

SEPTEMBER 05, 2023  
BOARD OF ALDERMEN MINUTES  
7:00 P.M.

Mayor Slinker called the regular meeting to order at 7:00 p.m. on September 05, 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-absent

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 15, 2023 meeting for consideration. Alderman Wilson made motion to approve the minutes as presented. Alderwoman Old 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 Lewis to approve the agenda as amended. Mayor Slinker called for the vote. 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 Ordinance No. 1453, 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 stated the staff opinion for Forest Park Phase 3 rezoning and preliminary plat was included in the packet. He stated while conducting research for other projects, staff discovered section 11.205-9 of our Subdivision regulations that was not applied to Forest Park Phase 3 during initial engineering review. In light of this code section, staff cannot recommend approval of the rezoning request or preliminary plat as both would conflict with the requirements of 11.205.9. He stated the code section reads as follows: Subdivision intended for commercial or industrial use shall have access to a collector street, but shall not have direct access to any residential collector street under any circumstances, except in the case of appropriately separated planned retail centers. He stated Forest Park Phase 3 conflicts with this section of the City Code due to proposed light industrial zoned properties having direct access to Yellowstone Drive and Ashley Drive. Both of which would be classified as residential collectors. Darin Ratermann stated both Corey Myers, and his engineer have been informed of this discovery and staff provided recommended changes to address the code conflict. He also added the Southern Boone County Fire Protection District, Fire Marshal letter is included that states that Forest Park Phase 3 does not provide the access that meets the remote access requirements set in the 2018 International Fire Code Appendix D. In order to develop phase 3 the developer will need to provide an approved and guaranteed development plan providing information to satisfy the code requirements or an approved and guaranteed plan to move forward with future development that will lead to a second means of access within a reasonable period. He reported this issue has come up a few times in the past. Mayor Slinker called for questions or comments from the Board. Alderman Plank questioned what is defined as a collector street. Darin Ratermann stated it is defined by size and the amount

of traffic. Corey Myers questioned what Salter's Lawn Care property is zoned since it is on the same street access. Darin Ratermann stated that traffic does not go through a residential district to get to this. Darin Ratermann stated a remedy would be to get a second access through the Ranken properties. Kyle Michel stated the fire department is not going to support this. Cory Bergthold asked if he could address a few items. He stated the code section is referring to subdivision requirements. He stated this is a preliminary plat not a final subdivision of the property. He stated they know a second point of access has to be made. He stated the commercial and industrial could not be developed until the second access is in. He stated they just learned of this issue late last week and has not had time to prepare a response to this. The second access was discussed at great length. Corey Myers stated he is in the process of getting access through Ranken. Mayor Slinker called for a motion. Alderman Volkart made motion and seconded by Alderman Wilson to approve Ordinance No. 1453, 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 Volkart-aye, Alderman Plank-nay, Alderwoman Old-aye, Alderwoman Bell-absent, Alderman Wilson-nay, Alderman Lewis-aye. Motion failed with a three to two vote.

Mayor Slinker presented Ordinance No. 1454, an ordinance approving Forest Park Plat No. 3 Preliminary Plat. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderman Volkart made motion and seconded by Alderwoman Old to table Ordinance No. 1454, an ordinance approving Forest Park Plat No. 3 Preliminary Plat until we can have a full Board. Mayor Slinker called for the vote. Alderman Lewis-aye, Alderman Wilson-aye, Alderwoman Old-aye, Alderman Plank-nay, Alderman Volkart-aye. Motion carried.

Mayor Slinker presented a Resolution authorizing the Mayor to execute the declaration of deed restriction for the park. Mayor Slinker called for the staff report. Shelley Martin, Treasurer stated the project has concluded and she is doing the close out paperwork. She stated the Department of Natural Resources required the deed to be signed and recorded in order to close out the LWCF grant for the ball field project. As part of the close out paperwork, the Department of Natural Resources requires that we record a deed for the entire property that was submitted for the grant (the entire 11 acres of the park) which is three separate parcels. She stated the deed document is from DNR. She wanted to make sure the Board understands the deed basically puts restrictions on what the property can be used for an length of time of the City must maintain said property. She stated this is fifty years. She explained that she was not employed here at the time this grant was done and she was not sure the Board knew this expectation of the grant obligations. Mayor Slinker called for questions or comments from the Board. Mayor Slinker called for a motion. Alderwoman Old made motion and seconded by Alderman Lewis to approve the resolution authorizing the Mayor to execute the declaration of deed restriction for the park. Mayor Slinker called for the vote. Alderman Volkart-aye, Alderman Plank-aye, Alderwoman Old-aye, Alderwoman Bell-absent, Alderman Wilson-aye, Alderman Lewis. Motion carried.

Mayor Slinker presented a Resolution authorizing Change Order #1 to M & M Landscaping and Construction, LLC for the Main Street project. Mayor Slinker called for the staff report. James Creel, Public Works Director reported this is a change order for various items regarding the S Main Street waterline and resurfacing project. He stated the past month the contractor has been working on this project. He stated the waterline portion of the project is nearly complete, with the road resurfacing portion remaining. During the course of this project, several deficiencies have been discovered. In efforts to prevent future repairs and provide a quality end result on this project, various repairs and additional paving are needed. He stated several culverts were deficient, raising of multiple sewer manholes on S Main Street and repairs to existing sewer lateral that was damaged during S Main Street sidewalk project in 2019 and repairs to existing sidewalk to gain ADA compliance (S Main Street and E Johnson Ave-east side) and additional paving of Laurel Lane, Wilson Lane, currently in poor condition due to multiple water line repairs of last several years and Watson Court. Mayor Slinker called for the questions or comments from the Board. Alderwoman

Old questioned how much longer the project was going to last. James Creel anticipated 2 to 4 weeks. Cory Bergthold asked if James Creel could discuss the sewer issue again. James Creel discussed this in detail. Corey Bergthold questioned why the sewer manholes was not included in the bid? He stated some contractors bid low then make change orders to get more money. Stephen Lin of Allstate Consultants briefly went over the change order on the valves. He stated the fire hydrant sets that was missed on the bid forms but on the plans. Stephen Lin addressed replacing an additional service line on Watson Court that came up during construction. He stated this also includes future service on Main Street where the carwash is located since this will be removed and will have mixed units. He stated this would save the street from getting torn up in the future. Mayor Slinker asked where this was in the change order. Stephen Lin reported 6.23 and 6.28. Mayor Slinker called for a motion. Alderman Plank made motion and seconded by Alderwoman Old to approve the Resolution authorizing change order #1 to M & M Landscaping and Construction, LLC for the Main Street project. Mayor Slinker called for the vote. Alderman Lewis aye, Alderman Wilson-nay, Alderwoman Old-aye, Alderman Plank-aye, Alderman Volkart-aye, Alderwoman Bell-absent. Motion carried.

#### Mayor's Report:

Mayor Slinker complained of the grass/weeds grown up on Broadway that needs to have round up on them. He also questioned when Broadway parking area would be restriped. He also asked that the handicapped and regular parking be looked at. James Creel stated he could get a price on the restriping and get back with the Mayor on this. Mayor Slinker also asked if the owner of the old Skyline Café has been addressed about the tall grass in the back of lot. Darin Ratermann stated he has been notified. Mayor Slinker informed the Board that Yummy Yo's would be opening soon.

#### City Administrators Report:

Kyle Michel reported the City Clerk would be on vacation from September 8 thru the 25<sup>th</sup>. He informed the Board the Fall Festival is this Saturday and advised them of the car show as well as the best dressed dog contest.

#### City Attorney's report:

Todd Smith reminded the Board of the MML conference that starts on Sunday the 10<sup>th</sup> through Tuesday. He stated his firm will have two booths and he would be going to be giving a presentation on the Officer's Bill of Rights.

#### Interim Police Chief monthly report:

Scott Young stated his report went out later than the packet. He gave the total activity number of 561, which is broken down in categories in the report. He asked the Board for any questions.

#### Board of Aldermen report:

Alderman Plank stated he received a complaint from a resident about receiving a notice from the Post Office that the mailboxes on N. Henry Clay Blvd. by the Boone Corner will need to be moved to Redbud. Kyle Michel stated he believed this was part of Boone Corner development that these would be relocated at the developers expense.

Alderwoman Old stated all she had was to remind everyone of the Fall Festival this Saturday.

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 Alderman Volkart to make a motion to go into closed session pursuant to Chapter 610.021 (3) and 610.021 (1) at 7:35 p.m.. Mayor Slinker called for the vote. Alderman Volkart-aye, Alderman Plank-aye, Alderwoman Old-aye, Alderwoman Bell-absent, Alderman Wilson-aye, Alderman Lewis-aye. Motion carried.

Mayor Slinker reported there was no reportable action taken.

Mayor Slinker called for a motion to adjourn the meeting. Alderman Volkart made motion and seconded by Alderman Wilson to adjourn the meeting at 8:09 p.m. Motion carried.

Darla Sapp, City Clerk

Dorise Slinker, Mayor