

**April 3, 2018**

**JOURNAL OF THE BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, PERRY COUNTY, MISSOURI.**

The Board of Aldermen of the City of Perryville, Perry County, Missouri, met at City Hall in said City on the above date in regular session pursuant to adjournment. Present: Ken Baer, Mayor; Curt Buerck, Tom Guth, Prince Hudson, Douglas Martin, Larry Riney, and David J. Schumer, Aldermen; Brent Buerck, City Administrator; Tracy Prost, City Clerk; and Thomas Ludwig, City Attorney.

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

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

Mr. Norman Maxwell of 525 North Parkview addresses the Board. He informs the Board that he was a victim of the recent tire slashing that took place a few weeks ago. He suggests that, instead of serving jail time, the culprits be released to a work duty so they can repay the victims. City Attorney Ludwig informs Mr. Maxwell that the Board of Aldermen does not have the legal authority to determine the fate of the culprits; however, he can talk with Prosecuting Attorney Tom Hoeh and submit a victim impact statement.

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

At this time, Mayor Baer opens a public hearing regarding a Petition for Voluntary Annexation from the City of Perryville, Missouri, for part of a 50 foot wide roadway known as Kiefner Street as recorded in Book 183, Page 747 of the Perry County Deed Records, containing .31 acres.

City Administrator Buerck's agenda notes inform the Board that there is a small portion at the end of Kiefner that was never annexed into the City although the city constructed and maintains the street.

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

At this time, Mayor Baer opens a public hearing regarding a Petition for Voluntary Annexation from the City of Perryville, Missouri, and Aaron and Mark Roy for property described as part of a 3.10 acre tract as recorded in Document #2007R00380 of the Perry County Deed Records, containing 5,523 square feet.

City Administrator Buerck's agenda notes inform the Board that there is a small portion of the street that was never annexed and this will accept that parcel into the city limits.

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

Mayor Baer now opens a public hearing regarding a Petition for Voluntary Annexation from the Perryville Development Corporation for property described as part of a 100.0 acre tract as recorded in Document #2010R02153 of the Perry County Deed Records, containing 17.46 acres.

City Administrator Buerck's agenda notes inform the Board that as part of our PDC contract, the Development Corporation property is annexed into the City so they will have access to city utilities in developing their property. This particular parcel is located along Veterans Memorial Parkway.

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

**CONSENT AGENDA ITEMS**

4. Approve minutes from meeting of March 20, 2018.

5. Approve bills for March 2018.

At this time Alderman Riney, Chairman of the Finance Committee, presents the following bills and invoices for the month of March 2018, vendor checks numbered 107490 - 107850; and 5 ACH transfers; payroll checks numbered: 568021 - 658031.

The following bills are presented to be paid for the month of March, 2018. Board finds that \$406,398.29 is chargeable to and payable out of the General Revenue Account; \$5,016.83 is out of Airport; \$87,965.91 is out of Transportation Trust; \$200,864.55 is out of Perry Park Center; \$1,067.90 is out of Veterans Memorial Field; \$96.00 is out of TIF #1; \$372.00 is out of TIF #2; \$72.00 is out of TIF #3; \$29,354.51 is out of Street Improvement; \$2,059.22 is out of Debt Service; \$29,483.92 is out of Capital Improvement Sales Tax; \$44,414.92 is out of Refuse; \$245,189.24 is out of CWSS; and \$478,990.31 is out of Gas Operation. The Board, upon investigation, found the sum to be \$1,531,345.60.

8. Approve Change Order 6 to Phoenix Fabricators relative to Tanks 4 & 6 Project - \$8,700.00 Decrease.
9. Approve Certificate of Substantial Completion regarding Tanks 4 & 6 Project.
10. Set Public Hearing date to review updates to the Code of Ordinances regarding Tiny Homes and Shipping Container as proposed by the Planning & Zoning Commission – April 17, 2018, at 6:30 p.m.
11. Approve declaration of 2017 Residential Surplus Funds in the amount of \$27,164.73 relative to I55/Hwy 51 TIF and acknowledge that said funds were never collected by the TIF but were disbursed to the taxing entities by the County of Perry.
12. Approve declaration of 2017 Residential Surplus Funds in the amount of \$331.95 relative to Downtown Perryville TIF and acknowledge that said funds were never collected by the TIF but were disbursed to the taxing entities by the County of Perry.
13. Approve specifications for gasoline and diesel fuel and propane gas and authorize City Clerk to advertise for bids.
14. Approve Festival Application for Cruise Ins, Home Brew Block Party, and Rocktober Fest.
15. Approve request from Relay for Life regarding their April 27, 2018, Perry County Event to be held at the Downtown Plaza.
16. Approve request from PHS Student Council for a Relay for Life fundraiser to be held on April 27-28, 2018, at the four corners of the Downtown Square.
17. Approve request from Jerry Davis relative to Old Timers Day at the Seminary Picnic grounds on May 26-27, 2018.
18. Approve request from Rotary Club of Perryville to use the City Park to host a fireworks display on Tuesday, July 3, 2018.
19. Approve plans and specs for the 2018 Grand Avenue Improvement Project and authorize City Clerk to advertise for bids.
20. Approve update to Police Department Operations Manual relative to Sale of Retired Weapons (GO-18-0305).

**END OF CONSENT AGENDA**

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

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

The Board of Aldermen review proposed changes to Chapter 13.16 of the Code of Ordinances relative to Sewer Service System. Public Works Director Brown explains the need for updates to the ordinance, noting that the new lining process will require City crews to make sewer taps. After questions from the Board of Aldermen, staff states that they will find answers and will make any appropriate changes. This ordinance will appear on the next agenda for first reading.

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

Now, at this time, the Board proceeds to approve Bill No. 5795, AN ORDINANCE ANNEXING CERTAIN ADJACENT TERRITORY INTO THE CITY LIMITS OF THE CITY OF PERRYVILLE, MISSOURI UNDER THE PROVISIONS OF SECTION 71.012 RSMO . Bill No. 5795 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. 6017 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5795

ORDINANCE NO. 6017

AN ORDINANCE ANNEXING CERTAIN ADJACENT TERRITORY INTO THE CITY LIMITS OF THE CITY OF PERRYVILLE, MISSOURI UNDER THE PROVISIONS OF SECTION 71.012 RSMO.

WHEREAS, on the 20th day of February, 2018, a verified petition signed by Stephanie M. Stark, President of SMS Investment Group, LLC, owner of the real estate hereinafter described requesting annexation of said territory into the City of Perryville, Missouri, was filed with the City Clerk and the Board of Aldermen; and

WHEREAS, said real estate as hereinafter described is adjacent and contiguous to the present corporate limits of the City of Perryville, Missouri; and

WHEREAS, a public hearing concerning said matter was held at the City Hall in the City of Perryville, Missouri at the hour of 6:30 p.m. on the 6th, day of March, 2018; and

WHEREAS, notice of said public hearing was given by publication of notice thereof, on the 22nd day of February, 2018, in The Perry County Republic-Monitor, a weekly newspaper of general circulation in the County of Perry, State of Missouri; and

WHEREAS, at said public hearing, all interested persons, corporations or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

WHEREAS, no written objection to the proposed annexation was filed with the Board of Aldermen of the City of Perryville, Missouri, within 14 days after the date of the public hearing; and

WHEREAS, the Board of Aldermen of the City of Perryville, Missouri, does find and determine that said annexation is reasonable and necessary to the proper development of the City; and

WHEREAS, the City is able to furnish normal municipal services to said area within a reasonable time after annexation;

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

Section 1. Pursuant to the provisions of Section 71.010 RSMO., as amended, the following described real estate is hereby annexed into the City of Perryville, Missouri:

A tract of land located in U.S. Survey 2137, in Fractional Section 12, and in Fractional Section 11, all in Township 35 North, Range 10 East of the Fifth Principal Meridian, in Perry County, Missouri, more particularly described as follows:

Beginning at an iron rod on the Northeast right-of-way line of U.S. Highway No. 61, being the most Western corner of a tract of 27.59 acres conveyed to Terry L. Miederhoff by deed recorded in Book 198, Page 407-409 of the Deed Records of Perry County, Missouri; running thence North 34° 50' 50" East, a distance of 486.86 feet to an iron rod; thence South 38° 52' 10" East, a distance of 360.70 feet to an iron rod; thence South 43° 08' 00" West, a distance of 418.91 feet to an iron rod on the Northeast right-of-way line of said Highway No. 61; thence along said right-of-way line North 49° 23' 45" West, a distance of 287.31 feet to the place of beginning, containing 3.32 acres, more or less.

Excepting therefrom that small part thereof lying South of the South line of a tract of 10.15 acres conveyed to Odell J. Eddleman and wife by Warranty Deed recorded in Book 151, Pages 425-426 of said Deed Records, and North of said U.S. Highway 61.

Section 2. The boundaries of the City of Perryville, Missouri, are hereby altered so as to encompass the above described tract of land lying adjacent and contiguous to the present corporate limits of the City.

Section 3. The City Clerk of the City is hereby ordered to cause three certified copies of this Ordinance to be filed with the County Clerk of Perry County, Missouri.

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

FIRST READING: March 20, 2018.

SECOND READING: April 3, 2018.

PASSED AND APPROVED this 3<sup>rd</sup> day of April, 2018, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5796, 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 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. Bill No. 5796 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 Mayor thereupon declared the bill passed and approved

and the bill thereupon became Ordinance No. 6018 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5796

ORDINANCE NO. 6018

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 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, Dominic Stark, and Stephanie Stark, owners of a certain tract of land herein referred to, have 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 2358 N. Kingshighway 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 applicants.

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 R-5 General Residential District.

Section 2. That the application for rezoning as submitted by the owners 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 this ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: March 20, 2018.

SECOND READING: April 3, 2018.

PASSED AND APPROVED this 3<sup>rd</sup> day of April, 2018, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5797, 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-3 TO R-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. Bill No. 5797 is read a second time on motion by Alderman Schumer, seconded by Alderman Martin. Thereupon on motion by Alderman Schumer, 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. 6019 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5797

ORDINANCE NO. 6019

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-3 TO R-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, City of Perryville, Missouri, 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 a portion of Trishia Street and all of Richele Street 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-3 Family Residential District to R-2 Single-Family Residential District.

Section 2. That the application for rezoning as submitted by the City of Perryville, Missouri, 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 this ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: March 20, 2018.

SECOND READING: April 3, 2018.

PASSED AND APPROVED this 3<sup>rd</sup> day of April, 2018, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

CITY OF PERRYVILLE, MISSOURI  
By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5798, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **DAREN BROWN CONSTRUCTION COMPANY, LLC** RELATIVE TO **STREET DEPARTMENT MAINTENANCE BUILDING PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5798 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. 6020 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5798

ORDINANCE NO. 6020

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **DAREN BROWN CONSTRUCTION COMPANY, LLC** RELATIVE TO **STREET DEPARTMENT MAINTENANCE BUILDING PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

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

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

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

1. That the Mayor and Board of Aldermen of the City of Perryville approve the contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **Daren Brown Construction Company, 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 20, 2018.

SECOND READING: April 3, 2018.

PASSED AND APPROVED this 3<sup>rd</sup> day of April, 2018, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

CITY OF PERRYVILLE, MISSOURI  
By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5800, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF A QUIT CLAIM DEED OF CERTAIN PROPERTY FROM THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR A PORTION OF RIGHT-OF-WAY ALONG ROUTE 51, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED QUIT

CLAIM DEED. Bill No. 5800 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. 6021 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5800

ORDINANCE NO. 6021

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF A QUIT CLAIM DEED OF CERTAIN PROPERTY FROM THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR A PORTION OF RIGHT-OF-WAY ALONG ROUTE 51, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED QUIT CLAIM DEED.

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

WHEREAS, the Missouri Highways and Transportation Commission desires to convey to the City of Perryville a portion of right-of-way along Route 51 by Quit Claim Deed; and

WHEREAS, the Mayor and Board of Aldermen of the City of Perryville, Missouri, do hereby deem it to be in the best interest of the City and its citizens to accept said right-of-way for the use of the general public.

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

Section 1. The Board of Aldermen of the City of Perryville hereby accepts the Quit Claim Deed for the right-of-way along Route 51 from the Missouri Highways and Transportation Commission as described in the attached Quit Claim Deed.

Section 2. The Mayor and City Clerk of the City of Perryville be, and they are, hereby authorized to do all acts and execute all instruments appropriate or necessary to accept the conveyance of property for the use of the general public.

Section 3. The City Clerk is hereby directed to file a copy of the Quit Claim Deed with the Recorder of Deeds of Perry County, Missouri, and to file a copy of the Acceptance of Conveyance with the Missouri Highways and Transportation Commission.

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

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

FIRST READING: March 20, 2018.

SECOND READING: April 3, 2018.

PASSED AND APPROVED this 3<sup>rd</sup> day of April, 2018, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:  
Tracy Prost, City Clerk

**FIRST AND SECOND READING AND FINAL PASSAGE:**

Now, at this time, Bill No. 5801, AN ORDINANCE ACCEPTING THE PLAT OF SUTTERER'S 3RD ADDITION; ACCEPTING DEDICATION OF EASEMENTS, STREETS AND PROPERTIES DESCRIBED; ACCEPTING RESTRICTIONS, IF ANY, FILED THEREWITH; AUTHORIZING THE RECORDING OF SAID PLAT; ACCEPTING IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED AND INDICATED ON SAID PLAT; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, 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 Buerck, seconded by Alderman Riney. On motion by Alderman Buerck, seconded by Alderman Riney, and on vote carried, Bill No. 5801 is read for the second time. 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 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. 6022 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5801

ORDINANCE NO. 6022

AN ORDINANCE ACCEPTING THE PLAT OF SUTTERER'S 3RD ADDITION; ACCEPTING DEDICATION OF EASEMENTS, STREETS AND PROPERTIES DESCRIBED; ACCEPTING RESTRICTIONS, IF ANY, FILED THEREWITH; AUTHORIZING THE RECORDING OF SAID PLAT; ACCEPTING IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED AND INDICATED ON SAID PLAT; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, Thomas H. Sutterer and Geraldine R. Sutterer have platted Sutterer's 3rd Addition as located within the corporate limits of the City of Perryville, Missouri; and,

WHEREAS, the developer has installed required improvements; and,

WHEREAS, the developer has complied with all of the city ordinances and, in particular, Title 17 of the Code of Ordinances of the City of Perryville, Missouri.

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

Section 1. The Mayor and Board of Aldermen of the City of Perryville, Missouri, do hereby accept the final plat of Sutterer's 3rd Addition, which is attached hereto as Exhibit A, including all easements, right-of-way streets and improvements indicated thereon and subject to the terms and conditions expressed therein.

Section 2. The Mayor and City Clerk of the City of Perryville, Missouri, are hereby authorized to do all acts and execute all instruments appropriate and necessary to accept said plat.

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

Section 4. 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 5. This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: April 3, 2018.

SECOND READING: April 3, 2018.

PASSED AND APPROVED this 3<sup>rd</sup> day of April, 2018, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

**FIRST READINGS:**

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5802, granting Quit Claim Deeds to property owners abutting excess right-of-way along the Edgemont Boulevard Extension, 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 QUIT CLAIM DEEDS BY AND BETWEEN THE CITY OF PERRYVILLE AND OWNERS OF PROPERTY ABUTTING **EXCESS RIGHT-OF-WAY ALONG THE EDMONT BOULEVARD EXTENSION**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Martin presents motion, seconded by Alderman Hudson, and on vote carried Bill No. 5803, amending Title 2, Chapter 2.88, Article 3, Section 2.88.300 of the Code of Ordinances relative to residency requirement for city employees, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.88, ARTICLE 3, SECTION 2.88.300, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO RESIDENCY REQUIREMENTS FOR CITY EMPLOYEES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Guth, as Chairman of the Economic Development Committee, asks EDA Director Sattler to update the Board on economic development activity. Director Sattler tells the Board that the Cruise-In Events start this weekend. He also said that Perryville is included in the Motorcycle Guide magazine.

City Administrator Buerck reports:

- **Tank 1 Lettering** - The letters on the tank will be coming down and replaced with what was originally designed for that location. There is no charge for this work.
- **#WeLovePerryville – Model Search** - 573 is leading the efforts to select a "family" for the City of Perryville ads in their magazine. This is an exciting opportunity and is being led by Trish Erzfeld with tourism.
- **Local Legend Chris Janson performing at Sikeston Rodeo – Aug 8, 2018** - It is with great pride we report Chris will be performing at the Sikeston Bootheel rodeo on Wednesday night.
- **Dr. Carolyn Anderson Book Release** - Dr. Carolyn will be coming to Perryville for her book release. We are excited and busy filling her week with activities and guest appearances. We are meeting tomorrow with Trish, Scott and Jackie over lunch to flesh this out further.

- **Father/Daughter Dance** - This was a great event with over 450 people involved. My compliments to Jim and his team. They are looking for a similar activities for moms and their sons.

- **Sewer Plant Design** - We are working hard to finalize a plan for our sewer plant election. To this end, we met with DNR in Jefferson City yesterday and our engineering team today. We hope to have everything in place for an August election with a second opportunity in November.

City Engineer Baer Reports:

- **Sewer Pipe Lining Project** – Visu-Sewer has 70% of the main lines completed. They are making good progress. All of the service lines still need to be done.

- **Bathroom at Miget Park** – City crews will level the ground and locate the plumbing and electric for the bathroom

Parks & Recreation Director Cadwell Reports:

- **Park Bathroom near Pavilion 20** – Improvements to the bathroom are progressing.

- **Dog Park** – The Park Board will review options for the placement of a dog park. Staff has discovered several private grants that they might apply for in the future. Alderman Guth suggest staff look into the possibility of joining the County in making a dog park at Legion Lake. Alderman Buerck asks when the skate park will be addressed. Director Cadwell says it is in the 5 Year Capital Improvement Plan.

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

Alderman Buerck asks staff to review the Street Policy regarding pavement of Moore Drive.

Several aldermen report that they were contacted by a citizens on Feltz Street with a request that the dog park be placed somewhere besides Feltz Street Park.

Alderman Martin informs the Board that he was contacted by someone saying that people on Sycamore Road would like their road paved.

Alderman Schumer asks Staff to determine why the dirt pile has not been removed from the Rhodes parking lot. EDA Director Sattler will contact a Rhodes representative.

Alderman Hudson asks staff to view a dead tree hanging over Plaza Drive.

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

Following discussion and review, it is upon motion by Alderman Hudson, seconded by Alderman Riney, 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 asks the Board to consider what other options may be available for the paving of Sycamore Road. Administrator Buerck suggests that the residents on Sycamore may be preparing a petition.

There being no further business, it is upon motion by Alderman Hudson, seconded by Alderman Riney, and on vote carried, ordered that the Board now adjourn until Tuesday, April 17, 2018, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK