

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

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

**2. MINUTES**

On motion by Alderman Diekmann, seconded by Alderman Kilpatrick and unanimously passed, the Minutes of October 6, 2020 were unanimously approved.

**3. GUEST PERIOD**

There were no guests present that wished to address the Board.

**4. PLANNING AND ZONING RECOMMENDATIONS FROM JUNE 10, 2020**

A. The Commission recommended approval of a petition by the City of Eureka to zone an approximately 172.63 acre area to Jefferson County Planned Single-Family Residential District (see Item No. 5 below).

B. The Commission recommended approval of a petition from Jeffrey Fillers, representing The Daily Hybrid Real Estate, LLC, for a Code Amendment to provide for a Medical Marijuana Transportation Facility as a Special Use in the M-2 Heavy Industrial Zoning District (see Item No. 6 below).

**5. BILL NO: 2672 RE: AUTHORIZING ZONING OF APPROXIMATELY 172.63 ACRES**

On motion by Alderman Murray, seconded by Alderman Kilpatrick and unanimously passed, Bill No. 2672 was read for the first time by short title.

**BILL NO. 2672: AN ORDINANCE AUTHORIZING ZONING OF APPROXIMATELY 172.63 ACRE AREA AT THE INTERSECTION OF HIGHWAY FF AND HIGHWAY W**

On motion by Alderman Murray, seconded by Alderman Ascrizzi and unanimously passed, Bill No. 2672 was read for the second time by short title.

On motion by Alderman Ascrizzi, seconded by Alderman Kilpatrick and unanimously passed, Bill No. 2672 was read for the third time by short title.

Alderman Murray moved, THAT BILL NO. 2672 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; Ascrizzi - YES; Sir - YES; Murray - YES. The motion for adoption unanimously passed.

Mayor Flower declared Bill No. 2672 passed and designated it to be Ordinance No. 2558.

**6. BILL NO: 2673 RE: AMENDING THE MUNICIPAL CODE REGARDING MEDICAL MARIJUANA TRANSPORTATION FACILITIES**

Jeffrey Fillers, 218 Pleasant Valley Estates, stated that he requesting a Code amendment to allow for his medical marijuana transportation facility.

Alderman Murray asked how a transportation facility differs from a dispensary.

Mr. Fillers said a dispensary sells the product and a transportation facility transports the product in the event it is not a direct sale. He stated that all of the approved transportation facilities are part of a database, and when the product needs to be moved from a cultivation center or a dispensary, the nearest transportation facility is contacted to move the product from Point A to Point B. He said that each vehicle will have a driver and security personnel, and will be tracked by GPS, and once a route is established the vehicle contacts the Missouri State Highway Patrol to communicate it to them.

He added that any change to the route has to be conveyed to the Highway Patrol. He said there will be no storage of the products on-site. He added that if a patient calls to have the medicine delivered, the vehicle is still just a chain of custody and no product will ever remain in the vehicle.

Mr. Filler said vehicles are required to be housed in a secure facility when not in use and he would have a fleet of four (4) to six (6) vans with two (2) staff present at all times.

#### 6. CONT'D.

Mayor Flower stated that the only matter the Board is considering at this time is the proposed Code amendment, adding that if the amendment is approved, Mr. Fillers would need to apply for a Special Use Permit. Mayor Flower said that he shared with Mr. Fillers that he is concerned about the current at-grade railroad crossing, and noted he will have site specific questions he will want answered during the Special Use Permit consideration process.

On motion by Alderman Sir, seconded by Alderman Murray and unanimously passed, Bill No. 2673 was read for the first time by short title.

#### BILL NO. 2673: AN ORDINANCE AMENDING THE MUNICIPAL CODE REGARDING MEDICAL MARIJUANA TRANSPORTATION FACILITIES

City Administrator Sabo stated that the proposed Ordinance needed to be amended to strike verbiage that inadvertently made certain provisions apply to only dispensaries, when they instead applied to all facets of medical marijuana operations and activities (Sections 10 and 12).

On motion by Alderman Murray, seconded by Alderman Ascrizzi and unanimously passed, Bill No. 2673 was read for the second time by short title as amended.

On motion by Alderman Murray, seconded by Alderman Ascrizzi and unanimously passed, Bill No. 2673 was read for the third time by short title as amended.

Alderman Murray moved, THAT BILL NO. 2673 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; Ascrizzi - YES; Sir - YES; Murray - YES. The motion for adoption unanimously passed.

Mayor Flower declared Bill No. 2673 passed and designated it to be Ordinance No. 2559.

#### 7. BILLS FOR APPROVAL

The list of bills was considered by the Board.

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

#### 8. RECURRING BILLS FOR APPROVAL

The list of recurring bills was reviewed by the Board.

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

#### 9. ACKNOWLEDGING RECEIPT OF FINANCIAL STATEMENTS FOR PERIOD ENDING SEPTEMBER 30, 2020

The financial statement was presented by Finance Director, Barb Flint. She stated that the only fund which is not restricted as to the types of expenditures for which it is spent is the General Fund, as every other fund has some form of restriction. She said she looks at each fund monthly to ensure that revenue is coming in as anticipated and expenses are in line.

Mayor Flower stated that it is a great report because you can check quarter to quarter and make comparisons. He said that currently you can tell the City has an issue with sales tax revenue due to COVID-19, but by holding numerous expenditures and raising City utility fees the shortfalls were less impactful.

Alderman Sir asked if the revenue from Prop P and Prop E could be separated from the total revenue. Finance Director Flint replied that she would be able to do so.

Finance Director Flint noted that the City will receive \$350,354.00 of CARES Act funds by the end of October, and will ultimately receive a total of \$700,708.00 of such funds for the year. She added that she intends to submit some expenses to FEMA with the hope that they will reimburse up to 75% of submitted costs.

The financial statement was acknowledged by the Board.

#### 10. MAYORAL, ALDERMANIC AND STAFF COMMENTS AND REPORTS

Mayor Flower said we are releasing our Flood Protection Plan to the public tonight. He stated that he has had conversations with the Board before the meeting to make sure everyone has a chance to see the plan. He said the document provides the background on flooding and the damages that have been incurred throughout the City, Prop E and the ability to fund flood mitigation and the our plan to

## 10. CONT'D.

substantially reduce or eliminate flooding in our community. He stated that we will be placing the plan on the City's website and hosting a town hall to answer questions. He said that two (2) permit applications have been submitted to the Corp of Engineers and are waiting for them to commence their review process.

Alderman Kilpatrick asked if this plan includes the new flood maps.

Mayor Flower said this was an advantage of using the engineer we chose, Hoerner and Shiffrin, because they were very familiar with the maps that will be released soon, adding that the plan uses the new flood levels.

Alderman Murray said she had spoken to John Boggs about a few things, and was curious about the difference between a driveway and a street.

City Attorney Butler inquired as to if she was referring to a private driveway.

Alderman Murray replied that she was referring to a private driveway on Dan Sharp's property, noting that she had received a few calls from those who thought it may be a street going in for a future development.

Mayor Flower stated that this was part of a Flower and Fendler development, adding that having such an inquiry in the comments portion of the meeting creates an awkward situation as he doesn't have all the information, and would need to research it and possibly recuse himself from the discussion. He said that the comment portion of the meeting is intended for City business.

Alderman Murray said the resident couldn't attend the meeting and asked her to bring it up on their behalf.

Mayor Flower said he has not received any calls regarding the issue. He stated that he believed it was more appropriate to have the resident contact City Hall, and they should be encouraged to put their concerns in writing for staff review.

Alderman Murray said she received another call about a driveway on Wallach Drive about which she has spoken to John Boggs. She stated that she is trying to get clarification on residents no longer needing to obtain Board of Aldermen approval for driveway extension under a certain size. She inquired as to what point it becomes a City issue or if it is just a civil issue when someone doesn't obtain City approval for a driveway extension.

Administrator Sabo said depending on the situation it could potentially be both.

Mayor Flower said if a resident has a question about something like a driveway extension, the best thing would be for them to submit it in writing to City staff, as the comment portion of the meeting is not the appropriate place to review these types of matters.

## 11. CALL FOR CLOSED SESSION

On motion by Alderman Murray, seconded by Alderman Sir 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. HVAC INSPECTIONS

On a motion from Alderman Sir, seconded by Alderman Ascrizzi, and unanimously passed. A proposed Ordinance will be prepared for the Board's consideration relating to HVAC inspection requirements.

## 13. OPEN SESSION RECONVENED

## 14.

There being no further matters for discussion, the meeting was adjourned at 8:00 p.m.

For a record of the Closed Session Minutes at Item No. 12, see Minutes this date in the Closed Session File.

Respectfully submitted,

(Original with signature on file)

---

Julie Wood, City Clerk