

City of Troy, Missouri
Public Hearing and Regular Board of Aldermen Meeting
Monday, October 18, 2021
6:30 P.M.

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

Mayor Sconce opened the Public Hearing for citizen comment concerning Nathan Smith, applicant on behalf of property owner DDN Enterprises, LLC, is requesting approval of Lot Subdivision and Final Record Plat for the property located at 44 Schulze Drive. This property is zoned “R-3” Multiple Family Residential District and PD Overlay.

There were no citizen comments.

Mayor Sconce 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 Jones made a motion, seconded by Alderman Detert to Approve the Consent Agenda Upon the Removal of Item 7(B). Vote: Jones aye, Detert aye, Dunard aye, Horner aye, Norman aye, Grimstead aye.

*Approved Minutes of Regular Board of Aldermen Meetings dated September 20, 2021 and October 4, 2021

Kevin Weinand was not present.

Rachel Lovelace requested a second set of stop signs on College at Creech Street to slow down traffic from vehicles traveling too fast down the hill on Creech Street. There have been near misses with kids on scooters, a pedestrian with a walker crossing the street and speeding vehicles. Alderman Norman said traffic had increased since the Cherry Street construction began and Alderman Horner thought it increased prior to that used as a cut through to Villa Drive and Walmart. Discussion ensued that an additional stop sign would be only forty yards from College Street which was a very busy thoroughfare for additional stops. Chief Taylor said that the day shift police squad concentrated in that area but were not getting a lot of speeders. Ms. Lovelace said it was worse between 4:00-6:00 p.m. Chief Taylor said the squads would check in between those hours with zero tolerance. Ms. Lovelace said okay.

Jamie Whitman started a not for profit in Lincoln County approximately three weeks ago to put an end to bullying in schools and the social media page had grown to 300 members within that time. Ms. Whitman said bullying is a big problem and recently there have been 3 to 4 kids who have tried to end their lives due to bullying. Ms. Whitman teamed up with Matt Boyer to hold a special event for Bullying Awareness on October 23, 2021 at the bandstand in Fairgrounds Park. Ms. Whitman invited leadership from City of Troy Troy R-III School District, Lincoln County Sheriff's Department and area businesses to attend.

James Todd said that four months ago he noticed an unproportionate charge of sewer compared to water rates on his utility bills. Mr. Todd said he put in an irrigation system and his water cost \$154 but the problem was the sewer charge cost \$238 for water that did not go down the sewer. Mr. Todd's said his sewer charge was 155% of the water charge. Mr. Todd's assumption was the new sewer plant was the reason and the average person had to pay for it. He checked with other municipalities on the rates charged. Mayor Sconce said in 2016 an ordinance was passed with graduated water and sewer rates over five years after performing a rate study with public hearings for citizen comment. Mr. Todd asked if the Board lived in the City and all answered yes. Mr. Todd requested the Board take a look at the unproportionate amount being charged. Mayor Sconce said water flows through the meter and gallons are used for sewer charges. An average utility customer's monthly bill is \$50.

Becky Martin relayed to the Board that she had lived in the City of Troy since 2008 and was running as the Libertarian Candidate for the Missouri State Representative of District 41. Ms. Martin read a prepared statement. Ms. Martin said the Constitution of the United States guarantees protection of every individual to life, liberty and property. Ms. Martin said that every elected official takes an oath to abide by these laws and asked the Board if they had read all of the ordinances of the City of Troy. Ms. Martin held up 700 pages of paper and said she read through all of the ordinances. Ms. Martin said creating an ordinance officer position within the City for the sole purpose of alerting people of violations did not reduce crime or help officer and community relations. Ms. Martin recommended instead for a thorough review and revision of ordinances and to re-define duties of a police officer to protect, obey and preserve peace.

Ms. Martin said the City was in violation of its own ordinance found in Section 220.030(f) listing twice a week pick-up for trash instead of once per week. Ms. Martin found that Section 205.350 16-21 and 22-27 were exactly the same and pointed out that it was unlawful (misdemeanor) to bring a laser beam pointer to a movie theater. Ms. Martin noted under 7(Q) of the agenda the discussion on the need for additional staffing for the Parks Department and said that since it is now fall and winter and there is no need to mow or maintain the pool and recommended instead to reach out to local agencies to help out or adopt the park in an effort to save tax dollars.

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

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

*Approved Payment of Regular Monthly Bills

Mayor Sconce read Bill No. 1339 as Ordinance ____ -- AN ORDINANCE AMENDING CHAPTER 365: STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS BY ADDING A NEW SECTION 365.090: SEMI-TRACTOR/TRAILER, PARKING AND DRIVING IN RESIDENTIAL AREAS OR ON PARKING LOTS, RESTRICTIONS, PERMISSION, first and second times by title only. Alderman Norman relayed that after multiple complaints and concerns, an amendment was needed for semi-tractor/trailer parking in residential areas. The amendment allowed parking on gravel driveways and only allowed emergency repairs on the street. The City's current noise ordinance addressed a truck left running for long periods of time. Alderman Jones said it was a safety issue for children when large vehicles are parked on the street. Alderman Norman made a motion, seconded by Alderman Horner to Adopt Bill No. 1339 as Ordinance 1309. Vote: Norman aye, Horner aye, Grimstead aye, Jones aye, Dunard aye, Detert aye.

Public Works Superintendent Burkemper presented the Henderson Products quote for the two MDM OH Ford F-550 snowplow trucks and said the trucks were a complete unit with plow bed and tailgate spreader. Burkemper understood there were questions at the October 4th Board Meeting and wanted to clear those up. Burkemper checked local availability in emails with Ed Rapien, drove by Behlman twice per week and checked via the internet in a four-hundred mile radius but no trucks were available. The City had bought trucks through Henderson Products before as they have a dealership in Fulton, Missouri and were also a vendor in the State's bid program. The quoted price from Ed Rapien for a truck with a bed bought separately was \$46,169, Napheide (bed) \$28,887 and spreader \$12,506 totaling \$87,562. The Henderson Products quote was \$85,701.00 a savings difference of \$1,861.00.

Burkemper received an email from Ed Rapien on 9-25-2021 stating that there was nothing on the dealership lot or coming in at this time and there was 3-6 months lead time prior to the October 4th meeting. Alderman Detert questioned that the Henderson Products quote did not say anything about a salt spreader. Alderman Detert said the truck and plow would save \$21,290 but the spreader cost was unknown. Mayor Sconce pointed out that the spreader was not necessary on the quote because it was already on the bed as a unit. Burkemper confirmed that the MDM Packet included the spreader as standard and part of the package. Alderman Grimstead said that beyond the price, the City needed to look to availability and whether local suppliers had the trucks. Alderman Grimstead said the Board should trust their employees to do their job and it could have been approved on October 4th contingent on a phone call to verify thereby the City could have gotten both trucks. Mayor Sconce asked Burkemper how long he has been with the City. Burkemper answered twenty years and specifically over truck-equipment purchases

for five years. Mayor Sconce apologized for the non-approval of the recommended purchase on October 4th whether Burkemper had been hurt personally and believed that City of Troy taxpayers had been hurt. Burkemper said these trucks were gone now and that the City will not get this price again due to the increase of stainless steel up by 25%-30%. Alderman Dunard said it was not a trust issue but she had questions on spending taxpayer dollars locally and asked why Burkemper was not present at the October 4th meeting to answer questions. Mayor Sconce said that he told Burkemper that it was a dire situation and not to worry about coming to the October 4th meeting that he would explain that it was \$701.00 (each truck) more than budget. Mayor Sconce said it was not the Board's job to go out and shop but it was Burkemper's job to make recommendation and the Board should count on him to buy local. Alderman Horner said the quote was good until October 31st based on availability and he saw the same truck on a website at a cost of \$109,000.

Alderman Grimstead made a motion, seconded by Alderman Norman to Table Indefinitely Discuss and Approve Purchase of Two (2) MDM OH Ford F-550 Fixed Side, with Plow in the amount of \$85,701.00 each to Henderson Products, Inc. (added to this Agenda at 10:07 a.m., October 4, 2021 as emergency purchase due to difficulty in truck purchases due to microchip shortages and the trucks are needed for snowplowing weather 2021-2022). Vote: Grimstead aye, Norman aye, Jones aye, Dunard aye, Detert aye, Horner aye.

*Approved Christmas/New Year's Holidays on Friday, December 24, 2021 (Christmas Eve), Monday, December 27, 2021 (Christmas Day Observed) and Friday, December 31, 2021 (New Year's Day Observed)

Alderman Detert questioned whether bad debts are collected after a citizen moves away and comes back and City Clerk Schneider answered affirmatively. Alderman Detert made a motion, seconded by Alderman Norman to Approve Utility Bad Debt Write-Off for the period of September 1, 2019 through August 31, 2020 in the amount of \$9,407.24. Vote: Detert aye, Norman aye, Grimstead aye, Jones aye, Dunard aye, Horner aye.

*Approved Change Order No. 9 submitted by Plocher Construction in the amount of \$0 (to modify contract documents to decrease remaining Bid Item #10 from \$7,050 to \$1,306 for new replacement light fixtures)

*Approved Pay Application No. 19 submitted by Plocher Construction through September 30, 2021 on SE WWTF & HWY 47 Lift Station Upgrades Project No. 0228664.01 in the amount of \$301,190.12

*Approved Woodard & Curran Invoice No. 195364 for Wastewater Treatment Facility and Highway 47 Lift Station Construction Services for the period ending September 24, 2021 in the amount of \$36,600.00

*Approved Woodard & Curran Invoice No. 195174 for WWTF SCADA Integration through September 17, 2021 in the amount of \$16,718.20

*Approved Pay Application No. 2 for Cherry Street Improvement Project STP-9900(387) submitted by Lamke Trenching & Excavating Inc. for September 30, 2021 in the amount of \$250,817.10

*Approved Request by Nathan Smith, applicant on behalf of property owner DDN Enterprises, LLC, for approval of Lot Subdivision and Final Record Plat for the property located at 44 Schulze Drive. This property is zoned “R-3” Multiple Family Residential District and PD Overlay as recommended by Planning & Zoning Commission

*Approved Record Plat for Stonebridge Phase 3 requested by Cannon Companies

*Approved Record Plat for Manors of Magnolia requested by Cannon Companies

*Approved Amendment to Employee Personnel Guideline Manual on Progressive Discipline, page 200-18

*Approved RSMo 590.502 General Order Information for Administrative Investigation or Questioning of Law Enforcement Officers for Personnel Manual Update

Alderman Grimstead made a motion, seconded by Alderman Horner to Approve Change Order No. 1 for Cherry Street Boring Project submitted by Mick Mehler & Sons for Additional Concrete, supplies & labor in the amount of \$1,509.00. Vote: Grimstead aye, Horner aye, Norman aye, Detert aye, Dunard aye, Jones aye.

Alderman Detert made a motion, seconded by Alderman Norman to Approve Change Order 1 for Hwy 61 Water Main Extension – Muensterman Property Project No. M13-7023 for a reduction of (\$11,000.00) eliminating Pressure Reducing Valve #11 as listed on Bid Form Proposal. Vote: Detert aye, Norman aye, Jones aye, Dunard aye, Horner aye, Grimstead aye.

Alderman Norman made a motion, seconded by Alderman Grimstead to Approve Change Order 3 on the Cherry Street Improvement Project STP-9900(387) for Phase Two Street Lighting beginning at new roundabout east towards S. Lincoln Drive in the amount \$33,901.00. Vote: Norman aye, Grimstead aye, Joens aye, Dunard aye Detert aye, Horner aye.

Due to the need for budgetary review, Alderman Dunard made a motion, seconded by Alderman Norman to Table Until Next Meeting to Discuss, Approve and Authorize Mayor to Sign Work Order No. 8 submitted by Woodard & Curran for MS4 Phase 1 – FY22 Compliance Support and Phase 2 – On-Call Technical Support for Program Development, GIS Mapping Assistance, and Education/Outreach as Needed in the amount of \$60,000.00 – Building Official Lindsey. Vote: Dunard aye, Norman aye, Grimstead aye, Horner aye, Jones aye, Detert aye.

Alderman Detert said the cemetery and park seasonal employees are gone at the end of this month leaving one full-time park person with grass still growing and another park on its way for mowing and clean-up during winter. Alderman Detert was putting it out there for two full time Parks positions and then be ready when the need is there for the second full time parks person. Alderman Jones said it was not in the budget and the concern was more towards cost of an unknown salary or position. Alderman Norman advised to look at it for next year budget. Public Works Superintendent Burkemper said a public works employee can help out for mowing. Parks Director Howell also helped out for mowing and planned to keep one seasonal employee through the second week in November to shut down the Park restrooms. Alderman Horner agreed to look at it next budget since Public Works can help out now.

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

Acting City Attorney Taylor Granneman advised the Board on Attorney General Eric Schmitt's letter informing of a national registration regarding the opportunity for political subdivisions to sign on to the global opioid settlements that were negotiated between the states and the opioid manufacturer and distributors. Granneman advised that settlement monies received may be regulated for opioid abatement. Alderman Dunard made a motion, seconded by Alderman Jones to Authorize Mayor or a designated representative for the City of Troy to Participate and Register in the National Settlement for Opioid Litigation. Vote: Dunard aye, Jones aye, Horner aye, Norman aye, Detert aye, Grimstead aye.

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

Alderman Norman made a motion, seconded by Alderman Grimstead to Adjourn the meeting. Vote: Norman aye, Grimstead aye, Jones aye, Horner aye, Detert aye, Dunard aye. The meeting adjourned at 7:55 p.m.

ATTEST:

City Clerk

Mayor Ron Sconce

*Approved on Consent Agenda

DRAFT