

May 3, 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, Larry Riney, and Gary J. Schumer, Aldermen; Brent Buerck, City Administrator; Tracy Prost, City Clerk; and Thomas Ludwig, City Attorney.

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

Mayor Baer now opens the meeting for citizens' participation from the floor.

Steve Keller, of 817 West St. Joseph Street, appears before the Board of Aldermen with a petition stating: "*We, citizens of Perryville, Missouri, ask the city council to remove bill 5528 from consideration and to leave the park closing hours at 1:00 A.M.*" The petition has 114 signatures. Mr. Keller urges the Board to reconsider the proposed curfew hours for the park.

Mr. Tim Lappe, of 468 Rolling Hills Lane, approaches the Board of Aldermen. He informs them that he owns the house at 1116 Edgemont and is concerned with the sidewalk the City is constructing in front of his house. He fears that his driveway, which is already steep, will be even steeper because of the ADA requirements for the construction of the sidewalk. City Engineer Baer informs the Board that the sidewalk has been designed to adhere to ADA guidelines. He agrees that the sidewalk will make Mr. Lappe's driveway steeper and notes that there are times when MoDot allows for exceptions to the ADA rules for driveways.

City Attorney Ludwig informs the Board that they can decide to vary from the ADA guidelines if they choose.

Alderman Guth questions the neighbor's driveway, which also has a steep slope. Ms. Crystal Lyerla is in the audience and informs the Board that she owns the house in question, and that she had to hire a contractor to adjust an additional portion of their driveway after the City's contractors tore out and poured a new section of their existing driveway. She asks the City to reimburse her for the amount she had to pay to the contractor.

Alderman Hudson states that he does not believe he would have voted to approve this project if he had known about the potential problems. He asks staff to establish a better procedure to inform the Board of issues that may be faced on projects in the future.

After further discussion and review, Alderman Hudson makes a motion to pour the sidewalk in the gaps between the driveways at this location and to leave Mr. Lappe's driveway at 1116 Edgemont and the next driveway to the west alone and to reimbursement Ms. Lyerla for her expenses to modify her driveway. Alderman Buerck seconds the motion, and on vote the motion carries.

City Administrator Buerck suggests that the Mayor may want to consider establishing a sidewalk committee as has been done in the past.

There being no one else coming forth, Mayor Baer closes the citizens' participation portion of the meeting.

CONSENT AGENDA ITEMS

3. Approve minutes from meeting of April 19, 2016.

4. Approve bills for April, 2016.

At this time Alderman Guth, Member of the Finance Committee, presents the following bills and invoices for the month of April, 2016, vendor checks numbered: 100683 - 100952, and 4 ACH transfers; payroll checks numbered: 6657550 - 657564.

The following bills are presented to be paid for the month of April, 2016. Board finds that \$300,946.73 is chargeable to and payable out of the General Revenue Account; \$75,269.21 is out of Transportation Trust; \$181,634.81 is out of Perry Park Center; \$2,548.21 is out of Veterans Memorial Field; \$1,014.31 is out of Ball Field Improvements; \$2,024.16 is out of TIF #1; \$243.53 is out of TIF #2; \$80.00 is out of Street Improvement; \$27,266.16 is out of Debt Service; \$29,104.36 is out of Capital Improvement Sales Tax; \$49,653.41 is out of Refuse; \$303,733.48 is out of CWSS; and \$377,382.62 is out of Gas Operation. The Board, upon investigation, found the sum to be \$1,350,900.99.

5. Approve Collector's Report for April, 2016; Supplement No. 5 for 2015; and Supplement No. 16 for 2014; and Supplement No. 25 for 2013.

The Final Collector's Report for the period of April 1, 2016, through April 30, 2016, shows \$117,145.18 due the City to be credited to several funds of the City as follows: General Revenue Account \$115,545.73; Special Revenue (Park) Account \$752.97; and Debt Service Account (CWSS) \$846.48. Treasurer's receipt of the amount is filed.

2015 SUPPLEMENT #6

Charges

Personal Property	\$ 500.29
TOTAL	\$ 500.29

2014 SUPPLEMENT #17

Charges

Personal Property	\$ 123.59
TOTAL	\$ 123.59

2013 SUPPLEMENT #26

Charges

Personal Property	\$.39
TOTAL	\$.39

Credits

Personal Property	\$ 2.59
TOTAL	\$ 2.59

6. Approve unbudgeted transfer from (101) General Revenue to (414) TIF 1 Hwy 51/61 - \$1,100,299.69.
7. Approve Amendment 2 relative to the EDA Highway 51/61 Industrial Park Bypass grant - \$43,000.00 addition.
8. Approve Pay Estimate 5 from Mike Light Cement Finishing, Inc., for the 2015 Sidewalk Improvement Project - \$26,445.96.
9. Approve Pay Request 2 from Kiefner Brothers, Inc., for the Airport Fuel Facility Project - \$303,864.30.
10. Approve Pay Request 1 to R.E. Pedrotti Co., Inc., relative to SCADA Modifications Project - \$1,753.00.
11. Approve Pay Request 2 from R.E. Pedrotti Co., Inc., relative to SCADA Modifications Project - \$5,722.20.
12. Approve bids received for the Route AC Water Main Relocation Project and award to Jokerst, Inc., per the recommendation of City Engineer Baer - \$35,733.00
13. Approve request for bids to remove trees and stumps in the city parks and authorize City Clerk to advertise for requests.

14. Approve specifications for gasoline and diesel fuel and propane gas and authorize City Clerk to advertise for bids.
15. Accept City Clerk Tracy Prost's Certification of the Petition for the Perryville Veterans Plaza Community Improvement District (CID).

END OF CONSENT AGENDA

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

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

Alderman Schumer presents a motion to schedule a public hearing date for Perryville Veterans Plaza Community Improvement District (CID) for June 7, 2016, at 6:30 p.m. Alderman Riney seconds the motion, and on vote the motion carries.

The Board of Aldermen now review a proposed concession stand policy presented by Parks & Recreation Director Cadwell. City Administrator Buerck informs the Board that the Park Board has unanimously approved the policy. He notes that the policy gives direction to park staff and makes exceptions easy. He notes that if the Board is in favor of the policy, staff will place it on the May 17th agenda as a resolution. Parks & Recreation Director Cadwell states that most of the policy is already being followed.

After review, it is the consensus of the Board to place this policy on the May 17th agenda as a resolution for their approval.

City Administrator Buerck presents information to the Board of Aldermen regarding rezoning and special use permit application fees. He explains that the current ordinance for rezoning includes a \$75 fee, along with the requirement that the applicant address the envelopes and provide postage to notify the affected parties. Staff believes this is antiquated and cumbersome. Instead, we would like to raise the fee to \$100 and accept responsibility for addressing and mailing the letters. The end result, staff believes, would be easier on the applicant and appear more professional. This nominal increase in fees will, for the most part, cover the city's costs although there will be exceptions. For example, a recent matter regarding a special use permit cost of more than \$100 for newspaper publication fees alone.

It is the consensus of the Board to place these revisions in an ordinance for their approval at the May 17th meeting.

SECOND READING AND FINAL PASSAGE:

Now, at this time, the Board proceeds to approve Bill No. 5526, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **COUNTY OF PERRY, MISSOURI**, RELATIVE TO **THREE-EIGHTH CENT SALES TAX**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5526 is read a second time on motion by Alderman Riney, seconded by Alderman Guth. Thereupon on motion by Alderman Martin, seconded by Alderman Guth, 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, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5753 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5526

ORDINANCE NO. 5753

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **COUNTY OF PERRY, MISSOURI**, RELATIVE TO **THREE-EIGHTH CENT SALES TAX**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

WHEREAS, the Mayor and Board of Aldermen have heretofore reviewed a contract, marked Exhibit A and attached hereto and incorporated herein as if fully set forth; and,

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, deem it advisable to enter into said contract;

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

1. That the Mayor and Board of Aldermen of the City of Perryville approve the contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **County of Perry, Missouri**. It is the belief of the Mayor and Board of Aldermen that it is in the best interest of the citizens of the City of Perryville, that the City enters into said contract.

2. That the Mayor be and he is hereby authorized and directed to execute said contract for and on behalf of the City of Perryville, Missouri.

3. That the City Clerk of the City of Perryville is hereby authorized and directed to attest the signature of the Mayor on the attached contract.

4. 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 portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

FIRST READING: April 19, 2016.

SECOND READING: May 3, 2016.

PASSED AND APPROVED this 3rd day of May, 2016, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 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. 5527, AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.13, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO R-3 FAMILY RESIDENTIAL DISTRICT; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5527 is read a second time on motion by Alderman Guth, seconded by Alderman Riney. Thereupon on motion by Alderman Guth, seconded by Alderman Riney, 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, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5754 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5527

ORDINANCE NO. 5754

AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.13, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO R-3 FAMILY RESIDENTIAL DISTRICT; 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 17, Chapter 17.13, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“Chapter 17.13

R-3 FAMILY RESIDENTIAL DISTRICT

Sections:

17.13.010 Purpose.

17.13.020 Use regulations.

17.13.030 Parking regulations.

17.13.040 Height, area, and lot size regulations.

17.13.010 Purpose.

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the R-3 family residential district. The purpose of the R-3 family residential district is to provide for more compact single-family housing including detached single-family units, two-family units (duplexes and condominiums), and townhomes (meeting the definition in the current International Building Code and International Residential Code contained in Chapter 15.04 of this Code).

17.13.020 Use regulations.

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-1 residential district, to include any restrictions imposed upon such use in said district;
- B. Two-family condominiums;
- C. Two-family dwellings;
- D. Conversion of nonconforming mobile home parks to multiple two-family dwellings, single-story multi-family dwellings, or townhomes (meeting the definition contained in the current International Building Code and International Residential Code contained in Chapter 15.04 of this Code) contained on a single lot. Allowed unit density shall be equal to the number of mobile homes on site plus one at the point of its conversion from a mobile home park.

17.13.030 Parking regulations.

Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.60 of this title.

17.13.040 Height, area, and lot size regulations.

In addition to the specific requirements for the R-3 family residential district, all height, area, and lot size regulations and exceptions set forth in Chapter 17.52 of this title, as they apply to uses in the R-3 family residential district, shall be observed.

- A. Height. The maximum height of buildings permitted shall be as follows:
 - 1. Single-family, two-family, and condominium dwellings, and all buildings other than churches and similar places of worship, thirty-five (35) feet and not over two and one-half stories.
 - 2. Churches and similar places of worship, seventy-five (75) feet for towers and steeples and not more than forty-five (45) feet for the principal building.
- B. Area. No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement:
 - 1. Front Yard. Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet.
 - 2. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than eight (8) feet. On lots upon which a church or similar place of worship, community building, museum, library, art gallery, school, fraternal or other private club, or other similar building is constructed, there shall be a side yard of not less than twenty (20) feet on each side of the main structure.
 - 3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet, or twenty (20) percent of the depth of the lot, whichever is greater, but it need not exceed thirty-five (35) feet.
- C. Lot Size. The minimum lot size permitted shall be as follows:
 - 1. Detached single-family dwellings shall be on a lot having an area of not less than seven thousand five hundred (7,500) square feet and a width at the front lot line of not less than seventy-five (75) feet unless modified elsewhere in this section.
 - 2. Two-family dwellings and all other buildings or structures shall be on a lot having an area of not less than ten thousand (10,000) square feet and a width at the front lot line of not less than seventy-five (75) feet unless modified elsewhere in this section.
- D. Percentage of Lot Coverage. All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the area of the lot.”

Section 2. 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 3. 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 4. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: April 19, 2016.

SECOND READING: May 3, 2016.

PASSED AND APPROVED this 3rd day of May, 2016, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 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. 5528, AN ORDINANCE AMENDING TITLE 12, CHAPTER 12.16, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO PARK CURFEW; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5528 is read a second time on motion by Alderman Martin, seconded by Alderman Buerck. The Board proceeds to discuss this matter. Alderman Hudson notes that he thinks the park should be open 24 hours a day. Alderman Guth states that he will agree to 1:00 a.m., but that he does not want the park open 24 hours a day. City Administrator Buerck notes that the Police Department recommends closing the park at 11:00 p.m. and that the Park Board approved the recommendation. He also notes that the group in charge of the Wall of Honor thinks the vandalism occurred during the daylight hours.

After discussion, Alderman Martin makes a motion, 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, nay; Tom Guth, nay; Prince Hudson, nay; Douglas K. Martin, nay; Larry Riney, nay; Gary J. Schumer, nay. Totals: aye, none; nay, six. Motion fails.

BILL NO. 5528

FAILED

ORDINANCE NO. Failed

AN ORDINANCE AMENDING TITLE 12, CHAPTER 12.16, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO PARK CURFEW; 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 12, Chapter 12.16, Section 12.16.110, Subsection B, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“12.16.110 Controlled area.

B. No person, except authorized park personnel and employees, shall be permitted in the area between 12:00 midnight and 5:00 a.m., excepting therefrom, however, the tennis court and pavilion #20 so long as individuals are actively participating in tennis.”

Section 2. That Title 12, Chapter 12.16, Section 2.16.120, Subsection A, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

"12.16.120 Park hours—Penalty for violation--Exemptions.

* * *

- A. The city park and its roadways shall be closed to all persons and all vehicular traffic between the hours of 12:00 midnight and 5:00 a.m. every day, including weekends and holidays, except as specifically exempted in subsections C and D of this section.
1. It is unlawful for any person or group of persons to enter, wander in, walk through, congregate, loiter, or remain in the city park between the hours of 12:00 midnight and 5:00 a.m.
 2. It is unlawful for an operator of any vehicle, motorized or nonmotorized, and any bicycle rider to drive or ride into or through, park in, stop in, or remain in the city park between the hours of 12:00 midnight and 5:00 a.m."

Section 3. 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 4. 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 5. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: April 19, 2016.

SECOND READING: May 3, 2016.

FAILED

FAILED this 3rd day of May, 2016, by a vote of 0 ayes, 6 nays, 0 abstentions and 0 absent.

CITY OF PERRYVILLE, MISSOURI
By: Not Signed

ATTEST:
Not Signed

Now, at this time, the Board proceeds to approve Bill No. 5529, AN ORDINANCE AMENDING TITLE 12, CHAPTER 12.16, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO PARK TENNIS COURTS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5529 is read a second time on motion by Alderman Buerck, seconded by Alderman Martin. Alderman Riney notes that lights for the multi-purpose court should be included in the next budget. Thereupon on motion by Alderman Riney, seconded by Alderman Hudson, 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, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and

approved and the bill thereupon became Ordinance No. 5755 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5529

ORDINANCE NO. 5755

AN ORDINANCE AMENDING TITLE 12, CHAPTER 12.16, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO PARK TENNIS COURTS; 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 12, Chapter 12.16, Section 12.16.110, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“12.16.110 Tennis courts.

The use of skateboards, in-line skates, roller blades, roller skates, and other similar devices are prohibited on the tennis courts. In addition to other penalties provided herein, a person violating this provision shall be subject to confiscation of the device used, the return of which shall be subject to the discretion of the municipal judge. Any person utilizing such devices on the tennis courts shall be guilty of a misdemeanor and subject to penalty as provided herein.”

Section 2. 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 3. 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 4. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: April 19, 2016.

SECOND READING: May 3, 2016.

PASSED AND APPROVED this 3rd day of May, 2016, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 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. 5530, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **COUNTY OF PERRY, MISSOURI, PERRYVILLE DEVELOPMENT CORPORATION**, and **THE INDUSTRIAL DEVELOPMENT AUTHORITY OF PERRY COUNTY, MISSOURI**, RELATIVE TO **RENEWAL OF COOPERATIVE AGREEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5530 is read a second time on motion by Alderman Guth, seconded by Alderman Schumer.

Thereupon on motion by Alderman Schumer, seconded by Alderman Guth, 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, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5756 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5530

ORDINANCE NO. 5756

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **COUNTY OF PERRY, MISSOURI, PERRYVILLE DEVELOPMENT CORPORATION**, and **THE INDUSTRIAL DEVELOPMENT AUTHORITY OF PERRY COUNTY, MISSOURI**, RELATIVE TO **RENEWAL OF COOPERATIVE AGREEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

WHEREAS, the Mayor and Board of Aldermen have heretofore reviewed a contract, marked Exhibit A and attached hereto and incorporated herein as if fully set forth; and,

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, deem it advisable to enter into said contract;

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

1. That the Mayor and Board of Aldermen of the City of Perryville approve the contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **County of Perry, Missouri, Perryville Development Corporation**, and **The Industrial Development Authority of Perry County, Missouri**. It is the belief of the Mayor and Board of Aldermen that it is in the best interest of the citizens of the City of Perryville, that the City enters into said contract.

2. That the Mayor be and she is hereby authorized and directed to execute said contract for and on behalf of the City of Perryville, Missouri.

3. That the City Clerk of the City of Perryville is hereby authorized and directed to attest the signature of the Mayor on the attached contract.

4. 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 portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

FIRST READING: April 19, 2016.

SECOND READING: May 3, 2016.

PASSED AND APPROVED this 3rd day of May, 2016, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 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. 5531, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED GENERAL WARRANTY DEED. Bill No. 5531 is read a second time on motion by Alderman Martin, seconded by Alderman Hudson. Thereupon on motion by Alderman Martin, seconded by Alderman Hudson, 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, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5757 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5531

ORDINANCE NO. 5757

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED GENERAL WARRANTY DEED.

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

Section 1. The Mayor and Board of Aldermen of the City of Perryville, Missouri, do hereby accept the General Warranty Deed from **PERRY COUNTY SCHOOL DISTRICT #32**, which is attached hereto, subject to all of the terms and conditions therein expressed.

Section 2. The Mayor and City Clerk of the City of Perryville be, and they are, hereby authorized to do all acts and execute all instruments appropriate or necessary to accept the General Warranty Deed.

Section 3. The City Clerk is hereby directed to file a copy of the General Warranty Deed with the Recorder of Deeds of Perry County, Missouri.

Section 4. 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 5. This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: April 19, 2016.

SECOND READING: May 3, 2016.

PASSED AND APPROVED this 3rd day of May, 2016, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 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. 5532, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEED. Bill No. 5532 is read a second time on motion by Alderman Guth, seconded by Alderman Riney. Thereupon on motion by Alderman Guth, seconded by Alderman Riney, 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, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5758 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5532

ORDINANCE NO. 5758

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEED.

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

Section 1. The Mayor and Board of Aldermen of the City of Perryville, Missouri, do hereby accept the Easement Deed from **PERRY COUNTY SCHOOL DISTRICT #32**, which is attached hereto, subject to all of the terms and conditions therein expressed.

Section 2. The Mayor and City Clerk of the City of Perryville be, and they are, hereby authorized to do all acts and execute all instruments appropriate or necessary to accept the Easement Deed.

Section 3. The City Clerk is hereby directed to file a copy of the Easement Deed with the Recorder of Deeds of Perry County, Missouri.

Section 4. 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 5. This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: April 19, 2016.

SECOND READING: May 3, 2016.

PASSED AND APPROVED this 3rd day of May, 2016, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

ATTEST:
Tracy Prost, City Clerk

City Administrator Buerck informs the Board of Aldermen that staff has realized that curb and gutter was not installed on a small portion of Grand Avenue. They believe it happened when the by-pass was built and connected to Grand Avenue. He asks the Board to consider whether they want to accept the contract with Fronabarger Concreters at this time, or if they want to re-bid the project and go through the tax bill process for the adjoining property owners. He notes that approximately \$9,000 of this project could have been tax billed, which is approximately 4% of the project. He also notes that the bids for this project came in 20% under the engineer's estimate.

Now, at this time, the Board proceeds to approve Bill No. 5533, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **FRONABARGER CONCRETERS, INC.** RELATIVE TO **2016 GRAND AVENUE IMPROVEMENTS PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE

CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5533 is read a second time on motion by Alderman Buerck, seconded by Alderman Hudson. Thereupon on motion by Alderman Buerck, seconded by Alderman Guth, 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, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5759 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5533

ORDINANCE NO. 5759

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **FRONABARGER CONCRETTERS, INC.** RELATIVE TO **2016 GRAND AVENUE IMPROVEMENTS PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

WHEREAS, the Mayor and Board of Aldermen have heretofore reviewed a contract, marked Exhibit A and attached hereto and incorporated herein as if fully set forth; and,

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, deem it advisable to enter into said contract;

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

1. That the Mayor and Board of Aldermen of the City of Perryville approve the contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **Fronabarger Concretters, Inc.** It is the belief of the Mayor and Board of Aldermen that it is in the best interest of the citizens of the City of Perryville, that the City enters into said contract.

2. That the Mayor be and he is hereby authorized and directed to execute said contract for and on behalf of the City of Perryville, Missouri.

3. That the City Clerk of the City of Perryville is hereby authorized and directed to attest the signature of the Mayor on the attached contract.

4. 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 portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

FIRST READING: April 19, 2016.

SECOND READING: May 3, 2016.

PASSED AND APPROVED this 3rd day of May, 2016, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

ATTEST:
Tracy Prost, City Clerk

FIRST READINGS:

Alderman Martin presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 5534, amending Title 13, Chapter 13.08 and Chapter 13.24 of the Code of Ordinances relative to civil tampering penalty on water and natural gas, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 13, CHAPTER 13.08, AND TITLE 13, CHAPTER 13.24, ARTICLE 1, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO CIVIL TAMPERING PENALTY ON WATER AND NATURAL GAS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5535, entering into a contract with Jokerst, Inc., relative to Route AC Water Main Relocation project, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **JOKERST, INC.** RELATIVE TO **ROUTE AC WATER MAIN RELOCATION PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Buerck presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5536, entering into a contract with Cochran relative to Downtown Pavilion/Bandstand design, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **CB ENGINEERING, INC., D/B/A COCHRAN**, RELATIVE TO **PROFESSIONAL DESIGN SERVICES FOR THE DOWNTOWN BANDSTAND PAVILION**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5537 accepting a general warranty deed from Sam and Madhu, LLC for the placement of water tower #4, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED GENERAL WARRANTY DEED.

Alderman Guth, as Chairman of the Public Works Committee, notes that the roundabout looks well maintained. City Administrator Buerck states that MoDot has added reflectors, which has helped motorists. Alderman Guth notes that the stop sign by the turn lane at the soccer park was knocked over again.

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) We have met our work ready goal and should get certification from the state by the end of May; (b) The next Cruise-In will be held during the Mayfest. The Downtown Market will begin on May 10th. We are working with the Police Department regarding traffic flow for downtown events. (c) 900 people attended the Art Exhibit held at the Robinson Event Center on April 21-24. 450 of them were children from the schools.

City Administrator Buerck updates the Board on the following:

- **Painting Park House Museum** – The City is going to provide a rented lift truck to assist with the painting of the Park House Museum.
- **Grotto Sculpin Progress Report** – This report is submitted annually so a record can be kept showing our progress.
- **Police Station Roof** – Staff is working with Cochran to put together specs for a metal roof similar to the one on the Citizens Electric building
- **Meetings in May** – I will be out of the office for a good portion of the month of May for meetings.

Alderman Hudson asks about the progress of the natural grass plantings around sinkholes in the park. He expresses his concern that staff ensure the grasses do not become invasive on neighboring properties. Parks & Recreation Director Cadwell notes that the plants and flowers should attract pollinators.

City Engineer Baer updates the Board on the following:

- **Grand Avenue Water Line Project** – This project is moving along and could be completed by the end of the week.
- **Route AC Water Project** – This project should be starting after next week.
- **Connector Road** – We believe the bid opening for this project is on May 22nd.

Mayor Baer asks Parks & Recreation Director Cadwell to update the Board on his department. Mr. Cadwell notes:

- **Pricing Structure** - staff is looking at the pricing structure at the Perry Park Center and hopes to bring some ideas to the Board of Aldermen in the future.
- **Swim Team** – Cape's swim team is using our swimming pool until their pool is ready for use. Chester residents also frequent our pool
- **Stars Tourney** – The boys' tourney was last weekend. The girls' tourney was rained out and is going to be rescheduled.
- **Field 8** – The playground surface should be opened on Friday morning, May 6th. The field is looking very good.
- **Purple Heart Parking Space** – Comments of appreciation have been made regarding the Purple Heart parking space at the Perry Park Center.
- **5K Trail Paint Markings** – Alderman Guth noticed that the recent 5K run organizers spray painted markings on the trail and the streets in the park. Parks & Recreation Director Cadwell states that the organizers spray painted before staff could stop them.

Alderman Riney comments that the LED street lights look good.

Alderman Guth asks if staff has determined the cost for security cameras on the Park House Museum for the Wall of Honor. Staff has not gotten those figures together, but will have them soon.

Alderman Hudson notes that the summer interns will be painting fire hydrants. He suggests that they paint yellow on the curb intersections. City Administrator Buerck states that curbs are painted yellow when

there is an issue regarding parking too close to the street intersections; however, it wouldn't be prudent to paint every curb intersection in town.

Now, at this time, upon motion by Alderman Hudson, seconded by Alderman Schumer, it is ordered that the Board now convene into closed session to discuss Closed Session to discuss contractual matters in accordance with Section 610.021(9) RSMo; and personnel matters in accordance with Section 610.021(3) RSMo. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none.

Following discussion and review, it is upon motion by Alderman Hudson, seconded by Alderman Riney, that the Board now reconvenes into regular session for any business that might come forth. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none.

There being no further business, it is upon motion by Alderman Schumer, seconded by Alderman Hudson, and on vote carried, ordered that the Board now adjourn until Tuesday, May 17, 2016, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK