CITY OF
Pacific

February 16, 2016 * 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 Filley
Alderman Myers
Alderman Bates
Alderman Johnson
Alderman Gass
Alderman Pigg

A quorum was present.

Also present:
Attorney Todd Hamby
Chief Mansell
Collector Kelley – arrived at 7:30 p.m.
City Clerk Barfield

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

PRAYER

Pastor Harold Harrison offered prayer this evening.

PUBLIC PARTICIPATION

Mayor Palmore stated that he had a lot of speaker cards but he wanted to say a few things.

Flood – Mayor Palmore stated that he saw the headline to the paper and it read "No Flood Buyouts" and he was taken aback. No one from the City has made this type of decision, he has spoken against the flood buyout and does not want to lose any more tax revenue. Any land included in the buyout becomes empty property and is not generating revenue and the City is forced to maintain it. It is his opinion that a buyout is not a good thing for Pacific, but it is absolutely false that I made a statement that there will be no flood buyouts. He will continue to address any inaccuracies in the paper. Alderman Johnson stated

that at the last meeting we discussed this and also a letter. Mayor Palmore agreed, and the letter is going to offer three options. The options were regarding elevation and allowing solid walls, which is what our code calls for now, or piers, which would be a cost savings. Alderman Pigg asked if that would be concrete or steel or both, Mayor Palmore thought it would be both. Alderman Johnson asked if the letter was ready for review. Mayor Palmore stated he was working on it. Alderman Johnson stated that she also thought we were going to ask the residents if they wanted a buyout, and she thought at that time the Mayor did say there would not be a buyout. Mayor Palmore stated that was not true. The letter was going to contain options other than a solid foundation, do they want a buyout, and how there was no charge for disconnection or reconnect fee if they chose to turn off their water service. Alderman Johnson stated this flood was much worse than in 2008, and she just wanted to make sure the voice of the people was being heard and included in this letter.

Forest Glenn – Mayor Palmore apologized as he did not have anything prepared for this and he has heard the people are angry because we discontinued snow removal for no reason. This was an oversight with Public Works because they were instructed to do the snow removal in the first place. Then when I came to the conclusion that we never accepted those streets, and accepting the plat on paper is different than after all the improvements are made, I told Public Works not to plow this subdivision. Later he learned there was an agreement with the former City Administrator to plow Forest Glenn. He continued that Heritage Farms is under construction, and the developer is required to maintain the streets. This subdivision is an exception because the City is the successor developer and we plow the streets because the funds were taken. West Lake is also in the process of building out and they provide their own snow removal. He reminded everyone that West Lake came to the Board last year for an estimate of the City to provide those services. Eagle View also came to the City and the City provided a cost estimate to them, and they accepted it and there is a contract for the City to provide snow plowing until they are complete. All of this never happened with Forest Glenn. He told the resident that called to check with the association and the developer. He did notify the developer of this and then apparently there was a letter sent to the City on January 26, long before the snow, that challenged the decision. He has spoken to the attorney who agrees with his position and a proposal has been put together for these services, should Forest Glen want to accept it. Attorney Hamby stated that it was his legal opinion there was one way to maintain and that was to pass an ordinance. It is illegal to provide plowing on streets that we do not own. These are private streets right now. Mayor Palmore stated his positon was to be fair and the ordinance stands. Alderman Johnson stated that she understood this fell under past administration, but in this circumstance she thought there would be a better way to handle it, and it would help if the Board knew what was going on because they receive calls also. In the past we would not cut off services and a letter would have been sent to the developer. She was not faulting anyone, but she apologized to the residents and thought this was handled wrong. She was part of the past and is here now and thought this was a safety issue.

Collector Kelley arrived.

Forest Glenn continued – Alderman Myers stated he understood this was not documented properly, but it needs to be worked out and not at the risk of people's lives. There was no communication to the Board and he didn't hear about it until he heard it was going to be on Channel 5. Mayor Palmore stated he thought everyone was aware of it. Mayor Palmore stated this was brought on by prior administration, they allowed it to happen. Alderman Pigg stated he was on the Board, but Mayor Palmore stated he was not on the Board and nothing was done illegal by stopping the services and the people and the developer were notified. Every person in Forest Glenn was notified. When he met with Mr. Eckelkamp there was snow predicted for the weekend, not the next evening. This should have been done 7-8 years ago properly, his job was to uphold the laws. Alderman Pigg stated that due to the safety of the residents he thought we should have kept plowing. Attorney Hamby stated that the City does not own it, and we could not continue to plow while we negotiate the terms. Alderman Bates stated that Forest Glenn is in Ward 1

and he remembered when we started plowing, but we messed up and he apologized for this. He stated he was sorry for this, no one decided to start something that we couldn't finish, and there were several complaints up there. The City Administrator must have told them to plow, and he thought it was discussed at a Board meeting. We started doing this and then we abandoned it especially when it comes to emergency vehicles. This was a well intention, but it was wrong. He thought he owed everyone an apology and stated he didn't mean to do something that was wrong. Alderman Pigg stated he sat in Kim's office for three hours looking through the minutes trying to find where this was talked about but could not find anything. Mayor Palmore stated the last thing he wanted to do is cause trouble, but he does not want to break the law. He continued that he was involved and witnessed discriminatory practices. There are still no signs at the ballpark about parking, and there are things we need to change. Everyone has to be treated fairly. Alderman Johnson asked that a copy of the e-mail be sent to all the Aldermen of the letter from January 26, 2016. She then asked Kim to confirm she received the letter. City Clerk Barfield stated that she did receive an e-mail on January 26th with the letter attached and four minutes later she sent that to Mayor Palmore that is the one he says he never received. Then on February 12th it was sent again to him along with Attorney Hamby.

Larry Rowden, 2583 Glen View Drive, Pacific, MO 63069 stated that we all know we have a problem and we need to expedite solving this. He did not think that Forest Glenn could meet the 95% requirement of being built out before it is turned over the City because some of the lots are just lots. Mayor Palmore stated that was the policy. Mr. Rowden stated there is no way that will happen in his lifetime. He continued that before he bought in this subdivision he asked if there was services and he was told yes, then he built a half a million dollar home. Things were handled wrong and this needs to be corrected in a hurry.

Kurt Rudolph, 2626 Forest Glen, Pacific, Mo 63069 stated he had a copy of the letter he was asking for and he received it through the US Mail but nobody got a hold of them. He is a 30 year veteran of a first responder, and he is appalled at the lack of communication. They were placed in a situation and you have no idea of what jeopardy you put us in, and he was betting that emergency services were not notified either. He guarantee's no emergency vehicle would make it up that hill.

Billy Eckelkamp, 200 W. Main St., Pacific, MO 63069 stated that his dad was the developer of this subdivision. Now himself along with his sister have taken over it due to his father's health issues. His involvement with this was 24 hours prior to KSDK being notified. We needed to take care of these people and we need to come together. He disagrees with City Attorney Hamby. He passed out copies of Ordinance No. 2204 and referenced Section 3 that it reads on the plat "this dedicates the road and easement". Then in 2006 Ordinance No. 2623 was passed and Section 5 was read. He feels that the City has already accepted the improvements, but if the City wants another ordinance to do this then let's get it done. Mayor Palmore stated he was notified by Dr. Broom, which is what spawned his research into it. When this subdivision was accepted it was on paper and the streets were dirt, the City couldn't take over maintenance. That gentlemen said he was going to call Carrie Atkins, but later he called back and said he couldn't get in touch with her. Then he spoke to him and later learned the letter was sent. Mr. Eckelkamp continued that the streets and infrastructure have been completed for almost ten years. Mayor Palmore referenced Section 410 of the Subdivision Code. Attorney Hamby stated that they do disagree regarding Phase 1. This opinion was that if the Board wanted to pass an ordinance, then the Public Works Commissioner has to inspect and approve the subdivision and then someone on the Board makes a motion and a vote taken. Until this happens the developer is responsible for taking care of the streets. Alderman Filley thought this could potentially prolong things and suggested we come to an agreement regarding the snow plowing in the interim. Mayor Palmore stated he completed an estimate and thought this was an excellent solution. Mr. Eckelkamp asked that the Mayor send this proposal to him but let's get this ordinance completed. Alderman Johnson suggested a special meeting to read the resolution that would approve this.

Motion made by Alderman Gass, seconded by Alderman Filley to instruct the city attorney to draw up a resolution with a contract to the developer for a Special Board Meeting on Thursday, February 18th, at 10:00 am. Mayor Palmore stated the price is $ 190 per trip for snow plowing and salt. Board members agreed.

Mr. Eckelkamp stated he was not admitting to anything and believes that the streets have been accepted.

Public Works Commissioner Brueggemann stated he will do these inspections by next Friday.

Gene Nachtweillt, 2592 Glen View Drive, Pacific, MO 63069 stated he was new to the subdivision and has seen many governments run. When he moved in that was one of his first concerns was the snow plowing. He has never seen such a dysfunctional group that cannot cooperate and don't communicate. In fairness, the City has been plowing the streets for nine years and then all the sudden with no notice just quit. This does not send a good signal to the people if you are truly trying to keep people here. He thought in the future we needed to re-think how this was handled. Mayor Palmore stated he was trying to do the right thing. Mr. Nachtweillt continued that it was the job of the government to monitor its own ordinances and past government.

Chad Nappier, 2592 Forest Glen Drive, Pacific, MO 63069 stated he wanted to schedule a meeting with the Board of Aldermen, Mayor, City Engineer, Public Works, Building Commissioner and Attorney regarding the sewer extension in Forest Glen. He has asked for a meeting four or five times and been refused. Attorney Hamby stated the Board has to meet at a public forum and the meeting has to be posted. Mayor Palmore asked what this was about and Mr. Nappier stated it was regarding the sewer extension. Alderman Johnson suggested this be taken to an Operations Committee. She stated the next meeting is on February 25th at 6:30 pm. Mr. Nappier stated this also involved DNR Regulations.

MAYOR'S REPORT

Mayor Palmore stated the appointment of the City Attorney was left off the agenda. He is re-appointing Mr. Hamby for two more weeks and this should be listed on the agenda in the future. Alderman Pigg stated this wasn't on the agenda at the last meeting. Attorney Hamby stated it was improper to take a vote without it being listed on the agenda.

APPROVAL OF MINUTES

A. Regular meeting on February 2, 2016

Motion made by Alderman Filley, seconded by Alderman Gass to approve the minutes of the regular meeting on February 2, 2016. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

B. Special meeting on February 8, 2016.

Alderman Pigg stated that Attorney Hamby needs to be listed on the minutes as absent as he was not at the meeting. Motion made by Alderman Pigg, seconded by Alderman Myers to approve the corrected minutes of the special session on February 8, 2016. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. Attorney Hamby stated that he was told not to attend that meeting.

Alderman Pigg stated that Attorney Hamby also needed to be listed under "absent" on the Executive

Session Minutes dated January 8, 2016. Attorney Hamby stated he was told his presence was not needed on this date. He has made it clear to Mayor Palmore that he is a judge for the City of Arnold, and Mayor Palmore told him it was not necessary he attend.

INTRODUCTION OF NEW BILLS

BILL NO. 2966 **AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET & WAGE AND SALARY SCHEDULE FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF PACIFIC.** *(1st reading)*

Motion made by Alderman Gass, seconded by Alderman Filley for the first reading of Bill No. 2966. 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. 2966 for the first reading.

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

BILL NO. 2966 **AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET & WAGE AND SALARY SCHEDULE FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF PACIFIC.** *(2nd reading)*

Motion made by Alderman Johnson, seconded by Alderman Myers for the second reading of Bill No. 2966. 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. 2966 for the second reading. Motion made by Alderman Johnson, seconded by Alderman Bates to approve Bill No. 2966. 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. 2966 passed and became **Ordinance No. 2954.**

UNFINISHED BUSINESS

BILL NO. 2952 **AN ORDINANCE ADOPTING THE 2015 CITY OF PACIFIC COMPREHENSIVE PLAN UPDATE AND REPEALING ALL PREVIOUS ORDINANCES CONFLICTING THEREWITH.** *(1st 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. 2016-03 **A RESOLUTION OF THE CITY OF PACIFIC, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF PACIFIC AND GILMORE BELL RELATING TO DISCLOSURE AGREEMENTS.**

Motion made by Alderman Filley, seconded by Alderman Gass to read Resolution No. 2016-03. 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. 2016-03. Motion made by Alderman Gass, second by Alderman Bates to approve Resolution No. 2016-03. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

MISCELLANEOUS

A. Discuss Forest Glen Subdivision Improvement

Mayor Palmore stated this was already discussed.

B. Approve resignation of Karen Woolf as Police Records Clerk.

Motion made by Alderman Gass, seconded by Alderman Bates to approve the resignation of Karen Woolf as Police Records Clerk. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion approved.

C. Approve posting of position of Police Records Clerk.

Motion made by Alderman Filley, seconded by Alderman Bates to approve the posting of position of Police Records Clerk. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion approved.

D. Approval of the surcharges to Smith Foods Pacific, Inc.

Motion made by Alderman Gass to approve the surcharges to Smith Foods Pacific, Inc. Motion made by Alderman Pigg to table this for more discussion. Attorney Hamby stated we needed a "second" to be able to have discussion. **Motion was seconded by Alderman Bates to approve the surcharges to Smith Foods Pacific, Inc.** Attorney Hamby stated the process is the Public Works Commissioner approves the surcharges, then the Board. What we are doing tonight is seeking your approval. The figures come straight from the ordinance. Alderman Myers thought they asked for a better breakdown of the charges. Attorney Hamby stated that at first they objected, when I sent the backup they said it was not calculated correctly and sent a petition. Terris Cates went over it and said that they were right. He had made a mistake and it was corrected. Attorney Hamby reviewed the process and the code reads that the Public Works Commissioner approves, then the Board, which is what we are trying to do right now. Alderman Bates stated they had not been through the process before. Attorney Hamby stated it covers the months of September through November 2015. Public Works Commissioner Brueggemann stated this is Phase 1 of an approach to deal with it. Alderman Johnson asked that all communication go through the Board so we know what is going on. Mayor Palmore stated that was not legislation, this is day to day operations. Attorney Hamby stated he would comply with whatever the Board desired, but the business is going to be hard to operate efficiently. Alderman Gass disagreed and stated the Mayor and City Clerk can do this. City Clerk Barfield agreed, she would comply with whatever the Board desired. **A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.**

E. Approve the list of bills.

Motion made by Alderman Pigg to approve the list of bills, with the exception of the City Attorneys invoice because he had questions about the fee's. Alderman Gass stated he had a few questions also. Alderman Pigg stated he would like to table this until the Board can get legal counsel and can exercise

their legal right, there is no contract or resolution to pay this bill. Attorney Hamby stated that there is an Attorney General's opinion and a Board of Aldermen cannot hire their own attorney. Attorney Hamby continued that there is a legal contract signed by the Mayor for him to be the interim city attorney until one is approve by the Board. The Mayor can't appoint one and then not pay the bill, and he does have the right to make the appointment. Alderman Pigg stated that contracts are unofficial without an ordinance, it is in an Attorney General's Opinion and State Statute. We are the checks and balances. Alderman Johnson said that she hasn't seen the contract. Attorney Hamby stated that he has done work for the City. Alderman Pigg stated that the State Statute reads that contract has to be official, you don't have the right to enter into a contract. He continued that in looking over Attorney Hamby's invoice the charges are $ 350 an hour and with discounts it comes down to $ 280. He spoke to five different municipal attorneys today and they were all cheaper than this, you are the most expensive attorney in the history of Pacific. At the first meeting when Attorney Dove was present he told me to call Attorney Hamby in the morning, and he did that and for 12 minutes the cost was $ 70. The charges for the first board meeting was $ 1,995 and to prepare for the board meeting and attend it was a total of $ 3,640, but does not include the 20% discount yet. The second board meeting was $ 1,400, he continued that the City could not afford this. Mayor Palmore stated that we paid Vogel's firm $ 312,000. He continued that he appointed an attorney for $ 125 an hour and this administration removed him. Alderman Pigg stated that was wrong, he removed himself. Mayor Palmore continued don't be miss-guided by the anger and hostility at that end of the dais. Alderman Myers stated the difference is Vogel's firm was approved, and Todd's is not and has been turned down three different times by this Board. You are ignoring the will of the people, as this Board represents them. You refuse to listen to our will. Alderman Myers then read from State Statute 79.240. **Motion made by Alderman Myers to remove Attorney Hamby as the City Attorney as a result of your repeated attempts to place him. Motion was seconded by Alderman Pigg.** Mayor Palmore stated to "go ahead, I will re-appoint him". There is already a motion and a second on the floor, so your motion and second is void. We're going to finish the one on the floor. This is an interim appointment. Alderman Myers questioned why he would do that. Mayor Palmore continued this same law reads that he can do this every two weeks, and I will re-appoint him. We have been doing this for two years. Alderman Pigg stated the only thing that the Mayor has asked for and was denied was the appointment of Dave Myers and Attorney Hamby. Alderman Myers agreed. Mayor Palmore asked where his city administrator was. We eliminated a dozen or two applications, why did we have a selection of one and two and not bring in number two when one was turned down. Alderman Johnson stated there was a motion and a second on the floor. **Attorney Hamby stated this was not a proper motion and the Mayor has to pay the bills. Motion made by Alderman Pigg to pay all the bills except the attorneys.** Attorney Hamby stated that he has discussed this before with Alderman Pigg and the Board cannot hire their own attorney. **Motion was seconded by Alderman Myers. Attorney Hamby stated this was not a proper motion.** Alderman Pigg stated that he would then make a motion for the City Clerk, Kim Barfield not to sign the check for Attorney Hamby's law firm. Alderman Myers asked "are you saying when there is a conflict like this there is no recourse for the Board to have a fact finding from another legal source". Attorney Hamby stated that you can agree or disagree, but it is disappointing that you wouldn't pay him for his work. Alderman Johnson stated that he was never approved. Alderman Filley suggested we hear Alderman Gass and his questions. Alderman Gass asked about the invoice to CK Power, and HACH and MO Machinery. Public Works Commissioner Brueggemann stated the one for CK Power is for the transfer switch that was ruined in the flood, and the HACK invoice is for the control panels at lift station 5 that were needed to rework the pump. Alderman Gass asked if we would be receiving reimbursement through FEMA. Mayor Palmore stated he was hopeful but not sure when that will come in. Alderman Gass then asked Attorney Hamby if there were any court cases regarding the re-appointment and the number of times it can be done, Attorney Hamby stated there were none that address this issue but is common practice. Alderman Myers asked how the Board can be forced to approve this. Alderman Pigg stated again that the contract is not enforceable and there no ordinance for the execution. Attorney Hamby stated there is a contract signed by the Mayor for an interim attorney. He continued the $ 70 was not discounted so the charge was really $ 56, and he did

the work. Alderman Pigg stated none of the attorneys he spoke with today are sending him a bill. **Motion made by Alderman Filley, seconded by Alderman Bates to approve the list of bills. A roll call vote was taken with the following results: Ayes: Alderman Bates, Alderman Gass, Alderman Filley. Nays: Alderman Myers, Alderman Johnson, Alderman Pigg, I don't feel it's legal. Attorney Hamby stated this was a 3-3 tie. Mayor Palmore stated he would break the time with an "aye" vote, and the motion passed 4-3.** Alderman Pigg stated he did not think the Mayor could break the tie due to a conflict of interest. Alderman Myers stated that you keep making jokes, but none of this is funny, and it is ridiculous that we cannot work together. City Collector Kelley stated that as her Ward 2 Alderman she was upset, she has had to work with the attorney in her office, and the City didn't have any problem paying the floodplain manager $ 15,000 and we can't even go back in our homes. This has to stop as we can't go back. She apologized that she was late to the meeting. Alderman Myers stated the engineer costs would have been less if we had kept him on board.

COMMITTEE REPORTS

Park Board Committee – Alderman Filley stated there was a special meeting last night to discuss Jensen's Point. There was also a sub-committee formed for the grand opening of Jensen's Point. Mayor Palmore stated that he will talk to St. Louis County tomorrow but they would like us to apply for reimbursement by April. The contract allows us to open the park when the request for reimbursement is submitted. He is going to ask Attorney Hamby to review the contract. He would like to see if a soft opening fits the requirement of the park being open. City Clerk Barfield stated they would not agree to give us anything in writing stating this would meet the requirement. Alderman Filley continued that the handicap spot is at the far end of the lot. Discussion followed. She continued that at the last Board meeting she brought up amending the ordinance on the park hours, camera's and the rental fees. Discussion followed and Alderman Filley will e-mail what they would like to see changed in the ordinance. Alderman Myers agreed and thought the camera's needed to be upgraded and asked if Bays could evaluate the whole park system and obtain a quote from them, he would like to see Chief Mansell included on this.

Cemetery Committee – No Report.
Industrial Development Authority – there is a meeting scheduled for Wednesday.
Tourism Committee – No Report.
Building Advisory – No Report.
Planning & Zoning – No Activity.
Genealogy Committee – Mayor Palmore stated that BeBe McKenzie passed away, she was a ten year member of this committee.
Operations Committee – there is a meeting scheduled for the 25th at 6:30 pm.
Administration Committee – there is a meeting tomorrow night at 6:30 and the agenda is posted.

REPORT OF CITY OFFICIALS

Alderman Filley – stated there are caps on McLarens fence but not the Andrea's section.

Alderman Myers – asked when we could pick back up the Comprehensive Plan.

Alderman Myers - Jensen's Point – He thought it was a challenge with the curb at the entrance. He suggested we try to fix this prior to the opening so it looks like it was designed with a purpose. Public Works Commissioner Brueggemann will try to obtain a cost estimate.

Alderman Myers – Bathrooms at Liberty Field – The Park Board Committee would like to see this accomplished. They have contractors willing to donate. They have asked that the Board take what the

Committee submitted and perfect it and move forward. Mayor Palmore stated he would follow up with Engineer Rahn.

Kenney Quennoz (audience) asked if any of you have sat in the Mayor's chair, he has, and you get hammered all the time, never appreciated, and he has every right to appoint a City Attorney for two weeks and the City is obligated to pay him. People are laughing at Pacific and think we are a joke.

Alderman Gass – asked about the status of the grass cutting bids. Mayor Palmore stated that two landscapers have contacted him. Alderman Gass thought we were going to get these out early.

Alderman Gass – Candlewick and Industrial Drive – he would like to see this work get done in April and we need to get moving on this also.

Alderman Gass – Indians Hills – Mr. Grubbs submitted his plat but what is happening. Mayor Palmore stated this has not been recorded because everything was not submitted with it.

Alderman Gass – City Attorney – asked if there was clear answers in the Statue about how many times an appointment can be made. Alderman Pigg stated that he has case law when there was no contract and the Board approved payment. Attorney Hamby stated this does not apply to interim appointments.

Alderman Johnson – City Pool – stated we discussed this at the Operations Committee and we needed to talk about this more and include the Park Board. Mayor Palmore stated he was working on putting this out to bid. Alderman Myers asked if Sara could bid on this, Mayor Palmore stated if she can fulfil the contract then yes, but Alderman Myers stated she wanted to run it as a city employee. Alderman Johnson thought this needed to go back to the Operations Committee. Discussion followed, and we need to know what the bids are before we can decide how to run the pool.

Alderman Johnson stated she appreciated Mr. Quennoz speaking, but this week she got calls regarding the City Attorney and the Board not approving him three times, and we are going to continue to disagree because the Mayor keeps bringing back the same appointment. There is no effort to move forward. Then she received a call regarding Bend Bridge, this was not talked about, and she understands there was a meeting and the Mayor attended this with the Attorney. She did not know this meeting was taking place nor that Mr. Hamby was going to attend. She thought that was a problem, in the past the Attorney took the direction of the Board. She also understood that Alderman Myers was present. Alderman Myers stated he was representing the Magi Foundation. Mayor Palmore stated he was wearing two hats that day, one for the Franklin County Transportation Committee and one for the City. There are significant legal issues and he thought it would serve the City best if the Attorney was present. Alderman Johnson stated she understood that, but there is a lack of communication, and the Board needs to be told these things. She continued when attorney fees are charged she wants to know where he is going and why. (Audience) stated the Franklin County Highway Department called this meeting. Mr. Butler (audience) read from something regarding the Magi Foundation working with the City. (Audience) stated that the meeting went well.

Attorney Hamby stated he has never been in a situation where he has to tell every single Board member where he is going or what he is doing, but if that is what the Board wants then he will e-mail the entire Board. Alderman Gass stated "no, just make an announcement at the meeting".

Mr. Butler (audience) stated that this document talks about annexing the bridge and it appears to be a conflict of interest for Alderman Myers. Alderman Myers disagreed as he represents the Magi Foundation and there is no conflict of interest. If the county relinquishes it then the property goes back to the property owners. Attorney Hamby stated there has to be a unanimous consent of the abutting property

owners. Mrs. Butler (audience) asked Alderman Johnson why Alderman Myers didn't tell her about the meeting. Alderman Myers stated he was there representing the Magi Foundation. Alderman Pigg called "point of order".

Kenny Quennoz (audience) stated the Mayor is the Chief Executive Officer of the City and he don't need the Board's permission, but he does have an obligation to report back to the Board.

Alderman Johnson stated the point is never in the history of the City have we had an interim attorney without a contract.

Motion made by Alderman Gass to adjourn.

Alderman Pigg stated at the last meeting the Animal Control Officer's report stated that he cleaned the pound, but he did not. There is still debris in the fence, debris on the shelves, the pound is not clean.

Chief Mansell – stated at the last meeting we discussed Canine Officer Yuki to retire and Officer Whiteman obtaining ownership of him. Attorney Hamby stated there is no statute directly on this, he thought he could prepare a short contract authorizing this. Motion made by Alderman Filley, seconded by Alderman Myers for Attorney Hamby to prepare this for the next Board meeting. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

Alderman Filley asked the status of the officers that the Chief was interviewing. Chief Mansell stated he will meet with the Mayor but he is still working on the testing.

Collector Kelley – thanked Attorney Hamby for working with her office this last week on an issue that came up.

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 9:40

Jeffrey M. Palmore, Mayor

ATTEST:
Kimberly Bergel
City Clerk

SEAL OF THE CITY OF PACIFIC MISSOURI