

**CITY OF ASHLAND  
815 E. BROADWAY  
(SOUTHERN BOONE FIRE PROTECTION DISTRICT TRAINING FACILITY)  
ASHLAND, MO. 65010  
BOARD OF ALDERMEN AGENDA  
TUESDAY, NOVEMBER 04, 2014  
7:00 P.M.**

Call to order

Invocation

Pledge of Allegiance

Roll Call

**CONSENT**

1. Consideration of the 11-04-2014 agenda: **Action:** \_\_\_\_\_
2. Consideration of the meeting minutes from 10-21-2014: **Action:** \_\_\_\_\_

**APPEARANCES**

3. Anyone wishing to appear before the Board

**APPOINTMENTS**

4. Nikki Courtney-Planning and Zoning Commission
5. Dan Elliott-Park Board liaison

**COUNCIL BILLS**

6. Council Bill No. 2014-038, an ordinance to amend Chapter 19 of the Code of the City of Ashland by adding a new section 19.326 on panhandling. First Reading by title only. **Action:** \_\_\_\_\_
7. Council Bill No. 2014-039, an ordinance to amend Chapter 19 of the Code of the City of Ashland by adding a new section 19.220 on impeding the use of streets, sidewalks or alleys. First Reading by title only. **Action:** \_\_\_\_\_
8. Council Bill No. 2014-040, an ordinance to amend Chapter 12, Appendix A-1 and Appendix B-1 to increase the required width of sidewalks to five feet. First Reading by title only. **Action:** \_\_\_\_\_
9. Council Bill No. 2014-041, an ordinance to amend Chapter 12, Article VI, Stormwater Management Regulations. First Reading by title only. **Action:** \_\_\_\_\_

**ORDINANCES**

10. Ordinance No. 1002, An ordinance to approve the six month budget revision for fiscal year 2014-2015. **Action:** \_\_\_\_\_

11. Ordinance No. 1003, An ordinance approving the final plat for South Wind, Plat 1.  
**Action:** \_\_\_\_\_

**RESOLUTIONS**

12. None

**OTHER**

13. Discussion of dangerous building proposed ordinance

14. Discussion of Conditional Use Permit's

**REPORTS**

15. Chief Woolford, monthly report

16. Mayor's Report

17. Board of Aldermen's Report

18. City Administrator's Report

19. City Attorney's Report

20. 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: 10-31-2014

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

TUESDAY, OCTOBER 21, 2014  
BOARD OF ALDERMEN MINUTES  
7:10 P.M.  
DRAFT MINUTES NOT APPROVED BY BOARD

Mayor Pro-tem Taggart called the regular meeting to order at 7:10 p.m. on October 21, 2014 at 815 East Broadway.

Alderman Anderson gave the invocation.

Mayor Pro-tem Taggart led in the pledge of allegiance.

Mayor Pro-tem Taggart called the roll:

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

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

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

Mayor Rhorer was absent.

Staff Present: Darla Sapp, City Clerk, Lyn Woolford, Police Chief, Jessi Kendall, Treasurer/Deputy City Clerk, Josh Hawkins, City Administrator and Travis Davidson, Public Works.

Mayor Pro-tem Taggart presented the agenda for October 21, 2014 for consideration. Alderman Fasciotti made motion and seconded by Alderman Anderson to approve the agenda as presented. Alderman Fasciotti asked if he could address the Board on K-2 for ten or fifteen minutes under appearances. Alderman Fasciotti made motion to amend the agenda to include his request to address the Board. Alderman Anderson seconded the motion. Mayor Pro-Tem Taggart called for the vote. Alderman Campbell-aye, Alderman Elliott-aye, Alderman Anderson-aye, Alderman Fasciotti-aye, Alderman Klippel-aye. Motion carried.

Mayor Pro-tem Taggart presented the minutes for October 07, 2014 for consideration. Alderman Anderson reported that page six was missing from the packet. The City Clerk passed around page 6 to the Board members. Alderman Anderson made motion and seconded by Alderman Klippel to approve the minutes as presented. Mayor Pro-tem Taggart called for the vote. Alderman Campbell-aye, Alderman Elliott-aye, Alderman Anderson-aye, Alderman Fasciotti-aye, Alderman Klippel-aye. Motion carried.

Mayor Pro-tem Taggart presented the bills to be paid for consideration. Alderman Campbell made motion and seconded by Alderman Anderson to approve the bills as presented. Mayor Pro-tem Taggart called for questions or comments. The Board asked various questions. Josh Hawkins, City Administrator reported the approval of the bills has been a ceremonial tradition but not required. He suggested in the future we remove the bills to be paid as a voting item from the agenda. Josh Hawkins, City Administrator reported we have review process through the staff

level. The Board discussed this and agreed to not have it as an action item but they still wanted a copy for informational purposes. Mayor Pro-tem Taggart called for the vote. Alderman Campbell-aye, Alderman Elliott-aye, Alderman Anderson-abstained since the vote was meaningless, Alderman Fasciotti-aye, Alderman Klippel-aye. Motion carried.

Mayor Pro-tem Taggart reported under appearances we have Travis Davidson, Public Works Department. Travis Davidson presented a short video of sewer camera work and discussed some of the issues they have found. He explained the process of lining pipes. The Board discussed how the homeowners would be informed of issues that are their responsibility to fix. Travis Davidson reported we would be reviewing our ordinances and setting up a procedure on addressing this hopefully by the end of the year. He updated the Board on street patches and ongoing sewer jetting on the sewer mains. He stated they are reviewing the sewer and water maps that Allstate Consulting has been working on. Alderman Campbell suggested placing six inches of gravel on the edge of the roadway instead on seeding or mulching on Angel Lane. The Board discussed this. Travis Davidson reported they are going to come back and make gradual slopes along the roadway. There was discussion of the dark road needing white lines on the outside of the roadway. It was reported the striping is already completed per the bid specifications.

Charlotte Bueselinck of 305 South Main Street thanked the Board for addressing the derelict property at 102 Burnam Avenue.

Alderman Fasciotti addressed the Board and audience on K-2 a synthetic marijuana. He explained how this was made, used and how it does not show up in drug test. He stated this is sold over the counter and is legal. He explained the danger in using K-2. He stated he felt that marijuana would be more safe.

Mayor Pro-tem Taggart presented Jessi Kendall to serve on the Parks and Recreational Board. Josh Hawkins, City Administrator reported Jessi will be the staff liaison. Alderman Klippel made motion and seconded by Alderman Campbell to appoint Jessi Kendall to the Parks and Recreational Board. Mayor Pro-tem Taggart called for the vote. Alderman Fasciotti-aye, Alderman Anderson-aye, Alderman Campbell-aye, Alderman Elliott-aye, Alderman Klippel-aye. Motion carried.

Mayor Pro-tem Taggart presented Council Bill No. 2014-034 for consideration. Alderman Campbell made motion and seconded by Alderman Klippel to take up Council Bill No. 2014-034, an ordinance authorizing the Mayor to enter into an agreement with C.L. Richardson Construction Co., Inc. for the Henry Clay Blvd. and Peterson Lane water system improvement project; providing for compliance with the prevailing wage law and state mandated construction safety training. First Reading by title only. Mayor Pro-tem Taggart called for questions or comments. Alderman Fasciotti questioned the statement of providing for compliance with the

prevailing wage law and state mandated construction safety training in the title of the ordinance. Fred Boeckmann, City Attorney reported it is a statute requirement when entering into a contract. Josh Hawkins, City Administrator reported the bid came in under budget. He reported the project should only take a couple of days to complete. Mayor Pro-tem Taggart called for the vote. Alderman Anderson-aye, Alderman Fasciotti-aye, Alderman Campbell-aye, Alderman Elliott-aye, Alderman Klippel-aye. Motion carried.

Mayor Pro-tem Taggart presented Council Bill No. 2014-035 for consideration. Alderman Anderson made motion and seconded by Alderman Klippel to take up Council Bill No. 2014-035, an ordinance approving a settlement agreement with CenturyLink. First Reading by title only. Mayor Pro-tem Taggart called for questions or comments. Alderman Fasciotti questioned if this was money to us? It was reported this is money from a class action suit that should have been paid to us. Mayor Pro-tem Taggart called for the vote. Alderman Elliott-aye, Alderman Fasciotti-aye, Alderman Klippel-aye, Alderman Campbell-aye, Alderman Anderson-aye. Motion carried.

Mayor Pro-tem Taggart presented Council Bill No. 2014-036 for consideration. Mayor Pro-tem Taggart called for questions or comments about the budget. Mayor Pro-tem Taggart reported there was a budget work session at 6:00 p.m. that most of the Board did not attend. The Board discussed sending out a reminder of the early meetings. Josh Hawkins, City Administrator reported the budget looks good and he felt they were conservative on the revenues and asked for adoption of the ordinance on the six month budget revision. Alderman Anderson made motion and seconded by Alderman Klippel to take up Council Bill No. 2014-036 an ordinance to approve the six month budget revision for fiscal year 2014-2015. Mayor Pro-tem Taggart called for the vote. Alderman Klippel-aye, Alderman Anderson-aye, Alderman Campbell-aye, Alderman Elliott-aye, Alderman Fasciotti-aye. Motion carried.

Mayor Pro-tem Taggart presented Council Bill No. 2014-037 for consideration. Alderman Campbell made motion and seconded by Alderman Klippel to take up Council Bill No. 2014-37, an ordinance approving the final plat for South Wind, Plat 1. First Reading by title only. Mayor Pro-tem Taggart called for questions or comments. Alderman Campbell asked if there was plenty of room to allocate for livable streets? Chris Sanders, engineer for the Civil Group stated there are some areas they are developing along Hwy 63 that has adequate space for sidewalks. Alderman Anderson stated the memo from the Mid-Mo Regional Planning Commission and the Planning and Zoning Commission and Allstate Consultant's report was good to see with this Council Bill. Mayor Pro-tem Taggart called for the vote. Alderman Campbell-aye, Alderman Elliott-aye, Alderman Anderson-aye, Alderman Fasciotti-aye, Alderman Klippel-aye. Motion carried.

Mayor Pro-tem Taggart presented Ordinance No. 1000 for consideration. Alderman Anderson made motion and seconded by Alderman Campbell to take up Ordinance No. 1000, an ordinance

authorizing the Mayor to enter into an agreement with C.L. Richardson Construction Co. Inc. for the Henry Clay Blvd. and Peterson Lane water system improvement project; providing for compliance with the prevailing wage law and state mandated construction safety training. Mayor Pro-tem Taggart called for questions or comments. Mayor Pro-tem Taggart called for the vote. Alderman Campbell-aye, Alderman Elliott-aye, Alderman Anderson-aye, Alderman Fasciotti-aye, Alderman Klippel-aye. Motion carried.

Mayor Pro-tem Taggart presented Ordinance No. 1001 for consideration. Alderman Anderson made motion and seconded by Alderman Klippel to take up Ordinance No. 1001, an ordinance approving the settlement agreement with Centurylink. Mayor Pro-tem Taggart called for questions or comments. Mayor Pro-tem Taggart called for the vote. Alderman Campbell-aye, Alderman Elliott-aye, Alderman Anderson-aye, Alderman Fasciotti-aye, Alderman Klippel-aye. Motion carried.

#### Mayors Report:

Mayor Pro-tem Taggart stated the mobile home has been removed on Burnam Avenue over the past week. He stated the gas prices in Columbia and Ashland has matched this week. He also presented a copy of information on a hose water meter for approximately \$100.00 for residents to use so we can see how much water being used does not go down the sewer. He stated he would like to revisit this again before his departure in April. Mayor Pro-tem Taggart suggested we look at signage along the highway that shows some kind of accomplishment of our schools. He also suggested signage to the schools to help visitors to locate the school. He stated the school system attracts residents to our community. Josh Hawkins, City Administrator reported he would look into costs on this.

#### Board of Alderperson's Report:

Alderman Klippel reported the trailer at 102 Burnam Avenue has been cleaned up and the dumpster is still there due to weather.

Alderman Anderson reported that the trailer on Walnut Street behind the old car wash has also been removed.

Alderman Anderson reported that Alderman Klippel and himself looked over ordinances on unsafe structures from several cities and have suggested presenting the ordinance from Boonville with a few minor changes for Ashland. He stated they did not have copies available tonight because of miscommunication. He stated Fred Boeckmann, City Attorney and Josh Hawkins, City Attorney will also need to review this. The City Clerk was instructed to make a copy of the proposed ordinance to distribute to the Board of Aldermen.

Alderman Anderson stated there are several items he wishes to address prior to his tenure ending. He stated one is the way the sewer is billed and inspections on rental properties.

Alderman Anderson asked about a work shop on experiences from new businesses on working with the city to start a new business. It was reported we already had this workshop and no one attended. The Board discussed sending out a questionnaire/survey with the business renewal notices.

Alderman Campbell reported he has received numerous calls from citizens on the workmanship from Steve and Associates on the overpass. He stated this is a sub-contractor for APAC. He stated as far as he is concerned they will not do work in this town again. He stated they are a insult to this town. Alderman Campbell expressed how displeased he is with Steve and Associates. He suggested the Board of Aldermen address a letter to them and copy MoDot and APAC on the letter regarding how displeased we are with Steve and Associates workmanship. Alderman Taggart also expressed concern of the delays in this project. Alderman Anderson stated he would support a letter being sent also. Alderman Fasciotti suggested the letter be detailed with each specific concerns. Josh Hawkins, City Administrator stated the more detailed the complaints are and to also submit pictures with the letter.

Alderman Campbell reported he received a phone call regarding the decision of the Board of Adjustment meeting last night on hard surface driveway. He stated six months ago a variance was denied and last night the Board of Adjustment approved a request for a variance. He stated he felt they should monitor those a little bit. Fred Boeckmann, City Attorney reported the Board of Adjustment grants or denies the variance and the next level would be the circuit court to hear appeals. Josh Hawkins, City Administrator reported they did not grant the variance because the city code and State Statute says the vote has to be four in favor and they only had 3 votes.

Alderman Fasciotti asked after the Board of Adjustment reviews something they bring it to the Board of Aldermen and they could their offer their opinion. Fred Boeckmann, City Attorney reported the State Statue on the Board of Adjustment is very strict.

Alderman Elliott reported he had an e-mail stating the first round- a-bout drainage would be on the final punch list to be corrected on the overpass.

Alderman Elliott reported the park board met last week and they have approximately \$900 in the Friends of Ashland account from the fall festival. He stated that December 6 at 6:00 p.m. they are trying to set up tree lighting event. He expressed his gratitude for the circus the Optimist Club had.

Alderman Elliott stated that Lloyds Pumpkin Patch was successful this year and they plan on doing it again next year. He reported this is the last weekend for it to be open.

Alderman Fasciotti reported he could see the portable water meter would be easy for someone to fraud us.

City Administrator's Report:

Josh Hawkins updated the Board that Megan Young is going to be secretary to the Planning and Zoning Commission and Jessi Kendall is moving to the Parks and Recreational Board. He stated that Ms. Young's title has been changed to Administrative Assistant. He reported we have openings on the Planning and Zoning Commission as well as the Parks and Recreational Board. Mr. Hawkins reported that Jenny Grabner with the Learning Garden is looking at interviewing some Aldermen on the livable streets. He updated the Board on a panel he is working on with REDI. Josh Hawkins stated they are getting letters of support for the Ash Street sidewalk grant. He discussed the stormwater ordinance needing to be revised. Josh Hawkins reported he attended a homeland security meeting and is serving on this committee as a municipal director and Chief Woolford as an alternate for police department. He updated the Board on going forward with the bid from Coastal Electric to hook up the generator at City Hall. Mr. Hawkins discussed the issue with the request to install banners for other community functions and the liability and time it takes for our maintenance department to do this. He stated right now he has put a moratorium on this. He updated the Board on upcoming meetings for the Regional Planning Commission, AmerenMo and the City's appreciation dinner for our volunteer boards for December 5, 2014 at Woody's at 6:00 p.m. There was discussion of Christmas being on a Thursday this year and possibly closing on the 25th and 26th.

Alderman Anderson reported he noticed Mr. Hawkins is attending a lot of meetings and sub-committees and suggested he not get carried away and get out of balance.

City Attorney's Report:

Fred Boeckmann had no report.

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

Darla Sapp, City Clerk

Gene Rhorer, Mayor

<b>CITY</b>	<b>BALANCE</b>	<b>ACCOUNT #</b>	<b>TYPE</b>
<b>UNRESTRICTED FUNDS</b>			
General Reserve Fund- Mainstreet	245,738.85	524026	CKING
Fund Balance	201,615.13		
<b>TOTAL CITY UNRESTRICTED FUNDS</b>	<b>447,353.98</b>		
<b>RESTRICTED RESERVES</b>			
Capital Fund Current	5,794.83		
Previous Capital Funds Unused	266,079.00		
Street -Transportation Tax	87,173.57		
<b>TOTAL CITY RESTRICTED FUNDS</b>	<b>359,047.40</b>		

<b>UTILITIES</b>			
<b>UNRESTRICTED FUNDS</b>			
Fund Balance	1,956,808.46	1129651	
<b>TOTAL UTILITIES UNRESTRICTED FUNDS</b>	<b>1,956,808.46</b>		
Combined Debt Service-RESERVE	19,310.28		
<b>RESTRICTED RESERVES</b>			
Sewer Debt Service Investments-Mainstreet	30,000.00	11818	CD
Water Reserve Fund-Commerce	65,000.00	6220598046	CD
Sewer reserve Fund-River Region	65,000.00	50	CD
<b>TOTAL UTILITIES RESTRICTED FUNDS</b>	<b>160,000.00</b>		

*Sept. 2014*

VENDOR NAME	REFERENCE		VENDOR TOTAL	CHECK#	CHECK DATE
----- ACCOUNTS PAYABLE CLAIMS -----					
A TO Z FACILITY SOLUTIONS	CHIEF OFFICE CHAIR		200.00	3573	10/24/14
ALLIED WASTE SERVICES #035	SEPTEMBER 2014		22,255.48	25009	10/24/14
Allstate Consultants	CITY WATER SYSTEM, SOUTH WIND	2,242.50		3586	10/30/14
Allstate Consultants	WASTEWATER TREATMENT FACILITY	19,112.76	21,355.26	25037	10/30/14
AMERENMO	UTILITIES	412.14		3574	10/24/14
AMERENMO	UTILITIES	4,417.75	4,829.89	25010	10/24/14
APAC - MISSOURI, INC.	ASPHALT FOR STREET REPAIRS		341.36	3575	10/24/14
AUSTIN COFFEE SERVICE	COFFEE	27.42		3587	10/30/14
AUSTIN COFFEE SERVICE	COFFEE	13.73	41.15	25038	10/30/14
BANKCARD CENTER	PUBLIC EMPLOYMENT SUBSCRIPTION	822.34		3588	10/30/14
BANKCARD CENTER	UNIFORMS	356.58	1,178.92	25039	10/30/14
BOONE CO RESOURCE MANAGEMENT	ANGEL LANE		87,906.16	3589	10/30/14
BOONE ELECTRIC COOPERATIVE	UTILITIES	884.28		3576	10/24/14
BOONE ELECTRIC COOPERATIVE	UTILITIES	1,340.60	2,224.88	25011	10/24/14
CHIEF SUPPLY/LAW ENFORCEMENT	RAIN GEAR FOR PATROL OFFICERS		214.97	3577	10/24/14
CLEAN CUT SERVICES	MONTHLY YARD WASTE		1,345.83	25040	10/30/14
COLBY BRANCH	HSA		95.08	9126651	10/17/14
COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	8,046.17		3578	10/24/14
COVENTRY HEALTH CARE OF MO.	HEALTH INSURANCE	4,070.79	12,116.96	25012	10/24/14
Engineering Surveys & Services	WASTEWATER TESTING		277.00	25013	10/24/14
Farm Power Lawn & Leisure, Inc	BEARINGS BUSHINGS HARDWARE		182.26	3579	10/24/14
Glascocock Agency	NOTARY BOND SHELLEY		50.00	3580	10/24/14
HD SUPPLY WATERWORKS,LTD	INV # D091653 - CREDIT INV#	1,786.44		25014	10/24/14
HD SUPPLY WATERWORKS,LTD	INV # D146254	825.18	2,611.62	25041	10/30/14
JOHN DEERE FINANCIAL	BACKHOE		14,052.98	25015	10/24/14
LCD UNIFORMS	3 UNIFORM SHIRTS		104.85	3581	10/24/14
MADISON NATIONAL LIFE	DENTAL INSURANCE		158.87	3582	10/24/14
MCKNIGHT TIRE-COLUMBIA	FLAT TIRE REPAIR		194.95	25042	10/30/14
MONROE COUNTY CIRCUIT CLERK	Garnishment		110.67	25008	10/17/14
MOSER'S DISCOUNT FOODS	BATTERIES		13.94	3590	10/30/14
NATHAN PATTERSON	HSA		95.08	9126652	10/17/14
O'REILLY AUTOMOTIVE STORES,INC	SCAN TOOL		59.96	25016	10/24/14
PERSONALIZED COMPUTERS	COMPUTERS MAINTENANCE	287.50		3591	10/30/14
PERSONALIZED COMPUTERS	SHOP COMPUTER MAINTENANCE	293.75	581.25	25043	10/30/14
PROVIDENCE URGENT CARE	FLU SHOTS	225.00		3592	10/30/14
PROVIDENCE URGENT CARE	FLU SHOTS	75.00	300.00	25044	10/30/14
QUILL CORPORATION	TAPE,SHEARS,FILES,ENVELOPES	141.16		3593	10/30/14
QUILL CORPORATION	TAPE,SHEARS,FILES,ENVELOPES	70.58	211.74	25045	10/30/14
RANDY'S AUTO REPAIR	TIRE REPAIR 603		15.00	3583	10/24/14
United States Treasure	FED/FICA TAX		6,077.48	9126650	10/17/14
VERIZON	CELL PHONES, MDTs, TABLETS	418.48		3594	10/30/14
VERIZON	CELL PHONES, MDTs, TABLETS	143.75	562.23	25046	10/30/14
Winter Dent & Company	ADDING SEWER CAMERA, TRAILER		198.00	3595	10/30/14
			=====		
	TOTAL ACCOUNTS PAYABLE CHECKS		179,963.82		

PAYROLL CHECKS  
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10	GENERAL	10,967.24
20	STREET	1,159.91

FUND	FUND NAME	VENDOR TOTAL	CHECK#	CHECK DATE
45	UTILITIES	7,007.33		
	PAYROLL CHECKS ON 10/17/2014	19,134.48		
	TOTAL PAYROLL CHECKS	19,134.48		
**** PAID TOTAL ****		199,098.30		
***** REPORT TOTAL *****		199,098.30		

FUND	FUND NAME	TOTAL	CHECK#	DATE
10	GENERAL	27,579.72		
20	STREET	91,417.07		
45	UTILITIES	80,101.51		



# CITY OF ASHLAND, MISSOURI BOARD MEMBER APPLICATION

Name: (522) Nikki Courtney

Telephone Number: Daytime: (573) 821-3110 Evening: (573) 821-3110

Home Address: 400 Wilson Ln  
Ashland MO 65010

E-Mail: ~~Nikki~~ nikki.courtney@gmail.com

Year Current Residence in Ashland Began: 2012

*Check Which Board(s) You Are Interested In:*

- Board of Adjustment
- Parks and Recreation Board
- Ashland Fall Festival Committee
- Planning and Zoning Commission
- Law Enforcement Advisory Committee
- Economic Development Committee

*Special Qualifications for Specific Board(s): (Include past board services)*

20 years property management experience apartments to industrial warehouses - new construction to rehab

*Education Background:*

\_\_\_\_\_  
\_\_\_\_\_

*Community Involvement:*

\_\_\_\_\_  
\_\_\_\_\_

Are You Related to Any Employee or Official of the City of Ashland? YES \_\_\_\_\_ NO X

If Yes, Name of Person: \_\_\_\_\_ Relationship: \_\_\_\_\_

Signed: Nikki Courtney Date: 10/22/14

**Board member applications are valid for one year from the date they are signed. Return to Ashland City Hall.**

AN ORDINANCE TO AMEND CHAPTER 19 OF THE CODE OF THE CITY OF ASHLAND  
BY ADDING A NEW SECTION 19.326 ON PANHANDLING

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

Section 1. Chapter 19 of the Ashland City Code is hereby amended to add the following:

SECTION 19.326: Unlawful Panhandling

A. "Panhandling" means any solicitation made in person requesting an immediate donation of money or other thing of value from another person. "Panhandling" also means any solicitation for the purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

B. (1) It shall be unlawful to panhandle on any day after sunset or before sunrise.

(2) It shall be unlawful to panhandle on residential or private property after having been asked to leave or refrain from panhandling by the owner or other person lawfully in charge of the property or lawfully in possession of the property.

(3) It shall be unlawful to panhandle when either the panhandler or the person being solicited is located in any of the following places:

(a) Within twenty (20) feet of a public toilet;

(b) Within twenty (20) feet of an automated teller machine;

(c) Within ten (10) feet of an entrance to a building; or

(d) Within twenty (20) feet of an entrance to a bank, savings and loan or other financial institution.

(4) It shall be unlawful to panhandle when the person solicited is waiting in any line, is seated at an outdoor dining facility or is in a motor vehicle.

(5) It shall be unlawful to panhandle in an aggressive manner, including taking any of the following actions:

- (1) Continuing to solicit from a person after the person has given a negative response to the solicitation;
- (2) Touching the solicited person without the solicited person's consent;
- (3) Blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- (4) Using violent or threatening gestures toward a person solicited;
- (5) Closely following behind, ahead or alongside a person who walks away from the panhandler after being solicited;
- (6) Using profane or abusive language which is likely to provoke an immediate violent reaction from the person being solicited;
- 7) Panhandling in a group of two (2) or more persons; or
- (8) Panhandling with the intent to intimidate another person into giving money or other thing of value.

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

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

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

Attest:

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

Certified as to correct form:

\_\_\_\_\_  
Fred Boeckmann, City Attorney

COUNCIL BILL NO. 2014-039

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 19 OF THE CODE OF THE CITY OF ASHLAND  
BY ADDING A NEW SECTION 19.220 ON IMPEDING THE USE OF STREETS,  
SIDEWALKS OR ALLEYS

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

Section 1. Chapter 19 of the Ashland City Code is hereby amended to add the following:

SECTION 19.220: Impeding the Use of Streets, Sidewalks or Alleys

It shall be unlawful for any person to impede, obstruct or interfere with the free use of any street, sidewalk, alley or public way by another:

(1) By coasting, roller skating, ice skating, skateboarding, flying kites, playing baseball, football, soccer or any other game or sport on or in any street, sidewalk, alley or public way; or

(2) By sitting, standing, lying, or any other conduct with the intent to impede, obstruct or interfere with such free use of any street, sidewalk, alley or public way.

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

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

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

Attest:

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

Certified as to correct form:

\_\_\_\_\_  
Fred Boeckmann, City Attorney

COUNCIL BILL NO. 2014-040

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 12, APPENDIX A-1 AND APPENDIX B-1 TO INCREASE THE REQUIRED WIDTH OF SIDEWALKS TO FIVE FEET

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

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

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

SECTION 234. CONCRETE SIDEWALKS

234.1 Description - Concrete sidewalks shall be constructed to the line, grade and dimensions shown on the plans or as established by the Engineer. Unless otherwise specifically designated, concrete sidewalks shall have a width of ~~four (4)~~five (5) feet and a depth of four (4) inches, except that at driveways or other points designated on the plans, the depth shall be increased to six (6) inches.

Section 2. The Standard Construction Drawings set forth in Chapter 12, Appendix B-1 are amended to show a minimum sidewalk width of five feet.

Section 3. The increased sidewalk width in this ordinance shall apply to all sidewalks constructed after passage and approval of this ordinance.

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

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

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

Attest:

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

\_\_\_\_\_  
Fred Boeckmann, City Attorney

COUNCIL BILL NO. 2014-041

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 12, ARTICLE VI, STORMWATER  
MANAGEMENT REGULATIONS

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

Section 1. Chapter 12, Article VI of the Ashland City Code is hereby amended by adding the following to Section 12.535, subsection A:

All storm water culverts, pipes, inlets, and boxes shall have overflow swales or other flow paths sufficient to pass the 100 year storm assuming partial (minimum of 20%) clogging on the primary path.

Finish floor elevations for structures (buildings) that have the potential to be impacted by the 100 year flow (accounting for clogging in enclosed systems and including all open systems) shall be a minimum of one (1) foot higher than the 100 year flow path.

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

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

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

Attest:

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

\_\_\_\_\_  
Fred Boeckmann, City Attorney

AN ORDINANCE TO APPROVE THE SIX MONTH BUDGET REVISION FOR FISCAL  
YEAR 2014-2015

---

WHEREAS, the City Administrator and City Treasurer have reviewed the revenue and expenditures for the first six months and have recommended budget amendments;

WHEREAS, The Board of Aldermen of the City of Ashland, Missouri is desirous of amending the budget approved by Ordinance 972; by revising the budget, the same containing estimated revenues and expenses in connection with the operation of the business and affairs of the City for the current fiscal year, are as contained in the attached "Exhibit A" which is incorporated herein by reference.

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

Section 1. The City budget for fiscal year 2014-2015 is hereby revised and a copy of the budget revisions, which are attached hereto as Exhibit "A", and by this reference incorporated herein as if more fully and completely set out, is hereby adopted.

Section 2. This ordinance shall be in full force and effect upon final passage and approval.

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

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

Attest:

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

Certified as to correct form:

\_\_\_\_\_  
Fred Boeckmann, City Attorney

AN ORDINANCE APPROVING THE FINAL PLAT FOR SOUTH WIND, PLAT 1

---

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 South Wind, Plat 1 at their meeting on October 14, 2014; and

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

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

Section 1. The subdivision record final plat of South Wind, Plat 1, sealed September 5, 2014, meets the requirements of Chapter 11, Subdivision Regulations, of the City of Ashland Municipal Code and is approved for filing.

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

A tract of land located in the northeast quarter of section 22, Township 46 North, Range 12 West, City of Ashland, Boone County, Missouri, being a part of the tract described by warranty deed recorded in book 2932, Page 107, also being part of the survey recorded in book 1289, Page 905 of the Boone County Records, and being more particularly described as follows:

Beginning at the southwest corner of lot 220 of Eagle Lakes Plat 2 as recorded in Plat Book 31, Page 18; Thence along the south line of said plat for the following six (6) calls: N 64°15'25"E, 283.30 feet; Thence along a non-tangent 350.00-Foot radius curve to the left, 17.86 feet; said curve having a chord which bears S27°12'15"E, 17.86 feet; Thence N61°20'00"E, 226.05 feet; Thence N53°47'50"W, 111.65 feet; Thence N70°13'50"E, 361.00 feet; Thence along a 428.50-Foot radius curve to the right, 173.19 feet, said curve having a chord which bears N81°48'35"E, 172.01 feet to a point on the west right-of-way line of US Highway 63; Thence along said west right-of-way line for the following five (5) calls: S03°22'40"W, 40.00 feet; Thence S59°58'00"E, 87.46 feet; Thence S01°50'25"W, 225.00 feet; Thence S12°19'10"W, 406.97 feet; Thence S01°50'00"W 345.52 feet; Thence leaving said right-of-way line, N88°11'20"W, 185.08 feet; Thence N 01°48'40"E, 13.33 feet; Thence N88°11'20"W, 94.80 feet; Thence N73°47'15"W, 24.14 feet; Thence N11°46;00"E, 126.36 feet; Thence along a non-tangent 325.00-foot radius curve to the right, 22.56 feet, said curve having a chord which bears N76°14'40"W, 22.55 feet; Thence N15°44'40" E, 181.68 feet; Thence N82°03'25"W, 46.45 feet; Thence N73°47'15"W,

139.15 feet; Thence N59°46'20"W, 487.16 feet to the point of beginning and containing 11.82 acres.

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

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

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

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

Attest:

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

Certified as to correct form:

\_\_\_\_\_  
Fred Boeckmann, City Attorney



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

**Date:** October 31, 2014

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

**From:** Josh M. Hawkins

**Re:** City Administrator's report

### **City-wide Planning Project**

It would be prudent to begin scheduling the next joint session meeting. Details to consider:

- An appropriate date, time and place for the next meeting
- Inviting guests not on the Board or P&Z
- An appropriate agenda which focuses on more specific items from the last discussion's visioning focus, suggested topics:
  - Economic Incentives (T.I.F., CID's, TDD's etc.)
  - Capital Improvement Plan
  - Neighborhood design standards (streets, sidewalks, landscaping, etc.)
  - Streetscapes and aesthetics
  - Annexation, future growth
  - Transportation Planning

### **Council Bill No. 2014-038**

This ordinance addresses aggressive panhandling. I will refer to the City Attorney for civil rights issues. The overall discussion should be addressing individuals blocking private entrances and private walkways. A safety issue exists as far as panhandlers approaching stopped vehicles, an issue for the City Attorney to weigh in on.

### **Council Bill No. 2014-039**

This ordinance addresses non-transportation activities in public streets and rights-of-way. I will defer to the Chief of Police for safety concerns and the City Attorney for legal issues.

### **Council Bill No. 2014-040**

This ordinance changes the sidewalk construction requirements from 4' to the 5' standard recommended by the Livable Streets workshop and standard for receiving grants from state and federal sources. Further discussion can be had this winter concerning design standards for different areas (schools, main roads, etc.) and appropriate buffers. The staff recommends approval.

### **Council Bill No. 2014-041**

This ordinance requires new design standards for swales and outlets to be compatible for a 100 year storm event which will help prevent clogging in culvert and pipe design. This also addresses finish floor elevations which are in danger of flooding in the 100 year storm path. The staff recommends approval as this will address future storm water issues.

**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**

**Ordinance No. 1002**

The budget amendment has not changed since our last meeting on the 21<sup>st</sup>. I have received no comments from the Board as of this publication. The staff recommends approval.

**Ordinance No. 1003**

The final plat for South Wind Plat 1 has been approved by both the staff and Planning & Zoning. This is 28 lots on the Northeast corner of the subdivision near Highway 63. This item is recommended for approval.

**Regional Planning Commission**

The RPC is seeking interns to help with the organization's increased workload. They have proposed that we use our originally budgeted \$3,000 Transportation Planning item (under Community Development) and charge us a total of \$2,000 to pay for the intern which would perform much of the labor on the City of Ashland Transportation Plan. This would also include asset inventory of streets, signage, striping, etc. This would be beneficial to our budget and I will update you further when more details are available.

**Proposed Christmas Schedule**

I am proposing an administrative closing of City Hall on Friday, December 26<sup>th</sup>. Emergency services will still be available and no utility cut-offs will take place at this time. The City traditionally closes early on Christmas Eve, as we plan to do so this year as well.

**Proposed Amendments to Chapter 9 & Chapter 11: Site Plan review process**

These amendments are in your packet for your review. These amendments must go through Planning & Zoning before the Board of Aldermen.

To my fellow P&Z Committee Members:

I am suggesting that we should append the City ordinance governing conditional 9.360 use to add the following text. Please read the full ordinance prior to our meeting, City of Ashland Code Chapter 9 pgs 63-64 (<http://www.ashlandmo.us/City%20of%20Ashland%20Code/Chapter%209%20Planning%20and%20Zoning.pdf>).

Paul Beuselinck

9.360.9 The Administrative Officer shall periodically investigate the compliance of an issued conditional use permit. If it appears to the Administrative Officer that the holder of a conditional use permit is making use of the permit or premises in violation of the permit, or is permitting others to use the permit or premises in violation of the permit, the Administrative Officer may file a written complaint to the holder of the permit by first class mail to his last known address, at least 45 days prior to a scheduled public hearing before the Planning and Zoning Commission to consider revocation of a permit. The Administrative Officer shall prove by a preponderance of the evidence that violation(s) of one or more conditions of the permit has occurred and shall show cause as to why the permit should be revoked. If the Planning and Zoning Commission finds that one or more conditions have been violated, upon hearing the evidence of the Administrative Officer and the permittee, it may recommend to the Board of Aldermen to revoke the permit. Failure of the permittee to appear at the Planning and Zoning Commission hearing or to present evidence shall not constitute grounds to avoid revocation of the permit. The Administrative Officer may, in his discretion, dismiss the complaint prior to the hearing if he determines that the violation(s) alleged in the complaint has been corrected.

immediately prior to damage, shall be restored except in conformity with the regulations of this ordinance, and all rights as a nonconforming use are thereby terminated.

If a building is damaged by less than sixty (60) percent of its actual prior to damage, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction are substantially completed within twelve (12) months of the date of such damage.

**9.350.5** Nonconforming Conditional Uses. Existing uses eligible for conditional use permits, unlike other nonconforming uses, shall require a new conditional use permit for any enlargement, extension or substantial alteration.

**9.350.35** Mobile Homes, Replacement of. A mobile home that is not in a mobile home park and is in place and operation as a nonconforming conditional use, shall not be replaced with a mobile home that is more than 5 years older than its date of manufacture at the time of its proposed installation. (amended Council Bill No. 2008-014, 3-04-2008)

**9.355. Certification of Nonconforming Use.** Operations of nonconforming uses existing on the effective date of this ordinance may apply for certification of such nonconforming use within one year of the effective date hereof.

Where such certification has not been obtained, the existence of nonconforming use rights shall be a question of fact, to be determined by the Board of Adjustment after public notice and hearing, in accordance with the procedural rules of the Board.

### **9.360. Conditional Use Permit**

**9.360.1** Application may be made to the Administrative Officer for a conditional use permit for any use specifically authorized by the district use regulations for such consideration. The applicant shall furnish information and shall deposit fees in accord with Section 9.420. of this ordinance, and the Administrative Officer shall thereafter review the application for compliance with the provisions of this ordinance, prepare a report or Public notice, advertising, posting, agenda placement or other procedure matters involving the application shall be handled by the Administrative Officer, under such review or hearing procedures as the Board of Aldermen may establish. (The application shall be submitted at least thirty (30) calendar days prior to the meeting of the Planning and Zoning Commission. (amended Council Bill No. 2006-059, 1-02-2007) (amended Council Bill No. 2008-010, 2-19-2008)

A report and recommendation shall be filed by the Planning and Zoning Commission with the Board of Aldermen within forty-five (45) days of the meeting at which the Planning and Zoning Commission first considers the matter, unless consideration is

extended by mutual consent of the Commission and the applicant. No conditional use permit shall be granted without recommendation from the Planning and Zoning Commission; however, if no report is transmitted within the stated or extended time period, it shall be assumed that the Commission has approved the application.

Thereafter, the Board of Aldermen shall examine and approve or deny the application, with findings and if approved, under such conditions as are deemed necessary, per 9.360.2 through 9.360.8 below.

**9.360.2** In authorizing the issuance of a conditional use permit, the Board of Aldermen may impose such conditions at will, in its judgment, ensure that;

**9.360.3** The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

**9.360.4** The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

**9.360.5** The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

**9.360.6** Adequate measures will be taken to provide ingress and egress, designed to minimize traffic congestion in the vicinity.

**9.360.7** Adequate utilities, drainage and other necessary facilities have been or will be provided.

**9.360.8** The conditional use will in all other respects conform to the applicable regulations of the district in which it is located, except as may be expressly provided elsewhere in these regulations.

### **9.365. Off-Street Parking and Loading Standards**

**9.365.1** Parking Spaces Required. Off-street parking for motor vehicles shall be provided in all districts for all buildings hereafter constructed, reconstructed or substantially altered, and for all new uses of land subject to this ordinance.

The following parking space requirements by type of use are minimum standards only, and actual conditions may warrant additional parking.

Single Family, Two family or Multifamily Dwelling, Mobile Home: Two (2) spaces for each dwelling unit.

Proposed by Alderman Anderson &  
Alderman Klippel

**Sec. 5-16. - Defined.**

The following buildings are declared to be dangerous buildings:

- (1) Any building or structure having interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- (2) Any building or structure which, exclusive of the foundation, shows thirty-three (33) per cent, or more, of damage or deterioration of the supporting member or members, or fifty (50) per cent of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- (3) Any building or structure having improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Any building or structure having been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the residents of the city.
- (5) Any building or structure which has become so dilapidated, decayed, unsafe or unsanitary, or which so utterly fails to provide the amenities essential to decent living that the same is unfit for human habitation, or is likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein.
- (6) Any building or structure having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
- (7) Any building or structure having inadequate facilities for egress in case of fire or panic, or having insufficient stairways, elevators or fire escapes.
- (8) Any building or structure having parts thereof which are so attached that they may fall and thereby cause injury or damage to some person or property.
- (9) Any building or structure which is otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard or abandonment.

(Ord. No. 2152, § 1, 6-4-73)

**Sec. 5-17. - Placarding as dangerous.**

- (a) If the building inspector upon inspection of a building or structure determines that it is an unsafe building, he shall place a notice on such building or structure found by him to be a dangerous building reading as follows:

This building has been found to be a dangerous building by the building inspector of the City of <sup>Ashtand</sup>Boonville, Missouri. This notice is to remain on this building until it is vacated, repaired, reconditioned, removed or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building, as shown by the records of the Recorder of Deeds of <sup>Boone</sup>Cooper County, Missouri. It is unlawful to remove, deface or mutilate this notice until such notice is complied with.

The posting of said notice shall not be construed as to deprive any person of the notice and hearing as prescribed by this article.

- (b) It shall be unlawful for any person to remove any placard placed on a building pursuant to subsection (a) without the permission of the building inspector to do so.

(Ord. No. 2152, § 4, 6-4-73)

**Sec. 5-18. - Standards for vacation, demolition or repair.**

If upon inspection any building or structure is found to be a dangerous building, said building or structure shall be vacated, demolished or repaired as follows:

- (1) If the building or structure can reasonably be repaired to that it will no longer exist in violation of the terms of this article, it shall be repaired.
- (2) If the building or structure is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be vacated.
- (3) If the building or structure is fifty (50) per cent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished.
- (4) If the building or structure cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be demolished.
- (5) If the building or structure is a fire hazard existing or erected in violation of the terms of this article or any other ordinance or state statute, it shall be demolished, providing the said fire hazard is not eliminated by the owner or other interested person within a reasonable time.

*(Ord. No. 2152, § 2, 6-4-73)*

**Sec. 5-19. - Inspections; sending notices of violations.**

- (a) The building inspector, or his authorized representative, shall inspect or cause to be inspected every building or structure reported as being a dangerous building, and shall notify in writing the owner, occupant, lessee, mortgagee, agent and any other person having an interest in the building or structure as shown by the land records of the county recorder of deeds of any violations of this article that are found upon such inspection.
- (b) The said notice shall be served either by personal service or by certified mail with return receipt requested, but if service cannot be had by either of these methods then service may be had by publication in a newspaper of general circulation published in the city and such notice shall be published at least once each week for four (4) consecutive weeks.

*(Ord. No. 2152, § 3, 6-4-73)*

**Sec. 5-20. - Contents of notice of violations.**

The notice required in section 5-19 of this article shall:

- (1) Declare the building or structure to be a nuisance.
- (2) Specify that the property is to be vacated, if such be the case.
- (3) Order that the building or structure be repaired or demolished, as the case may be providing for a reasonable time for commencement of such repair or demolition, but not to exceed twenty (20) days following receipt of such notice by personal service or certified mail, or following the date of last publication in a newspaper.
- (4) Contain a copy of the inspection report made as provided for in this article if such notice is served personally or by certified mail, otherwise the published notice shall briefly set forth the conditions requiring vacation, repair or demolition.

*(Ord. No. 2152, § 5, 6-4-73)*

**Sec. 5-21. - Actions upon noncompliance with building inspector's notice.**

If the owner or other person having any interest in a dangerous building or structure has been notified pursuant to this article and then fails to commence work of repair or demolition within the time specified or fails to proceed

continuously with such work without unnecessary delay, the building inspector shall report the same to the city council. <sup>BOARD OF ALDERMEN</sup>

(b) Thereupon the <sup>BOARD</sup> council shall call and have a full and adequate hearing upon the matter, giving the affected parties at least twenty-one (21) days written notice of the hearing in the same manner as provided for the service of the notice of violations. At such hearing any party may be represented by counsel, and all parties shall have an opportunity to be heard.

(c) After the hearing, if the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the <sup>BOARD</sup> city council shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons having an interest in said building as shown by the county land records to repair, vacate or demolish the building; provided, that any person so notified, shall have the privilege of either repairing, or vacating and repairing said building, if such repair will comply with all ordinances, or the owner or any person having an interest in said building may vacate and demolish the building at his own risk.

(d) If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.

(Ord. No. 2152, § 6, 6-4-73)

**Sec. 5-22. - Correction by city upon noncompliance with council's order.**

If an owner, occupant, mortgagee or lessee fails to comply with the order of the city council issued pursuant to this article, then within thirty (30) days the city council shall order the city engineer to proceed to repair or demolish and remove said building or structure.

(Ord. No. 2152, § 6, 6-4-73)

**Sec. 5-23. - Lien for expenses of correction by city.**

If the city council issues an order to the city engineer pursuant to this article whereby the building or structure is repaired or demolished by the city, the costs of repair, vacation or demolition and a reasonable charge for administering the provisions of this article not exceeding fifty dollars (\$50.00), shall be certified to the city clerk who shall cause a special tax bill therefor against the property to be prepared and collected by the city collector. At the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien upon the property until paid. Said assessment shall bear interest at the rate of eight (8) per cent per annum until paid.

(Ord. No. 2152, § 7, 6-4-73; Ord. No. 2985, § 1, 10-15-90)

**Sec. 5-24. - Emergency action.**

When it reasonably appears that there is an immediate danger to the health, safety or welfare of any person resulting from a dangerous building or structure, the building inspector shall report the same to the city council, and the council may take emergency measures including the placing of guardrails or other protection devices and suitable signs giving notice to the public of such danger, and to cause the immediate repair, vacation or demolition of any such building or structure. The costs of any such emergency repair, vacation or demolition shall be a lien upon the property and collected in the same manner as provided for in section 5-23 of this article.

(Ord. No. 2152, § 9, 6-4-73)

**Sec. 5-25. - Building official to make reports of and give testimony concerning structures.**

The building inspector shall report in writing to the <sup>BOARD OF ALDERMEN</sup> city council the noncompliance of any person with any notice to

vacate, repair or demolish any building or structure, and to appear at all hearings conducted by the city council and testify as to the condition of the dangerous buildings.

(Ord. No. 2152, § 3, 6-4-73)

**Sec. 5-26. - Violations.**

It shall be unlawful for any person to fail to obey any final notice or order issued pursuant to this article, or to fail to obey such notice or order continuously and without unnecessary delay.

PENALTY AMOUNT REFERENCE TO STATUTE?  
SEE MML  
SECTION 12 PENALTIES  
INSERT AS POSSIBILITY FOR ADOPTION

(Ord. No. 2152, § 8, 6-4-73)

**Sec. 5-27. - Judicial review.**

The owner, occupant, lessee, mortgagee, agent or other person having an interest in any building or structure within the scope of this article shall have the right of appeal from any order or determination made pursuant to this article to a court of competent jurisdiction, as provided by chapter 526, Revised Statutes of Missouri.

(Ord. No. 2152, § 10, 6-4-73)

**Sec. 5-28. - Insurance proceeds from damage or loss to buildings or structures.**

If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, and if the covered claim payment is in excess of fifty (50) percent of the face value of the policy covering a building or other structure, then the following procedure shall apply:

- (1) The insurer shall withhold from the covered claim payment ten (10) percent of the covered claim payment, and shall pay that amount to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this section. If a special tax bill or assessment is issued by the city for the expenses of demolition of such building as a dangerous building, the moneys held by the city shall be applied toward payment of special tax bill or assessment. If there is any excess, it shall be paid by the city to the insured or as the terms of the policy, including any endorsements thereto, provide.
- (2) The city shall release the proceeds and any interest which has accrued on such proceeds received under subsection (1) of this section to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance moneys, unless the city has instituted legal proceedings under the provisions of sections 5-21 and 5-22. If the city has proceeded under the provisions of sections 5-21 and 5-22, all moneys in excess of that necessary to comply with the provisions of sections 5-21 and 5-22 for the removal of the building or structure, less salvage value, shall be paid to the insured.
- (3) The city may certify that, in lieu of payment of all or part of the covered claim payment under this section, it has obtained satisfactory proof that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the city shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without deduction. It shall be the obligation of the insured or other person making claim to provide the insurance company with the written certificate provided for in this subsection.
- (4) No provision of the section shall be construed to make the city a party to any insurance contract.

Ord. No. 2711, § 1, 11-5-84)

claim to provide the insurance company with the written certificate provided from this subsection.

#### Section 9. Appeal.

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the recorder of deeds of the county wherein the land is located, may, within thirty (30) days from the receipt of the order of the building commissioner, appeal such decision to the circuit court of the county wherein the land is located, pursuant to the procedure established in Chapter 536 of the Revised Statutes of Missouri.

#### Section 10. Emergencies.

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished, the building inspector shall report such facts to the building commissioner and the building commissioner may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 7(5).

#### Section 11. Violations: disregarding notices or orders.

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the building commissioner shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in Section 12.

Any person removing any notices provided for in this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with section 12.

#### Section 12. Penalties.

Any person violating the provisions of this ordinance is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Each day that a person fails to comply with an order of the building commissioner may be deemed a separate offense.

\*  
Insert Sec 5-26.- Violations

AN ORDINANCE TO AMEND CHAPTER 9, PLANNING AND ZONING, OF THE CODE OF THE CITY OF ASHLAND

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

Section 1. Chapter 9 of the Ashland City Code is hereby amended as follows:

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

**9.106. Site Plan Submission, Review Required**

Any property owner who proposes to develop ~~development proposed on~~ land within any district, except R-1, as ~~described herein~~ shall have submit a site plan submitted to the City's Planning and Zoning Commission for review and consideration for approval ~~City~~. Such site plans shall: ~~Site plans submitted for developing lands within the aforementioned districts shall:~~

- a) Meet the standards of the City of Ashland's Long Range Plan.
- b) Comply with all regulations for surface water drainage control and floodplain management.
- c) Comply with any and all applicable local, state and federal ordinances, rules, statutes, laws, regulations and requirements.
- d) ~~Be submitted at least Thirty (30) calendar days prior to the Planning and Zoning Commission meeting. (amended Council Bill No. 2006-059, 1-02-2007) (amended Council Bill No. 2008-010, 2-18-2008)~~

~~The Planning and Zoning Commission shall provide written reasons for disapproving submitted site plans on a case-by-case basis. Site plan disapproval decisions made by the Planning and Zoning Commission can be appealed to the Board of Adjustments as outlined in 10.160.~~

The site plan shall be submitted to the City Clerk at least thirty (30) days before the Planning and Zoning Commission meeting at which it will be considered for approval. The City Clerk shall forward the site plan to appropriate city staff and consultants who shall review and make a recommendation to the Planning and Zoning Commission for approval or disapproval of the site plan based on whether the plan meets the requirements of this section. The Planning and Zoning Commission shall approve, approve conditionally or disapprove the site plan. If the Commission disapproves the site plan, it shall provide written reasons for disapproval. Site plan disapproval decisions made by the Planning and Zoning Commission may be appealed to the Board of Adjustment as outlined in 10.160.

...

**9.365.3** Parking and Loading Design Standards, General. All parking and loading areas provided shall meet the following minimum improvement and maintenance requirements:

Location: Onsite for all residential and nonresidential uses. Provided that minimum requirements are met onsite for nonresidential uses, the Administrative Officer may authorize additional or overflow parking as needed, offsite and within one thousand (1000) feet of the use. Parking for non-residential uses shall be located a minimum of six feet from any adjoining property that is either used for residential purposes or located in a residential zoning district.

...

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

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

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

Attest:

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

Certified as to correct form:

\_\_\_\_\_  
Fred Boeckmann, City Attorney

AN ORDINANCE TO AMEND CHAPTER 11, SUBDIVISION REGULATIONS, OF THE CODE OF THE CITY OF ASHLAND

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

Section 1. Chapter 11 of the Ashland City Code is hereby amended as follows:

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

**11.015. Definitions**

For the purpose of interpreting this Ordinance, certain terms are defined as follows:

...

~~Council: The City Council of Ashland, Missouri.~~

City Plan: The comprehensive plan of the City of Ashland, Missouri, whether in whole or in part, as adopted by the Planning Commission, approved by the ~~City Council~~Board of Aldermen and duly recorded in the office of the County Recorder of Boone County, Missouri. It may consist of several maps, data, and other description matter, for the physical development of the City or any portion thereof; including any amendment, extension, or additions thereto adopted by the ~~City Council~~Board of Aldermen indicating the general locations of major streets, parks, schools or other public open spaces, public building sites, routes for public utilities, zoning districts or other similar information.

...

~~Planning Commission Representative: The City~~Engineer, planning consultant, and any other person so designated by the Mayor~~Clerk of the City of Ashland, Missouri~~for matters pertaining to the subdivision of land.

...

**11.130. Approval**

No plat of a subdivision shall be recorded unless ~~and until it shall have~~has been submitted and approved by the ~~Planning Commission and City Council~~Board of Aldermen in accordance with the regulations set forth in this ~~regulation~~chapter and so certified by the City Clerk.

...

### 11.145. No contract of sale

No person, firm or corporation, proposing to make or have made a subdivision within the City of Ashland, Missouri, shall enter into any contract for the sale of, or shall offer to sell any subdivision or any part thereof, until ~~said~~the person, firm or corporation has obtained from the ~~Planning and Zoning Commission~~Board of Aldermen approval of the final plat of the proposed subdivision and such approval has been made a matter of public record.

### 11.150. Procedure

#### 1. Pre-application procedure

Not less than 30 days before preparing and submitting the preliminary plat to the Planning and Zoning Commission, the developer or designated agent shall consult with ~~the Planning Commission Representative~~representative of the Planning and Zoning Commission, to ascertain the location of proposed highways, primary or secondary thoroughfares, collector streets, parkways, parks, playgrounds, school sites and other community facilities or planned developments and to acquaint ~~said~~the developer with the Planning and Zoning Commission's requirements. The geographic scope of this review shall include the whole contiguous property held in common ownership for which whole or partial subdivision platting is desired by the subdivider, as well as the surrounding property which might reasonably be affected by subdivision of the subject property. (amended Council Bill No. 2007-049, 12-04-2007)

#### 2. Preliminary Plat

The developer shall ~~prepare~~submit a preliminary plat of the proposed subdivision, which shall conform to the requirements set forth in Section 11.155, at least ~~thirty~~Thirty (30) calendar days prior to the meeting of the Planning Commission at which approval of ~~said~~the plat is requested. However, the plat will not be placed on the agenda of a Planning Commission meeting until the review process described in subsection 3 has been completed. (amended Council Bill No. 2006-055, 12-19-2006) (amended Council Bill No. 2008-010, 2-18-2008)

#### 3. Review of preliminary plat

The preliminary plat shall be examined by the Planning Commission's ~~Representative~~ to determine whether it complies with the City Plan of Ashland, Missouri. ~~In "addition", said representative shall determine whether the plat complies with the standards and requirements of this chapter and hereinafter prescribed. Finally, said representative shall examine the plat to determine compliance with any other government and public utility regulations. If a plat fails to comply with any requirement, the Planning Commission Representative shall return it to the developer with an explanation of the deficiencies. Any required modifications to the plat must be made and submitted to the Planning Commission Representative for reexamination. After the plat has been approved by the Planning Commission Representative, the original signed plat must be delivered to the City Clerk by noon on the day of the Planning Commission meeting at which approval of the plat is requested. The Planning Commission Representative shall make a~~

recommendation to the Planning Commission for approval or disapproval based on whether the plat complies with all ordinance requirements. The Planning Commission shall review and approve, approve conditionally or disapprove the preliminary plat. The reason for any disapproval shall be stated on the record of the Planning Commission. The preliminary plat shall then be forwarded to the Board of Aldermen for its consideration by ordinance. The Board of Aldermen may overrule a disapproval of the Planning Commission.

#### 4. Final Plat

Following approval of the preliminary plat, ~~by the Planning Commission,~~ the developer shall file with the Planning Commission the final plat of the proposed subdivision. The final plat shall be reviewed by the Planning Commission Representative to determine whether it complies with all provisions of this chapter and with all other government and public utilities regulations. If the plat fails to comply with any requirement, the Planning Commission Representative shall return it to the developer with an explanation of the deficiencies. Any required modifications to the plat must be made and submitted to the Planning Commission Representative for reexamination. After the plat has been approved by the Planning Commission Representative, the original signed plat must be delivered to the City Clerk by noon on the day of the Planning Commission meeting at which approval of the plat is requested. The Planning Commission Representative shall make a recommendation to the Planning Commission for approval or disapproval based on whether the plat complies with all ordinance requirements. The final plat may include all or any part of the land proposed for subdivision on the approved preliminary plat. The developer shall be required to complete improvements, or to post security for the completion of such improvements as hereinafter required, for that portion of the preliminary plat for which final plat approval is requested.

#### 5. ~~Approval, or disapproval and modification by Planning Commission and Board of Aldermen~~

~~The approval of the Planning Commission or its refusal to shall approve or disapprove said plat shall take place within 60 days from and after the submission of the plat for final approval, unless the owner or developer agrees in writing to an extension of this time period. In the event~~ If the Planning Commission takes no action on a final plat within the allotted time, said the  
~~final plat shall be deemed to have been approved and the certificate of said the Planning Commission stating the date of the submission of the plat for approval and as to said Planning Commission's failure to act thereon within the allotted time shall be sufficient in lieu of the written endorsement or evidence of approval herein required. The basis for the Planning Commission's refusal to approve any plat submitted shall be stated upon the record of the Planning Commission. The final plat shall then be forwarded to the Board of Aldermen for its consideration by ordinance. The Board of Aldermen may overrule a disapproval of the Planning Commission.~~

#### 11.265. Sidewalks generally

Sidewalks shall be constructed and installed in compliance with the city street and storm sewer specifications and design standards and all applicable design standards and specifications now or hereafter promulgated by the director of public works or adopted by the ~~City Council~~Board of Aldermen, on both sides of all streets unless otherwise specified in this chapter.

...

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

Dated this day of , 2014.

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

Attest:

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

Certified as to correct form:

\_\_\_\_\_  
Fred Boeckmann, City Attorney