

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 Murray and unanimously passed, the Minutes of March 15, 2016 were approved.

3. GUESTS

Mayor Coffey stated that guests who wished to speak on the Flower and Fendler rezoning petition should do so after Sean Flower makes his presentation. By proceeding in this manner, some questions may be answered in advance.

A. Kasey Kaiser, a resident at 624 Southern Hills Drive, said that the speeding issue on Southern Hills Drive continued but she also realized that the Police Department could not have a patrol car on that street continuously. She suggested that the homeowners association and any interested residents meet with the Mayor, the Board and Chief Wiegand to discuss the issue. She also suggested doubling the speeding fines for that area.

City Attorney Butler commented that State Senate Bill No. 5 was currently in litigation regarding the amount that can be charged for fines and the current maximum in Eureka was \$300.00.

Mayor Coffey said that possibly a special meeting could be held on the night of an Aldermanic meeting, prior to the regular meeting, or a separate meeting be held on another night.

B. Pat Oberkfell, of 36 Autumn Way Court, said that she has seen flooding on Augustine Road a number of times since she has lived there and wondered if there were any plans to resolve the problem.

Mayor Coffey said the flooding at the back corner of the Autumn Glen Subdivision (the east end) would be addressed if the Flower and Fendler development was approved. The City has also added stormwater pipe in that area to get the water off of Augustine Road and into Flat Creek.

C. Becky Spitzer, of 810 Emerald Oaks Court, commented about the number of accidents on Highway 109 at the north entrance to the Emerald Forest Subdivision. She asked if a traffic signal could be installed at that location.

Mayor Coffey said Highway 109 was controlled by MoDOT and the City had no jurisdiction over that area. He added that when the subdivision was developed, the plans included a left-turn lane at the southern entrance but MoDOT refused to approve it. Later they realized a left-turn lane was necessary and had to finance it.

Alderman Kee commented that the City has approached MoDOT in the past regarding the number of accidents but no changes have been made.

Alderman Britt suggested lowering the speed limit in that area.

There was consensus to contact MoDOT regarding the issue. Residents can also direct their requests to MoDOT.

Chief Wiegand commented that MoDOT should have the accident counts for that area of Highway 109.

D. Andy Winkler, of 1733 Wellington Woods Drive, distributed a site map of the Ashton Woods Subdivision showing the location of the speed limit signs recently installed within the subdivision by the City Public Works Department. He said there were twenty-one (21) signs which he felt was extremely excessive. He spoke to Chief Wiegand about the matter and he agreed.

The Chief said that normally speed limit signs were placed at the entrance points of subdivisions.

Mayor Coffey asked Chief Wiegand and the two (2) Ward III Aldermen to meet with representatives of the homeowners association to review the placement of the signs.

E. Cory Marshall, the Girl Scout leader at Geggie Elementary School, addressed the Mayor and Board regarding the rental fees for the Eureka Community Center and the park pavilions. She said that in the past they were permitted to use the facilities free of charge but were recently notified that they would be charged the regular rental fees beginning in 2016. She asked that, as a non-profit organization, they be given some discount or possibly free use.

The Mayor said he would have the Parks and Recreation Director review the fees.

F. Roy Combs said he was a longtime resident on Cerny Avenue and wondered why there were no road shoulders or a sidewalk/bike trail on Augustine Road, which was a major travel route within the City.

Mayor Coffey related that the City was recently awarded a planning grant which was being used to design the next phase of the City trail system. The proposed trail would start at the back side of The Timbers, go north on Eureka Road to Augustine Road to Williams Road and eventually end at Kircher Park where it would connect to Route 66 State Park. He added that, hopefully, the City will be awarded a construction grant for the project.

3(F). CONT'D.

The Mayor also said that an emergency "flood access" through The Timbers was being planned for residents in the Augustine Heights area.

Mayor Coffey was asked if such information could be provided to the residents.

The Mayor said he would include the information in the next edition of the "Mayor's Newsletter" which is published three (3) to four (4) times per year.

G. Edward Halveland, of 71 Autumn Way Court, asked if a sidewalk/bike trail was being considered along Augustine Road, from Highway 109 to Eureka Road; Alderman Beckerle said that was being considered as part of the proposed trail project.

#### 4. SPECIAL EVENT PERMIT APPLICATION

A. JP's Sports Bar and Grill - 95 Hilltop Village Center Drive - Saturday, May 7th.

Concetta Kubiak explained that they wished to hold a Cinco De Mayo party on Saturday, May 7th on their parking lot.

Lisa Molenack, the Event Coordinator, said they would like to have a band play from 6:00 p.m. -10:00 p.m. The sound would be directed toward the highway, away from the residential areas to the north.

Alderman Sir asked about insurance and suggested that JP's provide a Certificate of Insurance.

Concetta Kubiak said that SSGC Holdings owned the entire center, which included the parking lot.

City Attorney Butler said that whoever owned the shopping center should provide the insurance (which was provided with the application).

Ms. Kubiak also said the company that was providing the tent could provide a Certificate of Insurance.

On motion by Alderman Berry, seconded by Alderman Sir and unanimously passed, the Special Event was approved with the condition that the tent company also provide a Certificate of Insurance with the City named as an additional insured party.

#### 5. COMMERCIAL FRONT YARD FENCE APPLICATION

Travers Autoplex and RV - 18155 U.S. Highway 66.

Kathy Butler commented that it appeared as though the fence may be located on the road right-of-way, which was prohibited.

On motion by Alderman Berry, seconded by Alderman Beckerle and unanimously passed, the commercial front yard fence was approved with the condition that it be located on the Travers Autoplex property.

#### 6. PLANNING AND ZONING COMMISSION RECOMMENDATION FROM 3-9-16

A. The Commission recommended approval of a petition from Sean Flower, representing Flower and Fendler, Inc., for rezoning of approximately 13.57 acres from R-1 (Single-family Residential) and 1-A (One Acre Single-family Residential) to R-1 CUP (Single-family Residential Community Unit Plan) located at 84 and 86 Augustine Road, and 333 and 339 Cerny Avenue (continued from 3/15/16 meeting). (For Board action see Item No. 8.)

#### 7. PLANNING AND ZONING COMMISSION RECOMMENDATION FROM 3-23-16

(The meeting was cancelled; therefore, no Board action is required.)

#### 8. BILL NO. 2487 RE: REZONING 13.57 ACRES FROM R-1 AND 1-A TO R-1 CUP

Sean Flower gave a video presentation of the proposed development. He related that with his revised plan, the subdivision access was moved out of the floodplain as was the stormwater detention basin which provided flood free access for the subdivision and the two (2) existing properties, the Eureka Bible Church and Dan Sharp's residence.

Mr. Flower also explained that he would dedicate property for the City trail system and escrow \$20,000.00 for construction of the trail along Augustine Road. He said the houses would range from the low \$300,000.00's up to \$400,000.00.

Sean Flower said that, as a result of concerns expressed by several residents in the Grace Hill Subdivision, the size of Lots 13 - 17 were increased in size. He also related that the park land was twice the size of what was required.

Mayor Coffey commented that the gross acreage, less the street right-of-way, resulted in an average lot size of over 20,000 square feet.

At this time, the Mayor called for a ten (10) minute meeting recess.

Following the break, Mayor Coffey said that he would first like to hear comments from those who were in favor of the development and then those who were opposed.

Linda Kovis, of 333 Cerny Avenue, said that she and her husband were selling a portion of their property to Flower and Fendler for the development. Also, as a member of the Eureka Bible Church she had spoken to several potential developers and she was pleased with what was being proposed.

Jim Brown, the Pastor of Eureka Bible Church, said that no one would be more affected by the development than they would and the Church was in favor of it.

Cathy Bieg, a resident in the Autumn Glen Subdivision, spoke in favor of the development.

8. CONT'D.

Scott Kovic explained that he would be building on a portion of the property which his parents were selling for the development and he was in favor of it.

Alderman Murray asked if stormwater detention was required under the R-1 Zoning, without a Community Unit Plan; Mayor Coffey said it was, but with a CUP additional requirements could be made over and above the straight R-1 requirements. The Mayor also said that the City may request a dedication of 2 - 3 feet of property along Augustine Road for future street widening.

At this time, guests who were opposed to the development addressed the Mayor and Board.

Steve Burns, a resident in the Autumn Glen Subdivision, said he was not opposed to the development but was curious about the trail, since there was very little room on the south side of Augustine Road adjacent to the Autumn Glen Subdivision.

Alderman Beckerle said the trail would move to the north side of Augustine Road in that area due to the right-of-way line and existing utilities.

Chuck Couch, of 334 Eureka Road, said he was opposed to CUP Zoning and preferred larger lots than what was being proposed.

Tony Wallach, a resident on Augustine Road, said he also was opposed to CUP Zoning and would like to see larger lots.

Dan Green, of 89 Augustine Road, said that with the relocation of the subdivision entrance it was now directly across from his house. He feels the development will increase the stormwater problems and asked who would be responsible for the debris which would accumulate in the detention basin.

City Attorney Butler said the subdivision homeowners association would be responsible for the detention maintenance.

Mr. Green also said that he has had problems in the past with the sewer manhole which is on his property. During severe rain events the manhole cover has been forced off of the manhole and he asked about the sanitary sewer connection for the development. Sean Flower said the connection would be near the Autumn Glen Subdivision.

Margaret Janssen, of 55 Grace Rose Court, said she was opposed to the smaller lots.

Roy Combs, of 323 Cerny Avenue, said he was opposed to the development and the plan to change the flow of the creek on Cerny Avenue.

Kevin Kilpatrick, a resident on Williams Drive, spoke about the 12-30-15 flood and the change several years ago, with input from the residents, for the change of zoning in the Cerny Avenue area from R-1 to 1A. He also said he would prefer that the stormwater plan was for a retention basin rather than a detention basin and fewer lots.

Alderman Kee commented that the 12-30-15 flood was different than the 1982 flood due to the fact that the Meramec River was not as full at the time or the flood could have been much worse.

Kim Ehrlich, of 63 Grace Rose Court, said she was opposed to the smaller lots.

Andrea Deane, of 51 Grace Rose Court, said she would prefer that the zoning remain at R-1. She feels the Planning and Zoning Commission did not uphold the City's Comprehensive Plan and that some information from the Planning and Zoning Commission meeting was not included in their minutes. She also questioned the procedure which was followed by the Commission.

City Attorney Butler explained to Mrs. Deane the procedure which must be followed by Fourth Class Cities. Andrea Deane submitted a petition of residents opposed to the Flower and Fendler residential development (copy in file). She said she would like the City to consider larger lots and other options for the development of the subject property.

Mrs. Deane said she spoke to representatives of several State agencies who told her they had not yet seen the plans for this development (the reason being that the Board of Aldermen had not yet taken action on the petition).

Andrea Deane concluded by asking for copies of the public hearing notices for this development.

John Carlson, of 367 Cerny Avenue, said that he moved to Eureka because of the larger lots and the greenspace. He referred to the 1-A Zoning for the Cerny Avenue area and said he was opposed to the smaller lots for this development.

Don Hinkebein, of 324 Cerny Avenue, read a prepared statement and provided a zoning map of the general area which surrounds the proposed development. He commented about the responsibility of the Board of Aldermen to develop zoning regulations and then enforce them. He said he felt this was a high density development.

Mr. Hinkebein also commented about the two (2) Planning and Zoning Commission meetings and the statements made regarding this proposed development.

Don Hinkebein referred to Eureka Code Section 20A-6(p)(1) - Subdivision Buffer Requirements and questioned whether or not they were being followed.

City Attorney Butler responded that subdivision buffers were not mandatory but could be required by the Board of Aldermen.

Cheryl Halveland, of 71 Autumn Way Court, said she was opposed to the development because of the density, traffic and stormwater issues.

**8. CONT'D.**

Trevor Hill, a resident on Cerny Avenue, said he was opposed to the density of the proposed development.

With the guest period concluded, Sean Flower commented that the Eureka Bible Church was at its current location before the Autumn Glen Subdivision or Grace Hill Subdivision were approved and they did not oppose either development.

Alderman Murray said she appreciated all the work that Sean Flower has put into this development but she does not feel it is a good fit for the area.

Alderman Kee said he had voted against the Grace Hill Subdivision development and the City was now working to fix the issues created with the additional stormwater on Eureka Road from that subdivision and he feels the same thing will happen with this development.

Mayor Coffey reviewed the recent history of this proposed development, relating that the original proposal was for twenty-eight (28) lots on two (2) fewer acres. Mr. Flower then came back with larger lots, one (1) less lot and he added property to the development. Also, after the December flood he moved the entrance out of the floodplain.

The Mayor related that he recently met with representatives of the U.S. Army Corps of Engineers and the Missouri Department of Conservation regarding another development and their biggest concern was adequate stormwater detention. He also commented about the money the City has spent on stormwater measures in the Augustine Heights area which was developed before there were stormwater regulations.

Mayor Coffey concluded by saying that he feels the only valid argument against this development is the density as their stormwater management plan was a plus.

With the discussion concluded, Alderman Kee moved and Alderman Berry seconded for the first reading of Bill No. 2487.

City Attorney Butler said there were two (2) amendments to the Bill: One (1) was the escrowing of \$20,000.00 for trail construction and the other was the addition of seventy-five (75) trees to be planted within the subdivision.

Both Aldermen agreed to the amendments and it was unanimously passed for the first reading.

**BILL NO. 2487: AN ORDINANCE REZONING AN APPROXIMATELY 13.57 ACRE TRACT OF LAND FROM R-1 AND 1-A (SINGLE-FAMILY RESIDENTIAL) TO R-1 CUP (SINGLE-FAMILY RESIDENTIAL COMMUNITY UNIT PLAN).**

On motion by Alderman Kee, seconded by Alderman Berry and unanimously passed, Bill No. 2487 was read for the second time by short title, as amended.

Alderman Kee moved and Alderman Berry seconded for the third reading of Bill No. 2487.

The vote was 5 "YES" and 1 "NO" (cast by Alderman Britt).

(Because the motion for the third reading did not receive a unanimous vote at the meeting at which it was introduced, it was automatically tabled.)

Alderman Britt explained that because of everything which was presented at this meeting, he wanted to give it further thought before the final vote.

Alderman Berry commented that he felt a Community Unit Plan was a good way to handle a transitional development.

**9. LIQUOR LICENSE APPLICATIONS**

A. Red Door Liquor & Cigars - Temporary Caterer's Permit - The Timbers - April 21st - Adult Coloring Night.

B. Red Door Liquor & Cigars - Temporary Caterer's Permit - The Timbers - April 30th - Triple Crown Trivia Night.

On motion by Alderman Britt, seconded by Alderman Beckerle and unanimously passed, the two (2) liquor license applications were approved.

**10. BILLS FOR PAYMENT**

The list of bills was considered by the Board.

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

**11. CALL FOR CLOSED SESSION**

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

**12.**

Alderman Britt said a resident had contacted him about seeing several Eureka Police vehicles patrolling on I-44 - possibly four (4) or five (5).

Chief Wiegand said that the patrol cars may have been on I-44 in connection with a State Traffic Grant but not that many. He said they periodically put a patrol car on I-44 in the morning to watch for speeders.

13.

Alderman Murray said she received an email about a large tree stump on the north side of Augustine Road, across from the Autumn Glen Subdivision.

City Administrator Sabo said he would have the Public Works Department remove it.

14.

Mayor Coffey reported that the Eureka New Year's Eve 2.0 event was very successful. He commended the staff and all the volunteers who were involved.

15. CLOSED SESSION

16. OPEN SESSION RECONVENED

17. SPECIAL EVENT - KICKBALL TOURNAMENT

The City Administrator referred to Missy Myers' memo regarding Shawn Archambault's request to again hold a Kickball Tournament fundraiser in Legion and Lions Parks on August 27th and 28th and the conditions she would like to require.

There was a consensus of approval for the event with the recommended conditions.

18. 2016 - 2017 BUDGET WORK SESSION

City Administrator Sabo referred to his memo regarding the Budget Work Session.

Following a brief general discussion, there was consensus to hold the 2016 - 2017 Budget Work Session on June 27th at 6:00 p.m.

19. ASHTON WOODS SUBDIVISION STREETLIGHTS

A request was received from the Ashton Woods Homeowners Association for the City to assume responsibility for the streetlights in the Ashton Woods Subdivision. The City Administrator said he found that there were thirty-six (36) lights which were Ameren compliant which could be transferred to the City Ameren account.

Alderman Beckerle related that he had spoken to one of the trustees and the subdivision would have the noncompliant lights replaced with compliant lights so that the City could take them over as well.

There was consensus for the City to have the thirty-six (36) compliant streetlights transferred to the City Ameren account.

20. SIGN REGULATIONS

Alderman Sir referred to the recent discussion regarding the City sign regulations and the consensus to review them after Terry Selbert's dynamic sign was erected.

The consensus was to form a sign committee to review the current regulations and make recommendations to the full Board.

The following Board members volunteered to serve on the committee: Ward I - Wes Sir, Ward II - Carleen Murray and Ward III - Shannon Britt. Mayor Coffey and the three (3) Aldermen will report back to the full Board at a future meeting.

21.

There being no further matters for discussion, the meeting was adjourned at 10:55 p.m.

For a record of the Closed Session at Item No. 15, 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