

TUESDAY, NOVEMBER 20, 2018
BOARD OF ALDERMEN MINUTES
7:00 P.M.

Mayor Rhorer called the regular meeting to order at 7:00 p.m. on November 20, 2018 at 815 East Broadway, Ashland, Missouri.

Mayor Rhorer led in the pledge of allegiance.

Mayor Rhorer called the roll:

Ward One: Leslie Martin-here, Danny Clay-here
Ward Two: Jesse Bronson-here, Richard Sullivan-here
Ward Three: Rick Lewis-here, Jeff Sapp-here

Staff Present: Darla Sapp, City Clerk, Lyn Woolford, Police Chief/City Administrator and Jeffrey Kays, City Attorney, Carrie Fischer, Administrative Assistant, and Shelley Martin, Treasurer/Deputy City Clerk.

Mayor Rhorer presented the agenda of November 20, 2018 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to approve the agenda as presented. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer presented the minutes of November 06, 2018 Board meeting for consideration. Alderman Bronson made motion and seconded by Alderman Clay to approve the minutes as presented. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer asked if anyone wished to appear before the Board to come to the podium and state their name and place of residence on any subject.

Jim Cunningham, President of the Southern Boone Fire District for 33 years and an attorney, came before the Board on the enforcement of the fire code relating to a cul-de-sac at Cartwright Properties. He stated that Corey Sapp, Fire Marshal does the fire inspection review of properties and plats and plan submission for the City of Ashland as to if they comply with fire district and fire code. He stated the Fire District adopted the 2006 International Fire Code in 2007 with amendments and he thought the City adopted the same. He expressed there was a misconception and misunderstanding of the City enforcing the fire code. Jim Cunningham explained his concern is for the safety of citizens and the fire department staff as well.

Mayor Rhorer stated we can not enforce something we did not adopt. He stated the plat was approved by the City Engineer and the Planning and Zoning Commission and we legally have no means of denying or tabling the approval of this plat.

There was discussion of setting a meeting with the Potterfields and see if they would voluntarily comply with the fire district code.

Robert Hollis, Attorney for the Potterfield Group, stated today is the first time he has heard of this issue. He informed the City the law is crystal clear on approval of plats. He stated the City did not have any grounds to deny or postpone this plat.

Jeff Kays, City Attorney, stated if we don't approve this plat it could go to court since the proposed plat meets all the city requirements.

The Board discussed the issue of the cul-de-sac difference between the city code and fire department code being an additional 16 feet difference as well as the two codes not matching.

Corey Sapp, Fire Marshall, stated Lyn Woolford and Crockett Engineering were aware of the fire district rejection of this plat because of the cul-de-sac size for several months now.

There was discussion of getting a copy of the fire district code and having the Planning and Zoning Commission and Board of Aldermen review this for consideration of adoption.

Mayor Rhorer stated the city wants to continue to work with the fire department.

Mayor Rhorer presented Council Bill No. 2018-071 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Council Bill No. 2018-071, an ordinance to change the zoning of a parcel of land from R-S, Single Family (County) to C-G, General Commercial District for Ashland Commons, LLC. First Reading by title only. Mayor Rhorer called for questions or comments. Lyn Woolford, City Administrator, reported the Planning and Zoning Commission reviewed this and recommended approval. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye, Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2018-072 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Council Bill No. 2018-072, an ordinance authorizing the appropriation of funds of certain accounts within the fiscal year 2019 Budget. First reading by title only. Mayor Rhorer called for questions or comments. Shelley Martin, Treasurer stated this is some mid-year clean up after the sale of some property. She stated that she closed out the Parks Department account since they are getting their own funding source now. She stated the water does show a deficit spending because of paying off some bonds. She stated that she is watching the general fund because we have not received our property and real estate taxes yet. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye, Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2018-073 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Council Bill No. 2018-073, an ordinance of the City of Ashland, Missouri, vacating and discontinuing a portion of a public street. First reading by title only. Mayor Rhorer called for questions or comments. Jeff Kays, City Attorney stated he was informed by Mr. Hollis that the realignment of Hardwick Lane would be delayed until spring due to the weather. He stated we would probably need to retain an easement in old Hardwick Lane since we are going to deed it over and vacate it with transfer but we need an easement for maintaining it. Jeff Kays reported we would need an amendment to the agreement at a future meeting. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye, Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2018-074 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Council Bill No. 2018-074, an ordinance authorizing the Mayor to execute an agreement with Missouri Highways and Transportation Commission Municipal and Cost apportionment agreement. First reading by title only. Mayor Rhorer called for questions or comments. Lyn Woolford, City Administrator, reported in the packet there is a picture of the location of roadway on Broadway this is referencing. He reported MoDot is intending to remove the asphalt on Broadway down to the base. He stated they can not overlay it they need to lower the pavement. They asked if the City wished to participate at that same time with the parking area along Broadway. Lyn Woolford, City Administrator, stated he felt we should participate because it is needed and it will be cohesive with what work MoDot is

doing. He stated this is \$225,000.00 and would be in next years budget year. The Board discussed with Shelley Martin, Treasurer the funds available. Mayor Rhorer stated it makes sense if they do the whole thing. Alderman Sapp stated they should be able to blend the new project to the existing parking spaces. He stated he felt it was a lot of money to spend for parking spaces. Lyn Woolford stated he has talked with MoDot on the time frame and bid letting and has asked them to move later in Spring so we would have the funds needed. He stated we could not make a payment until May 1. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye, Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye. Motion carried.

Mayor Rhorer presented Ordinance No. 1217 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Ordinance No. 1217, an ordinance approving the final major plat for Cartwright Business and Technology Park, Plat 2. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye, Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye. Motion carried.

Mayor Rhorer presented Ordinance No. 1221 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Ordinance No. 1221, an ordinance extending the corporate limits of the City of Ashland, Missouri by annexing unincorporated area on the north side of Liberty Lane; Directing the City Clerk to give notice of the annexation. Mayor Rhorer called for questions or comments. Lyn Woolford, City Administrator, reported this is the second reading for Ashland Commons, LLC and adjoins the YMCA property. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye, Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye. Motion carried.

Mayor Rhorer presented Ordinance No. 1222 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Ordinance No. 1222, an ordinance authorizing the sale of real estate owned by the City of Ashland, Missouri, a municipal corporation, to Daniel and Cynthia Downing. Mayor Rhorer called for questions or comments. Mayor Rhorer stated this is south of the maintenance building and bordering the Copper Kettle. He reported only two folks would benefit from this property and it would be the adjoining property owners since it is a 50 foot strip of land. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye, Alderwoman Martin-aye, Alderman Sullivan-aye, Alderman Sapp-aye. Motion carried.

Mayor Rhorer presented Ordinance No. 1223 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Ordinance No. 1223, an ordinance to amend Chapter 14 of the Code of the City of Ashland, Missouri. Mayor Rhorer called for questions or comments. Shelley Martin, Treasurer reported it is an update to the shut off procedure. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye, Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye. Motion carried.

Mayor Rhorer presented Ordinance No. 1224 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Ordinance No. 1224, an ordinance vacating part of a drainage easement for the Renee Drive Drainage Improvement Project; and authorizing the City Clerk to record this ordinance. Mayor Rhorer called for questions or comments. Lyn Woolford, City Attorney reported we no longer need this easement. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye, Alderwoman Martin-aye, Alderman Sullivan-aye, Alderman Sapp-aye. Motion carried.

Mayor Rhorer presented Ordinance No. 1225 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Ordinance No. 1225, an ordinance authorizing the Mayor to enter into a Missouri Transportation Finance Corporation Direct Loan Agreement and Promissory Note for the

construction of a roundabout at Route M and Henry Clay Blvd. Mayor Rhorer called for questions or comments. Lyn Woolford, City Administrator reported this is a ten-year loan for financing for the roundabout. He stated this is the 50 percent the City owes. There was discussion of construction in 2021. Shelley Martin, Treasurer, reported the roundabout is coming out of capital fund and the resurfacing parking areas in downtown will come out of the street fund. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye, Alderman Clay-aye, Alderman Bronson-aye, Alderman Lewis-aye. Motion carried.

Mayor Rhorer presented Ordinance No. 1226 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Ordinance No. 1226, an ordinance to amend Chapter 10; 2012 International Residential Building Code Addendums of the Boone County Resource Management; Section 302.2 Townhouses. Mayor Rhorer called for questions or comments. Lyn Woolford, City Administrator, reported the international code requires a 1 hour firewall but we adopted the Boone County amendments which require a 2 hour firewall. He stated that Bruce Bauer asked we change our code to the International Code. Mayor Rhorer stated he did not think the cost would make that much difference. Lyn Woolford, City Administrator, reported it does extend the footprint of the structure. Alderman Sapp stated the response time for fire departments in the county is probably why theirs is 2 hour. He stated our fire department is closer and response time is not an issue. Corey Sapp, Southern Boone County Fire Marshall, stated it might be in lieu of a sprinkler system. He asked that this be researched prior to Board approval. Lyn Woolford stated that Bruce Bauer was looking for consistency since each one he has done has been different due to different inspectors, etc. Alderman Bronson made motion and seconded by Alderman Clay to table this. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye, Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye. Motion carried.

Alderman Sapp made a motion for a 10-minute recess. Alderman Clay seconded the motion. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye, Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye. Motion carried.

Mayor Rhorer presented Ordinance No. 1227 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Ordinance No. 1227, an ordinance of the City of Ashland, Missouri, vacating and discontinuing a portion of a public street. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye, Alderwoman Martin-aye, Alderman Sullivan-aye, Alderman Sapp-aye. Motion carried.

Mayor Rhorer presented a resolution establishing a fee for fence permits and portable shed permits. Mayor Rhorer stated this resolution dies for lack of interest.

Mayor Rhorer presented a resolution amending the employment contract with Lyn Woolford. Alderman Bronson made motion and seconded by Alderman Sullivan to amend the employment contract with Lyn Woolford. Mayor Rhorer called for questions or comments. Lyn Woolford, City Administrator reported he has turned 65 and is on Medicare and in order to save the City money he has asked that they drop health coverage on him and give him an increase in salary to offset his Medicare and supplement and prescription plan of \$324.00 a month. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye, Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye. Motion carried.

Mayor Rhorer presented a resolution to authorize the purchase of an access control system with SHI International Corp. Alderman Bronson made motion and seconded by Alderman Clay to take up Resolution to authorize the purchase of an access control system with SHI International Corp. Mayor Rhorer called for questions or comments. Lyn Woolford stated this a key card security system for the new police department building. He stated that it would be locked down 24-7. He stated this is on a state contract. He stated he is

familiar with this company. He stated the initial cost is \$7,937.47 and an annual fee of \$1,092.00 a year for maintenance and updates. The Board discussed this. Mayor Rhorer called for the vote. Alderwoman Martin-aye, Alderman Sullivan-aye, Alderman Sapp-aye, Alderman Bronson-aye, Alderman Clay-aye, Alderman Lewis-aye. Motion carried.

Mayor Rhorer presented a request from the Chamber of Commerce to allow alcohol at the park for the Home for the Holidays Event. Alderman Bronson made motion and Alderman Clay seconded the motion to allow alcohol at the park for the Home for Holidays Event. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye, Alderwoman Martin-aye, Alderman Sullivan-aye, Alderman Sapp-aye. Motion carried.

Mayor Rhorer presented for consideration of approval of a review plan for Shelby Sapp Construction SSCC Maintenance Shop. Alderman Bronson made motion and seconded by Alderman Clay to approve the review plan for Shelby Sapp Construction SSCC Maintenance Shop. Lyn Woolford, City Administrator explained the site plans for the airport district has to be approved by the Planning and Zoning Commission then the Board of Alderman. He stated the final site plan goes back to the Planning and Zoning Commission. He reported that Shelby Sapp is present to answer any questions from the Board. Lyn Woolford stated he is wanting to basically build a shop. Lyn Woolford stated this has been approved by the Planning and Zoning Commission and Allstate Consultants has reviewed and approved it as well. He stated the letter of intent on a sidewalk being built was also included. The Board discussed the concrete driveway area and gravel surface area, Alderman Sapp reported the Planning and Zoning Commission discussed the gravel lot in Industrial District and the construction equipment. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Bronson-aye, Alderman Clay-aye, Alderwoman Martin-aye, Alderman Sullivan-aye, Alderman Sapp-aye. Motion Carried.

Mayor Rhorer presented for discussion the Freedom Endeavor project. Tracy Eichorn, President of the Mid-Missouri Arts Alliance gave an overview of the project. She informed the Board that Veterans would be chosen and honored in a permanent display such as our new City Hall. She stated the project will photograph/video the Veterans story. She stated it is a way for the community to recognize the veterans. She gave an overview of the different displays and pricing options. Carrie Fischer, Secretary of the Park Board showed a display indicating the size options. The Board discussed this. Mayor Rhorer stated he is in favor of pursuing this project and to find a financial funding mechanism and bring back for Board consideration.

Mayor Rhorer presented for discussion the park bathroom renovations/bids.

Lyn Woolford, City Administrator reported he received four bids on this. Mayor Rhorer questioned why they are wanting to renovate the bathroom that it is an eyesore. Lyn Woolford, City Administrator reported the park board felt they could update it and bring it up to compliance. Lyn Woolford reported the bids were from \$5,000.00 to \$15,000.00 dollars. The Board discussed this. Alderman Lewis stated that the specs did not outline all the items that needed to be fixed on the bathrooms. He suggested knocking it down and building a new bathroom and applying for grants. Lyn Woolford stated the Park Board did not know we close the bathrooms in the winter months due to no heat. He stated Dustin Bennett, Maintenance Supervisor, suggested we consider saving the building and use this for storage. The Board discussed this and felt the existing structure should be torn down allowing for a good view of the park and relocating the restrooms.

Mayor Rhorer presented for discussion medical marijuana. He stated this passed as a statewide law but it is illegal federally. He asked the Board to give it consideration. He stated the Governor has to figure this out on the state level. He stated the Board needs to decide to either allow or not in this town. Alderman Lewis stated he had a little information and guidance on this. He stated the cities can't ban it but they can make restrictions such as how far from schools, daycare, etc. Mayor Rhorer stated he felt we could ban dispensary. He stated by taking the Oath we agreed to follow the law. He stated it is still not legal federally.

Mayor Rhorer presented for discussion adding amendment D to the 2012 Fire Code. Mayor Rhorer stated if we did approve this amendment it would not be retroactive. Alderman Bronson stated we need to get the fire code as Southern Boone Fire District amended it and get on the same page with them. Corey Sapp was to get a copy of the fire code to the City for review.

Mayor's Report:

Mayor Rhorer reminded the Board of the annual breakfast for Elected Officials at the School at 7:30 a.m. on December 21. He stated they all give a brief overview. He encouraged the Board to attend.

City Administrator/Police Chief Report:

Lyn Woolford, City Administrator, stated he did not have anything but Shelley Martin, Treasurer, had something for the Board consideration. Shelley Martin explained that she has her insurance card compromised and is having fraudulent charges on her health insurance, social security number and identity theft. She asked that the City allow her to go on her husband's insurance and waive the city's insurance. Mayor Rhorer felt this should be discussed in closed session. Shelley Martin stated that open enrollment ends November 30. Mayor Rhorer stated we could address this administratively.

City Attorney report:

Jeffrey Kays did not have a report.

Board of Aldermen's Reports:

Alderman Lewis encouraged everyone to vote for the police chief for the favorite crossing guard. He stated you could vote daily. Lyn Woolford, City Administrator stated if he gets the most votes, the school would receive money. He stated the school is purchasing advanced pedestrian signs.

Alderman Bronson stated they did not have a quorum for the Park Board meeting but they did discuss and made final plans for the Holiday tree lighting on December 7. He stated they changed the route and the tree lighting will be at the park.

Alderman Bronson suggested the public speaking session be given a three-minute time limit. Mayor Rhorer stated we are a personable town and he likes to give the folks time to present their case to the Board. The Board discussed this and the side conversations in the meeting. Mayor Rhorer suggested placing this on the agenda for discussion.

Alderman Bronson made motion and seconded by Alderman Clay to adjourn the meeting. Mayor Rhorer called for the vote. Motion carried. Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye, Alderman Clay-aye, Alderman Lewis-aye, Alderman Bronson-aye. Motion carried.

Darla Sapp, City Clerk

Gene Rhorer, Mayor