

**November 1, 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.

**CONSENT AGENDA ITEMS**

3. Approve minutes from meeting of October 18, 2016.
4. Approve bills for October, 2016.

At this time Alderman Riney, Chairman of the Finance Committee, presents the following bills and invoices for the month of October, 2016, vendor checks numbered 102425 - 102696, and 6 ACH transfers; payroll checks numbered: 657610 - 657620.

The following bills are presented to be paid for the month of October, 2016. Board finds that \$375,230.44 is chargeable to and payable out of the General Revenue Account; \$84,111.66 is out of Transportation Trust; \$184,062.45 is out of Perry Park Center; \$19.00 is out of Veterans Memorial Field; \$1,376.68 is out of Ball Field Improvements; \$1,320.57 is out of TIF #1; \$5,602.66 is out of TIF #2; \$5,450.58 is out of TIF #3; \$5,255.85 is out of Street Improvement; \$25,492.31 is out of Debt Service; \$28,032.81 is out of Capital Improvement Sales Tax; \$64,792.89 is out of Refuse; \$312,054.95 is out of CWSS; and \$217,332.12 is out of Gas Operation. The Board, upon investigation, found the sum to be \$1,310,134.97.

5. Approve specifications for Mowing Neighborhood Mini-Parks and authorize City Clerk to advertise for bids.
6. Approve expenditure to rebuild intake pump at Water Treatment Plant - \$16,344.29.
7. Approve Retail Liquor by Drink – Caterers (RBDC) license request from Alan Stark on behalf of River Hills Eagle for TG Missouri Holiday Party at the Perry Park Center on December 3, 3016.
8. Approve request from Charles and Sharon Cathcart to coordinate a Thanksgiving meal at the Community Center.
9. Approve recommendation from City Clerk Prost for the destruction of records in accordance with the State of Missouri Municipal Records Retention Schedule.
10. Approve Perryville Police Department Operations Manual Revision GO-98-0801. *(Removed)*
11. Approve application for federal/state assistance from MoDot Aviation Section regarding the apron pavement project at the Perryville Municipal Airport.

**END OF CONSENT AGENDA**

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

City Administrator Buerck asks that Item 10 regarding approval of Perryville Police Department Operations Manual Revision GO-98-0801 be removed at this time. It will be on the next agenda with a correction.

Alderman Guth presents motion to approve the Consent Agenda with the removal of Item 10. Alderman Riney seconds the motion, and on vote the motion passes.

City Administrator Buerck informs the Board that he has been contacted by two young ladies looking to come to Perryville from Germany for their practical experience. If approved, their time would be split equally between the City and County. He notes that there is a significant commitment of time and energy each time we host an intern such as this. For this reason, staff wants to make sure the Board approves each time before we proceed. If approved, the interns should be here from February 1, 2018, through April 30, 2018.

After discussion and review, Alderman Buerck makes a motion to approve the request from the two German students to intern at the City of Perryville from February 1, 2018, through April 30, 2018. Alderman Hudson seconds the motion, and on vote the motion carries.

City Administrator Buerck informs the Board that staff has received a couple of requests for a light shield of some sort for the new LED street lights because the lights are too bright for their preference. The company that makes the light also produces a shield for this very purpose. To limit use and ensure it is done only when truly necessary, staff would propose a shield may be added at the customer's expense if it doesn't negatively impact visibility at a street, intersection or high-profile area. The initial cost estimate from Citizens Electric is \$80-\$100 and would be applied directly to the resident's Citizens Electric bill.

After discussion and review, Alderman Guth makes a motion to allow Citizens Electric to attach a light shield to a street light at the citizen's request and cost if it doesn't negatively impact visibility at a street, intersection or high-profile area. Alderman Buerck seconds the motion, and on vote the motion carries.

Alderman Buerck notes that he has noticed a couple of the new LED street lights out. Administrator Buerck encourages the Board to let staff know if they see any of the new lights out, noting that there is a 10 year warranty on the lights.

The Board now considers a request from staff regarding master meters in trailer parks. City Administrator Buerck explains that at one time in the City's history master meters were required for mobile home parks. For whatever reason, it was lost in time. The end result is an odd situation where we have city meters located on private lines. If, or when, those lines leak, the lost water is unmetered and the City cannot take measures to fix the leak. This arrangement is something we have worked hard to avoid in all other situations (duplexes, commercial development, apartments, etc.). Staff would propose doing the same for these nine known locations. It is important to note, the proposed change is actually required by state statute (RSMo 250.140.1 3) so, regardless of how we got here, it is important to correct it now.

After discussion and review, Alderman Riney makes a motion to authorize City staff to prepare an ordinance for their review regarding master meters in trailer parks. Alderman Hudson seconds the motion, and on vote the motion carries.

The Board now considers information regarding private sewer lines. City Administrator Buerck explains that staff has discovered unique and unusual arrangements regarding the location of several private sewer mains within the City of Perryville. These lines are at the: (a) 900 block of Grand Avenue; (b) 200 block of Huber Road; (c) 900 block of Old St. Mary's Road; (d) 300 block of East South Street; and (e) zero block of South Shelby Street. Such mains are prohibited by ordinance but exist for assorted and various reasons. The City does not have an official policy or ordinance directing how these matters

should be dealt with and addressed. Some are of particular concern because they periodically require the attention of City staff when we are called out to clear the line in an emergency or sewage makes it way to the surface. The lines are also thought to be a source of potential inflow and infiltration as they are seldom properly maintained. Staff has worked together to propose language for an ordinance that states that the property owners must hook to the City's sewer line if their current line is causing environmental problems. Existing lines that are known to the City but are not causing environmental problems will be considered a civil matter between property owners.

City Administrator Buerck also discusses options regarding payment for the sewer line. He suggests that the City pay for the engineering costs and assist the residents in preparing a Neighborhood District so the cost of installing the line could be shared equally among the parties affected. He notes that it is possible that the residents will refuse to cooperate. In that instance, he suggests that a Sewer District be formed and the affected parties will be billed according to their lot size.

The Board of Aldermen discuss issues such as how close the City's sewer main needs to be and whether or not the sewer connection fees would be waived.

After discussion and review, Alderman Riney makes a motion to authorize City staff to prepare an ordinance for their review regarding private sewer lines. Alderman Hudson seconds the motion, and on vote the motion carries.

City Administrator Buerck now presents the Airport Capital Improvement Plan for the Board of Aldermen's review. He states that the plan was developed in conjunction with our engineers at CMT, reviewed by the Airport Board at their meeting on October 31<sup>st</sup> and, once it is approved by the Board of Aldermen, will be submitted to MoDOT. Next year's project, ramp repairs and airport property map (Exhibit A), have already been approved by the Board of Aldermen. He notes that after the ramp project is completed, the ramp areas and runways will be painted. The next major project listed is several years out and is proposed to be a new hangar.

Alderman Buerck makes a motion to approve the Airport Capital Improvement Plan. Alderman Riney seconds the motion, and on vote the motion carries.

The Board now reviews a request from Chief Hunt to annex a small portion of Interstate 55 into the City limits. City Administrator Buerck states that the goal is to annex only that portion of the interstate required to access the "crossover" that is north of Highway T. This will allow City officers to remain within the City limits when they are working accidents along the interstate, up to and including turning around and returning to Exit 129.

Alderman Hudson asks if this type of annexation is legal. City Attorney Ludwig states that MoDot's District Engineer has been allowing this type of annexation and it would have to be challenged by someone before it would not be allowed. City Administrator Buerck informs the Board that it is required that each adjoining property owner would be contacted to inform them of the proposed annexation.

After discussion and review, Alderman Schumer makes a motion to authorize staff to start the annexation process regarding only that portion of the interstate required to access the "crossover" that is north of Highway T. Alderman Martin 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. 5592, 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. 5592 is read a second time on motion by Alderman Martin, seconded by Alderman Guth. Thereupon on motion by Alderman Martin, seconded by Alderman Guth, and on vote carried, it is ordered that the bill be placed on final passage. Roll call

showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 5815 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5592

ORDINANCE NO. 5815

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 **MIDWEST LODGING, LLC**, 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 18, 2016.

SECOND READING: November 1, 2016.

PASSED AND APPROVED this 1<sup>st</sup> day of November, 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. 5593, 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. Bill No. 5593 is read a second time on motion by Alderman Buerck, seconded by Alderman Riney. 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. 5816 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5593

ORDINANCE NO. 5816

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.

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

Section 1. That Title 2, Chapter 2.78, Section 2.78.010, Subsections B and C, of the Code of Ordinances of the City of Perryville, Missouri, are hereby amended to read as follows:

**“2.78.010      Created—Composition—Appointment and qualification of members.**

\* \* \*

- B. The airport board shall consist of no less than five members and no more than nine members. Members appointed to the airport board must be United States citizens. Preference for appointment to the airport board shall be given first to city residents, second to residents of Perry County, Missouri, and third to residents of Ste. Genevieve County, Missouri, Cape Girardeau County, Missouri, or Randolph County, Illinois, if, in the judgment of the mayor and board of aldermen, their knowledge of airport facilities is beneficial to the city.
- C. One member of the airport board shall be a member of the board of aldermen, one member shall be submitted to the mayor and board of aldermen by Sabreliner Aviation, LLC, and no less than three members shall be individuals who have had experience or knowledge of aviation or economic development. The executive director of the Perry County Economic Development Authority and the city administrator, or his designee, shall serve as ex-officio, nonvoting members and assist the airport board members in all areas of responsibility.”

Section 2. It is the intent of the Mayor and Board of Aldermen of the City of Perryville, Missouri, and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Perryville, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: October 18, 2016.

SECOND READING: November 1, 2016.

PASSED AND APPROVED this 1<sup>st</sup> day of November, 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 Riney, and on vote carried Bill No. 5594, amending Title 6, Chapter 6.04, Section 6.04.060, and Chapter 6.16, Section 6.16.020 of the Code of Ordinances relative to regulating chickens within the city, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 6, CHAPTER 6.04, SECTION 6.04.060, AND CHAPTER 6.16, SECTION 6.16.020, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO REGULATING CHICKENS WITHIN THE CITY; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Buerck presents motion, seconded by Alderman Riney, and on vote carried Bill No. 5595, entering into an agreement with Remote Systems Integration, d/b/a RISNet re services to deliver AWOS data to the FAA's National Airspace Data Interchange Network (NADIN), 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 **REMOTE SYSTEMS INTEGRATION, d/b/a RISNet**, RELATIVE TO **SERVICES TO DELIVER AWOS DATA TO THE FAA'S NATIONAL AIRSPACE DATA INTERCHANGE NETWORK (NADIN)**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

City Administrator Buerck informs the Board of Aldermen that he has been contacted by the Perryville Newspapers regarding the possibility of hiring them to prepare a community video rather than CGI Communications. He recommends the Board remove Bill No. 5596 and allow staff an opportunity to work with Perryville Newspapers in this regard.

Alderman Buerck presents motion **to remove Bill No. 5596**. Alderman Guth second the motion, and on vote the motion carries. The heading is as follows:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **CGI COMMUNICATIONS, INC.**, RELATIVE TO **2016 COMMUNITY VIDEO TOUR**; 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. 5597, entering into an agreement with Southeast Missouri Regional Planning Commission relative to preparation of Greenway Master Plan, 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 **SOUTHEAST MISSOURI REGIONAL PLANNING COMMISSION** RELATIVE TO **PREPARATION OF GREENWAY MASTER PLAN**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Schumer, as Chairman of the Economic Development Committee, reports that the Chamber and Youth won second place in the Community Betterment Awards. He also noted that the concrete has been poured the entire length of the new Route AC project.

City Administrator Buerck updates the Board on the following:

- **Thanksgiving Holiday Trash Schedule** - Thursday holidays always present challenges for the trash schedule. In the case of Thanksgiving, trash for Ward III is picked up on Monday. We have added notice to the bills and will put post it in the newspaper.

- **Update on PPC Energy Project** - The pool is closed and drained and work is underway. Materials have been ordered and work on the floors is underway. Work on the roof will begin on Monday. If you have interest, please let me know and I will take you around and show you what is going on.

- **Ordinance Issues and Updates** – When I started here seven years ago, I began an ongoing list of problems, issues, and opportunities. It is my intention to bring these issues to the Board over the next several months. Issues include items such as Sunshine law and email retention, right-of-way mowing, personnel rules, and nuisances. We will review the highlights with the Board on each issue before proposing an ordinance.

- **Pool Colors** - The results of the survey showed a clear preference for Salt & Pepper for the pool decking and the lighter blue for the bathrooms. We will be purchasing navy blue lockers to match. We are excited to report the Fire Department and Public School will be taking the old lockers which will save us a considerable amount for disposal. The metal lockers will work much better in those environments. CTS reports the new lockers have a 25 year warranty.

- **Park Center Software** - We have been exploring online registration and payment options through our software system for park programming and there is a several month build out to have it done. Although, it will be part of next year's budget, I would like to make the authorization now so it can be ready for the spring season. The module itself costs \$7,000 with a annual support contract of \$1,250.

Parks & Recreation Director Cadwell informs the Board that 90% of what the park offers could be accomplished on-line with the new program.

It is the consensus of the Board to allow staff to move forward now with this process.

- **Photo Workshop Books** - Originally, the Photo Workshop books were going to be published by the newspaper. Unfortunate delays along the way may have cost us the opportunity. The good folks at Missouri University are exploring the options and I will keep you posted. At this time, a physical book is somewhat unlikely.

- **ISO Review** - It is again time to review the building department relative to our ISO rating. We are two code cycles behind, still being under the 2009 BOCA codes. The new code has removed some parts including the section on existing buildings (which helped with technically unfeasible situations) and swimming pools. These chapters have instead been placed by complete, standalone code books which will undoubtedly add more regulations, along with some of these protections we are accustomed to using. Over the next several months, staff will review the code and advise the Board of the changes. Eventually, a decision will be required as to what is to be adopted.

Alderman Schumer asks if residential sprinklers will be required, and staff states that they will not be required. Alderman Schumer also asks staff to include some of the area's general contractors in their review process.

City Engineer Baer reviews the progress of the water project on Liberty and Jefferson Streets and the water tower progress. He also informs the Board that the generator project should be starting on November 14<sup>th</sup>.

Alderman Riney informs the Board that he was contacted by Mr. Ken Dauster about the parking on South Walnut. Mr. Dauster stated that the residents in the area could not park in front of their own homes and that the students are littering. Mr. Dauster asked the Board to consider reserving the street parking in that area for residents only. Alderman Riney asks the Board to consider this request, noting that he would like any suggestions or ideas the Board or staff may propose for consideration.

Alderman Guth asks staff if the individuals sponsoring the recent softball tournament were happy with the park. Parks & Recreation Director Cadwell and City Administrator Buerck state that they sent a nice note stating that they were very satisfied.

Alderman Guth informed staff that he was contacted by someone with information that their neighbor has two chicken coops. Alderman Guth will forward the photos to City Administrator Buerck.

Alderman Buerck asks if there is an ordinance against allowing horse droppings in yards, noting that he has received complaints in that regard. Staff states that City code 6.04.080 and 090 deal with this type of situation. Alderman Buerck asks staff to please enforce the code.

Alderman Schumer suggests that additional signage, perhaps at the By-Pass, would help increase attendance at the theater. Parks & Recreation Director Cadwell notes that the City's website sends out a notice of movies playing to anyone who has signed up for "notify me."

Alderman Hudson questions Parks & Recreation Director Cadwell regarding the recent conflict in the park when there was a softball tournament the same day as the homecoming parade lined up in the park. Director Cadwell stated that staff was unaware of the homecoming date, but would be sure to be prepared next year.

Now, at this time, upon motion by Alderman Schumer, seconded by Alderman Guth, 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, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none; absent, none.

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, aye; Gary J. Schumer, aye. Totals: aye, six; nay, none; absent, none.

There being no further business, it is upon motion by Alderman Buerck, seconded by Alderman Guth, and on vote carried, ordered that the Board now adjourn until Tuesday, November 15, 2016, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK