

**City of Troy, Missouri**  
**Public Hearing and Regular Board of Aldermen Meeting**  
**Monday, November 21, 2016**  
**6:30 P.M.**

Present for the Public Hearing and Regular Board of Aldermen Meeting were Aldermen Eversmeyer, Detert, Sconce, Anderson, Walker and Mayor Cross. Alderman Curt was absent. Also present were Assistant Public Works Superintendent Burkemper, Chief Taylor, Building Official Lindsey, Parks Director Howell, Wastewater Superintendent Peasel, Treasurer Flinn, City Attorney Granneman and City Clerk Schneider.

Mayor Cross opened the Public Hearing for citizen input on an Amendment to Zoning Ordinances to Allow for Conditional Use Permits for Fireworks Stands in C-1, C-2, C-3, I-1 and I-2 zoned properties; and, Zoning and Permit Requirements for Fireworks Stands and Related Amendments to the Zoning Code.

There was no citizen input.

**Immediately following the Public Hearing, Regular Board of Aldermen Meeting:**

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

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Approve the Consent Agenda upon the Removal of Items 2B, 3B, 3C, 3D and 7D. Vote: Sconce aye, Eversmeyer aye, Walker aye, Detert aye, Curt aye, Anderson aye.

\*Approved the Minutes of Regular Board of Aldermen Meeting dated October 17, 2016

Craig Brewer requested the City make reimbursement on his driveway replacement. Mr. Brewer spent \$5,000.00 to replace his entire driveway and \$700 for ten yards of top soil, seed and straw. Three years ago, Mr. Brewer reported cracks in his driveway to public works. He believed that these cracks were caused by an improperly installed sewer line underneath his driveway that caused the dirt to settle over time when his house was built in 2004. Since the driveway was poured aggregate, Mr. Brewer was told to obtain three bids to get an idea of cost prior to making a request to the Board to repair the driveway. Assistant Public Works Superintendent Burkemper said the sewer line was inspected and there were no defects in the pipe, no settling or swaying and no indication that the main had sunk. Mayor Cross asked why this request had come up now if it occurred three years ago, and Mr. Brewer stated that the cracks worsened in the last two years and he wanted to sell his home. The Board examined pictures of the cracks in the driveway. Mr. Brewer wanted to know who was responsible for the improperly installed sewer line. Alderman Sconce responded that the builder of a subdivision puts in those lines and then

requests dedication of the lines to the City. City Attorney Granneman advised the Board to further discuss the matter in Closed Session.

Carol Wieman telephoned earlier in the day and asked to be removed from the agenda.

**\*Approved the Report of Park Board**

Alderman Detert relayed a citizen's question whether the City receives personal property taxes on semi-tractor trailer trucks specifically referencing Witte Bros. and its request for a building height variance on the December 6<sup>th</sup> Planning & Zoning agenda. Mayor Cross believed that the City receives personal property taxes and would verify that through the Lincoln County Assessor's office. Alderman Detert made a motion, seconded by Alderman Anderson to Approve the Planning & Zoning/Board of Adjustment Report. Vote: Detert aye, Anderson aye, Walker aye, Sconce aye, Eversmeyer aye.

**\*Approved the Reports of Historic Preservation Commission and Troy Convention and Visitors Bureau**

**\*Approved the Report of Police Department**

Upon reading the Public Works report, Alderman Detert asked if M&H Concrete accepted responsibility for the lateral line damage and resulting sewer backup at 221 Excalibur. Assistant Public Works Superintendent Burkemper responded yes. Alderman Detert made a motion, seconded by Alderman Anderson to Approve Public Works Department Report. Vote: Detert aye, Anderson aye, Walker aye, Eversmeyer aye, Sconce aye.

Alderman Detert inquired about fixing the old 1990's Ford 3930 tractor referred to in the Wastewater Treatment Department report. Wastewater Superintendent Peasel relayed that the tractor was used for brush-hogging and repairing it would cost approximately \$4,500.00 versus the cost of replacing it with a higher-priced newer tractor. Alderman Detert asked if the City's mechanics had any knowledge in tractor repair but they are not trained in splitting the motor which would be required in order to fix it properly. Alderman Detert made a motion, seconded by Alderman Eversmeyer to Approve Wastewater Treatment Department Report. Vote: Detert aye, Eversmeyer aye, Anderson aye, Sconce aye, Walker aye.

Charles Riney, 207 Juanita Street, requested to speak with the Board. Mr. Riney thanked the police department for their continued watch on traffic in their Neighborhood Watch area. Mr. Riney shared concern of a log the homeowner rolled into a ditch near Main & Pershing that may wash downhill in a heavy rain. Chief Taylor would make contact with the homeowner to have it removed. Mr. Riney invited everyone to their next Neighborhood Watch meeting on December 14<sup>th</sup> at the Lincoln County Fire Department.

Alderman Sconce stated that sales tax receipts have had an up-and-down volatility over the past two years and recently, receipts were down for three out of the last four months. This trend indicates a deficit pattern for the year. Treasurer Flinn indicated that the Board budgeted flat for sales tax receipts in FY2017. Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Approve Finance Department Report. Vote: Sconce aye, Eversmeyer aye, Walker aye, Detert aye, Anderson aye.

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

\*Approved Payment of Regular Monthly Bills

Mayor Cross read Bill No. 1254 as Ordinance \_\_\_ -- An Ordinance of the City of Troy, Missouri, Amending Certain Sections and Subsections of Chapter 405: Zoning Regulations to Provide for Regulations Concerning Fireworks Stands Under Section 210.750: Fireworks, first and second times by title only. Alderman Eversmeyer had received no comments or concerns regarding this proposed legislation. Alderman Eversmeyer made a motion, seconded by Alderman Walker to Adopt Bill No. 1254 as Ordinance 1235. Vote: Eversmeyer aye, Walker aye, Anderson aye, Sconce aye, Detert aye.

Mayor Cross read Bill No. 1255 as Ordinance \_\_\_ -- An Ordinance of the City of Troy, Missouri, Amending Section 210.750 and Setting Forth Provisions for Fireworks Stands Under Section 210.750: Fireworks, first and second times by title only. Alderman Eversmeyer made a motion, seconded by Alderman Anderson to Adopt Bill No. 1255 as Ordinance 1236. Vote: Eversmeyer aye, Anderson aye, Detert aye, Sconce aye, Walker aye.

Mayor Cross read Bill No. 1256 as Ordinance \_\_\_ -- An Ordinance Adopting and Enacting a New Chapter 210, Offenses, of the Code of Ordinances of the City of Troy, County of Lincoln, State of Missouri; and Providing for the Repeal of Existing Code Chapter 210; and Providing When this Ordinance shall become Effective, first and second times by title only. City Attorney Granneman stated that adoption of this bill meets the January 1<sup>st</sup> deadline and regulations promulgated by State statute into City's Code. Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Adopt Bill No. 1256 as Ordinance 1237. Vote: Sconce aye, Eversmeyer aye, Anderson aye, Detert aye, Walker aye.

\*Approved Pay Application No. 1 from Cannon General Contractors regarding Buchanan Court Improvement Project in the amount of \$201,936.52 as recommended by George Butler & Associates

\*Accepted Dedication of Park Hills Plat Two, Lots 121-122, 133-147 and 193-196 as requested by Strategic Advisors Real Estate

\*Approved Liquor/Business License Application Warrenton Oil Co. d/b/a Fastlane #35, 571 S. Lincoln Drive

Mayor Cross requested everyone present speak to friends and neighbors to enlist their help on recruiting for the City's various appointed board-commission position vacancies. Mr. Don Morris, 850 Third Street, was in attendance at the meeting and requested to be considered for appointment to a vacant position on the Planning & Zoning Board. The Mayor obtained his contact information. Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Accept the Resignation of George Clay from Planning & Zoning Commission and Helen Clay from Park Board. Vote: Sconce aye, Eversmeyer aye, Detert aye, Walker aye, Anderson aye.

Parks Director Howell stated the LWCF Project for grant monies included developing 22 acres of ground donated to the City by the school for athletic fields and a parking lot. Howell had received a proposal in the amount of \$1,500.00 from Cochran Engineering for a design concept. Alderman Sconce made a motion, seconded by Alderman Anderson to Approve and Authorize the Mayor to Sign Missouri Department of Natural Resources-State Park Grant Award - LWCF Project Agreement. Vote: Sconce aye, Anderson aye, Eversmeyer aye, Walker aye, Detert aye.

City Attorney Granneman requested the Board consider amending Section 110.010 Board of Aldermen Meeting Time to make the meetings in January and February that conflict with holidays more flexible for Aldermen and City Attorney scheduling purposes. The Board agreed in consensus to amend Section 110.010.

Mayor Cross relayed a grant opportunity to the Board to make infrastructure improvements to Mennemeyer Road from the railroad right-of-way to Highway 47 (approximately one mile of road) in the City limits. This section of road had been patched previously but continued to deteriorate and needed improvements for general and truck traffic in light of the potential expansion of Witte Bros. Company. Chad Eggen of Boonslick Regional Planning was present at the meeting and explained that the City's portion of the grant, if awarded, was a maximum 15% share and included in-kind work by the City. The grant opportunity focused on industrial infrastructure and was based on job creation and growth in the area. A Request for Proposal for Grant Writing and Grant Administration Services was published prior to the meeting. Alderman Sconce made a motion, seconded by Alderman Walker to Award Request for Proposal for Grant Writing and Grant Administration Services on Infrastructure Improvements to Mennemeyer Road to Boonslick Regional Planning as the lowest and best bid. Vote: Sconce aye, Walker aye, Anderson aye, Detert aye, Eversmeyer aye.

Mayor Cross explained the change order submitted by Cochran Engineering for the engineering design phase of the Cherry Street Improvements project was to relocate and

add another signal light at Cherry and Front Streets. Alderman Walker made a motion, seconded by Alderman Sconce to Approve Change Order on Engineering Services for Cherry Street Improvements Project submitted by Cochran Engineering in the amount of \$5,000.00. Vote: Walker aye, Sconce aye, Anderson aye, Eversmeyer aye, Detert aye.

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. Vote: Eversmeyer aye, Sconce aye, Detert aye, Walker aye, Anderson aye.

Alderman Sconce made a motion, seconded by Alderman Anderson to Reimburse Craig Brewer for Driveway Replacement expenses totaling \$5,700.00 at 436 Fawn Run Drive. Vote: Sconce nay, Anderson nay, Eversmeyer nay, Detert nay, Walker nay. Motion failed 0-5.

Alderman Anderson made a motion, seconded by Alderman Walker to Remain in Class Action entitled 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 set for January 30, 2017 for Final Approval of Settlement. Vote: Anderson aye, Walker aye, Eversmeyer aye, Sconce aye, Detert aye.

Legal matters were discussed.

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

Alderman Sconce made a motion, seconded by Alderman Anderson to adjourn the meeting. Vote: Sconce aye, Anderson aye, Walker aye, Eversmeyer aye, Detert aye. Meeting adjourned 8:08 p.m.

ATTEST:

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City Clerk

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Mayor

\*Approved on Consent Agenda