

**CITY OF ELSBERRY
REGULAR SESSION
JULY 14, 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, 6:30pm. Mayor Short presided over the meeting. Present were Alderman Taylor, Alderman Davis, Alderman Rockwell, Alderman Miller, City Attorney Rob Guinness, City Treasurer Tammy Sharpe and Chief Randy Davis. Also present were Justin Reaves and Ron Smith of Alliance Water Resources. Alderman Harper, Alderman Robinson & City Clerk Sue Hogarth were unable to attend. City Collector Rachel Reed was on vacation.

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

PRIOR MEETING MINUTES APPROVAL

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

AYES – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis
NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper Motion carried

APPROVAL OF UNPAID BILLS REPORT

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

AYES – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis
NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper Motion carried

Appointment of City Clerk effective August 1, 2020 by the Board of Aldermen

- City Attorney Guinness

City Attorney Guinness stated that City Collector Rachel Reed is starting her City Clerk position beginning August 1, 2020. Rachel was on vacation and not present at the meeting. City Attorney Guinness thought that Rachel was appointed at the previous meeting.

PROJECT UPDATES

Boonslick Regional Planning Commission Update – Chad Eggen

Chad Eggen from Boonslick was unable to attend. There were no new updates at this time.

Update from USDA – Rural Development – Michael Hartman

Michael Hartman from USDA was unable to attend. There were no new updates at this time.

Update from MECO Engineering

- Jim Bensman w/MECO Engineering

Jim Bensman was unable to attend but relayed the message that the rerouting of the sewer was nearly finished. There were no other updates at this time.

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

- Love Serving God Ministries to discuss opening a location for residents of Elsberry

- Darlene Morgan / CEO of Love Serving God Ministries

Darlene Morgan (CEO) and Marilyn Singleton (Vice President) addressed the board to request to open a new location in Elsberry. They currently have locations in St. Charles, Troy, Winfield and Wentzville. They provide to all people with proven need with clothing, furniture, housing, utility payments, transportation and work searches. Merchandise may be given away free or at a minimal cost. They are requesting the board to offer a large size location or names of possible locations to rent in Elsberry. Mayor Short will call Ms. Morgan with some possible locations to rent and informed them that there were no locations owned by the city.

- Request by Yondoo Broadband to add an antenna at either the tower located at Page Branch Park or at the Water Tower on Brownsmill Road to provide wireless high-speed internet to Forrest Keeling Nursery and other potential residents just outside city limits

- Roy Connor w/Yondoo Broadband

Roy Conner was not present.

- Request to Discuss City Collector Position

- Steve Wilch

Steve Wilch addressed the board as a concerned resident that the board was filling the City Collector position without posting the job for possible candidates or doing background checks. He stated that mistakes like this were made in the past. He was concerned about random wage increases for particular positions and advocated that all employees should be considered when salary increases are made. The decision on spending reflects on all 1,984 residents.

PUBLIC HEARING AS REQUIRED BY LAW OR ORDINANCE

A **PUBLIC HEARING** was held at Elsberry City Hall at 6PM to hear public comment on, and to consider an amendment to the Fence Ordinance by adding new definitions to §41.060, and by replacing City Code §41.300 with new §41.300 through §41.305.

The application was also heard by the Elsberry Planning & Zoning Commission in a public meeting on Monday, June 1, 2020 at 6:00PM at Elsberry City Hall.

City Attorney Guinness read aloud the Public Hearing agenda based upon the proposed Fence ordinance changes. City Attorney Guinness asked if there was anyone present from the Planning & Zoning Committee who would like to share their recommendation to the board. Adam Dreisewerd, Chairman of the Planning & Zoning Committee, addressed the board and presented the recommendation from the June 1, 2020 Planning & Zoning Committee meeting that the proposed Fence ordinance be separated into (2) separate amendments. Amendment 1 would allow fences to be built to the front edge of a residential home along the property line and parallel to the home. Amendment 2 required secured fencing around all swimming pools. The new pool fence ordinance will NOT be retroactive to amend any previous violations.

Alderman Taylor made a motion to approve the separation of the Fence ordinance into (2) separate amendments, seconded by Alderman Rockwell.

AYES – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis
NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper Motion carried

City Attorney Guinness asked if there was any other comment either in favor of, or in opposition, to the proposed ordinance. Bob Copeland and Susan Miller asked for confirmation on existing pools and non-permanent pools.

Mayor Michael Short announced that the Public Hearing was closed.

UNFINISHED BUSINESS

- Update on letter to Dollar General construction company requesting turning lane, 4-way flashing stop sign or traffic signal, vegetation removal towards Mr. Holley's home and responsibility of payment to be handled by Dollar General

- City Attorney Guinness

City Attorney Guinness has sent a letter with these requests to Dollar General and has received no response to date. He will update the board when a response is made.

- Update on bid awarded to Cochran Engineering for the Dangerous Building Order for 314 Broadway

- City Attorney Guinness

City Attorney Guinness has not heard from Cochran Engineering about the demolition of 314 Broadway but will follow up with them tomorrow.

- List of addresses from the aldermen in each ward on tall grass violations

Alderman Harper submitted violations from Ward 1 since she was unable to attend the meeting and Alderman Taylor submitted violations from Ward 1 as well. The remaining alderman will work on violations in their respective wards and will present at the August board meeting.

NEW BUSINESS

- Discussion on Chicken Ordinance / Karl Emert residence on 2nd Street

- Mayor Short

The existing ordinance that do not allow chickens to be raised in residential areas in the city limits was presented to the board since Karl Emert has chickens at his home on 2nd Street. A motion was made by Alderman Miller to address changing this ordinance and there was no 2nd motion. The motion died for a lack of second.

- Approval to lease a RICOH copier for the police department approved at the Emergency Services Committee meeting on Tuesday 7/7/20

- Chief Davis / Alderman Rockwell

Alderman Rockwell stated that the Emergency Services Committee met and recommended to add a RICOH copier for the police department to the existing lease with City Hall due to better efficiency.

A motion was made by Alderman Davis to approve the RICOH copier for the police department and add it to the lease at City Hall, seconded by Alderman Rockwell.

AYES – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis

NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper Motion carried

- Approval to publish City of Elsberry Financial Statement from Jan-June 2020 in the Elsberry Democrat

- City Treasurer Tammy Sharpe

A motion was made by Alderman Taylor to publish the Jan-June 2020 Financial Statement in the Elsberry Democrat, seconded by Alderman Davis.

AYES – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis

NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper Motion carried

INTRODUCTION AND READING OF BILLS FOR PASSAGE

- Bill 2020-06-002 - AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO REGULATE THE CONSTRUCTION, LOCATION, PLACEMENT, AND MAINTENANCE OF FENCES; TO PROVIDE FOR PERMITS TO ERECT FENCES; AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS, BY ADDING NEW DEFINITIONS TO §41.060, AND BY REPLACING CITY CODE § 41.300 WITH NEW §§ 41.300 THROUGH 41.304.

WHEREAS, the City of Elsberry (“the City”) is empowered by State Law to adopt zoning regulations in the City;

WHEREAS, the Elsberry Planning and Zoning Commission has recommended that the Elsberry Zoning Code be amended to regulate the construction, location, placement, and maintenance of fences; to provide for permits to erect fences; and to provide for penalties for violations;

WHEREAS, the City of Elsberry Board of Aldermen has conducted a public hearing on July 14, 2020, concerning the proposed amendment to regulate the construction, location, placement, and maintenance of fences; to provide for permits to erect fences; and to provide for penalties for violations; and

WHEREAS, it is desirable for the City to regulate the construction, location, placement, and maintenance of fences; to provide for permits to erect fences; and to provide for penalties for violations as recommended.

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

SECTION 1. The Elsberry City Code is amended by adding the following definition to §41.060 as follows:

§41.060 GENERAL DEFINITIONS

Fence. A structure and/or material consisting of wood (rails or stakes), wire, masonry, vegetation (hedge) or other similar materials erected so as to provide a barrier or enclosure along the boundaries of, or within, a yard or lot. Such fence may or may not have openings for sidewalks and driveways within its vertical surface depending on its construction and use.

Sight-Proof Fence. Any fence which substantially reduces the sight-distance for adjacent properties or the traveling public. These fence types include, but are not limited to, wood stockade fence, masonry fence, shadow-box fence or thick vegetation (hedges).

SECTION 2. The Elsberry City Code is amended by deleting § 41.300 and replacing it with new §§ 41.300 through 41.304 as follows:

§41.300 FENCES IN GENERAL

The following general fence provisions shall apply to all zoning districts:

1. No fence may be erected within ten (10) feet of an existing dwelling on an adjoining lot.
2. A permit shall be required for the erection, installation or alteration of any fence within the City of Elsberry. Fence completion shall occur within six (6) months from the start of construction.
3. No fence, wall, shrub, or hedge shall be constructed or altered to exceed six (6) feet in height.

4. No person shall erect, or cause to be erected, maintain, or cause to be maintained, any fence or enclosure of which any part is charged with or designed to be charged with the electrical current except as specified in an Agricultural District.
5. In no case shall a fence be erected so as to enclose or block a stormwater catch basin, culvert, ditch, or other stormwater structure.
6. All fencing must always be maintained in good condition. "Good condition" is hereby defined to include, but shall not be limited to, replacement of damaged boards, staining or painting of surfaces and removal of rust.
7. When a fence is adjacent a public street, the improved side of the fence shall be oriented to the outside.
8. The owners and occupants of the property shall be responsible for maintaining the fences and to remove any fence if it becomes unsightly or a menace to public safety, health or welfare.
9. Any fence must be constructed in a workmanship like manner so that the horizontal and vertical support posts are inside of the fence area or hidden from both the adjoining property's and general public's view.
10. All fences shall be maintained in their original, upright condition.
11. Fences designed for painting or similar surface finishes shall be maintained in their original condition as designed.
12. Missing boards, pickets, bars, or posts shall be replaced in a timely manner with material of the same type and quality.

§41.301 PROHIBITED FENCING

The following fences are prohibited in all Zoning Districts:

1. No fence shall be constructed solely of single wires, either solely or in multiples, between posts or supports.
2. No more than two (2) different types of fencing material may be combined and connected in a continuous running length. This provision has no effect on freestanding, ornamental fence panels used as yard decorations, pathway entrances, or address markers.
3. No person shall erect or maintain any division fence or screen, in whole or part, being constructed of cloth, canvas, corrugated tin, woven wire, chicken wire, or other like materials.

4. No person shall permit any fence erected or maintained on premises owned, occupied, or leased by him/her to be used for advertising purposes, except for a small advertising placard stating the contractor who installed the fence, or manufacturers placard which has been made part of the fencing materials.

§41.302 FENCES IN AGRICULTURAL DISTRICTS.

Electrified and barbed wire fences shall be permitted in Agricultural Districts when used in connection with an approved farming operation

§41.303 FENCES IN ALL "R" (RESIDENTIAL) DISTRICTS.

1. The use of barbed wire, hardware cloth, or any other similar material shall not be permitted as fencing in residential districts.
2. Residential fences shall not exceed six (6) feet in height.
3. A fence shall not extend toward the front of the lot beyond the front building line, which is parallel to the front of the house.
4. In no case shall any front yard be enclosed by a fence.
5. Fences shall be erected around swimming pools according to the adopted Building Codes of the City of Elsberry.
6. There shall be no fences consisting of one (1) or more strand wires constructed in residential districts.
7. Fences which are four (4) feet or less in height may be constructed of wood, masonry, vinyl materials, metal in the appearance of wrought iron, or chain link materials. Vinyl materials shall be considered slats or planks; vinyl coated chain link fencing or metal shall not be considered vinyl fencing.
8. Fences which are greater than four (4) feet in height shall be constructed of wood, metal in the appearance of wrought iron, or vinyl materials. Vinyl materials shall be considered slats or planks; vinyl coated chain link fencing or other vinyl coated metal fencing shall not be considered vinyl fencing.
9. Chain link and masonry may be used if approved by the Building Inspector after substantial evidence has been provided by the Owner indicating that other materials are not practical and that such fencing will not create an aesthetic problem.

§41.304 FENCES IN ALL "C" (COMMERCIAL), "CB" (CENTRAL BUSINESS), AND "I" (INDUSTRIAL) DISTRICTS.

1. The following may be approved by the Building Inspector:
 - a. Requests stating the reason must be made in writing to and approved by the Building Inspector prior to construction or erection.
 - b. Fences higher than six (6) feet may be permitted for security and/or screening purposes. Also, barbed wire or razor wire shall be permitted only if the lowest strand is at least seven (7) feet above grade, and when used for security purposes in addition to a regular fence.
2. Fences are permitted on any lot or paved area so long as they do not extend beyond the front building line unless otherwise approved by the Planning and Zoning Commission.
3. Where a fence is constructed to comply with a screening requirement, all fencing regulations regarding maintenance, materials and height shall apply.
4. All fences that abut residential properties that are used for the purpose of screening between districts shall be masonry, wood composite, or vinyl.
5. Fences constructed of chain link that are located within commercial and industrial zoning districts shall be coated with vinyl.
6. A fence or rail shall be installed on all retaining walls that exceed four (4) feet in height that are located in commercial zoning districts or within a commercial development in an industrial zoning district. The fence or rail shall be a minimum of thirty-six (36) inches in height.

(Ord. 9-9-1997; 8-1-1999)

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

AYES – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis
NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper 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 – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis
NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper Motion carried

- Bill 2020-06-002 - AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO REGULATE THE CONSTRUCTION, LOCATION, PLACEMENT, AND MAINTENANCE OF FENCES; TO PROVIDE FOR PERMITS TO ERECT FENCES; AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS, BY ADDING NEW DEFINITIONS TO §41.060, AND BY ADDING A NEW § 41.305.

WHEREAS, the City of Elsberry (“the City”) is empowered by State Law to adopt zoning regulations in the City;

WHEREAS, the Elsberry Planning and Zoning Commission has recommended that the Elsberry Zoning Code be amended to regulate the construction, location, placement, and maintenance of fences; to provide for permits to erect fences; and to provide for penalties for violations;

WHEREAS, the City of Elsberry Board of Aldermen has conducted a public hearing on July 14, 2020, concerning the proposed amendment to regulate the construction, location, placement, and maintenance of fences; to provide for permits to erect fences; and to provide for penalties for violations; and

WHEREAS, it is desirable for the City to regulate the construction, location, placement, and maintenance of fences; to provide for permits to erect fences; and to provide for penalties for violations as recommended.

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

SECTION 1. The Elsberry City Code is amended by adding the following definition to §41.060 as follows:

§41.060 GENERAL DEFINITIONS

Pool Fences. A permanent fence, wall, building wall, or combination thereof that completely surrounds the pool and obstructs the access to the pool. The term "permanent" shall mean not being able to be removed, lifted, or relocated without the use of a tool.

SECTION 2. The Elsberry City Code is amended by adding a new § 41.305 as follows:

§41.305 POOL FENCES.

Outdoor pools, both in-ground and on-ground, shall be surrounded by a pool fence that complies with this Section and the applicable portions of §41.300 through §41.304.

1. **Height and Clearances.** Pool fence heights and clearances shall be in accordance with all of the following:

- A. The top of the pool fence shall be not less than 48 inches (1219 mm) above grade where measured on the side of the pool fence that faces away from the pool. Such height shall exist around the entire perimeter of the pool fence and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required pool fence.
 - B. The vertical clearance between grade and the bottom of the pool fence shall not exceed 2 inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the pool fence that faces away from the pool.
 - C. The vertical clearance between a surface below the pool fence to a solid surface, such as concrete, and the bottom of the required pool fence shall not exceed 4 inches (102 mm) where measured on the side of the required pool fence that faces away from the pool.
 - D. Where the top of the pool structure is above grade, the pool fence shall be installed on grade or shall be mounted on top of the pool structure. Where the pool fence is mounted on the top of the pool, the vertical clearance between the top of the pool and the bottom of the pool fence shall not exceed 4 inches (102 mm).
2. **Openings.** Openings in the pool fence shall not allow passage of a 4-inch-diameter (102 mm) sphere.
 3. **Solid Pool Fence Surfaces.** Solid pool fences that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.
 4. **Mesh Fence as a Pool Fence.** Mesh fences, other than chain link fences in accordance with § 41.305.7, shall be installed in accordance with the manufacturer's instructions and shall comply with the following:
 - A. The bottom of the mesh fence shall be not more than 1 inch (25 mm) above the deck or installed surface or grade.
 - B. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not permit the fence to be lifted more than 4 inches (102 mm) from grade or decking.
 - C. The fence shall be designed and constructed so that it does not allow passage of a 4-inch (102 mm) sphere under any mesh panel. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not be more than 4 inches (102 mm) from grade or decking.

- D. An attachment device shall attach each pool fence section at a height not lower than 45 inches (1143 mm) above grade. Common attachment devices include, but are not limited to, devices that provide the security equal to or greater than that of a hook-and-eye type latch incorporating a spring-actuated retaining lever such as a safety gate hook.
 - E. Where a hinged gate is used with a mesh fence, the gate shall comply with § 41.305.3.
 - F. Patio deck sleeves such as vertical post receptacles that are placed inside the patio surface shall be of a nonconductive material.
 - G. Mesh fences shall not be installed on top of on-ground residential pools.
5. **Closely Spaced Horizontal Members.** Where the pool fence is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the pool side of the fence. Spacing between vertical members shall not exceed 13/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 13/4 inches (44 mm) in width.
 6. **Widely Spaced Horizontal Members.** Where the pool fence is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, the interior width of the cutouts shall not exceed 13/4 inches (44 mm).
 7. **Chain Link Dimensions.** The maximum opening formed by a chain link fence shall be not more than 13/4 inches (44 mm). Where the fence is provided with slats fastened at the top and bottom which reduce the openings, such openings shall be not more than 13/4 inches (44 mm).
 8. **Diagonal Members.** Where the pool fence is composed of diagonal members, the maximum opening formed by the diagonal members shall be not more than 13/4 inches (44 mm). The angle of diagonal members shall be not greater than 45 degrees (0.79 rad) from vertical.
 9. **Clear Zone.** There shall be a clear zone of not less than 36 inches (914 mm) between the exterior of the pool fence and any permanent structures or equipment such as pumps, filters and heaters that can be used to climb the pool fence.
 10. **Poolside Pool Fence Setbacks.** The pool side of the required pool fence shall be not less than 20 inches (508 mm) from the water's edge.

11. **Gates.** Access gates shall comply with the requirements of this Subsection and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool, shall be self-closing and shall have a self-latching device.
 - A. **Utility or Service Gates.** Gates not intended for pedestrian use, such as utility or service gates, shall remain locked when not in use.
 - B. **Double or Multiple Gates.** Double gates or multiple gates shall have at least one leaf secured in place and the adjacent leaf shall be secured with a self-latching device. The gate and pool fence shall not have openings larger than ½ inch (12.7 mm) within 18 inches (457 mm) of the latch release mechanism. The self-latching device shall comply with the requirements of § 41.305.11.C.
 - C. **Latches.** Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from grade, the release mechanism shall be located on the pool side of the gate not less than 3 inches (76 mm) below the top of the gate, and the gate and pool fence shall not have openings greater than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
12. **Structure Wall as a Pool Fence.** Where a wall of a dwelling or structure serves as part of the pool fence and where doors provide direct access to the pool through that wall, one of the following shall be required:
 - A. Doors shall have an alarm that produces an audible warning when the door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017.
 - B. A safety cover that is listed and labeled in accordance with ASTM F 1346 is installed for the pools.
 - C. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item A or B.
13. **On-ground Residential Pool Structure as a Pool Fence.** An on-ground residential pool wall structure or a pool fence mounted on top of an on-ground residential pool wall structure shall serve as a pool fence where all the following conditions are present:
 - A. Where only the pool wall serves as the pool fence, the bottom of the wall is on grade, the top of the wall is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of Subsections 1 through 10, and the pool manufacturer allows the wall to serve as a pool fence.

- B. Where a pool fence is mounted on top of the pool wall, the top of the pool fence is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, and the wall and the pool fence on top of the wall comply with the requirements of Subsections 1 through 10.
 - C. Ladders or steps used as means of access to the pool are capable of being secured, locked or removed to prevent access except where the ladder or steps are surrounded by a pool fence that meets the requirements of § 41.305.
 - D. Openings created by the securing, locking or removal of ladders and steps do not allow the passage of a 4-inch (102 mm) diameter sphere.
 - E. Pool fences that are mounted on top of on-ground residential pool walls are installed in accordance with the pool manufacturer's instructions.
14. **Natural Barriers as Pool Fences.** In the case where the pool area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required pool fences extend to and beyond the water's edge not less than 18 inches (457 mm), a pool fence is not required between the natural body of water shoreline and the pool.
15. **Natural Topography as a Pool Fence.** Natural topography that prevents direct access to the pool area shall include but not be limited to mountains and natural rock formations. A natural pool fence approved by the governing body shall be acceptable provided that the degree of protection is not less than the protection afforded by the requirements of Subsections 1 through 13.

(Ord. 9-9-1997; 8-1-1999)

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

AYES – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis
 NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper 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 Taylor.

AYES – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis
 NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper Motion carried

Bill 2020-07-001 - AN ORDINANCE UPDATING THE EXISTING ORDINANCES ESTABLISHING PROCEDURES TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN OFFICIALS BY ADOPTING A SUBSTITUTED SUBCHAPTER C TO CHAPTER 25 OF THE ELSBERRY MUNICIPAL CODE.

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

SECTION 1: The Elsberry Municipal Code Chapter 25 is amended by substituting the following Subchapter C to Chapter 25 of the Elsberry Municipal Code as follows:

**“SUBCHAPTER C -- PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST
AND SUBSTANTIAL INTERESTS FOR CERTAIN CITY OFFICIALS**

§25.600 DECLARATION OF POLICY.

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.

§25.610 CONFLICTS OF INTEREST.

1. All elected and appointed officials, as well as employees, of the the City of Elsberry (“the City”) must comply with RSMo. §105.454 on conflicts of interest as well as any other state law governing official conduct.

2. Any member of the City Board of Aldermen who has a “substantial or private interest” in any measure, bill, order or ordinance proposed or pending before the City must disclose that interest to the City Clerk and such disclosure shall be recorded in the appropriate journal of the Board. Substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children, whether singularly, or collectively directly or indirectly of: (1) 10% of more of any business entity; or (2) an interest having a value of \$10,000 or more; or (3) the receipt of a salary, gratuity, or other compensation or remuneration of \$5,000 or more, per year from any individual, partnership, organization, or association within any calendar year.

§25.620 DISCLOSURE REPORTS.

Each elected official, candidate for elective office, the chief administrative officer, the chief purchasing officer, and the full-time general counsel of the City, if any, shall disclose the following information by May 1, or the appropriate deadline as referenced in Section 105.487, RSMo, if any such transactions occurred during the previous calendar year:

- a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City.
- b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.
- c. The City chief administrative officer, chief purchasing officer, and candidates for either of these positions also shall disclose by May 1, or the appropriate deadline as referenced in Section 105.487, RSMo, the following information for the previous calendar year:
 - i. The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;
 - ii. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;
 - iii. The name and address of each corporation for which such person served in the capacity of a director, officer, or receiver.

§25.630**FILING OF REPORTS.**

- d. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:
 - i. Every person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the board may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.
 - ii. Each person appointed to City office shall file the statement within thirty days of such appointment or employment covering the calendar year ending the previous December 31;
 - iii. Every candidate required to file a personal financial disclosure statement shall file no later than fourteen days after the close of filing at which the candidate seeks nomination or election or nomination by caucus. The time period of this statement shall cover the twelve months prior to the closing date of filing for candidacy.
- e. Financial disclosure reports giving the financial information required in Section 25.620 shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.
- f. The financial interest statement shall not be required to be filed if the person is not otherwise subject to Missouri state conflicts of interest laws as provided by those laws.

§25.640**PENALTIES.**

Any person required to file a financial interest statement by this Subchapter, who fails to file such statement by the times required by this Subchapter shall, if such person receives any compensation or other remuneration from public funds for the person's services, not be paid such compensation or receive such remuneration until the person has filed a financial interest statement as required by this Subchapter. Any person required by this Subchapter to file a financial statement who fails to file such statement by the time required by this Subchapter and continues to

fail to file the required financial interest statement for thirty or more days after receiving notice from the City shall be guilty of an administrative infraction.”

SECTION 2: Filing of Ordinance. A certified copy of this Ordinance, as adopted prior to September 15th, 2020, shall be sent by the City Clerk to the Missouri Ethics Commission within ten days of its adoption.

SECTION 3: 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 4. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: Effective Upon Passage. This ordinance shall be in full force and effect from and after the date of its passage.

SECTION 6: Incorporation into the Municipal Code. The City Clerk shall incorporate the terms of this Ordinance into the official City of Elsberry Municipal Code with all due dispatch.

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

AYES – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis
NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper 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 – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis
NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper Motion carried

- **Bill 2020-07-003 – Ordinance for Tall Grass Violation Abatements**
- **Bill 2020-07-004– Ordinance for Debris Violation Abatements**
- **Bill 2020-07-005 – Ordinance for Derelict Vehicle Abatements**

Chief Davis requested that these (3) bills be discussed in closed session. A motion was made by Alderman Rockwell to discuss these in closed session, seconded by Alderman Taylor.

AYES – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis
NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper 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 Short: Nothing to report.

Alderman Davis: Thank you to Justin Reaves w/Alliance for filling the potholes on the street. She has been asked by residents to have the weeds and unsightly areas cleaned up at Page Branch Park. She asked for an update on the demolition of the Waggoner house on Lincoln Street and City Attorney Guinness will look into this issue. City Treasurer Sharpe stated that the Waggoner house is on the demolition list.

Alderman Taylor: The Infrastructure committee needs to meet to discuss how to clean the fenced area owned by the fire department.

Alderman Miller: Nothing to report.

Alderman Harper: Not present.

Alderman Rockwell: Nothing to report.

Alderman Robinson: Not present.

REPORTS OF CITY DEPARTMENTS AND OFFICERS

Rob Guinness – Attorney – A suit has been filed in Lincoln County for a permanent injunction on 510 Bailey Street. It could take up to 6 months for a final result. Alderman Taylor asked to address this in closed session.

Justin Reaves – Alliance Water Resources – Alliance has more street patching to be done. Mowing and cleaning up trees is ongoing. He is getting information together and talking to controllers on the blocked sewer issue and is working on bids soon. Currently, they are digging by the manhole.

Chief Randy Davis – He has (1) more police officer position to be filled. He is clearing cases and paperwork and is making progress. There are no pressing issues at this time.

Tammy Sharpe – Treasurer – Closed Session

Sue Hogarth – City Clerk – Not present.

Rachel Reed - City Collector – Not present.

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 Taylor 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 – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis
NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper Motion carried

Closed session started at 7:39PM.

RESUME OPEN SESSION

Mayor Short resumed the open session meeting at 9:05PM.

SET DATE & TIME FOR SPECIAL SESSION BOARD MEETING IN JULY

Mayor Short asked the Board of Aldermen to set a date and time for a Special Session board meeting in July. After some discussion, Alderman Rockwell suggested Tuesday, July 28 at 5:30PM and all the aldermen that were present agreed. Mayor Short will ask City Clerk Sue Hogarth to contact Nicole Castleberry to see if she can start her new position as City Collector on Wednesday 7/29.

ADJOURNMENT

A motion was made to adjourn the board meeting by Alderman Taylor, seconded by Alderman Miller.

AYES – Alderman Miller, Alderman Rockwell, Alderman Taylor, Alderman Davis
NAYS – 0 ABSENT – Alderman Robinson & Alderman Harper Motion carried

Open session meeting was adjourned at 9:14PM.