

SEPTEMBER 2, 2014 \* RECORD OF PROCEEDINGS

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CITY OF PACIFIC  
REGULAR 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 Palmore.

A roll call was taken with the following results:

Present at Roll Call: Mayor Palmore  
Alderman Arnette  
Alderman Myers  
Alderman Bates  
Alderman Gass  
Alderman Johnson  
Alderman Pigg

A quorum was present:

Also present: Attorney Schroeder  
Captain Cook  
Collector Kelley  
City Clerk Barfield

The Pledge of Allegiance was given.

**APPROVAL OF MINUTES**

**A. Regular Meeting- August 19, 2014**

Motion by Alderman Pigg, seconded by Alderman Myers to approve the minutes of the regular meeting held August 19, 2014. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**B. Special Meeting-August 28, 2014**

Motion made by Alderman Arnette, seconded by Alderman Bates to approve the minutes of the special meeting held August 28, 2014. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion approved.

Mayor Palmore excused himself for a moment and we went into recess at 7:04 p.m.  
Mayor Palmore returned and the meeting reconvened at 7:05 p.m.

## PUBLIC HEARING

Mayor Palmore opened the Public Hearing. City Clerk Barfield read into the record:

**PZ2014-2      A Public Hearing to consider a Conditional Use Permit Application for 564 E. Osage Street for Classic and Domestic Auto Sales and Repair. Philip Zahn, applicant.**

Alderman Bates stated this came before Planning & Zoning and was proposed by Philip Zahn and recommended by staff. This is where Third Rail was previously located; he was restricted by how much money this would take to rehab it back to a restaurant due to flood plain restrictions. The building will be in the same form, but he will restore a garage door on the east part for the Classic Car Dealership. This will hold 10-14 cars and he will roll them out in good weather but they will be stored inside at night. Alderman Pigg questioned if the grease trap was in the ordinance and thought it needed to be. Alderman Bates stated that was not discussed at Planning & Zoning, but nothing was waived. Alderman Pigg didn't have anything against it, but wanted to be sure there was a grease trap. Mayor Palmore asked for any other comments. There being no further comments, the Public Hearing was closed.

## PUBLIC PARTICIPATION - SPEAKER CARDS

*Harold Harrison, 1995 Hwy N, Pacific, MO* stated he wanted to offer prayer this evening.

*Jeannie Banderamn, 1713 Birch, Pacific, MO* stated a new "Citizens for Veterans Organization" is being developed, they will apply for a 501C3 status and the dues are \$ 25.00 yearly, but free for veterans. This is open to veterans, families and friends. There will be a Welcoming Meeting on Wednesday, September 3, 2014 at 7:00 p.m. at the Pacific Presbyterian Church Service Building. Jeannie Banderamn, Hilda Banderamn and Pam Wood are the Directors.

*BJ Lawrence, 1207 W. Congress, Pacific, MO* stated that since the last meeting there have been two additional times that Mike Pigg has miss-used his badge. Also Steve Myers and Carol Johnson have miss-used their badge by stopping trucks on Candlewick, the badges need to be turned in. She continued she is asking again tonight, that Mike Pigg resign. She continued there are folks at the Senior Center and three aldermen that are looking for support that the Mayor is not a resident of Pacific, Steve Myers did not live here when he was appointed to the board, and Carol Johnson lived with her daughter, and as far back as Ron Sansone who had a lake house. She wants all this to end. Mayor Palmore stated anyone is welcome to challenge his residency, there is no mail box at the farm, he has been a resident of Pacific since the mid 90's or 2000 at 709 W. Union, he does own a farm and does sleep there occasionally, but his residency is here.

*Gary McCanna, 209 Candlewick, Pacific MO,* stated he wanted to ask about the status of Candlewick and the repairs and asked that they not be forgotten as their home is their largest asset.

*Randy George, 126 N. Payne St., Pacific, MO* wanted to discuss the fence on Osage St. between N. Fourth St., and N. Fifth St by the Community School next to the playground and parking area. The guard rail or fencing was part of the plan, the fence in place has created a new issue of visibility, and the sidewalk has also added some concerns. Mayor Palmore stated we had to have the guard rail there, and it was his intent to meet with MoDot on this, the cost is approximately \$ 8,000-\$10,000 for the guard rail, but the fence is unsafe.

*Mike Gallagher, 6376 Hwy O, Pacific, MO* stated his family signed the paperwork for the Community Improvement District, and was told the sidewalks were going to Clear Creek. It appears the sidewalks are stopping to the west at the Wintec building. Mayor Palmore stated the district has a longer life than just this project and improvements could continue to be made. He apologized if he was told something incorrectly, and felt there was no intent to not include him at this time. Alderman Gass suggested the city clerk contact the MoDot area engineer for a meeting to try to change the scope of the job and try to apply for additional funding. Mayor Palmore stated he just spoke with them and there is no more funding available at this time. Alderman Gass stated this is not the only area that was missed, Alderman Bates suggested a Phase 2. Mayor Palmore stated at this time there was no additional funding available. Alderman Jonson suggested we still try to meet with MoDot, Mayor Palmore stated he has asked Cochran for the drawings of the project along with field changes and he still needs to review these. Alderman Gass suggested a work session on the project and invite MoDot. Alderman Johnson suggested this go to the Operations Meeting and also invite the city engineer. Board members agreed to add this topic to the Operations Meeting and the city clerk will invite the city engineer and MoDot area engineer.

## **MAYOR'S REPORT**

### A. Discussion: What is Riverwalk Project

Mayor Palmore stated he had this on the agenda to discuss, he knows this is trails and what agencies are involved but asked if the board wanted this as a committee or a subcommittee or a foundation? He also asked what happens to the money and asked the aldermen to decide. Alderman Myers gave a presentation on the scope of what he thought "Riverwalk" was. Alderman Myers did not want the speed of the project to be slowed down and he would like to see a website for this also. Mayor Palmore suggested this go to the Park Board or this be made an agenda item for the aldermen to be discussed further. Alderman Myers asked if it could go before the Operations Committee. Steve Flannery, Park Board Chair, stated this has come before the Park Board and they thought this would be a good enhancement, but understood this to be a private project. If this is given to the city he felt like they would need to be a part of it. Mayor Palmore thought the proper form at this point was the Operations Committee. Chairman Flannery disagreed, but Mayor Palmore asked that he attend the Operations Committee for further discussion.

### B. Dumpsters at the Maintenance Building

Mayor Palmore stated he has spoken to IESI and Public Works about the slats in the fence. He will also be meeting with IESI soon to discuss the dumpster's placement. Alderman Gass

suggested the dumpsters be moved immediately, he also asked the status of the cameras. Mayor Palmore stated he had nothing further on the status of the cameras this evening.

#### C. Discuss Candlewick

Mayor Palmore stated there have been several significant issues brought to his attention. He continued that heading south bound on Fourth St. when you get to Congress the GPS will tell you to turn right, but there are no signs telling you not to turn right. The first sign is not until you reach Riverbend School. If you pull out of ATI there is no sign that says you cannot turn right on Candlewick. The condition of the street has bad places, but felt there was a deeper problem, there is water under the road base. He felt all these problems needed to be fixed before we just tear the road up and replace it or it would not do any good. He proposed going down the line and talking to City Engineer Rahn about a topo map, installing storm water pipes and find where the water is coming from, storm drains on both sides of the street, cut inlets in the curbs, and then replace slabs. The other issue is truck traffic for the locals, the weight limit is 18,000 pounds but there are residents parking there routinely. This is a 32 year old concrete street and it looks pretty good on that note. There are non-attributable funds available now of \$ 160,000 if we use this money we would have to sacrifice other projects like the one at the exit ramp for beautification. There was discussion from the audience regarding the letters being sent out and police officers, Mayor Palmore assured them the city is doing everything they can to correctly fix the problem, but we need to do it right. Alderman Johnson asked if a traffic study could be done to reduce the speed limit to 15 mph on that street also. Discussion followed on why the road was opened up years ago. Mayor Palmore also stated he did not think we had done a good job with signage and defining the truck routes.

#### D. Discuss retaining wall on Osage St. at the schools

Mayor Palmore stated this has already been discussed and he felt guard rails were needed at both schools on Osage.

#### E. Senior Center

Alderman Pigg stated this wasn't on the agenda. Mayor Palmore stated this was under his report and he wanted to discuss compliance with regards to the grant. He continued he thought the city had a generator available and suggested the equipment be available to the senior center if needed. Alderman Gass thought there were several generators available and if this center was going to be used as a cooling center this would help. Alderman Pigg suggested Surplus Equipment for a transfer switch. Mayor Palmore suggested looking into the generator first, but let's ask the attorney to look into this to make sure it would be in compliance with the grant. Mayor Palmore continued that the Senior Center provides monthly updates to the city and we are getting annual reports not monthly, he asked that these be provided as was discussed in a letter he receive from the previous mayor in regards to the state audit. Jeannie Guffey, Senior Center Director stated that was not a problem, she continued that three years ago the center would receive the recycling funds from the city which was about \$ 5,000, so far this year it has been \$ 800. She continued that these funds are used toward the electric bill at the center.

#### F. Heritage Farms

Mayor Palmore stated there are five different versions of the story in regards to the water lines, but we are holding people up. He asked Engineer Rahn to get three bores, Mike Gallagher has found one or two of the lines, but this needed to be resolved. Discussion followed with Mike Gallagher and Mayor Palmore stated he would like for him to meet with Robert Brueggemann to get this resolved.

#### G. Memorandum of Understanding

Mayor Palmore stated on page 4 of the Memorandum it discusses profanity. He thought there was no resolution to this from the Administration Committee and asked that they use this as a basis to update the Personnel Manual.

#### H. Cemetery Maps

Mayor Palmore stated the maps are not accurate; we have been trying for months to obtain the city records back from the sexton and haven't received them. Alderman Arnette asked if this was a question of who they actually belonged to. Attorney Schroeder stated the ordinance reads the cemetery records are the cities and they are supposed to be at city hall with the city clerk, all the city ever had was copies. Mayor Palmore stated copies do not work, they are inaccurate. We have dug our first grave, and found two graves that aren't properly noted, he continued that if he hadn't done his due diligence then they would have dug up two people and this cannot continue. Alderman Myers stated this was discussed in executive session, shouldn't this continue in executive session. Mayor Palmore disagreed, and saw no reason to keep it from the public. Attorney Schroeder stated they are the cities records, and belong here. If someone wants to discuss this further in executive session, then they would need to "move" to. Alderman Myers thought this should go back to executive session, Alderman Pigg agreed. Mayor Palmore thought this was wrong and could be discussed out here, and the records themselves are public. Attorney Schroeder stated there were several legal options the board could take. Motion made by Alderman Myers, seconded by Alderman Pigg to discuss this further in executive session. A voice vote was taken with an affirmative result and the motion carried. Pauline Masson called for a point of order, but Mayor Palmore advised her this could only be done by the assembly, she asked what this would fall under to go to executive session, Attorney Schroeder stated this would be under legal. Alderman Johnson stated was originally discussed under legal the first time.

### **COMMITTEE REPORTS**

Park Board Committee – President Flannery stated the next meeting is September 8, 2014 and the CYC has asked the grass be cut on Sundays instead of Mondays.

Cemetery Committee - No report.

Industrial Development Committee – Bob Masson stated there was no meeting scheduled.

Museum Committee – The next meeting is September 17, 2014.

Tourism Committee – Alderman Arnette stated the next meeting is Monday, September 8, 2014 at 1:00 p.m.

Building Advisory Committee – No Report.

Planning & Zoning Committee- This was already discussed.

Genealogy Committee – Alderman Arnette stated they did not have their computers yet. Alderman Johnson stated their next meeting is September 17, 2014.

Operations Committee – Alderman Bates stated he hoped to schedule a meeting for Wednesday, September 10, 2014 at 7:00 p.m. with the following on the agenda: Candlewick, Apache, Storm water at Kaleigh Lane and Congress and then Osage St. improvements along with inviting MoDot and the city engineer.

Administrative Committee – Alderman Johnson stated they will be setting one.

## **REPORTS OF CITY OFFICIALS**

**Alderman Arnette** – The sidewalk is broken at 2411 Smokey Mountain in Sierra Ridge. Alderman Pigg stated there is also a problem with the manhole there.

**Alderman Pigg** – stated the street lights are still out on Osage from the strip mall to the Animal Hospital.

**Alderman Myers** - stated there was an untruth spoken about him earlier in the meeting, when he was appointed aldermen he was a resident of the city and a registered voter, and he never has had a badge, he was not issued one, the truck stopped on Hwy N and couldn't back up, so I contacted Captain Cook. He also received calls on the grass cutting in light of the recent decision made not to cut certain areas' he would like to see this discussed at Operations. He also asked about "dedications" to the city in regards to donated area that the property owner is not having to cut without an understanding of why. He continued there have also been complaints about the bugs on Hwy N being so bad now while people are walking because the grass is now mowed. He has concerns for the elderly being able to cut the ditches next to the road. He continued at the meeting last month we discussed a website for the Riverwalk project and hoped this would be ready at the next meeting. Mayor Palmore asked if there was a motion to continue funding for the Riverwalk website. Motion made by Alderman Arnette, seconded by Alderman Pigg to continue the funding for the Riverwalk website. Alderman Myers also stated an e-mail was sent out regarding "A Rachel's Challenge Event" and this would be at the High School on Wednesday, September 10, 2014.

**Alderman Bates** – stated there has been a lot of bickering going on and "statesmen" lead a group; this is what we need to be doing here. He continued he has confidence in the Mayor, and also confidence in Mr. Pigg as President of the Board, we are all elected officials and stated they all had his confidence, this bickering needs to be put behind us instead of dividing us. He continued he did not think Mr. Pigg intended to do anything wrong, he knew his level of

dedication to this community and did not question it.

### INTRODUCTION OF NEW BILLS

**BILL NO. 2924**      **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF PACIFIC AND K.J. UNNERSTALL CONSTRUCTION CO. FOR THE CONSTRUCTING OR IMPROVING OF OLD GRAY SUMMIT ROAD PHASE 2 IMPROVEMENTS.** (*1<sup>st</sup> reading*)

Motion made by Alderman Gass, seconded by Alderman Arnette for the first reading. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2924 for the first reading. Discussion followed on when work would begin and MoDot free days.

**BILL NO. 2925**      **AN ORDINANCE APPROVING AN AGREEMENT WITH ROSS, SPINNER & KUMMER, P.C. FOR SERVICES WITH RESPECT TO THE MUNICIPAL COURT BANK ACCOUNTS FOR TH CITY OF PACIFIC AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.**

Motion made by Alderman Bates, seconded by Alderman Gass for the first reading. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2925 for the first reading.

**BILL NO. 2926**      **AN ORDINANCE GRANTING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) FOR VEHICLE SALES AND SERVICES LOCATED AT 564 EAST OSAGE IN THE CITY OF PACIFIC, MISSOURI, PURSUANT TO THE REQUIREMENTS AND AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY OF PACIFIC, MISSOURI (P.Z. 2014-006 IN-BETWEEN MOTORS)** (*1<sup>st</sup> reading*)

Motion made by Alderman Arnette, seconded by Alderman Bates for the first reading. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2926 for the first reading. Alderman Gass asked the 2<sup>nd</sup> reading be postponed to the next meeting so staff could review the ordinance for compliance, board members agreed.

### CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

**BILL NO. 2924**      **AN ORDINANCE AUTHORIZING THE MAYOR TO**

**EXECUTE A CONTRACT BETWEEN THE CITY OF  
PACIFIC AND K.J. UNNERSTALL CONSTRUCTION CO.  
FOR THE CONSTRUCTING OR IMPROVING OF OLD  
GRAY SUMMIT ROAD PHASE 2 IMPROVEMENTS. (2<sup>nd</sup>  
reading)**

Motion made by Alderman Gass, seconded by Alderman Johnson for the second reading of Bill No. 2924. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 29424 for the second reading by title only. Mayor Palmore asked for any discussion. There being no more discussion Mayor Palmore asked for approval of Bill No. 2924. A roll call vote was taken with the following results: Ayes: Alderman Arnette, Alderman Myers, Alderman Bates, Alderman Gass, Alderman Johnson, Alderman Pigg Nays: none. **Whereupon, Mayor Palmore declared Bill No. 2924 passed 6-0, and it became Ordinance No. 2912.**

**BILL NO. 2925 AN ORDINANCE APPROVING AN AGREEMENT WITH  
ROSS, SPINNER, & KUMMER P.C. FOR SERVICES WITH  
RESPECT TO THE MUNICIPAL COURT BANK  
ACCOUNTS FOR THE CITY OF PACIFIC AND  
AUTHORIZING THE MAYOR TO EXECUTE THE  
AGREEMENT. (2<sup>nd</sup> reading)**

Motion made by Alderman Gass, seconded by Alderman Bates for the second reading of Bill No. 2925. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2925 for the second reading by title only. Mayor Palmore asked for any discussion. There being none, he asked for approval of Bill No. 2925. A roll call vote was taken with the following results: Ayes: Alderman Myers, Alderman Bates, Alderman Gass, Alderman Johnson, Alderman Pigg, Alderman Arnette. Nays: none. **Whereupon, Mayor Palmore declared Bill No. 2925 passed 6-0, and it became Ordinance No. 2913.**

**BILL NO. 2926 AN ORDINANCE GRANTING APPROVAL OF A  
CONDITIONAL USE PERMIT (CUP) FOR VEHICLE  
SALES AND SERVICES LOCATED AT 564 EAST OSAGE  
IN THE CITY OF PACIFIC, MISSOURI, PURSUANT TO  
THE REQUIREMENTS AND AUTHORITY GRANTD BY  
THE ZONING REGULATIONS OF THE CITY OF  
PACIFIC, MISSOURI. (P.Z. 2014-006 IN-BETWEEN  
MOTORS) (2<sup>nd</sup> reading)**

Alderman Gass asked this be postponed to the next regular board meeting.

**UNFINISHED BUSINESS**

**RESOLUTION NO. 2014-42 A RESOLUTION APPROVING GILMORE  
BELL AS SPECIAL COUNSEL AND BOND  
COUNSEL FOR THE CITY OF PACIFIC.**

Motion made by Alderman Gass, seconded by Alderman Pigg to table to the next meeting. A voice vote was taken with an affirmative result and Mayor Palmore declared the motion carried.

**NEW BUSINESS** – None

**MISCELLANEOUS**

**A. Approve Liquor License Application to Pacific Pump Handle, Rachel Wallis Andreasson, for a Tasting Liquor Permit at 1815 W. Osage St., Pacific, MO 63069 (Dates to be determined)**

Motion made by Alderman Gass, seconded by Alderman Pigg to approve a Liquor License Application to Pacific Pump Handle, Rachel Wallis Andreasson, for a Tasting Liquor Permit at 1815 W. Osage, Pacific, MO 63069 (Dates to be determined) A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**B. Approve resignation of Kelsey Schleusner from the Police Department.**

Motion made by Alderman Pigg, seconded by Alderman Gass to approve the resignation of Kelsey Schleusner from the Police Department. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**C. Approve petty cash.**

Motion made by Alderman Arnette, seconded by Alderman Pigg to approve petty cash in the amount of \$ 149.59. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**D. Approve Temporary Picnic Liquor License for American Legion, Ralph Higgins, for the Pacific Youth Association, 650 S. Sixth Street, Pacific, MO 63069 for the Softball Tournament for Alzheimer's on September 6 & 7, 2014.**

Motion made by Alderman Myers, seconded by Alderman Gass to approve the Temporary Picnic Liquor License for American Legion, Ralph Higgins, for the Pacific Youth Association, 650 S. Sixth Street, Pacific, MO 63069 for the Softball Tournament for Alzheimer's on September 6 & 7, 2014. Discussion followed on how this would be sold. Attorney Schroeder stated the State would also have to approve this. A roll call vote was taken with the following results: Ayes: Alderman Bates, Alderman Gass, Alderman Johnson, Alderman Arnette, Alderman Myers. Nays: Alderman Pigg. Whereupon, Mayor Palmore declared the motion carried 5-1.

**TOURISM EXPENDITURES** – None.

**EXECUTIVE SESSION**

Executive Session RSMO 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 its attorneys...

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 Gass, Alderman Johnson, Alderman Pigg, Alderman Arnette, Alderman Myers, Alderman Bates. Nays: None. Whereupon, Mayor Palmore declared the motion carried.

The Board went into executive session at 9:55 p.m.

The Board reconvened at 10:55 p.m.

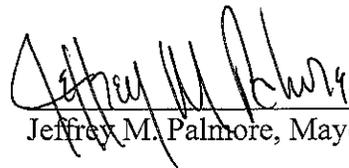
Present at roll call: Alderman Johnson, Alderman Pigg, Alderman Arnette, Alderman Myers, Alderman Bates, Alderman Gass.

**RECEIVED AND FILED**

**ADJOURNMENT**

There being no further business, motion made by Alderman Gass, seconded by Alderman Pigg to adjourn. A voice vote was taken with an affirmative result and Mayor Palmore declared the motion carried.

The meeting adjourned at 10:55 p.m.

  
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Jeffrey M. Palmore, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

