

January 3, 2023

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: Larry Riney, Mayor; Curt Buerck, Tom Guth, Dennis House, Douglas K. Martin, Clint Rice, and David J. Schumer, Aldermen; Brent Buerck, City Administrator; Tracy Prost, City Clerk; and Art Pistorio, City Attorney.

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

Mayor Riney now asks for citizens' participation from the floor.

Michelle Courtois, of 409 Park Avenue, Perryville, comes forth. She tells the Board that her neighbor at 1035 Pershing Street has two vicious dogs at the residence. One of the dogs lunged at her daughter on New Year's Eve. She tells the Board that she signed a complaint against the dogs in the Spring; one of the dogs bit a neighbor; there are multiple complaints about the dogs; the dogs are getting out of the fenced area; the dogs have been tazed by the police; there are children living in the neighborhood and she fears for them.

Taylor Shroud, of 1029 Edgemont, Perryville, tells the Board that she was bitten three times by one of the dogs while she was walking to the neighbor's house to tell him the dogs were out of the fence. She says the dogs are aggressive. She expressed her concern that the owner of the dog showed no remorse or concern that she had been bitten three times. She notes that she is pregnant. She has filed a written statement about the incident. The owner is Garrett Berger of 1034 Pershing Street.

Asst. Chief Bill Jones notes that there is a court date of January 11th set for the owner of the dogs. He notes that he believes the statutes require two dog bites before the courts will order the dogs to be removed. City Attorney Pistorio remarks that if the dogs are dangerous, they can be euthanized.

City Administrator Buerck states that he will share these concerns with the prosecutor.

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

At this time, Chief Hunt introduces new city employees – Police Officer Joseph Boyd and Police Officer Levi Fortner.

CONSENT AGENDA ITEMS

4. Approve minutes from meeting of December 20, 2022.
5. Approve bills for December 2022.

At this time Alderman Schumer, Chairman of the Finance Committee, presents the following bills and invoices for the month of December 2022, vendor checks numbered 123818 - 124069; 16 ACH transfers; payroll checks numbered: 659292 - 659334.

The following bills are presented to be paid for the month of December 2022. Board finds that \$431,380.21 is chargeable to and payable out of the General Revenue Account; \$73,950.75 is out of Airport; \$81,824.77 is out of Transportation Trust; \$141,761.21 is out of Perry Park Center; \$5,623.00 is out of Veterans Memorial; \$126,938.75 is out of Capital Improvement; \$6,118.64 is out of Tech Ed Building; \$440.00 is out of TIF #2; \$9,568.92 is out of TIF #3; \$10,423.00 is out of Street Improvement; \$54,595.70 is out of Refuse; \$265,718.75 is out of CWSS; \$552,129.62 is out of Gas Operation; and \$55,949.78 is out of WWTP Project. The Board, upon investigation, found the sum to be \$1,816,423.10.

6. Approve Pay Application 2 to Richardet Floor Covering, Inc., relative to Perry Park Center Interior Flooring Project - \$20,086.80.
7. Approve Contract #04180 from Greenfield Contractors, LLC, relative to purchase and installation of salt building - \$58,869.79.
8. Approve Invoice 20225754 from Utility, Safety & Design, Inc., relative to rebuild of gas regulator stations Liberty and Schindler Road and retainer fee - \$84,509.40.
9. Acknowledge receipt of Amended Budget for 2023 Perry Plaza CID and 2024 Perry Plaza CID Budget.
10. Review and approve bids received for the Perryville Boulevard Shared Use Path – Phase 2 Project and award to Mike Light Cement Finishing, Inc., per recommendation of City Engineer Baer contingent upon approval from MoDOT - \$479,312.54; also approve a contingent award to second low bidder Lappe Cement Finishing, Inc., also contingent upon approval from MoDOT - \$635,312.54.
11. Approve request from Parks & Recreation Director Cadwell to offer Perry Park Center memberships to part-time park employees.
12. Approve recommendation from Asst. Chief Jones regarding update to operating bicycles on sidewalks.
13. Acknowledge Sale of an Animal and Waiver of Liability Agreement re Edo.
14. Set Public Hearing date for a special use permit request from Buddy Hellman to build a duplex on a previously subdivided lot at Lot 23 Winwood Court – January 17, 2023 @ 6:30 p.m.
15. Set Public Hearing date for a special use permit request from Oasis Tan & Spa, LLC, to allow a landlocked building at 805 North Main Street to be used for commercial use – January 17, 2023 @ 6:30 p.m.

END OF CONSENT AGENDA

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

Item 12 - Alderman Rice asks for discussion regarding Item 12. He expresses his concerns about bikes on sidewalks. Alderman Buerck also expresses his concern. After discussion, it is agreed that the proposed language be changed to reflect that children under the age of 16 or an adult accompanying a child or children under 16 be allowed except in a business district.

Alderman Rice makes a motion to approve the Consent Agenda with the changes to the language in Item 12. Alderman Buerck seconds the motion, and on vote the motion carries.

SECOND AND FINAL READINGS:

Now, at this time, the Board proceeds to approve Bill No. 6368, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **BUDDY HELLMAN, d/b/a WINWOOD ENTERPRISES, LLC**, RELATIVE TO **FINANCIAL REIMBURSEMENT FOR NEW CONSTRUCTION PROGRAM**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6368 is read a second time on motion by Alderman Guth, seconded by Alderman Rice. Thereupon on motion by Alderman Guth, seconded by Alderman Rice, 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, aye; David J. Schumer, aye.

Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6584 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6368

ORDINANCE NO. 6584

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **BUDDY HELLMAN, d/b/a WINWOOD ENTERPRISES, LLC**, RELATIVE TO **FINANCIAL REIMBURSEMENT FOR NEW CONSTRUCTION PROGRAM**; 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 in its substantial form, marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **Buddy Hellman, d/b/a Winwood Enterprises, 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. This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: December 20, 2022.

SECOND READING: January 3, 2023.

PASSED AND APPROVED this 3rd day of January, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

FIRST READINGS:

Alderman Martin presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 6369, entering into t-hangar agreement with Collective Force, LLC, 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 **COLLECTIVE FORCE, LLC**, RELATIVE TO **RENTAL OF T-HANGAR SPACE**; FURTHER

SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Buerck presents motion, seconded by Alderman Guth, and on vote carried Bill No. 6370, approving Ballot Issue relative to Imposition of 3% Marijuana Tax, is read for the first time by title only. The heading is as follows:

AN ORDINANCE OF THE CITY OF PERRYVILLE, MISSOURI, IMPOSING A SALES TAX FOR GENERAL REVENUE PURPOSES AT THE RATE OF THREE PERCENT (3.00%) ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD WITHIN THE CITY OF PERRYVILLE, MISSOURI, PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 4, 2023; DESIGNATING THE FORM OF THE BALLOT; AND DIRECTING THE CITY CLERK TO PROVIDE NOTICE OF SAID ELECTION.

Mayor Riney asks for Committee Reports.

Alderman Guth, as Chairman of the Public Works Committee, tells the Board that he has received favorable comments about Public Works' response regarding water pipes freezing during the recent extreme cold weather.

Alderman Martin, as Chairman of the Economic Development Committee, asks EDA Director Jones to update the Board on economic development matters.

EDA Director Report:

- **Missouri Enterprise Ag Producer Luncheon** - The luncheon will be held Wednesday, January 18th at 11 am at the Robinson Event Center. All board members are invited. A list of ag/livestock producers is being created with invitations going out next week.

- **Placer.ai Subscription** - The EDA Board is planning to purchase a subscription to a data source that will provide us with insights on foot traffic for any place in Perry County. This source will help us learn where people are coming from to shop, dine, play, and work in Perry County, how long they are staying, what traffic patterns, and a host of other information to help us with economic development decision making going forward. Most major retailers use this source, including our own Buchheit Stores, to help them with decision making. SEMO RPC is polling all counties in our region to see if any are interested so we could get a group rate for the service.

- **Rail Terminal Study** - The EDA Board signed the contract with Short, Elliott, Hendrickson for the freight rail terminal study. Work should commence on that project in the coming month.

- **EDA Strategic Planning** - The draft plan should be available for review by the EDA Board this week or early next week. The EDA Board is planning to meet on the afternoon of January 23rd to prioritize strategies from the plan.

City Administrator Report:

- **Downtown In Demand** - This was a great article. The focus of the article is on downtown redevelopment, particularly the type that incorporates housing. Also note, that I spoke with the Downtown Revitalization Committee today regarding the Fall Festival. I will have a recommendation for your review at the next meeting.

- **Airport Site Work** - Previously, members of the Board of Aldermen had asked staff to explore other options beyond a radio controlled lawnmower for difficult-to-mow areas. One of those areas we looked at were the drainage ditches down at the airport. We recently received the bid back, and, as the Board can see, it would be cost prohibitive to do this type of work very often. This year's budget includes a skid steer with a mower attachment. We think this will help with a lot of our areas while this particular location at the airport is hoped to be incorporated as part of the overall runway project when that is done next year. There is no guarantee this will be the case, but we are optimistic.

- **City Easement Appraisals** - Staff has reached out to several cities and identified a couple of commercial appraisers that come highly recommended. It is our plan to reach out to one or the other and request easement appraisals for our upcoming sewer trunk line project and beyond.

- **100th Anniversary Chamber Dinner – Jan 19 @ KC** - This is a premier meeting for the Chamber of Commerce and will be the celebration of their 100th anniversary. Staff would like to know which Board Members, along with their spouses, are interested in attending so we can ensure proper seating for them.

- **Justice Center Groundbreaking Ceremony – Jan 9 @ noon** - The county has scheduled a groundbreaking for this event next Monday at noon. It is hoped the Mayor and the Board will be available to join for this momentous occasion. Of note, Thursday the 12th, at 11am, is scheduled as a weather day.

- **Global Leadership Network** - Park staff has worked to establish ourselves as a location for this nationwide leadership training event. It will be held at the Park Center over two days and staff will work to promote the event to all of Southeast Missouri.

City Engineer Report:

- **U.V. Treatment System at Airport Wastewater Treatment Plant** - Earth First Contracting is planning to start on the concrete footings tomorrow for the UV structure. Piping material has been ordered. Delivery of some of the pipe material has been delayed until mid-February.

- **Generators for Lift Stations - Welty & Show-Me Shell** - Delivery of the generators is still anticipated to be March 13, 2023. The contractor will notify us if they will be delivered sooner.

- **2022 Street Improvement Project - Moulton St.** - Lappe Cement Finishing Inc. began excavating/removing the asphalt and setting concrete forms to reconstruct Moulton Street between Grand Avenue and Drury Lane today. They are planning to place concrete on the west lane of this block tomorrow, continuing to work the rest of the week.

- **Steel Reinforcing in Concrete Sidewalks Explanation** - Sidewalks are intended for light traffic, primarily pedestrian traffic. Concrete sidewalks four inches thick placed on properly compacted subgrade/base and not expected to support heavy loads do not require steel reinforcing. Transverse joints are either saw cut or tooled at spacings to match the sidewalk width to prevent random cracking. Expansion joints with smooth dowels are installed at 100' maximum intervals, and on both sides of intersecting driveways. MoDOT does not use steel reinforcing in their concrete sidewalks, and it is common for municipalities to follow this MoDOT standard for sidewalks. Continuous steel reinforcing in sidewalks 24 inches on center each way is estimated to add 15% to 20% to the sidewalk cost. The additional cost for steel reinforcing does not seem justified for sidewalk construction.

Chief of Police Report:

Chief of Police Hunt tells the Board that the department has lost a few more officers and he would like to discuss it in Closed Session.

Mayor Riney asks the Board for any concerns, comments, or other non-action items they would like to present. There were none.

Alderman House comments that the new carpet at the entrance to the Perry Park Center looks nice; however, it shows dirt.

Alderman Rice reports that a citizen living in the apartments on Alma Drive informed him that there was a large pothole on Alma Drive where the concrete meets the asphalt of Perryville Boulevard.

Public Works Director Layton will investigate to determine what needs to be done about the pothole and will report back.

Now, at this time, upon motion by Alderman Schumer, seconded by Alderman Buerck, it is ordered that the Board now convene into closed session to discuss personnel matters in accordance with Section 610.021(3) 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

Following discussion and review, it is upon motion by Alderman Buerck, seconded by Alderman Rice, 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; Dennis House, aye; Douglas K. Martin, aye; Clinton Rice, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

Alderman House states that he has noticed several piles of leaves raked to the curb. City Administrator Buerck suggests that Public Works can use the leaf truck to pick up these leaves one more time. Alderman Rice suggests that the leaf truck be sent out the first week in January, February, and March.

City staff will make updates to the collection schedule for the Board's review and will insert the information in the upcoming utility bill so people are aware of the change.

Alderman Guth tells the Board that he has noticed additional painting on the building next to the new mural at the corner of St. Joseph Street and Jackson Street advertising Johnson and Niswonger business. City Administrator Buerck notes that, although unfortunate, there was no agreement in place to prevent it.

Alderman Rice comments on the water breaks at the hospital and nursing home on North West Street caused by the recent extreme cold weather. He wonders if it is possible that the city could have accidentally caused any of these issues. City Administrator Buerck tells the Board that he doesn't believe any work done by Public Works could have caused these incidents.

There being no further business, it is upon motion by Alderman Rice, second by Alderman Martin, and on vote carried, ordered that the Board now adjourn until Tuesday, January 17, 2023, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK