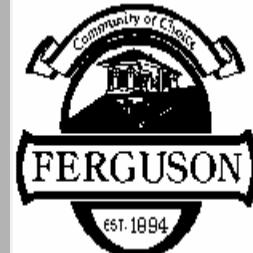


FERGUSON CITY COUNCIL

Regular Council Meeting, August 10, 2004
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 August 10, 2004, 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. On roll call the following Council members were present:

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

Also present were City Manager A.J. Krieger, Attorney Martin Barnholtz 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 Hearing Portion, the Public Portion and the Business Portion.

PUBLIC HEARING - Proposed Property Tax Rates

De'Carlon Seewood, Assistant to the City Manager, presented and gave an overview of the Proposed Property Tax Rates for 2004. Mr. Seewood explained that Bill No. 6693 on the Agenda will set the Property Tax Rates for 2004. He explained that the State Statutes require the tax rates for the General and Park funds be calculated to produce essentially the same revenue as last year with an allowance for increases in the CPI (2.3%), new construction, and increases in personal property assessments, up to the maximum rate authorized by voters. The recommended Property tax rates are as follows: Residential 0.634; Agricultural 0.644; Commercial 0.642; and Personal Property 0.648. The set rates must be submitted to the State Auditor's office for certification, and the tax rate ordinance must be filed with the County Clerk by August 31st, 2004.

Mayor Wegert gave an opportunity for citizens to express their comments, suggestions, or questions with regard to the Proposed Property Tax Rates.

There being no further comments, Mayor Wegert declared the public hearing on the Proposed Property Tax Rates closed at 8:05 p.m.

PUBLIC HEARING - Chapter 49 Zoning Amendment

City Manager, A. J. Krieger explained staff's recommendation for Council to pass Bill No. 6694 an ordinance amending Chapter 49 – Zoning, Section 16.0 DB-2 Downtown Area Business District, by amending Section 16.4 – Special Uses, Subsection G, deleting certain text. The deleting of certain text would remove the wording under G. "Items (1) through (9) and item (12) shall not be allowed if within 1,000 feet from the property of a business within the same NAICS Code Section." This will permit businesses classified as Personal and Laundry Services, a Special Use under 16.4 G., to be located within 1,000 feet from similar businesses via the special use permit process. All other restrictions of this section will remain in force. This restriction may keep viable businesses from locating in the City of Ferguson, even under a Special Use Permit. The removal of this restriction will allow the Plan Commission and City Council to exercise appropriate discretion and make case specific recommendations/decisions. These businesses will still be required to adhere to the Special Use Permit process, leaving the Planning Commission the option of recommending approval with certain restrictions based on review of each case or recommending denial of the permit to the City Council. As with any Special Use Permit, the City Council will have the final decision of approval or denial. This will create more options for redevelopment in the DB-2 zoning area. The Plan Commission unanimously voted to recommend this ordinance.

Mayor Wegert gave an opportunity for citizens to express their comments, suggestions, or questions with regard to the Chapter 49 – Zoning Amendment.

There being no further comments, Mayor Wegert declared the public hearing on the Chapter 49 – Zoning Amendment closed at 8:07 p.m.

PUBLIC COMMENTS

Blue Tapp Scheffer – 705 N. Florissant Road – the Website developer responsible for the SaveAJ.com website. Ms. Scheffer thanked the Mayor and Council for rescinding the Resolution to suspend City Manager, A.J. Krieger. Ms. Scheffer publicly thanked all of the residents, business owners, city employees, Mayor and Council Members who helped in the effort to keep City Manager, A.J. Krieger. A special thank you to Councilmen Bill Duncan, John Corson, and James Hines for standing firm in their support for A.J. and a thank you to Councilman Keith Kallstrom for the difficult decision to change his vote. It is Ms. Scheffer's hope that the Mayor, Council and residents will work hard to heal any wounds the situation has created so that the City can move forward and to continue to

make Ferguson an even better place to work and live. Ms. Scheffer extended a personal invitation to the Mayor, Council, city employees and residents to attend a Ferguson "moving forward" celebration on Saturday, August 14th, at the Victorian Plaza from 4-7 p.m. It will be a great opportunity to come together and communicate with each other to begin the process of moving forward. Council thanked Ms. Scheffer.

John Knowles – 716 N. Elizabeth – Vice-President of the Ferguson Library Board - recommended to Council the consideration of the appointment of Sean Stollhaus to replace Arlene Stranquist on the Library Board. Council will consider Mr. Knowles recommendation.

Shannon Howard – 408 Tiffin – President of Old Ferguson West Neighborhood Association – on behalf of the Old Ferguson West residents who participated in the Save A.J. campaign Ms. Howard would like to thank Council for hearing the residents concerns, resolving this matter quickly, and for the reinstatement of City Manager, A.J. Krieger who the residents have come to have so much faith in. The residents of Old Ferguson West look forward to working with the Council and A.J. to improve the quality of life in their neighborhood and strive to make the community the best it can be. Council thanked Ms. Howard.

Tom Patterson – Royal Ave. had concerns and comments regarding the waste management issue.

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

APPROVAL OF MINUTES

Minutes

Council Meeting – July 27, 2004
Closed Council Meeting – July 27, 2004
Closed Emergency Council Meeting – July 28, 2004
Closed Council Meeting – August 4, 2004
Pension Board Meeting – May 24, 2004
Closed Pension Board Meeting – May 24, 2004
Library Board Meeting – June 21, 2004

A motion was made by Mr. Crinnion, seconded, and carried to accept the above minutes as presented.

MANAGER'S REPORT

City Manager, A.J. Krieger explained the items on the agenda.

REQUESTS

Request for a Temporary Liquor License for the Ferguson Station Business Association for Street Fest on September 24, 25 and 26, applicant Terri House. A motion was made by Mayor Wegert to approve the request, seconded, and passed unanimously 7-0.

Mimi's Subway Bar & Grill, 46 N. Florissant Road, applicant Mimi Fowler is applying for a Sunday Liquor License. A motion was made by Mayor Wegert to approve the request, seconded, and passed unanimously 7-0.

BILLS REQUIRING FIRST READING

BILL NO. 6693 AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2004 BY LEVYING A TAX FOR GENERAL AND OTHER PURPOSES ON ALL PROPERTY MADE TAXABLE BY LAW WITHIN THE CORPORATE LIMITS OF THE CITY OF FERGUSON, MISSOURI; AND LEVYING A TAX FOR FREE PUBLIC PARKS IN THE CITY OF FERGUSON, MISSOURI; EFFECTIVE WHEN, introduced by Council as a Whole and read the first time.

BILL NO. 6694 AN ORDINANCE AMENDING CHAPTER 49 - ZONING, SECTION 16.0 DB-2 DOWNTOWN AREA BUSINESS DISTRICT, BY AMENDING SECTION 16.4 - SPECIAL USES, SUBSECTION G, DELETING TEXT STATING: ITEMS (1) THROUGH (9) AND ITEM (12) SHALL NOT BE ALLOWED IF WITHIN 1000 FEET FROM THE PROPERTY OF A BUSINESS WITHIN THE SAME NAICS CODE SECTION; EFFECTIVE WHEN, introduced by Councilman Kallstrom and read the first time.

BILL NO. 6695 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A SALES CONTRACT FOR THE SALE OF 220 N. FLORISSANT ROAD, FERGUSON, MISSOURI, WHICH HAS BEEN DECLARED SURPLUS PROPERTY; EFFECTIVE WHEN, introduced by Council as a whole and read the first time.

BILLS REQUIRING SECOND READING

BILL NO. 6691 AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF FERGUSON, MISSOURI, AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004, A PROPOSITION TO IMPOSE A SALES TAX OF ONE-HALF OF ONE PERCENT FOR THE PURPOSE OF PROVIDING FUNDING FOR LOCAL PARKS FOR THE CITY; REQUIRING A MAJORITY OF THE VOTERS TO APPROVE THE PROPOSITION BEFORE IT SHALL BECOME EFFECTIVE; AND PROVIDING FOR THE MANNER OF VOTING AT SUCH ELECTION; EFFECTIVE WHEN; introduced by Councilman Corson and read the first time.

Following discussion, a motion was made by Mayor Wegert to postpone Bill No. 6691 upon receiving additional information from City Staff, and, if needed, hold a special meeting for this issue, seconded and passed unanimously 7-0.

BILL NO. 6692 AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF FERGUSON, MISSOURI, AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004, A PROPOSITION TO IMPOSE A SALES TAX OF ONE-QUARTER OF ONE PERCENT FOR THE PURPOSE OF PROVIDING REVENUES FOR THE OPERATION OF THE MUNICIPAL FIRE DEPARTMENT; REQUIRING A MAJORITY OF THE VOTERS TO APPROVE THE PROPOSITION BEFORE IT SHALL BECOME EFFECTIVE; AND PROVIDING FOR THE MANNER OF VOTING AT SUCH ELECTION; EFFECTIVE WHEN; introduced by Councilman Corson and read the first time.

Following discussion, a motion was made by Mayor Wegert to postpone Bill No. 6692 upon receiving additional information from City Staff, and, if needed, hold a special meeting for this issue, seconded and passed unanimously 7-0.

MISCELLANEOUS

John Corson – appreciates everyone attending the Council meeting and Council is happy to move forward with the plans for the City. Mr. Corson personally thanked everyone and commented that he would like to get as much city participation in city government when Council asks for participation in Boards & Commissions. On the postponed sales tax issues, Mr. Corson would like to receive additional information from staff and would like council to articulate the questions regarding the issue, so that the City Manager can prepare the information to bring to Council. Mr. Corson commented on the new Fire

Department equipment and the hard work that Assistant Fire Chief, Steve Rosenthal and Chief Tom Moonier have gone through to secure it through grants and their wise spending.

Keith Kallstrom – also appreciates everyone attending the Council meeting and Council is happy to move forward with the plans for the City. Mr. Kallstrom would like to thank the citizens, businesses and employees who sent cards, letters, emails, telephone calls, individual conversations and the use of the website. He would love to see the website used for helping Council on other City projects. Mr. Kallstrom directed two questions to City Manager, A.J. Krieger – 1) when to use zoning section 20.6 vs. 14.5 and 2) what documentation Public Works would use to employ the use of section 20.7.

A.J. Krieger confirmed the two questions and will respond to Mr. Kallstrom.

James Hines - thanked the retiring police dog “Flik” and thanked the Police Department for their continued support and great job in protecting the City of Ferguson.

Peggy Faul – commented that schools will be opening and encouraged everyone, traffic wise, to be careful of the children and also to help the education community in our district.

Bill Duncan – has never been so proud of the citizens of Ferguson as he was this week in seeing them come together. Mr. Duncan hopes the citizens come together more often for City causes and to keep up the good work. Mr. Duncan offered his condolences to the family of Don Hewkin, who was a long-time businessman in Ferguson.

Mayor Wegert – Appreciated and thanked everyone who took time to attend the Council meeting.

A.J. Krieger – requested clarification from Council on the specific information Council would like regarding the sales tax questions. Mayor commented the City is facing revenue shortfalls of a good size and Council is interested in how the City propose maximizing the use of the dollars. Mr. Crinnion would like to see additional historical information. Mr. Corson is interested in making sure that the Council, in general, is as comfortable as he is with this issue and to make sure that all of the basis are covered. Discussion followed in regard to explaining where the revenue would come from, how it would be used, compare to other municipalities, and the proposed targeted areas staff will use the dollars for and on a priority basis.

Mayor requested the information be prepared and distributed to Council in advance and to meet in some type of work session to discuss the issue prior to a Council meeting.

A.J. will prepare the information and present it to Council, if this issue is to be placed on the November ballot, the deadline is August 24th.

A.J. stated he would be able to make a presentation to Council on Tuesday, August 17th, at 7:00 p.m. as a work session item, but also schedule a regular Council meeting.

Depending on the outcome of the work session on August 17th, Council may hold or cancel the Council meeting. The next regular scheduled Council meeting will be August 24th, 2004.

There being no further business to consider, the meeting adjourned at 8:30 pm

Debbie Matthies, City Clerk