



April 2, 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- March 19, 2013

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

PUBLIC HEARING

None

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 reads everyone is allowed five minutes.

Reverend Harold Harrison, 1999 Hwy N, Pacific Mo, for Ministerial Alliance, stated he would like to offer prayer this evening.

Grant Thornton, 311 N. Seventh St., Pacific, MO 63069 stated he was a citizen in good standing and a business owner at 118 S. Fourth St. Pacific, Mo. He stated he made application for a pawn, guns, loans & sales store to be located at 205 N. First St., Pacific, MO, as he owns this building. He read from the City Code Chapter 610 and section 400.120. He said although Pacific's regulations are much tighter than the state's he would abide by the cities. He also read from the staff report of Planning & Zoning from March 29, 2013. He stated he has received support from the community, and promised to operate in compliance, and asked that the Board of Aldermen approve his Conditional Use Permit this evening.

April Aubuchon, 136 W. St. Louis St., Pacific, Mo stated she is asking the board this evening for 2 hour parking between First St. & Second St., on the south side of St. Louis St. She continued that five of the businesses are in favor of this.

Ron Sansone, 137 W. St. Louis St., Pacific, Mo stated he wanted to speak against the pawn shop, this does not add anything to the community or that area. We have kids at the school, and guns close to it does not make any sense. This just brings an element of hard core to the town and hurts property values.

Bob Schneider, 1841 S. Hwy N., Pacific, MO stated he is also a member of the IDA, the Chamber and on the board at Bank Star. He is aware that we need businesses and industry in town, but pulling off of Osage to First St., is seeing a pawn shop really what you want? This property is 14' away from a residence, he is concerned about the safety of the private school and churches in this area. He continued this building is only 700 square feet, and not enough room for large items.

Antonio Escamille, 180 Lamar Parkway, Pacific, Mo stated he is asking for a special events permit for El Agava, with a time extension until midnight. Mayor Adams stated this is on the agenda for this evening, and will be discussed.

Jeff Palmore, 709 W. Union, Pacific, Mo stated we have discussed a meeting regarding the deed issue and that has not happened yet. There is an ordinance before the board this evening and he questioned if there was justification for the \$ 25.00 fee for a deed transfer and on the last page it reads that a funeral can be delayed and that sounds threatening to him, and thought this could be sending out the wrong message. Administrator Selby stated he spoke to Mr. Palmore earlier and he did not mention anything to him about this ordinance, in fact two weeks ago when this was passed out to everyone for review, he has not heard from anyone. Mr. Palmore stated he did not want this to be read twice tonight. Alderman Gass stated the board could read it once tonight, and then meet with Mr. Palmore before the next meeting. Alderman Reed agreed. Mayor Adams thought they were meeting after the ordinance was passed, and he thought there were two different issues being discussed. He continued, to have a private meeting with Mr. Palmore about the ordinance should not be done, if discussion was needed then let's do it tonight. Mr. Palmore stated he was promised a meeting a month and a half ago, this ordinance is a direct result of the problem of the transfer of deeds. Attorney Vogel stated that the Hancock Amendment applies to taxes and fees, things known as "revenue generators" fees for service are not subject to this. This is a transfer that avoids someone going to court, if we look at the process your replacing a recording, we are discussing deeds obtained not going through the transfer process. It is a fee for service, there is nothing in Hancock that says the fee has to be documented, so yes it is legal. He continued the intent is to issue a single deed, so it is just the \$ 25.00 fee. Alderman Gass did not see a need for a meeting once this is passed. Mr. Palmore stated he could meet the requirement of the ordinance, but not sure the city could.

Corey Glackin, 221 S. Columbus St., Pacific, Mo stated he was in favor of the gun shop. This has to be regulated under a federal firearms dealer, and feels he runs a good business now; this will be a nice shop for Pacific.

Cory Schefker, 114 S. Fourth St., Pacific, Mo stated he was in support of the gun shop 100%. He continued a man should be able to get a loan if he needs to in this town, and a pawn shop is how his parents were able to put food on

the table plenty of times. This is no different than a gold store.

Bridget Dooley, 403 N. Sixth St., Pacific, MO stated she opposed the pawn shop, there are kids to close, and thinks it should be located somewhere else.

Mike Gallagher, 6376 Highway O, Pacific, stated he supported the pawn shop. His kids go to St. Bridget's school and there is a bar closer to the school than the pawn shop, in this economy we need the businesses.

MAYOR'S REPORT

Certificate of Recognition : Austin Repp, Jeff Miller, Joe Rind, Dalton Voyles, Joon Kim, Josh Franek.

Alderman Arnette presented a Certificate of Appreciation to Dalton Voyles and Josh Franek for their success at the state level in wrestling. The other certificates were sent home with the families.

CITY ADMINISTRATOR/CITY ATTORNEY REPORT

Administrator Selby reminded the Board about the tree inventory being done in the parks. They have started compiling data into a report, and have plotted every tree in the park system.

Swimming Pool – Administrator Selby stated last fall we had a problem with the pool leaking and we had that fixed, but other work needs to be done. Westport Pools has submitted a quote to sandblast and paint the pool in the amount of \$ 7,372.00. The YMCA won't even bid on the contract for the summer unless the works is done. Tonight he is asking for approval for Westport to do the painting so we can be sure the pool is open before the holiday. Alderman Gass thought it should be put out to bid with specifications. Motion made by Alderman Pigg to approve Westport Pools for the painting, because every year we are not ready for the holiday. Administrator Selby reminded the board last time it was put to bid the low bid came in around \$ 60,000. He continued in order for the YMCA to even give us a quote for the summer we have to have the work done, but he is also going to get a quote from Midwest and then compare it to us managing it ourselves. We may be able to save money managing it. He stated he spoke to Lu's Pool and they know what chemicals we need to have, so if they provide the materials the city may be able to provide the labor. The swim team is here and the YMCA charges them for life guards. Attorney Vogel stated our ordinance is the only requirement for bidding, the board has the right to waive the bidding process, and if this is not sole source then include that in the motion. **Motion made by Alderman Bates, seconded by Alderman Eversmeyer to move forward with Westport Pool Management Company without further bidding to sandblast and paint the pool in the amount of \$ 7,372.00. Amended motion made by Alderman Bates, seconded by Alderman Eversmeyer to include this as a Professional Services Contract because the figure is over \$ 3,500. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.**

Ameren – Attorney Vogel stated at the last meeting he was instructed to contact Ameren regarding Heritage Farms and their responsibility in this subdivision. He is reporting back to the board this evening that Ameren will do their job, the owners just need to contact the.

Engineer Rahn, stated he has an application for a Farmers Market on the lot that the city leases to the Partnership. The farmers market would be open from April – October. Motion made by Alderman Reed, seconded by Alderman Gass to approve a Farmers Market from April – October. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

Tourism Committee – Alderman Arnette stated they will be meeting on Monday.

Junk-n-Java – Alderman Reed stated they are moving into the Distinctive Design building.

Alderman Reed asked about the sewer line in Hawthorne Subdivision and if that had been taken care of. Engineer Rahn stated the problem was with the connection itself and did not need replacing.

Alderman Pigg stated he thought the city hall needed to be a polling place again, because at the Eagles you have no

idea who belongs to what ward. Mayor Adams stated this was up to the election board, but we can contact them.

Planner Todd Streiler, stated the update on the comprehensive plan was in the packets.

INTRODUCTION OF NEW BILLS

BILL NO. 2882 AN ORDINANCE OF THE CITY OF PACIFIC, MISSOURI AMENDING CHAPTER 605 RELATING TO ISSUANCE OF LICENSES (1st reading)

Motion made by Alderman Arnette, seconded by Alderman Reed to approve the first reading of Bill No. 2882. 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. 2882 for the first reading. There being no objections or corrections, Mayor Adams stated the second reading would be this evening.

BILL NO. 2883 AN ORDINANCE AMENDING CHAPTER 135 “CEMETERIES: TO ADD A NEW SECTION 135.045 ENTITLED “TRANSFERS OF GRAVES & GRAVE LOTS” (1st reading)

Motion made by Alderman Gass, seconded by Alderman Pigg to approve the first reading of Bill No. 2883. Motion made by Alderman Bates, seconded by Alderman Pigg to strike the language on the 2nd page that begins with the word “failure” and ends with “ceremony”. Alderman Gass asked what the purpose of the ordinance was if that was going to be withdrawn. Attorney Vogel stated this ordinance was drafted from other ordinances with the same scenario. Jeff Palmore stated that Sexton Bruns stopped a procession of his to obtain signature on an interment order, he thought that ordinance addresses Alderman Bates’ concern. Alderman Bates withdrew his motion, Alderman Pigg withdrew his second. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

There being no objections or corrections, Mayor Adams stated the second reading would be this evening.

BILL NO. 2884 AN ORDINANCE AMENDING SCHEDULE IV OF CHAPTER 365 OF THE MUNICIPAL CODE OF THE CITY OF PACIFIC TO ELIMINATE CERTAIN TIME-LIMIT RESTRICTIONS ON UNION STREET THAT CONFLICT WITH THE PROHIBITION OF PARKING ON UNION STREET CONTAINED IN SCHEDULE III. (1st reading)

Motion made by Alderman Gass, seconded by Alderman Reed to approve the first reading of Bill No. 2884. Engineer Rahn stated this was in direct conflict with the schedule, this allowed for parking in front of McDonalds on Union Street. There being no objections or corrections, Mayor Adams stated the second reading would be this evening.

BILL NO. 2885 AN ORDINANCE AMENDING THE MUNICIPAL CODE BY REPEALING SECTION 200.065 AND AMENDING SECTIONS 500.040 AND 500.140 TO RETURN THE SUPERVISION AND AUTHORITY OVER THE CODE ENFORCEMENT AND ANIMAL CONTROL OFFICER TO THE BUILDING DEPARTMENT AND TO PLACE THE SAFETY OFFICER UNDER THE SUPERVISION AND AUTHORITY OF THE CITY ADMINISTRATOR. (1st reading)

Motion made by Alderman Reed, seconded by Alderman Gass to approve the first reading of Bill No. 2885. Chief Mansell stated when this position was put in the police department there was confusion on the job, and his job description exceeds more than police, and he should be put with the administrator. Administrator Selby stated in the last 3-4 years, since Richard Adams has become the safety officer, the scores we receive from MIRMA have improved, and just with that savings alone, his salary is paid. There being no objections or corrections, a voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

BILL NO. 2882

**AN ORDINANCE OF THE CITY OF PACIFIC, MISSOURI
AMENDING CHAPTER 605 RELATING TO ISSUANCE OF
LICENSES. (2nd reading)**

Motion made by Alderman Reed seconded by Alderman Bates to approve the second reading of Bill No. 2882. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2882 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. 2882 became **Ordinance No. 2862**.

BILL NO. 2883

**AN ORDINANCE AMENDING CHAPTER 135 “CEMETERIES”
TO ADD A NEW SECTION 135.045 ENTITLED “TRANSFERS
OF GRAVES & GRAVE LOTS” (2nd reading)**

Jeff Palmore stated he thought he mis-spoke, there is an ordinance that already covers the internment orders, and that language that we talked about previously in the meeting he thought could be removed. Motion made by Alderman Bates, seconded by Alderman Pigg to amend and remove from Bill No. 2883 on the 2nd page, the sentence that begins with “Failure and ends with ceremony”. As posted pursuant to the ordinance, Attorney Vogel read Bill No. 2883 for the second reading in full.

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. Whereupon, Mayor Adams declared Bill No. 2883 passed 6-0 and became **Ordinance No. 2863**.

BILL NO. 2884

**AN ORDINANCE AMENDING SCHEDULE IV OF CHAPTER 365
OF THE MUNICIPAL CODE OF THE CITY OF PACIFIC TO
ELIMINATE CERTAIN TIME-LIMIT RESTRICTIONS ON
UNION STREET THAT CONFLICT WITH THE PROHIBITION
OF PARKING ON UNION STREET CONTAINED IN SCHEDULE
III. (2nd reading)**

Motion made by Alderman Pigg, seconded by Alderman Gass to approve the second reading of Bill No. 2884. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2884 for the second reading by title only.

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 and Bill No. 2884 became **Ordinance No. 2864**.

BILL NO. 2885

**AN ORDINANCE AMENDING THE MUNICIPAL CODE BY
REPEALING SECTION 200.065 AND AMENDING SECTIONS
500.040 AND 500.140 TO RETURN THE SUPERVISION AND
AUTHORITY OVER THE CODE ENFORCEMENT AND
ANIMAL CONTROL OFFICER TO THE BUILDING
DEPARTMENT AND TO PLACE THE SAFETY OFFICER
UNDER THE SUPERVISION AND AUTHORITY OF THE CITY
ADMINISTRATOR.**

Motion made by Alderman Arnette, seconded by Alderman Reed to approve the second reading of Bill No. 2885. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2885 for the second reading by title only.

A roll call vote was taken with the following results: Ayes: Alderman Gass, Alderman Reed, Alderman Pigg,

Alderman Arnette, Alderman Eversmeyer, Alderman Bates. Nays: none. Whereupon, Mayor Adams declared Bill No. 2885 passed 6-0 and it became **Ordinance No. 2865**.

NEW BUSINESS

A. Discuss Conditional Use Permit for a Pawn, Guns, and Loans & Sales Store to be located at 205 N. First St., Pacific, Mo 63069; Grant Thornton, Applicant.

Alderman Eversmeyer stated that Planning & Zoning met last Tuesday and denied the conditional use permit for the pawn shop 5-0; they did not feel condition # 2 and 3 were met. Attorney Vogel explained if the aldermen wanted to affirm or reverse the planning & zoning decision, new findings and facts would be needed and a new hearing at planning & zoning. Alderman Eversmeyer stated at the planning & zoning meeting there were concerns about the location from public, the sale of guns, and everyone that spoke was against it. Attorney Vogel stated if the aldermen affirm the decision of planning & zoning then staff would bring back to the aldermen the formulation of the findings and facts. If the aldermen want to reverse it then a new hearing would be required. Alderman Bates stated he supported St. Bridget's, but some of the comments made earlier about property value could also apply to vacant buildings downtown. Motion made by Alderman Bates, seconded by Alderman Gass to refer this back to Planning & Zoning to reconsider and everyone offer evidence on the impact this would have on the properties. The applicant stated he understood and has new evidence to present, along with a petition of 34 signatures in favor of it. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

MISCELLANEOUS BUSINESS

A. Approve Package Liquor License Application for Dollar General, Robbin Griffith, 505 E. Osage, Pacific, Mo 63069.

Motion made by Alderman Gass, seconded by Alderman Pigg to approve the Package Liquor License Application for Dollar General, Robbin Griffith, 505 E. Osage, Pacific, MO 63069. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

B. Approval of time extension for El Agave on a special events permit on Friday, May 3, and Saturday, May 4 for Cinco de Mayo to play live music until 12:00 midnight.

Motion made by Alderman Reed, seconded by Alderman Gass, to approve the time extension for El Agave on a special events permit on Friday, May 3 and Saturday May 4 for Cinco de Mayo to play live music until 12:00 midnight. Alderman Pigg was concerned that history was going to repeat itself and suggested more security, and consulting with the company that Phil Zahn uses for Cave Jam. Mr. Escamillo stated he has consulted with this company and a representative was present, they stated he would be monitoring the event. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

C. Approve the Land and Lot Delinquent List & Personal Delinquent List from City Collector.

Motion made by Alderman Gass, seconded by Alderman Eversmeyer to approve the Land & Lot Delinquent List & Personal Delinquent List from the city collector. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

April Aubuchon, stated she would like for the board to give her an answer this evening for the two hour parking in front of her business. Motion made by Alderman Gass, seconded by Alderman Reed to allow two hour parking on the south side of St. Louis Street from First St. to Second St. and draft a bill for the next meeting. Mayor Adams asked if she understood what was happening, that if this failed the subject has died, she stated she understood. A voice vote was taken and failed. Mayor Adams declared the motion failed.

TOURISM EXPENSES

RECEIVED AND FILED

ADJOURNMENT

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

The meeting adjourned at 9:00 p.m.

APPROVED

Herbert C. Adams, Mayor

ATTEST:

City Clerk