

**City of Troy, Missouri**  
**Regular Board of Aldermen Meeting**  
**Monday, November 20, 2017**  
**6:30 P.M.**

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

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

Alderman Detert made a motion, seconded by Alderman Sconce to Approve the Consent Agenda upon the removal of Items 2(A), 3(D), 7(D) and 7(E). Vote: Detert aye, Sconce aye, Anderson aye, Curt aye, Eversmeyer aye.

\*Approved the Minutes of Public Hearing/Regular Board of Aldermen Meeting dated October 16, 2017 and Special Board of Aldermen Meeting dated October 19, 2017

Alderman Eversmeyer noted that the attendee list in the Park Board minutes prepared by the Secretary did not include the Secretary and asked if she was present at the meeting. Parks Director Howell answered in the affirmative. Alderman Eversmeyer made a motion, seconded by Alderman Anderson to Approve Park Board Minutes dated November 13, 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 and Wastewater Departments

Treasurer Flinn relayed to the Board that within the Treasurer Report was a reference that the budget status was to the halfway point of the fiscal year. Flinn pointed out that was incorrect as it was November and not December but the numbers were accurately reflected through November. Alderman Eversmeyer made a motion, seconded by Alderman Detert to Approve Finance Report. Vote: Eversmeyer aye, Detert aye, Curt aye, Sconce aye, Anderson aye.

\*Approved Reports of Building Inspection, Parks Departments and Administration

\*Approved Payment of Regular Monthly Bills

Alderman Anderson requested Board input on changes to City ordinances regarding ATV, Utility Vehicle, Off-Road Vehicle, Motorized Scooters, and other related motorized vehicles. Anderson stated changes should focus on clarification and matching up the multiple number of regulations and drafting an application for a special event permit (i.e., civic events, parades, etc.) for individuals to use a motorized vehicle. City Attorney Granneman relayed examples of State statutes that define and allow use on highways and streets based on the width, weight and acceleration level of a motorized vehicle. The City may determine its own regulations for motorized vehicles on City streets. Citizen Christopher Groh, who recently brought an ATV Permit application for Board consideration, offered other States' regulations as examples in which he had lived. Mr. Groh mentioned adding safety features to the regulations such as turn signals and headlights. Discussion was tabled until next meeting.

\*Approved Pay Request No. 1 to M & H Concrete Contractors, Inc. regarding 2017 Slab Replacement Project #170711001 in the amount of \$55,960.33

\*Approved Change Order No. 1 to M & H Concrete Contractors, Inc. in the amount of \$173,330.37 approved by Amendment to Agreement on October 19, 2017 regarding 2017 Slab Replacement Project #170711001 for Additional Work on Third Street

\*Approved Pay Request No. 2 to M & H Concrete Contractors, Inc. regarding 2017 Slab Replacement Project #170711001 in the amount of \$328,557.46

Alderman Eversmeyer questioned Change Order 4 wanting clarification that the City was not billed twice for driveway work or for an incorrectly placed fire hydrant. City Clerk Schneider relayed that Change Order 4 was a credit balance for the differences between actual quantities versus bid quantities on materials and not for work performed. Public Works Supervisor Cunningham stated that M & H Concrete Contractors did not charge the City for fixing the incorrectly placed fire hydrant. Alderman Eversmeyer made a motion, seconded by Alderman Anderson to Approve Change Order No. 4 to Wehmeyer Farms in the amount of (\$3,292.00) regarding Harris and Carrington/Hwy 47 Water Line Replacement #M16-7269/M16-7318 for Actual vs. Bid Quantities. Vote: Eversmeyer aye, Anderson aye, Sconce aye, Detert aye, Curt aye.

Alderman Eversmeyer made a motion, seconded by Alderman Sconce to Approve Final Pay Request No. 5 to Wehmeyer Farms in the amount of \$17,091.43 regarding Harris and Carrington/Hwy 47 Water Line Replacement #M16-7269/M16-7318. Vote: Eversmeyer nay, Sconce aye, Detert aye, Curt aye, Anderson aye. Motion carried 4-1.

\*Approved Job Description Revisions to Treasurer, Deputy Treasurer-Payroll Clerk, Police Clerk, Sewer Maintenance Worker and Deputy City Clerk/Human Resource Generalist

\*Approved Budget Amendment to Capital Asset-Equipment 41-70-02-6991 of \$3,500.00 from Rental of Equipment/Vehicle 41-70-02-6442 (\$3,500.00) for Purchase of Medora AP Mixer

\*Approved Purchase of Medora AP Mixer in the amount of \$3,160.00

\*Approved Budget Amendment Transfer of Funds from EDA/CDBG – Cherry Blossom Way 35-90-01-6999 of \$4,776.00 to Capital Improvements -- Revenues 31-00-00-4910 (\$4,776.00)

\*Approved Transfer of Funds from EDA/CDBG – Cherry Blossom Way to Capital Improvements – Revenues in the amount of \$4,776.00

Alderman Anderson made a motion, seconded by Alderman Sconce to Adopt Resolution 2017-3 -- A Resolution Authorizing Individuals of Certain Positions as Authorized Signers for Banking Purposes on Accounts Now Registered or Hereafter Registered in the Name of the City of Troy Specifically Designated for Community Development Block Grant (“CDBG”) Projects. Vote: Anderson aye, Sconce aye, Curt aye, Detert aye, Eversmeyer aye.

City Attorney Granneman suggested changes be made to the contract and addendum submitted by Lincoln County for 911-Dispatching services and would like to discuss with the Board in Closed Session. Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Table Discuss and Approve Lincoln County 911-Dispatching 2018 Contract in the amount of \$194,073.46 and Addendum for Quarterly Payments until after Closed Session. Vote: Sconce aye, Eversmeyer aye, Detert aye, Curt aye, Anderson aye.

Alderman Anderson made a motion, seconded by Alderman Eversmeyer to Approve City of Troy Health Insurance per Insurance Committee Recommendations for 2018 Calendar Year. Vote: Anderson aye, Eversmeyer aye, Sconce aye, Curt aye, Detert aye.

Alderman Eversmeyer questioned why the cost of obtaining easements and title reports on the seventeen parcels for this project calculated at \$13,400.00 was separated out from the total cost for engineering services of \$76,895.00 in the Cochran Engineering proposal for Mennemeyer Road Project. City Attorney Granneman stated that amount was separated out due to the ability to receive title reports from a local company or an ability to negotiate a lower bulk transaction rate. Alderman Sconce made a motion, seconded by Alderman Anderson to Approve and Authorize Mayor to Sign Engineering Services Contract with Cochran Engineering for Mennemeyer Road Project in the amount of \$76,895.00. Vote: Sconce aye, Anderson aye, Curt aye, Eversmeyer nay, Detert nay. Motion carried 3-2.

Alderman Sconce made a motion, seconded by Alderman Curt to Award Crooked Creek Park – Rough Grading and SWPPP Project #M-16-7353A to Karrenbrock Excavating in the amount of \$82,656.54. Vote: Sconce aye, Curt aye, Detert aye, Eversmeyer aye, Anderson aye.

City Attorney Granneman advised that the Oakley development had been oddly platted as one plat instead of phases (e.g., developing townhomes, one section for two houses, then re-plat 2, then plat 3). Granneman continued that normally vacation procedures would be required but this is different because People's Bank is the owner of the remaining property to be platted. There are no other utilities affected except the City. Carla Angel, from People's Bank stated that the locations of the storm sewers were fully-platted within Oakley Plat 4 and upgrades to the storm sewers were completed. Alderman Sconce made a motion, seconded by Alderman Detert to Approve Oakley Plat 4, a re-plat of certain portions of Oakley Plat 1, and includes the release of certain interior easements as set forth in Oakley Plat 1 and the relocation of easements as set forth in Oakley Plat 4. Vote: Sconce aye, Detert aye, Curt aye, Anderson aye, Eversmeyer – abstained on the advice of counsel. Motion carried 4-0 with one abstention.

Public Works Supervisor Cunningham reviewed all Streets, Storm Sewers, Sanitary Sewers and Water Lines in Oakley Plat 1 and the amendment thereto set forth in Oakley Plat 4. Several corrections were made to the water main and re-inspected. It was discovered that certain service lines had Type L material instead of Type K which caused several leaks to occur. It was suggested that at the time the lot is developed, the service line would be disconnected from the water main and then add plex-line plastic before reconnection. Cunningham continued that the existing water main is fine but the ¾" service line is bad on thirteen lots of the twenty-one total lots on the new plat occurring on the opposite side of the street to replace the copper or re-tap. Alderman Curt made a motion, seconded by Alderman Detert to Accept Dedication of the Streets, Storm Sewers, Sanitary Sewers and Water Lines in Oakley Plat 1, and the proposed amendment thereto set forth in Oakley Plat 4 Contingent Upon the Bank Providing Amended Restrictions Setting Forth Material Restrictions on Service Line Connections and City-Approved Reconnections for Each Lot Developed. Vote: Curt aye, Detert aye, Anderson aye, Sconce aye, Eversmeyer abstain on the advice of counsel. Motion carried 4-0 with one abstention.

Mayor Cross relayed the need for a notice to proceed to Woodard & Curran due to the four-month delay by Missouri Department of Natural Resources ("MoDNR") from the original schedule on its review and approval of the facility plan for the City's Sewer Plant Improvement Project. Alderman Sconce asked how would a rejection on the facility plan impact this notice to proceed. Mayor Cross replied that the notice to proceed had to do with the interceptor line. Cross continued that the facility plan may need small changes but it would not be scrubbed altogether by MoDNR. City Attorney Granneman was

keeping the Environmental Protection Agency up-to-date of the facility plan status and MoDNR notification. Alderman Sconce made a motion, seconded by Alderman Anderson to Approve and Authorize Woodard & Curran to Proceed with Phase 4.0, per Work Order Number 004 executed June 8, 2016 and as modified by Work Order Number 005 executed May 1, 2017. Vote: Sconce aye, Anderson aye, Eversmeyer aye, Detert aye, Curt aye.

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

Public Works Supervisor Cunningham was present and recommended Henry Runyon to become Sewer Maintenance Worker to fill vacant position left by Neal Davis. Cunningham stated that Runyon needed his Class D Sewer License. Alderman Curt made a motion, seconded by Alderman Anderson to Approve Transferring Henry Runyon to Sewer Maintenance Worker position, Grade 12-Step 6 \$17.36 per hour effective next pay period. Vote: Curt aye, Anderson aye, Sconce aye, Detert aye, Eversmeyer aye.

Public Works Supervisor Cunningham recommended hiring Dillon Gnade as Street Maintenance Worker to replace vacant position left by Henry Runyon. Alderman Curt made a motion, seconded by Alderman Eversmeyer to Hire Dillon Gnade as Street Maintenance Worker, Grade 11-Step 5 \$15.33 per hour with start date after giving two weeks' notice to current employer. Vote: Curt aye, Eversmeyer aye, Detert aye, Anderson aye, Sconce aye.

Alderman Curt made a motion, seconded by Alderman Anderson to Take No Action or Claim involving Takata Airbag Inflators, In Re: TK Holdings, Inc. et al., Debtors, Chapter 11 Case No. 17-11375 (BLS). Vote: Curt aye, Anderson aye, Detert aye, Sconce aye, Eversmeyer aye.

Alderman Curt made a motion, seconded by Alderman Sconce to Approve and Authorize the Mayor to Execute Settlement Agreement and Mutual Release Agreement by and between Hardees of Troy, Missouri, Inc., et al., Plaintiffs, MoDOT, et al., Defendants and City of Troy Missouri, et al., Third-Party Defendants. Vote: Curt aye, Sconce aye, Detert aye, Eversmeyer aye, Anderson aye.

City Attorney Granneman advised the Board on Legal matters.

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

Alderman Sconce relayed that the City Attorney will provide information to Lincoln County and Lincoln County's attorney with the City of Troy revisions to the 2018 Lincoln County 911-Dispatching Contract and Addendum and wait for Lincoln County's response.

Alderman Eversmeyer made a motion, seconded by Alderman Curt to Adjourn the Meeting. Vote: Eversmeyer aye, Curt aye, Detert aye, Anderson aye, Sconce aye. Meeting adjourned at 8:13 p.m.

ATTEST:

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City Clerk

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Mayor Mark Cross

\*Approved on Consent Agenda