



May 19, 2020 \* RECORD OF PROCEEDINGS

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

This meeting was held via Zoom videoconferencing. The public was able to view or listen to the meeting at the following: <https://zoom.us/j/us02web.zoom.us/j/89826066565>

**T**he 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. All Aldermen were visually seen through video conferencing and heard.

Also present:

Administrator Roth  
Attorney Jones  
Chief Mansell  
PW Commissioner Brueggemann  
Director Kopp  
Collector Kelley  
City Clerk Barfield

All staff was visually seen through video conferencing and heard.

**Pledge of Allegiance**

The Pledge of Allegiance is given.

**Prayer**

There was no representative from Ministerial Alliance. Mayor Myers offered prayer this evening.

**Approve Agenda**

Motion made by Alderman Nemeth, seconded by Alderman Gass to approve the agenda. A voice vote was taken with an affirmative result.

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## **Minutes**

### A. Regular meeting on May 5, 2020.

Motion made by Alderman Stotler, seconded by Alderman Rahn to approve the minutes of the regular meeting on May 5, 2020. A voice vote was taken with an affirmative result and Mayor Myers declared the motion carried.

## **Public Hearings**

Mayor Myers stated that comments must be made by attending the meeting through the Zoom line provided above. If you need assistance, please contact Kim Barfield at 636-271-0500 Ext 217 prior to the meeting or Steve Roth now at Ext 213.

- a. A Public Hearing to consider Text Amendments to Zoning District and Land Subdivision regulations governing Off-Street Parking and Final Plat regulations.

Mayor Myers read the Public Hearing into the record and opened it for comments. He asked for any comments through zoom. There were none. He asked City Clerk Barfield if she received any comments prior to the meeting. City Clerk Barfield did not receive any comments. He asked for any comments from the Board. Administrator Roth stated there are two attendees and stated that if they wanted to speak, they can raise their hand using the zoom feature. There being no comments the Public Hearing was closed.

- b. A Public Hearing to consider text amendments to Pacific Municipal Code Title IV: Land Use. The proposed text amendments pertain to Zoning District regulations relating to Short-Term Vacation Rental uses, commonly referred to as "Bed and Breakfasts, Airbnb's, VRBO's.

Mayor Myers read the Public Hearing into the record and opened it for comments. He asked for any comments through zoom. There were none. He asked City Clerk Barfield if she received any comments prior to the meeting. City Clerk Barfield did not receive any comments. He asked for any comments from the Board. There being no comments the Public Hearing was closed.

## **Mayor's Report**

- a. Approve the appointment of Heather Filley to the Park Board Committee.

Motion made by Alderman Nemeth, seconded by Alderman Adams to approve the appointment of Heather Filley to the Park Board Committee. A voice vote was taken with an affirmative result.

- b. Approve the appointment of Benton Kelley to Board of Adjustment.

Motion made by Alderman Gass, seconded by Alderman Adams to approve the appointment of Benton Kelley to the Board of Adjustment. A voice vote was taken with an affirmative result.

- c. Approve the appointment of Bryan Kopp to the East Osage CID and Osage CID.

Motion made by Alderman Adams, seconded by Alderman Nemeth to approve the appointment of Bryan Kopp to the East Osage CID and Osage CID. A voice vote was taken with an affirmative result.

d. Approve appointment of Felicia Ammann to the Beautification Committee.

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

e. Approve appointment of Sarah Summers to the Board of Adjustment from an alternate to regular member.

Motion made by Alderman Nemeth, seconded by Alderman Adams to approve the appointment of Sarah Summers to the Board of Adjustment from an alternate to regular member. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

### New Bills

Alderman Rahn stated he would like to sponsor Bill Numbers 5008 & 5009.

Alderman Adams stated he would like to sponsor Bill Numbers 5011 & 5012 & 5013.

Alderman Nemeth stated he would like to sponsor Bill Numbers 5010 & 5014.

Bill No. 5008 An Ordinance approving a Zoning Change (Map Amendment) from City of Eureka PC Zoning to M-2 for the property at 18675 US Highway 66, known and identified as St. Louis County Parcel ID 30X410025. (1<sup>st</sup> reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5008 by title only for the first reading.

Bill No. 5009 An Ordinance approving a Zoning Change (Map Amendment) from the City of Eureka PC Zoning to M-1 for the property at 18663 US Highway 66, known and identified as St. Louis County Parcel ID 30X410016 (1<sup>st</sup> reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5009 by title only for the first reading.

Bill No. 5010 An Ordinance amending the City of Pacific Zoning Code and Land Subdivision Regulations pertaining to Off-Street Parking and Final Plat Requirement (1<sup>st</sup> reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5010 by title only for the first reading.

Bill No. 5011 An Ordinance amending the City of Pacific Zoning Code to establish regulations for Short-Term Vacation Rental Facilities in the City of Pacific (1<sup>st</sup> reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5011 by title only for the first reading.

Bill No. 5012 An Ordinance Revising Regulations for the Prevention of the Introduction and Proliferation of the COVID-19 Virus in the City of Pacific (1<sup>st</sup> reading Emergency Legislation)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5012 by title only for the first reading.

Bill No. 5013 An Ordinance revising the Authority of the Mayor of the City of Pacific, Missouri to declare a State of Emergency (1<sup>st</sup> reading Emergency Legislation)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5013 by title only for the first reading.

Bill No. 5014 An Ordinance regulation the operation of Utility Vehicles and Golf Cards in the City of Pacific. (1<sup>st</sup> reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5014 by title only for the first reading.

Alderman Rahn asked for discussion on Bill No. 5014. He asked if it was necessary to wear a helmet in a golf cart, as he did not think so. Alderman Nemeth and Alderman Adams agreed. He also suggested the age to drive a golf cart should be 16 years old and not 18 years old. Chief Mansell agreed and thought this could be changed to a licensed driver. Alderman Rahn stated he had the same comment regarding an ATV. Alderman Nemeth agreed and thought a licensed driver should be for all of them. Mayor Myers stated they could make this motion now, or at the next meeting. Chief Mansell stated regarding seat belts this should be only if it was manufactured with seat belts, they need to be wore. Alderman Adams agreed and stated if the golf cart or ATV was not manufactured with it, then it should not be required. Chief Mansell asked who gets a summons if there is an 8-year-old on a mini-bike. Attorney Jones advised that the 8-year-old would get the summons, just like if this were a minor in possession. Chief Mansell stated that under the juvenile law, they could not be taken in.

### Consideration of Bills Previously Introduced

a. Bill No. 5006 An Ordinance revising the Policies and Procurement and Approval of purchases by the City of Pacific (2<sup>nd</sup> reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5006 by title only for the second reading. Mayor Myers asked for any discussion. Motion made by Alderman Nemeth, seconded by Alderman Gass to approve Bill No. 5006. 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. 5006 passed and becomes **Ordinance No. 3190**.

b. Bill No. 5007 An Ordinance amending the Fiscal Year 2019-2020 Budget and Wage and Salary Schedule for appointed officials and employees of the City of Pacific. (2<sup>nd</sup> reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5007 by title only for the second reading. Mayor Myers asked for any discussion. Motion made by Alderman Gass, seconded by Alderman Nemeth to approve Bill No. 5007. A roll call vote was taken with the following results: Ayes: Alderman Adams, Alderman Rahn, Alderman Gass, Alderman Johnson, Alderman Stotler, Alderman Nemeth. Nays: none. Whereupon, Mayor Myers declared Bill No. 5007 passed and becomes **Ordinance No. 3191**.

c. Bill No. 5012 An Ordinance Revising Regulations for the Prevention of the Introduction and Proliferation of the COVID-19 Virus in the City of Pacific (2<sup>nd</sup> reading Emergency Legislation per Board Action on 5-5-2020)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5012 by title only for the second reading. Mayor Myers asked for any discussion. Motion made by Alderman Adams, seconded by Alderman Rahn to approve Bill No. 5012. 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. 5012 passed and becomes **Ordinance No. 3196**.

d. Bill No. 5013 An Ordinance revising the Authority of the Mayor of the City of Pacific, Missouri to declare a state of Emergency (2<sup>nd</sup> reading Emergency Legislation per Board Action on 5-5-2020)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5013 by title only for the second reading. Mayor Myers asked for any discussion. Motion made by Alderman Nemeth, seconded by Alderman Adams to approve Bill No. 5013. 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. 5013 passed and becomes **Ordinance No. 3197**.

### New Business

**Resolution No. 2020-26 A Resolution authorizing and directing the Mayor to execute an Agreement with CM Archer Group, PC for Professional Services relating to the design of the Wastewater Lift Station 2 / Brush Creek Interceptor Improvements.**

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2020-26 by title only. Mayor Myers asked for any discussion. **Motion made by Alderman Gass, seconded by Alderman Adams to approve. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Alderman Adams stated he would like to bring up new business. He wanted to propose to the Board to consider a Resolution requiring any use of City property that would require a permit or approval from the Board of Aldermen come with a plan that coincides with the Governors orders until the virus is over. This would be for any permits issued for the use of City property. He is speaking of City parks and City streets.

Administrator Roth stated there was a request this week for rental of the ball fields. Our position has been to provide the certificate of insurance and the hold harmless agreement which states they will be in compliance with the Governors orders. Alderman Adams stated any policy that would allow administration to issue the permit there would be no change. Attorney Jones asked if he was asking to amend the procedure for permits for use of City property. Alderman Adams stated he is proposing a Resolution that expires when the Governor's orders do. Attorney Jones stated the Governor's orders include language that pertain to the Fire Code. Alderman Adams stated his concern was car cruise. Mayor Myers stated that car cruise has been cancelled. The Partnership is considering how to have a different event prior to the fireworks in the street, such as a concert. Administrator Roth stated a Special Event Permit would be needed for this type of event, and the Board would set the conditions. Alderman Adams is requesting the group present to the City how they are going to stay consistent with the Governor's Orders.

City Clerk Barfield asked for clarification regarding the use of the Board Room. If a group requests use of the Board room after hours, there is no permit required, but the Board currently approves this as an agenda item. Discussion followed. **Motion made by Alderman Adams, seconded by Alderman Nemeth that a request to use the Board room at City Hall be approved by Administration and does not go to the Board of Aldermen. A voice vote was taken with an affirmative result.**

**Motion made by Alderman Adams, seconded by Alderman Gass for staff to draft a Resolution that any Special Event Permit that requires Board of Aldermen approval also submit a plan showing how they are going to be in compliance with the Governor's Orders.** Chief Mansell asked how this was going to be enforced. Alderman Adams stated we would be faced with the same problems

everywhere else regarding enforcement.

### City Administrator Report

#### a. Asbestos Inspection bids

We requested proposals for the asbestos inspections for the HMGP "Phase 2" Flood Buyout Program. The responses are included in the Board packet. SCI Engineering is the low bidder and we would request approval. SCI's bid was \$ 450 for a residential structure, \$ 1,200 for an apartment structure, and \$ 500 for a non-residential structure. St. John Environmental was the 2<sup>nd</sup> bidder, who came in higher. **Motion made by Alderman Gass, seconded by Alderman Rahn to approve SCI Engineering for the Asbestos Inspection Bids. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

#### b. Approve Change Order 1 from KJ Unnerstall for a deduct of \$ 4,000 for the Bigfoot Plaza Construction

Administrator Roth stated this was discussed at the Tourism Commission meeting and they are also trying to reduce costs. An opportunity came up with the benches and there were five benches included in the plan. Tourism has voted to remove two of the benches with a savings of \$ 4,000. This is their recommendation to the Board. **Motion made by Alderman Nemeth, seconded by Alderman Adams to approve Change Order 1 from KJ Unnerstall for a deduct of \$ 4,000. A voice vote was taken with an affirmative result.**

#### c. Municipal Pool Operation 2020

Administrator Roth stated there was a Special Park Board Meeting and with much discussion they have recommended opening the pool on June 2, 2020 with certain restrictions in place. Midwest Pool also attended the meeting via Zoom. They suggested signage for social distancing, limit the furniture on the pool deck, the lifeguards would rotate cleaning of high touch areas. The capacity would be 91 people at the pool. This figure is done on a calculation the pool company uses. The Swim Team is discussing conducting events virtually. They also discussed limiting it to the Meramec Valley School District Area if necessary. There was further discussion on no one under the age of 16 years old can be at the pool unsupervised. Alderman Nemeth stated he thought this was another layer of responsibility for young people to oversee and this was concerning to him. If there is potentially a line outside, this puts a whole other level to this, and he was not sure it should be limited to Meramec Valley students. Currently he did not think the State was allowing pools to open. He suggested when the Governor allows pools to open then we should discuss it. Mayor Myers stated he attended a conference call with Governor Mike Parsons, and he asked for a recommendation regarding City pools. The State has no order regarding pools as of May 14<sup>th</sup>. The municipality has to decide it individually, although the 6' social distancing still applies. There is also no law regarding face masks. Alderman Nemeth apologized as he was not aware of that. Mayor Myers stated Franklin County also has no rules. Alderman Nemeth thought with that being said, it needed more discussion. Chief Mansell stated most people that visit the pool are out of town. Alderman Rahn was concerned with adding the responsibility of more cleaning to these young individuals. Alderman Nemeth stated the Swim Team made the decision to not hold a standard season. Alderman Johnson was concerned on how they would monitor the 91 people, would they rotate them so everyone could get in? Alderman Roth stated this was an unknown and would be tricky. Alderman Gass stated money is tight. Alderman Adams stated that our neighbors are using caution, and we need to consider this and rule on the side of caution. Hopefully, this is short-term, but he thought it was a bad idea to open. **Motion made by Alderman Gass, seconded by Alderman Rahn to keep the pool closed**

**for the season.** Mayor Myer stated currently the season has been postponed. **A roll call vote was taken with the following results: Ayes: Alderman Gass, Alderman Adams, Alderman Rahn, Alderman Johnson. Nays: Alderman Nemeth, Alderman Stotler.** Mayor Myers stated the motion passed 4-2 and there would be no pool season.

Alderman Nemeth voted no because he did not think the pool should be permanently closed.

d. Set Public Hearing date, for the Fiscal Year 2020-2021 budget

Administrator Roth stated the Final draft budget was included in the packet. There is a separate memo in the packets for the budget. This includes the changes the Board has made at the 4/28 meeting. The Preventative Maintenance Plan is in the budget for Lamar Parkway and Payne Street with funds also coming from the W. Osage CID and other sources. There is a transfer to Parks & Stormwater of \$ 21,000 for the Grant that was given to the City to improve the parking area at Red Cedar. The City still must match that, and this project is still on the books. The Transportation Fund has been reconfigured. The City receives Road & Bridge funds each year from St. Louis County. They require an affidavit to be signed indicating we use these funds for transportation purposes. The City also receives a Reserve Gas Receipts tax, which is our portion of the Missouri Gas Tax. Administration took the Motor Vehicle Sales Tax & the fee and these others and included them in the Transportation budget. This removed a portion of the General Fund transfer. This helps the Transportation Fund to be self-sufficient. Currently there is a General Fund deficit of \$ 16,843 on paper. The revenues are budgeted low and expenses high. This budget includes the transfer to the Contingency Fund every month. We are not drawing on the Contingency Fund at all for funding. We have cut/froze the bulky trash pick-up, the newsletter, one police position and other items. The City can operate and maintain. The projections are unpredictable. If there is another waive in the fall this could change things. The FEMA Flood Buyout is also included in the budget. Tonight, he would ask for authority to set the Public Hearing for June 2<sup>nd</sup> with an ordinance. **Motion made by Alderman Adams, seconded by Alderman Nemeth to proceed with the Public Hearing and legislation. A voice vote was taken with an affirmative result.**

**Board members also agreed at this time, the June 2<sup>nd</sup> Board meeting will also be conducted via Zoom.**

CID Update – Alderman Johnson asked for a CID Update since they met recently. Administrator Roth stated E. Osage and Osage CID both met via zoom. They finalized their budgets and general discussions regarding project. Osage CID discussed the road connection to B & H and at that time I did not have the engineering contract. Since that meeting I have received it. They also discussed using the CID funds for paving of Lamar Parkway. Mayor Myers stated they also discussed storm drains off Route 66 past the Agape House. The creek east of their parking lot takes a lot of water. It was suggested that storm drain improvements with a possible water retention basin be put in.

#### **Director of Community Development Report**

Director Kopp stated his department has received 29 permit applications. They completed 42 inspections and 10 occupancy inspections. There have been 17 plan reviews done and 36 violation notices sent from Code Enforcement. Things have been very steady.

#### **Public Works Commissioner Report**

Public Works Commissioner Brueggemann stated there is no separate line for mosquito fogging. Last year they spend \$ 9,204 on this. Does he continue to do the fogging. **Motion made by Alderman**

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**Adams, seconded by Alderman Stotler to continue the mosquito fogging this year. A voice vote was taken with affirmative result.**

### City Attorney Report

Attorney Jones stated the Board approved a Design Contract with Archer Elgin for improvements to Brush Creek. They have had two conference calls with Jeff Meadows discussing the options to be presented to the District. He recommends the Board sub-committee meet with himself and Administrator Roth to discuss the options presented and the idea brought back to the Board of Aldermen before setting a meeting for negotiations. The sub-committee decided Wednesday, May 27<sup>th</sup> at 2 pm they would have a meeting at City Hall.

### Miscellaneous

a. Approve the list of bills.

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

b. Approve Fireworks Display Agreement, J & M Displays in the amount of \$ 12,500 to be paid from Tourism Funds.

Motion made by Alderman Adams, seconded by Alderman Nemeth to approve the Fireworks Display Agreement, J & M Displays in the amount of \$ 12,500. A voice vote was taken with an affirmative result. Attorney Jones stated he reviewed the contract and there are two sections he would like the opportunity to work with them on, that is paragraph 2 and paragraph 10. Board members agreed to have Attorney Jones work on this.

### Reports of City officials

Alderman Nemeth – stated he thought we should have left the temporary closure of the pool in place. He understands the savings of \$ 60,000, but with the limited activities he felt like we should have left it temporary. He is still on the side of a potential pool season and hoped we would continue to discuss this at every meeting and reverse the decision made tonight.

Alderman Adams – thanked Administrator Roth, City Clerk Barfield, Chief Mansell, and the department heads for working on the budget as needed.

Alderman Rahn – No report

Alderman Gass – stated there was a construction company at the 100 block of E Union that looked rough and asked that someone look into it. He continued at the 300 block of W. Union the hole was partially filled but we need to complete it with seed etc.

Alderman Johnson – No report.

Alderman Stotler – stated he would echo what Alderman Stotler stated and hopes we revisit the pool.

Chief Mansell – asked what time of the day the mosquito fogging would be done. Public Works Commissioner Brueggemann stated the Manufacturer's recommendation is early morning. Chief then

asked if any roads needed closed for the fireworks. Alderman Johnson thought that would be needed and he will get Detour signs from Public Works. Public Works Commissioner Brueggemann stated he would also take down the flag. Chief stated there was an idea that some have requested the fireworks go back to the parks and a drive-in theatre be done with a movie and then the fireworks at Liberty Field.

Alderman Adams – stated on W. Pacific Street around the Khoury League park there is still a request for a no parking sign. Mayor Myers stated he visited this individual yesterday and he also made a suggestion that the property on the west side of Sixth St that the City owns be made into a parking lot. **Alderman Adams stated he would like to make a motion for a Bill to be created and an Ordinance to eliminate parking on both sides of W. Pacific St. from Sixth St to Fourth St “no ball park parking”, seconded by Alderman Johnson. A voice vote was taken with an affirmative result.** Director Kopp stated there is an existing ordinance, are you asking that this be amended. Alderman Adams stated he was. Attorney Jones stated this would be an Ordinance amending the schedule.

There was further discussion regarding making that property into a parking lot. Alderman Nemeth stated we just cancelled the pool season, and now were trying to build a parking area. Alderman Adams stated this was just in the idea phase, not the funding phase.

Collector Kelley – offered her condolences to the Aycock family.

### Adjournment

There being no further business, motion by Alderman Nemeth, seconded by Alderman Gass to adjourn. A voice vote was taken with an affirmative result. The meeting adjourned at 9:00 p.m.

ATTEST:

*Kimberly Barfull*  
City Clerk



*Steve Myers*  
Steve Myers, Mayor