

**CITY OF ELSBERRY
REGULAR SESSION
MAY 12, 2020
ELSBERRY CITY HALL**

"This meeting is being conducted with some City officials and Aldermen attending and voting by telephone conference call due to emergency conditions that require the departure from the normal requirements for Oversight Committee's meetings. The emergency is the COV-19 virus outbreak. The President of the United States and the Governor of Missouri have declared official states of emergency concerning the public health issues surrounding the virus. Health officials recommend that: (1) the frequency of large gatherings be reduced and the number of attendees per gathering be reduced; (2) persons telework and particularly individuals at increased risk of severe illness; (3) practice social distancing; and (4) consider e-meetings when possible. In accordance with these recommendations, the City of Elsberry Board of Aldermen is conducting this meeting with telephonic access by some City officials, while still allowing public attendance as much as possible within these restrictions. A quorum of the Board will attend in person."

The Board of Aldermen of the City of Elsberry met on the evening of the above date at Elsberry City Hall, 6:30pm. Mayor Wilch presided over the meeting. Present were Alderman Davis, Alderman Robinson, Alderman Harper, Alderman Rockwell, Alderman Hartley, City Attorney Rob Guinness, City Clerk Sue Hogarth, City Treasurer Tammy Sharpe, City Collector Rachel Reed and Chief Randy Davis. Also present were Justin Reaves and Ron Smith of Alliance Water Resources. Alderman Short was unable to attend. Jim Bensman with MECO Engineering and Michael Hartman with USDA were on teleconference for their portion of the meeting.

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

PRIOR MEETING MINUTES APPROVAL

A motion was made by Alderman Hartley to approve meeting minutes from March 2020, seconded by Alderman Harper.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

APPROVAL OF UNPAID BILLS REPORT

Motion was made by Alderman Hartley to approve the unpaid bills, seconded by Alderman Rockwell.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

PROJECT UPDATES

Boonslick Regional Planning Commission Update – Mayor Wilch

Chad Eggen from Boonslick was unable to attend since Boonslick is restricting attendance at any public meetings at this time due to the COVID-19 outbreak. There were no new updates at this time.

Update from MECO Engineering

- Jim Bensman / Brian Martin with MECO Engineering

Jim Bensman provided his update via teleconference for the meeting. He has submitted all the wastewater treatment plant designs to the DNR, USDA and CDBG (Boonslick). He was contacted by the Corps of Engineers regarding a permit needed for the outfall structures and that permit should be ready in 1-2 weeks. He is also working on completing the floodplain permit and will submit that to City Hall. The draft operating permit notice will be done in May since there were no changes from any of the parties involved in the process. All Share Files / PDF files have been sent to all the parties involved and MECO Engineering is just in a waiting mode right now.

Update from USDA – Rural Development

- Michael Hartman / USDA

Michael Hartman from USDA – Rural Development provided his update via teleconference for the meeting. Michael stated that he had spoken with Jim Bensman at MECO Engineering prior to the designs being submitted to DNR to make him aware that the CDBG block grant needed to be included in the plans and that was revised prior to submission to DNR. Michael has submitted paperwork to Mayor Wilch and City Clerk Sue Hogarth with a list of items to prepare prior to taking the Wastewater Treatment Plant project out for bids. Mayor Wilch and City Clerk Sue Hogarth will set up a conference call with Michael in the next couple of weeks to review this paperwork. Michael stated that it will take at least 30 days for the state engineer to review the project and his goal is to have all the paperwork completed within 30-60 days.

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

- Request to block off a side street around the City Park for delivery / distribution of food from the St. Louis Food Bank on Thursday, May 14, 2020 from 8A-4P sponsored by Shooters Saloon

- Kim Jones / City Clerk Sue Hogarth

There was discussion about blocking off 4th Street between Griffin and Broadway by the park pavilion if a few parking spots are reserved for the dentist office. A motion was made by Alderman Rockwell to approve blocking off 4th Street between Broadway & Griffin for the drive-by food bank distribution with a couple parking spots left open for the dentist office, seconded by Alderman Harper.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

- Complaint regarding Chief Randy Davis

- Rosanna Collins

Ms. Collins has been having some issues with her teenage son staying out late, not coming home and not keeping open lines of communication with her. Officer Heatherly had been a positive influence with her son and she had come to him numerous times for help. On April 24th, 2020, she came to the police station to see Officer Heatherly regarding her son and Chief Davis told her that if she was having these problems with her 16 year old son, she should just let him run away and not try to look for him. She is worried about her son and it is not okay to let him run away. The board asked Ms. Collins to fill out a formal complaint at City Hall. Alderman Robinson stated that Ms. Collins had called her to discuss this situation and she advised her to come to the board meeting to share her concerns.

- Request to change or update specific regulations on the current burning ordinance/Request to set up a regular schedule for street sweeper maintenance

- Janet Crowder

Ms. Crowder lives on North 6th Street and came to City Hall with a written request to present to the board regarding the current burning ordinance. City Clerk Sue Hogarth presented her request on her behalf. Ms. Crowder's next-door neighbor was recently burning on their property very close to her home right underneath a large tree with lots of brush around on a windy day. The fire set off the smoke alarm at her home with huge amounts of smoke and embers blowing towards her home. The embers caused damage to her car windshield and some of the personal property in her yard. She is requesting some clarification and/or verbiage changes on the current burning ordinance to keep this from happening again. The board determined that the neighbor was in violation of the burning ordinance and she should contact the Elsberry Police or call 911 to report any future incidents. There was no need to revise or change anything to the burning ordinance. Ms. Crowder also requested a schedule when the street sweeper runs so she can keep her car out of the street. Justin Reaves w/Alliance stated that they usually run the street sweeper after a heavy rain and it would be hard to set up a regular schedule. City Clerk Sue Hogarth will relay all this information to Ms. Crowder.

Request for a 7-Day Picnic Liquor License for the (3) ECGA Summer Concert Series events at Providence Bank Park on June 20th, July 25th & Aug 15th, 2020

- City Clerk Sue Hogarth on behalf of Adam Heitman w/ECGA

A motion was made by Alderman Davis to approve the 7-Day Picnic Liquor License for the ECGA Summer Concert Series, seconded by Alderman Hartley.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

Update on previous request from Bob DeMoulin to get reimbursed for damage to plumbing from the meter removal at his home at 405B Lovelace Lane from the January board meeting

- City Collector Rachel Reed

City Collector Rachel Reed provided an update to the board from Bob DeMoulin who is requesting reimbursement for plumbing damage at his rental home when a meter was

pulled by Alliance and the line filled with dirt because it was not capped. When the meter was turned back on, it ruined the toilet and tub. The meter was pulled back in 2016 and he had been fixing up the home from the previous tenant before renting it again. The receipt from Lonsberry Plumbing was for \$156.73. Rachel explained that the meter was pulled due to the previous tenant tampering and that tenant is paying restitution. A motion was made by Alderman Rockwell not to pay the plumbing damage because that is a risk that a landlord takes when a tenant tampers and causes damage, seconded by Alderman Hartley.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

UNFINISHED BUSINESS

- Bid / Proposal from S&R Animal Control based on feedback from sub-committee meeting on February 24, 2020

- City Clerk Sue Hogarth on behalf of Ann w/S&R Animal Control

Ann with S&R Animal Control was unable to attend but she emailed a bid for consideration by the board based on the sub-committee meeting on February 24, 2020. The sub-committee discussed a “retainer” monthly fee to be “on call” and a pick-up fee for any animals that are captured in place of a flat monthly fee for patrolling and animal services. The bid consisted of a monthly retainer fee of \$300 with a \$100 pick-up fee and \$75 dry-run fee if the animal gets away or the owner shows up before they arrive. She also included estimated costs that the city will incur for dog & cat traps, catch pole, cat gloves and worker’s compensation/liability insurance. Alderman Hartley and Alderman Rockwell agreed that the retainer fee was too high and would like to request that S&R Animal Control reduce that fee by \$100 to be \$200 per month. There was discussion on including a clause that if multiple animals were picked up at one visit, the additional animals would be discounted per additional animal. There would be no traps set over the weekends. Ron Smith w/Alliance spoke with the main office for Alliance in Columbia and Alliance employees can set the traps but cannot handle the animals. Alderman Rockwell would also like to set an “appropriate” fee for animal pick-up from the owner to get their animal back. A motion was made by Alderman Rockwell to negotiate a reduced retainer fee of \$200 per month and a \$100 pick-up fee for the first animal and \$75 for each additional animal on the same trip, seconded by Alderman Hartley.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

NEW BUSINESS

- Approval to pay overage for Chemicals & Repairs in 2019 from Alliance of \$2,385

- Justin Reaves & Ron Smith w/Alliance

There was a chemicals & repairs overage of \$2,385 from 2019 for Alliance that was from the water leak that was found by MWRA across from the water plant underground. A motion was made by Alderman Hartley to pay the overage amount, seconded by Alderman Harper.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

- Large Vehicle Permit for Brownsmill Road

- City Attorney Guinness

At the new Dollar General store on Brownsmill Road and Hwy 79, a large vehicle permit was required and received by the city. There is concern that their 18-wheel trucks will have problems with deliveries because it is hard to see turning from Brownsmill onto Hwy 79 from their location without altering the width of Brownsmill Road. There was also discussion about putting up another stop sign at the top of the hill at Brownsmill Road to avoid any possible collisions due to visibility. Mayor Wilch spoke with the construction company at Dollar General and the City should submit their proposal in writing on how to change the roadway for impeding traffic from both directions at Hwy 79 and Brownsmill Road. Alderman Hartley suggested talking to an engineer and to contact an engineer with MoDOT to comply with their design standards. A motion was made by Alderman Rockwell to have City Attorney Guinness draft a letter to the construction company for Dollar General to address the concerns of traffic on Brownsmill Road and Hwy 79 with the delivery trucks, seconded by Alderman Davis.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

- Dangerous Building Order for 314 Broadway

- City Attorney Guinness

There are bricks falling off into the alley from the deteriorating building located at 314 Broadway that is owned by Jason Gladney. There was discussion about having the city hire an engineer to inspect the building as a possible “dangerous building” to have it demolished. It is too late to include this building on the demolition project with CDBG. The police should be issuing tickets to the owner. Mayor Wilch suggested abating the property and having it demolished and charge the owner. There may be some issues with demolition since there is an adjoining wall with the property next to the building. It was agreed to get bids from engineers and to issue summons to the owner and to report back at the June board meeting.

- Discussion on Cemetery and Straight Street

- Mayor Wilch

There is a portion of the fence along the east side of the cemetery adjacent to the homes along Straight Street that has been torn down and there are dogs running loose in the cemetery and harassing visitors. There was an orange tarp put up along the broken fence line but that has recently come down per Justin Reaves w/Alliance. There was discussion in the past about the boundary line and if the fence is on city property which would not be determined without having a survey done that the city would have to incur the costs. There was discussion about conservatively placing a new fence 1 foot closer to the cemetery or just repair the existing fence. The city could go out for bids to fix the 40-60 foot gap of the woven wire fence with a 6-8 foot fence to stop pedestrian traffic to and from the cemetery from Straight Street and to contact Jimmy Lovelace to see if he would be interested in bidding on the fence repair. Chief Davis confirmed that there is a lot of foot traffic that goes through that property where the fence line is broken. The property on Straight Street is owned by someone named Cooper.

A motion was made by Alderman Rockwell to go out for bids to repair the fence, seconded by Alderman Davis.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

- Discussion to consider regulations for Cremains Headstone Vaults and “Columbarium”

- City Attorney Guinness / Pam Stewart

Pam Stewart has received a request to place a monument at the City Cemetery that allows for above ground cremains. She stated per city ordinance that cremains need to be placed inside a container or small vault before being secured. There is some type of container that will be placed inside the monument marker for cremains. She would like to know if the board will allow for these “columbariums” and we can modify the ordinance to accommodate for these monuments. She presented pictures of various types of monuments or columbariums that are being made by the monument companies for review. The board did not have any issues with the columbariums and Alderman Hartley asked City Attorney Guinness to draft a revised ordinance to present at the next cemetery & parks committee meeting.

- Alley Maintenance

- Alderman Harper

Alderman Harper wants the city to take back responsibility of maintaining the alleys and asked if Alliance can be tasked to maintain them. Ron Smith w/Alliance asked if the alleys in Elsberry are city rights-of-way. Alliance does provide for city streets, sidewalks, and rights-of-way but they may have to hire another employee to maintain the alleys and add gravel when needed. Alderman Hartley stated that Alliance could just designate 1-2 days per month to maintain the alleys. There was discussion about the existing potholes on the city streets that are not all patched yet and those streets should be a priority over alley maintenance. Alderman Hartley stated that it should only cost around \$250 to stockpile gravel and the alleys should be maintained for emergency vehicle safety but stated that the city should not be liable for any issues in the alleys. Alderman Rockwell asked to present the existing alley ordinance to consider these updates at the June board meeting.

INTRODUCTION AND READING OF BILLS FOR PASSAGE

- Bill No. 2020-05-002 - AN ORDINANCE TO PROVIDE FOR EMERGENCY DECLARATIONS AND AUTHORIZED EMERGENCY POWERS OF THE MAYOR BY REPLACING SUBCHAPTER A OF CHAPTER 77 OF THE ELSBERRY MUNICIPAL CODE WITH A NEW SUBCHAPTER A OF CHAPTER 77.

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

SECTION 1: The Elsberry City Code is amended by replacing Subchapter A of Chapter 77 of the Elsberry Municipal Code with a New Subchapter A of Chapter 77 as follows:

“§77.010. POLICY.

Because fire, flood, epidemic, civil disturbances, riots, or other emergencies may from time to time occur within the City of Elsberry, Missouri, the temporary powers and authorities provided in §77.025 are hereby granted to the Mayor of the City, subject to the limitations of this Subchapter. Such powers may be exercised only in the event of an emergency found, declared, and proclaimed to exist by the Mayor in writing; only for the purposes of addressing the emergency declared, and only for the duration of such emergency. Should the Mayor be absent, incapacitated, or be otherwise unavailable, the City’s Mayor Pro Tem, or in the absence of the Mayor Pro Tem, a simple majority of the City’s Board of Aldermen, may declare a state of emergency. In such case, the declaration shall designate who shall exercise the emergency powers until the Mayor becomes available. The Board of Aldermen may override any such declaration or power exercised under that declaration, by a majority vote of the entire Board at a duly constituted meeting of the Board.

§77.015 APPLICABLE EMERGENCIES

The Mayor shall have the right to declare an emergency to exist when one or more of the following conditions exists.

1. Imminent danger of the destruction of life or property due to unusual extreme conditions or dealing with the immediate aftermath of such unusual extreme conditions.
2. Imminent danger of unusual or extreme weather conditions, making use of City streets or areas difficult or impossible, or dealing with the immediate aftermath of such unusual or extreme weather conditions.
3. Imminent danger of dangerous widespread civil commotion, insurrection, uprising, or riot; or dealing with the immediate aftermath of such commotion, uprising, or riot.
4. Stoppage or loss of electrical power affecting a major portion of or service to the City.
5. An epidemic, pandemic, or similar public health crises in, or effecting, the City.
6. A declaration of a State of Emergency encompassing the City has been issued by the Lincoln County Commission, the Governor of Missouri, a resolution of the Missouri General Assembly pursuant to RSMo. §§ 44.010 to 44.130, or the President of the United States of America.
7. Disasters resulting from terrorism, foreign invasion, fire, wind, flood, earthquake, or other natural or man-made causes.
8. The occurrence of a natural or man-made disaster of major proportions within the City when the safety, health, and welfare of the inhabitants of this State are jeopardized.

§77.020 EMERGENCY DECLARATIONS

All declarations, orders, rules, and regulations authorized by this Article shall be in writing and shall be available for public inspection, at City Hall or such places and during such hours as may be fixed by the Mayor. All orders, rules and regulations promulgated pursuant to the authority conferred by this Article shall be in force and effect from the time of the promulgation thereof until amended or revoked upon proclamation by the Mayor or resolution by the Board of Aldermen.

§77.025. EMERGENCY POWERS.

In addition to any and all powers now granted to, and exercised by, the Mayor of the City of Elsberry, Missouri, the Mayor, or those authorized by §77.010, are hereby granted the following emergency powers in order to protect life and property in the City and provide for the health, welfare, and safety of the City's inhabitants:

1. Alert the Civil Defense Organization and the inhabitants of the City when there is a threatening disaster, or whenever a state of emergency is declared by the proper Federal, State, or local authorities.
2. Make and issue temporary regulations; temporarily suspend the operation of certain specific ordinances; temporarily extend or delay deadlines or dates specified in City ordinances reasonably related to the protection of life, health, safety, livelihood, and property affected by such a disaster or emergency. The Mayor may not suspend any ordinance or regulation that would prevent oversight of the Mayor's actions by the Board of Aldermen. If the Mayor cancels any meeting of the Board of Aldermen or subcommittee thereof, the Board of Aldermen may convene that meeting, or a substitute meeting, by having four Aldermen submit such request to the Mayor and the City Clerk, or in their absence, the President of the Board of Aldermen.

The written requests shall state suggested time and location for such meetings and the City Clerk shall schedule the meeting as soon as possible in accordance with state law.

3. Apply or adopt emergency orders and regulations issued by the State of Missouri or the Lincoln County Commission to City actions, ordinances, or regulations relating to that disaster or emergency.
4. When normal procurement is not possible in a timely fashion, obtain vital supplies, equipment and such other properties found lacking for the protection of the life and property of the people, and bind the City for the fair value thereof, and if required immediately, to commandeer the same for public use.
5. Require emergency services of any officials or employees of the City.

6. Delegate such duties as are herein authorized for the purpose of implementing and directing the Civil Defense Disaster Relief Program.
8. Use employees of the City of Elsberry to assist in the preservation of life, limb, health, safety, and property of the inhabitants of the City of Elsberry.
9. Close public use of streets and sidewalks.
10. To impose emergency curfew regulations, including prohibiting all persons (excluding emergency service workers, registered volunteers, or those individuals with official sanction) from entering or transiting designated restricted areas either by foot, bicycle, or motor vehicle.
11. To close or curtail operations of business establishments.
12. To close any municipally owned buildings and other facilities to the use of the general public.
13. Suspend routine governmental services for either the duration of an emergency or until the situation has stabilized to the point that resources may be safely diverted toward the resumption of normal services.
14. Order and conduct such evacuations as are consistent with the safety, health, and welfare of the general public.
15. Perform such other measures as are necessary to promote and secure the health, safety, and protection of the City's civilian population and property.

§77.030 PENALTIES FOR VIOLATING EMERGENCY ORDERS.

Whenever an emergency decree has been put into effect, any person who shall be found guilty of violating any provision of such order within the City limits shall be deemed guilty of a misdemeanor.

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

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

The ordinance was read twice by title only by Attorney Guinness and a motion was made to adopt the ordinance by Alderman Rockwell, seconded by Alderman Harper.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

- Bill No. 2020-05-003 - AN ORDINANCE SETTING THE REQUIREMENTS FOR FIDELITY BONDS OF CERTAIN CITY OFFICERS AND EMPLOYEES BY ADDING NEW SECTIONS 21.515, 21.715 AND 23.300; AND REPLACING SUBSECTION 21.615.3 WITH A NEW SUBSECTION 21.615.3 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 adding a new §21.515 as follows:

“§21.715. BOND OF THE CITY CLERK

The City Clerk, before entering upon the duties of the Clerk’s Office, shall enter into, and give to the City, good and sufficient bond in the amount of at least fifty thousand dollars (\$50,000.00) : (1) for the faithful and honest performance of the Clerk’s duties for the City; (2) for rendering a full and proper account to the City of Elsberry for funds and property that shall come into the possession or control of the Clerk, and (3) that he or she will pay over to the City all moneys belonging to the City, as provided by law, that may come into his or her hands, possession, or control. Such bond shall be approved by the Board of Aldermen. The Clerk may be required to provide the City with additional bonds as may be required by the City’s financing entities. The cost of such bonds shall be paid by the City of Elsberry, provided that the Clerk is bondable at normal commercial rates. Otherwise, the City Clerk shall pay the excess premiums. If the City Clerk is covered by a blanket bond to the same extent as provided above, an individual bond shall not be required. For any breach of condition of any such bonds, suit may be instituted thereon by the City.”

SECTION 2: The Elsberry City Code is amended by replacing subsection 21.615.3 with the following:

§21.615. OFFICE OF THE COLLECTOR

“3. The City Collector, before entering upon the duties of the Collector’s Office, shall enter into, and give to the City, good and sufficient bond in the amount of at least fifty thousand dollars (\$50,000.00) : (1) for the faithful and honest performance of the Collector’s duties for the City; (2) for rendering a full and proper account to the City of Elsberry for funds and property that shall come into the possession or control of the Collector, and (3) that he or she will pay over to the City all moneys belonging to the City, as provided by law, that may come into his or her hands, possession, or control. Such bond shall be approved by the Board of Aldermen.

The Collector may be required to provide the City with additional bonds as may be required by the City’s financing entities. The cost of such bonds shall be paid by the City of Elsberry, provided that the Collector is bondable at normal commercial rates. Otherwise, the City Collector shall pay the excess premiums. If the City Collector is covered by a blanket bond to the same extent as provided above, an individual bond shall not be required. For any breach of condition of any such bonds, suit may be instituted thereon by the City.”

SECTION 3: The Elsberry City Code is amended by adding a new §21.715 as follows:

“§21.715. BOND OF THE TREASURER

The City Treasurer, before entering upon the duties of the Treasurer’s Office, shall enter into, and give to the City, good and sufficient bond in the amount of at least fifty thousand dollars (\$50,000.00) : (1) for the faithful and honest performance of the Treasurer’s duties for the City; (2) for rendering a full and proper account to the City of Elsberry for funds and property that shall come into the possession or control of the Treasurer, and (3) that he or she will pay over to the City all moneys belonging to the City, as provided by law, that may come into his or her hands, possession, or control. Such bond shall be approved by the Board of Aldermen. The Treasurer may be required to provide the City with additional bonds as may be required by the City’s financing entities. The cost of such bonds shall be paid by the City of Elsberry; provided that the Treasurer is bondable at normal commercial rates. Otherwise, the City Treasurer shall pay the excess premiums. If the City Treasurer is covered by a blanket bond to the same extent as provided above, an individual bond shall not be required. For any breach of condition of any such bonds, suit may be instituted thereon by the City.”

SECTION 4: The Elsberry City Code is amended by adding a new §23.300 as follows:

“§23.300. BONDS OF THE OFFICERS AND EMPLOYEES

All officers and employees of the City who receive, disburse, or are responsible for City funds, and the other officers and employees whom the City Board of Aldermen by Ordinance may designate, shall, before entering in the discharge of their duties, enter into, and give to the City, good and sufficient bond in the amount of at least fifty thousand dollars (\$50,000.00) : (1) for the faithful and honest performance of their respective duties for the City; (2) for rendering a full and proper account to the City of Elsberry for funds and property that shall come into their respective possession or control, and (3) that they will pay over to the City all moneys belonging to the City, as provided by law, that may come into their respective hands, possession, or control. The officer or employee may be required to provide the City with additional bonds as may be required by the City’s financing entities. The City shall pay the premiums on all such bonds, provided that the officers and employees are is bondable at normal commercial rates. Otherwise, the officer or employee causing the excess premium shall pay the excess premiums. If the such officer or employee is covered by a blanket bond to the same extent as provided above, an individual bond for each such officer or employee shall not be required.”

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

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

The ordinance was read twice by title only by Attorney Guinness and a motion was made to adopt the ordinance by Alderman Hartley, seconded by Alderman Davis.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

- Bill No. 2020-05-004 - AN ORDINANCE TO REGULATE THE OPERATION OF MOTOR VEHICLES BY PROPERLY LICENSED PERSONS BY REPLACING SECTIONS 76.280 and 76.285 WITH NEW SECTIONS 76.280 THROUGH 76.289.

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

SECTION 1: The Elsberry City Code is amended by replacing Sections 76.280 and 76.285 with new Sections 76.280 through 76.289 as follows:

“§76.280. DRIVING WHILE LICENSE SUSPENDED OR REVOKED.

It is unlawful for any person who drives any motor vehicle upon the highways of this City while the person’s operator's or chauffeur's license, permit, or driving privileges as a resident or nonresident has been canceled, suspended or revoked under the provisions of RSMo. Chapter 302 or Chapter 577 and an official reinstatement notice has been issued by the Director of Revenue of the State of Missouri.

§76.285 OPERATION OF MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED.

1. Unless otherwise provided for by law, it shall be unlawful for any person to:
 1. Operate any vehicle upon any street or highway in this City unless the person has a valid license, a valid temporary instruction permit, or a valid intermediate driver's license as may be required by RSMo. Chapter 302.
 2. Operate a motorcycle or motor tricycle upon any street or highway of this City unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motor tricycle as prescribed by the Missouri Director of Revenue.
 3. Authorize or knowingly permit a motorcycle or motor tricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motor tricycle or has been issued an instruction permit for operation of the motorcycle or motor tricycle.
 4. Operate a motor vehicle with an instruction permit, intermediate driver's license, or license issued to another person.
 5. Operate a motor vehicle in violation of any restrictions placed upon the operator’s license or permit.

6. Operate any commercial vehicle upon any street or highway of this City unless such person has procured the applicable commercial driver's license, with applicable endorsements valid for the type of vehicle being operated.
2. The license or permit issued to the operator shall be carried at all times by the holder of the license or permit while driving a motor vehicle and shall be displayed upon demand of any law enforcement officer, or any other duly authorized person for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his/her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

§76.286 PROHIBITED USES OF LICENSE.

1. It shall be unlawful for any person to:
 1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;
 2. Lend to or knowingly permit the use of by another any license or permit issued to the person so lending or permitting the use thereof;
 3. Display or to represent as one's own any license or permit not issued to the person so displaying the same;
 4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court any license or permit that has been suspended, canceled, disqualified, or revoked, as provided by law.
 5. Authorize or consent to any motor vehicle owned by him/her or under his/her control to be driven by any person, when he/she has knowledge that such person has no legal right to do so.
 6. Employ a person to operate a motor vehicle in the transportation of persons or property, with knowledge that such person has not complied with the provisions of RSMo. §§ 302.010 to 302.780, or whose license has been revoked, suspended, canceled, or disqualified; or who fails to produce his/her license upon demand of any person or persons authorized to make such demand; or
 7. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license.

§76.287 CHILDREN FORBIDDEN TO OPERATE MOTOR VEHICLE.

No person shall cause or knowingly permit his child or ward less than the age of sixteen (16) years to drive a motor vehicle or motorized bicycle upon any highway when such minor is not authorized under RSMo. Chapter 302.

§76.288 PERMITTING AN UNLICENSED DRIVER TO OPERATE A MOTOR VEHICLE

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street or highway by any person who is not authorized hereunder or in violation of any of the provisions of RSMo. Chapter 302.

§76.289 EXEMPTIONS FROM LICENSE LAW.

The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;
2. A nonresident who is at least sixteen years of age and who has in his immediate possession a valid license issued to him in his home state or country;
3. A nonresident who is at least eighteen years of age and who has in his immediate possession a valid license issued to him in his home state or country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in RSMo. Chapter 302.
4. Convicted offenders of the department of corrections who have not been convicted of a motor vehicle felony as follows driving while intoxicated, failing to stop after an accident and disclosing his or her identity, or driving a motor vehicle without the owner's consent may operate state-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a correctional officer or other staff person in such truck.”

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

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

The ordinance was read twice by title only by Attorney Guinness and a motion was made to adopt the ordinance by Alderman Harper, seconded by Alderman Rockwell.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

REPORTS OF SPECIAL BOARDS & COMMITTEES

Library: Nothing to report

Cemetery / Parks: Nothing to report

Infrastructure: Nothing to report

Emergency Services: Nothing to report

Page Branch Park: Nothing to report

Old Glory Jubilee: Nothing to report

Tree Board: Nothing to report

REPORTS OF ALDERMEN AND MAYOR

Mayor Wilch: Thank you to Arlene Vaughn for making & donating masks for the City Hall and Emergency Services employees. Please keep Mike Short in your prayers as he recovers from surgery. Thank you to all our small businesses for keeping our town going through the COVID-19 pandemic and Stay-At-Home order over the past 4-5 weeks.

Alderman Davis: Nothing to report

Alderman Hartley: Nothing to report

Alderman Short: Not Present

Alderman Harper: She asked about getting the potholes on 3rd Street patched soon. Justin w/Alliance stated that the larger section that was recently patched by Family Dollar has held up well and they could try to use the same treatment on the 3rd Street potholes.

Alderman Rockwell: Nothing to report

Alderman Robinson: Nothing to report

REPORTS OF CITY DEPARTMENTS AND OFFICERS

Rob Guinness – Attorney – Charlton Paving answered the phone at their business and asked to have the letter resent that City Attorney Guinness had mailed on behalf of the City of Elsberry regarding the quality of work on the asphalt done around town from last Fall 2019. The board could pursue litigation and he can discuss this further in Closed Session.

Justin Reaves – Alliance Water Resources – They have uncovered access to some manholes that were previously covered up which has been helping with the storm drains and it is working well.

Chief Randy Davis – He decided to handle code enforcement himself instead of hiring a civilian as previously discussed. They are mailing out letters / summons to repeat offenders and to homeowners for code enforcement issues. The evidence cage is built and secured at the police station. He is working on backlogged cases which involves a lot of investigative work. He will be instituting comp time vs. overtime to help on payroll expenses. There are some joint operations going on with county.

Tammy Sharpe – Treasurer – Nothing to Report

Sue Hogarth – City Clerk – Discuss preliminary plans for replacing City Treasurer / Court Clerk position – Since Tammy Sharpe will be retiring at the end of December 2020, she would like to get feedback on starting the hiring process soon so there will be time to interview, train, etc. The board agreed that we should start this process and asked City Clerk Sue Hogarth to put together a job description to post in the next couple of months.

Rachel Reed - City Collector – Nothing to report

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

There was no public comment.

VOTE TO TAKE UP BUSINESS TO BE CONDUCTED IN CLOSED SESSION

A motion was made by Alderman Rockwell to go into closed session pursuant to RSMo Section 610.021 (1) Legal actions, causes of action, litigation, or confidential or privileged communications with its attorneys, (3) Hiring, firing, disciplining or promoting of particular employees by the city, (13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, and (14) Records which are protected from disclosure by law, seconded by Alderman Harper.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

Closed session started at 8:17PM.

RESUME OPEN SESSION

Mayor Wilch resumed the open session meeting at 9:45PM.

FENCE LINE AT CITY CEMETERY

There is concern from the board about the fence line on the east side of the cemetery that is adjacent to the homes on Straight Street. Jimmy Lovelace will be contacted to see if he will take a look at try to fix the existing fence.

OUTCOME OF EMPLOYMENT HEARING FOR OFFICER CHRISTOPHER HEATHERLY FROM CLOSED SESSION

The board of a

ldermen informed Officer Heatherly and his lawyer, Jim Pawloski, that he had been terminated from the Elsberry Police Department effective immediately. He was told to turn in his uniform and other equipment with Police Chief Randy Davis on Wednesday, May 13, 2020.

The roll call vote to terminate Officer Heatherly, made in closed session, and reported in open session was as follows:

A motion was made by Alderman Hartley to terminate Officer Heatherly, seconded by Alderman Rockwell.

AYES – Alderman Hartley, Alderman Rockwell, Alderman Harper, Alderman Robinson
NAYS – Alderman Davis ABSENT – Alderman Short Motion Carried

ADJOURNMENT

A motion was made to adjourn the board meeting by Alderman Rockwell, seconded by Alderman Harper.

AYES – All in Favor NAYS – 0 ABSENT - 1 Motion carried

Open session meeting was adjourned at 9:54PM.