

City of Troy, Missouri
Public Hearing and Regular Board of Aldermen Meeting
Monday, September 19, 2016
6:30 P.M.

Present for the Public Hearing and Regular Board of Aldermen Meeting were Aldermen Eversmeyer, Detert, Sconce, Anderson, Curt, Walker and Mayor Cross. Also present were Public Works Superintendent Cunningham, Chief Taylor, Parks Director Howell, Wastewater Superintendent Peasel, Water Superintendent Lourance, Treasurer Flinn, City Attorney Granneman and City Clerk Schneider.

Mayor Cross opened the Public Hearing for citizen input on:

- (a) A Rezoning Application from “R-1” to “C-1” submitted by Lincoln County R-III School District, for the property located at 1190 Old Cap Au Gris; and
- (b) Water and Sewer Rate Increases and Removal of One Time Per Calendar Year Sewer Credit Adjustment for Filling Pool by Amending City Ordinances, Sections 700.170 and 705.090.

Joyce Noble, on behalf of her mother, Esther Rottger at 1194 Old Cap Au Gris, whose property borders the high school, opposed the rezoning citing that property values would go down if commercial businesses were allowed to come in and traffic congestion worsen since the street was not built for commercial traffic.

Charley Branham, Assistant Superintendent, Lincoln County R-III School District, 951 W. College, explained a fire in February damaged the old scoreboard located at the eastern end of the football field. Mr. Branham explained that the scoreboard was relocated to the western end of the football field due to problems viewing it during after-school sporting events caused by the sun. Then it was suggested to utilize the back side of the scoreboard for advertising since it is near Highway 61 in an effort to reduce the fundraising requirements of the kids for sporting events. The advertising would yield potentially \$30,000.00 per annum. The advertising on the back side of the scoreboard triggered the need to make application for commercial rezoning according to State regulations.

Discussion ensued whether the scoreboard would remain in that location if advertising was not utilized, if the school had plans to move and sell its property to a commercial development, whether the advertising would be a distraction, and if a smaller area around the scoreboard could be zoned commercial instead of the entire property. Mr. Branham responded that the scoreboard’s location would remain, he was unaware of any plans to sell school property, was not legally able to answer zoning a smaller portion of the

property and that no distracting neon lights would be used for advertising but only signage affixed thereto.

There was no citizen input on water and sewer rate increases and removal of one time per calendar year sewer adjustment for filling a pool.

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 Eversmeyer made a motion, seconded by Alderman Sconce to Approve the Consent Agenda. Vote: Eversmeyer aye, Sconce aye, Walker aye, Detert aye, Curt aye, Anderson aye.

*Approved the Minutes of Regular Board of Aldermen Meeting dated August 15, 2016; and Public Hearing/Special Meeting dated August 29, 2016

Jerry Rowe requested a variance to burn paper bills twice a year in his burn barrel earlier than the open burning ordinance permitted time allowed. City Attorney Granneman stated that only yard waste and lawn clippings were allowed for burning under Section 220.085 of the City's Code. Mr. Rowe understood that he was in violation by burning of paper products but he believed shredding was not an adequate form of destruction. Mr. Rowe stated that if the ordinance could not be changed, he would burn the bills on his brother's property in the country.

Mayor Cross explained that Misty Hunt could not be present to request proclamation due to a sick child. Upon discussion, Alderman Sconce made a motion, seconded by Alderman Detert to Make Proclamation Declaring October 2016 as Dysautonomia Awareness Month. Vote: Sconce aye, Detert aye, Eversmeyer aye, Curt aye, Walker aye, Anderson aye.

Krishna Kunapareddy, Senior Planner, of Boonslick Regional Planning, relayed appreciation for the City's participation in the Lincoln County Hazard Mitigation Plan. The plan's second draft will be reviewed on September 28th for approval. She also notified the Board that MoDOT has two funding opportunities available for local governments (Traffic Engineering Assistance Program "TEAP" and Transportation Alternatives Program "TAP") and the recent budget cut to the funding of the "Missouri Moves" project on September 15th.

Jack Davis, 147 Hickory Drive, complained of the junkyard and used car sales occurring at 139 Hickory Drive. Mr. Davis said at various times, there have been as many as thirteen cars on the property and it has been an ongoing problem. Chief Taylor responded that the owner has seven cars on the property and that complied with City

code. Mr. Davis showed pictures of the cars to the Board and said the owner has no respect for neighbors and although not advertising as a business appears to be operating as such.

Discussion ensued whether tickets had been issued for unlicensed vehicles, number of vehicles and expired tags. Chief Taylor responded that all vehicles to date are licensed or historical plates. Further, 106 summons had been issued since 2007 in response to filed complaints and investigations conducted whether a business was operating illegally at that address.

Tom Edwards, 138 Hickory, stated his aggravation with the resident at 139 Hickory for working on cars until 10:00-11:00 p.m. every night since he has to get up in the morning at 4:30 a.m. for work. Mr. Edwards already signed a complaint this year but stated the police did not come. He wanted to report a safety issue as the neighbor welds outside without a mask in the front yard where kids walk by and could be blinded. He also believed his property value had gone down due to this neighbor's property.

Karen Ritz, 142 Hickory, stated that it was stressful and she cannot enjoy being outside with all of the noise from the neighbor's property at 139 Hickory. Ms. Ritz was afraid of what the neighbor might do if she called the police.

Kris Survant, 143 Hickory Drive, listed her house for sale on June 26th but it has not sold due to the condition of 139 Hickory. Several have looked at the property and made comments such as "Sanford & Son" and "junk next door." Ms. Survant said the neighbor is no longer cooperative and does not care if a ticket is issued on his property. Ms. Survant has had to reduce her listing price twice and soon the property will be vacant. She showed pictures to the Board of the condition of the property next door.

Several members of the Board expressed agreement that the property needed to be cleaned up. City Attorney Granneman stated the standard for police investigation of a complaint is known as a "burden of proof" for pursuit in a court of law. In a matter where multiple summonses were issued without achieving this "burden of proof," an accused may become obstinate, possibly even defiant, to the judicial process. In this instance, the multiple cars reported at 139 Hickory may be registered to multiple owners making it very difficult to support that all cars are owned by one person. Citizens need to be proactive and sign complaints as "witnessed," for occurrences such as dangerous conditions, loud noises, driving too fast, and health or safety violations as an example.

Alderman Sconce suggested the group consult an attorney as a civil matter. A civil matter has a different set of standards and more power in regard to damages or infringement on a person's rights. Chief Taylor suggested another option would be to change the subdivision's bylaws to address the issues presented. Chief Taylor

encouraged citizens to continually communicate occurrences and assured that the police department will act within the scope of the law.

*Approved the Reports of Park Board, Planning & Zoning/Board of Adjustment, Historic Preservation Commission and Troy Convention and Visitors Bureau

*Approved the Reports of Police, Public Works, Wastewater, Finance, Building Inspection, Parks and Administration Departments

*Approved Payment of Regular Monthly Bills

Mayor Cross read Bill No. 1249 as Ordinance ____ -- Amending Section 700.170, Water Rates of the Code of Ordinances of the City of Troy, Missouri first, and second times, by title only. Alderman Anderson made a motion, seconded by Alderman Eversmeyer to Adopt Bill No. 1249 as Ordinance No. 1231. Vote: Anderson aye, Eversmeyer aye, Curt aye, Walker aye, Sconce aye, Detert aye.

Mayor Cross read Bill No. 1250 as Ordinance ____ -- Amending Section 705.090, Residential and Commercial Sewer Fees of the Code of Ordinances of the City of Troy, Missouri first, and second times, by title only. Alderman Walker made a motion, seconded by Alderman Anderson to Adopt Bill No. 1250 as Ordinance 1232. Vote: Walker aye, Anderson aye, Detert aye, Eversmeyer aye, Sconce aye, Curt aye.

Mayor Cross read Bill No. 1251 as Ordinance ____ -- Amending Section 705.090, Residential and Commercial Sewer Fees of the Code of Ordinances of the City of Troy, Missouri to Remove the One Time Per Calendar Year Sewer Credit Adjustment for Filling Pool, first and second times by title only. Alderman Sconce stated that only a small number of citizens utilize the sewer credit, it is of value to those that use it and not a burden to those that do not use it. Alderman Eversmeyer said some folks care and some do not (about a 50-50 split) and keeping it in place would not make much difference in the budget. Alderman Detert questioned whether watering grass should be given a sewer credit as well. Alderman Sconce responded that leaving sewer affixed to water consumption for watering grass controls the conservation of water. Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Adopt Bill No. 1251 as Ordinance _____. Vote: Sconce nay, Eversmeyer nay, Curt nay, Detert aye, Walker nay, Anderson nay. Motion failed 1-5.

*Approved Bad Debt Utility Write-off from July 1, 2014 through August 31, 2015 of \$15,832.08

*Awarded Request for Bid for Real Estate Broker/Services to List/Sell Industrial Ground 35 Acres m/l located east of Highway 61 Adjacent to Bueneman Lane to Thornhill Real Estate and Auction Co. for 5% of the contracted sales price

*Approved Final Pay Request by Ozark Applicators, LLC in the amount of \$152,250.00 on the Cherry Street 500,000 Gallon Tank Exterior Reconditioning Project

*Accepted Resignation of Brian Sinclair from Planning & Zoning Commission and Parks Board

*Awarded and Authorized Mayor to Sign Scope of Work on IP Telecommunications Equipment, Network and SIP Services Bid to Centurylink (Pursuant to the Equipment, Scope of Work and IP Network and SIP Pricing) as lowest and best bid (IP Telecommunications Equipment \$33,841.00, Network \$3,440.00 Monthly, SIP Services \$428.00 Monthly)

*Approved Resolution 2016-6 – A Resolution for Financing with Commerce Bank for Two 2016 Dodge Charger Police Cars

*Authorized Mayor to Sign Municipal Lease Agreement with Commerce Bank for Two 2016 Dodge Charger Police Cars

*Approved Change Order 1 submitted by Mid River Asphalt, Inc. in the amount of (\$4,520.00) for actual material quantities (versus estimated)

*Approved Final Pay Application 2 submitted by Mid River Asphalt, Inc. in the amount of \$20,926.50 on the Weston Drive, Weston Court, Weinand Park and Avery Park Project as recommended by F3 Inc.

*Authorized Mayor to Sign Security Benefit Flexible Benefits Plan Adoption Agreement for the Short Plan Year October 1, 2016 through December 31, 2016

Alderman Sconce made a motion, seconded by Alderman Walker to Table until the next meeting the Rezoning Application from “R-1” to “C-1” submitted by Lincoln County R-III School District, for the property located at 1190 Old Cap Au Gris. Vote: Sconce aye, Walker aye, Anderson aye, Eversmeyer aye, Curt aye, Detert aye.

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Approve Historic Preservation Commission Budget Amendment to add 01-10-07-6590 Dues & Seminars and amending 01-10-07-6550 Travel (\$305.00) to 01-10-07-6590 Dues & Seminars +\$305.00. Vote: Sconce aye, Eversmeyer aye, Curt aye, Walker aye, Detert aye, Anderson aye.

Mayor Cross relayed that the City of Truesdale would like support to change the I-70 interchange location to South Spoeede Lane and the impact on City of Troy would be less truck traffic on Highway 47. Alderman Sconce made a motion, seconded by Alderman Anderson to Authorize Mayor to Submit Letter in Support as Requested by City of Truesdale for an interchange East of Highway 47 at South Spoeede Road to Boonslick

Regional Planning Commission and the Transportation Advisory Council. Vote: Sconce aye, Anderson aye, Curt aye, Eversmeyer aye, Detert aye, Walker aye.

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Approve and Authorize the Mayor to Sign Cochran Engineering Proposal for Engineering Services on Water Main Replacement for Harris Street in the amount of \$20,165.00. Vote: Sconce aye, Eversmeyer aye, Detert aye, Walker aye, Curt aye, Anderson aye.

Alderman Detert said that school buses were destroying the surface of the parking lot at Weinand Park and requested that a weight restriction be placed to limit large vehicles from entering City parking lots at all City parks. Parks Director Howell had tried to contact Troy R-III School District Transportation Director but had not heard back from him in regard to Weinand Park. Mayor Cross said that City Hall will put in a concerted effort to contact the school to discuss.

Alderman Detert relayed that several residences on Atchley Drive complained of water leaks, condition of fire hydrant and smelly water. Water Superintendent Lourance addressed their concerns that the developer-builder placed the fire hydrant in the back yard of one of the residents and there was no access by the Fire Department or the City to it. Lourance continued that in 2010, the City's Engineer did not recommend acceptance of the streets or infrastructure on Atchley Drive until it was brought up to City specifications. Also, there was no City easement on those private properties. Lourance will take another look at the situation.

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

Legal and Real Estate matters were discussed.

Alderman Detert made a motion, seconded by Alderman Eversmeyer to Approve Lucas Bass as a lateral move to Meter Reader at Grade 11-Step 13 of \$19.41 per hour effective next pay period. Vote: Detert aye, Eversmeyer aye, Curt aye, Sconce aye, Walker aye, Anderson aye.

Alderman Sconce made a motion, seconded by Alderman Detert to Approve the Hire of Alonzo Cannon as a full-time Maintenance Worker at Grade 11-Step 3 of \$14.45 per hour. Vote: Sconce aye, Detert aye, Walker aye, Anderson aye, Curt aye, Eversmeyer aye.

Alderman Sconce made a motion, seconded by Alderman Anderson to Approve the Hire of William Schafer as a full-time Maintenance Worker at Grade 11-Step 2 of \$14.03 per

hour. Vote: Sconce aye, Anderson aye, Eversmeyer ay, Curt aye, Walker aye, Detert aye.

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

Alderman Sconce made a motion, seconded by Alderman Walker to Correct the Minutes by Removing 7B from the Consent Agenda and Allowing the Board of Aldermen to Re-Vote on this item. Vote: Sconce aye, Walker aye, Curt abstain, Detert aye, Eversmeyer aye, Anderson aye. Motion carried 5-0 with 1 abstention.

Alderman Sconce made a motion, seconded by Alderman Detert to Award Request for Bid for Real Estate Broker/Services to List/Sell Industrial Ground 35 Acres m/l located east of Highway 61 Adjacent to Bueneman Lane to Thornhill Real Estate and Auction Co. for 5% of the contracted sales price. Vote: Sconce aye, Detert aye, Curt abstain, Walker aye, Anderson aye, Eversmeyer aye. Motion carried 5-0 with 1 abstention.

Alderman Eversmeyer made a motion, seconded by Alderman Sconce to adjourn the meeting. Vote: Eversmeyer aye, Sconce aye, Curt aye, Detert aye, Anderson aye, Walker aye. Meeting adjourned 9:00 p.m.

ATTEST:

City Clerk

Mayor

*Approved on Consent Agenda