

JUNE 19, 2012
BOARD OF ALDERMEN MINUTES
7:00 P.M.
DRAFT MINUTES NOT APPROVED BY BOARD

Mayor Jackson called the regular meeting to order on June 19, 2012 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-absent

Ward Three: Matt Uhrig-here, Charles Calvin Crandall-here

Staff Present: Kelly Henderson, City Administrator, Charles Senzee, Community Development Director, David Bandre, City Attorney and Darla Sapp, City Clerk.

Mayor Jackson presented the agenda of June 19, 2012 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 June 05, 2012 for consideration. Alderman Thomas made motion and seconded by Alderman Wyatt 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 Wyatt made motion and seconded by Alderman Thomas to approve the bills as presented. Mayor Jackson called for questions or comments. The Board questioned several bills. Mayor Jackson reported that the revenue and expense report update was also included in the packet. Mayor Jackson called for the vote. Motion carried.

Charles Senzee, Community Development Director gave his monthly community development progress report to the Board. He updated the Board on the Planning and Zoning Public Hearing on June 12 on two proposed code changes. He stated the Board recommended approval of a new section entitled "Transfer of Property" and the second code amendment entitled "Fences and Walls". He reported the fences and walls code amendment was tabled for further discussion at the next Planning and Zoning Commission meeting on July 10. He reported a conditional use permit was recommended for approval but the site plan was tabled to allow the developer time to address the Planning and Zoning Commissions concerns over stormwater and a proposed easement. He reported the building permits for June have slowed down as it has in recent years for this month. Charles Senzee gave a brief overview of the concept for the downtown business district, common themes, what the City can do, and what has been done so far. He presented a

central business district and zoning map. He also reported this is in the preliminary stages. The Board discussed this with Mr. Senzee.

Mayor Jackson asked if anyone wished to appear before the board. No one came forth.

Mayor Jackson reported the next item on the agenda is to appoint a City Prosecutor. He reported we have received three applicants that are all very well qualified. He informed the Board that he reviewed the request for qualifications for legal services criteria and experience. He reported that Mick Wilson's proposal was not complete and in the format requested. He reported that the other two proposals were complete and in the format requested. He rated them on experience. Mayor Jackson reported he did an informal interview with the applicants. The Board discussed this at length. Mayor Jackson presented Jeffrey Kays as City Prosecutor due to more experience in municipal law and trial experience.

Alderman Wyatt made motion and seconded by Alderman Thomas to appoint Mr. Jeff Kays as City Prosecutor. Mayor Jackson called for questions or comments. Alderman Crandall reported he reviewed all the applications and felt Ahern and Bach had a more comprehensive package and was clear and precise. The Board discussed the experience of both firms at length. Mayor Jackson called for the vote. Alderman Thomas-aye, Alderman Wyatt-aye, Alderman Crandall-nay, Alderman Rhorer-aye, Alderman Uhrig-aye, Alderman Calvert-absent. Motion carried.

Mayor Jackson presented Council Bill No. 2012-009 for consideration. Alderman Wyatt made motion and seconded by Alderman Crandall to take up Council Bill No. 2012-009, An ordinance of the City of Ashland, Missouri, amending the City's Code of Ordinances, Chapter 9, Planning and Zoning to add Section 9.417 "Transfer of Property" prohibiting property owners from transferring property without providing buyers with information regarding the ownership and maintenance of the infrastructure serving the property, providing for conflicts, severability, and an effective date. First Reading by title only. Mayor Jackson called for questions or comments. Alderman Crandall questioned what we are talking about as far as communication with the seller and buyer and felt it was left vague. The Board discussed the reason for the proposed code amendment to help ensure prospective home buyers the infrastructure status prior to purchasing a home. It was discussed the title companies and realtors would be notified of this ordinance. The Board discussed if an ordinance was necessary since we are trying to expedite the acceptance of infrastructure. The Board discussed this at length. Mayor Jackson called for the vote. Mayor Jackson called for the vote. Alderman Crandall-aye, Alderman Uhrig-aye, Alderman Wyatt-nay, Alderman Rhorer-nay, Alderman Thomas abstained because he wanted to do further research, Alderman Calvert-absent. Mayor Jackson voted nay. The Council Bill failed.

Mayor Jackson presented Council Bill No. 2012-010 for consideration. Alderman Wyatt made motion and seconded by Alderman Crandall to take up Council Bill No. 2012-010, an ordinance granting a conditional use permit to Martin Properties to allow two residential apartment dwellings within a mixed use structure on a property zoned Commercial General located at 503 East Broadway. First Reading by title only. Mayor Jackson called for questions or comments. Charles Senzee, Community Development Director updated the Board on the Planning and Zoning recommendations and conditions on the conditional use permit. He reported that the site

plan was tabled until next Planning and Zoning Commission meeting to address the stormwater plan and easement associated with site plan. He reported that for any reason if the site plan for 503 Broadway failed then the conditional use permit approval shall be immediately considered null and void. The Board discussed this. Mayor Jackson called for the vote. Alderman Rhorer-aye, Alderman Uhrig-aye, Alderman Thomas-aye, Alderman Wyatt-aye, Alderman Crandall-aye, Alderman Calvert-absent. Motion carried.

Mayor Jackson presented a request to allow a fireworks display for Ashland Villa at 301 S. Henry Clay Blvd for July 4. Alderman Thomas made motion and seconded by Alderman Wyatt to approve the fireworks permit for Ashland Villa. Kelly Henderson stated he thought there was a no firework ban due to the dry conditions. Alderman Thomas and Alderman Wyatt amended their motion to include "subject to state law and regulations". Mayor Jackson called for the vote. Motion carried. Alderman Rhorer-abstained.

Mayor Jackson presented a request to allow a fireworks display for Bluegrass Terrace for July. Alderman Thomas made motion and seconded by Alderman Wyatt to approve the fireworks permit for Bluegrass Terrace subject to state law and regulations. Mayor Jackson called for the vote. Motion carried.

Mayor Jackson read a recommendation from the Park Board to allow for the approval of a "Soldier's Corner Flower Bed" in the City Park. They asked for approval of roughly \$115 to purchase a stone marker for the flower bed. The Board discussed this and agreed to the purchase of the stone marker.

Mayor Jackson's Report:

Mayor Jackson reported he would be on vacation next week. He confirmed that the next Board meeting was going to be held on July 3, 2012.

City Administrator's Report:

Kelly Henderson updated the Board on the preliminary report on options for a new wastewater treatment facility from All-State Consultants. He reported more would be discussed in closed session. He reported that all but ten individuals responsible to repair private problem areas found during the smoking testing have responded to the utilities department. Kelly Henderson reported the utility department is also repairing problems that were indentified in the smoke testing. He reported further testing throughout town will be done when we finish this area up. He reported until we select the direction for the treatment system, further action is not possible. Mr. Henderson reported no change on the Southern Boone County generator agreement with the fire department. He updated the Board he has not received a response on the sampling plan that was submitted to MoDNR for the water distribution system. He reported he would be working with Mr. Wyatt to develop a emergency response plan for chlorine leaks. Mr. Henderson reported we have completed the GPS/GIS mapping of all fire and flushing hydrants and we have received a rough map of the hydrants. He stated they have now moved efforts toward water valves. Mr. Henderson presented the purchase of a compact excavator for the street department. He reported there is \$25,000.00 in the budget for this year. He recommended we put \$25,000.00 down on this and lease purchase for approximately \$7,719.03 for the next five years.

Alderman Wyatt made motion and seconded by Alderman Rhorer to approve the lease purchase with Tri-State Construction for the John Deere compact excavator with a \$25,000.00 down payment and lease purchase for five years as set by lease agreement. Mayor Jackson called for the vote. Alderman Uhrig-aye, Alderman Rhorer-aye, Alderman Crandall-aye, Alderman Wyatt-aye, Alderman Thomas-aye, Alderman Calvert-absent. Motion carried.

Kelly Henderson updated the Board on the Main Street Improvement project bids. He stated we needed approval to award the project to the lowest, responsible, and responsive bidder. He reported that a local contractor is within 10% of the apparent low bidder. He reported he is unsure if MoDot will honor our ordinance. He stated by the Board making this motion, it will allow us to move immediately after a decision of concurrence of award is made.

Alderman Wyatt made motion and seconded by Alderman Thomas to award the Main Street Improvement Project to the lowest, responsible, and responsive bidder. Mayor Jackson called for the vote. Alderman Thomas-aye, Alderman Rhorer-aye, Alderman Wyatt-aye, Alderman Crandall-aye, Alderman Uhrig-aye, Alderman Calvert-absent. Motion carried.

Kelly Henderson updated the Board on storm water repairs on 506 and 508 Pacer being completed by the end of the week. Alderman Crandall expressed concern of safety and possibly placing a grate. Mr. Henderson stated they would look at this. He reported that work has started on the Caspian Circle stormwater project. Mr. Henderson reported he would be adding a full time man on July 3 named Coby Harris for the street department.

City Attorney's Report:

David Bandre reported he would update the Board in executive session on litigation. He also updated the Board on cell phone providers and franchise taxes. He reported this has been a nationwide litigation class action suit. He reported that Friends of the City is a not for profit account the City has and it is up for renewal of \$20.00 to the Secretary of State.

Board of Aldermen's Report:

Alderman Wyatt reported he would be working with Mr. Henderson on developing an emergency management plan on chlorine leaks.

Alderman Thomas stated Mr. Rhorer has done a good job cleaning up issues on the computer. He also reported he was a little rough on Mr. McCubbin on the material he presented at the last board meeting, being so old but he took a class and he could not use material that's over 10 years old.

Alderman Uhrig updated the Board on a seminar on economic development, June 28, 2012 at 8:30 a.m. at the middle school annex presented by Sharon Gibler.

Alderman Rhorer reported he would like to continue the review of stormwater runoff issues and get a comprehensive plan.

Alderman Uhrig reported he felt they were pulled in two different directions on the stormwater issues. One group wants us to tighten up and another group wants to be exempted from or loosen up on the stormwater regulations.

Alderman Thomas made motion and seconded by Alderman Wyatt to go into executive session pursuant to Chapter 610.021 (1) litigation and 610.021 (2) leasing, purchase or sale of real estate. Mayor Jackson called for the vote. Motion carried.

The City Clerk was not in attendance at the closed session.

Darla Sapp, City Clerk

Michael P. Jackson, Mayor

Mayor Jackson reported we are back in open session with reportable action of:

- 1) Authorized the city attorney to enter into a settlement agreement with city insurance company. Motion made by Dave Thomas seconded by Randy Wyatt. Motion carries. 5-0.
- 2) Authorized the city administrator to sign a letter of intent to purchase property. Motion made by Dave Thomas seconded by Randy Wyatt. Motion carries-5-0.

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

Randy Wyatt, Mayor Pro-tem

Michael P. Jackson, Mayor