



January 5, 2021 * RECORD OF PROCEEDINGS

**CITY OF PACIFIC
REGULAR MEETING OF THE BOARD OF ALDERMEN
300 HOVEN
PACIFIC, MISSOURI 63069**

The meeting was called to order at 7:00 p.m. by Mayor Myers. The meeting was held via Zoom Teleconferencing: The Public was able to view at <https://us02web.zoom.us/j/83888462666> and was on Facebook live at <https://www.facebook.com/cityofpacificmunicipalgovernment>.

A roll call was taken with the following results:

Present at Roll Call:

Alderman Nemeth
Alderman Adams
Alderman Rahn
Alderman Frick
Alderman Johnson
Alderman Stotler

A quorum was present and seen and heard through zoom.

Also present: Administrator Roth
Attorney Jones
Captain Lock
PW Commissioner Brueggemann
Director Kopp
City Clerk Barfield

Pledge of Allegiance

The Pledge of Allegiance is given.

Prayer

Pastor Craig Waggner offered prayer this evening.

Approve Agenda

Motion made by Alderman Adams to Amend the agenda and add Resolution No. 2021-03 that was in the packet for review. He read the title into the record. This would be added as Item C under new business. Motion was seconded by Alderman Rahn. A voice vote was taken with an affirmative result, and Mayor Board of Aldermen 1-5-2021

Myers declared the motion carried. Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve the amended agenda. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Minutes

A. Regular meeting on December 15, 2020.

Motion made by Alderman Johnson, seconded by Alderman Nemeth to approve the minutes of the regular meeting on December 15, 2020. A voice vote was taken with an affirmative result and Mayor Myers declared the motion carried.

Public Hearing

- a. Public Hearing to hear comments on a verified petition for Voluntary Annexation for the following parcel of land located on or about property commonly known as Englehart Farm, 2940 W. Osage Street, Pacific, MO, Franklin County Parcel ID 19-209.0-0-000-019.000.

Mayor Myers read the Public Hearing in to the record. He opened the public hearing for comments. Administrator Roth stated there was 1 attendee by zoom, and it did not appear they wanted to speak. Mayor Myers asked if there were any comments regarding the public hearing. Seeing none, the public hearing was closed.

- b. Public Hearing to hear comments on a verified petition for Voluntary Annexation for the following parcels of land located on or about property commonly known as St. Louis Composting, 100 Franklin Road, Pacific, MO St. Louis County Locator 31Y610050.

Mayor Myers read the Public Hearing into the record. He opened the public hearing for comments. Administrator Roth stated there was no comments from the public. Mayor Myers asked for any comments regarding the public hearing. Seeing none, the public hearing was closed.

Public Participation

Administrator Roth stated there were no participants and no one contacted him regarding wanting to speak. City Clerk Barfield stated no one has contacted her.

Mayor's Report

Congratulations to the winners of the Holiday Lighting Contest: 82 Cedar Brook, 2204 Silver Lake Estates, 1961 Old Gray Summit Road, 616 Sherwood, 2227 Silver Lake Estates, 1407 Cypress, 1214 Arbor. Mayor Myers congratulated them and thanked them for their participation.

- a. Appoint Jessica Hulbert to the Beautification Committee. (oath of office)

Mayor Myers stated Jessica could not join us tonight. She will coordinate with Kim taking her oath. Motion made by Alderman Nemeth, seconded by Alderman Stotler to approve Jessica Hulbert to the Beautification Committee. A voice vote was taken with an affirmative result. Mayor Myers stated she lives in Heritage Farms and believes she will bring fresh ideas to the committee.

- b. Gazebo at ADAMS Garden

Mayor Myers stated this was presented to the Park Board last night. Administrator Roth displayed a picture of a gazebo on the screen. Mayor Myers stated that Gina and Mike Pingleton have raised \$ 9,000 towards a gazebo for ADAMS Garden. This has been part of their vision for a long time. They have developed and raised money for this park from the beginning. Mayor Myers received 3 quotes from different gazebo vendors that he shared: Caldecks was \$ 14,190, Backyard & Beyond was \$ 13,915, and Amish Country Gazebos offered a 10% discount if ordered by December 31st bringing their quote to \$ 12,699. With clarification from Attorney Jones, and under Administrator Roth's authority the gazebo was ordered from Amish Country Gazebos. The donation of \$ 9,000 has been received by the City leaving a balance of \$ 3,699. He suggested this balance be paid from the CID Fund. Alderman Frick stated the Park Board supported this purchase 100%. Mayor Myers stated what needed approval tonight was the location of the gazebo. Administrator Roth shared a picture on the screen of where they suggested it be located. He continued that Mark and Gina are also looking into replacing and or relocating the irrigation system.

Facebook Live Meetings - Alderman Nemeth stated he tried to watch the Park Board Meeting by Facebook and could not find it. Administrator Roth stated it was not Facebook Live. Alderman Nemeth asked why it would not be on Facebook. Mayor Myers stated that this topic is on his list to discuss tonight also. **Motion made by Alderman Nemeth that every meeting that is supposed to be public as part of the zoom be on Facebook live.** Mayor Myers stated the council chambers are scheduled to open the second meeting in April. At that time the camera system will be used and we will be able to also broadcast live. He agreed that all City meetings could be carried through zoom and Facebook and even recorded. Alderman Nemeth agreed. **Alderman Adams seconded the motion, with one amendment and that be that they hold all meetings in true time.** Administrator Roth stated he would like to discuss this. The Historical Society has a meeting coming up and they are going to use zoom and I have given them the keys to open the zoom and hold this. There is a process for the meeting to go Facebook live, and that includes me giving the sign in information out for access. This means we are giving out our sign in information for social media out and questioned the process. **Alderman Nemeth agreed amended his motion stating in these cases instead of it being Facebook live, lets have a recording of it and push that to Facebook within 24 hours.** Administrator Roth stated his other concern was storage in zoom to record and store everything and we may need to purchase more room through zoom. **Alderman Adams agreed to the amendment and seconded the motion. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Code of Conduct – Mayor Myers stated when the meetings are in person, there is a time for “public comment”, then that section of the meeting is closed and it becomes a meeting of the Board and it is viewed by the gallery. With technology those people, gallery, are able to comment throughout the meeting under comments. He knows that aldermen watch the comments as they come in and then sometimes, they repeat what is on the thread. He did not feel like that was how the meeting should be running. If we were going to allow a virtual audience, then you would be allowing that all throughout the meeting when in person. He asked the Board how comments should be handled. Alderman Nemeth stated he thought we should respect the current process and the comments needed to be attended to at that time. Aldermen need to do their due diligence. Mayor Myers stated he had no problem with people making comments, but not throughout the whole meeting. Alderman Johnson stated this did recently happen to her during the Hummingbird Hills topic, but what she saw she thought was important to bring up. It was asked if “comments” should be turned off during zoom. Administrator Roth was not sure that option was available and felt it was bad practice to try to do that. Our social media policy as it is, is not censored. Mayor Myers stated it was only during the meeting was his concern. He was trying to establish ground rules, as this is new territory for all of us. Alderman Frick agreed with Alderman Nemeth. We all need to do our due diligence and do our best to not be overly controlled by one or two comments. In the Hummingbird Hills case, we had three different meetings but there were 1-3 people

who spoke at all meetings and he didn't think that seemed fair. Alderman Adams stating trying to control Aldermen reading comments or text messages is like the Mayor trying to control six different offices. Each Alderman has to decide how to handle their office. If an Alderman wants to respond, no one can make it a general rule for six different offices. This is controlling the right to speak, and you can't do that.

Gazebo – Alderman Nemeth stated he thought that gazebo was a great idea. He asked where the additional funds would be coming from. Alderman Adams thought they should come from the Park Tax if Administrator Roth thought there was enough money there. Administrator Roth did confirm he thought that would be available. Alderman Nemeth agreed this is a park function.

Alderman Nemeth questioned how we already bought it with the discount by 12-31-20 since it is over the dollar amount for Administrator Roth to spend. Mayor Myers stated the whole amount is \$ 12,791. The City received the \$ 9,000 donation that was ear marked for this. Only half of the \$ 12,791 was due to begin the processing. After he consulted with Attorney Jones it was determined that what was needed from the Board was approval of the placement of the gazebo on City property. Alderman Nemeth understood but still felt like we didn't uphold the \$ 5,000 threshold even though the funds were donated.

Motion made by Alderman Nemeth, seconded by Alderman Adams, to approve the gazebo at ADAMS Garden. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried. Alderman Adams asked if there was a City committee for ADAMS Garden, and Mayor Myers stated there was not. **Motion made by Alderman Adams, seconded by Alderman Nemeth to pay for the gazebo from the park fund. Alderman Frick stated the Park Board was hopeful that the balance would come from the CID and not the park tax. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

New Bills

Alderman Adams stated he would sponsor Bill No. 5063 & Bill No. 5065.

Alderman Nemeth stated he would sponsor Bill No. 5062.

Alderman Rahn stated he would sponsor Bill No. 5064.

- a. Bill No. 5062 An Ordinance authorizing execution of the Show-Me Courts Agreement and revising the Municipal Court Costs Schedule for the City of Pacific. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5062 by title only for the first reading.

- b. Bill No. 5063 An Ordinance approving a Petition for Voluntary Annexation filed by Harry Englehart regarding certain property contiguous and compact to the City of Pacific, Missouri (Franklin County Parcel ID 19-2-09.0-0-000-019.000), annexing said property to the City; authorizing other actions in connection with such annexation, and repealing conflicting ordinances. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5063 by title only for the first reading.

- c. Bill No. 5064 An Ordinance approving a Petition for Voluntary Annexation filed by PTG Investments, LLC ("PTG") regarding certain property contiguous and compact to the City of Pacific, Missouri and generally located in Section 4, Township 43 North, Range 3 East of the fifth principal meridian; annexing said property to the city; authorizing other actions in connection with such annexation, and repealing conflicting ordinances. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5064 by title only for the first reading.

- d. Bill No. 5065 An Ordinance revising the provisions of the Code of Ordinances of the City of Pacific with respect to Pawn Shops and the Licensing thereof. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5065 by title only for the first reading.

Consideration of Bills Previously Introduced

Bill No. 5060 An Ordinance creating the Rank of Major and revising the duties of Captain of the Police Department. (2nd reading) Sponsor: Adams.

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5060 by title only for the second reading.

Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve Bill No. 5060. A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Frick, Alderman Rahn, Alderman Johnson, Alderman Stotler. Nays: none. Whereupon, Mayor Myers declared **Bill No. 5060 becomes Ordinance No. 3244.**

Alderman Adams stated at this time he would like the Board to consider promoting Don Locke to this position. He would like it placed on the agenda for the next Board meeting, allowing board members to think about this. **Motion made by Alderman Adams, seconded by Alderman Johnson to place this on the next agenda. A voice vote was taken with an affirmative result. Whereupon, Mayor Myers declared the motion carried.**

New Business

- a. Resolution No. 2021-01 A Resolution authorizing the Transfer of Funds from the Water & Sewer Fund to the Leasehold Revenue Bond for the Principal and Interest Payment of the Municipal Assistance Bond Series 2012.

Mayor Myers read Resolution No. 2021-01 into the record. Motion made by Alderman Nemeth, seconded by Alderman Johnson to approve. A voice vote was taken with an affirmative result and Mayor Myers declared the resolution passed.

- b. Resolution No. 2021-02 A Resolution authorizing and directing the Mayor to execute a Contract Agreement for demolition of certain structures in the City's Voluntary Flood Buyout Program.

Mayor Myers read Resolution No. 2021-02 into the record. Motion made by Alderman Adams, seconded by Alderman Stotler to approve. Administrator Roth stated the bids were opened today on the project. Many bids were received. The apparent low bidder is Premier Demolition in the amount of \$61,500.00. The next low bid was in the amount of \$ 61,988 and 3rd was \$ 64,700. Tonight, his recommendation to was approve Premier Demolition. A voice vote was taken with an affirmative result, and Mayor Myers declared the resolution passed.

- c. Resolution No. 2021-03 A Resolution adopting certain requirements for City of Pacific employees, elected and appointed officials and volunteer boards, commission or committee members to safeguard and protect public health during the Covid-19 Pandemic.

City Clerk Barfield read Resolution No. 2021-03 into the record. Motion made by Alderman Rahn, seconded by Alderman Nemeth to approve. A voice vote was taken with an affirmative result, and Mayor Myers declared the resolution passed.

City Administrator Report

Rank of Major – Administrator Roth asked Attorney Jones procedurally how this should appear on the agenda. Attorney Jones stated he prefers this to be in Resolution. Administrator Roth stated if there were no objections from the Board, then a resolution will appear on the next agenda. There were no objections.

Budget – Administrator Roth stated the Fiscal Year ending 6-30-20 audit came in today. This will be presented at the next meeting. He has reviewed it and it is generally positive. There is a meeting scheduled next week with the auditors to review it.

Eureka Flood Protection Plan update – Administrator Roth stated Eureka has proposed to construct flood walls at two Meramec River tributaries in the City of Eureka. We received public notice in late December, and then filed an initial public comment in response. The Corps of Engineers, in response to our comment, did extend the comment deadline until Jan 13th to allow for formal comment from the Board. Eureka is planning certain public meetings to review the plan at some point, and suggested that Pacific officials attend those meetings. He would also recommend that we request that Eureka demonstrate in more detail how Meramec River water elevations will be affected by this project. Eureka's initial plan document states that there would be "no rise" from this project. He reminded the Board that HR Green has reviewed the Eureka plan in brief and has advised that they do generally concur with Eureka's findings, and that the potential for a Meramec River rise from this project appears to be quite small. They also recommend that further engineering review is warranted to more fully address the loss of storage this project would entail, and how it would affect river levels. Mayor Myers asked if we could ask that a public meeting be held in the City of Pacific. Attorney Jones stated he was not sure we can force them to hold one here, but we need to see that all due diligence is done. He continued that sometimes a letter signed by the Mayor and Board has more affect. Alderman Frick asked if we could take legal action if need be. Attorney Jones stated the Corps has their own authority and to do that would be challenge and must be on solid grounds. We are a 3rd party and may not be able to include damages unless we have damages. He would also be cautious of threatening a neighbor City. Alderman Nemeth stated we do have a good relationship with Eureka and he believes their intent is not to flood us. He agreed with starting with a letter. **Motion made by Alderman Adams, seconded by Alderman Nemeth to send a letter to start discussions with Eureka and have staff look into any options we have. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.** Alderman Johnson asked about the flood plain map study. Administrator Roth stated we hired HR Green to do that. He reminded the Board one of the options was to protect Graphic Packaging and address the east end flooding. Graphic didn't want to participate, and the same thing happened with the east side. Eureka is paying \$ 8 million for this.

Amendment to Local 148 Operating Agreement – Administrator Roth stated the current agreement does not include Parks employees. The issue arose after Chris Fowler was promoted from the Street Department to the Parks Superintendent position. Mr. Fowler had requested to remain a part of Local 148 and upon review we do not have any particular objection to this. He reminded the Board part-time and seasonal parks employees would be excluded from the agreement. **Motion made by Alderman Adams, seconded by Alderman Rahn to authorize the Mayor to execute the Articles of Agreement with this addition. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

321 E. Orleans flood buyout property – Administrator Roth stated this property is owned by Allenton Foundation and is a non-profit. This was part of the original application approved by SEMA. Currently this property has been ruled ineligible for CDBG funding. We have appealed this ruling and hope for a positive outcome. At the same time, we want to refer to the Board for guidance. CDBG has ruled it ineligible because it is not a residential property. The Board previously has authorized a contract for this property, but we have not entered the contract given the initial CDBG finding. The CDBG portion is \$ 32,250 plus the cost of the demolition. He continued that he anticipates the City being reimbursed about \$ 40,000 for project management. This is what he tracks his time for. Alderman Adams stated if this was residential, he thinks he would be saying let's not leave anybody behind, but with this one he has mixed feelings. He asked if this would qualify for the next round. Administrator Roth thinks that it would. He continued there is no insurance on the property and this would not make it for the program of 100%. Alderman Adams stated he didn't think the City should take that responsibility at this time. Alderman Frick agreed.

COVID – Administrator Roth stated the City applied for and claimed for reimbursement of the Public Safety payroll portion from the St. Louis CARES funding. Franklin County is not funding the Public Safety expenses and not funding the sick leave expense. He has submitted about \$ 30,000 to them and was denied. They did accept \$27,000 of cleaning and PPE expenses. Franklin County has the discretion and he understands we have no claims to any of it.

Budget amendment – Administrator Roth stated a budget amendment is needed to clean up some areas and that will be forthcoming.

Director of Community Development Report

Doll Services – Director Kopp stated they have been working at City Hall repairing the Venmar RTU2 unit.

Red Cedar – The design team is proceeding to the design development stage. Construction bid sets are scheduled to be available by March 30th. The next Administrative Committee meeting is January 13th at 3:00 p.m.

Ordinance Amendments – Attorney Jones is presenting a drafted amendment to Ordinance section 400.175 regarding open deck encroachments of rear yard setbacks. He has also been working with PW Commissioner Brueggemann on improvement acceptance and escrow release ordinances of other communities.

Grass Cutting Fee – Currently the charge is \$ 125. The Administration Committee asked him to look into what the real expense are including staff time. The revised fee in total would be \$ 300 per event instead of a \$ 125.

Code Enforcement – On December 31st we administered an Administrative Search Warrant on a vacant home. There was also another property with multiple violations that received a 7-day compliance window with a reinspection scheduled for Jan 8th under Chapter 385.430 there would also be vehicles towed if they remain in violation. There was also a residential structure that was damaged by fire and is being posted and declared detrimental.

Flood protection – Director Kopp stated the plan with Eureka proposes building two flood walls that would be designated to protect against a 500-year flood event. The first is Flat Creek Flood Wall and the

Forby Creek Flood Wall. Both walls are proposed to have pumps, and pipes with closure structures. Pipes with a closure structure will be installed in each creek where it crosses underneath the respective flood wall. Water will continue to flow in the creeks as normal when there is not a flood event. These pipes will have closure structures which the City would use to close the pipes during a flood event to provide protection from the Meramec. The pumps will be installed and used to pump the creek water over each flood wall during flood events. They flood walls are designed to prevent backwater flooding from the Forby and Flat creeks when the Meramec River levels are too high to accept water from these creeks. Their engineer is confident that this design will have no rise for us upstream.

Public Works Commissioner Report

Public Works Commissioner Brueggemann stated from Candlewick to Midwest has been crack sealed. Lift Station # 5 is started but they are currently waiting on parts. The potholes on Thornton are patched and the lights have been ordered.

Phelan St. – Alderman Adams reminded him that in the new budget we need to look at overlaying Phelan Street. Public Works Commissioner Brueggemann stated the water lines need to be replaced first. Administrator Roth stated that project will go out to bid soon.

Captain Locke

2020 – Captain Locke stated 2020 was a challenging year but the City has weathered it well. He thanked them for their support and stated he will have the statics report for the next meeting.

City Attorney Report

Setbacks – Attorney Jones stated he is working on a draft bill for the setbacks. The only change is the last sentence in subparagraph C. If there were no objections, he would bring this to the next Board meeting. **Motion made by Alderman Adams, seconded by Alderman Nemeth for Attorney Jones to bring to the next meeting. A voice vote was taken with an affirmative result, and Mayor Adams, declared the motion carried.**

Miscellaneous

- a. Approve Pay App 7 to KJ Unnerstall in the amount of \$ 19,115.80 for Hogan Stormwater Project.

Motion made by Alderman Adams, seconded by Alderman Frick to approve the invoice. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

- b. Approve invoice from Cochran in the amount of \$ 2,981.70 to be paid from W. Osage Cid.

Motion made by Alderman Nemeth, seconded by Alderman Stotler to approve the invoice. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

- c. Approve invoice from BNY Mellon in the amount of \$ 51,768.75 to be paid from City Hall Nid.

Motion made by Alderman Stotler, seconded by Alderman Nemeth to approve the payment to BNY Mellon. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Reports of City officials

Alderman Nemeth – No report.

Alderman Adams – No report.

Alderman Rahn – No report.

Alderman Frick – The Park Board is going to set up a sub-committee to review the rental of the parks.

Alderman Johnson – stated that Officer Mann (retired), wife had passed away, Lois.

Alderman Stotler – No report.

Adjournment

There being no further business, motion by Alderman Frick seconded by Alderman Rahn to adjourn. A voice vote was taken with an affirmative result. The meeting adjourned at 9:15 p.m.



Steve Myers, Mayor

ATTEST:


City Clerk

