

February 19, 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
Planning Director Todd Streiler
Public Works Commissioner Boedges
City Clerk Barfield

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

A. Regular Meeting- February 5, 2013

Motion by Alderman Arnette, seconded by Alderman Eversmeyer to approve the minutes of the regular meeting held February 5, 2013. City Clerk Barfield stated the minutes reference an attachment from Mr. Palmore as being made part of the minutes, and they should be attached. A

voice vote was taken with an affirmative result and Mayor Adams declared the minutes approved 6-0.

PUBLIC HEARING

- A. PZ2013-001 A public hearing to consider a Subdivision Plat for Barbara Alt on a 19.58 parcel located on Industrial Drive at the North side of the intersection of Industrial Drive and Midwest Drive, Pacific, Mo parcel number 19-6-14.0-0099-036.000. The property is currently zoned Non-Urban (NU) and will be subdivided into two parcels that will remain the NU zoning district.

Mayor Adams opened the public hearing for comment. Planning Director Todd Streiler stated the petitioner was present this evening, along with her attorney and are seeking to split 19 acres for ownership and inheritance. The lot is located off Industrial Drive and used as farmland, when the plot was submitted there was a spit strip for the entire length. The 5' strip was purchased for access to lots, but this was taken to Planning & Zoning but would create an illegal lot, because it would be part of another lot. The strip is between Industrial and lot, which means there is no access to the parcel. Planning & Zoning recommended approval and for this to continue until they develop the site. There are two waivers that P & Z recommended, one was to allow the 5' to exist and the other was to waive all public improvements that are required by the subdivision code, until development. P& Z recommended postponing the requirements. The petitioner has a new plat that was submitted, Mrs. Alt has now purchased the 5' strip, and wants dedicate it to the city as soon as possible. Mrs. Alt has furnished a 50' road easement, which the city required, for access to the property behind her. There is no ordinance drafted yet, as we would like to have direction from the board. This is a minor subdivision plot. Engineer Rahn stated staff was looking for two things this evening. Planning & Zoning approved this, but this is not the same plat as they approved, the flag lot was a big issue, the road easement on the west side should be public, the 50' easement is allowed and if dedicated to the city now, allows for future development. Attorney Vogel thanked the applicants for reducing some of the variances, because numerous provisions of the code were affected. Currently the road is only a 45' right-of-way, and despite the recommendation of P & Z staff was concerned about all the variances being asked for. He continued that instead of building the improvements, script could be added that they would have to do it if a building permit was applied for or a re-zoning, this is when improvements would be required, but they also want it limited to each lot. If the street is made a public street, it would have to meet the 50' width. Bob Zick, attorney for Mrs. Alt, stated they would like the board to allow for the improvements on future developments to be treated separately on the lots. If Henry Alt wants to develop the 11 acres then at that time the improvements installed, and the same with the 8 acres. The intention now is all the property to remain farm land. They would like the roadway to remain private. Alderman Arnette stated he was okay with everything but the private street. Mrs. Alt stated she is just looking for a driveway to get to the other property. Mr. Zick complimented Dan Rahn, Todd Streiler, Alderman Eversmeyer, and Attorney Vogel for all their work. Mayor Adams suggested taking one thing at a time.

The petitioner is requesting:

- a. The dedication for 5' easement along Industrial Drive to the city as soon as possible. Staff recommends this. Board members had no objections to this.
- b. Petitioner ask the public improvements be waived until the use changes or is rezoned. Staff recommends this. Alderman Bates stated he preferred the word "postponed". Board members had no objection to this.
- c. Petitioner ask if Lot 1 is developed and Lot 2 stays as farmland, the public improvements only be required to that lot. Staff recommends this. Attorney Vogel stated this could be a potential problem, for instance with the storm-water running onto another lot. Currently we obtain a guarantee of the entire subdivision, this is a policy call. If we allow this here, then we would probably have to do this for all subdivision for non-development purposes. Engineer Rahn stated for example this would be 1500' of curb and gutter, this is two large lots, and felt development of individual lots could happen without harming the other lot. Planning Director Steiler stated because the size of the two lots, he also agreed development at separate times would not create a problem on the other lot. Board members
- d. Petitioner is requesting a 50' private road easement from Industrial Drive to the 40 acre parcel. There is currently no driveway and access needs to be created. Mrs. Alt stated she did not want everybody driving through the property, which is why she wanted to keep it private. Attorney Vogel stated a public road could be dedicated to the city, but not accepted, create a paper street. Alderman Eversmeyer questioned easement for utilities, and Planner Streiler stated the script would read that. Alderman Pigg left the room. Alderman Reed stated if this is a public easement, they could not gate it, and that was correct. Alderman Pigg returned. Attorney Vogel stated the plat would reflect a recorded easement, a private easement already exists. He continued that if all parties agree and sign the plat to vacate the private easement and dedicate to the public this would work. Attorney Zick stated he would like a week to discuss this with Attorney Vogel and thought they could come to an agreement. Mayor Adams asked the board to consider the staff recommendations, and if they can work something out, move forward.

There being no further comments, Mayor Adams closed the public hearing.

MAYOR'S REPORT

- a. Certificate of Appreciation – Kelley Washam, Steve Flannery, Bill Pemberton, Brad Reed.

Kelley Washam could not be present this evening. Alderman Bates presented these individuals with a certificate of appreciation for their work in finishing the playground equipment with the Kiwanis at the city park. Mayor Adams stated Dennis Oliver, Kiwanis, called him and thought these individuals went above the call of duty.

PUBLIC PARTICIPATION-SPEAKER CARDS

Pastor David Lange, 1936 S. Forest Lane, Pacific stated he would like to offer prayer this

evening. Prayer was given.

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) (3).

Motion made by Alderman Reed, seconded by Alderman Gass to go into executive session under RSMO. 610.021 (1)(2)(3). 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.

The Board went into executive session at 8:00 p.m.

The Board reconvened at 9:15 p.m.

A roll call vote was taken: Present at roll call: Ayes: Alderman Eversemeyer, Alderman Bates, Alderman Gass, Alderman Reed, Alderman Pigg, Alderman Arnette.

PUBLIC PARTICIPATION CONTINUED

Jeff Palmore, 709 W. Union, Pacific, stated at the last board meeting he discussed with the board his grave spaces, and asked if they made a decision. Alderman Gass stated a change in the register could be done upon him getting the city some documents. Changing the register will show him as the owner of lots 7 & 8. Attorney Vogel stated the city needed deeds or a notarized statement to the city showing the ownership from Borg to Bell, Bell to Palmore, an affidavit from Palmore that he has not transferred the deed, then the city will change the register, but according to the code we will not give new deeds for passed owners not coming to the city and transferring. He continued from then on, a registry change needs to go to the sexton before the transfer. Alderman Gass stated Mr. Palmore would not receive a new deed, and Attorney Vogel stated that was correct, this is a registry change. Alderman Pigg stated two aldermen cannot make this decision, and there needed to be discussion with the board. Mayor Adams stated this was a recommendation from Attorney Vogel. Attorney Vogel stated that was his intent, he should have been clearer and this should go to the board. The transfer in the registry can be done at that time, this is three transfers at once. The solution is in the registry, but the board does need to vote on this, as this originated 45 years ago. Motion made by Alderman Gass, seconded by Alderman Reed that once the city receives this paperwork from Mr. Palmore, the registry be changed. A voice vote was done with an affirmative result, and Mayor Adams declared the motion approved 6-0. Mr. Palmore suggested Chapter 135 of the code be updated, to show how transfers are done, Attorney Vogel stated he agreed and this needed to be expressly. He hoped to have this at the next meeting, if the board agreed. Board members agreed.

CITY ADMINISTRATOR/CITY ATTORNEY REPORT

Administrator Selby stated he received a response from St. Louis County regarding the

emergency radios, and the city was denied. He would like to know why they were denied, and will be attending the next meeting.

Engineer Rahn stated the technician will be setting up phones in the police department next week.

Planner Todd Streiler stated the Comprehensive Plan is on schedule.

Chief Mansell stated he received a call from Ameren regarding the bucket truck he was trying have donated to the city, and there was confusion on their end, but the paperwork is back on track, and we are on the top of the list.

Alderman Gass questioned the ordinance regarding the amended budget this evening, he asked what the transfer out of water and sewer was for PILOT. Attorney Vogel stated this was for payment in lieu of taxes, this reflects the use of the water and sewer department using city hall, and the city does not pay a tax on that.

Alderman Eversmeyer stated he spoke to Larry with the Downtown Merchants Association and they do not want the parking signs on St. Louis Street. Motion made by Alderman Eversmeyer, seconded by Alderman Bates to remove all ordinances that are time limited for parking from Fourth Street to Columbus St. on St. Louis Street, and a new ordinance put together. Alderman Reed disagreed with this, the businesses were not invited this evening and he did not think this was fair. Chief Mansell stated for security reasons he thought the bank would like the limited parking. Alderman Bates stated he has spoken to several people and nobody wants the parking requirement and this needs repealed. Alderman Gass thought keeping the time limit in front of the bank was a good idea. Alderman Eversmeyer thought it all needed to be repealed and to allow the chief to do a study and find out where it is needed at. Alderman Reed stated this was a waste of taxpayer money we just paid to have the signs installed again. A roll call vote was taken with the following results: Ayes: Alderman Arnette, Alderman Eversmeyer, Alderman Bates, Alderman Pigg. Nays: Alderman Gass, Alderman Reed. Mayor Adams declared the motion passed 4-2, and an ordinance be put together.

Alderman Reed stated Pat Smiley, Action Riders, would like to have a poker run on March 16, 2013 from noon to 4:00 p.m. This would be after the St. Patrick's Day Parade. Motion made by Alderman Arnette, seconded by Alderman Pigg to approve the poker run on March 16, 2013 from noon to 4:00 p.m. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

Alderman Reed stated on April 6, 2013 he will be hosting the Pick Up Pacific Day in conjunction with MoDot. They will be picking up trash along the streets in Pacific. Alderman Gass suggested trash pickup along Highway OO, along the subdivisions.

Alderman Reed stated last year there was discussion with Missouri Eastern Correctional Center regarding the prisoners help with cutting grass on city property. There are twenty prisoners that could help with this, and they are preparing the paperwork to bring to the city.

Alderman Reed stated he followed a big truck on Union St. to Payne St., and he was going to make a right, but saw the signs and went left. There still needed to be a sign at Candlewick at ATI.

Alderman Pigg asked the status of the rest of the things for the police department. Chief Mansell stated the computers are being set up and things are coming along.

Alderman Arnette thought the city should recognize the gentlemen who won the State Championship for wrestling this past week. He will get with City Clerk Barfield to have this at the next meeting.

INTRODUCTION OF NEW BILLS

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 POLICE’S REVISED GENERAL ORDER RR 1/3 ENTITLED “GENERAL RULES OF CONDUCT,” AND REVISING THE CITY PERSONNEL POLICY TO CLARIFY DISCIPLINE PROCEDURES. (1st reading)**

Motion made by Alderman Eversmeyer, seconded by Alderman Bates to approve the first reading of Bill No. 2878. 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. 2878 for the first reading. There being no objections or corrections, Mayor Adams declared the bill will continue to the second reading at the next meeting.

BILL NO. 2879 **AN ORDINANCE ADOPTING THE AMENDED FISCAL YEAR 2012-2013 BUDGET & WAGE AND SALARY SCHEDULE FOR APPOINTED OFFICIALS & EMPLOYEES OF THE CITY OF PACIFIC. (1st reading)**

Motion made by Alderman Bates, seconded by Alderman Eversmeyer to approve the first reading of Bill No. 2879. 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. 2879 for the first reading. There being no objections or corrections, Mayor Adams declared he would like to have the second reading this evening.

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

BILL NO. 2879 **AN ORDINANCE ADOPTING THE AMENDED FISCAL YEAR 2012-2013 BUDGET & WAGE AND SALARY SCHEDULE FOR APPOINTED OFFICIALS & EMPLOYEES OF THE CITY OF**

PACIFIC. (2nd reading)

Motion made by Alderman Pigg, seconded by Alderman Gass for the second reading of Bill No. 2879. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2879 by title only for the second reading. Chief Mansell stated Sergeant Whiteman, should be Corporal Whiteman. Motion made by Alderman Gass, seconded by Alderman Pigg to approve the correction. 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. Absent: Whereupon, Mayor Adams declared Bill No. 2879 approved 6-0 and it became **Ordinance No. 2859.**

BILL NO. 2876 AN ORDINANCE AMENDING CHAPTER 210 OF THE MUNICIPAL CODE TO ENACT A NEW SECTION ESTABLISHING REGULATIONS PROHIBITING PICKETING AND PROTEST ACTIVITIES AT FUNERALS. (2nd reading)

Motion made by Alderman Pigg, seconded by Alderman Arnette for the second reading of Bill No. 2876. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2768 by title only for the second reading. 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. 2876 approved 6-0 and it became **Ordinance No. 2856.**

BILL NO. 2877 AN ORDINANCE APPROVING A BOUNDARY ADJUSTMENT PLAT PURSUANT TO SECTION 410.030.B OF THE CITY CODE FOR 2101 HIGHWAY N AND DIRECTING THAT THE SAME BE RECORDED WITH THE FRANKLIN COUNTY RECORDER OF DEEDS. (2nd reading)

Motion made by Alderman Bates, seconded by Alderman Pigg for the second reading of Bill No. 2877. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2877 by title only for the second reading. A roll call vote was taken with the following results: Ayes: Alderman Pigg, Alderman Arnette, Alderman Eversmeyer, Alderman Bates, Alderman Gass, Alderman Reed. Nays: none. Whereupon, Mayor Adams declared Bill No. 2877 passed 6-0, and it became **Ordinance No. 2857**

NEW BUSINESS

RESOLUTION NO. 2013-03 A RESOLUTION OF THE CITY OF PACIFIC, MISSOURI, STATING INTENT TO SEEK FUNDING TO VIADUCT STREET ROUNDABOUT PROJECT.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2013-03 by title only. Motion made by Alderman Arnette, seconded by Alderman Gass to approve Resolution No. 2013-03. Alderman Bates stated he thought this was impractical, there is foot traffic along this area, and he just could not vote for this. Alderman Gass stated MoDot recommended this eight years ago also. Administrative Selby stated this was a long shot, but the funds would come out of the CID and construction would be in 2018. MoDot thinks the roundabout will eliminate traffic backing up. Alderman Gass suggested the ditch also be eliminated and a box culvert put in. Alderman Bates stated most trucks come from the east bound. Alderman Eversmeyer stated he thought it was just a matter of getting used to it. A roll call vote was taken with the following results: Ayes: Alderman Arnette, Alderman Eversmeyer, Alderman Gass, Alderman Reed. Nays: Alderman Bates, Alderman Pigg. Whereupon, Mayor Adams declared the motion approved 4-2.

MISCELLANEOUS BUSINESS

- A. Approve the list of bills.

Motion made by Alderman Bates, 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.

- B. Approve invoice from Pacific Feed & Supply in the amount of \$ 62.50 to be paid from the escrow account for Heritage Farms.

Motion made by Alderman Bates, seconded by Alderman Gass, to approve the invoice from Pacific Feed & Supply in the amount of \$ 62.50 to be paid from the escrow account for Heritage Farms. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

TOURISM EXPENSES

- A. Approve invoice from Current News Magazine in the amount of \$ 2,100 to be paid from tourism funds for advertisement of train show.

Motion made by Alderman Arnette, seconded by Alderman Gass to approve the invoice from Current News Magazine in the amount of \$ 2,100 to be paid from tourism funds for advertisement of train show. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

RECEIVED AND FILED

ADJOURNMENT

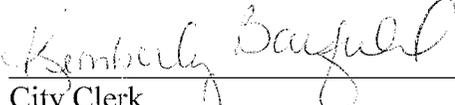
There being no further business, motion made by Alderman Pigg, seconded by Alderman Bates to adjourn. A voice vote was taken with an affirmative result and Mayor Adams declared the

motion approved 6-0

The meeting adjourned at 10:00 p.m.


Herbert C. Adams, Mayor

ATTEST:


City Clerk