

City of Troy, Missouri
Regular Board of Aldermen Meeting
Thursday, January 19, 2023
6:30 p.m.

Present for the Regular Board of Aldermen Meeting were Aldermen David Norman, Dennis Detert, Harold Horner, Rachel Dunard, Steve Jones, and Mayor Ron Sconce. Also present were Parks Director Ryan Howell, Public Works Superintendent Jeff Burkemper, Wastewater Treatment Plant Supervisor Jared Comer, Building Official David Lindsey, Finance Director Linda Flinn, Police Chief Jeff Taylor, Assistant Police Chief Dustyn Tienter, Deputy City Clerk Kaitlyn Knickmeyer, City Attorney Jesse Granneman, and City Clerk Tonya Hawkins. Alderman Guy Grimstead was absent.

Mayor Sconce called the meeting to order, announced a quorum present, and led in the Pledge of Allegiance.

Alderman Jones made a motion, seconded by Alderman Horner, to approve the Consent Agenda with the exception of Items 3A (Department Head Reports: Police Department, Jeff Taylor), 7D (Adopt Resolution 2023-1 Regarding Provision of Exit Interviews of Employees), and 7E (Approve Personnel Policy Guideline – Exit Interview Opportunity – Section 700). Vote: Jones aye, Horner aye, Dunard aye, Detert aye, Norman aye. Motion carried 5-0.

*Approved minutes of Regular Board of Aldermen Meeting dated December 19, 2022.

Mayor Sconce opened the meeting to Citizen Comments.

Jim Kerley, owner of 145 S. Lincoln Drive, said the City of Troy encroached on his property when C Street was constructed. He said city officials told him to get a survey and a subsequent survey to show the encroachment. Mr. Kerley said both surveys were the same. He asserted he owns the property, has been paying taxes on the property, and should not have to get surveys to show the encroachment. Mayor Sconce asked Mr. Kerley when this occurred. Mr. Kerley said this took place in 2001 and city officials ignored him. Mr. Kerley said he should be compensated. Mayor Sconce asked for copies of the surveys and explained the City would review the information with counsel. Alderman Norman asked again for clarification on when the encroachment occurred. Mr. Kerley said it ended in 2002, and he explained he wants to settle the matter before selling the property.

Lisa Seely, owner of Tri-County Glass at 100 Hilltop Dr., requested a sewer tap for the property, which is a part of Public Water Supply District #2 and is not in the City limits of Troy. She provided a map of the property and showed where the sewer line stops there. She provided copies of emails from 2017 from former Mayor Mark Cross regarding requests for a sewer tap. She discussed a letter from the Lincoln County Health Department stating that sewer from 100 Hilltop Dr. is leaking onto a neighboring property causing a nuisance. She said she had discussions with City Attorney Granneman in 2018 about EPA requirements on Troy. Ms. Seely said she thought she would be granted a sewer tap two years later when the City of Troy would have a new sewer plant. Then COVID-19 happened, she said. Ms. Seely said Mayor Sconce told her he was the designated spokesperson to negotiate with PWSD #2 for taps. She said she is

asking for herself, for Tri-County Glass, to get a sewer tap. She said she appreciates the City communicating with the district but feels she is handcuffed between the City and the district. Mayor Sconce explained this would be discussed in Closed Session. Attorney Granneman told Ms. Seely he would call her tomorrow.

Charlie Day, a resident of PWSD #2, told aldermen the district wants to know what the City of Troy will do about providing sewer taps to the district, which is not in the City limits of Troy. If the City can't help us, we will help ourselves, he said. He further stated that he and his son own property along Highway 47, and they will not annex.

Lisa Keeney, of 1203 Red Oak Court, told aldermen she has been complaining for two years about how the street is washing away. She said someone tried to repair the street with spray foam, and rain washed it away. She said she was appalled to see spray foam on top of leaves, and now there is mud and asphalt in the hole there. She said she can stick her arm in the hole under the street. She noted that trash trucks drive over the road, and children play there. Mayor Sconce said the entire street is on the list to be repaired this year. Alderman Detert said he was out with Superintendent Burkemper and Mayor Sconce to look at the issue. Mayor Sconce said crews will come back to look at the street again.

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

Mayor Sconce explained that included in Chief Taylor's Police Department Report is a Missouri Department of Transportation City Council Authorization Form for Missouri's Highway Safety Program. Mayor Sconce noted that aldermen sign the agreement annually to allow Troy police to participate in the program. He added approval of the department report includes the authorization form.

Alderman Horner made a motion, seconded by Alderman Dunard, to approve the Police Department Report. Vote: Horner aye, Dunard aye, Jones aye, Detert aye, Norman aye. Motion carried 5-0.

*Approved Reports of Public Works, Wastewater, Finance, Building Inspection, Parks, and Administration Departments

*Approved Payment of Regular Monthly Bills

Mayor Sconce read Bill No. 1370 as Ordinance _____ An Ordinance Imposing A Sales Tax At A Rate Of Three Percent (3%) On All Tangible Personal Property Retail Sales Of Adult Use Marijuana Sold Within The City Of Troy, Missouri, Pursuant To Article XIV, Section 2.6(5) Of The Missouri Constitution Subject To The Approval By The Voters Of The City At The General Municipal Election To Be Held On April 4, 2023; Designating The Form Of Ballot; And Directing The City Clerk To Provide Notice Of Said Election, first and second times by title only.

Alderman Detert said he wanted to bring attention to Robert's Rules of Order. He said when an ordinance is read by title only, the full ordinance must be made available for public inspection.

City Clerk Hawkins told him copies of the full ordinance were available next to the agenda at the boardroom entry table. Lincoln County Journal Reporter Shawn Singleton held a copy of the ordinance up for Alderman Detert to see. City Clerk Hawkins explained that full copies of ordinances on board agendas are always available as required by Missouri statute.

Alderman Jones made a motion, seconded by Alderman Horner, to approve Bill No. 1370 as Ordinance ____ An Ordinance Imposing A Sales Tax At A Rate Of Three Percent (3%) On All Tangible Personal Property Retail Sales Of Adult Use Marijuana Sold Within The City Of Troy, Missouri, Pursuant To Article XIV, Section 2.6(5) Of The Missouri Constitution Subject To The Approval By The Voters Of The City At The General Municipal Election To Be Held On April 4, 2023; Designating The Form Of Ballot; And Directing The City Clerk To Provide Notice Of Said Election.

Alderman Horner asked how funds from the tax would be used. Attorney Granneman said this would be discussed in the annual budgeting process. Alderman Detert said there should be clarification in the ballot language. Attorney Granneman explained this is the language approved to allow cities to place a tax on new retail marijuana sales as approved by voters in the last election. He said the ballot language reads, "Shall the City of Troy, Missouri, impose a sales tax of three percent on all retail sales of adult use marijuana sold in the City of Troy, Missouri?". Vote: Jones aye, Horner aye, Norman aye, Detert aye, Dunard aye. Motion carried 5-0.

*Approved 2023 IRS Mileage Rate of 65.5 cents per mile effective January 19, 2023.

Ralph Coose, of the Troy Elks Lodge, gave an update on the group's plans for a Soap Box Derby. He said planning the event has been more complicated than expected. He asked for permission to hold the derby on Main Street. He said the Elks considered June for the event, but it will likely be a couple of months out. Attorney Granneman said he did not see an issue with putting an agreement together with the Elks. Alderman Detert made a motion, seconded by Alderman Dunard, to approve the Troy Elks Lodge route for a Soap Box Derby on Main Street with a date to be determined and as drafted in an agreement with Attorney Granneman. Alderman Horner asked if the Elks would inform school districts of the event. Mr. Coose said yes. Vote: Detert aye, Dunard aye, Horner aye, Norman aye, Jones aye. Motion carried 5-0.

Attorney Granneman explained the multi-step process to approve a sewer rate increase. He said a public hearing with a 30-day notice of the meeting is necessary. After the meeting, he said officials could vote on a sewer rate. Attorney Granneman said he suggests a staggered, multi-year approach to increase sewer rates. Alderman Horner said he and Attorney Granneman sat down for over an hour to figure out fair rates. Alderman Horner said his personal bill would increase \$4 per month. He said right now the City's sewer fund is operating in the red. If a sewer rate increase is approved, Alderman Horner asked if City staff could send out information telling residents how to conserve. He noted the City is working on inflow and infiltration (I&I) issues as well. Attorney Granneman said a sewer rate increase ordinance would likely be ready for a March meeting.

Alderman Detert revisited the 20 miles per hour speed limit sign on Third Street. He said the speed limit is 30 miles per hour except in the southbound lane of Third Street just before the stop

sign near the roundabout. He requested the removal of the 20 miles per hour sign. Alderman Jones said he does not like the idea of removing the sign and increasing the speed limit. He said the ambulance district base and school bus garage are in that area, and he would like to see the speed limit reduced for the whole street to 20 miles per hour. Alderman Detert said he spoke to officials at the ambulance and school districts, and those officials did not understand why the speed limit was reduced in the area. Alderman Detert said he would like to see uniformity. Alderman Dunard asked Chief Taylor if he had an opinion. Chief Taylor said he periodically has a patrol car in the area, but officers have not seen any speeders. He said Dee Street to Harcourt has issues, but he could not recall accidents there. Attorney Granneman requested to talk about the speed limit in Closed Session.

*Approved and Authorized Mayor to Sign Agreement for the Lease of a Police Dog – Officer Daniel Mayfield and K9 Liberty.

*Approved payment of Invoice 49398 from DeWitt Insurance brokers for Cybersecurity Insurance underwritten by CFC in the amount of \$20,475

*Approved payment to Tyler Technologies in the amount of \$1,250 for Server Migration of ERP Pro 9.01 and Content Manager

Alderman Dunard asked about Resolution 2023-1 Regarding Provision of Exit Interviews of Employees. She said the board just adopted Resolution 2022-2, which allowed aldermen to review employees' exit interviews at monthly board of aldermen meetings. Alderman Dunard said the policy should not be changed. Mayor Sconce explained Human Resources requested to do this in a different manner to use exit interviews the way they were intended. He said the interviews should be confidential. He explained the interviews would still be available for aldermen to review in the Human Resources office as part of employees' personnel files.

City Clerk Hawkins said some employees' responses depended on the intended audience, and employees verbalized different sentiments than they typed on their submitted interviews.

Alderman Detert made a motion, seconded by Alderman Norman, to adopt Resolution 2023-1 Regarding Provision of Exit Interviews of Employees. Vote: Detert nay, Norman aye, Jones aye, Horner aye, Dunard nay. Motion carried 3-2.

Alderman Dunard made a motion, seconded by Alderman Detert, to approve Personnel Policy Guideline – Exit Interview Opportunity Section 700. Vote: Dunard nay, Detert nay, Jones aye, Norman aye, Horner aye. Motion carried 3-2.

Lincoln County Economic Development Director Julie Rodgers explained a grant opportunity for an industrial property. She said Missouri is working to be competitive so that companies can move to a location and get their businesses up and running quickly. She said there is not an industrial park here because the area lacks locations that are pad ready. She considered sites that have highway access, and she had discussions with Mayor Sconce and members of the Boonslick Regional Planning Commission. Mrs. Rodgers said the potential property for the industrial site would be between 50 to 100 acres. She said the city could be a partner and an applicant for the

grant, which is a 50 percent matching grant. She noted the City would not have to commit to cover costs.

Alderman Horner asked about the 50 percent matching aspect. Mayor Sconce explained there could be in-kind offers. Mayor Sconce explained the deadline to apply for the grant is February 20, 2023. He said a vote would give permission to move forward with an application.

Alderman Horner made a motion, seconded by Alderman Jones, to approve completion of a grant application for industrial property. Vote: Horner aye, Jones aye, Detert aye, Dunard aye, Norman aye. Motion carried 5-0.

Parks Director Howell explained no bids were received for an initial request for fence repairs at Diamond 1 in Fairgrounds Park. He contacted STL Fenceworks, who agreed to make the repairs. He said it will take six weeks to complete the work. Alderman Norman made a motion, seconded by Alderman Dunard, to approve a contract with STL Fenceworks for repairs to Diamond 1 fencing at Fairgrounds Park in the amount of \$39,463. Vote: Norman aye, Dunard aye, Jones aye, Detert aye, Horner aye. Motion carried 5-0.

Parks Director Howell explained the annual contract for pool services. Alderman Dunard made a motion, seconded by Alderman Jones, to Approve and Authorize Mayor to sign Midwest Pool Aquatic Center Management Contract for 2023 Season. Vote: Dunard aye, Jones aye, Horner aye, Detert aye, Norman aye. Motion carried 5-0.

Alderman Horner made a motion, seconded by Alderman Norman, to Table until after Closed Session Discussion and Approval of a Request from Lamke Trenching & Excavating, Inc. for 30-Day Extension for Cherry Street Improvement Project. Vote: Horner aye, Norman aye, Detert aye, Jones aye, Dunard aye. Motion carried 5-0.

Mayor Sconce announced that Alderman Norman has reached his term limit as a board representative to the University of Missouri Extension Center Board. Mayor Sconce said there was confusion as to whether this is an appointed position. Mayor Sconce asked if there was an alderman who wishes to serve. Alderman Jones volunteered to serve on the Extension Center board.

Mayor Sconce said he would like to have a short invocation before meetings. If approved, he said a list would be created for congregation members who want to help out. Alderman Jones asked if this would be a short prayer. Mayor Sconce said the invocation would be less than one minute. Attorney Granneman explained the invocation could not be for anyone to advocate for a religion. Alderman Horner made a motion, seconded by Alderman Norman, to approve the Invocation Policy for Meetings. Vote: Horner aye, Norman aye, Detert aye, Dunard aye, Jones aye. Motion carried 5-0.

*Approved Award of Local Law Enforcement Block Grant in the amount of \$9,263.10.

*Approved Pay Application No. 16 for Cherry Street Improvement Project STP-9900(387) submitted by Lamke Trenching and Excavating Inc. in the amount of \$116,795.50.

Alderman Norman made a motion, seconded by Alderman Dunard, to Go Into Closed Session for the purpose of Legal and Personnel. Vote: Norman aye, Dunard aye, Jones aye, Detert aye, Horner aye. Motion carried 5-0.

Attorney Granneman advised aldermen on legal matters, and aldermen discussed personnel matters regarding Exit Interviews.

Alderman Dunard exited Closed Session at 9:36 p.m.

Aldermen Granneman advised aldermen on pending litigation.

Alderman Jones made a motion, seconded by Alderman Norman, to Exit Closed Session. Vote: Jones aye, Norman aye, Horner aye, Detert aye. Motion carried 4-0.

Alderman Horner made a motion, seconded Alderman Dunard, to respond to Lamke Trenching & Excavating's Change Order No. 11 requesting additional time to complete work associated with Cherry Street by authorizing 30 additional days to complete, but reserving and not waiving all of the City's rights for damages (including \$1,000.00 per day damages for lack of completion) due to the delay and failure to complete project by January 29, 2023. The motion followed Closed Session discussion regarding Cherry Street. Mayor Sconce and City Attorney Granneman met with officials from Lamke and Eastern Missouri Concrete on January 17, 2023, to address issues with concrete that has not cured to necessary psi requirements. Cochran Engineering has agreed to complete as-built plans. Vote: Horner aye, Dunard aye, Jones aye, Norman aye, Detert aye. Motion carried 5-0.

Alderman Dunard made a motion, seconded by Alderman Jones, to Adjourn. Vote: Dunard aye, Jones aye, Horner aye, Detert aye, Norman aye. Motion carried 5-0.

Meeting adjourned at 9:56 p.m.

ATTEST:

City Clerk

Mayor Sconce

*Approved on Consent Agenda