



APPROVED

December 6, 2011 * RECORD OF PROCEEDINGS

**CITY OF PACIFIC
REGULAR MEETING OF THE BOARD OF ALDERMEN
800 W. UNION ST
PACIFIC, MISSOURI 63069**

The meeting was called to order at 7:00 p.m. by Mayor Adams. Mayor Adams stated we would be sticking to the agenda this evening, and anything that can be handled under normal business hours to do so.

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-November 1, 2011

Motion by Alderman Pigg, seconded by Alderman Reed to approve the minutes of the regular meeting held November 1, 2011. A voice vote was taken with an affirmative result and Mayor

Adams declared the minutes approved 6-0.

PUBLIC HEARING

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 it reads each person is allowed 5 minutes.

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

Bill McLaren, 654 Phelan, Pacific, MO, stated he was speaking for Pat Smiley this evening as he had to work. Mr. Smiley has made his presentation to the Tourism Commission and the Park Board and the Partnership. He is operating under the Partnerships 501C3. He is putting together a walking trail for Liberty Field, and will be present in front of this board in January. He would like to continue to move forward with the project and start raising funds. The trail will be $\frac{3}{4}$ of a mile long and historical granite markers will be placed along the trail indicated the start of the civil war to the present. Steve Flannery, Park Board President, stated the park board approved the preliminary plan, but requested a more detailed plan. Motion made by Alderman Gass, seconded by Alderman Pigg to move forward with the plans for the trail and raising funds. Alderman Reed stated he wanted to be sure final approval came from the park board. Mayor Adams stated the board of aldermen should get a final request for approval from the park board once that is completed. Motion made by Alderman Gass, seconded by Alderman Pigg to amend his motion to grant preliminary approval with approval from the park board and final approval from the board of aldermen. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

Diana O'Rourke, 1935 Kesha Court, Pacific, MO, stated she is a volunteer for the Boy Scout Troop # 329. On February 14, 2012 they are hosting a District Event. Every year the Boy Scouts travels somewhere for this event, and this year they are coming to Pacific. The event will include a hike, visiting the cannon and other things. They would like to use Liberty Field as their meeting point and this a day event. These events are for the whole family and hike is 3-5 miles and then they are having a sledding event. She continued this was presented to the Park Board already, and advised them there would be no camping. Motion made by Alderman Gass, seconded by Alderman Pigg to approve the use of Liberty Field for the Boy Scouts Troop # 329. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

William Rutledge, 523 W. Osage, Pacific, MO, stated the city needed to collect the escrow from all the property owners that was needed to fix the sidewalks going east. Administrator Selby stated he would follow up on this.

Louis Pach, 1977 Still Creek Pass, Wildwood, MO, stated he is representing Unison Site Management and asked when the offer for the wireless easement in the amount of \$ 153,000 offered to the city be discussed. Attorney Vogel stated we have a signed offer in the amount of

\$ 375,000 from a competitor; although, this offer has not been taken yet. Mr. Pach stated he did not know of another offer. Attorney Vogel stated we could send him the agreement, and if so they could counter offer. Mr. Pach stated he would contact Administrator Selby tomorrow.

Pat Lynch, IUOE Local 148, stated on the agenda this evening is a resolution for the memorandum of understanding and hoped the board would endorse and approve this evening.

Jimmy Smith,

MAYOR'S REPORT

A. Inez lane, Crenshaw, Kathy Lane, Candlewick

No report

B. Backstoppers

Mayor Adams stated he received the report back from the banquet. The money the city raised topped the city of Washington, so the mayor challenged the next community to raise more than \$ 6,057.83.

C. Candlewick

Mayor Adams stated the people on Candlewick are not forgotten. Engineer Rahn is working on a positive approach to relieve truck traffic on Payne St.

D. State Auditor

Mayor Adams stated next Wednesday, November 9, 2011 the State Auditor has accepted our invitation to give the community the results of the state audit. He continued this meeting will not be a meeting of the city officials, but will be a posted meeting, because of city business being discussed with aldermen present.

E. Jim Smith

Mayor Adams stated this is regarding the building on the south side of town. Mr. Smith has not been successful in obtaining a "no rise" certificate. Tonight he is instructing Administrator Selby and Engineer Rahn to contact him if he has not scheduled to meet with the Board of Adjustment by the next regularly scheduled Board of Aldermen meeting. He requested Mr. Smith to be present at the next board meeting to explain to the citizens of Pacific. Our organization chart shows that above the mayor and board is the citizens-he needs to explain to the citizens why he has not yet accomplished this certificate. Not being present is not an act of good faith without some explanation of how and when he will obtain the certificate, he will be put on notice that I will act upon that building after the meeting.

MISCELLANEOUS

- A. Approve invoice from Pacific Fire Department in the amount of \$ 6,090 to be paid from the Project Fund per Ordinance 2804.

Motion made by Alderman Arnette, seconded by Alderman Bates to approve the invoice from Pacific Fire Department in the amount of \$ 6,090 to be paid from the Project Fund per Ordinance 2804. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-1. Alderman Reed voted “nay”.

- B. Approve invoice from West Contracting in the amount of \$ 17,285.51 for the W. Osage Street Improvements to be paid from the Osage-Cid.

Motion made by Alderman Eversmeyer, seconded by Alderman Gass to approve the invoice from West Contracting in the amount of \$ 17,285.51 for the W. Osage Street Improvements to be paid from Osage-Cid. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0. Alderman Pigg asked if this project was complete, Engineer Rahn stated it is complete, but waiting for final inspection from MoDot. This is for the road improvement part of the project only. The covers on the cross walks will be taken off.

- C. Approve Change Order # 1 from Karrenbrock Construction for the Old Gray Summit Road Sidewalks Project.

Motion made by Alderman Eversmeyer, seconded by Alderman Arnette to approve Change Order # 1 from Karrenbrock Construction for the Old Gray Summit Road Sidewalk Project. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0. Administrator Selby stated this change order was for the retaining wall.

Jeff Palmore asked about the handicap assess ability where it was paved around the corner at Seventh St. It looks steep and dangerous. Engineer Rahn stated this met the requirements accepted by MoDot.

- D. Approve Pay Application # 2 from Karrenbrock Construction for the Old Gray Summit Road Sidewalks Project in the amount of \$ 25,834.80.

Motion made by Alderman Reed, seconded by Alderman Gass to approve Pay Application # 2 from Karrenbrock Construction for the Old Gray Summit Road Sidewalks Project in the amount of \$ 25,834.80. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-1. Alderman Pigg voted “nay”.

- E. Review of Lisa Lane Project.

Attorney Vogel stated the agreement was for improvements to the street in a short period of time, but no specific development or use was approved. That time period has expired and there is no pending development. A letter was sent to them to provide a “request for extension” for the board to approve. Then the board would extend a new time if they so desired. Currently they still need to submit a written request of why they didn’t meet the deadline and how much of an extension they needed. This has not been done.

F. Review of Heritage Farms Project

Attorney Vogel stated the second developer is not in default with no extension requested, but there are property owners that want the road to be finished. Alderman Bates asked if there was a payout to the second developer. Attorney Vogel stated the board approved a Successor Development Agreement, with a payout in the form of a check to the developer. Discussion followed.

G. Approve Dollar General Architectural Elevation Plans

Administrator Selby stated he contacted Dollar General and they agreed to an awning on the front, with vegetation on the side and split face block on three sides. These drawings show these changes. Motion made by Alderman Bates, seconded by Alderman Pigg to approve Dollar General Architectural Elevation Plans. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

H. Approve List of Bills

Motion made by Alderman Reed, seconded by Alderman Pigg to approve the list of bills. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

I. Approve pay application # 2 from J. E. Foster Building Company to be paid from the Project Fund per bond Ordinance # 2804.

Motion made by Alderman Pigg, seconded by Alderman Eversmeyer approve pay application # 2 from J. E. Foster Building Company to be paid from the Project Fund per bond Ordinance # 2804. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-1. Alderman Reed voted “nay”.

CITY ADMINISTRATOR /CITY ATTORNEY REPORT

None

COMMITTEE REPORTS/REPORTS OF CITY OFFICIALS

Alderman Reed, stated Eagles View Subdivision had their subdivision meeting. The developer turned over all three seats. Dan Rahn has been selected to fill one of those seats.

Alderman Gass, stated he wanted the ruts at the cemetery to be repaired at the north end of the cemetery. The brush and weeds at the cemetery also need cut. There is also a swale in Indian Hills behind Judy Mason’s home that has filled back in that needs dug out.

INTRODUCTION OF NEW BILLS

AMENDED BILL NO. 2826

AN ORDINANCE AUTHORIZING ZONING FROM “M-1” LIGHT INDUSTRIAL DISTRICT TO THE “M-1” LIGHT INDUSTRIAL DISTRICT “PUD-PDM” PLANNED UNIT DISTRICT-FOR A .168 ACRE TRACT OF LAND LOCATED AT 119 W ORLEANS STREET THEREBY ALLOWING THE CONSTRUCTION OF BUILDINGS AND USES FOR A CREAMATORY FACILITY AS PERMITTED UNDER WITH THIS PLANNED-USE ORDINANCE. *1st reading*

This was continued.

Engineer Rahn stated he is working with the developer, but thought there was one issue the board needed to be aware of. We are at a point of deciding if M-1 or C-1 is the best zoning, if we choose M-1 then the problem is the non-conforming use and the project goes away because it requires a 10,000 square foot lot, or does the board waive that requirement. Attorney Vogel stated the preliminary plat was not attached to the original plat. It appears this should be zoned M-1 and waive that part of the PUD, but this was not identified like this originally. Alderman Bates stated he had no problem with this as it is already a non-conforming lot, Mayor Adams agreed. Attorney Vogel stated if the developer will get the plans to us by the next meeting, but the bill will need to be amended again referencing the 7,300 square feet and the preliminary plans attached. Motion made by Alderman Gass, seconded by Alderman Bates to approve the amendment of 7,300 square feet. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

BILL NO. 2834

AN ORDINANCE PROVIDING THAT THE ANNUAL ELECTION BE HELD ON TUESDAY, THE 3RD DAY OF APRIL, 2012, IN THE CITY OF PACIFIC, COUNTIES OF FRANKLIN AND ST. LOUIS, IN THE STATE OF MISSOURI, FOR THE PURPOSE OF ELECTING OFFICERS FOR THE SAID CITY OF PACIFIC. *(1st reading)*

Motion made by Alderman Bates, seconded by Alderman Gass to approve the first reading of Bill No. 2834. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

BILL NO. 2835

AN ORDINANCE AMENDING SECTION 500.350 OF THE MUNICIPAL CODE TO CREATE AN ADDITIONAL BUILDING PERMIT FEE FOR TEMPORARY ABOVE-GROUND SWIMMING POOLS. *(1st reading)*

Motion made by Alderman Reed, seconded by Alderman Bates to approve to approve the first reading of Bill No. 2835. A voice vote was taken with an affirmative result, and Mayor Adams

declared the motion approved 6-0.

BILL NO. 2836 AN ORDINANCE AMENDING CHAPTER 125 OF THE MUNICIPAL CODE TO AMEND THE WARDS OF THE CITY FOR PURPOSE OF MUNICIPAL ELECTIONS. (1st reading)

Motion made by Alderman Arnette, seconded by Alderman Reed to approve the first reading of Bill No. 2836. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0. Alderman Pigg asked how we applied the people from the prison, Attorney Vogel stated the letters the board members received were from an advisory board and we are counting the prison in the ward, as it should be.

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

AMENDED BILL NO. 2826 AN ORDINANCE AUTHORIZING ZONING FROM “M-1” LIGHT INDUSTRIAL DISTRICT TO THE “M-1” LIGHT INDUSTRIAL DISTRICT “PUD-PDM” PLANNED UNIT DISTRICT-FOR A .168 ACRE TRACT OF LAND LOCATED AT 119 W ORLEANS STREET THEREBY ALLOWING THE CONSTRUCTION OF BUILDINGS AND USES FOR A CREAMATORY FACILITY AS PERMITTED UNDER WITH THIS PLANNED-USE ORDINANCE. (2nd reading)

This was continued.

BILL NO. 2834 AN ORDINANCE PROVIDING THAT THE ANNUAL ELECTION BE HELD ON TUESDAY, THE 3RD DAY OF APRIL 2012, IN THE CITY OF PACIFIC, COUNTIES OF FRANKLIN AND ST. LOUIS, IN THE STATE OF MISSOURI, FOR THE PURPOSE OF ELECTING OFFICERS FOR THE SAID CITY OF PACIFIC. (2nd reading)

Motion made by Alderman Pigg, seconded by Alderman Gass to approve the second reading of Bill No. 2834. A roll call vote was taken with the following results: Ayes: Alderman Eversmeyer, Alderman Bates, Alderman Gass, Alderman Reed, Alderman Pigg, Alderman Arnette. Whereupon, Mayor Adams declared Bill No. 2834 passed 6-0, and it became **Ordinance No. 2814.**

BILL NO. 2835 AN ORDINANCE AMENDING SECTION 500.350 OF THE MUNICIPAL CODE TO CREATE AN ADDITIONAL

BUILDING PERMIT FEE FOR TEMPORARY ABOVE-GROUND SWIMMING POOLS. (2nd reading)

Motion made by Alderman Reed, seconded by Alderman Eversmeyer for the second reading of Bill No. 2835. Alderman Bates voted “nay” on the second reading, as he feels this is an unnecessary burden on the residents. A roll call vote was taken with the following results: Ayes: Alderman Reed, Alderman Pigg, Alderman Arnette, Alderman Eversmeyer. Nays: Alderman Bates, Alderman Gass. Whereupon, Mayor Adams declared Bill No. 2835 passed 4-2, and it became **Ordinance No. 2815**

BILL NO. 2836 AN ORDINANCE AMENDING CHAPTER 125 OF THE MUNICIPAL CODE TO AMEND THE WARDS OF THE CITY FOR PURPOSE OF MUNICIPAL ELECTIONS. (2nd reading).

Administrator Selby stated he contacted other cities to find out how they count their prisons. He continued that Booneville counts them in the wards, along with Fulton and they also have a state hospital and they count those people, there was only one city that did not, and that city did not consult council about what to do. Motion made by Alderman Arnette, seconded by Alderman Reed for the second reading of Bill No. 2836. 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. 2836 passed 6-0, and it became **Ordinance No. 2816**.

UNFINISHED BUSINESS

BILL NO. 2817 AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF PACIFIC, FRANKLIN COUNTY, MISSOURI, AS HEREIN PROVIDED BY ANNEXING SPECIFIED UNINCORPORATED TERRITORY CONTIGUOUS AND ADJACENT TO THE EXISTING CORPORATE LIMITS OF THE CITY. (1st reading)

Mayor Adams stated this would be continued.

NEW BUSINESS

RESOLUTION NO. 2011-60 A RESOLUTION AMENDING THE “MEMORANDUM OF UNDERSTANDING” BETWEEN THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 148 (AFL-CIO) AND THE CITY OF PACIFIC DATED FEBRUARY 28, 2003.

Administrator Selby stated this is being continued. Robert Lefarth, shop steward, asked why this

was being continued again. Administrator Selby stated there is a change on the last page and Pat Lynch is the one who said his business manager was going to have to look at it. The issue is not what is in the contract; it is the signature part on the last page. The mayor signs the resolution, not the actual memorandum. Mayor Adams stated there has never been a signature page on the memorandum's presented before.

**RESOLUTION NO. 2011-71 A RESOLUTION APPROVING THE SALE OF
AN EVINRUDE BOAT MOTOR.**

Motion made by Alderman Bates, seconded by Alderman Pigg to approve Resolution No. 2011-71, 72, 73, 74, 76 as a whole. Alderman Gass thought the bids came in to low. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

**RESOLUTION NO. 2011-72 A RESOLUTION APPROVING THE SALE OF
AN GROUNDSMASTER 327 MOWER.**

Motion made by Alderman Bates, seconded by Alderman Pigg to approve Resolution No. 2011-72. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

**RESOLUTION NO. 2011-73 A RESOLUTION APPROVING THE SALE OF
A WOODS MOWER DECK.**

Motion made by Alderman Bates, seconded by Alderman Pigg to approve Resolution No. 2011-73. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

**RESOLUTION NO. 2011-74 A RESOLUTION APPROVING THE SALE OF
A PAINT SPRAYER.**

Motion made by Alderman Bates, seconded by Alderman Pigg to approve Resolution No. 2011-74. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

**RESOLUTION NO. 2011-75 A RESOLUTION AUTHORIZING THE
MAYOR OF THE CITY OF PACIFIC TO
ENTER INTO AN EMPLOYMENT
CONTRACT FOR A CITY ENGINEER.**

Motion made by Alderman Reed, seconded by Alderman Gass to approve Resolution No. 2011-75. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

**RESOLUTION NO. 2011-76 A RESOLUTION APPROVING THE SALE OF
SURPLUS PROPERTY.**

Motion made by Alderman Bates, seconded by Alderman Pigg to approve Resolution No. 2011-76. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

RESOLUTION NO. 2011-77

A RESOLUTION OF THE CITY OF PACIFIC, MISSOURI TO SEEK FUNDING THROUGH THE ST. LOUIS COUNTY MUNICIPAL PARKS GRANT PROGRAM, AND APPROVING A GRANT APPLICATION, AND AUTHORIZING EXECUTION OF A LAND PURCHASE AGREEMENT AND FURTHER ACTIONS RELATING THERETO.

Motion made by Alderman Bates, seconded by Alderman Reed to approve Resolution No. 2011-77. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

RESOLUTION NO. 2011-78

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF PACIFIC AND HITS SCANNING SOLUTIONS FOR THE CONVERSION OF POLICE CASE FILES AND CITY HALL FILES.

Administrator Selby stated he hoped the board did not approve this resolution. This was put out for bid two times, the first time there was no bids received, this time we received one bid. We can buy storage buildings and store the records there, and then when city hall is done, we have a building for storage. Motion made by Alderman Gass, seconded by Alderman Reed to reject the bids. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

TOURISM EXPENSES

A. Approve bill from CBS Outdoor in the amount of \$ 550.00 from the tourism funds.

Motion made by Alderman Reed, seconded by Alderman Pigg to approve the bill from CBS Outdoor in the amount of \$ 550.00 to be paid from tourism funds for advertising. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion passed 6-0. Alderman Bates asked if the tourism commission felt there has been any benefit from the billboards. Alderman Reed stated this was requested by the hotel owners and they said this advertisement helped them the most. Mayor Adams stated this could be placed on the tourism agenda for them to re-visit.

EXECUTIVE SESSION RSMO 610.021 (1) (2) (3) (12)

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 its attorneys. However, any minutes, votes or settlement agreement relating to legal actions, cause of action or

Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor...

Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded...

Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract ...

Mayor Adams stated would like to go into executive session under RSMo 610.021 (1) (2)(3)(12). He will also need Judge Reed.

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

The Board went into executive session at 8:45 p.m.

The Board reconvened at 110:10 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.

RECEIVED AND FILED

ADJOURNMENT

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

The meeting adjourned at 10:11 p.m.

Herbert C. Adams, Mayor

ATTEST:

City Clerk

