

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 Murray. 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 October 6, 2015 were approved.

3. GUESTS

All of the below identified guests addressed the Mayor and Board regarding the proposed rezoning and residential subdivision on Augustine Road.

A. Jim Tumminello, of 81 Augustine Road, said he was concerned about the additional traffic and the driveway onto Augustine Road, which would be directly across from his house. He was also concerned about the retention pond and the number of trees which would be removed.

B. Pastor Jim Brown spoke on behalf of the Eureka Bible Church (part of whose property would be sold for the development) and said that their property had become a burden to maintain and the church was not in the business of owning property. He also said that he wanted to be sure that their church could still operate if the Code amendment was passed regarding the lot size requirement for churches.

C. Brenda Creamer, of 339 Cerny Avenue, said that her property adjoined the project site and she was in favor of the development.

D. Steve Burns, of 60 Autumn Way Court, explained that he had worked in the water pollution control profession and had concerns about storm water in the area of Augustine and Eureka Roads. He also commented that storm water had begun to erode the west bank of the retention pond in the Autumn Glen Subdivision. He said he and their subdivision homeowners association would be willing to assist the City on the storm water issues in that area.

E. Barbara Combs, of 323 Cerny Avenue, said she was not opposed to the development but questioned what the City's Comprehensive Plan showed as the residential density for that area. She would prefer larger lots.

F. Dan Janssen said he had recently built a house on a 1/2 acre lot at 55 Grace Rose Court and had spent a considerable amount of money, including the cost for the required permeable driveway. He felt this development could negatively impact his property value.

City Attorney Butler said that the permeable driveway was not a requirement of the City but it may have been a subdivision requirement.

G. Don Hinkebein, of 324 Cerny Avenue, commented that the common ground in the front of the subdivision along Augustine Road was in the floodplain and questioned whether a detention pond could be located within a floodplain.

4. BOWHUNTING REQUEST - 764 BREWSTER ROAD

A request was received from Aaron Windholz for permission to allow him, Josh Peterman and Bill Mueller to bowhunt on the McBride property (McBride letter and aerial photo in file).

Alderman Beckerle commented that there were residences along Brewster Road and they should be mindful not to park on someone's private property.

On motion by Alderman Beckerle, seconded by Alderman Berry and unanimously passed, the bowhunting request was approved.

5. CORNER LOT FRONT YARD FENCE APPLICATION - 312 WALLACH DRIVE

This application was continued from the meeting of 10-6-15 (see Minutes 10-6-15-6).

The application was revised from the previous meeting and the applicant now wished to extend the fence to the property line along Clara Street, which would place the fence six (6) to seven (7) feet from the street pavement.

5. CONT'D.

Nathan Heidenfelder explained that they had three (3) dogs and a two (2) year old son and would like the privacy fence so they could let the dogs and their son out in the yard.

Alderman Kee said he did not feel it was appropriate in this neighborhood to have a solid fence this close to the street and he was opposed to it.

Following a brief Aldermanic discussion, Nathan Heidenfelder requested that this item be moved down on the agenda so it could be discussed further.

There was unanimous consensus to temporarily table the matter (see Item No. 14).

6. PLANNING AND ZONING COMMISSION RECOMMENDATIONS FROM 10-14-15

A. The Commission recommended approval of a petition from Jon Sartors for a Special Use Permit for a fitness center to be located at 1299 West Fifth Street.

Alderman Sir commented that at the Planning and Zoning Commission Public Hearing Mr. Sartors stated that they may occasionally conduct exercise classes outdoors on the parking lot; however, that was not included on the Special Use Permit application. He suggested that the restriction that no outdoor classes would be permitted, should be included in the motion.

On motion by Alderman Beckerle, seconded by Alderman Berry and passed with five (5) "YES" votes and one (1) "NO" vote (cast by Alderman Murray), the Special Use Permit was approved as submitted, with the restriction that no outdoor classes are permitted.

Alderman Murray said the only reason she voted against the Special Use Permit was because of the potential for medical complications associated with this type of exercise, known as Rhabdomyolysis. (If the permit holder wishes to amend his Special Use Permit for outdoor classes he will need to apply for an amendment.)

B. The Commission recommended approval of a petition from Sean Flower, representing Flower and Fendler, Inc., for rezoning of approximately 13 acres from R-1 (Single-family Residential) to R-2 (Single-family Residential Community Unit Plan) located at 86 Augustine Road.

(For Board action see Item No. 7.)

C. The Commission recommended approval of a petition from Sean Flower, representing Flower and Fendler, Inc., to amend the Municipal Code relating to minimum lot size requirements for churches.

(For Board action see Item No. 8.)

D. The Commission recommended approval of a petition initiated by the City of Eureka for rezoning of multiple parcels from M-1 (Light Industrial) to R-4 (Single-family Residential) located at 205 and 207 Walton Drive and 314, 318, 319, 323, 324, 326, 327 and 328 Theodore Drive.

(For Board action see Item No. 9.)

7. BILL NO. 2462 RE: REZONING 13 ACRES FROM R-1 TO R-2 CUP

In response to Don Hinkebein's question regarding detention ponds in a floodplain, Mayor Coffey said he checked with the City Building Commissioner, who is also the City's Floodplain Manager, and was told that storm water detention can be located within a floodplain.

Sean Flower reviewed his development plan for a twenty-six (26) lot subdivision on thirteen (13) acres at 86 Augustine Road. He said the development included two (2) acres of private park land dedication and a trail would be constructed on the park property which could be dedicated to the City and connected to the City's trail system. Mr. Flower also explained his plan for buffering the development to adjoining properties.

Alderman Kee said he was opposed to the development because of its density.

Alderman Sir said he would like to review the development plan with the City Building Commissioner and City Engineer before taking action and made a motion to table Bill No. 2462. He also said he was concerned about the lake which was to be filled and built on. The motion was seconded by Alderman Kee and unanimously passed.

(For additional development details, see the Minutes of the 10-14-15 Planning and Zoning Commission Public Hearing.)

8. BILL NO. 2463 RE: CODE AMENDMENT REGARDING LOT SIZE REQUIREMENTS FOR CHURCHES

On motion by Alderman Sir, seconded by Alderman Kee and unanimously passed, Bill No. 2463 was also tabled (due to the fact that it was related to Sean Flower's residential development).

9. BILL NO. 2464 RE: REZONING MULTIPLE PARCELS FROM M-1 TO R-4

Mayor Coffey explained to the audience that this was a City initiated rezoning petition. It was prompted when the City was contacted by a resident who lives in that area and was having difficulty borrowing money when the lender found that the property was not zoned for residential use (and was; therefore, considered a legal non-conforming use).

On motion by Alderman Berry, seconded by Alderman Beckerle and unanimously passed, Bill No. 2464 was read for the first time by short title.

BILL NO. 2464: AN ORDINANCE REZONING PARCELS LOCATED ON THEODORE AND WALTON DRIVES FROM M-1 (LIGHT INDUSTRIAL) TO R-4 (SINGLE-FAMILY RESIDENTIAL).

On motion by Alderman Sir, seconded by Alderman Murray and unanimously passed, Bill No. 2464 was read for the second time by short title.

On motion by Alderman Britt, seconded by Alderman Murray and unanimously passed, Bill No. 2464 was read for the third and final time.

Alderman Berry moved, THAT BILL NO. 2464 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Britt.

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

The motion for adoption was passed unanimously.

Mayor Coffey declared Bill No. 2464 passed and designated it to be Ordinance No. 2354.

10. BILL NO. 2465 RE: APPROVING RIGHT-OF-WAY AND EASEMENT VACATIONS (THE ARBORS OF ROCKWOOD)

On motion by Alderman Berry, seconded by Alderman Beckerle and unanimously passed, Bill No. 2465 was read for the first time by short title.

BILL NO. 2465: AN ORDINANCE PROVIDING FOR THE VACATION OF CERTAIN RIGHTS-OF-WAY.

On motion by Alderman Sir, seconded by Alderman Berry and unanimously passed, Bill No. 2465 was read for the second time by short title.

On motion by Alderman Berry, seconded by Alderman Britt and unanimously passed, Bill No. 2465 was read for the third and final time.

Alderman Berry moved, THAT BILL NO. 2465 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Murray.

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

The motion for adoption was passed unanimously.

Mayor Coffey declared Bill No. 2465 passed and designated it to be Ordinance No. 2355.

11. REVIEW OF SPECIAL USE PERMITS

A. Phillips 66 - Convenience store with self-service motor fuel dispensing, full package liquor sales, and outdoor storage and display of merchandise - 301 West Fifth Street.

B. Cotton's Ace Hardware - Propane dispensing tank with a garden center display area and truck rental business - 226 Thresher Drive.

C. Lion's Choice - Restaurant with a drive-through component - 1737 West Fifth Street.

D. Batter Up Batting Cages - Indoor batting cages - 534 Workman Road.

E. St. Louis West KOA Campground - Public campground with outdoor storage with four (4) additional cabins and the relocation of four (4) units - 18475 Old Highway 66.

On motion by Alderman Britt, seconded by Alderman Sir 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 October, 2016.

12. RECURRING BILLS FOR APPROVAL

The list of recurring bills, paid in September, was reviewed by the Board.

Alderman Beckerle inquired as to what was the reason for the Eureka Days Festival vendor refunds. (After conferring with the Parks and Recreation Director it was determined that this was a required deposit to ensure that all booths were staffed throughout the festival.)

Alderman Britt commented about the increasing Eureka Days Festival expenses and was curious as to the total cost.

12. CONT'D.

There was consensus that the Board would like a report on the total cost of the Eureka Days Festival. On motion by Alderman Britt, seconded by Alderman Berry and unanimously passed, the list of recurring bills was approved and accepted for the record.

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. HEIDENFELDER - FENCE PERMIT APPLICATION (CONT'D. FROM ITEM NO. 5)

Because of the possible public safety issue with the fence being proposed six (6) to seven (7) feet from the street, City Attorney Butler asked the applicant if he would consider moving the fence back to be in line with the side of the house. She said the house directly across Clara Street had their fence in line with the house.

Nathan Heidenfelder explained that he was originally told the fence was approved (prior to the layout being altered for this meeting) and a short time later was informed that no action was taken at the 10-6-15 meeting. He said he would much prefer to have it as presently proposed.

The Board remained opposed to the fence at the property line.

Nathan Heidenfelder asked the Board if they would consider approving the fence if it was placed six (6) feet from the house, parallel with Clara Street; there was consensus that they would. He also said this would provide enough room to construct a gate access.

On motion by Alderman Murray, seconded by Alderman Kee and unanimously passed, the corner lot front yard fence at 312 Wallach Drive was approved with the fence being six (6) feet from the house, parallel to Clara Street.

15. STATEMENT OF FINANCES - SEPTEMBER 30, 2015

Alderman Britt commented about the Water Operating Fund Revenue and Expenses for the first quarter of Fiscal 2016 compared to the same period for 2015. The revenue is down and the expenditures are up, by almost identical amounts. He did acknowledge the notes which accompanied the report.

On motion by Alderman Berry, seconded by Alderman Sir and unanimously passed, the Board of Aldermen acknowledged receipt of the financial statements for the period ending 9-30-15.

16. 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, public safety and potential real estate matters.

17. CLOSED SESSION

18. OPEN SESSION RECONVENED

19. MIDWEST MOTORS - MORATORIUM ON PROSECUTION

Alderman Sir said that Art Kociela was applying for an amended Special Use Permit for Midwest Motors to provide for the display of truck bodies and trailers. Mr. Kociela did not realize that his current Special Use Permit did not provide for those items. Alderman Sir suggested that a moratorium on prosecution be granted while the amended Special Use Permit Petition was being processed.

On motion by Alderman Kee, seconded by Alderman Britt and unanimously passed, a sixty (60) day moratorium on prosecution was approved.

20.

There being no further matters for discussion, the meeting was adjourned at 9:20 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