



June 19, 2012 * RECORD OF PROCEEDINGS

**CITY OF PACIFIC
SPECIAL 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. Meeting is held at Tri-County Senior Center at 800 W. Union St., 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
Chief Mansell
Collector Kelley
Engineer Rahn
City Clerk Barfield
Public Works Commissioner Boedges

The Pledge of Allegiance was given.

NEW BUSINESS

None

PUBLIC HEARING

a. A public hearing to discuss the allocation of \$ 20,000 in Community Development Block Grant Funds, which will become available after January 1, 2013.

Mayor Adams opened the public hearing and read it into the record. Mayor Adams asked for any comments from the public, Mayor Adams asked two more times for any comments from the public. There being none, he asked for comments from the Board. Alderman Gass asked where these improvements would be made. Administrator Selby stated there is a problem at Congress near the Plunk property that the drainage needs to be fixed. The drainage stops in front of the Community Garden. Alderman Gass suggested finding a way to take it to the creek, even if that included an easement and piping the Smith property. There being no other comments, the public hearing was closed.

MAYORS REPORT

a. Franklin County Municipal League on Wednesday, July 18, 2012

Mayor Adams stated the Franklin County Municipal League dinner is scheduled for July 18, 2012 in Franklin County.

b. Request from Third Rail

Mayor Adams stated there was a request from Third Rail to postpone the decision of the \$ 630 great trap bill so he could have his event on June 23, 2012 for a good cause. Motion made by Alderman Reed, seconded by Alderman Gass to postpone the decision for up to 6 months so staff can research. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved.

c. Cemetery

Mayor Adams stated he would like to speak about the cemeteries, and he would be speaking wearing the hat of the mayor and the hat of a citizen along with a citizen of the Baptist Church representing his family. The discussion has been limited to one cemetery, and he feels like we should be looking at both cemeteries. It would be difficult to believe that if there is problems in one, cemetery it would just be limited to that cemetery. If one considers all the history, debate and conflict between city staff, the board, and Mr. Palmore, it would be clear that we are tainted, and everyone is opinionated. For several years the public has watched several meetings of debate, read newspaper articles and heard of litigations, and if we are confused, imagine the public. The truth is important. The city was served with a petition for an audit, and the position we took was to welcome the audit, and we were sure of the work done by staff for years. He stated he has the same conviction with those who serve for the cemetery. He would like to invite an impartial body to look at the records. He suggested we listen to the gentlemen in the funeral business and cemetery business, one who reputation is untainted. He proposes to the Board tonight if everyone is agreeable that our records be looked at by this professional, and remove all doubt. Whatever the recommendations are, we can live up to them, and the truth is good in government and it is important. There is nothing legal about this, he is just proposing that him

and his group review our records and account for everyone in the cemetery. He continued that he has spoken to his family and none of them are complaining, sueing or care, but don't they don't understand why this is happening.

Administrator Selby stated the city hired an analyst when we looked at adding onto city hall, just like we hired an engineer. Now we could have one look at the cemetery.

Brian May, stated he was from the Cedar Hill area, Chapel Hill Mortuary, where his family started 50 years ago. Theirs is easy to operate because it has been in the family. He has been in the industry for 19 years and is always looking at funeral homes and cemeteries, and there are always ways to do it better. Oak Lawn Cemetery is one of the cemeteries that they manage today and there was a lot of problems with that cemetery. We have been doing Oak Lawn for 18 months, their staff was all gone, we just came in. He continued they also do a double blind check, which means one guy measures and another guy goes back out afterwards and checks him. He continued that it is okay for every cemetery to be different, as long as the consumer is okay with it. The biggest part is engaging the clients, even if you have to tell them the space you selected was sold to somebody else, that kind of stuff happens, and accommodations have to be made. Consumers just want honesty and answers. He is willing to help and get involved to get this worked out. Alderman Gass asked if he has worked in public cemeteries. Mr. May stated he has not, but he has looked at what Nettie Painter has put online and is familiar with it. Alderman Bates asked about the cost of his services. Mr. May stated it was \$ 50 for actual work time. Alderman Arnette asked if he thought he could figures things out, and Mr. May stated a lot of research has already been done and he felt like it just needed to be verified. Mayor Adams stated the board would not be trying to tie his hands, or tell him where to start and stop, we do not know where this is going to go, but at the end he would like him to report to the board his findings and his recommendations on how to improve our cemeteries. We want it to be done right, and leave no rock unturned. Attorney Vogel stated if the board was inclined with the recommendation they could authorize Administrator Selby to enter into a contract, as he has this authority, up to \$ 3,500, and if further authority is needed he can come back to the board.

Motion made by Alderman Arnette, seconded by Alderman Reed to authorize Administrator Selby to enter into an agreement within the limits. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved. Alderman Bates asked if he would be allowed to talk to Mr. Palmore and Alan Bruns also. Mayor Adams stated everything is on the table. Mr. Palmore stated publically owned cemeteries are regulated by the State Board, and there are 147 of them. There is criteria that has to be met, our is regulated by 214, we operate and have rules different than what Mr. May is used to dealing with. There is the perpetual care fund, and different classes are involved. He continued in reference to the audit he was unable to get anything from the state audit about the cemetery, but make no mistake his research shows both cemeteries have issues. He stated he sees Brian doing what Nettie did and Tim Rainey, who owns something and how they became owner of them is a little harder than just looking at the headstones. He stated to the mayor he received two phone calls this week regarding to relatives of his, but they could not be here tonight. There was further discussion regarding the numbering system. He continued Mayor Adams and Administrator Selby were present recently when a grace was dug for, Lot 45 grave space 5, but if we look at Lot 26, Masons', and then look at the headstones due west, above 26 is 25 & 24. This info is all in the city records....Mayor Adams stopped Mr. Palmore, but Mr. Palmore stated that Brian just

needed to understand, it was not just the probing , it is more complex. Mr. Palmore stated he also wanted all of this fixed and was not disputing that. Mayor Adams stated there is still a legal matter around the cemetery. Attorney Vogel stated he spoke with the city's insurance carrier today regarding the litigation. The final claim that was made by Mr. Palmore against Mr. Bruns was ruled against Mr. Palmore by the judge. An appeal was filed and a cost bill was generated in the amount of \$ 2,700 and a bond posted by Mr. Palmore attorney to proceed with an appeal.

Mayor Adams moved to line E under Miscellaneous.

E. Discussion of Cemetery Records-Jeff Palmore, Bell Funeral Home

Mayor Adams asked the board to wait on the final report from Brian May and for no discussion or debate right now and to rely on the impartial body to seek and find. He asked if there was a motion to remove from the agenda Line Item E. Alderman Arnett stated he didn't think we should hear from Mr. Palmore this evening, since Brian was going to look into this. Motion made by Alderman Arnette, seconded by Alderman Reed to remove from the agenda Line Item E. Mr. Palmore stated he had other issues he wanted to discuss with the board. Alderman Bates stated he thought Mr. Palmore should still be able to speak this evening. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 4-2. Nays: Alderman Bates, Alderman Pigg. Mr. Palmore asked if this was the final decision, because if not then to give him a date of when you will. If you don't he is going to assume and will proceed with Chapter 155 and go before the Administrative Review Board. If he does not hear of a decision within 10 days he will assume we are not going to do anything. Mayor Adams suggested he not take his advice, but to talk to his lawyer (if he was addressing him) .

Mayor Adams stated Nettie Painter was present this evening and was given a World Series Ring with her name on it. He asked Nettie to come up and show it off.

INTRODUCTION OF NEW BILLS

BILL NO. 2848

AN ORDINANCE PROVIDING THAT A SPECIAL ELECTION BE HELD ON TUESDAY, NOVEMBER 6, 2012 IN THE CITY OF PACIFIC, COUNTIES OF FRANKLIN AND ST. LOUIS, IN THE STATE OF MISSOURI, FOR THE PURPOSE OF ELECTING A MUNICIPAL JUDGE TO FILL THE REMAINING TERM RESULTING FROM A VACANTY (1st reading)

Motion made by Alderman Eversmeyer, seconded by Alderman Bates to approve the first reading of Bill No. 2848. A voice vote was taken with an affirmative result, whereupon, Mayor Adams declared the motion approved 6-0. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2848 by title only for the first reading. There being no objections or corrections, Mayor Adams declared the bill will continue to the second reading at the next regularly scheduled meeting.

Mayor Adams stated, jumping back to the Mayor's report, a committee for the open house of city

hall has been put together, and we will be asking the board to come up with their own personal list of who they would like invitations sent to. He continued that Jeannie Guffey would be chairing this committee.

BILL NO. 2855 **AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN EXISTING OPTION AND LEASE AGREEMENY BETWEEN THE CITY O F PACIFIC AND AT & T WIRELESS SERVICES (1st reading)**

Mayor Adams stated this would be passed.

BILL NO. 2856 **AN ORDINANCE AMENDING SECTION 700.400, “INTERPRETATION AND REGULATIONS” OF THE MUNICIPAL CODE OF THE CITY OF PACIFIC. (1st reading)**

Motion made by Alderman Gass, seconded by Alderman Bates to approve the first reading of Bill No. 2856. A voice vote was taken with an affirmative result, whereupon, Mayor Adams declared the motion approved 6-0. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2856 by title only for the first reading. There being no objections or corrections, Mayor Adams declared the bill will continue to the second reading this evening.

BILL NO. 2857 **AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN REAL PROPERTY FROM THE CITY TO FRANKLIN COUNTY CATHOLIC CHURCH REAL ESTATE CORPORATION; AUTHORIZING THE EXECUTION AND RECORDATION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND PROVIDING FURTHER AUTHORITY. (1st reading)**

Motion made by Alderman Reed, seconded by Alderman Eversmeyer to approve the first reading of Bill No. 2857. A voice vote was taken with an affirmative result, whereupon, Mayor Adams declared the motion approved 6-0. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2850 by title only for the first reading. There being no objections or corrections, Mayor Adams declared the bill will continue to the second reading this evening.

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

AMENDED
BILL NO. 2849 **AN ORDINANCE ADOPTING THE AMENDED FISCAL YEAR 2012 BUDGET & WAGE AND SALARY SCHEDULE FOR APPOINTED OFFICIALS & EMPLOYEES OF THE CITY OF PACIFIC (2nd reading)**

Motion made by Alderman Arnette, seconded by Alderman Eversmeyer for the second reading of Amended Bill No. 2849. As posted pursuant to the Ordinance, City Clerk Barfield read Bill Amended Bill No. 2849 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 Gass, Alderman Reed. Nays: Alderman Bates, Alderman Pigg. Whereupon, Mayor Adams declared Amended Bill No. 2849 passed 6-0, approved it and it became Ordinance No. 2829.

AMENDED
BILL NO. 2851 **AN ORDINANCE ADOPTING THE FISCAL YEAR 2012-2013 BUDGET & WAGE AND SALARY SCHEDULE FOR APPOINTED OFFICIALS & EMPLOYEES OF THE CITY OF PACIFIC (2nd reading)**

Motion made by Alderman Pigg, seconded by Alderman Bates for the second reading of Amended Bill No. 2851. As posted pursuant to the Ordinance, City Clerk Barfield read Amended Bill No. 2851 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 Eversmeyer, Alderman Bates, Alderman Gass, Alderman Reed, Alderman Pigg, Alderman Arnette. Nays: none. Whereupon, Mayor Adams declared Amended Bill No. 2851 passed 6-0, approved it and it became Ordinance No. 2831.

BILL NO. 2855 **This was passed at the first reading**

BILL NO. 2856 **AN ORDINANCE AMENDING SECTION 700.400, “INTERPRETATION AND REGULATIONS” OF THE MUNICIPAL CODE OF THE CITY OF PACIFIC (2nd reading)**

Motion made by Alderman Gass, seconded Alderman Eversmeyer for the second reading of Bill No. 2856. As posted pursuant to the Ordinance, City Clerk Barfield read Bill No. 2856 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 Bates, Alderman Gass, Alderman Reed, Alderman Pigg, Alderman Arnette, Alderman Eversmeyer. Nays: none. Whereupon, Mayor Adams declared Bill No. 2856, passed 6-0, approved it and it became Ordinance No. 2836.

BILL NO. 2857 **AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN REAL PROPERTY FROM THE CITY TO FRANKLIN COUNTY CATHOLIC CHURCH REAL ESTATE CORPORATION; AUTHORIZING THE EXECUTION AND RECORDATION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND PROVIDING FURTHER AUTHORITY.**

(2nd reading)

Motion made by Alderman Pigg, seconded by Alderman Arnette for the second reading of Bill No. 2857. As posted pursuant to the Ordinance, City Clerk Barfield read Bill No. 2857 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 Gass, Alderman Reed, Alderman Pigg, Alderman Arnette, Alderman Evesmeyer, Alderman Bates. Nays: none. Whereupon, Mayor Adams declared Bill No. 2857, passed 6-0, approved it and it became Ordinance No. 2837.

NEW BUSINESS

RESOLUTION NO. 2012-36

A RESOLUTION APPROVING THE
AMENDED 2012-2013 TOURISM COMMISSION
BUDGET.

As posted pursuant to the Ordinance, City Clerk Barfield read Resolution No. 2012-36 by title only. Motion made by Alderman Arnette, seconded by Alderman Reed to approve Resolution No. 2012-36. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

MISCELLANEOUS

a. Approve 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 the appointment of Genealogy Committee:

Ruth Muehler, Patricia Sewell, Therissa Schlemper, Bebe McKenzie, Sally Guenther, Janet Daniel, Kathleen Branson. Motion made by Alderman Pigg, seconded by Alderman Bates to approve the slate of officers for the genealogy committee. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

d. Genealogy Committee – Alderman Arnette as liaison.

Motion made by Alderman Reed, seconded by Alderman Eversmeyer to approve Alderman Arnette as the liaison for the genealogy committee. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 6-0.

f. Approve bill from RCC, Inc. in the amount of \$ 2,121.00 to be paid from the Project Fund per Ord. 2804.

Motion made by Alderman Pigg, seconded by Alderman Eversmeyer to approve the bill from RCC, Inc. in the amount of \$ 2,121 to be paid from the Project Fund per Ordinance No. 2804. A

voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-1. Nays: Alderman Reed

e. Approve bill from AQM Computer Help in the amount of \$ 175.00 to be paid from the Project Fund per Ordinance No. 2804.

Motion made by Alderman Pigg, seconded by Alderman Bates to approve the bill from AQM Computer Help in the amount of \$ 175.00 to be paid from the Project Fund per Ordinance No. 2804. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-1. Nays: Alderman Reed

f. Approve bill from AT & T in the amount of \$ 2,279.58 to be paid from the Project Fund per Ord. 2804.

Motion made by Alderman Bates, seconded by Alderman Eversmeyer to approve the bill from AT & T in the amount of \$ 2,279.58 to be paid from the Project Fund per Ord. 2804. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-1. Nays: Alderman Reed.

RECEIVED AND FILED

ADJOURNMENT

There being no further business, motion made by Alderman Reed, 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

