

**City of Elsberry
Regular Session
September 13, 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 Harper, Alderman Taylor, 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 Justin Reaves and Brian Pieper of Alliance Water Resources. Alderman Rockwell 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 Wilch made motion to approve the unapproved minutes.

Alderman Davis seconded the motion.

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

NAYES-0

Absent- Alderman Rockwell

Motion Carried.

Reading of unpaid bills approval to pay report

Alderman Davis made a motion to pay unpaid bills.

Alderman Meyer seconded the motion.

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

NAYES-0

Absent- Alderman Rockwell

Motion Carried.

Project updates

Boonslick Regional Planning- nothing

USDA- nothing

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

PUBLIC HEARING A REQUIRED BY LAW OR ORDINANCE

No Public Hearings

ACTING ON UNFINISHED BUSINESS

No unfinished business.

NEW BUSINESS

Bathrooms at Page Branch Park

Sarah Hunt with the Page Branch Park committee would like clarification on who should be cleaning the bathrooms at Page Branch Park. The timed locks are no longer working and the members of the board are not able to get in to clean the bathrooms. The Page Branch Park committee would like to ask the board of Alderman to purchase new locks. Alderman Harper said that the Page Branch Committee should continue to clean the bathrooms. The Board would also like to look into cameras.

Purchasing generator for water plant

Justin said that at the last infrastructure meeting they discussed needing a generator that will power the water plant and a well just in case there is no power. Right now we would be out of water within 24 hours if the power was out for an extended period of time.

Alderman Meyer made a motion to move this back to infrastructure.

Alderman Taylor seconded the motion.

Removing no parking sign at the Lincoln and Hwy 79 intersection.

Adam Heitman would like to ask the board to remove the no parking sign at the intersection of Lincoln and Hwy 79. Alderman Wilch said that this would be a MODOT decision.

Approval for City Clerk and City Collector to attend MRWA Office Professional Seminar Oct 25 and 26th for \$250 plus hotel.

Alderman Taylor made a motion to approve.

Alderman Davis seconded the motion.

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

NAYES-0

Absent- Alderman Rockwell

Motion Carried.

Trash Service bids

Mayor Short said that the only bid was from Meridian. City Clerk Rachel Reed went over the price difference from the current contract to the bid. The current residential rate is \$15.65 and

the bid is \$18.73 this is an increase of \$3.08. They have removed the twice a year yard waste pick up and added an on call basis that would be \$20 for 4 craft bags and then \$5 for any additional bags. The commercial rates went down a little.

Alderman Taylor made a motion to postpone this until we hear from other companies.

City Attorney Robert Guinness said that we would need to reject the bid before we could look elsewhere.

Alderman Taylor would like to rescind his motion.

Alderman Wilch made a motion to reject the Meridian Waste trash bid.

Roll Call Vote

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

Alderman Rockwell-absent

Motion Carried.

Alderman Meyer made a motion to go back out for bid for trash services

Alderman Harper seconded the motion.

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

NAYES-0

Absent- Alderman Rockwell

Motion Carried.

Cleaning City Hall

City Clerk Rachel Reed said that they cleaning person has stopped coming and will not answer his phone.

Alderman Wilch made a motion to go out got bids for cleaning services at City Hall

Alderman Meyer seconded the motion.

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

NAYES-0

Absent- Alderman Rockwell

Motion Carried.

Switching offices

Court Clerk Joan Cherry has asked to switch offices with the City Collector.

Alderman Harper made a motion to switch the Court Clerk office and the City Collectors offices.

Alderman Wilch seconded the motion.

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

NAYES-0

Absent- Alderman Rockwell

Motion Carried.

Approval to purchase Hydraulic motor for main broom on street sweeper

Justin Reaves said that the motor that operates the main broom on the street sweeper has broken and needs to be replaced. He is having a hard time finding a motor. He would like to ask the boards approval to spend up to \$1500 when he finds a motor.

Alderman Taylor made a motion to approve spending up to \$1500 on a motor for the street sweeper.

Alderman Davis seconded the motion.

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

NAYES-0

Absent- Alderman Rockwell

Motion Carried.

Approval for Skaggs Tree service to cut down tree in cemetery

There is a big pine tree in the cemetery that is dead. Kelly Skaggs will cut it down for free.

Alderman Wilch made a motion to approve the tree removal.

Alderman Taylor seconded the motion.

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

NAYES-0

Absent- Alderman Rockwell

Motion Carried.

READING OF BILLS REQUIRING ONLY A FINAL READING FOR PASSAGE

None

INTRODUCTION AND READING OF BILLS FOR PASSAGE

Bill 2022-09-001

AN ORDINANCE UPDATING THE EXISTING ORDINANCES ESTABLISHING PROCEDURES TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN OFFICIALS BY

ADOPTING A SUBSTITUTED SUBCHAPTER C TO CHAPTER 25 OF THE ELSBERRY MUNICIPAL CODE

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

SECTION 1: The Elsberry Municipal Code Chapter 25 is amended by substituting the following Subchapter C to Chapter 25 of the Elsberry Municipal Code as follows:

“SUBCHAPTER C -- PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN CITY OFFICIALS

§25.600 DECLARATION OF POLICY.

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.

§25.610 CONFLICTS OF INTEREST.

1. All elected and appointed officials, as well as employees, of the the City of Elsberry (“the City”) must comply with RSMo. §105.454 on conflicts of interest as well as any other state law governing official conduct.
2. Any member of the City Board of Aldermen who has a “substantial or private interest” in any measure, bill, order or ordinance proposed or pending before the City must disclose that interest to the City Clerk and such disclosure shall be recorded in the appropriate journal of the Board. Substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of: (1) 10% or more of any business entity; or (2) an interest having a value of \$10,000 or more; or (3) the receipt of a salary, gratuity, or other compensation or remuneration of \$5,000 or more, per year from any individual, partnership, organization, or association within any calendar year.

§25.620 DISCLOSURE REPORTS.

Each elected official, candidate for elective office, the chief administrative officer, the chief purchasing officer, and the full-time general counsel of the City, if any, shall disclose the following information by May 1, or the appropriate deadline as referenced in Section 105.487, RSMo, if any such transactions occurred during the previous calendar year:

- a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City.

- b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.
- c. The City chief administrative officer, chief purchasing officer, and candidates for either of these positions also shall disclose by May 1, or the appropriate deadline as referenced in Section 105.487, RSMo, the following information for the previous calendar year:
 - i. The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;
 - ii. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;
 - iii. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

§25.630 FILING OF REPORTS.

- d. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:
 - i. Every person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the board may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.
 - ii. Each person appointed to City office shall file the statement within thirty days of such appointment or employment covering the calendar year ending the previous December 31;

- iii. Every candidate required to file a personal financial disclosure statement shall file no later than fourteen days after the close of filing at which the candidate seeks nomination or election or nomination by caucus. The time period of this statement shall cover the twelve months prior to the closing date of filing for candidacy.
- e. Financial disclosure reports giving the financial information required in Section 25.620 shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.
- c. The financial interest statement shall not be required to be filed if the person is not otherwise subject to Missouri state conflicts of interest laws as provided by those laws.

§25.640 PENALTIES.

Any person required to file a financial interest statement by this Subchapter, who fails to file such statement by the times required by this Subchapter shall, if such person receives any compensation or other remuneration from public funds for the person's services, not be paid such compensation or receive such remuneration until the person has filed a financial interest statement as required by this Subchapter. Any person required by this Subchapter to file a financial statement who fails to file such statement by the time required by this Subchapter and continues to fail to file the required financial interest statement for thirty or more days after receiving notice from the City shall be guilty of an administrative infraction. ”

SECTION 2: Filing of Ordinance. A certified copy of this Ordinance, as adopted prior to September 15th 2022, shall be sent by the City Clerk to the Missouri Ethics Commission within ten days of its adoption.

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

SECTION 5: Effective Upon Passage. This ordinance shall be in full force and effect from and after the date of its passage.

SECTION 6: 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

The board considered bill 2022-09-001

Alderman Wilch made a motion to read bill 2022-09-001 2 times but title only

Alderman Meyer seconded the motion

Roll call vote

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

Motion carried.

City Attorney read bill 2022-09-001 2 times by title only

Alderman Davis made a motion to adopt bill 2022-09-001

Alderman Meyer seconded the motion.

Roll Call vote

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

RESOLUTIONS WHICH REQUIRE ACTION OF THE BOARD

REPORTS OF SPECIAL BOARDS AND COMMITTEES

Library- nothing to report

Cemetery/Parks- Alderman Harper said that the Cemetery committee had meeting and asked Justin to put mulching blades on the mower and they would also like the mower that was purchased for the cemetery to stay at the cemetery.

Infrastructure- Alderman Meyer said that the committee met and had a workshop to go over some things that need to be taken care of and to get a wish list together for the upcoming budget and possible grant opportunities.

Emergency Services- nothing to report

Page Branch Park- Mayor Short said that they are having a Halloween dinner dance Oct 22nd.

Tree Board- nothing to report

REPORTS OF ALDERMAN AND MAYOR

Mayor Short- Mayor Short wanted to remind the board that there is a procedure in place for when there is an issue with Alliance. Please follow it. There have also been some illegal meetings that been happening. Mayor Short suggested maybe having a workshop to go over what can happen. He also said that elected officials are not allowed to endorse a candidate, please make sure we aren't doing that.

Mayor Short also said that he has heard there have been complaints about city employees and Alliance working having to go over to Troy to meet with Mayor Short. He wanted to say that we have a system in place for signing checks and he have never asked anyone to come to his office. Anytime it has been done Justin and Rachel were already over there conducting other business.

Alderman Harper- Alderman Harper said that the weeds at the library around the air conditioner are tall and Brian Wilson does not have a key to get in and cut them down. Alderman

Harper would like to talk about getting animal control back here. Alderman Harper would also like to ask why the tear down project is taking so long. Mayor Short said that we are not in control and are waiting on CBDG to move forward. She also asked about the house at 810 N 7th that is in such bad space. Mayor Short said that it's the board decision to move forward. Alderman Harper also said that she knows that Rachel has went to Troy for Mike to sign checks. There was a recording made without Rachel's knowledge where she said that she did go to have checks signed. Rachel explained that this was a one-time thing because there was a check that needed to be signed immediately. She does not make special trips for Mike to sign checks and does not turn in mileage when she does go to troy.

Alderman Taylor- Alderman Taylor had someone approach him about building requirements. He told them to reach out to City Clerk Rachel Reed to get the answers. This resident was also complaining about dogs at a residence.

Alderman Rockwell- absent

Alderman Meyer- Alderman Meyer had a question about trees and bushes blocking stop signs and who is responsible and what needs to be done about it. Rob said that if the trees and bushes are on the city right of way then we can take care of it.

Alderman Wilch- Alderman Wilch said that the police department and not the Alderman should be enforcing the ordinances.

Alderman Davis- Alderman Davis wanted to thank Justin for cleaning the cemetery she said it looks nice.

REPORTS OF CITY DEPARTMENTS AND OFFICERS

City Attorney Robert Guinness- Rob Guinness asked if the board wanted to start the process of condemning the property. The consensus was yes.

Alliance Manager Justin Reaves- nothing to report

Police Chief Randy Davis- Chief has been sending out warning letters for ordinance violations.

City Clerk Rachel Reed- City Clerk Rachel Reed said she would like wish lists for budgets by the middle of October. We are going to have a meeting soon about the Christmas in the park event.

City Collector Tashua Chiodini- nothing to report

City Treasurer Lisa Grumich-nothing to report

MISCELLANEOUS BUSINESS

None

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

No public comments.

ADJOURNMENT

Alderman Harper made a motion to adjourn.

Alderman Davis seconded that motion.

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

NAYES-0

Absent- Alderman Rockwell

Motion Carried.

Open session meeting was adjourned at 7:44 P.M.

