

TUESDAY, OCTOBER 15, 2019
BOARD OF ALDERMEN MINUTES
7:00 P.M.

Mayor Rhorer called the regular meeting to order at 7:00 p.m. on October 15, 2019 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, Jon Sanders, Treasurer/Deputy City Clerk, Tony St. Romaine, Interim City Administrator, James Creel, Public Works Director and Jeffrey Kays, City Attorney.

Mayor Rhorer presented the agenda of October 15, 2019 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 October 01, 2019 Board meeting for consideration. Alderman Bronson made motion and seconded by Alderman Clay to approve the minutes as presented. Mayor Rhorer called for corrections or amendments. Being none, he called for the vote. Motion carried.

Mayor Rhorer announced under appearances is Katherine Bowes to discuss flooding that happened in Boone County. Katherine Bowes stated she is with Show-Me Hope Missouri and they have been going around to communities in Boone County trying to locate those that were impacted by the flooding we had last March. She stated they received a grant contracted through Burrell Behavior Center. She stated she knows the flooding did not affect Ashland itself but they wanted to educate those affected by the floods and help the victims get the resources they need. She stated they have placed door hangers in the City.

Mayor Rhorer asked anyone wishing to appear before the Board to come to the podium and state their name and place of residence on any subject. He stated this is the only public speaking portion of the meeting. He stated there will be five minutes per person wishing to speak and asked for no interruptions while someone is speaking.

Jean Selby, 14360 Quail Ridge Road, thanked the city leaders for putting their time and work to help with the change towards the increasing traffic in our town. She stated she knew this type of work takes many hours and considerations and at times is a thankless job and is never easy, but rewarding when you are handling decisions for the betterment of all involved. She stated she felt decision making as a leader should be transparent, and with the stakeholders in all aspects in all facets. She stated she felt they are still in the dark about the traffic issue and did not feel the roundabout is good decision making. Ms. Selby reported they were given false promises when this project was initially proposed. They were personally told their business would not be affected and then, they were told that their building would be rebuilt if the proposed project takes it. She stated they now find out none of that is true. She stated they did not have any qualms about approaching the small businesses and have avoided approaching the corporate businesses. She stated she felt their suggestions have fallen on deaf ears. Ms. Selby stated there is a double wide temporary placement of a bank that was supposed to be moved and a vacant lot next to that which is an eyesore. She suggested installing traffic lights and programming them for the two congested times a day. She asked the

Board to think about the future of this town. She stated the population in the next 10 years could double or triple and we will still be dealing with a traffic issue on Broadway. She stated this proposed roundabout is a band-aide. She stated a transformation of the acceleration and deceleration lanes at Liberty Lane and Salem Road needs to be looked at. She stated her parents have been in business for 40 years. Jean Selby encouraged the Board to consider their decisions and ask if this does really align with the small town focus and growth and if they are acting with passion and empathy or are you just making a business decision regardless of who you steam roll. She asked that they take care of our town, and don't tear it down much as you have proposed. She stated they are not against growth, they are against destruction of which is being proposed.

Mike Collins, property owner of 307 East Broadway, stated his property is one of the affected properties with the proposed roundabout. He stated that Jean did an excellent job with her speech. He stated he felt this whole project has been jammed down their throats. He stated he was told that the roundabout would not affect his property so he did not pay attention what was happening. He felt this was going quickly and there are other options, such as a smaller roundabout like what is on Route H and add deceleration north or south bound lanes on Hwy 63. He stated he is concerned Ashland will be known as the town of roundabouts. He stated two or three properties would be affected and he did not feel this roundabout would fix the problem. He stated the west four way stop on Broadway and Main would still be backed up. He stated this roundabout would make his property worthless. Mike Collins stated the Selby's are good folks and their property will also be worthless and they would be unable to build on their current lot. He stated he felt there were a lot of options that have not been considered. He stated he felt this was a hurry up deal and being pushed through. He stated he felt they were going after the small business and not wanting to deal with corporations. He asked the Board to think about this and consider other options.

Mayor Rhorer presented a resolution approving the design of the Route M (Broadway) and Henry Clay Roundabout for consideration. Alderman Sapp made motion and seconded by Alderman Lewis to take up a resolution approving the design of Route M (Broadway) and Henry Clay Roundabout. Mayor Rhorer called for questions or comments. Alderman Bronson stated none of the people he talked to was present tonight. He stated the leadership of this town does care. He stated he also felt this is being pushed through and was surprised that it is on the agenda. He encouraged the citizens to contact him with questions or comments. Alderman Lewis stated he was not an engineer but felt it could be moved to the south and east. He stated he was surprised this plan went to the public. He stated he felt the comments are justified. He stated he would not support this plan and felt there were other options to consider. Alderman Sullivan stated the Board is open and their phone numbers are on the website. He stated he is open to have conversations and talk about issues. He stated this is the town he wants to live in and respects other people. He asked what the process of relocation of the business would consist of. He stated he would like to see some different options.

Tony St. Romaine, Interim City Administrator stated this was a cost share project with MoDot and was initiated by the City in 2018. He stated the TEAP study concluded options for this intersection. He stated the best option that the engineers have come up with is the roundabout. He stated a public hearing was held on September 26, 2019 on the proposed roundabout. He discussed the other options, traffic light, smaller roundabout and shifting the roundabout. He discussed the pro's and con's. He stated it has been determined that something needs to be done at that intersection. He stated they felt this would have the least amount of impact.

Todd Kempker of Bartlett and West, engineers for the proposed project, gave an overview of what is and what is not a possible solution. He stated a traffic light would not be possible because of the skew of the intersection and would not move traffic off the highway. He stated the proposed roundabout has the least amount of impact. He stated if they squared the intersection up it would affect six properties instead of three. He stated they have not moved forward with right of way negotiations at this point until a plan has

been approved. He stated construction is slated for 2021. He stated this allows them time to acquire right of way and start construction plans. He stated they plan to keep traffic moving during construction. He stated they use a program and analysis on the turning movements of the roundabout to determine the size. The Board of Aldermen and citizens asked various questions during Mr. Kempker presentation.

Alderman Sullivan proposed moving the design angles down and see what properties would be affected. Todd Kempker of Bartlett and West stated it would change the angles and it would affect more properties.

Tony St. Romaine, Interim City Administrator stated this is slated for 2021 construction and we need to move forward so MoDot can start the right of way negotiations. He stated MoDot has a right of way Division that will handle this. He stated they would seek appraisals and give a fair market value. He stated he did not think the income factor is considered in this but there is an additional program to help reestablish this business to another property.

Jill Berlin, the Selby's daughter, stated the traffic impact is two different times of day and did not feel the roundabout was necessary. She stated that Broadway in Columbia does not have a roundabout. Todd Kempker, Bartlett and West stated this intersection is a problem and there is cross traffic as well. A street light on Broadway would not help the overall traffic situation.

Alderman Sapp stated the traffic back up on Hwy 63 is causing a major traffic hazard.

Sandy Robinson questioned the stats when MoDot put the roundabouts on the bridge and closed off the cross section on Highway 63 to Liberty Lane. She stated this improvement did not help the traffic flow.

Mayor Rhorer stated the public speaking portion is over and discussion would be back to the Board of Aldermen.

Mike Collins stated the acquisition and appraisals would be a problem since he did not feel you could get a fair market price since there is nothing comparative.

Alderman Sullivan asked if the Selby's had been approached about relocation offered by the State. It was reported that they have not and it would be a private meeting.

Alderman Bronson questioned the acquisition of the right of way and fair market value offered to the owners of the property affected.

Alderman Sullivan stated we need a roundabout but he is not in favor of this plan at this point.

Alderman Sapp stated this is a preliminary plan to give MoDot direction and let them focus on and trying to negotiate right of way acquisitions with the property owners. He stated he felt this was the least impactful option. He stated they have to have direction to know where to focus. He stated this would allow MoDot to get acquisition to the right of way required. He stated they are not taking the property, they would provide fair market value.

A gentlemen stated his wife works at the salon and she would be out of work since the shop would be closed. Alderman Sapp stated there were funds to assist to relocate if they come to an agreement.

Mike Collins asked what would stop MoDot from eminent domain. Mayor Rhorer stated the City is cost sharing this project with MoDot and he did not feel this would pass the Board's approval for eminent domain.

Sharon Adams stated she felt the traffic congestion is only twice a day. Mayor Rhorer stated they did not want to take out a small business. He stated he has devoted 15 years to the City on various boards and he does not advocate to take out businesses. He stated there is a safety issue at this intersection and with backing up on Highway 63. He explained a friend of his lost her life for this very reason. He stated it is a tough job to make this decision that affects businesses because they are friends and neighbors and business owners all trying to make a living. He stated no one wants to take out the Selby's business but there is a safety issue that needs addressed before another person is killed or injured. He stated six of the seven members of the Board will vote and it is a tough job. He stated this is not an easy conversation for anyone sitting here tonight. Mayor Rhorer called for the vote. Alderman Sullivan questioned if we were voting on the preliminary design. Mayor Rhorer stated that was correct. Mayor Rhorer called for the vote. Alderman Lewis-nay, Alderman Bronson-nay, Alderman Clay-nay, Alderwoman Martin-nay, Alderman Sullivan-nay, Alderman Sapp-aye. Motion failed.

Alderman Clay made motion and seconded by Alderman Lewis to have a 10-minute recess. Mayor Rhorer called for the vote. Motion carried.

Mayor Rhorer called the meeting back to order.

Mayor Rhorer presented a resolution establishing a Broadway Beautification Task Force for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up a resolution establishing a Broadway Beautification Task Force. Peggy Wren of Wren's Automotive asked what this entails. Tony St. Romaine, Interim City Administrator stated the common theme he has been hearing is something needs to be done to downtown to make it more inviting and promote more economic development. He stated the Task Force would need to determine the district boundaries, report to the Board on what they propose the improvements to be, whether it be low-planting, street lighting or signage and a way to fund the expense of the improvements. He said it would be a formation of a task force committee of the stakeholders, property owners and they would have to agree to a self-imposed tax on the property tax or an increase in sales tax along this district for revenue to pay for the improvements. Mayor Rhorer called for questions or comments. 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 authorizing the Mayor to execute a software and professional services agreement with Gworks for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up a resolution authorizing the Mayor to execute a software and professional services agreement with Gworks for consideration. Mayor Rhorer called for questions or comments. Mayor Rhorer stated this is an additional module for our software for purchase orders. He stated that we do not currently issue purchase orders and this module would make sure the monies are available and within the budgeted amounts. He stated we would have to set up a procedure on the dollar amount of when the purchase orders will be required to be used. Jon Sanders, Treasurer/Deputy City Clerk stated it should make the job easier. Alderman Sapp stated he is familiar with purchase orders and felt it was a great tracking system to keep us from deficit spending. 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 adopting the procedures for soliciting bids and proposals for tax increment financing projects under the real property tax increment allocation act. Alderman Bronson made motion and seconded by Alderman Clay to take up a resolution adopting procedures for soliciting bids and proposals for tax increment financing projects under the Real Property Tax Increment Allocation Act. Mayor Rhorer called for questions or comments. Mayor Rhorer stated he felt this was needed to get larger companies, possibly factories, to develop. He stated Potterfield Group would like this to develop their area. Tony St. Romaine, Interim City Administrator stated we also have a Council Bill for consideration to

establishing a Tax Increment Financing Commission. He stated the memo outlines the Revised State Statutes requiring the City to establish written procedures relating to bids and proposals for tax increment financing redevelopment projects. He stated the application fee is \$10,000.00 with each proposal. He stated the fee would be used by the City to pay the costs incurred to review the application, including the costs of consultants hired by the City to assist. He stated this is one of the steps in establishing a Tax Increment Financing Commission. He stated the requirements for developers to meet would be on the agenda for consideration. He stated mostly the project would have to establish jobs, provide additional tax, abatements, reimbursement, etc. Alderman Sapp stated he was uneducated about Tax Increment Financing and did not understand why would any city give a tax break. He stated he researched this and now he understands this is a tool used to attract more businesses and bring more employment to our City. He stated he felt it was a wonderful tool and would like to see us use it in the future. Tony St. Romaine, Interim City Administrator stated this basically is a cost benefit, taxes would generate that would not be abated. He stated the developer has to approve without TIF on the project the development would not be possible. Mayor Rhorer stated he felt this was a great tool to bring in tax dollars and incentives. He stated it is a tool to get businesses here such as the Potterfield development. 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 authorizing the Mayor to enter into an agreement for architect services with Porter, Berendzen and Associates, P.C. for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up a resolution authorizing the Mayor to enter into an agreement for architect services with Porter, Berendzen and Associates, P.C. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye, Alderman Lewis-aye. Alderman Bronson-nay, Alderman Clay-aye. Motion carried

Mayor Rhorer presented Council Bill No. 2019-040 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Council Bill No. 2019-040, an ordinance authorizing the Mayor to enter into a Boone County Road and Bridge Sign Shop Cooperative Agreement. First reading by title only. Mayor Rhorer called for questions or comments. James Creel, Public Works Supervisor stated he hopes this will save money. He stated he currently only has \$500.00 left in the budget for signs. He stated he needs to replace the missing signs first. 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 Council Bill No. 2019-041 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Council Bill No. 2019-041, an ordinance authorizing the Mayor to enter into a youth development, healthy living, recreational and civic services contract with the Jefferson City Area YMCA. First reading by title only. Mayor Rhorer called for questions or comments. Tony St. Romaine, Interim City Administrator explained Kip Batye from the YMCA was present for any questions. He stated the YMCA is planning to break ground in the spring of 2020. He stated they are seeking funding from the City to enable them to offer recreational and civic activities, which are not being provided for by the City. He stated this agreement the City would provide the sum of \$12,000 per year for five years through FY 2024. He stated the first payment would not be until the official ground breaking on the new property located at 405 South Main Street. He stated they had originally requested \$15,000 a year for the next five years. He stated they have the ability to provide a recreational facility not provided for by the City or Park Board. He stated we cannot provide a donation to non-profit agency with tax payer's money but can enter into a contract for services. He stated the full agreement was in the packet. Kip Batye, Director of the YMCA stated this is a continuous of services. He asked for the Board's support. Alderman Sapp stated this is a great opportunity to participate and stated he looks forward for the new facility to be built. He questioned what line item this expenditure would be coming out of. Tony St. Romaine stated his suggestion was to pay out of general reserve fund. He stated this would not be in this budget year. He stated

this would be part of the budget discussion on where to fund this from. Alderman Lewis stated this is basically services we are purchasing from the YMCA. Mayor Rhorer gave some background information on how the YMCA started and stated this is a cost benefit for the City. He stated it is also a health value and is good for the community. Alderman Bronson wanted it noted these funds would come from the general fund and not from the Park Board Budget. 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 Council Bill No. 2019-042 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Council Bill No. 2019-042, an ordinance amending Chapter 6 of the City Code to establish a Tax Increment Financing Commission and to adopt procedures and policies for requests for redevelopment proposals and fixing the time when this ordinance shall become effective. First reading by title only. Mayor Rhorer called for questions or comments. Mayor Rhorer stated this is the next step for establishing a Tax Increment Financing Commission. Tony St. Romaine, Interim City Administrator explained the Commission is a recommending body only. He stated we are only putting in place to accept those proposals. He stated this is in the best interest of the city. Tony St. Romaine, Interim City Administrator stated they have no authority but will hold the necessary public hearings if the developer has met all necessary criteria. The Commission will submit their recommendation to the Board of Aldermen. He gave an outline of commission members required in the state statute. 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 Council Bill No. 2019-043 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Council Bill No. 2019-043, an ordinance amending Chapter 20, Traffic Code, Schedule III. Parking restrictions of the Code of the City of Ashland. First reading by title only. Mayor Rhorer called for questions or comments. Lyn Woolford, Police Chief reported this is to address the parking issue on Martha Crump Drive and authorizing the Public Works Department to install the signs and paint the curb. Alderman Sapp stated any parking in the area of Palomino Ridge entrance restricts emergency services. Lyn Woolford, Police Chief stated they temporarily posted “no parking” during home football games until we can get the ordinance passed. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Sullivan-aye, Alderwoman Martin-aye, Alderman Bronson-aye, Alderman Lewis-aye, Alderman Clay-aye. Motion carried.

Mayor Rhorer presented Council Bill No. 2019-044 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Council Bill No. 2019-044, an ordinance authorizing the appropriation of funds to certain accounts within the fiscal year 2020 Budget. First reading by title only. Mayor Rhorer called for questions or comments. Lyn Woolford, Police Chief explained he was running his department two men short which required a lot of overtime and he also had a special investigation that depleted his line item budgets. He suggested we move \$2000.00 from the reserve officers fund line to the salaries overtime fund line. He also asked to move additional \$500 from the reserve officers fund line to the small equipment fund line. Mayor Rhorer stated he was still within his fiscal year budget. Jon Sanders, Treasurer/Deputy City Clerk stated he agreed with the statements and said the funds were available as suggested by Chief Woolford. Mayor Rhorer called for the vote. Alderman Clay-aye, Alderwoman Martin-aye, Alderman Bronson-aye, Alderman Sullivan-aye, Alderman Lewis-aye, Alderman Sapp-aye. Motion carried.

Mayor Rhorer presented Ordinance No. 1271 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Ordinance No. 1271, an ordinance granting an easement to Spectrum Mid-America, LLC. Mayor Rhorer called for questions or comments. Mayor Rhorer stated this is the second reading before the Board. Mayor Rhorer called for the vote. Alderman Clay-aye, Alderman Lewis-

aye, Alderman Sapp-aye, Alderwoman Martin-aye, Alderman Bronson-aye, Alderman Sullivan-aye. Motion carried.

Mayor's Report:

Mayor Rhorer stated he was disappointed the Selby's left early in the meeting. He stated that we have been presented with a tough situation but he felt another life being lost is not suitable. He stated this would be back to the Board. He stated we need to see how we make things work and find a solution, possibly relocating the Selby's business. He stated another option might be the property to the east of salon owned by Mitch Vanhoose's father is a vacant piece of land and they are willing to sell it. He said we need to find solutions. He asked that ward one Alderwoman Martin and Alderman Clay to get on board and help find solutions. He stated the Selby's are part of our community.

Interim City Administrator's Report:

Tony St. Romaine stated he has contacted the three property owners adjoining the pocket park on North Henry Clay Blvd. He stated two of them are interested in acquiring this division of property. He stated he received a cost estimate of \$3,000 to survey and re-plat these properties. He stated he would meet with the property owners on splitting the cost and proceed with a sales agreement of the property.

Public Works Director Monthly Report:

James Creel, Public Works Director stated his report was in the packet to try to expedite his report. He asked if the Board had any questions. Alderman Clay stated the park bathrooms looked good. Mr. Creel informed the Board of an upcoming street project on the Sarah Drive bridge having some curb issues. He stated that they were concerned of degenerated condition and stated he felt we would need to replace the bridge. He stated Allstate Consultants is drafting a report on the condition with a solution of repair.

Alderwoman Martin questioned the repair work on Henry Clay Blvd that was to take place while school was in session and not during drop off and pick up times. James Creel, Public Works Director reported they had to pour the concrete in phases and with the weather, they had no choice but to schedule the work for Monday morning. He stated he notified the grounds department at the school of this.

City Attorney's Report:

Jeff Kays, City Attorney stated he had no report.

Board of Aldermen's Reports:

Alderman Sullivan questioned the wood chipper machine left unattended on Renee Drive. Alderman Bronson stated he thinks the people moved.

Alderman Sullivan reported tall grass at 406 Renee Drive.

Alderman Lewis stated there is a concern about traffic backup on Highway 63. He suggested a representative from MoDot look into a longer deceleration lane coming from the north. He stated he knew that was not the total solution but would help with safety issues on the highway. He stated the fall festival was successful and the Lions Club dunk booth raised just under \$400.00.

Alderman Bronson state the fall fest went well and they received some feedback from vendors. He stated the Park Board is working on the Christmas parade route and trying to tie-in the downtown area of Broadway to the tree lighting event.

Alderman Bronson made motion and seconded by Alderman Clay to close the open meeting and go into executive session pursuant to Chapter 610.021 (1) legal actions, causes of action or litigation involving a public governmental body and (12) negotiated contractual employment agreement with a ten-minute recess.

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 reported we are back in open session with reportable action of entering into a new employment contract with Tony St. Romaine, City Administrator and rescind the vote on the legal action on 401 Circle Drive but to pursue collections.

Alderman Bronson made motion and seconded by Alderman Lewis to adjourn the meeting. Mayor Rhorer called for the vote. Motion carried.

Darla Sapp, City Clerk

Gene Rhorer, Mayor