

**January 8, 2019**

**JOURNAL OF THE BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, PERRY COUNTY, MISSOURI.**

The Board of Aldermen of the City of Perryville, Perry County, Missouri, met at City Hall in said City on the above date in regular session pursuant to adjournment. Present: Ken Baer, Mayor; Curt Buerck, Tom Guth, Prince Hudson, Douglas K. Martin, Larry Riney, and David J. Schumer, Aldermen; Brent Buerck, City Administrator; Tracy Prost, City Clerk; and Thomas Ludwig, City Attorney.

Mayor Baer opens the meeting. Alderman Martin leads the Pledge of Allegiance and the invocation.

Assistant Chief Jones introduces newly-hired Police Dispatcher Dawn Eskew.

Mayor Baer now opens the meeting for citizens' participation from the floor.

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

At this time, Mayor Baer opens a public hearing for a special use permit request from Justin Barnes to build a self-storage facility on his property located at 1004 West St. Joseph Street.

City Administrator Buerck's notes explain that Justin Barnes is requesting a special use permit to construct a three-unit self-storage building on his property located to the west of 1004 West St. Joseph Street. The building would be used for personal storage; however, in the future he would like to offer the space to store large RV's and campers.

Mayor Baer asks that anyone in the audience who wishes to speak in opposition to the request, please step forward. Steve Keller, of 817 West Ste. Marie Street states that he does not want the additional traffic that this storage building will bring. He also tells the Board that he has collected signatures from neighbors in the area who are opposed to the special use permit. Mr. Keller provides the City with a petition with 24 signatures. He notes that two people refused to sign the petition; one was in favor of the request and the other had no opinion.

Cheryl Layton, of 20 Waters Street, now addresses the Board. She states that she is concerned with the additional traffic, noting that there is already a lot of traffic in the area due to the business Mr. Barnes owns on the corner of St. Joseph and School Street. She states there are children playing in the area and she is concerned for their safety. She also tells the Board that if the storage building would only be limited to Mr. Barnes' use, she would be okay with the request.

With no one else coming forth, Mayor Baer asks anyone who is in favor of the request to step forward if they wish to speak.

Justin Barnes tells the Board that he owns the business at 1004 West St. Joseph and lives at 1003 Dorothy Street. He plans to build a storage shed with three bays for his personal use. He indicates that he may choose to build a home in the county at some time and believes he will need the storage shed at that time; however, he does plan to rent it out for people to store their RVs in the future. He also notes that he believes he has made the area look better than it did before he purchased it.

After questions from the Board, Mr. Barnes tells the Board that the neighbor directly behind the proposed location said that she was okay with the plan. He tells the Board that his plans are to build a 58' wide, 45' deep, 15' tall structure with access off the side street, and the doors will face School Street.

In counterpoint, Cheryl Layton states that she is okay with a storage shed for his personal use; however, the special use permit is only necessary if he wants to rent the storage shed out. She believes RVs are too big for that side of the street.

Alderman Martin, as liaison to the Planning and Zoning Commission, informs the Board that some of the neighbors in the area did attend the Planning and Zoning meeting and expressed their opposition.

There being no one else coming forth, Mayor Baer closes the Public hearing for a special use permit request from Justin Barnes to build a self-storage facility on his property located at 1004 West St. Joseph Street.

#### **CONSENT AGENDA ITEMS**

4. Approve minutes from meeting of December 18, 2018.
5. Approve bills for December 2018.

At this time Alderman Riney, Chairman of the Finance Committee, presents the following bills and invoices for the month of December 2018, vendor checks numbered 110289 - 110603; and 9 ACH transfers; payroll checks numbered: 658191 - 658250.

The following bills are presented to be paid for the month of December, 2018. Board finds that \$451,200.47 is chargeable to and payable out of the General Revenue Account; \$23,595.98 is out of Airport; \$48,366.85 is out of Transportation Trust; \$156,445.77 is out of Perry Park Center; \$591.98 is out of Veterans Memorial Field; \$6,751.44 is out of TIF #3; \$5,939.75 is out of Street Improvement; \$100.00 is out of Debt Service; \$48,038.00 is out of Refuse; \$231,580.76 is out of CWSS; and \$479,390.82 is out of Gas Operation. The Board, upon investigation, found the sum to be \$1,452,001.82.

6. Approve Pay Estimate 2 to Clifton Excavating, LLC, relative to Sycamore Hills 3<sup>rd</sup> Addition Public Improvements Project - \$158,179.28.
7. Approve Pay Estimate 1 to Control Technology Solutions (CTS) relative to Perry Park Center Energy Efficiency Project Phase 2 - \$192,673.20.
8. Approve plans and specifications for National Guard Drive Water Main Extension Project and authorize staff to advertise for bids.
9. Approve specifications for Mowing Neighborhood Mini-Parks and authorize staff to advertise for bids.
10. Approve Evacuation Agreement with Independence Care Center and authorize City Administrator to execute agreement.

#### **END OF CONSENT AGENDA**

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

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

At this time, the Board reviews the special use permit request from Justin Barnes to build a self-storage facility on his property located at 1004 West St. Joseph Street.

Alderman Hudson states that he does not understand the need for a special use permit for this since it is on commercial property. City Administrator Buerck informs the Board that staff is reviewing these types of special use items.

Alderman Hudson makes a motion to approve the special use permit request from Justin Barnes to build a self-storage facility on his property located at 1004 West St. Joseph Street. Alderman Riney seconds the motion and on vote the motion carries.

At this time, City Administrator Buerck asks the Board to review the possibility of vacating an alley that lies within the Knights of Columbus parking lot. He says that staff was unaware of this "alley" extending into the K of C Bowling Alley parking lot but we were asked by the K of C Board to consider vacating it. Staff agrees as it no longer serves any purpose to the City as an alley. Alderman Schumer explains that the Knights of Columbus have purchased the old Shell Oil lot and now own the entire block.

After review, it is the consensus of the Board that staff proceed with the alley vacation process.

## **SECOND READINGS AND FINAL PASSAGE:**

Now, at this time, the Board proceeds to approve Bill No. 5885, AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.20, ARTICLE I, SECTION 17.20.020, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO MOBILEHOME PARK DISTRICT—BUILDING OR PREMISES USE; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5885 is read a second time on motion by Alderman Riney, seconded by Alderman Guth. Thereupon on motion by Alderman Riney, seconded by Alderman Guth, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; 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. 6106 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5885

ORDINANCE NO. 6106

AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.20, ARTICLE I, SECTION 17.20.020, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO MOBILEHOME PARK DISTRICT—BUILDING OR PREMISES USE; 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 17, Chapter 17.20, Article I, Section 17.20.020, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

### **"17.20.020 Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Mobilehome parks conforming to the provisions hereof.
- B. Two-family and multiple-family dwellings, subject to compliance with Chapter 17.16, R-5 General Residential District, Sections 17.16.030, Parking Regulations, and 17.16.040, Height, Area and Lot Size Requirements. All buildings shall be limited to two and one-half stories and thirty-five (35) feet in height. Once a mobilehome park has elected to add two-family and/or multiple-family dwellings in the park, future expansion to include additional mobilehome stands is prohibited. In addition, existing mobilehomes may only be replaced using mobilehomes of equal size or larger and of the same model year or newer.
- C. Customary home occupations (see Section 17.04.020 of this Title, Definitions).

- D. Private swimming pools appurtenant to mobilehome parks on the same lot, when they meet the yard depth and width requirements for principal buildings in the district in which they are located and when the swimming pool or the property on which it is located is adequately fenced in accordance with city building codes to prevent access by small children and when the swimming pool meets all applicable health and sanitary requirements.
- E. Accessory buildings and accessory uses customarily incidental to the above uses and not involving the conduct of business. Accessory buildings and uses are subject to the restrictions established in Section 17.56.010 of this Title.
- F. Community unit plan with a special use permit.”

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

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

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

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

FIRST READING: December 18, 2018.

SECOND READING: January 8, 2019

PASSED AND APPROVED this 8th day of January, 2019, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

CITY OF PERRYVILLE, MISSOURI  
By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5886, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **CIVICPLUS** RELATIVE TO **RECREATIONAL PROGRAMMING FOR THE PARKS & RECREATION DEPARTMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5886 is read a second time on motion by Alderman Martin, seconded by Alderman Riney. Thereupon on motion by Alderman Martin, seconded by Alderman Riney, 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 Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6107 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5886

ORDINANCE NO. 6107

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **CIVICPLUS** RELATIVE TO **RECREATIONAL PROGRAMMING FOR THE PARKS & RECREATION DEPARTMENT**; 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 **CivicPlus**. 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 18, 2018.

SECOND READING: January 8, 2019.

PASSED AND APPROVED this 8th day of January, 2019, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI  
By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5887, AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.72, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO PLANNING COMMISSION AND ZONING COMMISSION; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5887 is read a second time on motion by Alderman Buerck, seconded by Alderman Martin. Thereupon on motion by Alderman Buerck, seconded by Alderman Hudson, 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 Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6108 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5887

ORDINANCE NO. 6108

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.72, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO PLANNING COMMISSION AND ZONING COMMISSION; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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

Section 1. That Title 2, Chapter 2.72, Section 2.72.020, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

**“2.72.020 Composition.**

- A. Planning Commission. The planning commission shall consist of ten members, including the mayor, a member of the board of aldermen selected by the board annually at its first organizational meeting, the city engineer or similar city official, and seven citizens appointed by the mayor and approved by the board.
- B. Zoning Commission. The zoning commission shall consist of the planning commission as set forth hereinabove; provided, however, the zoning commission shall in addition be composed of up to three alternate members to be appointed in the same manner as citizen planning commission members. The alternate citizen members of the zoning commission shall serve for a four-year term, except that the terms of the alternates first appointed shall be for varying periods so that succeeding terms will be staggered. The alternate members shall serve in the absence or disqualification of any of the regular zoning commission members at any regular or special zoning commission meeting. Alternates may be removed as provided in Section 2.72.080.
- C. Designation. The planning commission and the zoning commission shall be collectively known as the planning and zoning commission.”

Section 2. That Title 2, Chapter 2.72, Section 2.72.110, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

**“2.72.110 Meetings and quorum.**

The planning commission shall hold regular and special meetings as it provides by rule. A quorum of the planning commission shall consist of four members.”

Section 3. It is the intent of the Mayor and Board of Aldermen of the City of Perryville, Missouri, and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Perryville, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

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

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: December 18, 2018.

SECOND READING: January 8, 2019.

PASSED AND APPROVED this 8th day of January, 2019, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

**FIRST AND SECOND READING AND FINAL PASSAGE:**

Now, at this time, Bill No. 5888, AN ORDINANCE ACCEPTING THE PLAT OF GRANDVIEW VILLAGE THIRD; 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 Guth, seconded by Alderman Riney. On motion by Alderman Guth, seconded by Alderman Riney, and on vote carried, Bill No. 5888 is read for the second time. Thereupon on motion by Alderman Guth, seconded by Alderman Riney, 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; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, 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. 6109 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5888

ORDINANCE NO. 6109

AN ORDINANCE ACCEPTING THE PLAT OF GRANDVIEW VILLAGE THIRD; 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, The Villas of West Park, LLC, has platted Grandview Village Third as located within the corporate limits of the City of Perryville, Missouri; and,

WHEREAS, the developer has installed 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 Grandview Village Third, 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: January 8, 2019.

SECOND READING: January 8, 2019.

PASSED AND APPROVED this 8th day of January, 2019, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

CITY OF PERRYVILLE, MISSOURI  
By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

Now, at this time, Bill No. 5889, AN ORDINANCE APPROVING THE PROPOSED REZONING FOR A SPECIAL USE PERMIT FOR CERTAIN PROPERTY IN THE CITY OF PERRYVILLE, MISSOURI, DESCRIBED IN EXHIBIT A; SETTING FORTH THE AREA FOR SPECIAL USE AND THE CONDITIONS OF SPECIAL USE; ALL IN ACCORDANCE WITH THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, 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 Riney. On motion by Alderman Buerck, seconded by Alderman Riney, and on vote carried, Bill No. 5889 is read for the second time. Thereupon on motion by Alderman Buerck, seconded by Alderman Riney, 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; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, 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. 6110 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5889

ORDINANCE NO.6110

AN ORDINANCE APPROVING THE PROPOSED REZONING FOR A SPECIAL USE PERMIT FOR CERTAIN PROPERTY IN THE CITY OF PERRYVILLE, MISSOURI, DESCRIBED IN EXHIBIT A; SETTING FORTH THE AREA FOR SPECIAL USE AND THE CONDITIONS OF SPECIAL USE; ALL IN ACCORDANCE WITH THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI.

WHEREAS, the City Board and the Planning and Zoning Commission have considered a proposed rezoning and/or special use permit for property described as 1004 West St. Joseph Street, as set out in Exhibit A which is attached hereto and incorporated herein by reference; and,

WHEREAS, a public hearing was held on said rezoning and/or special use permit in accordance with the Code of Ordinances of the City of Perryville, Missouri; and,

WHEREAS, a special use permit for a self-storage facility in a C-2 General Commercial District may be granted by virtue of the Code of Ordinances of the City of Perryville, Missouri; and,

WHEREAS, after duly considering the recommendations of the City Planning and Zoning Commission and other input received at the required public hearing, the Board of Aldermen of the City of

Perryville, Missouri, has decided it is in the best interests of the citizens of the City of Perryville, Missouri, to grant a special use for said property.

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

Section 1. That an application for a special use permit, which said application is marked Exhibit A and attached hereto, is hereby approved, and a special use permit is hereby issued to Justin Barnes, Applicant.

Section 2. That the property set forth in Exhibit A is hereby granted a special use permit for a self-storage facility in a C-2 General Commercial District.

The aforesaid special use permit is subject to the following specific conditions: compliance with all ordinances of the City of Perryville, Missouri.

Section 3. That attached hereto as Exhibit B are the formal findings and conclusions of the Board of Aldermen.

Section 4. That the City Clerk of the City of Perryville, Missouri, shall and is hereby directed to indicate on the "Official Zoning District Map" of the City of Perryville, Missouri, the above special use permit and the date of issuance thereof and to certify same and to keep said map on file in the office of the City Clerk and a copy displayed in City Hall, City of Perryville, Missouri; and that said City Clerk is further directed to indicate on said "Official Zoning District Map" the existence of special conditions on the use of the aforesaid property.

Section 5. Violation of the special conditions listed above shall result in revocation of the special use permit and/or prosecution and/or fine under the zoning ordinances.

Section 6. This special use permit is issued to the applicant and shall not be assigned or otherwise transferred by said applicant. This special use permit runs with the applicant and not the land.

Section 7. If construction is required for the special use granted hereunder, this special use permit shall expire in the event construction does not commence within six (6) months of the date of issuance of this special use permit and is not completed within two (2) years of the issuance of this permit.

Section 8. 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 9. 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 10. That this ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: January 8, 2019.

SECOND READING: January 8, 2019.

PASSED AND APPROVED this 8th day of January, 2019, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

**FIRST READINGS:**

Alderman Riney presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5890, entering into t-hangar rental agreements with Robert Monia and Richard Post, Jr., 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 CONTRACTS BY AND BETWEEN THE CITY AND **RICHARD POST AND ROBERT MONIA** RELATIVE TO **RENTAL OF HANGAR SPACES**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

At this time, Alderman Schumer questions whether the City should enter into a contract with Lamar Companies regarding advertisement for the natural gas system. He notes that this type of advertisement is over and above what is required by the Public Service Commission and suggests there may be better ways to advertise so that the money we spend stays in the community. He says that he doesn't think that people who live in the community necessarily look at the billboards. City Administrator Buerck suggests that the billboards are read by people passing through town. He informs the Board that staff will research the matter and bring ideas back to the Board for their review.

Alderman Buerck presents motion, seconded by Alderman Schumer, to table Bill No. 5891, entering into an agreement with The Lamar Companies relative to natural gas billboard advertisement. Motion carries.

Alderman Schumer presents motion, seconded by Alderman Martin, and on vote carried Bill No. 5892, vacating all of Development Drive and a portion of Industrial Drive, is read for the first time by title only. The heading is as follows:

AN ORDINANCE VACATING DEVELOPMENT DRIVE AND A PORTION OF INDUSTRIAL DRIVE LOCATED IN THE CITY OF PERRYVILLE, MISSOURI; SPECIFICALLY DESCRIBING SAID STREETS; TRANSFERRING TITLE OF SAID AREA TO OWNERS OF RECORD; AUTHORIZING TRANSFER OF SAID AREA; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Guth, as Chairman of the Public Works Committee, informs the Board that he received a telephone call from a citizen regarding the shoulder work our Public Works crew did on North Main Street near Davis Farms. The caller says the shoulder looks worse than it did before they performed the work.

City Administrator Buerck says staff will review the area of concern.

Alderman Riney, as Chairman of the Finance Committee, informs the Board that the Finance Committee will be meeting on January 29<sup>th</sup> to review the budget. He invites all of the aldermen to attend the meeting.

Alderman Guth, as Chairman of the Economic Development Committee, asks EDA Director Sattler to update the Board on any economic activities. EDA Director Sattler informs the Board that American Home Realty is working on the marketing for Redbud Court. He also informs the Board that Habitat for Humanity is ready to build in Perryville and is looking for a needy family.

City Administrator Buerck reports:

- **Finance Committee Budget Meeting** – The Finance Committee’s budget meeting is scheduled for Tuesday, January 29, 2019, at 5:00 p.m.
- **DNR Meeting** – Staff will meet with DNR in Jefferson City regarding the sewer plant.
- **DMO Certification for Tourism Office** – The Missouri Division of Tourism has approved the Perry County Heritage Tourism’s DMO certification for July 2019 through June 2024.
- **Purple Heart City Signs** – These Purple Heart City signs were hung before official approval was granted by MoDot. We will have a contract on this matter on an upcoming agenda.
- **Noise Ordinance re Signs** – We have met with MoDot regarding placement of the noise ordinance signs. Some of these signs will be moved and more will be added. We will have a contract on this matter on an upcoming agenda.
- **Park House Roof** – Staff has determined that the Park House roof is leaking and is in bad repair. Staff is acquiring quotes to determine if a metal or asphalt roof replacement is best.
- **Missouri Airport Managers Association (MAMA)** – MAMA has invited us to present at their April conference regarding our efforts to contract with West Star at our airport. Other presenters include Springfield Airport, Lee Summit, and the Spirit of St. Louis.

City Engineer Baer reports:

- **Sycamore Hills Project (Redbud Court)** –The streets have been poured and it is hoped that the weather stays dry enough to pour the sidewalks on Thursday. It has been too wet for the gas line, but once the ground dries, the project should go fairly quickly.
- **Jackson Street Sewer Project** – City crews located the old lines today. With that information, the plans and specifications can be prepared.

Alderman Hudson asks if parking lot aprons were designed thicker than driveway aprons. He has pictures of some breaking up. Staff will review.

Mayor Baer asked Parks & Recreation Director Cadwell to give an update on parks and recreation projects.

Director Cadwell reports:

- **Park Projects**
  - The Concession Stand Remodel Project is underway.
  - The pool repairs and cleaning project will begin next week. The pool will be closed for this project.
  - HD Media has been working in the theater. This project should be done soon.
  - CTS is beginning the HVAC project . The boiler in the pool area will be done while the pool is closed. This entire project should be done by April.
  - The pre-bid meeting was held for the Ballfields 2 & 3 Electric Project. Seven firms attended the meeting.
  - May plans are underway to celebrate the Park Center’s 20<sup>th</sup> anniversary and the opening of the new concession stand.

Mayor Baer asks the Board for any concerns or comments or other non-action items.

Alderman Martin informs the Board that he received two complaints from citizens about some police officers driving too fast. Assistant Chief Jones will check into this.

Alderman Martin also states that he was contacted by someone with the St. Vincent DePaul Society with questions about how utility deposits are handled. Staff will check into this.

Alderman Hudson notes that the Flexible Spending Account (FSA) process is not very efficient this year. Staff is looking into this.

Now, at this time, upon motion by Alderman Riney, seconded by Alderman Guth, it is ordered that the Board now convene into closed session to discuss security matters in accordance with Section 610.021(19) RSMo; real estate matters in accordance with Section 610.021(2) RSMo; and litigation matters in accordance with Section 610.021(12) 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 Riney, seconded by Alderman Guth, that the Board now reconvenes into regular session for any business that might come forth. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

Alderman Guth mentions his concern regarding the special use permit request that was approved earlier in the meeting. He mentions a request the Board recently denied regarding a self-storage facility and believes the Board needs to be consistent with their decisions on these types of requests. Alderman Riney states that he felt this request was different than the T Road facility request.

There being no further business, it is upon motion by Alderman Hudson, seconded by Alderman Guth, and on vote carried, ordered that the Board now adjourn until Tuesday, January 22, 2019, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK