

MAY 21, 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 Adams
 Alderman Gass
 Alderman Johnson
 Alderman Stotler

A quorum was present.

Also present: Administrator Roth
 Attorney Jones
 Chief Mansell
 City Clerk Barfield

Absent: Alderman Nemeth, Alderman Rahn

Pledge of Allegiance

The Pledge of Allegiance was done.

Prayer

Father Holbrock offered prayer this evening.

Approve Agenda

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

Approval of Minutes

A. Regular meeting on May 6, 2019

Motion made by Alderman Adams, seconded by Alderman Stotler to approve the minutes of the regular meeting on May 6, 2019. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Board of Aldermen 5-21-19

Public Hearing

- A. A Public Hearing to hear comments on the proposed Zoning Code text amendments
Municipal Code Title IV: Land Use, Medical Marijuana

Mayor Myers read the Public Hearing announcement in the record. He opened the Public Hearing for comments. He asked two times for any comments.

Adam Raweigh, 303 Twin View Terrace, Ballwin, MO stated he has been in the field for 18 years. He also appeared at Planning & Zoning and is in favor of this. He thought they did a good job at Planning & Zoning working out the requirements.

There being no further comments, the Public Hearing was closed.

Public Participation

Rick Presley, 507 N. First St. stated he was petitioning the City to convey a piece of property on Thornton Road east of their building. Administrator Roth stated this was previously in the MoDot right-of-way. Part of the Thornton Road project included MoDot deeding this to the City. There is a remnant piece of property here. The intent, as he understands it, when the project was developed for the City to acquire the MoDot right-of-way and work with the adjoining property owners to convey it to them. If the City wants to hold it instead, we need to maintain it. This has been reviewed with the Attorney. Attorney Jones stated anyone can petition the Board for a street vacation, and this would require an ordinance. He stated the Board can waive the formal petition. **Motion made by Alderman Gass, seconded by Alderman Adams to waive a formal petition requirement.** Administrator Roth stated the end result is the right-of-way is described and pieces conveyed to the property owners. The formal process is done by ordinance. Mayor Myers stated Mr. Preiss is coming at a different meeting to ask for the same thing. **A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.** Attorney Jones stated this will still need to be published and a notice done and surveyed.

Presentations

- A. Dave Christensen, Cochran, 2019 Pavement Maintenance Program

Dave Christensen presented a power point and stated the main question is what do you want to accomplish this summer. When bidding the unit pricing is always better with a greater quantity. The best time to bid is the winter but we can still try for a project this summer. The two nova chip contractors are busy, so he is recommending bidding an asphalt project this year and do a nova chip project next. For the 2019 project it would be a mill and overlay of Indian Warpath, W. Union St. from Payne to McDonalds, Hawthorne Subdivision doing the asphalt streets. On W. Union we would not mill but do a 2 ½ inch overlay as quickly as possible. He would prefer to shut down this street. On Indian Warpath all the way to Cedar Field this needs milled and overlaid and will increase the crown overall. On Hawthorne Drive, there is asphalt over concrete, and it is bad. This needs overlaid with a paving fabric. His engineered estimate on Indian Warpath the costs will be about \$ 140,000, on W. Union St the costs \$ 90,000 and on Hawthorne the costs \$ 256,000. This brings the total to \$ 486,000. He continued the Cedars Subdivision is as bad as Hawthorne, but again suggested we start with these streets. Administrator Roth stated his draft budget includes \$ 350,000 for this project. He is planning for a 5-year program, trying to budget \$ 400,000 in the future. He doesn't think our budget can get beyond that and do all the other projects, such as Hogan Subdivision which is projected high at \$ 500,000 and Denton Road Bridge, and Highway N

Phase 4, which is on the recommended list for East-West Gateway. It could mean scaling back on Hogan Subdivision or others. On Hogan the topo is done. Alderman Gass suggested Public Works do the curbing to cut down on costs. Alderman Adams thought we should take a positive approach and consider the engineers recommendations. He suggested getting the bids in and look at all of them then figure it out. We need to show the public our intentions. He continued itemizing each street in Hawthorne. Alderman Gass stated that E. Union St. needs chip and sealed. There was discussion between doing the chip-n-seal and the paving.

Motion made by Alderman Adams, seconded by Alderman Gass to include E. Union Street in the bid package and include a price for blacktop and chip and seal, included with the itemizing. A voice vote was taken with an affirmative result.

Dave stated he would bid it out as a whole package and include E. Union as an alternate with asphalt and chip-n-seal and Hawthorne streets itemized. Discussion followed on projected dates; we will aim for opening bids by June 17, 2019.

Mayor's Report

Mayor Myers stated we joined the Missouri Main Street Program with the Chamber and the Tourism Commission and The Partnership. The Missouri Main Street Program is having their conference in St. Louis on July 24th thru July 26, 2019. He is going to attend, along with Jennifer Blakely, Tourism Commission, a Chamber representative and a representative from The Partnership are also attending. He encouraged anyone else who was interested from the Board to attend.

New Bills

Bill No. 4049 An Ordinance Authorizing a Conditional Use Permit for property located at 422 E. Osage Street, St. Louis County Locator # 30Z310367, in the City of Pacific (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4049 by title only for the first reading.

Bill No. 4050 An Ordinance Authorizing a Conditional Use Permit for property located at 227-229 E. Central, Franklin County Parcel ID # 19-1-12.0-4-004-109.000, in the City of Pacific. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4050 by title only for the first reading.

Bill No. 4051 An Ordinance amending certain provisions of Title IV: Land Use, Chapter 400; zoning code to establish a Medical Marijuana Land use within the City of Pacific, Missouri. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4051 by title only for the first reading.

Bill No. 4052 An Ordinance of the City of Pacific Missouri authorizing the City to participate in the creation of MIRMA Health and further authorizing the Mayor to execute such documents as may be necessary for the creation of MIRMA Health and the City's participation therein. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4052 by title only for the first reading.

Administrator Roth stated we elected to participate in MIRMA Healthcare, now they are creating their own pool. Matthew Broderson, MIRMA is here this evening. Mr. Broderson stated he was excited about this second phase. Initially this was self-funded groups, as they become sounder, we create our own entity. Now we ask one of the member cities to help create this. Administrator Roth will serve on the Board. This will be ready by October 1st. The next step will be creating articles and by-laws. Administrator Roth stated we would be considered a founding member. Mr. Broderson stated the City of Mauldin and Higginsville and four to five others are also going through this process.

Alderman Johnson asked if this locked the City in, what if we wanted to review the costs of health insurance compared to others. Mr. Broderson stated by passing this ordinance it commits a member for one year, and they are looking at a 6-month notice if a City wants to terminate insurance.

Alderman Adams stated he would sponsor the Bill.

Bill No. 4049 – Alderman Gass moved back up to this Bill. He stated he didn't want to see construction machinery here and asked if it could be addressed in the ordinance. This is an office with highway frontage. Attorney Jones stated he can add site specific conditions. Alderman Gass stated he would like to see the Bill amended to include no construction machinery anywhere on the premises. Administrator Roth stated he didn't see a problem with this.

Motion made by Alderman Gass seconded by Alderman Adams to amend the bill to include a condition of no construction equipment or trucks/storage. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Consideration of Bills Previously Introduced

Bill No. 4045 An Ordinance of the City of Pacific, Missouri authorizing execution of a Contract Agreement by and between the City of Pacific and Jokerst Paving and Contracting pertaining to construction of Candlewick Lane Street Improvements, Federal Project No. STP-5419(611) (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4045 by title only for the second reading.

Motion made by Alderman Adams, seconded by Alderman Stotler to approve the second reading of Bill No 4045. A roll call vote was taken with the following results. Ayes: Alderman Adams, Alderman Gass, Alderman Johnson, Alderman Stotler. Nays: None. Whereupon, Bill No. 4045 becomes Ord. 3130.

Bill No. 4046 An Ordinance establishing a Transportation Sales Tax Fund; providing for Financial Management procedures for appropriation and use of funds; and setting a Fund Reserve (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4046 by title only. Mayor Myers asked for any discussion. **Motion made by Alderman Adams, seconded by Alderman Gass to approve Bill No. 4046. A roll call vote was taken with the following results: Ayes: Alderman Adams, Alderman Gass, Alderman Johnson, Alderman Stotler. Nays: Whereupon, Mayor Myers declared Bill No. 4046 passed and became Ordinance No. 3131.**

Bill No. 4047 An Ordinance establishing a Parks and Storm Water Sales Tax Fund; providing for Financial Management Procedures for appropriation and use of funds; and setting a

Fund Reserve (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4047 by title only. Mayor Myers asked for any discussion. **Motion made by Alderman Adams, seconded by Alderman Gass to approve. A roll call vote was taken with the following results: Ayes: Alderman Gass, Alderman Johnson, Alderman Stotler, Alderman Adams. Nays: none. Whereupon, Bill No. 4047 passed and became Ordinance No. 3132.**

Bill No. 4048 An Ordinance establishing new Stop Signs at Industrial Drive and Fourth St. (2nd reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4048 by title only. Mayor Myers asked for any discussion. **Motion made by Alderman Gass, seconded by Alderman Stotler to approve. A roll call vote was taken with the following results: Ayes: Alderman Stotler, Alderman Adams, Alderman Gass, Alderman Johnson. Nays: none. Whereupon, Bill No. 4048 passed and became Ordinance No. 3133.**

NEW BUSINESS

Resolution No. 2019-17 A Resolution authorizing and directing the Mayor to execute a contract agreement for demolition of certain structures in the City's Voluntary Flood Buyout Program.

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2019-17 by title only. **Motion made by Alderman Gass, seconded by Alderman Johnson to approve Resolution No. 2019-17. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Unfinished Business

- a. Bill No. 4011 An Ordinance amending the Planned Unit District Regulations of the City of Pacific, Missouri. (2nd reading needed) (10-16-18 sent to Adm. Com. After 1st 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. (2nd reading needed) (10-16-18 sent to Adm. Com after 1st 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. (1st 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. (1st reading needed) (tabled on 11-6-

These items have been tabled.

CITY ADMINISTRATOR REPORT

A. FY 20 Budget review

Administrator Roth stated there were minor changes in the budget. The Lease Purchase plan was changed to \$ 646,000. The total general fund surplus now was \$ 181,000. The funds are all balanced. There is a draft 5-year capital improvement plan. He believes the Board should adopt a plan. There are multiple projects to be budgeted out for in the next three to five years. Attorney Jones stated the 5-year Capital

Improvement Plan needs to go to Planning & Zoning. Administrator Roth stated the next step at Board level is the public hearing and ordinance.

B. E. Bellevue property

Administrator Roth stated this property is in Franklin County. Alderman Johnson stated she has a plat from 1919 and this was platted as a park. Administrator Roth stated we have had an offer on the property and asked what the City wanted to do. Attorney Jones stated he would recommend an appraisal. If it was dedicated as a park by ordinance it would have to be repealed. Motion made by Alderman Gass, seconded by Alderman Adams for Administrator Roth to obtain a title report and appraisal. A voice vote was taken with an affirmative result.

C. Stakeholder meeting

Administrator Roth stated this meeting is tomorrow night at 7:00 p.m.

Administrator Roth stated the next day East-West Gateway Hazard Mitigation is hosting a meeting at City Hall at 2:00 p.m. They update the plan every 5 years. There is a public availability session also.

CITY ATTORNEY REPORT

Dangerous Building Ordinance – Administrator Roth asked him to look at this. The procedure of Code complies with the State Statute. There are a couple things he would recommend changing. Currently the fine is \$ 500, and it can be anywhere from \$ 1,000 to \$ 2,000. This tightens up the recovery of insurance proceeds. Also, the City Administrator should be the Hearing Officer, not the Mayor. Motion made by Alderman Gass, seconded by Alderman Stotler for Attorney Jones to amend the code and bring a Bill back. A voice vote was taken with an affirmative result.

Special Tax Bill Process – Attorney Jones stated he reviewed the report from City Collector Kelley. There are five Bills and his research has confirmed there is a Statute of Limitations associated with these. The lien attaches though it stays with the property. His recommendation was to leave the liens in place and in the future pursue judgement and not just attach them. He continued that sometimes sales among generations are just transferred and these wouldn't be caught. Alderman Adams saw no reason to release them. Attorney Jones continued that we can't file a lawsuit beyond 3 years under Chapter 67, which is the same way they were created. He recommended leaving them in place. He suspects they didn't go through a title company. Alderman Adams stated we need to rely on the system, and they will eventually be caught. He recommended no further action.

MISCELLANEOUS

a. Approve the list of bills.

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

b. Approve use of the council room on July 18, 2019 from 3:30 p.m. to 7:00 p.m. for East-West Gateway meeting.

Motion made by Alderman Gass, seconded by Alderman Stotler the use of the council room on July 18, 2019. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried

- c. Approve invoice from Bill Hampton Enterprises LLC in the amount of \$ 1,300 to be paid out of E. Osage CID regarding negotiations with 222 N. First St.

Motion made by Alderman Gass, seconded by Alderman Stotler to approve the invoice from Bill Hampton Enterprises LLC in the amount of \$ 1,300 to be paid out of the E. Osage CID. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

- d. Approve contract with J & M Displays in the amount of \$ 3,000 to be paid from Tourism.

Motion made by Alderman Adams, seconded by Alderman Gass to approve the contract with J & M Displays in the amount of \$ 3,000 to be paid from Tourism Funds. A voice vote was taken with an affirmative result.

- e. Approve expenditure from Missouri Main Street in the amount of \$ 315 to be paid from Tourism for conference.

Motion made by Alderman Adams, seconded by Alderman Gass to approve the expenditure from Missouri Main Street in the amount of \$ 315 to be paid from Tourism for the conference. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

- f. Approve Temporary Liquor License Permit, intoxicating liquor by the drink to Bruce Johnson, Knights of Columbus, 2016 W. Union for the Car Cruise on June 29, 2019.

Motion made by Alderman Gass, seconded by Alderman Stotler to approve the Temporary Liquor License Permit, intoxicating liquor by the drink to Bruce Johnson, Knights of Columbus. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

- g. Approve the invoice from Straatmann Printing & Design in the amount of \$ 220 for car show flyers to be paid from Tourism Funds.

Motion made by Alderman Stotler, seconded by Alderman Gass to approve the invoice from Straatmann Printing & Design in the amount of \$ 220 for car show flyers to be paid from Tourism Funds. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

REPORTS OF CITY OFFICIALS

Alderman Gass – stated the hillside on Thornton Road is washing away. Phillips Pipeline has a high-pressure line here. He would like a letter wrote to their legal department. He asked for a status update on the house on Highland. Administrator Roth will check on this.

Alderman Johnson – stated the plaques at Liberty Field are ready but Alan was not sure if he could get them up by Memorial Day. She asked what the Board wanted to do. Board members agreed to have the plaques up by June 29th for the car cruise and fireworks display. She continued there are streetlights out along Osage. Public Works Commissioner Brueggemann stated he would work on this. Next, she asked that the original Red Cedar sign be looked at to see if it can be repaired and put back up. Next, she asked about the monument for Jensen's Point. Mayor Myers stated he told Alan he wanted it to have the name of the park on both sides and be visible from both directions. Alderman Johnson stated she would also like to see a timeline of when things took place there and include City Officials, along with doggie bag receptacles and trash cans be placed up there. She continued that on Hogan Road where they are building

the homes, the water is not draining on the street and there is no ditch.

Chief Mansell – stated he would like a copy of a map where the gas lines are located. He continued that the Collector's older sister died and to keep her in your thoughts.

EXECUTIVE SESSION RSMO 610.021(2)(3)

The Board went into Executive Session under RSMO 610.021 (2)(3). Mayor Myers read this into the record.

Motion made by Alderman Adams, seconded by Alderman Gass to go into executive session. A roll call vote was taken with the following results: Ayes: Alderman Adams, Alderman Gass, Alderman Johnson, Alderman Stotler. Nays: none. Whereupon, Mayor Myers declared the motion carried.

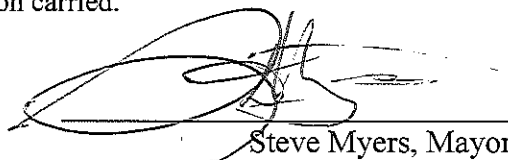
The Board went into executive session at 8:45 p.m.

The Board reconvened at 9:07 p.m. Present at roll call: Alderman Gass, Alderman Johnson, Alderman Stotler, Alderman Adams, Mayor Myers.

ADJOURNMENT

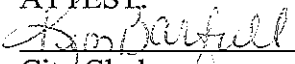
Motion made by Alderman Stotler, seconded by Alderman Adams to adjourn. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

The meeting adjourned at 9:10 p.m.



Steve Myers, Mayor

ATTEST:



City Clerk