

**March 16, 2021**

**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, Douglas K. Martin, Larry Riney, and David J. Schumer, Aldermen; Brent Buerck, City Administrator; Tracy Prost, City Clerk; and Thomas Ludwig, City Attorney. Alderman Hudson joins the meeting at 7:05 p.m.

Mayor Baer opens the meeting with the Pledge of Allegiance and invocation.

Mayor Baer now opens the meeting for citizens' participation from the floor.

Residents from North Parkview Street and the surrounding area are present to express their opinion regarding building sidewalks on North Parkview Street. Mayor Baer explains the policy for sidewalks, reviewing the sidewalks installed on new construction over the past five years. He informs the residents that the majority of the Board of Aldermen believe that building sidewalks is the right thing to do for the residents of the City of Perryville.

Evelyn Rehagen of 721 N. Parkview expresses her opposition to sidewalks, noting that they were told two years ago that they do not have to have a sidewalk. She expresses her concerns about the landscaping in front of her home and her neighbor's homes. She also tells the Board that she sees little traffic or walkers on her street. In addition, she lists other streets that appear to need sidewalks because they are narrower. She notes that she does not want a grant used for the sidewalks. She also suggests that instead of sidewalks on North Parkview, the money be used for a barrier on the By-Pass to protect children playing at the splash pad and park from drivers.

Conrad Rehagen of 721 N. Parkview asks where the money is coming from for the construction. When told by Mayor Baer that it was local funds, Mr. Rehagen comments to the audience that it was not a federal decision, but a local decision, and the Board was not forced to build the sidewalks; they decided to do it.

Norman Maxwell of 525 N. Parkview tells the Board that he is concerned about his 15 year old daughter being hit by a car while walking to school. He states that there is a problem by his house at the intersection; that cars drive too fast. He says he has seen mothers with strollers struggling to cross the streets and is concerned that someone will get injured someday. He also notes that there is a drainage issue at his house.

Donald Pecaut of 722 North Parkview asks why the residents of Robb Street had a choice regarding sidewalk installation. Mayor Baer and City Administrator Buerck explain the ADA requirements for sidewalks. They also explained that some streets have enough city right-of-way for sidewalks; however, Robb Street did not have enough right-of-way and residents were asked to donate the right-of-way.

Conrad Rehagen asks if the city has the authority to use the right-of-way, noting that they have nice homes and landscaping in the area. City Attorney Ludwig explains that right-of-ways are dedicated for public use by the land developer acquired by a city from a developer when the property is developed.

Elmer Balsman of 604 North Parkview states that he was told by Mayor Baer two years ago that he would not have a sidewalk in front of his house if he didn't want one. He was now told that Rob Roy would put his landscaping back; but his trees won't be the same. He wants it in writing that his landscape would be returned to its original condition.

Evelyn Rehagen also expresses that she would like the assurance in writing as well.

Robin Roy of 301 Marilyn questions who will remove and replace the plants in her landscaping. She also informs the Board that she has a lot of water running between her property and the neighbor's property. She also states that there should be a parking lot closer to the dog park so elderly people don't have to walk so far to take their dog to the park.

Terry Carroll of 302 Dowling Drive asks who is mandating that a sidewalk be placed on North Parkview. He tells the Board that he would have appreciated being contacted by his aldermen. He also states that there are other streets in the area that are too narrow and need a sidewalk before North Parkview. He notes that some of the residents were told two years ago by Mayor Baer that the city would not make them put in a sidewalk. Mr. Carroll also asks that the Police Department keep an eye on the speeders in the area.

Alderman Prince Hudson enters the Council Chambers during Mr. Carroll's comments.

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

At this time, Mayor Baer opens the public hearing for a request from Steve Keller to rezone 1713 Perryville Boulevard from R-1 (Residential) to C-2 (Commercial). City Administrator Buerck's notes inform the Board that Mr. Keller would like approval to rezone his property located at 1713 S. Perryville Boulevard so that it matches all the adjacent property around it.

There being no one coming forth, Mayor Baer closes the public hearing for a request from Steve Keller to rezone 1713 Perryville Boulevard from R-1 (Residential) to C-2 (Commercial).

At this time, County Clerk administers Oath of Office to City Administrator Buerck to serve on Missouri Development Finance Board as appointed by Governor Parson.

### CONSENT AGENDA ITEMS

5. Approve minutes from meeting of March 2, 2021.
6. Approve Financial Reports for February, 2021.

CITY OF PERRYVILLE STATEMENT OF CASH POSITION February, 2021									
		April 1, 2020	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	\$ 1,210,405.63	\$ 6,201,464.39	\$ (5,496,714.50)	\$ 704,749.89	\$ 1,915,155.52	\$ 7,876.38	\$ 8,110.98	\$ 1,915,390.12
105	FSA Administration	\$ 7,801.17	\$ 1,339.30	\$ -	\$ 1,339.30	\$ 9,140.47	\$ -	\$ -	\$ 9,140.47
106	Asset Forfeiture	\$ 53.99	\$ -	\$ -	\$ -	\$ 53.99	\$ -	\$ -	\$ 53.99
204	Airport	\$ 139,208.64	\$ 463,719.57	\$ (584,243.67)	\$ (120,524.10)	\$ 18,684.54	\$ 1,755.00	\$ 3,509.10	\$ 20,438.64
206	Trans Trust	\$ 870,811.82	\$ 957,581.10	\$ (1,595,730.03)	\$ (638,148.93)	\$ 232,662.89	\$ -	\$ 4,017.66	\$ 236,680.55
207	Perry Park Ctr.	\$ 2,623.61	\$ 2,312,279.72	\$ (2,222,376.37)	\$ 89,903.35	\$ 92,526.96	\$ 3,855.19	\$ 7,515.96	\$ 96,187.73
211	Veterans Field	\$ 19,989.03	\$ 7,694.88	\$ (6,754.84)	\$ 940.04	\$ 20,929.07	\$ -	\$ -	\$ 20,929.07
213	Field Improvement	\$ 7,149.99	\$ 51.83	\$ (2,500.00)	\$ (2,448.17)	\$ 4,701.82	\$ -	\$ -	\$ 4,701.82
307	Debt Service	\$ 1,878.22	\$ 162.51	\$ -	\$ 162.51	\$ 2,040.73	\$ 160.25	\$ (332.32)	\$ 1,548.16
308	Cap Imp Sls Tax Rev	\$ 732,757.66	\$ 709,396.74	\$ (900,000.00)	\$ (190,603.26)	\$ 542,154.40	\$ -	\$ -	\$ 542,154.40
409	Gen Pub Fac	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
414	TIF 1-Hwy 51/61	\$ 338,711.06	\$ 1,416.95	\$ (300,000.00)	\$ (298,583.05)	\$ 40,128.01	\$ -	\$ -	\$ 40,128.01
415	Economic Develop	\$ 4,552.05	\$ 43.67	\$ -	\$ 43.67	\$ 4,595.72	\$ -	\$ -	\$ 4,595.72
416	TIF 2-Downtown	\$ 122,792.29	\$ 1,088.70	\$ (37,710.80)	\$ (36,622.10)	\$ 86,170.19	\$ -	\$ -	\$ 86,170.19
417	TIF 3-155/HWY 51	\$ 820,146.25	\$ (6,739.87)	\$ (54,677.00)	\$ (61,416.87)	\$ 758,729.38	\$ -	\$ -	\$ 758,729.38
513	Street Imp	\$ 611,983.69	\$ 1,289,170.24	\$ (1,572,660.47)	\$ (283,490.23)	\$ 328,493.46	\$ -	\$ -	\$ 328,493.46
612	Refuse	\$ 383,424.11	\$ 810,920.56	\$ (711,742.18)	\$ 99,178.38	\$ 482,602.49	\$ 106,017.72	\$ 2,466.54	\$ 379,051.31
614	CWSS Op	\$ 2,927,889.77	\$ 5,053,733.22	\$ (3,783,530.86)	\$ 1,270,202.36	\$ 4,198,092.13	\$ 380,853.42	\$ 121,463.90	\$ 3,938,702.61
641	WWTP Improvements	\$ 253,270.62	\$ 903,874.87	\$ (942,628.56)	\$ (38,753.69)	\$ 214,516.93	\$ -	\$ -	\$ 214,516.93
619	Gas Op	\$ 3,005,331.77	\$ 4,350,021.18	\$ (3,788,449.46)	\$ 561,571.72	\$ 3,566,903.49	\$ 707,991.87	\$ 228,851.57	\$ 3,087,763.19
	<b>TOTAL</b>	<b>\$ 11,460,781.37</b>	<b>\$ 23,057,219.56</b>	<b>\$ (21,999,718.74)</b>	<b>\$ 1,057,500.82</b>	<b>\$ 12,518,282.19</b>	<b>\$ 1,208,509.83</b>	<b>\$ 375,603.39</b>	<b>\$ 11,685,375.75</b>

7. Approve Pay Estimate 1 for Lappe Cement Finishing, Inc. relative to Hwy T / Seminary Road Watermain Replacement Project - \$34,381.50.
8. Approve Pay Estimate 3 for Insituform Technologies USA, Inc., relative to 2020 Trenchless Sewer Main Rehabilitation - \$27,360.00.
9. Approve payments to JCS Wireless relative to Police Station Communications Equipment - \$52,643.00 (total) amount due \$13,160.75 (final).
10. Approve Pay Application 6 for Robinson Industrial and Heavy Contracting relative to Wastewater Treatment Facility Improvements - \$173,232.19.
11. Approve Change Order 1 for Zoellner Construction Company relative to Perry Park Center Locker Room Renovation Project - \$8,635.08 deduction.
12. Approve Festival Application for 2021 Downtown Revitalization Committee Events.
13. Approve request from Immanuel Lutheran School parents for change collection drive at Downtown Square on Friday and Saturday, March 26-27, 2021.
14. Approve request from the Elks Lodge to allow outdoor music and fire pits at their April 24<sup>th</sup> Parking Lot Party at 921 North Perryville Boulevard from 7:00 pm to 11:00 pm.

#### **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.

City Administrator Buerck now presents information to the Board of Aldermen regarding House Bill 1319 Federal Covid Relief. He explains to the Board that President Biden's \$1.9 trillion coronavirus relief package is expected to put upwards of \$350 billion directly into City and County budgets. It appears that Perry County is going to receive \$3.7 Million and the City of Perryville will receive \$1.5 Million. Currently, staff is uncertain as to the guidelines and/or restrictions that may accompany such money.

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

Now, at this time, the Board proceeds to approve Bill No. 6134, AN ORDINANCE APPROVING AMENDMENTS TO THE 2020-21 BUDGET AS ORIGINALLY APPROVED ON THE 17<sup>th</sup> DAY OF MARCH, 2020, BY REVISING, CONFIRMING, AND UPDATING END-OF-YEAR BALANCES; CONFIRMING BUDGETARY EXPENDITURES; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH. Bill No. 3164 is read a second time on motion by Alderman Martin, seconded by Alderman Schumer. Thereupon on motion by Alderman Martin, 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, 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. 6352 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6134

ORDINANCE NO. 6352

AN ORDINANCE APPROVING AMENDMENTS TO THE 2020-21 BUDGET AS ORIGINALLY APPROVED ON THE 17<sup>th</sup> DAY OF MARCH, 2020, BY REVISING, CONFIRMING, AND UPDATING END-OF-YEAR BALANCES; CONFIRMING

BUDGETARY EXPENDITURES; AND REPEALING ALL ORDINANCES IN CONFLICT  
HEREWITH.

WHEREAS, on the 17th day of March, 2020, the Mayor and Board of Aldermen of the City of Perryville, Missouri, approved the budget for the City of Perryville, Missouri for the 2020-21 fiscal year; and

WHEREAS, the City budget officer has reviewed end-of-year balances and found it necessary to update said end-of-year balances projected for the 2020-21 fiscal year budget; and

WHEREAS, the amended end-of-year balances indicate and confirm sufficient funds to fund budgeted projects for the 2020-21 fiscal year.

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

Section 1. That the annual budget for the fiscal year 2020-21 as heretofore adopted and approved by ordinance of this Board on the 17<sup>th</sup> day of March, 2020, is hereby amended by adjusting the end-of-year balances in form with actual receipts of the City for the prior fiscal year 2020-21.

Section 2. That the Mayor and Board of Aldermen further reconfirm and readopt budgetary expenditures as set out in the amended budget, which is attached hereto and incorporated herein by reference, and order the administration of the City to follow the budget expenditures in accordance therewith, subject to the subsequent amendment of this Board.

Section 3. This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: March 2, 2021.

SECOND READING: March 16, 2021.

PASSED AND APPROVED this 16<sup>th</sup> day of March, 2021, 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. 6135, AN ORDINANCE APPROVING THE 2021-22 BUDGET, AS AMENDED, FOR THE CITY OF PERRYVILLE, MISSOURI, AS MADE AND PROVIDED IN SECTION 67.010, ET SEQ., RSMO, 2000. Bill No. 6135 is read a second time on motion by Alderman Schumer, seconded by Alderman Martin. 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 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. 6353 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6135

ORDINANCE NO. 6353

AN ORDINANCE APPROVING THE 2021-22 BUDGET, AS AMENDED, FOR THE CITY OF PERRYVILLE, MISSOURI, AS MADE AND PROVIDED IN SECTION 67.010, ET SEQ., RSMO, 2000.

WHEREAS, the budget officer of the City of Perryville, Missouri, has heretofore presented to the Mayor and Board of Aldermen a proposed budget 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 budget, deem certain amendments necessary thereto; and

WHEREAS, the budget officer of the City of Perryville, Missouri, has heretofore presented the Mayor and the Board of Aldermen an amended budget for the 2020-22 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 budget by ordinance.

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 2021-22 proposed budget 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 in accordance with Section 67.030, the Mayor and Board of Aldermen are mindful of limitations on amendment of the budget for the fiscal year 2021-22 as made and provided in said section.

Section 3. That the Mayor and Board of Aldermen of the City of Perryville, Missouri, approved the amended budget for the year 2021-22 for the City of Perryville, Missouri, being mindful of the provisions of Section 67.040, RSMo, 2000, and that said section requires that any changes in expenditures set forth in this approved budget can only be effectuated upon showing that said increase in expenditures has been approved by formal ordinance of the Mayor and Board of Aldermen of the City of Perryville, Missouri.

Section 4. That attached hereto, marked Exhibit A, and incorporated herein as if fully set forth is the amended budget for fiscal year 2021-22 for the City of Perryville, Missouri, as amended heretofore by the Mayor and Board of Aldermen.

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

FIRST READING: March 2, 2021.

SECOND READING: March 16, 2021.

PASSED AND APPROVED this 16<sup>th</sup> day of March, 2021, 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. 6136, AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.12, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE "CROSSWALKS SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 5608 RELATING TO CROSSWALKS IN THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH. Bill No. 6136 is read a second time on motion by Alderman Buerck, seconded by Alderman Guth. Thereupon on motion by Alderman Buerck, 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. 6354 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6136

ORDINANCE NO. 6354

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.12, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE "CROSSWALKS SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 5608 RELATING TO CROSSWALKS IN THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. That the "Crosswalks Schedule" adopted under the authority of the Code of Ordinances of the City of Perryville, Missouri, and specifically set forth in Ordinance Number 5608, is hereby amended by adding thereto the following crosswalk designations:

Schindler Road

1. A crosswalk across Schindler Road, the centerline of same being a line crossing Schindler Road commencing at the point 192 feet east from the east corner of the intersection of Schindler Road and Linnie Street.
2. A crosswalk across Schindler Road, the centerline of same being a line crossing Schindler Road commencing at the point 671 feet east from the east corner of the intersection of Schindler Road and Linnie Street.

Section 2. It is the intent of the Mayor and Board of Aldermen of the City of Perryville, Missouri, that this ordinance shall amend and become part of Ordinance Number 5608 passed and approved by the Mayor and Board of Aldermen of the City of Perryville, Missouri, on the 3rd day of February, 2015.

Section 3. That the City Administrator shall cause the marking or signage of the areas designated.

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

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

FIRST READING: March 2, 2021.

SECOND READING: March 16, 2021.

PASSED AND APPROVED this 16<sup>th</sup> day of March, 2021, 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

Alderman Buerck asks that the Police Department monitor this crosswalk.

Now, at this time, the Board proceeds to approve Bill No. 6137, AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.20, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE "PROHIBITED PARKING SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 3618 RELATING TO ADDITIONAL PARKING RESTRICTIONS IN

THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH. Bill No. 6137 is read a second time on motion by Alderman Martin, seconded by Alderman Riney. Thereupon on motion by Alderman Martin, 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. 6355 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6137

ORDINANCE NO. 6355

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.20, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE "PROHIBITED PARKING SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 3618 RELATING TO ADDITIONAL PARKING RESTRICTIONS IN THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. That the "Prohibited Parking Schedule" adopted under the authority of the Code of Ordinances of the City of Perryville, Missouri, and specifically set forth in Ordinance Number 3618, is hereby amended by adding thereto the following prohibited parking designation:

(dddd) On the east side of Edwards Street from its intersection with the north edge of Bredall Street northerly for a distance of 48 feet.

Section 2. It is the intent of the Mayor and Board of Aldermen of the City of Perryville, Missouri, that this ordinance shall amend and become part of Ordinance Number 3618 passed and approved by the Mayor and Board of Aldermen of the City of Perryville, Missouri, on the 21st day of April, 1998.

Section 3. That the City Administrator shall cause the marking or signage of the areas designated.

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

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

FIRST READING: March 2, 2021.

SECOND READING: March 16, 2021.

PASSED AND APPROVED this 16<sup>th</sup> day of March, 2021, 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. 6138, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **FIRST STATE COMMUNITY BANK** RELATIVE TO **APPROVING A TAX-EXEMPT EQUIPMENT LEASE PURCHASE AGREEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6138 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. 6356 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6138

ORDINANCE NO. 6356

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **FIRST STATE COMMUNITY BANK** RELATIVE TO **APPROVING A TAX-EXEMPT EQUIPMENT LEASE PURCHASE AGREEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

**WHEREAS, CITY OF PERRYVILLE** (Lessee), desires to obtain funds to pay the costs of acquiring the Equipment described in the attached Tax-Exempt Equipment Lease Purchase Agreement; and

**WHEREAS**, in order to facilitate the foregoing and to pay the cost thereof, it is necessary and desirable for Lessee to enter into the Tax-Exempt Equipment Lease Purchase Agreement with First State Community Bank, as Lessor (Lessor), pursuant to which Lessee will lease the Equipment, with an option to purchase, from Lessor, on an annually renewable basis, and commencing on the date Lessor deposits funds equal to the initial principal amount of the Equipment Lease Purchase Agreement into an account held pursuant to the below-mentioned Account Control Agreement, to be used to pay the costs of acquiring and installing the Equipment and to pay related costs; and

**WHEREAS**, the Equipment is not available for immediate delivery, therefore, it is necessary and desirable for Lessee to also enter into an Account Control Agreement, in substantially the form attached to this Ordinance, pursuant to which the proceeds of the Tax-Exempt Equipment Lease Purchase Agreement will be held by the bank therein-named as Deposit Bank (Deposit Bank), in an account established in Lessee's name, but subject to Lessor's security interest and Lessor's approval of disbursements; and

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

**Section 1. Authorization and Approval of the Tax-Exempt Equipment Lease Purchase Agreement.** The Tax-Exempt Equipment Lease Purchase Agreement, together with all exhibits thereto, including but not limited to the Account Control Agreement (Lease Documentation) is hereby approved in substantially the form attached to this Ordinance, with such changes therein as are approved by the officer of Lessee hereafter authorized to execute and deliver the Lease Documentation, the execution of the Lease Documentation by such officer being conclusive evidence of such approval, provided that the Lease Documentation shall be consistent with the following terms:

- a) The aggregate principal portion of Rental Payments will not exceed \$210,000.
- b) The interest portion of Rental Payments will be calculated at an annual interest rate not exceeding 1.90%.
- c) Rental Payments will be due in 3 approximately equal installments, with the first Rental Payment due on the 2<sup>nd</sup> day of April, 2021 and succeeding Rental Payments due on the annual anniversary of the Commencement Date (as defined in the Tax-Exempt Equipment Lease Purchase Agreement).
- d) The final scheduled Rental Payment will be due on April 2, 2023.

Moneys sufficient to pay all Rental Payments required to be paid under the Tax-Exempt Equipment Lease Purchase Agreement during Lessee's current fiscal year are hereby appropriated to



such payment, and such moneys will be applied in payment of all Rental Payments due and payable during the current fiscal year.

Lessee's obligation to pay Rental Payments (as defined in the Tax-Exempt Equipment Lease Purchase Agreement) is subject to annual appropriation, will constitute a current expense, and will not in any way be construed to be an indebtedness or liability of Lessee in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by Lessee, nor will anything contained in the Tax-Exempt Equipment Lease Purchase Agreement constitute a pledge of the general tax revenues, funds or moneys of Lessee, and all provisions of the Tax-Exempt Equipment Lease Purchase Agreement will be construed so as to give effect to such intent.

The below-named officer of Lessee is hereby authorized and directed to execute and deliver the Lease Documentation on behalf of and as the act and deed of Lessee:

Name: Brent Buerck

Title: City Administrator

**Section 2. Further Authority.** Lessee will, and the officials and agents of Lessee are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of Lessee with respect to the Lease Documentation and the Equipment. If Lessee acquires any portion of the Equipment prior to the Commencement Date of the Tax-Exempt Equipment Lease Purchase Agreement, it is the intention of the Lessee's governing body that Lessee will be reimbursed for the cost of such acquisition from the proceeds of the Tax-Exempt Equipment Lease Purchase Agreement upon the Commencement Date.

**Section 3. Mayor Authority.** 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.

**Section 4. City Clerk Attestation.** 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.

**Section 5. Repeal of Conflicting Ordinances.** 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.

**Section 6. Effective Date.** This Ordinance will take effect and be in full force from and after its passage and approval.

FIRST READING: March 2, 2021.

SECOND READING: March 16, 2021.

PASSED AND APPROVED this 16<sup>th</sup> day of March, 2021, 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. 6139, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **LONG RANGE NETWORK, LLC** RELATIVE TO **LEASE OF WATER TOWER SPACE FOR WIRELESS INTERNET EQUIPMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6139 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. 6357 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6139

ORDINANCE NO. 6357

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **LONG RANGE NETWORK, LLC** RELATIVE TO **LEASE OF WATER TOWER SPACE FOR WIRELESS INTERNET EQUIPMENT**; 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 in its substantial form, marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **Long Range Network, 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: March 2, 2021.

SECOND READING: March 16, 2021.

PASSED AND APPROVED this 16<sup>th</sup> day of March, 2021, 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. 6140, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **LEICA GEOSYSTEMS, INC.** RELATIVE TO **HOST FOR SMARTNET GLOBAL NAVIGATION SATELLITE SYSTEM REFERENCE NETWORK**; FURTHER SAID ORDINANCE SHALL

AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6140 is read a second time on motion by Alderman Martin, seconded by Alderman Schumer. Thereupon on motion by Alderman Martin, 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, 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. 6358 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6140

ORDINANCE NO. 6358

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **LEICA GEOSYSTEMS, INC.** RELATIVE TO **HOST FOR SMARTNET GLOBAL NAVIGATION SATELLITE SYSTEM REFERENCE NETWORK**; 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 in its substantial form, marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **Leica Geosystems, 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: March 2, 2021.

SECOND READING: March 16, 2021.

PASSED AND APPROVED this 16<sup>th</sup> day of March, 2021, 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 AND SECOND READING AND FINAL PASSAGE:**

Now, at this time, Bill No. 6141, AN ORDINANCE AMENDING THE "OFFICIAL ZONING DISTRICT MAP" OF THE CITY OF PERRYVILLE, MISSOURI, AS ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, MISSOURI, ON THE 20TH DAY OF FEBRUARY, 1978; SAID AMENDMENT IS IN ORDER TO RECLASSIFY A CERTAIN DESCRIBED AREA OF THE CITY OF PERRYVILLE, MISSOURI, FROM R-1 TO C-2, ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED TO THE BOARD OF ALDERMEN BY VIRTUE OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, is read with an emergency clause for the first time upon motion by Alderman Buerck, seconded by Alderman Guth. On motion by Alderman Buerck, seconded by Alderman Guth, and on vote carried, Bill No. 6141 is read for the second time. Thereupon on motion by Alderman Buerck, seconded by Alderman Guth, 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. 6359 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6141

ORDINANCE NO. 6359

AN ORDINANCE AMENDING THE "OFFICIAL ZONING DISTRICT MAP" OF THE CITY OF PERRYVILLE, MISSOURI, AS ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, MISSOURI, ON THE 20TH DAY OF FEBRUARY, 1978; SAID AMENDMENT IS IN ORDER TO RECLASSIFY A CERTAIN DESCRIBED AREA OF THE CITY OF PERRYVILLE, MISSOURI, FROM R-1 TO C-2, ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED TO THE BOARD OF ALDERMEN BY VIRTUE OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI.

WHEREAS, Steve Keller, owner of a certain tract of land herein referred to, has heretofore submitted to the City Planning and Zoning Commission for its consideration the rezoning of certain territories located in the City of Perryville, Missouri, said properties being described as 1713 South Perryville Boulevard as set out in Exhibit A which is attached hereto and incorporated herein as if fully set forth; and,

WHEREAS, the City Planning and Zoning Commission has heretofore reported to the Board of Aldermen that it approved the requested zoning change; and,

WHEREAS, the City Planning and Zoning Commission and the Board of Aldermen have heretofore complied with all of the provisions of the Code of Ordinances of the City of Perryville, Missouri; and,

WHEREAS, the Board of Aldermen believes it is in the best interest of the citizens of the City of Perryville, Missouri, to rezone the aforesaid area as requested by the applicant.

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

Section 1. That Ordinance No. 1492, adopted February 20, 1978, and the accompanying "Official Zoning District Map" of the City of Perryville, Missouri, are hereby amended insofar as they relate to the property described on Exhibit A which is attached hereto and incorporated herein as if fully set forth; that said property is hereby rezoned from R-1 Single-Family Residential District to C-2 General Commercial District.

Section 2. That the application for rezoning as submitted by the owner is attached hereto, marked Exhibit A and incorporated herein as if fully set forth.

Section 3. That the City Clerk of the City of Perryville, Missouri, shall and is hereby directed to amend the "Official Zoning District Map" of the City of Perryville, Missouri, and to certify same and to keep said map on file in the office of the City Clerk and an updated copy shall be placed at City Hall, City of Perryville, Missouri.

Section 4. That if any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. That 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 6. That this ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: March 16, 2021.

SECOND READING: March 16, 2021.

PASSED AND APPROVED this 16<sup>th</sup> day of March, 2021, 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, Bill No. 6142, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **LB TECHNOLOGY, INC.**, RELATIVE TO **GPS FLEET TRACKING**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR, is read with an emergency clause for the first time upon motion by Alderman Martin, seconded by Alderman Riney. On motion by Alderman Martin, seconded by Alderman Schumer, and on vote carried, Bill No. 6142 is read for the second time. Thereupon on motion by Alderman Martin, seconded by Alderman Schumer, 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. 6360 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6142

ORDINANCE NO. 6360

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **LB TECHNOLOGY, INC.**, RELATIVE TO **GPS FLEET TRACKING**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, 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, Missouri, approve the contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, Missouri, a municipal corporation, and **LB Technology, 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, Missouri, that the City enter into said contract.

2. That the Mayor of the City of Perryville, Missouri, 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, Missouri, 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. The Mayor and Board of Aldermen of the City of Perryville, Missouri, hereby declare this ordinance to be an emergency ordinance for the immediate preservation of public peace, property, health, safety, morals, or other good cause for the citizens of the City of Perryville, and for that reason, this ordinance may be acted on in one meeting.

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

FIRST READING: March 16, 2021.

SECOND READING: March 16, 2021.

PASSED AND APPROVED this 16<sup>th</sup> day of March, 2021, 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, Bill No. 6143, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **TRACKER SOFTWARE CORPORATION, INC., D/B/A PUBWORKS** RELATIVE TO **PUBWORKS COMPUTER SOFTWARE PROGRAM**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR, is read with an emergency clause for the first time upon motion by Alderman Riney, seconded by Alderman Buerck. On motion by Alderman Riney, seconded by Alderman Buerck, and on vote carried, Bill No. 6143 is read for the second time. 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 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. 6361 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6143

ORDINANCE NO. 6361

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **TRACKER SOFTWARE CORPORATION, INC., D/B/A PUBWORKS** RELATIVE TO **PUBWORKS COMPUTER SOFTWARE PROGRAM**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, 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, Missouri, approve the contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, Missouri, a municipal corporation, and **Tracker Software Corporation, d/b/a PubWorks**. 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, Missouri, that the City enter into said contract.

2. That the Mayor of the City of Perryville, Missouri, 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, Missouri, 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. The Mayor and Board of Aldermen of the City of Perryville, Missouri, hereby declare this ordinance to be an emergency ordinance for the immediate preservation of public peace, property, health, safety, morals, or other good cause for the citizens of the City of Perryville, and for that reason, this ordinance may be acted on in one meeting.

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

FIRST READING: March 16, 2021.

SECOND READING: March 16, 2021.

PASSED AND APPROVED this 16<sup>th</sup> day of March, 2021, 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 Guth presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 6144, entering into an agreement with KimHEC regarding consultant services for Pretreatment Program and NPDES Permit Assistance, 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 **KIMHEC ENVIRONMENTAL CONSULTING** RELATIVE TO **2021-22 ENGINEERING SERVICES RELATIVE TO PRETREATMENT PROGRAM AND NPDES PERMIT ASSISTANCE**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Martin presents motion, seconded by Alderman Guth, and on vote carried Bill No. 6145, accepting an easement from Brad and Lisa Worrell relative to Robb Street, 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.

Now, at this time, the Board proceeds to read Bill No. 6146, entering into an agreement with Southeast Missouri Regional Planning and Economic Development Commission relative to Sidewalk ADA Self-Assessment. Alderman Hudson asks for more clarification on this matter. City Administrator Buerck explains to the Board that the Federal Highway and MoDot are requesting communities provide an ADA Transition Plan as required by ADA and this contract would provide a study of the condition of the sidewalks in the community. Alderman Hudson states that he does not think staff is translating the ADA Transition Plan requirement properly and asks that an expert be contacted to clarify the matter for the Board of Aldermen. Upon motion by Alderman Riney, seconded by Alderman Buerck, and on vote carried, Bill No. 6146 is tabled.

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **THE SOUTHEAST MISSOURI REGIONAL PLANNING AND ECONOMIC DEVELOPMENT COMMISSION** RELATIVE TO **SIDEWALK ADA SELF-ASSESSMENT SERVICES**; 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. 6147, entering into an agreement with County of Perry, Missouri, relative to Justice Center Intergovernmental 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 **COUNTY OF PERRY, MISSOURI**, RELATIVE TO **JUSTICE CENTER INTERGOVERNMENTAL AGREEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Mayor Baer asks for Committee Reports.

Alderman Guth, as Chairman of the Public Works Committee, asks if the smart covers are still in service. PW Director Layton says they are still getting data from them, although they haven't moved them lately.

Alderman Buerck, as Chairman of the Public Safety Committee, asked that catch boxes be cleared before upcoming storms. He also asks staff to contact MoDot about clearing the catch boxes on Highway 61. Alderman Guth mentions that people are raking their spring leaves to the curb weeks before the pickup is scheduled. He is concerned about the leaves getting into the catch boxes and asks staff to come up with a solution for next year.

Alderman Guth, as Chairman of the Economic Development Committee, asks Economic Development Director Scott Sattler to update the Board on recent activities. EDA Director Sattler informs the Board: (a) he continues to work on the transportation grant; (b) a small business opened today on the Downtown Square with help from a small business grant; (c) West Star was featured on *Business Jet USA* magazine; and (d) Incredible Edibles will be starting their project using TIF funds.

City Administrator Report:

- **New Community Video now on the City's website** - We are very proud of the work staff contributed to preparing this video. Businesses now have an opportunity to advertise on the video if they so choose. This is our 3<sup>rd</sup> such video and will be used for the next 3-4 years.



- **County Bicentennial** - The County commission continues to work with the Seminary Picnic Committee, Heritage Tourism Office, EDA Office, City of Perryville, and East Perry Fair Board to organize a special event for the community to celebrate its 200th birthday. There will be plenty of opportunities for the community to get involved and we are hoping a major announcement is ready by this year's Mayfest.

- **Karst Educational Signs** - The City is partnering with MDC, L.A.D. Foundation, MCKC, Cave Research Foundation and others to post special signs attempting to explain more about our unique and special landscape. Several signs are planned for locations at city parks and county natural areas. The signs are being donated to the City but we will help mount them.

- **Stack Café** - This photo was pulled from social media and is being shared with the Board for a level of awareness. Several years back, we prohibited shipping containers in residential areas. In this case, the structure itself would be built using shipping containers. This is an allowable use but will require a professional stamp to certify its design.

- **Tourism Report** - Trish continues to do pretty incredible things. Perryville has long been a special place and Trish does a great job sharing that with the world.

City Engineer Report:

- **Highway T Water Line Project** – The hydrostatic pressure was tested today. Samples have been sent off for testing and we expect this project to be completed soon.

- **CIPP** – Insituform is back in town to connect the service lines. This should take several weeks.

- **NE Outfall Sewer Project** – We continue to work on securing easements for this project. Some of the easements have already been signed.

Alderman Hudson asks City Engineer Baer to look at a picture on his telephone of an area at Jenny Street with a question about why it was designed this way. City Engineer Baer states that he is not sure but does know that the city has a 50 foot easement in that location.

Alderman Guth asks about the Covid testing at the wastewater treatment plant. City Administrator Buerck informs the Board that samples are taken for testing each week. Currently, the line is nearly flat.

City Attorney Ludwig tells the Board he has a litigation matter for closed session.

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

Alderman Guth notes that he has noticed gravel on the walking trail in the city park for the last two weeks. He requests that a park maintenance person ride the trail once a week to look for maintenance needs.

Alderman Riney tells Asst. Chief Jones that his neighbors are concerned about traffic through the park and on Old St. Mary's Road. He asks for more police presence in these areas.

Alderman Martin asks if the trash truck's software is working. Public Works Director Layton says that the study has shown that the limb pickup days should be changed.

Alderman Schumer expressed his concerns about a wet location on Harvest Circle Drive and asked if Public Works has investigated the area. Public Works Director Layton reports that they are searching for the source of the water. When asked if there could be a main break and if a water sample had been taken, he notes that sampling water hasn't always been accurate in the past.

Alderman Hudson tells Asst. Chief Jones that the police cars are parking in plain sight when checking for speeders on Zeno Street, suggesting that they may want to park around the corner. Asst. Chief Jones informs the Board that the radars in the cars do not work at a distance; however, the handheld radar guns may work better and he will review the matter.

Now, at this time, upon motion by Alderman Schumer, seconded by Alderman Buerck, it is ordered that the Board now convene into closed session to discuss real estate matters in accordance with Section 610.021(2) RSMo; contractual matters in accordance with Section 610.021(9) RSMo; and litigation matters in accordance with Section 610.021(12) RSMo. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

Following discussion and review, it is upon motion by Alderman Buerck, 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.

Alderman Riney comments to the Board that the comments received during the citizen participation portion of the meeting had merit and suggests that, perhaps, they should be looking at other areas to build sidewalks if there is a greater need somewhere else. He proposes that a sidewalk committee be established. Alderman Riney also states that building sidewalks on North Parkview is a mistake.

Alderman Schumer expresses his concerns about legal issues if sidewalks are not built properly, noting the problem of inserting new subdivision rules into old subdivision rules. He also thinks the Board may want to consider changing the rules back to allowing people putting sidewalks in front of their house.

Mayor Baer states that he still thinks that building sidewalks is the right thing to do.

Alderman Riney makes a motion to place the sidewalk policy on the next agenda for discussion. Alderman Martin seconds the motion, and on vote the motion carries.

There being no further business, it is upon motion by Alderman Buerck, second by Alderman Guth, and on vote carried, ordered that the Board now adjourn until Tuesday, April 6, 2021, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK