CITY OF
P acific

January 3, 2012 * RECORD OF PROCEEDINGS

CITY OF PACIFIC
REGULAR MEETING OF THE BOARD OF ALDERMEN
800 W. UNION ST
PACIFIC, MISSOURI 63069

The meeting was called to order at 7:00 p.m. by Mayor Adams.

A roll call was taken with the following results:

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

A quorum was present:

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

Mayor Adams stated Alderman Bates was out with the flu this evening.

The Pledge of Allegiance was given.

Mayor Adams stated we will be sticking to the agenda this evening and will conduct it as a business meeting. Any concerns that can be brought to the department heads during regular business hours would be appreciated.

APPROVAL OF MINUTES

A. Regular Meeting-December 6, 2011

Motion by Alderman Pigg, seconded by Alderman Eversmeyer to approve the minutes of the regular meeting held December 6, 2011. A voice vote was taken with an affirmative result and Mayor Adams declared the minutes approved 5-0.

Alderman Reed stated on page 10 of the minutes regarding the transfer of funds from the contingency reserve in the amount of $ 150,000, at that time he did not understand that this was something we normally did not do, and for the record if he would of understood that he probably would not of been in support of that.

PUBLIC HEARING - none

PUBLIC PARTICIPATION-SPEAKER CARDS

Mayor Adams reminded everyone if they wanted to address the Board of Aldermen to fill out a speaker card, at the bottom of the card it reads each person is allowed 5 minutes.

Jack Bone, 422 W. St. Louis St., stated he would like to offer prayer this evening. Prayer was given.

Tim Baker, 5050 Calvey Church Road, Robertsville, thanked the board for allowing him to speak. He continued as president of the Board of the Tri-County Senior Center he hoped the city would continue to utilize the center for any meetings they needed. He continued that almost a year ago, the center broke away from MEAA for meals. Since then with the support of our seniors and a new director the center has went from serving 500 meals a month to 800 meals a month. This evening the seniors came out to show the support of the center in obtaining help from the city. In the last two years, the changes for this center have been astronomical. He encouraged everyone to visit the center for lunch, the cost for seniors is $ 3.50 and if you are not a senior it is $ 6.00, and he introduced Jeannie Guffey to do a presentation. Mayor Adams stated before Jeannie did her presentation, he reminded the board of the $ 15,000 that has been budgeted but not funded to the center. He continued that two years ago, he was not convinced of the roll the city government should play until Pauline Masson got his attention. He reminded everyone that the journey began with Helen Preiss and the city government was asked to play a role and then the city government says it was their part to play a roll. This is a continuation of what was already started, if there was no continuation then we would not be in a paid building. This will continue to be a journey that we all play. Tonight he is asking the board to continue their journey, and I can show that this is legal and the need for the center in this community. This is not just about meals for the center, but if you listen, everyone knows someone who has been touched by the center. The doors are open to all who want to use the service. Jeannie Guffey, Senior Center Director, showed a power point presentation. She stated they are asking for help from the city to help cover the costs of expenses, as the center is funded directly on donations, grants, and fundraising. The volunteers work approximately 550 hours a month at no charge to the center. The volunteers do not pay for their lunch. There are seniors out there that do not drive, and cannot get to the center, and the OATS Bus will not transport to our center. She continued the center could also be used as a Red Cross Shelter. The funds from the city would be used to help cover costs of utilities for the building for the year. Alderman Reed stated

this is basically a contract and he thought anything over $ 5,000 had to be bid. Attorney Vogel stated there are services and goods, this would be considered sole source, therefore does not have to be bid. Alderman Reed stated the Lyons offered their building for rent, which is what this contract is for, in the amount of $ 3,600. That is a big difference if this is for rent. He continued if we should do this for one then we should do it for all, and thought there are other alternatives. Attorney Vogel stated this is not just for rent for the year, but also for services. Alderman Eversmeyer stated he wanted to make sure it was legal and the money was going to the right place. After seeing this tonight, he is convinced this is legal, and as far as the Lyons Club, there is not handicap accessibility there. He thought this was a good deal. Mayor Adams stated to believe everyone can be treated alike is not reasonable, and this is hard to do at home with children. Children say this all the time, but this is about perception, what one gives is different than what the other gives. Starting with what each organization gives is a different playing field for each. Each organization also has the opportunity to come to the city and ask for help, and then the board determines what is best to do based on those needs. The Partnership comes to the board and asks for funds from tourism every year, and we have no problem with that, now we must decide what is best for the seniors. When the city went to the public and asked to create a tax on tourism, it would not support every organization; it only supports some of the activities. The city has to treat everybody fairly and use different avenues for different circumstances. **Mayor Adams stated he would like to move to New Business on the agenda under Resolution No. 2012-01. Motion made by Alderman Pigg, seconded by Alderman Arnette to approve Resolution 2012-01. A roll call vote was taken with the following results: Ayes: Alderman Arnette, Alderman Eversmeyer, Alderman Gass, Alderman Pigg. Nays: Alderman Reed. Mayor Adams declared the motion passed 4-1. Absent: Alderman Bates.**

Mayor Adams stated he was the mayor when we lost the Senior Center before, and he went to many organizations to keep the center here, and it was a failure on the whole community. That was a terrible lesson to be learned. We have a chance to rectify this, and as long as there are seniors this will be a success.

Mayor Adams moved to Resolution No. 2012-04. Administrator Selby stated Mrs. Viehland was the first house the city bought out in the flood buyout, and now there is the community garden there. They also own four lots on the same block, and they asked if the city would like to have those lots donated and in exchange they asked for a sign that says "Arnolds Garden". Mr. Viehland stated the address was wrong on the paperwork, and wanted to double check the legal description on page 7, as this should only be for tract 5. Engineer Rahn stated the legal description was all on the same deed. Attorney Vogel stated this would be checked. **Motion made by Alderman Gass, seconded by Alderman Reed to approve Resolution No. 2012-04. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-0. Motion made by Alderman Gass, seconded by Alderman Reed to amend his motion to limit it to Tract 5. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-0.**

Loyd Kleindhost, stated the Community Gardening Group is doing very well and they had 47 family plots that were used, and this is free of charge. There are 13 community plots, and the produce from the community plots are brought to the Senior Center. The ages of the participates range from 9 years old to 90 years old.

MAYOR'S REPORT

A. Inez lane, Crenshaw, Kathy Lane, Candlewick

No report

B. Proclamation for Kerry Cain

Alderman Eversmeyer presented Mr. Cain with a plaque for his continued service in the military.

C. Approve contract with Senior Center (Res No. 2012-01)

This was approved earlier in the meeting.

MISCELLANEOUS

A. Approve list of bills.

Motion made by Alderman Pigg, seconded by Alderman Eversmeyer to approve the list of bills. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 4-1. Nays: Alderman Reed.

B. Approve invoice from Arch images in the amount of $ 33,820.98 to be paid from the Project Fund per Bond Ordinance 2804.

Motion made by Alderman Eversmeyer, seconded by Alderman Arnette to approve the invoice from Arch images in the amount of $ 33,820.98 to be paid from the Project Fund per Bond Ordinance 2804. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 4-1. Nays: Alderman Reed.

C. Approve invoice from Archimages Inc. in the amount of $ 773.46 to be paid from the Project fund per Bond Ordinance 2804.

Motion made by Alderman Pigg, seconded by Alderman Arnette to approve the invoice from Archimages Inc. in the amount of $ 773.46 to be paid from the Project fund per Bond Ordinance 2804. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 4-1. Nays: Alderman Reed.

D. Approve Pay Application # 6 from J.E. Foster in the amount of $ 271,395.90 to be paid from the Project fund per Bond Ordinance 2804.

Motion made by Alderman Eversmeyer, seconded by Alderman Arnette to approve Pay Application # 6 from J. E. Foster in the amount of $ 271,395.90 to be paid from the Project fund per Bond Ordinance 2804. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 4-1. Nays: Alderman Reed.

E. Approve invoice from Bank of New York Mellon for the City Hall payment in the amount of $ 62,909.24 to be paid from the Bond fund per Bond Ordinance 2804.

Motion made by Alderman Arnette, seconded by Alderman Eversmeyer to approve the invoice from Bank of New York Mellon for the City Hall payment, in the amount of $ 62,909.24 to be paid from the Bond fund per Bond Ordinance 2804. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 4-1. Nays: Alderman Reed.

F. Approve invoice from Missouri State Auditor in the amount of $ 37,775.78 for the State Audit.

Mayor Adams stated in the beginning the State Auditor told the city to budget $ 50,000 for this. This invoice shows the breakdown as follows: Audit Staff was 725.5 hours and the cost was $ 28,143.60, Audit manager was 125.75 hours and the cost was $ 6,540.90, Director of Audits is 10 hours and the cost was $ 612.00 Director of Quality Control was 1 hour with a cost of $ 61.20 Audit Report Typing Section was 1.75 hours with a cost of $ 52.50 and Copying Supervisor for 1.5 hours with a cost of $ 45.00, Travel Expense was $ 2,320.58 with a total amount of $ 37,775.78. Motion made by Alderman Gass, seconded by Alderman Reed to approve the invoice from Missouri State Auditor in the amount of $ 37,775.78. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-0. Mayor Adams stated the city received the score of "good" and with the check will be a report to the Auditor's Office as to how we have lived up to our expectations.

G. Approve invoice from J. M. Marschuetz Construction in the amount of $ 188,479.20 for the Highway N Enhancement Project.

Motion made by Alderman Gass, seconded by Alderman Pigg to approve the invoice from J. M Marschuetz in the amount of $ 188,479.20 for the Highway N Enhancement Project. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-0.

CITY ADMINISTRATOR /CITY ATTORNEY REPORT

None

COMMITTEE REPORTS/REPORTS OF CITY OFFICIALS

Engineer Rahn, stated the next Planning & Zoning meeting will be the 24th.

Alderman Reed, stated at a Park Board Meeting the Eagles made a donation in the amount of $5,000 for playground equipment and voted to rename this area "Gerald Rulon Recreation Area" and install a sign. Motion made by Alderman Reed, seconded by Alderman Eversmeyer to rename this area to "Gerald Rulon Recreation Area" and install a sign. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-0.

Alderman Reed continued that he met with the warden at the prison and spoke with her about allowing prisoners to help with "Pick up Pacific Day". The state currently uses the inmates for lawn care and 1 state employee is responsible for 20 people, the state pays them $ 7.00 a day and he thought we could use them to pick up trash for the day. Mayor Adams stated he would like for the warden to come speak at a board meeting, and this be on the agenda. Alderman Gass suggested allowing them to cut the grass that the city owned property this summer, we have the equipment already.

Tourism Committee – Alderman Arnette stated the next meeting is Monday at 1:00 p.m.

Alderman Eversmeyer- stated the Welcome Center had its first meeting and viewed the building; they will be meeting on the 4th Wednesdays at 1:00 p.m.

Alderman Gass, asked about the stains on the streets on the east side of First St. that need to be power washed, and stated the sidewalks need to be sealed. He asked about the status of the flood insurance for Pacific Estates, Engineer Rahn is working with SEMA on this, but hasn't gotten very far. Administrator Selby stated when FEMA did the revision map, no letters were sent to the lenders of the change, so Engineer Rahn sent out 75 letters notifying owners of the change and hoped this would help. Alderman Gass asked about the catch boxes at Continental Products to elevate his flooding problem. He also thought we needed a policy on dead animals, an elderly lady called him and there was a dead deer on her property, and she couldn't get any help with it. Alderman Reed stated ABCO picks them up. Alderman Gass stated he thought dead animals on the road should be removed immediately. Mayor Adams asked for the city attorney to look into what the city could do to help the residents with this when it is on private property. Alderman Gass suggested the speed limited at US Silica going east be increased to 55 mph. Chief Mansell stated he thought this could create a problem when there is a train on the tracks, but would contact MoDot and see what could be worked out. Alderman Gass continued that last month we paid the contractor to work on the streets but thought the City should of prepped the streets and worked with the contractor to keep the costs down. He also asked for a clearer boundary ward map. Alderman Gass continued he thought the matter with the funeral director needed to be resolved, he understood now there was a problem at Resurrection Hill and asked when a surveyor would be up there. Administrator Selby stated the surveyor should be done by the end of the week. Mayor Adams stated this case is being handled by the city's insurance company, and if the funeral director wants this stopped then he needs to stop this. When Mr. Palmore took the city to court, the judge agreed with the city, if he wants to continue to appeal it then that is his choice. Administrator Selby stated Mr. Palmore is aware the surveyor is working this week also. Alderman Eversmeyer stated just to clarify, the survey has nothing to do with the lawsuit, and Mayor Adams agreed, the surveyor was to assist the sexton is measuring for the spaces.

INTRODUCTION OF NEW BILLS

BILL NO. 2837 **AN ORDINANCE ADOPTING AND AMENDING FY 2012 WAGE AND SALARY SCHEDULE FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF PACIFIC, MISSOURI.** ***(1st reading)***

Mayor Adams stated there were salary changes in this amended ordinance for a few employees. They were for Rae Cowsert, her probationary period is complete, Roy Hinkle, Dennis Woolf, Bill Pemberton and Larry Bingamann, increase due to certification. City Clerk Barfield stated for Dennis Woolf the annual salary was correct, but there was a typo on the hourly wage and it should read $ 13.00 hourly. Motion made by Alderman Arnette, seconded by Alderman Pigg to approve with the correction. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-0.

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

BILL NO. 2837 **AN ORDINANCE ADOPTING AND AMENDING FY 2012 WAGE AND SALARY SCHEDULE FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF PACIFIC, MISSOURI.** ***(2nd reading)***

Motion made by Alderman Reed, seconded by Alderman Arnette, as posted pursuant to the ordinance, City Clerk Barfield read Bill No. 2837 by title only for the second reading. A roll call vote was taken with the following results: Ayes: Alderman Arnette, Alderman Eversmeyer, Alderman Gass, Alderman Reed, Alderman Pigg. Whereupon, Mayor Adams declared Bill No. 2837 passed 5-0, and it became **Ordinance No. 2817**.

UNFINISHED BUSINESS

AMENDED BILL NO 2826 **AN ORDINANCE AUTHORIZING ZONING FROM "M-1" LIGHT INDUSTRIAL DISTRICT TO THE "M-1" LIGHT INDUSTRIAL DISTRICT "PUD-PDM" PLANNED UNIT DISTRICT-FOR A .168 ACRE TRACT OF LAND LOCATED AT 119 W. ORLEANS STREET THEREBY ALLOWING THE CONSTRUCTION OF BUILDINGS AND USES FOR A CREAMATORY FACILITY AS PERMITTED UNDER WITH THIS PLANNED-USE ORDINANCE.** ***(1st reading)***

This will be continued.

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.** ***(1st reading)***

This will be continued.

NEW BUSINESS

RESOLUTION NO. 2012-01 **A RESOLUTION APPROVING AN AGREEMENT WITH TRI-COUNTY COMMUNITY SENIOR CENTER (PACIFIC SENIOR CENTER) FOR SERVICES TO BE PROVIDED TO THE CITY OF PACIFIC.**

This was done earlier in the meeting.

RESOLUTION NO. 2012-02 **A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE CAPITAL IMPROVEMENT SALES TAX FUND TO THE LEASEHOLD REVENUE BOND FOR THE BOND PAYMENT.**

Motion made by Alderman Pigg, seconded by Alderman Eversmeyer to approve Resolution No. 2012-02. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 4-1. Nays: Alderman Reed. Administrator Selby stated he is looking at refinancing this because interest rates are low, and this could save the city money.

RESOLUTION NO. 2012-03 **A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A SERVICES CONTRACT WITH THE REGIONAL JUSTIC INFORMATION SERVICE TO ESTABLSIH AN ONLINE PAYMENT SYSTEM FOR THE COURT.**

Motion made by Alderman Gass, seconded by Alderman Reed to approve Resolution No. 2012-03. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-0.

RESOLUTION NO. 2012-04 **A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE DONTATION DEED AND CONVEYANCE OF CERTAIN REAL PROPERTY FROM MAE VIEHLAND, TRUSTEE OF THE JULY 2, 2008 RESTATEMENT OF THE VEHIEHL AND JOINT REVOCABLE LIVING TRUST U/A AUGUST 12, 1997 AS A GIFT TO THE CITY OF PACIFIC; AUTHORIZING THE EXECUTION AND RECORDATION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND PROVIDNG FURHTER AUTHORITY.**

This was done earlier in the meeting.

TOURISM EXPENSES

A. Approve amending tourism budget to include payment of the invoice from Traveler Publishing Co. in the amount of $ 461.70 for advertising to be paid from the tourism funds.

Motion made by Alderman Reed, seconded by Alderman Gass to approve amending the tourism budget to include payment of the invoice from Traveler Publishing Co. in the amount of $ 461.70 for advertising to be paid from tourism funds. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion passed 5-0.

B. Approve invoice from CBS Outdoor in the amount of $ 550.00 for billboard advertisement to be paid from tourism funds.

Motion made by Alderman Reed, seconded by Alderman Gass to approve the invoice from the CBS Outdoor in the amount of $ 550.00 for billboard advertisement to be paid from tourism funds. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-0.

C. Approve invoice from Coleman Florists in the amount of $ 97.50 for wreaths to be paid from the tourism funds.

Motion made by Alderman Gass, seconded by Alderman Reed to approve the invoice from Coleman Florists in the amount of $ 97.50 to be paid from the tourism funds for wreaths. A voice vote was taken with an affirmative result and Mayor Adams declared the motion approved 5-0.

D. Approve invoice from Coleman Florists in the amount of $ 32.50 to be paid from the tourism funds for wreaths.

Motion made by Alderman Gass, seconded by Alderman Reed to approve the invoice from Coleman Florists in the amount of $ 32.50 to be paid from the tourism funds for wreaths. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 5-0.

E. Approve invoice from Step Production in the amount of $ 2,325 for tourism video to be paid from tourism funds.

Motion made by Alderman Pigg, seconded by Alderman Gass to approve the invoice from Step Production in the amount of $ 2,325 for tourism video to be paid from tourism funds. A voice vote was taken with an affirmative result, and Mayor Adams declared the motion approved 4-0. Abstain: Alderman Reed, as he was on the tourism committee when this was approved.

RECEIVED AND FILED

ADJOURNMENT

There being no further business, motion made by Alderman Pigg seconded by Alderman Arnette to adjourn. A voice vote was taken with an affirmative result and Mayor Adams declared the motion approved 5-0

The meeting adjourned at 8:40 p.m.

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Herbert C. Adams, Mayor

ATTEST:

_____
City Clerk