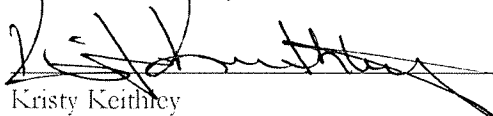


## NOTICE OF MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT A REGULAR MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF CLEVER, MISSOURI WILL BE HELD AT THE CLEVER CITY HALL, 304 S CLARKE AVE, CLEVER, MISSOURI ON NOVEMBER 16, 2021, AT 6:30PM TO CONSIDER AND ACT UPON THE MATTERS ON THE FOLLOWING TENTATIVE AGENDA AND SUCH MATTERS AS MAY BE PRESENTED AT THE MEETING AND DETERMINED TO BE APPROPRIATE FOR DISCUSSION AT THE TIME:

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE
2. MINUTES: October 19, 2021
3. FINANCIALS
  - a. Marshal Decker 20-21 Annual Audit
  - b. October 2021 Financials
4. WATER/WASTEWATER
  - a. Ronnie Keithley – Water Report
  - b. Bert Bond – Wastewater Report
5. COURT
  - a. Written
  - b. Continued Discussion on Municipal Court moving to Christian County
6. STREETS/PARKS/GROUNDS
7. PLANNING AND ZONING
  - a. Bill 28-2021 Ordinance 551: Replat M & T Rentals – Replat Lot 4 & 6 (Hwy K by car wash)
8. POLICE
9. ADMINISTRATION
  - a. Bill 29-2021 Ordinance 552: Amending Title II: Public Health Safety and Welfare
  - b. Bill 30-2021 Ordinance 553: Contract for Legal Services & Prosecuting Attorney
  - c. Bill 31-2021 Ordinance 554: Banking Institutions

Posted this 12<sup>th</sup> Day of November 2021.

  
Kristy Keithley

# MINUTES

Mayor Maisel called the regular meeting to order at 6:30 pm with the reciting of the Pledge of Allegiance. Aldermen present: Priebe, Larson, Schmidt, and McPhail absent. Refer to sign in sheet for all others present.

Mayor Maisel gave an update on the Clever Chamber of Commerce State of the City Banquet held on Saturday October 16, 2021.

#### MINUTES

Priebe made the motion to approve the minutes of September 14, 2021. Schmidt 2<sup>nd</sup> the motion passed with 4 ayes.

#### FINANCIALS

McPhail made the motion to approve the September financials as presented: Revenue - Admin: \$63,225.73 St: \$9,620.83 Crt \$2,487.50 Water \$71,004.45 Sewer \$32,352.57 Expenditures - Admin: \$44,364.98 St: \$2,198.91 Crt \$1,235.50 Water \$47,059.71 Sewer \$36,990.82. Priebe 2<sup>nd</sup> the motion and passed with 4 ayes.

Mayor Maisel took the agenda out of order to Police Subsection B: Citizen Recognition.

Chief Lofton recognized Bob Goddard for assistance on a traffic accident at the intersection of Hwy 14 & ZZ that occurred on April 30, 2021. Chief Lofton recognized Mason Crawford for assistance with a lost juvenile that occurred on July 8, 2021.

Agenda continued out of order to Admin Subsection A: Tiffany Milles home based business.

Tiffany Mills is asking for approval of her homebased dog grooming business located at 126 E Chrysler. Ms. Mills informed the Board that this will be done in a spare bedroom in her home. There will not be hold or overnight boarding of animals. Plan is only one to two dogs at a time.

McPhail made the motion to approve the homebased license of Tiffany's Grooming located at 126 E Chrysler. Priebe 2<sup>nd</sup> the motion and passed with 4 ayes.

#### WATER/WWTP

Mr. Keithley submitted a written report. Mr. Keithley informed the Board that Gary Shaffer is in the middle of the facility plan for the wastewater treatment plant upgrade and the new well and water tower. It has come to the city's attention that this will need to be completed sooner rather than later due to development within the city. Mr. Keithley is asking for the Board to approve for the Mayor to sign all documents with Shaffer & Hines and DNR for the facility plan.

Priebe made the motion to authorize the Mayor to sign documentation on the facility plan pertaining to the wastewater treatment plant, well, and water tower, as needed from Shaffer and Hines for DNR with email copies to the Board of Aldermen. Larson 2<sup>nd</sup> the motion and passed with 4 ayes.

Mr. Bond submitted a written report.

Priebe made the motion to approve the Director's Report and the Adjustment Report (\$62.63) for Sept. Larson 2<sup>nd</sup> the motion and passed with 4 ayes.

Schmidt made the motion for the 1st reading of Bill 27-2021 Ordinance 550 by title: An Ordinance of the City of Clever, Missouri, Authorizing the Execution of a Low-Income Household Water Assistance Program Supplier Agreement with Missouri Department of Social Services Family Support Division by title with copies available to the public. McPhail 2nd the motion and passed by roll call vote: Priebe – Aye, Larson – Aye, Schmidt – Aye, McPhail – Aye.

McPhail made the motion for the 2<sup>nd</sup> reading and final passage of Bill 27-2021 Ordinance 550 by title: An Ordinance of the City of Clever, Missouri, Authorizing the Execution of a Low-Income Household Water Assistance Program Supplier Agreement with Missouri Department of Social Services Family Support Division by title with copies available to the public. Priebe 2nd the motion and passed by roll call vote: Priebe – Aye, Larson – Aye, Schmidt – Aye, McPhail – Aye.

COURT – written.

#### STREET/PARKS/GROUNDS

Mr. Keithley submitted a written report.

#### PLANNING AND ZONING

M & T Rental presented a replat. Some areas are not clear.

McPhail made the motion to postpone the replat for M & T Rentals until the November regular scheduled meeting. Larson 2<sup>nd</sup> the motion and passed with 4 ayes.

Priebe made the motion for the 1st reading of Bill 26-2021 Ordinance 549 by title: An Ordinance of the City of Clever, Missouri, “Defining and Regulating Temporary Portable Storage Containers within the City Limits of the City of Clever” by title with copies available to the public. Larson 2nd the motion and passed by roll call vote: Priebe – Aye, Larson – Aye, Schmidt – Aye, McPhail – Aye.

Schmidt made the motion for the 2<sup>nd</sup> reading and final passage of Bill 26-2021 Ordinance 549 by title: An Ordinance of the City of Clever, Missouri, “Defining and Regulating Temporary Portable Storage Containers within the City Limits of the City of Clever” by title with copies available to the public. McPhail 2nd the motion and passed by roll call vote: Priebe – Aye, Larson – Aye, Schmidt – Aye, McPhail – Aye.

#### POLICE

Chief Lofton gave his 3<sup>rd</sup> quarter report.

#### ADMIN

Priebe made the motion for the 1st reading of Bill 25-2021 Ordinance 548 by title: An Ordinance of the City of Clever, Missouri, “Amending Article XIII: Tobacco, Alternative Nicotine, Vapor” with correction of Section 7 to say Federal instead of State and the numbering of Section 9, by title with copies available to the public. Larson 2nd the motion and passed by roll call vote: Priebe – Aye, Larson – Aye, Schmidt – Aye, McPhail – Aye.

Schmidt made the motion for the 2<sup>nd</sup> reading and final passage of Bill 25-2021 Ordinance 548 by title: An Ordinance of the City of Clever, Missouri, "Amending Article XIII: Tobacco, Alternative Nicotine, Vapor" with correction of Section 7 to say Federal instead of State and the numbering of Section 9, by title with copies available to the public. McPhail 2<sup>nd</sup> the motion and passed by roll call vote: Priebe – Aye, Larson – Aye, Schmidt – Aye, McPhail – Aye.

McPhail made the motion for the 1<sup>st</sup> reading of Bill 24-2021 Ordinance 547 by title: An Ordinance of the City of Clever, Missouri, "An Ordinance Amending Chapter 205: Article II: Animal Regulations" by title with copies available to the public. Schmidt 2<sup>nd</sup> the motion and passed by roll call vote: Priebe – Aye, Larson – Aye, Schmidt – Aye, McPhail – Aye.

Priebe made the motion for the 2<sup>nd</sup> reading and final passage of Bill 24-2021 Ordinance 547 by title: An Ordinance of the City of Clever, Missouri, "An Ordinance Amending Chapter 205: Article II: Animal Regulations" by title with copies available to the public. Larson 2<sup>nd</sup> the motion and passed by roll call vote: Priebe – Aye, Larson – Aye, Schmidt – Aye, McPhail – Aye.

Discussion was held on the animal ordinance and the allowing of chickens within the City. Regulation in the ordinance shall include: no roosters, max of six (6) hen, contained to fenced backyard, cooped from sunset to sunrise (based on weather calendar), permit per resident (\$5 per calendar year), waiver to allow access to property to verify coop compliance.

Priebe made the motion to adjourn at 8:03pm. McPhail 2<sup>nd</sup> the motion and passed with 4 ayes.

Respectfully Submitted,

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Kristy Keithley - City Clerk

\_\_\_\_\_  
Dale Maisel – Mayor

WATER/  
WWTP

## Council Report for November 2021

### Streets, Parks, and Grounds

The picnic tables have been delivered and installed in the Park pavilion. They look so much better than the old wooden ones. I am also working with a playground equipment company to see if they can offer a better deal than I sent to you guys via email a couple months ago and see what kind of pricing they can get me on new equipment. I may have some information by council if not I will send it out as soon as I get it.

Wintertime is approaching fast. I am going to be hooking up the plows and spreader to make sure it is all in working order soon. We have enough salt to last the year.

Hopefully mowing is about done for the year. I don't think I have ever mowed this much in November.

### Water and Sewer

On October 30 we had a lighting strike occur at the Wastewater Treatment Plant and took out the lift station again. Bert has been working with an electrician to obtain a plan and cost to fix it. We have contacted the insurance company to start the claim. I know if took out the pump and controls this time. We told the electrician that we wanted more lighting protection on it.

All water operations are going great with no leaks to report. Both wells are working as they should.

We have continued working with the engineers on the upgrade plans and everything is still moving forward. We should have our facility plan soon.

I received a few applications for the open position and planning on interviewing on 11/12/2021. Hopefully the interview goes well, and we can be back to normal operation in the Public Works Department.

The new code enforcement/ animal control has been busy this month also. He has sent out several letters on code violations. He also has worked at the pound and has it ready for state inspection. He submitted the paperwork for inspection and licensing. He has also been assisting me in some mowing and a few heavy lifting activities that I have needed help with.

As always if you all have any question please don't hesitate to ask.

Ronnie Keithley  
Public Works Director

# Director's Report

## DISTRIBUTION EFFICIENCY SUMMARY

	Gallons	Percent
Water Supplied to System	4,442,700	100.0%
Water Sold to Customers	4,541,247	102.2%
Utility Use (fire, flushing)	0	0.0%
Water Lost	--98,547	-2.2%
Average Use Per Account	3,935	
Accounts Using Water	1,154	

	WATER	TRASH	PRIMACY	RES SALES	BUSINESS S	SEWER
Charges	\$23,397.42	\$14,826.60	\$444.00	\$363.38	\$73.72	\$26,501.70
Count	1154	1065	1150	1092	36	1141
Average	\$20.28	\$13.92	\$0.39	\$0.33	\$2.05	\$23.23



# CITY OF CLEVER

## ADJUSTMENT REPORT

10/26/21 12:06 PM

Page 1

Account	Billing Name	Date	Charge Name	Amount	Comment	Type
01-00002248-00-3	BEVERS, ANGELA	10/06/21	TRASH	(\$13.70)	calculated a bill too early	Adjustment
01-00002281-00-8	SITTON, RYAN & SKYLAR	10/12/21	WATER	\$48.77	applied to wrong account	Adjustment
01-00002391-00-8	MCNUTT, WILLIAM & SH	10/12/21	WATER	\$26.18	applied to wrong account	Adjustment
00-00002391-07-8	SCHUCHMANN GROUP	10/12/21		\$26.18	applied bill to correct accoun	Adjustment
00-00002381-07-5	SCHUCHMANN GROUP	10/12/21		\$48.77	applied to correct account	Adjustment
01-00002248-00-3	BEVERS, ANGELA	10/04/21		\$71.84	calculated a bill too early	Adjustment
01-00002600-00-1	VITZTHUM, JASON	10/04/21	NSF AMOUNT	\$68.64	ACH NSF	Adjustment
01-00002600-00-1	VITZTHUM, JASON	10/04/21	NSF CHARGE	\$27.50		Adjustment
01-00000180-00-2	WOODY, TRENT & MELIS	10/05/21	NSF AMOUNT	\$22.77	ACH NSF	Adjustment
01-00000180-00-2	WOODY, TRENT & MELIS	10/05/21	NSF CHARGE	\$27.50		Adjustment
01-00002248-00-3	BEVERS, ANGELA	10/06/21		(\$71.84)	adjusted the wrong area	Adjustment
01-00002248-00-3	BEVERS, ANGELA	10/06/21	WATER	(\$39.64)	calculated a bill too early	Adjustment
01-00002281-00-8	SITTON, RYAN & SKYLAR	10/12/21		(\$48.77)	applied to wrong account	Adjustment
01-00002248-00-3	BEVERS, ANGELA	10/06/21	SEWER	(\$17.44)	calculated a bill too early	Adjustment
01-00002481-00-2	SAENZ, COURTNEY	10/19/21	NSF CHARGE	\$27.50		Adjustment
01-00002248-00-3	BEVERS, ANGELA	10/06/21	PRIMACY	(\$0.37)	calculated a bill too early	Adjustment
01-00003491-00-4	WILLIAMS, CAITLYN	10/06/21	NSF AMOUNT	\$66.93	ach return	Adjustment
01-00003491-00-4	WILLIAMS, CAITLYN	10/06/21	NSF CHARGE	\$27.50		Adjustment
01-00002367-00-5	GERALD, TRACEY & ASHL	10/06/21	NSF AMOUNT	\$158.69	ACH RETURN	Adjustment
01-00002367-00-5	GERALD, TRACEY & ASHL	10/06/21	NSF CHARGE	\$27.50		Adjustment
01-00002281-00-8	SITTON, RYAN & SKYLAR	10/12/21		\$48.77	applied to wrong account moved	Adjustment
00-00003661-02-4	HUNTINGTON, RABEKKA	10/15/21		(\$19.31)	dep overage trans to new addre	Adjustment
01-00004391-00-6	HUNTINGTON, RABEKKA	10/15/21		\$19.31	trans from old address dep ove	Adjustment
00-00002242-00-6	JAMES, ANNA LEE	10/15/21		(\$17.10)	dep overage added to POA acct	Adjustment
01-00000190-00-5	JAMES, ANNA LEE	10/15/21		\$17.10	POA acctount dep overage added	Adjustment
01-00002481-00-2	SAENZ, COURTNEY	10/19/21	NSF AMOUNT	\$46.56	ACH NSF + LATE FEE	Adjustment
01-00002248-00-3	BEVERS, ANGELA	10/06/21	RES SALES TAX	(\$0.69)	calculated a bill too early	Adjustment
				\$579.15		

CITY OF CLEVER  
AGED ACCOUNTS

10/26/21 12:01 PM

Page 1

Account	Full Billing Name	3 Per Overdue	Full Property Address
00-00001825-01-9	BASINGER, JEREMY & SARA	\$30.12	311 N CHEYENNE
00-00001785-00-7	BRUCE, RANDALL & JENNIFER	\$16.10	406 LYNN DRIVE
00-00002827-01-0	NOE, REGINA & JAMES	\$79.35	103 E NOLA STREET
00-00002299-01-1	BODENHAMER, KYLE	\$33.08	709 W LAKE
00-00002770-04-0	BRIZENDINE, AMANDA	\$14.07	227 EAGLE CIRCLE
01-00000233-00-7	WILLIAMS, LUCINDA	\$112.01	101 W BROWN
		\$284.73	

COURT

## MUNICIPAL DIVISION SUMMARY REPORTING FORM

*Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity.*

<b><u>I. COURT INFORMATION</u></b>		Municipality: Clever Municipal	Reporting Period: Oct 1, 2021 - Oct 25, 2021	
Mailing Address: 304 SOUTH CLARK AVENUE, PO BOX 52, CLEVER, MO 65631				
Physical Address: 304 SOUTH CLARK AVENUE, PO BOX 52, CLEVER, MO 65631			County: Christian County	Circuit: 38
Telephone Number: (417)7432544		Fax Number:		
Prepared by: KRISTY KEITHLEY		E-mail Address:		
Municipal Judge:				
<b><u>II. MONTHLY CASELOAD INFORMATION</u></b>				
	Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance	
A. Cases (citations/informations) pending at start of month	1	145	21	
B. Cases (citations/informations) filed	0	25	5	
C. Cases (citations/informations) disposed				
1. jury trial (Springfield, Jefferson County, and St. Louis County only)	0	0	0	
2. court/bench trial - GUILTY	0	0	0	
3. court/bench trial - NOT GUILTY	0	0	0	
4. plea of GUILTY in court	0	17	3	
5. Violations Bureau Citations (i.e. written plea of guilty) and bond forfeiture by court order (as payment of fines/costs)	0	8	0	
6. dismissed by court	0	0	0	
7. <i>nolle prosequi</i>	0	3	0	
8. certified for jury trial (not heard in Municipal Division)	0	0	0	
<b>9. TOTAL CASE DISPOSITIONS</b>	0	28	3	
D. Cases (citations/informations) pending at end of month [pending caseload = (A+B)-C9]	1	142	23	
E. Trial de Novo and/or appeal applications filed	0	0	0	
<b><u>III. WARRANT INFORMATION</u></b> (pre- & post-disposition)		<b><u>IV. PARKING TICKETS</u></b>		
1. # Issued during reporting period	2	1. # Issued during period	0	
2. # Served/withdrawn during reporting period	5	<input type="checkbox"/> Court staff does not process parking tickets		
3. # Outstanding at end of reporting period	104			

## MUNICIPAL DIVISION SUMMARY REPORTING FORM

<b>COURT INFORMATION</b>	Municipality: Clever Municipal	Reporting Period: Oct 1, 2021 - Oct 25, 2021
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### V. DISBURSEMENTS

<b>Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)</b>		<b>Other Disbursements:</b> Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs, witness fees, and board bill/jail costs.	
Fines - Excess Revenue	\$1,982.50	Court Automation	\$174.36
Clerk Fee - Excess Revenue	\$230.00	<b>Total Other Disbursements</b>	\$174.36
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Excess Revenue	\$7.74	<b>Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited</b>	\$2,957.00
Bond forfeitures (paid to city) - Excess Revenue	\$0.00	<b>Bond Refunds</b>	\$0.00
<b>Total Excess Revenue</b>	\$2,220.24	<b>Total Disbursements</b>	\$2,957.00
<b>Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)</b>			
Fines - Other	\$193.50		
Clerk Fee - Other	\$44.00		
Judicial Education Fund (JEF) <input type="checkbox"/> Court does not retain funds for JEF	\$24.91		
Peace Officer Standards and Training (POST) Commission surcharge	\$24.91		
Crime Victims Compensation (CVC) Fund surcharge - Paid to State	\$177.60		
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Other	\$1.48		
Law Enforcement Training (LET) Fund surcharge	\$48.00		
Domestic Violence Shelter surcharge	\$0.00		
Inmate Prisoner Detainee Security Fund surcharge	\$48.00		
Sheriffs' Retirement Fund (SRF) surcharge	\$0.00		
Restitution	\$0.00		
Parking ticket revenue (including penalties)	\$0.00		
Bond forfeitures (paid to city) - Other	\$0.00		
<b>Total Other Revenue</b>	\$562.40		

STREETS  
PARKS  
GROUNDS

PLANNING  
&  
ZONING

AN ORDINANCE OF THE CITY OF CLEVER, MISSOURI ACCEPTING AND APPROVING THE REPLAT REQUEST OF ALL LOTS 4-A AND 6-A OF THE REPLAT OF LOTS 4 AND 6 OF M & T RENTALS A SUBDIVISION IN THE TOWN OF CLEVER, CHRISTIAN COUNTY, MISSOURI WITH ZONING TO STAY AT COMMERCIAL.

**WHEREAS;** The proposed property complies with the following described land to be within the city limits of the City of Clever, Missouri in Christian County, Missouri as presented for the acceptance at the duly called meeting of the Clever Board of Aldermen.

The existing description is: ALL OF LOTS 4-A AND 6-A OF THE M & T RENTALS A SUBDIVISION IN THE TOWN OF CLEVER, CHRISTIAN COUNTY, MISSOURI, ACCORDING TO THE PLAT FILED FOR RECORD IN PLAT BOOK 11, PAGE 435 CHRISTIAN COUNTY RECORDER'S OFFICE, SUBJECT TO RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

The new description will be: AMENDED REPLAT OF LOT 4 AND 6 OF M & T RENTALS

**WHEREAS:** meeting of the Planning and Zoning Commission was posted then held on September 23, 2021 at Clever City Hall, City of Clever, Missouri; and

**WHEREAS:** The Board of Aldermen of the City of Clever, Missouri, does find and determine that said Replat is reasonable and necessary to the proper development of the City; and

**WHEREAS:** said property is in proper form and complies with the City's overall plan for orderly growth and development.

**THEREFORE: BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF CLEVER, COUNTY OF CHRISTIAN, STATE OF MISSOURI, AS FOLLOWS:**

**SECTION I:** The Mayor and the City Clerk are hereby authorized and directed to endorse acceptance of said property to certify the acceptance and approval of said property under the seal of the City of Clever on any and all documents as necessary.

**SECTION II:** The City Clerk of the City of Clever is hereby ordered to produce two (2) certified copies of this ordinance; one copy to be filed with the Christian County Clerk and one copy to be filed with the Christian County Recorder's Office.

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



**FIRST READING BY TITLE WITH COPIES AVAILABLE TO THE PUBLIC HELD  
ON THIS 16<sup>th</sup> DAY OF NOVEMBER 2021.**

	Aye	Nay
Alderman PRIEBE	_____	_____
Alderman LARSON	_____	_____
Alderman SCHMIDT	_____	_____
Alderman MCPHAIL	_____	_____

**SECOND READING AND FINAL PASSAGE HERE ON THIS 16<sup>TH</sup> DAY OF  
NOVEMBER 2021.**

	Aye	Nay
Alderman PRIEBE	_____	_____
Alderman LARSON	_____	_____
Alderman SCHMIDT	_____	_____
Alderman MCPHAIL	_____	_____

Date Approved\_\_\_\_\_

\_\_\_\_\_  
DALE MAISEL, Mayor

Attest:

\_\_\_\_\_  
KRISTY KEITHLEY, City Clerk



POLICE

**ADMIN**

**AN ORDINANCE AMENDING TITLE II: PUBLIC HEALTH SAFETY & WELFARE;  
CHAPTERS 205 ANIMAL REGULATIONS AND 215 NUISANCES**

An Ordinance of the City of Clever, County of Christian, State of Missouri to amend Chapter 205 & 215, accepting and approving all changes relating to the City's large animal control, regulations, keeping of livestock.

**BE IT ORDAINED BY THE CITY COUNCIL OF AND FOR THE CITY OF  
CLEVER, COUNTY OF CHRISTIAN, STATE OF MISSOURI, AS FOLLOWS:**

**SECTION I:** All ordinances or parts of ordinances in conflicts with this ordinance are hereby amended or repealed.

**SECTION II: DEFINITION**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care means normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter, and health care as necessary to maintain good health in a specific species of animal.

Adequate food means the provision at suitable intervals of not more than 12 hours, unless dietary requirements of the species require a longer interval, of a quantity of wholesome foodstuffs, suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, all which foodstuffs is served in a safe receptacle, dish or container.

Adequate water means the continual access to or access at suitable intervals not less than once each eight hours for at least one hour to a supply of clean, fresh, unfrozen, potable water provided in a sanitary manner suitable for the species, condition, and age of the animal in sufficient amounts to maintain good health in the animal. Such water shall be provided in a secure manner so that the container cannot be overturned.

Adequate shelter means a structurally sound, properly ventilated, sanitary, dry and weatherproof shelter suitable for the species, age and condition of the animal, which is free of litter or hazardous substances and objects, contains clean and dry bedding material and which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The shelter shall have at a minimum a floor, walls with an opening suitable for the size of the animal and a roof. Unacceptable shelter includes but is not limited to barrels, pipes, crates, cardboard boxes, pet carriers and tarpaulins.

Animal:

FARM — Any livestock or other domesticated animal raised for commercial or agricultural purpose.

HOUSEHOLD (PETS) — Any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, pheasant, cows, livestock, chinchillas, horses, goats, sheep, monkeys, and other similar animals and fowl.

NON-DOMESTIC — Any feline (other than a domestic house cat), non-human primate, bear, wolf, coyote, fox, venomous reptile, or any other animals or crossbreed of such animals which have similar characteristics of the animals specified herein or are dangerous or unsafe for contact with humans.

Animal control authority means the animal control section of the city.

Animal control officer means any person employed by the animal control authority to enforce this chapter.

Approved vaccine means all vaccines licensed by the United States Department of Agriculture.

At large shall mean:

- (1) To be freely roaming on the private property of another without the consent of the owner or person in control of the property or to be freely roaming on any public property, street or highway without consent of the public entity in control of the property, street or highway.
- (2) Every dog, when on any street, alley, park, school ground or other public place in the city, which is not attached to a leash, the other end of which is securely held by a person, or every dog, when on private property within the city, which is either not attached to a leash the other end of which is securely held by a person and the leash is of sufficient length and the conditions are such that the dog cannot leave the premises, or which is not so confined by a fence or other device so as to prevent its straying from the premises, shall be deemed running at large.

Also see: Running at Large

Body harness means, a set of straps that extend around the chest and mid-section of the dog's body, so as to not tighten around the dog's neck when the dog pulls on the end of a tether.

Creature means a domesticated animal used as a household pet such as a hamster, gerbil or similar animal.

Dogs means all animals of the canine species, both male and female.

Enclosure means a building or real estate with a properly designed fence to restrict or contain any and all animals as listed in Sections 205.180 — 205.190.

Euthanize means to put to death in a humane manner.

Exposed to rabies means when bitten by, or fought with, or has come in close contact with an animal showing symptoms of rabies.

Fowl means domesticated chickens, guineas, geese, ducks, turkeys or other domesticated bird.

Harbor means to feed or shelter an animal at the same location for three or more consecutive days.

Impound means to apprehend, catch, trap, net any animal by the animal control authority or its agent.

Impounding facilities means any premises designated by the city for the purpose of impounding and caring for all animals found in violation of this chapter.

Kennel operator means the owner of four or more dogs at least four months of age, whether owned for pleasure or profit, breeding or exhibiting.

Livestock means domestic animals, such as swine, horses, mules, asses, sheep, goats or cattle. When these terms are used herein it shall include any related member of the species whether specifically mentioned or not.

Non choke type collar means, a collar that, when worn by a dog, does not constrict or choke the dog, when the dog pulls or extends the attached tether.

Owner or Keeper means any person having a right of property in a dog, or who keeps or harbors a dog, or who has it in his/her care or acts as its custodian, or who knowingly permits a dog to remain on or about any premises owned or occupied by him/her.

Poultry means domestic fowl such as chickens, turkeys, guineas, ducks or geese.

Registration and vaccination means the procedure of vaccinating for rabies and issuing an identification number and an appropriate certificate. These words shall be interchangeable.

Running at Large means allowing a dog to be off the private premises of the owner or keeper, or his/her agent or servant, and not on a leash or confined to the arms, motor vehicle, trailer or other conveyance of the owner or keeper, his/her agent or servant. Also see: "At Large"

Serious Physical Injury means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

Tether means a rope, chain, or cable that is attached to a dog's collar or harness for purposes of restraining the dog.

Unrestrained Dog means any dog running at large or a dog on the premises of its owner or keeper but not confined to said premises by a leash, fence, structure or other means that would prevent the dog from leaving such premises.

Veterinarian means any veterinarian holding a current state license.

Vicious Dog means any of the following dogs:

1. Any dog, whether or not running at large and whether or not unrestrained, that without provocation has bitten any person not a trespasser causing serious physical injury to that person.
2. Any unrestrained dog, whether or not running at large, that without provocation has attempted to bite any person not a trespasser which would cause serious physical injury to that person.
3. Any unrestrained dog, whether or not running at large, that without provocation has placed any person not a trespasser in apprehension of immediate serious physical injury.
4. Any dog that has killed another dog or other domestic animal without provocation.

### **SECTION III: CONTROL OF LARGE ANIMALS**

- A. It shall be unlawful for the owner of any animal or animals of the species of horse, mule, ass, cattle, sheep, goat, swine, fowl, or other forms of livestock in this City to permit the same to run at large outside the enclosure of the owner of such stock, and if any of these species of domestic animals aforesaid be found running at large outside the enclosure of the owner, it shall be lawful for any person and is hereby made the duty of the Code Enforcement Officer or his/her designee, on his/her own view, or when notified by any other person, that any of such stock is so running at large, to restrain the same forthwith.
- B. If City has taken custody of any of the aforesaid stock, the City shall work with local livestock veterinarian for feeding and keeping such animal. The owner shall be responsible to pay the City for taking up such animal or animals a reasonable compensation for the taking up, keeping and feeding such animal or animals and shall also pay all persons damaged by reason of such animals running at large.
- C. If the owner of such stock be not known, or if notified and fails to make compensation for the taking up, feeding and keeping of animals taken up under the provisions of this Article, the same shall be deemed strays and be sold at public auction and the money be placed in the general revenues of the City of Clever with whatever reasonable fees paid to the veterinarian taking up said animal for the feeding and care of such animal.

- D. If a person is found in violation or in noncompliance with this Chapter as specified, the Code Enforcement Officer may cause a municipal court summons to be issued and the City Attorney may institute a court proceeding. Each day may be considered a separate offence.

#### **SECTION IV: KEEPING LIVESTOCK WITHIN CITY**

- A. No person in a residentially zoned property shall keep any cow, bull, jack, horse, mule, ass, cattle, sheep, goat, swine, fowl (exemption of chicken regulations), or other forms of livestock or combination of such. This Section shall not apply to any agriculturally zoned property where an excess number of such animals are kept in an enclosure or pasture on such farm on a temporary basis and the total area of land contained in said farm which is available for such animals is sufficient to accommodate such animals.
- B. As used in this Section, "farm" shall mean any contiguous area of land having the same owner or owners and the total area which is available for keeping the aforementioned animals exceeds three (3) acres. In determining whether a tract or parcel of land is of sufficient size to qualify as a farm, all the acreage of such tract or parcel shall be included, whether located inside or outside the corporate limits of the City.

#### **SECTION V: KEEPING OF SIX (6) OR LESS CHICKENS WITHIN THE CITY**

- A. The maximum number of chickens allowed is six per tract of land regardless of how many dwelling units are on the tract.
- B. Only female chickens shall be allowed. There shall be no restriction on chicken breeds.
- C. Any person who keeps, harbors or owns any chickens within the City shall annually register such premises with the Code Enforcement Officer or his/her designee. The registration cost shall be \$5.00 and completion of the premises registration form.
- a. Property owners must provide owner name, phone number, address and emergency contact information to the city animal control officer.
- D. Property owners must comply with all sections of Chapter 215: Nuisances of the City of Clever Code Book.
- E. Chickens shall be always kept in a secured enclosure or fenced area located in the defined rear of the property.
- F. Chickens shall be secured within an enclosure from sunset to sunrise.
- a. Enclosures shall be kept in a clean, dry, odor-free, neat, and sanitary condition at all times. Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries.
- i. No person shall keep or allow or permit to be kept on any premises occupied by him, or under his charge or control, any chicken in an enclosure under such conditions that an offensive or noxious smell or odor shall arise therefrom, to the injury, annoyance or inconvenience of any inhabitant of the neighborhood.
- b. Enclosures shall provide adequate ventilation and adequate sun and shade and shall be impermeable to rodents, wild birds, and predators; including dogs and cats.
- c. Enclosures shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
- d. Enclosures shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked at night. Openings, windows, and vents shall be covered with sturdy wiring or other predator and bird proof material.
- e. Enclosures shall be located at least 15 feet from any adjacent residential dwelling, church, school, or place of business.
- G. It shall be unlawful for any person or entity to keep chickens in violation of any provision of this subsection.
- H. It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.
- I. Slaughter may occur for personal use provided that it is conducted in a sanitary manner, does not generate



- noise that creates a nuisance, and is not visible from adjacent properties or any public area or right-of-way.
- J. The chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
  - K. The chicken owner shall provide chickens access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds, and predators.
  - L. The chicken owner shall provide for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, chicken pen, and surrounding area shall be kept free from trash and accumulated droppings.
  - M. No dog or cat which kills a chicken shall, for that reason alone, be considered a dangerous or aggressive animal.
  - N. It shall be unlawful for any owner, renter, or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this article.
  - O. Any violation of this subsection that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under general nuisance abatement provisions of the city.
  - P. If a person is found in violation or in noncompliance with this Chapter as specified, the Code Enforcement Officer may cause a municipal court summons to be issued and the City Attorney may institute a court proceeding.
  - Q. Each day a violation continues shall be deemed a separate offense.
  - R. All other applicable city ordinances codes shall apply.

SECTION VI: This ordinance shall be in full force form and after its passage and approval.

FIRST READING BY TITLE WITH COPIES AVAILABLE TO THE PUBLIC HELD ON THIS 16th DAY OF NOVEMBER 2021

	Aye	Nay
Alderman PRIEBE	_____	_____
Alderman LARSON	_____	_____
Alderman SCHMIDT	_____	_____
Alderman MCPHAIL	_____	_____

Mayor (in case of tie)

SECOND READING AND FINAL PASSAGE HERE ON THIS 19TH DAY OF OCTOBER 2021.

	Aye	Nay
Alderman PRIEBE	_____	_____
Alderman LARSON	_____	_____
Alderman SCHMIDT	_____	_____
Alderman MCPHAIL	_____	_____

Mayor (in case of tie)

Approved Date: \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
DALE MAISEL, Mayor

Attest:

\_\_\_\_\_  
KRISTY KEITHLEY, City Clerk

**AN ORDINANCE AUTHORIZING THE CITY OF CLEVER TO ENTER INTO A CONTRACT WITH THE STYRON LAW FIRM, STYRON & SHILLING TO PROVIDE THE NECESSARY LEGAL SERVICES AND PROSECUTING ATTORNEY FOR THE CITY OF CLEVER.**

**WHEREAS:** The City has used a qualification-based bidding process to select City Attorney and City Prosecutor; and

**WHEREAS:** The Styron Law Firm, Styron & Shilling has been selected as the best qualified for the City of Clever needs;

**THEREFORE; BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF CLEVER, COUNTY OF CHRISTIAN, STATE OF MISSOURI, AS FOLLOWS:**

**SECTION I:** The Mayor of the City of Clever, Missouri, is hereby authorized on behalf of the City of Clever, Missouri, to sign a contract with The Styron Law Firm, Styron & Shilling for necessary legal services to represent the City in general business matters and as prosecuting attorney pursuant to the terms of the attached contract, Exhibit A.

**SECTION II:** This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

**SECTION III:** This ordinance shall be in full force and effect from and after the date of its passage and approval.

**FIRST READING BY TITLE WITH COPIES AVAILABLE TO THE PUBLIC HELD ON THIS 16<sup>th</sup> DAY OF NOVEMBER 2021.**

**SECOND READING AND FINAL PASSAGE HERE ON THIS 16<sup>TH</sup> DAY OF NOVEMBER 2021.**

Alderman PRIEBE  
Alderman LARSON  
Alderman SCHMIDT  
Alderman MCPHAIL

Aye	Nay
_____	_____
_____	_____
_____	_____
_____	_____

(SEAL)

Date Approved \_\_\_\_\_

Attest:

\_\_\_\_\_  
Dale Maisel, Mayor

\_\_\_\_\_  
Kristy Keithley, City Clerk

**EXHIBIT A**

The City of Clever hereby employs Patricia Shilling of **The Styron Law Firm, Styron & Shilling** (herein referred to as (Attorney) to provide the necessary legal services to represent it in general business matters and as prosecuting attorney for the City.

As compensation for said legal services, the City agrees to pay a fee to be determined by multiplying the total number of hours expended by said Attorney by the rate of One Hundred Seventy-Five Dollars (\$175.00) per hour for prosecutorial work, and Two Hundred Dollars (\$200.00) per hour for non-prosecutorial work. All time expended, including time spent conferring with the Attorney, in person or by telephone, or with other persons who shall contact said Attorney relative to the City's matters, will be charged.

The City further understand that the above charges do not include travel expenses (mileage), photocopies, long distance telephone charges or any other costs actually advanced by said Attorney which will be billed in addition to the charges listed above.

All legal fees, costs, and expenses shall be payable to said Attorney immediately as billed or following the termination of this Agreement for any reason or upon the termination of this Agreement.

Any objections to a billing or questions concerning items thereon must be raised within 20 days after receipt of the billing or the City will be deemed to have approved the billing.

If this Agreement is terminated, the City agrees to pay said Attorney all fees, costs, and expenses accrued to that date.

The City understands that it may have the contents of its file, other than personal notes, briefs, and other work product Attorney deems necessary to retain. If the City does not request the contents of its file, Attorney will have the authority to destroy the City's files within three years of the date of termination of this Agreement.

The City understands that the undersigned attorney is the Responsible attorney for the City's representation however other attorneys or legal assistants employed by the Styron Law Firm may assist the Responsible attorney.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

THE CITY OF CLEVER, MISSOURI

STYRON & SHILLING

By: \_\_\_\_\_

Mayor: Dale Maisel  
304 S Clarke Ave  
Clever, Mo 65631

By: \_\_\_\_\_

Attorney: Patricia J. Shilling  
302 E. Church Street  
Ozark, MO 65721

**AN ORDINANCE AUTHORIZING THE CITY OF CLEVER TO ENTER INTO AN AGREEMENT WITH THE PEOPLES COMMUNITY BANK TO PROVIDE THE NECESSARY BANKING AND FINANCIAL PRODUCTS FOR THE CITY OF CLEVER.**

**WHEREAS:** The City has used a qualification-based bidding process to select Banking Institutes; and

**WHEREAS:** Peoples Community Bank has been selected as the best qualified for the City of Clever needs;

**THEREFORE; BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF CLEVER, COUNTY OF CHRISTIAN, STATE OF MISSOURI, AS FOLLOWS:**

**SECTION I:** The Mayor of the City of Clever, Missouri, is hereby authorized on behalf of the City of Clever, Missouri, to sign documents with Peoples Community Bank for startup of banking needs of the City pursuant to the terms of the attached (not all inclusive), Exhibit A.

**SECTION II:** This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

**SECTION III:** This ordinance shall be in full force and effect from and after the date of its passage and approval.

**FIRST READING BY TITLE WITH COPIES AVAILABLE TO THE PUBLIC HELD ON THIS 16<sup>th</sup> DAY OF NOVEMBER 2021.**

**SECOND READING AND FINAL PASSAGE HERE ON THIS 16<sup>TH</sup> DAY OF NOVEMBER 2021.**

Alderman PRIEBE  
Alderman LARSON  
Alderman SCHMIDT  
Alderman MCPHAIL

Aye	Nay
_____	_____
_____	_____
_____	_____
_____	_____

(SEAL)

Date Approved \_\_\_\_\_

Attest:

\_\_\_\_\_  
Dale Maisel, Mayor

\_\_\_\_\_  
Kristy Keithley, City Clerk

## EXHIBIT A

The City of Clever hereby accepts the terms of Peoples Community Bank (herein referred to as Banking Institute) to provide the necessary banking services for the City.

### Scope of Services

#### 1. City Deposits

Peoples Community Bank is open for operation Monday-Saturday and able to take and process deposits on the same day. Our business day does not end until 4:30, so all deposits made during normal business hours are able to be deposited on the same day. We are closed on days in accordance with the Federal Reserve.

#### 2. Employees to Assist

Peoples Community Bank operates with tellers that are fully trained to handle large scale deposits while providing excellent customer service. The staff is overseen by an Operations Manager. The main audit functions are dealt with by upper management and systems are in place for when deposit figures are needing reviewed.

#### 3. Pledge Securities

Peoples Community Bank is able to provide statements of pledge securities upon request and will be delivered upon request.

#### 4. Pledge Release

Peoples Community Bank will hand deliver documents that are needed signed to the City Office for required signatures.

#### 5. Laser Checks

Peoples Community Bank will provide free of charge checks for the City of Clever up to 2000 checks per year.

#### 6. Check Reconciliations

Peoples Community Bank will deliver statements to the City of Clever monthly for reconciliation purposes. All statements include check images and deposit tickets. Upon request, Peoples Community Bank will provide deposit check images should they be required.

#### 7. Daily Balance and Investment Statement

Peoples Community Bank will provide the City of Clever with any information that is requested of the funds within the institution.

#### 8. Electronic Funds

Peoples Community Bank will process electronic funds and wires that are received on behalf of the City of Clever in a timely fashion and will report if there are any issues.

**9. Electronic Transfers of Direct Deposits**

Peoples Community Bank will work with personnel to set up Ach transfers and will assist on site with any issues that may arise during program use.

**10. Duplicate Deposit Slips**

Peoples Community Bank will provide the City of Clever with duplicate deposit slips for all accounts.

**11. Statements**

Statements will be emailed on the 1<sup>st</sup> of the month, or 1<sup>st</sup> business day of the month by either hand delivery or email.

**12. Stop Payments**

Stop Payments may be placed on account at no charge but per operating policy there will be a standard expiration date implemented.

**13. ACH On-Line**

Peoples Community Bank can accept ACH requests one day in advance per our operating policy. Employees will be trained on Cash Management program and procedures with on-site personnel at no charge for program or support services.

**14. Pre-Note New Direct Deposit for Employees**

Peoples Community Bank does not offer Pre-Note for payroll at this time.

**15. E-Mail Notifications that ACH is Received**

Peoples Community Bank will call and email the City of Clever once the ACH file has been received.

**16. Payroll Supervisor**

Payroll Supervisor will have full access to print and review downloads after sent.

**17. Notifications**

Peoples Community Bank will have full communication with the City of Clever should any issues arise with Federal deposits and timelines.

**18. Deposits**

As mentioned before, deposits made at Peoples Community Bank are made on the same day if deposited during normal business hours.

**19. Courier**

Peoples Community Bank will provide courier services should the service be needed up to 5 times a week between the Financial Institution and city offices.

**20. Interest**

Peoples Community Bank will provide the City of Clever at a rate of 0.68% which is 62 basis points above the 91-Day T-Bill. Interest will be adjusted quarterly.