

September 3, 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.

At this time, Assistant Chief Jones introduces newly hired police officer, Jean-Pierre (JP) Staincliffe.

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

Mr. Richard Smalley, of 310 Feltz Street, Perryville, tells the Board of Aldermen that he is proud to live in Ward 3 of the City and that he wants to be able to speak to his aldermen in person, not just over the telephone. He also says that the Feltz Street park is beautiful with great sidewalks; however, the parking lot area needs to be repaired.

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

CONSENT AGENDA ITEMS

4. Approve minutes from meeting of August 20, 2019.
5. Approve bills for August 2019.

At this time Alderman Riney, Chairman of the Finance Committee, presents the following bills and invoices for the month of August, 2019, vendor checks numbered 112808 - 113102; and 10 ACH transfers; payroll checks numbered: 658310 - 658324.

The following bills are presented to be paid for the month of August, 2019. Board finds that \$300,505.69 is chargeable to and payable out of the General Revenue Account; \$460,446.12 is out of Airport; \$59,362.04 is out of Transportation Trust; \$133,109.16 is out of Perry Park Center; \$1,387.96 is out of Veterans Memorial Field; \$30.00 is out of Street Improvement; \$41,539.94 is out of Refuse; \$181,480.95 is out of CWSS; and \$120,973.25 is out of Gas Operation. The Board, upon investigation, found the sum to be \$898,835.11.

6. Approve Pay Estimate 2 to Ryan Construction Company, LLC relative to the Northeast Outfall sewer Replacement Project - \$615,210.46.
7. Approve Amendment 1 to agreement with Horner & Shifrin regarding engineering for the Tank Repair and Painting of 550,000 Gallon Standpipe Project - \$1,900 addition.
8. Accept bids for 2019 Safety Playground Surface (Soccer Park) and award to Taylormade Company per recommendation of Parks & Recreation Director Cadwell - \$20,541.75.
9. Approve plans and specifications for Softball Fields 2, 3 and 9 Improvements and authorize staff to advertise for bids.
10. Approve specifications for the Tank Repair and Painting of 550,000 Gallon Standpipe Project and authorize staff to advertise for bids.

11. Approve recommendation from Assistant Chief Jones regarding parking restrictions on Schindler Road.
12. Approve Request for Proposals for Real Estate Broker Services regarding 30 Zeno Street.
13. Approve specifications for Airport Snow Removal and authorizes staff to advertise for bids.
14. Approve request for qualifications for Airport Engineering Consultants and authorize staff to advertise for RFQs.
15. Approve request for qualifications for Airport Planning/Environmental Consultants and authorize staff to advertise for RFQs.
16. Approve request from the Downtown Revitalization Committee regarding the Farm-to-Table Community Dinner – Saturday, September 14, 2019.
17. Approve Festival Application from the Downtown Revitalization Committee relative to Bikers on the Square – Saturday, September 21, 2019.
18. Approve Festival Application from the Downtown Revitalization Committee for a Fall Festival Craft Fair – Saturday, October 19, 2019.
19. Approve request from the Chamber of Commerce regarding their Moonlight Madness event – Thursday, October 24, 2019.
20. Approve request from the Downtown Revitalization Committee regarding their Christmas on the Square event – Saturday, November 30, 2019.
21. Approve update to Police Department Operations Manual – GO-18-0302.

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 Buerck seconds the motion, and on vote the motion carries.

At this time, the City Administrator's yearly evaluation forms are distributed to the Board of Aldermen. The completed forms shall be returned to the City Clerk's office.

RESOLUTION:

After discussion and review, Alderman Buerck makes a motion to support an application from Turning Leaf Circle for Funding to Construct Workforce Housing. Motion is seconded by Alderman Hudson, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2019-08

A RESOLUTION OF THE BOARD OF ALDERMEN OF PERRYVILLE, MISSOURI, OF SUPPORT FOR AN APPLICATION FROM TURNING LEAF CIRCLE FOR FUNDING TO CONSTRUCT WORKFORCE HOUSING IN PERRYVILLE, MISSOURI.

WHEREAS, Turning Leaf Circle is proposing to develop 20 duplexes that will contain 40 two-bedroom apartments for families in the City of Perryville with an entrance off of Sycamore Drive for a four acre housing community; and,

WHEREAS, the City of Perryville, Missouri, recognizes the need for safe, affordable, quality housing; and

WHEREAS, the financing and tax credits available through the Missouri Housing Development Commission will provide the financial resources to develop these duplexes with affordable rents; and

WHEREAS, the financing and tax credits available through the Missouri Housing Development Commission are limited and competitive resources.

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

SECTION 1. That the City of Perryville hereby expresses its support for the proposal from Turning Leaf Circle for the 2019 MHDC Multi-Family Rental Production Program Notice of Funding Availability for the Turning Leaf Circle housing development.

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

PASSED AND APPROVED this 3rd day of September, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

ATTEST:
Tracy Prost, City Clerk

SECOND READINGS AND FINAL PASSAGE:

Now, at this time, the Board proceeds to approve Bill No. 5972, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **CITIZENS ELECTRIC CORPORATION** RELATIVE TO **ELECTRIC FACILITIES RELOCATION AGREEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 5972 is read a second time on motion by Alderman Martin, seconded by Alderman Guth. Thereupon on motion by Alderman Martin, seconded by Alderman Guth, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6191 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5972

ORDINANCE NO. 6191

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **CITIZENS ELECTRIC CORPORATION** RELATIVE TO **ELECTRIC FACILITIES RELOCATION 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 **Citizens Electric Corporation**. It is the belief of the Mayor and Board of Aldermen that it is in the best interest of the citizens of the City of Perryville, that the City enters into said 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: August 20, 2019.

SECOND READING: September 3, 2019.

PASSED AND APPROVED this 3rd day of September, 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. 5973, AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.20, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO PARKING REGULATIONS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH . Bill No. 5973 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. 6192 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5973

ORDINANCE NO. 6192

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.20, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO PARKING REGULATIONS; 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 10, Chapter 10.20, of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding Section 10.20.045 to read as follows:

"10.20.045 Blocking United States mailboxes prohibited.

It shall be unlawful for any person to park any vehicle within ten (10) feet of a mailbox utilized for the delivery and receipt of the United States mail from 7:00 a.m. to 6:00 p.m. Monday through Saturday except for holidays on which there is no United States mail delivery.”

Section 2. That Title 10, Chapter 10.20, Section 10.20.060, entitled “Granting of taxicab stands—Fee,” of the Code of Ordinances of the City of Perryville, Missouri, is hereby DELETED IN ITS ENTIRETY.

Section 3. 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 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

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

FIRST READING: August 20, 2019.

SECOND READING: September 3, 2019.

PASSED AND APPROVED this 3rd day of September, 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. 5974, 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. 5974 is read a second time on motion by Alderman Schumer, seconded by Alderman Hudson. Thereupon on motion by Alderman Schumer, seconded by Alderman Hudson, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none. The Mayor thereupon declared the bill passed and approved and the bill thereupon became Ordinance No. 6193 of the City of Perryville, and is in words and figures as follows:

BILL NO. 5974

ORDINANCE NO. 6193

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 **Perryville Senior Housing, L.P.**, 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: August 20, 2019.

SECOND READING: September 3, 2019.

PASSED AND APPROVED this 3rd day of September, 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 Martin presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5975, entering into an agreement with Taylormade Company for the 2019 Safety Playground Surface at the Soccer Park, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AUTHORIZING THE PRESIDENT OF THE BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **TAYLORMADE COMPANY** RELATIVE TO **2019 BANK OF MISSOURI SOCCER PARK SAFETY SURFACES**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE PRESIDENT OF THE BOARD OF ALDERMEN.

Alderman Buerck presents motion, seconded by Alderman Guth, and on vote carried Bill No. 5976, accepting sinkhole easement deeds from B&H Properties; Dennis and Tamara Brown; and Larry Endres, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AUTHORIZING THE PRESIDENT OF THE BOARD OF ALDERMEN 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 DEEDS.

Alderman Riney presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 5977, entering into an agreement with Mark F. Brown, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AUTHORIZING THE PRESIDENT OF THE BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND

BETWEEN THE CITY AND **MARK F. BROWN**, RELATIVE TO **RESIGNATION AGREEMENT AND RELEASE OF ALL CLAIMS**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE PRESIDENT OF THE BOARD OF ALDERMEN.

Alderman Buerck, as Chairman of the Public Safety Committee, asks about dust control in Rambling Hills Subdivision. City Administrator Buerck informs the Board that he will check the Street Policy to see what the policy says about controlling dust on gravel streets.

Alderman Guth, as Chairman of the Economic Development Committee, asks EDA Director Sattler to update the Board of Aldermen on any economic development activities. Director Sattler tells the Board that he is attending the DED Governor's Conference in St. Charles; the EDA golf tournament is scheduled for next week; Bikers on the Square will have an event at the Wall honoring veterans.

City Administrator Buerck reports:

- **ISO Evaluation** - We were contacted verbally by ISO and advised it is time for a reevaluation. This is unusual as communication in the past has always been in the written form and then usually 10-years apart. It has only been 5 years since our last evaluation. We have asked for something in writing but have also started to put together the required information. As a reminder, it is this process that sets property insurance rates as they relate to fire protection.

- **Street Improvement Process** - For our process:

1. Staff began with the survey of asphalt streets provided by Zahner and Associates
2. 20+ streets were identified for an on-site visit and review
3. Consideration was given to street classification and ward
4. City Engineer was asked to understand the utility needs and plans for those streets
5. Traffic counts were requested for the five streets determined to be in the poorest condition to place in the CIP (North Parkview, Trade Winds Drive, Robb Street, North Moulton and West Ste. Marie)

- **Splash Pad and Pool Discharge** - Recent changes (effective August 29) to the law now require chlorinated discharges from splash pads to occur directly into the City's sewer system. Staff is working to make the connections at the splash pad and have found similar requirements exist for the pool. That said, the Perry Park Center project will be far too big for staff to do. The City Engineer's office is preparing plans for this work and the Board will be asked to approve it in the near future.

- **Schindler Road Sidewalk** - Years ago, staff worked with the School District to extend sidewalks in the vicinity of the elementary school. At the time, this included a stub across the street and onto the school's property. After construction, we now have a handicap ramp leading to steps and are aware of an individual who had an accident with their wheelchair. At this time, staff would like to simply extend the sidewalk on school property and connect to the parking lots. The school has agreed to this approach.

- **MU Extension Board** - We were recently advised that RSMo requires the City appoint a representative to the MU Extension Board. In 1980, this representative was Administrator Al Stoverink. In 2004, it was Alderman Randy Leible. The Mayor will need to make such an appointment

- **Payment of 2012 A Certificate of Participation** - We were just advised of the opportunity to pay off this COP a bit earlier than July 2020 when it reaches full maturity. The money is already being held and paying it now will save approximately \$5,000 in interest and release an overpayment of about \$40,000. It seems wise and prudent so we will proceed unless the Board advises us otherwise.

After discussion and review, it is the consensus of the Board to approve the early payment of 2012A Certificate of Participation.

- **Christmas on the Square** - We met with the event organizer, Mary Jo Bammel from Villainous Grounds. Mary Jo is really doing a great job. She is going to add lights to the poles downtown and also plans to close the interior of the square to parking to provide space for activities and port-a-potties. Most exciting is she is working on a live nativity, complete with camels if possible. It sounds like it will be an incredible event and we will support her as possible.

City Engineer Baer Reports:

- **Sewer Project** – This project is moving along very well.
- **Sycamore Road Project** – This project starts this week, beginning on the south side near T-Road. Staff met with Citizens Electric regarding the electric lines. Also, AT&T has moved their lines on the west bank.

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

Alderman Buerck reports that two people in the soccer park vicinity have concerns about drainage issues. City Engineer Baer will look into the matter.

Alderman Hudson expresses his thanks that residents in Ward 3 have cleaned out their brush and weeds.

There being no further business, it is upon motion by Alderman Buerck, seconded by Alderman Martin, and on vote carried, ordered that the Board now adjourn until Tuesday, September 17, 2019, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK