

City of Troy, Missouri
Public Hearing and Regular Board of Aldermen Meeting
Wednesday, January 18, 2017
6:30 P.M.

Present for the meeting were Aldermen Eversmeyer, Detert, Sconce, Curt, Anderson and Mayor Cross. Alderman Walker was absent. Also present were Public Works Superintendent Cunningham, Parks Director Howell, Police Chief Taylor, Wastewater Superintendent Peasel, Assistant Public Works Superintendent Burkemper, Treasurer Flinn, City Attorney Granneman and City Clerk Schneider.

Mayor Cross opened the Public Hearing for the purpose of citizen input on the 2011 Wastewater Improvement Project to obtain additional capacity for unsewered customers in Public Water District 2 using Community Development Block Grant funds. The City was awarded a grant for engineering design, lift station, connection work and environmental review. The project did not materialize within the three-year timeline (funded 2012) and needed to be closed out. Chad Eggen of Boonslick Regional Planning stated of the \$427,000.00 grant funds, some of the dollars were spent on preliminary engineering (\$24,000.00), environmental review (\$2,500.00) and administration (\$10,000.00). The remaining funds would go back to the State of Missouri. Several questions were asked whether the money could be used for the City's current wastewater improvement project, but Chad replied in the negative that the two projects had separate objectives/benefit outcomes.

There was no citizen comment.

Mayor Cross called the Regular Board of Aldermen Meeting to order, announced a quorum present and led in the Pledge of Allegiance.

Alderman Eversmeyer made a motion, seconded by Alderman Detert to approve the Consent Agenda. Vote: Eversmeyer aye, Detert aye, Anderson aye, Curt aye, Sconce aye.

*Approved the Minutes of Regular Board of Aldermen Meeting dated December 19, 2016; and Special Board of Aldermen Meeting dated January 3, 2017

Kimberly Gittinger requested to hold a 5K Run for Raising Hope for NICU on September 30, 2017. Ms. Gittinger had checked with both Parks Director and Chief of Police on the date for the event. She further commented that last year's 5K run was successful and yielded a donation of 110 thermal totes to Cardinal Glennon. Alderman Sconce made a motion, seconded by Alderman Anderson to Approve 5K Run for Raising Hope for NICU on September 30, 2017 Using a Pre-approved Route. Vote: Sconce aye, Anderson aye, Detert aye, Curt aye, Eversmeyer aye.

Kerry Klump, on behalf of Downtown Troy Business Association, requested a St. Patrick's Day Event on Saturday March 18, 2017 with a morning walk/run, parade at 4:00 p.m., and street party closing down one block of Main Street from 5-10 p.m. Alderman Eversmeyer suggested the event last from 6-10 p.m. so as not to interfere with daytime retail businesses. A parade was not considered. Alderman Eversmeyer made a motion, seconded by Alderman Anderson to Allow Downtown Troy Business Association to Hold a 5K Run/Walk in the Morning and Close Main Street from Cherry to Wood (One Block) for a Street Party from 6:00-10:00 p.m. on Saturday, March 18, 2017. Vote: Eversmeyer aye, Anderson aye, Sconce aye, Detert aye, Curt aye.

*Approved Reports of Planning & Zoning/Board of Adjustment, Historic Preservation Commission, Troy Convention and Visitors Bureau

*Approved Reports of Police, Public Works, Wastewater, Finance, Building Inspection, Parks and Administration Departments

*Approved Payment of Regular Monthly Bills

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Table Bill No. 1258 to the Next Meeting due to the absence of the Sponsoring Alderman of this Bill. Vote: Sconce aye, Eversmeyer aye, Detert aye, Anderson aye, Curt aye.

*Approved Request by Historical Society for Cemetery Tour, Boone Street, on Thursday, June 1, 2017 from 4:00-9:00 p.m. (with a Rain Date of June 8, 2017)

*Approved 2017 Troy Chamber "Movies in the Park," Soccer Field A, Saturdays, June 17th, July 22nd, and August 19th

*Approved the February Regular Board of Aldermen Meeting to be Held on Wednesday, February 22, 2017

*Approved Changing Tim Muldoon from an Alternate to Member of the Board of Adjustment

*Appointed Jamie Dowling to the Park Board

*Appointed Rachel Dunard to the Park Board

*Approved Request by 12 Stones Community Church to Hold Easter Egg Hunt in Fairgrounds Park on Saturday, April 15, 2017 from 7:00-11:00 a.m.

*Approved Liquor/Business Application for Troy BP Inc., 205 N. Lincoln Drive

*Approved Bid from Brush's Heating & Cooling in the amount of \$1,777.00 for New Furnace in City Hall, Building Department Hallway

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Approve Community Development Block Grant Program Close-Out regarding the 2011 Wastewater Improvement Project. Vote: Sconce aye, Eversmeyer aye, Curt aye, Anderson aye, Detert aye.

Alderman Eversmeyer made a motion, seconded by Alderman Detert to Table Discussion of Increase in 911 Dispatch User Fees Notice from Lincoln County Clerk until After Closed Session. Vote: Eversmeyer aye, Detert aye, Sconce aye, Anderson aye, Curt aye.

Alderman Anderson made a motion, seconded by Alderman Eversmeyer to Approve Changes to Job Descriptions, as follows: (a) Detective and Sergeant (changing immediate supervisor for detectives and sergeants to Lieutenants); (b) Wastewater Operator I (placing wastewater operators in wastewater treatment department instead of public works); and (c) Maintenance Crew Leader, Maintenance Worker, Mechanic, Meter Reader II, Meter Reader, Water Superintendent, Cemetery Seasonal, Seasonal Maintenance Water, Street Seasonal, Sewer Maintenance Worker (adding weight-lifting maximum for pre-employment physicals for public works and adding CDL requirement for mechanic). Vote: Anderson aye, Eversmeyer aye, Curt aye, Sconce aye, Detert aye.

There were questions raised as to how much had been budgeted for the Main Street Sidewalk Project TAP-9900(383). Mayor Cross relayed that \$570,000.00 had been budgeted. Treasurer Flinn stated that the remaining \$20,836.15 could come from the capital improvements fund as its fund balance at the end of the fiscal year was projected to be \$675,000.00. Alderman Anderson made a motion, seconded by Alderman Sconce to Award Main Street Sidewalk Project TAP-9900(383) to Cannon General Contractors, Inc. in the amount of \$590,836.15 Base Bid plus Alternates 1 and 2 as recommended by Bartlett & West and Concurred by MoDOT. Vote: Anderson aye, Sconce aye, Eversmeyer aye, Curt aye, Detert aye.

Building Official Lindsey relayed to the Board that the City received its MS4 Permit on December 30th. The requested MS4 software for permit tracking was a budgeted item. Lindsey planned to utilize the software immediately with the required re-submittal of the City's Stormwater Management Plan. Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Approve and Authorize Mayor to Sign Permi-Track Training and Services Agreement with R.A. Smith National, Inc. for MS4 Permit. Vote: Sconce aye, Eversmeyer aye, Detert aye, Curt aye, Anderson aye.

Last month, the Board approved a second renewal option for one year commencing July 1, 2017 with Meridian Waste Solutions/Christian Disposal at a rate of \$18.00 a month. Meridian Waste Solutions has proposed a three-year extension for solid waste services at a guaranteed rate of \$18.00 a month. Discussion ensued that due to the water and sewer rate increases, a guaranteed rate for four consecutive years was a positive factor when

considering the option of bidding which may yield no guaranties on pricing. Alderman Anderson made a motion, seconded by Alderman Detert to Waive Bidding Process Deemed in the Best Interest of the City referencing Section 150.090 and Enter Into a Three-Year Extension Agreement of \$18.00 Per Month 1x Per Week Residential, Recycling and Yard Waste Collection Commencing July 1, 2018 with Terms/Conditions as Set Forth in Meridian Waste Solutions/Christian Environmental Contract dated April 4, 2013. Vote: Anderson aye, Detert aye, Curt aye, Eversmeyer aye, Sconce aye.

Alderman Eversmeyer made a motion, seconded by Alderman Sconce to Approve and Authorize the Mayor to Sign Midwest Pool Management 2017 Aquatic Center Contract in the amount of \$26,400.00 Management Fee and \$90,546.00 Maximum Base Salary. Vote: Eversmeyer aye, Sconce aye, Detert aye, Curt aye, Anderson aye.

Mayor Cross requested the Board consider Missouri Municipal League's one-time pay request of 5% due to providing active support with a successful outcome in the matter of a telecom industry lawsuit. The League also advocates for the City at the State level and recently provided valuable sales/use tax information in preparation for the City's 2016 ballot issue. Alderman Anderson made a motion, seconded by Alderman Detert to Approve the 5% Payment to Missouri Municipal League for providing support and blocking passage of two telecom industry House bills regarding City of Maryland Heights and City of Winchester, Missouri vs. TracFone Wireless, Inc., Case No. 12SL-CC00648-01 in regard to Notice of Class Action Settlement. Vote: Anderson aye, Detert aye, Sconce aye, Curt aye, Eversmeyer aye.

Alderman Detert asked Edna Roberts and Tanya Hicock, Troy, Missouri to come to the podium stating that the two agenda items 7(R) and 7(S) were on the same subject regarding the City's dog regulations.

Alderman Detert received a message from a woman regarding a dog in the City pound and asked if the dog was going to a rescue group; or if not, what would happen to the dog. Alderman Detert checked with Public Works Superintendent Cunningham on the dog's status several times whether a shelter group was going to rescue the dog. As written, the ordinance states that a dog either goes to the owner or, if not claimed, may be released to a rescue group.

Alderman Detert wanted the ordinance changed to avoid euthanizing someone's pet if the owner did not know about the dog pound or know how to get the dog back. Further, Detert would like a program started or change the ordinance to let a dog be adopted by someone else other than the owner.

Alderman Sconce stated a person could go to a licensed shelter with a request for the dog and then adopt out the dog from the shelter. Further, Sconce said the City did not place animals in homes as there are responsibilities to convey animals into a home. In the

event of a lost pet, Alderman Eversmeyer suggested purchasing a dog tag and come to City Hall to see if the dog was picked up, put signs up, and go door-to-door to find the animal. The Mayor agreed with Alderman Sconce that we do not want the legal exposure of putting a dog in a private home. Alderman Anderson said a citizen can help a dog in the pound avoid euthanization by going to an agency and ask for help to save this dog. Alderman Detert asked if there was anything else that the City could do. Alderman Sconce asked what changes were wanted in the ordinance. Alderman Sconce stated that the ordinance protects the City and anything else is outside the City's scope. The City does not have to pick up stray dogs but the City does pick up stray dogs, puts out the information and releases to a licensed shelter.

Edna Roberts said that since October 2014, she began helping the City's dog pound. At that time, the City was not posting pictures of the dogs for residents to see which, in her opinion, was important to find the owner. She asked public works if they did not mind if she created a facebook page to post pictures when a dog was placed in the pound. Public Works agreed and she was sent a picture, posted it and then shared it. The page now has 3,500 members. Mrs. Roberts also knocked on doors, traveled door-to-door, and had rescued 75 dogs over two years channeled through pound. She either finds the owner, or by the seventh day, networks for a licensed rescue group to take the dog by starting the donation process herself with a \$50 or \$75 donation to fund the rescue. Other members of the group also make donations.

Mrs. Roberts said with this recent dog, she made a post for a rescue group and pledged money. The rescue group, Kahli's Krusade, provided a link and all donated monies went straight to the rescue group. Kahli's Krusade received \$270.00 to rescue the dog and the dog was doing great. Mrs. Roberts knows where all the rescued dogs were located.

Mayor Cross asked Mrs. Roberts what had changed? Mrs. Roberts replied that she did not know. She said that communication was not there for the last several months. Now she begs and pleads to find out if a dog went home. The relationship is strained. Mrs. Roberts requests the Board allow her to continue to save dogs. There have only been two dogs euthanized in the past two years.

Public Works Superintendent Cunningham questioned the change of relationship cited by Mrs. Roberts. There have only been three dogs the last several months with two going back to their owner and one to a rescue shelter. Currently, the City does post the pictures on the City's facebook page and wants to make it fair so that any other group can share the post. Cunningham continued that once posted, Mrs. Roberts can start networking for rescue and does not need to wait for seven days. Cunningham stated that the Department of Agriculture advised that a dog can be networked the next day after being picked up but cannot be released to the rescue group until after seven days. Mrs. Roberts needs to know the dog's disposition in order to network. Cunningham said that she or anyone

may view the dogs along with a City employee. Mrs. Roberts said that she has paid people to do assessments on dogs to find out their disposition before the dog is placed in foster-based rescue groups.

Based on dog pound numbers since 2011, Alderman Sconce stated that the numbers are moving in a positive direction and do not show a problem. Mrs. Roberts stated that rest assured as long as she is networking the dogs, none will die.

Alderman Anderson appreciates Mrs. Roberts' effort but does not understand the problem over the last couple of months. Mrs. Roberts said she wants to be informed when a dog comes into the pound, wants open communication, and notified when an owner comes and gets the dog.

Alderman Sconce said the dog's picture is posted that same day on the City's facebook page and then removed when picked up. Mrs. Roberts responded that she used to receive an email before but that has stopped. Cunningham stated that the City would need to send an email to everyone rather than posting the dog on facebook where everyone can see it. Alderman Anderson stated that there is only one group advocating currently and if not onerous on City employees, asked if sending an email can be done until it becomes a problem. Public Works Superintendent Cunningham said it can be done. Alderman Anderson asked that the City still post pictures on facebook and make contact with Mrs. Roberts if and when the City picks up dogs. Mrs. Roberts said thank you and that she preferred a text. Cunningham said either himself or Assistant Public Works Superintendent Burkemper will text Mrs. Roberts.

Mary Brauer, Troy, Missouri, did not want to comment right now regarding the dog pound until she calmed down. Then Mrs. Brauer said that she started making telephone calls to City Clerk Schneider and Assistant Public Works Superintendent Burkemper a month or so ago. She did not have any of the communication regarding the dogs. She felt that Edna Roberts was unfairly dumped on and was concerned how it made Edna feel. Mrs. Brauer said no one knew to go to City's facebook page to help lost dogs until Edna's facebook page.

Barbra Cherry, 123 Zalabak Rd., Hawk Point, 63349, said now everyone can see City's facebook page and that Edna limited access to her facebook page and that is where this started but it is no longer an issue.

Jennifer Raeker, 612 Judges Way, Troy, wanted to make sure that the dogs were going to their owner or a licensed rescue group and asked if Edna had a license? Public Works Superintendent Cunningham said a license number from the group was always obtained before release of the dog.

Mrs. Brauer made a statement that the facebook bickering should cease between the two entities, bury the hatchet, that both do wonderful things for the animals and need to do what is best for the dogs. Alderman Anderson stated that anything else is not within the City's control and that she is not on facebook.

Alderman Sconce said Public Works has tremendous responsibility and dogs do not have to be part of it. Picking up dogs and placing them in a holding facility is a courtesy and could be stopped if the budget dictates. This service should not be a burden on Public Works and to please be accommodating to them if you can.

Alderman Eversmeyer made a motion, seconded by Alderman Sconce to Go Into Closed Session in compliance with 610.021 of RSMo., for the purpose of discussing Legal and Personnel. Vote: Eversmeyer aye, Sconce aye, Curt aye, Anderson aye, Detert aye.

Alderman Sconce made a motion, seconded by Alderman Curt to Approve/Transfer Tyler Eveland from Maintenance Worker to Mechanic in Public Works Department at G13-Step 4 \$18.00 an hour effective next pay period. Vote: Sconce aye, Curt aye, Eversmeyer aye, Detert aye, Anderson aye.

City Attorney Granneman notified the Board of the second successive five-year period automatic renewal on May 2017 regarding the American Tower Communications Site Lease Agreement (Third Street Cell Tower) dated March 31, 1997. The Board's consensus was to allow the automatic renewal. No action was taken.

City Attorney Granneman advised the Board on Legal matters.

Alderman Eversmeyer made a motion, seconded by Alderman Anderson to go out of Closed Session. Vote: Eversmeyer aye, Anderson aye, Curt aye, Detert aye, Sconce aye.

The Board discussed the 911 Dispatch User Fees Notice from the Lincoln County Clerk. The City will address the increased user fee during FY/2018 Budget workshop, make its current monthly payments and explore other options.

Alderman Sconce made a motion, seconded by Alderman Curt to adjourn the meeting. Vote: Sconce aye, Curt aye, Detert aye, Eversmeyer aye, Anderson aye. Meeting adjourned 8:45p.m.

ATTEST:

City Clerk

Mayor

*Approved on Consent Agenda