

February 18, 2020

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. Girl Scout Troop 71510 leads the Pledge of Allegiance and Mayor Baer leads 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.

Chief of Police Hunt introduces newly hired patrolman Jacob Chotrow.

Mayor Baer opens a public hearing for a special use permit request from Tim Brewer to install a crematory retort inside his existing Brewer Monument business at 111 South West Street. The Planning and Zoning Board recommends the special use permit be denied.

Mayor Baer first asks anyone present who is in favor of the special use permit to come forward if they have any comments.

Tim and Angie Brewer, owners of Brewer Monument, and residing at 206 PCR 506, Perryville, present information to the Board of Aldermen regarding this issue. They note that their business has been open for 125 years and they are 5th generation owners. They have researched the safety data and believe they meet the criteria provided by the US regulations. The equipment they will be using has been designed by an environmental engineer and made in the United States. They feel the crematory is safe; good for Perryville's economy; and out of view of the neighborhood. They question the request to guarantee safety. They do not believe they should be kept to a standard that cannot be met and no other business has been required to provide. They guarantee that they will follow state and federal regulations.

Tim Brandes, 754 Hidden Valley Lane, Perryville – Perryville needs this type of business; believes it to be safe.

Sandy Stuart, 900 Elliott Court, Jackson, Missouri – Notes that she lives near a crematorium and there are daycares and schools nearby; has noticed no smells or sights; it is safe.

There being no one else coming forth, Mayor Baer asks anyone present who is against the special use permit to come forward if they have any comments.

Rebecca Roth, 7 West South Street – concerns about info she has reviewed regarding mercury and dioxin; seven schools within one mile of the proposed site; in other cities, the crematories were built before people moved to the area – they chose to live there; EPA and state do not monitor; not federally regulated; no level of mercury is safety; fears drop in property value; would like to see a study about the mercury and dioxin.

John Esswein, 827 Edgemont – American Medical Journal notes increased levels of radiation and mercury vapor in the area; would be in favor of a crematory outside of the city limits; would like to see more studies prepared.

Joe Hutchison, 22 S. West Street – speaking on behalf of children; notes people using the streets and sidewalks near Brewer Monument; people with MS; as a dentist, he needs to provide a safe and sterile environment; good idea, but not in the right place for Perryville; notes new concerns with talcum powder and Round-Up; too many unknowns at this time.

Janet Miller, 112 S. Jackson – owns the closest home; doesn't want it here; great idea, but not there; please consider the people that live here.

Dennis Cornelius, 118 S. Jackson – would you want this in your backyard; concerns about property value.

Julie Triller, 2200 Old St. Mary's Road – appreciate the Brewer's reason to increase their business; concerned about the unintentional consequences; concerned about a possible failure of the system; unknowns should be taken into consideration.

Angie Hurt, 108 High Street – would not have purchased home in 2018 if she had known this was in the future; mercury is colorless and odorless; missed work to be present tonight for hearing.

Joyce Moll, 112 S. Main Street – in 2035 over 85% of bodies are projected to be cremated; higher volume concerns; has been at this residence a long time; does not want this in her backyard.

Sara Mattingly, 319 Edgemont – references a 2009 study about mercury; expresses concerns about atmospheric pollution; mother of four children; not enough research to be fully in favor of this proposal.

Brittney Clements, 1913 Trishia – concerns that the information provided to the Board was prepared by the creator of the equipment; has seen no research or studies; has a daughter at the daycare and is concerned about exposure; no data does not necessarily mean it is safe.

Ron Manetz, 1004 Woodridge Lane, his father lives at 216 S. Jackson Street – doesn't want children playing around it; should be placed somewhere else; worked with asbestos in the 1970s and no one thought that was a problem at that time; Board needs to tell us it is safe; not against a crematory, but not in this location; park car within feet of the building.

Pat Gillette, 2216 Old St. Mary's Road – moved here four years ago and is in favor of business; however, this is a good business but not in this location; concerns about proper training for the operators of the crematory; is the city prepared with utilities involved; is there an exit strategy if something happens or goes wrong.

Cliff Gillette, 2216 Old St. Mary's Road – does not feel it is an advantage to have the crematory in Perryville; not opposed to it located outside of the city.

John Darrin, 204 S. Jackson Street – his home is 118 years old; moved to Perryville in 1977; was a combat Marine; has pride in Perryville; machinery is not foolproof; concerns about power shut offs; cannot control the weather; smelled enough burning flesh as an 18 year old in the service.

Stan Denninger, 151 Hopi Lane – water drainage problems already in the area; concerns that water runoff will enter the underground caves.

Brandon Hart, High Street – letter read by City Clerk; concerns about the proximity of the crematory to his home; please consider the neighbors in the area who want this kept out of their residential area.

Mayor Baer asks if anyone present who is in favor of the special use permit would like to address the Board an additional time.

Angie Brewer – the crematory will use propane or natural gas and electricity; it will not use water; does not expect it to affect stormwater; does not drain water; information about mercury was included in the handout sheets; the 2010 information reported was from the EPA; the crematory is regulated by DNR.

Sandy Stuart – one of the studies presented by the opposition tonight was not from the United States; also a report from 1953 was read; regarding 'no level of mercury' being safe, what about when you eat tuna or other fish; EPA thinks this is too minor to regulate; opposition here tonight are not presenting facts, but rather they are emotional comments; cremation began in 1876; there is a lot of evidence that it is safe.

Kari Neal, 301 Cleo Street – mercury comes from dental fillings or dentures; does not think dentists are using mercury anymore.

Tracy Brewer, 710 Bruce Street – other plants in the city may have equipment failure, but no one seems to be concerned about that; wonders about the opposition being in favor of the crematory being built out of town, noting that it is either safe or it isn't.

Jennifer Wilson, 120 High Street – backyard is next to Brewer Monument; is not concerned with a crematory being located there; does not think the Brewers would do anything that wasn't safe.

Garrett Brewer, 1055 Jenkins – the equipment is self-regulated and will shut down if there is a problem; does not believe there is any good evidence regarding mercury; dentist offices allowed mercury into the water system.

There being no one else coming forth, Mayor Baer asks anyone present who is against the special use permit to come forward with any additional comments they may have.

Janet Miller – offers her house for sale; this is in her backyard; it is emotional; lives there 24 hours a day; who in the city will regulate them; concerned that what you don't see or smell is what will cause you harm; thinks the neighbors' votes should count.

Stan Denninger – regarding stormwater – air pollutants will settle and wash into storm sewers.

Sara Mattingly – United States doesn't test or research this; we need research; are the studies presented from the manufacturer or sales reps for the equipment.

Ron Manetz – no studies since 2010; need to place the crematory outside of town; would like written guarantee that this will not affect anyone.

Joe Hutchison – everyone has an opinion; this issue is very divisive; what is the exit plan.

Pat Gillette – where she lived before the owners made promises they could not keep; how will they handle hazardous waste.

Julie Triller – notes that we have zoning rules for a reason.

Jeffrey Moll, 112 S. Main – has lived here since 1972; is opposed to the crematory; since it has to be permitted by DNR there must be some type of threat; ask Board to table until more information is available about true risks.

Brittney Clements, 1913 Trishia – facts on long-term health studies do not exist.

Rebecca Roth – there are concerns in the community; would like answers and assurance that this will not harm anyone; happy to see Brewers grow, however, does not agree with this; unnecessary risk; we live here.

John Esswein – how do they plan to regulate what is brought into the crematory regarding people who have been through chemotherapy or radiation.

Susan Pierce, 1317 Chloe Street – why put it there; children may be allergic to it; lots of things have been proven unhealthy.

Cliff Gillette – Perryville has a beautiful downtown square; this should be placed out of town.

Lindsey Unterreiner, 3530 Hwy NN – there are so many “ifs”; not enough research; put aside now and do research; times now are to be healthier; city could hire an environmental lawyer.

Mayor Baer now closes the Public Hearing for a special use permit request from Tim Brewer to install a crematory retort inside his existing Brewer Monument business at 111 South West Street. He states that the Board will review the matter and make a decision in two weeks.

Mayor Baer now opens a public hearing for proposed Fiscal Year 2020-21 City of Perryville Budget.

There being no one coming forth, Mayor Baer closes the public hearing for proposed Fiscal Year 2020-21 City of Perryville Budget.

CONSENT AGENDA ITEMS

- 6. Approve minutes from meeting of February 4, 2020.
- 7. Approve Financial Reports for January, 2020.

CITY OF PERRYVILLE									
STATEMENT OF CASH POSITION									
JANUARY 2020									
		April 1, 2019	REVENUE	EXPENSE		CURRENT	ACCOUNTS	CURRENT	CURRENT
FUND NAME	Fund Balance	Y-T-D	Y-T-D	NET INCOME		FUND	RECEIVABLE	LIABILITIES	CASH
						BALANCE			BALANCE
101	Gen Rev	\$ 2,306,795.51	\$ 6,037,872.03	\$ (6,422,082.22)	\$ (384,210.19)	\$ 1,922,585.32	\$ 23,551.77	\$ 27,391.12	\$ 1,926,424.67
105	FSA Administration	\$ 6,225.15	\$ 1,557.75	\$ -	\$ 1,557.75	\$ 7,782.90	\$ -	\$ -	\$ 7,782.90
106	Asset Forfeiture	\$ 53.99	\$ -	\$ -	\$ -	\$ 53.99	\$ -	\$ -	\$ 53.99
204	Airport	\$ 8,929.74	\$ 639,054.35	\$ (576,166.84)	\$ 62,887.51	\$ 71,817.25	\$ 1,200.00	\$ 3,138.35	\$ 73,755.60
206	Trans Trust	\$ 1,208,736.02	\$ 818,267.51	\$ (558,649.60)	\$ 259,617.91	\$ 1,468,353.93	\$ -	\$ 410.23	\$ 1,468,764.16
207	Perry Park Ctr.	\$ (24,446.50)	\$ 3,129,970.94	\$ (3,004,586.14)	\$ 125,384.80	\$ 100,938.30	\$ 9,115.06	\$ 19,923.31	\$ 111,746.55
211	Veterans Field	\$ 21,171.45	\$ 8,990.43	\$ (9,541.58)	\$ (551.15)	\$ 20,620.30	\$ -	\$ -	\$ 20,620.30
213	Field Improvement	\$ 9,788.95	\$ 120.21	\$ (2,775.00)	\$ (2,654.79)	\$ 7,134.16	\$ -	\$ -	\$ 7,134.16
307	Debt Service	\$ 419,316.48	\$ 4,752.59	\$ (422,193.80)	\$ (417,441.21)	\$ 1,875.27	\$ 308.88	\$ (183.69)	\$ 1,382.70
308	Cap Imp Sls Tax Rev	\$ 997,235.69	\$ 605,376.44	\$ (997,154.58)	\$ (391,778.14)	\$ 605,457.55	\$ -	\$ -	\$ 605,457.55
409	Gen Pub Fac	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
414	TIF 1-Hwy 51/61	\$ 251,366.92	\$ 12,201.65	\$ (19,394.03)	\$ (7,192.38)	\$ 244,174.54	\$ -	\$ -	\$ 244,174.54
415	Economic Develop	\$ 37,660.38	\$ 215.98	\$ (33,333.34)	\$ (33,117.36)	\$ 4,543.02	\$ -	\$ -	\$ 4,543.02
416	TIF 2-Downtown	\$ 97,428.47	\$ 1,634.26	\$ (2,844.83)	\$ (1,210.57)	\$ 96,217.90	\$ -	\$ -	\$ 96,217.90
417	TIF 3-I55/HWY 51	\$ 315,587.56	\$ 461,554.57	\$ (231,776.14)	\$ 229,778.43	\$ 545,365.99	\$ -	\$ -	\$ 545,365.99
513	Street Imp	\$ 482,027.23	\$ 291,403.15	\$ (702,146.51)	\$ (410,743.36)	\$ 71,283.87	\$ -	\$ -	\$ 71,283.87
612	Refuse	\$ 263,746.00	\$ 759,029.23	\$ (663,056.81)	\$ 95,972.42	\$ 359,718.42	\$ 101,496.02	\$ 3,737.93	\$ 261,960.33
614	CWSS Op	\$ 3,091,414.24	\$ 5,334,946.92	\$ (5,604,502.23)	\$ (269,555.31)	\$ 2,821,858.93	\$ 374,513.81	\$ 113,117.82	\$ 2,560,462.94
641	WWTP Improvements	\$ -	\$ 425,341.45	\$ (107,045.37)	\$ 318,296.08	\$ 318,296.08	\$ -	\$ -	\$ 318,296.08
619	Gas Op	\$ 2,843,265.17	\$ 3,897,220.37	\$ (4,441,110.65)	\$ (543,890.28)	\$ 2,299,374.89	\$ 576,452.28	\$ 212,745.46	\$ 1,935,668.07
TOTAL		\$ 12,336,302.45	\$ 22,429,509.83	\$ (23,798,359.67)	\$ (1,368,849.84)	\$ 10,967,452.61	\$ 1,086,637.82	\$ 380,280.53	\$ 10,261,095.32

- 8. Set public hearing date for consideration of a petition for the creation of the Perry Plaza Community Improvement District – March 17, 2020 @ 6:30 p.m.
- 9. Accept bids received for the Vincent Drive Water Main Extension Project and award to Clifton Excavating, LLC per the recommendation of City Engineer Baer - \$74,811.00.

END OF CONSENT AGENDA

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

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

At this time, City Administrator Buerck presents a proposed amendment to Section 5.04.119 of the Code of Ordinances relative to occupational licenses. He explains that currently staff has little recourse when a business elects not to pay their business license beyond beginning a court process. After researching other cities, staff found the approach of suspending city utilities to help encourage compliance. This would provide another, perhaps more expedient, way of addressing this concern that, while rare, does occur occasionally

It is the consensus of the Board to place this ordinance on the next agenda for first reading.

SECOND READINGS AND FINAL PASSAGE:

Now, at this time, the Board proceeds to approve Bill No. 6017, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEEDS. Bill No. 6017 is read a second time on motion by Alderman Riney, seconded by Alderman Schumer. Thereupon on motion by Alderman Riney, seconded by Alderman Schumer, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, abstain; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, five; nay, none; abstain, one. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6235 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6017

ORDINANCE NO. 6235

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEEDS.

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

Section 1. The Mayor and Board of Aldermen of the City of Perryville, Missouri, do hereby accept the Easement Deeds from:

- a) David C. Bammell and Mary Jo Bammel;
- b) Anna Marie Berkbuegler;
- c) Amy Blyzes;
- d) Jeremiah Christian and Heather R. Christian
- e) Junius J. Hobbs and Carolyn s. Hobbs;
- f) Muench Properties, LLC; and
- g) Gene Rodebaugh;

which are attached hereto, subject to all of the terms and conditions therein expressed.

Section 2. The Mayor and City Clerk of the City of Perryville be, and they are, hereby authorized to do all acts and execute all instruments appropriate or necessary to accept the Easement Deeds.

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

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a

separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

FIRST READING: February 4, 2020.

SECOND READING: February 18, 2020.

PASSED AND APPROVED this 18th day of February, 2020, by a vote of 5 ayes, 0 nays, 1 abstention, and 0 absent.

ATTEST :
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6018, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **EARTH FIRST CONTRACTORS, LLC**, RELATIVE TO **NORTH STREET SEWER REPLACEMENT PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6018 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 eye and nay vote as follows: Curt Buerck, aye; Tom Guth, abstain; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, five; nay, none; abstain, one. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6236 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6018

ORDINANCE NO. 6236

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **EARTH FIRST CONTRACTORS, LLC**, RELATIVE TO **NORTH STREET SEWER REPLACEMENT 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 **Earth First Contractors, 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: February 4, 2020.

SECOND READING: February 18, 2020.

PASSED AND APPROVED this 18th day of February, 2020, by a vote of 5 ayes, 0 nays, 1 abstention, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6019, 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 **POW/MIA SIGN INSTALLATION**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6019 is read a second time on motion by Alderman Buerck, seconded by Alderman Guth. 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. 6237 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6019

ORDINANCE NO. 6237

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 **POW/MIA SIGN 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: February 4, 2020.

SECOND READING: February 18, 2020.

PASSED AND APPROVED this 18th day of February, 2020, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6020, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **CRAWFORD, MURPHY AND TILLY, INC.** RELATIVE TO **PERRYVILLE REGIONAL AIRPORT PRELIMINARY RUNWAY RECONSTRUCTION STUDY SCOPE**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6020 is read a second time on motion by Alderman Buerck, seconded by Alderman Riney. 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 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. 6238 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6020

ORDINANCE NO. 6238

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **CRAWFORD, MURPHY AND TILLY, INC.** RELATIVE TO **PERRYVILLE REGIONAL AIRPORT PRELIMINARY RUNWAY RECONSTRUCTION STUDY SCOPE**; 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 **Crawford, Murphy and Tilly, 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: February 4, 2020.

SECOND READING: February 18, 2020.

PASSED AND APPROVED this 18th day of February, 2020, 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. 6021, AN ORDINANCE AMENDING TITLE 9, CHAPTER 9.20, SECTION 9.20.010, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO CURFEW FOR MINORS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 6021 is read a second time on motion by Alderman Martin, seconded by Alderman Guth. 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. 6239 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6021

ORDINANCE NO. 6239

AN ORDINANCE AMENDING TITLE 9, CHAPTER 9.20, SECTION 9.20.010, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO CURFEW FOR MINORS; 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 9, Chapter 9.20, Section 9.20.010, Subsection A, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

"9.20.010 Curfew for minors.

- A. It is unlawful for any minor under the age of sixteen (16) years to loiter, idle, wander, stroll, play in or upon public streets, highways, roads, alleys, parks, playgrounds, wharves, docks, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places:

1. On Sunday through Thursday each week from eleven p.m. to five a.m. of the following day; and
2. On Friday and Saturday each week from twelve-thirty a.m. to five a.m.

This section shall not apply to a minor accompanied by his parent, guardian, or other adult having the care and custody of the minor or where the minor is on an emergency errand or business directed by his parents, guardian, or other adult person having the care and custody of the minor or where the minor is either going directly to or returning home directly from a bona fide place of employment. Each violation of the provisions of this subsection shall constitute a separate offense.”

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: February 4, 2020.

SECOND READING: February 18, 2020.

PASSED AND APPROVED this 18th day of February, 2020, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6022, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **DBT TRANSPORTATION SERVICES** RELATIVE TO **AWOS AVIATION SUPPORT AND MAINTENANCE SERVICES**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6022 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. 6240 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6022

ORDINANCE NO. 6240

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **DBT TRANSPORTATION SERVICES** RELATIVE TO **AWOS AVIATION SUPPORT AND MAINTENANCE SERVICES**; 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 **DBT Transportation Services**. 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: February 4, 2020.

SECOND READING: February 18, 2020.

PASSED AND APPROVED this 18th day of February, 2020, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6023, 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, 2020. Bill No. 6023 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. 6241 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6023

ORDINANCE NO. 6241

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, 2020.

WHEREAS, Sec. 144.526, RSMo. Supp. 2008, allows the City of Perryville, Missouri, to

participate in the "Show Me Green Sales Tax Holiday"; and

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, believe that participation in the "Show Me Green Sales Tax Holiday" is in the best interests of the citizens 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 FOLLOWS:

Section 1. For purposes of this ordinance, the following terms shall mean:

(1) "*Appliance*," clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) "*Energy star certified*," any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

Section 2. By enacting this ordinance, the City of Perryville, Missouri, hereby elects to allow the Show Me Green Sales Tax Holiday established by Sec. 144.526, RSMo. Supp. 2008, to apply to its local sales taxes so that there shall be exempted from local sales taxes all retail sales of any energy star certified new appliance, up to one thousand five hundred dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April 19, 2019, and ending at midnight on April 25, 2019. This provision shall apply only to the 2019 Show Me Green Sales Tax Holiday and does not enroll the City of Perryville in subsequent Show Me Green Sales Tax Holidays.

Section 3. This ordinance shall not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. Such retailer shall offer a sales tax refund in lieu of the sales tax holiday.

Section 4. The Clerk shall take any and all steps necessary to notify the Missouri Department of Revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday of the adoption of this ordinance and the election to allow the Show Me Green Sales Tax Holiday to apply within the City of Perryville, Missouri.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

FIRST READING: February 4, 2020.

SECOND READING: February 18, 2020.

PASSED AND APPROVED this 18th day of February, 2020, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

FIRST READINGS:

Alderman Martin presents motion, seconded by Alderman Guth, and on vote carried Bill No. 6024, amending Title 2, Chapter 2.88 of the Code of Ordinances relative to Personnel rules and Regulations, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.88, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO PERSONNEL RULES AND REGULATIONS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Buerck presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 6025, approving 2020-21 Pay Plan, is read for the first time by title only. The heading is as follows:

AN ORDINANCE APPROVING THE **2020-21 PAY PLAN** AS AMENDED, FOR THE CITY OF PERRYVILLE, MISSOURI, WHICH SHALL BECOME AND BE MADE A PART OF THE 2020-21 BUDGET AS MADE AND PROVIDED IN SECTION 67.010, ET SEQ., RSMO, 2000.

Alderman Hudson asks for an explanation regarding the 2% cost of living increase. City Administrator Buerck reviews the process with the Board.

Alderman Guth presents motion, seconded by Alderman Riney, and on vote carried Bill No. 6026, entering into an agreement with Clifton Excavating, LLC, relative to Vincent 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 **VINCENT 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 Buerck, and on vote carried Bill No. 6027, accepting sinkhole easement deed from Wayne and Marjorie Martin, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEED.

Alderman Guth presents motion, seconded by Alderman Riney, and on vote carried Bill No. 6028, entering into an agreement with Forward Slash Technology relative to Voice Communications Solution, 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 **FORWARD SLASH TECHNOLOGY** RELATIVE TO **VOICE COMMUNICATION SOLUTION**; 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. 6029, entering into an agreement with Charter Communications Operating, LLC, relative to Spectrum Enterprise Service 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 **CHARTER**

COMMUNICATIONS OPERATING, LLC RELATIVE TO SPECTRUM ENTERPRISE SERVICE AGREEMENT; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Guth, as Chairman of the Economic Development Committee, asks EDA Director Sattler to update the Board on any economic development activity. Director Sattler informs the Board that his office should be moving next week to the new Catalyst Center

City Administrator Buerck reports:

- **Board Appreciation Dinner set for Friday, March 7** - The annual dinner has been rescheduled for the evening of March 7. Please make sure you RSVP so we know how many meals to prepare.

- **WWTP Design/Build Process** - We received proposals from six teams. Staff is working through the proposals along with our owner's representative at AMCE. We will reduce this to 2-3 firms for in-person interviews before making a recommendation to the Board of Aldermen and DNR. The submitting teams were:

1. Plocher & HMG
2. Burns & McDonnell (for both design and construction)
3. River City Construction & MECO
4. Robinson Construction & HDR
5. L. Keeley & Horner Shiffrin
6. Goodwin Brothers & CMT

- **ISO Letter** - I am happy to report our ISO rating remained a 4 after the most recent survey but we have seen some significant improvements in fire flow at several of the test locations. This is very good news and demonstrates our effort to upsize lines is making progress.

- **Fly In – Saturday, May 16** - This event is being coordinated by the Airport Board. It promises to be a fun-filled day and should generate some good traffic and, more important, awareness at the airport.

- **Trout Season at Legion Lake** - This has been one of the neatest success stories in recent years. As a reminder, the City, County, and Sportsman's Club partnered to stock Legion Lake with trout. For several months it is 'catch and release' but, beginning February 1, you can keep what you catch. Many people have been fishing at Legion Lake who may not otherwise feel a connection. It has been great and busy.

Alderman Hudson asks staff to double-check the Spectrum contract to ensure there are no hidden fees. City Attorney Ludwig will review again and report back to the Board.

City Engineer Baer reports:

- **Sycamore Road** – Weather continues to slow down progress.
- **Vincent Street Water Project** – This contract is on track to be finalized at the next meeting.
- **North Street Sewer Project** – Notice to proceed will be sent on this project.
- **Firehouse Project** – This project started today.

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

Alderman Riney reports that he will be out of town on March 3rd and will miss the meeting.

Alderman Guth asks when the batting cages will be completed. City Administrator Buerck reports that the nets will be attached after the threat of snow is past. The turf will be glued down.

Alderman Buerck asks about the status of the petition for street construction on Moore Drive. City Administrator Buerck reports that the neighbors in the area have the petition form, but staff has not seen the signed petition as of yet. For now, the ball is in their court. This project could be designed in 2021 and constructed in the 2021-22 season.

Now, at this time, upon motion by Alderman Hudson, seconded by Alderman Schumer, it is ordered that the Board now convene into Closed Session to discuss contractual matters in accordance with Section 610.021(9) RSMo; personnel matters in accordance with Section 610.021(3) RSMo; and real estate matters in accordance with Section 610.021(2) 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 Schumer, seconded by Alderman Hudson, that the Board now reconvenes into regular session for any business that might come forth. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

Alderman Guth asks if an aldermen's granddaughter would be allowed to referee soccer games or if that would be considered nepotism. Staff notes that the local soccer leagues are run by the Optimist Club, not the City of Perryville. Therefore, it would not be considered nepotism.

There being no further business, it is upon motion by Alderman Riney, seconded by Alderman Hudson, and on vote carried, ordered that the Board now adjourn until Tuesday, March 3, 2020, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK