



January 4, 2022 * 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 Acting President of the Board Adams. The meeting was held at City Hall. The Public was able to attend in person and was streamed live on the City of Pacific Facebook page:
<https://www.facebook.com/cityofpacificmunicipalgovernment>.

A roll call was taken with the following results:

Present at Roll Call:

Alderman Adams
Alderman Rahn by zoom
Alderman Frick
Alderman Eversmeyer
Alderman Nemeth
Alderman Stotler by zoom

Also present:

Administrator Roth
Attorney Jones
Chief Melies
Collector Kelley
Community Development Director Myers
City Clerk Barfield

Acting President of the Board Adams stated Alderman Stotler and Alderman Rahn were attending by zoom this evening. He continued those other elected officials were in attendance but were seated in the audience. With record numbers of COVID in the St. Louis area he thought it was best to spread out.

Pledge of Allegiance

The Pledge of Allegiance was given.

Prayer

Pastor David Lange offered prayer this evening.
Board of Aldermen 1-4-2022

Acting President of the Board Adams stated there were two matters that needed discussed regarding the agenda this evening. Administrator Roth stated we had right-of-way to acquire with the Denton Road Bridge project. He received information from the consultant late that there was an agreement. Tonight, he would like to have the payment authorized in the amount of \$ 27,940 and \$ 725.00 for future relocation for parcel 08 in the name of Kreamer.

Acting President of Board Adams asked if the Board was agreeable to amend the agenda and include this item. Motion made by Alderman Nemeth, seconded by Alderman Frick to amend the agenda and include this item. A voice vote was taken with an affirmative result.

Acting President of the Board Adams stated the other matter was Bill No. 5109 that has been tabled. Director Myers has been in communication with them and they have asked that again, we do not vote on this. He continued that if the Board votes on this and denies it, this requires the property owner to start over again at Planning & Zoning. They have been working on this project for some time. Development might bring taxes and jobs to the City, but we don't know. It might serve us best to not vote on it tonight, but we still need to move past it being on the agenda every meeting. He would like to see it removed from the agenda, and place the burden on the property owner. Director Myers stated the owner intends to be at the meeting on the 18th. Acting President of the Board Adams stated, when they approach the Board, it won't be on the agenda, if this happens it won't be back on the agenda until Administration is satisfied, they can meet the conditions of the Board.

Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to remove Bill No. 5109 from the agenda. Alderman Nemeth stated there could be a positive from this, but the challenge is the patience level is at zero. A voice vote was taken with an affirmative result.

Administrator Roth stated there are two Aldermen attending by Zoom, and it is hard for them to hear. He asked that everyone speak up and into the microphones.

Approve Agenda

Motion made by Alderman Eversmeyer, seconded by Alderman Nemeth to approve the agenda. A voice vote was taken with an affirmative result, and Acting President of the Board Adams declared the motion carried.

Minutes

A. Regular meeting on December 21, 2021

Motion made by Alderman Frick, seconded by Alderman Eversmeyer to approve the minutes of the regular meeting on December 21, 2021. A voice vote was taken with an affirmative result, and Acting President of the Board Adams declared the motion carried.

B. Executive meeting on December 21, 2021

Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to approve the minutes from executive session on December 21, 2021. A voice vote was taken with an affirmative result, and Acting

President of the Board Adams declared the motion carried.

Public Participation

Acting President of the Board Adams stated there were no speaker cards this evening.

Board meetings – Acting President of the Board Adams asked the Board for a short discussion regarding meetings and if they want to conduct them by zoom or in person, in light of the COVID numbers. Alderman Nemeth stated he understood the fear, but we have sensitive projects coming up and he felt like in the past sometimes the discussions did not flow well. He thought we should do everything in our power for the next Planning & Zoning meeting and next Board meeting to be in person. Alderman Eversmeyer agreed, stating zoom works well but there is a difference. He thought we needed to continue being cautious and social distance. Alderman Frick agreed. There was no further discussion.

New Bills

Acting President of the Board Adams stated that Alderman Eversmeyer will be sponsoring Bill No. 5127.

Bill No. 5127 An Ordinance repealing Ordinance 3215 which provided for a fifteen-minute parking space at 119 N. Columbus St. (1st reading)

Motion made by Alderman Eversmeyer, seconded by Alderman Frick for the first reading of Bill No. 5127. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5127 for the first reading. Acting President of the Board Adams asked for any amendments or discussion. There being none, it will be scheduled for the second reading.

Consideration of Bills Previously Introduced

Bill No. 5123 An Ordinance authorizing a Conditional Use Permit for property located at 2027 West Osage Street, Franklin County Parcel ID's: 19-1-11.0-2-099-013.000 and 19-1-11.0-2-099-012.100, in the City of Pacific. (2nd reading) (Sponsor: Nemeth)

Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to read Bill No. 5123. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5123 by title only for the second reading. Acting President of the Board Adams asked for discussion or amendments. **Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to approve. A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Rahn, Alderman Frick, Alderman Eversmeyer, Alderman Stotler. Nays: none. Whereupon, Acting President of the Board Adams declared Bill No. 5123 becomes Ord No. 3306.**

Bill No. 5124 An Ordinance authorizing a Conditional Use Permit for property located at 220 S. First St., Suite 205, Franklin County parcel ID 19-1-11.0-2-099-013.000 in the City of Pacific. (2nd reading) (Sponsor: Eversmeyer)

Motion made by Alderman Eversmeyer, seconded by Alderman Frick to read Bill No. 5124. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5124 by title only for the second reading. Acting President of the Board Adams asked for any

discussion. **Motion made by Alderman Nemeth, seconded by Alderman Stotler to approve Bill No. 5124. A roll call vote was taken with the following results: Ayes: Alderman Adams, Alderman Rahn, Alderman Frick, Alderman Eversmeyer, Alderman Stotler, Alderman Nemeth. Nays: none. Whereupon, Acting President of the Board Adams declared Bill No. 5124 becomes Ordinance No. 3307.**

Bill No. 5125 An Ordinance providing for a Waiver of the Sidewalk Requirement at 603-605 South Second Street. (2nd reading) Sponsor: Eversmeyer

Motion made by Alderman Eversmeyer, seconded by Alderman Nemeth to read Bill No. 5125. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5125 by title only for the second reading. Acting President of the Board Adams asked for any discussion. Collector Kelley stated for the record, her husband is one of the three owners of this property. **Motion made by Alderman Eversmeyer, seconded by Alderman Frick to approve Bill No. 5125. A roll call vote was taken with the following results: Ayes: Alderman Rahn, Alderman Frick, Alderman Eversmeyer, Alderman Stotler, Alderman Nemeth, Alderman Adams. Nays: none. Whereupon, Acting President of the Board Adams declared Bill No. 5125 becomes Ordinance No. 3308.**

Bill No. 5126 An Ordinance changing the name of the Meramec Valley Historical Museum and Genealogy Committee. (2nd reading) Sponsor: Nemeth

Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to read Bill No. 5126. A voice vote was taken with an affirmative result. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5126 by title only for the second reading. Acting President of the Board Adams asked for any discussion. **Motion made by Alderman Eversmeyer, seconded by Alderman by Nemeth to approve Bill No. 5126. A roll call vote was taken with the following results: Ayes: Alderman Frick, Alderman Eversmeyer, Alderman Stotler, Alderman Nemeth, Alderman Adams, Alderman Rahn. Nays: none. Whereupon, Acting President of the Board Adams declared Bill No. 5126 becomes Ordinance No. 3309.**

Bill No. 5109 An Ordinance providing for the approval of a Final Plat and Performance Surety for Hogan Heights Subdivision, a tract of land zoned "C-2" Arterial Commercial District and located along Hogan Road and a section of Thornton Road in the City of Pacific. (2nd reading) Sponsor: Nemeth Tabled on 10-19-21, 11-2-21, 11-16-21, 12-7-21, 12-21-21.

This was removed from the agenda.

Unfinished Business

New Business

Resolution No. 2022-01 A Resolution to authorize the Release and use of \$ 50,000 in Restricted Funds currently being held in the Capital Improvements Sales Tax Fund, for purposes of funding the 2021 Preventive Pavement Maintenance Program; and authorizing transfer of said funds into the Transportation Fund.

Motion made by Alderman Frick, seconded by Alderman Nemeth to read the resolution. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2022-01 by title only into the record. Acting President of the Board Adams asked for any discussion. There being no discussion, he asked for an all-in favor to approve. **A voice vote was taken with an affirmative result, and Acting President of the Board Adams declared the motion carried.**

Resolution No. 2022-02 A Resolution to authorize the Transfer of \$ 230,000 from the General Fund to the Transportation Fund, for purposes of paying certain costs related to the 2021 Preventive Pavement Maintenance Program.

Motion made by Alderman Eversmeyer, seconded by Alderman Nemeth to read the resolution. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2022-02 by title only into the record. Acting President of the Board Adams asked for any discussion. Administrator Roth stated this is moving money for the invoice from Jokerst for the Cedar Subdivision overlay project. He believes this is the single largest road project not paid for through a partnership. The total project cost was \$ 600,000, being paid for from Capital Improvement Sales Tax, Transportation and General Fund. This resolution authorizes the transfer of these funds and the invoice to be paid from the Transportation fund. Acting President of the Board Adams stated we are moving funds, just like he does in his personal life. He moves funds from his savings to his checking. The voters passed a street tax, but this hasn't been passed for very long so the fund is not large enough to handle it on its own. There being no discussion, he asked for an all-in favor to approve. **A voice vote was taken with an affirmative result, and Acting President of the Board Adams declared the motion carried.**

Resolution No. 2022-03 A Resolution authorizing the filing of an Application with the Missouri Department of Natural Resources, Clean State Revolving Fund Program for an Engineering Grant under the Missouri Clean Water Law (Chapter 644 RSMO).

Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to read the resolution. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2022-03 by title only into the record. Acting President of the Board Adams asked for any discussion. There being no discussion, he asked for an all-in favor to approve. **A voice vote was taken with an affirmative result, and Acting President of the Board Adams declared the motion carried.**

Resolution No. 2022-04 A Resolution authorizing the execution of Closing Documents for the purchase of Real Estate on Congress St. & Orleans St.

Motion made by Alderman Frick, seconded by Alderman Nemeth to read the resolution. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2022-04 by title only into the record. Acting President of the Board Adams asked for any discussion. There being no discussion, he asked for an all-in favor to approve. **A voice vote was taken with an affirmative result, and Acting President of the Board Adams declared the motion carried.**

Resolution No. 2022-05 A Resolution authorizing the execution of Closing Documents for the purchase of Real Estate; and authorizing use of contingency funds for said purchase.

Motion made by Alderman Eversmeyer, seconded by Alderman Nemeth to read the resolution. As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2022-05 by title only into the

record. Acting President of the Board Adams asked for any discussion. Acting President of the Board Adams stated some meetings ago we read an ordinance dealing with two pieces of property on the south side of town. At that time, he had said there was nothing wrong with what they were doing and he promised that we were not taking their property. Sometimes this works. This leads to executive session and often, all the time, the reasons are mis-understood. We are accused of going into executive session for semantics. The attorney has explained this at those times. In recent meetings we went in for Real estate and this is the result of those meetings. After passing the ordinance for the possibility of condemnation, the property owner made a counter offer and we accepted it. There are instances when this type of strategy works well and both parties come to the table, and that keeps both parties honest because neither one of us want to go to court. The reason for the purchase of the properties, made from the Rainy-Day fund that he tries to keep sacred, is making this an addition to Liberty Field. I have no plans for the property, he leaves that up to everyone else. There are buildings on that side of town 200 years old, and it is important to keep buying these properties as it would be a shame for it to be something that does not fit in. The condemnation never happened because the parties came together. There being no more discussion, he asked for an all-in favor to approve. **A voice vote was taken with an affirmative result, and Acting President of the Board Adams declared the motion carried.**

Mayor's Report

a. Appointment of Jacob Brandt for Prosecuting Attorney, with Helfrich, Hotz Brandt LLC.

Acting President of the Board Adams stated our current prosecutor is going to Circuit Court. Mr. Brandt is a partner in this firm and has served when needed before. Motion made by Alderman Stotler, seconded by Alderman Nemeth to approve Jacob Brandt for Prosecuting Attorney. A voice vote was taken with an affirmative result.

City Administrator Report

No report

Chief of Police

No report

Community Development Director Myers

Director Myers stated he has submitted a printed copy of his report.

City Attorney Report

Attorney Jones stated at the last meeting he was researching the illegal gaming machines. The complaint process is that the jurisdiction, City, would submit the name of the company to the Highway Patrol and they look into it. There is no regulation that the City can put into place. Acting President of the Board Adams stated if anyone wants to put together a list to be submitted for a complaint to be filed to please do so.

City Collector

Board of Aldermen 1-4-2022

No report

Operations Committee

No report

Administration Committee

No report

Miscellaneous

a. Approve payment of Pay Application 3 (FINAL), Preventive pavement Maintenance Program 2021, Jokerst Paving, in the amount of \$ 421,132.05.

Motion made by Alderman Nemeth, seconded by Alderman Eversmeyer to approve the payment to Jokerst Paving. A voice vote was taken with an affirmative result, and Acting President of the Board Adams declared the motion carried.

Reports of City officials

Alderman Nemeth – No report

Alderman Adams – No report

Alderman Rahn – No report

Alderman Frick – No report

Alderman Eversmeyer – No report

Alderman Stotler – No report

Denton Road right-of-way payment – Administrator Roth asked about the payment for the Denton Road right-of-way that was discussed earlier this evening. **Motion made by Alderman Nemeth, seconded by Alderman Frick to approve the payment for Denton Road right-of-way as earlier discussed. A voice vote was taken with an affirmative result, and Acting President of the Board Adams declared the motion carried.** Administrator Roth stated once this is completed, we will submit to MoDot, then request to Advertise for bids and begin the bidding process. They hope to open bids in March with a spring construction.

Acting President of the Board Adams stated he was going to keep saying this, but we need a complete street program. He thanked the voters for passing the street tax, that was the first step. Now as a community we have to get all the roads fixed. He will continue to talk about this.

Adjournment

There being no further business, motion by Alderman Nemeth, seconded by Alderman Frick to adjourn. A voice vote was taken with an affirmative result. The meeting adjourned at 7:47 p.m.



Herbert Adams
Acting President of the Board
Herbert C. Adams

ATTEST:
Kimberly Bayfull
City Clerk