

June 19, 2018

JOURNAL OF THE BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, PERRY COUNTY, MISSOURI.

The Board of Aldermen of the City of Perryville, Perry County, Missouri, met at City Hall in said City on the above date in regular session pursuant to adjournment. Present: Ken Baer, Mayor; Curt Buerck, Tom Guth, Prince Hudson, Douglas Martin, Larry Riney, and David J. Schumer, Aldermen; Brent Buerck, City Administrator; Tracy Prost, City Clerk; and Thomas Ludwig, City Attorney.

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

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

Tom Nations, of the Military History Museum group, tells the Board that he is present to represent the group regarding Items 8 and 9 on the Consent Agenda. He thanks the Board for their support.

Matthew Kramer, of 290 Highway K, Perryville, says he represents the Perryville Youth Football League and is present regarding Item 15 on the Consent Agenda. Mayor Baer thanks Mr. Kramer for being a volunteer.

Heather Cook, reporter for the Perry County Republic Monitor, informs the Board that she will be getting married and moving from Perryville. She introduces her replacement, Mr. Alex Heeb.

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

At this time, Mayor Baer opens a public hearing regarding a request from Ryan Boxdorfer of Floyd's Automotive for a special use permit to locate a shipping container on his property located at 506 East St. Francis Street.

City Administrator Buerck's notes inform the Board that Mr. Boxdorfer would like to locate a shipping container on his property located at 506 E. St. Francis Street. The container would be a Conex container 8' wide by 40' long. It would be used to store additional tools for his automotive business. It would be located in front of the business along South Kingshighway.

There being no one coming forth, Mayor Baer closes the public hearing regarding a request from Ryan Boxdorfer of Floyd's Automotive for a special use permit to locate a shipping container on his property located at 506 East St. Francis Street.

Mayor Baer now opens a public hearing regarding a special use permit request from Roger Hoff to locate a mini storage facility on his property located at 117 S. Kingshighway.

City Administrator Buerck's notes inform the Board that Mr. Hoff would like to demolish the small building located on the lot (former location of the Carousel Ice Cream Store). The facility would be located at a 0' offset next to Carl's Muffler Shop. Note: side yard setbacks for a commercial development is 0'. Both the front and east property line set backs off of Walnut Street are 30'.

Mr. Marcus Steurer, of 328 North Walnut, Perryville, addresses the Board. He asks if a fence will be erected and, if so, how far will it be from his property. City Administrator Buerck informs Mr. Steurer that if a fence is erected it should be 25 feet from his property. Mr. Steurer indicates that he is satisfied with that response.

There being no one else coming forth, Mayor Baer closes the public hearing regarding a special use permit request from Roger Hoff to locate a mini storage facility on his property located at 117 S. Kingshighway.

CONSENT AGENDA ITEMS

5. Approve minutes from meeting of June 5, 2018.
6. Approve Financial Report for May, 2018.

CITY OF PERRYVILLE									
STATEMENT OF CASH POSITION									
MAY, 2018									
FUND NAME	April 1, 2018 Fund Balance	REVENUE Y-T-D	EXPENSE Y-T-D	NET INCOME	CURRENT FUND BALANCE	ACCOUNTS RECEIVABLE	CURRENT LIABILITIES	CURRENT CASH BALANCE	
101 Gen Rev	\$ 2,459,829.53	\$ 3,150,439.82	\$ (933,044.67)	\$ 2,217,395.15	\$ 4,677,224.68	\$ 15,828.16	\$ 31,106.75	\$ 4,692,503.27	
105 FSA Administration	\$ 4,977.20	\$ 12.69	\$ -	\$ 12.69	\$ 4,989.89	\$ -	\$ -	\$ 4,989.89	
106 Asset Forfeiture	\$ 953.99	\$ -	\$ -	\$ -	\$ 953.99	\$ -	\$ -	\$ 953.99	
204 Airport	\$ (5,016.83)	\$ 196,897.61	\$ (183,365.35)	\$ 13,532.26	\$ 8,515.43	\$ 1,525.00	\$ 2,556.88	\$ 9,547.31	
206 Trans Trust	\$ 1,017,507.47	\$ 154,465.27	\$ (288,525.39)	\$ (134,060.12)	\$ 883,447.35	\$ -	\$ 2,307.63	\$ 885,754.98	
207 Perry Park Ctr.	\$ 55,766.91	\$ 290,360.11	\$ (329,112.48)	\$ (38,752.37)	\$ 17,014.54	\$ 7,638.45	\$ 23,234.94	\$ 32,611.03	
211 Veterans Field	\$ 11,163.46	\$ 9,720.15	\$ (7,080.76)	\$ 2,639.39	\$ 13,802.85	\$ -	\$ -	\$ 13,802.85	
213 Field Improvement	\$ 4,423.04	\$ 2,924.07	\$ -	\$ 2,924.07	\$ 7,347.11	\$ -	\$ -	\$ 7,347.11	
307 Debt Service	\$ 410,798.61	\$ 1,943.19	\$ -	\$ 1,943.19	\$ 412,741.80	\$ 4,877.58	\$ 4,877.58	\$ 412,741.80	
308 Cap Imp Sis Tax Rev	\$ 914,686.32	\$ 115,229.02	\$ (354,483.92)	\$ (239,254.90)	\$ 675,431.42	\$ -	\$ -	\$ 675,431.42	
409 Gen Pub Fac	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
414 TIF 1-Hwy 51/61	\$ 168,508.53	\$ 515.19	\$ (304.14)	\$ 211.05	\$ 168,719.58	\$ -	\$ -	\$ 168,719.58	
415 Economic Develop	\$ 20,244.85	\$ 50,089.00	\$ (33,333.33)	\$ 16,755.67	\$ 37,000.52	\$ -	\$ -	\$ 37,000.52	
416 TIF 2-Downtown	\$ 51,888.29	\$ 158.79	\$ -	\$ 158.79	\$ 52,047.08	\$ -	\$ -	\$ 52,047.08	
417 TIF 3-I55/HWY 51	\$ 410,750.54	\$ 1,292.13	\$ -	\$ 1,292.13	\$ 412,042.67	\$ -	\$ -	\$ 412,042.67	
513 Street Imp	\$ 1,019,561.41	\$ 59,594.68	\$ (32,486.42)	\$ 27,108.26	\$ 1,046,669.67	\$ -	\$ -	\$ 1,046,669.67	
612 Refuse	\$ 482,051.91	\$ 144,711.26	\$ (236,824.66)	\$ (92,113.40)	\$ 389,938.51	\$ 97,465.41	\$ 5,380.66	\$ 297,853.76	
614 CWSS Op	\$ 2,111,302.77	\$ 1,246,405.94	\$ (1,045,187.48)	\$ 201,218.46	\$ 2,312,521.23	\$ 376,671.04	\$ 133,341.05	\$ 2,069,191.24	
619 Gas Op	\$ 2,862,429.55	\$ 1,156,756.06	\$ (2,490,300.81)	\$ (1,333,544.75)	\$ 1,528,884.80	\$ 342,308.81	\$ 199,001.91	\$ 1,385,577.90	
TOTAL	\$ 12,001,827.55	\$ 6,581,514.98	\$ (5,934,049.41)	\$ 647,465.57	\$ 12,649,293.12	\$ 846,314.45	\$ 401,807.40	\$ 12,204,786.07	

7. 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 3-5, 2018.
8. Approve request from the Perry County Military History Museum to use picnic tables for their Veterans cookout on July 7th at the Veterans Wall in the City Park.
9. Approve request from the Perry County Military History Museum to waive the Perry Park Center rental fees to show a movie on Veterans Day.
10. Approve request from Public Works Director Brown to purchase leaf collector.
11. Approve request from City Clerk Prost to dismiss uncollected personal property taxes from the 2010 through 2013 tax records according to Section 140.730 of the Missouri Revised State Statutes.
12. Approve request from Parks & Recreation Director Cadwell to close the Perry Park Center at 5:00 p.m. on July 3rd for the fireworks display.
13. Approve splash pad rules recommended by Parks & Recreation Director Cadwell.
14. Approve plans and specifications for sidewalk installation at Miget Memorial Park and authorize City Clerk to advertise for bids.
15. Approve request from Perryville Youth Football League to erect a sign in the park and place sponsor signs on the fencing along the ends of the football field.
16. Approve purchase of mini-excavator per the recommendation of Public Works Director Brown.
17. Approve purchase of a skid steer per the recommendation of Public Works Director Brown.

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

Alderman Buerck makes a motion to approve the request from Ryan Boxdorfer of Floyd's Automotive for a special use permit to locate a shipping container on his property located at 506 East St. Francis Street. Alderman Riney seconds the motion, and on vote the motion carries.

Alderman Guth makes a motion to approve the request from Roger Hoff for a special use permit to locate a mini storage facility on his property located at 117 South Kingshighway. Alderman Riney seconds the motion, and on vote the motion carries.

At this time, City Administrator Buerck opens a discussion regarding the City of Perryville's Street Policy due to concerns expressed recently by several Board members regarding the need to pave Moore Drive and Sycamore Road. City Administrator Buerck notes that Section 12 of the Street Policy requires that a petition for street improvements should be submitted by the property owners adjoining the street. Staff has not received a petition on either Moore Drive or Sycamore Road.

Alderman Hudson suggests that Moore Drive and Sycamore Road be overlaid at the City's expense. Alderman Riney notes that the Board had discussed this matter at the last meeting, and had agreed that Sycamore Road would need to be concrete rather than overlay.

Alderman Schumer states that he has reviewed the Street Policy, noting that this policy was updated in 2015, and he believes it to be a good policy. He notes that Section 12 of the policy outlines the process for petitioning for street improvements and suggests that the citizens on those streets should submit a petition if they want improvements. Alderman Schumer also states that he does not think the entire City would agree to pave these streets at taxpayers cost if everyone else has had to pay a share of their street improvement costs. He suggests that the Board continue to adhere to the Street Policy.

Alderman Martin notes that he wanted to make changes in the Street Policy when it was adopted in 2015. He also tells the Board that he does not expect a change at this time and that he no longer has the desire to debate the situation.

Alderman Guth asks if anyone has talked to the property owners on these streets. Alderman Buerck notes that he gave one property owner on Moore Drive a copy of the petition form, but the owner refused to sign the petition. City Administrator Buerck stated that staff would begin meeting with property owners when a petition is submitted with signatures from 51% of the owners.

Mayor Baer suggests that City crews continue to patch these streets if street improvements are not made.

After further discussion, it is the consensus of the Board that the current Street Policy remain in place.

Alderman Hudson comments that he received a memo from Mayor Baer regarding this issue prior to the meeting, and informed the Mayor that he would rather have a conversation about the matter rather than a memo. Mayor Baer informed Alderman Hudson that the same memo was sent to all of the Board members and that the memo was his opinion.

SECOND READING AND FINAL PASSAGE:

Now, at this time, the Board proceeds to approve Bill No. 5825, AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.88, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO PERSONNEL REGULATIONS REGARDING DRUG AND ALCOHOL ISSUES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5825 is read a second time on motion by Alderman Riney, seconded by Alderman Guth. Thereupon on motion by Alderman Riney, seconded by Alderman Guth, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6046 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5825

ORDINANCE NO. 6046

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.88, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO PERSONNEL REGULATIONS REGARDING DRUG AND ALCOHOL ISSUES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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

Section 1. That Title 2, Chapter 2.88, Article 3, Section 2.88.305, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“2.88.305 Pre-employment medical examinations.

Before commencement of employment, each prospective employee must undergo a thorough medical and work fitness examination by a physician and/or program designated by the city administration, the cost to be borne by the city. The type and extent of examination shall be at the sole discretion of the city based on the type of work the prospective employee is expected to perform. The examination for safety sensitive employees shall include a urine test to determine the presence of unauthorized or illegal substances pursuant to the city’s substance abuse policy. No one who is given a medical examination shall be employed unless the examining physician certifies that he or she meets the minimum standards of physical fitness required for his or her position. A prospective employee must be reexamined if three or more months intervene between his or her medical examination and the day of his or her appointment.”

Section 2. That Title 2, Chapter 2.88, Article 9, Section 2.88.930, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“2.88.930 Drug-free workplace policy.

The City of Perryville strictly prohibits the illicit use, possession, dispensation, distribution, or manufacture of controlled substances in the workplace. Being under the influence of alcoholic beverages or non-prescription drugs is prohibited in the workplace or while on duty.

The city may require an employee to undergo testing for drugs or alcohol if his or her supervisor has a reasonable suspicion that he or she has drugs or alcohol in his or her system. Any employee found to be under the influence of intoxicants or controlled substances, not specifically prescribed by a licensed physician, will be immediately removed from duty and subject to federal regulations, if applicable, disciplinary action, up to and including termination, as well as other legal action as appropriate. Individuals who engage in conduct prohibited by the drug-free workplace policy or who fail to cooperate

with any investigation or testing will be subject to disciplinary action, up to and including discharge, as well as other legal action as appropriate.”

Section 3. That Title 2, Chapter 2.88, Article 9, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding Section 2.88.931 to read as follows:

“2.88.931 Adoption of provisions of Code of Federal Regulations.

The city hereby adopts 49 CFR Part 40; 49 CFR Part 199; and 49 CFR Parts 192, 193, and 195 of the Code of Federal Regulations 2017 for all safety sensitive employees working for the city. All drug testing procedures contained in these federal regulations shall control in dealing with employee accidents by safety sensitive employees or drug or alcohol use by safety sensitive employees.”

Section 4. That Title 2, Chapter 2.88, Article 9, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding Section 2.88.932 to read as follows:

“2.88.932 Safety sensitive employees.

A safety sensitive employee is any employee who spends a considerable portion of his or her day driving a vehicle of or for the city, carries a firearm, or operates equipment of the city that could affect the safety of said employee or other employees or members of the public at large as further defined by Chapter 49 CFR of the Code of Federal Regulations. Examples of safety sensitive employees would be, but not be limited to:

- A. Employees who perform covered functions under 49 CFR Part 40 (DOT regulations).
- B. Employees who perform covered functions under 49 CFR Part 199 (PHMSA regulations).
- C. Employees who are commissioned or non-commissioned law enforcement.
- D. City lifeguards or pool safety personnel within the park and recreation department.
- E. Employees in other departments or job descriptions as deemed appropriate by the city administrator.”

Section 5. That Title 2, Chapter 2.88, Article 9, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding Section 2.88.933 to read as follows:

“2.88.933 Drug / Alcohol testing.

- A. *Pre-Employment.* The examination of safety sensitive employees as defined in section 2.88.932 shall include a urine test to determine the presence of unauthorized or illegal substances pursuant to federal regulations. A negative test will be a condition of employment. The city will not hire any applicant who refuses to undergo said drug testing or whose drug test is confirmed to be positive.
- B. *Random.* Safety sensitive employees as defined in section 2.88.932 are subject to unannounced testing based on a random, scientifically based selection as

defined by federal regulations. Employees who test positive will be subject to federal regulation requirements and disciplinary procedures.

- C. *Post-Accident or On-The-Job Injury.* Post-accident or on-the-job injury drug and/or alcohol testing for safety sensitive employees as defined in section 2.88.932 will be governed by federal regulations. Post-accident or on-the-job injury for non-safety sensitive employees will be based upon supervisor and/or department head discretion as defined in section 2.88.935 Workplace accidents/injuries.
- D. *Reasonable Suspicion or For Cause.* The city will require any employee reasonably suspected of being under the influence of alcohol and/or drugs, and so documented, to be tested by qualified personnel for the use of drugs and/or alcohol based upon federal regulation requirements and disciplinary procedures.
- E. *Return-To-Duty.* Return-to-duty testing will be based upon federal regulation requirements.
- F. *Follow-Up.* Follow-up testing will be based upon federal regulation requirements.
- G. *Refusal To Test.* A refusal to comply with a directive to undergo a drug or alcohol test will be treated in the same manner as a positive screen. Discipline, up to and including termination, is the penalty for failing a drug or alcohol screen.
- H. *Violations.* Any drug and/or alcohol violation will be considered misconduct and will be subject to federal regulation requirements and disciplinary procedures, up to and including, termination.
- I. *Employees not Covered by Federal Regulations.* Employees who test positive for drugs or alcohol but are not subject to specific federal regulations shall be subject to the city progressive discipline procedure, shall be required to successfully complete a prescribed program through EAP, and shall be subject to one year of random drug or alcohol testing.”

Section 6. That Title 2, Chapter 2.88, Article 9, Section 2.88.935, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“2.88.935 Workplace accidents/injuries.

In the event of an injury or accident at the workplace, the employee(s) shall immediately report the incident to his or her department head. The department head must follow the necessary guidelines as set forth in the city’s worker’s compensation injuries/illnesses instructions. This section shall apply equally to both the driver/operator and the passenger, spotter, or co-worker involved in the incident.

- A. Any work-related accident or injury may be determined to be cause for the employee to submit to a drug and/or alcohol test. All employees shall comply with the drug and/or testing policies of the city.
- B. In the event any employee is involved in an accident in a city vehicle at any time or in any other vehicle while conducting city business, the employee shall immediately report such accident to his or her department head and may be required to submit to any drug and/or alcohol test required by the department head. If the supervisor or department head deems it necessary for the safety of the employee or other individuals, that employee shall not be allowed to drive but shall be driven to and from the appropriate testing facility and in the sole

discretion of the supervisor or department head may not be allowed to return to work.

- C. All other work-related accidents (non-vehicular) must be reported to the employee's supervisor. At the discretion of the supervisor, a drug test may be required.
- D. In the event any employee sustains an injury or develops a disability, the city may require that employee to undergo a physical and/or mental examination to determine what, if any, accommodations need to be made for the employee under existing law and to determine the employee's ability to safely and effectively complete the requirements of employment with the city."

Section 7. That Title 2, Chapter 2.88, Article 9, Section 2.88.940, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

"2.88.940 Employee use and operation of city vehicles or equipment.

- A. City employees are not automatically entitled to use city vehicles or equipment. Where an employee is given the responsibility of operating city vehicles or equipment and caring for it, the employee's continued access and privilege to use the vehicle or equipment will depend on the employee's responsible operation, care, and use of the vehicle or equipment.
- B. City vehicles are to be used strictly for city business, and any personal errands must be approved by the city administrator. Minimum reasonable stops at stores or other places of business which do not interfere with the performance of an employee's duties do not require prior approval. However, this privilege should not be abused. After normal working hours an employee shall only use a city vehicle if on official city business
- C. Employees are not permitted to transport family members using city vehicles, apart from exceptional cases approved by the city administrator. No employee residing outside the corporate limits of the City of Perryville shall be permitted to take a city vehicle home.
- D. It is the responsibility of the employee assigned the vehicle or equipment to keep the vehicle or equipment clean, in good repair, and to follow a regular maintenance schedule. An employee must immediately report any loss, damage, or malfunction of a city vehicle or equipment. In the event that the damage, destruction, or loss to the vehicle or equipment is due to an employee's negligence, the employee understands that restitution may be required in addition to appropriate disciplinary action being taken. The city is not responsible for any lost or damaged personal property of the employee stored or located in city-owned vehicles or equipment.
- E. It is a condition of employment with the City of Perryville that all employees who drive city vehicles or operate motorized equipment maintain a valid driver's license at all times appropriate for the type of vehicle or equipment being operated.
- F. Employees shall drive in a safe and prudent manner and obey all applicable federal, state, and local traffic laws and regulations while driving or operating city-owned vehicles or equipment. Employees shall wear seatbelts or other safety restraint devices properly when operating or riding in city-owned vehicles or equipment. In the event of an accident or collision, whether resulting in injury to

any person or property damage of any kind, the employee shall immediately report the accident to the appropriate law enforcement agency, as well as the employee's supervisor. Employees involved in an accident or collision may be required to submit to a drug and/or alcohol test as required by the department head.

- G. Employees shall under no circumstances use or be under the influence of alcohol or drugs while driving or operating city-owned vehicles or equipment. Employees shall not use tobacco products while driving or riding in city-owned vehicles or equipment.
- H. Immediately upon termination or separation of employment, city employees who are assigned city vehicles and equipment shall promptly return city property to the appropriate personnel.
- I. No employee may use any city-owned vehicle, equipment, or property either in support of or in opposition to the nomination or election of any candidate for public office, or for any other political purpose."

Section 8. 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 9. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

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

FIRST READING: June 5, 2018.

SECOND READING: June 19, 2018.

PASSED AND APPROVED this 19th day of June, 2018, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

ATTEST:
Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5826, AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.16, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO GARBAGE COLLECTION AND DISPOSAL; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5826 is read a second time on motion by Alderman Martin, seconded by Alderman Buerck. Thereupon on motion by Alderman Buerck, 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. 6047 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5826

ORDINANCE NO. 6047

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.16, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO GARBAGE COLLECTION AND DISPOSAL; 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 8.16, Section 8.16.010, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by DELETING IN ITS ENTIRETY the definition "Solid waste container." NOTE TO CODIFIER: All other definitions in Section 8.16.010 shall remain the same.

Section 2. That Title 8, Chapter 8.16, Section 8.16.030, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

"8.16.030 Promulgation of rules and regulations.

The city administrator shall make, amend, revoke, and enforce reasonable and necessary rules and regulations governing, but not limited to:

- A. Collection and disposal of solid waste;
- B. Schedules of and routes for collections of solid waste;
- C. Collection points of city-issued trash carts;
- D. Specifications for city-issued trash carts including the type, composition, equipment, size, and shape thereof;
- E. Identification of city-issued trash carts and of the covers thereof and of equipment thereto appertaining, if any;
- F. Weight limitations on the combined weight of city-issued trash carts and the contents thereof and weight and size limitations on bundles of solid waste too large for city-issued trash carts;
- G. Sanitation, maintenance, and replacement of city-issued trash carts;
- H. Processing facilities and fees for the use thereof;
- I. Disposal facilities and fees for the use thereof;
- J. Records of quantity and type of wastes received at processing and/or disposal facilities;
- K. Handling of special wastes such as toxic waste, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

The city clerk or such other city official who is responsible for preparing utility and other service charge billings for the city is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges as hereinafter provided for.

A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the city clerk."

Section 3. That Title 8, Chapter 8.16, Section 8.16.040, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“8.16.040 Prohibited practices.

It is unlawful for any person to:

- A. Deposit solid waste in any city-issued trash cart other than his/her own with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;
- B. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the city or those of a solid waste collection agency operating under contract with the city;
- C. Dispose of solid waste at any facility or location which is not approved by the city and the Missouri Division of Health;
- D. Engage in the business of collecting, transporting, processing, or disposing of solid waste within the corporate limits of the city without a permit from the city or operate under an expired permit or operate after a permit has been suspended or revoked.”

Section 4. That Title 8, Chapter 8.16, Section 8.16.050, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“8.16.050 Solid waste disposal by occupant.

- A. The occupant of every dwelling unit and of every institutional, commercial, business, industrial, or agricultural establishment producing solid waste within the corporate limits of the city shall utilize the city-issued trash carts unless a hardship exception is granted by the city administrator or his designee.
- B. 1. The occupant of every dwelling unit and of every institutional, commercial, business, industrial, or agricultural establishment shall place all solid waste to be collected in city-issued trash carts except as otherwise provided herein. All city-issued trash carts shall be stored in or near the residential dwelling on the residential property and off of the city right-of-way and in such a manner that such city-issued trash carts shall not become unsightly or a public nuisance.
 - a. All residential city-issued trash carts shall be placed at the curb, edge of roadway, or alley no earlier than 5:00 p.m. on the day prior to the day of collection and removed on the same day as collection within a reasonable time. Except as elsewhere provided for in this chapter, city-issued trash carts shall be placed as follows for proper collection and handling:
 - i. Curbed and Guttered City Street - In the city's street with the city-issued trash cart's wheels against curb;
 - ii. Streets/Roadways/Alleys without Curbs - Off the roadway and within three feet of its edge;
 - iii. Unique/Unusual Collection Locations - As directed by the city staff.

- b. Voluntary recyclable containers shall be placed off the roadway and within three feet of its curb or edge.
- 2. All city-issued trash carts utilized by commercial businesses shall be placed upon private property, accessible for collection and in a well-drained area unless the owner shall have been granted permission from the city to use public property for such purposes. All commercial solid waste producers, by contracting with the city, shall have been deemed to authorize the city to enter upon their private property to collect solid wastes.
- 3. The contents of all city-issued trash carts shall be kept in such condition that they can, at all times, be readily and fully removable by the city or the authorized collector.
- C. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual container and contents shall not exceed fifty (50) pounds.
- D. Solid waste containers which are not approved will not be collected.”

Section 5. That Title 8, Chapter 8.16, Section 8.16.060, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“8.16.060 Solid waste collection.

- A. The city shall provide for the collection of solid waste as follows:
 - 1. Collection of Residential Solid Waste. The city shall provide for the collection of all residential solid waste in the city; provided, however, that the city may provide for the collection service by contracting with a person, county, or other city or a combination thereof for the entire city or portions thereof as deemed to be in the best interests of the city.
 - 2. Other Collections.
 - a. The city may, at its discretion, provide complete or limited commercial solid waste collection by contract or otherwise.
 - b. The city may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or person in charge thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises.
- B. All solid waste from premises to which collection services are provided by the city shall be collected except bulky rubbish as defined herein. All solid waste must be placed inside a city-issued trash cart. All solid waste collected shall, upon being loaded into collected equipment, become the property of the collection agency.

- C. All solid waste shall fit in the city-issued trash cart in order to be picked up. Solid waste in other containers or placed outside the cart will not be picked up.
- D. Property owners or occupiers may provide for the cleanup and maintenance of their property by cutting tree limbs, brush, vegetation, and other related items. Tree limbs and yard wastes shall be placed at the curb or alley for collection as described in Section 8.16.140(C). City-issued trash carts as required by this chapter for the storage of other residential solid waste shall be placed at the curb or alley for collection.
- E. Bulky rubbish shall be collected by request to the city administrator. The city administrator shall establish the procedure for collecting bulky rubbish.
- F. Solid waste collectors employed by the city, or a solid waste collection agency operating under contract with the city, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.
- G. The collection frequencies for collection of solid waste within the city shall be established by the city administrator.
- H. Residential city-issued trash carts shall be stored upon the residential premises in or near the residential dwelling on the residential property and off of the city right-of-way and in such a manner that such city-issued trash carts shall not become unsightly or a public nuisance. Commercial city-issued trash carts shall be stored upon private property unless the owner shall have been granted permission from the city to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel, and fire inspection personnel.
- I. All collection vehicles shall be maintained in a safe, clean, and sanitary condition and shall be so constructed, maintained, and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste or, as an alternate, the entire bodies thereof shall be enclosed with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.
- J. Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 8.16.070 and 8.16.080.
- K. Residential solid waste shall not include electronic items of any sort. Such items are appropriate for recycling and may be placed in the curbside recycling containers or delivered by the property owner to the Perry County Recycling Center during regular business hours at no additional charge. Televisions and computer monitors may be collected curbside provided the property owner shall prepay to the city the proper fee as established by the Perry County Recycling Center or may be delivered by the property owner to the Perry County Recycling Center in accordance with established fees.

- L. The city shall establish and maintain a collection center for grease, cooking oil, etc. at the public works complex.”

Section 6. That Title 8, Chapter 8.16, Section 8.16.080, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding Subsection K to read as follows:

“8.16.080 Private waste disposal companies--Permits.

* * *

- K. Permits shall not be required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such material shall be conveyed in tight vehicles, trucks, or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.”

Section 7. That Title 8, Chapter 8.16, Section 8.16.100, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“8.16.100 Garbage and solid waste collection fees.

- A. Collection Fee Per Unit. A monthly garbage and solid waste collection fee shall be charged to each residential and commercial unit, including apartments and mobile homes, within the city except that a commercial development or location or a residential complex of more than three units may apply for a collection exclusion as provided in this chapter.
- B. Residential Collection Fee. All residential users within the city shall pay a monthly garbage and solid waste collection fee as established by the board of aldermen and on file with the city clerk. Residential users electing to utilize two city-issued trash carts for their weekly refuse service shall pay a one-time non-refundable cost of fifty dollars (\$50.00) and a monthly garbage and solid waste collection fee in the same monthly amount as the Commercial Single Collection Fee.
- C. Commercial Single Collection Fee. All commercial users within the city whose garbage and solid waste generation requires no more than weekly pickup shall pay a monthly garbage and solid waste collection fee as established by the board of aldermen and on file with the city clerk. Commercial users electing to utilize two city-issued trash carts for their weekly refuse service shall pay a one-time non-refundable cost of fifty dollars (\$50.00). To be eligible for commercial collection, all garbage must fit into no more than two city-issued trash carts per pickup.
- D. Commercial Double Collection Fee. All commercial users within the city whose garbage and solid waste generation requires pickup two times per week shall pay a monthly garbage and solid waste collection fee as established by the board of aldermen and on file with the city clerk.
- E. Residential with Master Water Meter. Garbage and solid waste services for a residential location utilizing a master water meter shall be billed to the property owner according to the number of units on site and not directly billed to the tenants. A residential complex of more than three units that utilizes a single trash pickup location shall pay a maximum monthly fee as established by the board of aldermen and on file with the city clerk.

- F. Commercial with Master Water Meter. Garbage and solid waste services for a commercial location utilizing a master water meter shall be billed to the property owner according to the number of occupied units on site and not directly billed to the tenants. Fees for unoccupied units shall be commenced automatically upon the renewed occupancy thereof.
- G. Joint Residential and Commercial. Given the limited volume of garbage and solid waste residential-based businesses typically generate, a property that is used jointly for residential and commercial purposes shall be billed at the residential rate. The city reserves the right to review garbage and solid waste usage for joint residential and commercial property. In the event the usage exceeds normal or expected residential amounts, then the city may charge for garbage and solid waste service at the commercial rate. This decision shall be made by the city administrator only after a thorough, longitudinal review and not based on single or sporadic incidents.
- H. Automatic Cost of Living Garbage and Solid Waste Collection Fee Adjustment. The rates for subsections B, C, D, and E of this section shall be adjusted yearly and shall be effective on April 1 of each year. The yearly adjustment shall be an increase of two percent per year over and above the amount applicable to the previous year. The modified garbage and solid waste collection fees shall not be made a part of this code of ordinances but shall be part of the city budget and approved by the board of aldermen each year. The modified garbage and solid waste collection fee schedule shall be maintained in the office of the city clerk for inspection by the public.
- I. Voluntary Curbside Recycling Fees. Each year the Perry County Commission shall advise the board of aldermen of the amount of money needed to be collected from each user of the voluntary curbside recycling service in order to cover recycling expenses. The city shall assess that amount as a fee on the monthly utility bill of city residents participating in the Perry County Recycling Board voluntary curbside recycling program. All revenue collected by the city for the voluntary curbside recycling program shall be remitted to the Perry County Recycling Board at least quarterly.”

Section 8. That Title 8, Chapter 8.16, Section 8.16.130, Subsection B, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“8.16.130 Residential disposal of large solid waste.

* * *

- B. Spring and Fall Cleaning. The city shall offer its residential customers large trash service two times per year at no additional charge. These pickups shall occur during the second full week of both April and October. This shall not include items listed as bulk or electronic in Section 8.16.060(K) or Section 8.16.130(A) except that furniture will be allowed for pickup during the Spring and Fall Cleaning. Individual large volumes of trash pickups may be scheduled outside of those times with public works for a prepaid fee of one hundred fifty dollars (\$150.00). Prepayment of this fee shall be required for all individual pickups estimated to be larger than four hundred (400) cubic gallons.”

Section 9. 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 10. 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 11. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: June 5, 2018.

SECOND READING: June 19, 2018.

PASSED AND APPROVED this 19th day of June, 2018, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5827, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **CRAWFORD, MURPHY & TILLY, INC.** RELATIVE TO **ENGINEERING DESIGN OF SECONDARY CONTAINMENT SYSTEM FOR EXISTING JET A TANKS AT THE PERRYVILLE REGIONAL AIRPORT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5827 is read a second time on motion by Alderman Buerck, seconded by Alderman Martin. 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; 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. 6048 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5827

ORDINANCE NO. 6048

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **CRAWFORD, MURPHY & TILLY, INC.** RELATIVE TO **ENGINEERING DESIGN OF SECONDARY CONTAINMENT SYSTEM FOR EXISTING JET A TANKS AT THE PERRYVILLE REGIONAL AIRPORT**; 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 **Crawford, Murphy & Tilly, 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 5, 2018.

SECOND READING: June 19, 2018.

PASSED AND APPROVED this 19th day of June, 2018, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5828, AN ORDINANCE AMENDING TITLE 10 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE "STOP SIGN SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 1738 RELATING TO DELETING A STOP SIGN DESIGNATION IN THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH. Bill No. 5828 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. 6049 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5828

ORDINANCE NO. 6049

AN ORDINANCE AMENDING TITLE 10 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE "STOP SIGN SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 1738 RELATING TO DELETING A STOP SIGN DESIGNATION IN THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. That the "Stop Sign Schedule" adopted under the authority of Section 10.12.210 of the Code of Ordinances of the City of Perryville, Missouri, and specifically set forth in Ordinance Number 1738, is hereby amended by DELETING THEREFROM the following stop sign designation:

ROCK LANE:

On Rock Lane at Rock Lane and Star Street.

Section 2. That it is the intent of the Mayor and Board of Aldermen of the City of Perryville, Missouri, that this ordinance shall amend and become part of Ordinance Number 1738, passed and approved by the Mayor and Board of Aldermen of the City of Perryville, Missouri, on the 16th day of July, 1981.

Section 3. That the City Administrator of the City of Perryville, Missouri, is hereby directed to cause the stop sign to be removed at the above streets in accordance herewith.

Section 4. That this ordinance shall not be codified in the Code of Ordinances of the City of Perryville, Missouri, but kept on file in the office of the City Clerk.

Section 5. That this ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: June 5, 2018.

SECOND READING: June 19, 2018.

PASSED AND APPROVED this 19th day of June, 2018, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

Now, at this time, the Board proceeds to approve Bill No. 5829, AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.78, SECTION 2.78.010, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO COMPOSITION OF AIRPORT BOARD; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 5829 is read a second time on motion by Alderman Riney, seconded by Alderman Buerck. 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. 6050 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5829

ORDINANCE NO. 6050

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.78, SECTION 2.78.010, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO COMPOSITION OF AIRPORT BOARD; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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

Section 1. That Title 2, Chapter 2.78, Section 2.78.010, Subsection C, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“2.78.010 Created—Composition—Appointment and qualification of members.

* * *

- C. One member of the airport board shall be a member of the board of aldermen, and no less than three members shall be individuals who have had experience or knowledge of aviation or economic development. The executive director of the Perry County Economic Development Authority and the city administrator, or his designee, shall serve as ex-officio, nonvoting members and assist the airport board members in all areas of responsibility. Business tenants of the airport shall be invited to attend the public portion of airport board meetings as ex-officio members.”

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 5, 2018.

SECOND READING: June 19, 2018.

PASSED AND APPROVED this 19th day of June, 2018, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

FIRST READINGS:

Alderman Riney presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5830, approving a request from Ryan Boxdorfer of Floyd’s Automotive for a special use permit to locate a shipping container on his property located at 506 East St. Francis Street, is read for the first time by title only. The heading is as follows:

AN ORDINANCE APPROVING THE PROPOSED REZONING FOR A SPECIAL USE PERMIT FOR CERTAIN PROPERTY IN THE CITY OF PERRYVILLE, MISSOURI, DESCRIBED IN EXHIBIT A; SETTING FORTH THE AREA FOR SPECIAL USE AND THE CONDITIONS OF SPECIAL USE; ALL IN ACCORDANCE WITH THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI.

Alderman Guth presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 5831, approving a request from Roger Hoff for a special use permit to locate a mini storage facility on his property located at 117 South Kingshighway, is read for the first time by title only. The heading is as follows:

AN ORDINANCE APPROVING THE PROPOSED REZONING FOR A SPECIAL USE PERMIT FOR CERTAIN PROPERTY IN THE CITY OF PERRYVILLE, MISSOURI,

DESCRIBED IN EXHIBIT A; SETTING FORTH THE AREA FOR SPECIAL USE AND THE CONDITIONS OF SPECIAL USE; ALL IN ACCORDANCE WITH THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI.

Alderman Riney presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5832, entering into a Memorandum of Understanding with the Perryville Development Corporation relative to development of real estate, 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 **MEMORANDUM OF UNDERSTANDING RELATIVE TO DEVELOPMENT OF REAL ESTATE**; 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. 5833, amending Title 2, Chapters 2.72, 2.76, 2.78 and 2.88 relative to employees prohibited from serving on appointed boards, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 2, CHAPTERS 2.72, 2.76, 2.78, AND 2.88, AND TITLE 17, CHAPTER 17.64, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO EMPLOYEES PROHIBITED FROM SERVING ON APPOINTED BOARDS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Martin presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 5834, entering into an agreement amendment with Hoskins Environmental Consulting regarding a translator study for WWTP discharge location at Cinque Hommes Creek, 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 **HOSKINS ENVIRONMENTAL CONSULTING** RELATIVE TO **AMENDMENT TO AGREEMENT TO INCLUDE A TRANSLATOR STUDY FOR WASTEWATER TREATMENT PLANT DISCHARGE LOCATION AT CINQUE HOMMES CREEK** ; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Tom Guth, as Chairman of the Economic Development Committee, asks EDA Director Sattler to update the Board on economic development activity. Director Sattler informs the Board that he is working to increase interest in housing for the area. He also tells the Board that he has been elected as Secretary of the MEDC.

City Administrator Buerck reports:

- **County Collector Memo regarding Personal Property Taxes** - We have used the County for over two years now to collect our personal and real estate property taxes. The vast majority of late taxes have been captured. Collector Richardet will no longer be checking personal property taxes for older years going forward. This only really affects years 2014 and 2015 and the outstanding balances is relatively low (less than \$7,000).
- **Parks & Rec Ball Field Rainout Update** - Staff has worked to address recent concerns regarding game cancellations and field rentals. I just wanted to shared copies of our procedures so the Board knows we are working to make this better.

- **Tourism Update** - My continued compliments to Trish and how she has blossomed in this role. We continue to serve on her advisory board, having just met this afternoon.

- **Missouri Motor Fuel Tax Report** - The legislators passed a law that would allow a vote on the fuel tax. This would increase fuel taxes 2.5 cents each of the next 4 years. Part of the money is designated for individual cities and counties (based on population). It would amount to about \$130,000/year for Perryville and \$340,000 for Perry County.

- **Splash Pad** - The weather has helped keep this project moving along very quickly. The building is working nicely and installation has gone well. We are going to try to expedite the concrete work approved above with hopes of opening the splash pad in mid-late July.

- **Approve Candidate Forum Request** – We received a request today from Jim Martin to waive the fees to use the Perry Park Center Theater for the Candidate Forum on July 22 from 6:30 pm to 8:30 pm.

Alderman Buerck makes a motion to approve the request to waive the fees to use the Perry Park Center Theater for the Candidate Forum on July 22 from 6:30 pm to 8:30 pm. Alderman Riney seconds the motion, and on vote the motion carries.

City Engineer Baer Reports:

- **Grand Avenue Street Construction** – We expect the contractor to start on this project after July 4th. He will be working from east to west. The completion date is expected around the first of December.

- **Mecker Water Lines** – We are making good progress on Mecker Road and will move to Ganahl next. The crews will mostly likely move to Moulton Street after they complete Ganahl.

City Administrator Buerck informs the Board that staff will create a schedule of streets slated for water line replacements for their review.

- **Northdale Park** – Progress has been made in Northdale Park. The fence will be removed; the trees will stay; will look into removing the stump; should be a nice area for kids to use for sledding in the winter.

Public Works Director Brown informs the Board that the sewer crews are smoking sewers in many areas throughout the city. They are making sure that residents are aware that we are in the area.

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

Alderman Guth notes that portions of the walking trail in the park need sweeping. He also asks if there are cameras on top of the new water towers. Staff informs the Board that there is a light on top of the tanks to make the tank visible to aircrafts. They also inform the Board that plans are to light the tanks. Alderman Riney asks staff to present the cost of lighting the tanks to the Board before the project is done.

Now, at this time, upon motion by Alderman Riney, seconded by Alderman Hudson, 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 Buerck, seconded by Alderman Riney, 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 Hudson, seconded by Alderman Schumer, and on vote carried, ordered that the Board now adjourn until Tuesday, July 3, 2018, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK