

JANUARY 17, 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 Pigg
 Alderman Cleeve
 Alderman Gendron
 Alderman Presley
 Alderman Eversmeyer
 Alderman Lesh

Also present: Administrator Roth
 Attorney Jones
 Chief Melies
 Collector Kelley
 Community Development Director Myers
 Public Works Commissioner Brueggemann
 City Clerk Barfield

Pledge of Allegiance

The Pledge of Allegiance was done.

Prayer

Pastor David Lange offered prayer this evening.

Approve Agenda

Mayor Filley asked the Board to amend the agenda to include the election of President of the Board and the appointment of the new Alderman to the Administration Committee, which could be done under the Mayor's report. **Motion made by Alderman Presley, seconded by**

Alderman Eversmeyer to amend 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

A. Regular meeting on January 3, 2023

Motion made by Alderman Eversmeyer, seconded by Alderman Cleeve to approve the minutes of the regular meeting on January 3, 2023. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result. Nays: none. Abstain: none. **Mayor Filley declared motion carried.**

Presentations

a. Missouri Rodeo Cowboy Association award

Mayor Filley welcomed the Association to the podium. Lance McCollum, 5J Rodeo, 6239 Pike 454, Curryville, MO and Isiah Garner VP of the Association, 834 E. Happy Sac Road, Union MO. Lance stated they were presenting this award to the city; this is the highest award you can receive in the MRCA Rodeo. You guys have done an outstanding job, he thanked everyone for their work. Mayor Filley invited Mr. Dean, Mr. Sachs, Mr. Myers and Chief Melies up as they are all instrumental in the event. Lance stated this was voted on with all the contestants, they voted at the finals. They receive a list, and there were 17 nominations in your category, it is very cool and for rodeo people this is like our Superbowl. Be proud of what you guys have. Mayor Filley thanked them for coming back. Director Myers thanked them for all their help. Lance stated you are growing and getting better and better and this is neat to watch.

Public Participation

Mayor Filley stated there were no speaker cards this evening.

New Bills

a. **Bill No. 5176 An Ordinance prohibiting the dumping of brush and yard waste by non-residents and contractors for hire at the City Maintenance Building and providing a penalty therefore. (1st reading)**

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5176 for the first reading by title only. Alderman Eversmeyer stated he would sponsor the Bill.

b. **Bill No. 5177 An Ordinance amending Chapters 220 and 340 of the Municipal Code regarding controlled substances to address Missouri Constitution Changes concerning recreational marijuana. (1st reading)**

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5177 for the first reading

Board of Aldermen 1-17-23

by title only. Alderman Cleeve stated he would sponsor the Bill.

c. Bill No. 5178 An Ordinance restricting Public Smoking and consumption of marijuana. (1st reading)

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5178 for the first reading by title only. Alderman Presley stated he would sponsor the Bill.

d. Bill No. 5179 An Ordinance amending Parking Restrictions on Lisa Lane. (1st reading)

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5179 for the first reading by title only. Alderman Eversmeyer stated he would sponsor the Bill.

Consideration of Bills Previously Introduced

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

Motion made by Alderman Eversmeyer, seconded by Alderman Cleeve to remove Bill No. 5156 from the table. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result. Nays: none. Abstain: none.

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5156 by title only for the second reading. **Motion made by Alderman Eversmeyer to approve.** Mayor Filley asked for a second. There being no second, the motion died.

Unfinished Business

New Business

Resolution No. 2023-02 A Resolution establishing a Policy for curbside pick-up and drop-off of yard waste to residents and businesses of the city of Pacific for normal grounds maintenance and after storms.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-02 by title only. **Motion made by Alderman Presley, seconded by Alderman Cleeve to approve Resolution No. 2023-02.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result. Opposed: none. Abstain: none. Whereupon, Mayor Filley declared the motion carried.**

Resolution No. 2023-03 A Resolution affirming the Missouri Records Management Law for the efficient management and disposal of official records of the City of Pacific.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-03 by title
Board of Aldermen 1-17-23

only. **Motion made by Alderman Pigg, seconded by Alderman Gendron to approve Resolution No. 2023-03.** Mayor Filley asked for any discussion. Alderman Cleeve asked Attorney Jones, he don't have a problem getting rid of records but some of these are 2018, but he thought they had to be kept for seven years. Attorney Jones stated there is a schedule that is published every year by the Secretary of State's office and that is what Kim goes by to determine what can be destroyed. Each category is different depending on what it contains. He did not check each one but thought she was capable of doing that. Collector Kelley stated she abides by this chart faithfully with Kim and some items in that year have to be kept longer, it just don't list what ones we kept. If they want that list, it could be provided for separately. There are also some documents that can never leave the city. City Clerk Barfield stated it looks like some of that was business license and those are the actual application they are all stored on the system still. Alderman Cleeve stated he was looking at Banking and Investment and Financial records. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Nays: none. Abstain: none.**

Resolution No. 2023-04 A Resolution authorizing and directing the Mayor to execute an agreement with C & C Lawn & Landscaping for grass mowing, trimming and related law care services for the City of Pacific properties for the 2023 calendar year.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-04 by title only. **Motion made by Alderman Lesh, seconded by Alderman Presley to approve Resolution No. 2023-04.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Nays: none. Abstain: Alderman Cleeve.**

Resolution No. 2023-05 A Resolution authorizing and approving the purchase of a new Bad Boy Outlaw Rogue lawn mower for the City of Pacific Parks Department.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-05 by title only. **Motion made by Alderman Eversmeyer, seconded by Alderman Cleeve to approve.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried.**

Resolution No. 2023-06 A Resolution authorizing and directing the Mayor to execute an Agreement with SC Engineering dba Cochran for professional services relating to Engineering Design and Construction inspection of the City of Pacific Parks ADA Accommodations Improvement Project.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-06. **Motion made by Alderman Cleeve, seconded by Alderman Gendron to approve Resolution No. 2023-06.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Nays: none. Abstain: none.**

Resolution No. 2023-07 A Resolution authorizing and approving a proposal from J & J Fence Company for construction of fencing to create a new small dog park area in the City of Pacific Community Park.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-07. **Motion made by Alderman Presley, seconded by Alderman Pigg to approve Resolution No. 2026-07.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Nays: none. Abstain: none.**

Resolution No. 2023-08 A Resolution authorizing and approving a proposal to perform pavement marking and striping improvements at various locations in the City of Pacific.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-08. **Motion made by Alderman Cleeve, seconded by Alderman Eversmeyer to approve Resolution No. 2023-08.** Mayor Filley asked for any discussion. Alderman Cleeve confirmed that this was for Option 1. Administrator Roth agreed. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Nays: none. Abstain: none.**

Resolution No. 2023-09 A Resolution authorizing and approving design layouts for certain Route 66 Exhibits to be housed at the Red Cedar Welcome Center and Museum.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-09. **Motion made by Alderman Presley, seconded by Alderman Eversmeyer to approve Resolution No. 2023-09.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Nays: none. Abstain: none.**

Mayor Report

President of the Board – Alderman Presley nominated Jerry Eversmeyer for this position. Mayor Filley asked for any other nominations. Alderman Lesh nominated James Cleeve for this position. Alderman Lesh asked since there were two nominations, would a motion for a ballot vote be appropriate. Attorney Jones stated we would need a show of hands because a ballot vote would be secret, and we cannot do that. Alderman Lesh asked if an open ballot would apply, where the Mayor could read it. Attorney Jones stated that could be done, but a show of hands is the same. Mayor Filley asked for any other nominations. Alderman Eversmeyer accepted his nomination for President of the Board. Alderman Cleeve accepted his nomination for President of the Board. Mayor Filley stated we will do this by a show of hands. All of those in favor of Alderman Eversmeyer as President of the Board. Those raised hands were: Alderman Presley, Alderman Gendron, Alderman Pigg, Alderman Eversmeyer. Mayor Filley stated there were 4 votes for Alderman Eversmeyer. Mayor Filley asked for a show of hands for Alderman Cleeve as President of the Board. Those raised hands were: Alderman Lesh, Alderman Cleeve. Mayor Filley stated based on the show of hands Alderman Eversmeyer has been officially nominated as President of the Board.

Administrative Committee – Mayor Filley stated she would like to appoint Alderman Pigg to this committee. This was the same committee Alderman Nemeth was on. **Motion made by Alderman Presley, seconded by Alderman Cleeve to approve the appointment of Jill Pigg to the Administrative Committee.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Nays:**

none. Abstain: none.

Alderman Lesh stated there was one more appointment, the liaison appointment. Alderman Nemeth also had another committee. Mayor Filley stated she had other appointments and was going to take care of those at the next meeting.

City Administrator Report

a. Emergency Operations Plan overview, Feb 7

Administrator Roth stated the Emergency Operations Plan overview, as noted in his report, we scheduled a workshop meeting for February 7th at 6:00 P.M. This is a Special Meeting of the Board of Aldermen and the plan will be reviewed. Mr. Hal Schulman has been working on this over the last year. We are at the presentation stage. Attorney Jones stated though a motion would be appropriate for the scheduling of the special meeting. **Motion made by Alderman Cleeve, seconded by Alderman Eversmeyer to schedule a Special Board Meeting/Workshop for emergency operations on February 7th, at 6:00 P.M. A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Nays: none. Abstain: none.** Administrator Roth stated the plan has been posted on the website. This is out for public review, and Mr. Schulman has received comments from at least one agency. If there are changes to be made, we will make them in advance of the meeting. There will also be ordinances that adopt the plan, and overhaul the existing ones in the code. We also need to take actions on Mr. Schulman's position as Emergency Operations Director. A lot of this is being funded through a grant. We applied through and received through SEMA. This is a critical function of the city. In general, we have done quite well, but the combined effort is progressing in this area. The rodeo is handled through the same concepts, and we are seeing good results.

Improvements to I-44 Interchange – Administrator Roth stated the consultant sent preliminary information late last week. There was a meeting today and the traffic study work they did on the Viaduct/Osage intersection was not favorable. A single lane round-a-bout will not work according to their study. They looked at alternatives. A double round-a-bout would work, however, that increases the costs. At this point, there is no project for this year. We thought once they finalize this information, we would go to MoDot and share that and hear comments. The meeting today was excellent and reviewed by high level in detail. There are other options in play. He thought at some point the Board would need to review it. We have never really had an ad-hoc committee to study a big MoDot problem like this. This could be a great example, the board, business community, and get people together with the problem and how do we fix it and get MoDot to partner with us.

STP – We still have an opportunity for this with a deadline of February 9th. He would like to apply for Hwy N Phase 5. This would be Hawthorne west up the hill and down to Westlake. This would primarily be resurfacing, some curb and gutter. The benefit would be that Highway N Phase 4 is coming down the track, and hoping to get to it later this year. Phase 5 would be the last phase of it. He does not have numbers yet. It is eligible and links to the other projects, and is a way to finish the job. Alderman Lesh asked if any land would need acquired. Administrator Roth stated he was not sure. He would like to do it without any right of way acquisition. On

Phase 4 there were seven easements that needed acquired. He would like to have it for approval on the 7th. Alderman Eversmeyer thought it would be a good project. Administrator Roth asked if there were any objections of bringing a resolution to the meeting on the 7th. Director Myers stated Phase 4 stopped at Candlewick, and asked if Phase 5 could be considered from Candlewick to where the county takes over, as that stretch needs resurfaced also. Administrator Roth will talk to the engineer about that also.

Chief of Police Report

No report.

Public Works Commissioner

There is an opening in the Water & Sewer Department, if anyone knows anybody.

Director of Community Development

Director Myers stated his report will come out the first of the month.

City Attorney Report

Attorney Jones stated in the packet is an article on redistricting that his partners prepared for the Missouri Municipal League. He sent it to the city to answer questions you had at the previous meeting. In the meantime, the City Administrator contacted the counties and obtained the population counts in the wards. We have a deviation of less than 10% across the wards. According to the Supreme Court Case; there was a case in Texas and cited in the City Administrator's report, we are well within the allowable deviation and to his knowledge we don't have protective classes in any ward that need to be addressed separately. It is his conclusion that no action is needed at this time to redistrict the wards.

Alderman Lesh asked about the two ordinances that were in part of his report, regarding the marijuana use, Bill No. 5178. It prohibits it being used while operating a motor vehicle and the other two are in public places. He is wondering if that is the standard and follow the same as alcohol. Attorney Jones stated he did not know; he did not look. Discussion followed. Attorney Jones stated we don't allow smoking of marijuana in the dispensaries now, and the zoning ordinance prepared will be considered by Planning & Zoning later this month will have a restriction on it. It was already there for medical, and it will be there for recreational as well. These two provisions; paragraph 1 & 2 of the new section 250.055; the civil penalty is limited by the new constitution amendments which is why it is \$ 100 and marijuana infused products are only allowed under Amendment 3 when they are prepared in the restaurant for onsite consumptions. The restaurant can't prepare it and send it out. He did not cross reference with the alcohol restrictions, which he can do. Mayor Filley stated this was amending and including recreational marijuana in those limitations. Attorney Jones agreed and he suspects it is different than alcohol restrictions. The city's current restrictions do allow it in certain businesses, which is not allowed in St. Louis County. This may also be something to look at in the future. Mayor Filley stated we do have restaurants that do allow smoking in Franklin County. This would

prohibit them smoking recreation marijuana in the restaurants. Attorney Jones agreed. Alderman Cleeve asked about the use of marijuana while operating a motor vehicle. How do we cover if you are not smoking it but under the influence. Attorney Jones stated that would be covered under impaired, and it is clarified in the other offenses ordinances.

City Collector

No Report.

Operations Committee Report

Alderman Eversmeyer stated we met and had moved Bill No. 5156 back to the Board. That was the only item discussed.

Administrative Committee Report

Alderman Cleeve stated we have scheduled one for January 30, 2023 at 4:00 P.M. He was the vice-chair with Andy's departure, is he the chair or do they need to elect one. Attorney Jones stated he would chair the meeting as the vice-chair until a chair is elected. They do elect a chair.

Park Board report

Alderman Cleeve stated most of the items were voted on. One thing being worked on is new cameras for the parks and city hall. The expenses to run the pool this year are going to be up, mainly due to labor costs. He also asked that Mr. Roth include in the amended budget the lawn mower we bought, and grass cutting; we would need to move money to Parks to handle that. Does he need to make a motion for this? The money being saved would be moved to Parks. Administrator Roth stated we own 44 flood plain lots. Last year we had C & C Lawncare cut them at \$ 925 per cut. This year at the Park Board we discussed a mower and cutting these lots using our own forces. We have talked about the Parks Department cutting its own grass. In the adopted budget the general fund is paying for the flood plain lot cutting. We want to take that budget and shift it into parks. Then general fund needs to transfer funds to parks to cover those costs. He is planning budget amendments in the near future and we will address these items and a few others. Mayor Filley didn't think we needed a motion since there were other amendments also needed.

Miscellaneous

- a. Approve D & S Fencing quote Thornton Road guardrail, in the amount of \$ 83,450.00

Motion made by Alderman Presley, seconded by Alderman Cleeve to approve the Thornton Rd. guardrail in the amount of \$ 83,450.00. Mayor Filley asked for any discussion. Alderman Cleeve asked if the reason the cost went up was because of the additional openings. PW Commissioner Brueggemann stated there was an old logging road there that we didn't know and the owner of the property requested it. We just didn't know it was happening. **A voice vote was taken with an affirmative result. Nays:**

none. Opposed: none. Abstain: none.

b. Approve Pay App # 11 from Legacy Contracting in the amount of \$ 247,228.18.

Motion made by Alderman Cleeve, seconded by Alderman Lesh to approve Pay App # 11 from Legacy Contracting in the amount of \$ 247,228.18. Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result. Opposed: none. Abstain: Alderman Presley.**

c. Approve the list of bills.

Motion made by Alderman Eversmeyer, seconded by Alderman Pigg to approve the list of bills. Mayor Filley asked for any discussion. Alderman Cleeve stated, as with everything else, is there anyway to get this information sooner. I crunch it when I get here, and I get here early, unless we get it earlier and I am missing it. City Clerk Barfield stated they should be getting them in the packet, what is put on the dais are any updates since it came out in the packet and any late invoices we could add on. Alderman Cleeve asked if the changes could be highlighted. City Clerk Barfield stated yes, we could do that. **A voice vote was taken with an affirmative result. Opposed: none. Abstain: Alderman Presley.**

Reports of City Officials

Alderman Pigg – Alderman Pigg thanked her for the appointment and for the approval.

Alderman Cleeve – No report.

Alderman Gendron – no report.

Alderman Presley – Welcomed Mrs. Pigg to the dais and looked forward to working with her. He cherished her experience working with the city and any knowledge she could share with them.

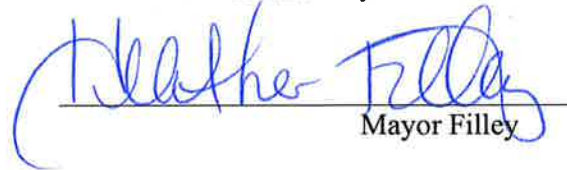
Alderman Eversmeyer – Alderman Eversmeyer stated Bill No. 5156 did not get approved, which he thought was mainly due to the private property issues. He stated we have all these flood lots and new property down by the river. Palisades is State property and the State just passed that they can move the camps out of there. The camps are there. If they move out and into the city, how are we protected to cover all city properties. Mayor Filley thought if a city property was being trespassed on without permission, we have code in place. Attorney Jones agreed and additional restrictions in the parks. The remedy would be to send them to municipal court for trespassing. Alderman Eversmeyer asked if they would get a warning first, like a grass violation. Attorney Jones stated in terms of a warning, that is up to the discretion of the officer. Alderman Eversmeyer just didn't want it to get dragged out. If they get a citation, how do we remove them from the property? Discussion followed. **Motion made by Alderman Eversmeyer, seconded by Alderman Presley to have the attorney work on putting together something to present to the board to protect the city property**

on conditions unfit for human habitation. Attorney Jones stated he worked with Chief on this language, how would you like to go forward. Alderman Eversmeyer was just looking for a way to protect the city property. Alderman Cleeve stated he was right about the private property part, and the other reason was we asked for specific things to be done for this other one and it didn't happen. He hasn't seen any police reports where action was needed and we couldn't take, we asked for the language to be changed and it wasn't, it is the same exact way as it was when it left. If we are going to do this, okay, but if we ask for something to be changed, it needs to be changed. Alderman Lesh stated at the Operations Committee we requested the police reports on the incidents, Chief said he had them at that meeting. We asked for them to be presented to the Board, and asked Chief if we had those now? If we go forward with this motion now with the new bill, do we have that request? Chief Melies responded "yes". Alderman Lesh asked if we had them, because he did not have them. The motion was to bring them to this Board Meeting. Mayor Filley stated she has not seen any logs of police calls. Alderman Lesh stated we don't have those, and that is what's going to come up again if we move forward with this. Alderman Lesh asked if he would please get those instances of police reports/action reports on instances of people living in an unfit structure on city property. Chief Melies stated "yes". **A voice vote was taken with an affirmative result. Opposed: Alderman Lesh. Abstain: none. Mayor Filley declared the motion carried with an affirmative result.**

Alderman Lesh – Alderman Lesh asked about Lisa Lane. The Chief handed out a document to help us with that. Have we met with the School District to get their input? Administrator Roth stated we have not, we brought the ordinance to the board tonight, assuming it moved forward it would go to the School District for feedback.

Adjournment

There being no further business, motion made by Alderman Presley, seconded by Alderman Cleeve to adjourn. A voice vote was taken with an affirmative result. Nays: none. Abstain: none. The meeting adjourned at 8:03 p.m.



 Mayor Filley

ATTEST:


 City Clerk

