

TUESDAY, NOVEMBER 19, 2019
BOARD OF ALDERMEN MINUTES
7:00 P.M.
**Amended 12-03-2019*

Mayor Rhorer called the regular meeting to order at 7:00 p.m. on November 19, 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-absent
Ward Three: Rick Lewis-here, Jeff Sapp-here

Staff Present: Darla Sapp, City Clerk, Lyn Woolford, Police Chief, Jon Sanders, Treasurer/Deputy City Clerk, James Creel, Public Works Director and Jeffrey Kays, City Attorney.

Mayor Rhorer presented the agenda of November 19, 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 November 05, 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. Mayor Rhorer called for the vote. Motion carried.

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.

Cody Murphy, resident of 4870 Red Tail Drive in Liberty Landing Subdivision, thanked the Mayor for putting the discussion of the subdivision on the agenda. He stated there are 12 different properties with drainage and water issues. He stated his personal issue is a three-foot ditch that cuts through his back yard, cutting his back yard in half. He stated that it is 15 to 20 yards wide. He stated the storm water basin dumps the water into his yard. He stated he has videos of it. He stated there is an immense amount of water and he has an Oak tree that the root basin washed away. He had someone look at it and tell him the tree has been killed and could fall on his house. He stated it is against the law to build a structure that causes damage to others property. He stated they have attempted to reconcile with the developer and it has not gone well. He stated the developer knew it was an issue and would cause damage to his property. He stated Mr. Martin told him “you don’t have to like what I am doing but you are going to live with it.” He stated that is not professional. He stated the other property owners have the same experience with water issues as well. He stated they need to be dealt with and should not be the homeowner’s issue. Mr. Murphy said the City has not accepted the infrastructure and he does not want taxpayer’s money going to fix these problems it should be the developer. He stated he has learned that Mr. Martin also developed Palomino Ridge Subdivision and they have drainage issues as well.

Heather Buxton, resident of 4810 Valley Forge Circle stated they had about a ten by thirty foot area and approximately three-foot area in the southwest area of yard. She stated this has made her yard unusable. She stated when it rains it makes a whirlpool, white rapid affect. She stated she has small children and there is always debris that floats through. She stated this has made a marsh area and has mosquitoes in the summer. She stated they could not mow this area. She stated there are snakes as well. She stated there is

thirty feet of her yard she cannot even use. She stated she cannot put in a fence and she has to tie up her dogs. She stated she is frustrated and wants her children and dogs to play freely. She stated that the wash out is getting worse. She stated she moved in her home in 2018. She stated the silt fence is not working. She has tried to contact the developer on what she can do and he gave her no solution or acknowledgement of the problem.

Chris Dzurick, resident of 4943 Loyalist Lane stated he has the same issues with silt run off from Patriot Lane. He stated he is at the end stretch. He stated there is inches and inches of silt and it is killing all of our yards. He stated the developer has been called. He stated all three silt fences are not installed properly and silt is running under them. He stated the developer did dig out the basin on October 31 to make it bigger and deeper. He stated this causes more drainage and run off. He stated he has photos of this. He stated they have confronted the developer and have called DNR three times on the silt fencing issues. He asked for consideration on this issue. He stated this is a massive issue with the storm water management and silt fence and poor management.

Kaylon Kahler, resident of 4898 Valley Forge stated they have a water issue in their back yard as well. He stated they purchased their house this time last year. He stated the back yard is washed out completely 12 to 15 feet by 9 foot by about 2 feet deep. He stated they have spent several hundred dollars on this. He stated that he reached out to the developer and he looked at their issue and acknowledged these issues. He stated this has never dried out and he cannot mow the lower half of his yard, but has to use weed eater. He stated this is a safety issue. He stated he couldn't build a fence in his yard or get his fixed until the yard is fixed next to him. He stated his contractor put a lot of time and effort into the yard and after three or four months the yard is still trashed.

Alderman Bronson questioned if the developer was in the audience. Mayor Rhorer reported it was Bill and Kim Martin and they were not present at the meeting tonight.

Mayor Rhorer presented Council Bill No. 2019-046 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Council Bill No. 2019-046, an ordinance approving the final plat for Eagle Lakes Plat 4A. First reading by title only. Mayor Rhorer called for questions or comments. Mayor Rhorer reported the recommendation from the Planning and Zoning Commission was included in the packet and the proposed re-plat. Alderman Sapp reported this is was presented at the last Planning and Zoning Commission meeting and was recommended for approval. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Sullivan-absent, Alderwoman Martin-aye, Alderman Lewis-aye, Alderman Bronson-nay, Alderman Clay-nay. Motion carried.

Mayor Rhorer presented Ordinance No. 1277 for consideration. Alderman Bronson made motion and seconded by Alderman Clay to take up Ordinance No. 1277, an ordinance authorizing the acceptance of an easement for utility purposes from C-S Properties, LLC; and authorizing the City Clerk to record the easement. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Clay-aye, Alderman Bronson-nay, Alderman Lewis-aye, Alderman Sapp-aye, Alderman Sullivan-absent, Alderwoman Martin-aye. Motion carried.

Mayor Rhorer presented a Resolution adopting the Bylaws for a non for profit Corporation known as Ashland Municipal Center, Inc. Alderman Bronson made motion and seconded by Alderman Clay to take up a Resolution adopting the Bylaws for a non for profit corporation known as Ashland Municipal Center, Inc. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Lewis-aye, Alderman Bronson-nay, Alderman Clay-aye, Alderwoman Martin-aye, Alderman Sapp-aye, Alderman Sullivan-absent. Motion carried.

Mayor Rhorer presented a Resolution approving Change Order 3 for McClanahan Construction., Inc. for the wastewater treatment facility. Alderman Bronson made motion and seconded by Alderman Clay to take up a Resolution approving Change Order 3 for McClanahan Construction., Inc. for the wastewater treatment facility. Mayor Rhorer called for questions or comments. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Sullivan-absent, Alderwoman Martin-aye, Alderman Lewis-aye, Alderman Clay-aye, Alderman Bronson-nay. Motion carried.

Mayor Rhorer presented a Resolution approving Change Order 1 for Fischer Grading for the Main Street and East Broadway storm water repairs. Alderman Bronson made motion and seconded by Alderman Clay to take up a Resolution approving Change Order 1 for Fischer Grading for the Main Street and East Broadway storm water repairs. Mayor Rhorer reported he asked that these two change orders be placed on the agenda because they should have been approved by the Board prior to the expenditure. He stated the work is already completed. He stated the City Administrator previously approved these but according to the 4th class city rules and city ordinance the City Administrator is only authorized up to \$5,000.00 expenditure. Mayor Rhorer called for questions or comments. Alderman Lewis questioned the Broadway project change order. James Creel, Public Works Supervisor stated this was due to underground infrastructure and the only alternative to complete the project. Mayor Rhorer called for the vote. Alderman Sapp-aye, Alderman Sullivan-absent, Alderwoman Martin-aye, Alderman Lewis-aye, Alderman Clay-aye, Alderman Bronson- nay. Motion carried.

Mayor Rhorer stated the next item on the agenda was discussion of Liberty Landing Subdivision. Alderman Bronson asked if anyone from the City has talked with the developer. Mayor Rhorer reported that he did two days ago and he said he is working on the issues. Alderman Bronson asked that an invitation be extended to Mr. Martin to attend the next Board of Aldermen meeting. Mayor Rhorer asked Cody Murphy about the utility easement that was signed for his issue to get fixed. He stated that he signed the easement allowing Mr. Martin access to fix the issue and gave it to the Martin's and the City of Ashland. He stated this has not been followed up on. He said he has tried every avenue and has not received a phone call back. Mayor Rhorer questioned if the easement was recorded? Mr. Murphy was unsure if it had been. Mayor Rhorer reported most of the time the easements are shown on a plat and is part of the platting process. Mayor Rhorer updated the Board on a walkthrough that Alderman Sullivan, *Alderman Sapp and Alderman Lewis had with the property owners on their concerns in Liberty Landing Subdivision with Mr. Martin. He thought at that time the ball got rolling to get some action out of the developer and nothing has been addressed by the developer since the meeting. Cody Murphy stated nothing got started and he hoped they could work in a professional direction. He stated he felt the environment is more hostile. He stated they continue to reach out to the developer. Mayor Rhorer stated after the meeting Bill Martin agreed to fix some issues, accepted fault and did have an easement drawn up to address Mr. Murphy's issue but since then nothing has happened. Mr. Murphy stated he has video. Mayor Rhorer asked if anyone else had a commitment from Mr. Martin to get repairs and nothing has not been done. Kaylan Kahler stated he did not get anything in writing but a verbal commitment. He stated the estimate he got is from \$2,600 to \$3,000 with rock and no silt blanket. He stated he had already spent approximately \$400 to put the yard back but the water constantly runs through it. Cody Murphy stated he has not received a professional price on fixing this because he thought the developer was going to fix it. Someone else spoke and said they had Salter's look at underground piping and rock bed and it was at least \$5,000. Cody Murphy stated he can't get a riding mower to that part of the yard so he has to push mow approximately $\frac{3}{4}$ acre. He stated it remains wet even if it has not rained. Mayor Rhorer reported the retention basin lets water slowly exit. Alderman Lewis stated this needs piped underground and taken to the creek. Mayor Rhorer stated that since the easement was drawn up and the preliminary design he felt that the Martin's intention is to fix the issue even though the work has not been done. Cody Murphy stated they have created a group Facebook page and had multiple discussions and not one has been able to get any traction. He stated there are fourteen fairly serious complaints and not one has been repaired. Mayor Rhorer stated that Jeff Sapp and Rick Lewis is the representatives for this ward. Alderman Sapp

stated he looked around a couple of weeks ago and drove through to see if anything had done. He stated the detention basin has been enlarged. Cody Murphy stated it has gotten twice as deep and larger. Alderman Sapp stated there is an influx of water that goes through Mr. Murphy's back yard. Cody Murphy questioned who was responsible for salting and plowing the subdivision since the City has not taken over the infrastructure. Mayor Rhorer stated the City would do this for the citizens. James Creel, Public Works Director stated the streets are too new to treat with salt. Mayor Rhorer stated he would appoint a committee to work with the Martin's and the property owners to try to get these issues addressed.

Mayor's Report:

Mayor Rhorer reported that Tony St. Romaine, City Administrator and he have been working on getting a hotel tax. He stated Sarah Walsh is working on getting it in front of the house for a vote. He stated they might need to be there to speak on this. He stated the proposed Potterfield site plans show a hotel on that site and felt we need to get a lodging tax in place.

Mayor Rhorer reported the next item on the agenda was a six-month overview on the financial statement. Jon Sanders, Treasurer/Deputy City Clerk gave an overview of the 6-month financial statement ending October 31, 2019. He stated we are pretty well on track. He stated the outstanding bonds and account balances were on the financial statement as well.

Public Works Director monthly report:

James Creel stated his report was in the packet. Alderman Bronson thanked Mr. Creel for getting the heater installed in the park restrooms. He stated they have heard good feedback on that. James Creel, Public Works Supervisor stated they are trying to make the Park restrooms better and A.D.A. compliant. Alderman Lewis questioned the digging on South Henry Clay Blvd. James Creel, Public Works Director reported they were fixing a crater by Break Time and will be filling it with asphalt. He stated they would be doing asphalt work tomorrow. He stated they discovered a possible sewer leak from one of the houses on Meadowmere View in the park. He stated they don't want to spend money fixing the trail to have it dug up again. Alderwoman Martin stated the Subway approach on Broadway needs some repairs.

City Attorney's Report:

Jeff Kays stated he did not have a City Attorney's report but was requested to give a report on City Prosecutor. He stated the new Police Officers are brought in to meet him and his staff. He reported he has been City Prosecutor for seven years now. He stated he felt it was running efficient and ran like clockwork. He stated they consistently have around 45 cases on the docket. He asked if anyone had any questions. No one had any questions. He stated that he has not had any trials lately and has only lost one trial.

Board of Aldermen's Reports:

Alderman Lewis reported that he and Alderman Clay attended the Government breakfast in Columbia last Saturday. He stated the topic was an overview of what happening around the County.

Alderman Bronson stated that he checked off an item on his bucket list of voting no on each item. He stated that he was not against it but voted no because he could.

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

Darla Sapp, City Clerk

Gene Rhorer, Mayor