

March 15, 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 Gass
Alderman Johnson
Alderman Pigg

A quorum was present.

Also present:
Attorney Todd Hamby
Chief Mansell
Collector Kelley
Public Works Commissioner Brueggemann
Engineer Dan Rahn

City Clerk Barfield

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

PRAYER

Father Jim Holbrock offered prayer this evening.

PUBLIC PARTICIPATION

Mayor Palmore stated he had several cards this evening.

Gerald Pemberton, 205 Candlewick, Pacific, MO asked if we have received the money yet for Candlewick. Mayor Palmore stated that we had not, but were waiting to hear from MoDot. He was hopeful that this would start this summer. Mr. Pemberton stated they still have a problem with semi's

going down the road and before we had talked about a \$ 500 fine. Chief Mansell stated that they are doing all they can, but the problem still goes back to the GPS problem. Jim Tucker, 201 Candlewick, stated the trucks are cutting the corner, and asked what the plan was. Mayor Palmore stated this money would be used for slab replacement. Mr. Tucker asked how we were going to get rid of the water problem always running down the road. Mayor Palmore explained that the water table is high here, and people are pumping water out of their homes all the time. We cannot stop that. Mr. Tucker stated the street was not set up for tractor trailer traffic. He asked why the business couldn't make this clearer to their drivers. Alderman Pigg stated that ATI offered to put up a sign. Mayor Palmore thought that considering the truck traffic that has been going on the street has held up well.

James Mueller, 1970 Woodhaven, Pacific, MO stated he wanted to address the Board about Knottingham Subdivision. The application and procedure was followed for Bill No. 2958 which became Ordinance No. 2946. The developer has exceeded his 90 day window for the City to move forward, and according to the Code the Ordinance becomes null and void. The Developer did not post the escrow for the curbs and gutter and sidewalks, and the street to be brought up to standard. He reviewed the minutes from December 2015 and Section 410.075 of the Development Standards including Section 410.030 and 410.040. Section 410.040 discussed the approval of the plan and the 90 day requirement. This development has not met the requirements, and the way he understands this is if the developer wants to proceed then he would need to reapply in the Building Department and comply. He did not think there was a vote of this Board necessary, he thought the Ordinance just became null and void. Mayor Palmore stated that a building permit has a time limit on it also, or they just expire. He thought it was the same way for this, and if the developer's time has run out he would be required to follow the Code Book. Alderman Johnson stated she would like to make an amendment to the December 1, 2015 minutes, as she voted "no" on this. She asked City Clerk Barfield to verify this.

McKenzie White, 1765 Anderson Lane, Pacific, Mo stated he wished to propose an Eagle Scout Project regarding the retiring of flags. There are only two services in the City that can retire flags. He would like to offer another option to someone retiring a flag, and is going to build a box for these. He stated only the Boy Scouts of America and the military receive the honor of retiring the flag. He is asking local businesses within the community to house boxes so people can submit the flags for retirement. The box can be inside or out and requires a 1 ½ x 1 ½ x 4 spot. The box is maintained by Troop 443. He is asking the City to house a box. Mayor Palmore stated this would be put on the agenda for the next meeting for a vote.

Brandon Hofstetter, 502 S. First St., Pacific Mo is where his business is located. He has numerous properties in the flood area, and the \$ 30,000 that ICC provides is not enough to get the properties raised. There are grants available to help with these costs and he asked if there was any action towards these grants on the City's end. Mayor Palmore stated he was going to include this in his report, and Engineer Rahn was going to discuss the process, as it is very involved.

Brandon Hofstetter, also stated he had the unimproved Lisa Lane by the High School and the Letter of Credit was called on. He stated it was \$ 80,000 and asked where the money was now. He assumed since the City took the money they were going to make the improvements. Mayor Palmore asked City Clerk Barfield to look into this.

Engineer Rahn stated there are two grant programs available. One is the Flood Mitigation Grant, and the other is a Hazard Mitigation Program. We are in the process now of developing the "Notice of Interest" to the state, which requires a lot of data gathering. The FMA (Flood Mitigation Grant) is a Federal program that is competitively applied for and there is \$ 199 million dollars available. Last year 90% of the projects applied for were funded. Mayor Palmore stated this comes from the state, but the way the money is disbursed is not clear.

The Hazard Mitigation Program fund is also funded through the state.

The FMA Grant is due the soonest and he is focusing on this now. He will be gathering information from the property owners. We need this information to determine eligibility. First we have to complete the Notice of Interest, then apply for the Grant. Engineer Rahn continued that he has spoken to the Flood Grant Administrator and he recommended we hire someone to help us apply for the FMA Grant. The cost for that is approximately \$ 16,000. If the grant is awarded we can obtain a portion of that back. In the next three weeks he will be working towards soliciting for Professional Services and hopes to bring a contract for approval to the next meeting. The FMA application is due to the state on June 15th, and to the State on May 15th. With the Hazard Mitigation Program, the State is the applicant, and the City is the sub-applicant. There will also need to be a meeting to provide information on the Grant Program, and all of this is worked out at the same time. The email for the flood is flood2015@gmail.com and the property owner can go there and tell him if they are interested in the grant or not. He does not believe the property has to be their primary residence, but the Grant Administrator will go over all of that.

Alderman Johnson asked about the “flood letter” and if it ever went out. Mayor Palmore stated a letter went out, but Alderman Johnson thought they were supposed to approve it. The last letter she saw she thought was a draft. City Clerk Barfield stated a letter went out while she was at the conference last week. The final letter was probably not e-mailed to the Board, as Debbie Hayden finished this up. Mayor Palmore thought the final letter was e-mailed out but asked that she e-mail it to them. There was discussion on if the letter was tabled.

MAYOR’S REPORT

A. Appointment of Capes, Sokol Law Firm, Todd Hamby as City Attorney

Mayor Palmore stated he was going to appoint Todd Hamby, Capes, Sokol Law Firm for another two weeks. Alderman Filley stated that at the last meeting he had mentioned contacting another attorney, and she asked if he was able to do that. Mayor Palmore stated he did, and he is also going to talk to another one. Alderman Filley stated the current contract does not say that these are for interim services, and there is no end date. She asked that it be noted on the contract end dates, right now it seems open ended. She thought it needed a begin and end date every two weeks. Attorney Hamby stated that was not legally necessary. Alderman Johnson stated that last time the Mayor called for a motion, and he did not ask for one tonight. Any contract needs approved. Mayor Palmore stated this was for an Interim Appointment, he cannot find any case law on an interim appointment. Alderman Pigg submitted copies of case law, and these reference needing an ordinance. He passed these out. Mayor Palmore asked that he sit down, as he was out of order. Alderman Johnson stated as an attorney, he is an officer of the court, the Mayor may approve up to \$ 3,000, but she believed that the Attorney swayed Alderman Filley’s opinion at the last meeting that he can be paid. Alderman Filley stated nobody swayed her vote, she voted on the State Statute and the City ordinance and the advice of another attorney that she spoke with. Alderman Johnson stated she still did not think this was legal.

B. Discuss special legal counsel for cemetery issues.

Mayor Palmore stated he was asked to contact MIRMA and the attorney. He continued that apparently there is a newspaper article that threatened to ruin him or his business, he did not take threats lightly. He continued that he talked to Attorney McCarter, and he believes it is past the scope of engagement. MIRMA also responded and they state they are limited to the “defense of suit” and they cannot authorize any further. Alderman Pigg stated that he saw Alan at Mobil and he gave Mike a copy of an Exhibit D that was used when all this first started. Alderman Pigg gave a copy of this to the Mayor. Alderman Pigg continued that the map he has is a six grave lot that is not what any of the cities are. Mayor Palmore asked where the deed was. Mr. Bruns signed a cemetery deed and only the Mayor and the City Clerk can sign a deed, the City Clerk Attests. Where are the rest of the documents? We still don’t have a document

that shows who is buried where. We need to retrieve the records, all the records. There is also a letter to the City Administrator from Mr. Bruns that states "I have documents and that's where they are going to stay". Alderman Johnson asked if the Mayor saw the records turned over to the court. Mayor Palmore stated he did see them. He told the Attorney that was not all the records, that is who speaks for us, so Mr. McCarter is aware of it, but No, I did not walk up to the Judge and tell him. Alderman Pigg stated that he thought with every effort put out with the lawsuit, he thought this should be tabled again. **Motion made by Alderman Pigg to table this.** Alderman Myers stated this is an ongoing suit. Mayor Palmore stated it is incumbent on us to seek these records, Mr. Brennan wants money. When the judgement is rendered against us we will have to spend money. Alderman Myers did not believe that. He continued the last vote was to have the position that Bruns should turn over to the Judge all the records. Mayor Palmore stated we have partial copies. The records on the drives are upside down and every way. Alderman Pigg asked if anyone had reached out to Nettie, but Mayor Palmore stated that Bruns has the records. Alderman Johnson asked Mayor Palmore to "call for a second". **Motion was seconded by Alderman Myers.** Alderman Myers stated that Alan says he turned everything in. Alderman Filley asked if the records are in the Judge's hands, how they are going to be released. Mayor Palmore stated the records the Judge has are old ledger books. I indicated to you before that graves are numbered backwards left to right on both rows, before that it was right to left. The records are in a state of dis-repair. We need the records with all the burials then we can re-create them. The numbering was then switched, depending on the row. Deeds were changed, and he can show you marks on vaults where the backhoe has hooked a vault. We need the burials to be able to re-create them. He believes from 1988, the Roger Jarvis records are based off the headstones. On the front cover of the book it says that they are in the standard method, but all the while he was burying them differently. They didn't know he wasn't burying them that way. They were supposed to be in the standard method. The City has told people before there are no lots left, but that is not true, there are hundreds of lots left. I looked at the maps with JoAnn Hoehne and Ed Gass. Alderman Pigg asked where the records were now. Alderman Pigg stated that he has talked to people who have looked at maps with you, where are those. Mayor Palmore stated the only maps we have are Nettie's maps. City Clerk Barfield agreed and added there are a few really old ones rolled up. Alderman Bates stated for the record our position is still that these are our records. Even if we hire counsel how do we resolve this? Mayor Palmore stated the attorney would be made aware of the documents, because I have supplied them. We gave documents to MIRMA, but that is not in their scope. Mayor Palmore asked Attorney Hamby what he would do. Alderman Pigg stated he was faced with this when he was your aldermen. Alderman Johnson stated he was out of order, and he was not the 7th Board of Aldermen. Mayor Palmore stated she was out of order. Attorney Hamby stated the Mayor's lawsuit was different in fact. There are other avenues an attorney would have to try to find the records that are missing, the lawsuit he was involved in did not include missing documents. Mayor Palmore stated that Attorney Hamby represented him in Appellate Court and he won on res judicata, that means "already been decided" the Small Claims Court decision prevails, and he represented himself in Small Claims Court. Attorney Hamby stated that lawsuit was specifically about the charge for opening a grave. Alderman Myers asked if a Judge has ordered Mr. Bruns to turn over all the records. Mayor Palmore stated yes, but the Judge don't know if there are any missing records. Alderman Myers asked if Brennan's attorney knew there were missing records. Mayor Palmore stated he did not talk to Brennan's attorney, he don't know. We are both represented. Alderman Bates stated that people are still coming to the cemetery, what we are using now. Mayor Palmore stated he looks at what Nettie Painter has provided and try to find the deed, then the grave and look at the headstones then they probe and they pray they don't hit a vault. We have made grave errors. There are graves numbered in three different fashions, there is a possibility that we dig someone up. City Clerk Barfield stated she also still uses Jarvis's records along with Nettie's. Mrs. Painter created her new map and there were people moved out of a lot to an adjoining lot, but there is a headstone there. He thinks this can be fixed if we had all the records. City Clerk Barfield stated the flash drive on the computer is a spreadsheet by Nettie, she exhausts all the records she has when she is looking for something. Alderman Myers asked that Mike revise his motion so there is an end on it. **Alderman Myers rescinded his second, and asked that Alderman Pigg revise his motion to include**

an end date. Alderman Pigg stated he would amend his motion to table this under until present court case pans out. Alderman Filley asked for a shorter time frame this could be delayed to May or June. Alderman Myers stated that he saw no need us to spend more money for another attorney when the present lawsuit is to produce all the records. Mayor Palmore disagreed, as they say this is past the scope of the engagement. Alderman Myers stated that Mr. Brennan's attorney is pursuing all the records. Mayor Palmore stated we produced additional records, City Clerk Barfield stated she has produced the flash drive and the big map and everything she has. Mayor Palmore stated he also produced what he had. **Alderman Pigg amended his motion to Table this until the current court case is concluded.** Alderman Filley stated she still wanted a date. **Alderman Pigg amended his motion to Table this for 90 days. Motion was seconded by Alderman Myers. A roll call vote was taken with the following results: Ayes: Alderman Filley, Alderman Myers, Alderman Johnson, Alderman Pigg. Nays: Alderman Bates, Alderman Gass. Mayor Palmore stated the motion carried 4-2.**

C. Discuss sewer backflow prevention devices.

Mayor Palmore stated last year when Attorney Schroeder was here he was asked to look at the backflow devices for the Cedar's Subdivision. He came up with an agreement, which was passed out this evening. Mayor Palmore stated he failed to follow up on this, but last week he received a call reminding him of it. Alderman Pigg also received this call. Mayor Palmore accepted responsibility for that failure, but tonight there was a proposed agreement for them to review. This agreement is for the homeowner to pay for the backflow device. Alderman Pigg thought the City paid for it in the past. Public Works Commissioner Brueggemann stated that was true, to his knowledge the City paid for them. The prior City Administrator did this to help the problem areas to prevent claims. Alderman Pigg thought that if it was the City's sewer that backed up, we shouldn't bill the homeowner. Mayor Palmore asked if MIRMA helped with any of this. Alderman Pigg thought the homeowners only were responsible for the maintenance. Alderman Bates asked what criteria would be used to decide who gets one. He thought the criteria should be clear. Attorney Hamby suggested allowing the Public Works Commissioner to use his own discretion. Mayor Palmore stated the total cost is \$ 1,100. This was for the City purchasing the item, and installing it. Alderman Gass suggested the City purchasing the device, but allowing them to do the installation. The cost of the device is \$ 200.00. Mayor Palmore asked if the Board wanted to move towards putting this in the form of a Bill. The census was yes, move forward to a Bill and Alderman Pigg stated he would sponsor this. Alderman Myers asked if new construction was required to have one. Public Works Commissioner Brueggemann stated they were not required to. Discussion followed on ways available to purchase the item and pay the City back.

D. Status of Quality Chip-n-Seal.

Mayor Palmore stated that the Quality Chip-n-Seal was contacted. He came down and looked at several areas. He asked that we give him time so the temperature of the road gets over 60 degrees then he would come down and touch up the spots that need fixed for us. Alderman Gass suggested finding out if he ordered 3/8" rock and check the oil. Alderman Pigg stated last time the City cleaned up and swept the streets, he thought we should be reimbursed for it. Motion made by Alderman Gass to have the street swept. Public Works Commissioner Brueggemann stated we do this every year. Alderman Gass said to dis-regard his motion.

APPROVAL OF MINUTES

A. Regular meeting on March 1, 2016

Motion made by Alderman Myers, seconded by Alderman Filley to approve the minutes of the regular meeting on March 1, 2016 as corrected "sand bags off a cement truck" on page 2. A voice vote was

taken with an affirmative result, and Mayor Palmore declared the motion carried.

Mayor Palmore adjourned the meeting for a moment at 8:50 pm.

The meeting was called back to order at 8:55 pm. Present at roll call was: Mayor Palmore, Alderman Filley, Alderman Myers, Alderman Bates, Alderman Gass, Alderman Johnson, Alderman Pigg, Attorney Hamby, Chief Mansell, Collector Kelley, Public Works Commissioner Brueggemann, Engineer Dan Rahn.

INTRODUCTION OF NEW BILLS

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

**BILL NO. 2967 AN ORDINANCE AMENDING THE PARK REGULATIONS
WITH RESPECT TO JENSEN POINT AND TAMPERING WITH
SECURITY DEVICES. (2nd reading)**

Motion made by Alderman Filley, seconded by Alderman Myers for the second reading of Bill No. 2967. 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. 2967 for the second reading. Motion made by Alderman Pigg, seconded by Alderman Myers to approve Bill No. 2967. 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. 2967 became Ordinance No. 2955.

UNFINISHED BUSINESS

**BILL NO. 2967 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

MISCELLANEOUS

A. Approve the list of bills.

Motion made by Alderman Filley, seconded by Alderman Bates to approve the list of bills. Mayor Palmore asked for any discussion. **Alderman Pigg stated he would like to make a motion to table the attorney bill until further information is received.** He still does not think this is legal and wants to know what is correct other than the man receiving the funds. He wants proof. Attorney Hamby stated he calls it like he sees it. If Mr. Pigg wants to "not" pay the bills then it has to be seconded. Attorney Hamby stated that if Mr. Pigg wants to make a motion to table a particular bill, then it needs to be seconded. **Motion was seconded by Alderman Myers.** Alderman Pigg asked for the original motion to be rescinded. **Alderman Filley stated she was not resending her motion as she differs on opinion.**

Mayor Palmore stated the original motion was to pay the bills and asked for a roll call vote. Ayes: Alderman Bates, Alderman Filley. Nays: Alderman Myers, Alderman Johnson, Alderman Pigg. Abstain: Alderman Gass unless Todd can show information that it is correct. Mayor Palmore stated that the results were 2 ayes, 3 nay's and 1 abstain. Alderman Pigg asked if another motion could be made, but Mayor Palmore stated no, the motion and second failed to pay the bills. Alderman Pigg stated that we have done it like this before, but Jeff is changing the rules. Mayor Palmore stated he was not changing the rules, and Alderman Myers stated it was Robert's Rules. We can make a new motion. Mayor Palmore stated when you have the floor, you can make a motion. Alderman Myers stated that it is Jeff's rules. Mayor Palmore stated to call point of order you can get Robert's Rules and show me where I am wrong. Alderman Gass stated he did not want all the bills to go unpaid, that is not fair. There was discussion about the motion. Attorney Hamby stated the Mayor has the ability to contract for an interim attorney, and that is all that he has done. This is enforceable. I have drafted ordinances, I called the guy with the road project, I have done the work. I understand these cases, but this is a different situation. If it was not lawful the City would be without an attorney. He just wants to be paid for his work. Alderman Pigg asked if the contract was above Board, why wasn't there an ordinance or resolution to go with it. Attorney Hamby stated that there did not have to be, I sent the contract to the Mayor and Kim, don't hold him to that, but he thought he sent it to Kim, the Mayor signed it and sent it back to me, so I assumed it went to you all. When you asked for it you got it. Alderman Pigg stated that in all these cases it refers to Board approval. Attorney Hamby stated that these are different cases. He has the right to enter into a contract for an interim attorney. Alderman Pigg asked where the Statute was that says this is okay. He has talked to four different attorneys, and they all say the contract has to come before the Board. He appreciates everything Todd has done, just tell me where it says it's okay to do this. Attorney Hamby stated that he has told them about the Attorney General opinion. Alderman Pigg stated the Mayor is supposed to submit a full time name at every meeting. Attorney Hamby stated whoever you hire will need a contract and approval. He did not disagree with these cases, but this is not the same situation.

Motion made by Alderman Gass, seconded by Alderman Bates to pay all the bills. Mayor Palmore stated there was a motion and a second on the floor to pay the bills. Alderman Myers stated Mike's motion was on the floor first. Alderman Myers read from Roberts Rules of order regarding main motions. Alderman Gass stated that was right, Pigg's motion holds the floor. Mayor Palmore stated there was a motion and a second, and asked for any more discussion. Alderman Bates stated that Todd did the work, he needed to be paid. Alderman Myers stated that we wanted to wait for Spencer Contracting and it was pulled from the bills. Alderman Bates asked why we couldn't do the business of the City. Alderman Pigg stated he was just asking for an explanation of the bills. Alderman Bates stated that if we don't want the attorney then make a motion to end this in 90 days or whatever, and Mike if you prove you are right then he will apologize. We are here because you all fired the last attorney. Alderman Gass stated he did not vote to fire the last attorney. Alderman Bates stated he was not present at that meeting. Alderman Pigg stated there was a motion and a second for his resignation or to be terminated. Alderman Bates apologized to Alderman Gass. Alderman Gass stated if there is nothing in black or white to say the Attorney is wrong, then he is right. Alderman Bates apologized for his outburst, but wants to move forward. Alderman Myers agreed that we are at a difference of opinion on the City's best interest regarding this appointment. Alderman Pigg stated that if it's out of the equation then it's just the Mayor's dictatorship. There has to be checks and balances. Mayor Palmore stated there is a balance of power, but sometimes we just can't keep going back and forth. He would hope for a change of heart and we will find another attorney or this Board will accept his nomination. This is no different than him not accepting their City Administrator. If you don't want to pay Hamby, then don't, but if you think you're in a lawsuit now, what do you think is going to happen if we don't pay Capes Sokol. He has a prediction a little prediction that, he bets that the 80 something attorneys at Capes Sokol are probably not gonna be to happy, maybe he is wrong. Pauline Masson (audience) stated that was a threat. You are threatening the Aldermen, this is a threat. Mayor Palmore stated she did not have the floor, Pauline stated she was taking it. Bob Masson asked if he was going to throw her out. Mayor Palmore stated, yes sir, the City is not run by the newspaper. Alderman Pigg stated it was a threat. Mayor Palmore stated she was not on

this Board, she may think she is but she is not. He told her to sit down, she was disrupting the meeting. Mrs. Masson stated she was and she meant to, you are threatening the Board. Alderman Myers stated that if someone speaks on their behalf you allow them, but if they are in disapproval of the Mayor then you shut them down. **Alderman Gass asked that Alderman Piggs motion be pulled, and he rescinded his motion.** Alderman Pigg restated his motion. **Motion made by Alderman Pigg, seconded by Alderman Myers to pay all the bills except Hamby's until I am showed that it is legal. A roll call vote was taken with the following results: Ayes: Alderman Johnson, Alderman Myers. Alderman Pigg. Nays: Alderman Bates, Alderman Gass, Alderman Filley. Whereupon, the motion tied 3-3. Mayor Palmore voted "nay" and stated we will pay the bills.** Attorney Hamby stated we still needed a motion to pay all the bills. **Motion made by Alderman Gass, seconded by Alderman Bates to pay all the bills. A roll call vote was taken with the following results: Ayes: Alderman Gass, Alderman Filley, Alderman Bates. Nays: Alderman Johnson, Alderman Pigg, Alderman Myers. Mayor Palmore declared the vote tied 3-3. Mayor Palmore voted "aye", and motion passed 4-3.**

B. Decide if the Board of Aldermen desires to hear the Petition from Smith Foods directly.

Attorney Hamby stated Section 155 gives the decision making right for the hearing to the Board of Adjustment and directly to the Board of Aldermen. The Board of Adjustment can hear it directly but the ordinance allows that the Aldermen can hear it. Smith Foods has asked that the Aldermen hear it directly. Attorney Hamby stated he thought the Mayor was not in favor of this Board hearing it directly. If the Board don't hear it directly then the Board of Adjustment hears the evidence and it comes to you as a recommendation, then the Board makes the final decision. Alderman Pigg thought that if the Board of Aldermen recommends they go to the Board of Adjustment then the only way to overturn their decision is in a court of law. Attorney Hamby stated that was not correct. Section 155.100 says the Board of Adjustment is advisory, the Board of Aldermen is final. Mayor Palmore stated he did not see the reason why the Board of Aldermen would want to hear it, he thought we should go through the process. Alderman Pigg stated he has been on the Board for eight years and was always told the Board of Adjustment decision is reversed by a court of law. Alderman Myers stated he has not seen the petition. Attorney Hamby stated if the Board votes that they want to hear it then we will get the petition to you. Steve Jeffries, Smith Foods, stated in general Mr. Pigg is correct. If the Board of Adjustment hears a zoning issue, which is usually what they would hear, that decision is final until it goes to court. Mr. Jeffries continued that Smith Foods is looking for a collective effort. If this Board makes the final decision, then it seems a more efficient resource to use. Alderman Pigg stated he would like to hear the whole thing. Alderman Myers stated he would abide by their request for the Board of Aldermen to hear it. **Motion made by Alderman Myers, seconded by Alderman Johnson to approve hearing the Petition from Smith Foods directly.** Mayor Palmore asked for any further discussion. Alderman Bates agreed that the Board of Adjustment has never heard this type of issue before. Alderman Myers suggested extending an invitation to the Board of Adjustments also, but Mayor Palmore reminded them they could not participate. Attorney Hamby stated that they have requested to waive the 30 day requirement to be heard, so this hearing will be in April or May. **A roll call vote was taken with the following results: Ayes: Alderman Johnson, Alderman Pigg, Alderman Filley, Alderman Myers, Alderman Bates, Alderman Bates, Alderman Gass. Nays: none. Whereupon, Mayor Palmore declared the motion carried.**

C. Approve Liquor License Application to Pam Manuel, St. Bridget of Kildare, 223 W. Union St., Pacific, MO for the Dinner Auction on April 9, 2016 and Mouse races on May 14, 2016.

Motion made by Alderman Johnson, seconded by Alderman Gass to approve the Liquor License Application to Pam Manuel, St. Bridget of Kildare, 223 W. Union St., Pacific, MO for the Dinner

Auction on April 9, 2016 and Mouse races on May 14th, 2015. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

COMMITTEE REPORTS

Park Board Committee – Chairman Flannery thanked the Board for passing the new park ordinance. He continued that Joe Mueller has resigned from the Park Board and is moving to Puerto Rico. They have received request for the bathrooms to be opened by the end of the month due to the Easter Egg Hunt on the 27th. Discussion followed, and Public Works Commissioner Brueggemann will use his best judgement based on the weather. Alderman Filley asked about the status of the bathrooms at Liberty Field. Mayor Palmore stated this needed to be re-visited, and no progress has been made. Chairman Flannery stated the Park Board is frustrated, a plan was submitted to this Board, they feel it needs to go forward or be sent back to them. Motion made by Alderman Gass for an architect to build the plan. Chairman Flannery stated this already had discussion and he thought it was in the hands of 21 Design Group. Mayor Palmore did not think so. Engineer Rahn stated a Request for Qualifications for an architect would be needed for a flood proof building if that was what they wanted. Mayor Palmore stated he was not opposed to bathrooms like the ones at the City Park but questioned if we really needed a flood proof one. Mayor Palmore did not agree with the kitchen being included, since the flood he has thought about this again. Chairman Flannery stated the Park Board was trying to be pro-active building the bathrooms and concession stand at once. Mayor Palmore stated we also don't have \$ 220,000. Chairman Flannery stated we don't have a plan which means we don't have a target. He continued if the Board don't like the plan the Park Board needs input. Engineer Rahn stated an RFQ allows you to get a picture of how much money you will need to spend off of the scope of work. Discussion followed on the number of stalls, and with or without concessions. Mayor Palmore stated he thought the most reasonable and cost effective ones are the ones like the City Park. No concession stand and no flood proofing. **Motion made by Alderman Filley, seconded by Alderman Gass for Engineer Rahn to request RFQ's for different options with the initial proposal for bathrooms at Liberty Field. Alderman Filley rescinded her motion. Motion made by Alderman Filley, seconded by Alderman Gass to use the plan submitted by the Park Board and obtain RFQ's. A voice vote was taken with an affirmative result.**

Cemetery Committee – No Report.

Industrial Development Committee – No Report.

Tourism Committee – There was no quorum at the last meeting, and they have a Special Meeting on Thursday.

Planning & Zoning Committee – Alderman Bates stated he thought there was something coming up.

Genealogy Committee – No Report.

Operations Committee – Alderman Johnson stated they have a copy of the ordinance the City of Eureka uses for the chicken ordinance. She asked the Board members to review and then we can move forward on it. The next meeting is April 18th.

Administration Committee – Alderman Bates stated their meeting was cancelled. They need to set a meeting to go over applications of City Administrator. Mayor Palmore asked why they didn't bring forth the name of the second candidate. Chairman Bates stated they decided not to move forward with that one. Mayor Palmore stated he was not available until after April 11th. Committee members decided

to meet on Wednesday, April 6th at 6:30 pm.

REPORT OF CITY OFFICIALS

Alderman Filley – asked about the hole on Thornton Road. Public Works Commissioner Brueggemann stated that it is contractors for AT&T. She asked Chief Mansell the status of hiring officers. Chief Mansell stated he would be discussing this with the Mayor this week. She continued the Bark for Life is Saturday, April 23rd from 9:00 am – 1:00 pm at the Dog Park. This is for the American Cancer Society.

Alderman Myers – asked if the application to St. Louis County Parks Grant had been submitted for the grant of \$ 350,000. Mayor Palmore stated it had been submitted.

Alderman Filley – asked about the status of the siren by Pilot. Mayor Palmore stated Cochran Engineering is working on this. They are trying to coordinate it with the Phase 2 improvements.

Alderman Filley – asked about the problem with the water bills. She understands the regular bills were received the same day as the late notices. A resident suggested to her that an e-mail or text notification be sent out as a reminder. Mayor Palmore stated the bills went out but apparently they didn't go anywhere at the Post Office. His water bill and late notice also came together, the same day.

Alderman Myers – suggested research be done on the Leasehold Bonds and any outstanding debt we have. Interest rates are low now and maybe refinancing would be an option. Mayor Palmore stated he would talk with Gilmore Bell.

Alderman Myers – stated a local developer states he has placed four calls to the City with no return call. He has a retail spot, and wants to sign a contractor with someone to rent the area. This would be bringing a large tenant to Pacific. But he is looking into options the City can help him with. Mayor Palmore stated he has had conversations with Gilmore Bell about this development. This developer told me he is looking for help on the inside of his building. There is only help with the outside of his building available, and then it would have to be blighted. Alderman Pigg stated he also got this same call.

Alderman Bates – asked about the lights on the east end of town. They have been out for a week and half. Public Works Commissioner Brueggemann stated three of the lights are on order as they were hit and insurance is involved.

Alderman Bates asked about Bulky Trash Pickup. Mayor Palmore thought this should be minimal since the trash service already picks up one bulky item a month. Next he asked about the grass bids. Mayor Palmore stated those were opened and should be coming to you at the next meeting.

Alderman Gass – stated he thought we should go into executive session at the next meeting for legal and personnel. Motion made by Alderman Gass, seconded by Alderman Filley to put this on the next agenda. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

Alderman Johnson asked about the traffic study for Birch St. Chief Mansell stated he hasn't done anything with this other than the measurements that he sent to them. He also spoke with Chief Friedman and he said they do not have any concerns.

Alderman Pigg stated in the Post today was an article about Big Foot leaving Hazelwood. It talks about this being the national landmark, and the truck being in seven movies. He thought this would help promote Pacific. At their grand opening they asked if they could park a truck on the hill and all they

would want is a fence around it. Could a contract be worked up for something like this since we are the new home of Big Foot? He thought the Board should think about this.

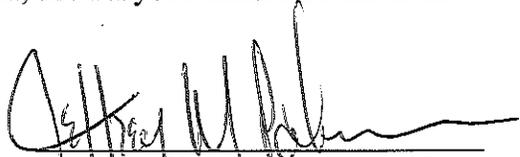
Chief Mansell stated that Franklin County lost Major Mike Copeland recently. He will be laid out at the First Baptist Church in Villa Ridge tomorrow.

Collector Kelley stated she would have the report for delinquent taxes at the next meeting.

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 10:55 pm.



Jeffrey M. Palmore, Mayor

ATTEST:


City Clerk

