

April 4, 2023

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: Larry Riney, Mayor; Curt Buerck, Tom Guth, Dennis House, Douglas K. Martin, Clint Rice, and David J. Schumer, Aldermen; Tracy Prost, City Clerk; and Art Pistorio, City Attorney. City Administrator Brent Buerck joins the meeting in progress.

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

Mayor Riney now asks for citizens' participation from the floor.

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

Mayor Riney opens the public hearing for a special use permit request from Dave Newell to allow a storage container on his property at 903 North Kingshighway.

Tim Gilles of 1308 North Moulton Street, Perryville, Missouri, tells the Board that he is in favor of the special use permit request.

There being no one else coming forth, Mayor Riney closes the public hearing for a special use permit request from Dave Newell to allow a storage container on his property at 903 North Kingshighway.

Mayor Riney opens the public hearing for a rezoning request from Dave Richardet to rezone property located between Alma Avenue and Edgemont Boulevard from R-2 (Single Family Residential) to R-5 (General Residential District).

Dave Richardet of 2350 PCR 816, Perryville, Missouri, tells the Board that his family owns the property and they tried to rezone the entire area from R-2 to R-5 but the neighborhood was against it. They would like to rezone a small portion to match the other R-5 property next to it. He notes that he doesn't know why this small portion of property wasn't rezoned R-5 at the same time.

Alderman House notes that he was at the Planning & Zoning Commission meeting when this topic was discussed and it was believed that leaving out this small piece of property was an oversight when the other property was rezoned. It is noted that a legal description must be received for this property before this action can move forward.

There being no one else coming forth, Mayor Riney closes the public hearing for a rezoning request from Dave Richardet to rezone property located between Alma Avenue and Edgemont Boulevard from R-2 (Single Family Residential) to R-5 (General Residential District).

CONSENT AGENDA ITEMS

5. Approve minutes from meeting of March 21, 2023.
6. Approve bills for March 2023.

At this time Alderman Schumer, Chairman of the Finance Committee, presents the following bills and invoices for the month of March 2023, vendor checks numbered 124614 - 124861; 22 ACH transfers; payroll checks numbered: 659355 - 659362.

The following bills are presented to be paid for the month of March 2023. Board finds that \$608,462.13 is chargeable to and payable out of the General Revenue Account; \$486,134.20 is out of Airport; \$62,924.97 is out of Transportation Trust; \$218,121.17 is out of Perry Park Center; \$294.87 is out of Veterans Memorial; \$133,939.97 is out of Debt Service; \$124,161.20 is out of Capital Improvement; \$13,917.70 is out of Tech Ed Building; \$975.75 is out of TIF #2; \$924.25 is out of TIF #3; \$33,184.25 is out of Street Improvement; \$57,541.85 is out of Refuse; \$421,052.12 is out of CWSS; \$513,451.80 is out of Gas Operation; and \$29,122.31 is out of WWTP Project. The Board, upon investigation, found the sum to be \$2,704,208.54.

7. Approve Pay Estimate 2 from Lappe Cement Finishing, Inc., relative to 2022 Street Improvements Project (Moulton) - \$432,425.87.
8. Approve Pay Estimate 1 from Earth First Contractors, LLC, relative to Airport WWTP UV System - \$69,540.00.
9. Approve declaration of 2022 Residential Surplus Funds in the amount of \$86,553.26 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.
10. Approve declaration of 2022 Residential Surplus Funds in the amount of \$874.00 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.
11. Approve renewal of engagement with Beussink, Hey, Roe & Stroder, LLC for the 2022-23 auditing services.
12. Approve request from Public Works Director Layton to sell items on Purple Wave Auction site.
13. Approve Project Information Form from Buddy Hellman d/b/a Winwood Enterprises, LLC, relative to Financial Reimbursement for New Construction to Builder/Homeowner Program – Kolbe Court.
14. Approve Preliminary Plat of Progress Way Subdivision.
15. Approve Preliminary Plat of SMS Fields Subdivision.
16. Approve Plans and Specifications for Sunset Drive.
17. Approve outdoor music request from AmVets Post 94 at 1203 West St. Joseph Street on April 29, 2023, from 7pm to 11pm.
18. Approve Downtown Activity request from Carisa Stark for 2023 Summer Events at the Warehouse Entertainment District (107 North Jackson Street).
19. Approve Spoils Application Request from Brett Obertini for 202 Cedar Street.
20. Acknowledge 2024 Eclipse Proclamation.

END OF CONSENT AGENDA

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

City Clerk Prost advises the Board that some of the dates and music times have been modified on Item 18.

Alderman Buerck makes a motion to approve the Consent Agenda with updates to Item 18. Alderman Martin seconds the motion, and on vote the motion carries.

Alderman Buerck makes a motion to approve the public hearing for a special use permit request from Dave Newell to allow a storage container on his property at 903 North Kingshighway. Alderman Rice seconds the motion, and on vote the motion carries.

City Administrator Buerck joins the meeting.

SECOND AND FINAL READINGS:

Now, at this time, the Board proceeds to approve Bill No. 6398, AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.40, SECTION 2.40.020, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO CHIEF OF POLICE—AUTHORITY— RESPONSIBILITIES AND DUTIES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 6398 is read a second time on motion by Alderman Rice, seconded by Alderman Buerck. Thereupon on motion by Alderman Rice, 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6615 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6398

ORDINANCE NO. 6615

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.40, SECTION 2.40.020, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO CHIEF OF POLICE—AUTHORITY— RESPONSIBILITIES AND DUTIES; 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 2.40, Section 2.40.020, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

"2.40.020 Authority—Responsibilities and duties.

- A. The chief of police shall be the executive head of the police force. All orders and directives to the police force will be directed through the chief of police.
- B. The chief of police shall be responsible for the proper and efficient enforcement of all laws and ordinances, as well as departmental policies, rules and regulations. The chief of police shall discharge the responsibilities and duties imposed on the office, shall perform any task that may be assigned from time to time by the city administrator, and shall require employees in the police force to do likewise.
- C. The chief of police shall have the authority to promulgate such orders to the employees of the police force as are proper, but the orders shall conform to state statute, city ordinance and departmental policies and rules and regulations.
- D. The chief of police is designated as the "Code Enforcement Officer" for all purposes of these ordinances, and shall be responsible for the enforcement of all ordinance violations, including but not limited to criminal, nuisance, and zoning ordinances. The chief of police may delegate the authority to enforce such ordinances to employees of the police force, but not the ultimate responsibility for doing so.

Section 2. It is the intent of the Mayor and Board of Aldermen 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 21, 2023.

SECOND READING: April 4, 2023.

PASSED AND APPROVED this 4th day of April, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6399, 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 **2023-24 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. Bill No. 6399 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6616 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6399

ORDINANCE NO. 6616

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 **2023-24 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.

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 **KIMHEC Environmental Consulting**. 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 21, 2023.

SECOND READING: April 4, 2023.

PASSED AND APPROVED this 4th day of April, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6400, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **ROBERT A. PATRICK AND MICHELLE L. PATRICK** RELATIVE TO **LICENSE FOR ENCROACHMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6400 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6617 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6400

ORDINANCE NO. 6617

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **ROBERT A. PATRICK AND MICHELLE L. PATRICK** RELATIVE TO **LICENSE FOR ENCROACHMENT**; 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 **Robert A. Patrick and Michelle L. Patrick**. 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 21, 2023.

SECOND READING: April 4, 2023.

PASSED AND APPROVED this 4th day of April, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6401, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **GIS WORKSHOP, LLC, d/b/a gWORKS** RELATIVE TO **SERVICE AGREEMENT REGARDING PUBLIC WORKS OPERATIONS SOFTWARE**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6401 is read a second time on motion by Alderman House, seconded by Alderman Guth. Thereupon on motion by Alderman House, 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6618 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6401

ORDINANCE NO. 6618

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **GIS WORKSHOP, LLC, d/b/a gWORKS** RELATIVE TO **SERVICE AGREEMENT REGARDING PUBLIC WORKS OPERATIONS SOFTWARE**; 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 **GIS Workshop, LLC d/b/a gWorks**. 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 21, 2023.

SECOND READING: April 4, 2023.

PASSED AND APPROVED this 4th day of April, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6402, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **COMMEMORATIVE AIR FORCE-MISSOURI WING** RELATIVE TO **DISPLAY AND DEMONSTRATION OF HISTORIC AIRCRAFT AT THE PERRYVILLE REGIONAL AIRPORT FLY-IN EVENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6402 is read a second time on motion by Alderman Buerck, seconded by Alderman Guth. 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6619 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6402

ORDINANCE NO. 6619

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **COMMEMORATIVE AIR FORCE-MISSOURI WING** RELATIVE TO **DISPLAY AND DEMONSTRATION OF HISTORIC AIRCRAFT AT THE PERRYVILLE REGIONAL**

AIRPORT FLY-IN EVENT; 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 **Commemorative Air Force-Missouri Wing**. 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 21, 2023.

SECOND READING: April 4, 2023.

PASSED AND APPROVED this 4th day of April, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

FIRST, SECOND AND FINAL READINGS:

Now, at this time, Bill No. 6403, AN ORDINANCE APPROVING THE PROPOSED REZONING FOR A SPECIAL USE PERMIT FOR CERTAIN PROPERTY IN THE CITY OF PERRYVILLE, MISSOURI, DESCRIBED IN EXHIBIT A; SETTING FORTH THE AREA FOR SPECIAL USE AND THE CONDITIONS OF SPECIAL USE; ALL IN ACCORDANCE WITH THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, is read for the first time with an expedite clause for matters related to zoning as found in Title 17 of the Code of Ordinances upon motion by Alderman Buerck, seconded by Alderman Guth. On motion by Alderman Buerck, seconded by Alderman Martin, and on vote carried, Bill No. 6403 is read for the second time. 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 showing the aye and nay vote showed as follows: Curt Buerck, aye; Tom Guth, aye; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6620 of the City of Perryville, and is in words and figures as follows:

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

WHEREAS, the City Board and the Planning and Zoning Commission have considered a proposed rezoning and/or special use permit for property described as 903 North Kingshighway, as set out in Exhibit A which is attached hereto and incorporated herein by reference; and,

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

WHEREAS, a special use permit to allow the installation of a shipping container behind Newell's Auto Body in a C-2 General Commercial District may be granted by virtue of the Code of Ordinances of the City of Perryville, Missouri; and,

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

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

Section 1. That an application for a special use permit, which said application is marked Exhibit A and attached hereto, is hereby approved, and a special use permit is hereby issued to David L. Newell, d/b/a Newell's Auto Body, Applicant.

Section 2. That the property set forth in Exhibit A is hereby granted a special use permit to allow the installation of a shipping container behind Newell's Auto Body in a C-2 General Commercial District.

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

Section 3. That attached hereto as Exhibit B are the formal findings and conclusions of the Planning & Zoning Commission.

Section 4. That the City Clerk of the City of Perryville, Missouri, shall and is hereby directed to indicate on the "Official Zoning District Map" of the City of Perryville, Missouri, the above special use permit and the date of issuance thereof and to certify same and to keep said map on file in the office of the City Clerk and a copy displayed in City Hall, City of Perryville, Missouri; and that said City Clerk is further directed to indicate on said "Official Zoning District Map" the existence of special conditions on the use of the aforesaid property.

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

Section 6. This special use permit is issued to the applicant. If the holder of the special use permit transfers the real estate, the special use permit shall remain with the real estate. However, if the special use is discontinued for more than sixty (60) days or the new owner of the real estate uses the real estate for an activity not authorized by the special use permit, then the special use permit shall be void and the owner of the real estate must apply for a new special use permit.

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

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

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

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

FIRST READING: April 4, 2023.

SECOND READING: April 4, 2023.

PASSED AND APPROVED this 4th day of April, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

Now, at this time, Bill No. 6404, AN ORDINANCE ACCEPTING THE PLAT OF WM. J. BARNWELL 2ND 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 Martin, seconded by Alderman Guth. On motion by Alderman Martin, seconded by Alderman Guth, and on vote carried, Bill No. 6404 is read for the second time. 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 showing the aye and nay vote showed as follows: Curt Buerck, aye; Tom Guth, aye; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6621 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6404

ORDINANCE NO. 6621

AN ORDINANCE ACCEPTING THE PLAT OF WM. J. BARNWELL 2ND 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, William J. Barnwell Building Association, Inc., has platted Wm. J. Barnwell 2nd 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 Wm. J. Barnwell 2nd 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 4, 2023.

SECOND READING: April 4, 2023.

PASSED AND APPROVED this 4th day of April, 2023, by a vote of 5 ayes, 0 nays, 1 abstention, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Larry Riney, Mayor

ATTEST:
Tracy Prost, City Clerk

Now, at this time, Bill No. 6405, AN ORDINANCE ACCEPTING THE PLAT OF PROGRESS WAY SUBDIVISION; 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 Schumer, seconded by Alderman Buerck. On motion by Alderman Schumer, seconded by Alderman Buerck, and on vote carried, Bill No. 6405 is read for the second time. Thereupon on motion by Alderman Schumer, 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6622 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6405

ORDINANCE NO. 6622

AN ORDINANCE ACCEPTING THE PLAT OF PROGRESS WAY SUBDIVISION;
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, Shannon M. Crump and Maria Ashley Crump, Trustees of the Revocable Trust of Shannon M. Crump and Maria Ashley Crump dated December 14, 2017, have platted Progress Way Subdivision 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 Progress Way Subdivision, 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 4, 2023.

SECOND READING: April 4, 2023.

PASSED AND APPROVED this 4th day of April, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

Prior to reading Bill No. 6406, the Board discusses whether or not the proposed plat services the sewers as required by ordinance.

Now, at this time, Bill No. 6406, AN ORDINANCE ACCEPTING THE PLAT OF SMS FIELDS SUBDIVISION; 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 **and contingent upon receipt of revised single lot plat** upon motion by Alderman Buerck, seconded by Alderman Martin. On motion by Alderman Buerck, seconded by

Alderman Martin, and on vote carried, Bill No. 6406 is read for the second time. 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 showing the aye and nay vote showed as follows: Curt Buerck, aye; Tom Guth, aye; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6623 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6406

ORDINANCE NO. 6623

AN ORDINANCE ACCEPTING THE PLAT OF SMS FIELDS SUBDIVISION; 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, SMS Investment Group, LLC, has platted SMS Fields Subdivision 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 SMS Fields Subdivision, 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 4, 2023.

SECOND READING: April 4, 2023.

PASSED AND APPROVED this 4th day of April, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

FIRST READINGS:

Alderman Guth presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 6407, amending the 2022-23 Budget, is read for the first time by title only. The heading is as follows:

AN ORDINANCE APPROVING **AMENDMENTS TO THE 2022-23 BUDGET AS ORIGINALLY APPROVED ON THE 15th DAY OF MARCH, 2022, BY REVISING, CONFIRMING, AND UPDATING END-OF-YEAR BALANCES; CONFIRMING BUDGETARY EXPENDITURES; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.**

Alderman Rice presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 6408, amending Section 2.88.915 of the Code of Ordinances relative to nepotism, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.88, ARTICLE 9, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO NEPOTISM; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Martin presents motion, seconded by Alderman Rice, and on vote carried Bill No. 6409, entering into a Financial Reimbursement Agreement with Gotto Investments, LLC, relative to new construction to builder (805 Crestview Lane), 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 **JEFFREY P. GOTTO, d/b/a GOTTO INVESTMENTS, LLC**, RELATIVE TO **FINANCIAL REIMBURSEMENT FOR NEW CONSTRUCTION PROGRAM (805 CRESTVIEW LANE)**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Rice presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 6410, entering into a Financial Reimbursement Agreement with Buddy Hellman, d/b/a Winwood Enterprises, LLC, relative to new construction to builder (Kolbe Court), 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 **BUDDY HELLMAN, d/b/a WINWOOD ENTERPRISES, LLC**, RELATIVE TO **FINANCIAL REIMBURSEMENT FOR NEW CONSTRUCTION PROGRAM (KOLBE COURT)**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Mayor Riney asks for Committee Reports.

Alderman Guth, as Chairman of the Public Works Committee, asks Public Works Director Layton for an update. Director Layton tells the Board that the bulk water station is up and running. A canopy will be installed over the screen. He also tells the Board that the route optimization software is now working properly.

Alderman Schumer, as Chairman of the Sidewalk Committee, tells the Board that he has received a very favorable comment about the new sidewalk along North Moulton Street.

Alderman Martin, as Chairman of the Economic Development Committee, asks EDA Director Jones to update the Board on economic development matters.

EDA Director Report:

- **Downtown TIF Grants** - Applications will be released tomorrow.
- **Rail Terminal Analysis** - Consultants Short, Elliott, and Hendrickson will be in Perryville May 9th to do some site work and will meet with stakeholders during their visit.
- **EDA Strategic Planning** - The EDA board will meet Thursday, April 6th to finalize strategies they want my office to focus on over the next 3-5 years.

City Administrator Report:

- **Perry County Visitor Profile** – This shows us where our visitors come from, which helps us market better.
- **Airport Fly-In 2023 Flyer** – Ride sales are going well.
- **Downtowns Have Always Evolved Article** – Note that Sutterer Service Station has sold.
- **DNR Variance Request** – City Engineer Baer and I will be meeting with DNR to request a variance on their requirements as it relates to our School Street lift station. Their decision will determine if the lift station will be built first, or the lines will be installed first. This decision could be a \$230,000 savings on this project. The appraisal amount has been received for this project.

City Engineer Report:

- **2022 Street Improvement Project - Moulton St.** – The last pour was completed yesterday and the street should be open next week.
- **Generators at Show-Me and Welty** – The lift stations are being installed and the job should be completed in the next couple of weeks.
- **Trail from Star to Old St. Mary's Road** – Lappe will be starting with erosion control soon.

City Attorney Report:

- **Bruckerhoff Lawsuit** – This insurance claim has been resolved in our favor.

Chief of Police Report:

- **Computers** – The toggles have been installed in the police cars to secure the computers.

Alderman Guth reports that Brian L'Hote has notified him that he has discovered rocks in his yard from the construction project along Dry Run Branch. Tim Baer will contact Mr. L'Hote.

Alderman Guth expresses his concern that the young person riding his mini-bike on the trail in the park has not been caught by the Police. He tells the Board that he was able to stop the rider and tell him that he cannot ride the mini-bike on the trail.

Alderman Schumer reports that Dean Elder, on Ridge Drive, contacted him about damage to the street from the city's skid steer.

Alderman Rice reports that Ves Hotop, of Rambling Hills, called him about a ditch opening up. Public Works Director Layton tells the Board that PW looked at the situation yesterday and has a plan to make repairs.

Alderman Rice asks if there are any ordinances regarding gravel from driveways meeting the street. He notes that Krieger Lane has rock on the road, approximately 200 yards down from the gravel driveway.

Staff will look at the apron requirements. Mayor Riney notes that Street Superintendent Cox told him that the ordinance says that the owner of the driveway should be cleaning up the rock.

Alderman Rice reports that he received a couple of suggestions regarding the Father/Daughter Dance: 1) the remainder of the Park Center should be open during the dance; and 2) it would be nice if a movie could be played for mothers and sons during the dance.

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

Following discussion and review, it is upon motion by Alderman Guth, seconded by Alderman Buerck, 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; Dennis House, aye; Douglas K. Martin, aye; Clinton Rice, aye; David J. Schumer, aye. Totals: aye, five; nay, none; absent, one.

There being no further business, it is upon motion by Alderman Guth, second by Alderman Rice, and on vote carried, ordered that the Board now adjourn until Tuesday, April 18, 2023, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK