



June 7, 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 Mayor Filley. The meeting was held at City Hall. The Public was able to attend in person and was streamed live on the City of Pacific YouTube channel. Mayor Filley welcomed everyone to the meeting.

A roll call was taken with the following results:

Present at Roll Call: Alderman Nemeth
 Alderman Cleeve
 Alderman Gendron
 Alderman Presley
 Alderman Eversmeyer
 Alderman Lesh

Also present:	Administrator Roth	Attorney Jones
	Chief Melies	Public Works Commissioner Brueggemann
	Collector Kelley	Community Development Director Myers

Pledge of Allegiance

The Pledge of Allegiance was given.

Prayer

Pastor Mike Gardner, Ministerial Alliance, offered prayer this evening.

Approve Agenda

Mayor Filley asked for a motion to amend the agenda and add discussion of unsuitable soil at Rt 66 Marketplace to the agenda. This information was received late this afternoon and could be placed under New Business. Alderman Cleeve stated he also had an addition to the agenda. He continued that we had talked at the Special Budget Meeting about removing the \$ 5.00 fee. He suggested this come under new business, so it can be discussed also. Mayor Filly stated this is currently under the City Administrator's Report. **Motion made by Alderman Eversmeyer, seconded by Alderman Nemeth to Board of Aldermen 6-7-2022**

approve amending the agenda. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried.

Minutes

A. Regular meeting on May 17, 2022

Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to approve the minutes of the regular meeting on May 17, 2022. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried.

B. Special meeting on May 23, 2022

Motion made by Alderman Eversmeyer, seconded by Alderman Presley to approve the minutes of the special meeting on May 23, 2022. Mayor Filley asked for any discussion. Alderman Cleeve stated under "FY Budget presentation" a third of the way down there is discussion about "eliminating the \$ 5.00 fee and need to implement a tax on internet, for example, he was okay with it" then it reads "Alderman Cleeve agreed". He does agree with the repeal of the \$5 fee, but he did not want it to look like he was okay with a tax on streaming, because he was not. This is how it read to him. Alderman Eversmeyer did not have a problem with his statement. Mayor Filley asked since this was interpretation, how should the minutes be handled. Attorney Jones stated if the Alderman feels strongly about it, he can propose an amendment to be adopted by motion. **Motion made by Alderman Cleeve to amend the minutes and strike the words "Alderman Cleeve agreed". Motion was seconded by Alderman Presley. Mayor Filley asked for any more discussion. There being none, a voice vote was taken with an affirmative result, and Mayor Filley declared the minutes are approved as amended.**

Public Hearing

- A. A Public Hearing to hear comments on the City of Pacific Fiscal Year 2022-23 budget. Mayor Filley opened the Public Hearing and read it into the record. She asked for any public comments. There were no speaker cards, and no comments, she closed the public hearing.

Public Participation

There were no speaker cards this evening.

New Bills

Bill No. 5141 An Ordinance repealing use of the Tourism Tax Reserve Fund. (1st reading)

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5141 by title only into the record.

Bill No. 5142 An Ordinance repealing the Reserve for Prop P fund and the use thereof. (1st reading)

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5142 by title only into the record.

Bill No. 5143 An Ordinance Approving and Adopting a Budget of anticipated cash revenue and cash

disbursements for the operating and Capital Funds of the City of Pacific, Franklin and St. Louis Counties, Missouri, for the Fiscal Year commencing July 1, 2022, and ending June 30, 2023, providing for expenditures in accordance with said budget, making appropriations thereof and amending the amount contributed monthly to the Contingency Fund. (1st reading)

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5143 by title only into the record.

Consideration of Bills Previously Introduced

Bill No. 5140 An Ordinance authorizing a Conditional Use Permit for property located at 319 W. St. Louis St. (Franklin County Parcel ID 19-1-12.0-4-003-027.000) in the City of Pacific. (2nd reading)

Sponsor: Eversmeyer

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5140 by title only for the second reading. **Motion made by Alderman Eversmeyer, seconded by Alderman Cleeve to approve Bill No. 5140.** Mayor Filley asked for any discussion. **A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Cleeve, Alderman Gendron, Alderman Presley Alderman Eversmeyer, Alderman Lesh. Whereupon; Mayor Filley declared Bill No. 5140 passed 6-0 and becomes Ordinance No. 3322.**

Attorney Jones asked if the Mayor would like to call for Sponsors for the Bills that were read one time. Alderman Nemeth stated he would take Bill No. 5142. Alderman Presley stated he would take Bill 5141 and Alderman Cleeve would take Bill 5143.

Unfinished Business

New Business

- a. **Resolution No. 2022-35 A Resolution authorizing and directing the Mayor to execute an Agreement with SC Engineering dba Cochran for Professional Services relating to Engineering Planning and Design of the Midwest Industrial Park Storm Water System.**

As posted pursuant to the ordinance, Mayor Filley read Resolution No. 2022-35 by title only. Mayor Filley asked for any discussion. **Motion made by Alderman Nemeth, seconded by Alderman Cleeve to approve Resolution No. 2022-35.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried.**

- b. **Resolution No. 2022-36 A Resolution authorizing the filing of an application with the Missouri Department of Natural Resources, Financial Assistance Center's State ARPA Grant Programs for Subaward of Federal Financial Assistance provided to the State of Missouri by the U.S. Department of the Treasury ("Treasury"), pursuant to Section 602(B) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act, Pub.L.No.17-2(March 11, 2021), 135 STAT.4 223-26.**

As posted pursuant to the ordinance, Mayor Filley read Resolution No. 2022-36 by title only. **Motion made by Alderman Eversmeyer, seconded by Alderman Presley to approve Resolution No. 2022-36.** Mayor Filley asked for any discussion **A voice vote was taken with an affirmative result, and Mayor**

Filley declared the motion carried.

- c. **Resolution No. 2022-37 A Resolution authorizing and approving a Conditional Use Permit (CUP) extension for Wallis Companies, dba Wallis Petroleum LLC, extension term to expire January 4, 2023.**

As posted pursuant to the ordinance, Mayor Filley read Resolution No. 2022-37 by title only. **Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to approve Resolution No. 2022-37.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried.**

- d. **Resolution No. 2022-38 A Resolution authorizing a Grant Application for City of Pacific Preventive Pavement Maintenance Program 2022 Improvements, Franklin County Transportation Grant Program.**

As posted pursuant to the ordinance, Mayor Filley read Resolution No. 2022-38 by title only. **Motion made by Alderman Cleeve, seconded by Alderman Presley to approve Resolution No. 2022-38.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried.**

- e. **Resolution No. 2022-39 A Resolution authorizing an application for Emergency Management Performance Grant funding through Missouri State Emergency Management Agency (SEMA).**

As posted pursuant to the ordinance, Mayor Filley read Resolution No. 2022-39 by title only. **Motion made by Alderman Cleeve, seconded by Alderman Presley to approve Resolution No. 2022-39.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried.**

Rt 66 Marketplace – Administrator Roth stated this came in late today. The project is underway and storm sewer installed. The soil is very spongy, Cochran advised of this late afternoon. He has looked at also. He is asking for approval of this change order tonight. We never wants to see these, but if it had come to us tomorrow, action could have been taken under emergency action per the ordinance. Cochran will inspect and manage the contract will be actual install numbers. They hope it will come in less in quantity. They have to bring in rock and a fabric. If approved, they will start tomorrow. Total price is \$ 55,000 but the unit price is what controls. The engineer will measure the quantities. Alderman Lesh asked if the contract called for soils testing. Administrator Roth stated it did not. **Motion made by Alderman Cleeve, seconded by Alderman Nemeth to approve the Change Order. A voice vote was taken with an affirmative result. Mayor Filley declared the motion carried.** Administrator Roth stated when the pay application is received it will be listed on agenda for payment.

Mayor's Report

- a. Director of Tourism Appointment

Mayor Filley would like approval of Kelly O'Malley for this position. She is with us tonight. She interviewed her along with others. She feels she will be a good fit and has lots of good ideas and a great personality. **Motion made by Alderman Presley, seconded by Alderman Cleeve to approve the**

appointment. Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried.**

- b. Appoint Michael Hagar to the Park Board – term to expire May 2026.

Mayor Filley stated she would like to appoint Michael Hagar to the Park Board. He is also present this evening. She feels he will be beneficial to the community and is looking for new ways to get involved. **Motion made by Alderman Eversmeyer, seconded by Alderman Nemeth to approve the appointment.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried.**

City Administrator Report

- a. Draft bill Motor Vehicle license tax repeal

Administrator Roth stated the Draft Bill was included in the board packet. This was also discussed at the Special Meeting regarding the budget. This is the draft bill. In order to proceed we need to take action prior to second board meeting in August. This is the \$ 5.00 fee on vehicle license. This fee typically generates around \$ 25,000 per year. He expects this will be offset with the increase in Motor Fuel Gas Receipts. The State Gas Tax is distributed out per their formula. This is being phased in, and regardless in his opinion, it will be offset by this tax. The county Collector asked if this was repealed, does that mean they go back on delinquencies, or if it would just apply to the 2022 bills. In his opinion, it would just be going forward. **Motion made by Alderman Nemeth, seconded by Alderman Cleeve to place the draft bill for the motor vehicle tax repeal on the next agenda for the first reading.** Mayor Filley asked for any more discussion. Attorney Jones stated it would be very difficult to back \$ 5.00 off of a bill prior to this. The ordinance is prospective, unless it states otherwise. **A voice vote was taken with an affirmative result.**

Administrator Roth gave the Board credit for attending the conference coming up.

Chief of Police

No report.

Public Works Commissioner

Public Works Commissioner Brueggemann welcomed Sara. He stated his report is in the packet. The prison work that was approved two weeks ago is under way. Alderman Cleeve thanked him for responding so quick to the tree in Westlake.

Community Development Director Myers

Director Myers welcomed the new appointees. His report was on the dais. On page 2 there is a Red Cedar portion he thought the public would like to hear. The tile is being installed in the floor and walls, carpentry and trim is underway, finish paint is underway, two bar windows to be installed week of June 6th, removal of the well is being coordinated, exterior lights and track lighting are on order. These are about 4 weeks out. The finish grading should be completed in approximately 6 weeks. Refinishing of

the wood area, drop ceilings panels will be installed following the sanding and finishing of the floor, and we received verbal authorization from MoDot Right-of-way Specialist Shelly Hynes to proceed with construction of parking lot and sidewalk at Red Cedar and Parks and Rec buildings. The asphalt work and sidewalk installation are still about 7 weeks out.

City Attorney Report

No report.

Collector Kelley

No report.

Operations Committee – Alderman Evermeyer stated they have not met yet. Mayor Filley stated we will put the third alderman on the next agenda for this committee. Alderman Eversmeyer stated after that we will set up a meeting to go over the building and storage area that we started. Administrator Roth stated in his report he noted, review of the wastewater program would be helpful. He wants to keep the Board informed of this.

Administration Committee – Alderman Nemeth stated we have not met. He will work on coordinating a committee.

Miscellaneous

a. Approve Jerry Eversmeyer, Pacific Eagles, for a Temporary Permit/Intoxicating Liquor by the drink for the Car Show at 208 W. St. Louis St., Pacific, MO on June 25, 2022.

Motion made by Alderman Cleeve, seconded by Alderman Gendron to approve Jerry Eversmeyer, Pacific Eagles, for a Temporary Permit/Intoxicating Liquor by the drink for the Car Show on June 25th, 2022. Mayor Filley asked for any discussion. Alderman Eversmeyer stated he would be abstaining. Alderman Nemeth asked since the Partnership was holding the event, does he need to abstain? Attorney Jones stated it is an application from the Eagles for an event that is also sponsored by the city and the Partnership, so he did not feel he needed to abstain. **A voice vote was taken with an affirmative result. Abstain: Alderman Eversmeyer.**

b. Approve Change Orders 14, 18, 22, 31, 32 for Red Cedar Project.

Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to approve Change Orders 14, 18, 22, 31, 32. Mayor Filley asked for any discussion. Alderman Presley stated he would be abstaining from this vote, as their business is part of the contract/change orders. **A voice vote was taken with an affirmative result. Abstain: Alderman Presley.**

b. Approve petty cash in the amount of \$ 23.04.

Motion made by Alderman Nemeth, seconded by Alderman Cleeve to approve petty cash. Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result.**

Reports of City officials

Alderman Nemeth – No Report.

Alderman Cleeve – Alderman Cleeve stated he had a couple things. One was he had a resident call from Westlake about a dead tree that was in between the sidewalk and the road. There was discussion about this being an issue in new subdivisions and where the trees are being planted. He questioned how big of an issue this was or will be going forward. Public Works Commissioner Brueggemann stated this is under his authority when the plans are approved. Administrator Roth stated in some of the newer subdivisions we have street trees, and the city has customarily accepted maintenance of these, the scope of our maintenance is making sure there is nothing overhanging to street or sidewalk. Some of our tree trimming is not the same as a professional tree trimming. We really shouldn't be in the tree trimming business. He thought if the city accepted them, they should be maintained by the subdivision. Alderman Cleeve just questioned if we needed to do something to prevent it from happening in the future. He has had exposure to sidewalk and trees and how they lift up the sidewalk. Administrator Roth stated the Zoning regulations still need overhauled in a comprehensive way. He does agree with Robert that right now we have the authority to make that determination with the developer. In the McBride project we asked them if they wanted street trees, and they did not, we also did not want them so we just stopped it at that point. Ideally, this would be addressed in the Code of Ordinances.

Park Board Meeting – Alderman Cleeve stated he attended the Park Board Meeting. The Citizens for Veterans are going to be putting lights along the path in Liberty Field, along with flags on the posts. Sam Dean has resigned, as he has moved out of the city. There are two large trees that will be removed out of the city park and Adams Garden. There's going to be presentations from Navigate on their research on the pool and another for the Skate Park. Once set up, it is probably something the aldermen would like to hear what's going on.

Alderman Gendron – No report.

Alderman Presley – He received a call from a citizen regarding Code Enforcement and that is working to be resolved. He believes it is a minor item and will be resolved. It has been great communication so far and complimented the process. He was also impressed at the budget meeting to hear what the Marshal is bringing to the city with his new term. He is excited about the radio communications, and he's saving money. He thanked him for his service and bringing good stuff to us.

Alderman Eversmeyer – Planning & Zoning did not meet so there is nothing to report. He also spoke to the attorney on the application for liquor license, the city requires a background check. This costs \$ 25 and the state does their own. He did not see a need to do it again at this level, and the county does not require it because state does it. He would like to see this dropped. Attorney Jones reviewed the city's code, section 600.050 specifically has the criteria for an application and the qualifications. He read those qualifications. It does not require a background check; his conclusion is this is included as part of the application since it is on the application. As long as the State is doing it prior to them coming to the city, he believes it can be eliminated. This could be eliminated on the form itself. Mayor Filley stated this can be taken care of internally.

Alderman Lesh – Stated he wanted to bring up for discussion the liaisons on the committees and various ordinances and there were discussions on making changes, as well as the consistency of the terms and the seats all piling up on one year. **Motion made by Alderman Lesh to enter into discussion and**

possible direct Attorney Jones to have an ordinance for this. Mayor Filley stated there was a motion on the floor for Attorney Jones to further review the committees that have a voting member. Alderman Lesh would like a second on the motion just for discussion and then we could direct Attorney Jones. He continued some of the alderman liaisons are voting and some are not. It would be changing that language that the alderman would not vote, and not count towards the number of the committee. The second part is the term expirations, and those stacking up. **Motion was seconded by Alderman Cleeve for further discussion.** Mayor Filley asked for more discussion. Alderman Nemeth asked which boards have a voting member, he knows the Historical Society does and Planning & Zoning. Mayor Filley thought those were the only two, by ordinance. The other committees are liaisons, where the alderman is a representative and does not count in the member number, just a true liaison. Alderman Nemeth asked for clarification on why those two boards have a voting member. Attorney Jones stated with the Planning & Zoning Commission it is part of Chapter 89 of the statues. We decided to adopt a statutory Planning & Zoning Commission where there is an aldermanic representative. This permits up to 15 members, the Mayor can serve, an Alderman can serve and they have all the powers and duties of any other commission. The city has chosen to have an alderman as a member of the Planning & Zoning Commission so that member will have an opportunity to vote. Attorney Jones stated there is no State Statute for the Historical Society. Alderman Nemeth thought that one could be eliminated if we chose to, but is the one for Planning & Zoning still an option? Attorney Jones stated he would need to check the State Statue. He thought if the alderman was going to be included as a member, then that person would have a vote. You could also choose not to have an alderman there. Mayor Filley asked if there could be one that did not vote, and was just a liaison. Attorney Jones stated you could, but he did not think we would want to do that because if only observing, and not voting they shouldn't be participating, except as a member of the public that might come to the podium. Alderman Lesh asked if on the other committees, can the alderman be a part of the discussion? Mayor Filley stated they could be a part of the discussion, because of the role of an alderman they might know something, but they are not voting members. Alderman Lesh stated according to Attorney Jones, if we change our ordinance on Planning & Zoning, we could eliminate that alderman member but we could enact a different ordinance for an alderman representative. Attorney Jones stated he would need to look into this more, but that is what he thought. Alderman Cleeve thought understanding our roles on the committee's is vital also. At the Park Board meeting, he had no idea what he could or couldn't say. He thought they needed a better handle on what they are supposed to be doing. Alderman Nemeth stated what he has found is that it was like we are a support system for them, sometimes guide them as necessary, my opinion, when necessary, it is weird at first, but over time you become part of it and they look to you for guidance, even though we don't vote. He would like to hear from Attorney Jones as to why or why not we should be changing Planning & Zoning. The vote on the Historical Society he did not think was a big deal. Mayor Filley stated at one point on the agenda were reports of the committees. That has been removed, so in theory, the liaison is to bring that information forward. Alderman Presley thought part of the challenge is getting enough members on the committees. If we have less votes on Planning and Zoning there may be times that a vote couldn't be taken, he has seen where this vote helps just to keep things from being delayed. Most of Planning & Zoning is time sensitive issues, he did not want to see growth hindered in any way and thought that was not tolerable. He would like to hear more from Attorney Jones about the voting member part on Planning & Zoning. On other committee's, he could maybe agree that the vote is not necessary. When he sat on Tourism it was nice to have a seasoned alderman present and able to get advice and how the temperature of the Board might be for things requested. He thought the liaisons were very important. Alderman Eversmeyer thought the alderman should be a voting member. This is the first stage of public hearings, they give advice during the meetings, he thought it worked better to have a voting alderman on that board. Alderman Cleeve

stated when he looked at it prior to being here, he looked at it as they get two votes; one at Planning & Zoning and one at Board of Aldermen. He just didn't think it seemed right to have two votes, and this is nothing against Alderman Eversmeyer. If there is a State Statute then, so be it. Alderman Lesh stated the double voting is exactly what the issue is, it doesn't make sense to the public. The committees are supposed to recommend and that's where this starts. The core question, look at what we're limited to by Statute with Planning & Zoning and it sounds like things may be able to be changed. The core principle to think about as we go forward is are we going to give the power to the committees to talk and discuss and make recommendations to us. On that point, he thought it was crucial they be able to do this without our influence. Second, do they get to vote in the process. He wants to put the power with the committees, and the alderman be there to provide information. **Motion made by Alderman Lesh for Attorney Jones to eliminate double voting on committees and term expirations.** Mayor Filley stated the terms for the individuals are initially set up where you're not losing four members in one year, but unfortunately as time goes on, people are lost midterm. When this happens there are changes, or when there is a reduction in numbers. This year there were quite a few that needed to be made. The biggest challenge was they had to be made immediately, following her coming in new as mayor. Some individuals she knew and some she didn't. Some had been on the committee for a while, and there was no objections and no new interest then she re-appointed. If this could be made timelier, it is not so immediate. Alderman Lesh thought these were deferred this year by the outgoing acting mayor, putting this pressure on you. Attorney Jones stated positions still serve until a successor is appointed. Mayor Filley stated the appointments were called for and the terms expired in May. Going forward, now that she knows, they can still serve until appointments are made helps. Alderman Nemeth asked instead of Attorney Jones drafting a bill, can we first have clarification on why we would and would not have a voting member on Planning & Zoning, before a bill is drafted. He would like more clarification. **Attorney Jones stated if the group wanted, he could look at each one of the committee's and see which ones have what, and then look at the Statute. Alderman Lesh stated he would make that amendment.** Mayor Filley also asked if there were any rules of conduct or rules of what the liaison should be doing for those that are not a voting member would be helpful. Alderman Lesh stated Attorney Jones could still have something ready to be in front of us, that we could amend further. Alderman Nemeth stated he just wanted a lot of clarification, he just thought there were unknowns for us and the citizens also. **Attorney Jones asked for clarification. Alderman Lesh stated the motion was to direct Jones to present a draft ordinance on eliminating voting by alderman liaison members, double voting, and also changing the term expirations so they stagger the terms.** Alderman Eversmeyer stated there is no double voting. A vote on a committee is not a double vote. Alderman Lesh stated he was willing to amend it. **Alderman Nemeth stated he asked for information on the laws, Alderman Lesh stated he would amend his motion to that.** Attorney Jones stated that would be better than drafting something that doesn't help. **Mayor Filley stated there is an amended motion on floor by Alderman Lesh for Attorney Jones to bring back all information in regards to all committees, and aldermanic voting on them for further discussion and staggering the terms. Alderman Cleeve seconded the amended motion. Mayor Filley asked for any further discussion on the amended motion. A voice vote was taken with an affirmative result.**

Also, Alderman Lesh stated, as always, attend, participate and volunteer.

Adjournment

There being no further business, motion made by Alderman Nemeth, seconded by Alderman Cleeve to adjourn. A voice vote was taken with an affirmative result. The meeting adjourned at 8:07 p.m.



ATTEST:

Kimberly Barzant
City Clerk

Heath Filley
Mayor Filley