

**City of Elsberry
Regular Session
March 8, 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 Miller, 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 and Ron Smith of Alliance Water Resources. Alderman Harper was not present.

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 Davis made motion to approve the unapproved minutes.

Alderman Wilch seconded the motion.

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

NAYES-0

Absent-1

Motion Carried.

Reading of unpaid bills approval to pay report

Alderman Wilch made a motion to pay unpaid bills.

Alderman Taylor seconded the motion.

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

NAYES-0

Absent-1

Motion Carried.

Project updates

Boonslick- Christine Zikka reported that the Land, Water Use grant has been submitted and is under review.

USDA- nothing new to report

PETITIONS, REMONSTRANCES, COMPLAINTS AND REQUESTS AND THE HEARING OF ANY PERSON OR GROUP DESIRING TO ADDRESS THE BOARD.

EACH OF WHOM HAVE FILED PRIOR REQUESTS TO BE PLACED ON THE AGENDA IN COMPLIANCE WITH CITY CODE 24.105

Sue Beck Tabled Vernon Ary abatement.

Mrs. Beck asked about the status of the Abatement for Vernon and Tara Ary. The abatement was tabled in the January Meeting and hasn't been discussed since. Alderman Wilch said that the bill was not eligible for abatement because one has already been granted for the month of November. Our ordinance states only one abatement per calendar year. The month they are requesting is December.

Sue Beck 1997 Ford F350 flatbed dually truck

Mrs. Beck wanted to ask about the 1997 Ford and why it was ok for the City to have a truck that would be considered derelict on City property when it's not ok for residents that have the same thing. Mayor Short explained that the ordinances are different for commercial property.

PUBLIC HEARING A REQUIRED BY LAW OR ORDINANCE

No Public Hearings

ACTING ON UNFINISHED BUSINESS

Update on water and electric for sewer project at the lagoon

Justin said that he has spoken with the electric company and has figured out what need to be done to get electric to the site. We will need to have an electrician fill out a load sheet before Ameren will run the electric. Justin has an electrician that will fill out the sheet for the City to give to Ameren. Ameren has suggested that we have 2 meters because on spot is to far from the meter. City Attorney suggests that the City use an engineer to draw up the specs for the well and electric to satisfy DNR.

NEW BUSINESS

Approval of Fireworks permit for Ice House Fireworks

City Clerk Rachel Reed said that Ice House Fireworks has applied for a permit to fireworks around the 4th of July. She said that everything is in order and the application is complete.

Alderman Wilch made a motion to approve the permit.

Alderman Davis seconded the motion.

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

NAYES-0

Absent-1

Motion Carried.

Alliance year end Repair and chemical Reconciliation

Brain Pieper with Alliance Water Resources when over the statement that as sent by Alliance for the chemical and repair overage for 2021. The overage is \$25364. Alliance will bill the overage over 3 months.

Alderman Rockwell made a motion to approve paying Alliance \$25364 over 3 months.

Alderman Miller seconded the motion.

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

NAYES-0

Absent-1

Motion Carried.

Decoration and Flower Removal from Cemetery

Justin said that they are going to start mowing in a few weeks and would like to set April 1st to be the date to have the items that are not permitted to removed from the cemetery.

Alderman Davis made a motion to set April 1st as the date to have everything removed.

Alderman Miller seconded the motion.

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

NAYES-0

Absent-1

Motion Carried.

Approval for Police Chief to attend MO Police Chief Conference plus hotel

Alderman Rockwell made a motion to approve the Chief to attend the Mo Police Chief conference for \$350 plus the cost of hotel.

Alderman Davis seconded the motion.

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

NAYES-0

Absent-1

Motion Carried.

READING OF BILLS REQUIRING ONLY A FINAL READING FOR PASSAGE

None

INTRODUCTION AND READING OF BILLS FOR PASSAGE

The board considered Bill 2022-03-001

AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO PROVIDE FOR REQUESTS FOR CITY WATER METER RE-READS AND DATA LOG SERVICES, AND SETTING THE FEES FOR SUCH REQUESTS AMENDING SUBSECTION 110.090.1 OF THE CITY MUNICIPAL CODE AND BY ADDING A NEW SECTION 110.120 TO THE CITY MUNICIPAL CODE.

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

SECTION 1. The Elsberry City Municipal Code subsection 110.090.1 is amended to read as follows to increase the disconnection fee from \$85 to \$100:

“110.090 DISCONNECTION AND RECONNECTION FEES AND COSTS.

1. The City Collector is authorized and empowered to levy and collect an administrative charge of One Hundred dollars (\$100.00) from each User whose City utility service has been disconnected for violation of this Code or non payment of Utility charges. This fee shall be assessed and collected for each time the service is disconnected

SECTION 2. The Elsberry City Municipal Code is amended by adding a new §10.120 as follows:

“110.120 RE-READ AND DATA LOG REQUESTS – FEES AND COSTS.

1. If a User of City water or sewer utility services believes that the User’s City water meter is not accurately reading water usage, or suspects that the User’s water lines may have a leak, that User may make a request to the City Collector to re-read the User’s City water meter.
2. The User requesting a re-read service under Subsection 1 above, shall pay the City a fee of Fifty Dollars (\$50.00) for the re-read service, with payment to be made to the City in advance of the re-read.
3. If a User of City water or sewer utility services believes that the User’s City water meter is not accurately reading water usage, or suspects that the User’s water lines may have a leak, that User may make a request

to the City Collector to perform a data log summary of the User's City water meter.

4. The User requesting a data log service under Subsection 3 above, shall pay the City a fee of Fifty Dollars (\$50.00) for the re-read service, with payment to be made to the City in advance of the re-read.
5. The fees charged pursuant to Subsections 2 and 4 above will be waived under the following conditions:
 - a. The request is made for a Residential Unit; and
 - b. The User's is questioning the User's latest water bill which is at least One Thousand (1,000) gallons over the User's previous three months average for that Unit; and
 - c. The User has not made a request for the re-read or data log in the previous three months
6. If it is determined that the water bill that the User is contesting is in error due to the City's error, the service fee for the re-read or data log for the erroneous bill will be refunded to the User."

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.

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 Taylor made a motion to read bill 2022-03-001 2 times by title only.

Alderman Miller seconded the motion.

Roll Call Vote

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

Motion carried.

City Attorney Robert Guinness read bill 2022-03-001 twice by title only.

Alderman Davis made a motion to adopt Bill 2022-03-001

Alderman Taylor seconded the motion.

Roll Call Vote

Alderman Taylor-yes, Alderman Wilch-yes, Alderman Miller-yes, Alderman Davis-yes,
Alderman -yes

Motion carried.

RESOLUTIONS WHICH REQUIRE ACTION OF THE BOARD

REPORTS OF SPECIAL BOARDS AND 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

Tree Board- nothing to report

REPORTS OF ALDERMAN AND MAYOR

Mayor Short- nothing to report

Alderman Miller- nothing to report

Alderman Taylor- nothing to report

Alderman Harper- absent

Alderman Wilch- nothing to report

Alderman Davis-nothing to report

Alderman Rockwell- nothing to report

REPORTS OF CITY DEPARTMENTS AND OFFICERS

City Attorney Robert Guinness- nothing to report

Alliance Manager Justin Reaves-Justin Reaves wanted to let everyone know that they have changed some streets signs and they are going to be fixing some stop signs around town.

Police Chief Randy Davis- absent

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

Chris Heatherly addressed the board about the cemetery. He thought that maybe some other groups could help with the cemetery to take some of the load off Alliance. He would like to see a sign saying what is allowed in the cemetery.

He also said that he has had trouble with the police department not responding to a non-emergency that he had. He thinks that if we are going to have a police department we should make them accountable.

Camilla McMillin said that she was under the standing that not just anyone can go clean the head stones. There is a streetlight at Lovelace and Hwy 79 that is out.

ADJOURNMENT

Alderman Taylor made a motion to adjourn.

Alderman Davis seconded that motion.

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

NAYES-0

Absent-1

Motion Carried.

Open session meeting was adjourned at 7:14 P.M.

