

City of Troy, Missouri
Regular Board of Aldermen Meeting
Monday, September 16, 2019
6:30 P.M.

Present for the Regular Board of Aldermen Meeting were Aldermen Walker, Anderson, Norman, Sconce, Curt, Detert, and Mayor Cross. Also present were Public Works Superintendent Cunningham, Police Chief Taylor, Building Official Lindsey, Parks Director Howell, Taylor Barton of Woodard & Curran, Treasurer Flinn, City Attorney Granneman and City Clerk Schneider.

Alderman Detert made a motion, seconded by Alderman Curt to Approve the Consent Agenda. Vote: Detert aye, Curt aye, Anderson aye, Norman aye, Walker aye, Sconce aye.

*Approved the Minutes of Public Hearing and Regular Board of Aldermen Meeting dated Monday, August 19, 2019

Several Trustees of the Homeowner's Association for the Villa's at Wingate spoke to the Board about cleaning up the retention pond located behind 531 New Castle Drive citing that the developer nor the City were accepting responsibility. Betty Guzenski, 520 New Castle Drive, Sheila Neis, 531 New Castle Drive and Patricia Suchland, 203 Wingate Drive offered pictures of algae, tall grass, and trash in and around the retention pond. The developer, Dale Black, was contacted by one of the Trustees. Mr. Black told the Trustee that the grounds were turned over to the Homeowner's Association and the storm drain system, streets and sewers were turned over to the City. Upon research, Mayor Cross agreed with the developer and the City will need to determine what it needs to do on the retention pond. Sheila Neis called the Health Department who said that it was not a health hazard and advised her to call the Department of Natural Resources. Ms. Neis said that she will go to the news station if nothing was done. Alderman Anderson assured that the City will take responsibility for City property.

Ron Walters submitted pictures and described specific occurrences associated with the bridge culvert at Huntington Drive. On page 1, the top picture showed the height of the debris pushed up against his chain link fence after a significant August 2019 rain event and the bottom picture showed his fence post drop in elevation after twenty years due to silt and water rushing through his property. On page 2, the picture showed creek bank lost in the last year and one-half and said that it used to take four passes on his lawnmower and now it only takes two passes due to the stream getting larger. On page 3, the top picture showed the culvert wall on the bridge with holes and soil erosion just a few years after the City added rocks and the bottom picture showed the Huntington Drive bridge deck starting to crack and settle even after concrete was pumped underneath

Huntington Drive. Mr. Walters stated that a one-half to three-quarters difference between the street and pavement settling had occurred and he can feel it in his living room when a trash truck goes by. On page 4, the picture shows the steel structure supports on the southwest corner of the bridge culvert. On page 5, the top picture shows a diamond-plate steel deck of the walk bridge on the northwest corner of the property on the other side of the creek and the bottom picture shows that the water is starting to work its way under the street pavement and bridge deck again. Walters warned if the bridge falls, there would be no way in or out for the 100 homeowners living beyond it and said that the culvert is too little and restricts water flow. On page 6, the top picture shows the water line around the top ridge of pool and side of basement window at three feet of water and the bottom picture shows the clean-up required on his basement floor after a rain.

Mr. Walters requested the Board (a) limit development of West Hampton and Walnut Creek Senior Development which increases the watershed; (b) do something with the culvert; (c) reinforce the bridge; and (d) perform brush work in the stream for flow as the water comes up quickly and goes down just as fast as if something was blocking the water downstream.

Alderman Detert lives in the neighborhood and confirmed the quick rise and fall of the creek flow and the vertical movement of the bridge by 1 to 1-½ inches whenever a heavy truck goes over it.

Public Works Superintendent Cunningham said the bridge was inspected five years ago when it was mud-jacked. The Missouri Department of Natural Resources would dictate the culvert size and brush-clearing of a creek. Cunningham said he would inspect the bridge to see if any repairs were needed. Building Official Lindsey said that all development on the West side of the creek complied with stormwater ordinances; specifically mentioning retention ponds within the West Hampton and Walnut Creek developments.

Eric Stephens relayed to the Board that he is familiar with the bar and grill industry and built a business entitled "The Babylon Bar and Grill in St. Peters, Missouri." Stephens grew up in Troy and has been preapproved for a loan to purchase the old Stefanina's property on Main Street. He would like to bring a "home-town hang-out bar and grill" to the area. Alderman Anderson was concerned that his proposed business would be more bar-than-restaurant and asked what percentage of food was served at his existing location. Stephens responded that 54% of his sales were food but expects a higher percentage of food sales (lunch shift) on Main Street. He continued that Babylon's Bar and Grill had never had any month when alcohol sales were more than food.

Mr. Stephens sent courtesy letters to surrounding property owners giving notice of his intentions with the property and making application for a liquor license. He spoke

directly with the daycare facility owner next door to the property and agreed to put up a privacy fence to eliminate trash concerns in/near the playground area. City Clerk Schneider confirmed that there had been no other comments/concerns mentioned by surrounding property owners besides the daycare facility owner. Alderman Sconce said the City could not deny a liquor license since no school or church is located within 100 feet of the property. Stephens discussed plans for rezoning and subdividing the property next door for additional parking.

The Mayor requested Brenda Saxe, the daycare facility property owner, to address the Board. Mrs. Saxe's property borders the old Stefanina's and was concerned with debris and trash at the fence line but said that the privacy fence offered by Mr. Stephens and the proposed overflow parking will help with that problem. Mr. and Mrs. Saxe said they were okay with it.

Kristen Mergler, representing the Homeowner's Association of West Hampton, stated that all streets in West Hampton were not dedicated to the City of Troy. Mergler stated that West Hampton Drive was dedicated but not Sweet Gum Drive. Since November 2018, Mergler has continually tried to reach the developer, Helmut Weber, to submit a request for dedication but with no success. Mr. Weber would rudely speak with her and/or hang up on her. Mergler relayed that without street dedication, no signage is posted for speed limits, parking, etc. and law enforcement cannot issue tickets without posted signage. Mergler provided a picture to the Board that reflected a typical weekend in the cul-de-sac of parked cars in the middle of the roadway blocking through traffic, mailboxes, trash totes and fire hydrants. Helmut Weber is the legal owner of the street and will not turn it over to the HOA or bring the street up to City specifications.

Rob Hamlett requested that the City place street lights on Villa Drive to address safety issues.

Mayor Cross stated that Barbara Ritchey telephoned and requested to be removed from the agenda.

* 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 and Parks Departments

* Approved Payment of Regular Monthly Bills

* Appointed Ashley Key, 10 Hampton Drive, to Park Board

* Approved Destruction of Utility, Accounts Payable, Finance and I-9 Records Pursuant to State of Missouri Retention Schedules

Treasurer Flinn relayed that Resolution 2019-2 would authorize the Mayor to execute a three-year lease agreement with JCB of St. Louis for a new skid loader and excavator for Public Works (exercising a trade-in option valued at \$73,632 for the City's old equipment). Alderman Anderson made a motion, seconded by Alderman Walker to Adopt Resolution 2019-2 Authorizing the Mayor to Sign and Agreeing to the Terms of the Schedule of the Master Lease Agreement No. 2391891, Schedule No. 382-2391891-001. Vote: Anderson aye, Walker aye, Sconce aye, Norman aye, Detert aye, Curt aye.

City Attorney Granneman requested Items 7(D) and 7(E) be tabled until after Closed Session. Alderman Sconce made a motion, seconded by Alderman Anderson to Table Item 7(D) until after Closed Session. Vote: Sconce aye, Anderson aye, Detert aye, Curt aye, Norman aye, Walker aye.

Alderman Sconce made a motion, seconded by Alderman Anderson to Table Item 7(E) until after Closed Session. Vote: Sconce aye, Anderson aye, Norman aye, Detert aye, Curt aye, Walker aye.

Alderman Sconce made a motion, seconded by Alderman Walker to Award and Authorize Mayor to Sign Crooked Creek Fencing/Backstop Project in the amount of \$45,275.00 to Robinson Fence as the lowest and best bid. Vote: Sconce aye, Walker aye, Norman aye, Detert aye, Anderson aye, Curt aye.

Alderman Anderson made a motion, seconded by Alderman Detert to Approve Change Order No. 4 in the reduced amount of (\$3,875.00) submitted by Wehmeyer Farms, Inc. on the Third Street Water Main Relocation project #M17-7509. Vote: Anderson aye, Detert aye, Curt aye, Norman aye, Walker aye, Sconce aye.

Alderman Walker made a motion, seconded by Alderman Detert to Approve Pay Application #3 in the amount of \$24,885.25 submitted by Wehmeyer Farms, Inc. on the Third Street Water Main Relocation Project #M17-7509. Vote: Walker aye, Detert aye, Sconce aye, Norman aye, Curt aye, Anderson aye.

Alderman Detert made a motion, seconded by Alderman Curt to Approve Final Pay Application #4 for Retention in the amount of \$12,538.95 submitted by Wehmeyer Farms, Inc. on the Third Street Water Main Relocation Project #M17-7509. Vote: Detert aye, Curt aye, Sconce aye, Anderson aye, Norman aye, Walker aye.

Mayor Cross relayed details for a plan to construct a service road West alongside Highway 61 stretching from South Lincoln to Highway C. The Lincoln County Commissioners have spent \$5,000.00 for preliminary engineering work in connection with this project. A traffic study costing \$4,000.00 would need to be completed prior to an application for grant funds and the City of Troy and Moscow Mills agreed to split the cost with expectations to derive benefit from the project. The property owners along the

route are agreeable to providing easements. Alderman Anderson made a motion, seconded by Alderman Sconce to Approve Traffic Study Cost Share of \$2,000.00 for Highway 61 West Outer Road Project. Vote: Anderson aye, Sconce aye, Norman aye, Walker aye, Curt aye, Detert aye.

Building Official Lindsey requested to Table Item 7(K) until after Closed Session. Alderman Sconce made a motion, seconded by Alderman Detert to Table Item 7(K) until after Closed Session. Vote: Sconce aye, Detert aye, Curt aye, Norman aye, Walker aye, Anderson 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, Real Estate and Personnel. Vote: Sconce aye, Anderson aye, Detert aye, Curt aye, Norman aye, Walker aye.

City Attorney Granneman advised the Board on Legal and Real Estate matters.

Alderman Sconce made a motion, seconded by Alderman Detert to Hire Daniel Harp as Reserve Officer for Troy Police Department upon successful completion of pre-employment tests and psychological examination. Vote: Sconce aye, Detert aye, Norman aye, Anderson aye, Curt aye, Walker aye.

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

Alderman Sconce made a motion, seconded by Alderman Curt to Approve Payment to Karrenbrock Excavating, LLC for work completed pursuant to original contract minus \$5,000.00 for seed and straw which the City provided for itself with the understanding that any other amounts for change orders are not addressed with this payment and the City does not accept any such change order. Vote: Sconce aye, Curt aye, Detert aye, Norman aye, Walker aye, Anderson aye.

Alderman Detert made a motion, seconded by Alderman Anderson to Provide Notice to R.A. Smith National, Inc. for Cancellation of PermiTrack Services. Vote: Detert aye, Anderson aye, Curt aye, Norman aye, Walker aye, Sconce aye.

Alderman Sconce made a motion, seconded by Alderman Detert to Adjourn the Meeting.
Vote: Sconce aye, Detert aye, Walker aye, Curt aye, Norman aye, Anderson aye.
Meeting adjourned at 9:01 p.m.

ATTEST:

City Clerk
*Approved on Consent Agenda

Mayor Mark Cross