

**City of Elsberry
Regular Session
November 8th, 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 Pro Tem Wilch presided over the meeting. Present were Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer, Alderman Davis, City Attorney Rob Guinness, City Clerk Rachel Reed, City Treasurer Lisa Grumich and Police Chief Randy Davis. Also present were Kenny Claus and Brian Pieper of Alliance Water Resources.

Mayor Pro Tem Wilch 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 Rockwell made motion to approve the unapproved minutes.

Alderman Harper seconded the motion.

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

NAYES-0

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

NAYES-0

Motion Carried.

Project updates

Boonslick Regional Planning- nothing

USDA- nothing

Alderman Meyer asked to amend the agenda to include Skaggs tree service hanging the Christmas lights.

Alderman Rockwell made a motion to approve the amendment.

Alderman Davis seconded the motion.

AYES- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer, Alderman Davis
NAYES-0
Motion Carried.

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

Frank Welch- abatement request for 309 Main

City Collector Tashua Chiodini said that Mr. Welch had a water leak and would like to request an abatement for the water that did not go down the system. The amount of the abatement is \$343.97 this would take his bill from \$2039.39 to \$1695.34.

Alderman Davis made a motion to approve the abatement of \$343.97 in sewer to be removed from the bill at 309 N Main.

Alderman Harper seconded the motion.

AYES- Alderman Harper, Alderman Taylor, Alderman Rockwell, Alderman Wilch, Alderman Meyer, Alderman Davis
NAYES-0
Motion Carried.

PUBLIC HEARING A REQUIRED BY LAW OR ORDINANCE

The subject of the public hearing shall be the proposed Recreational Vehicle Zoning district ordinance.

Mr. Keating addressed the board. He does like agree with the ordinance and would like to board consider going through it again. He does not want the ordinance to be adopted.

Alderman Harper does not agree with the ordinance either and thinks we should work with Mr. Keating to make this happen for him.

City Attorney said that health and safety is the main priority and the ordinances have to written to make sure these things are covered. He also explained that the ordinance must be written to enforce what Mr. Keating says he is going to do.

Mayor Pro Tem Wilch closed the public hearing after asking if there any other public comment.

Alderman Meyer made a motion to accept Planning and zoning's recommendation to not adopt Bill-2022-11-001.

Alderman Harper seconded the motion.

Roll Call Vote

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

Motion Carried.

Alderman Harper would like to make a motion to hold a session to discuss the RV Park ordinance.

Alderman Taylor seconded the motion.

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

NAYES-0

Motion Carried.

ACTING ON UNFINISHED BUSINESS

NEW BUSINESS

Proposed contract with Meridian

City Attorney Robert Guinness said that we need to discuss this matter in closed session.

Approval of health insurance renewal

Rachel Reed said that their health insurance is set to renew and the increase is lower than it has been in several years. The increase is 4.9%.

Alderman Harper made a motion to approve the renewal of the health insurance.

Alderman Rockwell seconded the motion.

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

NAYES-0

Motion Carried

Approval for the city to become a gigabyte city with Yondoo.

Yondoo would like to name the City of Elsberry as a gigabyte city. They would like to board approval to do so.

Alderman Rockwell made a motion to allow Yondoo to name the City as a gigabyte city.

Alderman Meyer seconded the motion.

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

NAYES-0
Motion Carried

Approval to repair MRX for \$900

The MRX has not been working and was sent off to Neptune to look at to see if it can be prepared. They can repair for \$900. A new MRW is about \$10,000.

Alderman Harper made a motion to repair the MRX for \$900.

Alderman Meyer seconded the motion.

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

NAYES-0
Motion Carried

Approval to purchase a snowplow for 1996 Chevy 1 ton

Justin Reaves gave Rachel Reed some information about a snowplow before he left. This plow would be for the truck that was purchased this year. It was budgeted to buy a truck and plow. There are a couple bids one is from Knapheide for \$7584 for a Western plow this includes installation. They can also sell us the plow without installation and they Alliance guys can install it for \$6814. The second bid is from Snow Pro for \$8239.10.

Alderman Rockwell made a motion approve purchasing the plow and allowing Knapheide to install for \$7584.

Alderman Meyer seconded the motion.

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

NAYES-0
Motion Carried

READING OF BILLS REQUIRING ONLY A FINAL READING FOR PASSAGE

None

INTRODUCTION AND READING OF BILLS FOR PASSAGE

2022-11-001

AN ORDINANCE AMENDING THE CITY OF ELSBERRY'S ZONING CODE AND CITY PLAN TO ADD A NEW RECREATIONAL VEHICLE PARK ZONING DISTRICT AND PROVIDE FOR THE REGULATION OF USES IN SUCH DISTRICT BY AMENDING SECTION 41.110 AND 41.150;

AND ADDING SECTIONS 41.190 THROUGH 41.193 TO THE ELSBERRY MUNICIPAL CODE

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 NOT be amended to establish an Recreational Vehicle Park District;

WHEREAS, the City of Elsberry Board of Aldermen has conducted a public hearing on November 8, 2022 concerning the new Recreational Vehicle Park zoning classification; and

WHEREAS, it is desirable for the City to establish a Recreational Vehicle Park District to enhance tourism and provide amenities for the traveling public;

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

SECTION 1. The Elsberry Municipal Code is amended to add a new reference to the list in 41.110 (immediately preceding subsection 41.110 (1) as follows:

““RV” RECREATIONAL VEHICLE PARK DISTRICT

SECTION 2. The Elsberry Municipal Code is amended to add a subsection 41.110(8) as follows:

“8. “RV” Recreational Vehicle Park Zoning District.

SECTION 3. The Elsberry Municipal Code is amended to add a replace subsection 41.150.1 (11) as follows:

“11. Motels and hotels.”

SECTION 4. The Elsberry Municipal Code is amended to add a new section 41.190 as follows:

§ 41.190 RECREATIONAL VEHICLE PARK ZONING DISTRICT: RV

1. Use Regulations. All buildings, uses, recreational vehicles, and land within a RV Zoning District shall be limited to the following uses:

Transient recreational vehicle parks.

2. Definitions. As used in this Chapter, unless the context or subject matter clearly requires otherwise, the words and phrases defined in this Section shall have the below indicated meanings; provided that when definitions, rules and regulations defined herein are in conflict with provisions of other City ordinances, the provisions of the recreational vehicle park ordinance shall prevail.

“Recreational Vehicle” means a vehicle built on a single chassis; 400 square feet or less when measured at the largest horizontal projection. It must be designed to be self-propelled or permanently towable by a light duty truck. It must have quick-disconnect sewage, water, and electrical connectors. It must be designed and used as temporary recreational living quarters for recreational, camping travel, or seasonal use, and not for use as a permanent dwelling. The recreational vehicle must be fully licensed, have inflated tires, and ready for highway use. Manufactured homes and mobile homes are not recreational

vehicles.

“Recreational Vehicle Park” means a tract or parcel of land upon which recreational vehicle sites are located for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes only.

“Recreational Vehicle Site” or “Recreational Vehicle Space” means a plot of ground within a recreational vehicle park intended for temporary location of a recreational vehicle.

3. Special Use Permit Required. A Recreational Vehicle Park shall be permitted only upon the issuance of a special use permit. The owner, operator, and occupants of a Recreational Vehicle Park shall develop and use the park in strict compliance with the conditions imposed by the City Municipal Code and the special conditions of the permit.
4. General Requirements. A Recreational Vehicle Park shall meet the following minimum general requirements:
 1. No recreational vehicle shall be occupied for commercial purposes.
 2. No recreational vehicle shall be used as a permanent place of abode or dwelling. Occupancy of more than ninety (90) consecutive or non-consecutive days in any twelve (12) month period shall be conclusively deemed to be permanent occupancy.
 3. The maximum length of stay by a recreational vehicle in a recreational vehicle park shall be 14 consecutive or non-consecutive days within any consecutive 60 consecutive day period. Longer stays of up to ninety (90) consecutive or non-consecutive days in any twelve (12) month period are permitted if the recreational vehicle and occupant obtain a long-term stay permit and comply with all of its requirements.
 4. Registration of any occupants of a recreational vehicle in a Recreational Vehicle Park as students within the Elsberry School District without a different valid residential address for that occupant within the Elsberry School District shall be conclusively deemed to be permanent occupancy.
 5. Placement of the recreational vehicle or trailer unit on a foundation or any action toward removal of wheels of a recreational vehicle, except for temporary purposes of repair, is hereby prohibited.
 6. Except for portable awnings and screens that are attached to and carried with the recreational vehicle, no external appurtenances, such as carports, tents, cabanas or patios, may be attached to any recreational vehicle while it is in a park.
 7. No space within a Recreational Vehicle Park shall be rented or used for any purpose other than those expressly allowed by this Chapter.
 8. No person, company or corporation shall establish or modify a recreational vehicle park without first complying with the provisions of this Code.
 9. No mobile home or manufactured shall be permitted in a Recreational Vehicle

Park.

10. It is unlawful and a public nuisance to park, store, occupy, abandon, or leave standing any recreational vehicle that is wrecked, dismantled, damaged, unregistered, inoperative, not weather tight, or otherwise unsightly. Any recreational vehicle shall be deemed unsightly when body parts rust, mildewed, or become corroded, paint becomes faded, chipped, or peeled, or the recreational vehicle exterior becomes otherwise dilapidated.
 11. If the Recreational Vehicle Park does not have a bath house containing adequate toilet and showering facilities in permanent structures meeting the requirements of the City Municipal Code, then no recreational vehicle may be placed in that Recreational Vehicle Park unless it has fully functional and adequate electrical, water, and sewer hook-ups and facilities contained in the recreational vehicle and is connected to City water and sewer when in the Recreational Vehicle Park..
5. Long-Term Stay Permit. An recreational vehicle can obtain a long-term stay permit form the Elsberry City Clerk by complying with the following within the first five days of the recreational vehicle's stay in the Recreational vehicle Park.
1. Complete a written long-term stay permit application. The application shall contain the following minimum information:
 - a. The name and address of the owner and all occupants.
 - b. The year make and model of the Recreational vehicle along with a description of the recreational vehicle type (e.g., motor home, fifty wheel trailer, etc.)
 - c. The dimensions of the recreational vehicle.
 - d. The registration information and indentifying numbers and plates of the recreational vehicle and any vehicle used for towing it.
 - f. The arrival date and intended departure date.
 - g. A description of the sanitary facilities in the recreational vehicle, including shower, toilet, kitchen, refrigeration, water connection, and sewer connection.
 2. Pay a permit fee to the City of Elsberry of \$25.00 for each 30 day period of the intended stay. The permit fee is non-refundable.
 3. The recreational vehicle must have adequate and properly functioning electrical connection and service, water connection and service, sewer connection and service, kitchen and food preparation facilities, shower, washing stations (sinks), and sleeping quarters.
 4. The number of occupants shall not exceed the recreational vehicle's manufacturer's capacity limits, and in no case more than four individuals.
 5. The recreational vehicle must be weather tight and all sanitary facilities (water, sewer, washing), kitchen, electrical, and food refrigeration equipment must be functioning

properly.

6. The recreational vehicle must be at least 30 feet in length and 8 feet in width.
 7. The recreational vehicle must be properly connected to City water and sewer service.
 8. No water or sewer service may be shared between two or more recreational vehicles.
5. Completion Required Before Occupancy. All required site improvements and other conditions of the special use permit shall be met before occupancy of any site by a recreational vehicle.
6. Recreational Vehicle Park Location Criteria. The location of Recreational Vehicle Parks shall be reviewed for harmony with adjoining properties. Recreational Vehicle Parks may only be established on property which meets the following criteria:
1. The minimum site area of a park shall be two (2) acres.
 2. Have a location where substantial visual and acoustic screening from residential uses can be obtained.
 3. Be compatible with the surrounding area.
7. Design Standards. The following are minimum design standards for recreational vehicle parks:
1. *Density.* The number of recreational vehicles permitted in a park shall not exceed a density of eight (8) units per gross acre. The special permit may limit density further to ensure compatibility with the surrounding area.
 2. *Spacing and site width.* Each Recreational Vehicle Space shall be at least 100 feet by 40 feet. There shall be a minimum side-to-side dimension of fifty (50) feet between vehicles and an end-to-end dimension of fifty (50) feet.
 3. *Site access.* Each recreational vehicle space within a recreational vehicle park must have direct access to an interior paved drive or street. Entrances and exits to the park shall be designed for safe and convenient movement of traffic into and out of the park and to minimize friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended and radii of curbs and pavement at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within one hundred (100) feet of the intersection with the park entrance.
 4. *Parking.* At least one (1) parking space for eight (8) sites shall be provided for visitor parking in the park.
 5. *Internal park roads.* All internal park roads shall be privately owned and maintained. They shall be paved with asphalt, concrete, or properly compacted gravel, and shall be maintained in such a manner so as not to cause hazard, inconvenience, or negative impact on Park occupants, use by emergency vehicles, or the general public. Park roads shall

have a minimum improved width as follows:

- a. Roads through the park shall have a width of not less than twenty-eight (28) feet exclusive of parking lanes.
 - b. Parking lanes shall have a width of not less than ten (10) feet.
6. *Setbacks.* No recreational vehicle site shall be closer than fifteen (15) feet from any exterior park property line. Permanent structures within the park shall have minimum front and rear yards of fifteen (15) feet each and minimum side yards of five (5) feet each. Yard space shall be measured from the wall of the building. Building yard setbacks do not supersede other more restrictive setbacks.
7. *Landscaping/screening.* All Recreational Vehicle Parks shall provide for proper screening and landscaping of the perimeter areas so as to mitigate the impact of the project upon adjoining properties and/or to achieve appropriate transition between land uses and densities, subject to the review and approval of the Planning & Zoning Commission. All areas of Recreational Vehicle Parks, including perimeter setback areas now used for roadways, pathways, building maintenance yards and recreational facilities, shall be landscaped. Landscaping shall consist of a combination of live vegetative ground cover, lawn, shrubs, trees, flower beds and ornamental shrub beds to provide adequate visual and acoustical screening for surrounding uses. All landscaping plans shall be approved in conjunction with the special permit process and shall be guided by the following:
 - a. All utility areas of park buildings shall be screened with landscaping, solid fencing or a combination thereof.
 - b. All maintenance yards shall be sight screened by a solid fence and various landscape elements.
8. *Landscaping/screening design and maintenance.* All landscaping and screening shall be designed and maintained to be aesthetically pleasing to ensure the general welfare of the community is enhanced. All trees, flowers, lawns and other landscaping features shall be maintained by the recreational vehicle park management in a healthy growing condition at all times.
9. *Utilities.* All utilities within the park shall be designed, constructed, operated and maintained in accordance with all applicable State and City regulations, ordinances and codes.
 - a. Electricity. Electricity shall be provided to each recreational vehicle site. Each Recreational Vehicle or recreational vehicle unit shall be equipped with an electric outlet.
 - b. Water. All recreational vehicles or recreational vehicles stationed within an authorized Recreational Vehicle Park shall be properly and securely connected to the City's public water system within forty-eight (48) under the supervision of the City's water utility contractor. Suitable backflow prevention devices shall be installed on the water supply lines. When a recreational vehicle is not connected to a water connection, the water connection outlet shall be properly secured and

covered in compliance with City requirements.

- c. Sanitary sewer. All recreational vehicles or recreational vehicles stationed within an authorized Recreational Vehicle Park shall be connected to a public sewer system within forty-eight (48) hours under the supervision of the City's water utility contractor. When a recreational vehicle is not connected to a sewer connection, the sewer connection inlet shall be properly secured and covered in compliance with City requirements. The owner of the Recreational Vehicle Park shall pay a surcharge of 50% of the sewer charges to account for recreational vehicle disposal of wastes that were not generated on-site.
 - d. Solid waste disposal. Tip-proof refuse containers with tight-fitting covers shall be placed throughout the park in convenient locations. Refuse containers shall be located not farther than one hundred (100) feet from any recreational vehicle space. Refuse containers must be screened from public view on three (3) sides. The refuse containers shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as necessary to ensure that the containers do not overflow. All recreational vehicle parks shall be maintained free of litter and garbage. In addition to the refuse containers placed throughout the park, at least one (1) large (four (4) cubic yards or greater) container shall be located in the Park.
10. Stormwater drainage. Stormwater detention facilities shall be provided so that all stormwater drainage is contained in the park in any recreational vehicle park that exceeds five (5) acres in size.
 11. Surfacing of sites. All recreational vehicle spaces shall have a hard surfaced pad (asphalt, concrete, or properly compacted gravel) of the same minimum dimensions as the largest unit permitted to occupy that space, plus an area sufficient to accommodate one auxiliary vehicle.
 12. Design and Maintenance of Sanitary Facilities. If the Recreational Vehicle Park has sanitary facilities such as a bath house, toilet facilities, etc, they shall be located with permanent structures meeting the following requirements as well as all other requirements of the Elsberry Municipal Code:
 - a. Buildings shall be well lit at all times, day or night, well ventilated with screened openings, and constructed of moisture proof material to permit rapid and satisfactory cleaning, scouring and washing.
 - b. The floors shall be of concrete or other impervious material, elevated not less than four inches above grade, and each room shall be provided with floor drains.
 - c. Toilet and bathing facilities shall be in separate rooms or each toilet provided in a community toilet house shall be partitioned apart from any other toilet in the same room. The floor surface around the commode shall not drain into the shower floor.
 - d. Toilet floors and walls shall be of impervious material, painted white or a light color, and be kept clean at all times. Shower stalls shall be made of tile, plaster, cement or some other impervious material and shall be kept clean at all times.

Shower stalls shall be partitioned in any manner as to provide privacy and promote cleanliness. If a shower stall is of some impervious material other than tile, cement or plaster, it shall be white or some light color and kept clean at all times.

- e. The floor of any bathroom, other than the shower stall, shall be of some impervious material, and the walls of the bathroom, other than the shower stall, shall be made of a washable surface, kept clean at all times.
 - f. Sidewalks shall be required around all sanitary facilities connecting to the internal private roadway.
 - g. Not located nearer than 25 feet from a Recreational vehicle space or a property line.
 - h. All lavatories, bathtubs, and showers shall be connected to both hot and cold running water.
 - i. Facilities shall maintain a temperature of 70 degrees Fahrenheit.
 - j. They shall be properly and adequately secured.
 - k. They shall be properly connected to the City water and sewer service.
8. Accessory Uses. Management buildings, recreational facilities, restrooms, showers, laundry facilities and structures customarily incidental to operation of a recreational vehicle park are deemed to be permitted accessory uses in a recreational vehicle park.
9. Permanent Structures. Maintenance buildings, recreation and similar buildings must be permanent structures. Permanent structures do not include recreational vehicles, recreational vehicles on foundations or shipping containers of any kind.
10. Flood Plain. Any Recreational Vehicle Park located in a Flood Plain must comply with the City's separate Flood Plain Ordinance.
11. Other Requirements. In addition to the foregoing, the City may impose such other conditions, requirements or limitations concerning the design, development and operation of such Recreational Vehicle Park as it may deem necessary for the protection of adjacent properties and the public interest
12. Park Administration. The owner of a Recreational Vehicle Park shall be responsible for the development and maintenance of the park in strict conformity with the approved plan and conditions of the special use permit as well as all applicable laws and ordinances. Each park shall have a manager available twenty-four (24) hours per day, seven (7) days per week. The grounds of the Recreational Vehicle Park and all buildings and structures shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or create a nuisance.
13. Recreational Vehicle Park Application Procedure. The consideration of an application for a

recreational vehicle park shall comply with the following procedure:

1. The applicant shall make application at least thirty (30) calendar days before the regular Planning and Zoning Commission meeting at which action is desired. Forms shall be provided by the Planning and Zoning Commission Secretary. The application will continue through the special use permit process as described below until a special use permit is approved or denied.
2. The application shall include a three hundred dollar (\$300.00) fee and be accompanied by a list of all names and addresses of all owners of property within three hundred (300) feet of the proposed development.
3. If any portion of the Recreational vehicle Park is within an area subject to the City's Flood Plain Ordinance, the Recreational Vehicle Park application must attach a completed Flood Plain Permit application.
4. The application shall further be accompanied by five (5) copies of a site plan which shall be drawn at a scale of not less than one hundred (100) feet to the inch and shall be clear and precise. The plan should be prepared by a Missouri registered engineer. If necessary, the site plan can consist of more than one (1) drawing. The site plan shall contain, but not necessarily be limited to, the following:
 - a. Name of the owner and operator with addresses and phone numbers; and the name of the proposed recreational vehicle park.
 - b. Legal description of the subject tract of land.
 - c. Name, address and phone number of the person or firm preparing the site plan.
 - d. Scale of the drawing and north arrow.
 - e. The area and dimensions of the tract of land.
 - f. The number, size and location of all recreational vehicle spaces.
 - g. The number, size and location of all off-street parking spaces.
 - h. The location and width of all streets and walkways.
 - i. The location of service buildings, management offices, sanitary stations, recreation areas and any other proposed facilities or structures.
 - j. Location of all utility easements (if any).
 - k. Specifications of the water supply, sewage disposal, electrical supply and refuse collection systems (may be submitted on separate sheets or pages).
 - l. Drainage plan (may be submitted on separate drawing).
 - m. Landscaping plan (may be submitted on separate drawing).
 - n. Topography at an appropriate contour interval.
 - o. Vicinity map indicating the names and locations of all streets and highways within at least a one-quarter ($\frac{1}{4}$) mile radius of the subject area.

- p. Signage.
 - q. Fencing and screening.
4. *Special use permit review.* Once a complete application has been received by the City, the consideration of the recreational vehicle park application will be put on the agenda of the next regular meeting of the Planning and Zoning Commission. The Commission shall review the preliminary plan as soon as practicable and:
- a. If the application is satisfactory, the Secretary of the Commission shall forward it to the Board of Aldermen together with the recommendation of the Commission for approval.
 - b. If the application is unsatisfactory, the Commission shall give notice to the submitting party, in writing, setting forth the conditions causing the disapproval and the unsatisfactory conditions shall be remedied before further consideration by the Commission.
 - c. If the unsatisfactory conditions are not remedied within thirty (30) days of such notice, the Secretary of the Commission shall forward the application to the Board of Aldermen together with the recommendation of the Commission for:
 - (1) Disapproval; or
 - (2) Conditional approval based on correction of specific unsatisfactory conditions.
 - d. If no recommendation is received from the Commission by the Board of Aldermen within sixty (60) days of the date of submission of application to the Commission and no adverse report has been given to the submitting party by the Commission, it shall assume to have been approved and the Board of Aldermen may proceed with their review of the application in accordance with these regulations.
 - e. The Board of Aldermen shall review the application as soon as practicable after receipt of the report of the Commission. A public hearing will be held to consider the application and to receive comments from interested citizens. The public hearing must be advertised in a local newspaper at least fourteen (14) days before the date of the public hearing.
 - f. If the application is satisfactory, the City Clerk, upon direction from the Board, shall thereupon affix a notation of approval, date of approval, the signature of the City Clerk and the seal of the City of Elsberry on the plan denoting satisfactory compliance with the requirements of these regulations. The plan shall be returned to the developer who may then proceed in accordance with these regulations.
 - g. If the application is unsatisfactory, the Board shall give notice to the submitting party, in writing, setting forth the conditions causing the disapproval and the unsatisfactory conditions shall be remedied before further consideration by the Board.
5. Flood Plain Development Permit Approval Required. If any part of the Recreational

Vehicle Park is located within an area subject to the City's Flood Plain Management Ordinance, no Recreational Vehicle Park Special Use permit may be approved until the Flood Plain Permit is approved and issued.

SECTION 5. The Elsberry Municipal Code is amended to add a new section 41.191 as follows:

§41.191 RECREATIONAL VEHICLE PARK REGULATIONS

1. Required Occupant Information. The owners and operators of Recreational Vehicle parks shall be required to obtain and maintain the minimum information relating to each resident or occupant within their respective Recreational Vehicle Park, which shall include
 1. The name and address of each occupant.
 2. Date of arrival and departure, with the number of days of each stay.
 3. Recreational Vehicle make, model, year of model, serial number of unit and seal demonstrating Code compliance.
 4. License number of the recreational Vehicle and State issuing such license.
 5. The Recreational vehicle Site number or other identifier for the Recreational Vehicle Site
2. Inspection And Preservation Of Records. The owner or operator of the Recreational Vehicle Park shall keep a copy of the occupant information and a registry of the Recreational Vehicle Park occupants available for inspection at any time by any authorized person and shall not destroy such information and registry until the expiration of twenty- four (24) months following the date of departure of each occupant.
3. Monthly Report. The owner or operator of the Recreational Vehicle Park shall deliver to the Elsberry City Clerk a written monthly report of the occupants at the Recreational Vehicle Park. The report shall be in tabular form and shall contain the following information:
 1. The name and address of each occupant.
 2. Date of arrival and departure, with the number of days of each stay.
 3. Recreational Vehicle make, model, year of model, serial number of unit and seal demonstrating Code compliance.
 4. License number of the recreational Vehicle and State issuing such license.
 5. The Recreational vehicle Site number or other identifier for the Recreational Vehicle Site
4. General operation and maintenance requirements.
 1. All Park areas shall be kept free of litter and debris at all times.
 3. Service buildings shall be maintained in a sanitary condition at all times.
 4. Animals traveling with campers shall be kept on a leash or tethered within their campsite at all times.
 5. Recreational Vehicle Park or campground shall be subject to the rules and regulations of

the Elsberry Fire Protection District.

6. The Owner and operator shall provide for continued maintenance of landscaping and buildings.
7. The occupants of a Recreational Vehicle Site shall keep that part of the Recreational Vehicle Park that they occupy or control in a clean, sanitary, and safe condition and in full compliance with the City Municipal Code.
8. All open fires shall be placed on non-combustible ground surfaces and contained within metal fire rings sufficient to contain the flames. All open fires shall be constructed, maintained, and used as to minimize fire hazards and smoke nuisances. Fires shall be allowed only in safe and convenient locations where they will not constitute fire hazards to vegetation, undergrowth, trees and recreational vehicles. No open fires are allowed during fire warning events. An adequate source of water or other fire suppressants must be within twenty (20) feet of the fire while it is ignited, and for two hours thereafter. The extinguishing equipment and water supply at the burning site must be sufficient to completely extinguish the fire in a reasonable period of time. The extinguishing agent must be capable of causing the fire to immediately start to go out upon application of such agent. Water hoses shall be equipped with nozzles, and the hose shall be maintained charged during the period of such burning. All fires must be entirely extinguished by 11:00 p.m. A competent responsible person, over the age of 16, must constantly attend to the fire and be present at the fire at all times that it is ignited, and until it is completely extinguished. Enclosed gas grills used for cooking are not "open fires." Charcoal grills are open fires, but do not need to be placed within metal fire rings.

SECTION 6. The Elsberry Municipal Code is amended to add a new section 41.192 as follows:

§41.192 VIOLATIONS AND PENALTIES: OWNERS AND OCCUPANTS RESPONSIBLE FOR COMPLIANCE.

1. Any person who shall violate a provision of City Municipal Code §41.190 and 41.191, or shall fail to comply with any notice or order of the Building Inspector or Building Official provided for in the City Municipal Code, shall be guilty of a misdemeanor, punishable by a fine of up to Five Hundred Dollars (\$500) for each violation.
2. Each day that a violation continues without abatement is a separate violation.
3. The violator must also pay restitution to the City for any inspections, abatement notices, or abatement work performed at the cited address.
4. Both the owner and the operator of the Recreational Vehicle Park are responsible for any violations of City Municipal Code §41.190 and 41.191 at the Recreational Vehicle Park.
5. The owner, operator, and the respective occupants of the Recreational Vehicle Park Site are responsible for any violations of City Municipal Code §41.190 and 41.191 at the Recreational Vehicle Park committed by that occupant, or on that occupant's Recreational vehicle Site.

SECTION 7. The Elsberry Municipal Code is amended to add a new section 41.193 as follows:

§41.193. EXEMPTIONS FROM CERTAIN ORDINANCES.

The following regulations shall not apply in the Recreational Vehicle Park Districts:

1. §41.131. Motor Homes, Boats, Campers, and Trailers in Residential Districts

SECTION 8. 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 9. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 10: Effective Upon Passage

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

SECTION 11: 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.

This bill was discussed and voted on earlier in the meeting.

Bill 2022-11-002

AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, CALLING FOR MUNICIPAL ELECTIONS ON APRIL 4, 2023

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

SECTION 1. The City of Elsberry shall hold an election for the following offices on the municipal election day of April 4, 2023:

- | | |
|------------------|---------------|
| Aldermen, Ward 1 | Term: 2 years |
| Aldermen, Ward 2 | Term: 2 years |
| Aldermen, Ward 3 | Term: 2 years |

SECTION 2. The City Clerk is directed to forward to the Lincoln County Election Authority no later than January 23, 2023 the following items:

1. A general notice of election;
2. Minutes from the meeting of the Board of Aldermen declaring that a municipal election

shall occur;

3. The ordinance declaring that a municipal election shall occur;
4. A list of offices being elected and terms;
5. A sample ballot of the municipal election; and
6. The legal notice of the municipal election for publication.

SECTION 3. The judges and clerks for the election shall be the same persons designated by the Lincoln County Election Authority to act as judges and clerks at the election to be held on the same date.

SECTION 4. This ordinance shall be in full force and effect from and after the date of its passage.

Alderman Taylor made a motion to read Bill 2022-11-002 two times by title only.

Alderman Harper seconded the motion.

Roll call vote

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

Motion carried.

City attorney Robert Guinness read Bill 2022-11-002 twice by title only.

Alderman Taylor made a motion to adopt Bill 2022-11-002.

Alderman Davis seconded the motion.

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

Motion carried.

Bill 2022-11-003

AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO PROVIDE
CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT FOR STRAIGHT STREET
COMMONS SUBDIVISION

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

WHEREAS, Billy and Carol Collins (the Developer”) have submitted a Preliminary Plat to divide land legally described in Exhibit “A” into eight residential lots and one commercial lot subdivision based on the proposed Preliminary Plat, Exhibit “B”, known as the Straight Street Commons (“the Subdivision”) in order to allow the construction of the infrastructure in the Subdivision development; and,

WHEREAS, the Subdivision Preliminary Plat was reviewed by the Elsberry Board of Aldermen;

and,

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

Section 1. That the Preliminary Plat, Exhibit “B”, for the Straight Street Commons is hereby conditionally approved subject to the Developer meeting the following conditions, and making the following changes, all at the Developer’s sole cost.

1. A hammerhead terminus of 120 feet meeting the Elsberry Fire District’s requirements and Ordinances shall be included at the terminus of Straight Street within the Subdivision; and constructed according to those requirements.
2. All necessary signatures shall be executed and shown on the Preliminary Plat and Final Plat.
3. The topographical information required by Chapter 43 of the Elsberry Municipal Code shall be shown on the Preliminary Plat.
4. The Preliminary Plat, along with a Preliminary Plan meeting Chapter 43 of the Elsberry Municipal Code, shall be presented by the Developer to the Elsberry Planning and Zoning Commission for approval. The Planning and Zoning Commission’s recommendations for the Preliminary Plan and Plat shall be presented to the Board of Aldermen.
5. The platted Straight Street of only 30 feet is approved because it is an existing private street. However, this approval is expressly conditioned on the following requirements:
 - a. Straight Street remains a private street and is not dedicated to the City of Elsberry; and
 - b. A valid and enforceable restrictive covenant is adopted and recorded for the entire Subdivision (“Restrictive Covenant”) requiring each Lot Owner to properly maintain, repair, and improve Straight Street, and assessing each Lot for the proper maintenance, improvement, and repair of Straight Street. The Restrictive Covenant shall include a provision that the City of Elsberry or the Elsberry Fire Protection District may, may, but are not required to, enforce the maintenance, repair, and improvement provisions, including the assessment provisions of the Restrictive Covenant as a third party beneficiary. Neither the City of Elsberry nor the Elsberry Fire Protection District shall be subject to any assessments.
6. The City of Elsberry shall not accept any dedication or perform any services to Straight Street unless Straight Street’s right-of-way is at least 50 feet wide and paved in accordance with Elsberry paving standards.
7. The Restrictive Covenants shall be noted on the face of the Final Plat.

8. The Subdivision and the Final Plat contain the proper boundary monuments in accordance with Chapter 43 of the Elsberry Municipal Code.
9. Sidewalks shall not be required because all but one Lot in the Subdivision is greater than 20,000 square feet, and the Lot that is the exception is @18,000 square feet. No Lot in the Subdivision, other than Lot 8 may be less than 20,000 square feet unless sidewalks are platted installed in the Subdivision in accordance with Chapter 43 of the Elsberry Municipal Code.
10. The water, sewer, and fire hydrants (“the Utility Infrastructure”) as shown on the Site Utility Plans and Profiles submitted by the Developer dated October 2022 and prepared by Cochran civil engineers (“the Utility Plans”) shall be constructed by the Developer in accordance with those Utility Plans and the requirements of the City of Elsberry Municipal Code at the Developer’s sole cost. Such Utility Infrastructure shall be inspected and improved by the City’s inspectors (or the City’s contracted public works contractor). The maintenance, repair, and improvements of such Utility Infrastructure, from the point where they connect to the City’s existing main lines, shall be the responsibility of the Subdivision’s Lot Owners. The Developer shall provide for an equitable allocation of assessments for such maintenance, repair, and improvements in the Subdivision’s Restrictive Covenants.
11. The Final Plat and all infrastructure for the Subdivision shall comply with all provisions of Chapter 43 of the Elsberry Municipal Code, except as specifically noted above.

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 bill 2022-11-003 two times by title only

Alderman Harper seconded the motion.

Roll call vote

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

Motion carried.

City attorney read bill 2022-11-003 twice by title only.

Alderman Taylor made a motion to adopt bill 2022-11-003.

Alderman Davis seconded the motion.

Roll call vote

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

Skaggs tree service hanging Christmas lights

Skaggs tree service will hang our lights and take them down for \$900.

Alderman Meyer made a motion to approve Skaggs Tree Service to hang the lights.

Alderman Rockwell seconded the motion.

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

NAYES-0

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- absent

Alderman Harper- Alderman Harper would like to consider having parking only on one side of
S 3rd St.

Alderman Taylor- nothing to report

Alderman Rockwell- nothing to report

Alderman Meyer- nothing to report

Alderman Wilch- Alderman Wilch wanted bring to everyone's attention that some times it's hard to make meeting especially when they are at 5:30. Most of the Alderman work and have full time jobs. Social media posts should not be made when that person does not have all the facts.

Alderman Davis- Alderman Davis wanted to report that a family had a private service in the cemetery while they were here, they stopped in to say that the cemetery was very peaceful and looked very nice. They were so impressed that they donated \$1000 to the cemetery. She also wanted to asked Chief Davis to check into why there is a big load of rock on the street in front of 312 Waggoner.

REPORTS OF CITY DEPARTMENTS AND OFFICERS

City Attorney Robert Guinness- nothing for open session

Alliance Manager Kenny Claus- Brian Pieper introduced Kenny Claus as the new manager for Elsberry.

Police Chief Randy Davis- Chief Davis went over his packet and wanted to address the letters about the property's that will not come into compliance. He has been sending out letters and setting up hearings to address the problems.

City Clerk Rachel Reed- Rachel Reed would like to remind everyone that it's budget time and we need to have the committee meetings. Also, she would like to invite anyone to help with Christmas in the park. The meeting was held and no one showed up.

City Collector Tashua Chiodini- Tashua also wanted to add that we need entries for the parade.

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

Sue Beck made a comment that 2 members of the planning and zoning didn't show up and there were 6 people waiting for the meeting.

Skip Hale addressed the board he wanted to let the board know that he is trying to fix some properties in town. He also is buying the building on Broadway and a license bureau and meat market are going to be going in. He has asked to have asphalt fixed in front of the building

because someone is going to fall. He would also like to have lines painted for parking. Also the traffic coming over the hill needs to be addressed people are driving to fast.

Vote to take up business to be conducted in closed session.

Alderman Rockwell made a motion to close 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 (14) Records which are protected from disclosure by law.

Alderman Harper seconded the motion.

Roll Call vote

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

Open session resumed at 8:19 pm.

Alderman Meyer made a motion to reject Meridian's price proposal.

Alderman Rockwell seconded the motion.

Ayes- Harper, Taylor, Rockwell, Wilch, Meyer, Davis

Motion carried.

ADJOURNMENT

Alderman Meyer made a motion to adjourn.

Alderman Harper seconded that motion.

Ayes- Harper, Taylor, Rockwell, Wilch, Meyer, Davis

Motion Carried.

Open session meeting was adjourned at 8:20 P.M.

