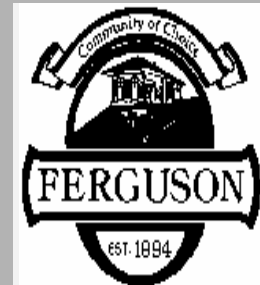


FERGUSON CITY COUNCIL

**Council Meeting
January 24, 2006**

**WORK SESSION, 7:00 P.M.
COUNCIL MEETING, 8:00 P.M.**

**CITY HALL
110 Church Street**



The regular meeting of the Ferguson City Council was called to order at 8:00 p.m. on January 24, 2006 by Mayor Brian P. Fletcher, in the Council Chamber of City Hall, 110 Church Street, Ferguson, Missouri. Mayor Fletcher requested that everyone stand for a moment of silent prayer, after which the Pledge of Allegiance was recited. On roll call, the following Council members were present:

Mayor Brian P. Fletcher
John Corson
Keith Kallstrom
James W. Knowles III
James Hines
Peggy Faul
Tim Larson

Also present were City Manager A.J. Krieger, City Attorney Stephanie Karr, and City Clerk Debbie Matthies. Mrs. Matthies declared a quorum was present.

Mayor Fletcher welcomed all present and explained the the meeting would be in two portions – the Public Portion and the Business Portion.

PUBLIC COMMENTS

Richard Schaumberger – 3 Manor Lane – owner of OT Hodge Chile Parlor – Mr. Schaumberger asked that his downtown TIF loan and grant application be reviewed by the committee. Mr. Schaumberger explained when he first came to the City he was told he might be eligible for grant and/or TIF money, he explained his experiences in dealing with the City.

Mr. Schaumberger's complaint was that he tried to get the grant money for four months; the first time was before he started construction and he continued trying to obtain information and was never given a straight answer or help from the City. His concern is the City is not following the same guidelines for everyone.

Mr. Schaumberger thanked everyone for coming to his restaurant and continued support. He feels OT Hodge is a good addition to the City of Ferguson and he will do a good job in making OT Hodge Chile Parlor a nice place for people to visit.

Mr. Schaumberger wants it to go on record that he feels that any time you deal with a new business or any businesses the City has to be more prepared and more professional in handling the business and in communication.

Discussion with Council regarding his denial. Mayor asked Mr. Schaumberger if he is asking Council to reconsider his application. Mr. Schaumberger said of course, but the Council just placed a moratorium on all funds.

Mayor Fletcher asked Council if they desire to review the grant application for OT Hodge Chile Parlor. Council discussed the reconsideration of the application. Since the application was applied for under the previous program the moratorium, placed this evening, would not apply.

Council consensus was to review the application for OT Hodge Chile Parlor. Council agreed that all future notifications should be processed through the City Manager's office. Mr. Schaumberger should re-submit the application to Assistant City Manager, De'Carlton Seewood. Mr. Schaumberger thanked Council for their reconsideration of his application.

Joe Lonero – 901 Hudson Road – suggested that the City revisit DB-1 and DB-2 Zoning laws and the Downtown Vision to make sure they reflect the current efforts of the FSBD, City Staff and Council.

City Manager, A.J. Krieger will schedule a work session to revisit and discuss the Zoning laws and forward to the Plan Commission for review.

There being no further public comments, Mayor declared the public portion closed at 8:15 p.m.

BUSINESS PORTION

MINUTES

Council Meeting Minutes – January 10, 2006. A motion was made by Council Member Knowles, to table the minutes to the February 14, 2006 Council meeting to reflect additional information on the decision to decline the Cutting Edge Barber Shop Special Use Permit, seconded, motion passed 6-1 (Corson).

CONSENT AGENDA

Minutes

Council Member Faul requested to hold out the Park Board Minutes for discussion. City Manager, A.J. Krieger explained that Staff, at a later date, will ask Council to approve the Park Board recommendations as a separate action item and as an Ordinance. Pulling the minutes does not implement the recommendations.

Plan Commission Meeting Minutes – October 19, 2005. A motion was made by Council Member Larson, seconded, and carried to receive the minutes as presented and file as appropriate.

Traffic Commission Meeting Minutes – November 11, 2005. A motion was made by Council Member Larson, seconded, and carried to receive the minutes as presented and file as appropriate.

FSBD Board of Directors' Meeting Minutes – November 17, 2005. A motion was made by Council Member Larson, seconded, and carried to receive the minutes as presented and file as appropriate.

Landmarks Commission Meeting Minutes – November 21, 2005. A motion was made by Council Member Larson, seconded, and carried to receive the minutes as presented and file as appropriate.

Ferguson Senior Citizens Commission Minutes – January 5, 2006. A motion was made by Council Member Larson, seconded, and carried to receive the minutes as presented and file as appropriate.

Park Board Meeting Minutes – January 17, 2006 **w/recommendation**. A motion was made by Council Member Larson, seconded, and carried to receive the minutes as presented and file as appropriate.

APPOINTMENTS

Mayor Fletcher announced the recommendations of the FSBD Board to appoint Bob McCarty of Painted Effects Studio, Robyne Hayman of Edward Jones and Rick Schaumberger of OT Hodge Chile Parlor, to the FSBD Board. A motion was made by Council Member Knowles to accept the FSBD nominations, seconded, motion approved unanimously (7-0).

A motion was made by Council Member Kallstrom to appoint Cathy Dahmer to the Housing Board of Appeals, seconded, motion approved unanimously (7-0).

A motion was made by Mayor Fletcher to appoint William Dehmer to the Senior Citizen Commission, seconded, motion approved unanimously (7-0).

BILLS REQUIRING SECOND READING

This Bill is known as the Responsible Landlord Ordinance.

Council Member Knowles asked for discussion regarding the amendment. Mr. Knowles questioned if this is for all existing residential structures. Mr. Krieger responded yes for existing and future. Mr. Knowles questioned if this applies to more than just rental properties.

Mr. Krieger responded that the standards do, but because the Ordinance is being tied to the landlord license and requires adherence to the livability code as a requirement for license renewal, it applies only to rental housing.

Mr. Krieger explained that the City does not have the legal ability to require interior inspections for owner occupied units or as part of the occupancy permit process.

Mr. Knowles questioned what it would take to get interior inspections. Mr. Krieger stated that it does not apply to existing owner occupied housing. It would take a referendum to grant the legal authority to do interior inspections for owner occupied housing.

Mr. Knowles does not support some of the things laid out in the Ordinance for the entire City, but does support it for rental properties and new construction. Mr. Knowles feels the City has an aging housing stock and some of the requirements in the Ordinance would be burdensome for the citizens if the City made citizens go back and make changes.

Mr. Krieger responded that it will not require anyone to do anything with existing housing, the City has no legal provision to inspect existing owner occupied housing. Short of new construction, and an initial inspection to pass the project, the City does not have a mechanism to inspect an interior new construction for owner occupied. This applies only to rental housing.

Discussion regarding Minimum Requirements requiring electrical outlets, every 20 linear feet, which is not NEC (National Electrical Code).

Mr. Krieger explained that this is not simply building code based, but it also mirrors the quality housing checklist used by HUD and deals generally with livability requirements.

Mr. Krieger commented that new housing would be required to follow the applicable building code for new construction.

Discussion regarding the use of LP Gas in the City and prohibited fuel.

Mr. Knowles said his understanding is that this will not affect existing structures in any way and cannot, without the permission of the people.

BILL NO. 6731 AN ORDINANCE ENACTING SEVERAL NEW SECTIONS IN ARTICLE VII OF TITLE 7 OF THE MUNICIPAL CODE RELATING TO MINIMUM HOUSING STANDARDS AND RENUMBERING CERTAIN DIVISIONS WITHIN SAID ARTICLE AMENDING SECTIONS 42-57 THROUGH 42-62 OF DIVISION 4 OF ARTICLE II OF TITLE 42 OF THE MUNICIPAL CODE RELATING TO LICENSES AND FEES FOR THE CONDUCT OF THE BUSINESS OF RENTING RESIDENTIAL REAL ESTATE ENACTING A NEW TITLE 25 CONSISTING OF SEVERAL NEW SECTIONS RELATING TO SPECIAL LICENSING PROVISIONS FOR RESIDENTIAL RENTAL REAL ESTATE LICENSES.

Introduced by Council as a whole and read the first time.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Corson, seconded. On roll call vote, the motion carried as follows:

AYES: 7 - Corson, Kallstrom, Knowles, Hines, Fletcher, Faul, Larson

NOES: 0

Bill No. 6731 was declared passed and sent to the Mayor for signature. Bill No. 6731 thus became Ordinance No. 2006- 3257 and is permanently recorded in Book 28 on page 2.

Mr. Krieger stated Staff will be scheduling a Landlord meeting and will inform Council of the logistics.

Mayor congratulated Council on the Responsible Landlord Ordinance.

FINANCIAL PRESENTATION

Director of Finance, Joan Jadali explained that the statement of revenues and expenditures as of December 31, 2005 are presented for both the General Fund and the Park Fund which represents six months of data or one half of a year. The General Fund Year-To-Date Actual figures reflect the deficit of \$499,495, which is a significant variance from budgeted figures representing a deficit of \$256,702 but an insignificant variance when comparing the current year to last year.

Ms. Jadali explained at this point the City's actual expenditures are below budgeted expenditures by \$640,000 plus. The deficit for this year at this point in time compared to last year is higher due to the fact that we now account for the Municipal Garage in the

General Fund, instead of the Internal Service Fund as in prior years. Additionally the current year's expenditures include pay increases and increases in line item expenditures that were tightly controlled last year for one-time cash control practices. In addition, the new sales tax revenue is continuing to add to the revenue base, but notice there are only four months of sales tax revenues because July and August are recorded in the prior year's revenues.

Ms. Jadali stated that the Park Fund Year-To-Date Actual figures reflect a surplus of \$42,767, which is a significant variance from budgeted figures representing a deficit of \$382,368 and a significant variance when comparing the current year to prior year, which reflects the surplus of \$111,132.

Ms. Jadali further stated that revenues have improved significantly in the Park Fund due to the addition of the Park Sales Tax, and as with the General Fund, this sales tax revenue only represents four months of revenue as the July and August revenues were recorded in the prior year.

Council Member Larson commented the City is spending less money than budgeted.

Mr. Krieger commented this will look better because fourth quarter revenues will start coming in and the City will collect significantly more property tax revenues.

MISCELLANEOUS

James Hines – commented on handicap parking tickets and people still abusing the parking.

James Knowles – commented regarding the Responsible Landlord Ordinance with electrical outlets he is trying to understand some of the reasoning behind it. Mr. Knowles announced that the Old Ferguson West Neighborhood meeting - Wednesday, January 26, 2006 – 7 pm at the Corner Coffee House, everyone is invited. Kahle's Dog Pound – Grand Opening – Saturday, January 28, 2006 – 7 p.m. - 1212 Chambers Road, they have great food and gives the owner, Mr. Kahle, a lot of credit in doing a wonderful job in turning the facility around. Everyone should stop by for the food and drink specials.

Keith Kallstrom – requested the City Clerk to announce the 2006 Council Candidates.

City Clerk – announced - Ward 1 – Peggy Faul and David Wright, Ward 2 – James Hines and Dave Armbruster and Ward 3 – Michael Salant.

Keith Kallstrom – commented that his name was absent as a candidate because he has decided not to seek another Council term. Mr. Kallstrom has been on the Council eight years out of the last ten years and has served a decade. Mr. Kallstrom found out that he is going to be a grandfather again and will take the opportunity Mr. Salant has offered. Mr. Kallstrom will take a breather, but he is not going away, he is just going to spend more

time with his grandkids.

John Corson – mentioned the reason for the no vote on tabling the minutes is that he feels Council has a standard on how to take meeting notes, Mr. Corson feels it is a fine line of how much is included and how much is summarized and it has to be approached carefully to maintain consistency within one set of meeting notes to another. Mr. Corson does not want Council to get in a position of quoting people and feels that is not the intent of meeting notes and that is his reason for the no vote.

Mr. Corson congratulated the Southwest Ferguson Group and hopes he has delivered what he promised several years ago regarding responsible landlords. The Plan Commission and several people were behind it and wanted it to succeed. Mr. Corson feels they have done that, came through with it and he stands behind it. Mr. Corson applauds the Southwest Ferguson Group for initiating it and thanks them for letting him be a part of it.

Peggy Faul – agrees with Mr. Corson about responsible landlords. The Council has been working on getting an Ordinance in the City that addresses those concerns. Ms. Faul wants the City and Council to continue to be sure that the renters are always notified ahead and kept notified throughout the whole process, which may need some adjustments. Ms. Faul can assure everyone that there are many renters that do not get information, which makes it even more difficult. Ms. Faul will always be concerned about the renters and that they are notified up front and that things are running smoothly.

Ms. Faul reminded everyone that there are a few Boards & Commission appointments still open and more in the new year. Ms. Faul feels that there will be good things regarding the Darts/Hartnett traffic-calming measures.

Tim Larson – echoes everything Ms. Faul said about notification of tenants and responsible landlords and that Council should be proud of passing the Ordinance.

Mr. Larson likes the logo for the Citywalk and the colorfulness of it. He attended Blanche Touhill and noticed in the program there was a page very similar to the City's which shows all of the restaurants in the City. Mr. Larson feels the second meeting with the Old Ferguson East area went well with the Darst/Hartnett traffic-calming project. The next step for Horner & Shifrin is to identify the exact locations and exact structure of those measures.

City Manager, A.J. Krieger – requested Council authorization to amend the current Horner-Shifrin contract for an amount not to exceed \$7,000 for engineering costs to complete the Darst/Hartnett traffic-calming project. Council consensus was unanimous (7-0). Mr. Krieger explained that the goal is to bid the improvements as part of the next concrete replacement contract, which should be in late March or early April, Staff is on target.

Mr. Krieger requested direction from the Council regarding the North Elizabeth Sewer project.

Council discussed resident and City responsibilities, engineering costs and engineering and bid procedures.

The consensus of Council is to authorize Staff to prepare a series of agreements with each property owner that says on a pro-rata basis the City will contribute engineering and guide the residents through a bid process. The owners will then have to pay to connect to the sanitary sewer line. Council will approve individual agreements for each property owner.

Mayor Fletcher – suggested everyone clean up trash and debris around residences and businesses, to enhance the City as well as being pro-active with the exterior appearance of homes and businesses. The City can help with CHIL programs if residents need assistance with low-interest loans.

ADJOURNMENT

There being no further business to consider, Council Member Knowles, moved to adjourn, seconded. The meeting adjourned at 9:00 p.m.

Debbie Matthies, City Clerk