

April 16, 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 Martin, Larry Riney, and David J. Schumer, Aldermen; Brent Buerck, City Administrator; Tracy Prost, City Clerk; and Thomas Ludwig, City Attorney.

Local Boy Scout Troop opens the meeting with the Pledge of Allegiance and invocation.

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

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

Public Works Director Brown and Darryl Niswonger present the 2019 Melvin D. Niswonger "The MEL" Scholarships to Noah Cadwell and Jack Kluender.

At this time City Attorney Ludwig reads the Certificate of Election from the County Clerk for the municipal election held on April 2, 2019. Said Certification shows as follows:

**CERTIFICATION OF ELECTION RESULTS**

For the City of Perryville, Missouri:

The following are the certified results of the Municipal Election held in Perryville, Missouri, on April 3, 2018.

<b>Office or Issue</b>	<b>Candidates Name or Yes/No</b>	<b>Votes Received</b>
Alderman Ward One	Larry Riney	189
Alderman Ward Two	Douglas K. Martin Sharon Unterreiner	105 88
Alderman Ward Three	David J. Schumer	123

I, Jared W. Kutz, Election Authority of Perry County, Missouri, do hereby certify that the above is a full and accurate return of all votes cast for all candidates and issues at said election as certified to me by the duly qualified election judges and as compared and corrected by the Verification Board of this election.

Done this 11<sup>th</sup> day of April, 2019.

Signed: Jared W. Kutz, Election Authority

Following review, the Certificate of Election is filed by the County Clerk in the office of the City Clerk.

Alderman Guth presents motion, seconded by Alderman Riney, and on vote carried, the following candidates did receive a majority of the votes cast:

**Larry Riney** received a majority of the votes cast for the office of **Alderman Ward One**;  
**Douglas K. Martin** received a majority of the votes cast for the office of **Alderman Ward Two**;  
**David J. Schumer** received a majority of the votes cast for the office of **Alderman Ward Three**.

Now, Tracy Prost, City Clerk, proceeds to administer the Oath of Office to newly elected Aldermen.

The Board now convenes with the newly elected members of the Board of Aldermen.

At this time, Alderman Guth nominates Alderman Larry Riney as President of the Board of Aldermen. Nomination is seconded by Alderman Buerck.

There being no further nominations, Alderman Hudson presents motion to elect Alderman Larry Riney as President of the Board of Aldermen. Motion is seconded by Alderman Schumer, and on vote carried.

Mayor Baer now makes the following committee appointments:

**2019-2020 COMMITTEES**

<b><u>PUBLIC WORKS</u></b>	-	<b>GUTH, Schumer (Gas/Water/Sewer/Street/Solid Waste)</b>
<b><u>PUBLIC SAFETY</u></b>	-	<b>BUERCK, Hudson, Martin (Fire/Police)</b>
<b><u>FINANCE</u></b>	-	<b>RINEY, Schumer (Budget)</b>
<b><u>LIAISON</u></b>	-	<b>MARTIN, Guth, Riney (P&amp;Z/Board of Adjustments/Park Board)</b>
<b><u>ECONOMIC DEV</u></b>	-	<b>GUTH, Buerck, Hudson (Airport/Industrial Work)</b>

Mayor Baer expresses his desire to reappoint Alderman Martin to serve as the Board's representative on the Planning & Zoning Commission Board for the next year.

Following discussion and review, Alderman Buerck makes a motion to approve Mayor Baer's appointment of Alderman Martin to serve as the Board's representative on the Planning & Zoning Commission Board for the next year. Alderman Hudson seconds the motion, and on vote the motion carries.

**CONSENT AGENDA ITEMS**

10. Approve minutes from meeting of April 2, 2019.
11. Approve Financial Report for March, 2019.

CITY OF PERRYVILLE									
STATEMENT OF CASH POSITION									
MARCH, 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	\$ 7,371,564.36	\$ (7,541,096.80)	\$ (169,532.44)	\$ 2,290,297.09	\$ 20,730.12	\$ 96,538.13	\$ 2,366,105.10
105	FSA Administration	\$ 4,977.20	\$ 1,247.95	\$ -	\$ 1,247.95	\$ 6,225.15	\$ -	\$ -	\$ 6,225.15
106	Asset Forfeiture	\$ 953.99	\$ -	\$ (900.00)	\$ (900.00)	\$ 53.99	\$ -	\$ -	\$ 53.99
204	Airport	\$ (5,016.83)	\$ 813,538.85	\$ (799,592.28)	\$ 13,946.57	\$ 8,929.74	\$ 1,812.50	\$ 9,498.07	\$ 16,615.31
206	Trans Trust	\$ 1,017,507.47	\$ 1,363,180.47	\$ (1,171,951.92)	\$ 191,228.55	\$ 1,208,736.02	\$ -	\$ 20,052.31	\$ 1,228,788.33
207	Perry Park Ctr.	\$ 55,766.91	\$ 3,423,563.76	\$ (3,510,273.16)	\$ (86,709.40)	\$ (30,942.49)	\$ 7,136.70	\$ 51,768.01	\$ 13,688.82
211	Veterans Field	\$ 11,163.46	\$ 25,063.15	\$ (15,055.16)	\$ 10,007.99	\$ 21,171.45	\$ -	\$ 203.30	\$ 21,374.75
213	Field Improvement	\$ 4,423.04	\$ 6,569.22	\$ (1,203.31)	\$ 5,365.91	\$ 9,788.95	\$ -	\$ -	\$ 9,788.95
307	Debt Service	\$ 410,798.61	\$ 10,481.34	\$ (2,456.04)	\$ 8,025.30	\$ 418,823.91	\$ 1,398.32	\$ 1,398.32	\$ 418,823.91
308	Cap Imp Sls Tax Rev	\$ 914,686.32	\$ 760,628.74	\$ (678,079.37)	\$ 82,549.37	\$ 997,235.69	\$ -	\$ 29,166.67	\$ 1,026,402.36
409	Gen Pub Fac	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
414	TIF 1-Hwy 51/61	\$ 168,508.53	\$ 849,252.43	\$ (766,394.04)	\$ 82,858.39	\$ 251,366.92	\$ -	\$ -	\$ 251,366.92
415	Economic Develop	\$ 20,244.85	\$ 50,748.86	\$ (33,333.33)	\$ 17,415.53	\$ 37,660.38	\$ -	\$ -	\$ 37,660.38
416	TIF 2-Downtown	\$ 51,888.29	\$ 50,869.70	\$ (5,329.52)	\$ 45,540.18	\$ 97,428.47	\$ -	\$ -	\$ 97,428.47
417	TIF 3-155/HWY 51	\$ 410,750.54	\$ 392,098.21	\$ (487,261.19)	\$ (95,162.98)	\$ 315,587.56	\$ -	\$ 3,524.08	\$ 319,111.64
513	Street Imp	\$ 1,019,561.41	\$ 349,460.47	\$ (886,994.65)	\$ (537,534.18)	\$ 482,027.23	\$ -	\$ 1,494.38	\$ 483,521.61
612	Refuse	\$ 482,051.91	\$ 1,314,451.01	\$ (1,532,756.92)	\$ (218,305.91)	\$ 263,746.00	\$ 98,054.60	\$ 10,096.28	\$ 175,787.68
614	CWSS Op	\$ 2,111,302.77	\$ 5,628,745.62	\$ (4,648,890.80)	\$ 979,854.82	\$ 3,091,157.59	\$ 341,111.40	\$ 187,942.94	\$ 2,937,989.13
619	Gas Op	\$ 2,862,429.55	\$ 6,482,792.25	\$ (6,496,700.26)	\$ (13,908.01)	\$ 2,848,521.54	\$ 634,873.20	\$ 223,314.27	\$ 2,436,962.61
	TOTAL	\$ 12,001,827.55	\$ 28,894,256.39	\$ (28,578,268.75)	\$ 315,987.64	\$ 12,317,815.19	\$ 1,105,116.84	\$ 634,996.76	\$ 11,847,695.11

12. Approve Pay Request 3 from Brockmiller Construction, Inc., relative to Perry Park Center Concession Stand Project - \$39,136.20.
13. Accept recommendation from staff to enter into an Owner's Representative Services Agreement with Allgeier, Martin & Associates, Inc., relative to the next engineering phase of the Wastewater Treatment Plant project.
14. Approve request from PHS Student Council for a Relay for Life fundraiser to be held on April 26-27, 2019, at the four corners of the Downtown Square.
15. Approve request from Rotary Club of Perryville to use the City Park to host a fireworks display on Wednesday, July 3, 2019.
16. Approve request from Perry County Historical Society to post "No Parking" signs at the Faherty House (11 South Spring Street) on May 11 for the annual Garden Club's Mayfest Plant Sale from 7am to 4pm.

**END OF CONSENT AGENDA**

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

City Clerk Prost informs the Board that the minutes from April 2, 2019, need to be revised to include an additional payroll in the bills for the month of March.

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

At this time, the Board reviews a traffic study prepared by Assistant Chief Jones relative to French Lane. After discussion, Alderman Buerck makes a motion to approve the study and authorize Public Works to post the necessary signs. Alderman Riney seconds the motion, and on vote the motion carries.

**RESOLUTION:**

After discussion and review, Alderman Buerck makes a motion to adopt the Capital Asset Policy. Motion is seconded by Alderman Hudson, and on vote carried. Said Resolution is as follows:

**RESOLUTION NO. 2019-03  
ADOPTING CAPITAL ASSET POLICY**

**WHEREAS**, the Board of Aldermen of the City of Perryville acknowledges that sound accounting principles and responsible fiscal management require a policy for the purpose of capitalizing, depreciating, and estimating the useful lives of the City's depreciable assets; and

**WHEREAS**, the auditor for the City of Perryville recommends the adoption of a uniform policy addressing the type of assets to be capitalized and the value at which such assets are capitalized; and

**WHEREAS**, this Capital Asset Policy will replace the previous policy adopted in December, 2001.

**BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, MISSOURI, AS FOLLOWS:**

Section 1. The City of Perryville Board of Aldermen hereby repeals the capital asset management policy currently utilized by the City of Perryville employees and replaces it with the attached Capital Outlay Policy.

Section 2. The City of Perryville Board of Aldermen establishes and adopts the Capital Outlay Policy as the capital asset management policy of the City of Perryville, Missouri, and hereby makes this policy retroactive to April 1, 2018 (the first day of the 2018-19 Fiscal Year).

**PASSED AND APPROVED** this 16<sup>th</sup> day of April, 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

**SECOND READING AND FINAL PASSAGE:**

Now, at this time, the Board proceeds to approve Bill No. 5920, AN ORDINANCE ACCEPTING THE PLAT OF REDBUD COURT 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. Bill No. 5920 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. 6140 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5920

ORDINANCE NO. 6140

AN ORDINANCE ACCEPTING THE PLAT OF REDBUD COURT 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, Perryville Development Corporation has platted Redbud Court 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 Redbud Court 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. This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: April 2, 2019.

SECOND READING: April 16, 2019.

PASSED AND APPROVED this 16<sup>th</sup> day of April, 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. 5921, AN ORDINANCE AMENDING TITLE 17 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO MODULAR UNITS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5921 is read a second time on motion by Alderman Buerck, seconded by Alderman Hudson. Thereupon on motion by Alderman Buerck, seconded by Alderman Hudson, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6141 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5921

ORDINANCE NO. 6141

AN ORDINANCE AMENDING TITLE 17 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO MODULAR UNITS; 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 17.04, Section 17.04.020, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by revising the definition of "Modular unit" to read as follows:

**"17.04.020 Definitions.**

\* \* \*

'Modular unit' means a transportable building unit to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational, or industrial purposes. This definition shall not apply to structures under six hundred fifty (650) square feet used temporarily and exclusively for construction site office purposes. A modular unit shall be built to International Code Council building codes and City of Perryville ordinances. The modular units shall have Missouri state seal installed in the electrical panel box indicating code compliance or a letter indicating the same specific to modular unit (e.g. serial number, VIN number, etc.). Plans must be approved by the State of Missouri and the units successfully inspected by a third-party inspection agency."

Section 2. That Title 17, Chapter 17.04, Section 17.04.020, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding the definition of "Nonconventional residential construction" to read as follows: (NOTE TO CODIFIER: PLEASE PUT IN ALPHABETICAL ORDER)

**"17.04.020 Definitions.**

\* \* \*

'Nonconventional residential construction' means a residential construction type that is not regulated by the adopted building code, but these permanent structures may be interpreted to meet life safety and structural soundness by the building official. All construction types shall be placed on permanent foundations and may require certified design information. Types of nonconventional construction include:

1. Prefabricated home construction;
2. Panelized home construction;
3. Prefabricated domes;
4. Pre-engineered buildings;
5. Home kits."

Section 3. That Title 17, Chapter 17.08, Section 17.08.020, Subsection A, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

**"17.08.020 Use regulations.**

\* \* \*

**A. Detached single-family dwellings; modular units; nonconventional residential construction."**

Section 4. That Title 17, Chapter 17.13, Section 17.13.020, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

**“17.13.020 Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-1 residential district, to include any restrictions imposed upon such use in said district;
- B. Two-family condominiums;
- C. Two-family dwellings;
- D. Residential modular unit;
- E. Nonconventional residential construction;
- F. Conversion of nonconforming mobilehome parks to multiple two-family dwellings, single-story multi-family dwellings, or townhomes (meeting the definition contained in the current International Building Code and International Residential Code contained in Chapter 15.04 of this Code) contained on a single lot. Allowed unit density shall be equal to the number of mobilehomes on site plus one at the point of its conversion from a mobilehome park.”

Section 5. That Title 17, Chapter 17.16, Section 17.16.020, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

**“17.16.020 Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Detached single-family dwellings;
- B. Condominiums, subject to compliance with Chapter 16.16;
- C. Two-family dwellings;
- D. Multiple-family dwellings;
- E. Residential modular unit;
- F. Nonconventional residential construction;
- G. Rooming, boarding, or lodging houses;
- H. Nursing, rest, or convalescent homes;
- I. Public schools, or private schools having a curriculum similar to that ordinarily given in a public school, including religious instruction in parochial schools;
- J. Churches and similar places of worship, fraternal organizations and other private clubs, excepting those whose chief activity is a service customarily carried on as a business;
- K. Child- or day-care center, or nursery school, with a special use permit only;

- L. Hospital or medical clinic, and institutions of an educational, religious, charitable, or philanthropic nature, with a special use permit only, and excepting animal hospitals or clinics;
- M. Publicly owned or operated parks, playgrounds, community buildings, museums, libraries or art galleries, and municipal facilities, including police and fire stations;
- N. Home occupations, customary (see Section 17.04.020);
- O. Commercial uses allowed in C-2 general commercial districts, with a special use permit only, but not including shipping container storage units;
- P. Accessory buildings and accessory uses, customarily incidental to the above uses and not involving the conduct of a business, including parking garages or carports, storage garages associated with multiple-family dwellings, and swimming pools. Accessory buildings and uses are subject to the restrictions established in Section 17.56.010. Parking and storage garages shall be located not less than sixty (60) feet from the front lot line and not less than ten (10) feet from any other street line or a garage constructed as a part of the main building. Swimming pools must meet all yard depth and width requirements, be adequately fenced to prevent access by small children, and meet all applicable health and sanitary requirements;
- Q. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon occupancy of the completed structure, or completion or abandonment of the construction work, whichever occurs first;
- R. Bulletin boards and signs, not exceeding ten (10) square feet in area appertaining to the lease, hire, or sale of a building or premises, which boards or signs shall be removed as soon as the premises are leased, hired, or sold. Church bulletin boards or identification signs for permitted public and semipublic uses may not exceed thirty-two (32) square feet in area. All signs shall be located on the same lot as the main building and not less than ten (10) feet from any property line and not more than one (1) sign of the above character shall be permitted on any lot or tract. All signs shall also be in conformance with Section 17.56.010;
- S. Nameplates for multi-family dwellings and rooming, boarding, or lodging houses not exceeding five (5) square feet in area and attached to the wall at the entrance of the building and lighted only with indirect, nonintermittent light."

Section 6. That Title 17, Chapter 17.24, Section 17.24.020, Subsection A, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

**"17.24.020 Use regulations.**

\*\*\*

- A. Single-family, two-family, and multiple-family dwellings; residential modular units; nonconventional residential construction; with a special use permit only;"

Section 7. That Title 17, Chapter 17.28, Section 17.28.020, Subsection 1, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:



**“17.28.020 Use regulations.**

\* \* \*

1. Detached single-family, two-family, and multiple-family dwellings; residential modular units; nonconventional residential construction;”

Section 8. 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 9. 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 10. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: April 2, 2019.

SECOND READING: April 16, 2019.

PASSED AND APPROVED this 16<sup>th</sup> day of April, 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. 5922, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEED. Bill No. 5922 is read a second time on motion by Alderman Martin, seconded by Alderman Buerck. Thereupon on motion by Alderman Martin, seconded by Alderman Buerck, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6142 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5922

ORDINANCE NO. 6142

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEED.

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

Section 1. The Mayor and Board of Aldermen of the City of Perryville, Missouri, do hereby accept the Easement Deed from **Public Water Supply District Number 1 of Perry County, Missouri**, which is attached hereto, subject to all of the terms and conditions therein expressed.

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 Easement Deed.

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

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: April 2, 2019.

SECOND READING: April 16, 2019.

PASSED AND APPROVED this 16th day of April, 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. 5923, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEED. Bill No. 5923 is read a second time on motion by Alderman Guth, seconded by Alderman Riney. Thereupon on motion by Alderman Guth, seconded by Alderman Riney, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6143 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5923

ORDINANCE NO. 6143

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEED.

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

Section 1. The Mayor and Board of Aldermen of the City of Perryville, Missouri, do hereby accept the Easement Deeds from:

- 1) Jackson Street, LLC
- 2) Shirley K. Bey and Stephen John Bey, Successor Trustees; and
- 3) Shirley K. Bey, Successor Trustee, et al

which are attached hereto, subject to all of the terms and conditions therein expressed.

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 Easement Deeds.

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

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: April 2, 2019.

SECOND READING: April 16, 2019.

PASSED AND APPROVED this 16th day of April, 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. 5924, 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 FOR MoDOT's TRANSPORTATION ALTERNATIVES PROGRAM PROJECT TAP-5000(008)**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE PRESIDENT OF THE BOARD OF ALDERMEN. Bill No. 5924 is read a second time on motion by Alderman Buerck, seconded by Alderman Martin. Thereupon on motion by Alderman Buerck, seconded by Alderman Martin, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The President of the Board of Aldermen thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6144 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5924

ORDINANCE NO. 6144

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 FOR MoDOT's TRANSPORTATION ALTERNATIVES PROGRAM PROJECT TAP-5000(008)**; 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, deems 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: April 2, 2019.

SECOND READING: April 16, 2019.

PASSED AND APPROVED this 16th day of April, 2019, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI  
By: Larry Riney, President of the Board

ATTEST:  
Tracy Prost, City Clerk

Mayor Baer returns to the Council Chambers.

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

Now, at this time, Bill No. 5925, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **BEUSSINK, HEY, ROE & STRODER, LLC** RELATIVE TO **AUDITING SERVICES FOR YEAR ENDING 2019**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR, is read with an emergency clause for the first time upon motion by Alderman Buerck, seconded by Alderman Schumer. On motion by Alderman Buerck, seconded by Alderman Schumer, and on vote carried, Bill No. 5925 is read for the second time. 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 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. 6145 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5925

ORDINANCE NO. 6145

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND

**BEUSSINK, HEY, ROE & STRODER, LLC** RELATIVE TO **AUDITING SERVICES FOR YEAR ENDING 2019**; 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 **Beussink, Hey, Roe & Stroder, 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. The Mayor and Board of Aldermen of the City of Perryville, Missouri, hereby declare this ordinance to be an emergency ordinance for the immediate preservation of public peace, property, health, safety, morals, or other good cause for the citizens of the City of Perryville. and for that reason, this ordinance may be acted on in one meeting.

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

FIRST READING: April 16, 2019.

SECOND READING: April 16, 2019.

PASSED AND APPROVED this 16th day of April, 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 Martin presents motion, seconded by Alderman Hudson, and on vote carried Bill No. 5926, accepting easement deeds from Perryville Development Corporation, Southern Supply Company, and Stonie's relative to TG Trail, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN

PROPERTY KNOWN AS **TG TRAIL**, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEED.

Alderman Riney presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5927, entering into an agreement with KimHec Environmental Consulting relative to Pretreatment Program and NPDES Permit Assistance, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **KIMHEC ENVIRONMENTAL CONSULTING** RELATIVE TO **2019-20 ENGINEERING SERVICES RELATIVE TO PRETREATMENT PROGRAM AND NPDES PERMIT ASSISTANCE**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Riney presents motion, seconded by Alderman Hudson, and on vote carried Bill No. 5928 entering into First Amendment to Employment Agreement with City Administrator Brent Buerck relative to Paid Time Off and Long Term Care, 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 AN AGREEMENT BY AND BETWEEN THE CITY AND **BRENT T. BUERCK** RELATIVE TO **FIRST AMENDMENT TO EMPLOYMENT AGREEMENT DATED NOVEMBER 6, 2018**; 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 Public Works Director Brown what the plans are for the gas pipe that was purchased for the TG project. PW Director Brown tells the Board that the pipe will be used for the gas main to the Waste Water Treatment Plant.

Alderman Guth asks for a report on the Spring Cleanup process. PW Director Brown informs the Board that this season's cleanup was at least two times greater than the last one. He notes that staff believes people from outside of the City took advantage of the program and brought their items into the city and dropped them off for our crews to pick up. The City Administrator and PW Director plan to review this program and bring suggestions back for the Board's review before the fall pickup.

Alderman Riney, as Chairman of the Finance Committee, thanks Alderman Schumer for his willingness to serve on this committee once again this year.

Alderman Guth, as Chairman of the Economic Development Committee, asks Economic Development Director Sattler to update the Board on any economic development activity. Director Sattler informs the Board that the Chamber's Leadership Perryville students toured local industrial plants during their recent class; *Business in Focus* included a feature article about the City of Perryville; and Habitat for Humanity has two applicants going through the review process at this time.

City Administrator Buerck reports:

- **Hotel Tax Update** - The County's proposition for a Transient Guest (Hotel) Tax was approved at the April 2 election by a vote of 861 'Yes' to 264 'No.' City Attorney Ludwig is preparing an agreement for the Board's review between the City, the EDA Board, and Perry County.

- **Splash Pad Grand Opening** - Wednesday, May 1 at 10:00 a.m.
- **PPC Open House and Ribbon Cutting** – Saturday, May 4 at noon
- **PPC Evening Event** – Thursday, May 23 at 5 pm

- **Housing Assistance Hearing** – City Administrator Buerck will be driving to Jefferson City to present information to the Housing Committee regarding the housing assistance bill.

City Engineer Baer Reports:

- **Jackson Sewer** – The street has been patched and should be open Friday afternoon or Monday morning. This project is complete

- **Northdale Park Project** – Joe Geile is completing the cleanup on this project.

- **Sinkhole Repairs** – Staff will be starting on easements for sinkhole improvements soon.

Alderman Hudson asks for a copy of the list of sinkholes to be repaired.

- **Sewer Trunk Line Project** – The pre-bid meeting for this project will be held on April 17<sup>th</sup>. It will begin at City Hall and then move to the site.

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

Alderman Hudson expressed his concerns about the Spring Cleanup and states that the process needs to be corrected. Aldermen Schumer and Buerck also express concerns. Street and Refuse Superintendent Angie Brown tells the Board that every available truck was sent out to pick up the trash and that City crews did a good job throughout the week. She also notes that average trash pickup amounts to 40 tons of trash. This week's trash pickup topped out at 132 tons.

Alderman Martin informs the Board that he was contacted by Ms. Jamie Gladden with a request to alleviate the dust from Sandstone Road.

Alderman Guth asks if any of the sign companies have applied for a digital sign. City Administrator Buerck reports that one company has applied for the sign near Hoeckele's Bakery. There is one permit remaining.

Public Works Director Brown introduces newly-hired PW employee Josh Roberts.

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; 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 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; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

Alderman Hudson reports that the Zeno Mobile Home Park has placed limbs out by the curb; however, they do not pay for trash service. He asks that the Code Enforcement Officer inform the owners that the City crews will not pick up these limbs.

Alderman Buerck informs the Board that he received a call that there are landlords in town that are allowing people to live in sheds. City Administrator Buerck asks for a list of these places so the Code Enforcement Officer can contact the landlords.

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, May 7, 2019, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK