

March 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. Alex Buerck leads the Pledge of Allegiance and Alderman Martin leads the invocation.

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

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

At this time, Mayor Baer opens a public hearing to consider a request by SMS Investment Group, LLC to rezone part of Lot 1 and 16 and all of Lots 2, 3, 14 and 15 of Winkler's Subdivision.

Ms. Stephanie Stark, of 1620 MidAmerica Street, Perryville, approaches the Board and tells them that they plan to build duplexes similar to their Highway 61 North construction. Currently, they plan to build the duplexes within the next year or so; however, the property is for sale if someone wants to buy it. They do not currently have a buyer.

There being no one else coming forth, Mayor Baer closes the public hearing to consider a request by SMS Investment Group, LLC to rezone part of Lot 1 and 16 and all of Lots 2, 3, 14 and 15 of Winkler's Subdivision.

CONSENT AGENDA ITEMS

4. Approve minutes from meeting of March 5, 2019.
5. Approve Financial Reports for February 2019.

CITY OF PERRYVILLE									
STATEMENT OF CASH POSITION									
FEBRUARY, 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	\$ 6,519,530.78	\$ (6,265,599.40)	\$ 253,931.38	\$ 2,713,760.91	\$ 15,053.20	\$ 33,183.21	\$ 2,731,890.92
105	FSA Administration	\$ 4,977.20	\$ 1,233.05	\$ -	\$ 1,233.05	\$ 6,210.25	\$ -	\$ -	\$ 6,210.25
106	Asset Forfeiture	\$ 953.99	\$ -	\$ (900.00)	\$ (900.00)	\$ 53.99	\$ -	\$ -	\$ 53.99
204	Airport	\$ (5,016.83)	\$ 756,440.55	\$ (750,310.84)	\$ 6,129.71	\$ 1,112.88	\$ 1,700.00	\$ 3,037.01	\$ 2,449.89
206	Trans Trust	\$ 1,017,507.47	\$ 1,278,774.54	\$ (1,042,661.92)	\$ 236,112.62	\$ 1,253,620.09	\$ -	\$ 3,374.95	\$ 1,256,995.04
207	Perry Park Ctr.	\$ 55,766.91	\$ 2,635,834.91	\$ (2,703,905.66)	\$ (68,070.75)	\$ (12,303.84)	\$ 8,264.30	\$ 23,918.58	\$ 3,350.44
211	Veterans Field	\$ 11,163.46	\$ 25,024.59	\$ (13,898.64)	\$ 11,125.95	\$ 22,289.41	\$ -	\$ -	\$ 22,289.41
213	Field Improvement	\$ 4,423.04	\$ 5,851.56	\$ (1,203.31)	\$ 4,648.25	\$ 9,071.29	\$ -	\$ -	\$ 9,071.29
307	Debt Service	\$ 410,798.61	\$ 9,566.72	\$ (2,456.04)	\$ 7,110.68	\$ 417,909.29	\$ 1,347.46	\$ 1,347.46	\$ 417,909.29
308	Cap Imp Sls Tax Rev	\$ 914,686.32	\$ 696,706.15	\$ (619,746.03)	\$ 76,960.12	\$ 991,646.44	\$ -	\$ -	\$ 991,646.44
409	Gen Pub Fac	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
414	TIF 1-Hwy 51/61	\$ 168,508.53	\$ 394,658.31	\$ (414,690.22)	\$ (20,031.91)	\$ 148,476.62	\$ -	\$ -	\$ 148,476.62
415	Economic Develop	\$ 20,244.85	\$ 50,702.13	\$ (33,333.33)	\$ 17,368.80	\$ 37,613.65	\$ -	\$ -	\$ 37,613.65
416	TIF 2-Downtown	\$ 51,888.29	\$ 1,008.24	\$ (2,829.52)	\$ (1,821.28)	\$ 50,067.01	\$ -	\$ -	\$ 50,067.01
417	TIF 3-I55/HWY 51	\$ 410,750.54	\$ 155,853.17	\$ (431,237.11)	\$ (275,383.94)	\$ 135,366.60	\$ -	\$ -	\$ 135,366.60
513	Street Imp	\$ 1,019,561.41	\$ 323,710.57	\$ (884,583.52)	\$ (560,872.95)	\$ 458,688.46	\$ -	\$ -	\$ 458,688.46
612	Refuse	\$ 482,051.91	\$ 1,243,758.87	\$ (1,450,507.53)	\$ (206,748.66)	\$ 275,303.25	\$ 96,769.19	\$ 4,986.47	\$ 183,520.53
614	CWSS Op	\$ 2,111,302.77	\$ 5,240,447.31	\$ (4,115,462.99)	\$ 1,124,984.32	\$ 3,236,287.09	\$ 332,209.15	\$ 122,694.42	\$ 3,026,772.36
619	Gas Op	\$ 2,862,429.55	\$ 5,565,608.90	\$ (5,907,015.30)	\$ (341,406.40)	\$ 2,521,023.15	\$ 721,560.64	\$ 218,475.46	\$ 2,017,937.97
	TOTAL	\$ 12,001,827.55	\$ 24,904,710.35	\$ (24,640,341.36)	\$ 264,368.99	\$ 12,266,196.54	\$ 1,176,903.94	\$ 411,017.56	\$ 11,500,310.16

6. Approve Pay Application #3 from Control Technology Solutions relative to Perry Park Center Energy Efficiency Project Phase 2 – \$355,496.00.
7. Approve Payment 1 (Final) to Franklin Contracting, LLC relative to Fire Station Addition - \$40,061.80.
8. Approve Pay Application 2 to Marzucio Electric, Inc. relative to Ball Fields 2 and 3 Electrical Upgrade Project - \$33,835.68.
9. Approve Pay Estimate 1 to Clifton Excavating, LLC relative to the National Guard Drive Water Main Extension Project - \$112,252.67.
10. Approve Pay Estimate 2 for Brockmiller Construction, Inc., relative to the Perry Park Center Concession Stand Project - \$65,876.80.
11. Approve request from Perry County Master Gardeners to sell plants at Pavilion 20 on May 4, 2019, and to waive the fee for rental of the pavilion.
12. Approve Festival Application for Temporary Outdoor Consumption Permit from the Perryville Chamber of Commerce for the Mayfest (includes times set for evening music and street closings) – May 9-11, 2019.
13. Approve request from Jerry Davis relative to Old Timers Day at the Seminary Picnic grounds on May 25-26, 2019.
14. Approve Festival Application for Cruise Ins, Home Brew Block Party, and Rocktober Fest.
15. Approve request from Missouri's National Veterans Memorial for the delivery and use of picnic tables and trash cans for their Grand Opening on May 18-19, 2019.
16. Approve request from Lawrence Stortz, Jr., representing Pedal the Cause, to hold a boot drive on the Square on June 22, 2019, to raise funding for cancer research.
17. Approve recommendation from Assistant Chief Jones relative to safety markings on Walters Lane.
18. Approve recommendation from Public Works Director Brown to enter into an agreement with Aramark relative to uniform services.
19. Approve specifications for Perry Park Center HVAC Maintenance and authorize staff to advertise for bids.

END OF CONSENT AGENDA

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

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

At this time Alderman Riney makes a motion to approve the request by SMS Investment Group, LLC to rezone part of Lot 1 and 16 and all of Lots 2, 3, 14 and 15 of Winkler's Subdivision. Alderman Schumer seconds the motion, and on vote the motion carries.

RESOLUTIONS:

After discussion and review, Alderman Riney makes a motion to Adopt the Personal Time Off (PTO) Schedule. Motion is seconded by Alderman Hudson, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2019-01

ADOPTING PERSONAL TIME OFF (PTO) SCHEDULE

WHEREAS, the Board of Aldermen of the City of Perryville has reviewed the current Personnel Rules and Regulations for the City of Perryville employees regarding Vacation, Sick Time, and Personal Time and has determined that it is in the best interest of the City of Perryville and City employees that these types of leaves be merged into Personal Time Off (PTO) leave; and

WHEREAS, the Board of Aldermen has reviewed a proposed Personal Time Off (PTO) Schedule presented by the City Administrator and do hereby accept this PTO Schedule; and

WHEREAS, the Board of Aldermen recognize that City staff is in the process of updating the City's Personnel Rules and Regulations for their review at a future meeting; however, the final review will not be available until after the beginning of the new fiscal year, April 1, 2019; and

WHEREAS, the Board of Aldermen has determined that the PTO Schedule be in effect at the beginning of the 2019-20 fiscal year.

THEREFORE, BE IT RESOLVED that the Board of Aldermen of the City of Perryville, Missouri, after consideration of the need to update the City's Personnel Rules and Regulations regarding Paid Time Off, hereby adopt the "Paid Time Off (PTO) Schedule" attached hereto effective April 1, 2019.

BE IT FURTHER RESOLVED that this Paid Time Off (PTO) Schedule will be incorporated into the revised City of Perryville Personnel Rules and Regulations and, once that process is completed and approved by the Board of Aldermen, this Resolution will no longer be in effect.

PASSED AND APPROVED this 19th day of March, 2019, by a vote of 6 ayes, 0 nay, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

SECOND READINGS AND FINAL PASSAGE:

Now, at this time, the Board proceeds to approve Bill No. 5901, AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.56, SECTION 17.56.010, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO DIGITAL BILLBOARDS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5901 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. 6131 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5901

ORDINANCE NO. 6131

AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.56, SECTION 17.56.010, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO

DIGITAL BILLBOARDS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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

Section 1. That Title 17, Chapter 17.56, Section 17.56.010, Subsection I, Paragraph 3, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“17.56.010 Accessory building, use and structure regulations.

* * *

3. Billboards may not be erected within five hundred (500) feet of any residential district.”

Section 2. That Title 17, Chapter 17.56, Section 17.56.010, Subsection I, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding Paragraph 13 to read as follows:

“17.56.010 Accessory building, use and structure regulations.

* * *

13. Digital Billboards.

- a. Purpose and Intent. More businesses desire to utilize advancements in technology which permit signs to change copy electronically (e.g. utilizing an LED type of sign). These newer technologies pose additional risks of impacting adjacent areas and adversely dominating the environment in which they operate unless regulated in a reasonable fashion. The intent of this subsection is to establish operating standards and regulations for digital billboards in order to minimize the secondary effects that often accompany the unregulated display of digital signs, preserve the character and repose of adjacent areas (with a principal focus on residential neighborhoods), protect property values, and reduce traffic hazards caused by undue distractions.
- b. Display.
 - (1) A digital sign, other than a digital billboard, may not allow the display or message to change more frequently than once every ten (10) seconds, with a transition period of one (1) second or less.
 - (2) A digital sign must have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this subsection.
 - (3) The maximum brightness levels for digital signs, other than a digital billboard, shall not exceed two-tenths (.2) foot candles over ambient light levels measured within one hundred fifty (150) feet of the source, consistent with the terms of this subsection. Certification must be provided to the city demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the city in its reasonable discretion at the permittee’s expense, to ensure that the specified brightness levels are maintained at all times.

(4) Brightness of digital signs shall be measured as follows:

A. At least thirty (30) minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the preset location.

B. The sign shall then be turned on to full white copy to take another reading with the meter at the same location.

C. If the difference between the readings is two-tenths (.2) foot candles or less, the brightness is properly adjusted. If the difference exceeds the level required, then it must be turned off until repaired.

D. A digital billboard must comply with all applicable provisions of federal and state law.

c. Spacing.

(1) Digital billboards may not be erected within five hundred (500) feet of any residential district, within five hundred (500) feet of any other billboard, or within one hundred (100) feet of any free-standing sign on the same side of the road. Existing billboards may be converted to digital LED regardless of proximity to a residential district until the maximum number of billboards have been permitted under subparagraph (c)(3) hereof.

(2) Digital billboards may not be erected within thirty (30) feet of any adjacent street pavement edge or curb line.

(3) No more than three (3) digital, single-story, double-faced billboards (new or conversion of existing) may be permitted within the Perryville city limits. The city will begin accepting applications for the three (3) digital billboards under this subparagraph twenty-one (21) days after the passage and approval of the ordinance. In the event more than one (1) application for a digital billboard is received on the first day of applications, then the applications will be processed and granted in an order determined by a lottery. In the event a selection lottery is needed, each individual or company may have only one application in the lottery. All other applications will be processed in the order received. Billboard construction must begin within six (6) months of the permit being issued and be completed within nine (9) months or the permit shall be rescinded and issued to the next applicant. Once a permit is issued, it shall be nontransferable and the location shall not be modified.

(4) The maximum area of a digital billboard sign face and display area shall not exceed three hundred (300) square feet with a maximum length of thirty (30) feet.

(5) No digital billboard may be located on top of, cantilevered over, or otherwise suspended above any building or structure.

(6) 'Smart' billboards shall not be permitted that utilize technology or advanced features beyond digital LED signs employing the use of still

images without the prior consideration and approval of the board of aldermen (e.g. mobile marketing via text message or SMS messaging, moving video displays, use of sound effects, cameras, radar, infrared, etc.).”

Section 3. It is the intent of the Mayor and Board of Aldermen of the City of Perryville, Missouri, and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Perryville, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

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

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

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: February 5, 2019.

SECOND READING: March 19, 2019.

PASSED AND APPROVED this 19th day of March, 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. 5912, 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. 5912 is read a second time on motion by Alderman Buerck, seconded by Alderman Martin. Thereupon on motion by Alderman Buerck, 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. 6132 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5912

ORDINANCE NO. 6132

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: March 5, 2019.

SECOND READING: March 19, 2019.

PASSED AND APPROVED this 19th day of March, 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. 5913, AN ORDINANCE AMENDING THE 2018-19 BUDGET, AS APPROVED, FOR THE CITY OF PERRYVILLE, MISSOURI, AS MADE AND PROVIDED IN SECTION 67.010, ET SEQ., RSMO, 2000. Bill No. 5913 is read a second time on motion by Alderman Martin, seconded by Alderman Guth. Thereupon on motion by Alderman Martin, seconded by Alderman Guth, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6133 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5913

ORDINANCE NO. 6133

AN ORDINANCE AMENDING THE 2018-19 BUDGET, AS APPROVED, 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 amendment to the budget for the 2018-19 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 amendment 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 amendment to the 2018-19 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 2018-19 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 2018-19 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 amendment to the budget for fiscal year 2018-19 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 5, 2019.

SECOND READING: March 19, 2019.

PASSED AND APPROVED this 19th day of March, 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. 5914, AN ORDINANCE APPROVING THE 2019-20 BUDGET, AS AMENDED, FOR THE CITY OF PERRYVILLE, MISSOURI, AS MADE AND PROVIDED IN SECTION 67.010, ET SEQ., RSMO, 2000. Bill No. 5914 is read a second time on motion by Alderman Riney, seconded by Alderman Schumer. Thereupon on motion by Alderman Riney, seconded by Alderman Schumer, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, 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. 6134 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5914

ORDINANCE NO. 6134

AN ORDINANCE APPROVING THE 2019-20 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 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 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 2019-20 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 2019-20 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 2019-20 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 2019-20 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 5, 2019.

SECOND READING: March 19, 2019.

PASSED AND APPROVED this 19th day of March, 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

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

Now, at this time, the Board proceeds to approve Bill No. 5915, 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. Bill No. 5915 is read a second time on motion by Alderman Guth, seconded by Alderman Hudson. Thereupon on motion by Alderman Guth, 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 bill is passed and approved and the bill thereupon became Ordinance No. 6135 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5915

ORDINANCE NO. 6135

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.

WHEREAS, the Board of Aldermen has heretofore reviewed a contract, marked Exhibit A and attached hereto and incorporated herein as if fully set forth; and,

WHEREAS, the Board of Aldermen of the City of Perryville, Missouri, deem it advisable to enter into said contract;

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

1. That the Board of Aldermen of the City of Perryville approves 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 Baer Engineering, LLC. It is the belief of the 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 President of the Board of Aldermen 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 President of the Board of Aldermen 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 5, 2019.

SECOND READING: March 19, 2019.

PASSED AND APPROVED this 19th day of March, 2019, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Larry Riney, President of Board of Aldermen

ATTEST:
Tracy Prost, City Clerk

Mayor Baer returns to the Council Chambers.

Now, at this time, the Board proceeds to approve Bill No. 5916, AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.36, SECTION 2.36.070, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO DESIGN-BUILD PROJECTS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5916 is read a second time on motion by Alderman Riney, seconded by Alderman Guth. Thereupon on motion by Alderman Riney, seconded by Alderman Guth, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6136 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5916

ORDINANCE NO. 6136

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.36, SECTION 2.36.070, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO DESIGN-BUILD PROJECTS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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

Section 1. That Title 2, Chapter 2.36, Section 2.36.070, Subsection A, Paragraph 12, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“2.36.070 Powers and duties.

* * *

12. Supervise the preparation of all bid specifications for services, construction, and equipment and supervise all design-build projects as may be authorized by the statutes of the State of Missouri.”

Section 2. It is the intent of the Mayor and Board of Aldermen of the City of Perryville, Missouri, and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Perryville, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: March 5, 2019.

SECOND READING: March 19, 2019.

PASSED AND APPROVED this 19th day of March, 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. 5917, 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-2 TO R-5, 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 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 Martin, seconded by Alderman Guth. On motion by Alderman Martin, seconded by Alderman Riney, and on vote carried, Bill No. 5917 is read for the second time. 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 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. 6137 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5917

ORDINANCE NO. 6137

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-2 TO R-5, 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, SMS Investment Group, LLC, 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 part of Lots 1 and 16 and all of Lots 2, 3, 14, and 15 of Winkler's Subdivision 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-2 Single-Family Residential District to R-5 General Residential 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 19, 2019.

SECOND READING: March 19, 2019.

PASSED AND APPROVED this 19th day of March, 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. 5918, amending the Stop Sign Schedule by adding a stop sign at Redbud Court, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 10 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE "STOP SIGN SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 1738 RELATING TO ADDITIONAL STOP SIGN DESIGNATIONS IN THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

Alderman Riney presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 5919, entering into a service agreement with Aramark Uniform Services, 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 **ARAMARK UNIFORM SERVICES** RELATIVE TO **JANITORIAL SUPPLIES AND UNIFORMS FOR THE PUBLIC WORKS DEPARTMENT**; FURTHER SAID ORDINANCE SHALL

AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Guth, as Chairman of the Public Works Committee, asks for an update on the new leaf vacuum truck. Public Works Director Brown expresses his satisfaction with the new truck, noting that he believes it will become a year-round vehicle and only needs one employee to operate it. He states that it will be able to pick up gumballs.

Alderman Guth, as Chairman of the Economic Development Committee, informs the Board that VoTech and Career Center students will be touring West Star. In addition, Ranken will be reaching out to industries about the possibility of sponsoring students.

City Administrator Buerck reports:

- **Hotel Tax Election** - The tourism election is scheduled for April 2. The Department's road show was today in Cape and I attended with Tourism Director Trish Erzfeld. Trish was recognized by name no less than three times by various Department staff. She really represents us well and I am excited to see where we can go next.

- **Trash Truck Cameras and Violations** - The cameras on the trash truck are already showing significant environmental failings. When this occurs, City Attorney Ludwig has suggested the proper procedure would be to: 1) report this to the police; and 2) the police department should make a report and also interview the person(s) residing in the home. The good thing about police contact with the potential defendant is that 1) it gives our citizens the courtesy of personal contact; 2) it makes sure that the case will be viable for court; and 3) it interjects the human element of the officer making the judgement that the citizen deserves a ticket or the citizen is truly sorry and this will never happen again.

- **Open Burn Permits** - The state will no longer require burn permits. As such, the Fire Department is working on an ordinance that will prescribe how we will handle such matters within the City limits of Perryville. If anything, this may be able to streamline the process for requesting parties since State involvement is no longer needed.

- **Lutheran Nationals** - It is my plan to take a couple vacation days next week and head with my son, Jack, to Indiana for the ILS basketball games. I should be gone both Thursday and Friday but will always respond to calls as needed.

City Engineer Baer reports:

- **Jackson Sewer** – The piping is complete; street repairs will be next.
- **National Guard Water Project** – This project will be completed very soon.
- **Redbud Court**– The first pour for sidewalks should be later this week. The final plat will be on the next P&Z agenda.
- **Sewer Trunk Line** – Letters are being sent to the property owners regarding the sewer trunk line project.

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

Alderman Martin tells the Board that he was contacted by Amy Naeger of 1019 Elliot Court regarding a drainage issue in her back yard. He asks Public Works to check on this.

Parks & Recreation Director Cadwell reports:

- **Park Museum Roof** – This project has begun.

- **HVAC Units at PPC** – These units are being installed today and we hope the Park Center will be open on Thursday.

- **Batting Cages** – We are expecting a request from a local Boy Scout to re-do the batting cage in the park. This year's budget includes moving the batting cages.

Alderman Guth asks about the possibility of using a net that will also allow golf practice.

- **Outside Restrooms** – The outside restrooms are being opened up this week.

- **Concession Stand Project** – It appears that the concession stand will be ready to open around the first of May.

Alderman Riney asks staff to check into the cost of adding a green wind screen in the tennis court as a visual aid.

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 contractual matters in accordance with Section 610.021(9) RSMo; personnel matters in accordance with Section 610.021(13) RSMo; and real estate matters in accordance with Section 610.021(2) RSMo. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

Following discussion and review, it is upon motion by Alderman 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 Guth, seconded by Alderman Riney, and on vote carried, ordered that the Board now adjourn until Tuesday, April 2, 2019, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK