



January 16, 2018 \* RECORD OF PROCEEDINGS

---

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

---

**T**he meeting was called to order at 7:00 p.m. by Mayor Palmore.

A roll call was taken with the following results:

Present at Roll Call:     Alderman Nemeth  
                                  Alderman Myers  
                                  Alderman Rahn  
                                  Alderman Chlebowski  
                                  Alderman Johnson  
                                  Alderman Pigg

A quorum was present.

Also present:             Administrator Roth  
                                  Attorney Carl Lumley  
                                  Collector Kelley  
                                  City Clerk Barfield

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

**PRAYER**

Father Holbrock offered prayer this evening.

**APPROVAL AGENDA**

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

**APPROVAL OF MINUTES**

A. Regular meeting on January 2, 2018

Motion made by Alderman Pigg, seconded by Alderman Myers to approve the minutes of the regular meeting on January 2, 2018. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

## PUBLIC PARTICIPATION

There were no speaker cards today.

## NEW BILLS

**BILL NO. 3064**      **AN ORDINANCE AUTHORIZING A MINOR SUBDIVISION PLAT FOR PROPERTY GENERALLY LOCATED AT 419 E. ORLEANS STREET. (1<sup>st</sup> reading)**

Motion made by Alderman Chlebowski, seconded by Alderman Rahn for the first reading of Bill No. 3064. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 3064 by title only.

**BILL NO. 3065**      **AN ORDINANCE APPROVING A PETITION FOR VOLUNTARY ANNEXATION FILED BY ELIZABETH ANN AMELOTTI AND DAVID AMELOTTI REGARDING CERTAIN PROPERTY CONTIGUOUS AND COMPACT TO THE CITY OF PACIFIC, MISSOURI AND GENERALLY LOCATED AT WITHIN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10 AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 43 NORTH, RANGE 2 EAST, FRANKLIN COUNTY, MISSOURI ANNEXING SAID PROPERTY TO THE CITY; AUTHORIZING OTHER ACTIONS IN CONNECTION WITH SUCH ANNEXATION AND REPEALING CONFLICTING ORDINANCES. (1<sup>st</sup> reading)**

Motion made by Alderman Pigg, seconded by Alderman Nemeth for the first reading of Bill No. 3065. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 3065 by title only.

## CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

**BILL NO. 3064**      **AN ORDINANCE ADOPTING A MINOR SUBDIVISION PLAT FOR PROPERTY GENERALLY LOCATED AT 419 E. ORLEANS STREET.**

Motion made by Alderman Chlebowski, seconded by Alderman Rahn for the second reading of Bill No. 3064. Mayor Palmore asked for any discussion. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 3064 by title only for the second reading.

Motion made by Alderman Myers, seconded by Alderman Pigg to approve Bill No. 3064. Mayor Palmore asked for any discussion. A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Myers, Alderman Rahn, Alderman Chlebowski, Alderman Johnson, Alderman Pigg. Nays: None. Whereupon, Mayor Palmore declared the motion carried 6-0 and **Bill No. 3064 becomes Ordinance No. 3051.**

## NEW BUSINESS

**RESOLUTION NO. 2018-02 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A TECHNICAL ASSISTANCE CONTRACT WITH THE MERAMEC REGIONAL PLANNING COMMISSION.**

Motion made by Alderman Rahn, seconded by Alderman Chlebowski to read Resolution No. 2018-02. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2018-02 by title only.

Motion made by Alderman Myers, seconded by Alderman Chlebowski to approve Resolution No. 2018-02. Mayor Palmore asked for any discussion. There being no discussion, a voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**RESOLUTION NO. 2018-03 A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE WATER & SEWER FUND TO THE LEASEHOLD REVENUE BOND FOR THE PRINCIPAL AND INTEREST PAYMENT OF THE MUNICIPAL ASSISTANCE BOND SERIES 2012.**

Motion made by Alderman Chlebowski, seconded by Alderman Nemeth to read Resolution No. 2018-03. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2018-03 by title only.

Motion made by Alderman Pigg, seconded by Alderman Rahn to approve Resolution No. 2018-03. Mayor Palmore asked for any discussion. There being no discussion, a voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**RESOLUTION NO. 2018-04 A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE CAPITAL IMPROVEMENT SALES TAX FUND TO THE GENERAL FUND FOR LIBERTY FIELD BATHROOMS.**

Motion made by Alderman Chlebowski, seconded by Alderman Myers to read Resolution No. 2018-04. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2018-04 by title only.

Motion made by Alderman Chlebowski, seconded by Alderman Myers to approve Resolution No. 2018-04. Mayor Palmore asked for any discussion. There being no discussion, a voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

**RESOLUTION NO. 2018-05 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH FRANCIS N. BRENNAN, KIM BARFIELD AND ALAN BRUNS.**

Motion made by Alderman Nemeth, seconded by Alderman Rahn to read Resolution No. 2018-05. Alderman Pigg asked before this is voted on if the Board could go into executive discussion to discuss, as this is litigation. Mayor Palmore stated he would prefer just taking a quick break if needed so he could ask the attorney a question if that was feasible. Attorney Lumley stated this was eligible for closed

session. Alderman Johnson thought we should at least vote to read it. Mayor Palmore asked if there was any other discussion. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2018-05 by title only.

Motion made by Alderman Pigg, seconded by Alderman Nemeth to go into Executive Session under RSMO 610.021 (1) for legal and litigation. Mayor Palmore asked if there was any discussion. A roll call vote was taken with the following results: Ayes: Alderman Myers, Alderman Rahn, Alderman Chlebowski, Alderman Johnson, Alderman Pigg, Alderman Nemeth. Nays: None. Mayor Palmore declared the motion carried. Alderman Pigg asked that the MIRMA representatives present also join them.

The Board went into executive session at 7:13 p.m.

The Board reconvened at 7:37 p.m.

Present at roll call: Mayor Palmore, Alderman Nemeth, Alderman Myers, Alderman Rahn, Alderman Chlebowski, Alderman Johnson, Alderman Pigg.

**Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve Resolution No. 2018-05. Mayor Palmore asked for any discussion. There being none, a voice vote was taken with an affirmative result. Mayor Palmore declared the motion carried 5-1. Nays: Alderman Pigg.**

Mayor Palmore asked for clarification from the City Attorney, verifying the settlement document was not a public document.

City Clerk Barfield stated she treated this as a public document referencing # 25 in the agreement. Mayor Palmore agreed that this document came to him in the open session of the packet. The settlement agreement and mutual release were before the Board tonight.

Mayor Palmore stated the TRO requested the cemetery records be turned over to the court. He has indicated that there are more documents. MIRMA and the attorney differ with his opinion and say the concerns he brought up were outside the scope of this suit. The Board needs to look and see if this is all the records. Every time we open a grave the records are tainted. We do not have all the records. People have been buried in the last year or two and they are penciled in on drawings. He has the file of where the remains are. They weren't buried in our cemetery. He asked Collector Kelley to produce proof that the City fee was paid on one lot. He asked Collector Kelley what the initials were on the paperwork. Collector Kelley stated the initials were "EP" and no payment was received. Mayor Palmore stated the City accepted counterfeit deeds which legitimized them. Relatives of City officials are being buried and not paid for. These books in the court are not all the records. There is a service today. He asked City Clerk Barfield if she found a deed. City Clerk Barfield stated she had not, he asked if she was the City Clerk in 2010, and she stated she was. Mayor Palmore stated we do not have the records. He continued that future litigation will hinge on that. He has told Attorney Crites and MIRMA this. They still say that information is not relevant to this case. He believes it is relevant. Mr. Bruns was ordered to turn over all the records. He stated "keep what I said in mind".

### **CITY ADMINISTRATOR REPORT**

#### a. Video Security proposals

Administrator Roth stated this was brought to the last meeting. He has not researched it yet. There are

two proposals and they are both good. He thought they may be better served with Bay's, but would leave this up to the Board. Alderman Johnson suggested bringing this to the Operations Committee. She would also like to see a bid for the Red Cedar building included. Mayor Palmore stated he thought if this went to the committee then all the Aldermen should be there. Alderman Myers suggested a special board meeting. Alderman Nemeth stated he thought Administrator Roth should meet with the Chief and Public Works Commissioner Brueggemann before it goes to the Committee. Mayor Palmore stated he would like to see a demonstration. Administrator Roth stated he would like to meet with Department Heads first.

b. Tub Grinder quotes

Administrator Roth stated there is a collection of stuff at the lagoon. There was \$ 20,000 budgeted for this project. He has received two quotes, one in the amount of \$ 12,750 and one for \$ 17,500. There is also the option of burning, but there are costs involved with this also. Mayor Palmore asked what we were going to do with the mulch. Alderman Pigg stated in the past it was made available to the residents. Mayor Palmore stated the City has a brand new chipper and blower, but we refuse to use it and asked why. Board members also asked why we weren't using it. Mayor Palmore stated he did not know, the chipper hasn't been used in ten years. Leaf pickup should occur with a truck pulling a chipper, but that is not happening. Alderman Pigg asked if we did a controlled burn, what happens with the debris from the burn. Mayor Palmore stated a blower curtain intensifies the heat so there is minimum ash. Alderman Johnson asked why the chipper issue has not been brought to their attention before. Alderman Myers stated this conversation might be better served when Public Works Commissioner Brueggemann is present. Discussion followed about the option of burning.

c. Resignation of Officer Yost

Administrator Roth stated this was not on the agenda. He has received notice that Officer Yost is resigning effective January 26, 2018. This position will be posted for and advertised. Motion made by Alderman Pigg, seconded by Alderman Nemeth to accept the resignation of Officer Yost. A voice vote was taken with an affirmative result.

d. Fiscal year ending 2017 audit

The audit is in the packets. There is no presentation scheduled. The Financial Statements are very good. He gave credit to the City Clerk and the rest of the staff. The audit is a reflection of that.

## CITY ATTORNEY REPORT

### MAYOR'S REPORT

Mayor Palmore stated we have a grave opening in the next few days. He don't know the owner, we've had recent burials to three graves to the south, don't have ownership, he asked what we do. Alderman Chlebowksi stated it needed to be probed. Mayor Palmore stated the three recent graves were dummy deeds and that makes him suspicious. Alderman Pigg stated when we were trying to straighten this out the Dummy Deeds were supposed to fill voids in the records so we knew someone was there. All systems have flaws, but this made a record of it. Alderman Chlebowski asked how the Mayor proposed to solve this. Mayor Palmore stated we needed the rest of the records to solve it. He was worried about ownership. Alderman Chlebowski asked how we solve this part. He suggested not selling a disputed grave. Mayor Palmore stated all the graves are disputed, because we don't have the records. Alderman Chlebowski suggested we don't bury anybody anymore. Mayor Palmore stated he has graves in there not used that will not fly. Alderman Chlebowski stated he has spoken to people about the cemetery issues and he has been told it is common to have mistakes. Mayor Palmore stated the unusual part is we don't

have all the records. Alderman Johnson suggested we talk about his problem right now, what are we talking about. Mayor Palmore stated that Mr. Bruns indicated under oath that he has no more records. Alderman Johnson stated she understood they store information in their head. Alderman Myers stated we don't have any other information. He continued many moons ago we had a special meeting with Mark Haussmann and he volunteered to lead it a committee just for this, and it all fell to the wayside. A valid effort was put forth. Alderman Pigg stated the Mayor never went thru with it. We gave you names and you did not move forward. This is no different than before you were the Mayor and you still didn't help find a solution. Mayor Palmore stated there are three graves at hand with an issue. The City was cheated out of a grave opening fee. Alderman Pigg stated that the Mayor gave one away also. Alderman Chlebowski stated he thought the answer was not to sell a disputed grave. Mayor Palmore stated this is all the same family. His question was how we buried three people. Alderman Pigg stated if there was a name on the headstone Nettie created a dummy deed. He asked why only Bell Funeral Home has an issue with this. Mayor Palmore stated he caught the City stealing from the citizens. Mayor Palmore stated we can't have people sneaking around and burying people. That's where there is no record, it has been proven again and again. Alderman Pigg stated he had been given multiple solutions, even Jennifer Oliver offered to help. That was four years ago and nothing has been fixed. Mayor Palmore stated all the deeds have been gone thru and we were working on the maps. Mayor Palmore asked City Clerk Barfield who was responsible for the documents. He continued the person responsible for this is not the Mayor or the Sexton but the City Clerk, the one named in the litigation. Mayor Palmore asked the City Clerk if she makes changes to the records as she finds them. City Clerk Barfield responded "yes". Administrator Roth stated a City employee has went thru the deeds. Mayor Palmore stated we are making strides, and he felt he has slowed down the theft. He asked if there were any suggestions about where to get the records that would tell him who owns them. He asked City Clerk Barfield who the most recent burial was. City Clerk Barfield stated she believed it was 2010. Alderman Chlebowski stated if a judge didn't think all the records were turned over then there would have been a contempt order. Mayor Palmore stated he gave the evidence of other records to the attorney, he don't think it ever got to a judge. Mayor Palmore stated he has copies and some originals that he bought that are his personal records. Alderman Chlebowski stated this Board cannot resolve this.

### **MISCELLANEOUS**

- A. Approve Pay App 3 to TS Banze in the amount of \$ 72,471.25 for Liberty Field Bathrooms.
- B. Approve Superior Waterproofing invoice in the amount of \$ 32,710.50 for Jensen Point park/Masonry Stone Repairs.
- C. Alderman Myers request, MML Legislative Conference Feb. 13-14, 2018.
- D. Accept annual audit ending June 30, 2017.
- E. Approve the List of Bills.
- F. Approve the List of Tourism Bills.

Motion made by Alderman Chlebowski, seconded by Alderman Nemeth to approve Items A-F under miscellaneous all inclusive. Alderman Myers stated he would be abstaining from Item C. Mayor Palmore asked for any further discussion. A voice vote was taken with an affirmative result, and Mayor Palmore declared the motion carried.

### **COMMITTEE REPORTS**

Park Board Committee – No report.

Industrial Development Committee – No report.

Tourism Committee – Alderman Pigg stated there was no meeting this month.

Building Advisory Committee – No report.

Planning & Zoning Committee – there is a Public Hearing scheduled for January 23, 2018 regarding the ADB site. Mayor Palmore stated he saw the drawings and they were very nice.

Meramec Valley Historical Museum & Genealogy Society Committee – Alderman Johnson stated they would like permission to tour the Red Cedar building, as the lease ends in March. Mayor Palmore wished Patricia Sewell a Happy Birthday.

Genealogy Committee – No report.

Operations Committee – No report

Administration Committee – Alderman Myers stated the next meeting is February 7, 2018 at 7:00 p.m. for the Personnel Manual.

### **REPORT OF CITY OFFICIALS**

Alderman Myers – thanked the Board for approving the expense to the MML Conference.

Alderman Myers – stated Jensen’s Point was now ready for the control burn to be scheduled. The deadwood has been removed.

Alderman Nemeth – He thought the re-platting of the property at E. Orleans was a great thing and this would be a fantastic park facility.

Alderman Pigg – He also thought the ADB site was nice. The Heartland Bank remodeling appeared to be going well also. The neighbors are thankful at how courteous the contractor is.

### **ADJOURNMENT**

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

The meeting adjourned at 8:45 p.m.



Jeffrey M. Palmore, Mayor

ATTEST:

City Clerk

