

**City of Elsberry
Regular Session
January 11, 2022
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 Wilch, Alderman Taylor, Alderman Davis, Alderman Rockwell, City Attorney Rob Guinness, City Clerk Rachel Reed, City Collector Tashua Chiodini, City Treasurer Lisa Grumich and Police Chief Randy Davis. Also present were Justin Reaves, Josh Turner and Ron Smith of Alliance Water Resources.

Mayor Short called the meeting to order. The pledge of Allegiance was said and roll call deemed a quorum present.

Alderman Rockwell made a motion to amend the agenda to add the appointment of a building inspector.

Alderman Davis seconded the motion.

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

NAYES-0

Absent-2

Motion Carried.

Reading and acting are unapproved minutes from previous meetings

Alderman Wilch made motion to approve the unapproved minutes.

Alderman Rockwell seconded the motion.

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

NAYES-0

Absent-2

Motion Carried.

Reading of unpaid bills approval to pay report

Alderman Taylor made a motion to pay unpaid bills.

Alderman Davis seconded the motion.

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

NAYES-0

Absent-2

Motion Carried.

Appointment of Building Inspector

Mayor Short would like to appoint Phillip Orth to building inspector.
Alderman Wilch made a motion to approve this appointment.
Alderman Rockwell seconded the motion.

Roll Call Vote

AYES- Alderman Wilch, Alderman Taylor, Alderman Davis, Alderman Rockwell.
NAYES-0
Absent-2
Motion Carried.

Project updates

Boonslick- Christine Zika would like to remind everyone that Boonslick has a revolving loan fund for smalls business. Makayla Walton went over the comprehensive plan and said that would like to set up a meeting with the Mayor to finalize the plan. She also needs a timeline for the wastewater project so she can work on the extension letter. Mayor Short explained that we don't have a timeline at this time.

USDA- Michael Hartman would like to have a meeting to discuss the 1.1 million shortfall for the wastewater project.

Meco Engineering- Jim Bensman said that he would like to schedule and meeting and they are ready for the bidding process.

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

Meridian Waste

Barbie Russo just wanted to come in and introduce herself. She is the governmental affairs rep for Meridian.

PUBLIC HEARING A REQUIRED BY LAW OR ORDINANCE

No Public Hearings

ACTING ON UNFINISHED BUSINESS

Vernon and Tara Ary Sewer abatement

The amount of the abatement for the sewer is \$341.25.

Alderman Davis asked if they have paid anything. City Collector Tashua Chiodini said no they haven't paid anything.

Alderman Taylor made a motion to table until we have more information

Alderman Rockwell seconded the motion.

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

NAYES-0

Motion Carried.

Bids for Auditor

City Clerk Rachel Reed said that we only received one bid from our current auditor. The amounts are \$17,000 for 2021, \$19,000 for 2022, and \$20,000 for 2023.

Alderman Wilch made a motion to approve this bid.

Alderman Rockwell seconded the motion.

AYES- Alderman Wilch, Alderman Davis, Alderman Rockwell

NAYES-Alderman Taylor

Motion Carried.

Acid Treatment on Well

Alderman Rockwell made a motion to approve the acid treatment on the well.

Alderman Davis seconded the motion.

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

NAYES-0

Motion Carried.

NEW BUSINESS

Liquor License for Warrenton Oil Original Package Liquor Original Package Liquor on Sunday and Tasting permit.

Alderman Taylor made a motion to approve.

Alderman Rockwell seconded the motion.

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

NAYES-0

Motion Carried.

Sponsoring ECGA fireworks with remaining Old Glory Jubilee Money

City Clerk said there is \$4007.40 in the Old Glory Jubilee account. ECGA would like to the City to sponsor the fireworks and give them this money.

Alderman Rockwell made a motion to approve sponsoring the ECGA fireworks with \$4007.40.

Alderman Davis seconded the motion.

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

NAYES-0

Motion Carried.

Approving publishing the financial statement in the Elsberry Democrat

Alderman Taylor made a motion to approve.

Alderman Davis seconded the motion.

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

NAYES-0

Motion Carried.

Purchasing new plow truck

Justin Reaves would like to ask the board to give Mayor Short approval to approve the purchase up to \$18000. Only have meetings once a month makes it hard to purchase a truck because they won't hold them that long.

Alderman Rockwell made a motion to give the Mayor approval to spend up to the budgeted amount for a new plow truck.

Alderman Davis seconded the motion.

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

NAYES-0

Motion Carried.

Purchasing new brushing for street sweeper.

Justin would like to purchase new brushes for the street sweeper. There are 2 brushes one is \$588.55 and the other is \$163.65. There is another \$400 for a bracket that needs to be fixed.

Alderman Rockwell made a motion to approve the purchase.

Alderman Davis seconded the motion.

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

NAYES-0

Motion Carried.

Bids for Demo Inspection for Demo Project

City Clerk Rachel Reed said that this has already been approved but because the bid was from Boonslick CBDG said it was a conflict. We had to re bid and we received the same bid for \$425 per structure from Chuck Eichmeyer with Boonslick.

Alderman Davis made a motion to approve this bid.

Alderman Rockwell seconded the motion.

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

NAYES-0

Motion Carried.

Raising sewer rates to meet bonding requirements for wastewater treatment facilities

This will be discussed at a later date.

READING OF BILLS REQUIRING ONLY A FINAL READING FOR PASSAGE

None

INTRODUCTION AND READING OF BILLS FOR PASSAGE

The board considered Bill 2022-1-001

AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO AUTHORIZE THE CITY TO ENTER INTO, AND THE MAYOR TO EXECUTE ON BEHALF OF THE CITY, A STATE PLAN OF OPERATION AGREEMENT WITH THE STATE OF MISSOURI TO OBTAIN SURPLUS U.S. DEPARTMENT OF DEFENSE EQUIPMENT FOR LAW ENFORCEMENT PURPOSES.

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

SECTION 1. The City of Elsberry hereby enters into, and the Mayor of the City of Elsberry is authorized to execute on behalf of the City of Elsberry, a State Plan of Operation agreement with the with the State of Missouri to obtain surplus U.S. Department of Defense equipment for law enforcement purposes. The terms of the Agreement are attached to this Ordinance.

The Mayor (and the Chief of Police and the City Clerk at the direction of the Mayor) are also authorized to carry out and perform the terms of this agreement on behalf of the City including executing all necessary authorizations and other documents required to carry out the terms of the agreement.

SECTION 2. Effective Upon Passage

Alderman Davis made a motion to read bill 2022-01-001 2 times by title only.

Alderman Taylor seconded the motion.

Roll Call Vote

Alderman Taylor-yes, Alderman Wilch-yes, Alderman Rockwell-yes, Alderman Davis-yes
Motion Carried.

City Attorney Robert Guinness read Bill 2022-01-001 3 times by title only.

Alderman Taylor made a motion to adopt.

Alderman Davis seconded the motion.

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

The board considered Bill 2022-01-002

AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO PROVIDE PROCEDURES FOR PETITIONING FOR ABATEMENTS AND EXTENSIONS OF PAYMENTS FOR UTILITY USAGE CHARGES BY ADDING NEW SECTIONS 110.101 AND 110.102 TO THE CITY MUNICIPAL CODE.

Whereas, the City needs to obtain complete, accurate, and first hand information when considering petitions for an abatement or extension of payment of utility charges under the City's Municipal Code;

Whereas, the City seeks to ensure that petitions for an abatement or extension of payment of utility charges are fully authorized by the User and are based on representations of fact made by the User;

Whereas, petitions for an abatement of utility charges or extension of payment require orderly and careful consideration by the Board of Aldermen to ensure fairness, both to the petitioning User and to all Users of the sewer and water systems who must bear the costs of those systems; and

Whereas, an orderly and transparent procedure is needed to fully address, fairly consider, and justly resolve all petitions for an abatement or extension of payment for utility charges;

NOW THEREFORE,

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 adding new sections 110.101 and 110.112 as follows:

“§110.101. PROCEDURE FOR PETITIONING FOR ABATEMENTS

If any User of the City of Elsberry's water system or sanitary sewer system wishes to petition for an abatement or extension of payment of the User's City of Elsberry utility charges because the User believes that the amount charged on the utility bill is in error by reason of incorrect readings, disruption of service, miscalculation of bill or other similar reason allowed by the City's Municipal Code, the User must submit the petition in compliance with the following procedure.

Abatement or extension petitions must be submitted in writing and signed by the User and the Owner of the Property. Petitions must be submitted on the forms provided by the City Collector.

2. The written abatement or extension petition must be submitted to, and received by, the City Collector within 45 calendar days of the billing date of the bill being disputed or extended. Petitions received more than 45 days after the billing date are untimely submissions and will be returned without action.

3. The petition must fully state the reason(s) for the abatement or extension and the amount of abatement or the payment extension plan being requested. The reasons must be permissible grounds for the abatement or extension under the City's Municipal Code.
4. The burden of proof for the abatement or extension shall rest upon the petitioner. The abatement or extension petition must include adequate information that will support the petition. Some examples include previous utility bills indicating different meter readings, evidence of mathematical errors in computing charges, evidence of faulty meters, etc., good cause for the extension with adequate assurances of full payment within a reasonable time.
5. Abatement or extension petitions will be reviewed by the City Collector and the City Collector will make a written recommendation to the City Board of Aldermen for a resolution of the petition. The City Collector will notify the petitioner in writing of the Collector's recommendation.
6. The Petition and the Collector's recommendation will be placed on the next Board of Aldermen agenda after the Collector has issued the Collector's recommendation, provided that there is at least four business days between the recommendation date and the next meeting. If there is less than four business days, the petition and recommendation will be placed on the next following Board of Aldermen Agenda unless the Mayor or an Alderperson representing the Petitioner's Ward requests that the Petition be heard earlier, provided that there is sufficient time to place the Petition on the Agenda pursuant to applicable law. The City Collector shall notify the Petitioner of the date and time of the Board of Alderman meeting at which the petition will be considered.
7. The petitioner must be present at the Board of Aldermen meeting in person or by the petitioner's legal counsel. This requirement is to allow the Board to ask the petitioner questions and obtain complete and first hand information needed to address the issues raised by the petition. If the petitioner cannot be at the meeting, the petitioner may request that the petition be heard at a subsequent meeting. Alternatively, the petitioner may file a written statement waiving the petitioner's presence at the meeting and allowing the petition to be resolved on the written petition and its attached exhibits, together with the City Collector's recommendation.
8. The Board of Aldermen will review the petition and render a decision by majority vote of a quorum of the Board. The Board of Aldermen may also table the matter to a future meeting should it require additional time or information to make a decision.

§110.102. PAYMENTS PENDING RESOLUTION OF AN ABATEMENT PETITION

To prevent the issuance of late notices and the assessment of interest charges, petitioners must make timely payment of their utility bills. It is not necessary for the abatement petitioner to pay the disputed amount pending the decision of the Board of Aldermen. However, any undisputed amount shall be paid when it is determined to be due. “

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

Alderman Davis made a motion to read bill 2022-01-002 2 times by title only.

Alderman Rockwell seconded the motion.

Roll Call Vote

Alderman Rockwell-yes, Alderman Wilch-yes, Alderman Taylor-no, Alderman Davis-yes

Motion carried.

City Attorney Robert Guinness read bill 2022-01-002 twice by title only.

Alderman Davis made a motion to adopt Bill 2022-01-002

Alderman Rockwell seconded the motion.

Roll Call Vote

Alderman Wilch-yes, Alderman Taylor-no, Alderman Davis-yes, Alderman Rockwell-yes

Motion failed.

RESOLUTIONS WHICH REQUIRE ACTION OF THE BOARD

REPORTS OF SPECIAL BOARDS AND COMMITTEES

Library- nothing to report

Cemetery/Parks- nothing to report

Infrastructure- need to schedule a meeting

Emergency Services- nothing to report

Page Branch Park- nothing to report

Tree Board- nothing to report

REPORTS OF ALDERMAN AND MAYOR

Mayor Short- nothing to report

Alderman Miller- absent

Alderman Taylor- nothing to report

Alderman Harper- absent

Alderman Wilch- Alderman Wilch asked where we were in the process of finding a new engineer. Rob Guinness will work with City Clerk to get this done.

Alderman Davis-nothing to report

Alderman Rockwell- nothing to report

REPORTS OF CITY DEPARTMENTS AND OFFICERS

City Attorney Robert Guinness- The government has loosened up the restrictions on ARPA money.

Alliance Manager Justin Reaves-Justin Reaves has found a city to go and talk to about Microbial solutions and how it worked for them.

Police Chief Randy Davis- Chief Davis said that he is going to be looking into several grants.

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 610.021 (1) Legal actions, causes of action, litigation, or confidential or privileged communications with its attorneys, (3) Hiring, firing, disciplining, or promoting of particular employees. (13) Individually identifiable personnel records, (14) Records which are protected

Alderman Davis seconded the motion.

Roll Call Vote

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

Nayes-0

Motion Carried.

Closed session started at 7:10 pm

Open Session resumed at 7:32 pm

ADJOURNMENT

Alderman Davis made a motion to adjourn.

Alderman Rockwell seconded that motion.

AYES-4

NAYES-0

Motion Carried.

Open session meeting was adjourned at 7:32 P.M.

