

August 2, 2022

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, and Clint Rice, Aldermen; Brent Buerck, City Administrator; Tracy Prost, City Clerk; and Art Pistorio, City Attorney. Absent: Alderman David J. Schumer.

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

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

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

Mayor Riney now opens a public hearing regarding the 2022 Property Tax Rates. City Administrator Buerck informs the Board that the rates will not be changing this year.

There being no one else coming forward, Mayor Riney closes the public hearing regarding the 2022 Property Tax Rates

CONSENT AGENDA ITEMS

4. Approve minutes from meeting of July 19, 2022.
5. Approve bills for July 2022.

At this time Alderman Rice, Member of the Finance Committee, presents the following bills and invoices for the month of June 2022, vendor checks numbered 122520 - 122759; 16 ACH transfers; payroll checks numbered: 659172 - 659185.

The following bills are presented to be paid for the month of July 2022. Board finds that \$380,506.21 is chargeable to and payable out of the General Revenue Account; \$98,474.94 is out of Airport; \$43,667.14 is out of Transportation Trust; \$191,144.62 is out of Perry Park Center; \$733.16 is out of Veterans Fields; \$4,126.88 is out of Tech Ed Building; \$15,873.75 is out of TIF #3; \$15,489.50 is out of Street Improvement; \$45,595.92 is out of Refuse; \$225,940.59 is out of CWSS; \$375,139.13 is out of Gas Operation; and \$32,545.49 is out of WWTP Project. The Board, upon investigation, found the sum to be \$1,429,237.33.

6. Approve Pay Application 5 for Zoellner Construction relative to Impound Building - \$338,916.94.
7. Approve quotes received and award to Earth First Contractors, LLC for the 501 Feltz Street Sewer Main Relocation Project - \$21,100.00.
8. Approve quote from Fischer Quarry & Hauling, LLC, relative to rock for bank stabilization project for the Wastewater Treatment Plant - \$38,325.00.
9. Approve Request for Qualifications relative to City of Perryville Comprehensive Plan and authorize staff to advertise for submittals.
10. Approve request from PHS 2023 Project Graduation Committee to hold a coin collection event on the Square on Friday and Saturday, October 28-29, 2022.
11. Approve Festival Application from the Downtown Revitalization Committee regarding Bikers on the Square to be held on September 16 and 17, 2022.

END OF CONSENT AGENDA

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

Item 8 - Alderman Guth asks staff for more information regarding the rock for the bank stabilization project. City Administrator Buerck and City Engineer Baer explain to the Board that the rock was the wrong size and it was decided that it was more cost effective to buy from somewhere else rather than sort through what was there.

Item 11 – Alderman House expresses his concerns about the request to light sky lanterns during the Bikers on the Square event. City Administrator Buerck tells the Board that Fire Marshal Bill Jones will be checking to ensure that it isn't too dry to light the lanterns.

Alderman Buerck makes a motion to approve the Consent Agenda. Alderman Rice seconds the motion, and on vote the motion carries.

SECOND AND FINAL READINGS:

Now, at this time, the Board proceeds to approve Bill No. 6319, 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. 6319 is read a second time on motion by Alderman Buerck, seconded by Alderman Guth. Thereupon on motion by Alderman Buerck, seconded by Alderman Martin, 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, five; nay, none; absent, one. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6535 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6319

ORDINANCE NO. 6535

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 **Roger A. Naeger and Amy T. Naeger**, 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: July 19, 2022.

SECOND READING: August 2, 2022.

PASSED AND APPROVED this 2nd day of August, 2022, by a vote of 5 ayes, 0 nays, 0 abstentions, and 1 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6320, AN ORDINANCE AMENDING TITLE 5, CHAPTER 5.04 AND TITLE 17, CHAPTER 17.04, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO HOME-BASED BUSINESSES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 6320 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, aye; David J. Schumer, aye. Totals: aye, five; nay, none; absent, one. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6536 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6320

ORDINANCE NO. 6536

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5.04 AND TITLE 17, CHAPTER 17.04, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO HOME-BASED BUSINESSES; 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 5, Chapter 5.04, Section 5.04.010, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“5.04.010 Scope – Exemptions.

- A. The provisions of this chapter shall apply to all corporations, companies, associations, joint stock associations, partnerships, co-partnerships and persons and their lessees, duly constituted trustees or receivers, heirs, administrators or assigns, who shall engage in any business, trade, vocation, profession or occupation including manufacturing, within the city limits; specifically excepting those professions or callings exempted from license requirements by virtue of RSMo. 71.620, which are as follows: minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiroprapist or physician or surgeon in the state; and also specifically exempting farmers or producers, for the sale of produce raised by them when sold from their wagon, cart or vehicle or from any person in the employ of such farmers or producers in the city, as provided in RSMo. 71.630.
- B. The provisions of this chapter shall not apply to any persons following for a livelihood the profession of veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this state unless that person maintains a business office within the corporate limits of the city.
- C. The provisions of this chapter shall not apply to no-impact, home-based businesses.

- D. The provisions of this chapter shall apply to a home-based business that does not fall within the definition of a no-impact, home-based business as defined in Section 5.04.020.”

Section 2. That Title 5, Chapter 5.04, Section 5.04.020, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding a definition to read as follows:

“5.04.020 Definitions.

* * *

“No-Impact, home-based business” means any business operated in a residential dwelling that manufactures, provides or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling where:

1. The total number of employees and clients on-site at one time does not exceed the occupancy limit for the residential dwelling; and
2. The activities of the business:
 - a. Are limited to the sale of lawful goods and services;
 - b. May involve having more than one client on the property at one time;
 - c. Do not cause a substantial increase in traffic through the residential area;
 - d. Do not violate any parking ordinances or laws;
 - e. Occur inside the residential dwelling or in the rear yard of the residential dwelling;
 - f. Are not visible from the street;
 - g. Do not generate trash or refuse that exceeds normal residential trash or refuse;
 - h. Do not violate any state, local or federal tax laws or regulations; and
 - i. Do not violate any other local ordinances, state laws or regulations.”

Section 3. That Title 17, Chapter 17.04, Section 17.04.020 of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“17.04.020 Definitions.

* * *

“Garage, Private. "Private garage" means a detached accessory building, or portion of the main building, housing the automobiles of the occupants of the premises.”

* * *

"Home occupation" means any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

In the operation of a home occupation, no equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, X-ray or electrical disturbance to radio or television instruments outside of the residence; and no generation of substantial volumes of vehicular or pedestrian traffic or substantial parking demand shall be created. Further, there shall be no advertising sign displayed, other than a nameplate not exceeding one square foot in area, and there is no other exterior indication that the building is being used for any purpose other than a dwelling. When home occupations are not within the above requirements, a special use permit shall be required.”

Section 4. It is the intent of the Mayor and Board of Aldermen and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Perryville, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

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

FIRST READING: July 19, 2022.

SECOND READING: August 2, 2022.

PASSED AND APPROVED this 2nd day of August, 2022, by a vote of 5 ayes, 0 nays, 0 abstentions, and 1 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

FIRST READINGS:

Alderman Guth presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 6321, amending Title 10, Chapter 10.20 of the Code of Ordinances relative to blocking sidewalks with vehicles parked in driveways, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.20 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO BLOCKING SIDEWALKS WITH VEHICLES PARKED IN DRIVEWAYS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Martin presents motion, seconded by Alderman Rice, and on vote carried Bill No. 6322, Amending Title 10, Chapter 10.20 of the Code of Ordinances relative to the Prohibited Parking Schedule regarding Schindler Road, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.20, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE "PROHIBITED PARKING SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 3618 RELATING TO ADDITIONAL PARKING RESTRICTIONS IN THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

Alderman Buerck presents motion, seconded by Alderman Guth, and on vote carried Bill No. 6323, Readopting Title 2 of Chapter 2.48 of the Code of Ordinances regarding Personal Financial Disclosure, is read for the first time by title only. The heading is as follows:

AN ORDINANCE READOPTING CURRENT TITLE 2, CHAPTER 2.48 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, ORIGINALLY PASSED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN ON THE 21ST DAY OF AUGUST, 1991.

Mayor Riney asks for Committee Reports.

Alderman Guth, as Chairman of the Public Works Committee, asks if the Public Works crew was able to mow the slopes at the airport, noting that they had requested a piece of equipment during the

budgeting process, which was denied. City Administrator Buerck will check and bring an answer back to the Board.

Alderman Guth states that he thinks staff should inspect the city parking lot to see if it needs to be sealed. City Administrator Buerck notes that staff is working on the Capital Improvement Plan and will begin to prioritize which areas are most in need of being sealed. The Plan will be brought to the Board for their review and approval.

Alderman Rice, member of the Public Safety Committee, asks that staff check on a shrub at 827 Edgemont Boulevard. It appears to be blocking the sidewalk.

Alderman Martin, as Chairman of the Economic Development Committee, asks EDA Director Jones to update the Board on economic development matters. She notes the upcoming activities planned: Farm to Table; Laid Back on I-55; EDA Golf Tourney; and Cruise-In. She also tells the Board that her office will be working on a goals and objectives for a strategic plan. In addition, she informs the Board that she has been appointed to the New Bourbon Port Authority Board.

Alderman Guth, member of the Liaison Committee, notes that it appears the skate park committee has failed to move forward at this point.

City Administrator Report:

- **Back to School Sales Tax Weekend August 5-7** - Just a heads up that this annual event takes place this coming weekend, City, State and County taxes will be forgiven in categories related to school supplies.
- **Summer Pool Hours Ending** - Due to lack of lifeguards, the pool will return to school year hours on August 15: Fitness Swim 5 am to 2 pm; Open Swim 4 pm to 8 pm Monday through Thursday and 4 pm to 6:30 pm on Fridays; weekend hours will remain the same.
- **National Speleological Society Cave Rescue Training** - Jeremy Mantz and Robert Cahoon from Biehle Fire have organized a training for cave rescue. This training will be hosted in Perryville Oct. 29-30. The training is from the National Cave Rescue Commission. This training is one of only two being done this year in the nation and will include students from across the US. The MO Region E Homeland Security Response Team will be attending, in addition to many others.
- **Perry Plaza CID Annual Report** - This is just FYI. They have been implementing approved projects and are currently working on the water main design. This is a huge win for us as a community and something we have worked towards for many years.

City Engineer Report:

- **NE Sewer Project** – Tie-ins are beginning to be made; service connections are expected to begin soon; ripping has also begun.
- **Technical Ed Building** – The steel frames are up and the concrete has been poured in the building.
- **Fire Station #2** – Dirt work on this project has begun. We will be stockpiling the dirt at the soccer park. It will eventually be used on the trail project.

Mayor Riney asks Parks & Recreation Director Cadwell for an update on parks and recreation activities. Director Cadwell tells the Board: The July Luau was a success, with 200 people in attendance; the bollard lights are being removed in front of the PPC and overhead lighting installed; staff is helping with a Land and Water Conservation Grant application for the Lucas and Friends Playground Project; the dirt has

been removed in Miget Park; 70 athletes from the public school did community service in the parks; vandalism in the park has been slowing down (several culprits have been caught).

Mayor Riney asks the Board for any concerns, comments, or other non-action items they would like to present.

Alderman House asks for an update on Moore Drive. City Administrator Buerck tells the Board that staff is waiting on the footage numbers for the county side of Moore Drive from the City Engineer's office.

Alderman Guth asks if MoDot plans to widen Star Street at its intersection with Perryville Boulevard. City Administrator Buerck tells the Board that staff met with MoDot and were told that this would have to be a city project. Plans are to place it in next year's Capital Improvement Plan.

Alderman Guth asks what staff intends to do with the decorate streetlamps that will be removed around the Square. Administrator Buerck states that they will probably be auctioned on Purple Wave.

Alderman Buerck tells the Board that he received a call from Mr. Petzoldt wondering how long the barricades are going to be up on the sidewalk at 335 North Waters Street. The sidewalk has buckled at that location.

Alderman Rice tells the Board that he was contacted by Terry Milfelt at 1301 Edgemont with concerns about the street in front of his driveway settling and causing problems with his driveway.

Alderman Rice also received a concern from Rick Tisher about French Lane. Mr. Tisher is concerned that the street is not wide enough for parking on both sides and is concerned with the safety of children going to the playground and splash pad. City Administrator Buerck says that he thinks that parking on both sides has caused traffic to slow down and be more careful. Asst. Chief Jones agree that traffic has been slowing down on that street and that no accidents have been reported. Parks & Recreation Director Cadwell tells the Board that "Children at Play" signs are posted and he believes most of the cars parked along the street are neighborhood cars.

Now, at this time, upon motion by Alderman Buerck, 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; personnel matters in accordance with Section 610.021(3) RSMo; and contractual matter 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, absent. Totals: aye, five; nay, none; absent, one.

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, absent. Totals: aye, five; nay, none; absent, one.

There being no further business, it is upon motion by Alderman Martin, second by Alderman Guth, and on vote carried, ordered that the Board now adjourn until Tuesday, August 16, 2022, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK