

City of Troy, Missouri
Regular Board of Aldermen Meeting
Monday, April 21, 2014
6:30 P.M.

Present for the meeting were Aldermen Eversmeyer, Detert, Bass, Sconce, Walters and Mayor Cross. Alderman Anderson was absent. Also present were Public Works Superintendent Cunningham, Police Chief Taylor, Building Commissioner Lindsey, Treasurer Flinn, City Attorney Granneman and City Clerk Schneider.

Based on the April 8, 2014 General Municipal Election Results, City Clerk Schneider administered the Oath of Office for Mayor and Aldermen as follows: Mayor Mark A. Cross, Alderman Janet Bass-Ward I, Alderman Margaret Eversmeyer-Ward II, and Alderman Ron Walters-Ward III.

Mayor Cross called the meeting to order, announced a quorum present and led in the Pledge of Allegiance.

Police Chief Taylor awarded Major Raymond Floyd a Letter of Commendation for his initiative, attention to detail and ability to cooperate with local and outside agencies in identifying a fraudulent medical prescription operation which spanned seven different States and led to multiple arrests.

Alderman Sconce made a motion, seconded by Alderman Bass to Approve the Certification of April 8, 2014 General Municipal Election Results as follows:

Mayor (4-Year Term)	Mark A. Cross	991
	Write-In	31
Alderman Ward I (2-Year Term)	Brian Sinclair	91
	Karen Hotfelder	148
	Janet Bass	164
	Write-In	3
Alderman Ward II (2-Year Term)	Margaret Eversmeyer	297
	Write-In	2
Alderman Ward III (2-Year Term)	Ron Walters	347
	Write-In	7
City of Troy Use Tax Question	Yes	402
	No	722

Vote: Sconce aye, Bass aye, Walters aye, Detert aye, Eversmeyer aye.

Alderman Bass made a motion, seconded by Alderman Walters to Elect Alderman Eversmeyer as Board of Alderman President. Vote: Bass aye, Walters aye, Sconce aye, Detert aye, Eversmeyer aye.

Alderman Walters made a motion, seconded by Alderman Eversmeyer to approve the Consent Agenda. Vote: Walters aye, Eversmeyer aye, Sconce aye, Bass aye, Detert aye.

*Approved the Minutes of Regular Board of Aldermen Meetings of March 17, 2014 and April 7, 2014

Jerry Kaiser was not present.

Karen Curt requested that Frenchman Bluff Lane be paved and maintained as a City street and presented a map obtained from the courthouse that she believed reflected that it was a City street. Secondly, Mrs. Curt owns five tracts of land on Summersong Lane and would like the City to issue a variance to accept Summersong Lane as a City street the way it is now. Building Commissioner Lindsey said that Summersong Lane does not meet current specifications and by City standards each lot on that Lane should have public access of ingress and egress. Mr. Lindsey also mentioned 100-year flood plain considerations. Further, it appeared to be a shared common driveway of approximately fifteen feet wide wherein two vehicles could not pass. Mrs. Curt acknowledged that was probably correct but queried what should she do with land that cannot be developed except to mow and pay taxes. Alderman Sconce asked if there was a deed for the road and pointed out that a variance could not be given anyway if not deeded by property owners. Mr. Lindsey said that a variance request would also require a survey by the property owners reflecting what would be deeded to the City if a variance is granted. In regard to Frenchman Bluff Lane, the records will be researched to see if it was dedicated and accepted by the City as a City street. Mrs. Curt then asked about sewer and Mayor Cross said that request required engineering and further planning.

James Brandley appeared for Sandy Jung to present LCCOA's request to hang a banner across Cherry Street and hold a 5K Run/Walk Event on City streets. The event will be held June 7, 2014 and include a car show and vendor fair at Clont's Field. Mayor Cross requested that LCCOA obtain Ameren's permission to hang banner from their pole.

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

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

*Approved Payment of Regular Monthly Bills, Obligation Nos. 56141 to 56414

Mayor Cross read Bill No. 1214 as Ordinance 1200—An Ordinance Adopting and Enacting a New Code of Ordinances of the City of Troy; Establishing the Same; Providing for the Repeal of Certain Ordinances Not Included Therein, Except as Herein Expressly Provided; Providing for the Manner of Amending Such Code of Ordinances; Providing Penalty for the Violation Thereof; and Providing When This Ordinance shall Become Effective. Mayor Cross again read Bill No. 1214 as Ordinance 1200 by title only for a second reading. Alderman Detert made a motion, seconded by Alderman Bass to Adopt Bill No. 1214 as Ordinance 1200. Vote: Detert aye, Bass aye, Eversmeyer aye, Walters aye, Sconce aye.

*Approved Home Occupation Permit and Business License for Stonefield Design, LLC, 120 East Pershing St., Stephen Schuknecht, Applicant, as recommended by Planning & Zoning

The Board by consensus set the date of the Budget Workshop for Wednesday, May 14, 2014 at 6:00 p.m. in the Community Room of City Hall upon the request of Treasurer Flinn.

Building Commissioner Lindsey recently discovered contradictions in the mobile home ordinance which had been originally adopted in 1963 and requested an alderman sponsor a review of the ordinance and revisions to certain sections and/or chapters thereto. Alderman Sconce agreed to sponsor this review, recommend revisions to the ordinance, submit to Planning & Zoning and participate in public hearings.

Building Commissioner Lindsey had received requests to approach the Board about Change of Occupancy and Property Maintenance regulations due to derelict buildings, trash around properties, and landlords not repairing plumbing/insulation issues.

Alderman Walters commented that he wants a safe and beautiful City but does not want government going into homes and dictating or infringing on personal liberties.

Dale Black, Black & Associates, 111 N. Lincoln, Troy, Missouri, said that having an ordinance requiring occupancy permits and inspections was disconcerting to him as a realtor and a property owner and cautioned the Board of unintended consequences that may occur. For instance, if inspections were to equal City of Wentzville, each transaction would require thousands of dollars. Currently, a buyer requests a home inspection by a certified home inspector, the inspector writes findings stringent to Code, the buyer and seller negotiate about what will be fixed, who pays, and decisions are made between the parties. An unintended consequence may occur hurting economically disadvantaged if a high number of inspections are mandated. Building Commissioner Lindsey responded that occupancy permits would be considered for rental but not on residential purchase.

Tom Castor, 527 Bridgeway Drive, Troy, Missouri, stated that occupancy permits would be a burden, an expense and undue time constraint. Mr. Castor relayed that his wife manages rentals and represents fifty-five properties. Mrs. Castor had knowledge that Hawk Point requires occupancy permits costing \$15 and Winfield Fire Protection District charges \$75 to check electrical and smoke detectors and charges an additional fee for re-inspection if repairs are needed. Mr. Castor recommended an option to inspect every five years instead.

As a realtor and appraiser, Mr. Castor believed that 70% of the existing home market in Troy would not meet standards, require many dollars to fix and the cost would kill the used market. Mr. Castor also stated that double dipping would occur if the City were to inspect after an ANSI inspection and placed a burden on City by requiring more staffing. Mr. Castor handed out pictures of derelict trailers and homes in the City.

Alderman Sconce commented that the City has ordinances in place to address most issues such as tall grass and absentee landlords but to add the interior of a home would be an intrusion, and he was not in favor of dictating to private property.

Alderman Detert said there cannot be a value placed on human life when considering safety inspections. Detert remarked that the thirty-five citizens in the room were not the consensus of the City and more input was needed. Alderman Detert made a motion, seconded by Alderman Walters to Table Change of Occupancy-Property Maintenance Discussions in Order to Obtain More Consensus of Citizen Input. Vote: Detert aye, Walters aye, Eversmeyer aye, Sconce nay, Bass aye. Motion carried 4-1.

Mr. Castor said that as a point of reference, the thirty-five property owners in attendance represented 600-800 properties. Alderman Eversmeyer wants more information and queried if there is any type of inspection that would be amenable. Mr. Castor replied that NECAC properties go through inspection annually and 95% of rental property owners keep them up and repaired.

Barbara Bielby, Meyer Real Estate, 192 N. Lincoln Drive, Troy, Missouri, sells residential real estate and assured the Board that lenders require a home inspection and would not lend on a house if in bad repair. Ms. Bielby requested this matter be split into two separate groups of homeowners and landlords.

Building Commissioner Lindsey pointed out that change of occupancy permits would deal with interior of the structure and property maintenance related to the exterior. The City of Wentzville divides Wentzville into sections based on even/odd years for property maintenance inspections on the exterior. Code enforcement for property maintenance would have to be drafted to add and delete specifications for the City of Troy.

Dale McDonald, Bluff Haven Drive, Troy, Missouri, as a landlord, cautioned the Board about jaded opinions between landlord and tenant as to property maintenance and that the extra cost of regulated property maintenance would be passed onto the tenant. Mr. McDonald mentioned the competitiveness of landlords for the best tenants in itself dictates property maintenance without regulation in Troy. Mr. McDonald asked about ordinances already in place that addressed property maintenance concerns. Building Commissioner Lindsey stated that some nuisance ordinances are in place but do not address all concerns.

Matt Hall, 411 S. Lincoln, Troy, Missouri, a landlord, stated that 90% of landlords who own property in Troy would invite the Board into their properties. These landlords maintain their investments to compete and attract the top renters to get the most money and protect their investments.

Bob Hall, 411 S. Lincoln, Troy, Missouri, said that when he served on the Board, a grant was available to help with the cost of demolishing derelict properties and the City needed to find at least twelve properties in order to qualify. At that time, Mr. Hall and Building Commissioner Lindsey surveyed the town for twelve properties and could not find twelve property owners to participate in grant.

Gary Sheller, 170 W. Cherry, Troy, Missouri, requested the Board utilize a narrow and pointed approach instead of creating new laws in regard to property maintenance issues. Mr. Sheller encouraged review of the extenuating circumstance of each issue and see if the structure is in place to deal with the issue. As an example, Mr. Sheller relayed a complaint of three-foot tall grass on a foreclosed property owned by a bank. The matter took time but was resolved under current laws. Chief Taylor commented that a lien may be imposed upon property owners or summons may be issued to address some property maintenance issues under nuisance laws.

Mayor Cross requested volunteers to review current laws in place to determine what would be required to achieve the common goals of citizen safety and maintain the beauty of our city. Many hands from those in attendance were raised.

Alderman Detert relayed an incident of a burned house in the Huntington subdivision owned by a mortgage company in Ohio which took five years to raze. The burned house was a safety issue but still endured a slow process.

Dean McDonald, 16 Bluff Haven Drive, Troy, Missouri, does not want to carry the burden or expense by the few landlords not doing their part. Mr. McDonald would like enforcement of current ordinances rather than putting the burden on responsible landlords. Mr. McDonald stated that if inspections are required every time a property is rented, an extra burden and expense would occur. The focus instead should be on

individual property owners who are causing the problems. Alderman Detert commented that at this time no fees or inspections have been established.

Barbara Hupper, 22653 Pike 300, Bowling Green, Missouri, a landlord, asked the Board if safety issue complaints were from renters and Mayor Cross answered not all complaints from tenants but also property owners. Ms. Hupper said that disgruntled tenants have the freedom to move. Disgruntled tenants may want to report complaints to “tell” on the landlord but she receives calls that these tenants are not paying rent or taking care of the property. Ms. Hupper requested the Board look at the credibility of those complaining.

Rick Meyer, Meyer Real Estate, 192 N. Lincoln Drive, Troy, Missouri, stated that occupancy permits on the sale of existing homes would be detrimental to our industry and believed should be a separate issue from landlord-tenant homes. Mayor Cross commented that neighboring municipalities impose occupancy permits on rental or leased properties and not a prospective homeowner purchasing existing home. Mr. Meyer agrees with the landlords’ perspective that they maintain their property.

Mayor Cross requested recommendations for Board of Adjustment Members to Fill One Position and Three Alternate Positions. Board of Adjustment duties include hearing appeals of Planning & Zoning/Board of Aldermen decisions, follow ordinances and laws in variance decisions or other land use issues. Brian Sinclair submitted an application. Tom Castor and Tim Muldoon volunteered to serve as alternates.

Alderman Bass made a motion, seconded by Alderman Eversmeyer to Appoint Brian Sinclair, 1112 Crystal Court, as Member to the Board of Adjustment. Vote: Bass aye, Eversmeyer aye, Detert aye, Sconce aye, Walters aye.

Alderman Sconce made a motion, seconded by Alderman Bass to Appoint Tom Castor, 527 Bridgeway Drive, as an Alternate Member to the Board of Adjustment. Vote: Sconce aye, Bass aye, Walters aye, Detert aye, Eversmeyer aye.

Alderman Sconce made a motion, seconded by Alderman Walters to Appoint Tim Muldoon, 730 West College, an Alternate Member to the Board of Adjustment. Vote: Sconce aye, Walters aye, Bass aye, Detert aye, Eversmeyer aye.

City Clerk Schneider requested the Board consider reduction of Fairgrounds Park rental fee due to the shelter roof removal. Rental fees had already been collected for the pavilion prior to the emergency removal of the shelter roof. These citizens have been contacted and most changed to other City park pavilions but a few remained resolute in order to use the kitchen. Discussion continued on overall safety, what equipment remained in the kitchen and possibly utilizing the area as a first-come, first-serve facility instead of rental. Alderman Walters made a motion, seconded by Alderman Eversmeyer

Authorizing the Mayor to Investigate Kitchen Equipment, Overall Safety and Determine Park Pavilion Rental Fees, If Any. Vote: Walters aye, Eversmeyer aye, Sconce aye, Bass aye, Detert aye.

Alderman Detert made a motion to Award 2014 Hay Bid (Industrial Ground) to Lance Menne in the amount of \$40.00 per acre. Motion died for lack of second.

Mayor Cross stated that there was only 43 cents difference between the two (2) bids received for 2014 Hay Bid and would like the Board to consider the “best” bid. The City had a previous working relationship with Randy Lester, who farms ground around there and may use his assistance during possible future construction of a new line from the old to the new sewer plants.

Alderman Walters made a motion, seconded by Alderman Bass to Award 2014 Hay Bid (Industrial Ground) to Randy Lester in the amount of \$39.57 per acre as the best bid. Vote: Walters aye, Bass aye, Detert aye, Sconce aye, Eversmeyer aye.

Alderman Walters said the Lincoln County Fire Department administrative staff had received calls on the City’s Open Burning Ordinance 1194 and requested lengthening the time frame for open burning or allow open burning all year. The complaints occurred due to the extreme cold temperatures last Fall and wet and stormy conditions of Spring that citizens did not have an opportunity to burn. Alderman Walters proposed extending open burning to begin September 1st (versus October 1st) through April 30th (versus March 31st). Mayor Cross stated that Christian Environmental Services picks up yard waste all year and there have been lots of out-of-control grass fires already this Spring. Alderman Sconce said citizens enjoy opening windows in Spring but smoke from fire next door would not be welcome and believed there to be enough time allotted for open burning already. No action was taken.

Alderman Bass 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, Personnel. Vote: Bass aye, Eversmeyer aye, Detert aye, Walters aye, Sconce aye.

Alderman Detert made a motion, seconded by Alderman Walters to Make Change from “Building Commissioner” to “Building Official” in Job Description and Add MS4-Stormwater Job Duties. Vote: Detert aye, Walters aye, Eversmeyer aye, Bass aye, Sconce aye.

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Hire Bob Wikoff as Seasonal Maintenance Worker – Water Department, Grade 8-Step 1, \$10.23 effective May 2, 2014. Vote: Sconce aye, Eversmeyer aye, Walters aye, Bass aye, Detert aye.

Attorney Granneman advised the Board on legal and real estate matters.

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

Alderman Sconce made a motion, seconded by Alderman Walters to adjourn the meeting. Vote: Sconce aye, Walters aye, Bass aye, Detert aye, Eversmeyer aye. Meeting adjourned 9:01 p.m.

ATTEST:

City Clerk

Mayor

*Approved on Consent Agenda