



June 21, 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 Community Development Director Myers

Pledge of Allegiance

The Pledge of Allegiance was given.

Prayer

Father Andrew Burkemper, Ministerial Alliance, offered prayer this evening.

Approve Agenda

Mayor Filley asked for a motion to amend the agenda and add discussion of the Proposal from ALTA for the property that was donated by GRG that was gifted to the City. **Motion made by Alderman Cleeve, seconded by Alderman Presley to approve amending the agenda with the addition of the ALTA Survey. 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 June 7, 2022

Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to approve the minutes of the regular meeting on June 7, 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 June 7, 2022

Motion made by Alderman Presley, seconded by Alderman Eversmeyer to approve the minutes of the special meeting on June 7, 2022. Mayor Filley asked for any discussion. There being none, a voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried.

Public Hearing

A. A Public Hearing to hear comments on a proposed vacation of a section of public right-of-way (South Elm Street) between East Union and the Union Pacific Railroad right-of-way.

Mayor Filley read the public hearing into the record. She opened the public hearing for comments. There were no comments and no speaker cards presented for this. The public hearing was closed.

Public Participation

Ryan Schaecher, Park Board President, 1100 Pinewood, Pacific MO thanked everyone. He stated he was glad to have Mr. Cleeve as their aldermanic representative on the Park Board. He thought together we could do great things. He hopes to get a chance to talk to the new alderwoman about Park Board business in the future. He thanked them for the work on the budget. He looks forward to working with the Parks Department and Directors. The next Park Board Meeting is July 6th and there are two important presentations. One is about the Skatepark. We're looking forward to seeing what they bring forward. The second one is from Navigate for the pool project. He encouraged anyone who was available to come. This meeting starts at 6:00 pm. He encouraged people to have input, as he thought this is a critical meeting for the future of the parks. We can really show what we can do as a city. He also requested Public Works to look at the Hawthorne Pond. It is looking really scummy.

New Bills

Bill No. 5144 An Ordinance prohibiting the operation or parking of unregistered vehicles on roadways in the city of Pacific (1st reading)

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5144 by title only into the record. Mayor Filley asked for a sponsor. Sponsor: Alderman Eversmeyer.

Bill No. 5145 An Ordinance vacating a section of North Elm Street located south of East Union Street and north of the Union Pacific Railroad right-of-way. (1st reading)

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5145 by title only into the record. Mayor Filley asked for a sponsor. Sponsor: Alderman Presley.

Bill No. 5146 An Ordinance repealing the requirement of vehicle registration for vehicles in the City of Pacific. (1st reading)

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5146 by title only into the record. Mayor Filley asked for a sponsor. Sponsor: Alderman Nemeth.

Bill No. 5147 An Ordinance changing the name of Route 66 Marketplace Road to Bosse Drive and establishing stop signs and a speed limit thereon. (1st reading)

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5147 by title only into the record. Mayor Filley asked for a sponsor. Sponsor: Alderman Presley.

Consideration of Bills Previously Introduced

Bill No. 5141 An Ordinance repealing use of the Tourism Tax Reserve Fund. (2nd reading) Sponsor: Presley

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5141 by title only for the second reading. **Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to approve Bill No. 5141.** 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. 5141 passed 6-0 and becomes Ordinance No. 3323.**

Bill No. 5142 An Ordinance repealing the Reserve for Prop P fund and the use thereof. (2nd reading) Sponsor: Nemeth

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5142 by title only for the second reading. **Motion made by Alderman Nemeth, seconded by Alderman Presley to approve Bill No. 5142.** Mayor Filley asked for any discussion. **A roll call vote was taken with the following results: Ayes: Alderman Cleeve, Alderman Gendron, Alderman Presley, Alderman Eversmeyer, Alderman Lesh, Alderman Nemeth. Whereupon; Mayor Filley declared Bill No. 5142 becomes Ordinance No. 3324.**

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. (2nd reading) Sponsor: Cleeve.

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5143 by title only for the second reading. **Motion made by Alderman Eversmeyer, seconded by Alderman Cleeve to approve Bill No. 5143.** Mayor Filley asked for any discussion. Alderman Lesh asked for a point of clarification. Is the contingency fund contribution at \$ 10,000 a month? Attorney Jones stated it would be if this Bill passed, section 3B. **A roll call vote was taken with the following results: Ayes: Alderman Gendron, Alderman Presley, Alderman Eversmeyer, Alderman Lesh, Alderman Nemeth, Alderman Cleeve. Whereupon, Mayor Filley declared Bill No. 5143 becomes Ordinance No. 3325.**

Unfinished Business

New Business

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- a. **Resolution No. 2022-40 A Resolution authorizing and approving a proposal from Traveler's Casualty and Surety Company of American for Cyber Insurance coverage for a one-year period effective July 1, 2022; and authorizing the implementation of multi-factor authentication requirements for employee access to computer networks, servers, email and other computer infrastructure.**

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2022-40 by title only. Mayor Filley asked for any discussion. **Motion made by Alderman Cleeve, seconded by Alderman Nemeth to approve Resolution No. 2022-40.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result. Abstain: none. Nays: none. Mayor Filley declared the motion carried.**

- b. **Resolution No. 2022-41 A Resolution authorizing and approving a Proposal from Motorola Solutions Inc. for the purchase of Radio Communications Equipment, software and related services for the Pacific Police Department.**

As posted pursuant to the ordinance, Mayor Filley read Resolution No. 2022-36 by title only. **Motion made by Alderman Presley, seconded by Alderman Cleeve to approve Resolution No. 2022-41.** Mayor Filley asked for any discussion Administrator Roth stated there has been a lot of work put into this project, primarily police department. The resolution tonight is in a form worthy of approval, as we have gotten closer to the finish line there are questions that have risen over the pricing. On Friday we received revised pricing, which is on the dais, with a price of about \$ 570,000. Upon further discussions, Chief is working for another decrease. We feel the overall proposal is in a form ready for board action and would request approval with understanding that we are working on fine points. The way it is drafted this is for form of the agreement. Chief Melies stated this is an ongoing process and there will be an MOU provided. The system in use now is failing, moving to this new equipment is a 40–50-year leap in technology. Alderman Nemeth thanked Chief and his staff, Steve and Bob for pushing for figuring this out. At the end of the day, it seems this is desperately needed for safety for the officers and helping citizens through communication and support. **A voice vote was taken with an affirmative result. Opposed: none. Abstain: none. Nays: none. Mayor Filley declared the motion carried.**

Mayor's Report

- a. ALTA Survey-Proposal for surveying services

Administrator Roth stated the Board, a few months ago, authorized an agreement with Great Rivers Greenway, 42 acres of Meramec riverfront property. Since that time, Attorney Jones has been handling the transaction. We received Title Commitment about 2 weeks ago, he reviewed and suggested a survey of the property. This was not part of the initial agreement, but we did feel it was important to do this. The agreement was then amended for the city to provide for the survey. Then we requested a quote from Civil Design Inc, the original surveyor when property was first sub-divided. They provided a quote and we also received another quote which was higher. The Civil Design Inc quote is on the dais and for an ALTA Survey total price is \$ 5,600 and they will provide a Boundary Adjustment Plat for an additional \$ 1,400. This exceeds his purchasing authority so he is asking for approval. He does not like late additions to the agenda, but there is a time issue. Attorney Jones stated the closing deadline was extended to August 1st. Attorney Jones stated this property is comprised of four different parcels, together they will be incorporated into the trail system. When we received the Title Insurance

Commitment it contained a number of exceptions from coverage, 115 pages of exceptions. He can review the documents, but he can't place them physically on the ground without a survey. He can't determine if there are any access issues or liens against the property that would compromise the City's position. He continued that with the survey, the Title Company will extend survey coverage to the city, which is important. Also, ALTA Boundary Survey is the first step in the boundary consolidation. That will actually combine the four parcels into one. For all these reasons, he recommends the approval. Administrator Roth stated he also received a quote from Cochran and this is still the lower of the quotes with a quicker turn around. **Motion to approve by Alderman Eversmeyer, seconded by Alderman Gendron to approve the proposal from ALTA.** Mayor Filley asked for any further discussion. Alderman Nemeth asked why the city wants this property initially. From what he remembers it was for the protentional use of trials, and originally this was a gifted piece of property. Now it seems to be costing money. Even reading the "exclusions" there are a lot. Attorney Jones stated the Title Work is already paid for. This will include permanent monuments in the ground, if they are necessary. ATA stands for the American Land Title Association who is the governing body that handles the standard form of title insurance binders and policies, that we will receive. Alderman Nemeth asked why we wanted this property. Administrator Roth stated it gives us control of the property. GRG is constructing a trail at some point in the future, over the property. However, we own the property. There are no immediate plans, but it has been talked about using St. Louis County Park Grant funds for planning work to help determine the best use of the property. The agreement with GRG, he believes, reads that we will cooperate with the construction of trials. Attorney Jones stated that was correct, and there is a supplement, which will be updated with construction plans at some point. **A voice vote was taken with an affirmative result. Nays: none. Abstain: none. Mayor Filley declared the motion carried.**

- b. Appoint Sara Brundick-Gendron to the Operations Committee.

Motion made by Alderman Presley, seconded by Alderman Cleeve to approve Sara Brundick-Gendron to the Operations Committee. Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Nays: none. Abstain: Alderman Nemeth, Alderman Gendron.**

- c. Appoint Kelly O'Malley as City representative to the Pacific Partnership Board.

Mayor Filley stated she would like to appoint Kelly O'Malley, Director of Tourism, as a city representative to the Pacific Partnership Board. As part of the agreement with the Partnership, the city has representation. Due to the nature of the job, it would be a perfect fit. **Motion made by Alderman Cleeve, seconded by Alderman Presley to approve the appointment.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result. Opposed: none. Abstain: Alderman Nemeth. Mayor Filley declared the motion carried.**

City Administrator Report

No report.

Chief of Police

No report.

Public Works Commissioner

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Community Development Director Myers

No report.

City Attorney Report

Committees, Commissions and Boards – Attorney Jones stated he prepared a spreadsheet for the various committees, and the role of the aldermen as well as the terms of office. He found two items that need corrected, which are in the footnotes. One deals specifically with the Tax Increment Financing Commission, the terms of office contained in our code need to be amended so that they will be consistent with state law. He would like to prepare that ordinance, and bring back at the next meeting. **Motion made by Alderman Nemeth, seconded by Alderman Cleeve for Attorney Jones to prepare a new ordinance for the Tax Increment Financing Commission to be consistent with state law. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result. Opposed: none. Abstain: none. Whereupon, Mayor Filley declared the motion carries.** Administrator Roth stated this is in our code, but we don't have an appointed commission at the current time, for clarity, this allows us to appoint but there is no obligation to appoint. Attorney Jones agreed. Attorney Jones stated the other inconsistency he found was the Historical Museum and Genealogy Committee, we have amended this several times. The directors are reduced from 9 to 5, but the section that deals with the terms was not amended to deal with 5 members. That will require a revised bill also to be brought back. **Motion made by Alderman Eversmeyer, seconded by Alderman Presley to draft a bill so the terms of 5 members are consistent.** Mayor Filley asked for any discussion. Alderman Lesh stated that was Ordinance 3304; that caused the conflict, Code 140.240. Mayor Filley stated section 140.230 was not amended when the number was reduced. Alderman Lesh stated this also repealed section 140.220 and, in that language, as he reads it there will be 5 directors for the History board, and goes on to say the alderman is one of those directors. That would mean 4 citizens and 1 alderman, consisting of the 5. Was the intent to have 5 citizens? Attorney Jones stated THIS IS Ord 3304, and that is correct 4 citizens and one alderman. Attorney Jones asked, was this not the intention of the Board? Administrator Roth stated this was asked by the Historical Society, their understanding was 5 directors plus an alderman liaison. Mayor Filley stated she also spoke with some of the memberS and that is what they think will work best, 5 plus 1. Alderman Nemeth thought there was still 6 members, which needs to be dealt with. Alderman Lesh stated he would amend the motion to include this change. Mayor Filley stated the motion was made by Alderman Eversmeyer; he would need to amend it. **Alderman Eversmeyer stated he would amend his motion, to have Attorney Jones draft 5 directors and 1 alderman liaison, Alderman Presley seconded the amended motion.** Mayor Filley asked for any more discussion around the amended motion. Alderman Nemeth stated at the last meeting they were in agreement that the alderman did not need a vote. Jeff Titter did say the original intent was they had people from outside the city, which was originally needed. They were worried about having a quorum, and the intent was for the aldermen to be part of the quorum. He would agree the alderman does not need to vote on this committee. Alderman Lesh stated that same ordinance addressed the Park Board, the language that was repealed was the alderman liaison and the new language doesn't specify. **A voice vote was taken on the amended motion on the floor. There was an affirmative result. Nays: none. Abstain: none. Mayor Filley declared the motion carried.** Park Board – Attorney Jones stated the section that was repealed and replaced only dealt with the number of directors; not the alderman representative, and there was no language before it was repealed. If there is to be a mandated representative on the Park Board that would happen through an ordinance. **Motion made by Alderman Lesh, seconded by Alderman Nemeth to include in the language an alderman liaison, non-voting member on the Park**

Board. Alderman Cleeve asked if he needed to abstain since he was the current liaison. Attorney Jones stated that was not necessary. Attorney Jones stated there is a separate section in this chart, that the mayor with the approval of the Board of Aldermen can form an Ad Hoc Committee. Included in this ability to form an Ad Hoc Committee is the ability to add a non-voting aldermanic liaison to any commission, committee or board. **A voice vote was taken with an affirmative result. Nays: none. Abstain: none. Mayor Filley declared the motion carried.** Planning & Zoning – Attorney Jones stated the way the state law is in Chapter 89 we can have up to 15 members plus an aldermanic representative and the mayor may serve at the discretion of the Board of Aldermen. If they do serve, they have a vote. By the city's code, the commission includes an aldermanic representative, who votes. If that is not what you want then we need to change the ordinance to remove this from the composition. The city is not mandated to have the alderman or mayor but, if they are on there, they have a vote, according to state law. This is State Statute 89.320.

Collector Kelley

Operations Committee – Alderman Evermeyer stated they will schedule a meeting soon since now they have three aldermen appointed.

Administration Committee – Alderman Nemeth stated we have not met. He believes there will be one the 2nd Monday of July. They will be requesting a full update on Red Cedar progress and how the building will operate.

Miscellaneous

a. Approve Jerry Holloway, Brown Jerry's, for a temporary Permit/Intoxicating Liquor by the drink for the Car Show at 147 W. St. Louis St. to be sold on curbside to go and alley behind location on June 25, 2022.

Motion made by Alderman Nemeth, seconded by Alderman Presley to approve Jerry Holloway, Brown Jerry's, for a temporary Permit/Intoxicating Liquor by the drink for the Car Show at 147 W. St. Louis St., to be sold on curbside to go and alley behind location on June 25, 2022. Mayor Filley asked for any discussion. Alderman Cleeve asked Chief if he had any comments. Chief stated the first time he saw this was in the packet. Attorney Jones stated we have done this in the past. **A voice vote was taken with an affirmative result. Opposed: none. Abstain: none. Mayor Filley declared the motion carried.**

b. Approve the list of bills.

Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to approve the list of bills. Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result. Nays: none. Abstain: none.**

c. Approve Legacy Contracting Pay App 8 in the amount of \$ 112,948. 54, Red Cedar Inn Rehabilitation and Reuse.

Motion made by Alderman Eversmeyer, seconded by Alderman Nemeth to approve Legacy Contracting Pay App 8 in the amount of \$ 112,948.54 for Red Cedar Inn Rehabilitation and Reuse. Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result. Opposed: none. Abstain: Alderman Presley. Mayor Filley declared the motion carried.**

- d. Approve invoice from Cochran in the amount of \$ 2,151.92 to be paid from W. Osage CID for the Route 66 Marketplace Road Project.

Motion made by Alderman Cleeve, seconded by Alderman Presley to approve the invoice from Cochran in the amount of \$ 2,151.92 to be paid from W. Osage CID for the Route 66 Marketplace Road Project. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result. Opposed: none. Abstain: none. Mayor Filley declared the motion carried.

Reports of City officials

Alderman Nemeth – The car show/block party is Saturday at 8:00 am until the fireworks. There are a lot of new things this year so come out.

Alderman Cleeve – Leave your pets at home if you're coming to the car show. Alderman Nemeth stated they are not allowed; it is in the rules.

He has a YouTube channel set up and before every aldermen meeting, he is going to go through the agenda and let people know what is really happening on the agenda.

Alderman Gendron – No report.

Alderman Presley – Thanked Chief for all the hard work he has done updating our communications.

Alderman Eversmeyer – No report.

Alderman Lesh – Thanked Attorney Jones for looking into that. One clarification, the staggered terms, was that across all of them. Attorney Jones stated that is how they all were originally, but because of carryover we end up with terms that expire at the same time. It will take time to backtrack to try to fix, which was beyond his scope. Mayor Filley thought this could be done administratively. Discussion followed. He suggested looking at each individual one.

Adjournment

There being no further business, motion made by Alderman Nemeth, seconded by Alderman Presley to adjourn. A voice vote was taken with an affirmative result. The meeting adjourned at 7:54 p.m.

ATTEST:

Kimberly Baugher

City Clerk



Heather Filley

Mayor Filley