

FERGUSON CITY COUNCIL

Regular Council Meeting May 24, 2005

**CLOSED SESSION, 7:00 P.M.
WORK SESSION, 7:15 P.M.
COUNCIL MEETING, 8:00 P.M.**

**CITY HALL
110 Church Street**



On May 24, 2005 at 7:00 p.m. the Council entered into closed session in accordance with RSMo 610.021 to discuss matters relating to communication from the City Attorneys as provided under Section 610.021(1) RSMo, and personnel and employee matters under Sections 610.021 (3) and(13) RSMo. The motion passed unanimously by roll call vote.

There being no further business to discuss, a motion was made by Mayor Fletcher, seconded, to convene to open session. The motion passed unanimously by roll call vote.

The regular meeting of the Ferguson City Council was called to order at 8:00 p.m. on May 24, 2005 by Mayor Brian P. Fletcher, in the Council Chambers 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 Deputy City Clerk Sonya D. Brooks. Ms. Brooks declared a quorum was present.

Mayor Fletcher welcomed all present and explained the Public Hearing Portion, Public Portion and the Business Portion.

8:00 PUBLIC HEARING – 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.

Attorney John King representing Cingular Wireless – gave an overview of the request for a Special Use Permit to allow the construction of a wireless tower at January Wabash Memorial Park. Mr. King presented a map showing the location of the service area. Discussion followed. Mr. King further commended Chief Tom Moonier and the City Staff for being excellent to work with and would like to compliment the City.

Willa Dyson – 12 Lakeview Court – questioned the Council and Mr. King on how long the construction of the tower would take and how it would affect park activity? City Manager, A.J. Krieger responded that completion should take 60 days and it will not affect park activity.

Mayor declared the Public Hearing portion closed at 8:32 pm.

SPECIAL PRESENTATIONS

UMSL Graduation Gift Winners – Class of 2005

Mark Etling – Director FNIP – presented UMSL Graduation Gift awards to Renee Clair, Christine Emert, and Rachel Smith (absent) in the amount of \$2500. The gift will be used towards the purchase of a home in Ferguson.

PUBLIC COMMENTS

John Knowles – 716 N. Elizabeth – stated over 5000 pounds of food was collected in the Letter Carrier Food Drive and wanted to thank everyone for their support.

Tom Patterson – Royal Avenue – commented that he is glad to finally see the trees cut and the roads getting fixed. Mentioned he spoke with Congressman Lacy Clay regarding the flag positioning and provided Mr. Kallstrom with an official flag bulletin. Questioned the trash process and stated he has received a lot of bulletins in the mail. Mr. Patterson offered to interested Council information on the Sewer Lateral program that he is working on with another City. Further commented that Chief Moonier is a wonderful Police Chief.

Shannon Howard – 408 Tiffin – reminded the Council that last year the Old Ferguson West Neighborhood Association asked the Council to support the City Manager's Neighborhood agenda. The Association has volunteered and worked closely with City Staff to help with the betterment of the community. Ms. Howard asked the Council to

continue to support the neighborhood agenda and fund it in a way that encourages major changes. The Association would like support in achieving the following major goals:

- 1) Improve street lighting
- 2) Improve sidewalks
- 3) Develop traffic calming measures
- 4) Explore the idea of closing street(s) or installing medians and street repairs (paved – not patched) and
- 5) Move the entrance to Dade Park to Harvey Avenue.

Blue Tapp – 705 N. Florissant – welcomed new Council members. Would like to encourage Council to approve the Special Use Permit. Ms. Tapp is a resident in one of the areas that receives poor service due to the great number of users and believes quality service should be the focus.

James Knowles – 1123 Renshaw –Vice Chairman, Planning and Zoning Commission - encouraged the Council to try to get the maximum amount of users that the tower can handle. Mr. Knowles stated concerns over the Sewer Lateral Program and suggested the City review Brentwood or Florissant's program and see if it will work for Ferguson. Mr. Knowles commented further on the Line of Credit being proposed. Would like it to be outlined with its criteria and spent wisely on the infrastructure of the community.

Willa Dyson – 12 Lakeview Court – expressed concern over a barb-wired fence owned by the City in her neighborhood that has caused some injuries and would like to see it repaired. Mayor Fletcher advised her that she speak with Dave Smith (Parks) or Terry O'Neil (Public Works).

Stan Caldwell – 900 Dyerdown – discussed his concerns of the Sewer Lateral Program and felt it was more economical to replace than to do patch work.

There being no further public comments, Mayor declared the public portion closed at 8:55 pm.

BUSINESS PORTION
CONSENT AGENDA

APPROVAL OF MINUTES

Council Meeting Minutes - May 10, 2005. A motion was made by Mr. Knowles, seconded, and carried to accept the minutes as presented and file as appropriate.

Landmarks Commission Minutes - March 21, 2005. A motion was made by Mr. Knowles, seconded, and carried to accept the minutes as presented and file as appropriate.

Ferguson Municipal Library Minutes - March 21, 2005. A motion was made by Mr. Knowles, seconded, and carried to accept the minutes as presented and file as appropriate.

FNIP Board Minutes – March 28, 2005. A motion was made by Mr. Knowles, seconded, and carried to accept the minutes as presented and file as appropriate.

Ms. Faul – under Miscellaneous (pg 3) one Board member mentioned the Certified Local Government, which would come from the Landmarks Commission not FNIP. Ms. Faul commented there is more concern regarding the Certified Local Government and would like future discussion on it.

Senior Citizens Commission Minutes – May 5, 2005 A motion was made by Mr. Knowles, seconded, and carried to accept the minutes as presented and file as appropriate.

Park Board Minutes – May 17, 2005 w/recommendations. A motion was made by Mr. Knowles, seconded, and carried to accept the minutes as presented and file as appropriate.

Ms. Faul commented under Background - Park Board needs to be included in the process, development and implementation of the proposed Park Master Plan. Boards are set up to get information from the citizens and the Park Board does push the plan forward with input and recommendations from the Council.

APPOINTMENTS

A motion was made by Mayor Fletcher, seconded, to reappoint John Knowles and Tom James to the Library Board. Motion passed unanimously.

Ms. Faul also questioned how one gets off a Board. By a letter of resignation.

A motion was made by Mr. Kallstrom, seconded, to reappoint Joan Cleveland to the FNIP Board. Motion passed unanimously.

RESOLUTION

#2005-11 – A Resolution appointing Ronald Brockmeyer as Municipal Judge for the City of Ferguson 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 – Kallstrom, Knowles, Hines, Fletcher, Faul, Larson, Corson
NOES: 0

Resolution passes.

#2005-12 - A Resolution authorizing the City Manager to execute a Letter of Intent to enter into a Dispatching Contract with North Central County Fire Alarm System, Inc. was introduced by Council as a Whole and read by City Attorney, Stephanie Karr.

On roll call vote the motion carried as follows:

AYES: 6 – Knowles, Hines, Fletcher, Larson, Corson, Kallstrom
NOES: 1 – Faul

Resolution passes.

PROCLAMATIONS

A Proclamation recognizing Eagle Scout, Michael Durfee was read by Mayor Brian Fletcher and presented to Michael Durfee.

A Proclamation recognizing Scout Troop #364 was read by Mayor Brian Fletcher and accepted by Michael Durfee.

REQUESTS

A motion was made by Mr. Knowles, seconded, to approve the temporary Liquor License for Ferguson Station Business Association (FSBA) - Concerts in the Park - June 18, 2005. William Scheffer applicant. Motion passed unanimously.

A motion was made by Mr. Kallstrom, seconded, to approve the Temporary Liquor License for Ferguson Lion's Club – Fourth of July Event– July 4, 2005. Harry Henderson applicant. Motion passed unanimously.

APPROVAL OF 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.

Ms. Faul expressed disappointment that there was not more negotiations with Nextel in the possibility of having multiple towers. Mr. Knowles requested Mr. Krieger review the Nextel lease agreement and explore avenues of terminating the lease at the time of renewal.

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

AYES: 6 – Hines, Fletcher, Larson, Corson, Kallstrom, Knowles
NOES: 1 – Faul

BILLS REQUIRING FIRST READING

BILL NO. 6710 - AN ORDINANCE AUTHORIZING THE ISSUANCE OF VARIABLE RATE CAPITAL IMPROVEMENT BONDS, SERIES 2005, AND VARIABLE RATE CAPITAL IMPROVEMENT BONDS, SERIES 2006; AND AUTHORIZING CERTAIN OTHER AGREEMENTS, DOCUMENTS, AND ACTIONS IN CONNECTION THEREWITH. Introduced by Council as a Whole and read the first time.

Discussion ensued regarding the Line of Credit. Council will determine priorities, how the money is spent and decide the draw schedule. Staff will make recommendations. Mayor Fletcher took an informal poll of the Council asking whether they would prefer one or two draws. Ms. Faul prefers two draws, Mr. Larson was unsure; Mr. Corson, Mr. Kallstrom, Mr. Knowles, Mr. Hines and Mayor Fletcher preferred one draw.

BILLS REQUIRING SECOND READING

BILL NO. 6709 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FERGUSON, MISSOURI, ON BEHALF OF THE CITY TO ACCEPT FOR CITY DEVELOPMENT AND BEAUTIFICATION, REAL PROPERTY IDENTIFIED AS LOCATOR NUMBER 12J331342, HELD IN TRUST BY THE TRUSTEE OF ST. LOUIS COUNTY. A FEE OF \$27.00 (TWENTY SEVEN DOLLARS) TO COVER THE RECORDING OF THE DEED IS REQUIRED; EFFECTIVE WHEN was introduced by Council as a whole and read the first time.

A motion was made by Mr. Corson, 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: 7 - Fletcher, Faul, Larson, Corson, Kallstrom, Knowles, Hines
NOES: 0

Bill No. 6709 was declared passed and sent to the Mayor for signature. Bill No. 6709 thus became Ordinance No. 2005-3236 and is permanently recorded in Book 27 on page 17.

FINANCIAL REPORT

Finance Director Joan Jadali presented the financial report for the General Fund and Park Fund for the month ending April 30, 2005. The General Fund at this point in the year for the City is carrying a surplus of \$625,555 compared to a budgeted deficit of \$770,389. Compared to last year, the City was carrying a deficit of \$69,771. The Park Fund at this point in the year for the City is carrying a surplus of \$41,001, compared to a budgeted deficit of \$95,082. Compared to last year, the City was carrying a deficit of \$348,150.

MISCELLANEOUS

John Corson - congratulated the Police and Fire Department on Safety Day. Congratulated the UMSL graduation gift winners and Mark Etling for maintaining the program. Further congratulated Michael Durfee and Scout Troop 364. Expressed

excitement about having Judge Brockmeyer on board. Mr. Corson commented on Chief Moonier's reorganization proposal and commended him on his work in developing the structure and his desire for change. Mr. Corson further commented on the Line of Credit and stated he thinks it is important to take this venture.

Keith Kallstrom – congratulated the UMSL gift winners. Stated he likes Chief Moonier's ideas for reorganization. Also, glad the Fire Department is improving its dispatching system. Mr. Kallstrom informed the Council that our Flags are in the correct order and researched and confirmed that only Presidents and Governors can request the U.S. Flag to be flown at half staff. However, he would like the Council to consider having a policy to allow the City Flag be placed at half staff for the death of a former or current Council Member.

James Knowles III – commented on the new Fire dispatching system and happy to see the improvement.

James Hines – congratulated Chief on his reorganization plan. Asked if it helped with response time. Chief Moonier responded by stating consolidating some aspects of the department it will help with the response time.

Peggy Faul – requested Staff check Midwest Waste's Monday's pick-up schedule as residents have been missed. Congratulated UMSL graduation gift winners and the Scouts for their recognition. Agreed that we should further look into the Sewer Lateral program and compare with other cities. Would like to have seen more discussion on the Line of Credit issues. Agrees street repairs are necessary.

Tim Larson – congratulated the Scouts and UMSL graduation gift winners.

A.J. Krieger – wanted to remind the Council of the Budget meeting on Tuesday, May 31st beginning at 6:30 p.m. in the Council Chambers.

Mayor Fletcher – congratulated everyone on the success of this year's Yard Sale. Mayor Fletcher recently enjoyed a tour of City Hall, the Fire Department and the Parks Department. Mayor had an opportunity to speak to the Knowles' Neighborhood Group. Reminded everyone of the PROUD *Evening in the Garden* to be held at the home of Ruth and Gunnar Brown on June 11th at 6 p.m. Mayor Fletcher commented that he will be participating in one of Ferguson's Parks & Recreation day trips to Harmony, IN on May 25th.

A motion was made by Mayor Fletcher, seconded, to adjourn the meeting at 10:02 p.m.

Sonya Brooks, Deputy City Clerk