

October 18, 2016

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

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

Mayor Baer opens the meeting with the Pledge of Allegiance and invocation.

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

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

At this time, Mayor Baer opens a public hearing relative to a Special Use Permit request from Jerry and Hillary Childers to open a laundry service at their property located at 1104 West St. Joseph Street, currently zoned R-2 Single Family Residential.

Mr. Childers, of 1104 West St. Joseph, informs the Board that they would like to pick up household laundry, bring it to their house, wash and fold it, and then return it to the owners. He explains that their market customer would be the elderly, infirmed or otherwise housebound who are unable to do their own laundry. He adds that they have no plans for onsite customer visits or commercial equipment and that the laundry will be done through their own household laundry machines.

Mrs. Elmira Schwein, of 1111 West St. Joseph, states that she lives across the street from the residence. She is concerned that the homeowner will be allowed to open a laundry mat in an historic log home. She states that there is already too much congestion in the area and that this could lower the property value of the other homes in the area.

There being no one else coming forth, Mayor Baer closes the public hearing relative to a Special Use Permit request from Jerry and Hillary Childers to open a laundry service at their property located at 1104 West St. Joseph Street, currently zoned R-2 Single Family Residential.

CONSENT AGENDA ITEMS

4. Approve minutes from meeting of October 4, 2016.
5. Approve Financial Report for September, 2016.

CITY OF PERRYVILLE									
STATEMENT OF CASH POSITION									
SEPTEMBER, 2016									
		April 1, 2016	REVENUE	EXPENSE		CURRENT	ACCOUNTS	CURRENT	CURRENT
	FUND NAME	Fund Balance	Y-T-D	Y-T-D	NET INCOME	FUND	RECEIVABLE	LIABILITIES	CASH
						BALANCE			BALANCE
101	Gen Rev	\$ 3,003,750.80	\$ 3,357,772.80	\$ (4,060,034.95)	\$ (702,262.15)	\$ 2,301,488.65	\$ 577,470.97	\$ 603,718.32	\$ 2,327,736.00
105	FSA Administration	\$ 1,923.82	\$ 1,498.89	\$ -	\$ 1,498.89	\$ 3,422.71	\$ -	\$ -	\$ 3,422.71
106	Asset Forfeiture	\$ 953.99	\$ -	\$ -	\$ -	\$ 953.99	\$ -	\$ -	\$ 953.99
206	Trans Trust	\$ 111,423.59	\$ 1,006,209.38	\$ (1,264,472.21)	\$ (258,262.83)	\$ (146,839.24)	\$ 1,125.00	\$ 631,677.93	\$ 483,713.69
207	Perry Park Ctr.	\$ 3,031.81	\$ 1,247,218.85	\$ (1,232,080.91)	\$ 15,137.94	\$ 18,169.75	\$ 233,148.26	\$ 243,936.95	\$ 28,958.44
211	Veterans Field	\$ 13,799.67	\$ 9,526.77	\$ (5,844.78)	\$ 3,681.99	\$ 17,481.66	\$ -	\$ -	\$ 17,481.66
213	Field Improvement	\$ 16,357.85	\$ 6,212.49	\$ (11,546.05)	\$ (5,333.56)	\$ 11,024.29	\$ -	\$ -	\$ 11,024.29
307	Debt Service	\$ 578,917.80	\$ 5,921.57	\$ (135,353.37)	\$ (129,431.80)	\$ 449,486.00	\$ 265,284.00	\$ 265,284.00	\$ 449,486.00
308	Cap Imp Sls Tax Rev	\$ 1,146,030.87	\$ 360,281.37	\$ (796,878.07)	\$ (436,596.70)	\$ 709,434.17	\$ -	\$ -	\$ 709,434.17
408	CDBG Escrow	\$ 135,124.06	\$ -	\$ (135,124.06)	\$ (135,124.06)	\$ -	\$ -	\$ -	\$ -
409	Gen Pub Fac	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
414	TIF 1-Hwy 51/61	\$ 78,542.22	\$ 1,831,258.57	\$ (1,853,708.68)	\$ (22,450.11)	\$ 56,092.11	\$ -	\$ -	\$ 56,092.11
415	Economic Develop	\$ 176,722.92	\$ 922.08	\$ -	\$ 922.08	\$ 177,645.00	\$ -	\$ -	\$ 177,645.00
416	TIF 2-Downtown	\$ 33,023.78	\$ 160.61	\$ (4,953.53)	\$ (4,792.92)	\$ 28,230.86	\$ -	\$ -	\$ 28,230.86
417	TIF 3-I55/HWY 51	\$ 396,246.35	\$ 2,057.33	\$ (11,316.95)	\$ (9,259.62)	\$ 386,986.73	\$ -	\$ -	\$ 386,986.73
513	Street Imp	\$ 1,096,904.75	\$ 172,170.15	\$ (424,528.41)	\$ (252,358.26)	\$ 844,546.49	\$ -	\$ -	\$ 844,546.49
612	Refuse	\$ 412,177.48	\$ 344,769.29	\$ (366,187.63)	\$ (21,418.34)	\$ 390,759.14	\$ 76,871.23	\$ 6,112.30	\$ 320,000.21
614	CWSS Op	\$ 1,834,741.05	\$ 2,006,515.96	\$ (2,265,090.36)	\$ (258,574.40)	\$ 1,576,166.65	\$ 226,437.68	\$ 126,423.39	\$ 1,476,152.36
619	Gas Op	\$ 7,125,871.72	\$ 1,976,615.07	\$ (2,871,834.94)	\$ (895,219.87)	\$ 6,230,651.85	\$ 905,650.36	\$ 193,052.64	\$ 5,518,054.13
	TOTAL	\$ 16,165,544.53	\$ 12,329,111.18	\$ (15,438,954.90)	\$ (3,109,843.72)	\$ 13,055,700.81	\$ 2,285,987.50	\$ 2,070,205.53	\$ 12,839,918.84

6. Approve plans and specifications for Downtown Plaza Project and authorize the City Clerk to advertise for bids.
7. Approve Pay Request No. 3 (Final) from TGB, Inc., relative to AWOS Procurement and Installation Project - \$10,973.54.
8. Approve Pay Request No. 2 to Phoenix Fabricators & Erectors, Inc., relative to Construction of Tanks 4 and 6 – \$60,726.85.
9. Approve request from TG Missouri to serve alcoholic beverages at their annual holiday party held at the Perry Park Center on Saturday, December 3, 2016, from 6:00 p.m. to 12:00 midnight.
10. Approve request from St. Vincent Athletic Director Bruce Valleroy to waive fees for use of the Perry Park Center Gymnasium to host the 2017 and 2018 Class 2, District 2 Boys and Girls Basketball Tournaments.
11. Approve request to contract with Citizens Electric to bury existing overhead lines in the City Park.
12. Approve request from Bank of Missouri to provide a fireworks display to celebrate their 125th Anniversary on Thursday, November 3, 2016, at 7:00 p.m.

END OF CONSENT AGENDA

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

Alderman Guth asks for clarification regarding item #11. He asks if the Public Works crews could prepare the trench for the conduit. Staff explains that these are Citizens Electric primary lines. Parks & Recreation Director Cadwell explains the benefits of burying the lines, noting that the City will save \$720 per year by removing the meters; the transformer will be moved to the maintenance shed (which will be especially needed when the ball fields are turned into a quad-plex); burying the lines will eliminate the need to trim the trees near the power lines, will be more esthetically pleasing, and will increase overall safety.

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

Alderman Schumer makes a motion to approve the Special Use Permit request from Jerry and Hillary Childers to open a laundry service at their property located at 1104 West St. Joseph Street, currently zoned R-2 Single Family Residential. Alderman Hudson seconds the motion, and on vote the motion carries.

At this time, City Administrator Buerck reviews language suggested to update the Code of Ordinances regarding chickens in the city limits. He notes that the current language is vague regarding number of chickens allowed and whether or not a rooster is allowed.

Alderman Riney suggests that language be added limiting the number of coops allowed to one. Alderman Guth states that any complaints received should be investigated, and Alderman Riney suggests complaints be handled similar to that of barking dog complaints. City Administrator Buerck states that staff will not be counting chickens unless a complaint is received.

Alderman Riney makes a motion to approve the amendments to the Code of Ordinances regarding chickens as proposed by staff. Alderman Buerck seconds the motion, and on vote the motion carries. This matter will be placed in the form of an ordinance for the Board's final approval.

At this time, City Administrator Buerck presents information to the Board of Aldermen regarding proposed sidewalks to be constructed by the Public Works crew. The locations presented are on Star Street, Huber Road, Parkview, and Jenny Streets.

Alderman Hudson asks for further explanation regarding whether or not a grass strip will be included. He notes that he does not believe a grass strip is necessary and that he has heard from some citizens that they do not like or want a grass strip. Discussion ensues regarding why a grass strip is included in the sidewalk design. City Administrator Buerck reviews the sidewalk policy that was approved by the Board in July, 2015.

Alderman Riney makes a motion to approve the construction of the proposed sidewalk on Huber Road at this time, including the grass strip, and that staff bring back the other sidewalks for approval after this sidewalk is completed. Alderman Guth seconds the motion, and on vote the motion carries.

It is the consensus of the Board that the sidewalk policy remain unchanged at this time.

City Administrator Buerck reviews why the apron replacement project at the airport is a priority project for the Airport Board. He informs the Board that MoDOT's most recent condition survey also found this area is in particularly poor condition and in need of repair because the asphalt is presenting foreign object debris challenges for the planes and making it harder to park planes in the hangars (as you now have to push a plane up and over the asphalt lip in several places). He explains that concrete would have to meet a federally-defined FAA standard and the cost is considerably more expensive than the asphalt alternative (which must only meet MoDOT standards). He notes that the majority (90%) of project costs will be covered by MoDOT's maintenance program for airports. As such, an asphalt project can proceed immediately while the concrete alternative would require us to wait several more years in order to accumulate sufficient funds.

After discussion and review, Alderman Riney makes a motion to approve the project with the asphalt recommendation at the engineer's estimated cost of \$159,297.20. Alderman Guth seconds the motion, and on vote the motion carries.

The Board now reviews a proposal from SEMO Regional Planning Commission regarding preparation of a Greenway Master Plan. City Administrator Buerck explains that one of the major initiatives presented in the Parks Master Plan was a city-wide greenway. He states that this greenway would follow a yet-undetermined route around the City of Perryville and allow for a nature trail for hiking and biking. He states that staff believes there could be nearby opportunities to start parts of the project with local partners

and perhaps even donated land. In order to do so, staff would like to first map the preferred route for the entire trail. This was originally going to be proposed as part of next year's budget; however, SEMO RPC has capacity available now to develop the route and the winter months will provide a better time to walk through the woods and survey potential terrain.

After discussion and review, Alderman Martin makes a motion to approve the proposal from SEMO Regional Planning Commission regarding the City's Greenway Master Plan. Alderman Buerck seconds the motion, and on vote the motion carries. This agreement will be placed on the next agenda for approval by ordinance.

The Board now discusses a proposed project regarding the concession stand and lockers at the Perry Park Center. City Administrator Buerck explains that staff has tried to take a "big picture" approach to the CTS renovations relative to the energy savings at the Perry Park Center, hoping to ensure a quality project unfolds for both now and the future.

He informs the Board that staff expects to see approximately \$95,000 from our insurance company to cover hail damage that was discovered on the sky lights in the Perry Park Center roof. As such, staff would ask the Board's permission to modify the project to include concession stand renovations and new lockers. He explains that the current lockers are rusting. He then states that the problems with the current concession stand are well-documented and the undersized concession stand is a point of frustration for our customers and staff. By moving the current stand across the hallway, we could better serve patrons on both sides (theater and gymnasium). He goes on to tell the Board that this modification would eliminate the need to set up temporary stands on the walking track to support larger events in the gym as we could open up the half-doors and serve customers. It would also allow us to create a hallway providing direct access to the pool (instead of having to walk through the bathroom/changing room). He states that staff believes a large portion of both this project and the previously discussed new lockers will be offset by the insurance claim to the sky lights in the roof.

After discussion and review, Alderman Riney makes a motion to allow staff to move forward with acquiring cost estimates for the concession stand improvements and new lockers and, if costs are appropriate, move forward with the project. Alderman Guth seconds the motion, and on vote the motion carries.

At this time, Public Works Director Brown explains his reasons for wanting to provide a Public Works Legends Scholarship. He tells the Board that the funds will come from businesses that contribute to the recognition banquet. He hopes to provide one or two \$250.00 scholarships to anyone seeking secondary education. The goal, in part, is to draw attention to the opportunities city employment presents and encourage young people to consider a career in local government.

Mayor Baer asks if it is appropriate for the City to be giving out scholarships and wonders about the vendor's motivations in donating the money. Public Works Director Brown states that most donors are happy to give and he does not think they have an ulterior motive. City Attorney Ludwig informs the Board that as long as it is clear that no taxpayer money is being used for the scholarship, it is appropriate.

Alderman Riney makes a motion to approve the Public Works Legends Scholarship(s). Alderman Buerck 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. 5588, AN ORDINANCE ANNEXING CERTAIN ADJACENT TERRITORY INTO THE CITY LIMITS OF THE CITY OF PERRYVILLE, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.012 RSMO. Bill No. 5588 is read a second time on motion by Alderman Martin, seconded by Alderman Buerck. Thereupon on motion by Alderman Martin, seconded by Alderman Buerck, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none. The Mayor

thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5811 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5588

ORDINANCE NO. 5811

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

WHEREAS, on the 6th day of September, 2016, a verified petition signed by **RICHARD STARK AND SHERRY STARK**, owners of the real estate hereinafter described requesting annexation of said territory into the City of Perryville, Missouri, was filed with the City Clerk and the Board of Aldermen; and

WHEREAS, said real estate as hereinafter described is adjacent and contiguous to the present corporate limits of the City of Perryville, Missouri; and

WHEREAS, a public hearing concerning said matter was held at the City Hall in the City of Perryville, Missouri at the hour of 6:30 p.m. on the 20th day of September, 2016; and

WHEREAS, notice of said public hearing was given by publication of notice thereof, on the 7th day of September, 2016, in The Perry County Republic-Monitor, a weekly newspaper of general circulation in the County of Perry, State of Missouri; and

WHEREAS, at said public hearing, all interested persons, corporations or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

WHEREAS, no written objection to the proposed annexation was filed with the Board of Aldermen of the City of Perryville, Missouri, within 14 days after the date of the public hearing; and

WHEREAS, the Board of Aldermen of the City of Perryville, Missouri, does find and determine that said annexation is reasonable and necessary to the proper development of the City; and

WHEREAS, the City is able to furnish normal municipal services to said area within a reasonable time after annexation;

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

Section 1. Pursuant to the provisions of Section 71.010 RSMO., as amended, the following described real estate is hereby annexed into the City of Perryville, Missouri:

Part of a 6.24 acre tract as recorded in Document #2013R01222 of the Perry County Deed Records and being part of the Southwest Fractional Quarter of Fractional Section 25, Township 35 North, Range 10 East of the Fifth Principal Meridian, Perry County, Missouri, being more particularly described as follows:

Beginning at a point the most Eastern corner of said 6.24 acre tract from which a square iron monument bears South 25 degrees 24 minutes 57 seconds West 0.30 feet; thence South 25 degrees 24 minutes 57 seconds West 150.22 feet to an iron pin the most Southern corner of said 6.24 acre tract; thence along the Southwesterly line of said 6.24 acre tract North 65 degrees 30 minutes 14 seconds West 90.00 feet to an iron pin; thence leaving said Southwesterly line North 25 degrees 24 minutes 57 seconds East 187.12 feet to an iron pin on the Northeasterly line of said 6.24 acre tract; thence South 43 degrees 04 minutes 35 seconds East 96.72 feet to the point of beginning and containing 0.35 acres.

Subject to all easements and restrictions of record or in effect.

Section 2. The boundaries of the City of Perryville, Missouri, are hereby altered so as to encompass the above described tract of land lying adjacent and contiguous to the present corporate limits of the City.

Section 3. The City Clerk of the City is hereby ordered to cause three certified copies of this Ordinance to be filed with the County Clerk of Perry County, Missouri.

Section 4. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING: October 4, 2016.

SECOND READING: October 18, 2016.

PASSED AND APPROVED this 18th day of October, 2016, by a vote 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

ATTEST:
Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5589, 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. Bill No. 5589 is read a second time on motion by Alderman Riney, seconded by Alderman Guth. Thereupon on motion by Alderman Riney, seconded by Alderman Guth, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5812 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5589

ORDINANCE NO. 5812

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.

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 **Paraquad DEAF Way Interpreting Services**. 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: October 4, 2016.

SECOND READING: October 18, 2016.

PASSED AND APPROVED this 18th day of October, 2016, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5590, 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. 5590 is read a second time on motion by Alderman Guth, seconded by Alderman Riney. Thereupon on motion by Alderman Guth, seconded by Alderman Riney, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5813 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5590

ORDINANCE NO. 5813

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 **DOUGLAS A. SCHNURBUSCH AND GRETCHEN C. SCHNURBUSCH**, 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: October 4, 2016.

SECOND READING: October 18, 2016.

PASSED AND APPROVED this 18th day of October, 2016, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

ATTEST:
Tracy Prost, City Clerk

FIRST AND SECOND READINGS AND FINAL PASSAGE:

Now, at this time, Bill No. 5591, 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 Riney, seconded by Alderman Guth. On motion by Alderman Riney, seconded by Alderman Guth, and on vote carried, Bill No. 5591 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, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, 6; nay, 0. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5814 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5591

ORDINANCE NO. 5814

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 1104 West Saint Joseph Street, 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 laundry service in an R-2 Single-Family Residential 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 Jerry Childers and Hillary Childers, Applicants.

Section 2. That the property set forth in Exhibit A is hereby granted a special use permit to operate a laundry service in an R-2 Single-Family Residential District.

The aforesaid special use permit is subject to the following specific conditions:

- (a) There will be no pick-up and delivery by customers;
- (b) Pick-up and delivery will be handled by Jerry Childers and Hillary Childers only;
- (c) The business will be limited to three washers and three dryers maximum;
- (d) There will not be any exterior signage for the business displayed on the property;
- (e) 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 applicants and shall not be assigned or otherwise transferred by said applicants. This special use permit runs with the applicants 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. 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 this Code which has previously been reviewed and approved by the 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: October 18, 2016.

SECOND READING: October 18, 2016.

PASSED AND APPROVED this 18th day of October, 2016, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

FIRST READINGS:

Alderman Martin presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5592, accepting an easement deed from Midwest Lodging, LLC, is read for the first time by title only. The heading is as follows:

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

Alderman Riney presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5593, amending Title 2, Chapter 2.78, Section 2.78.010 of the Code of Ordinances relative to composition of Airport Board, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.78, SECTION 2.78.010, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO COMPOSITION OF AIRPORT BOARD; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Schumer, as Chairman of the Economic Development Committee, reports that Governor Nixon came to Perryville to present our Work Ready Certification; Route AC connector road project is moving along; the new motel is progressing; and the AT&T store has started construction.

City Administrator Buerck updates the Board on the following:

- **2017-18 Budget Preparation** - We are getting ready to send the budget forms to the staff in the next couple of days. If the Board has priorities beyond those already captured in the CIP, please bring it up during a meeting and let us know.
- **Suggested Future Skate Park Location** - The skaters have met with Jim and expressed a preference for a location near the main entrance to the park. We wanted the Board to know this occurred and we will discuss this location with the Park Board at our next meeting.
- **Housing and Economic Data** – The information on this topic is just for your information. It is interesting information we asked SEMO RPC to put together for Perryville and Perry County.
- **Perryville Boulevard Resurfacing** - Resurfacing work will begin on Highway 51 (the By-Pass) tomorrow night and continue until it is done. It will occur between 6:30 pm and 6:30 am. This could be especially important for any emergency vehicles traveling that direction in route to an emergency.
- **Regional Retail Development Workshop** - The City of Perryville, in conjunction with MCMA, is hosting a retail development workshop. I am excited as we are pushing over 30 attendees already

and their original goal was 20. The costs for the workshop are being covered by Buxton, a retail development firm.

City Engineer Baer reviews the progress of the water project on Liberty and Jefferson Streets, as well as the progress of the generator project. He explains his findings regarding the question about an indentation on the old Hoeckele lot, informing the Board that this was an old cistern that has been filled and we will need to dig out to fix. This is on the Hoeckele lot, not the Eagle Bank parking lot as expected. He also tells the Board that he is looking for the records regarding the compaction of the lot after the Hoeckeles tore down the building.

Alderman Guth reports that he was contacted by a gentleman on Walnut Street with concerns about the new opening to the parking lot. The gentleman told him that 53 cars came out of the parking lot, but only 32 cars were parked in the lot; indicating that it is being used as an exit.

Alderman Buerck commended the Fire Department on their recent open house.

Now, at this time, upon motion by Alderman Buerck, seconded by Alderman Martin, 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 contractual matters in accordance with Section 610.021(9) RSMo. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none; absent, none.

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

There being no further business, it is upon motion by Alderman Hudson, seconded by Alderman Guth, and on vote carried, ordered that the Board now adjourn until Tuesday, November 1, 2016, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK