

October 15, 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; Lydia Rellergert, 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.

At this time, Mayor Riney opens a public hearing for a rezoning request from Jerry Flentge to rezone 901 Edgemont Blvd. for future housing development.

Tim Dobbelare of 819 Edgemont Blvd. tells the Board of Aldermen he and his family have lived on Edgemont Blvd. for 20 years. Mr. Dobbelare expresses his concern for his neighborhood if the nearby lot is rezoned to R5. Mr. Dobbelare tells the Board that he does not feel like a R5 zoning is necessary for the proposed development. Mr. Dobbelare reviews the recent Planning & Zoning Commission requests and reminds the Board of Aldermen that Mr. Flentge's request has been denied by the Planning & Zoning Commission. Mr. Dobbelare asks the Board of Aldermen to deny the rezoning request.

Jonathan Hendrix of 831 Edgemont Blvd. tells the Board of Aldermen he and his family have lived on Edgemont Blvd. for 8 years. Mr. Hendrix reviews the letter he submitted to the Planning and Zoning Commission outlining his opposition to the rezoning request. Mr. Hendrix notes the environmental impacts, traffic impacts, and property value impacts the proposed rezoning may pose on the neighborhood. Mr. Hendrix asks the Board of Aldermen to deny the rezoning request.

John Esswein of 827 Edgemont Blvd. asks the Board of Aldermen to deny the rezoning request. Mr. Esswein tells the Board he is supportive of single family dwelling development.

Jerry Flentge of 316 South Waters St. tells the Board of Aldermen he is not considering developing all sixteen acres of the lot at this time, he simply would like to convert an existing barn to a storage facility. Mr. Flentge acknowledges the neighborhood concerns.

City Administrator Buerck tells the visitors that the Board of Aldermen will not make a decision tonight regarding the request to rezone 901 Edgemont Blvd. He explains that the Board will review the request and comments and this item will be presented to the Board of Aldermen at their next meeting on November 5th for a decision.

There being no one else coming forth, Mayor Riney closes the public hearing for a rezoning request from Jerry Flentge to rezone 901 Edgemont Blvd. for future housing development.

CONSENT AGENDA ITEMS

4. Approve minutes from meeting of October 1, 2024.
5. Approve financial reports for September 2024.
6. Approve Invoice 2024-04 from Perry County relative to the September Dispatch Services.

7. Approve Pay Estimate 1 from Earth First Contractors, LLC, relative to the Waterline Improvements – Schindler Rd. to Dowling Dr. project - \$132,581.05.
8. Approve Pay Estimate 2 from Saline Creek Grading, LLC, relative to the Baseball Field #5 Improvements 5 project - \$94,273.91.
9. Approve Pay Estimate 2 from Jokerst, Inc., relative to the School Street Lift Station Force Main Replacement project – 283,160.94.
10. Accept Department of Labor findings regarding dispatch hours investigation as it relates to overtime.
11. Accept proposals received for upgrades to the Perry Park Center's theater lighting and control system and award to dB Productions, per recommendation from Parks & Recreation Director Jim Cadwell.
12. Accept bids received for the Wastewater Treatment Plant Buildout (administrative building) project and award to Centermark Construction, per recommendation of Dille Pollard Architecture. - \$322,608.00.
13. Approve proposed route for shared path connecting Miget Memorial Park to Edgemont Blvd.
14. Approve request from Rotary Club of Perryville to host their annual Pennies for Polio fundraiser at the Downtown Square on October 23, 2024, from 3 p.m. – 6:30 p.m.
15. Approve request from Perry County Toy for Tots to place a collection box in the Perry Park Center from October 1 – December 1.
16. Approve request from Girl Scouts Kinsley Webrecht and Hallie Christensen to construct a pollinator garden in City Park off Huber Road for a Girl Scout Silver Award project.

END OF CONSENT AGENDA

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

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

At this time, City Administrator Buerck presents information to the Board of Aldermen regarding managed archery hunts within city limits.

City Attorney Pistorio asks the Board of Aldermen to consider the location requirements to hunt in city limits.

After discussion, it is the consensus of the Board of Aldermen that staff will prepare a draft ordinance allowing managed archery hunts within city limits for review.

At this time, City Administrator Buerck presents the 5-year Capital Improvement Plan for fiscal year 2024-25 to 2028-29 for the Board's review and approval. City Administrator Buerck highlights several proposed projects outlined in the plan. City Administrator Buerck reminds the Board that previously staff has been asked to focus on improving infrastructure and he feels this proposed plan aligns with that request. City Administrator Buerck tells the Board that this plan will be used to develop next year's budget.

After discussion and review, Alderman Buerck makes a motion to approve the 5-year Capital Improvement Plan for fiscal year 2024-25 to 2028-29. Alderman Schumer seconds the motion, and on vote the motion carries.

RESOLUTIONS:

After discussion and review, Alderman Buerck makes a motion to enter into an agreement with Bootheel Fence Co., Inc., relative to the Parks and Recreation Department South 61 Maintenance Building Security Fence project. Motion is seconded by Alderman Rice, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2024-73

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **BOOTHEEL FENCE CO., INC.** RELATIVE TO **SOUTH 61 MAINTENANCE BUILDING SECURITY FENCE 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 **Bootheel Fence Co., 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 15th day of October, 2024, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Lydia Rellergert, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

After discussion and review, Alderman Amschler makes a motion to approve the Federal Awards Administration Policies and Procedures. Motion is seconded by Alderman Kline, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2024-74

RESOLUTION ADOPTING THE FEDERAL AWARDS ADMINISTRATION POLICY

WHEREAS, the Board of Aldermen acknowledges that sound fiscal management requires a policy for the purpose of managing federal grant awards; and

WHEREAS, the auditor for the City of Perryville recommends the City develop written policies and procedures related to cash management, cost allowability, procurement, and conflict of interest provisions for federal funds it receives; and

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

That the Board of Aldermen of the City of Perryville, Missouri, after consideration of the need for a policy for federal award management, hereby approve and adopt the Federal Awards Administration policy which is attached hereto and incorporated herein as if fully set forth.

PASSED AND APPROVED this 15th day of October, 2024, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Lydia Rellergert, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

After discussion and review, Alderman Buerck makes a motion to enter into an agreement with Premier Pyrotechnics, Inc. relative to the 2025 Fireworks Show - July 3, 2025. Motion is seconded by Alderman Rice, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2024-75

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **PREMIER PYROTECHNICS, INC.** RELATIVE TO **4TH OF JULY FIREWORKS DISPLAY**; 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 **Premier Pyrotechnics, 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 15th day of October, 2024, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Lydia Rellergert, 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 ZellPro Crackfill Inc. relative to the Perry Park Center Parking Lot Improvement Project. Motion is seconded by Alderman Buerck, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2024-76

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **ZELLPRO CRACK FILL, LLC** RELATIVE TO PERRY PARK CENTER PARKING LOT IMPROVEMENT 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 **ZellPro Crack Fill, 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 15th day of October, 2024, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Lydia Rellergert, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

Alderman Schumer asks staff if maintenance requirements were considered in the Community Center HVAC Replacement project bidding process.

City Administrator Buerck tells the Board of Aldermen that maintenance requirements were not considered in this bidding process because the current purchasing policy does not address maintenance requirements during the bidding process. City Administrator Buerck shares that staff is currently working on a purchasing policy revision and that maintenance requirements can be included in this revision for the Board of Aldermen to review.

After discussion and review, Alderman Rice makes a motion to enter into an agreement with Nicholson Heating & Air, LLC relative to the Community Center HVAC Replacement project. Motion is seconded by Alderman Buerck, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2024-77

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **NICHOLSON HEATING & AIR, LLC**, RELATIVE TO **COMMUNITY CENTER HVAC REPLACEMENT 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 **Nicholson Heating & Air, 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 15th day of October, 2024, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Lydia Rellergert, 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 Koehler Engineering and Land Surveying, Inc. for environmental consulting services relative to the Perry County EDA Missouri Certified Sites Program project. Motion is seconded by Alderman Kline, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2024-78

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **KOEHLER ENGINEERING AND LAND SURVEYING, INC.** RELATIVE TO **MISSOURI CERTIFIED SITES PROGRAM PROJECT ENVIRONMENTAL CONSULTING SERVICES**; 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 **Koehler Engineering and Land Surveying, 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 15th day of October, 2024, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Larry Riney, Mayor

ATTEST:

Lydia Rellergert, City Clerk

After discussion and review, Alderman Martin makes a motion to enter into an agreement with Koehler Engineering and Land Surveying, Inc. for geotechnical services relative to the Perry County EDA Missouri Certified Sites Program project. Motion is seconded by Alderman Amschler, and on vote carried. Said Resolution is as follows:

RESOLUTION NO. 2024-79

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY AND **KOEHLER ENGINEERING AND LAND SURVEYING, INC.** RELATIVE TO **MISSOURI CERTIFIED SITES PROGRAM PROJECT GEOTECHNICAL ENGINEERING SERVICES**; 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 **Koehler Engineering and Land Surveying, 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 15th day of October, 2024, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

CITY OF PERRYVILLE, MISSOURI

By: Larry Riney, Mayor

ATTEST:

Lydia Rellergert, City Clerk

ORDINANCES:

SECOND READING AND FINAL PASSAGE:

Now, at this time, the Board proceeds to approve Bill No. 6537, authorizing the Issuance of a Revenue Anticipation Note relative to the State of Missouri Lead Service Line Inventory Loan Program. Bill No. 6537 is read a second time on motion by Alderman Buerck, seconded by Alderman Schumer. Thereupon on motion by Alderman Buerck, seconded by Alderman Martin, 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; Deanna Kline, 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. 6751 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6537

ORDINANCE NO. 6751

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A REVENUE ANTICIPATION NOTE (STATE OF MISSOURI – LEAD SERVICE LINE INVENTORY LOAN PROGRAM) SERIES 2024, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$324,000; PRESCRIBING THE FORM AND DETAILS OF THE NOTE; AND AUTHORIZING CERTAIN OTHER ACTIONS AND DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, the City of Perryville, Missouri (the “City”) is a fourth-class city and political subdivision organized and existing under the constitution and laws of the State of Missouri; and

WHEREAS, the City now owns and operates a revenue producing combined waterworks and sewerage system, serving the City, its inhabitants and others within its service area, including connected and related appurtenances and facilities and extensions, improvements, additions and enlargements made or acquired by the City after the date of this Ordinance (the “System”); and

WHEREAS, the City desires to finance lead service line inventory services in connection with the System (the “Project”); and

WHEREAS, to provide for the most cost-effective method of financing the Project, the City desires to participate in the State of Missouri Drinking Water State Revolving Fund Lead Service Line Inventory Loan Program (the “LSLI Loan Program”) of the Missouri Department of Natural Resources (“DNR”) and the Safe Drinking Water Commission of the State of Missouri (the “Commission”); and

WHEREAS, in connection with the Project, the Commission has approved (a) a loan to the City to be made by DNR pursuant to a Purchase Agreement (the “Purchase Agreement”) by and between the City and DNR (the “Loan”) and (b) a grant to the City in the maximum amount of \$102,500 (the “Grant”) to be administered by DNR pursuant to a Grant Agreement (the “Grant Agreement”) by and between the City and DNR; and

WHEREAS, in order to receive the Grant and evidence the Loan, it is hereby found and determined that it is necessary and advisable and in the best interest of the City and its inhabitants that the City issue its Revenue Anticipation Note (State of Missouri – Lead Service Line Inventory Loan Program) Series 2024 (the “Note”) in the maximum principal amount of \$324,000 pursuant to this Ordinance; and

WHEREAS, the City is authorized under the provisions of Article VI, Section 26(a) of the Missouri Constitution to borrow money in an amount not greater than the anticipated collections of income and revenue for the current year plus any unencumbered balances from prior years and to deliver its notes to evidence such loan for the purpose of paying all or part of the cost of the Project; and

WHEREAS, the Board of Aldermen of the City hereby finds that the aggregate principal amount of the Note does not exceed the amount of the City’s anticipated income and revenue yet to be collected before the end of the current year plus any unencumbered balances from the current year and from prior years.

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

Section 1. Definitions. Capitalized words and terms not otherwise defined in this Ordinance have the meanings set forth in the Note and the Purchase Agreement entered into between the City and DNR in connection with the issuance of the Note.

Section 2. Description of the Note; Sale of the Note.

(a) The Board of Aldermen of the City hereby authorizes the issuance and delivery of the Note in substantially the form attached as Exhibit A hereto. The Note shall be issued in the principal amount not to exceed \$324,000, shall be dated as of the Closing Date, shall mature not later than November 1, 2025, shall be payable to DNR or any assignee, successor or transferee of DNR under the LSLI Loan Program (the "Owner") and shall be subject to such other terms as set forth therein. The Note will not bear interest.

(b) The Note will be sold to the Owner at the purchase price of 100% of the initial Purchase Price Installment paid on the Closing Date plus each Purchase Price Installment made by the Owner thereafter pursuant to Section 3.3 of the Purchase Agreement.

Section 3. Execution, Authentication and Delivery of the Note.

(a) The Note shall be signed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk, and have the official seal of the City affixed or imprinted thereon. If any officer whose manual or facsimile signature appears on any Note ceases to be an officer before the delivery of the Note signed by the officer, the manual or facsimile signature on the Note will be valid and sufficient for all purposes of this Ordinance. The City hereby designates the City Clerk as the City's paying agent for the payment of the Note and as registrar for the registration, transfer and exchange of Note (the "Paying Agent"). The Owner shall have the right to select a successor paying agent for the payment of the Note and as registrar for the registration, transfer and exchange of Note at any time upon written notice to the City.

(b) The Mayor and the City Clerk are directed to prepare and execute the Note, and when executed, to deliver the Note to the Paying Agent for authentication. The Note shall be authenticated by an authorized signatory of the Paying Agent. Upon authentication by the Paying Agent, the Note shall be delivered to the Owner unless otherwise directed in writing by the Owner.

(c) Promptly upon payment of each Purchase Price Installment by the Owner and each partial redemption of the Note, the Owner shall deliver, if requested by the City, an updated Schedule A to the Note to the Paying Agent reflecting the amount of each Purchase Price Installment and redemption and the resulting Cumulative Principal Amount Outstanding which will be binding on the City absent manifest error. The updated Schedule A is subject to such verification requirements as may be reasonably established by the Paying Agent. No further entries to Schedule A will be made after the Completion of Funding related to Purchase Price Installments.

Section 4. Authorization and Execution of the Purchase Agreement and the Grant Agreement. The City is authorized to enter into the Purchase Agreement and the Grant Agreement, in substantially the forms presented to the Board of Aldermen at this meeting. The Mayor is authorized to execute the Purchase Agreement and the Grant Agreement for and on behalf of and as the act and deed of the City, with changes approved by the Mayor, which approval will be conclusively evidenced by the signature of the Mayor of the City on such documents. The Mayor is further authorized and directed to execute other documents, certificates and instruments that are necessary or desirable to carry out the intent of this Ordinance. The City Clerk is authorized and directed to attest the execution of the Purchase Agreement, the Grant Agreement and any other documents, certificates and instruments that are necessary or desirable to carry out the intent of this Ordinance.

Section 5. Establishment of Project Fund; Purchase Price Installments. The City hereby creates the Project Fund in the treasury of the City. Each Purchase Price Installment paid by the Owner in accordance with the Purchase Agreement will be deposited into the Project Fund. Moneys in the Project Fund will be disbursed to the City for the sole purpose of paying the Eligible Costs of the Project. Requisitions will be submitted for funding of the Purchase Price Installments and resulting withdrawals from the Project Fund in accordance with Article III of the Purchase Agreement.

Section 6. Further Authority. The officers of the City, including the Mayor and the City Clerk, are authorized and directed to execute all documents and take the actions as are necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial changes in the

documents approved by this Ordinance which they may approve. The execution of any document or taking of any related action constitutes conclusive evidence of the necessity or advisability of the action or change.

Section 7. Electronic Transactions. The transactions described in this Ordinance and the Note may be conducted and related documents may be stored, received and delivered by electronic means. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. Severability. If any section or other part of this Ordinance is for any reason held invalid, the invalidity will not affect the validity of the other provisions of this Ordinance.

Section 9. Governing Law. This Ordinance is governed by and will be construed in accordance with the laws of the State of Missouri.

Section 10. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Board of Aldermen and approval by the Mayor.

FIRST READING: October 1, 2024

SECOND READING: October 15, 2024

PASSED AND APPROVED this 15th day of October, 2024, by a vote of 6 ayes, 0 nays, 0 abstentions and 0, absent.

ATTEST:
Lydia Rellergert, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

Now, at this time, the Board proceeds to approve Bill No. 6538, entering into Amendment 2 to the Missouri Highways and Transportation Commission Amendment to State Block Grant Agreement 20-063A-1 relative to Airport Layout Plan Update. Bill No. 6538 is read a second time on motion by Alderman Martin, seconded by Alderman Buerck. Thereupon on motion by Alderman Martin, seconded by Alderman Buerck, 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; Deanna Kline, 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. 6752 of the City of Perryville, and is in words and figures as follows:

BILL NO. 6538

ORDINANCE NO. 6752

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PERRYVILLE, MISSOURI, TO EXECUTE A STATE BLOCK GRANT AGREEMENT BY AND BETWEEN THE CITY AND **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION** RELATIVE TO **AMENDMENT 2 TO STATE BLOCK AGREEMENT 20-063A-1 FOR RUNWAY RECONSTRUCTION JUSTIFICATION STUDY AT THE PERRYVILLE MUNICIPAL AIRPORT**; 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 State Block Grant 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 State Block Grant 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 State Block Grant Agreement marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Perryville, a municipal corporation, and **Missouri Highways and Transportation Commission**. 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 State Block Grant Agreement.

2. That the Mayor be and she is hereby authorized and directed to execute said State Block Grant 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 State Block Grant 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: October 1, 2024.

SECOND READING: October 15, 2024.

PASSED AND APPROVED this 15th day of October, 2024, by a vote of 6 ayes, 0 nays, 0 abstentions, and 0 absent.

ATTEST:
Lydia Rellergert, City Clerk

CITY OF PERRYVILLE, MISSOURI
By: Larry Riney, Mayor

FIRST READING:

Alderman Amschler presents motion, seconded by Alderman Schumer, and on vote carried Bill No. 6539, Entering into an agreement with Missouri Highways and Transportation Commission relative to the Construction of a roundabout at Alma Drive and access management along Rte. 51 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 **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION** RELATIVE TO **COST SHARE AGREEMENT**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Alderman Schumer presents motion, seconded by Alderman Martin, and on vote carried Bill No. 6540, approving Miget Park Deed Restriction relative to the Land Water Conservation Fund grant for the Lucas & Friends Backyard Adventure Playground 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 **DEED RESTRICTION** BY AND BETWEEN THE CITY OF PERRYVILLE AND **MISSOURI DEPARTMENT OF NATURAL RESOURCES FOR MIGET PARK**; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

Mayor Riney asks for Committee Reports.

Alderman Schumer, as Chairman of the Public Works Committee, informs Public Works Director Jeff Layton of a potential waterline leak on Big Spring Blvd.

Public Works Director Layton tells the Board of Aldermen that staff will check Big Spring Blvd. for a potential water line leak.

Alderman Schumer asks Public Works Director Layton for an update on Public Works matters.

Public Works Director Layton tells the Board of Aldermen that all trash trucks are running. Public Works Director Layton informs the Board that the City has submitted its initial Lead Service Line Inventory spreadsheet to the Department of Natural Resources prior to the October 16, 2024, deadline. Public Works Director Layton shares that the city has contracted with All Clear Pumping & Sewer to complete the inventory in 275 days.

Alderman Rice, as Chairman of the Finance Committee, asks staff if a claim will be filed for the July 3, 2024, Public Works Campus Lightning Strike event.

City Administrator Buerck explains to the Board of Aldermen that staff has been directed by our insurance advisors to finalize the claim since the insurance company is already aware of the incident.

Alderman Kline, as Chairman of the Planning & Zoning Commission, asks staff for clarification on which map is the correct map to use for zoning matters.

City Administrator Buerck tells the Board of Aldermen that the current map is the correct map to use for zoning at this time. He explains that the zoning map outlined in the comprehensive plan is a future projection map. He also mentions that during the current Zoning Code Update process there will be a revision to the current zoning map and therefore a new map will be available next year, in 2025.

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

- **Business & Industry Appreciation Dinner** - This event is scheduled for November 14th in collaboration with the Chamber. The Bank of Missouri and Hoeckele's Bakery will be the featured businesses at the event. Please RSVP to Crystal if you would like to attend.

- **ACT Work Ready Community** - Perry County must be recertified this year to maintain status as a Work Ready Community. This means that the community prioritizes career readiness, and we can then advertise that designation with business & industry. I am working on that recertification process and will need employers in the community to sign on as recognizing or recommending the WorkKeys national career readiness certification for their workforce.

Mayor Riney asks for Staff Reports:

City Administrator Report:

- **LAGERS Hero Award – Tracy Prost** - I am happy to say Tracy has been selected for this award and will be recognized next week at the conference. I already planned on attending the conference as it has been several years since I have been able to. They are sending a video crew to town tomorrow from 10am to noon should any of the Board wish to record a message about the job Tracy did for the City of Perryville all these years.

- **Justice Center Evidence Rooms** - The justice center has come a long way and finishing touches are underway. This was shared with me recently and it is something I wanted to highlight for the Board. In many ways, the new building will be state-of-the-art, and the new evidence storage room shows just that.

- **Perry County Transfer Station Rates** - Just giving the Board a heads up that dump rates increased significantly for non-residents. Our rates are well below the regional market which sometimes resulted in more trash than we were able to handle.
- **Purple Wave Auction Items Sold** - Just letting the Board know that our surplus items were recently sold through Purple Wave and staff were again pleased with the pricing.
- **Lightning Strike Insurance Claim at Public Works** - We suffered a direct lightning strike at public works some time ago. We have worked hard to restore everything, but our totals barely exceeded our \$25,000 deductible. Although there will be very little cash coming back to the city, our insurance company has already been notified and our agents recommend seeing the process through.
- **Zoning Mantra** - A speaker at the Governor's conference on Economic Development shared this statement as a driving force for our economic development. I think it could also be a driving force for the zoning rewrite and it is something I asked the consultants to keep in mind as they help us modernize our zoning codes.
- **Great Central US Shakeout – October 17th** - Just wanted to give the Board a heads up on this day designated for earthquake drills.
- **Missouri Arts Tour – October 17th** - Heritage Tourism Director Trish Erzfeld has worked to bring the Missouri Arts Council to town for their annual meeting which will be next week. We are excited for another opportunity to host a distinguished group of visitors as it provides yet another opportunity to promote our community to a new group of visitors from different corners of the state. This follows the Leadership Missouri group Crystal and I were able to host just last week and builds on the DLI group I am about to highlight.
- **Perry County Foundation Anniversary Event Update – November 7th** - The tickets are now good for all three events hosted that night.
- **DLN Visit Evaluation Comments** - We had the opportunity to host this distinguished group of visitors several weeks ago and had a chance to show them around the community and several of our businesses. It went well and I wanted to attach the post-visit comments they collected from those that were here.
- **Airport Ribbon Cutting Ceremony?** - Today was the last construction meeting for the runway project and it is time to talk about a "ribbon cutting" ceremony. I would like to ask the Board if and when they would like to see that done. It will be largely symbolic as the runway is currently in use and we have no intention of truly closing the runway again if we do it, which arguably defeats the purpose of a ribbon cutting.
- **Vincentian Way Trees** - Our negotiation with the Vincentians included the City planting some trees along the roadway. We are working with Baer Engineering to determine the proper distances and species, we hoping to somewhat mirror what has already been done.
- **Wild Caving Brochure** - This continues to be a popular event for the Park Center. The brochure was developed by Josh Cooper who leads the expeditions and does a considerable amount of public outreach. As this season winds down, we wanted to share it with the Board.
- **Article: Six Airports Want to Charge ahead preparing for electric aircraft** - This was a neat article that really demonstrates how far ahead of the competition we are with our new electric charger at the airport, even though we haven't yet served a single customer.

- **Article: Former Perryville Woman continues run TV's "Bar Rescue"** - This was a neat article about Jackie Wengert's daughter who has periodically been on the show Bar Rescue for 6 seasons.

- **Article: Small Water Utilities cannot achieve PFAS cleanup on their own** - PFAS is something we are watching very closely. While regulations are planned for drinking water, nothing appears eminent to wastewater. This is not something we are producing but it is still something we are watching as the regulations will ultimately determine if this will be treated at the source or at the WWTP, which could be costly.

- **Article: Earned Paid Sick Time on Missouri's 2024 Ballot** - As written, this issue will not necessarily impact on our city employees as government is exempted, but it is something we will be watching and is something the Board may consider addressing, should it pass come November.

- **Article: Missouri American Water Files Rate Request** - In the past, we have been approached by different companies who were interested in buying our utilities. Still others have simply wanted a contract to manage them. This, along with the next several articles, highlights the pitfalls in doing this. Our annual adjustments occur at a much lower rate, in large part because we do not have to factor in a profit as the operator.

- **Article: Missouri American Water Requested a +34.4% Rate Increase**

- **Article: Liberty Gas Customer Urged to Attend Public Hearing in Cape Girardeau**

City Engineer Report: No Report.

City Attorney Report:

- A rezoning request may be resubmitted as often as someone would like; however, the Board of Aldermen has the authority to instantly deny the request if the resubmission is within two years of the initial submission.

Alderman Schumer asks staff if Mr. Flentge could revise and resubmit his rezoning request at this time.

City Administrator Buerck tells the Board of Aldermen that a decision by the Board of Aldermen will first have to be made on the current request prior to a revision and resubmission to Planning & Zoning Commission.

Chief of Police Report: No Report.

Parks and Recreation Report:

- Baseball Field #5 Improvements project is almost completed. The contractor is waiting for poles. Staff will begin strawing the outfield next week.

- The contractor for the Perry Park Center Toilet Room Improvements project is currently waiting for doors.

- Lucas & Friends Backyard Adventure Playground project is almost completed. The final piece for the ziplines has arrived today and will be installed tomorrow. Fencing is about one to two weeks out for delivery. The volunteer group has tentatively scheduled a ribbon cutting ceremony for Saturday, November 9th at 10 a.m.

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

Alderman Rice tells the Board of Aldermen that he has heard several complaints regarding the City's response to the grass violations at the R& P Oil property.

City Administrator Buerck reviews the community complaint process and shares the City's procedures regarding the R&P Oil property with the Board of Aldermen.

Alderman Buerck asks staff for an update on the code enforcement officer.

Alderman Kline shares that she received several concerns regarding a property with a grass violation and tells the Board of Aldermen she will follow-up directly with staff. Alderman Kline provides the Board of Aldermen with an update on the renovations of the Friendly Furniture building.

Alderman Amschler tells Public Works Director Layton that the post parade sweeping crew did a great job. Alderman Amschler asks Public Works Director Layton to check that city right-of-way along Ridge Drive is being mowed.

Alderman Kline asks Public Works Director Layton to check that city right-of-way along the Highway 61 roundabout is being mowed.

There are no other Board concerns, comments, or other non-action items.

Now, at this time, upon motion by Alderman Rice, 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 matter in accordance with Section 610.021(9) 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; absent, none.

Following discussion and review, it is upon motion by Alderman Martin, 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; Deanna Kline, aye; Douglas K. Martin, aye; Clint Rice, aye; David J. Schumer, aye. Totals: aye, six; nay, none; absent, none.

There being no further business, it is upon motion by Alderman Rice, second by Alderman Buerck, and on vote carried, ordered that the Board now adjourn until Tuesday, November 5, 2024, at 6:30 p.m., the regular meeting in course.

MAYOR

ATTEST:

CITY CLERK