

MARCH 21, 2023 * RECORD OF PROCEEDINGS

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

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 Harold Harrison offered prayer this evening.

Approve Agenda

Motion made by Alderman Eversmeyer, seconded by Alderman Pigg 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 on March 7, 2023.

Motion made by Alderman Presley, seconded by Alderman Eversmeyer to approve the minutes of the regular meeting on March 7, 2023. Mayor Filley asked for any discussion. Alderman Cleeve stated “it reads that Alderman Cleeve stated he abstained because he did not see the minutes” that makes it sound like I didn’t take the time, he never received them because they were executive session and he was remote. He would like it to say he was remote and did not receive the minutes. Alderman Presley stated he would amend his motion to include Mr. Cleeve’s correction. Alderman Eversmeyer stated he would amend his second. A voice vote was taken with an affirmative result. Nays: none. Abstain: none. **Mayor Filley declared motion carried for approval of amended minutes.**

B. Approve executive session minutes on March 7, 2023.

Motion made by Alderman Gendron, seconded by Alderman Cleeve to approve the minutes of the closed session on March 7, 2023. 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.**

Public Participation

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

Carol Johnson, 1515 W. Pacific St. Apt 203, Pacific, MO and been a resident for 53 years. She passed out some information for the board. She was here as a taxpaying resident, and is a former Board of Aldermen member. She has a deep concern and it’s going to take Klance Staging, the residents, this Board, and Planning & Zoning to help. The timeline of Liberty Field Park. On July 26, 2001 this was purchased from Lloyd K Duncan, Jill Pigg’s family and past Mayor, now Alderman. Ed Gass was instrumental in obtaining this park, and Jill signed the contract \$ 53,000. In 2003 the city applied for an Interagency Council Grant to develop a soccer and equestrian area in the park. The Pacific Soccer Association and Pacific Saddle Club and Park Development Committee sent a letter of support for the grant application. Pat Smiley was president of the Soccer Association and Kim Barfield was the vice-president of the Pacific Saddle Club, with Richard Adams as president of the Park Development Committee. In 2005 the city was awarded a \$ 150,000 grant from the Missouri State Interagency Council for Outdoor Recreation. On the application it was proposed for this 31-acre site, 4 soccer fields, and one-horse area. In 2007 the park opened. In 2009, Collector Debbie Kelley, chaired a project to build the first pavilion. In 2009, 21 Design Group provided engineering for Liberty Field. In 2014 Pat Smiley ordered 28 granite plaques for the U.S. Military Walk, and ordered plaques for the Veterans’ Walk. In 2015 Pacific Soccer Association signed an agreement to pay \$ 4, 800 per season to use the 8 fields. In 2015 the Veterans’ plaques were installed. In 2016 there was final design for the restrooms. In 2017 the concession stand and restrooms were built. In 2018 Alan Bruns cleaned the Veterans’ plaque and they were reinstalled. The quote was \$ 20,000, but she

pushed it and he charged \$ 5,000. They are in need of repair again. They need to be redone. The rodeo is the most important thing at that park. We know what the profit is, and the rodeo has outgrown this space. She drove out there tonight, and there as a man in a truck in the alley. She spoke to that man about the vision of this property. When the flood took out that end of town, we wanted this property. Each time the flood comes in it takes a little more. This needs to be looked at for the best use of this land. We all have to sit down and see what is best. This man said he also looked at another piece of land behind Hawthorne. We have to come to a solution. She continued her conversation and was told they were going to have a 3' berm. He told her the city got a good deal, they got swapped and \$ 200,000. If we would expand the property and put it on that lot, it's not in the wetland. Klance partners with the city for a lot of events. We need to work as good partners. She respects Klance and the work they do. He has been a good partner with the city. All she is saying, let's be more open minded, more transparent and let's talk about it. We also have the Old Royal Theatre, and she understands that Klance is using this. How did an event center get an occupancy permit there. She understands Klance is busting out. We need to sit down and get the best use of the land out of this.

New Bills

Mayor Filley asked for a sponsor for Bill No. 5191. Alderman Eversmeyer stated he would sponsor the Bill.

- a. Bill No. 5191 An Ordinance approving a Zoning Change (Map Amendment) from C-1 Downtown Commercial to M-1 Light Industrial for Lot 5 Route 66 Business Park Plat 1, St. Louis County Locator No. 30Z310293, being generally located at Route 66 Business Parkway and East Osage Street, Pacific, MO. (1st reading)**

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5191 for the first reading by title only.

Mayor Filley asked for a sponsor for Bill No. 5192. Alderman Pigg stated she would sponsor the Bill.

- b. Bill No. 5192 An Ordinance authorizing a Conditional Use Permit for property located at 129 E. Pacific Street, Franklin County Parcel ID's 19-1-12.0-4-014-204.000, 19-1-12.0-0-4-014-204.100, 19-1-12.0-4-014-204.200, 19-1-12.0-4-014-204.300, in the City of Pacific. (1st reading)**

As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5192 for the first reading by title only.

Alderman Lesh stated he had a comment. He wanted to introduce conditions, and this would give the Attorney time to put this in legal form for next time. The applicant was before Planning & Zoning and stated he intends to put this up on trailers and keep it up there. He believes he will, but would ask this be one of the conditions we put on the CUP that it does limit it to storage of objects, materials and equipment on the trailer and not on the ground. The second one was about the use. The proposed improvement plan we saw, if that is accurate, it includes the upper

half acre, he would suggest we limit the CUP to the upper half. If in the future he wants to utilize the rest of the property, he can come back before us for another CUP at that time. The third one was the apron connection to the road, he would put in the condition that the apron from the roadway to the front building line would be concrete. **Motion made by Alderman Lesh to include all these items in the CUP.** Mayor Filley stated she has a motion on the floor to amend Bill No. 5192 to include conditions regarding placing in the CUP conditions for everything to be put up on trailers, a specific parcel would need to be determined. Alderman Lesh stated it was parcels 100, 200 and 300. The other piece was the concrete apron. Mayor Filley asked for a second. **Motion was seconded by Alderman Cleeve. Mayor Filley asked for any further discussion. A voice vote was taken. Mayor Filley declared the “nays” have this and the motion dies 4-2. Amending the Bill was not approved. This Bill will move forward as it stands.**

Consideration of Bills Previously Introduced

- 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. (2nd reading) Sponsor: Presley**

Motion made by Alderman Pigg, seconded by Alderman Presley to read Bill No. 5190. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result. Opposed: none. Abstain: none. As posted pursuant to the ordinance, City Clerk Barfield read Bill No. 5190 by title only for the second reading.

Motion made by Alderman Pigg, seconded by Alderman Presley to approve Bill No. 5190. Mayor Filley asked for any discussion. A roll vote was taken. Ayes: Alderman Pigg, Alderman Gendron, Alderman Presley, Alderman Eversmeyer. Nays: Alderman Cleeve, Alderman Lesh. **Mayor Filley declared Bill No. 5190 passed with a vote of 4-2 and becomes Ordinance 3369.**

Unfinished Business

New Business

Resolution No. 2023-25 A Resolution to accept a Contract Proposal from 5J Rodeo Company LLC (dba Outlaw Rodeo Productions) for conduct of rodeo events sponsored by the City of Pacific.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-25 by title only. **Motion made by Alderman Eversmeyer, seconded by Alderman Pigg to approve.** Mayor Filley asked for any discussion. Alderman Cleeve stated in Mr. Roth’s summary it says we owe \$ 13,000 if we are flooded out, which is the standard fee. In the contract it says “whatever is expended” by the rodeo company. What is it really? Administrator Roth stated the way the contract is written if there is a flooding event, then whatever expenditures the rodeo

operator had incurred up to that point would be eligible for reimbursement from the city. In a straight cancellation for bad weather and unable to hold the rodeo, then we would owe the full \$ 13,000. Alderman Cleeve wasn't sure why they couldn't share some of the burden. Administrator Roth stated the contract has been written like that in the past. When they talked about inclement weather this time, they come to town ready to roll and put on the event. If it is cancelled, by contract it would be \$ 13,000. **A voice vote was taken with an affirmative result, and Mayor Filley declared the motion carried. Opposed: Alderman Cleeve, stated he was opposed because of what he stated. Abstain: none. Mayor Filley declared the motion carried 5-1.**

Resolution No. 2023-26 A Resolution authorizing and approving a proposal for repair, resurfacing and striping of the Community Park Tennis Courts and Basketball Court.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-26 by title only. **Motion made by Alderman Presley, seconded by Alderman Gendron to approve Resolution No. 2023-26.** 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. 2023-27 A Resolution authorizing and approving the purchase of a large dog and small dog park equipment for the City of Pacific Community Park Dog park.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-27 by title only. **Motion made by Alderman Cleeve, seconded by Alderman Pigg to approve Resolution No. 2023-27.** 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. 2023-28 A Resolution authorizing and approving the purchase of a color printer / scanner for the Tourism Department / Red Cedar Inn Facility.

As posted pursuant to the ordinance, City Clerk Barfield read Resolution No. 2023-28 by title only. **Motion made by Alderman Presley, seconded by Alderman Eversmeyer to approve Resolution No. 2023-28.** Mayor Filley asked for any discussion. Alderman Cleeve stated he was looking at Red Cedar expenses, is there a specific reason for this purchase. He thought Genealogy was going to have something in their building. The resolution shows \$ 6,000 but when you look at the term of the contract it is \$ 8,841 with a 63 month contract. For something that is not open, he thought a printer/scanner on a smaller level would suffice, and if we see there is a huge need then we could approve something like this. It's a nice copier, but he thought anything major should be done at City Hall, and save the expense. Alderman Lesh stated he spoke with Jeff Titter and they have a need for a large format scanner, and he was not sure where they were at with it. This item might cost similar to what we already purchased for the Building Department. Having two printers might be double duty. He asked Mr. Roth about any information for that. Administrator Roth stated that unit we purchased is in the Building Department and was about \$ 12,000. We used this today to print panels for the Red Cedar. In his opinion, this expenditure specifically for Red Cedar would be unnecessary for scanning. The

unit proposed here is low to mid volume printer, similar to the unit at City Hall, which has been excellent. We could go cheaper; this would equip the Tourism Department and would be shared with Genealogy and Historical Society. This unit would last probably 6-8 years if not longer. A smaller unit could be purchased, he wanted to get her equipped professionally and would serve the needs now and in the future. He does not object to going smaller. Alderman Pigg stated this is a 5 year contract, broken down is under \$ 150 a month for 5 years. Purchasing a toner cartridge is ate up in one replacement per month. If she is going to be doing prints, she asked Mr. Roth if it was more economical to do in house, and he said yes. If they have to come here to do the printing, it's time, energy and fuel. Broken down at \$ 150 a month and includes toner so as much as it's hard to say yes let's spend this much, when broken down it makes sense. Alderman Gendron stated this project is costly, and we don't have a clear vision on how it will support itself, we might want to start pinching pennies. Alderman Cleeve stated he wasn't opposed to something like this in a year, and he understands the \$ 150 a month, but how many big jobs will be done in a month? He wouldn't think there would be many drives to City Hall. He thought we needed to start holding back when we can. Alderman Lesh thought there were more economical models that could do this volume. The average is probably \$ 1,000 in cost. Alderman Eversmeyer stated she is the only person down there when it opens, if she has to leave to use the printer at City Hall, she has to lock the doors. This is just something to keep in mind. Alderman Lesh stated he was looking for a printer that she wouldn't have to leave for. **A voice vote was taken with the following results: Ayes: Alderman Presley. Opposed: Alderman Pigg, Alderman Cleeve, Alderman Gendron, Alderman Eversmeyer, Alderman Lesh. Abstain: none. Mayor Filley declared the motion failed 5-1. Resolution No. 2023-28 dies.**

Mayor Report

Emergency Management Director appointment – Mayor Filley stated she would like to ask for approval to appoint Hal Schulman to the Emergency Management Director. He has been serving in this capacity since 2021, and Ordinance No. 3363 that formerly made the position an appointment official with consent of the Board. If approved, it would not change his duty or pay. Any removal would require action of the Board. **Motion made by Alderman Lesh, seconded by Alderman Cleeve to approve the appointment of Hal Schulman as the Emergency Management Director. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result. Opposed: None. Abstain: None.** She thanked the Board for the approval, and thanked Hal for the work he has done.

Pool Update – Mayor Filley stated she signed the agreement with Westport Pools so they could begin the staffing process. Westport came out and pressure tested on March 8th and it passed. We found a few other situations we tried to fix, but due to the wet weather it was not allowed to happen. We are hopeful we will have dry weather before the end of May and do the repairs. We are planning to open the pool for the normal season. The Swim and Dive Team have been notified. They are all aware that something could happen between now and opening day that could change this decision. They also know we are going to have to look to do something different for next year. Alderman Eversmeyer stated it was losing 1,000 gallons a day, where was it going? His worry is it was going under the hole and creating a sink hole. Public Works Commissioner Brueggemann stated it was going into the drain tile. The whole pool is sitting on gravel, and it's going out a 4" pipe. We found another spot that needed silicone and we are

trying to get it sealed.

City Administrator Report

a. MIRMA 100 percent rating

Administrator Roth stated our recent rating from MIRMA was 100%. They are our insurance company, property liability, workers compensation, employment practices carrier. We have never had a 100% rating, and it was a goal. Last year we had 99%, but this year we got to 100% because we maintained our Loss Control Program and we split the dog park. That was a recommendation of MIRMA for many years. This keeps the small dogs and large dogs separated. There is a lot of work that goes on. The City Clerk manages the program, department heads manage their departments, the Police Department had 100% on their training program. There is routine inspections done by Public Works and the Parks Department that is a regular part of what we do. In administration we maintain policies and procedures. In the packet there is a score sheet of the evaluation. As an organization we should take some pride in this. We are not perfect, and we always want to improve. He would like to review the Loss Control Program and bring forward to the Board. We have talked about a safety day, bringing in a speaker and so forth. Any loss is a bad loss, and we have improved. This rating is a good reflection to the city's overall commitment to safety and loss control.

Chief of Police Report

Nothing new to report.

Public Works Commissioner

Nothing to report.

Director of Community Development

Nothing to report.

City Attorney Report

Nothing to report.

City Collector

Nothing to report.

Operations Committee Report

Alderman Eversmeyer stated there is no report.

Administrative Committee Report

Board of Aldermen 3-21-23

Alderman Pigg stated we are meeting Monday, March 27th to finish the Code of Conduct, and budget.

Park Board Report

Alderman Cleeve stated they have met. Chief Melies did a great job on a presentation for walking and riding trails throughout the city. It was a good presentation. We need to designate our park land for parks for mapping. They are working on this, and will bring to the Board of Aldermen. He asked Public Works Commissioner Brueggemann if he knew how much the marking on the street would be for a bike path. PW Commissioner Brueggemann stated he could obtain a cost for the stencil. The ballfields are going to be done, and the dugouts are being rebuilt. The operating days and time for the pool are the same as last year. April 17th is the next meeting, and he was hoping another alderman could attend, because he could not. Mayor Filley stated if another alderman could not attend, she was available that evening.

Miscellaneous

a. **Approve the list of bills.**

Motion made by Alderman Pigg, seconded by Alderman Presley to approve the list of bills. Mayor Filley asked for any discussion. A voice vote was taken with an affirmative result. Opposed: none. Abstain: none.

Reports of City Officials

Alderman Pigg – No report.

Alderman Cleeve

Josh Grodie and Gary Koelling brought up items related to McBride. He asked Community Development Director Myers for an update. Community Development Director Myers stated there were three components to the complaints. One was the fence, that has been repaired, the other was the trash. He met with the Project Manager and he is talking to the people running the jobs, to do the best they can with the wind. He also is asking for permission from Mr. Koelling to get to the other side of the fence, there is a 15'-20' section that his laborer can get to. He is waiting on a reply on this. The erosion control, in the description it seemed like a lot, but he walked the whole fence. There is one spot of erosion, about ¾ way down the fence line where a swale was installed. That swale has a low spot, and there is evidence of erosion, about 3" deep and 12" wide. It runs into another ditch. He took pictures. He sent a message to Mr. Koelling inviting him to show him of anything else. The Superintendent told him today that he is going to add additional water control measures at that spot, which he believes was installed today.

S. Third St. – Ray Gullet's garage that was put up. He asked about the existing shed that was behind it, was it allowed. Community Development Director Myers stated the shed is allowed. He also asked about the rain barrels. Director Myers stated those are installed and he has photos.

Hawthorne Pond – He asked where this was on the list. Public Works Commissioner Brueggemann stated he discussed it today with Administrator Roth. He is obtaining estimates for it to be included in the new budget.

Hwy N – He asked if there was any new news. Administrator Roth stated we are in contact with the property owner. Public Works is going out this week to clean the culvert.

Alderman Gendron – No report.

Alderman Presley – No report.

Alderman Eversmeyer – Asked about the sidewalk on Hwy N. The area we talked about earlier, are they going to be repairing that. There is a lot of mud on it. PW Commissioner Brueggemann stated they have to put it back to its original form, but they are still working. Alderman Pigg asked when building something, every day when you leave, the road has to be cleaned, is that right? Director Myers stated they have to clean up any hazard. She thought this was adopted by the city with the streets, and this would include sidewalks to be cleaned everyday so there was no hazard. Administrator Roth stated the standard is clean up your mess, but he was not sure of a specific ordinance. She thought there was one when Silver Lakes was developed. Alderman Cleeve stated at his end the sidewalk was okay, it was just the area between the road and the sidewalk. Attorney Jones stated there is a provision in Section 415.100C, but it don't have a daily requirement, just to clean streets and be liable for any spills.

Alderman Lesh – stated he had a resident contact him about Blackburn Park, the Reddi Mix area, is the city still using this to dump into and if so, is there an alternative place. PW Commissioner Brueggemann stated we are still using it when it's not to wet. There is one property owner, outside the city that is looking for fill, and he will be in contact with him. Otherwise, he has nowhere else to go except the lagoon. We have replaced the fencing there also. The resident's concern is the unsightliness to it. Alderman Cleeve stated there was someone on OO that was looking for fill, there is a sign in their yard.

Manors of Brush Creek – he stated we all know the situation; this one was about the parking and traffic issues. One of the ideas presented, he hoped we could look at, was there was many cars parked at a house warming recently, and were parked on both sides of the street. This shows there will be a problem when people come to visit. He would like this Board to consider directing administration to approach McBride and consider purchasing an empty lot. If we did that, we could secure it for parking, and solve a headache. Then the HOA could take it over. One lot there is a quarter acre. **Motion made by Alderman Lesh, seconded by Alderman Cleeve to direct administration about purchasing a lot by the city to own and use for parking.** Mayor Filley asked for discussion. Alderman Lesh thought there was two spots, on the B side, the west side, lots 40 and 41 have not been sold yet. Going further in, on the Brush Creek side is going to be another problem with cars parking on both sides, there's just not a lot of room. He thought we should look at a lot or two over there. He thought the HOA could make the parking lot, maybe. **A voice vote was taken with an affirmative result. Nays: none. Abstain: none.**

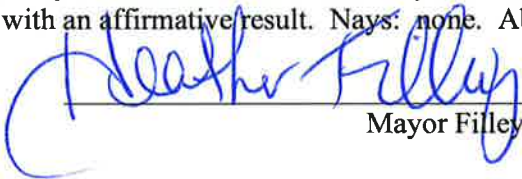
Ordinance on the sale – Alderman Lesh stated he wanted to go back to that. People had contacted him, and some are very concerned about this being next to the park. People put

forth suggestions for this, given that the public just found out about this at our last meeting. Some of them were, could we use it for parking at the northern entrance, RV parking, camping for the city, parking for small trailers etc. He didn't think the public had enough time to give input, and he heard a lot of ideas. The biggest one is with the parking and the rodeo coming in through there. He knows we passed it, but asked if anyone wanted to reconsider this and give the public more time and table this for another week, someone could make a motion to reconsider. Attorney Jones stated we do have a closing date on Thursday, we would be in breach of contract unless the seller who is also a buyer is willing to continue the closing date. Alderman Gendron stated she didn't think that a company that gives as much back to the community as Klance, they are going to want to be a good neighbor. Alderman Lesh believed they were also, and an asset to the city. People were just expressing that this continue to be part of the parks, as it was purchased for. People want to express their opinion on that. Alderman Eversmeyer stated during Planning & Zoning it was somewhat discussed, the property we obtained at the south entrance, use this for parking. It was thought about for the rodeo.

Alderman Lesh stated attend, participate, and volunteer. This is a big two weeks coming up, and you can participate by voting on April 4th. Mayor Filley stated with the election coming up, there is a possibility for new positions on the Boards and we still have some vacancies. If anyone has interest, please reach out.

Adjournment

There being no further business, motion made by Alderman Lesh, seconded by Alderman Cleeve to adjourn. A voice vote was taken with an affirmative result. Nays: none. Abstain: none. The meeting adjourned at 8:06 p.m.



 Mayor Filley

ATTEST:



 City Clerk

