

**October 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; 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.

Perryville PD Dispatcher Kim Kimmell of 801 Ste. Augustine, Perryville, tells the Board that she is a dispatcher for the Perryville Police Department and has heard there is discussion regarding the elimination of dispatch jobs. She reviews the "Stronger Together" motto from the election to pass the Justice Center tax. She tells the Board she is concerned about outsourcing and was disappointed that she had to hear the news from another city. She is also concerned that the reason for the change is to save money and tells the Board the only reason she voted for the tax was to be stronger together and to protect the officers and families.

Perryville PD Dispatcher Kaitlyn Corke of 118 Spring Street, Perryville, tells the Board she started as a dispatcher for the City of Perryville in 2020 and moved to Perryville. She reiterates the points made by Kim Kimmell. She notes that the Justice Center construction has gone over budget. She also tells the Board that she has dedication and passion for her job and fears the loss of income.

Perryville PW Employee Jacob Chatrow of 900 Forest Avenue, Perryville, expresses his concerns about moving dispatch to St. Francois County. He wonders about public works calls related to gas leaks and water breaks, etc. He also tells the Board that local dispatchers are familiar with recurring callers and can help the officers navigate situations and help keep the officers safe when responding to calls.

Perryville PD Patrol Officer Joseph Boyd, 142 Yarrow Lane, Jackson, Missouri, states that he feels the dispatchers do a good job and that their job affects his safety. He tells the Board that the dispatcher's details are essential to his safety when responding to a call and that the dispatchers have a wealth of local information that is helpful to the officer. He notes that he is aware that the ultimate decision about outsourcing the dispatch is with the County Commission.

Sheriff's Department Dispatcher Maria Kramer, 208 PCR 318, Perryville, asks the Board to rethink their position regarding outsourcing the dispatch. She tells the Board that she was born and raised in Perryville and is concerned that someone who isn't from the area will not know what is needed to keep officers and residents safe. She tells the Board she has worked to gain her knowledge and garner trust from the officers and believes that it will be difficult to do that with outsourced dispatchers.

Perryville PD Detective Michelle Zahner, 427 West North Street, Perryville, tells the Board she has been a detective for the City of Perryville for five years and states that everyone present at this meeting is here to stand together to show the Board that they are a family and asks the Board to represent them to the County Commission and to convince them that we are better together.

Perryville PD Sergeant Jeri Cain, 2103B East Harvest Circle, Perryville, tells the Board that she has been with the Police Department for 28 years. She reiterates the concern that outsourced dispatchers will not have the knowledge of our community and without that knowledge the officers and residents may be at risk. She notes that she has experienced tornadoes, flooding, and accidents over the years and there were times when extra dispatchers had to be called in to work. She wonders who will fill those positions. She asks the Board to help persuade the Commission to leave the dispatch in Perryville.

Perryville PD Sergeant Robert O’Rear, 623 Dowling, tells the Board that he is a sergeant with the Perryville Police Department, noting that he moved to Perryville from Illinois. He reviews an incident in which the dispatcher was his lifeline on a recent call. He notes that outsourcing may sound good on paper and he knows that law enforcement is expensive, but asks the Board to please figure out a way to fund it here.

Perryville PD Detective Ryan McLeary, 7475 PCR 432, Advance, tells the Board that he is honored to serve on the Perryville Police Department and enjoys the community. He says the Police Department is a family and they can trust each other. He notes that he is planning to move to Perryville. He tells the Board that he was disappointed that he had to learn about the possibility of outsourcing the dispatch from someone other than the City. He asks the Board to be their voice to the Commission to keep these jobs.

Mayor Riney invites everyone to attend a meeting with the City and the Perry County Commission at the Catalyst Center on Monday, October 23<sup>rd</sup>.

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

The public hearing for rezoning request from DGOGPerryvillemo 05312023 d/b/a Dollar General Store and Samuel and Lela Scauzzo is cancelled upon applicant’s request.

**CONSENT AGENDA ITEMS**

4. Approve minutes from meeting of October 3, 2023.
5. Approve Financial Report for September 2023.

CITY OF PERRYVILLE STATEMENT OF CASH POSITION SEPTEMBER, 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	\$ 6,993,066.42	\$ (3,741,157.43)	\$ 3,251,908.99	\$ 6,438,990.94	\$ (99,233.64)	\$ (87,088.79)	\$ 6,451,135.79
105	FSA Administration	\$ 9,928.53	\$ 252.30	\$ -	\$ 252.30	\$ 10,180.83	\$ -	\$ -	\$ 10,180.83
106	Asset Forfeiture	\$ 53.99	\$ -	\$ -	\$ -	\$ 53.99	\$ -	\$ -	\$ 53.99
204	Airport	\$ (267,237.05)	\$ 3,372,211.88	\$ (3,739,020.17)	\$ (366,808.29)	\$ (634,045.34)	\$ 2,064.00	\$ 2,750.60	\$ (633,358.74)
206	Trans Trust	\$ 557,214.54	\$ 622,599.60	\$ (531,989.13)	\$ 90,610.47	\$ 647,825.01	\$ -	\$ 2,442.44	\$ 650,267.45
207	Perry Park Ctr.	\$ 609,074.66	\$ 1,471,777.51	\$ (1,961,720.34)	\$ (489,942.83)	\$ 119,131.83	\$ (38,551.27)	\$ (26,719.52)	\$ 130,963.58
211	Veterans Field	\$ 10,542.49	\$ 15,952.12	\$ (4,952.60)	\$ 10,999.52	\$ 21,542.01	\$ -	\$ -	\$ 21,542.01
213	Field Improvement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
307	Debt Service	\$ 182,551.01	\$ 11,518.04	\$ (147,706.20)	\$ (136,188.16)	\$ 46,362.85	\$ 108,097.86	\$ 107,605.29	\$ 45,870.28
308	Cap Imp Sls Tax Rev	\$ 1,232,550.34	\$ 487,986.76	\$ (266,638.21)	\$ 221,348.55	\$ 1,453,898.89	\$ -	\$ -	\$ 1,453,898.89
409	Gen Pub Fac	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
414	TIF 1-Hwy 51/61	\$ 337,390.13	\$ 7,824.71	\$ -	\$ 7,824.71	\$ 345,214.84	\$ -	\$ -	\$ 345,214.84
415	Economic Develop	\$ 384,113.51	\$ 974,156.29	\$ (941,577.67)	\$ 32,578.62	\$ 416,692.13	\$ -	\$ (230.00)	\$ 416,462.13
416	TIF 2-Downtown	\$ 183,910.52	\$ 3,338.10	\$ (79,222.44)	\$ (75,884.34)	\$ 108,026.18	\$ -	\$ -	\$ 108,026.18
417	TIF 3-I55/HWY 51	\$ 569,659.38	\$ 7,426.00	\$ (325,090.30)	\$ (317,664.30)	\$ 251,995.08	\$ -	\$ -	\$ 251,995.08
513	Street Imp	\$ 488,207.56	\$ 966,311.23	\$ (971,683.83)	\$ (5,372.60)	\$ 482,834.96	\$ -	\$ -	\$ 482,834.96
612	Refuse	\$ 363,306.63	\$ 492,842.97	\$ (682,701.71)	\$ (189,858.74)	\$ 173,447.89	\$ 118,538.19	\$ 2,569.07	\$ 57,478.77
614	CWSS Op	\$ 3,512,832.91	\$ 3,023,984.04	\$ (3,896,540.24)	\$ (872,556.20)	\$ 2,640,276.71	\$ 474,171.08	\$ 128,745.69	\$ 2,294,851.32
641	WWTP Improvements	\$ 146,967.26	\$ 4,223,560.94	\$ (3,330,326.57)	\$ 893,234.37	\$ 1,040,201.63	\$ -	\$ -	\$ 1,040,201.63
619	Gas Op	\$ 4,242,111.31	\$ 2,251,320.20	\$ (4,059,443.41)	\$ (1,808,123.21)	\$ 2,433,988.10	\$ 283,969.67	\$ 249,787.44	\$ 2,399,805.87
	TOTAL	\$ 15,750,259.67	\$ 24,926,129.11	\$ (24,679,770.25)	\$ 246,358.86	\$ 15,996,618.53	\$ 849,055.89	\$ 379,862.22	\$ 15,527,424.86

6. Approve recommendation from CBIZ Compensation Consulting regarding 2024-25 salaries.
7. Approve Pay Application 4 from Kiefner Bros., Inc., for the Perry Park Center Interior Improvements (Weight Room) - \$1,828.75.
8. Approve Pay Application 5 (Final) from Kiefner Bros., Inc., for the Perry Park Center Interior Improvements (Weight Room) - \$3,074.45.

9. Approve Pay Application 37 from Robinson Industrial and Heavy Contracting and HDR for the WWTP Facility Improvement Project - \$40,386.79.
10. Approve Invoice 20234825 from Utility Safety & Design, Inc., to rebuild the Burger King Regulator Station - \$51,443.62.
11. Approve Invoice 20234820 from Utility Safety & Design, Inc., to rebuild the Big Springs Regulator Station - \$51,443.62.
12. Approve Invoice 3219 to Jerry Hotop Painting, LLC, for Perry Park Center Exterior Painting Project - \$10,000.00.
13. Approve Final Invoice to General Acrylics for Pickleball Courts Project - \$25,740.00.
14. Approve payment to the Rotary Club for the 2023 Fireworks Display and approve their request to turn all future events over to the city and county - \$4,110.00.
15. Approve quotes received for winter salt and award to Morton Salt Company - \$92.98 per ton.
16. Approve renewal of the Airport Snow Removal Agreement with Welker Brothers Landscaping, LLC for an additional one-year period as outlined in Article IV of the agreement.
17. Approve recommendation from Parks & Recreation Director Cadwell to award the Parks Department Lawn Mower bid to Davis Farm Supply - \$16,596.00.
18. Approve recommendation from Police Department to place speed limit signs on Walters Lane.
19. Approve request from Perry County "Shop-with-a-Cop" Program to hold their annual Stuff a Stocking drive on October 21, 2023, at the West St. Joseph and Perryville Boulevard intersection.
20. Approve request from Heroes for Kids to waive Perry Park Center fees for their July 20-21, 2024, Comic Con Charitable Event.
21. Approve revised By-Laws of the Perryville Fire Department.
22. Authorize staff to advertise for Downtown Perryville Improvement Assistance Program grants.
23. Set public hearing date for special use permit request from DGOGPerryvillemo 05312023 to construct a 10,640 square foot Dollar General Store at property located on the southeast side of Highway 61 and Sutterer Place – November 7, 2023.
24. Set public hearing date for a request from Mark Hager to rezone property located at 1208 West North Street from R-2 (Single Family Residential District) to R-4 (Two-Family Residential District) – November 7, 2023.

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

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

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

City Administrator Buerck presents the 5-Year Capital Improvement Plan for FY 2024-25 to 2028-29 for the Board's review and approval, noting that the first years on the plan are more accurately priced and expected to be completed and the distant years are more projections and could change over time. He also notes that future projects reflect potential inflation costs.

After review, Alderman Buerck makes a motion to approve the 5-Year Capital Improvement Plan for FY 2024-25 to 2028-29. Alderman Rice seconds the motion, and on vote the motion carries.

At this time, the Board discusses a request from Carisa Stark to allow the parklet at J Street Eats! to remain year-round. City Administrator Buerck tells the Board that staff believes this activity enhances the visitor experiences in downtown Perryville. He tells the Board that, if approved, staff would suggest doing this on an annual basis so we can evaluate its impact on the downtown area and ensure it remains functional and in good repair. After discussion, it is the consensus of the Board that City Attorney Pistorio prepare an agreement to extend the time through October 2024, noting that the City of Perryville will not be responsible for removing snow and ice from around the structure and will not be held responsible for any damage to the structure as a result of street maintenance and snow removal. City Administrator Buerck also suggests that the restaurant keep track of usage and submit their record to the City.

The Board now reviews a proposed amendment to Section 16.28.020 of the Code of Ordinances relative to group developments. After discussion, it is the consensus of the Board that City Attorney Pistorio include a requirement for some time of buffer/transition between adjoining zones and to allow a planned residential subdivision to require a 'no less than' amount of units that would be attractive to local builders as well as large building companies.

#### **RESOLUTIONS:**

After discussion and review, Alderman Schumer makes a motion to enter into an agreement with Millstone Weber, LLC., relative to Rehabilitation of Runway 2-20 Project at the Perryville Regional Airport . Motion is seconded by Alderman Buerck, and on vote carried. Said Resolution is as follows:

#### RESOLUTION NO. 2023-14

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **MILLSTONE WEBER, LLC**, RELATIVE TO **REHABILITATION OF RUNWAY 2-20 AT THE PERRYVILLE REGIONAL AIRPORT**; 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 **Millstone Weber, 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 17th day of October, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Larry Riney, Mayor

ATTEST:

Tracy Prost, City Clerk

After discussion and review, Alderman Guth makes a motion to enter into a Memorandum of Understanding with Missouri's National Veterans Memorial relative to encroachment on city easements. Motion is seconded by Alderman Amschler, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2023-15

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **MISSOURI'S NATIONAL VETERANS MEMORIAL** RELATIVE TO **CONSTRUCTION OF MONUMENT ON CITY EASEMENTS**; 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 **Missouri's National Veterans Memorial**. 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 17th day of October, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Larry Riney, Mayor

ATTEST:

Tracy Prost, City Clerk

After discussion and review, Alderman Buerck makes a motion to enter into an enrollment agreement with Delta Dental of Missouri relative to employee group dental health plan. Motion is seconded by Alderman Guth, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2023-16

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **DELTA DENTAL OF MISSOURI** RELATIVE TO **EMPLOYEE GROUP DENTAL HEALTH PLAN**; 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 **Delta Dental of 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 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 17th day of October, 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 Amschler makes a motion to enter into an agreement with Advantica Insurance Company relative to employee group vision health plan. Motion is seconded by Alderman Rice, and on vote carried. Said Resolution is as follows:

#### RESOLUTION NO. 2023-17

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **ADVANTICA INSURANCE COMPANY** RELATIVE TO **EMPLOYEE GROUP VISION HEALTH PLAN**; 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 **Advantica Insurance Company**. 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 17th day of October, 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. 6476, AN ORDINANCE AMENDING TITLE 2 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, BY ADDING CHAPTER 2.69 TO BE ENTITLED "ADMINISTRATIVE SEARCH WARRANTS;" AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Bill No. 6476 is read a second time on motion by Alderman Rice, seconded by Alderman Schumer. Thereupon on motion by Alderman Rice, 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. 6692 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6476

ORDINANCE NO. 6692

AN ORDINANCE AMENDING TITLE 2 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, BY ADDING CHAPTER 2.69 TO BE ENTITLED "ADMINISTRATIVE SEARCH WARRANTS;" 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 2 of the Code of Ordinances of the City of Perryville, Missouri, is hereby amended by adding Chapter 2.69 to read as follows:

"Chapter 2.69

### **ADMINISTRATIVE SEARCH WARRANTS**

#### **2.69.010 Establishment.**

Since the Missouri Supreme Court has authorized municipal administrative search warrants and the City of Perryville has determined that same is necessary for the public health and welfare to assist the city in enforcing its ordinances relating to housing, zoning, health and safety, administrative search warrants may be issued under the provisions of this article.

#### **2.69.020. Administrative search warrant defined.**

An "administrative search warrant" is a written order of the judge of the City of Perryville Municipal Division of the Circuit Court of Perry County, Missouri, commanding the search or inspection of any property, place, or thing and the seizure, photographing, copying, or recording of property or physical conditions found thereon or therein to determine or prove the existence of violations of any ordinance or code section of the city relating to the use, condition or occupancy of property or structures located within the said city or to enforce the provisions of any such ordinance or code section.

#### **2.69.030. Who may issue.**

The judge of the City of Perryville Municipal Division of the Circuit Court of Perry County, Missouri, having original and exclusive jurisdiction to determine violations against the ordinances of the municipality, or another judge of the Circuit Court of Perry County, Missouri, if he or she is unavailable, may issue an administrative search warrant when the property or place to be searched or inspected or the thing to be seized is located within the city at the time of the making of the application.

**2.69.040. Who may execute.**

Any such warrant shall be directed to the chief of police or any other police officer, or any code enforcement officer, fire department personnel, or building inspector of the city, and shall be executed by authorized city personnel within the city limits or any other place where the Perryville Municipal Code may be enforced.

**Sec. 2.69.050. Application.**

- A. Any police officer, code enforcement officer, fire department personnel, building inspector, or city attorney for the City of Perryville, Missouri, may make application to the municipal judge for the issuance of an administrative search warrant.
- B. The application shall:
  - 1. Be in writing;
  - 2. State the time and date of the making of the application;
  - 3. Identify the property or places to be entered, searched, inspected, or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
  - 4. State that the owner or occupant of the property or places to be entered, searched, inspected, or seized has been requested by an appropriate officer of the city to allow such action and has refused to allow such action;
  - 5. State facts sufficient to show probable cause for the issuance of a search warrant, as provided in this chapter, to:
    - a. Search or inspect for violations of an ordinance or code section specified in the application; or
    - b. Show that entry or seizure is authorized and necessary to enforce an ordinance or code section specified in the application and that any required due process has been afforded prior to the entry or seizure.
  - 6. Be verified by the oath or affirmation of the applicant;
  - 7. Be signed by the applicant;
  - 8. Be signed by the city attorney.
- C. The application may be supplemented by a written affidavit by oath or affirmation. such affidavit shall be considered in determining where there is a probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or place to be searched or inspected. Oral testimony shall not be considered. Electronic signatures in conformity with Missouri Supreme Court Rules shall be sufficient.

#### **2.69.060. Procedure.**

- A. The municipal judge shall determine whether probable cause exists to inspect or search for violations of any ordinance or code section or to enforce any ordinance or code section, including the abatement of violations and the seizure of property related thereto.
- B. The municipal judge shall determine whether the action to be taken is reasonable in light of the facts stated. The municipal judge shall consider the goals of the ordinance or code section sought to be enforced and such other factors as may be appropriate including, but not limited to, the physical condition of the specified property, the age and nature of the property, the condition of the area in which the property is located, the known violation of any relevant ordinance or code section and the passage of time since the property's last inspection. The standard for issuing a warrant need not be limited to actual knowledge of an existing violation of an ordinance or code section.
- C. If it appears from the application and any supporting affidavit that there is probable cause to inspect or search for violations of any ordinance or code section or to enforce any such ordinance or code section, a search warrant shall immediately be issued.
- D. The warrant shall be issued in the form of an original and two copies and the application and any supporting affidavits and one copy of the warrant as issued shall be retained in the records of the municipal court.

#### **2.69.070. Contents of search warrant.**

The search warrant shall:

- A. Be in writing and in the name of the City of Perryville, Missouri;
- B. Be directed to any police officer, code enforcement officer, fire department personnel, or building inspector in the City of Perryville, Missouri.;
- C. State the time and date the warrant was issued;
- D. Identify the property or places to be searched, inspected, or entered upon in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
- E. Command that the described property or places be searched or entered upon and that any evidence of any ordinance violations found therein or thereon, or any abatement performed therein or thereon, or a description of any property seized pursuant to an abatement, be returned within ten days after filing the application, via a warrant return to the municipal judge who issued the warrant, to be dealt with according to law;
- F. Be signed by the judge with the title of his/her office indicated.

#### **2.69.080. Execution and return.**

A search warrant issued under this chapter shall be executed only by the chief of police, other police officer, code enforcement officer, fire department personnel, or building inspector of the City of Perryville, Missouri; provided however, that one or more designated city officials may accompany the officer and the warrant shall be executed in the following manner:

- A. The warrant shall be executed by conducting the search, inspection, entry or seizure as commanded and shall be executed as soon as practicable and in a reasonable manner.

- B. The officer shall give the owner or occupant of the property searched, inspected, or entered upon a copy of the warrant.
  - 1. If any property is seized incident to the search, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place.
  - 2. A copy of the itemized receipt of any property taken shall be delivered to an attorney for the city within two working days of the search.
  - 3. The disposition of property seized or abated pursuant to a search warrant under this section shall be in accordance with an applicable ordinance or code section, but in the absence of same, then with RSMo 542.301.
- C. The officer may summon as many people as he/she deems necessary to assist him/her in executing the warrant and such persons shall not be held liable as a result of any illegality of the search and seizure.
- D. An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as he/she would be justified in using if the warrant were valid.
- E. A search warrant shall expire if it is not executed, and the required return made within ten days after the date of the issuance of the warrant.
- F. After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the municipal court.
- G. The return shall show the date and manner of execution and the name of the possessor and of the owner, when not the same person, if known, of the property and places searched or seized.
- H. The return shall be accompanied by any photographs, copies or recordings made, a description of any abatements performed, and by any property seized pursuant to an abatement, along with a copy of the itemized receipt of such property required by this section; provided however, that seized property may be disposed of as provided herein and in such a case a description of the property seized shall accompany the return.
- I. The court clerk, upon request, shall deliver a copy of the return to the possessor and the owner, when not the same person, of the property searched or seized.

**2.69.090. Warrant invalid—When.**

A search warrant shall be deemed invalid:

- A. If it was not issued by the municipal judge, or another judge of the Perry County Circuit Court if he or she is unavailable;
- B. If it was issued without a written application having been filed and verified;
- C. If it was issued without sufficient probable cause in light of the goals of the ordinance to be enforced and such other factors as provided in this chapter;
- D. If it was not issued with respect to property or places in the City of Perryville;

- E. If it does not describe the property or places to be searched, inspected, entered upon or seized with sufficient certainty;
- F. If it is not signed by the judge who issued it; or
- G. If it was not executed and the required return made within ten days after the date of the making of the application.”

Section 2. 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 3. 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 4. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: October 3, 2023.

SECOND READING: October 17, 2023.

PASSED AND APPROVED this 17<sup>th</sup> day of October, 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 Amschler presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 6477, amending Section 9.04.110 of the Code of Ordinances relative to possession of marijuana or drug paraphernalia, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 9, CHAPTER 9.04, SECTION 9.04.110 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, ENTITLED “POSSESSION OF MARIJUANA OR DRUG PARAPHERNALIA”, AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Alderman Amschler presents motion, seconded by Alderman Guth, and on vote carried Bill No. 6478, adding Section 9.04.115 to the Code of Ordinances relative to marijuana, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 9, CHAPTER 9.04, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, BY ADDING SECTION 9.04.115 ENTITLED “MARIJUANA,” AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

**Mayor Riney asks for Committee Reports.**

Alderman Guth, as Chairman of the Public Works Committee, asks Public Works Director Layton if the new salt shed will keep the salt dry throughout the winter. Director Layton affirms that the new building

will keep the salt dry. Public Works Director Layton tells the Board that the manual trash truck is not working and staff is seeking a proposal for repairs. He also notes that crews are repairing a photo eye that is not working on the Square.

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

#### EDA Director Report:

- **Business & Industry Appreciation Luncheon** - Scheduled for November 2, 2023, at Robinson Event Center from 11:30 – 1. My office and the Chamber are working on the program, which will feature two local “legacy” businesses. More to come on that but mark your calendars if you want to attend.
- **SEMO Redi** - Shad Burner provided a presentation on the group and structure. The EDA Board suggested that the SEMO Redi group revise their structure and then approach us again about joining in their regional efforts.
- **RCH Development Rental Housing** - The housing development that the hospital joint partners group has been working on has been submitted to the Missouri Housing Development Commission (MHDC) for review. The developer is being told there were no deficiencies in the application. If the project moves forward, there will be 40 duplex units available for lease. Six market rate units, and the rest income-based. It will be an \$11.5M project.

#### Mayor Riney asks for Staff Reports:

##### City Administrator Report:

- **TEAP Awards Announcement** - Perhaps a bit premature, but I hoped to have heard whether our study at Alma had been approved or not. At this point, there has not yet been an announcement but we are optimistic.
- **Ribbon Cutting Ceremony for Beta Technologies at Airport – October 31 at 10am** - We are very happy to have this part of the MoDOT Commission schedule. The Board and public are invited to join us at this event, officially opening Missouri’s first electric plane charging station. We are expecting a press release to follow by week’s end.
- **Comprehensive Plan Schedule** - The Board previously inquired about how this process was going and when it would be finished. This schedule shows us finishing up in February, just before the end of the fiscal year. This will lead directly into next year’s project of reviewing the City’s zoning ordinances.
- **CEO Youth Program** - We are very happy to see District #32, working in conjunction with Crystal’s support and leadership, start a CEO program for juniors and seniors from all three Perry County Schools. CEO stands for Creating Entrepreneurial Opportunities and was developed by the Midland Institute. Both Crystal and I are proud to serve on the steering committee and we are actively seeking business partners to engage.
- **Mo Hwy Commission Mtg in Perryville – Nov 1** - Staff is very pleased to host the Missouri Highway Commission. Part of their visit will include visits to Heritage Tourism sites, including the MNVM and American Tractor Museum. We will also be cutting a ribbon at the Beta Charging station at Perryville Regional Airport and a small number of locals from both sides of the river will be invited to the groundbreaking at the Chester Bridge. The event will be held at the Park Center’s theatre and will include a brief presentation by the Mayor, Crystal, and myself.
- **Disabled Parking Spot Designation** - The former atrium building is working to identify handicap parking options for their new micro-hotel. They approached the City about our adjacent parking, and we are

working through details regarding what might be possible. It could be as simple as a reserved sign or as complicated and a complete redesign and reconstruction. Staff will work through various scenarios and try to bring the best option back to the Board for consideration.

- **SEMO RPC Services re Miget Park LWCF Grant** - Staff worked with the team at Lucas & Friends to secure this grant, helping to finish the 2nd phase of the playground. There is a considerable amount of administration with this program and we have always worked with SEMO RPC for that service. They have submitted the attached proposal which staff finds to be within norms.

- **Circle Fiber** - Work has begun and advisory signs located in specific work areas. Construction has begun in earnest and staff is working with the folks at Fiber in an effort to best locate junction boxes so that they do not have to be moved later for street or sidewalk work.

City Engineer Report:

- **Vincentian Way** – This project is moving along: most dirt work is complete; earth work complete by the end of the week; box culvert is installed; waiting for stormwater pipe to be delivered. The completion time for this project is scheduled for the end of May 2024.

- **TAP Grant on Star Street** – Staff has reached out to the neighbors on the south side of Star Street regarding the placement of a sidewalk. Two of the property owners were in favor of the sidewalk, one property owner was okay with the sidewalk, and one property owner was against the sidewalk. The City would need to get an easement from this property owner since the sidewalk would not be completely in the City's right of way.

After discussion, it was the consensus of the Board that the TAP grant application for the sidewalk on Star Street leave the sidewalk on the north side of the street.

City Attorney Report: The Barbero lawsuit has been dismissed with prejudice, which means that the plaintiff could file another lawsuit.

Chief of Police Report: None.

Parks & Recreation Director Report:

- **Weight Room** – This project is complete except some minor painting touchups.
- **PPC Exterior Painting Project** – This project is moving along nicely.
- **Grant for Lucas and Friends Playground** – We have been notified that this project is being awarded a Land and Water Conservation Fund grant. It is hopeful that the playground will be complete by August 2024. A 5K Run was recently held to raise funds for the project.

**Mayor Riney asks for any Board concerns, comments, or other non-action items:** None.

Now, at this time, upon motion by Alderman Buerck, seconded by Alderman Martin, 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 Martin, seconded by Alderman Rice, 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 Schumer, second by Alderman Buerck, and on vote carried, ordered that the Board now adjourn until Tuesday, November 7, 2023, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK