



**JULY 16, 2019 \* RECORD OF PROCEEDINGS**

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

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**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 Rahn  
                                  Alderman Gass  
                                  Alderman Stotler

Absent: Alderman Johnson  
A quorum was present.

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

**Pledge of Allegiance**

The Pledge of Allegiance was done.

**Prayer**

Pastor Harold Harrison offered prayer this evening.

**Approve Agenda**

Motion made by Alderman Adams to approve the agenda with an amendment. The amendment would be to add the Brownie Troop to the agenda between items 7 & 8. Motion made by Alderman Gass, 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 July 2, 2019

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Motion made by Alderman Adams, seconded by Alderman Rahn to approve the minutes of the regular meeting on July 2, 2019. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

B. Executive meeting on July 2, 2019

Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve the minutes of the executive meeting on July 2, 2019. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

**Brownie Troop**

Mayor Myers stated the Brownie Troop replanted the area in front of City Hall. They are working towards their "Outdoor Journey Badge" and worked with the Aldermen and the Beautification Committee to be able to do this. He thanked them for their hard work.

**Proclamation to Show Me Acrobat, Katie Borcharding, Destiny Nolting**

Mayor Myers stated Show Me Acrobat is here this evening with Katie and Destiny. They have competed in the USA Gymnastics National Championships for Acrobatic Gymnastics in Des Moines IA and won the Gold Medal for their level, Junior Elite 13-19 Women's Pair. He read a Proclamation to both.

**Public Hearing**

A. A Public Hearing for citizens to comment on the proposed amendments to the City's water system user charges.

Mayor Myers read the Public Hearing into the record and opened the Public Hearing for comments.

Roger Gullet, 2135 Young Road, Robertsville, MO stated he has been talking to people about the increase. He has obtained a projection of what the rate will do to him. He has been complaining about the rounding up of water and sewer for years. He has 6 meters. If one building has 36,090 gallons of consumption it is rounded up. This is more like a 73% increase for him. He has paid \$ 313 for water he didn't use. He is concerned about this. If he combines it with the sewer it is a 59% increase. He understands why, but this is a huge impact on him. Taxes and Insurance have already gone up. People on a fixed income cannot afford this. Mayor Myers stated we would be talking about sewer charges in the future.

Bill Hoaglin, 675 E. Osage, Pacific, Mo, Beacon Car Wash stated he received an e-mail from Mr. Roth after the last meeting regarding his usage. The average he uses is 214,000 a month. On the sheet it shows a 25% increase. If the proposal goes thru it is a 52% increase for him. There are no more volume breaks. He did not understand why this was needed.

Administrator Roth stated the rate design was for a target of \$ 200,000. The increase is 5% per year. The object was to get water back in the black, as it has been operating in the red for the last 2 years. This is a break-even point. He continued this this was not a thorough analysis. Once things are turned around a system wide analysis should be done.

Bill Hoaglin stated if he raises the prices, he needs to produce something better. He thought we should ease into this; it is too big of a jump. A lot of his water is not treated that he pays for. If a deep dive into this

hasn't been done it sounds like Obama Care.

Debbie Kelley, 1809 Hwy N and 110 Phelan, Pacific, MO stated she is the Collector and deals with a lot of the residents. Her bill is \$ 12.00 for water now and is going to \$ 25.70 for water. She thought we needed to do a better job collecting what is out there. These proposed rates are higher than the City of Washington. She also thought we needed to ease into this.

There being no more comments, Mayor Myers closed the Public Hearing.

B. A Public Hearing regarding the termination of the Viaduct Commercial Area Improvement District in accordance with the Community Improvement District Act of the Revised Statutes of Missouri, as amended.

Mayor Myers read the Public Hearing into the record and opened the Public Hearing for comments. He asked three times for comments regarding this Public Hearing. Being no comments, the Public Hearing was closed.

C. A Public Hearing regarding a vacation of a section public alleyway situated between Block 180 Lots 1-6 T.M. Ault's Addition to the City of Pacific and Block 180 Lots 19-24 TM. Ault's Addition. The alley proposed for vacation begins at its intersection with North Second Street and extends approximately 150' to the west.

Mayor Myers read the Public Hearing into the record and opened the Public Hearing for comments. Alderman Gass stated looking at the drawing there are houses on both sides giving them a total yard of 70'. He felt this was too small and he was against the Bill. He thought this was smaller than the lots in the Cedars. Alderman Adams stated when the Cedars was completed the City vowed then not to make the same mistakes, the lots, the sidewalks, the streets are all too small. Administrator Roth stated this applicant went to the Board of Adjustment and requested variances. They requested the corner of N. Second and W. Park and lot frontage variances, as they don't meet the requirement. Board of Adjustment has approved this. At the Planning & Zoning meeting the idea of vacating the alley so there was more frontage on Second Street and the setbacks between 1 & 2 came about. He continued the zoning here is R1A. Alderman Gass stated this puts the City in a bind for the future and this is a steep hill.

Brandon Panhorst, BFA stated they are entering off 2<sup>nd</sup> St. This gives 8' to each lot. The overall vacation is 130' with the 8' from the alley.

Mayor Myers stated the Board of Adjustment approved this, and it is the recommendation from Planning & Zoning to approve with the four conditions in the Bill. These conditions have been met. Bill No. 4058 has been read once. The Public Hearing relates to the alley vacation.

Attorney Jones stated if the ordinance passes it includes the waivers.

Mayor Myers asked two more times for any more comments. There being none, the Public Hearing was closed.

### **Public Participation**

Cathy Lirette, 2165 Meadow Grass Drive, Pacific, MO stated her neighbor has two beehives in the back yard. They are 50' to 60' from their yard. Their yard is covered in bees. Their family, their pets, their visitors have all been stung. She likes her neighbor and has talked about this with him, but it's getting to be

to much. She continued they are not against bees, just against them being next door. They are attracted to the clover in their yard. They can't use their pool without getting stung. Our lawn maintenance crew has been stung. She is asking that the neighbor move the hives to another location. There is a place for bees, but not in a residential area. Alderman Adams has come to their house and saw this. Mayor Myers stated he has heard their side. Bee experts have been brought in, and our Code calls for an accepted practice. He thought this should be turned over to Code Enforcement. Alderman Adams stated we have been down this road; his opinion was the Board did nothing. An ordinance that would govern the harvesting of bees seems to be needed. He did visit their yard and within a couple of steps the bees were jumping everywhere. It is a personal experience, and it is not natural. Mrs. Lirette stated her husband could treat the yard but then they carry it back to the hives, and they didn't want to do that. She asked what could be done. If we do spray the yard and the problem goes away, then we know it's his bees. Alderman Adams stated we are used to having a dairy farm in the City, and we have an ordinance that governs it. We can live together. We are also used to a hog farm in the City with no complaints. We can live in harmony; we just need to do a good job as a governing body. He did not want a promise to be made and not kept. Attorney Jones stated Section 400.060 reads they can be kept in non-urban areas. Alderman Gass stated then a nuisance violation can be wrote. Discussion followed. Engineer Hodge stated section 400.060 is the only time bees are mentioned in the Code. Attorney Jones stated the Code is permissive, if it is not permitted then it is prohibited. Mayor Myers stated he would meet with Engineer Hodge tomorrow. Alderman Adams stated he intended to do something different. Mayor Myers stated this is the first time it was brought to his attention. Alderman Adams stated this was not personal. Each Ward represents the people in that Ward. There are two representatives for each Ward. They did the right thing. Mayor Myers stated he could always be called as well and maybe he could address it. Mrs. Lirette stated she wanted to follow protocol. Alderman Adams stated they called Alderman Johnson and since she was out of town Alderman Johnson asked him to investigate it.

### **Mayors Report**

A. Approve estimate from Rock Solid Landscaping for improvements to the Welcome Signs, and area by McDonalds with a new sign in the amount of \$ 9,750.00 (Recommendation from the Beautification Committee)

Motion made by Alderman Nemeth, seconded by Alderman Adams to approve the quote from Rock Solid in the amount of \$ 9,750. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Alderman Gass stated he is getting complaints about the sign at the east end of town also and the grass not being cut.

B. Beautification Committee – implementing a Yard of the Month Program

Mayor Myers stated the Beautification Committee is recommending a Yard of the Month Program. This is to recognize those doing things right. There is an application, and the Beautification Committee votes on it. Then they would get a yard sign.

C. Grass Clippings

Mayor Myers stated he spoke with the Prosecuting Attorney and he looked at the ordinance. It is clearly defined in 225.000 and 225.21 makes it unlawful to blow grass in the street. He does believe it can be wrote as a violation. Section 225.200 it what it should be cited under. Chief Mansell stated he did support this and will also help enforce.

### New Bills

**Bill No. 4059 An Ordinance terminating the existence of the Viaduct Commercial Area Community Improvement District (1<sup>st</sup> reading)**

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4059 by title only for the first reading.

**Bill No. 4060 An Ordinance vacating an alley situated between Block 180, Lots 1 through 6 of T. M. Ault' Addition and Block 180 Lots 19 through 24 of T.M. Ault's Addition (1<sup>st</sup> reading)**

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4060 by title only for the first reading.

**Bill No. 4061 An Ordinance authorizing the Mayor or the City Administrator of the City of Pacific, Missouri to sign a Sale of Contract and Closing Documents for acquisition of the property at 212 E. Congress. (1<sup>st</sup> reading)**

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4061 by title only for the first reading.

Administrator Roth stated there are two different parties involve with this. Both have signed and accepted the offer. One of the owners has 8 cattle on the property. He has asked for a short-term lease until November. Attorney Jones stated insurance terms would be needed with an agreement. Alderman Nemeth and Alderman Adams did not think another lease agreement was a good idea. There was no further action taken. Attorney Jones recommended the 2<sup>nd</sup> reading of Bill No. 4061. The closing is August 12, 2019. The Title and Survey takes 20 days from date of contract, otherwise we will be changing dates.

Motion made by Alderman Adams, seconded by Alderman Nemeth for the 2<sup>nd</sup> reading of Bill No. 4061. A voice vote was taken with an affirmative result.

### Consideration of Bills Previously Introduced

**Bill No. 4061 An Ordinance authorizing the Mayor or the City Administrator of the City of Pacific, Missouri to sign a Sale of Contract and Closing Documents for acquisition of the property at 212 E. Congress. (1<sup>st</sup> reading)**

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4061 by title only. Mayor Myers asked for any discussion. Motion made by Alderman Adams, seconded by Alderman Nemeth to approve Bill No. 4061. A roll call vote was taken with the following results: Ayes: Alderman Rahn, Alderman Gass, Alderman Stotler, Alderman Nemeth, Alderman Adams. Nays: None. Whereupon, Mayor Myers declared Bill No. 4061 becomes **Ordinance No. 3144**.

**Bill No. 4057 An Ordinance providing for a Lead Ban in Public and Private Drinking Water Plumbing in the City of Pacific, Missouri (2<sup>nd</sup> reading)**

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4057 by title only. Mayor Myers asked for any discussion.

Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve Bill No. 4057. A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Rahn, Alderman Gass, Alderman Stotler. Nays: None. Whereupon, Mayor Myers declared Bill No. 4057

becomes **Ordinance No. 3142.**

**Bill No. 4058 An Ordinance providing for the approval of a Final Plat for T. M. Ault's Subdivision Platt II, being a re-subdivision of Lots 1,2,3,4,5,6 of Block 180 of T.M. Ault's Addition to the City of Pacific, a tract of land zoned "R1-A" Single-Family District and being generally located at the southwest corner of West Park (Highway OO) and North Second Street in the City of Pacific. (2<sup>nd</sup> reading)**

As posted pursuant to the ordinance, Mayor Myers read Bill No 4058 by title only. Mayor Myers asked for any discussion. Mayor Myers asked for a motion two times. Mayor Myers stated since there is no motion the Bill dies. Attorney Jones stated the Bill would come back as old business because it was not voted on at all.

**Motion made by Alderman Adams, seconded by Alderman Nemeth to table Bill No. 4058.** He asked that the City get with the property owners and try to resolve this. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

### NEW BUSINESS

**Resolution No. 2019-27 A Resolution to authorize a transfer of funds from the City of Pacific General Fund to the Transportation and Parks and Storm Water Funds.**

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2019-27 by title only. Alderman Adams for discussion on this. Administrator Roth stated the new funds for the Transportation and Parks and Storm Water Fund have been set up. The tax does not start coming in until October 1<sup>st</sup>. The resolution transfers money from general fund to the new funds. Our intent is to run the Street Department out of Transportation and Parks and Storm out of Park. **Motion made by Alderman Stotler, seconded by Alderman Adams to approve Resolution No. 2019-27. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

**Resolution No. 2019-28 A Resolution authorizing and directing the Mayor to execute an Agreement with Engineering Surveys and Services, Inc. relating to Professional services for the Red Cedar Park Site Improvements Project.**

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2019-28 by title only. **Motion made by Alderman Nemeth, seconded by Alderman Stotler to approve Resolution No. 2019-28. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried. Abstain: Alderman Rahn.**

### 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**

#### A. Red Cedar Inn

Alderman Adams stated that Mike Gallagher is still in the building. Alderman Nemeth stated he toured the building over the weekend with Alderman Adams. He thought this was a work in progress. There is a motive to get moved and thought we should check back in a few weeks. Alderman Adams agreed and suggested this be moved to the next meeting. Mayor Myers stated he also visited the site today. Alderman Adams asked what the next step was when he was out. Administrator Roth stated the second Stakeholder meeting has not been set. They are working towards their final concept plan for the Board. He thought that would be a September time frame. Then the Board of Aldermen would provide direction. The contract approved with ESS is to reconstruct the parking lot and extend the sidewalk to the east. This needs to be moved on quickly. Alderman Nemeth stated he got a historical tour of the building, his worry is we just move our stuff in and then we stop. Alderman Rahn had a concern of working on the parking lot first and trucks tearing it up. Administrator Roth stated the Grant Agreement is with the St. Louis County Municipal Parks and must be done this year. This is something the Board may want to consider, and he is not sure what the Board's intent is, as the budget is limited. Alderman Adams stated in the foyer of City Hall Mayor Wiest has a plaque that reads "Plan the Flight, Fly the Plan". A year ago, when we started this, we committed to renovating it. We knew the cost was going to be high. To hold value, it needs to be done right. We need to apply for grants, and this may take a couple budgets. He thought the Mayor and Administrator would know when it was time for us to make use of the building.

#### B. MoDot Cost-share, 1<sup>st</sup> and Osage intersection improvements

Administrator Roth stated the previous target date was August 2. He had a good meeting with Judy Wagner, MoDot, and she strongly advised us to wait. We can use the cost to move the structure as part of the match. If we move it off the lot, they may not consider that cost as reimbursable. He suggested the City take her advise and hold off. She does think this is a good project.

#### C. Planning Grant

Administrator Roth stated July 26<sup>th</sup> is the deadline for the Planning Grant thru St. Louis County Municipal Parks. There is a \$ 7,500 maximum award. He would ask for Board action to apply for this. Motion made by Alderman Gass, seconded by Alderman Nemeth for City Staff to apply for this grant. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

### **MISCELLANEOUS**

#### A. Approve Old Newsboys Day on November 21, 2019

Motion made by Alderman Adams, seconded by Alderman Nemeth to approve November 21, 2019 as Old Newsboys Day. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

#### B. Approve the list of bills.

Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve the list of bills. A voice vote

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was taken with an affirmative result, and Mayor Myers declared the motion carried.

C. Approve the final invoice from Gullet Contracting LLC in the amount of \$ 60,959.13 for the City Park Roof.

Administrator Roth stated this came in late, and staff is still reviewing. He agreed some payment needed to be made, but not the full amount. Motion made by Alderman Adams, seconded by Alderman Gass to approve payment in the amount of \$ 30,500.00. A voice vote was taken with an affirmative result.

D. Approve Tourism Expenditure in the amount of \$ 400.00 for the Partnership (Sunset on the Rail 7-13)

Motion made by Alderman Adams, seconded by Alderman Stotler to approve the Tourism Expenditure in the amount of \$ 400.00 for the Partnership. A voice vote was taken with an affirmative result. Alderman Nemeth stated he thought this was one of the best attended concerts so far

### REPORTS OF CITY OFFICIALS

Alderman Nemeth – no report

Alderman Adams – no report

Alderman Rahn – no report

Alderman Gass – asked for an update on the building between Osage and Union. Administrator Roth stated he would follow up on. He also asked for an update on the house on Highland. Administrator Roth stated this was being worked on. Alderman Gass stated he received a call from Jim Muehler, and he suggested completing the other half of the road with curb and gutter and sidewalk on Indian Trail. Discussion followed. There was further discussion about installing the improvements and assessing it to the adjacent property owners. Administrator Roth stated he thought there was a hole in our Code, and it does not address assessing the property owner.

Motion made by Alderman Adams stating he would sponsor a Bill for language to correct the code. Motion was seconded by Alderman Nemeth.

Chief Mansell – stated he is leaving on vacation at the end of the month. He also asked for a moment of silence for Phil Zahn as he has been in this community for a long time. A moment of silence was taken.

### ADJOURNMENT

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

The meeting adjourned at 9:07 p.m.



Steve Myers, Mayor

ATTEST:  
  
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 City Clerk

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