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**Board of Aldermen Meeting
September 21, 2021 at 6:00 PM**

The Mayor and Board of Aldermen will hold the regular monthly meeting in the Betty Brazelton Community Center at 707 Oak Street to consider and act upon the matters on the following tentative agenda and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.

Tentative Agenda

1. Call to Order

Pledge of Allegiance to the American Flag

2. Roll Call

3. Approve Agenda

4. Minutes

A. August 17, 2021 Regular Meeting

B. August 26, 2021 Special Meeting

5. Reports

a. Water System Report – Jeff Jones, Decker Construction

b. Police Report – Dave Speiser

c. Public Works Report – Dennis Hudson

d. City Administrator Report – Bob Burns

6. August Financial Report

7. August Invoice/Check Listing

8. Review/Approve City Use Tax Notice

9. Ordinance to Extend Franchise Agreement with Spire

10. Approve placing 2011 Dodge Ram into On-Line Auction

11. Approve Ordinance for Change in Solid Waste Fees

12. Update Wastewater System Status

A. Treatment Testing Update – Controls, Pumps and Blowers

B. Collections update

C. Sewer Extension Update

13. Missouri Municipal League NW Regional Meeting October 12th

14. Public Participation

15. Mayor Comments

16. Aldermen Comments

17. Executive Session

A. Litigation - RSMO 610.021 (1)

18. Adjourn

Bob Burns, City Administrator

Posted September 17, 2021

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LATHROP, MISSOURI, GRANTING A FRANCHISE TO OPERATE A NATURAL GAS DISTRIBUTION PLANT AND SYSTEM WITHIN THE CITY TO SPIRE MISSOURI INC.

WHEREAS, Section 71.530 RSMo., grants Missouri cities the authority to contract with a corporation for the purpose of supplying gas; and

WHEREAS, Spire Missouri Inc. ("Spire") has approached the City with a request to renew the franchise granted to Spire for an additional twenty-year term; and

WHEREAS, the Board of Aldermen desires to extend said franchise to Spire under the terms and conditions provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LATHROP, MISSOURI, as follows, that:

SECTION 1 - The right, permission and authority for a period of twenty (20) years is hereby granted to Spire Missouri Inc., a corporation of the State of Missouri (hereinafter referred to as "Spire" or "Company"), its successors and assigns, to construct, reconstruct, excavate for, place, replace, extend and maintain all necessary or appropriate mains, service pipes, conduits, conductors, vaults, vaporizers, regulators, meters, sensors, routers, poles, antennae, and any and all other equipment, appurtenances and fixtures as may be reasonably necessary or desirable in the operation of a natural gas distribution system, in, along, across, over and under the streets, roads, alleys, sidewalks, squares, bridges within the corporate limits of the City of Lathrop, (hereinafter referred to as "City") as now fixed and within any future extensions of its limits as hereafter extended, and areas dedicated to the City for public utility use, for the purpose of transmitting, furnishing, transporting and distributing natural gas for light, heat, power and other purposes within the City, and in territory adjacent to said City and for the purpose of transporting and transmitting natural gas through said City; all such equipment, appliances and apparatus to be installed and maintained with due regard to the rightful use by other persons with vehicles or otherwise, of the streets, roads, alleys, sidewalks, squares, bridges and other public places and areas dedicated to the City for public utility use; and exercise of the rights, permission and authority hereby granted shall at all times be subject to lawful regulation by the City in the exercise of its police powers. For the purposes of this Ordinance, unless the context clearly indicates otherwise, the term "right-of-way" or "rights-of-way" shall include streets, roads, alleys, sidewalks, squares, and bridges and areas dedicated to the City for public utility use.

SECTION 2 - Extensions of, and additions to the distribution system maintained by Spire, its successors or assigns, in the City, shall be made in accordance with the rules and regulations governing such extensions and additions by Spire now on file with the Public Service Commission of Missouri or in accordance with such amended rules and regulations governing such extensions and additions by Spire, its successors or assigns, as may hereafter become effective in the manner

provided by law. The financial responsibility for relocations of the Company's facilities within the City's rights-of-way shall be determined by State law as shall be specified by statute or common law at the time of the relocation, and nothing herein shall be construed to confer upon the Company or the City any rights inconsistent therewith. The City will not vacate any public right-of-way containing any Company facilities without first advising the Company of its intention to vacate the right-of-way and cooperating with the Company in reasonable attempts to obtain the necessary property rights to maintain and construct in the future its facilities in the right-of-way proposed to be vacated. City shall also provide Spire with a reasonable opportunity to make arrangements to relocate its facilities before completing any such vacation.

SECTION 3 - Spire shall indemnify and hold City harmless from all liability, judgments, decrees, costs, expenses and attorneys' fees incurred or imposed on account of injury or damage to persons or property arising from the negligent acts or omissions or mismanagement of Spire or its subcontractors in the constructions, reconstruction, excavation, extension, restoration, or maintenance of the mains, service pipes, conduits, conductors or other equipment in along, across Over or under any of the streets, loads, alleys, sidewalks, squares, bridges or other public places in the City in the exercise of any of the rights and privileges conferred by this ordinance.

SECTION 4 - The rights, privileges and authority granted herein shall inure to and be vested in Spire, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Spire shall devolve and be binding upon its successors and assigns, successively, in the same manner.

SECTION 5 - As consideration for the rights and privileges conferred by this Ordinance, Spire shall pay to City a sum equal to six percent of its gross receipts from the sale of natural gas within the corporate limits of the City, as lawfully provided for by applicable ordinances and as the same may be amended from time to time. In addition, Spire shall pay any applicable right-of-way management costs imposed by the City, subject to provisions of section 67.1840 RSMo.

SECTION 6 - Spire shall, within thirty days after the passage and approval of this ordinance, file a memorandum detailing Spire's acceptance thereof with the City Clerk. Upon receipt by the City Clerk of such memorandum, the franchise granted herein shall continue and remain in full force and effect as a renewal of the preceding franchise for a period of twenty (20) years.

SECTION 7 - Neither acceptance of, nor compliance with, the provisions of this ordinance shall in any ways impair or affect, or constitute or be construed as a relinquishment or waiver of any right, permission or authority which Spire, its successors or assigns, may have independently of this Ordinance; nor shall any use by Spire, its successors or assigns, of public property or places in the City, as authorized by this Ordinance or service rendered by Spire, its successors or assigns, in said City, be treated as use solely of the rights, permission and authority provided for by this Ordinance or as service referable solely to this ordinance or to any obligation of service consequent upon acceptance thereof or as in any wise indicating non-use of, non-compliance with, any obligation incident to, any right, permission or authority vested in Spire, its successors or assigns, independently of this Ordinance; and the acceptance provided for in Section 6 of this Ordinance, and each and every compliance with the provisions of this Ordinance or with any obligation arising

from acceptance thereof, shall be subject to, and conditioned by, the provisions of this Section 7, with the same force and effect as though each of the provisions of this section were expressly incorporated in such acceptance and expressly declared by the acceptor, its successors or assigns, at and prior to the time of such compliance by it, as conditions of such compliance.

SECTION 8 - A covenant of good faith and fair dealing being implied into every Missouri contract, during the term of this Franchise, City shall not prohibit the connection of or service to new natural gas customers within its boundaries, nor take any action to require the discontinuance of natural gas service, other than as may be set forth in the rules and regulations of the Missouri Public Service Commission,

SECTION 9 - This Ordinance shall not relieve Spire of the obligation to comply with any lawful ordinance now existing in the City or enacted in the future requiring Spire to obtain written permits or other approval from the City prior to commencement of construction of facilities within the City rights-of-way.

SECTION 10 - If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

Read twice and passed by the Board of Aldermen of the City of Lathrop, Missouri this 21st day of September, 2021.

Mayor, City of Lathrop

ATTEST:

City Clerk

BILL _____

ORDINANCE _____

AN ORDINANCE OF THE CITY OF LATHROP, MISSOURI TO AUTHORIZE AN INCREASE IN SOLID WASTE RATES TO OFFSET AN INCREASE IN SOLID WASTE COLLECTION/CURBSIDE RECYCLING FEES.

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

WHEREAS, the Board of Aldermen finds it necessary to increase solid waste fees to cover the increase in solid waste collection/curbside recycling fees; and

WHEREAS, the Board of Aldermen desires that the City of Lathrop maintain a sound financial condition for the solid waste operation; and

NOW THEREFORE, be it ordained by the Board of Aldermen of the City of Lathrop, Missouri, as follows:

Section 1 Add paragraph E to Section 220.090 with the residential rates below:

Solid Waste Collection/Curbside Recycling Residential Fee \$16.67/Month

Section 2 Effective Date. This Ordinance shall be in full force and effect from and after the day of its passage and approval.

READ TWO TIMES and passed by the Board of Aldermen of the City of Lathrop, Missouri, this 21st day of September 2021.

Jennifer Morrison, Mayor

Date _____

ATTEST:

Susie Freece, City Clerk

Date _____