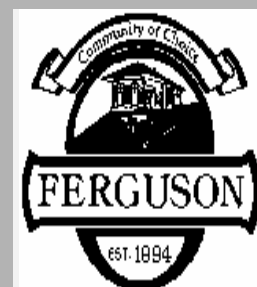


FERGUSON CITY COUNCIL

**Council Meeting
February 14, 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 February 14, 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

Marvin Ware - 14 Leicester Lane – concerns regarding the City's policy on tree removal. Presented photos of a tree removed from his front lawn with the stump remaining. Mr. Ware had no knowledge of the tree removal. City staff will research the incident and inform Mr. Ware.

Tom Patterson – Royal Ave. – had concerns and comments regarding the Responsible Landlord Ordinance.

There being no further public comments, Mayor declared the public portion closed at 8:10 p.m.

BUSINESS PORTION

MINUTES

TABLED MINUTES - January 10, 2006 Council Meeting Minutes

A motion was made by Council Member Knowles to remove from the table the Council Meeting Minutes of January 10, 2006, seconded.

City Attorney Karr informed the Council that since this was a point of discussion at the last meeting Ms. Karr suggested the City Clerk transcribe that section of the meeting verbatim so if Council would like to make a motion to include the verbatim-transcribed discussion into the January 10, 2006 minutes they are available.

Council Member Knowles responded that after the last discussion, in not making the minutes more cumbersome by filling them with verbatim-transcribed discussion, he decided for his benefit what he wanted was at least a simple comment to make a motion to include a basic comment that he had made at that meeting. He wanted to make sure it was included in the minutes. If the Council is okay with that, Mr. Knowles would go ahead with that motion instead of delaying it any longer.

Mayor commented he feels it is appropriate that Mr. Knowles made an amendment to the minutes so it is Mr. Knowles amendment.

Ms. Karr again questioned if Council would like to review the verbatim transcript of the minutes in order to vote on the proposed amendment, they are available this evening.

Council declined to read the transcript.

Mr. Knowles commented what he would like to see added was simply the line to say *Councilman Knowles felt that the applicant's business was an appropriate use, similar to the approved special use for the Ferguson Style Shop.* It is Mr. Knowles statement and no one else.

Mr. Larson stated if that is the motion, he would second it.

Mr. Knowles submitted the amendment to the City Clerk.

Mr. Knowles made a motion to approve the January 10, 2006 amended minutes, seconded, and carried to approve the January 10, 2006 amended minutes.

Council Meeting Minutes – January 24, 2006. A motion was made by Council Member Knowles, seconded, and carried to approve the Council meeting minutes of January 24, 2006, and file as appropriate.

RESOLUTIONS

Resolution No. 2006-03 - Council Chamber Sound System Resolution was introduced by Council as a whole and read by City Attorney, Stephanie Karr. On roll call vote, the motion carried as follows:

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

NOES: 0

Resolution passes. 7-0

Mayor commented the Chamber looks wonderful and the sound is better. Mayor appreciates the work that the Public Works Department is doing in the Council Chamber. Mr. Krieger commented that everything to-date has been done in-house.

Council Member Knowles commented that the Council meetings are no longer being taped and kept on file at the Ferguson City Library and would like to resume taping the meetings and keeping the tapes in the Library.

Mayor commented that the main reason it was taped was because not everyone had cable and it was made available at the Library. Mayor asked the City Manager what it would require to resume taping.

Mr. Krieger commented once the improvements are finished it would be available.

Mr. Knowles also asked what it would take to place it on a DVD.

Staff will report to Council.

Resolution No. 2006-04 - OT Hodge Chile Parlor Grant Agreement was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

Council Member Corson stated that procedurally he would like to better understand what the \$5,000 is for, he was not aware of any conversations prior to, and how the amount is evaluated.

Mayor commented it was placed at the request of the grant applicant.

Mr. Knowles added that Mr. Schaumberger would probably have to come up and verify, but Mr. Knowles thinks there is still going to have to be some things done to that building, some HVAC upgrades because of the amount of heat generated by the stoves and now they are actually below where they need to be. Mr. Knowles knows that they are still going to be doing some things to that building and does not know if that was in the proposal.

Mayor commented that it was not in the original proposal. Council Member Hines was on the committee that reviewed it.

Mr. Hines commented he thought it was a closed deal and it was already completed, but then Mr. Schaumberger was unhappy about what happened. If it is a closed deal Mr. Hines feels that Council cannot approve anything.

Mayor commented it is opened or closed upon Council action. It never came to the Council and Council approves any appropriation of funds.

Mr. Hines commented Mr. Schaumberger was already in business and understood it was finished, and then came back after he heard he should get more.

Mr. Knowles commented Mr. Schaumberger never got anything from the City and he attempted to start the dialogue earlier.

Ms. Faul commented that what Mr. Knowles is saying is in the information Council got from Mr. Schaumberger. According to the date, he had attempted to get information on the loan/grant program and felt he was not directed in a timely manner.

Mr. Hines commented that if this were the case then anybody that opens a business in Ferguson would be allowed to do this, if Council allows it tonight.

Mr. Corson said previously that the grant committee will no longer exist and there are redevelopment agreements and other methods to help business owners.

Mr. Larson commented that there was a consensus reached at the last Council meeting and there may be an ordinance presented that would actually collapse that plan. Mr. Larson further commented that this application did not proceed as it should have, but it started before the moratorium placed at the last meeting and that is the reason it can still come before Council.

Mr. Kallstrom commented he received an email from Mr. Schaumberger regarding a letter from OT Hodge Franchise Company where without the grant he would not have been eligible to place the restaurant in the City but once he gave the figure for the grant, they recalculated and agreed to go ahead and construct.

On roll call vote, the motion carried as follows:

AYES: 5 - Kallstrom, Knowles, Fletcher, Faul, Larson

NOES: 2 - Hines, Corson

Resolution passes. 5-2

BILLS REQUIRING FIRST READING

BILL NO. 6732 - AN ORDINANCE ESTABLISHING CERTAIN USER FEES FOR THE USE AND ENJOYMENT OF FERGUSON'S SPLASH AT WABASH AQUATIC COMPLEX. Introduced by Council as a whole and read the first time.

SPECIAL PRESENTATION – Suburban Avenue Project

Mr. Krieger stated that Mr. Lang and Mr. Jasper from Horner & Shifrin are present to make a brief presentation to Council regarding the status of the Suburban Avenue improvement project. Mr. Krieger gave a brief background regarding Council engaging Horner & Shifrin to design a Suburban improvement in advance of the Airport Redevelopment and NorthPark projects. Preliminary design work has already taken place. Staff approached the Council to engage Horner & Shifrin and to amend the contract to include ways to reduce the affect of increase traffic and limit the access to some of the north south streets in Old Ferguson West. A similar presentation at the January meeting of Old Ferguson West was generally well received and supported.

Mr. Krieger further commented that after the presentation staff will look to Council for some direction before proceeding with the final design.

Mr. Dan Lang, Senior Planner with Horner & Shifrin, explained their firm was hired by the City of Ferguson to implement a study along Suburban Avenue, which will become a major access point to the new Airport Redevelopment project area. Mr. Lange further explained the two facets of the study.

Engineer, Mr. Jasper explained their recommendations and the traffic study and presented an aerial photo of the project.

Discussion regarding the traffic study patterns, routes, lane closures and the overall affects of the development.

Mr. Krieger commented that the City wants to provide opportunity for traffic to move as quickly and as efficiently as possible between the project and downtown area.

Mr. Corson had concerns about the conditions of the road and being able to carry and move pieces of equipment effectively and to study the underlying layers for any potential long-term problems because the potential types of traffic on the road would be trucks.

Mr. Krieger commented that the City would preclude 80,000 lb. semi traffic. Mr. Krieger also explained access to the north and south streets and how the median will eliminate certain movements.

Mayor questioned asphalt versus concrete and the cost difference. Mr. Jasper explained the construction and cost difference.

Discussion of the timing factor with the Suburban project, the possibility of tying this project to the Florissant Road project, the possibility of enhancing the cost factor of both construction sights, the time constraints involved and the realignment of the road.

Mr. Krieger explained the timeframe factor involved and why now is the time to make this kind of improvement.

Ms. Faul questioned if the City moves forward with this project will the street be used to haul construction out and she is concerned about proceeding now instead of waiting a little longer and was disappointed in losing Express Scripts from this spot.

Mr. Krieger commented the City would preclude construction traffic use and limit vehicle weight use.

Mr. Krieger explained that NorthPark is building Express Scripts and they still chose North St. Louis County over any place around the country to locate. The City wants this project to be an inviting and efficient way to get from the downtown area to the redevelopment project area as soon as possible.

Mr. Knowles agrees and has expressed the same concerns of Ms. Faul's and would like to see a way to tie in more with what is going on with Express Scripts. Mr. Knowles would like to some way bridge the gap from Cool Valley in getting people into the City.

Ms. Faul has concerns with everything else coming up - a new JW building.

Mr. Krieger commented that unless some reversal by the Council the JW Building and the Suburban improvements would not be funded by the same source. The project is contemplated to be funded by the line of credit. The City allocated one million dollars for this project.

Mayor commented Council consensus is to move forward with the final design. Mayor thanked Horner & Shifrin for their presentation.

MISCELLANEOUS

Tim Larson – congratulated the Police Department on a very effective year on traffic enforcement, very impressive numbers, the City is number 2. Mr. Larson requested City staff to report to Council on what can be done in extreme cases of property owner neglect, where months have gone by and the property owner is not dealing with a serious problem and particularly what has to happen if it gets to the prosecutor and what can be done in the various extreme cases.

Peggy Faul – concurs with Mr. Larson, would like information on the extreme cases of property owners, and would like staff to talk with other cities and prosecutors about new things that can be put in place. Ms. Faul encourages everyone to take advantage of the Park meetings and surveys or to email or come in or write a letter on your concerns and interests in the Park that deals with anything, activities or whatever. Council would like to hear from you and Ms. Faul would like to hear from you on what your concerns are and what you would like. Ms. Faul would also like to be informed of the City's policy on tree removal. Happy Valentine's Day.

James Hines – hopes that the Park study is studied very carefully to the City's advantage and not be taken lightly. Hopes the City takes advantage of what the surveys have told the City to do then try to do it.

James Knowles – would also like to be informed on the tree removal policy. Mr. Knowles commented earlier on videotaping the Council Meetings and would like to talk about the spirit of openness in government. Mr. Knowles commented for some time Council has had the discussion of what is said in emails.

Mr. Knowles feels that with the emerging technologies that some of the questions, obviously not confidential, that come before the Council on an email could possibly be placed on a City website where people can see the discussion stream (blog) of questions proposed and Council comments. This would allow the people to see what Council's thought processes are on some of the decisions that are made.

Mr. Knowles feels Council should look at other ways to get some of the thought processes out to the public so they know what Council is doing and have an idea of what is going on in Ferguson and why, why being a big factor.

Mayor Fletcher – does not disagree with Mr. Knowles, but to develop and maintain a system may require additional staffing, technology and expense. The City does not have an on-site website specialist. The City can add information but does not design the website.

Mr. Krieger commented that Jesse does a fine job and can add information but when the site was initially designed it is fairly limited, there is no in-house capability to design or change graphics. The site today is far more interactive than it has ever been. There has been a concerted effort, since Nez Savala joined the staff, to keep accurate up to date relevant information on the website.

The majority of the emails sent by Mr. Krieger are informational, occasionally he will ask for some guidance but overall it has already been discussed in Council meetings and feels that is an important distinction to be made. Mr. Krieger does not think anyone can hear, even this discussion, and be of the opinion things are being done in secret, because they

are not. Mr. Krieger feels that it is an important distinction to be made. Mr. Krieger will do whatever Council wants.

Mayor asked if Council had an interest before directing staff to research the website.

James Knowles – commented he does not want to give the wrong impression and nothing is being done in secret and there are many emails that are informational that Council does not even respond to. Mr. Knowles feels that there are people in town who are not in the loop, who are not in the coffee shop talk circuit, and are not getting the thoughts and reasoning behind what Council is doing.

Discussion regarding emails, normal everyday business being conducted and what would be placed on the blog and maintaining it. Mayor asked if there was a majority of Council who would want to entertain an interest in investigating this.

Mr. Larson would like to hear more of how the City website is maintained and whether the City can increase more communication. Mr. Larson has seen an improvement on the website in the time he has been on the Council and that is great.

Mr. Krieger offered to include in the budget some type of website improvement to possibly incorporate some type of public element.

Keith Kallstrom – reminded everyone to participate in the Park Plan public meetings, Thursday, February 16, 2006 – at Johnson-Wabash Elementary School and McCluer South-Berkeley High School starting at 7 p.m. Mr. Kallstrom urged everyone to participate, this is the public's opportunity to see what is going on and let Council know their feelings.

Mr. Kallstrom thanked Mr. Krieger for the opportunity to have the American Legion Flag Box positioned by the Fire Departments in a public area. Mr. Kallstrom attended a training for responses to disasters of the elected officials, which has been mandated by the Federal and State government. The training course is available on the web.

John Corson – echoed Mr. Larson's comments on the Police Department. It is amazing to see the amount of activity generated. Mr. Corson gives credit to Chief Moonier and his department by making stops when appropriate and congratulates the Officers.

Mr. Corson wants to make sure that certain areas of the City – deep south in Ward 3, way north in Ward 1 and way east and west in Ward 2 be included with the Park Study, their input is important.

Regarding the OT Hodge Resolution, Mr. Corson commented that he did not disagree with it at all, but his concern was that the system was flawed, and is going to be fixed, but he felt the more appropriate thing to do was to have OT Hodge resubmit the application in

the new format and take advantage of this lesson learned. Mr. Corson is fine with the decision made, but feels that the process should have recognized the flaws and gone beyond just saying let's just reconsider it by letting OT Hodge go through the process in a new format doing it right.

Mr. Hines – commented that is the reason he voted no on the Resolution. The Council had made a sound decision and then changed it. Mr. Hines has seen this happen with Council before. It upsets him that the decisions made are later changed, you should think about what you are doing at the time the decision is made.

A.J. Krieger – reminded everyone that the Park Public Forums are at 7 p.m., Thursday, February 16, 2006 at McCluer South-Berkeley High School and Johnson-Wabash Elementary School. It is important to attend. Recently people feel they have been left out - this is a chance to come and speak.

Mr. Krieger appreciates Council members Larson and Corson for recognizing the work of the Police Department. Mr. Krieger commented that at neighborhood meetings, he hears why the City does not do more like Calverton Park - you cannot drive through Florissant Road. If the City only had a quarter mile stretch of road to enforce, then our department would be all over it too. Mr. Krieger is very proud of the Police Department's efforts and feels that they do an outstanding job - you can see it in the level of activity and the results. Mr. Krieger thanked Chief Moonier.

Mayor Fletcher – had concerns regarding the Forestwood area and trash in the neighborhood. Mayor suggested everyone clean up trash and debris around residences to enhance the City. Mayor requested staff look into the deteriorating streets in Forestwood.

Mayor also echoes the concerns regarding the troubled properties that have been to Court repeatedly and would like to review the code ordinances. Mayor feels our residents need some relief from problem properties where the owners do not want to take responsibility. Now that Council has dealt with rental property - owner occupied properties need to be addressed also.

ADJOURNMENT

There being no further business to consider, Council Member Knowles, moved to adjourn, seconded. The meeting adjourned at 9:15 p.m.

Debbie Matthies, City Clerk