND PLANNING AND ZONING COMMISSION  
 JAMES BRANSON, COMMISSIONER

APPROVED BY THE CITY OF ASHLAND PLANNING AND ZONING COMMISSION  
 JAMES BRANSON, COMMISSIONER

APPROVED BY THE CITY OF ASHLAND PLANNING AND ZONING COMMISSION  
 JAMES BRANSON, COMMISSIONER

STATE OF MISSOURI }  
 COUNTY OF BOONE }  
 I, \_\_\_\_\_, Clerk of the Court, do hereby certify that the foregoing plat is a true and correct copy of the original plat as filed in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.  
 My Commission Expires \_\_\_\_\_

NOTARY PUBLIC  
 My Commission Expires \_\_\_\_\_



## **Board of Aldermen Report**

**DATE:** May 15, 2013  
**TO:** Members of the Board of Aldermen  
**FROM:** Charles Senzee, Community Development Director  
**CC:** Kevin Schweikert, Brush & Associates  
**SUBJECT:** SP 13-04: Southwoods Commercial Park Plat 3

The purpose of this report is to provide you with information regarding a request by Brush & Associates for final plat approval to split an existing light industrial lot into 2 smaller lots. The subject property is located at the intersection of Commerce Drive and Cobblestone Drive. 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.** 24-508-00-16-006.0001 (1.33 acres, 58,014 sq ft)

**Parcel Size / Physical Characteristics.** The northern portion of the property is currently developed for light industrial use. The structure formerly housed *Assisted Transportation* but is currently vacant. The southern portion of the property is undeveloped.

**Zoning Classification.** I-L (Light Industrial)



**Existing lot configuration shown in yellow.**

## **BACKGROUND**

Late last year staff was contacted by a gentleman who expressed interest in placing a building similar to the vacant *Assisted Transportation* structure on the southern half of the property. This building would serve as a shop for his existing plumbing business. Staff informed him that a re-plat would be required in order to develop the southern half of the property in the manner he was describing. A plat splitting the lots was submitted to staff on April 4, 2013.

The proposed final plat has been reviewed by all appropriate departments and agencies. A list of comments was provided to the applicant on May 1st. This comment list has been attached to this staff report. The applicant has submitted a revised plat and letter addressing these comments, which have also been attached to this report. Staff believes that this information satisfies the comments but is awaiting confirmation from the Fire District regarding hydrant spacing and flow rate. A requirement that all comments be fully addressed prior to a second reading by the Board of Aldermen has been included in the recommended conditions of approval in case the Fire District is not satisfied with the applicant's response.

## **STAFF RECOMMENDATIONS**

Staff has reviewed the proposed plat and recommends approval with the conditions listed below.

Should the Planning and Zoning Commission choose to recommend approval of SP 13-04 to the City's Board of Aldermen in order to create the 2-lot Southwoods Commercial Park Plat 2 re-plat, staff recommends that this approval be based upon the following conditions of approval:

1. The approval shall be limited to the proposed plat reviewed by the Planning and Zoning Commission on May 14, 2013 and by the Board of Aldermen on May 21, 2013.
2. All comments from the May 1, 2013 plat review comment letter shall be addressed prior to 2<sup>nd</sup> reading by the Board of Aldermen
3. All of the above conditions shall be fully and faithfully executed or the approval shall become null and void.

## **Planning and Zoning Action**

The Planning and Zoning Commission reviewed the proposed re-plat and recommended approval to the City's Board of Aldermen during their regularly scheduled meeting on May 14, 2013.

CITIES, TOWNS AND VILLAGES:  
VACANCY:  
VACANCY IN OFFICE:  
VILLAGES:

1) Pursuant to Section 80.230, RSMo 1986, the chairman of the board of trustees of a village has no vote in filling a vacancy on

the board except in case of a tie, 2) a vacancy on the board of trustees can be filled by a two-to-one vote of the remaining members, excluding the chairman, 3) pursuant to Section 80.070, RSMo 1986, a quorum of a five-member board of trustees of a village is three (3) members, and 4) pursuant to Section 80.110, RSMo 1986, three (3) members must vote to pass an ordinance regardless of any vacancy.

October 11, 1991

OPINION NO. 172-91

W. James Icenogle  
Camden County Prosecuting Attorney  
Camden County Courthouse  
One Court Circle  
Camdenton, Missouri 65020

Dear Mr. Icenogle:

This opinion is in response to your questions asking:

Under Section 80.230 RSMo, when a vacancy arises on the five (5) member Board of Trustees of a Village and the vacancy is not in the Office of Chairman, may the sitting Chairman participate in the vote to fill the vacancy on the board?

On a five (5) member board, when there is one vacancy, are other actions taken by the board valid prior to filling of the vacancy and if so, is the majority required under Sections 80.070 and 80.110, RSMo a minimum of three (a majority of the full board) or may action be taken with a two to one majority, for example, if one member should abstain or be disqualified from voting?

Along with your questions, you state:

W. James Icenogle

The facts giving rise to this request are as follows: A vacancy was created on the Board of Trustees of the Village of Four Seasons Missouri through the death of one of its members. The deceased trustee was not chairman of the board. Inasmuch as the vacancy was not created in the Office of Chairman, a vote was held to fill the vacancy and the sitting chairman cast a vote. The vote was two to two and the board is deadlocked.

This raises the question of whether the chairman can vote and if not, whether a majority of less than three members of the board would be a valid vote on this matter or any other action which the board might take during the existence of this vacancy. Also, the board has continued with its regular business during the vacancy and some question was raised as to the validity of their actions in light of the mandatory language of Section 80.230 RSMo.

Section 80.060, RSMo 1986, provides that "[t]he chairman may vote on any proposition before the board." This must be considered along with Section 80.230, RSMo 1986, which provides:

80.230. Trustees--vacancy, how filled.--All vacancies in the board of trustees shall be filled by the remaining members of the board. In case the office of chairman becomes vacant, the remaining members shall select one of their own number as temporary chairman and then proceed to elect some person to fill such vacancy; provided, the chairman or temporary chairman shall have no vote except in case of a tie. [Emphasis added.]

In Attorney General Opinion No. 328, Anderson, 1962, a copy of which is enclosed, we concluded that in filling vacancies on the board the chairman of a board of trustees of a village has no vote unless there is a tie. This conclusion was based on the case Krug v. Village of Mary Ridge, 271 S.W.2d 867 (Mo. App. 1954), where the court of appeals stated:

It should be pointed out that the chairman of the board of trustees of a village is

W. James Icenogle

not a mere presiding officer with the power to vote only in case of a tie (as in the case of the mayor of the fourth class city, § 79.120). He is entitled to vote on all measures which come before the board, except that in filling vacancies on the board the chairman has no vote unless there is a tie. Section 80.230.

Id., 271 S.W.2d at 872.

We believe Opinion No. 328, Anderson, 1962 remains valid. Legislative intent should be ascertained from the language used, considering words in their plain and ordinary meaning. Wolff Shoe Company v. Director of Revenue, 762 S.W.2d 29, 31 (Mo. banc 1988). Based on the plain language of the statute, we conclude that the chairman of the board has no vote in filling a vacancy on the board of trustees unless there is a tie.

The statement of facts accompanying your opinion request raises the additional question of whether a majority vote of the remaining three members of the board, excluding the chairman, is sufficient to fill a vacancy. Section 80.230, RSMo 1986, expressly provides for a vacancy to be filled "by the remaining members of the board." The chairman or temporary chairman has no vote except in the case of a tie. In the facts you present, this provision would mean three members of the board are eligible to vote.

Nothing in Section 80.230, RSMo 1986, expressly requires a unanimous vote of remaining members to fill a vacancy. "[T]he courts indulge a strong presumption against a legislative intent to create a condition that might result in a vacancy in public office." State ex inf. Lamkin, ex rel. Harrison v. Tennyson, 151 S.W.2d 1090, 1091 (Mo. banc 1941). Based on the language of the statute, we conclude a vacancy on a board of trustees can be filled by a two-to-one vote of the remaining members, excluding the chairman.

Your second question asks whether other actions taken by the board prior to filling the vacancy are valid and how many votes are required for action to be taken. We assume that the reference to "action" in the question means the enactment of an ordinance as provided by Section 80.110, RSMo 1986.

Section 80.070, RSMo 1986, provides:

80.070. Trustees--quorum.--At all meetings of the board, a majority of the

W. James Icenogle

trustees shall constitute a quorum to do business; a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the board of trustees previously, by ordinance, may have prescribed. [Emphasis added.]

Section 80.110, RSMo 1986, provides:

80.110. Trustees--passage of ordinances.--No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its passage a majority of all the members of the board of trustees vote therefor, and the yeas and nays be entered upon the journal; . . . [Emphasis added.]

Sections 80.070 and 80.110, RSMo 1986, refer to a "majority of the trustees" and a "majority of all the members of the board of trustees." In Braddy v. Zych, 702 S.W.2d 491 (Mo. App. 1985) the court considered the meaning of the phrase "all the members" and whether such phrase referred to the full authorized membership of a board or the actual membership of the board at the time the vote is taken. The court reviewed cases from other states and concluded the better view is that "all the members" refers to the full authorized membership. Following the view in Braddy v. Zych, supra, we conclude that the references to a "majority of the trustees" and a "majority of all the members of the board of trustees" in Sections 80.070 and 80.110, RSMo 1986, refer to a majority of the full authorized membership of the board.

Section 80.040, RSMo 1986, states the corporate powers of a village "shall be vested in a board of trustees, to consist of five members. . . ." A majority of the full authorized membership of the board of trustees, namely, a majority of the five trustees, is three members. Therefore, pursuant to Sections 80.070 and 80.110, RSMo 1986, a quorum of a five-member board of trustees is three members and a majority, or three members, must vote to pass an ordinance.

Furthermore, we find no provisions declaring invalid an action taken by a board prior to filling a vacancy.

W. James Icenogle

CONCLUSION

It is the opinion of this office that 1) pursuant to Section 80.230, RSMo 1986, the chairman of the board of trustees of a village has no vote in filling a vacancy on the board except in case of a tie, 2) a vacancy on the board of trustees can be filled by a two-to-one vote of the remaining members, excluding the chairman, 3) pursuant to Section 80.070, RSMo 1986, a quorum of a five-member board of trustees of a village is three (3) members, and 4) pursuant to Section 80.110, RSMo 1986, three (3) members must vote to pass an ordinance regardless of any vacancy.

Very truly yours,



WILLIAM L. WEBSTER  
Attorney General

Enclosure: Opinion No. 328, Anderson, 1962

# Opinion No. 65-81

## Topics:

CITIES, TOWNS & VILLAGES.  
CITY COUNCIL.  
CITY ORDINANCES.

## Summary conclusion

Under the holding of State ex rel. Stewart v. King, 562 S.W.2d 704 (Mo. App., K.C.D. 1978), an alderman of a fourth class city who abstains from voting, under § 79.130, RSMo, does not have his abstention counted as a vote.

## Contents of opinion

February 2, 1981

The Honorable James R. Strong  
Representative  
District 119  
Capitol Building, Room 105-D  
Jefferson City, Missouri 65101

Dear Mr. Strong:

This opinion is in response to your question asking:

When a member of a local government governing body abstains from a vote, should the member be considered as having voted with the majority?

You further state:

Attorney General Opinion #249 of August 6, 1965, states that when a city council member abstains from a vote, he is considered as having voted with the majority. For the past fifteen years, city officials have followed this opinion.

Earlier this year in the State of Missouri ex rel. J. R. Stewart v. King, 562 S.W.2d 704, the Kansas City Court of Appeals specifically rejected the proposition that an abstention should be counted with the majority or as a vote in favor of the matter under consideration.

Because the recent decision conflicts with your earlier opinion, we thought that you might withdraw or revise your opinion in order to clarify the matter.

In our Opinion No. 249, dated August 6, 1965, to Schechter, we considered the effect of an abstention, under § 79.130, relative to fourth class cities, which requires a vote of the majority of members elected to the board of aldermen. We concluded that a member who is present cannot abstain, but if he does, he is considered as voting with the majority.

In the case you cite, *State ex rel. Stewart v. King*, 562 S.W.2d 704 (Mo.App., K.C.D. 1978), the Missouri Court of Appeals, Kansas City District, considered a similar question with respect to the provisions of § 89.060, RSMo, relative to zoning and planning.

Section 89.060 provides in pertinent part that:

[S]uch amendment shall not become effective except by the favorable vote of three-fourths of all the members of the legislative body of such municipality. . . .

Accordingly, the court stated at l.c. 706:

[1] In support of the first of those arguments, Stewart relies on the common law rule that a councilman has a duty to vote. As a corollary to that rule, any passed vote is to be treated as an acquiescence in and a vote with the majority. *Bonsack & Pearce, Inc. v. School District of Marceline*, 226 Mo.App. 1238, 49 S.W.2d 1085 (1932); *Mullins v. Eveland*, 234 S.W.2d 639 (Mo.App. 1950).

However, this case is governed by statute, not the common law. Section 89.060 requires a favorable vote of [three-fourths of] all the councilmen. This rather clearly means that there must be actual votes affirmatively cast by three-fourths of all councilmen existing at the time of the vote. This precludes counting in favor of passage any vote only constructively (but not actually) cast. (Bracket added)

Although we respectfully question the reasoning of the court in reaching such conclusion, we believe that such opinion is applicable to the votes required under § 79.130 and that we are required to follow the opinion of the court. Because we believe the holding of the court is applicable under the provisions of § 79.130, relative to fourth class cities, if such an alderman abstains from voting, his abstention should not be counted as a vote in any event.

Therefore, we are withdrawing our Opinion No. 249 dated August 6, 1965, to Schechter. We are also withdrawing our Opinion No. 99, dated January 9, 1974, to Johnson.

Because of the confusion which is likely to result in the absence of legislation respecting this subject, we are of the view that there is a need for legislative clarification.

## CONCLUSION

It is the opinion of this office that under the holding of *State ex rel. Stewart v. King*, 562 S.W.2d 704 (Mo.App., K.C.D. 1978), an alderman of a fourth class city who abstains from voting, under § 79.130, RSMo, does not have his abstention counted as a vote.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, John C. Klaffenbach.

Very truly yours,

**John Ashcroft**  
Attorney General



P.O. Box 1795  
Columbia, MO 65205-1795  
573.874.1477 | Columbia  
573.874.1300 | Fax  
missouricu.org

April 23, 2013

Mayor Michael Jackson  
City of Ashland  
107 East Broadway  
Ashland, MO 65010

Dear Mayor Jackson:

Missouri Credit Union has reserved the Ashland City Park for our staff appreciation picnic on Saturday, June 22, 2013. This will be a family picnic for all Missouri Credit Union staff and families. As part of the festivities we are planning on having a barbecue in the afternoon. The Credit Union **will not** provide alcohol.

However, in the event staff may choose to bring their own alcohol beverages, if any special permit is needed we respectfully request that we be added to the agenda of the May City Council meeting to seek permission for alcohol to be consumed at the June 22 picnic.

If you have any questions, please do not hesitate to contact me. I can be reached by e-mail at [hjames@missouricu.org](mailto:hjames@missouricu.org) or phone at 573-817-5450. And I am more than happy to attend the April council meeting if necessary.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "H. James".

Harold E. James  
President/CEO



**THE CITY OF ASHLAND, MISSOURI**

**Ashland Keystone Infrastructure Inspection**

**(Review Comments)**

**September 12, 2012**

1. A form board is still in one of the inlet boxes on the west side of Redwood Drive adjacent to Lot 9. This board is significantly restricting the functionality of this inlet and must be removed.
2. The detention basin and access located on Lots "A" and "B" have not been completed as shown on the construction plans.
3. No street lights have been installed at this time.
4. No street signs have been installed at this time.
5. Lot 15 – Four (4) caps are missing.
6. Lot 24 – The caps are missing on the blowout (flushing) valve.
7. The three concrete core samples which were pulled by the City and tested on May 8, 2012 appear to meet the City's standards for durability. However, none of the samples meet the required 6 inch thickness (Ponderosa Lane: 5.8", Redwood Drive: 5.4", Sequoia Circle: 5.2").
8. The Maple Leaf Drive cul-de-sac has not been constructed as shown on the construction plans.
9. Stormwater Line D has not been constructed as shown on the construction plans.
10. The sidewalk on the east side of Redwood Drive (adjacent to the school property) has not been constructed. Typically sidewalk construction is required as part of the lot development process. However, as there are no lots adjacent to this section of sidewalk it must be completed as part of the infrastructure.
11. Once all of the above items have been resolved three sets of "as-built" plans shall be submitted to the City prior to consideration of any dedication acceptance by the Board of Aldermen.
12. Chapter 12, Section 12.030 allows a maximum of seventy-five percent (75%) of the lots within a recorded subdivision to be developed prior to formal dedication acceptance by the City. To date, 18 of the 30 lots within this subdivision are developed or permitted for development. Based upon this information, only 4 more lots may be developed before the 75% cap is reached. After this 75% cap is reached no additional permits will be issued until all infrastructure has been formally accepted by the City.
13. At this time the City is halting the issuance of any additional permits (including the four lots discussed in comment #12) until the Storm Water Pollution Prevention Plan (SWPPP) included within the construction plans is completed to the City's satisfaction. This includes the grading of the detention basin / surface swales and the installation of all control structures. Once the SWPPP is completed to the City's satisfaction then the permit hold will be removed from the four lots discussed in comment #12.

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# **POWERS CONSTRUCTION**

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**-City of Ashland-**

- 1. No form board on inlet box.**
- 2. Detention basin is completed to best of my knowledge to specs. No fence was put around the detention basin per request of city employees. Told that it would be too hard to mow and maintain. It sounds like in the near future the city will be having some major work done on the detention pond, which I'm also sure that the fence would hinder.**
- 3. No street lights are installed anywhere in the subdivision. I am willing to work with Ameren to get one, or maybe even two lights installed on Redwood Dr as the city see's necessary. I am in middle of relocating electric lines for the lot splits, so the cost should be minimal.**
- 4. City needs to install street signs.**
- 5. Caps are complete, Lot 15.**
- 6. Cap is on blowout valve, Lot 24.**
- 7. STREETS???**
- 8. The Maple Leaf Dr cul-de-sac will not be constructed until the very end of subdivision.**
- 9. Storm Water Line D was constructed as on the plans.**
- 10. I am willing to put in the sidewalk on the school property as part of "negotiation".**
- 11. As built plans – I'm checking on the cost of this-**
- 12. Quickly approaching 75% capacity so would like to move into action asap.**

I am addressing city council to request final acceptance of the Ashland Keystone Subdivision. I would like to provide a small bit of history on this project. It has been determined that none of the infrastructure in Ashland Keystone is my responsibility, legally or ethically. It does fall back on whoever we can say the developer was, whether that be Nahler who originally developed it, or CFC holdings / Woods that finished it out to its current stage. This has been previously determined by the City Attorney. I purchased the individual lots from CFC holdings. I did speak with the city previous to doing so, and they did inform me that the streets did need to be accepted yet. I was building in the previous stage of the subdivision when the newer streets were being poured. Watching as the streets were poured I felt confident in the quality, so I didn't let that effect my decision to purchase. I feel I did my diligence to insure that I wasn't putting my money on the line, to then be put in the situation that I'm now approaching.

The list that I am addressing above, was handed to me after I bought the lots, and it seems around the same time that Mike McCubbins complaints arose. I have offered to remove silt from the detention basin, work with Ameren on street lights, install sidewalk on a piece of property that I don't even own, etc. This obviously is all at a sizeable expense to me, but in the interest of being able to move on, and avoid paying interest on unbuildable lots, I have offered to do so. At the last meeting I had with the city, I was let know that the detention basin required a privacy fence. Putting in this fence, rough numbers, would cost over 10k. This is an expense that I'm very unwilling to take on. As secondhand information to me, the fence was denied at the time of development, so I would hope for maintenance purposes, and any upcoming work that might become required, we could hold to that.

Once again, I'm willing to give, to move things along and keep everyone happy, I want to make things as easy as possible. I don't want to feel taken advantage of in the same token, and be

**asked to do things that will be a huge financial burden to me. And most definitely, things that did not seem to be an issue before I took ownership. I am certainly not trying to throw anyone under the bus, it is what it is now, but I am trying to find the best solution for the problem without taking on this unjust burden.**

**Also, I don't want the city, or the residents of Ashland Keystone, to think I'm trying to evade responsibility for what I have taken on in the subdivision. Hence the reason I have offered to do what I have, tried to complete things, and get the streets accepted. Whether I'm responsible for the subdivision or not, residents have that in their mind, and I don't want the wrong assumptions, or move on my part, to hurt my business name.**

**Thanks for your time,  
Larkin Powers**