

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: Aldermen Kee, Britt, Sir, Berry, Beckerle and Murray. Mayor Coffey was absent due to his attendance at a City related out-of-town conference. In his absence Alderman Sir, the President of the Board of Aldermen, presided over the meeting.

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 Britt and unanimously passed, the Minutes of May 5, 2015 were approved.

3. GUESTS

A. Fred Bunch explained that he was a past President of the Eureka-Pacific Elks Lodge and this year their Chapter is scheduled to host the celebration of Flag Day on Saturday, June 13th. The Lodge is requesting permission to erect a 20 ft. x 40 ft. tent which would be set across West First Street and anchored in the grass on the north and south sides of the street. They would need to close West First Street for approximately five (5) hours, from Central Avenue to North Virginia.

City Attorney Butler said that if the Board was to approve their request, the Elks would need to provide a Certificate of Insurance with the City named as an additional insured party and the tent should be inspected by St. Louis County to ensure that it is properly anchored.

On motion by Alderman Britt, seconded by Alderman Beckerle and unanimously passed, the Special Event was approved, with the conditions stated by the City Attorney.

B. Charles Couch, of 334 Eureka Road, distributed copies of a letter expressing two (2) City concerns. Mr. Couch stated that he was opposed to the request for a foundation rear yard variance at 71 Grace Rose Court, which abuts his property. He said that if this was approved, there may be another variance request if the homeowner desired to have a backyard deck. However, if the variance was approved, he would like several conditions placed on it (detailed in his letter). His preference; however, is that the variance be denied.

C. Joe Brice, of 15 Pine Bough Lane, related that he served two (2) terms as an Alderman and, prior to that, was on the Board of Adjustment. He said a similar setback request was considered by the Board of Adjustment within The Legends and the decision was to deny the variance.

Mr. Brice commented that the Grace View Subdivision developer continued to work on the foundation after being notified of the Code violation and, in his opinion, a Stop Work Order should have been issued.

D. Marilyn Leistner, of 822 Wild Hawk Drive, expressed her support for the veterinary clinic which is proposed to be located at 105 East Fifth Street.

4. SIDEWALK CAFE APPLICATION - KILDERKIN'S PUB

A Sidewalk Cafe Application was received from Scott Braman, representing Kilderkin's Pub, for permission to place five (5) thirty-six (36) inch round tables, each with four (4) chairs, on the sidewalk along the front of their business at 108C Hilltop Village Center.

Scott Braman was in attendance and briefly reviewed his application. He said the tables and chairs would likely be removed in the heat of the summer and in the winter.

On motion by Alderman Berry, seconded by Alderman Murray and unanimously passed, the application was approved.

5. SPECIAL EVENT PERMIT APPLICATION

A Special Event Permit Application was received from Dr. Bart Coleman for permission to have approximately 100 cyclists ride through Eureka on June 7th as part of the bicycle route for their event which raises money to benefit families affected by autism.

Bart Coleman said the route would be the same as in years past and they would not be requesting police assistance nor asking that any streets be closed. He said the riders would be through Eureka by 10:00 a.m.

On motion by Alderman Berry, seconded by Alderman Beckerle and unanimously passed, the Special Event was approved.

6. REAR YARD SETBACK STRUCTURE APPLICATION

An application was received from Michael Whalen, representing Whalen Custom Homes, for a variance to allow a house foundation to remain at 71 Grace Rose Court which was constructed four (4) feet within the required rear yard setback.

Katie Peroutka spoke on behalf of Whalen Custom Homes and explained the events which led up to this point. She also referred to a letter from Suburban Land Survey, Inc. She said she felt the City was partially at fault for not initially noticing their error.

City Administrator Sabo commented that the first plot plan which was submitted was not to scale which was the cause for the Building Commissioner not catching the error.

Mrs. Peroutka stated that if they were required to remove the foundation, this particular house would need to be turned and face Eureka Road rather than Grace Rose Court. By doing so, the foundation would be closer to the northern property line since it would be a side yard rather than a rear yard. (In the R-1 Zoning District the required rear yard setback is thirty (30) feet and the side yard setback is fifteen (15) feet.)

City Attorney Butler commented that the Building Commissioner recommended that the variance be denied.

Alderman Kee stated that he wanted the foundation removed and made a motion to approve the variance (all motions must be made in the affirmative). The motion was seconded by Alderman Murray.

Alderman Britt asked the City Attorney if there were any legal issues with denying the variance; Kathy Butler said there were not.

The roll call vote was as follows: Alderman Berry - NO; Beckerle - YES; Murray - NO; Sir - NO; Kee - NO; Britt - YES.

The motion failed with 2 "YES" votes and 4 "NO" votes.

7. PLANNING AND ZONING COMMISSION RECOMMENDATIONS FROM 5-13-15

A. The Commission recommended approval of a petition from Maron Karkabi for a Special Use Permit for an automobile repair shop and motor vehicle sales display lot to be located at 15 East Fifth Street, with conditions.

Pat Chassaing spoke on behalf of the petitioner and briefly reviewed the concerns expressed by the Planning and Zoning Commission. He agreed that the original proposed layout was more "ambitious" than what could reasonably be accomplished and requested approval of what was recommended by the Commission. Mr. Chassaing also commented that at some point in the future they may come back for an amended Special Use Permit if they feel there is room for additional vehicles.

Kathy Butler referred to the City Administrator's suggestion for eighteen (18) or possibly nineteen (19) vehicle spaces (as opposed to the applicant's original proposal for twenty-seven (27) spaces and the sixteen (16) spaces recommended by the Planning and Zoning Commission).

Following a brief Aldermanic discussion, a motion was made by Alderman Britt, seconded by Alderman Kee and unanimously passed for approval of the Special Use Permit with the conditions recommended by the Planning and Zoning Commission. Also, the retaining wall must be either repaired or replaced prior to occupancy and the layout of the parking spaces must be approved by City staff.

This permit will be scheduled for review in May, 2016.

B. The Commission recommended approval of a petition from Ava Frick, DVM for a Special Use Permit for a veterinary clinic to be located at 105 East Fifth Street.

Ava Frick very briefly reviewed her application and said her plan was to enlarge the building from 1,900 square feet to approximately 2,400 sq. ft.

On motion by Alderman Britt, seconded by Alderman Kee and unanimously passed, the Special Use Permit was approved.

This permit will be scheduled for review in May, 2016.

8. BILL NO. 2437 RE: MODOT TRAFFIC ZONE AGREEMENT

City Attorney Butler related that MoDOT was scheduled to work on Interstate-44 within Eureka and requested that the Eureka Police Department provide work zone law enforcement.

On motion by Alderman Berry, seconded by Alderman Kee and unanimously passed, Bill No. 2437 was read for the first time by short title.

BILL NO. 2437: AN ORDINANCE AUTHORIZING ENTERING INTO AN AGREEMENT FOR EUREKA POLICE DEPARTMENT TRAFFIC LAW ENFORCEMENT IN MODOT WORK ZONES.

8. CONT'D.

On motion by Alderman Kee, seconded by Alderman Berry and unanimously passed, Bill No. 2437 was read for the second time by short title.

On motion by Alderman Britt, seconded by Alderman Kee and unanimously passed, Bill No. 2437 was read for the third and final time.

Alderman Berry moved, THAT BILL NO. 2437 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Britt.

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

The motion for adoption was passed unanimously.

Board of Aldermen President Sir declared Bill No. 2437 passed and designated it to be Ordinance No. 2330.

9. REVIEW OF SPECIAL USE PERMITS

A. Lewis Electric Motor - Outdoor storage - 320 West Fourth Street.

B. Marymount Manor, LLC - Accessory structures (2) - 313 Augustine Road.

C. American Storage - Self-storage warehouses with the inclusion of an apartment and a U-Haul business, site to be used primarily for commercial purposes - 306 West Fourth Street.

D. Victorian Gardens - Residential use of a structure for an independent living facility in a Commercial Zoning District - 15 & 22 Hilltop Village Center Drive.

E. Assured Automotive, LLC - Automotive repair facility with the inclusion of a motor vehicle display lot - 19 West Fifth Street.

On motion by Alderman Berry, seconded by Alderman Beckerle 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 May, 2016.

10. REVIEW OF MODULAR/PREFABRICATED STRUCTURAL PERMIT

A. Rockwood School District - Modular unit for office personnel - 500 North Central Avenue.

On motion by Alderman Berry, seconded by Alderman Britt and unanimously passed, the modular permit was extended for a twelve (12) month period.

This permit will be scheduled for review in May, 2016.

11. REVIEW OF OFF-SITE PARKING AND/OR STORAGE PERMIT

A. Home Service Oil Company Propane Eureka, LLC - Off-site parking and storage of vehicles - 25 Truitt Drive.

On motion by Alderman Berry, seconded by Alderman Kee and unanimously passed, the permit was extended for a twelve (12) month period.

This permit will be scheduled for review in May, 2016.

12. CONSIDERATION OF BOARD OF ALDERMEN PRESIDENT

On motion by Alderman Britt, seconded by Alderman Kee and passed with 5 "YES" votes and 1 "ABSTENTION" (cast by Alderman Sir), Wes Sir was reelected as the President of the Board of Aldermen.

13. BILLS FOR PAYMENT

The list of bills was considered by the Board.

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

14. STATEMENT OF FINANCES - APRIL 30, 2015

On motion by Alderman Berry, seconded by Alderman Britt and unanimously passed, the Board of Aldermen acknowledged receipt of the financial statements for the period ending 4-30-15.

15. CALL FOR CLOSED SESSION

On motion by Alderman Berry, seconded by Alderman Kee and unanimously passed, a Closed Session was called for discussion of matters relating to attorney-client privilege, personnel, potential litigation and public safety.

16.

Alderman Murray reported that while campaigning she had several residents request that a sidewalk be constructed along Williams Road, for those residents who wished to walk to Kircher Park.

17. CLOSED SESSION

18. OPEN SESSION RECONVENED

19. SCARECROW FESTIVAL REQUEST

City Administrator Sabo related that the Scarecrow Festival Committee has requested that the \$5,000.00 cosponsorship which was approved for the 2016 Festival (Closed Session Minutes 2-3-15-2) be disbursed at this time rather than after July 1st because of the fact that they have begun to incur expenses. A check would be issued to the Wednesday Club of Eureka as the designated 501(c)(3) organization sponsoring the event.

There was unanimous consensus of approval for release of the funds prior to the start of the 2015-2016 fiscal year.

20.

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. 17, see Minutes this date in the Closed Session File.

Respectfully submitted,

(Original with signature on file)

Ralph M. Lindsey, Jr., City Clerk