

**February 19, 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.

Mr. Wes Pruett, of 212 Green Meadows Drive, Perryville, asks the Board to consider getting water lines to the seven residents in Green Meadows Subdivision who live in the city limits. He tells the Board that these residents currently have city sewer but not water. He says they currently receive their water from the Shakertown water system and expresses his concern with the current state of that system. After discussion and review, the Board asks staff to look into the logistics of getting water lines to these areas.

Mr. Jeff Bohnert, of Drury Southwest Signs, 826 Fox Lane, Cape Girardeau, Missouri, informs the Board that he wants to change his existing billboard at the intersection of Edgemont Boulevard and Perryville Boulevard to a digital sign; however, it has come to his attention that the digital sign ordinance on the agenda for approval this evening will not permit him to make this change. He asks the Board to reconsider this ordinance so that he can change his sign to digital.

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

Assistant Chief of Police Jones introduces Joseph Goldsmith, newly hired patrolman.

At this time, Mayor Baer opens a public hearing for a special use permit request from Great Eight, LLC to install a shipping container at 1011 South Perryville Boulevard (Buchheit's). City Administrator Buerck's notes have informed the Board that Great Eight, LLC would like to install a shipping container on their property located at 1011 South Perryville Blvd (Buchheit's). The shipping container is already on the property and was installed after the ordinance requiring a special use permit. Buchheit's was notified in December and submitted their paperwork in a timely manner.

There being no one coming forth, Mayor Baer closes the public hearing for a special use permit request from Great Eight, LLC to install a shipping container at 1011 South Perryville Boulevard.

At this time, Mayor Baer opens a public hearing re Fiscal Year 2019-20 City of Perryville Budget. City Administrator Buerck informs the Board that the budget has been reviewed in detail by the Finance Committee. At this time, he reviews highlights from the budget.

There being no one else coming forth, Mayor Baer closes the public hearing re Fiscal Year 2019-20 City of Perryville Budget

**CONSENT AGENDA ITEMS**

6. Approve minutes from meeting of February 5, 2019.
7. Approve Financial Reports for January 2019.

CITY OF PERRYVILLE  
STATEMENT OF CASH POSITION  
JANUARY, 2019

		April 1, 2018	REVENUE	EXPENSE		CURRENT	ACCOUNTS	CURRENT	CURRENT
	FUND NAME	Fund Balance	Y-T-D	Y-T-D	NET INCOME	FUND BALANCE	RECEIVABLE	LIABILITIES	CASH BALANCE
101	Gen Rev	\$ 2,459,829.53	\$ 6,223,015.30	\$ (5,620,430.07)	\$ 602,585.23	\$ 3,062,414.76	\$ 20,084.32	\$ 40,654.68	\$ 3,082,985.12
105	FSA Administration	\$ 4,977.20	\$ 1,220.12	\$ -	\$ 1,220.12	\$ 6,197.32	\$ -	\$ -	\$ 6,197.32
106	Asset Forfeiture	\$ 953.99	\$ -	\$ (900.00)	\$ (900.00)	\$ 53.99	\$ -	\$ -	\$ 53.99
204	Airport	\$ (5,016.83)	\$ 708,215.72	\$ (691,045.29)	\$ 17,170.43	\$ 12,153.60	\$ 1,225.00	\$ 3,241.81	\$ 14,170.41
206	Trans Trust	\$ 1,017,507.47	\$ 1,186,934.21	\$ (997,207.35)	\$ 189,726.86	\$ 1,207,234.33	\$ -	\$ 3,661.47	\$ 1,210,895.80
207	Perry Park Ctr.	\$ 55,766.91	\$ 2,270,551.26	\$ (2,298,582.35)	\$ (28,031.09)	\$ 27,735.82	\$ 9,999.62	\$ 26,403.16	\$ 44,139.36
211	Veterans Field	\$ 11,163.46	\$ 16,188.95	\$ (12,809.33)	\$ 3,379.62	\$ 14,543.08	\$ -	\$ -	\$ 14,543.08
213	Field Improvement	\$ 4,423.04	\$ 5,837.05	\$ (1,203.31)	\$ 4,633.74	\$ 9,056.78	\$ -	\$ -	\$ 9,056.78
307	Debt Service	\$ 410,798.61	\$ 8,724.10	\$ (2,456.04)	\$ 6,268.06	\$ 417,066.67	\$ 1,408.98	\$ 1,408.98	\$ 417,066.67
308	Cap Imp Sls Tax Rev	\$ 914,686.32	\$ 628,066.82	\$ (590,579.36)	\$ 37,487.46	\$ 952,173.78	\$ -	\$ -	\$ 952,173.78
409	Gen Pub Fac	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
414	TIF 1-Hwy 51/61	\$ 168,508.53	\$ 394,380.61	\$ (414,566.78)	\$ (20,186.17)	\$ 148,322.36	\$ -	\$ -	\$ 148,322.36
415	Economic Develop	\$ 20,244.85	\$ 50,631.78	\$ (33,333.33)	\$ 17,298.45	\$ 37,543.30	\$ -	\$ -	\$ 37,543.30
416	TIF 2-Downtown	\$ 51,888.29	\$ 914.60	\$ (2,829.52)	\$ (1,914.92)	\$ 49,973.37	\$ -	\$ -	\$ 49,973.37
417	TIF 3-I55/HWY 51	\$ 410,750.54	\$ 155,564.98	\$ (429,355.11)	\$ (273,790.13)	\$ 136,960.41	\$ -	\$ -	\$ 136,960.41
513	Street Imp	\$ 1,019,561.41	\$ 295,252.84	\$ (882,569.70)	\$ (587,316.86)	\$ 432,244.55	\$ -	\$ -	\$ 432,244.55
612	Refuse	\$ 482,051.91	\$ 1,174,208.99	\$ (1,217,725.12)	\$ (43,516.13)	\$ 438,535.78	\$ 97,317.13	\$ 4,555.99	\$ 345,774.64
614	CWSS Op	\$ 2,111,302.77	\$ 4,811,860.15	\$ (3,826,856.24)	\$ 985,003.91	\$ 3,096,306.68	\$ 290,129.51	\$ 123,510.60	\$ 2,929,687.77
619	Gas Op	\$ 2,862,429.55	\$ 4,486,537.24	\$ (5,270,823.06)	\$ (784,285.82)	\$ 2,078,143.73	\$ 645,409.06	\$ 207,329.55	\$ 1,640,064.22
	<b>TOTAL</b>	<b>\$ 12,001,827.55</b>	<b>\$ 22,418,104.72</b>	<b>\$ (22,293,271.96)</b>	<b>\$ 124,832.76</b>	<b>\$ 12,126,660.31</b>	<b>\$ 1,065,573.62</b>	<b>\$ 410,766.24</b>	<b>\$ 11,471,852.93</b>

8. Approve request from Carisa Stark to close North Jackson Street, from West Ste. Marie to Bank of Missouri Drive-Thru, from 4 pm to 11 pm on February 23, 2019, for their Mardi Gras Perry Crawl.
9. Approve Quote from Municipal Equipment Company for SmartCover Sewer Monitoring System - \$34,670.00.
10. Approve purchase of 6" pipe from Groebner Associates, Inc. for natural gas extensions - \$24,677.50.
11. Approve quotes received for replacement of the Park Museum roof and award to Franklin Contracting, LLC per recommendation of Parks & Recreation Director Cadwell – \$11,188.39.
12. Approve bids received for Airport Mowing project and award to Todd Schilli Farms, LLC per the recommendation of Public Works Director Brown.

<u>Name of Bidder</u>	<u>Bid</u>
• Todd Schilli Farms LLC	
°Price bid for entire project per mowing event	\$1,400- \$1,890*
°Price bid for partial mowing of lights and reflectors per mowing event	\$ 490
• Kester All Season Service LLC	
°Price bid for entire project per mowing event	\$2,245
°Price bid for partial mowing of lights and reflectors per mowing event	\$ 365
• Cut N Edge	
°Price bid for entire project per mowing event	\$2,925
°Price bid for partial mowing of lights and reflectors per mowing event	\$ 475
• Jim Brown Landscaping LLC	
°Price bid for entire project per mowing event	\$4,130
°Price bid for partial mowing of lights and reflectors per mowing event	\$ 500

- Cross Cuts LLC
  - °Price bid for entire project per mowing event \$75hr/machine
  - °Price bid for partial mowing of lights and reflectors per mowing event \$75hr/machine

\*There was a bid irregularity on the lowest bidder, Todd Schilli Farms. The bid price for the entire project amount did not include the partial mowing bid. In fact, it was the difference instead of the total amount. With the amounts combined, \$1,890 is the bid price for the entire project per mowing event. This bidder is still the lowest bid. It is our recommendation to honor this correction and move forward into a contract with Todd Schilli Farms in mowing the Airport property.

13. Approve bids received for the South Jackson Street Sanitary Sewer Line Replacement Project and award to Earth First Contractors, LLC, per recommendation of City Engineer Baer - \$39,389.00.

<b>Name of Bidder</b>	<b>Earth First Contractors, LLC</b>	<b>Nip Kelley Equipment Co.</b>
<b>Address</b>	1667 N. Kingshighway Perryville, MO	41 N. Sprigg Street Cape Girardeau, MO 63701
<b>Total Bid</b>	\$39,389.00	\$41,530.00

<b>Name of Bidder</b>	<b>CE Contracting, Inc.</b>	<b>Vern Bauman Contracting</b>
<b>Address</b>	10411 Kimmel Lake Road Ste. Genevieve, MO 63670	21471 Hwy 32 Ste. Genevieve, MO 63670
<b>Total Bid</b>	\$67,295.00	\$67,842.00

<b>Name of Bidder</b>	<b>Jokerst, Inc.</b>	<b>Herbst Excavating LLC</b>
<b>Address</b>	16444 Highway 32 Ste. Genevieve, MO 63670	4005 Cartee Road Farmington, MO 63640
<b>Total Bid</b>	\$70,509.00	\$83,062.56

14. Approve request from the American Cancer Society to waive Perry Park Center rental fees for the Relay for Life Event to be held on April 19, 2019, from 2:00pm to 10:00pm.
15. Acknowledge decision by Little League Board to return operations of youth baseball/softball leagues to the City of Perryville.

**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 as presented. Alderman Riney seconds the motion, and on vote the motion carries.

Alderman Schumer makes a motion to approve the special use permit request from Great Eight, LLC to install a shipping container at 1011 South Perryville Boulevard (Buchheit's). Alderman Riney seconds the motion, and on vote the motion carries.

City Administrator Buerck presents a modification to the special use permit ordinance relative to permanent structures. He notes that the Board has pointed out the City's prior use of special use permits to authorize permanent structures, which runs counter to the general understanding of a special use permit terminating when ownership changes and staff and the City Attorney have worked to address this and clarify the ordinance by stating, "In the event the applicant sells this property, the special use permit for this structure will remain with the land. However, if a new owner desires to use the structure for anything other than what the original special use permit allows, the new owner must apply for a modified special use permit."

After discussion and review, it is the consensus of the Board to use this language when a special use permit is approved which involves some type of permanent structure.

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

At this time, the Board considers Bill No. 5901, amending Title 17, Chapter 17.56, Section 17.56.010 of the Code of Ordinances relative to digital billboards. Alderman Riney makes a motion to table this ordinance to the March 19<sup>th</sup> agenda. Alderman Buerck seconds the motion, and on vote the motion carries.

Now, at this time, the Board proceeds to approve Bill No. 5902, 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. Bill No. 5902 is read a second time on motion by Alderman Riney, seconded by Alderman Buerck. Thereupon on motion by Alderman Riney, 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. 6121 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5902

ORDINANCE NO. 6121

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.

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 **Clifton Excavating, 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 5, 2019.

SECOND READING: February 19, 2019.

PASSED AND APPROVED this 19<sup>th</sup> 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. 5903, 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. Bill No. 5903 is read a second time on motion by Alderman Martin, seconded by Alderman Guth. Thereupon on motion by Alderman Martin, 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. 6122 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5903

ORDINANCE NO. 6122

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.

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 **Kueker's Lawn Service, LLC d/b/a Kueker's Nursery and Garden Center**. 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 5, 2019.

SECOND READING: February 19, 2019.

PASSED AND APPROVED this 19<sup>th</sup> 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. 5904, 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. Bill No. 5904 is read a second time on motion by Alderman Riney, seconded by Alderman Guth. Thereupon on motion by Alderman Riney, 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. 6123 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5904

ORDINANCE NO. 6123

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.

WHEREAS, the Mayor and Board of Aldermen have heretofore reviewed a 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 5, 2019.

SECOND READING: February 19, 2019.

PASSED AND APPROVED this 19<sup>th</sup> 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. 5905, 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.. Bill No. 5905 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. 6124 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5905

ORDINANCE NO. 6124

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.

WHEREAS, the budget officer of the City of Perryville has heretofore presented to the Mayor and the Board of Aldermen a proposed pay plan for the City of Perryville, Missouri; and,

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, after due consideration of said proposed pay plan, deem certain amendments necessary thereto; and

WHEREAS, the budget officer of the City of Perryville, Missouri, has heretofore presented to the Mayor and Board of Aldermen an amended pay plan for the 2019-20 fiscal year of the City of Perryville, Missouri; and

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, being mindful of the requirements of Section 67.010, et seq., RSMo., 2000, deem it desirable to approve said pay plan by ordinance, and to make said pay plan a part of the 2019-20 budget.

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

Section 1. That the Mayor and Board of Aldermen of the City of Perryville, Missouri, do hereby approve the 2019-20 proposed pay plan as submitted by the City budget officer and as heretofore reviewed and amended by the Mayor and Board of Aldermen of the City of Perryville, Missouri.

Section 2. That the Mayor and Board of Aldermen of the City of Perryville, Missouri, have approved the amended pay plan for the year 2019-20 for the City of Perryville, Missouri.

Section 3. That attached hereto, marked Exhibit A and incorporated herein as if fully set forth is the salary schedule for fiscal year 2019-20 to be effective April 1, 2019.

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

FIRST READING: February 5, 2019.

SECOND READING: February 19, 2019.

PASSED AND APPROVED this 19<sup>th</sup> 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. 5906, **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.** Bill No. 5906 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. 6125 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5906

ORDINANCE NO. 6125

**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.**

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 5, 2019.

SECOND READING: February 19, 2019.

PASSED AND APPROVED this 19<sup>th</sup> 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

**FIRST AND SECOND READINGS AND FINAL PASSAGE:**

Now, at this time, Bill No. 5907, AN ORDINANCE APPROVING THE PROPOSED REZONING FOR A SPECIAL USE PERMIT FOR CERTAIN PROPERTY IN THE CITY OF PERRYVILLE, MISSOURI, DESCRIBED IN EXHIBIT A; SETTING FORTH THE AREA FOR SPECIAL USE AND THE CONDITIONS OF SPECIAL USE; ALL IN ACCORDANCE WITH THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, is read for the first time with an expedite clause for matters related to zoning as found in Title 17 of the Code of Ordinances upon motion by Alderman Schumer, seconded by Alderman Buerck. On motion by Alderman Schumer, seconded by Alderman Buerck, and on vote carried, Bill No. 5907 is read for the second time. Thereupon on motion by Alderman Schumer, seconded by Alderman Buerck, and on vote carried, it is ordered that the Bill be placed on final passage. Roll call showing the aye and nay vote showed as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, 6; nay, 0. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6126 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5907

ORDINANCE NO. 6126

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

WHEREAS, the City Board and the Planning and Zoning Commission have considered a proposed rezoning and/or special use permit for property described as 1011 South Perryville Boulevard, as set out in Exhibit A which is attached hereto and incorporated herein by reference; and,

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

WHEREAS, a special use permit to install a shipping container on said property in a C-2 General Commercial District may be granted by virtue of the Code of Ordinances of the City of Perryville, Missouri; and,

WHEREAS, after duly considering the recommendations of the City Planning and Zoning Commission and other input received at the required public hearing, the Board of Aldermen of the City of Perryville, Missouri, has decided it is in the best interests of the citizens of the City of Perryville, Missouri, to grant a special use for said property.

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

Section 1. That an application for a special use permit, which said application is marked Exhibit A and attached hereto, is hereby approved, and a special use permit is hereby issued to The Great Eight, L.L.C., Applicant.

Section 2. That the property set forth in Exhibit A is hereby granted a special use permit to install a shipping container on said property in a C-2 General Commercial District.

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

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

Section 4. That the City Clerk of the City of Perryville, Missouri, shall and is hereby directed to indicate on the "Official Zoning District Map" of the City of Perryville, Missouri, the above special use permit

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

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

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

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

Section 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 9. The Mayor and Board of Aldermen of the City of Perryville, Missouri, hereby declare this ordinance to be a matter related to zoning as found in Title 17 of this Code which has previously been reviewed and approved by the City Planning and Zoning Commission, and for that reason this ordinance may be acted on in one meeting.

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

FIRST READING: February 19, 2019.

SECOND READING: February 19, 2019.

PASSED AND APPROVED this 19<sup>th</sup> 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

**FIRST READINGS:**

Alderman Guth presents motion, seconded by Alderman Riney, and on vote carried Bill No. 5908, entering into an agreement with Schilli Farms, LLC relative to mowing airport property, 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 **TODD SCHILLI FARMS, LLC** RELATIVE TO **MOWING AIRPORT PROPERTY**; 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. 5909, entering into an agreement with Earth First Contractors, LLC relative to South Jackson Street Sanitary Sewer Line Replacement 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 **EARTH FIRST CONTRACTORS, LLC** RELATIVE TO **SOUTH JACKSON STREET SANITARY SEWER LINE REPLACEMENT PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Guth presents motion, seconded by Alderman Riney, and on vote carried Bill No. 5910, entering into an agreement with Heartland Coca-Cola Bottling Company, LLC relative to concessions, 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 **HEARTLAND COCA-COLA BOTTLING COMPANY, LLC** RELATIVE TO **CONCESSIONS FOR THE PERRY PARK CENTER AND CITY PARKS**; 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. 5911, amending Title 13, Chapter 13.20, Section 13.20.020 of the Code of Ordinances relative to Sewer—Total Mass Allowable, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 13, CHAPTER 13.20, SECTION 13.20.020, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO SEWER—TOTAL MASS ALLOWABLE; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Guth, as Chairman of the Economic Development Committee, asks EDA Director Sattler to update the Board on any economic development matters. Director Sattler distributes the marketing flyer prepared for the sale of lots in Redbud Court. He notes that Habitat for Humanity is looking for a family in need of a home; Ranken Manufacturing Day will be held on February 27<sup>th</sup>; the Downtown Revitalization Committee will take over the Christmas on the Square event from the Chamber of Commerce; and Bikers on the Square is being moved to a one-day event on September 21, 2019.

City Administrator Buerck reports:

- **Love Our Veterans Dinner Auction – March 30** - This is just to inform you of this dinner auction. The event will raise money to support the MNVM. Tickets are \$100.

- **Disaster Training – Featuring Mayor Ken Baer – April 10** - Our own Mayor Ken Baer is part of a panel discussion regarding our emergency response as it related to the tornado. It is an exciting opportunity to represent our community on a regional basis.

- **Dave Clements Retirement Party – March 29** - We hope the Board can join us for lunch as we thank Dave and his family for his 26 years of service.

- **Elected Officials Training – June 6 and 7** - At this time, I have not heard of anyone planning to attend so I will not be going either. If something changes, please let me know ASAP so I can make arrangements

City Engineer Baer reports:

- **Jackson Sewer** – This project will start after the contract is approved. Staff is still working to acquire easements.

• **Sewer Trunk Line** – Staff is working on easements at this time. Plans and specs are being sent to DNR for their approval.

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

Alderman Buerck comments on the Public Works Department's good job of dealing with the inclement weather.

Alderman Schumer asks staff to check on the water request presented earlier in the meeting by Mr. Wes Pruett. Engineer Baer and the City Attorney will prepare a report for the Board.

Alderman Hudson informs the Board that a bus of veterans from Milwaukee, Wisconsin, are making plans to visit the Veteran's Wall.

Alderman Guth asks if the hotel tax on the April ballot will affect bed and breakfasts, etc. Staff informs the Board that the hotel tax will only affect hotels and motels at this time.

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; real estate matters in accordance with Section 610.021(2) RSMo; and personnel matters in accordance with Section 610.021(3) RSMo. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

Following discussion and review, it is upon motion by Alderman Riney, seconded by Alderman Guth, that the Board now reconvenes into regular session for any business that might come forth. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

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

MAYOR

ATTEST:

CITY CLERK