

APRIL 16, 2013
BOARD OF ALDERMEN MINUTES
7:00 P.M.

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

Alderman Wyatt gave the invocation.

Mayor Jackson led in the pledge of allegiance.

Mayor Jackson called the roll.

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

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

Ward Three: Matt Uhrig-here, vacant seat

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

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

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

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

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

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

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

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

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

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

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

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

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

Ward Three: Anthony Taggart-here, vacant seat

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

friendly place. He stated that community members lost jobs for serving beer at a private graduation party and we had to consider this carefully. The Board discussed this and felt they would like to think about this before voting. The City Clerk was asked to place this on the next meeting's agenda.

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

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

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

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

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

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

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

Mayor's Report:

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

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

City Administrator's Report:

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

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

City Attorney's Report:

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

Board of Aldermen Report:

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

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

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

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

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

The City Clerk was not present at the closed session.

Darla Sapp, City Clerk

Michael P. Jackson, Mayor

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

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

The meeting adjourned at 10:27 p.m.

Kelly Henderson, City Administrator

Michael P. Jackson, Mayor