



January 15, 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
Assistant Chief Cook
Collector Kelley
Engineer Rahn
City Clerk Barfield
Public Works Commissioner Boedges

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

B. Regular Minutes – December 18, 2012

Motion made by Alderman Pigg, seconded by Alderman Reed to approve the minutes of the regular meeting held on December 18, 2012. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

PUBLIC HEARING

A. PZ2012-798

A public hearing to consider a Planned Unit Development (PUD) for “Handlebars” a bar located at 147 W. St. Louis St., Pacific, MO to rezone from C-1 Downtown Commercial District to a Planned District Commercial (PDC); applicant-Cynthia M. Thiemet.

Mayor Adams opened the public hearing and read PZ 2012-798 into the record. He asked for comments from the public. There were no comments. Mayor Adams asked if the taxes were paid, and Collector Kelley stated Franklin County has faxed her office over the paid receipt. Mayor Adams asked for comments from the staff. Todd Streiler, Streiler Planning, stated this public hearing was for a rezoning from C1 to PUD for a tavern at 147 W. St. Louis St. This was approved at Planning & Zoning 8-0. The PUD is necessary to waive the on-site parking requirement. The ordinance tonight includes all exterior trash containers to be on site and screened, includes abiding by Chapter 225 of the code for liter and nuisance control. He continued the applicant is in the audience if there were any questions. Mayor Adams asked for comments from the board. There being no further comments the public hearing was closed.

B. PZ2012-761

A public hearing to consider a Planned Unit Development (PUD) for “I-44 Trucking”, a vehicle repair, towing and storage and limited retail establishment located at 309 Flier Dr., Pacific, MO to rezone the properties from M-1/C-2 to a Planned Unit Development (PUD); applicants-Midwest Diversified LLC and Richard Counts.

Mayor Adams opened the public hearing and read PZ2012-761 into the record. He asked for comments from the public. There were no comments. Mayor Adams asked if the taxes were paid, and Collector Kelley stated Franklin County has faxed her office over the paid receipt. Mayor Adams asked for comments from the staff. Todd Streiler, Streiler Planning, stated the public hearing is for a two different parcels, with two different owners. This is for rezoning to M1 and CUP to authorize vehicle towing and storage use. The 10’ setback between the two parcels is one of the items being asked to be waived and is in the ordinance. The requirements set forth in Bill # 2874 were reviewed. The applicant was also present in the audience for questions. Alderman Gass asked if the adjoining property owners were in agreement, and Mayor Adams stated that Flier Automotive and the Animal Hospital were contacted and had no oppositions. Mayor Adams asked for further comments from the board. There being no further comments, Mayor Adams closed the public hearing.

C. PZ2012

A text amendment to Section 400.235 – Off street parking and loading regulations of the city of Pacific zoning regulations.

Mayor Adams opened the public hearing and read PZ2012 into the record. He asked for comments from the staff. Todd Streiler, Streiler Planning, stated this is to provide relief to the downtown parking requirements and proposes waiving the requirement on a case by case basis. Bill No. 2872 was reviewed. This applies only to properties in the boundary or touches the boundary. This was approved by Planning & Zoning 8-0. Nancy Omer, 107 W. St. Louis St., stated the only parking she had available to her was the street parking. Alderman Eversmeyer stated this will only help her in the future, when or if she would decide to sell her building the new owner would not be required to fulfill the off street parking requirement. Mayor Adams asked for any further comments, there being none, the public hearing was closed.

PUBLIC PARTICIPATION-SPEAKER CARDS

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

Tim Reeves, Ministerial Alliance, Villa Ridge, MO stated he would like to offer prayer this evening. Prayer was given.

Cindy Thiemet, HandleBars, 1310 Red River Dr., St. Louis, MO stated she appreciated everyone's hard work to get her business open and thanked everyone for working together.

Kathy Dodge, HandleBars, 11806 Riverview, St. Louis, declined to speak.

Genetta Tomnitz, 109 Judy Brook, Pacific, Mo stated her old address was 618 S. First St., and she was part of the flood buyout in 2008, but was one of the last ones to accept the buyout in 2011. She continued that when she closed on her property there were taxes collected for in the amount of \$ 286.00. She continued that she called Franklin County and they said the taxes were paid, but she is requesting her money back from Franklin County. She believes that many of the taxes were not paid on the buyout properties. Administrator Selby stated there were several issues with taxes on some of the buyout properties. On some properties all the tax was collected for at closing and then paid for by the title company, on some properties there was a portion that was collected for and when the city tried to pay the tax, the Franklin County Collectors records showed there was no taxes due and the tax was refunded back to the city. There were many discussions with the county about the tax that was refunded back to the city on a few of the properties. He continued that just today, he called the collector again and one of the clerks in the office stated the tax had already been distributed to the entities. Attorney Vogel stated the bill reflects on whoever was the property owner as of January 1st, that is who is legally liable for the tax, if the government buys a piece of property by December 31st, the tax is still owed, but not collectable. The taxes are prorated for that part of the year. In Franklin County the county sends the money back if it is not 100% paid, which is unusual, because in this case, the second half of the year would be exempt. Alderman Reed asked if the county sends back the money to an individual, does that put the city on the hook. Attorney Vogel stated it does not put the city on the hook, but it does the private sector, but the county cannot authorize or send money back to individuals. Alderman Pigg asked if the city has received the funds from Danette Hoven's house, Mayor Adams stated it has not.

Steve Reed, 1946 Heather Lane, Pacific, MO stated he was going to hold his comments until later.

Jeannie Bandermann, 1713 Birch Dr., Pacific, MO stated on behalf of the Tri-County Senior Center the event committee has been busy planning for 2013. The 1st event is next Friday from 6-9 p.m. for the Snowflake Dance, then on March 9, 2013 there will be a mini car cruise and bake sale, on April 20, 2013 there is a 5K planned, on May 12, 2013 there will be a mother's day breakfast, and then in June a father's day breakfast, in October there will be a craft show/bake sale and in November there is a celebration for the veterans with a parade.

Jeff Palmore, 709 W. Union, Pacific, MO stated apparently at the last meeting the board received a report from Brian Mae that he was no longer working on the cemetery problems. Some time ago he filed a request to have a meeting under Chapter 155 and was denied, but with the exception of Alderman Arnette he has spoken to all of them at the funeral home and they all saw documentation of deeds and problems. The letter he received from Mr. Selby stated after the research was completed, we would discuss it with him, so he asked the board if they were ready to discuss the problems at the cemetery. He continued that deeds were issued in 2001 for grave space 5 of Lot 135, the spreadsheet names Nettie Brooks, but in 5/2001 neither Herbert Adams was the Mayor, and Kim Barfield was not the clerk. Today he is asking again for a meeting to discuss the cemetery issues. Information was passed out and his records and the

city records do not match. He distributed a handout that will be made part of the record. He continued that three times we have tried to straighten this out, and he is still concerned that the graves are being numbered wrong. He has been there when graves were dug up and have witnesses that people were in them. This needs to be straightened out. Mayor Adams stated his position was the same as it was a few months ago, he thought the alderman should be curious if council's position is any different, or the insurance company's position. He asked Attorney Vogel if anything has changed. Attorney Vogel stated he was not aware of any change other than the change of outside council that is responding to the existing case, it is the same firm, but a different individual. Mr. Palmore stated he did not want to discuss what was in litigation. Administrator Selby stated the insurance company advised to not meet. Alderman Gass suggested a meeting with Mr. Palmore, if the insurance company agreed. Mr. Palmore stated that we can discuss the case on February 14, 2013, but he wanted to discuss his lots that have bogus deeds issued. Attorney Vogel asked if he would reserve his right to file further law suits, and Mr. Palmore asked why he would give up his constitutional rights. Mayor Adams asked if any of the board members wanted the meeting, there were no comments from the board.

CITY ADMINISTRATOR/CITY ATTORNEY REPORT

Engineer Rahn – stated additional signs for “no truck traffic” were installed on Gray Summit Road & Highway N to help keep trucks away from Candlewick and Congress St. Alderman Pigg suggested signs on Western also. Alderman Reed suggested speaking to MoDot regarding signs directing trucks to Pilot truck stop when they get off the highway, maybe an overhead directional sign would help. Alderman Bates thought that enforcement was the key to the truckers having their GPS updated.

Alderman Reed – discussed the ditches at St. Louis St and Phelan St. He referred to President Flannery for a Park Board report. President Flannery stated former Alderman Monroe came to the park board for the annual fishing derby on May 18, 2013. He stated there will be a report on the dog park at the next meeting. Motion made by Alderman Reed, seconded by Alderman Arnette to approve May 18, 2013 for the fishing derby. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved.

Alderman Gass - stated he would like the attorney to prepare an ordinance for 2 hour parking at the 100 block of St. Louis St., on the east side, at the 100 block of St. Louis St., on the west side, and the 200 block of St. Louis St. Mayor Adams thought if something was going to be done, that we needed to do it right and repeal the ordinances the board no longer wished to have. Alderman Bates thought the two hour parking should be repealed. Alderman Reed stated most businesses are not complaining. Alderman Gass stated the ordinance used to work. Steve Reed stated the problem is with the businesses, not the ordinance and he wanted the two hour parking kept in front of his building. April, Kaleidoscope, stated she thought the problem was with the employee parking, but she agreed with the two hour parking. Nancy Omer stated there was no place for employees to park except on the street, Alderman Reed stated there was parking available at the commuter lot. Alderman Pigg stated the city has an existing ordinance, but has not been enforced, and he thought there needed to be more thought put into this. Alderman Arnette suggested the chief doing a study and making a recommendation. Mayor Adams stated enforcement is the responsibility of the police department. Alderman Gass withdrew his motion, and thought more research was needed.

Alderman Gass - thought the Christmas decorations should have been taken down already.

Alderman Bates – stated at the last board meeting he made remarks about insurance companies, and he did not mean to give any impressions about any insurance groups locally. He also stated that Harold Sater contacted him regarding the blasting. Administrator Selby stated that he was also contacted, and St. Louis County regulates that, but the Silica Plant has changed the delay and they would try not to do that

anymore.

Museum Committee – Jeannie Bandermann stated the museum is now on Facebook. Alderman Gass left the room. She continued that people all over were contacting them, include someone from California. They are taking one item a week and putting a story with it and sharing that on Facebook. They are also collecting ink cartridges to help recycle them and save money. They are starting on the 2014 calendars. Alderman Gass returned to the room.

Alderman Arnette – stated the Tourism Committee met and they are moving forward with the designs for the city welcome signs, and the chance to win the \$ 2,000 scholarship.

MAYORS REPORT

COMMITTEE REPORTS

- a. Siren System Presentation – Dian Becker, Walter Arnette

Dian Becker stated there has been discussion regarding a siren near Eagle View Subdivision to overlap with the one at the city shed for the north side of I-44. The city needs to obtain property to install a siren, for a nine cell warning siren, which is what the other ones are, solar powered and battery backup the cost is \$ 36,000.00. Mayor Adams stated that he has met with President Arnette and Administrator Selby to discuss funding options, and hope to bring an idea back at the next meeting.

- b. Sewer back up-Genetta Tomnitz, 109 Judy Brook

Administrator Selby stated after many conversations with the insurance company, they have accepted liability for the backup.

INTRODUCTION OF NEW BILLS

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. (1st reading)

Motion made by Alderman Pigg, seconded by Alderman Gass to approve the first 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 first reading. There being no objections or corrections, Mayor Adams declared the bill will continue to the second reading.

Bill No. 2873 AN ORDINANCE APPROVING A DONATION AGREEMENT TO ACCPET THE CONVEYANCE OF CERTAIN REAL PROPERTY TO BE DONATED TO THE CITY BY WELLS FARGO BANK, N.A. (1st reading)

Motion made by Alderman Eversmeyer, seconded by Alderman Reed to approve the first reading of Bill No. 2873. 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. 2873 by title only for the first reading. There being no objections or corrections, Mayor Adams declared the bill will continue to the second reading this evening.

Bill No. 2874 AN ORDINANCE AUTHORIZING A CHANGE IN ZONING FROM THE "C2" ARTERIAL COMMERCIAL DISTRICT AND "M1" LIGHT INDUSTRIAL DISTRICT TO "PDM" PLANNED DISTRICT-MANUFACTURING FOR TWO PARCELS OF LAND LOCATED AT 309 FLIER LANE THEREBY ALLOWING VEHICLE TOWING, VEHICLE STORAGE, AND STORAGE WAREHOUSE (SELF-STORAGE) PURSUANT TO THE REQUIREMENTS CONTAINED HEREIN. (P.Z. 2012-761:I-44 TOWING). (1st reading)

Attorney Vogel stated if this is granted, staff recommends in the context a temporary review period. In the master plan this would be the process, until the policy is established and until the properties come into compliance.

Motion made by Alderman Reed, seconded by Alderman Bates to approve the first reading of Bill No. 2874. 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.2874 by title only for the first reading. There being no objections or corrections, Mayor Adams declared the bill will continue to the second reading this evening.

Bill No. 2875 AN ORDINANCE AUTHORIZING A CHANGE IN ZONING FROM THE "C1 DOWNTOWN COMMERCIAL DISTRICT TO "PDC" PLANNED DISTRICT TO "PDC" PLANNED DISTRICT-COMMERCIAL FOR 147 W. ST. LOUIS STREET AND A CONDITIONAL USE PERMIT THEREBY ALLOWING A TAVERN PURSUANT TO THE REQUIREMENTS CONTAINED HEREIN. (P.Z. 2012-798: HANDLEBARS). (1st reading)

Motion made by Alderman Gass, seconded by Alderman Pigg to approve the first reading of Bill No. 2875. 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.2875 by title only for the first reading. There being no objections or corrections, Mayor Adams declared the bill will continue to the second reading this evening.

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

BILL NO. 2873 AN ORDINANCE APPROVING A DONATION AGREEMENT TO ACCEPT THE CONVEYANCE OF CERTAIN REAL PROPERTY TO BE DONATED TO THE CITY BY WELLS FARGO BANK, N.A. (2nd reading)

Motion made by Alderman Arnette, seconded by Alderman Reed for the second reading of Bill No. 2873. 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. 2873 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. 2873 passed 6-0, approved it and it became **Ordinance No. 2853.**

BILL NO. 2874 AN ORDINANCE AUTHORIZING A CHANGE IN ZONING

FROM THE “C2” ARTERIAL COMMERCIAL DISTRICT AND M1” LIGHT INDUSTRIAL DISTRICT TO “PDM” PLANNED DISTRICT-MANUFACTURING FOR TWO PARCELS OF LAND LOCATED AT 309 FLIER LANE THEREBY ALLOWING VEHICLE TOWING, VEHICLE STORAGE, AND STORAGE WAREHOUSE (SELF-STORAGE) PURSUANT TO THE REQUIREMENTS CONTAINED HEREIN. (P.Z. 2012-761: I-44 TOWING) (2nd reading)

Motion made by Alderman Pigg, seconded by Alderman Arnette for the second reading of Bill No. 2874. 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. 2874 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 Eversmeyer, Alderman Bates, Alderman Reed, Alderman Pigg, Alderman Arnette. Nays: Alderman Gass. Whereupon, Mayor Adams declared Bill No. 2874 passed, 5-1 approved it and it became Ordinance No. 2854.

BILL NO. 2875 AN ORDINANCE AUTHORIZING A CHANGE IN ZONING FROM THE “C-1 DOWNTOWN COMMERCIAL DISTRICT TO “PDC” PLANNED DISTRICT-COMMERCIAL FOR 147 W. ST. LOUIS STREET AND A CONDITIONAL USE PERMIT THEREBY ALLOWING A TAVERN PURSUANT TO THE REQUIREMENTS CONTAINED HEREIN. (P.Z. 2012-798: HANDLEBARS) (2nd reading)

Motion made by Alderman Gass, seconded by Alderman Pigg for the second reading of Bill No. 2875. 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. 2875 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 Gass, Alderman Reed, Alderman Pigg, Alderman Arnette, Alderman Eversmeyer, Alderman Bates. Whereupon, Mayor Adams declared Bill No. 2875 passed 6-0, and became Ordinance No. 2855.

UNFINISHED BUSINESS

NEW BUSINESS

RESOLUTION NO. 2012-62 A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE WATER AND SEWER FUND TO THE LEASEHOLD REVENUE BOND FOR THE BOND PAYMENT.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2012-62 by title only. Motion made by Alderman Pigg, seconded by Alderman Gass, to approve Resolution No. 2012-62. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

RESOLUTION NO. 2012-63 A RESOLUTION AFFIRMING THAT COMMUNICATION EQUIPEMNT AVAILABLE IN ST. LOUIS COUNTY ALSO BE MADE AVAILABLE TO THE

CITY OF PACIFIC.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2012-63 by title only. Motion made by Alderman Gass, seconded by Alderman Bates to approve Resolution No. 2012-63. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

MISCELLANEOUS

- a. Approve the list of bills.

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

- b. Approve petty cash.

Motion made by Alderman Eversmeyer, seconded by Alderman Arnette to approve petty cash in the amount of \$ 98.98. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

- c. Accept the resignation of Reserve Officer Tammy Offard.

Motion made by Alderman Pigg, seconded by Alderman Reed to accept the resignation of Reserve Officer Tammy Offard. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

- d. Mayor Adams stated this has been withdrawn.

- e. Approve Ronald Pursley, Pacific Eagles, 707 W. Congress for a Temporary Picnic Liquor License on January 27, 2013, May 5, 2013, September 29, 2013 for a Bar-B-Que, and bike shows.

- f.

Motion made by Alderman Arnette, seconded by Alderman Reed to approve Ronald Pursley, Pacific Eagles, 707 W. Congress for a Temporary Picnic Liquor License on January 27, 2013, May 5, 2013, September 29, 2013 for a Bar-B-Que, and bike shows. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

TOURISM EXPENDITURES

- A. Approve invoices totaling \$ 2,459.00 to Red Bone for banners to be paid from tourism funds.**

Motion made by Alderman Gass, seconded by Alderman Reed to approve the invoices from Red Bone in the amount of \$ 2,459.00 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.

- B. Approve invoice in the amount of \$ 324.00 from Red Bone for advertisement for Christmas on the Plaza-Partnership to be paid from tourism funds.**

Motion made by Alderman Reed, seconded by Alderman Gass to approve invoice from Red Bone for advertisement for Christmas on the Plaza- Partnership 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.

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 9:15 p.m.


Herbert C. Adams, Mayor

ATTEST:


City Clerk