

**CITY OF ASHLAND
815 E. BROADWAY
(SOUTHERN BOONE FIRE PROTECTION DISTRICT TRAINING FACILITY)
ASHLAND, MO. 65010
BOARD OF ALDERMEN AGENDA
TUESDAY, JUNE 02 , 2015
7:00 P.M.**

Call to order

Invocation

Pledge of Allegiance

Roll Call

CONSENT

1. Consideration of the 6-02-2015 agenda: **Action:** _____
2. Consideration of the meeting minutes from 5-19-2015: **Action:** _____

APPEARANCES

3. Anyone wishing to appear before the Board

APPOINTMENTS

4. None

COUNCIL BILLS

5. Council Bill No. 2015-015, an ordinance to amend Chapter 14 of the Code of the City of Ashland to modify water billing and collection procedures, and to increase water deposits. First Reading by title only. **Action:** _____

ORDINANCES

6. None

RESOLUTIONS

7. A Resolution authorizing the Mayor to enter into a contract with Jeffrey R. Kays as City Prosecutor. **Action:** _____

OTHER

8. None

REPORTS

9. Police Chief's monthly report
10. Mayor's Report
11. City Administrator's Report
12. City Attorney's Report

13. Board of Aldermen's Report
14. 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 in advance of the meeting.)

Posted: 5-29-2015

City Hall and website: www.ashlandmo.us

TUESDAY, MAY 19, 2015
BOARD OF ALDERMEN MINUTES
7: 00 P.M.
DRAFT COPY NOT APPROVED BY BOARD

Mayor Rhorer called the regular meeting to order at 7:00 p.m. on May 19, 2015 at 815 East Broadway, Ashland Missouri.

Alderman Elliott gave the invocation.

Mayor Rhorer led in the pledge of allegiance.

Mayor Rhorer called the roll:

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

Ward Two: Mike Calvert-here, James Fasciotti-here

Ward Three: Jesse Bronson-here, Fred Klippel-here

Staff Present: Darla Sapp, City Clerk, Lyn Woolford, Police Chief, Jessi Kendall, Treasurer/Deputy City Clerk, Shelley Martin, Utility Clerk and Josh Hawkins, City Administrator.

Mayor Rhorer presented the agenda for May 19, 2015 for consideration with the addition of a resolution authorizing the Mayor to enter into a grant award agreement amendment II with the Learning Garden as item number 11-A. Alderman Elliott made motion and seconded by Alderman Calvert to approve the agenda as amended. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Calvert-aye, Alderman Campbell-aye, Alderman Elliott-aye, Alderman Fasciotti-aye, Alderman Bronson-aye. Motion carried.

Mayor Rhorer presented the minutes of May 05, 2015 for consideration. Alderman Campbell made motion and seconded by Alderman Bronson to approve the minutes as presented. Mayor Rhorer called for the vote. Motion carried.

Chad Sayre, Allstate Consultants gave an overview of the proposed wastewater project, funding and current status of the project to the Board. He presented the proposed budget for the project. He discussed how the mechanical plant would work and the proposed force main extension to serve Highway 63 area. The Board asked various questions about this project and the need to review rates for the sewer as well as the impact fees. Mr. Sayre reported he would do monthly updates to the Board of the progress of this project.

Mayor Rhorer reported Shelley Martin, Utility Clerk would be going over the proposed Utility Procedures revisions with the Board. He reported he has asked for changes to be made since he felt the wastewater procedures needed to be tightened and utility rates and fees needed to be increased. Shelley Martin gave a detailed review the proposed procedures and fee increases. The Board discussed this at length. The Board asked that the deposits proposed be amended and include every water meter, even contractors. Mayor Rhorer reported this would be brought back in a form of an ordinance at a future meeting.

Mayor Rhorer asked if anyone wished to appear before the Board. No one came forward.

Mayor Rhorer presented Council Bill No. 2015-014 for consideration. Alderman Campbell made motion and seconded by Alderman Bronson to take up Council Bill No. 2015-014, an ordinance authorizing the Mayor to enter into an agreement with APAC-Missouri, Inc. for the 2015 Ashland City Streets Project; providing for compliance with the prevailing wage law and stated mandated construction safety training.

First Reading by title only. Mayor Rhorer called for questions or comments. Alderman Elliott questioned the bid process. Josh Hawkins, City Administrator reported we are using the county bidding on the overlay since they have completed the bid process. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Calvert-aye, Alderman Campbell-aye, Alderman Bronson-aye, Alderman Fasciotti-aye, Alderman Elliott-aye. Motion carried.

Mayor Rhorer presented Ordinance No.1026 for consideration. Alderman Campbell made motion and seconded by Alderman Klippel to take up Council Bill No. 2015-014, an ordinance authorizing the Mayor to enter into an agreement with APAC-Missouri, Inc. for the 2015 Ashland City Streets Project; providing for compliance with the prevailing wage law and stated mandated construction safety training. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Calvert-aye, Alderman Campbell-aye, Alderman Bronson-aye, Alderman Fasciotti-aye, Alderman Elliott-aye. Motion carried.

Mayor Rhorer presented a resolution for consideration entering into an agreement with Engineering Surveys and Services for professional services. Alderman Calvert made motion and seconded by Alderman Klippel to consider the resolution entering into an agreement with Engineering Surveys and Services for professional services. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Josh Lehmen from Engineering Surveys and Services was available for questions. Mayor Rhorer called for the vote. Alderman Bronson-aye, Alderman Fasciotti-aye, Alderman Elliott-aye, Alderman Klippel-aye, Alderman Calvert-aye, Alderman Campbell-aye. Motion carried.

Mayor Rhorer presented a resolution for consideration entering into an agreement with Bartlett and West for professional services. Alderman Bronson made motion and seconded by Alderman Klippel to consider the resolution entering into a agreement with Bartlett and West for professional services. Mayor Rhorer called for questions or comments. Steve Shultz from Bartlett and West was present for questions. Mr. Shultz reported the survey crew will be working on Ash Street Sidewalk Improvement project. Alderman Campbell asked which side of the street the sidewalk would be placed on. Mr. Shultz reported it will be on the south side of Ash Street due the amount of utilities on the north side. The board discussed the sidewalk and storm drainage improvements on Ash Street. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Calvert-aye, Alderman Campbell-aye, Alderman Bronson-aye, Alderman Fasciotti-aye, Alderman Elliott-aye. Motion carried.

Mayor Rhorer presented a resolution for consideration authorizing the Mayor to enter into reimbursement agreements with City employees for training costs to obtain drinking water and wastewater system operator certification. Alderman Bronson made motion and seconded by Alderman Calvert to consider authorizing the Mayor to enter into reimbursement agreements with City employees for training costs to obtain drinking water and wastewater system operator certification. Mayor Rhorer called for questions or comments. The Board discussed this agreement and issues of training and retaining employees. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Calvert-aye, Alderman Campbell-aye, Alderman Bronson-aye, Alderman Fasciotti-aye, Alderman Elliott-aye. Motion carried.

Mayor Rhorer presented a resolution authorizing the Mayor to enter into a grant award agreement amendment II with the Learning Garden. Josh Hawkins, City Administrator reported the City of Ashland is the fiscal agent for this grant. Jenny Grabner gave an overview of the grant with the Missouri Foundation of Health. She reported they needed to make some changes within the budgeting. The Board

asked various questions about the grant and questioned what happens with the program after the grant ends. Jenny Garbner explained the educational program they provide to the students and teachers.

Alderman Campbell made motion and seconded by Alderman Klippel to authorize the Mayor to enter into a grant award agreement amendment II with the Learning Garden. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Calvert-aye, Alderman Campbell-aye, Alderman Elliott-aye, Alderman Fasciotti-aye, Alderman Bronson-aye. Motion carried.

Mayor Rhorer presented final pay request for C.L. Richardson Construction for the Henry Clay Blvd. and Peterson Lane water system improvements. Alderman Calvert made motion and seconded by Alderman Campbell to consider the final pay request for C.L. Richardson Construction. Mayor Rhorer called for questions or comments. Josh Hawkins, City Administrator reported that this closes out the contract on this project. Mayor Rhorer called for the vote. Alderman Bronson-aye, Alderman Fasciotti-aye, Alderman Elliott-aye, Alderman Campbell-aye, Alderman Calvert-aye, Alderman Klippel-aye. Motion carried.

Alderman Fasciotti made motion and seconded by Alderman Calvert to take a five minute recess. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Calvert-aye, Alderman Campbell-aye, Alderman Elliott-aye, Alderman Fasciotti-aye, Alderman Bronson-aye. Motion carried.

Mayor Rhorer called the meeting back to order at 8:54 p.m.

Mayor Rhorer reported the next item on the agenda is the monthly report from Lyn Woolford, Police Chief.

Lyn Woolford, Police Chief gave his monthly report to the Board. He reported with the board packets he included the MoDot traffic count on Henry Clay Blvd. and Broadway. Chief Woolford discussed with the Board the CALEA accreditation program for the police department. Chief Woolford gave an overview of a new designer drug called Flakka's. He presented a list of stop signs that has been placed that are against the Traffic Code regulations. He stated he thinks they were put in place as speed control devices. The Board discussed this at length. He asked the Board to review these stop signs and see if we can eliminate any that are not compliance. Chief Woolford reported on the police chief conference he attended at the Lake of the Ozarks. He reported the police department has gone through three audits by outside agencies and have been in compliance.

Mayor's Report:

Mayor Rhorer reported we need to establish a temporary business license. He stated they would still have to follow the procedures and codes. He reported he received a complaint on tall weeds in the flower bed at Casey's and at Main Street Bank that our blocking the view of traffic. He reported on the MML elected official conference, MML central meeting and encouraged the Board to attend.

City Administrator's Report:

Josh Hawkins reported the MML conferences are very beneficial and the city does pay for these for the Board. He encouraged them to attend. He reported he would be getting some pricing for surveillance cameras for the recycling area as well as the public works area. Mr. Hawkins reported he had a meeting with animal control and discussed the animal complaint procedures. He stated the transportation planning

comments need to be in by June 1st either to him or to the Regional Planning Commission. He stated once this was completed we would be working on the capital improvement plan and code review. He informed the Board of a MoDot meeting on Wednesday at 3:30 p.m. at the library. Josh Hawkins reported he would be out of the office Friday through Monday.

City Attorney's Report:

Fred Boeckmann stated he did not have anything to report.

Board of Aldermen's Report:

Alderman Klippel reported he received a compliment on how the park was kept up.

Alderman Elliott gave an update on the park board and garden club walk through at the park. He reported some trees will need to be removed and maintenance done to one of the shelter houses.

Alderman Fasciotti reported a code violation of the for sale sign and vehicles for sale on the state highway right of way at Liberty Lane and Perry Ave. Chief Woolford reported he would check into this complaint.

Alderman Bronson reported he attended the Mid-Mo Solid Waste Management meeting last Thursday and gave a brief update.

Alderman Campbell extended an invitation to the Boone County ham breakfast to the current and former Board of Aldermen. He stated he would like to see the City of Ashland well represented at this event.

Alderman Klippel reported he has been participating the walking school bus this week and will the rest of the week.

Alderman Calvert made motion and seconded by Alderman Klippel to go into closed session pursuant to Chapter 610.021 (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor and (3) hiring, firing, disciplining or promoting of particular employees. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Calvert-aye, Alderman Campbell-aye, Alderman Elliott-aye, Alderman Fasciotti-aye, Alderman Bronson-aye. Motion carried.

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

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

Darla Sapp, City Clerk

Gene Rhorer, Mayor

GL ACCT #	VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
----- ACCOUNTS PAYABLE CLAIMS -----					
10-02-2001	United States Treasure	FED/FICA TAX	1,598.09	9126707	5/15/15
10-02-2002	United States Treasure	FED/FICA TAX	2,408.42	9126707	5/15/15
10-02-2011	MONROE COUNTY CIRCUIT CLERK	Garnishment	122.22	25434	5/15/15
10-02-2012	COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	6,534.84	4023	5/21/15
10-02-2012	MADISON NATIONAL LIFE	DENTAL INSURANCE	178.92	4026	5/21/15
10-02-2014	NATHAN PATTERSON	HSA	95.08	9126708	5/15/15
10-10-5115	COMMUNITY DEVELOPMENT COUNCIL	TRAINING CITY ADMIN	225.00	4022	5/21/15
10-10-5115	MISSOURI MUNICIPAL LEAGUE	MCMA SPRING CONFERENCE JOSH	200.00	4028	5/21/15
10-10-5300	APAC - MISSOURI, INC.	ASPHALT	66.88	4017	5/21/15
10-10-5300	SENTINEL LUMBER & HARDWARE	CITY HALL FLAG POLE	17.01	4035	5/21/15
10-10-5360	CENTURY LINK	AVAYA OFFICE- CITY ADMIN	5,291.00	4021	5/21/15
10-10-5360	VERIZON	MDT'S AND TABLETS	23.45	4040	5/21/15
10-10-5640	PROVIDENCE URGENT CARE	NEW EMPLOYEE C.C.	30.00	4032	5/21/15
10-10-5670	QUILL CORPORATION	CLEAR REPORT COVERS	12.00	4033	5/21/15
10-10-5670	STAPLES CREDIT PLAN	PAPER	32.20	4038	5/21/15
10-15-5110	SOUTHERN UNIFORM & EQUIPMENT	TRAFFIC VEST & POLICE WHISTLES	104.31	4037	5/21/15
10-15-5115	POLICE LEGAL SCIENCES INC	ANNUAL RENEWAL OF ONLINE TRAIN	840.00	4031	5/21/15
10-15-5300	Lowe's Business Account	OAK BOARD	58.98	4025	5/21/15
10-15-5300	SENTINEL LUMBER & HARDWARE	DEPUTY CHIEF OFFICE	96.60	4035	5/21/15
10-15-5360	VERIZON	CELL PHONES	320.62	4040	5/21/15
10-15-5420	RANDY'S AUTO REPAIR	REPLACE TRANSMISSION COOLER	429.88	4034	5/21/15
10-15-5670	QUILL CORPORATION	CLEAR REPORT COVERS	12.00	4033	5/21/15
10-15-5670	STAPLES CREDIT PLAN	PAPER	32.21	4038	5/21/15
10-18-5300	SENTINEL LUMBER & HARDWARE	TAPCONS, LIGHT BULBS	17.96	4035	5/21/15
10-18-5305	BOONE ELECTRIC COOPERATIVE	UTILITIES	39.15	4018	5/21/15
10-18-5380	SOUTHERN BOONE AREA YMCA	FOUNDERS CAMPAIGN CONTRIBUTION	10,000.00	4036	5/21/15
10-18-5425	MFA Oil Company	FUEL- APRIL 2015	156.36	4027	5/21/15
15-16-5448	JEFFREY R. KAYS	CITY PROSECUTOR- APRIL 2015	833.33	4024	5/21/15
20-02-2001	United States Treasure	FED/FICA TAX	66.63	9126707	5/15/15
20-02-2002	United States Treasure	FED/FICA TAX	221.40	9126707	5/15/15
20-02-2012	COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	678.52	4023	5/21/15
20-20-5305	BOONE ELECTRIC COOPERATIVE	UTILITIES	846.86	4018	5/21/15
20-20-5420	SENTINEL LUMBER & HARDWARE	EQUIPMENT MAINTENANCE	42.84	4035	5/21/15
20-20-5420	TRI-STATE CONSTRUCTION EQUIP.	SKID LOADER	301.26	4039	5/21/15
20-20-5425	MFA Oil Company	FUEL- APRIL 2015	357.02	4027	5/21/15
20-20-5603	APAC - MISSOURI, INC.	ASPHALT	66.88	4017	5/21/15
20-20-5603	BOONE QUARRIES	STREET ROCK	671.58	4019	5/21/15
20-20-5603	Carter Waters	STREET SUPPLIES	360.84	4020	5/21/15
20-20-5605	SENTINEL LUMBER & HARDWARE	SUPPLIES	9.89	4035	5/21/15
20-20-5610	MISSOURI SEALCOAT PRODUCTS	CRACK SEALER TIPS	330.00	4029	5/21/15
20-20-5628	SENTINEL LUMBER & HARDWARE	MATERIALS	8.19	4035	5/21/15
20-20-5817	NEWMAN TRAFFIC SIGNS	STREET SIGNS & HARDWARE	374.08	4030	5/21/15
45-02-2001	United States Treasure	FED/FICA TAX	1,032.61	9126707	5/15/15
45-02-2002	United States Treasure	FED/FICA TAX	1,540.44	9126707	5/15/15
45-02-2012	COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	3,642.96	25450	5/21/15
45-30-5310	BOONE ELECTRIC COOPERATIVE	UTILITIES	75.00	25447	5/21/15
45-30-5360	VERIZON	CELL PHONES	52.06	25459	5/21/15
45-30-5420	SALTER LAWN SERVICE	WEED EATER REPAIR	105.00	25456	5/21/15
45-30-5615	Engineering Surveys & Services	WATER TOWER SAMPLE	25.00	25452	5/21/15
45-30-5628	APAC - MISSOURI, INC.	ASPHALT	66.88	25446	5/21/15
45-30-5628	ECONO SIGNS	SIGNS	170.62	25451	5/21/15

GL ACCT #	VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
45-30-5628	SENTINEL LUMBER & HARDWARE	LUMBER, ELECTRIAL, HARDWARE	97.03	25457	5/21/15
45-30-5640	PROVIDENCE URGENT CARE	NEW EMPLOYEE A.T.	30.00	25454	5/21/15
45-30-5800	Allstate Consultants	OLD 63 TO PETERSON	201.50	25445	5/21/15
45-30-5816	C. L. Richardson Construction	PAY REQUEST #2 FINAL	6,117.94	25448	5/21/15
45-40-5310	BOONE ELECTRIC COOPERATIVE	UTILITIES	425.15	25447	5/21/15
45-40-5355	JCI INDUSTRIES, INC	BLOWER #1 REPAIR	539.00	25453	5/21/15
45-40-5360	VERIZON	MDT'S AND TABLETS	23.45	25459	5/21/15
45-40-5618	SENTINEL LUMBER & HARDWARE	CHEMICALS	10.36	25457	5/21/15
45-40-5800	Allstate Consultants ,	WASTEWATER TREATMENT	30,632.46	25445	5/21/15
45-40-5815	Carter Waters	DIAMOND SAW BLADE	189.05	25449	5/21/15
45-50-5670	QUILL CORPORATION	CLEAR REPORT COVERS	11.99	25455	5/21/15
45-50-5670	STAPLES CREDIT PLAN	PAPER	32.21	25458	5/21/15
TOTAL ACCOUNTS PAYABLE CHECKS			79,133.21		

PAYROLL CHECKS

10	GENERAL	11,670.97
20	STREET	1,178.83
45	UTILITIES	7,579.11
PAYROLL CHECKS ON 5/15/2015		20,428.91
TOTAL PAYROLL CHECKS		20,428.91

**** PAID TOTAL **** 99,562.12

***** REPORT TOTAL ***** 99,562.12

FUND	FUND NAME	TOTAL	CHECK#	DATE
10	GENERAL	40,614.15		
15	COURT	833.33		
20	STREET	5,514.82		
45	UTILITIES	52,599.82		

AN ORDINANCE TO AMEND CHAPTER 14 OF THE CODE OF THE CITY OF ASHLAND TO MODIFY WATER BILLING AND COLLECTION PROCEDURES, AND TO INCREASE WATER DEPOSITS

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.

14.205. Billing and collection procedures (Water)

A. All water service charges shall be paid to the City, or its authorized agent, at the location or locations designated by the City. Water service charges shall be due on the 15th day of each month.

B. Every water service charge specified in this section remaining unpaid after the 15th of the month shall be increased by ten (10) percent a late fee as set by the Board. If charges have not been paid by the 25th of the month at 5:00 p.m., within 7 days a notice of disconnect will be issued and an additional ten dollar (\$10.00) charge shall be added to the water service charges remaining unpaid. If the 25th falls on a weekend or City holiday, the charge is assess on the next business day. A processing fee of \$10.00 (ten dollars) will need to be paid in addition to all other service charges. All fees must be paid within forty-eight (48) hours by 5:00 p.m. on the date listed on the disconnect notice or the customers will be disconnected. Service will not be reconnected until all fees and a seventy five dollar (\$75.00) reconnection fee have been paid. Reconnections will not be done outside of normal work hours for City public works employees, unless deemed an emergency situation by the City Water Superintendent. The fee for reconnections made outside of normal work hours shall be one hundred fifty dollars (\$150). (amended 5-01-07 Council Bill No. 2007-017)

C. Water services shall be deemed to be furnished to both the occupant and owner of all residential, commercial or industrial, and governmental establishments receiving water service, and the occupant and owner of such establishments shall be severally and jointly liable to the City for payment of the charges for such service rendered on or to premises upon which such establishments are located. If any bill for such service is not paid within fifteen (15) days from the date payment is due, the City may sue, the occupant, the owner, or both, of the establishments receiving such service, or for which such service has been made available, and receive any sums due for such services plus a reasonable attorney's fees to be fixed by the court and the costs of such suit. Such suit shall be instituted by the City counselor upon the order of the Board of Aldermen of the City. In addition, the City may use such other means now or hereafter

available to it under the statutes of Missouri and the ordinances of the City to effect the collection of any bill for water service remaining unpaid.

Nothing contained herein shall in any way forgive or avoid any payment to the City as outlined in this chapter for water services. Upon receipt of any such payment under protest, the Public Works Director shall respond in writing to the recipient of the service with a response to their complaint and a copy shall be forwarded to the City Clerk, the City Board of Aldermen, and a reply shall be forthcoming within a reasonable amount of time. (amended Ordinance No. 891, 7-19-2011)

APPENDIX C-3: WATER DEPOSITS

Residential Homeowner Deposit per meter ~~\$50.00~~ 90.00
Commercial Deposit per meter ~~\$75.00~~ 150.00
Residential Rental Deposit per meter \$150.00

There are no exemptions from the deposit requirement. Persons requesting water service for a building under construction shall pay a deposit based on the intended use of the building.

Section 2. The water deposits changes set forth in Section 1 shall only apply to accounts established after the effective date of this Ordinance.

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

Dated this ____ day of _____, 2015.

Gene Rhorer, Mayor

Attest:

Darla Sapp, City Clerk

Certified as to correct form:

Fred Boeckmann, City Attorney

RESOLUTION 6-02-2015

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH
JEFFREY R. KAYS AS CITY PROSECUTOR

Whereas, the Board of Aldermen appointed Jeffrey R. Kays as City Prosecutor on May 5, 2015;
and

Whereas, the Board of Aldermen has reviewed the contract for prosecuting attorney services and
furthermore wishes to enter into a contract with Jeffrey R. Kays; and

THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF
ASHLAND, MO. AS FOLLOWS:

The Board of Aldermen hereby authorizes the Mayor to enter into a contract with Jeffrey R.
Kays for the prosecuting attorney services as set out in the contract and marked as Exhibit "A".

Passed and adopted this _____ day of _____, 2015.

Gene Rhorer, Mayor

Attest:

Darla Sapp, City Clerk

**CONTRACT OF EMPLOYMENT WITH JEFFREY R. KAYS, CITY OF
ASHLAND PROSECUTOR**

THIS CONTRACT is entered into this ____ day of _____, 2015 by and between the CITY OF ASHLAND, State of Missouri (hereinafter referred to as "City"), and JEFFREY R. KAYS;

WITNESSETH:

WHEREAS, City of Ashland Code Section 2.305 provides that the Mayor with the advice and consent of the Board of Aldermen (hereinafter "ALDERMEN") shall appoint the CITY PROSECUTOR, and

WHEREAS, the Mayor has appointed and the ALDERMEN have confirmed the appointment of JEFFREY R.KAYS as CITY PROSECUTOR and wish to set the terms and conditions of said employment; and

WHEREAS, JEFFREY R. KAYS desires to accept the position of CITY PROSECUTOR consistent with certain terms and conditions set forth in this CONTRACT.

NOW THEREFORE, the parties do mutually agree as follows:

Section 1. Effective Date.

A. The appointment of JEFFREY R. KAYS is effective May 1, 2015 and shall be for a term of one year unless sooner removed from office, and until his successor is appointed and qualified.

B. Nothing in this Contract shall prevent, limit or otherwise interfere with the right of JEFFREY R. KAYS to resign at any time from his position with the CITY, subject to six weeks written notice to the CITY.

C. Notwithstanding the existence of this contract and the term of the appointment contemplated herein, the parties agree that JEFFREY R. KAYS is an appointed official of the CITY OF ASHLAND, and his appointment is subject to termination as contemplated in the Ashland City Code, under the terms and conditions set forth therein. It is expressly agreed and understood that the terms of the Ashland City Code supersede any contractual term or notion contained herein pertaining to the appointment and continued service of JEFFREY R. KAYS by and to the CITY OF ASHLAND. It is further understood that JEFFREY R. KAYS, is an independent Contractor and therefore shall not be eligible for benefits as may be offered to other appointed, elected or hired employees or officials of the CITY OF ASHLAND.

D. This contract shall remain in effect for as long as JEFFREY R. KAYS holds the position of City Prosecutor.

Section 2. Duties and Compensation.

A. CITY agrees to retain JEFFREY R. KAYS as CITY PROSECUTOR of the City of Ashland, State of Missouri to perform the functions and duties specified in the City of Ashland Code at Section 2.305.

B. ALDERMEN agree to pay JEFFREY R. KAYS for his services rendered pursuant hereto a salary at the annual rate of \$11,000 payable in equal monthly installments beginning June 1, 2015. In November, 2015, ALDERMEN will review JEFFREY R. KAYS' performance and consider increasing the annual rate to \$12,000 effective December 1, 2015.

Section 3. Indemnification.

In addition to that required under state and local law, CITY shall defend, save harmless, and indemnify JEFFREY R. KAYS against any claims, demands, causes of actions, losses, damages, expenses (including but not limited to attorney fees as may be authorized against public entities or officers consistent with state law) or liability of any kind whether stated in or arising from tort, professional liability or any other legal action or equitable theory, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of JEFFREY R. KAYS duties as CITY PROSECUTOR to the fullest extent permitted by law. CITY may compromise and settle any such claim or suit, and shall pay the amount of any settlement or judgment rendered thereon. The duty and obligation of the CITY OF ASHLAND to indemnify, represent or hold harmless JEFFREY R. KAYS shall not extend to any intentional torts or criminal acts which may be performed by or alleged of JEFFREY R. KAYS in the performance of his duties hereunder, same being specifically excluded herefrom.

Section 4. Other Terms and Conditions of Employment.

The ALDERMEN, in consultation with JEFFREY R. KAYS, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of JEFFREY R. KAYS, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this CONTRACT, the CITY CODE or any other law.

Section 5. General Provisions.

A. The text herein shall constitute the entire CONTRACT between the parties.

B. This CONTRACT shall be binding upon and inure to the benefit of the heirs at law and executors of the parties.

C. It is the intent of the ALDERMEN that this CONTRACT and the appointment of JEFFREY R. KAYS as CITY PROSECUTOR are in accordance with the requirements and provisions of the CITY Code. Wherever possible the provisions of this CONTRACT shall be construed in a manner consistent with CODE. If any provisions of this CONTRACT conflicts with Code, the Code shall control.

D. If any provisions, or any portion thereof, contained in this CONTRACT is held unconstitutional, invalid or unenforceable, the remainder of this CONTRACT, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, CITY and JEFFREY R. KAYS have executed this CONTRACT on the day and year set forth above.

Jeffrey R. Kays

Date

Gene Rhorer, Mayor

Date

ATTEST:

Darla Sapp, City Clerk

Date



109 E. Broadway – P.O. Box 135 - Ashland, Missouri 65010
Telephone: 573-657-9062 Fax: 573-657-7018
Email: policechief@ashlandmo.us website: www.ashlandmo.us

Lyn Woolford, Chief of Police

June 2015 Board of Aldermen Report

1. Salter “For Sale” sign
2. Stop Sign Removal Process
3. Speed Trailer Usage
4. Recycle Lot
5. Accelerate police car Order
6. Accessory for Deputy Chief’s car

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4/24/2015 - recieved
 4/24/2015 S Henry Clay
 4/25/2015 - weekend
 4/26/2015 - weekend
 4/27/2015 - School zone (elementary)
 4/26/2015 - Broadway/Cottage School Zone
 4/27/2015 - ~~school zone~~ ~~to elementary~~ can't remember
 4/28/0 Broadway/Cottage BASS
 4/29 - Douglas
 → 4/30 Douglas TRAINING w/ manufacturer
 5/1 Redwood
 5/2 weekend
 5/3 weekend
 5/4 Henry Clay / am anda - school zone
 5/5 N MAIN ST - school zone
 5/6 Cottonwood
 5/7 Seasons Kidg d
 5/8 RAIN
 5/9 weekend
 5/10 weekend
 5/11 Broadway/Bass
 5/12 Douglas Drive.
 5/13 TRAINING
 5/14 Training
 5/15 Broadway/church
 5/16 weekend
 5/17 weekend

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5/18 606 Redwood

5/19 unknown

5/20 Rain

5/21 Liberty Ln school zone

5/22 Liberty / Jan

5/23 weekend

5/24 weekend

5/25 Holiday

5/26 Broadway Oak } survey

5/27 Broadway Oak

5/28 - leave

5/29 - leave

5/30 - weekend

5/31 - weekend