

1. CALL TO ORDER

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 Diekmann, Kilpatrick, Ascrizzi, Murray and Sir. Alderman Holloway was absent.

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

2. APPROVAL OF MINUTES

Alderman Kilpatrick requested that a change be made to Item No. 9 in the June 15, 2021 minutes regarding the property near Kircher Park. He stated that the property remains in deteriorated condition, but that Building Commissioner John Boggs stated that access to the area can be granted through Kircher Park as there was an issue with MoDOT right-of-way.

On motion by Alderman Sir, seconded by Alderman Kilpatrick and unanimously passed, the Minutes of June 15, 2021 were approved as amended.

3. GUEST

Sarah Unsicker, representing Missouri Policy Collaborative, stated their organization would be providing policy information to municipalities such as low income housing information and St. Louis County revenues and expenditures.

4. SULLIVAN BANK - PROPOSED FINANCIAL INSTITUTION - 1 WEST FIFTH STREET

On motion by Alderman Sir, seconded by Aldermen Ascrizzi and unanimously passed, Sullivan Bank was approved to operate a financial institution at 1 West Fifth Street.

5. PLANNING AND ZONING RECOMMENDATIONS FROM JUNE 23, 2021

A. The Commission recommended approval of a petition from Vince Field, representing TC AppliCO, LLC, for a Special Use Permit to operate a medical marijuana dispensary at 108C Hilltop Village Center Drive.

Speaking on behalf of the petitioner was Mitchell Zaveduk, the Vice President of Real Estate for Justice Cannabis Company. He stated they were seeking approval to operate a cannabis dispensary at 108C Hilltop Village Center Drive.

Mayor Flower requested that Mr. Zaveduk give a brief overview of the company and its operation.

Mr. Zaveduk stated that the company was formed by two (2) civil rights attorneys and they currently had locations in eight (8) states. He said that they were petitioning to operate a dispensary site in Eureka and were also in the process of seeking approval to operate a manufacturing site in Hazelwood, Missouri.

City Attorney Butler inquired as to what times deliveries would be made to the Eureka dispensary.

Mr. Zaveduk replied that the deliveries would typically be made before and after operating hours, and all deliveries would be sealed.

5A. CONT'D.

City Attorney Butler inquired as to if the hours of operation indicated on the Special Use Permit application would be acceptable because once approved by the Board of Aldermen, those would be the set hours of operation; Mr. Zaveduk related that the hours specified on the application were Monday through Friday, 7:00 a.m. through 8:00 p.m., and Saturday and Sunday, 8:00 a.m. through 6:00 p.m., which were the maximum number of hours requested, adding that they would be able to operate within those time parameters.

Mayor Flower inquired as to if Mr. Zaveduk could provide an estimated range of gross sales as the City is sales tax based; Mr. Zaveduk stated that they currently are not operating a dispensary in Missouri, however, a dispensary they presently own in Pennsylvania can generate \$500,000.00 per month in sales.

Alderman Kilpatrick inquired as to Vince Fields' role in the company. Mr. Zaveduk replied that Vince Fields is presently the Vice President of Development, which typically means he is the first point of contact when seeking a location for their business.

Alderman Kilpatrick inquired as to who signed the submitted application to the State of Missouri to obtain a license to operate. Mr. Zaveduk replied that it was Mr. Fields.

Alderman Kilpatrick inquired as to if Mr. Zaveduk knew the date the application was submitted with the State of Missouri. Mr. Zaveduk replied that he did not, but could provide the information if needed.

Alderman Kilpatrick stated that he had questions regarding their application, specifically Line Item 1 referring to submitting evidence of the character and truthfulness of the submitting officer, and Line Item 11 asking if any principle officer or manager had been disciplined or had applications revoked or denied by any State or Federal entity. Alderman Kilpatrick inquired, based on the those questions, as to if their responses would be the same today as they were at the time of the submittal. Mr. Zaveduk replied that the responses would be different.

Alderman Kilpatrick inquired as to if the different answers would have affected the license application. Mr. Zaveduk replied that they had lost some licenses, but they did not lose the license to operate at the Eureka or Hazelwood locations, and that Mr. Fields would no longer be involved in any operations in Missouri.

Alderman Kilpatrick inquired as to if a question regarding the facility's safety plan could be discussed during the open portion of the meeting. City Administrator Sabo replied that it could not.

City Attorney Butler stated that Alderman Kilpatrick could make a motion to enter into a closed session to discuss the safety plan with Mr. Zaveduk.

On motion by Alderman Kilpatrick, seconded by Alderman Murray and unanimously passed by those members in attendance, a Closed Session was called at 7:15 p.m. to discuss the safety plan submitted by TC AppliCO, LLC operating a medical marijuana dispensary at 108C Hilltop Village Center Drive For a record of the Closed Session Minutes at Item No. 5(A), see Minutes this date in the Closed Session File.

On motion by Alderman Kilpatrick, seconded by Alderman Ascrizzi and unanimously passed by those member is attendance, the Open Session was reconvened at 7:22 p.m.

5A. CONT'D.

On motion by Alderman Kilpatrick, seconded by Alderman Sir and unanimously passed, the Special Use Permit was approved with the following conditions:

(1) There will be two (2) licensed and armed security guards at the location during all hours of operation; (2) the business must comply with the submitted security plan; and (3) the business must comply with the submitted hours of operation of Monday through Friday 7:00 a.m. through 8:00 p.m. and Saturday and Sunday 8:00 a.m. through 6:00 p.m.

B. Approval of a petition from John and Angel Schoenberger, representing Fat Bird, LLC, for site plan approval at 211 Beverly Street (No Board action required).

6. BILL NO. 2711 RE: ASPHALT STREET REHABILITATION

Alderman Ascrizzi inquired as to the contractor that would be performing the work.

Mayor Flower stated that it was Gershenson Contracting, who was the same contractor the City used this year for a previous project.

Alderman Ascrizzi asked if there was any negative feedback regarding the previous work.

Mayor Flower related that he was not aware of any, and they perform work for many municipalities.

On motion by Alderman Diekmann, seconded by Alderman Ascrizzi and unanimously passed, Bill No. 2711 was read for the first time by short title.

BILL NO. 2711: AN ORDINANCE TO AUTHORIZE ENTERING INTO A CONTRACT WITH GERSHENSON CONSTRUCTION COMPANY, INC. FOR ASPHALT STREET REHABILITATION.

On motion by Alderman Murray, seconded by Alderman Kilpatrick and unanimously passed, Bill No. 2711 was read for the second time by short title.

On motion by Alderman Sir, seconded by Alderman Ascrizzi and unanimously passed, Bill No. 2711 was read for the third and final time.

Alderman Murray moved, THAT BILL NO. 2711 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Sir.

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

The motion for adoption was unanimously passed.

Mayor Flower declared Bill No. 2711 passed and designated it to be Ordinance No. 2597.

7. COMMUNITY IMPROVEMENT DISTRICT

On motion by Alderman Murray, seconded by Alderman Ascrizzi and unanimously passed, City Administrator Sabo and Kevin Coffey were reappointed as Directors to The Arbors of Rockwood Community Improvement District.

8. APPROVAL OF CITY DISBURSEMENTS

The list of bills was considered by the Board.

On a motion by Alderman Ascrizzi, seconded by Alderman Diekmann and unanimously passed, the

8. CONT'D.

list of bills was approved for payment.

9. STATEMENT OF FINANCES - MAY 31, 2021

On motion by Alderman Sir, seconded by Alderman Diekmann and unanimously passed, the Board of Aldermen acknowledged receipt of the financial statements for the period ending 5-31-21.

10. MAYORAL, ALDERMANIC AND STAFF COMMENTS AND REPORTS

Alderman Kilpatrick stated that the City's fireworks display was great and well attended.

11. CALL FOR CLOSED SESSION

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

12. CLOSED SESSION

13. OPEN SESSION RECONVENED

Mayor Flower presented a memo to the Board from Nomad Trails regarding the scope and cost of the work needed at the Mountain Bike Park to address outstanding grading and drainage issues.

Alderman Sir stated that Nomad could have the work completed within a few days as they had the equipment and materials needed for the work. He said that it would take volunteers weeks to address the issues.

Mayor Flower stated the park would be closed to the public during the work.

Following a general discussion, the consensus was to have City Attorney Butler prepare an amendment to the contract with Nomad Trails to address the outstanding warranty issues at the Mountain Bike Park which will include providing up to \$6,000.00 for stormwater issues and up to \$4,000.00 in materials for such.

Mayor Flower asked for comments from the Board regarding the proposal submitted by Navigate Building Solutions for upgrades to City parks and parking areas.

Following a general discussion, the consensus was to have City staff review the proposal and report back to the Board with any comments by the next meeting.

14.

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. 11, see Minutes this date in the Closed Session File.

Respectfully submitted,

(Original with signature on file)

Barb Griffin, Acting Secretary

July 6, 2021

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