

NOVEMBER 18, 2014 * 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 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
Lieutenant Locke
Collector Kelley
Planner Todd Streiler
City Clerk Barfield

The Pledge of Allegiance was given.

Mayor Palmore stated there was some changes to the agenda, originally he planned on spending more time than usual on the cemetery, but would give everyone an opportunity to speak at the end of the meeting.

APPROVAL OF MINUTES

A. Special Meeting- October 30, 2014

Motion by Alderman Myers, seconded by Alderman Pigg to approve the minutes of the special meeting held October 30, 2014. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

B. Regular Meeting – November 4, 2014

Motion made by Alderman Arnette, seconded by Alderman Johnson to approve the minutes of the regular meeting held on November 4, 2014. A voice vote was taken with an affirmative result, and Mayor Palmore declared the

motion carried.

PUBLIC HEARING

A. PZ 2014-8 A Public Hearing to consider a Planned Unit Development (PUD) for an addition to an existing located at 120 E. Union St. Show Me Auto Body, Dave Clapper, applicant.

Mayor Palmore read PZ 2014-8 into the record. Planner Streiler stated Mr. Clapper was present this evening, this involves a rezoning due to square footage. Planning & Zoning held a public hearing and this was approved 8-0 with conditions: They are listed in the ordinance but one was to waive the 100' minimum lot requirement for C-1 District pursuant to the PUD guide the Board of Aldermen can waive, another was to exempt them from the city standards along highways, this building will match the exiting building and be behind it. The next one was a site fence to be installed on the southern portion of the site property and they prohibited chain link fence, they also would be exempt from the landscape and street tree requirement, as there is no room along the front of the building. Mayor Palmore asked for any comments from the public. There being none, he asked for comments from the Board, Alderman Bates stated Show Me Auto Body has been good partners with the city and it was nice to see them grow. There being no further comments the public hearing was closed.

B. PZ 2014-9 A Public Hearing to consider a Planned Unit Development-Planned Development Manufacturing with an underlying Zoning of M-2 for additions to existing buildings and new buildings located at 819 E. Osage, U.S. Silica Company, applicant.

Mayor Palmore read PZ 2014-9 into the record. Planner Streiler stated this was for 819 E. Osage, U.S. Silica and there was a public hearing at the Planning & Zoning meeting, this was for a rezoning & site development plan. They are expanding 100% and plan on doubling their capacity. A P-DM is better for the use, as now they are a C-1. They are asking to waive the 75' front yard setback requirement of the M-2 underlying zoning district. The existing silo's do not meeting the code, and this would bring them into compliance. They are asking to waive the 50' height limit requirement of the M-2 underlying district; they have one building that will be 117' tall. Waive the Ingress & Egress requirements, the site be exempt from the city's Standards for Buildings on Major Highways, the emission of dirt, fly ash and other particulate matter be in accordance with the US Department of Health Standards, every use be operated so that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line. Mayor Palmore asked for any comments from the public. Robert Villery stated he lives in the area and does not think the board should approve anything until a conclusion is come to about the blasting on his side of town. Mayor Palmore stated to the best of his knowledge, they cannot create any siz-mo-graphic problems at their lot lines. The City does not control this and the blasting is in St. Louis County. Mr. Villery did not think the city was protecting the citizens from the blasting, and nobody wanted to do anything about it. This is tearing up homes. Mayor Palmore suggested he contact St. Louis County Commission as they would govern this. Loyd Kleindhorst, 10 Dover Lane, suggested the board using this as leverage, and not allow these expansions until the blasting was taken care of. Mayor Palmore asked for comments from the board. Alderman Bates stated in the zoning ordinance the vibration is addressed and must be

contained to their property, which they did not have in place before. This is a step in the right direction. There being no further comments, Mayor Palmore closed the public hearing.

Mayor Palmore stated he made a mistake at the beginning of the meeting, we are used to prayer in public participation. In a recent Supreme Court decision it was determined that we no longer had to use public participation as prayer, and he asked Reverend Lange to offer prayer. Prayer was given.

INTRODUCTION OF NEW BILLS

**BILL NO. 2931 AN ORDINANCE AMENDING THE PERSONNEL
MANUAL OF THE CITY OF PACIFIC, (ORDINANCE 2499)
TO INCLUDE IN SECTION 129.VACATIONS, A POLICY
ALLOWING EMPLOYEES OF THE CITY TO CARRY
OVER A CERTAIN PORTION OF THEIR UNUSED
VACATION TIME TO THE NEXT YEAR. (1st reading)**

Motion made by Alderman Bates, seconded by Alderman Myers for the first reading of Bill No. 2931. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. Mayor Palmore asked for any discussion, there was none. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2931 for the first reading.

**BILL NO. 2932 AN ORDINANCE PROVIDING THAT THE ANNUAL
ELECTION IS HELD ON TUESDAY, THE 7TH DAY OF
APRIL, 2015 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 Pigg, seconded by Alderman Myers for the first reading of Bill No. 2932. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. Mayor Palmore asked for any discussion, there was none. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2932 for the first reading.

**BILL NO. 2933 AN ORDINANCE AUTHORIZING A MINOR
SUBDIVISION PLAT FOR LAURA'S BLUFF SUBDIVISION
LOCATED OFF SIXTH AND SEVENTH STREET,
THEREBY CREATING LOT 1 (3.06 ACRES) AND LOT 2
(3.60 ACRES). THE OFFICIAL ZONING OF THE SITE IS
"R-1A SINGLE FAMILY. (P.Z. 2014-007) (1st reading)**

Motion made by Alderman Arnette, seconded by Alderman Gass for the first reading of Bill No. 2933. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. Mayor Palmore asked for any discussion, there was none. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2933 for the first reading.

BILL NO. 2934 **AN ORDINANCE AUTHORIZING A CHANGE IN ZONING FOR 819 EAST OSAGE FROM “C-1” DOWNTOWN COMMERCIAL DISTRICT TO PLANNED DEVELOPMENT-MANUFACTURING (PD-M) FOR U.S. SILICA TO ALLOW THE OPERATIONAL IMPROVEMENTS AS SHOWN ON THE SITE DEVELOPMENT PLAN (P.Z. 2014-009 US SILICA) (*1st reading*)**

Motion made by Alderman Pigg, seconded by Alderman Myers for the first reading of Bill No. 2934. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. Mayor Palmore asked for any discussion, there was none. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2934 for the first reading.

BILL NO. 2935 **AN ORDINANCE AUTHORIZING CHANGE IN ZONING FOR 120 EAST UNION FROM “C-1” DOWNTOWN COMMERCIAL DISTRICT TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C) FOR AN AUTO REPAIR FACILITY TO ALLOW THE CONSTRUCTION OF A 5,150 SQUARE FOOT BUILDING ADDITION (P.Z. 2014-008 SHOW ME AUTO REPAIR) (*1st reading*)**

Motion made by Alderman Bates, seconded by Alderman Johnson for the first reading of Bill No. 2935. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. Mayor Palmore asked for any discussion, there was none. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2935 for the first reading.

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

BILL NO. 2931 **AN ORDINANCE AMENDING THE PERSONNEL MANUAL OF THE CITY OF PACIFIC, (ORDINANCE 2499) TO INCLUDE IN SECTION 129.VACATIONS, A POLICY ALLOWING EMPLOYEES OF THE CITY TO CARRY OVER A CERTAIN PORTION OF THEIR UNUSED VACATION TIME TO THE NEXT YEAR. (*2nd reading*)**

Motion made by Alderman Bates, seconded by Alderman Myers for the second reading of Bill No. 2931. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2931 for the second reading by title only. Motion made by Alderman Bates, seconded by Alderman Myers to approve Bill No. 2931. 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. 2931 became Ordinance No. 2919.

BILL NO. 2932 **AN ORDINANCE PROVIDING THAT THE ANNUAL ELECTION IS HELD ON TUESDAY, THE 7TH DAY OF APRIL, 2015 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 Gass, seconded by Alderman Myers for the second reading of Bill No. 2932. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2932 for the second reading by title only. Motion made by Alderman Gass, seconded by Alderman Johnson to approve Bill No. 2932. 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. 2932 became Ordinance No. 2920.

BILL NO. 2933 **AN ORDINANCE AUTHORIZING A MINOR SUBDIVISION PLAT FOR LAURA'S BLUFF SUBDIVISION LOCATED OFF SIXTH AND SEVENTH STREET, THEREBY CREATING LOT 1 (3.06 ACRES) AND LOT 2 (3.60 ACRES). THE OFFICIAL ZONING OF THE SITE IS "R-1A SINGLE FAMILY.(P.Z. 2014-007) (2nd reading)**

Motion made by Alderman Bates, seconded by Alderman Gass for the second reading of Bill No. 2933. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2933 for the second reading by title only. Motion made by Alderman Gass, seconded by Alderman Bates to approve Bill No. 2933. A roll call vote was taken with the following results: Ayes: Alderman Bates, Alderman Gass, Alderman Johnson, Alderman Pigg, Alderman Arnette, Alderman Myers. Nays: none. Whereupon, Mayor Palmore declared Bill No. 2933 became Ordinance No. 2921.

BILL NO. 2934 **AN ORDINANCE AUTHORIZING A CHANGE IN ZONING FOR 819 EAST OSAGE FROM "C-1" DOWNTOWN COMMERCIAL DISTRICT TO PLANNED DEVELOPMENT-MANUFACTURING (PD-M) FOR U.S. SILICA TO ALLOW THE OPERATIONAL IMPROVEMENTS AS SHOWN ON THE SITE DEVELOPMENT PLAN (P.Z. 2014-009 US SILICA) (2nd reading)**

Motion made by Alderman Arnette, seconded by Alderman Gass for the second reading of Bill No. 2934. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2934 for the second reading by title only. Motion made by Alderman Gass, seconded by Alderman Bates to approve Bill No. 2934. 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 Bill No. 2934 became Ordinance No. 2922.

BILL NO. 2935 AN ORDINANCE AUTHORIZING CHANGE IN ZONING FOR 120 EAST UNION FROM "C-1" DOWNTOWN COMMERCIAL DISTRICT TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C) FOR AN AUTO REPAIR FACILITY TO ALLOW THE CONSTRUCTION OF A 5,150 SQUARE FOOT BUILDING ADDITION (P.Z. 2014-008 SHOW ME AUTO REPAIR) (2nd reading)

Motion made by Alderman Pigg, seconded by Alderman Johnson for the second reading of Bill No. 2935. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2935 for the second reading by title only. Motion made by Alderman Pigg, seconded by Alderman Arnette for the second reading of Bill No. 2935. 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. 2935 became Ordinance No. 2923.

UNFINISHED BUSINESS

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

NEW BUSINESS

MAYORS REPORT

Mayor Palmore stated he was going to change the order of these two items.

B. River Walk Funds

Mayor Palmore stated the city previously collected funds for the River Walk project. The City lent their name to the Bluegrass Festival and those funds were placed in general fund, out of that we took funds for the website. The River Walk has found a new home called the Magi Foundation and Alderman Myers has requested the transfer of funds that was collected from general fund to the foundation. He has spoken to the attorney and the foundation is going to nurture this fund. He would ask for a motion for the attorney to prepare a resolution for this. Alderman Myers stated this would also relieve the city from the contract for the website and the Magi foundation will pick it up. Motion made by Alderman Pigg, seconded by Alderman Arnette for Attorney Schroeder prepare a resolution to transfer the funds from the River Walk to the Magi Foundation. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion approved.

A. Pacific City Cemeteries

Mayor Palmore stated he had a long presentation planned, but has had second thoughts. He stepped down from the dais to the table where city cemetery records were displayed. He continued he has no intention of bringing up anything with the litigation that he was involved with in the City, but he wanted to clarify statements made by the press. The \$ 225 for overcharge of a grave opening is what he was awarded, it was one process, he went to the Court of Appeals, and he did not lose. The grave that was purchased for the Brooks/Turner Family, the grave was assigned to that family because the records are not accurate, and they found this out when they went to the cemetery. We need the records so this does not keep happening. He was prepared to offer another grave space to the family or give them their money back. They purchased eight graves; the deed is in my office where the other records are. There are at least three different numbering systems for the graves. He has asked for a year they be numbered as the standard method. The numbers need reassigned, an isle space was assigned to the Turner/Brooks Family which is not uncommon. There are maps that exist from years ago that we don't have. We have graves and people buried and years later the graves are purchased by someone else. He took all those deeds and highlighted graves already occupied and the grave was bought again. We need our records to straighten all this out. I have been told for years there's no more graves in the city cemetery, but really there are hundreds if not thousands left in the cemetery. We as the Board of Aldermen don't have the legal ability to give away city property.

Robert Villery, asked what we are going to about purchasing property in someone else's name and asked if that was illegal. Mayor Palmore stated in a cemetery it is done because they can act as their agent, as a cemeterian works different. Funeral homes and directors purchase graves for people and this is common. Then we have to charge them exactly what we pay, this is a very strict parameter. Mr. Villery stated there were soldiers buried in parts of the cemetery and questioned why the City of Pacific cannot control illegal purchases of this property. Mayor Palmore stated the grave for the Brooks/Turner family would be re-deeded and assigned to Alice Turner. If the guy that purchased it wants another deed then we will give him another grave or his money back.

MISCELLANEOUS

A. Approve list of bills.

Motion made by Alderman Gass, seconded by Alderman Pigg to approve the list of bills. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

Mayor Palmore added an item.

B. Discuss Christmas Tree at ADAMS Garden.

Mayor Palmore stated a donation has been given to ADAMS Garden, it is a very large tree and they would like to plant it, but they need help from the City. Motion made by Alderman Pigg, seconded by Alderman Myers to approve the city help in the planting of a donated Christmas

Tree to ADAMS Garden. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion approved.

TOURISM EXPENDITURES

A. Approve invoice from Display Sales for brackets for flags in the amount of \$ 1,034.02 to be paid from Tourism Funds.

Motion made by Alderman Pigg, seconded by Alderman Myers to approve the invoice from Display Sales for brackets for flags in the amount of \$ 1,034.02 to be paid from Tourism Funds. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion approved.

SPEAKER CARDS

Heather Filley, 6683 Eagle Rock Drive, Pacific, MO stated she is the chair for the Relay for Life. This event is at the High School on June 19, 2015-June 20, 2015 from 6:00 p.m. to 2:00 a.m. She asked the city for their support in this event.

Michelle Anders, 519 W. Pacific St., stated she is concerned about the growing population of the cats. She lives next to the park, and has been in contact with Richard Adams on numerous occasions. She continues to contact him, but never can see where the traps are placed. She feels like her calls are going ignored, and due to the inaction she feels we have added ten litters of cats in our neighborhood. They are a nuisance to our dogs and us. She has neighbors that feed them, but when it is cold they don't go out and do it, and this cycle has to be broken as they also need to be spayed or neutered. Mayor Palmore apologized and has been by there and seen the cats himself. He has taken steps to correct this situation and stated he would follow up. Alderman Pigg stated 90% of the rescues are full and he knows Richard quit telling the public what he was doing with the traps, because people are letting them out of the traps, so he started hiding them. Alderman Myers stated Orschelns has traps on sale for \$ 40.00 and made a recommendation to purchase two more traps. Discussion followed regarding feral cats and a plan on how to trap them.

REPORTS OF CITY OFFICIALS

Alderman Pigg stated in April we were dealing with Brush Creek and he has been asking for an update for four months. Mayor Palmore stated he received information a few weeks ago and has turned that over to Attorney Schroeder. Attorney Schroeder stated he thought there would be a meeting with them soon. He also asked about the status of the road projects, Thornton Road and Gray Summit Road. Mayor Palmore stated on Thornton Road, from the beginning we knew we would be hit by the weather, he has asked them not to mill the pavement right now and on Gray Summit Road we had the sidewalk issue that is not resolved. He thought the sidewalks needed to be separated from the street, but Alderman Gass didn't think there was enough room. On Thornton Road there are three pipe lines and the road has to be build up above them. He attended the kick off meeting and did not remember anything about this, but they want to shut Thornton Road down for a week for the installation of a 60' box culvert. Alderman Arnette

stated the road was to only be shut down one half at a time. Mayor Palmore stated this is supposed to happen in about two weeks, but is suggesting they wait until school is closed for the holidays. Heather Filley (audience) stated she noticed the concrete has not been blanketed and she thought it needed to be. Mayor Palmore stated he has asked for the drawing package and looked at it, but did not see anything about the road being shut down. Heather Filley asked that they be notified other than just a sign if this happens.

Alderman Johnson stated she had a resident ask about bulky trash pickup. Mayor Palmore stated he wasn't sure of the policy but they could always call the trash company.

Alderman Gass stated Vicki Leah's building on St. Louis Street needs to have the trench drains installed. When the contractor worked on the street they failed to hook up her gutters and the water is deteriorating the building. The sidewalks need to be cut and the trench drains put in. Motion made by Alderman Gass to hire someone to install these, there was two crossings, one on each side of the building. He continued that someone has a black drain pipe stretched across the back and that needs to come out and the sewer needs to be camera. Mayor Palmore stated before he made a motion let him look into it, if it under his threshold to do then he can have it done.

Alderman Bates asked for a report on business license from the Collector Office. Mayor Palmore stated we have people that owe taxes so they cannot obtain a business license. Attorney Schroeder stated to treat everyone the same way a list was being reviewed and then ones that need a license that do not have one can be issued a summons to come to the municipal court. City Clerk Barfield stated overall the City has a very good response to the business license.

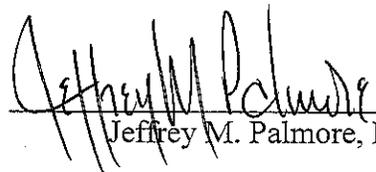
Alderman Myers suggested along with purchasing two additional cat traps, changing the Animal Control Officer's hours. The second item he had was trying to find funding to finish the sidewalks south from Riverbend School to Myers Farms Road. Mayor Palmore will check with Engineer Rahn on this. He also asked how we help to resolve the Candlewick truck traffic with East-West Gateway, Alderman Gass suggested a meeting be set with them.

Alderman Arnette stated the Genealogy Committee cancelled their Wednesday meetings until after the first of the year, and Tourism will be meeting in December.

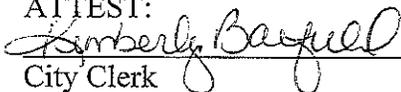
ADJOURNMENT

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

The meeting adjourned at 9:04 p.m.


Jeffrey M. Palmore, Mayor

ATTEST:


City Clerk

