

**Regular Board of Aldermen Meeting  
City of Troy, Missouri  
800 Cap Au Gris Troy, MO 63379  
Monday, November 20, 2023  
6:30 P.M.**

Present for the Board of Aldermen meeting were Aldermen Rachel Dunard, Gary Leifert, Harold Horner, Kay Diekemper, and Mayor Ron Sconce. Also present were Public Works Superintendent Jeff Burkemper, Parks Director Ryan Howell, Wastewater Treatment Plant Supervisor Jared Comer, Finance Director Linda Flinn, Building Official David Lindsey, Police Chief Jeff Taylor, City Attorney Brian Sinclair, and City Clerk Tonya Hawkins.

Alderman Steve Jones arrived at 6:48 p.m. Alderman David Norman was absent.

Mayor Sconce called the meeting to order at 6:30 p.m. He announced a quorum present and led in the Pledge of Allegiance. Pastor Joseph Britain gave the invocation.

Mayor Sconce asked for a motion to approve the Consent Agenda with the removal of items 7B (Approve payment of Invoice #6026 to Mid River Asphalt in the amount of \$279,987.51 for 2023-2024 Asphalt Street Program) and 7I (Approve Pay Application No. 3 for 2023 Concrete Replacement Program Project COT-23-0002 submitted by M&H Contractors, Inc. in the amount \$138,372.79).

Alderman Horner made a motion, seconded by Alderman Dunard, to approve the Consent Agenda with the exception of items 7B and 7I. Vote: Horner aye, Dunard aye, Diekemper aye, Leifert aye. Motion carried 4-0.

\*Approved Minutes of Previous Meetings: Regular Board of Aldermen Meeting dated Monday, October 16, 2023, and Workshop dated Monday, November 13, 2023 (note correction of scrivener's error for November 20, 2023, Agenda that erroneously stated *October 13, 2023*).

Mayor Sconce opened the meeting to Citizen Comments.

Tamera Staggs, cofounder of Oasis Resource Center, told the story of a pregnant, homeless woman who inspired Oasis organizers to offer more services. She said Oasis is now in the middle of a situation with the City of Troy and Public Water Supply District #2. She expressed the need to obtain a sewer tap for their facility under construction within PWSD #2's boundaries, outside of Troy's corporate limits. She referred to legal correspondence from City Attorney Brian Sinclair to legal counsel for PWSD #2. She said it did not sound like contract negotiations were going anywhere. She requested a sewer tap or a denial letter from the City of Troy to move forward with a septic system.

Justin Butler, attorney for PWSD #2, spoke on behalf of Attorney Doug Silvius, special counsel for PWSD #2. Mr. Butler discussed Mr. Silvius' latest proposal in ongoing legal contract negotiations that would allow the City of Troy to annex new development in the district within 300 feet. He said negotiations have been going on for two years and that Mayor Sconce had been designated by the Troy Board of Aldermen to negotiate terms.

Mayor Sconce asked Mr. Butler if PWSD #2 has designated a representative to negotiate. Mr. Butler said David Lenk had been designated to negotiate. Mr. Butler said district officials were concerned about the

City of Troy's most recent letter. Mayor Sconce clarified there was no language in the city's proposals for involuntary annexation.

Chris Schieffer, Bridge of Hope Board President, said his organization is a 501(c)(3) nonprofit. He said he realizes the Bridge of Hope shelter under construction in PWSD #2 near Oasis is not in Troy city limits. However, he said the shelter would serve the city. He asked if aldermen would consider making Bridge of Hope and Oasis available for sewer taps.

April Bryant, of 188 Sheets Drive, asked the board to consider landlord occupancy permits.

Lincoln County resident Walter Wright, of 1001 Bueneman Lane, reminded aldermen that he spoke to them in September. Mr. Wright thanked Alderman Leifert for coming to look at yard waste on city land near Mr. Wright's property. Mr. Wright said yard waste had been pushed back. He discussed Meridian Waste, the Missouri Department of Natural Resources, and yard waste effects. He expressed concerns about Bueneman Road.

Lincoln County resident Andrew Mencin, of 31 Dunard Drive, said he gave city officials a 30-day notice. He said people have forgotten their jobs and have overstepped their authority. He said officials were holding their meeting under a British flag. Mr. Mencin said people are constantly being poisoned and lied to, and the city's parent company is a bank. He read parts of the Missouri Constitution and said officials have failed.

Lincoln County resident Charlie Day, of 75 Sydnorville Road, said he came to the Troy area 75 years ago. He recounted working with mayors Ray Lake, Charles Kemper, and Howard Briggs. He said when he started PWSD #2, the district and the City of Troy got along fine. Mr. Day said he and his son own property along Highway 47 in the district, and they are not going to give it up.

\*Approved Reports of Special Appointed Committees: Parks, 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

\*Approved Change Order Request No. 1 from M&H Concrete Contractors for the 2023-2024 Concrete Replacement Program, Project Number COT-23-0002, in the amount of \$125,229.79

Alderman Leifert made a motion, seconded by Alderman Jones, to table until after Item 7W (Discuss and Approve Change Order Request No. 1 from Mid River Asphalt, Inc. for the 2023-2024 Asphalt Street Program, Project Number COT-23-0001, in the amount of \$21,907.91) the approval of Invoice #6026 to Mid River Asphalt in the amount of \$279,987.51 for 2023-2024 Asphalt Street Program. Vote: Leifert aye, Jones aye, Dunard aye, Diekemper aye, Horner aye. Motion carried 5-0.

\* Approved Pay Application No. 2 for 2023 Concrete Replacement Program Project COT-23-0002 submitted by M&H Contractors, Inc. in the amount \$568,444.55

\*Accepted Resignation of Larry Bennett from Board of Adjustment

\*Approved Pay Invoice No. 226439 in the Amount of \$300,599 for Decant Upgrades to the SWWTF for the period ending November 11, 2023

\*Approved Payment of Invoice 2574 to Massman Maintenance & Repair in the Amount of \$9,650.73 for Repairs to Terra-gator

\*Approved Payment of Invoice 5578488 to Vandevanter Engineering in the Amount of \$50,690, as budgeted, for lift station pumps at the Oaks, Wingate, and Crooked Creek

\*Authorized the Advertisement of RFQ for Grit Removal Design Engineering

Alderman Dunard made a motion, seconded by Alderman Jones, to table until after Item 7V (Discuss and Approve Change Order Request No. 2 from M&H Concrete Contractors for the 2023-2024 Concrete Replacement Program, Project Number COT-23-0002, in the amount of \$41,927.15) the approval of Approve Pay Application No. 3 for 2023 Concrete Replacement Program Project COT-23-0002 submitted by M&H Contractors, Inc. in the amount \$138,372.79. Vote: Dunard aye, Jones aye, Leifert aye, Diekemper aye, Horner aye. Motion carried 5-0.

\*Approved Candidate Filing Information for April 2, 2024, General Municipal Election to Include Section 115.395.2 RSMo (lottery drawing)

\*Approved 2024 FSA Carryover max of \$640, as permitted by IRS

Mayor Sconce explained that Building Inspector David Lindsey handled the bidding process for roofing repairs. Mayor Sconce relayed that the lowest bidder was unable to fulfill the contract. He explained that the next lowest bidder is Xpert Group Contracting. Alderman Jones made a motion, seconded by Alderman Diekemper, to Award Roofing Repair Bid to Xpert Group Contracting in the amount of \$163,156.46. Vote: Jones aye, Diekemper aye, Dunard aye, Leifert aye, Horner aye. Motion carried 5-0.

Alderman Horner made a motion, seconded by Alderman Dunard, to Approve Request to Amend Conditional Use to Allow Victory Lane Fuel and Food, located at 1760 W Hwy 47, to operate 24 hours per day. Vote: Horner aye, Dunard aye, Jones aye, Diekemper aye, Leifert aye. Motion carried 5-0.

Alderman Dunard said the owner of Fern and Flute food truck contacted her regarding a liquor-by-the-drink license for the mobile unit. City Clerk Hawkins explained she reviewed city ordinances and consulted City Attorney Sinclair. Mrs. Hawkins said current ordinances do not allow liquor licenses without a premise or location. She explained there are restrictions on alcohol sales near schools and in parks, for example. Attorney Sinclair said ordinances would have to be amended to allow liquor licenses for mobile units.

Alderman Dunard noted food trucks sold alcohol in the park previously. Parks Director Howell said aldermen previously granted special permission for an event circa 2019. Alderman Jones asked how many trucks other cities allow at a time. He noted this would allow food trucks to sell alcohol anytime. Alderman Dunard asked what is the difference between walking into a bar and walking up to a trailer to buy alcohol. She said other municipalities, such as Elsberry and Old Monroe, allow mobile alcohol sales. Chief Taylor said he would call the City of Cottleville to learn how they regulate food truck alcohol sales. Aldermen Horner and Jones said this needs to be researched more.

Alderman Horner volunteered to sponsor a Hands-Free Ordinance to restrict the use of cell phones and other devices while operating vehicles.

Mayor Sconce explained vehicle costs came in higher than expected prompting the need to reallocated ARPA funds. Alderman Dunard made a motion, seconded by Alderman Horner, to Approve Request from Chief Taylor to Reallocate Remaining ARPA funds as follows;

ACCOUNT NO.	DEPT./FUND	DESCRIPTION	BUDGET	AMEND TO	+/-
39-5001-6591	ARPA	TRAINING	\$ 2,290	\$ 1,131	\$ (1,159)
39-5001-6743	ARPA	VEHICLE EQUIPMENT	\$ 40,045	\$ 32,896	\$ (7,149)
39-5001-6751	ARPA	OFFICE EQUIPMENT	\$ 4,805	\$ -	\$ (4,805)
39-5001-6990	ARPA	CAPITAL ASSET: VEHICLE	\$ 135,290	\$ 152,328	\$ 17,038
39-5001-6991	ARPA	CAPITAL ASSET: EQUIPMENT	\$ 3,925	\$ -	\$ (3,925)

Vote: Dunard aye, Horner aye, Jones aye, Leifert aye, Diekemper aye. Motion carried 5-0.

Alderman Horner made a motion, seconded by Alderman Dunard, to Award Bid to Don Brown Chevrolet in the Amount of \$152,328 for Three (3) 2024 Chevrolet Tahoes 4WD Pursuit Utility Vehicles to be Purchased with ARPA funds. Vote: Horner aye, Dunard aye, Jones aye, Diekemper aye, Leifert aye. Motion carried 5-0.

Alderman Leifert made a motion, seconded by Alderman Diekemper, to Reschedule the January Regular Board of Aldermen meeting to Thursday, January 18, 2024, due to Martin Luther King Jr. holiday conflict. Vote: Leifert aye, Diekemper aye, Dunard aye, Jones aye, Horner aye. Motion carried 5-0.

Alderman Dunard made a motion, seconded by Alderman Leifert, to Reschedule the February Regular Board of Aldermen meeting to Thursday, February 22, 2024, due to Presidents' Day holiday conflict. Vote: Dunard aye, Leifert aye, Diekemper aye, Jones aye, Horner aye. Motion carried 5-0.

Aldermen agreed to hold a second board workshop on Monday, December 4, 2023, at 6:30 p.m. to discuss city administrator recruitment.

Mayor Sconce explained an effort for a countywide water system. He said water is critical to the development of the county, and Lincoln County commissioners have committed ARPA funds to such the project. However, Mayor Sconce said there is not an entity yet. He said one avenue suggested is a joint municipal commission. Alderman Leifert said he thought commissioners were spearheading efforts. Mayor Sconce explained the preference is for a commission not subject to elections; he said this needs to be something not impacted by changes in leadership.

Lincoln County Economic Development Director Julie Rodgers addressed the board. She said a feasibility study was conducted. She said a joint commission would ensure everyone in the county has a voice at the table. She said the first step would be to form a committee. She said this would be a long-range plan, and there is \$40 million available between the state and county. She said this is a regional project, which makes it attractive for federal dollars. Alderman Horner asked Director Rodgers how soon she would need an answer. She replied that there is no rush, but officials would like to move forward quickly. Mayor Sconce said water wholesalers would be key players.

Alderman Dunard made a motion, seconded by Alderman Diekemper, to Approve Troy Police Department Policy 36: Phlebotomy Protocols and Procedures. Vote: Dunard aye, Diekemper aye, Leifert aye, Jones aye, Horner aye. Motion carried 5-0.

Alderman Horner made a motion, seconded by Alderman Leifert, to Approve Change Order Request No. 2 from M&H Concrete Contractors for the 2023-2024 Concrete Replacement Program, Project Number COT-23-0002, in the amount of \$41,927.15. Consideration of Change Order Request No. 2 pertains to

and explains figures noted in Item 7I (Approve Pay Application No. 3 for 2023 Concrete Replacement Program Project COT-23-0002 submitted by M&H Contractors, Inc. in the amount \$138,372.79). Vote: Horner aye, Leifert aye, Jones aye, Diekemper aye, Dunard aye. Motion carried 5-0.

Alderman Horner made a motion, seconded by Alderman Jones, to Approve Change Order Request No. 1 from Mid River Asphalt, Inc. for the 2023-2024 Asphalt Street Program, Project Number COT-23-0001, in the amount of \$21,907.91. Consideration of Change Order Request No. 1 pertains to and explains figures noted in Item 7B (Approve payment of Invoice #6026 to Mid River Asphalt in the amount of \$279,987.51 for 2023-2024 Asphalt Street Program). Vote: Horner aye, Jones aye, Dunard aye, Diekemper aye, Leifert aye. Motion carries 5-0.

Alderman Leifert made a motion, seconded by Alderman Dunard, to Approve payment of Invoice #6026 to Mid River Asphalt in the amount of \$279,987.51 for 2023-2024 Asphalt Street Program. Vote: Leifert aye, Dunard aye, Diekemper aye, Jones aye, Horner aye. Motion carried 5-0.

Alderman Leifert made a motion, seconded by Alderman Diekemper, to Approve Pay Application No. 3 for 2023 Concrete Replacement Program Project COT-23-0002 submitted by M&H Contractors, Inc. in the amount \$138,372.79. Vote: Leifert aye, Diekemper aye, Jones aye, Horner aye, Dunard aye. Motion carried 5-0.

Alderman Dunard made a motion, seconded by Alderman Jones, to Go Into Closed Session to discuss legal matters. Vote: Dunard aye, Jones aye, Horner aye, Leifert aye, Diekemper aye. Motion carried 5-0.

Aldermen went into Closed Session at 7:53 p.m.

Aldermen returned to Open Session at 8:36 p.m.

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

Meeting adjourned at 8:37 p.m.

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City Clerk

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Mayor Sconce

\*Approved on Consent Agenda