

1.

The City of Eureka Board of Aldermen met in regular session at 7:00 p.m. The meeting was opened with the Pledge of Allegiance.

Present at roll call were: Mayor Coffey, Aldermen Kee, Sir, Berry, Beckerle and Leistner. Alderman Britt was absent.

Also in attendance were City Administrator Craig Sabo, City Attorney Kathy Butler, Police Chief Michael Wiegand and City Clerk Ralph Lindsey.

2. MINUTES

On motion by Alderman Berry, seconded by Alderman Beckerle and unanimously passed, the Minutes of July 19, 2011, were approved.

3. GUESTS

There were no guests present who wished to address the Board.

4. BOW HUNTING REQUEST

Jim Smith explained that he was a security officer with Six Flags and had permission to bow hunt on their property. He has bow hunted on the property for several years but was unaware of the requirement for City authority.

Mr. Smith requested authority to bow hunt on Six Flags' property during the 2011-2012 season which runs from 9-15-11 to 1-15-12.

Alderman Beckerle asked Jim Smith if he ever saw other hunters.

Jim Smith said it was rare to see other hunters since almost all individuals hunted from a deer stand and there were never any problems.

Alderman Sir inquired about accessing the property from Six Flags Road.

Mr. Smith explained that there was an off-road parking area along the north end of Brewster Road which was used by bow hunters. He said there were individuals who parked on the edge of the road and hunted on property east of Six Flags and he has had conversations with them about not parking along the road.

With the discussion concluded, on motion by Alderman Beckerle, seconded by Alderman Leistner and unanimously passed, bow hunting was authorized for Jim Smith on Six Flags' property for the 2011-2012 archery season.

5. SPECIAL EVENT APPLICATIONS

A. Mary Wallach, representing Wallach House - Antique Show and Flea Market - 510 N. West Avenue - September 17th.

B. John Pedrolie, III, representing JP's Sports Bar & Grill - 95 Hilltop Village Center - September 24th.

C. Pam Morff, representing Creative Expressions Learning Center - Community Fair/10 Year Anniversary - September 17th - 76 Legends Parkway.

Alderman Beckerle commented that he knew the Wallach House and Creative Expressions Learning Center had similar events in the past but he was not aware of such a past event at JP's Sports Bar and Grill.

Vita Walsh referred to her application for an outdoor event on September 24th. They would use their beer garden and an area in front of the business for outdoor seating with tables and chairs and serve food and drinks. The purpose of the event is to increase business for JP's.

Alderman Beckerle asked how the event would be controlled and about glass containers.

Vita Walsh said they would have security personnel and coolers would not be permitted; however, glass would be allowed in the outdoor seating area if purchased from JP's.

With the discussion concluded, on motion by Alderman Beckerle, seconded by Alderman Sir and unanimously passed, the three (3) Special Events were approved.

6. PLANNING AND ZONING COMMISSION RECOMMENDATION FROM 7-13-11

A. The Commission recommended approval of a petition from Tim and Tammy Holladay for rezoning of an approximately .66 acre parcel from PC (Planned Commercial) to R-3 (Single Family Residential) located at 531 Orchard Lane (continued from meeting of 7-19-11).

(For official Board action see Item No. 8.)

7. PLANNING AND ZONING COMMISSION RECOMMENDATION FROM 7-27-11

A. The Commission granted approval of a petition initiated by the City of Eureka for a boundary adjustment of property located at 187 Williams Road and 225 Augustine Road (no Board action is required).

8. BILL NO. 2284 RE: REZONING A .66 ACRE PARCEL FROM PC TO R-3

On motion by Alderman Sir, seconded by Alderman Berry and unanimously passed, Bill No. 2284 was read for the first time by short title.

BILL NO. 2284: AN ORDINANCE REZONING PROPERTY LOCATED AT 531 ORCHARD LANE FROM PLANNED COMMERCIAL TO R-3 (SINGLE FAMILY RESIDENTIAL).

On motion by Alderman Beckerle, seconded by Alderman Berry and unanimously passed, Bill No. 2284 was read for the second time by short title.

On motion by Alderman Kee, seconded by Alderman Leistner and unanimously passed, Bill No. 2284 was read for the third and final time.

Alderman Kee moved, THAT BILL NO. 2284 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Sir.

The roll call vote was as follows: Alderman Leistner - YES; Beckerle - YES; Berry - YES; Sir - YES; Kee - YES.

The motion for adoption was passed unanimously by those Board members present.

Mayor Coffey declared Bill No. 2284 passed and designated it to be Ordinance No. 2180.

9. BILL NO. 2285 RE: AUTHORIZING PUBLIC WORKS STORAGE BUILDING CONTRACT

On motion by Alderman Berry, seconded by Alderman Sir and unanimously passed, Bill No. 2285 was read for the first time by short title.

BILL NO. 2285: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF A PUBLIC WORKS DEPARTMENT STORAGE BUILDING.

On motion by Alderman Sir, seconded by Alderman Kee and unanimously passed, Bill No. 2285 was read for the second time by short title.

On motion by Alderman Berry, seconded by Alderman Leistner and unanimously passed, Bill No. 2285 was read for the third and final time.

Alderman Leistner moved, THAT BILL NO. 2285 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Sir.

The roll call vote was as follows: Alderman Kee - YES; Sir - YES; Berry - YES; Beckerle - YES; Leistner - YES.

The motion for adoption was passed unanimously by those Board members present.

Mayor Coffey declared Bill No. 2285 passed and designated it to be Ordinance No. 2181.

10. BILL NO. 2286 RE: READOPTION OF FINANCIAL DISCLOSURE REQUIREMENTS

On motion by Alderman Berry, seconded by Alderman Leistner and unanimously passed, Bill No. 2286 was read for the first time by short title.

BILL NO. 2286: AN ORDINANCE TO READOPT A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN OFFICIALS.

On motion by Alderman Sir, seconded by Alderman Berry and unanimously passed, Bill No. 2286 was read for the second time by short title.

On motion by Alderman Kee, seconded by Alderman Sir and unanimously passed, Bill No. 2286 was read for the third and final time.

Alderman Berry moved, THAT BILL NO. 2286 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Leistner.

The roll call vote was as follows: Alderman Berry - YES; Beckerle - YES; Leistner - YES; Kee - YES; Sir - YES.

The motion for adoption was passed unanimously by those Board members present.

Mayor Coffey declared Bill No. 2286 passed and designated it to be Ordinance No. 2182.

**11. BILL NO. 2287 RE: AUTHORIZING SPECIAL COUNSEL AGREEMENT**

On motion by Alderman Berry, seconded by Alderman Leistner and unanimously passed, Bill No. 2287 was read for the first time by short title.

**BILL NO. 2287: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR SPECIAL COUNSEL SERVICES.**

On motion by Alderman Sir, seconded by Alderman Kee and unanimously passed, Bill No. 2287 was read for the second time by short title.

On motion by Alderman Kee, seconded by Alderman Sir and unanimously passed, Bill No. 2287 was read for the third and final time.

Alderman Berry moved, **THAT BILL NO. 2287 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE.** The motion was seconded by Alderman Leistner.

The roll call vote was as follows: Alderman Sir - YES; Kee - YES; Leistner - YES; Beckerle - YES; Berry - YES.

The motion for adoption was passed unanimously by those Board members present.

Mayor Coffey declared Bill No. 2287 passed and designated it to be Ordinance No. 2183.

The Mayor explained to the audience that it was necessary for the City to engage Special Counsel Services to assist with the financing for the water softening project and the recreation center project and possible refinancing of the 2004 Certificates of Participation.

**12. LIQUOR LICENSE APPLICATIONS**

A. John Pedrolie, III, representing JP's Sports Bar & Grill - Temporary Caterer's Permit - 95 Hilltop Village Center - September 24th.

B. Eureka Jaycees - Temporary-Full Liquor by the Drink - Lions Park - October 7th-8th - (Backdraft Rodeo).

The City Clerk explained that a temporary permit was required for JP's Sports Bar & Grill for their September 24th event since they would be providing liquor outside of their licensed premises.

On motion by Alderman Kee, seconded by Alderman Leistner and unanimously passed, the two (2) liquor licenses were approved.

**13. RECURRING BILLS FOR APPROVAL**

An amended list of recurring bills, paid in July, was reviewed by the Board.

On motion by Alderman Berry, seconded by Alderman Sir and unanimously passed, the amended list of recurring bills was approved and accepted for the record.

**14. BILLS FOR PAYMENT**

An amended list of bills, with the changes identified, was considered by the Board.

On motion by Alderman Sir, seconded by Alderman Leistner and unanimously passed, the amended list of bills was approved for payment.

**15. CALL FOR CLOSED SESSION**

On motion by Alderman Kee, seconded by Alderman Berry and unanimously passed, a Closed Session was called for discussion of matters relating to attorney-client privilege, contracts and real estate.

**16.**

Alderman Beckerle commented about how well the construction was going on the West Frisco gazebo but the vegetation on the property was becoming unsightly.

City Administrator Sabo related that the vegetation had been allowed to grow to give the grass seed time to become established but the weeds would be cut within the next two (2) days.

**17.**

Alderman Leistner said there was a City recreation center sign on Eureka Road which had been cleared of brush but the trimmings were not removed.

The City Administrator said he would have the Public Works Department clean up the area around the sign.

18.

Alderman Sir commented about the condition of the landscaping at the Post Office and asked that a letter be provided to them in an attempt to have some work done on the property.

The City Administrator said the property was likely leased to the Post Office and due to the age of the building, he doubted that there was a landscape requirement when it was originally approved. The consensus was to attempt to get some landscape work done on the Post Office property.

Alderman Sir reported that Mike Werges, the Eureka Canine Officer, was recently named the Member of the Year by the North American Police Work Dog Association and he should be recognized at an Aldermanic meeting.

Police Chief Wiegand said that Mike Werges would be at the next Board meeting on another matter and could be recognized at that time.

The consensus was to recognize Officer Werges' achievement at the August 19th Aldermanic meeting.

19. CLOSED SESSION

20. OPEN SESSION RECONVENED

21. CHICKEN HARBORING CODE AMENDMENT

The City Administrator referred to the discussion at the Planning and Zoning Commission Meeting regarding the rezoning application for 531 Orchard Lane (see P&Z Minutes of 7-13-11). If the property was rezoned back to residential, chickens could then be raised next to commercially zoned property.

Mr. Sabo inquired as to if the Board wished to consider a Code amendment to prohibit raising chickens within a certain distance of commercially zoned property.

It was the consensus of the Board for the City Administrator to draft a bill for consideration at the 8-16-11 Aldermanic meeting.

The City Administrator also inquired as to if the Board wished to impose a temporary moratorium on chicken applications until some action is taken.

On motion by Alderman Leistner, seconded by Alderman Berry and passed, with 4 "YES" votes and 1 "NO" vote (cast by Alderman Sir), a temporary chicken application moratorium was approved until action is taken to either restrict the location for raising chickens or a decision is made that no action should be taken.

22.

There being no further matters for discussion, the meeting was adjourned at 7:50 p.m.

For a record of the Closed Session at Item No. 19, see Minutes this date in the Closed Session File.

Respectfully submitted,

(Original with signature on file)

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Ralph M. Lindsey, Jr., City Clerk