

**City of Troy, Missouri**  
**Board of Aldermen Public Hearing**  
**Monday, September 22, 2014**  
**6:30 P.M.**

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

The purpose of the Public Hearing was for citizen input on the request by RCH Development, Inc., applicant on behalf of property owner RLP Development Company, Inc. to approve rezoning from C-2 Neighborhood Commercial District to R-3 Multiple-Family Residential District and a Planned Development (PD) for a 42 unit senior housing project located at Lots 3, 4, and 5 of RLP Business Park.

Alderman Eversmeyer asked about the sidewalks on the site plan handed out at the meeting. Greg Lee, Double Diamond Construction, responded on behalf of the developer that the original site plan did not have sidewalks but were added at the request of the City of Troy at the Planning & Zoning Commission meeting.

There was no citizen input.

**Immediately following the Public Hearing, the Regular Board of Aldermen Meeting**

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

Alderman Eversmeyer made a motion, seconded by Alderman Detert to approve the Consent Agenda upon the removal of Items 7(D), 7(E) and 7(G) and correction to Agenda 7(A) reference d/b/a Gas N Shop to correctly reflect d/b/a Gas N Spirits. Vote: Eversmeyer aye, Detert aye, Bass aye, Sconce aye, Walters aye.

\*Approved the Minutes of Regular Board of Aldermen Meeting August 18, 2014 and Public Hearing/Special Meeting August 28, 2014

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

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

\*Approved Payment of Regular Monthly Bills

Alderman Sconce made a motion, seconded by Alderman Walters to Table Bill No. 1219 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 improving the City's combined waterworks and sewerage system, and to Approve the execution of certain documents and actions in connection therewith. Vote: Sconce aye, Walters aye, Bass aye, Eversmeyer aye, Detert aye.

\*Approved Liquor/Business License Applications by Shree Gayatri, LLC., d/b/a Gas N Spirits, 112 S. Lincoln Drive

\*Approved RCH Development, Inc. request for Rezoning and a Planned Development (PD) for a 42 unit senior housing project located at Lots 3, 4 and 5 of RLP Business Park

\*Approved Store It & Go Building Permit and Site Plan for a storage facility

Alderman Eversmeyer commented that all Stormwater Committee (MS4) applicants except for one are involved in the building trades and questioned whether that would have any effect on how they vote and their recommendations. Mayor Cross said that MS4 "have-to" regulations will guide the committee, along with City staff. Other committee members would be solicited to balance out and mitigate any conflicts. Building Official Lindsey requested an Alderman serve on the committee and Alderman Detert volunteered. Lindsey further commented that the majority of applicants already have knowledge of MS4 regulations due to work performed in other municipalities in St. Charles and St. Louis County. Alderman Eversmeyer made a motion, seconded by Alderman Sconce to Appoint Stormwater Committee (MS4) Applicants: Dale Black, Nick Martin, Bart Berneking, Gary Cockrum and Jeff Sheets. Vote: Eversmeyer aye, Sconce aye, Bass aye, Detert aye, Walters aye.

Mayor Cross acknowledged Sue Johnson's twenty-two years of volunteer service on the Park Board and issued thanks for serving in this capacity which benefited our community and the City. Alderman Detert made a motion, seconded by Alderman Bass to Accept the Resignation of Sue Johnson, Park Board. Vote: Detert aye, Bass aye, Eversmeyer aye, Sconce aye, Walters aye.

\*Appointed Donald Norton, Park Board

Alderman Eversmeyer wanted clarification that Pay Request #2 by Henry Concrete regarding Monroe Street Sidewalk Project of \$3,390.25 was for 10% retainage only and not for change order previously submitted but remained undocumented. Alderman Detert asked whether sidewalks were ADA-compliant. Mayor Cross confirmed that sidewalks are compliant and the pay request was for 10% retainage only. Alderman Eversmeyer made a motion, seconded by Alderman Walters to Approve Pay Request #2 of Henry

Concrete regarding Monroe Street Sidewalk \$3,390.25. Vote: Eversmeyer aye, Walters aye, Sconce aye, Bass aye, Detert aye.

\*Awarded Sewer Camera Bid to Coe Equipment \$47,466.00 as recommended by Public Works Superintendent Cunningham

Mayor Cross stated that body cameras were a good idea but would like to see if body cameras will be mandated and possibly funded by the Federal or State government in the next few years. Chief Taylor commented that officers currently use digital recorders and had checked pricing on body cameras/storage of information at a cost of \$7,100.00 for 24 officers.

Chief Taylor relayed to the Board that the Mutual TASK Force Agreement encompassed Franklin, Reynolds and Lincoln counties. The City pays labor and fuel for its officers when called out by TASK Force in those participating counties. In turn, the City receives officers' assistance from TASK Force if needed in Lincoln County-City of Troy with labor paid by those officers' municipalities. Alderman Sconce made a motion, seconded by Alderman Walters to Approve and Authorize Mayor to Sign Mutual TASK Force Agreement. Vote: Sconce aye, Walters aye, Bass aye, Detert aye, Eversmeyer aye.

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Approve Stormwater Committee Policy-Procedure as presented by Building Official Lindsey and Amend Agenda to Approve Alderman Detert to serve on Stormwater Committee as Alderman Representative. Vote: Sconce aye, Eversmeyer aye, Bass aye, Detert aye, Walters aye.

Questions were directed to Kurt Kutter of Cochran Engineering regarding the bid recommendation for Cherry Blossom Way Improvements; namely, the paving subcontractor, smoothness and strength of street and details of Alternate 1. Mr. Kutter, filling in for a colleague, did not have knowledge of paving subcontractor but mentioned the street would be eight inches thick with bigger base below it, inspected at all phases of construction by engineering-City staff and Alternate 1 was the addition of a sidewalk on the north-side of the street. Alderman Eversmeyer asked if the sidewalk as Alternate 1 comes out of grant money. Mayor Cross replied that it would not come out of CDBG monies but EDA grant monies and City's portion of \$400,000.00 towards project. Treasurer Flinn pointed out that the Alternate 1 bid exceeded the budgeted amount in capital improvements fund by approximately \$30,000.00 and a budget amendment would need to be done. Mayor Cross stated the money would be there due to other capital improvement projects bidding out under-budget and the nine month timeline until project completion. Alderman Sconce made a motion, seconded by Alderman Bass to Award Cherry Blossom Way Improvements Project Bid to Cannon General Contractors (Base

Bid with Alternate 1) \$1,366,750.83. Vote: Sconce aye, Bass aye, Eversmeyer aye, Walters aye, Detert aye.

Alderman Sconce made a motion, seconded by Alderman Detert to Approve and Authorize Mayor to Sign Contract with Cochran Engineering for Construction Materials Testing and Inspection Services for Cherry Blossom Way Improvements \$19,212.00 subject to utilizing standard terms and conditions normally used with Cochran Engineering and City of Troy since 2012. Vote: Sconce aye, Detert aye, Bass aye, Walters aye, Eversmeyer aye.

City Attorney Granneman relayed that Johnson Controls, Inc. and City staff have been exchanging comments on the Performance Contract specifically relating to Missouri Revised Statutes Section 8.231 on performance energy guarantee contracts. Granneman continued that, at present, agreement cannot be reached. It is the general opinion of Attorney Granneman and of the attorney's that serve as bond counsel that in its present form, the contract does not fit within Section 8.231 of the Missouri Revised Statutes. Attorney Granneman asked the Board of Aldermen to table consideration as the Board has not reviewed the proposed contract and attachments as well. Alderman Eversmeyer made a motion, seconded by Alderman Bass to Table Consideration of Performance Contract with Johnson Controls, Inc. Vote: Eversmeyer aye, Bass aye, Walters aye, Sconce nay, Detert aye. Motion carried 4-1.

Alderman Sconce questioned how long it would be until the Board would be able to consider the proposed contract? City Attorney Granneman replied that from the September 8<sup>th</sup> meeting, it was discussed about receipt of a contract that fit to what Johnson Controls, Inc. had been representing to the Board of Aldermen. Attorney Granneman reviewed another draft of the contract over the weekend, met with Mayor last Thursday, and Johnson Controls in turn reviewed late Friday, and Attorney Granneman worked on review throughout the weekend, and had several discussions today with Johnson Controls. Attorney Granneman said he was not sure what the consensus was on the changes and made clear with them what the City needed and Gilmore & Bell, the City's bond counsel, needed to have the contract fit financing requirements and documents.

City Attorney Granneman continued that the matter was not just a wording issue but whether it is a capital expenditure or an operational savings project. The City believes it to be a capital improvement project under the Missouri Revised Statutes. Attorney Granneman stated that there was no timeline yet as to final documents as many issues needed to be discussed. The City's response was sent at 11:00 a.m. today to Johnson Control, Inc. and their legal counsel but had received no response yet. If the City cannot borrow the money, the project would not be able to go through. Attorney Granneman stated that the contract has to meet the terminology of the Statute. Bond counsel stated

the City could borrow money for “capital improvements” but not “operational savings.” Capital improvements are hard assets that bonds are connected to for the improvement of/building of versus operational cost of doing business, such as personnel, etc. resulting in no hard/fixed improvement. Further, bond counsel has stated that the project has to be tied in with a capital improvement to work with current financing. Alderman Eversmeyer asked if it is a stalemate right now? City Attorney Granneman replied that he was awaiting a response.

Alderman Bass made a motion, seconded by Alderman Walters to Table Consideration of Financing Documents due to its connection with Performance Contract with Johnson Controls, Inc. Vote: Bass aye, Walters aye, Detert aye, Eversmeyer aye, Sconce aye.

\*Approved and Authorized Mayor to Sign Sprint—Missouri WSCA #1907 Contract Funding Letter

Mayor Cross relayed Transportation Alternatives 2014 Grant application information as a 80%/20% split wherein the City would pay 20% matching funds for construction of a sidewalk on east side of Main Street beginning at Stefanina’s parking lot to adjoin existing sidewalk north and sidewalk on west side of Main Street at Berk Building north to Main Street Elementary. Grant funds are limited and \$240,000.00 would be the maximum amount awarded. A cost proposal dated May 2013 reflected \$122,220.90 for east side of sidewalk and \$333,636.88 for west side of sidewalk. A rough estimate was derived that City’s match would be approximately \$90,000.00. Discussion ensued as to stormwater drains/pipes or box culvert in regard to the ditch located in the sidewalk path. Alderman Detert made a motion, seconded by Alderman Bass to Approve Transportation Alternatives 2014 Grant Application – Main Street Sidewalk Replacement/Extension. Vote: Detert aye, Bass aye, Eversmeyer aye, Sconce aye, Walters aye.

Alderman Detert received a call from a citizen asking that all veterans be allowed to fish in the park. Alderman Eversmeyer replied that this question had been asked before and the conclusion was that it is easier/simplified if the City’s ordinance follows the guidelines of the Missouri Conservation Department. Support of veterans, by all means, but the City does not have staff to regulate verification, daily limits, etc. and the small size of the pond makes it necessary to place limits.

Alderman Walters presented proposed changes to Chapter 405: Zoning Regulations, Article II Definitions, Sections 405.050; specifically, accessory buildings/structures, portable structures and accessory uses for Board consideration. City Attorney Granneman commented that these changes mirror the IRC building codes for consistency with the City’s building codes. Major changes included that no structure be placed on utility easements or alleyway and a permit would be required for on-site placement purposes on accessory structure. Suggested changes included taking out “by hand” in the

statement, 200 square foot building easily moved by hand, or defining “permanent foundation.” Discussion ensued that “not easily moved” would signify a foundation and thereby the language of “easily moved” would be interpreted as no foundation. City Attorney Granneman interjected that portable structures under 200 square feet are only tacked to the ground with staking kit as referenced in 405.195(b). The proposed changes are offered for review and upon consensus, the changes would proceed to public hearing.

Alderman Walters 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 and Real Estate. Vote: Walters aye, Sconce aye, Bass aye, Eversmeyer aye, Detert aye.

City Attorney Granneman advised the Board on Legal matters.

Alderman Eversmeyer made a motion, seconded by Alderman Walters to Enter Into Lease Agreement with Buchheit Supply for certain ground in the City of Troy. Vote: Eversmeyer aye, Walters aye, Bass aye, Detert aye, Sconce aye.

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

Alderman Bass made a motion, seconded by Alderman Walters to Adjourn the Meeting. Vote: Bass aye, Walters aye, Sconce aye, Detert aye, Eversmeyer aye. Meeting adjourned at 9:05 p.m.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\*Approved on Consent Agenda