

City of Troy, Missouri
Regular Board of Aldermen Meeting
Monday, September 18, 2017
6:30 P.M.

Present for the meeting were Aldermen Detert, Sconce, Curt, Walker, Anderson, Eversmeyer and Mayor Cross. Also present were Public Works Superintendent Cunningham, Parks Director Howell, Police Chief Taylor, Wastewater Superintendent Peasel, Building Official Lindsey, Water Superintendent Lourance, 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.

Mayor Cross read a press release and accepted a certificate on behalf of the City of Troy as a Certified Local Government and Partner in the Federal Preservation Program. Chairperson of the Historic Preservation Commission, Debbie Thurman, thanked Building Official Lindsey, Administrative Assistant Wagner and Alderman Sconce for their help in commission meetings and organization.

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

*Approved the Minutes of Public Hearing/Regular Board of Aldermen Meeting dated August 21, 2017; and Public Hearing/Special Board of Aldermen Meeting dated August 24, 2017

Deanna Bartosch requested a third-dog variance due to the inheritance of an eleven-year old Australian Shepherd upon her parents' death. Mrs. Bartosch brought shot records for the three dogs. Alderman Anderson stated that a variance only allows a third dog on a temporary basis and when the dog passes, the dog should not be replaced. Mrs. Bartosch understood. Alderman Anderson made a motion, seconded by Alderman Detert to Allow a Two-Year Variance for a Third Dog. Vote: Anderson aye, Detert aye, Walker aye, Curt nay, Sconce aye, Eversmeyer nay. Motion carried 4-2.

Sierra Gummersell appeared on behalf of Eric Meyer to request to keep a Pit Bull Terrier Dog if it becomes registered as a Support Dog when they close on a house in October at 200 Alden Street. Alderman Anderson asked whether Ms. Gummersell already had the dog and her reply was no. City Attorney Granneman requested time to research the matter and recommended tabling the request. Alderman Eversmeyer made a motion, seconded by Alderman Detert to Table Request to Keep Pit Bull Terrier Dog if it

becomes registered as a Support Dog. Vote: Eversmeyer aye, Detert aye, Walker aye, Sconce aye, Curt aye, Anderson aye.

Wendy Sanders read a statement from Best Friends Animal Society in support of repealing breed specific legislation and citing 14th Amendment Equal Protection Rights depriving pit bull owners from owning that breed of dog and due process right violations of deprivation of property. Lindsey McMullin, a City of Troy resident, presented the results of a St. Louis Survey of City of Troy residents in regards to vicious and breed specific laws.

Heather Graham requested small variations to the LCCOA 5K Run/Walk Route for the 2017 Turkey Trot in November. Chief Taylor reviewed and approved. Alderman Sconce made a motion, seconded by Alderman Walker to Approve Turkey Trot 2017 Route as submitted. Vote: Sconce aye, Walker aye, Eversmeyer aye, Detert aye, Curt aye, Anderson aye.

*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 Departments and Administration Report

*Approved Payment of Regular Monthly Bills

Mayor Cross read Bill No. 1267 as Ordinance ____ -- An Ordinance Annexing Lot No. 4 of Kingdom Court Subdivision more commonly known as 203 Faye Circle into the City of Troy, Missouri, first and second times by title only. Alderman Eversmeyer made a motion, seconded by Alderman Anderson to Adopt Bill No. 1267 as Ordinance 1247. Vote: Eversmeyer aye, Anderson aye, Curt aye, Detert aye, Sconce aye, Walker aye.

Mayor Cross read Bill No. 1268 as Ordinance ____ -- An Ordinance Authorizing the City of Troy, Missouri to Enter into a Lease Purchase Transaction, the Proceeds of which will be used to pay the costs of refunding the Outstanding Certificates of Participation (City of Troy, Missouri, Lessee), Series 2011; and Authorizing the Execution of Certain Documents and Actions in Connection Therewith, first and second times by title only. Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Adopt Bill No. 1268 as Ordinance 1248. Vote: Sconce aye, Eversmeyer aye, Anderson aye, Detert aye, Curt aye, Walker aye.

*Approved Bad Debt Utility Write-Off from September 1, 2015 through August 31, 2016 of \$10,694.07

*Re-Appointed Vicki Kuhl to Planning & Zoning Commission for a Two-Year Term

*Appointed Steve Emert to Historical Preservation Commission as recommended by Mayor Cross

In regards to Change Order 2 submitted by Wehmeyer Farms, Inc., discussion ensued that directional boring had not been approved prior to the work being performed and the project's bid specifications did not specify "boring" as required to install the water line. Alderman Eversmeyer did not ask the contractor to bore under driveways and was fine when she was told by contractor that her driveway would be cut and repaired for the water line. Alderman Sconce made a motion, seconded by Alderman Anderson to Approve Change Order No. 2 submitted by Wehmeyer Farms, Inc. for Harris Street and Hwy 47/Carrington Water Main Replacement for 8" Directional Boring in the amount of \$10,472.00. Vote: Sconce nay, Anderson nay, Curt nay, Detert nay, Eversmeyer nay, Walker nay. Motion failed 0-6

Alderman Anderson made a motion, seconded by Alderman Sconce to Approve Application for Payment No. 4 submitted by Wehmeyer Farms, Inc. for Harris Street and Hwy 47/Carrington Water Main Replacement M16-7269/M16-7318 Upon Removing \$10,472.00 represented by Change Order No. 2 and Recalculating 5% Retainage. Vote: Anderson aye, Sconce aye, Eversmeyer aye, Walker aye, Detert aye, Curt aye.

*Approved Budget Amendment 06-10-01-6751 Office Equipment +\$2,000.00 and 06-10-01-6432 Vehicle Repair (\$2,000.00) to Allow for Purchase of Computers/Monitors for Dispatching from Drug Forfeiture Funds

*Approved and Authorized Mayor to Sign Addendum to Service Agreement with Cintas/US Communities Cooperative to Add Public Works Account to Facilities Solutions Agreement

Alderman Walker made a motion, seconded by Alderman Sconce to Adopt Resolution 2017-2 – A Resolution for a Policy and Grievance Procedure Regarding Non-Discrimination on the Basis of a Disability. Vote: Walker aye, Sconce aye, Curt aye, Eversmeyer aye, Detert aye, Anderson aye.

Alderman Eversmeyer made a motion, seconded by Alderman Detert to Approve Retraction of the Bid Approval for Crooked Creek Park – Rough Grading and SWPPP to Karrenbrock Excavating, LLC in the amount of \$209,430.01 and Authorize Re-Bidding upon Review of Bid Specifications. Vote: Eversmeyer aye, Detert aye, Walker aye, Curt aye, Anderson aye, Sconce aye.

Alderman Anderson made a motion, seconded by Alderman Sconce to Approve and Authorize the Mayor to Sign Sworn Statement in Proof of Loss with Savers Property & Casualty Insurance Company for Damage Caused to City Hall Roof in the amount of

\$44,290.50. Vote: Anderson aye, Sconce aye, Curt aye, Eversmeyer aye, Walker aye, Detert aye.

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Approve Budget Amendment 01-01-08-6992 Capital Asset: Building & Grounds \$75,000.00 and Waive the Bidding Process for Emergency Roof Repair. Vote: Sconce aye, Eversmeyer aye, Anderson aye, Walker aye, Detert aye, Curt aye.

Alderman Anderson made a motion, seconded by Alderman Sconce to Approve and Authorize the Mayor to Sign Contract with Double J Roofing & Contractors in the amount of \$70,027.43 as Emergency Purchase/Repair referenced in Section 150.080(4) and subject to all requirements of Chapter 150 Purchasing Policies. Vote: Anderson aye, Sconce aye, Curt aye, Detert aye, Eversmeyer aye, Walker aye.

Alderman Sconce made a motion, seconded by Alderman Detert to Award Bid and Authorize Mayor to Sign Agreement with M & H Concrete Contractors, Inc. as the lowest and best bid in the amount of \$374,075.50 for 2017 Slab Replacement Program, Project #170711001. Vote: Sconce aye, Detert aye, Walker aye, Anderson aye, Curt aye, Eversmeyer aye.

Parks Director Howell presented Special Event Permit Application for Board review and pointed out the \$50.00 application fee did not give consideration for a reduction in rate for tax-exempt groups. The Board's consensus was to keep the \$50.00 fee applicable to all groups. Alderman Sconce made a motion, seconded by Alderman Walker to Approve Special Event Permit Application submitted by Parks Director Howell. Vote: Sconce aye, Walker aye, Curt aye, Detert aye, Anderson aye, Eversmeyer aye.

Steve Goehl, D.A. Davidson, reported on a second review of refunding the City's 2012 Certificates of Participation. Goehl re-ran the numbers more aggressively on the interest rate and restructuring through 2024. Accordingly, industry standards by the Government Finance Officers Association recommend that "present value savings" should be at 2-3% or above. Unfortunately, the numbers were 0.76%.

Goehl continued that \$166,000.00 from savings through reduction of debt may be obtained. The savings would derive from the City's reserve fund savings as opposed to interest rate savings. The reserve fund was set-up if the City cannot make a debt service payment, then reserve funds are used, and/or reserve funds are used as a final payment. No action on possible refunding of Certificates of Participation, Series 2012, was taken by the Board.

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

Alderman Walker made a motion, seconded by Alderman Sconce to Approve Promoting Justin Huber as Public Works Crew Leader at G13-Step 9 \$20.87 per hour effective next pay period. Vote: Walker aye, Sconce aye, Curt aye, Anderson aye, Eversmeyer aye, Detert aye.

Alderman Sconce made a motion, seconded by Alderman Curt to Approve One-Step Increase for Fred Jost, Seasonal Maintenance Worker – Parks, to G8-Step 3 \$10.85 per hour effective next pay period. Vote: Sconce aye, Curt aye, Walker aye, Detert aye, Eversmeyer aye, Anderson aye.

Alderman Sconce made a motion, seconded by Alderman Walker to Authorize Mayor to Execute Midwest Pool Management Contract Amendment Deleting Swimming Lessons Clause as of September 25, 2017. Vote: Sconce aye, Walker aye, Detert aye, Anderson aye, Eversmeyer aye, Curt aye.

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

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

Captain Mike Pirtle, Director of Lincoln County 911 Communications, noted on the Board's meeting agenda the purchase of dispatching equipment and asked if it had been approved. Mayor Cross said yes. Captain Pirtle then wanted to know if a decision had been made on the 911 Dispatching contract submitted by Lincoln County to the City. Mayor Cross said no decision had been made on that contract and the Board had until December 1st to sign. Captain Pirtle posed the question several more times and each time the response was no decision had been made and that several options were being considered.

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Adjourn the Meeting. Vote: Sconce aye, Eversmeyer aye, Curt aye, Detert aye, Walker aye, Anderson aye. Meeting adjourned at 8:35 p.m.

ATTEST:

City Clerk

Mayor Mark Cross

*Approved on Consent Agenda

DRAFT