

JANUARY 20, 2015 * 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
Chief Mansell
Collector Kelley
Engineer Rahn
City Clerk Barfield

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

A. Regular Meeting- January 6, 2015

Motion by Alderman Arnette, seconded by Alderman Myers to approve the minutes of the regular meeting held January 6, 2015. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

B. Executive Session – January 6, 2015

Motion made by Alderman Bates, seconded by Alderman Pigg to approve the minutes of the executive session held on January 6, 2015. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion approved.

PUBLIC HEARING - none

PUBLIC PARTICIPATION

A. Special Events Permit Requirements

Mayor Palmore stated at the last Board of Aldermen meeting the Boy Scouts asked for a camporee and he has spoken to Mr. Flannery about this also, in the past he has requested that anybody coming before the board to obtain a Special Events Permit. Mr. Flannery stated one was not needed, but he asked that anyone that comes before the board this be made a part of and the permit filled out, the code reads it is not needed if all the rules are followed, if the rules are not followed then a special events permit is needed. For example, the camp fire is not allowed and the permit would be required. He did not want to defer anyone for requesting help from the city but felt the checklist was needed to insure it is complete and the event is handled properly. Alderman Myers asked if the Scouts had been notified, and Mayor Palmore stated he would have Mr. Flannery contact them.

B. Retirement Plaque for Mary Wideman

Mayor Palmore read and presented a plaque to Mary Wideman for her retirement at the end of the month after 25 years of service.

Reverend Tom Wilkins, Lighthouse United Pentecostal, offered prayer this evening.

C. Pavement Maintenance Plan – Cochran Engineering

Dave Christenson, Cochran Engineering thanked the board for allowing him to develop such a plan. He continued this plan is 70% completed. They measured and inspected every street in the city to try to develop a plan. They looked at what streets are eligible for federal funds, what streets needed joint seal etc. He discussed the differences of different treatment and the life expectancy. Concrete streets can be overlaid with pavement, although sometimes the joints will show through. Some cities do their worst streets first, but then the other streets suffer. He suggested a “cluster” concept and that is when a subdivision at a time is paved. He passed out a map that showed different parts of the city being repaired in different years. He continued that winter is the time to bid projects like these and each year the city decides how much money they can come up with. Different financing mechanisms were discussed, one being a bond issue. Alderman Johnson stated there has been question on how to budget out for 2 years with a federal project, how did the mayor think we were going to budget out years ahead for this. Mr. Christensen stated if the road is eligible for federal funding that is already included in the plan and the figures. He continued the history of Highway N is that Phase 1 is done, that was constructed in 2012, when they were designing it Phase 2 came about with sidewalk out to Myers Farm Road, and the city would pay for it on its own, then the city decided not to do it, so Phase 2 is not done, but before Phase 2 was pulled off the table Phase 3 was a rehab job, and the bids just came in at \$ 942,027 from N. B. West. Phase 4 was applied for and not approved. So, in conclusion, Phase 2 was never done, Phase 1 & 3 are done, and Phase 4 was not approved. He asked the board if they wanted to apply for the funding in February. Alderman Bates stated this was talked about in the Operations Committee and was voted on to apply for the funds. They also discussed the sewer lines under the street and the drainage problem with Hogan Subdivision.

Mayor Palmore stated we have other considerations with Phase 2; we have engineered this for a city funded project and it will need additional engineering in order to apply for federal funds, and he understands the board wants to use Franklin County Transportation Funds. Alderman Myers stated we have two years to come up with the 20%. Mayor Palmore reminded them of the other projects; Thornton Road Project, Thornton Street, E. Osage, Old Gray Summit Road and Hwy N Phase 3. He supports every project 100% but he felt there would be a problem with the budget and thought we needed a budgetary meeting as a board. Alderman Johnson and Alderman Gass agreed we needed to apply for Phase 2. Alderman Johnson stated she was glad the Mayor brought this Pavement Maintenance Plan to them. Mr. Christensen stated it would cost the city about \$ 75,000 for Phase 2 changes, Alderman Myers thought this could come from Franklin County Transportation Funds also. Phase 2 addresses drainage issues and safety issues. The \$30,000 investment for a \$ 320,000 project seemed like a good investment. Kay LeClaire (audience) stated she wasn't against Phase 2, but asked about the strip on Osage from Hardees east, as there are drainage issues there also. Mr. Christenson stated this could be looked at also, and he continued the Pavement Maintenance Plan does not include correcting drainage issues. Mayor Palmore stated he wanted to look at the sewer system the same way we just looked at our streets. He continued he thought we needed a plan and all of these are great ideas, but did not think we had the money for everything. Alderman Johnson thought we should still apply.

Motion made by Alderman Johnson, seconded by Alderman Gass to apply by February 19, 2015 for the funds for Phase 2 Highway N. Alderman Bates stated that was five projects on the books and questioned the funds, Alderman Myers stated the city administrator position is not filled, there is the money. **A roll call vote was taken with the following results: Ayes: Alderman Arnette, Alderman Myers, Alderman Gass, Alderman Johnson, Alderman Pigg. Nays: Alderman Bates. Whereupon, Mayor Palmore declared the motion carried 5-1.**

John Cooney, 10311 Tom Frost Road, Catawissa, MO 63015, stated he was with the Amateur Radio Club that now has 23 operators and last Thursday they voted to continue the club and educating young people. They plan to support the City and the "ham" hobby, as all "Hams" have their own stations. Alderman Johnson stated this was brought up at the January meeting when she was out of town, but this started two years ago under the past administration, and equipment was purchased to the cost of about \$ 4,500 but she thought it was in the best interest since this club is chartered a non-profit, and they hold classes at the Brew House that they have the equipment set up and we donate it. This will help keep the club in operation and it can be mounted in the city limits and used for classes. Mayor Palmore stated a contract was needed for the exchange of service. Alderman Johnson asked Attorney Schroeder for his opinion. Alderman Pigg stated originally the cable was supposed to be run in this building for the EOC. Mayor Palmore stated that Alderman Johnson is suggesting turning over the repeater to this club. Attorney Schroeder stated there would have to be a contract with a value of something in return for public purpose and emergency management. **Motion made by Alderman Myers, seconded by Alderman Johnson to contract with the Amateur Radio Club for the exchange of service for a repeater. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.**

Larry Mueller, 146 W. St. Louis St., Downtown Merchants Association, stated they would like to have a St. Patrick's Day Parade on March 14, 2015. Mayor Palmore stated a Special Events Permit was needed. Chief Mansell asked about the route, and Mr. Mueller stated they were still

discussing it. Mayor Palmore asked that everyone consider not crossing the tracks. Mr. Mueller stated they would also need help from the city. Motion made by Alderman Gass, seconded by Alderman Arnette to approve the St. Patrick's Day Parade on March 14, 2015 contingent on the Special Events Permit. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

MAYORS REPORT

A. Appointment of City Officials

Mayor Palmore stated there are city officials that need appointed. He is appointing Dave Myers as Building Commissioner and asked for a motion. **Motion made by Alderman Bates. Mayor Palmore asked for a 2nd. There was no second.** Mayor Palmore stated he was appointing Dave Myers as Building Commissioner until the next regular meeting according to statute. Alderman Myers asked about insurance coverage. Mayor Palmore stated no, he will not act, but he would take the action for him and the statute rules and MIRMA rules are in conflict. Alderman Pigg stated he was not being paid. Mayor Palmore stated he would make his pay retroactive, but Alderman Pigg stated this would need approval. Mayor Palmore stated there are several appointments that need to be made by the mayor and approved. Alderman Johnson stated this was not fair to the residents, we are not a temporary city and eight months have passed and we have not yet talked about this position in the Administrative Committee. He cannot work without pay and without the insurance company covering. Mayor Palmore stated he was not going to participate in this; the board changed the law, and has not confirmed his appointment. He asked again for a motion for Dave Myers as Building Commissioner, Alderman Bates stated he would make that motion with an explanation; the public deserves to be served and he has been called on from time to time and reminded Alderman Johnson that she agreed to him in some capacity, the public is demanding it. Alderman Pigg stated he would like to see the other candidates, Mayor Palmore stated this was not a committee appointment, but Alderman Myers stated it was at the advice of the board, but they have no information. Mayor Palmore stated this was his appointment and has always been an appointment by the mayor and this is the first time anything like this has occurred, it was his cabinet. The code is four versions behind and needs updated, Dave has the knowledge to do this. Alderman Pigg suggested we go into executive session if we were going to continue speaking of one person, Attorney Schroeder agreed, and Alderman Myers thought maybe things could be clarified in executive session. Mayor Palmore stated he would be happy to do that.

Deputy City Clerk – Mayor Palmore asked if the board has given this any thought. Alderman Pigg stated that the Mayor was revamping positions; he wasn't sure what the choices were. Mayor Palmore stated this was a board responsibility and it wasn't done yet. Alderman Pigg stated it was a \$ 2,000 a year job, Alderman Johnson stated she has been told Rae is temporarily doing the Utility Billing Clerk position, and asked if this was temporary or not. Mayor Palmore stated one position has been vacated by the Deputy City Clerk, we have lost one employee and hired one employee. Alderman Myers stated they wanted to be involved in the process and he refuses to do this. **Motion made by Alderman Myers, seconded by Alderman Pigg to table the discussion of a Deputy City Clerk. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.** Mayor Palmore stated "please don't say I

haven't made an appointment, I made one but you didn't confirm it, you want to fight me".

B. Discussion on letter from Franklin County regarding a use tax

Attorney Schroeder stated there was a letter in the packets from Franklin County dated January 9, 2015 regarding the collection of sales tax on out of state purchases on boats, trailers, and motor vehicles. The general assembly passed a bill in 2013 which temporarily allowed the city to collect this, this letter is to see if there is interest as a group for this. Motion made by Alderman Gass, seconded by Alderman Myers to follow the recommendation of Franklin County and develop what is needed for legislation. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

COMMITTEE REPORTS

Park Board Committee – No Report.

Cemetery Committee – No Report.

IDA Committee – No Report.

Museum Committee – No Report.

Tourism Committee – Alderman Arnette stated they did not meet this month.

Building Advisory Committee – No Report.

Planning & Zoning – Alderman Bates stated they will meet next Tuesday.

Genealogy Committee – Alderman Arnette stated they meet tomorrow at 10:00 a.m. at city hall for election of officers.

Operations Committee – Alderman Bates stated this was already discussed.

Administration Committee - Alderman Johnson stated Pat Lynch would like to set up a meeting with the Mayor and herself regarding the Memorandum of Understanding.

REPORT OF CITY OFFICIALS

Alderman Arnette – Nothing to report.

Alderman Myers –

- asked if we responded to Mark Davis' drainage request in the Operations Meetings. Mayor Palmore stated we had not. Alderman Myers thought the Mayor's presence at the meeting met he would ask Public Works to look into this. Mayor Palmore stated that was not so, but he will take care of it in his due time. Alderman Myers stated this was an ongoing process of complaints, and asked if Dan Rahn could look into. Mayor Palmore

stated the Operations Meeting was a week ago, and this has been a problem for six years. He did not have the staff, but would work on quickly.

- Alderman Myers read into the record a letter from MIRMA that the elected officials received. He continued this letter stemmed from him asking the city attorney if he could call MIRMA and the attorney told him he needed board action. He called MIRMA because at training MIRMA told them they could call anytime, and this letter allows for open communication. The letter is dated January 19, 2015 and made part of the record. A copy of this letter was passed to the city attorney.
- He received information for a Blood Pressure and Cholesterol Check that MIRMA has allowed us to pick up extra points if we allow this. The points affect our rate. City Clerk Barfield stated MIRMA advised her that if the cities fathers declared a certain day or time as a “Blood Pressure Check and Cholesterol Check Day” the employees are allowed time to go get this checked. Alderman Pigg suggested three hours of time off to go do this, but after much discussion two hours was agreed upon, and this is done every other year. They pay their normal co-pay and go to the regular doctor. **Motion made by Alderman Gass, seconded by Alderman Bates to allow City Clerk Barfield to set a date for this allowing the employee to take two hours of city paid time off. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.**
- Alderman Myers stated on our website there is nothing under community calendar, and thought we could do better than this. His brother is now president of the Chamber and he would like to work with them to perfect this and use the same calendar for city and chamber events and involve the community. **He would like to ask the city clerk to work with the chamber on this calendar and after much discussion it was decided she would put this out on the TV screen in the foyer, board members agreed.** Alderman Pigg stated he has been suggesting a 4 x 8 erase board for a long time.
- Jensen’s Point – Alderman Myers stated the City has been awarded a \$ 350,000 grant from St. Louis County for the purchase and renovation of Jensen’s Point. He thanked 21 Design Group, Dan Rahn, the Mayor and Board of Aldermen. He continued the next thing needed was a site survey for Phase 1. Engineer Dan Rahn stated 21 Design Group can do this and combine the lots so there is no conflict with our own zoning code. He believed the cost would be \$ 1,200.00. Mayor Palmore stated he would like to wait for the confirmation letter until we move forward. Alderman Myers reminded everyone the match is \$ 15,000 from Great Rivers Greenway and \$ 20,000 from the Tourism Commission.

Alderman Bates – thanked Alderman Myers for going after this treasure. He asked that any changes not trigger any compliance issue with our zoning code that we are not ready for. He also asked for an update from Todd Streiler on the Comprehensive Update at the next meeting. Engineer Rahn stated he thought the final draft was completed. Alderman Bates asked that Engineer Rahn reach out to Todd so a workshop can be scheduled. Board members agreed.

Alderman Gass – nothing at this time.

Alderman Johnson

- stated a resident contacted her regarding the FEMA Buyout and she asked Kim to contact Barb Bohley regarding the status. Barb Bohley stated that because of priorities the funding wasn’t available at the last round, but she will let us know if any money will be

funded for 2015. If there is she would like for the city to apply again for those properties, but there are no guarantees.

- She also asked about the tree stumps at the city park, there are two by the main bathrooms that need to be made ground level. Mayor Palmore stated he understood the city code does not allow stumps.
- She continued there is no American Flag at Liberty Field and she got a price for a 20' flag pole of \$ 240.00. She has the money donated for this pole and it is heavy duty and she would like to have solar lighting on the flag also. She has spoken with Park Board President Flannery and he did not see a problem with this. She would like to have this flag up before the Boy Scout Camporee and there is no cost to the city. Discussion followed on if the pole was heavy enough, and thought she needed to be sure this was a commercial grade, Alderman Myers asked if tourism funds may be available for this. Alderman Myers stated he would try to obtain a flag that has flown over the capital from Paul Curtman Mayor Palmore asked if anyone had any objection to the flag pole at Liberty Field and no one did. Alderman Pigg suggested looking at where the one for ADAMS Garden was from.

Chief Mansell – Nothing at this time.

Collector Kelley – Nothing at this time.

INTRODUCTION OF NEW BILLS

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

UNFINISHED BUSINESS

NEW BUSINESS

RESOLUTION NO. 2015-01

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH 5J RODEO COMPANY, LLC, FOR PRODUCTION OF A RODEO HELD IN THE CITY OF PACIFIC, APRIL 18 & 19, 2015.

Motion made by Alderman Gass, seconded by Alderman Myers to read Resolution No. 2015-01. City Clerk Barfield read Resolution No. 2015-01. Mayor Palmore asked for discussion.

Alderman Pigg stated after the last rodeo we discussed charging for campsites to help offset the costs. Alderman Myers asked about the scope of services with the contract and how the city would provide this. City Clerk Barfield stated the city furnishes the hay and grain, which was all donated last year, the loading chute we have, water for the livestock we have, we supply an operator and a piece of equipment to work the arena, ambulance service was donated last year, the refreshment or concession service was hosted by the Partnership last year, the forklift to assist in setting and load the chutes and pens as needed we have equipment for. Discussion followed. **Motion made by Alderman Gass, seconded by Alderman Pigg to approve Resolution No. 2015-01.** A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

MISCELLANEOUS

A. Approve the list of bills.

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

B. Approve the use of the council room for Pacific Estates Condo Association on February 12, 2015 at 7:00 p.m.

Motion made by Alderman Gass, seconded by Alderman Pigg to approve the use of the council room for Pacific Condo Association on February 12, 2015 at 7:00 p.m. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

C. Discuss proposal from Tochtrop & Associates for audits ending June 30, 2015, June 30, 2016, and June 30, 2017.

Mayor Palmore stated the city goes through a “preaudit” which cost \$ 16,500 and then the real audit of \$ 8,500. This year there is an invoice for an additional \$ 5,000 from the second set of auditors for additional work. This cost is out of line for a city our size. Alderman Pigg asked what the extra charge was for, Mayor Palmore stated it was for additional time spending recording assets and extensive testing in the court and related items. City Clerk Barfield stated that is was for additional time spent recording capital assets, including construction retainage, donated assets, and other asset additions noted in the board minutes that were not capitalized – the schedules had to be corrected, there was miss-posting of sewer revenues and extensive testing in the court and payroll departments. She continued the proposal in front of you this evening is for Tochtrop to do the compilation audit, single audit if necessary and year end. This is for a cost of \$ 16,500 total. Discussion followed regarding going out to bid for this service to see if this is in line. Mayor Palmore agreed and stated we are not required to by statute. **Motion made by Alderman Gass, seconded by Alderman Bates to ask them to resubmit for one year so we can try it first before we commit to three years. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.**

D. Cost estimate for sewer repairs on Congress St.

Mayor Palmore stated Engineer Rahn passed out a cost estimate for these repairs. Engineer Rahn stated Option 1 was new 8” pvc sewer main, manhole and concrete encasement at the creek crossing for \$ 24,500. Option 2 included all of Option 1 but also to line the existing manholes at the crossings for \$ 31,000, and Option 3 included all of Option 1 & 2 but also replacing the entire pipe that will be located behind a retaining wall for \$ 40,000. Engineer Rahn reminded the board that we received the grant from DNR to study the sewer system just like the pavement maintenance plan. Engineer Rahn recommended Option 1 at this time. Motion made by Alderman Gass to accept the recommendation of Engineer Rahn, motion was seconded by Alderman Pigg. More discussion followed regarding Option 3, and Alderman Gass withdrew his

motion and Alderman Pigg withdrew his second. **Motion made by Alderman Gass to move forward with Option 3, motion was seconded by Alderman Pigg. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.**

TOURISM EXPENDITURES

EXECUTIVE SESSION 610.021 (1) (2) (3)

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

Attorney Schroeder stated under RSMO 610.021 (1)(2)(3) and read them 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....

Hiring, firing, disciplining or promoting of a particular employees by a public governmental body when personal information about the employee is discussed or recorded....

Motion made by Alderman Myers, seconded by Alderman Gass to go into executive session. 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 the motion carried.

The Board went into executive session at 10:16 p.m.

The Board reconvened at 11:25 p.m.

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

Attorney Schroeder stated the results of Closed Session were:

On real estate there was a matter discussed with no action taken.

On personnel there was a matter discussed and approved.

On legal there was a vote to report an incident to MIRMA.

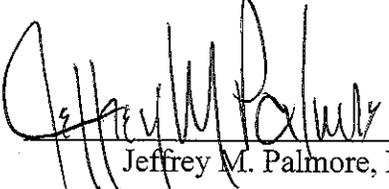
On legal in relation to the Heck case the Building Department is to contact Mr. Heck regarding the mobile home pad.

On legal there was a vote to hire special council due to a legal conflict and issue.

ADJOURNMENT

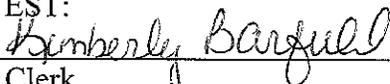
There being no further business, motion made by Alderman Gass, seconded by Alderman Bates to adjourn. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

The meeting adjourned at 11:25 p.m.



Jeffrey M. Palmore, Mayor

ATTEST:



City Clerk