

**City of Elsberry
Regular Session
February 8, 2022
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 Wilch, Alderman Taylor, Alderman Harper, Alderman Miller, Alderman Rockwell, City Attorney Rob Guinness, City Clerk Rachel Reed, City Collector Tashua Chiodini, City Treasurer Lisa Grumich and Police Chief Randy Davis. Also present were Justin Reaves and Ron Smith of Alliance Water Resources.

Mayor Short called the meeting to order. The pledge of Allegiance was said and roll call deemed a quorum present. Alderman Miller was not present at the time roll call was done but joined the meeting at 6:32.

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 Wilch, Alderman Taylor, Alderman Harper, Alderman Rockwell
NAYES-0
Absent-2
Motion Carried.

Reading of unpaid bills approval to pay report

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

AYES- Alderman Wilch, Alderman Taylor, Alderman Harper, Alderman Rockwell
NAYES-0
Absent-2
Motion Carried.

Alderman Wilch asked the board to consider amended the agenda to add the resignation of police officer Ryan Mack
Alderman Taylor made a motion to amend the agenda to include the resignation of police officer Ryan Mack.
Alderman Harper seconded the motion.

AYES- Alderman Wilch, Alderman Taylor, Alderman Harper, Alderman Rockwell
NAYES-0

Absent-2
Motion Carried.

Alderman Wilch asked the board to consider amending the agenda to include tree removal in the City Park.

Alderman Taylor made a motion to amend the agenda to include tree removal in the City Park.
Alderman Harper seconded the motion.

AYES- Alderman Wilch, Alderman Taylor, Alderman Harper, Alderman Rockwell
NAYES-0
Absent-2
Motion Carried.

Project updates

Boonslick- nothing new to report

USDA- nothing new to report

Meco Engineering- Jim Bensman said that he was made aware of the project being postponed. They will be waiting to hear when the City will be ready to proceed.

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

No petitions.

PUBLIC HEARING A REQUIRED BY LAW OR ORDINANCE

No Public Hearings

ACTING ON UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Approval for the Mayor to approve Water disconnections in December, January, February, and March

Mayor Short would like the board to consider having the Mayor to give approval for water disconnections during the months on December, January, February, and March.

Alderman Harper made a motion to approve the Mayor to approve disconnections on December, January, February and March.

Alderman Rockwell seconded the motion.

AYES- Alderman Taylor, Alderman Harper, Alderman Miller, Alderman Rockwell
NAYES-Alderman Wilch
Absent-1
Motion Carried.

Requesting qualifications for police chief

Alderman Wilch made a motion to request qualifications for police chief thought March 15th
Alderman Taylor seconded the motion.

AYES- Alderman Wilch, Alderman Taylor, Alderman Harper, Alderman Miller, Alderman
Rockwell
NAYES-0
Absent-1
Motion Carried.

Resignation of Ryan Mack

Alderman Taylor made a motion to accept the resignation to officer Ryan Mack.
Alderman Rockwell seconded the motion.

AYES- Alderman Wilch, Alderman Taylor, Alderman Harper, Alderman Miller, Alderman
Rockwell
NAYES-0
Absent-1
Motion Carried.

Tree Removal in the City Park

Justin Reaves said that there is a tree in the park that is dead and needs to come down. There are
limbs that keep falling off.

Alderman Rockwell made a motion to remove the tree in the City Park for \$650 from Skaggs
Tree Removal.

Alderman Taylor seconded the motion.
AYES- Alderman Wilch, Alderman Taylor, Alderman Harper, Alderman Miller, Alderman
Rockwell
NAYES-0
Absent-1
Motion Carried.

READING OF BILLS REQUIRING ONLY A FINAL READING FOR PASSAGE

None

INTRODUCTION AND READING OF BILLS FOR PASSAGE

The board considered Bill 2022-02-001

AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO PROVIDE PROCEDURES FOR PETITIONING FOR ABATEMENTS AND EXTENSIONS OF PAYMENTS FOR UTILITY USAGE CHARGES BY ADDING NEW SECTIONS 110.101 AND 110.102 TO THE CITY MUNICIPAL CODE.

Whereas, the City needs to obtain complete, accurate, and first hand information when considering petitions for an abatement or extension of payment of utility charges under the City's Municipal Code;

Whereas, the City seeks to ensure that petitions for an abatement or extension of payment of utility charges are fully authorized by the User and are based on representations of fact made by the User;

Whereas, petitions for an abatement of utility charges or extension of payment require orderly and careful consideration by the Board of Aldermen to ensure fairness, both to the petitioning User and to all Users of the sewer and water systems who must bear the costs of those systems; and

Whereas, an orderly and transparent procedure is needed to fully address, fairly consider, and justly resolve all petitions for an abatement or extension of payment for utility charges;

NOW THEREFORE,

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

SECTION 1. The Elsberry City Municipal Code is amended by adding new sections 110.101 and 110.112 as follows:

“§110.101. PROCEDURE FOR PETITIONING FOR ABATEMENTS

If any User of the City of Elsberry's water system or sanitary sewer system wishes to petition for an abatement or extension of payment of the User's City of Elsberry utility charges because the User believes that the amount charged on the utility bill is in error by reason of incorrect readings, disruption of service, miscalculation of bill or other similar reason allowed by the City's Municipal Code, the User must submit the petition in compliance with the following procedure.

Abatement or extension petitions must be submitted in writing and signed by the User and the Owner of the Property. Petitions must be submitted on the forms provided by the City Collector.

2. The written abatement or extension petition must be submitted to, and received by, the City Collector within 45 calendar days of the billing date of the bill being disputed or extended. Petitions received more than 45 days after the billing date are untimely submissions and will be returned without action.
3. The petition must fully state the reason(s) for the abatement or extension and the amount of abatement or the payment extension plan being requested. The reasons must be permissible grounds for the abatement or extension under the City's Municipal Code.
4. The burden of proof for the abatement or extension shall rest upon the petitioner. The abatement

or extension petition must include adequate information that will support the petition. Some examples include previous utility bills indicating different meter readings, evidence of mathematical errors in computing charges, evidence of faulty meters, etc., good cause for the extension with adequate assurances of full payment within a reasonable time.

5. Abatement or extension petitions will be reviewed by the City Collector and the City Collector will make a written recommendation to the City Board of Aldermen for a resolution of the petition. The City Collector will notify the petitioner in writing of the Collector's recommendation.
6. The Petition and the Collector's recommendation will be placed on the next Board of Aldermen agenda after the Collector has issued the Collector's recommendation, provided that there is at least four business days between the recommendation date and the next meeting. If there is less than four business days, the petition and recommendation will be placed on the next following Board of Aldermen Agenda unless the Mayor or an Alderperson representing the Petitioner's Ward requests that the Petition be heard earlier, provided that there is sufficient time to place the Petition on the Agenda pursuant to applicable law. The City Collector shall notify the Petitioner of the date and time of the Board of Alderman meeting at which the petition will be considered.
7. The petitioner must be present at the Board of Aldermen meeting in person or by the petitioner's legal counsel. This requirement is to allow the Board to ask the petitioner questions and obtain complete and first hand information needed to address the issues raised by the petition. If the petitioner cannot be at the meeting, the petitioner may request that the petition be heard at a subsequent meeting. Alternatively, the petitioner may file a written statement waiving the petitioner's presence at the meeting and allowing the petition to be resolved on the written petition and its attached exhibits, together with the City Collector's recommendation.
8. The Board of Aldermen will review the petition and render a decision by majority vote of a quorum of the Board. The Board of Aldermen may also table the matter to a future meeting should it require additional time or information to make a decision.

§110.102. PAYMENTS PENDING RESOLUTION OF AN ABATEMENT PETITION

To prevent the issuance of late notices and the assessment of interest charges, petitioners must make timely payment of their utility bills. It is not necessary for the abatement petitioner to pay the disputed amount pending the decision of the Board of Aldermen. However, any undisputed amount shall be paid when it is determined to be due. “

SECTION 2. 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 3: EFFECTIVE UPON PASSAGE

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

SECTION 4: INCORPORATION INTO THE MUNICIPAL CODE

Alderman Harper made a motion to read bill 2022-02-001 2 times by title only.

Alderman Wilch seconded the motion.

Roll Call Vote

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

Motion carried.

City Attorney Robert Guinness read bill 2022-02-001 twice by title only.

Alderman Wilch made a motion to adopt Bill 2022-01-002

Alderman Miller seconded the motion.

Roll Call Vote

Alderman Taylor-yes, Alderman Harper-no, Alderman Miller-yes, Alderman Davis-yes,
Alderman Wilch-yes

Motion carried.

The board considered Bill 2022-02-002

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

Alderman Rockwell seconded the motion.

Roll call vote.

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

Motion carried.

City Attorney Robert Guinness read bill 2022-02-002 2 times by title only.

Alderman Rockwell made a motion to adopt Bill 2022-02-002

Alderman Miller seconded the motion.

Mayor Short explained that we are ready to adopt this motion because we don't have all the information yet about the water and electric that the project needs.

Alderman Rockwell and Alderman Miller retracted their motion to and second to adopt Bill 2022-02-002.

Alderman Taylor made a motion to table until we get this information.

Alderman Wilch seconded the motion.

AYES- Alderman Wilch, Alderman Taylor, Alderman Harper, Alderman Miller, Alderman Rockwell

NAYES-0

Absent-1

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 explained why the board has decided to postpone the wastewater plant and why they are looking into a well and electric for the lagoon.

Alderman Miller- nothing to report

Alderman Taylor- Alderman Taylor would like to have an ordinance prepared to have service charges added when re reads and data logs are requested without cause.

Alderman Harper- Alderman Harper wanted to thank Alliance for the snow removal. She also wanted to talk about ally maintenance being taken over by the City again. She would like to discuss this at an infrastructure committee meeting.

Alderman Wilch- nothing to report

Alderman Davis-absent

Alderman Rockwell- nothing to report

REPORTS OF CITY DEPARTMENTS AND OFFICERS

City Attorney Robert Guinness- nothing to report

Alliance Manager Justin Reaves-Justin Reaves said that the filter media is starting to get replaced they are delivering the materials needed. Justin also wanted to introduce the new Division manager Brian Pieper Ron Smith is moving to a different division.

Police Chief Randy Davis- Chief Davis went over the report that he gave to the board.

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

No public comment

ADJOURNMENT

Alderman Harper made a motion to adjourn.

Alderman Rockwell seconded that motion.

AYES- Alderman Wilch, Alderman Taylor, Alderman Harper, Alderman Miller, Alderman Rockwell

NAYES-0

Absent-1

Motion Carried.

Open session meeting was adjourned at 7:18 P.M.

