

**May 3, 2022**

**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; Brent Buerck, City Administrator; Tracy Prost, City Clerk; and Art Pistorio, City Attorney.

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

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

Ms. Theresa Barbero, of 1615 Grand Avenue, approaches the Board. She asks the Board to review the City's Code of Ordinances relative to 6.08.100 – Running at large prohibited by adding: a dog is not running at large when the owner is present; dogs are exempt when registered as an emotional support animal; and a dog is exempt when it has an electronic training device. She tells the Board that she feels she was unjustly ticketed for allowing her dog to run at large. City Attorney Pistorio notes that Ms. Barbero's case is set for jury trial. Mayor Riney states that the Board will take her request under advisement.

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

At this time, Parks & Recreation Director Cadwell introduces Breanne Brewer as the new Perry Park Center Operations Supervisor. Assistant Chief Jones introduces Sydney Cain, new dispatcher for the Police Station.

Darrell Niswonger presents the 2022 Melvin D. Niswonger "The MEL" Scholarships to Katelyn Sutterer and Claudia Otte.

**CONSENT AGENDA ITEMS**

5. Approve minutes from meeting of April 19, 2022.
6. Approve bills for April 2022.

At this time Alderman Schumer, Chairman of the Finance Committee, presents the following bills and invoices for the month of April 2022, vendor checks numbered 121693 - 121943; 18 ACH transfers; payroll checks numbered: 659113 - 659127.

The following bills are presented to be paid for the month of April 2022. Board finds that \$586,787.94 is chargeable to and payable out of the General Revenue Account; \$120,561.45 is out of Airport; \$108,835.61 is out of Transportation Trust; \$147,485.12 is out of Perry Park Center; \$112,107.80 is out of Debt Service; \$99,913.09 is out of Capital Improvement Sales Tax; \$379.75 is out of Veterans Fields; \$56,576.31 is out of Tech Ed Building; \$7,464.51 is out of TIF #3; \$47,881.06 is out of Street Improvement; \$68,769.00 is out of Refuse; \$221,036.97 is out of CWSS; \$437,048.75 is out of Gas Operation; and \$261,061.31 is out of WWTP Project. The Board, upon investigation, found the sum to be \$2,275,908.67.

7. Set Public Hearing date for a Special Use Permit request from Coast to Coast Signs relative to erection of a 22-foot pole sign at NAPA Auto Parts, 310 North Main Street – May 17, 2022 @ 6:30 p.m.

8. Approve Final Pay Application to Cotner Electric Company, Inc., relative to PPC Electric Service Upgrades (\$781.60) and Invoice 10890 for additional electrical assistance for generator testing (\$420.00) - \$1,201.60.
9. Approve Pay Application 2 to Zoellner Construction relative to Impound Building Project - \$101,418.85.
10. Approve Pay Request 1 to Earth First Contractors, LLC relative to Fire Station Utility Main Extension Project - \$95,124.64.
11. Approve Pay Application 1 to Meinershagen Roofing & Sheet Metal relative to Perry Park Center Roofing Project \$127,146.60.
12. Approve bids received for the Perry Park Center HVAC Maintenance and award to Premium Mechanical and Automation, Inc., per recommendation of Parks & Recreation Director Cadwell.
13. Approve plans and specifications for construction of Fire Station No. 2.
14. Approve Request for Downtown Activity from John K. Brown for the 4<sup>th</sup> Annual Fall Craft Fair & Festival – October 15, 2022.
15. Confirm approval of AmVet's request for outdoor music on April 30, 2022, at 1203 West. St. Joseph Street from 6:30 p.m. to 11:00 p.m.
16. Approve Mayor's appointments for:  
Perry County EDA Board – 2 year term
  - Larry Riney - appointment to fulfill remaining unexpired 2 year term of Ken Baer
  - Doug Martin - appointment to fulfill remaining unexpired 1 year term of Tom Guth

### **END OF CONSENT AGENDA**

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

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

City Administrator Buerck informs the Board of Aldermen that staff has been receiving applications for the Sidewalk Improvement Program and asks the Board if they want to continue with this program. He reviews the current Sidewalk Policy and other documents provided the Board for their review.

Alderman Schumer, as the newly-appointed Chairman of the Sidewalk Committee, notes that the Board of Aldermen decided not to put sidewalks on North Moulton Street due to a report from then-Alderman Prince Hudson; however, Alderman Hudson had only spoken to a few of the property owners on the street and, in addition, the time frame for responses from owners on the street hadn't yet expired before the decision was made.

Alderman Schumer makes a motion to reopen the North Moulton Street sidewalk discussion for consideration. Alderman Buerck seconds the motion, and on vote the motion carries.

Alderman Schumer tells the Board that the Sidewalk Committee will make a recommendation to the Board of Aldermen regarding sidewalks on North Moulton.

After discussion, it is the consensus of the Board that staff be allowed to move forward with the current Sidewalk Improvement Program.

After discussion and review, Alderman Schumer makes a motion to authorize the filing of an application with the Missouri Department of Natural Resources, State Revolving Fund Program, for a loan under the Missouri Clean Water Law. Motion is seconded by Alderman Rice, and on vote carried. Said Resolution is as follows:

**RESOLUTION:**

RESOLUTION NO. 2022-04

AUTHORIZING THE FILING OF AN APPLICATION WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, STATE REVOLVING FUND PROGRAM, FOR A LOAN UNDER THE MISSOURI CLEAN WATER LAW (SECTION 644, RSMO)

WHEREAS, the Board of Aldermen of the City of Perryville hereby pass a resolution authorizing the filing of an application with the Missouri Department of Natural Resources, State Revolving Fund Program, for loans under the Missouri Clean Water Law (Section 644, RSMo); and

WHEREAS, pursuant to the terms of the Missouri Clean Water Law, Section 644, Revised Statutes of Missouri, the State of Missouri has authorized the making of loans and/or grants to authorized applicants to aid in the construction of specific public projects.

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

Section 1. That the Mayor be and he is hereby authorized to execute and file an application on behalf of the City of Perryville with the State of Missouri for a loan and/or grant to aid in the construction of wastewater treatment improvements.

Section 2. That Larry Riney, Mayor, is hereby authorized and directed to furnish such information as the Missouri Department of Natural Resources may reasonably request in connection with the application which is herein authorized, to sign all necessary documents on behalf of the applicant, to furnish such assurances to the Missouri Department of Natural Resources as may be required by law or regulation, and to receive payment on behalf of the applicant.

PASSED AND APPROVED this 3rd day of May, 2022, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI  
By: Larry Riney, Mayor

ATTEST:  
Tracy Prost, City Clerk

**SECOND AND FINAL READINGS:**

Now, at this time, the Board proceeds to approve Bill No. 6289, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **JAMES D. RHODEN** RELATIVE TO **POLICE OFFICER TRAINING EMPLOYMENT AGREEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6289 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. 6506 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6289

ORDINANCE NO. 6506

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **JAMES D. RHODEN** RELATIVE TO **POLICE OFFICER TRAINING EMPLOYMENT AGREEMENT**; 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 James D. Rhoden. 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: April 19, 2022.

SECOND READING: May 3, 2022.

PASSED AND APPROVED this 3<sup>rd</sup> day of May, 2022, 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 Martin presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 6290, entering into an agreement with Premium Mechanical and Automation, Inc, relative to Perry Park Center HVAC Maintenance, 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 **PREMIUM MECHANICAL AND AUTOMATION, INC.**, RELATIVE TO **PERRY PARK CENTER 2022-2026 PREVENTIVE HVAC MAINTENANCE**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Guth presents motion, seconded by Alderman Rice, and on vote carried Bill No. 6291, accepting easements from property owners abutting a sinkhole in the 1000 block of West St. Joseph Street, 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, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEEDS.

Alderman Buerck presents motion, seconded by Alderman Martin, and on vote carried Bill No. 6292, entering into an agreement with Utility Safety & Design, Inc., relative to Engineering Model of Perryville Natural Gas System, 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 **UTILITY SAFETY & DESIGN, INC.**, RELATIVE TO **ENGINEERING MODEL OF PERRYVILLE NATURAL GAS SYSTEM**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Martin presents motion, seconded by Alderman Guth, and on vote carried Bill No. 6293, entering into a T-Hangar Rental Agreement with Travis Brown, 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 **TRAVIS BROWN** RELATIVE TO **RENTAL OF T-HANGAR SPACE**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Schumer presents motion, seconded by Alderman Guth, and on vote carried Bill No. 6294, entering into an agreement with Jackson Street BrewCo, LLC, relative to the use of parking spaces for outdoor dining, 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 **JACKSON STREET BREWCO, LLC**, RELATIVE TO **USE OF THREE PARKING SPACES FOR OUTDOOR DINING (PARKLET)**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Regarding Bill No. 6295, Alderman Guth asks City Engineer Baer to explain the increased rates on the Baer Engineering contract. City Engineer Baer tells the Board that he has raised the agreement by 2% each year since 2010; however, with the rising costs of equipment, software, and salaries, he found it necessary to increase his percentages to be able to provide the service.

Alderman House presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 6295, entering into an updated agreement with Baer Engineering, LLC, 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 **BAER ENGINEERING, LLC** RELATIVE TO **ENGINEERING SERVICES**; 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 on the Big Springs water issue. Public Works Director Layton told the Board that the catch box was failing. Alderman Guth also asks about the fence around the gas regulator station at Big Springs Boulevard. Director Layton tells the Board that a car ran into the fence and staff has been working with the insurance company to make the repairs; however, since it is taking so long, staff is hiring a company to fix the fence and will send the bill to the insurance company.

City Administrator Buerck introduces Crystal Jones, newly-hired EDA Director.

City Administrator Report:

- **MML Southeast Regional Meeting – June 23** - We are hosting a regional meeting of MML members on June 23. This meeting will run from 6-8 pm and include fellowship and a topic of Cybersecurity. Although I will be out of town for Leadership Missouri, I hope our Board is able to attend. The Mayor will be asked to make some welcoming comments that evening.

- **Chester Bridge** - There were recent news reports that MoDOT was reevaluating the environment assessment, this simply means they are trying to expand the contractor's flexibility by providing them a wider footprint to work in. This will not affect the project schedule. They are still planning on releasing the RFP in August, selecting a best value proposal next January, and starting construction next year at this time.

- **Rededication of Soccer Park Tom Tomlinson Presentation Area** - This event is scheduled for Friday during the noon hour. The Mayor and Board are invited and encouraged to attend.

- **Municipal Court Transition** - We received notice that the State had assumed the additional staff needed for municipal court. This began Monday, May 2, meaning the City of Perryville will no longer need to compensate the county for the additional staff member they had to hire for city court. This worked better and faster than I expected and appreciate their willingness to be a partner.

- **Missouri Leadership** - Here is a list of the class roster and my schedule for the next several months. This is an honor to be selected and I am proud to represent Perryville on this statewide capacity.

- **WWTP Violation** - These and other similar violations may be an ongoing occurrence until the new plant has been constructed.

- **Charter Customer Internet** – Regarding the Smith Street request for internet, the true cost is about \$11k and Charter will assume the first \$3k. Beyond that, the property owner will need to pay the difference. Missouri state law does not require a provider to serve every customer so there is no recourse.

- **Film Friendly Perryville** - We are already working on a second movie. They will be filming at the Courthouse and have a casting call tomorrow at the Catalyst Center. This is yet another exciting way to promote Perryville and everything great happening here.

- **Basement Tourney Appreciation** – We received a thank you note from one of the organizers for this weekend's baseball tournament at our city park. He commented that the fields were in great shape and the park crews did a great job. This was a 38 team tournament. Next weekend, we will host approximately 93 teams for the soccer tournament. This brings 8,000 to 10,000 people to Perryville for the event.

City Engineer Report:

- **NE Sewer Project** – E Road has been reopened. The next street crossing will be Smith Street. Traffic will be closed to that area during the work.

- **Lucas and Friends Park** – The work has begun on the retaining wall.
- **Technical Education Facility** – The sewer and water line work has been completed and the stormwater work is almost complete. The contractor is finalizing the dirt work.

City Attorney Report:

City Attorney Pistorio tells the Board about a shooting that took place in Perry County. In order for the legal process to unfold properly, he cautions the Board against making any official statements or giving their opinion on the matter. City Administrator Buerck tells the Board that he sends them a notice of any big news items such as this so that they are not caught off guard by the public.

Parks & Recreation Director Cadwell reports that: (a) the Presentation Area at the Soccer Park is complete; and the Park crew has installed the sidewalk; (b) the splash pad is open; (c) the theater is showing movies; (d) the Optimist Soccer Tournament is this weekend; and (e) the Parks & Recreation Department is providing the Mayfest 5K on Saturday.

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

Alderman Rice states that the owner at 907 Blackberry contacted him to report that she continues to deal with stormwater issues on her property. City Administrator Buerck informs the Board that it is City policy that the City will partner with her to help alleviate the water issue and that staff has installed piping to assist with the stormwater flow; however, the property owner should contact the contractor about assistance with installing sod.

Alderman Rice states that he was contacted by Mark and Amy Hager of 417 Mulberry Lane about the gravel road in front of their house. They are concerned that people are using the end of the street like a cul-de-sac and are turning around in their front yard.

After discussion, staff will review the area and bring information back to the Board of Aldermen.

Alderman Rice also tells the Board that he was contacted by Julie Motley of 806 Ridge Drive about the property next to her. She has been mowing the city's lot next to her property and recently fell and broke her arm on the property due to the uneven ground left after the construction.

After discussion, staff will review the area and bring information back to the Board of Aldermen.

Alderman Buerck commends the Airport Board on the Fly-In event held at the Perryville Regional Airport over the weekend.

Alderman House tells the Board that he was contacted by Larry Mehner of 809 South Parkview with concerns about water from Perry County Estates washing out his yard and wondered if a catch box in this location may be helpful.

After discussion, staff will review the area and bring information back to the Board of Aldermen.

Alderman House also tells the Board that Glen Naeger of 2680 Moore Drive contacted him regarding sinkhole concerns. Public Works Director Layton tells the Board that this sinkhole is on the list for repairs.

Alderman House suggests that staff look into the need of a sidewalk along the northwest side of Star Street at the Soccer Park. He notes that a sidewalk in that area would help keep children away from traffic.

Now, at this time, upon motion by Alderman Buerck, seconded by Alderman Schumer, it is ordered that the Board now convene into closed session to discuss real estate matters in accordance with Section 610.021(2) RSMo; and 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, aye; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

Following discussion and review, it is upon motion by Alderman Buerck, seconded by Alderman Guth, that the Board now reconvenes into regular session for any business that might come forth. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; Dennis House, aye; Douglas K. Martin, aye; Clinton Rice, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

There being no further business, it is upon motion by Alderman Buerck, second by Alderman Martin, and on vote carried, ordered that the Board now adjourn until Tuesday, May 17, 2022, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK