

OCTOBER 2, 2018 * 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 Gass
Alderman Johnson
Alderman Stotler

A quorum was present.

Also present:

Administrator Roth
Attorney Jones
Officer Whitman
Public Works Commissioner Brueggemann
Building Commissioner Seymour
City Clerk Barfield

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

PRAYER

Tim Reeves, Ministerial Alliance, Heart of Worship Church, offered prayer 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 September 18, 2018

Motion made by Alderman Nemeth, seconded by Alderman Adams to approve the minutes of the regular meeting on September 18, 2018. A voice vote was taken with an affirmative result, and Mayor Myers

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declared the motion carried.

PUBLIC PARTICIPATION

Jeannie Bandermann, stated on October 13th there will be a Bake Sale at American Family, 428 E. Osage St., Pacific, MO and this starts at 9:00 a.m. This is a school project and the sponsor is Meramec Valley School District fundraiser for the Dress Room for the prom/evening attire & business casual. Any donation of baked goods is appreciated.

Jerry Eversmeyer, 2148 Hwy N, Pacific, MO asked that the temporary event license for October 6th that is on the agenda be waived because this is for a cancer benefit. Motion made by Alderman Gass, seconded by Alderman Stotler to waive the fee. Mayor Myers asked for any discussion. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Robert Villery, 108 W. Park, Pacific, MO stated he had some problems. His first problem was with the neighbors bees. He got stung from her hive and he is waiting for this to be addressed. The second issue is the fence that she has up. This is the same fence he had up and was told to take down, and had to put up another fence. Now the police are being called on him for being in his yard. The neighbor has threatened his life because he is in his yard cutting his grass. He had to get an ex-parte against him. He has talked to Shawn already. The neighbor's dog has bit him. Officer Anderson didn't do anything. Mayor Myers stated this dog bite did not happen recently if Officer Anderson was who responded. Mr. Villery agreed, but he has come to court for it and it was thrown out. He thinks the City is showing favoritism. Mayor Myers stated we couldn't do anything about the court. Mr. Villery asked what about everything else, the police won't do anything to help him, and why don't his neighbor have to take down that fence. Mayor Myers stated the neighbor and her fence is going thru the process. The police matter is civil and this body can't determine anything. Mr. Villery asked why he was given a permit to put up a fence and now he is being threatened. Mayor Myers stated everyone is given 5 minutes to speak and we have reached that period of time. Mr. Villery stated he came to the City Administrator and he did put up a fence because he was threatened but what is he supposed to do if the police won't help him. Attorney Jones stated in regards to complaints with neighbors, this is not the venue to be heard at. Mayor Myers stated if he was not satisfied with the level of police protection from the City, he could go to the county. Mr. Villery asked about the bees. Mayor Myers stated there was no ordinance against having bees. Mr. Villery stated these bees are relentless, you are denying peoples safety. Mayor Myers stated honey bees are not generally a vicious animal. Alderman Adams stated he understood the process. Mr. Villery also visited him, and he came to City Hall and talked to Shawn about Dawn and her fence, and asked what the City has done. Building Commissioner Seymour stated a letter was sent to Dawn, the same as Villery. She either has to remove it or submit a new application to modify the materials, and that is what she has elected to do. The original letter was 30 day notice. The application for a new permit has now "stayed" the process. So we stopped the process for the illegal fence. She now has 12 months to erect a new fence, which means the old fence can stay in place for 12 months. Alderman Johnson stated bee stings should be taken seriously as she knows of someone who almost died of a bee sting. She thought something needed to be done. Mayor Myers stated they were a natural part of the environment. Alderman Adams stated there is a difference between harvesting bees and bees being in the wild. Some communities don't allow you to own a wild animal, such as a wolf or lion. In regards to the fence, Mr. Villery had approval from the City, and the City already gave him 12 months to erect a fence. He didn't get a "stay", he was directed to take the fence down. Why was Dawn given a "stay"? If Dawn has the same fence up, was hers issued in error? Building Commissioner Seymour stated "no". Alderman Adams stated Mr. Villery's situation is no different than Dawns. Both had permission prior to this administration. One person was given 30 days and the other was given a year. Building Commissioner Seymour stated he did not believe Dawn got an application from the previous administration. Alderman Adams thought that was even worse. On Mr. Villery's part, he did the right thing, and this is not fair.

Alderman Adams continued that he approached the City about Mr. Villery two months ago, and he is not easily snickered, he knows the process well and these two cases were handled differently. If Mr. Villery was approved by previous administration, whoever made the errors, it was not Mr. Villery. The City corrected their mistakes by leaning on Mr. Villery, now we know Dawn was an error. Building Commissioner Seymour stated his office will handle it however directed. Alderman Adams stated the resolve should have been identical. How did that happen? Mr. Villery called him numerous times and he asked about Dawn and he was not given the complete truth. He stated he did not like that. He is still asking questions about Dawn, and just so you know I will pursue until it's corrected each time. This was not handled correctly, he trusts this won't be handled like this again. Mayor Myers stated tonight is the first time we have had this discussion. He has never met Mr. Villery until tonight, it was his fault he didn't ask for a timeline. Mayor Myers stated he did drive by and see the fence. Mr. Villery stated he did not get reimbursed for the City's mistake either, instead administration offers up his property. Alderman Adams stated to look at how much time has been spent this evening over bees and a fence. This is what happens when you don't treat people the same. The laws were not applied fairly, and this is what happens when you don't do the job as expected. Alderman Gass stated Mr. Villery came by months ago and they reviewed the ordinances and he sent him to see the City Administrator. He thought this was all worked out since he had not heard anymore. Administrator Roth stated in 2017 a permit was issued to Mr. Villery for a fence with wire construction. The neighbor complained, it was found the fence didn't meet code and a letter of violation was wrote. He stated he did offer to reimburse Mr. Villery the permit fee. He met with him again in April of this year. The point he made was the fence did not meet code, and could not continue to be there, and the fence needed to be removed. Then Mr. Seymour was hired, he oversees the Building Department and code. He has not spoken with Mr. Villery since then. Mr. Villery has removed the fence, and the new fence is now in compliance. At that time he received a complaint about Dawn. She had a fence not in compliance. He understands she was sent a letter to remove the fence, but Mr. Seymour handled that. She was given 12 months to remove the fence. He has given Shawn the latitude to handle this. The decision for timeline did not come across his desk. He believed the City did error since they were given a different time frame. I would assume after tonight Dawn would be given a different time frame. He continued we try to treat everyone the same. The focus is on trying to get results. He has given Shaw the latitude to get to this point. We do need to be consistent and will do our best moving forward. Alderman Adams stated we needed to use common sense and wisdom going forward. Neighbors have to be treated the same. If we are going to force Mr. Villery to do this then we have to do it all over town. Sometimes it's best to let a sleeping dog sleep. He asked if we were sure we wanted to do this, because we had no intention of doing it the same because we didn't do it with Dawn. Mayor Myers stated Code Enforcement is looking for illegal fences all over town at his direction. Building Commissioner Seymour stated we had two neighbors who are close, both have prohibited fences. The City approved Mr. Villery in error. He thought he had a safety issue and wanted to secure his property. It was not approved. In his experience we must enforce the ordinances, however there are public, health and safety concerns. Mr. Villery had a health and safety threat. Building Commissioner Seymour stated he gave him protection as long as he was moving forward. Within a week he submitted and Building Commissioner Seymour told him he had 12 months to get it done. Later, he had Dawn with the same problem, she had dogs, and safety was a concern of hers. The fence gave her protection. I told her to submit a fence permit. If she would do that then she would have 12 months. Then another complaint came to the Mayor and Administrator and Mr. Villery's neighbor. His office was directed to give him 30 days. The office of the Building Commissioner treated both neighbors the same. Alderman Adams stated to be fair, the City decided that. It was wrong. To let a neighbor determine how much time Mr. Villery got to take down his fence is wrong. Building Commissioner Seymour stated it was not his office's decision. Alderman Adams stated it should not be the squeaky wheel. Stand on the law. The neighbor should have been explained to. You can't justify your decision and Mr. Villery was treated wrong. He continued maybe we should let sleeping dogs lie. Mayor Myers stated we have an ordinance in existence for fences. Alderman Adams stated to be fair, it's either 30 days or 12 months, but be honest and be fair. He continued when Board Members come to City Hall we should get the whole story, the

whole truth. He was not given the whole truth. Alderman Adams stated he expects the whole truth. Alderman Nemeth stated Mr. Villery should have been reimbursed for his fencing if we originally told him it was allowable and now we say it is not. Alderman Johnson asked what we were going to do about the bees, this is a public safety concern. We have had an officer stung also. Mayor Myers suggested we do some fact finding about bees before we make a decision. Mayor Myers stated a few years ago there was a problem at D'Angelo's with bees, and Darren met them there, the bees covered a fire hydrant, they were smoked and taken back to his place. There is a way to handle them. Alderman Nemeth stated at the end of the day there is a difference between a hive and raising them and natural habitat. He asked if we needed to look at our ordinance. Mr. Villery stated one of Dawns chickens was killed by her own bees. Alderman Gass asked if when a fence permit is issued, is the ordinance is given? Building Commissioner Seymour stated it is not, but as a part of the review we look at that. Mr. Villery's original permit included the t-post with wire. **Motion made by Alderman Nemeth to refund Mr. Villery the expense of his fence.** Alderman Adams stated the Board did not make this error, instead of a motion, he suggested staff bring the solution back to the Board to approve. **Alderman Nemeth rescinded his motion.**

MAYOR'S REPORT

Missouri Municipal League Conference – Mayor Myers stated himself, City Administrator and City Clerk attended this conference. There were numerous seminars attended and he reviewed them. He wished more of the Board would have gone also. The City Clerk was recognized for achieving a milestone of certification and she has one more level to go. He participated in the program through MML and achieved the classification of Certified Municipal Official, which he was recognized for at the conference. He encouraged everyone to go to www.mocities.com and participate in these trainings.

Iron Horse Rodeo – Mayor Myers thought this was a great success. There was a good crowd, the rodeo company did a great job and he appreciated the work of the Partnership to help make this a success.

Paddle Your Parks – This was the program the Board approved with the Department of Natural Resources and Army Corp of Engineers. There were 125 students both days at George Winter Park. There was no expense to the City or the school district. This was a great success in teaching students about the river.

Girl Scouts – met at City Hall last week. They went downstairs and met the Canine Officer Vito and Officer Whitman.

This evening he also had the opportunity to meet the first female Boy Scout. The Boy Scout program allows girls to participate. He met Katie with Pack 443 and she has earned her Arrow of Light and is bridging over to scouting.

Current logo – In front of everybody is a symbol of the seal, the green tree. There is also a clean, green connected option. We agreed as a Board to partner with the school at their expense with a banner. He asked the Board if they wanted to use the seal, or wanted to try to change the appeal and use the clean, green connected concept. This concept connects the schools with the community. The school needs to be given an answer and asked what the Board preferred. Alderman Gass thought we needed to stick with the seal. Alderman Adams stated our identity is the seal. Alderman Nemeth thought we should stay consistent with the seal but did like the idea of something new. Alderman Stotler agreed and Alderman Johnson agreed. Mayor Myers stated the census is to stick with the seal.

NEW BILLS

CONSIDERATION OF BILLS PREVIOUSLY INTRODUCED

Amended Bill No. 4007 An Ordinance revising the Personnel Manual for the City of Pacific with regard to hiring, firing and discipline. (2nd reading)

Mayor Myers directed City Clerk Barfield to read Bill No. 4007 for the second reading. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 4007 by title only for the second reading. Mayor Myers asked for any discussion. **Motion made by Alderman Nemeth, seconded by Alderman Adams to approve Bill No. 4007. 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 the motion carried 5-0 and Bill No. 4007 becomes Ordinance No. 3094.**

NEW BUSINESS

Resolution No. 2018-39 A Resolution authorizing and directing the Mayor to execute a Depository Agreement with First State Community Bank.

City Clerk Barfield read Resolution No. 2018-39 by title only. **Motion made by Alderman Gass, seconded by Alderman Stotler to approve Resolution No. 2018-39. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

CITY ADMINISTRATOR REPORT

a. Waste Connections contract extension

Administrator Roth stated the existing contract with Waste Connections terminates at the end of the year. This contract includes a provision for extension for up to three years. Upon further discussion we asked Waste Connections to submit pricing for an extension, which was included in the packets. In our judgement they have provided good service, they were excellent during the flood and have not received any complaints. In their proposal there is no increase in the first year, and there are modest increases in years 2 and 3. He would recommend the Board allow him to negotiate a contract extension and bring back to the Board in the form of a Resolution. **Motion made by Alderman Gass, seconded by Alderman Nemeth to approve staying with the current hauler and negotiating a contract. A voice vote was taken with an affirmative result.**

b. Liberty Field Outside Walking Museum quote

Administrator Roth stated there are thirty three plaques, they are in bad shape. Patrick Smiley spearheaded this initially. He located a vendor in Ohio that specializes in this type of work. We could bypass the bidding because this is clearly a credential type of work. The Tourism has budgeted \$ 15,000 but they are still about \$ 3,000 short, which would come from general fund. This type of granite only comes from China, and the tariff taxes on it could go up. Alderman Gass thought we needed a vendor from the United States. He thought the old plaques would be returned to the family. After further discussion the Board asked that staff go back and request American made granite.

c. Red Cedar Architect selection update

Administrator Roth stated that the committee met on September 26, 2018 and selected four firms to interview. These interviews will take place on October 9th at 2:00 p.m. The four top ranked firms are

Strata/Bond Architects; G. Clinton Borrer; Patterhn Ives, and Arcturis.

d. Hazard Mitigation Grant Program

Administrator Roth stated this was awarded. This covers twenty-seven properties. The orientation is on October 10th at SEMA.

The first project in the program covers thirty-four properties. We have been invited for FY2019 funding. That deadline is December 14, 2018 and we need to move quickly. The buyouts are all voluntary.

e. Health Insurance plan renewal

The representative was here today. There is a massive increase and it is going to cost to maintain this current level of benefits. He does think we will need to be given options soon but this is not the year to make the change. Our claims expense is average and we still receive an increase. The Prescription Drug plan is excellent, the employees are helping with this cost mainly because Kim and Debbie Hayden help educate the employees. Mayor Myers stated he sat in on the meeting and compared to other cities we are doing very good. Administrator Roth reminded the Board this is a self-funded program. We stayed with MIRMA. The level of benefit is rich and appreciated by the employees. There are alternatives the Board could look at. Currently the deductible is \$ 2,000 but the City covers this. Alderman Nemeth stated at some point the employees will have to pick up some of this. Alderman Johnson stated in the past we used the benefits as part of the compensation because it was low. Administrator Roth stated the level of funding may need to be changed. Alderman Adams stated we always find ourselves sweating over the larger expenses; for example wages over street maintenance, both are big expenses. We sweat because in this City we don't generate enough funds to accommodate all of our needs. We have to cover our services, and with this we need new revenue. Same is with the water rates, we need to do this a little at a time. Alderman Gass agreed and stated we are supposed to be looking at the water rates every year. Alderman Adams stated we want to do a lot of things, but it is difficult without new revenue. We have to get the word out to the citizens. Mayor Myers stated that a new campaign will be launched in November and we are working on this. As a City we cannot tell people how to vote, but we can educate them. He thought this would be led by the Chamber. Alderman Adams stated he was speaking to our history. Alderman Gass thought the Administrator should also be reaching out to some of our business, checking in with them. Alderman Nemeth stated that we have to drive the business here. People have to want to invest, and we have to make it that kind of community. Alderman Stotler stated that part of that is marketing and branding. Alderman Adams stated he thought if we let our citizens know what the mission is they have supported it. The Tourism Tax is an example of this, the three CID Districts, The Capital Improvement Tax with Mayor Titter, they all passed. Mayor Myers agreed. He continued he has also been working on the IDA Board and they are focused and energetic. There is a new chiropractor in town, a new restaurant, we are starting to attract new people. Alderman Gass thought someone should be calling the Industrial realtors and making contacts. Building Commissioner Seymour stated he has been doing that. Administrator Roth stated these were all good points. We do have vacant buildings being occupied, there is a new operator at the east end plaza, and our budget is in decent shape. Our two big holes are streets and parks. He continued the bank downtown is another good project. We are working on a lot of facets and maybe we just aren't communicating these well and we can work on that.

Alderman Gass asked about the HR Green study, because on pages 12 and 13 he had questions. Administrator Roth stated that they will be at the next meeting and this is still a draft.

Bulky Trash – Administrator Roth stated the bulky trash mailers were out. They are moving thru town west to east. We are going to do our best not to move backwards.

CITY ATTORNEY REPORT

No report.

MISCELLANEOUS

- a. Approve Temporary Permit intoxicating liquor for sale by the drink to Jerry Eversmeyer, Pacific Eagles, 707 W. Congress, Pacific, MO on October 6, 2018 for BBQ Benefit.

Motion made by Alderman Nemeth, seconded by Alderman Adams to approve the Temporary Permit intoxicating liquor for sale by the drink to Jerry Eversmeyer, Pacific Eagles, 707 W. Congress, Pacific, MO on October 6, 2018 for a BBQ Benefit. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

- b. Approve invoice from E. Osage Cid, W. Osage Cid, Viaduct Cid, from Hochschild, Bloom & Company in the amount of \$ 550 from each CID for year-end reports ending 6-30-18.

Motion made by Alderman Adams, seconded by Alderman Nemeth to approve the invoices from E. Osage Cid, W. Osage Cid, Viaduct Cid from Hochschild, Bloom & Company in the amount of \$ 550 from each CID for year-end reports ending 6-30-18. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

- c. Approve use of council room for Eagles View Homeowner's Association meeting held on November 28, 2018 at 6:30 p.m.

Motion made by Alderman Gass, seconded by Alderman Adams to approve use of the council room for Eagles View Homeowner's Association meeting held on November 28, 2018, at 6:30 p.m. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

- d. Approve expenses for Historical Museum & Genealogical Society Committee

Alderman Johnson stated there was a memo on the dais asking for a banner to identify the organization for when they are at events. They would also like funds for an amount not to exceed \$ 50 for refreshments for an event with a presenter from World War I. Motion made by Alderman Nemeth, seconded by Alderman Adams to approve the expenses for the Historical Museum & Genealogical Society Committee. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

REPORTS OF CITY OFFICIALS

Alderman Nemeth – No report.

Alderman Adams – No report.

Alderman Gass – Asked if there was an update on the N. First St. water line. Administrator Roth stated he needed to follow up with Engineer Rahn.

He also asked for an update with the flooding problem with the resident on W. Union St. Administrator

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Roth will follow up with Engineer Rahn.

Alderman Johnson – stated on W. St. Louis Street there are four new houses, and it looks like we dug up something and the street needs fixed. Public Works Commissioner Brueggemann stated they will get patched. This is where they dug up sewer taps.

She asked if we replaced any employees yet. Administrator Roth stated we had not, and we are slim on applications. Alderman Johnson stated she is still getting calls about the water softeners. Next she asked if we were ready for winter. Public Works Commissioner Brueggemann stated we have 200 tons guaranteed. We have not dropped a plow in two years.

Alderman Stotler – stated in Eagles View Subdivision there has been overnight parking of recreational vehicles on the street. He asked if someone could look into this, he did not think this was allowed. Alderman Nemeth stated the Homeowners Association has a rule for this. Building Commissioner Seymour stated the City does not have an ordinance against this and does not enforce Association rules.

ADJOURNMENT

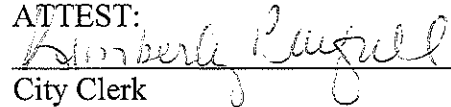
Motion made by Alderman Gass, seconded by Alderman Adams to adjourn. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

The meeting adjourned at 9:05 p.m.



Steve Myers, Mayor

ATTEST:



City Clerk

