

TUESDAY, NOVEMBER 04, 2014
BOARD OF ALDERMEN MINUTES
7:00 P.M.

Mayor Rhorer called the regular meeting to order at 7:00 p.m. on November 04, 2014 at 815 East Broadway.

Alderman Anderson gave the invocation.

Mayor Rhorer led in the pledge of allegiance.

Mayor Rhorer called the roll:

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

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

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

Staff Present: Darla Sapp, City Clerk, Lyn Woolford, Police Chief, Jessi Kendall, Treasurer/Deputy City Clerk, Josh Hawkins, City Administrator and Colby Branch, Wastewater Operator.

Mayor Rhorer presented the agenda for November 04, 2014 for consideration. Alderman Taggart made motion and seconded by Alderman Fasciotti to approve the agenda as presented. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer presented the minutes for October 21, 2014 for consideration. Alderman Campbell made motion and seconded by Alderman Klippel to approve the minutes as presented. The City Clerk reported an amendment on the last page, last paragraph. Mayor Rhorer called for the vote should be amended to Mayor Pro-tem Taggart called for the vote. Also at the bottom of the page it has Gene Rhorer, Mayor and it should be Anthony Taggart, Mayor Pro-tem. Alderman Anderson asked that the statement "Mayor Pro-tem Taggart called for the vote, be amended to "Mayor Pro-tem Taggart called for the vote to pay the bills." Alderman Fasciotti asked that a statement he made on the K-2 be corrected to read. "He stated this is sold over the counter and is legal." "He stated this is sold over the counter and is illegal." Alderman Campbell and Alderman Klippel were in agreement with these changes. Mayor Rhorer called for the vote. Motion carried.

Alderman Elliott joined the meeting at 7:08 p.m.

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

Cecil Payne, resident of Lakeview Estates, Ward Two stated he was checking on updates on Perry Ave. frontage road. He stated that MoDot has corrected the placement of the exit sign for off ramp but it has not helped people turning off there. He discussed several accidents that has happened. He asked the Board of Aldermen to continue to work with MoDot to get something done about an outer road from Perry Ave. to Route Y. Mr. Payne expressed concern of

emergency response time. Mr. Payne reported this is an extension of an existing road. Mayor Rhorer reported the City can't build a road on private land. The Board discussed the development of C.L. Richardson property at Route Y and Hwy 63. They discussed the third lane between Liberty Lane and the 63 off ramp being safer than what is currently there.

Mayor Rhorer presented Nikki Courtney to serve on the Planning and Zoning Commission. Alderman Campbell suggested that Nikki Courtney serve on the Planning and Zoning Commission to bring a fresh and educated point of view to the Board. Alderman Anderson made motion and seconded by Alderman Klippel to appoint Nikki Courtney to the Planning and Zoning Commission. Mayor Rhorer called for the vote. Alderman Taggart-aye, Alderman Fasciotti-aye, Alderman Elliott-aye, Alderman Klippel-aye, Alderman Anderson-aye, Alderman Campbell-aye. Motion carried.

Mayor Rhorer presented Dan Elliott as park board liaison. Alderman Anderson made motion and seconded by Alderman Klippel. Alderman Taggart-aye, Alderman Fasciotti-aye, Alderman Elliott-abstained, Alderman Klippel-aye, Alderman Anderson-aye, Alderman Campbell-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2014-038 for consideration. Alderman Taggart made motion and seconded by Alderman Campbell to take up 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. Mayor Rhorer called for questions or comments. Lyn Woolford, Police Chief discussed the reason for this proposed ordinance was due to complaints of an individual soliciting for money at different functions and flagging down people on the roadway at all hours. Alderman Fasciotti questioned how this would affect solicitation from door to door children selling door to door to fund raisers. Fred Boeckmann, City Attorney reported it is the first amendment right. Fred Boeckmann reported this is not making it illegal to panhandle but the manner in which you approach people. The Board reviewed the second page to the ordinance since it was left out of the packet. The Board discussed this proposed ordinance and how the enforcement would be handled. Mayor Rhorer called for the vote. Alderman Klippel-aye, Alderman Anderson-aye, Alderman Campbell-aye, Alderman Taggart-aye, Alderman Fasciotti-aye, Alderman Elliott-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2014-039 for consideration. Alderman Campbell made motion and seconded by Alderman Elliott to take up 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. Mayor Rhorer called for questions or comments. Chief Woolford explained the ordinance was proposed due to complaints of basketball goals being placed on the curb facing the street and children playing basketball in the streets, creating a safety hazard in Season's Ridge Subdivision. The Board discussed this and felt that the ordinance needed to be toned down. Alderman Campbell

and Alderman Elliott agreed to amend the motion to delete subsection (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 and changing subsection (2) to (1). Mayor Rhorer called for the vote with the amendment. Alderman Taggart-aye, Alderman Fasciotti-aye, Alderman Elliott-aye, Alderman Klippel-aye, Alderman Anderson-aye, Alderman Campbell-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2014-040 for consideration. Alderman Elliott made motion and seconded by Alderman Fasciotti to take up 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. Mayor Rhorer called for questions or comments. Alderman Taggart questioned the purpose of this amendment to the code. It was reported it was due to the livable street discussion. The Board discussed the additional cost to the developer and the sidewalks not matching up. Keith Winscott of Winscott Construction reported this would cost the developer more money and expressed concern of the plats that have been accepted and are in the process of being accepted. The Board discussed having different sizes of sidewalk on arterial, residential, collector, and commercial streets. Alderman Fasciotti and Alderman Elliott expressed concern that four feet does not allow enough room for two people walk comfortably on. Josh Hawkins, City Administrator reported it would look good to pass this ordinance for federal grant applications. Fred Boeckmann, City Attorney reported the way the ordinance is written it would be in full effect from and after its passage on all sidewalks constructed after passage and approval. The Board debated this ordinance at great length. Alderman Elliott made motion to change his motion to postpone this ordinance and Alderman Fasciotti seconded the motion. Mayor Rhorer called for the vote. Alderman Taggart-aye, Alderman Fasciotti-aye, Alderman Elliott-aye, Alderman Campbell-aye, Alderman Anderson-aye, Alderman Klippel-aye. Motion carried.

Alderman Fasciotti made motion and seconded by Alderman Elliott to take a five minute recess. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer called the meeting back to order at 8:36 p.m.

Mayor Rhorer presented Council Bill No. 2014-041 for consideration. Alderman Klippel made motion and seconded by Alderman Taggart to take up Council Bill No. 2014-041, an ordinance to amend Chapter 12, Article VI, Stormwater Management Regulations. First Reading by title only. Mayor Rhorer called for questions or comments. Alderman Taggart asked what changed from current ordinances. Josh Hawkins, City Administrator reported changes to a 100 year flow path. They discussed what effects this would have on developers and homeowners changing their culvert pipes under their driveway. Josh Hawkins, City Administrator reported he would get a statement from our engineering firm on what a current formula is and other information explaining this.

Mayor Rhorer called for the vote. Alderman Taggart-nay, Alderman Fasciotti-aye, Alderman Elliott-nay, Alderman Klippel-aye, Alderman Anderson-nay, Alderman Campbell-aye. Mayor Rhorer voted-aye and broke the tie. Motion carried.

Mayor Rhorer presented Ordinance No. 1002 for consideration. Josh Hawkins reported there is one change to the six month budget revision due to unforeseen circumstances with Lake View Lift Station. He explained the issue and that account code 45-40-5355 lift station maintenance and improvements needed changed from \$13,000 to \$25,000. Alderman Taggart reported they would be having discussion on reducing the personal property tax rate and how the water and sewer bills are formulated and the effects it might have on our budget. The Board also discussed the health insurance cost for employees. Alderman Anderson asked for a report of what kind of raises the employees have had in the last 5 or 10 years. He stated we should look at cost sharing these expenses with the employees. They discussed changing the deductible. Alderman Campbell made motion and seconded by Alderman Klippel to take up Ordinance No. 1002 an ordinance to approve the six month budget revision for fiscal year 2014-2015 with the amendment of 45-40-5355 lift station maintenance and improvements from \$13,000 to \$25,000. Mayor Rhorer called for the vote. Alderman Taggart-aye, Alderman Fasciotti-aye, Alderman Elliott-aye, Alderman Klippel-aye, Alderman Anderson-aye, Alderman Campbell-aye. Motion carried.

Mayor Rhorer presented Ordinance No. 1003 for consideration. Alderman Campbell made motion and seconded by Alderman Elliott to take up Ordinance No. 1003, an ordinance approving the final plat for South Wind, Plat 1. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Taggart-aye, Alderman Fasciotti-aye, Alderman Elliott-aye, Alderman Klippel-aye, Alderman Anderson-aye, Alderman Campbell-aye. Motion carried.

Mayor Rhorer reported the next item on the agenda was discussion of dangerous building proposed ordinance. Alderman Anderson reported they reviewed several cities ordinance on this and found they liked Boonville's ordinance with the exception of the penalty section which they used from the proposed unsafe structure ordinance from our City Attorney. The Board discussed the proposed ordinance. Fred Boeckmann reported the hearing would be like a mini court before the Board of Aldermen and a court reporter would be necessary. He reported the city currently has no one to inspect this but there was discussion of having to hire an certified building inspector or engineer. The Board was in agreement to moving forward of this proposed ordinance.

Mayor Rhorer opened up the discussion of conditional use permits. He reported Paul Beuselinck has suggested that we amend the City Ordinance governing conditional 9.360 use to add periodically investigating the compliance of conditional use permits. The Board discussed conditional use permits and if they follow the property owner, have expiration dates or if they are

in compliance. It was reported that in 2009 a conditional use permit was granted for a home daycare and had not been used but the property owner is looking at doing this in her home since it did not have a expiration time period on it. Mayor Rhorer proposed some control over the conditional use permits. The Board stated that when issuing conditional use permits the Board needs to be more mindful on establishing conditions to the permits and not leave open ended. They discussed how a conditional use permit could be taken away. Fred Boeckmann, City Attorney reported it would require a public hearing and have good reason. The Board discussed going forward we use more due diligence.

Police Chief's Report:

Chief Woolford, Police Chief, presented his monthly report on calls for service. He updated the Board on calls of theft from vehicles. He stated he would like to promote not leaving cameras, computers, credit cards in unlocked cars. He gave an overview of a call of a disturbance that end in a suicide and another incident of stolen vehicle. He reported the importance of having the cameras to protect our citizens and officers. Mayor Rhorer reported the Board has agreed to the purchase of the cameras in car and body cameras. He reported they have been testing the cameras to see which one they want to go with. Chief Woolford stated they are hoping the car video will be approved under the grant. He reported the body cameras have a five year plan with a cost of \$8,000.00 with the purchase, licensing, and data storage. Chief Woolford stated that a member of our community donated \$400.00 for one of the body cameras. The Board discussed this purchase needing to be on the agenda as an action item. Chief Woolford reported the Halloween event was in the chamber room and had positive feedback. Chief Woolford reported they are working on the policy manual.

Alderman Fasciotti made motion and seconded by Alderman Elliott to take a break. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer called the meeting back to order at 10:11 p.m.

Mayor's Report:

Mayor Rhorer reported it looked like there was a change in the format of the agenda. He stated the round-a-bout drainage issue and several other issues will be discussed when they do the walk through with MoDot on the overpass project. He stated the mobile home on College is being moved.

Board of Alderperson's Report:

Alderman Klippel suggested the park board look at basketball goals and a slab of concrete in the park. He expressed concern of skateboarder on S. Main Street. It was reported there is a basketball goal on the school property by the park.

Alderman Anderson reported he would not be in attendance at the next meeting. He asked that the City continue to converse with MoDot on Henry Clay and Broadway intersection improvements and cost sharing. He suggested also continuing discussion with the House and Senate about extending Perry Ave.

Mayor Rhorer reported they are communicating with the state representatives on Henry Clay and Broadway.

Alderman Elliott presented a video report on a detention pond in Monroe City.

Alderman Fasciotti reported a code violation on Eagle Pointe of junk and vehicle on vacant lot.

Alderman Fasciotti reported he will be proposing an ordinance on synthetic cannabis.

Alderman Taggart discussed the City resurfacing roads not to the same restrictions we are making our contractors. As well has maintaining our detention basin of weeds. He stated we could lead by good example.

Alderman Taggart discussed the Angel Lane street reconstruction and the possibility of using this in other areas of the city.

Alderman Taggart advocated holding building permits or future development plats from developers who have issues with their subdivisions. Alderman Fasciotti stated we need hold the contractors and developers accountable for the infrastructure.

Alderman Taggart stated we discussed widening sidewalks and drains and the city required to do the upkeep and repair on these and it will cost extra money.

Alderman Elliott asked to be excused for a family emergency at 10:43 p.m.

City Administrator's Report:

Josh Hawkins discussed working with MoDot on a mini round-a-bout at Henry Clay and Broadway as well as the outer road. He updated the Board on items for the Planning and Zoning Commission for consideration is changes to Chapter 9 and 11 and the McDonald's site plan. He stated we need to schedule a joint planning session and hopefully have this scheduled by the next meeting. Mr. Hawkins stated the fire district revised the contract for use of the fire district training facility to only regular scheduled Board of Aldermen meetings.

Josh Hawkins reported they are meeting with our IT company about going to the cloud for data storage. He stated they are moving forward reviewing the Boone County Mitigation Plan. He stated the grant application is due November 14 for the sidewalk grant on Ash Street. Mr. Hawkins suggested amending the procurement code since it is outdated. The Board discussed this.

Josh Hawkins, City Administrator suggested holiday's for Christmas Eve at noon, all day Christmas Day and the day after Christmas since it is on a Friday. Mayor Rhorer called for a voice vote on this. The Board was in agreement to these days off with pay.

Alderman Anderson questioned the letter to Steve's and Associates, Apac and MoDot on our disappointment of quality of work on the overpass. Alderman Campbell stated it was dead in the water.

City Attorney's Report:

Fred Boeckmann had no report.

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

Darla Sapp, City Clerk

Gene Rhorer, Mayor