

**CITY OF ELSBERRY
REGULAR SESSION
FEBRUARY 11, 2020
ELSBERRY CITY HALL**

The Board of Aldermen of the City of Elsberry met on the evening of the above date at Elsberry City Hall, 6:30 pm. Mayor Wilch presided over the meeting. Present were Alderman Davis, Alderman Rockwell, Alderman Short, Alderman Robinson, Alderman Hartley, City Attorney Rob Guinness, City Clerk Sue Hogarth, City Treasurer Tammy Sharpe, City Collector Rachel Reed. Also present were Justin Reaves and Ron Smith of Alliance Water Resources. Alderman Harper arrived about 20 minutes late.

Mayor Wilch called the meeting to order and led in the pledge to the flag. Roll call deemed a quorum present.

AMENDMENT TO THE AGENDA

Mayor Wilch made an amendment to the agenda to add a Liquor License Request for Package Beer & Wine Retail Sales at the local Family Dollar Store. A motion was made by Alderman Rockwell to amend the agenda for this topic, seconded by Alderman Davis.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

Mayor Wilch made a 2nd amendment to the agenda to add Discussion of Road Resurfacing of Hwy B by MoDOT. A motion was made by Alderman Hartley to amend the agenda for this topic, seconded by Alderman Rockwell.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

PRIOR MEETING MINUTES APPROVAL

A motion was made by Alderman Short to approve meeting minutes from January 2020, seconded by Alderman Rockwell.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

APPROVAL OF UNPAID BILLS REPORT

Motion was made by Alderman Hartley to approve the unpaid bills by Alderman Rockwell, seconded by Alderman Davis.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

PROJECT UPDATES

Boonslick Regional Planning Commission Update – Mayor Wilch

Mayor Wilch stated that Chad Eggen from Boonslick was unable to attend and there was no update at this time.

Update from MECO Engineering

- Jim Bensman / Brian Martin with MECO Engineering

Jim Bensman and Brian Martin from MECO Engineering were both unable to attend. The update that Jim Bensman relayed was that MECO was sending the wastewater treatment plant plans to DNR next week.

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

- Request to Address the Board from S&R Animal Control regarding Reasons for Termination

- Howard and Ann Owen / Owners of S&R Animal Control

Howard & Ann Owen addressed the board and stated that S&R Animal Control has been contracted with the City of Elsberry since 1995 for 25 years. There had been a misunderstanding with one of their drivers and he was patrolling 1X per week instead of 5X per month as contracted and S&R Animal Control will make up the missed visits over the past year at no charge. Howard stated how upset they were when they received the letter from the city terminating their contract for reasons that were unjustified. S&R should have been contacted in regards to any problems or issues that the city was having and allowed to address those issues before having their contract terminated. It was very unprofessional of the board in regards to how they were notified that their contract was not being renewed and for the reason of their termination. Alderman Hartley stated that he was dissatisfied with their service and they should be paid on performance. Howard and Ann explained that they have cleaned up the city over the years and, in the beginning, there was a very bad cat & dog problem. They cannot "manufacture" animals to be picked up when patrolling but the benefit of their service is there. They are part-time but they try to fluctuate their patrol hours so people don't know when they are coming to town. S&R was never notified of any discrepancy until they saw the meeting minutes from the December board meeting. There is no ounce of truth about how they euthanize their animals. They are a licensed facility and they would not be allowed to operate a business that was inhumane to the animals. Alderman Hartley asked about re-negotiating their contract. Alderman Robinson asked if they can trap raccoons & groundhogs as well as cats & dogs and they do trap these animals and take them outside of the city limits for release. The driver on patrol doesn't always have traps for these animals and they are not contracted to do this but they will help out if needed. Alderman Rockwell stated that he doesn't have any issues about how they do business but he wants to make sure that the city is getting what is being paid for with their contract. Howard & Ann asked if they could please be notified of any complaints going forward. Alderman Robinson asked if they trust their drivers and they explained that if a dog goes from the street to a yard or from one property to another, their drivers have the right of entry to take that dog.

Alderman Harper had called their facility and asked to take a tour and was refused. Ann explained that they don't give tours for health & safety reasons but they are regulated by the Department of Agriculture and just recently had their license renewed. They try to find the original owners or try to place animals in a new home but if they have to be euthanized, they are taken to a vet. They have a 70% return to owner ratio.

- Request for Buy-Out Lease Agreement for City Lot 10 on South 4th Street where the Community Garden is located next to Providence Bank Park from the United Methodist Church and the ECGA

- City Clerk Sue Hogarth

The United Methodist Church in Elsberry had signed a contract to lease City Lot 10 on South 4th Street where the Community Garden is located next to Providence Bank Park at no charge. Their contract expired at the end of September 2019. The ECGA would be interested in taking over this lot as part of Providence Bank Park. A motion was made by Alderman Hartley to give the Methodist Church first right of refusal on this lot and to have them decide if they would like to renew the lease agreement by the next board meeting in March before allowing the ECGA to bid on the property, seconded by Alderman Harper.

AYES – All in Favor NAYS – 0 Motion carried

UNFINISHED BUSINESS

- Update on JayHawk & Ampstun Utility Software Annual Agreement & Fees / Approval to Purchase & Transition to JayHawk Software for City Collector's Office

- City Collector Rachel Reed

City Collector Rachel Reed informed the board that the yearly maintenance for JayHawk software is \$499 vs. the yearly maintenance for Ampstun of \$1,875. The total cost to purchase the JayHawk software is \$5,724. The data conversion from Ampstun to JayHawk will be done by Rachel over a 2-3 month time frame but she will still need the Ampstun software for at least a year to assure everything is transferred. A motion was made by Alderman Rockwell to approve the purchase of JayHawk utility billing software for \$5,724 with an annual maintenance of \$499, seconded by Alderman Hartley.

AYES – All in Favor NAYS – 0 Motion carried

A motion was made by Alderman Rockwell to keep the Ampstun software for one more year until the data conversion is complete, seconded by Alderman Davis.

AYES – All in Favor NAYS – 0 Motion carried

- Approval to Purchase aXs Info Document Management Software to electronically store City records for the City of Elsberry for \$4,000 based on presentation at January board meeting

- City Clerk Sue Hogarth

City Clerk Sue Hogarth asked the board to approve the purchase of the Records Management Software for electronic storage of all documentation and better accessibility. A motion was made by Alderman Rockwell to approve the purchase of the aXs Info Document Management Software for \$4,000 that was approved in the 2020 budget, seconded by Alderman Davis.

AYES – All in Favor NAYS – 0 Motion carried

- Update on Options for Animal Control for the City of Elsberry

Alderman Harper -

Alderman Harper contacted Old Monroe and Winfield about their animal control along with a few other municipalities. They either use S&R Animal Control since they are the only local company or they handle animal control in house. If it is handled in house, they use Facebook for the missing animals to find their owners and charge \$50 for a cat or \$75 for a dog to retrieve the animal. Alderman Harper did contact S&R Animal Control to ask for a tour of their facility and was refused. She recalled the issue from awhile ago about the lady that had so many cats at her home on 3rd Street. She had received many complaints about the stray cats from neighbors and the driver with S&R Animal Control only had (2) traps on hand and one of the neighbors had to set her own traps and ended up with (13) cats. Alderman Rockwell asked if Winfield was interested in a co-op situation for in-house animal control and they declined per Alderman Harper. Alderman Hartley suggested that we re-negotiate a contract with S&R Animal Control for a year and re-evaluate at that time. He stated that the city should be paying based on performance but it could be hard to monitor. Alderman Rockwell suggested that a subcommittee be set up to discuss future animal control options for the city and he was willing to serve on this subcommittee. Alderman Harper and Alderman Robinson also agreed to serve on this subcommittee. A meeting time was determined for Thursday February 20, 2020 at 5:30PM and City Clerk Sue Hogarth will contact S&R Animal Control to see if they can meet at this time to discuss contract options with the city. The newly established subcommittee will report back on the outcome at the March board meeting.

NEW BUSINESS

- Request to pay \$300 rent to Joe & Heather Weber for the 20-day time frame from the closing date to the possession date at the Old City Hall Building to remove city & police items

- City Attorney Guinness

A motion was made by Alderman Hartley to approve the \$300 rent to be paid to Joe & Heather Weber for the rent of the Old City Hall for the 20 days, seconded by Alderman Harper.

AYES – All in Favor NAYS – 0 Motion carried

- Authorization to have the mayor sign the General Warranty Deed for Temporary Easement for the 5th Street Bridge Project paid with grant money from Lincoln County

- City Attorney Guinness

The Lincoln County Commission office had provided a legal description of a temporary easement for the 5th Street Bridge project and City Attorney Guinness found some discrepancies and drafted a new temporary construction easement. The surveyor has not approved the new draft yet but he is requesting to have the board vote on authorization to have the mayor sign this revised temporary easement agreement when it is approved. A motion was made by Alderman Short to table this for the ordinance later in the meeting agenda under Introduction and Reading of Bills for Passage, seconded by Alderman Davis.

AYES – All in Favor NAYS – 0 Motion carried

- Request for the City of Elsberry to Pay Unemployment Compensation filed by Officer Tom Moore

- City Clerk Sue Hogarth / City Attorney Guinness

City Attorney Guinness would like to discuss this in closed session.

- Review Draft of Proposed Updates to the Open Burning City Ordinance that Amends City Code §68.410 by Deleting and Adding Revisions under Section 1 & Section 2

- City Attorney Guinness

City Attorney Guinness drafted changes to the Open Burning City Ordinance based on recent events with a resident and one of our police officers. City Attorney Guinness explained that the foot distances were eliminated for the water source. A motion was made by Alderman Short to table this for the ordinance later in the meeting agenda under Introduction and Reading of Bills for Passage, seconded by Alderman Hartley.

AYES – All in Favor NAYS – 0 Motion carried

- Request to Change Authorization Contact for Administrative / Technical Support for CJIS Solutions with the Elsberry Police Department from Officer Moore to a Newly Designated Contact Person

- City Clerk Sue Hogarth

City Clerk Sue Hogarth has been in the process of changing the authorization contacts for various IT projects that Officer Moore started in the police department. Since CJIS Solutions could have confidential information regarding individuals for arrest and/or warrants, she wanted to confirm who to put as the authorized contact for this program. A motion was made by Alderman Rockwell to have City Clerk Sue Hogarth be the authorized contact until a new police chief is hired, seconded by Alderman Hartley.

AYES – All in Favor NAYS – 0 Motion carried

- Request to Approve Payment of Annual Omnigo / ITI Software Agreement of \$3,622.32 that was Extended 3 Months through Mid-February 2020 Pending Possible MULES / CARE Software Program

- City Clerk Sue Hogarth / Mayor Wilch

A motion was made by Alderman Hartley to approve payment of the Omnigo / ITI software for the police department for \$3,622.32, seconded by Alderman Rockwell.

AYES – All in Favor NAYS – 0 Motion carried

Evaluation Renewal for Visual Labs Contract for Bodycam Video - Trial Period Ends February 15, 2020

- City Attorney Guinness

Officer Moore had set up a trial period through February 15, 2020 with Visual Labs for the (2) bodycams that are utilized on the cell phones attached to their uniforms. A contract for these bodycams would cost \$1,440 for a year or \$120 per month// \$60 per phone with a limit to \$1,000 for the first year.

A motion was made by Alderman Rockwell to commit to a one year renewal and have the new police chief evaluate the contract after the first year, seconded by Alderman Hartley.

AYES – All in Favor NAYS – 0 Motion carried

This evaluation renewal was presented to City Attorney Guinness late last week and he will create a new ordinance for this agreement to be presented at the March board meeting.

- Approval to purchase street sign parts for the City of Elsberry based on the list provided by Alliance

- Justin Reaves w/Alliance

Justin with Alliance would like to order blank street signs and make them in house which would cost around \$15 each. The budget for street signs is \$3,000 and this would use up about \$1,500. A motion was made by Alderman Rockwell to approve the street sign parts for \$1,500, seconded by Alderman Davis.

AYES – All in Favor NAYS – 0 Motion carried

- Request to Amend the Budget to reflect correct budget transfer amount to Water O&M for the RD Series 2012 bond from \$76,000 to \$79,380 and to reflect the actual 2.3% increase for the 2020 Alliance contract instead of the projected 2% increase (see Alliance letter in Aldermen packets) – difference of \$1,798.00

- City Clerk Sue Hogarth

A motion was made by Alderman Short to amend the 2020 budget to reflect these changes as outlined above, seconded by Alderman Rockwell.

AYES – All in Favor NAYS – 0 Motion carried

- Request to Attend Free 1-Day HResource meeting with LAGERS in St. Charles this Thursday, February 13, 2020

- City Clerk Sue Hogarth

A motion was made by Alderman Rockwell to approve the 1-day HResource LAGERS meeting for City Clerk Sue Hogarth, seconded by Alderman Davis.

AYES – All in Favor NAYS – 0 Motion carried

- Request to Attend the annual MoCCFOA City Clerk Association conference in Columbia, MO from March 8-12, 2020 for \$330 plus hotel & mileage

- City Clerk Sue Hogarth

A motion was made by Alderman Hartley to approve the MoCCFOA City Clerk conference for City Clerk Sue Hogarth, seconded by Alderman Harper.

AYES – All in Favor NAYS – 0 Motion carried

- **Request to Attend MWRA Annual Conference on March 10-12, 2020 in Branson, MO for \$270 plus hotel & mileage**
 - City Collector Rachel Reed

A motion was made by Alderman Rockwell to approve the MWRA Annual Conference for City Collector Rachel Reed, seconded by Alderman Harper

AYES – All in Favor NAYS – 0 Motion carried

- **Request to move March board meeting from the 2nd Tuesday on 3/10/20 to the 3rd Tuesday on 3/17/20 since City Collector Rachel Reed and City Clerk Sue Hogarth will be at conferences**

- City Clerk Sue Hogarth

A motion was made by Alderman Short to move the March board meeting from Tuesday 3/10/20 to Tuesday 3/17/20, seconded by Alderman Davis.

AYES – All in Favor NAYS – 0 Motion carried

AMENDMENT TO THE AGENDA -

Request for a Liquor License for Package Beer & Wine Retail Sales at the local Family Dollar Store.

A motion was made by Alderman Short to approve the Package Liquor license application request for Family Dollar, seconded by Alderman Hartley.

AYES – All in Favor NAYS – 0 Motion carried

AMENDMENT TO THE AGENDA -

Discussion of Road Resurfacing of Hwy B by MoDOT

Mayor Wilch talked with MoDOT and they will be resurfacing Hwy B from Hwy 79 to Hwy 61 this fall. The MoDOT representative asked if the city would like to have the parking areas on Broadway included in the resurfacing project which the city would be responsible for payment and he can provide those costs to the city. The parking areas would be on Broadway from Hwy 79 to 7th Street / B&B Auction. The board asked Mayor Wilch to contact MoDOT for pricing and present at the March board meeting.

INTRODUCTION AND READING OF BILLS FOR PASSAGE

- **Bill No. 2020-02-001** - 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 TEMPORARY CONSTRUCTION EASEMENT TO THE LINCOLN COUNTY COMMISSION FOR THE RECONSTRUCTION AND/OR REPAIR OF THE FIFTH STREET PAGE BRANCH BRIDGE AND AN ACKNOWLEDGMENT OF THE DONATION OF THAT EASEMENT TO THE LINCOLN COUNTY COMMISSION.

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 Temporary Construction Easement to the Lincoln County Commission for the reconstruction and/or repair of the Fifth Street Page Branch Bridge; and also a letter of donation to the Lincoln County Commission for such easement. The terms of the Easement and donation letter are attached to this Ordinance.

A motion was made by Alderman Rockwell to read the ordinance twice by title only, seconded by Alderman Davis.

AYES – All in Favor NAYS – 0 Motion carried

The ordinance was read twice by title only by Attorney Guinness and a motion was made to adopt the ordinance by Alderman Hartley, seconded by Alderman Harper.

AYES – All in Favor NAYS – 0 Motion carried

Bill No. 2020-02-002 - AN ORDINANCE TO AMEND THE ELSBERRY CITY CODE CONCERNING REGULATION OF OPEN BURNING CONSTITUTING A NUISANCE OR HAZARD WITHIN THE CITY OF ELSBERRY, MISSOURI BY AMENDING MUNICIPAL CODE SUBSECTION §68.410 D.1; §64.410E.3; AND §64.410E.4.

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

SECTION 1: The Elsberry City Code §68.410.1 is amended by deleting it and replacing it with the following:

§68.410: OPEN BURNING

D. For any open burning that is permitted under this City Code, the following procedures and requirements must be met and satisfied:

1. The distance from the open burning site to the nearest inhabited residence or commercial business, is at a distance that would not constitute a nuisance or hazard as determined by the Fire Chief of the Elsberry Fire Protection District, the City Chief of Police, or the Elsberry Fire District ordinances.

SECTION 2: The Elsberry City Code §64.410E.3; and §64.410E.4 is amended by deleting them and replacing them with the following:

§68.410: OPEN BURNING

E. The following activities are exempt from the requirements of subsections B and D.

3. Campfires and other fires used solely for recreational purposes, or for ceremonial occasions. However, no such fire shall be of a height, diameter, and distance from a structure that would constitute a nuisance or hazard as determined by the Fire Chief of the Elsberry Fire Protection District, the City Chief of Police, or the Elsberry Fire District ordinances.

4. Fires for outdoor noncommercial preparation of food. However, no such fire shall be of a height, diameter, and distance from a structure that would constitute a nuisance or hazard as determined by the Fire Chief of the Elsberry Fire Protection District, the City Chief of Police, or the Elsberry Fire District ordinances. Fuel for such fires may only be charcoal and seasoned untreated wood.

A motion was made by Alderman Rockwell to read the ordinance twice by title only, seconded by Alderman Harper.

AYES – All in Favor NAYS – 0 Motion carried

The ordinance was read twice by title only by Attorney Guinness and a motion was made to adopt the ordinance by Alderman Rockwell, seconded by Alderman Davis.

AYES – All in Favor NAYS – 0 Motion carried

REPORTS OF SPECIAL BOARDS & 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

Old Glory Jubilee: Nothing to report

Tree Board: Nothing to report

REPORTS OF ALDERMEN AND MAYOR

Mayor Wilch: There is some faulty work that was done with the asphalt job this past fall. The depth of the asphalt is not as listed in the bid spec and there are sand joints missing which is a breach of contract. He has someone that will inspect the work and will report back to the board with the results.

Alderman Davis: Nothing to report

Alderman Hartley: By Jackson's Automotive, the water used to drain to the west and now it is holding water. Keiser Plaza owns that area now. Alliance will place some PVC pipe from the water plant to the parking lot to help with that problem.

Alderman Short: Nothing to report.

Alderman Harper: There is a vine hanging by the white house on Browns Mill Road by Hwy 79 that needs to be addressed.

Alderman Rockwell: Nothing to report

Alderman Robinson: Just a reminder since spring is coming soon that the bricks on the flagpole at Hwy B & Hwy 79 need repair and the flag is torn and needs to be replaced.

REPORTS OF CITY DEPARTMENTS AND OFFICERS

Rob Guinness – Attorney – Closed Session

Justin Reaves – Alliance Water Resources - They are working on the storm drains and have ordered the water meters to continue replacing old meters. For the old car wash on Hwy 79, he has pricing on a backflow preventer, sewer caps and estimated labor costs. A 2" cap for the sewer will be \$9.69 and the backflow preventer is \$109.79. He is estimating (8) labor hours plus the machine rental at \$564.75. They might be able to get it done in (4) labor hours which would be \$337.25. The letter was sent to the owner of the car wash per City Attorney Guinness and the date has passed on the repair with no action taken by the owner. Mayor Wilch would like to recoup this money from the owner. Alderman Rockwell recommends to cap the sewer on both sides to hinder business and put the ball in the owner's court. Alderman Hartley stated that we should only cap the sewer on one side and put the owner in violation of the law. City Attorney Guinness asked if we could discuss this issue in closed session.

Tammy Sharpe – Treasurer – Nothing to Report

Rachel Reed - City Collector - Bob DeMoulin gave her a receipt for toilet parts in regards to his request from the January meeting to have the city pay for damages from the water meter removal. The board requested more evidence in order to address this issue.

There was a water leak that has been repaired at the new car wash which resulted in a loss of 70,000 gallons. Owner Frank Welch is requesting a sewer abatement for the water loss. Alderman Short asked Rachel to provide an average and add this to the agenda for the March board meeting for review.

Sue Hogarth – City Clerk – Closed Session regarding the Police Chief candidates. Sue received a request from the Jillian Young Memorial Scholarship Fund to donate for their upcoming 5K run. The board will consider this at the March board meeting.

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

There was no public comment.

VOTE TO TAKE UP BUSINESS TO BE CONDUCTED IN CLOSED SESSION

A motion was made by Alderman Hartley 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 by the city, (13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, and (14) Records which are protected from disclosure by law, seconded by Alderman Rockwell.

AYES – All in Favor NAYS – 0 Motion carried

Closed session started at 8:05PM.

RESUME OPEN SESSION

Mayor Wilch resumed the open session meeting at 9:00PM.

Sewer Leak / Repair for Old Car Wash on Hwy 79

- Mayor Wilch

A motion was made by Alderman Short to have Alliance place (2) sewer caps on the end of our easement. The estimated costs for parts and labor will be \$900. A letter / invoice will be drafted to the owner to make him aware of this action by the board and requesting payment to the city based on these costs provided by Alliance. A business license application will also be sent to the owner since there is not one on file with the city. This motion was seconded by Alderman Rockwell.

AYES – All in Favor NAYS – 0 Motion carried

ADJOURNMENT

A motion was made to adjourn the board meeting by Alderman Short, seconded by Alderman Harper.

AYES – All in Favor NAYS – 0 Motion carried

Open session meeting was adjourned at 9:01PM.