

February 1, 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. Scout James Unterreiner leads the Pledge of Allegiance and Mayor Baer says the 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 employee Police Cadet Jeremy Tenney.

CONSENT AGENDA ITEMS

4. Approve minutes from meeting of January 18, 2022.
5. Approve bills for January 2022.

At this time Alderman Riney, Chairman of the Finance Committee, presents the following bills and invoices for the month of January 2022, vendor checks numbered 120873 - 121107; 15 ACH transfers; payroll checks numbered: 659083.4 - 659089

The following bills are presented to be paid for the month of January 2022. Board finds that \$376,227.09 is chargeable to and payable out of the General Revenue Account; \$113,812.51 is out of Airport; \$45,409.72 is out of Transportation Trust; \$123,745.88 is out of Perry Park Center; \$25,999.72 is out of Tech Ed Building; \$2,580.00 is out of TIF #2; \$3,716.85 is out of TIF #3; \$12,311.50 is out of Street Improvement; \$41,547.72 is out of Refuse; \$209,255.32 is out of CWSS; \$391,689.94 is out of Gas Operation; and \$25,964.89 is out of WWTP Project. The Board, upon investigation, found the sum to be \$1,372,261.14.

6. Set public hearing date for proposed Fiscal Year 2022-23 City of Perryville Budget - February 15, 2022, at 6:30 p.m.
7. Approve purchase order to Core & Main for purchase of hydrant adapters - \$46,705.00.
8. Approve purchase order to Missouri State Highway Patrol for purchase of 2018 Dodge Charger to replace totaled police car - \$18,950.00.
9. Approve purchase order to Forward Slash Technology, LLC, for purchase and installation of security systems - \$61,733.49.
10. Approve bids for Mini-Park Mowing Project and award to Welker Brothers Landscaping, LLC, per recommendation of Parks & Recreation Director Cadwell - \$780/per mow/5 parks.

| Company | Bid |
|---------|-----|
|---------|-----|

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| Welker Brother Landscaping LLC 501 PCR 518, Perryville, MO 63775 | \$780.00 |
| Kester All Season Service, LLC 1860 Co Rd 419 Friedheim, MO 63747 | \$998.00 |
| Levi Repp 2246 S. Kingshighway Perryville, MO 63775 | \$1,500.00 |
| Kueker Nursery and Landscaping 3811 N HWY 51 Perryville, MO 63775 | \$1,349.00 |

11. Approve plans and specifications for the Perryville Fire Station Utility Main Extensions and authorize staff to advertise for bids.
12. Approve request from PHS Project Graduation Committee to hold a boot drive at stop lights around the Square on Friday and Saturday, April 8 and 9, 2022.
13. Approve request from Mary Jane Burgers & Brew and Warren Visual to hold the Annual Polar Bear 5K Run on Saturday, March 26, 2022.
14. Approve request from St. Vincent Education Foundation for use of trash truck.

END OF CONSENT AGENDA

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

Item 6: Alderman Guth asks the Board to consider the need for the purchase of Green Climber LV600 mower with a Kohler engine at a cost of \$100,000 included on the proposed 2022-23 Budget. He suggests that, instead of the mower, a skid steer and rotary cutter could be purchased for \$75,000, or the job could be placed out for bid. City Administrator Buerck and Public Works Director Layton tell the Board that the remote-controlled mower would be used on steep inclines, ditches, and easements where we cannot take manned vehicles. Alderman Hudson questions whether the steep hills could be leveled. Staff will provide further information to the Aldermen for their consideration.

Item 11: Alderman Guth asks when staff plans to begin the Fire Station Utility Main Extension project. City Engineer Baer states he expects to begin the project in April.

Item 8: Alderman Prince asks how many miles are on the police vehicle. Asst. Chief Jones informs the Board there are 40,000-50,000 miles on the 2018 Dodge Charger.

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

At this time, City Administrator Buerck informs the Board that the Finance Committee expressed concerns about the Market Analysis and Retail Recruitment Services RFP that staff recently proposed to the entire Board for their consideration. Alderman Guth tells the Board that he does not believe the document would be beneficial to a business, noting that he believes a business would do their own market study if they were interested in placing a business in Perryville. Alderman Hudson and Alderman Buerck also express their misgivings about the need for the report. City Administrator Buerck states that the report would be a useful tool for the EDA Director to use when working with prospective businesses; however, per the Board's decision, it will be removed from this year's budget cycle.

RESOLUTION:

After discussion and review, Alderman Schumer makes a motion to support efforts to name the new bridge connecting Perry County and Randolph County the “Don Welge Memorial Bridge.” Motion is seconded by Alderman Buerck. 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, nay; David J. Schumer, aye. Totals: aye, five; nay, one. Motion carries. Said Resolution is as follows:

RESOLUTION NO. 2022-01

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, MISSOURI, SUPPORTING THE EFFORTS TO NAME THE BRIDGE CONNECTING PERRY COUNTY, MISSOURI, AND RANDOLPH COUNTY, ILLINOIS, THE “DON WELGE MEMORIAL BRIDGE.”

WHEREAS, the City of Perryville Mayor and Board of Aldermen wish to honor and memorialize the life, contributions, and service of Don Welge to the communities of Perryville, Missouri, and Chester, Illinois; and

WHEREAS, as the President and CEO of Gilster-Mary Lee, Don Welge provided employment for thousands of residents of Perryville and Chester since the mid-1970’s and had been a leader in his commitment to the growth and prosperity of both communities; and

WHEREAS, the bridge between Perryville, Missouri, and Chester, Illinois, has served as a vital part of the lives of the citizens in both communities by connecting people with family, jobs, and services, and Don Welge’s dedication to progress and expansion has enriched the connection between the communities; and

WHEREAS, Don Welge traveled across the existing bridge thousands of times during his lifetime, and Gilster-Mary Lee trucks and trailers can be seen crossing the bridge countless times each day moving raw materials and finished product among plant locations on both sides of the Mississippi River; and

WHEREAS, Don Welge had long been a champion for the redevelopment of the Chester Bridge and advocated for its construction at all levels of community and government; and

WHEREAS, the Missouri Highway and Transportation Commission has announced that funding has been approved to replace the current bridge, known as the “Chester Bridge,” with construction expected to begin in 2023.

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

That the City of Perryville hereby requests the Missouri Department of Transportation name the newly constructed bridge connecting Perry County, Missouri, and Randolph County, Illinois, the “Don Welge Memorial Bridge” in honor of Mr. Welge’s contribution to the connection between the two communities.

PASSED AND APPROVED this 1st day of February, 2022, by a vote of 5 ayes, 1 nay, 0 abstentions, and 0 absent.

ATTEST:
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Ken Baer, Mayor

SECOND READINGS AND FINAL PASSAGE:

Now, at this time, the Board proceeds to approve Bill No. 6263, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A **LETTER OF ENGAGEMENT AND PRIVILEGED AND CONFIDENTIAL COMMON INTEREST AND JOINT LITIGATION AGREEMENT** BY AND BETWEEN THE CITY AND **DAY PITNEY, LLP**, RELATIVE TO **LEGAL REPRESENTATION IN THE MATTER OF NATURAL GAS PIPELINE COMPANY OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6263 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. 6480 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6263

ORDINANCE NO. 6480

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A **LETTER OF ENGAGEMENT AND PRIVILEGED AND CONFIDENTIAL COMMON INTEREST AND JOINT LITIGATION AGREEMENT** BY AND BETWEEN THE CITY AND **DAY PITNEY, LLP**, RELATIVE TO **LEGAL REPRESENTATION IN THE MATTER OF NATURAL GAS PIPELINE COMPANY OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION**; 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 the letter of engagement and litigation agreement, 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 agreements;

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 agreements in their 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 **Day Pitney, LLP**. 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 agreements.

2. That the Mayor be and he is hereby authorized and directed to execute said agreements 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 agreements.

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: January 18, 2022.

SECOND READING: February 1, 2022.

PASSED AND APPROVED this 1st day of February, 2022, 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. 6264, AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.60, SECTION 17.60.050, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO THE SCHEDULE OF MINIMUM PARKING SPACES REQUIRED; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 6264 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. 6481 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6264

ORDINANCE NO. 6481

AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.60, SECTION 17.60.050, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO THE SCHEDULE OF MINIMUM PARKING SPACES REQUIRED; 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 17, Chapter 17.60, Section 17.60.050, Subsection B of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“17.60.050 Schedule of minimum parking spaces required.

B. Commercial, Industrial, and Institutional:

1. There is no minimum parking space requirement for any Commercial, Industrial, or Institutional property required by the Perryville Missouri Schedule of Ordinances. Instead, it is understood and expected that individual developers will consider their parking needs, specific to their business(es), and design accordingly.
2. Notwithstanding the foregoing, Commercial, Industrial, and Institutional property parking must adhere to all other local, state, and federal statutes and regulations, including, but not limited to adhering to all Americans with Disabilities Act (ADA) requirements for parking spaces.”

Section 2. That Title 17, Chapter 17.60, Section 17.60.050, Subsection C, Paragraph 2 of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended to read as follows:

“17.60.050 Schedule of minimum parking spaces required.

C. Exceptions.

2. Where an increase in the number of parking spaces is required by a change or enlargement in an existing use, or where the required spaces are provided collectively or used jointly by two or more buildings, the required spaces may be located and maintained on a separate lot or parcel of land not over three hundred (300) feet from the existing use or any of the establishments jointly or collectively using the parking facilities; provided that the parking facilities are located in the same zoning district or a less restricted zoning district as the uses served, and the provisions of subsection (C)(4) of this section below are met.”

Section 3. That Title 17, Chapter 17.60, Section 17.60.050, Subsection C, Paragraph 3 of the Code of Ordinances of the City of Perryville, Missouri, is hereby ***deleted and the remaining paragraphs be renumbered.***

Section 4. 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 5. 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 6. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: January 18, 2022.

SECOND READING: February 1, 2022.

PASSED AND APPROVED this 1st day of February, 2022, 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 Guth presents motion, seconded by Alderman Riney, and on vote carried Bill No. 6265, entering into an agreement with Welker Brothers Landscaping, LLC, relative to Mowing Neighborhood Mini-Parks, 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 **WELKER BROTHERS LANDSCAPING, LLC**, RELATIVE TO **MOWING NEIGHBORHOOD MINI-PARKS**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Buerck presents motion, seconded by Alderman Martin, and on vote carried Bill No. 6266, entering into an agreement with Horner & Shifrin, Inc., relative to engineering services regarding Water Model Update and Evaluation, 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 **HORNER & SHIFRIN, INC.** RELATIVE TO **WATER MODEL UPDATE & EVALUATION – PHASE 1**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Martin presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 6267, accepting easement deed from Perry County Community Task Force, 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 Riney presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 6268, entering into agreements with artists relative to sculpture exhibition, 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 **VARIOUS ARTISTS** RELATIVE TO **PUBLIC SCULPTURE DISPLAY**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Schumer presents motion, seconded by Alderman Hudson, and on vote carried Bill No. 6269, amending Section 8.16.130(B) and adding Section 8.16.140(D) to the Code of Ordinances relative to residential disposal of large solid waste, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.16 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO GARBAGE COLLECTION AND DISPOSAL; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Buerck presents motion, seconded by Alderman Hudson, and on vote carried Bill No. 6270, entering into an agreement with Garrett and Lillian Prevallet relative to real estate purchase and sale of property located at 119 North Jackson Street, 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 **GARRETT AND LILLIAN PREVALLET** RELATIVE TO **PURCHASE OF 119 NORTH JACKSON STREET**; 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. 6271, accepting Quit Claim Deed from Missouri Highways and Transportation Commission relative to purchase of property at Rand Avenue and Perryville Boulevard intersection, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTIES DEDICATED TO THE CITY, WHICH

SAID PROPERTIES ARE PARTICULARLY SET FORTH IN THE ATTACHED QUIT-CLAIM DEED.

Mayor Baer asks for Committee Reports.

Alderman Guth, as Chairman of the Economic Development Committee, informs the Board that applications will be accepted for the Economic Development Director position until February 23rd.

City Administrator Report:

- **2022 Perry Park Center Event Schedule** – Park Center staff has done a good job of bringing new and unique events to fruition at the Perry Park Center.
- **Updated CDC recommendations regarding COVID-19** - We continue to do our best to follow COVID protocols for personnel issues here at the City. We are certainly not immune to these issues but, overall, are doing okay and Amy Webb is doing a great job leading our efforts.
- **PPC Projector Update** - New estimated arrival date is early March.

City Engineer Report:

- **NE Outfall Sewer Project** – The by-pass pumping was completed in one day. The next phase will probably take 2-3 weeks to get to the next by-pass. Some supplies are backordered, which may require adjustments on the timing of the next crossing.

Parks & Recreation Report:

- **Mayor's Cup** – There was a good crowd for the Mayor's Cup this year.
- **BIBA** – The ribbon cutting ceremony for the Kiwanis Club's donation of the BIBA activity to the Feltz Street Playground will be held in the spring.
- **Lucas and Friends Playground** – The Missouri Legislation recognized Lucas and Friends at the Legislative Session in Jefferson City.

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

Alderman Riney asks if signs could be erected directing people to the location of the Charles Lindbergh marker. City Administrator Buerck will check with MoDot to see if they will allow the signs on their right-of-way.

Alderman Hudson expresses his concern about the lack of house numbers on a duplex on St. Joseph Street. He notes that this duplex sits perpendicular to the street and you cannot see it from the street. He is concerned that an emergency vehicle would not be able to find it. He tells the Board that he spoke with the owner of the duplex, and the owner agreed that he would take care of the problem.

Now, at this time, upon motion by Alderman Schumer, seconded by Alderman Buerck, it is ordered that the Board now convene into closed session to discuss real estate matters in accordance with Section 610.021(2) RSMo; personnel matters in accordance with Section 610.021(3) RSMo; and 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 Riney, that the Board now reconvenes into regular session for any business that might come forth. Roll call showed the aye and nay votes as follows: Curt Buerck, aye; Tom Guth, aye; Prince Hudson, aye; Douglas K. Martin, aye; Larry Riney, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

There being no further business, it is upon motion by Alderman Schumer, second by Alderman Buerck, and on vote carried, ordered that the Board now adjourn until Tuesday, February 15, 2022, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK