

**City of Elsberry  
Regular Session  
September 10th, 2024  
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 Wilch presided over the meeting. Present were Alderman Hale, Alderman Harper, Alderman Rockwell, Alderman Meyer, City Clerk Rachel Reed, City Collector Tashua Chiodini, and Police Chief Dwayne Lewis. Also present were Lucas Drullinger, Taylor Burnett, and Brian Pieper of Alliance Water Resources. Alderman Jen Hunter and Alderman Davis were absent.

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

Mayor Wilch asked to have the agenda amended to add appointment of Alderman Ward 3 to new business.

Alderman Rockwell made a motion to amend the agenda to add appointment of Alderman Ward 3 to the new business section of the agenda.

Alderman Meyer seconded the motion.

Roll Call vote

Alderman Harper-yes, Alderman Hale-yes, Alderman Rockwell-yes, Alderman Meyer-yes

Motion carried.

**Reading and acting are unapproved minutes from previous meetings**

Alderman Rockwell made motion to approve the unapproved minutes.

Alderman Meyer seconded the motion.

Roll call vote

Alderman Rockwell-yes, Alderman Meyer-yes, Alderman Harper-yes, Alderman Hale-yes

Motion Carried.

**Reading of unpaid bills approval to pay report**

Alderman Meyer made motion to approve the unapproved minutes.

Alderman Rockwell seconded the motion.

Roll call vote

Alderman Hale-yes, Alderman Rockwell-yes, Alderman Meyer-yes, Alderman Harper-yes  
Motion Carried.

### **Project updates**

Boonslick Regional Planning- nothing new to report

USDA- nothing new to report

Cochran-We are out to bid and the pre bid meeting is September 12, bids will be opened  
September 26

### **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**

Adam Horn-disconnect fee. Mr. Horn was not present

### **PUBLIC HEARING A REQUIRED BY LAW OR ORDINANCE**

### **ACTING ON UNFINISHED BUSINESS**

#### **Tires for Police Car**

Alderman Rockwell made a motion to table until the next meeting.

Alderman Hale seconded the motion

Roll call vote

Alderman Meyer-yes, Alderman Harper-yes, Alderman Hale-yes, Alderman Rockwell-yes  
Motion carried.

#### **Cage for police car**

Mayor Wilch said that Tom Brushwood from University City and they would like to donate a  
cage for the Ford Explorer.

Alderman Rockwell made a motion to accept the donation.

Alderman Meyer seconded the motion.

Roll Call vote

Alderman Harper-yes, Alderman Hale-yes, Alderman Rockwell-yes, Alderman Meyer

Motion carried.

### **NEW BUSINESS**

#### **Accepting Terri Davis's resignation**

Alderman Meyer made a motion to accept the resignation of Terri Davis from Ward 3 Alderman.

Alderman Harper seconded the motion.

Roll call vote

Alderman Hale-yes, Alderman Rockwell-yes, Alderman Meyer-yes, Alderman Harper-yes

Motion carried.

Appointment of Alderman for Ward 3

Mayor Wilch would like to appoint Nora Hunter to Alderman for Ward 3

Alderman Rockwell made a motion to approve this appointment

Alderman Meyer seconded the motion.

Roll call vote

Alderman Rockwell-yes, Alderman Meyer-yes, Alderman Harper-yes, Alderman Hale-yes

Motion Carried

City Clerk Rachel Reed swore in Nora Hunter

Lime Pump Repair

Lucas Drullinger said that one of the lime pumps needs repair. Cardinal Pump can fix the pump for \$1967.

Alderman Harper made a motion to approve

Alderman Rockwell seconded the motion.

Roll call vote

Alderman Harper-yes, Alderman Hale-yes, Alderman Rockwell-yes, Alderman Meyer-yes,  
Alderman Hunter-yes

Motion carried.

Hwy B Lift station

Lucas brought 4 bids to replace the pump at the Hwy B lift station. The lowest bid is \$4957 for a Flygt 1310S submersible pump.

Alderman Rockwell made a motion to approve

Alderman Harper seconded the motion.

Alderman Hale-yes, Alderman Rockwell-yes, Alderman Meyer-yes, Alderman Hunter-yes,  
Alderman Harper-yes

Motion carried.

Reviewing applications for treasurer

The board agreed to review the applications at a Special meeting September 17 2024 and 6:00 pm

Lead service line customer notification

Brian Pieper went over the letters that will be sent out to the consumers. These will need to go out in October and he will work with Rachel and Tashua to get them out on time.

Coin operated bulk water

Lucas said the machine is not giving the right amount of water every time. They can operate it manually during the day and turn it off at night until they can get it fixed.

Applying for DNR grant

Mayor Wilch would like to apply for a grant with DNR for valve and line mapping. The total amount is \$15,000. This could possibly be a matching grant and he would like the board's approval to apply.

Alderman Meyer made a motion to apply for the grant

Alderman Rockwell seconded the motion

Roll call vote

Alderman Rockwell-yes, Alderman Meyer-yes, Alderman Hunter-yes, Alderman Harper-yes, Alderman Hale-yes

Motion carried.

**READING OF BILLS REQUIRING ONLY A FINAL READING FOR PASSAGE**

None

**INTRODUCTION AND READING OF BILLS FOR PASSAGE**

Bill 2024-09-001

The board considered Bill 2024-09-001

Alderman Rockwell made a motion to read 2 times by title only

Alderman Meyer seconded the motion

Roll call vote

Alderman Hale-yes, Alderman Rockwell-yes, Alderman Meyer-yes, Alderman Hunter-yes, Alderman Harper-yes

Motion carried.

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 15<sup>th</sup> 2024, 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.

Read two times and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

City attorney Robert Guinness read bill 2024-09-001 2 times but title only

Alderman Rockwell made a motion to adopt bill 2024-09-001

Alderman Hale seconded the motion.

Roll call vote

Alderman Meyer-yes, Alderman Hunter-yes, Alderman Harper-yes, Alderman Hale-yes,  
Alderman Rockwell- yes

Motion carried.

## **RESOLUTIONS WHICH REQUIRE ACTION OF THE BOARD**

### **REPORTS OF SPECIAL BOARDS AND COMMITTEES**

**Library**- nothing to report

**Cemetery/Parks**- nothing to report

**Infrastructure**- Alderman Hale said the street repairs are complete. He would like to look into getting street signs put back up. He would like Alliance to look into stripping the streets and the flashing lights at the Broadway and 79 intersection.

**Emergency Services**- Alderman Hale said the Explorer has been stickered and the Charger will be done soon.

**Tree Board**- nothing to report

### **REPORTS OF ALDERMAN AND MAYOR**

**Mayor Wilch**- Mayor Wilch would like to thank the special road district for taking care of the levee by the ballpark. He read a letter from Brenda Stimac thanking the Chief and police department for taking care of a long term problem that the old department wouldn't do anything about.

**Alderman Harper**- nothing to report

**Alderman Hale**- Alderman Hale would like to look into getting street signs put back up.

**Alderman Rockwell**- nothing to report

**Alderman Jen Hunter**-absent

**Alderman Meyer**- Alderman Meyer would like to everyone to please follow the ordinances when making a public comment. She also checked into Roberts rules and the City is following them. She also spoke with Chad Perkins and he did say that Mayor Wilch is speaking with him weekly.

**Alderman Nora Hunter** – nothing to report

### **REPORTS OF CITY DEPARTMENTS AND OFFICERS**

**City Attorney Robert Guinness**- Mr. Guinness thanks Terri Davis for her service. He checked into the issues from last week and the City is not doing anything incorrectly with the City Clerk and City Attorney sitting with the board. Also it is incorrect that the mins have to be done within



72 hours.

**Alliance Water Resources** – Lucas went over the ops report.

**Police Chief Dwayne Lewis**-Chief Lewis went over his monthly stats.

**City Clerk Rachel Reed**- Made a statement about the meeting that was held Wednesday September 4<sup>th</sup> 2024.

**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**

Brent Rockwell- Mr. Rockwell would like to express his gratitude for the city officials and for their service and hard work.

Maureen McKeever- Ms. McKeever would like to the board to make themselves available during the fall festival so citizens and speak with them. She would also like to have a way to directly contact the alderman.

Tammy Sharpe- Mrs. Sharpe would like to thank the board for the work they do and stated that they shouldn't have to put up with the things that you do.

**ADJOURNMENT**

Alderman Meyer made a motion to adjourn.

Alderman Rockwell seconded that motion.

AYES-Alderman Rockwell, Alderman Hunter, Alderman Hale, Alderman Harper, Alderman Meyer

Nayes-0

Motion carried.

Open session adjourned at 7:18 pm

