

**March 3, 2015 \* 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.

Mayor Palmore asked for the aldermen to sit up in their chairs and close to the dais, and speak into their microphones.

A roll call was taken with the following results:

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

A quorum was present:

Absent: Alderman Gass

Also present:

Attorney Schroeder  
Chief Mansell  
Collector Kelley  
City Clerk Barfield  
Deputy City Clerk Hayden

Pastor Wilken, Lighthouse Church, asked everyone to stand and offered prayer.

The Pledge of Allegiance was given.

**APPROVAL OF MINUTES**

**A. Regular Meeting-February 17, 2015**

Motion by Alderman Myers, seconded by Alderman Pigg to approve the minutes of the regular meeting held February 17, 2015. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**PUBLIC HEARING**

None

## **PUBLIC PARTICIPATION**

Heather Filley, 6683 Eagle Rock Dr., Pacific, MO 63069, stated she was before the board this evening for the “Bark for Life” event. She has received the Park Board’s approval and has rented the large pavilion for April 25, 2015 from 9:00 a.m. to noon. They will be using the dog park from 7:00 a.m. to 2:30 p.m. which will allow for cleanup. They have filled out a Special Events Permit and will return it to the Building Department. Board members asked if they needed to make a motion, Mayor Palmore stated he did not think so, and the permit would be signed off on. Mrs. Filley encouraged everyone to participate.

Dan McClain, 1214 Arbor Lane, Pacific, MO 63069, stated two weeks ago he was approached by Dennis Oliver about the flagpole at Liberty Field and if the Eagles would consider donating towards this effort. He then spoke to Carol and she explained what she was trying to do, tonight the Eagles would like to donate \$ 1,400 for the flagpole at Liberty Field. He thanked Carol on behalf of the Eagles for always helping with Bingo, which is where a lot of their money comes from, and for her leadership. Alderman Johnson stated she originally had half the money donated from a resident and then she came to the board and there was question about how to pay for it. There are also two more contributors towards this flagpole that will be coming forward; once it is all received we will have a dedication for the flagpole with a plaque. She thanked the Eagles for their support. Chief Mansell suggested a ball top or an eagle top for it.

## **MAYORS REPORT**

A Discuss Comprehensive Plan and set Special Board meeting for review.

Mayor Palmore stated he thought the Comprehensive Plan was an excellent start, but thought the Board should have input into the review. He would like to see if they wanted to set a special meeting to review it. Alderman Myers asked if we could put the meeting out a month or so to give us time to review the draft, Alderman Pigg agreed. Alderman Bates asked if once this was scheduled could we also invite the Planning & Zoning Commission as well. Mayor Palmore had no opposition to this; he also thought Todd Streiler should attend. Alderman Arnette suggested this meeting be after the election so the newly elected officials could have input since he was not running. A tentative meeting was set for Monday, April 27, 2015, this would be a working meeting and the public invited. This meeting will be at 7:00 p.m.

## **COMMITTEE REPORTS**

*Park Board Committee* – Mike Vernaci, 421 Cypress, Pacific, MO, stated they had a Park Board Meeting last night, the CYC and PYA have asked to use the soccer fields at Liberty Field and the City Park. Mrs. Filley did come before the Park Board Committee and everyone was in favor of “Bark for Life”.

Mayor Palmore stated he also met with Alderman Myers at the PYA Park because someone

contacted Alderman Myers about a situation that has been a hazard for a long time. If someone was driving down the street they could drive right into the bleachers, and this has the potential to be dangerous. He proposed to put some concrete barriers at the end of Fifth St, the road won't be blocked but this allows for pedestrian traffic. Alderman Myers stated he understood that there were four instances last year where people drove thru and followed the foot path with the vehicle. Alderman Johnson asked that the Fire Department and Ambulance Service have access to the field Mayor Palmore stated access will remain open.

Alderman Johnson asked if the Easter Egg Hunt was discussed, Mr. Vernaci stated nothing has ever been brought to the Park Board in writing and they have to hold everyone to the same responsibility of completed paperwork. Alderman Pigg stated Pat Smiley was at the hospital but asked him to remind the Board of the Poker Run on Saturday March 14, 2015. This will be with bikes, golf carts etc., like they have always done. Collector Kelley stated a special event permit has been filled out for both of these. Mr. Vernaci stated the Park Board did not even know the dates, but they had agreed to Special Meeting if one was needed. Alderman Johnson stated Solid Rock Church is moving up by Save-A-Lot and in the past they partnered with Jack Bone to have an Easter Egg Hunt also, as they have in the past. Mayor Palmore stated this was why we needed permits filled out, organizations want to use our resources and someone could be left out if we don't follow the process. Mayor Palmore asked if he had any comments on the Poker Run, Chief stated they have had this several times and never had an issue. **Motion made by Alderman Arnette, seconded by Alderman Pigg to approve the Action Riders having a Poker Run on March 14, 2015. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.**

*Cemetery Committee* – No Report.

*Industrial Development Committee* – No Report.

*Museum Committee* – Alderman Johnson stated the Genealogy Committee and Museum Committee met together to work on a calendar, and would try to meet jointly for the next six months.

*Tourism Committee* – Alderman Arnette stated the Tourism Commission met and discussed the Grant Trail, and is asking to amend their budget for \$ 1,000 to purchase signs that will mark the Grants Trail; he showed an example of what the sign would look like. **Motion made by Alderman Arnette, seconded by Alderman Myers to approve amending their budget and including an expenditure up to \$ 1,000 to purchase Grant Trail signs. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.**

*Building Advisory* – No Report.

*Planning & Zoning Commission* – Alderman Bates stated they met last Tuesday regarding Resolution No. 2015-14 for St. Bridget's.

*Operations Committee* – Alderman Bates stated they have not met since the last report, but would like to schedule one. Board members agreed on Monday, March 25, 2015 at 7:00 p.m.

with the topic of “water softeners” on the agenda.

*Administrative Committee – No Report.*

## **REPORT OF CITY OFFICIALS**

Alderman Arnette – No Report

Alderman Myers – Asked everyone to keep Steve Flannery in their prayers and his medical condition. He read a letter addressed to the street department from Judy Mason on the job well done keeping the streets cleared with all the snow.

Municipal League Classes - Alderman Myers continued at the last meeting he asked the Board for approval of \$ 100 for the Municipal League Classes, and the first one was on Budgeting that himself and City Clerk Barfield attended and it was well worth the 75 minutes of training. The next class in on Telecommunications Law on March 26, 2015 at noon.

Franklin County Transportation Committee – Alderman Myers stated the city needed a seat at this table and recommended a name go to the commission, and suggested Dan Rahn. He felt these relationships should form now and **Alderman Myers made a motion to forward Dan Rahns’ name to the Franklin County Transportation Council.** Mayor Palmore stated he attended the last meeting and asked Dan Rahn to attend with him. Alderman Johnson asked if they could recommend Dan go with him, or if his schedule won’t allow it then Dan go for him. Mayor Palmore stated he wasn’t sure if he has done everything he needed to do to make this official, and at the moment could not remember when the next meeting was. **Alderman Myers withdrew his motion.**

Alderman Myers referenced the handout that was on the dais this evening from D.A. Davidson and thought the city should be willing to talk to this company for options of funding for the street improvements. He continued that Alderman Gass asked him to bring this up since he was out sick. Alderman Pigg stated he saw that this was non-binding, it reads can cancel at any time, and free. Mayor Palmore agreed that we should investigate. Alderman Pigg thought this company had been used years ago, and there was no charge unless we proceeded with the bonds. What is needed is the disclosure letter from the Mayor to be signed so they come look at the finances. **Motion made by Alderman Pigg, seconded by Alderman Myers to disclose the financial information for purposes of providing our finances to D.A. Davidson, and they can talk to staff and the board to get any information needed. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.**

City Administrator Position – Alderman Myers handed down a resume from Matthew Pross that was sent to him, he had a copy for the Mayor and one for the City Clerk.

Peddle for a Cause – he received a call today regarding a fund raiser “Peddle for a Cause” and it is cyclist that cycle from Chesterfield to various destinations, and they want Pacific to be one of those destinations. They offer a 10 mile, 50 mile, 75 mile and 100 mile route to peddle from Chesterfield to Pacific and back. Their interest is cycling out to Pacific and landing at either Jensen’s Point or Bend Bridge. This is a terrific tourism attraction and includes 3,000 cyclists. Alderman Myers stated the more we become known as a trial town, the more people it brings like this.

Alderman Bates – Thought the street department also did a great job removing the snow.

Flood Insurance – Alderman Bates stated Kay LeClaire sent him a packet and she is concerned about several properties that have been removed from the flood plain requirement; but she still has not and is still paying the expense premium. With no Floodplain Manager, how do we proceed looking into this, because some homeowners have paid for a study to get out of the floodplain. Mayor Palmore stated we did need a Floodplain Manager and that goes parcel by parcel, and does not go by the dwelling but by the elevation certificate. Alderman Johnson asked if FEMA could be contacted to see how they determine who can be relieved of this requirement. Dave Myers (audience) stated before the new maps were adopted in 2011 we filled out a protest on all those properties and FEMA held meetings at the Franklin County Government Center reviewing them. Alderman Johnson thought then that we need to follow up with FEMA; with insurance rates increasing we need to find out where that went. Mayor Palmore asked that this be put on the agenda for the next meeting to discuss. Alderman Myers stated the Federal Act out of California passed, and then in March 2014 another reform refunded these same people that had absorbent bills. Dave Myers (audience) stated as of 2011 Pacific had more flood plain insurance policies than anyone in the state.

Alderman Gass – Absent

Alderman Johnson – stated she had a request from a citizen to have the railroad crossing painted at First St., Mayor Palmore stated we had the stencils for this and just need to purchase the paint and this can be scheduled.

4<sup>th</sup> & Osage Sign – The American Legion sign is missing at the 4<sup>th</sup> & Osage intersection, Mayor Palmore stated he would double check with Public Works.

Report from Department Heads – In the last packet in regards to the reports from the department heads # 11 reads “engineering on Hogan Subdivision storm water issues”. She continued there are four residents in that subdivision that spent money on pipe and they need more backfill brought in. She would like to have those four yards revisited and backfill brought in. Alderman Gass has also looked at this with her and this has settled since last July. Mayor Palmore stated the corner property at the end of Viaduct on the left hand side was done this summer and we filled this twice, but her concern was she wanted her yard to slop to the street and dump all her water on the street. Her water has to stay in the swale. We enclosed the storm sewer and surface water has to flow to the next opening. Alderman Johnson stated this resident paid \$ 3,000 and she is unhappy. Mayor Palmore stated he would have Robert Brueggeman look at it, but again her water cannot dump onto the street. Alderman Johnson asked if she could also look at it with Robert or him and Dan Rahn, Mayor Palmore stated they could all look at it together.

St. Patrick’s Day Parade – Alderman Johnson stated this was scheduled for March 14, 2015 by the Downtown Merchants Association, and is a city event because Tourism is putting money towards it. They have filled out a Special Events Permit, Chief Mansell stated nobody has spoken to him directly about this and he has concerns about railroad crossings. Alderman Johnson stated this is the same route they used last year. Chief Mansell stated he did not like parades crossing the tracks, and sooner or later we were going to have an incident. He felt like two officers were needed at each crossing. Discussion followed regarding the liability. **Motion made by Alderman Bates, seconded by Alderman Johnson effective April 15, 2015 we don’t cross the tracks anymore. Discussion continued on liability. A roll call vote was taken with the following results: Ayes: Alderman Bates, Alderman Pigg, Alderman Arnette. Nays:**

**Alderman Myers, Alderman Johnson. Mayor Palmore declared the motion carried 3-2. Alderman Myers stated he voted “nay” because he doesn’t think there was enough discussion on this.** Mayor Palmore stated that we could look at this further, and if we made a mistake we will backup. Alderman Johnson thought more discussion was also needed. Alderman Pigg suggested making two routes, one for each side of the tracks. Mike Kircher (audience) stated the Plaza has a TV Screen, and you can sit and watch and see right when the trains are coming, he suggested using this more. Alderman Johnson stated the Christmas on Plaza started with carriage rides and that was just as dangerous.

Alderman Pigg – stated he has received calls from Silver Lake residents regarding the road construction and the aprons to the subdivision, and also crossing the street, the gravel has settled. Mayor Palmore reminded everyone that the work has temporarily stopped because of the weather, and he will look at the road to see if gravel needs to be brought in. Alderman Pigg asked about the status of the sewer backups in the Cedar’s Subdivision. City Clerk Barfield stated that Corporate Claims contacted her today and said there were covering the claims. They had a company come out and TV the line and there was still water in the pipe, which tells them there is still a problem or the lines down there are very flat. This is why they are taking the liability. Alderman Pigg asked about the snow removal, it seems before we would bring all the workers in to plow, and then let a few go home, but he noticed lately only a few guys have been called out when it starts. Mayor Palmore stated he had a problem getting in touch with a few of them, but we still had three people out plowing.

Chief Mansell – stated as a citizen he thought Public Works did a good job clearing the snow. He continued that Captain Cook was awarded Advocate of the Year out of Franklin County and congratulated him. He also asked about the status of the part-time custodian position, Mayor Palmore stated there was an ad in the paper. Alderman Pigg stated that he knew the guy that cleans the Eagles applied and his name is Bill and he’s done a great job for them.

Collector Kelley – No report.

## **NEW BUSINESS**

**BILL NO. 2940      AN ORDINANCE AMENDING 2926 OF THE MUNICIPAL CODE OF THE CITY OF PACIFIC BY REPLACING THE SALARY SCHEDULE CONTAINED IN THE PREVIOUS ORDINANCE WITH AN UPDATED SALARY SCHEDULE FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF PACIFIC AND TO ESTABLISH AN EFFECTIVE DATE THEREOF. (1<sup>st</sup> reading)**

Motion made by Alderman Myers, seconded by Alderman Bates for the first reading of Bill No. 2940. 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. 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. 2940 by title only.

**CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED**

**BILL NO. 2940      AN ORDINANCE AMENDING 2926 OF THE MUNICIPAL CODE OF THE CITY OF PACIFIC BY REPLACING THE SALARY SCHEDULE CONTAINED IN THE PREVIOUS ORDINANCE WITH AN UPDATED SALARY SCHEDULE FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF PACIFIC AND TO ESTABLISH AN EFFECTIVE DATE THEREOF. (2<sup>nd</sup> reading)**

Motion made by Alderman Pigg, seconded by Alderman Myers for the second reading of Bill No. 2940. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2940 for the second reading by title only. Mayor Palmore asked for any discussion. Alderman Johnson stated there was no position of Utility Clerk on the salary schedule, and asked what the intent was to fill this position. Mayor Palmore asked the board if they thought we needed to hire another person. Currently the Utility Billing position is being done by the Planning & Zoning Secretary. Alderman Pigg thought it was strange, usually the Collector is asking for help in her office, and now we are down a full time person, he asked if the intent was not to hire an additional person. Mayor Palmore asked if they were suggesting the last few months haven't been running smoothly. Alderman Johnson asked if we were going to utilize one of the state workers for \$ 10.00 for part time help since the full time position is off the budget. Mayor Palmore stated he was confused, this job was combined with another job, and he does not see what tasks are not being completed. Alderman Pigg stated there were always problems in the past and the Collectors Office was always asking for a floater at the minimum. Collector Kelley stated that everyone has changed their roles, and she didn't see anything wrong with how things were going right now. Motion made by Alderman Myers, seconded by Alderman Johnson to approve Bill No. 2940. A roll call vote was taken with the following results: Ayes: Alderman Arnette, Alderman Myers, Alderman Bates, Alderman Johnson, Alderman Pigg, Nays: none. Absent: Alderman Gass. Whereupon, Mayor Palmore declared **Bill No. 2940 became Ordinance No. 2928.**

**UNFINISHED BUSINESS**

**BILL NO. 2939      AN ORDINANCE AUTHORIZING THE CITY TO APPOINT A SPECIAL COUNSEL TO ADVISE THE BOARD OF ALDERMEN ON A MATTER OF LEGAL CONFLICT OF INTEREST REGARDING A LEGAL DISPUTE BETWEEN THE MAYOR AND AN ALDERMAN. (Tabled from 2-3-15)**

Motion made by Alderman Myers, seconded by Alderman Pigg to read Bill No. 2939. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion approved. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2939 by title only. Mayor

Palmore asked for any discussion. Alderman Myers stated this Bill was not what he asked for and he would like to amend the opening statement to read "legal counsel in Wards 1,2,3" and then under "whereas" amend this to read "all aldermen in their capacity as aldermen in need of general" and then where it reads "mayor to appoint" it should read "engage legal". Mayor Palmore asked to defer this to the attorney, as he doesn't believe they can do this. Attorney Schroeder stated this ordinance was what he was told to do, as amended what would eliminate his role as city attorney and they all have their own attorney, and then what happens after the April 7<sup>th</sup> election. Alderman Myers stated it reads "Ward 1, 2, and 3", this arose because of a conflict of issues, if this wasn't the case we wouldn't have to take this route. Alderman Pigg stated he couldn't get a policy done. Mayor Palmore stated there was never legislation about the policy and there was no authorization to engage the city attorney for that matter. Attorney Schroeder stated he thought Alderman Pigg would bring this back to the assembly. Alderman Myers stated he would like to amend the bill, we are the legislative body of government, and this does not violate any laws. Attorney Schroeder stated that this bill stated with a legal conflict at the time between an Aldermen and a Mayor. Alderman Myers stated the ordinance could be amended right now and asked for Attorney Schroeder to amend it now, so it is not delayed, if there is a conflict there is recourse. Alderman Pigg stated we were here to serve the community, and we cannot do it like this and we need to get the job done legally. Attorney Schroeder asked the Board if they were asking for his resignation, and Alderman Myers stated they were not, this is only for when you say there is a conflict on the issue. Attorney Schroeder stated there was nothing in the statute to have a "stand in". Alderman Myers stated under Section 79.230 this is new ground. Attorney Schroeder advised them that he did not think they had the power to do this. Alderman Myers suggested taking the names of the aldermen out of the bill and keeping it as Wards 1, 2, and 3 so after the election nothing needs changed. Attorney Schroeder stated when there is a conflict of interest or something is out of his purview, then he would identify it. Mayor Palmore asked if there was an opinion from the court, Alderman Myers thought this should be passed this evening, and if needed it can be taken to court later. Mayor Palmore suggested this be brought to a judge now, but Attorney Schroeder stated he did not think a judge would hear it without it being passed. **Motion made by Alderman Myers for the first reading of Amended Bill No. 2939.** Collector Kelley stated when she had an issue she had to get her own attorney. Alderman Myers stated this is not a personal issue and we are not causing this. Mayor Palmore asked if he was causing this, and Alderman Myers stated at times he thought his actions were, we need clarity and cannot get advice. Attorney Schroeder stated he could not make political decisions or give opinions but he could tell you both sides of the law. Alderman Myers felt that when there is an issue between them the attorney says that he cannot advise them and we are left to fend for ourselves. Mayor Palmore asked if they thought this should be discussed further in executive session and have the attorney explain under legal what his advice is, he continued he disagreed with legal counsels opinion with regard to everybody calling him because it is clear in the statute that aldermen cannot act alone or spend money, which means he don't think it is legal for them to go the attorney asking for an opinion, but Attorney Schroeder thinks he represents each one of us. Alderman Myers stated that the Mayor was trying to deny us this right, and we are acting collectively now, and stated there was a motion on the floor. Mayor Palmore cautioned that he thought this would be taken to a judge to get a ruling. Alderman Johnson stated that the city attorney recommended special counsel, now we are trying to prepare for any future conflict; this is only there when we need it. Discussion continued. **Motion was seconded by Alderman Arnette for the first reading of Amended Bill No. 2939.**

Alderman Bates stated he agreed with the city attorney and didn't like the names specifically in the bill and wanted the names removed and before it was for a specific issue, he feels like this is a conflict with the state statute. Alderman Myers read Section 79.230 of the state statute, but continued none of that issue applies so this state statute doesn't apply this is all new ground, nothing in statute prohibits us from doing this. Attorney Schroeder stated that Section 79 allows the board to appoint a city attorney; we have a limited government and do not have the power to do this to appoint a general independent legal counsel. Alderman Pigg stated this is to represent them as a whole. Attorney Schroeder stated that original conflict does not exist. Jim Brune (audience) stated the citizens were concerned before about the prior city attorney expenses and now you are considering spending money times six md did not think this was fair. Alderman Pigg stated we need yes or no answers from the attorney. Dave Monroe (audience) echoed what Jim Brune said. Mayor Palmore stated there is a motion and a second on the floor for the amended bill, (Attorney Schroeder made the changes to the bill Alderman Myers presented) Attorney Schroeder stated this will need read two times in its entirety. Mayor Palmore stated we will read it once tonight; Alderman Myers disagreed and asked that it be read two times tonight. **Alderman Myers stated he "appealed the decision of the chair" this was seconded by Alderman Pigg.** Mayor Palmore stated the chapter and verse needed to be stated as what was violated. Attorney Schroeder stated this means there is a vote taken on that violating protocol on passing of the verse, Alderman Myers read Section 79.130 and he read into the record. Alderman Myers stated this can be read twice at the same meeting and passed, he thought this had been delayed long enough. Mayor Palmore stated it would be read once. **Alderman Myers stated he "appealed the decision of the chair"** he continued he brought this to the last board meeting and handed it to you, and it is on the agenda. Attorney Schroeder stated this could be read twice. Alderman Myers stated there was a provision in Roberts Rules of Order, it was appealed and seconded, if the Mayor won't call for the vote the President of the Board can, it allows the President of the Board to call for the vote if the mayor will not. He continued there is a personal objection here, not a legal one. Mayor Palmore stated he did not think this was legal. Alderman Bates stated on at least three occasions Attorney Schroeder stated he did not think this was legal, and he will not vote for this. **A roll call vote was taken for the first reading of Amended Bill 2939. Ayes: Alderman Johnson, Alderman Pigg, Alderman Arnette, Alderman Myers. Nays: Alderman Bates. Absent: Alderman Gass. As posted pursuant to the ordinance, City Clerk Barfield read Amended Bill 2939 in full.** Alderman Myers stated as a point of clarity, did we vote to read the original version or the amended version, Mayor Palmore stated it was for the amended version. **Motion made by Alderman Pigg, seconded by Alderman Arnette for the second reading of Amended Bill No. 2939.** Mayor Palmore asked for any more discussion. **A roll call vote was taken for the second reading of Amended Bill No. 2939. Ayes: Alderman Pigg, Alderman Arnette, Alderman Myers, Alderman Johnson. Nays: Alderman Bates. Absent: Alderman Gass.** As posted pursuant to the ordinance, City Clerk Barfield read Amended Bill No. 2939 in full for the second reading. **Motion made by Alderman Myers, seconded by Alderman Pigg to approve Amended Bill No. 2939.** Alderman Bates questioned the point that the seated city attorney believes this to be illegal. He asked if we should be taking a vote of no confidence in the city attorney instead, but Alderman Myers disagreed. **A roll call vote was taken with the following results: Ayes: Alderman Pigg, Alderman Arnette, Alderman Myers, Alderman Johnson. Nays: Alderman Bates. Absent: Alderman Gass. City Clerk Barfield stated Amended Bill 2939 becomes Ordinance No. 2927.**

Mayor Palmore read a prepared speech which is attached as part of the record.

**NEW BUSINESS**

**RESOLUTION NO. 2015-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF PACIFIC AND N.B. WEST FOR THE HIGHWAY N PHASE 3 IMPROVEMENTS PROJECT. (STP-5419)(606)(Tabled from 2-17-15)**

Motion made by Alderman Pigg, seconded by Alderman Myers to read Resolution No. 2015-11. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2015-11. Mayor Palmore asked for discussion. Alderman Johnson stated she asked for this to be tabled and asked about Addendum # 1, #'s 9 & 10. Mayor Palmore stated they will keep one lane open as often as possible. Motion made by Alderman Bates, seconded by Alderman Arnette to approve Resolution No. 2015-11. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**RESOLUTION NO. 2015-13**

**A RESOLUTION RATIFYING THE EXECUTION OF THE ST. LOUIS COUNTY MUNICIPAL PARKS GRANT COMMISSION AGREEMENT FOR THE ACQUISITION OF JENSEN POINT PROPERTY.**

Motion made by Alderman Pigg, seconded by Alderman Myers to read Resolution No. 2015-13. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2015-13. Mayor Palmore asked for discussion. Motion made by Alderman Pigg, seconded by Alderman Johnson to approve Resolution No. 2015-13. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**RESOLUTION NO. 2015-14**

**A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR A RESIDENTIAL CONVERSION IN A "C-1" "DOWNTOWN COMMERCIAL DISTRICT AT 207 N. FIRST STREET". (P.Z. 2015-002 ST. BRIDGET OF KILDARE)**

Motion made by Alderman Bates, seconded by Alderman Arnette to read Resolution No. 2015-14. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2015-14. Mayor Palmore asked for discussion. Motion made by Alderman Pigg, seconded by Alderman

Johnson to approve Resolution No. 2015-14. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**AMENDED RESOLUTION NO. 2015-15 A RESOLUTION AUTHORIZING THE CITY OF PACIFIC TO APPLY FOR REIMBURSEMENT OF FLUORIDE CHEMICALS THROUGH THE MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION.**

Motion made by Alderman Arnette, seconded by Alderman Pigg to read Resolution No. 2015-15. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2015-15. Mayor Palmore asked for discussion. Motion made by Alderman Pigg, seconded by Alderman Arnette to approve Resolution No. 2015-15. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**MISCELLANEOUS**

A. Approve use of Council Room on Sunday, March 15, 2015 from 2:00 pm to 5:00 pm for Dr. Vargas open house.

Motion made by Alderman Pigg, seconded by Alderman Myers to approve the use of the Council Room on Sunday, March 15, 2015 from 2:00 p.m. to 5:00 p.m. for Dr. Vargas open house. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

B. Extend the Memorandum of Understanding until March 17, 2015.

Motion made by Alderman Pigg, seconded by Alderman Bates to extend the Memorandum of Understanding until March 17, 2015. 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 Bates to approve petty cash. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**TOURISM EXPENSES**

**EXECUTIVE SESSION 610.021 (1) (2)**

Mayor Palmore stated the board needed to go into executive session.

Attorney Schroeder stated under RSMO 610.021 (1)(2) and read it into the record.

Legal actions, causes of action or litigation involving 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 therefore....

Motion made by Alderman Pigg, seconded by Alderman Arnette to go into executive session. A roll call vote was taken with the following results: Ayes: Alderman Arnette, Alderman Myers, Alderman Bates, Alderman Johnson, Alderman Pigg. Nays: none. Absent: Alderman Gass. Whereupon, Mayor Palmore declared the motion carried.

The Board went into executive session at 10:40 p.m.

The Board reconvened at 11:25 p.m.

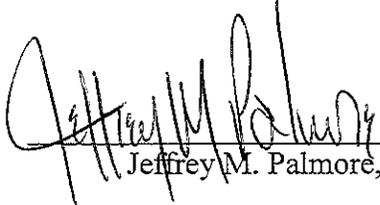
Present at roll call: Mayor Palmore, Alderman Bates, Alderman Johnson, Alderman Pigg, Alderman Arnette, Alderman Myers.

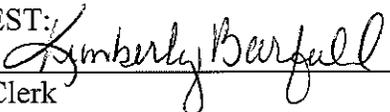
Attorney Schroeder stated the results of Executive Session are as follows: On the real estate matter there was a motion to continue negotiations, and on the legal matter there was no action taken.

**ADJOURNMENT**

There being no further business, motion made by Alderman Pigg, 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 11:30 p.m.

  
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Jeffrey M. Palmore, Mayor

ATTEST:  
  
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City Clerk

I am trying to come to terms with the dispute between some members of the Board and myself. The underlying reason for our rift, at first, was not apparent to me. It is not unusual for me to not see the obvious without some study. I usually need to analyze a situation; I am not always intuitive. At my previous job we would typically perform an analysis when a failure occurred. Certainly a failure has occurred in the City of Pacific's governmental body. I tried to look at the failure from a root cause failure analysis perspective. That is, I tried to look at why the Mayor and the Board could or would not work together. Not the obvious, superficial reasons, but the underlying, systemic reasons. When a missile failure occurred, we would look at each contributing factor and analyze each of those factors to determine their role in, and what, if anything, contributed to that portion of the failure and what role they played in the overall failure. At first, I tried to look at my first year in office. I asked myself what I had done that would warrant the attacks on me and everything I tried to do. I looked at many of my actions and my reactions, I looked at the people around me. I saw many contributors to our problems, but I didn't see the root cause of the problem. Like many things in my life, I couldn't see the forest for the trees. When I came in to this office I vowed to put my previous issues with the City aside and move forward. That didn't mean I would forget that the issues still existed and there is still change that needs to occur; I simply said that the previous issues are not the most important issues in City Government. In fact they have proven to be one of the most insignificant issues that have confronted me over the last year.

Unfortunately, however, the City Cemetery issues are, I am sure, the root cause of my failure in being an effective mayor. While I have put those issues aside, the underlying animosity surfaces daily. I am certain that the aldermen do not have the cemetery issues in the front of their minds, however, I am just as certain that the cemetery lawsuit is in fact the root cause of our failure. It is certainly what got me involved in the political process, and, I am very certain that I am not the first person that has taken exception to the politics and practices of this city. The cemetery issues are so overwhelming that those issues have tainted some of the aldermen that were not even seated when those issues occurred. The mindset that is currently prevailing is like an infection that has burrowed its way under the skin of almost everyone affected. I'm sure it would be easy to say that by not appointing a City Administrator I have caused the rift. I'm sure it would be easy to say that by changing attorneys I have caused the rift. I'm sure many of my actions could be blamed for causing the rift, but, before I ever had the

opportunity to act, the battle was already at full speed. Between the time I was elected and my taking the oath of office, the City leaders spared no cost or effort in trying to keep me out of office. We, the citizens of Pacific, whether we knew it or not, spent over \$8800.00 trying to keep me from taking my duly elected seat as mayor. People refused to do their job; we had to call in a County Judge to administer the oath of office. I believe all of that was a concerted effort, focused at me, but, I have tried to put it all behind me. My relationship with some of the aldermen and staff is nothing short of a pleasure. I almost always enjoy the time I spend in city hall. I truly believe most of us have moved forward and do the jobs assigned to us by the citizens. If there is animosity in city hall it is well hidden, as it should be. We don't have to like one another, we just have to work together for the good of the City. For the most part, I honestly believe this is happening.

I will keep trying. I will work with each of the aldermen or I will fight with each of you; that is your choice. My term is longer than the longest elected alderman. I will stay and work to make this a better place. To date I have done nothing less. I have not broken the law, taken anyone's mail, or threatened to inflict bodily harm on anyone. I have been the recipient of each of those injustices. I assure each and every one of you, I will get along, if you wish, or I will fight, if you wish. Know me by my actions and my history; I am not a quitter. I will compromise, I will do what I believe is the right thing and I will work toward making Pacific a better place. I have no ulterior motive. I could easily return to my peaceful business and tune out all of this strife or I could simply retire. I will not.

I don't know why some of you would take exception to the law, to our attorney and to me. I am standing my ground. I am sticking up for myself, the City and our laws. I take great exception to some of the things that have recently been said and written.

First, Alderman Pigg was recently quoted as saying he had been asking the attorney to draft an ordinance or policy requiring department heads and the mayor to report on the status of ongoing projects. I can't find that in my minutes. We did discuss that topic but Mr. Pigg did not request that an ordinance be drafted. As you may remember, we discussed that subject and I indicated I would get with the departments and put something together. I did that and put it in the aldermen's mail boxes a couple of weeks ago. I have asked that future reports from department heads and staff be in Microsoft

Word so that I can make a better reports. I also asked that the aldermen bear with me while I am refining this process. But again, for the record, Mr. Pigg did not ask the attorney to draft a Bill, Ordinance or Resolution. That, I believe, would take a vote of the Board and no such vote was taken. Please do not harass our attorney; if you want to harass me, go for it. Our attorney is hired to give us his legal opinion and draft legislation; he is not a punching bag. If you feel the need to punch someone, take your shot at me. If you want the attorney's advice, ask for it, but don't come in to a meeting and tell untruths about what has happened. Similarly, Mr. Myers, don't ask for his opinion if you are not going to follow it. If you disagree with him, tell him. I have found him to be very understanding and willing to explain his advice. He is our attorney, not MIRMA. Your childish attempt to discredit our attorney and his advice was indicative of your childish nature. Again, if you disagree with the attorney, discuss your position with him like an adult and a professional elected representative of the people.

And, while I am addressing your issues Mr. Myers, I would like to address our argument over the phrase "advice of the board". You have seen fit to take this to the newspapers but apparently have not had the fortitude to discuss it with me. I would like to explain what I and the American Heritage Dictionary understand advice to mean. According to that dictionary, the definition of advice is: An opinion from one not immediately concerned as to what could or should be done about a problem; that is, to counsel.

In a recent article from our local tabloid, Mr. Myers accurately quoted one of our ordinances when he said "the City Administrator shall be appointed by the Mayor", then it goes on to say: with the advice and approval of a majority of the Board. Once the Mayor nominates his appointment, that is, makes a recommendation, the Board can approve or reject that nomination. The Board or any single alderman may certainly offer their advice to the mayor. First, however, you must open communication with the mayor. In all of my years in Pacific, I have never seen this type of behavior from an alderman, that is, I have never seen an alderman go to the papers to try to discredit others. Never have I refused to converse with any of you about anything, never. Nothing in the law suggests the Board would or could make a recommendation of a candidate or candidates to the mayor. It is not up to the Board to provide the Mayor with a pool of candidates, but rather to approve or disapprove the Mayor's nomination; certainly they can offer advice along the way. That is where the collective wisdom of seven people comes in to play. It is absolutely common for suggestions to be made by the

aldermen to the Mayor regarding a potential appointee. In fact, aldermen have made several suggestions to me regarding the appointment of a City Administrator, unfortunately we have not agreed on all of those suggestions, we have, however, agreed on some of them; this process is not a war or a vendetta.

I would very much appreciate suggestions from each member of the Board. I am not saying I will accept or reject those suggestions, but, as in the past, I have taken the Board's advice on our hiring process and I do appreciate that input. I would ask, however, that the Board keep in mind my desire to fill several other key positions before I bring them a candidate for City Administrator.

On another subject; in a previous meeting I touched on an e-mail to the City Clerk, from Mr. Myers. In that e-mail Myers directed the City Clerk to contact Cochran Engineering and change the scope of the Highway N Phase II Project. This is one of the most outrageous abuses of office I have seen to date. That action was indicative of Myers' disregard for our political process, the law and the citizens of Pacific. That act was self serving and without legal or ethical foundation. No one alderman has the authority to go to an engineering firm and change the scope of a project. This little change to facilitate a trail to the Bend Bridge would have cost the taxpayers some Fifty Thousand Dollars. So much for being stewards of the taxpayers money; I believe those are the exact words I was quoted in the past by Mr. Myers. But, the main reason for me bringing this up is, I do not appreciate any alderman putting the City Clerk or any other member of the City Staff in the middle of their petty priorities or their childish battles. Please do not use Staff to do your dirty work. Man up and talk to me; I am perfectly willing to have an intelligent conversation if any of you really wanted to; again, I have never turned you away or refused to speak to you. In fact, any time one of you has a pet project that needs my support, you seem to have no problem getting in touch with me, and I have never refused to respond.

The next subject I want to talk about is the Executive Session during our February 3rd Board meeting. Even though the Mayor is supposed to set the agenda, again, Mr. Myers stepped outside of his authority and again put the City Clerk in the middle by directing her to add Executive Session to the agenda. I did nothing because I did not want to make issue with our Clerk or make another change to our agenda. While I had some idea, I really wasn't sure what the subject was to be. The reason I wasn't sure was because I

couldn't believe any person would be so bold as to attack another for an offense they had themselves committed; in fact, committed more than once. But, I have to tell you, this isn't the first time an instance such as this has occurred. Alderman Steve Myers took us to Executive Session to discuss a citizen living in their house without an Occupancy Permit. Now our Code is very clear about requiring an Occupancy Permit for a person to inhabit a building within the City. You might remember my residency was questioned until my Occupancy Permit was obtained from the Building Department. This was another failed attempt to discredit me. When a person runs for or is appointed to an office in Pacific, they take and subscribe to an oath whereby they swear that they meet all of the qualifications of that office. One of the qualifications for most of our appointed and elected offices is to be a resident of the City. In the case of an alderman, the candidate must be a resident and inhabitant. In order to be a legal resident and inhabitant of Pacific, one must have an occupancy permit. Steve Myers took us in to Executive Session to complain about a citizen that did not have an occupancy permit. Why was this taken to Executive Session? I believe it was because the person whose occupancy was questioned was considering running for an aldermanic seat. That, in my mind, does not justify a meeting in Executive Session nor does it warrant discussion in a Board of Alderman meeting. A simple inquiry to the Building Department is all that would have been necessary. Steve Myers had no authority to call for Executive Session and certainly had no business throwing stones at anyone about an Occupancy Permit. Looking at the available City documentation, it appears Mr. Myers himself was not a legal resident or inhabitant when he was first appointed as a Ward 2 Alderman or even later when he ran as a candidate for the seat he now holds on this Board. It appears Mr. Myers is guilty of the same infraction he brought before us in Executive Session. In fact, I'm not sure he was even a legal resident when he was appointed to the Planning Commission some time ago.

Just because a person grows up in a house doesn't mean he is forever an occupant or legal resident of that house. If the person abandons that residence by obtaining occupancy at another address, his occupancy at the first is no more. I believe Mr. Myers left the house in which he grew up and established occupancy elsewhere. I'm not really sure how many other residences he maintained prior to returning to his childhood home, but, I am sure that he did not have an Occupancy Permit when he was appointed to the Ward 2 Aldermanic seat. Further, Mr. Myers knew an occupancy permit was required because after his appointment he applied for and obtained one. I

want to go on record as taking the position that Steve Myers is, and will, for the term of his office, be an illegal resident of that Ward 2 Aldermanic seat. The fact that the Board has chosen to take no action does not change the truth. The fact that the County has taken no action also does not change the truth. Franklin County is not charged with enforcing our ordinances.