

JANUARY 3, 2023 * 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 Filley. The meeting was held at City Hall. The Public was able to attend in person and was streamed live on the City of Pacific You-Tube channel.

A roll call was taken with the following results:

Present at Roll Call: Alderman Nemeth
Alderman Cleeve
Alderman Gendron
Alderman Presley arrived at 7:10 pm
Alderman Eversmeyer
Alderman Lesh

Also present: Administrator Roth
Attorney Jones
Chief Melies
Collector Kelley
Director of Community Development Myers
City Clerk Barfield

Pledge of Allegiance

The Pledge of Allegiance was done.

Prayer

Pastor Tim Reeves offered prayer this evening.

Approve Agenda

Motion made by Alderman Nemeth, seconded by Alderman Cleeve to approve the agenda. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result. Nays: none. Abstain: none. **Mayor Filley declared the motion carried.**

Approval of Minutes

Board of Aldermen 1-3-23

A. Regular meeting on December 20, 2022

Motion made by Alderman Eversmeyer, seconded by Alderman Gendron to approve the minutes of the regular meeting on December 20, 2022. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result. Nays: none. Abstain: none. **Mayor Filley declared motion carried.**

Public Participation

Mayor Filley stated there were no speaker cards this evening.

New Bills

Mayor Filley stated there were no new bills this evening.

Consideration of Bills Previously Introduced

- a. **Bill No. 5174 An Ordinance levying an additional Sales Tax on sales of adult use marijuana and calling an election for voter approval of such tax. (2nd reading)**
Sponsor: Nemeth

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5174 by title only for the second reading. **Motion made by Alderman Nemeth, seconded by Alderman Gendron to approve Bill No. 5174.** Mayor Filley asked for any discussion. Alderman Lesh stated this was the Missouri Amendment that was passed back in the spring, and the voters voted on this, which included the 3% additional tax. He wanted to be clear that he thought additional taxes on select products is not something that is equitable, it seems like it's a specific use tax targeted towards certain people. He doesn't think additional tax on a specific industry should burden that industry. He also thought it would put our city at a disadvantage if there were competitors. He doesn't believe this is a good thing and he hoped the voters come out and respond to this and vote. He encouraged them to do that and he thought taxes should be equal across the board. Alderman Eversmeyer did not disagree. He originally voted no when this first came up, but in the end after looking it over, the citizens already voted to approve this by more than 50%. Alderman Lesh stated our city did not bring this up. **A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Cleeve (stated while he did not agree with it this was a vote and the citizens can decide), Alderman Gendron, Alderman Eversmeyer, Alderman Lesh. Nays: none. Whereupon, Mayor Filley declared Bill No. 5174 passed 5-0 and becomes Ordinance 3356. (Alderman Presley had not arrived yet)**

- a. **Bill No. 5175 An Ordinance authorizing conveyance of property at 1916 Rose Lane. (2nd reading) Sponsor: Presley**

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5175 by title only for the second reading. **Motion made by Alderman Eversmeyer, seconded by Alderman Cleeve to approve Bill No. 5175.** Mayor Filley asked for any discussion. **There being none, a roll call**

vote was taken with the following results: Ayes: Alderman Cleeve, Alderman Gendron, Alderman Eversmeyer, Alderman Lesh, Alderman Nemeth. Nays: none. Whereupon, Mayor Filley stated with a vote of 5-0 Bill No. 5175 becomes Ordinance No. 3357. (Alderman Presley had not arrived yet)

Unfinished Business

Bill No. 5156 An Ordinance prohibiting the occupancy of structures deemed unfit for human habitation. (2nd reading) Sponsor: Nemeth Tabled 9/6/22 and sent to Operations.

Mayor Filley stated Bill No. 5156 is still being worked on with the Operations Committee. Alderman Eversmeyer stated there will be a meeting on January 6, 2023 at 1:00 p.m.

Alderman Lesh asked if anyone comes forward at the Operations Meeting will we hear those comments. Alderman Eversmeyer stated we would not. This is a committee meeting. Alderman Lesh stated he thought if anybody comes forward at a committee meeting, we should hear them. He understands it's the chairs decision, but he wanted to go on record that he thought they should be heard if they show up.

New Business

Resolution No. 2023-01 A Resolution authorizing and directing the Mayor to execute an Agreement with George L. Crawford & Associates, dba, CBB, for Professional Services relating to Traffic Engineering Studies of Interstate 44 – Viaduct St. – Hogan Road – Thornton Road Interchange, in the city of Pacific.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-01 by title only. **Motion made by Alderman Nemeth, seconded by Alderman Gendron to approve Resolution No. 2023-01.** Mayor Filley asked for any discussion. Alderman Nemeth asked if we have received clarification from traffic backing up from Osage back into the circle?

Alderman Presley arrived.

Administrator Roth stated the study will count the traffic volumes at the Osage and Viaduct intersection. Alderman Nemeth stated some of the circles you see, there is no stoplight, but here there is a stoplight that could cause it to backup in the circle because of the light. Administrator Roth stated the additional work in the agreement would evaluate that. Alderman Nemeth stated the other reason it is necessary was at some point on the north side of Hogan, it could develop. If this intersection is not fixed, development on Hogan Road will make a significant difference on this traffic. Administrator Roth stated MoDot had these same questions. In the agreement the consultant notes they would study 20 years of background traffic growth and assumptions for Hogan Rd and Thornton. They suggested including 200 single families off Thornton Road, a hotel, a small retail center and restaurant off Hogan Road. This would be modest development. If we would have a mega development, then it would be a game changer and a further traffic impact study would need to be done. At minimum, MoDot and the city want to understand if a roundabout is proposed, it will handle that kind of growth. Alderman Nemeth stated as we

continue to work through this process, Hogan Road has to be next on the list also. That road needs to be made safer. Alderman Cleeve stated he has researched in the last four days, and a roundabout is the worst thing you can do for truck traffic. He agrees something needs to be done, but he can't find anything that supports a roundabout there, even with five entrance points. He is okay with the traffic study to try to figure this out. Trucks seem to be the big issue here backing things up. Alderman Gendron asked if they will also come back with other ideas. Administrator Roth stated they possibly could. Alderman Lesh confirmed that this was just a traffic study, not an authorization to move forward. Mayor Filley agreed. **A voice vote was taken with an affirmative result. Nays: none. Abstain: none. Mayor Filley declared the motion carried.**

Mayor Report

Mayor Filley stated she didn't have anything specific. We are expecting a representative of MIRMA to still arrive tonight, Jeff Arp, as he has information to provide to the city. We knew he would not be here at the start of the meeting, but when he arrives, she will allow him to address the board.

City Administrator Report

a. Lisa Lane construction parking

Administrator Roth stated Aurora Estates is the Senior Living Complex being developed at the corner of Indian Warpath and Lisa Lane. Ring Properties is the developer, and is in the audience tonight. In early discussions he had requested we address the parking along Lisa Lane. Now the north side of the road is no parking, and parking is allowed on the south side. This is typically taken up by students. The parking is problematic when it comes to development of the site. Mr. Ring has suggested that the city implement a construction parking zone along the south side of Lisa Lane while construction is proceeding. Once completed the idea is to flip the no parking zones, and it would be no parking on the south side and allowed on the north side. Mr. Ring is here to address any questions.

Bob Ring, developer of Aurora Estates stated the site now has been cleared, grading has begun and storm sewers are going in and site is fenced. We visually see the students parking there and it makes sense. The request is in the interest to provide a dedicated place for the construction from Indian Warpath east to Millstone Village. If during the construction period, this side of Lisa Lane could be dedicated to construction parking. Once finished we flip it for a couple reasons. As the seniors are coming and going the risk of them side swiping a vehicle is less, and aesthetically it opens the vista from the street and building. He suggested for a period of 18 months from the passage of the ordinance or the issuance of an occupancy permit. Once the 18 months expires or the occupancy permit is granted then the no parking flips. He thought it was in the interest of safety and expedience. In a worst-case scenario, there is a parking lot on the property rather than on the street. We are grateful to work with the city. Mayor Filley asked about the no parking on Lisa Lane; what was the reasoning in the past? Administrator Roth stated it was suggested that it be on one side. Chief Melies stated this is a new addition to the no parking. He thought speaking with the school district had to do with the excessive amount of

traffic on Indian Warpath. He suggested we speak with them before a permanent decision is made. Mayor Filley also asked if the students that park on Lisa Lane, is it because they don't want to pay for a parking permit, or are they out of room. Alderman Nemeth stated he wanted to work with the developer. He also thought about sports games, any activity at Truman or the High School, he suggested working with the owner of the warehouse behind him. Mr. Ring stated he has been in contact with the owner of the property, but it is a challenge and we are not there yet. We have also been told the building itself is not available. Discussion followed. Alderman Nemeth thought it was a valid request, but agreed we needed to talk with the School District. We needed to support development within the city, and he was supportive of the request. Mr. Ring suggested a period of time for the no parking; 6 am to 4 pm. He continued that his people could park there first, as they get there first, but he doesn't want to get into a disagreement with kids trying to park their cars there and going to school. Administrator Roth stated the next meeting is January 17th and then February. If you want to consider an ordinance, you could have a first reading on the 17th, and then there is 3 weeks until the next meeting and talk to the school district in that time frame.

Motion made by Alderman Nemeth, seconded by Alderman Cleeve to have Attorney Jones draft an ordinance to allow for construction parking only on the south side of Lisa Lane from 6 am to 4 pm, and as part of it; we discuss the responses and feedback from the school district. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result and passed. Opposed: none. Abstain: Alderman Gendron.

Chief of Police Report

No report.

Director of Community Development

Director Myers stated his report was sent out in an e-mail. The certified letters went out today to notify the owners that had a cargo or shipping containers on it. All property owners that have these or a semi-tractor trailer sitting on the ground, or on axles used for storage have all received a letter.

City Attorney Report

Attorney Jones stated he is drafting legislation to address the Amendment 3; which legalized recreational marijuana. We have three ordinances. One is to change the zoning classification from what we originally adopted for medical and that will be submitted to Planning & Zoning on January 24th for a Public Hearing. There are also two other ordinances; one that changes our smoking regulations to also include marijuana as well. The third one has to do with marijuana offenses and paraphernalia offenses which need to be changed to bring in line with state law as well. He also looked again at the tattoo establishments chapter, which is Chapter 660. His conclusion is that we don't need anything in this chapter except the definitions of tattoo establishments and tattooing. He proposes to repeal Chapter 660 and put those two necessary definitions into the zoning ordinance and we will use that Public Hearing on the 24th to do that at the same time.

Mayor Report

Mayor Filley asked Collector Kelley if the MIRMA representative could go before her report. Collector Kelley agreed.

Jeff Arrp, Loss Control Consultant, MIRMA, stated MIRMA is the self-insurance pool that the city has been a member of for several years. Besides claims, we spend a lot of time, money and effort promoting the best practices in Risk Management. We have a monthly newsletter along with information on the website, conferences and on-site visits. Being a member, you are also eligible to partake in the different reimbursement programs that we have. He is here tonight about the grant program. This program helps offset the cost of equipment that the members identified the need for that fit within the risk management philosophy. This past year we received the following applications and they were approved: an AED for \$ 1,271.25, six body cameras for \$ 4,950, a dash camera for \$ 3,375, and a sewer camera for \$ 7,500; in total \$ 16, 596.25 was awarded to the city. He thanked the Police Department and Public Works Department for taking the time to fill these out. It is a reimbursement program and you have to buy the equipment first. He presented the Board an IOU Certificate for this total amount.

City Collector

No Report.

Operations Committee Report

Alderman Eversmeyer stated this was already discussed. We will be meeting January 6, 2023 at 1:00 p.m.

Administrative Committee Report

No report.

Park Board report

Alderman Cleeve stated there was no meeting. Mayor Filley stated there was a meeting scheduled for the 9th at 7:00 p.m.

Miscellaneous

- a. Approve Change Order 2 in the amount of \$ 619.35 for 2021 Pacific Wastewater Collection System Rehabilitation, Insituform Technologies.

Motion made by Alderman Cleeve, seconded by Alderman Eversmeyer to approve Change Order 2 in the amount of \$ 619.35. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result. Nays: none. Mayor Filley stated the motion carried.

- b. Approve Pay Application 2 in the amount of \$ 102,486.46 for the 2021 Pacific Wastewater Collection System Rehabilitation, Insituform Technologies.

Motion made by Alderman Cleeve, seconded by Alderman Lesh to approve Pay Application 2 in the amount of \$ 102,486.46. Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result.**

Reports of City Officials

Alderman Nemeth – Alderman Nemeth stated last meeting Little Ireland and the staff won the contest. He consulted with Attorney Jones the next morning regarding the \$100 check and it was replied back that being an alderman the check was not something that we should accept, so he returned the check the next day to Steve Roth and Mayor Filley. He wanted to make sure everyone understood what happened.

April election – He continued late last week he pulled his name from the April ballot and he will not be rerunning for his seat. Debbie Kelley was the other person running, he congratulated her assuming there was not enough write-ins.

Last meeting - He was sure it would be in great hands with Debbie. He continued that this next item was not easy to say, but as of this evening this is his last alderman meeting. He is really excited to spend more time with his kids. He appreciates the support of the last 6 years and grateful to the citizens that voted him in and the overall citizens. He will still be around, but this will be his last meeting. He thanked the Board & Mayor Filley and administration. Mayor Filley thanked him for serving Ward 3 and serving the city for the last 6 years. She respected his decision and wished him the best.

Alderman Cleeve – Alderman Cleeve asked if there was anything they can't talk about. He is trying to figure out how to get moving on items he wants us to work on. How does he bring new things up to the Board. Attorney Jones stated this was an appropriate time, or speak to the mayor, who chairs the meeting, who sets the agenda. We have a practice of having a motion to prepare legislation to see if there is support. Alderman Cleeve stated there are a couple things he would like to get traction on.

Voting - One of the items he is concerned with before he was an alderman, where an alderman, who was temporary mayor, and was also an alderman. While that must have been legal, he doesn't think that should happen when that mayor is no longer going to be a mayor. He understands if a mayor is sick or injured, but in a case where the mayor passes away or resigns, it allows someone to have two votes, and it did impact a vote recently. Can this be changed legally? Attorney Jones stated this is a creature of State Law for Fourth Class cities. He realizes it gives the appearance of a person having two votes, but the flip side is that the ward is under represented in that period of time if they could not vote. Alderman Cleeve stated his suggestion would be that someone is appointed for the ward. He does not want a vote to be dropped. Mayor Filley asked if there was something, if that situation arises again, where the alderman is acting mayor could we put something in place, that an appointment would need to be made to replace that alderman. Attorney Jones stated we could do that; it would be an issue of timing. In terms of the second vote, you have to have a way to break the tie. Alderman Cleeve just didn't want to be in that situation again if we could prevent it.

He just didn't want to see anything long term again. Alderman Lesh stated he knows the President of the Board assumes the acting mayor role, is there something that says that the President can't give up their Alderman seat. Could the city put something in affect, if it was an interim Mayor, not an acting Mayor. Attorney Jones stated it wouldn't be as long as the person is the acting President of the Board. If they were appointed to fill the position of Mayor, which is provided for in Section 79.280, then that person would no longer be an Alderman. Alderman Eversmeyer stated then the Mayor would appoint someone to the Alderman spot, with the approval of the majority of the Board. Alderman Lesh stated this is a unique circumstance. Alderman Lesh asked what happens if no one on the Board wants to take that? Attorney Jones stated that is a function of the Statute, the Mayor, or the person exercising the duties of mayor, calls a special meeting to appoint someone to fill the position of Mayor or Alderman. If no one steps forward, there is no way to force someone. Attorney Jones stated the Board could have appointed someone, if someone was willing to accept the position.

To Do List - There are so many things that don't happen and aren't followed through on, a few things here and there. He is asking if there is something somewhere that there is a city follow up list, so any kind of contract that has terms, this is logged somewhere. He understands it's Mr. Roth's job function, but how can we aid that so it is not all falling on him to do it. Administrator Roth stated there was no such thing that he was aware of. He felt that we aren't watching our back, in a sense, and we need to follow up on things.

Ward Maps - He continued asking how often the Ward Map was updated? Attorney Jones stated Ward 1 includes the prison count. It don't matter that they can't vote, it's broken up by population, not voters. Ward 1 is lighter than the rest of the wards. Attorney Jones stated it can be redistricted, triggered by minority population, annexation and Department of Justice has guidelines for this. He is not aware of any disparity that reaches these levels. There is no hard and fast objective. Administrator Roth asked if St. Louis County sends anything out following the census. Attorney Jones stated he did not think so. Administrator Roth stated this should be evaluated every 10 years after the census data is released, and it would be helpful if Franklin County would assist with this. He will make that inquiry, but the Board does govern this and done by ordinance. Attorney Jones stated it is a body of case law that dictates the margin of error for each ward, as far as how many people in each ward. Attorney Jones stated he can talk more at the next meeting to the DOJ guidelines. Alderman Lesh asked if they could create four wards, one just for the prison. He continued that Ward 2 & 3 probably has 1,600 registered voters, while Ward 1 might have the same population but half as many registered voters, which impacts the candidate pool. Mayor Filley stated the wards are based on population, not the registered voters.

Public Comment – He said at the last meeting he wanted them to think through this to allow public comment at the committee level. He was open to ideas that would change their mind on this. He thought any public meeting should allow for public comment. Alderman Eversmeyer stated that not all the Aldermen are at committee meetings, if there is a public comment section, he thought they should all hear it. He thought information gathering was the place for the committees. Alderman Lesh stated these are committees, and he has tried to lay out we are not there to vote something up or down, we are to gather information and then put it forward to the Board. He don't think it was about public participation, but about gathering information, but if the people show up, and we hear them, he thought people understand that. They understand the full board is where their voice is heard. He thought it

was about communicating the committee's goals, and speaking only to those topics. Then we're not just saying no to people, we are going to take the few minutes to listen to them. Alderman Gendron stated for her, it was a timing issue. If the meeting is in the afternoon she can't be gone half a day for a meeting, when folks have the ability to be heard at this level, or send an email or call her. Alderman Lesh stated there could be a time limit on the meeting itself. Alderman Cleeve thought it was our job to hear people.

President of the Board – Alderman Cleeve stated now we won't have a President of the Board. Mayor Filley stated the Board will need to bring someone forward at the next meeting.

Alderman Gendron – no report.

Alderman Presley – Alderman Presley apologized to the board and audience for his tardiness today. He will miss Andrew on our board. It has been a pleasure to work with him, and understands his decision. He appreciated his time served and the experience you have given. He hoped him blessings as he moved forward with Little Ireland.

Alderman Eversmeyer – He stated it was good to work with Alderman Nemeth and wished him good luck.

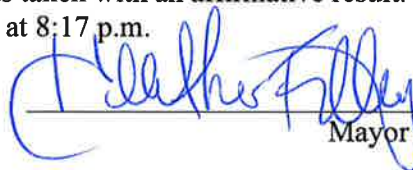
Alderman Lesh – Alderman Lesh thanked him for his time and the many years he served. He continued that we have several appointments. We also will have a vacancy on Planning & Zoning. He would like to see the names of the people being considered to the public early, not just us alderman, particularly these elected positions. People need a chance to weigh in on who is appointed. Mayor Filley stated Park Board needs two people, and she will review the list for other appointments.

Ward 3 Park - Alderman Lesh stated there was a resident promoting for a park in Ward 3, someplace for a nice stopping point when walking. There is land available.

Website - He also thought the website could be updated and it's something people are asking about. They cannot find information on it, he thought it was just poor layout, he thought a new look to it would be helpful. Paying their bills online was another item that was hard to find. He thought this was a good endeavor.

Adjournment

There being no further business, motion made by Alderman Eversmeyer, seconded by Alderman Cleeve to adjourn. A voice vote was taken with an affirmative result. Nays: none. Abstain: none. The meeting adjourned at 8:17 p.m.



Mayor Filley

ATTEST:



City Clerk

Board of Aldermen 1-3-23



