

February 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.

A roll call was taken with the following results:

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

A quorum was present:

Also present: Attorney Schroeder  
Chief Mansell  
Collector Kelley  
City Clerk Barfield

Prayer – A moment of silence was taken.

The Pledge of Allegiance was given.

**APPROVAL OF MINUTES**

**A. Regular Meeting- January 20, 2015**

Motion by Alderman Myers, seconded by Alderman Gass to approve the minutes of the regular meeting held January 20, 2015. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**B. Executive Session – January 20, 2015**

Motion made by Alderman Gass, seconded by Alderman Bates to approve the minutes of the executive session held on January 20, 2015. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion approved.

**PUBLIC HEARING**

**P.Z. 2015-1 A Public Hearing to consider a Conditional Use Permit for operation of Elite Massage Therapy, LLC to be located at 501 W. Osage Street, Suite B Carrie & Guy Thomas, applicants.**

Mayor Palmore stated there was no code requirement for this in front of the Board of Aldermen, but it was placed on the agenda and published. City Clerk Barfield read this into the record. Alderman Bates stated this was approved by Planning & Zoning. Mayor Palmore asked for any comments from the public and there was none. Alderman Bates stated they went through the findings and facts and all conditions were met. There being no further comments, the public hearing was closed.

**NEW BUSINESS**

**BILL NO. 2938 AN ORDINANCE AMENDING ORDINANCE 2918 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 Pigg, seconded by Alderman Myers for the first reading of Bill No. 2938. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. Mayor Palmore asked for any discussion. Alderman Pigg stated he would like to amend this to include an appointment of the Deputy City Clerk and asked for a second. Motion was seconded by Alderman Myers. Discussion followed and Alderman Pigg withdrew his motion, and Alderman Myers withdrew his second. Alderman Pigg stated this position was posted at the city attorney's recommendation and our nomination is Debbie Hayden. Mayor Palmore asked City Clerk Barfield if she thought there was a conflict with her other duties and she stated she didn't think so, City Attorney Schroeder agreed. **Motion made by Alderman Pigg, seconded by Alderman Myers to appoint Debbie Hayden as Deputy City Clerk, and include this in the salary ordinance. A roll call vote was taken with the following results: Ayes: Alderman Myers, Alderman Bates, Alderman Gass, Alderman Johnson, Alderman Pigg. Nays: None. Whereupon, Mayor Palmore declared the motion carried 5-0 and the appointment carries.** Alderman Johnson saw there was an increase with Rae Cowsert but did not see a title change; she asked if she was also the Utility Biller. Mayor Palmore stated the Utility Billing Clerk position is still open, Alderman Johnson asked for a job description for Rae Cowsert to be clear of what her duties were for this rate of pay. Mayor Palmore stated this is the pay of the previous utility billing clerk. Alderman Pigg stated that Robert Brueggemann was

doing the same thing with multiple jobs and no pay change. Mayor Palmore stated he is making changes down there also, and Robert knew the change was temporary. Mayor Palmore stated he wanted to increase Rae's pay for the building department position and just making changes in small increments. Alderman Bates stated that Rae has done a tremendous job, Mayor Palmore stated there is a status report of the different offices as requested and the work load over there is very large. City Clerk Barfield asked for the record if this amended bill included the pay increase for the Deputy City Clerk. **Motion made by Alderman Pigg, seconded by Alderman Myers to read and amend Bill No. 2938 to also include the pay increase of Deputy City Clerk to the bill. A voice vote was taken with the following results, and Mayor Palmore declared the motion carried.** As posted pursuant to the ordinance City Clerk Barfield read Amended Bill No. 2938 for the first reading.

**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 AN  
ALDERMAN. (1<sup>st</sup> reading)**

Motion made by Alderman Myers, seconded by Alderman Bates to read Bill No. 2939. Mayor Palmore asked for any discussion. There being 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. 2939 for the first reading.

**CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED**

**AMENDED BILL NO. 2938      AN ORDINANCE AMENDING ORDINANCE  
2918 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 Bates, seconded by Alderman Johnson for the second reading of Amended Bill No. 2938. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance, City Clerk Barfield read Amended Bill No. 2938 for the second reading by title only. Motion made by Alderman Myers, seconded by Alderman Gass to approve Amended Bill No. 2938. Mayor Palmore asked for any discussion, there was none. A roll call vote was taken with the following results: Ayes: Alderman Bates, Alderman Gass, Alderman Johnson, Alderman Pigg, Alderman Myers. Nays: none. Whereupon, Mayor Palmore declared **Amended Bill No. 2938 became Ordinance No. 2926.**

**BILL NO. 2939****AN ORDINANCE AUTHORIZING THE CITY TO APPOINT 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. (2<sup>nd</sup> reading)**

Motion made by Alderman Gass, seconded by Alderman Myers for the second reading of Bill No. 2939. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2939 for the second reading by title only. Mayor Palmore asked for discussion. Alderman Myers stated without going into great detail the way this reads was not the intention of the board. The way this ordinance reads this allows the mayor to appoint special counsel, who would be counseling the board that did not make sense to him. Also this pertains only to this case, we feel we need someone to talk to; there have been so many times that Matt says there is a conflict of interest, and this ordinance doesn't allow it except for this one case. He continued he has a recommendation for the wording to amend to for the board that does make it clear and passed out a bill with different legislation. Attorney Schroeder stated the board would have a different attorney to consult with looking at what he passed out, and he did not think there was a call for this under the statute. This bill was for a conflict with a personal lawsuit with special counsel. Alderman Myers read Section 79.23 of the state statute into the record. Attorney Schroeder stated that section has to be read conjunctive, but Alderman Myers disagreed and stated if he was unable to give council that would create a vacancy. We have to have someone to give us advice, and this allows it. Mayor Palmore stated that legal counsel is done as a board not individually. The city attorney represents all of us, where there a problem he is to advise us, the ordinance is very clear. Alderman Pigg stated four weeks ago he asked for a report from staff. Mayor Palmore stated he has that. Alderman Pigg stated that was the problem, because they don't have it, and asked about the closed door meetings he was having at the funeral home. Alderman Myers stated that we make decisions for the city, but Alderman Pigg stated that was only when the Mayor lets them. Mayor Palmore stated that's because they make illegal decisions, and he read an email from Alderman Myers to City Clerk Barfield regarding instructions for the Hwy N project and changing the description of where the project ends. Alderman Myers stated the email was from Cochran Engineering and sent to Kim and the description is that it ends at Myers Farms Lane, which is supposed to be the city limits. This is the same kind of description problem we had on E. Osage and the sidewalk problem, with the description stating the sidewalks went to Red Cedar and they actually ended before then. This is the same type of discrepancy. Alderman Gass stated the city limits is the south side of Myers Farm Lane. Alderman Myers stated this was his point, about city business. Mayor Palmore thought the aldermen should call him, but Alderman Myers stated that Mayor Palmore stating this email was illegal was excessive. Mayor Palmore stated the project maps are available for everyone. Alderman Johnson stated she asked at the December 17 board meeting about the Hwy N project and was told at the meeting that we were not near letting bids, but then walked in on a meeting at the funeral home with the Mayor and Cochran going over the plans, there were changes made then without the Board of Aldermen knowing, then it was sent to Operations and at the last board meeting it was voted on. If I hadn't of walked in on that meeting though, we would not have known. She was asking for cooperation as they need to

revisit things also. Alderman Pigg thought they should be invited to the meetings he has with the residents about private streets and it's in our ward. Mayor Palmore stated they had meetings, and didn't get anywhere that's why they came to him. Mayor Palmore stated that Mrs. McNabb sat with him in Mr. Selby's office and he admitted that he promised them improvements. Attorney Schroeder stated getting back to the bill, he felt it was improper. Alderman Myers felt it was necessary, a lot of different issues have led up to this and also discussed with Walter even though he was not here this evening. **Alderman Myers made a motion to pass the amended version that he passed out, seconded by Alderman Gass. Mayor Palmore stated Bills have to be prepared by the attorney, aldermen don't prepare bills. Alderman Gass withdrew his second. Alderman Johnson motion to table for further discussion. Mayor Palmore stated we can go back to the city attorney to draft ordinance, bills and resolutions. Alderman Myers stated he withdrew his motion if they can meet with the city attorney to discuss it. Motion made by Alderman Johnson, seconded by Alderman Gass to table to the next meeting and add to the agenda. A roll call vote was taken with the following results: Ayes: Alderman Gass, Alderman Johnson, Alderman Pigg, Alderman Myers, Alderman Bates. Nays: none. Whereupon the motion carried.**

Mayor Palmore stated in an effort to expedite the remaining agenda was there a motion to read Resolution No. 2015-02 through 2015-07 all at once. Alderman Pigg made a motion to accept them all, seconded by Alderman Myers.

#### **NEW BUSINESS**

##### **RESOLUTION NO. 2015-02**

##### **A RESOLUTION APPROVING THE SALE OF A 2003 CHEVROLET IMPALA.**

Motion made by Alderman Pigg, seconded by Alderman Myers to read Resolution No. 2015-02. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2015-02. Mayor Palmore asked for discussion. Motion made by Alderman Gass, seconded by Alderman Pigg to approve Resolution No. 2015-02. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

##### **RESOLUTION NO. 2015-03**

##### **A RESOLUTION APPROVING THE SALE OF A 2006 FORD CROWN VICTORIA.**

Motion made by Alderman Pigg, seconded by Alderman Myers to read Resolution No. 2015-03. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2015-03. Mayor Palmore asked for discussion. Motion made by Alderman Gass, seconded by Alderman Pigg to approve Resolution No. 2015-03. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**RESOLUTION NO. 2015-04**

**A RESOLUTION APPROVING THE  
SALE OF A 1996 CHEVROLET  
LUMINA.**

Motion made by Alderman Pigg, seconded by Alderman Myers to read Resolution No. 2015-04. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2015-04. Mayor Palmore asked for discussion. Motion made by Alderman Gass, seconded by Alderman Pigg to approve Resolution No. 2015-04. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**RESOLUTION NO. 2015-05**

**A RESOLUTION APPROVING THE  
SALE OF A 1996 DODGE RAM**

Motion made by Alderman Pigg, seconded by Alderman Myers to read Resolution No. 2015-05. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2015-05. Mayor Palmore asked for discussion. Motion made by Alderman Gass, seconded by Alderman Pigg to approve Resolution No. 2015-05. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**RESOLUTION NO. 2015-06**

**A RESOLUTION APPROVING THE  
SALE OF A JOHN DEERE TRACTOR  
BLADE WITH 3 POINT HITCH.**

Motion made by Alderman Pigg, seconded by Alderman Myers to read Resolution No. 2015-06. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2015-06. Mayor Palmore asked for discussion. Motion made by Alderman Gass, seconded by Alderman Pigg to approve Resolution No. 2015-06. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**RESOLUTION NO. 2015-07**

**A RESOLUTION APPROVING THE  
SALE OF A LAND POINT 8'  
TRACTOR BLADE WITH 3 POINT  
HITCH.**

Motion made by Alderman Pigg, seconded by Alderman Myers to read Resolution No. 2015-07. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2015-07. Mayor Palmore asked for discussion. Motion made by Alderman Gass, seconded by Alderman Pigg to approve Resolution No. 2015-07. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**AMENDED RESOLUTION NO. 2015-08 A RESOLUTION AUTHORIZING THE  
MAYOR TO EXECUTE AN  
AGREEMENT WITH THE PACIFIC  
MERAMEC VALLEY AMATEUR  
RADIO CLUB FOR BACKUP  
ASSISTANCE WITH THE CITY OF**

**PACIFIC'S EMERGENCY  
MANAGEMENT RESPONSE.**

Motion made by Alderman Johnson, seconded by Alderman Pigg to read Amended Resolution No. 2015-08. As posted pursuant to the ordinance, City Clerk Barfield read Amended Resolution No. 2015-08. Mayor Palmore asked for discussion. Motion made by Alderman Johnson, seconded by Alderman Myers to approve Amended Resolution No. 2015-08. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**RESOLUTION NO. 2015-09**

**A RESOLUTION AUTHORIZING A  
CONDITIONAL USE PERMIT (CUP)  
FOR CARRIE THOMAS D/B/A ELITE  
MASSAGE THERAPY FOR A  
MASAGE THERAPY  
ESTABLISHMENT IN ACCORDANCE  
WITH THE ZONING CODE OF THE  
CITY OF PACIFIC, MISSOURI.**

Motion made by Alderman Bates, seconded by Alderman Pigg to read Resolution No. 2015-09. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2015-09. Mayor Palmore asked for any discussion. Motion made by Alderman Myers, seconded by Alderman Gass to approve Resolution No. 2015-09. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**RESOLUTION NO. 2015-10**

**A RESOLUTION AUTHORIZING THE  
TRANSFER OF FUNDS FROM THE  
WATER AND SEWER FUND TO THE  
LEASEHOLD REVENUE BOND FOR  
THE PRINCIPAL AND INTEREST  
PAYMENT OF THE MUNICIPAL  
ASSISTANCE BOND SERIES 2012.**

Motion made by alderman Gass, seconded by Alderman Bates to read Resolution No. 2015-10. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2015-10. Mayor Palmore asked for any discussion. Motion made by Alderman Gass, seconded by Alderman Bates to approve Resolution No. 2015-10. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**MISCELLANEOUS**

A. Approve Pacific Animal Hospital Vaccination Clinic on Saturday, April 11, Saturday, May 9, Saturday June 13, and Saturday, September 12, 2015 from 10:00 a.m. to 1:00 p.m.

Motion made by Alderman Pigg, seconded by Alderman Gass to approve the Pacific Animal Hospital Vaccination Clinic on Saturday, April 11, Saturday, May 9, Saturday, June 13,

Saturday, September 12, 2015. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

### **COMMITTEE REPORTS**

Park Board Committee – The next meeting is February 9, 2015.

Cemetery Committee – No Report, but Alderman Pigg stated the Jacobs grave needs more dirt. Mayor Palmore stated they have put dirt on it once, but it does need more.

IDA Committee – Bob Masson stated they are trying to set a meeting.

Museum Committee – No Report.

Tourism Committee – No Report.

Building Advisory Committee – No Report.

Planning & Zoning – Alderman Bates stated they will be discussing the Comprehensive Plan at the next meeting.

Genealogy Committee – No Report.

Operations Committee – Nothing at this time.

Administration Committee – Alderman Johnson asked if the Mayor had heard back regarding the Memorandum of Understanding, Mayor Palmore apologized and stated they are still negotiating on their end and asked for an extension until March 1, 2015. Motion made by Alderman Gass, seconded by Alderman Myers to extend the Memorandum of Understanding until March 1, 2015. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

### **REPORT OF CITY OFFICIALS**

Alderman Myers stated he would like to see the City sign up for all the classes through Missouri Municipal League at the cost of \$ 100.00. They have different programs and any of us would have access to them for this cost. Board members discussed, and Alderman Myers will bring back a complete list of the classes. He continued that he was in Clayton at the Missouri Municipal League and they have the city listed for the Jensen's Point grant in the amount of \$ 350,000 and we should receive the contract in the next week or two. He continued that the Phase 1 of the Environmental Study on Jensen's Point has been received and moving forward. He also stated the milling at Payne St. Railroad crossing is much better.

Alderman Bates asked about the status of the round-a-bout, and said for anyone wanting to see how ours might work go to Wildwood at 109. Alderman Johnson stated that she thought we asked for options, Mayor Palmore stated he asked MoDot to bring a 3D module to an Operations

Meeting.

Alderman Gass stated if there was any progress on the lights on the east end of town with the timing. He continued there is also one out at the Silica Plant. Mayor Palmore stated there is also one at Sanker and Osage. Attorney Schroeder stated these may be under warranty. Alderman Gass asked about the orange fence on the north side of the road by Union Street, Mayor Palmore stated the telephone company dug that up and has not been back.

Alderman Johnson asked about budgeting money for the water softeners and what we were going to do about this. Discussion followed regarding the grains of hardness, and the cost factors. Alderman Johnson suggested this be discussed in Operations. Alderman Bates stated we could put this item on the next agenda.

Alderman Pigg asked of the progress the City Attorney has on the policy for the different department heads to do a report. Attorney Schroeder stated he needed more direction, Alderman Pigg stated he thought the board just needed to be informed of what was being worked on. He advised that John Downard did something like this under Jill's administration.

### **MAYORS REPORT**

Appointments: Mayor Palmore asked for a motion to appoint Dave Myers as the Building Commissioner. Motion made by Alderman Bates, seconded by Alderman Gass. A roll call vote was taken with the following results: Ayes: Alderman Bates, Alderman Gass. Nays: Alderman Johnson, Alderman Pigg, Alderman Myers. Absent: Alderman Arnette. Whereupon, Mayor Palmore declared the motion failed 3-2.

Mayor Palmore stated he will continue to appoint Dave Myers every two weeks until his term ends. He will discuss also with the city attorney that vouchers be submitted to have him paid. Alderman Myers stated he has been told that temporary appointments cannot be repetitive; the temporary appointment is until the next meeting for approval. He asked because it seemed he was forcing them to approve him but there is no provision for him to keep making the same appointment. Mayor Palmore stated he could be paid, there was an e-mail that said so that Mr. Selby was involved on. Alderman Myers asked if he shared this e-mail prior to the vote, because that is a big deal. Alderman Myers stated that it seemed the Mayor was putting the cities assets at risk unnecessarily, and he could not support this. Mayor Palmore thought that by not approving the appointment was putting the city at risk. Attorney Schroeder stated the Attorney Generals Opinion from 1970 states the mayor can make the appointment. Discussion followed on interpretation. Alderman Myers stated this is why we need additional counsel. Attorney Schroeder stated he would write a Memo to the board regarding this appointment. Mayor Palmore stated until he is told different, he (Dave Myers) would be paid. Alderman Pigg stated he wanted a copy of the e-mail because he has more calls against Dave than for him. Mayor Palmore stated his appointed stands.

### **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) 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....

Motion made by Alderman Gass, seconded by Alderman Bates 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. Nays: none. Whereupon, Mayor Palmore declared the motion carried.

The Board went into executive session at 8:27 p.m.

The Board reconvened at 9:13 p.m.

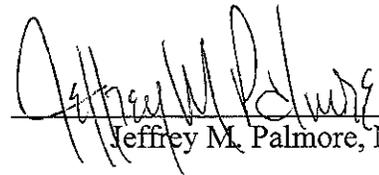
Present at roll call: Mayor Palmore, Alderman Bates, Alderman Gass, Alderman Johnson, Alderman Pigg, Alderman Myers.

Attorney Schroeder stated there were two legal items discussed with no action taken.

**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 9:13 p.m.

  
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Jeffrey M. Palmore, Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk