

**City of Elsberry
Regular Session
June 13, 2023
Elsberry City Hall**

The Board of Aldermen of the City of Elsberry met on the evening of the above date at Elsberry City Hall, 6:30pm. Mayor Short presided over the meeting. Present were Alderman Harper, Alderman Hale, Alderman Rockwell, Alderman Meyer, Alderman Davis, City Clerk Rachel Reed, City Collector Tashua Chiodini and Police Chief Randy Davis. Also present were Kenny Claus and Brian Pieper of Alliance Water Resources. Alderman Wilch was absent.

Mayor Short called the meeting to order. The pledge of Allegiance was said and roll call deemed a quorum present.

Alderman Harper made a motion to amend the agenda for an issue with the Cemetery. Alderman Meyer seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper
NAYES-0
Absent-Wilch
Motion Carried.

Reading and acting are unapproved minutes from previous meetings

Alderman Harper made motion to approve the unapproved minutes.
Alderman Meyer seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper
NAYES-0
Absent-Wilch
Motion Carried.

Reading of unpaid bills approval to pay report

Alderman Davis made a motion to pay unpaid bills.
Alderman Harper seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper
NAYES-0
Absent-Wilch
Motion Carried.

Project updates

Boonslick Regional Planning- Demolition project is complete

USDA- nothing new to report

Cochran- nothing new to report

PETITIONS, REMONSTRANCES, COMPLAINTS AND REQUESTS AND THE HEARING OF ANY PERSON OR GROUP DESIRING TO ADDRESS THE BOARD, EACH OF WHOM HAVE FILED PRIOR REQUESTS TO BE PLACED ON THE AGENDA IN COMPLIANCE WITH CITY CODE 24.105

PUBLIC HEARING A REQUIRED BY LAW OR ORDINANCE

Public Hearing to hear public comment on, and to consider, a petition by GT Hartley Investments LLC and Michael Hartley to: (1) amend the City of Elsberry's Zoning Code, Zoning Map, and City Plan to change the zoning for two properties at, and adjacent to, Meadowview Court off of Brownsmill Road from Manufactured Home District and Residential (R-2) District, to Residential (R-1) District; (2) provide for the regulation of uses in such District by amending § 41.070 of the Elsberry Municipal Code; and (3) the Planning & Zoning Commission's recommendation to adopt these changes. The two properties' Lincoln County Assessor Parcel Nos. are 02-50-21-003-004-002.000 and 02-50-21-003-004-002.005).

Mayor Short opened the public hearing.

Mayor Short asked if there was anyone who wanted to speak against the zoning changes.

There was no public comment against.

Mayor Short asked if there was anyone who wanted to speak for the zoning changes.

Mr. Vaughn asked about the existing trailers on the property and if they would be removed.

Mr. Hartley said they would eventually be removed.

Mayor Short closed the public hearing.

ACTING ON UNFINISHED BUSINESS

Striping of parking spots on Broadway

Alderman Hale said it has been six months and nothing has been done. There have been 3 accidents on Broadway. Kenny Claus said that he is still trying to get bids. He has one bid with him in the amount of \$7000. Mayor Short asked if Alliance would be able to do the work themselves. Kenny said they don't have a big striping machine, only a small one to do small areas and maintenance.

Alderman Hale made a motion to amend the agenda to include bids for striping on Broadway.

Alderman Harper seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper
NAYES-0
Absent-Wilch
Motion Carried.

Kenny Claus gave a copy of the bid. Mayor Short asked why the stripping of the streets included in the contract when Alliance does not have the capability to do the work. Brian Peiper said that he didn't know he would have to talk to the person who did the contract.

Alderman Hale made a motion to have an answer from Alliance by next meeting.

Alderman Harper seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper
NAYES-0
Absent-Wilch
Motion Carried.

Dissolving of Page Branch Park Committee

Alderman Meyer reached out to some citizens about being on the Page Branch Park committee but they haven't gotten back to her.

Alderman Harper made a motion to dissolve the Page Branch Park committee.
Alderman Meyer seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper
NAYES-0
Absent-Wilch
Motion Carried.

NEW BUSINESS

Headstone setting fee

Pam Stewart said that a family wants to fix a headstone that has fallen over and are asking to have the \$50 setting fee waived.

This agenda items dies due to lack of motion.

Page Branch Park

Alderman Harper said they are going to have a Cemetery/Parks meeting soon and we can discuss who to move forward with Page Branch Park. Mayor Short said that Rock N Roll bingo needs to a deposit made if they still want to do it.

Alderman Harper made a motion allow outside groups to take date from Page Branch Park Committee in October.

Alderman Meyer seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper

NAYES-0

Absent-Wilch

Motion Carried.

Purchasing motor for lime pump from ESA for \$778.76

Kenny Claus did not know anything about this. He would like to look into this more.

Letter from Library Director about the condition of the roof on the library

Sarah Hunt sent a letter about the roof being 33 years and is losing shingles.

Alderman Davis made a motion to have someone look at the roof.

Alderman Harper seconded the motion.

Purchasing tires for Police Car 201 from Jackson's Automotive for \$778.76

Alderman Rockwell made a motion to approve purchasing tires from Jackson's for \$778.76.

Alderman Harper seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper

NAYES-0

Absent-Wilch

Motion Carried.

Auditing services for 2022 Audit

Botz Deal will be able to do our audit for \$30,000.

Alderman Rockwell made a motion to hire Botz Deal to do our 2022 Audit

Alderman Meyer seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper

NAYES-0

Absent-Wilch

Motion Carried.

Meco engineering invoices

Meco Engineering sent a letter with a bill saying that we owe for additional services.

Alderman Meyer made a motion to table until the board can consult with Rob Guinness
Alderman Rockwell seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman
Harper
NAYES-0
Absent-Wilch
Motion Carried.

Accepting Officer Michael Chadarnek's resignation

Alderman Rockwell made a motion to accept the resignation of Michael Chadarnek from police
officer.

Alderman Davis seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman
Harper
NAYES-0
Absent-Wilch
Motion Carried.

Culvert Repair at Page Branch Rd and N 7th st.

Kenny brought 3 bids for culvert pipe at Page Branch and N 7th. The first is from Schulte Supply
for \$606, the second one from Ro-Mar Supply \$609.35, and Core and Main for \$539.60.

Alderman Davis made a motion to approve purchasing the culvert pipe from Core and Main for
\$539.60.

Alderman Rockwell seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman
Harper
NAYES-0
Absent-Wilch
Motion Carried.

Liquor License Renewals

Co-Mart Original Package Liquor, Original package liquor on Sunday and Tasting permit.

Alderman Harper made a motion to approve the liquor license for Co-Mart.
Alderman Meyer seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper
NAYES-0
Absent-Wilch
Motion Carried.

AJ's Tex-Mex and BBQ Liquor by the drink and liquor by the drink on Sunday

Alderman Davis made a motion to approve the liquor license for AJ's Tex-Mex
Alderman Meyer seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper
NAYES-0
Absent-Wilch
Motion Carried.

American Legion Liquor by the drink by exempt organizations and Liquor by the drink on Sunday.

Alderman Meyer made a motion to approve the liquor license for the American Legion
Alderman Davis seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper
NAYES-0
Absent-Wilch
Motion Carried.

Shooter's Saloon Liquor by the drink, liquor by the drink on Sunday, liquor by the drink by an outdoors location extension, original package liquor and original package liquor on Sunday

Alderman Davis made a motion to approve Shooter's Saloon liquor license.

Alderman Meyer seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper

NAYES-0

Absent-Wilch

Motion Carried.

Casey's General Store Original Package liquor and original package liquor on Sunday

Alderman Rockwell made a motion approve Casey's liquor license.

Alderman Meyer seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper

NAYES-0

Absent-Wilch

Motion Carried.

Fastlane Original package liquor and original package liquor on Sunday and tasting permit.

Alderman Rockwell made a motion to approve Fastlane liquor license.

Alderman Davis seconded the motion.

VFW liquor but the drink and liquor by the drink on Sunday

Alderman Meyer made a motion to approve the VFW's liquor license.

Alderman Rockwell seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper

NAYES-0

Absent-Wilch

Motion Carried.

READING OF BILLS REQUIRING ONLY A FINAL READING FOR PASSAGE

None

INTRODUCTION AND READING OF BILLS FOR PASSAGE

Bill 2023-05-001

AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO AUTHORIZE THE MAYOR TO NEGOTIATE, ENTER INTO, AND TO EXECUTE, ON BEHALF OF THE CITY, A CONTRACT WITH M ENGINEERING, LLC d/b/a COCHRAN FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF AN EXTENDED AERATION WASTEWATER TREATMENT FACILITY; ADMINISTRATION, TESTING, AND INSPECTION FOR THE CONSTRUCTION OF THAT FACILITY; AND RELATED SERVICES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ELSBERRY, MISSOURI, AS FOLLOWS:

SECTION 1. The Mayor of the City of Elsberry is authorized to enter into, and to execute, on behalf of the City, a contract with M Engineering, LLC d/b/a Cochran, for professional engineering services for the design an extended aeration wastewater treatment facility; administration, testing, and inspection for the construction of that facility; and related services. The Mayor is also authorized to carry out and perform the terms of this agreement on behalf of the City, including executing all necessary authorizations and other documents required to carry out the terms of the agreement.

SECTION 2. Effective Upon Passage

This ordinance shall be in full force and effect from and after the date of its passage.

Read two times and passed this _____ day of June ____, 2023.

The board considered Bill 2023-05-001. Mayor Short said that City attorney Rob Guinness thinks this contract is acceptable.

Alderman Rockwell made a motion to read bill 2023-05-001 2 times by title only.

Alderman Meyer seconded the motion.

Roll call vote

Alderman Harper-yes, Alderman Hale-yes, Alderman Rockwell-yes, Alderman Meyer-yes, Alderman Davis-yes

Motion carried.

Mayor Short read bill 2023-05-001 2 times by title only

Alderman Davis made a motion to adopt Bill 2023-05-001

Alderman Rockwell seconded the motion.

Alderman Hale-yes, Alderman Rockwell-yes, Alderman Meyer-yes, Alderman Davis-yes,

Alderman Harper-yes

Motion carried.

Bill 2023-06-001

AN ORDINANCE RELATING TO “R-1” RESIDENTIAL SUBDISTRICT ZONING BY AMENDING THE EXISTING ZONING MAP, AMENDING SECTION 41.070 OF THE ELSBERRY MUNICIPAL CODE AND CHANGING THE ZONING OF PROPERTY ALONG MEADOWVIEW COURT FROM “M” MANUFACTURING TO “R-1” RESIDENTIAL SUBDISTRICT

Whereas a public hearing was held on June 13, 2023 by the Elsberry Board of Aldermen concerning the adoption of this ordinance after due notice published in the Elsberry Democrat;

Whereas the Planning and Zoning Commission recommended that the Board of Aldermen adopt this zoning ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ELSBERRY, MISSOURI, AS FOLLOWS:

SECTION 1. The City’s Zoning map is amended to place the following area into Residential Zoning Subdistricts:

The Residential zones shown on the maps in existence as of the date of the adoption of this Ordinance, are divided into two subdistricts. Areas marked as Residential that lie East of 7th Street and South of Brownsmill Road are zoned as R-1 residential; and all other city Residential lots are zoned R-2, unless specifically designated by separate Ordinance. Regulations applicable to residential zones without specifically referring to R-1 or R-2 shall apply to both R-1 and R-2 zoned properties.

SECTION 2: The Elsberry Municipal Code Chapter 41 is amended by replacing §41.070 with a new §41.070 as follows:

“§41.070 BOUNDARY MAPS

The boundaries of the zoning districts shall be shown upon the zoning maps this day marked as exhibit A and said zoning maps is hereby incorporated by reference herein as though fully set forth and is part of this ordinance. The zoning maps shall be located in the office of the City Clerk of Elsberry, Missouri. The Residential zones shown on the maps are divided into two subdistricts. Areas marked as Residential that lie East of 7th Street and South of Brownsmill Road are zoned as R-1 residential; and all other city Residential lots are zoned R-2, unless specifically designated by separate Ordinance. Regulations applicable to residential zones without specifically referring to R-1 or R-2 shall apply to both R-1 and R-2 zoned properties.

(Ord. 9-9-1997; 5-1-1998; 2019-08-)”

SECTION 3: The following property is rezoned from “M” Manufactured Home zoning district to R-1 Single Family Residential zoning subdistrict:

LEGAL DESCRIPTION: Real estate, lying, being and situated in the County of Lincoln to-wit:

“A 3.705 ACRE TRACT OF LAND WITHIN PART OF SECTION 21 AND PART OF U.S. SURVEY 1706 TOWNSHIP 51 NORTH, RANGE 2 EAST OF THE 5TH P.M. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning AT THE NORTHMOST CORNER OF LOT 3 B.C. WELCH'S LAND RECORDED PLAT BOOK 2 PAGE 19 THENCE NORTH 60 degrees 36' 34" E 272.00 FT. TO A POINT; THENCE S 29degrees 41' 48" E 610.51 FT. TO A POINT; THENCE S 66 degrees 34' 00" W 270.90 FT. TO A POINT; THENCE N 29 degrees 58' 05" W 582.42 FT. TO THE POINT OF BEGINNING

Together with the building and all improvements and machinery and equipment constructed or located thereon.”

ADDRESS: Meadowview Court
PARCEL ID#: 02-50-21-003-004-002.000
CURRENT OWNER: GT Hartley Investments LLC

SECTION 4: The following property is rezoned from “Residential (R-2) zoning district to R-1 Single Family Residential zoning subdistrict:

“A 2.839 ACRE TRACT OF LAND BEING PART OF A TRACT OF LAND CONVEYED BY DEED BOOK 2439, PAGE 418 OF THE LINCOLN COUNTY RECORDS, SITUATED IN PART OF LOT 8 OF THE SOULARD TRACT IN U.S. SURVEY 1706, TOWNSHIP 51 NORTH, RANGE 2 EAST, LINCOLN COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN OLD IRON ROD MARKING THE NORTHMOST CORNER OF LOT 3 OF THE B.C. WELCH LAND, PLAT BOOK 2, PAGE 19; THENCE S 29 DEG 57' 50" E 582.42' TO AN OLD IRON PIPE MARKING THE BEGINNING POINT OF THE TRACT OF LAND HEREIN DESCRIBED, THENCE N 66 DEG 34' 00" E 270.90' TO AN OLD IRON PIPE, THENCE S 29 DEG 41' 48" E 467.00' TO AN IRON ROD, THENCE S 69 DEG 01' 54" W 270.29' TO AN IRON ROD, THENCE N 29 DEG 57' 50" W 455.54' TO THE BEGINNING POINT.

THE ABOVE DESCRIBED TRACT IS BENEFITTED BY A 30' WIDE INGRESS AND EGRESS EASEMENT, THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHMOST CORNER OF LOT 3 B.C. WELCH LAND, PLAT BOOK 2, PAGE 19, THENCE N 60 DEG 36' 34" E 146.35', THE BEGINNING POINT OF SAID CENTERLINE, THENCE S 29 DEG 22' 39" E 612.03' TO IT'S TERMINUS.”

All as shown on a Survey and Plat by Donald Tee Parr, Lincoln County Surveyor, in Survey Record Book N1, Page 93 of the Lincoln County Records

Parcel Id#: 02-50-21-003-004-002.005
Current Owner: Gary Michael Hartley II and Tami R Hartley,

SECTION 5: Severability. The provisions of this Ordinance shall be severable. In the event that any provision of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this Ordinance are valid unless the Court finds the valid provisions of this

ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION 6. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: Effective Upon Passage. This ordinance shall be in full force and effect from and after the date of its passage.

SECTION 8: Incorporation into the Municipal Code. The City Clerk shall incorporate the terms of Section 2 of this Ordinance into the official City of Elsberry Municipal Code with all due dispatch.

The board considered bill 2023-06-001

Alderman Rockwell moved to read bill 2023-06-001 2 times by title only.

Alderman Harper seconded the motion.

Roll call vote

Alderman Rockwell-yes, Alderman Hale-yes, Alderman Meyer-yes, Alderman Davis-yes,
Alderman Harper-yes

Motion carried.

Mayor Short read bill 2023-06-001 2 times by title only

Alderman Davis made a motion to adopt bill 2023-06-001

Alderman Meyer seconded the motion.

Alderman Hale-yes, Alderman Rockwell-yes, Alderman Harper-yes, Alderman Davis-yes,
Alderman Meyer-yes

Motion carried.

RESOLUTIONS WHICH REQUIRE ACTION OF THE BOARD

REPORTS OF SPECIAL BOARDS AND COMMITTEES

Library- nothing to report

Cemetery/Parks- nothing to report

Infrastructure- nothing to report

Emergency Services- nothing to report

Page Branch Park- nothing to report

Tree Board- nothing to report

REPORTS OF ALDERMAN AND MAYOR

Mayor Short- Mayor Short gave condolences to the Alliance family for the lose of Justin Riffle.

Alderman Harper- Alderman Harper said that the chain on the basketball goal is broken and needs to be taken down. She also asked about the water leak on Brownsmill Rd. Kenny said he would look into it. She also would like to get a sidewalk along Brownsmill Rd. Mayor Short said it would be very hard to do and this was discussed a couple months ago. Alderman Harper said that a lot of the people in the audience are here in support of Chief Davis, and they would like to have him reappointed. There are also people here about what happened at the legion and how there wasn't a police officer on duty. She would like to see some things done to fix this.

Alderman Hale- Alderman Hale would like to see warnings given when the grass is tall instead of issuing a ticket. Mayor Short said that the board gave a directive to the police to not give warning.

Alderman Rockwell- Alderman Rockwell would like to do something about the dog problem in Hillcrest and at the legion. Alderman Harper said that our animal control people got mad and won't come back. Mayor Short asked Chief Davis if they receive a lot of aggressive dog calls. Chief said no. Chief Davis said he would like to residents to call when they see the dogs being aggressive. Mayor Short said that after so many calls the judge could possibly give an order to owner to get rid of the dog. There are many options without animal control.

Alderman Wilch- absent

Alderman Meyer-nothing to report

Alderman Davis- nothing to report

REPORTS OF CITY DEPARTMENTS AND OFFICERS

City Attorney Robert Guinness- absent

Alliance Manager Kenny Claus- Kenny said that the blockage at the lagoon has been taken care of and a screen was put up to prevent this in the future. Mayor Short asked about the issues with the plant and if they have been resolved. Kenny said that they are working on it.

Police Chief Randy Davis- Chief Davis said that there has been an uptick in crime over the last couple weeks. He made an arrest and he is hoping that this will help the situation. He gave the board a list of properties that are not responding to tickets and need to have further action taken.

Alderman Harper made a motion to move forward on all the properties that the Chief provided.

Alderman Rockwell seconded the motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper

NAYES-0

Absent-Wilch

Motion Carried.

City Clerk Rachel Reed- nothing to report.

City Collector Tashua Chiodini- nothing to report

City Treasurer Lisa Grumich-nothing to report

MISCELLANEOUS BUSINESS

None

PUBLIC COMMENT BY ANY PERSON OR GROUP DESIRING TO ADDRESS THE BOARD WHO HAS NOT FILED A PRIOR REQUEST TO BE PLACED ON THE AGENDA IN COMPLIANCE WITH CITY CODE 24.105

Cecile Mesker said that her sons own the property at 609 Broadway. Her son said that a man was driving a track hoe on the city streets and it was tearing up the streets. Her son told him that he shouldn't be driving on the streets. The driver told him that he works for the Mayor. She also wants to let the board know she thinks very highly of Chief Davis.

Tammie Taubig said that she has worked with Chief Davis and he is able to handle sensitive situations with special needs and mentally ill residents. She would also like to emphasize how important it is to have 24/7 coverage. EMS workers are not able to enter a scene unless it has been cleared by a law enforcement officer.

Trudy Bull said she appreciated the board discussing the issue with the dogs at the legion and in hillcrest. She said that something needs to be done about the police and not having someone on duty.

ADJOURNMENT

Alderman Harper made a motion to adjourn.

Alderman Rockwell seconded that motion.

AYES- Alderman Rockwell, Alderman Hale, Alderman Meyer, Alderman Davis, Alderman Harper

NAYES-0

Absent-Wilch

Motion Carried.

Open session meeting was adjourned at 8:29 P.M.

