

City of Troy, Missouri
Regular Board of Aldermen Meeting
Monday, July 20, 2015
6:30 P.M.

Present for the meeting were Aldermen Eversmeyer, Detert, Sconce, Bass, Anderson and Mayor Cross. Alderman Walters was not present. Also present were Assistant Public Works Superintendent Burkemper, Police Chief Taylor, Parks Director Howell, Treasurer Flinn, City Attorney Granneman and City Clerk Schneider.

Mayor Cross called the Regular Board of Aldermen Meeting to order, declared a quorum present, led in the Pledge of Allegiance and asked for a moment of silence on the recent passing of Mari Lee Becker and Arthur Muensterman.

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

*Approved the Minutes of Regular Board of Aldermen Meeting – June 15, 2015; Budget Hearing/Special Meeting – June 29, 2015; Regular Board of Aldermen Meeting – July 6, 2015; and Board Workshop/Sunshine Law Review – July 13, 2015

Ashley Rottler of Mercy Hospital Lincoln requested permission to hold a 5K run for breast cancer awareness on Saturday, October 10, 2015. The route would begin at Mercy Hospital/Thompson Drive, travel through Fairgrounds Park (avoiding Main and Cherry Streets). Alderman Sconce made a motion, seconded by Alderman Bass to Approve 5K Run on City Streets held October 10, 2015. Vote: Sconce aye, Bass aye, Eversmeyer aye, Detert aye, Anderson aye.

Phil Hoelting, owner of the property at 835 & 845 S. Main Street for twenty years, told the Board that there had never been a sewer back-up in all that time until recently. The back-up was due to tree roots that grew into the sewer main from an uncapped abandoned lateral sewer line. The City's insurance company denied the claim and said the City was not responsible for an individual's sewer lateral. Alderman Sconce asked if this happened during the heavy rain event and Mr. Hoelting answered yes. Mr. Hoelting asked about prevention from back-ups in the future. Assistant Public Works Superintendent Burkemper responded that public works would cut out the roots by machine and point repair into that spot to prevent future root growth. Alderman Sconce added that the City has a maintenance program to camera sewer lines that began several years ago. Mr. Hoelting asked if the City was responsible for making sure the lateral line was capped off as part of a demolition permit. Mayor Cross was unsure whether demolition permits were even issued at the time this line was abandoned. City Attorney

Granneman interjected that Mr. Hoelting would need to look at the individual property owner's lateral as to where the issue arose. Mr. Hoelting also requested the City look into the trailers behind the duplex on Main towards the South stating that the previous owner (Don Geiger) had been grandfathered in but the new owner has been allowed to move in more trailers and it all needs to be cleaned up.

Jeff Burkemper requested to hold an annual benefit car cruise and passed out a brochure for this year's cruise on September 4, 2015 from 6-9 p.m. with the route beginning at Troy Flooring on Main Street and heading South to College, then take left and heading West on College to Troy Middle School parking lot as a turn around. Organizations in support of holding annual cruises include Troy Flooring, Chamber of Commerce, Troy Police Department, Lincoln County RIII and Small Town Cruisers. This year the cruise donations would benefit Special Olympics of Lincoln County but every year, a different organization would be chosen. No sales would occur and Main Street would not be cleared. The police would monitor. Residents along the route would have access to the road with no barricades and all cruise participants would be made aware to watch for homeowners. Alderman Eversmeyer made a motion, seconded by Alderman Detert in Support of and to Allow the Car Cruise on City Streets September 4, 2015. Vote: Eversmeyer aye, Detert aye, Anderson aye, Bass aye, Sconce aye.

Jessica Chapman was not present.

Scott Welch asked the City to take responsibility for two incidents of sewer back-ups in his basement on June 19th and June 21st. The City's insurance company denied the claim of clean-up costs estimated at \$12,000.00. Mayor Cross said the rain event that occurred dropped over 5" of rain overflowing the retention basin next to the Wingate lift station and covered the lift station completely with water which had never previously happened. It was mentioned that the flash flooding that closed Main Street, the width of Buchanan Creek, and even the inability to enter into Buchanan Creek subdivision due to water over the road were unprecedented. Alderman Sconce relayed the City annually budgets for sewer maintenance and repair to minimize water infiltration but this natural occurrence overwhelmed the system and was beyond anyone's control. Alderman Sconce asked if Mr. Welch's homeowner's policy provided recourse. Mr. Welch said his homeowner's policy would not cover the back-up.

Steve Darnell, Cannon Companies, spoke on behalf of Dr. Ryan McCann. Mr. Darnell estimated to move the sewer line from underneath McCann's building at 32 Professional Parkway (archery shop) and onto the easement would cost \$80,000.00. The sewer line's location underneath the building is preventing the sale of the building to a prospective buyer. Assistant Public Works Superintendent Burkemper stated the City would need to research whether GIS mapping was incorrect or whether the line was installed wrong.

Pastor Vega's representative (Bryce) from Harvester Church was present to request the use of the western portion of Fairgrounds Park to hold a ten year community celebration on September 20th from 8a.m.-2p.m. Alderman Sconce made a motion, seconded by Alderman Detert to Approve the Request by Harvester Christian Church to Use Fairgrounds Park for a Ten-Year Community Celebration Contingent on Compliance with City Ordinances. Vote: Sconce aye, Detert aye, Eversmeyer aye, Anderson aye, Bass aye.

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

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

*Approved Payment of Regular Monthly Bills

Mayor Cross read Bill No. 1233 as Ordinance No. 1214 -- An Ordinance Establishing the Salary Schedule for All Employees of the City of Troy, Missouri, first and second times by title only. Alderman Detert made a motion, seconded by Alderman Bass to Adopt Bill No. 1233 as Ordinance No. 1214. Vote: Detert aye, Bass aye, Anderson aye, Sconce aye, Eversmeyer aye.

Alderman Detert questioned whether cleaning up after the fair parade by all participating youth involved had been brought up to the Lincoln County Fair Board since last year. The police and public works departments incur cost as a result of clean-up. Alderman Eversmeyer requested the Fair Board enforce their rules on diapering or clean-up after the live animals in the parade. Troy Chamber Director Klump will discuss the matter with a member of the Fair Board.

*Approved Pay Request 5 – Cherry Blossom Way Improvement Project by Cannon Contractors in the amount of \$183,414.60

*Approved Revision to page 200-9, Equal Employment Opportunity, Employee Personnel Handbook Guidelines to include Sexual Orientation and Gender Identity

*Approved Conditional Use Permit: Permanently renew metal clad concession stand conditional use as requested by Sacred Heart Parish located at 100 Thompson Drive

*Approved Conditional Use Permit: Circle K Auto request to renew for auto sales and storage located at 106 S. Lincoln Drive

*Approved Conditional Use Permit: JD Auto Brokers request to renew for auto sales located at 719 Old Moscow Mills Road

Mayor Cross requested approval to publish a Request for Qualifications for Engineering on Cherry Street Project. The project would include tearing out/replacing East Cherry Street (from Main Street eastward to Lincoln), adding drainage improvements and sidewalks on both sides of the street completed in three phases/three fiscal years. The estimated cost of the project is \$2.4 million dollars. The City has the ability to secure \$187,000.00 in STP funds (funds available through MoDOT), \$800,000.00 in NSP (neighborhood stabilization funds-CDBG) and budgeted 80/20% STP cost share of \$130,000.00 in this fiscal year. The remaining two fiscal years, the City will need to budget approximately \$700,000.00 each year. The design/engineering plans would be owned by the City and used according to the availability of funds.

There was concern shown for committing funds in future fiscal years, City's financial rating/debt load and the need for these funds for debt service on sewer improvements. Mayor Cross relayed that only \$130,000.00 of the money in budget could be used for something other than streets (STP funds were restricted to arterial roads or bigger with Cherry Street as the smallest street that can be used and NSP-CDBG funds were restricted to benefit certain levels of income). Alderman Anderson made a motion, seconded by Alderman Bass to Approve Publication of Request for Qualifications for Engineering Services on Cherry Street Project. Vote: Anderson aye, Bass aye, Detert aye, Eversmeyer aye, Sconce aye.

Mayor Cross requested the Board consider placing on the April 2016 ballot for a vote by the people to update the antiquated business and liquor licensing rate structures. Many business license categories are obsolete with varying fee rates. The liquor license rates have not been adjusted concurrently with rate changes affixed by the State. The Board's consensus was to propose a flat fee rate structure for business licenses and automatic adjustments per rate changes affixed by the State for April 2016 ballot.

Mayor Cross requested the Board consider its current fireworks ordinance and make proposed changes, i.e., whether or not sold in City limits, if sold in City limits, allow to shoot fireworks on the 4th for a period of time, limits on size and sound of fireworks allowed, etc. Alderman Anderson questioned why the City deprives itself from sales tax derived by fireworks sales. Alderman Eversmeyer agreed to sponsor a fireworks bill.

Chief Taylor explained the Police Forfeiture Fund and how it works. Currently, two police personnel were assigned to a Franklin County task force with the D.E.A. A case may last six to eight months at a time until resolved. Once a case is resolved, the Police Department receives 20% of any forfeiture of monies/goods. Alderman Anderson questioned whether monies are seized if the person is not convicted of a crime. Chief Taylor responded Troy gives money back if no conviction. The forfeited funds can be used to purchase equipment, training, task force overtime incurred, and public awareness.

These forfeited funds have eased up the police budget line item for equipment. The Board's approval is requested prior to use of these funds.

City Attorney Granneman explained the 2015 Concrete Streets Replacement/Repair base bid was awarded to Sweetens Concrete Services on May 18, 2015. Sweetens was asked to hold over pricing with no extra mobilization charge into the new fiscal year for Alternates A and B. This amendment formalizes the agreement into one contract. Alderman Eversmeyer made a motion, seconded by Alderman Sconce to Approve Amendment to Agreement with Sweetens Concrete Services Adding Alternate Bids A and B to 2015 Concrete Streets Replacement/Repair. Vote: Eversmeyer aye, Sconce aye, Bass aye, Detert aye, Anderson aye.

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Table Item 7(K) Discuss and Approve Contract with PGAV Planners Until After Item 7(L). Vote: Sconce aye, Eversmeyer aye, Anderson aye, Detert aye, Bass aye.

Alderman Sconce voiced concern whether a market analysis and retail feasibility study gives real impact if it cannot be implemented. Further concerns included the under-utilization of the City's comprehensive plan, possibly wrong-sized market for market analysis, its purpose to attract industrial but unable to offer rail/infrastructure, and whether Troy Convention and Visitor's Bureau ("TCVB") will fund the study. Troy Chamber Director Klump said the TCVB cannot fund it completely and was restricted by statute of using 5% of its budget to recruit/market for more sales tax in community and 95% on existing businesses. Klump continued that the comprehensive plan is a "guide," and a retail feasibility study gives meat to prove the numbers; i.e., what visitors spend money on, live here and shop elsewhere, etc. The analysis and study are tools to make things happen and developers may or may not talk to you without these numbers.

Alderman Eversmeyer would like other agencies to help fund the study like the IDA or Lincoln County Economic Development. Alderman Bass made a motion, seconded by Alderman Anderson to Table Item 7(L) Recommend and Approve for Payment Certain Tasks in Exhibit A of Contract with PGAV Planners in an amount not to Exceed \$30,000.00. Vote: Bass aye, Anderson aye, Detert aye, Eversmeyer aye, Sconce aye.

Alderman Eversmeyer had received cat nuisance complaints. Upon researching other municipal ordinances, Eversmeyer volunteered to sponsor a bill to strengthen the City's nuisance ordinance to include cats by definition, owner responsibility, fines, feces, right of entry, investigation complaint and notice of nuisance.

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Approve Purchase of Brush Hog for Sewer Department in the amount of \$4,883.00 as best and lowest of three bids (from Sale Proceeds of Turflex Mower \$4,576.99 and 2006 Crown

Victoria Police Car \$2,000.00 = \$6,576.99). Vote: Sconce aye, Eversmeyer aye, Bass aye, Anderson aye, Detert aye.

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

Alderman Sconce made a motion, seconded by Alderman Anderson to Approve Recommendation by Public Works Superintendent Cunningham for Hiring Neal Davis as Full-Time Public Works Street Maintenance Worker at Grade 11, Step 6 of \$15.79 per hour effective upon giving two weeks' notice. Vote: Sconce aye, Anderson aye, Bass aye, Detert aye, Eversmeyer aye.

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Approve Recommendation by Public Works Superintendent Cunningham to Promote Jared Colbert to Public Works Maintenance Crew Leader at Grade 13, Step 5 of \$18.54 per hour effective beginning of next pay period. Vote: Sconce aye, Eversmeyer aye, Anderson aye, Bass abstain, Detert aye. Vote: 4-0, 1 abstention. Motion carried.

Alderman Anderson made a motion, seconded by Alderman Detert to Approve Light Duty for Police Sergeant Matt Robinson Pursuant to Doctor's Orders. Vote: Anderson aye, Detert aye, Bass aye, Sconce aye, Eversmeyer aye.

Alderman Sconce made a motion, seconded by Alderman Anderson to Approving Hiring Police Reserve Officer at no hourly wage. Vote: Sconce aye, Anderson aye, Bass aye, Eversmeyer aye, Detert aye.

City Attorney Granneman advised the Board on Legal matters.

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

Alderman Sconce made a motion, seconded by Alderman Anderson to adjourn the meeting. Vote: Sconce aye, Anderson aye, Bass aye, Detert aye, Eversmeyer aye. Meeting adjourned 9:16 p.m.

ATTEST:

City Clerk

Mayor

*Approved on Consent Agenda