

City of Troy, Missouri
Public Hearing and Regular Board of Aldermen Meeting
Monday, May 21, 2018
6:30 P.M.

Present for the Public Hearing and Regular Board of Aldermen Meeting were Aldermen Detert, Sconce, Curt, Walker, Norman and Mayor Cross. Alderman Anderson was not present but arrived later in the meeting as indicated below. Also present were Assistant Public Works Superintendent Burkemper, Police Chief Taylor, Building Official Lindsey, Parks Director Howell, Wastewater Superintendent Peasel, Treasurer Flinn, City Attorney Granneman and City Clerk Schneider.

Mayor Cross opened the Public Hearing for the purpose of citizen comment on the Request for Conditional Use Permit by Meramec Specialty Company, applicant for "Fireworks City," a seasonal fireworks stand located at 12 Frenchman Bluff Road.

The applicant, Tom Dixon, from Meramec Specialty Company was present and answered questions in the affirmative whether the stand would be attended by responsible staff twenty-four hours a day and if all staff would be trained on the use of fire extinguishers for safety.

Mayor Cross called the Regular Board of Aldermen Meeting to Order at 6:37 p.m., announced a Quorum present and led in the Pledge of Allegiance.

Alderman Sconce made a motion, seconded by Alderman Walker to Approve the Consent Agenda upon the removal of Item 7(D). Vote: Sconce aye, Walker aye, Norman aye, Curt aye, Detert aye.

Alderman Anderson arrived at 6:40 p.m. to the meeting.

*Approved the Minutes of Regular Board of Aldermen Meeting dated April 16, 2018 and Budget Workshop dated May 15, 2018

Robert and Lisa Seely requested the City allow Public Water Supply District #2 ("PWSD #2") to purchase one sewer tap on their behalf. Mrs. Seely explained that PWSD #2 granted them one sewer tap in exchange for an easement at 100 Hilltop Lane in 2012 but the Seely's did not purchase the tap as their business was just getting started. Recently, a notice was received from the Lincoln County Health Department that their septic was leaking onto a neighbor's property (a copy of the notice was given to the Board for review). The Seely's are unable to purchase a new septic system as their lot is too small and PWSD #2 has no sewer taps to grant the Seely's. City Attorney Granneman recommended further discussion in Closed Session.

Chuck Conrey, 393 Linns Mill Road, Troy, requested to hook onto City water for his property at 133 Fieth Road which is right across the road from Bristol Ridge Subdivision. He planned to divide the six-acre lot into two three-acre lots and wanted a tap for both. His plan was to purchase the two taps but leave them capped and not set meters until he builds his home on one of the lots and sells the other lot. Alderman Sconce was not in favor of approving two taps on open ground with no development and cited the difficulty in tracking these requests. City Attorney Granneman suggested to allow one tap for the planned homesite with an eventual second tap. The tracking would occur through a recorded Agreement to Connect to City Water with legal description. Alderman Sconce relayed that a delay in paying for the two tap fees and hooking on to the system presents a problem knowing when usage begins. Mr. Conrey wanted all utilities in place before he presents the lot for sale. Alderman Sconce recommended that the buyers of the lot come to the Board and request a hook-on themselves. Mr. Conrey agreed that one tap would work. Alderman Sconce made a motion, seconded by Alderman Detert to Grant One (1) Water Tap With Contingency for Only a Three-Acre Parcel and Legal Description and Enter Into Agreement for Connection to Troy Water Works and Sewer System, Construction Specifications and Inspections, Payment of Right-to-Connect Fees and Double the Rates for Outside City Limits. Vote: Sconce aye, Detert aye, Anderson aye, Curt aye, Norman aye, Walker aye.

Darrell Coose was not present.

James Dye read a prepared statement requesting the City of Troy Police Department assume a role within the School Resource Officer "SRO" Program within the City Limits of Troy and allow Lincoln County Sheriff's Department to continue role outside City Limits of Troy for greater impact. Mr. Dye relayed that Superintendent Penny was interested and would like the School Board and the Board of Aldermen to meet and discuss. Chief Taylor commented that Troy Police Department was notified by the school district in 1998 or 1999 that the City would no longer be involved in the program as the school entered into an agreement with Lincoln County Sheriff's Department. Chief Taylor announced that community checks will begin through Troy Police Department next year with one or two random checks a day by an officer walking through the halls of the school. Mr. Dye relayed the need to expand the SRO Program for anti-bullying as his own child has experienced bullying recently switching elementary schools within the district. The Board agreed to look into it.

Kristy Weldon and her daughter, Megan Weldon, requested an extension for another twelve months for a third-dog variance. Megan is trying to get back in school in Springfield and will take her (third) dog with her. There have been no complaints and the dogs are kept indoors. Alderman Anderson made a motion, seconded by Alderman Detert to Grant Extension for a Third-Dog Variance (originally granted June 19, 2017)

for an Additional Period of Twelve Months. Vote: Anderson aye, Detert aye, Curt aye, Walker aye, Norman aye, Sconce aye.

Scott and Cindy Wallace, representing Tara Valley Subdivision, requested their subdivision be allowed to hook onto City Water Works as Outside City Limits. Mrs. Wallace explained the subdivision was located south of town off Sand Run and Adelhart Roads with City water available 100 feet away in the next subdivision. The EPA requested that an engineering study be conducted. A copy was given for the Board's review. The study indicated that hooking onto City water was their best option in lieu of problems with their well and DNR. The proposal included to hook-on through master meter and have meters installed at each residence, pay one bill to City of Troy and individually bill the thirty-one homeowners. Alderman Curt asked if annexation was an option. Mrs. Wallace explained that the owners would need to vote but was unsure whether the property was contiguous with City limits. There was a deadline imposed by DNR and EPA of two years beginning April 2, 2018 for an implemented solution to the subdivision's problem. Alderman Sconce made a motion, seconded by Alderman Anderson to Table Request for Tara Valley to Hook Onto City Water (Outside City Limits) until next meeting. Vote: Sconce aye, Anderson aye, Norman aye, Walker aye, Curt aye, Detert aye.

Jamie Gibson and Laura Barber updated the Board of Aldermen on the next phase of the Lincoln County Library District Ballot Initiative which included a Barking for Books Dog Show on June 24, 2018 at Fairgrounds Park. There would be stations for dog clean-up and volunteers to stay late and clean up after the event. Alderman Walker made a motion, seconded by Alderman Norman to Allow On-Site Vendors for Dog Accessories for the Special Event on June 24, 2018. Vote: Walker aye, Norman aye, Detert aye, Curt aye, Anderson aye, Sconce aye.

Cassandra Stewart was not present. Park Superintendent Howell was asked to present the request for food sales at Suicide Awareness Car Show event on June 2, 2018. Howell relayed the many attempts to contact Ms. Stewart on details for this special event but received limited response and yet the event was advertised on Facebook. Alderman Sconce made a motion, seconded by Alderman Anderson to Approve Request for Food Sales at Suicide Awareness Car Show. Vote: Sconce nay, Anderson nay, Curt nay, Detert nay, Walker nay, Norman nay. Motion failed 0-6.

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

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

*Approved Payment of Regular Monthly Bills

Mayor Cross read Bill No. 1276 -- as Ordinance _____ -- An Ordinance Creating a New Chapter 250 Entitled Storm Water Pollution Control and Creating Certain Subsections Regulating Illicit Discharges and Connections of Storm Water, first and second times by title only. Building Official Lindsey explained this ordinance will be the first of many ordinances for storm water regulation. The new chapter, mandated by EPA and Missouri DNR by the Clean Water Act for the protection of drinking water, falls under public health--nuisance section, and not zoning. The regulation promotes education and denotes levels of enforcement initially with a notice of violation. Alderman Detert made a motion, seconded by Alderman Curt to Adopt Bill No. 1276 as Ordinance 1252. Vote: Detert aye, Curt aye, Anderson aye, Sconce aye, Walker nay, Norman aye. Motion carried 5-1.

Mayor Cross explained the need to incorporate the Landlord/Tenant Responsibility RSMo. 250.140 within City ordinances in connection with utility accounts. The need was resurrected recently when a sewer-only utility account was severely delinquent and the City held no leverage to collect. The City writes off bad debt annually but calculations reveal the bad debt would be reduced by 49% if Landlord/Tenant responsibility was shared. City Attorney Granneman relayed that a procedural change would require an amendment to the City's ordinance. Alderman Anderson made a motion, seconded by Alderman Curt to Table Discuss Utility Services—Landlord/Tenant Responsibility per RSMo. 250.140 until next meeting. Vote: Anderson aye, Curt aye, Sconce aye, Detert aye, Walker aye, Norman aye.

Alderman Anderson made a motion, seconded by Alderman Sconce to Approve Resolution 2018-2 – A Resolution Authorizing the City of Troy, Missouri To Enter Into, and the Mayor to Execute, the Central Communications Election Agreement with Lincoln County. Vote: Anderson aye, Sconce aye, Walker aye, Norman aye, Detert aye, Curt aye.

*Approved 2018 Liquor License Renewals: D & M of Troy, Inc. d/b/a Buzzy's Sporting Goods & Liquor, 208 N. Lincoln Drive; Summit Pizza, Inc. d/b/a Pizza Hut, 15 Lincoln Center; Warrenton Oil Company d/b/a Fastlane, 571 S. Lincoln Dr.; Warrenton Oil Company d/b/a Fastlane, 310 E. Hwy 47; Kroger #724, 1 Troy Square; Shree Gayatri LLC d/b/a Gas N Spirits, 112 S. Lincoln Dr.; Walmart #60, 101 Hwy 47; Aldi #35, 6 The Plaza; Georgees LLC d/b/a One More Shot, 103A N. Lincoln Drive; Mennemeyer Investors LLC d/b/a Mustang Sally's Bar & Grill, 440 Main Street; Naturally Designed LLC, 451 Main Street; Q-Stop, 2 Merlin Drive; ABJIBAPA, Inc. d/b/a Xpress Mart 4, 501 E. Cherry Street

*Approved Request for Conditional Use Permit by Meramec Specialty Company, applicant for "Fireworks City," a seasonal fireworks stand located at 12 Frenchman Bluff Road

*Approved Change Order No. 1 submitted by Cannon General Contractors regarding Whitetail Crossing Lift Station Improvements for Time Extension of 31 days Establishing New Completion Date as July 31, 2018

Alderman Sconce did not see value in continuing the economic development services provided by Troy Chamber of Commerce at a cost of \$15,000 annually from the City's general fund. Kevin Hurd, Troy Chamber Secretary, explained the value was keeping the City of Troy's name, face and relationship active for potential developers in site selection. Hurd continued the new Troy Chamber Director will attend meetings and training with the Missouri Economic Development Council, attend Heartland Economic Development School, coordinate inquiries with Lincoln County Economic Development and continue interviewing existing businesses to expand programs according to their needs. Alderman Anderson asked for an example when a lead paid off in the past three years. Alderman Detert asked for an example in the last ten years. Hurd responded that he could not give an example but added that economic development is a highly-competitive field. Mayor Cross added that the City of Troy needs to continue to attract attention of developers and cannot afford a full-time person. Alderman Sconce explained that it was a budgetary issue. Alderman Anderson made a motion, seconded by Alderman Sconce to Approve and Authorize Mayor to Sign Contract for Economic Development Services with Troy Area Chamber of Commerce for Fiscal Year 2018-2019. Vote: Anderson aye, Sconce nay, Detert nay, Curt nay, Walker nay, Norman nay. Motion failed 1-5.

*Approved and Authorized Mayor to Sign Troy Convention and Visitors Bureau Contract with the Troy Area Chamber of Commerce for Fiscal Year 2018-2019

*Approved the Troy Convention & Visitor's Bureau 2018-2019 Budget

*Approved Pay Application No. 1 to Karrenbrock Excavating, LLC on Crooked Creek Park, Rough Grading and SWPPP Project #M16-7353A in the amount of \$28,470.80

*Approved Pay Application No. 2 to Karrenbrock Excavating, LLC on Crooked Creek Park, Rough Grading and SWPPP Project #M16-7353A in the amount of \$44,069.81

*Approved Liquor License Application for Naturally Designed LLC at 461 Main Street

*Approved FY2018 Budget Amendments – Treasurer Flinn

Alderman Sconce made a motion, seconded by Alderman Detert to Approve Payment of Contingency Reconciliation and Final Invoice to Cannon General Contractors regarding Sanitary Sewer Extension Project on Troy Industrial Ground in the amount of \$36,062.33. Vote: Sconce aye, Detert aye, Walker aye, Norman aye, Anderson aye, Curt aye.

Building Official Lindsey gave a brief update and provided a handout on MS4 Ordinances highlighting changes including 12 inches or more grass height allowed in buffer strips and increase buffer strips to 50 feet from top of a stream bank/creek to control erosion. The need for MS4 regulation occurred after the City's population rose over 10,000 and the program began May 13, 2013.

Alderman Walker made a motion, seconded by Alderman Anderson to Approve Request to Take-Home City Vehicle by Wastewater Superintendent Peasel. Vote: Walker aye, Anderson aye, Norman aye, Detert aye, Curt aye, Sconce aye.

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

Alderman Sconce made a motion, seconded by Alderman Anderson to Take No Action on Johncheze Lamont Smith, Petitioner, Case No. 06L6-CR00269-01, No. 06L6-CR1332-01 and No. 08L6-CR02105-01 in the 45th Judicial Circuit Court of Lincoln County, Missouri regarding Petition for Expungement of Arrest Records. Vote: Sconce aye, Anderson aye, Walker aye, Curt aye, Norman aye, Detert aye.

Alderman Sconce made a motion, seconded by Alderman Curt to Accept the Resignation of Lucas Bass, Public Works-Meter Reader, effective May 16, 2018. Vote: Sconce aye, Curt aye, Norman aye, Detert aye, Walker aye, Anderson aye.

City Attorney Granneman stepped out of the Closed Session.

Alderman Anderson made a motion, seconded by Alderman Curt to Approve and Authorize Mayor to Sign City Attorney Contract for 2018-2019 with Jesse Granneman. Vote: Anderson aye, Curt aye, Norman aye, Detert aye, Sconce aye, Walker aye.

Alderman Sconce made a motion, seconded by Alderman Detert to Approve and Authorize Mayor to Sign Prosecuting Attorney Contract for 2018-2019 with Cynthia Davenport. Vote: Sconce aye, Detert aye, Norman aye, Walker aye, Curt aye, Anderson aye.

City Attorney Granneman returned to Closed Session.

Alderman Sconce made a motion, seconded by Alderman Anderson to Go Out of Closed Session. Vote: Sconce aye, Anderson aye, Walker aye, Detert aye, Norman aye, Curt aye.

Alderman Anderson made a motion, seconded by Alderman Sconce to Adjourn the meeting. Vote: Anderson aye, Sconce aye, Curt aye, Norman aye, Detert aye, Walker aye. Meeting adjourned at 9:23 p.m.

ATTEST:

City Clerk

Mayor Mark Cross

*Approved on Consent Agenda