

October 4, 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 Larry Riney, Aldermen; Brent Buerck, City Administrator; Donna Strattman, City Treasurer; and Thomas Ludwig, City Attorney. Absent: Alderman Gary Schumer and City Clerk Tracy Prost.

Mayor Baer opens the meeting with the Pledge of Allegiance and invocation, in which he mentions the repose of the soul of Melvin Weber, former city employee, and Evelyn Schubert, mother-in-law of Alderman Gary Schumer.

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

Mr. Butch Zahner, of 10 Osage, Perryville, Missouri, approaches the Board of Aldermen. He states that he has been a long-time landlord in the City of Perryville and wants the Board to consider the investments that the local landlords have in the City before they make any decisions about new laws for tenants and landlords. He states that the landlords have a big financial impact on the City because of the business they do with all of the local businesses, such as Guyot's and Buchheit's, and local plumbers and contractors, etc.

Mr. Alan Muench, of 6456 North Highway 61, Perryville, Missouri, also appears before the Board regarding the same issue. He informs the Board that the landlords plan to form a professional organization to form better relationships between landlords and tenants. He distributes a complaint form that they are working on, and he asks the Board to allow them one to two years to organize and implement the complaint system and to solve their own problems before the Board imposes any new rental inspection rules.

Ms. Pam Muench, of 6456 North Highway 61, Perryville, Missouri, distributes a letter from Tracey Hagan of Remax because she could not be present. She also asks the Board for 12 months to allow the landlords to improve the landlord/tenant relationships.

Ms. Muench states that she will be the president of the landlord's organization. They currently have 30 interested members and believe they will increase to 50. She expresses her concern that the Board might make a decision about this situation without the landlords' knowledge.

Mayor Baer explains that staff is in the process of looking into the concerns and developing a proposal over the next few weeks. He states that staff will be consulting with landlords and concerned citizens during this process, and that the Board will not make any decisions without the landlord being advised.

City Administrator Buerck asks the landlords present if it is their intent that he work with Pam Muench while looking at this matter. It is the consensus of the present group that he do so. He also explains to the group how to use the City's website to be notified of agendas as they are prepared.

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

At this time, Mayor Baer opens a public hearing relative to a 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.

There being no one coming forth, Mayor Baer closes the public hearing relative to a 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.

CONSENT AGENDA ITEMS

3. Approve minutes from meeting of September 20, 2016.
4. Approve bills for September, 2016.

At this time Alderman Riney, Chairman of the Finance Committee, presents the following bills and invoices for the month of September, 2016, vendor checks numbered 102181 - 102424, and 6 ACH transfers; payroll checks numbered: 657603 - 657609.

The following bills are presented to be paid for the month of September, 2016. Board finds that \$282,056.05 is chargeable to and payable out of the General Revenue Account; \$87,052.81 is out of Transportation Trust; \$127,460.05 is out of Perry Park Center; \$1,005.64 is out of Veterans Memorial Field; \$3,586.91 is out of TIF #1; \$6,690.00 is out of TIF #2; \$3,862.86 is out of TIF #3; \$753.28 is out of Street Improvement; \$25,492.31 is out of Debt Service; \$28,032.81 is out of Capital Improvement Sales Tax; \$47,378.37 is out of Refuse; \$194,489.66 is out of CWSS; and \$173,695.64 is out of Gas Operation. The Board, upon investigation, found the sum to be \$981,556.39.

5. Approve Invoice 1784 (Final) from Spectra-Tech, LLC relative to Manhole Lining Project - \$93,034.00.
6. Approve 2015-16 Audit.
7. Approve request from Perry County Sheriff's Office to hold a fundraiser to benefit Shop-With-A-Cop on October 29, 2016, at the intersection of St. Joseph Street and Perryville Boulevard or the intersection of Main Street and Ste. Marie Street.
8. Approve proposed Driveway Permit Application.
9. Approve Yearly Rate Schedule 2016-17.

END OF CONSENT AGENDA

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

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

At this time, Aldermen Riney makes a motion to approve bids received for Water Line Relocation at Liberty and Jefferson Streets Project and award to Earth First Contractors, LLC, per recommendation of City Engineer Baer in the amount of \$126,495.00. Alderman Hudson seconds the motion. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, abstain; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; Gary Schumer, absent. Totals: aye, four; nay, none; abstain one; absent one. Motion passes.

City Administrator Buerck now reviews additional options for the Downtown Plaza. He explains that Eagle Bank has offered 20' of property behind the proposed pavilion to further enhance this project. This would potentially allow for the grand staircase on the back side of the pavilion but would limit storage area underneath. In addition, he asks the Board to consider the possibility of adding a small fountain to the front area of the plaza. He suggests that the falling water would complement the area's ambiance and it could allow for some toddler play during the summer. He notes that the proposed foundation would not re-circulate

but discharge directly into the sewer system, using about 16,000 gallons of water per day for approximately five months out of the year.

Alderman Hudson notes that he has observed a small depression on the property in question and asks staff to find out why to ensure that there isn't something there to cause concerns.

After discussion and review, Alderman Buerck makes a motion to accept the donation from Eagle Bank as long as staff determines the small depression is of no concern. Alderman Hudson seconds the motion, and on vote the motion carries.

Alderman Buerck makes a motion to approve the design that includes the grand staircase down the back of the pavilion. Alderman Hudson seconds the motion, and on vote the motion carries.

Alderman Buerck makes a motion to approve the inclusion of a small splash pad in the plaza. Alderman Hudson seconds, the motion. Roll call showed the aye and nay vote as follows: Curt Buerck, nay; Tom Guth, nay; Prince Hudson, nay; Douglas K. Martin, nay; Larry Riney, nay; Gary Schumer, absent. Totals: aye, none; nay, five; absent one. Motion fails.

City Administrator Buerck states that staff will move forward with the design as approved after the small depression area has been reviewed and found to be minimal. He expects that the plans and specifications will be set on the next agenda for the Board's approval so we can go out for bids.

FIRST AND SECOND READING AND FINAL PASSAGE:

Now, at this time, Bill No. 5587, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **EARTH FIRST CONTRACTORS, LLC**, RELATIVE TO **WATER LINE RELOCATION AT LIBERTY AND JEFFERSON STREETS 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 Riney, seconded by Alderman Buerck. On motion by Alderman Riney, seconded by Alderman Buerck, and on vote carried, Bill No. 5587 is read for the second time. Thereupon on motion by Alderman Riney, 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, abstain; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, absent. Totals: aye, 4; nay, 0; abstain, 1; absent 1. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5810 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5587

ORDINANCE NO. 5810

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **EARTH FIRST CONTRACTORS, LLC**, RELATIVE TO **WATER LINE RELOCATION AT LIBERTY AND JEFFERSON STREETS 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 **Earth First Contractors, 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: October 4, 2016.

SECOND READING: October 4, 2016.

PASSED AND APPROVED this 4th day of October, 2016, by a vote of 4 ayes, 0 nays, 1 abstentions and 1 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

FIRST READINGS:

Alderman Guth presents motion, seconded by Alderman Riney, and on vote carried Bill No. 5588, accepting Voluntary Annexation from Richard and Sherry Stark, is read for the first time by title only. The heading is as follows:

AN ORDINANCE ANNEXING CERTAIN ADJACENT TERRITORY INTO THE CITY LIMITS OF THE CITY OF PERRYVILLE, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.012 RSMO.

Alderman Martin presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5589, entering into an agreement with Paraquad DEAF Way Interpreting Services relative to Municipal Court, 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 **PARAQUAD DEAF WAY INTERPRETING SERVICES** RELATIVE TO **PROVISION OF SIGN LANGUAGE INTERPRETATION SERVICES FOR MUNICIPAL COURT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5590, accepting an easement deed from Douglas and Gretchen Schnurbusch, is read for the first time by title only. The heading is as follows:

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

Tom Guth, Chairman of the Public Works Committee, noted that he has been seeing some unfamiliar faces with the Public Works Department lately. Public Works Director Brown informs the Board of Aldermen that two gentlemen have been hired as full-time temporary employees. They are: Nick Clifton and Jordan Malone.

EDA Director Sattler updates the Board on the following activities: The final Cruise-In for the year was held last weekend in conjunction with Rocktoberfest. It was very successful; Imo's Pizza has opened; the task force regarding the 2017 Eclipse continue to meet and plan; a manufacturing day will be held on Friday, October 7th at Mineral Area College; Governor Nixon will be in town on October 7th regarding the Work Ready Community.

City Administrator Buerck updates the Board on the following:

- **EPA Pretreatment Audit** - The EPA's audit of the City's pretreatment program found several places needing improvement. As you know, we are now under contract with Kim Hoskins who is helping us and TG negotiate through this matter. This is a learning process for all of us and it hasn't been without struggle. We just completed our onsite review of TG as we work toward reissuing their permit.
- **Cave Class presented by Parks & Recreation** - Park staff has worked with some regional cavers to offer the first ever cave class through the Perry Park Center. It will be a 2-session course, one in the classroom and one in a cave and will be limited to 10 people.
- **Water Tower Logo** - The school board has selected the final design and colors for the new water tower. I am happy to say it will proclaim Perryville as the Home of the Pirates and overlook the football field. The water tower at Liberty Street will be erected first.
- **Chamber Annual Meeting – October 25** - Tickets are \$14. Contact our office if you would like to attend.
- **Dectron** - The Dectron officially succumbed to a long and hard life this morning. The brain box went out completely. Although repair could be possible for about \$8,000, it is not guaranteed and would take 3-4 weeks just to finish. The current plan, approved by the Board, will close the pool on October 30 so it doesn't make sense to send it off for repair. The timing is somewhat good as we are past the hottest point of the year.

Parks & Recreation Director Cadwell adds that the boiler is still working and can pump warm water into the pool; however, if it gets too cold, the pool may have to be closed earlier than anticipated.

Alderman Buerck reiterates that he wants the Board and staff to pay close attention to renter concerns for the safety of the citizens of the City of Perryville.

Now, at this time, upon motion by Alderman Hudson, seconded by Alderman Buerck, it is ordered that the Board now convene into Closed Session to discuss real estate matters in accordance with Section 610.021(2) RSMo and personnel matters in accordance with Section 610.021(3) RSMo. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye;

Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, absent. Totals: aye, five; nay, none; absent, one.

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

There being no further business, it is upon motion by Alderman Guth, seconded by Alderman Buerck, and on vote carried, ordered that the Board now adjourn until Tuesday, October 18, 2016, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK