

July 16, 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 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 the invocation.

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

Mr. Richard Smalley, of 310 Feltz Street, Perryville, expresses his concerns about gravel on the sidewalks. He informs the Board that the gravel on sidewalks and slanted sidewalks can cause big problems for him as he travels in his motorized chair. He asks the Board to treat sidewalks with the same care and concerns that they do streets, noting that the sidewalks are the only way he can travel from point A to point B.

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

The Board is now introduced to Jordan Yamnitz, newly-hired Street Department Maintenance employee, and Caleb Keller, newly-hired Patrolman.

Mayor Baer issues tenure awards to the following City employees:

<u>5 Years</u>	-	Charlie McLeod
<u>10 Years</u>	-	Kim Messmer; Lyle Mudge
<u>20 Years</u>	-	Keith Riney; Amy Webb
<u>35 Years</u>	-	Bill Jones

At this time, Mayor Baer opens a public hearing regarding a request from Denise Ulrich for a special use permit to allow a commercial use (Farmers Insurance office) in an R-2 (Single-Family Residential) District at 1122 West St. Joseph Street. City Administrator Buerck's notes inform the Board that this property has been used as a daycare under a special use permit and is in a mixed use area. The dwelling cannot easily be converted to residential and is more suitable for commercial purposes.

Mr. Jacob Ritter, of 9407 North Highway 61, St. Mary's, Missouri, addresses the Board. He states that they would like to move their insurance business to this location. He notes that the traffic for their business would be less than is currently seen at this address and that no one would need to park on St. Joseph Street. He also says that they would like to place a sign on the property and understand that the sign should be no larger than 18 square feet and the light for the sign will be ground lit and will not shine out into the street.

There being no one else coming forth, Mayor Baer closes the public hearing regarding a request from Denise Ulrich for a special use permit to allow a commercial use (Farmers Insurance office) in an R-2 (Single-Family Residential) District at 1122 West St. Joseph Street.

CONSENT AGENDA ITEMS

6. Approve minutes from meeting of July 2, 2019.
7. Approve Financial Reports for June 2019.

CITY OF PERRYVILLE									
STATEMENT OF CASH POSITION									
JUNE, 2019									
		April 1, 2019	REVENUE	EXPENSE		CURRENT	ACCOUNTS	CURRENT	CURRENT
FUND NAME	Fund Balance	Y-T-D	Y-T-D	NET INCOME		FUND	RECEIVABLE	LIABILITIES	CASH
						BALANCE			BALANCE
101	Gen Rev	\$ 2,290,297.09	\$ 2,817,455.67	\$ (2,486,345.73)	\$ 331,109.94	\$ 2,621,407.03	\$ 8,994.55	\$ 33,864.36	\$ 2,646,276.84
105	FSA Administration	\$ 6,225.15	\$ 39.62	\$ -	\$ 39.62	\$ 6,264.77	\$ -	\$ -	\$ 6,264.77
106	Asset Forfeiture	\$ 53.99	\$ -	\$ -	\$ -	\$ 53.99	\$ -	\$ -	\$ 53.99
204	Airport	\$ 8,929.74	\$ 211,814.71	\$ (213,632.70)	\$ (1,817.99)	\$ 7,111.75	\$ 1,507.50	\$ 2,979.93	\$ 8,584.18
206	Trans Trust	\$ 1,208,736.02	\$ 242,922.06	\$ (208,469.82)	\$ 34,452.24	\$ 1,243,188.26	\$ -	\$ 1,469.84	\$ 1,244,658.10
207	Perry Park Ctr.	\$ (30,942.49)	\$ 1,647,868.41	\$ (1,609,570.97)	\$ 38,297.44	\$ 7,354.95	\$ 3,068.40	\$ 18,680.88	\$ 22,967.43
211	Veterans Field	\$ 21,171.45	\$ 8,502.93	\$ (1,799.57)	\$ 6,703.36	\$ 27,874.81	\$ -	\$ -	\$ 27,874.81
213	Field Improvement	\$ 9,788.95	\$ 45.82	\$ (525.00)	\$ (479.18)	\$ 9,309.77	\$ -	\$ -	\$ 9,309.77
307	Debt Service	\$ 418,823.91	\$ 2,617.10	\$ 2,059.22	\$ 4,676.32	\$ 423,500.23	\$ 373.78	\$ 373.78	\$ 423,500.23
308	Cap Imp Sls Tax Rev	\$ 997,235.69	\$ 181,368.94	\$ (708,333.34)	\$ (526,964.40)	\$ 470,271.29	\$ -	\$ -	\$ 470,271.29
409	Gen Pub Fac	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
414	TIF 1-Hwy 51/61	\$ 251,366.92	\$ 9,610.23	\$ (19,394.03)	\$ (9,783.80)	\$ 241,583.12	\$ -	\$ -	\$ 241,583.12
415	Economic Develop	\$ 37,660.38	\$ 167.77	\$ (33,333.34)	\$ (33,165.57)	\$ 4,494.81	\$ -	\$ -	\$ 4,494.81
416	TIF 2-Downtown	\$ 97,428.47	\$ 588.77	\$ (170.90)	\$ 417.87	\$ 97,846.34	\$ -	\$ -	\$ 97,846.34
417	TIF 3-I55/HWY 51	\$ 315,587.56	\$ 16,575.32	\$ (75,330.62)	\$ (58,755.30)	\$ 256,832.26	\$ -	\$ -	\$ 256,832.26
513	Street Imp	\$ 482,027.23	\$ 84,201.69	\$ (76,480.38)	\$ 7,721.31	\$ 489,748.54	\$ -	\$ -	\$ 489,748.54
612	Refuse	\$ 263,746.00	\$ 221,911.63	\$ (237,186.10)	\$ (15,274.47)	\$ 248,471.53	\$ 99,398.32	\$ 3,748.85	\$ 152,822.06
614	CWSS Op	\$ 3,091,157.59	\$ 1,931,626.31	\$ (1,606,087.54)	\$ 325,538.77	\$ 3,416,696.36	\$ 363,690.29	\$ 122,793.33	\$ 3,175,799.40
619	Gas Op	\$ 2,848,521.54	\$ 1,371,511.51	\$ (2,753,593.86)	\$ (1,382,082.35)	\$ 1,466,439.19	\$ 289,834.72	\$ 192,434.62	\$ 1,369,039.09
	TOTAL	\$ 12,317,815.19	\$ 8,748,828.49	\$ (10,028,194.68)	\$ (1,279,366.19)	\$ 11,038,449.00	\$ 766,867.56	\$ 376,345.59	\$ 10,647,927.03

8. Set Public Hearing date for 2019 Property Tax Rates – August 6, 2019, at 6:30 p.m.
9. Approve Pay Application 5 (Final) to Brockmiller Construction, Inc., relative to Perry Park Concession Stand Project - \$8,315.35.
10. Approve amended Part-Time Pay Plan.
11. Accept proposals received for CNG Station Upgrade and award to CNG Source Solutions, Inc. per recommendation of Public Works Director Brown - \$84,600.00.
12. Approve sale of surplus items.
13. Approve Mayor's appointments for:
 - (a) Planning and Zoning – 4 year term
Robynne Duvall - reappointment
Chris Schemel - reappointment
 - (b) Board of Adjustments – 5 year term
David Clements - appointment (to replace expired term of Jean Clements)
 - (c) Airport Advisory Board – 3 year term
Greg Gremminger - reappointment
Rick Schemel, Jr. - reappointment
Larry Dauer - reappointment
 - (d) Park Board – 5 year term
Yvonne Spears - reappointment
Jennifer Fulford - reappointment
 - (e) Cablecast Board – 3 year term
Jennifer Streiler - reappointment
 - (f) Perry County EDA Board – 2 year term
Tom Guth - reappointment

- (g) Higher Ed Advisory Council – 3 year term
Joanie Robinson - reappointment

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 as presented. Alderman Guth seconds the motion, and on vote the motion carries.

Alderman Buerck makes a motion to approve the request from Denise Ulrich for a special use permit to allow a commercial use (Farmers Insurance office) in an R-2 (Single-Family Residential) District at 1122 West St. Joseph Street including a lit sign no larger than 18 square feet. Alderman Martin seconds the motion, and on vote the motion carries.

The Board now discusses a recommendation from Public Works Director Brown to increase the minimum residency requirement for on-call Public Works employees from a 15-mile radius to a 25-mile radius. City Administrator Buerck informs the Board that this proposal is similar to what has been done for nearly all other positions in the City. He states that staff recommends extending the distance from home-to-base for our Public Works employees and that this will help ensure a larger applicant pool and also provide more flexibility for existing employees. He notes that, although this will slightly add to our on-call response time, it will still far exceed anything required by the Public Service Commission for natural gas emergencies.

After review, it is the consensus of the Board to approve the recommendation to increase the minimum residency requirement for on-call Public Works employees from a 15-mile radius to a 25-mile radius. City Administrator Buerck informs the Board that an ordinance will be prepared with this change for the Board's final approval.

At this time, City Administrator Buerck opens a discussion regarding Section 12.04.050 of the Code of Ordinances relative to clean sidewalks and gutters—property owner and occupant responsibility. He notes that at the last meeting, the aldermen raised concerns about gravel littering the streets after a hard rain. He notes that this gravel can most likely be attributed to a nearby driveway or parking lot. He also informs the Board that current ordinances allow for staff to enforce this standard and require said property owner to clean up that area of the street and the sidewalk. The Code Enforcement Officer sent letters to the properties the Board previously identified but he wants to ensure we have a solid understanding of the Board's intention (and expected level of enforcement) going forward. The Code Enforcement Officer will enforce this section of the code by first sending warning letters.

City Administrator Buerck asks the Board members to call City Hall to report any areas of concern that they notice in the community. Alderman Schumer notes that the property owner may not always be the responsible party for gravel in front of their property, noting that gravel travels down the street from other properties and lays at the base of his driveway. Alderman Buerck expresses his concerns over debris filling catch boxes and suggests that the responsible party should be billed for the City to clean it up.

City Administrator Buerck informs the Board that staff would like to modify the existing ordinance relative to bulk trash pickup by allowing all city residents to pay for and receive a bulk trash pickup. He notes that this would be helpful for residents of apartments, mobile home parks, etc. that utilize a dumpster service but still have a couch or appliance they need to dispose of.

In addition, he notes that during spring/fall cleanup staff would like to require customers to call ahead to schedule the pickup and no longer accept furniture. Staff believes this will help resolve the known abuses and problems pointed out in the past by the Board of Aldermen.

The Board now discusses the possibility of hiring a temporary agency to help patrol the park during the closed hours due to the increase in transients breaking the park curfew hours. City Administrator Buerck

recollects that in year's past a City employee helped patrol City Park during the summer months, which helped control things such as after-hours access and vandalism. This time, the focus would be on after-hours trespassing by transients known to be sleeping in the park. Staff has researched various methods of service delivery and recommends contracting with a temporary employee agency to expedite our process and help secure our parks as soon as possible. Once observed, the patrol would contact the police department for enforcement.

After discussion and review, Alderman Hudson makes a motion to hire a temporary agency to patrol the parks during the night. Alderman Schumer 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. 5950, 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. Bill No. 5950 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. 6171 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5950

ORDINANCE NO. 6171

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.

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 **Zeno Development, LLC, Daniel Gebhardt, and Heidi Gebhardt**. 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 18, 2019.

SECOND READING: July 16, 2019.

PASSED AND APPROVED this 16th day of July, 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. 5953, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **PARROT FILM COMPANY** RELATIVE TO **LOCAL CINEMA PRE-SHOW ADVERTISEMENTS AT THE PERRY PARK CENTER THEATER**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5953 is read a second time on motion by Alderman Martin, seconded by Alderman Buerck. Thereupon on motion by Alderman Martin, seconded by Alderman Buerck, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6172 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5953

ORDINANCE NO. 6172

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **PARROT FILM COMPANY** RELATIVE TO **LOCAL CINEMA PRE-SHOW ADVERTISEMENTS AT THE PERRY PARK CENTER THEATER**; 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 **Parrot Film Company**. 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: July 2, 2019.

SECOND READING: July 16, 2019.

PASSED AND APPROVED this 16th day of July, 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. 5954, 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 GENERAL WARRANTY DEED. Bill No. 5954 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. 6173 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5954

ORDINANCE NO. 6173

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 GENERAL WARRANTY 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 General Warranty Deed from **Mt. Hope Cemetery Association**, 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 General Warranty Deed.

Section 3. The City Clerk is hereby directed to file a copy of the General Warranty 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: July 2, 2019.

SECOND READING: July 16, 2019.

PASSED AND APPROVED this 16th day of July, 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. 5955, 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. 5955 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. 6174 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5955

ORDINANCE NO. 6174

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 **Mark D. Roy and Aaron V. Roy, Trustees of the Robert and Gladys Roy Trust**, 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: July 2, 2019.

SECOND READING: July 16, 2019.

PASSED AND APPROVED this 16th day of July, 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 AND SECOND READINGS AND FINAL PASSAGE:

Now, at this time, Bill No. 5956, 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, is read for the first time with an expedite clause for matters related to zoning as found in Title 17 of the Code of Ordinances upon motion by Alderman Buerck, seconded by Alderman Hudson. On motion by Alderman Buerck, seconded by Alderman Riney, and on vote carried, Bill No. 5956 is read for the second time. 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 showing the aye and nay vote showed as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, 6; nay, 0. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6175 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5956

ORDINANCE NO. 6175

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 1122 West St. Joseph 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 for an insurance agency in an R-2 Single-Family Residential 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 Denise Ulrich, Applicant.

Section 2. That the property set forth in Exhibit A is hereby granted a special use permit for an insurance agency in an R-2 Single-Family Residential 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 attached hereto as Exhibit B are the formal findings and conclusions of the Board of Aldermen.

Section 4. 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 5. 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 6. 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 7. 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 8. 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 9. The Mayor and Board of Aldermen of the City of Perryville, Missouri, hereby declare this ordinance to be a matter related to zoning as found in Title 17 of this Code which has previously been reviewed and approved by the City Planning and Zoning Commission, and for that reason this ordinance may be acted on in one meeting.

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

FIRST READING: July 16, 2019.

SECOND READING: July 16, 2019.

PASSED AND APPROVED this 16th day of July, 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, Bill No. 5957, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **PARAQUAD DEAF WAY INTERPRETING SERVICES** RELATIVE TO **PROVISION OF SIGN LANGUAGE INTERPRETATION SERVICES FOR MUNICIPAL COURT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR, is read with an emergency clause for the first time upon motion by Alderman Buerck, seconded by Alderman Martin. On motion by Alderman Buerck, seconded by Alderman Riney, and on vote carried, Bill No. 5957 is read for the second time. 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 showing the aye and nay vote showed as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, 6; nay, 0. The Mayor thereupon declared the

bill passed and approved and the bill thereupon became Ordinance No. 6176 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5957

ORDINANCE NO. 6176

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **PARAQUAD DEAF WAY INTERPRETING SERVICES** RELATIVE TO **PROVISION OF SIGN LANGUAGE INTERPRETATION SERVICES FOR MUNICIPAL COURT**; 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 **Paraquad Deaf Way Interpreting Services**. 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: July 16, 2019.

SECOND READING: July 16, 2019.

PASSED AND APPROVED this 16th day of July, 2019, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Ken Baer, Mayor

ATTEST:

Tracy Prost, City Clerk

FIRST READINGS:

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5958, accepting Easement Deed from Lappe Cement Finishing, Inc., is read for the first time by title only. The heading is as follows:

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEED.

Alderman Martin presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 5959, amending Title 10, Chapter 10.20 of the Code of Ordinances relative to the Prohibited Parking Schedule (TG Way near TG Missouri rear entrance driveway), is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.20, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE "PROHIBITED PARKING SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 3618 RELATING TO ADDITIONAL PARKING RESTRICTIONS IN THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

Alderman Riney presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5960, entering into an agreement with CNG Source Solutions, Inc. relative to CNG Station Upgrade, 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 **CNG SOURCE SOLUTIONS, INC.**, RELATIVE TO **UPGRADE OF COMPRESSED NATURAL GAS TIME FILL FUELING STATION AT 304 SOUTH KINGSHIGHWAY**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Guth, as Chairman of the Public Works Committee, asks staff if the Public Works Department is at full manpower. Public Works Director Brown notes that we are one person short in the Street Department.

Alderman Guth, as Chairman of the Economic Development Committee, asks EDA Director Sattler to update the Board on any economic development activity. Director Sattler notes the dedication of the solar field and the construction of houses in Redbud Court.

City Administrator Buerck reports:

- **Mo Public Water Council Workshop in Perryville Aug 1 2019** - This is another opportunity to host a statewide event, made possible by our membership with MPUA and my role on the Water Council. It is exciting as this session will include more practitioners, as well as a tour of the wastewater treatment plant.
- **Ozark Digital Media Apprenticeship Ltr** - This is an opportunity Trish is pursuing to locate a digital media internship here in Perryville. This program would be the first of its kind and has potential statewide impact.

- **Discussion regarding hotel/motel tax collection** - We have worked with the EDA, Perry County, and Trish through all the legal hurdles and will begin collecting this tax in August. Letters will be sent monthly by the EDA office and the Perry County Treasurer will receive the payments and make transfers to the EDA.

City Engineer Baer reports:

- **Sewer Trunk Line Project** – Work has begun on this project.
- **Sycamore Road Project** – Bids will be opened on July 18th for the Sycamore Road project. We have seven plan holders.

Mayor Baer asks the Board for any concerns or comments or other non-action items.

Alderman Martin informs the Board that he received calls from citizens regarding fireworks this July 4th season. Some people didn't know we are allowing fireworks in the city limits; someone was shooting fireworks off next to the park during the Rotary fireworks display.

Assistant Chief Jones reports that the Police Department did not have problems during this fireworks season.

Alderman Buerck suggests that the Board revisit the fireworks rules.

Alderman Guth notes that he recently learned that a big, new company is opening in St. Louis, and that Missouri is leading the nation in foreign investments.

Alderman Riney informs the Board that at the Airport Advisory Board meeting, they discussed:

- the Mississippi River is going down;
- 26,940 gallons of jet fuel has been sold since January 2019
- keeping 100 low lead fuel is attracting business
- would like large city logo on each side of the courtesy cars
- will begin prioritizing items for the next budget year

Mayor Baer asks Parks & Recreation Director Cadwell for an update. Director Cadwell informs the Board that the splash pad leak has been repaired and is working well; the City has been awarded both the non-playground and playground Scrap Tire Grants.

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 contractual matters in accordance with Section 610.021(9) RSMo; and security matters in accordance with Section 610.021(19) RSMo. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

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

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

ATTEST:

MAYOR

CITY CLERK