

City of Troy, Missouri
Regular Board of Aldermen Meeting
Monday, May 18, 2015
6:30 P.M.

Present for the meeting were Aldermen Eversmeyer, Detert, Sconce, Walters, Bass, Anderson and Mayor Cross. Also present were Public Works Superintendent Cunningham, 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 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 3C, 7A, 7C, 7D and 7O. Vote: Eversmeyer aye, Detert aye, Bass aye, Anderson aye, Sconce aye, Walters aye.

*Approved the Minutes of Public Hearing/Regular Board of Aldermen Meeting dated April 20, 2015 and Special Board of Aldermen Meeting April 30, 2015

Ramiro Flores, Chihuahua's of Troy, requested the City give assurance that it does not plan any improvements in the near future to the right-of-way at the intersection of 101 N. Lincoln and Cherry Street. Mr. Flores stated that this assurance would enable him to request additional asphalt parking spaces and overlay from the owner of the parking lot. Alderman Sconce clarified the overlay would cover the grassy area and entrance. Mr. Flores affirmatively and added that the business needs more parking and the grassy area does not drain. Mayor Cross stated the City plans to fix Cherry Street but it probably would not affect that intersection.

Alderman Walters made a motion, seconded by Alderman Sconce to Authorize the Mayor to Execute a Letter that No Planned Property Changes to Intersection; Board of Aldermen Will Not Take Responsibility for Parking Lot Improvements that Landowner Makes in Compliance with City Codes and Express Long-Standing Support for Helping Local Businesses. Vote: Walters aye, Sconce aye, Eversmeyer aye, Bass aye, Anderson aye, Detert aye.

John Hardin, Retro-Active, made a request to organize a free concert in Fairgrounds Park at the bandstand for a local hip-hop group. Mr. Hardin manages hip-hop and country groups and an Atlantic producer would like to come out and view the group and others in an outside "live performance" environment. The group's music is clean and promotes anti-bullying in schools. No ticket sales would occur other than underground recording companies would pay to have their groups heard. Mr. Hardin would like a Friday or Saturday, thirty days out, and would research insurance and security. City Attorney

Granneman requested that Mr. Hardin put a detailed plan together. The consensus of the Board was for approval.

Terry Rowe not present.

Len and Sue Bolin not present.

Samantha Brayer, Muscular Dystrophy Association (“MDA”), presented Zach Winkle to speak to the Board. Mr. Winkle requested the Board allow soliciting of donations on behalf of MDA which provides for persons as himself afflicted with MDA to attend summer camps and buy medical equipment. Alderman Walters named the intersection of Cherry Street and Lincoln Drive. Alderman Sconce was reluctant to support a variance and would support the solicitation whole-heartedly on private property. Chief Taylor stated strict guidelines are adhered, i.e., no entry into intersection when traffic moving and wearing high-visibility clothing.

Alderman Sconce made a motion, seconded by Alderman Walters to Grant Variance to Solicit MDA Donations at Cherry and Lincoln Drive Intersection via Lincoln County Firefighters. Vote: Sconce nay, Walters aye, Anderson aye, Bass aye, Detert aye, Eversmeyer nay. Motion carried 4-2.

Phil Claiborn, TNT Fireworks, stated that TNT Fireworks holds 40% market share and has been in business since the 1950’s. The business would like to sell fireworks in City limits and has a corporate agreement with Walmart to sell in their parking lots. Claiborn would like to sell from June 20th through July 10th according to State law. The business has limited liability insurance of \$1 million, requests/trains local not-for-profit organizations to operate the fireworks stand and retain 20% of the sales and works with local fire and police on safety concerns. Chief Taylor recommended signage to alert patrons that it is illegal to set-off fireworks in City limits. Claiborn agreed to the signage.

Alderman Bass made a motion, seconded by Alderman Sconce to Authorize a Fireworks Permit to Allow Firework Sales in City Limits of Troy. Vote: Bass aye, Sconce nay, Eversmeyer nay, Walters nay, Detert aye, Anderson aye. Tie Vote 3-3. Mayor Cross voted aye. Motion carried.

David Luebbert, 580 E. College, alerted the Board that the proposed one-way alleyway ordinance will affect him negatively and force him to drive his recreational vehicle behind the building. Alderman Bass agreed that it would be difficult for Mr. Luebbert and his neighbor with a trailer to maneuver into their driveways if the alleyway becomes one-way and recommended the alleyway become one-way only halfway. Mr. Luebbert stated that since 2009, he had not witnessed anyone racing through the alleyway and vehicles yielded to each other.

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

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

Treasurer Flinn gave the Board of Aldermen Budget Requests by Department in advance of the Budget Workshop on May 20th. The Budget Summary will change upon paying approved bills at this evening's meeting, then updated and handed out at the Budget Workshop. Alderman Sconce made a motion, seconded by Alderman Detert to Approve Finance Report. Vote: Sconce aye, Detert aye, Walters aye, Eversmeyer aye, Bass aye, Anderson aye.

*Approved Payment of Regular Monthly Bills

Mayor Cross read Bill No. 1230 as Ordinance ____ -- An Ordinance of the City of Troy, Missouri, Amending Chapter 330: One-Way Streets and Alleys, Schedule II: One-Way Streets and Alleys, Table II-A: One-Way Streets and Alleys, first time on April 20, 2015 by title only and then for a second reading by title only. Alderman Detert stated that no incidents of traffic issues have occurred in the alleyway. Alderman Sconce recommended two-way traffic up to parking lot but one-way coming from Mound Street (West only). Discussion continued that making the alleyway one-way would not address the property owner's concern of people cutting through the parking lot and possible changes of partial one-way may be conducive to all concerned citizens. Alderman Sconce made a motion, seconded by Alderman Detert to Adopt Bill No. 1230 as Ordinance _____. Vote: Sconce nay, Detert nay, Bass nay, Eversmeyer nay, Walters nay, Anderson nay. Motion failed 0-6.

Mayor Cross read Bill No. 1231 as Ordinance No. ____ -- An Ordinance Regulating the Planting, Maintenance and Removal of Trees, Shrubs, and Other Plants on City Property in the City of Troy, Missouri and Creating a New Chapter 245 in the Code of Ordinances of the City of Troy, Missouri, first time by title only. Alderman Anderson relayed the proposed ordinance governs trees in the City public and private and requested the Board review Sections 245.050(D) and (F) prior to rendering a decision. These sections would compel a citizen to remove a tree if it were diseased and/or hazard to others such as hanging over a roadway and they would have sixty days to comply. The Park Board would serve as the Forest Manager. Alderman Walters asked what would occur if a citizen had no money to remove a tree and Parks Director Howell stated there were grants available through Tree City USA-Conservation Department for these circumstances. Alderman Walters made a motion, seconded by Alderman Eversmeyer to Table Bill No.

1231 as Ordinance No. ___ until next meeting. Vote: Walters aye, Eversmeyer aye, Sconce aye, Detert aye, Bass aye, Anderson aye.

Mayor Cross relayed to the Board that only the base bid of 2015 Concrete Street Removal and Repair could be approved in FY2015 budget as recommended by Bartlett & West submitted by Sweetens Concrete Services. The two alternate bids would be budgeted in FY2016. Alderman Walters made a motion, seconded by Alderman Anderson to Authorize Mayor to Enter Into Agreement with Sweetens Concrete Services for Base Bid Only in the amount of \$82,858.93 and Express Interest in Alternates A and B Contingent Upon Written Agreement to Hold Price on Alternates A and B until Future Date in FY2016. Vote: Walters aye, Anderson aye, Eversmeyer aye, Detert aye, Bass aye, Sconce aye.

*Approved Pay Application #3, Cherry Blossom Way Improvements in the amount of \$122,069.85

Alderman Eversmeyer made a motion, seconded by Alderman Bass to Approve Change Order No. 1, 2014 Asphalt Street Project by Mid River Asphalt, Inc. in the amount of \$8,638.90. Vote: Eversmeyer aye, Bass aye, Anderson aye, Detert aye, Walters aye, Sconce aye.

Alderman Eversmeyer made a motion, seconded by Alderman Walters to Approve Pay Application No. 2, 2014 Asphalt Street Project by Mid River Asphalt, Inc. in the amount of \$59,038.97. Vote: Eversmeyer aye, Walters aye, Sconce aye, Bass aye, Anderson aye, Detert aye.

*Approved Change Order 3, Relocation of Water Main Cherry Street by Mick Mehler & Sons in the amount of \$17,450.80

*Approved Pay Application 2, Relocation of Water Main Cherry Street by Mick Mehler & Sons in the amount of \$48,935.33

*Approved Cemetery Walking Tour Event by Lincoln County Historical Society, June 4, 2015 from 6-9 p.m.

*Approved Employee Health and Voluntary Ancillary Insurance Plans for FY2016 as recommended by Insurance Committee

*Approved 2015 Liquor License Renewals: Troy BP Arts, Inc.; Troy Development Company d/b/a Woods Fort Golf Court; El Pino, Inc. d/b/a Dos Primos; Buzzy's Sporting Goods & Liquor; Summit Restaurants d/b/a Pizza Hut; Warrenton Oil Co. d/b/a Fast Lane; Mrika, Inc. d/b/a Zadocks Restaurant; Troy Elks Lodge #2805; Mr. D's Pizza; Stefanina's Italian Restaurant; Troy Movie House; Victory Lane Fuel & Food 1, Victory

Lane Fuel & Food 2; Mennemeyer Investors, LLC d/b/a Mustang Sally's; Big Sticky's BBQ LLC

*Approved and Authorized Mayor to Execute Contract for Tourism Services Between the City of Troy, Missouri and the Troy Area Chamber of Commerce

*Approved and Authorized Mayor to Execute Contract for Economic Development Services Between the City of Troy, Missouri and the Troy Area Chamber of Commerce

*Approved Liquor/Business Application – Taormina's, LLC, 892 E. Cherry Street

*Approved Pay Application #4, Well 14 by t. Drury Contracting, Inc. in the amount of \$210,217.06

*Approved Site Plan and Building Permit for RJKG, LLC at 815 E. Cherry Street

Mayor Cross relayed that a proposed contract was submitted and pending approval by Missouri Department of Transportation in regard to professional engineering services provided by Bartlett & West for TAP Grant Sidewalk Project. Alderman Sconce made a motion, seconded by Alderman Detert to Authorize the Mayor to Execute Contract with Bartlett & West for Professional Engineering Services Contingent Upon All Requirements to Obtain Federal Funding, Missouri Department of Transportation Grant and Ordinance No. 1208. Vote: Sconce aye, Detert aye, Bass aye, Eversmeyer aye, Walters aye, Anderson aye.

Alderman Detert relayed that Planning & Zoning Commission was concerned about City's sod ordinance. The commission recommended seeding and straw for conservation of water efforts and undue hardship afflicted on homeowners for sod. Alderman Walters agreed to sponsor a change of the sod ordinance.

City Attorney Granneman explained that conditional use permits allow a different use for a piece of property other than how typically used. Conditional use permits have a five-year expiration unless voted on permanently by the Board of Aldermen. The expiration allows control over the property and does not transfer from owner to owner. Mayor Cross relayed that approximately ten letters were sent out by the building department alerting conditional use permit holders of expiration dates and/or the need to re-apply.

Alderman Anderson relayed that the Park Board recommended the Board re-consider allowing metal detectors and digging (Section 240.035) to occur on any City property. Parks Director Howell stated that St. Charles County does not allow digging or removal of items and State Parks require permission and all artifacts found to be turned in. Alderman Anderson agreed to sponsor to change this ordinance.

Alderman Sconce made a motion, seconded by Alderman Walters to Approve Purchase of (3) Stalker Radar Units \$4,185.00 as requested by Police Department from Drug Forfeiture Fund. Vote: Sconce aye, Walters aye, Eversmeyer aye, Detert aye, Bass aye, Anderson aye.

Alderman Anderson made a motion, seconded by Alderman Walters to Approve Purchase of Safety Equipment: Cones and Signs \$2,044.00 as requested by Police Department from Drug Forfeiture Fund. Vote: Anderson aye, Walters aye, Detert aye, Eversmeyer aye, Bass aye, Sconce aye.

Chief Taylor explained the request to purchase a German Shepherd for a second canine unit was that the dog would be the City's property unlike the other canine which is the property of that officer. This additional canine unit will be available on each night crew and maintenance and upkeep will be provided by private donations. Alderman Walters made a motion, seconded by Alderman Eversmeyer to Approve Purchase of German Shepherd, Certification and Training \$4,200.00 for additional Canine Unit by Police Department from Drug Forfeiture Fund. Vote: Walters aye, Eversmeyer aye, Sconce aye, Bass aye, Detert aye, Anderson aye.

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

City Attorney Granneman advised the Board on Legal matters. City Attorney Granneman left the Board room.

Alderman Detert made a motion, seconded by Alderman Walters to Approve and Authorize the Mayor to Execute Contract for City Attorney with Jesse Granneman for a period July 1, 2015 through June 30, 2016 in the monthly amount of \$3,700.00. Vote: Detert aye, Walters aye, Sconce aye, Bass aye, Eversmeyer aye, Anderson aye.

City Attorney Granneman entered the Board room.

Alderman Walters made a motion, seconded by Alderman Bass to Approve and Authorize the Mayor to Execute Legal Services Contract Between Gary A. Grunick and City of Troy, Missouri for services as Municipal Judge for the period July 1, 2015 through June 30, 2017 in the monthly amount of \$1,748.36. Vote: Walters aye, Bass aye, Detert aye, Eversmeyer aye, Anderson aye, Sconce aye.

Alderman Walters made a motion, seconded by Alderman Eversmeyer to Approve and Authorize the Mayor to Execute Cynthia M. Davenport Legal Services Contract with City of Troy, Missouri for services as Prosecuting Attorney for the period July 1, 2015

through June 30, 2016 in the monthly amount of \$3,000.00. Vote: Walters aye, Eversmeyer aye, Bass aye, Anderson aye, Detert aye, Sconce aye.

Alderman Sconce made a motion, seconded by Alderman Detert to Approve a One-Step Increase to Grade 11, Step 5 \$15.33 per hour beginning July 1, 2015 for Becky Stevener as Recommended by City Clerk. Vote: Sconce aye, Detert aye, Bass aye, Walters aye, Anderson aye, Eversmeyer aye.

Alderman Sconce made a motion, seconded by Alderman Anderson to Approve a Two-Step Increase to Grade 11, Step 8 \$16.75 per hour beginning July 1, 2015 for Bridget Knudsen as Recommended by City Clerk. Vote: Sconce aye, Anderson aye, Bass aye, Detert aye, Walters aye, Eversmeyer nay. Motion carried 5-1.

Alderman Sconce made a motion, seconded by Alderman Detert to Approve a One-Step Increase to Grade 14, Step 3 \$19.23 per hour beginning July 1, 2015 for Tonya Hawkins as Recommended by City Clerk. Vote: Sconce aye, Detert aye, Bass aye, Walters aye, Eversmeyer aye, Anderson aye.

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

Alderman Walters made a motion, seconded by Alderman Anderson to adjourn the meeting. Vote: Walters aye, Anderson aye, Bass aye, Sconce aye, Detert aye, Eversmeyer aye. Meeting adjourned 9:49 p.m.

ATTEST:

City Clerk

Mayor

*Approved on Consent Agenda