

## **FERGUSON CITY COUNCIL**

**Regular Council Meeting  
March 22, 2005  
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 March 22, 2005 by Mayor Steven Wegert, in the Council Chambers of City Hall, 110 Church Street, Ferguson, Missouri. Mayor Wegert requested that everyone stand for a moment of silent prayer, after which the Pledge of Allegiance was recited. The following Council members were present:

Mayor Steven Wegert  
Keith Kallstrom  
Mark Crinnion  
James Hines  
Peggy Faul  
Bill Duncan

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 Wegert welcomed all present and explained the meeting would be the Public Portion and the Business Portion.

### **PUBLIC COMMENTS**

Ralph Rockamann – Owner of Sportsprint - 6197 Bermuda – voiced his concerns about the professionalism of the Council and would like to see the Council and City work together to move forward.

Blue Tapp Scheffer – 705 N. Florissant Road – comments, concerns and statement regarding negative campaigning. Council should be focusing on City issues at hand and positive messages for the City's future.

John King – Cingular Wireless Attorney – requested Council take action on the Special Use Permit to construct a Cingular tower and shelter at January Wabash Memorial Park.

Terri House – 11 Lakeview Court – wanted to say good-bye to Mayor Wegert. Concerns and comments regarding FSBA by-laws, board members and official company address of the FSBA President.

Joe Lonero – 901 Hudson Road – Ferguson Station Business District (FSBD) President – Mr. Lonero and some of the FSBD board members honored Mayor Wegert with presentations and gifts to express their gratitude and appreciation for Mayor Wegert's leadership and dedication to the continued success of the City of Ferguson. FSBD presented flowers to Mrs. Wegert and thanked her for her support. Mayor Wegert thanked FSBD.

Ralph Rockamann - presented the Mayor with a gift on behalf of the Sportsprint employees, and a plaque for appreciation of the Mayor's years of commitment, leadership, support and service to the community. Mayor Wegert commented that he is overwhelmed and thanked everyone.

Craig Scheffer - #1 Lakeview Court – responded to Ms. House's statement regarding the official address of the FSBA President. Mr. Scheffer commented that the Business Corporation papers confirm ownership and Ferguson address.

Jane Orlando – 414 Wesley - on behalf of the business district, her family, and Jill Springer of Flower Depot, congratulated and thanked Mayor Wegert for his political leadership, hard work and energy given to the citizens and businesses of the community. Mrs. Orlando went onto say Mayor Wegert made great things happen in Ferguson and North County. Mrs. Orlando also thanked Mrs. Wegert for her support and wished the Mayor good luck. Mayor Wegert thanked Mrs. Orlando.

John Corson – 235 Meadowcrest – explained to the City and Ward 3 supporters why he is not sitting on the Council. On March 21, 2005, Mr. Corson delivered a letter to the City explaining his status as a council member had been called into question by his re-nomination and vote favoring reappointment of his wife to the Ferguson Parks Board. Mr. Corson went onto say he was recently made aware that it might violate strict Missouri law prohibiting appointing to office any relative within the fourth degree. Mr. Corson states that he does not believe the current provisions adequately account for well-meaning public appointments of volunteers serving on unpaid advisory bodies such as the appointment at issue. Mr. Corson is obligated to respect the law as written. In order to satisfy the sanction imposed by the Missouri Constitution, Mr. Corson, by letter, forfeited and vacated his office as council member for the City of Ferguson effective immediately upon receipt by the City Clerk. Mr. Corson commented he delivered the letter on Monday, March 21, 2005. Mr. Corson explained it was important to take care of this issue before the next term, as he is on the ballot.

Mr. Corson does not agree with the conclusions reached by the Council, but feels the interests of the City must take priority and decided to avoid a long public debate. Mr. Corson feels as elected officials and leaders of the community it is an obligation to lead by example and put the public first. He stated his mistake was innocent and completely without malice or a regard for any personal gain. For the sake of the community, he decided to step down.

Mr. Corson feels it is time to create an atmosphere of trust and one that will benefit the

next Council. He is excited about the future of Ward 3 and the community as a whole. Mr. Corson went onto say if there are issues with the Charter and State Law, policies need to be created and Council needs to standby the Charter.

Mr. Corson commented that he and the Mayor have disagreed on issues, but the goals and objectives of the City were common to both. Mr. Corson congratulated Mayor Wegert and hopes Council continues strongly as the City moves forward.

There being no further public comments, Mayor declared the public portion closed at 8:25 p.m.

**BUSINESS PORTION**  
**CONSENT AGENDA**

**APPROVAL OF MINUTES**

Council Meeting Minutes – March 8, 2005. A motion was made by Mr. Kallstrom seconded, to accept the March 8, 2005 Council minutes as corrected. The Motion approved unanimously 6-0.

The March 8, 2005 Council Minutes will be corrected to read as follows:

Page 2 paragraph 2 – corrected to read Radio *Frequency* Engineer.

Page 6 paragraph 1 – corrected to read - Motion approved 5-1 (*Kallstrom*).

Housing Board of Appeals - October 25, 2004. A motion was made by Mr. Crinnion seconded, and carried to accept the minutes as presented.

Board of Adjustment - October 18, 2004. A motion was made by Mr. Crinnion seconded, and carried to accept the minutes as presented.

Board of Adjustment - January 21, 2004. A motion was made by Mr. Crinnion seconded, and carried to accept the minutes as presented.

Parks and Recreation - March 15, 2005 – w/recommendations – (to grant Emerson Family YMCA request to use Hudson Park for their summer camp program). A motion was made by Mr. Crinnion seconded, and carried to accept the minutes as presented.

**APPOINTMENTS** - No appointments were made.

**MANAGER'S REPORT** - City Manager, A.J. Krieger explained the items on the agenda.

**UNFINISHED BUSINESS – PUBLIC HEARING (March 8, 2005)**  
**SPECIAL USE PERMIT**

- ❖ Approval of a Special Use Permit to construct a one hundred six (106) foot telecommunications tower and an accessory equipment shelter at January Wabash Memorial Park, 501 N. Florissant Road. The proposed site is zoned for R-1C Residence District and a communication tower is a special use. Discussion ensued regarding the communications tower.

City Manager, A.J. Krieger explained at Council's direction and postponement of the Special Use Permit, Mr. Krieger was to contact Nextel and determine their interest to co-locate onto the proposed new Cingular tower. Discussion ensued regarding the conversation with Nextel and the proposed Special Use Permit.

A motion to approve the Special Use Permit was made by Mr. Duncan, seconded. On roll call vote, the motion carried as follows:

AYES: 3 - Kallstrom, Hines, Duncan

NOES: 3 - Crinnion, Wegert, Faul

Motion failed.

**REQUEST** - A motion was made by Mr. Crinnion, seconded to schedule the April Council Meetings for April 19 and April 26, 2005, in accordance with the Ferguson City Charter, Section 3.11.1. Motion approved unanimously, 6-0.

## **RESOLUTIONS**

**2005-09** – Public Works Surplus Property – Resolution authorizing the sale of a 1987 Columbia golf/Vendor Cart and a 1989 Vermeer Chipper to be sold at its fair market value introduced by Council as a Whole and read by City Attorney Stephanie Karr. On roll call vote, the motion carried as follows:

AYES: 6 - Crinnion, Hines, Wegert, Faul, Duncan, Kallstrom

NOES: 0

Resolution passes.

**2005-10** – Sprint Lease Amendment (222 S. Florissant Road) Resolution authorizing the City Manager to execute a Ground Lease Amendment with Sprint/SSLP introduced by Council as a Whole and read by City Attorney Stephanie Karr. On roll call vote, the motion carried as follows:

AYES: 6 - Hines, Wegert, Faul, Duncan, Kallstrom, Crinnion

NOES: 0

Resolution passes.

**PROCLAMATION** - Arbor Day Proclamation was read by City Attorney Stephanie Karr.

## **BILLS REQUIRING SECOND READING**

**BILL NO. 6708** AN ORDINANCE ADOPTING A NEW SECTION 29-39 RELATING TO DOMESTIC AND FAMILY VIOLENCE, introduced by Council as a Whole and read the first time.

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

AYES: 6 - Wegert, Faul, Duncan, Kallstrom, Crinnion, Hines  
NOES: 0

Bill No. 6708 was declared passed and sent to the Mayor for signature. Bill No. 6708 thus became Ordinance No. 2005-3235 permanently recorded in Book 27 on page 1.

### **FINANCIAL REPORT**

Finance Director Joan Jadali presented the monthly finance report explaining that the General Fund year-to-date actual reflects a \$94,805 revenue surplus over expenditures as of February 28, 2005. Compared to last year, the City had a revenue deficit under expenditures in the General Fund of \$644,570. The Park Fund year-to-date actual reflects an \$83,248 revenue surplus over expenditures as of February 28, 2005. Compared to last year, the City had a revenue deficit of \$215,084 under expenditures. The City is collecting Real Estate and Personal Property revenues faster.

Grants are now being classified as revenues, instead of reimbursable grant expenses, due to a mandated change in accounting practices.

General Fund expenses to date are \$5.71 million, versus last year to date of \$6 million. Revenue to date is \$5.8 million, versus last year to date of \$5.4 million.

### **MISCELLANEOUS**

Mark Crinnion – Commented on the integrity of the decision Mr. Corson made and explained. In August 2004, Council was told the actual FY 03-04 revenue was \$9,242,611. The revenue figure in the audit was higher at \$9,514,625. At the last meeting, Mr. Crinnion questioned if the \$9,242,611 included 12 months worth of sales tax. City Manager, A.J. Krieger responded by saying, 1) he had already answered that question in a previous email to Council and 2) that a change was made to July and August receivables in the prior fiscal year, which previously had not been done. When Mr. Krieger prepared the information both, for Council and the sales tax vote as well as additional distribution, Mr. Krieger used a fiscal year's worth of sales tax receipts, which probably included July and August from the previous fiscal year. Mr. Krieger used 12 months worth of actual sales tax receipts.

Mr. Crinnion commented that the current campaigns of the City should focus on the issues.

Peggy Faul – Encouraged everyone to attend the Arbor Day Tree Dedication Celebration on April 2, 2005, 10:00 a.m. at January Wabash Memorial Park. Mrs. Faul thanked Mr. Corson for his explanation of his position and looks forward to working with him on the next Council. Mrs. Faul commented she has also been campaigning talking about the positive vision for Ferguson, City accomplishments and work that needs to be completed in the City.

Mayor Wegert – recognized FSBD for their comments and recognition. Mayor commented that FSBD works with the Council and shares in the vision. Mayor Wegert feels that everyone deserves recognition. Mayor Wegert thanked everyone who has worked with him in achieving these goals and thanked the Business District for their special recognition.

**ADJOURNMENT**

There being no further business to consider, the meeting adjourned at 9:15 p.m.

Debbie Matthies, City Clerk