

January 22, 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 and leads the Pledge of Allegiance and the invocation.

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.

Mayor Baer issues awards to City employees as follows:

5 Years - Angie Brown; Mark Brown
20 Years - Jon Lanier
25 Years - Jeremy Meyer
30 Years - Vickie Hunt
40 Years - Brenda Ochs

CONSENT AGENDA ITEMS

4. Approve minutes from meeting of January 8, 2019.
5. Approve Financial Reports for December 2018.
6. Approve Pay Estimate 2 (Final) for Vern Bauman Contracting relative to Veterans Memorial Sanitary Sewer Main Extension Project - \$9,165.20.
7. Approve Pay Estimate 3 to Lappe Cement Finishing, Inc., relative to Grand Avenue Street Project - \$113,881.34.
8. Accept bids for Ballfields 2 and 3 Electrical Upgrades and Addendum 1 to connect the scoreboard and award to Marzuco Electric, Inc., per recommendation of Strickland Engineering - \$56,264.00.

Name of Bidder	Marzuco Electric, Inc.	Koch Electric, Inc.
Address	425 Market Street Ste. Genevieve, MO 63670	26688 US Highway 61 Scott City, MO 63780
Base Bid	\$52,184.00	\$62,107.00
Alternate 1 (Add)	\$4,080.00	\$8,515.00
Total Bid	\$56,264.00	\$70,622.00

Name of Bidder	Dreyer Electric Co., LLC	KT Powers System, Inc.
Address	16 Saxon Memorial Drive Frohna, MO 63748	41 N. Sprigg Street Cape Girardeau, MO 63701
Total Bid	\$62,380.00	\$64,657.85

Alternate 1 (Add)	\$10,270.00	\$9,665.20
Total Bid	\$72,650.00	\$74,323.05

Name of Bidder	Midstates Energy Co., LLC
Address	8011 Enterprise Drive Bloomsdale, MO 63627
Total Bid	Invalid Bid Submitted

9. Approve specifications for Airport Mowing and authorize staff to advertise for bids.
10. Approve specifications for Richardet Street and West Harvest Circle Water Materials Projects and authorize staff to advertise for bids.
11. Approve Evacuation Agreement with The Estates of Perryville and authorize City Administrator to execute agreement.
12. Approve recommendation from Asst. Chief Jones to place a street light on Winwood Drive.

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.

SECOND READINGS AND FINAL PASSAGE:

Now, at this time, the Board proceeds to approve Bill No. 5890, 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. Bill No. 5890 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. 6111 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5890

ORDINANCE NO. 6111

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.

WHEREAS, the Mayor and Board of Aldermen have heretofore reviewed hangar contracts, 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 contracts;

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 contracts marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and:

- (a) Richard Post – T-Hangar Space 1; and
- (b) Robert Monia – T-Hangar Space 9

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 contracts.

2. That the Mayor be and he is hereby authorized and directed to execute said contracts 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 contracts.

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: January 8, 2019.

SECOND READING: January 22, 2019

PASSED AND APPROVED this 22nd 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, Aldermen Schumer makes a motion to remove Bill No. 5891 from the agenda. Said Bill is: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **THE LAMAR COMPANIES** RELATIVE TO **2019 NATURAL GAS BILLBOARD ADVERTISEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Alderman Hudson seconds the motion. 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. Therefore, Bill No. 5891 is removed from the agenda.

Now, at this time, the Board proceeds to approve Bill No. 5892, 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. Bill No. 5892 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 Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6112 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5892

ORDINANCE NO. 6112

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.

WHEREAS, the Mayor and Board of Aldermen have determined that all of the street right-of-way known as Development Drive and part of the street right-of-way known as Industrial Drive in the City of Perryville, Missouri, should be abandoned and vacated. Said street right-of-ways are described as follows; to-wit:

ALL OF DEVELOPMENT DRIVE OF INDUSTRIAL PARK 3RD ADDITION AS RECORDED IN BOOK 254, PAGE 894 OF THE PERRY COUNTY DEED RECORDS AND BEING PART OF UNITED STATES SURVEY 844, TOWNSHIP 35 NORTH, RANGE 10 AND 11 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF PERRYVILLE, MISSOURI AND CONTAINING 1.81 ACRES.

and,

PART OF INDUSTRIAL DRIVE OF INDUSTRIAL PARK 2ND ADDITION AS RECORDED IN BOOK 250, PAGE 580 OF THE PERRY COUNTY DEED RECORDS AND BEING PART OF UNITED STATES SURVEY 844, TOWNSHIP 35 NORTH, RANGE 10 AND 11 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF PERRYVILLE, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THE SOUTHWEST CORNER OF A 0.06 ACRE TRACT AS RECORDED IN DOCUMENT #2014R01830 OF SAID DEEDS RECORDS FROM WHICH AN IRON PIN THE SOUTHEAST CORNER OF SAID 0.06 ACRE TRACT BEARS SOUTH 78 DEGREES 38 MINUTES 06 SECONDS EAST 18.93 FEET; THENCE NORTH 36 DEGREES 38 MINUTES 27 SECONDS WEST 77.65 FEET TO THE NORTHERLY LINE OF SAID INDUSTRIAL DRIVE, BEING THE SOUTHWEST CORNER OF DEVELOPMENT DRIVE OF INDUSTRIAL PARK 3RD ADDITION AS RECORDED IN BOOK 254, PAGE 894 OF SAID DEED RECORDS; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 78 DEGREES 47 MINUTES 50 SECONDS EAST 95.93 FEET TO A RIGHT-OF-WAY MARKER THE SOUTHEAST CORNER OF SAID DEVELOPMENT DRIVE AND BEING A CORNER OF SAID 0.06 ACRE TRACT; THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 47 DEGREES 33 MINUTES 54 SECONDS WEST 64.72 FEET TO THE POINT OF BEGINNING AND CONTAIN 2,500 SQUARE FEET.

WHEREAS, all requirements of Section 12.08.010 of the Code of Ordinances of the City of Perryville, Missouri, have been complied with; and

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

Section 1. That the above-described area previously known as Development Drive and a portion of Industrial Drive be, and that the same are, hereby vacated and title to said streets shall revert to the owners of the adjacent lots in accordance with Section 12.08.010 of the Code of Ordinances of the City of Perryville, Missouri.

Section 2. That the City Clerk of the City of Perryville, Missouri, is hereby ordered to record a copy of this ordinance on passage hereof with the Recorder of Deeds of Perry County, Missouri.

Section 3. That the City of Perryville, Missouri, retains the right to maintain, operate, repair and replace, by itself or by any licensee or holder of a franchise from the City, any poles, wires, pipes, conduits, sewer mains, water mains, sinkholes, or any other facility or equipment for the maintenance and operation of any utility now located in said area or portion thereof vacated by this ordinance.

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.

FIRST READING: January 8, 2019.

SECOND READING: January 22, 2019

PASSED AND APPROVED this 22nd 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 Martin presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5893, amending Title 10 of the Code of Ordinances relative to adding stop sign on Winwood Drive, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 10 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE "STOP SIGN SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 1738 RELATING TO ADDITIONAL STOP SIGN DESIGNATIONS IN THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5894, entering into an agreement with Lions Gate Releasing, LLC relative to theatrical license agreement, 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 **LIONS GATE RELEASING, LLC** RELATIVE TO **THEATRICAL LICENSE AGREEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5895, entering into an agreement with Missouri Highways and Transportation Commission relative to installation of "Noise Ordinance Enforced" signs, 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 AN AGREEMENT BY AND BETWEEN THE CITY AND **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION** RELATIVE TO **2019 NOISE ENFORCEMENT SIGNAGE INSTALLATION**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5896, entering into a municipal agreement with Missouri Highways and Transportation Commission relative to its improvement of sidewalks along Highway 61 and Route T, 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 AN AGREEMENT BY AND BETWEEN THE CITY AND **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION** REGARDING **MUNICIPAL AGREEMENT RELATIVE TO HIGHWAY 61 AND ROUTE T SIDEWALK IMPROVEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Riney presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 5897, entering into Transportation Alternatives Funds Program (TAP) agreement with Missouri Highways and Transportation Commission relative to construction of a trail from Star Street to Miget Park, 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 AN AGREEMENT BY AND BETWEEN THE CITY AND **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION** RELATIVE TO **TRANSPORTATION ALTERNATIVES FUNDS PROGRAM AGREEMENT (TAP) RELATIVE TO MULTI-USE TRAIL ALONG PERRYVILLE BOULEVARD FROM STAR STREET TO MIGET MEMORIAL PARK**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Martin presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5898, entering into a license agreement with Missouri Highways and Transportation Commission relative to right-of-way along trail from Star Street to Miget Park, 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 LICENSE AGREEMENT BY AND BETWEEN THE CITY AND **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION** RELATIVE TO **USE OF COMMISSION'S RIGHT-OF-WAY FOR MULTI-USE TRAIL ALONG PERRYVILLE BOULEVARD FROM STAR STREET TO MIGET MEMORIAL PARK**; 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. 5899, entering into an agreement with Marzuco Electric, Inc. for Ballfield 2 and 3 Electrical Upgrades project, 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 **MARZUCO ELECTRIC, INC.** RELATIVE TO **BALLFIELDS 2 & 3 ELECTRICAL UPGRADE PROJECT**; 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. 5900, vacating an alley between Shelby Street and Church Street, is read for the first time by title only. The heading is as follows:

AN ORDINANCE VACATING AN ALLEY LOCATED IN THE CITY OF PERRYVILLE, MISSOURI; SPECIFICALLY DESCRIBING SAID ALLEY; 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 with concerns that two sewer lines from his neighbors runs through his yard and he now needs to dig up his yard a second time for sewer line repairs. City Administrator Buerck informs the Board that staff is aware of this situation and is working with the property owners to determine the best options available.

Alderman Buerck, as Chairman of the Public Safety Committee, commends the Public Works and Police Department for their services during the recent heavy snows.

Alderman Riney, as Chairman of the Finance Committee, invites members of the Board to attend the Finance Committee's budget meeting scheduled for January 29, 2019, at 5:00 p.m.

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 two people from Perryville are now on the Work Force Development Board. He also tells the Board that 'Business in Focus' will feature Perryville again in their April issue. Rankin will be holding their Manufacturing Day on February 27th.

City Administrator Buerck reports:

- **Trash Route Delays** - Because of our route optimization process, trash is being picked up at different times during the day. It is still being picked up on the same days, it just may happen later or earlier than in the past.

- **Chris Janson Sign** - Commissioner Jay Wengert and others have been working to put up a sign locally to celebrate the fact that Chris Janson grew up here. The preferred location is in Miget Park and I ask the Board's approval for staff to work with his group to select a permanent location. There is no cost to the City.

- **City of Perryville Auction** - We will soon have several surplus vehicles for auction and hope to utilize an online format to move them. In addition, park staff has several items that are broken or otherwise retired. We are looking for options to get rid of those as well since we don't have enough for a full city-wide auction.

It is the consensus of the Board to attempt to sell the vehicles at the on-line auction and to dispose of the broken and retired items that are not worth selling.

- **Recent Growth in Building Permits** - The building department has been very busy. Last year nearly doubled the year before it, which was 50% more than the prior year which was again, 50% more than its predecessor. Our Building Inspector is very busy but does a great job representing the Mayor and Board.

- **MML Legislative Conference – Feb 12 and 13** - The Mayor and I will be in Jefferson City for the annual legislative conference and plan to meet with our elected officials.

Alderman Hudson asks the City Administrator to see if the legislature can look into stopping people from making phone calls using other people's telephone numbers. Alderman Guth asks if Rep. Francis has proposed new legislation regarding taxes on building supplies. City Administrator Buerck informs the Board that the legislation has not yet been introduced, but it does have momentum.

- **Delta Leadership Network – Feb 5, 6 and 7** - I plan to attend the DLN annual conference in Little Rock during the February 5th meeting. This is the federal office focused on rural development between Ste. Genevieve and New Orleans. It is also the group that sent me to Harvard for Leadership training.

City Engineer Baer reports:

- **Jackson Street Sewer Project** – This project is going out for bid this week.
- **National Guard Water Project** – We will open bids on this project on January 30th.
- **Sewer Pipe Lining** – Another 5,000-6,000 sewer lining project is being prepared.

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

Alderman Guth notes that the cost for natural gas rose significantly in December and comments that Board's process of locking in gas prices when they are low will benefit our natural gas users.

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; 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 Hudson, 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; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

There being no further business, it is upon motion by Alderman Guth, seconded by Alderman Hudson, and on vote carried, ordered that the Board now adjourn until Tuesday, February 5, 2019, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK