

City of Troy, Missouri
Public Hearing and Regular Board of Aldermen Meeting
Monday, June 21, 2021
6:30 P.M.

Present for the Public Hearing and Regular Board of Aldermen Meeting were Aldermen Dunard, Norman, Grimstead, Horner, Detert, Jones and Mayor Sconce. Also present were Public Works Superintendent Burkemper, Police Chief Taylor, Building Official Lindsey, Parks Director Howell, Treatment Plant Supervisor Comer, Woodard & Curran, MS4 Coordinator Eggering, Treasurer Flinn, City Attorney Granneman and City Clerk Schneider.

Mayor Sconce opened the Public Hearing for citizen comment on:

- (a) Lucas Oldham, applicant on behalf of Beer Outside, LLC, and property owners William & Robert Theobald, is requesting a Conditional Use Permit for “Beer Outside”, a container bar, to be located at 105 South Lincoln Drive. Zoning is “C-3” Highway Commercial District. (This item was tabled by Planning & Zoning Commission until June 3 2021 and Board of Aldermen until June 21 2021.)

Alana Fravell, of Sugar Grove Growers located at 105 South Lincoln Drive, spoke in support of Luke Oldham, applicant, on a conditional use permit request for a container bar on the property. Mayor Sconce stated that it was the property owner’s conditional use permit request and Luke Oldham was applying upon the property owner’s request. Alana Fravell responded that the property owners, Sugar Grove Growers, were submitting their own conditional use permit. Mayor Sconce said that Luke Oldham’s request applied to the property if granted and would remain with the property if Mr. Oldham should leave it.

Further, Mayor Sconce said that a “shipping container” to build a bar is not a conditional use permitted by the City’s ordinance and a conditional use permit would be used instead for instances such as multiple food trucks on a property. Building Official Lindsey responded that the City had no ordinances pertaining to shipping containers and it did not fall under “temporary building” according to the International Building Codes. The Planning & Zoning Commission asked the Board of Aldermen to modify or create an ordinance regarding shipping containers.

City Attorney Granneman cited Section 405.195 Accessory Building and Uses found in the City’s ordinance that any structures need to be subordinate to the principle use of property owner. Building Official Lindsey said that if a container bar turns into a permanent business and not a permanent structure then it falls outside the realm of this

public hearing on conditional use. Discussion ensued whether today's public hearing was on conditional use for a container bar or to operate a food truck. It was clarified that the hearing was for the container bar and not to operate a food truck as the definition for food truck did not include a container bar. Luke Oldham, applicant, said it is a permanent business but the container bar is mobile. City Attorney Granneman said then the container bar is a portable structure.

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.

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

*Approved Minutes of Budget Workshop dated May 12, 2021; Regular Board of Aldermen Meeting dated May 17, 2021; Budget Workshop dated May 25, 2021 and Budget Workshop dated June 3, 2021

Melissa Brady voiced concerns of the community looking like a trash dumpster and was glad that Alderman Norman and his group helped to clean it up but did not think that individuals and businesses were doing their part. Ms. Brady cited tall grass, cars parking in grass, trash in neighborhoods, unlicensed vehicles, etc. Ms. Brady has lived in The Legends subdivision for many years and was proud of our community but tired of seeing people who do not take pride in it. Ms. Brady said that on the way to City Hall, she saw seven different vehicles parked on the grass, some with no license plates and commercial trailers parking on the street and not in driveways, and wood stacked up next to a garage and said it was not inviting to people who may want to come to our community and worried that it would decrease property values. Ms. Brady did not know the ordinances but asked if there was a way that the Aldermen or Police Department could enforce ordinances for tall grass, derelict cars, etc.

Ms. Hardy posted a question on social media as to why people do not take pride in their properties, clean yards up, put trash in cans, and she took a bashing on it although lots of comments agreed with her as well. Social media responses asked if properties were left unkempt due to financial or medical need. Ms. Hardy said that she cleans up around her home and business and had donated in the past to help take care of surrounding areas. Ms. Hardy said that Aldermen live in their district that they represent and can the Aldermen send a note or swing by and let them know of their unlicensed vehicles or offer resources to take care of the trash. Ms. Hardy wants something done to make people accountable. Chief Taylor said that between 25-30 notices have recently gone out outlining problems to citizens. Chief Taylor did not recommend anyone other than the

police to approach and leave a notice and explained that every year this needs to be done and every City deals with it. Chief Taylor asked Ms. Hardy to call violations in to the Police Department or non-emergency dispatch and it will be added to the list.

Jay and Lois Ahlemeyer submitted a letter requesting a five-dog (now four-dog since one of the dogs had to be put down) variance prior to moving to Troy. Lois Ahlemeyer relayed to the City Clerk that the move would not occur until the Fall of 2021. City Attorney Granneman alerted the Board that if considered, the ordinance would need to be amended since it only allowed a third-dog variance currently. Alderman Detert made a motion, seconded by Alderman Dunard to Table the Request Until More Information was Given by the Ahlemeyer's. Vote: Detert aye, Dunard aye, Jones aye, Grimstead aye, Norman aye, Horner aye.

Keri Wardenburg could not attend and moved the third-dog variance request to the Board's July meeting.

Carla Emert requested a third-dog variance per Section 205.020 of the City's Animal regulations and stated that all three of her dogs together weighed twenty-two pounds and only go outside in her 100% fenced yard to use the bathroom. Ms. Emert said all three dogs were fully-vetted, spayed and shots. Ms. Emert agreed to shelter and foster the dog for a friend and the dog became attached to her late husband who requested that it be adopted. Alderman Detert made a motion, seconded by Alderman Dunard to Allow a Third-Dog Variance to Carla Emert. Vote: Detert aye, Dunard aye, Grimstead aye, Horner aye, Norman aye, Jones aye.

*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 Sconce read Bill No. 1331 as Ordinance ____ -- AN ORDINANCE AMENDING ARTICLE XII: FENCING REGULATIONS, SECTION 405.500 RESIDENTIAL DISTRICT REGULATIONS RELATING TO RESIDENTIAL DISTRICT RULES IN THE CITY OF TROY, MISSOURI, first and second times by title only. City Clerk Schneider clarified that the redlined version of Bill No. 1331 was being considered. Discussion ensued on clarifications made with the amendment of Section 405.500 including (A) Definitions and (E) Sight triangle of twenty-five feet on fencing at intersections of streets/alleys. Alderman Grimstead made a motion, seconded by Alderman Norman to Adopt Bill No. 1331 as Ordinance 1301. Vote: Grimstead aye, Norman aye, Detert aye, Horner aye, Dunard aye, Jones aye.

Mayor Sconce had not heard back from Lamke Trenching on Change Order 2 and asked that the Board table it until next month. Alderman Norman made a motion, seconded by Alderman Horner to Table Change Order No. 2 submitted by Lamke Trenching & Excavating Inc. on the Water Main Relocation – Cherry Street Project M15-7199 for Adjustments in Quantity for Asphalt and Concrete Drives and Easy Valve in the amount of \$35,977.50 until next Regular Board Meeting dated July 19, 2021. Vote: Norman aye, Horner aye, Detert aye, Jones aye, Grimstead aye, Dunard aye.

*Approved 2021 Liquor License Renewals: El Pino Inc. d/b/a Dos Primos, 25 The Plaza; Troy Development Company d/b/a Woods Fort Restaurant & Golf, 1 Country Club Drive; Mrika, Inc. d/b/a Zadocks Restaurant, 7 Troy Square; Troy Elks Lodge #2805, 541 Second St.; ES Hometown Enterprises LLC d/b/a Babylon Bar & Grill, 180 Main St.; Troy BP Inc., 205 N Lincoln Dr.; Honeybadger Grill LLC, 10 Oakley Plaza; Chihauhua's of Troy LLC, 101 N. Lincoln Dr.; Mennemeyer Investors LLC d/b/a Mustang Sally's Bar & Grill, 440 Main St.; Troy Movie House, 1436 S Main Street; Straight Home Sports Bar & Grill, 100 Frenchman Bluff; Good Timez LLC, 474 Main Street; Victory Lane Fuel & Food, 1424 S Main Street; Victory Lane Fuel & Food II, 1760 W Hwy 47; Kroger #724, 1 Troy Square

*Approved Final Pay Application No. 5 submitted by Gerstner Electric, Inc. on the TAP Villa Drive Sidewalk Project TAP-9900(391) through May 31, 2021 in the amount of \$9,692.18

*Approved Woodard & Curran Invoice No. 190524 for Wastewater Treatment Facility and Highway 47 Lift Station Construction Services for the period ending May 28, 2021 in the amount of \$71,000.00

*Approved Woodard & Curran Invoice No. 190630 for WWTF SCADA Integration through May 28, 2021 in the amount of \$31,387.52

*Approved Final Pay Application No. 2 on Well #15 – Test Site and Drill submitted by Flynn Drilling Company in the amount of \$199,273.00

*Reappointed Margaret Eversmeyer to serve on Planning & Zoning Commission for the term June 2021 through June 2025

*Reappointed Charles Peterson to serve on Board of Adjustment for the term June 2021 through June 2026

*Reappointed April Bryant to serve as alternate on the Board of Adjustment for the term June 2021 through June 2026

*Approved Request by Samir Bhakta, Applicant on behalf of property owner Shree Gayatri, LLC, of a Site Plan Review and Commercial Building Permi for “Gas N Spirits”

to be located at 112 South Lincoln Drive as recommended by Planning & Zoning Commission

*Approved Request by Dan Hechler, Applicant and Property Owner, of a Commercial Building Permit for the replacement of the Hechler Hardware Warehouse located at 530 Main Street as recommended by Planning & Zoning Commission

*Approved Police Budget Amendment for two (2) MSHP Vehicles Purchased in April Using Insurance Settlement Money, as follows:

ACCOUNT NO.	DESCRIPTION	CURRENT BUDGET	AMEND TO:	INCREASE
01-1001-6990	Capital Asset: Vehicle	\$27,530	\$65,430	\$37,900

*Approved Special Event Troy Chamber Annual Car Show Memories on Main Street dated August 7, 2021

*Approved Amendment to Personnel Policy, Holidays, Page 400-12 adding Juneteenth National Independence Day Federal Holiday (June 19)

Alderman Dunard made a motion, seconded by Alderman Detert to Table Discuss and Approve Request by Lucas Oldham, applicant on behalf of Beer Outside, LLC, and property owners, William & Robert Theobald, for a Conditional Use Permit for “Beer Outside,” a container bar, to be located at 105 South Lincoln Drive. Zoning is “C-3” Highway Commercial District to the next Regular Board of Aldermen Meeting dated July 19, 2021. Vote: Dunard aye, Detert aye, Grimstead aye, Jones aye, Norman aye, Horner aye.

City Attorney Granneman said the container could be considered under the City’s accessory building ordinance as a portable structure but there was no primary building on the property. The container was not a food truck but if multiple food trucks were desired then a conditional use would be required.

Alderman Horner asked if the container will be moved from location to location to different events and Luke Oldham said he planned to move it to three events maybe next year and is a portable structure. Mayor Sconce said no primary building was on that property to use as a subsidiary building. Mayor Sconce cited Section 608.020 defining food truck and “container” does not fall within that definition. Luke Oldham said he would put wheels on it. Alderman Dunard said but it does not have wheels on it. Luke said it is less than 200 square feet. Alderman Jones asked what is this going to look like and Luke submitted examples of how it will be build based on other container bars (not submitted for the record).

Alana Fravell responded that the businesses do benefit each other and said that she volunteers with Troy Convention & Visitor's Bureau for business initiatives. Alana Fravell said that folks leave for St. Charles on the weekends and she wanted folks instead to have a beer, buy plants and spend money in Troy by creating an experience. Mayor Sconce said an accessory building has to be incidental to a primary building and that the two businesses work together. City Attorney Granneman asked if a site plan was submitted to Planning & Zoning. Building Official Lindsey said not a site plan that would meet the City's preliminary site plan regulations. Luke Oldham, applicant, said that he spends \$105 per weekend but according to the State if he had four walls and a roof then he could obtain a liquor license to build a bar. Alderman Detert said that he had attended Planning & Zoning meetings and the idea kept changing.

Mayor Sconce said when Weston Estates was annexed into the City that this property was never hooked onto sewer by the original property owner. The Struckhoff's bought the property still not connected to sewer but were charged monthly for sewer service. Last Fall, the Struckhoff's agreed to connect to sewer and use the sewer overcharges to be paid to the contractor directly with any balance remaining paid by the Struckhoff's. City Attorney Granneman will author an agreement for Struckhoff's to acknowledge payment in writing if approved by the Board. Alderman Grimstead made a motion, seconded by Alderman Jones to Approve Refund Payment of Ben and Christina Struckhoff, 908 Weston Court, for Overcharge on Utility Account Sewer Service beginning March 2014 through October 2020 in the amount of \$3,873.96 to Cornerstone Excavating against the Invoice of \$4,600.00 for Private Lateral Excavation and Hook-Up to City Sewer the balance of which will be paid by Ben and Christina Struckhoff. Vote: Grimstead aye, Jones aye, Dunard aye, Norman aye, Horner aye, Detert aye.

Alderman Horner made a motion, seconded by Alderman Grimstead to Approve Change Order 8 submitted by Plocher Construction for Additional Bedrock Excavation encountered at influent lift station flow meter vault in the amount of \$2,400.00 and Thirty-Day Extension to Substantial Completion Date. Vote: Horner aye, Grimstead aye, Norman aye, Jones aye, Dunard aye, Detert aye.

Alderman Grimstead made a motion, seconded by Alderman Horner to Approve Pay Application No. 15 submitted by Plocher Construction through May 31, 2021 on SE WWTF & HWY 47 Lift Station Upgrades Project No. 0228664.01 in the amount of \$734,870.43. Vote: Grimstead aye, Horner aye, Dunard aye, Jones aye, Detert aye, Norman aye.

Building Official Lindsey had worked with Woodard & Curran on the StormWater Management Plan for the new permit cycle implementation by January 1, 2022. The plan was forwarded to the Department of Natural Resources in draft form and received favorable comments on its content. MS4 Coordinator Eggering pointed out page 17

listed all departments as contacts and stated the need to work together. Once approved, an advisory committee would need to be set-up and educated per the plan. Alderman Jones made a motion, seconded by Alderman Detert to Approve StormWater Management Plan dated June 2021. Vote: Jones aye, Detert aye, Norman aye, Dunard aye, Grimstead aye, Horner aye.

Alderman Dunard said in light of things happening in different subdivisions that she would like to see a licensed engineer look over things and fund the expense with money left over in stormwater budget line item of \$50,000. Mayor Sconce asked whether an engineer for this purpose would be on retainer. Building Official Lindsey said that Woodard & Curan can do it on a project-to-project basis and work the stormwater calculations. City Attorney Granneman said it would require a Request for Qualifications ("RFQ") for engineering services awarded based on the firm's proficiency and ability to do the job then work out a fee schedule. Discussion ensued on setting scope for a third-party review of stormwater calculations on stormwater plans for new subdivisions and projects paid by billable hour. Alderman Dunard made a motion, seconded by Alderman Detert to Publish Request for Qualifications for Stormwater Run-off Engineer for a Third-Party Review. Vote: Dunard aye, Detert aye, Norman aye, Jones aye, Grimstead aye, Horner aye.

Alderman Dunard requested a policy of appointing a Board Member as a "resource" for each Department and cited that the City employees do not know the aldermen, the aldermen are not involved in daily occurrences yet make financial decisions for a growing City and fifty-five employees, and it would give an opportunity for communication. Alderman Detert said it was a good idea to have more involvement and encourage employees to go to an alderman directly and relate more to the Board. It was asked if each alderman would rotate departments. Alderman Norman asked how an aldermen would get to know employees when working full time. Alderman Grimstead would like to know all fifty-five employees and asked if an employee directory with biographies could be put together. MS4 Coordinator Eggering had tried putting together an employee directory before but many employees were not interested. Mayor Sconce said there is a defined structure in place with an organizational chart and by inserting yourself, you run risk of undermining a department director if employee comes in. Alderman Dunard did not want to change order in which things should be done but said the policy used to be that way a long time ago. Mayor Sconce said if aldermen wanted to get to know employees there is no problem but otherwise need to go through channels. Police Clerk Cheryl Holloway was in attendance at the meeting and said years ago, an alderman was assigned to each department and employees bounced ideas and gave perspective to the aldermen and not meant to take away from department directors. MS4 Coordinator Eggering gave an example of reaching out to Alderman Horner upon hitting a roadblock and Alderman Horner offered his help on how to fix it. Public Works

Superintendent Burkemper offered caution not to undermine authority of department directors citing prior history. City Attorney Granneman said any sort of changes to organizational structure would need both City Attorney and Human Resources involved in it.

Alderman Jones made a motion, seconded by Alderman Horner to Approve Liquor License Application by Sukhman LLC d/b/a Buzzy's, 208 North Lincoln Dr. Contingent Upon Receipt of Certificate of No Tax Due, Criminal Background Check and Fingerprinting. Vote: Jones aye, Horner aye, Dunard aye, Norman aye, Grimstead aye, Detert aye.

The Board's consensus was to set Special Meeting Date to Adopt City Budget FY2022 on Tuesday, June 29, 2021 at 6:30 p.m.

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

Alderman Norman made a motion, seconded by Alderman Jones to Accept the Resignation of Andrew Kaimann, Patrol Officer, effective June 17, 2021. Vote: Norman aye, Jones aye, Grimstead aye, Horner aye, Detert aye, Dunard aye.

City Attorney Granneman advised on Legal matters.

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

Alderman Grimstead made a motion, seconded by Alderman Dunard to Adjourn the meeting. Vote: Grimstead aye, Dunard aye, Jones aye, Detert aye, Norman aye, Horner aye. The meeting adjourned at 9:30 p.m.

ATTEST:

City Clerk

Mayor Ron Sconce

*Approved on Consent Agenda