

August 3, 2021 \* RECORD OF PROCEEDINGS

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**CITY OF PACIFIC  
REGULAR MEETING OF THE BOARD OF ALDERMEN  
300 HOVEN  
PACIFIC, MISSOURI 63069**

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**T**he 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

Also present: Administrator Roth  
Attorney Jones  
Chief Melies  
Collector Kelley  
City Clerk Barfield

**Pledge of Allegiance**

The Pledge of Allegiance was given.

**Prayer**

There was no one present from the Ministerial Alliance to offer prayer. Mayor Myers offered prayer this evening.

**Approve Agenda**

Board of Aldermen 8-3-2021

Motion made by Alderman Adams, seconded by Alderman Frick 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 July 20, 2021.

**Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve the minutes of the regular meeting on July 20, 2021. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

### **Public Participation**

Jenny Vitale, 314 W. St. Louis St, Pacific MO stated she was concerned about the parking that the business in the theatre may bring. We're excited about the new business, our concern is having appropriate parking. There are four homes with no driveways. She was hoping you would consider designated spots. There are also concerns with shrubbery in the alleyway and they wanted to build a fence but was denied from the City. This area is not maintained by the City and it needs to be, and request it be paved.

### **Mayor's Report**

Alderman Adams stated Bill No. 5096 he would like to sponsor and ask that Alderman Evermsmeyer be the co-sponsor.

a. Approve Wayne Winchester to the Meramec Valley Historical Museum and Genealogical Society Committee.

Mayor Myers stated he was not present this evening due to a death in the family. He asked this be carried to the next agenda.

b. Stop Sign Request

He almost witnessed an accident at Indian Trail and the entrance to the new subdivision. He would like to discuss a possible stop sign here coming out of the subdivision. Chief Melies will look into this.

c. Old Gray Summit Road

There were several complaints about this intersection with Lamar Parkway. He asked Chief Melies look into this intersection and making this a 3-way stop. Chief Melies stated he would look into both of these.

d. Sign post leaning

Mayor Myers stated they are all over town, and they are leaning. He asked that Public Works Commissioner Brueggemann get these straight. It would give our town a better look and feel. Alderman Nemeth stated the old COVID signs are still up also. He asked they be taken down.

e. City Clerk

Mayor Myers stated this was noted in the Administrator's Report. Our City Clerk, Kim Barfield received the Master Municipal Clerk's Certification from the International Institute of Municipal Clerks. This is the highest level of certification a city clerk can achieve. Amongst her peers, there is an association and she is one of the highest regarded city clerks in existence. We have a big asset in our town.

Alderman Adams asked that the no parking signs on Lamar Parkway be looked into and confirm there is an ordinance that backs up those signs. If there's no ordinance, we cannot enforce them signs. If there is an ordinance, that should be listed on the sign.

**New Bills**

Bill No. 5096 Alderman Adams will sponsor, with co-sponsor of Alderman Eversmeyer.

**A. Bill No. 5096 An Ordinance authorizing a Conditional Use Permit for property located at 301 W. St. Louis St. (Franklin County Parcel ID: 19-1-1.0-4-003-030.000) in the City of Pacific. (1<sup>st</sup> reading)**

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5096 by title only for the first reading.

Bill No. 5097 Alderman Nemeth will sponsor.

**B. Bill No. 5097 An Ordinance amending the Fiscal Year 2021-22 Budget and Wage and Salary Schedule for appointed officials and employees of the City of Pacific. (1<sup>st</sup> reading)**

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5097 by title only for the first reading.

Alderman Adams stated we have an upcoming election. He would like to be the sponsor that establishes the salary for the newly elected in April. He would like two other aldermen to work with him from each ward. Alderman Rahn and Alderman Nemeth volunteered. Alderman Rahn will coordinate the meeting. Alderman Rahn suggested August 10<sup>th</sup> at 9:00 a.m. City Clerk Barfield confirmed this will not be a quorum and not a posted meeting. Board members

agreed.

Alderman Frick would like to discuss Bill No. 5096 regarding the parking. Attorney Jones stated there is a no customer parking restriction on Third St. This would be available for the residents. If there is an additional change, there could be a motion to amend this bill and include it. Alderman Adams suggested the two aldermen from Ward 2 look at this first. Discussion followed.

Alderman Eversmeyer thought it would be hard to put restrictions on St. Louis St. Attorney Jones stated it could be amended at the next meeting and read twice.

### **Consideration of Bills Previously Introduced**

#### **Bill No. 5094 An Ordinance permitting the Board of Aldermen of waive Permit Fees, Taxes or License Fees under certain circumstances. Sponsor: Nemeth (2<sup>nd</sup> Adams)**

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5094 by title only for the second reading. Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve Bill No. 5094. Alderman Eversmeyer stated he would be abstaining from this vote. He is a member of the Eagles, and frequently ask for a waiver of fees for special events. A roll call vote was taken with the following results: Ayes: Alderman Nemeth, Alderman Adams, Alderman Rahn, Alderman Frick, Alderman Stotler. Nays: none. Abstain: Alderman Eversmeyer.

**Whereupon, Mayor Myers declared Bill No. 5094 becomes Ordinance No. 3278.**

Bill No. 5097 – Alderman Adams asked if we could go back to this Bill. This Bill creates a position of office manager. He thought this was a great idea, but he was concerned with the salary. How does this relate to the salary of a newly appointed police officer and other positions we have? Chief Melies stated this office manager is a supervisor and is a level up from any other entry position. It will oversee tasks and responsibilities that will help keep compliance of the department. Alderman Adams understood but still questioned the beginning pay of new officers compared to this.

#### **Bill No. 5095 An Ordinance amending Parking Restrictions on I-44 Entrance ramp. Sponsor: Nemeth (2<sup>nd</sup> reading)**

Alderman Nemeth stated this has him as the sponsor, but he suggested Alderman Stotler be the sponsor as he brought this up. Alderman Stotler agreed. Alderman Rahn asked about the exit ramp, coming down the other way. Alderman Nemeth stated you can't fit anything on either side of the road.

As posted pursuant to the ordinance, Mayor Myers read Bill No. 5095 by title only for the second reading. Motion made by Alderman Rahn, seconded by Alderman Stotler. A roll call vote was taken with the following results: Alderman Adams, Alderman Rahn, Alderman Frick, Alderman Eversmeyer, Alderman Stotler, Alderman Nemeth. Nays: none. **Whereupon, Mayor**

**Myers declared Bill No. 5095 becomes Ordinance No. 3279.**

### **Unfinished Business**

#### **New Business**

**Resolution No. 2021-42 A Resolution authorizing and directing the Mayor to execute an application for Federal American Rescue Plan Act funding, accepting and approving the accompanying U.S. Treasury Award Terms and Conditions Agreement; and authorizing other actions related thereto.**

Mayor Myers read Resolution No. 2021-42 by title only into the record. He asked for any discussion or amendments. **Motion made by Alderman Adams, seconded by Alderman Eversmeyer to approve.** Discussion: Alderman Nemeth asked if this has been sent to a committee. Mayor Myers stated we discussed it but haven't decided. Alderman Adams thought we were waiting for details and then it would go to a committee. Alderman Nemeth asked if the check shows up, is it just in general fund. Alderman Adams stated that was correct. Administrator Roth stated we have Treasury Guidance over how the money can be spent. He would think when we receive it, we would do a budget amendment adding it to the revenues. How it is allocated would be another budget amendment. He understands that it will be sent in two different disbursements. **A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

### **City Administrator Report**

#### a. Budget report

In general things are fine. City Clerk is working on year end close out. Reserves and balances look good. Year end numbers are subject to final close out but very accurate. Total is nearly \$ 6.8 million and close to the last couple years. General Fund is strong at \$ 590,000. Contingency is now at \$ 2 million. Good balances in the CID funds, Prop P is fair and water is rebounding after the increase. Contingency has \$ 150,000 from the Mo. Development Finance Loan that needs paid back and there is also a general fund transfer for the buyout. That was also \$ 150,000. Our true balance is minus this \$ 300,000. He would suggest we transfer back to general fund the \$ 150,000 and then reserve the loan payment as it is with no interest. We are on track to be at \$ 2 million plus by the end of the next fiscal year. This is a good place to be. He would like to at the next meeting have a budget amendment for contingency. Alderman Adams agreed the funds should be returned back to the general fund. Administrator Roth stated the E. Osage and Viaduct CID has projects being paid for out of them. Beyond those projects no other project has been allocated. Mayor Myers hopes the balances are put towards improvements. He would also like to have the Board reconsider enlarging the digital board. It was \$ 70,000 to double the size and improve the resolution of the sign. We can now try to

reach people on the highway with messages, it does not have to just be time and temperature anymore. He thought the expense could be shared with CID and Tourism maybe. Alderman Nemeth thought Tourism should discuss this also. He would be for this at this time. Alderman Frick wants to prioritize our needs and spend in areas where we are going to get the biggest bang for our buck. Alderman Adams asked if the American Rescue Money could be used for the sign? Attorney Jones stated he has reviewed this and it references tourism and hospitality. If the sign is used to promote tourism and hospitality, then he would agree it could be used.

**Motion made by Alderman Adams, seconded by Alderman Stotler to take Mayor Myers request of enlarging the sign off the table and bring it back. A voice vote was taken with an affirmative result.**

Assessed valuations – these are up about 8% and we are at a new high. The City Clerk has prepared the hearing notice for the next meeting and the Board will be asked to set the tax rate. This is not final valuations yet, but this is a good indicator of the economy. These are very good numbers. The tax rate ceiling is at .4034 which is down, which is how it works. We still look forward to seeing the St. Louis County numbers.

Alderman Stotler stated he still wanted the City to be cautious moving into the next couple months.

Alderman Nemeth passed out a handout. In Union they hired Buxton which is a consumer intelligence company. They use a lot of data points to figure out what Union needed in the way of business. This is how they got Tractor Supply, ACE Hardware, etc. Our residents seem to want a big box store, but our size may dictate that we can't get those. He was hoping to use this article to help us get our targets. Union had private investors help pay for the information and they paid a portion. He would be in favor of something like this to figure out who we should be talking to in order to drive retail here. Administrator Roth stated we met with Buxton a few years ago. They do nice work, we like them. If we want to proceed, we need a couple meetings to meet with them and see what work best for us. He also went back to staffing, if we had a report from them now, he was not sure what he would do with it. We need people to follow-up with it. We also met with Mr. Dean, Executive Director of the Partnership, and this would be helpful for them also. These reports find the markets that are missing. There could be opportunities for the downtown area. Alderman Stotler stated the Chamber also had a survey done, and there was some overlap.

**Motion made by Alderman Nemeth, seconded by Alderman Frick to engage Buxton to come back and begin discussions. He would volunteer as one alderman to be involved with these discussions. Alderman Frick would also like to be part of the discussion. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

St. Louis St. & Phelan St. water project – the pre-construction meeting was today and Unnerstall is the contractor. This is scheduled to be completed by October 1<sup>st</sup>.

Cedars – the pre-construction meeting is next week. They should be working by the end of the month. Both of these are big projects. The project manager is Cochran.

b. Change Order, 222 N. First St. Demolition

Administrator Roth stated we awarded demolition in the amount of \$ 18,350. An asbestos survey was also done. He continued that asbestos was in the roof packing and in the shingles. Tubbs and Son contacted some sub-contractors and the low bid from him was \$ 22,000. He also contacted Navigate and they reviewed the issue also. They turned in that this pricing was reasonable. He went back to Tubbs and they gave him a final number from the subcontractor of \$ 21,000. That is the request tonight, to authorize this change order. **Motion made by Alderman Nemeth, seconded by Alderman Frick to authorize the change order. A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

Alderman Frick stated he knew we would have a hold harmless agreement, but most companies exclude this so we need to make sure from a pollution standpoint we are covered.

415 W. St. Louis St – Administrator Roth stated he summarized this in his board report. The City received a request that the CUP issued be considered for revocation, given a delay in construction of a fence at this property. This was discussed at the Planning & Zoning meeting on July 27<sup>th</sup>. They did not take specific action, but the matter was referred to the alderman representative on the Commission. The basic facts are: The applicant in December 2019 was granted a CUP by Ordinance 3163. The applicant later constructed a fence that was in violation of the zoning code. The fence was 8-ft tall, in violation of the 6-ft maximum per Section 423.040. The applicant then requested a variance from the Board of Adjustment which was granted in April 2021. The variance essentially approved the fence, but gave the applicant 90 days to complete the fence construction. The 90-day deadline however passed July 28<sup>th</sup>. The provisions for revoking a CUP include a public hearing. He spoke to the applicant today who indicated some of the materials are on back order for a 60–90-day period. Alderman Eversmeyer stated this has been going on for a year. They dragged this out and now there is a shortage, he felt either the CUP, needed to be pulled or tear down the fence. If they can't operate under the terms of the CUP then it needs pulled. He thought the Board needed to direct the Administrator to schedule the public hearing. **Motion made by Alderman Eversmeyer to schedule the public hearing.** Alderman Rahn didn't believe there was that big of a shortage and how was this permitted originally.

Linda Bruns, audience, 505 W. St. Louis St stated she didn't have a permit to begin with. She has two conditional use permits. She put the fence up without a permit on a weekend. The City found the fence was 2' too high, pickets were on the inside not the outside. She was given a permit and told to fix it. She hasn't done it. We need to hold to the ordinances. Alderman Adams asked if the permit was pulled, we are shutting business down. Alderman Nemeth don't disagree with the crazy timeline, it's unfortunate that this individual is in this situation and the materials are scarce. We do need to do the right thing and hold up the ordinances, he was

unsure where he stood as he doesn't want to shut business down, but understands people need held accountable. Alderman Frick stated we went through a year of COVID; a lot of things have been accommodated because of this, and this could have been part of it, we don't know. It's important people follow the ordinances, but he believes this business is benefiting the City, and we need to think before we shut it down. Alderman Adams asked if the Board closed the business down, what is the process for the building owner that allows them to approach the City. Attorney Jones stated a CUP can be restricted and have conditions, and this was the case. There are no conditions to the fence, to revoke a CUP the grounds of revocation need to exist. He is not sure those grounds exist, since a fence was not a condition. He believes the variance is gone; it was not completed in the 90 days. He believed the remedy was to cite in municipal court for having a fence not in conformance. He is concerned the revocations of a CUP is appropriate at this time because of this. Alderman Adams stated then this could be a violation of the City ordinance. Attorney Jones agreed as she has an 8' fence which is a violation.

**Alderman Eversmeyer withdrew his motion. He continued that she needed to get the fence down to 6' to be in compliance.**

Alderman Adams asked if it was still true that the limits of the municipal court in this case would be a fine, maybe jail time, suspended imposition of sentence, meaning the court don't have the authority to order a demolition of the fence. Attorney Jones agreed, and the fine is up to \$ 1,000 and/or 90 days in jail. Often times a plea agreement is entered into with probation and the condition of the fence be corrected. Alderman Adams stated the court is part of the Circuit Court system, not the City. Alderman Eversmeyer asked if the business license could be recalled. Alderman Adams stated this shows the importance of getting things right the first time from the beginning, if not there is a mess, like now. What we should talk about is our people; when we make a mistake, we should learn from them and not repeat that.

**Motion made by Alderman Adams that this be referred to the City Prosecutor. This means someone from the City has to file a complaint and put this in front of the Prosecutor.**

Alderman Frick asked what our responsibility was, and did we live up to them? How many warnings was she given, have we talked to her. Administrator Roth did not know as he did not have the file. This was previously under the former Director of Community Development. Alderman Frick stated it's one thing to look on paper and put her out of business, or we look at if we really warned her, an official warning, to get this done or we pull the license. We need to be clear enough to understand the ramifications. He didn't think right now we knew enough to say we can do that. He doesn't think that is fair at that point.

Alderman Adams stated we need to forget about the past, but we have learned some things. We learned that this matter doesn't belong here. The Board of Aldermen should not sit in judgement. He was very reluctant to pull a license without knowing guilt. A court determines guilt. The City should not have an advantage over the owner and vice versa. Once it goes through the court it's on an even playing field.



**Motion was seconded by Alderman Nemeth.**

Alderman Frick thought this person needed fair warning before a court summons. He suggested a 30-day warning period. Alderman Rahn would agree with that. Administrator Roth stated she has a valid permit. Alderman Adams stated if the City fathers believe there is a violation of the City code, then he doesn't think we are in a position to extend that. If the person is summons to court, they are going to have time and they have the right to a continuance. In his experience he has seen matters be continued 6 months to a year and that allows them to make the correction. If this is corrected, most cases are corrected in that time period. Code Enforcement would issue a summons to property owner, and then ends up in front of the prosecutor. If he believes there is a violation, then it goes in front of the Judge. Alderman Frick stated if he was a business owner, and if the City didn't adequately tell me what the ramifications and time frame was, and the first thing I received was a summons, I would shut my business down and move. That is not business friendly. If we have been very clear then he agrees 100%. Administrator Roth thought the owner understood what her responsibility was.

**A voice vote was taken with an affirmative result, and Mayor Myers declared the motion carried.**

**Chief of Police**

The Police Department entered into a Grant with the State of Missouri for an Occupant Protection Enforcement Grant. We will be running extra traffic enforcement through September 30<sup>th</sup>. This is resulting in a lot of warnings, and is positive for us. Mayor Myers stated he is hearing really good things about him, and thanked him for being a strong part of the community.

**Public Works Commissioner Brueggemann****City Attorney Report**

Attorney Jones stated there was a question about authorized stop signs on Lamar Parkway. Alderman Adams stated it was parking signs, not stop signs. Attorney Jones will double check.

He asked that Chief and Steve look at the calendars so he can get back to the Labor's Association.

Annexation of Old Gray Summit Road – Alderman Adams asked for an update. Attorney Jones stated he made three calls to Franklin County for the Traffic Engineer who is not responding. Alderman Adams asked if we could put a petition for annexation on their agenda. Attorney Jones stated we were not the owner, but he will make another phone call. Administrator Roth

suggested contacting the Commission Secretary and ask to go to them.

CVS – Alderman Nemeth asked for an update. Attorney Jones stated CVS is not willing to an alteration of the easement in that area. Their reasons were tied to a concern about development by Mr. Bosse. There is an alternative location which needs to be discussed with Mr. Bosse, which he recommends we discuss before we move forward with litigation with CVS. Alderman Nemeth asked if there was a clear definition to deny the request. Attorney Jones did not think there was, but consent cannot be reasonably withheld. Mayor Myers thought the request was unreasonable because they want Mr. Bosse to agree to never rent to a competitor in his existing building. He doesn't want to bind himself to that. Administrator Roth stated the south CVS access would be relocated to the west and connect to the new roadway that access B & H. To be clear, they have not officially said "no". Alderman Nemeth thought we should try to stay with the CVS approach as to not break up more potential lots.

No Parking signs on Lamar Parkway – Attorney Jones stated the code does include this. Alderman Adams thought we needed additional signs on Lamar Parkway on both sides with the Ordinance Number.

#### Miscellaneous

a. Approve Change Order 1, Red Cedar Inn

**Motion made by Alderman Nemeth, seconded by Alderman Rahn to approve Change Order 1 for Red Cedar Inn. A voice vote was taken with an affirmative result.**

b. Approve Special Event Permit for Pacific Chamber of Commerce on October 15, 2021.

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

#### Reports of City officials

Alderman Nemeth – No report.

Alderman Adams – No report.

Alderman Rahn – the lights on Osage St. have been out.

Alderman Frick – No report.

Alderman Eversmeyer – No report.

Alderman Stotler – No report.

Board of Aldermen 8-3-2021

Collector Kelley – Update on last report back in June. We have done different things in house and have collected over \$ 13,000 in house. Kim is good moral support and Mr. Roth has been jumping in to help, and we all have to do our job.

**Executive Session RSMO 610.021 (1)(3)**

Motion made by Alderman Adams, second by Alderman Nemeth to go into executive session for the purpose of discussing legal, litigation and personnel matters under 610.021 1 & 3. 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.

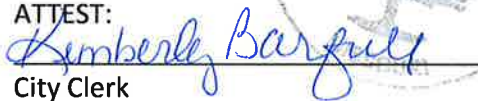
The Board went into executive session at 8:35 p.m.

The Board reconvened at 9:30 p.m.

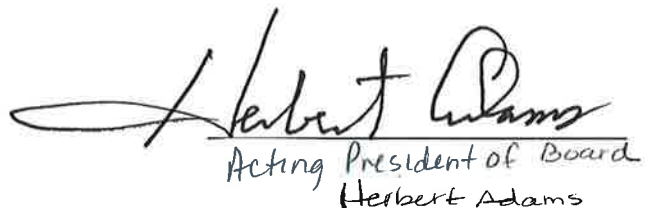
**Adjournment**

There being no further business, motion by Alderman Adams, seconded by Alderman Nemeth to adjourn. A voice vote was taken with an affirmative result. The meeting adjourned at 9:30 p.m.

ATTEST:

  
City Clerk



  
Acting President of Board  
Herbert Adams

