

City of Troy, Missouri
Public Hearing and Regular Board of Aldermen Meeting
Monday, June 17, 2019
6:30 P.M.

Present for the Public Hearing and Regular Board of Aldermen Meeting were Aldermen Walker, Anderson, Norman, Sconce, Detert and Mayor Cross. Alderman Curt was not present. Also present were Public Works Superintendent Cunningham, Police Chief Taylor, Building Official Lindsey, Parks Director Howell, Wastewater Facilities Manager Comer, Woodard & Curran, Treasurer Flinn, City Attorney Granneman and City Clerk Schneider.

The Mayor opened the public hearing and alerted citizens that the hearing would be postponed until next month due to a typographical error in the advertised notice which may have caused public confusion.

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 Sconce made a motion, seconded by Alderman Detert to Approve the Consent Agenda upon removal of Items 7(A), 7(C) and 7(D). Vote: Sconce aye, Detert aye, Anderson aye, Norman aye, Walker aye.

*Approved the Minutes of Regular Board of Aldermen Meeting dated May 20, 2019 and Budget Workshop Meeting dated May 28, 2019

Cynthia Wade relayed to the Board that her pit bull-mix rescue dog was removed by Troy Police and she would like to get it back and register it with the City as an emotional support dog. Alderman Anderson asked how long she had lived in Troy. Ms. Wade responded four years. Alderman Anderson asked if she required an emotional support dog before she knew the City had an ordinance banning pit bull dogs. Ms. Wade responded no. Alderman Anderson said that she cannot support Ms. Wade on this request. Alderman Detert asked if the dog had City tags. Ms. Wade said no. Mayor Cross asked if there were any other dogs at the residence. Ms. Wade said no. Alderman Sconce relayed that there was no standard for the request and the pit bull ban had been in place for a long time. Alderman Sconce said he could not support it. Alderman Walker agreed with the other aldermen not to support it. Alderman Sconce made a motion, seconded by Alderman Walker to Approve Request to Register Pit Bull-Mix as Emotional Support Dog. Vote: Sconce nay, Walker nay, Detert nay, Norman nay, Anderson nay. Motion failed 0-5.

Robin Fielder was represented by her son, Brad Fielder, for the third-dog variance request. Brad Fielder admitted the third dog was his dog and requested a variance due to temporary living arrangements with his parents. He agreed that a six-month variance for his beagle would be enough time. Alderman Anderson made a motion, seconded by Alderman Detert to Grant a Third-Dog Variance for Six Months for Brad Fielder's Beagle and Would Come Back to the Board if More Time was Needed. Vote: Anderson aye, Detert aye, Walker aye, Norman aye, Sconce aye.

Charlie Tompkins was not present. Chief Taylor said a letter to the owner of the property was delivered and Mayor noticed that the grass had been cut this morning on the three acre lot at Fair Court and Old Cap au Gris.

Brandon Martin wanted permission to use the side and back parking of Troy City Hall alongside the Verdun Auto Body parking lot in September 2019 for a special event/Cruise-In as described in the event application. Martin mentioned that cars would be charged an entry fee and offer food and drink with 100% of the proceeds going to Smiles with Love. Alderman Anderson made a motion, seconded by Alderman Sconce to Allow Special Event Request for Smiles with Love Cruise-In on September 8, 2019 (or rain date of September 15, 2019). Vote: Anderson aye, Sconce aye, Walker aye, Detert aye, Norman aye.

Kathy Kitchen requested the Board revert back to sewer bill averaging for utility billing and cited that water used for her pool and garden did not enter the City's sewer system. Alderman Sconce explained that several years ago during a water and sewer rate study performed by Missouri Rural Water Association, a decision was made to use actual usage versus sewer bill averaging to promote water conservation and collect revenues needed to pay for the high maintenance costs involved in water and sewer system operations. The one-time pool fill per year adjustment on sewer still remained in the City's ordinances.

Public Works Superintendent Cunningham said that Jeff Burkemper requested to be removed from the agenda.

Julie Rodgers introduced herself to the Board as the Interim Director for Lincoln County Economic Development. She relayed that the Commissioners directed the economic development office to assist and partner with all municipalities in Lincoln County for beneficial growth. Rodgers described a five-point strategic plan to achieve this goal.

*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 Cross read Bill No. 1297 as Ordinance ____ -- An Ordinance Amending Chapter 405: Zoning Regulations of the City of Troy Missouri for Marijuana for Medicinal Purposes in Compliance with Amendment 2, Codified as Article XVI, Section 1 of the Missouri Constitution, first time only.

Alderman Sconce wanted a further review of distance and how measured as compared to the broad measurements used at the State level and requested Bill No. 1297 be tabled until the special meeting at the end of June. Alderman Sconce made a motion, seconded by Alderman Anderson to Table Bill No. 1297 as Ordinance ____ -- An Ordinance Amending Chapter 405: Zoning Regulations of the City of Troy Missouri for Marijuana for Medicinal Purposes in Compliance with Amendment 2, Codified as Article XVI, Section 1 of the Missouri Constitution until the Special Meeting set at the end of June. Vote: Sconce aye, Anderson aye, Norman aye, Detert aye, Walker aye.

Alderman Walker made a motion, seconded by Alderman Sconce to Table Bill Nos. 1298 through 1302 until the next Public Hearing/Regular Board Meeting. Vote: Walker aye, Sconce aye, Norman aye, Anderson aye, Detert aye.

Mayor Cross read Bill No. 1303 as Ordinance ____ -- An Ordinance Amending Chapter 425 Stormwater Management, Chapter 425 Stormwater Management, Section 425.030 Procedure for Submission, Review and Approval of Stormwater Runoff Management Plans, Subsection A General, first and second times by title only. Alderman Sconce made a motion, seconded by Alderman Detert to Adopt Bill No. 1303 as Ordinance 1270. Vote: Sconce aye, Detert aye, Norman aye, Walker aye, Anderson aye.

Mayor Cross read Bill No. 1295 as Ordinance ____ -- An Ordinance Amending Chapter 705: Sewer System, Subsection 705.050: Use of Public Sewers, Subsection F: Interceptors for Greases and Oils and Amending It In Its Entirety Including Its Title to Read as Chapter 705: Sewer System, Subsection 705.050: Use of Public Sewers, Subsection F: Fats, Oils, and Grease Control, and Amending Chapter 705: Sewer System, Section 705.080: Sewer Penalties in its Entirety, first and second times by title only. Alderman Detert made a motion, seconded by Alderman Walker to Adopt Bill No. 1295 as Ordinance No. 1267. Vote: Detert aye, Walker aye, Anderson aye, Norman aye, Sconce aye.

Mayor Cross read Bill No. 1296 as Ordinance ____ -- An Ordinance Authorizing and Approving the Mayor to Enter into a Contract with HR Green for Engineering Services for Project TAP 9900(391) – Villa Drive Pedestrian Access Improvements, read first and second times by title only. Alderman Detert made a motion, seconded by Alderman Norman to Adopt Bill No. 1296 as Ordinance No. 1268. Vote: Detert aye, Norman aye, Anderson aye, Sconce aye, Walker aye.

Alderman Detert wanted to discuss who will get the city administrator duties. Mayor Cross said the duties would be delegated suitable to that department and the resolution would give the Board of Aldermen the authority to delegate duties. Alderman Sconce made a motion, seconded by Alderman Walker to Adopt Resolution 2019-2 -- Remove Acting City Administrator Duties from Mayor Cross and Make Appointment of Duties in Writing by Board of Aldermen. Alderman Sconce withdrew his motion. Alderman Walker withdrew his second.

Alderman Anderson showed concern not wanting to nullify the resolution if adopted by still asking Mayor to perform these duties but not wanting to meet every time a simple decision needs to be made. Alderman Anderson would like to work on a better long-term solution and agreed to sit down with Mayor to carve out revised language. Alderman Anderson made a motion, seconded by Alderman Detert to Table Resolution 2019-2 – Remove Acting City Administrator Duties from Mayor Cross until next Regular Board Meeting. Vote: Anderson aye, Detert aye, Sconce aye, Walker aye, Norman aye.

*Approved 2019 Liquor License Renewals: Kroger #724, 1 Troy Square; Mennemeyer Investors, LLC d/b/a Mustang Sally's Bar & Grill, 440 Main Street; Aldi #35, 6 The Plaza, Taormina LLC, 892 E. Cherry Street; Chihuahua's of Troy LLC, 101 N. Lincoln Drive; Buzzy's of Troy, LLC, 208 N. Lincoln Drive; Troy Elks Lodge #2805, 541 Second Street; MRIKA, Inc., d/b/a Zadocks Restaurant, 7 Troy Square; Victory Lane Food & Fuel #1, 1424 S. Main Street; Victory Lane Fuel & Food #2, 1760 W. Hwy 47; Troy Movie House, 1436 S. Main Street; Brown's Around the Block Butcher Shop LLC, 185 E. Cherry Street; Walmart #60, 101 Hwy 47; Good Timez LLC, 474 Main Street; Straight Home Sports Bar & Grill LLC, 100 Frenchman Bluff; Walmart #60, 101 Hwy 47; Big Sticky's BBQ, LLC, 180 E. Cherry St.; Woods Fort Restaurant & Golf, 1 Country Club Lane; Naturally Designed, 461 Main Street

City Attorney Granneman said these two lots (Arby's and Ponderosa) were combined into one Consolidation Plat for Dollar Tree by Lot 1A (Ponderosa) and Lot 2A (Arby's) with ingress and egress and not taking in any other obligations. Alderman Sconce made a motion, seconded by Alderman Detert to Approve Consolidation Plat by Lots 1A and 2A for Dollar Tree. Vote: Sconce aye, Detert aye, Anderson aye, Norman aye, Walker aye.

*Approved and Authorized Mayor to Sign Troy Convention and Visitors Bureau Contract with the Troy Area Chamber of Commerce for Fiscal Year 2019-2020

*Approved the Troy Convention & Visitor's Bureau 2019-2020 Budget

*Approved Installation of 6' Fence around Whitetail Crossing Lift Station for \$5,490.00 by Custom Design Fence & Deck pursuant to Woodard & Curran Operations and Maintenance Agreement and Budget

*Re-Appointed Tim Muldoon and Charles Riney to Board of Adjustment

*Re-Appointed Kevin Bishop and DeeAnn Aydelott to the Planning & Zoning Commission

Stephen Walker, Sales Manager for Meridian Waste Solutions, proposed adding fiber cardboard/mixed paper to curbside recycling at no additional charge giving a dual option to citizens. A written proposal will be presented at next meeting.

City Attorney Granneman advised that the Annexation Agreement on the Moore tract at 20 Mennemeyer Road held a blanket utility easement only and the Walnut Creek Senior Housing developers would not be able to receive a full title commitment without a defined easement. Kyle Miller, Crocker Engineering, explained the need to define a 30' easement surveyed at no cost to the City. Alderman Anderson made a motion, seconded by Alderman Sconce to Approve and Authorize the Mayor to Accept the Grant and Dedication of Permanent Utility Easement by Troy Senior Housing defining 30' easement width of the undefined blanket easement per the recorded Annexation Agreement. Vote: Anderson aye, Sconce aye, Norman aye, Walker aye, Detert aye.

Alderman Detert requested citizens come to the Board to answer questions surrounding Cherry Street reconstruction project. Joan Bowen, 130 Stone Bridge Drive, a resident of Troy who serves on the Planning & Zoning Commission, requested the status of the project. Bowen commented that the project runs on Cherry Street from Main Street to Lincoln Drive and includes construction of a roundabout with road, sidewalk and lighting improvements increasing business in that area. Project discussions began in November 2016 and monies were set aside for the project. However, a deadline looms that federal dollars may be lost if all parcel easements are not obtained by September of the remaining fifteen parcels out of the initial fifty-four parcels. Ms. Bowen brought smaller versions of the project map as a hand-out for citizens. Bowen acknowledged some roadblocks on the project were compensation for easements and construction time.

Ms. Bowen asked what steps were next for the easement engineer, when will construction begin and can herself and others receive a list of the property owners on the Cherry Street project. Mayor Cross responded that due to ongoing negotiations, some questions may not be answered at this time and only general information may be provided. Mayor Cross continued that this discussion will not become a bully pulpit to coerce property owners. Mayor Cross requested Bill Hampton, the easement engineer, to come forward.

Mr. Hampton relayed that negotiations have continued for some time and the City is down to eight remaining parcels and getting close to completing the easement acquisition phase of the project. An available option is eminent domain but negotiation is the preferred option in many projects for easement obtainment. In this project, the quasi-governmental agencies, namely the Troy Post Office and Ameren are working diligently

to get easements to the City in a timely manner. Hampton cautioned citizens to be careful about coercion as all property owners are afforded an opportunity to educate, including one-on-one discussions, of the easement acquisition process due to their unfamiliarity with it and the specifics to each parcel.

Ms. Bowen asked when construction would begin and Mayor Cross responded that if all easements were signed in the next couple of months, construction would begin in Spring of 2020.

Alderman Detert commented that there was a possibility of losing grant money. Mayor Cross clarified that there is jeopardy of losing \$186,000.00 of grant monies obligated by September 30th. There is no deadline on other grant monies for this project. Bill Hampton concurred that there is a chance of losing the \$186,000.00 but in his 25-year experience, he could safely say that it was rare that a community would lose its funding.

Kevin Bishop, 1012 Huntington Drive, inquired whether receipt of signed easements by September 30th will suffice or would construction need to start by October 1st. Mayor Cross stated that the City had planned to move water lines as part of the project and would utilize the monies before September 30th within the scope of the project. Further, Bishop asked if this will hinder the City in the future from applying for grants. Mayor Cross relayed that he had posed the same question to MoDOT and was told that it would not jeopardize the City from applying for future grants.

Margaret Eversmeyer, 256 High Street, inquired whether the City should start the project without all of the easements beginning at one end and keep going until all work is done. Mayor Cross responded that MoDOT wanted all paperwork before getting started. Cross continued that also plans could change and phase mobilization would be cost-prohibitive. Mayor Cross said the project will take one and one-half years to complete over two fiscal year budgets. Carol Wieman, 1101 Crystal Court, asked how long eminent domain may take to accomplish. City Attorney Granneman responded that timelines are strictly for the Board of Aldermen to set and eminent domain is only an option.

Troy Chamber President Gina Bueneman-Cooper, Director Rachel South and Assistant Director Jenn McCord addressed the Board on economic development services that the Chamber provides with-or-without funding by the City but added that funding was certainly helpful. Other chamber members present were introduced and a list of all chamber events and activities were cited. President Cooper relayed, as a small business owner and a member of the Troy Chamber for many years, its value and highlighted the education of its director and assistant director for continuing to attract businesses to the area in the future.

Alderman Sconce suggested the Board review hiring police officers again in January 2020 to ascertain the impact to the budget by the reduction in dispatching fees. Alderman

Sconce made a motion, seconded by Alderman Detert to Approve Two (2) Full-Time Police Officers \$142,681.00 from General Fund. Vote: Sconce nay, Detert aye, Anderson nay, Walker nay, Norman nay. Motion failed 1-4.

Alderman Sconce made a motion, seconded by Alderman Anderson to Approve Bullet Resistant Upgrades at City Hall \$27,709.00. Vote: Sconce nay, Anderson nay, Detert aye, Walker nay, Norman nay. Motion failed 1-4.

No action was taken on Item 7(P).

Alderman Sconce made a motion, seconded by Alderman Anderson to Approve Payroll Compensation Study \$25,000.00. Vote: Sconce nay, Anderson nay, Detert nay, Walker nay, Norman nay. Motion failed 0-5.

No action was taken on Item 7(R).

Alderman Sconce made a motion, seconded by Alderman Walker to Approve Audio-Visual Equipment for City Hall \$18,000.00. Vote: Sconce nay, Walker nay, Detert nay, Anderson nay, Norman nay. Motion failed 0-5.

No action was taken on Item 7(T).

Alderman Anderson made a motion, seconded by Alderman Sconce to Approve Microsoft Surface Pro 6 Tablets x Eight (8) \$13,234.00. Vote: Anderson nay, Sconce nay, Walker nay, Norman nay, Detert nay. Motion failed 0-5.

No action was taken on Item 7(V).

Alderman Sconce made a motion, seconded by Alderman Walker to Approve Video Conferencing System \$3,900.00. Vote: Sconce nay, Walker nay, Norman nay, Detert nay, Anderson nay. Motion failed 0-5.

No action was taken on Item 7(X).

Alderman Sconce made a motion, seconded by Alderman Walker to Approve Source of Funds for New ¾-Ton Crew Cab Truck for Parks \$28,861.00 from General Fund. Vote: Sconce aye, Walker aye, Detert aye, Norman aye, Anderson aye.

Alderman Sconce made a motion, seconded by Alderman Walker to Approve Source of Funds for Portable Metal Detector for City Hall \$4,100.00 from General Fund. Vote: Sconce aye, Walker aye, Detert aye, Norman aye, Anderson nay. Motion carried 4-1.

Alderman Sconce made a motion, seconded by Alderman Walker to Approve Source of Funds for Zero-Turn Mower for Parks \$13,000.00 from General Fund. Vote: Sconce aye, Walker aye, Detert aye, Anderson aye, Norman aye.

Alderman Sconce made a motion, seconded by Alderman Walker to Approve Source of Funds for 18' Trailer for Parks \$5,000.00 from General Fund. Vote: Sconce aye, Walker aye, Detert aye, Anderson aye, Norman aye.

Alderman Sconce made a motion, seconded by Alderman Walker to Approve Source of Funds for Warning Siren Upgrade \$9,500.00 from General Fund. Vote: Sconce aye, Walker aye, Anderson nay, Norman aye, Detert nay. Motion carried 3-2.

Treasurer Flinn recommended to set Special Meeting to Adopt the FY20 Budget on Thursday, June 27th at 6:30 p.m. The Board agreed to set the date.

Alderman Walker 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: Walker aye, Sconce aye, Norman aye, Anderson aye, Detert aye.

Alderman Anderson made a motion, seconded by Alderman Walker to Approve Step and Hourly Wage Increase for Marie Eggering, Administrative Assistant/Purchasing Agent to G11-Step 8 \$16.75 per hour (with anticipated 3% raise to G11-Step 7 \$16.26 per hour) effective July 1, 2019. Vote: Anderson aye, Walker aye, Norman aye, Sconce aye, Detert aye.

Alderman Detert made a motion, seconded by Alderman Anderson to Approve Step and Hourly Wage Increase for Tonya Hawkins, Deputy City Clerk/HR Generalist to G14-Step 10 \$23.65 per hour (with anticipated 3% raise to G14-Step 9 \$22.96 per hour) effective July 1, 2019. Vote: Detert aye, Anderson aye, Norman aye, Walker aye, Sconce aye.

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

City Clerk Schneider advised the Board that a third renewal of successive five-year periods will begin on October 20, 2019 automatically on the Crown Castle Monroe (Fairgrounds Park) Cell Tower Lease with a fifteen percent (15%) increase of lease payments. A thirty-day notice terminating the contract would have to be given if the City no longer wished to renew.

City Attorney Granneman alerted the Board that a Notice of Commencement of Chapter 11 Cases was received regarding franchise taxes In Re: Fusion Connect, Inc., et al. Debtors, in United States Bankruptcy Court Southern District of New York. The Board took no action on the matter.

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

Alderman Sconce made a motion, seconded by Alderman Detert to Adjourn the Meeting.
Vote: Sconce aye, Detert aye, Anderson aye, Norman aye, Walker aye. The Meeting
adjourned at 9:35 p.m.

ATTEST:

City Clerk

Mayor Mark Cross

*Approved on Consent Agenda