

SEPTEMBER 3, 2019 * 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 Myers.

A roll call was taken with the following results:

Present at Roll Call: Alderman Nemeth
 Alderman Adams
 Alderman Rahn
 Alderman Gass
 Alderman Johnson

A quorum was present.

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

Pledge of Allegiance

The Pledge of Allegiance was done.

Prayer

Father Holbrock offered prayer this evening.

Approve Agenda

Motion made by Alderman Johnson to approve the agenda. Alderman Nemeth stated he would like to add an item under Miscellaneous and that was approving petty cash and also petty cash for the rodeo. Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve the amended agenda. A voice vote was taken with an affirmative result.

Minutes

A. Regular meeting on August 20, 2019

Board of Aldermen 9-3-19

Motion made by Alderman Nemeth, seconded by Alderman Gass to approve the minutes of the regular meeting on August 20, 2019. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

B. Executive session minutes on August 20, 2019

Motion made by Alderman Rahn, seconded by Alderman Nemeth to approve the minutes of executive session on August 20, 2019. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Public Hearing

a. A Public Hearing to hear comments on a verified petition for Voluntary Annexation for the following parcel of land located on or about property located at 2130 Old Gray Summit Road, Pacific, MO Franklin County Parcel ID numbers 19-5-15.0-0-000-004.000 and 19-2-10.0-0-000-039.000 containing 59.67 acres.

Mayor Myers read the Public Hearing into the record. The Public Hearing was opened for comments. He asked for any comments. Fred Thatcher, P.O. Box 78, Labadie, MO stated he represented the developer this evening. He has known the developer for many years and worked with him before. He does quality work. Babler Meadows is one of his developments. They already have reservations on a number of lots. The developer is Rod Thomas with Tri Star Development. There being no other comments the public hearing was closed.

Public Participation

Tim Baker, Franklin County Clerk, 5050 Calvey Creek, Robertsville, MO stated the election sites are going to change. The Eagles will be becoming the polling place for Wards 1 & 2 and the Senior Center will be for Ward 3 and out of town. He was asked prior to taking office to look at these polling places for a better solution. The residents will receive a letter. Alderman Johnson asked this be included in the newsletter.

Harold Sater, 111 W. Osage, Pacific, MO stated he has lived here 44 years and been in Pacific for 49 years. He is speaking tonight regarding the proposed mural. He questioned the liability, people climbing on it, the traffic, no shoulder and no place to park. He also does not understand the cost. He continued that there was some misinformation according to the Missourian. The Missourian reported that Ms. Omer discussed this with three owners, and everyone was on board. He continued that she did talk to me, but he did not agree that he wanted it. There are four pieces of property involved, and they don't all live there so they don't deal with the traffic and pollution. He is concerned with this. If he had to vote, he would vote "no". He continued that Mr. Coffey gave him permission to speak for him and he would also vote "no". This is the State's wall. He stated he wanted Pacific to grow but don't want it to come back on him. He did not think this was a good idea.

LouAnn Thomas/Eric Thomas, 2150 Hwy F, Pacific, MO stated she owns several duplex's on Kathy Lane. She stated every administration she brings this up, it is fixing her rainwater problem coming off of the cemetery. The rock ends up from Kathy Lane to Comfort Inn. This has happened three times just recently. They end up with a ditch 1' deep every time. She came here several years ago, when Adams was the Mayor and it was included in the CID to be done when Thornton Road was done. When Palmore became Mayor, he threw it all out and it was totally dropped. She continued that she didn't know if it was

an alley or not. She continued we have alleys that are 7' and 9' and 11' all the way up to 13'. Alderman Gass told her before it had to be 15' wide. Alderman Gass stated this is off of the property pins. She continued they are all paved. She continued the water is flooding her, she needs help. Mayor Myers stated there are challenges all around us. This is not an isolated case. He suggested she meet with Administrator Roth and Engineer Hodge to look into this. He continued he was not sure that CID money could be used at this location. Proposition S just passed for streets in Pacific, maybe this could be used towards this.

Pastor Kenneth Lawson, 212 Candlewick, Pacific, MO stated he needed to have an understanding of the construction. He has been out of his driveway since the 2nd day of construction. He asked when he would be able to get back in. With the work that has been done, he has not seen a difference in the last two rains. Administrator Roth stated he would speak with the project manager, and he is who any of them could contact for specific details. He continued that the larger project, when he was hired in 2016 was scoped as slab repair. Cochran did the design, and federal funds were attached to the project. In the early draft this was considered a storm sewer in a residential area, but the engineer recommended a cost benefit discussion, and this was removed, which I supported, and the Board also did. Then this went to MoDot for review. A lot of time has passed, then later more slabs were added to the repair further down the street. He continued he was there a week ago Thursday, the storm water issue in this area was huge. The storm inlets in the street would not collect all the water. This problem is area wide. Alderman Johnson stated 3 weeks ago she was contacted for better signage down here. She apologized to the residents on Candlewick. She has been walking that street for 20 years. In 2017 we agreed to remove draining and save \$ 100,000, Mr. Roth is right. Then Candlewick got adjusted and the pads went further down the road. All of this was voted on two times to do this with an Ordinance, this Board voted by Herb and Ed and she stated she still wasn't aware of it. In the normal days when Herb was the Mayor, we would have done this in two phases. They didn't get what they thought they were getting. She stated she was as guilty as the rest of them. This took two Boards, and four of us know where this project came from. She wanted to openly apologize. She requested a meeting with them to help them better understand. Mr. Lawson stated the roadblocks are not stopping traffic, even City representatives are driving past them.

Tom White, ATI, 19 Industrial Drive, stated he knew a lot of the neighbors. There is a ditch behind his building that the City in the past promised they would clean out and never did. He spent \$ 50,000 cleaning it out. This last rain came within 1' of his building. He is getting ready to install a pump. He is willing to pay for the balance of the street to be fixed in front of him. Currently the street is all patched. He continued he also owns Dynamics; he couldn't cross the street with his golf cart. The water was 10" deep and now the water is running faster to his place. He would like to get a bid for the slabs that need replaced in front of his building and asked if that was allowed. Mayor Myers stated private partnerships happen all the time. Mr. White continued that the storm sewers needed done. Mayor Myers stated the engineer's recommendation was French drains and thought those would be adequate. That is what the City is doing. Mr. White continued when he puts this pump in and it kicks on, this 8" drain is not going to handle it. His neighbors need relief. Administrator Roth stated that MoDot generally says no to those kinds of agreements, but we can look into it.

Jan Jones, stated Mr. White said everything.

Nick Chlebowski, 749 N. Columbus, Pacific, MO stated he was in support of Bill 4071 for parking restrictions. This is a dangerous intersection.

Carol Minton, 68 Cedar Brook, Pacific, MO stated she has spoke with the Mayor and she received a letter from the City's insurance stating they were not responsible for the sewer backup. She stated she has lost everything over the last 3 times. She has spent \$ 3,000 in clean up and has 24 neighbors in the same

situation. She has been in the house 41 years and this is the first time she has had this. The Insurance company calls this an Act of God. Is there any help from the City she can get? She lives on social security. The first time it was 8" of raw sewage. Mayor Myers stated he feels for all the people in this position. They insure the City on negligence and our assets. They say the City is not negligent, we did what we were supposed to do. It was a surcharge from the torrential rain. Then it defaults to the property owner's insurance. She continued that she had her valve put in today.

Henry Hahn, 58 Cedar Brook, Pacific, MO stated he owns two houses, 56 & 58 Cedar Brook. He has been here for 44 years. Now we are having streets in the Cedars flood. The sewer backups started in April 2017. There is a manhole in his backyard that nobody ever looks at. He believes this is an infiltration problem. Most of the subdivision was built on fill dirt, and over time he can see that his driveway has dropped 18".

Bonnie Graham, 60 Cedar Ledge, Pacific, MO stated she has lived here 38 years with no problems. On July 22nd she had the worst problem. Then we went camping over the weekend and her basement flooded again. When she called the Police Department nobody would give her an emergency number to contact someone. The dispatcher didn't help them at all. There were 3 other people in her situation also. Chief Mansell stated they don't give out a number, but they will contact Public Works.

Engineer Hodge left the meeting.

Bonnie Graham continued that if it happens again, she is dumping the shop vac at City Hall. She asked if the sink hole had anything to do with this. Mayor Myers stated it did not.

Engineer Hodge returned.

Jerry England, 48 Cedar Brook, stated he has been here 38 years. This is the first time he has flooded, and it happened twice. He asked what the City was going to do. He had 2,000 books that were ruined.

Engineer Hodge left the meeting.

Mayor Myers stated there is discussion tonight on the agenda to reline the sewer lines that run along Brush Creek. The evaluation to be done in October will include all City lines. The City is not ignoring any of the problems.

Mr. Hahn continued when it rains at 2 am and at 7:45 am Public Works is just now looking at the manhole then goes to get the pump, there is a problem. Why does it take so long for Public Works to respond? He thought they should at least be ready with pumps.

Mayor Report

- a. Beautification Committee – Yard of the Month Recognition
 - i. Commercial: 302 W. St. Louis St. First State Community Bank
 - ii. Residential: 516 N. First St.

Mayor Myers asked that Chairman Angie Hardcastle, Beautification Committee come forward. They announced the recipients of the awards. First State Community Bank and Devin Berdeau are the winners. Chairman Hardcastle explained what the Committee looks for when the properties are submitted. Al Baldwin and Pat Dubuque were present from First State Bank. Mr. Berdeau was not present.

b. Governor's Conference

Mayor Myers stated he would be attending this conference in St. Charles later this week for two days. This is part of the Missouri Municipal Conference.

New Bills

Bill No. 4068 An Ordinance authorizing a Conditional Use Permit for property located at 18777 US Highway 66, St. Louis County Locator No. 30Y320129, in the City of Pacific. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4068 by title only for the first reading.

Bill No. 4069 Alderman Adams asked that this Bill be referred to a Committee. He thought we should slow down and become familiar with the project. He would rather the Bill not be read this evening. There are some conditions in the Bill that are different than others. For example, the size of the streets, the question of water that we are not servicing. He would like to talk about it. Mayor Myers stated his concern was timing of the request. Franklin County has delayed the project for a long time. This is his opportunity to move the project along. The County asked for a guarantee of annexation. Alderman Adams asked that we set a Committee date for Operations. A voice vote was taken with an affirmative result. Nays: Alderman Nemeth. The Bill was not read.

Bill No. 4070 An Ordinance revising the Personnel Manual for the City of Pacific with regard to promotion or demotion. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4070 by title only for the first reading.

Bill No. 4071 An Ordinance amending parking restrictions at the intersection of First Street and Orleans Street. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4071 by title only for the first reading.

Consideration of Bills Previously Introduced

Bill No. 4067 An Ordinance to authorize the Mayor to execute an Agreement between the City of Pacific, Missouri and the Missouri Highway and Transportation Commission providing for construction of Denton Road Bridge replacement improvements, Federal Project No. 5419(612) (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4067 by title only. Mayor Myers asked for any discussion. Motion made by Alderman Adams, seconded by Alderman Rahn to approve Bill No. 4067. A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Rahn, Alderman Gass, Alderman Johnson, Nays: None. Whereupon, Mayor Myers declared Bill No. 4067 passed and becomes **Ordinance No. 3152**.

NEW BUSINESS

Resolution No. 2019-30 A Resolution authorizing and directing the Mayor to execute an Agreement with SC Engineering LLC dba Cochran for Professional services relating to study and evaluation of storm water drainage in the area of Industrial Drive in the City of Pacific.

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2019-30 by title only. **Motion made by Alderman Gass, to approve Resolution No. 2019-30.** Alderman Johnson stated she could not vote for this when we don't have Candlewick fixed. I suggest the whole Board go out there and look at it. Mayor Myers stated he didn't understand how an existing problem stops you from looking at a second problem. Alderman Adams stated he was going to ask for an amendment. Mr. White mentioned he cleaned part of the creek. He didn't know if we could or not, but he went out there with Ed today and looked at it. He would like the Engineer to look at the creek as well to see if we can legally do anything. Alderman Johnson stated he needed to look at Candlewick and get it fixed now. Alderman Adams stated he did not want to be in disagreement with Carol. The same engineer is looking at the problems on Industrial Drive. It would be redundant for them to look at Candlewick again when they already gave their recommendation. **Motion made by Alderman Adams, seconded by Alderman Gass to approve with the amendment to look at the creek.** Administrator Roth stated this did not come out of nowhere. We have been looking at Industrial Drive and Midwest. We hired Cochran to look at Candlewick also. This is Phase 2 and is down to Denton Road and the culvert at the railroad. He continued if there was any concern with Cochran's work on Candlewick then we can delay. He could not make judgements over structure. He has worked with the engineer for many years, Terry Todd. If we do move forward, then we would need to re-direct \$ 80,000 for funding towards this. Alderman Johnson thought the funding should be redirected to Candlewick. Alderman Adams stated we have dealt with Cochran for many years, and he has total confidence in their work. They made a recommendation; the Board makes decisions. In 2017 the Board at that time accepted the recommendation from the engineering firm. Alderman Johnson stated in August 2018 you and Ed came back with the ordinance where we voted at originally in 2017 and there was no discussion regarding Candlewick. She felt like she voted in the dark. In August 2018 we had two readings and it went to MoDot. **Alderman Adams stated his motion stands. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried. Nays: Alderman Johnson. She continued that she felt it should have included Candlewick.**

Alderman Adams asked if we could stop for a moment. He asked Mayor Myers if the Board could hear from Mr. Edwin Bruns, who was in the audience. He has seen the problems on Candlewick for years, instead of pointing fingers let's move this forward. Mayor Myers agreed.

Ed Bruns, 202 Candlewick, Pacific, MO stated he was the second home built and is the longest living resident. The solution is at the end of Candlewick and Industrial, install storm boxes with piping and let it run away. An engineer would have to design it, but big inlet boxes that are 6-8' long to catch the water and pipe it down Industrial to the creek would fix it. He agreed with Alderman Adams and thought this was fixable. The street was closed down, which the contractor sent out letters stating the street would NOT be closed down. The City acquired liability when that happened. We could not get to our homes. The contractor went to the Post Office and told them we couldn't get our mail. He does not think the project has been overseen very well. Some places they dug out were 3' deep. Alderman Adams agreed there was confusion among everyone. We need to be careful about what we say and that the residents understand. Mr. Bruns stated he was just asking for the promises of the street being fixed to be done and come up with a drainage system that works. He continued that Chief and his men are to be commended as they have been very responsive. Alderman Adams stated he promised to make phone calls after tonight. He believes that what they see is what they are getting out there. The slabs that Alderman Gass replaced when he worked here are staying. In front of his house, those slabs, are not going to be replaced.

Resolution No. 2019-31 A Resolution authorizing the release of funds to WL Development Partners LLC, pertaining to construction of street improvements at Villages of West Lake Subdivision, Plats 4 &5.

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2019-31 by title only. Motion Board of Aldermen 9-3-19

made by Alderman Adams, seconded by Alderman Rahn to approve Resolution No. 2019-31. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Resolution No. 2019-32 A Resolution to accept a Grant Agreement by and between the City of Pacific and the St. Louis Municipal Park Grant Commission pertaining to Parks Master Planning Services in the City of Pacific.

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2019-32 by title only.

Motion made by Alderman Adams, seconded by Alderman Gass to approve Resolution No. 2019-32. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Resolution No. 2019-33 A Resolution authorizing and directing the Mayor to execute an Agreement with CM Archer Group PC for Professional services relating to Planning & Design of Sanitary Sewer System Cured-In-Place-Pipe (CIPP) rehabilitation.

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2019-33 by title only. **Motion made by Alderman Adams, seconded by Alderman Gass to approve Resolution No. 2019-33. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Administrator Roth stated this is for relining of sewer lines in the Cedar's and Hawthorne. This should be bid out by the end of the year. The technology to do this is greatly improved. He continued at Lift Station # 2 CM Archer had flow meters in the pipe when the rain came. This will give us excellent data.

Unfinished Business

- a. Bill No. 4012 An Ordinance amending the zoning regulations with regard to amendments in the City of Pacific, Missouri. (2nd reading needed) (10-16-18 sent to Adm. Com after 1st reading, tabled 11-6-18)
- b. Bill No. 4013 An Ordinance amending the Subdivision Regulations with regard to amendments in the City of Pacific, Missouri. (1st reading needed) (10-16-18 sent to Adm. Com., tabled at 11-6-18)

CITY ADMINISTRATOR REPORT

A. Mirma Health

Administrator Roth stated the Board approved joining Mirma Health. We are an association of 18 member cities and one of the founding members. We are now subject to the association rules. We will not be able to retain our Health Reimbursement Account, and this will include changes in the plan design. There is a meeting on Thursday to discuss this further. He believes we need to set up a staff committee on the employee level. The pricing looks favorable. The City currently has a zero-deductible plan. The new plan is not as good as previously offered. He has been a committee member of this, now that it is approved, he is a candidate for election. More information on that is forthcoming. The renewal is 11-1.

B. Staff update

There are multiple projects going on. The S. Third St. resurfacing project, Hwy OO waterline, Lisa Lane, Code Enforcement, Hogan Subdivision, Red Cedar. He understands there are frustrations, but staff is truly trying to work thru all of this, and we are making improvements. The budget is a challenge and is time consuming for himself and the City Clerk.

C. HMGP (Flood Buyout2) update

Administrator Roth stated this is very frustrating. There were twenty-seven properties in this program, which have been on hold since early this year due to the CDBG funding previously awarded for the project. The City received a FEMA award for 75 percent of the funding, and then applied for CDBG funds for the matching 25%, which was also awarded. However, the CDBG funds later were “de-authorized” because of the City’s agreement with St. Louis County relating to CDBG. The Missouri Department of Economic Development (DED) told us at the time that new Disaster Recovery funds were coming to the state and that we would be eligible for those funds. However, those funds have been delayed, and to his understanding still have not been fully authorized. At the same time, we have recently been advised to begin our CDBG process in anticipation of these funds becoming available, which we have done. The Mayor and himself have met with DED staff and we are hopeful but the delays are frustrating, and the whole program is on hold. If the story changes, we will fight for this funding. At some point we may need to get elected officials involved. Board members agreed.

Alderman Johnson asked that the City keep an eye on Eureka regarding flooding.

Alderman Johnson asked how many marijuana dispensaries have been applied for. Administrator Roth stated he has not had any.

CITY ATTORNEY REPORT

Attorney Jones had nothing to report.

Alderman Gass stated on Industrial Drive there is a drainage area on private property. He asked can something be created and tax billed, if that was to be repaired. Attorney Jones stated he would look into the different funding mechanisms.

MISCELLANEOUS

A. Approve invoice from Tubbs & Sons Construction for the demolition services in the amount of \$ 43,297.

Motion made by Alderman Gass, seconded by Alderman Rahn to approve the invoice from Tubbs & Sons Construction in the amount of \$ 43,297. A voice vote was taken with an affirmative result.

B. Approve invoice from Gullet Contracting for the Pavilion roof in the amount of \$ 30,459.

Motion made by Alderman Nemeth, second by Alderman Gass to approve the invoice from Gullet Contracting in the amount of \$ 30,349. A voice vote was taken with an affirmative result.

C. Petty cash for Collector’s Office and for Rodeo

Motion made by Alderman Adams, seconded by Alderman Nemeth to approve petty cash for the Collector’s Amount and for the Rodeo. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

REPORTS OF CITY OFFICIALS

Alderman Nemeth – stated that there appears to be a problem with the peace disturbance ordinance. The person that reported the peace disturbance has to be willing to file a complaint. Discussion followed. Motion made by Alderman Nemeth, seconded by Alderman Adams for Attorney Jones to draft legislation to correct the peace disturbance ordinance. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Alderman Adams – stated Bob Short, who is in Ward 3, and he is not his Aldermen contacted him about a water problem. The City has an interest here because the City has a line tht goes thru his property that drains to the creek and it is being filled. The City's line is blocked then. If needed the neighbors would also agree, but the ditch needs cleaned out. Administrator Roth stated this is a City storm water pipe that needs maintained and the discharge area needs maintained. Attorney Jones has agreed we are within our authority to take care of this. **Motion made by Alderman Adams, seconded by Alderman Gass for Public Works to clean out the ditch and the overflow area. A voice vote was taken with an affirmative result and Mayor Myers declared the motion carried.**

Alderman Adams stated he is still working on the Bee ordinance.

Alderman Rahn – no report

Alderman Gass – stated there is an auction on the property across the highway on October 10th.

Alderman Johnson – Asked that someone reach out to Mr. Lawson and answer his questions about Candlewick. Administrator Roth stated he would have the Project Manager contact him.

Mayor Myers stated Alderman Stotler is at training.

Chief Mansell – stated on the MIRMA evulation last year they did not get 100% because there is a Driver Instructor course that is needed. They have to get this training every year, but we have no where to take it. The MO Safety Council now offers instructor training and he has an officer that is going to take this.

Marijuana Ordinance – Chief Mansell stated he would be getting with Attorney Jones because the marijuana ordinance needs changed.

EXECUTIVE SESSION RSMO 610.021 (1)(3)

Mayor Myers stated Executive Session is on the Agenda for Legal and Personnel.

Motion made by Alderman Nemeth, seconded by Alderman Rahn to go into Executive Session under Legal and Personnel. A roll all vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Rahn, Alderman Gass, Alderman Johnson. Nays: None.

The Board went into executive session at 9:22 p.m.

The Board reconvened at 9:35 p.m.

A roll call vote was taken with the following results: Alderman Nemeth, Alderman Adams, Alderman Rahn, Alderman Gass, Alderman Johnson.

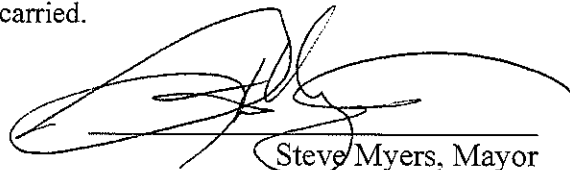
Motion made by Alderman Gass for staff to look into the Territorial Agreement with Water District 3 and Board of Aldermen 9-3-19

the City. Administrator Roth stated we have looked at this came to a conclusion that we couldn't assert our authority.

ADJOURNMENT

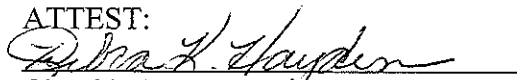
Motion made by Alderman Rahn, seconded by Alderman Gass to adjourn. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

The meeting adjourned at 9:37 p.m.



Steve Myers, Mayor

ATTEST:



City Clerk, Deputy

