

August 21, 2012 \* RECORD OF PROCEEDINGS

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

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The meeting was called to order at 7:00 p.m. by Mayor Adams. Meeting is held at Tri-County Senior Center at 800 W. Union St., Pacific, MO.

A roll call was taken with the following results:

Present at Roll Call: Mayor Adams  
Alderman Arnette  
Alderman Eversmeyer  
Alderman Bates  
Alderman Gass  
Alderman Reed  
Alderman Pigg

A quorum was present:

Also present:  
City Administrator Selby  
Attorney Vogel  
Chief Mansell  
Collector Kelley  
Engineer Rahn  
City Clerk Barfield  
Public Works Commissioner Boedges

The Pledge of Allegiance was given.

NEW BUSINESS

None

PUBLIC HEARING

- a. A public hearing will be held Tuesday, August 21, 2012 at 7:00 p.m. at a Special Board Meeting at the Tri-County Senior Center, 800 W. Union St., Pacific, Missouri, at which citizens may be heard on the property tax rate to be set by

the City of Pacific, a political subdivision. The tax rate shall be set subject to change, based on the State Auditor's approval, to produce revenues which the budget for the fiscal year beginning July 1, 2012 shows to be required from the property tax. The tax rate is determined by dividing the amount of revenue by the current assessed valuation. The result is multiplied by 100 as the tax rate will be expressed in center per \$ 100 valuation.

Mayor Adams opened the public hearing and read it into the record. Mayor Adams asked for any comments from the public. There being none, he asked for comments from the Board. There being no other comments, the public hearing was closed.

- b. A public hearing will be held Tuesday, August 21, 2012 at 7:00 p.m. at a Special Board Meeting at the Tri-County Senior Center, 800 W. Union St., Pacific, Missouri, as which time the Board will discuss amending Chapter 401 "Special Events" of the Municipal Code of the City.

Mayor Adams opened the public hearing and read it into the record. Mayor Adams asked for any comments from the public. There being none, he asked for comments from the Board. Alderman Eversmeyer stated this was approved at Planning & Zoning, but he was against it. He continued that he liked the 10:00 p.m. rule, and that it allowed for room for adjustment. Alderman Bates stated he agreed. Alderman Reed stated he researched this, and he was the one who made the request to re-consider, he stated according to the code this would exclude the city park, and Section 401.070 states the Building Commissioner reviews the applications. He continued it seemed the controls are already in place. Alderman Pigg stated he liked it the way it was, but would like the security changed. He stated recently there was an incident where only two people were on the site for security, he did not feel that was enough and suggested six staff members for security. Mayor Adams stated he did not agree with the security guards, the city cannot tell a business how many security guards are needed. Government has to be careful not to start restricting businesses. A business wants their cliental to return for the next event, without government becoming involved. Mayor Adams stated he never was in favor of the current ordinance, because government is telling an owner how to run their business, this ordinance needs repealed and he feels it was a serious mistake. Alderman Arnette stated he liked the 10:00 p.m. rule, and those that wanted it extended, have not been turned down. Mayor Adams stated that just because government says it is okay when they come to the board, don't make it a good law. There being no further comments, the public hearing was closed.

#### MAYORS REPORT

None

#### PUBLIC PARTICIPATION-SPEAKER CARDS

*Mike Gallagher, 6376 Highway O, Pacific* – stated he would like to discuss Heritage Farms Subdivision, he has a lot of money invested and asked for the status. Engineer Rahn stated the board has selected a contractor for the streets, Ameren has been contacted and they wanted the city to sign a contract that we could not sign, currently the city is trying to get them to move on that. Attorney Vogel stated Ameren is a private monopoly and the city cannot sign the agreement. We do not have a successor developer for this subdivision, and normally they would take over the costs. Taxpayers don't pay for private electric and that would be what the Ameren contract is having the city agree to. Government is not responsible for private electric. Mr. Gallagher stated he offered a successor developer agreement and everybody said "no". Attorney Vogel stated that Mr. Gallagher was not willing to sign the "city's" agreement. Mr. Gallagher stated he was willing to do the water, road and electric. Attorney Vogel stated that is the

difference than what others have signed, so there are no gaps, you cannot take just parts of what needs to be completed. Mr. Gallagher stated he knew he would have to sign the agreement with Ameren, but he felt like they have been put on the back burner. Attorney Vogel stated he would have to do what other developers have been required to do, the city is only building the street right now. The people who buy the land are responsible, if a developer does not come in. The board has awarded the contract and will move forward, and instead of the city keeping the escrow money the road will be installed. Ameren is responsible for the electric to the house. Alderman Reed asked if the city installs the street, who makes Ameren put the electric to the home? Attorney Vogel stated it is the property owner's responsibility to initiate that with Ameren. This is no different than when a business comes in and needs three-phase, that is between the property owner and Ameren. Attorney Vogel stated the improvements are "non-seperatable". The money covers everything, any short fall is the home owners. Alderman Bates stated this has all been pointed out before, we complete the streets, but that is not the whole picture, then the money is gone. What is the attraction to a successor developer? A private developer is good at what they do, and he felt we should not do the contract for the streets. Mr. Gallagher stated the contractor for the streets, and his agreement, happened at the same time. Mayor Adams stated the law cannot be negotiated. Attorney Vogel stated these are not city streets, and Ameren has an obligation to provide a service to a certain distance, that costs goes to the home owner. Motion made by Alderman Reed, seconded by Alderman Bates to NOT move forward with building the street. Mayor Adams stated there is already a signed contract. Administrator Selby stated in the contract with the contractor for the streets, the contractor is installing the pipe and the string. Alderman Reed withdrew his motion, and Alderman Bates withdrew his second.

*Ray Gullet, 261 Debbie Lane, Robertsville,* - stated he owns a piece of property on Indian Warpath and there is a water runoff problem between two buildings and an area 3' deep that somebody is going to get hurt in. He would put dirt in it and fill it, but it is not going to fix the runoff problem. He continued the city repaired a water line in front of one of the buildings and that area needs put back.

*Brandon Hofstetter, 900 Frisco Dr., Catawissa, MO* - stated he is part owner of the property off of Indian Warpath and has spoken to Code Enforcer Adams, and Engineer Rahn about this. Regarding Heritage Farms it seems to him it is very apparent that it was put on the back burner until they showed up here this evening, and he feels like the only way this gets moved on is to show up at a meeting. He also feels that some landowners have not even made an attempt to cut the grass in Heritage Farms, and he has to load everything up and get the grass cut on his lots, he does not feel like everyone is getting the same treatment. There are also lots in Westlake that have not been mowed. Administrator Selby stated Heritage Farms is not on the back burner, and somebody from staff has been working with Ameren every day, or staff discusses an issue. Attorney Vogel stated this is frustrating for everyone. We still have foreclosed properties, and this is the 2<sup>nd</sup> time on the whole subdivision, this makes things very complicated.

Motion made by Alderman Eversmeyer, seconded by Alderman Arnette to move forward on the agenda this evening. A roll call vote was taken with the following results: Ayes: Alderman Arnette, Alderman Eversmeyer, Alderman Pigg. Nays: Alderman Bates, Alderman Gass, Alderman Reed. Mayor Adams declared the motion tied 3-3. Mayor Adams stated he would break the tie with a "yea" vote, and the motion passed 4-3, and they would discuss this for 10 more minutes.

Mr. Gullet asked if a meeting could be set to try to come up with a plan and figure some of this out, because the owners need electric to the house. Alderman Reed suggested meeting to see if somebody (a contractor) could sign the agreement with Ameren and something be worked out. He continued that if somebody would ensure these guys the city inspections would be done, maybe they could sign the agreement. Mr. Hofstetter stated that they would just have to trust the contractor does the job right, and the city does the inspections, he continued he wanted to work this out, and have the electric and the

streets. He reminded the Board, they were here for the long haul and have a vested interest. Mr. Gullet stated Gold Star was the contractor for the streets, he was a good friend of his, maybe Mr. Gallagher could sign the contract with Ameren and install the electric. Attorney Vogel stated the city was building the road, this other issue is a requirement of Ameren. Mayor Adams stated they needed to meet with Administrator Selby on this issue. He stated everything the city does will be at the highest standard, we just paid for a state audit and we do our job well and will continue to do so.

*Bob Bober, 1360 Northshore Dr., Catawissa, MO* – stated he is asking this evening to close E. St. Louis Street between First St., and Olive St. on September 22, 2012 for Railroad Days. He has spoken with the UPRR and they are going to bring a locomotive in for the event. It is a Heritage Fleet type. He continued the train show that is being held at the Eagles is sold out for that day. Motion made by Alderman Reed, seconded by Alderman Gass to close E. St. Louis Street between First St., and Olive St., on September 22, 2012 for Railroad Days. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

### COMMITTEE REPORTS/REPORTS OF CITY OFFICIALS

Alderman Gass – stated there is a meeting in Union, Mo tomorrow night regarding a 14% increase that Ameren is imposing.

Alderman Pigg – stated there was a boil water order from Public Water District III for Eagles View Subdivision, and the residents were not contacted. The City was also not notified, and he felt we should have been. Attorney Vogel stated he would review the contract with the Water District, but thought the city should have been contacted. Alderman Pigg also inquired about the Walk/Don't Walk lights on Osage St. Engineer Rahn stated MoDot is pouring the pad currently.

Chief Mansell – stated that Alderman Gass asked for the stop signs to be removed at First St., and W. Union St. A traffic study was conducted and due to the heavy parking and traffic he does not recommend this.

Alderman Gass – suggested the light on Osage St., needed to stay green longer.

Public Works Commissioner Boedges – suggested no parking signs on Palisades at Westmoor Condo's approximately 25'. Chief Mansell stated there has been a problem with fire trucks getting through also. Alderman Bates stated he would visit the site.

Park Board – President Flannery stated Donna Williams previously resigned, but now would like to be back on the board. They have a member "Jenine Shafer" who was appointed to the committee, but after numerous attempts to contact her, still has never been to a meeting. According to the by-laws, after three no calls/no shows, they can ask for her removal. He continued she has not been to a meeting in a year. He would like to have Donna Williams fill her term. Motion made by Alderman Reed, seconded by Alderman Eversmeyer to remove Jenine Shafer from the Park Board Committee, and Donna Williams to fill her term. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

### INTRODUCTION OF NEW BILLS

BILL NO. 2859

AN ORDINANCE AMENDING CHAPTER 401, "SPECIAL EVENTS" OF THE MUNICIPAL CODE OF THE CITY OF PACIFIC CONCERNING HOURS OF OPERATION.  
(1<sup>st</sup> reading)

Motion made by Alderman Reed, seconded by Alderman Gass to approve the first reading of Bill No. 2859. A roll call vote was taken with the following results: Ayes: Alderman Gass, Alderman Reed. Nays: Alderman Eversmeyer, Alderman Bates, Alderman Pigg, Alderman Arnette. Mayor Adams declared the motion failed 4-2 and Bill No. 2859 will be removed from the agenda.

BILL NO. 2861            AN ORDINANCE FIXING THE TAX RATE FOR THE CITY OF PACIFIC, COUNTIES OF FRANKLIN AND ST. LOUIS, STATE OF MISSOURI, FOR THE YEAR 2012 AND ESTABLISHING THE EFFECTIVE RATE THEREOF. (*1<sup>st</sup> reading*)

Motion made by Alderman Gass, seconded by Alderman Bates for the first reading of Bill No. 2861. A voice vote was taken with an affirmative result, whereupon, Mayor Adams declared the motion approved 6-0. As posted pursuant to the Ordinance, City Clerk Barfield read Bill No. 2861 by title only for the first reading. There being no objections or corrections, Mayor Adams declared the bill will continue to the second reading.

#### CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

BILL NO. 2859            AN ORDINANCE AMENDING CHAPTER 401, "SPECIAL EVENTS" OF THE MUNICIPAL CODE OF THE CITY OF PACIFIC CONCERNING HOURS OF OPERATION (*2<sup>nd</sup> reading*)

Mayor Adams stated this has been removed from the agenda.

BILL NO. 2861            AN ORDINANCE FIXING THE TAX RATE FOR THE CITY OF PACIFIC, COUNTIES OF FRANKLIN AND ST. LOUIS, STATE OF MISSOURI, FOR THE YEAR 2012 AND ESTABLISHING THE EFFECTIVE RATE THEROF. (*2<sup>nd</sup> reading*)

Motion made by Alderman Gass, seconded by Alderman Bates for the second reading of Bill No. 2861. As posted pursuant to the Ordinance, City Clerk Barfield read Bill No. 2861 by title only for the second reading. There being no objections or corrections, Mayor Adams called for a roll call vote with the following results: Ayes: Alderman Bates, Alderman Gass, Alderman Reed, Alderman Pigg, Alderman Arnette, Alderman Eversmeyer. Nays: none. Whereupon, Mayor Adams declared Bill No. 2861 passed 6-0, approved it and it became Ordinance No. 2841.

#### MISCELLANEOUS

A. Approve Andrew Whiteman to Corporal.

Motion made by Alderman Pigg, seconded by Alderman Gass to approve Andrew Whiteman to Corporal. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0. Mayor Adams stated when the budget is revised in January it would include an increase for this employee.

B. Approve liquor license application for Kristina Krauss, D'Angelos Inc., 101 E. Union St., for a Special Permit by the drink on September 22, 2012 for Railroad Days and use of city property

through Pacific Partnership.

City Clerk Barfield stated this application has been amended and a Caterer's Permit has been applied for. Motion made by Alderman Bates, seconded by Alderman Pigg to approve a caterer's permit liquor license application for Kristina Krauss, D'Angelos Inc., 101 E. Union St., Pacific, Mo for a special permit by the drink for September 22, 2012 for Railroad Days and use of city property through Pacific Partnership. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-0. Abstain: Alderman Reed.

C. Approve appointment of Donna Williams to the Park Board – term to expire May 2015.

Motion made by Alderman Arnette, seconded by Alderman Reed to approve the appointment of Donna Williams to the Park Board – term to expire May 2015. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

NEW BUSINESS

RESOLUTION NO. 2012-42 A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE CAPITAL IMPROVEMENT SALES TAX FUND TO THE LEASEHOLD REVENUE BOND FOR THE ADMINISTRATIVE FEE'S PAYMENT ACT # 129086.1

As posted pursuant to the Ordinance, City Clerk Barfield read Resolution No. 2012-42 by title only. Motion made by Alderman Bates, seconded by Alderman Gass to approve Resolution No. 2012-42. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

RESOLUTION NO. 2012-43 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF PACIFIC AND THE PACIFIC PARTNERSHIP FOR THE ADVERTISEMENT OF COMMUNITY EVENTS.

As posted pursuant to the Ordinance, City Clerk Barfield read Resolution No. 2012-43 by title only. Motion made by Alderman Reed, seconded by Alderman Gass to approve Resolution No. 2012-43. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

RESOLUTION NO. 2012-44 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF PACIFIC AND THE ROUTE 66 RAILFAN VISITOR CENTER & MUSEUM FOR THE ADVERTISEMENT OF RAIL EVENTS.

As posted pursuant to the Ordinance, City Clerk Barfield read Resolution No. 2012.44. Motion made by Alderman Arnette, seconded by Alderman Reed to approve Resolution No. 2012-44. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

RESOLUTION NO. 2012-45 A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH LIQUID ENGINEERING FOR THE CLEANING AND INSPECTION OF THE POTABLE WATER SYSTEM.

As posted pursuant to the Ordinance, City Clerk Barfield read Resolution No. 2012-45. Motion made by Alderman Reed, seconded by Alderman Gass to approve Resolution No. 2012-44. Alderman Gass stated on the contract the size of the tanks was incorrect. Motion made by Alderman Reed, seconded by Alderman Gass to amend the motion to approve, once the correct size of the tanks was on the contract. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

EXECUTIVE SESSION

Executive Session 610.021 (1)

Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and it's attorneys.

Mayor Adams stated the Board would be going into executive session under RSMO 610.021 (1). Motion made by Alderman Gass, seconded by Alderman Pigg to go into executive session under RSMO 610.021 (1). A roll call vote was taken with the following results: Ayes: Alderman Arnette, Alderman Eversmeyer, Alderman Bates, Alderman Gass, Alderman Reed, Alderman Pigg. Nay: None. Whereupon, Mayor Adams declared the motion passed 6-0.

The Board went into executive session at 8:50 p.m.

The Board reconvened at 9:29 p.m.

A roll call vote was taken: Present at roll call was Alderman Eversmeyer, Alderman Bates, Alderman Gass, Alderman Reed, Alderman Pigg, Alderman Arnette.

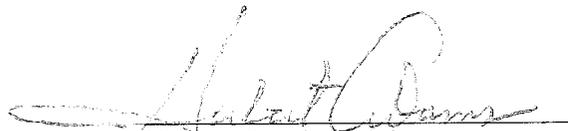
Mayor Adams stated there was not action taken.

RECEIVED AND FILED

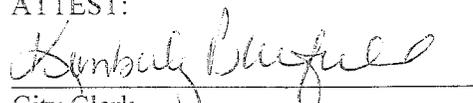
ADJOURNMENT

There being no further business, motion made by Alderman Arnette, seconded by Alderman Gass to adjourn. A voice vote was taken with an affirmative result and Mayor Adams declared the motion approved 6-0

The meeting adjourned at 9:29 p.m.

  
Herbert C. Adams, Mayor

ATTEST:

  
City Clerk