

SEPTEMBER 17, 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 Stotler
- Alderman Gass
- Alderman Johnson

Absent: Alderman Rahn

A quorum was present.

Also present:

- Administrator Roth
- Attorney Jones
- Public Works Commissioner Brueggemann
- Engineer Hodge
- Chief Mansell (arrived late)
- Deputy City Clerk Hayden

**Pledge of Allegiance**

The Pledge of Allegiance was done.

**Prayer**

Prayer was offered this evening.

**Approve Agenda**

Motion made by Alderman Adams, seconded by Alderman Stotler to add to the agenda item 16e American Legion Post 320 Special Event Permit. Motion to approve amended agenda by Alderman Nemeth, seconded by Alderman Gass. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

**Approval of Minutes**

Board of Aldermen 9-17-19

A. Regular meeting on September 3, 2019

This was passed up by mistake.

B. Executive meeting on September 3, 2019

Motion made by Alderman Nemeth, seconded by Alderman Gass to approve the minutes of the executive meeting on September 3, 2019. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

**Mayor's Report**

a. Beautification Committee

- i. Certificate presentation – Yard of the Month for August to residents Steve & Mary Martin, 310 N. Columbus
- ii. Certificate presentation – Yard of the Month for August to business England & Company, 115 E Osage (not present)

Mayor Myers stated that also the Beautification Committee has been receiving a lot of compliments on the new rock wall down by McDonald's. Right now, the wall just has Pacific on it, but will also have Welcome To in smaller letters. It will also have rod iron railing similar to what is down at Jensen's Point and two bolted butterflies the right and left of the wall. Gary Englehart did the lettering, rod iron and the butterflies. Rock Solid Landscape build the rock wall and landscape.

b. PHS Homecoming Parade

The PHS Homecoming Parade will be this Saturday, 9/21/19 at 10 a.m. Mayor Myers wanted the Board to know about a new app that the Meramec Valley RIII district has that can be downloaded on your phone and it lets you know everything that is going on in the school district.

**Public Participation**

Henry Hahn, 58 Cedar Brook, Pacific, MO – Stated the City used to have Christmas Lighting Contest. It wasn't well participated in, but it did go for several years with prizes as an incentive. Wants to know if the Beautification Committee can look into something like this again. Wanted to warn about the weather this weekend because of 3-8" of rain predicted. Angie Hardcastle stated the Beautification Committee is in the process of coordinating the Halloween Lighting Contest and will be working on the Holiday Lighting Contest.

**New Bills**

**Bill No. 4069 An Ordinance approving a Petition for Voluntary Annexation filed by TriStar Companies regarding certain property contiguous and compact to the City of Pacific, Missouri, generally located at 2130 Old Gray Summit Road annexing said property to the City; authorizing other actions in connection with such annexation, and repealing conflicting ordinances. (1st reading)**

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4069 by title only for the first reading. Mayor Myers stated that because of the conflict Mr. Rahn had with this matter, he wanted to update the Board. There was a meeting with Mayor Myers, Alderman Adams, Alderman Gass, Administrator Roth and property owners. The developer was asked to consider various items. The sanitary sewer is very simple. If the City is to accept ownership/maintenance of the sanitary sewer, then the developer must construct the sewer to City specifications. The developer is aware of this. The developer's engineer was also at the meeting. Feels the developer understands what the City is requesting. Alderman Adams feels until the developer can make some decision, there should be no second reading of this bill.

**Bill No. 4072 An Ordinance amending the violation of peace disturbance in the Code of Ordinances of the City of Pacific, Missouri. (1st reading)**

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4072 by title only for the first reading.

**Bill No. 4073 An Ordinance amending the prohibition on possession of marijuana in the City of Pacific, Missouri. (1st reading)**

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4073 by title only for the first reading.

**Consideration of Bills Previously Introduced**

**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. (2nd reading)**

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

Motion made by Alderman Gass, seconded by Alderman Nemeth to approve Bill No. 4068. A roll vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Gass, Alderman Johnson, Alderman Stotler. Nays: None. Whereupon, Mayor Myers declared Bill No. 4068 passed and becomes Ordinance No. 3153.

**Bill No. 4070 An Ordinance revising the Personnel Manual for the City of Pacific with regard to promotion or demotion. (2nd reading)**

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

Motion made by Alderman Gass. Alderman Adams said as in reading this ordinance he does not see where it gives authority to promote in the body section I. Attorney Jones stated the only thing he changed was to add the City Administrator to the sentence that provides to demotion not promotion. This is only section 108. The City Administrator already has the authority to promote, the problem with this sentence is it cut into the authority that was given to him by the Code of Ordinances. Seconded by Alderman Adams to approve Bill No. 4070. A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Gass, Alderman Johnson, Alderman Stotler. Nays: None. Whereupon, Mayor Myers declared Bill No. 4070 passed and becomes Ordinance No. 3154.

**Bill No. 4071 An Ordinance amending parking restrictions at the intersection of First Street and Orleans Street. (2nd reading)**

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

Motion made by Alderman Gass, seconded by Alderman Nemeth to approve Bill No. 4071. A roll vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Gass, Alderman Johnson, Alderman Stotler. Nays: None. Whereupon, Mayor Myers declared Bill No. 4071 passed and becomes Ordinance No. 3155.

### New Business

**Resolution No. 2019-36 A Resolution authorizing and directing the Mayor to execute a contract agreement for asphalt resurfacing of a section of South Third Street in the City of Pacific.**

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2019-36 by title only.

Administrator Roth stated just a point of order, the bid opening was done on Thursday. The resolution was written with a blank for the contractor name. The low bid was Laritz. He is asking the resolution to be amended with the contactors name inserted. Motion made by Alderman Gass, seconded by Alderman Adams to amend Resolution #2019-36 adding Laritz as the contractor. A voice vote was taken with an affirmative result. Motion made by Alderman Nemeth, seconded by Alderman Stotler to approve amended Resolution #2019-36. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

**Resolution No. 2019-37. A Resolution to authorize a transfer of funds from the Capital Improvements Sales Tax Fund to the Transportation Fund for the purposes of constructing certain street improvements in the City of Pacific.**

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2019-37 by title only. Motion made by Alderman Adams, seconded by Alderman Nemeth to approve Resolution #2019-37. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

**Resolution No. 2019-38. A Resolution authorizing and directing the Mayor to execute an Administrative Services agreement with the Meramec Regional Planning Commission.**

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2019-38 by title only. Attorney Jones stated that we actually have a contract that came in after the packet was produced. He recommends that Resolution 2019-38 be amended to permit the contract to be executed subject to review by the City Attorney and City Administrator. Motion made by Alderman Adams, seconded by Alderman Stotler to amend Resolution #2019-38 adding subject to review of the City Attorney and City Administrator. A voice vote was taken with an affirmative result. Motion made by Alderman Nemeth, seconded by Alderman Gass to approve amended Resolution #2019-38. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

### Unfinished Business

Mayor Myers stated that the following bills will remain on the table until the City Engineer has a chance to review them further.

- a. 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 1-6-18)
- b. 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 11-6-18)

### City Administrator Report

#### a. Healthcare Insurance plan renewal

Administrator Roth stated as you are aware, we have been with the MIRMA program for several years now. The new MIRMA Health Organization was formed this summer. He is a member of the founding Board and the City is a charter member of the group. Our healthcare renewal is November 1, 2019. At the last meeting he asked for approval by October 15, 2019 but now we are asking approval on October 1, 2019. This is so we can get the paperwork processed and cards to the employees by November 1, 2019. There will be changes. The City's current plan is not available in the new MIRMA health program. Right now, the employees enjoy what amounts to a zero deductible, zero out-of-pocket type of plan. The way the plan works now is there is a \$2,000 deductible, but the City has a health reimbursement in which those deductible costs are reimbursed by the City. That HRA arrangement is not available in the new MIRMA health plan. The plan designs are in the packet. The richest plan is Plan #1 which is a zero-deductible plan, however, it does have a \$1,500 out-of-pocket maximum for individual and a \$3,000 out-of-pocket maximum for family. In general, most services would be covered. Preventative care is at no cost. Prescriptions are very good. The out-of-pocket costs come in if you have out-patient surgery. For example, the employee would take 20% of the cost and the plan would cover 80%. So, there will be some out-of-pocket costs in the richest plan. It is the closest plan to ours. The downside is the cost. The cost of Plan #1 compared to our current plan is \$80,000 more annually or 60% higher. For example, our family plan, the City pays 100% of the employee cost than ½ of dependent cost. Currently the costs to the City with the family plan is \$1,285.68 and in Plan #1 it would be \$1,591. The current cost for the employee in the current plan is \$588.64 and in Plan #1 it would be \$731.00. Plan #1 does represent an excellent benefit, but there are significant costs to the City and the employees to cover that cost. Plan #5 is kind of near in cost to our existing plan. It has a \$1,500 deductible, with higher out-of-pockets. We have also had discussion about Plan #8 which is a high deductible health plan and a health savings account attached to it. In an HAS situation, typically the employer funds some portion of the deductible for the employee to use toward their health care cost. Under an HAS all of the services are subject to a deductible. You essentially pay full freight on all medical bills until you reach the deductible. The difficulty with this HAS is that the prescription drug costs are also subject to the deductible, there is no co-pay there. Administrator Roth stated that he always thinks of employee benefit packages as a 3-legged stool. You have pay. You have benefits, health care primarily. Then you have pension/retirement. Our pension/retirement is about as good as it gets through Lagars. In healthcare in the past, it has been top of the line. Our pay is where we have some issues. The Board understands this. Prop P was able to address the Police pay. Frankly we are still behind. The problem with Prop P is that everybody in Franklin County went up at the same rate we did, so we still have issues in police department pay and issues in other areas of our operation that he would like to address in pay. So, it all comes down to how you want to direct your resources. Has tentatively set a meeting with employees for next week so we can get their opinions before bringing it back to the Board on October 1. Administrator Roth wants to do the very best for our employees, but it is such a trade off in every situation. It is hard to find that middle ground. Alderman Stotler stated he is a fan of HAS. It is triple tax free. You get a deduction, it grows tax deferred and when you spend it, it is not taxable, and it rolls over. Discussion followed. MIRMA is requesting the Board to make a decision on October 1. This will give them and the 3<sup>rd</sup> Party Administrator time to make all enrollment changes. We can offer dual plans to the employees. Administrator Roth thinks they need to look more closely at a base plan and a buy-up plan.

Further discussion followed.

### City Attorney Report

- b. The asphalt paving program West Union Street is scheduled for Thursday morning. By all indications, the milling went quit well. We are dealing with a prime commercial area in town ... McDonald's, Taco Bell, BP, the viaduct and the whole intersection. The milling operation started about 4 am and it went quickly. They are going to do the same with paving starting about 4 am. We are expecting the paving to be clear of the intersection at least by 6 am. Then they will continue to move toward the east. The contractor will coordinate very closely with the hotel because both of their accesses are on West Union. Alderman Johnson raised concerns on the early morning in the dark and not being able to really see the equipment. Administrator Roth stated that they will make sure they are visible as can be. In order to get the paving done prior to McDonald's morning rush you have to start at 4 am. All the information he has received from Cochran, the project manager, they are happy with our planning and so far so good. When it comes to Hawthorne, he wants it to be clear that they plan to have a pre-construction meeting scheduled for tomorrow or on Thursday. On Hawthorne you are going to have periods of time that the residents don't have access to their homes. He told the contractor that they must communicate very directly with these residents and make sure everyone understands what is happening here. Commissioner Brueggemann stated that Public Works did put some extra rock on the back road out of the subdivision and suggests opening that up to give them a different way out. We will not give Cochran notice to go until we are satisfied that they have done everything we have requested. Engineer Hodge went and walked through Hawthorne for verify the work already done. Cochran provided her with a spreadsheet with address type marker for where they saw issues with curb and payment repair. She personally went and verified them taking pictures herself. It is way less than projected in problems. The base is not as bad as they thought and milling was very good.

### City Attorney Report

At the last meeting, Alderman Gass asked Attorney Jones to look at various public financing options for improvements of streets, gutters, sidewalks and utility connections. He did look at the Missouri Constitution Statutes. The most common and probably the best of the financing options is a neighborhood improvement district. It can be created by an election or a petition of the property owners. If it is by election, it requires 4/7 majority municipal election, primary election or general election or 2/3 of a special election. By petition, it requires at least 2/3 by area of all the real property located in the district. That would allow the City to set special benefit assessments to either repay bonds if the City decides it wants to issue bonds, or if the City wants to simply fund the improvements out of general revenues, the special benefit assessment can be then used to repair the funding out of the general revenue funds. This is the one he would recommend should the City want to pursue something like that. The benefit assessments are set by front footage for street improvements, but he knows there is some concern about the properties that don't actually front on the streets. The statute specifically provides that you can also use the square footage of the area of the lots or any other reasonable assessment plan. So we just have to have something that makes sense if the City wants to adopt a neighborhood improvement district. We just need time to gain some signatures on a petition or put it on the ballot for March.

Brief on the Board on the upcoming bee ordinances. Alderman Adams and Alderman Nemeth reviewed several different examples that he provided to them of bee keeping ordinances. Came upon a stream line ordinance that his firm prepared for Ballwin, made some suggestions and changes as well in that proposed ordinance and he is going to draft based upon Ballwin ordinance and the requests for change from

Alderman Nemeth and Alderman Adams and will have bring that back to the next Board at the next meeting. It will be on the agenda for the first reading.

Mayor Myers stated before we move on. There is a young lady here, Cindy Sneddon, who would like to speak tonight. Typically at the beginning of the meeting is when we have public comments section and understands it is her first time here. What he is going to do at the beginning of the meeting is going to discuss a short little snippet of the Roberts Rules of Order because this is not the first time it has come up. So we don't have disorder from now on.

Cindy Sneddon, 46 Lake Circle Drive, Pacific, MO – Every time it rains it is getting worse and worse right there as you make the corner from Western on to Tulip. It fills up with water and is always dangerous to come around it because it ends up a whole and when someone is coming the other way, they won't stop and wait for you. Then a lot of yards fill up on Tulip. Commissioner Brueggemann will come by and take a look at it.

### Miscellaneous

- a. Approve the list of bills.

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

- b. Approve Eagles View Subdivision for the Homeowner's Association meeting on Wednesday, October 2, 2019 in the council room.

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

- c. Approve invoice from Hochschild, Bloom & Company in the amount of \$600.00 to be paid from each CIS; Viaduct CID, E. Osage CID and Osage CID for compiled financial statements for year ending 6-30-19.

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

- d. Approve Pay Application 1, Candlewick STP 5419-(611) in the amount of \$216,839.00.

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

- e. Approve special events permit application for the American Legion Post 320 for meat shoots September 22 & 29, October 6, 13, 20, 27, November 3<sup>rd</sup>, 2019 at noon.

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

Mayor Myers stated that the rodeo is two weeks away and we have collected \$12,750 in sponsorships.

### Reports by Officials

- a. Alderman Nemeth – none
- b. Alderman Adams – none
- c. Alderman Gass – none
- d. Alderman Johnson – wants to ask that since part of 3<sup>rd</sup> Street is not in the repavement that Commissioner Brueggemann look and patch any holes that are on that street. General maintenance. There was a couple of pot holes. In front of Donna William's house. Look at curbs and holes.
- e. Alderman Stotler – with the storms, do we sound the sirens just for a storm or just for a tornado. Mayor Myers stated on if there is threatening weather. Also stated that those sirens are not intended for people who are inside, it is for the people who are stuck outside and need to be warned to get indoors. We do have a notification system that will go off on their cell phone. Sign up for that through Dispatch in the Police Department. Administrator Roth stated the basic protocol is a severe thunderstorm warning and a tornado warning.
- f. Collector Kelley – taking it from the conversation we had tonight that we are already locked into a new health insurance and wants to thank the Alderman and Board for what you do. Health insurance is one of the primary reasons a lot of us do work here cause you have taken good care of us and you spoil us as a staff and elected official. When she is looking through these numbers she wants the Board to see, that \$1,500 deductible plus some of the other ones could be a \$500 increase in their monthly premium, she knows it is a lot to the City and it is a lot to the staff. When we do a percentage for their raises there is probably less than 10 or less employees that aren't going to receive enough to cover that difference and just take that into consideration with the health insurance.
- g. Chief Mansell (arrived at 8:24 p.m.) – none

### **EXECUTIVE SESSION RSMO 610.021 (3)**

- a. Legal actions, causes of action, or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

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

The Board went into executive session at 8:25 p.m.

The Board reconvened at 8:55 p.m.

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

### **ADJOURNMENT**

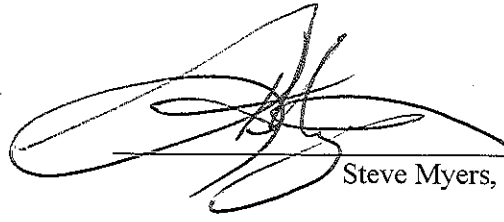
Motion made by Alderman Adams, seconded by Alderman Gass to adjourn. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

The meeting adjourned at 8:57 p.m.

Board of Aldermen 9-17-19





  
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Steve Myers, Mayor

ATTEST:

  
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City Clerk