

**CITY OF ASHLAND
815 EAST BROADWAY
(SOUTHERN BOONE FIRE PROTECTION DISTRICT TRAINING FACILITY)
ASHLAND, MO. 65010
BOARD OF ALDERMEN AGENDA
TUESDAY, AUGUST 02, 2016
7:00 P.M.**

Call the meeting to order

Invocation

Pledge of Allegiance

Roll Call

CONSENT

1. Consideration of the 8-02-2016 agenda: **Action:** _____
2. Consideration of the 7-19-2016 minutes: **Action:** _____

APPEARANCES

3. Anyone wishing to appear before the Board

APPOINTMENTS

4. None

COUNCIL BILLS

5. Council Bill No. 2016-041, an ordinance authorizing the Mayor to enter into a license agreement with the City of Columbia, Missouri. First reading by title only. **Action:**

ORDINANCES

6. Ordinance No. 1088, an ordinance extending the corporate limits of the City of Ashland, Missouri by annexing unincorporated area on the east side of Highway 63; Directing the City Clerk to give notice of the annexation; and placing general commercial (G-C) zoning on the property being annexed. **Action:** _____
7. Ordinance No. 1089, an ordinance authorizing the Mayor to enter into a license agreement with the City of Columbia, Missouri. **Action:** _____

RESOLUTIONS

8. A resolution authorizing the write off of certain uncollectable receivables. **Action:**

OTHER

9. None

REPORTS

- 10. Mayor's Report
- 11. City Administrator 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: 7-29-2016

City Hall and website: www.ashlandmo.us

TUESDAY, JULY 19, 2016
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 July 19, 2016 at 815 East Broadway, Ashland, Missouri.

Alderman Bronson gave the invocation.

Mayor Rhorer led in the pledge of allegiance.

Mayor Rhorer called the public hearing to order at 7:02 p.m. to hear public input concerning the matter of proposed voluntary annexation of three tracts of land into the City limits of Ashland for Knipp Farms LLC, Anna Maria Knipp and Ollie Mae Knipp. Mayor Rhorer called for questions or comments. Alderman Campbell asked that this be tabled. Mayor Rhorer reported this was a public hearing the voting would be done on the Council Bill section of the agenda. Mayor Rhorer closed the public hearing at 7:07 p.m.

Mayor Rhorer called the roll:

Ward One: George Campbell-here, Danny Clay-here
Ward Two: Jesse Bronson-here, James Fasciotti-here
Ward Three: Rick Lewis-here, Fred Klippel-absent

Staff Present: Fred Boeckmann City Attorney, Darla Sapp City Clerk, Lyn Woolford Police Chief/City Administrator.

Mayor Rhorer called the regular meeting to order at 7:08 p.m. on July 19, 2016 at 815 East Broadway, Ashland, Missouri.

Mayor Rhorer presented the agenda of July 19, 2016 for consideration with the amendment of moving Ordinance No. 1080 as first item on the agenda and adding second readings on South Wind Plat 2, the Preliminary Plat for Eagle Lakes Plat 4 and Final Plat for Eagle Lakes Plat 4. Mayor Rhorer asked for the vote on the amendment. Alderman Bronson made motion and seconded by Alderman Lewis to approve the agenda as amended. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer presented the minutes of July 05, 2016 for consideration. Alderman Bronson made motion and seconded by Alderman Lewis to approve the minutes as presented. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer asked if anyone wished to appear before the Board to come forward and state their name and place of residence. No one came to the podium.

Mayor Rhorer presented Ordinance No. 1080 for consideration. Alderman Bronson made motion and seconded by Alderman Campbell to take up Ordinance No. 1080, an ordinance to change the zoning of a tract of land from (C-G) General Commercial to (R-2) Moderate Density Residential for Richardson Family L.P. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Fasciotti-aye, Alderman Clay-aye, Alderman Klippel-absent. Motion carried.

Mayor Rhorer presented Council Bill No. 2016-037 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Council Bill No. 2016-037, an ordinance extending the corporate limits of the City of Ashland, Missouri by annexing unincorporated area on the east side of Highway 63; Directing the City Clerk to give notice of the annexation; and placing General Commercial (C-G) zoning on the property being annexed. First Reading by title only. Mayor Rhorer called for questions or comments. Alderman Campbell asked if anyone was in attendance to represent the Knipps? No one was present and Alderman Campbell asked that this be tabled until they are in attendance. Alderman Bronson amended his motion to table Council Bill No. 2016-037. No one seconded the motion to table the Council Bill No. 2016-037. Mayor Rhorer called for the vote for the approval of the first reading of Council Bill No. 2016-037. Alderman Bronson-aye, Alderman Campbell-aye, Alderman Clay-aye, Alderman Fasciotti-aye, Alderman Lewis-aye, Alderman Klippel-absent. Motion carried.

Mayor Rhorer presented Council Bill No. 2016-038 for consideration. Alderman Bronson made motion and seconded by Alderman Lewis to take up Council Bill No. 2016-038, an ordinance approving the Final Plat for South Wind Plat 2. First reading by title only. Mayor Rhorer called for questions or comments. Mayor Rhorer reported Keith Winscott was present if the Board had any questions. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Fasciotti-aye, Alderman Clay-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Klippel-absent. Motion carried.

Mayor Rhorer presented Council Bill No. 2016-039 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Council Bill No. 2016-039, an ordinance approving the Preliminary Plat for Eagle Lakes Plat 4. First reading by title only. Mayor Rhorer called for the vote. Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Fasciotti-aye, Alderman Clay-aye, Alderman Klippel-absent. Motion carried.

Mayor Rhorer presented Council Bill No. 2016-040 for consideration. Alderman Bronson made motion and seconded by Alderman Fasciotti to take up Council Bill No. 2016-040, an ordinance approving the Final Plat for Eagle Lakes Plat 4. First reading by title only. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Fasciotti-aye, Alderman Clay-aye, Alderman Campbell-aye, Alderman Bronson-aye, Alderman Klippel-absent. Motion carried.

Mayor Rhorer presented Ordinance No. 1083 for consideration. Alderman Bronson made motion and seconded by Alderman Lewis to take up Ordinance No. 1083, an ordinance to amend Chapter 14, City of Ashland Code to modify lead ban policy. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Bronson-aye, Alderman Campbell-aye, Alderman Lewis-aye, Alderman Fasciotti-aye, Alderman Clay-aye, Alderman Klippel-absent. Motion carried.

Mayor Rhorer presented Ordinance No. 1084 for consideration. Alderman Bronson made motion and seconded by Alderman Fasciotti to take up Ordinance No. 1084, an ordinance authorizing the Mayor to execute the first amendment to the lease agreement between the City of Ashland, Missouri and Cellco Partnership d/b/a Verizon Wireless. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Fasciotti-aye, Alderman Clay-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Klippel-absent. Motion carried.

Mayor Rhorer presented Ordinance No. 1085 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Ordinance No. 1085, an ordinance approving the Final Plat for South Wind Plat 2. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Fasciotti-aye, Alderman Clay-aye, Alderman Bronson-aye, Alderman Campbell-aye, Alderman Klippel-absent. Motion carried.

Mayor Rhorer presented Ordinance No. 1086 for consideration. Alderman Bronson made motion and seconded by Alderman Lewis to take up Ordinance No. 1086, an ordinance approving the Preliminary Plat for Eagle Lakes Plat 4. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Clay-aye, Alderman Campbell-aye, Alderman Bronson-aye, Alderman Fasciotti-aye, Alderman Lewis-aye, Alderman Klippel-absent. Motion carried.

Mayor Rhorer presented Ordinance No. 1087 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Ordinance No. 1087, an ordinance approving the Final Plat for Eagle Lakes Plat 4. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Campbell-aye, Alderman Lewis-aye, Alderman Clay-aye, Alderman Bronson-aye, Alderman Fasciotti-aye, Alderman Klippel-absent. Motion carried.

Mayor's Report:

Mayor Rhorer had no report.

City Administrator/Police Chief Report:

Lyn Woolford reported the police summary was in the packet. He reported they have discussed with the officers the recent issues with police shootings in Dallas, St. Louis and Baton Rouge. He stated his officers know the risk. Mr. Woolford reported in his absence the staff and police department did a great job.

City Attorney's Report:

Fred Boeckmann had no report.

Board of Aldermen's Report:

Alderman Bronson explained the pokemon go game has been released and there is a lot of people playing this game and not always paying attention to where they are walking or to drivers.

Alderman Campbell stated he felt communication helped resolve the rezoning issue and was glad it was resolved in an amicable way.

Alderman Clay reported he went to the Chamber meeting on Thursday and they are planning a tailgate party again in the park prior to the first home game. He reported a ribbon cutting for Eagle Avenue on August 1.

Alderman Fasciotti informed the Board of the drone certification process for commercial pilot.

Alderman Lewis agreed with Alderman Campbell's report and he was pleasantly surprised by the difference in the tone at the meeting.

Alderman Bronson made motion and seconded by Alderman Lewis to adjourn the meeting. Mayor Rhorer called for the vote. Alderman Bronson-aye, Alderman Campbell-aye, Alderman Clay-aye, Alderman Fasciotti-aye, Alderman Lewis-aye, Alderman Klippel-absent. Motion carried.

Darla Sapp, City Clerk

Gene Rhorer, Mayor

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH THE CITY OF COLUMBIA, MISSOURI

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

Section 1. The Board of Aldermen hereby authorizes the Mayor, on behalf of the City of Ashland, to enter into an Agreement with the City of Columbia, Missouri for the City of Ashland to use a small portion of Columbia's property to access Ashland's force main and pump station. The form and content of the Agreement shall be substantially as set forth in Exhibit "A" which is attached to and made a part of this ordinance.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval.

Dated this _____ day of _____, 2016.

Gene Rhorer, Mayor

Attest:

Darla Sapp, City Clerk

Certified as to correct form:

Fred Boeckmann, City Attorney

LICENSE AGREEMENT

This License Agreement is made and entered into between the City of Columbia, Missouri, a municipal corporation, 701 E. Broadway, Columbia, Missouri (hereinafter "City") and the City of Ashland, Missouri, a municipal corporation, 109 E. Broadway, P.O. Box 135, Ashland, Missouri (hereinafter "Licensee").

WITNESSETH

WHEREAS, City is the fee simple owner of certain real property located in Boone County, Missouri and more particularly described in "**Exhibit A**" attached hereto and by reference made a part hereof; and

WHEREAS, Licensee needs access to and from a roadway easement to be acquired by Licensee for access to a pump station to be constructed by Licensee, as shown on "**Exhibit B**" attached hereto and by reference made a part hereof; and

WHEREAS, City desires to grant to Licensee a license for the specific purposes set forth above, and subject to the limitations, conditions and restrictions set forth below.

NOW, THEREFORE, in consideration of the terms, conditions and restrictions contained herein, and other good and valuable consideration received by each party, the sufficiency of which is hereby acknowledged, City and Licensee hereby agree as follows:

1. City hereby grants to Licensee, its authorized agents and employees a revocable license for the sole purposes of ingress and egress over and across the property described in "**Exhibit A**," for access to Licensee's pump station and force main as shown on "**Exhibit B**."
2. This revocable license is granted for an unlimited term. If City decides to revoke this license, it may do so at any time by giving Licensee one year advance written notice. Licensee shall cooperate with City and establish an alternate access to the pump station and force main as soon as reasonable possible.
3. Licensee acknowledges this area is used by City for airport purposes and is subject to certain security requirements. City retains the right to impose reasonable security restrictions or otherwise require Licensee to verify background security checks on any agent or employee of Licensee who is granted access to the property of City within any secure area. In the event that it

is necessary to secure any portion of the licensed area with gates and fences, City shall provide Licensee with a key to cross the licensed area through the gate and Licensee agrees to allow only authorized personnel within such area and secure the gate and relock such gate each time Licensee accesses the gated area.

4. Licensee shall not park vehicles in the licensed area nor fence, block or restrict the licensed area in any manner.
5. Due to the fact that City is in the process of expanding its airport facilities, Licensee understands and acknowledges City may need to move or relocate the area of access for Licensee's force main, but City shall not be obligated to incur any expense in any necessary relocation.
6. This License Agreement is limited to Licensee specifically for access for construction and maintenance of the pump station and force main and Licensee shall not allow the general public to access, use or enter into the licensed area.
7. This License Agreement is not exclusive to Licensee and City reserves the right to grant additional licenses of ingress and egress over the licensed area.
8. This License Agreement may not be sold, transferred, assigned or sublet to any other party by Licensee. Licensee acknowledges this License Agreement is not a transferrable interest nor intended to subordinate City's use of the property to Licensee.
9. Licensee's use shall not interfere with City's use as an airport facility nor interfere with City's emergency or general governmental operations, nor violate any of the FAA or TSA rules and regulations.
10. There shall be no rent paid by Licensee for this license.
11. Any notices required by this License Agreement must be in writing and may be served upon the persons at the addresses set forth below:

If to City:

City of Columbia, Missouri
Columbia Regional Airport
ATTN: Airport Manager
11300 S. Airport Drive
Columbia, MO 65201

If to Licensee:

City of Ashland, Missouri
ATTN: City Administrator
109 E. Broadway, P.O. Box 135
Ashland, MO 65010

With a copy to:

City of Columbia Law Department
ATTN: City Counselor
P.O. Box 6015
Columbia, MO 65205-6015

12. To the fullest extent allowed by law, Licensee shall indemnify City against any loss, cost or expenses, or attorney fees which may be incurred or sustained by City as a result of Licensee's use of the licensed area.
13. In no event shall the language of this License Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitutions or laws.
14. This License Agreement constitutes the entire agreement between the parties. Any amendments to this License Agreement must be in writing and signed by both parties.
15. This License Agreement shall be construed in accordance with the laws of Missouri. Any litigation regarding this License Agreement shall be proper only in the Circuit Court of Boone County, Missouri or the U.S. District Court for the Western District.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have caused this License Agreement to be duly executed by their respective authorized representatives as of the dates written below.

CITY OF COLUMBIA, MISSOURI

By: _____
Mike Matthes, City Manager

Date: _____

ATTEST:

By: _____
Sheela Amin, City Clerk

APPROVED AS TO FORM:

By: _____
Nancy Thompson, City Counselor

CITY OF ASHLAND, MISSOURI

By: _____

Date: _____

ATTEST:

By: _____

APPROVED AS TO FORM:

By: _____

AN ORDINANCE EXTENDING THE CORPORATED LIMITS OF THE CITY OF ASHLAND, MISSOURI BY ANNEXING UNINCORPORATED AREA ON THE EAST SIDE OF HIGHWAY 63; DIRECTING THE CITY CLERK TO GIVE NOTICE OF THE ANNEXATION; AND PLACING GENERAL COMMERCIAL (G-C) ZONING ON THE PROPERTY BEING ANNEXED

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

Section 1. The Board of Aldermen hereby finds that a verified petition was filed with the City on June 07, 2016 requesting annexation of land that is contiguous and compact to the existing corporate limits of the City and that is described in "Exhibit A", "Exhibit B" and "Exhibit C", which are attached to and made a part of this ordinance. This petition was signed by the owners of the fee interest of record in the land proposed to be annexed. A public hearing was held concerning this matter on July 19, 2016. Notice of this hearing was published more than seven days prior to the hearing in a newspaper of general circulation qualified to public legal matters. At the public hearing all interested persons, corporations and political subdivisions were permitted to present evidence regarding the proposed annexation. A public hearing on the zoning was held by the Planning and Zoning Commission on July 12, 2016.

Section 2. The Board of Aldermen determines that the annexation is reasonable and necessary to the proper development of the City and that the City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.

Section 3. The Board of Aldermen determines that no written objection to the proposed annexation has been filed within fourteen days after the public hearing.

Section 4. The Board of Aldermen hereby extends the city limits by annexing the land described in Exhibit "A", Exhibit "B" and Exhibit "C" into the City. Appendix A of Chapter 1 is hereby amended to include the land described in Exhibit "A", Exhibit "B" and Exhibit "C".

Section 5. The City Clerk is hereby authorized and directed to cause three certified copies of this ordinance to be filed with the clerk of Boone County, Missouri and three certified copies with the Assessor of Boone County, Missouri. The City Clerk is further authorized and directed to forward to the Missouri Department of Revenue, by registered or certified mail, a certified copy of this ordinance and a map of the City clearly showing the area annexed into the City.

Section 6. The property described in Exhibit "A", Exhibit "B" and Exhibit "C" is in Ward One.

Section 7. The Zoning District Map established and adopted by the Section 9.125 of the City Code is hereby amended so that the property described in Exhibit "A", Exhibit "B" and Exhibit "C" will be zoned and become part of General Commercial (General Commercial).

Section 8. This ordinance shall be in full force and effect from and after its passage and approval.

Dated this _____ day of _____, 2016.

Gene Rhorer, Mayor

Attest:

Darla Sapp, City Clerk

Certified as to correct form:

Fred Boeckmann, City Attorney

EXHIBIT A

All that part of the South Half (S $\frac{1}{2}$) of the Section Twenty-six (26) and the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-seven (27) lying East of the center of Columbia and Jefferson City Gravel Road, all in Township Forty-seven (47) North, Range Twelve (12) West, of the Fifth (5th) Principal Meridian, in Boone County, Missouri.

Excepting therefrom 6.7 acres, more or less, conveyed to Joe W. Hemingway and Sue Gutherie Hemingway, husband and wife, by warranty deed dated January 2, 1967 and recorded in Book 363, Page 255, Records of Boone County, Missouri.

And further excepting the North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-six (26), Township Forty-seven (47) North, Range Twelve (12) West, of the Fifth (5th) Principal Meridian, in Boone County, Missouri.

EXHIBIT B

The North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-six (26), Township Forty-seven (47) North, Range Twelve (12) West of the Fifth Principal Meridian, in Boone County, Missouri.

EXHIBIT C

The Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-six (26), Township Forty-seven (47) North, Range Twelve (12) West of the Fifth (5th) Principal Meridian, in Boone County, Missouri.

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Section 2. This ordinance shall be in full force and effect from and after its passage and approval.

Dated this _____ day of _____, 2016.

Gene Rhorer, Mayor

Attest:

Darla Sapp, City Clerk

Certified as to correct form:

Fred Boeckmann, City Attorney

RESOLUTION 8-02-2016

A RESOLUTION AUTHORIZING THE WRITE-OFF OF CERTAIN UNCOLLECTIBLE
RECEIVABLES

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

Section 1. The Board of Aldermen authorizes City staff to write off the official books and records of the City uncollectible, delinquent utility service receivables from 2005 through 2016. The total amount of the write-offs is \$2,287.99.

Section 2. The Board of Aldermen authorizes City staff to write off the official books and records of the City the utility service receivables of customers who have included such receivables in bankruptcy filings. The total amount of the write-offs is \$328.45.

Section 3. This resolution shall not be construed as extinguishing any debt owed to the City of Ashland.

Passed and adopted this _____ day of _____, 2016.

Gene Rhorer, Mayor

Attest:

Darla Sapp, City Clerk