

City of Troy, Missouri
Public Hearing and Regular Board of Aldermen Meeting
Monday, May 18, 2020
6:30 P.M.

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

Due to concerns with COVID-19, public access to the Public Hearing and Regular Board Meeting was made available through physical attendance with appropriate social distancing and via Zoom Video/Phone Conferencing.

Mayor Sconce opened the Public Hearing at 6:30 p.m. for consideration of a Conditional Use Permit Application for Fireworks Stand for "Fireworks City," a seasonal fireworks stand requested by Meramec Specialty Company, applicant and located at 12 Frenchman Bluff Road zoned "C-3" Highway Commercial District as recommended by Planning & Zoning Commission. Tom Dixon, attended by video-conferencing, stated that Meramec Specialty Company had operated this fireworks stand for several years in the City of Troy with no issues. The fireworks stand will again be operated this year with the same staff and property management. Meramec Specialty Company had been in business since 1960 and operated successfully in six other states with lots of experience in fireworks sales. There was no public comment.

Mayor Sconce called the Regular Board of Aldermen Meeting to Order at 6:36 p.m., 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, Anderson aye, Walker aye, Norman aye, Grimstead aye.

*Approved the Minutes of Regular Board of Aldermen Meetings dated Monday, April 20, 2020 and Monday, May 4, 2020

Jamie Keim-Thurman, Doc Keim and Justin Butler, Esq. were present to discuss a zoning exemption for the funeral home located at 351 Monroe Street zoned R-2 to rebuild upon the occurrence of a catastrophic event. Jamie Keim-Thurman presented the Board with a letter from the State of Missouri Department of Commerce and Insurance Professional Registration office. The letter stated the reason for the zoning exemption from the City was to satisfy the licensing requirements of the funeral home with the State of Missouri. Ms. Keim-Thurman said the funeral home had been operating since 1940 and paid

commercial property tax. Building Official Lindsey said that commercial property taxes do not dictate zoning on a property and the property had been zoned R-2 at least since 1966 as indicated on a 1966 zoning map. Ms. Keim-Thurman said the property needed to be re-zoned commercial for licensing. Building Official Lindsey cautioned the Board about spot zoning as the property was surrounded by R-1 and R-2 properties. The procedure to request a zoning change was discussed. Attorney Butler said this had been an on-going transaction which was time-sensitive and will benefit the community in the long term.

Discussion ensued on the property's history of use for many years as a funeral home, whether the Board had set a precedent in the past on spot zoning and if allowed to change the zoning, whether the property would remain a funeral home in the future. Alderman Curt made a motion, seconded by Alderman Grimstead to Correct the Zoning to Commercial at 351 Monroe Street. Building Official Lindsey said any zoning changes required a public hearing with notice given at least fifteen days prior to the Planning & Zoning Commission meeting and within forty-five days of the Board of Aldermen meeting. Alderman Curt withdrew her motion and Alderman Grimstead withdrew his second based on this information. Alderman Detert made a motion, seconded by Alderman Curt to Table the Request for Zoning Exemption for Funeral Home at 351 Monroe Street located in R-2 to Rebuild in the Event of Catastrophic Event until after Closed Session. Vote: Detert aye, Curt aye, Norman aye, Grimstead aye, Walker aye, Anderson aye.

Municipal Judge Gary Grunick presented an update on the City's municipal court and its purpose for private safety, public welfare and the overall good of the community. Judge Grunick oversees the operation of the City's municipal court alongside Cindy Davenport, its prosecuting attorney, Court Administrator Kristen Cottle, and three police officer-bailiffs who provided security. Judge Grunick relayed his appreciation for the recent purchase of the metal detector and its effectiveness to deter unwanted objects in the court room.

A review of the April 2020 financial information reflected \$5,000.00 in fines had been collected via internet payments in spite of court proceedings being postponed due to the pandemic. April was a busy month with pandemic modifications. Those modifications included not sending officers to other counties on arrest warrants, purging old files, sending out notification letters, conference calls through the jail with persons on guilty pleas and issuing new court dates and fines.

The Missouri Supreme Court's recent Phase 1 order allowed court proceedings to begin again. The next court date will be May 27, 2020 and only ten persons will be allowed in at one time with consideration for a later court date given for anyone with health concerns.

Generally, municipal court has changed dramatically. The number of statewide municipal courts pre-Ferguson was 400 and currently is 250. Persons who do not post bond are let go in 48 hours, the municipality has to pay the two days in jail with no recoupment and limitations set on fines. Alderman Curt asked about collecting \$3.00 for Sheriff's retirement fund as part of cost and Judge Grunick responded that the City does not collect it and neither does 67% of Missouri municipal courts. The Supreme Court requires officers to put a 25-digit OSCA charging code on every ticket for automation but the City's court is not automated and will not be participating.

Darrow Wenom, 695 Cave Farm Road, Troy, requested the Board purchase American-made generators for the City's Wastewater Treatment Facility ("WWTF") Improvement Project as opposed to ASCA generators. Mr. Wenom said that the ASCA generators were made in Turkey and were not an equal to engineering specifications. He continued that the generators may be cheaper but the money saved on the purchase of the generators would be used to rebuild switches later. He also said the Union workers stood behind his request. Mayor Sconce said no vote would occur tonight. Mr. Wenom said he called the Mayor several times prior to this meeting on the generators.

Alderman Anderson asked if Mr. Wenom had a financial interest. Mr. Wenom said we [his company] are a generator dealer and we have a service contract for the next four years with Woodard & Curran on the facility. Even though we are a dealer, we would still be able to service the generators. Mr. Wenom stated that he had a letter from the State of Missouri advising against ASCA generators. Mr. Wenom offered the City to purchase American-made generators at cost through his company. Mayor Sconce said the City has a \$17 million dollar contract with Plocher Construction and these generators were inside the contract, let and qualified by a subcontractor and submitted by Plocher. Mr. Wenom said he had the service contract with Woodard & Curran on current generators but the City will incur costs with a dealer in Illinois to come over and service ASCA generators. Alderman Anderson said folks will find things to disagree with within a \$17 million dollar contract and the Aldermen are not all sewer engineers but the City depends on them [Plocher] to vet subcontractor submittals.

Mr. Wenom said the numbers were close, all within \$1,000 of each other, but the City would be getting a cheaper product of generator and gears. Mr. Wenom pointed out that the Board recited the pledge of allegiance for the country and asked what is a few thousand dollars more for American-made equipment serviced locally instead of buying from Turkey. Alderman Anderson said it is taxpayer's money and the Board is obligated to spend as little as possible with efficient outcomes. Mr. Wenom said the City paid an engineering firm to write a specification and the ASCA generator is not equal and is an inferior product and referenced the State's letter warning not to purchase the product.

Alderman Detert said that he was all for American-made products and was concerned with Turkey's tariffs if the generator breaks down and the overall importance of the generator to the plant's operation.

Mayor Sconce said the City contracted with Woodard & Curran to provide engineering specifications, oversee the bid process and let the project. Mayor Sconce spoke with Rob Polys and was satisfied that the equipment was vetted properly. Mayor Sconce warned that if the City picked apart Woodard & Curran's judgment, line-by-line questioning everything, why should the City pay them. Mr. Wenom responded that Rob Polys was an engineer and did not work on the generators. Mayor Sconce said if the Board opened the door, the generators were a tiny fraction of the complete project. There was not an item down there that someone would say that was wrong.

*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

David Goad requested to purchase a sewer tap and hook-on the City's sewer system outside city limits. Mr. Goad said he owned his property for 12 to 13 years and lived in Lincoln County for 40 years. He purchased 1-1/2 acres from Cannon Builders ("Cannon") when they were developing Stone Crossing. Mr. Goad's septic ran into the field but backed up into his basement. Cannon hooked his property up to the City over a year ago and Mr. Goad thought Cannon took care of it all with the City and found out that was not the case. Mr. Goad has been hooked up since June 2019. He thought he had approval by the Board after he saw a notice in the newspaper back in December. Mr. Goad said Cannon should pay the \$4,000 tap fee since Monte Cannon should have done it from the beginning. Cannon tapped on the edge of his septic tank property and Trinity Ditching made the connection. Mayor Sconce said he had been talking with Mr. Goad since February about annexation into the City limits. Mr. Goad said he thought about it and he would only be gaining City sewer since he had a county road in front of his property. Mayor Sconce said that Monte Cannon thought Mr. Goad's property was in City limits when he brought Stone Crossing subdivision inside city limits but it did not capture this property. If not allowed to hook on outside city limits, Mr. Goad's options were to annex or unhook from the City's sewer system. Mr. Goad said there was an agreement with Cannon but he thought it was with the City. Mr. Goad had soil samples and determined that he can put in a leech field. Mr. Goad had a well and did not want water. Mayor Sconce said the tap fee was \$4,000 if granted. Alderman Walker made a motion, seconded by Alderman Curt to Table Request to Purchase Sewer Tap and Hook-

On to City Sewer System Outside City Limits until after Closed Session. Vote: Walker aye, Curt aye, Detert aye, Anderson aye, Grimstead aye, Norman aye.

*Approved Conditional Use Permit for "Fireworks City," a seasonal fireworks stand requested by Meramec Specialty Company, applicant and located at 12 Frenchman Bluff Road zoned "C-3" Highway Commercial District as recommended by Planning & Zoning Commission

*Approved 2020 Liquor License Renewals: Casey's General Store, 620 E Cherry Street; Casey's General Store, 11 Turnbull Trail; Q Stop LLC, #2 Merlin Drive; Walgreen #7811, 100 Jason Drive; Dollar General #1585, 8 Lincoln Center; Troy Elks Lodge #2805, 541 Second Street

*Approved Woodard & Curran Invoice No. 175861 for Wastewater Treatment Facility and Highway 47 Lift Station Construction Services for the period ending April 24, 2020 in the amount of \$65,908.00

*Approved and Authorized Mayor to Sign 2020-2021 Amended Contract with Troy Convention & Visitor's Bureau and Marketing Plan

*Approved Purchase a Dodge Dakota Truck for the Water Department Recommended by Water Superintendent Brian Lourance up to \$3,000.00

*Approval of East Hamptons Record Plat 1 requested by Cannon Builders

*Approved FY20 Miscellaneous Budget Amendments to Allow for the correct posting of the SRF Loan transactions

WWTF Manager Comer presented the FY21 operating budget for Woodard & Curran noting a \$65 increase over the current year. The budget included taking over a new lift station and higher electric costs at the existing Whitetail lift station. Alderman Anderson made a motion, seconded by Alderman Walker to Approve July 1, 2020 through June 30, 2021 Budget for Wastewater Treatment Facility as submitted by Woodard & Curran. Vote: Anderson aye, Walker aye, Norman aye, Grimstead aye, Curt aye, Detert aye.

Alderman Anderson made a motion, seconded by Alderman Norman to Approve Pay Application #2 submitted by Plocher Construction through 4/30/2020 on SE WWTF & Hwy 47 Lift Station Upgrades in the amount of \$364,452.04. Vote: Anderson aye, Norman aye, Detert aye, Curt aye, Grimstead aye, Walker aye.

City Clerk Schneider relayed information from the Missouri Municipal League that most municipalities plan to continue temporary relief to utility disconnections and penalty fees through June 15, 2020, when the Governor's state of emergency is presently set to expire. It was recommended the City of Troy should continue its temporary relief accordingly.

Also discussed were payment arrangements and to allow a one-time temporary change to include thirty-day repayment once temporary relief is lifted. Alderman Norman made a motion, seconded by Alderman Grimstead to Extend Temporary Relief to Utility Disconnection Policy and Penalty Fees Set Out in Section 700.060 Water Bill and Delinquencies to Include the Month of June, 2020 and Allow a One-Time Temporary Change to Payment Arrangements Policy to Include a Thirty-Day Repayment Period. Vote: Norman aye, Grimstead aye, Walker aye, Detert aye, Curt aye, Anderson aye.

Alderman Detert made a motion, seconded by Alderman Curt to Approve and Authorize Mayor to Sign Supplemental Agreement No. 2 to Engineering Services Contract submitted by HR Green for Construction Management Services on Villa Drive Pedestrian Improvement Project TAP-9900(391) in the amount of \$40,930.58. Vote: Detert aye, Curt aye, Anderson aye, Norman aye, Grimstead aye, Walker aye.

Alderman Curt made a motion, seconded by Alderman Grimstead to Approve and Authorize Mayor to Sign Supplemental Agreement No. 1 to Engineering Services Contract submitted by Cochran Engineering for Additional Design Services in the amount of \$20,000.00 and Construction Management Services in the amount of \$120,000.00 for Cherry Street Improvement Project STP-9900(387) and CDBG 2008-DN-21. Vote: Curt aye, Grimstead aye, Norman aye, Walker aye, Detert aye, Anderson aye.

Treasurer Flinn requested dates of availability to set a budget workshop for FY21. The consensus by the Board was Monday, June 1, 2020 at 6:30 p.m. and aldermanic candidates participating in the June 2, 2020 election would be personally invited to attend. Treasurer Flinn distributed Budget Notes for Board review in advance of the Budget Workshop. Mayor Sconce commented that these were preliminary numbers. All capital purchases were stripped out and included a 30% increase in insurance costs. Sconce further stated he was comfortable with the red number in General Revenue fund as the City worked hard to build reserves over the years to cover periods of decline.

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

Patrol Officer James Reeds was present and spoke to the Board. Patrol Officer Reeds left the meeting. Chief Taylor entered the meeting and spoke to the Board on the recommendation to terminate Patrol Officer Reeds. Chief Taylor left the meeting. Alderman Anderson made a motion, seconded by Alderman Detert to Accept the Recommendation to Terminate Patrol Officer James Reed. Vote: Anderson aye, Detert nay, Norman nay, Curt aye, Grimstead aye, Walker aye. Motion carried 4-2.

City Attorney Taylor Granneman advised the Board on Legal matters.

Alderman Detert made a motion, seconded by Alderman Walker to Approve and Authorize Mayor to Sign Legal Services Contract with Cynthia Davenport as Prosecuting Attorney beginning July 1, 2020. Vote: Detert aye, Walker aye, Grimstead aye, Curt aye, Norman aye, Anderson aye.

Alderman Detert made a motion, seconded by Alderman Grimstead to Approve and Authorize Mayor to Sign Legal Services Contract with Gary Grunick as Municipal Judge for Division 1 beginning July 1, 2020. Vote: Detert aye, Grimstead aye, Anderson aye, Walker aye, Curt aye, Norman aye.

Alderman Detert made a motion, seconded by Alderman Curt to Approve and Authorize Mayor to Sign Contract for City Attorney with Jesse Granneman as City Attorney beginning July 1, 2020. Vote: Detert aye, Curt aye, Anderson aye, Walker aye, Norman aye, Grimstead aye.

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

Alderman Anderson made a motion, seconded by Alderman Norman to Approve Request by David and Donna Goad, 893 Elm Tree Road, to Purchase Sewer Tap and Hook-On to City Sewer System Outside City Limits. Vote: Anderson nay, Norman nay, Detert nay, Grimstead nay, Curt nay, Walker nay. Motion failed 0-6.

Alderman Grimstead made a motion, seconded by Alderman Norman to Table Request for Zoning Exemption for Funeral Home Located in R-2 to Rebuild in the Event of Catastrophic Event by Jamie Keim-Thurman, Millard Funeral Home, 351 Monroe Street, until the next Regular Board Meeting on June 15, 2020. Vote: Grimstead aye, Norman aye, Detert aye, Curt aye, Walker aye, Anderson aye.

Alderman Anderson made a motion, seconded by Alderman Walker to Adjourn the meeting. Vote: Anderson aye, Walker aye, Curt aye, Detert aye, Grimstead aye, Norman aye. Meeting adjourned at 9:26 p.m.

ATTEST:

City Clerk

Mayor Ron Sconce

*Approved on Consent Agenda