

City of Troy, Missouri
Regular Board of Aldermen Meeting
Monday, November 18, 2019
6:30 P.M.

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

Mayor Cross opened the Public Hearing for citizen comment on the following matters:

- (a) For consideration of a Petition to Establish the Front Street Community Improvement District and Authorize Powers Granted to Community Improvement Districts under the Act, Sections 67.1401 through 67.1571 of the Revised Statutes of Missouri, as amended;
- (b) Amending Section 405.215: Animals, Subsection (c), to expand the keeping of chickens in other zoning districts which are used solely for residential purposes with Board of Aldermen approval;
- (c) Request by Leland Hicks, applicant on behalf of Suits U Troy, LLC, of a Conditional Use Permit for “Slim Chickens” Restaurant and Drive Thru, for the location of #1 Front Street. This site is zoned “C-3” Highway Commercial District as recommended by Planning & Zoning Commission;
- (d) Request by Eric Stephens, applicant, of Rezoning from “R-2” Single Family Residential to “C-1” Central Business District, for the location of 195 E. College Street, Lot “B”, Troy, MO 63379 as recommended by Planning & Zoning Commission; and
- (e) Request by Darrell Coose, applicant on behalf of Wedgewood Development Group, of Rezoning from “R-1” Single Family Residential District to “R-2” Single Family Residential District for Embers Duplexes, a 55 year and older community, to be located at 116 HWY J as recommended by Planning & Zoning.

Wendy Meriwether, 109 Highway J, Troy, commented on Item (e) stating that if duplexes were allowed property values would go down and traffic would be more difficult. Ms. Meriwether said that it takes 5-8 minutes for her to get out of her driveway currently and believes the City would need to hire more police officers due to extra traffic and reckless driving. Meriwether commented that stop signs would not work to control the extra traffic and it was a bad idea.

Brittany Hosmer, 115 Highway J, Troy, said her comments are the same as Ms. Meriwether and that her property is located directly across from the site and she would have additional difficulty backing out of her driveway. Hosmer said it would lower her property value.

Darrell Coose, 111 Sumac Drive, Troy, responded that the plan was to build 8-10 units valued at \$250,000 each which would not lower property values. Barbara Coose, his spouse, said that it was doubtful that traffic would increase since it was a 55-plus senior housing development and residents generally are not out at 6:30 a.m. and residents would take care of surrounding areas where they live. The development would improve the area which is now run down. Darrell Coose said each unit is in fact 1,400 square foot duplexes with optional basements. The two planned entrances may be changed to one wider entrance after receiving a preliminary okay from MoDOT. Alderman Sconce asked how large a lot size is required to build a residence as opposed to a duplex. Building Official Lindsey said it was 10,000 square foot for either a residence or duplex. Alderman Detert attended the Planning & Zoning Public Hearing and said that some in attendance were concerned with increased stormwater run-off for residents on Spanish Oak Court, traffic, entrances, tree removal, and any future change in the HOA that eliminated the 55-plus senior eligibility requirements. Building Official Lindsey said that stormwater run-off cannot change from pre-construction levels to after-construction levels according to law. Darrell Coose believed the engineers would improve the stormwater run-off situation occurring now and would try to leave it as natural as possible around the perimeter with trees.

Alderman Anderson made a motion, seconded by Alderman Curt to Continue the Public Hearing until the Regular Board of Aldermen Meeting dated Monday, December 16, 2019 at 6:30 p.m. on Item (a) For consideration of a Petition to Establish the Front Street Community Improvement District and Authorize Powers Granted to Community Improvement Districts under the Act, Sections 67.1401 through 67.1571 of the Revised Statutes of Missouri, as amended. Vote: Anderson aye, Curt aye, Sconce aye, Norman aye, Walker aye, Detert aye.

There were no other citizens comments on Public Hearing. Alderman Detert made a motion, seconded by Alderman Curt to Close Public Hearing Items (b) through (e). Vote: Detert aye, Curt aye, Anderson aye, Norman aye, Sconce aye, Walker aye.

Mayor Cross 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 Curt to Approve the Consent Agenda. Vote: Detert aye, Curt aye, Walker aye, Norman aye, Anderson aye, Sconce aye.

*Approved the Minutes of the Regular Board of Aldermen Meetings dated Monday, October 21, 2019 and Monday, November 4, 2019

*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. 1311 as Ordinance _____ -- Amending Section 405.215: Animals Subsection (c), first and second times by title only. City Attorney Granneman explained the amendment allows a variance by Board approval for the keeping of chickens in other zoning districts which are used solely for residential purposes. Alderman Sconce made a motion, seconded by Alderman Detert to Adopt Bill No. 1311 as Ordinance 1282. Vote: Sconce aye, Detert aye, Curt aye, Norman aye, Walker aye, Anderson aye.

Alderman Sconce made a motion, seconded by Alderman Detert to Grant a Variance Request Allowing the Keeping of Chickens to John Dickerson, 298 S. Lincoln, Whose Property Address is Zoned Commercial but Solely Used for Residential Purposes. Vote: Sconce aye, Detert aye, Anderson aye, Curt aye, Norman aye, Walker aye.

Alderman Sconce made a motion, seconded by Alderman Anderson to Table Indefinitely Discuss Software for Building Department Permitting Processes (InterGov). Vote: Sconce aye, Anderson aye, Curt aye, Walker aye, Norman aye Detert aye.

Chief Taylor was still waiting for a response from two gas stations but all others were okay with an ordinance requiring gas stations to go prepay for fuel as long as all gas stations were mandated. Chief Taylor reported that twenty-six more “drive-offs” from gas stations had been reported since last month and this ordinance would lessen the load on officers if adopted. Alderman Detert would not like to see elderly folks paying with cash to have to make two trips inside the building to pay and gas stations should have ample security camera video to go after folks that were driving off without paying. Further, Detert felt it was not the City’s position to mandate prepayment, and just like smoking in restaurants, it should be the responsibility of the business owner to set their own policies. Aldermen Sconce and Anderson agreed. There was no alderman sponsor.

*Approved Candidate Filing Information for April 7, 2020 General Municipal Election to Include Section 115.395.2 RSMo (lottery drawing)

*Approved Bad Debt Utility Write-off from September 1, 2017 to August 31, 2018 of \$9,647.54

*Approved Engineering Services Proposal submitted by Four Points Land Surveying & Engineering, Inc. on New Well 15 (located west side of Troy) in the amount of \$24,875.00

*Approved Request by Eric Stephens, applicant, of Rezoning from “R-2” Single Family Residential to “C-1” Central Business District, for the location of 195 E. College Street, Lot “B,” Troy, MO 63379 as recommended by Planning & Zoning Commission

*Approved Request by Leland Hicks, applicant on behalf of Suits U Troy, LLC, of a Site Plan, Conditional Use Permit and Commercial Building Permit for “Slim Chickens Restaurant and Drive Thru, for the location of #1 Front Street. This site is zoned “C-3” Highway Commercial District as recommended by Planning & Zoning Commission

*Discussed and Approved Request of Todd Culbertson, applicant on behalf of the Troy R-3 School District, of a Site Plan Review and Commercial Building Permit for the “Main Street Elementary Expansion” to be located at 51 Main Street as recommended by Planning & Zoning Commission

*Approved Budget Amendments for Building Department New Computers Compatible with Windows 10:

01-1006-6550	Storm Water: Travel	-1,000
01-1006-6590	Storm Water: Dues & Seminars	-1,000
01-1004-6751	Inspection: Office Equipment	+2,000

*Approved Change Order #1 on the 2019 Mill & Overlay Program No. 190812001 submitted by Mid River Asphalt Inc. in the decreased amount of (\$2,237.77)

*Approved Final Pay Request #1 on the 2019 Mill & Overlay Program No. 190812001 submitted by Mid River Asphalt Inc. in the amount of \$77,488.72

Alderman Sconce stated that the residential piece of property will be developed whether seven houses or eight duplexes and does not make a huge difference. Alderman Sconce made a motion, seconded by Alderman Curt to Approve Request by Darrell Coose, applicant on behalf of Wedgewood Development Group, of Rezoning from “R-1” Single Family Residential District to “R-2” Single Family Residential District for Embers Duplexes, a 55-year-and-older community, to be located at 116 HWY J as recommended by Planning & Zoning Commission. Vote: Sconce aye, Curt aye, Detert aye, Norman aye, Anderson aye, Walker nay. Motion carried 5-1.

City Attorney Granneman said the City has oversight on any proposed Community Improvement District and the City had worked with Gilmore & Bell on similar requests. Granneman advised that Gilmore & Bell be authorized to work with the developer and part of the costs associated with this review be paid by developer. It was anticipated that the Petition would be ready for the December Board meeting for approval consideration. Alderman Sconce made a motion, seconded by Alderman Curt to Authorize Mayor to Enter Into Agreement with Shannon Creighton, Gilmore & Bell, for Work Performed in Connection with Front Street Community Improvement District with Costs Paid by Developer. Vote: Sconce aye, Curt aye, Anderson aye, Norman aye, Walker aye, Detert aye.

Mayor Cross relayed that the lowest and best bids received on the Southeast Wastewater Treatment Plant Facility and Highway 47 Lift Station Upgrades project and Interceptor Sewer and Force Main project were over the original budget by \$3,000,000. Upon receipt of the bids, the Mayor reached out to MoDNR for grant possibilities. MoDNR replied that a grant was highly unlikely due to Troy's population being above 10,000 and an earlier grant analysis reflected a score of 60 for Troy when a score of 195 was needed in order to qualify. Mayor also reached out to United States Senator representatives for shortfall funding possibilities but any solution they may provide will take longer than the response received by MoDNR. Woodard & Curran was working with the two low bidders to find out if there were ways to save money and would present its findings at the Board's Regular meeting set for Monday, December 2nd. Mayor said that everything was designed to work and it would be foolish to cut the budget and build something less now to only turn around later and try to meet stricter guidelines at a higher cost. Alderman Sconce asked and Mayor Cross confirmed that the bids received were above our bonding/financing capacity set at \$18,887,000. Treasurer Flinn clarified the \$3,000,000 shortfall was a combination of project bid costs, Woodard & Curran construction management and closing/legal costs.

Alderman Walker made a motion, seconded by Alderman Detert to Reschedule Board Meeting Dates Due to Holiday Conflicts in January and February 2020 as follows: Thursday, January 23, 2019 and Thursday, February 20, 2019. Vote: Walker aye, Detert aye, Norman aye, Sconce aye, Curt aye, Anderson aye.

Deputy City Clerk/HR Generalist Hawkins relayed the health insurance renewal was 49% over last year. Hawkins met with Mayor Cross, Treasurer Flinn and the City's insurance broker to discuss cost-saving options. The broker suggested to renew with a higher deductible of \$5,000 for individual and \$10,000 family with United Health Care ("UHC") and purchase gap insurance through MEDLink to bring the deductible down to the current \$1,000 for individual and \$3,000 family. This option resulted in a 14%-16% increase over what was budgeted (20%) in FY2020 for a total of 34%-36% renewal. This option was then presented to the City's internal-employee insurance committee who

voted to make the recommendation to the Board. Alderman Anderson asked why the renewal was so high and Hawkins responded that the City had a small group and claim numbers have gone up historically over the last 2-3 years. The City bid-out its health insurance but Aetna would not quote it and Anthem came in higher than UHC. Alderman Curt asked if the City could get into a larger group to bring the cost down. Mayor Cross replied that the City of Troy was not eligible for SLAIT, a St. Louis County cooperative, but were asked to participate in a St. Charles cooperative but it is unknown if it will work or what the rates would be at this time. Mayor continued that within our small group, there were three claims above \$50,000. Hawkins stated that our group responsibly utilized the plan as evidenced by last year's data (e.g., 10-15 urgent care visits as opposed to 1-2 emergency room). Mayor handed out a premium history starting in 2012/2013 showing the monthly premium increase to current and expressed the need to address and get it under control. Alderman Curt suggested to contact the Division of Insurance and ask for help. Hawkins said that other entities were also seeing higher renewal numbers and invited all Aldermen to help with the internal committee to drive costs down.

Alderman Anderson made a motion, seconded by Alderman Sconce to Approve United Health Care Renewal Option 8 (\$5,000 individual/\$10,000 family deductible) with MEDLink and Supplemental Dental and Vision Insurance as recommended by the Internal Insurance Committee. Vote: Anderson aye, Sconce aye, Detert aye, Walker aye, Norman aye, Curt aye.

Deputy City Clerk/HR Generalist Hawkins requested the Sick Leave Incentive personnel policy, page 400-23, be removed/terminated effective July 1, 2020 as an outdated concept to control attendance. Hawkins continued that employees have many leave banks for time off and some folks use other time as opposed to sick in an effort to obtain the incentive. From an HR standpoint, FMLA and ADA laws may be overlooked if supervisors were not made aware that sick was the actual reason for the absence and believed that a wellness program utilizing the incentive funds would better serve employees. Mayor Cross said that currently there are 10,479.5 hours of sick leave within employee sick banks which translated into \$271,242.17. Alderman Sconce made a motion, seconded by Alderman Walker to Remove/Terminate Personnel Policy – Sick Leave Incentive 400-23 effective July 1, 2020. Vote: Sconce aye, Walker aye, Anderson aye, Curt aye, Norman aye, Detert nay. Motion carried 5-1. Alderman Detert voted no because in his 35 years of employment, he was out for one sick day only due to staph-infection in his finger.

Mayor Cross handed out a list provided by Missouri Municipal League showing gross sales tax receipts and possible use tax revenue for the period 2016-2018. Many other Missouri cities have passed a use tax requiring out-of-state vendors, such as catalog sales and online stores, to collect a use tax at the same tax rate as their local sales tax. If a City of Troy use tax were in place, the 2% use tax rate would have potentially generated

\$109,025.39 in 2016, \$125,040.62 in 2017 and \$488,977.41 in 2018. Use Tax revenues would go into General, Transportation Tax and Capital Improvement funds just like sales tax. Discussion continued whether or not to place a Use Tax question on the April 2020 ballot. Alderman Sconce agreed to sponsor the ordinance for use tax.

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

City Attorney Granneman advised the Board on Legal matters.

Alderman Sconce made a motion, seconded by Alderman Detert to Accept the Resignation of Sergeant Nicholas Brimager effective November 28, 2019. Vote: Sconce aye, Detert aye, Anderson aye, Curt aye, Norman aye, Walker aye.

Alderman Sconce made a motion, seconded by Alderman Detert to Post the Sergeant Position for Police Department Internally for Seven Days Pursuant to Hiring Procedures for the City of Troy. Vote: Sconce aye, Detert aye, Norman aye, Walker aye, Anderson aye, Curt aye.

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

Alderman Sconce made a motion, seconded by Alderman Norman to Adjourn the Meeting. Vote: Sconce aye, Norman aye, Walker aye, Detert aye, Anderson aye, Curt aye. Meeting adjourned at 8:20 p.m.

ATTEST:

City Clerk

Mayor Mark Cross

*Approved on Consent Agenda