

**March 6, 2018**

**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 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 with the Pledge of Allegiance and 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.

At this time, Mayor Baer opens a public hearing regarding a Petition for Voluntary Annexation from SMS Investment Group, LLC for property described as 3.32 acres on Highway 61 North as described in Document No. 2017R01957 of the Perry County Deed Records.

Dominic Stark, of 1620 Mid-America Street, Perryville, Missouri, tells the Board that he and his wife's company, SMS Investment Group, would like to develop a small parcel along Highway 61 North by adding 5 duplexes. He says they would like to attach to City utilities and have begun the annexation and rezoning process accordingly.

There being no one else coming forth, Mayor Baer closes the public hearing.

**CONSENT AGENDA ITEMS**

4. Approve minutes from meeting of February 20, 2018.
5. Approve bills for February 2018.

At this time Alderman Riney, Chairman of the Finance Committee, presents the following bills and invoices for the month of February 2018, vendor checks numbered 107223 - 107489; and 4 ACH transfers; payroll checks numbered: 658009 - 568020.

The following bills are presented to be paid for the month of February, 2018. Board finds that \$365,217.89 is chargeable to and payable out of the General Revenue Account; \$105,235.84 is out of Transportation Trust; \$137,235.14 is out of Perry Park Center; \$2,500.00 is out of TIF #2; \$2,625.00 is out of TIF #3; \$7,390.43 is out of Street Improvement; \$58,967.84 is out of Capital Improvement Sales Tax; \$67,728.89 is out of Refuse; \$233,663.07 is out of CWSS; and \$617,126.64 is out of Gas Operation. The Board, upon investigation, found the sum to be \$1,597,690.74.

6. Approve Pay Estimate 3 to Jokerst, Inc., relative to the Northdale Lift Station Interceptor Sewer Project - \$19,216.60.
7. Approve Pay Application #1 (Final) from Nip Kelley Equipment Company, Inc., relative to Soccer Park Chain-Link Fence Project - \$13,590.00.
8. Approve Notice of Land Sale for property in the 200 block of Edgemont.

**END OF CONSENT AGENDA**

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

After discussion and review, Alderman Riney presents motion to approve the Consent Agenda. Alderman Guth seconds the motion, and on vote the motion passes.

The Board of Aldermen review a memorandum from Assistant Chief Jones regarding a study he and his staff performed at the Board's request to determine the need for restricting parking along the 51 By-Pass next to the soccer park. Alderman Buerck expresses his opinion that he is in favor of restricted parking along the By-Pass for the safety of pedestrians.

After discussion and review, Alderman Riney makes a motion to accept Option 4 from Asst. Chief Jones' report, which is "make no changes at all to the parking pattern at this location, continue to monitor the area during events, provide extra patrol in the area during events." Alderman Guth seconds the motion. Roll call showed the aye and nay vote as follows: Curt Buerck, nay; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, five; nay, one. Motion passes.

## **SECOND READING AND FINAL PASSAGE:**

Now, at this time, the Board proceeds to approve Bill No. 5788, 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, 2018. Bill No. 5788 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. 6009 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5788

ORDINANCE NO. 6009

### **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, 2018.**

**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, 2018, and ending at midnight on April 25, 2018. This provision shall apply only to the 2018 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 7. This ordinance shall take effect and be in full force from and after its passage and approval.

FIRST READING: February 20, 2018.

SECOND READING: March 6, 2018.

PASSED AND APPROVED this 6<sup>th</sup> day of March, 2018, 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. 5789, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **HURST-ROSCHE, INC.**, RELATIVE TO **WATER SYSTEM MASTER PLAN AND WATER MAIN REPLACEMENT EVALUATION**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5789 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. 6010 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5789

ORDINANCE NO. 6010

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **HURST-ROSCHE, INC.**, RELATIVE TO **WATER SYSTEM MASTER PLAN AND WATER MAIN REPLACEMENT EVALUATION**; 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 **Hurst-Rosche, 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 20, 2018.

SECOND READING: March 6, 2018.

PASSED AND APPROVED this 6<sup>th</sup> day of March, 2018, 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. 5790, 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. 5790 is read a second time on motion by Alderman Buerck, seconded by Alderman Martin. Thereupon on motion by Alderman Buerck, seconded by Alderman Hudson, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6011 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5790

ORDINANCE NO. 6011

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 20, 2018.

SECOND READING: March 6, 2018.

PASSED AND APPROVED this 6<sup>th</sup> day of March, 2018, 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 Buerck presents motion, seconded by Alderman Martin, and on vote carried Bill No. 5791, accepting an easement deed from Midwest Lodging, Inc, 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 Martin presents motion, seconded by Alderman Hudson, and on vote carried Bill No. 5792, amending City Budget – Fiscal Year 2017-18, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING THE 2017-18 BUDGET, AS APPROVED, FOR THE CITY OF PERRYVILLE, MISSOURI, AS MADE AND PROVIDED IN SECTION 67.010, ET SEQ., RSMO, 2000.

Alderman Riney presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 5793, adopting City Budget – Fiscal Year 2018-19, is read for the first time by title only. The heading is as follows:

AN ORDINANCE APPROVING THE 2018-19 BUDGET, AS AMENDED, FOR THE CITY OF PERRYVILLE, MISSOURI, AS MADE AND PROVIDED IN SECTION 67.010, ET SEQ., RSMO, 2000.

At this time, Mayor Baer exits the Council Chambers and Alderman Riney as President of the Board of Aldermen takes over the meeting.

Alderman Guth presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5794, entering into revised contract with Baer Engineering, LLC., is read for the first time by title only. The heading is as follows:

AN ORDINANCE AUTHORIZING THE PRESIDENT OF THE BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **BAER ENGINEERING, LLC** RELATIVE TO **ENGINEERING SERVICES**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE PRESIDENT OF THE BOARD OF ALDERMEN.

Mayor Baer returns to the Council Chambers.

Alderman Guth, as Chairman of the Economic Development Committee, asks EDA Director Sattler to update the Board on economic development activity. Director Sattler tells the Board that the Holiday Inn is near completion and is expected to open on March 15<sup>th</sup>; MoDot is holding a public meeting on March 13<sup>th</sup>; Innova Air, owner of Sabreliner Aviation, has closed their doors in Texas.

City Administrator Buerck reports:

- **Rankin Manufacturing Day** – We will help open this event by introducing the attendees to the City of Perryville. This is a great event for them and will continue their efforts to bring students to the Perryville campus.
- **Winter Storm Update** – The total cost for winter storms 2017-18 is approaching \$38,600. This is a reminder that the great service we provide does come at a cost.
- **ICMA Presentation** – We have been selected to provide a training session at ICMA. This is the national meeting of city administrators from all over the world, but mostly North America. It is a great opportunity to tell Perryville's story and perhaps help others follow. I am very excited to be chosen given there are upwards of 6,000 attendees.
- **Leaf Removal Notice** – Last week of leaf removal will run March 19-23.
- **Spring Cleanup Trash Schedule** – Spring Cleanup will occur the week of April 9-13.
- **Local Government Week** – This event runs April 8-14 and will feature a program called "Why I Serve." We will be interviewing several staff from different departments, along with the Mayor, to talk about the things that draw us into public service. Please let us know if you would like to be included.

- **Street Department Building** – We opened eight bids/proposals today. Staff will evaluate these proposals over the next several weeks and bring a recommendation to the Board on how best to proceed.

City Engineer Baer Reports:

- **Northdale Sewer** – Seeding and strawing still needs to be done on this project. The contractor is hooking neighbors up this week and then we can abandon the lift station. It was observed that flow was good during recent rains.

- **Sewer Pipe Lining Project** – Visu-Sewer started cleaning and taking video last week. The next step will begin in a week or two and will last several months. They plan to start in the Harvest Acres area. The School Street area is where a lot of infiltration/inflow has been found.

- **Miget Park** – We are working to get a sliver of property from MoDot for the splash pad and restroom. The playground will be built to the south of the bathroom. Staff is unsure at this time where the parking for the playground will go. The retaining wall at the splash pad will be 2'-3' at its highest point. We are softening the corners of these areas so it will be easier to mow.

Mayor Baer asks the Board for any concerns, comments, or other non-action items they would like to present:

Alderman Riney states he was contacted by Carl Eggers about striping North Main Street from the roundabout to where state maintenance begins. He also asked for minor repairs on Miles Road.

Alderman Buerck says John Thomure asked him if the City would be interested in purchasing his lot next to Viola Blechle Park.

He also informs the Board that several senior citizens have asked if the City would consider offering a summer rate for walking indoors during the heat of the day.

Alderman Buerck also informs the Board that he was contacted about the School Street Lift Station flooding into the park; that no one cleaned up the debris and that the Faviers are still getting water in their basement.

Public Works Director Brown says that the smoke testing this summer is going to help find the I/I problems in that area.

Alderman Schumer notes that sinkholes have opened up at 1027 Hume and 1308 Big Springs Boulevard.

Now, at this time, upon motion by Alderman Martin, seconded by Alderman Hudson, it is ordered that the Board now convene into closed session to discuss contractual matters in accordance with Section 610.021(9) 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 Hudson, seconded by Alderman Schumer, 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 Hudson, and on vote carried, ordered that the Board now adjourn until Tuesday, March 20, 2018, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK