

AGENDA

CITY OF BYRNES MILL, REGULAR BOARD OF ALDERPERSONS MEETING

September 20, 2023, AT 6:30PM

TO BE HELD VIA ZOOM:

THIS MEETING WILL BE HELD ONLINE VIA ZOOM VIDEO CONFERENCE; MEMBERS OF THE PUBLIC CAN ACCESS THE MEETING FROM THE FOLLOWING LINK:

<https://us02web.zoom.us/j/82595968723>

- I. **CALL TO ORDER**
 - II. **PLEDGE OF ALLEGIANCE**
 - III. **ROLL CALL**
 - IV. **AMENDING/ APPROVING THE AGENDA**
 - V. **AMENDING/ APPROVING THE MINUTES**
 - A. MINUTES FOR AUGUST 02, 2023
 - B. MINUTES FOR SEPTEMBER 06, 2023
 - VI. **CITY WARRANTS/ FINANCIALS**
 - A. WARRANTS FOR AUGUST 31, 2023 through SEPTEMBER 15, 2023
 - VII. **OLD BUSINESS**
 - A. 3715 FRANKS ROAD, VARIANCE
 - VIII. **NEW BUSINESS**
 - A. RFP TRASH SERVICE
 - IX. **LEGISLATION – UNFINISHED**
 - A. **BILL NO. 2023-962:** AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF BYRNES MILL, MISSOURI; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.
 - X. **LEGISLATION – NEW**
 - A. **RESOLUTION NO. 2023-618:** A RESOLUTION OF THE CITY OF BYRNES MILL, MISSOURI, AUTHORIZING AND APPROVING THE USE, AWARD, AND ALLOCATION OF A “POP-UP” GRANT ISSUED BY TOXEL DUID TOOL SUPPORT PROJECT FOR PUBLIC SAFETY EQUIPMENT NOT TO EXCEED \$17,233.00
 - XI. **ADMINISTRATOR REPORT**
 - XII. **DEPARTMENT HEAD REPORTS**
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AGENDA

CITY OF BYRNES MILL, REGULAR BOARD OF ALDERPERSONS MEETING

- XIII. **COMMISSION REPORTS**
- XIV. **MAYORS REPORT**
- XV. **CITIZENS TO BE HEARD**
- XVI. **REQUEST FOR CLOSED SESSION: ADJOURN TO CLOSED SESSION FOR PURPOSE OF CLOSED MEETING, CLOSED RECORD, CLOSED VOTE, PURSUANT TO RSMO 610.021 (1) LEGAL (2) REAL ESTATE (3) PERSONNEL.**
- XVII. **ADJOURNMENT**

THE NEXT **REGULAR** BOARD OF ALDERPERSON MEETING WILL BE HELD ON OCTOBER 4, 2023 AT 6:30PM.

FOR HANDICAP ASSISTANCE PLEASE CONTACT THE CITY CLERK 48 HOURS IN ADVANCE AT (636) 677-7727
EXT. 222

UPCOMING MEETINGS AND EVENTS

October 3, 2023	4:00PM - 7:00PM	NATIONAL NIGHT OUT
October 4, 2023	6:30PM	BOA REGULAR MEETING
October 7, 2023	10:00AM - 4:00PM	FALL FESTIVAL
October 18, 2023	6:30PM	BOA WORKSHOP
November 1, 2023	6:30PM	BOA REGULAR MEETING
November 15, 2023	6:30PM	BOA WORKSHOP
December 6, 2023	6:30PM	BOA REGULAR MEETING
December 20, 2023	6:30PM	BOA WORKSHOP

BOARD OF ALDERPERSONS REGULAR MEETING
Council Chambers
141 OSAGE EXECUTIVE CIRCLE, BYRNES MILL, MO 63051
Minutes from August 02, 2023 – 6:30 PM

Mayor Rob Kiczenski called the regular meeting to order on Wednesday, September 6, 2023, at approximately 6:32 pm Pursuant to RSMo 610.015 in the Council Chambers.

The Pledge of Allegiance was recited.

ROLL CALL

Those present per roll call taken by Mayor Rob Kiczenski:

Mary Scheble
Glenn LaVenture
Galen Harrison
Roben Harris
Cindy Davies
Bob Prado

Also present were City Administrator, Adam Thompson; Chief of Police, Frank Selvaggio; Police Captain, Steve Schaffer; City Clerk, Melinda Benedict; Public Works director, Bob Schmidt and via zoom City Attorney, Craig Smith

AMENDING/ APPROVING THE AGENDA FOR AUGUST 2, 2023:

R Kiczenski asked A Thompson if anything needs to be amended on the agenda or can it be approved as submitted. A Thompson advised no changes were needed.

M Scheble made a motion to approve the agenda as submitted, G LaVenture seconded. A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye	Roben Harris	Aye

Motioned carried: 6-0

AMENDING/ APPROVING THE MINUTES

A. June 21, 2023 Minutes: M Scheble motioned to approve the minutes as submitted, seconded by G LaVenture. A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye	Roben Harris	Aye

Motioned carried: 6-0

June 21, 2023 Minutes approved as submitted

B. July 05, 2023 Minutes: Amendment required for removal of Bob Schmidt being listed as present. M Scheble motioned to approve the minutes as amended, seconded by G LaVenture. A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye	Roben Harris	Aye

Motioned carried: 6-0

July 05, 2023 Minutes approved as amended

C. July 19, 2023 Minutes (voting portion of workshop): G Harrison motioned to approve the minutes as submitted, seconded by C Davies. A roll call vote showed the following:

Mary Scheble	Abstain	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Abstain	Roben Harris	Aye

Motioned carried: 4-0 July 19, 2023 Minutes approved as submitted

CITY WARRANTS/ FINANCIALS: July 3, 2023 – July 30, 2023 in the amount of \$61,940.46:

The board asked questions regarding the warrant list, answers provided by A Thompson and M Benedict. Amendment required for check number 4628 stating \$50.00 instead of \$75.00.

G LaVenture motioned to approve as amended, G. Harrison seconded. A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye	Roben Harris	Aye

Motioned carried: 6-0

RECOGNITION TO POLICE OFFICER BRANDON BUMBALES AND SARGEANT CODY UMFRESS

OLD BUSINESS:

- A. **Yes Communities:** General discussion regarding road repairs update.
- B. **Police dept. plumbing/ sewer line:** A Thompson and Bob Schmidt updated the board on quotes received to perform repairs. Captain S. Schaffer mentioned his brother-in-law could look at the issue.
- C. **Rate increase for waste connections:** A Thompson updated the board by stating there will be no issues with the grant money covering this increase.
- D. **Wayfair Tax:** A Thompson provided the board with general information from other cities that currently have the tax approved. The cost for placing this item on the ballot was discussed.
- E. **Noise Complaint:** A resident was present at the July BOA meeting to discuss an issue regarding noise. After discussion, it was confirmed that the resident was initially to file an official complaint with the police department.

LEGISLATION – UNFINISHED:

- A. **RESOLUTION NO. 2023-616:** A RESOLUTION OF THE CITY OF BYRNES MILL, MISSOURI, AUTHORIZING AND DIRECTING THE EXECUTION OF A CONTRACT WITH BASIC ASPHALT PAVING, INC. FOR ROAD REPAIR FOR FRANKS ROAD NOT TO EXCEED \$25,000.00.

G LaVeture motioned to read Resolution No. 2023-616, M Scheble seconded. A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye	Roben Harris	Aye

After reading, G Harrison motioned to approve Resolution No. 2023-616, C Davies seconded. A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye	Roben Harris	Aye

Motioned carried: 6-0

Resolution No. 2023-616 Passed

- B. **RESOLUTION NO. 2023-617:** A RESOLUTION OF THE CITY OF BYRNES MILL, MISSOURI, AUTHORIZING AND DIRECTING THE EXECUTION OF A CONTRACT WITH BASIC ASPHALT PAVING, INC. FOR ROAD REPAIR FOR UPPER AND LOWER BYRNES MILL ROAD NOT TO EXCEED \$34,598.00

M Schable motioned to read Resolution No. 2023-617, M Scheble seconded. A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye	Roben Harris	Aye

After reading, G Harrison motioned to approve Resolution No. 2023-617, C Davies seconded. A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye	Roben Harris	Aye

Motioned carried: 6-0

Resolution No. 2023-617 Passed

ADMINISTRATORS REPORT: A Thompson discussed the following:

- Updated the board on the situation at 6713 Franks Road, regarding the emotional support and/ or service animal. The property owner submitted registration for the animal as an emotional support animal as well as provided a letter from her doctor confirming her need for this animal. City Attorney C Smith stated there is no requirement for the city to make accommodations or give variances for an emotional support animal. C Smith further advised the board that discussions regarding this matter should no longer take place. After discussion, it was understood that upon receiving another verbal complaint regarding the animal, it needs to be formally documented and we'll proceed from there.
- Advised the board we have a new Court Administrator who comes highly recommended.
- Went over the code enforcement monthly report.

DEPARTMENT HEAD REPORTS:

POLICE DEPARTMENT: Chief Selvaggio discussed the following:

- I attended the following meetings
 - *A Law Enforcement Crisis Intervention planning meeting at the Festus City Hall.
 - *With the Jefferson County Sheriff, Jefferson County Administrator, and other first responder agencies regarding issues at Rockford Beach.
 - *Jefferson County Drug Prevention Coalition.
- I was asked to teach class on crime scene investigation to a summer school class for visually impaired students at the Missouri School for the Blind where I am on the State Board of Advisors.
- Our Build a Backpack program is going well with many donations having been made. We are looking forward to providing the school supplies to the Northwest School District mid-August.

- Captain Schaffer and Sergeant Umfress attended the Law Enforcement Traffic Safety Council training seminar.
- I am working with Bob Schmidt to add signage to Gravois Road just before Highway 30 after 3 motorcycle crashes in that location.

PUBLIC WORKS: Bob Schmidt discussed the following:

- Continue trimming up trees and cleaning up debris from recent storms.

MAYORS REPORT:

- Would like to see a return of the Fall Festival this year. R Kiczenski confirmed he would contact the Historical Society and let Adam know if we'll proceed with planning the Fall Festival this year.
- Announced that Roben Harris would be resigning from the board.

PUBLIC FORUM:

- Resident discussed concerns regarding the low number of business licenses being issued and inquired about the need for recently hired positions.
- Resident announced their continued support for the Byrnes Mill Police Department.

ADJOURNMENT: REQUEST FOR CLOSED SESSION

M Scheble motioned to adjourn to closed session for purpose of closed meeting, closed record, closed vote, pursuant to RSMO 610.021(1) Legal (2) Real Estate (3) Personnel, G LaVenture seconded. A roll call vote showed the following:

Galen Harrison	Aye	Glenn LaVenture	Aye
Cindy Davies	Aye	Mary Scheble	Aye
Nicole Pettis	Aye	Bob Prado	Aye

Motioned carried: 6-0

ADJOURNMENT INTO CLOSED SESSION AT APPROXIMATELY 8:05 PM

The next regular Board of Alderpersons meeting will be held September 6, 2023, at 6:30pm.

Approved this _____ day of _____, 2023.

Robert Kiczenski, Mayor

These minutes **have** been approved by the Board of Alderpersons.

Attest:

Melinda Benedict, City Clerk

BOARD OF ALDERPERSONS REGULAR MEETING
Council Chambers
141 OSAGE EXECUTIVE CIRCLE, BYRNES MILL, MO 63051
Minutes from September 06, 2023 – 6:30 PM

Mayor Rob Kiczenski called the regular meeting to order on Wednesday, September 6, 2023, at approximately 6:32 pm Pursuant to RSMo 610.015 in the Council Chambers.

The Pledge of Allegiance was recited.

ROLL CALL

Those present per roll call taken by Mayor Rob Kiczenski:

Mary Scheble
Glenn LaVenture
Galen Harrison
Cindy Davies
Bob Prado

Also present were City Administrator, Adam Thompson; Chief of Police, Frank Selvaggio; City Clerk, Melinda Benedict; Ward 3 nominee, Nicole Pettis
Arriving at approximately 6:50pm, City Attorney, Craig Smith

AMENDING/ APPROVING THE AGENDA SEPTEMBER 6, 2023

R Kiczenski asked A Thompson if anything needs to be amended on the agenda or can it be approved as submitted. A Thompson advised we need to add closed session minutes from August 2, 2023, to be voted on and Bill No. 2023-964 under new legislation.

M Scheble made a motion to approve the agenda as amended, G LaVenture seconded. A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye		

Motioned carried: 5-0

AMENDING/ APPROVING THE MINUTES: CLOSED SESSION MINUTES, AUGUST 02, 2023: M Scheble motioned to approve as submitted, B Prado seconded. A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye		

Motioned carried: 5-0

CITY WARRANTS/ FINANCIALS: AUGUST 1, 2023 – AUGUST 31, 2023 IN THE AMOUNT OF \$45,108.02

The board asked questions regarding the warrant list, answers provided by A Thompson and M Benedict. M. Scheble motioned to approve, G. Harrison seconded. A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye		

Motioned carried: 5-0

OLD BUSINESS:

- A. **Yes Communities/ police service:** A Thompson advised the board of findings that they use 24% of police services and are in fact 24% of the city’s population.

Approximately 6:50pm, City Attorney, Craig Smith enters.

NEW BUSINESS:

- A. **Ward 3 Vacancy:** Mayor Rob Kiczenski nominated Nicole Pettis to fill this vacancy. G LaVenture motioned to appoint Nicole Pettis as Ward 3 Alderperson, M Scheble seconded. A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye		

Motioned carried: 5-0

Nicole Pettis was sworn in by Mayor Rob Kiczenski.

- B. **Ward boundaries:** A Thompson presented the board with general information on redistricting. How the number of residents will need to be evened out and recommendation for the best results. Draft drawings were presented to give the board a visual of changes.

LEGISLATION – NEW:

BILL NO. 2023-961: AN ORDINANCE OF THE CITY OF BYRNES MILL, MISSOURI TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.

M. Scheble motioned for 1st reading, C. Davies seconded, followed by reading of bill

M. Scheble motioned for 2nd reading, C. Davies seconded, followed by reading of bill

M. Scheble motioned to approve Bill No. 2023-961, C Davies seconded.

A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye	Nicole Pettis	Aye

Motioned carried: 6-0

Bill No. 2023-961 as Ordinance 2023-961 Passed

BILL NO. 2023-962: AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF BYRNES MILL, MISSOURI; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

C Davies motioned to table, G LaVenture seconded.

A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye	Nicole Pettis	Aye

Motioned carried: 6-0

Bill No. 2023-962 as Ordinance 2023-962 Tabled

BILL NO. 2023-963: INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF BYRNES MILL, MISSOURI, JEFFERSON COUNTY, MISSOURI, THE CLERK OF JEFFERSON COUNTY, AND THE COLLECTOR OF JEFFERSON COUNTY.

C Davies motioned for 1st reading, G LaVenture seconded, followed by reading of bill
C Davies motioned for 2nd reading, G LaVenture seconded, followed by reading of bill
G LaVenture motioned to approve Bill No. 2023-961, C Davies seconded.

A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye	Nicole Pettis	Aye

Motioned carried: 6-0

Bill No. 2023-963 as Ordinance 2023-963 Passed

BILL NO. 2023-964: AN ORDINANCE AMENDING CHAPTER 105.170 OF THE BYRNES MILL, MISSOURI MUNICIPAL CODE TO CHANGE THE MEETING TIME FOR THE REGULAR BOARD OF ALDERPERSONS MEETING.

M Scheble motioned for 1st reading, C Davies seconded, followed by reading of bill
M Scheble motioned for 2nd reading, G LaVenture seconded, followed by reading of bill
M Scheble motioned to approve Bill No. 2023-964, C Davies seconded.

A roll call vote showed the following:

Mary Scheble	Aye	Galen Harrison	Aye
Glenn LaVenture	Aye	Cindy Davies	Aye
Bob Prado	Aye	Nicole Pettis	Aye

Motioned carried: 6-0

Bill No. 2023-964 as Ordinance 2023-964 Passed

ADMINISTRATIVE REPORT: A Thompson reported the following:

- We are still searching for an auditor.
- Our Code enforcement officer, Dan Bailey, quit. Currently Bob Schmidt and MaryAnn Hedrick are handling code enforcement.
- Fall Festival update

POLICE DEPARTMENT REPORT: Chief Frank Selvaggio reported the following:

- I attended a meeting with all Chiefs in Jefferson County along with the Sheriff this morning. Many items were discussed including the pay schedule of officers from other PD's.
- I volunteered to help with Operation Clean Stream this past Saturday.
- Capt. Schaffer located a new grant program which he researched. He has applied for the following with a total cost of \$27,000.
 - \$2000 to cover our interface fees for our new Live Scan fingerprint system. This has been verbally approved.
 - New printers for the in-car computers.
 - Driver license scanners for the in-car computers.
 - Sotoxa Meter for drug related DUI stops.
- I have applied for a MIRMA grant to cover a large part of the costs for 2 new body cameras.
- Captain Schaffer applied for, and was awarded, 2 full scholarships and hotel accommodations for the Missouri Coalition for Traffic Safety in Columbia later this month.
- Captain Schaffer is attending a 2-day Leadership Skills for Police Administrators training course today and tomorrow.
- We have our Missouri State Highway Patrol Criminal Justice Information System audit tomorrow for which Sgt. Kraft has been working on for several months now. This will be our first audit of this kind since I started working here.

- Captain Schaffer and Sergeant Umfress were invited to the Saturation Saturday Kick-Off event at the Arch which was sponsored by the US Park Police, Mothers Against Drunk Driving, and the National Highway Traffic Safety Association. Our department was the only municipal police department in the entire St. Louis region invited to this event.
- Then, later that same day, 3 of our officers participated in the Saturation Saturday enforcement campaign here in our city. Their overtime was paid by a previously obtained MoDot grant. During their 8-hour shift these officers stopped 32 vehicles issuing 7 citations and 27 warnings.
- We hosted a Mothers Against Drunk Driving VIP meeting here in city hall 2 weeks ago.

New Police officer, Steve Korte, was introduced to the board members.

PUBLIC WORKS DEPARTMENT REPORT: A Thompson reported the following for Bob Schmidt:

- work nearly complete on Franks Road

MAYORS REPORT: Mayor Kiczenski discussed the following:

- Mentioned channel 4 interview with officer Cody Umfress.
- Discussed project clean stream success and shared pictures

PUBLIC FORUM:

- Resident discussed concerns regarding short selling of homes on Big River Hills.
- Resident discussed Farrel Gas agreement previously made. The City’s attorney and the attorney for Farrel Gas came to an agreement but not certain if an ordinance or resolution was passed.

ADJOURNMENT: REQUEST FOR CLOSED SESSION

M Scheble motioned to adjourn to closed session for purpose of closed meeting, closed record, closed vote, pursuant to RSMO 610.021(1) Legal (2) Real Estate (3) Personnel, G Harrison seconded. A roll call vote showed the following:

Galen Harrison	Aye	Glenn LaVenture	Aye
Cindy Davies	Aye	Mary Scheble	Aye
Nicole Pettis	Aye	Bob Prado	Aye

Motioned carried: 6-0

ADJOURNMENT INTO CLOSED SESSION AT APPROXIMATELY 7:50 PM

The next regular Board of Alderpersons meeting will be held October 4, 2023, at 6:30pm.

Approved this _____ day of _____, 2023.

Robert Kiczenski, Mayor

These minutes **have** been approved by the Board of Alderpersons.

Attest:

Melinda Benedict, City Clerk

Draft minutes from September 06, 2023 BOA meeting

WARRANT LIST 8/31 - 9/15/2023**TOTAL: \$****47,616.82**

DATE	CK#	Payee	Memo	Class	Payment
8/31/2023	4666	PAUL H WANG, PH.D.	PD PRE EMPLOYMENT EVALUATION	PD	\$ 249.00
9/7/2023	4668	JEFFERSON COUNTY TREASURER	DOMESTIC VIOLENCE FUND	MC	\$ 184.00
9/7/2023	4669	VITAL SIGNS	VINYL LETTERING ON PUBLIC WORKS NEW TRUCK	SD	\$ 200.00
9/7/2023	4670	ST LUKES WORKPLACE HEALTH	PRE EMPLOYMENT SCREENING	MC	\$ 60.00
9/7/2023	4671	SPIRE MO	SERVICE 7/22 - 8/23/2023	PD/CH	\$ 44.52
9/7/2023	4672	MISSOURI MUNICIPAL LEAGUE	PD TRAINING	PD	\$ 20.00
9/7/2023	4673	MACA	MC TRAINING	MC	\$ 175.00
9/8/2023	4675	HOUSE SPRINGS DISCOUNT MUFFLER	2017 PD FORD- REPLACE FRONT PAD AND ROTORS 2023 TAHOE- OIL CHANGE 2013 DODGE CHARGER- OIL CHANGE	PD	\$ 723.91
9/8/2023	4676	THROTTLENET	MONTHLY BILLING SEPTEMBER 2023	ALL	\$ 4,318.41
9/8/2023	4677	AMEREN	4197 LOWER BYRNES MILL ROAD SERVICE 7/31 - 8/29/2023 PARK & PAVILION SERVICE 7/26 - 8/24/2023	P/R	\$ 220.34
9/8/2023	4678	JEFFCO PUBLIC SEWER DISTRICT	SERVICE 7/28 - 8/29/2023	PD/CH	\$ 56.73
9/8/2023	4679	WASTE CONNECTIONS	RECYCLING DISPOSAL 8/15 & 8/22/2023	R	\$ 400.00
9/8/2023	4680	QUILL LLC	OFFICE SUPPLIES	MC/CH	\$ 120.97
9/8/2023	4681	EBBA DUNLAP CLEANING	SEPTEMBER 2023 SERVICE	PD/CH	\$ 450.00
9/8/2023	4682	CIVICPLUS	YEARLY RENEWAL/ WEBSITE	ALL	\$ 4,234.58
9/8/2023	EFT	PITNEY BOWES	DEPOSIT TO PREPAID POSTAGE MACHINE	ALL	\$ 300.00
9/15/2023	4683	AMEREN	SERVICE 8/03 - 9/01/2023 HWY 30 & FRANKS ROAD	SD	\$ 36.98
9/15/2023	4684	ENVIRONMENTAL RECYCLING FACILITY	LIMBS & DEBRIS DISPOSAL	SD	\$ 120.00
9/15/2023	4685	DEFENDER PRODUCTS	EMERGENCY LIGHTS ON NEW SD TRUCK - TO BE REIMBURSED UNDER CAPITAL IMPROVEMENTS	SD	\$ 2,577.00
9/15/2023	4686	C&C AUTO AND COLLISION	CODE ENFORCEMENT VEHICLE REPAIR- TIMING CHAIN/ WATER PUMP/ IGNITION COIL REPLACEMENT	CE	\$ 3,023.00
9/15/2023	4687	WOOD'S MUNICIPAL SUPPLY CO.	BOOM MOWER- REAR FLAP, RETAINER BAR & SKID SHOE	SD	\$ 300.06
9/15/2023	4688	PAUL H WANG, PH.D.	PD PRE EMPLOYMENT EVALUATION	PD	\$ 120.00
9/15/2023	4689	ST LUKES WORKPLACE HEALTH	PRE EMPLOYMENT SCREENING	PD	\$ 120.00
9/15/2023	4690	JOHN DEERE FINANCIAL	SD- GENERAL SUPPLIES	SD	\$ 246.07

9/15/2023	4691	BASIC ASPHALT PAVING INC.	FRANKS ROAD REPAIRS - TO BE REIMBURSED UNDER CAPITAL IMPROVEMENTS	SD	\$ 25,000.00
9/15/2023	4692	STERICYCLE SHRED-IT	SERVICES AUGUST 2023	GA	\$ 110.51
9/15/2023	4693	REJIS COMMISSION	PRO-441 IT-WAN/LAN SUPPORT	PD	\$ 71.25
9/15/2023	4694	SUPPLY CONCEPTS INC.	COURT FORMS	MC	\$ 420.00
9/15/2023	EFT	ENTERPRISE BANK & TRUST VISA	QUICKBOOKS/ ONLINE COURSES/ OFFICE SUPPLIES - ALL/ MICROSOFT LICENSING/ ADOBE LICENSING	ALL	\$ 1,822.49
9/15/2023	4695	COLBY SMITH-HYNES	OSCA ANNUAL REPORT/ COURT DATES 9/12 & 9/17/2023	MC	\$ 1,892.00

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF BYRNES MILL, MISSOURI; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERPERSONS OF THE CITY OF BYRNES MILL, MISSOURI, AS FOLLOWS:

Section I. That pursuant to Section 71.943 of the Revised Statutes of Missouri, the codification of ordinances, as set out in Titles I through VII, each inclusive, of the “Code of Ordinances of the City of Byrnes Mill” is hereby adopted and enacted as the “Code of Ordinances of the City of Byrnes Mill”; which shall supersede all other general and permanent ordinances of the City passed on or before May 4, 2022, to the extent provided in Section 3 hereof.

Section II. That all provisions of such Code shall be in full force and effect from and after the effective date of this ordinance as set forth herein.

Section III. That all ordinances of a general and permanent nature of the City adopted on final passage on or before May 4, 2022, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:

- a. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City’s indebtedness, or authorizing any contract or obligation assumed by the City;
- b. Ordinances levying taxes or making special assessments;
- c. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses;
- d. Ordinances granting franchises or rights to any person, firm, or corporation;
- e. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening, or vacating of streets, alleys, sidewalks, or public places;
- f. Ordinances authorizing or relating to particular public improvements;

- g. Ordinances respecting the conveyances or acceptance of real property or easements in real property;
- h. Ordinances dedicating, accepting, or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same;
- i. Ordinances annexing property to the City;
- j. All zoning and subdivision ordinances not specifically repealed and not included herein;
- k. Ordinances establishing TIF districts or redevelopment districts;
- l. Ordinances relating to traffic schedules (i.e. stop signs, parking limits, etc.);
- m. All ordinances relating to personnel regulations (i.e. pensions, retirement, job descriptions and insurance, etc.);
- n. Ordinances authorizing the establishment of industrial development corporations;
- o. Ordinances establishing tax rates for the City.
- p. Ordinance Nos. 840-15, 841-15 and 844-15 through 852-15.

That the repeal provided for in this Section shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

That the repeal provided for in this Section shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to such date.

Section IV. That any and all additions and amendments to such Code when passed in such form as to indicate the intention of the Board of Alderpersons to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the “Code of Ordinances of the City of Byrnes Mill” shall be understood and intended to include such additions and amendments.

Section V.

- a. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, misdemeanor or ordinance

violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City prison or workhouse instead of the County Jail.

- b. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of these ordinances or rules, regulations or orders promulgated pursuant thereto to a fine of less amount than that provided in this Section or imprisonment for a shorter term than that provided in this Section, the violation of such particular provision of these ordinances or rules, regulations or orders shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine and imprisonment.
- c. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State establishes a penalty differing from that provided by this Section for an offense similar to any offense established by these ordinances, rules, regulations or other orders of the City, the violation of such City law, ordinance, rule, regulation or order shall be punished by the fine or imprisonment established for such similar offense by such State law.
- d. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- e. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

Section VI. That in case of the amendment by the Board of Alderpersons of any Section of such Code for which a penalty is not provided, the general penalty as provided in Section 5 of this ordinance shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another Section in the same Chapter, the penalty so provided in such other Section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein.

Section VII. That a copy of such Code shall be kept on file in the office of the City Clerk, preserved in loose-leaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the Board of Alderpersons to make the same part of such Code when

the same have been printed or reprinted in page form and to extract from such Code all provisions which from time to time may be repealed by the Board of Alderpersons. This copy of such Code shall be available for all persons desiring to examine the same.

Section VIII. That it shall be unlawful for any person to change or alter by additions or deletions any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Byrnes Mill to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 5 of this ordinance.

Section IX. It is hereby declared to be the intention of the Board of Alderpersons that the Sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or Section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this ordinance or the Code hereby adopted.

Section X. This ordinance and the Code adopted hereby shall become effective September 6, 2023.

READ TWO (2) TIMES, PASSED AND APPROVED THIS _____ DAY OF _____,
_____, BY THE BOARD OF ALDERPERSONS OF THE CITY OF BYRNES MILL, MISSOURI

Cindy Davies, President of the Board of
Alderpersons

Robert Kiczenski, Mayor

ATTEST:

Melinda Benedict, City Clerk

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

Craig Smith, City Attorney

RESOLUTION NO 2023-618

A RESOLUTION OF THE CITY OF BYRNES MILL, MISSOURI, AUTHORIZING AND APPROVING THE USE, AWARD, AND ALLOCATION OF A “POP-UP” GRANT ISSUED BY TOXEL DUID TOOL SUPPORT PROJECT FOR PUBLIC SAFETY EQUIPMENT NOT TO EXCEED \$17,233.00

BE IT ORDAINED BY THE BOARD OF ALDERPERSONS OF THE CITY OF BYRNES MILL, MISSOURI, AS FOLLOWS TO WIT:

WHEREAS, The City of Byrnes Mill anticipates receiving \$17,233.00 from the Toxel Druid Tool Support project funded by Jennifer Symoun with Toxel and DUID Tool Support Coordinator (under contract with the NHTSA) known as the POP-UP Grant and,

WHEREAS, as a condition of the “POP-UP” participation, Toxel and DUID requires the city to expend the amount of \$17,233.00 and will be reimbursed by the “POP-UP” grant once copies of paid invoices and cleared checks are presented and,

NOWHEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERPERSONS OF THE CITY OF BYRNES MILL, MISSOURI, as follows:

The Board of Alderpersons for the City of Byrnes Mill approves and authorizes The City Administer to purchase the allowable public safety equipment from the cities general fund for the amount hereinabove set forth, and to assure that all items constituting the grant are provided in accordance with the specifications.

Section 1. The City of Byrnes Mill Board of Alderpersons Approves the following expenditures for public safety equipment:

- | | |
|--|-----------|
| • Sotoxa Instruments | \$4900.00 |
| • Replacement Cartridges for Sotoxa (25x4) | \$2740.00 |
| • In car police printers (6) | \$5000.00 |
| • Driver License Scanners | \$2593.00 |
| • Livescan fingerprint maintenance | \$2000.00 |

BE IT FURTHER RESOLVED, that the funds for this project shall be paid from city funds and a request for reimbursement from the Toxel and DUID Tool Support Project also known as the “POP-UP” Grant.

THIS RESOLUTION WAS PASSED AND APPROVED THE _____ DAY OF _____, BY THE BOARD OF ALDERPERSONS OF THE CITY OF BYRNES MILL, MISSOURI.

Robert Kiczenski, Mayor

ATTEST:

Melinda Benedict, City Clerk

Date:

APPROVED AS TO FORM:

City Attorney

Reading Date: 9/20/2023