

**January 4, 2022**

**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 Art Pistorio, 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.

Assistant Chief Jones introduces new city employees – Dispatchers: Jolene Jundt and Kimberly Kimmell.

**CONSENT AGENDA ITEMS**

4. Approve minutes from meeting of December 21, 2021.
5. Approve bills for December 2021.

At this time Alderman Riney, Chairman of the Finance Committee, presents the following bills and invoices for the month of December 2021, vendor checks numbered 120629 - 120872; 17 ACH transfers; payroll checks numbered: 659034 - 659083.

The following bills are presented to be paid for the month of December 2021. Board finds that \$252,084.37 is chargeable to and payable out of the General Revenue Account; \$105,844.14 is out of Airport; \$22,579.20 is out of Transportation Trust; \$77,209.61 is out of Perry Park Center; \$2,444.71 is out of Veterans Memorial Field; \$10,626.58 is out of Tech Ed Building; \$9,567.75 is out of TIF #3; \$21,570.94 is out of Street Improvement; \$50,159.58 is out of Refuse; \$136,691.57 is out of CWSS; and \$527,663.87 is out of Gas Operation. The Board, upon investigation, found the sum to be \$1,216,442.32.

6. Approve Invoice 21-506-1 to Zoellner Construction relative to Impound Building Project - \$149,099.00.
7. Confirm approval of request to sell alcohol in gymnasium of the Perry Park Center for a concert to raise funds for the St. Mary's tornado victims – January 15, 2022, from 6pm to 10pm.
8. Approve request from Jennifer Janet for Immanuel Lutheran Church and School to schedule a 5K Walk/Run fundraiser on April 23, 2022.
9. Accept proposal from Horner & Shifrin relative to Water Model Update and Evaluation.
10. Approve plans and specifications for Airport Reconstruction of Southeast Taxiway and East Apron Taxilane Project No. 20-063A-2 and authorize staff to advertise for bids.
11. Approve purchase of excess right-of-way from Missouri Department of Highway and Transportation relative to new Fire Station #2.

12. Approve quotes received for Miget Memorial Park Playground Retaining Wall and award to Kueker's Nursery & Landscaping per recommendation of City Engineer Baer - \$16,265.55.
13. Approve purchase of hydrants and valves from Core & Main - \$28,360.27.
14. Approve quotes received for winter salt and award to Morton Salt - \$87.74 per ton.
15. Approve suggested plan for reassignment of city vehicles.
16. Approve EDA program funding application.
17. Acknowledge receipt of 2023 Perry Plaza CID Budget.
18. Approve update to Police Department Operations Manual relative to non-preference wrecker requests – GO-98-0802.

### **END OF CONSENT AGENDA**

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

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

At this time, the Board discusses the need to replace the downtown streetlights via time and material method. City Administrator Buerck tells the Board that last weekend's winds knocked down a city-owned light pole. Although no one was hurt, a car was damaged. He notes that this is the second pole that has fallen, even though staff is doing regular inspections of the poles around the Square. He asks the Board for permission to proceed with the emergency replacement of these decorative lights, for a possible cost of \$275,000. He says that new poles could include speakers for downtown events as well as a watering system for plants placed on the structure. Public Works Director Layton adds that water has been found at the base and has rusted the inside of the lights. He tells the Board that staff has been unable to determine how many of the lights need to be replaced. Alderman Guth states that he thinks the lights could be fixed. After discussion, it is decided that staff would meet with the aldermen at the Downtown Square tomorrow morning to view the lights. The Board will review this matter again at the next meeting.

City Administrator Buerck notes that staff has previously visited with the Planning & Zoning Commission and the Board of Aldermen regarding minimum parking requirements. He states that staff proposes eliminating minimum parking requirements for commercial businesses and allowing the businesses to determine their own parking requirements. He notes that this will free up more property for redevelopment in the City and also allows the private businesses to consider things like online shopping, store delivery and pickup, and changing shopper preferences in how they design and build their retail spaces. He also states that, although this is a growing trend nationally, we would likely be the first city in Missouri to take this step to improve its business climate. Alderman Schumer notes that most businesses know how many parking spaces they need. City Administrator Buerck tells the Board that staff proposes leaving the restrictions in place for residential development, particularly as it relates to multi-family complexes, and he also tells them that downtown parking on the street is shared by all of the businesses; however, it is owned by the City.

After discussion and review, it is the consensus of the Board to authorize staff to prepare an ordinance regarding the elimination of minimum parking requirements for commercial businesses for their consideration.

City Administrator Buerck tells the Board that staff has reviewed the reports of unacceptable activities at the Downtown Plaza. He suggests that the easiest way to remove the activities is by turning off the electricity to the Downtown Plaza as soon as the Christmas tree is removed. Alderman Riney and Alderman Martin relate several reports they have received about the behavior of the people hanging out at the

Downtown Plaza. Assistant Chief Jones and City Administrator Buerck ask the Board members to direct any complaints to the Police Department so they can be handled quickly.

After discussion, it is the consensus of the Board that the electricity be discontinued at the Downtown Plaza to try to deter the activities; however, they would like to review the matter again in the Spring when the weather warms up.

## **SECOND READINGS AND FINAL PASSAGE:**

Now, at this time, the Board proceeds to approve Bill No. 6258, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **JEREMY TENNEY** RELATIVE TO **POLICE OFFICER TRAINING EMPLOYMENT AGREEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6258 is read a second time on motion by Alderman Buerck, seconded by Alderman Martin. Thereupon on motion by Alderman Buerck, 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. 6475 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6258

ORDINANCE NO. 6475

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **JEREMY TENNEY** RELATIVE TO **POLICE OFFICER TRAINING EMPLOYMENT 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 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 Jeremy Tenney. 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: December 21, 2021.

SECOND READING: January 4, 2022.

PASSED AND APPROVED this 4<sup>th</sup> day of January, 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 Schumer presents motion, seconded by Alderman Riney, and on vote carried Bill No. 6259, accepting Voluntary Annexation from Missouri Highways and Transportation Commission for a portion of State Highway AC, is read for the first time by title only. The heading is as follows:

AN ORDINANCE ANNEXING CERTAIN ADJACENT TERRITORY INTO THE CITY LIMITS OF THE CITY OF PERRYVILLE, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.012 RSMO.

Alderman Martin presents motion, seconded by Alderman Guth, and on vote carried Bill No. 6260, accepting Voluntary Annexation from the City of Perryville, Missouri, for a 5.37 acre tract as recorded in Document 2021R01107 of the Perry County Deed Records, is read for the first time by title only. The heading is as follows:

AN ORDINANCE ANNEXING CERTAIN ADJACENT TERRITORY INTO THE CITY LIMITS OF THE CITY OF PERRYVILLE, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.012 RSMO.

Alderman Riney presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 6261, accepting General Warranty Deed from Perryville Development Corporation relative to property for Technical Education Building, 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 GENERAL WARRANTY DEED.

Mayor Baer asks for Committee Reports.

Alderman Guth, as Chairman of the Economic Development Committee, informs the Board that the search has begun for an Economic Development Director to replace Scott Sattler.

City Administrator Report:

- **Impound Building** - Zoellner Construction, as our Construction Manager at Risk for the Impound Building project, proposes to put the following packages out for bid so the concrete and civil work can begin: site utilities; site grading; concrete; plumbing; and steel building erection. This expedited process will still help ensure the city secures competitive bids, similar to the process used for the WWTP. They propose these items at a later date: HVAC; electrical; doors and frames; overhead doors; interior framing; rough carpentry; drywall; and taping/painting.

- **Board Appreciation Dinner – February 25, 2022 @ Perryville Country Club** - The last Friday before Lent is February 25 and the day staff proposes for the annual Board appreciation dinner. Although the space is a bit smaller, the current plan is to return to the comfort of the Country Club.

- **Census Results** - Based on our research, we really don't have a good path to challenge the findings of the census. Although, I believe new bedrooms is an accurate reflection of the growth we did see, it is not sufficient to prove the growth by census block. As it is, our population will remain 8,555 for the next 10 years.

- **Post Office Delays** - Among the things we have no control over but that do affect our business is the post office. We have already seen some delays and it has been advised more are likely if the Cape processing plant is closed. Those customers concerned with the timing of their bill now have the option to "go green" and sign for electronic billing or even set up a system of autopay.

- **Perryville Technical Education Campus (P-TECh)** - This is the name and acronym we have been using to describe our new technical education campus. I wanted to mention it here as the Board will likely see more of this name going forward.

- **AGCMO Vaccine Alert** - On December 17, the 6<sup>th</sup> Circuit Court of Appeals lifted the stay for the vaccine mandate. This will certainly result in more litigation but, as best we can tell, these regulations will be in full force on January 10<sup>th</sup> and enforcements will begin one month later on February 9<sup>th</sup>.

- **A Modern Eden** - This book is presently available through the Perry County Historical Society. Already in 1895, settlers described our area as a Modern Eden. As staff find books such as this, we have made the habit of buying a copy for the City.

- **Commercial Water Filler** - Some time ago, members of the Board asked staff to consider a commercial water filler for large trucks. We are learning such equipment will probably come in around \$50k and are looking at different brands and options. The lead time for any purchase will certainly carry into next fiscal year but staff would like to be positioned to install this device early in the summer as opposed to late. If the Board is certain it wishes to proceed, staff will start the purchasing process and bring our findings to the Board for approval.

During discussion, Mayor Baer expresses his concerns that the city would be competing with other businesses that are selling water in this manner. After further discussion, it is agreed that staff should continue their research on this matter and bring back further information for the Board to consider.

City Engineer Report:

- **2020 Street Improvement Project** – Progress has continued on this project until the cold weather caused a halt to concrete pours.

- **NE Outfall Sewer Project** – The manhole delivery has been delayed until January 6<sup>th</sup>. The plan is to cross the branch first and then cross Highway E. It will be slow progress at first, but will pick up once they are past this area.

Parks & Recreation Report:

- **Projector Status** – The projector is still expected to arrive by the end of January.
- **Mayor's Cup** – Mayor's Cup is scheduled for January 29<sup>th</sup>.
- **Membership Drive** – Rather than do a January membership drive, staff will run a "sale" in July. It is hoped that people will choose to do an automatic monthly withdrawal for their membership rather than a lump sum method.

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

Alderman Guth shares his opinion about the placement of the skate park. He believes a good location would be next to the parking lot across from the tennis courts. The Board members like the location and ask that it be included in the discussion with the Park Board.

Alderman Martin informs the Board that he has received complaints about Todd Schilli's business along Brenda Avenue. It has been reported that he uses the street to unload equipment. Staff reports that the new "no parking" ordinance along Brenda Avenue was approved by the Board at the last meeting; however, the signs have not yet been posted. City Administrator Buerck asks Public Works Director Layton to make sure that the signs be posted tomorrow if possible.

Now, at this time, upon motion by Alderman Riney, seconded by Alderman Guth, it is ordered that the Board now convene into closed session to discuss contractual matter 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.

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, January 18, 2022, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK