

March 17, 2020 * 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.

A roll call was taken with the following results:

Present at Roll Call:

Alderman Nemeth
Alderman Adams
Alderman Rahn
Alderman Gass
Alderman Johnson
Alderman Stotler

A quorum was present.

Also present:

Administrator Roth
Attorney Jones
Lt. Meyers
City Clerk Barfield

Pledge of Allegiance

The Pledge of Allegiance is given.

Prayer

Pastor Harrison, Ministerial Alliance offered prayer this evening.

Approve Agenda

Mayor Myers asked for a motion to approve the agenda, but tabling items 11b thru item 18. He would like to table Res No. 2020-17 as this needs to go to the Park Board. Administrator Roth stated he needed to speak to item # 15. Motion made by Alderman Stotler to approve the amended agenda. Mayor Myers stated he also wanted to discuss with the Board a "State of Emergency" ordinance that was on the dais and would become Item C. Motion made by Alderman Adams, seconded by Alderman Gass to approve adding the State of Emergency Ordinance agenda. A voice vote was taken with an affirmative result. Mayor Myers declared the motion carried. Alderman Stotler amended his motion to approve the changes,

seconded by Alderman Gass. A voice vote was taken with an affirmative result.

Minutes

A. Regular meeting on March 3, 2020.

Motion made by Alderman Nemeth, seconded by Alderman Adams to approve the minutes of the regular meeting on March 3, 2020. A voice vote was taken with an affirmative result and Mayor Myers declared the motion carried.

Mayor's Report

a. Proclamation Larry the Flag Man

Mayor Myers stated a copy of the proclamation was sent to Larry. For many years he has lined the streets when there was a funeral procession of any fallen soldier or first responder. He is now on hospice. Pam Woods approached him about honoring Larry the Flag Man. This will also honor him on our next Flag Day.

b. Proclamation for Developmental Disabilities Awareness Month, March 2020

Mayor Myers stated he contacted them and they are not in attendance. He will deliver the Proclamation.

c. Proclamation for March as Bleeding Disorders Awareness Month

Mayor Myers stated he contacted them, and they are not in attendance. He will deliver the Proclamation.

d. Appoint Rick Presley to the Planning & Zoning Commission

Mayor Myers stated he would like to appoint Rick Presley to the Planning & Zoning Commission. Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve the appointment. A voice vote was taken with an affirmative result. Mayor Myers presented Rick with his oath of office.

e. Appoint Rhonda Blankenship to the Beautification Committee

Mayor Myers stated he would like to appoint Rhonda Blankenship to the Beautification Committee. Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve the appointment. A voice vote was taken with an affirmative result. Mayor Myers presented Rhonda with an oath of office.

f. Wayne Winchester

Mayor Myers stated Wayne Winchester owned Jensen's Point, and has wrote a book. Tonight Mr. Winchester presented the City with a check in the amount of \$ 125, which is a \$ 1.00 donation to Jensen's Point for every book he has sold. Mr. Winchester stated some of the books went as far as New Mexico, Chicago and Norway. Mayor Myers stated he assured Mr. Winchester that when the renovations for Red Cedar were complete, the book could be sold in the gift shop. Mr. Winchester stated part of the proceeds also goes to a non-profit organization "Moving Kids off the Spectrum".

State of Emergency

Mayor Myers stated there is an Ordinance on the dais regarding this, along with the Commission Order. This ordinance allows for any adjustments for public safety at a local level. Attorney Jones stated this was not on the agenda and would need to be read two times in full in order to pass. Alderman Nemeth stated that there were no start or end dates on the ordinance. Attorney Jones stated there is no enabling statute, it is only symbolic. Section 79.110 allows the Board to act under the health and safety. We are recognizing an ability we already have, and a start and end date is not required. Alderman Nemeth asked if the Board would have to “cancel” it. Attorney Jones stated we did not have to do that. Administrator Roth wanted to bring to everyone’s attention Section 1 in respect to meetings. He continued that we also don’t intend to shut off any water for non-payment, with this ordinance the Mayor has the authority to change processing fees if necessary. Discussion followed.

New Bills

Bill No. 4098 An Ordinance authorizing the Mayor of the City of Pacific Missouri to declare a State of Emergency. (*1st reading*)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4098 for the first reading in full. Alderman Adams stated he would sponsor the bill and suggested a second reading this evening.

Consideration of Bills Previously Introduced

Bill No. 4098 An Ordinance authorizing the Mayor of the City of Pacific Missouri to declare a State of Emergency. (*2nd reading*)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4098 in full for the second reading. Mayor Myers asked for any discussion. Motion made by Alderman Nemeth, seconded by Alderman Adams to approve Bill No. 4098. A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Rahn, Alderman Gass, Alderman Johnson, Alderman Stotler. Nays: None. Whereupon, Mayor Myers declared **Bill No. 4098 passed and becomes Ordinance No. 3182**. Mayor Myers stated we are now in a State of Emergency effective immediately. This can be revisited once the threat has been removed from the State of Missouri. Motion made by Alderman Adams to forward a copy of this ordinance to the Fire District, Franklin County Commissioners, the Ambulance District and Meramec Valley R-III.

Public Participation

Terrence Bahr, 6576 Hwy 100, Washington, MO stated he was applying for a Conditional Use Permit for 2165 W. Osage, which is the building next to City Hall. The plan is for climate-controlled storage downstairs, and retail on the main floor. They own Bahr Furniture in Washington, MO, and have the storage unit behind Dollar General now. Alderman Adams thought this was a great addition to Pacific. Under the current State of Emergency, he suggested this be read two times this evening. **Motion made by Alderman Adams, seconded by Alderman Gass to read the ordinance two times this evening. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.** Alderman Rahn stated this passed unanimously at Planning & Zoning.

Angie Hardcastle, 1304 W. Union, Pacific, MO stated she is bringing a recommendation from the Beautification Committee to them this evening regarding litter. There is continuous littering at Industrial Drive, Denton Road and Jefferson Street. They are asking for additional signs that say, “no littering and the fine”. They would also request the fine be increased to \$ 1,000. Attorney Jones stated Section 225 Article 1 covers littering violations with a penalty up to \$ 1,000. Alderman Johnson thought there was

more visibility needed with the signs. Attorney Jones stated he could propose an ordinance specifically for littering with a fine up to \$ 1,000. Alderman Adams agreed and said that he would sponsor that ordinance. Motion made by Alderman Adams, seconded by Alderman Rahn for Attorney Jones to prepare this legislation.

Heather Filley, 6683 Eagle Rock Drive, Pacific, MO stated she was here on behalf of the Park Board. She saw the resolution on the agenda regarding the Park Grant and was shocked because this had not come to them. Mayor Myers apologized and stated that is why it was removed from the agenda. The Park Boards next meeting is April 6th and 6:30 p.m.

New Bills

Bill No. 4096 An Ordinance authorizing a Conditional Use Permit for property located at 2165 W. Osage Street, Franklin County Parcel ID: 19-1-11.0-2-003-11.000 in the City of Pacific (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4096 for the first reading.

Consideration of Bills Previously Introduced

Bill No. 4096 An Ordinance authorizing a Conditional Use Permit for property located at 2165 W. Osage Street, Franklin County Parcel ID: 19-1-11.0-2-003-11.000 in the City of Pacific (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4096 by title only for the second reading. Mayor Myers asked for any discussion. Motion made by Alderman Stotler, seconded by Alderman Adams to approve Bill No. 4096. A roll call vote was taken with the following results: Ayes: Alderman Gass, Alderman Johnson, Alderman Stotler, Alderman Nemeth, Alderman Adams, Alderman Rahn. Nays: None. Whereupon, Mayor Myers declared **Bill No. 4096 passed and becomes Ordinance No. 3180.**

New Bills

Bill No. 4097 An Ordinance amending Chapter 420, Floodway and Floodway Fringe Districts in the City of Pacific (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4097 for the first reading.

Consideration of Bills Previously Introduced

Bill No. 4094 An Ordinance amending the City's Code with regard to the responsibility for installation of a Backwater Prevention Device. (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4094 by title only for the second reading. Mayor Myers asked for any discussion. Motion made by Alderman Gass, seconded by Alderman Adams to approve Bill No. 4094 A roll call vote was taken with the following results: Ayes: Alderman Nays: None. Whereupon, Mayor Myers declared **Bill No. 4090 passed and becomes Ordinance No. 3174.**

Bill No. 4095 An Ordinance accepting conveyance of property at 1916 Rose Lane from Franklin County as trustee. (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4095 by title only for the second reading.

Mayor Myers asked for any discussion. Motion made by Alderman Adams, seconded by Alderman Nemeth to approve Bill No. 4095. A roll call vote was taken with the following results: Ayes: Alderman Rahn, Alderman Gass, Alderman Johnson, Alderman Stotler, Alderman Nemeth, Alderman Adams. Nays: none. Whereupon, Mayor Myers declared **Bill No. 4095 passed and becomes Ordinance No. 3179.**

New Business

Resolution No. 2020-16 A Resolution to authorize a Transfer of Funds from the City's Contingency Fund to the Tourism Fund for the purposes of paying certain expenses related to the Bigfoot Plaza Construction Project.

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2020-16 by title only. Mayor Myers asked for any discussion. Motion made by Alderman Adams, seconded by Alderman Nemeth to approve Resolution No. 2020-16. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Public Works Commissioner Report

a. Additional work, CIPP 2020

Administrator Roth stated a change order needed to be prepared. There have been 3 sections identified; 2 at Orr & Williams and 1 on Columbus that need Insituform. The total cost is \$ 30,000 - \$ 35,000. Motion made by Alderman Gass, seconded by Alderman Nemeth to approve. A voice vote was taken with an affirmative result.

Miscellaneous

a. Approve NB West Invoice for the water line project in the amount of \$ 133,258.24.

Motion made by Alderman Gass, seconded by Alderman Nemeth to approve the invoice from NB West for the water line project in the amount of \$ 133,258.24. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

b. Approve petty cash.

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

c. Approve the list of bills.

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

Reports of City officials

Alderman Nemeth – asked for an update on live streaming. He suggested we re-prioritize this as we may need it sooner rather than later. Administrator Roth agreed this is priority, it could be streamed on Facebook Live, but it is very likely the next meeting will need to be electronically. The need could be to physically be in their homes with a split screen and the public patch in only by audio. **Motion made by**

Alderman Adams, seconded by Alderman Nemeth to direct staff to put this in place. A voice vote was taken with an affirmative result. Discussion followed regarding the need to be able to have building permits available electronically and an “app”. Attorney Jones stated we need audio and video for roll call votes. There was discussion about looking into “WebEx”. Alderman Stotler stated WebEx is free but you need a camera, but also has the ability of e-signatures.

Alderman Adams – stated we have an ordinance that allows for the Mayor to cancel the meeting. In that ordinance it reads that there needs to be 72 hours’ notice. He suggested this ordinance be changed to “Mayor can cancel a meeting without the approval of the board & the 72 hour requirement be removed”. Attorney Jones stated the State of Emergency Ordinance that was just passed allows for the Mayor to cancel meetings. Alderman Adams suggested that office be given that authority even if there is not a State of Emergency. **Motion made by Alderman Adams, seconded by Alderman Nemeth for Attorney Jones to draft an ordinance giving the Mayor the authority to cancel the meetings and amend section 110.010. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Alderman Adams – stated the City passed the Parks & Stormwater Tax. He recalls a discussion about the money being divided. At that time there was an understanding and our intentions were clear. He would like to create the discussion and conclude it to keep our word to the public. **Motion made by Alderman Adams, seconded by Alderman Gass that the Parks & Stormwater Tax be divided as 60% to stormwater and 40% to parks.** Alderman Adams stated the stormwater problems have been here for a long time, we expanded the parks and they require more maintenance, then we have the issues with the pool. Both departments are deserving of the tax. He suggested the split reviewed in a period of time. Parks Board President asked that this split be reviewed on a yearly basis. Alderman Gass suggested it be reviewed in 5 years. Mayor Myers stated there are two firms the Board has hired, one is assessing the stormwater and one is assessing the parks, with that will come a priority list. Those reports have not been received yet. These are professional assessments. He believes the Board needs this information before they make this decision. To make a decision before that is premature. Alderman Stotler agreed with Mayor Myers but thought we could wait until the new budget year to do the split and he also thought it should be reviewed annually with the budget planning. Mayor Myers stated if needed we may want to discuss a bond issue and tackle all the stormwater in one season. We won’t know this until we receive the facts. Alderman Gass thought that would cost millions of dollars and he was okay with the 60/40 split. Alderman Nemeth agreed that a number needed to be put on this. Once the report comes in we can always amend it. Alderman Adams stated he didn’t want to see the Parks not get a fair share, he thought 40% was fair. Administrator Roth stated the Board controls the budget, this budget runs thru June 30th. Staff discussed today, postponing the hiring of the Parks Superintendent due to the uncertainty of the revenues with what we are now facing. The splitting up of the money the Board has done already when they approved the budget. He does not see a particular need for anything else. As the budget comes to the Board, you already do that. Doing this ties our hands a bit for planning projects. His recommendation was to wait to see what the results of the study are. Alderman Adams stated that is what we are doing now. Every year we are working on a budget. The infrastructure problems will last a long time. The street tax is for improving the streets. He thought there should be a split, so the Park Board knows how much money they have to work with. Mayor Myers stated he still believed we were acting prematurely. The storm repairs can be spent out of transportation also and include capital improvement funds. There is only one mechanism for the parks. Alderman Adams believed the Park should be treated like any other department. Administrator Roth stated the Parks & Stormwater are now restricted funds for those purposes. The Board is already doing this now thru the budget process and Board action. Attorney Jones stated there will always be adjustment made, it is a part of the process. The Board can earmark it but ultimately it is done with the adoption of the budget. Alderman Adams stated that the process has worked for other departments. He was not comfortable with just leaving a blank check for

administration to prioritize projects. That's not fair to the public. **A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.** Administrator Roth asked what impact this has on the current budget and the projects. This would be easier to do effective July 1. **Motion made by Alderman Adams, seconded by Alderman Gass for 60% of the revenues to go to stormwater and 40% revenues to parks effective July 1, 2020. A voice vote was taken with an affirmative result and Mayor Myers declared the motion carried.**

Alderman Adams – Alderman Adams stated he would like to ask for an ordinance for the Park and Stormwater funds and with the exception of what the clerk needs for operation that all required funds the balance goes to the Park Board for a recommendation of how to spend those funds. The Park Board would be treated like any other board that we have. If the Park Board denies a request that recommendation would still come to the Board of Aldermen. **Motion made by Alderman Adams, seconded by Alderman Nemeth for an ordinance reflective of the split, and any funds available after operation and maintenance would go to the Park Board for them to make a budget recommendation. A voice vote was taken with an affirmative response, and Mayor Myers declared the motion carried.**

Mayor Myers asked for the by-laws from the Park Board so they could be reviewed by the City Attorney. Park Board President Filley stated they are updating them, once that is done, she will submit them.

Alderman Adams – stated two years ago he brought to the Board the concept that all Bills on the agenda needed a sponsor. **He would like to bring this back for discussion and would like to make a motion to that effect and expand it to any Bill or Resolution would need a sponsor from a member of the Board of Aldermen.** Staff would not have to wait until the next Board meeting but would have to contact a member of the Board prior. Once that member agrees to sponsor it, he would get in contact with the rest of the Board. Attorney Jones stated he has been here 5 years, usually a motion is required to prepare such legislation. There is no sponsor before it ends up on the agenda, he questioned what mechanism would do this. Administrator Roth stated he did not want to be in that position. Routine ordinances for example a CUP should be put on the agenda and shouldn't need legislation to have a sponsor. It is not his role, and he believes Alderman Adams agrees with him. The practice now seems fine for legislation to be drafted. To make a rule introduces a potential political role. The Mayor sets the agenda, then the Board does what they want. **Alderman Gass suggested the Bill be placed on the agenda, but not read until the Board decides who the sponsor is. Alderman Adams agreed with Alderman Gass and withdrew his motion. Motion made by Alderman Adams, seconded by Alderman Gass that legislation placed on the agenda would not be read unless it is sponsored. A voice vote was taken with an affirmative result and Mayor Myers declared the motion carried.**

Administrator Roth stated this seemed like a "Code of Conduct" ordinance, which we do not have. Attorney Jones stated he would add a section for enacting this type of ordinance. Administrator Roth asked if the Board wanted to include the rules of not reading a bill two times at the same meeting. Alderman Adams did not think that was a good idea.

Tourism Committee - Alderman Adams asked if any funds could be spent out of tourism without a recommendation from that committee. Attorney Jones stated the Board of Aldermen can decide to spend the funds without a recommendation from Tourism. **Motion made by Alderman Adams to handle the Tourism Committee the same as the Park Board Committee.** Administrator Roth stated there have been times when staff had to request the Board to take action because there was no time between meetings, or no quorum at the committee level. Alderman Adams thought that if we could not get it to the committee then general fund should pay for it. Alderman Stotler did not think that was fair to general fund. Alderman Adams asked if the Board had the authority to spend in tourism in an emergency.

Attorney Jones stated they already have that. **Motion made by Alderman Adams, seconded by Alderman Gass to allow items to come to the Board of Aldermen in the case of an emergency and that it is something new without the recommendation requirement. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Alderman Gass – stated there is a resident at 420 E. Walnut who claims he has been to the Police Department and the Building Department about his neighbor's dogs and other complaints. Administrator Roth stated he has been to City Hall and met with Bryan.

Alderman Johnson – stated the Meramec Valley Historical & Genealogy Committee has cancelled their meeting.

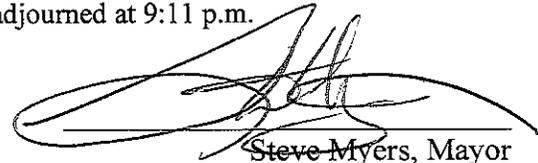
Senior Center – Mayor Myers stated he was accused of shutting down the Senior Center. He did not do this. Somehow the conversation was mis-construed with Jeannie Guffey.

Recession – Alderman Adams stated he would like staff to look into the future. The President is predicting a recession, he thought it might be wise to freeze any new hiring and not have any new projects at this time. Mayor Myers agreed and stated this was discussed today. Alderman Adams stated he also thought we should let the employees know that regardless of circumstances we would not lay anyone off. He would like to see that commitment.

Fireworks – Alderman Johnson stated she was contacted by J&M Fireworks by the display. She will be in contact with them. She is working from home currently.

Adjournment

There being no further business, motion by Alderman Adams, seconded by Alderman Gass to adjourn. A voice vote was taken with an affirmative result. The meeting adjourned at 9:11 p.m.



Steve Myers, Mayor

ATTEST:

Lemberly Bearfull

 City Clerk

