



March 5, 2013 * 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 Adams.

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
Public Works Commissioner Boedges
City Clerk Barfield

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

A. Regular Meeting- February 19, 2013

Motion by Alderman Reed, seconded by Alderman Eversmeyer, to approve the minutes of the regular meeting held February 19, 2013. A voice vote was taken with an affirmative result and Mayor Adams declared the minutes approved 6-0.

PUBLIC HEARING

None

MAYOR'S REPORT

PUBLIC PARTICIPATION-SPEAKER CARDS

Mayor Adams reminded everyone, if they wanted to address the Board of Aldermen to fill out a speaker card, at the bottom of the card in red, it states everyone is allowed five minutes.

Reverend W. Michael Gardner, 561 Coventry Farms Road, Villa Ridge, Mo, stated he would like to offer prayer this evening. Prayer was given.

Adam Krauss, 101 E. Union St., Pacific, Mo stated he was present this evening on behalf of the Partnership and would like to request to close a downtown streets for the cruise night. He is also coordinating this with Chief Mansell. Chief Mansell asked Mr. Krauss if he had heard back from MoDot regarding closing First St., he has not heard back yet, but Alderman Gass stated this was the city's street, there was only a maintenance agreement from the center to 22'. Discussion followed regarding who owned First St., and Chief thought it was the State and Alderman Gass thought it was the city. Mayor Adams stated that staff would check on this, but also a Special Use Permit was needed. Motion made by Alderman Gass, seconded by Alderman Bates for preliminary approval, based on coordinating with the chief and state if necessary. A roll call vote was taken with an affirmative result, and Mayor Adams declared the motion approved.

Danette Hoven, 603 W. Osage, stated she owned a home in 2011 on First St. and paid a prorated amount for taxes, but later found out the tax wasn't paid, but was returned to the city, and is requesting a refund of this money. Attorney Vogel stated payment was submitted to the county and the county returned the payment stating no taxes were due. He continued there should be a tax due on the property for the portion of the year that she owned the property, once the city has ownership the property is exempt. The county returned the payment stating they would not take partial payment. Collector Kelley stated the county made a decision today to generate bills for the prorated amount. Ms. Hoven stated she has a zero tax bill for 2011 along with a letter from the county stating the taxes were waived. Attorney Vogel stated that she has paid her taxes at closing, she is now out of the picture. He continued that we think the tax money should be disbursed to the entities. Administrator Selby stated some of the tax money for properties they kept, and others they did not. Attorney Vogel stated under Chapter 039.031 does not permit the city to refund tax money. Collector Kelley stated Linda Edmonds, Franklin County Collector, was producing bills on the properties and she would be delivering the checks tomorrow.

Matt Gerling, 119 Phelan, Pacific, Mo stated he was representing the Pacific Youth Association and had questions about the article in the paper regarding the \$ 30,000 for the Cardinal Care being taken out of the budget. Mayor Adams stated as he remembered it there was a meeting briefly before a board meeting, Mr. Gerling thought that money and meeting was for a bridge for access to the property. Mayor Adams stated the PYA was to bring back to the board a long and short term plan so the community would know what they are buying into, he never received this

and has never heard anything more from the PYA. He continued that he was still committed to the Cardinal Care, but there has to be an even playing field. Mayor Adams stated if the board was agreeable he would meet with staff regarding putting the funds back in the budget. There were no objections.

Pat Smiley, 109 W. St. Louis St., Pacific, MO stated he wanted to address two items with the board: The first was the Action Riders are hosting a poker run downtown, and he was asking for approval. Mayor Adams stated this has already been approved, but a special events permit was needed. Attorney Vogel reminded the board, a special use permit can be approved by staff unless they are seeking a city service. The next was regarding Liberty Walk, and he wanted to update the board, he has raised \$ 12,500 approximately. Copies of a list of sponsors was administered, he is also researching the plaques. He would also like to erect the rebound wall at Liberty Field in the spring. Park Boards President Steve Flannery, stated the Park Board has seen a plan and they approved the concept, along with the Tourism Committee, but they needed to see something in more depth on the design. He also thought that adding the bathrooms at the park onto the same no rise certificate would save money. He added the site plan needed to be approved, and the location. Mr. Smiley stated there was discussion about the location and he felt the rebound wall should be able to be used from both directions, but the park board wanted them to have it at the end nearest the road, and he felt there was a safety problem there. Mr. Smiley stated he was hoping a no rise certificate could be done in conjunction with the walk and hoped the city would help with it. Wunderlick gave him an estimate of \$ 2,000-\$7,000. Motion made by Alderman Arnette, seconded by Alderman Pigg for the city to start on the no rise certificate process since this is at a city park. Alderman Reed thought the pavilion should be added onto the no rise certificate. Alderman Bates thought this needed to be placed on the agenda for discussion, Mayor Adams suggested Todd Streiler also being involved. All motions were withdrawn at this time.

Motion made by Alderman Gass, seconded by Alderman Reed for Engineer Rahn to obtain pricing for the site plan including the no rise certificate for the rebound wall/restroom and memorial walk. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved.

Alderman Pigg left the room.

Mr. Smiley stated that Cameron at Wunderlick told him that anything under 4' high does not require a certificate, so he did not think one was needed for the plaques. He would like to start ordering the plaques for the walking trail. Mayor Adams stated construction is not to begin for the plaques until he checks back with city hall.

April Aubuchon, 2314 Silver Lake Est., Pacific, Mo stated she owned a business at 136 W. St. Louis St., but would like to hold her comments.

Steve Reed, 1946 Heather Lane, Pacific, Mo wanted to discuss the two hour parking on St. Louis St. Alderman Pigg returned. Mr. Reed continued that he bought his building in 1986 and thought the two hour parking in front of his business was necessary. He continued he knows the benefits of the two hour parking for the businesses, because otherwise there are cars parked there

all day long and business is lost. Tonight he is requesting that if voted on, they leave the 2 hour parking restriction in place in front of 104 W. St .Louis St.

Brad Reed, 116 Janey Lane, business owner of 104 W. St. Louis St., asked to be removed from the dias. Mayor Adams stated Alderman Reed will be approaching the board from the podium with the audience. Mr. Reed cited Section 400.500 regarding the business district. Brad Reed stated the parking restrictions on St. Louis St., were needed for his business. The signs have already proven they are needed for safety at the bank, loading and unloading at another business. He has spoken to some of the businesses in this area, and they express frustration with the parking on the street. He suggested for the people who are residents in this area, a parking pass be issued, and if safety is an issue the police department be contacted. He continued that in 1986 they paid for a parking lot, and in 1987 the enhancements to their building and street. The signs eliminate a lot of the problems, and removing the signs for Alderman Eversmeyer does not solve the parking problem. Alderman Arnette and Alderman Gass have both witnessed an employee of another business parking in front of his business, and over the white line. Alderman Pigg has been complaining about trucks turning around in his lot. He continued that in order to promote business in the downtown area the signs were needed. Other towns have restricted parking to help promote the downtown business. He asked the mayor, administrator and chief how many complaints they have had. The chief has only received one. He is requesting the signs stay in front of his business. Mayor Adams stated for the record, he did not instruct Mr. Reed to stay within his five minutes, but he did. Alderman Pigg stated the difference between the two issues is the trucks are turning on his private lot, this parking problem is on a city street.

Larry Mueller, 146 W. St. Louis St., stated on behalf of the downtown business associations, he is asking for approval of a St. Patricks Day Parade on March 16, 2013. Chief Mansell stated they are only crossing the tracks once, and they have met with the Burlington Northern. Motion made by Alderman Gass, seconded by Alderman Bates to approve the St. Patrick's Day Parade on March 16, 2013. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-0. (Alderman Reed has not returned to dias). Engineer Rahn stated a special use permit was required.

Jeff Palmore, 709 W. Union, Pacific, MO, stated he was concerned with no deed being issued for his lots, even though the board agreed to change the registry at the last meeting. He reviewed fees that he has been charged verses what was authorized. He stated there were three different deeds with different owners, and now a fourth one, this is an example of why a deed should be issued anytime a transfer is done. Discussion followed regarding Nettie Brooks families lots, and how lots have been transferred without a deed being issued. Attorney Vogel stated that change in registry was based on documents being presented by Mr. Palmore. Mr. Palmore read from State Statue Chapter 214.030 and the word "shall" means it is mandatory and interpretation between Attorney Vogel and himself was discussed. Attorney Vogel stated the current ordinance states a deed is issued when money is paid, which is why the board was going to change the registry. Mayor Adams stated that it seemed he should meet with Alderman Reed and Alderman Gass, Attorney Vogel and Administrator Selby to discuss further.

Alderman Reed returned to the dais.

CITY ADMINISTRATOR/CITY ATTORNEY REPORT

Administrator Selby asked the board to approve a Special Events Permit for the Tri-County Senior Center for a 5K Run. He also asked the City to partner and sponsor this event, in purchasing the metals. Motion made by Alderman Gass, seconded by Alderman Arnette to approve the Special Events Permit, along with sponsoring this event and purchasing the metals. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0. Administrator Selby stated Cornerstone Insurance and Cochran Engineering are also sponsoring the event.

Administrator Selby stated he received word about a State Wide network of Radio Communications, and Pacific was chosen to be one of those sites.

Alderman Arnette stated he received two calls regarding a crosswalk on Osage from Queens to the Pharmacy. He asked if we could ask the state for lights and a crosswalk, because the residents at Millstone Village are walking. Discussion followed regarding that being a busy spot, but the city will look into it.

Tourism Committee – Alderman Arnette stated the brackets for the flags came in.

Geneology Committee – Alderman Arnette stated their computer is hooked up.

Alderman Eversmeyer thought the Public Works Department did a good job removing the snow on St. Louis St. He also stated the Eagles voted to donate \$ 5,000 to the Senior Center this year.

Alderman Bates asked about the blasting. Administrator Selby stated he hasn't heard anything since them telling him it was a timing difference.

Alderman Gass stated that if Highway N is now the city's, then the Hwy N signs needed to be taken down. He continued that he saw a city tractor on a job the other day and it needed tires, he thought they should be ordered and a rear seal was leaking on it that needed replaced. He continued that he heard one of the dump trucks had salt sitting in the bed for a month and this will eat up the bed, if that has happened he would like to see that repaired right away also. He also asked about Lamar Parkway and if the city is power washing the bridge after bad weather, because the salt will eat away at it.

Alderman Reed asked about the status of the additional signs for tractor trailers. He reminded the board that Tom White, ATI was willing to pay for a sign. Mayor Adams stated the city is responsible for signage, but would suggest that he contribute those funds to an organization.

Alderman Reed stated he would still like to see improvements on Union Street with the bridge and lights installed there.

Alderman Reed stated since the last meeting he has heard some discussion regarding the roundabout and how none of the comments he heard were positive. Administrative Selby stated there are sidewalks on the plan for foot traffic, once we find out if the application was approved

then engineering would be done and public comment. Alderman Bates stated he also heard negative remarks, Alderman Pigg stated he received a few calls also.

Alderman Gass left the room.

Mayor Adams reminded the public about the Master Plan and if the public had any comments as we go through this to please give their input.

Alderman Gass returned.

INTRODUCTION OF NEW BILLS

BILL NO. 2880 **AN ORDINANCE APPROVING A DONATION AGREEMENT TO ACCEPT THE CONVEYANCE OF CERTAIN REAL PROPERTY TO BE DONATED TO THE CITY BY WELLS FARGO BANK, N.A.**
(1st reading)

Motion made by Alderman Arnette, seconded by Alderman Eversmeyer to approve the first reading of Bill No. 2880. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2880 for the first reading. There being no objections or corrections, Mayor Adams stated the second reading would be this evening.

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

BILL NO. 2880 **AN ORDINANCE APPROVING A DONATION AGREEMENT TO ACCEPT THE CONVEYANCE OF CERTAIN REAL PROPERTY TO BE DONATED TO THE CITY BY WELLS FARGO BANK, N.A.** *(2nd reading)*

Motion made by Alderman Arnette, seconded by Alderman Pigg to approve the second reading of Bill No. 2880. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2880 for the second reading by title only. A roll call vote was taken with the following results: Ayes: Alderman Arnette, Alderman Eversmeyer, Alderman Bates, Alderman Gass, Alderman Reed, Alderman Pigg. Nays: none. Whereupon, Mayor Adams declared the motion approved 6-0, and Bill No. 2880 became **Ordinance No. 2860**.

INTRODUCTION OF NEW BILLS

BILL NO. 2881 **AN ORDINANCE AMENDING SCHEDULE IV OF CHAPTER 365 OF THE MUNICIPAL CODE OF THE CITY OF PACIFIC TO ELIMINATE THE PARKING RESTRICTIONS TO CERTAIN AREAS OF ST. LOUIS ST.**
(1st reading)

Motion made by Alderman Gass with an amendment to leave the two hour parking from 2nd St on the north side to the parking lot entrance of the bank and on the south side of St. Louis St with First St. intersection, up to and including Kaleiodscope.

April Aubuchon, 2314 Silver Lake Estates, stated she is concerned about the parking at her business at 136 W. St. Louis St. She thought the 2 hour parking signs for her worked out well for the customers. She asked the board to put more consideration into this, and thought a business district should have a parking policy. Alderman Bates stated the vision of the city at the original public hearing was to always have a district where people could shop and walk. For six years we have heard nothing, and most of the businesses down there are a multi-use building.

Nancy Omer, 313 E. Franklin, stated her business is at 107 W. St. Louis St., and she feels like we all have the same objective and that is the concern of the customers parking. She thought everyone just needed to be good neighbors.

Chief Mansell stated he met with the bank and they have no issue with the parking.

Motion made by Alderman Gass to withdraw the original amendment and keep the two hour parking on St. Louis St. on the south side of First St. west to the west wall of Kaleiodscope. Alderman Pigg stated Handlebars has a problem with the two hour parking, and Alderman Eversmeyer agreed, this is a public street with parking for everyone. Mayor Adams asked three times for a second. There being none, the amended motion died to lack of a second, and the bill stands as read.

Motion made by Alderman Gass, seconded by Alderman Pigg for the first reading of Bill No. 2881. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-0. Abstain: Alderman Reed. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2881 for the first reading. There being no objections or corrections, Mayor Adams stated the bill will continue to the second reading at the next meeting.

Ron Sansone, 135 W. St. Louis St., stated he has eleven buildings, six of which are businesses, and nobody contacted him regarding the parking problem. He stated he thought somebody would contact him since this is such an issue.

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

BILL NO. 2878

AN ORDINANCE AMENDING SECTION 200.150, "DISCIPLINE AND DEPARTMENT" OF THE MUNICIPAL CODE OF THE CITY OF PACIFIC, APPROVING THE CHIEF OF POLICES REVISED GENERAL ORDER RR 1/3 ENTITLED "GENERAL RULES OF CONDUCT" AND REVISING THE CITY PERSONNEL POLICY DISCIPLINE PROCEDURES. (2nd reading)

Motion made by Alderman Eversmeyer, seconded by Alderman Pigg for the second reading of

Bill No. 2878. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2878 by title only for the second reading. A roll call vote was taken with the following results: Ayes: Alderman Eversmeyer, Alderman Bates, Alderman Gass, Alderman Reed, Alderman Pigg, Alderman Arnette. Nays: none. Absent: Whereupon, Mayor Adams declared Bill No. 2878 approved 6-0 and it became **Ordinance No. 2858**.

NEW BUSINESS

RESOLUTION NO. 2013-04

A RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH DAVEY RESOURCE GROUP RELATED TO A PUBLIC TREE INVENTORY.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2013-04 by title only. Motion made by Alderman Reed, seconded by Alderman Arnette to approve Resolution No. 2013-04. Administrator Selby stated this is through a Park Grant, and should be completed by the end of May. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

MISCELLANEOUS BUSINESS

A. Approve Kelsey Schleusner as a Reserve Police Officer.

Motion made by Alderman Pigg, seconded by Alderman Gass to approve Kelsey Schluesner as a Reserve Police Officer. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

B. Approve appointment of Ricky Patel to the Tourism Commission.

Motion made by Alderman Arnette, seconded by Alderman Eversmeyer, to approve the appointment of Ricky Patel to the Tourism Commission. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

C. Approve Osage CID 2013-2014 annual budget.

Motion made by Alderman Reed, seconded by Alderman Bates to approve the Osage CID 2013-2014 annual budget. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

TOURISM EXPENSES

EXECUTIVE SESSION RSMO 610.021 (1)(2)(3)

Mayor Adams stated he would like to go into executive session under RSMO. 610.021 (1) (2).

Motion made by Alderman Pigg, seconded by Alderman Gass to go into executive session under RSMO. 610.021 (1)(2). A roll call vote was taken with the following results: Ayes: Alderman Bates, Alderman Gass, Alderman Reed, Alderman Pigg, Alderman Arnette, Alderman Eversmeyer. Nays: none. Whereupon, Mayor Adams declared the motion approved 6-0.

The Board went into executive session at 9:30 p.m.

The Board reconvened at 10:02 p.m.

Mayor Adams stated that Neil Brennan has brought up a gate at Denton Road, and the city has looked into this in depth, and his claim is correct. Administrator Selby stated over a year ago Randy George asked the city for a gate to be moved by the Wastewater Treatment Plant. Neil Brennan owns three acres down there. There was a problem with people parking there against the railroad tracks. The city spoke to Henry Alt at the time about this and he agreed, and said to use the same locks as on his gate. Mr. Brennan complained about the gate, but about 3 weeks ago he said something new, and that was about part of the road being vacated. Now that we have the new computer system with Franklin County, we were able to look it up ourselves and he was right. The vacation starts by Cell Two, and the gate is on a public street. Mr. Brennan was contacted and Administrator Selby told him he was right, and apologized to him, he also notified Henry Alt and he thinks Mr. Brennan would be okay if that part of the road was vacated. The gate has been removed, but they may come back and ask for this vacation. Mayor Adams instructed City Clerk Barfield to prepare a letter to Mr. Brennan on behalf of the Mayor and Board of Aldermen advising him of this.

RECEIVED AND FILED

ADJOURNMENT

There being no further business, motion made by Alderman Reed, 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 10:10 p.m.

APPROVED

Herbert C. Adams, Mayor

ATTEST:

City Clerk

