



July 7, 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 Frick
Alderman Johnson
Alderman Stotler

A quorum was present. All Aldermen were present.

Also present:

Administrator Roth
Attorney Jones
Captain Locke
PW Commissioner Brueggemann
Director Kopp
Collector Kelley
City Clerk Barfield

Pledge of Allegiance

The Pledge of Allegiance is given.

Prayer

Harold Harrison, Ministerial Alliance, offered prayer this evening.

Approve Agenda

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

Board of Aldermen 7-7-2020

Minutes

A. Regular meeting on June 16, 2020.

Motion made by Alderman Rahn, seconded by Alderman Frick to approve the minutes of the regular meeting on June 16, 2020. A voice vote was taken with an affirmative result and Mayor Myers declared the motion carried.

Public Hearing

a. City of Pacific will conduct a public hearing regarding the removal of certain property identified below by the address from the Osage Commercial Area Community Improvement District. Properties to be removed from the District: 301 Hoven Drive, 305 Hoven Drive, 2165 W. Osage, 333 Chamber Drive, 1901 W. Osage, 1806 W. Osage, Pacific, MO.

Mayor Myers read the Public Hearing into the record. He opened the public hearing for comments. He asked if there were any comments. There being no comments, he closed the public hearing.

Public Participation

Jessica Holdbert, 2144 Meadow Grass Drive, Pacific, MO stated she moved into Heritage Farms. There is a grass median and they would like to take responsibility of the land and plant flowers. Motion made by Alderman Adams, seconded by Alderman Nemeth to approve the request to plant flowers in the grass median. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Mayor's Report

a. Proclamation for former Alderman Mike Pigg

Mayor Myers stated this has been moved to the July 21st meeting.

b. Appoint Joanne McHugh to the Beautification Committee

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

c. Appoint Lisa Troglio to the Meramec Valley Historical Museum & Genealogy Society

Motion made by Alderman Johnson, seconded by Alderman Stotler to approve the appointment of Lisa Troglio to the Meramec Valley Historical Museum & Genealogy Society. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried. Mayor Myers issued the Oath of Office.

d. Appoint Jeff Titter to the Meramec Valley Historical Museum & Genealogy Society

Motion made by Alderman Adams, seconded by Alderman Nemeth to approve the appointment of Jeff Titter to the Meramec Valley Historical Museum & Genealogy Society. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

e. Appoint to Standing Committees per Section 110.110 of City Code

Operations: Alderman Johnson, Alderman Frick, Alderman Rahn
 Administrative: Alderman Adams, Alderman Stotler, Alderman Nemeth

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

f. Appoint Committee liaisons:

Park Board: Alderman Frick
 Meramec Valley Historical Museum & Genealogy Society: Alderman Johnson
 Planning & Zoning: Alderman Rahn
 Beautification Committee: Alderman Stotler
 Tourism Committee: Alderman Adams

Alderman Nemeth asked why he was removed from Park Board. Mayor Myers stated he thought it would be good to change things a little. Alderman Nemeth agreed but thought he would have called him first. Mayor Myers stated this is how it was done when he was aldermen. Alderman Nemeth did not agree this was the right way to go about it. Motion made by Alderman Johnson, seconded by Alderman Rahn to approve the committee liaisons. A voice vote was taken with an affirmative result. Opposed: Alderman Nemeth.

g. Increased occupancy at the pool

Mayor Myers stated there was a few requests from the lifeguards. The occupancy is set by the Board to 50 at the pool. Normal occupancy is 200-250. They have suggested this be increased to 75. He has spoken with Bert Forde, Midwest Pool and they originally recommended 90, and would still be okay with this number. Alderman Nemeth stated he spoke with the Park Board President about this, and they did not have a quorum at the last meeting, but she felt it should remain at 50. Alderman Adams thought this request should go to the Park Board first. Alderman Rahn did not feel it should be increased. Alderman Frick, Alderman Johnson, Alderman Stotler stated they would like the request to go to the Park Board first. Mayor Myers stated he would forward that request to them.

They also requested lounge chairs. He threw away two of them that were broken when he was there, and they are requesting 5 -10. This is because there is nowhere to sit if they are not in the pool. He will also take this to the Park Board.

h. AED purchase, Municipal Pool

AED purchase – the lifeguards stated that most pools have one of these on hand and we do not. This is an Automated External Defibrillator and the Fire & Ambulance department stated this works with their equipment. Administrator Roth stated the total cost with the service plan is \$ 3,000. He has been told by the vendor that other Franklin County communities have received reimbursement from the Cares Act. He has submitted a request but has not heard a response yet. Alderman Adams stated this is a life saving device. The Board froze all spending, he asked Administrator Roth where this would come from. Administrator Roth stated the idea was when it is not in use at the pool it would be at City Hall. It could be paid from the pool money or general fund. **Motion made by Alderman Adams, seconded by Alderman Stotler to purchase the AED with general fund money. A voice vote was taken with an affirmative result.**

i. Draft bill, Marshal requirements

Mayor Myers stated there is a draft bill in the packets. He asked Attorney Jones to look into this and confirm we were still in compliance with State Statute. Attorney Jones stated we are a Fourth-Class City and Chapter 79 refers to the Marshal and the training requirement. That statute refers to POST training and was repealed, along with the hours of instruction training needed, which was out of date. He incorporated Section 590 which are in effect and searched other cities and included a subsection C of the proposed bill. This raises the bar for candidates that would qualify. This is not on the agenda for reading but is suggested for the next meeting. Alderman Frick asked for a red line version to see the ordinance before and after changes. Attorney Jones will get this to him. Alderman Adams would like to see the qualifications from other cities. Attorney Jones stated there is only 1 or 2 cities that still have an elected position, but he will get those. Alderman Adams stated he knew the Mayor was talking to candidates, he thought those names should be forwarded to the Board with their qualifications. Mayor Myers stated he has interviewed four candidates and he will be in discussion with the Board. Alderman Adams stated he would like the names and qualifications prior to the meeting so they can study them. **Motion made by Alderman Adams, seconded by Alderman Nemeth that the Draft Bill goes on the next agenda for discussion only, no readings. 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. 5021
Alderman Nemeth stated he would sponsor Bill No. 5022

Bill No. 5021 An Ordinance removing certain property from the Osage Commercial Improvement District. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5021 by title only for the first reading.

Bill No. 5022 An Ordinance approving a Zoning Change (Map Amendment) from C-2 Arterial Commercial to M-1 Light Industrial for property known as Lot 1 Eastridge Place, Franklin County Parcel ID 19-2-10.0-0-036-015.000 (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5022 by title only for the first reading. Alderman Adams asked if there was any residential around this area and if they had been notified. Administrator Roth stated everyone within 185' were notified. They appeared at Planning & Zoning on June 23rd. The applicant was present at that meeting. The applicant is an auto parts manufacture for jeep parts. Alderman Adams asked if there were any objections at Planning & Zoning. Administrator Roth stated there was speaker cards with 2 or 3 people concerned about the traffic. Alderman Adams understood and hoped it worked out for them.

Consideration of Bills Previously Introduced

a. Amended Bill No. 5014 An Ordinance regulating the operation of Utility Vehicles and Golf Carts in the City of Pacific (2nd reading)

Motion made by Alderman Nemeth, seconded by Alderman Adams to remove Bill No 5014 from the table. There was discussion regarding the definition. Captain Locke stated a lot of the 4-wheelers tend to have more horsepower and the safety features are different. Alderman Johnson wanted to start out slow

with this ordinance. This bill allows utility vehicles, so if I have a driver license it qualifies.

Section B Item 3 – Mayor Myers stated he thought this should be changed to 40 mph. Alderman Nemeth suggested the “posted speed limit”. Motion made by Alderman Adams, seconded by Alderman Rahn for this to be read “posted speed limit”. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Attorney Jones stated there is a different version of this Bill, but we could continue.

Item 4 – should be “either or flag”. Motion made by Alderman Adams, seconded by Alderman Nemeth for this to read “flag or square or triangle, MoDot approved”. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Item 7 – should include paved park areas. Alderman Adams asked if they had to adopt state code. Attorney Jones stated no. Alderman Adams asked if the state highways could be removed. Captain Locke would advise against this. Other agencies can issue tickets on state roads. Alderman Nemeth asked if they could cross state roads. Attorney Jones stated he could clarify by adding “no thru traffic” then they could cross the street. **Motion made by Alderman Adams, seconded by Alderman Frick to change the language to allow for crossing of state roads. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Public Works Commissioner stated Item B states these will be on the sidewalks, he advised against this. Motion made by Alderman Adams, seconded by Alderman Nemeth to remove “sidewalks”. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

5 – Motion made by Alderman Frick, seconded by Alderman Adams to change the insurance to “minimum as required by law”. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

C3 – Alderman Frick asked about brake lights and blinkers. Motion made by Alderman Frick, seconded by Alderman Rahn to eliminate turn signals, and remove sunset and sunrise. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Captain Locke stated he researched the age limit and suggested at least 16 years of age. There are different stages of a driver’s license and that is not referenced here. Attorney Jones stated it reads, valid drivers license, it does not pertain to intermediate, but the rules would be based on the same as a license with restrictions. Whatever restrictions apply to your license apply here.

Section 386.020 is about Golf Carts

3 be changed to the same as UTV’s, “minimum as required by law”.

4 Alderman Nemeth suggested 35-40 mph. Attorney Jones stated under 304.034 this is different in a golf cart, and it is 20 mph or less. Motion made by Alderman Nemeth, seconded by Alderman Stotler that this read they can operate on any street under 35 mph. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

8 this be changed to be the same as a utv.

C3 – Motion made by Alderman Nemeth, seconded by Alderman Adams to strike out turn signals. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

C4 & C5– Motion made by Alderman Nemeth, seconded by Alderman Adams to strike. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

#15 – strike and add “paths of city parks” and add no more passengers than the seats allow for and no riding in dump beds. Motion made by Alderman Johnson, seconded by Alderman Adams. A voice vote was taken with an affirmative result and Mayor Myers declared the motion carried.

Attorney Jones stated the penalty would fall under the Municipal Code under the TVB, which is Traffic Violations Bureau. This means it could be paid outside of going to court and would need to be added to the schedule. He stated he would make these changes and bring back to the Board.

b. Bill No. 5019 An Ordinance providing for the Approval of a Final Plat of Riverbend heights Subdivision Plat 2, a tract of land zoned “R-1B” Single-Family District located at or about 2050 Highway N (Congress Street) Franklin County Parcel ID # 196-14.0-0-099-034.000 in the City of Pacific (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5019 by title only for the second reading. Mayor Myers asked for any discussion. Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve Bill No. 5019. A roll call vote was taken with the following results: Alderman Adams, Alderman Rahn, Alderman Frick, Alderman Johnson, Alderman Stotler, Alderman Nemeth. Nays: none. Whereupon Mayor Myers declared **Bill No. 5019 passed and becomes Ordinance No. 3203**. Administrator Roth stated we need an agreement between the City and the applicant and that will be ready tomorrow. Attorney Jones stated the Mayor will not sign this until the escrow agreement is in place.

c. Bill No. 5020 An Ordinance prohibiting the extension of utility services outside the corporate limits of the City of Pacific and grandfathering certain existing customers. (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5020 by title only for the second reading. Mayor Myers asked for any discussion. Motion made by Alderman Nemeth, seconded by Alderman Frick to approve Bill No. 5020. A roll call vote was taken with the following results: Ayes: Alderman Rahn, Alderman Frick, Alderman Johnson, Alderman Stotler, Alderman Nemeth, Alderman Adams. Nays: none. Whereupon Mayor Myers declared **Bill No. 5020 becomes Ordinance No. 3204**.

New Business

a. Resolution No. 2020-32 A Resolution authorizing a transfer of funds from the Water & Sewer Fund to the Leasehold Revenue Bond for the Administrative Fee for the Municipal Assistance Bond Series 2012.

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2020-32 by title only. Mayor Myers asked for any discussion. **Motion made by Alderman Adams, seconded by Alderman Nemeth to approve. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

b. Resolution No. 2020-33 A Resolution to authorize a Transfer of Funds from the City’s Subdivision Escrow Account (Lisa Lane) to the Transportation Fund for the purposes of paying certain expenses related to the Lisa Lane Improvement Project.

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2020-33 by title only. Mayor

Myers asked for any discussion. **Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

c. Resolution No. 2020-34 A Resolution to authorize a Contract Award for Construction of the Wastewater Collection System Lift Station 5 Improvements in the City of Pacific.

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2020-34 by title only. Administrator Roth stated this was a budgeted item. **Motion made by Alderman Stotler, seconded by Alderman Adams to approve. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

d. Resolution No. 2020-35 A Resolution authorizing and directing the Mayor to execute a Contract Agreement for resurfacing of certain streets as identified in the City's Preventative Pavement Maintenance Plan.

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2020-35 by title only. Administrator Roth stated there was a spreadsheet in front of everyone. There were 9 bidders for the job. The Engineer's recommendation is Dura Seal, who was the low bidder in the amount of \$ 189,103.63. Alderman Adams stated the City has had many contracts with NB West and has been successful. He would recommend we consider NB West. Administrator Roth stated Dura Seals bid was \$ 171,039.52 with the alternate bringing it to \$ 189,103.63. We are under budget on this project. Alt # 1 is a section of Pay Street south of the RR tracks including a portion of Congress. The recommendation tonight is Dura Seal for the bae bid and Alt # 1. Discussion followed. NB West bid is still under budget, is local and always done a good job for us. Attorney Jones stated Section 105.060 refers to the lowest responsible bidder. **Motion made by Alderman Adams, seconded by Alderman Stotler to approve NB West for the contract. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

City Administrator Report

a. Preliminary Plans, Denton Road bridge replacement

Administrator Roth stated the preliminary plans are included. It is customary for the Board to review them and give approval before submitting to MoDot. This project replaces the existing Denton Road bridge with a new single span structure. The realignment of the roadway to "smooth" the curve approaching 4th Street and the lumber yard, two 12-foot driving lanes, pedestrian walkway on bridge, relocation of water main under brush Creek. This roadway will be shut down during the construction. This project is substantially in the form as was originally proposed in the STP grant application. This requires acquisition of right-of-way to provide for the roadway realignment. He continued the bridge itself is 28' width, so the project could continue at that width. If we went with the 28' width, we would stripe the 12' driving lanes and maintain a 2' shoulder. This is a budget concern at this point. His recommendation would be to keep the 24' wide width. **Motion made by Alderman Nemeth, seconded by Alderman Johnson to submit the preliminary plans as presented. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

b. Budget report

In general, our finances remain solid, but we are very concerned about the coming weeks and months. The Gross Receipts from Ameren are low, the sales tax report is also in front of everyone. The Board

adopted a budget with 20% less revenues anticipated. We do not find any support for new spending in our current numbers. The Board has zero for bulky trash, but suggested we wait until August to decide. There is a concern for the Tourism Tax, and we know they have been hit. Mayor Myers stated he was working on replacing the purple COVID signs that were outdated. He would like to replace those 16 signs at \$ 38.00 each for a total of \$ 608.00. Alderman Adams stated he felt like this fall under the powers of emergency spending of the Mayor. Board members agreed. Alderman Johnson asked that "avoid large gatherings" be added to the list. He continued that the City bought a web cam for live streaming. He does not think it is working very well and will be looking for a better solution.

The Lisa Lane project is paved but is not open yet. The Hogan Road project will begin soon, along with the blower project.

Director of Community Development Report

Director Kopp stated his department has received 17 permit applications. There have been 60 inspections, 8 plan reviews, and 27 violation letters gone out. They also obtained a search warrant for a piece of property and was successful. He is working on a draft to the ordinance to amending large lots and cutting the grass. The proposal removes MU Zoning and applies to all large lots in the City limits. Board members agreed. **Motion made by Alderman Nemeth, seconded by Alderman Stotler for Attorney Jones to draft an ordinance for the next meeting for discussion. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Public Works Commissioner Report

a. Mayor Myers stated Public Works Commissioner e-mailed out his report and asked if he could put it on Facebook. He thought it would be good for people to see everything we take care of. Alderman Nemeth stated he might be opened to criticism, while some thought it was okay to do.

City Attorney Report

Attorney Jones stated he is working with Director Kopp on the notification process for nuisance properties and there is inconsistency with the dangerous building ordinance. He would like to correct this at the next meeting. Motion made by Alderman Nemeth, seconded by Alderman Stotler for Attorney Jones to bring those to the Board. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Police Department

Captain Locke stated the recent protest went uneventful, with zero incidents. He commended the Police Department for a job well done. They are very busy downstairs with search warrants and reviewing and updating procedures. In the past 2 weeks there have been 2 special events, and they were 2 officers down.

Miscellaneous

a. Approve Pay App # 3 for Lisa Lane Project in the amount of \$ 58,941.99

Motion made by Alderman Nemeth, seconded by Alderman Adams to approve Pay App # 3 for Lisa Lane. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

b. Approve Pay Application #2 and Pay App #3 for Bigfoot in the amount of \$ 52,942.57 and \$ 7,284.25

to be paid from Tourism Funds.

Motion made by Alderman Adams, seconded by Alderman Nemeth to approve Pay Application # 1 and # 2 for the BigFoot project to be paid from Tourism Funds. A voice vote was taken with an affirmative result.

c. Approve payment to “Common Ground” for Sunset on the Rails in the amount of \$ 500.00.

Motion made b Alderman Rahn, seconded by Alderman Frick to approve payment to “Common Ground” for Sunset on the Rails in the amount of \$ 500.00 to be paid form Tourism Funds. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried. Abstain: Alderman Nemeth.

d. Approve payment of \$ 224,318.75 from City Hall NID for Principal and Interest Payment to BNY Mellon.

Motion made by Alderman Adams, seconded by Alderman Stotler to approve the payment from the City Hall NID in the amount of \$ 224,218.75. A voice vote was taken with an affirmative result.

Motion made by Alderman Adams, seconded by Alderman Nemeth to postpone the reports of city officials, and go into executive session.

Executive Session 610.021 (1)(3)

Attorney Jones stated we would be going into Executive Session under 610.021 (1)(3). Motion made by Alderman Adams, seconded by Alderman Nemeth. A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Rahn, Alderman Frick, Alderman Johnson, Alderman Stotler. Nays: none. Whereupon Mayor Myers declared the motion carried.

The Board went into executive session at 9:45 p.m.

The Board reconvened at 9:54 p.m.

Present at roll call: Mayor Myers, Alderman Adams, Alderman Rahn, Alderman Frick, Alderman Johnson, Alderman Stotler, Alderman Nemeth, Attorney Jones, Administrator Roth.

Reports of City officials

Alderman Nemeth – No report

Alderman Adams – No report

Alderman Rahn – stated he was glad the COVID signs were going back up.

Alderman Frick – stated at 119 N. Columbus Street there was a business owner there who asked for two 15-minute parking signs. He has visited the site and looked into this and recommends the ordnance be changed and allow for one 15-minute parking spot. Discussion followed. Attorney Jones stated there is no ordinance for a business to have this. Alderman Rahn agreed with Alderman Frick. Motion made by Alderman Frick, seconded by Alderman Rahn for Attorney Jones to amend this, and allow for a 15-minute parking space and have on the agenda for the first reading at the next meeting. A voice vote was taken with an affirmative result.

Alderman Frick – stated he also noticed the sidewalk is bad down by Sansone on the east side of Columbus between Union and St. Louis St. Also, down from Ed’s Service Center he had a complaint of the ditch flooding and the water gets to the door at 118 E. Union.

Alderman Johnson – stated she would like support in the form of a Resolution from the Board for fireworks. In 2003 this was changed to an annual event. She will be coming off the Board in April and wants to make sure this keeps going. She would like a resolution that this stays in the hands of the City and the Tourism commission and not passed onto another organization. Mayor Myers stated to follow protocol of what the Board has been practicing, he suggested she go the Tourism Commission first. Alderman Adams stated we may also consider giving this to the Park Board also.

Alderman Stotler – No report.

Adjournment

There being no further business, motion by Alderman Nemeth, seconded by Alderman Adams to adjourn. A voice vote was taken with an affirmative result. The meeting adjourned at 10:20 p.m.


Steve Myers, Mayor

ATTEST:

City Clerk

