

MARCH 7, 2023 \* RECORD OF PROCEEDINGS

CITY OF PACIFIC  
REGULAR MEETING OF THE BOARD OF ALDERMEN  
300 HOVEN  
PACIFIC, MISSOURI

**T**he 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 Cleeve by zoom
- Alderman Gendron
- Alderman Presley
- Alderman Eversmeyer
- Alderman Lesh
- Absent: Alderman Pigg

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**

Reverend Michael Gardner offered prayer this evening.

**Approve Agenda**

**Motion made by Alderman Presley, seconded by Alderman Eversmeyer 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

- A. Regular meeting and special meeting on February 21, 2023.

**Motion made by Alderman Gendron, seconded by Alderman Eversmeyer to approve the minutes of the regular meeting on February 21, 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.**

- B. Approve executive session minutes on February 21, 2023.

**Motion made by Alderman Eversmeyer, seconded by Alderman Presley to approve the minutes of the closed session on February 21, 2023.** Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result. Abstain: Alderman Cleeve. **Mayor Filley declared the motion carried.** Alderman Cleeve stated he abstained because he did not see the minutes. *3/21/23 Mr. Cleeve never received the minutes because he was remote, they were executive session minutes.*

### Public Participation

Mayor Filley stated there was one speaker card and you will have 5 minutes to speak.

Josh Grodie, Westlake Subdivision, Pacific MO. 63069, stated he was here this evening to bring a topic up that we have talked about before regarding the McBride development on Lamar Parkway. One issue is the trash, it's in the pasture and yard. It's receipt orders from the Builders Block, it's all their trash. He encouraged everyone to look at the fence, as there is trash all along it. We don't want trash. The cattle cannot eat the plastic. He is asking for help. Everything is out of the pasture as of yesterday, but they need to start picking up. This did not happen until they started building on west side. Most of it is coming from the roofers. The fence is also down in a couple spots already. It is on their property. The water is a problem. Lots 43, 44, 45 moving up from the railroad tracks. There is a swale with the sewer inlets, the inlets will work well once they can take the silt fence out. Until then it builds up and flows over and floods the pasture. In July we asked that just those four lots, be cautious about the down spouts or take the tile and keep the water in the swale. There is only one home built there right now, but they are still getting the water. He did talk to Mr. Roth about this, who was very helpful. Also, the next item is minor, and thinks it will get adjusted as sod and grass is installed, as they build they are not hauling away all the dirt from excavation, which he understands. Building it up afterwards changes the flow of the water. Any help would be appreciated.

### New Bills

Mayor Filley asked for a sponsor for Bill No. 5190. Alderman Presley stated he would sponsor the Bill.

- a. **Bill No. 5190 An Ordinance authorizing the execution of a Special Sale Contract for the sale of East Congress and 129 E. Pacific in the City of Pacific and the purchase**

**of 750 S. First Street in the City of Pacific and authorizing the Mayor to execute the necessary documents for the purchase and sale thereof. (1<sup>st</sup> reading)**

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5190 for the first reading by title only.

**Consideration of Bills Previously Introduced**

- a. Amended Bill No. 5189 An Ordinance prohibiting the occupancy of structures deemed unfit for human habitation. (2<sup>nd</sup> reading) Sponsor: Eversmeyer**

As posted pursuant to the ordinance, City Clerk Barfield read Amended Bill No. 5189 by title only for the second reading.

**Motion made by Alderman Eversmeyer, seconded by Alderman Presley to approve Bill No. 5189.** Mayor Filley asked for any discussion. Alderman Lesh thought there was remnants of the previous bill in Section A, the last sentence “property owned by occupant”. The occupant is the city, so therefore he made a motion to remove that. On B the first sentence ends “within the city” prior to that it speaks to city property, so there is a difference there. He thought both those items need to be stricken to be cleaned up. Attorney Jones stated in Paragraph A it was intended to allow these organizations or the owner of the property to use the tent, camper or other recreational structure, on their property which he thought was one of the goals. He thought the language should stay in. In Section B, the first sentence is general, but then it drills down to only apply to city property. It wouldn’t hurt anything to remove “within the city” in the first sentence.

**Motion made by Alderman Lesh, seconded by Alderman Presley to strike the item in Section B, remove the words “in the city”.** Mayor Filley asked for any more discussion on that motion. **A voice vote was taken with an affirmative result. Nays: none. Abstain: none.**

Alderman Cleeve asked in Section B the last sentence, doesn’t this apply to any ground, not just city. Attorney Jones stated the first phrase says “city property”. Alderman Cleeve did not think that language should be included, because we can’t own city property. He didn’t want anyone to allow someone to live in a camper on their property for two weeks to be found guilty of an offense. What is actually being said there. Attorney Jones stated it only applies to city property. Alderman Cleeve asked if there was anything different with this ordinance compared to any law already in place, meaning are we already covered? Attorney Jones stated he did not know, that would take hours of scouring the ordinances. Alderman Cleeve asked Chief, what does this ordinance allow that it cannot do today? Attorney Jones stated this is a trespass violation, but this is more detailed. They would then go to municipal court, which he thought we could do already. Alderman Cleeve asked what this allows the police department to do that they can’t already do. Attorney Jones stated originally this had nothing to do with city property, and we are losing the original intent of this ordinance, and maybe it is not necessary. No one voted it down, so we kept trying to draft something that is acceptable. It was intended to deal with unfit structures. Attorney Jones stated he did not think this gave any additional rights, but makes it clear for the prosecuting attorney. Alderman Lesh stated in paragraph C, we have an ordinance 230.020 and paragraph E is the same and there seems to be a lot of redundancy. It was his opinion we should vote this down. Alderman Eversmeyer stated it protects the city property. An ordinance makes the city enforce the law of the ordinance. It is in the news constantly about tent

cities, and encampments and can be a major problem. Our problem is just on a smaller scale. It's not about being against homeless people. Discussion followed. He thought this was a matter of protecting city property. A roll vote was taken. Ayes: Alderman Gendron, Alderman Presley, Alderman Eversmeyer. Nays: Alderman Cleeve, Alderman Lesh. Abstain: none. **Mayor Filley declared Amended Bill No. 5189 failed with a vote of 3-2 because we do not have a majority vote.**

### **Unfinished Business**

Motion made by Alderman Lesh, seconded by Alderman Cleeve to remove Bill No. 5187 from the table. Mayor Filley asked for any discussion. There being none, a voice vote was taken with an affirmative result. Nays: none. Abstain: none.

**Bill No. 5187 An Ordinance authorizing Eminent Domain Proceedings against certain real property adjacent to Highway N. (2<sup>nd</sup> reading) Tabled 2/21/23 Sponsor: Presley.**

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5187 by title only for the second reading. **Motion made by Alderman Presley, seconded by Alderman Eversmeyer to approve Bill No. 5187.** Mayor Filley asked for any discussion. Alderman Lesh stated himself and Mr. Roth received an e-mail from Mrs. Hamby and he was advised that this would be best discussed in closed session. Administrator Roth stated we have been discussing with Mrs. Hamby and made an offer for an easement, and she has counter offered. He understands this would be a real estate negotiation that could be discussed in closed session. Attorney Jones stated that was correct, we could, but it might make sense to pass the ordinance as well. It does not mean we have to file a lawsuit tomorrow. Alderman Lesh stated that himself and Alderman Eversmeyer looked at the property and the ditch channel close to her house. He thought there were some considerations we should look at. We are modifying the water flow, any amount we change with the drainage we need to be aware of. She consulted with her friend who is an engineer, which is what she came back with. Her engineer and the city's engineer, Terry Todd with Cochran, both were on site coming up with a collaboration between those two engineers, which is where the city came up with the offer. Mrs. Hamby responded late today, and that's what we are going into closed session about. **A roll call vote was taken with the following results: Ayes: Alderman Gendron, Alderman Presley, Alderman Eversmeyer. Nays: Alderman Cleeve, Alderman Lesh. Mayor Filley declared the motion failed 3-2 as this was not a majority.**

### **New Business**

**Resolution No. 2023-18 A Resolution to authorize a contract award for construction of Wastewater Lift Station 2 / Forcemain Replacement Project in the City of Pacific.**

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-18 by title only. **Motion made by Alderman Presley, seconded by Alderman Gendron to approve.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Opposed: none. Abstain: none.**

**Resolution No. 2023-19 A Resolution to authorize a contract award for construction of the Wastewater Treatment Facility Headworks Project in the City of Pacific.**

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-19 by title only. **Motion made by Alderman Eversmeyer, seconded by Alderman Presley to approve Resolution No. 2023-19. A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Opposed: none. Abstain: none.**

**Resolution No. 2023-20 A Resolution authorizing and directing the Mayor to execute an agreement with CM Archer Group, PC for professional services relating to a Wastewater Treatment Facility Plan Report evaluating alternatives to meet the 2026 ammonia and nitrogen limits in the City of Pacific Missouri State Operating Permit (MO-0041131).**

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-20 by title only. **Motion made by Alderman Gendron, seconded by Alderman Presley to approve Resolution No. 2023-20. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Opposed: none. Abstain: none.**

**Resolution No. 2023-21 A Resolution authorizing and approving a proposal for construction and installation of a LED Neon Sign on the exterior of the Red Cedar Inn Facility.**

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-21 by title only. **Motion made by Alderman Eversmeyer, seconded by Alderman Presley to approve Resolution No. 2023-21. A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Opposed: none. Abstain: none.**

**Resolution No. 2023-22 A Resolution determining the intent of the City of Pacific, Missouri to reimburse itself for capital expenditures relating to the wastewater Lift Station 2 / Forcemain / Headworks Facility Project.**

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-22 by title only. **Motion made by Alderman Presley, seconded by Alderman Eversmeyer to approve Resolution No. 2023-22. Mayor Filley asked if there was any discussion. A voice vote was taken with an affirmative result. Opposed: none. Abstain: none.**

**Resolution No. 2023-23 A Resolution authorizing and directing the Mayor to execute an Engagement Letter with Stifel, Nicolaus & Company, Inc. for underwriter services relating to the potential issuance of Municipal Securities to finance capital improvements to the City of Pacific Wastewater Collection and Treatment System.**

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-23 by title only. **Motion made by Alderman Gendron, seconded by Alderman Eversmeyer to approve Resolution No. 2023-23. Mayor Filley asked for any discussion. A voice vote was taken with**

**an affirmative result. Opposed: none. Abstain: none.**

**Resolution No. 2023-24 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's Preventive Pavement Maintenance Program (PPMP) 2023.**

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-23 by title only. **Motion made by Alderman Presley, seconded by Alderman Eversmeyer to approve Resolution No. 2023-24.** Mayor Filley asked for any discussion. **A voice vote was taken with an affirmative result. Opposed: none. Abstain: none.**

### **Mayor Report**

Pool Update – Mayor Filley stated Robert and Chris have been working on it and made some significant progress on identifying issues. Some have been fixed. Westport Pools is coming out tomorrow to give their input. At the last meeting they Board authorized me to enter into the contract no sooner than tonight. She is going to wait until the end of the week, and see what the report is from Westport Pool. Administrator Roth stated the weather has been holding them up. They have done some sealing work, but with the rain coming we had to fill it back up. It is continuing to leak. The pressure test is scheduled for tomorrow. After the last meeting they met with us in the field and agreed with our approach. The pool is still leaking at this point. We are making progress, but will keep you updated.

### **City Administrator Report**

Administrator Roth stated his report was in the packet. Alderman Lesh asked him to expand on the financing issues for the resolutions. Your report reads that this does not commit us to any particular path. Administrator Roth stated the Board authorized contract awards for the LiftStation project, about \$ 4.2 million, and we need financing. We have reached out to Stifel, but to discuss we need the engagement letter, which you just approved. He would like to bring Stifel to the Administrative Committee meeting in March, but has to speak to the Chair. In the past we have issued Certificates of Participation. In the most recent deal, we went to the local banks and the rates were good so we refinanced the City Hall Project and included the Red Cedar Project. We may do the same for this, the action taken tonight does not preclude that. The interest world is very different. When we did City Hall the interest rate was 1.95% and Red Cedar at 2.5% and now the rates have doubled. We need to determine the best path.

### **Chief of Police Report**

Nothing new to report.

### **Public Works Commissioner**

Public Works Commissioner Brueggemann stated his report went out by e-mail. He thanked them for Resolutions 18, 19 and 20 approvals.

### **Director of Community Development**

Community Development Director Myers stated his report was in the packet. He continued Alliance St. Louis is coming out on Thursday to take a tour of industrial property, along with what is developing now and what the future land use map shows as far as protentional industrial land in the future. This is the organization that receives a lot of inquiries and then they forward to us to see if there is a fit. They have not really toured Franklin County. Washington is also being toured and in May they are going to Sullivan. This is also a good networking opportunity.

Newsletter – deadline is March 10<sup>th</sup>.

### **City Attorney Report**

No report.

### **City Collector**

No report.

### **Operations Committee Report**

Alderman Eversmeyer stated there is no report.

### **Administrative Committee Report**

Mayor Filley stated that Alderman Pigg asked that she let them know the minutes are in the packet. We made progress on the Code of Conduct. The next meeting is March 27<sup>th</sup> at 5:15 P.M.

### **Park Board Report**

Alderman Cleeve stated there is no update. There is a meeting Monday, March 13<sup>th</sup>.

### **Miscellaneous**

- a. **Approve Pay Application 1, Denton Road Bridge 5419-612, KJ Unnerstall, in the amount of \$ 107,530.00**

**Motion made by Alderman Presley, seconded by Alderman Eversmeyer to approve Pay Application 1 for Denton Road to KJ Unnerstall in the amount of \$ 107,530.00. A voice vote was taken with an affirmative result. Opposed: none. Abstain: none.**

### **Reports of City Officials**

Alderman Cleeve – No report. Mayor Filley thanked him for joining by zoom.

Alderman Gendron – No report.

Alderman Presley – No report.

Alderman Eversmeyer – Dan McClain asked him to announce that the Eagles is having BBQ this Saturday, and this supports the school lunch program. This helps keep the kids fed.

Alderman Lesh – Asked about the grant money for Red Cedar Inn reimbursement. What is the status? Mayor Filley stated we have not received it yet.

Mayor Filley reminded everyone about the St. Patrick's Day Parade is this Saturday at 11:00 a.m. The School District is also doing a 5K.

**Executive Session RSMO 610.021 1 & 2 Real Estate**

Motion made by Alderman Presley, seconded by Alderman Eversmeyer to go into executive session under 610.021 Legal and Real Estate. A roll call vote was taken with the following results: Ayes: Alderman Presley, Alderman Eversmeyer, Alderman Lesh, Alderman Cleeve, Alderman Gendron. Nays: none.

City Clerk Barfield read the following into the record:

610.021 (1) and (2) Legal and Real Estate: Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration thereof.

Mayor Filley stated the vote passed 5-0 and we would adjourn for closed session.

The Board went into executive session at 7:49 p.m.

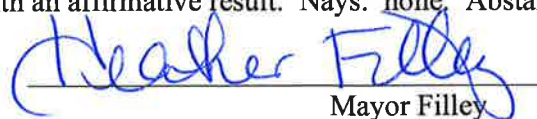
The Board reconvened at 8:23 p.m.

Those present at roll call: Mayor Filley, Alderman Cleeve by zoom, Alderman Gendron, Alderman Presley, Alderman Eversmeyer, Alderman Lesh.

Also present: Administrator Roth, Attorney Jones, City Clerk Barfield

**Adjournment**

There being no further business, motion made by Alderman Lesh, seconded by Alderman Presley to adjourn. A voice vote was taken with an affirmative result. Nays: none. Abstain: none. The meeting adjourned at 8:24 p.m.

  
 Mayor Filley





ATTEST:

Kimberly Barzue  
City Clerk

