

January 5, 2016 \* 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 Filley  
Alderman Myers  
Alderman Bates  
Alderman Johnson  
Alderman Gass  
Alderman Pigg

A quorum was present.

Also present:

Attorney Todd Hamby  
Chief Mansell  
Collector Kelley  
City Clerk Barfield

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

**PRAYER**

Reverend Michael Gardner, Ministerial Alliance, 561 Coventry Farms Road, Villa Ridge, MO stated he was present this evening to offer prayer. Prayer was given.

**PUBLIC PARTICIPATION**

Jean Guffey, 895 Ropa Dr. Pacific, MO stated she was present this evening for the Tri-County Senior Center. She stated that tomorrow morning they will have tetanus shots from 9:00 am to 11:00 am and representatives from the Red Cross for case management if anyone needs to see them. They have transitioned over 200 families from the flood. Mayor Palmore thanked her for all her hard work. She continued they have served over 6,000 dinners since last Thursday. They also have well testing kits.

Dave Chamberlain, 407 W. Walnut, Pacific, MO stated he was present this evening regarding the parking

problem on W. Walnut and the problem with trash being picked up. He continued that there is sidewalk on the north side of the road and he did not want his elderly grandmother to have to step into a ditch. He is requesting that parking be allowed on the side of the road where the sidewalk is. Mayor Palmore stated the proposed ordinance reads "no parking on the north side", Mr. Chamberlain continued that there is no sidewalk on the south side. Chief Mansell stated he picked the north side because of the drainage. Attorney Hamby suggested we talk about this further when the proposed Bill comes up.

Loren Bates, 410 W. Walnut, Pacific, MO stated she would also wait until the Bill comes up.

### **MAYORS REPORT**

- A. Approve appointment of Capes, Sokol, Goodman and Sarachan, PC and S. Todd Hamby as City Attorney.

Motion made by Alderman Gass, seconded by Alderman Bates to approve the appointment of Capes, Sokol, Goodman and Sarachan, PC and S. Todd Hamby as City Attorney. Mayor Palmore asked for any discussion. Alderman Bates stated that at the last meeting he spoke up, since then he has spoken to Mr. Hamby and researched his firm and he has changed his position tonight. His firm has an excellent reputation. He looked at all they have done and he supports Mr. Hamby as the City Attorney. Mayor Palmore asked for any discussion. A roll call vote was taken with the following results: Ayes: Alderman Bates, Alderman Gass. Nays: Alderman Filley, Alderman Myers, Alderman Johnson, Alderman Pigg. Motion failed 4-2.

Mayor Palmore stated that Capes, Sokol, Goodman and Sarachan, PC and S. Todd Hamby would be re-appointed for the next two weeks.

- B. Approve appointment of Ben Hotz, Helfrich & Hotz, LLC as Provisional Prosecuting Attorney.

Motion made by Alderman Gass, seconded by Alderman Pigg to approve the appointment of Ben Hotz, Helfrich & Hotz, LLC as Provisional Prosecuting Attorney. Mayor Palmore asked for any discussion. A roll call vote was taken with the following results: Ayes: Alderman Myers, Alderman Bates, Alderman Gass, Alderman Johnson, Alderman Pigg, Alderman Filley. Nays: none. Whereupon, Mayor Palmore declared the motion approved 6-0.

### **APPROVAL OF MINUTES**

- A. Regular meeting on December 15, 2015.

Motion made by Alderman Filley, seconded by Alderman Bates to approve the minutes of the regular meeting on December 15, 2015. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

### **INTRODUCTION OF NEW BILLS**

**BILL NO. 2963**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016  
BUDGET & WAGE AND SALARY SCHEDULE FOR  
APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF  
PACIFIC. (1<sup>st</sup> reading)**

Motion made by Alderman Pigg, seconded by Alderman Myers for the first reading of Bill No. 2963. Mayor Palmore asked for any discussion. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. As posted pursuant to ordinance, City Clerk Barfield read Bill No. 2963 for the first reading.

**BILL NO. 2964            AN ORDINANCE APPOINTING A PROSECUTING ATTORNEY,  
A PROVISIONAL ATTORNEY, AND AUTHORIZING THE  
MAYOR TO EXECUTE A CONTRACT FOR SUCH LEGAL  
SERVICES. (1<sup>st</sup> reading)**

Motion made by Alderman Gass, seconded by Alderman Pigg for the first reading of Bill No. 2964. Mayor Palmore asked for any discussion. 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. 2964 for the first reading.

**AMENDED BILL NO. 2965    AN ORDINANCE AMENDING THE PARKING  
PROHIBITED SCHEDULE OF TITLE III OF THE CITY  
CODE OF ORDINANCES ESTABLISHING NO PARKING  
ON WEST WALNUT STREET IN THE CITY OF  
PACIFIC. (1<sup>st</sup> reading)**

Motion made by Alderman Filley, seconded by Alderman Pigg for the first reading of Bill No. 2965. Mayor Palmore asked for any discussion. 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 Amended Bill No. 2965 for the first reading. Alderman Bates stated he would abstain from this vote as this is the street he lives on.

**CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED**

**BILL NO. 2963            AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016  
BUDGET & WAGE AND SALARY SCHEDULE FOR  
APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF  
PACIFIC. (2<sup>nd</sup> reading)**

Motion made by Alderman Filley, seconded by Alderman Gass for the second reading of Bill No. 2963. Mayor Palmore asked for any discussion. 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. 2963 for the second reading. Motion made by Alderman Pigg, seconded by Alderman Myers to approve Bill NO. 2963. A roll call vote was taken with the following results: Ayes: Alderman Filley, Alderman Myers, Alderman Bates, Alderman Gass, Alderman Johnson, Alderman Pigg. Nays: None. Whereupon, Mayor Palmore declared Bill No. 2963 became Ordinance No. 2951.

**BILL NO. 2964            AN ORDINANCE APPOINTING A PROSECUTING ATTORNEY,  
A PROVISIONAL ATTORNEY, AND AUTHORIZING THE  
MAYOR TO EXECUTE A CONTRACT FOR SUCH LEGAL  
SERVICES. (2<sup>nd</sup> reading)**

Motion made by Alderman Pigg, seconded by Alderman Myers for the second reading of Bill No. 2964. Mayor Palmore asked for any discussion. 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. 2964 for the second reading. Motion made by Alderman Gass, seconded by Alderman Filley to approve Bill No. 2964. A roll call vote was taken with the following results: Ayes: Alderman Myers, Alderman Bates, Alderman Gass, Alderman Johnson, Alderman Pigg, Alderman Filley. Nays: None. Whereupon, Mayor Palmore declared Bill No. 2964 became Ordinance No. 2952.

**AMENDED BILL NO. 2965 AN ORDINANCE AMENDING THE PARKING PROHIBITED SCHEDULE OF TITLE III OF THE CITY CODE OF ORDINANCES ESTABLISHING NO PARKING ON WEST WALNUT STREET IN THE CITY OF PACIFIC. (2<sup>nd</sup> reading)**

Motion made by Alderman Filley, seconded by Alderman Myers for the second reading of Amended Bill No. 2965. Mayor Palmore asked for any discussion. Alderman Pigg suggested we table this. Mayor Palmore suggested we discuss this first, we've had two speaker cards and we have a general idea of their position. Loren Bates, 410 W. Walnut, stated allowing parking on the south side makes sense and there is more available. In front of their house is a steep slope, they have been in this house for 29 years. In May 2000 there was construction across the street and that caused damage to their home. The north side is higher than the south side, and always has been. They ended up reconstructing the street and did not pull the sidewalks out because of cost. Then, the only choice was to put the street back the way it was, but it is not the way it was. She showed a picture of what should have been the promised cul-de-sac at the end of the street. The city constructed this sub-standard street and now nobody can turn around. They were also promised that the power lines would be buried and they are not. Mr. Chamberlain stated that we needed to allow parking at least one side of the street. Brad Reed, 116 Janey Lane, stated he had a similar situation with his business, and he was told that this town was designed for open parking. He suggested we fix the street or just put up with it. Mayor Palmore stated that we could not widen the street. Reverend, Doctor Nora Jones, Presbyterian Church, 516 W. St. Louis St. stated that she was new to the area, but in St. Louis signs are put up and on the days the trash truck is coming down the street only then is the parking restricted. Mayor Palmore thought we needed to make it no parking on one side or the other because this could also be a problem for emergency vehicles. Robert Lefarth (audience) stated this is also a tight area for snow plowing. Alderman Myers stated without a traffic count he was also concerned about a blind spot. Alderman Bates stated a prior neighbor did have a health problem so he agreed there needed to be a side of the street picked for no parking. There are five homes on the north side and two homes on the south side and the street is narrow. Alderman Gass suggested no parking on the south side. A roll call vote was taken on Amended Bill No. 2965. Ayes: Alderman Pigg, Alderman Filley, Alderman Myers. Nays: Alderman Gass, Alderman Johnson. Abstain: Alderman Bates. Whereupon, Mayor Palmore declared Amended Bill No. 2965 failed.

Attorney Hamby stated the street qualifies as a narrow street under Section 355.060 and authorizes the Traffic Engineer to erect "no parking" signs. There is no Traffic Engineer that this could be passed to but you could pass a resolution to authorize the Mayor to erect the "no parking" signs, if the Board desired to get this done tonight.

Alderman Bates asked if he could have voted on this issue, as he lives on the street. Attorney Hamby stated he could have voted because there is no financial gain.

Attorney Hamby stated we can make a motion to call the Bill again.

Motion made by Alderman Gass, seconded by Alderman Filley to Call the Bill again. Mayor Palmore called for a roll call vote to call the Bill again. Ayes: Alderman Filley, Alderman Myers, Alderman Bates, Alderman Gass. Nays: Alderman Johnson, Alderman Pigg. Mayor Palmore declared the motion carried 4-2 to call the Bill again.

Motion made by Alderman Gass, seconded by Alderman Filley to read Amended Bill No. 2965 for the second reading. Attorney Hamby stated that in the original draft of the ordinance it read "400 block of W. Walnut from 5<sup>th</sup> St. east to the end" it was amended to add "to the end of the street in the 400 block of W. Walnut". Alderman Bates stated the area affected is two blocks long. He also noted that Brad Reed did vote on this issue when it was him, and it was a financial gain for him. There are more spots on the south side and the kids are on the sidewalks. There is no fire hydrants on the street. Alderman Gass asked if the Bill could be amended to change it from the "400 Block" to the "300 Block". Mayor Palmore asked if that was a motion. Motion made by Alderman Gass, seconded by Alderman Filley to Amend Bill No. 2965 and change to "300 Block". A roll call vote was taken with the following results: Ayes: Alderman Gass, Alderman Pigg, Alderman Filley, Alderman Myers, Alderman Bates. Nays: Alderman Johnson. Whereupon, Mayor Palmore declared Amended Bill No. 2965 became Ordinance No. 2953.

### UNFINISHED BUSINESS

**BILL NO. 2952**            **AN ORDINANCE ADOPTING THE 2015 CITY OF PACIFIC COMPREHENSIVE PLAN UPDATE AND REPEALING ALL PREVIOUS ORDINANCES CONFLICTING THEREWITH. (1<sup>st</sup> reading)**

**RESOLUTION NO. 2015-49**    **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH HACH COMPANY FOR REFRIGERATED COMPOSITE SAMPLES**

### NEW BUSINESS

**RESOLUTION NO. 2015-68**    **A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE CAPITAL IMPROVEMENT SALES TAX FUND TO THE GENERAL FUND FOR CERTAIN CAPITAL STREET IMPROVEMENTS.**

Motion made by Alderman Filley, seconded by Alderman Gass to read Resolution No. 2015-68 . Mayor Palmore asked for any discussion. 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 Resolution No. 2015-68. Motion made by Alderman Pigg, seconded by Alderman Filley to approve Resolution No. 2015-68. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**RESOLUTION NO. 2015-69**    **A RESOLUTION AUTHORIZING AND REAFFIRMING THE AUTHORITY OF THE BUILDING COMMISSIONER TO WAIVE INSPECTION FEES AND BUILDING PERMITS FEES FOR FLOOD DAMAGE DUE TO THE FLOOD OF DECEMBER 2015.**

Motion made by Alderman Gass, seconded by Alderman Pigg to read Resolution No. 2015-69. Mayor Palmore asked for any discussion. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. Alderman Bates asked if this should be changed because the Building Commissioner position is vacant. Mayor Palmore stated he is filling that role currently. Attorney Hamby stated whoever is filling that role is bound the by the resolution. Alderman Myers asked if the title could be left out of it. Attorney Hamby stated "building commissioner" could be removed.

Motion made by Alderman Pigg, seconded by Alderman Myers to remove "building commissioner" and read Amended Resolution No. 2015-69. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. As posted pursuant to the ordinance, Attorney Hamby read Amended Resolution No. 2015-69. Motion made by Alderman Gass, seconded by Alderman Pigg to approve Amended Resolution No. 2015-69. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

### MISCELLANEOUS

#### **A. Approve petty cash.**

Motion made by Alderman Pigg, seconded by Alderman Filley to approve petty cash. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

### COMMITTEE REPORTS

Park Board Committee – This monthly meeting was postponed.

Cemetery Committee – No Report.

Industrial Development Committee – No Report

Tourism Committee – No Report

Building Advisory Committee – No Report

Planning & Zoning Committee – Alderman Bates stated there has been no request.

Genealogy Committee – No Report

Operations Committee – Alderman Johnson stated they met last night regarding the Waste Water Study and there is another meeting set for February 10, 2016 to review what the engineering firms are doing. There was a meeting originally scheduled for tomorrow for the chicken ordinance and the pool but she has cancelled that meeting and moved it out. She has checked with surrounding cities regarding their chicken restrictions.

Administrative Committee – No Report.

### REPORT OF CITY OFFICIALS

Alderman Filley – thanked everyone for helping with the flooding and all the First Responders. She continued that regarding Walnut St. maybe the Operations Committee could look into the parking problem when there is snow or ice on the roads and having "no parking" on both sides of the street in those circumstances. Alderman Johnson stated the vehicles that are "plowed" in when they park on the streets is no different than when drives are "plowed" in.

Alderman Myers – thanked all the First Responders, volunteers and organizations with the recent flooding. The community rose up and came together, he was proud to be a part of it. He asked about a way to educate the effort of sand bagging so this exercise would be more effective, and maybe this subject could be talked about in the Operations meeting. Alderman Gass suggested a flyer, Mayor Palmore stated this effort works well if you use plastic first, but he continued that he thought the gage was off. Alderman Myers asked if the website could be updated, Mayor Palmore agreed we needed to implement an individual to do this, Alderman Myers thought they should also work with the Chamber. Alderman Myers also thanked the National Guard and General Grass who came down to survey the situation. Next, Alderman Myers asked where we stood on approve a City Administrator. Mayor Palmore stated he has not confirmed one yet.

Alderman Bates – agreed with Alderman Myers with thanking everyone. He continued that normally we ask for blessings, but we are very blessed and have many things to be thankful for. He continued that

before the flooding, a resident asked him what it would take to heal the City. He continued that we needed an Administrator, a Building Commissioner, an Attorney and he hopes that now that we are thru the crisis, we can start recovering, recovery takes a long time and it will take time to heal this City.

Alderman Gass – stated that he received a call from a resident complaining about chickens running loose in his neighborhood and they destroyed her flowers.

Stop Sign – Alderman Gass stated he had a stop sign request at Elm and Walnut and asked if Chief Mansell could see if one was needed there.

Alderman Johnson – stated she agreed with the rest of the Board. The National Guard is moving around and they are here to support, help and clean up. She commended everyone from the Mayor down. Service International will be at the Lyons.

City Clerk Barfield asked that everyone recognize the memo from the Emergency Management Director regarding a floodplain update.

Alderman Pigg – stated that Dian nominated Alderman Myers and himself to run the sand bagging effort. There was over 480 volunteers that came out and helped, the power of Facebook during the flood is huge. Alderman Myers agreed and stated this was a regional effort. Alderman Pigg continued that Dian told him there was over 5,000 hours of volunteers donated so far. He continued that he would like to have \$ 5,000 put in the budget for emergency situations and this would roll over every year. Some city workers are land locked and it would be nice to be able to pay for them a hotel room when they have to work double shifts. This money could be used for radios, etc. This time we borrowed radios from the Fire Department and it seems like we always have sub-standard equipment. He would like this put in the budget before April. He continued that there is also a recovery website set up.

Collector Kelley stated the Agape House has received several donations and there are clothes available for the flood victims as well.

Mayor Palmore stated that any city worker could have stayed at the Senior Center. Alderman Pigg stated his point was instead of them sleeping on a cot they would be able to get a motel room, some of these people are officers.

Collector Kelley thanked everyone for helping with the flood, and she is grateful, but stated that there are decisions that need to be made now that are holding people up. Mayor Palmore stated there is a meeting scheduled with FEMA to help maximize the speed.

Mayor Palmore stated that sea level was 465.01 and we were .7 feet above the 100 year flood which equals 8.4". We have installed controls 1' above the base flood elevation. This caused property damage. When we look to correct problems we need to investigate this.

#### **EXECUTIVE SESSION RSMO. 610.021 (1) (2)**

Mayor Palmore stated he would like to go into executive session under RSMO. 610.01 (1) (2).

Motion made by Alderman Gass, seconded by Alderman Pigg to go into Executive Session under RSMO. 610.021 (1) (2). A roll call vote was taken with the following results: Ayes: Alderman Filley, 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 8:56 pm.

The Board reconvened at 9:35 pm.

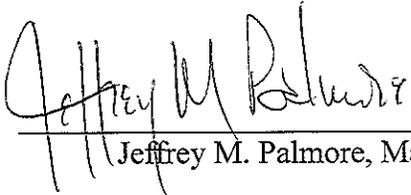
A roll call vote was taken with the following results: Mayor Palmore, Attorney Hamby, Alderman Myers, Alderman Bates, Alderman Gass, Alderman Johnson, Alderman Pigg, Alderman Filley.

Mayor Palmore sated there was one legal item discussed, and one real estate item discussed with no votes taken.

**ADJOURNMENT**

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

The meeting adjourned at 9:35 pm.

  
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Jeffrey M. Palmore, Mayor

ATTEST:  
  
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City Clerk