

**City of Elsberry
Regular Session
October 10th, 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 Wilch presided over the meeting. Present were Alderman Harper, Alderman Hale, Alderman Rockwell, Alderman Davis, City Clerk Rachel Reed, City Collector Tashua Chiodini, City Treasurer Lisa Grumich and Police Chief Randy Davis. Also present were Luke Drullinger and Brian Pieper of Alliance Water Resources. Alderman Meyer was absent.

Mayor 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 Rockwell made motion to approve the unapproved minutes.
Alderman Harper seconded the motion.

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

Reading of unpaid bills approval to pay report

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

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

Project updates

Boonslick Regional Planning- nothing new to report

USDA- nothing new to report

Cochran-Cochran sent an email updating where they are in the process.

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

Gina Tapley late charge of \$14.04- Mrs. Tapley would like an update on the late fees. Alderman Harper said that the post office is the reason the bills were late. Mrs. Tapley said that she feels there is always an excuse.

Sue Beck Monthly City Hall meetings-Mrs. Beck addressed the board about the meetings and how there isn't enough reporting to the board.

Sue Beck Lakeview-Mrs. Beck would like to change the ordinance to make Lakeview pay the same amount as the residents that live in the City limits for the water portion on the RD bond issue. She would also like to change the sewer ordinance to give the out-of-town residents and the in-town residents the same rate.

Mayor Wilch said that this can be taken to infrastructure for review.

PUBLIC HEARING A REQUIRED BY LAW OR ORDINANCE

A petition by GT Hartley Investments LLC, Michael Hartley and Tammi Hartley to amend the City of Elsberry's Zoning Code, Zoning Map, and City Plan to provide for lots that have minimum widths of 45 feet and 6,000 square feet with 30-foot roads within two properties at, and adjacent to, Meadowview Court off of Brownsmill Road. The two properties involved are identified as Lincoln County Assessor Parcel Nos. 02-50-21-003-004-002.000 and 02-50-21-003-004-002.005) ("The Meadowview Properties").

Mayor Wilch opened the public hearing. There was no one who spoke for or against this matter. Mayor Wilch closed the public hearing.

The Planning and Zoning Commission's recommendation to adopt a new Residential subdistrict to be called "R-3" to accommodate the Hartley Petition and place the Meadowview Properties in that new R-3 subdistrict.

Mayor Wilch opened the public hearing. There was no one who spoke for or against this matter. Mayor Wilch closed the public hearing.

A petition by Billy Collins and Carol Collins to change the zoning for a property at 1075 Hwy B, Elsberry, MO 63343 from General Commercial District to Residential (R-2) District.

Mayor Wilch opened the public hearing. There was no one who spoke for or against this matter. Mayor Wilch closed the public hearing.

An Ordinance to establish zoning for establishments selling, manufacturing, warehousing, and/or cultivating marijuana and marijuana products within the City's Commercial and Industrial Zoning districts.

Mayor Wilch opened the public hearing. There was no one who spoke for or against this matter. Mayor Wilch closed the public hearing.

ACTING ON UNFINISHED BUSINESS

Demolishing 314-316 Broadway

City Clerk Rachel Reed said that there is a chance that 314-316 Broadway can be demolished with a grant. Boonslick Regional is working with CBDG and the City to get these properties and 735 Broadway Ext demolished.

NEW BUSINESS

Sale of Robinson house and calaboose property

City Attorney said that he has reached an agreement with the EHPS and there is an ordinance later in the agenda for the board to approve.

Resignation of Kathy Crank from board of adjustments

Alderman Harper made a motion to accept the resignation of Kathy Crank from the board of adjustments.

Alderman Rockwell seconded the motion.

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

NAYES-0

Absent Alderman Meyer

Motion Carried.

Renewing Health Insurance for 2024

Alderman Rockwell made a motion to renew the Health Insurance with Anthem for 2024.

Alderman Hale seconded the motion.

Roll Call vote

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

Motion carried.

READING OF BILLS REQUIRING ONLY A FINAL READING FOR PASSAGE

None

INTRODUCTION AND READING OF BILLS FOR PASSAGE

Bill 2023-009-001

AN ORDINANCE REGULATING MARIJUANA CULTIVATION, MANUFACTURING, TESTING, AND DISPENSARY FACILITIES BY AMENDING CHAPTER 41 OF ELSBERRY CITY CODE

Alderman Harper made a motion to read bill 2023-009-001 2 times by title only.

Alderman Davis seconded the motion.

Roll call vote

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

Motion carried.

City Attorney Robert Guinness read bill 2023-009-001 2 times by title only.

Alderman Rockwell made a motion to adopt bill 2023-009-001

Alderman Harper seconded the motion.

Roll call

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

Motion carried.

Bill 2023-10-001

AN ORDINANCE TO MAKE THE FIRST BLOCK OF NORTH THIRD STREET, BETWEEN BROADWAY AND DUBOIS STREETS A TWO-WAY STREET BY AMENDING SECTION

76.050 OF THE ELSBERRY MUNICIPAL CODE.

Alderman Davis made a motion to read bill 2023-010-001 2 times by title only.

Alderman Harper seconded the motion.

Roll call

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

Motion carried.

City Attorney Robert Guinness read bill 2023-010-001 2 times by title only.

Alderman Harper made a motion to adopt.

Alderman Rockwell seconded the motion.

Roll Call vote

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

Bill 2023-10-002

AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO AUTHORIZE THE MAYOR TO ENTER INTO, AND TO EXECUTE, ON BEHALF OF THE CITY, A CONTRACT WITH THE ELSBERRY HISTORIC PRESERVATION SOCIETY, INC. TO SELL AND CONVEY THE ROBINSON HOUSE AND CALABOOSE PROPERTIES ON NORTH SECOND STREET; AND EXECUTE REQUIRED DOCUMENTS INCLUDING A DEED TO CLOSE ON THE SALE.

Alderman Rockwell made a motion to read 2 times by title only.

Alderman Harper seconded the motion.

Roll Call Vote

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

Motion carried.

City Attorney Robert Guinness read bill 2023-010-002 2 times by title only.

Alderman Davis made a motion to adopt bill 2023-010-002.

Alderman Rockwell seconded the motion.

Roll call vote

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

Bill 2023-10-003

AN ORDINANCE TO CHANGE THE ZONING OF A +/-0.989 ACRE PARCEL OF REAL ESTATE LOCATED AT 1075 HWY B AT THE INTERSECTION OF HIGHWAY B AND STRAIGHT STREET, FROM “GC” GENERAL COMMERCIAL ZONING TO “R-2” RESIDENTIAL ZONING, AND TO AMEND THE EXISTING ZONING MAP TO REFLECT THE CHANGED ZONING.

Alderman Rockwell made a motion to read bill 2023-010-003 2 times by title only.

Alderman Harper seconded the motion.

Roll Call vote

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

Motion carried.

City Attorney Robert Guinness read bill 2023-010-003 2 times by title only.

Alderman Rockwell made a motion to adopt bill 2023-010-003.

Alderman Harper seconded the motion.

Role Call vote

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

Motion carried.

Bill 2023-10-004

AN ORDINANCE AMENDING THE CITY OF ELSBERRY’S ZONING CODE AND CITY PLAN TO ADD A NEW R-3 RESIDENTIAL SUBDISTRICT; TO PROVIDE FOR THE REGULATION OF USES IN SUCH SUBDISTRICT; AND TO CHANGE THE ZONING OF PROPERTY ON MEADOWVIEW COURT FROM R-1 RESIDENTIAL SUBDISTRICT TO R-3 RESIDENTIAL SUBDISTRICT BY AMENDING SECTIONS 41.070, 41.110 INTRODUCTORY PARAGRAPH AND SUBSECTION 2, 41.130; AND 41.200 SUBSECTION 2 OF THE ELSBERRY MUNICIPAL CODE, AND THE CITY’S ZONING MAP.

Alderman Harper made a motion to read bill 2023-010-004 2 times by title only.

Alderman Rockwell seconded the motion.

Roll Call vote

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

City Attorney Robert Guinness read bill 2023-010-004 2 times by title only.

Alderman Rockwell made a motion to adopt bill 2023-010-004.

Alderman Harper seconded the motion.

Roll Call vote

Alderman Rockwell-yes, Alderman Davis-yes, Alderman-no, Alderman Hale-no

Motion failed.

Alderman Davis made a motion to amend bill 2023-010-004 with the substitution of R-3 residential subdistrict for RV recreational park.

Alderman Rockwell seconded the motion.

Roll call vote.

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

Motion carried.

Alderman Rockwell made a motion to adopt bill 2023-010-004 as amended.

Alderman Davis seconded the motion.

Roll call

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

Motion carried.

RESOLUTIONS WHICH REQUIRE ACTION OF THE BOARD

A RESOLUTION OF THE CITY OF ELSBERRY, MISSOURI TO DESIGNATE THE CITY CLERK AS A CITY OFFICIAL WHO IS AUTHORIZED TO CONDUCT NUISANCE ABATEMENT HEARINGS AND ISSUE NUISANCE ABATEMENT ORDERS PURSUANT TO ELSBERRY MUNICIPAL CODE §68.200

Alderman Rockwell made a motion to approve the resolution.

Alderman Hale seconded the motion.

Roll Call vote

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

REPORTS OF SPECIAL BOARDS AND COMMITTEES

Library- The library board is concerned about the roof.

Cemetery/Parks- nothing to report

Infrastructure- moving meeting to the 18th of October and they would like to discuss options of what to do with the ARPA money

Emergency Services- nothing to report

Tree Board- nothing to report

REPORTS OF ALDERMAN AND MAYOR

Mayor Wilch- Mayor Wilch has spoke Cochran and they are in the process of working with Alliance and getting a flushing program up and running. They will be having meeting with DNR to discuss the issue with PFAS.

Alderman Harper- Alderman Harper asked for an update on the property on Lincoln St. Chief Davis said that they need to have a hearing and then they can move forward.

Alderman Hale- Alderman Hale is concerned about the hydrants that are down and if there was a fire.

Alderman Rockwell- nothing to report

Alderman Meyer-absent

Alderman Davis- Alderman Davis said that there is a grave that has settled so bad that you can see the vault. She would like this fixed as soon as possible. She also noticed that the budget for Alliance is already over 45 thousand and it's only until July.

REPORTS OF CITY DEPARTMENTS AND OFFICERS

City Attorney Robert Guinness- At the last meeting resident has stated that Davis Redi-Mix had dumped concrete in front of their business he had asked the resident to fill out a statement. Chief Davis stated that this has not been done. So, he is not able to get anything done.

Alliance Manager Luke Drullinger- Luke went over his ops reports. He asked about public notice about flushing. City Clerk Rachel Reed said it usually goes on the bills the cycle before the flushing. He said they are ready to have that done.

Police Chief Randy Davis- Chief Davis went over his reports and scheduling.

City Clerk Rachel Reed- nothing to report

City Collector Tashua Chiodini- noting 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

Lawarence St. Cin said that he doesn't think that Alliance is doing their job. He doesn't believe that it should take a month to get a hydrant fixed. He would like to see them go and the City run the public works themselves.

Christina Pickard said that everyone should be concerned about PFAS. She would like the City to make people aware of the information. Mayor Wilch said that we can put the information on the website.

Alderman Rockwell made a motion to go into closed session pursuant to RSMo Section 610.021 (1) Legal actions, causes of action, litigation, or confidential or privileged communications with

its attorneys(3) Hiring , Firing, disciplining or promoting of particular employees(14) Records which are protected from disclosure by law

Alderman Harper seconded the motion

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

Motion carried.

Closed session began at 7:46 pm

Open session resumes at 8:42 pm

ADJOURNMENT

Alderman Rockwell made a motion to adjourn.

Alderman Harper seconded that motion.

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

NAYES-0

Absent Alderman Meyer

Motion Carried.

Open session adjourned at 8:42 pm