

JUNE 4, 2013  
BOARD OF ALDERMEN MINUTES  
7:00 P.M.

Mayor Jackson called the regular meeting to order on June 4, 2013 at 7:15 p.m. at Ashland City Hall, 109 East Broadway.

Alderman Anderson 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: Jeff Anderson-here, vacant seat

Ward Three: Anthony Taggart-here, Carl Long-here

Staff Present: Kelly Henderson, City Administrator, Joy Ahern, Interim City Attorney and Darla Sapp, City Clerk.

Mayor Jackson presented the agenda of June 4, 2013 for consideration. Alderman Thomas made motion and seconded by Alderman Long to approve the agenda as presented. Alderman Anderson stated he did not see the city hall repair costs on the agenda. Mr. Henderson, City Administrator reported it will be under his reports. Mayor Jackson called for the vote. Motion carried.

Mayor Jackson presented the minutes of May 15, 2013 for consideration. Alderman Thomas made motion and seconded by Alderman Rhorer to approve the minutes as presented. Mayor Jackson called for corrections. Mayor Jackson called for the vote. Motion carried.

Mayor Jackson presented the minutes of May 21, 2013 for consideration. Alderman Thomas made motion and seconded by Alderman Long to approve the minutes as presented. Alderman Anderson asked under the consideration of the agenda we insert the following statement: "That Mayor Jackson acknowledged the issue needed to be addressed, but asked that the board proceed in accordance with the past actions." Mayor Jackson called for the vote. Motion carried.

Mayor Jackson presented the minutes of May 24, 2013 for consideration. Alderman Thomas made motion and seconded by Alderman Rhorer to approve the minutes as presented. Mayor Jackson called for the vote. Motion carried.

Mayor Jackson presented the bills to be paid for consideration. Alderman Thomas made motion and seconded by Alderman Rhorer to approve the bills as presented. Mayor Jackson called for questions or comments. The Board asked several questions

regarding the bills. Mayor Jackson called for the vote. Alderman Rhorer-abstained. Motion carried.

Corey Myers reported he would like to discuss the vacant lot on Red Tail Drive that the City of Ashland has a lien on. He informed the Board that he has declared bankruptcy and has dissolved the Myers Construction LLC that did own the lot. He stated that he is not liable for this lot. Alderman Anderson questioned why the City had a lien on this property. Corey Myers reported this is the house that burnt down and his insurance company had denied the claim. He stated there are multiple liens on this property since it was under construction. He asked that the City of Ashland release the lien on this property. Mr. Myers stated that the concrete did not have to be torn out of the house but they city had it all removed. Mr. Myers complained of the way it was handled. It was reported that the City sent Mr. Myers notifications on this matter. Joy Ahern, City Attorney asked if the lot was titled in Mr. Myers name or the Myers Construction LLC? He stated it was in the Myers Construction LLC. This was discussed and felt it should put placed on the next agenda so further research could be done on this matter.

Bill Friederich owner of Ashland Signature Homes, requested the City accept the streets, water, and sewer in Lake View Estates. He stated they have completed everything on their list with the exception of the discharge culverts for the lake and manhole for storm water. He stated he would like the process of acceptance to move forward and he would like the responsibility of the pipes to fall on lot #43 which is Ashland Signature Homes. He stated that the bank has sold the subdivision and wants these matters cleared prior to closing. The Board discussed this request and the option of having a performance bond to ensure the project gets finished. The Board agreed to bring this forward in an ordinance for the next Board meeting with a stipulation on the specifications and scope of work for the discharge pipes. The Board was in agreement with moving forward on this.

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

Darren Woods expressed interest in being appointed to the Ward Two Alderman vacant seat. He gave a brief history of his experience.

Mayor Jackson reported the next item on the agenda is the appointment of the Ward Two vacant seat. Mayor Jackson proposed to put forth John Hills as Ward Two Alderman for consideration. Alderman Anderson questioned why this was submitted again because it did not pass before. Mayor Jackson stated he felt it was the timing, location on agenda and not the individual the Board opposed. Mayor Jackson called for the question. Alderman Thomas-aye, Alderman Rhorer-aye, Alderman Anderson-nay, Alderman Long-aye, Alderman Taggart-aye. The City Clerk was directed to give the Oath of Office to Mr. Hills prior to the next Board meeting.

Mayor Jackson reported the next appointment was acting Police Chief. Mayor Jackson proposed that Captain Toalson be appointed as Acting Police Chief. Captain Toalson stated he would serve in this capacity and do the best job he could but would like to

negotiate more compensation and the use of the patrol car to and from his residence. The Board discussed compensating him at a rate comparable to that as Chief Consiglio. The Board discussed getting this in a written form. The Board discussed bringing a document back for Board approval and making it retroactive. Barb Bishop asked if we did not already have a Police Chief. She asked for clarification. Mayor Jackson reported that at the closed meeting they put Chief Consiglio on immediate paid administrative leave. Joy Ahern reported this subject cannot be discussed since it has not been resolved and is closed under the State Statute Chapter 610.021 (3). Mayor Jackson called for the vote of the appointment. Alderman Long-aye, Alderman Taggart-aye, Alderman Anderson-aye, Alderman Rhorer-aye, Alderman Thomas-aye.

Mayor Jackson presented Council Bill No. 2013-015 for consideration. Alderman Thomas made motion and seconded by Alderman Rhorer to take up Council Bill No. 2013-015, an ordinance amending the City's Code of Ordinances, Chapter 12, Public Infrastructure to add section 12.557 "Silt fences and inlet protection" and modify existing Section 12.515 (B) "Exemptions" to require silt fencing and inlet protection for all construction projects within City limits. First Reading by title only. Alderman Anderson questioned if it was necessary to have a silt fence surround the whole property with the exception of the driveway. Mike McCubbin informed the Board of the best management practices of Department of National Resources and possible implementation into this code. Kelly Henderson reported our proposed code is more restrictive. Alderman Anderson suggested it also says remain in place and maintained. The Board discussed this and directed staff to make amendments for the second reading. Mayor Jackson called for questions. Alderman Taggart-aye, Alderman Anderson-aye with proposed changes made, Alderman Rhorer-aye, Alderman Long-aye, Alderman Thomas-aye. Motion carried.

Mayor Jackson presented Ordinance No. 950 for consideration. Alderman Thomas made motion and seconded by Alderman Rhorer to take up Ordinance No. 950, an ordinance accepting public infrastructure of Middleton Crossing Plat 3 (Lots 11,14-18), Middleton Crossing Plat 4 (Lots 19-25, 31-34, 42-44,53) and Middleton Estates Lots 45-52) for Winscott Construction. Mayor Jackson called for questions or comments. Alderman Rhorer reported the sewer issue has been corrected with no other outstanding issues. Mayor Jackson called for the vote. Alderman Thomas-aye, Alderman Rhorer-aye, Alderman Long-aye, Alderman Taggart-aye, Alderman Anderson-aye. Motion carried.

Mayor Jackson presented Ordinance No. 951 for consideration. Alderman Thomas made motion and seconded by Alderman Rhorer to take up Ordinance No. 951, an ordinance approving Southwoods Commercial Park, Plat 3 for March Properties, LLC. Mayor Jackson called for questions or comments. Mayor Jackson called for the vote. Alderman Rhorer-aye, Alderman Anderson-aye, Alderman Taggart-aye, Alderman Thomas-aye, Alderman Long-aye. Motion carried.

Mayor Jackson reported the next item on the agenda is discussion of the vacant Alderman seat "no" vote. City Attorney Joy Ahern stated she has researched this question and

reviewed case law provided by the Attorney General's office. She gave her opinion and interpretation of how the votes are counted for and examples of different voting situations. She discussed this at length.

Mayor Jackson reported the next item on the agenda is Board approval to do an investigation of the allegations regarding the Chief of Police. Alderman Anderson suggested this be tabled due to the outcome of the closed session. Alderman Anderson made motion and seconded by Alderman Thomas to table this. Mayor Jackson called for the vote. Alderman Thomas-aye, Alderman Long-aye, Alderman Anderson-aye, Alderman Rhorer-aye, Alderman Thomas-aye. Motion carried.

Mayor Jackson reported the next item on the agenda was discussion of the May 8th Memo regarding that the request for documents be channeled through the Mayor or City Administrator's Office. Alderman Anderson expressed concern on this memo. Alderman Taggart also expressed his concern on this matter. Kelly Henderson, City Administrator explained his reason for the memo. Alderman Anderson and Alderman Taggart felt this was blocking them from doing their job as Aldermen. The Board discussed this at length and felt that policy and procedure be set on requesting information as well as how items are placed on the agenda.

Mayor Jackson reported the next item on the agenda was to discuss hiring committee's for the open positions. Mayor Jackson proposed we divide the Board into committee's to search and interview proposed employment for the Chief of Police, City Attorney and the City Administrator. Mayor Jackson presented Alderman Long and Alderman Rhorer for the Police Chief position; Alderman Taggart and Alderman Hills for the City Administrator; Jeff Anderson and David Thomas for the City Attorney. Alderman Anderson suggested bringing members of our community, other law enforcement officers and chamber members. Mayor Jackson stated the individual committees could set their own profile and determine are they are going to do the hiring process. It was reported that the committees come back with a recommendation to the Board for formal appointment.

#### Mayor's Report:

Mayor Jackson did not have anything for this evening.

#### City Administrator's Report:

Kelly Henderson, City Administrator reported that it was too late to cancel the order for the patrol car and maintenance truck that had been ordered. Kelly Henderson reported he gave the Board a packet with information on the estimate for appraisal on city hall; estimate for pitched roof on city hall; total cost of repairs and maintenance for the previous ten years. The Board discussed the potential cost of repairs, the alternatives and the value of the existing building. Barb Bishop reported that there was a building committee set up at the time and there were recommendations made in July of 2008. Mayor Jackson gave an overview of building committee's report to the Board. The Board agreed to discuss this at the next meeting.

Kelly Henderson reported the tower work on well number 5 has been put out for bids for inspection and repair. He reported that the estimate is \$194,000.00 and the work is required to be compliant with the Department of Natural Resources. The Board discussed this and approved the continuance of this project.

Alderman Taggart reported he talked with Mike Schupp with MoDot about his concern with Mr. Henderson leaving. Mr. Schupp suggested he come to a Board meeting and give them an overview on projects they are working on.

Alderman Anderson asked that Kelly Henderson put together a status report of all projects he is working, long term and short term, for helping in the transition period.

#### City Attorney Report:

Joy Ahern reported she already reported the information she had for the meeting and had nothing further to report.

#### Board of Aldermen Report:

Alderman Thomas expressed his displeasure relating to Board action and any actions needing to come to this Board first instead of the media. He stated that mistakes have been made in the past and will be in the future. He asked that we work with our City Attorney instead of calling MML or the Attorney General's Office. He stated it is time to move forward and the last few weeks he felt they have been at a standstill. Alderman Thomas thanked the staff for getting the flags replaced by Memorial Day weekend.

Alderman Anderson stated a couple meetings ago when he questioned how the agenda was set and it was reported that the Mayor sets the agenda. Alderman Anderson reported that he did not get a response of where the code stated giving him this authority. The Board discussed this. Alderman Anderson reported it is a big disadvantage. He suggested the agenda not be changed after it has been sent out. The Board discussed the additional paperwork at the table prior to the meeting not allowing them time to review it. Mayor Jackson reported that there are times the information is not ready when the Board packets go out. Mayor Jackson asked for the courtesy of the members of the Board to talk with him before they place an item on the agenda.

Alderman Anderson asked that we have a work session to discuss the expense and revenue report of the fiscal year ended.

Alderman Taggart reported he would like to clarify something for Alderman Thomas that by going to the Attorney General's Office and MML was not an underhanded move but they did not agree with or understand the City Attorney. He stated they only did their own homework.

Mayor Jackson reported this Board functions as a Board and that is why we pay our attorney for their legal opinion.

Alderman Long stated he would like to see a traffic study be conducted on the over pass. He thinks the eastside of the overpass needs a three way stop sign installed. Kelly Henderson, City Administrator reported a traffic study is already being done.

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

Darla Sapp, City Clerk

Michael P. Jackson, Mayor