

**September 6, 2016**

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

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

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

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

Ms. Elizabeth Hoehn, of 1015 Lottes Street, approaches the Board of Aldermen. She expresses her concerns about recreational vehicles and campers being left on the street longer than allowed and vehicles speeding on the street. She asks the Board of Aldermen to look into the matter, noting that she fears a child may be struck by a speeding vehicle.

City Administrator Buerck will check with the Code Enforcement Officer and Police Department regarding these concerns.

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

Chief Hunt introduces new Police Officer Dylon M. Wyatt; and Public Works Director Brown introduces new Public Works employees: Dakota Wright - PW Refuse Division; and Taber J. Bell - PW Water/Wastewater Division.

Mayor Baer opens a public hearing relative to a Special Use Permit request from Trish Riney to move her current business, "Macy's Place Dog Bath and Boutique," to 122 South Kingshighway, currently zoned C-2 General Commercial.

Trish Riney, of 2275 PCR 917, informs the Board that she wants to move her business to a building she is purchasing at 122 South Kingshighway. She plans to expand her current dog business to a boarding facility as well. She notes that she is seeking her license from the state at this time.

There being no one else coming forth, Mayor Baer closes the public hearing relative to a Special Use Permit request from Trish Riney to move her current business, "Macy's Place Dog Bath and Boutique," to 122 South Kingshighway, currently zoned C-2 General Commercial.

Mayor Baer opens a public hearing relative to a Rezoning request from Austin Rentals, LLC and Walter Gawrych III to rezone property in Harvest Acres from R-2 Single Family Residential to R-5 General Residential to allow duplexes and multi-family dwellings

City Administrator Buerck explains that Austin Rentals, LLC would like to rezone a portion of the property located off Hickory Lane. A portion of the land is currently zoned R-5 General Residential and a smaller portion is currently zoned R-2 Single Family Residential. The owners would like the entire tract to be zoned R-5 General Residential as R-5 allows for multi-family developments.

There being no one else coming forth, Mayor Baer closes the public hearing relative to a Rezoning request from Austin Rentals, LLC and Walter Gawrych III to rezone property in Harvest Acres from R-2 Single Family Residential to R-5 General Residential to allow duplexes and multi-family dwellings

**CONSENT AGENDA ITEMS**

6. Approve minutes from meeting of August 16, 2016.
7. Approve bills for August, 2016.

At this time Alderman Guth, Member of the Finance Committee, presents the following bills and invoices for the month of August, 2016, vendor checks numbered 101877 - 102180, and 4 ACH transfers; payroll checks numbered: 657590 - 657602.

The following bills are presented to be paid for the month of August, 2016. Board finds that \$284,801.94 is chargeable to and payable out of the General Revenue Account; \$110,792.05 is out of Transportation Trust; \$185,540.87 is out of Perry Park Center; \$667.83 is out of Veterans Memorial Field; \$1,084.82 is out of Ball Field Improvements; \$7,929.88 is out of TIF #1; \$1,100.00 is out of TIF #2; \$11,316.95 is out of TIF #3; \$1,760.85 is out of Street Improvement; \$25,492.31 is out of Debt Service; \$28,032.81 is out of Capital Improvement Sales Tax; \$45,865.01 is out of Refuse; \$189,959.72 is out of CWSS; and \$186,945.49 is out of Gas Operation. The Board, upon investigation, found the sum to be \$1,081,290.53.

8. Approve bids received for Furnaces and Central Air Units Project for the Water Treatment Plant and award to Lundy Heating and Cooling per recommendation of Water Plant Superintendent Jeremy Meyer – \$13,425.00.
9. Accept bids received for Ball Fields 4 & 5 Backstop and Fencing Project and award to Best Fencing, LLC per recommendation of Parks & Recreation Director Cadwell – \$27,250.00.
10. Accept bids received for the Police Station Roofing Project and award to Zoellner Construction, Inc, per recommendation of Cochran Engineering - \$127,500.00.
11. Accept bids received for the 2016 Supplemental Power Project - School Street Lift Station Generator and Water Treatment Plant Transfer Switches and award to Koch Electric, Inc. per recommendation of City Engineer Baer - \$60,242.70.
12. Approve plans and specifications for Liberty Street Water Line Project and authorize City Clerk to advertise for bids.
13. Verify Receipt of Petition for Voluntary Annexation from Richard and Sherry Stark for property being described as part of a 6.24 acre tract recorded in Document 2013R01222 of the Perry County Deed Records and set public hearing for September 20, 2016, at 6:30 p.m.
14. Review and approve request from Terri Thomas for Relay for Life fundraiser to collect on the Square on September 30, 2016.
15. Review and approve request from PHS Athletic Director Steffens to hold a Glow Stroll Community Fun Run/Walk for Dru Hemman on Friday, September 16, 2016.
16. Accept master plan for Feltz Street Park as presented at the August 16, 2016, meeting.

#### **END OF CONSENT AGENDA**

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

Item #6 – City Clerk Prost informs the Board that Alderman Riney has requested the minutes from August 16th be amended to include the following comment made during the discussion regarding landlords and tenants: *Alderman Riney states that as far as he is concerned this is a dead issue, and he does not believe the city should get involved in matters between renters and landlords.*

Item 10 - Alderman Guth asks staff to explain why they are recommending Zoellner Construction Company for the Police Station Roofing Project since their company built the Police Station, which resulted in the current issues with the roof. City Administrator Buerck explains that there will be a 20 year warranty on the roof. He also states that although Zoellner's was the general contractor for the Police Station when it was built, a subcontractor installed the roof. He informs the Board that Gerringer will remove the roof, but Zoellners will install the new roof.

Item 13 – The Board ask Mr. and Mrs. Stark various questions regarding their application for annexation. When asked about snow removal, the Starks state that the lane to their house is considered their driveway and would not be included in the City's snow removal route.

Alderman Schumer presents motion to approve the Consent Agenda with the amendment to the August 16<sup>th</sup> minutes as noted by City Clerk Prost. Alderman Hudson seconds the motion, and on vote the motion passes.

Alderman Buerck makes a motion to approve the Special Use Permit request from Trish Riney to move her current business, "Macy's Place Dog Bath and Boutique," to 122 South Kingshighway, currently zoned C-2 General Commercial. Alderman Martin seconds the motion, and on vote the motion carries.

Alderman Hudson makes a motion to approve the Rezoning request from Austin Rentals, LLC and Walter Gawrych III to rezone property in Harvest Acres from R-2 Single Family Residential to R-5 General Residential to allow duplexes and multi-family dwellings. Alderman Guth seconds the motion, and on vote the motion carries.

City Administrator Buerck reviews the final design for the Downtown Plaza project. He notes that Cochran has incorporated the Board's and the community's feedback into multiple options for consideration. He also notes that Cochran will begin the architectural design and engineering work necessary to take this project out for bid once the Board approves the design.

After discussion and review, Alderman Buerck makes a motion to approve the design and authorize Cochran Engineering to prepare plans and specifications for the project. Alderman Martin seconds the motion, and on vote the motion carries.

City Administrator Buerck informs the Board that Tourism Director Erzfeld has secured a donation from Main Street Signs for a sign designating the Bank of Missouri Soccer Complex as an official "eclipse viewing location." He asks the Board for permission to work with park staff to locate such a sign in the soccer complex along Perryville Boulevard.

After discussion and review, Alderman Guth makes a motion to allow the Solar Eclipse Site Designation sign to be located at the Bank of Missouri Soccer Complex. Alderman Buerck seconds the motion, and on vote the motion carries.

After discussion and review, Alderman Martin makes a motion to adopt a Policy for Employee Service Awards. Motion is seconded by Alderman Buerck, and on vote carried. Said Resolution is as follows:

**RESOLUTION NO. 2016-05**

**ADOPTING THE  
POLICY FOR EMPLOYEE SERVICE AWARDS**

**WHEREAS**, the Mayor and Board of Aldermen of the City of Perryville recognize the value of knowledge and experience held by long-term employees and believe it fitting to thank those employees who have dedicated years of service to the City of Perryville; and

**WHEREAS**, the Mayor and Board of Aldermen of the City of Perryville desire to present Service Awards to eligible employees to celebrate their accomplishments, commitment, and dedication; and

**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:**

Section 1. That the Board of Aldermen of the City of Perryville, Missouri, hereby adopt the following schedule to present service award gifts to long-term employees:

<b>Years of Service</b>	<b>Gift Amount</b>
5 Years	\$ 20.00
10 Years	\$ 25.00
15 Years	\$ 50.00
20 Years	\$ 75.00
25 Years	\$100.00
30 Years	\$125.00
35 Years	\$150.00
40 Years	\$175.00
45 Years	\$200.00
50 Years	\$225.00

Section 2. That these service awards shall be presented by the Mayor to eligible employees during a January or July meeting of the Board of Aldermen.

**PASSED AND APPROVED** this 6<sup>th</sup> day of September, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions, and 1 absent.

CITY OF PERRYVILLE, MISSOURI  
By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

The Board now reviews a resolution regarding voluntary annexation for Richard and Sherry Stark. Matters regarding trash disposal and sewer and water hookup were discussed. After discussion and review, Alderman Buerck makes a motion to Accept a Voluntary Annexation Petition from Richard and Sherry Stark and set a public hearing. Motion is seconded by Alderman Martin, and on vote carried. Said Resolution is as follows:

**RESOLUTION NO. 2016-06**

A RESOLUTION RELATIVE TO VOLUNTARY ANNEXATION UNDER THE PROVISIONS OF SECTION 71.012 RSMO. 1986, AS AMENDED.

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, have received an annexation petition filed under the provisions of Section 71.012 RSMo; and

WHEREAS, said voluntary annexation petition is within an area sought to be annexed by the City of Perryville; and

WHEREAS, the Mayor and Board of Aldermen believe it is in the best interests of the citizens of the City of Perryville, Missouri, to proceed with the annexation of said parcel of real estate.

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

Section 1. That there has been presented, on the 6<sup>th</sup> day of September, 2016, to the Board of Aldermen of the City of Perryville, Missouri, a verified petition signed by **Richard Stark and Sherry Stark**, the owners of all fee interests of record in the tract of real property located within the area described in said petition, which area is proposed to be annexed to the City of Perryville, Missouri, and which petition requests the annexation of such area into the city limits of the City of Perryville, Missouri; a copy of said petition is attached hereto and made a part hereof by reference.

Section 2. No part of said real property sought to be annexed by the petition attached hereto is included in any incorporated municipality.

Section 3. That real property described in the annexation petition attached hereto is contiguous to the existing corporate limits of the City of Perryville, Missouri.

Section 4. That, in accordance with the provisions of Section 71.012, RSMo., a public hearing shall be held concerning this matter on the 20<sup>th</sup> day of September, 2016, at 6:30 p.m. at the City Hall in the City of Perryville, Missouri.

Section 5. That the City Clerk is hereby authorized and directed to cause a notice of such hearing to be published at least seven days prior to the date of the hearing in a newspaper of general circulation in Perry County, Missouri, which is qualified to publish legal matters.

PASSED by the Board of Aldermen of the City of Perryville, Missouri, this 6<sup>th</sup> day of September, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions, and 1 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

**SECOND READING AND FINAL PASSAGE:**

Now, at this time, the Board proceeds to approve Bill No. 5573, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A COST SHARE AGREEMENT BY AND BETWEEN THE CITY AND **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION** RELATIVE TO **GRADING, DRAINAGE AND PAVING TG WAY TO ITS INTERSECTION WITH ROUTE AC (PROJECT J9P3093)**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5573 is read a second time on motion by Alderman Buerck, seconded by Alderman Guth. 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, absent; Gary J. Schumer, aye. Totals: aye, five; nay, none; absent, one. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5797 of the City of Perryville, and is in words and figures as follows:

**BILL NO. 5573**

**ORDINANCE NO. 5797**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A COST SHARE AGREEMENT BY AND BETWEEN THE CITY AND **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION** RELATIVE TO **GRADING, DRAINAGE AND PAVING TG WAY TO ITS INTERSECTION WITH ROUTE AC (PROJECT J9P3093)**; 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 Cost Share Agreement, 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 Cost Share Agreement;

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 Cost Share Agreement marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, 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, that the City enter into said Cost Share Agreement.

2. That the Mayor be and he is hereby authorized and directed to execute said Cost Share Agreement 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 Cost Share Agreement.

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 hereby declare this ordinance to be an emergency ordinance in order to protect the health, safety, and welfare of the citizens of the City of Perryville.

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

FIRST READING: August 16, 2016.

SECOND READING: September 6, 2016.

PASSED AND APPROVED this 6<sup>th</sup> day of September, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions and 1 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5574, AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.20, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE "PROHIBITED PARKING SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 3618 RELATING TO ADDITIONAL PARKING RESTRICTIONS IN THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH. Bill No. 5574 is read a second time on motion by Alderman Martin, seconded by Alderman Buerck. Thereupon on motion by Alderman Martin, seconded by Alderman Buerck, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, absent; Gary J. Schumer, aye. Totals: aye, five; nay, none; absent, one. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5798 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5574

ORDINANCE NO. 5798

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.20, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE

"PROHIBITED PARKING SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 3618 RELATING TO ADDITIONAL PARKING RESTRICTIONS IN THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. That the "Prohibited Parking Schedule" adopted under the authority of the Code of Ordinances of the City of Perryville, Missouri, and specifically set forth in Ordinance Number 3618, is hereby amended by adding thereto the following prohibited parking designation:

(tttt) On the north and south sides of Grand Avenue from its intersection with U. S. Highway 51 (Perryville Boulevard) east for a distance of 355 feet.

Section 2. It is the intent of the Mayor and Board of Aldermen of the City of Perryville, Missouri, that this ordinance shall amend and become part of Ordinance Number 3618 passed and approved by the Mayor and Board of Aldermen of the City of Perryville, Missouri, on the 21st day of April, 1998.

Section 3. That the City Administrator shall cause the marking or signage of the areas designated.

Section 4. That this ordinance shall not be codified in the Code of Ordinances of the City of Perryville, Missouri, but kept on file in the office of the City Clerk.

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

FIRST READING: August 16, 2016.

SECOND READING: September 6, 2016.

PASSED AND APPROVED this 6<sup>th</sup> day of September, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions and 1 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5575, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **EARL MIESNER** RELATIVE TO **SLUDGE FARM CROP LEASE**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5575 is read a second time on motion by Alderman Guth, seconded by Alderman Buerck. Thereupon on motion by Alderman Guth, seconded by Alderman Buerck, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, absent; Gary J. Schumer, aye. Totals: aye, five; nay, none; absent, one. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5799 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5575

ORDINANCE NO. 5799

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **EARL MIESNER** RELATIVE TO **SLUDGE FARM CROP LEASE**; 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 **Earl Miesner**. 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: August 16, 2016.

SECOND READING: September 6, 2016.

PASSED AND APPROVED this 6<sup>th</sup> day of September, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions and 1 absent.

CITY OF PERRYVILLE, MISSOURI  
By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5576, 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 CITY HALL REROOFING PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5576 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, absent; Gary J. Schumer, aye. Totals: aye, five; nay, none; absent, one. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5800 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5576

ORDINANCE NO. 5800

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 CITY HALL 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: August 16, 2016.

SECOND READING: September 6, 2016.

PASSED AND APPROVED this 6<sup>th</sup> day of September, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions and 1 absent.

CITY OF PERRYVILLE, MISSOURI  
By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5578, AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.56, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO SIGN CONTENT; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5578 is read a second time on motion by Alderman Guth, seconded by Alderman Buerck. Thereupon on motion by Alderman Guth, seconded by Alderman Buerck, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, absent; Gary J. Schumer, aye. Totals: aye, five; nay, none; absent, one. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5801 of the City of Perryville, and is in words and figures as follows:

AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.56, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO SIGN CONTENT; 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 17.56, Section 17.56.010, Subsection H, Paragraph 2, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

**“17.56.010 Accessory building, use and structure regulations.**

\* \* \*

2. Directional and informational signs not more than two hundred (200) square feet in sign face area may be permitted adjacent to an arterial street.”

Section 2. That Title 17, Chapter 17.56, Section 17.56.010, Subsection H, Paragraph 8, Subparagraph e, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

**“17.56.010 Accessory building, use and structure regulations.**

\* \* \*

- e. Temporary off-premise advertising signs, decorations, or displays advertising or promoting an event which are properly constructed and maintained may be displayed for no more than thirty (30) days prior to and no more than two (2) days after the event to which they pertain. Such signs or displays shall be limited to thirty-two (32) square feet in area. No residentially zoned property may display more than one (1) sign at a time or more than two (2) signs in a calendar year. Commercially zoned property shall not display more than two (2) signs at a given time.”

Section 3. That Title 17, Chapter 17.56, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding Section 17.56.015 to read as follows:

**“17.56.015 Sign code to be content neutral.**

It is the policy of the city that all sign codes within the city shall be content neutral. In applying the provisions of Section 17.56.010 of this code, the city administrator and his designees shall enforce sign prohibitions so as to only place limitations on signs that relate to time, place, and manner of sign placement. All references to the content of a sign shall be used only to categorize the sign relative to time, place, and manner of sign placement. It is provided that nothing in this section shall limit the city’s ability to enforce prohibitions against obscenity, pornography, nudity or unlawful racial, ethnic, or gender discrimination.”

Section 4. 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 5. 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 6. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: August 16, 2016.

SECOND READING: September 6, 2016.

PASSED AND APPROVED this 6<sup>th</sup> day of September, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions and 1 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

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

Now, at this time, Bill No. 5579, AN ORDINANCE APPROVING THE PROPOSED REZONING FOR A SPECIAL USE PERMIT FOR CERTAIN PROPERTY IN THE CITY OF PERRYVILLE, MISSOURI, DESCRIBED IN EXHIBIT A; SETTING FORTH THE AREA FOR SPECIAL USE AND THE CONDITIONS OF SPECIAL USE; ALL IN ACCORDANCE WITH THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, is read for the first time with an expedite clause for matters related to zoning as found in Title 17 of the Code of Ordinances upon motion by Alderman Buerck, seconded by Alderman Guth. On motion by Alderman Buerck, seconded by Alderman Guth, and on vote carried, Bill No. 5579 is read for the second time. 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 showing the aye and nay vote showed as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, absent; Gary J. Schumer, aye. Totals: aye, 5; nay, 0; absent 1. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5802 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5579

ORDINANCE NO. 5802

AN ORDINANCE APPROVING THE PROPOSED REZONING FOR A SPECIAL USE PERMIT FOR CERTAIN PROPERTY IN THE CITY OF PERRYVILLE, MISSOURI, DESCRIBED IN EXHIBIT A; SETTING FORTH THE AREA FOR SPECIAL USE AND THE CONDITIONS OF SPECIAL USE; ALL IN ACCORDANCE WITH THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI.

WHEREAS, the City Board and the Planning and Zoning Commission have considered a proposed rezoning and/or special use permit for property described as 122 South Kingshighway, as set out in Exhibit A which is attached hereto and incorporated herein by reference; and,

WHEREAS, a public hearing was held on said rezoning and/or special use permit in accordance with the Code of Ordinances of the City of Perryville, Missouri; and,

WHEREAS, a special use permit to operate a dog bath and boutique in a C-2 General Commercial District may be granted by virtue of the Code of Ordinances of the City of Perryville, Missouri; and,

WHEREAS, after duly considering the recommendations of the City Planning and Zoning Commission and other input received at the required public hearing, the Board of Aldermen of the City of

Perryville, Missouri, has decided it is in the best interests of the citizens of the City of Perryville, Missouri, to grant a special use for said property.

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

Section 1. That an application for a special use permit, which said application is marked Exhibit A and attached hereto, is hereby approved, and a special use permit is hereby issued to Trisha Riney, Applicant.

Section 2. That the property set forth in Exhibit A is hereby granted a special use permit to operate a dog bath and boutique in a C-2 General Commercial District.

The aforesaid special use permit is subject to the following specific conditions: compliance with all ordinances of the City of Perryville, Missouri.

Section 3. That attached hereto as Exhibit B are the formal findings and conclusions of the Board of Aldermen.

Section 4. That the City Clerk of the City of Perryville, Missouri, shall and is hereby directed to indicate on the "Official Zoning District Map" of the City of Perryville, Missouri, the above special use permit and the date of issuance thereof and to certify same and to keep said map on file in the office of the City Clerk and a copy displayed in City Hall, City of Perryville, Missouri; and that said City Clerk is further directed to indicate on said "Official Zoning District Map" the existence of special conditions on the use of the aforesaid property.

Section 5. Violation of the special conditions listed above shall result in revocation of the special use permit and/or prosecution and/or fine under the zoning ordinances.

Section 6. This special use permit is issued to the applicant and shall not be assigned or otherwise transferred by said applicant. This special use permit runs with the applicant and not the land.

Section 7. If construction is required for the special use granted hereunder, this special use permit shall expire in the event construction does not commence within six (6) months of the date of issuance of this special use permit and is not completed within two (2) years of the issuance of this permit.

Section 8. 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 9. That the Mayor and Board of Aldermen of the City of Perryville, Missouri, hereby declare this ordinance to be a matter related to zoning as found in Title 17 of the Code which has previously been reviewed and approved by the City Planning and Zoning Commission and for that reason this ordinance may be acted on in one meeting

Section 10. That this ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: September 6, 2016.

SECOND READING: September 6, 2016.

PASSED AND APPROVED this 6<sup>th</sup> day of September, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions, and 1 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

Now, at this time, Bill No. 5580, AN ORDINANCE AMENDING THE "OFFICIAL ZONING DISTRICT MAP" OF THE CITY OF PERRYVILLE, MISSOURI, AS ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, MISSOURI, ON THE 20TH DAY OF FEBRUARY, 1978; SAID AMENDMENT IS IN ORDER TO RECLASSIFY A CERTAIN DESCRIBED AREA OF THE CITY OF PERRYVILLE, MISSOURI, FROM R-2 TO R-5, ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED TO THE BOARD OF ALDERMEN BY VIRTUE OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, is read for the first time with an expedite clause for matters related to zoning as found in Title 17 of the Code of Ordinances upon motion by Alderman Buerck, seconded by Alderman Schumer. On motion by Alderman Buerck, seconded by Alderman Schumer, and on vote carried, Bill No. 5580 is read for the second time. Thereupon on motion by Alderman Buerck, seconded by Alderman Schumer, 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, absent; Gary J. Schumer, aye. Totals: aye, 5; nay, 0; absent, 1. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5803 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5580

ORDINANCE NO. 5803

AN ORDINANCE AMENDING THE "OFFICIAL ZONING DISTRICT MAP" OF THE CITY OF PERRYVILLE, MISSOURI, AS ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, MISSOURI, ON THE 20TH DAY OF FEBRUARY, 1978; SAID AMENDMENT IS IN ORDER TO RECLASSIFY A CERTAIN DESCRIBED AREA OF THE CITY OF PERRYVILLE, MISSOURI, FROM R-2 TO R-5, ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED TO THE BOARD OF ALDERMEN BY VIRTUE OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI.

WHEREAS, Austin Rentals LLC and Walter Gawrych, owners of a certain tract of land herein referred to, have heretofore submitted to the City Planning and Zoning Commission for its consideration the rezoning of certain territories located in the City of Perryville, Missouri, said properties being described as Harvest Acres as set out in Exhibit A which is attached hereto and incorporated herein as if fully set forth; and,

WHEREAS, the City Planning and Zoning Commission has heretofore reported to the Board of Aldermen that it approved the requested zoning change; and,

WHEREAS, the City Planning and Zoning Commission and the Board of Aldermen have heretofore complied with all of the provisions of the Code of Ordinances of the City of Perryville, Missouri; and,

WHEREAS, the Board of Aldermen believes it is in the best interest of the citizens of the City of Perryville, Missouri, to rezone the aforesaid area as requested by the applicants.

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

Section 1. That Ordinance No. 1492, adopted February 20, 1978, and the accompanying "Official Zoning District Map" of the City of Perryville, Missouri, are hereby amended insofar as they relate to the property described on Exhibit A which is attached hereto and incorporated herein as if fully set forth; that said property is hereby rezoned from R-2 Single-Family Residential District to R-5 General Residential District.

Section 2. That the application for rezoning as submitted by the owners is attached hereto, marked Exhibit A and incorporated herein as if fully set forth.

Section 3. That the City Clerk of the City of Perryville, Missouri, shall and is hereby directed to amend the "Official Zoning District Map" of the City of Perryville, Missouri, and to certify same and to keep said map on file in the office of the City Clerk and an updated copy shall be placed at City Hall, City of Perryville, Missouri.

Section 4. That 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 the Mayor and Board of Aldermen of the City of Perryville, Missouri, hereby declare this ordinance to be a matter related to zoning as found in Title 17 of the Code which has previously been reviewed and approved by the City Planning and Zoning Commission and for that reason this ordinance may be acted on in one meeting

Section 6. That this ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: September 6, 2016.

SECOND READING: September 6, 2016.

PASSED AND APPROVED this 6<sup>th</sup> day of September, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions, and 1 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

Now, at this time, Bill No. 5581, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **BEST FENCING, LLC. RELATIVE TO BALL FIELDS 4 AND 5 BACKSTOP AND FENCING REPLACEMENT 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 Martin, seconded by Alderman Hudson. On motion by Alderman Martin, seconded by Alderman Hudson, and on vote carried, Bill No. 5581 is read for the second time. 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 showing the aye and nay vote showed as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, absent; Gary J. Schumer, aye. Totals: aye, 5; nay, 0; absent 1. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5804 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5581

ORDINANCE NO. 5804

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **BEST FENCING, LLC. RELATIVE TO BALL FIELDS 4 AND 5 BACKSTOP AND FENCING REPLACEMENT 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 **Best Fencing, LLC**. 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. 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: September 6, 2016.

SECOND READING: September 6, 2016.

PASSED AND APPROVED this 6<sup>th</sup> day of September, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions, and 1 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

Now, at this time, Bill No. 5582, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **ZOELLNER CONSTRUCTION CO., INC.** RELATIVE TO **PERRYVILLE POLICE STATION ROOFING 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 Martin, seconded by Alderman Buerck. On motion by Alderman Martin, seconded by Alderman Buerck, and on vote carried, Bill No. 5582 is read for the second time. 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 showing the aye and nay vote showed as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, absent; Gary J. Schumer, aye. Totals: aye, 5; nay, 0; absent 1. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5805 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5582

ORDINANCE NO. 5805

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **ZOELLNER CONSTRUCTION CO., INC.** RELATIVE TO **PERRYVILLE POLICE STATION ROOFING 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 **Zoellner Construction Co., 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: September 6, 2016.

SECOND READING: September 6, 2016.

PASSED AND APPROVED this 6<sup>th</sup> day of September, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions, and 1 absent.

CITY OF PERRYVILLE, MISSOURI  
By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

Now, at this time, Bill No. 5583, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **SPECTRA TECH, LLC.** RELATIVE TO **MANHOLE LINING 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 Guth, seconded by Alderman Buerck. On motion by Alderman Guth, seconded by Alderman Buerck, and on vote carried, Bill No. 5583

is read for the second time. Thereupon on motion by Alderman Guth, seconded by Alderman Buerck, 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, absent; Gary J. Schumer, aye. Totals: aye, 5; nay, 0; absent 1. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5806 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5583

ORDINANCE NO. 5806

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **SPECTRA TECH, LLC**. RELATIVE TO **MANHOLE LINING 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 **Spectra Tech, LLC**. 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: September 6, 2016.

SECOND READING: September 6, 2016.

PASSED AND APPROVED this 6<sup>th</sup> day of September, 2016, by a vote of 5 ayes, 0 nays, 0 abstentions, and 1 absent.

CITY OF PERRYVILLE, MISSOURI  
By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

**FIRST READINGS:**

Alderman Martin presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5584, entering into an agreement with Lundy Heating and Cooling relative to Furnaces and Central Air Units Project for the Water Treatment Plant 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 **LUNDY HEATING AND AIR, INC., d/b/a LUNDY HEATING AND COOLING**, RELATIVE TO **FURNACE AND CENTRAL AIR UNITS FOR WATER TREATMENT PLANT PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Guth presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5585, entering into an agreement with Koch Electric, Inc., relative to 2016 Supplemental Power Project - School Street Lift Station Generator and Water Treatment Plant Transfer Switches, 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 **KOCH ELECTRIC, INC.**, RELATIVE TO **2016 SUPPLEMENTAL POWER 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. 5586, entering into a First Extension Agreement with Gilster-Mary Lee Corporation, 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 **GILSTER-MARY LEE CORPORATION** RELATIVE TO **FIRST EXTENSION TO AGREEMENT DATED JANUARY 5, 2010**; 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, thanks the Public Works Department for accomplishing several tasks recently mentioned, such as straightening street signs and fixing the concrete on Sunset.

Alderman Schumer, as Chairman of the Economic Development Committee, asks EDA Director Sattler to update the Board on any economic development activity. Director Sattler notes: golf tourney is this Friday; SB40 resource; worked with PDC for directional signs; Miraculous Medal Capital Campaign for renovations kicks off on Sept 18; Downtown Market finished for this year; Cruise-In was successful, next month is last one for this year; September 17<sup>th</sup> is the Farm to Table dinner; Bikers on the Square donated \$2,350 to Camp Hope - a veterans camp on Highway 67.

City Administrator Buerck updates the Board on the following:

- **Airport Fuel** - Both tanks now have fuel. We are scheduled for an 11am certification with the Department of Agriculture's Weights and Measures team. Once that is approved, we are "good to go" and will start marketing fuel.

- **FAA Airport Name Change** - The FAA has asked that we change the proposed Perryville Regional Airport to Perryville Rgnl Airport. Our ID will still be PCD. At this writing, it is still on track for January but they were suggesting that could change just a couple of weeks ago.

- **Karst Documentary** - The LAD Foundation sponsored a portion of a DNR video on Karst Topography. To this end, we spent several hours Friday with the interview team at various sinkhole and cave locations throughout town. They were very pleased with how everything went and will let us know when it is finished. They are looking for additional sponsors for the 20 minute program, of which we are proposed to be about 3-5 minutes.

- **Saturday Night Movies** - To be consistent with the rest of the week, our Saturday night movies now start at 7pm instead of 6:30pm.

- **LED Update** - All lights should be changed over by the end of September. This will include the lights along HWY 61 and 51. As previously discussed, all lights will be 70W LED as opposed to multiple and various lights for different situations. However, if MoDot decides they want a different wattage in bulbs along their highways, we will need to accommodate.

- **Special CIP Meeting** - The Mayor requested a kinder, simpler Capital Improvement Plan. Staff, led by Donna Strattman, again revised the format and reduced a novel into an easier to use and hopefully understand tool for the Mayor and Board, staff and public. We would like to unveil this revised version to the Finance Committee during a special meeting on September 20 at 5:30pm.

City Engineer Baer reviews the manhole lining process for the Board, noting that this will help with the I&I situation within the city. He also updates the Board on the water tank construction progress.

Alderman Buerck asks staff to check with MoDot regarding the traffic light at the intersection of Highway 51 By-Pass and Edgemont.

Alderman Buerck states that he feels the Board should continue to look into the landlord/tenant issues within the city. He states that he believes there are safety issues that should be addressed and suggests the aldermen view the insect situation on Rand Avenue.

Now, at this time, upon motion by Alderman Martin, seconded by Alderman Hudson, it is ordered that the Board now convene into Closed Session to discuss real estate matters in accordance with Section 610.021(2) 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, absent; Gary J. Schumer, aye. Totals: aye, five; nay, none; absent, one.

Following discussion and review, it is upon motion by Alderman Hudson, seconded by Alderman Guth, 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, absent; Gary J. Schumer, aye. Totals: aye, five; nay, none; absent, one.

There being no further business, it is upon motion by Alderman Buerck, seconded by Alderman Martin, and on vote carried, ordered that the Board now adjourn until Tuesday, September 20, 2016, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK