

May 17, 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. Boy Scout Sam Nelson leads the Pledge of Allegiance and Alderman Schumer leads the invocation.

Mayor Baer now opens the meeting for citizens' participation from the floor. There being no one coming forth, Mayor Baer closes the citizens' participation portion of the meeting.

CONSENT AGENDA ITEMS

4. Approve minutes from meeting of May 3, 2016.
5. Approve Financial Report for April, 2016.

CITY OF PERRYVILLE									
STATEMENT OF CASH POSITION									
APRIL, 2016									
		April 1, 2016	REVENUE	EXPENSE		CURRENT	ACCOUNTS	CURRENT	CURRENT
	FUND NAME	Fund Balance	Y-T-D	Y-T-D	NET INCOME	FUND BALANCE	RECEIVABLE	LIABILITIES	CASH BALANCE
101	Gen Rev	\$ 3,003,750.80	\$ 1,952,150.63	\$ (1,381,404.13)	\$ 570,746.50	\$ 3,574,497.30	\$ 20,793.77	\$ 40,460.38	\$ 3,594,163.91
105	FSA Administration	\$ 1,923.82	\$ 1.66	\$ -	\$ 1.66	\$ 1,925.48	\$ -	\$ -	\$ 1,925.48
106	Asset Forfeiture	\$ 953.99	\$ -	\$ -	\$ -	\$ 953.99	\$ -	\$ -	\$ 953.99
206	Trans Trust	\$ 111,423.59	\$ 133,354.87	\$ (269,197.82)	\$ (135,842.95)	\$ (24,419.36)	\$ 150.00	\$ 630,049.91	\$ 605,480.55
207	Perry Park Ctr.	\$ 3,031.81	\$ 125,940.49	\$ (97,183.02)	\$ 28,757.47	\$ 31,789.28	\$ 8,800.51	\$ 18,429.96	\$ 41,418.73
211	Veterans Field	\$ 13,799.67	\$ 4,713.96	\$ (2,548.21)	\$ 2,165.75	\$ 15,965.42	\$ -	\$ -	\$ 15,965.42
213	Field Improvement	\$ 16,357.85	\$ 4,417.38	\$ (891.81)	\$ 3,525.57	\$ 19,883.42	\$ -	\$ -	\$ 19,883.42
307	Debt Service	\$ 578,917.80	\$ 1,493.62	\$ -	\$ 1,493.62	\$ 580,411.42	\$ 10,359.41	\$ 10,359.41	\$ 580,411.42
308	Cap Imp Sls Tax Rev	\$ 1,146,030.87	\$ 55,737.60	\$ -	\$ 55,737.60	\$ 1,201,768.47	\$ -	\$ -	\$ 1,201,768.47
408	CDBG Escrow	\$ 135,124.06	\$ -	\$ (135,124.06)	\$ (135,124.06)	\$ -	\$ -	\$ -	\$ -
409	Gen Pub Fac	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
414	TIF 1-Hwy 51/61	\$ 78,542.22	\$ 1,235,492.34	\$ (1,235,423.75)	\$ 68.59	\$ 78,610.81	\$ -	\$ -	\$ 78,610.81
415	Economic Develop	\$ 176,722.92	\$ 154.33	\$ -	\$ 154.33	\$ 176,877.25	\$ -	\$ -	\$ 176,877.25
416	TIF 2-Downtown	\$ 33,023.78	\$ 28.84	\$ -	\$ 28.84	\$ 33,052.62	\$ -	\$ -	\$ 33,052.62
417	TIF 3-I55/HWY 51	\$ 396,246.35	\$ 346.02	\$ -	\$ 346.02	\$ 396,592.37	\$ -	\$ -	\$ 396,592.37
513	Street Imp	\$ 1,096,904.75	\$ 28,482.89	\$ -	\$ 28,482.89	\$ 1,125,387.64	\$ -	\$ -	\$ 1,125,387.64
612	Refuse	\$ 412,177.48	\$ 57,474.26	\$ (124,254.42)	\$ (66,780.16)	\$ 345,397.32	\$ 76,151.15	\$ 3,606.00	\$ 272,852.17
614	CWSS Op	\$ 1,834,741.05	\$ 220,748.00	\$ (571,511.72)	\$ (350,763.72)	\$ 1,483,977.33	\$ 217,784.79	\$ 124,862.98	\$ 1,391,055.52
619	Gas Op	\$ 7,125,871.72	\$ 612,514.10	\$ (1,560,470.69)	\$ (947,956.59)	\$ 6,177,915.13	\$ 1,023,700.04	\$ 209,773.34	\$ 5,363,988.43
	TOTAL	\$ 16,165,544.53	\$ 4,433,050.99	\$ (5,378,009.63)	\$ (944,958.64)	\$ 15,220,585.89	\$ 1,357,739.67	\$ 1,037,541.98	\$ 14,900,388.20

6. Schedule public hearing for input regarding the Downtown Bandstand Pavilion – June 21, 2016, at 6:30 p.m.
7. Approve Pay Estimate 2 to TGB, Inc., for the AWOS Procurement and Installation Project - \$81,760.34.
8. Approve Pay Estimate 7 (Final) to CE Contracting, Inc., for the St. Joseph Street and French Lane Water Main Project - \$59,614.27.
9. Approve request from Scott Sattler, on behalf of Bikers on the Square, for a Retail Liquor by Drink—Picnic (RBDP) license for June 16-18, 2016, on Jackson Street.

10. Approve Festival Application for Downtown Revitalization Committee relative to the Bikers on the Square event scheduled for June 17-18, 2016.
11. Approve request from the Downtown Revitalization Committee relative to scheduled events for the Bikers on the Square event scheduled for June 17-18, 2016.
12. Approve payment to Missouri Highways & Transportation Commission for local match relative to Route AC connector road - \$558,336.69.
13. Approve Spoils Application Request from PCSD Superintendent Scott Ireland at 326 College Street.
14. Approve Biosolids Land Application Request from Arnold Farms Properties, LLC, at PCR 208.
15. Approved specifications for a combination sewer cleaner truck and authorize City Clerk to advertise for bids.
16. Approve bids received for gasoline and diesel fuel and award to MFA Oil Company per the recommendation of City Clerk Prost.
17. Approve bids received for propane and award to Landmark Gas Company per the recommendation of City Clerk Prost. (copy enclosed)
18. Approve bids received for two lawn mowers for the park and award to Davis Farm Supplies per recommendation of Parks & Recreation Director Cadwell - \$21,411.00
19. Approve bids received for Tree and Stump Removal Project and award to Worley Services, Inc., per recommendation of Parks & Recreation Director Cadwell - \$6,800.00.
20. Approve plans and specifications for Water Towers 4 and 6 and authorize the City Clerk to advertise for bids.

END OF CONSENT AGENDA

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

Regarding Item 8, Alderman Buerck asks staff who is responsible if the grass dies. Public Works Director Brown states that the City is responsible and has made it our goal to return the property to its original state or better.

Regarding Item 10, EDA Director Sattler asks the Board to also approve extending the Festival Permit to the American Legion on Grand Avenue. He informs them that the One-Wheel Revolution performances will be held at that location this year.

Regarding Item 11, EDA Director Sattler asks the Board to also approve street closings to encompass the path to the American Legion.

Alderman Buerck presents motion to approve the Consent Agenda with the additional requests from EDA Director Sattler. Alderman Hudson seconds the motion, and on vote the motion passes.

Alderman Riney makes a motion to approve Pay Estimate 1 (Final) to Earth First Contractors, LLC, for the 2016 Water System Improvements Project - \$52,624.20. Alderman Buerck seconds the motion. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, abstain; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, five; nay, none; abstain, one. Motion passes.

After discussion and review, Alderman Schumer makes a motion to approve the Concession Stand Policy . Motion is seconded by Alderman Hudson, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2016-03

**ADOPTING THE
PARK CONCESSIONS POLICY**

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, have determined that a concessions policy will create an efficient method for the Parks & Recreation Department to approve, with input from the City Administrator, any eligible outside groups desiring to operate a concession stand in the City's park.

WHEREAS, it is the intent of the City of Perryville to formalize this practice by the adoption of a resolution

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

That the Board of Aldermen of the City of Perryville, Missouri, after consideration of the need for a more efficient and effective process for providing concessions in the City parks, approve and adopt the **Park Concessions Policy** attached hereto and incorporated herein as if fully set forth.

PASSED AND APPROVED this 17th 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

SECOND READING AND FINAL PASSAGE:

Now, at this time, the Board proceeds to approve Bill No. 5534, 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. Bill No. 5534 is read a second time on motion by Alderman Martin, 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. 5760 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5534

ORDINANCE NO. 5760

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.

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

Section 1. That Title 13, Chapter 13.08, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding Section 13.08.080 to read as follows:

“13.08.080 Civil tampering penalty.

No person shall tamper with any city water meter. Nothing in this section shall limit the city’s ability to engage in the criminal prosecution of any person tampering with a city water meter as set forth elsewhere in this Code. The provisions of this section shall be in addition to and separate from any criminal prosecution. Any city water meter on which any seal to the city water meter or any connection or disconnection of the city water meter has been changed or tampered with so as to disturb or change the action or regulation of the city water meter shall be subject to an additional city water meter tampering fee of one hundred dollars (\$100.00) which shall be assessed and added to the customer’s bill which must be paid prior to the city connecting or reconnecting the city water meter.”

Section 2. That Title 13, Chapter 13.24, Article 1, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding Section 13.24.345 to read as follows:

“13.24.345 Civil tampering penalty.

No person shall tamper with any city natural gas meter. Nothing in this section shall limit the city’s ability to engage in the criminal prosecution of any person tampering with a city natural gas meter as set forth elsewhere in this Code. The provisions of this section shall be in addition to and separate from any criminal prosecution. Any city natural gas meter on which any seal to the city natural gas meter or any connection or disconnection of the city natural gas meter has been changed or tampered with so as to disturb or change the action or regulation of the city natural gas meter shall be subject to an additional city natural gas meter tampering fee of two hundred fifty dollars (\$250.00) which shall be assessed and added to the customer’s bill which must be paid prior to the city connecting or reconnecting the city natural gas meter.”

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: May 3, 2016.

SECOND READING: May 17, 2016.

PASSED AND APPROVED this 17th 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. 5535, 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. Bill No. 5535 is read a second time on motion by Alderman Riney, seconded by Alderman Guth. Thereupon on motion by Alderman Riney, 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. 5761 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5535

ORDINANCE NO. 5761

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.

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 **Jokerst, 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: May 3, 2016.

SECOND READING: May 17, 2016.

PASSED AND APPROVED this 17th 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. 5536, 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. Bill No. 5536 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, 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. 5762 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5536

ORDINANCE NO. 5762

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.

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 **CB Engineering, Inc., d/b/a Cochran**. 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: May 3, 2016.

SECOND READING: May 17, 2016.

PASSED AND APPROVED this 17th 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. 5537, 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. 5537 is read a second time on motion by Alderman Buerck, seconded by Alderman Riney. Thereupon on motion by Alderman Buerck, 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. 5763 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5537

ORDINANCE NO. 5763

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 **Sam and Madhu, LLC., a Missouri Limited Liability Company**, 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: May 3, 2016.

SECOND READING: May 17, 2016.

PASSED AND APPROVED this 17th 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 AND SECOND READING AND FINAL PASSAGE:

Now, at this time, Bill No. 5538, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **WORLEY SERVICES, INC.**, RELATIVE TO **TREE CUTTING AND STUMP REMOVAL PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR, is read with an emergency clause for the first time upon motion by Alderman Buerck, seconded by Alderman Riney. On motion by Alderman Buerck, seconded by Alderman Riney, and on vote carried, Bill No. 5538 is read for the second time. Thereupon on motion by Alderman Buerck, seconded by Alderman Riney, and on vote carried, it is ordered that the Bill be placed on final passage. Roll call showing the aye and nay vote showed as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, 6; nay, 0. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5764 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5538

ORDINANCE NO. 5764

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **WORLEY SERVICES, INC.**, RELATIVE TO **TREE CUTTING AND STUMP REMOVAL 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 of the City of Perryville, Missouri, 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, Missouri, approve the contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, Missouri, a municipal corporation, and **Worley Services, 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, Missouri, that the City enter into said contract.

2. That the Mayor of the City of Perryville, Missouri, 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, Missouri, 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. The Mayor and Board of Aldermen of the City of Perryville, Missouri, hereby declare this ordinance to be an emergency ordinance for the immediate preservation of public peace, property, health, safety, morals, or other good cause for the citizens of the City of Perryville. and for that reason, this ordinance may be acted on in one meeting.

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

FIRST READING: May 3, 2016.

SECOND READING: May 17, 2016.

PASSED AND APPROVED this 17th 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 Guth presents motion, seconded by Alderman Riney, and on vote carried Bill No. 5539, amending Title 17, Chapter 17.64, Section 17.64.040 of the Code of Ordinances relative to rezoning and special use permit application fees, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.64, SECTION 17.64.040, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO REZONING AND SPECIAL USE PERMIT APPLICATION FEES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Riney presents motion, seconded by Alderman Guth, to read for the first time by title only Bill No. 5540, amending Title 2, Chapter 2.68, Section 2.68.280 of the Code of Ordinances relative to sheriff's retirement fund. Alderman Hudson asks if this issue has been approved by statute. City Attorney Ludwig explains to the Board of Aldermen that it has been determined that the statute applies to municipalities. After further discussion, motion carries. The heading is as follows:

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.68, SECTION 2.68.280, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO SHERIFFS' RETIREMENT FUND; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Martin presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5541, accepting an easement deed from Marvin J. Robinson and Patricia A. Robinson relative to gas line extension, 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 EASEMENT DEED.

Alderman Buerck presents motion, seconded by Alderman Martin, and on vote carried Bill No. 5542, accepting an easement deed from Harold G. Hale and Wanda L. Drury relative to sewer line extension, 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 EASEMENT DEED.

Alderman Guth presents motion, seconded by Alderman Riney, to read for the first time by title only Bill No. 5543, entering into an agreement with Cochran relative to professional design services for Police Station Reroofing Project. Alderman Guth questions whether this project needs to be done by an architect. He suggests that staff seek proposals from various contractors rather than have an architect prepare specifications. City Administrator Buerck explains that the purchasing policy states that specs need to be prepared for projects over a certain dollar amount. He also notes that it will be difficult for staff to compare

“apples to apples” without specific specs prepared. After further discussion, motion carries. 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 POLICE STATION REROOFING PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Martin presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5544, entering into an agreement with Public Water Supply District No. 1 of Perry County relative to secondary water supply, 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 **PUBLIC WATER SUPPLY DISTRICT NO. 1 OF PERRY COUNTY** RELATIVE TO **SECONDARY WATER SUPPLY**; 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. 5545, entering into an agreement with Perry County, Missouri, and the Perryville Development Corporation relative to economic development, 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 **COUNTY OF PERRY, MISSOURI, PERRYVILLE DEVELOPMENT CORPORATION**, and **THE INDUSTRIAL DEVELOPMENT AUTHORITY OF PERRY COUNTY, MISSOURI**, RELATIVE TO **ADDENDUM TO COOPERATIVE AGREEMENT RELATIVE TO ECONOMIC DEVELOPMENT FUNDING**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Guth, as Chairman of the Public Works Committee, notes that it appears the new picnic tables utilized for Downtown events are already saving the City money because the Public Works crew are able to deliver and pick the tables up much quicker.

Alderman Buerck, as Chairman of the Public Safety Committee, informs the Board that he has received comments from several individuals regarding concerns about the Mayfest parade as it turns the corner from East Ste. Marie to Main Street. They stated that children were running into the street to pick up candy and that the police officer was not keeping the children out of the street. Alderman Hudson notes that he received comments too.

Chief Hunt explained that the crowd was about 20 people deep at that location and that the police officer was doing the best he could, but that the only way to increase security would be to add a rope or barricade. Alderman Schumer states that it is the parents' responsibility to keep their children out of the street and that a police officer cannot be expected to keep the crowd back.

Alderman Schumer, as Chairman of the Economic Development Committee, asks EDA Director Sattler to update the Board on any economic development activity. Director Sattler reviews the results from the Perry County Task Force's community survey.

City Administrator Buerck updates the Board on the following:

- **Energy Efficiency Contract for the Perry Park Center** – Staff recommends offering a Letter of Intent to Control Technology and Solutions (CTS) for an energy efficiency review and proposal.

This proposal will include methods for modernization to the Perry Park Center with guaranteed energy and operational savings. After discussion and review, it is the consensus of the Board of Aldermen to authorize Mayor Baer to sign a letter of intent on this matter.

- **American Water Resources Insurance Letter** – This is just an advisory notice that this company is once again sending letters to city residents offering insurance for water lines. It has been determined in years past that this is a legitimate company; however, the City does not endorse this insurance.
- **Field 8 Grand Opening** – This grand opening is scheduled for Saturday, May 21st at 8:30 a.m. Mayor Baer will speak and all are invited to attend.
- **Rate Study** – It is staff's recommendation to ask our engineers at Crawford, Murphy & Tilly to perform a water and sewer rate study. After discussion and review, it is the consensus of the Board to authorize staff to utilize CMT for a water and sewer rate study.
- **New Name for Perryville Airport** – The FAA has assigned our airport a new name of **Perryville Regional Airport**. The call numbers will now be **PDC** rather than K02. This will take effect on January 5, 2017.
- **FBO Response** – No FBO responses were received. Therefore, we have extended the time period to May 20th.

City Engineer Baer updates the Board on the following:

- **Grand Avenue Construction** – This project is scheduled to begin on May 23rd.
- **Route AC Water Project** – Material delivery will be delayed on this project.
- **Gas Line to Moore Drive** – We are still acquiring all of the easements needed for this project.
- **Generators** – Staff is reviewing the generators at the School Street Lift Station and the Waste Water Treatment Plant. Both generators appear to be from the 1950s. They are not functioning properly and need to be replaced.

City Attorney Ludwig informs the Board that the City has been invited into a class action lawsuit against Charter Communications. He recommends the City stay in the lawsuit. There is no cost to the City and it appears the City's share, if the lawsuit succeeds, is approximately \$43,000.

Alderman Riney states that hockey is still being played on the tennis court and is taking a toll on the new surface. He asks staff to increase security in this area.

Alderman Riney also asks the Parks & Recreation Department to consider adding asphalt for the lane at the Wall of Honor and addition of lights on the east side of the multi-purpose court to their Capital Improvement Plan proposal.

Alderman Guth comments on how nice Field 8 and the playground look and their increased use. He suggests that some of the composite picnic tables be placed in the area. Parks & Recreation Director Cadwell informs the Board that the composite picnic tables are earmarked for the Viola Blechle Park pavilion, but that benches are ordered for the Field 8 playground area.

Alderman Guth also asks about the lights at the sand volleyball courts. He noticed that at times they were turned on late in the evening and no one was there. Parks & Recreation Director Cadwell informed the board that the lights were on a timer and would go off on their own.

Alderman Guth also commented to the Board that he was approached by two people that told him they only signed the petition being passed around by Steve Keller regarding the park curfew because they couldn't get him out of their office. Mayor Baer also noted that representatives from the Wall of Honor said they were approached by Mr. Keller, not the other way around as he stated.

Alderman Buerck informs the Board that he was asked by a resident on Bruce Street to place a street light on pole 7125 near Michael and Cecelia Streets. After discussion, it was determined that the new LED lights will more than likely give sufficient light to the area. City Administrator Buerck will contact Citizens Electric about their schedule to see when they will be changing the bulbs on Bruce Street.

Alderman Buerck says that some of the vendors for the Mayfest craft fair complained about parade candy and trash being left on the street.

Alderman Buerck also informs the Board that it has come to his attention that Ken Layton is working to clean out a sinkhole on his property near the by-pass and, between that and the excess water from Mr. Crump's dealership, neighbors in the area are having water issues in their yards. City Administrator Buerck notes that City crews will check into the sinkhole situation.

There being no further business, it is upon motion by Alderman Riney, seconded by Alderman Hudson, and on vote carried, ordered that the Board now adjourn until Tuesday, June 7, 2016, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK