

**City of Elsberry  
Regular Session  
September 14th, 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, Alderman Wilch, City Attorney Rob Guinness, City Clerk Rachel Reed, City Collector Tashua Chiodini, City Treasurer Lisa Grumich and Police Chief Randy Davis. Also present were Justin Reaves, and Ron Smith of Alliance Water Resources. Alderman Miller 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 Wilch seconded the motion.

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

NAYES-0

Absent- Alderman Miller

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 Wilch, Alderman Taylor, Alderman Harper, Alderman Davis, Alderman Rockwell

NAYES-0

Absent- Alderman Miller

Motion Carried.

**Project updates**

Boonslick- Chad Egan let City Clerk Rachel Reed and Mayor Short know that the demo project is a go.

USDA- nothing to report

Meco Engineering- There was a teleconference with USDA, Meco, Boonslick Regional and the City. Since we are getting close to the end of the fiscal year there is a chance that funding might

not be available when the project is ready. We also do not have construction authorization yet. There is the option of holding off on the bidding until early to mid-December. This will help with the bidding outcome and will also help to secure the funding.

**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**

Adam Stanek Emergency Tornado Siren policy change.

Mr. Stanek is the Director of Emergency Management for Lincoln County. The county is wanting to change the warning system. The national weather service has changed to a tier system for thunderstorm warnings. The county would like to change to agreement to sounds the alarms when the national weather service puts out a tier 3 warning. Mr. Stanek has provided an agreement for the board to look over and the Mayor to sign.

Mike Parker- Mr. Parker had a water leak that was outside his house. He is asking for a water and sewer abatement. The sewer portion would take the sewer from \$154.46 to \$58.91.

Alderman Harper made a motion to abate the sewer portion to \$58.91

Alderman Taylor seconded the motion.

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

NAYES-0

Absent- Alderman Miller

Motion Carried.

Alderman Taylor would like to abate that water 50% of anything over the 3 month average. This would take the water from \$724.48 to \$371.85 and the sales tax from \$10.87 to \$5.58. The total abatement would be \$491.92

Alderman Rockwell seconded the motion.

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

NAYES-0

Absent- Alderman Miller

Motion Carried.

David Windels- Mr. Windels would like to ask for an abatement for his water leak. He had a water leak outside his house.

The sewer portion of the abatement is \$124.43 to \$68.25 if only one bill was abated. If both bills were abated the total amount would be \$106.4.

Alderman Harper made a motion to abate \$106.47 from his bill.

Alderman Rockwell seconded the motion.

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

NAYES-0

Absent- Alderman Miller

Motion Carried.

The water portion of the bill if abated at 50% would be deducted by \$120.60.

Alderman Harper made a motion to abate the water by 50%

Alderman Taylor seconded the motion.

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

NAYES-0

Absent- Alderman Miller

Motion Carried.

Sue Beck- would like to address the board in closed session.

### **PUBLIC HEARING A REQUIRED BY LAW OR ORDINANCE**

No Public Hearings

### **ACTING ON UNFINISHED BUSINESS**

#### Purchasing traffic signs

Justin Reaves would like to purchase some traffic signs. No parking sign, school zone signs, and some 12ft u channel poles. The total is \$1640.12

Alderman Wilch made a motion to approve purchasing the signs.

Alderman Taylor seconded the motion.

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

NAYES-0

Absent- Alderman Miller

Motion Carried.

#### Wastewater treatment funding timeline

Alderman Wilch made a motion to extend the timeline by 90 days.

Alderman Taylor seconded the motion.

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

NAYES-0

Absent- Alderman Miller

Motion Carried.

## **NEW BUSINESS**

### **Woodard and Curren Presentation**

Mike Greenburg made a presentation about what Woodard Curran would be able to do for Public works in Elsberry.

### **Approval for Rachel Reed to attend MWRA Office Professional Seminar**

Alderman Davis made a motion approve for Rachel Reed to attend the MWRA conference

Alderman Harper seconded the motion.

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

NAYES-0

Absent- Alderman Miller

Motion Carried.

### **S & R Proposed Animal Control Contract**

Alderman Wilch contacted S&R Animal Control about coming back to the City of Elsberry. They have sent over a proposed contract. Robert Guinness would like to have a couple small changes made on the contract.

Alderman Taylor made a motion to accept the proposed contract with the changes that Mr. Guinness would like to make.

Alderman Wilch seconded the motion.

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

NAYES-0

Absent- Alderman Miller

Motion Carried.

### **Procedures for Alderman to file compliants and work orders**

Mayor Short would like to start having a system and procedure for Alderman to file complaints and get work orders made to issues that need to be resolved. He is going to work with Rob to get a procedure together and present at the next meeting.

Alderman Wilch made a motion to proceed with creating a procedure.

Alderman Taylor seconded the motion.,

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

NAYES-0

Absent- Alderman Miller

Motion Carried.

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

None

**INTRODUCTION AND READING OF BILLS FOR PASSAGE**

The board considered Bill 2021-09-001

AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO PROVIDE FOR ABATEMENTS AND EXTENDED PAYMENT OF UTILITY USAGE CHARGES BY REPLACING CITY MUNICIPAL CODE SECTION 110.100 WITH A NEW SECTION 110.100.

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

**SECTION 1.** The Elsberry City Municipal Code is amended by repealing section 110.100 and replacing it with the prior section 110.100 as follows:.

**“§110.100. UTILITY CHARGE ABATEMENT.**

1. If a Residential User believes that the User has been subject to extraordinary utility charges due to a water leak or faulty plumbing, the Residential User may petition the City to abate a portion of the User’s utility charges. Waiver or reduction of the utility charges for Residential usage attributable to water leaks is subject to the following requirements:

1. Water use charges may be abated only if the City determines that a water leak occurred between the water meter and the exterior of the residence or building receiving water service. Sewer use charges may be abated for leaks that occur within the building receiving the water service.

2. The customer’s water usage for the month exceeds that customer's normal usage by more than one hundred percent (100%) as a

result of a water leak.

3. No more than one (1) adjustment may be applied to any service connection or structure within any calendar year and shall not encompass charges for more than one (1) billing cycle.

4. No abatement shall be permitted which appears to involve the use of swimming pools or the watering of lawns.

5. Adjustments to sewer billing may be allowed only when, in the sole opinion of the City, the leakage did not enter the City's sanitary sewer system.

6. No water or sewer use charge adjustments will be made until the City is satisfied the repairs have been made. The Residential user, upon notification of the water leak, must make in good faith efforts to repair the leak. All repairs must have been made timely.

7. The user must have been vigilant in noticing any irregularities in water use, or signs of leaks, and reported such information to the City on a timely basis.

2. The Residential utility charge abatement shall be a maximum of:

1. Fifty percent (50%) of one month's water use charge that is excess of the average prior three (3) months' water use charge without the water leak; and

2. That portion of one month's sewer use charge that is in excess of the prior three (3) months' sewer use charge without the water leak.

3. The amount of the abatement must be recommended by the water plant operator and the City Collector, and approved by the Board of Aldermen.

4. The City Collector, subject to the approval of the Board of Aldermen, may correct, waive, or reduce water and sewerage charges for usage attributable to water billing process errors and/or meter discrepancies.

5. In extraordinary situations, the Board of Aldermen may grant a payment extension or delayed payment plan to any person who, by reason of extreme financial or other hardship, is unable to pay any City utility bill. Such payment plan shall not be more than six months in duration. Only one such extension shall be granted in any one year period.

(Ord. 4-1-2007; 2011-01-003; 2021-07-03; 2021-09-00 )”

**SECTION 2. SEVERABILITY.**

The provisions of this Ordinance shall be severable. In the event that any provision of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this Ordinance are valid unless the Court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

**SECTION 3: EFFECTIVE UPON PASSAGE**

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

**SECTION 4: INCORPORATION INTO THE MUNICIPAL CODE**

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

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

Roll Call vote

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

Ayes-5

Nayes-0

Absent-Alderman Miller

Motion Carried

City Attorney Robert Guinness read 2 times by title only.

Alderman Taylor made a motion to adopt Bill 2021-09-001  
Alderman Rockwell seconded the motion.

Roll Call Vote

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

Ayes-5

Nayes-0

Absent-Alderman Miller  
Motion carried.

The board considered Bill 2021-09-002

AN ORDINANCE TO AMEND THE ELSBERRY CITY CODE TO PROVIDE FOR THE REGULATION AND LICENSING OF THE SALE, MANUFACTURE, AND CONSUMPTION OF INTOXICATING LIQUORS ON SUNDAYS; AND FOR EXCEPTIONS FOR SALE OF ALCOHOLIC BEVERAGES SOLD AT RETAIL BY THE DRINK FOR “TO GO” CONSUMPTION; BY AMENDING SECTIONS 50.015; 50.080, 50.085, 50.090, 50.105, 50.145, 50.150, 50.155, 50.170, 50.175; AND ADDING A NEW SECTION 50.241 TO THE ELSBERRY MUNICIPAL CODE.

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

**SECTION 1:** The Elsberry City Code is amended to adjust the hours of Sunday sales of alcoholic beverages to adhere to the hours authorized by state statutes by replacing §§50.015; 50.080, 50.085, 50.090, 50.105, 50.145, 50.150, 50.155, 50.170, 50.175 with new §§50.015; 50.080, 50.085, 50.090, 50.105, 50.145, 50.150, 50.155, 50.170, 50.175 in their place as follows:

**“§50.015. RESTRICTIONS AS TO TIME FOR SALE.**

Except as provided herein below, no person having a license under the provisions of this Chapter shall sell, give away, or otherwise dispose of or suffer the same to be done upon or about his premises any intoxicating liquor or nonintoxicating beer in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on any day of the week, nor at any time other than that designated in the license held by such person. Notwithstanding the provisions of this Section, sales of intoxicating liquor or nonintoxicating beer may be made between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays if the person holds a license specifically allowing such sales during that time.

(Ord. 01-2010-002, 2/9/10; 2021-09-00)

**§50.080: LIQUOR BY THE DRINK BY EXEMPT ORGANIZATIONS**

1. Notwithstanding any other provisions of this Chapter to the contrary, any charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended, may apply for, and the City may issue, a license to sell intoxicating liquor, as defined in this chapter, between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays by the drink at retail for consumption on the

- premises described in the application.
2. If any charitable, fraternal, religious, service, or veterans' organization has a license to sell intoxicating liquor on its premises pursuant to this section, and such premises includes two or more buildings in close proximity, such permit shall be valid for the sale of intoxicating liquor at any such building.

(Ord. 01-2010-002, 2/9/10; 2021-09-00)

**§50.085 LIQUOR BY THE DRINK – SUNDAY**

A qualified person may apply for, and the City may issue, an annual license for the sale of all kinds of intoxicating liquor, at retail by the drink for consumption on the premises of the licensee described in the license, between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays. An applicant must hold a retail liquor by the drink license under Municipal Code §50.080 to receive a license under this section.

(Ord. 01-2010-002, 2/9/10; 2021-09-00; 2021-09-)

**§50.090 MALT LIQUOR BY THE DRINK (INCLUDES SUNDAY SALES)**

A qualified person may apply for, and the City may issue, an annual license for the sale of malt liquor at retail by drink for consumption on the premises where sold as described in the license. Any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays at the licensed premises.

(Ord. 01-2010-002, 2/9/10; 2021-09-00)

**§50.105: ORIGINAL PACKAGE LIQUOR – SUNDAY**

1. A qualified person may apply for, and the City may issue, an annual license to sell intoxicating liquor in the original package at retail between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays.
2. Such a license may only be issued to a person who is licensed to sell intoxicating liquor in the original package at retail pursuant to Municipal Code §50.100.

(Ord. 01-2010-002, 2/9/10; 2021-09-00)

**§50.145: BY THE DRINK BY RESTAURANT BAR OR HOTEL -- SUNDAY SALES**

1. As used in this section, the term "restaurant bar" means any establishment having a

restaurant or similar facility on the premises at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on such premises.

2. As used in this section, the term "hotel" means any establishment having at least forty rooms for the overnight accommodations of transient guests.
3. Any person operating a restaurant bar may apply for, and the City may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of the restaurant bar between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Mondays by the drink at retail for consumption on the premises of any restaurant bar as described in the application or on the premises of any establishment having at least forty rooms for the overnight accommodations of transient guests.
4. Licenses issued under this section shall be conditioned upon the observance of the provisions of this Chapter governing the conduct of premises licensed for the sale of intoxicating liquor by the drink.

(Ord. 01-2010-002, 2/9/10; 2021-09-00)

**§50.150: BY THE DRINK BY RESTAURANT BAR -- SUNDAY SALES – TEMPORARY**

1. As used in this section, the term "restaurant bar" means any establishment having a restaurant or similar facility on the premises at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on such premises.
2. Any person operating a new restaurant bar having been in operation for less than ninety days may apply for, and the City may issue, a temporary license to sell intoxicating liquor by the drink at retail for consumption on the new restaurant bar premises between the hours of 6:00 a.m. and 1:30 a.m. on Mondays for a period not to exceed ninety days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars.
3. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.
4. Licenses issued under this section shall be conditioned upon the observance of the

provisions of this Chapter governing the conduct of premises licensed for the sale of intoxicating liquor by the drink.

(Ord. 01-2010-002, 2/9/10; 2021-09-00)

**§50.155: MISSOURI WINE BY DRINK BY WINERY**

1. For the purpose of the promotion of tourism, a wine manufacturer, its employees, officers or agents located within this state may apply for, and the City may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises where sold, if the premises so licensed is in close proximity to the winery. Such premises may remain open between the hours of 9:00 a.m. and midnight on Sunday.
2. For the purpose of the promotion of tourism, a person may apply for, and the City may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises where sold, but seventy-five percent or more of the intoxicating liquor sold by such licensed person shall be Missouri-produced wines received from manufacturers licensed under RSM0. §311.190. Such premises may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday, and between the hours of 6:00 a.m. and 1:30 a.m. on Mondays.
3. Licenses issued under this section shall be conditioned upon the observance of the provisions of this Chapter governing the conduct of premises licensed for the sale of intoxicating liquor by the drink.

(Ord. 01-2010-002, 2/9/10; 2021-09-00)

**§50.170: BY THE DRINK BY AMUSEMENT PLACE -- SUNDAY SALES**

1. As used in this section the term "amusement place" means any establishment whose business building contains a square footage of at least six thousand square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played, or has a dance floor of at least two thousand five hundred square feet, or any outdoor golf course with a minimum of nine holes, and which has annual gross receipts of at least one hundred thousand dollars of which at least fifty thousand dollars of such gross receipts is in nonalcoholic sales.
2. Any person may apply for, and the City may issue, a license to sell intoxicating liquor between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Mondays by the drink at retail for consumption on the premises of any amusement place described in the license.
3. Any new amusement place having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for

consumption on the premises between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Mondays for a period not to exceed ninety days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars of which at least fifty thousand dollars of such gross receipts are in nonalcoholic sales for the first year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

(Ord. 01-2010-002, 2/9/10; 2021-09-00)

**§50.175: BY THE DRINK BY AMUSEMENT PLACE -- SUNDAY SALES – TEMPORARY**

1. As used in this section the term "amusement place" means any establishment whose business building contains a square footage of at least six thousand square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played, or has a dance floor of at least two thousand five hundred square feet, or any outdoor golf course with a minimum of nine holes, and which has annual gross receipts of at least one hundred thousand dollars of which at least fifty thousand dollars of such gross receipts is in nonalcoholic sales.
2. Any person operating a new amusement place having been in operation for less than ninety days may apply for, and the City may issue, a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Mondays for a period not to exceed ninety days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars of which at least fifty thousand dollars of such gross receipts are in nonalcoholic sales for the first year of operation.
3. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the amusement place establishment.

(Ord. 01-2010-002, 2/9/10; 2021-09-00)

**SECTION 2:** The Elsberry City Code is amended to add a new §50.241 as follows:

**“§50.241. RETAIL SALES OF ALCOHOLIC BEVERAGES BY THE DRINK FOR ON-PREMISES CONSUMPTION – EXCEPTIONS FOR CERTAIN SALES OF RETAILER-PACKAGED ALCOHOLIC BEVERAGES TO CUSTOMERS IN CONTAINERS FILLED ON SUCH PREMISES FOR OFF-PREMISES CONSUMPTION.**

1. Notwithstanding any provision of this Chapter to the contrary, any person who is licensed to sell intoxicating liquor at retail by the drink for on-premises consumption may sell retailer-packaged alcoholic beverages to customers in containers, filled on such premises

by any employee of the retailer who is twenty-one years of age or older, for off-premises consumption if all the following requirements are met:

- (1) The container of the alcoholic beverage is rigid, durable, leak-proof, sealable, and designed to prevent consumption without removal of the tamper-proof cap or seal. A "sealable" container does not include a container with a lid with sipping holes or openings for straws;
- (2) The contents of each container do not exceed one hundred twenty eight ounces;
- (3) The patron orders and purchases a meal from the licensee simultaneous with the alcoholic beverage purchase. For purposes of this subsection, a "meal" is defined as food that has been prepared on-premises;
- (4) The number of alcoholic beverages sold under this section by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee for off-premises consumption;
- (5) The licensee provides the patron with a dated receipt or an electronic record for the meal and alcohol beverages; and
- (6) The container is either:
  - (a) Placed in a one-time-use, tamper-proof, transparent bag that is securely sealed; or
  - (b) The container opening is sealed with tamper-proof tape.

For purposes of this Section, "tamper-proof" means that a lid, cap, or seal visibly demonstrates when a bag or container has been opened.

2. Containers that are filled under subsection 1 of this section shall be affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three millimeters in height and not more than twelve characters per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL."
3. The filling of a container under this section shall be in compliance with Section 3-304.17© of the 2009 Food and Drug Administration Food Code.
4. No wholesaler, distributor, or manufacturer of intoxicating liquor to furnish containers that are filled under subsection 1 of this section to any person who is licensed to sell intoxicating liquor at retail.

(Ord. 2021-09-00)”

**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: Effective Upon Passage**

This ordinance shall be in full force and effect from and after the date of its passage. Licenses issued before this Ordinance is enacted shall be valid until the stated expiration on the license.

**SECTION 5: 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.

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

Roll Call vote

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

Ayes-5

Nays-0

Absent-Alderman Miller

Motion carried

City Attorney Robert Guinness read Bill 2021-09-002 twice by title only

Alderman Wilch made a motion to adopt bill 2021-09-002  
Alderman Harper seconded the motion.

Roll Call Vote

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

Ayes-5

Nayes-0

Absent-Alderman Miller

Motion carried

The board considered Bill 2021-09-003.

AN ORDINANCE TO MAKE TECHNICAL CORRECTIONS TO THE STANDARDS,  
RULES, REGULATIONS, OFFENSES, AND FEES CONCERNING THE CITY CEMETERY  
AND BURIAL SERVICES BY AMENDING VARIOUS SECTIONS OF CHAPTER 35 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, MISSOURI BE AMENDED AS  
FOLLOWS:

**SECTION 1:** The Elsberry City Code is amended by replacing Section 35.010 with a new  
Section 35.010 as follows:

**“§35.010        DEFINITIONS**

For purposes of this Chapter, the following terms will have the following meanings:

“Cemetery Lot” means any parcel of ground in the City Cemetery that is set aside for burials,  
and includes, Full Lots, Half Lots, and Single Grave Lots.

“Child” means a person who died prior to the twelfth anniversary of his or her birthday.

“City Cemetery” means the cemetery owned and operated by the City along State Highway B,  
and all of its additions. A map and plat of the City Cemetery are on file with the City Clerk.

“Double Grave Lot” means two adjacent side-by-side Single Grave Lots that are joined together  
for common burial.

“Footstone Marker” means a memorial stone or marker placed at the foot area of a grave.

“Full Lot” means ten (10) platted burial spaces in of the City Cemetery, except in the Original  
Section, which is eight platted (8) burial spaces.

“Half Lot” means one half of a Full Lot.

“Headstone Marker” means the main memorial marker placed at the head of a grave site. Headstone markers may be flat, angled, or upright.

“Infant Grave” means a grave dug to accommodate a casket of less than 4 feet in length.

“Marker” means a burial marker, gravemarker, tombstone, headstone, footstone, gravestone or other memorial identifying the occupant of a particular grave that may include such data as the name of the individual, date and place of birth, date and place of death. Markers do not include mausoleums, monuments, or columbarium.

“Mausoleum” means an external freestanding building constructed as a monument enclosing the interment space or burial chamber of a deceased person or people.

“Memorial Structure” means a marker, mausoleum, monument, Surface Lawn Crypt, or any other type of permanent structure that is allowed in the City Cemetery by existing ordinances of the City.

“Monument” means a statue, permanent bench, structure, obelisk, or sculpture erected as a memorial. A structure that meets the definition of a mausoleum is not a monument.

“New Addition” means the platted West, Center, and East Blocks of the City Cemetery, which is located in the area north of the pond, and north of the mausoleum and the maintenance shed.

“Non-resident” shall mean anyone other than a “Resident.”

“Original Section” means the original platted portion of the City Cemetery, which is generally located in the “lower” southern portion of the City Cemetery.

“Resident” means:

- A. Any individual who is domiciled within the City limits of Elsberry, Missouri at the time he or she purchases the Cemetery Lot at issue.
- B. Any individual, or estate representative, who is purchasing the Cemetery Lot to inter the remains of a decedent who was domiciled within the City limits of Elsberry, Missouri at the time of the decedent’s death.
- C. Any estate, or estate representative, who is purchasing the Cemetery Lot to inter the remains of a decedent who is related by blood or marriage within the second degree to an individual who was domiciled within the City limits of Elsberry,

Missouri continuously for at least three years immediately prior to the decedent's death.

“Rose Hill (Ligon Addition)” means the platted 'A' and 'B' sections of the City Cemetery, which is generally located on the right when entering the City Cemetery through the most easterly roadway.

“Single Grave Lot” means a platted space for burial of one person.

"Surface Lawn Crypt" means a solid sealed enclosure for the interment of the burial remains whose lid protrudes above the land surface and is not a mausoleum.

“Upright Marker” shall be any marker that protrudes more than one inch above ground level.

(2021-09-00 )

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

**§35.100. SALE OF CEMETERY LOTS.**

1. The price to be charged for Cemetery Lots within the City Cemetery shall be as follows:

All Sections except Rose Hill:

Full Lot (10 graves)	\$2,600.00
Half Lot (5 graves)	\$1,500.00
Single Grave Lot ( 1 grave)	\$350.00

PLUS the amounts stated in Subsection 2 below, if applicable.

Rose Hill (Ligon Addition)

Full Lot (8 graves)	\$2,100.00
Half Lot (4 graves)	\$1,200.00
Single Grave Lot ( 1 grave)	\$350.00

PLUS the amounts stated in Subsection 2 below, if applicable.

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)	\$1,000.00
Half Lot (5 graves)	\$500.00
Single Grave Lot (1 grave)	\$100.00

Rose Hill (Ligon Addition)

Full Lot (8 graves)	\$800.00
Half Lot (4 graves)	\$400.00
Single Grave Lot (1 grave)	\$350.00

3. Specified sites for the interment of cremains in the City Cemetery shall be sold at the Single Grave Lot price for the applicable area within the cemetery.

4. For all Cemetery Lots sold by the City in the City Cemetery after February 1, 2020, there shall be a fee of \$750.00 to inter the remains of each decedent who was not related by blood or marriage to the person who purchased the Cemetery Lot from the City. The fee shall not be applicable if the person who purchased the Cemetery Lot from the City was the estate, or estate representative, of the decedent who is being interred. The fee shall be paid to the City of Elsberry prior to the interment by, or on behalf of, the estate of the person to be interred. All deeds to Cemetery Lots executed after February 1, 2020 shall bear a notice of this restriction and fee. The purpose of this fee is to discourage commercial arbitrage of a limited resource by recouping the cost differential between residential and non-residential sales of lots when lots are resold after the original sale.”

(Ord. 6-1-1995; 9-1-1998; 02-1-2007; 2018-06-002; 2019-08-003; 2019- 12- 005; 2021-09-00 )

**SECTION 3:** The Elsberry City Code is amended by replacing Section 35.110 with a new Section 35.110 as follows:

**“§35.110. REGISTRATION AND DIGGING OF GRAVES - FEES.**

1. The City Treasurer shall charge and collect full payment, in advance, the following fees for registration and digging graves and making interments at the City Cemetery from those parties requesting such services:

Grave Registration: \$150.00 (whether adult or infant, whether vault or box, or related to cremated ashes)

Grave Digging Fees:

Weekday (Non-holiday)	Weekends/Holidays
-----------------------	-------------------

Adult	\$300	\$400
Double Depth	\$550	\$650
Removal	\$400	\$500
Double Depth Removal	\$600	\$700
Infant	\$125	\$125
Cremation	\$150	\$250

2. All of the above fees shall be deposited in the Cemetery general fund.
3. All interments must be paid in full in advance. No interments shall be made at the expense of the City or on credit without a written order of the Board of Aldermen.

(Ord. 2019-08-003; 2021-09- 00 )

**SECTION 4:** The Elsberry City Code is amended by replacing Section 35.120 with a new Section 35.120 as follows:

**“§35.120 PERPETUAL CARE FEES.**

1. For mausoleums, there is hereby assessed an initial fee of \$1,000 for increased maintenance costs, due upon the issuance of the approved permit.
2. For Surface Lawn Crypts and monuments, there is hereby assessed an initial fee of \$500 for increased maintenance costs, due upon the issuance of the approved permit.
3. Such fees shall be jointly and severally owed by any owner of the grave or portion of the lot and the person requesting the interment.
4. Any amounts paid pursuant to this Section shall be segregated and deposited into the Perpetual Care Fund and used as set out in this Chapter.

(Ord 9-1-98; 2021-09-00 )

**SECTION 5:** 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 vault or equivalent.
3. The remains of no more than two (2) bodies may be buried in a Single Grave Lot.
4. If two (2) bodies 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. If the City does not have a credible record of the depth of the first burial 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 was dug to eight (8) feet deep on the first (1st) burial 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 cremated remains burials.
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 container 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 are prohibited.
11. The cremated remains of one person may be interred on the same Single Grave Lot containing the remains of a single person; provided that: (1) it does not interfere with the existing interment, and (2) all of the applicable registration and digging fees for the

interment of the cremated remains are fully paid.”

(Ord. 2019-08-03; 2021-09-00 )

**SECTION 6:** The Elsberry City Code is amended by replacing Section 35.300 with a new Section 35.300 as follows:

**“§35.300 LOCATION AND RESTRICTIONS**

1. A mausoleum may be built only on a Full Lot and only one mausoleum may be built on a Full Lot.
2. A Surface Lawn Crypt or monument may be built only on a Double Grave Lot and only one Surface Lawn Crypt or monument may be built on a Double Grave Lot.
3. The maximum burials that may be made in a single mausoleum is ten. The capacity of a mausoleum will be established when the permit is issued. If no limit is stated in the permit, then the maximum number shall be ten.
4. The maximum burials that may be made in a Surface Lawn Crypt is two. The capacity of a Surface Lawn Crypt will be established when the permit is issued. If no limit is stated in the permit, then the maximum number shall be two.
5. A mausoleum must be located at the center of the Full Lot.
6. A Surface Lawn Crypt must be located at the center of the Double Grave Lot.
7. A Surface Lawn Crypt may not extend more than six inches above the surface of the Cemetery Lot it is on and the adjacent Cemetery Lots.
8. Mausoleums and monuments may not be more than twelve feet in height.
9. Mausoleums, monuments, and Surface Lawn Crypts must meet the applicable sections of the International Building Code (2009).
10. The Board of Aldermen may set aside a section or portion of the City Cemetery for the location of mausoleums.”

(Ord. 2021-09-00 )

**SECTION 7:** The Elsberry City Code is amended by replacing Section 35.315 with a new Section 35.315 as follows:

**“§35.315 APPLICATION TO CONSTRUCT -- CONTENTS**

Any person who may desire to erect a mausoleum, monument, or Surface Lawn Crypt in the City Cemetery shall first submit a written application to the Board of Aldermen requesting permission to construct such mausoleum, monument, or Surface Lawn Crypt. The application fee shall be \$50.00 and shall be paid with the submission of the application. The application fee is non-refundable. Each such application shall include, at least the following information:

1. The name of the person proposing to erect the mausoleum, monument, or Surface Lawn Crypt.
2. The name of the contractor, if any, or the person who will be in immediate charge of the actual construction.
3. The number and location of lots purchased or to be purchased for the site.
4. The name of the ultimate owner, if different from the person proposing to erect the mausoleum, monument, or Surface Lawn Crypt.
5. The estimated date of start of construction and the date of completion.
6. The proposed burial capacity of the mausoleum or Surface Lawn Crypt.
7. The details of any private restrictions as to interment in the proposed mausoleum or Surface Lawn Crypt.
8. The details of any fund which the erector or ultimate owner proposes to establish for the perpetual maintenance and care of the lots and the mausoleum, monument, or Surface Lawn Crypt to be erected.
9. A detailed set of design and construction plans and specifications showing the dimensions, the type and kind of materials to be used in its construction, the number, location and description of any ornamental shrubs to be planted on the site, and an artist's or architect's conception of the completed structure.
10. Certification from a licensed architect or engineer that the mausoleum or Surface Lawn Crypt is structurally sound and a sound service life expectancy of at least 100 years.”

(Ord. 2021-09-00 )

**SECTION 8:** The Elsberry City Code is amended by replacing Section 35.320 with a new Section 35.320 as follows:

**“§35.320      STANDARDS FOR GRANTING A PERMIT**

1.      In deciding whether to grant a permit for the construction of a mausoleum, monument, or Surface Lawn Crypt, the Board of Aldermen shall consider the following:
  1.      The proposed mausoleum, monument, or Surface Lawn Crypt is of an approved type that will enhance the general beauty of the City Cemetery,
  2.      It will be properly constructed in accordance with approved and accepted methods,
  3.      Sufficient space has been or will be purchased for the site so that the grounds surrounding the structure can be easily maintained and beautified without disturbing or interfering with surrounding graves or lots,
  4.      Any private restrictions to be imposed are reasonable and do not in conflict with the Regulations and Ordinances for the City Cemetery.
  5.      Proper provision for the perpetual care and maintenance of the Cemetery Lots and the mausoleum, monument, or Surface Lawn Crypt to be constructed has been or will be provided prior to its completion,
  6.      It complies with all City Ordinances.
  7.      It will not interfere with, or place burdens, on the general care of the City Cemetery.
2.      The Board of Aldermen may approve the application, approve the application with conditions, return the application for resubmission with comments, or deny the application.

(Ord. 2021-09-00 )

**SECTION 9:** The Elsberry City Code is amended by replacing Section 35.325 with a new Section 35.325 as follows:

**“§35.325      ISSUING THE PERMIT**

If the Board of Aldermen approves the application, the City Clerk shall issue the permit noting the date of completion and any special requirements or conditions imposed by the Board of Aldermen. For mausoleums and Surface Lawn Crypts, the permit shall also state the maximum number of burials permitted as determined by the Board of Aldermen. “

Ord. 2021-09-00 )

**SECTION 10:** The Elsberry City Code is amended by replacing Section 35.335 with a new Section 35.335 as follows:

**“§35.335 INSPECTIONS; DEVIATION FROM APPROVED PLAN; INTERMENT CONTINGENT UPON CERTIFICATE OF APPROVAL**

1. The City Inspector or other person designated by the Mayor, is hereby authorized and directed to make inspections of the mausoleum, monument, or Surface Lawn Crypt at suitable intervals during its erection to determine whether or not it is being constructed in accordance with the permit and the plans and specifications as approved by the Board of Aldermen. In the event that there shall be any deviation from the approved plans, specifications, and conditions, without prior written approval of the Board of Aldermen, the City Inspector or other person designated by the Mayor, is hereby authorized to immediately halt the construction of the mausoleum, monument, or Surface Lawn Crypt and report the deviation to the Board of Aldermen. If the Board of Aldermen fail to waive such deviation, the City Inspector or other person designated by the Mayor, shall cause a notice to be served on the erector of the mausoleum, monument, or Surface Lawn Crypt to either: (1) correct such deviation within thirty (30) calendar days, or (2) at the City’s sole discretion, the City shall be authorized to remove such mausoleum, monument, or Surface Lawn Crypt or any part thereof all at the cost of the erector and/or owner of the Lot.
2. Upon the completion of the permitted mausoleum, monument, or Surface Lawn Crypt in accordance with the approved plans and specifications, the City Inspector or other person designated by the Mayor shall issue to the erector or ultimate owner a certificate of approval. No interment in a mausoleum, monument, or Surface Lawn Crypt shall be made without the issuance of a certificate of approval.

(Ord. 2021-09-00 )

**SECTION 11:** The Elsberry City Code is amended by replacing Section 35.340 with a new Section 35.340 as follows:

**“§35.340 PLACEMENT AND STANDARDS FOR MARKERS**

There may be placed on each grave in the City Cemetery a headstone marker and footstone marker that comply with this Chapter.

1. All headstone markers shall be placed on the west end of the respective grave sites. All footstone markers shall be placed on the east end of the respective grave sites.

2. All markers shall be placed in the center of the grave site's north-south axis so that they shall be in the line with other markers of the same type and in a position approved by the City Inspector or other person as designated by the Mayor.
3. Markers must be made of a permanent material.
4. Headstone markers must be placed by a professional marker installer. The installer must obtain approval from the City Clerk for the marker design and location prior to placing the marker.
5. Each such marker shall be placed on a permanent foundation with a concrete apron of a minimum width of four (4) inches outside the edge of the respective marker.
6. The raised portion of any headstone marker including foundation and apron must be at least six (6) inches minimum from either side of a Single Grave Lot. An upright headstone marker must be at least four (4) inches high from the top surface of the foundation. A flat headstone marker must be no more than one (1) inch above ground level at any point. The front to back thickness of the raised portion of any headstone marker including the base must be sixteen (16) inches or less.
7. When a headstone marker serves two (2) or more Single Grave Lots, a single headstone marker may be located centered on the two (2) Single Grave Lots and be no more than five (5) feet wide and sixteen (16) inches thick.
8. All headstone markers on a Single Grave Lot are to have a concrete foundation at least fourteen (14) inches deep. Foundations for headstone markers that are centered over two (2) Single Grave Lots are to have concrete foundations at least eighteen (18) inches deep. The foundation is to be level with the ground or if on sloping grades, the foundation is to be level with the ground on the uphill side. The foundation is to be sufficiently wide to support the headstone marker but the width may not be more than twenty-four (24) inches wide.
9. Not more than one (1) footstone marker is allowed on a Single Grave Lot. Footstone markers are to be no more than one (1) inch higher than the plane of the ground at any point. The east edge of the footstone marker to be located on a line thirty (30) inches from the foot of the Single Grave Lot. Individual footstone markers may be no larger than twenty (20) inches wide and thirty-two (32) inches long including the visible part of the foundation.
10. Veterans' memorial plaques may also be placed on the grave site.
11. If any marker headstone or footstone marker or its inscription is determined by the City

to be offensive, the City may issue an order to deny placement of the offending item or to remove it if it has already been placed. The person wishing to place the offending marker may appeal the decision in writing to the City Board of Aldermen within fourteen (14) days of notice of the decision. If the Board of Aldermen do not sustain the appeal, the City Prosecutor shall file an information with the Municipal Court to determine if there is a violation of the Ordinance. If a violation is found by the Municipal Judge, the City may require the offensive item to be replaced or altered at the owner or installer's expense. Should the owner or installer not comply, the City may remove the item.

12. Temporary markers are allowed up to a maximum of one (1) year after which they may be removed by the City without notice.”

(Ord. 2021-09-00 )

**SECTION 12:** The Elsberry City Code is amended by replacing Section 35.350 with a new Section 35.350 as follows:

**“§35.350 FOUNDATIONS REQUIRED--INSTALLATION**

1. All Memorial Structures shall have suitable, properly mixed, set concrete foundations, which shall be installed at the grave site at the owner's expense.
2. All headstone markers shall be placed on foundation of a minimum of twenty-four (24) inches deep.
3. Footstone markers shall be placed on a concrete foundation of at least fourteen (14) inches in depth.
4. The top of the foundation shall be ground level.
5. All benches or similar types of memorials shall be placed upon a concrete foundation that has a depth at least equal to its height and/or weight.
6. The above standards are minimum requirements and the City may impose stricter or greater standards as the situation may require.
7. No memorial structure may be set until the foundation has been approved by the City Inspector or other person designated by the City. Failure to comply with this section may result in removal of the memorial structure. The owner must pay an inspection fee of fifty dollars (\$50.00).

(Ord. 2019-12-005; 2021-09-00 )

**SECTION 13:** The Elsberry City Code is amended by replacing Section 35.440 with a new Section 35.440 as follows:

**“§35.440 GENERAL REGULATIONS**

The following rules shall govern the operation and maintenance of the City Cemetery:

1. Any placement on a grave site, drive, alley, or common areas that interferes with the City’s orderly mowing or care of the Cemetery will not be permitted and will be removed.
2. No memorial structure shall be allowed on adjacent spaces or into the alleys or passage lines.
3. No trees, shrubbery or other growth, except grass, is to be planted on any grave or Cemetery Lot.
4. The City shall have the authority to remove any and all items that violate this Section.
5. Concrete vaults shall be required for all interments.
6. Care and placement of memorial structures shall be the responsibility of the grave owner.
7. Behaviors that do not respect the solemnity of the cemetery are prohibited.
8. Dogs must be on a leash at all times while on the premises and feces must be bagged and removed from the cemetery by the dog’s owner and/or handler.”

(Ord. 2021-09-00 )

**SECTION 14:** The Elsberry City Code is amended by replacing Section 35.450 with a new Section 35.450 as follows:

**“§35.450 VISITATION HOURS.**

Hours of visitation at the City Cemetery shall be from sunrise to sunset. No person shall be in the City Cemetery beyond the hours of visitation unless they have received prior written permission from the Mayor or Board of Aldermen for that specific visit.”

(Ord. 9-1-1998; 2021-09-00 )

**SECTION 15:** The Elsberry City Code is amended by replacing Section 35.460 with a

new Section 35.460 as follows:

**“§35.460 TIMES AND DURATION OF BURIAL SERVICES – EXTENDED TIME FEES.**

1. To allow for proper and timely interments, no funeral, burial, interment, committal, or memorial service shall commence at the Cemetery after 3:00 p.m. The duration of all funeral, burial, interment, committal, or memorial services, including associated grave side visitations, shall be no longer than one hour after those services begin. All visitors attending such services, and all persons associated with such services shall leave the Cemetery after the allotted one hour time period.
2. The funeral director or person responsible for the funeral, burial, interment, committal, or memorial service will be charged an additional extended time access fee of Fifty Dollars (\$50.00) per each one-half hour (or part thereof) that any attendees or participants of such services remain in the Cemetery after the one hour allotted time. This excess time access fee is in addition to any fines assessed for violation of this Chapter, including regulations concerning Cemetery hours and funeral duration. Payment of the excess time access fee does not excuse or exempt any person from liability for violations of this Chapter, including the regulations concerning Cemetery hours and funeral duration.”

(Ord. 2020-10-002; 2021-09-00 )

**SECTION 16: 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 17. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 18: Effective Upon Passage.** This ordinance shall be in full force and effect from and after the date of its passage.

**SECTION 19: 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.

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

Alderman Harper seconded the motion.

Roll Call Vote

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

Ayes-5

Nayes-0

Absent-Alderman Miller

Motion carried.

Alderman Taylor made a motion to adopt bill 2021-09-003

Alderman Rockwell seconded the motion.

Roll Call Vote

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

Ayes-5

Nayes-0

Absent-Alderman Miller

Motion Carried.

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

None

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

**Library**- nothing to report

**Cemetery/Parks**- Alderman Harper has set a Cemetery committee meeting for September 28<sup>th</sup> at 5:30 pm.

**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 ALDERMAN AND MAYOR**

**Mayor Short**- Mayor Short said that the cemetery looks very good.

**Alderman Miller**- absent

**Alderman Taylor**- Alderman Taylor would like to compliment Alliance on the way the cemetery looks and on the street repairs that were done.

**Alderman Harper-** Alderman Harper wanted to thank Alliance for how the cemetery looks and also for the flowers that were sent to her after her sister's passing.

**Alderman Wilch-** Alderman Wilch would like the board to reconsider the weekly reports that Alliance has been asked to do. The report is taking up a lot of time. He would also like to see people look at the good of town instead to focusing on the negative.

**Alderman Davis-**Alderman Davis said that the cemetery looks great.

**Alderman Rockwell-** Alderman Rockwell said that the cemetery looks great. She also agrees with Alderman Wilch that the reports Alliance are doing are a waste of time.

## **REPORTS OF CITY DEPARTMENTS AND OFFICERS**

**City Attorney Robert Guinness-** The State Legislature has made some changes and he will be updating the board on this at the meeting next month

**Alliance Manager Justin Reaves-** The flushing is going to start September 27<sup>th</sup>. They are going to start on 3<sup>rd</sup> street and break the town down into zones. The fire department is going to help with the flushing. The Hose monster is in. Notices will be sent to the zones when they will be in the area flushing.

**Police Chief Randy Davis-** Chief Davis let the board know that the police email was down for about 3 weeks. This has been corrected. The mobile ticketing is almost up and running. We will not need to pay for Omingo this year which will save around \$4000.

**City Clerk Rachel Reed-** nothing to report

**City Collector Tashua Chiodini-** nothing to report

**City Treasurer Lisa Grumich-**nothing to report

## **MISCELLANEOUS BUSINESS**

None

## **PUBLIC COMMENT BY ANY PERSON OR GROUP DESIRING TO ADDRESS THE BOARD WHO HAS NOT FILED A PRIOR REQUEST TO BE PLACED ON THE AGENDA IN COMPLIANCE WITH CITY CODE 24.105**

No Public Comment

## **VOTE TO TAKE UP BUSINESS TO BE CONDUCTED IN CLOSED SESSION**

Alderman Rockwell 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 Davis seconded the motion

Roll Call Vote

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

Ayes-5

Nayes-0

Absent-Alderman Miller

Motion Carried

Open session resumed at 8:09 pm.

Sue Beck said that Cindy's water was off from August of 2020 to November of 2020. It was also off from June of 2021 to August of 2021. Sue said that there are a lot of changes made to Cindy's bill. Sue said that Cindy paid her bill in January and she should have had a zero balance. She also said that a new bill was calculated on the same day at the payment was made. Sue said that a payment agreement was made when over \$500 was due. Rachel said that the total of the bill when the payment agreement was made was \$353. Rachel Reed explained that they issue was that I zero was added to a reading that shouldn't have been. This was done by Nicole Castleberry. Therefore, the billing was wrong and a correction has been made. She was charged for 21000 gallons and she should have been charged for 4800 gallons. She was charged \$402.05 and she should have been charged \$162.80 this will give her a credit of \$239.25 plus the late fees that were charged to her the total credit is \$277.90. Mayor Short asked Cindy Riffle what she is wanting from the board. She said that she wanted a zero balance on her account as of August 18<sup>th</sup>. Mayor Short explained that she had a zero balance as of August 18<sup>th</sup>. The next month there was a bill for \$114.76. She has a credit of \$163.14 Alderman Harper said that if anyone has a problem with an employee, they need to bring it to the board.

Alderman Wilch 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 Taylor seconded the motion.

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

Ayes-5

Nayes-0

Absent-Alderman Miller

Motion carried.

Closed session resumed at 8:48 pm.

Open session resumes at 8:57 pm

Mayor Short would like to start following Robert's Rule of order.

### **ADJOURNMENT**

Alderman Harper made a motion to adjourn.

Alderman Wilch seconded that motion.

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

NAYES-0

Absent- Alderman Miller

Motion Carried.

Open session meeting was adjourned at 9:00 P.M.

