

City of Troy, Missouri
Regular Board of Aldermen Meeting
Monday, June 16, 2014
6:30 P.M.

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

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

Alderman Anderson made a motion, seconded by Alderman Detert to approve the Consent Agenda upon the removal of Item 7N. Vote: Anderson aye, Detert aye, Bass aye, Sconce aye, Walters aye, Eversmeyer aye.

*Approved the Minutes of Regular Board of Aldermen Meeting dated May 19, 2014 and Special Board of Aldermen Meeting and Budget Workshop dated May 29, 2014

Lisa Jones requested a dog variance for five (5) dogs. Ms. Jones mentioned that two of the dogs were obtained when her Mom passed away. She had never purchased City dog tags but brought shot records showing the dogs had their rabies vaccinations. None of the neighbors had complained about the dogs but a police officer had observed them when issuing a tall grass violation. Alderman Sconce relayed that a variance is only given for a reason or specific amount of time and a blanket variance could not be considered. The dogs' ages ranged from three years to nine years old. Alderman Sconce made a motion, seconded by Alderman Eversmeyer to grant a six-month variance in order for Lisa Jones to comply with the City's dog ordinance limit. Vote: Sconce aye, Eversmeyer aye, Bass aye, Detert aye, Anderson aye, Walters aye.

*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. 56664 to 56901 (56426 Blackbaud)

Mayor Cross read Bill No. 1215 as Ordinance __ -- An Ordinance of the City of Troy, Missouri Amending Section 700.150: Water Consumer's Deposit. The amendment was introduced to eliminate differing deposit amounts of \$150.00 and \$100.00 and institute a

uniform \$150.00 deposit amount to safeguard an average two-month utility bill if a customer left without paying. Legal considerations for uniformly applying the deposit amount were discussed. Alderman Sconce did not agree to raise the amount of the homeowner deposit stating that it placed the burden on homeowners (of landlords-tenants that do not pay). Alderman Anderson stated the \$150.00 deposit amount protects all utility customers. Mayor Cross gave second reading of Bill No. 1215. Alderman Anderson made a motion, seconded by Alderman Eversmeyer to Adopt Bill No. 1215 as Ordinance ___ -- An Ordinance of the City of Troy, Missouri Amending Section 700.150: Water Consumer's Deposit. Vote: Anderson aye, Eversmeyer aye, Bass nay, Detert nay, Walters nay, Sconce nay. Motion failed 2-4.

*Appointed Bernard O'Hanlon as Alternate to Board of Adjustment

*Re-appointed Brian Sinclair and Fred Layton to Board of Adjustment for five-year terms

*Approved Liquor License Application to Diesel's Bar & Grill, 100 Frenchman Bluff Lane

*Approved Liquor License Renewals July 1, 2014-June 30, 2015: Georgee's, LLC d/b/a One More Shot, Mustang Sally's Bar & Grill, Aldi's Store, Good Timez, LLC, Abjibapa, Inc., Buzzy's Liquor & Sporting Goods, Casey's General Store, Cherry Street Grill & Pub, Chihauhau of Troy, Dos Primos, Imo's Pizza, Kroger, Mr. D's Pizza, Pizza Hut, Q Stop, Sami's on Main Street, LLC, Stefanina's Italian Restaurant, Troy BP, Arts, Inc., Troy Elks Lodge, Warrenton Oil d/b/a Fast Lane, Zadock Restaurant, Woods Fort Restaurant & Golf

Mayor Cross apologized to Messrs. Steen and Jefferson for out of order on Agenda: Citizen Comments and asked each to make their requests to the Board.

Richard Steen, 350 Campbell Court, requested the Board change City Ordinance, Chapter 340.240. Operating, Parking and Storing of Motor Vehicles on Residential Premises. Mr. Steen had lived in the City for twenty-five years on Campbell Court and owned a business in the City since 1986. Today, Mr. Steen received a parking violation for parking his vehicle on the grass on his property. Mr. Steen produced pictures of his property and vehicle parked on the grass and doubted that dumping gravel on his lawn would look any better. Mr. Steen believed the ordinance is over-bearing and should address flagrant problems instead. The officer had observed Mr. Steen's vehicle parked on the grass while issuing a notice next door. Chief Taylor commented that the ordinance has been in place for a long time. Mayor Cross responded that the ordinance can be reviewed.

Roger Jefferson, PO Box 54, Winfield, speaking on behalf of his mother who lives at 611 West Cherry Street, said that since he last approached the Board, the portable garage at the adjacent property of 571 West Cherry had been completed. Mr. Jefferson asked what decision the Board had made and how the Board will ensure access to the back of his mother's lot via the alleyway since its blocked due to the neighbor's parked vehicle. Chief Taylor sent an officer to request the neighbor's vehicle be parked either in their driveway or garage in order not to block access. Mr. Jefferson asked what rights does his mother have and how can access be controlled. Alderman Sconce said the City does not have jurisdiction between two property owners. City Attorney Granneman said that adjacent owners could petition the City to vacate the alleyway. Mr. Jefferson asked the City to vacate the alleyway and bear that expense and not his mother. Alderman Anderson said the dispute is between neighbors and this is not property that the public has an interest in. City Attorney Granneman relayed to Mr. Jefferson that the Board reviewed the situation, contact had been made with Ms. Holmes and probably some action will move it forward but since Ms. Holmes has representation, the matter is not public.

Alderman Eversmeyer relayed the Park Board's recommendation to accept the gift from Kiwanis International of playground equipment. The City would dismantle the old equipment, maintain the new equipment installed by Kiwanis' volunteers and Kiwanis would hold a ceremony next April. Alderman Eversmeyer made a motion, seconded by Alderman Walters to Accept the Gift of Playground Equipment by Kiwanis International. Vote: Eversmeyer aye, Walters aye, Sconce aye, Bass aye, Detert aye, Anderson aye.

Alderman Sconce wanted Computer Tablets and Audio Visual Equipment-Board Room removed from FY2015 Budget stating that it would not benefit the City as a whole. Alderman Anderson believed the audio-visual equipment would be conducive for meetings. Alderman Sconce made a motion, seconded by Alderman Anderson to Approve Audio Visual Equipment-Board Room in the amount of \$30,000.00.

Gary Leifert, 1050 Old Cap Au Gris, requested the Board treat the City's budget as their own and drive around the City of Troy and view the street improvements needed instead of Computer Tablets and A/V Equipment-Board Room. Mr. Leifert commented that the audio was horrible in the Board room but to spend that amount of money and ask taxpayers to okay was not prudent. Alderman Anderson stated that taxpayer benefit was at the heart of all budget decisions and there was benefit to be able to see and hear at meetings. Vote: Sconce nay, Anderson aye, Eversmeyer nay, Detert aye, Walters nay, Bass nay. Motion failed 2-4.

Alderman Sconce made a motion, seconded by Alderman Anderson to Remove Budget Item Request of Computer Tablets (13) of \$9,100.00. Vote: Sconce aye, Anderson aye, Eversmeyer aye, Bass aye, Detert aye, Walters nay. Motion carried 5-1.

Alderman Sconce requested clarification that the most recent budget summary reflected a 3% step increase in payroll for City employees. Treasurer Flinn confirmed that increase was reflected in the budget summary at approximately \$87,000.00. Also reflected in the budget summary were sewer plant employee and Weinand Park drainage as discussed in budget workshops. Alderman Sconce made a motion, seconded by Alderman Anderson to Leave 3% Step Increase in Payroll for City Employees in FY2015 Proposed Budget. Vote: Sconce nay, Anderson aye, Walters nay, Eversmeyer nay, Detert aye, Bass aye. Tie Vote 3-3. Mayor Cross voted aye. Motion carried.

Alderman Walters read Ordinance 340.240: Operating, Parking and Storing of Motor Vehicles on Residential Premises and proposed drafting a revision to include prohibiting parking vehicles on grassy areas of commercial property. In recent weeks, Alderman Walters witnessed a used car lot parking vehicles for sale on a grass lot adjacent to its parking lot. Alderman Anderson queried if this revision would go deeper into property rights issues. Alderman Walters wants (a) a better definition of what is allowed in conjunction with residential property and (b) to add commercial property. Discussion ensued whether a twenty-page ordinance with definitions would resolve all issues, whether City should dictate to property owner at all, stipulating a "complaint-only" trigger before issuing a violation and aesthetics of rock-versus-grass parking. Alderman Detert said that junkyards were occurring in subdivisions which necessitated the ordinance initially. Chief Taylor said the ordinance was in place to enforce if flagrant violations occur and responded to Mayor Cross' inquiry that only a handful of complaints in ten years received since ordinance had been adopted. Alderman Walters will sponsor a revision to the ordinance and work with City Attorney Granneman.

Mayor Cross recommended security cameras and door security as two recent security issues occurred at north end of building department hallway; that is, an after-hours incident and secondly, a stranger wandering down the hallway. Discussion ensued to replace outside door handles with a plate and install panic bar from the inside to secure the door. Security cameras are included in FY2015 Proposed Budget.

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to Hire Two (2) Part-Time Public Works Maintenance Workers with No Benefits and Shift Full-Time Employee from Public Works to Sewer Plant. Vote: Sconce aye, Eversmeyer aye, Bass aye, Detert aye, Anderson aye, Walters aye.

Alderman Walters offered to sponsor an ordinance amendment to define "portable structure." Building Official Lindsey stated that although not specifically defined as "portable," the residential code adopted by the Board of Aldermen references temporary structures as, "work exempted from a permit as 200 square feet or smaller." Alderman Walters obtained other municipalities' portable structure definitions and would work with Mr. Lindsey to draft.

***Authorized Mayor Cross and Chief Taylor to Sign Lincoln County Countywide Mutual Aid for Emergencies Resolution**

City Attorney Granneman stated that Resolution 2014-1 would allow the City reimbursement of expenses if the City decides to move forward with energy audit. Alderman Sconce made a motion, seconded by Alderman Bass to Adopt Resolution 2014-1 – A Resolution Determining the Intent of the City of Troy, Missouri, to Reimburse Itself for Certain Capital Expenditures. Vote: Sconce aye, Bass aye, Detert aye, Anderson aye, Eversmeyer aye, Walters aye.

Chief Taylor explained the need to increase budget amendment to Police Drug Forfeiture Fund of \$500.00 to purchase nine (9) computers instead of eight (8) due to a miscounting error. Alderman Anderson made a motion, seconded by Alderman Sconce to Approve Budget Amendment with Change to Allow for the purchase of nine (9) computers for the Police Department. Vote: Anderson aye, Sconce aye, Detert aye, Eversmeyer aye, Bass aye, Walters aye.

Mayor Cross gave the Board information and encouraged questions regarding the Missouri Department of Transportation Constitutional Amendment 7--Transportation Sales Tax placed on the August 2014 ballot.

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

Alderman Detert made a motion, seconded by Alderman Eversmeyer to Approve Deputy City Clerk/Payroll/HR Assistant Job Description Changes, Assign Position to Grade 14 and Change Tonya Hawkins to Grade 14, Step 1 \$18.12 per hour, and further adding the 3% Step Increase in Payroll for City Employees in FY2015 Proposed Budget Effective 7/1/2014 to Grade 14, Step 2 of \$18.67 as recommended by City Clerk Schneider. Vote: Detert aye, Eversmeyer aye, Bass aye, Walters aye, Anderson aye, Sconce aye.

Alderman Anderson made a motion, seconded by Alderman Sconce to Increase Tyler Eveland to G11, Step 5 \$15.33 (which already includes the 3% Step Increase in Payroll For City Employees in FY2015 Proposed Budget Effective 7/1/2014) as recommended by Public Works Superintendent Cunningham. Vote: Anderson aye, Sconce aye, Bass aye, Eversmeyer aye, Walters aye, Detert aye.

Alderman Sconce made a motion, seconded by Alderman Anderson to Increase Jeffrey Horn to G11, Step 5 \$15.33 (which already includes the 3% Step Increase in Payroll for City Employees in FY2015 Proposed Budget Effective 7/1/2014) as recommended by

Public Works Superintendent Cunningham. Vote: Sconce aye, Anderson aye, Eversmeyer aye, Detert aye, Walters aye, Bass aye.

Alderman Bass made a motion, seconded by Alderman Walters to Increase Brad Shaw to G14, Step 7 \$21.64 (which already includes the 3% Step Increase in Payroll for City Employees in FY2015 Proposed Budget Effective 7/1/2014) as recommended by Building Official Lindsey. Vote: Bass aye, Walters aye, Detert aye, Eversmeyer aye, Anderson aye, Sconce aye.

Alderman Bass made a motion, seconded by Alderman Sconce to Authorize Mayor to Execute Legal Services Contract with Cynthia Davenport for prosecuting attorney services for a One-Year Period Effective 7/1/2014. Vote: Bass aye, Sconce aye, Anderson aye, Detert aye, Walters aye, Eversmeyer aye.

City Attorney Granneman discussed legal matters with the Board.

Alderman Sconce made a motion, seconded by Alderman Walters to Forego the Purchase of Title Insurance on the EDA Grant-Cherry Blossom Way Street Improvements Project. Vote: Sconce aye, Walters aye, Bass aye, Detert aye, Eversmeyer aye, Anderson aye.

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

Alderman Bass made a motion, seconded by Alderman Eversmeyer to adjourn the meeting. Vote: Bass aye, Eversmeyer aye, Detert aye, Walters aye, Sconce aye, Anderson aye. Meeting adjourned at 9:20 p.m.

ATTEST:

City Clerk

Mayor

*Approved on Consent Agenda