

January 17, 2023

**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: Larry Riney, Mayor; Curt Buerck, Tom Guth, Dennis House, Douglas K. Martin, Clint Rice, and David J. Schumer, Aldermen; Brent Buerck, City Administrator; Tracy Prost, City Clerk; and Art Pistorio, City Attorney.

Mayor Riney opens the meeting with the Pledge of Allegiance and invocation.

Mayor Riney now asks for citizens' participation from the floor.

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

Mayor Riney presents tenure awards to City Employees:

5 Years - Ashley Brown

15 Years - Jeremy Mantz

40 Years - Tracy Prost

Mayor Riney opens a public hearing for a special use permit request from Buddy Hellman to build a duplex on a previously subdivided lot at Lot 23 Winwood Court.

City Administrator Buerck's notes inform the Board that Buddy Hellman is requesting a Special Use Permit to allow him to construct a duplex on a previously subdivided lot.

There being no one coming forth, Mayor Riney closes the public hearing for a special use permit request from Buddy Hellman to build a duplex on a previously subdivided lot at Lot 23 Winwood Court.

Mayor Riney opens a public hearing for a special use permit request from Oasis Tan & Spa, LLC, to allow a landlocked building at 805 North Main Street to be used for commercial use.

City Administrator Buerck's notes inform the Board that Oasis Tan & Spa, LLC is requesting a Special Use Permit to allow a landlocked building to be used for commercial use at 805 N. Main Street. The building is currently in a mobile home district with no means to rezone.

There being no one coming forth, Mayor Riney closes the public hearing for a special use permit request from Oasis Tan & Spa, LLC, to allow a landlocked building at 805 North Main Street to be used for commercial use.

**CONSENT AGENDA ITEMS**

6. Approve minutes from meeting of January 3, 2023.
7. Approve Financial Reports for December 2022.

**CITY OF PERRYVILLE  
STATEMENT OF CASH POSITION  
DECEMBER, 2022**

		April 1, 2022	REVENUE	EXPENSE		CURRENT	ACCOUNTS	CURRENT	CURRENT
	FUND NAME	Fund Balance	Y-T-D	Y-T-D	NET INCOME	FUND BALANCE	RECEIVABLE	LIABILITIES	CASH BALANCE
101	Gen Rev	\$ 2,545,792.43	\$ 7,677,801.84	\$ (6,663,622.07)	\$ 1,014,179.77	\$ 3,559,972.20	\$ (902,828.66)	\$ (896,149.47)	\$ 3,566,651.39
105	FSA Administration	\$ 9,563.70	\$ 239.79	\$ -	\$ 239.79	\$ 9,803.49		\$ -	\$ 9,803.49
106	Asset Forfeiture	\$ 53.99	\$ -	\$ -	\$ -	\$ 53.99		\$ -	\$ 53.99
204	Airport	\$ 55,945.55	\$ 898,953.40	\$ (975,303.20)	\$ (76,349.80)	\$ (20,404.25)	\$ 1,395.00	\$ 6,365.47	\$ (15,433.78)
206	Trans Trust	\$ 394,390.90	\$ 947,833.39	\$ (944,428.21)	\$ 3,405.18	\$ 397,796.08	\$ -	\$ 2,107.86	\$ 399,903.94
207	Perry Park Ctr.	\$ 287,537.17	\$ 2,033,326.30	\$ (1,826,605.45)	\$ 206,720.85	\$ 494,258.02	\$ (370,736.14)	\$ (363,167.11)	\$ 501,827.05
211	Veterans Field	\$ 22,677.55	\$ 8,572.21	\$ (16,712.59)	\$ (8,140.38)	\$ 14,537.17		\$ -	\$ 14,537.17
213	Field Improvement	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -
307	Debt Service	\$ 201,650.91	\$ 166,954.96	\$ (263,369.53)	\$ (96,414.57)	\$ 105,236.34	\$ (316,261.23)	\$ (316,753.80)	\$ 104,743.77
308	Cap Imp Sls Tax Rev	\$ 904,314.60	\$ 711,361.67	\$ (454,482.02)	\$ 256,879.65	\$ 1,161,194.25		\$ -	\$ 1,161,194.25
409	Gen Pub Fac	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
414	TIF 1-Hwy 51/61	\$ 233,422.20	\$ 3,526.48	\$ -	\$ 3,526.48	\$ 236,948.68	\$ -	\$ -	\$ 236,948.68
415	Economic Develop	\$ (193,916.42)	\$ 4,623,791.75	\$ (5,506,056.11)	\$ (882,264.36)	\$ (1,076,180.78)	\$ -	\$ (230.00)	\$ (1,076,410.78)
416	TIF 2-Downtown	\$ 85,475.46	\$ 188,785.41	\$ (161,977.27)	\$ 26,808.14	\$ 112,283.60	\$ -	\$ -	\$ 112,283.60
417	TIF 3-I55/HWY 51	\$ 1,127,129.99	\$ 923,811.73	\$ (1,078,298.01)	\$ (154,486.28)	\$ 972,643.71	\$ -	\$ -	\$ 972,643.71
513	Street Imp	\$ 322,450.22	\$ 337,580.72	\$ (142,627.99)	\$ 194,952.73	\$ 517,402.95	\$ -	\$ -	\$ 517,402.95
612	Refuse	\$ 524,049.70	\$ 707,196.19	\$ (930,533.74)	\$ (223,337.55)	\$ 300,712.15	\$ 112,965.21	\$ 1,911.79	\$ 189,658.73
614	CWSS Op	\$ 4,141,181.29	\$ 4,329,968.77	\$ (4,966,164.23)	\$ (636,195.46)	\$ 3,504,985.83	\$ 432,532.63	\$ 117,415.41	\$ 3,189,868.61
641	WWTP Improvements	\$ 370,895.85	\$ 11,642,282.36	\$ (15,176,111.90)	\$ (3,533,829.54)	\$ (3,162,933.69)	\$ -	\$ -	\$ (3,162,933.69)
619	Gas Op	\$ 4,069,575.23	\$ 4,933,077.59	\$ (5,674,933.06)	\$ (741,855.47)	\$ 3,327,719.76	\$ 552,230.42	\$ 223,165.27	\$ 2,998,654.61
	<b>TOTAL</b>	<b>\$ 15,102,190.32</b>	<b>\$ 40,135,064.56</b>	<b>\$ (44,781,225.38)</b>	<b>\$ (4,646,160.82)</b>	<b>\$ 10,456,029.50</b>	<b>\$ (490,702.77)</b>	<b>\$ (1,225,334.58)</b>	<b>\$ 9,721,397.69</b>

8. Approve Pay Application 5 (Final) to Meinershagen Roofing and Sheet Metal relative to Perry Park Center Roof Project - \$6,884.05.
9. Approve Pay Application 5 from Zoellner Construction Co., Inc., relative to Fire Station Project - \$111,274.08.
10. Approve Pay Application 28 from Robinson Industrial and Heavy Contracting and HDR for the WWTP Facility Improvement Project - \$1,357,200.63.
11. Approve proposal from Flynn Drilling Company relative to Well 2 pump - \$28,533.00.
12. Accept bids received for Perry Park Center Weight Room Renovation Project and award to Kiefner Brothers, Inc., per recommendation of Dille Pollard - \$65,200.

Name of Bidder	Kiefner Brothers, Inc.	Name of Bidder	Brockmiller Construction, Inc.
Address	1459 N. Kingshighway Cape Girardeau, MO 63701	Address	14 N. Middle St, PO Box 387 Farmington, MO 63640
Base Bid	\$65,200.00	Base Bid	\$78,700.00
Alternate	\$37,920.00	Alternate	\$39,000.00
Total Bid	\$103,120.00	Total Bid	\$117,700.00

Name of Bidder	Zoellner Construction Co., Inc.
Address	2015 S. Perryville Blvd, Ste A Perryville, MO 63775
Base Bid	\$81,950.00
Alternate	\$37,260
Total Bid	\$119,210.00

13. Approve plans and specifications for the School Street Lift Station Improvement Project.
14. Approve Project Information Form from Buddy Hellman d/b/a Winwood Enterprises, LLC, relative to Financial Reimbursement for New Construction to Builder/Homeowner Program (519/521 Winwood Court).
15. Approve request from Heroes for Kids to waive Perry Park Center fees for their July 15, 2023, Comic Con Charitable Event.
16. Approve request from River Hills Amateur Radio Club to waive pavilion rental fees for their ARRL Field Day at the Soccer Park and to allow them to stay in the park overnight.
17. Approve updated Trash Collection Schedule regarding addition of January, February, and March one-day leaf pickup.
18. Approve recommendation from Asst. Chief Jones to remove parking sign/pole on South Jackson Street.
19. Approve recommendations from Asst. Chief Jones relative to lighting studies on Dorothy Street and West Ste. Marie Street.
20. Set public hearing date for request from Brad Moll to rezone 10 Henrietta Lane from R-5 to C-2 – February 7, 2023 @ 6:30 p.m.

#### **END OF CONSENT AGENDA**

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

Item 8 - Alderman House notes that he noticed a leak in the Perry Park Center Gymnasium and wondered if this final invoice to Meinershagen should be paid. City Administrator Buerck informs the Board that the gymnasium roof was not part of this phase of the roof repairs.

Item 12 – Alderman Schumer and Alderman Rice ask about the cost and about Alternate 1. City Administrator Buerck informs the Board that the Cost of the chair lift was higher than expected. It was determined that staff may be able to accomplish this task at a much reduced price.

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

Alderman Buerck now makes a motion to approve the special use permit request from Buddy Hellman to build a duplex on a previously subdivided lot at Lot 23 Winwood Court. Alderman Schumer seconds the motion, and on vote the motion carries.

Alderman Martin now makes a motion to approve the special use permit request from Oasis Tan & Spa, LLC, to allow a landlocked building at 805 North Main Street to be used for commercial use. Alderman Buerck seconds the motion, and on vote the motion carries.

#### **RESOLUTION:**

After discussion and review, Alderman Guth makes a motion to amend the Purchasing Policy relative to Change Orders. Motion is seconded by Alderman Buerck, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2023-01

**A RESOLUTION REVISING THE**

**CITY OF PERRYVILLE PURCHASING POLICY.**

**WHEREAS**, the City of Perryville previously approved an amended Purchasing Policy, effective November 2, 2022; and

**WHEREAS**, the Mayor and Board of Aldermen of the City of Perryville, Missouri, after consideration of the purchasing needs of the City, have adopted a revision to said amended Purchasing Policy.

**BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PERRYVILLE, MISSOURI, AS FOLLOWS:**

That Section I, entitled "Authorization," of the City of Perryville's Purchasing Policy shall hereby be amended by adding paragraph 3 to read:

- "3. Change Orders: The City Administrator has authorization to approve necessary Change Orders within the 10% total contingency of the cost of the construction contract (as awarded by the Board of Aldermen) up to \$20,000 per occurrence. Change orders that exceed the limits mentioned above must be approved by the Board of Aldermen; however, emergency change orders over \$20,000 may be approved by the City Administrator, or City Clerk in his absence, with the agreement of the Mayor. A memo explaining the need and urgency shall be submitted to the Mayor and Board of Aldermen at the first meeting of the Aldermen following said approval. All approved Change Orders shall be submitted to the Board of Aldermen for their concurrence."

**PASSED AND APPROVED** this 17<sup>th</sup> day of January, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:  
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI  
By: Larry Riney, Mayor

**SECOND AND FINAL READINGS:**

Now, at this time, the Board proceeds to approve Bill No. 6369, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **COLLECTIVE FORCE, LLC**, RELATIVE TO **RENTAL OF T-HANGAR SPACE**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6369 is read a second time on motion by Alderman Buerck, seconded by Alderman Rice. Thereupon on motion by Alderman Buerck, seconded by Alderman Rice, 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6585 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6369

ORDINANCE NO. 6585

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **COLLECTIVE FORCE, LLC**, RELATIVE TO **RENTAL OF T-HANGAR SPACE**; 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 **Collective Force, LLC**. It is the belief of the Mayor and Board of Aldermen that it is in the best interest of the citizens of the City of Perryville, that the City enters into said contract.

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

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

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

5. This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: January 4, 2023.

SECOND READING: January 17, 2023.

PASSED AND APPROVED this 17<sup>th</sup> day of January, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:  
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI  
By: Larry Riney, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6370, AN ORDINANCE OF THE CITY OF PERRYVILLE, MISSOURI, IMPOSING A SALES TAX FOR GENERAL REVENUE PURPOSES AT THE RATE OF THREE PERCENT (3.00%) ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD WITHIN THE CITY OF PERRYVILLE, MISSOURI, PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 4, 2023; DESIGNATING THE FORM OF THE BALLOT; AND DIRECTING THE CITY CLERK TO PROVIDE NOTICE OF SAID ELECTION. Bill No. 6370 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6586 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6370

ORDINANCE NO. 6586

AN ORDINANCE OF THE CITY OF PERRYVILLE, MISSOURI, IMPOSING A SALES TAX FOR GENERAL REVENUE PURPOSES AT THE RATE OF THREE PERCENT (3.00%) ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD WITHIN THE CITY OF PERRYVILLE, MISSOURI, PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 4, 2023; DESIGNATING THE FORM OF THE BALLOT; AND DIRECTING THE CITY CLERK TO PROVIDE NOTICE OF SAID ELECTION.

**WHEREAS**, on November 8, 2022, the electors of the State of Missouri approved Amendment 3 to the Missouri Constitution enacting Section 2 of Article XIV of the Missouri Constitution effective December 8, 2022; and

**WHEREAS**, the newly enacted Article XIV, Section 2.6(5) of the Missouri Constitution authorizes the City of Perryville, Missouri, to impose, by ordinance, an additional sales tax in amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in such political subdivision subject to approval by voters of the City of Perryville, Missouri; and

**WHEREAS**, the Mayor and the Board of Alderman find that it is in the best interest of the citizens of Perryville, Missouri, to impose a sales tax of three percent on all tangible personal property retail sales of adult use marijuana sold in the City of Perryville, Missouri, and to submit the same to the voters of the City for approval by a majority of those voting at the general municipal election to be held on April 4, 2023.

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

**Section 1 - Adult Use Marijuana Tax.** A sales tax at the rate of three percent on all tangible personal property retail sales of adult use marijuana sold in the City of Perryville, Missouri, as authorized by Article XIV, Section 2.6(5) of the Missouri Constitution, is hereby imposed. The tax imposed hereunder shall be in addition to any and all other sales taxes allowed by law.

**Section 2 - Effective Date.** The sales tax imposed by this Ordinance shall not be effective unless approved by a majority of the votes cast by the qualified voters voting thereon at the General Municipal Election to be held on April 4, 2023, at which election a proposal to authorize the Board of Alderman of the City of Perryville, Missouri, to impose the tax herein provided for shall be submitted to the voters of the City of Perryville, Missouri.

**Section 3 - Form of Ballot.** This tax shall be submitted to the qualified voters of the City of Perryville, Missouri, for their approval, as required by the provisions of Article XIV, Section 2.6(5), at the general municipal election hereby called and to be held in the City on Tuesday, the 4th day of April, 2023. The ballot of submission shall contain the substantially following language:

**Shall the City of Perryville, Missouri, impose a sales tax of 3% on all retail sales of adult use marijuana sold in the City of Perryville, Missouri?**

Yes

No

**If you are in favor, place an "X" in the box next to "Yes."**

**If you are opposed, place an "X" in the box next to "No."**

**Section 4 – Notice of Election.** The City Clerk is hereby directed to notify the election authority of Perry County, Missouri, no later than 5:00 p.m. January 23, 2023, in accordance with the Comprehensive Election Act, Chapter 115 of the Revised Statutes of Missouri, as amended.

**Section 5 - Notice to the Director of Revenue.** Within ten (10) days after the approval of this ordinance by the qualified voters of the City of Perryville, Missouri, the City Clerk shall forward to the Director of Revenue of the State of Missouri, by United States registered mail or certified mail, a certified copy of this ordinance together with certifications of the election returns and accompanied by a map of the City clearly showing the boundaries thereof.

**Section 6 – Effective Date.** This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: January 4, 2023.

SECOND READING: January 17, 2023.

PASSED AND APPROVED this 17<sup>th</sup> day of January, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:  
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI  
By: Larry Riney, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6359 (which said Bill was postponed at the December 6, 2022, meeting), AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **COUNTY OF PERRY, MISSOURI**, RELATIVE TO **FIRST AMENDMENT TO JUSTICE CENTER INTERGOVERNMENTAL AGREEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR. Bill No. 6359 is read a second time on motion by Alderman Buerck, seconded by Alderman Rice. Thereupon on motion by Alderman Buerck, seconded by Alderman Rice, 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6587 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6359

ORDINANCE NO. 6587

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **COUNTY OF PERRY, MISSOURI**, RELATIVE TO **FIRST AMENDMENT TO JUSTICE CENTER INTERGOVERNMENTAL 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 First Amendment to Justice Center Intergovernmental 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 First Amendment to Justice Center Intergovernmental Agreement;

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 First Amendment to Justice Center Intergovernmental Agreement 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 **County of Perry, Missouri**. 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 First Amendment to Justice Center Intergovernmental Agreement.

2. That the Mayor be and he is hereby authorized and directed to execute said First Amendment to Justice Center Intergovernmental Agreement 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 First Amendment to Justice Center Intergovernmental Agreement.

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: November 15, 2022.

SECOND READING: January 17, 2023.

PASSED AND APPROVED this 17<sup>th</sup> day of January, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:  
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI  
By: Larry Riney, Mayor

#### **FIRST AND SECOND READING AND FINAL PASSAGE:**

Now, at this time, Bill No. 6371, 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 Rice. On motion by Alderman Buerck, seconded by Alderman Martin, and on vote carried, Bill No. 6371 is read for the second time. Thereupon on motion by Alderman Buerck, seconded by Alderman Guth, 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6588 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6371

ORDINANCE NO. 6588

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 Lot 23 of Winwood Court, as set out in Exhibit A which is attached hereto and incorporated herein by reference; and,

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

WHEREAS, a special use permit to temporarily allow a second residence on a platted lot in an R-4 Two-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 Buddy Hellman, Applicant.

Section 2. That the property set forth in Exhibit A is hereby granted a special use permit to temporarily allow a second residence on a platted lot in an R-4 Two-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 Planning & Zoning Commission.

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. If the holder of the special use permit transfers the real estate, the special use permit shall remain with the real estate. However, if the special use is discontinued for more than sixty (60) days or the new owner of the real estate uses the real estate for an activity not authorized by the special use permit, then the special use permit shall be void and the owner of the real estate must apply for a new special use permit.

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: January 17, 2023.

SECOND READING: January 17, 2023.

PASSED AND APPROVED this 17<sup>th</sup> day of January, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:  
Tracy Prost, City Clerk

CITY OF PERRYVILLE, MISSOURI  
By: Larry Riney, Mayor

Now, at this time, Bill No. 6372, 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 Martin, seconded by Alderman Schumer. On motion by Alderman Martin, seconded by Alderman Schumer, and on vote carried, Bill No. 6372 is read for the second time. 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 showing the aye and nay vote showed as follows: Curt Buerck, aye; Tom Guth, aye; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, 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. 6589 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6372

ORDINANCE NO. 6589

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 805 North Main Street, as set out in Exhibit A which is attached hereto and incorporated herein by reference; and,

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

WHEREAS, a special use permit to allow a tan and spa salon in an MH-1 Mobile Home Park 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 Kelly Brown, d/b/a Oasis Tan and Spa, LLC, Applicant.

Section 2. That the property set forth in Exhibit A is hereby granted a special use permit to allow a tan and spa salon in an MH-1 Mobile Home Park 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 Planning & Zoning Commission.

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. If the holder of the special use permit transfers the real estate, the special use permit shall remain with the real estate. However, if the special use is discontinued for more than sixty (60) days or the new owner of the real estate uses the real estate for an activity not authorized by the special use permit, then the special use permit shall be void and the owner of the real estate must apply for a new special use permit.

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: January 17, 2023.

SECOND READING: January 17, 2023.

PASSED AND APPROVED this 17<sup>th</sup> day of January, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

ATTEST:  
Tracy Prost, City Clerk

By: Larry Riney, Mayor

**FIRST READINGS:**

Alderman Guth presents motion, seconded by Alderman Rice, and on vote carried Bill No. 6373, entering into an agreement with Buddy Hellman d/b/a Winwood Enterprises, LLC, relative to Financial Reimbursement Agreement for New Construction to Builder/Homeowner Program (519/521 Winwood Court), 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 **BUDDY HELLMAN, d/b/a WINWOOD ENTERPRISES, LLC**, RELATIVE TO **FINANCIAL REIMBURSEMENT FOR NEW CONSTRUCTION PROGRAM (519/521 WINWOOD COURT)**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Buerck presents motion, seconded by Alderman Rice, and on vote carried Bill No. 6374, entering into an agreement with Lappe Cement Finishing, Inc., relative to Perryville Boulevard Shared Use Path – Phase 2 Project, 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 **LAPPE CEMENT FINISHING, INC.**, RELATIVE TO **PERRYVILLE BOULEVARD SHARED USE PATH PROJECT – MoDOT TAP 5000(009)**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Guth presents motion, seconded by Alderman Martin, and on vote carried Bill No. 6375, entering into an agreement with Kiefner Brothers, Inc., relative to Perry Park Center Interior Improvements Project (Weight Room Renovation), 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 **KIEFNER BROTHERS, INC.**, RELATIVE TO **INTERIOR IMPROVEMENTS AT PERRY PARK CENTER (WEIGHT ROOM)**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Martin presents motion, seconded by Alderman Rice, and on vote carried Bill No. 6376, amending Title 10, Chapter 10.36 of the Code of Ordinances relative to Bicycles, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.36 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, RELATIVE TO BICYCLES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Buerck presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 6377, entering into a T-Hangar agreement with Hank Konzelmann d/b/a Mantis Aviation, 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 **HANK KONZELMANN D/B/A MANTIS AVIATION**, RELATIVE TO **RENTAL OF T-HANGAR SPACE**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Mayor Riney asks for Committee Reports.

Alderman Guth, as Chairman of the Public Works Committee, asks for an update on the leaf pickup. Public Works Director Layton tells the Board that the second pickup went well. It is noted that a flyer advising of the pickups recently scheduled for the second Friday in February and March will be included with the utility bills. It is also noted that anyone wanting a pickup will need to schedule an appointment.

Alderman Martin, as Chairman of the Economic Development Committee, asks EDA Director Jones to update the Board on economic development matters.

EDA Director Report:

- **Missouri Enterprise Ag Producer Luncheon** - We are postponing this meeting, originally scheduled for January 18<sup>th</sup>, to better coordinate with a similar meeting MO DNR is planning for the end of February/first of March.
- **Regional Workforce Roundtable Discussion** – On February 15<sup>th</sup> at 11:30, I am planning to introduce the Vervable on demand labor platform that Gilster-Mary Lee has been using to fill open, entry-level positions to regional manufacturers in the Perry/Cape County area.
- **MEDC Economic Issues Summit** - I will be out of town on the date of the next board of aldermen meeting to attend this annual meeting with our legislators and economic development partners in Jeff City.

City Administrator Report:

- **Board Appreciation Dinner – February 17, 2023 @ Robinson Event Center** - This will be the first ever, joint appreciation dinner. Tracy and Amanda Layton have taken the lead and the event promises to be special for all who attend. As usual, we will begin with a very brief program and then much appreciation will follow. The Board is highly encouraged to join us for this special evening. Please RSVP to City Hall for both you and your spouse.
- **Comprehensive Plan Kickoff Meeting** - The Board recently appointed a committee of 9 members to help steer PGAV through the development of the Comp Plan. The Board will be represented in this process by Mayor Riney and myself. In time, we may look to add a couple more steering committee members but we will first discuss this with the committee at our meeting next week.
- **'NIMBY'-backed Zoning Article** - This was an interesting read that highlights some of things happening nationwide with city zoning. As part of our Comprehensive Planning, we expect the planning committee will take a look at the City's current zoning ordinances. One of the things that may come out of this process is some energy to revisit our current zoning ordinances, which some may argue are antiquated.
- **DNR Variance** - We have a hearing in April in Jefferson City regarding a design variance we have requested for our School Street lift station. Current regulations suggest we build an additional storage basin as a multilevel level of redundancy. In speaking with Tim, we have accounted for much of this already and this is a nearly \$250,000 add. We have had positive feedback from MoDNR thus far and are optimistic we can get this variance with a little effort to explain our situation.
- **MML Legislative Conference** - This event has been discussed by the Board and several indicated potential interest in joining the Mayor and myself in Jefferson City on February 21 & 22. It is time for us to confirm that interest and release any unneeded hotel rooms. Please let us know your intentions this evening so we may proceed accordingly.

- **MML Conference Dates** - The attached postcard gives the Board the most significant training opportunities available through the MML. All are valuable for different reasons and the Board is encouraged to attend any that may fit their schedule.

- **Marijuana Tax** - Anecdotally, we have confirmed about 70 cities moving forward with this tax while another 3 have decided to wait for various reasons, including a competing tax issue already on the ballot. I would like the Board to indicate the amount of education effort you would like us to put into this issue. Of note, the question to legalize marijuana failed the county-wide election by a margin of nearly 40/60 and now we are asking the public to consider a sales tax. This is somewhat unusual and may warrant conversations with the community, perhaps even a newspaper article or two.

- **Downtown Tree Grates** - Park staff has worked with PW to install two sets of grates around the downtown tree boxes, one in front of the Chamber office and the other the Downtown Plaza. We will be asking the DTR folks for a preference and invite the Board of Aldermen to weigh in on the same issue. Do you like it better with grates or without?

- **Economic Development in the Midwest Article** - This was another interesting article that speaks to the value of creating a 'pride of place' in the community. This is something the Board has encouraged staff to focus on for several years and we are ahead of many other cities our size and larger. It will be important we continue to position ourselves going forward. We have much to be proud of and share...it simply requires someone telling the story.

- **City Website Traffic** - If the Board has ever considered the value of the investments we are making in websites and electronic media, consider last year we had over 230,000 page views on the City website. As it is, the PPC was 5/6 most visited pages, hence our decision to improve their website last year. We have the tools as your staff, and it is incumbent on us to maintain the websites, keeping them current and posting new and useful information regularly.

- **State/Federal Elected officials** - We are in unprecedented times for Perryville and Southeast Missouri. Congressman Jason Smith was selected to be the chairman for the US House of Representatives Ways & Means Committee. The Ways and Means Committee is the oldest and most powerful committee of the U.S. Congress and derives its jurisdiction directly from Article I of the Constitution which mandates that all revenue raising bills originate in the House of Representatives. It is so unique; members of the Ways and Means Committee are not allowed to serve on any other House Committee unless they are granted a special waiver from their party's congressional leadership. Closer to home, Senator Holly Rehder was asked to serve on Senate Appropriations, and Perryville's own Rick Francis was given the chair of one of three rules committee, which consider all bills reported from policy and fiscal committees and determines whether, and in what order, to schedule their consideration on the floor of the House.

City Engineer Report:

- **2022 Street Improvement Project - Moulton St.** - Lappe Cement Finishing Inc. continues to make process on Moulton Street.

- **U.V. Treatment System at Airport Wastewater Treatment Plant** – This project is progressing.

- **Generators for Lift Stations - Welty & Show-Me Shell** - Delivery of the generators is still anticipated to be March 13, 2023. The contractor will notify us if they will be delivered sooner.

- **PATH Grant** – We will be scheduling a pre-construction meeting in the near future.

- **School Street Lift Station** – We plan to add the additional storage basin to the bid specs as an add-in in case DNR does not grant the variance.

Parks & Recreation Director Report:

- **Interviews** – Interviews are being held for several positions at the Park Center.
- **Nerf Wars** - Nerf Wars are being held this weekend.
- **Mayor's Cup** – The Mayor's Cup is next weekend.

Asst. Chief of Police Report:

- **Interviews** – We are currently interviewing for a communications officer and will soon interview for a new patrol officer.

- **Recent Threat to Perryville District #32** - An "After-Event Review" will be held with all related agencies regarding the recent threat at the Perryville District 32 School. As a recap of the recent event, a bomb threat was received on Wednesday, January 11<sup>th</sup> and a mass shooting threat was received on January 13<sup>th</sup>. Our Department worked with the school and County Sheriff's Department to find the culprit. Information was received from the FBI, Festus, Madison, and Jefferson County Police Departments, as well as school resource officers. This information led to a juvenile being taken in for questioning on January 15<sup>th</sup>. The juvenile admitted to the crimes. This juvenile is a recent transfer to District 32 and is now in the custody of the Juvenile authorities.

Mayor Riney asks the Board for any concerns, comments, or other non-action items they would like to present. There were none.

Alderman Schumer asks for a copy of the proposed budget before the January 31<sup>st</sup> Finance Committee meeting.

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 personnel matters in accordance with Section 610.021(3) RSMo; 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; Dennis House, aye; Douglas K. Martin, aye; Clint Rice, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

Following discussion and review, it is upon motion by Alderman Buerck, seconded by Alderman Guth, 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; Dennis House, aye; Douglas K. Martin, aye; Clinton Rice, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

There being no further business, it is upon motion by Alderman House, second by Alderman Schumer, and on vote carried, ordered that the Board now adjourn until Tuesday, February 7, 2023, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK