

**City of Elsberry
Regular Session
October 12th, 2021
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 Taylor, Alderman Harper, 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, Josh Turner and Ron Smith 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.

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 Miller, Alderman Taylor, Alderman Harper, Alderman Davis, Alderman Rockwell

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 Miller, Alderman Taylor, Alderman Harper, Alderman Davis, Alderman Rockwell

NAYES-0

Absent- Alderman Wilch

Motion Carried.

Project updates

Boonslick- nothing to report

USDA- nothing to report

Meco Engineering- nothing 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

Linda Fritz and Curtissa Kerr-Hunter from NECAC

Ms. Fritz and Mrs. Kerr-Hunter handed out some bags with some information about the programs that NECAC offers to help low-income residents. Ms. Fritz briefly went over to programs offered.

Sue Beck- Vernon Ary water bill

Mrs. Beck said that Mr. Ary owes \$3065.45. Mrs. Beck went over his bill and his usage. She said the water should have been shut off in January of 2021 but wasn't shut off until June of 2021. Alderman Harper asked why that water wasn't shut off? City Clerk Rachel Reed said that she wasn't sure. Brooke Cerutti was the City Collector at the time and there were no notes on the account. She also explained that Mr. Ary came in during the month of January to discuss his bill because it was high. At that time, he was told that he had a leak and he needed to contact his landlord. Therefore, the water was not disconnected in January. It should have been disconnected in February. Mrs. Beck asked if there was anything the board could do to make this manageable so they can get it back on. Mayor Short asked the board what they would like to do with his account. Alderman Miller said that it's hard to make an agreement when the person is not here. He said that Mr. Ary needs to come before the board.

Larry Lumley- water issues

Mr. Lumley wanted to complain about the water at his house. He doesn't think that he should have to pay for the water. He would like to know what is being done. Mayor Short explained that the City is working to come up with a solution for line replacement. We have also started a new flushing program to help until we can replace some lines.

PUBLIC HEARING A REQUIRED BY LAW OR ORDINANCE

No Public Hearings

ACTING ON UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Signage around town

Mayor Short explained the Ameren has requested for the City to remove signs from poles. The cost for this will be \$514.80.

Funds from American Rescue plan

The City of Elsberry has received the first payment from the American Rescue Plan. We have roughly 1 million dollars to use towards replacing lines. Mayor Short would like to board to start thinking about a plan going forward with line replacement. He would also like to have this be put on the November agenda to discuss further.

Rebuilding pump from Cardinal Pump

Justin would like to rebuild a pump at the water plant. There is one pump that is starting to have problems and Justin would like to have it rebuilt. The cost would be \$525. The other pump we have completely quit and they are working to see what is wrong with it.

Alderman Taylor made a motion to have Cardinal pump rebuild the pump for \$525.

Alderman Rockwell seconded the motion.

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

NAYES-0

Absent- Alderman Wilch

Motion Carried.

Sample Stations

Justin would like to purchase 5 samples station and a sample rod. These stations make sample collections much easier and there is less risk of contamination. The cost would be \$2807.34 from Schulte which was the lowest of the 3 bids.

Alderman Rockwell made a motion to purchase 5 sample station and a sample rod from Schulte Supply for \$2807.34

Alderman Taylor seconded the motion.

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

NAYES-0

Absent- Alderman Wilch

Motion Carried.

Storm Drain Repair between Lincoln and Commerce

Justin said that this is also and budget item. The cost for this repair would be \$12000. This has not been done yet and Justin would like to know if the board would like to proceed. Alderman Rockwell asked Justin if he thinks we this is a time sensitive matter. Justin said that we can get by the rest of this year but we would need to do it early next year. Josh Turner said the water

line on Nth 3rd St is in the storm drain. So, if we are going to replace that water line, we might be able to do it at the same time.

Alderman Taylor made a motion to do the storm drain repair the water line is replaced.

Alderman Davis seconded the motion.

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

NAYES-0

Absent- Alderman Wilch

Motion Carried.

READING OF BILLS REQUIRING ONLY A FINAL READING FOR PASSAGE

None

INTRODUCTION AND READING OF BILLS FOR PASSAGE

The board considered Bill 2021-10-001

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, AN UPDATED LINCOLN COUNTY EMERGENCY MANAGEMENT STANDARD OPERATING POLICY NUMBER 100 FOR OUTDOOR WARNING SIREN ACTIVATION, WITH THE LINCOLN COUNTY EMERGENCY MANAGEMENT AGENCY, LINCOLN COUNTY, AND VARIOUS POLITICAL SUBDIVISIONS IN LINCOLN COUNTY.

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

SECTION 1. The City of Elsberry (“the City”) hereby enters into, and the Mayor is authorized to execute on behalf of the City of Elsberry, the attached updated Lincoln County Emergency Management Standard Operating Policy Number 100 for Outdoor Warning Siren Activation with Lincoln County the Lincoln County Emergency Management Agency, and various member political subdivisions in Lincoln County.

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 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 resolutions, and parts of ordinances and resolutions, 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.

Alderman Taylor made a motion to read 2 times by title only.
Alderman Miller seconded the motion

Roll Call vote

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

Ayes-5

Nayes-0

Absent-Alderman Wilch

Motion Carried

City Attorney Robert Guinness read 2 times by title only.

Alderman Davis made a motion to adopt Bill 2021-10-001
Alderman Harper seconded the motion.

Roll Call Vote

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

Ayes-5

Nayes-0

Absent-Alderman Wilch

Motion carried.

The board considered Bill 2021-10-002

AN ORDINANCE TO SET FEES FOR PERPETUAL CARE AT THE CITY CEMETERY,
AND FOR THE REGISTRATION AND REGULATION OF INTERMENTS BY
AMENDING SECTIONS 35.100(2), 35.200, AND 35.210 OF THE ELSBERRY CITY CODE.

BE IT ORDAINED BY THE BOARD OF THE CITY OF ELSBERRY, MISSOURI THAT THE MUNICIPAL CODE OF THE CITY OF ELSBERRY, MISSOURIS BE AMENDED AS FOLLOWS:

SECTION 1: The Elsberry City Code is amended by replacing Section 35.100(2) with a new Section 35.100(2) as follows:

§35.100. SALE OF CEMETERY LOTS.

“2. In addition to the above lot fees, a Non-resident purchaser shall also pay the following amounts at the time of purchase which shall be placed in Elsberry’s Perpetual Care Cemetery Fund:

All Sections except Rose Hill:

Full Lot (10 graves)	\$3,000.00
Half Lot (5 graves)	\$1,500.00
Single Grave Lot (1 grave)	\$300.00

Rose Hill (Ligon Addition)

Full Lot (8 graves)	\$2,400.00
Half Lot (4 graves)	\$1,200.00
Single Grave Lot (1 grave)	\$300.00"

SECTION 2: The Elsberry City Code is amended by replacing Section 35.200 with a new Section 35.200 as follows:

“§35.200 INTERMENTS

1. Only human remains may be interred in the City Cemetery.
2. Burial of human remains must be in a concrete burial vault or equivalent burial receptacle.
3. No more than two (2) burial receptacles may be buried in a Single Grave Lot. A single receptacle may contain the remains or cremains of up to two persons, provided that if more than one person’s remains or cremains are to be placed in a single burial receptacle, the original buried receptacle cannot be opened after burial to intern the second person’s remains or cremains.
4. If two (2) burial receptacles are to be buried on a Single Grave Lot, the grave must be dug no less than eight (8) feet in depth for the first (1st) burial receptacle. If the City does not have a credible record of the depth of the first burial receptacle in its official records, then the owner of the Cemetery Lot at issue shall provide the City Clerk with a

written statement under oath verifying that the initial burial receptacle was dug to eight (8) feet deep on the first (1st) burial receptacle together with documentation of that depth. The City Clerk shall identify such depth on the map of the City Cemetery.

5. The grave for the burial of a single person on a Cemetery Lot must be dug at least four and one-half (4.5) feet deep. The cremated remains of a second (2nd) individual may be buried above the original vault according to the rules for a cremated remains burial.
6. The grave for a Child, must be dug at least three (3) feet deep. If the Child was buried before another person that is to be buried in that grave, the party requesting a later burial in a double deep Cemetery Lot must request a written permission for disinterment from the City Clerk. The party requesting the second (2nd) burial is responsible for all costs for the disinterment, digging the grave to the required depth, and the interment of both vaults.
7. Cremated remains are to be buried in an approved burial receptacle within an approved vault and the grave dug at least three (3) feet deep. Scattering of ashes in the City Cemetery is prohibited.
8. In all the interments, the top of the vault or container shall be at least twelve (12) inches below the surface of the ground.
9. At the time of burial of a second (2nd) person on a Single Grave Lot, the party requesting the second (2nd) burial must pay a grave digging fee at the rate published by the City prior to the interment.
10. Disinterment for any reason including the burial of a second (2nd) person's remains on a Single Grave Lot according to the preceding burial rules without written permission from the City is prohibited.
11. The cremated remains of one person may be interred on the same Single Grave Lot containing the remains a single person, provided it does not interfere with the existing interment and all of the applicable registration and digging fees are paid for the interment of the cremated remains.

(Amend. 2019-08-003; 2020-01-001; 2021-09-003)”

SECTION 3: The Elsberry City Code is amended by replacing Section 35.210 with a new Section 35.210 as follows:

“§35.210. REGISTER OF INTERMENTS.

The City Clerk shall keep a complete register of the ages of all persons interred in the City Cemetery, with the date of such interment, nationality, birth, and such other particulars as may be required by the Board of Aldermen.

(Ord. 6-1-1986; 9-1-1998)”

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

SECTION 6: Effective Upon Passage. This ordinance shall be in full force and effect from and after the date of its passage.

SECTION 7: 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.

Mayor Short said that there is a word spelled wrong on the proposed ordinance.

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

Roll Call vote

Alderman Davis-yes, Alderman Taylor-yes, Alderman Harper-yes, Alderman Rockwell-yes
Alderman Miller-yes
Ayes-5
Nayes-0
Absent-Alderman Wilch
Motion carried

City Attorney Robert Guinness read Bill 2021-10-002 twice by title only

Alderman Miller made a motion to change the word tif on page 2 of 3.
Alderman Taylor seconded the motion.

Roll Call Vote

Alderman Rockwell-yes, Alderman Miller-yes, Alderman Harper-yes, Alderman Davis-yes,
Alderman Taylor-yes
Ayes-5
Nayes-0
Absent-Alderman Wilch
Motion carried.

Alderman Harper made a motion to adopt bill 2021-10-002
Alderman Taylor seconded the motion.

Roll Call Vote

Alderman Taylor-yes, Alderman Harper-yes, Alderman Miller-yes, Alderman Davis-yes,
Alderman Harper-yes

Ayes-5
Nayes-0
Absent-Alderman Wilch
Motion carried

The board considered Bill 2021-10-003.

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 WATER PLANT FILTER MEDIA REHABILITATION, WITH ALL SERVICE CONTRACTING CORP.

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

SECTION 1. The City of Elsberry (“the City”) hereby enters into, and the Mayor is authorized

to execute on behalf of the City of Elsberry, the attached contract for water plant filter media rehabilitation, with All Service Contracting Corp.

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 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 resolutions, and parts of ordinances and resolutions, 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.

Alderman Davis made a motion to bill 2021-10-003 read 2 times by title only.
Alderman Harper seconded the motion.

Roll Call Vote

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

Ayes-5

Nayes-0

Absent-Alderman Wilch

Motion carried.

Alderman Miller made a motion to adopt bill 2021-10-003

Alderman Harper seconded the motion.

Roll Call Vote

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

Ayes-5

Nayes-0

Absent-Alderman Wilch

Motion Carried.

RESOLUTIONS WHICH REQUIRE ACTION OF THE BOARD

None

REPORTS OF SPECIAL BOARDS AND COMMITTEES

Library- The sink the library needed to be fixed and Justin came in a took care of it. There is

also a light cover that needs to be fixed. Justin is going to look for a new cover. He is also going to change to guts of one of the toilets. They are waiting on a light to come in for the back.

Cemetery/Parks- nothing to report

Infrastructure- nothing to report

Emergency Services- Alderman Taylor will be setting a meeting for next week.

Page Branch Park- Rock N Roll bingo raised around \$1600.

Old Glory Jubilee- nothing to report

Tree Board- nothing to report

REPORTS OF ALDERMAN AND MAYOR

Mayor Short- nothing to report

Alderman Miller- nothing to report

Alderman Taylor- nothing to report

Alderman Harper- Alderman Harper asked about the Demo project. Mayor Short explained that in the last meeting we discussed that they are finally moving forward with the project. Alderman Harper also asked about the cameras. City Clerk Rachel Reed said that we haven't had infrastructure committee meeting yet to discuss the numbers. She also asked about the condition of our meters. Justin Reaves said that we are continually replacing them as need be. She also wanted Alliance to know that she is not attacking Alliance but when she gets complaints, she needs to investigate the complaints to see if it legit or not.

Alderman Wilch- absent

Alderman Davis-nothing to report

Alderman Rockwell- Alderman Rockwell received a phone call from April Jordan about her house at 917 N 5th St. They are selling the house and are closing Friday. The tenants have left a water bill and Jordan's don't think they should have to pay it. City Clerk Rachel Reed said that she will have to pay the bill.

REPORTS OF CITY DEPARTMENTS AND OFFICERS

City Attorney Robert Guinness- nothing for open session

Alliance Manager Justin Reaves- Justin gave an update on flushing. They have 7 of the 19 zones left to do. Justin also had a piece of busted pipe for a water main break to show the board what the inside of the pipes look like. We have received rock to finish the Levee repair funded by SEMA/FEMA.

Police Chief Randy Davis- Chief Davis let the board know that mobile ticketing will be up and

running tomorrow morning.

City Clerk Rachel Reed- Alliance and the City are going to have a spot at the trunk or treat. Also we are talking about having a Santa visit this year in park.

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

Chris Heatherly – Mr. Heatherly would like to say he doesn't think the City should abate bills when some hasn't paid the bill. He also wanted to say that the water is much better. He said that Alliance workers are very professional and he has always had good encounters with them.

VOTE TO TAKE UP BUSINESS TO BE CONDUCTED IN CLOSED SESSION

Alderman Miller made a motion to go into closed session pursuant to RSMo section 610.021021 (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

Alderman Harper seconded the motion

Roll Call Vote

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

Ayes-5

Nayes-0

Absent-Alderman Wilch

Motion Carried

Closed Session started at 8:14 pm.

ADJOURNMENT

Alderman Miller made a motion to adjourn.

Alderman Taylor seconded that motion.

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

NAYES-0

Absent- Alderman Miller

Motion Carried.

Open session meeting was adjourned at 8:56 P.M.