

June 18, 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; Donna Strattman, City Treasurer; and Thomas Ludwig, City Attorney. Absent, City Clerk Tracy Prost.

Mayor Baer 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.

**CONSENT AGENDA ITEMS**

3. Approve minutes from meeting of June 4, 2019.
4. Approve Financial Reports for May 2019.

| CITY OF PERRYVILLE         |                     |                         |                        |                          |                        |                         |                      |                      |                         |
|----------------------------|---------------------|-------------------------|------------------------|--------------------------|------------------------|-------------------------|----------------------|----------------------|-------------------------|
| STATEMENT OF CASH POSITION |                     |                         |                        |                          |                        |                         |                      |                      |                         |
| MAY, 2019                  |                     |                         |                        |                          |                        |                         |                      |                      |                         |
|                            |                     | April 1, 2019           | REVENUE                | EXPENSE                  |                        | CURRENT                 |                      | 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         | \$ 2,523,164.36        | \$ (2,106,281.43)        | \$ 416,882.93          | \$ 2,707,180.02         | \$ 12,603.57         | \$ 30,812.23         | \$ 2,725,388.68         |
| 105                        | FSA Administration  | \$ 6,225.15             | \$ 28.23               | \$ -                     | \$ 28.23               | \$ 6,253.38             | \$ -                 | \$ -                 | \$ 6,253.38             |
| 106                        | Asset Forfeiture    | \$ 53.99                | \$ -                   | \$ -                     | \$ -                   | \$ 53.99                | \$ -                 | \$ -                 | \$ 53.99                |
| 204                        | Airport             | \$ 8,929.74             | \$ 150,521.57          | \$ (140,943.69)          | \$ 9,577.88            | \$ 18,507.62            | \$ 1,752.50          | \$ 3,214.09          | \$ 19,969.21            |
| 206                        | Trans Trust         | \$ 1,208,736.02         | \$ 147,549.45          | \$ (154,284.17)          | \$ (6,734.72)          | \$ 1,202,001.30         | \$ -                 | \$ 1,584.50          | \$ 1,203,585.80         |
| 207                        | Perry Park Ctr.     | \$ (30,942.49)          | \$ 1,491,400.11        | \$ (1,398,999.77)        | \$ 92,400.34           | \$ 61,457.85            | \$ 4,436.26          | \$ 20,175.85         | \$ 77,197.44            |
| 211                        | Veterans Field      | \$ 21,171.45            | \$ 8,454.28            | \$ (1,095.01)            | \$ 7,359.27            | \$ 28,530.72            | \$ -                 | \$ -                 | \$ 28,530.72            |
| 213                        | Field Improvement   | \$ 9,788.95             | \$ 29.57               | \$ -                     | \$ 29.57               | \$ 9,818.52             | \$ -                 | \$ -                 | \$ 9,818.52             |
| 307                        | Debt Service        | \$ 418,823.91           | \$ 1,850.63            | \$ 2,059.22              | \$ 3,909.85            | \$ 422,733.76           | \$ 1,308.02          | \$ 1,308.02          | \$ 422,733.76           |
| 308                        | Cap Imp Sls Tax Rev | \$ 997,235.69           | \$ 110,380.89          | \$ (29,166.67)           | \$ 81,214.22           | \$ 1,078,449.91         | \$ -                 | \$ -                 | \$ 1,078,449.91         |
| 409                        | Gen Pub Fac         | \$ -                    | \$ -                   | \$ -                     | \$ -                   | \$ -                    | \$ -                 | \$ -                 | \$ -                    |
| 414                        | TIF 1-Hwy 51/61     | \$ 251,366.92           | \$ 9,175.55            | \$ (19,394.03)           | \$ (10,218.48)         | \$ 241,148.44           | \$ -                 | \$ -                 | \$ 241,148.44           |
| 415                        | Economic Develop    | \$ 37,660.38            | \$ 159.68              | \$ -                     | \$ 159.68              | \$ 37,820.06            | \$ -                 | \$ -                 | \$ 37,820.06            |
| 416                        | TIF 2-Downtown      | \$ 97,428.47            | \$ 412.71              | \$ (170.90)              | \$ 241.81              | \$ 97,670.28            | \$ -                 | \$ -                 | \$ 97,670.28            |
| 417                        | TIF 3-I55/HWY 51    | \$ 315,587.56           | \$ 16,113.20           | \$ (75,022.74)           | \$ (58,909.54)         | \$ 256,678.02           | \$ -                 | \$ -                 | \$ 256,678.02           |
| 513                        | Street Imp          | \$ 482,027.23           | \$ 56,003.28           | \$ (5,131.25)            | \$ 50,872.03           | \$ 532,899.26           | \$ -                 | \$ -                 | \$ 532,899.26           |
| 612                        | Refuse              | \$ 263,746.00           | \$ 143,691.55          | \$ (189,902.44)          | \$ (46,210.89)         | \$ 217,535.11           | \$ 99,552.63         | \$ 3,713.28          | \$ 121,695.76           |
| 614                        | CWSS Op             | \$ 3,091,157.59         | \$ 850,066.88          | \$ (1,109,189.54)        | \$ (259,122.66)        | \$ 2,832,034.93         | \$ 351,560.90        | \$ 123,378.78        | \$ 2,603,852.81         |
| 619                        | Gas Op              | \$ 2,848,521.54         | \$ 1,089,578.56        | \$ (2,051,555.09)        | \$ (961,976.53)        | \$ 1,886,545.01         | \$ 323,472.42        | \$ 198,461.31        | \$ 1,761,533.90         |
|                            | <b>TOTAL</b>        | <b>\$ 12,317,815.19</b> | <b>\$ 6,598,580.50</b> | <b>\$ (7,279,077.51)</b> | <b>\$ (680,497.01)</b> | <b>\$ 11,637,318.18</b> | <b>\$ 794,686.30</b> | <b>\$ 382,648.06</b> | <b>\$ 11,225,279.94</b> |

5. Approve principal and interest payment to UMB Bank, NA re 2012B Natural Gas System Revenue Bonds - \$338,768.75.
6. Approve Pay Estimate #3 (Final) to Clifton Excavating, LLC regarding National Guard Drive Water Main Extension Project - \$2,816.58.
7. Approve Pay Estimate 4 (Final) to Lappe Cement Finishing, Inc. regarding Grand Avenue Improvements Project - \$10,427.25.
8. Approve request from City Clerk Prost to dismiss uncollected personal property taxes for 2014 and 2015 tax records according to Section 140.730 of the Missouri Revised State Statutes.

9. Approve request from Parks & Recreation Director Cadwell to close the Perry Park Center at 5:00 p.m. on July 3<sup>rd</sup> for the fireworks display.
10. Approve proposed promotional events for July Parks & Recreation Month.
11. Approve Seminary Picnic requests from St. Vincent De Paul Parish to place banners on the light poles on St. Joseph Street and to allow the use of a trash truck during the Seminary Picnic – August 2-5, 2019.
12. Accept bids for the Water Treatment Plant Generator Project and award to Koch Electric, Inc., per the recommendation of City Engineer Baer - \$126,475.53.

|                       |   |   |
|-----------------------|---|---|
| <b>Name of Bidder</b> | <b>Koch Electric, Inc</b>                   | <b>MidStates Energy Co, LLC</b>               |
| <b>Address</b>        | 26688 US Highway 61<br>Scott City, MO 63780 | 8011 Enterprise Drive<br>Bloomsdale, MO 63627 |
| <b>Total Bid</b>      | \$126,475.53                                | \$166,763.47                                  |

|                       |   |   |
|-----------------------|---|---|
| <b>Name of Bidder</b> | <b>Schneider Electric Co.</b>                     | <b>Shawnee Electrical Contractors, Inc.</b> |
| <b>Address</b>        | 1661 Jody Industrial Drive<br>St. Louis, MO 63132 | 779 Enterprise<br>Cape Girardeau, MO 63703  |
| <b>Total Bid</b>      | \$175,844.00                                      | \$219,785.00                                |

13. Approve plans and specifications for the Sycamore Road Improvement Project and authorize staff to advertise for bids.
14. Approve plans and specifications for Baseball Field 9 Redevelopment Project and authorize staff to advertise for bids.
15. Approve specifications for 3 warning sirens and approve request from Asst. Chief Jones to purchase the sirens through the cooperative agreement program.

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

City Administrator Buerck presents information to the Board of Aldermen regarding sidewalk construction. He suggests the Board consider a policy wherein citizens who want to place a sidewalk in front of their house can request reimbursement for the sidewalk if it is built according to city standards and pre-approved by the City. He notes that City Engineer Baer estimates sidewalk construction costs to be approximately \$8.50 per square foot.

After discussion, it is the consensus of the Board that staff prepare a Sidewalk Policy for their review. Alderman Hudson states that he does not think the City should require the grass strip. Alderman Buerck agrees. Mayor Baer comments that the grass strip acts as a safety measure between the sidewalk and the street.

It is the consensus of the Board that City crews continue to fill in sidewalk gaps and drop the curb at State Street and Bredall Street.

At this time, City Administrator Buerck presents information regarding a request from SE Holdings and Legacy Development to seek funding from Missouri Housing Commission to construction a 34 unit workforce townhome community in the City of Perryville off of Alma Drive at Montenet Boulevard near the Butterfield apartments. He informs the Board that this will be an affordable housing community and that persons must have a job to qualify for the housing.

After discussion and review, Alderman Buerck makes a motion to authorize the Mayor and City Administrator to sign letters of support for this project. Alderman Riney seconds the motion, and on vote the motion carries.

**RESOLUTION:**

After discussion and review, Alderman Riney makes a motion to adopt a resolution Supporting SE Holdings and Legacy Development for funding to construct a 34 unit workforce townhome community. Motion is seconded by Alderman Buerck, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2019-06

A RESOLUTION OF THE BOARD OF ALDERMEN OF PERRYVILLE IN SUPPORT OF AN APPLICATION FROM SE HOLDINGS AND LEGACY DEVELOPMENT FOR FUNDING TO CONSTRUCT A 34 UNIT WORKFORCE TOWNHOME COMMUNITY.

**WHEREAS**, SE Holdings and Legacy Development are proposing to build a thirty-four (34) unit workforce townhome community for families in the City of Perryville with an entrance off of Alma Drive at Montenet Boulevard; and,

**WHEREAS**, the project will include thirty-four (34) affordable townhome units for persons and families; and

**WHEREAS**, the City of Perryville, Missouri, supports economic development and promotes affordable housing choices for the benefit of the families of the City of Perryville; and

**WHEREAS**, the proposed workforce townhome community is a development situated on approximately four acres and comprised of seven townhome buildings featuring 34 two and three bedroom units with an office and community building supported by full time professional management; and,

**WHEREAS**, the proposed affordable housing community will be in compliance with the needs as identified in the City's Comprehensive Plan and Zoning ordinance; and

**WHEREAS**, the City of Perryville supports the development as reflected on the attached site plan; and

**WHEREAS**, the proposed affordable workforce housing development deserves the support of the City of Perryville and the City desires to demonstrate said support for said development.

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

**SECTION 1.** That the City of Perryville supports the above-described affordable workforce housing development proposed by SE Holdings and Legacy Development as reflected on the attached site plan.

**SECTION 2.** That the Mayor and City Administrator are hereby authorized to sign and send letters of support.

**PASSED AND APPROVED** this 18<sup>th</sup> day of June, 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. 5940, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A **RIGHT-OF-WAY EASEMENT DEED** BY AND BETWEEN THE CITY OF PERRYVILLE AND **CITIZENS ELECTRIC CORPORATION** FOR **INSTALLATION OF ELECTRICAL LINES AT THE PERRY COUNTY LANDFILL**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5940 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. 6159 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5940

ORDINANCE NO. 6159

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A **RIGHT-OF-WAY EASEMENT DEED** BY AND BETWEEN THE CITY OF PERRYVILLE AND **CITIZENS ELECTRIC CORPORATION** FOR **INSTALLATION OF ELECTRICAL LINES AT THE PERRY COUNTY LANDFILL**; 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 right-of-way easement deed, 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 right-of-way easement deed;

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 right-of-way easement deed marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **Citizens Electric Corporation**. 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 right-of-way easement deed.

2. That the Mayor be and she is hereby authorized and directed to execute said right-of-way easement deed 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 right-of-way easement deed.

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: June 4, 2019.

SECOND READING: June 18, 2019.

PASSED AND APPROVED this 18th day of June, 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. 5941, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **HORNER & SHIFRIN, INC.** RELATIVE TO **DESIGN SERVICES FOR INDUSTRIAL PARK STANDPIPE REPAIRS AND PAINTING**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5941 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. 6160 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5941

ORDINANCE NO. 6160

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **HORNER & SHIFRIN, INC.** RELATIVE TO **DESIGN SERVICES FOR INDUSTRIAL PARK STANDPIPE REPAIRS AND PAINTING**; 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 **Horner & Shifrin, 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: June 4, 2019.

SECOND READING: June 18, 2019.

PASSED AND APPROVED this 18th day of June, 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. 5942, AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.05, SECTION 8.05.010, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO OPEN BURNING PERMIT; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5942 is read a second time on motion by Alderman Riney, seconded by Alderman Hudson. Thereupon on motion by Alderman Riney, 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. 6161 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5942

ORDINANCE NO. 6161

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.05, SECTION 8.05.010, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO OPEN BURNING PERMIT; 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 8, Chapter 8.05, Section 8.05.010, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

**"8.05.010 Open burning permit.**

- A. Notwithstanding the provisions of the city's adopted building and fire codes, any amendments thereto, or any building or fire codes adopted subsequent to the adoption of this section, open burning within the city is prohibited except for individuals who have obtained an open burning permit from the City of Perryville fire department under the rules and regulations of the State of Missouri and the City of Perryville.
- B. In addition to the rules and regulations of the State of Missouri, the rules and regulations of the City of Perryville as follows:

1. A representative/employee of permittee shall be present during all burning to ensure compliance with the permit and to make certain the fire(s) is out by 5:00 p.m.
  2. Only tree trunks, tree limbs, leaves, and brush originating on the site may be burned. For permits allowing the burning of untreated wood, only waste meeting the definition of 'untreated wood' may be burned.
  3. The distance from the burn site to the nearest occupied structure (residence or business) must be greater than 200 yards unless an air curtain destructor is used or waivers are obtained.
  4. Burning will take place between 7:00 a.m. and 5:00 p.m. unless more restrictive burn times are required by the permit.
  5. Should a problem arise from the burning such as a public health hazard, a nuisance, or a hazard to vehicular or air traffic, the permittee must correct the problem immediately.
  6. Permits issued are effective for 60 days from the date issued.
  7. The permittee shall notify the fire department each day before starting any burning.
  8. All State of Missouri statutes and regulations shall apply.
- C. Any person found guilty of the violation of the provisions of this section shall be punished as set forth in Section 1.16.010 of the Code of Ordinances of the City of Perryville."

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: June 4, 2019.

SECOND READING: June 18, 2019.

PASSED AND APPROVED this 18th day of June, 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. 5943, AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.06, SECTION 8.06.010, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO FIREWORKS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH . Bill No. 5943 is read a second time on motion by Alderman Martin, seconded by Alderman Riney. Thereupon on motion by Alderman Martin, 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. 6162 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5943

ORDINANCE NO. 6162

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.06, SECTION 8.06.010, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO FIREWORKS; 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 8, Chapter 8.06, Section 8.06.010, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by revising the definition of "Common fireworks" to read as follows:

**"8.06.010 Definitions.**

\* \* \*

*Common fireworks, consumer fireworks, or 1.4G fireworks* means the articles of fireworks which are classified as consumer fireworks under Class C explosives in RSMo 320.106(3) or as defined as consumer fireworks by the regulations of the United States Department of Transportation for the transportation of explosive and other dangerous articles."

Section 2. That Title 8, Chapter 8.06, Section 8.06.010, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by revising the definition of "Special fireworks" to read as follows:

**"8.06.010 Definitions.**

\* \* \*

*Special fireworks, display fireworks, or 1.3G fireworks* means all articles of fireworks that are classified as display fireworks under Class B explosives in the regulations."

Section 3. 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 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. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.



FIRST READING: June 4, 2019.

SECOND READING: June 18, 2019.

PASSED AND APPROVED this 18th day of June, 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. 5944, 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 DEEDS. Bill No. 5944 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. 6163 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5944

ORDINANCE NO. 6163

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 DEEDS.

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 **TG Missouri Corporation**, 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: June 4, 2019.

SECOND READING: June 18, 2019.

PASSED AND APPROVED this 18th day of June, 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. 5945, 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. 5945 is read a second time on motion by Alderman Martin, seconded by Alderman Schumer. Thereupon on motion by Alderman Martin, seconded by Alderman Schumer, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; 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. 6164 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5945

ORDINANCE NO. 6164

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 **David and Doris Steinbecker and Mark and Deborah Steinbecker**, 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: June 4, 2019.

SECOND READING: June 18, 2019.

PASSED AND APPROVED this 18th day of June, 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 Buerck presents motion, seconded by Alderman Riney, and on vote carried Bill No. 5946, entering into an agreement with Blue Valley Public Safety, Inc., relative to purchase and installation of three sirens, 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 **BLUE VALLEY PUBLIC SAFETY, INC.**, RELATIVE TO **PURCHASE AND INSTALLATION OF THREE TORNADO SIRENS**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5947, entering into an agreement with Koch Electric, Inc., for the Water Treatment Plant Generators 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 **KOCH ELECTRIC, INC.** RELATIVE TO **WATER TREATMENT PLANT GENERATORS PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5948, accepting quit-claim deed from TG Missouri relative to Crevice Cave, 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 DEEDS.

Alderman Martin presents motion, seconded by Alderman Hudson, and on vote carried Bill No. 5949, entering into an agreement with W&W Estates, LLC., and Matthew Wibbenmeyer relative to Sycamore Road Construction 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 **W&W ESTATES, LLC. AND MATTHEW WIBBENMEYER** RELATIVE TO **SYCAMORE ROAD CONSTRUCTION PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5950, entering into a settlement agreement with Zeno Development, Daniel Gebhardt and Heidi Gebhardt, 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 **ZENO DEVELOPMENT, LLC, DANIEL GEBHARDT, AND HEIDI GEBHARDT** RELATIVE TO **SETTLEMENT, RELEASE AND PURCHASE AGREEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5951, amending Title 9, Chapter 9.04, Section 9.04.190 of the Code of Ordinances relative to Vagrancy, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 9, CHAPTER 9.04, SECTION 9.04.190, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO VAGRANCY; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Martin presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5952, providing for the Improvement of Sycamore Road, is read for the first time by title only. The heading is as follows:

AN ORDINANCE PROVIDING 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, THE STREET TO BE IMPROVED BY BRINGING THE STREET TO THE ESTABLISHED GRADE, CONSTRUCTION OF CURBS AND GUTTERS, AND STORM WATER CONTROL.

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 groundbreaking ceremony for Redbud Court was held today; he and City Administrator Buerck attended the MEDC conference (Director Sattler was elected Treasurer); International Aviation magazine mentioned West Star located in Perryville.

City Administrator Buerck reports:

- **Airport Fuel Tanks** - We are working with the Airport Advisory Board and our engineers about the possibility of Shell adding a lighted fuel sign. This will continue to help visitors quickly find the fuel farm. We are starting to rehab the vacant MoGas tank.

- **Grand Avenue Sewer Lines** - For reasons outlined by City Engineer Tim Baer, we believe the city has accepted ownership in the past of this sewer line although we are unable to find existing easements making it official. This is evidenced by: (a) our maintenance of the line; (b) the line being added to the City maps sometime between 1983 and 1992; (c) Grand Avenue sewer is not low enough to provide adequately to these properties; and (d) in 1975, it appears the City added a manhole to intercept this line again suggesting we were responsible for it. Unless the Board advises otherwise, we will proceed with its replacement similar to what was done for Jackson Street.

City Engineer Baer Reports:

- **Sewer Trunk Line Project** – This project has been delayed due to weather; however, there is enough time to complete the project in a timely manner.

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

Alderman Buerck thanks Public Works Director Brown for assisting a lady on Old St. Mary's Road.

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 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 Schumer, 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.

There being no further business, it is upon motion by Alderman Schumer, seconded by Alderman Hudson, and on vote carried, ordered that the Board now adjourn until Tuesday, July 2, 2019, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK