

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, Lieutenant Dave Wilson and City Clerk Ralph Lindsey.

2. MINUTES

On motion by Alderman Berry, seconded by Alderman Murray and unanimously passed, the Minutes of April 5, 2016 were approved.

3. ELECTION RESULTS OF APRIL 5, 2016

The official results of the General Municipal Election of April 5, 2016 were read by the City Clerk. The successful candidates were:

- Alderperson Ward I - Robert Berry
- Alderperson Ward II - Marilyn Leistner
- Alderperson Ward III - Donald Beckerle

Proposition B, regarding continuation of the out-of-state sales tax, passed by a vote of 445 in favor and 164 opposed.

The oath of office was administered to the successful candidates and they were seated at their respective positions.

Mayor Coffey thanked Bob Kee for his many years of service on the Board of Aldermen, Planning and Zoning Commission and the TIF Commission, and presented him with a plaque in recognition of his service.

4. GUEST PERIOD

A. Steven Burns, of 60 Autumn Way Court, said he was in favor of the Flower and Fendler development proposal and submitted eight (8) letters of support from property owners in the Autumn Glen Subdivision.

B. Stan Wallach, of the Wallach Law Firm, introduced himself as representing the Deanes, Janssens and Hinkebeins who were opposed to the Flower and Fendler development proposal. He said that in reviewing the Municipal Code there may be a procedural issue regarding the report which is to be submitted by the Zoning Commission to the Board of Aldermen, which he has not seen.

Mr. Wallach commented about the current R-1 Zoning and the petition for a Community Unit Plan. He referred to two (2) other CUP developments within the City with large areas of common ground and compared them to the subject area. In his opinion, the property should be developed under the current R-1 Zoning and asked the Board to vote against the petition.

C. Margaret Janssen, of 55 Grace Rose Court, spoke against the Flower and Fendler development and the additional families and children which it would bring to the area.

D. Don Hinkebein, of 324 Cerny Avenue, said he has "heard around town" that the stormwater detention plan for the Flower and Fendler development would cure the stormwater problems on Augustine Road. In his opinion it may slightly help the situation but would not cure it.

E. Dan Janssen asked if stormwater detention was required with R-1 Zoning; Mayor Coffey said it was, but this development was providing much more than what was required.

F. Andrea Deane, of 51 Grace Rose Court, referred to the proposed Flower and Fendler development and commented that she, her husband and others who are opposed to the petition aren't going around buying support and didn't pay for support letters. City Attorney Butler asked who was allegedly bribing people for support, and Ms. Deane replied that it was the applicant, such as making promises to fix things. Ms. Butler stated that it was posted on Facebook that landowners trying to sell their property to the applicant promised campaign funds to the Mayor in his effort to run for State Representative as long as he helped ramrod the rezoning, and asked which landowners were doing this, adding that it is important for the City to know since it is a crime. Ms. Deane replied that she did not know the identity of any such landowners. Ms. Butler then asked Michael Deane if he had any knowledge of this since he was the one who posted the allegations on Facebook. Mr. Deane stated that it was hearsay and knew nothing more.

4F. CONT'D.

Ms. Butler said if the Deanes have information that such a crime has been committed they have an obligation to inform the Board. Ms. Deane stated that she doesn't have a Facebook account and knew nothing about the allegations made by her husband. Ms. Butler stated she is not asking Ms. Deane if she did anything herself, but rather if she has information about others engaging in the alleged activity since it is a crime, and if someone has bribed a City official it needs to be investigated. Ms. Butler asked Ms. Deane if she was alleging that any City official received money in connection with the proposed development. Ms. Deane replied that she was not, however, Mr. Flower had a meeting with Autumn Glen residents and afterward they were in support of the development because he promised them some things, adding that she never said anything about a City official. Ms. Butler reiterated that such allegations are a very serious matter, and again asked Ms. Deane if she had any information relating to it. Ms. Deane stated that she had no such information. Ms. Butler said these allegations have nothing to do with the development but rather if a crime has been committed by way of a City official receiving money for support. Ms. Butler addressed the audience and stated that it was a crime to attempt to bribe a City Official, and if anyone was aware of such it should be reported to the Police so it could be investigated. Ms. Deane said she contacted the Missouri Municipal League regarding zoning and read a prepared statement regarding zoning of property and how it should relate to a City Comprehensive Plan. She concluded by saying that she felt there were other options for the development of the property. Ms. Butler noted that she and the Board had received a document with an additional commitment from Mr. Flower to establish a twenty (20) foot wide landscape easement at the rear of some of the lots. The landscape easement would contain White Pines and Viburnum plantings to serve as a visual and sound buffer for the abutting properties.

G. Gary Bieg, of 40 Autumn Way Court, said that he and his wife are in favor of the proposed Flower and Fendler development.

5. SPECIAL EVENT PERMIT APPLICATION:

Ava Frick, representing Pet Rehab and Pain Clinic - 105 E. Fifth Street - Saturday, May 7th.

Ava Frick briefly reviewed what was being planned for her Open House on May 7th.

There being no questions from the Board, on motion by Alderman Sir, seconded by Alderman Beckerle and unanimously passed, the Special Event was approved.

6. PLANNING AND ZONING COMMISSION RECOMMENDATIONS FROM 4-13-16

A. The Commission recommended approval of a petition from Richard Kremer, representing Eureka Auto Collision, for an amended Special Use Permit for a paint booth addition on property located at 1023 West Fifth Street.

There being no questions for Mr. Kremer, on motion by Alderman Sir, seconded by Alderman Berry and unanimously passed, the amended Special Use Permit was approved.

This permit will be scheduled for review in April, 2017.

B. The Commission recommended denial of a petition from Dale Hicks and Associates for rezoning of approximately 6.26 acres from R-1 (Single-family Residential) and R-5B (Multi-family Residential) to R-5B (Multi-family Residential) located at 119 W. North Street (Unit A), 119 W. North Street, 125 W. North Street (Unit A), 125 W. North Street (Unit B), 125 and 243 W. North Street, 311, 321 and 329 Forby Road.

(The petitioner has withdrawn the application.)

7. PROCLAMATION - NATIONAL DAY OF PRAYER

City Attorney Butler read a proclamation in support of May 5, 2016 as the National Day of Prayer.

8. BILL NO. 2487 RE: REZONING 13.57 ACRES FROM R-1 AND 1-A TO R-1 CUP
(Bill No. 2487 was read two (2) times at the meeting of 4-5-16.)

Sean Flower submitted twenty-six (26) letters of support for his development. He then reviewed his letter of 4-19-16 which proposed several enhancements to the current plan (copy on file).

City Attorney Butler asked Mr. Flower if he was aware of anyone offering money to City Officials in exchange for support of this project. He said he was not aware of such. She then asked the audience if any property owner offered money in exchange for consideration of the project. Brenda

8. CONT'D.

Creamer, Pastor Jim Brown (Eureka Bible Church) and Linda Kovis all replied that they had not offered any City officials money for favorable consideration of the proposed development. Mr. Flower stated that if his project was approved, he offered to fix some retention pond erosion for the Autumn Glen Subdivision residents while he had equipment on-site.

Alderman Leistner commented that a large number of residents in that area were opposed to the development and she had promised to support their and Bob Kee's opposition to the development. She added that she feels twenty-five (25) homes are too many for the property and may create flooding.

The City Attorney asked Alderman Leistner if it was her position that all lots should be at least 20,000 square feet and the property remain zoned R-1. Alderman Leistner replied that was correct. Alderman Britt explained that he voted on matters according to what he felt was in the best interest of the City as a whole, independent of how the Aldermen of a particular Ward may feel.

Alderman Murray stated that she was opposed to rezoning the property to R-1 with a Community Unit Plan and preferred the current R-1 zoning.

Alderman Sir recommended that Section 4 be amended to provide additional right-of-way for the widening of Augustine Road in the future.

Mayor Coffey recommended that Section 5 be amended to require fifty (50) trees and the additional fifty (50) could be a combination of trees and Viburnum.

City Attorney Butler suggested that Section 2 be amended to incorporate Mr. Flower's April 19th letter summarizing changes to the development plan.

Mr. Flower agreed to all of the amendments to the proposed Ordinance.

The City Attorney asked Stan Wallach if he or any of the people he was representing were opposed to Alderman Leistner voting only on the third reading of the bill since she was not in office for the first and second readings. He replied that they were not opposed.

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

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.

Alderman Sir moved, THAT BILL NO. 2487 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Berry.

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

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

Mayor Coffey declared Bill No. 2487 passed and designated it to be Ordinance No. 2375.

9. REVIEW OF SPECIAL USE PERMITS

A. Donna Long - Residential use of a structure in a Commercial District - 607 Stockell Drive.

B. Hyndrich Brothers Towing - Towing services - 18593 U.S. Highway 66.

C. Wal-Mart, Inc. - Expansion of the outdoor corral, greenhouse and outdoor storage and display of landscape materials - 131 Eureka Towne Center.

D. Roadrunner Trailer & Hitch Co. - Sale, repair, outdoor storage, display and fabrication of trailers and hitches - 700 West Fourth Street.

E. First Community National Bank - Drive-through component - 450 Meramec Blvd.

F. Eureka Truck Tops - Camper top business with outdoor storage and display of merchandise, material and equipment associated with the sale of camper tops with the inclusion of a display lot and sales of utility trailers - 1425 West Fifth Street.

G. Old Town Automotive - Repair and detailing shop - 212 South Virginia Avenue.

H. Cricket Communications, Inc. - Additional antennae/equipment at cell tower - 803 Top Notch Lane.

I. Sprint - Increase in height and setback to an existing cell tower - 803 Top Notch Lane.

J. U.S. Cellular, LLC - 20 foot extension to the existing cell tower and equipment installation - 803 Top Notch Lane.

On motion by Alderman Beckerle, seconded by Alderman Murray and unanimously passed, with the exception of Item E on which Alderman Britt recused himself, all of the above listed Special Use

9. CONT'D.

Permits were extended for a twelve (12) month period.
These permits will be scheduled for review in April, 2017.

10. PLANNING AND ZONING COMMISSION APPOINTMENT

Alderman Sir recommended that Bob Kee be appointed to the Planning and Zoning Commission to replace Marilyn Leistner.

Mayor Coffey asked Bob Kee if he would be interested in serving on the Planning and Zoning Commission. Mr. Kee replied that he would.

Mayor Coffey proposed the appointment of Bob Kee to the Planning and Zoning Commission to fill the unexpired term of Marilyn Leistner.

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

11. RECURRING BILLS FOR APPROVAL

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

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

12. BILLS FOR PAYMENT

The list of bills was considered by the Board.

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

13. STATEMENT OF FINANCES - MARCH 31, 2016

On motion by Alderman Murray, seconded by Alderman Britt and unanimously passed, the Board of Aldermen acknowledged receipt of the financial statements for the period ending 3-31-16.

14. 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, personnel and public safety.

15.

Alderman Beckerle said he had received another call about the City having a community vegetable garden.

On a somewhat similar matter, Alderman Murray said she had a call about having a Farmer's Market. Mayor Coffey said a Farmer's Market was organized several years ago and it might be something to consider again.

16. DOG PARK

Alderman Murray asked if the construction of a dog park was ever considered for one of the City parks.

The Mayor said it was considered in the past but was found to be expensive and there was the liability issue. He said it could again be considered as part of the upcoming budget process.

17. EUREKA HISTORICAL SOCIETY

Alderman Leistner related that the Eureka Historical Society has been approached about holding a Regional Historical Society meeting in Eureka. She thought it could possibly be held at The Timbers or John Paul Quick has offered to have it at Victorian Gardens.

Alderman Leistner said she would like to include a tour of several old buildings in Eureka. She also wanted to encourage some younger people to get involved in their organization. A specific date has not yet been set.

18.

Alderman Sir said he would like to see the City do something about the Dandelion problem in the parks.

19. CLOSED SESSION

20. OPEN SESSION RECONVENED

21.

There being no further matters for discussion, the meeting was adjourned at 8:50 p.m.

For a record of the Closed Session at Item No. 19, see Minutes this date in the Closed Session File.

Respectfully submitted,

(Original with signature on file)

Ralph M. Lindsey, Jr., City Clerk