



May 18, 2021 * 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 Myers. The meeting was held at City Hall. The Public was able to attend in person and was streamed live on the City of Pacific Facebook page:

<https://www.facebook.com/cityofpacificmunicipalgovernment>.

A roll call was taken with the following results:

Present at Roll Call:

Alderman Nemeth
Alderman Adams
Alderman Rahn
Alderman Frick
Alderman Eversmeyer
Alderman Stotler

A quorum was present.

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

Pledge of Allegiance

The Pledge of Allegiance was given.

Prayer

Board of Aldermen 5-18-2021

The Ministerial Alliance, offered prayer this evening.

Approve Agenda

Motion made by Alderman Nemeth, seconded by Alderman Adams to approve the agenda. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Minutes

A. Regular meeting on May 4, 2021.

Motion made by Alderman Rahn, seconded by Alderman Stotler to approve the minutes of the regular meeting on May 4, 2021. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Public Participation

There were no speaker cards this evening.

Mayor's Report

Alderman Adams stated he was familiar with these appointments and if the Board had no objections, motion made by Alderman Adams to approve all of these nominations. The motion was seconded by Alderman Frick. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

- a. Approve appointment of Dan McClain to the Board of Adjustment as an Alternate – term to expire May 2025.
- b. Approve appointment of Mike Bates to the Planning & Zoning Commission – term to expire May 2025.
- c. Approve appointment of Gary Koelling to the Planning & Zoning Commission – term to expire May 2025.
- d. Approve appointment of Ryan Schaecher to the Park Board – term to expire May 2024.
- g. Approve appointment of Linn Vogt to the Tourism Commission – term to expire November 2022.
- h. Approve appointment of Rafael Madrigal to Planning & Zoning – term to expire May 2025.

Mayor Myers stated he did not read Item E & F as they have resigned.

i. Recommendation from the Board of Aldermen for the Meramec Valley Museum & Historical Society.

Alderman Adams asked if Mayor Myers would remove himself from this portion of the meeting. Mayor Myers stepped down from the dais. Alderman Adams took over this portion of the meeting. He stated this is the first time this has happened in his 40+ years of being involved with the City. Tonight, he was recommending the name of Audrey Myers to the position of the Meramec Valley Museum & Historical Society. Audrey is known to himself and others of the City. She was born and raised here, and knows it as well as myself. She served on Planning & Zoning in the past and did a great job, so great that is why he took the action that he took tonight. Transparency is important. Audrey is married to the first cousin of the Mayor, but that is not her fault. It would be a mistake not to consider her. He would ask for approval tonight of Audrey Myers. **Motion made by Alderman Nemeth, seconded by Alderman Stotler to approve Audrey Myers to the Meramec Valley Museum & Historical Society.** Alderman Adams asked if everyone understood why he did what he did tonight. There were no further comments. **A voice vote was taken with an affirmative result, and Alderman Adams declared the motion carried.**

The meeting was turned back over to Mayor Myers.

Donations: Mayor Myers stated there was a donation from the Magi Foundation for funds collected to go towards finding out who put graphite at Jensen's Point. Since they were not caught, they have since donated these funds to the City for park equipment. Their total donation is \$ 1,195.00.

The Eagles has also submitted a check for \$ 1,000 towards the fireworks display. Last year the display was \$ 20,000 worth, but some of that was donated.

Mayor Myers thanked them both for their donations and anyone else that would like to donate towards these causes please do so. Every dollar helps.

Wayfair – Mayor Myers stated he sent an email out to Attorney Jones and the Board regarding Wayfair Legislation. He read from the email which is included in the minutes. Businesses located in Missouri that sold in house or over the internet to Missouri customers were charging sales and use taxes while companies outside of Missouri were selling to those same customers without charging sales tax for online purchases. This has given non-Missouri online retailers a distinct advantage over Missouri retailers for years and has caused state and local revenues to drop as a result. Missouri is the only state in the country that has not passed legislation enabling collection of sales taxes from online businesses located outside the state. Purchases from Etsy, eBay and Wayfair has been conducted tax free. This is about to change with HB 554 for the "Brick and Mortar" business and this will allow for the collection of a use tax from online businesses not physically located in Missouri. The Wayfair Bill will even out the playing field

with the businesses to be able to compete with online companies. Attorney Jones stated this would need to go before the voters. Sunset Hills just passed an ordinance that will allow them to put this on the ballot, which is what we need to do. Mayor Myers continued that this is money not being collected by online purchases which puts our business at a disadvantage. Board members agreed this needed to be put on the ballot.

New Bills

Alderman Adams stated he would sponsor Bill No. 5082.

Alderman Eversmeyer stated he would sponsor bill No. 5083.

Bill No. 5082 An Ordinance Revising the Organization of the Meramec Valley Historical Museum and Genealogy Committee. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5082 by title only.

Bill No. 5083 An Ordinance Approving a Zoning Change (Map Amendment) from R-1B Single Family Residential to NU Non-Urban for an Approximate 6.02-acre tract described as Lot 1 Riverbend Heights Subdivision Plat 1, Franklin County Parcel ID 19-6-14.0-0-036-034.000 and being generally located at 2010 Highway N (Congress Street) in the City of Pacific. (1st reading)

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5083 by title only.

Gary Meadows, property owner stated his daughter will be the primary one living here. When they purchased the property, they thought it was NU, then learned it was not. They have a plan to have a pole barn building for a couple of horses. This will not be used commercially.

Alderman Adams stated he supported his request

Consideration of Bills Previously Introduced

Unfinished Business

New Business

Resolution No. 2021-25 A Resolution amending the Employment Contract with the City Attorney.

Mayor Myers read Resolution No. 2021-25 by title only into the record. He asked for any discussion. He continued that this will renew the contract with Attorney Jones. Motion made by Alderman Nemeth, seconded by Alderman Adams to approve. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Resolution No. 2021-26 A Resolution to authorize a Contract Award for construction of Red

Cedar Inn Rehabilitation and Reuse Improvements in the City of Pacific.

Mayor Myers read Resolution No. 2021-26 by title only into the record. He asked for any discussion. Alderman Nemeth stated that he hoped everyone looked over this. The Board was kind enough about 10 months ago to give the Administration Committee the authority to move this forward. We hired Patterhn Ives, went through COVID and set a goal to award this in May, and here we are. He thanked Alderman Adams and Alderman Stotler for their efforts on the committee and being great partners. He has heard positive comments about this project, and it is the second biggest project the City has took on. He thanked the citizens and the Board of Aldermen for their support. He is planning on seeing a grand opening in 2022. Alderman Stotler agreed and thought this project was kept on tract. Alderman Adams stated as he looked around the community, he remembers a lot of great projects. These things cannot be done without the community. This is the road to the future, and this strategy has worked. He has not heard one complaint from the citizens, and thanked the community for supporting the project. Mayor Myers stated that Robert Yahl, Route 66 Association, told the Mayor that people all over the world travel Route 66. They start in Chicago and head to California, and their first stop is Pacific at Red Cedar. The vision is to capture the tourism that is already coming through, and they tell people to come back to see it. Mayor Myers thanked the Administration Committee for handling this, and the citizens for the support. In 2026 it is the 100th anniversary of Route 66 and people will be coming to Pacific and we want to be ready. Alderman Adams stated everything cost money, if the people want it, we have to pay for it. The pool is another example of a huge project that is going to cost money in the future. Mayor Myers agreed and stated the pool is not off the radar. **Motion made by Alderman Nemeth, seconded by Alderman Stotler to approve Resolution No. 2021-26. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.** Mayor Myers stated the contractor is here this evening, and asked if anyone had any questions. There were no questions.

City Administrator Report

a. Final draft budget/Set Public Hearing date – Administrator Roth stated he was ready to set the Public Hearing for the budget for the June 1, 2021 meeting. He is still working on the details of the budget, but it is balanced and includes the Red Cedar Project. There is a \$ 327,000 deficit in general fund due to the transfers, however the total general fund balance is to the good. Parks & Stormwater is balanced only if the Parks & Stormwater split is amended to 50/50 instead of the 60/40 split. The Park Board has recommended this, and he recommends this change. With the various spending in the parks, we cannot fund it in all the parameters without doing this. The American Rescue Money is not included in the budget yet. Once the funds are here, we will need to have discussion on how to allocate it.

Motion made by Alderman Adams, seconded by Alderman Rahn to set the Public Hearing for the budget at the June 1, 2021 meeting. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Motion made by Alderman Adams, seconded by Alderman Nemeth for Attorney Jones to prepare any necessary ordinances. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Motion made by Alderman Adams, seconded by Alderman Frick for Attorney Jones to reallocate the Parks and Stormwater Funds to 50/50. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Administrator Roth stated the street lights and guard rail for Thornton Rd did not make it into the budget. He reminded the Board that we maintain up to Skyline. Alderman Nemeth stated the condition of Thornton from Skyline to Hwy 100 is full of potholes. Administrator Roth stated he would report this to Franklin County.

b. Wastewater User Charge review – Administrator Roth stated this can be approached by different angles. His recommendation was the rate be changed to \$ 4.14 per 1,000 gallons and the base user charge remained the same. This is only a volume charge. Our current rates are low if you look at the 5,000-gallon average and do a comparison. Alderman Adams asked if the rate recommended generates more money than is needed for Lift Station 2. Administrator Roth stated Lift Station 2 is a major project. There is 2 ½ miles of pipe, 1 mile of force main, and improvements to the headworks. He believes this rate would pay the debt service for this project and is designed to cover the cost. Alderman Adams stated his concern was only paying for the Lift Station 2 improvements and he did not support paying for Brush Creek improvements. Administrator Roth agreed and felt this was only the City share. Alderman Frick stated since there has not been an increase in 9 years, this seemed fair. He liked the way it was laddered for the lower end users. Alderman Adams stated when he asks questions, it is not objections, he just wants things to be clear to the public. Administrator Roth understood and stated a rate change requires a 30-day notice and a Public Hearing. Alderman Adams suggested the citizens contact City Hall if they had any additional questions.

Motion made by Alderman Adams, seconded by Alderman Nemeth for Attorney Jones to draft an ordinance in line with the recommendation from Administrator Roth for the rate change. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried. Attorney Jones stated this would require a Public Hearing at the first meeting in July.

c. American Rescue Plan funding – Administrator Roth stated he expects \$1.3 million from the American Rescue Plan funding. The Treasury has put out guidance for cities. The primary uses are water and sewer, broadband, and tourism. He feels strongly that we should study the broadband issue and suggested we reserve some funds for a consultant to look at under served areas. Attorney Jones stated the guidance is 151 pages and he believes some funds can be devoted to Tourism improvements, which could be the operation of Red Cedar after the construction is complete. Alderman Nemeth agreed. Mayor Myers stated if we could provide

broadband could we also make them become part of Pacific. Discussion followed. Alderman Frick stated the internet problem is holding up the sale of homes. He agreed this needed to be researched, as he believes broadband is now considered part of the infrastructure. Children are learning at home and we are not giving them the tools they need. Administrator Roth agreed and thought this would be another enterprise of the City. Alderman Adams agreed and stated this is the future. We need to talk about all these things and position ourselves for this. Alderman Adams stated he put a list at each Alderman's spot tonight of items to consider for these funds. He knows there is more, but he recommended each one of them do this. Alderman Frick agreed and suggested if we all do this, a third party look at it and prioritize it. Alderman Adams stated this list he had was from former Alderman Ed Gass.

Motion made by Alderman Adams, seconded by Alderman Frick to keep this topic on the agenda for more discussion. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

d. Contingency Fund discussion – Administrator Roth stated he spoke about this earlier in the meeting when speaking about the budget. This has been increased from \$ 10,000 to \$ 15,000 per month. **Motion made by Alderman Adams, seconded by Alderman Eversmeyer to approve the contingency transfer of \$ 15,000 per month. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.** Alderman Adams stated his hope is to get to \$ 2 million in reserves and he supports being able to borrow from it.

e. Waivers and Exceptions request (Section 410.080), 604-606 S. Second St.

Administrator Roth stated this came through Planning & Zoning on the 11th. This is a request from Kelley Concrete to waive the sidewalks. Planning & Zoning has recommended approval. **Motion made by Alderman Adams, seconded by Alderman Eversmeyer to approve the request for waivers of sidewalk at 604-606 S. Second St. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Attorney Jones stated this requires to be approved by ordinance as it is part of the Plat Approval Process. **Motion made by Alderman Adams, seconded by Alderman Nemeth to create an ordinance for the waiver. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Chief of Police

Mayor Myers thanked him for the security measures out front.

Public Works Commissioner Brueggemann

No report.

City Attorney Report

Attorney Jones stated an e-mail was sent to Chief and the Administrator regarding a court case in St. Louis County. This involved someone pan handling at Lindbergh & I-55 and he was denied a license for soliciting. The court ruled that his rights were violated and the judgement was \$150,000 in the defendants' behalf. He recommends the ordinance be reviewed and suspend enforcement of solicitation provisions.

Miscellaneous

- a. Approve the list of bills.

Motion made by Alderman Adams, seconded by Alderman Eversmeyer to approve the list of bills. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

- b. Approve Pay Application 1, Gershenson Construction, Viaduct Street Sidewalks project, \$40,647, to be paid from Viaduct CID funds.

Motion made by Alderman Adams, seconded by Alderman Nemeth to approve Pay Application # 1 in the amount of \$ 40,647.00. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

- c. Approve Change Order # 2, Gershenson Construction, Viaduct Street Sidewalks project, Culvert clean-up, \$ 2,250.00

Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve Change Order # 2 in the amount of \$ 2,250.00. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

- d. Approve Cochran Engineering Invoice, Route 66 Marketplace Road, \$ 1,325.20, to be paid from W. Osage CID funds.

Motion made by Alderman Frick, seconded by Alderman Eversmeyer to approve the invoice from Cochran in the amount of \$ 1,325.20. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

- e. Approve invoice from Archtech for the Toughbook's for the Police Department in the amount of \$12,432.00.

Motion made by Alderman Stotler, seconded by Alderman Nemeth to approve the invoice from ArchTech in the amount of \$ 12,432.00. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.

Reports of City officials

Alderman Nemeth – he thought the poured barriers looked amazing on Thornton.

Alderman Adams – No report.

Alderman Rahn – No report.

Alderman Eversmeyer – No report.

Alderman Stotler – No report.

Collector Kelley – No report.

Executive Session RSMO610.021(2)

Mayor Myers stated we needed to go into executive session under Real Estate this evening.

Motion made by Alderman Nemeth, seconded by Alderman Stotler to go into executive session under RSMO 610.021 (2). A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Rahn, Alderman Frick, Alderman Eversmeyer, Alderman Stotler. Nays: none. Whereupon, Mayor Myers declared the motion carried 6-0.

The Board went into executive session at 8:48 p.m.

The Board reconvened at 9:14 p.m.

Present at roll call: Alderman Nemeth, Alderman Adams, Alderman Rahn, Alderman Frick, Alderman Eversmeyer, Alderman Stotler.

Adjournment

There being no further business, motion by Alderman Nemeth, seconded by Alderman Frick to adjourn. A voice vote was taken with an affirmative result. The meeting adjourned at 9:15 p.m.

ATTEST:

Kimberly Barfuel

City Clerk

Steve Myers

Steve Myers, Mayor



Board of Aldermen 5-18-2021

