

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 Murray. Alderman Britt arrived at the beginning of Item No. 7.

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 Kee and unanimously passed, the Minutes of October 20, 2015 were approved.

3. GUESTS

Mayor Coffey informed the audience that he would allow comments after the presentations for Agenda Item Nos. 6 and 7; any other comments could be made at this time.

A. Marilyn Leistner complimented City Attorney Butler on her presentation, on behalf of the City, at the most recent St. Louis County Public Hearing regarding the proposed Winter Brothers sand and gravel operation.

B. James Wattler inquired as to if there were any plans for expansion of the City trail system along Fifth Street.

Mayor Coffey said that would require working with MoDOT, since Fifth Street is part of the I-44 MoDOT right-of-way.

4. TRAIL COMMITTEE APPOINTMENT

Mayor Coffey said the City was currently working on expanding the trail system along Augustine Road and through the McBride development (The Arbors of Rockwood) and wanted to add a Ward II representative to the Trail Committee. He said that Alderman Murray volunteered to serve on the committee and he would like to make that appointment.

On motion by Alderman Kee, seconded by Alderman Sir and unanimously passed, the Mayor's appointment was approved.

5. LAND DISTURBANCE PERMIT APPLICATION - THE ARBORS OF ROCKWOOD

Mayor Coffey asked if the Board had any questions or comments regarding the application.

Alderman Berry commented that his only concern was the proximity of the clearing limits in several areas to parts of Hilltop.

On motion by Alderman Sir, seconded by Alderman Murray and unanimously passed, the Land Disturbance Permit was approved.

6. PLANNING AND ZONING COMMISSION RECOMMENDATION FROM 10-28-15

A. The Commission recommended approval of a petition from Jason Strotheide, representing Noah's Arc Foundation - Missouri, for a Special Use Permit for a greenhouse to be located at 18675 U.S. Highway 66.

Jason Strotheide provided a copy of his Cannabidiol Cultivation and Production Facility license issued by the Missouri Department of Agriculture.

Dr. Strotheide said he was a resident of the West County area and commented about the news story which was televised after the Planning and Zoning Commission Public Hearing. He said he wanted his proposed operation to be completely transparent.

Jason Strotheide reviewed his presentation made before the Planning and Zoning Commission on October 28th and again reiterated that this would not be and could not be a facility for growing marijuana; it was for growing only industrial hemp which would be harvested for the production of hemp oil. The hemp oil (CBD oil) could then be prescribed for individuals with intractable epilepsy.

Dr. Strotheide explained that industrial hemp and marijuana were both members of the cannabis family, however, the industrial hemp that they would grow must contain less than 0.3% of THC, whereas, marijuana averaged between 18% and 30% THC. He said that everyone associated with their operation must have a fingerprint Federal and State background check.

Jason Strotheide said the extraction of the oil from the plants would not be done at this facility nor would there be any sale or distribution of the oil at this location.

Jason Strotheide reviewed their security measures which he presented at the Planning and Zoning Commission meeting. He said that if, in the future, it became necessary to expand their operation, they would be required to file for an amended Special Use Permit with the City and again meet all Federal and State regulations.

6. CONT'D.

Alderman Sir inquired as to if there would be any signage or could anything be seen from Business Route 66.

Dr. Strotheide said that the greenhouse covering must admit light for the plants but, due to the distance from the road (240 feet), the only thing visible would be the greenhouse structure.

With the presentation completed, Mayor Coffey then allowed the audience to comment on the proposal.

A. Brenda Creamer questioned the location and asked if there was any benefit to the City since the City would be providing services to the business.

Kathy Butler said the only revenue would be property tax and utility tax.

B. Barbara Rechtein also commented that there should be some benefit to the City.

C. Renee Heney introduced herself as the Coordinator of the Rockwood School District Drug Free Coalition. She cautioned the Board of the misconception about marijuana this may cause if the operation was approved.

D. Marilyn Leistner, a member of the Planning and Zoning Commission, said she voted against the petition because the CBD oil has not been approved by the Food and Drug Administration. She also said she believed there was no City water or sewer service to the facility and wondered how they would address that matter.

Dr. Strotheide said there was a well and septic system on the property which they intended to use.

E. Debbie Clarke said she brought a number of people with her who have benefited from the CBD oil and asked them to stand and be identified.

F. Holly Grebbs said she had a daughter with intractable epilepsy and she has benefited from the use of the CBD oil.

G. James Wattler said he was in favor of the petition and would like the City to be more open to businesses attempting to locate within Eureka.

H. Kelly Ladin reviewed her several medical related college degrees and said her daughter has intractable epilepsy and is in favor of the petition.

I. Gerald Pemberton said he was a member of the church which adjoins the property on which the business would be located and he had concerns about the operation. He also said there was a residence in close proximity to the proposed location.

Jason Strotheide said this location was submitted to the State and had been approved.

J. Nelson Devenport, of 94 Forest Hills Drive, said he was concerned about what might happen in the future if medical and recreational marijuana were put on the State ballot in 2016 and approved. This facility might then be transformed for that purpose and he feels this is not an appropriate activity for Eureka.

Dr. Strotheide again said his facility was not for growing marijuana and if medical marijuana was approved he would continue to grow only industrial hemp.

K. Lori Gunderson commented that if this operation was approved she felt it could result in the growing of medical and recreational marijuana in Eureka.

L. Dan Sharp said that after hearing the presentation and the numerous comments he was in favor of the petition and he thought that Governor Nixon had authorized transporting the CBD oil into Missouri.

Jason Strotheide responded that after the matter was reviewed by the Attorney General, it was his opinion that transporting it into the State would be illegal.

M. Laura Pettino spoke in favor of the petition and commented that it should not be looked at as bad for the City but rather something positive to help people in need.

N. Alderman Murray commented that she fully supported the work of the Rockwood School District Drug Free Coalition but felt this was an opportunity to educate children about industrial hemp and having compassion for others.

O. Judy Kitson inquired as to how many sites were considered for this operation.

Jason Strotheide said four (4) sites were considered and Eureka seemed to be the most appropriate location.

Alderman Murray asked Jason Strotheide why he became interested in this business.

Dr. Strotheide explained that as a chiropractor he was concerned about helping people. He began reading about CBD oil and found that this was a last resort for people with epilepsy whose condition was not helped through any FDA approved medications. He said he was currently funding this project completely by himself.

Mayor Coffey inquired as to if any doctors and hospitals were recommending the use of CBD oil.

Jason Strotheide said that Cardinal Glennon Hospital was allowing their neurologist to accept applications for CBD oil.

Alderman Berry said he was concerned about allowing this operation in Eureka and also commented that the entire Board was not present.

Mayor Coffey read a prepared statement explaining his support for this project. He also said he was opposed to medical marijuana.

6. CONT'D.

Alderman Sir referred to the conditions recommended by the Planning and Zoning Commission.

City Attorney Butler said that Police Chief Wiegand had several additional recommendations for conditions to the Special Use Permit: The fence should be increased from five (5) feet to eight (8) feet and vinyl coated (condition No. 4); there be random potency testing by a Certified laboratory no more than six (6) times per year at the expense of the applicant with the laboratory chosen by the Eureka Police Department; only industrial hemp shall be grown on the premises; there shall be no extraction process or the sale or distribution of CBD oil on-site and verification from the State that the residence on the property does not constitute a violation of the State license.

Jason Strotheide said he was not opposed to the additional conditions but asked that the Police Department be mindful of the cost of the testing due to the fact that there can be a wide range for testing fees.

There was a consensus of approval by the Board for the additional conditions recommended by Chief Wiegand.

On motion by Alderman Beckerle, seconded by Alderman Kee and passed with 4 "YES" votes and 1 "NO" vote (cast by Alderman Berry), the Special Use Permit was approved with the following conditions:

1. If the State of Missouri revokes the license to operate the facility, the City shall rescind the Special Use Permit.
2. Security measures for the facility must be approved by the State.
3. Construction of the greenhouse must commence within six (6) months from the date of approval.
4. The fencing must be eight (8) feet tall and vinyl coated with top razor wire.
5. There shall be no expansion of the operation or additional types of plant materials without authority from the City.
6. There shall be random potency testing of the industrial hemp by a certified laboratory no more than six (6) times per year at the expense of the applicant by a laboratory chosen by the Eureka Police Department.
7. Only industrial hemp shall be grown on the premises.
8. There shall be no extraction process or the sale or distribution of CBD oil on-site.
9. There shall be verification from the State that the residence on the property does not constitute a violation of the State license.

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

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

(Bill No. 2462 was continued from the meeting of 10-20-15.)

Sean Flower said that the concerns he heard at the previous meeting were lot sizes, buffer issues and the access being directly across Augustine Road from another residence. To address these concerns he increased the size of Lots 12 - 14 (which abut the Grace Hill Subdivision) to a minimum of 10,000 square feet, he would plant five (5) white pine trees, a minimum of six (6) feet tall, in the backyards of Lots 1 - 4 for buffering to the Autumn Glen Subdivision and he would plant several white pine trees, if the owner desired, in the front yard of the residence across from the subdivision entrance.

Alderman Britt commented about the engineering to address storm water and said he would prefer that the development be "over engineered" in this respect. He also commented about the storm water issues with the Grace Hill Subdivision development on Eureka Road.

Sean Flower said there would be two (2) storm water detention basins and there was minimal grading. He also included storm water measures to accommodate future expansion of the Eureka Bible Church. He also commented that there was no storm water detention for the Grace Hill Subdivision.

Regarding the question at the last meeting about storm water detention, Mr. Flower said none of the storm water detention would be located in the floodplain.

Mayor Coffey commented that the storm water regulations now in effect were much more stringent than what was in place when Mike Whalen's development was approved and the engineer who reviewed Mike Whalen's plans was no longer with George Butler and Associates and a different engineer had reviewed the Flower and Fendler plans.

Alderman Kee said he was opposed to the density of the development and there were only two (2) lots that met the 20,000 square foot minimum lot size for R-1 zoning and there were several lots that were between 8,000 and 9,000 square feet. He also said that during the flood of 1982 there was five (5) feet of water on Augustine Road for several days at the entrance of the proposed subdivision.

With the presentation completed, Mayor Coffey then invited comments from the audience.

A. Marilyn Leistner commented that she felt Sean Flower was an excellent developer and was also a Eureka resident but the development was too dense.

B. Pastor Jim Brown commented that the Eureka Bible Church was not selling their property out of necessity and was not seeking "top dollar". He said that Sean Flower had been good to work with. Pastor Brown also wanted to be sure that with the proposed amendment for minimum lot size for churches, they could continue to operate.

7. CONT'D.

Pastor Brown was told that the proposed amendment would reduce the minimum lot size for churches from three (3) acres to two (2) acres and their property would be just over two (2) acres.

C. Andrea Dean said she and her husband had recently built a home in the Grace Hill Estates Subdivision, which adjoins part of the proposed development, and she assumed that property would remain zoned R-1 and be developed with 20,000 square foot minimum lots. She said she was opposed to the density of the project.

D. Dan Janssen, another resident of the Grace Hill Estates Subdivision, also commented that he felt the proposed development was too dense.

E. Linda Kovis said she was a resident at 333 Cerny Avenue and a member of the Eureka Bible Church and was in favor of the proposed development.

F. Bryan Kiefer, a member of the Planning and Zoning Commission, expressed concern about storm water issues in that area.

G. Mayor Coffey referred to Alderman Sir's comment at the last meeting about wanting to review the development plans with the Building Commissioner and the City Engineer before taking action on the rezoning bill.

Alderman Sir said that GBA had made several recommendations to the Sterling Engineering Company and they planned to address those recommendations and, once completed, GBA would provide a letter to the City.

H. Julie Buchanan-Schmiedeskamp said she was a member of the Eureka Bible Church and had been at numerous meetings with Sean Flower and also felt he was a good person with whom to work.

On another subject Julie Buchanan-Schmiedeskamp said that at her residence in Shaws Garden, at 219 Drewel Court, there is a creek which was eroding as a result of storm water from The Legends (which may or may not be on her property) and was much deeper than it was previously and there was an exposed sewer main at the bottom of the creek.

I. Scott Kovis spoke in favor of the development and said he would be building within the subdivision, next to his parents property on Cerny Avenue. He said Sean Flower had a contract to purchase some of his parents' property.

J. Mike Dean (the spouse of Andrea Dean - Item C) said he was not opposed to the development but was opposed to the rezoning for smaller lots.

K. Chuck Couch, a resident at 334 Eureka Road, said he was not opposed to the development but was opposed to the use of a Community Unit Plan for the rezoning.

L. Dan Sharp said he also had concerns about storm water management for this project. He said that, for purposes of public safety, he would like to see the City install grates on the two (2) storm water inlets on Augustine Road near Eureka Road.

M. Brenda Creamer, a resident on Cerny Avenue whose property adjoins the proposed subdivision, spoke in favor of the development.

With the guest period concluded, City Attorney Butler stated that the issue before the Board is whether or not the rezoning would be appropriate for this area of the City.

Alderman Murray commented that she would like to discuss the legal issues of this petition with the City Attorney and also discuss the tree removal plan and made a motion to table Bill No. 2462. The motion was seconded by Alderman Kee and unanimously passed.

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

Due to the fact that this bill is related to Bill No. 2462, on motion by Alderman Britt, seconded by Alderman Kee and unanimously passed, Bill No. 2463 was tabled.

9. BILL NO. 2466 RE: CODE AMENDMENT REGARDING RESIDENTIAL AND MULTIPLE-FAMILY INTERIOR INSPECTIONS

Mayor Coffey explained to the audience that this would provide for interior inspections related to minimum housing standards. He pointed out that it would not be part of the inspection program for property ownership change; that would remain as an exterior inspection only.

On motion by Alderman Berry, seconded by Alderman Britt and unanimously passed, Bill No. 2466 was read for the first time by short title.

BILL NO. 2466: AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO MINIMUM HOUSING STANDARDS FOR RESIDENTIAL AND MULTIPLE-FAMILY DWELLINGS.

On motion by Alderman Beckerle, seconded by Alderman Berry and unanimously passed, Bill No. 2466 was read for the second time by short title.

On motion by Alderman Beckerle, seconded by Alderman Britt and unanimously passed, Bill No. 2466 was read for the third and final time.

9. CONT'D.

Alderman Sir moved, THAT BILL NO. 2466 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Berry.

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

The motion passed with 5 "YES" votes and 1 "NO" vote.

Mayor Coffey declared Bill No. 2466 passed and designated it to be Ordinance No. 2356.

10. LIQUOR LICENSE APPLICATION

Red Door Liquor and Cigars - Temporary Caterer's Permit - Legion Park - November 7th and 8th (BBQ Blast).

On motion by Alderman Britt, seconded by Alderman Berry and unanimously passed, the Temporary Caterer's Permit was approved.

11. BILLS FOR PAYMENT

The list of bills was considered by the Board.

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

12. CALL FOR CLOSED SESSION

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

13. CLOSED SESSION

14. OPEN SESSION RECONVENED

15. CITY MESSAGE BOARD

Alderman Sir said he felt the City needed to better advertise the Parks Department programs and special events. He suggested that a message board be located at some highly visible area of the City on which messages could be changed to advertise upcoming City activities.

16.

There being no further matters for discussion, the meeting was adjourned at 10:45 p.m.

For a record of the Closed Session at Item No. 13, see Minutes this date in the Closed Session File.

Respectfully submitted,

(Original with signature on file)

Ralph M. Lindsey, Jr., City Clerk