

August 4, 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. The meeting was held via Zoom Teleconferencing: The Public was able to via <https://us02web.zoom.us/j/89628736350> 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 Locke called in
PW Commissioner Brueggemann
City Clerk Barfield

Pledge of Allegiance

The Pledge of Allegiance is given.

Prayer

Pastor Gardner offered prayer this evening.

Approve Agenda

Motion made by Alderman Nemeth, seconded by Alderman Adams to table Bill No. 5029 & Bill No. 5030 for the second reading because Director Kopp was unavailable to answer any questions. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Minutes

A. Regular meeting on July 21, 2020.

Motion made by Alderman Stotler, seconded by Alderman Nemeth to approve the minutes of the regular meeting on July 21, 2020. A voice vote was taken with an affirmative result and Mayor Myers declared the motion carried.

Public Participation

Mayor Myers asked if anyone contacted Administrator Roth or City Clerk Barfield to speak this evening. They both stated that no one has contacted them.

Mayor's Report

a. Bill to amend the City Marshal qualifications (discussion only)

Alderman Adams stated he would like to go back to the sections that were not discussed at the last meeting. Alderman Nemeth stated we left off with Item C which is now B. The 10 items on the list are now down to 4. Attorney Jones provided Eureka's and St. Clair's Ordinance for review. He stated there was no special qualifications on theirs. Alderman Nemeth was not sure he agreed with having the special qualifications on ours, he suggested this be left up to the voters. Captain Locke stated a lot of cities do not have a need to review this legislation until there is a need. There was discussion on the requirement of "driver's license" Administrator Roth stated both Public Works and Police must have a driver license to be an employee, and there are no job descriptions that explains the job duties. Attorney Jones stated to remove an elected Marshal it will take the same process as a Mayor or Alderman. It requires an impeachment, there are no qualifications. If there is no specific qualification in this ordinance, then it could become a problem. He suggested leaving items 2 & 3 in the ordinance. Items 1 & 4 are additional. Alderman Johnson asked if any of the candidates the Mayor has interviewed had these qualifications. Mayor Myers stated "no" and he is not recommending anyone, this is for the qualifications of an elected candidate. Attorney Jones stated the City Clerk does not look behind any signed statement at the time of filing. If it was found out later then the removal process could begin. Alderman Adams stated, any appointment must be approved by the Board, if any Mayor brings a name and the Board did not think they met the current qualifications, then the Board has the right to not approve the candidate. He reminded everyone that a few years ago, we had this problem with an Assistance Chief of Police and his license was held by the State until he went to court. Alderman Frick thought if it was not going to be a requirement then it should be taken out. Captain Locke stated the Chief's position is not just Administrative. There are plenty of times the Chief would need to drive to a meeting or patrol the street. There was further discussion on if there was a disability involved and the candidate could not possess a license. Alderman Adams stated the Chief is responsible for his department. He can assign his Assistance or other employees to do anything he wants. **Motion made by Alderman Adams, seconded by Alderman Frick to strike item # 2 for the license.** Alderman Nemeth asked if he would add to his motion to strike items 1-4 and leave it all up to the voters to decide. Alderman Rahn disagreed with that addition to the motion. Alderman Adams suggested we do it line by line. A voice vote was taken with the following results: **Ayes: Alderman Adams, Alderman Nemeth, Alderman Frick. Nays: Alderman Stotler, Alderman Rahn, Alderman Johnson. The result was a tie 3-3. Mayor Myers stated he would break the tie with a "no" vote, so item # 2 will be left in.** Attorney Jones stated Line # 1 came from a sample ordinance. Captain Locke stated normally a person has their POST then becomes an officer. Mayor Myers stated more and more municipalities are requiring training and more experience. Alderman Frick thought we would be doing a dis-service not to ask for less. Alderman Nemeth stated

that again, we have no ability to validate any of the training. Attorney Jones agreed stating this responsibility is not placed on the Election Authority, which is the City Clerk. City Clerk Barfield stated if someone wanted to challenge it, they would contact the Ethics Commission. Mayor Myers stated our City Clerk is well trained and is receiving another award for Certified Municipal Official, which he is accepting on her behalf at the MML Conference this fall.

Motion made by Alderman Nemeth, seconded by Alderman Rahn to leave # 1. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Motion made by Alderman Nemeth, seconded by Alderman Stotler to leave # 3. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Motion made by alderman Nemeth, seconded by Alderman Rahn to leave # 4. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Mayor Myers asked if the final draft should come to the Board for the first reading at the next meeting.

Alderman Adams stated we did not discuss Section C at the last meetings items 5-10. City Clerk Barfield stated items 5, 8, 9 and 10 still needed to be discussed. Board members took no other action.

Motion made by Alderman Adams, seconded by Alderman Stotler to have the first reading at the August 18th meeting. A voice vote was taken with an affirmative result. Alderman Nemeth stated he would sponsor the Bill.

b. Appointment of Chief

Mayor Myers stated the appointment of a Chief has been put on his lap. He took this very seriously and has looked at the statute. The statute does not provide for a period when this must be done. He has decided that Captain Locke and his department are doing well enough. They have been challenged with several things and done remarkably well. He does not feel at this time he should make an appointment. The voters want an elected chief, so he is not going to make an appointment. Captain Locke will continue until the April election. The candidates must meet the qualifications to run for office as discussed. Alderman Rahn thought this was a good decision, Alderman Johnson thanked him. Alderman Adams stated to be clear, the qualifications we set out are to be met "before taking office" is that right. Alderman Nemeth stated that was correct.

New Bills

Alderman Rahn stated he would sponsor Bill No. 5032.

Bill No. 5032 An Ordinance authorizing acceptance of the Conveyance and Transfer of Certain Real property at 526 S. First Street (Franklin County Parcel ID 19-1-12.0-4-002-262.000) in the City in furtherance of the City's Voluntary Flood Buyout Program; authorizing the execution and recordation of certain documents in connection therewith; and authorizing further action in furtherance thereof. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5032 by title only for the first reading.

Alderman Adams stated he would sponsor Bill No. 5033.

Bill No. 5033 An Ordinance providing for the 25 M.P.H Speed Limit on a portion of Lisa Lane. As posted pursuant to the ordinance, Mayor Myers read Bill No. 5033 by title only for the first reading. Alderman Nemeth stated he would sponsor Bill No. 5034.

Bill No. 5034 An Ordinance establishing a new Stop Sign on Lisa Lane (1st reading)
As posted pursuant to the ordinance, Mayor Myers read Bill No. 5034 by title only for the first reading.

Consideration of Bills Previously Introduced

a. Bill No. 5023 An Ordinance authorizing acceptance of the Conveyance and Transfer of certain real property at 312 E. Orleans Street (Franklin County Parcel 19-1-12.0-4-004-154.000) to the City in furtherance of the City's Voluntary Flood Buyout Program; authorizing the execution and recordation of certain documents in connection therewith; and authorizing further action in furtherance thereof. (2nd reading)

Mayor Myers read Bill No. 5023 for the second reading by title. He stated this is the last house on the north next to Liberty Field. Motion made by Alderman Rahn, seconded by Alderman Stotler to approve Bill No. 5023. 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 and **Bill No. 5023 becomes Ordinance No. 3207.**

b. Bill No. 5024 An Ordinance authorizing acceptance of the Conveyance and Transfer of Certain Real Property at 114 E. Congress Street (Franklin County Parcel ID 19-1-12.0-4-003-205.000) in the City in furtherance of the City's Voluntary Flood Buyout Program; authorizing the execution and recordation of certain documents in connection therewith; and authorizing further action in furtherance thereof. (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5024 by title only for the second reading. This is the small white house by the recycling center. Mayor Myers asked for any discussion. Motion made by Alderman Rahn, seconded by Alderman Adams to approve Bill No. 5024. A roll call vote was taken with the following results: Ayes: Alderman Adams, Alderman Rahn, Alderman Frick, Alderman Johnson, Alderman Stotler, Alderman Nemeth. Nays: none. Whereupon Mayor Myers declared **Bill No. 5024 becomes Ordinance No. 3208.**

c. Bill No. 5025 An Ordinance authorizing acceptance of the Conveyance and Transfer of Certain Real Property at 804 S. First St (Franklin County Parcel ID 19-6-13.0-0-099-002.000) in the City in furtherance of the City's Voluntary Flood Buyout Program; authorizing the execution and recordation of certain documents in connection therewith; and authorizing further action in furtherance thereof. (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5025 by title only for the second reading. This house is at the southern entrance to Liberty Field. Mayor Myers asked for any discussion. Motion made by Alderman Stotler, seconded by Alderman Rahn to approve Bill No. 5025. 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. 5025 becomes Ordinance No. 3209.**

d. Bill No. 5026 An Ordinance authorizing acceptance of the Conveyance and Transfer of Certain Real Property at 220 E. Central (Franklin County Parcel ID 19-1-12.0-4-004-132.000) in the City in furtherance of the City's Voluntary Flood Buyout Program; authorizing the execution and recordation of certain documents in connection therewith; and authorizing further action in furtherance thereof. (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5026 by title only for the second reading. Mayor Myers asked for any discussion. Motion made by Alderman Rahn, seconded by Alderman Stotler to approve Bill No. 5026. 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. 5026 becomes Ordinance No. 3210.**

e. Bill No. 5027 An Ordinance authorizing acceptance of the Conveyance of Transfer of Certain Real Property at 302 South Elm Street (Franklin County Parcel ID 19-1-12.0-4-004-152.000) to the City in furtherance of the City's Voluntary Flood Buyout Program; authorizing the execution and recordation of certain documents in connection therewith; and authorizing further action in furtherance thereof. (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5027 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. 5027. 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 **Bill No. 5027 becomes Ordinance No. 3211.**

f. Bill No. 5028 An Ordinance authorizing acceptance of the Conveyance and Transfer of Certain Real Property at 718 South Fourth Street (Franklin County Parcel ID 19-12.0-4-001-302.000) in the city in furtherance of the City's Voluntary Flood Buyout Program; authorizing the execution and recordation of certain documents in connection therewith; and authorizing further action in furtherance thereof. (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5028 by title only for the second reading. This is past the Lumber Yard on the left if your heading south. Mayor Myers asked for any discussion. Motion made by Alderman Rahn, seconded by Alderman Frick to approve Bill No. 5028. A roll call vote was taken with the following results: Ayes: Alderman Adams, Alderman Rahn, Alderman Frick, Alderman Johnson, Alderman Stotler, Alderman Nemeth. Nays: none. Whereupon Mayor Myers declared **Bill No. 5028 becomes Ordinance No. 3212.**

g and h - Bill No. 5029 and Bill No. 5030 are tabled to the next regular meeting.

i. Bill No. 5031 An Ordinance providing for a Fifteen Minute Parking Space at 110 N. Columbus Street (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5031 by title only for the second reading. Mayor Myers asked for any discussion. Motion made by Alderman Johnson, seconded by Alderman Stotler to approve Bill No. 5031. A roll call vote was taken with the following results: Ayes: Alderman Rahn, Alderman Frick, Alderman Johnson, Alderman Stotler, Alderman Adams. Nays: Alderman Nemeth. Whereupon Mayor Myers declared **Bill No. 5031 passed 5-1 and becomes Ordinance No. 3215.**

City Administrator Report

a. Alley maintenance proposal

Administrator Roth stated he received a proposal from NB West for work on the alleys. The proposal submitted is generated from Ed Gass and proposes 977 square yards for \$ 4,900. His proposal is that the City split the cost with him and his neighbor to pave the alley by their homes. The quantity seems fair, but we have not gone out for quotes on this. The City does maintain alleys, but we have not resurfaced any since 2016. There is no budget specifically for this. The question to the Board is how they want to handle this. Alderman Adams thought if we allow this it opens it up for the rest of the citizens. If there is no policy or no intention to have one, then we should not allow them to take part in contributing to it. Alderman Nemeth and Alderman Johnson agreed. Administrator Roth stated there is no alley plan, and we need to put one together to look at on an annual basis. Alderman Adams suggested the Public Works Commissioner and City Administrator put together a plan to bring back to the Board for funding in the next agenda. **Motion made by Alderman Johnson, seconded by Alderman Adams for Public Works Commissioner Brueggemann and Administrator Roth to evaluate the alleys and put together a plan for the next budget. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Alderman Adams thought we should still discuss Ed Gass's request, and either accept it or deny it. **Motion made by Alderman Adams, seconded by Alderman Johnson to deny the request, and give the explanation that the City is putting together a plan to address alleys. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

b. Budget report

Administrative Roth stated the numbers he has for the fiscal year end June 30th are preliminary. The numbers look pretty good, and we have good fund balances. There were some line items we went over in such as health insurance, building maintenance at City Hall, and IT. The two Capital Improvement Projects are Hogan Stormwater and Preventative Maintenance Plan and they are a big part of the budget. There is no room after these projects, we need to build funds.

Public Works Commissioner Report

Public Works Commissioner Brueggemann stated the water in Hogan Subdivision will be off tomorrow to move the water mains. The Osage water main is disinfecting now also. Alderman Nemeth asked about getting rid of the cones and piles of gravel along Osage. PW Commissioner Brueggemann stated Gershenson is waiting for the water services to get done and then coming back to finish the sidewalk.

City Attorney Report

No report

Police Department

No report.

Miscellaneous

Reports of City officials

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Alderman Nemeth – No report

Alderman Adams – No report

Alderman Rahn – asked about getting the weeds cut past 21 Century between the road and the railroad tracks. Mayor Myers stated this is owned by the Railroad and we are always trying to get them to maintain. PW Commissioner Brueggemann stated he has e-mailed his contact and has not received any responses. Alderman Rahn also thought the puddles of water across from the mine needed to be smoothed out. Mayor Myers thought this was US Silicas' responsibility to maintain. Alderman Rahn thought the sign on the east end of town needed cleaned up and the weeds cut. He continued the weeds are 3' tall in front of NB West also.

Alderman Frick – stated he attended the Park Board meeting last night. The donated benches are at various parks. They also discussed the lounge chairs for the pool and approved purchasing 6 of them at \$ 120 each. Alderman Nemeth stated we only have about 6 weeks left of pool season and thought we needed an evaluation of what else was really needed for the next season. Mayor Myers reminded the Board that the lounge chairs along with the occupancy load request to be increased were from recommendations from the lifeguards. When he brought this to the attention of the Board of Aldermen, they sent it to the Park Board Committee. Alderman Adams agreed with Alderman Nemeth that we needed to see what else we needed at the pool. **Motion made by Alderman Adams, seconded by Alderman Johnson to approve additional funding if available for the purchase of 6 lounge chairs. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Alderman Frick stated they also discussed the Pacific Soccer Association and they have requested to use two fields during the day when the rodeo is here. Discussion followed. Alderman Nemeth stated they played last year on Saturday and the rodeo was that night and he did not remember any issues. Alderman Nemeth stated the Park Board did not think it was an issue but wanted to make sure. Alderman Johnson agreed.

Alderman Frick stated the Park Board voted last night to forgo the fees for the Pacific Soccer Association for this year. He thought we needed to decide how this works, this is a shorter season and the Association has done some improvements. They referenced an agreement they had with the City. Alderman Adams stated the fee is set for everyone and are not specific to any organization. Attorney Jones stated they are receiving a 50% discount because they are a local organization, according to the Code. Alderman Nemeth asked if the Park Board has the authority to waive fees. Alderman Adams stated they can make a recommendation but cannot say there is no fee. Alderman Nemeth agreed. Attorney Jones agreed that this would be a recommendation from the Park Board, they did not have the authority to waive fees, only the Board of Aldermen, which is by Statute. Alderman Adams agreed and did not think the Board of Aldermen should ever give up that right. Mayor Myers thought the Park Board should be able to waive fees and set a budget without the City micro-managing it. Alderman Adams stated we are a Fourth-Class City and the Statute gives us our authority based on that qualification. Attorney Jones agreed. Alderman Adams agreed and stated a Property Assessment Tax is for the Park Board. Mayor Myers asked Attorney Jones to research more options on the Property Assessment Tax. Alderman Frick stated he thought it was unclear what the Park Board can and cannot do. Mayor Myers asked Attorney Jones to put together a report of the powers of the Park Board. Administrator Roth stated whatever additional powers are granted by the Board they are put in an ordinance form. Alderman Adams stated the rules are to protect the taxpayers and part of the checks and balances.

Alderman Johnson – No report

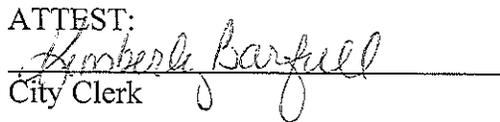
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Alderman Stotler – No report

Adjournment

There being no further business, motion by Alderman Nemeth, seconded by Alderman Johnson to adjourn. A voice vote was taken with an affirmative result. The meeting adjourned at 9:20 p.m.


Steve Myers, Mayor

ATTEST:

City Clerk

