

July 2, 2024

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, Deanna Kline, 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.

Introduction of Machelle Crase, Perry Park Center Janitor.

CONSENT AGENDA ITEMS

4. Approve rescheduling the August 6, 2024, Board of Aldermen meeting to July 30, 2024, at 6:30 p.m.
5. Approve minutes from meeting of June 18, 2024.
6. Approve bills for June 2024.

At this time Alderman Rice, Chairman of the Finance Committee, presents the following bills and invoices for the month of June 2024, vendor checks numbered 128516 - 128766; 26 ACH transfers; payroll checks numbered: 659638 - 659657.

The following bills are presented to be paid for the month of June 2024. Board finds that \$554,084.33 is chargeable to and payable out of the General Revenue Account; \$63,446.15 is out of Airport; \$37,920.89 is out of Transportation Trust; \$199,670.15 is out of Perry Park Center; \$1,162.75 is out of Veterans Memorial; \$120,076.57 is out of Capital Improvement; \$31.55 is out of TIF 2; \$30,181.61 is out of Street Improvement; \$45,625.49 is out of Refuse; \$426,453.43 is out of CWSS; and \$118,553.61 is out of Gas Operation. The Board, upon investigation, found the sum to be \$1,597,206.53.

7. Approve purchase order to Auto Tire & Parts for tire changer/balancer machines - \$23,241.56.
8. Approve Pay Estimate #4 from Zoellner Construction Company relative to School Street Lift Station Improvement project - \$145,940.36.
9. Approve Pay Estimate #4 to Schuessler Excavating, LLC, for the Northeast Outfall Sewer Replacement Project - Phase 3 - \$260,889.76.
10. Accept bids for Waterline Improvements-Schindler Road to Dowling Drive Project and award to Earth First Contractors per recommendation of City Engineer Baer - \$136,970.00
11. Approve Preliminary Plat for Sycamore Estates Subdivision from Ochs Development.
12. Approve Preliminary Plat for SMS Fields Resubdivision from SMSDQ Holdings, LLC, SMS Investment Group, LLC, and LCB Development, LLC contingent upon increase of easement widths.

13. Approve request from Perry County Heritage Tourism to allow food trucks in the City Park for their “Picnic in the Park” events – Aug 6, Sep 3, and Oct 1.
14. Approve Request for Downtown Activity for the Farm-to-Table Community Dinner – September 18, 2024.

END OF CONSENT AGENDA

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

Item 11 – Alderman Schumer notes that the Preliminary Plat for Sycamore Estates only shows the first five lots and, typically, Planning & Zoning reviews the entire plan to ensure it will all adhere to the zoning regulations.

City Engineer Baer tells the Board that the first five lots of the Preliminary Plat show the utilities (except for the sewer) and the street. The developer plans to do the first five at this time and bring the rest of the lots back in the next phase of the development.

Item 12 – Alderman Rice asks if Item 12 will be approved contingent upon reconciliation of required changes requested by Planning and Zoning. City Administrator Buerck and City Engineer Baer inform the Board that they have worked with the developers to ensure the required changes have been made on the Preliminary Plat. City Administrator Buerck tells the Board that the developer has signed the sewer agreement as requested.

Alderman Schumer asks City Attorney Pistorio to inform the Board of the legal definition of “direct access” as it relates to the SMS Fields Resubdivision.

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

RESOLUTIONS:

After discussion and review, Alderman Buerck makes a motion to enter into an updated retainer agreement with Utility Safety & Design, Inc., relative to engineering services regarding the natural gas system. Motion is seconded by Alderman Schumer, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2024-43

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **UTILITY SAFETY & DESIGN, INC.** RELATIVE TO **UPDATED RETAINER AGREEMENT**; 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 Utility Safety & Design, 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 2nd day of July, 2024, 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 Martin makes a motion to enter into an agreement with the Saline Creek Grading, LLC, regarding the Perryville Boulevard Shared Use Path – Phase 3 Project contingent upon MoDot concurrence. Motion is seconded by Alderman Schumer, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2024-44

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **SALINE CREEK GRADING, LLC** RELATIVE TO **THE PERRYVILLE BOULEVARD SHARE USE PATH – PHASE 3 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 **Saline Creek Grading, 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 2nd day of July, 2024, 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 Rice makes a motion to enter into an agreement with PGAV Planners, LLC, regarding planning services to assist in the development of a Zoning Code update. Motion is seconded by Alderman Amschler, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2024-45

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **PGAV PLANNERS, LLC** RELATIVE TO **PLANNING SERVICES TO ASSIST IN THE DEVELOPMENT OF A ZONING CODE UPDATE**; 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 **PGAV Planners, 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 2nd day of July, 2024, 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

ORDINANCES:

FIRST AND SECOND READING AND FINAL PASSAGE:

Now, at this time, Bill No. 6514, AN ORDINANCE ACCEPTING THE PLAT OF SMS FIELDS RESUBDIVISION; ACCEPTING DEDICATION OF EASEMENTS, STREETS AND PROPERTIES DESCRIBED; ACCEPTING RESTRICTIONS, IF ANY, FILED THEREWITH; AUTHORIZING THE RECORDING OF SAID PLAT; ACCEPTING IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED AND INDICATED ON SAID PLAT; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, 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 Rice, seconded by Alderman Martin. On motion by Alderman Rice, seconded by Alderman Amschler, and on vote carried, Bill No. 6729 is read for the second time. Thereupon on motion by Alderman Amschler, seconded by Alderman Rice, 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: Seth Amschler, aye; Curt Buerck, aye; Deanna Kline, 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. 6729 of the City of Perryville, and is in words and figures as follows:

AN ORDINANCE ACCEPTING THE PLAT OF SMS FIELDS RESUBDIVISION; ACCEPTING DEDICATION OF EASEMENTS, STREETS AND PROPERTIES DESCRIBED; ACCEPTING RESTRICTIONS, IF ANY, FILED THEREWITH; AUTHORIZING THE RECORDING OF SAID PLAT; ACCEPTING IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED AND INDICATED ON SAID PLAT; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, SMSDQ Holdings, LLC, SMS Investment Group, LLC, and LCB Development, LLC, have platted SMS Fields Resubdivision as located within the corporate limits of the City of Perryville, Missouri; and,

WHEREAS, the developers have provided necessary surety regarding installation of required improvements; and,

WHEREAS, the developers have complied with all of the city ordinances and, in particular, Title 17 of the Code of Ordinances of the City of Perryville, Missouri.

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

Section 1. The Mayor and Board of Aldermen of the City of Perryville, Missouri, do hereby accept the final plat of SMS Fields Resubdivision, which is attached hereto as Exhibit A, including all easements, right-of-way streets and required improvements indicated thereon and subject to the terms and conditions expressed therein.

Section 2. The Mayor and City Clerk of the City of Perryville, Missouri, are hereby authorized to do all acts and execute all instruments appropriate and necessary to accept said plat.

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

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

FIRST READING: July 2, 2024.

SECOND READING: July 2, 2024.

PASSED AND APPROVED this 2nd day of July, 2024, 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 Buerck presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 6515, amending the City of Perryville Prohibited Parking Schedule by deleting Alma Avenue and McDonald's Court and by adding St. Catherine Laboure Court, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.20, OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE "PROHIBITED PARKING SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 3618 RELATING TO ADDITIONAL PARKING RESTRICTIONS IN THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

Alderman Martin presents motion, seconded by Alderman Buerck, and on vote carried Bill No. 6516, amending the City of Perryville Stop Sign Ordinance by deleting McDonald's Court and adding St. Catherine Laboure Court, is read for the first time by title only. The heading is as follows:

AN ORDINANCE AMENDING TITLE 10 OF THE CODE OF ORDINANCES OF THE CITY OF PERRYVILLE, MISSOURI, AND SPECIFICALLY THE "STOP SIGN SCHEDULE" ADOPTED THEREIN AND ESTABLISHED BY ORDINANCE NO. 1738 RELATING TO ADDITIONAL STOP SIGN DESIGNATIONS IN THE CITY OF PERRYVILLE, MISSOURI; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

Mayor Riney asks for Committee Reports.

Alderman Schumer, as Chairman of the Public Works Committee, asks if there are plans to run the street sweeper soon. Public Works Director Layton tells the Board that they hope to run the street sweeper in the next week or so, noting that they are short-handed at this time. Alderman Schumer tells PW Director Layton that the gutters along Big Springs Boulevard need sweeping.

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

- **Retail Strategies** - Retail Strategies did a site visit in Perryville on Friday, June 28th. They took photos and drone footage of sites primed for development and visited existing vacant locations that could be filled with retail/restaurant tenants. They will send a recap of their visit with questions they have for us in the coming days.

- **Retail Strategies Data** - As part of our agreement with this firm, they generated a lot of data that will be shared with the Board all over time. The current year owner-occupied housing units by value chart shows you home values at various distances from the City of Perryville.

- **Perry County Broadband Committee** - Perry County was accepted into a program by the Benton Institute to help prepare us for an application to the State of Missouri's \$1.7B broadband funding that will be available this year. This will focus on broadband expansion outside of the city limits of Perryville. A committee has been formed and surveys will be distributed to residents in the coming weeks.

Mayor Riney asks for Staff Reports:

City Administrator Report:

- **Press Release regarding PD Communications Office Closed – Midnight to 7:00 a.m.** - PD staff followed an earlier press release with one clarifying how things will actually work. We have worked with Forward Slash to install a lobby "hotline" phone, providing access to the Dispatch at the County. Although different, all seems to be going well with this new arrangement.

- **Northdale Park cottonwood tree P&R Director recommendation** - See Jim's notes here. In short, we believe the tree is too nice and valuable to remove but we will cut the dead limbs.

- **MML 2024 Conference Conflict** - The conference is scheduled for September 15-18 in Branson. For the first time staff can remember, it will conflict with an aldermanic meeting. Staff doesn't see an

easy alternative and instead recommends staff and at least a quorum of the Board remain back so we can conduct City Business.

After discussion, it was decided by the Board of Aldermen to refrain from attending the MML conference this year and to release the hotel rooms that are being held at this time.

- **Fall/Winter 2024 Holiday Trash Schedule** - Looking ahead, there will be several holidays that conflict with the trash schedule. Staff has presented the attached revised schedule for the Board's awareness but will wait until later to publicize the same with our residents.

- **Vincentian Way ribbon cutting ceremony – July 9th at 12:15 p.m.** - Just a final reminder about next week's ribbon cutting.

- **Perryville Blvd landscaping information** - A nearby property owner called into question the landscaping that was done, or in this case not being done, on the property the City used to own. The length of the vegetation seemed to violate City's ordinances until we reached out to the property owner and he explained that he has planted native grasses and flowers in the location. City Attorney Pistorio agreed this seems to satisfy the ordinances at this time but we will keep an eye on the vegetation.

- **TAP Grant Awards** – MoDot awarded three TAP grants to the City of Perryville in their recent grant cycle. We were informed that Perry County also received a TAP grant for the sidewalks around the Justice Center. It was noted that our ability to successfully complete TAP projects in a timely manner aided in MoDot's award decisions. It is possible that we may need to revise the location of the Alma Avenue trail due to the possibility of placing a roundabout at that location.

- **Homeless Shelters** – The Supreme Court has issued a new ruling regarding homeless shelters. City Attorney Pistorio is reviewing our ordinances to ensure compliance. One of the new components of the ruling is the inclusion of individuals being productively engaged in some type of employment.

City Engineer Report:

- **School Street Lift Station** – The contractor has been working on footings.
- **Force Main Project** – The contractor is waiting for materials to arrive. They plan to begin construction within a month. This project is from the lift station to Old St. Mary's Road.

- **Trunk Line Project** – The bore under the roundabout is complete. The concrete replacement on West Street is complete. The contractor will resume piping installation across Old St. Mary's in the next few weeks.

- **Vincentian Way** – Seeding has been completed and the grass is growing. Erosion control maintenance will be observed over the summer and fall. The ribbon cutting ceremony is scheduled for July 9th at 12:15 p.m.

- **TAP Grant, Phase 3** – We are waiting for MoDot's concurrence on this project. They are reviewing the DBE status of the top two bidders. We will soon schedule the pre-construction meeting.

- **Waterline Project** – We received 11 bids for the waterline project. The contract will be presented at the next meeting.

City Administrator Buerck notes that there was a \$200,000 difference between the low and high bids on this project.

City Attorney Report: No Report.

Chief of Police Report: No Report.

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

Alderman Amschler asked if Circle Fiber was still installing fiber in town. City Administrator Buerck tells the Board that Circle Fiber has seemed to stall at this point. He notes that attaching the fiber to electric poles has slowed the project somewhat. Alderman Rice asks if Circle Fiber will be available to the entire City. City Administrator Buerck tells the Board that Circle Fiber intends to make their fiber available throughout the city.

Now, at this time, upon motion by Alderman Martin, seconded by Alderman Schumer, 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; 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: Seth Amschler, aye; Curt Buerck, aye; Deanna Kline, 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 Schumer, seconded by Alderman Amschler, 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; Deanna Kline, 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 Rice, second by Alderman Kline, and on vote carried, ordered that the Board now adjourn until Tuesday, July 16, 2024, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK