

February 5, 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; Tracy Prost, City Clerk; and Thomas Ludwig, City Attorney. Absent: Brent Buerck, City Administrator

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.

Assistant Chief of Police Jones introduces Jamia Goldsmith, newly hired Police Department Part-time Dispatcher.

CONSENT AGENDA ITEMS

4. Approve minutes from meeting of January 22, 2019.
5. Approve bills for January, 2019.

At this time Alderman Riney, Chairman of the Finance Committee, presents the following bills and invoices for the month of January, 2019, vendor checks numbered 110604 - 110890; and 5 ACH transfers; payroll checks numbered: 658251 - 658252.

The following bills are presented to be paid for the month of January, 2019. Board finds that \$211,611.67 is chargeable to and payable out of the General Revenue Account; \$40,999.80 is out of Airport; \$31,432.14 is out of Transportation Trust; \$72,781.29 is out of Perry Park Center; \$1,438.19 is out of Veterans Memorial Field; \$123.44 is out of TIF #1; \$2,580.00 is out of TIF #2; \$1,882.00 is out of TIF #3; \$53.13 is out of Debt Service; \$58,388.03 is out of Capital Improvement Sales Tax; \$2,013.82 is out of Street Improvement; \$32,366.77 is out of Refuse; \$249,269.05 is out of CWSS; and \$587,087.40 is out of Gas Operation. The Board, upon investigation, found the sum to be \$1,292,026.73.

6. Approve unbudgeted transfer from CWSS (Acct. 614) to TIF 3 I-55/Highway 51 (Acct. 417) - \$150,000.
7. Approve proposed Part-time Pay Plan.
8. Approve Invoice 5099 (Final) from Richardet Floor Covering relative to City Hall Carpet Project - \$38,570.
9. Approve Invoice 20185484 from Utility Safety & Design, Inc., relative to upgraded regulator station at McBride - \$25,000.00.
10. Approve Pay Estimate 1 to Lappe Cement Finishing, Inc., relative to Jet A Fuel Containment Project - \$17,619.65.
11. Approve Pay App 2 to Control Technology & Solutions relative to Perry Park Center Energy Efficiency Project – Phase II - \$271,264.00.

12. Approve Invoice 9668 (Final) from HD Media Systems relative to Perry Park Center Theater Sound Project - \$9,941.44.
13. Approve Quote from Municipal Equipment Company for SmartCover Sewer Monitoring System - \$34,670.00.
14. Set public hearing date for proposed Fiscal Year 2019-20 City of Perryville Budget - February 19, 2019, at 6:30 p.m.
15. Set public hearing date for special use permit request from Great Eight, LLC to install a shipping container at 1011 South Perryville Boulevard (Buchheit's) – February 19, 2019, at 6:30 p.m.
16. Accept bids received for National Guard Drive Water Main Extension Project and award to Clifton Excavating, LLC per recommendation of City Engineer Baer - \$124,102.00.

Name of Bidder	Clifton Excavating	Persons & Sons, Inc.
Address	2484 N. Highway 51 Perryville, MO	P.O. Box 638 Poplar Bluff, MO 63901
Total Bid	\$124,102.00	\$125,164.50
Name of Bidder	Earth First Contractors	CE Contracting, Inc.
Address	1667 N. Kingshighway Perryville, MO	10411 Kimmel Lake Road Ste. Genevieve, MO 63670
Total Bid	\$129,864.00	\$138,715.50
Name of Bidder	Vern Bauman Contracting	Nip Kelley Equipment Co.
Address	21471 Hwy 32 Ste. Genevieve, MO 63670	41 N. Sprigg Street Cape Girardeau, MO 63701
Total Bid	\$140,769.00	\$161,394.00
Name of Bidder	Jokerst, Inc.	Dehner Excavating, LLC
Address	16444 Highway 32 Ste. Genevieve, MO 63670	1000 Hightower Road Farmington, MO 63640
Total Bid	\$162,314.00	\$175,431.00

17. Accept bids received for Mowing Neighborhood Mini-Parks and award to Kueker's Nursery and Garden Center per recommendation of Parks & Recreation Director Cadwell - \$674 per event.

Company	Total Bid
Hamco Outdoor LLC 227 Feltz Street Perryville, MO 63775	\$485
Kueker's Nursery 3811 N. Highway 51 Perryville, MO 63775	\$674
Kester All Season Service 1860 County Road 419 Friedheim, MO 63747	\$740

18. Approve Police Department Operations Manual Policy GO-18-0301 re naloxone use for opioid overdoses.

19. Approve recommendation from City Clerk Prost for the destruction of records in accordance with the State of Missouri Municipal Records Retention Schedule.
20. Acknowledge Invitation sent to engineering firms requesting Design-Build Wastewater Plant Proposals to select an Owner's Representative per DNR selection process.

END OF CONSENT AGENDA

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

Item 10 - Alderman Riney asks if the airport Jet A Fuel Containment project is complete. Public Works Director Brown informs the Board that there were some aspects of the project that the engineering firm did not spec properly. He tells the Board that the engineers are taking responsibility for the costs to modify the project.

Item 13 – Alderman Guth asks about the installation of the SmartCover sewer monitoring system. After review of the proposed quote, Public Works Brown states that he will review the quote further to ensure that the billing is proper. He asks that Item 13 be removed from the agenda so he can look into it further.

Item 17 – Alderman Buerck asks if it is still cost effective for the City to hire someone to mow the mini-parks rather than have City employees mow the parks. Parks & Recreation Director Cadwell informs the Board that hiring the mowing of the mini-parks continues to be cost effective for the City, noting costs for additional employees and equipment outweigh the cost for bidding out the mowing.

Alderman Riney makes a motion to approve the Consent Agenda with the removal of Item 13. 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. 5893, 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. Bill No. 5893 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. 6113 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5893

ORDINANCE NO. 6113

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.

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

Section 1. That the "Stop Sign Schedule" adopted under the authority of Section 10.12.210 of the Code of Ordinances of the City of Perryville, Missouri, and specifically set forth in Ordinance Number 1738, is hereby amended by adding thereto the following new stop sign designation:

WINWOOD DRIVE:

On Winwood Drive at the intersection of Winwood Drive and Trishia Street.

Section 2. That it is the intent of the Mayor and Board of Aldermen of the City of Perryville, Missouri, that this ordinance shall amend and become part of Ordinance Number 1738, passed and approved by the Mayor and Board of Aldermen of the City of Perryville, Missouri, on the 16th day of July, 1981.

Section 3. That the City Administrator of the City of Perryville, Missouri, is hereby directed to cause stop signs to be placed at the above streets in accordance herewith.

Section 4. That this ordinance shall not be codified in the Code of Ordinances of the City of Perryville, Missouri, but kept on file in the office of the City Clerk.

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

FIRST READING: January 22, 2019.

SECOND READING: February 5, 2019.

PASSED AND APPROVED this 5th day of February, 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. 5894, 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. Bill No. 5894 is read a second time on motion by Alderman Guth, seconded by Alderman Riney. 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 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. 6114 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5894

ORDINANCE NO. 6114

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.

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 **Lions Gate Releasing, LLC**. 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: January 22, 2019.

SECOND READING: February 5, 2019.

PASSED AND APPROVED this 5th day of February, 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. 5895, 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. Bill No. 5895 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. 6115 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5895

ORDINANCE NO. 6115

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.

WHEREAS, the Mayor and Board of Aldermen have heretofore reviewed an Agreement, 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 Agreement;

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 Agreement marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**. 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 enter into said Agreement.

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

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 22, 2019.

SECOND READING: February 5, 2019.

PASSED AND APPROVED this 5th day of February, 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. 5896, 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 **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. Bill No. 5896 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; 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. 6116 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5896

ORDINANCE NO. 6116

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 **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.

WHEREAS, the Mayor and Board of Aldermen have heretofore reviewed an Agreement, 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 Agreement;

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 Agreement marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**. 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 enter into said Agreement.

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

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 22, 2019.

SECOND READING: February 5, 2019.

PASSED AND APPROVED this 5th day of February, 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. 5897, 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. Bill No. 5897 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. 6117 of the City of Perryville, and is in words and figures 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.

WHEREAS, the Mayor and Board of Aldermen have heretofore reviewed an Agreement, 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 Agreement;

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 Agreement marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**. 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 enter into said Agreement.

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

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 22, 2019.

SECOND READING: February 5, 2019.

PASSED AND APPROVED this 5th day of February, 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. 5898, 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.

Bill No. 5898 is read a second time on motion by Alderman Schumer, seconded by Alderman Martin. Thereupon on motion by Alderman Schumer, 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. 6118 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5898

ORDINANCE NO. 6118

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.

WHEREAS, the Mayor and Board of Aldermen have heretofore reviewed an Agreement, 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 Agreement;

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 Agreement marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**. 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 enter into said Agreement.

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

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 22, 2019.

SECOND READING: February 5, 2019.

PASSED AND APPROVED this 5th day of February, 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. 5899, 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. Bill No. 5899 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. 6119 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5899

ORDINANCE NO. 6119

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.

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 **Marzuc Electric, 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: January 22, 2019.

SECOND READING: February 5, 2019.

PASSED AND APPROVED this 5th day of February, 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. 5900, 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. Bill No. 5900 is read a second time on motion by Alderman Martin, seconded by Alderman Guth. Thereupon on motion by Alderman Martin, 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, abstain. Totals: aye, five; nay, none; abstention, one. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6120 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5900

ORDINANCE NO. 6120

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.

WHEREAS, Wm. J. Barnwell Building Association, Inc. (a/k/a Knights of Columbus) has requested vacation of the following described area in the City of Perryville, Missouri, to-wit:

PART OF ALLEY NO. 3 OF MILL ADDITION, AS RECORDED IN PLAT BOOK 1, PAGE 10 OF THE PERRY COUNTY SUBDIVISION RECORDS, BEING PART OF UNITED STATES SURVEY 2129, TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF PERRYVILLE, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF A 15 FOOT WIDE ALLEY BEING BOUND ON THE NORTH BY LOTS 1 AND 2, AND BOUND ON THE SOUTH BY LOTS 7 AND 8 OF SAID MILL ADDITION.

and,

WHEREAS, said Wm. J. Barnwell Building Association, Inc. has obtained a petition including a majority of most affected property owners; and

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

WHEREAS, the Board of Aldermen of the City of Perryville, Missouri, deems it in the best interest of the City of Perryville, Missouri, that said area be vacated.

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 an alley between Shelby Street and Church Street, bound on the north by Lots 1 and 2, and bound on the south by Lots 7 and 8 of Mill Addition of the City of Perryville, Missouri, be, and that the same is hereby vacated and title to said alley 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 or surface water drainage now located in said area or portion thereof vacated by this ordinance and retains the right to access said alley for ingress and egress to accomplish the aforesaid maintenance, operation, and repairs.

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 22, 2019.

SECOND READING: February 5, 2019.

PASSED AND APPROVED this 5th day of February, 2019, by a vote of 5 ayes, 0 nays, 1 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

FIRST READINGS:

Alderman Guth presents motion, seconded by Alderman Riney, and on vote carried Bill No. 5901, amending Title 17, Chapter 17.56, Section 17.56.010 of the Code of Ordinances relative to digital billboards, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.56, SECTION 17.56.010, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO DIGITAL BILLBOARDS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Riney presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5902, entering into an agreement with Clifton Excavating, LLC relative to National Guard Drive Water Main Extension 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 **CLIFTON EXCAVATING, LLC** RELATIVE TO **NATIONAL GUARD DRIVE WATER MAIN EXTENSION PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Martin presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5903, entering into an agreement Kueker's Lawn Service, LLC d/b/a Kueker's Nursery and Garden Center relative to Mowing Neighborhood Mini-Parks 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 **KUEKER'S LAWN SERVICE, LLC d/b/a KUEKER'S NURSERY AND GARDEN CENTER** RELATIVE

TO **MOWING NEIGHBORHOOD MINI-PARKS**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Buerck presents motion, seconded by Alderman Riney, and on vote carried Bill No. 5904, entering into an agreement with Missouri Highways and Transportation Commission relative to installation of Purple Heart City 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 **PURPLE HEART CITY SIGN 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 Buerck, and on vote carried Bill No. 5905, approving 2019-20 Pay Plan, is read for the first time by title only. The heading is as follows:

AN ORDINANCE APPROVING THE **2019-20 PAY PLAN** AS AMENDED, FOR THE CITY OF PERRYVILLE, MISSOURI, WHICH SHALL BECOME AND BE MADE A PART OF THE 2019-20 BUDGET AS MADE AND PROVIDED IN SECTION 67.010, ET SEQ., RSMO, 2000.

Alderman Guth presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5906, Show Me Green Sales Tax Holiday for 2019, is read for the first time by title only. The heading is as follows:

AN ORDINANCE ALLOWING THE “SHOW ME GREEN SALES TAX HOLIDAY” TO APPLY TO THE LOCAL SALES TAXES OF THE CITY OF PERRYVILLE, MISSOURI, BETWEEN APRIL 19 AND APRIL 25, 2019.

Alderman Guth, as Chairman of the Public Works Committee, informs the Board that he was notified by a property owner at 700 North Main that there was a sinkhole grate in the backyard of that property that needs to be repaired. Public Works Director Brown will send a crew to check on this.

Alderman Riney, as Chairman of the Finance Committee, thanks staff for the excellent job they did on preparing and presenting the 2019-20 budget for review.

Alderman Guth, as Chairman of the Economic Development Committee, tells the Board that American Homes is the realtor for the Sycamore Hills property.

City Engineer Baer reports:

- **Jackson Street Sewer Project** – This bid opening is next week. There will not be a need for boring on the project.
- **National Guard Water Project** – This project will start soon.

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

Alderman Guth states that the walking trail in the park, next to the batting cages, always gets muddy. He asks Parks & Recreation Director Cadwell to review and see if there's any way to alleviate this problem. He also advises that the grate in that area be cleaned before the predicted rains.

Now, at this time, upon motion by Alderman Schumer, seconded by Alderman Riney, it is ordered that the Board now convene into closed session to discuss contractual matters in accordance with

Section 610.021(9) 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 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 Martin, seconded by Alderman Buerck, and on vote carried, ordered that the Board now adjourn until Tuesday, February 19, 2019, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK