

JULY 2, 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
 Alderman Stotler

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

Prayer was offered this evening.

Approve Agenda

Motion made by Alderman Adams, seconded by Alderman Nemeth 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 June 18, 2019

Motion made by Alderman Rahn, seconded by Alderman Nemeth to approve the minutes of the regular meeting on June 18, 2019. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

B. Executive meeting on June 18, 2019

Motion made by Alderman Adams, seconded by Alderman Rahn to approve the minutes of the executive meeting on June 18, 2019. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Public Participation

Mayor Myers stated he had several speaker cards and reminded everyone they had 3 minutes to speak.

Johnathon Times, 2180 Gregor Drive, stated he is trying to move his business back to Pacific. He had to move it to Union during the flood and now is trying to come back and start up at 540 E. Osage. The problem is he is on week 2 and still not approved. He is bringing a showroom and office here and does digital printing. He doesn't understand what the hold up is on the process. Mayor Myers stated he gave Dan Rahn the message to contact him. Mayor Myers stated he would contact him.

Jeannie Bandermann, 111 Phelan, stated they are getting teams together and taking donations for a golf tournament and the proceeds will go to the Backpack program. If anyone was interested, please contact her. The Dress Room is moving to the High School at the end of July.

Bill Hoglan, 675 E. Osage, Beacon Car Wash, stated he heard the water rates were going to go up. He asked that someone educate him on how this proposal will affect his business. Administrator Roth stated a Public Hearing is scheduled for July 16th. The minimum charge is going from \$ 6.57 to \$ 7.50 with a volume rate of \$ 2.92 per 1,000 gallons, on all volumes. He continued he would look at his account tomorrow and do a comparison and contact him.

Mike Gallagher, 194 Harmon Hill, stated he is not moved out of Red Cedar completely. He is making progress and has purchased the building behind Wolf Hardware. Tonight, is he asking for a month extension. Motion made by Alderman Adams, seconded by Alderman Nemeth to move to Item 14C on the agenda.

(14C) Administrator Roth stated Mr. Gallagher was given notice to vacate the building by June 28th, as the Board directed. He visited the site yesterday and progress has been made, but he is not completely moved out. The Lease has provisions for this, and he would recommend enforcing the Lease. Attorney Jones stated when the tenant holds over an "unlawful detainer suit" can be filed. This allows for us to recover possession when the lease expires. The Lease also states there is a \$ 100 a day hold over. His recommendation is, if the Board wants to allow him additional time, that is acceptable, but then still file the "unlawful detainer lawsuit" to work towards possession, and this will allow us to get a court date. Alderman Adams stated he did speak to Mr. Gallagher last night and he owns the property behind the Wolf's. Alderman Johnson stated we took a stand on this, we have had our meetings and still have things in storage at the Middle School, which has been sold. The City gave him 3 months' notice, which was more than the contract called for, she felt like he knew this was coming. She continued that Mike has approached her, but she has always told him to come to the Board meeting. Mr. Gallagher stated that the Mayor and Administrator has told him it was no rush and he didn't have a plan in place yet. He continued he is moving forward, but he can't operate his office out of a trailer. Alderman Nemeth stated we knew this day was coming, we appreciate your business staying in town, but we need to come to an agreement.

Mayor Myers stated in his mind it's not a rush, and that is what he has told Mike, but he also told him that he needed to get the aldermen on his side. Mr. Gallagher agreed that was what was said. Alderman Johnson stated according to the contract we have the right to \$ 100 a day, and he is asking for a 30-day extension. Attorney Jones stated he is not suggesting a waiver, in order to not loose time, he suggested obtaining a court date, you can still negotiate with him.

Motion made by Alderman Gass to follow the Attorney's advice and proceed. Alderman Johnson stated she did not want the \$ 100 fee waived per day.

Alderman Adams stated it was our intent to move with a plan. When you consider the two properties he has purchased, it shows intent, and he does have property moved out of Red Cedar, just not all of it. He did not think we should change the spirit of how we came together. He appreciated the Attorney giving his advice, and this is his job. He thought it was wise to look at the third party and show intent. **His recommendation was to appoint one or two Aldermen to go to Red Cedar and see the status of it, and then report back at the next Board meeting, with no action being taken tonight.** Discussion followed.

Motion made by Alderman Adams, seconded by Alderman Nemeth to take no action this evening and appoint one Aldermen to go to Red Cedar and see the status, and report back to the full Board at the next meeting. Alderman Gass withdrew his motion. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Motion made by Alderman Adams to appoint Alderman Johnson as one of the Aldermen. Alderman Johnson stated she could not, as she was going to be out of town. The date was decided with Mr. Gallagher for this to take place on July 13th or 14th. Alderman Johnson nominated Alderman Adams to tour, Alderman Stotler agreed. Alderman Rahn asked if this includes another month rent. Alderman Adams stated it would, because there has been no change to the contract.

Chase Helebusch, 103 Elm, Washington, MO stated he was here to answer any question regarding Bill No. 4058. There were no questions currently.

Mayors Report

Car Cruise – Mayor Myers stated the car cruise was a success with 660 cars, and thousands of people. It was an excellent firework show and congratulated Alderman Johnson on the fireworks. He heard it was the best one we ever had.

Planting area in front of City Hall – Mayor Myers stated Brownie Troop 4769 weeded and planted and mulched this area. The City paid for the materials, but they did the labor. He thanked them.

Grass Clippings on the street – Mayor Myers stated the grass clippings ending up on the street is a problem, and motorcycle riders complain that it is like hitting ice when they are riding. There is an ordinance that reads doing this is a nuisance, because it ends up in the storm drains, but questioned what else we can do to stop this. Attorney Jones stated in the Code the definitions of liter in Chapter 225 read this offense can be wrote and filed with the Municipal Court. This can be done under Code Enforcement or the Police Department if the Chief agrees. Alderman Johnson stated we would need to get the word out with warnings first. Chief Mansell stated we “warn” first, and we can start this immediately.

3rd & St. Louis St. – Mayor Myers stated himself and Alderman Nemeth discussed the pavement south of this area to the railroad tracks. There are large patches of gravel, and he would like to see it patched. Alderman Gass stated it should have been patched already. This is 3rd St. and the dead ends. Mayor

Myers asked if anyone wanted to get rid of this street at this area. Alderman Gass stated it is a road, you don't want to get rid of it. Alderman Adams stated there was a promise to Al Baldwin that the street would be repaired. He believes it should be resurfaced. Alderman Johnson asked about the resurface and stripping for additional parking by Brown Jerry's. Chief Mansell stated the stripping is overdue and also needs to be done at Thornton and Viaduct. Alderman Adams stated the Mayor and Aldermen need to keep their word to Al Baldwin.

Motion made by Alderman Gass, seconded by Alderman Nemeth for the City Administrator to obtain bids to get this area paved. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

New Bills

Bill No. 4057 An Ordinance providing for Lead Ban in Public and Private Drinking Water Plumbing in the City of Pacific, Missouri. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4057 by title only for the first reading.

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

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4058 by title only for the first reading. Mayor Myers asked for any discussion. Alderman Gass stated this ordinance provides for waiving curb and gutter. He suggested putting this in on 2nd St. to meet what is there. When we get to the blank space, we should continue it and create a tax bill for those lots. Administrator Roth stated the recommendation from Planning & Zoning was it drains to Hwy O in MoDot right-of-way. The alleyway to the south part is for it to be vacated, which is what Planning & Zoning recommended. Planning & Zoning recommended approval as presented with the alley vacated and added to the subdivision plat with 10' side setbacks between lot 1 & 2.

Motion made by Alderman Gass for the curb and gutter to be installed with the City filling in and accessing those costs to the property owners on a special tax bill. Administrator Roth stated the ordinance drafted includes the alley to be vacated with 10' side yards. Alderman Gass stated he was okay with that. Attorney Jones stated the Board must waive the application process, and the public hearing would be on the 16th to vacate the alley. **Alderman Gass withdrew his motion.**

Motion made by Alderman Gass to have the Administrator look at this area. Alderman Adams suggested Alderman Rahn and Alderman Gass visit this area.

Administrator Roth asked for clarification and to keep things clear, he was to start the action of vacating the alley. Board members agreed.

Motion made by Alderman Adams, seconded by Alderman Gass to waive the formal petition for vacating the alley. A voice vote was taken with an affirmative result.

Consideration of Bills Previously Introduced

Bill No. 4056 An Ordinance establishing new Stop Signs at W. St. Louis St. and N. Second Street. *(2nd reading) (tabled at 6-19-19 meeting)*

As posted pursuant to the ordinance, Mayor Myers read Bill No. 4056 by title only. Mayor Myers asked for any discussion. Engineer Hodge reported she has visited this area with Officer White, and it is clear a stop sign needs installed here, at the corner of the new patio on the west side of the street. Mayor Myers stated that Jerry asked him if the stop sign could be put in a planter. There were no objections.

Alderman Adams asked if there were any other recommendations at this location. Engineer Hodge stated there was not, she also investigated the right turn feasibility, and there was no problem.

Mayor Myers stated he was also looking into the potential of an electric car charging station in this area.

Attorney Jones stated this bill was tabled and needed removed from the table.

Motion made by Alderman Nemeth, seconded by Alderman Adams to removed Bill No. 4056 from the table. A voice vote was taken with an affirmative result.

Motion made by Alderman Adams, seconded by Alderman Nemeth to approve Bill No. 4056. A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Rahn, Alderman Gass, Alderman Johnson, Alderman Stotler. Nays: None. Whereupon, Mayor Myers declared Bill No. 4056 becomes Ordinance No. 3141.

NEW BUSINESS

Resolution No. 2019-26 A Resolution authorizing the transfer of funds from the Water & Sewer Fund to the Leasehold Revenue Bond for the interest payment of the Municipal Assistance Bond Series 2012.

As posted pursuant to the ordinance, Mayor Myers read Resolution No. 2019-26 by title only.

Motion was seconded by Alderman Adams, seconded by Alderman Stotler to approve Resolution No. 2019-26. A voice vote was taken with an affirmative result.

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

Board of Aldermen 7-2-19

a. Police Vehicle purchase – Administrator Roth stated the new budget included two new police vehicles. The order deadline is next week, and we need to order them. One is a Ford F150 pickup and the state contract is \$ 34,907. We procure the vehicle thru Ford and it is outfitted thru VIP, except for the stripes and lights. Alderman Gass thought a bed cover was needed. Alderman Adams suggested a retractable one. Administrator Roth thought this would be an after-market purchase. **Motion made by Alderman Stotler, seconded by Alderman Gass to move forward with the ordering. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

b. 222 N. First / 1st and Osage MoDot cost share – Administrator Roth stated the Request for Proposals has been issued. The right-of-way estimates are costly and are prepared by MoDot. At the next meeting will be the resolution to authorize the application. This is a 50/50 cost share. The total project is projected to be \$ 300,000 - \$ 400,000 and the City is responsible for half, with a portion of the cost of the building to be included in our half. The E. Osage CID meets tomorrow, and this will also be discussed, as the funding should come from there.

c. Red Cedar Inn lease update – This was already discussed.

d. RFQ Parks Master Planning – There is a Municipal Parks Grant available for planning projects in the amount of \$ 7,500. This would qualify for it, but it is due by July 26, and an application needs submitted. The pool is a major topic. The RFQ went to the Park Board last night with no objections. Tonight, he is looking for approval to send out the RFQ. **Motion made by Alderman Gass, seconded by Alderman Adams to authorize the City Administrator to issue the RFQ and start the process for the grant.** Administrator Roth continued that this RFQ also requests ways to expand and modernize our pool, including an area for pool parties. **A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

e. Viaduct / Osage sidewalks – Administrator Roth stated he met with Terry Todd, Cochran Engineering. He looked at the Viaduct project. The idea was for sidewalk under I-44 and connect it on the north to Thornton. This is on MoDot right-of-way. This included installing sidewalk on the west side. Next, the Osage piece came up on the north side there is missing sidewalk to the Chinese restaurant. Doing this area would double the costs. Discussion followed. Alderman Gass stated the water line would need to be moved to the other side of the street. Administrator Roth stated that would need to be done before sidewalks were installed. He continued there is no rush on these projects, and he would need to discuss the water line with Public Works Commissioner Brueggemann. Alderman Adams thought all three issues needed considered. Alderman Gass suggested a bond issue. Alderman Adams suggested paying for the two projects out of the CID's and then borrow from the contingency fund to install the water line, with the water fund paying it back. Discussion followed.

Motion made by Alderman Adams, seconded by Alderman Gass to do all three projects, and fund the water line project out of contingency fund, with the water fund paying it back to contingency. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Out of the office – Administrator Roth stated he would be out of the office this Friday, and then Tuesday – Friday of next week on vacation.

Candlewick – The City has received Notice to Proceed from MoDot.

REPORTS OF CITY OFFICIALS

Alderman Nemeth – left the meeting.

Alderman Gass – thought we should be getting bids at Phelan and St. Louis Street before winter on this project. He also asked for an update on Hogan. Administrator Roth stated it was not ready yet. He also stated we were waiting on MoDot for the Hwy O water line permit. Alderman Gass suggested putting it out to bid before we get the permit. Administrator Roth will talk to Engineer Rahn, as this is his project.

Alderman Johnson – stated she did her Thank you Ad for the fireworks. She is asking for the City to fund this in the amount of \$ 500. Board members agreed. She continued she would be gone, but there is a meeting at the Senior Center and the topic is the History of Pacific. The doors open at 5 p.m. with a potluck dinner.

Alderman Stotler – stated he would be out of town beginning July 15th.

Alderman Nemeth returned to the meeting. He stated the support from the citizens regarding the car show was amazing. He believes it was a record for them. He stated Adam Krauss does amazing work.

Collector Kelley – stated she was on vacation next week and has a new cell number. The City Clerk has the number.

Mayor Myers – stated the Franklin County Municipal League Dinner is next week. He asked everyone that could to try to attend. He also suggested inviting members of the School Board and the Fire Department.

EXECUTIVE SESSION RSMO 610.021(2)

The Board went into Executive Session under RSMO 610.021 (1)(2) for legal and real estate. City Clerk Barfield read this into the record.

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

The Board went into executive session at 8:48 p.m.

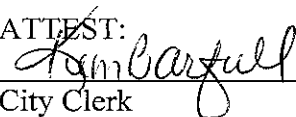
The Board reconvened at 9:05 p.m. Present at roll call: Alderman Nemeth, Alderman Adams, Alderman Rahn, Alderman Gass, Alderman Johnson. Alderman Stotler.

ADJOURNMENT

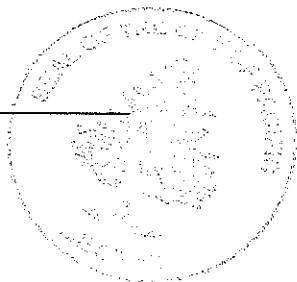
Motion made by Alderman Nemeth, seconded by Alderman Stotler to adjourn. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.


The meeting adjourned at 9:06 p.m.

ATTEST:


City Clerk

Board of Aldermen 7-2-19




Steve Myers, Mayor