

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 Flower, Aldermen Sir, Diekmann, Kilpatrick, Holloway and Ascrizzi.

Alderman Murray was not in attendance.

Also in attendance were City Administrator Craig Sabo, City Attorney Kathy Butler, Police Chief Michael Wiegand and City Clerk Julie Wood.

There were twenty-four (24) people in the audience both in person and online.

2. MINUTES

On motion by Alderman Diekmann, seconded by Alderman Sir and unanimously passed, the minutes of February 15, 2022 were approved.

3. GUEST PERIOD

No guests were present that wished to address the Board.

4. PLANNING AND ZONING RECOMMENDATIONS FROM FEBRUARY 23, 2022

A. The Commission recommended approval of a petition initiated by the City for rezoning an approximately 4.04 acres parcel from Planned Commercial to Commercial at 1091 West Fifth Street (See Item No. 5 below)

B. The Commission recommended approval of a petition from William J. Cotton, representing Cotton's Ace Hardware, for a Special Use Permit for outdoor display and sales in connection with operation of a garden center at 111 Hilltop Village Center Drive.

Alderman Sir said that the area on the West Side of the parking lot that holds mulch and plants was reduced to allow for more parking spaces.

Mr. Cotton showed the Board what the change would look like.

City Attorney Butler asked if the fence was going to be permanent; Mr. Cotton said the landlord did not want a permanent fence.

Mayor Flower said that the Planning and Zoning Commission was concerned about taking away parking spots and safety.

Mr. Cotton said they are willing to do whatever the Board requires. He commented that he did put a four (4) foot buffer between the greenhouse and the barricade to protect the greenhouses.

Mayor Flower asked if the Board approved the original site plan what Mr. Cotton would prefer.

Mr. Cotton said he would be able to offer a few hundred more items if the layout was larger.

Mayor Flower asked Mr. Cotton to submit a revised site plan that included his sidewalk displays to staff.

On motion by Alderman Sir, seconded by Alderman Holloway and unanimously passed, the Special Use Permit was approved for the original site plan with the addition of sidewalk storage.

C. The Commission recommended approval of a site plan application from Precision Infrastructure, LLC for 2435 Highway FF.

On motion by Alderman Diekmann, seconded by Alderman Sir and unanimously passed, the site plan with exceptions was approved.

5. BILL NO. 2753 RE: REZONING 4.04 ACRES FROM PLANNED COMMERCIAL TO COMMERCIAL

On motion by Alderman Diekmann, seconded by Alderman Kilpatrick and unanimously passed, Bill No. 2753 was read for the first time by short title.

BILL NO. 2753: AN ORDINANCE TO REZONE 4.04 ACRES LOCATED AT 1091 WEST FIFTH STREET FROM PLANNED COMMERCIAL TO COMMERCIAL.

On motion by Alderman Sir, seconded by Alderman Diekmann and unanimously passed, Bill No. 2753 was read for the second time by short title.

On motion by Alderman Diekmann, seconded by Alderman Ascrizzi and unanimously passed, Bill No. 2753 was read for the third and final time.

Alderman DIEKMANN moved, THAT BILL NO. 2753 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Kilpatrick.

The roll call vote was as follows: Alderman Kilpatrick - YES; Diekmann - YES; Sir - YES; Ascrizzi - YES; Holloway - YES.

The motion for adoption was unanimously passed.

Mayor Flower declared Bill No. 2753 passed and designated it to be Ordinance No. 2639.

6. ADDITIONAL PLANNING AND ZONING RECOMMENDATION FROM FEBRUARY 23, 2022

A. The Commission recommended approval of a petition from John Heimos, representing Value Plants, Inc., for a Special Use Permit for outdoor display and sales in connection with the operation of a garden center at 1091 West Fifth Street.

Alderman Sir provided a summary of the Planning and Zoning Commission's discussion.

Mr. Heimos shared that they had a lot of success last year, but needed a larger area to set up a larger display. He related that they decided to move the business to 1091 West Fifth Street.

City Attorney Butler asked for the time frame of the Special Use Permit; Mr. Heimos requested the Permit for March 1st - October 31st.

Alderman Diekmann said he felt like the City has a lot of brick and mortar businesses that invest in the community and a pop-up business such as this puts those business owners at a disadvantage.

Alderman Ascrizzi said that she believes the plants that were at the Value Plants property were far superior to the other plants offered in Eureka.

Alderman Sir said he felt like the set up was more like a farmers market and not a nursery.

On motion by Alderman Ascrizzi, seconded by Alderman Holloway and with one (1) "YES" vote (cast by Aldermen Ascrizzi) and four (4) "NO" votes (cast by Aldermen Diekmann, Kilpatrick, Sir and Holloway), the Special Use Permit was not approved. Please note that this voting outcome reflects Ald. Holloway reversing his vote pursuant to Item No. 18

7. BILL NO. 2754 RE: SWIMMING POOL MANAGEMENT SERVICES

On motion by Alderman Sir, seconded by Alderman Diekmann and unanimously passed, Bill No. 2754 was read for the first time by short title.

BILL NO. 2754: AN ORDINANCE TO AUTHORIZE ENTERING INTO A CONTRACT FOR SWIMMING POOL MANAGEMENT SERVICES.

7. CONT'D.

On motion by Alderman Diekmann, seconded by Alderman Sir and unanimously passed, Bill No. 2754 was read for the second time by short title.

On motion by Alderman Sir, seconded by Alderman Ascrizzi and unanimously passed, Bill No. 2754 was read for the third and final time.

Alderman Sir moved, THAT BILL NO. 2754 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Ascrizzi

The roll call vote was as follows: Alderman Kilpatrick - YES; Diekmann - YES; Sir - YES; Ascrizzi - YES; Holloway - YES.

The motion for adoption was unanimously passed.

Mayor Flower declared Bill No. 2754 passed and designated it to be Ordinance No. 2640.

8. BILL NO. 2755 RE: ASPHALT STREET REHABILITATION CONTRACT

On motion by Alderman Ascrizzi, seconded by Alderman Sir and unanimously passed, Bill No. 2755 was read for the first time by short title.

BILL NO. 2755: AN ORDINANCE TO AUTHORIZE ENTERING INTO A CONTRACT WITH GERSHENSON CONSTRUCTION COMPANY, INC. FOR ASPHALT STREET REHABILITATION SERVICES.

On motion by Alderman Diekmann, seconded by Alderman Ascrizzi and unanimously passed, Bill No. 2755 was read for the second time by short title.

On motion by Alderman Diekmann, seconded by Alderman Sir and unanimously passed, Bill No. 2755 was read for the third and final time.

Alderman Sir moved, THAT BILL NO. 2755 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Kilpatrick.

The roll call vote was as follows: Alderman Kilpatrick - YES; Diekmann - YES; Sir - YES; Ascrizzi - YES; Holloway - YES.

The motion for adoption was unanimously passed.

Mayor Flower declared Bill No. 2755 passed and designated it to be Ordinance No. 2641.

9. BILL NO. 2756 RE: PRE-ANNEXATION AGREEMENT - 835 EUREKA ROAD

On motion by Alderman Ascrizzi, seconded by Alderman Sir and unanimously passed, Bill No. 2756 was read for the first time by short title.

BILL NO. 2756: AN ORDINANCE AUTHORIZING ENTERING INTO A PRE-ANNEXATION AGREEMENT IN CONNECTION WITH THE PROPOSED ANNEXATION OF PROPERTY LOCATED AT 835 EUREKA ROAD.

On motion by Alderman Ascrizzi, seconded by Alderman Diekmann and unanimously passed, Bill No. 2756 was read for the second time by short title.

On motion by Alderman Sir, seconded by Alderman Ascrizzi and unanimously passed, Bill No. 2756 was read for the third and final time.

Alderman Kilpatrick moved, THAT BILL NO. 2756 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Diekmann.

9. **CONT'D.**

The roll call vote was as follows: Alderman Kilpatrick - YES; Diekmann - YES; Sir - YES; Ascrizzi - YES; Holloway - YES.

The motion for adoption was unanimously passed.

Mayor Flower declared Bill No. 2756 passed and designated it to be Ordinance No. 2642.

10. **BILL NO. 2757 RE: ANNEXATION OF PROPERTY LOCATED AT 835 EUREKA ROAD**

On motion by Alderman Diekmann, seconded by Alderman Ascrizzi and unanimously passed, Bill No. 2757 was read for the first time by short title.

BILL NO. 2757: AN ORDINANCE AUTHORIZING THE ANNEXATION OF CERTAIN PROPERTY INTO THE EUREKA CITY LIMITS.

On motion by Alderman Diekmann, seconded by Alderman Sir and unanimously passed, Bill No. 2757 was read for the second time by short title.

On motion by Alderman Sir, seconded by Alderman Diekmann and unanimously passed, Bill No. 2757 was read for the third and final time.

Alderman Sir moved, **THAT BILL NO. 2757 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE.** The motion was seconded by Alderman Diekmann.

The roll call vote was as follows: Alderman Kilpatrick - YES; Diekmann - YES; Sir - YES; Ascrizzi - YES; Holloway - YES.

The motion for adoption was unanimously passed.

Mayor Flower declared Bill No. 2757 passed and designated it to be Ordinance No. 2643.

11. **LIONS AND LEGION PARK IMPROVEMENT PROJECT STATUS**

Mayor Flower reported that the City has shared the proposed improvements with the public through emails and social media postings. He encouraged the public to comment and give suggestions so the City can have community feedback before going to bid.

12. **APPROVAL OF CITY DISBURSEMENTS**

The list of City disbursements was reviewed by the Board.

On motion by Alderman Diekmann, seconded by Alderman Ascrizzi and unanimously passed, the list of City disbursements was approved for payment.

13. **STATEMENTS OF FINANCES - DECEMBER 31, 2021**

The financial statement was reviewed by the Board.

Mayor Flower said that sales tax numbers are higher due to our recovery from COVID and increased population.

On a motion by Alderman Diekmann, seconded by Alderman Ascrizzi and unanimously passed, the Board of Aldermen acknowledged receipt of financial statements for the period ending 12-31-21.

14. **MAYORAL, ALDERMANIC AND STAFF COMMENTS AND REPORTS**

Alderman Sir said Public Works did another excellent job with the winter weather.

Alderman Ascrizzi said the standardization of the property tax was not advertised well enough.

14. CONT'D.

Mayor Flower stated that there will be an article in The Leader, and he will also post information on social media.

Alderman Kilpatrick said we are a growing City but still have a small town feel. He shared the Police Department locating a senior dog and reuniting them with their caregiver, and the Fire District recovering a remote control toy in a sewer drain for a child as a few great examples of the community and first responders working together.

Alderman Holloway said that he attended a training at Jefferson City and it was a top-notch event to attend. He said the State has money and wants to work toward providing better broadband service throughout the State. He recommended everyone attend the training.

15. CALL FOR CLOSED SESSION

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

16. CLOSED SESSION

17. OPEN SESSION RECONVENED

18. RESCINDING VOTE

On motion by Alderman Holloway, seconded by Alderman Ascrizzi and unanimously passed, Alderman Holloway's "YES" vote was rescinded and he cast a new vote of "NO" against approval of the proposed Value Plants Special Use Permit.

The motion for Special Use Permit approval for Value Plants failed with one (1) "YES" vote (cast by Alderman Ascrizzi) and four (4) "NO" votes (cast by Aldermen Diekmann, Kilpatrick, Sir and Holloway).

19.

There being no further matters for discussion, the meeting was adjourned at 8:45 p.m.

For a record of the Closed Session Minutes at Item No. 16, see Minutes this date in the Closed Session File.

Respectfully submitted,

(Original with signature on file)

Julie Wood, City Clerk