

AUGUST 15, 2023
BOARD OF ALDERMEN MINUTES
7:00 P.M.

Mayor Slinker called the regular meeting to order at 7:00 p.m. on August 15, 2023 at 101 West Broadway.

Mayor Slinker led in the pledge of allegiance.

Mayor Slinker called the roll:

Ward One: Nathan Volkart-present, 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, James Creel, Public Works Supervisor, Darin Ratermann, Community Development Director, Scott Young, Interim Police Chief & Shelley Martin, Treasurer.

Mayor Slinker presented the minutes of the August 01, 2023 meeting for consideration. Alderwoman Bell 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. Alderman Lewis made motion and seconded by Alderman Wilson to approve the agenda as presented. Mayor Slinker called for the vote. Motion carried.

Mayor Slinker reported under special items is Jeff Chitwood of Gerding, Korte & Chitwood for an audit report presentation.

Jeff Chitwood, representative for Chitwood gave an overview of the audit report and thanked the City staff. He informed the Board if they had any questions to call the Boonville office and he would be happy to assist them. Alderman Lewis complimented Shelley Martin on the good work. Jeff Chitwood stated this is not as easy since there are different funds and you have limits what you can do in each fund.

Mayor Slinker stated under scheduled appearances is Kristen Colbert reference enforcing the city code. He advised her there would be a three-minute time limit. Kristen Colbert 405 Redwing Drive stated she spoke to the Board meeting held on July 18, just 2 days after the 2nd annual pride festival. She stated as she mentioned them, she had nothing against them hosting a pride festival, if they choose. But she stated she expressed her concerns regarding the activities that took place at this event and that she made a call to action of the Board to enforce the city code, specifically city code Chapter 23. She stated there were drag queens dancing on tables, taking money from children, and stripper poles or what some would call “fitness poles” in our public park, which as she expressed at the July 18 meeting is not only inappropriate but also violates Ashland City Code chapter 23. She stated she was unable to attend the August 1 Board meeting, but she was able to tune in and listen to the response from the city attorney and a particular board member. She stated the city attorney specifically stated that adult entertainment is almost entirely defined as nudity. Although that may be the case for some of cities the attorney represents, but Ashland City Code Chapter 23 is very specific about what is considered “Adult Entertainment” and has several definitions. She presented the definition of adult entertainment cabaret and definition of drag queen. She stated she had a video of the performances at the pride festival showing sexually suggestive dance moves from these drag performers while taking money children . She stated if we allow this in the public park what is next? Our public schools? She expressed concern of a specific board member commented that the board had received several e-mails with this and implied that the board had bigger, more important public safety issues to deal

with. The purpose of the Board is to serve the citizens of this community. That means all issues, at all times. Big or small. We elected you to represent us and I am going to ask all members of the board to be mindful of that. The specific board member also said that the pride festival isn't going to happen again until next year. How do you know this type of event won't happen again. She also stated a specific board member suggested we have our own event implying in competition with the Pride Fest. She asked if this was in the best interest of the City to have two events with comminutes of opposing views and opinions to host competing events. She also commented that the specific board member also stated that it is a waste of our taxpayers dollars every time we need an opinion for the city attorney for something we don't like. She stated exposing our children to these activities is not okay or allowing them in the public park is not okay. She asked again for the city to enforce and police department to enforce the current code. She asked the Board to serve this community by taking careful consideration of all concerns and complaints no matter how big or small that is brought to the board. Mayor Slinker reported the three-minute time limit was up.

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 called the public hearing to order on the tax levy. Kyle Michel, City Administrator informed the Board this public hearing is for the annual property tax levy in Ashland. He stated the state auditor's office completes the calculations for the City and includes the maximum legal rate to comply with Missouri law. Kyle Michel stated we would be implementing the voluntary reduction as required by the passage of the April 2023 general sales tax ballot measure. He stated it was a 25% voluntary reduction in our local levy rate. This reduction is applied to the rate in place at the time the ballot measure passed. That rate was 0.2404 so the proposed rate is 0.1803. The anticipated revenue is \$176,534.03. This is a reduction of \$58,399 in projected revenue at the max allowable rate of 0.2399 and a reduction of \$24,394 in projected revenue when compared to current year. Mayor Slinker called for public comment. There was no public comment.

Mayor Slinker presented Council Bill No. 2023-028, an ordinance establishing a property tax rate for the City of Ashland for the year 2023 & amending Chapter 5, Tax Rates: Appendix A-1 of the Ashland Municipal Code. Mayor Slinker called for the staff report. Kyle Michel stated he just gave the report at the public hearing. He stated there is a September 1 deadline and we will do two readings tonight. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderman Volkart made motion and seconded by Alderman Lewis to approve Council Bill No. 2023-028, an ordinance establishing a property tax rate for the City of Ashland for the year 2023 & amending Chapter 5, Tax Rates: Appendix A-1 of the Ashland Municipal Code. Mayor Slinker called for the vote. Alderman Wilson-aye, Alderman Lewis-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Plank-aye, Alderman Volkart-aye. Motion carried.

Mayor Slinker presented Council Bill No. 2023-029, an ordinance to change the zoning of a parcel of land from R-1 (single family) to I-L (Light Industrial) and R-3 (high density residential) for Corey Myers Development, LLC. Mayor Slinker called for the staff report. Darin Ratermann, Community Development Director reported this is a request by Corey Myers Developments LLC for the rezoning of Forest Park Phase 3. He stated the submitting engineering firm is Engineering Surveys & Services and contains 41.75 acres. This parcel is east of Perry Ave and southeast of Ashley Drive. He stated Mr. Myers is wishing to split the parcel into two zoning districts. The proposed districts are currently defined by legal description. The west and center of the parcel are to become Light Industrial. The west and north are to become R-3. He stated the current zoning is R-1. Darin Ratermann stated the 2020 Comprehensive plan accounted for this parcel to be zoned R-1, and in the April 2018 all phases of Forest Park were rezoned from Light Industrial to R-1. The intent proposed for this plat is to allow any permitted and/or conditional use, allowed by code, in the appropriate districts. He stated this would allow more flexibility to build out the parcel as desired. Darin Ratermann stated staff is indifferent regarding the zoning proposals. He stated a case could be made for or

against this parcel being rezoned. Given the recent public opposition to R-3 Zoning, it would be understandable for the commission not to approve. However, given the proximity to the new Ranken Technical College, it could be desirable to have apartments available for student housing. The Planning and Zoning Commission voted not to recommend due to the disregard for the future land use map and the inability to properly access the site. He stated the developer and engineer was present for any questions. Corey Myers, developer presented a copy of the proposed plat to the Board. Kyle Michel stated this is for the zoning and the plat is number 4. Mayor Slinker called for questions or comments from the Board. Alderwoman Old questioned when the road would go in. Cory Bergthold stated the Planning and Zoning recommended denying this based on the fact it does not fit the Comprehensive zoning. He stated this a guide to use but not the law. He stated this has not been redone since the development of Ranken and changing conditions. He stated the proposed zoning is supported by the surrounding area. He stated the City of Ashland has the lowest amount of multi-unit housing in any city in Boone County. He stated this the final plat would have more details. This was discussed at great length. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderman Lewis made motion and seconded by Alderman Volkart to approve Council Bill No. 2023-029, an ordinance to change the zoning of a parcel of land from R-1 (single family) to I-L (Light Industrial) and R-3 (high density residential) for Corey Myers Development, LLC. Mayor Slinker called for the vote. Alderman Lewis-aye, Alderman Wilson-nay, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Plank-nay, Alderman Volkart-aye. Motion carried.

Mayor Slinker presented Council Bill No. 2023-030, an ordinance of the City of Ashland, Missouri to establish a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials. Mayor Slinker called for the staff report. Darla Sapp, City Clerk reported this is required by State Statute to adopt every two years and must be adopted by September 15. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderwoman Old made motion and seconded by Alderwoman Bell to approve Council Bill No. 2023-030, an ordinance of the City of Ashland, Missouri to establish a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials. Alderman Volkart-aye, Alderman Plank-aye, Alderwoman Bell-aye, Alderwoman Old-aye, Alderman Wilson-aye, Alderman Lewis-aye. Motion carried.

Mayor Slinker presented Council Bill No. 2023-031, an ordinance approving Forest Park Plat No. 3 Preliminary Plat. Mayor Slinker called for the staff report. Darin Ratermann, Community Development Director stated this is regarding Forest Park Preliminary Plat Phase 3. The property is owned by Corey Myers Developments LLC; the submitting firm is Engineering Surveys and Services and is the same parcel we just discussed for the rezoning. He stated this is currently zoned R-1 and the parcel has lot 2 as one 20 acre parcel and intended for high density residential. The remaining lots ranging in size from 1.2 to 4 acres are intended for Light Industrial. It is anticipated that sometime this fall, there will be a street completed to access this site to the north. This street, as part of Forest Park phase two improvement, will tie Yellowstone to this site, while also connecting to Lakeview Estates. Though the traffic study and storm-water are not required for a preliminary plat, it was strongly encouraged, given the nature of the proposal. The engineer assured me that a temporary turnaround would go in for the dead-end street to the south He stated staff is indifferent to this preliminary plat; however, it is the staff's belief that this submission has met the intended requirements set forth in the city code. The Planning and Zoning Commission voted not to recommend for various reasons, two of which were the lack of proper access to this parcel and lack of a clear plan for the build out. Todd Smith, City Attorney stated the struggle with this is the preliminary plat and does not have a lot of detail. Mayor Slinker called for questions or comments from the Board. Alderman Lewis stated the main concern is the west access. He stated it makes sense to shoot straight through Perry Avenue. Cory Bergthold stated this is out of control of the development. This was discussed at great length. Mayor Slinker called for a motion. Alderman Volkart made motion and seconded by Alderman Lewis to approve Council Bill No. 2023-031, an ordinance approving Forest Park Plat No. 3 Preliminary Plat. Mayor

Slinker called for the vote. Alderman Lewis-aye, Alderman Wilson-nay, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Plank-nay, Alderman Volkart-aye. Motion carried.

Under “old business” Mayor Slinker presented Ordinance No. 1448, an ordinance to change the zoning of a parcel of land from C-G (General Commercial) to R-3 (high density residential) for Nicholas, William B. & Kim Martin for 104 South Main Street. Mayor Slinker called for the staff report. Darin Ratermann, Community Development Director stated this is the second reading of this. He stated the property is on South Main Street (Main Street Car Wash) and is currently zoned General Commercial and the proposed zoning is R-3 (high density residential) He stated this was a tie vote at the Planning and Zoning Commission meeting. He stated the Board approved this at the last meeting. He stated it is the Martin’s intentions to build quality apartments. Mayor Slinker called for questions or comments from the Board. Alderman Lewis stated he wanted to make a clarification from the July 18 meeting. He stated it is clear that not everyone on the Planning and Zoning Commission has the same mindset regarding low-income housing. He stated it was only one member. Todd Smith, City Attorney stated it is his legal opinion the tie vote means they had have no opinion. Mayor Slinker called for a motion. Alderman Lewis made motion and seconded by Alderwoman Bell to approve Ordinance No. 1448, an ordinance to change the zoning of a parcel of land from C-G (General Commercial) to R-3 (high density residential) for Nicholas, William B. & Kim Martin for 104 South Main Street. Mayor Slinker called for the vote. Alderman Volkart-aye, Alderman Plank-nay, Alderwoman Bell-aye, Alderwoman Old-aye, Alderman Wilson-aye, Alderman Lewis-aye. Motion carried.

Mayor Slinker presented Ordinance No. 1449, an ordinance to change the zoning of a parcel of land from C-G (General Commercial) to I-L (Light Industrial) for Timeless Treasurers of Columbia, LLC at 11550 S. Hardwick Lane. Mayor Slinker called for the staff report. Darin Ratermann, Community Development Director stated this is another second read and is the rezoning of 5 acres off Hardwick Lane. He stated this is currently zoned general commercial, but they have a gravel pad at the rear of lot. Previously used as a staging area for building materials, but is now empty. He stated the owner desires to use the gravel for temporary storage. He stated staff is supportive of this rezoning and the Planning and Zoning Commission approved this at their July 11, 2023 meeting. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderwoman Bell made motion and seconded by Alderwoman Old to approve Ordinance No. 1449, an ordinance to change the zoning of a parcel of land from C-G (General Commercial) to I-L (Light Industrial) for Timeless Treasurers of Columbia, LLC 11550 S. Hardwick Lane. Mayor Slinker called for the vote. Alderman Lewis-aye, Alderman Wilson-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Plank-aye, Alderman Volkart-aye. Motion carried.

Mayor Slinker presented Ordinance No. 1450, an ordinance to change the zoning of a parcel of land from C-G (General Commercial) to I-L (Light industrial) for Larkin Powers (601 E. Liberty Lane). Mayor Slinker called for the staff report. Darin Ratermann, Community Development Director stated this rezoning is requested by Larkin Powers and is located on the southwest corner of Highway 63 and East Liberty Lane and contains 9.07 acres. He stated this is currently zoned General Commercial and the proposed zoning classification is Light Industrial. He stated staff is supportive of this rezoning and the Planning and Zoning Commission approved this at the July 11, 2023 meeting. He stated the Board approved this the first reading. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderman Volkart made motion and seconded by Alderman Lewis to approve Ordinance No. 1450, an ordinance to change the zoning of a parcel of land from C-G (General Commercial) to I-L (Light industrial) for Larkin Powers (601 E. Liberty Lane). Mayor Slinker called for the vote. Alderman Volkart-aye, Alderman Plank-aye, Alderwoman Bell-aye, Alderwoman Old-aye, Alderman Wilson-aye, Alderman Lewis-aye. Motion carried.

Mayor Slinker presented Ordinance No. 1451, an ordinance establishing a property tax rate for the City of Ashland for the year 2023 & amending Chapter 5, Tax Rates: Appendix A-1 of the Ashland Municipal Code. Mayor Slinker called for the staff report. Mayor Slinker called for questions or comments from the

Board. Mayor Slinker called for a motion. Alderwoman Old made motion and seconded by Alderwoman Bell to approve Ordinance No. 1451, an ordinance establishing a property tax rate for the City of Ashland for the year 2023 & amending Chapter 5, Tax Rates: Appendix A-1 of the Ashland Municipal Code. Mayor Slinker called for the vote. Alderman Lewis-aye, Alderman Wilson-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Plank-aye. Alderman Volkart-aye. Motion carried.

Mayor Slinker presented Ordinance No. 1452, an ordinance of the City of Ashland, Missouri to establish a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials. Mayor Slinker called for the staff report. Darla Sapp, City Clerk reported 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 Alderwoman Old to approve Ordinance No. 1452, an ordinance of the City of Ashland, Missouri to establish a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials. Mayor Slinker called for the vote. Alderman Lewis-aye, Alderman Wilson-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderwoman Plank-aye, Alderman Volkart-aye. Motion carried.

Mayor Slinker presented a resolution authorizing the appropriation of funds to certain accounts within the fiscal year budget. Mayor Slinker called for the staff report. Shelley Martin, Treasurer, stated these are for budget amendment for the police due to staff shortages and depleting overtime budget and worker comp audit additional premiums; streets was additional premium for the workers comp; water was for additional advertisement costs for requests for bids. She gave a detailed report of explanation and dollar amounts. Shelley Martin stated staff recommends approval as written. Mayor Slinker called for questions or comment from the Board. Mayor Slinker called for a motion. Alderman Wilson made motion and seconded by Alderman Lewis to approve the resolution authorizing the appropriation of funds to certain accounts within the fiscal year budget. Mayor Slinker called for the vote. Alderman Volkart-aye, Alderman Plank-aye, Alderwoman Bell-aye, Alderwoman Old-aye, Alderman Wilson-aye, Alderman Lewis-aye. Motion carried.

Mayor Slinker presented a resolution of the Board of Aldermen of Ashland, Mo authorizing the Mayor to execute the edited contract with MMLC for the Perry Ave. extension project. Mayor Slinker called for the staff report. James Creel, Public Works Director reported when the board approved the contract there was an error in the dollar amount on the contract. Mayor Slinker called for questions or comments from the Board. Alderman Wilson questioned what the error was. James and Kyle reported the contract provided by Great Rivers Engineering reflected \$499,040.15 instead of \$596,740.40. Mayor Slinker called for a motion. Alderwoman Old made motion and seconded by Alderman Lewis to approve the resolution of the Board of Aldermen of Ashland, Mo authorizing the Mayor to execute the edited contract with MMLC for the Perry Ave. extension project. Mayor Slinker called for the vote. Alderman Lewis-aye, Alderman Wilson-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Plank-aye, Alderman Volkart-aye. Motion carried.

Mayor Slinker presented a resolution authorizing the City Administrator to enter into an agreement to provide law enforcement service for the Cattlemen Days Ashland Rodeo. Mayor Slinker called for the staff report. Interim Chief, Scott Young stated this is a standard agreement for outside patrol for police services. He stated the Cattlemen Days Rodeo has asked for four officers from 6:00 p.m. to midnight for Friday and Saturday. He stated Officer Rick Smith has done the work on this. He stated they would have a couple officers for the parade as well that would be available. He stated this does require significant man-hours and will be covered by off duty officers. 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 authorizing the City Administrator to enter into an agreement to provide law enforcement service for the Cattlemen Days Ashland Rodeo. Mayor Slinker called for the vote. Alderman Lewis-aye, Alderman Wilson-aye, Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Plank-aye, Alderman Volkart-aye. Motion carried.

Mayor's Report:

Mayor Slinker asked the City Administrator if there were any more irrigation issues. Kyle Michel reported there has not been. He reported Ranken Technical College is having an open house on August 17, 2023 at 9:00 am. Kyle Michel reported this was rsvp only and the City had four slots. Mayor Slinker thanked the Park Board for the good work and hosting the food trucks this summer.

City Administrators Report:

Kyle Michel informed the Board the initial draft of the land use development code is completed. He stated the Planning and Zoning Commission would meet with the consultant team at the September 12th meeting in an effort to get feedback. He stated they would consolidate those comments and they plan to have two public input sessions regarding the draft. He stated the plans are to have this approved by the end of the year. He reminded everyone to do the survey on the Boone County Master Plan. He reported he is planning a workshop at the September 19 Board meeting on the wastewater treatment facility needs. He stated the following meeting would be a workshop to go over the financing options for this project. Kyle Michel reminded the Board of the teacher appreciation lunch at noon on Thursday next week. He stated he thinks it is worth the effort to update the comprehensive plan. He informed the Board the Main Street project is moving along and is currently at Watson Court and the next days should be to Broadway and then move to Laurel and Sappington. He stated then they would move to the paving project.

City Attorney's report:

Todd Smith stated that Branson did not pass ordinance to ban drag shows.

Interim Police Chief monthly report:

Scott Young stated the report is in the packet. He gave an overview of what he has learned since becoming interim chief. He commended the police officer's and staff.

Public Works Director monthly report:

James Creel informed the Board the South Henry Clay chip seal project is scheduled for tomorrow and should take about four hours. He gave an update on the park ballfield project being completed and they are in the process of closing out the paperwork aspects of this project. James Creel informed the Board the South Main project is going well. He reported an 8 foot failed culvert pipe on Angel Lane due to the recent heavy rains. He stated they have the City Engineer and Boone County Road & Bridge helping to repair this. Alderman Lewis asked if Angel Lane was closed. James Creel stated it is down to one lane.

Community Development monthly report:

Darin Ratermann stated his report was in the packet and asked for any questions from the Board. Alderman Lewis questioned if there were any new businesses. Darin Ratermann reported a couple of business name changes, a couple of food trucks and cobblestone self-storage.

Alderwoman Bell asked if there was an update on what is going in at Boone Corner. Darin Ratermann stated a Dominos with a drive through is the only thing he is aware of at this time. Mayor Slinker questioned when the house was going to be torn down. Darin Ratermann stated it would be anytime.

Board of Aldermen report:

Alderman Plank stated he is in 100 percent agreement with Kristen Colbert statement on the adult entertainment and commented that this is an embarrassment.

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

Kyle Michel stated we would not need a closed session as listed on the agenda since there is no new information.

Mayor Slinker called for a motion to adjourn the meeting. Alderman Lewis made motion and seconded by Alderwoman Bell to adjourn the meeting at 8:14 p.m. Motion carried.

Darla Sapp, City Clerk

Dorise Slinker, Mayor