

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, Britt, Sir, Berry, Beckerle and Leistner. 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 Leistner and unanimously passed, the Minutes of January 6, 2015 were approved.

3. GUESTS

A. Nathan Jackson introduced himself as a Boy Scout who has achieved the rank of Life Scout and was working on the Eagle Scout rank and was in attendance as one of the requirements for the Citizenship in the Community Merit Badge.

B. Steve Sanders asked City Attorney Butler to comment on the status of the Winter Brothers' petitions for rezoning and a Special Use Permit.

Kathy Butler related that the City had received a short letter from the Winter Brothers attorney, withdrawing their applications. She said she had no other information as to what, if anything, they planned to do regarding the proposed use of their property.

C. Margaret Janssen, of 353 Palisades Ridge Court, requested that parking be prohibited on the cul-de-sac at the west end of Palisades Ridge Court.

City Administrator Sabo related that he had received the same request from Maria Ascrizzi, a trustee representing The Legends South Homeowners Association, and staff was reviewing it. He said he would direct the City's response to Maria Ascrizzi.

D. Jeremy Brummond addressed the Board regarding the proposed amendment to The Legends R-5 Community Unit Plan. He said his residence adjoined one (1) of the lots and felt the proposed amendment was not in line with the character of the neighborhood. He also contacted all of The Legends South Trustees and they were unanimously opposed to the amendment.

Mr. Brummond said that Mayer Homes bought the lots through foreclosure and they should be required to comply with the current Community Unit Plan. He also said there was no construction detail provided with the CUP amendment petition.

4. PLANNING AND ZONING COMMISSION RECOMMENDATION FROM 1-14-15

A. The Commission recommended denial of a petition from J. Randall Mayer, representing Mayer Holdings, LLC, for an amendment to The Legends R-5 Community Unit Plan Zoning to change two (2) attached single-family lots to four (4) detached single-family lots in The Bluffs Subdivision.

(For Board action see Item No. 5.)

5. BILL NO. 2427 RE: LEGENDS COMMUNITY UNIT PLAN AMENDMENT

Mike Boerding, of Sterling Engineering Company, spoke on behalf of Mayer Homes, LLC and briefly reviewed their petition.

City Attorney Butler asked Mr. Boerding why the City should approve the Community Unit Plan amendment and how would this benefit The Legends and the City.

Mike Boerding said the lot lines were already in place and the homes would be very nice; up to \$300,000.00.

Kathy Butler commented that with the attached homes, the exteriors were maintained by the Homeowners Association and asked if this would be the same arrangement with the detached homes; Mr. Boerding said it could be if that was the desire of the City.

Alderman Beckerle inquired as to if Mayer Homes had made any contact with the Master Legends Homeowners Association or The Legends South Homeowners Association; Mike Boerding said they had not but they would abide by all of the covenants and restrictions.

**BILL NO. 2427: AN ORDINANCE AMENDING THE LEGENDS COMMUNITY UNIT PLAN TO CHANGE THE TYPES OF SINGLE-FAMILY STRUCTURES ALLOWED ON CERTAIN LOTS WITHIN THE BLUFFS SUBDIVISION.**

**5. CONT'D.**

With the discussion concluded, Mayor Coffey requested a motion for the first reading. There was no motion made, therefore, Bill No. 2427 died for lack of Aldermanic action.

**6. BILL NO. 2428 RE: UNION PACIFIC RAILROAD AGREEMENT**

Mayor Coffey asked the City Attorney if she had reviewed the agreement; Kathy Butler said she had and it was a standard railroad agreement which was required before the City could begin inspections and subsequently rehabilitate the arch bridge.

On motion by Alderman Berry, seconded by Alderman Beckerle and unanimously passed, Bill No. 2428 was read for the first time by short title.

**BILL NO. 2428: AN ORDINANCE AUTHORIZING ENTERING INTO AN AGREEMENT WITH UNION PACIFIC RAILROAD TO ALLOW CERTAIN BRIDGE AREA ACCESS.**

On motion by Alderman Sir, seconded by Alderman Britt and unanimously passed, Bill No. 2428 was read for the second time by short title.

On motion by Alderman Kee, seconded by Alderman Leistner and unanimously passed, Bill No. 2428 was read for the third and final time.

Alderman Leistner moved, THAT BILL NO. 2428 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Berry.

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

The motion for adoption was passed unanimously.

Mayor Coffey declared Bill No. 2428 passed and designated it to be Ordinance No. 2321.

**7. REVIEW OF SPECIAL USE PERMITS**

- A. Arby's - Restaurant with drive-through component - 60 Hilltop Village Center Drive.
- B. Valvoline Instant Oil Change - Motor vehicle maintenance services - 12 Hilltop Village Center Drive.
- C. Omnipoint Communications & Voicestream Wireless - Radio, television and communications transmission tower - 115 East Fifth Street.
- D. Wholesale Plumbing Supply, Inc. - Outdoor storage and display of plastic pipe - 720 West Fourth Street.
- E. First Community Credit Union - ATM with drive-through lane - 157 Eureka Towne Center Drive.
- F. Burger King - Restaurant with drive-through component - 235 West Fifth Street.
- G. Mercy Health Care - Medical office, lab and x-ray facility - The Shoppes at Hilltop.
- H. Fifth Street Motors - Display lot for the retail sale of used motor vehicles including activities incidental to this use - 520 Abby Lane.
- I. Cindy Ruprecht - Equestrian facilities and uses including horse boarding, arena riding and hayrides, public picnic areas, public swimming pool facilities, public campground facilities for short-term camping including recreational vehicles - 199 Allen Road.
- J. Dan's Liquor - Retail sales of alcoholic beverages not in conjunction with a restaurant, cafeteria or supermarket - 98 Legends Parkway.
- K. Byerly Trailer and Manufacturing - Recreational vehicles with an expanded display lot and parking area and expansion of the existing building - 295 East Fifth Street.

On motion by Alderman Berry, seconded by Alderman Leistner and unanimously passed, all of the above listed Special Use Permits were extended for a twelve (12) month period.

These permits will be scheduled for review in January, 2016.

**8. BILLS FOR PAYMENT**

The list of bills was considered by the Board.

On motion by Alderman Berry, seconded by Alderman Britt and unanimously passed, the list of bills was approved for payment.

**9. STATEMENT OF FINANCES - DECEMBER 31, 2014**

On motion by Alderman Berry, seconded by Alderman Leistner and unanimously passed, the Board of Aldermen acknowledged receipt of the financial statements for the period ending 12-31-14.

10. CALL FOR CLOSED SESSION

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

11. CLOSED SESSION

12. OPEN SESSION RECONVENED

13. KMA ASSOCIATION - KICKBALL TOURNAMENT

City Administrator Sabo referred to the memo from the Parks and Recreation Director regarding the proposed kickball tournament, to be held August 29th and 30th.

There was consensus to approve the request with the recommendations suggested by Missy Myers.

14.

Alderman Berry commented that the Board may want to give consideration to updating the City's Master Plan and realigning the Ward boundaries. He suggested possibly moving the Shaws Garden Subdivision from Ward 3 to Ward 2.

15.

There being no further matters for discussion, the meeting was adjourned at 8:15 p.m.

For a record of the Closed Session at Item No. 11, 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