

MAY 21, 2013  
BOARD OF ALDERMEN MINUTES  
7:00 P.M.

Mayor Jackson called the regular meeting to order on May 21, 2013 at 7:00 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, vacant seat

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

Mayor Jackson presented the agenda of May 21, 2013 for consideration. Alderman Thomas made motion and seconded by Alderman Rhorer to approve the agenda as presented. Alderman Anderson called for question of order. He stated that it is essential in anything they do to get this set out in the beginning of the meeting. He expressed concern about how the vacant seats were being counted as no votes. He questioned the case law David Bandre provided to them on this matter. He gave an overview of his findings and advice on the matter from the Missouri Municipal League, Attorney General's office and Roberts Rules of Order. \*Mayor Jackson acknowledged the issue needed to be addressed, but asked that the Board proceed in accordance with past actions.\* Mayor Jackson called for the vote. Alderman Thomas-aye, Alderman Anderson-aye, Alderman Taggart-aye, Alderman Rhorer-aye. Motion carried. (\*amended 6-04-2013)

Mayor Jackson presented the minutes of April 16, 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 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. Alderman Anderson asked about the bill for Winter Dent. Kelly Henderson reported it was the premium for liability and property insurance. Alderman Thomas questioned the bill from Randy's Automotive that states it is a brake light for \$400.00. Jessi Kendall, City Treasurer reported that the computer system pulls the top invoice and only posts that. She reported it was also tires. The Board asked various questions. Mayor Jackson called for the vote. Motion carried. Alderman

Rhorer-abstained, Alderman Thomas-aye, Alderman Anderson-aye, Alderman Taggart-aye. Motion carried.

Charles Senzee, Community Development Director gave his monthly report to Board of Aldermen. He updated the Board on the May 14 Planning and Zoning Meeting on approval of the plat which is on the agenda tonight. He stated there was a lengthy discussion on the possible improvements to Chapter 9 Article III, Definitions and Article IV Districts and District Use Regulations and they will continue at the June 11 Planning and Zoning Commission meeting. Charles Senzee reported he attended the Community Survey Research class at the University of Missouri and they presented a draft presentation of their findings from the nearly 1200 survey's distributed in the Southern Boone area earlier in the year. He stated that the University will present the final results to the Board. Charles Senzee updated the Board on the fence code enforcement. Mr. Senzee reported he included a copy of the application for fence permit as well as the easement statement. He reported that on the last page at the suggestion of Alderman Rhorer he presented information on the code enforcement so the Board would know the violation and the status of the violation. Alderman Anderson discussed several areas of retention basins and having trouble with top soil filling these up. He asked that we adopt an ordinance requiring silt fences. The Board discussed this and felt a code change should be presented at the next meeting. Alderman Anderson questioned if we have searched and applied for grants for the City. Charles Senzee reported that community development and is not economic development that this is not a revenue generator. He discussed grants such as the trim grant and transportation type grants. He stated this is something he could start pursuing if the Board wished. Kelly Henderson, City Administrator reported on the various grants the City has received. Mr. Henderson suggested having the Mid Missouri Regional Planning Commission come to speak on possible grants and criteria that must be met.

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

Barb Bishop of 302 Salinda Drive reported she was going to address the Board at the last meeting but we did not get very far in the meeting. She stated that there were two women that were interested in the Alderman Ward Three position and she felt it was a good idea to go to one or both of them to offer the vacant seat.

Mike Fulca, Chairman of the Ashland Parks and Recreation Board stated he was here in regards to the park board granting permission to move the beer garden into the park for the fall festival. He stated they wanted to bring the fall festival back together instead of being spread out. He stated the volunteers never get to both locations. He stated that it would be a lot easier for the volunteers and people attending the fall festival. He thanked the Board for their time and consideration.

Mayor Jackson reported the next item on the agenda is the appointment of the Ward Three vacant seat and Ward Two vacant seat. He reported that Alderman Wyatt has notified him that he has a job offer from City of Columbia and he must resign his position

on the Board of Aldermen. Alderman Anderson questioned if this should be under the completion of old business. The Board discussed this and felt the wards deserved representation. Alderman Taggart suggested in the future we move all appoints other than vacant seats before we certify the election results. Alderman Anderson questioned how lose our policy and procedures were. David Bandre, City Attorney explained how we have done this in the past.

Mayor Jackson reported that he has talked with candidates for Ward Three for April Election Christine Kiefer and Heather Rice for consideration of appointment of the vacant seat in Ward Three. He reported that Mrs. Rice has taken a different job that requires travel so she declined to be considered. Mayor Jackson put Christine Kiefer's name before the Board for appointment. Mayor Jackson called for the vote. Alderman Thomas-aye, Alderman Taggart-aye, Alderman Anderson-nay, Alderman Rhorer-nay, two vacant seats. Confirmation did not pass.

Mayor Jackson asked if anyone had a name to put forward for the vacant Ward Three seat. Alderman Anderson stated he would be willing to meet in special session to discuss this in accordance to city code.

Mayor Jackson presented John Hills to fill the vacant seat in Ward two. Mayor Jackson called for the vote. Alderman Rhorer-aye, Alderman Taggart-aye, Alderman Anderson-nay, Alderman Thomas-nay, two vacant seats. Confirmation did not pass.

Mayor Jackson presented the appointment of Jessi Kendall as the Deputy City Clerk/Treasurer. Mayor Jackson called for the vote. Alderman Anderson-aye, Alderman Taggart-aye, Alderman Thomas-aye, Alderman Rhorer-aye.

Mayor Jackson presented the appointment of Darla Sapp as City Clerk. Mayor Jackson called for the vote. Alderman Rhorer-aye, Alderman Thomas-aye, Alderman Taggart-aye, Alderman Anderson-aye.

Mayor Jackson presented the appointment of Anthony Consiglio as Chief of Police. Mayor Jackson called for the vote. Alderman Thomas-aye, Alderman Taggart-nay, Alderman Anderson-nay, Alderman Rhorer-nay, two vacant seats. Confirmation did not pass.

Alderman Anderson reported he would consider the reappointment of the Chief but he could not because of his concerns regarding the allegations and the chief himself needs to be more investigated by someone other than by the City Administrator. He asked that the Board do an investigation and have all witnesses available and once it is proven that the chief is innocent of all allegations. He stated that the concerns are serious enough.

Mayor Jackson stated this investigation has been done and it is time to move on.

Mayor Jackson presented the appointment of Dave Bandre as City Attorney. Mayor Jackson called for the vote. Alderman Rhorer-nay, Alderman Taggart-nay, Alderman Anderson-nay, Alderman Thomas-aye. Dave Bandre stated the city attorney does not continue to serve if not appointed. He then removed himself from the meeting.

Mayor Jackson presented the appointment of Kelly Henderson as City Administrator. Mayor Jackson called for the vote. Alderman Thomas-aye, Alderman Rhorer-nay, Alderman Anderson-nay, Alderman Taggart-nay, two vacant seats. Confirmation did not pass. Alderman Anderson stated this did not bear on the city administrator's competency that he would be willing to reconsider if the investigation proves no allegations.

Mayor Jackson presented Jeff Anderson to serve as Mayor Pro-tem. Alderman Anderson stated he would prefer someone with more experience. Mayor Jackson presented Gene Rhorer to serve as Mayor Pro-tem. Mayor Jackson called for the vote. Alderman Thomas-aye, Alderman Anderson-aye, Alderman Taggart-aye, Alderman Rhorer-abstained, two vacant seats. Mayor Jackson vote aye to break the tie.

Mayor Jackson presented Council Bill No. 2013-013 for consideration. Alderman Thomas made motion and seconded by Alderman Rhorer to take up Council Bill No. 2013-013, 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. First Reading by title only. Mayor Jackson called for questions or comments. Alderman Anderson questioned is this was acceptable. Kelly Henderson, City Administrator reported they felt this was structurally sound and the sewer issue has been fixed. Mayor Jackson called for the vote. Alderman Taggart-aye, Alderman Thomas-aye, Alderman Rhorer-aye, Alderman Anderson-aye, two vacant seats. Motion carried.

Mayor Jackson presented Council Bill No. 2013-014 for consideration. Alderman Thomas made motion and seconded by Alderman Rhorer to take up Council Bill No. 2013-014, an ordinance approving Southwoods Commercial Park, Plat 3 for March Properties, LLC. First reading by title only. Mayor Jackson called for questions or comments. Alderman Anderson questioned where this is at. Alderman Thomas explained the location. Charles Senzee, Community Development Director reported that this is a lot split. He stated that the outstanding issue of approval from the fire district is pending. Mayor Jackson called for the vote Alderman Rhorer-aye, Alderman Thomas-aye, Alderman Anderson-aye, Alderman Taggart-aye, two vacant seats. Motion carried.

Mayor Jackson reported the next item on the agenda is discussion of vacant Alderman seat "no" vote. Alderman Rhorer asked that we forgo this tonight since we do not have an attorney present. Alderman Thomas made motion and seconded by Alderman Rhorer to table this discussion. Mayor Jackson called for the vote. Motion carried.

Mayor Jackson reported the next item on the agenda is discussion on setting a spending moratorium of purchases over \$10,000.00. Alderman Taggart stated he requested this and

it is specifically for new vehicles, equipments and such. He presented his cost analysis on purchasing a used highway patrol car versus new patrol cars. Mayor Jackson reported that the Board decided it was more cost effective to purchase one new patrol car yearly and that is the route they have chosen to take. It was decided that we could get quotes both ways for future purchases. Kelly Henderson, City Administrator reported the patrol car and maintenance truck that were budgeted for this year have already been ordered. The Board discussed if we could possibly cancel the purchases. Kelly Henderson, City Administrator reported he would check with the company and see but he thought it was too late. Alderman Anderson stated he also shared in the concern of spending and suggested the \$10,000.00 moratorium be put in place. If it is over this then it requires Board approval. The Board discussed the items that are on lease purchase and agreed to those be retained as well as the new patrol car and maintenance truck as ordered. The Board agreed to setting a spending moratorium on purchases of up to \$10,000.00 without Board approval.

Mayor Jackson reported the next item on the agenda was relocating the fall festival beer garden into the city park. Alderman Rhorer reported he supported this and there has been no incidents at the beer garden previously. Alderman Thomas stated the park board does not get anything out of this that it strictly goes to the vendor. The Board discussed the boundary be fenced off and Woody's would pay special attention and monitor the area. Mayor Jackson stated they have done a good job in the past. Alderman Thomas stated it was his understanding that the lot next to the park had offered the use of for the beer garden. Wade Middaugh reported that this was correct and we have checked with the insurance company and they would do a liability waiver on this. The Board discussed this.

Alderman Taggart made motion and seconded by Alderman Rhorer to allow the beer garden in the city park. Mayor Jackson called for the vote. Alderman Thomas-nay, Alderman Taggart-aye, Alderman Anderson-aye, Alderman Rhorer-aye, two vacant seats. Mayor Jackson voted aye to break the tie. Motion carried.

Mayor Jackson presented a request for permission to allow alcohol in the park on June 22 for Missouri Credit Union. He stated this is their annual staff appreciation picnic and there was never been any issues. Alderman Taggart made motion and seconded by Alderman Rhorer to grant permission for Missouri Credit Union to have alcohol in the park on June 22, 2013 as requested. Mayor Jackson called for the vote. Alderman Anderson-aye, Alderman Taggart-aye, Alderman Rhorer-aye, Alderman Thomas-nay, two vacant seats. Mayor Jackson voted aye to break the tie. Motion carried.

Discussion of City Hall roof repairs and mold mitigation/relocating city hall. Kelly Henderson, City Administrator reported the he has presented the Board a packet for mold remediation at City Hall. He presented cost estimates range from \$8,088.00 to \$24,245.00 depending on options. The restoration is fairly constant, with the options for roof repair varying the greatest. He gave the Board a copy of the estimates. The Board discussed this at length. The Board discussed getting an appraisal on the building so they can better

determine what option to take. Alderman Taggart asked for documentation on what money we have spent on repairs to the building in the last ten years. The Board hoped to get this information back by the next Board meeting.

Mayor Jackson presented for discussion infrastructure in Ashland Keystone Subdivision. Charles Senzee, Community Development Director gave an overview on the history and ownership changes of this subdivision. The Board reviewed an infrastructure inspection from the engineer and the response from Larkin Powers, current owner/developer. There was a lengthy discussion of the detention basin not meeting specifications now and future modifications. Charles Senzee, Community Development Director reported that Mr. Powers had this on the first meeting agenda for discussion but was unable to attend this meeting. Mike McCubbin discussed the stormwater issues from this subdivision. This was discussed at length.

#### Mayor's Report:

Mayor Jackson reminded the Board of the elected officials conference in June.

Mayor Jackson reported he has accepted an early retirement package from Kraft Foods at the end of May. He stated that his family will be relocating back to Texas in the near future.

#### City Administrator's Report:

Kelly Henderson, City Administrator reported in the packet there is a narrative concerning the area at the end of Salinda Drive. Alderman Anderson asked how this happened. Kelly Henderson stated it has been used as a fill area and when the Main Street Construction project was being done they hauled dirt there. Mr. Henderson reported that this matter has been cleared up. Mike McCubbin asked for a berm to be put on the back of Salinda Drive running on the back side. The Board discussed this area and possible improvements to it. There was also a complaint of stagnant water pooling up around this area. Mr. Henderson discussed the new waste water treatment facility and bond retirement. He updated the Board on the water distribution system/owner supervised program and emergency power for pumps, towers and wells. Kelly Henderson reported that the Highway 63 J-turns and round-a-bouts will be considered in 2015 due to MoDot budget restraints and Henry Clay will be considered for 2016. Mr. Henderson informed the Board they are still working with JCI for remedy on the asphalt areas on Main Street and a schedule. Mr. Henderson reported that the 200 Ash Street stormwater project completed.

Kelly Henderson, City Administrator reported they have viewed this area for potential improvements to the storm water issue. He stated they cannot find a good outlet in the area needed to outfall this stormwater. He stated he would classify this as a major project due to the length and size of storm apparatuses required to alleviate the problem. Barb Bishop stated she has been dealing with this since 2010. She explained the stormwater issue on her property and the damage the drainage is causing to her property. The Board

discussed this is due to the chip and seal on the road way and leaving no curb. The Board discussed having an engineer give us a report on this situation.

Board of Aldermen Report:

Alderman Thomas stated everything should go to the Board before it goes to the media.

Alderman Anderson stated we have a lot of business to take care of and we are limited to four votes for a majority. He asked that a special meeting be set. Mayor Jackson reported that he needs to check his calendar first.

Alderman Taggart discussed the storm water issue at Bob Simpson's house on Pacer. It was reported that the storm water comes out in a massive area and shoots out. It was reported they are trying to sell their house and have had contracts that fell through because of this issue. Kelly Henderson reported that this was built on specs of a 10 year event. He stated that the rain we have had far exceed that. Kelly Henderson stated that people need to look at the elevations and easements on property before they purchase it. He stated that this is not a tax payers problem. Alderman Anderson questioned the pipe being extended to the back of the house.

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