

February 2, 2016

**JOURNAL OF THE BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, PERRY COUNTY, MISSOURI.**

The Board of Aldermen of the City of Perryville, Perry County, Missouri, met at City Hall in said City on the above date in regular session pursuant to adjournment. Present: Ken Baer, Mayor; Curt Buerck, Tom Guth, Prince Hudson, Douglas Martin, and Gary J. Schumer, Aldermen; Brent Buerck, City Administrator; Tracy Prost, City Clerk; and Thomas Ludwig, City Attorney. Absent: Larry Riney, Alderman.

Mayor Baer opens the meeting and leads the Pledge of Allegiance and invocation.

City Clerk Prost introduces newly-hired City Hall secretary Aarica Stephenson. Ms. Stephenson has been hired to fill the position opened by the retirement of Jo Ann Hayden.

**CONSENT AGENDA ITEMS**

4. Approve minutes from meeting of January 19, 2016.
5. Approve bills for January, 2016.

At this time Alderman Guth, Member of the Finance Committee, presents the following bills and invoices for the month of January, 2016, vendor checks numbered: 99809 - 100080, and 4 ACH transfers; payroll checks numbered: 6657500 - 6657501.

The following bills are presented to be paid for the month of January, 2016. Board finds that \$313,140.26 is chargeable to and payable out of the General Revenue Account; \$87,515.52 is out of Transportation Trust; \$138,344.43 is out of Perry Park Center; \$689.99 is out of Ball Field Improvements; \$2,887.84 is out of TIF #1; \$2,500.00 is out of TIF #2; \$2,500.00 is out of TIF #3; \$2,378.70 is out of Street Improvement; \$27,460.69 is out of Debt Service; \$29,309.05 is out of Capital Improvement Sales Tax; \$46,284.31 is out of Refuse; \$197,814.24 is out of CWSS; and \$446,345.42 is out of Gas Operation. The Board, upon investigation, found the sum to be \$1,297,170.45.

6. Approve Collector's Report for January, 2016; Supplement No. 3 for 2015; and Supplement No. 14 for 2014.

The Collector's Report for the period of January 1, 2016, through January 31, 2016, shows \$200,215.98 due the City to be credited to several funds of the City as follows: General Revenue Account \$155,179.36; Special Revenue (Park) Account \$21,268.26; and Debt Service Account (CWSS) \$23,768.36. Treasurer's receipt of the amount is filed.

**2015 SUPPLEMENT #3**

**Charges**

Personal Property	\$ <u>470.22</u>
TOTAL	\$ 470.22

**Credits**

Personal Property	\$ <u>129.12</u>
TOTAL	\$ 129.12

**2014 SUPPLEMENT #14**

**Charges**

Personal Property	\$ <u>12.39</u>
TOTAL	\$ 12.39

7. Set public hearing date for proposed Fiscal Year 2016-17 City of Perryville Budget – February 16, 2016, at 6:30 p.m.
8. Approve request from Larry Horman to open a gun shop at 309 N. Main Street. *(Mr. Horman is present and says he will not work on guns at this time, but may in the future)*

9. Approve specifications for 2016 Mini-Parks and Lots Mowing and authorize City Clerk to advertise for bids.
10. Approve request for a 5% Beer by Drink-Wine (5BDW) license, a 5% Sunday by Drink (5SBD) license, and a Microbrewery (MICB) license for Carisa Stark, d/b/a Jackson Street Brewco, located at 106 North Jackson Street.
11. Approve Preliminary Plat of Richardet Enterprises Addition.

### **END OF CONSENT AGENDA**

At this time, Mayor Baer asks if anyone wishes to remove anything from the Consent Agenda.

Alderman Guth presents motion to approve the Consent Agenda. Alderman Hudson seconds the motion, and on vote the motion passes.

City Administrator Buerck reviews the highlights of the 2016-17 proposed budget for the Board's information: pictometry; city hall roof repairs; public works purchase order system; Google migration; floor jacks; palm scanner; dog catcher vehicle; fire rescue truck; ramp at airport by t-hangars; recycling truck; sidewalk along park property on Huber Road; dectron and decking at pool; big fans for pool; theater carpeting; water to ball fields 4 and 5; concrete pads at soccer fields; repair damaged sidewalk at soccer field; overhead lines at park; backstops at ball fields 4 and 5; signs for park; playground surface at pavilion 20; park tractor; side mower and rear mower for park; MoDot connector road; folding tables for downtown events; no façade or structural grants this year; MoDot will overlay 51 By-Pass – we will do intersection at Grand Avenue and add left turn lane on Star Street; design Edgemont extension; water and sewer rate study; hydrant work; industrial and commercial water meter change out; SCADA; water towers; booster pump stations; certifications; manhole masonry; transfer switches for generators; flow meters for I&I; vac-con truck; pressure reducing valves; gas trucks; and natural gas line extension to Moore Drive.

Alderman Buerck asks about the plans for the pool. Parks & Recreation Director Cadwell notes that the park survey results show an interest in a warm water therapy pool and a splash pad for children. He states that it is possible that future plans will include those items, but that they are not in this budget.

### **SECOND READING AND FINAL PASSAGE:**

Now, at this time, the Board proceeds to approve Bill No. 5499, AN ORDINANCE APPROVING THE **2016-17 PAY PLAN** AS AMENDED, FOR THE CITY OF PERRYVILLE, MISSOURI, WHICH SHALL BECOME AND BE MADE A PART OF THE 2016-17 BUDGET AS MADE AND PROVIDED IN SECTION 67.010, ET SEQ., RSMO, 2000. Bill No. 5499 is read a second time on motion by Alderman Martin, seconded by Alderman Buerck. Thereupon on motion by Alderman Martin, seconded by Alderman Buerck, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, absent; Gary J. Schumer, aye. Totals: aye, five; nay, none; absent, one. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5729 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5499

ORDINANCE NO. 5729

AN ORDINANCE APPROVING THE **2016-17 PAY PLAN** AS AMENDED, FOR THE CITY OF PERRYVILLE, MISSOURI, WHICH SHALL BECOME AND BE MADE A PART OF THE 2016-17 BUDGET AS MADE AND PROVIDED IN SECTION 67.010, ET SEQ., RSMO, 2000.

WHEREAS, the budget officer of the City of Perryville has heretofore presented to the Mayor and the Board of Aldermen a proposed pay plan for the City of Perryville, Missouri; and,

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, after due consideration of said proposed pay plan, deem certain amendments necessary thereto; and

WHEREAS, the budget officer of the City of Perryville, Missouri, has heretofore presented to the Mayor and Board of Aldermen an amended pay plan for the 2016-17 fiscal year of the City of Perryville, Missouri; and

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, being mindful of the requirements of Section 67.010, et seq., RSMo., 2000, deem it desirable to approve said pay plan by ordinance, and to make said pay plan a part of the 2016-17 budget.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, MISSOURI, AS FOLLOWS:

Section 1. That the Mayor and Board of Aldermen of the City of Perryville, Missouri, do hereby approve the 2016-17 proposed pay plan as submitted by the City budget officer and as heretofore reviewed and amended by the Mayor and Board of Aldermen of the City of Perryville, Missouri.

Section 2. That the Mayor and Board of Aldermen of the City of Perryville, Missouri, have approved the amended pay plan for the year 2016-17 for the City of Perryville, Missouri.

Section 3. That attached hereto, marked Exhibit A and incorporated herein as if fully set forth is the salary schedule for fiscal year 2016-17 to be effective April 1, 2016.

Section 4. This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: January 19, 2016.

SECOND READING: February 2, 2016.

PASSED AND APPROVED this 2<sup>nd</sup> day of February, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions, and 1 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5500, AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.56 AND CHAPTER 2.88 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO POLICE PERSONNEL RULES AND REGULATIONS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5500 is read a second time on motion by Alderman Buerck, seconded by Alderman Guth. Thereupon on motion by Alderman Buerck, seconded by Alderman Martin, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, absent; Gary J. Schumer, aye. Totals: aye, five; nay, none; absent, one. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5730 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5500

ORDINANCE NO. 5730

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.56 AND CHAPTER 2.88 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO

POLICE PERSONNEL RULES AND REGULATIONS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, MISSOURI, AS FOLLOWS:

Section 1. That Title 2, Chapter 2.56, Section 2.56.020, Subsection B, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

**“2.56.020 Police force positions—Rules and regulations—Filling vacancies.**

\* \* \*

- B. Rules and Regulations. Chapter 2.88 of this Code shall apply to the police officers of the city. However, recognizing the special nature of the police force, the chief of police, with the approval of the board of aldermen, may establish such additional rules and regulations as the chief of police deems necessary for the efficient administration, management, and control of the police force. These additional rules and regulations and any amendments thereto shall be kept on file both in the office of the city clerk and in the office of the chief of police. In the event of a conflict, Chapter 2.88 shall control unless specifically approved and noted by action of the board of aldermen.”

Section 2. That Title 2, Chapter 2.56, Section 2.56.030, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

**“2.56.030 Salary—Restrictions on compensation.**

- A. The salary of the police officers of the city shall be established in the annual city pay plan or other action approved by the board of aldermen in the same manner as other city employees.
- B. The personnel rules and regulations of the city as set forth in Chapter 2.88 of this Code and the rules and regulations established under Section 2.56.020, Subsection B, of this Code shall apply to police officers.”

Section 3. That Title 2, Chapter 2.56, Section 2.56.070, of the Code of Ordinances of the City of Perryville, Missouri, is hereby DELETED IN ITS ENTIRETY.

Section 4. That Title 2, Chapter 2.88, Article 2, Section 2.88.200, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by amending the definition of “Workweek” to read as follows:

**“2.88.200 Definitions.**

\* \* \*

‘Workweek’ means no more than forty (40) hours regularly to be worked by an employee during any seven (7) consecutive days unless overtime hours are paid at a premium rate or unless compensatory time is allowed, all pursuant to the Fair Labor Standards Act or as may be varied for police or fire work pursuant to the Fair Labor Standards Act which act is cited as 29 USC Section 207.”

Section 5. That Title 2, Chapter 2.88, Article 5, Section 2.88.565, Subsection B, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

**“2.88.565 Overtime.**

\*\*\*

- B. All nonexempt employees working within the police department will receive compensatory time in lieu of overtime pay as directed by the chief of police or will be paid at the overtime rate set forth in Subsection A of this section except as specifically modified in this subsection, all at the discretion of the chief of police with the approval of the city administrator. All compensatory time will be computed at one and one-half times the overtime worked. (Example: An employee works one hour overtime, he or she receives compensatory time of one and one-half hours.) Nonexempt employees working within the police department shall not be entitled to double time for Sundays and holidays if those days are regularly scheduled duty. However, nonexempt employees working within the police department who are called out on Sundays and holidays that are not their regularly scheduled duty will receive compensatory time computed at double the time of overtime worked.”

Section 6. It is the intent of the Mayor and Board of Aldermen of the City of Perryville, Missouri, and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Perryville, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 8. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: January 19, 2016.

SECOND READING: February 2, 2016.

PASSED AND APPROVED this 2<sup>nd</sup> day of February, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions and 1 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

**FIRST READINGS:**

Alderman Martin presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5501, Show Me Green Sales Tax Holiday for 2016, is read for the first time by title only. The heading is as follows:

AN ORDINANCE ALLOWING THE “SHOW ME GREEN SALES TAX HOLIDAY” TO APPLY TO THE LOCAL SALES TAXES OF THE CITY OF PERRYVILLE, MISSOURI, BETWEEN APRIL 19 AND APRIL 25, 2016.

Alderman Buerck, Chairman of the Public Safety Committee, notes that the trees have been trimmed on Old St. Mary’s Road.

Alderman Schumer, as Chairman of the Economic Development Committee, asks EDA Director Sattler to update the Board on any economic development activity. Director Sattler informs the Board that: (a) Villainous Grounds and Incredible Edibles have opened; (b) Trish Erzfeld presented information

regarding the 2017 Eclipse at the Chamber of Commerce's Lunch and Learn; (c) Downtown community events have been scheduled and a letter will be forthcoming for the Board's approval; (d) Three members of the Downtown Revitalization Committee (Scott Sattler, Amanda Winschel, and Carisa Stark) worked together to present three recommended options for the Hoeckele lot purchased by the City of Perryville. Those recommendations are: 1) permanent stage; or 2) permanent restrooms; or 3) a splash pad.

City Administrator Buerck updates the Board on the following:

**Board Appreciation Dinner – Proposed Date of Friday, April 1** – Staff suggests this date for the dinner.

It is the consensus of the Board to schedule the dinner on April 1<sup>st</sup>.

**January 19-20, 2016, Winter Storm Costs** - As always, each response comes at a considerable cost to the City. We estimate the cost for this event is just under \$10,000 in salt and labor costs.

**DNR Violation at WWTP** - The Board is aware of this violation from 2014 and we have taken reasonable measures both at the Police Department and Public Works to ensure it never happens again. Staff has a meeting with DNR in the near future to work through the details of this event and fill them in on the changes we have made.

**Parks & Recreation Survey** - We are up to 424 responses to this survey. The draft of the findings will be shared with the Board at, or around, our February 17th special meeting with the members of the Park Board and other interested groups.

**Natural Gas Appliance Rebate** - This report shows the amount of participation we have had so far with the rebate program (12 appliances - \$1,950.00 to date). We believe it has been successful and has ensured more customers for our future.

**Downtown Decorative Street Light** – The street light next to the Hoeckele lot rusted through and fell onto the lot. Staff is looking into the situation.

**Street Signs** – Thursday, February 4<sup>th</sup> at 1:00 p.m. the street sign at Hart and Edwards will be updated. This will be the final street sign for the entire City. The sale of street signs will follow.

Alderman Hudson notes his frustration that Charter Communications is raising their rates again. City Attorney Ludwig informs the Board that there is very little the City can do about the rates since the Public Service Commission began handling cable television.

Parks & Recreation Director Cadwell updates the Board of Aldermen on the process of the Park Master Plan. He noted that the on-line survey has been submitted by 60% City residents and 40% County residents. He also notes that the Mayor's Cup was held over the weekend. Over 1,300 people attended the event.

Alderman Guth reports that a street light is out on Cinque Hommes Drive, pole 695.

Alderman Schumer asks about the status of the street lighting issue near the senior apartments on Harvest Circle. City Administrator Buerck reports that Mr. Hartle was contacted and said that he is looking into the matter. At this point in time, the City is not going to do anything about the lighting; however, the bulbs may be changed to LED in the next couple of years.

At this time, Mark Hotop of 105 East Ste. Marie Street, approaches the Board. Mr. Hotop missed the Citizens' Participation at the beginning of the meeting; however, Mayor Baer allows him to speak.

Mr. Hotop asks the Board to consider updating the Christmas lights on the Square for next year. He notes that lighting and decorations are looking weathered. He suggests that Perryville could be the place for people to come to see the lights, similar to Belleville, Illinois.

After discussion, the Board states that the matter will be sent to the Downtown Revitalization Committee for their review and recommendation.

There being no further business, it is upon motion by Alderman Hudson, seconded by Alderman Schumer, and on vote carried, ordered that the Board now adjourn until Tuesday, February 16, 2016, at 6:30 p.m., the regular meeting in course.

ATTEST:

MAYOR

CITY CLERK