

September 19, 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; Seth Amschler, Curt Buerck, Tom Guth, Clint Rice, Douglas K. Martin, 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.

CONSENT AGENDA ITEMS

3. Approve minutes from meeting of September 5, 2023.
4. Approve financial reports for August 2023.

CITY OF PERRYVILLE STATEMENT OF CASH POSITION AUGUST, 2023									
		April 1, 2023	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	\$ 3,187,081.95	\$ 6,646,162.71	\$ (3,243,495.64)	\$ 3,402,667.07	\$ 6,589,749.02	\$ (97,559.68)	\$ (100,341.17)	\$ 6,586,967.53
105	FSA Administration	\$ 9,928.53	\$ 203.47	\$ -	\$ 203.47	\$ 10,132.00		\$ -	\$ 10,132.00
106	Asset Forfeiture	\$ 53.99	\$ -	\$ -	\$ -	\$ 53.99		\$ -	\$ 53.99
204	Airport	\$ (267,237.05)	\$ 3,316,207.48	\$ (3,063,493.78)	\$ 252,713.70	\$ (14,523.35)	\$ 984.50	\$ 6,984.08	\$ (8,523.77)
206	Trans Trust	\$ 557,214.54	\$ 520,334.69	\$ (462,614.93)	\$ 57,719.76	\$ 614,934.30		\$ 3,583.53	\$ 618,517.83
207	Perry Park Ctr.	\$ 609,074.66	\$ 1,001,812.61	\$ (1,768,521.82)	\$ (766,709.21)	\$ (157,634.55)	\$ (37,943.05)	\$ (29,064.31)	\$ (148,755.81)
211	Veterans Field	\$ 10,542.49	\$ 12,580.72	\$ (4,145.64)	\$ 8,435.08	\$ 18,977.57		\$ -	\$ 18,977.57
213	Field Improvement	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -
307	Debt Service	\$ 182,551.01	\$ 10,429.39	\$ (13,417.84)	\$ (2,988.45)	\$ 179,562.56	\$ 108,574.50	\$ 108,081.93	\$ 179,069.99
308	Cap Imp Sls Tax Rev	\$ 1,232,550.34	\$ 406,100.88	\$ (145,606.49)	\$ 260,494.39	\$ 1,493,044.73	\$ -	\$ -	\$ 1,493,044.73
409	Gen Pub Fac	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
414	TIF 1-Hwy 51/61	\$ 337,390.13	\$ 6,841.90	\$ -	\$ 6,841.90	\$ 344,232.03	\$ -	\$ -	\$ 344,232.03
415	Economic Develop	\$ 384,113.51	\$ 511,829.84	\$ (941,226.54)	\$ (429,396.70)	\$ (45,283.19)	\$ -	\$ (230.00)	\$ (45,513.19)
416	TIF 2-Downtown	\$ 183,910.52	\$ 3,030.55	\$ (69,546.95)	\$ (66,516.40)	\$ 117,394.12	\$ -	\$ -	\$ 117,394.12
417	TIF 3-I55/HWY 51	\$ 569,659.38	\$ 6,708.58	\$ (323,994.06)	\$ (317,285.48)	\$ 252,373.90	\$ -	\$ -	\$ 252,373.90
513	Street Imp	\$ 488,207.56	\$ 924,862.65	\$ (960,118.44)	\$ (35,255.79)	\$ 452,951.77		\$ -	\$ 452,951.77
612	Refuse	\$ 363,306.63	\$ 410,720.18	\$ (624,116.65)	\$ (213,396.47)	\$ 149,910.16	\$ 118,629.26	\$ 2,490.30	\$ 33,771.20
614	CWSS Op	\$ 3,512,832.91	\$ 2,507,157.84	\$ (3,510,894.51)	\$ (1,003,736.67)	\$ 2,509,096.24	\$ 453,502.39	\$ 127,625.56	\$ 2,183,219.41
641	WWTP Improvements	\$ 146,967.26	\$ 4,218,278.19	\$ (1,856,977.33)	\$ 2,361,300.86	\$ 2,508,268.12	\$ -	\$ -	\$ 2,508,268.12
619	Gas Op	\$ 4,242,111.31	\$ 1,986,124.95	\$ (3,761,287.90)	\$ (1,775,162.95)	\$ 2,466,948.36	\$ 285,084.71	\$ 250,312.29	\$ 2,432,175.94
	TOTAL	\$ 15,750,259.67	\$ 22,489,386.63	\$ (20,749,458.52)	\$ 1,739,928.11	\$ 17,490,187.78	\$ 831,272.63	\$ 369,442.21	\$ 17,028,357.36

5. Acknowledge deposit of judgment funds received regarding the Charter Communications Class Action Lawsuit and authorize use of the funds - \$45,879.00.
6. Approve Notice of Award to Millstone Weber, LLC., relative to Rehabilitate Runway 2-20 Project at the Perryville Regional Airport.
7. Approve Pay Application 36 from Robinson Industrial and Heavy Contracting and HDR for the WWTP Facility Improvement Project - \$1,172,857.91.
8. Approve Change Order 007 to Robinson Industrial Heavy Equipment for the Perryville Wastewater Treatment Plant Project – time extension to October 31, 2023.

9. Approve Invoice 28898 to Eastern Missouri Industries, Inc., relative to H&G Marine gas line installation project - \$21,095.00.
10. Approve recommendation from EDA Director Jones to grant a 30-day extension to E Venture Investments, LLC relative to the 2023 Downtown Façade Improvement Grant for 15 North West Street.
11. Approve Parks Department Lawn Mower Specifications and authorize staff to advertise for bids.
12. Approve request from Chamber of Commerce regarding Moonlight Madness event on the Square – October 26, 2023.
13. Approve request from PHS Class of 2024 to hold a change donation drive on the Square on Friday and Saturday, October 20-21, 2023.
14. Acknowledge submittal of Traffic Engineering Assistance Program (TEAP) application for Highway 51 Corridor Congestion Study.
15. Set Public Hearing date for Rezoning Request from DGOGPerryvillemo 05312023 d/b/a Dollar General Store and Samuel and Lela Scauzzo – October 17, 2023.

END OF CONSENT AGENDA

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

Alderman Buerck makes a motion to approve the consent agenda. Alderman Rice seconds the motion, and on vote the motion carries.

The Board now discuss the TAP grant application for Star Street Greenway Trail relative to MoDot's option recommendation. City Administrator Buerck tells the Board that MoDot has agreed to Option 3; moving the sidewalk across Star Street if the City can acquire the easements from the property owners. He reminds the Board that the Street Policy states that a green strip will be included wherever possible.

After discussion, it is the consensus of the Board to work towards Option 3; however, if the property owners will not support giving the right-of-way, staff may go forward with Option 1.

RESOLUTIONS:

After discussion and review, Alderman Guth makes a motion to approve entering into a contract with Putz Construction, LLC relative to Perry Park Center Exterior Improvements Project. Motion is seconded by Alderman Rice, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2023-11

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **PUTZ CONSTRUCTION, LLC**, RELATIVE TO **PERRY PARK CENTER EXTERIOR IMPROVEMENTS PROJECT (RAMP)**; FURTHER SAID RESOLUTION 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 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 RESOLVED 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 and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **Putz Construction, 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.

PASSED AND APPROVED this 19th day of September, 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

After discussion and review, Alderman Buerck makes a motion to approve entering into a contract with Fronabarger Concreters, Inc., relative to the Vincentian Way Extension Project. Motion is seconded by Alderman Amschler, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2023-12

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **FRONABARGER CONCRETTERS, INC.**, RELATIVE TO **VINCENTIAN WAY EXTENSION PROJECT**; FURTHER SAID RESOLUTION 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 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 RESOLVED 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 and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **Fronabarger Concreters, Inc.** 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.

PASSED AND APPROVED this 19th day of September, 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. 6472, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S CONVEYANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED GENERAL WARRANTY DEED. Bill No. 6472 is read a second time on motion by Alderman Amschler, seconded by Alderman Schumer. Thereupon on motion by Alderman Guth, seconded by Alderman Schumer, and on vote carried, it is ordered that the bill be placed on final passage. Roll call showed the aye and nay vote as follows: Seth Amschler, aye; Curt Buerck, aye; Tom Guth, 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. 6688 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6472

ORDINANCE NO. 6688

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S CONVEYANCE 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 grant the General Warranty Deed to **RANKEN TECHNICAL COLLEGE, a Missouri Non-Profit Corporation**, 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 grant 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: September 5, 2023.

SECOND READING: September 19, 2023.

PASSED AND APPROVED this 19th day of September, 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. 6473, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PERRYVILLE, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEED. Bill No. 6473 is read a second time on motion by Alderman Guth, seconded by Alderman Amschler. Thereupon on motion by Alderman Guth, seconded by Alderman Amschler, 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: Seth Amschler, aye; Curt Buerck, aye; Tom Guth, 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. 6689 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6473

ORDINANCE NO. 6689

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

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

Section 1. The Mayor and Board of Aldermen of the City of Perryville, Missouri, do hereby accept the Easement Deed from **River Hills Aerie No. 4034 Fraternal Order of Eagles, a Missouri Nonprofit Corporation**, which is attached hereto, subject to all of the terms and conditions therein expressed.

Section 2. The Mayor and City Clerk of the City of Perryville be, and they are, hereby authorized to do all acts and execute all instruments appropriate or necessary to accept the Easement Deed.

Section 3. The City Clerk is hereby directed to file a copy of the Easement Deed with the Recorder of Deeds of Perry County, Missouri.

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

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

FIRST READING: September 5, 2023.

SECOND READING: September 19, 2023.

PASSED AND APPROVED this 19th day of September, 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 READINGS:

Alderman Martin presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 6474, changing the name of a portion of Progress Drive and a portion of Alma Avenue to Vincentian Way, is read for the first time by title only. The heading is as follows:

AN ORDINANCE CHANGING THE NAME OF A PORTION OF ALMA AVENUE AND A PORTION OF PROGRESS DRIVE TO "VINCENTIAN WAY" BY VIRTUE OF THE AUTHORITY VESTED IN THE BOARD OF ALDERMEN BY SECTION 12.04.090 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI.

City Administrator Buerck tells the Board that he plans to have the new street name signs installed when the street construction is completed.

Mayor Riney asks for Committee Reports.

Alderman Guth, as Chairman of the Public Works Committee, notes that he has seen quite a lot of limbs laying in wait for pickup. Public Works Director Layton tells the Board that crews are in the process of picking up the limbs. He also note that the large bulk pickup is scheduled for next month.

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

EDA Director Report:

- **Veryable** - This is the one-demand labor platform that Gilster has been using. There was an article in the Southeast Missourian yesterday about the work Perryville has been doing on this workforce strategy. TG has now signed on to use the program.
- **Community Connector Program** - We received a contract that my board will review next week to serve as a Community Connector for the Innovate SOMO program, led by Codefi out of Cape Girardeau and Springfield, MO. As part of this contract, my office will raise awareness of the Innovate SOMO program, recruit businesses to participate in services such as mentoring, training, etc. and participate in meetings and events.
- **120-Day Startup** - As part of the above Community Connector work, I am raising awareness for the launch of the 120-Day Tech Startup Program, which will be offered to entrepreneurs in our area beginning on October 17th. Applications are being accepted until October 10th.

Mayor Riney asks for Staff Reports:

City Administrator Report:

- **Charter Communication Update** - Originally provided as information for the Board, this is now a moot point as Charter and Disney came to terms late last week.
- **Comprehensive Plan Open House #3** - The final of three open houses soliciting input into the City's comprehensive plan has been scheduled for October 9 from 4-7pm. As this project winds down, staff has reached out to PGAV for a proposal on the zoning rewrite that we previously discussed. We hope to have that in the near future for the board to review and consider.
- **Pool Staffing** - As we worked through and confirmed proper staffing levels, we immediately found ourselves below the goal of two lifeguards per shift at all times. Our Pool Director has met with her folks and is confident in our ability to handle the situation regardless of staffing level. Additionally, she has requested a panic button for emergency situations which will help draw attention and support from other staff during a potential emergency. Administration likes this idea and has begun the process of soliciting pricing for such work.
- **Hospital Ribbon Cutting Ceremony – Sept 29 @ 8:30am** - In addition to Jon Schallert's presentation on Friday, the Hospital has announced their ribbon cutting and rebranding for that same morning. I plan to help open Mr. Schallert's presentation and then run over to the hospital. I hope the Mayor and other members of the Board are able to make it as well.
- **City Administrator's Schedule** – I previously mentioned the possibility of cancelling our first meeting in October. I have since made efforts to rebalance my schedule and will no longer be attending my ICMA meeting. At this point, the Board should plan on a regular meeting schedule in October.
- **MML Meeting** – The Missouri Municipal League is holding a meeting in Cape Girardeau at the old city hall on October 3rd. The topic is 'nuisances.'
- **WWTP Ribbon Cutting** – The ribbon cutting is scheduled for Thursday at 12:15 pm. Tours will be given.

City Engineer Report:

- **Shared-Use Path** – The crosswalks have been painted. A walk-through inspection is being scheduled.
- **Vincentian Way f k/a Progress Drive** – Fronabarger Concreters is getting ready to start this project. A pre-construction meeting is being scheduled.

City Attorney Report:

- **Barbero Lawsuit** – The Motion to Dismiss that was filed by Attorney Spradling will be heard by Judge Lewis on October 6th.

Chief of Police Report:

- **Police Department** – A former police officer is interested in rejoining the Perryville Police Department. Also, the two police cadets are doing well.
- **Bikers on the Square** – No problems were reported.

Mayor Riney asks for any Board concerns, comments, or other non-action items:

Alderman Rice asks about the recent legislative changes regarding home businesses. He notes that the home in Rambling Hills has a building in the side yard that is detached. Alderman Amschler states that he believes they are going to construct a breezeway to connect the buildings. City Attorney Pistorio reviews sections of the home occupation changes, noting that this legislation has made it easier for people to have businesses in their homes without having to get approval from the Board of Aldermen.

Alderman Guth noted that the music from the Bikers on the Square on Saturday evening was too loud. City Administrator Buerck made a note to talk with the event coordinators to ensure this is monitored going forward.

Alderman Amschler tells the Board that he has received a complaint regarding the number of trucks parked on Magnolia Street. City Administrator Buerck informs the Board that staff is working on this concern.

Now, at this time, upon motion by Alderman Buerck, seconded by Alderman Rice, 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 matters in accordance with Section 610.021(9) RSMo. Roll call showed the aye and nay votes as follows: Seth Amschler, aye; Curt Buerck, aye; Tom Guth, 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 Amschler, seconded by Alderman Buerck, 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: Seth Amschler, aye; Curt Buerck, aye; Tom Guth, aye; Douglas K. Martin, aye; Clint Rice, aye; David J. Schumer, aye. Totals: aye, six; nay, none.

There being no further business, it is upon motion by Alderman Buerck, second by Alderman Amschler, and on vote carried, ordered that the Board now adjourn until Tuesday, October 3, 2023, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK