

City of Troy, Missouri
Public Hearing and Regular Board of Aldermen Meeting
Thursday, January 24, 2019
6:30 P.M.

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

Mayor Cross opened the Public Hearing and requested citizen comment on MS4 Stormwater Ordinances as listed specifically on the agenda. There was no citizen comment.

Immediately following the public hearing, Mayor Cross called the Regular Board of Aldermen Meeting to Order, announced a Quorum present and led in the Pledge of Allegiance.

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

*Approved the Minutes of the Regular Board of Aldermen Meetings dated Monday, December 17, 2018

Dan Casey introduced himself to the Board as the newly-hired Fire Chief for Lincoln County Fire Protection District No. 1. Casey stated the fire district covers a 163-square mile area and provides services such as CPR classes and fire extinguisher checks for the community. The district sponsored fifteen families over the holidays and participates in Buddy Bag lunches for the school. Casey offered the Board his contact information.

*Approved Reports of Park, Planning and 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 Cross read Bill No. 1288 as Ordinance ___ -- An Ordinance Creating a New Chapter 250 entitled Storm Water Pollution Control and Creating Certain Subsections Regulating Illicit Discharges and Connections of Storm Water, first and second times by title only. Alderman Sconce made a motion, seconded by Alderman Detert to Adopt Bill No. 1288 as Ordinance No. 1260. Vote: Sconce aye, Detert aye, Walker aye, Norman aye, Anderson aye, Curt aye.

Mayor Cross read Bill No. 1289 as Ordinance ___ -- An Ordinance Amending Section 410.040(D): Subdivision Design Standards, first and second times by title only. Alderman Detert made a motion, seconded by Alderman Sconce to Adopt Bill No. 1289 as Ordinance 1261. Vote: Detert aye, Sconce aye, Anderson aye, Curt aye, Norman aye, Walker aye.

Mayor Cross read Bill No. 1290 as Ordinance ___ -- An Ordinance Amending Title IV. Land Use, Chapter 425: Stormwater Management, first and second times by title only. Alderman Anderson made a motion, seconded by Alderman Detert to Adopt Bill No. 1290 as Ordinance 1262. Vote: Anderson aye, Detert aye, Sconce aye, Curt aye, Walker aye, Norman aye.

Mayor Cross read Bill No. 1291 as Ordinance ___ -- An Ordinance Amending Section 215.170: Weeds, Old Automobiles, Junk as Nuisances, first and second times by title only. Alderman Walker made a motion, seconded by Alderman Sconce to Adopt Bill No. 1291 as Ordinance 1263. Vote: Walker aye, Sconce aye, Anderson aye, Norman aye, Curt aye, Detert aye.

Mayor Cross read Bill No. 1292 as Ordinance ___ -- An Ordinance Amending Section 215.110: Debris on Property – Effect of Failure to Remove Nuisance – Penalties, first and second times by title only. Alderman Detert made a motion, seconded by Alderman Walker to Adopt Bill No. 1292 as Ordinance 1264. Vote: Detert aye, Walker aye, Sconce aye, Norman aye, Curt aye, Anderson aye.

Mayor Cross read Bill No. 1293 as Ordinance ___ -- An Ordinance Amending Chapter 525: Erosion and Sedimentation Control Regulations and Removing Appendices A-F, first and second times by title only. Alderman Anderson made a motion, seconded by Alderman Curt to Adopt Bill No. 1293 as Ordinance 1265. Vote: Anderson aye, Curt, aye, Sconce aye, Detert aye, Walker aye, Norman aye.

*Approved Rescheduling Third Monday of February Regular Board Meeting to Thursday, February 21, 2019

*Approved Pay Application #2 in the amount of \$69,339.38 submitted by Karrenbrock Excavating, LLC on the Whitetail Crossing Lift Station Improvement Project #M16-7299

*Approved Pay Application #3 in the amount of \$5,342.40 submitted by Karrenbrock Excavating, LLC on the Whitetail Crossing Lift Station Improvement Project #M16-7299

*Accepted Resignation of Joan Bowen from Historic Preservation Commission

*Re-Appointed Mary Anne Kemper to Historic Preservation Commission for the term beginning February 2019 and expiring February 2023

*Appointed Larry Bennett to Board of Adjustment to Fill Vacancy

*Approved Revision to Uniform Personnel Policy 400-24 to Include Composite-Toed Boots

*Approved and Authorized the Mayor to Sign 2019 Authorization for Troy Police Department to Participate in Missouri's Highway Safety Program for Traffic Enforcement, Accept Funding for the Program, and Continue to Support the Program if Funding No Longer Available

*Approved Pay Application #2 on 2018 Slab Replacement Program, Contract #180820004, in the amount of \$113,903.33 requested by M & H Concrete Contractors, Inc.

*Approved Pay Application #3 on 2018 Slab Replacement Program, Contract #180820004 in the amount of \$23,620.80 requested by M & H Concrete Contractors, Inc.

Luke Zelinsky, the CEO of Conpago LLC, was present to discuss placing an LED-Traffic Signal Safety Message prototype in the City of Troy. Zelinsky distributed a hand-out with a picture of the display mounted on top of a traffic signal. He stated that the 2x5, 110 lbs, safety-message display would only run when the traffic light was red and shuts off when the light turns green. The safety messages can be instantly posted/removed and broadcast messages from Troy Police, Fire Department, Amber Alerts, etc. pre-approved by the City. Zelinsky explained that his business venture was to install the equipment in the Dominican Republic and India but required testing of the equipment first. All expenses would be borne by Conpago, LLC and prototype would be donated to the City after the test period of two months or longer (or immediate removal if City desires). Zelinsky would like to place at intersections owned by the City. Alderman Anderson asked how the display was funded. Zelinsky responded that it was funded by an investor in the Dominican Republic starting with twenty-four signs originally tested for 6-7 years in Arkansas. Alderman Curt asked about liability. City Attorney Granneman explained that a contract would be prepared addressing installation, maintenance and liability. Alderman Sconce asked about the distraction of the display. Zelinsky responded that normally citizens look at their phones at a red light anyway and the display shuts off when the light turns green.

Alderman Sconce made a motion, seconded by Alderman Detert to Approve Request to Place an LED-Traffic Signal Safety Message Prototype in the City of Troy and Authorize City Attorney Granneman to Prepare Contract with Conpago LLC. Vote: Sconce aye, Detert aye, Anderson aye, Walker nay, Norman aye, Curt nay. Motion carried 4-2.

Alderman Anderson made a motion, seconded by Alderman Sconce to Approve Budget Amendments for Woodard & Curran Operations & Maintenance Agreement dated December 1, 2018: 41-70-02-6582 Operations Management +\$573,275.00 (refer to Treasurer Report for credits). Vote: Anderson aye, Sconce aye, Curt aye, Detert aye, Walker aye, Norman aye.

Public Works Superintendent Cunningham stated the shed's copier contract was expiring and there was an opportunity on the State bid to obtain a new copier at a lower monthly cost. Alderman Anderson made a motion, seconded by Alderman Detert to Approve and Authorize the Mayor to Sign Marco Technologies Copier Contract for Public Works Department on State Bid. Vote: Anderson aye, Detert aye, Curt aye, Norman aye, Walker aye, Sconce aye.

Building Official Lindsey stated that the plotter stopped working in the building department. Lindsey obtained quotes from three companies and State bid. The plotter purchase will not affect the bottom line of the building department budget. Alderman Curt made a motion, seconded by Alderman Sconce to Approve Purchase, Installation and Support for HP DesignJet T2530 (Plotter) in the amount of \$10,582.48 and Budget Amendment utilizing the State Bid Contract. Vote: Curt aye, Sconce aye, Detert aye, Walker aye, Norman aye, Anderson aye.

City Attorney Granneman requested the Board table Bodine Aluminum's request for further discussion until after Closed Session. Alderman Sconce made a motion, seconded by Alderman Anderson to Table Request by Bodine Aluminum regarding Ameren electric pole encroachment on City's easement until after Closed Session. Vote: Sconce aye, Anderson aye, Detert aye, Norman aye, Walker aye, Curt aye.

Amber Hatch, owner of Valkyrie Polishes LLC, was present to answer any questions by the Board. Building Official Lindsey stated that Planning & Zoning did not consider the home occupation permit request due to lack of quorum. Alderman Curt asked if toxic or hazardous chemicals were used to make the polish. Hatch responded that polishes had contained toxic chemicals but today's standards are higher. The polish that she produces is at level 10-free which is the safest non-toxic formula and the colors are safe and natural. Alderman Anderson asked how the polish was made and Hatch answered that she purchases the base and only mixes it by adding the color. She makes small made-to-order batches and has no disposal issues. She is not selling online and sells only locally. There are no people coming to the house and meets anyone in a public place. Building Official Lindsey forwarded the list of chemicals with the fire department and they were okay with it. Mrs. Hatch said there were no objections by any neighbors to her business. Alderman Anderson made a motion, seconded by Alderman Curt to Approve Home Occupation Permit/Business License for Valkyrie Polishes LLC at 212 Excalibur Blvd. Vote: Anderson aye, Curt aye, Walker aye, Detert aye, Norman aye, Sconce aye.

Alderman Sconce made a motion, seconded by Alderman Curt to Approve and Authorize to Sign Cleaning Services Agreement based on lowest and best bid with Gateway Janitorial Services (Troy City Hall, Building and Police). Vote: Sconce aye, Curt aye, Walker aye, Norman aye, Anderson aye, Detert aye.

Parks Director Howell requested Board input on the new minimum wage law as of January 1, 2019 which raised Missouri's minimum wage to \$8.60 and increases every year thereafter by 85 cents until reaching \$12.00 per hour in 2023 and its effect on wages paid at the Aquatic Center. Howell stated that by law, the City did not have to follow the

State wage laws but comply with Federal wage law at \$7.25 per hour but it may be difficult to find labor if other employers are paying more. Howell paid pool labor last year at \$7.85 an hour. Alderman Detert stated that it would be hard to find labor and the City would gain a reputation of paying substandard wages. Detert said although it affected the budget, it was voted in by Missouri citizens and the City should not go against it. Mayor Cross was unsure whether labor could be found for the lower wage. Howell added that Midwest Pool Management provided lifeguards and was subject to State wage laws. These lifeguards work in close proximity to pool employees who are paid less. Howell will research other municipalities' pay scales for pool employees to discuss further at the next meeting.

Parks Director Howell reported the annual agreement with Midwest Pool Management was identical to last year except the salary increases due to the State minimum wage law and a small \$820 increase in the management fee. Alderman Sconce made a motion, seconded by Alderman Walker to Approve and Authorize Mayor to Sign 2019 Midwest Pool Management of America LLC Aquatic Center Management Agreement. Vote: Sconce aye, Walker aye, Curt aye, Norman aye, Detert aye, Anderson aye.

Mayor Cross stated that even though Chief Taylor had received approval to hire for two patrol officer positions, he had to wait two weeks later until the next Board meeting to hire his two recommendations which delayed their start dates. Mayor suggested that either the City Administrator or Acting City Administrator was given the authority to hire once the Board approved filling a position. Based on Board consensus, City Attorney Granneman will modify Resolution 2012-1 giving the Mayor the ability to do hiring based on recommendation by department heads for the next meeting.

City Attorney Granneman and Building Official Lindsey had been working with Cannon General Contractors to gain record plat approval contingent upon pouring a small section of concrete road which was delayed until weather permits. Cannon would like to provide a performance surety bond in the amount of \$10,000.00 but it required an escrow agreement. Alderman Sconce made a motion, seconded by Alderman Walker to Approve Record Plat 3 for Stone Crossing Contingent Upon a Satisfactorily-Drafted Escrow Agreement, executed by Mayor Cross and Cannon General Contractors; or, if weather-permitting, the 44-foot section of concrete street was completed prior to the required escrow agreement. Vote: Sconce aye, Walker aye, Curt aye, Detert aye, Anderson aye, Norman aye.

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

Alderman Detert made a motion, seconded by Alderman Curt to Approve the Hire of Tyler Schmiege as Full-Time Patrol Officer contingent upon satisfactory completion of pre-employment physical and drug testing at G13-6 \$19.10 per hour. Vote: Detert aye, Curt aye, Walker aye, Norman aye, Anderson aye, Sconce aye.

Alderman Detert made a motion, seconded by Alderman Anderson to Approve the Hire of Andrew Kaimann as Full-Time Patrol Officer contingent upon satisfactory completion of pre-employment physical and drug testing at G13-6 \$19.10 per hour. Vote: Detert aye, Anderson aye, Curt aye, Norman aye, Walker aye, Sconce aye.

Alderman Detert made a motion, seconded by Alderman Sconce to Approve Promotion to Detective Bureau of Chris Voland as Detective effective next pay period to G14-7 \$21.64 per hour. Vote: Detert aye, Sconce aye, Curt aye, Anderson aye, Walker aye, Norman aye.

Alderman Anderson made a motion, seconded by Alderman Walker to Approve the Hire of Constance McCord as Utility Clerk contingent upon satisfactory completion of pre-employment physical and drug testing at G11-6 \$15.79 per hour. Vote: Anderson aye, Walker aye, Sconce aye, Detert aye, Norman aye, Curt aye.

Upon offering a disclaimer that Robert Clare was a friend in high school and Granneman does business with him, City Attorney Granneman advised the Board that Robert Clare presented an agreement between the City of Troy and his parents, John and Margaret Clare made in 1975 for 16 sewer taps given to them for a sewer line easement back in 1975. It is believed that one of the sewer taps was used when the Clares' built their new home in 1995. The Board's consensus was to authorize City Attorney Granneman to request the probate of the remaining 15 sewer taps into the trust.

City Attorney Granneman advised the Board that during construction improvements to the Toyota-Bodine plant on Cherry Street, Ameren placed electric poles in the City's water line easement approximately six feet away. Granneman drafted a Non-Disturbance Agreement among Ameren and Toyota-Bodine listing responsibilities and liability of each party.

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

It was the Board's consensus that easement agreements be drafted to include dollar amounts of the easements and not just how many easements were included.

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

Alderman Detert made a motion, seconded by Alderman Norman to Approve and Authorize the Mayor to Execute Non-Disturbance Agreement Upon Negotiation with Ameren and Bodine Aluminum regarding electric pole encroachment on City's right-of-way. Vote: Detert aye, Norman aye, Curt aye, Anderson aye, Sconce aye, Walker aye.

Alderman Anderson made a motion, seconded by Alderman Walker to Adjourn the Meeting. Vote: Anderson aye, Walker aye, Curt aye, Norman aye, Detert aye, Sconce aye. The meeting adjourned at 8:40 p.m.

ATTEST:

City Clerk

Mayor Mark Cross

*Approved on Consent Agenda

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