

City of Troy, Missouri
Public Hearing
Monday, October 17, 2022
6 p.m.

Present for the Public Hearing were Aldermen Steve Jones, Rachel Dunard, Harold Horner, Dennis Detert, David Norman, and Mayor Ron Sconce. Also present were Parks Director Ryan Howell, Public Works Superintendent Jeff Burkemper, Building Official Dave Lindsey, Police Chief Jeff Taylor, Assistant Police Chief Dustyn Tienter, Deputy City Clerk Kaitlyn Knickmeyer, and City Clerk Tonya Hawkins. Alderman Guy Grimstead, Treasurer Linda Flinn, and City Attorney Jesse Granneman arrived later.

Mayor Sconce called the Public Hearing to order and asked for citizen comment on:

1 Stop Vape Shop, applicant, requesting a Conditional Use Permit for a drive-thru window at 1 Stop Vape Shop, located at 10 Ellis Avenue. Zoning is “C-3” Highway Commercial District.

Aldermen Detert and Dunard questioned plans for the drive-thru window considering nearby entrances and driveways to other businesses. Alderman Detert said his biggest concern is a school bus entrance, which he estimated to be within 150 feet. Alderman Dunard asked Charles Hawkins, owner of 1 Stop Vape Shop, if traffic in the area would increase. Mr. Hawkins said traffic to his shop would go back to previous levels. He said his competitors added drive-thru windows, and he is doing this to keep his doors open. Mr. Hawkins said the school bus entrance is quite a ways down the road from the proposed drive-thru window. Alderman Norman asked Alderman Detert, a member of the Planning and Zoning Board, if plans for the drive-thru window were approved by the board. Alderman Detert said the Planning and Zoning Board approved plans, but that questions come up later. Alderman Detert asked about utilities in the area. Superintendent Burkemper said there would be no issues if the drive-thru does not cross water lines.

Regular Board of Alderman Meeting
6:30 p.m.

Mayor Sconce called the Regular Board of Aldermen meeting to order at 6:30 p.m., announced a quorum present, and led in the Pledge of Allegiance.

Alderman Grimstead made a motion, seconded by Alderman Norman, to approve the Consent Agenda with the exception of Items 3B (Department Head Report – Public Works Department: Jeff Burkemper); 3C (Department Head Report – Wastewater Department: Jared Comer, Woodard and Curran); 7E (Authorize Mayor to Sign Agreement to Terminate Lease and Accept Dedication of Kiwanis Park pursuant to Deed at Book 2484 Page 52 of the Lincoln County, Missouri Recorder of Deeds office); 7I (Approve Christmas/New Year’s Holidays on Friday, December 23, 2022 (Christmas Eve Observed), Monday, December 26, 2022 (Christmas Day Observed), and Monday, January 2, 2023 (New Year’s Day Observed)); 7K (Approve Utility Bad Debt Write-Off for the period September 1, 2020, through August 31, 2021 in the amount of \$10,876.15); and 7S (Approve Pay Application No. 13 for Cherry Street Improvement Project STP-9900(387) submitted by Lamke Trenching & Excavating Inc. in the amount of \$357,605.50). Vote: Grimstead aye, Norman aye, Detert aye, Horner aye, Dunard aye, Jones aye. Motion carried 6-0.

*Approved Minutes of Previous Meeting: Regular Board of Aldermen Meeting dated September 19, 2022.

Mayor Sconce opened the meeting to Citizen Comments.

Carol Wieman, of 1101 Crystal Court, said there has been a lot of social media posts about police officers leaving. She asked the board why this has not been addressed. Alderman Norman mentioned that a 10 percent pay increase, as well as another subsequent pay increase, were given recently. He said he has learned that you cannot do anything without an amendment or an ordinance, and he alluded to agenda items 7Q and 7R to reallocate funds for police officers' pay increases. Alderman Jones noted that the city added six additional police officer positions in the past year. Alderman Norman said he would like to see officers on a pay scale that is separate from other employees. Ms. Wieman said she does not think someone should make more cutting grass than being a police officer.

Ms. Wieman said sidewalks on West Bonfils were removed and not replaced to ADA standards. Mayor Sconce asked her what specifically failed ADA standards. Ms. Wieman mentioned a plate. Mayor Sconce explained that a waterline was replaced there. He noted there is access to the sidewalk. Attorney Granneman said the city would have to consult with the project engineer.

Naomi Miller, of 312 Shellbark Drive, said she lost business due to repairs on Main Street during construction. She said she sent emails to Alderman Dunard, Alderman Detert, Mayor Sconce, and City Clerk Tonya Hawkins. She thanked Aldermen Dunard and Detert for responding. She requested that business owners be notified of street repairs; she said it is imperative.

Ms. Miller asked if \$670,024.95 of CDBG grant funds had been released for the Cherry Street project. She said the city has a deficit. Mayor Sconce explained that the Boonslick Regional Planning Commission is assisting the city with submitting the necessary paperwork to release funds following the departure of its former executive director, Chad Eagan. Mr. Eagan submitted some documentation shortly before leaving his position in August. Mayor Sconce said funds are still there. He said if funds are not used for Cherry Street, they could be used on another project. He clarified the funds have no impact on the deficit because the deficit is in General Revenue fund.

Darryl Huffmon, 690 Second Street, said there was a gas line hit during construction on Cherry Street. He asked what the city could do to get the construction company moving. Mr. Huffmon said construction crews were also busting up new concrete. He asked if there was inefficiency on the construction company's part and who was paying for errors. Mayor Sconce explained that it was a service line that was hit. It was located but not marked, he said. He said, as far as he knew, there would be no additional cost. Mr. Huffmon asked if there was anything to offset lost revenue to businesses and the city. Mayor Sconce said unforeseen difficulties cost a lot of time.

Robert Hite, 266 Victoria Drive, asked if there had been change orders. Mayor Sconce said yes, it has been over \$20,000 on the \$3.6 million project. The goal is to get the street open to get the lifeline back to businesses, Mayor Sconce said.

Pam Seng, 451 North Main Street, asked about repairs to Union Street. She leases the building for her business, Mustard Seed Rentals and Events. She asked which part of the area behind the shop is the city's responsibility and which part is the property owner's responsibility. Ms. Seng said the property owner supports repairing the street and is willing to pay. Superintendent Burkemper said he will stop by tomorrow to look at the area.

Ron Walters, 1099 Huntington Drive, asked the board about fixing cracks on his driveway following repairs on Huntington Drive. Superintendent Burkemper said he would contact M&H, the contractor who worked on the street. Mr. Walters asked if anything could be done to fix the transition onto Huntington

Drive from Highway J. He asked if brush could be trimmed back on Third Street between Campbell and Monroe streets. He also asked about the asphalt approach to Third Street from the roundabout. Superintendent Burkemper said he will see how much of the approach is city property and how much is MODOT property.

*Approved Reports of Parks, Planning & Zoning/Board of Adjustment, Historic Preservation Commission, Troy Convention and Visitors Bureau

*Approved Reports of Police, Finance, Building Inspection, Parks, and Administration Departments

Alderman Detert discussed the Public Works report. He said he saw a TikTok video of a paver sliding off a trailer as a maintenance worker turned a truck with the trailer in tow onto Excalibur Boulevard. The paver landed in the front yard of a residence. Alderman Detert said something this important should have been mentioned to aldermen. He said he found it disturbing that aldermen were not told but the incident was on social media. Mayor Sconce explained the department leader handled the situation and that day-to-day operations are not the responsibility of the board of aldermen. He said there was a report, disciplinary action, and the department head addressed the matter with the individual who was responsible. Alderman Grimstead said there cannot be too many cooks in the kitchen, and Superintendent Burkemper cannot have too many bosses. Alderman Grimstead said the board acts as an appeal board.

Gary Leifert, of 1050 Old Cap Au Gris, stood up and told board members that open session is not the place to air their laundry. He then exited the meeting.

Alderman Norman made a motion, seconded by Alderman Grimstead to approve the Public Works report. Vote: Norman aye, Grimstead aye, Horner aye, Jones aye, Dunard aye, Detert aye. Motion carried 6-0.

Alderman Detert noted that Wastewater Treatment Plant Supervisor Jared Comer was absent. He asked about the results of recent smoke testing. Superintendent Burkemper said testing is ongoing and no severe deficiencies were found.

Alderman Grimstead made a motion, seconded by Alderman Norman, to approve the Wastewater Department report. Vote: Grimstead aye, Norman aye, Horner aye, Dunard aye, Detert aye, Jones aye. Motion carried 6-0.

*Approved payment of regular bills.

*Approved Conditional Use Permit for a drive-thru window at 1 Stop Vape Shop, located at 10 Ellis Avenue.

*Approved Preliminary Subdivision Plan for Crooked Creek Estates Plat 4, to be located at Mill Point Court, requested by property owner Lincoln County RIII School District, and as recommended by Planning and Zoning Board. This property is zoned "R-1" Single Family Residential District.

*Approved Liquor License for Street Beanz Coffee Shop, 235 E. Cherry Street

*Approved Budget Amendment in the amount of \$4,300 for Dude Solutions Software Integration

Alderman Detert asked about authorizing the mayor to sign an agreement to terminate lease and accept dedication of Kiwanis Park pursuant to Deed at Book 2484 Page 52 of the Lincoln County, Missouri Recorder of Deeds Office. Alderman Detert said resident Darrell Williams, of 2459 Oak Forest Drive, recently addressed the board about flooding at Kiwanis Park. Alderman Detert asked if the board would be accepting the park as it is now. He asked if it would be a

money pit. Attorney Granneman explained this approval is part of the Kiwanis Park project as a whole; the agreement is a formality to allow the city to own the park without a lease. Director Howell said soil from the city cemetery has been used to backfill areas that washed out at Kiwanis Park.

Alderman Grimstead made a motion, seconded by Alderman Norman, to authorize mayor to sign agreement to terminate lease and accept dedication of Kiwanis Park pursuant to Deed at Book 2484 Page 52 of the Lincoln County, Missouri Recorder of Deeds Office. Vote: Grimstead aye, Norman aye, Jones aye, Horner nay, Detert nay, Dunard nay. Motion tied 3-3. Mayor Sconce voted aye to break the tie. Motion carried.

*Approved Pay Application No. 2 for Bonfils Street Waterline Replacement submitted by Lamke Trenching & Excavating, Inc. in the amount of \$63,416.25

*Approved Pay Application No. 1 for CIPP Lining with SAK Construction, Omnia Partners Contract #R170802 in the amount of \$9,886.50

*Approved and Pay Invoice No. 209583 to Woodard Curran in the amount of \$7,650.00 for Decant Upgrades at the SWWTF for period ending Sept. 16, 2022

Alderman Dunard asked if police officers were paid overtime for working on actual holidays. City Clerk Hawkins explained they are paid overtime for working on observed holidays. Alderman Dunard made a motion, seconded by Alderman Norman, to approve Christmas/New Year's Holidays on Friday, December 23, 2022 (Christmas Eve Observed), Monday, December 26, 2022 (Christmas Day Observed), and Monday, January 2, 2023 (New Year's Day Observed). Vote: Dunard aye, Norman aye, Horner aye, Grimstead aye, Jones aye, Detert aye. Motion carried 6-0.

*Awarded bid for 2022-2023 Mill & Overlay Program to Mid River Asphalt in the amount of \$733,990.40.

Alderman Dunard asked about utility collection efforts. City Clerk Hawkins explained that the Troy Water Department's collection efforts are rigorous with required deposits to start service and monthly utility disconnections for nonpayment. Alderman Dunard asked if customers who restart service are required to pay past bills. City Clerk Hawkins explained that customers are required to pay all debts before re-starting service. She further explained that utility bad debt write-offs are sent to a collection agency, and the city also recoups funds from the contracted firm's collection efforts.

Alderman Dunard made a motion, seconded by Alderman Norman, to approve utility bad debt write-off for the period September 1, 2020, through August 31, 2021, in the amount of \$10,876.15. Vote: Dunard aye, Norman aye, Jones aye, Detert aye, Grimstead aye, Horner aye. Motion carried 6-0.

*Approved 2023 Medical and Ancillary Dental and Vision Products for City of Troy as recommended by Brown & Brown Consultants.

Alderman Detert made a motion, seconded by Norman, to award bid for Three (3) 2023 Chevy Tahoe 4WD Pursuit Vehicles to Don Brown Chevy at \$40,703 per unit for a total of \$122,109.00. Vote: Detert aye, Norman aye, Dunard aye, Jones aye, Grimstead aye, Horner aye. Motion carried 6-0.

Alderman Norman made a motion, seconded by Alderman Dunard, to approve purchase of equipment from A&W Communications for Three (3) 2023 Chevy Tahoe Patrol Vehicles for a total of \$28,746.57. Vote: Norman aye, Dunard aye, Grimstead aye, Jones aye, Horner aye, Detert aye. Motion carried 6-0.

Mayor Sconce has been monitoring construction progress on Cherry Street. Lamke representatives were not present but previously discussed the need for an extension with Mayor Sconce.

Alderman Grimstead made a motion, seconded by Alderman Horner, to table Item O (Discuss and Approve Change Order No. 7 from Lamke Trenching & Excavating, Inc. for Request for Time Extension for Cherry Street Improvement Project) until after Closed Session. Vote: Grimstead aye, Horner aye, Detert aye, Norman aye, Jones aye, Dunard aye. Motion carried 6-0.

No representatives from Cochran Engineering were present to discuss a supplemental agreement for engineering services for the Cherry Street Improvement Project. Alderman Grimstead made a motion, seconded by Alderman Norman, to table Item P (Discuss and Approve Supplemental Agreement No. 2 from Cochran for Engineering Services Contract for Cherry Street Improvement Project) until after Closed Session. Vote: Grimstead aye, Norman aye, Detert aye, Horner aye, Dunard aye, Jones aye. Motion carried 6-0.

Alderman Norman made a motion, seconded by Alderman Horner, to approve budget amendment to reallocate \$54,000 from K-9 vehicles to fund pay increases. Vote: Norman aye, Horner aye, Jones aye, Dunard aye, Grimstead aye, Detert aye. Motion carried 6-0.

Alderman Norman made a motion, seconded by Alderman Detert, to approve budget amendment to reallocate \$7,390.07 from ARPA funds for Stalker Radar Units to fund pay increases. Vote: Norman aye, Detert aye, Horner aye, Grimstead aye, Dunard aye, Jones aye. Motion carried 6-0.

Alderman Horner asked if Pay Application No. 13 for the Cherry Street Improvement Project STP-9900(387) submitted by Lamke Trenching & Excavating Inc. in the amount of \$357,605.50 was for work that has been performed. Mayor Sconce explained that the work was performed. Alderman Norman made a motion, seconded by Alderman Horner, to Approve Pay Application No. 13 for Cherry Street Improvement Project STP-9900(387) submitted by Lamke Trenching & Excavating in the amount of \$357,605.50. Vote: Norman aye, Horner aye, Grimstead aye, Detert aye, Dunard aye, Jones aye. Motion carried 6-0.

Alderman Grimstead made a motion, seconded by Alderman Norman, to Go Into Closed Session. Vote: Grimstead aye, Norman aye, Detert aye, Jones aye, Dunard aye, Horner aye. Motion carried 6-0.

The board discussed personnel matters.

Attorney Granneman advised the board on legal matters.

Alderman Dunard exited Closed Session at 8:51 p.m.

Alderman Horner made a motion, seconded by Alderman Grimstead, to Exit Closed Session. Vote: Horner aye, Grimstead aye, Norman aye, Detert aye, Jones aye. Motion carried 5-0.

Alderman Norman made a motion, seconded by Alderman Grimstead, to respond to Lamke Trenching & Excavating's request for additional time to complete Cherry Street construction by authorizing additional days until November 30, 2022, to complete, but reserving and not waiving all of the City's rights for damages (including the \$1,000.00 per day damages for lack of completion) due to the delay and failure to complete the project by October 30, 2022. Vote: Norman aye, Grimstead aye, Jones aye, Detert aye, Dunard aye, Horner aye. Motion carried 6-0.

Alderman Dunard made a motion, seconded by Alderman Grimstead, to approve Supplemental Agreement No. 2 from Cochran for Engineering Services Contract for Cherry Street Improvement Project. Vote: Dunard nay, Grimstead nay, Horner nay, Norman nay, Jones nay, Detert nay. Motion failed 0-6.

Alderman Grimstead made a motion, seconded by Alderman Dunard, to Adjourn. Vote: Grimstead aye, Dunard aye, Jones aye, Horner aye, Deter aye, Norman aye. Motion carried 6-0.

Meeting adjourned at 9:02 p.m.

ATTEST:

City Clerk

Mayor Sconce

*Approved on Consent Agenda