

**City of Elsberry  
Regular Session  
March 11, 2025  
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 Jennifer Hunter, Alderman Nora Hunter, City Clerk Rachel Reed, and City Collector Tashua Chiodini. Also present were Lucas Drullinger, Taylor Burnett, 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 Harper made motion to approve the unapproved minutes.

Alderman Rockwell seconded the motion.

Alderman Hale-yes, Alderman Rockwell-yes, Alderman J. Hunter-yes, Alderman N. Hunter, Alderman Harper-yes

Motion Carried.

**Reading of unpaid bills approval to pay report**

Alderman Rockwell made motion to approve the unapproved minutes.

Alderman J. Hunter seconded the motion.

Alderman Rockwell-yes, Alderman J. Hunter-yes, Alderman N. Hunter-yes, Alderman Harper-yes Alderman Hale-yes

Motion Carried.

**Project updates**

Boonslick Regional Planning- We are moving forward with the WWTF.

USDA- We are moving forward with the WWTF.

Cochran- Cochran went over the engineering report for pfas.

**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**

Justin Keim- approval to use Page Branch park for flag football

Alderman J. Hunter made a motion to approve the use of page branch park for flag football  
Alderman Rockwell seconded the motion.

Roll call vote

Alderman Harper-yes, Alderman Hale-yes, Alderman Rockwell-yes, Alderman J. Hunter-yes,  
Alderman N. Hunter-yes  
Motion carried.

### **ACTING ON UNFINISHED BUSINESS**

Water bill at 306 Waggoner

Alderman Harper made a motion to make them pay the full amount  
Alderman Rockwell seconded the motion

Roll Call vote

Alderman Hale-no, Alderman Rockwell-yes, Alderman J. Hunter-no, Alderman N. Hunter-yes,  
Alderman Harper-yes

Motion carried.

Evidence Tracker

Alderman Rockwell made a motion to purchase the evidence tracker for the police department  
Alderman J. Hunter seconded

Alderman Rockwell-yes, Alderman J. Hunter-yes, Alderman N. Hunter-yes, Alderman Harper-yes,  
Alderman Hale-yes

### **NEW BUSINESS**

Accepting Resignation from Tashua Chiodini

Alderman Rockwell made a motion to accept the resignation  
Alderman J. Hunter second the motion

Alderman N. Hunter-yes, Alderman Harper-yes, Alderman N. Hunter-yes, Alderman Rockwell-yes,  
Alderman J. Hunter  
Motion carried.

Appointment of City Collector

Mayor Wilch would like to appoint Tammy Ridings as City Collector

Alderman Harper made a motion to approve this appointment

Alderman Rockwell seconded the motion

Alderman Harper-yes, Alderman Hale-yes, Alderman Rockwell-yes, Alderman J. Hunter-yes,  
Alderman N. Hunter-yes

Motion carried.

Approval of payment application #2 for \$187,828.20 to KCI

Alderman Rockwell made a motion to approve the payment application

Alderman Harper seconded the motion

Alderman Hale-yes, Alderman Rockwell-yes, Alderman J. Hunter-yes, Alderman N. Hunter-yes,  
Alderman Harper-yes

Approval of Fireworks permit for Ice House fireworks

Alderman Rockwell made a motion approve the fireworks permit

Alderman J. Hunter seconded the motion

Alderman Hale would like to know why we allow the sale of fireworks but don't allow people to shoot them off. He would like to consider changing the ordinance to allow fireworks in city limits on the 4<sup>th</sup> of July and New Year's

Alderman Rockwell-yes, Alderman J. Hunter yes, Alderman N. Hunter-yes, Alderman Harper-yes, Alderman Hale-no

Motion carried

Alliance Repair and Chemical overages

Alderman Rockwell made a motion to pay the overage

Alderman J. Hunter seconded the motion

Alderman N. Hunter-yes, Alderman Harper-yes, Alderman Hale-yes, Alderman Rockwell-yes,  
Alderman J. Hunter- yes

Motion carried

**READING OF BILLS REQUIRING ONLY A FINAL READING FOR PASSAGE**

None

**INTRODUCTION AND READING OF BILLS FOR PASSAGE**

2025-03-001

AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO AUTHORIZE THE CITY TO ENTER INTO, AND THE MAYOR TO EXECUTE ON BEHALF OF THE CITY, A CONTRACT FOR ANIMAL CONTROL SERVICES WITH S&R ANIMAL CONTROL, LLC.

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

**SECTION 1.** The City of Elsberry hereby enters into, and the Mayor of the City of Elsberry is authorized to execute on behalf of the City of Elsberry, a contract for Animal Control Services with S&R Animal Control, LLC. The terms of the agreement are attached to this Ordinance.

**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 March 2025.

Alderman Harper made a motion to read bill 2025-03-001 2 times by title only

Alderman Rockwell seconded the motion.

Roll Call vote

Alderman Harper-yes, Alderman Hale-yes, Alderman Rockwell-yes, Alderman J. Hunter-yes, Alderman N. Hunter-yes

Motion carried

City Attorney Robert Guinness read bill 2025-03-001 2 times by title only

Alderman Rockwell made a motion to adopt bill 2025-03-001

Alderman Harper seconded the motion

Roll Call vote

Alderman Hale-yes, Alderman Rockwell-yes, Alderman J. Hunter-yes, Alderman N. Hunter-yes, Alderman Harper-yes

Motion carried.

2025-03-002

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 AMENDMENT WITH M ENGINEERING, LLC (d/b/a COCHRAN) TO THE EXISTING JUNE 13, 2023 ENGINEERING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS AS PART OF THE EXTENDED AERATION WASTEWATER TREATMENT FACILITY PROJECT 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 amendment with M Engineering, LLC (d/b/a Cochran) to the Existing June 13, 2023 Engineering Contract for professional engineering services for sanitary sewer collection system improvements as part of the extended aeration wastewater treatment facility project 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 March \_\_\_\_, 2025.

Alderman Rockwell made a motion to read bill 2025-03-002 2 times by title only

Alderman Harper seconded the motion

Roll call vote

Alderman Rockwell-yes, Alderman J. Hunter-yes, Alderman N. Hunter-yes, Alderman Harper-yes, Alderman Hale-yes

Motion carried.

City Attorney Robert Guinness read bill 2025-03-002 2 times by title only

Alderman Rockwell made a motion to adopt bill 2025-03-002

Alderman Harper seconded the motion

Alderman N. Hunter-yes, Alderman Harper-yes, Alderman Hale-yes, Alderman Rockwell-yes, Alderman J. Hunter-yes

Motion carried

Alderman Rockwell made a motion to table bill 2025-03-003

Alderman Harper seconded the motion

Alderman Harper-yes, Alderman Hale-yes, Alderman Rockwell-yes, Alderman J. Hunter,  
Alderman N. Hunter

2025-03-004

AN ORDINANCE TO AMEND THE ELSBERRY CITY CODE TO DESIGNATE THE LINCOLN COUNTY ASSOCIATE CIRCUIT AS THE MUNICIPAL COURT FOR THE CITY OF ELSBERRY, MISSOURI, TO SET THE ASSESSMENT OF COURT COSTS, PROVIDE FOR MUNICIPAL COURT BONDS AND PAYMENT IN LIEU OF COURT APPEARANCE, BY REPLACING SECTIONS 72.030 THROUGH 72.090 AND SECTIONS 72.230 THROUGH 72.260 WITH NEW SECTIONS 72.030 THROUGH 72.090 OF THE ELSBERRY MUNICIPAL CODE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF Elsberry, MISSOURI THAT:

**SECTION 1:** The Elsberry City Code is amended by replacing sections 72.030 through 72.090 and sections 72.230 through 72.260 with new sections 72.030 through 72.090 as follows:

**§72.030 DESIGNATION OF MUNICIPAL COURT**

The 45th Judicial Circuit Court of Lincoln County, Missouri is hereby designated as the Municipal court for the City of Elsberry, Missouri.

**§72.035 EFFECTIVE DATE**

The City of Elsberry shall transfer all of its records concerning the Elsberry Municipal Court if any in a timely manner and the court shall be established in Troy, Missouri at the Lincoln County Circuit Courthouse, effective July 1, 2025.

**§72.040 COURT COSTS**

To the extent that the Associate Circuit Court of Lincoln County has not established court costs for Elsberry's Municipal Ordinance violations, the following shall apply:

1. In addition to any fine imposed by the Judge there shall be assessed as costs in all cases where the defendant pleads guilty or is found guilty the following.

TYPE AND USE	AMOUNT	STATUTE REFERENCE
Clerk Fee	\$15.00	RSMo. §479.260

<p>Statewide Court Automation</p> <p>(These monies shall be credited to the court automation fund and shall be paid to the State Treasurer to pay for the automation of the Elsberry Municipal Court)</p>	\$7.00	RSMo. §476.053
<p>Law Enforcement Training Fund</p> <p>(These monies shall be credited to the law enforcement training fund and shall be paid to the State Treasurer to be expended for the training required by RSMo. §530.150, provided that any excess funds not required to pay for such training may be used to pay for additional training for peace officers or for training other law enforcement officers employed or appointed by the City.</p>	\$2.00	RSMo. §590.140
<p>Peace Officers Standards and Training Fund (These monies shall be sent to the Missouri Treasurer to be expended for law enforcement training pursuant to 590.140 of the Missouri Revised Statutes.)</p>	\$1.00	RSMo. §488.5336
<p>Victims of Domestic Violence.</p> <p>(These monies shall be collected for the purpose of providing operating expenses for shelters of domestic violence established pursuant to RSMo. §§ 455.200 – 455.230.)</p>	\$2.00	RSMo. §488.607
<p>Inmate Security Fund</p> <p>(These monies shall be credited to the Inmate Security Fund.)</p>	\$2.00	RSMo. §488.5026
<p>Crime Victim's Compensation Fund.</p>	\$7.50	RSMo. §595.045
<p>Sheriff Retirement Fund Surcharge.</p> <p>(These monies shall be collected and paid to the Missouri Sheriffs Retirement Fund.)</p>	\$3.00	RSMo. §57.955
<b>TOTAL COURT COSTS</b>	<b>\$39.50</b>	

2. Any apprehension and confinement costs that have been charged against the City by the County Sheriff shall be added as Court Costs to be paid by the defendant in all cases where the defendant pleads guilty or is found guilty.
3. Actual expenses incurred in any other confinement facility shall be added as Court Costs to be paid by the defendant in all cases where the defendant pleads guilty or is found guilty..
4. Mileage in the same amount as authorized for the Sheriff for each mile or fraction thereof an officer must travel (round-trip) in order to serve any warrant, commitment or order of the Court shall be added as Court Costs to be paid by the defendant in all cases where the defendant pleads guilty or is found guilty.
5. The Judge may waive assessment of this cost in cases where the defendant is found by the Judge to be indigent and unable to pay costs.

**§72.050 PAYMENT OF STANDARD FINE AND COSTS IN LIEU OF COURT APPEARANCE**

Except for those cases designated by the Municipal Court that require the defendant to appear in Court or for any other offense that the officer who has written the citation indicates that the defendant must appear in Court, a defendant charged with a municipal ordinance violation may pay the standard fine and costs, as approved by the Judge, in lieu of the Court appearance, provided that the payment is made to the Court Clerk prior to the scheduled Court date.

**§72.060 ATTORNEY TO PROSECUTE VIOLATIONS**

The City shall appoint an attorney to prosecute violations of city ordinances on behalf of the city before the judge hearing such violations. The City shall determine the compensation of the attorney and the expenses to be paid. Such compensation and expenses shall be paid by the City.

**§72.070 CITY ORDINANCES - EVIDENCE**

It shall be the duty of the Elsberry City Clerk to properly certify and deliver copies of pertinent ordinances of the City to the Clerk of the Associate Circuit Court, Municipal Division, which shall constitute prima facie evidence before the court.

**§72.080 COURT BONDS**

1. Any person arrested for violation, failure, neglect or refusal to comply with any provision, regulation or requirement of any ordinance may be admitted to bail by: executing a bail bond to the City with good and sufficient security to be approved by the Judge, or in his absence or inaccessibility, by the Clerk of the Court, in the amount of not less than \$2.00 and not more than \$500, conditioned that such person shall appear upon the day named therein (no later than 30 days from the date of the bond), before the Court and await the trial upon the charge against him.
2. Every bail bond shall be filed forthwith with the Clerk of the Court by the officer taking the bond, provided that no attorney, police officer or any officer of the City, whether elected or appointed, shall be taken as security upon any bail provided for in this Section.
3. In lieu of sureties on the bond, the Judge or in his absence or inaccessibility, the Clerk of the Court or in her absence or inaccessibility, may permit the posting of a cash bond, and the Chief of Police or the Assistant Chief of Police or any officer in charge of the police department, shall state on the bail bond the receipt of the cash deposit.



4. The City shall in no manner be responsible to any depositor of a cash bail bond. However, the person receiving the cash deposit shall be prosecuted by the City Attorney or other proper officer for failure to account for and pay over the deposit.

**§72.090 FAILURE OF DEFENDANT TO APPEAR**

1. If a defendant giving a bail bond on cash bond shall fail to appear when and where the case is called in the Court, the Judge may order the defendant to be apprehended and brought before him, or the Judge may render a judgment or forfeiture for the full amount of the bond or deposit at which time the bond or deposit shall be forfeited.
2. If a bail bond has been given, the amount of the judgment thereon shall be collected from the defendant and his sureties according to law, including the issuance of execution.
3. If a cash deposit has been made, and the deposit is declared forfeited, the deposit shall at once be delivered to the City Clerk, who shall make an entry of its receipt as part of the record of the case and shall hold the money for 4 days, at the end of which the City Clerk may deposit it into the General Funds of the City.
4. The Judge may, for good cause, set aside the forfeiture at any time within 4 days from the date of forfeiture.

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

**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 City Code with all due dispatch.

Read two times and passed this \_\_\_\_ day of \_\_\_\_\_, 2025.

Alderman Rockwell made a motion to read bill 2025-03-004 2 times by title only

Alderman J. Hunter seconded the motion.

Roll Call vote

Alderman Hale-yes, Alderman Rockwell-yes, Alderman J. Hunter-yes, Alderman N. Hunter-yes,  
Alderman Harper-no

Motion carried.

City Attorney Robert Guinness read bill 2025-03-004 2 times by title only

Robert Guinness said that 2 changes needed to be made to the ordinance before it is adopted. The date needs to be changed to June 1<sup>st</sup>. The court cost for the sheriff's retirement fund needs to be removed

Alderman Rockwell made a motion to amend the ordinance as recommended by Robert Guinness

Alderman N. Hunter seconded the motion.

Roll call vote

Alderman Harper-yes, Alderman Hales-yes, Alderman Rockwell-yes, Alderman J. Hunter-yes, Alderman N. Hunter-yes

Motion carried.

Alderman Rockwell made a motion to adopt bill 2025-03-004

Alderman Hale seconded the motion

Alderman Hale-yes, Alderman Rockwell-yes, Alderman J. Hunter-yes, Alderman N. Hunter-yes, Alderman Harper-yes

Motion carried.

## **RESOLUTIONS WHICH REQUIRE ACTION OF THE BOARD**

### **REPORTS OF SPECIAL BOARDS AND COMMITTEES**

**Library**- nothing to report

**Cemetery/Parks**- Alderman Harper has concerns about the condition of the cemetery. She would like to meet with Alliance out there to look at some issues and figure out some solutions.

**Infrastructure**- Alderman Hale asked about the street striper. Alliance said that they rented on and will be renting it again in the spring.

**Emergency Services**- nothing to report

**Tree Board**- nothing to report

### **REPORTS OF ALDERMAN AND MAYOR**

**Mayor Wilch**- Mayor Wilch did some research on the group EWG regarding our water quality. These numbers do not match DNR's number and they are only trying to sell you something. A state of emergency can only be declared by the governor.

**Alderman Harper**- Alderman Harper would like the streets to be swept. The school parking lot has water in it. She would like to make sure that there is no leak up there. Alliance said they would check into it

**Alderman Hale**- Alderman Hale asked that people try and be a part of the solution and not the problem. Everyone should work together instead of fighting against each other.

**Alderman Rockwell**- nothing to report

**Alderman Jen Hunter**- nothing to report

**Alderman Meyer**- Alderman Meyer absent.

**Alderman Nora Hunter** – Alderman Hunter brought up some things that were said about her

and what she has said. She explained that they were not true.

**REPORTS OF CITY DEPARTMENTS AND OFFICERS**

**City Attorney Robert Guinness-** nothing for open session

**Alliance Water Resources –** Luke went over the ops report.

**Police Chief Dwayne Lewis-**nothing to report

**City Clerk Rachel Reed-** Rachel said that she is very sad to see Tashua go. She was a valuable asset to the City.

**City Collector Tashua Chiodini-** 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**

Terri Davis- She would like to see the guys do things differently at the cemetery. The graves look awful after they are dug and it's not ok.

Alderman J. Hunter 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 its attorneys(3) Hiring, firing, disciplining of particular employees (13) Individually identifiable personnel records, performance ratings or records pertaining to employees(14) Records which are protected from disclosure by law.

Alderman Harper-yes, Alderman Hale-yes, Alderman Rockwell-yes, Alderman J. Hunter-yes, Alderman N. Hunter-yes

Closed session began at 7:50 pm

Open session resumed at 8:16

**ADJOURNMENT**

Alderman Hale made a motion to adjourn.

Alderman N. Hunter seconded that motion.

AYES- Rockwell, Hale, N. Hunter, Harper, J. Hunter

NAYES-0

Motion carried.

Open session adjourned at 8:18 pm

