

October 4, 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, 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 congratulates Assistant Chief of Police Bill Jones on his 40 years as a commissioned officer.

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

Ms. Barbara Brieg of 907 Blackberry Lane, Perryville, Missouri, approaches the Board regarding concerns about weeds growing around the temporary black pipe the City of Perryville installed to help with water drainage in her yard. She tells the Board that she is also concerned about future water runoff from the homes being built in the area. Ms. Brieg tells the Board that a neighbor is facing the same water runoff issues. She also expresses concerns about the sod that was placed in the area, noting that she does not think it will be helpful. In addition, she wonders when Harvest Acres was annexed and why the City didn't address these concerns at that time. Public Works Director Layton tells Ms. Brieg that Public Works will take care of the weeds growing near the pipe they installed. City Engineer Baer explains the direction he believes the water will run from the new homes being built. City Administrator Buerck explains that annexed property has typically been designed by the developer and the City inherits it upon annexation.

At this time, Mr. Rob DuBroc addresses the Board regarding a special use permit request he has filed with the Planning & Zoning Commission. City Administrator Buerck tells the Board that Mr. DuBroc drove from Kansas City because he thought the public hearing was scheduled for this meeting. The Board allowed Mr. DuBroc to inform them of his plans for his property at 1105 North Perryville Boulevard. He tells the Board that his original plan was to rezone the area, but the Planning & Zoning Commission, after input from the neighborhood, denied that request and suggested that he seek a special use permit instead. He tells the Board that he plans to rent space to campers, boats, etc., to park on this lot. Because it is a special use permit rather than rezoning, he will not build structures on the property. He tells the Board he plans to fence the area, but will install an additional gate for a neighbor who has an easement across the property.

City Administrator Buerck tells Mr. DuBroc that this matter will be decided at the October 18th meeting. He also notes that if there are any further concerns at that time, The final decision will be postponed until Mr. DuBroc has a chance to address those concerns.

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

CONSENT AGENDA ITEMS

3. Approve minutes from meeting of September 20, 2022.
4. Approve bills for September 2022.

At this time Alderman Schumer, Chairman of the Finance Committee, presents the following bills and invoices for the month of September 2022, vendor checks numbered 123050 - 123286; 20 ACH transfers; payroll checks numbered: 659196 - 659198.

The following bills are presented to be paid for the month of September 2022. Board finds that \$369,259.63 is chargeable to and payable out of the General Revenue Account; \$85,809.34 is

out of Airport; \$56,141.93 is out of Transportation Trust; \$123,578.19 is out of Perry Park Center; \$550.00 is out of Veterans Fields; \$119,113.74 is out of Capital Improvement; \$4,316.80; is out of Tech Ed Building; \$1,475.00 is out of TIF #2; \$1,947.50 is out of TIF #3; \$2,300.00 is out of Street Improvement; \$45,978.18 is out of Refuse; \$250,775.32 is out of CWSS; and \$69,296.21 is out of Gas Operation. The Board, upon investigation, found the sum to be \$1,130,541.84.

5. Approve Pay Application 2 to Zoellner Construction Company relative to Fire Station - \$424,252.23.
6. Approve Invoice 314 (Final) to Sonic Equipment, Co., Perry Park Center Projector and Screen Project - \$6,517.02.
7. Approve Change Order 1 regarding the Perry Park Center Flooring Project - \$4,800.00 deduction.
8. Approve request to purchase flooring materials for FY23-24 Perry Park Center lower level project - \$10,000.
9. Approve purchase of self-contained breathing apparatus from Sentinel Emergency Solutions for the Fire Department per recommendation of Asst. Fire Chief Jones - \$45,198.94.
10. Approve payment to Joe Geile Excavating, LLC, relative to WWTP Bank Stabilization Project per recommendation of Public Works Director Layton - \$24,720.00.
11. Approve request from Chamber of Commerce regarding Moonlight Madness event on the Square – October 27, 2022.
12. Approve request from the Rotary Club to hold a change/coin collection on Monday, October 24th from 3:00 pm to 6:30 pm on the Square for “Pennies for Polio.”
13. Approve bids received for the 2022 Street Improvement Project and award to Lappe Cement Finishing, Inc., per recommendation of City Engineer Baer - \$680,140.38.
14. Approve a lighting study relative to request for streetlights on Mid America Street.
15. Approve recommendation from City Treasurer to purchase website-based Digital Budget Book Software: one-time setup fee \$1,200 and \$4,950 reoccurring annual fee.
16. Approve Mayor's removal of appointment:
Airport Advisory Board
Larry Riney – removal (no replacement)

END OF CONSENT AGENDA

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

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

Alderman House makes a motion to approve a recommendation from EDA Director Jones to grant a 60-day extension to SMS Investment Group at 101 and 103 St. Joseph Street and a 60-day extension to Petunia & Lilly's Flower Shop at 119 North Jackson Street relative to the 2022 Downtown Façade Improvement Grant. Alderman Schumer seconds the motion. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Dennis House, aye; Douglas K. Martin, abstain; Clint Rice, aye; David J. Schumer, aye. Motion passes.

At this time, the Board discusses the 2022 Street Improvement Project (North Moulton Street Sidewalks).

City Administrator Buerck reports that Lappe Cement Finishing, Inc., has agreed to give flexibility regarding the sidewalk options presented at the last meeting. City Engineer Baer reports that he met with the property owners on North Moulton and most agreed to the sidewalk. He notes that the majority of the people were okay with the sidewalk when they knew how the sidewalk would impact their property. City Administrator Buerck tells the Board that a second letter will be sent to the property owners regarding updating sewer lines and reminding the property owner to submit a letter to the city by October 28th if they do not want a letter. He notes that the property owner will be informed that they must also list their reason for their sidewalk decision and the Board will review and determine if the request is reasonable.

Alderman Schumer, Chairman of the Sidewalk Committee, notes that the updates to the sidewalks on North Moulton Street will help address some of the concerns expressed in the ADA Sidewalk Assessment recently prepared by SEMO Regional Planning Commission.

Alderman Buerck questions the need for a letter from the property owner rather than a verbal notice. City Administrator Buerck explains that a written letter in the city files would be available for the next homeowner when they want to know why they do not have a sidewalk. City Attorney Pistorio tells the Board that municipal negligence laws are recently being developed and he believes a written letter from the homeowner stating they do not want a sidewalk will provide protection for the City if someone were to have an accident at that location because of the lack of a sidewalk.

Alderman Guth asks about the lack of sidewalks on Blake Street, which is only one block away from North Moulton Street. City Engineer Baer tells the Board that sidewalks were added to the street improvement policy when the Board decided to add a "safe route to school" policy to the Street Policy.

City Administrator Buerck tells the Board that the project could be given a Notice to Proceed on November 1st if the Board approves it this evening.

Alderman Schumer tells the Board that the Sidewalk Committee recommends approval of the 2022 Street Construction agreement with Lappe Cement Finishing. It is the consensus of the Board to approve the contract and move forward with the plan as outlined above.

SECOND AND FINAL READINGS:

Now, at this time, the Board proceeds to approve Bill No. 6338, AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.20 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO NUISANCES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 6338 is read a second time on motion by Alderman Rice, seconded by Alderman Schumer. Thereupon on motion by Alderman Rice, seconded by Alderman Schumer, 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. 6554 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6338

ORDINANCE NO. 6554

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.20 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO NUISANCES; 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 8, Chapter 8.20, Section 8.20.030, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by revising the definition of "Owner" to read as follows:

"8.20.030 Definitions.

* * *

"Owner" means any person having any interest in the real estate in question as shown upon the records of the office of the county assessor, or any person with legal, financial or equitable interest in the property who establishes his or her interest before the building inspector and/or board of aldermen."

Section 2. That Title 8, Chapter 8.20, Section 8.20.030, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by revising the definition of "Tenant" to read as follows:

"8.20.030 Definitions.

* * *

"Tenant" means any person or entity that rents or leases property, in whole or in part, from the owner."

Section 3. That Title 8, Chapter 8.20, Article 2, Section 8.20.160, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

"8.20.160 Violation—Offense.

Any owner or occupant who fails to abate a nuisance within ten days of notice under this chapter shall be guilty of the offense of failure to abate a nuisance and shall be punished in accordance with Section 1.16.010 of this code. Punishment under this section shall be in addition to all other civil or administrative remedies set forth in this chapter."

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: September 20, 2022.

SECOND READING: October 4, 2022.

PASSED AND APPROVED this 4th day of October, 2022, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 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. 6339, AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.20, ARTICLE 3 OF THE CODE OF ORDINANCES OF THE CITY OF

PERRYVILLE, MISSOURI, RELATIVE TO NOISE ABATEMENT; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH . Bill No. 6339 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, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6555 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6339

ORDINANCE NO. 6555

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.20, ARTICLE 3 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO NOISE ABATEMENT; 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 8, Chapter 8.20, Article 3, Section 8.20.220, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“8.20.220 Exemptions.

Exemptions from noise level limits shall be as follows:

- A. Emergency activities of municipal, county, state or federal government agencies and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare are involved;
- B. Warning devices on authorized emergency vehicles and on vehicles used for traffic safety purposes;
- C. Attendant on-site noise connected with the actual performance of sporting events;
- D. Attendant on-site noise, including loudspeakers, connected with the actual conduct of a public or private auction;
- E. Power lawn equipment, when operated between the hours of seven a.m. and ten p.m. when used in conjunction with normal residential activity and maintenance;
- F. Air conditioners that increase the background or ambient noise level by no more than five dbA's;
- G. Power construction equipment and tools when operated for the purposes intended between the hours of six a.m. and ten p.m. The City Administrator, or their designee may grant further exceptions to the time limits contained herein.”

Section 2. 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 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: September 20, 2022.

SECOND READING: October 4, 2022.

PASSED AND APPROVED this 4th day of October, 2022, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 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. 6340, AN ORDINANCE AMENDING TITLE 15, CHAPTER 15.12 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO NUMBERING OF BUILDINGS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH . Bill No. 6340 is read a second time on motion by Alderman House, seconded by Alderman Guth. Thereupon on motion by Alderman House, 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; 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. 6556 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6340

ORDINANCE NO. 6556

AN ORDINANCE AMENDING TITLE 15, CHAPTER 15.12 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO NUMBERING OF BUILDINGS; 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 15, Chapter 15.12, Section 15.12.050, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“15.12.050 Posting of Numbers.

A. It shall be the duty of the owners and occupants of every residential, commercial or industrial building in the city to have a properly placed building or house number. The building or house number shall be in Arabic numerals with contrasting background no less than four inches high. The building or house number shall be placed on or within fifteen (15) feet from the front of the building or house and be clearly visible from the street. However, the building or house number for any building or house that is set back more than thirty (30) feet from the street shall be placed at a location that is clearly visible from the street.

B. Any building or house numbers in existence on the effective date hereof that are greater than two inches high shall be considered lawful. All repairs or replacements to such building or house numbers subsequent to the effective date hereof shall comply with section A above.

C. Any owner or occupant who fails to so number any building or house for a period of thirty (30) days after receiving written notice from the city to do so shall be guilty of an offense and subject to fine under the provisions of Section 1.16.010.”

Section 2. 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 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: September 20, 2022.

SECOND READING: October 4, 2022.

PASSED AND APPROVED this 4th day of October, 2022, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 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. 6341, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **LAPPE CEMENT FINISHING, INC.**, RELATIVE TO **2022 STREET IMPROVEMENT PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6341 was postponed from the September 20, 2022, meeting and is read a first and second time on motion by Alderman Schumer, seconded by Alderman House. Thereupon on motion by Alderman Schumer, 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. 6557 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6341

ORDINANCE NO. 6557

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **LAPPE CEMENT FINISHING, INC.**, RELATIVE TO **2022 STREET IMPROVEMENT PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

WHEREAS, the Mayor and Board of Aldermen 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 **Lappe Cement Finishing, Inc.** 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, 2022.

SECOND READING: October 4, 2022.

PASSED AND APPROVED this 20th day of September, 2022, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 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. 6342, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **DILLE TRAXEL ARCHITECTURE** RELATIVE TO **PROFESSIONAL SERVICES FOR PERRY PARK CENTER WEIGHT ROOM RENOVATIONS**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6342 is read a second time on motion by Alderman House, seconded by Alderman Martin. Thereupon on motion by Alderman House, 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; 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. 6558 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6342

ORDINANCE NO. 6558

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **DILLE TRAXEL ARCHITECTURE** RELATIVE TO **PROFESSIONAL SERVICES FOR PERRY PARK CENTER WEIGHT ROOM RENOVATIONS**; 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 **Dille Traxel Architecture**. 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: September 20, 2022.

SECOND READING: October 4, 2022.

PASSED AND APPROVED this 4th day of October, 2022, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

FIRST, SECOND AND FINAL READINGS:

Now, at this time, Bill No. 6343, AN ORDINANCE ACCEPTING THE PLAT OF HEIMOS SUBDIVISION; ACCEPTING DEDICATION OF EASEMENTS, STREETS AND PROPERTIES DESCRIBED; ACCEPTING RESTRICTIONS, IF ANY, FILED THEREWITH; AUTHORIZING THE RECORDING OF SAID PLAT; ACCEPTING IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED AND INDICATED ON SAID PLAT; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, 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 Buerck, seconded by Alderman Schumer. On motion by Alderman Buerck, seconded by Alderman Martin, and on vote carried, Bill No. 6343 is read for the second time. Thereupon on motion by Alderman Buerck, seconded by Alderman Rice, 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, aye; David J. Schumer, aye. Totals: aye, 6; nay, 0. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6559 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6343

ORDINANCE NO. 6559

AN ORDINANCE ACCEPTING THE PLAT OF HEIMOS SUBDIVISION; ACCEPTING DEDICATION OF EASEMENTS, STREETS AND PROPERTIES DESCRIBED;

ACCEPTING RESTRICTIONS, IF ANY, FILED THEREWITH; AUTHORIZING THE RECORDING OF SAID PLAT; ACCEPTING IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED AND INDICATED ON SAID PLAT; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, Kate Bauer, Trustee of the Jacqueline L. Heimos Revocable Living Trust dated July 24, 1992, has platted Heimos Subdivision as located within the corporate limits of the City of Perryville, Missouri; and,

WHEREAS, the developer has installed required improvements or provided for an assessment guaranteeing the installation of required improvements; and,

WHEREAS, the developer has complied with all of the city ordinances and, in particular, Title 17 of the Code of Ordinances of the City of Perryville, Missouri.

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

Section 1. The Mayor and Board of Aldermen of the City of Perryville, Missouri, do hereby accept the final plat of Heimos Subdivision, which is attached hereto as Exhibit A, including all easements, right-of-way streets and improvements indicated thereon and subject to the terms and conditions expressed therein.

Section 2. The Mayor and City Clerk of the City of Perryville, Missouri, are hereby authorized to do all acts and execute all instruments appropriate and necessary to accept said plat.

Section 3. The City Clerk of the City of Perryville, Missouri, is hereby directed to file a copy of said plat with the Recorder of Deeds, Perry County, Missouri.

Section 4. That 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 City Planning and Zoning Commission and for that reason this ordinance may be acted on in one meeting.

Section 5. This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: October 4, 2022.

SECOND READING: October 4, 2022.

PASSED AND APPROVED this 20th day of September, 2022, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

Now, at this time, Bill No. 6344, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **MISSOURI DEPARTMENT OF SOCIAL SERVICES FAMILY SUPPORT DIVISION** RELATIVE TO **HOME ENERGY SUPPLIER AGREEMENT FOR LOW INCOME HOME ENERGY ASSISTANCE PROGRAM**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR, is read with an emergency clause for the first time upon motion by Alderman Martin, seconded by Alderman Buerck. On motion by Alderman Martin, seconded by Alderman Buerck, and on vote carried, Bill No. 6344 is read for the second time. 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 showing the aye and nay vote showed as follows: Curt Buerck, aye; Tom Guth, aye; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, aye; David J. Schumer, aye. Totals: aye, 6; nay, 0. The

Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No.6560 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6344

ORDINANCE NO. 6560

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **MISSOURI DEPARTMENT OF SOCIAL SERVICES FAMILY SUPPORT DIVISION** RELATIVE TO **HOME ENERGY SUPPLIER AGREEMENT FOR LOW INCOME HOME ENERGY ASSISTANCE 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 of the City of Perryville, Missouri, have heretofore reviewed a contract, marked Exhibit A and attached hereto and incorporated herein as if fully set forth; and,

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, deem it advisable to enter into said contract;

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

1. That the Mayor and Board of Aldermen of the City of Perryville, Missouri, approve the contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, Missouri, a municipal corporation, and **Missouri Department of Social Services Family Support Division**. It is the belief of the Mayor and Board of Aldermen that it is in the best interest of the citizens of the City of Perryville, Missouri, that the City enter into said contract.

2. That the Mayor of the City of Perryville, Missouri, be and he is hereby authorized and directed to execute said contract for and on behalf of the City of Perryville, Missouri.

3. That the City Clerk of the City of Perryville, Missouri, is hereby authorized and directed to attest the signature of the Mayor on the attached contract.

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

5. The Mayor and Board of Aldermen of the City of Perryville, Missouri, hereby declare this ordinance to be an emergency ordinance for the immediate preservation of public peace, property, health, safety, morals, or other good cause for the citizens of the City of Perryville, and for that reason, this ordinance may be acted on in one meeting.

6. This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: October 4, 2022.

SECOND READING: October 4, 2022.

PASSED AND APPROVED this 4th day of October, 2022, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

FIRST READINGS:

Alderman Guth presents motion, seconded by Alderman House, and on vote carried Bill No. 6345, entering into an agreement with Missouri Highways and Transportation Commission relative to use and access of data from the Global Navigation Satellite Real Time Network, 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 **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION** RELATIVE TO **USER AGREEMENT FOR GLOBAL NAVIGATION SATELLITE REAL TIME NETWORK ACCESS**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Rice presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 6346, entering into updated t-hangar agreements, 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 **LEON BASLER and CARDINAL FLYERS, LLC**, RELATIVE TO **RENTAL OF T-HANGAR SPACES**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Mayor Riney asks for Committee Reports.

Alderman Rice, a member of the Public Safety Committee, tells the Board that he has been contacted about a cars parking on St. Joseph Street at its intersection with Zeno Street. It appears cars are parking too close to the intersection, making it difficult for drivers to make the turn onto St. Joseph Street. The Police Department is directed to review the location and make a recommendation to the Board of Aldermen.

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

EDA Director Report:

- **County-Wide Economic Development Strategy Plan** - The Board is invited to participate in the county-wide economic development strategy plan process on October 19th.
- **Housing Development** - The housing reimbursement program luncheon is scheduled for October 21st at the Catalyst Center.
- **Courthouse Landscape Plan** - The County is surveying the community regarding the courthouse landscape plan.
- **Renaming the Downtown Revitalization Committee** – The new name for this committee is “Downtown Perryville Advancement.”

City Administrator Report:

- **Brewer Quarry Transfer to TG King, LLC** - We are still learning what all this means but understand the Brewer sand plant is under new ownership and they have been given a 50-year permit to mine sand there. We have not yet met them, nor have they reached out. This work will likely begin in the near future.

- **Chamber Fall Meeting** - The Chamber's fall meeting has been scheduled for October 20 at 5:30pm. True to form for this annual meeting, I will most likely be out of town that evening for an IMGA meeting in Springfield, Illinois. That said, we hope some members of the Board are available and interested in representing the City that evening.

- **PC Health Department Flu Clinic @ PPC – Oct 7 and 31 from 9am to 6pm** - City insurance provides for flu shots for covered lives. Instead of coordinating an onsite clinic for employees, we will release employees to attend this clinic hosted at the PPC.

- **Humanitarian of the Year Banquet – Oct 10 at 5:30pm** - The City will again purchase a table for this upcoming event and Board members are encouraged to attend. Please confirm your intentions ASAP so we can make sure all our seats will be used.

- **Chester Bridge Public Notice** - Now through October 30, the USACE is accepting comments on the Chester Bridge redesign. Namely, there are two options for the main channel span, one for 1,050 ft and another for 800'. Either option will include a vertical clearance of 70.9.'

- **Route Optimization Report** – Public Works Director Layton continues to do a good job homing in on challenges with the new route optimization system. This Pareto chart is a good example of his analysis of our pain points. I am happy to say that the most recent month saw nearly a 75% reduction in the total number of errors. Progress is being made.

- **2022 Fall Clean-Up Week Flyer** - It is that time of year again and reservations will begin already next week for pickup during the week of October 17. As a reminder, one 50 cubic foot pick up per customer and all pickups must be scheduled through the PW office.

- **Commercial Property for Sale on Perryville Blvd** - Although not dead, our potential deal for this property has slowed and staff would like to post the property for sale using the EDA Director's office to promote the site. This was previously discussed with the Board, but I wanted to remind everyone before we ordered the sign.

- **Projector and Screen Installation Complete** - The new projector has been installed and staff is really pleased with the quality of the picture and our ability to help those with special needs through one of 16 listening devices or 4 closed captioning devices. Staff is also working on revamping the concession stand menu, including trying to improve the quality of the popcorn for the winter season.

- **573 Film Festival – Oct 14, 15 and 21** - Films have been solicited from across this great nation and beyond and the 573 folks are preparing for this year's film festival which is expected to include a showing of our Karst in Perry County documentary.

- **MVOR Conference - Mississippi Valley Ozark Region** - We had upwards of 160 spelunkers in town two weekends ago, many of which camped at the Seminary Picnic grounds. One of their many excursions included additional mapping of Crevice Cave, adding to the length of the longest cave in the entire state of Missouri. Local folks are working hard to make this an annual event and perhaps even score the national conference for the National Speleological Society.

- **County No-Burn Advisory Issued** - Due to the very dry conditions, the Commission has issued a no-burn advisory. Thus far, they have stopped short of an order, but that could be forthcoming if we don't get rain.

- **Customer Appreciation Day October 27 from 11am - 1pm.** - This annual downtown event will occur later this month and the public is encouraged to stop by for a bite to eat and to visit downtown businesses.

- **Utility Billing Kiosk** – The kiosk installed for the Utility Billing Department went live over the weekend and customers have been using the kiosk. Our Utility Billing staff has done a terrific job getting the machine up and running.

City Engineer Report:

- **NE Sewer Project** – This project is nearly complete. The final items remaining are seeding, strawing, and tree replacement. Lappe Cement Finishing has opted to use the hydro-seeding process.

- **Smith Street Dry Run Branch Concerns** – We have reviewed the complaint about water pooling around the Dry Run Branch and have determined that it is caused by the nature of the branch, which is classified as a ‘loosing stream.’ The pooling water is due to the dry conditions, not due to the NE Sewer project.

- **Don Pecaut Grass Concerns re North Parkview Street Project** – We have checked with Kueker Landscaping regarding Mr. Pecaut’s zoysia and they think it looks good; although some areas are drying up because of the lack of rain. We will meet with Mr. Pecaut to help him make a plan to keep the grass alive.

- **Phase 3 of NE Sewer Project** – We are working to get this portion of the NE Sewer Project ready for bid this fall.

City Administrator Buerck notes that an updated right-of-way appraisal has been received and, as per the Board’s previous direction, staff will use the high end of the appraisal to negotiate easements for this project.

Parks & Recreation Director Report:

- **Perry County Council for Development Disabled and County Disability Resources** – The Perryville Parks & Recreation Department is receiving an award from PCBDD and CDR for outstanding practice in hiring those with different abilities.

- **PPC Painting and Flooring Projects** – These projects are moving along quickly and we expect them to be completed by the end of October/first of November.

- **Northdale Park** – Our Parks Department has installed a 9-hole disc golf course at Northdale Park. People are already playing the course.

- **Splash Pad** – The splash pad has been closed for the season.

Alderman Guth asks about the ballfield lights on Field 8, noting that someone turned them on at 10:00pm on Saturday night and he turned them off at 10:00am Sunday morning. Parks & Recreation Director Cadwell tells the Board that the lights on that field can be turned on with a flip of the switch. City Administrator Buerck notes that lights on other fields require the user to pay rent before they will be turned on. He asks Parks & Recreation Director Cadwell to determine a resolution for this matter.

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

Alderman Rice reports that Rev. Handrick gave him a tour of the streets and curbs in Rambling Hills Subdivision, noting cracks and crumbling in some areas.

Public Works Director Layton will meet with Rev. Handrick regarding this matter.

Alderman Schumer asks about limbs that have been laying on the curb on Jackson Street for a while. City Engineer Baer states he noticed that the limbs have been picked up. Staff is directed to determine if the location is paying for trash pickup.

Alderman Guth asks if consideration is being given to paving the parking lot at Field 8. City Administrator Buerck tells the Board that staff has noticed more problems with the parking lot by the flag football field and will recommend that this parking lot be placed first in line for paving.

Now, at this time, upon motion by Alderman Schumer, seconded by Alderman Rice, it is ordered that the Board now convene into closed session to discuss 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, aye. Totals: aye, six; nay, 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; Dennis House, aye; Douglas K. Martin, aye; Clinton Rice, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

Mayor Riney informs the Board that he was contacted by someone from the St. Vincent Food Pantry with a request that the city pick up their trash at no cost since they are a not-for-profit organization. After discussion and review, it is the consensus of the Board that the trash collection fee remains as is.

There being no further business, it is upon motion by Alderman Rice, second by Alderman Schumer, and on vote carried, ordered that the Board now adjourn until Tuesday, October 18, 2022, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK