



April 5, 2022 * 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 Acting President of the Board Adams. The meeting was held at City Hall. The Public was able to attend in person and was streamed live on the City of Pacific You-Tube channel.

A roll call was taken with the following results:

Present at Roll Call: Alderman Nemeth
Alderman Adams
Alderman Rahn by zoom
Alderman Frick
Alderman Eversmeyer
Alderman Stotler

Also present: Administrator Roth
Attorney Jones
Public Works Commissioner Brueggemann
Collector Kelley
City Clerk Barfield

Pledge of Allegiance

The Pledge of Allegiance was given.

Prayer

Ministerial Alliance offered prayer this evening.

Approve Agenda

Motion made by Alderman Nemeth, seconded by Alderman Stotler to approve the agenda. A voice vote was taken with an affirmative result.

Minutes

Board of Aldermen 4-5-2022

A. Regular meeting on March 15, 2022

Motion made by Alderman Frick, seconded by Alderman Stotler to approve the minutes of the regular meeting on March 15, 2022. A voice vote was taken with an affirmative result, and Acting President of the Board Adams declared the motion carried.

B. Executive meeting on March 15, 2022

Motion made by Alderman Eversmeyer, seconded by Alderman Stotler to approve the minutes of the executive session meeting on March 15, 2022. A voice vote was taken with an affirmative result, and Acting President of the Board Adams declared the motion carried.

Public Participation

Jennifer Blakley, 115 N. First St., Pacific, MO stated she was asking for the law to allow businesses within from selling alcohol within a 100' proximity to a school building be changed. The downtown is too vital to Pacific to have this type of limitations. She appreciates the school district and their efforts to serve the childing in the community. The school district chose to lease the building in the downtown, a location that is a bar and has live music on the weekends, dining, drinking and smoking on the patio, this also included a gun shop in this area. She has approached the Assistant Superintendent of the school and expressed their concerns for the building and she shared the students are generally gone by 2:30 pm and no one is there on the weekends and did not see a concern. She compared this to other thriving downtown areas. A law like this basically cripples a downtown from growing, no restaurants, brunch and lunch places with bottomless margaritas, breweries or any business that would bring people downtown. Our business will bring new and repeat people as customers and keep them here to eat at our restaurants and see the sights. Several months ago, I started talking to the Police Chief, the Mayor, Fire Marshal and other citizens about this. Everyone expressed that they thought this was a great addition to the community. The only concern was the State's regulation of liquor license, but it does allow the Aldermen to over ride it and make the best decision for their city. We may not have purchased this building and began renovations on this building, had we known this was a city law or it could limit us from using the building to it's full potential. A law like this may not only deter us but it may others, and it's up to you to help build the downtown. This law needs to change. If someone chooses a building in the downtown there must be a way not to restrict the growth of the downtown area, all of the effort our community puts towards our city, this law hurts us. She also read a letter of support from Greg & Nancy Omer.

Acting President of the Board Adams asked Attorney Jones if it was correct that the city can amend the ordinance to change this. Attorney Jones stated that was correct, at this point, we have a prohibition on a liquor license being issued within a 100' of any school, and church. There is a conditional use permit on the agenda this evening, it is not contingent on this particular liquor license. The business just could not obtain a liquor license with this code in effect. Attorney Jones stated most cities have some kind of provision, but they are not necessarily 100'. Ballwin's code is 300'. If may be possible to do something less than repealing the whole section, and that is carve out in the downtown area a district that is an exemption. Another example in the city's code is dispensaries cannot locate within 100' of these same kinds of uses. Alderman Frick stated he agreed that this does limit businesses, and if you can't have the ability to open a restaurant or a bar and not be able to serve liquor a good compromise is to find a way

to allow this. He felt in order for our city to thrive we need to consider this change. Alderman Nemeth stated Brown Jerry's had their liquor license before the school rented the building, so this does not come in effect, but it is still there. He suggested carving this out starting with the downtown is a step in the right direction. Carving these things out to thrive our downtown will only assist in people being able to open successful business's. This seems like an obstacle that is easily overcome. Alderman Eversmeyer stated if Jerry's changes hands, they would have to obtain a new license. A church or a school can move in next to a bar, but any type of bar cannot move next to a school. This is just how the law reads. He did not see a problem changing it. Alderman Stotler agreed this needed to be changed and makes sense. They also have a great track record. Attorney Jones stated this is an ordinance change and a dimensional requirement is important. The boundaries of the downtown business district need to be established, as we don't want unintended consequences. This is also a building-to-building rule, not lot line to lot line for the liquor license. Discussion continued that there is no definition of the downtown area, but this should be defined and built around that. Attorney Jones stated amending the ordinance and creating an "exemption" could be done. Board members agreed and discussed the streets this would be included in the "exception". Alderman Stotler stated the Partnership has defined a downtown district also. **Motion made by Alderman Nemeth, seconded by Alderman Stotler to create an "exception" to the ordinance from St. Louis St. from the corner of Brown Jerry's to the Drapery building. Attorney Jones stated the Comprehensive Plan would also need amended to include this "downtown district" and be uniform. A voice vote was taken with an affirmative result.**

Jerry Eversmeyer, (left the dais) Pacific Eagles, 707 W. Congress, Pacific, MO stated he is presenting a check from the brother Eagles and donated \$ 1,000 for the fireworks. He also challenged the other businesses and organizations to step forward.

New Bills

Alderman Nemeth stated he would sponsor Bill No. 5136

Alderman Rahn stated he would sponsor Bill No. 5137

a. Bill No. 5136 An Ordinance authorizing a Conditional Use Permit for property located at 115 W. St. Louis St., Franklin County Parcel ID: 19-1-12.0-4-003-092.000, in the City of Pacific (1st reading)

Motion made by Alderman Eversmeyer, seconded by Alderman Frick for the first reading of Bill No. 5136. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance City Clerk Barfield read Bill No. 5136 for the first reading. Acting President of the Board Adams asked for any discussion. Alderman Nemeth stated he appreciated Jennifer and Shane's continued investment in the community.

b. Bill No. 5137 An Ordinance providing for the Approval of a Final Plat for Wilderness Hollow Estates Subdivision.

Motion made by Alderman Nemeth, seconded by Alderman Stotler for the first reading of Bill No. 5137. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance City Clerk Barfield read Bill No. 5137 for the first reading. Acting President of the Board Adams stated both of these bills will be on the next agenda for the second reading.

Consideration of Bills Previously Introduced

Unfinished Business

New Business

Mayor's Report

City Administrator Report

- a. FY 21 Financial Statements – Administrator Roth stated the audited bound copies were administered this evening and it is also posted on the website, along with the Single Audit. The highlights are in his report. He asked if there was any questions. Most every indicator is trending up, and the report is good. If there are any questions, please bring them to my attention.
- b. Director of Tourism hiring – we are nearing the end of the first round of interviews. Those candidates will be narrowed down to finalists and go from there. This is a mayor appointment subject to approval of the board.
- c. AED purchase, City facilities – This is an action item. We do not have AEDs at all facilities. Hal Schulman, Emergency Management Coordinator, has requested the purchase of five AED units to be located at City Hall, Police Department, Parks and Recreation, Red Cedar and another at the pool or rotating unit for a total cost of \$8,495.00. **Motion made by Alderman Frick, seconded by Alderman Nemeth to approve the purchase of the AED units. A voice vote was taken with an affirmative result.**

Chief of Police

Public Works Commissioner

Public Works Commissioner Brueggemann thanked the Board for their support. His report was sent out.

- a. Light plant purchase from k & K Supply in the amount of \$ 7,500.00.

He stated this is the same plant we have rented before for the rodeos. A new one is \$ 3,600 more but it is a minimum of at least 3 months lead time. This is split between general fund, parks and street for the cost. This is a good value for a used unit. **Motion made by Alderman Nemeth, seconded by Alderman Frick to approve the purchase of a light plant in the amount of \$ 7,500.00. A voice vote was taken with an affirmative result.**

Thornton St. – Alderman Stotler asked if he knew when Thornton St. would be repaired. Commissioner Brueggemann stated he has spoke with them. Alderman Nemeth asked if it was not fixed by next week could we do it ourselves, and bill them, it's more than just a couple of holes. Administrator Roth advised if this was not done by the end of the week, we will do it. This has gone on for a while, and Robert has been after them.

Riverbend Subdivision – Acting President of the Board Adams asked what the status of Indian Trial was.

Public Works Commissioner Brueggemann stated there's a main phone line there and he is waiting for them to lower it. Once they lower the line, we can get started.

Community Development Director Myers

City Attorney Report

Attorney Jones stated he had a real estate item for executive session, but nothing for open session.

Collector Kelley

Approve the Land & Lot Delinquent list and the personal delinquent List as per Statute 94.320.

Collector Kelley stated the list is included in the packet, if anyone had any questions. Motion made by Alderman Eversmeyer, seconded by Alderman Nemeth that they are aware of the list. A voice vote was taken with an affirmative result.

Operations Committee – Alderman Eversmeyer stated we met and discussed storage facility options.

Administration Committee – Alderman Nemeth stated we will meet next week.

Miscellaneous

a. Approve Legacy Pay App 5, Red Cedar Inn Improvements, in the amount of \$ 306,840.80.

Motion made by Alderman Nemeth, seconded by Alderman Stotler to approve Pay App 5 to Legacy in the amount of \$ 306,840.80. A voice vote was taken with an affirmative result.

Reports of City officials

Alderman Nemeth – thought everyone did a great job on this election cycle, and thanked Alderman Stotler for serving.

Alderman Rahn – no report.

Alderman Adams – no report.

Alderman Frick – no report.

Alderman Eversmeyer – no report.

Executive Session RSMO 610.021 (2)

Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor.

Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to go into executive session

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under RSMO 610.021 (3). A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Rahn, Alderman Frick, Alderman Eversmeyer, Alderman Stotler. Nays: none. Whereupon, Acting President of the Board Adams declared the motion carried.

The Board went into executive session at 7:36 p.m.

The Board reconvened at 7:51 p.m.

Acting President of the Board Adams called the meeting to order. Present at roll call: Alderman Adams, Alderman Rahn, Alderman Frick, Alderman Eversmeyer, Alderman Stotler, Alderman Nemeth.

Adjournment

There being no further business, motion made by Alderman Frick, seconded by Alderman Nemeth to adjourn. A voice vote was taken with an affirmative result. The meeting adjourned at 7:51 p.m.

Acting President of the Board
Herbert C. Adams

ATTEST:

City Clerk