

FERGUSON CITY COUNCIL

**Council Meeting
September 27, 2005**

**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 September 27, 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 City Clerk Debbie Matthies. Mrs. Matthies declared a quorum was present.

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

PUBLIC COMMENTS

Jim Knowles – 1123 Renshaw thanked Council for the JW Building Resolution and informed Council that others have joined their group in support of the Resolution.

Harry Henderson – 811 Elliott – belongs to the Ferguson Lion's Club who has offered to make their community hall available during the interim of the old building and the new building for Senior Citizens and people who need places to have meetings on a short term

use, excluding dog training in their hall. Mr. Henderson commented as a possibility the new High School facilities could be used during the interim. Mr. Henderson feels that if the building is to be replaced it needs to be replaced with something similar. He feels that with the new High School and Forestwood Park the City has a lot to offer. He further stated that he does not want to see the JW Building come down leaving citizens with no place to go.

Alan Mueller – 435 Darst – an architect and Chairman of the Landmarks Commission has concerns with the building site in January Wabash Park in general and the status of the building. He further feels that the building is a gem to the City and if the City loses the building, the City will lose something of extreme importance to the character and identity as a City. Mr. Mueller feels the City needs to have a Master Plan to make sure that whatever the City is going to do can be realized and monies spent will develop a good result.

Council Member Hines questioned if Mr. Mueller is recommending keeping the building the way it is. Mr. Mueller responded, basically, yes but care and renovations need to be done. Mr. Hines questioned why all of the sudden is everybody so concerned about the building. If the building has all of the character everyone says, why no one came forward before now. Mr. Hines further stated that the building has gone by the wayside by lack of maintenance and nothing else, the discussion of tearing it down is because the building is not capable of handling what it has handled without some danger or large amounts of money spent on a building that will not last.

Mr. Mueller commented if he had known this was eminent, he would have appeared before the Council sooner.

Mr. Mueller commented that the Landmarks Commission declared the JW Building to be a landmark, one of the very first buildings in the City. Any ideas regarding demolition, renovation and moving of that building needs to come before the Commission. Mr. Mueller is equally disturbed that the Commission was not told about this ahead of time. Mr. Mueller feels that this should not have been an eleventh hour discussion.

Mayor Fletcher commented that he has had conversations with some of the Landmark members. Since 1966, the building has been under discussion and nothing has happened. The building cannot stay in its current condition; it is a disservice to the building and its history. The community needs and desires a facility that meets current needs. The Mayor can only be responsible for what happens from this point forward but the Mayor is listening to everyone but something needs to be done.

Mayor feels that if the decision is to take this building down another building with beautiful structure, taking into the history, can be constructed. Hopefully, 100 years from now

citizens will be discussing whether it should be taken down, because it would have become so significant to the community as well. Mayor is taking the whole community into his thoughts when he makes the decision. Mayor appreciates everyone's comments and personally promises to bring information to the Landmarks Commission.

Michael Kelley – 416 N. Elizabeth – Secretary of the Landmarks Commission commented that the role of the Landmarks Commission is to work with the City and residents to respectively preserve the City's historical landmarks and the JW Building was one of the first Ferguson Landmarks declared and is a valuable structure in the community. In response to the Resolution, Mr. Kelley does not understand how the nearly 100-year-old building is an impediment. Mr. Kelley feels that the JW Building is a key to an integral part of an improved JW Park and further explained several reasons why he feels this way. Mr. Kelley further feels that the upkeep of the JW Building is the City's responsibility and the City has not maintained it.

Mr. Kelley feels that the demolition of the building somewhat undermines the role of the Landmarks Commission to help citizens who own historical buildings and the City to make informed decisions about their preservation for the benefit of everyone. Mr. Kelley requested Council to review the Resolution and to postpone the demolition.

Mayor Fletcher explained that the concept would be a gathering spot for the community not a civic center with a gymnasium, swimming pool, etc. something that will honor the current building as a gathering spot and would lend to a new history starting for the City of Ferguson.

Mayor explained if the Resolution passes, at some point, the building would have to be replaced. The timeframe decision would be made by the Council. First consideration will be to finish the dates that are currently booked at the facility, and finding proper locations to house the activities in the interim. Mayor will bring the information to the Landmarks Commission for input and if the Council decides that the building will be removed they will seek public input.

Discussion on the demolition of the building, the Resolution, and citizens concerns and opinions, and the Park Study continued.

Ruth Brown – 425 Wesley Ave. – member of Landmarks Commission read a statement concerning the JW Building. Mrs. Brown feels all options should be considered, the cost of rehabbing to make it safe and useable compared to the cost of demolition and reconstruction. Mrs. Brown hopes if the decision is made to demolish the building it is not seen as an accomplishment of moving ahead but is the final conclusion of many years of the City's failure to respect a building that does not fit today's tastes and failure to perform the role of stewardship required of property owners and perhaps the failure to think

creatively enough to see the future potential of a January Wabash Building, this is humpty dumpty, when it is gone it is lost forever. Mrs. Brown responded to Mr. Hines question about why no one spoke up sooner by commenting that when the Landmarks Commission designated the building as a Ferguson Landmark that should have been noticed to the City of Ferguson that it was an important and significant building to the community and that it needed grand attention.

Joe Lonero and Farzad Faramarzi – appreciated and thanked Public Works, Police Department and everyone involved with the Streetfest Festivities – great job!

Mayor thanked the business district for a wonderful event.

Chuck James – 210 Hereford and his client Sherry Sowders were present for Council questions regarding Bill No. 6725 for the Redevelopment Agreement at 809 Florissant Road.

Peggy Faul requested questions and discussion take place at the time the Bill is presented, not under public comments. Ms. Faul questioned, on the part of the City of Ferguson, what kind of taxes would the City receive.

City Manager, A.J. Krieger commented that there is PILOT (payment in lieu of property taxes). Presumably, the building will go up in value so the property tax liability will grow, also the applicant is going to have retail sales of hair products, etc.

There being no further public comments, Mayor declared the public portion closed at 8:50 p.m.

BUSINESS PORTION **MINUTES**

Council Meeting Minutes – September 13, 2005. A motion was made by Council Member Corson, seconded, and carried to approve the Council minutes of September 13, 2005, and file as appropriate.

CONSENT AGENDA **Minutes**

Senior Citizens Commission Minutes – September 1, 2005. A motion was made by Council Member Corson, seconded, and carried to receive the minutes as presented and file as appropriate.

Park Board Minutes – September 20, 2005 **w/recommendation**. A motion was made by Council Member Corson, seconded, and carried to receive the minutes as presented and file as appropriate.

Park Board Minutes – August 16, 2005. A motion was made by Council Member Corson, seconded, and carried to receive the minutes as presented and file as appropriate.

Landmark Minutes – August 15, 2005. A motion was made by Council Member Corson, seconded, and carried to receive the minutes as presented and file as appropriate.

REQUESTS

A request for a temporary liquor license for the Guadalupe Fest on October 9, 2005 to be held at January Wabash Memorial Park. A motion was made by Council Member Hines, to approve the temporary liquor license, seconded. Motion passed unanimously on voice vote.

APPOINTMENTS

A motion was made by Council Member Hines to re-appoint Rob Chabot to the Traffic Commission, seconded, motion approved unanimously.

A motion was made by Council Member Hines to appoint William (Gunnar) Brown to the Traffic Commission, seconded, motion approved unanimously.

RESOLUTIONS

2005-24 – A RESOLUTION DIRECTING THE CITY MANAGER TO PREPARE A PLAN TO FINANCE AND CONSTRUCT A NEW JANUARY-WABASH MEMORIAL BUILDING IN JANUARY-WABASH MEMORIAL PARK was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

Council Member Larson had concerns regarding the Resolution's commitment of the Council building a significant building by April 2008, the cost and money. Mr. Larson prefers the approach that the Park Master Plan process would continue which included looking at all of the parks in the City and looking at the community center issue as it applied to the entire City considering alternative locations, existing buildings and a more modest building in the JW Park. Mr. Larson is concerned that this Resolution sweeps all of these options off of the table and does not want other projects to be pulled back such as Suburban and Florissant to pay for this and is worried a bigger commitment is being made.

Council Member Corson does not feel this is what is being done, there is a notion that someone wants to build this huge civic center in the JW Park, which is not the case. Mr. Corson's concept is a small intimate building that would fit within the site confines and being respectful of JWP and using another site for other activities. Mr. Corson feels that promoting the Resolution to read by similar purpose, form and function is not advocating that approach. Mr. Corson further commented that the Park Study needs to happen, the recreation center study still needs to happen and he believes it can be

effectively placed on one site.

Mr. Larson feels that it suggests that the City might build a replacement for the JW Building and a separate community center. Ms. Faul commented that this Resolution does not do that.

Mayor commented that would be decided by this Council or future Council.

Mr. Larson feels that if it is committed to this project, it is pretty unlikely that there will be a separate community center from this building project any time in the foreseeable future.

Discussion on other aspects the study will bring out, and the importance of the Park Board Study in determining size, cost and function, funding, and the date of April 2008.

Mr. Krieger pointed out No. 3 of the Resolution requires City Manager to present contracts for any kind of construction plan be brought back before the Council for approval.

A motion was made by Council Member Knowles to amend Resolution No. 2005-24 by replacing the term January Wabash Memorial Building with *a building with similar purpose, form and function of the current building* throughout the Resolution, seconded. Motion passed unanimously on voice vote.

A motion was made by Council Member Knowles to approve Resolution No. 2005-24 as amended, seconded.

On roll call vote, the motion carried as follows:

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

Resolution passes. 6 - 1

2005-25 – A RESOLUTION OF THE CITY OF FERGUSON, MISSOURI, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR STREET IMPROVEMENTS was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

City Manager, A.J. Krieger summarized that after Council approval of the Line of Credit Council earmarked \$1.5 million dollars towards the Citywide street improvement effort, City Staff offered Council a list of the proposed streets, which should be completed by next construction season.

Public Works Director, Terry O'Neil explained the current Street Repair Priority List, listing the streets rated 1-5 approved this year. The streets include Royal Ave. from Ballman to Millman; Lakeview from Florissant to Dead End; Lawrence Ave. to Wesley to Dead End;

Hartnett to Chambers – Centre; Darst from Elizabeth to Florissant; Tiffin Ave. from Harvey to Dead End; Catherine from Adams to Dead End; Gerald Place from Thoroughman to Robert; Wabash Lane from Anabel to Elkin; Glen Owen from Exuma to Dead End; Exuma from Inqua to Glen Owen; Emmett from Beacon to Spring; Mary Ave. from Eddy to Albert; Delworth Ct. from Chambers to Dead End; Wheeling Ct from Elkins to Dead End; Eddy from Florissant to Mary; Teston Dr. from Robert to Royal; Thomas N. from Randolph to Dead End; Thomas S from Ruggles to Dead End.

There are 19 streets of the 35 that were recommended for asphalt overlay and everything rated 4 and below is finished and are starting on streets rated 5. The engineer will continue the engineering of the streets that have been recommended. The remaining streets will go on the next construction season in which all of the streets on the list will be completed. At that time, the \$1.5 million dollars will account for more than the City has completed in 8 years of streets based on past budgets. The current amount for the 19 streets is \$429,600 adding additional streets before the end of the contract.

City Manager, A.J. Krieger summarized this is a significant acceleration of what the maintenance would normally be, it is more than the City has done over the course of the last 8 years once the set is completed by next construction season.

Mr. O'Neil explained preconstruction would start next week with the low bidder and a date will be set as soon as possible.

A motion was made by Mayor Fletcher to approve Resolution No. 2005-25, seconded. On roll call vote, the motion carried as follows:

AYES: 7 – Kallstrom, Knowles, Hines, Fletcher, Faul, Larson, Corson
NOES: 0

Resolution passes.7 – 0

BILLS REQUIRING FIRST READING

BILL NO. 6726 - AN ORDINANCE AMENDING CHAPTERS 6, 28 AND 29 OF THE FERGUSON MUNICIPAL CODE RELATING TO NUISANCES, INCLUDING LITTER AND ANIMAL WASTE. Introduced by Council Member Corson and read the first time.

Council Member Kallstrom and Council Member Knowles presented some points of concern, discussion ensued.

Mr. Krieger suggested that he and Ms. Karr spend time with Mr. Kallstrom on language that is more acceptable in the Ordinance.

Ms. Karr explained that a lot of the regulations came from MSD and are required to pass on all or part of them in order to be a co-permittee for storm water, the cleaning up after your animals at least once every 24 hours was intended to apply to private property. Discussion regarding agricultural property and organic farms. Ms. Karr will review the MSD and DNR regs. in order to be a co-permittee on this permit and look into possibly having some agricultural exceptions.

BILLS REQUIRING SECOND READING

BILL NO. 6723 - AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS LLC FOR THE PURPOSE OF INSTALLATION AND OPERATION OF A TELECOMMUNICATIONS FACILITY ON CITY PROPERTY. Introduced by Council as a whole and read the first time.

A motion was made by Council Member 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 – Knowles, Hines, Fletcher, Faul, Larson, Corson, Kallstrom
NOES: 0

Bill No. 6723 was declared passed and sent to the Mayor for signature. Bill No. 6723 thus became Ordinance No. 2005-3248 and is permanently recorded in Book 27 on page 248.

BILL NO. 6724 - AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER OF THE CITY OF FERGUSON, MISSOURI, TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FERGUSON AND LOCAL 2665 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS. Introduced by Council as a whole and read the first time.

Council Member Faul questioned Article 18 in the Memorandum. City Manager, A.J. Krieger explained it was simply moved out of the Agreement and placed in the salary addendum.

A motion was made by Council Member 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 – Hines, Fletcher, Faul, Larson, Corson, Kallstrom, Knowles
NOES: 0

Bill No. 6724 was declared passed and sent to the Mayor for signature. Bill No. 6724 thus became Ordinance No. 2005- 3249 and is permanently recorded in Book 27 on page 249.

BILL NO. 6725 - AN ORDINANCE AFFIRMING ADOPTION OF A REDEVELOPMENT PLAN, REDEVELOPMENT AREA, REDEVELOPMENT PROJECT; AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND SHERRY SOWDERS., AT 809 S. FLORISSANT ROAD; PRESCRIBING THE FORM AND DETAILS OF SAID AGREEMENT; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AUTHORIZING OTHER RELATED ACTIONS IN CONNECTION WITH THE REDEVELOPMENT OF CERTAIN PROPERTY WITHIN THE REDEVELOPMENT AREA; AND CONTAINING A SEVERABILITY CLAUSE.

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

Ms. Faul commented she is happy to see this business but hopes that all businesses that come to Ferguson don't get a TIF and that the Council will monitor and make sure the City is getting what it needs out of it. These types of businesses are coming about in great places and more people are utilizing them, which she is happy to see. Ms. Faul stated she felt the need to make that comment.

A motion was made by Council Member 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: 7 – Fletcher, Faul, Larson, Corson, Kallstrom, Knowles, Hines
NOES: 0

Bill No. 6725 was declared passed and sent to the Mayor for signature. Bill No. 6725 thus became Ordinance No. 2005- 3250 and is permanently recorded in Book 27 on page 250.

TABLED BIILLS

A motion was made by Council Member Knowles to remove Bill No. 6722 from the table, seconded, motion approved unanimously.

BILL NO. 6722 AN ORDINANCE AMENDING ARTICLE III OF TITLE 40 OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON BY ADDING A NEW SECTION RELATING TO ENCROACHMENT PERMITS AND RESTRICTIONS AND

REGULATIONS FOR SIDEWALK ENCROACHMENT. Introduced by Council as a whole and read the first time.

A.J. Krieger summarized that Council had asked for an ordinance that would permit an encroachment upon the public's right of way, or in this case sidewalks, for private uses, specifically discussed sidewalk cafés and outdoor dining. This ordinance amendment sets forth a process to apply for and to receive an encroachment permit that sets forth minimum requirements and property maintenance conditions in order to apply for, receive and use an encroachment permit.

Discussion regarding the barriers, location and width of sidewalk.

A motion was made by Council Member Knowles to amend the Bill by striking subsection I, subsection 1 relating to barriers and renumber accordingly removing the barrier requirement from the Bill as it is now. Motion failed to receive a second.

Ms. Karr explained while researching the ADA (American with Disabilities Act) she felt that a barrier was very important. A City and private corporations have actually been found responsible for damages under the ADA where they did not effectively restrict the movement of tables, chairs, barriers and other furniture into the area where disabled people were supposed to go. Ms. Karr commented that Clayton requires barriers, Kansas City has barriers and feels that it is very important so that when someone is on the public sidewalk, and if someone has pushed a table or chair into that 4 feet area that person does not sue the City.

Council Member Knowles commented Ms. Denton researched that most Cities do not have a barrier requirement in St. Louis. Mr. Knowles does not want to see anyone getting hurt, however, there are other ways the City could temporarily bolt or fasten the table to the sidewalk.

Council Member Corson feels that it would be in the best interest of the City to have the barriers.

Mr. Krieger commented barrier or no barrier he would prefer that the Ordinance be as clear as possible and make this an administrative function.

Discussion ensued regarding the barriers and benches throughout the City.

A motion was made by Council Member Knowles, 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 – Faul, Larson, Corson, Kallstrom, Knowles, Fletcher
NOES: 1 - Hines

Bill No. 6722 was declared passed and sent to the Mayor for signature. Bill No. 6722 thus became Ordinance No. 2005- 3251 and is permanently recorded in Book 27 on page 239.

MISCELLANEOUS

Tim Larson – Thanked everyone involved with Streetfest, it was a wonderful event and he and his wife had a great time.

Peggy Faul – Thanked everyone involved with the Streetfest festivities. Enjoyed the Art Exhibit and enjoyed the music, which brought in a different crowd. Ms. Faul explained that one of the reasons she voted yes on the JW Building Resolution was because she does not want it taken down without a plan to rebuild, she does not want a hole in the park and would like something to be proud of for the next 100 years. Ms. Faul is not looking for a large building, but a building that can be useful for seniors with kitchen facilities and classes for children and is an inviting meeting place. Ms. Faul wants to be sure that the Landmarks Commission is taken into consideration as well as citizens.

Ms. Faul commended the Public Works Department for the timely manner in picking up all of the debris from the past storm. Ms. Faul asked about the Nextel Lease agreement. A.J. Krieger will discuss the agreement with Ms. Faul.

James Hines – commented he has no objections to downgrading the JW building. Mr. Hines is shocked that so many people are now concerned with the building that has been falling down for years. No one has been concerned about the building. Now people are concerned about what they want to have, what kind of a building, how much the building means to the community. The building maintenance was not kept up. The building cannot be saved it has been inspected and the building is shot. Mr. Hines commented that he will not support any part of keeping the building up.

Mr. Knowles – reminded and invited everyone to the Jeske Park Neighborhood Association Picnic on Sunday October 2, 2005 – 3:00 – 6:00 pm. Mr. Knowles thanked Public Works, Police and Fire Department, City employees, FSBA and FSBD and everyone involved in Streetfest.

Keith Kallstrom – reminded everyone of the neighborhood meetings, Wednesday 9/28/05 – 7 pm - Old Ferguson West will meet at the Corner Coffee House; Thursday 9/29/05 - 7 pm - North Hills Neighborhood Assn. will meet at Mt. Zion General Baptist Church. Mr. Kallstrom commented on the new City Newsletter being a great improvement and thanked the Staff and Nez Savala.

John Corson – congratulated and thanked everyone involved with the Streetfest festivities. Police, Fire, Public Works, City Staff and the business district did a great job. Mr. Corson felt that the City has been lax with the JWP Building but cannot see keeping it because there are too many structural problems with it. Mr. Corson further stated that you would never get two architects to agree on what is a gem and zirconium copy. Mr. Corson feels that this Council wants to have something in that park and an element that should be a true jewel and feels that can be accomplished. Mr. Corson has been through the building and there are structural elements, foundation problems that just cannot be repaired and the City has to understand that. Mr. Corson further commented that he has no desire to keep something that does not work anymore and feels the City can do better and in doing it right the City has something to show to the residents that this is what Ferguson is and use it to celebrate what we are.

A.J. Krieger – Northwinds Apartment Homes request, requested Mr. O'Neil present a mock-up of a safe street sign for Council's review. Mr. Krieger sent Council updated information on Sewer Lateral Program for Council's review and would like to place the Sewer Lateral Program – N. Elizabeth on the October 11, 2005 Work Session.

Mayor Fletcher – Mayor received a consensus from Council regarding the support letter for Eagle Point Enterprises. Council Member Corson wanted clarification relating to ADA and if it included site and facility accessibility upgrades. Mr. Todd Alexander from Northwinds answered yes, and hopes to purchase the property late November- December and construction would start shortly thereafter, possibly January-February of next year with an approximate 15-16 month process before finished, it will be a fairly long construction period. Council agreed to sign a letter of support that the City Manager will provide for the project.

Mayor Fletcher – Commended the Public Works Department for the timely manner in picking up all of the debris from the past storm. Thanked everyone involved with the Streetfest festivities. Mayor commented that he is very proud of the City Council making difficult decisions about the City's future as well as many good debates. Mayor feels Council has done what they all feel is best in their own minds and will move forward and listen to the public for their input and make Ferguson the best possible place to live for everyone.

Mayor reminded Council of a Closed Session scheduled but due to the length of the meeting requested to postpone the Closed Session before October 11, Work Session at 7 pm. Council agreed.

ADJOURNMENT

There being no further business to consider, Council Member Knowles moved to

adjourn, seconded. The meeting adjourned at 9:50 p.m.

Deborah L. Matthies, City Clerk