

**July 6, 2021**

**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 K. 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 asks 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 15, 2021.
4. Approve bills for June 2021.

At this time Alderman Riney, Chairman of the Finance Committee, presents the following bills and invoices for the month of June 2021, vendor checks numbered 119022 - 119313 ; 15 ACH transfers; payroll checks numbered: 658842 - 858871.

The following bills are presented to be paid for the month of June, 2021. Board finds that \$427,662.45 is chargeable to and payable out of the General Revenue Account; \$51,582.47 is out of Airport; \$76,897.42 is out of Transportation Trust; \$172,763.05 is out of Perry Park Center; \$1,078.94 is out of Veterans Memorial Field; \$337.93 is out of TIF #2; \$166.50 is out of TIF #3; \$1,752.25 is out of Street Improvement; \$45,499.02 is out of Refuse; \$237,747.79 is out of CWSS; \$182,787.05 is out of Gas Operation; and \$26,244.00 is out of WWTP Project. The Board, upon investigation, found the sum to be \$1,224,518.87.

5. Approve unbudgeted transfer from (614) CWSS to (641) WWTP in the amount of \$300,000.
6. Approve any allocated payments to the City of Perryville relative to the Coronavirus State and Local Fiscal Recovery Funds established by the American Rescue Plan Act of 2021 and authorize Mayor Baer to sign various documents associated with the funds.
7. Approve payment to Kirk and Cari Buehler, d/b/a Incredible Edibles, relative to 2020 Downtown Façade Improvement Grant - \$10,000.00.
8. Approve request from Heritage Tourism Director Erffeld to commit \$10,000 for a mural on the side of the building at 28 North Jackson Street.
9. Approve bids received for the Street Department Lawn Mower and award to Davis Farm Supply, Inc., per the recommendation of Public Works Director Layton - \$20,515.03.
10. Approve bids received for Perry Park Center Electrical Update and award to Cotner Electric Co., Inc., per the recommendation of Strickland Engineering - \$7,816.00.
11. Approve scope of project from Baer Engineering, LLC relative to engineering services for MoDot's Transportation Alternatives Program Project TAP-5000(009).

12. Approve plans and specifications for McDonald's Drive Street Improvement Project.
13. Approve plans and specifications for 2021 Street Improvement Project re North Parkview and Mary Streets.
14. Approve proposed promotional events for July Parks & Recreation Month.
15. Approve request from Mid America Rehab to provide portable bathroom facilities at the TG Trail for their 5K Rally Run - September 18, 2021.
16. Approve request from St. Vincent DePaul Parish to provide trash trucks for the Seminary Picnic – August 6-8, 2021.
17. Approve request from Perry County Commissioners for restricted parking for the Bicentennial Concert being held at the Seminary Picnic Grounds – August 8, 2021.

**END OF CONSENT AGENDA**

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

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

**SECOND READINGS AND FINAL PASSAGE:**

Now, at this time, the Board proceeds to approve Bill No. 6177, 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. Bill No. 6177 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. 6395 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6177

ORDINANCE NO. 6395

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.

WHEREAS, the City Board and the Planning and Zoning Commission have considered a proposed rezoning and/or special use permit for property described as 703 North Main Street, as set out in Exhibit A which is attached hereto and incorporated herein by reference; and,

WHEREAS, a public hearing was held on said rezoning and/or special use permit in accordance with the Code of Ordinances of the City of Perryville, Missouri; and,

WHEREAS, a special use permit to install four shipping containers on said property in a C-2 General Commercial District may be granted by virtue of the Code of Ordinances of the City of Perryville, Missouri; and,

WHEREAS, after duly considering the recommendations of the City Planning and Zoning Commission and other input received at the required public hearing, the Board of Aldermen of the City of Perryville, Missouri, has decided it is in the best interests of the citizens of the City of Perryville, Missouri, to grant a special use for said property.

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

Section 1. That an application for a special use permit, which said application is marked Exhibit A and attached hereto, is hereby approved, and a special use permit is hereby issued to Winkler Plumbing & Heating, Inc., Applicant.

Section 2. That the property set forth in Exhibit A is hereby granted a special use permit to install four shipping containers on said property in a C-2 General Commercial District.

The aforesaid special use permit is subject to the following specific conditions: compliance with all ordinances of the City of Perryville, Missouri.

Section 3. That the City Clerk of the City of Perryville, Missouri, shall and is hereby directed to indicate on the "Official Zoning District Map" of the City of Perryville, Missouri, the above special use permit and the date of issuance thereof and to certify same and to keep said map on file in the office of the City Clerk and a copy displayed in City Hall, City of Perryville, Missouri; and that said City Clerk is further directed to indicate on said "Official Zoning District Map" the existence of special conditions on the use of the aforesaid property.

Section 4. Violation of the special conditions listed above shall result in revocation of the special use permit and/or prosecution and/or fine under the zoning ordinances.

Section 5. This special use permit is issued to the applicant and shall not be assigned or otherwise transferred by said applicant. This special use permit runs with the applicant and not the land.

Section 6. If construction is required for the special use granted hereunder, this special use permit shall expire in the event construction does not commence within six (6) months of the date of issuance of this special use permit and is not completed within two (2) years of the issuance of this permit.

Section 7. 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 8. That this ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: June 15, 2021.

SECOND READING: July 6, 2021.

PASSED AND APPROVED this 6<sup>th</sup> day of July, 2021, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:  
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI  
By: Ken Baer, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6178, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND

BETWEEN THE CITY AND **RICHARDET PAINTING, LLC**, RELATIVE TO **PERRY PARK CENTER EXTERIOR MASONRY SEALING PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6178 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. 6396 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6178

ORDINANCE NO. 6396

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **RICHARDET PAINTING, LLC**, RELATIVE TO **PERRY PARK CENTER EXTERIOR MASONRY SEALING PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

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

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

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

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

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

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

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

5. 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 15, 2021.

SECOND READING: July 6, 2021.

PASSED AND APPROVED this 6<sup>th</sup> day of July, 2021, 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. 6179, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **THE SLIDE EXPERTS, INC.**, RELATIVE TO **PERRY PARK CENTER WATER SLIDE AND SUPPORT STRUCTURE REFINISHING/RESTORATION PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6179 is read a second time on motion by Alderman Buerck, seconded by Alderman Martin. Thereupon on motion by Alderman Buerck, seconded by Alderman Martin, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6397 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6179

ORDINANCE NO. 6397

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **THE SLIDE EXPERTS, INC.**, RELATIVE TO **PERRY PARK CENTER WATER SLIDE AND SUPPORT STRUCTURE REFINISHING/RESTORATION PROJECT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

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

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

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

1. That the Mayor and Board of Aldermen of the City of Perryville approve the contract in its substantial form, marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **The Slide Experts, 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 15, 2021.

SECOND READING: July 6, 2021.

PASSED AND APPROVED this 6<sup>th</sup> day of July, 2021, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:  
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI  
By: Ken Baer, Mayor

**FIRST READINGS:**

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 6180, approving First Amendment to District Project Agreement between City of Perryville, Perry Plaza Community Improvement District, and White Oak Holdings, LLC, is read for the first time by title only. The heading is as follows:

AN ORDINANCE APPROVING A FIRST AMENDMENT TO DISTRICT PROJECT AGREEMENT AMONG THE CITY OF PERRYVILLE, MISSOURI, THE PERRY PLAZA COMMUNITY IMPROVEMENT DISTRICT AND WHITE OAK HOLDING, L.L.C.

Alderman Buerck presents motion, seconded by Alderman Riney, and on vote carried Bill No. 6181, entering into a T-Hangar agreement with Frank Clepper, 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 FRANK D. CLEPPER RELATIVE TO RENTAL OF T-HANGAR SPACE; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Martin presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 6182, entering into an agreement with Cotner Electric Co., Inc., relative to Perry Park Center Electrical Service Upgrades, 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 COTNER ELECTRIC COMPANY, INC. RELATIVE TO PERRY PARK CENTER ELECTRIC SERVICE UPGRADES; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Schumer presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 6183, amending Title 2, Chapter 2.68 of the Code of Ordinances relative to Municipal Court Costs, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.68, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO MUNICIPAL COURT COSTS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Buerck presents motion, seconded by Alderman Martin, and on vote carried Bill No. 6184, authorizing condemnation proceedings to obtain certain described easements for the Northeast Outfall Sewer Replacement-Phase II Sewer Improvements, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AUTHORIZING CONDEMNATION PROCEEDINGS TO OBTAIN CERTAIN DESCRIBED EASEMENTS FOR THE NORTHEAST OUTFALL SEWER REPLACEMENT--PHASE II SEWER IMPROVEMENTS.

Mayor Baer asks for Committee Reports.

Alderman Schumer, as Chairman of the Public Works Committee, asks Public Works Director Layton for any updates. PW Director Layton tells the Board that the natural gas survey has been extended for another week. He also tells the Board that only one trash truck is available for the Seminary Picnic because one of the trucks needs to be repaired. Alderman Hudson suggests that they call Larry Schmidt Trucking to see if they have any replacement parts and if they could weld the body.

Alderman Guth, as Chairman of the Economic Development Committee, asks EDA Director Sattler to update the Board on any economic development activity. Director Sattler informs the Board that House Bill 19 was signed and now a memorandum of understanding will be prepared between the City of Perryville and State of Missouri to build a technical school. He also tells the Board that coding classes are available at the Catalyst Center.

City Administrator Report:

- **July 5 Public Hearing re WWTP** (held at Robinson Construction @ 6pm) - The MoDNR SRF loan process requires a public hearing which was held last night at the Robinson Construction Event Center. No one was in attendance, which was somewhat expected. We will continue working towards a closing date in the near future.

- **July 23 – American Tractor Museum Event** - We are excited to report the American Tractor Museum is already looking towards an expansion and this event will draw awareness and, hopefully, raise some financial support for those efforts.

- **PPC Event Notifications** - The business community requested better awareness and notification for large community events hosted by the Parks System (e.g. softball/baseball tournaments, soccer tournaments, etc.). Interested parties are urged to sign up through the “notify me” application on the City’s website, which automatically triggers alerts to such events.

- **Show Me Green Sales Tax Holiday Question** - Years ago, the City began to participate annually in this event designed to encourage appliances purchased locally to be energy efficient. In the past, the Board has requested the opportunity to review this each year but always opts to participate with little to no discussion. Staff just wanted to see if we could adopt a position of annual participation and not have to review this every single year.

It is the consensus of the Board to authorize staff to prepare an ordinance that perpetuates this decision.

- **Delta Broadband Mapping Project** - This project will help identify internet speeds throughout the Delta Region (extending all the way to New Orleans).

City Engineer Report:

- **Sewer Trunk Line Project** – This project has been completed and will be closed out. All of the lines designated for this project have now been re-lined.

Alderman Guth asks if any new I&I data has been made available. City Engineer Baer notes that no new information is available. He tells the Board that staff is looking for ‘hot spots.’ He also states that the School Street area should be fixed when the new trunk line and lift stations are installed.

- **Impound Building** – The City Engineer’s office is working with the architects on this project.

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

Alderman Guth suggests that the public be reminded that “flushable wipes” are not supposed to be flushed. Staff will include a flyer with this information in an upcoming utility bill.

Alderman Buerck asks if anyone received complaints about fireworks over the 4<sup>th</sup> of July holiday. He tells the Board that he received complaints about people shooting loud fireworks past the cut-off time. He also expressed his concern about the trash from the fireworks.

Assistant Chief Jones told the Board that the Police Department received a few calls. He notes that fireworks should not be shot after 10 pm on any night, and midnight on the 4<sup>th</sup> of July. He tells the Board that they will ticket anyone who is not obeying the rules. He also tells the Board that allowing the public to shoot off fireworks has helped the Police Department because they are not running from call to call during the fireworks season. He also states that debris from fireworks is not considered littering.

Now, at this time, upon motion by Alderman Buerck, seconded by Alderman Hudson, it is ordered that the Board now convene into closed session to discuss personnel matters in accordance with Section 610.021(3) RSMo; and contractual matters in accordance with Section 610.021(9) RSMo. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; 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 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.

Alderman Riney asks staff for a quick briefing on the TIF process. City Administrator Buerck explains how the TIF process works.

There being no further business, it is upon motion by Alderman Riney, second by Alderman Guth, and on vote carried, ordered that the Board now adjourn until Tuesday, July 20, 2021, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK