

**City of Elsberry
Regular Session
March 14th, 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 Pro Tem Steve Wilch presided over the meeting. Present were Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer, City Attorney Rob Guinness, City Clerk Rachel Reed, and City Treasurer Lisa Grumich. Also present were Kenny Claus and Brian Pieper of Alliance Water Resources. Alderman Davis was absent.

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

Reading and acting are unapproved minutes from previous meetings

Alderman Harper made motion to approve the unapproved minutes.

Alderman Rockwell seconded the motion.

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nayes-0

Motion Carried.

Absent- Alderman Davis

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Reading of unpaid bills approval to pay report

Alderman Rockwell made a motion to pay unpaid bills.

Alderman Meyer seconded the motion.

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer, Alderman Davis

Nayes-0

Motion Carried.

Absent- Alderman Davis

Alderman Meyer made a motion to amend the agenda to include bill 2023-003-003

Alderman Rockwell seconded the motion.

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nayes-0

Motion Carried.
Absent- Alderman Davis

Project updates

Boonslick Regional Planning- no updates

USDA- no updates

Cochran Engineering- we will discuss this later in the meeting

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

Jeff Ivy Renting City Park- Mr. Ivy would like to hold a revival in the park June 2nd, 3rd and 4th. He would like get the boards approval to set up where the old tennis courts were.

Alderman Rockwell made a motion to approve the use of the park.

Alderman Harper seconded the motion.

Jessica Landfair Bringing awareness and implementation of Crisis intervention team within law enforcement.

Ms. Landfair gave a presentation on Crisis intervention and how it can help law enforcement deescalate situations with mentally ill residents. She gave information about some training that officers can take. The training is free. Alderman Harper would like to look into this further.

PUBLIC HEARING A REQUIRED BY LAW OR ORDINANCE

No public hearing

ACTING ON UNFINISHED BUSINESS

No unfinished business

NEW BUSINESS

Review and approval of bids for Demolition

City Clerk Rachel Reed went over the bids received today.

Donald Martin Contruction- 54,700

Cannon Excavation- 78,450

Mick Mehler- 79,774

CMT LLC-159,940

Economic development sent a letter recommending the low bidder of Donald Martin construction.

Alderman Meyer made a motion to accept the bid for Donald Martin construction.
Alderman Harper seconded the motion.

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nayes-0

Motion Carried.

Absent- Alderman Davis

Alderman Meyer made a motion to approve the Mayor/Mayor Pro Tem to sign the notice of award with Don Martin.

Alderman Taylor seconded the motion.

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nayes-0

Motion Carried.

Absent- Alderman Davis

Alderman Meyer made a motion the Mayor to sign the contract and the Notice to proceed with Don Martin once he has furnished the City his performance and payments bond along with his certificate of insurance at the pre-construction meeting that will be held before the project starts.

Alderman Rockwell seconded the motion.

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nayes-0

Motion Carried.

Absent- Alderman Davis

Fireworks Permit for Ice fireworks

Ice house fireworks has provided the application and all the required documents to obtain and fireworks permit.

Alderman Rockwell made a motion to approve.

Alderman Meyer seconded the motion.

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nayes-0

Motion Carried.

Absent- Alderman Davis

Replacement pump Lakeview lift station

Kenny with Alliance had 3 bids for a new pump the first was from ESA for \$9008.50 then Municipal equipment for \$10,169.60 and then Equipment pro for \$17,592.86.

Alderman Rockwell made a motion to purchase the pump from ESA for \$9008.50
Alderman Meyer seconded the motion

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nayes-0

Motion Carried.

Absent- Alderman Davis

Approval for Police Chief to attend MO Police Chiefs Annual Conference for \$350 plus hotel

Alderman Rockwell made a motion to approve the Chief the attend the conference.

Alderman Harper seconded the motion.

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nayes-0

Motion Carried.

Absent- Alderman Davis

Elsberry IGA Liquor License

Alderman Harper made a motion to approve Original package Liquor, original package liquor on Sunday and tasting permit.

Alderman Taylor seconded the motion.

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nayes-0

Motion Carried.

Absent- Alderman Davis

ECGA Picnic liquor license for trivia night April 29th

Alderman Rockwell made a motion to approve the liquor license

Alderman Harper seconded the motion.

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nayes-0

Motion Carried.

Absent- Alderman Davis

ECGA Picnic liquor license for summer concert series 6/10/23 7/4/23 8/18/23 10/7/23

Alderman Rockwell made a motion to approve.

Alderman Harper seconded the motion.

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nays-0

Motion Carried.

Absent- Alderman Davis

Purchasing tasers for the Police department

Alderman Rockwell said that this was brought up at Emergency services and wanted to make sure that we would be able to use ARPA money to pay for them. Rob Guinness said yes we could us it would just need to be properly documented.

Alderman Harper made a motion that we get 2 tasers for the Police department.

Alderman Taylor seconded the motion.

Alderman Meyer asked which tasers they wanted to purchase. Alderman Wilch said that tasers are not what they used to be and they aren't as affective.

Alderman Harper withdrew her motion

Alderman Taylor seconded the motion.

Alderman Meyer made a motion to table

Alderman Harper seconded the motion.

Alliance invoice for overages in repair and chemical cap

Brian Pieper spoke about the overages from the repair and chemical cap. Alderman Rockwell asked if this was budgeted. It was not budgeted. Aldermen Rockwell asked if we could have a little time to look this over. She asked to have it moved to the infrastructure meeting.

Alderman Rockwell made a motion to table to the infrastructure committee.

Alderman Meyer seconded the motion.

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nays-0

Motion Carried.

Absent- Alderman Davis

Proposal from Cochran Engineering for wastewater treatment facility

Dave Van Leer from Cochran Engineering said that they have been working with Alliance and with City to come up with a proposal for the wastewater facility. They have also been working with DNR and would like to help guide the city through this process. Rob Guinness asked if they would be starting from scratch or if they would be using MECO's design. Mr. Van Leer said they would be starting from scratch. They also believe that there should be could significant savings in the construction. He said that some design elements in MECO's designs were unnecessary and could save the city some money. The ARPA funds would cover this cost. There would also be some things that were removed from MECO's plans that could be added back in. Such as the SCADA system.

Alderman Rockwell made a motion to have the ordinance drafted for approval at the next board meeting pending DNR's approval.

Alderman Meyer seconded the motion.

Ayes- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nayes-0

Motion Carried.

Absent- Alderman Davis

READING OF BILLS REQUIRING ONLY A FINAL READING FOR PASSAGE

None

INTRODUCTION AND READING OF BILLS FOR PASSAGE

The Board considered bill 2023-003-001.

Alderman Rockwell made a motion to read to times by title only.

Alderman Harper seconded the motion.

Roll call vote.

Alderman Meyer-yes, Alderman Wilch-yes, Alderman Taylor-yes, Alderman Harper-yes, Alderman Rockwell-yes

Motion carried.

City Attorney Rob Guinness read Bill 2023-003-001 2 times by title only.

Alderman Taylor made a motion to approve bill 2023-003-001

Alderman Harper seconded the motion.

Alderman Meyer-yes, Alderman Wilch-yes, Alderman Taylor-yes, Alderman Harper-yes, Alderman Rockwell-yes

Motion carried.

Bill 2023-003-001

AN ORDINANCE CONCERNING THE CITY POLICE DEPARTMENT, INCLUDING THE APPOINTMENT OF POLICE OFFICERS; AND ESTABLISHING A RESERVE POLICE OFFICER PROGRAM BY REPEALING SECTIONS 21.330 AND SUBCHAPTER B OF CHAPTER 71 OF THE ELSBERRY MUNICIPAL CODE; AND REPLACING THEM WITH NEW SECTIONS 21.330, AND SUBCHAPTER B OF CHAPTER 71.

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

SECTION 1: The Elsberry City Code is amended to delete Section 21.330 and replace it with a new Section 21.330 as follows:

§21.330. APPOINT CERTAIN OFFICERS; CONTROL POLICE.

1. The Mayor, with the advice and consent of the Board of Aldermen, shall have the power to appoint all police officers of the City.
2. The Mayor, with the advice and consent of the Board of Aldermen, shall have the power to appoint persons to serve as Reserve Police Officers under the City's volunteer Reserve Police Officer Program.
3. The Mayor, with the advice and consent of the Board of Aldermen, may delegate to the Chief of Police the authority to designate persons to serve temporarily as Reserve Police Officers under the City's volunteer Reserve Police Officer program until the next regular Board of Aldermen meeting after the delegated appointment for the officer by the Police Chief. If the Chief of Police has been delegated the authority to designate reserve officers, the Chief of Police shall submit any persons selected for the Reserve Police Officer program to the Board of Aldermen at the next regular Board meeting after the person's selection, for the Mayor and the Board to ratify or reject. The person selected for the Reserve Police Officer program shall serve in the Reserve Police Officer program until the Mayor and the Board take action to remove the person, or the person is removed under Subchapter B of Chapter 71 of the City Code. Similarly, if the Chief of Police removes a person serving in the Reserve Police Officer program, the Chief of Police shall submit such action to the Board of Aldermen at the next regular board meeting for ratification or rejection. The removed person may not serve in the Reserve Officer Program until the removal is rejected as provided in this section.
4. The Chief of Police and/or the Mayor, with the advice and consent of the Board of Aldermen, may remove any person serving in the Reserve Police Officer Program for any reason at any time.
5. The Mayor shall have authority to give such orders to the Chief of Police and policemen of the City as in his judgment the public good may require, and it shall be the duty of the Chief of Police and police officers to obey such orders.

(Amend. Ord. 2013-11-001).

SECTION 2: The Elsberry City Code is amended to delete Subchapter B of Chapter 71 and replace it with a new Subchapter B of Chapter 71 as follows:

SUBCHAPTER B -- RESERVE POLICE PROGRAM

§71.500. DEFINITIONS.

"Reserve Police Officer". A peace officer properly appointed by and serving the City of Elsberry on a voluntary basis who is certified as by the State of Missouri to possess the duty and power to enforce, and make arrests for violations of, the general criminal laws of Missouri or the ordinances of any political subdivision of Missouri.

§71.510. RESERVE POLICE OFFICER PROGRAM

1. There is hereby created a Reserve Police Officer program, the membership of which shall consist of Missouri P.O.S.T (Peace Officer Standards and Training Program) certified Law Enforcement Officers who shall serve as volunteers. Reserve Police Officers with P.O.S.T Certification will be held to the same standards as full-time sworn Police Officers. Reserve Police Officers shall, at all times while in uniform and on duty, be subordinate to any and all members of the regular Police Force.
2. The Chief of Police is responsible for all aspects of the Reserve Police Officer program.

§71.520. HOW APPOINTED.

1. Only persons who are Missouri Department of Public Safety and P.O.S.T certified peace officers, and are willing to volunteer their service, may be appointed as a Reserve Police Officer. Reserve Police Officers shall be appointed upon the recommendation of the Chief of Police as set forth in §21.330 of the Elsberry City Code. The Board may approve or reject any recommended candidate.
2. No person shall be deemed a Reserve Police Officer until he has been registered as such in a roster to be kept by the Chief of Police; has taken an oath that he or she will observe and obey the Constitution of the United States, the constitution of the state, the laws of the nation and state, and the ordinances of the City; and that he or she will carry out the duties of a member of the Elsberry Reserve Police Officer program to the best of his ability.
3. Each Reserve Police Officer shall be issued a Reserve Police Officer identification card which shall be carried by the member while he or she is on duty with the Elsberry Police Department.

§71.530. VOLUNTEER SERVICE

All service of a Reserve Police Officer shall be on a volunteer basis. No Reserve Police Officer shall be entitled to any right or privilege of compensation, pension, employment benefits, or any other similar right or privilege of members of the regularly constituted Police Department.

§71.540. MINIMUM SERVICE DUTY COMMITMENT

To continue in service as a Reserve Police Officer, the Reserve Police Officer must work on duty in the City of Elsberry a minimum of 24 hours per calendar month. Any Reserve Police Officer shall be subject to summary expulsion for failing to meet this requirement, and shall no longer be commissioned as an Elsberry Reserve Police Officer. Such Reserve Police Officer may reapply for Reserve Police Officer appointment if such person can commit to the minimum service duty requirement.

§71 .550. SERVICE

1. Reserve Police Officers shall have all the powers and authority, and shall be subject to all the duties, of members of the regularly constituted Elsberry Police Department and shall be subject to the Ordinances, rules, and regulations governing Elsberry police officers and the Elsberry Police Department (excluding provisions pertaining to compensation and benefits).
2. Reserve Police Officers, when on duty, shall have power to serve and execute all warrants, subpoenas, writs or other process, and to make arrests, with proper process, for any offense against the local laws of the City or of the State of Missouri. Reserve Police Officers shall also have the power to make arrests without process in all cases where any offense against an Ordinance of the City or of a law of the State of Missouri shall be committed in their presence; and they shall perform such other duties and have such other powers as may be provided for by law or by ordinance of the City of Elsberry.
3. Reserve Police Officers shall be furnished their own uniforms and other necessary equipment by the City, except to the extent, if any, specifically provided for in the annual appropriation ordinance of the City. Such uniforms and equipment must be returned to the City in the same good condition as the Officer received them when the Officer ends service as a Reserve Police Officer.
4. All weapons used by Reserve Police Officers to include off-duty and back-up weapons shall be provided by the Reserve Police Officer as approved by the Chief of Police or his designee.
5. Any Reserve Police Officer member may be discharged at any time (without cause and without a hearing) by the Chief of Police with the advice and consent of the Board of Aldermen.

SECTION 3. 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 4: Effective Upon Passage

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

SECTION 5: Incorporation into the Municipal Code

The City Clerk shall incorporate the terms of this Ordinance into the official City of Elsberry Municipal Code with all due dispatch.

The board considered bill 2023-003-002.

Alderman Harper made a motion to read bill 2023-003-002 2 times by title only.

Alderman Taylor seconded the motion.

Roll call vote.

Alderman Wilch-yes, Alderman Taylor-yes, Alderman Harper-yes, Alderman Rockwell-yes, Alderman Meyer

City Attorney Robert Guinness read Bill 2023-003-002

Alderman Rockwell made a motion to adopt Bill 2023-003-002

Alderman Harper seconded the motion.

Roll call

Alderman Taylor-yes, Alderman Harper-yes, Alderman Rockwell-yes, Alderman Meyer-yes, Alderman Wilch-yes

Motion carried.

Bill 2023-003-002

AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO APPROVE OF THE FINAL PLAT FOR STRAIGHT STREET COMMONS SUBDIVISION

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

WHEREAS, Billy and Carol Collins (collectively referred to as “the Developer”) have submitted a Final Plat to divide land legally described in Exhibit “A” into eight residential lots and one commercial lot subdivision; and known as the Straight Street Commons (“the Subdivision”); and,

WHEREAS, The Developer has submitted an appropriate Declaration of Conditions, Restrictions and Covenants for Straight Street Commons, attached as Exhibit B (“the Declarations”).

WHEREAS, the Final Plat was reviewed by the Elsberry Board of Aldermen; and,

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

SECTION 1. The Final Plat, attached as Exhibit “A”, for the Straight Street Commons is hereby approved. The Mayor and the City Clerk are authorized to sign the Plat’s City approval certificate on behalf of the City of Elsberry.

SECTION 2. All conditions imposed by the Board of Aldermen and the Planning and Zoning Commission relating to the acceptance and approval of Straight Street Commons Preliminary Plat shall continue to be met by the Developer.

SECTION 3. The approval of the Final Plat of Straight Street Commons is contingent upon the Developer recording the Final Plat and the accompanying Declarations in the Office of the Lincoln County recorder within thirty (30) days after the approval certificate is signed and sealed under the hand of the Mayor and the City Clerk, all at the developer’s sole cost.

SECTION 4. 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 5: EFFECTIVE UPON PASSAGE

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

SECTION 6: INCORPORATION INTO THE MUNICIPAL CODE

The City Clerk shall incorporate the terms of this Ordinance into the official City of Elsberry Municipal Code with all due dispatch.

The board considered bill 2023-003-03

Alderman Rockwell made a motion to read bill 2023-003-03 2 times in full.

Alderman Meyer seconded the motion.

Roll Call

Alderman Harper-yes, Alderman Rockwell-yes, Alderman Meyer-yes, Alderman Wilch-yes, Alderman Taylor-yes

City Attorney Rob Guinness read bill 2023-003-003 2 times in full.

Alderman Meyer made a motion to adopt bill 2023-033-003

Alderman Rockwell seconded the motion.

Roll Call

Alderman Rockwell-yes, Alderman Meyer-yes, Alderman Wilch-yes, Alderman Taylor-yes, Alderman Harper-yes

Motion carried.

Bill 2023-003-003

AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO AUTHORIZE THE MAYOR OR MAYOR PRO TEM TO ENTER INTO, AND TO EXECUTE, ON BEHALF OF THE CITY, A CONTRACT WITH DONALD MARTIN CONSTRUCTION INCORPORATED TO PERFORM DEMOLITION SERVICES FOR THE CITY'S DERELICT STRUCTURES DEMOLITION PROGRAM.

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, or the Mayor Pro Tem in the Mayor's absence, is authorized to enter into, and to execute, a Contract with Donald Martin Construction Incorporated on behalf of the City of Elsberry to perform demolition services for the City's derelict structures demolition program. The Mayor, or the Mayor Pro Tem in the

Mayor's absence, 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. The terms of the Contract are attached to this Ordinance.

SECTION 2. Effective Upon Passage

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- absent

Alderman Harper- Asked about the no parking sign on S 3rd st. Kenny said they have them and will get them up.

Alderman Taylor- nothing to report

Alderman Rockwell- nothing to report

Alderman Meyer- Stop sign at the end of Tomahawk is hanging down.

Alderman Wilch-nothing to report

Alderman Davis- nothing to report

REPORTS OF CITY DEPARTMENTS AND OFFICERS

City Attorney Robert Guinness- absent

Alliance Manager Kenny Claus- They are looking to replace a water plant operator. The chlorine injectors have been replaced.

Police Chief Randy Davis- absent

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

Jeff Ivy wanted to ask if Carter Rick's doesn't have a funeral the days of the revival could he block off S 5th st.

Alderman Meyer made a motion to close the meeting pursuant to RSMo Section 610.021 (1) Legal actions, causes of action, litigation, or confidential or privileged communications with it's attorney (14) Records which are protected from disclosure by law.

Alderman Rockwell seconded the motion.

Roll call vote

Alderman Meyer-yes, Alderman Wilch-yes, Alderman Taylor-yes, Alderman Harper-yes, Alderman Rockwell-yes.

Closed session started at 7:31 pm

Open session resumed at 7:49 pm

ADJOURNMENT

Alderman Rockwell made a motion to adjourn.

Alderman Meyer seconded that motion.

Ayes- Alderman Taylor, Alderman Harper, Alderman Rockwell, Alderman Wilch, Alderman Meyer

Nayes-0

Motion Carried.

Alderman Davis-absent

Open session meeting was adjourned at 7:49 P.M.

