

June 4, 2013 \* 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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**T**he 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 Bates  
Alderman Myers  
Alderman Gass  
Alderman Johnson  
Alderman Pigg

A quorum was present:

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

The Pledge of Allegiance was given.

**APPROVAL OF MINUTES**

**A. Regular Meeting- May 21, 2013**

Motion by Alderman Pigg, seconded by Alderman Arnette, to approve the minutes of the regular meeting held May 21, 2013. A voice vote was taken with an affirmative result and Mayor Adams declared the minutes approved 6-0.

**PUBLIC HEARING**

A. A public hearing regarding the Fiscal Year 2013-2014 Budget, which begins July 1, 2013 through June 30, 2014.

Mayor Adams opened the public hearing and read it into the record. He opened the floor to the audience for comments. There being no comments, City Administrator Selby read the Budget Message. Mayor Adams stated this budget included for the 3<sup>rd</sup> year in a row, \$ 10,000 towards the Senior Center. There is also a 2% increase for employees effective January 1, 2014. Also are funds allocated for a cemetery study in the amount of \$ 12,000. The

Board originally hired Brian May for this, but that was not accomplished. He will be recommending more than just a counting of headstones, but to also look at the sale and purchase of cemetery lots, he is suggesting this goes out to bid and published throughout the State of Missouri. The bid will be put together by our local, experienced people, starting with Mr. Palmore and the City Sexton Alan Bruns, along with the city attorney and staff. The bid specifications will be brought to the board for approval before it goes to bid. This process will also go through the Cemetery Committee. He hopes this project to be completed before December. He is sure the results of this are not going to be perfect, but as were the results of the State Audit, he is sure this will also be something to be proud of.

There being no further comments, the public hearing was closed.

### **PUBLIC PARTICIPATION-SPEAKER CARDS**

*Jeff Palmore, 709 W. Union, Pacific, MO* stated he was still waiting on a meeting with the Board. Before, Alderman Bates made the comment about the transfer of ownership, he will not use this process to transfer his deeds. This is a perfect process if it is a deed transfer of two willing parties, then it is a good ordinance. He continued this is not clear in his situation, the sexton sold his grave spaces and created a counterfeit deed to cover it and the Mayor, City Clerk and City Attorney knowingly tried to cover this up. He continued the study cannot be completed without his records, and he has spent 5 years and thousands of dollars getting these records. Originally the board voted to have a meeting with me, and Alderman Gass illegally cancelled it. He does support the study though.

*Nancy Omer, 313 E. Franklin, Pacific, MO* stated she was present on behalf of the Pacific Lions Club along with Rose Ryder, and they wanted to thank the city for their help with the flags and displaying them. They were displayed on Memorial Day, and it really made the town look nice. They will be displayed three more times in the future. This could not of been done without the help of Mayor Adams, Administrator Selby, Alderman Arnette, Public Works Commissioner Boedges, and Chief Mansell.

*Matt Vickers, 2318 Silver Lake Estates, Pacific, MO* stated he was here tonight for the fourth time, requesting no smoking within 20' of the playground. The playgrounds are for our children, not smokers.

### **MAYOR'S REPORT**

### **CITY ADMINISTRATOR/CITY ATTORNEY REPORT**

### **COMMITTEE REPORTS/REPOTS OF CITY OFFICIALS**

Alderman Gass stated we needed to get the parking lines on Columbus, Second, and Third Street painted. Also the commuter lot needed done and St. Louis Street, and this needed to be completed immediately.

Alderman Bates stated a while back Pauline Masson asked him what project he thought had the most impact on the town, and he did not give a good answer, but tonight he has an answer. He continued with all the storms he thought one of our best projects was the Siren System, he hopes the city also keeps this commitment and residents appreciate this.

Alderman Myers stated he was contacted two days ago from the daughter of an elderly couple who has cancer, but they received a letter from the Code Enforcement Officer. He contacted Enforcement Officer Adams, and realized that he coordinates a volunteer bank for families that cannot get their grass cut at no charge, and thought he should be recognized for that effort. Administrator Selby will handle this. Alderman Pigg stated Code Enforcement Officer Adams receives help from the Ministerial Alliance and churches volunteer to help; Alderman Myers thought they should also be recognized.

Alderman Myers continued that the City of Bourbon has a fallen marine coming home on June 5, 2013 and the procession is on I-44 coming through Pacific. He thought anyone that was available with flags should show their support.

Alderman Myers also asked about the property by the on and off ramps and asked if that could be beautified.

Administrator Selby stated this was the State's but there are funds out there that can only be used for beautifying, and he will contact them.

Alderman Johnson stated she visited the sidewalks that have been discussed previously with the rust on them. She agreed it is an eyesore, and with her experience she made a few calls, and the concrete can be painted with a two-part epoxy to help cover it up, but it is not removable, and she thought this would be a low cost. Public Works Commissioner Boedges stated he also found a sealer he was going to try on it. Alderman Pigg thought this was ridiculous when there are sidewalks that are waiting to be repaired. Engineer Rahn stated there is a whole list of sidewalks they are working on now that bulky trash is completed.

Alderman Pigg thought projects should be prioritized by hazard. He was at the city park looking at the cigarette butt request and found the fence by the bank stops short, and there is an exposed drop off of 20-30' and this needs to be taken care of. There was also a swing that was ripped, and one of the pipes is bent on one of the pieces of equipment. That seemed more important than the cigarette problem.

Alderman Pigg asked about the status of the Eckelkamp property with the trailer park, as this is still an ongoing problem. Mayor Adams stated that he spoke with Engineer Rahn and he will contact him in about two weeks, as he understands Mr. Eckelkamp just got married and is on his honeymoon. Alderman Pigg thought the sewer pipes also needed to be checked because he did not think they were capped.

Alderman Bates stated Planning & Zoning will meet next week.

Park Board Committee – Chairman Flannery thanked the board for the funds in the park department for capital improvements, and he can see they are working together to increase our park system. The binoculars at Blackburn Park are being shipped. In regards to the fencing across the creek, the PYA at one time said they were going to get new fence installed. Alderman Pigg thought they were talking about two different problems; the spot he was speaking of is cleaned out and is inviting to the kids.

Tourism Committee – Alderman Arnette stated there was no meeting this month.

Assistant Chief Cook stated we would be receiving about 26 flowers as a donation from the prison for city hall.

### INTRODUCTION OF NEW BILLS

#### **BILL NO. 2893 AN ORDINANCE ADOPTING THE FISCAL YEAR 2013-2014 BUDGET & WAGE AND SALARY SCHEDULE FOR APPOINTED OFFICIALS & EMPLOYEES OF THE CITY OF PACIFIC. (1<sup>st</sup> reading)**

Motion made by Alderman Pigg, seconded by Alderman Bates to approve the first reading of Bill No. 2893. 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. 2893 for the first reading. There being no objections or corrections, Mayor Adams stated the second reading will be at the next regularly scheduled meeting.

### CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

#### UNFINISHED BUSINESS

A. Discuss Park Board Committee Request of “no smoking within 20' of the playground equipment”.

Mayor Adams stated the Park Board is asking for a sign or an ordinance prohibiting smoking within 20' of the playground equipment. Chairman Flannery stated originally they were requesting signage and ash cans. In the packet there was a copy of Chapter 250, along with two different options of an ordinance the board could review. Mayor Adams asked for discussion two times. There being none, he asked once more. **Motion made by Alderman Gass, seconded by Alderman Myers to install no smoking signs within 20' of the playground equipment along with butt cans throughout the whole park system.** For clarification this was just a sign with no ordinance, which means it is voluntarily, no citation can be issued without an ordinance. Alderman Myers stated he did some research

and when someone is smoking a cigarette they only ingest 2-3 mg, but when the butt is on the ground and a child picks it up and puts it in their mouth, they ingest 20 mg with just that butt, and that is toxic. He can see this a potential liability if we don't try to stop it. Alderman Pigg stated we created part of this, because there are no waste cans available. When he was at the park he found four band-aids with blood on them and about a dozen soda bottle caps, are we going to ban that also. Alderman Johnson stated we are going to have the same problem at Liberty Field. Alderman Bates agreed with the butt cans being installed. Alderman Arnette stated there are butt cans at ADAMS Garden, that the city DID NOT purchase, and they seem to be working. Alderman Pigg challenged everyone to go down to St. Louis Street by Handlebars, those girls have put out buckets for the smokers and it is helping. **A roll call vote was taken with the following results: Ayes: Alderman Myers, Alderman Gass. Nays: Alderman Arnette, Alderman Bates, Alderman Johnson, Alderman Pigg. Mayor Adams declared the motion failed 4-2.**

**Motion made by Alderman Pigg, seconded by Alderman Myers to install ash cans throughout the whole park system. A roll call vote was taken with the following results: Ayes: Alderman Myers, Alderman Bates, Alderman Gass, Alderman Johnson, Alderman Pigg, Alderman Arnette. Mayor Adams declared the motion approved 6-0.**

### **NEW BUSINESS**

**RESOLUTION NO. 2013-11      A RESOLUTION APPROVING AN AGREEMENT WITH ROSS, SPINNER & KUMMER, P.C. FOR COMPILATION SERVICES FOR FISCAL YEAR JULY 1, 2012 THRU JUNE 30, 2013 FOR THE CITY OF PACIFIC AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.**

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2013-11 by title only. Motion made by Alderman Bates, seconded by Alderman Gass to approve Resolution No. 2013-11. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

**RESOLUTION NO. 2013-12      A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A PURCHASE WITH EUREKA RENTAL FOR A NEW FERRIS MOWER.**

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2013-12 by title only. Alderman Bates asked if we looked into the manpower verses the mower or would bidding out the additional properties be more economical. Administrator Selby stated for one cut at Liberty Field the cost is \$ 700.00. Discussion followed. Motion made by Alderman Gass, seconded by Alderman Pigg to approve Resolution No. 2013-12. A voice vote was taken with an affirmative results and Mayor Adams declared the motion approved 5-1. Nays: Alderman Bates.

**RESOLUTION NO. 2013-13      A RESOLUTION AUTHORIZING APPROVAL OF A SUCCESSOR DEVELOPER AGREEMENT GUARANTEEING INSTALLATION OF SUBDIVISION IMPROVEMENTS FOR EAGLES VIEW SUBDIVISION.**

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2013-13 by title only. Motion made by Alderman Arnette, seconded by Alderman Gass to approve Resolution No. 2013-13. Attorney Vogel stated this Successor Developer Agreement is with BJP and is the landowner and property owner, but they are separate from MCBride. MCBride is not the developer, but McBride may be buying some of the lots from BJP. McBride is building the homes and buying from Jack Davis, who is BJP. This is a shell corporation, and is still required to submit a Letter of Credit. The city holds forfeited funds of \$ 208,820.95, of which 92,000 will be transferred to a line item of forfeited funds and another letter of credit for \$ 76,120 required, totaling \$ 168,120. From the \$ 92,000 of forfeited funds the siren at Eagles View will be paid for and the remaining will go to road contingency line items for street improvements throughout the city. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

### **MISCELLANEOUS BUSINESS**

**TOURISM EXPENSES**

A. Approve invoice from See Coast Manufacturing Co. in the amount of \$ 5,732.76 to be paid from the tourism funds for binoculars.

Motion made by Alderman Pigg, seconded by Alderman Bates to approve the invoice from See Coast Manufacturing to be paid from the tourism funds. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

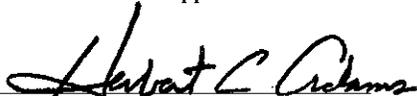
**EXECUTIVE SESSION RSMO 610.021 (1)(2)**

**RECEIVED AND FILED**

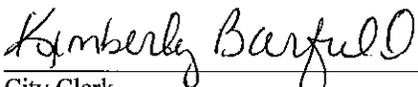
**ADJOURNMENT**

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

The meeting adjourned at 8:43 p.m.

  
Herbert C. Adams, Mayor

ATTEST:

  
City Clerk