

BILL NO. 2657ORDINANCE NO. 2543

**AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF EUREKA A QUESTION CONCERNING THE SALE OF CITY WATER AND WASTE WATER UTILITIES**

WHEREAS, the Board of Aldermen believes it is in the best interest of residents that it submit to the qualified voters of the City of Eureka on August 4, 2020 a Question to consider the sale of City water and waste water utilities to Missouri American Water Company.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EUREKA, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1:

There shall be submitted to the qualified voters of the City of Eureka, Missouri, for their approval at the election to be held on August 4, 2020 a ballot submission, which shall contain substantially the following language:

**QUESTION**

SHALL THE CITY OF EUREKA, MISSOURI BE AUTHORIZED TO SELL ITS WATER AND WASTE WATER (SEWER) UTILITIES TO MISSOURI AMERICAN WATER COMPANY FOR THE SUM OF \$28,000,000.00 (TWENTY-EIGHT MILLION DOLLARS)?

Yes  No

SECTION 2:

The City Clerk is hereby directed to submit a certified copy of this Ordinance to the Board of Election Commissioners of St. Louis County providing notification that the City is calling for such Question to be submitted to qualified voters on August 4, 2020, specifying the purpose of the election, the date of the election, the legal notice to be published, and the sample ballot language as set forth in Section 1 of this Ordinance.

SECTION 3:

The Board of Election Commissioners of St. Louis County shall conduct such election according to law and certify the results thereof. Said Board of Election Commissioners shall designate such polling places as shall be required for such election and shall appoint such necessary election officials as may be required for the conduct thereof. Said Board of Election Commissioners shall also publish notice(s) of said election as shall be required by law and shall do and perform such other necessary acts as may be required to conduct such election in accordance with the Statutes of the State of Missouri and the Ordinances and Municipal Code of the City of Eureka.


SECTION 4:

All ordinances or parts of ordinances of the City of Eureka in conflict with any provisions of this ordinance are hereby repealed.

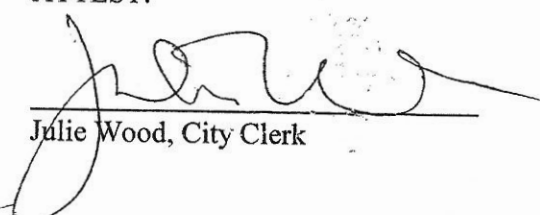
SECTION 5:

This Ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 19TH DAY OF MAY, 2020.

  
Sean M. Flower, Mayor

ATTEST:

  
Julie Wood, City Clerk

**BOARD OF ALDERMEN MINUTES P.1****MAY 19, 2020****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 Berry, Kiefer, Ascrizzi, Sir, Holloway and Murray.

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

**2. MINUTES**

On motion by Alderman Berry, seconded by Alderman Kiefer and unanimously passed, the Minutes of May 5, 2020 were unanimously approved.

**3. GUEST**

Derick Pratt, of 403 Williams Drive, stated that he believes that the election regarding the possible sale of the water and waste water utilities should be in November, not August, to increase voter turnout. He said that by delaying the election it will also allow residents more time to become educated on the topic. Mr. Pratt stated that he felt no particular way toward the vote, but wanted everyone to have sufficient time to make such an important decision.

**4. PLANNING AND ZONING RECOMMENDATIONS FROM MAY 13, 2020**

A. The Commission recommended approval of a petition from Michael McCusker, representing Modern Tech Equipment, LLC, for a Special Use Permit for the outdoor display and sales of commercial and industrial equipment at 18601 U.S. Highway 66.

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

B. The Commission recommended approval of a petition from Blake Hutchcraft, representing Scoreboard Automotive Sales and Leasing, for a Special Use Permit for motor vehicle sales display lot at 1375 West Fifth Street.

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

C. The Commission granted approval of a petition from Ed Gershenson for site plan approval at 2 Truitt Drive (no Board action required).

**5. BILL NO. 2657 RE: AUTHORIZING CONSIDERATION OF THE SALE OF WATER AND WASTE WATER UTILITIES**

Mayor Flower requested that each Alderman state their opinion regarding placing the sale of the water and waste water utilities on the August ballot.

Alderman Sir related that he did not have any issue with putting it on the ballot in August.

Alderman Ascrizzi stated that she believed an August election is best, as the sale will be the focus rather than lost among the vast amount of issues on the ballot in a presidential election.

Alderman Kiefer said that he was comfortable with moving forward with August.

Alderman Murray stated that she was opposed to putting it on the August ballot. She reported that residents have communicated to her concerns over voting absentee by mail. She said she believes that the vote should occur in November.

Alderman Holloway related that he has been in Eureka for seventeen (17) years and all he has heard about is the poor water quality. He said that he feels like there have been plenty of opportunities to become educated and thinks now is the time to act to improve the City's water.

Alderman Berry stated that he believes August is a better time for residents to get out and vote as he feels they will be more focused on the Proposition.

Mayor Flower stated that regardless of how the Board of Aldermen feel about the election date, it is good that all the Aldermen agree that it is time to take it to a vote. He related that he believes August will increase activity at the polls due in part to the St. Louis County Executive race. He said that if the City waits until November, essentially the City is saying that maintenance and improvements would be minimal for six (6) months. He said he believes the majority of residents will strive to be informed for the betterment of the community and that he believes social media is creating more educated residents. He added that if the vote is delayed, employees in those departments will be in limbo having to wait another three (3) months to find out their destiny; along with the challenge it creates for the City to acquire and retain staff in the interim.

## 5. CONT'D.

Mayor Flower reported that Board of Aldermen meetings will be held at the Timbers until the election to allow more residents to attend meetings while still adhering to social distancing protocol. He said the City could also conduct video conferencing via Zoom to allow for questions. He stated that he do everything in his power to get as much information as possible into the public's hands prior to the election.

On motion by Alderman Berry, seconded by Alderman Ascrizzi and unanimously passed, Bill No. 2657 was read for the first time by short title.

**BILL NO. 2657: AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF EUREKA A QUESTION CONCERNING THE SALE OF CITY WATER AND WASTE WATER UTILITIES**

On motion by Alderman Murray, seconded by Alderman Berry and unanimously passed, Bill No. 2657 was read for the second time by short title.

On motion by Alderman Berry, seconded by Alderman Murray and unanimously passed, Bill No. 2657 was read for the third and final time.

Alderman Berry moved, THAT BILL NO. 2645 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Sir.

The roll call vote was as follows: Alderman Kiefer - YES; Berry - YES; Ascrizzi - YES; Sir - YES; Holloway - YES; Murray - NO.

The motion passed with five (5) "YES" votes and one (1) "NO" vote (cast by Alderman Murray).

Mayor Flower declared Bill No. 2657 passed and designated it to be Ordinance No. 2543.

## 6. PROPOSED PARK BOARD APPOINTMENT

Mayor Flower recommended the reappointment of Barb Rechten to the Park Board.

On motion by Alderman Berry, seconded by Alderman Sir and unanimously passed, Mayor Flower's recommendation was approved.

## 7. BILLS FOR PAYMENT

The list of bills was considered by the Board.

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

## 9. STATEMENT OF FINANCES

On motion by Alderman Kiefer, seconded by Alderman Berry and unanimously passed, the Board of Aldermen acknowledged receipt of the financial statements for the period ending 4-30-20.

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

Alderman Sir reiterated the need for patching to be done at the intersections of 4th Street and Central Avenue and 5th Street and Central Avenue. He also again noted that the Railroad has not yet fixed the track crossing over Central Avenue.

City Administrator Sabo said that the City has complained to both entities multiple times, but will continue to do so until the issues are addressed.

Alderman Murray inquired about the Augustine Road project.

City Administrator Sabo said that the company will take necessary measures to commence the project within the next few weeks.

## 11. 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, litigation, personnel and real estate matters.

## 12. CLOSED SESSION

## 13. OPEN SESSION RECONVENED

14.

There being no further matters for discussion, the meeting was adjourned at 7:51 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)

---

Julie Wood, City Clerk