

MINUTES

CITY COUNCIL MEETING  
Portageville City Hall  
December 19, 2022

CALL TO ORDER

A meeting of the City of Portageville Board of Aldermen was held on Monday, December 19, 2022, at City Hall, 301 E Main St. Mayor Dennis R. Walker II was unable to attend, so Mayor Pro-Tem Shirley Estes called the meeting to order at 6:00 p.m.

ROLL CALL

Council Members Present  
Alderman Johnson  
Alderman Hollingshead  
Alderman Estes  
Alderman Adams

Council Members Absent  
Mayor Walker

Following roll call, the City Clerk reported that a quorum was present.

Also present were:

Rachel Wrather, City Clerk  
Susan Warren  
Scott Patterson  
Denis McCrate  
Al DeLisle

Jonathan Thacker  
Brad Hessling  
George DeLisle  
Edna Robinson

APPROVAL OF  
AGENDA

Moved by Alderman Adams, seconded by Alderman Hollingshead and unanimously carried, to approve the agenda as submitted.

ORDINANCES OR  
RESOLUTIONS

Ordinance 1333:  
Amending Ordinance 1244 –  
Sewer Pretreatment

Mayor Pro-Tem Estes introduced Bill No. 1333:

AN ORDINANCE AMENDING ORDINANCE NO. 1244, THE PORTAGEVILLE SEWER PRETREATMENT ORDINANCE, TO DELETE THE CURRENT “SEWER PRETREATMENT PROGRAM” AND INSERT IN ITS STEAD A NEW SEWER PRETREATMENT PROGRAM

Mayor Pro-Tem Estes entertained a motion for the First Reading of Bill No. 1333. A motion was made by Alderman Johnson and seconded by Alderman Adams. All members voted in favor.

Mayor Pro-Tem Estes entertained a motion for the Second Reading of Bill No. 1333. A motion was made by Alderman Johnson and seconded by Alderman Hollingshead. A roll call vote was taken.

Voting was as follows: Alderman Johnson, yea; Alderman Adams, yea; Alderman Hollingshead, yea. Motion passes.

After hearing Bill No. 1333, read two times, passed, and approved, Mayor Pro-Tem Estes declared Bill No. 1333 to be declared Ordinance No. 1333 this 19<sup>th</sup> day of December 2022.

PUBLIC FORUM

Mayor Pro-Tem Estes asked if there were any visitors present who would like to address the Board of Alderman.

There were none.

OLD BUSINESS

DRAINAGE DITCH CHANGE ORDER #1- INLET INSTALLATION

Mayor Pro-Tem Estes stated that Hessling Construction had presented Change Order #1 for installation of the four additional inlets that were purchased by the City for the McCrate Drainage Ditch project and the removal and reinstallation of one of the existing inlets that needed to be raised in the amount of \$61,591.21. A meeting was held with Jonathan Thacker, Denis McCrate, Brad Hessling and Chris Hollingshead over the additional costs. It was determined that Hessling would remove the cost for the existing inlet leaving the change order at \$51,624.56. The issue was sent out for a text vote in which it was determined that more discussion was needed. Discussion followed. Brad Hessling was present and proposed that he would reduce the bill in half leaving the amount for the installation of all inlets at \$25,812.28 in return for no liquidated damages due to not starting the project on time. Alderman Adams made a motion to approve Hessling's proposal with the addition that the project be completed within 120 days from the signed crown agreement on October 20, 2022. This time frame will take weather delays into account and be extended as needed. Alderman Hollingshead seconded. All members voted in favor.

DRAINAGE DITCH CHANGE ORDER #2- ADDITIONAL AGGREGATE

Mayor Pro-Tem Estes presented Change Order #2 for the McCrate Drainage project in which Hessling Construction requested an additional 2000 tons of aggregate. Hessling stated the addition is due to the pipe manufactures specs which called for additional aggregate on the top of the pipe. It was also caused from the existing collapsed pipe being buried deep into the ground causing for additional back fill. Alderman Hollingshead stated he and Jonathan Thacker had met with the New Madrid County Commissioner's who graciously hauled the first 3000 tons of aggregate for the City of Portageville at no cost to the City, and they had agreed to haul 2000 tons more. Discussion followed. It was estimated that the City would need 3000 tons for project completion. Alderman Adams made a motion to approve the purchase of 3000 tons of additional aggregate from Delta Companies

and allow New Madrid County to haul at least 2000 tons of it at no cost to the City. Alderman Hollingshead seconded. All members voted in favor.

Hessling also clarified that his contract stated he was responsible for the disposal of the damaged pipe, but by disposal he meant removing from the ground and placing it on the City's farm ground located behind the street shed. Discussion followed. McCrate stated he had already been approached by farms inquiring as to what the City had in store for the removed pipe. He believes it will not be an issue to get rid of. All members agreed that Hessling could proceed with disposal in the same manner he had explained.

## NEW BUSINESS

### PERSONNEL POLICY- LEGALIZATION OF MARIJUANA

Mayor Pro-Tem Estes stated that with the legalization of marijuana, there could be potential changes that need to be made to personnel policies for the City of Portageville. Discussion followed. The City has a zero-tolerance policy for drugs and alcohol. Alderman Adams stated she would like to see it spelled out for emergency personnel such as police, dispatchers, and firemen. Terry McVey will be contacted to see what language other City's use and what testing protocol needs to be established for marijuana. Rachel Wrather, City Clerk, pointed out that there is a 3% sales tax that can be placed on the ballot for the sale of recreational marijuana. Discussion followed. Alderman Johnson made a motion to draft an ordinance to place the 3% sales tax on the ballot for the April 2023 election. Alderman Adams seconded. All members voted in favor.

### IMPEACHMENT PROCEDURE

Mayor Pro-Tem Estes asked Alderman Johnson to speak on the impeachment procedure. Alderman Johnson stated that the judge's order in the impeachment appeal and our City Attorney advised that the City establish impeachment procedures based from state statues in case it was ever needed in the future as a proactive measure. Discussion followed. Alderman Hollingshead made a motion to draft the ordinance. Alderman Johnson seconded. All members voted in favor.

### SOCIAL MEDIA POLICY

Mayor Pro-Tem Estes presented a social media policy that was drafted for the City of Portageville in 2019, but ultimately not voted in. Discussion followed. Alderman Adams made a motion to draft a new ordinance based off of this policy with the additional that for members of the Board of Aldermen the only email address that can be used to conduct City business is the one on file with the City Clerk. Any additional email addresses would be a violation. Alderman Hollingshead seconded. All members voted in favor.

### MISSOURI RURAL WATER ASSOCIATION FY2023 DUES

Mayor Pro-Tem Estes informed the Board that the City had received a renewal notice from the Missouri Rural Water Association for 2023 membership dues in the amount of \$792.60. Discussion followed. Alderman Adams made a motion to pay the renewal and split the payment between the water and sewer fund. Alderman Johnson seconded. All members voted in favor.

#### MISSOURI MUNICIPAL LEAGUE DUES

Mayor Pro-Tem Estes informed the Board that the City had received a renewal notice from the Missouri Municipal League for 2023 dues in the amount of \$807.46. Discussion followed. Alderman Adams made a motion to approve the renewal. Alderman Hollingshead seconded. All members voted in favor.

#### COOPER INDUSTRIES SEWER PUMP

Mayor Pro-Tem Estes stated that Terry Wheeler had a damaged pump at the lift station at the Water Plant and needed a new one. A quote for a new pump from Cooper Industries was presented in the amount of \$4,555.78. Discussion followed. Alderman Adams made a motion to approve the purchase quoted above. Alderman Adams seconded. All members voted in favor.

#### UV LIGHTS SEWER PLANT

Mayor Pro-Tem Estes stated that the life expectancy for the UV lights at the sewer plant was nearing the end and the Board would need to replace all three panels. A quote from Ressler and Associates was presented in the amount of \$3,264.00. Discussion followed. It was stated that the lights needed to be replaced every 5 years and moving forward the panels would be put on a rotation to change one panel a year on the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> year using the replaced bulbs as backup if needed. Alderman Adams made a motion to approve the quote from Ressler in the amount of \$3,264.00. Alderman Johnson seconded. All members voted in favor.

#### FIRE DEPT GAS MONITOR

Mayor Pro-Tem Estes asked George DeLisle to speak on the gas monitor. He stated that the one currently used by the Fire Department quit working and would cost \$533.00 to repair. He also presented quotes from Banner in the amount of \$938.96 and Sentinel in the amount of \$999.00 for new units. Discussion followed. Alderman Adams made a motion to purchase the new unit from Banner in the amount of \$938.00. Alderman Johnson seconded. All members voted in favor.

#### MAYOR AND COUNCIL COMMENTS

Mayor Walker asked if there were any comments from any members of the Board of Alderman.  
There were none.

EXECUTIVE SESSION

Moved by Alderman Adams, seconded by Alderman Hollingshead to adjourn to Executive Session in accordance with Section 610-021.1 RSMo to discuss personnel.

The vote thereon was as follows:

- Alderman Johnson "Aye"
- Alderman Adams "Aye"
- Alderman Hollingshead "Aye"
- Alderman Estes "Aye"

Motion was made by Alderman Hollingshead and seconded by Alderman Johnson to adjourn back to regular session at 7:20 p.m.

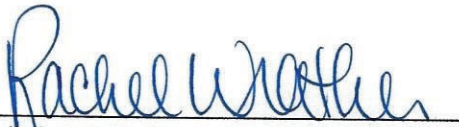
- Alderman Johnson "Aye"
- Alderman Adams "Aye"
- Alderman Hollingshead "Aye"
- Alderman Estes "Aye"

RETURN TO OPEN-  
DATE OF NEXT MEETING

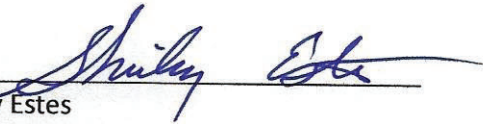
Monthly meeting will be held on January 9, 2023 beginning at 6:00 p.m. at City Hall, 301 E Main, Portageville.

ADJOURNMENT

There being no further business, moved by Alderman Johnson, seconded by Alderman Hollingshead and unanimously carried, to adjourn at 7:22 p.m.



Rachel Wrather  
City Clerk



Shirley Estes  
Mayor Pro-Tem



ORDINANCE NO. 1334

**AN ORDINANCE IMPOSING A SALES TAX AT A RATE OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD WITHIN THE CITY OF PORTAGEVILLE, MISSOURI, PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON April 4, 2023; DESIGNATING THE FORM OF BALLOT; AND DIRECTING THE CITY CLERK TO PROVIDE NOTICE OF SAID ELECTION.**

**WHEREAS**, on November 8, 2022, the electors of the State of Missouri approved Amendment 3 to the Missouri Constitution enacting Section 2 of Article XIV of the Missouri Constitution effective December 8, 2022; and

**WHEREAS**, the newly enacted Article XIV, section 2.6(5) of the Missouri Constitution authorizes the City of Portageville, Missouri to impose, by ordinance, an additional sales tax in amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in such political subdivision subject to approval by voters of the City of Portageville Missouri; and

**WHEREAS**, the Board of Aldermen finds that it is in the best interests of the citizens of the City of Portageville, Missouri to impose a sales tax of three percent on all tangible personal property retail sales of adult use marijuana sold in the City of Portageville, Missouri and to submit the same to the voters of the City for approval by a majority of those voting at the general municipal election to be held on April 4, 2023.

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

**SECTION 1 – ADULT USE MARIJUANA SALES TAX.** A sales tax at the rate of three percent on all tangible personal property retail sales of adult use marijuana sold in the City of Portageville, Missouri, as authorized by Article XIV, section 2.6(5) of the Missouri Constitution, is hereby imposed. The tax imposed hereunder shall be in addition to any and all other sales taxes allowed by law.

**SECTION 2 – EFFECTIVE DATE.** The sales tax imposed by this Ordinance shall not be effective unless approved by a majority of the votes cast by the qualified voters voting thereon at the General Municipal Election to be held on April 4, 2023, at which election a proposal to authorize the Board of Aldermen of the City of Portageville, Missouri, to impose the tax herein provided for shall be submitted to the voters of the City of Portageville.

**SECTION 3 – FORM OF BALLOT.** The ballot to be used in such election shall contain the following question:

**Question 1**

Shall the City of Portageville, Missouri, impose a sales tax of three percent (3%) on all retail sales of adult use marijuana sold in the City of Portageville, Missouri?

Yes

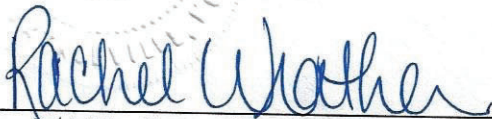
No

**SECTION 4 – NOTICE OF ELECTION.** The City Clerk is hereby directed to notify the County Clerk of New Madrid County, Missouri, of the enactment of this Ordinance no later than 5:00 p.m. on Tuesday, January 24, 2023 in accordance with the Comprehensive Election Act, Chapter 115 of the Revised Statutes of Missouri, as amended.

**SECTION 5.** This ordinance shall be in full force and effect from and after its passage and approval.

**READ TWO TIMES, PASSED, APPROVED AND ADOPTED THIS 9th DAY OF JANUARY, 2023.**



A handwritten signature in blue ink that reads "Rachel Wrather".

Rachel Wrather, City Clerk

A handwritten signature in blue ink that reads "Vince Berry".

Vince Berry, Mayor