

SEPTEMBER 07, 2021
BOARD OF ALDERMEN MINUTES
7:00 P.M.

Mayor Sullivan called the regular meeting to order at 7:03 p.m. on September 07, 2021 via zoom.

Mayor Sullivan gave the invocation moment of silence for Steve Walsh.

Mayor Sullivan led in the pledge of allegiance.

Mayor Sullivan called the roll:

Ward One: Nathan Volkart-here, Jean Selby-here
Ward Two: Melissa Old-here, Stephanie Bell-here
Ward Three: Rick Lewis-here, Dorise Slinker-here

Staff Present: Darla Sapp, City Clerk, Nathan Nickolaus, City Attorney, James Creel, Public Works Director, Dan Vandevoorde, Building Inspector and Gabe Edwards, Police Chief.

Mayor Sullivan presented the minutes of the August 17, 2021 Board meeting for consideration. Alderman Slinker made motion to approve the minutes as presented Alderman Lewis seconded the motion. Mayor Sullivan called for the vote. Motion carried.

Mayor Sullivan presented the minutes of the Special Meeting on August 24, 2021 for consideration. Alderwoman Old made motion and seconded by Alderman Slinker to approve the minutes as presented. Mayor Sullivan called for the vote. Motion carried.

Mayor Sullivan presented the agenda for consideration. Alderwoman Bell made motion and seconded by Alderwoman Old to approve the agenda. Mayor Sullivan called for the vote. Motion carried.

Mayor Sullivan stated there are no scheduled public comments. He reminded everyone that a written request must be received by the City Clerk by Wednesday before the meeting date. He stated there is a public speaking comment section after each agenda item.

Mayor Sullivan opened the Public Hearing to hear public input for a voluntary annexation request from R. Anthony Holdings, LLC of 15.15 acres located off of E. Log Providence Road on Hayes Road, Columbia, Mo.

Tony St. Romaine, City Administrator stated that Ron Wolverton owns property adjacent to Lakeside Development and has asked for it to be annexed into the City of Ashland and is also requesting the tract be general commercial. He stated he is wanting to develop of a St. Raymond's Society which is a transitional housing facility for pregnant women. He stated the Planning and Zoning Commission will hold a public hearing on the rezoning on September 14, 2021. He stated they would provide recommendation on the rezoning to the Board of Aldermen. He explained tonight we have the public hearing for the voluntary annexation request and the first introduction of the Council Bill.

Rob Wolverton, property owner stated he had no prepared remarks. He stated he sent a letter stating his intended use of the St. Raymond's Society campus and the property adjacent to this is zoned commercial property. He stated he understands this is also in the Ashland strategic Plan for growth in this area. He stated the infrastructure is lacking in that area and will need to be brought up to date.

Mayor Sullivan questioned how long Mr. Wolverton owned the property. He stated for the last year to year and half.

Mayor Sullivan asked the Board of Aldermen had any questions.

Alderman Slinker questioned if the water and sewer were going to be connected to the City.

Rob Wolverton stated that the Lakeside Ashland Development is working on the water and sewer extension and they would be able to tie into that. It was discussed if the City of Ashland's sanitary sewer extension would be brought under the Highway 63 Corridor. It was determined the water was the Consolidated Public Water District.

Mayor Sullivan stated they have been getting preliminary estimates of the sewer main extension under Highway 63. He stated they need to make it big enough to cover the supply. He stated those issues will be addressed in the future.

Tony St Romaine, City Administrator stated the road standards are not suitable to handle traffic on Hayes Road. He stated this is a low impact development. He stated some upgrades have to do some road improvements by the developer.

Mayor Sullivan stated it is Mr. Wolverton's desire to be annexed into the City limits of Ashland.

Nathan Nickolaus, City Attorney asked if Tony St. Romaine, City Administrator believed if this annexation was responsible and necessary to the proper development of the City and that the City has the ability to furnish normal municipal services to the area within a reasonable time. Tony St. Romaine stated this meets with the comprehensive plan and the City's desire to expand its commercial impact along the highway corridor. He stated this tract is not shown to be commercial in the comp plan but it does abut commercial property and is necessary for growth. He stated he agrees the City has the ability to serve this area in a reasonable time.

Mayor Sullivan called for public comment. He asked them to state their name and address for the record.

Alan Bunch 5502 East Log Providence Rd. Columbia, Missouri states his property lays next to this proposed tract of land to be annexed in to the City of Ashland. He asked if the Board received the e-mail they sent last week that addresses the neighborhood concerns. He stated the neighborhood had several concerns one being infrastructure. He stated he was unsure how they were even in the comprehensive plan for Ashland when they are in the County. He stated there is no infrastructure out there. He stated there are problems with Lakeside Ashland development with the fire code and MoDot. He stated those two problems have not been solved. He asked before you put another potential land into the City limits of Ashland you should make sure those issues are solved. He stated they sent letters of their objection to St. Raymond's Society and the Bishop at the Catholic Church. He stated they do not want commercial at all. He stated they have bought land a long time ago and we want to be here and they have a lot of concerns. He stated they never planned to have large commercial major complex in their area. He stated no one in their community wants anymore commercial development. He stated if this private development was in the middle of town would you go ahead and approve it if you had 50 houses around it. He stated the City has legal things to think about. He stated they have a nice community and have been here a long time. He stated he sees no reason to do this and the infrastructure has not been taken care of and the issues not addressed with the fire board. He asked we do not approve anything until these items have been addressed.

Keith Birkes 5400 East Hayes Road stated this is within 40 feet from his west boundary to this property. He stated they have a quiet residential area and is peaceful and safe. He stated there is one road in and out.

He stated there will be additional traffic in the area. He stated this is unsuitable for commercial development. He stated there is a deep ravine and is next to Bass Creek which is a protected creek. He stated there are safety issues, value of property and the obvious problem is fire department requirement of second road in and out. He stated he did not know why the Board was considering this and he stated it was an insult to their neighborhood. He stated it was irresponsible to this type of property and general commercial zoning. He stated there is a narrow connection. He asked the Board to object to this application. He stated they do not need or want this in their neighborhood and felt it was unsafe.

Mayor Sullivan reported this Public Hearing is for the annexation only.

Gregg Crane 5300 East Eagle Ridge Road questioned why the Lakeside project does not have to do road improvements but the developer on Hayes Road does.

Tony St. Romaine stated the developer will be responsible for building the roadway to city standards. He stated this cost is on the developer.

John Lemberger 4909 E. Woodson Harris Road expressed confusion of developer's responsibility for the roadway on Hayes Road and Lakeside Ashland development. He also questioned the city future plan and if this was a public document. Tony St. Romaine stated it is on the city website under 2020 comprehensive plan for the City of Ashland. He stated this area is off the Ashland proper and was confused why it was in the plan.

Tony St. Romaine, City Administrator stated Lakeside Ashland development is not responsible for upgrading the roads. He stated they have been working with Lakeside Ashland for some time. He stated MoDOT requested a traffic study and is requiring improvements to Log Providence leading to their development.

Mayor Sullivan closed the public hearing portion of the meeting 7:32 pm.

Mayor Sullivan presented Council Bill No. 2021-050, an ordinance extending the corporate limits of the City of Ashland, Missouri by annexing unincorporated area; Directing the City Clerk to give notice of the annexation. Alderwoman Bell made motion and seconded by Alderman Lewis to take up for consideration Council Bill No. 2021-050, an ordinance extending the corporate limits of the City of Ashland, Missouri by annexing unincorporated area; Directing the City Clerk to give notice of the annexation. Mayor Sullivan called for the staff report. Tony St. Romaine, City Administrator stated he had no further comments. Mayor Sullivan called for comments from the board. Alderwoman Old stated this is increasing the property within the City of Ashland limits. She stated the land owner desires to bring into his property into the City of Ashland. Mayor Sullivan stated that is his desire and the rezoning is a separate issue and the property owner knows there will be additional upgrades required. Alderman Volkart stated he felt there was a lot of incorrect information. He stated at the end of the day the Board needs to vote in favor of or against this annexation. He stated the specific requirements to annex into the city of Ashland has been addressed. Mayor Sullivan stated the argument is in the development. He stated this was once a rural area and with the overpass at Route H it opened the area for commercial growth for the future. He stated the City of Ashland is growing as well as Boone County. He stated we are going to continue to see this growth. Mayor Sullivan called for additional public comments on a topic that has not already discussed.

Mr. Birkes stated if half the Hayes Road is annexed in this legal description will the City be responsible for Hayes Road. He stated there is eight households on this roadway and they expect it to be properly maintained and the snow removed. Nathan Nickolaus, City Attorney reported it is only half of the road and the other half is the county.

Lori Wallace 4445 East Log Providence Road stated the City made it real clear the time to object on a matter being considered by the Board was during the annexation and rezoning of a piece of property. She stated they have presented their objections. She stated the end game is to make this property commercial. She stated she felt they have been clear and respectful in presenting their objections to the Board. She asked that the Board reject this proposal or at least table it.

Nancy Cooper 5520 East Hayes Road asked for a clarification on maintenance and upgrades to East Hayes Road. She stated this is a privately maintained roadway. She asked if this will be maintained by Ashland. Nathan Nickolaus, City Attorney questioned the private roadway agreement. Ms. Cooper stated there is no agreement in place it is just family.

Susan Skinner 5350 East Log Providence Road expressed her concern about the environmental aspect and the deep ravine that runs towards Bass Creek and is a protected area. She questioned who would be responsible to make sure this is maintained and protected. Mayor Sullivan stated this for the annexation only and not part of the development. He stated they would have to go through the process. Tony St. Romaine stated that would all be addressed during the site plan. Dan Vandevoorde stated this would be addressed at the site plan with the stormwater regulations and since it is a protected area then they would have to get Department of Natural Resource clearance as well. Mayor Sullivan closed down public comment on the first reading of Council Bill No. 2021-050. Mayor Sullivan called for the vote. Alderman Volkart-no, Alderwoman Selby-no, Alderman Lewis-aye, Alderman Slinker-no, Alderwoman Bell-aye, Alderwoman Old-no. Motion failed.

Mayor Sullivan presented Council Bill No. 2021-051, an ordinance to amend Chapter 10, Planning, Zoning, Subdivisions, Building of the City of Ashland Code, Section 10.165 Plat Review Mandated. Alderwoman Old made motion and seconded by Alderwoman Selby to take up for consideration Council Bill No. 2021-051, an ordinance to amend Chapter 10 Planning, Zoning, Subdivisions, Building of the City of Ashland Code, Section 10.165 Plat Review Mandated. Mayor Sullivan called for the staff report. Tony St. Romaine, City Administrator reported during the budget process we created a part-time civil engineer position. He stated since he is now on board Mr. Conway is completing the review of all site plans and plats coming in instead of sending this two a third party for review. He stated the current code talks about cost recovery only from a third party engineer. He stated we are looking at changing the code to recover some of our costs since we are doing it in house. He explained most engineering firms typically charge \$150.00 per hour for review and then we charge back this fee back to the developer. He stated we did not have a mechanism in our code to recover staff person for review. He stated this proposed code change still allows us to send out for third party. Dan Vandevoorde, Building Inspector reported there are several fee structures but they are proposing a \$80.00 per hour for cost recovery that will be billed out to the developer. He stated by our civil engineer doing this we can keep the review more standardized and we have more control. Mayor Sullivan called for comments from the public. Mayor Sullivan called for questions or comments from the Board. Mayor Sullivan called for the vote. Alderwoman Old-aye, Alderwoman Bell-aye, Alderman Slinker-aye, Alderman Lewis-aye, Alderwoman Selby-aye, Alderman Volkart-aye. Motion carried.

Mayor Sullivan presented Council Bill No. 2021-052, an ordinance to amend Chapter 9, Planning and Zoning of the City of Ashland Code, Section 9.106. Review Plans and Documents Submission, Review Required. Alderwoman Old made motion and seconded by Alderman Volkart to take up for consideration Council Bill No. 2021-052, an ordinance to amend Chapter 9, Planning and Zoning of the City of Ashland Code, Section 9.106. Review Plans and Documents Submission, Review Required Mayor Sullivan called for the staff report. Tony St. Romaine, City Administrator stated the same comments from the previous code change applies as well. Mayor Sullivan called for comments from the public. Mayor Sullivan called for comments or questions from the Board. Mayor Sullivan called for the vote. Alderwoman Old-aye,

Alderman Bell-aye, Alderman Slinker-aye, Alderman Lewis-aye, Alderman Selby-aye, Alderman Volkart-aye. Motion carried.

Mayor Sullivan presented a resolution authorizing the purchase of storm water material. Alderman Lewis made motion and seconded by Alderman Slinker to approve the resolution authorization the purchase of the storm water material. Mayor Sullivan called for the staff report. James Creel, Public Works Supervisor stated we received bids back for the Billy Joe Sapp storm water project and it came in under the budgeted amount. He stated his memo was in the packet. He stated the inlet and junction boxes will be purchased from Precision Precast for \$10,987.74 and HDPE piping will be from Water and Sewer Supply, Inc. for \$16,012.50. He stated Public Works will handle the construction of this project and it is scheduled for late fall, early winter. Mayor Sullivan called for comments from the public. Mayor Sullivan called for comments or questions from the Board. Mayor Sullivan called for the vote. Alderman Volkart-aye, Alderman Selby-aye, Alderman Lewis-aye, Alderman Slinker-aye, Alderman Bell-aye, Alderman Old-aye. Motion carried.

Mayor Sullivan presented a resolution authorizing the Mayor to enter into an agreement with Christensen Construction Co. for the mill and overlay project; providing for compliance with the prevailing wage law and state mandated construction safety training. Alderman Old made motion and seconded by Alderman Selby to take up for consideration authorizing the Mayor to enter into an agreement with Christensen Construction Co. for the mill and overlay project; providing for compliance with the prevailing wage law and state mandated construction safety training. Mayor Sullivan called for the staff report. James Cree, Public Works Director stated this is a continuation from the last meeting when we approved the bid but did not approve the contract portion of this. Mayor Sullivan called for comments from the public. Mayor Sullivan called for comments or questions from the staff. Mayor Sullivan called for the vote. Alderman Old-aye, Alderman Bell-aye, Alderman Slinker-aye, Alderman Lewis-aye, Alderman Selby-aye, Alderman Volkart-aye. Motion carried.

Mayor Sullivan called for a motion to go into closed session after the regular scheduled meeting pursuant to Chapter 610.021 (1) legal actions, causes of action or litigation involving a public government body. Alderman Lewis made motion and seconded by Alderman Bell to go into closed session pursuant to Chapter 610.021 (1) legal actions, causes of action or litigation involving a public government body and any confidential or privileged communications between a public government body or its representatives and its attorney. He stated we would go out in Zoom Break out room for the closed session. Mayor Sullivan called for the vote. Alderman Bell-aye, Alderman Old-aye, Alderman Selby-aye, Alderman Lewis-aye, Alderman Slinker-aye, Alderman Volkart-aye. Motion carried.

Mayors Report:

Mayor Sullivan updated the Board on the contract for the police department building has been extended to allow them to secure the franchise agreement. He stated this has been pushed out to September 24, 2021.

City Administrator's Report:

Tony St. Romaine stated they met with Mike Collins regarding the Broadway/Henry Clay round about because he was not pleased with the existing grades to the sidewalk by his property. He stated they have had several meetings on site and they have agreed a retaining wall 104 feet long along the sidewalk is needed. He stated this issue is who is going to pay for this. He stated the estimated cost is \$22,500. He stated MoDot stated the City of Ashland is responsible for any changes and their cost share is for \$1 million dollars. Tony St. Romaine stated all over runs is the responsibility of the City. He stated we have had some overruns with unsuitable material in this first phase and it is predicted the south side will have the same issue. He stated there is also some credits due to deleting some driveways along River Region Credit Union property. He stated he has okayed the work for retaining wall and Mr. Collins is in agreement. He stated we could possibly see if the engineer might be responsible for some of those cost due to it is a design issue.

Tony St. Romaine reported on the ARPA funding of \$800,000.00 the City of Ashland will receive. He gave an overview of what the funds could be used for. He stated he felt the best categories that fit for us would be for infrastructure for water, sewer and broadband. He stated we are in the process of completing an inflow and infiltration study which would show us where our unnecessary water is going into our sewer system. He stated we will probably have several projects from that plus we need to add another basin to our wastewater treatment plant in the near future with all the growth residentially and commercially. He stated staff would be working on a list and asked the Board members to start thinking of projects as well.

City Attorney's Report:

Nathan Nickolaus, City Attorney stated he would send an expanded list of categories the ARPA funds could be used for and more guidance. He reported in the legislative session they have changed the candidate filing dates to a shorter time period. He stated it begins on December 7, 2021 and ends December 28, 2021.

Police Chief's Monthly Report

Chief Edwards reported they sold the 2014 Dodge Charger for \$5600 and 2013 Ford Interceptor for \$4600. He stated they brought more than he thought they would. He stated two of the three 2021 Dodge Durango have been outfitted and the third and final Durango's is at the installer but is being delayed because he is part of the Missouri Task Force and was deployed to Louisiana due to the recent hurricane. He informed the Board he has two vacancy due to a new position and one being a recent resignation. He gave an overview of the traffic issue at the new Breaktime where people are turning left in the right turn only curbed intersection. He stated there has been traffic accidents, near misses and continued issues. He stated he has talked with MoDot about installing traffic delineators at the intersection of Route Y and Eastside Drive. He stated MoDot is hesitant to do this because they don't want to upset the businesses and the residents of Eastside Drive. He stated this would make people coming out of Eastside Drive to go west then go through the east roundabout at Hwy 63 and Broadway. He stated they would be willing to install the delineators if the City of Ashland would write a letter requesting this to MoDot. The Board discussed this at length and Mayor Sullivan polled the Board members on their thoughts on this matter. The Board supported this due to the safety concern.

Chief Edwards presented information on two traffic count devices they have tested. He presented an example of the data collected. He explained one device is mounted in the roadway and the other is mounted to a pole. He gave the pros and cons of the devices. He stated he would recommend the pole mounted device. He stated the software was easy to use and the data collected was for both sides of the roadway.

Alderwoman Bell stated she liked having actual facts with data to help them make decisions. Alderwoman Bell asked the cost of this traffic counter. Chief Edwards reported it is \$4,300.00. He stated we could possibly pay for this from the sale of one of the police vehicles. Tony St. Romaine stated he talked with the Treasurer and he could do a budget amendment to appropriate the funds.

Alderwoman Bell stated she saw on social media about some vandalism in town. Chief Edwards reported there was vandalism reports in Liberty Landing Subdivision and a vehicle was spray painted, sidewalks and mail boxes and driveways.

Alderman Slinker asked how the equipment would be installed on the pole. Chief Edwards stated it basically clamps to a pole and it padlocked. Mayor Sullivan asked for Chief Edwards to send this information out the all the Board members.

Board of Aldermen's Reports:

Alderman Slinker stated complaint at 115 Church Street still exists with tall grass, trash, and trash cans around the yard. Dan Vandevoorde stated he did talk with home owner and he has plans to tear down the house. Dan Vandevoorde stated he would follow up on this matter.

Alderman Slinker questioned when the curb repair starts will the homeowners know work is being done. James Creel, Public Works Director reported he would notify the property owners and put door hangers out prior to work being done on driveways.

Alderwoman Bell reported the storm water repair on Sue Drive has been completed and the property owners e-mailed her and is happy with the work and they applauded James Creel.

Alderwoman Old reminded everyone the Fall Festival is this Saturday and there is a lot of activities and encouraged everyone to come out and have a good time.

Mayor Sullivan called for additional comments from the public, board or staff.

Mike Frese, 5775 Charlotte Drive questioned the traffic counting device not being able to be used in areas where the utilities are buried and stated this should be considered. Mike Frese also complained of the yard waste disposal site not being open today when he loaded up his truck to take it. He stated the City website says until dusk but he was turned away at the gate. He stated the gate was open but he was instructed by a young man came that told him it was closed. He stated he is very unhappy about this. He state either city staff screwed up or signage needs to be corrected. Mayor Sullivan stated Lelande Rehard, Assistant City Administrator is on vacation and he would work on this when he gets back.

Mayor Sullivan stated that is an interesting comment about the poles and not having a place to mount the traffic counting device. Gabe Edwards, Police Chief reported they can be mounted to the street lights or a temp post can be installed. Mayor Sullivan questioned the possibility of this getting vandalized.

Alderman Slinker questioned when the in seat meetings would begin again. Mayor Sullivan stated when we have big issues it is an influx of people and the meeting room is too small to accommodate the social distancing. Mayor Sullivan stated he has staff that is not comfortable when the meeting room is that full and he does not want to ask if people have been vaccinated or require them to wear mask. He stated when things slow down or the numbers on the covid go back down we could consider the in seat meetings. Tony St. Romaine stated for example we had over 60 participants tonight and we could not safely social distance in our meeting room.

Mayor Sullivan stated we will be going into a Break out room to go into closed session and will return after the meeting is over.

The closed session began at 8:57 p.m.

Mayor Sullivan reported we are in open session with no reportable action taken during the closed session.

Mayor Sullivan called for the adjournment.

Mayor Sullivan called for the vote to adjourn. Alderwoman Old made motion and seconded by Alderman Volkart to adjourn the meeting. Mayor Sullivan called for the vote. Motion carried.

Darla Sapp, City Clerk

Richard Sullivan, Mayor