

City of Troy, Missouri
Public Hearing and Regular Board of Aldermen Meeting
Monday, May 15, 2017
6:30 P.M.

Present for the meeting were Aldermen Eversmeyer, Anderson, Detert, Sconce, Curt, Walker and Mayor Cross. Also present were Public Works Superintendent Cunningham, Parks Director Howell, Police Chief Taylor, Water Superintendent Lourance, 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) Request for Rezoning by David Lenk, applicant on behalf of David & Diane Lenk, Mike & Denise Lenk, Debra & Rick Birkhead, and Philip & Linda Lenk, from "R-1" Single-Family Residential District to "C-3" Highway Commercial District for the site located at 206 South Lincoln Drive; and

(b) Request for Conditional Use Permit by Meramec Specialty Company, applicant for "Fireworks City," a seasonal fireworks stand located at 12 Frenchman Bluff Road.

Ms. Susan Peasel, 526 Oak Bluff Court, relayed her dissent for the fireworks stand permit and that she also spoke for several of her neighbors against the stand's location due to the heavy traffic already at Frenchman Bluff and Highway 47. There was no other public comment.

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

Alderman Sconce made a motion, seconded by Alderman Detert to Approve the Consent Agenda upon the removal of Items 7(B), 7(C), 7(E) and 7(F). Vote: Sconce aye, Detert aye, Walker aye, Eversmeyer aye, Curt aye, Anderson aye.

*Approved the Minutes of Public Hearing/Regular Board of Aldermen Meeting dated April 17, 2017; and Regular Board of Aldermen Meeting and Budget Workshop dated May 1, 2017

Ed Rapien, speaking on behalf of John Pace, of Jim Trenary Ford of Moscow Mills, Missouri, requested to hold a special used car sales event in Walmart parking lot. Mr. Rapien said the planned June date for the event would be pushed out further. The dealership would bring eighty used cars to Walmart parking lot, set-up a tent and a construction trailer for the three-day event. A conditional use permit in C-3 would be required for used car sales outlining the temporary tent and office-construction trailer

structures and presented to the Planning & Zoning Commission and Board of Aldermen. Mr. Rapien would relay the information to the dealership's marketing department.

*Approved Reports of Park, 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 invited Mrs. Peasel to the podium. Mrs. Peasel requested that the Board consider requiring an ordinance listing an address on yard sale signs and removal of the sign within a reasonable amount of time. The Board would review the request.

Mayor Cross read Bill No. 1260 as Ordinance ___ -- An Ordinance Establishing a New Section in Chapter 240, Park and Lake Regulations, Specifically Section 204.021 Organized Runs/Walks in City Limits by title only.

Alderman Eversmeyer suggested adding a specific deadline in the ordinance when to make application for a run/walk in City limits. After discussion, it was decided that appropriate timing would correspond with available staffing and left at the discretion of the Parks Director and Police Chief.

Mayor Cross read Bill No. 1260 as Ordinance ___ -- An Ordinance Establishing a New Section in Chapter 240, Park and Lake Regulations, Specifically Section 204.021 Organized Runs/Walks in City Limits a second time by title only. Alderman Eversmeyer made a motion, seconded by Alderman Walker to Adopt Bill No. 1260 as Ordinance No. 1241. Vote: Eversmeyer aye, Walker aye, Anderson aye, Detert aye, Curt aye, Sconce aye.

Alderman Anderson made a motion, seconded by Alderman Detert to Appoint Alderman Sconce as Board of Alderman Representative on the Historic Preservation Commission for a two year term. Vote: Anderson aye, Detert aye, Curt aye, Eversmeyer aye, Sconce aye, Walker aye.

Water Superintendent Lourance relayed that the \$35 hydrant permit fee is a reasonable charge based on a comparison with other water system charges and yields 14,000 gallons of water at the City's current rate. The most frequent purchaser of the hydrant permit fee fills a 2,500 gallon truck several times a day and yet would not reach the 14,000 gallons until the sixth fill if that is possible. Discussion turned to the purchase of an automated water salesman (for metered fills) at twenty-five cents for 1000 gallons. Lourance stated that it would take a long time to pay for itself. No action was taken by the Board.

*Approved 2017 Liquor License Renewals: Dollar General #1585, 8 Lincoln Center; Summit Pizza d/b/a Pizza Hut, 15 Lincoln Center; Mennemeyer Investors LLC d/b/a Mustang Sally's Bar & Grill, 440 Main Street; Abjibapa.Inc. d/b/a Xpressmart 4, 501 E. Cherry St., Warrenton Oil Co., d/b/a Fastlane, 310 E. Hwy 47; Warrenton Oil Co., d/b/a Fastlane, 571 S. Lincoln Dr.; Troy Elks Lodge #2805 541 Second St.; Walmart #60, 101 Hwy 47

In regard to Mr. Lenk's rezoning request, Alderman Sconce was not in favor of changing the zoning on a property that was for sale but rather the request should be made by the future property owner. Several aldermen stated that the majority of South Lincoln was commercially zoned already. Alderman Anderson asked Mr. Lenk as to what prompted the zoning change request. Mr. Lenk responded that the property would be sold at auction and it was believed there would be more buyers interested in the property making it easier to sell if given the residential or commercial option. Alderman Eversmeyer made a motion, seconded by Alderman Detert to Approve Request for Rezoning by David Lenk, applicant on behalf of David & Diane Lenk, Mike & Denise Lenk, Debra & Rick Birkhead, and Philip & Linda Lenk, from "R-1" Single-Family Residential District to "C-3" Highway Commercial District for the site located at 206 South Lincoln Drive as recommended by Planning & Zoning Commission. Vote: Eversmeyer aye, Detert aye, Sconce nay, Walker nay, Anderson aye, Curt aye. Motion carried 4-2.

Discussion ensued on traffic concerns with the location of the fireworks stand by Highway 47 and Frenchman Bluff Road intersection, and how the location impacts the surrounding residential areas. Alderman Anderson confirmed that the permit was temporary and allowed the stand to operate only from June 20th to July 5th. Alderman Anderson made a motion, seconded by Alderman Sconce to Approve Request for Conditional Use Permit by Meramec Specialty Company, applicant for "Fireworks City," a seasonal fireworks stand located at 12 Frenchman Bluff Road. Vote: Anderson aye, Sconce aye, Walker nay, Detert aye, Eversmeyer aye, Curt nay. Motion carried 4-2.

*Approved and Authorized Mayor to Sign Personal Assistance Services 2017-2018 Renewal in the amount of \$2,106.72 for Employee Wellness Benefit

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Table Consideration to Approve and Authorize Mayor to Sign Troy Economic Development Contract with Troy Chamber of Commerce until the next meeting. Vote: Sconce aye, Eversmeyer aye, Curt aye, Detert aye, Anderson aye, Walker aye.

Alderman Walker made a motion, seconded by Alderman Anderson to Table Consideration to Approve the Troy Convention & Visitor's Bureau 2017-2018 Budget until next meeting. Vote: Walker aye, Anderson aye, Eversmeyer aye, Detert aye, Curt aye, Sconce aye.

*Approved Site Plan Approval and Commercial Building Permit for Plaza Tire, 105 King Drive

*Approved FY/2017 Budget Amendments:

01-01-03-6992 Capital Asset: Bldg & Grounds +\$5,000.00

01-10-01-6650 Uniforms & Equipment +\$4,000.00

01-10-01-6991 Capital Asset: Equipment +\$4,815.00

31-20-01-6992 Capital Asset: Bldg & Grounds +\$66,000.00

*Appointed Joan Bowen, 130 Stonebridge, to Planning & Zoning Commission

Alderman Anderson made a motion, seconded by Alderman Walker to Table Consideration to Approve and Authorize Mayor to Sign Aid Agreement for Care Trak Services among Lincoln County Health Department, City of Troy, Missouri, Lincoln County Ambulance District, Lincoln County Fire Protection District No. 1 and Lincoln County Sheriff's Department until next meeting. Vote: Anderson aye, Walker aye, Curt aye, Eversmeyer aye, Detert aye, Sconce aye.

The Board expressed concern over the large difference between the low bid and high bid on the Harris Street and Carrington/Hwy 47 Water Main project of almost \$100,000.00. Water Superintendent Lourance relayed that the engineer contacted the owner of Wehmeyer Farms Inc. to relay this fact. The owner maintained that he was good with his bid. Lourance continued that Wehmeyer Farms Inc. had a lot of experience with this type of work. Further, the engineer did not foresee any change orders with the project as the path for the water line was dirt and not rock. Lourance would inspect daily as the work progressed and it would be built according to required AWWA standards with a one-year guarantee. Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Award and Authorize Mayor to Sign Contract on Harris Street and Carrington/Hwy 47 Water Main Replacement Project with Wehmeyer Farms Inc. as lowest and best bid in the amount of \$225,098.00. Vote: Sconce aye, Eversmeyer aye, Curt aye, Anderson aye, Walker aye, Detert aye.

City Clerk Schneider explained the discrepancy of the amount listed on the agenda for Change Order 1 as originally \$823.95 but had been revised to \$3,358.35. Mayor Cross explained the \$823.95 had been an engineering oversight to include a change requested by a homeowner in their utility easement agreement to widen the end of their driveway into the design plans. The first change led to the requirement to heighten the retaining wall resulting in the dollar amount change to \$3,358.35 of Change Order 1. Discussion ensued on how best to recoup these monies. Alderman Sconce made a motion, seconded by Alderman Anderson to Approve Change Order No. 1 submitted by Cannon General

Contractors on TAP Main Street Sidewalk Project #9900(383) in the amount of \$3,358.35. Vote: Sconce aye, Anderson aye, Eversmeyer nay, Detert nay, Curt aye, Walker nay. Motion tied 3-3. Mayor Cross voted aye.

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

Chief Taylor explained the hiring process for the Detective Lieutenant position and recommended Detective Roger Mauzy for the position based on Mauzy's supervisory experience running Lincoln County's Drug Unit for four years. Alderman Sconce made a motion, seconded by Alderman Walker to Approve Roger Mauzy as Detective Lieutenant, Effective July 1, 2017 to G16-7 \$54,467.00 as Exempt. Alderman Sconce withdrew his Motion. Alderman Walker withdrew his Second.

Alderman Anderson made a motion, seconded by Alderman Walker to Table Consideration to Hire for the Detective Lieutenant position until next meeting. Vote: Anderson aye, Walker aye, Eversmeyer aye, Detert aye, Curt aye, Sconce aye.

Alderman Sconce made a motion, seconded by Alderman Detert to Hire Kyle VanMol as a Seasonal Maintenance Worker in Public Works effective immediately at G8-2, \$10.54 per hour. Vote: Sconce aye, Detert aye, Curt aye, Eversmeyer aye, Anderson aye, Walker aye.

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Approve and Authorize Mayor to Sign Retainer Agreement with John F. Mulligan, Esq. in regard to class action telecommunication license taxes. Vote: Sconce nay, Eversmeyer aye, Curt aye, Walker aye, Detert aye, Anderson aye. Motion carried 5-1.

Alderman Anderson made a motion, seconded by Alderman Curt to Authorize Mayor Cross and Treasurer Flinn to Seek Advice from Counsel in response to Ameren payment plan on owed taxes and Respond to Payment Plan by June 4, 2017 in City of Winchester, Missouri and City of Creve Coeur, Missouri vs. Union Electric Company d/b/a Ameren Missouri, Cause No. 11SL-CC04561. Vote: Anderson aye, Curt aye, Sconce aye, Detert aye, Walker aye, Eversmeyer aye.

City Attorney Granneman left the room.

Alderman Anderson made a motion, seconded by Alderman Detert to Approve and Authorize Mayor to Sign Renewal of City Attorney Contract effective July 1, 2017 for a one-year term with Jesse A. Granneman. Vote: Anderson aye, Detert aye, Eversmeyer aye, Sconce aye, Walker aye, Curt aye.

City Attorney Granneman returned to the room.

Alderman Sconce made a motion, seconded by Alderman Curt to Approve and Authorize Mayor to Sign Renewal of Municipal Court Judge Contract effective July 1, 2017 for a two-year statutory term with Gary A. Grunick. Vote: Sconce aye, Curt aye, Walker aye, Detert aye, Anderson aye, Eversmeyer aye.

Alderman Eversmeyer made a motion, seconded by Alderman Detert to Approve and Authorize Mayor to Sign Renewal of Prosecuting Attorney Contract effective July 1, 2017 for a one year term with Cynthia Davenport. Vote: Eversmeyer aye, Detert aye, Sconce aye, Curt aye, Walker aye, Anderson aye.

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

The Board discussed salary requests presented at Budget Workshop.

Alderman Sconce made a motion, seconded by Alderman Curt to adjourn the meeting. Vote: Sconce aye, Curt aye, Walker aye, Anderson aye, Eversmeyer aye, Detert aye. Meeting adjourned at 8:23 p.m.

ATTEST:

City Clerk

Mayor

*Approved on Consent Agenda