

OCTOBER 17, 2023
BOARD OF ALDERMEN MINUTES
7:00 P.M.

Mayor Slinker called the regular meeting to order at 7:00 p.m. on October 17, 2023 at 101 West Broadway.

Mayor Slinker led in the pledge of allegiance.

Mayor Slinker called the roll:

Ward One: Nathan Volkart-absent, Loren Plank-present
Ward Two: Melissa Old-present, Stephanie Bell-present
Ward Three: Rick Lewis-present, David Wilson-present

Staff Present: Darla Sapp, City Clerk, Kyle Michel, City Administrator, Todd Smith, City Attorney, Darin Ratermann, Community Development Director, Scott Young, Interim Police Chief & Shelley Martin, Treasurer.

Mayor Slinker presented the minutes of the October 03, 2023 meeting for consideration. Alderman Wilson made motion to approve the minutes as presented. Alderman Lewis seconded the motion. Mayor Slinker called for the vote. Motion carried.

Mayor Slinker presented the agenda for adjustment or approval. Alderwoman Old made motion and seconded by Alderman Wilson to approve the agenda as amended. Mayor Slinker called for the vote. Motion carried.

Mayor Slinker presented Faryn Griffin to serve on the Parks and Recreation Board. Kyle Michel reported she would be filling Brian Sapp vacated seat with the term to expire in April 2025. Alderwoman Old made motion and seconded by Alderwoman Bell to appoint Faryn Griffin to the Parks and Recreation Board. Mayor Slinker called for the vote. Alderwoman Bell-aye, Alderman Plank-aye, Alderwoman Old-aye, Alderman Wilson-aye, Alderman Lewis-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker reminded everyone a written request must be made the Wednesday prior to the meeting with the City Clerk to appear before the board.

Mayor Slinker presented Council Bill No. 2023-033, an ordinance approving Liberty Square Subdivision Plat. Mayor Slinker called for the staff report. Darin Ratermann, Community Development Director stated this is regarding a request for approval of a replat for the proposed minor subdivision to be known as Liberty Square. The property owner is Larkin Powers and the submitting firm is Engineering Survey & Services. He stated the review was performed by Christina Luebbert of Luebbert Engineering. He stated this site is approximately 9.7 acres in size and is on the south side of E. Liberty Lane just west of 63. He stated this is zoned Light Industrial. The intent of this tract split is to allow for easier development and/or if desired, the owner would have the ability to sell Lot 2. He stated Lot 1 will be approximately 4.89 acres and Lot 2 will be approximately 3.67 acres. There is a 50' access easement between Lot 1 and 2 to access the parcel to the south. This is to replace the existing drive on the east side of Lot 2. The existing access easement on the west side of Lot 1 will be abandoned however; the 20' sewer easement will remain. He stated there is a site plan on the agenda for Lot 1. He stated the Planning and Zoning Commission recommended approval at their October 10th meeting and staff recommends approval as well. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderman Plank made motion and seconded by Alderwoman Bell to approve Council Bill No. 2023-033, an ordinance approving Liberty Square Subdivision. Mayor Slinker called for the vote. Alderman Lewis-aye, Alderman Wilson-aye, Alderwoman Bell-aye, Alderwoman Old-aye, Alderman Plank-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker presented Council Bill No. 2023-034, an ordinance authorizing the Mayor to execute a subdivision warranty agreement for Forest Park Phase 1. Mayor Slinker called for the staff report. Kyle Michel reported that the second reading of final plat for Forest Park 2A is on the agenda but prior to approving this we need to accept the warranty agreement for Phase 1 and Phase 2. He stated that the part of infrastructure on street and storm water and bonding was their lingering issues. He stated the developer is working diligently to correct these issues. He stated it is staff recommendation to approve this. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderman Lewis made motion and seconded by Alderman Wilson to approve Council Bill No. 2023-034, an ordinance authorizing the Mayor to execute a subdivision warranty agreement for Forest Park Phase 1 Mayor Slinker called for the vote. Alderman Plank-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Wilson-aye, Alderman Lewis-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker presented Council Bill No. 2023-035, an ordinance authorizing the Mayor to execute a subdivision warranty agreement for Forest Park Phase 2A. Mayor Slinker called for the staff report. Kyle Michel stated no change from report on Council Bill No. 2023-034. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderwoman Bell made motion and seconded by Alderman Wilson to approve Council Bill No. 2023-035, an ordinance authorizing the Mayor to execute a subdivision warranty agreement for Forest Park Phase 2A. Mayor Slinker called for the vote. Alderman Plank-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Wilson-aye, Alderman Lewis-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker presented Ordinance No. 1455, an ordinance approving the final plat for Forest Park 2A. Mayor Slinker called for the staff report. Darin Ratermann, Community Development Director stated as the City Administrator stated before the staff recommends approval of this plat as with a conditional approval being granted subject to the developer addressing and remediating public infrastructure concerns in Phase 1 in accordance with city code. Until such time as public infrastructure in phase 1 is compliant with the requirements of city code, no building permits shall be issued for Plat 2A of phase 2. He stated the developer shall be required to complete improvements, or to post security for the completion of such improvements as required for that portion of the preliminary plat for which final plat approval is requested. He stated this is the second reading and the conditions have been met. He stated there is a resolution on the bonding on the agenda tonight. He stated staff is supportive of this acceptance. Mayor Slinker called for questions or comments from the Board. Alderwoman Old questioned if asphalt was an allowable surface. Darin Ratermann, stated it is an allowable surface. Mayor Slinker called for a motion. Alderman Wilson made motion and seconded by Alderwoman Bell to approve Ordinance No. 1455, an ordinance approving the final plat for Forest Park 2A. Mayor Slinker called for the vote. Alderman Lewis-aye, Alderman Wilson-aye, Alderwoman Bell-aye, Alderwoman Old-aye, Alderman Plank-nay, Alderman Volkart-absent. Motion carried.

Mayor Slinker presented Ordinance No. 1456, an ordinance approving the final plat for Liberty Square Subdivision Plat. Mayor Slinker called for the staff report. Darin Ratermann, Community Development Director stated this is second reading with no change. Mayor Slinker called for questions or comments from the Board. Alderman Wilson questioned the roadway easement between the two lots. Kyle Michel reported there is a sewer easement but the driveway easement has been removed. Mayor Slinker called for a motion. Alderman Wilson made motion and seconded by Alderman Lewis to approve Ordinance No. 1456, an ordinance approving the final plat for Liberty Square Subdivision Plat. Mayor Slinker called for the vote. Alderman Plank-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Wilson-aye, Alderman Lewis-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker presented Ordinance No. 1457, an ordinance authorizing the Mayor to execute a subdivision warranty agreement for Forest Park Phase 1. Mayor Slinker called for the staff report. Kyle Michel stated

this is the second reading. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderwoman Bell made motion and seconded by Alderman Wilson to approve Ordinance No. 1457 an ordinance authorizing the Mayor to execute a subdivision warranty agreement for Forest Park Phase 1 Mayor Slinker called for the vote. Alderman Wilson-aye, Alderman Lewis-aye, Alderwoman Bell-aye, Alderwoman Old-aye, Alderman Plank-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker presented Ordinance No. 1458, an ordinance authorizing the Mayor to execute a subdivision warranty agreement for Forest Park Phase 2A. Mayor Slinker called for the staff report. Kyle Michel stated this is the second reading. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderman Wilson made motion and seconded by Alderman Lewis to approve Ordinance No. 1458, an ordinance authorizing the Mayor to execute a subdivision warranty agreement for Forest Park Phase 2A. Mayor Slinker called for the vote. Alderman Plank-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Lewis-aye, Alderman Wilson-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker presented a Resolution authorizing the appropriation of funds to certain accounts within the fiscal year 2024 Budget. Mayor Slinker called for the staff report. Shelley Martin, Treasurer stated we are entering mid-year for fiscal year 2024 Budget. She stated the budget amendments proposed are a reflection of trends for this fiscal year regarding revenues as well as revenues projected to be collected during/after October 2023. Additionally, proposed expense adjustments, for additional expenditures (FY 23 audit and service agreements). She stated due to pooling our cash this fiscal year, we are seeing an excellent return on our sweep and should our account balance remain steady, the return would remain consistent. She informed the Board the tax for law enforcement/street begins in October. Initially no budget proposed, based on what is projected, a proposed amendment for this new revenue stream is included. She stated the proposed amendments for expenses include an increase in the cost of the audit and adjustment to permits, due to refunds of overpaid permits, an increase in police service agreements for additional Axon capabilities, Boone County Records Management contract and a reduction of expenses for police vehicle and maintenance and repair, to attempt to offset the above. Parks had a proposed revenue increase receipted in for the LWCF grant award. Shelley Martin stated streets initially no budget proposed for the tax collection, which begins in October, based on what is projected, a proposed amendment for this new revenue stream is included. In the water and sewer funds due to pooling our cash this fiscal year, we are seeing an excellent return on the sweep. She stated proposed adjustments to primacy fee, as the residential and commercial connections continue to grow, so does the city's responsibility to collect and return those fees to DNR. Revenue and expense lines need adjusted accordingly. She stated these mid-year adjustments keep our budget balanced. As reported by the auditors the City wants to continue to keep a good financial standing and adequate fund balances. She stated staff recommends approval of the resolution. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderman Lewis made motion and seconded by Alderwoman Bell to approve a Resolution authorizing the appropriation of funds to certain accounts within the fiscal year 2024 Budget. Mayor Slinker called for the vote. Alderman Lewis-aye, Alderman Wilson-aye, Alderwoman Bell-aye, Alderwoman Old-aye, Alderman Plank-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker presented a resolution regarding the site plan for Liberty Square. Mayor Slinker called for the staff report. Darin Ratermann, Community Development Director stated this is regarding a request for approval of commercial site plan for Larkin Powers. He stated the submitting firm is Engineering Surveys and Services. Christina Luebbert of Luebbert Engineering performed the review. He stated this contains 9.07 acres in size to be divided into Lots 1 and 2 and is on the south side of E Liberty Lane just west of Ashland. He stated the proposed site plan is for Lot 1 of 2 and will consume approximately 4.89 acres, being the west half of the current 9-acre parcel. The eastern half will not be developed at this time. There will be four 9,600 square foot "Red-iron" shell structures that will be build-to suit. The buildings

themselves will be 60 feet wide X 160 feet long and the height will be 21 feet on the high side sloping down to 16 feet. These buildings would be similar in appearance to the ones directly across the street and on Commerce Drive. The north-south roadway on the east side of the site will be a private drive. This drive will be the access point for the Richardson property to the south. It was determined that since there is only one parcel to the south needing access, it would not be necessary or desired to make it a public street. There is an existing sidewalk along E liberty Lane that will remain. There is a section what will need to be torn out and replaced due the placement of driveways. Storm water detention will be handled by an offsite basin tot the south on the Richardson property As part of this development the access easement on the west side has been vacated, however the sewer easement remains. Site access will be handled by three entrances on the north side. A need for a traffic study was discussed with the owner and his engineers. All parties involved were in agreement that one building would not adversely affect traffic on Liberty Lane; however before any further building permits could be issued, a traffic study would need to be done. Staff and the Planning and Zoning Commission recommended approval with the condition that buildings 1,2 and 4 cannot be issued a permit for construction until a traffic impact study has been received, reviewed and approve by the city engineer. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderman Wilson made motion and seconded by Alderman Lewis to approve the resolution regarding the site plan for Liberty Square. Mayor Slinker called for the vote. Alderman Plank-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Wilson-aye, Alderman Lewis-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker presented a resolution regarding the site plan for Setter's Suite. Mayor Slinker called for the staff report. Darin Ratermann, Community Development Director stated this is a commercial site plan for Setter's Suites for CCS Property Management, LLC and the submitting firm is Simon and Struempf Engineering. He stated Christina Luebbert of Luebbert Engineering performed the review. He stated the subject property is Lot 66 of Setter's Knoll Plat 3 and sits at the northwest corner of Silver Snipe and E. Route Y and is approximately 1.66 acres and is zoned General Commercial. The site plan is for white box/shell tenant infill center consisting of potentially 10 build-to-suit suites. There will be a 9,793 square feet available for office/retail and 2,000 anticipated for restaurant space. The parking consists of 70 parking spaces including 6 ADA compliant spaces. Silver Snipe will provide both ingress and egress. The site will consist of 1 acre of impervious surface and .66 acres of pervious. Though a public walk on the north side of Route Y is highly desired, after much discussion it was determined that a bond will be posted for the improvement, as installation at this time is not practical and connectivity to west is not currently possible. There will be a possible drive-thru on the east side of the building but with it not intended for restaurant use, a que line should not be a concern. Storm water detention will be on the west end of the site. The trash disposal will be on the north side of the building and the norther drive is intended for that purpose, along with being the exit for the drive thru. He stated the Planning and Zoning Commission recommended approval as does staff. He stated he has not met with the owner about the potential of sidewalk. He stated staff recommends approval as the Planning and Zoning Commission does. Mayor Slinker called for questions or comments from the Board. Alderwoman Old questioned the sidewalk from Silver Snipe to Industrial requirement not being on the site plan. Kyle Michel stated they would work on an agreement with the developer, either require a bond or have them install it. Mayor Slinker called for a motion. Alderwoman Bell made motion and seconded by Alderman Wilson to approve the resolution regarding the site plan for Setter's Suite. Mayor Slinker called for the vote. Alderman Lewis-aye, Alderman Wilson-aye, Alderwoman Bell-aye, Alderwoman Old-aye, Alderman Plank-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker presented a resolution regarding the site plan for 200 North Main Street. Mayor Slinker called for the staff report. Darin Ratermann, Community Development Director stated this is a commercial site plan. The owner is Four Walls Real Estate, LLC and the submitting engineering firm is Crockett Engineering Consultants and Christina Luebbert of Luebbert Engineering performed the review. He stated this is located at 200 N Main Street and is the west ½ of Lot 16 of the Gay's Addition subdivision and is at

the northeast corner of N Main and Redbud Lane and is approximately .16 acres. He stated Ashland Family Counseling was an occupant of the recently demolished building on the corner of Redbud Lane and N Henry Clay Blvd. He stated Ben Wall, has been searching for a new office and had purchased this site. The intended purpose for this site is for an 800 square foot office. Being zoned C-G and the adjacent properties to the north and east are zoned Residential (R-2) this seems to be a good use of the property. There is an existing sidewalk on the west side of the property along Main. As you can see from the site plan, the driveway will also double as the parking lot. The owner desires to have five parking spaces including one required ADA space. Since the building is 800 net square feet, he is only required to have four total. Adding the fifth parking space exceeds the allowed 40 foot width for a commercial driveway width per Chapter 12, Appendix B-1, and detail 510.03 of the city code. With this being the case, the owner has applied for a variance to allow the additional parking. He stated the staff and Planning and Zoning Commission recommended approval with the condition that the 5th parking space not be approved, as it is violation of chapter 12 of the city code. As stated earlier this is already scheduled for the Board of Adjustment hearing on October 19. Mayor Slinker called for questions or comments from the Board. Alderwoman Old stated without approval from the Board of Adjustment it would still leave four parking spaces. Darin Ratermann, stated that is correct Mayor Slinker called for a motion. Alderwoman Bell made motion and seconded by Alderman Wilson to approve the resolution regarding the site plan for 200 North Main Street. Mayor Slinker called for the vote. Alderman Plank-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Wilson-aye, Alderman Lewis-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker presented a resolution regarding the site plan for O'Reilly's. Mayor Slinker called for the staff report. Darin Ratermann, Community Development Director stated this is a request for a commercial site plan from O'Reilly's auto parts store. The owner of the property is Corey Myers Construction and the submitting firm is OWN, Inc. formerly Anderson, acting on behalf of O'Reilly's Automotive. Christina Luebbert of Luebbert Engineering reviewed the site plan. He stated this is Lot 14A and is approximately 1.05 acres. The parcel is on the southeast corner of Route Y (E. Broadway) and Industrial Drive. He stated it will be an automotive parts retail store approximately 7,225 square feet. A traffic impact analysis was conducted in June by OWN, Inc. on behalf of the project. The proposed access via Industrial Drive and access easement on the shared lot line between lots 13 and 14. This easement will also serve as access to lot 14B to the east, as MoDot will not allow access from Route Y. The stormwater detention will be handled by an underground storage system. He stated there was much deliberation about the best location for the ADA landing/crossing to be for Route Y to the north. It was decided that crossing through the roundabout, at the same location as the one to the west, would make the most sense. With no current connectivity to the north, it was determined not to stripe the intersection, with the intention to discourage its use. He stated staff recommends approval as the Planning and Zoning Commission has as well. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderman Wilson made motion and seconded by Alderwoman Bell to approve the resolution regarding the site plan for O'Reilly's. Mayor Slinker called for the vote. Alderman Plank-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Wilson-aye, Alderman Lewis-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker presented a resolution authorizing the purchase a new pump for Justin Lane pump station. Mayor Slinker called for the staff report. Kyle Michel stated James report is in the packet. He stated the it was more cost effective to replace Justin Lane pump station for \$11,461.00 and would have five-year warranty. He stated this is a sole authorized manufacturer vendor for our area and to bid it would be required obtainable. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderman Wilson made motion and seconded by Alderman Lewis to approve the resolution authorizing the purchase of a new pump for Justin Lane pump station. Mayor Slinker called for the vote. Alderman Lewis-aye, Alderman Wilson-aye, Alderwoman Bell-aye, Alderwoman Old-aye, Alderman Plank-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker presented a resolution accepting a corporate security bond from P & M Properties, LLC for Forest Park Plat 1. Mayor Slinker called for the staff report. Kyle Michel, City Administrator stated this is a bond for the outstanding infrastructure in the amount of \$25,000.00 for Forest Park Plat 1. He stated the developer is working diligently with us. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderman Wilson made motion and seconded by Alderman Lewis to approve the resolution accepting a corporate security bond from P & M Properties, LLC for Forest Park Plat 1. Mayor Slinker called for the vote. Alderman Plank-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Wilson-aye, Alderman Lewis-aye, Alderman Volkart-absent. Motion carried.

Mayor's Report:

Mayor Slinker reported faded street signs on Collins Court and Summertime Drive and questioned the striping of Main Street. Kyle Michel stated they are working on getting a bid on the striping. Mayor Slinker questioned the curb and gutter projects. Kyle Michel was stated he would have to check on that.

City Administrators Report:

Kyle Michel stated he had no report at this time.

City Attorney's report:

Todd Smith informed the Board of the eleven micro-marijuana applications in Ashland none of them received a license.

Public Works Director monthly report:

Kyle Michel stated James report is the packet.

Community Development monthly report:

Darin Ratermann stated his report is in the packet. He asked if there were any questions from the Board. Mayor Slinker questioned the status of Domino's Pizza. Darin Ratermann stated they are on schedule to be open by the end of the year.

Board of Aldermen report:

The Board had no report.

Mayor Slinker called for comments by the public, Aldermen or staff.

Mayor Slinker called for a motion to go into closed session pursuant to Chapter 610.021(3) Hiring, firing, disciplining or promoting of particular employees (1) legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorney. Alderman Wilson made motion and seconded by Alderwoman Bell to make a motion to go into closed session pursuant to Chapter 610.021 (3) and 610.021 (1) at 7:32 p.m. Mayor Slinker called for the vote. Alderman Plank-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Wilson-aye, Alderman Lewis-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker reported we are back in open session at 8:17 p.m.

Todd Smith, City Attorney stated the closed session resulted in a resolution to reduce the Police Chief's salary by fifty percent. Mayor Slinker called for a motion. Alderwoman Old made motion and seconded by Alderman Lewis to approve the resolution to reduce the Police Chief's salary by fifty percent. Mayor Slinker called for the vote. Alderman Plank-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Wilson-aye, Alderman Lewis-aye, Alderman Volkart-absent. Motion carried.

Mayor Slinker called for a motion to adjourn the meeting. Alderman Wilson made motion and seconded by Alderwoman Bell to adjourn the meeting at 8:25 p.m. Motion carried.

Darla Sapp, City Clerk

Dorise Slinker, Mayor