

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 Leistner, Britt, Sir, Berry and Murray. Mayor Coffey and Alderman Beckerle were absent.

Also in attendance were City Administrator Craig Sabo, City Attorney Kathy Butler, Police Sergeant Tom Wille and City Clerk Ralph Lindsey.

Due to the absence of Mayor Coffey, Wes Sir the President of the Board of Aldermen presided over the meeting.

2. MINUTES

On motion by Alderman Berry, seconded by Alderman Murray and unanimously passed, the Minutes of May 3, 2016 were approved.

3. GUESTS

A. Don Hinkebein, of 324 Cerny Avenue, referred to the proposed Rolwes residential development and commented that it appeared they would be properly addressing the stormwater from the development. He said that a number of years ago the City constructed a swale in the back of the Forest Run properties which adjoin this site. Since that time the residents in that area have constructed various structures in the drainage easement resulting in the swale not doing what was intended. Mr. Hinkebein inquired as to who was responsible for monitoring the situation.

City Attorney Butler commented that if something was observed it should be reported to the City. Don Hinkebein suggested that the Forest Run residents might form an association and hire an engineer to address the stormwater issues in that area.

Alderman Leistner related that she and Alderman Kee had proposed that to the residents but nothing developed.

B. Brenda Creamer, of 339 Cerny Avenue, explained that her residence was across the street from the proposed entrance to the Rolwes subdivision. She asked about replacing her front yard fence if it was hit during the subdivision construction and who would be responsible.

City Administrator Sabo said that although it is a legal non-conforming fence, it could be replaced if damaged by construction activity.

Mrs. Creamer also expressed concern about vehicle headlights from the development on her house. She said the developer had agreed to plant several trees on her property but she felt more should be done such as moving the location of the street.

The engineer for the development said the street could be moved but it would affect the site distance and the grade on Cerny Avenue and this was the preferred location.

4. PLANNING AND ZONING COMMISSION RECOMMENDATIONS FROM 5-11-16

A. The Commission recommended approval of a petition from Arthur and Meeghan Kociela, representing Midwest Motors, for an amended Special Use Permit for a lot expansion for the display of pre-owned vehicles, truck bodies and trailers on property located at 1400 South Outer Road.

Art Kociela explained that they wished to expand the display area on their property to provide more room for their inventory.

On motion by Alderman Berry, seconded by Alderman Murray and unanimously passed, the amended Special Use Permit was approved.

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

B. The Commission granted approval of a petition from Dennis Marschuetz, representing Marschuetz Properties, LLC, for a boundary adjustment located at 15 and 19 Truitt Drive (no Board action is required).

C. The Commission granted approval of a site plan from Dennis Marschuetz, representing Marschuetz Properties, LLC, for building additions located at 15 Truitt Drive (no Board action is required).

D. The Commission recommended approval of a petition from Rolwes Development, LLC for a subdivision of land of approximately 7.45 acres located at 326, 332 and 342 Cerny Avenue.

(For Board action see Item No. 5.)

## 5. BILL NO. 2488 RE: SUBDIVISION OF 7.45 ACRES ON CERNY AVENUE

Attorney Joseph Blanner addressed the Board regarding the development. He said there was an approved plan approximately nine (9) years ago but the development did not happen and the property had been taken back by the bank.

Mr. Blanner said there would be ten (10) lots and all would be in excess of 20,000 square feet. There would be a twenty (20) foot common ground landscape buffer surrounding the development and also a fifteen (15) foot "deed restricted" private property area on all lots. Mr. Blanner also said the Park Board had recommended approval of their proposal for a "fee in lieu of" park land dedication. The developer also met at The Timbers with the area residents and had incorporated their concerns in the updated plan.

Alderman Britt asked about the price of the homes.

Rolwes' Development representative Ed Zigarowicz said the prices would average approximately \$400,000.00. He then provided pictures of the houses which would be available.

Alderman Britt inquired as to how the demographics supported this development, especially with the 500 home subdivision which was recently approved.

Mr. Zigarowicz said this was one of the few areas in St. Louis County with available land to develop and the short time that homes were on the market indicated there was still room for additional new construction.

City Attorney Butler asked if the common ground areas and the "deed restricted" areas would be recorded as such with the subdivision plat; Mr. Blanner said they would.

Alderman Murray inquired as to if the swale on the south side of the development would redirect any of the stormwater coming off of the Maness property.

Jim Piper, with St. Charles Engineering, said they were not altering the flow from the Maness property but were improving the flow from the development site. He also said that, as a result of the meeting at The Timbers, they added several stormwater inlets on the Forest Run side of the development.

Alderman Murray asked Brenda Creamer what she would like, regarding her concern for vehicle headlights shining on her house.

Mrs. Creamer said that rather than having trees, she would prefer tinting on her windows and had offered to split the cost with Rolwes.

Kathy Butler asked Ed Zigarowicz if they would agree to put the money toward window tinting rather than trees; he said they would.

Kristy DeGuire, the owner of DG2 Design, was asked about the cost of the three (3) trees which were proposed. She said the cost of the three (3) Viburnum trees would be approximately \$600.00.

The consensus was to amend the bill to provide \$600.00 for window tinting on the Creamer residence.

On motion by Alderman Berry, seconded by Alderman Leistner and unanimously passed, Bill No. 2488 was read for the first time by short title, as amended.

BILL NO. 2488: AN ORDINANCE APPROVING THE SUBDIVISION OF AN APPROXIMATELY 7.45 ACRE TRACT OF LAND KNOWN AS CERNY ESTATES.

On motion by Alderman Britt, seconded by Alderman Murray and unanimously passed, Bill No. 2488 was read for the second time by short title, as amended.

On motion by Alderman Murray, seconded by Alderman Berry and unanimously passed, Bill No. 2488 was read for the third and final time.

Alderman Britt moved, THAT BILL NO. 2488 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Leistner.

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

The motion for adoption was passed unanimously by those Board members present.

Alderman Sir declared Bill No. 2488 passed and designated it to be Ordinance No. 2376.

## 6. BILL NO. 2489 RE: CODE AMENDMENT RELATING TO THE OPERATION OF CERTAIN MOTORIZED VEHICLES

On motion by Alderman Britt, seconded by Alderman Berry and unanimously passed, Bill No. 2489 was read for the first time by short title.

BILL NO. 2489: AN ORDINANCE AMENDING CHAPTER 13 OF THE MUNICIPAL CODE RELATING TO THE OPERATION OF CERTAIN MOTORIZED VEHICLES.

**6. CONT'D.**

On motion by Alderman Berry, seconded by Alderman Britt and unanimously passed, Bill No. 2489 was read for the second time by short title.

On motion by Alderman Britt, seconded by Alderman Berry and unanimously passed, Bill No. 2489 was read for the third and final time.

Alderman Leistner moved, THAT BILL NO. 2489 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Berry.

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

The motion for adoption was passed unanimously by those Board members present.

Alderman Sir declared Bill No. 2489 passed and designated it to be Ordinance No. 2377.

**7. BILL NO. 2490 RE: AMEREN CITY STREET LIGHTING AGREEMENT RENEWAL**

On motion by Alderman Berry, seconded by Alderman Murray and unanimously passed, Bill No. 2490 was read for the first time by short title.

**BILL NO. 2490: AN ORDINANCE RENEWING A CONTRACT WITH AMEREN MISSOURI FOR CITY STREET LIGHTING SERVICES.**

On motion by Alderman Britt, seconded by Alderman Leistner and unanimously passed, Bill No. 2490 was read for the second time by short title.

On motion by Alderman Murray, seconded by Alderman Berry and unanimously passed, Bill No. 2490 was read for the third and final time.

Alderman Murray moved, THAT BILL NO. 2490 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Britt.

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

The motion for adoption was passed unanimously by those Board members present.

Alderman Sir declared Bill No. 2490 passed and designated it to be Ordinance No. 2378.

**8. REVIEW OF SPECIAL USE PERMITS**

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

B. Marymount Manor, LLC - Two (2) Accessory structures - 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 - Automobile repair facility and motor vehicle display lot - 19 West Fifth Street.

F. M Kars Auto Sales, LLC - Automobile repair facility and motor vehicle display lot - 15 East Fifth Street.

G. Pet Rehab and Pain Clinic - Veterinary Clinic - 105 East Fifth Street.

City Administrator Sabo recommended that Item D be continued for a six (6) month period.

On motion by Alderman Leistner, seconded by Alderman Britt and unanimously passed, Items A - C and E - G were extended for a twelve (12) month period and Item D was continued to the meeting of November 15, 2016.

**9. REVIEW OF MODULAR/PREFABRICATED STRUCTURAL PERMIT**

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

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

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

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 Leistner and unanimously passed, the permit was extended for a twelve (12) month period.

11. LIQUOR LICENSE APPLICATIONS

Navudrga, LLC d/b/a Dan's Liquor - Full Package and Sunday Full Package - 98 Legends Parkway #102 - May 17th through July 31st.

(These two (2) liquor license applications are for a change of ownership with the business name remaining the same.)

On motion by Alderman Berry, seconded by Alderman Leistner and unanimously passed, the two (2) liquor licenses were approved.

12. CONSIDERATION OF BOARD OF ALDERMEN PRESIDENT

On motion by Alderman Berry, seconded by Alderman Leistner and passed with 4 "YES" votes, Alderman Sir was reelected as the President of the Board of Aldermen. Alderman Sir abstained.

13. PARK BOARD AND BOARD OF ADJUSTMENT APPOINTMENTS

Alderman Sir related that Mayor Coffey wished to reappointment Brent Bantz and Jennifer Gianino to the Park Board. Whitney Walton declined to be reappointed and the Mayor requested approval for the appointment of Dee Sax, of 108 Elk Run Drive, as her replacement.

Mayor Coffey also wished to reappointment Dan Capstick to the Board of Adjustment.

On motion by Alderman Berry, seconded by Alderman Britt and unanimously passed, the Mayor's appointments were approved.

14. RECURRING BILLS FOR APPROVAL

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

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

15. 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.

16. 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 and public safety.

17. CLOSED SESSION

18. OPEN SESSION RECONVENED

19.

There being no further matters for discussion, the meeting was adjourned at 8:10 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)

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Ralph M. Lindsey, Jr., City Clerk