



February 5, 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. The meeting is held at the Government Center, 300 Hoven Drive, Pacific, MO.

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
City Clerk Barfield
Public Works Commissioner Boedges

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

B. Regular Minutes – January 15, 2013

Motion made by Alderman Pigg, seconded by Alderman Arnette to approve the minutes of the regular meeting held on January 15, 2013. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

PUBLIC HEARING – None

MAYORS REPORT

A. Certificate of Appreciation - Joann Hayes

Chief Mansell presented Joann Hayes a certificate of appreciation for all her volunteer work in the past two years, and said she has been a great help.

PUBLIC PARTICIPATION-SPEAKER CARDS

Mayor Adams reminded everyone that they would have five minutes to address the board.

Reverend Dee Pennington, 1518 W. St. Louis St., Pacific, Mo. stated she would like to offer prayer this evening. Prayer was given.

Jeff Palmore, 709 W. Union, Pacific, MO stated the board knew he was trying to get changes made to the cemetery and handed out a request in writing for reimbursement of \$ 600 for two grace spaces in the Pacific City Cemetery. His request is made part of the minutes. He continued that he has lots that are mis-deeded and everyone has the information from the last meeting, he is asking for reimbursement because they have been deeded to a nonexistent person.

Jim McHugh, 220 S. First St., Pacific, MO stated he was before the board this evening to update them on the McHugh Dailey Building & Plaza. This has been a project for almost ten years, and they have been remodeling the building, this has been an expensive process. There is a new tenant now, planning on opening on February 20, 2013, the Pacific Brew House. They have been working with the city on the parking lot issue. When this was first submitted a parking lot was planned, at present our intention is to build the parking lot, but this would be with the Partnership. In the past we leased all the lots for \$ 1.00 year, they have not developed as originally agreed on, but the plan continues, and he has spoken with Bill McLaren today and they always wanted the lots deeded to them. We are prepared to deed them the lots, the parking lot would be used by the Partnership and us, money is just short. This has been a labor of love for most of us, but we are just trying to bring things to the city. Tonight he is asking the board to consider a conditional waiver for the parking lot and to give us time to work out details with the Partnership and put the lot in, they plan on meeting Thursday. Engineer Rahn stated they have followed the permit process, but per code the lot needs to be paved. He continued that he put the numbers together, and the code says the funds could be escrowed, and built later, if the board wished. The cost is \$ 20,000. Mr. McHugh stated the escrow is just another burden and he is asking the board tonight to take the commitment of his word. He would hope to have this completed in 6-8 months. Alderman Bates stated they have volunteered and done a lot for the community, is it legal to grant a 6 month extension. Alderman Pigg stated with no disrespect to Mr. McHugh, but this was postponed in 2005 with the Coffee House, he would like to see some kind of protection for the city. Mayor Adams stated that we needed to be honest from the beginning, from the beginning we all agree how much the Partnership and the Dailey family has done, but we hold others to a higher standard. There is no lot, and he is not the total blame, the city also is. We do not do a good consistent job, all the time. He continued that Mr. Bouse just gave him an earful before the meeting regarding the sidewalk on the east end of town, he is mad because the city didn't do a good job, we let Mahler put in the car wash with no improvement and no escrow. Now we have two business men on the east end of town that want to support the project, but can't because they put in their improvements. He continued that the money needs to go in escrow; the city government should be the best ran business in town. He suggested placing conditions that are enforceable without giving up our leverage that is what forces people to keep their word. Attorney Vogel stated under the building code, a temporary occupancy permit could be issued, which means as long as the building is safe that could be issued, then have the final issued when the improvement is completed and state the time period. The street parking regulation is what would be delayed this evening. If this was violated, a summons could be

issued, operating without a business license and a zoning regulation. Basically the city would issue temporary occupancy on the condition of the parking regulation authority, if this is not done everything is invalid. The city is also still evaluating the policy for the Master Plan, this is consistent with what the city has said before. Alderman Reed asked without escrow money what is our guarantee. Attorney Vogel stated the city could hold a hearing to revoke the business license. To do this, bill # 2872 would need to be passed before this was voted on.

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

Board members agreed to move to the second reading of Bill # 2872 before moving forward with Jim McHugh's building.

BILL NO. 2872

AN ORDINANCE AMENDING SECTION 400.235 OF CHAPTER 400 "OFF-STREET PARKING AND LOADING REGULATIONS" TO AUTHORIZE AN ADDITIONAL EXCEPTION TO OFF-STREET PARKING REQUIREMENTS (2nd reading)

Motion made by Alderman Pigg, seconded by Alderman Reed for the second reading of Bill No. 2872. 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. 2872 by title only for the second reading. There being no objections or corrections, Mayor Adams called for a roll call vote with the following results: Ayes: Alderman Arnette, Alderman Eversmeyer, Alderman Bates, Alderman Gass, Alderman Reed, Alderman Pigg. Whereupon, Mayor Adams declared Bill No. 2872 passed 6-0, approved it and it became **Ordinance No. 2852**.

PUBLIC PARTICIPATION CONTINUED

Discussion continued with Mr. McHugh. **Motion made by Alderman Gass, seconded by Alderman Bates to grant temporary occupancy to Pacific Brew House with an agreement with the Partnership and Mr. McHugh being reached regarding the lot. Motion amended by Alderman Gass, seconded by Alderman Bates to grant temporary occupancy to the Pacific Brew House with the lot being paved by June 30, 2013, if this is not paved the business license is revoked and the process to close the business is started. Mr. McHugh stated he needed the whole six months. Alderman Gass amended his motion to have the lot paved in six months, seconded by Alderman Bates. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved.**

Motion made by Alderman Gass that anyone operating without a business license should be shut down. Attorney Vogel stated we could not shut them down, but we can issue a summons and they would have to go to court. Mayor Adams stated the motion was out of order; enforcement belongs to the staff, police and building commissioner.

CITY ADMINISTRATOR/CITY ATTORNEY REPORT

Mayor Adams suggested an alderman become a liaison to the Partnership and asked for discussion. **Motion made by Alderman Pigg, seconded by Alderman Arnette to nominate Alderman Gass to become the liaison to the Partnership. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0. Steve Flannery stated they meet the 2nd Thursday of the month at 7:00 p.m. at the Brew House on the 2nd floor.**

Chlorine and Fluoride Tanks - Administrator Selby stated in the packet was information regarding the tanks for chlorine and fluoride in the water. By investing in these tanks and scales we do two things, one is lesson our exposer to someone getting injured handling the drums, and can purchase the chemicals in bulk at a reduced price. We currently have 15 gallons drums to move around. Alderman Bates stated he still consistently receives complaints regarding the chlorine in the water, the smell and the taste. Alderman Gass suggested Administrator Selby contact DNR to see if we still have to add the chlorine, if we don't then we could stop it, but if we can't then this would be okay. Administrator Selby received three quotes with the lowest being from Hawkins Inc. in the amount of \$ 22,266.00. **Motion made by Alderman Gass, seconded by Alderman Bates to contact DNR to see if this is still needed, if it is needed approve the purchase from Hawkins Inc. in the amount of \$ 22,266.00 as per the proposal. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.**

COMMITTEE REPORTS

Alderman Arnette – stated he was very proud of the basketball team at the high school, for they made it to the Championship.

Alderman Gass – asked if we had taken care of the sewer in Hawthorne yet regarding the backups, and replacing the “Y’s”. He suggested Engineer Rahn draw up some plans and put this out to bid before something else happens.

Alderman Pigg – Asked about the progress on the phones with the police department and if they were moved in all the way. Chief Mansell stated there was a problem with the program card, and some of the equipment cannot have additional lines added to it, but the cameras are up and running. Alderman Pigg thought there had been enough time for all of this to have been worked out.

Administrator Selby – stated the contract on the Video system (the one the board okayed a while back) has not been released yet. They are adding micro phones to the cells so the dispatcher can hear what is going on, so we do not have an incident like the City of Sullivan did. There will also be intercoms at the windows. Chief Mansell stated this was a learning process for everyone.

Chief Mansell – stated there was a new meal plan for the prisoners, instead of McDonalds, they will have a honeybun and coffee in the morning, a sandwich in the afternoon and and banquet dinner in the evening. This is a considerable savings. Administrator Selby stated we also are saving on the fuel, Mobil is selling the city gas for 15 cents a gallon less than the pump price, and we just switched to a different mail machine which is another savings, along with hiring a part time person for the janitorial needs instead of having the contract.

Alderman Reed – stated the Chamber of Commerce held their Piano’s for a Purpose event and it was very successful.

The signs on Osage will also be going up for truck traffic, MoDot will be installing them and there will also be one at Hardee’s going east that reads “ I-44 east bound, 3 miles ahead”. These signs are large signs. There will also be a sign at Hogan Road, Alderman Pigg stated there also needed to be on at Holland St.

Park Board – President Flannery stated that Dillon Patton was present tonight. Dillon stated the dog park at the city park was complete. There are areas that need fill around it, but the city is supposed to do that. President Flannery stated there has been discussion at the park board regarding access to the dog park; they have spoken with MIRMA regarding this and the dogs having a city license. There will be more

discussion about this.

Alderman Pigg stepped out.

Cemetery Committee – no report

Alderman Pigg returned.

Tourism Committee – President Baker stated on March 1, 2013 at 9:25 a.m. he would be meeting with the high school students for a question and answer session regarding the scholarship and the welcome signs. He continued the committee was approached by Steve Myers regarding the Riverwalk Project, and he asked for their support, along with a letter of commitment in the amount of \$ 20,000. Committee members approved a letter of commitment in the amount of \$ 20,000, budgeting \$ 5,000 for the next 4 years out of reserve. If the situation would arise, and the \$ 20,000 needed immediately, he hoped the city would pay the money and allow tourism funds to pay them back like we did with the electronic sign. Administrator Selby stated he has been working on a grant with Steve, and extra points are given to the project if there are letters of commitment. Mayor Adams reminded the board this would need to be done after every April election because the board would change and a new letter would be needed, this would need to be an agenda item.

Motion made by Alderman Gass, seconded by Alderman Pigg to approve a letter of commitment for the River Walk Trail, along with tourism budgeting \$ 20,000 for the project, \$ 5,000 budgeted every year for the next four years out of reserve. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved.

INTRODUCTION OF NEW BILLS

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. (1st reading)

Motion made by Alderman Pigg, seconded by Alderman Arnette to approve the first reading of Bill No. 2876. 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. 2876 by title only for the first reading. There being no objections or corrections, Mayor Adams declared the bill will continue to the second reading at the next regularly scheduled meeting.

Bill No. 2877 AN ORDINANCE APPROVING A BOUNDARY ADJUSTMENT PLAT PURSUANT TO SECTION 410.030B OF THE CITY CODE FOR 2101 HWY N AND DIRECTING THAT THE SAME BE RECORDED WITH THE FRANKLIN COUNTY RECORDER OF DEEDS (1st reading)

Motion made by Alderman Reed, seconded by Alderman Eversmeyer to approve the first reading of Bill No. 2877. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0. Engineer Rahn stated this is just a boundary adjustment at the corner of Indian Trail and Hwy N by the middle school, moving his back lot line. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2877 by title only for the first reading. There being no objections or corrections, Mayor Adams declared the bill will continue to the second reading at the next regularly scheduled meeting.

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

This was done earlier in the meeting.

UNFINISHED BUSINESS

NEW BUSINESS

RESOLUTION NO. 2013-01 A RESOLUTION ADOPTING A CITY TAX ESCROW POLICY RELATING TO MUNICIPAL CODE SECTION 145.125 WAIVER.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2013-01 by title only. Motion made by Alderman Reed, seconded by Alderman Eversmeyer, to approve Resolution No. 2013-01. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0. Administrator Selby stated that he sent this to Franklin County Collector Emmons and she thought this would work.

RESOLUTION NO. 2013-02 A RESOLUTION OF THE CITY OF PACIFIC, MISSOURI STATING INTENT TO SEEK FUNDING FOR IMPROVEMENTS TO THORNTON ROAD PHASE 2 STP PROJECT AND IMPROVEMENTS FROM MOLLY'S STREET TO N. MONROE STREET.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2013-02 by title only. Motion made by Alderman Arnette, seconded by Alderman Gass to approve Resolution No. 2013-02. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

MISCELLANEOUS

- a. Approve Temporary Picnic Liquor License to Daniel Witte, St. Bridget of Kildare for a fish fry on February 15, 2013, February 22, 2013, March 1, 2013, March 8, 2013, March 15, 2013, March 22, 2013.

Motion made by Alderman Reed, seconded by Alderman Gass to approve a Temporary Picnic Liquor License to Daniel Witte, St. Bridget of Kildare for a fish fry on February 15, 2013, February 22, 2013, March 1, 2013, March 8, 2013, March 15, 2013, March 22, 2013. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

- b. Approve Pacific Animal Hospital Vaccination Clinic of Saturday, April 13, 2013, May 11, 2013, June 8, 2013, September 14, 2013 from 10:00 a.m. – 1:00 p.m.

Motion made by Alderman Reed, seconded by Alderman Pigg to approve Pacific Animal Hospital Vaccination Clinic on Saturday, April 13, 2013, May 11, 2013, June 8, 2013, September 14, 2013 from 10:00 a.m. – 1:00 p.m. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

TOURISM EXPENDITURES

- A. Approve invoices from the Traveler Publishing Co in the amount of \$ 510.00 to be paid

from tourism funds.

Motion made by Alderman Reed, seconded by Alderman Gass to approve the invoice from Traveler Publishing in the amount of \$ 510.00 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)

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....

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....

Mayor Adams stated the Board would be going into executive session under RSMO 610.021 (1)(2)

Motion made by Alderman Pigg, seconded by Alderman Reed to go into executive session under RSMO. 610.021 (1) (2). 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 passed 6-0.

The Board went into executive session at 8:43 p.m.

The Board reconvened at 9:50 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 Reed to adjourn. A voice vote was taken with an affirmative result and Mayor Adams declared the motion approved 6-0.

The meeting adjourned at 9:51 p.m.


Herbert C. Adams, Mayor

ATTEST:


City Clerk