

**City of Troy, Missouri**  
**Public Hearing and Regular Board of Aldermen Meeting**  
**Monday, March 15, 2021**  
**6:30 P.M.**

Present for the Public Hearing and Regular Board of Aldermen Meeting were Aldermen Anderson, Dunard, Detert, Norman, Grimstead, Horner and Mayor Sconce. Also present were Public Works Superintendent Cunningham, Police Chief Taylor, Building Official Lindsey, Parks Director Howell, Treatment Plants Supervisor Comer from Woodard & Curran, Treasurer Flinn, City Attorney Granneman and City Clerk Schneider.

Mayor Sconce opened the Public Hearing for citizen comment on:

- (a) Nathan Smith, DDN Enterprises, LLC, applicant on behalf of property owners Mark Norton and David Koester, is requesting approval of a Preliminary Plan for "Oakley Subdivision Plat 5" to be located at Schulze Drive, Troy, Missouri 63379. This site is zoned "R-3 PD."
- (b) John Stanek and Matt Hall, on behalf of property owners Matt and Casey Hall, are requesting Rezoning from "R-1" Single Family Residential District to "C-3" Highway Commercial District, for the property located at 1964 West Highway 47, Troy, MO 63379.
- (c) John Stanek, applicant on behalf of property owner Marvin Lindemann, is requesting Rezoning from "R-1" Single Family Residential District to "C-3" Highway Commercial District, for the property located at 1982 West Highway 47, Troy, MO 63379.

Bill Northway, 80 Wedgewood Drive, asked for an explanation on (a) Oakley Plaza. Building Official Lindsey said the only change was moving lot lines on the existing lots in the back. The applicant, Nathan Smith, also responded that the property was originally restricted to 55 and older but it was removed before he bought it and wanted to widen lot lines to build one single family home with the remaining building lots as duplexes.

Ron Walters, 1099 Huntington, asked where 1964 and 1982 West Highway 47 were located and why were these lots requested to be zoned commercial. Mayor Sconce said the lots were located west of Mennemeyer Road on the south side of Highway 47 next to Wingate subdivision. Mr. Walters said that he was opposed to the request if it caused water run-off to drain into Buchanan Creek. Mayor Sconce said it was just a rezoning request.

There was no further citizen comment.

Mayor Sconce closed the Public Hearing at 6:40 p.m.

Mayor Sconce called the Regular Board of Aldermen Meeting to Order, announced a Quorum present and led in the Pledge of Allegiance. Mayor Sconce recognized Alderman Lisa Anderson and presented a Certification of Appreciation for twelve years of service to the City as Ward 2 Alderman.

Chief Taylor presented a pin to Officer Dustyn Tienter for his recent promotion as Major/Assistant Chief of Police for the City of Troy.

Alderman Detert made a motion, seconded by Alderman Horner to Approve the Consent Agenda. Vote: Detert aye, Horner aye, Anderson aye, Dunard aye, Grimstead aye, Norman aye.

\*Approved Minutes of Regular Board of Aldermen Meetings dated Wednesday, February 17, 2021 and Monday, March 1, 2021

Joey Pietzman, a teacher at Troy Buchanan High School in the Troy Construction Trades Program partnering with Ranken Technical School, explained how students build a house every year, sell the house and all of the money goes back into the program. Mr. Pietzman asked if the City would waive any portion, or all, of the building fees in connection with this year's home build in The Hampton's and cited a need to buy tools in this second year of the program. Discussion ensued that while a worthy program, the profits obtained from the sale of the home could go towards costs of tools and waiving fees may set a precedent of subsidizing future requests. Building Official Lindsey said building permit fees were \$500-\$600, a water tap cost \$300 and a sewer tap cost \$4,000. City Attorney Granneman advised that any motion made needed to be specific on fees to be waived and identify the public purpose for the use of public funds. Alderman Horner made a motion, seconded by Alderman Grimstead to Table the Request to Waive Building Permit Fees for Youth Residential Construction Program for Further Consideration. Vote: Horner aye, Grimstead aye, Dunard aye, Anderson aye, Detert aye, Norman aye.

Mayor Sconce called several citizens in different order under Citizen Comments due to the predominant interest in the proposed Weinand Farm subdivision plan.

Leland Race requested the use of the City's one-time leak adjustment for a water leak occurring in February 2021 of 66,000 gallons. Mr. Race rents the property and is not there every day. City Clerk Schneider advised that Mr. Race was eligible for the leak adjustment after reviewing his utility account.

Karen Curt, 201 Frenchman's Bluff Lane, had previously discussed with several Aldermen regarding the trash on the street and the need for a major clean-up. Alderman Grimstead stated there was an unsightly dumpster and a 12x12 homeless encampment.

Mrs. Curt spoke with the police about action and wanted the City to be known as the cleanest town in America.

Harvey Rhodes thanked Board members for use of their personal time to address City business. Mr. Rhodes expressed reservations on the proposed Weinand Farm subdivision specifically on the connection to Judy Lane regarding increased traffic, street-parking issues and speeding in its predicted use as a cut-through to Highway J and Boone.

Thomas Owens, 896 Judy Lane, was opposed to the proposed Weinand Farm subdivision and stated that he purchased his home last year for its nice and quiet location.

Ron Walters, 1099 Huntington, showed pictures to the Board of the creek that bordered his property and the flooding issues it had caused. Mr. Walters was opposed to the proposed Weinand Farm subdivision and any water run-off into Buchanan Creek citing that the culvert on Highway J and Huntington Drive already had problems handling stormwater. Mr. Walters said he had lived there since 1999 and other developments like Boone Elementary caused the creek's banks to widen and flooding over the Huntington Drive roadway bridge and did not want any future growth to occur that drains into that waterway.

Debbie Davis, 889 Judy Lane, was opposed to the proposed Weinand Farm subdivision for traffic concerns if connected to Judy Lane and how the additional traffic and the weight of the traffic will affect the pipeline that runs under the street possibly rendering it unsafe.

Deborah Thurmon, 100 Cottonwood Lane, was opposed to the proposed Weinand Farm subdivision and showed pictures to the Board of several flooding incidents which occurred at her property and Highway J since 1987. Ms. Thurmon said that surrounding development including subdivisions, school, Witte Trucking and the paving of Mennemeyer Road added water run-off that goes into the creek causing the flooding on her property. Ms. Thurmon said the proposed subdivision site had been zoned agricultural and just found out last week that it was re-zoned R-1. Ms. Thurmon also said she owned the lot next to the proposed subdivision (two foot past the fence) and its subdivision plan drawings reflect a connection to a private street and sewer. Ms. Thurmon then described destruction to her property caused by flooding including multiple incidents of sewer back-ups in the basement, loss of animals and loss of vehicles. Ms. Thurmon opposed the connection to Judy Lane citing that it would be used as a cut-through to avoid traffic back-ups at Highway J/Boone three-way stop intersection.

\*Approved Reports of 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 Sconce read Bill No. 1327 as Ordinance \_\_\_\_ -- AN ORDINANCE AMENDING THE SALARY SCHEDULE FOR ALL EMPLOYEES OF THE CITY OF TROY, MISSOURI, first and second times by title only. Alderman Anderson made a motion, seconded by Alderman Dunard to Adopt Bill No. 1327 as Ordinance No. 1298. Vote: Anderson aye, Dunard aye, Horner aye, Detert aye, Grimstead aye, Norman aye.

Mayor Sconce read Bill No. 1328 as Ordinance \_\_\_\_ -- AN ORDINANCE CREATING IN CHAPTER 135: FISCAL MATTERS, SECTION 135.025: ANNUAL BUDGET RESERVE, FOR THE CITY OF TROY MISSOURI, first and second times by title only. Alderman Norman sponsored the bill and stated that its purpose was to establish minimum revenue balances in the City's General Fund Reserve for use as an emergency fund, avoid huge surplus amounts by maintaining at least fifty percent (50%) of the incoming budget year's annual operating expenditures and limit access to the fund balance. Alderman Norman made a motion, seconded by Alderman Grimstead to Adopt Bill No. 1328 as Ordinance No. 1299. Vote: Norman aye, Grimstead aye, Anderson aye, Dunard aye, Detert aye, Horner aye.

Mayor Sconce read Bill No. 1329 as Ordinance \_\_\_\_ -- 2021 ADOPTING ORDINANCE, first and second times by title only. City Clerk Schneider explained this was the annual adopting ordinance codifying State of Missouri 2020 statutes into the City's Code of Ordinances as listed on the 2020 Statutory Updates. Alderman Detert made a motion, seconded by Alderman Norman to Adopt Bill No. 1329 as Ordinance No. 1300. Vote: Detert aye, Norman aye, Anderson aye, Horner aye, Dunard aye, Grimstead aye.

\*Approved Request as recommended by Planning & Zoning Commission, by Nathan Smith, DDN Enterprises, LLC, applicant on behalf of property owners Mark Norton and David Koester, of a Preliminary Plan for "Oakley Subdivision Plat 5" to be located at Schulze Drive, Troy, Missouri 63379. This site is zoned "R-3 PD."

\*Approved Request as recommended by Planning & Zoning Commission, by John Stanek and Matt Hall, on behalf of property owners Matt and Casey Hall, are requesting

Rezoning from “R-1” Single Family Residential District to “C-3” Highway Commercial District, for the property located at 1964 West Highway 47, Troy, MO 63379.

\*Approved Request as recommended by Planning & Zoning Commission by John Stanek, applicant on behalf of property owner Marvin Lindemann, is requesting Rezoning from “R-1” Single Family Residential District to “C-3” Highway Commercial District, for the property located at 1982 West Highway 47, Troy, MO 63379.

\*Approved Request as recommended by Planning & Zoning Commission by Valon Arifi, applicant on behalf of owners Valon & Salije Arifi, for approval of a Site Plan Review and Commercial Building Permit for “Zadocks Restaurant” to be located at 58 Penn Street.

\*Appointed Heather Cooper to Troy Convention & Visitor’s Bureau Board for a two-year term beginning March 15, 2021 to March 15, 2023

\*Approved Pay Application 3 submitted by Gerstner Electric, Inc. on the TAP Villa Drive Sidewalk Project TAP-9900(391) through February 28, 2021 in the amount of \$12,265.00

\*Approved Woodard & Curran Invoice No. 187114 for Wastewater Treatment Facility and Highway 47 Lift Station Construction Services for the period ending February 26, 2021 in the amount of \$79,800.00

\*Approved Pay Application No. 12 submitted by Plocher Construction through 02/28/2021 on SE WWTF & HWY 47 Lift Station Upgrades Project No. 0228664.01 in the amount of \$734,245.67

\*Approved Pay Application No. 2 submitted by KCI Construction Company on the WWTF and Hwy 47 Lift Station Upgrades – Interceptor Sewer and Force Main Project No. 0228664.02 through February 28, 2021 in the amount of \$136,641.35

\*Approved FY2020 Audited Financial Statements, including the FY2020 Single Audit

\*Approved Budget Amendment Increase +\$4975 to Police Overtime 01-1001-6130

\*Approved Liquor License Application Applicant S & J Investco, LLC d/b/a Imo’s Pizza, 55 The Plaza for Liquor by the Drink (Beer and Wine) and Sunday Sales

Karl Schoenike, an engineer for Pickett, Ray & Silver, said the preliminary plans for Weinand Farm subdivision did not include any conditional use for R-1 Single-Family zoning requirements and met all of the City’s regulations on lot sizes and minimum square foot building requirements. Mr. Schoenike said that Judy Lane was stubbed to the property line and it was believed beneficial to provide a roadway connection heading south giving an alternative than all traffic to pass by McCoy & Blossom towards Boone

Street. Mr. Schoenike stated that if the Board desired to remove the connection to Judy Lane, it could be done by the developer.

Mr. Schoenike said that the pipeline personnel came out last week and dug test sites to determine depth whether the 42" requirement was met to protect the pipeline.

Mr. Schoenike said that 350 acres upstream drains to the culvert and the proposed Weinand Farm subdivision was 8.3 acres. Mr. Schoenike pointed out the drainage corridor included retention basins designed to slow down drainage as opposed to drainage from a corn field and it would not be any faster than it is now. Mr. Schoenike commented on citizens' flooding concerns and stated that he lived in Oak Forest and said this proposed subdivision would not play a significant part of those issues.

Mayor Sconce said that this was a preliminary plan and did not address infrastructure details showing profile depths, storm and sanitary sewers, crossing and stormwater run-off pipe sizes, pipeline depth, detention basin, etc. until the next plan was submitted.

Mr. Schoenike said the proposed Weinand Farm subdivision would connect to the existing public sanitary sewers on Cottonwood Lane. Alderman Dunard said the sewer is not public. Building Official Lindsey said this information was given to him last Friday. Mr. Schoenike referred to a warranty deed easement recorded on a record plat of the installation of public utilities originally created by Fitch & Associates and recorded on April 14, 1989. Mayor Sconce said the access to sewer was up to the developer and would be indicated on the final plan submission.

City Attorney Granneman pointed to Section 410.030 of the City's Code citing that once a preliminary plan was approved according to the specifications of Section 410.050, then minimum improvements (completion of streets, water, sewer and stormwater improvements) shall be installed as designated and described in the preliminary plan.

Mr. Schoenike said that six curb inlets on the street along with rear yard inlets totaling seven area inlets would be connected to the detention basins. Alderman Anderson asked about the flooding problem and if it will contribute much to it and Mr. Schoenike responded that the effect would be neutral. Mr. Schoenike said the north end of the retention basin was on the pipeline and if not the correct depth, then the grading will be changed to meet the City Codes. Schoenike continued that the subdivision was not completely designed since it was unknown whether the City will approve it.

City Attorney Granneman stated that if there are questions regarding whether the preliminary plan meets the requirements of Section 410.050 with the changes on streets, detention basin, and sewer, the Building Department will need to advise the Board on whether it meets all of the requirements and the Board would move for approval.

Alderman Anderson would not like to see Judy Lane connected. Alderman Detert said that Planning & Zoning Commission did not know water and sewer connection points and detention were being moved and pipeline approval had not been established.

Building Official Lindsey said the preliminary plan does not meet Section 410.050 as the sanitary sewer connection does not appear to be available to the property, the storm drain inlets were not changes, and there is a question of whether the pipeline has approved the detention basin. Building Official Lindsey requested that City Attorney Granneman look at the easements and documents provided to him at the Board Meeting relating to connection to and use of the Cottonwood Lane easement. City Attorney Granneman received the documents from Building Official Lindsey.

Mayor Sconce said the Judy Lane connection would be a big plus for snow plowing on a through street. Alderman Dunard said lots of people would use it for a cut-through like Oak Forest.

Alderman Detert made a motion, seconded by Alderman Anderson to Table approval of the Preliminary Subdivision Plan for “Weinand Farm” until the next scheduled Board Meeting to allow for the review of the information which was provided and allow for discussion with the developer’s engineers. Vote: Detert aye, Anderson aye, Grimstead aye, Norman aye, Horner aye, Dunard aye.

Alderman Horner made a motion, seconded by Alderman Dunard to Award Request for Qualifications for Engineering Services for MS4 Compliance to Woodard & Curran as recommended by Building Official Lindsey. Vote: Horner aye, Dunard aye, Anderson aye, Grimstead aye, Detert aye, Norman aye.

Alderman Horner made a motion, seconded by Alderman Detert to Approve and Authorize Mayor to Negotiate and Sign Work Order 7 with Woodard & Curran for Engineering Services on Development of a Stormwater Management Program Plan (SWMP) for MS4 Permit Cycle in an amount not to exceed \$30,000.00. Building Official Lindsey relayed to the Board that next year’s stormwater budget will need to include dollars for the permit application process as a follow-up to this action of preparing a SWMP and addressing concerns of the Department of Natural Resources’ Letter of Warning. Vote: Horner aye, Detert aye, Norman aye, Grimstead aye, Anderson aye, Dunard aye.

Alderman Anderson made a motion, seconded by Alderman Norman to Award Request for Qualifications for Payroll Compensation Study Services to Evergreen Solutions as recommended by City Clerk Schneider. Vote: Anderson aye, Norman aye, Detert aye, Grimstead aye, Dunard aye, Horner aye.

Alderman Norman made a motion, seconded by Alderman Grimstead to Approve and Authorize Mayor to Negotiate and Sign Contract with Evergreen Solutions for Payroll Compensation Study Services in the amount of \$28,500.00. Vote: Norman aye, Grimstead aye, Dunard aye, Horner aye, Anderson aye, Detert aye.

Alderman Grimstead left the meeting at 8:00 p.m.

Alderman Detert welcomed Marie Eggering as the City's new MS4 Coordinator and described the duties of MS4 and City Code Section 500.080 on mud debris in the street was to keep it from washing into storm drains and eventually waterways. Alderman Detert said compliance should be an effort by all departments observing the problem and notifying Building Official Lindsey to issue stop work orders and Chief Taylor to write tickets in order to document violations. Chief Taylor will notify officers to direct contractors to get it cleaned up and notify MS4 Coordinator Eggering and Building Official Lindsey. Building Official Lindsey said a problem with issuing a stop work order was that Public Works could not always get on-site to clean mud debris within thirty minutes. City Attorney Granneman clarified that per Section 500.080, a thirty-minute stop work order did not mean that a City public works crew had to be on-site in thirty minutes to clean up mud debris if the contractor failed to remove it but was written instead that the City "may" be on-site in thirty minutes and reminded that any tickets issued by a police officer must have probable cause, give 72 hour-notice and seven days to comply prior to shut-down. Both Aldermen Horner and Detert agreed that the mud debris would already be in the storm sewers by the time required to clean it up.

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

Alderman Anderson made a motion, seconded by Alderman Detert to Accept the Resignation of Jordan Richards, Police Officer, effective April 1, 2021. Vote: Anderson aye, Detert aye, Horner aye, Dunard aye, Norman aye.

City Attorney Granneman advised the Board on Legal matters.

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

Alderman Anderson made a motion, seconded by Alderman Detert to Adjourn the meeting. Vote: Anderson aye, Detert aye, Dunard aye, Norman aye, Horner aye. The meeting adjourned at 8:55 p.m.

ATTEST:



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City Clerk

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Mayor Ron Sconce

\*Approved on Consent Agenda

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