

January 5, 2021

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: Curt Buerck, Tom Guth, Prince Hudson, Douglas K. Martin, Larry Riney, and David J. Schumer, Aldermen; Brent Buerck, City Administrator; Tracy Prost, City Clerk; and Thomas Ludwig, City Attorney. Absent: Mayor Ken Baer.

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

Alderman Riney now opens the meeting for citizens' participation from the floor.

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

At this time, Robert Heacock of ETC Institute reviews the findings from the 2020 Community Survey. Mr. Heacock notes that the residents of the City of Perryville have rated their city very highly, noting that 91% rated the city as an "excellent" or "good" place to live, with only 2% rating it "below average/poor." 89% rated the city as an "excellent" or "good" place to raise children, with only 3% rating it as "below average/poor." He informs the Board that Perryville services rated 37% higher than the U.S. average and 43% higher than the Missouri/Kansas average. Overall priorities for improvement over the next two years are maintenance of streets and infrastructure, management of storm water runoff, and enforcement of city codes and ordinances. Mr. Heacock informs the Board of Aldermen that the goal was to obtain completed surveys from at least 400 residents. This goal was far exceeded, with a total of 646 residents completing the survey.

CONSENT AGENDA ITEMS

4. Approve minutes from meeting of December 15, 2020.
5. Approve bills for December 2020.

At this time Alderman Riney, Chairman of the Finance Committee, presents the following bills and invoices for the month of December, 2020, vendor checks numbered 117384 - 117644; 13 ACH transfers; payroll checks numbered: 658695 - 658755.

The following bills are presented to be paid for the month of December, 2020. Board finds that \$491,048.45 is chargeable to and payable out of the General Revenue Account; \$72,294.76 is out of Airport; \$41,348.35 is out of Transportation Trust; \$130,072.29 is out of Perry Park Center; \$462.99 is out of TIF #2; \$621.50 is out of TIF #3; \$2,717.63 is out of Street Improvement; \$41,328.58 is out of Refuse; \$222,059.11 is out of CWSS; and \$409,858.52 is out of Gas Operation; and \$28,461.00 is out of WWTP Project. The Board, upon investigation, found the sum to be \$1,440,273.18.

6. Approve Final Payment to Best Fencing, LLC relative to Baseball Fields 4 and 8 Fencing Project - \$23,400.00.
7. Approve Pay Application 3 from Robinson Industrial and Heavy Contracting and HDR for the WWTP Facility Improvement Project - \$139,281.45.
8. Approve Invoice 125940-3 to Burns & McDonnell relative to Water Treatment Plant Intake Study - \$4,887.00.

9. Approve Change Order 1 to Insituform Technologies USA, Inc. relative to 2020 Trenchless Sewer Main Rehabilitation Project – extend completion date to April 18, 2021.
10. Approve payment for one-half of Community Center sewer repairs - \$15,368.23.
11. Approve request for purchase of one 2021 Ford F-250 with CNG conversion for Public Works Department from Bening Ford - \$43,760.20.
12. Approve request for purchase of six 2021 Ford Explorers for the Police Department from Bening Ford - \$ 34,843.30 each.
13. Approve memorandum from Dille Pollard Architecture regarding Perry Park Center Locker Room Project relative to flooring.
14. Acknowledge receipt of release from Larry Prost regarding grading Prost Lane.
15. Verify receipt of Petition for Voluntary Annexation from Missouri Highways and Transportation Commission and set public hearing for January 19, 2021.

END OF CONSENT AGENDA

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

Item 12 – Alderman Guth asks if trends for police cars are leaning towards SUVs. Assistant Chief Jones explains that very few manufacturers are making sedans that are big enough to house all of the equipment needed in a police vehicle.

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

RESOLUTION:

After discussion and review, Alderman Hudson makes a motion to accept a Voluntary Annexation from Missouri Highway and Transportation Commission. Motion is seconded by Alderman Schumer, and on vote carried. Said Resolution is as follows:

RESOLUTION 2021-01

A RESOLUTION RELATIVE TO VOLUNTARY ANNEXATION UNDER THE PROVISIONS OF SECTION 71.012 RSMO. 1986, AS AMENDED.

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, have received an annexation petition filed under the provisions of Section 71.012 RSMo; and

WHEREAS, said voluntary annexation petition is within an area sought to be annexed by the City of Perryville; and

WHEREAS, the Mayor and Board of Aldermen believe it is in the best interests of the citizens of the City of Perryville, Missouri, to proceed with the annexation of said parcel of real estate.

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

Section 1. That there has been presented, on the 5th day of January, 2021, to the Board of Aldermen of the City of Perryville, Missouri, a verified petition signed by **Mark E. Croarkin, District Engineer for Missouri Highways and Transportation Commission**, the owner of all fee interests of record in the tract of

real property located within the area described in said petition, which area is proposed to be annexed to the City of Perryville, Missouri, and which petition requests the annexation of such area into the city limits of the City of Perryville, Missouri; a copy of said petition is attached hereto and made a part hereof by reference.

Section 2. No part of said real property sought to be annexed by the petition attached hereto is included in any incorporated municipality.

Section 3. That real property described in the annexation petition attached hereto is contiguous to the existing corporate limits of the City of Perryville, Missouri.

Section 4. That, in accordance with the provisions of Section 71.012, RSMo., a public hearing shall be held concerning this matter on the 19th day of January, 2021, at 6:30 p.m. at the City Hall in the City of Perryville, Missouri.

Section 5. That the City Clerk is hereby authorized and directed to cause a notice of such hearing to be published at least seven days prior to the date of the hearing in a newspaper of general circulation in Perry County, Missouri, which is qualified to publish legal matters.

PASSED by the Board of Aldermen of the City of Perryville, Missouri, this 5th day of January, 2021, 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

VOLUNTARY ANNEXATION PETITION

The City of Perryville, Missouri, (hereinafter, "City") has requested that the Missouri Highways and Transportation Commission (hereinafter, "MHTC") file a petition requesting voluntary annexation into the City of certain public rights of way as indicated in the attached plan sheets. The undersigned on behalf of the City hereby verifies the following:

(1) The City has published a notice of annexation in a local newspaper of general circulation for public comment regarding the proposed annexation or if the City has no local newspaper, it has given public notice using whatever mechanism it typically uses to notify citizens of similar actions.

(2) The City has provided accurate information to MHTC regarding any and all public input received for the annexation, along with any and all input received from the County of Perry and any other incorporated municipality within a five-mile radius of the area to be annexed.

(3) The City has complied with all requirements set forth by MHTC and has provided all information requested by MHTC.

(4) The City has notified all property owners adjacent to the MHTC property to be annexed pursuant to this annexation petition of the proposed voluntary annexation.

(5) The Commission has provided the City with a legal description of the property. If the City desires or is required by statute to use a legal description different from that provided by the Commission, the City shall ensure that the alternate legal description prepared by the City shall correspond to the Commission's legal description and the City shall ensure that the City's description will not extend beyond the description provided by the Commission.

(6) To the extent allowed by law, the City will hold MHTC, Missouri Department of Transportation and its employees harmless from any lawsuits arising out of or relating to the City's failure to comply with all statutes pertaining to the annexation of the described property.

(7) The parties enter into this voluntary annexation petition with full understanding that MHTC, to the best of its knowledge and belief, has the authority to petition for voluntary annexation into the City. MHTC makes no representation that it has full fee simple title to the right of way which is the subject of this voluntary annexation. In the event this annexation is rendered null and void based upon a determination that MHTC did not have the authority to petition for voluntary annexation, MHTC will not be responsible for any damages, costs or other expenses incurred by the City in connection with this Agreement.

(8) That the undersigned on behalf of the City of Perryville has the authority to execute the terms and conditions contained in this voluntary annexation petition and bind the City to those terms and conditions.

(9) That the event the voluntary annexation is approved by the City and the city limits are extended to include the rights of way described in this voluntary annexation petition, the City shall provide MHTC's undersigned representative with a copy of the final ordinance adopted by the City extending the City's boundary to include the herein described right of way.

Therefore, the undersigned, according to his or her best knowledge, information, and belief, on behalf of the MHTC alleges:

(1) MHTC holds a property interest in the following described tract of land.

All that portion of State Highway AC situated in United States Survey 844, Township 35 North, Range 10 and 11 East of the Fifth Principal Meridian, Perry County, Missouri, which lies within the right of way widths between Station 73+83.82 and Station 100+48.47, as shown on the attached MHTC plan sheets.

(2) By execution of this petition, the MHTC requests that the above-described right of way be annexed to and be included within the corporate limits of the City of Perryville, Missouri, as authorized by the provisions of Chapter 71 of the Revised Statutes of Missouri.

(3) That, based upon information provided by the City, that the area to be annexed is not now a part of any incorporated municipality.

(4) That, based upon information provided by the City, that the area to be annexed is compact and contiguous to the existing corporate limits of the City of Perryville.

(5) That the undersigned petitioner is authorized to execute this voluntary annexation petition on behalf of MHTC so that the described right of way can be included within the corporate limits of the City of Perryville.

(6) That MHTC authorizes the governing body of the City of Perryville to cause the required notice to be published, to conduct a public hearing as required by law and to thereafter adopt as ordinance extending the limits of the City of Perryville to include the above-described right of way.

THIS PETITION REQUESTING VOLUNTARY ANNEXATION IS NOT A VALID PETITION UNTIL BOTH THE CITY AND MHTC'S REPRESENTATIVE HAVE EXECUTED THE PETITION.

In Witness Whereof, the parties have entered into this voluntary annexation petition on the date last written below:

Executed by the City this 5th day of January, 2021.

Executed by MHTC this 16th day of December, 2020.

CITY OF PERRYVILLE

By: Ken Baer, Mayor

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

By: Mark E. Croarkin, District Engineer

SECOND READINGS AND FINAL PASSAGE:

Now, at this time, the Board proceeds to approve Bill No. 6115, 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 TEMPORARY CONSTRUCTION EASEMENT DEED. Bill No. 6115 is read a second time on motion by Alderman Buerck, seconded by Alderman Martin. 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; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The bill was thereupon declared passed and approved and the bill thereupon became Ordinance No. 6333 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6115

ORDINANCE NO. 6333

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 TEMPORARY CONSTRUCTION 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 Temporary Construction Easement Deed from **MOUNT HOPE CEMETERY ASSOCIATION**, 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 Temporary Construction Easement Deed.

Section 3. The City Clerk is hereby directed to file a copy of the Temporary Construction 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: December 15, 2020.

SECOND READING: January 5, 2021

PASSED AND APPROVED this 5th day of January, 2021, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

FIRST READINGS:

Alderman Martin presents motion, seconded by Alderman Hudson, and on vote carried Bill No. 6116, entering into a development agreement with November Rain, LLC relative to a façade improvement grant, 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 **NOVEMBER RAIN, LLC**, RELATIVE TO **2021 DOWNTOWN FAÇADE IMPROVEMENT GRANT AWARD**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Buerck presents motion, seconded by Alderman Martin, and on vote carried Bill No. 6117, entering into a development agreement with Kirk and Cari Buehler d/b/a Incredible Edibles relative to a façade improvement grant, 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 **KIRK AND CARI BUEHLER, D/B/A INCREDIBLE EDIBLES** RELATIVE TO **2021 DOWNTOWN FAÇADE IMPROVEMENT GRANT AWARD**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Riney asks for Committee Reports.

Alderman Schumer, member of the Finance Committee, informs the Board that the Finance Committee will be meeting with staff on Tuesday, January 26th to review the proposed 2021-22 budget. He invites the Board Members to attend.

City Administrator Report:

- **Nomad BMX Trail at Legion Lake** - This is a Perry County project but very exciting, nonetheless. They are working to develop this park and their plans now include a BMX trail. Hike/Bike trails were one of the most requested items on the City Survey, being cited by 32% of respondents while a BMX/bike park carried another 12%. This will be a great amenity and add significant life to the park.
- **MML Legislative Conference – Feb 9 and 10, 2021** - The Mayor and I will attend this conference and will join our elected representatives for dinner that evening. This annual conference provides an opportunity to learn firsthand about activities and pending legislation in Jefferson City.
- **COVID Vaccine Insurance Coverage** - We have confirmed our insurance will cover 100% of the COVID vaccine. On Friday, I will meet with the Health Department to better understand how the vaccine will be rolled out to our first responders and other critical employees.
- **Campaign Signs** - The ordinance requires political signs be removed 10 days after the election. In this case, we let them go much longer, waiting for the electoral college to certify the election. At this point, we will be sending letters and asking signs to be removed in accordance with City ordinances.

- **Natural Gas Master Plan** - The budget included a gas master plan for the City of Perryville, focused primarily on ensuring viable gas sourcing and identifying needed system extensions. I recently met with our gas system engineer and requested a proposal for this plan. It will likely be on the next agenda for approval.

City Engineer Report:

- **Highway T / Seminary Road Water Main Replacement Project** – The contractor started this project this week.

- **Sewer Trunk Line Project** - The easements process for this project has begun. The plans are 99% complete, and DNR has approved the engineer report.

- **Pipeline Project** – Insituform is back in town and has been lining pipes. More equipment needs to be ordered and this project will need to be extended to April.

Alderman Guth asks if permits are required from boring companies that come to town, noting that he is aware of homeowner whose pipe was accidentally bored. City Administrator Buerck informs the Board that we have been requiring bonds from these companies; however, if the problem has not been discovered soon enough, the three year period will have expired.

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

Alderman Hudson asks staff for information regarding the cost being spent on streets. He states that he believes that more streets could be paved if we did not include sidewalks. He tells the Board and staff that he does not think ADA requires sidewalks be installed. City Administrator Buerck informs the Board that he has contacted MoDot and the City Attorney and thinks that we may not be doing enough when it comes to sidewalk installation. He informs the Board that he will have information for them at the next meeting. Alderman Martin states that the city should be doing things correctly, noting that MoDot had to tear out their sidewalks on Highway 61. City Attorney Ludwig informs the Board that ADA expects you to provide a pathway if you are constructing or repairing streets. He tells the Board that he will do further research on the matter.

Now, at this time, upon motion by Alderman Schumer, seconded by Alderman Martin, it is ordered that the Board now convene into closed session to discuss real estate matters in accordance with Section 610.021(2) RSMo; personnel matters in accordance with Section 610.021(3) RSMo; contractual matters in accordance with Section 610.021(9) RSMo; and security matters in accordance with Section 610.021(19) 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; David J. Schumer, aye. Totals: aye, six; nay, none.

Following discussion and review, it is upon motion by Alderman Martin, seconded by Alderman Hudson, 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; David J. Schumer, aye. Totals: aye, six; nay, none.

Alderman Buerck makes a motion to approve a request from TG Missouri asking the City of Perryville to refrain from imposing the claw back provision found in the 2018 Chapter 100 agreement, noting that TG Missouri was unable to meet the job requirements due to the COVID pandemic. Alderman Hudson seconds the motion, and on vote the motion carries.

Alderman Riney informs the Board that he was approached by a pilot with a request to utilize a city hangar for a period of two to three months to do a fuel cell swap on a small helicopter. After discussion and review, it is the consensus of the Board to allow the pilot to use hangar space at the

airport for two to three months for \$125.00 per month. They agree that there will be no need for a contract or a deposit.

There being no further business, it is upon motion by Alderman Hudson, seconded by Alderman Schumer, and on vote carried, ordered that the Board now adjourn until Tuesday, January 19, 2021, at 6:30 p.m., the regular meeting in course.

BOARD OF ALDERMAN PRESIDENT

ATTEST:

CITY CLERK