

May 21, 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.

Jack, Alex, and Max Buerck open 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 introduces newly-hired Building Inspector/Zoning Administrator Jeff Layton; and City Clerk Prost introduces newly-hired Utility Billing Clerk Stephanie Brown.

CONSENT AGENDA ITEMS

4. Approve minutes from meeting of May 7, 2019.
5. Approve Financial Report for April, 2019.

CITY OF PERRYVILLE									
STATEMENT OF CASH POSITION									
APRIL, 2019									
		April 1, 2019	REVENUE	EXPENSE		CURRENT			CURRENT
	FUND NAME	Fund Balance	Y-T-D	Y-T-D	NET INCOME	FUND BALANCE	ACCOUNTS RECEIVABLE	CURRENT LIABILITIES	CASH BALANCE
101	Gen Rev	\$ 2,290,297.09	\$ 2,264,326.29	\$ (507,006.84)	\$ 1,757,319.45	\$ 4,047,616.54	\$ 15,602.47	\$ 35,787.26	\$ 4,067,801.33
105	FSA Administration	\$ 6,225.15	\$ 8.88	\$ -	\$ 8.88	\$ 6,234.03	\$ -	\$ -	\$ 6,234.03
106	Asset Forfeiture	\$ 53.99	\$ -	\$ -	\$ -	\$ 53.99	\$ -	\$ -	\$ 53.99
204	Airport	\$ 8,929.74	\$ 102,822.37	\$ (92,964.50)	\$ 9,857.87	\$ 18,787.61	\$ 1,350.00	\$ 3,000.33	\$ 20,437.94
206	Trans Trust	\$ 1,208,736.02	\$ 84,910.26	\$ (118,480.32)	\$ (33,570.06)	\$ 1,175,165.96	\$ -	\$ 2,268.27	\$ 1,177,434.23
207	Perry Park Ctr.	\$ (30,942.49)	\$ 178,972.50	\$ (150,819.51)	\$ 28,152.99	\$ (2,789.50)	\$ 5,482.57	\$ 22,506.39	\$ 14,234.32
211	Veterans Field	\$ 21,171.45	\$ 4,302.61	\$ (163.03)	\$ 4,139.58	\$ 25,311.03	\$ -	\$ -	\$ 25,311.03
213	Field Improvement	\$ 9,788.95	\$ 20.39	\$ -	\$ 20.39	\$ 9,809.34	\$ -	\$ -	\$ 9,809.34
307	Debt Service	\$ 418,823.91	\$ 856.49	\$ 2,059.22	\$ 2,915.71	\$ 421,739.62	\$ 1,382.15	\$ 1,382.15	\$ 421,739.62
308	Cap Imp Sls Tax Rev	\$ 997,235.69	\$ 62,423.95	\$ -	\$ 62,423.95	\$ 1,059,659.64	\$ -	\$ -	\$ 1,059,659.64
409	Gen Pub Fac	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
414	TIF 1-Hwy 51/61	\$ 251,366.92	\$ 8,637.39	\$ (19,394.03)	\$ (10,756.64)	\$ 240,610.28	\$ -	\$ -	\$ 240,610.28
415	Economic Develop	\$ 37,660.38	\$ 75.28	\$ -	\$ 75.28	\$ 37,735.66	\$ -	\$ -	\$ 37,735.66
416	TIF 2-Downtown	\$ 97,428.47	\$ 194.74	\$ -	\$ 194.74	\$ 97,623.21	\$ -	\$ -	\$ 97,623.21
417	TIF 3-I55/HWY 51	\$ 315,587.56	\$ 15,540.38	\$ (69.00)	\$ 15,471.38	\$ 331,058.94	\$ -	\$ -	\$ 331,058.94
513	Street Imp	\$ 482,027.23	\$ 26,228.01	\$ -	\$ 26,228.01	\$ 508,255.24	\$ -	\$ -	\$ 508,255.24
612	Refuse	\$ 263,746.00	\$ 71,026.70	\$ (138,557.81)	\$ (67,531.11)	\$ 196,214.89	\$ 97,610.10	\$ 4,310.75	\$ 102,915.54
614	CWSS Op	\$ 3,091,157.59	\$ 444,850.67	\$ (531,591.40)	\$ (86,740.73)	\$ 3,004,416.86	\$ 380,180.57	\$ 121,783.87	\$ 2,746,020.16
619	Gas Op	\$ 2,848,521.54	\$ 639,695.83	\$ (1,847,450.35)	\$ (1,207,754.52)	\$ 1,640,767.02	\$ 463,388.81	\$ 204,446.78	\$ 1,381,824.99
	TOTAL	\$ 12,317,815.19	\$ 3,904,892.74	\$ (3,404,437.57)	\$ 500,455.17	\$ 12,818,270.36	\$ 964,996.67	\$ 395,485.80	\$ 12,248,759.49

6. Approve request from American Cancer Society to waive the fees to rent the Perry Park Center for the Relay for Life Event – April 24, 2020.
7. Approve Change Order 1 for Brockmiller Construction, Inc., relative to Perry Park Center Concession Stand Project - \$4,053.00 deduct.
8. Approve Pay Application 4 (Final) for Splash Zone, LLC relative to Splash Pad Project - \$14,748.00.

9. Approve street light replacement plan on North Parkview Street.
10. Approve traffic study for lane identification at and approaching Church Street and West Ste. Marie Street intersection.
11. Approve West North and Main Street sewer repairs as presented by City Administrator.

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 Hudson presents motion to approve the Consent Agenda. Alderman Riney seconds the motion, and on vote the motion passes.

RESOLUTION:

After discussion and review, Alderman Riney makes a motion to adopt a resolution for the Improvement of Sycamore Road. Motion is seconded by Alderman Buerck, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2019-04 RESOLUTION FOR STREET RECONSTRUCTION

A RESOLUTION FOR THE IMPROVEMENT OF SYCAMORE ROAD IN THE CITY OF PERRYVILLE FROM ITS INTERSECTION WITH STATE HIGHWAY T, NORTHERLY 3,100 FEET TO THE END OF THE CITY LIMITS; BY IMPROVING SAID STREET IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY THE CITY ENGINEER.

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

1. That the Board of Aldermen of the City of Perryville, Missouri, hereby declares it necessary to improve Sycamore Road from its intersection with State Highway T, northerly 3,100 feet to the end of the city limits, by improving said street in accordance with the plans and specifications prepared by the City Engineer. The improvements shall consist of bringing the street to the established grade, the construction of curb and gutter, sidewalks, and storm water control, as provided in the City's street standards, and in accordance with plans and specifications of the City Engineer.

2. That work shall be done in accordance with the plans and specifications and the estimate of cost therefor on file in the office of the City Clerk, City of Perryville, Missouri, as prepared by the City Engineer.

3. That the work shall be done by contract, and the cost of curb and gutter and storm water control shall be paid by the property owners as specified in the City Street Policy and shall be levied as a special assessment against the lots, pieces, or parcels of land abutting on the above-described streets, liable therefor by law, and special tax bills shall be issued to the contractor in payment for said work. Said tax bills are to bear interest at the rate of interest provided by Missouri Law after 60 days from the date of such assessment.

4. That if a majority of the resident owners of the land that would be liable for the costs of the improvements, at the date of the passage of this resolution, who own a majority of the front feet abutting on the above-described streets and avenues proposed to be improved, shall not, within ten days after the last publication of the resolution, file with the City Clerk their protest against such improvements, then the Board of Aldermen shall have the power to cause the improvements to be made and assess the cost against the property abutting on the improvement as provided by law. Protest forms are available in the office of the City Clerk.

5. That a public hearing shall be had before the Board of Aldermen upon a written request of three or more citizens of the City of Perryville, Missouri.

6. That all work shall be subject to the approval of the City Engineer and acceptance by the Board of Aldermen.

7. That this resolution shall be published for two consecutive weeks in the Perry County Republic, a weekly newspaper published in the City of Perryville, Missouri.

PASSED AND APPROVED this 21st day of May, 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

After discussion and review, Alderman Riney makes a motion to adopt a resolution authorizing filing an application with MoDNR State Revolving Fund Program for loan under the Missouri Clean Water Law. Motion is seconded by Alderman Schumer, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2019-05

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, under 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 Ken Baer, Mayor, be and he 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 21st day of May, 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. 5930, AN ORDINANCE AMENDING TITLE 9, CHAPTER 9.04, SECTION 9.04.110, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO MEDICAL MARIJUANA; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5930 is read a second time on motion by Alderman Buerck, seconded by Alderman Riney. 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. 6150 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5930

ORDINANCE NO. 6150

AN ORDINANCE AMENDING TITLE 9, CHAPTER 9.04, SECTION 9.04.110, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO MEDICAL MARIJUANA; 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 9, Chapter 9.04, Section 9.04.110, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding Subsection C to read as follows:

"9.04.110 Possession of marijuana or drug paraphernalia.

* * *

- C. It is not unlawful for a qualifying patient to have in his/her possession marijuana that has been legally prescribed to said qualifying patient by a licensed healthcare professional and dispensed to said qualifying patient by a licensed medical marijuana dispensary facility. It is not unlawful for a primary caregiver as defined by the State of Missouri Department of Health and Senior Services to have in his/her possession marijuana that has been legally prescribed by a licensed healthcare professional and dispensed by a licensed medical marijuana facility to a qualifying patient who has designated the person as the primary caregiver in an identification card issued by the State of Missouri. Legally dispensed marijuana shall be kept in a container delineated as medical marijuana under the laws of the State of Missouri."

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: May 7, 2019.

SECOND READING: May 21, 2019.

PASSED AND APPROVED this 21st day of May, 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. 5931, 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 PREVENTIVE HVAC MAINTENANCE**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5931 is read a second time on motion by Alderman Martin, seconded by Alderman Guth. 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 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. 6151 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5931

ORDINANCE NO. 6151

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 PREVENTIVE HVAC MAINTENANCE**; 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 **Premium Mechanical and Automation, Inc.**. 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: May 7, 2019.

SECOND READING: May 21, 2019.

PASSED AND APPROVED this 21st day of May, 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. 5932, 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. 5932 is read a second time on motion by Alderman Riney, seconded by Alderman Guth. Thereupon on motion by Alderman Riney, 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. 6152 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5932

ORDINANCE NO. 6152

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 **Juanita Geile**, 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: May 7, 2019.

SECOND READING: May 21, 2019.

PASSED AND APPROVED this 21st day of May, 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. 5933, 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. 5933 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. 6153 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5933

ORDINANCE NO. 6153

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:

- a) Robert W. Amberger;
- b) Shirley A. Moonier-Brandes and Timothy S. Brandes
- c) Jesse S. Ochs and Amanda M. Ochs
- d) Eric R. Richardet and Alyssa M. Richardet

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: May 7, 2019.

SECOND READING: May 21, 2019.

PASSED AND APPROVED this 21st day of May, 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. 5934, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **RYAN CONSTRUCTION COMPANY, LLC** RELATIVE TO **NORTHEAST OUTFALL SEWER REPLACEMENT PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5934 is read a second time on motion by Alderman Martin, seconded by Alderman Riney. 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. 6154 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5934

ORDINANCE NO. 6154

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **RYAN CONSTRUCTION COMPANY, LLC** RELATIVE TO **NORTHEAST OUTFALL SEWER REPLACEMENT PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

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

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

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

1. That the Mayor and Board of Aldermen of the City of Perryville approve the contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **Ryan Construction Company, LLC**. It is the belief of the Mayor and Board of Aldermen that it is in the best interest of the citizens of the City of Perryville, that the City enters into said contract.

2. That the Mayor be and he is hereby authorized and directed to execute said contract for and on behalf of the City of Perryville, Missouri.

3. That the City Clerk of the City of Perryville is hereby authorized and directed to attest the signature of the Mayor on the attached contract.

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

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

FIRST READING: May 7, 2019.

SECOND READING: May 21, 2019.

PASSED AND APPROVED this 21st day of May, 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 Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5935, amending Title 17 of the Code of Ordinances relative to medical marijuana, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 17 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO MEDICAL MARIJUANA; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Riney presents motion, seconded by Alderman Hudson, and on vote carried Bill No. 5936, entering into a First Amendment to the Perry County Cultural Heritage Tourism Cooperative Agreement, 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 **COUNTY OF PERRY, PERRY COUNTY ECONOMIC DEVELOPMENT AUTHORITY, EAST PERRY COUNTY CULTURAL ALLIANCE (EPCCA), AND GREATER PERRYVILLE AREA CHAMBER OF COMMERCE** RELATIVE TO **FIRST AMENDMENT TO THE PERRY COUNTY CULTURAL HERITAGE TOURISM COOPERATIVE AGREEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Martin presents motion, seconded by Alderman Riney, and on vote carried Bill No. 5937, entering into a Sale and Funds Disbursement Agreement to Addendum to Cooperative Agreement (Housing), 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 **SALE AND FUND DISBURSEMENT AGREEMENT TO ADDENDUM TO COOPERATIVE AGREEMENT (HOUSING)**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Buerck presents motion, seconded by Alderman Martin, and on vote carried Bill No. 5938, entering into professional engineering agreement with Allgeier, Martin and Associates, Inc. relative to the design-build consultant services for the Wastewater Treatment Plant Project, 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 **ALLGEIER, MARTIN AND ASSOCIATES, INC.** RELATIVE TO **DESIGN-BUILD CONSULTANT SERVICES FOR THE WASTEWATER TREATMENT PLANT PROJECT** ; 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, informs the Board that the Grand Opening of the Missouri Veterans Memorial was a success with the help of Public Works providing services. He also asks about the monitoring of the smart covers that are going to be placed on certain locations throughout the city. Public Works Director Brown explains that these smart covers will help isolate locations of excess water flow and Public Works can monitor when water is rising.

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 he has visited with Wabash about the movement of power lines in the Industrial Park, specifically about the possibility of payment plans for the cost of these moves rather than all of the cost being paid up-front. He also informs the Board that he will be hosting a meeting with contractors regarding Redbud Court.

City Administrator Buerck reports:

- **Rock Quarry Lift Station** – recently a brick managed to work its way to the Rock Quarry Lift Station and caused thousands of dollars worth of damage. Public Works is investigating to see where the brick may have come from to ensure no other bricks are loose and could cause future problems.
- **ICMA TV Small Town Spotlight** – ICMA has invited the City of Perryville to take part in a video; however, we have declined at this time because Tourism Director Erfeld currently has other videos in the process.
- **Recycling** – an informational flyer about recycling will be included in our June utility bill mailing. The Recycling Committee has an on-line survey for our citizens to take to help them determine how to move forward with recycling in our community.

City Engineer Baer Reports:

- **Sewer Trunk Line Project** – The contractor informs us that he plans to begin this project in mid-June.
- **Water Line Project** – Crews are completing the water line project at Moulton and Ste. Marie Street and will be moving to La Petite next week.

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

Alderman Guth asks Parks & Recreation Director Cadwell to determine a better way for the shower curtains to be situated in the men's shower at the Perry Park Center.

Alderman Hudson suggests that Public Works crews should stop installing new sidewalks at this time and direct their attention to repairing sidewalks and streets.

Mayor Baer asks Parks & Recreation Director Cadwell to update the Board on any parks and recreation matters.

Parks & Recreation Director Cadwell reports that the Perry Park Center has been celebrating its 20th anniversary over the past weeks; PHS graduation was held in the PPC gymnasium and the hvac system did a good job of keeping the gym cool; Representative Jason Smith met with the Fun4All Committee and was very supportive of the all-inclusive playground, stating that he would ask his staff to look into any available funding to assist the project or will offer a letter of support.

Now, at this time, upon motion by Alderman Riney, seconded by Alderman Buerck, it is ordered that the Board now convene into closed session to discuss real estate matters in accordance with Section

610.021(2) RSMo; contractual matters in accordance with Section 610.021(9) RSMo; and litigation matters in accordance with Section 610.021(12) 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 Riney, seconded by Alderman Hudson, 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.

City Administrator Buerck informs the Board that he met with a developer that is interested in building 34 two or three bedroom townhomes next to the Butterfield Apartments on Alma Drive.

There being no further business, it is upon motion by Alderman Hudson, seconded by Alderman Guth, and on vote carried, ordered that the Board now adjourn until Tuesday, June 4, 2019, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK