

City of Troy, Missouri
Public Hearing and Regular Board of Aldermen Meeting
Wednesday, February 22, 2017
6:30 P.M.

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

Mayor Cross opened the Public Hearing for the purposes of citizen input on:

- (a) Designating Fairgrounds Park, located on Monroe Street, as a historic landmark outside the Historic District as recommended by the Historic Preservation Commission;
- (b) Second Request for Rezoning Application submitted by Special Intentions, LLC, located at 298 South Lincoln Drive, for rezoning from R-1 to C-3. The first request failed to pass on December 21, 2015; and
- (c) City of Troy Grant Application for the 2017 Community Development Block Grant (CDBG) Program for an economic development infrastructure project to upgrade Mennemeyer Road. The total project cost is estimated at \$1,000,000.00. The City will contribute 15% local match.

The following comments were made in regard to the rezoning request:

Becky Wilhoit, 33 Pebblestone Court, Graystone Subdivision, advised the Board that she was opposed and worried about increased traffic accessing through Old Cap Au Gris. Ms. Wilhoit assumed that a certain alderman would be abstaining from voting on this matter and that she had attended the Planning & Zoning Commission meeting on the rezoning request.

Gary Leifert, 1050 Old Cap Au Gris, stated that he represented the commercial property at #1 Friendship Court and that traffic was horrendous. Mr. Leifert said a perspective buyer could obtain access to Lincoln Drive by buying property on Friendship Court. The property east could also be acquired representing more serious traffic problems than now. Mr. Leifert must leave his residence by 7:00 a.m. or he cannot access the road until after 7:30 a.m. due to high school traffic. He cannot make a left from his residence at 2:30 p.m. either. Mr. Leifert stated that the City is complicit with the current traffic problem already and that no zoning decision that increases traffic should be made without a solution.

Bruce Werkmeister, Thornhill Real Estate & Auction, 441 John Deere Drive, represented the owners of the property who are requesting the rezoning. Mr. Werkmeister asked the Board to consider that only two properties are not zoned commercial on South Lincoln Drive. Also this property is zoned residential which includes uses such as a residence, bed & breakfast or boarding house. The property may end up a boarding house for troubled youth; or if rezoned as commercial, may become law offices or a doctor's office. He did not want the current owner punished for the current high school, church and subdivision traffic and believed traffic would be minimally increased compared to what already travels Lincoln Drive. Mr. Werkmeister asked the Board to give the owner an opportunity to explore other avenues.

Joan Brown, owner of Special Inn-tentions at 298 S. Lincoln Drive, along with her sister, Mary Ann, noted that this was their second time making this request to the Board. She and her sister learned that their property was a rare exception and that only one other property on South Lincoln Drive was zoned residential. Her property is located on the busy corner of South Lincoln and Old Cap Au Gris streets. When she first bought the property, she had been billed and paid property tax bills as a commercial lot for several years. Ms. Brown has been trying to sell the property for two years now. When she bought the property, it was by God's calling. She operated the historic home successfully for two years as a bed & breakfast bringing repeat visitors to the City of Troy. She said that some of the potential buyers had been small business owners but their interest halted when zoning failed. She stated that cities grow and need to rezone. She continued that this property is located by other businesses, near a park, and not tucked away into a residential area allowing it great access for a small business.

Mr. Leifert believed that the City has spot zoning along Lincoln Drive and approving rezoning on this property would not fix it. Alderman Sconce said the biggest problem was that zoning for the entire City should be reviewed but instead the Board was looking at this one rezoning request for the benefit of seller which does not resolve the problem. Alderman Sconce suggested forming a group or hiring a firm to assess zoning ordinances and mapping. Alderman Curt said that she did not see this happening in the near future and these folks had a rezoning request now.

Dusty Thornhill, Thornhill Real Estate & Auction, said whether his company sells the property or not, change is good and not a bad thing. The traffic was horrendous throughout Lincoln County and on South Lincoln Drive. He requested the Board "put the shoe on the other foot" for these ladies to help them sell a beautiful home to someone who will enjoy it as much as they had enjoyed it.

Becky Wilhoit said, at least as a minimum, give access from Lincoln Drive if the rezoning request goes through.

In regard to the Community Development Block Grant application for an economic development infrastructure project to upgrade Mennemeyer Road, Chad Eggen, Boonslick Regional Planning, relayed to the Board the following information:

- All the construction activities will occur within existing easements.
- The project has been reviewed by environmental agencies including State Historic Preservation Office, Department of Conservation, Department of Natural Resources, U.S. Fish and Wildlife Service, and Environmental Protection Agency.
- The surrounding environment has been evaluated. As to trends, likely to continue with the project expansion, it is expected that there will not be any future changes in current uses.
- All required permits will be obtained by the engineer.
- All mitigation, project modification, and conditions for approval anticipated during the project.
- The project will incorporate appropriate business practices as needed to comply with local city ordinances and requirements and environmental regulations.
- General overview of CDBG environmental review procedures.
- Historic Preservation: If current project area or scope of work is changed, a borrow area is included in the project, or cultural materials are encountered during construction, appropriate information must be provided to State Historic Preservation office for review.
- All environmental review procedures will be evaluated and a public hearing will be held near the end of the project to receive public comment about the project.
- Boonslick Regional Planning Commission, Warrenton, Missouri is preparing the environmental review.
- Confidentiality to the extent feasible about proprietary information, business plans, and privacy of property owners.

Mr. Eggen then requested the Board's input to complete a Needs Assessment. There were no citizen comments in regard to the grant application project.

Mayor Cross called the Regular Board of Aldermen Meeting to order, announced a quorum present and requested the Boy Scout Troop in attendance to lead in the Pledge of Allegiance.

Alderman Sconce made a motion, seconded by Alderman Walker to approve the Consent Agenda upon the remove of Item 7(I). Vote: Sconce aye, Walker aye, Eversmeyer aye, Curt aye, Detert aye.

*Approved the Minutes of Public Hearing/Regular Board of Aldermen Meeting dated January 18, 2017 and Regular Board of Aldermen Meeting dated February 6, 2017

David Norman requested to hold a Lincoln County Fair 5K Run/Walk on July 15, 2017. The preapproved Loop route was requested except to run it backwards in order to travel downhill and hug the traffic. Last year's event drew 93 registered runners and lasted from 7:30 a.m.-9:00 a.m. Alderman Sconce made a motion, seconded by Alderman Detert to Approve the Request to Hold Lincoln County Fair 5K Run on July 15, 2017. Vote: Sconce aye, Detert aye, Curt aye, Eversmeyer aye, Walker aye.

Christina Huffman and David Norman, both members of the Troy Running Club, requested to hold a Veteran's Day 5K Run/Walk on Saturday, November 11, 2017. The event would begin at 9:00 a.m. and end at 11:00 a.m. at the old Courthouse on Main Street in time for the ceremony. The event would bring awareness to the community in honor of veteran's day. Chief Taylor agreed to an exception for the suggested route used in conjunction with the courthouse ceremony. Alderman Eversmeyer made a motion, seconded by Alderman Sconce to Approve the Request to Hold Veteran's Day 5K Run/Walk on November 11, 2017 based on coordination with Chief Taylor and Parks Director Howell. Vote: Eversmeyer aye, Sconce aye, Detert aye, Walker aye, Curt aye.

Justin Mense requested that either the no parking sign be removed in front of his house at 1095 Main Street or reduce the sign's placement of 88 feet from the corner to 15-to-55 feet like other streets/corners surrounding his home. Chief Taylor relayed that multiple complaints of poor visibility due to a low spot at West Pershing/Main Street were received. Mr. Mense said that there was also poor visibility at East Wood and East Collier. Chief Taylor explained that the speed limit was 20 mph there but 30 mph in front of Mr. Mense's house. Mr. Mense then asked about placing a four-way stop or reducing the speed limit near his home. Chief Taylor responded that a four-way stop would then be required at Campbell and Trojan too and even if the speed was lowered, it is downhill and cars pick up speed. Mr. Mense said he cannot park in front of his house and had a siding company put siding up and they had to park their commercial trailer in his yard. Many complaints were received during that time. Further Mr. Mense said there was no parking in front of his house but other homes were allowed parking in front. Chief Taylor said a no parking sign was going up on the south side of Pershing tomorrow. Alderman Detert said that it was a safety issue due to the low spot on West Pershing. Mr. Mense said he would appreciate it if the sign were not as far back but that he was not opposed to it being there.

Chief Taylor introduced Reserve Officer Shawn Brown to the Board of Aldermen.

*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

Mayor Cross read Bill No. 1258 as Ordinance ____ -- An Ordinance Amending Certain Section 240.005: Purpose and Scope, Section 204.015: Rules and Regulations, Section 240.020: Permits for Pavilions, Picnic Areas & Athletic Fields, and Providing for a New Section 240.050: Permits for Sale of Food, Beverage and/or Goods in City Parks for Board of Aldermen Approved Events, first and second times by title only. Alderman Walker made a motion, seconded by Alderman Eversmeyer to Adopt Bill No. 1258 as Ordinance 1239. Vote: Walker aye, Eversmeyer aye, Detert aye, Curt aye, Sconce aye.

*Approved the Designation of Fairgrounds Park as a Historic Landmark outside the District as recommended by the Historic Preservation Commission

*Approved Change Order #1 Buchanan Court Improvement Project (\$380.00)

*Approved Change Order #2 Buchanan Court Improvement Project \$22,425.55

*Approved Pay Application #2 Buchanan Court Improvement Project \$29,619.37

*Approved Final Pay Application #3 Buchanan Court Improvement Project \$12,187.19

*Approved Correction to the Job Description: Mechanic

*Appointed Cale Cannon to Stormwater Management Committee

*Appointed John Stanek to Stormwater Management Committee

City Attorney Granneman advised that prior to appointing Rhonda Schulte to Park Board, Mrs. Schulte needed to be advised that pursuant to Section 150.110 of the City Code, an elected/appointed official of the City was prohibited from entering into a contract with the City. Thereby, the cleaning services contract with RMS Enterprises d/b/a Janiking could not be continued. Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Remove Item 7(I) to Appoint Rhonda Schulte to Park Board from the Agenda. Vote: Sconce aye, Eversmeyer aye, Walker aye, Detert aye, Curt aye.

*Approved and Authorized Mayor to Sign Cochran Engineering Professional Services Agreement for Rough Grading/Bidding in the amount of \$15,000.00 on the Crooked Creek Park Project in conjunction with Land and Water Conservation Fund Grant

Alderman Sconce made a motion, seconded by Alderman Detert to Approve Request for Rezoning Application submitted by Special Inn-tentions, LLC, located at 298 South Lincoln Drive, for rezoning from R-1 to C-3. Alderman Sconce stated the rezoning request was not fair to the people remaining that deal with the outcome of rezoning, the rezoning request should not be approved just to make it saleable for the benefit of the property owner and that there should be other factors, the property was zoned residential

in 2000 by Planning & Zoning, and there should be an overall comprehensive review for the entire City on zoning. Alderman Walker said if there is a problem with spot zoning that it should be reviewed before changing zoning on one or two houses and did not agree with the rezoning request.

Alderman Detert reiterated that all properties were zoned commercial instead of two on the entire Lincoln Drive. He continued that there would be an extra car or two on the roads and most complaints received were coming from citizens that own commercial properties. The City had no control of zoning if a fire department or school wanted to build on that property. Alderman Curt pointed out that the Planning & Zoning Commission already reviewed and approved this rezoning request. Curt questioned whether more time was needed to make a decision. Alderman Detert requested a call for the vote. Vote: Sconce nay, Detert aye, Eversmeyer aye, Curt aye, Walker nay. Motion carried 3-2.

Discussion ensued whether the City's 15% match on the grant application for the Mennemeyer Road Infrastructure Improvement Project could be in-kind services. Chad Eggen of Boonslick Regional Planning answered in the affirmative and offered that the project could take up to three years for completion. The Mayor added that it was an enterprise zone which offers tax rebates and part of that can be the City's matching funds. The matching funds could be taken over three budget years. The grant application approval was anticipated over the next thirty days and the availability of funds was based on job creation of businesses in that area. Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Approve and Authorize Mayor to Sign Grant Application for the 2017 Community Development Block Grant (CDBG) Program for an economic development infrastructure project to upgrade Mennemeyer Road. Vote: Sconce aye, Eversmeyer aye, Curt aye, Detert aye, Walker aye.

Alderman Sconce made a motion, seconded by Alderman Curt to Adopt Resolution 2017-1 for Community Development Block Grant to Seek Funding for Economic Development Infrastructure Project to Upgrade Mennemeyer Road and Dedicate \$160,000.00 of local cash funds and \$5,000.00 of in-kind materials or labor to be used in this project. Alderman Sconce questioned Chad Eggen of Boonslick Regional Planning regarding the \$5,000.00 limit on in-kind materials or labor. Mr. Eggen responded that this was only an estimated amount and other in-kind amounts were not yet confirmed. The City would know in thirty days. Vote: Sconce nay, Curt aye, Eversmeyer aye, Detert aye, Walker aye. Motion carried 4-1.

Building Official Lindsey explained that additional furnace repairs were required once the work began on the furnace unit. Alderman Eversmeyer made a motion, seconded by Alderman Sconce to Approve Increased Cost of Building Department Furnace Bid completed by Brush's Heating & Cooling in the amount of \$2,134.00 and \$680.00

(+ original bid \$1,777.00) totaling \$4,591.00. Alderman Walker explained that he would not vote as his son was employed by Brush's Heating & Cooling. Vote: Eversmeyer aye, Sconce aye, Walker abstain, Curt aye, Detert aye. Motion carried 4-0 with one abstention.

City Clerk Schneider explained the personnel policy request was to change the City's medical insurance waiting period from date of hire to the first of the month following the date of hire for ease of accounting, uniformity of ancillary health products, and COBRA administration. Alderman Sconce made a motion, seconded by Alderman Curt to Adopt Personnel Policy Handbook Change on Offering Medical Insurance from the Date of Hire to the First of the Month Following the Date of Hire. Alderman Eversmeyer questioned whether this would increase the fiduciary responsibility of the City. Alderman Sconce responded that it would increase or decrease depending upon when the new hire started employment. Vote: Sconce aye, Curt aye, Detert aye, Eversmeyer nay, Walker aye. Motion carried 4-1.

Alderman Eversmeyer made a motion, seconded by Alderman Detert to Approve Meridian Waste Solutions Three-Year Extension Agreement for the period July 1, 2018 through June 30, 2021. Vote: Eversmeyer aye, Detert aye, Curt aye, Walker aye, Sconce aye.

Alderman Walker made a motion, seconded by Alderman Sconce to Approve and Authorize the Mayor to Sign Midwest Independent Bank ("MIB") Pledge and Custodial Agreement among City of Troy as Public Entity, People's Bank & Trust Co. as Depository Bank and MIB as Custodian and Addendum to Custodial Agreement. Vote: Walker aye, Sconce aye, Detert aye, Eversmeyer aye, Curt aye.

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Approve Budget Amendment 41-70-02-6991 Capital Assets: Equipment +\$205,300.00 (coming out of Sewer Fund). Vote: Sconce aye, Eversmeyer aye, Walker aye, Detert aye, Curt aye.

Chief Taylor pointed out to the Board that by consent agenda, the Board approved the purchase of new weapons, holsters and a light for the weapon in the amount of \$18,000.00 for each police officer coming from drug forfeiture money as referenced in the Police Chief's report.

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, Real Estate and Personnel. Vote: Eversmeyer aye, Sconce aye, Walker aye, Detert aye, Curt aye.

Alderman Sconce made a motion, seconded by Alderman Curt to Hire Taylor Barton, as Full-time Wastewater Operator, Grade 12-Step 2 at \$15.43 per hour effective upon

completion of pre-employment physical and drug testing. Vote: Sconce aye, Curt aye, Walker aye, Eversmeyer aye, Detert aye.

City Attorney Granneman advised the Board on Real Estate and Legal matters.

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

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to adjourn the meeting. Vote: Sconce aye, Eversmeyer aye, Curt aye, Detert aye, Walker aye. Meeting adjourned 9:05p.m.

ATTEST:

City Clerk

Mayor

*Approved on Consent Agenda