

**FEBRUARY 19, 2019 \* RECORD OF PROCEEDINGS**

**CITY OF PACIFIC  
REGULAR MEETING OF THE BOARD OF ALDERMEN  
300 HOVEN  
PACIFIC, MISSOURI 63069**

**T**he meeting was called to order at 7:00 p.m. by Mayor Myers.

A roll call was taken with the following results:

Present at Roll Call:

Alderman Nemeth  
Alderman Adams  
Alderman Gass  
Alderman Johnson  
Alderman Stotler

A quorum was present.

Absent: Alderman Rahn

Also present:

Administrator Roth  
Attorney Jones  
Collector Kelley  
Engineer Rahn  
Chief Mansell  
City Clerk Barfield

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was done.

**PRAYER**

Tim Reeves, Pastor for Heart of Worship standing in for Ministerial Alliance was present and offered prayer this evening. He also stated there are nine pastors that rotate, and they are growing. Every week they pray for the community. Things are looking good.

**APPROVE AGENDA**

Mayor Myers stated he hoped to move the meeting along, due to the weather coming in. He asked that the agenda be amended and moved Item B under his report to the City Administrator's report. Motion made by Alderman Nemeth, seconded by Alderman Stotler to approve the amended agenda. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

## APPROVAL OF MINUTES

### A. Regular meeting on February 5, 2019

Motion made by Alderman Nemeth, seconded by Alderman Gass to approve the minutes of the regular meeting on February 5, 2019. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

## PRESENTATION

Pat Kelly, Executive Director, Municipal League of Metro St. Louis

Mayor Myers stated he heard Pat speak at the MML Conference regarding the Board of Freeholders that would represent the St. Louis area in the determination of what is best for St. Louis.

Mr. Kelly stated he has served for the City of Brentwood for twenty-two years; eight years as Alderman and fourteen as Mayor, so he appreciates their work and has respect for what they do.

He stated Pacific is unique to Better Together. He continued the Better Together Petition if approved by a State-wide vote, means then the municipalities in St. Louis County will really have two primary functions, the administration of the Municipal Parks, and Trash service. For municipalities with Municipal Fire Departments they are allowed to keep them as well. The issue would be they may have to pass a property tax to fund the Fire Department. The proposal calls for the new Metropolitan St. Louis to take all the revenues and allocate back to the municipalities the funds for debt service only. Anything above that they would keep to operate their government. Municipalities become Municipal Districts, instead of a political subdivision of the State, they become a political subdivision of the Metropolitan St. Louis. These districts are then controlled by the new Metropolitan St. Louis. At their pleasure then, they could eliminate those districts with a simple majority vote of the council. This is unlike anywhere else in the State. If this happens, the St. Louis County Executive in office on January 1, 2019 will be the new Mayor of the Metropolitan St. Louis. If he was to be removed from office, technically under this petition he would still become the Mayor. The Mayor of St. Louis becomes the Assistant Mayor. They would hold office until 2025, but those two can create a new charter for the new Metropolitan St. Louis and it only must be approved by a thirty three member council. This never goes to a vote of the residents. For the residents to change it in the future it will take a 2/3 vote of the voters. The chances are highly unlikely to be changed. The bigger issue is using the Missouri Constitution to implement their plan. What the proposal is doing is against the law today. Now Pacific is a 4<sup>th</sup> class City governed by Statues, but under the constitution this allows for a Charter City to govern and that becomes their constitution. This allows for the residents to approve the Charter that governs the Cities in St. Louis County, like Kirkwood for example. The Better Together takes those rights away from the residents. They are using the Constitution, which is supposed to protect the residents, against us. Your voters approved your sales tax for your needs, they are going to create a new government, that doesn't go to the voters to approve, and they are just going to spend the money as they desire. We need to let the residents know that this takes their/our rights away, which is not what the Constitution is supposed to do. There are many more things in the plan that I think we don't want. From the League stand point, we started the Initiative Petition Process for the Board of Freeholders, this is Article 6 of the Constitution, which forces City and County to make their own decisions. In the late 1800's when St. Louis County had this turmoil, the State didn't want to deal with it. They had a Constitutional Convention and came up with this Board of Freeholders process. This allows for the Mayor of St. Louis City and the County Executive of St. Louis

County to appoint nine members each, and the Governor one. Once this is enacted they can't ignore the will of the people. This can be done through an Initiative Petition Process. Once the Petition is certified and turned over to the Mayor and County Executive, they have 10 days to appoint their 9 members each. Once appointed, with approval of Council and Board, then the Board of Freeholders must have their first meeting in 30 days. Then they have a year to develop a plan and put it to a vote to St. Louis City and County residents and would have to pass in both jurisdictions. The Board of Freeholders does work. Our goal is to give the residents a voice in this. Better Together needs to be brought out in the public. They scheduled four Town Hall meetings in March, it is limited to 150 people and you must RSVP to get in, they are for 1.5 hours and they control everything in the meeting. This does two things, creates a forum for public to be heard and shows the out of area people there is a process. They are collecting signatures for the Initiative Petition to form the Board of Freeholders. They are asking everyone to do this. We need to make this decision here at home not State wide. Copies of the Petition was left with the City. The more signatures we collect, the clearer the message that will be sent to our elected officials. St. Louis County and City registered voters can sign the petition. Once the signatures are collected then City Clerk notarizes the form. The City Clerk can contact us to pick them up. The petition just calls for the Board of Freeholders. They need these collected by April 15<sup>th</sup>. Both petitions are on the MML website.

Mayor Myers stated that himself and City Administrator Roth researched the "Better Together" Proposal and he sent an assessment of our understanding of how this would affect the City of Pacific with Mr. Kelly, who attended the Missouri State Senate hearing held February 19<sup>th</sup>. This is included as part of the minutes. He continued that the Better Together proposal appears to put Pacific in a unique situation. Most of our 7 square mile territory is located within Franklin County, but approximately 1.7 square miles is in St. Louis County. The language of the proposed constitutional amendment would "detach" the St. Louis County portion of Pacific and annex it into the new Metropolitan City. This means that Pacific would be cut in two, with the properly now lying within St. Louis County subject to decisions made by the jurisdiction 25 miles away. Our police jurisdiction would stop at its new border. The City owns two properties in St. Louis County, Jensen Point Park and Red Cedar Inn. The City has invested considerable funds into each property, with plans. The language of the proposal would appear to return some of the revenue from the industrial and commercial properties located in this area, but under what calculation. He is concerned about the blatant lack of concern for our City. The organizers of the initiative have been working on this for 5 years. Never once have we been reached out to about this. He is opposed to having Missouri voters, who do not live in St. Louis County or City determine what is the best form of local government. He is not in favor of the Better Together proposal. The process of working out solutions for local problems can be accomplished through the establishment of a Board of Freeholders who would meet in public and craft a proposal for voters to consider. He is opposed to St. Louis government telling us that they are taking over what this City or any City has strived decades to accomplish. He asked the Board to join him in his efforts.

Motion made by Alderman Adams, seconded by Alderman Gass to instruct Attorney Jones to put together a resolution with their objections against the Better Together. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Mayor Myers continued that when he went to Jefferson City last week, he heard Mr. Kelly speak and everyone in the room spoke out against this.

### **PUBLIC HEARING**

### **PUBLIC PARTICIPATION**

Mayor Myers stated there are no speaker cards this evening. There is one prepared to speak if necessary.

## MAYOR'S REPORT

### a. Missouri Municipal League legislative conference report

Mayor Myers stated he attended the conference and learned about Better Together. He continued that MML is working everyday to get things to pass or fail for us. Just a few of the things they are working on is, failure to appear, statewide votes on local issues, prescription drug monitoring program. There are currently monitoring two hundred bills in session. He also visited the State Representative and Governor's staff.

Announcement – This Friday at New Beginnings Lutheran Church there is a world class speaker to speak on opioid addiction.

### New Bills

**Bill No. 4029 An Ordinance regulating the use of cell phones while driving by City employees. (1<sup>st</sup> reading)**

Mayor Myers directed City Clerk Barfield to read Bill No. 4029. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 4029 by title only for the first reading.

**Bill No. 4030 An Ordinance authorizing acceptance of the conveyance and transfer of certain real property at 708 South Third Street to the City in furtherance of the City's Voluntary Flood Buyout Program; and authorizing the execution and recordation of certain documents in connection therewith; and authorizing further action in furtherance thereof. (1<sup>st</sup> reading)**

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4030 by title only for the first reading. Administrator Roth stated this is the first of flood buyouts for Phase 1 from the Flood Mitigation Assistance Program administered by the State. The property owner accepted the authorized offer. This is the procedure we will be using with each property. He hopes as we go through these others will come forward. There is a schedule we need to follow. Next is the demolition bids, then we issue a contract with each property owner and then close within 30 days. Once we take possession, we have 90 days to demo the property. He continued that Engineer Rahn was present and has attended this session also. At the March 19<sup>th</sup> meeting we will try to award for a demo contractor.

### Consideration of Bills Previously Introduced

### NEW BUSINESS

**Resolution No. 2019-06 A Resolution authorizing and directing the Mayor to execute an agreement for Professional Services with Midwest Pool Management of America, LTD., for management and operation of the City of Pacific Municipal Pool.**

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2019-06 by title only. Motion made by Alderman Gass, seconded by Alderman Adams to approve Resolution No. 2019-06. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

**Resolution No. 2019-08 A Resolution authorizing and directing the Mayor to execute an**

Agreement with WL Development Partners LLC.

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2019-08 by title only. Administrator Roth stated the City Clerk checked the funds the City is holding, and the number is changed. City Clerk Barfield stated the figure the City has is \$ 331,498.32. Motion made by Alderman Adams, seconded by Alderman Nemeth to approve Resolution No. 2019-08 with the figure of \$ 331,498.32. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

### **Unfinished Business**

- a. Bill No. 4011 An Ordinance amending the Planned Unit District Regulations of the City of Pacific, Missouri. (2<sup>nd</sup> reading needed) (10-16-18 sent to Adm. Com. After 1<sup>st</sup> reading, tabled at 11-6-18)
- b. Bill No. 4012 An Ordinance amending the zoning regulations with regard to amendments in the City of Pacific, Missouri. (2<sup>nd</sup> reading needed) (10-16-18 sent to Adm. Com after 1<sup>st</sup> reading, tabled 11-6-18)
- c. Bill No. 4013 An Ordinance amending the Subdivision Regulations with regard to amendments in the City of Pacific, Missouri. (1<sup>st</sup> reading needed) (10-16-18 sent to Adm. Com., tabled at 11-6-18)
- d. Bill No. 4016 An Ordinance amending the Land Use Article of the Code of Ordinances of the City of Pacific and providing for site plan review procedure. (1<sup>st</sup> reading needed) (tabled on 11-6-18)

These items have been tabled.

### **CITY ADMINISTRATOR REPORT**

Planning Director/Building Commissioner/City Engineer – Administrator Roth stated there was a Memo to the Board on the dais. The candidate recently offered the position of Building Commissioner/Planning Director has declined. The position has been posted widely, and we still struggle to find the right candidate with the unique skillset. It has been suggested the City consider seeking a “City Engineer” either in addition to the Planning Director/Building Commissioner position or as a new position that includes these duties. The salary budgeted for this position is currently at \$ 65,520 annually, the posted range is \$ 50,000 to \$ 70,000. In his opinion, we may need to increase the budget to \$ 80,000. Discussion followed. He continued the Zoning Officer role is very critical, along with the other duties. The City has a contract with Dan Rahn now for general consulting on a “task” basis. He also does the legwork for the flood buyout projects and other special tasks. Even with the new position we will still have those needs, the engineer working alone can’t be expected to do extensive design work. Discussion followed on the job responsibilities and the pay range. Alderman Adams reminded everyone that if we raise the pay for this position and it is over what the Administrator is making, we will have to raise his pay. He does not disagree with raising pay, we just need to be made aware of it. Administrator Roth stated the Building Department requires daily supervision and this takes time away from his other duties. Alderman Adams stated from a budget stand point we’re filling the Planning Director and Building Commissioner offices with one position. Creating the City Engineer responsibility is a third hat.

**Motion made by Alderman Gass, seconded by Alderman Adams to advertise for a City Engineer filling all these roles with a salary range from \$ 70,000 to \$ 85,000.**

**Alderman Adams stated he would like to amend the motion for a salary range of \$ 65,000 to**

**\$85,000, seconded by Alderman Gass. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Trip to Jefferson City – Administrator Roth stated he agreed with the Mayor. It was a good day in Jefferson City. It seems Senator Schatz and other officials were very friendly and open to municipal government, which he felt was a little different than in the past.

### CITY ATTORNEY REPORT

#### a. Primary Seat Belt ordinance

Attorney Jones stated he was asked to research the seat belt violation as being the primary reason someone could get pulled over. In 2008 Ballwin passed this, and they are one of 60 cities that have this offense. It has never been challenged. He found one case in the 2014 in the City of St. John the ordinance they had conflicted with State Law and that was problem. In his opinion, this can be done.

Motion made by Alderman Nemeth, seconded by Alderman Adams for Attorney Jones to create an ordinance that the seat belt violation can be the primary reason for being pulled over. Alderman Nemeth stated he would like to sponsor the bill. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

### MISCELLANEOUS

#### a. Approve list of bills.

Alderman Gass questioned why “Fastenal” was on the list of bills. The things you can buy from them can be purchased locally. We need to be supporting our own businesses. Mayor Myers agreed and stated he will talk with Public Works Commissioner Brueggemann, maybe it was something we couldn’t get in town. Administrator Roth stated he thought our Procurement Ordinance including buying from local vendors first. Alderman Adams stated this is for all departments. Motion made by Alderman Gass, seconded by Alderman Nemeth to approve the list of bills. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

#### b. Approve the invoice from Curtis, Heinz, Garret & O’Keefe in the amount of \$ 92.00 to be paid from the Osage CID.

Motion made by Alderman Adams, seconded by Alderman Nemeth to approve the invoice from Curtis, Heinz, Garret & O’Keefe in the amount of \$ 92.00 to be paid from the Osage CID. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried

#### c. Approve Pay Application 3, RV Wagner, \$ 117,180.

Motion made by Alderman Gass, seconded by Alderman Adams to approve Pay Application 3, RV Wagner in the amount of \$ 117,180. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

#### d. Approve Special Event Permit, St. Patrick’s Day Parade, March 16, 2019.

Motion made by Alderman Nemeth, seconded by Alderman Stotler to approve the Special Event Permit, St. Patrick’s Day Parade on March 16, 2019. A voice vote was taken with an affirmative result, and

Mayor Myers declared the motion carried.

## REPORTS OF CITY OFFICIALS

Alderman Nemeth – no report

Alderman Adams – stated at the last Board meeting he was publicly in error and he wanted to correct this. It was when he was speaking to the Mayor and Administrator and he referred to a swine, he offered his apologies this evening publicly. He continued at one time he spoke to Mr. Roth in his office about something and was in error, and he apologized in his office. This time he said something publicly and wanted to apologize in public.

Mayor Myers stated Alderman Rahn was in Florida.

Alderman Gass – stated on W. St. Louis St. between Phelan and the creek to the west by McDonalds there is a storm pipe, it is a little small for this area. Motion made by Alderman Gass, to instruct the City Administrator to hire an engineering firm to do a topo of the area, draw up some plans and hire a contractor to replace the pipe at a deeper depth to the east side of Payne St. When you look by the School Administration Office and the grade to the east side, all the water ends up on Phelan. Mayor Myers stated this is on Engineer Rahn's list to do. Engineer Rahn stated the focus of what he is working on is more on the drainage from Payne St. and St. Louis St. and how it affects Phelan. Alderman Gass continued he wanted to make the motion so the Administrator can get the work done. Alderman Adams would like to make an amendment to Alderman Gass's motion. Alderman Adams would like to add to the motion that the report is brought back to the Board of Alderman for plans and a time frame with the bidding process. Alderman Gass would like to see this in 60 days. Alderman Adams agreed a plan brought back to the Board in 60 days.

**Alderman Gass clarified his motion. Motion made by Alderman Gass, seconded by Alderman Adams to hire an engineering firm to have a topo of this area done, and bring plans and a contract back to the Board within 60 days. Engineer Rahn stated he could have this at the next meeting. Administrator Roth stated there is no budget for this currently, so the Board will need to amend the budget. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Sanker and Union St. – Alderman Johnson thanked Alderman Gass and Alderman Adams for looking at Sanker and Union St. She continued that Commissioner Brueggemann was able to get the culvert installed and that really helped those residents. Alderman Gass stated the south side where they worked still needs cleaned up.

Red Cedar – Alderman Johnson stated the History Museum Committee walked thru Red Cedar last weekend. She continued in her opinion, the building is starting to deteriorate since when she walked thru it ten months ago. We bought this building over a year ago, and rooms that weren't filled are now filled with stuff. The basement is full, the fence is tilting on the west side, the ceiling in the bar is buckling. She continued that we have been a good landlord, but we own the building and she wanted to suggest starting the notice process. She thinks its time the renter moves, and we get in our building to be able to do repairs. She suggested giving them all of March, April and May plus 45 days, that means they would be out by July. The renter is never going to be able to get out quickly, and we need to be able to walk thru the building when it's empty to assess it. It is going to need cleaned up and repaired. Administrator Roth stated he believes the notice is 45 days but would like to check the lease. Alderman Johnson stated she thought 3 months plus 45 days was enough notice, that is 120 days total.

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**Motion made by Alderman Johnson, seconded by Alderman Nemeth to notify the renter of Red Cedar that they need to be moved out by June 28, 2019. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Alderman Stotler – stated the Eagles is having a BBQ this weekend. The proceeds go towards the lunch program at the school. They are working towards paying off the balance at the schools so every child can eat the same lunch. This is a very good program.

Chief Mansell – stated that six of the police cars don't have blue tooth and he is looking at getting that installed. He will check with Bay's first to see if they can install it. This is regarding the hands-free ordinance that is coming up.

RV Dumping – Chief Mansell suggested an RV Dumping station be put somewhere. He thought this would also bring people thru town to stop. Alderman Gass had concerns with the stuff that is put in their tanks not being good for the lagoon. Alderman Adams questioned if we could offer this as a free service. Administrator Roth stated he agreed and would be cautious of this.

Project Graduation – Chief Mansell stated at the last meeting he brought up doing a benefit for this. It is not going to work out this year but is something they can look into next year. He continued this is a good program and keeps kids off the streets.

Collector Kelley – no report.

#### **Executive Session RSMO 610.021 (1)(2)**

Mayor Myers stated he would like to go into executive session under RSMO 610.021 (1)(2). Attorney Jones read these into the record.

A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Gass, Alderman Johnson, Alderman Stotler. Nays: none. Whereupon, Mayor Myers declared the motion carried 5-0.

Mayor Myers stated he also needed Chief Mansell.

The Board went into executive session at 8:43 p.m.

The Board reconvened at 8:56 p.m.

Mayor Myers called the meeting back to order. Present at roll call: Mayor Myers, Alderman Adams, Alderman Gass, Alderman Johnson, Alderman Stotler, Alderman Nemeth, Administrator Roth, Attorney Jones, City Clerk Barfield.

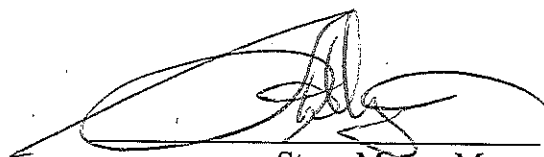
Mayor Myers stated his father's longtime girlfriend Judy Mason has passed. Her services are Thursday from 4-8 p.m. at Thiebes Funeral Home.

#### **ADJOURNMENT**

Motion made by Alderman Stotler, seconded by Alderman Nemeth to adjourn. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.



The meeting adjourned at 9:00 p.m.



Steve Myers, Mayor

ATTEST:

Kimberly Berfuel  
City Clerk