

City of Troy, Missouri
Regular Board of Aldermen Meeting
Monday, December 20, 2021
6:30 P.M.

Present for the Regular Board of Aldermen Meeting were Aldermen Dunard, Norman, Detert, Grimstead and Jones. Mayor Sconce and Alderman Horner were not present. Also present were Public Works Superintendent Burkemper, Police Chief Taylor, Building Official Lindsey, Treatment Plant Supervisor Comer, Parks Director Howell, Deputy City Clerk-HR Generalist Hawkins, Treasurer Flinn, City Attorney Granneman and City Clerk Schneider.

Board President/Mayor Pro Tem Detert called the Regular Board of Aldermen Meeting to Order, announced a Quorum present and led in the Pledge of Allegiance.

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

*Approved Minutes of Regular Board of Aldermen Meeting dated November 15, 2021; and Special Board of Aldermen Meeting dated November 22, 2021

Sarah Kavanagh addressed the Board on the safety issue when backing out of her driveway due to obstruction of view from the neighbor's privacy fence not built according to the City's fence ordinance. She said the street has become a cut-through due to the Cherry Street construction with many cars speeding on their road. Ms. Kavanagh said it was built with one 8' panel too much and not set back 25 feet per the ordinance. Alderman Grimstead said there was a visibility issue at the corner of the intersection which should be 25 feet set back from both directions but one side is approximately 17 feet instead. Chief Taylor and Building Official Lindsey will go to the property together to check on the compliance question.

Patti Laffoon was not present.

*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

Board President/Mayor Pro Tem Detert read Bill No. 1342 as Ordinance ____ -- AN ORDINANCE AMENDING SECTION 210.1031: TAMPERING TO ADD PROVISIONS REGARDING VEHICLE PROWLING, a first time by title only. City

Attorney Granneman said this Bill No. 1342 was requested by the Police Department and approved by the City's prosecuting attorney. Board President/Mayor Pro Tem Detert read Bill No. 1342 as Ordinance ____ -- AN ORDINANCE AMENDING SECTION 210.1031: TAMPERING TO ADD PROVISIONS REGARDING VEHICLE PROWLING, a second time by title only. Alderman Jones made a motion, seconded by Alderman Norman to Adopt Bill No. 1342 as Ordinance No. 1311. Vote: Jones aye, Norman aye, Dunard aye, Grimstead aye, Detert aye.

Board President/Mayor Pro Tem Detert read Bill No. 1343 as Ordinance No. ____ -- AN ORDINANCE AMENDING SECTION 240.015: RULES AND REGULATIONS REGARDING PARK HOURS AND PENALTIES FOR VIOLATION THEREOF, first time by title only. Alderman Grimstead requested to table Bill No. 1343 until next month to do more research and to wait for a full board. Alderman Grimstead made a motion, seconded by Alderman Jones to Table Bill No. 1343 as Ordinance ____ -- AN ORDINANCE AMENDING SECTION 240.015: RULES AND REGULATIONS REGARDING PARK HOURS AND PENALTIES FOR VIOLATION THEREOF until next month's regular board meeting on January 20, 2022. Vote: Grimstead aye, Jones aye, Norman aye, Detert aye, Dunard nay. Motion carried 4-1.

*Approved Pay Application No. 21 submitted by Plocher Construction through November 30, 2021 on SE WWTF & HWY 47 Lift Station Upgrades Project No. 0228664.01 in the amount of \$460,432.98

*Approved Woodard & Curran Invoice No. 19773 for Wastewater Treatment Facility and Highway 47 Lift Station Construction Services for the period ending November 26, 2021 in the amount of \$32,000.00

*Approved Woodard & Curran Invoice No. 197900 for WWTF SCADA Integration through November 19, 2021 in the amount of \$13,374.56

*Approved Pay Application No. 4 for Cherry Street Improvement Project STP-9900(387) submitted by Lamke Trenching & Excavating Inc. for November 30, 2021 in the amount of \$160,582.78

*Adopted Resolution 2021-5 A Resolution of the City of Troy Adopting the Lincoln County Multi-Jurisdictional Hazard Mitigation Plan

*Adopted Resolution 2021-6 – Resolution for Extension of FFCRA Paid Leave

*Approved Pay Application No. 2 for Well #15 Well House, Project #190186, submitted by Martin General Contractors LLC through November 30, 2021 in the amount of \$118,845.00

*Approved Pay Application No. 2 submitted by JTL for Hwy 61 Water Main Extension – Muensterman Property Project No. M13-7023 for the period ending November 30, 2021 in the amount of \$22,680.00

*Approved FY2022 Budget Amendment: Increase Police Overtime Budget **01-1001-6130 +\$3,275.00** (Current budget: \$100,000.00 New Budget: \$103,275.00)

*Approved Revision to Job Description for Seasonal Maintenance Worker 1 – Public Works Street Department

*Approved FY 2021 Budget Amendment for Receipt of American Rescue Plan Act of 2021 (“ARPA”) Funds: Federal Grants 39-000-4310 \$0.00 to +\$1,293,450.00

*Approved 2022 IRS Mileage Rate of \$0.58.5 cents per mile) effective January 1, 2022

*Approved and Authorized Mayor to Sign Public Safety Grant Application #133346 – Troy Police Department Mobile Data Terminal Program Local Law Enforcement Block Grant (“LLEBG”) in the amount of \$9,995.00

Brad Goss, Esq., Smith Amundsen, LLC, 120 S. Central, Suite 700, Clayton, Missouri 63105, relayed that he represents DDN Enterprises, LLC, developer, in its request to hook-on to sanitary sewer for Weinand Farms 22-site development to Cottonwood Estates.

Mr. Goss handed out a presentation to discuss options. Page 1 showed an option previously discussed to bore under Highway J but the Missouri Department of Transportation would not allow the developer to use this route as intended and it was cost-prohibitive. Page 2 showed an option to build a lift station on Judy Lane (green dot) by force main to an existing manhole costing \$300,000 plus additional lines. This option was cost-prohibitive and from the City’s perspective, accepting dedication of a lift station leads to future maintenance costs as opposed to gravity sewers. Page 3 showed an option to connect to the City’s existing manhole in the 50’ wide utility easement between Lots 15 and 16 for sanitary, storm and water lines as shown on City’s maps, maintained by the City and paid for by Cottonwood Estates’ residents. Page 4 was a Warranty Deed 419-229 dated October 20, 1987 and showed ambiguity with the 50’ easement on the general warranty deed of the conveyed property as un-platted and not part of Cottonwood Estates, and also cited the 50’ easement held reserved access to the easement for properties lying West thereof. Page 5 was the Cottonwood Plat recorded on April 14, 1988 (recorded after the warranty deed on page 4) and showed another set of easements 50’ wide for public utilities of water, sanitary and sewer lines and that is what the developer proposed to connect to and not do anything with the East side. On page 6, the developer will not do anything with the un-platted green property. The developer proposed to connect to the existing storm sewer line as reflected by the green line at the proposed Lot 16 but if not allowed, then developer proposed to put a flaired-end and water can shoot out instead. The short red line that extends between Lots 15 and 16 shows the sanitary sewer line for connection. There was no gap between Weinand Farm and Cottonwood Estates and therefore contiguous with the only issue of proposed Lot 16 not touching.

Mr. Goss said the City had determined these utilities were on private property but instead were in a valid public easement. The sewer line was in existence forty years ago when the owners purchased the properties and the lines were already in the public easement. This is common law dedication. Page 7 showed that stormwater run-off lessened post-development of Weinand Farms.

City Attorney Granneman requested to table the matter until next month's regular board meeting. Alderman Jones made a motion, seconded by Alderman Grimstead to Table Discuss and Approve Sewer Line Connection for Weinand Farm located at 153 Highway J requested by Nathan Smith, Drew Norton and DJ Koester, of DDN Enterprises, LLC, on behalf of property owners Richard Norden, Klondike Partners, LP until the next regular board meeting on January 20, 2022. Vote: Jones aye, Grimstead aye, Dunard abstain, Norman aye, Detert aye. Motion carried 4-0 with one abstention.

Treasurer Flinn relayed that the auditor expects the audit to be completed by the end of the year and requested the Board approve contingent upon her review. Alderman Dunard made a motion, seconded by Alderman Norman to Approve FY2021 Financial Statements Contingent Upon the City Treasurer's Review by December 31, 2021. Vote: Dunard aye, Norman aye, Detert aye, Jones aye, Grimstead aye.

City Clerk Schneider said that the City's liability insurance carrier no longer offered cyber security insurance coverage and worked with the insurance broker to obtain the proposal from Crum & Forster. This segment of the insurance market is volatile with exposure and claims and many carriers are dropping coverage. The cost is higher than expected and will require a budget amendment. Alderman Grimstead made a motion, seconded by Alderman Jones to Approve and Authorize Mayor to Sign Crum & Forster Cyber and Multi-Media Liability Insurance Policy in the amount of \$23,535.75 for the period January 1, 2022 through December 31, 2022. Vote: Grimstead aye, Jones aye, Norman aye, Dunard aye, Detert aye.

Discussion ensued regarding a use tax ballot issue on the April 2022 Municipal Election. Items discussed were lost revenue estimates of \$489,000.00 by not having a use tax in place, that other Lincoln County municipalities planned to place a use tax question (online purchases) on the ballot and circulated educational material would be greater, that it was not a double tax and delivery of packages use City streets and police resources for pirated products without a collection of tax. The Board was in consensus to prepare an ordinance for consideration at the meeting in January 2022.

Treasurer Flinn relayed the four eligible use categories specified in ARPA in the interim final rule as of November 15, 2021. The eligible uses included: (a) respond to the public health emergency, including assistance to households, small businesses, and nonprofits, or aid to impacted industries; (b) respond to workers performing essential work during the health emergency with premium pay; (c) for providing government services to the extent of the reduction in revenue relative to revenues collected; and (d) make necessary investments in water, sewer, or broadband infrastructure.

Discussion ensued whether combating homelessness was an eligible use of ARPA funds, using ARPA funds for the City's currently budgeted water and sewer projects and premium pay. Premium pay includes an amount up to \$13 per hour in addition to wages or remuneration the worker otherwise receives and in an aggregate amount not to exceed \$25,000 per eligible worker and obligation to provide such pay must not have been incurred by the recipient prior to March 3, 2021. The Missouri Constitution includes a provision that limits Missouri cities in providing retroactive pay for work already performed. Treasurer Flinn said the interim final rule prioritizes premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification to the needs of these workers. Lincoln County's average annual wage is \$43,461.00 with hourly wage of \$20.89 per hour. Board President/Mayor Pro Tem Detert requested that Treasurer Flinn distribute the information to the Board. City Attorney Granneman said that CARES funds were provided to cover costs incurred during the period March 1, 2020 and ends, or contractually obligated with respect to such costs, by December 31, 2021.

Troy Police Officer Tony Morris said the department purchased Glock 21 GEN 4, .45, weapons in 2017 with drug forfeiture money and proposed to resell these weapons to Pawn Bucks and purchase Glock 17 GEN 5, 9mm, weapons instead. Officer Morris pointed out a savings in ammunition and better handling of the lighter weapon for a total cost of \$1,210.00. Alderman Dunard made a motion, seconded by Alderman Detert to Approve the Weapons Re-Sell/Purchase Plan with Pawn Bucks. Vote: Dunard aye, Detert aye, Jones aye, Grimstead aye, Norman aye.

Alderman Dunard continued discussion from the Board's Workshop on November 22, 2021 to create a policy for limited donation of employee sick hours for medical emergencies. City Attorney Granneman said one department requested the policy and it would be set-up similarly to Lincoln County's policy as a limited person-to-person program with taxes paid by donor and gift made to recipient as opposed to a shared pool. Deputy City Clerk/HR Generalist Hawkins said these programs were a rarity and difficult to administer requiring software or additional personnel. Mrs. Hawkins asked what the goal was to create the policy. City Attorney Granneman said he would work with the City's auditor, City staff and Alderman Dunard on the details.

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

Alderman Detert made a motion, seconded by Alderman Dunard to Increase the Hourly Wage of Jonathon Alfaro, Police Officer from G14-6 \$21.10 per hour to G14-9 \$22.96 per hour effective next pay period. Vote: Detert aye, Dunard aye, Jones aye, Norman nay, Grimstead nay. Motion carried 3-2.

Alderman Dunard made a motion, seconded by Alderman Jones to Accept the Resignation of Joe Edwards, Mechanic, effective January 7, 2022. Vote: Dunard aye, Jones aye, Norman aye, Grimstead aye, Detert aye.

Alderman Norman made a motion, seconded by Alderman Grimstead to Hire Joe Edwards as Seasonal Maintenance Worker I – Public Works Street Department effective after January 7, 2022 at G9-21 \$20.33 per hour. Vote: Norman aye, Grimstead aye, Dunard aye, Detert aye, Jones aye.

City Attorney Granneman advised the Board on Legal matters.

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

Alderman Detert made a motion, seconded by Alderman Grimstead to Adjourn the meeting. Vote: Detert aye, Grimstead aye, Norman aye, Dunard aye, Jones aye. The meeting adjourned at 8:15 p.m.

ATTEST:

City Clerk

Board President/Mayor Pro Tem Dennis Detert

*Approved on Consent Agenda