

April 17, 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. Jeremy Taylor-Unterreiner, of 203 Chloe, tells the Board that he is interested in buying the city lot that was for sale in the 200 block of Edgemont. He is interested in using the lot for a garden. He says that he missed the notification of the sale of the lot.

City Administrator Buerck informs Mr. Taylor-Unterreiner and the Board of Aldermen that the lot did not sell, and that he plans to talk about this matter in closed session. Mayor Baer asks City Administrator Buerck to call Mr. Taylor-Unterreiner after the meeting to let him know what his next step should be.

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

At this time City Attorney Ludwig reads the Certificate of Election from the County Clerk for the municipal election held on April 3, 2018. 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.

Office or Issue	Candidates Name or Yes/No	Votes Received
Mayor	Ken Baer	122
Municipal Judge	Wayne Keller	126
City Marshal	Direk Hunt	117
Alderman Ward One	Tom Guth	38
Alderman Ward Two	Curt Buerck	48
Alderman Ward Three	Prince Edwards Hudson	40

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 6th day of April, 2018.

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

Ken Baer received a majority of the votes cast for the office of **Mayor**;
Wayne Keller received a majority of the votes cast for the office of **Municipal Judge**;
Direk Hunt received a majority of the votes cast for the office of **City Marshal**;
Tom Guth received a majority of the votes cast for the office of **Alderman Ward One**;
Curt Buerck received a majority of the votes cast for the office of **Alderman Ward Two**;
Prince Edward Hudson 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 Mayor and Aldermen.

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

Mayor Baer requests approval from the Board of Aldermen to re-appoint Jeremy Triller as Fire Chief for the City of Perryville per the recommendation of the members of the Fire Department

Alderman Buerck presents motion, seconded by Alderman Martin, and on vote carried, to approve the re-appointment of Jeremy Triller as Fire Chief.

Now, Tracy Prost, City Clerk, proceeds to administer the Oath of Office to Chief Triller. After being sworn in, Chief Triller thanked the Board for the recent increases for the Fire Department salaries.

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

Alderman Guth presents motion to elect Alderman Larry Riney as President of the Board of Aldermen. Motion is seconded by Alderman Hudson, and on vote carried.

Mayor Baer now makes the following committee appointments:

2018-2019 COMMITTEES

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

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 Riney seconds the motion, and on vote the motion carries.

Mayor Baer opens a public hearing regarding changes to the Code of Ordinances relative to Tiny Homes and Shipping Container as proposed by the Planning & Zoning Commission.

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

CONSENT AGENDA ITEMS

- 12. Approve minutes from meeting of April 3, 2018.
- 13. Approve Financial Report for March, 2018.
- 14. Approve Pay Estimate 19 to Phoenix Fabricators & Erectors for the Tank 4 and 6 Project - \$60,006.87.
- 15. Approve Pay Estimate 4 to Jokerst, Inc., for the Northdale Lift Station Project - \$17,216.53 .
- 16. Approve Pay Estimate #1 to Visu-Sewer of Missouri, LLC for the Trenchless Sewer Main Rehabilitation Project - \$176,230.46.
- 17. Approve purchase of In-Car Video Systems for the Police Department - \$24,440.50.
- 18. Accept bids received for Mecker Road and Ganahl Street Water Line Materials and award to Core and Main per recommendation of Public Works Director Brown - \$36,127.25.

Name of Bidder	IMCO Utility Supply Co.	Core and Main
Address	5414 Lemay Ferry St. Louis, MO 63129	5454 New Baumgartner Road St. Louis, MO 63129
Mecker Road	\$16,918.06	\$20,424.67
Ganahl Street	\$12,143.90	\$15,702.58
Total Bid	\$29,061.96	\$36,127.25

Note that IMCO did not include all items in the bid specs

- 19. Approve recommendation from Police Department regarding "No Truck" signs on Sycamore Road.
- 20. Approve update to Police Department Operations Manual relative to Reporting and Investigating Use of Force (GO-18-0304).

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 Schumer seconds the motion, and on vote the motion passes.

City Administrator Buerck now reviews financing needed for the proposed Waste Water Treatment Plant. He informs the Board that an ordinance will be on the May 1st agenda for first reading to set the funding for this project on the August 2018 ballot. He notes that staff plans to use the same financing plan as

used when the Water Treatment Plant was improved. The bond shall be for \$25-\$26 Million attained through property tax, sales tax, and sewer revenue. The WWTP will be designed for a low capacity of 1.8 million gallons per day, with a high capacity of 2.5 million gallons per day to allow for growth. Mayor Baer reminds the Board that this will be the renewing of an existing tax.

At this time, Public Works Director Brown presents information to the Board of Aldermen regarding improvements to the City's water line infrastructure. He makes the following observations for the Board:

- concerns that many of the old lines are 4" and are out-dated
- staff can change-out the lines at a lower cost than hiring an outside contractor
- installing the lines in-house will give PW an opportunity to review, understand, and improve the system and allow them to understand what is currently in the ground and how to make it better
- performing the change in-house will significantly decrease the 50 year change-out plan to closer to a 10-15 year plan
- would like to add one additional employee to the budget and transfer one current full-time employee to a dedicated construction crew
- need to include the cost for a new or rented skid steer to the budget

After discussion and review, it is the consensus of the Board that Public Works Director Brown proceed with preparing a final cost analysis for the Board's review.

SECOND READING AND FINAL PASSAGE:

Now, at this time, the Board proceeds to approve Bill No. 5802, 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 EDGEMONT BOULEVARD EXTENSION**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5802 is read a second time on motion by Alderman Buerck, seconded by Alderman Martin. Thereupon on motion by Alderman Buerck, seconded by Alderman Martin, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6023 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5802

ORDINANCE NO. 6023

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 EDGEMONT BOULEVARD EXTENSION**; 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 Quit Claim Deeds, 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 execute said Quit Claim Deeds;

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 Quit Claim Deeds marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and

- Jeremy Taylor-Unterreiner
- Kathy S. Gibbar
- Anna Marie Berkbuegler, Trustee of the Anna Marie Berkbuegler Trust
- Kirk D. Buehler and Carolyn S. Buehler, husband and wife
- Milton L. Wick and Sherri E. Wick, husband and wife
- Leon L. Rodolfo and Kindra L. Rodolfo, husband and wife
- Eddie Joe Campbell, et al
- James Thomas Brewer

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 Quit Claim Deeds.

2. That the Mayor be and he is hereby authorized and directed to execute said Quit Claim Deeds 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 Quit Claim Deeds.

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 3, 2018.

SECOND READING: April 17, 2018.

PASSED AND APPROVED this 17th 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. 5803, 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. Bill No. 5803 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. 6024 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5803

ORDINANCE NO. 6024

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.

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 2.88, Article 3, Section 2.88.300, of the Code of Ordinances of the
City of Perryville, Missouri, is hereby amended to read as follows:

“2.88.300 Residence.

- A. The city administrator, shall maintain his or her primary residence within the city limits of the City of Perryville.
- B. The residency requirement for the city marshal or chief of police shall be controlled by Chapter 2.40 of the Code of Ordinances of the City of Perryville. Police officers and communications officers within the City of Perryville Police Department shall reside within sixty (60) miles of the City of Perryville.
- C. If all other considerations are equal, persons residing within the city limits of the City of Perryville will be given preference in all appointments of employment. General employees of the City of Perryville shall not have a residency requirement. However, any prospective on-call employee who does not reside within the city limits of the City of Perryville shall reside within fifteen (15) miles of his or her workstation as designated by the city administrator. Active employees who are transferred to other positions will not be disqualified from that transfer or from employment because of distance. Any on-call employee who moves to a new residence more than fifteen (15) miles from his or her workstation will be placed on probation and granted the opportunity to correct the residency defect in the manner set forth in this section.
- D. Any employee who fails to satisfy the residency requirements of this section during his or her initial probation period shall be discharged. However, upon the written request of an otherwise successful employee, the city administrator may in the city administrator's absolute discretion determine that reasonable efforts to relocate have been made and there exists an employee hardship. If the city administrator so determines, the city administrator may extend the probationary period for one or more additional period(s) not to exceed one hundred eighty (180) days in total. At the end of this period, the employee shall be discharged if the employee does not comply with this section.
- E. In the event that any city employee resides outside of the city limits of the City of Perryville, then that city employee shall not be allowed to use a city vehicle as transportation to and from his or her residence.”

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

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

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

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

FIRST READING: April 3, 2018.

SECOND READING: April 17, 2018.

PASSED AND APPROVED this 17th 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 Martin presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 5804, accepting request 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, is read for the first time by title only. The heading is as follows:

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

Alderman Buerck presents motion, seconded by Alderman Martin, and on vote carried Bill No. 5805, accepting request 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, is read for the first time by title only. The heading is as follows:

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

Alderman Guth presents motion, seconded by Alderman Riney, and on vote carried Bill No. 5806, accepting request 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, is read for the first time by title only. The heading is as follows:

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

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5807, amending Title 13, Chapter 13.16 of the Code of Ordinances relative to Sewer Connection Procedure, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 13, CHAPTER 13.16, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO SEWER CONNECTION PROCEDURE; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Buerck presents motion, seconded by Alderman Martin, and on vote carried Bill No. 5808, amending contract with Perryville Development Corporation, 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 **PERRYVILLE DEVELOPMENT CORPORATION** RELATIVE TO **ADDENDUM TO COOPERATIVE AGREEMENT (HOUSING)**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

City Administrator Buerck reports:

- **Airport Auction – April 20** - This auction is to sell items at the airport that are no longer needed. The Mayor and Board are welcome to attend.
- **MML Fall Conference** – Please let staff know if you want to attend the MML Fall Conference in Branson. We will not be allowed to reserve extra rooms this year, so we will need an exact number.
- **Hometown Heroes Smithsonian Exhibit** – This exhibit is hosted at the Higher Ed Library from April 16 to May 19th
- **Old-Fashioned Afternoon at the Ball Game** - On May 5th, the Perry County Historical Society is hosting two vintage baseball teams who will play baseball like they did in the early 1860s.

City Engineer Baer Reports:

- **Sewer Pipe Lining Project** – Visu-Sewer will be back next week to complete the main lines. All of the service lines still need to be done.
- **Splash Pad and Bathroom at Miget Park** – City crews are completing the rock pad for the bathroom; plumbing the water and sewer lines is next. The bathroom is scheduled to be installed the week of May 14th. The splash pad construction will begin the next week and should take approximately six weeks to complete.

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

Alderman Martin informs the Board that he is renting a space at 101 West St. Joseph Street for his new flower shop business and has noticed that the 2-hour parking limit is being disregarded by the people living in the apartments on that block. He asks the Police Department to review the matter.

Alderman Hudson says that he has noticed someone is dropping newspapers from the Southeast Missourian all over town and, in some places, is just dumping a multitude of newspapers on the side of the street. He asks staff to check into the problem.

Alderman Riney reports that he has received concerns from people who say they cannot see over the landscape wall at the new intersection of the Edgemont Extension and Main Street. Alderman Hudson adds that he has received a complaint from a resident in the area that they are having problems backing out of their driveway. City Administrator Buerck responds that staff has reviewed the situation and that City Engineer Baer is looking into solutions.

Alderman Guth asks if staff has met with the Perry County Commissioners regarding the possibility of a dog park at the Legion Lake area. City Administrator Buerck says they have met and staff is working on a recommendation for the Board's review.

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

Following discussion and review, it is upon motion by Alderman 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 Riney informs the Board that he is volunteering some of his time to assist with training the airport attendant to ensure that the fueling station at the airport is working properly.

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 1, 2018, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK