



November 20, 2012 * 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 Adams. The meeting is held at the Government Center, 300 Hoven Drive, Pacific, MO.

A roll call was taken with the following results:

Present at Roll Call: Mayor Adams
Alderman Arnette
Alderman Eversmeyer
Alderman Bates
Alderman Gass
Alderman Reed
Alderman Pigg

A quorum was present:

Also present:
City Administrator Selby
Attorney Vogel
Assistant Chief Cook
Collector Kelley
Engineer Rahn
City Clerk Barfield
Public Works Commissioner Boedges

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

A. Regular Meeting – November 6, 2012

Motion made by Alderman Arnette, seconded by Alderman Reed to approve the minutes of the regular meeting held on November 6, 2012 as corrected. Alderman Reed stated the vote on page 1 of approving the minutes should be approved 5-0. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0 to approve the minutes as corrected.

NEW BUSINESS

None

PUBLIC HEARING

None

PUBLIC PARTICIPATION-SPEAKER CARDS

Thomas Wilkins, Lighthouse Pentecostal Church, 201 Hogan Road, Ministerial Alliance, Pacific, MO stated he would like to offer prayer this evening. Prayer was given.

CITY ADMINISTRATOR/CITY ATTORNEY REPORT

Westlake Subdivision – Administrator Selby stated the city has received a Development Agreement from Fowlers & Fendler for Westlake, they have acquired the other two plats of the subdivision, plats 4 & 5. He reminded the board we already have an agreement on plats 1, 2 & 3. The developer is proposing the city to hold the money in escrow for the streets. The problem is if we hold it for years, the costs of the materials for the streets will increase, and there will not be enough to cover the costs. Tonight he is asking the board for direction on if they want to implement a time period for the streets to go in, or hold additional money in escrow? Alderman Gass stated the developer will install the sidewalks in as the homes are developed, but maybe an escrow for the remaining would be okay. Attorney Vogel stated with the streets and sidewalks normally the builder installs it, but if he goes under then the city would need more escrow, the undeveloped lots would need the improvements. Administrator Selby stated this is a Successor Development Agreement. Alderman Pigg stated he would like to see the escrow and a time limit. Attorney Vogel stated the original agreement says if they are short of money, then they have to put the money up in a two year time frame, and then they can ask for an extension from the Board of Aldermen for another two year extension if needed. Attorney Vogel stated the code states a two-year requirement, and the agreement would also need to state this. The question is does the board want to require the building of the houses, the developer does not want that included in the agreement. Alderman Gass stated he thought a letter of credit was still needed. Administrator Selby stated according to Berra Construction’s bid before, the amount in escrow would be about \$ 30,000 short. He would try to meet with Fowlers & Fendler and bring back something to the board.

COMMITTEE REPORTS/REPORTS OF CITY OFFICIALS

Planning & Zoning – no report

Park Board – no report

Museum Committee – no report

Cemetery Report –no report

Tourism report – no report

Alderman Gass – Asked if we could contact MoDot regarding the pole at First St., & Osage about installing the wiring on the new pole. He also stated along Riverbend School the trees are planted along

the right-of-way and he thought they were right on top of the water main, and some are close to the sewer main and gas line. Administrator Selby stated that MoDot required the trees be planted there.

Alderman Bates – stated he hoped everyone had a Happy and Safe Thanksgiving.

PUBLIC PARTICIPATION

Jeannie Bandermann, 1713 Birch, Pacific, MO, stated the Tri-County Senior Center has some events planned. On January 26, 2013 the student council will be hosting a Snowflake Dance. On April 20, 2013 they are planning a 5K run & walk. They would also like to propose a Veterans Day Parade for next year in November and afterwards a celebration at the Senior Center.

Administrator Selby stated that every year the city pays for repairs to the wreaths that are put up throughout town. This year Jeannie Bandermann repaired all the wreaths, and this saved the city a lot of money. He thanked her for all her hard work.

Jeff Palmore, 709 W. Union, Pacific, MO, stated on June 9, 2012 the city approved a contract with Brian May to research the cemetery records. He asked what the status of this was. Administrator Selby stated he understands that Mr. May has talked with him (Mr. Palmore) and Cemetery Sexton Bruns, and has reviewed the city records, and at that time he said he would take that responsibility, but he has not received anything from him.

Mr. Palmore stated he also filled out a sunshine request asking for occupancy permits down on Fifth Street, as he has reviewed the minutes and feels like the person who was complaining about the parking problem at the ballpark wasn't a city resident. Mr. Palmore stated the documents he received were computer generated and felt this was not the occupancy permit. He would like the city clerk to provide the occupancy permit by tomorrow at 5:00 p.m. to stay in compliance with the sunshine law. He feels that the person doing the complaining was mis-represented to the city.

Austin Meyers, 1121 Oak Ridge Road, asked about the ordinance for the no ballpark parking signs at Fifth St., and Meramec St. He was told by Mayor Adams he would get him this information, Administrator Selby told him he was at the meeting when this was passed, and there was an ordinance produced. He still does not think he was treated fairly. He received a letter from Mayor Adams and he still feels there is no ordinance. Mr. Palmore filled out a sunshine request for this ordinance, and he was told there is "no responsive documents". He felt this was wrong, but if the board thinks it is okay to discriminate then make the signs legal. Attorney Vogel stated there are several sections in the code that allow the signs, such as section 355.010 and section 355.100. Alderman Eversmeyer stated he remembered where this came from as it is in his ward, previous to the signs there was parking along the streets. The Fire Department and ambulance complained they could not get down the streets if there was an emergency. The ballpark was enlarged and the bridge was constructed and additional parking provided at the city park. He still stood behind this. Alderman Bates stated he also remembered this, and we worked with the PYA Board of Directors, as himself and he thinks Collector Kelley was also a director at this time. Alderman Gass asked if there was a way to enforce it? Attorney Vogel stated the signs went up with legal authority and the prosecutor agrees. This issue is enforcement, because it doesn't say 24 hours a day. This is a "no parking ticket", and has never been an issue, there was clear authority to install them, enforcement is the challenge. The facts in front of a judge are for him to decide. He asked the Board of Aldermen what they wanted to do. Alderman Gass thought there should be a specific ordinance for this. Attorney Vogel stated if the board was looking to reaffirm then it should be added to the "schedule" in the code. Alderman Reed agreed with the concept on the May 1, 2007 minutes and thought it was a great solution with the no parking on one side of the street. Alderman Gass agreed the people in the apartments have a problem. Mayor Adams stated that since last week he has done an interview with the Missourian,

and he does not agree with the language of the signs. He asked the city attorney and the prosecuting attorney to discuss this. The Board of Aldermen write the laws, and then it is carried out through administration, then a citation is issued and it is the court's jurisdiction. This discussion also involved Chief Mansell. There are 3-4 ordinances that support the signs. They are legal and can stand if the board chooses. It is up to the officer at the time of the infraction to write the ticket, decide if they have enough to support it, and he has to know when he gets to court that they can plead guilty or not guilty. The prosecutor looks at the complaint and determines if there is an offense. The city has to prove its case. Mayor Adams stated he did not like the language of the signs, but would support the board. There is a procedure in the municipal court to have the judge look at your case, if you think you were found guilty and should not of been then you address the court. The signs are up, any covering will come down tomorrow, if the board wants something different then they need to tell us. Motion made by Alderman Gass, seconded by Alderman Eversmeyer to add the no ballpark parking signs on to the "schedule" in the code. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-1. Nays: Alderman Reed.

MAYORS REPORT

A. Certificate of Appreciation for Harry Englehart III

Mayor Adams stated that Carol Johnson, and Jeannie Bandermann wanted to show their appreciation of Mr. Englehart's help. Jeannie Bandermann stated Carol was the chairman of the 4th of July celebration, and Mr. Englehart hand made the stands for the fallen veterans and then donated them to the museum. Carol Johnson stated this was a long time overdue, Mr. Englehart is active in the community and thanked him for all his help. Mr. Englehart thanked the board, and said "it was just the right thing to do". Alderman Bates presented a Certificate of Appreciation.

C. Certificate of Appreciation for Tom White, Pacific Eagles, Kirk Presley.

Alderman Reed presented a Certificate of Appreciation to Jerry Eversmeyer, Pacific Eagles, for their contribution to the playground equipment so the Kiwanis could pay off the debt. Alderman Gass presented a Certificate of Appreciation to Kirk Presley for his contribution to the balance of the playground equipment. Tom White was not present this evening. Mayor Adams asked for Keith Bruns to contact him again.

B. Presentation of Ron Reed Emergency Operations Center

This was done together with Resolution No. 2012-56.

RESOLUTION NO. 2012-56 A RESOLUTION DESIGNATING THE RON REED EMERGENCY OPERATIONS CENTER IN THE CITY OF PACIFIC.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2012-56 by title only. Motion made by Alderman Pigg, seconded by Alderman Gass to approve Resolution 2012-56. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved. Alderman Arnette presented the Reed Family with a plaque designating the Ron Reed Emergency Operations Center.

Mayor Adams stated he had a few announcements. On December 21, 2012 at noon at City Hall will be the Christmas Lunch. All employees and city officials are invited to attend.

On December 6, 2012 the Chamber Holiday Social is at the Eagles at 6:00 p.m.

Alderman Reed stated on December 8, 2012 is the Christmas Parade at 6:00 p.m at Liberty Field.

INTRODUCTION OF NEW BILLS

BILL NO. 2869 **AN ORDINANCE AMENDING CHAPTER 221 OF THE MUNICIPAL CODE OF THE CITY OF PACIFIC, ENTITLED “REGULATION OF EPHEDRINE AND RELATED PRODUCTS,” TO CREATE A NEW SECTION 221.035 EXEMPTING TAMPER-RESISTANT PSEUDOEPHEDRINE. (1st reading)**

Mayor Adams stated Alderman Pigg was the sponsor of this bill. Motion made by Alderman Pigg, seconded by Alderman Arnette to approve the first reading of Bill No. 2869. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2869 by title only for the first reading. There being no objections or corrections, Mayor Adams declared the bill will continue to the second reading.

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

BILL NO. 2867 **AN ORDINANCE PROVIDING THAT THE ANNUAL ELECTION BE HELD ON TUESDAY, THE 2ND DAY OF APRIL 2013, IN THE CITY OF PACIFIC, COUNTIES OF FRANKLIN AND ST. LOUIS, IN THE STATE OF MISSOURI, FOR THE PURPOSE OF ELECTING OFFICERS FOR THE SAID CITY OF PACIFIC. (1st reading was on 11-6-12)**

Motion made by Alderman Pigg, seconded by Alderman Gass for the second reading of Bill No. 2867. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

As posted pursuant to the Ordinance, City Clerk Barfield read Bill No. 2867 by title only for the second reading. There being no objections or corrections, Mayor Adams called for a roll call vote with the following results: Ayes: Alderman Arnette, Alderman Eversmeyer, Alderman Bates, Alderman Gass, Alderman Reed, Alderman Pigg. Nays: none. Whereupon, Mayor Adams declared Bill No. 2867 passed 6-0, approved it and it became **Ordinance No. 2847**.

MISCELLANEOUS

A. Approve the list of bills.

Motion made by Alderman Bates, seconded by Alderman Reed to approve the list of bills. A voice vote was taken, with an affirmative result, and Mayor Adams declared the motion approved 6-0.

B. Approve invoice from Gold Star Paving in the amount of \$ 161,983.20 to be paid from the escrow.

Motion made by Alderman Reed, seconded by Alderman Pigg to approve the invoice from Gold Star Paving in the amount of \$ 161,983.20 to be paid from escrow. Alderman Reed asked that the \$ 7,600 of earthwork be deducted until it was complete. Motion made by Alderman Reed, seconded by Alderman

Gass to approve the invoice, but the check will be held until complete. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

C. Approve use of council room on Tuesday, November 27, 2012 at 6:00 p.m. for the Pacific Community Garden Group.

Motion made by Alderman Pigg, seconded by Alderman Bates to approve the use of the council room on Tuesday, November 27, 2012 at 6:00 p.m. for the Pacific Community Garden Group. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

D. Approve appointment of Reserve Office Ryan Aloisio.

Motion made by Alderman Arnette, seconded by Alderman Pigg to approve the appointment of Reserve Officer Ryan Aloisio. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

E. Approve a Liquor License Application and Sunday Sales Application for Handle Bars, Cynthia M. Thiemet, 147 W. St. Louis St., Pacific, MO 63069.

Motion made by Alderman Bates, seconded by Alderman Pigg, to approve a Liquor License Application and Sunday Sales and Application for Handle Bars, Cynthia M. Thiemet, 147 W. St. Louis St., Pacific, MO 63069. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-0. Abstain: Alderman Reed.

UNFINISHED BUSINESS

BILL NO. 2817 AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF PACIFIC, FRANKLIN COUNTY, MISSOURI, AS HEREIN PROVIDED BY ANNEXING SPECIFIED UNINCORPORATED TERRITORY CONTIGUOUS AND ADJACENT TO THE EXISTING CORPORATE LIMITS OF THE CITY.

RESOLUTION NO. 20012-52 A RESOLUTION AUTHORIZING EXECUTION OF A SERVICES AGREEMENT WITH THE PACIFIC FIRE PROTECTION DISTRICT TO PROVIDE THE CITY RESIDENTIAL FIRE AND BUILDING CODE INSPECTION (1st reading on 10-16-12)

NEW BUSINESS

RESOLUTION NO. 2012-57 A RESOLUTION APPROVING THE 2012-2013 TOURISM COMMISSION AMENDED BUDGET.

As posted pursuant to the Ordinance, City Clerk Barfield read Resolution No. 2012-57 by title only. Motion made by Alderman Pigg, seconded by Alderman Eversmeyer to approve Resolution No. 2012-57. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0. Nays:

RESOLUTION NO. 2012-58 A RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH ET

**SECURITY & FIRE, LLC RELATED TO
PROFESSIONAL SERVICE FOR VIDEO SECURITY
EQUIPMENT AND SERVICES. (Video Equipment)**

As posted pursuant to the Ordinance, City Clerk Barfield read Resolution No. 2012-58 by title only. Motion made by Alderman Arnette, seconded by Alderman Pigg to approve Resolution No. 2012-58 . A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-1. Nays: Alderman Reed.

TOURISM EXPENDITURES

A. Approve invoice from Chamber of commerce in the amount of \$ 2,500 to be paid from tourism funds for Spookfest.

Motion made by Alderman Reed, seconded by Alderman Eversmeyer to approve the invoice from the Chamber in the amount of \$ 2,500 to be paid from the Tourism Funds. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

B. Approve invoice from river Hills Traveler for advertisement in the amount of \$ 59.00 to be paid from tourism funds.

Motion made by Alderman Pigg, seconded by Alderman Reed to approve the invoice from River Hills Traveler in the amount of \$ 59.00 to be paid from the Tourism Funds. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

RECEIVED AND FILED

ADJOURNMENT

There being no further business, motion made by Alderman Pigg, seconded by Alderman Gass to adjourn. A voice vote was taken with an affirmative result and Mayor Adams declared the motion approved 6-0.

The meeting adjourned at 8:30 p.m.

Herbert C. Adams, Mayor

ATTEST:

City Clerk

Signed minutes on file with the City Clerk.

