

June 7, 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; Tom Guth, Douglas Martin, Larry Riney, and Gary J. Schumer, Aldermen; Brent Buerck, City Administrator; Tracy Prost, City Clerk; and Thomas Ludwig, City Attorney. Absent: Alderman Curt Buerck and Alderman Prince Hudson.

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

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

Ms. Trina Schroeder, of 122 Feltz Street, approaches the Board. Ms. Schroeder submits a petition signed by her neighbors on Feltz Street stating: *The residents near Feltz Street Park in Perryville are requesting that the next scheduled improvements to Feltz Street Park focus on returning the 4-acre park to a family-friendly neighborhood park. The park currently features a skate park. Residents in our area have experienced an increase in nuisances and crimes, including violations of the city's noise ordinance, littering and loitering, visible alcohol and drug use and vandalism. We ask that our park be restored to its original use as a children's and family park with playground equipment, picnic tables, etc., and that the skate park be relocated to another, less residential area that is more easily monitored by our police department.*

Ms. Schroeder informs the Board that the neighbors in the area do not use the neighborhood park because of the activities going on there; i.e., vandalism, foul language, alcohol and drug use, fights, bullying, etc. She also notes that the children from the two schools in the area, St. Vincent and Immanuel Lutheran, used to walk to the park for play days, but no longer do so because of the condition of the park.

City Administrator Buerck states that staff has been looking into the idea of redesigning the park and would like to have community meetings with the neighborhood for ideas on the redesign.

Alderman Riney states that it is a top priority that the skate park be removed from the Feltz Street Park and, perhaps, be moved to the City Park, possibly near Highway 61 South, across from the Sheriff's Department.

Mayor Baer comments that the recent passage of the 3/8¢ sales tax will help with the funds to accomplish these changes.

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

At this time, City Administrator Buerck introduces newly re-hired Public Works employees, Gerry McCloud and Scott Coppaway

**CONSENT AGENDA ITEMS**

4. Approve minutes from meeting of May 17, 2016.
5. Approve bills for May, 2016.

At this time Alderman Riney, Chairman of the Finance Committee, presents the following bills and invoices for the month of May, 2016, vendor checks numbered: 100953 - 101273, and 6 ACH transfers; payroll checks numbered: 657565 - 657571.

The following bills are presented to be paid for the month of May, 2016. Board finds that \$403,698.25 is chargeable to and payable out of the General Revenue Account; \$118,614.88 is out of Transportation Trust; \$181,065.80 is out of Perry Park Center; \$831.29 is out of Veterans

Memorial Field; \$1,345.06 is out of Ball Field Improvements; \$2,026.69 is out of TIF #1; \$191.22 is out of TIF #2 \$27,266.16 is out of Debt Service; \$29,104.36 is out of Capital Improvement Sales Tax; \$54,595.59 is out of Refuse; \$233,521.16 is out of CWSS; and \$266,120.54 is out of Gas Operation. The Board, upon investigation, found the sum to be \$1,318,381.00.

6. Approve principal and interest payment to First Bank of Missouri re Certificate of Participation Series 2012A - \$229,734.23.
7. Approve principal and interest payment to UMB Bank, NA re 2012B Natural Gas System Revenue Bonds - \$328,862.51.
8. Approve unbudgeted transfer from (101) General Revenue to (414) TIF 1 Hwy 51/61 - \$336,660.69.
9. Approve Pay Estimate 6 (Final) from Mike Light Cement Finishing, Inc., for the 2015 Sidewalk Improvement Project - \$24,179.41.
10. Approve Invoice 131 from Worley Services, Inc., for the Tree and Stump Removal Project - \$6,800.00.
11. Approve Pay Request 3 to R.E. Pedrotti Co., Inc., relative to SCADA Modifications Project - \$4,974.30.00.
12. Approve Invoice 5342 from SEMO Regional Planning Commission relative to Perryville Parks Master Plan final expenses - \$7,180.00.
13. Approve annual liquor license applications for July 1, 2016, through June 30, 2017.
14. Approve specifications for Parks and Recreation Department tractor and authorize City Clerk to advertise for bids.
15. Approve request for "Retail Liquor by Drink – Picnic (RBDP)" license applications by Fr. Milton Ryan on behalf of St. Vincent DePaul Parish for the Seminary Picnic on August 5, 6 and 7, 2016.
  - (a) Stag Stand #1 on the north corner of the picnic grounds.
  - (b) Stag Stand #2 on the northwest side of the picnic grounds.
  - (c) Budweiser Stand #1 on the west corner of the picnic grounds.
  - (d) Budweiser Stand #2 on the southwest corner of the picnic grounds.
  - (e) Busch Stand on the south corner of the picnic grounds.
  - (f) Strohs Stand on the southeast corner of the picnic grounds.
16. Approve request from Rev. Milton Ryan, C.M., to place Seminary Picnic banners on six light poles on St. Joseph Street between Zeno and South Waters Streets prior to picnic dates and removed shortly thereafter.
17. Approve request from Rev. Milton Ryan, C.M., to use City trash trucks at the Seminary Picnic Grounds during the Seminary Picnic.
18. Approve request from Holly Behrle to hold the 4<sup>th</sup> Annual Ryan's Run 5K on Saturday, August 27, 2016.

**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 Riney seconds the motion, and on vote the motion passes.

At this time, Mr. Michael Lundy informs the Board of Aldermen that H&R Alarm Systems has expressed their desire to donate a security system to be installed near the Wall of Honor in the City Park. This is in response to recent vandalism to the lights at the Wall of Honor, which resulted in approximately \$3,700 in repairs. Mr. Lundy notes that it is his opinion that people should not expect privacy when they are in a public park, but they should expect safety.

City Administrator Buerck notes that several of the city buildings have security camera; i.e., City Hall, Police Station, Perry Park Center, etc.

After discussion and review, Alderman Riney makes a motion to approve the installation of the donated security system at the Wall of Honor in the City Park. Alderman Guth seconds the motion, and on vote the motion carries.

Mr. Mark Hotop, owner of Andrew's Flower Shop, now approaches the Board of Aldermen regarding Christmas lights for the Downtown Square area. He states that he wants to improve on the lights that were placed there last year and asks the Board for their permission to seek donations to purchase additional lights. He also asks the Board to consider matching any donated funds. He informs the Board that he is here on his own behalf, and that he hasn't been well received by the Chamber of Commerce or the Downtown Revitalization Committee.

During discussion, the Board agrees that any efforts regarding Christmas lights should be coordinated with the Downtown Revitalization Committee and the Chamber of Commerce and that the City is not in charge of the efforts. They note that the Chamber of Commerce has 501(c)(3) status. It is the consensus of the Board that City Administrator Buerck help initiate efforts to coordinate the project.

At this time, Alderman Riney makes a motion to re-schedule the public hearing date for the Perryville Veterans Plaza Community Improvement District (CID) for June 21, 2016, at 6:30 p.m. Alderman Martin seconds the motion, and on vote the motion carries.

City Administrator Buerck presents various options for the Board's consideration regarding the ordinance process for the Community Improvement District question.

After discussion and review, it is the consensus of the Board that they hold first reading on the CID ordinance after the Public Hearing on June 21. If approved, the second and final reading would occur on July 5. It is noted that the ordinance does not finalize the Community Improvement District, it only allows the process to go forth so that an election can be held.

At this time, City Administrator Buerck presents a recommendation from the Airport Board to establish FBO hangar rent at \$125 per month. He explains that the FBO building was returned to the City on May 10 and is now available for city use. The Airport Board proposes a rental rate of \$125/month to rent an aircraft space in this "new" hangar. It should be noted, the current rent for the traditional T-hangar rental is \$75/month but this space is nicer and somewhat heated. Staff proposes that only half of the hangar be rented (approximately 4 stalls) and the remainder be left available for future use by a fixed based operator or other individual willing to rent the space for some type of aircraft maintenance, etc.

After discussion and review, Alderman Riney makes a motion to approve the recommendation from the Airport Board to rent approximately half of the FBO hangar (4 stalls) for \$125.00 per month. Alderman Schumer seconds the motion, and on vote the motion carries.

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

Now, at this time, the Board proceeds to approve Bill No. 5539, 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. Bill No. 5539 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, absent; Tom Guth, aye; Prince Hudson, absent; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, four; nay, none; absent, two. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5765 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5539

ORDINANCE NO. 5765

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.

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 17.64, Section 17.64.040, Subsection B, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

**“17.64.040 Amendments.**

\* \* \*

B. Applications for district changes shall be filed in writing with the city clerk who shall place the application before the board of aldermen after determining that it is in proper form as provided in this chapter. All applications, except those proposed by the board of aldermen or the city planning and zoning commission, shall be accompanied by a publication fee and postage fee of one hundred dollars (\$100.00) which is to be returned to the applicant only if such publication is not made. A copy of the application shall remain on file with the city clerk for public inspection until final action thereon.”

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: May 17, 2016.

SECOND READING: June 7, 2016.

PASSED AND APPROVED this 7<sup>th</sup> day of June, 2016, by a vote of 4 ayes, 0 nays, 0 abstentions, and 2 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. 5540, 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. Bill No. 5540 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, absent; Tom Guth, aye; Prince Hudson, absent; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, four; nay, none; absent, two. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5766 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5540

ORDINANCE NO. 5766

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.

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 2.68, Section 2.68.280, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding Subsection G to read as follows:

**"2.68.280 Additional court costs and surcharges.**

\* \* \*

G. Sheriffs' Retirement Fund.

1. In all cases an amount of three dollars (\$3.00) additional court costs shall be assessed for purposes of the Sheriffs' Retirement Fund. (Section 57.955.1, RSMo).
2. The court shall not assess the costs specified in this subsection in any case when the proceeding has been dismissed by the city or when costs are paid by the city on behalf of an indigent defendant.
3. The city treasurer shall deposit the funds generated into the Sheriffs' Retirement Fund. Funds shall be used only for the purposes provided in Sections 57.949 to 57.997, RSMo, and for no other purpose."

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: May 17, 2016.

SECOND READING: June 7, 2016.

PASSED AND APPROVED this 7<sup>th</sup> day of June, 2016, by a vote of 4 ayes, 0 nays, 0 abstentions, and 2 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. 5541, 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. 5541 is read a second time on motion by Alderman Riney, seconded by Alderman Martin. 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, absent; Tom Guth, aye; Prince Hudson, absent; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, four; nay, none; absent, two. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5767 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5541

ORDINANCE NO. 5767

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 **Marvin J. Robinson and Patricia A. Robinson**, 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: May 17, 2016.

SECOND READING: June 7, 2016.

PASSED AND APPROVED this 7<sup>th</sup> day of June, 2016, by a vote of 4 ayes, 0 nays, 0 abstentions, and 2 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. 5542, 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. 5542 is read a second time on motion by Alderman Martin, seconded by Alderman Riney. Thereupon on motion by Alderman Martin, 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, absent; Tom Guth, aye; Prince Hudson, absent; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, four; nay, none; absent, two. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5768 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5542

ORDINANCE NO. 5768

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 **Harold G. Hale and Wanda L. Drury**, 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: May 17, 2016.

SECOND READING: June 7, 2016.

PASSED AND APPROVED this 7<sup>th</sup> day of June, 2016, by a vote of 4 ayes, 0 nays, 0 abstentions, and 2 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. 5543, 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. Bill No. 5543 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, absent; Tom Guth, aye; Prince Hudson, absent; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, four; nay, none; absent, two. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5769 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5543

ORDINANCE NO. 5769

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.

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 17, 2016.

SECOND READING: June 7, 2016.

PASSED AND APPROVED this 7<sup>th</sup> day of June, 2016, by a vote of 4 ayes, 0 nays, 0 abstentions, and 2 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. 5544, 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. Bill No. 5544 is read a second time on motion by Alderman Martin, seconded by Alderman Riney. The Board proceeds to discuss this matter. City Administrator Buerck informs the Board of Aldermen that this contract failed to include the per gallon charge for water. He suggests that the Board deny the passage of this ordinance and allow staff to revise the contract to include the water rates.

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

BILL NO. 5544

**FAILED**

ORDINANCE NO. : FAILED

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.

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 **Public Water Supply District No. 1 of Perry County**. 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 17, 2016.

FAILED

SECOND READING: June 7, 2016.

FAILED this 7<sup>th</sup> day of June, 2016, by a vote of 0 ayes, 4 nays, 0 abstentions, and 2 absent.

CITY OF PERRYVILLE, MISSOURI

By: Not Signed

ATTEST:  
Not Signed

Now, at this time, the Board proceeds to approve Bill No. 5545, 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 . Bill No. 5545 is read a second time on motion by Alderman Martin, 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, absent; Tom Guth, aye; Prince Hudson, absent; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, four; nay, none; absent, two. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5770 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5545

ORDINANCE NO. 5770

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.

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 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 17, 2016.

SECOND READING: June 7, 2016.

PASSED AND APPROVED this 7<sup>th</sup> day of June, 2016, by a vote of 4 ayes, 0 nays, 0 abstentions, and 2 absent.

CITY OF PERRYVILLE, MISSOURI  
By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

**FIRST AND SECOND READINGS AND FINAL PASSAGE:**

Now, at this time, Bill No. 5546, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE AN AGREEMENT BY AND BETWEEN THE CITY AND **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION** RELATIVE TO **SIGN PROGRAM PARTICIPATION PAID BY APPLICANT – BALL FIELDS**; 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 Riney, seconded by Alderman Guth. On motion by Alderman Riney, seconded by Alderman Guth, and on vote carried, Bill No. 5546 is read for the second time. 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 showing the aye and nay vote showed as follows: Curt Buerck, absent; Tom Guth, aye; Prince Hudson, absent; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, 4; nay, 0; absent, 2. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5771 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5546

ORDINANCE NO. 5771

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE AN AGREEMENT BY AND BETWEEN THE CITY AND **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION** RELATIVE TO **SIGN PROGRAM PARTICIPATION PAID BY APPLICANT – BALL FIELDS**; 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 **Missouri Highways and Transportation Commission**. 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: June 7, 2016.

SECOND READING: June 7, 2016.

PASSED AND APPROVED this 7<sup>th</sup> day of June, 2016, by a vote of 4 ayes, 0 nays, 0 abstentions, and 2 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

Alderman Guth suggests staff add a sign on Oak Street informing visitors that the ball fields are located down Robb Street. He notes that he observes drivers coming down Mecker or Brinkman to go to the ball fields, only to find that they are on a dead end street.

#### **FIRST READINGS:**

Alderman Martin presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5547, entering into a renewal of lease agreement with Riverside Regional Library, 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 **RIVERSIDE REGIONAL LIBRARY** RELATIVE TO **RENEWAL OF LEASED SPACE AT THE PERRY PARK CENTER**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Riney presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 5548, accepting easement deeds for Moore Drive Gas Line Extension project, 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 PROPERTIES, WHICH SAID PROPERTIES ARE PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEEDS.

Alderman Martin presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5549, entering into an agreement with Hoskins Environmental Consulting regarding engineering consultation, 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 **HOSKINS ENVIRONMENTAL CONSULTING** RELATIVE TO **ENGINEERING SERVICES RELATIVE TO PRETREATMENT PROGRAM ASSISTANCE**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Schumer, as Chairman of the Economic Development Committee, asks EDA Director Sattler to update the Board on any economic development activity. Director Sattler updates the Board on the progress of the Downtown Farmers Market, the recent Cruise-In, the Home Brew Event, and the upcoming Bikers on the Square. He also informs the Board that the June 14<sup>th</sup> Coffee and Connections held by the Chamber of Commerce will have a news release about upcoming educational options for local residents.

City Administrator Buerck updates the Board on the following:

- **New overtime payment rules** - OT rules are changing via executive order. We have explored our job classes and determined it will only affect a few of our park full-time employees. We are planning adjustments now and have started the conversations with the employees. The bottom line is that salaried staff will be transitioning to hourly status this fall if they make less than \$47,000.
- **Painting curbs at select intersections** - You will begin to notice the addition of yellow paint on some intersection curbs. We are painting the 15 foot "no parking zones" that are already found in the ordinances. This is being done because it has become a problem at certain locations. Since it is already found in the ordinance, there is no Board action to proceed.
- **Downtown pavilion/bandstand public hearing - June 21 at 6:30 pm** - Just a reminder, we will be having a meeting the afternoon of June 21 for the Downtown, Chamber and Tourism offices. That evening's meeting will include a public comment period, along with the opportunity for the Mayor and Board to offer input.
- **Tourism update** – Trish Erzfeld continues to seek out publications and opportunities to feature Perryville and Perry County. She is on the national task force for the 2017 Eclipse.
- **Public Works timesheets** - We have instituted a new timesheet for the Public Works Department in an effort to better account for actual time worked in different departments. For example, no more will the street department pay for the downtown events. Instead, those hours will be billed against a general services account and better tracked.
- **MML Article re crack survey** - There was a good article in the Municipal League magazine featuring Zahner and Associates regarding their asphalt crack survey for the City of Perryville using their LIDAR equipment. They have developed a "score card" for City asphalt streets. At this time, the Public Works Director and City Engineer are reviewing the material and building our CIP plan using the data provided.

- **Play Day in the Park – Saturday, July 16 - 10:00 am to 1:00 pm** - This annual celebration is planned for July 16. It is free for the public and has been generally well attended.
- **STP Urban Dollars** - MoDOT has proposed eliminating the STP Urban money. This money amounts to about \$30,000 for Perryville every year and can only be used on prescribed MoDOT roads. We are all very cognizant of MoDOT's crisis and I do not intend to contest this matter as other cities are doing unless the Board directs me otherwise.

After discussion, the Board of Aldermen concurs with City Administrator Buerck's decision.

- **Perryville Family Church Request** – Staff received a request today from the Perryville Family Church asking for permission to hold music in the park during the week of July 4-10 and to allow someone from their organization to spend the night in the park to ensure the safety of their sound system equipment.

After discussion and review, it is the consensus of the park to allow the request; however, they ask staff to ensure that the activities will not conflict with the Rotary's 4<sup>th</sup> of July fireworks event.

City Engineer Baer updates the Board on the following:

- **Grand Avenue Street Construction Project** – This project is moving along and could be completed within a month or so.
- **Route AC Water Project** – This project was started this week and should be done in a couple of weeks.
- **Moore Drive Gas Line** – We have only one more easement to obtain. The project is still scheduled to have natural gas available by the fall.

Now, at this time, upon motion by Alderman Guth, seconded by Alderman Riney, 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 litigation matters in accordance with Section 610.021(12) RSMo. Roll call showed the aye and nay votes as follows: Curt Buerck, absent; Tom Guth, aye; Prince Hudson, absent; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, four; nay, none; absent, two.

Following discussion and review, it is upon motion by Alderman Riney, seconded by Alderman Martin, 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, absent; Tom Guth, aye; Prince Hudson, absent; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, four; nay, none; absent, two.

There being no further business, it is upon motion by Alderman Martin, seconded by Alderman Riney, and on vote carried, ordered that the Board now adjourn until Tuesday, June 21, 2016, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK