

FERGUSON CITY COUNCIL

Regular Meeting, March 25, 2003



The regular meeting of the Ferguson City Council was called to order at 8:00 p.m. on March 25, 2003 by the 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
Michael Tierney
Peggy Faul
Mark Crinnion
Thomas Wolf
Keith Kallstrom
John Corson

Mayor Wegert welcomed all present and explained that the meeting would be in two portions – the Public Portion and the Business Portion.

PUBLIC COMMENTS

Joe Lonero – 901 Hudson Road, stated that he wanted to speak to the Council regarding conditional occupancy permits for rental property. He stated that he was glad the topic was postponed until tonight's meeting so he may have a chance to voice his concerns. Mr. Lonero stated he felt with this ordinance it would have a minimum effect on what the Council is considering, he stated that from what he has found, seen and researched it is not the landlord's but the home owners. He feels this ordinance will put a hardship on the productive landlord's who take care of their property. He also feels that the same principles in residential properties should overflow to the commercial properties. Discussion ensued regarding Mr. Lonero's objections and concerns regarding the ordinance on conditional occupancy permits.

Mr. Lonero stated his concerns regarding the status of the position of the Economic Developer along with the position of the Downtown Developer. He was told that the position of Economic Developer would be filled after the City Manager position is filled. He is concerned that due to the time involved in the hiring process of the City Manager this position will not realistically be filled until November.

Mr. Lonero was also concerned with the hiring of a Downtown Developer. He explained when he opened up his businesses he was told that there would be a Downtown Developer in 2003. He was disappointed to learn that the search to hire a Downtown Developer had not been taking place. His concern is that there are other businesses looking to invest and locate in the downtown Ferguson area without any guidance or support from an Economic or Downtown Developer.

There being no further comments, the public portion concluded.

Approval of Minutes

Regular Council Meeting, March 11, 2003

Closed Council Meeting, March 11, 2003

Park Board Meeting, March 18, 2002 with recommendation to approve the request by the Emerson Family YMCA to use Hudson Park for their summer day camp with the same stipulations as last year.

Plan Commission Meeting, March 19, 2003

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

Manager's Report

Chief Moonier explained the items on the agenda.

Due to the elections being held on April 8th, Mr. Moonier suggested an alternative date.

A motion was made by Mayor Wegert, to dispense with the April 8, 2003 Council Meeting and continue with the April Council Meetings on April 22, 2003 and April 29, 2003, seconded and approved by acclamation.

Ferguson Rotary Club War Memorial - with respect to the Rotary Club presentation to enhance the War Memorial area Mayor Wegert questioned if this presentation had been made available to the Park Board for their review and recommendations. Mr. Moonier stated that there was a Park Board member here tonight in the audience, Mr. Caldwell and asked if this presentation was presented to the Park Board. Mr. Caldwell said yes, but he did not see it in the Minutes. Mayor Wegert asked Mr. Caldwell if recommendations were issued on it. Mr. Caldwell stated that he recommended before the project was started to put in electric and water for the Memorial, which is being discussed.

Mayor Wegert asked Mr. Caldwell if Council takes action on the War Memorial Proposal tonight will Council hear any concerns or complaints from the Park Board that this Proposal was not presented to the Board first. Mr. Moonier stated that it would not cause any time delay on the project in presenting this to the Park Board. Mayor Wegert suggested presenting the War Memorial to the Park Board at their April 15th meeting to allow the Park Board to provide Council with a recommendation by the next Council Meeting.

Canadian Geese - A motion was made by Mayor Wegert, seconded to direct staff to secure the federal permit to proceed with the recommendation of the Park Board, Mayor then asked for questions, comments or suggestions.

Mr. Corson commented that he felt two nests would not cause the problem and he feels there are other methods to control the Geese. Mr. Corson also feels the City does not have to go to that extreme. Mr. Corson finds it very difficult to addle the Goose eggs for two nests and does not believe it would solve the problem of the Geese, which is their loss of habitat. He feels that there are other ways to control the problem, and that it is morally wrong to addle the Geese eggs.

Mayor Wegert asked for other comments at this time. Mr. Tierney asked if only two nests were found. Mayor responded by saying they thought there were three but one was already disrupted by the construction. Mr. Corson stated that there were two but one had moved. Mayor stated that there are a small number of nests but a large quantity of Geese and it is a problem. The Community College is dealing with a similar proposal as what is being proposed to the City of Ferguson.

The motion was seconded and passed 6-1 on a voice vote. Mayor stated that if too much time had lapsed within the time to addle the eggs then the vote would be held over.

Appointments

Council requested an updated list of Boards and Commissions.

Proclamation

A Proclamation declaring April 4, 2003, as Arbor Day was read by the City Attorney and so proclaimed by the Mayor and City Council.

3E. Bills Requiring First Reading

Bill No. 6646 AN ORDINANCE AMENDING CHAPTER 42 TAXATION, ARTICLE II OCCUPATIONAL LICENSE TAXES, DIVISION 4 RESIDENTIAL RENTAL REAL ESTATE, SECTION 42-56 DEFINITIONS AND SECTION 42-59 FEE BY REPEALING THE DEFINITION OF RESIDENTIAL RENTAL PROPERTY IN SECTION 42-56 AND ENACTING A NEW DEFINITION, AND AMENDING SECTION 42-59 FEE; EFFECTIVE WHEN,
introduced by Council as a Whole, and read the first time.

Bill No. 6647 AN ORDINANCE AMENDING CHAPTER 28 NUISANCES, ARTICLE I IN GENERAL SECTION 28-2 NUISANCES DESIGNATED BY ENACTING A NEW SUBSECTION (10) CONCERNING ACCUMULATION OF STAGNANT WATER; EFFECTIVE WHEN,
introduced by Council as a Whole, and read the first time.

Bill No. 6648 AN ORDINANCE PURSUANT TO SECTIONS 70.210-70.325 OF THE REVISED STATUTES OF MISSOURI (2000); AUTHORIZING AND DIRECTING THE CITY MANAGER ON BEHALF OF THE CITY OF FERGUSON (THE "CITY") TO EXECUTE AND DELIVER AN INTERGOVERNMENTAL COOPERATION AND DEVELOPMENT ASSISTANCE AGREEMENT (THE "COOPERATION AGREEMENT") BY AND AMONG THE CITY OF BERKELEY, MISSOURI ("BERKELEY"), THE CITY OF KINLOCH, MISSOURI ("KINLOCH"), THE CITY OF ST. LOUIS, MISSOURI ("ST. LOUIS"), THE COUNTY OF ST. LOUIS, MISSOURI (THE "COUNTY"), THE STATE OF MISSOURI ACTING BY AND THROUGH ITS OFFICE OF ADMINISTRATION (THE "STATE") AND THE CITY, CONCERNING THE REDEVELOPMENT OF APPROXIMATELY SIX HUNDRED FIFTY-FIVE GROSS ACRES (478 DEVELOPABLE ACRES) OF REAL PROPERTY LOCATED ALONG THE EASTERN PERIMETER OF LAMBERT-ST. LOUIS INTERNATIONAL AIRPORT AND PARTIALLY WITHIN THE CORPORATE LIMITS OF KINLOCH, BERKELEY AND THE CITY; PRESCRIBING AND APPROVING THE FORM AND DETAILS OF SAID COOPERATION AGREEMENT; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; DETERMING AND DECLARING THE OFFICIAL INTENT OF THE CITY WITH RESPECT THERETO; PROVIDING FOR THE FILING OF THE COOPERATION AGREEMENT WITH THE SECRETARY OF STATE AND RECORDER OF DEEDS; GRANTING PERMISSION TO

THE COUNTY TO ADOPT AND IMPLEMENT TAX INCREMENT FINANCING PURSUANT TO THE TIF ACT WITHIN A CERTAIN PORTION OF THE CORPORATE LIMITS OF THE CITY; AND AUTHORIZING OTHER RELATED ACTIONS IN CONNECTION WITH THE IMPLEMENTATION OF SAID COOPERATION AGREEMENT; AUTHORIZING AND DIRECTING THE CITY MANAGER ON BEHALF OF THE CITY TO ENTER INTO AND EXECUTE ONE OR MORE CONTRACTS FOR THE SALE OF CERTAIN REAL ESTATE BY THE CITY TO THE LAMBERT AIRPORT EASTERN PERIMETER JOINT DEVELOPMENT COMMISSION CREATED PURSUANT TO THE COOPERATION AGREEMENT; AUTHORIZING THE EXECUTION AND APPROVAL OF OTHER DOCUMENTS AS MAY BE NECESSARY AND APPROPRIATE TO IMPLEMENT THIS ORDINANCE; AND CONTAINING A SEVERABILITY CLAUSE. EFFECTIVE WHEN;
introduced by Council as a Whole, and read the first time.

3F. BILLS REQUIRING SECOND READING

Bill No. 6636 AN ORDINANCE AMENDING CHAPTER 7 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE VII – EXISTING RESIDENTIAL BUILDINGS, DIVISION 2 – MINIMUM SPACE REQUIREMENTS, BY ENACTING A NEW SECTION 7.145.2.1 – CONDITIONAL OCCUPANCY PERMITS;
EFFECTIVE WHEN,

The bill was introduced by Mr. Crinnion and seconded, and discussed at length.

Mr. Corson made a motion to amend allowing conditional permits for rental and leased units, with a \$2,000 escrow.

Mr. Wolf motioned to hold the bill over for Attorney Bresnahan to prepare an amendment. The motion was seconded and passed 4-3 on a voice vote.

Ayes: Tierney, Kallstrom, Wolf, Corson

Noes: Faul, Crinnion, Wegert

Bill No. 6643 AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COSTS OF CUTTING AND REMOVING WEEDS AS PROVIDED UNDER CHAPTER 46. VEGETATION, ARTICLE III. WEEDS AND VINES, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI;
EFFECTIVE WHEN,

introduced by Council as a Whole, and read the first time. A motion was made by Mr. Tierney, seconded and carried to read the bill a second time and place it upon its passage. On roll call, the motion carried as follows:

AYES: Wegert, Kallstrom, Corson, Tierney, Faul, Crinnion, Wolf
NOES: 0

Bill No. 6643 was declared passed and sent to the Mayor for signature. Bill No. 6643 thus became Ordinance No. 2003-3172 and is permanently recorded in Book 25 on page 119.

Bill No. 6644 AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COST OF REMOVING TRASH AND DEBRIS AS PROVIDED UNDER CHAPTER 28. NUISANCES, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI; EFFECTIVE WHEN,

introduced by Council as a Whole, and read the first time. A motion was made by Mr. Tierney, seconded and carried to read the bill a second time and place it upon its passage. On roll call, the motion carried as follows:

AYES: Kallstrom, Corson, Tierney, Faul, Crinnion, Wolf, Wegert

NOES: 0

Bill No. 6644 was declared passed and sent to the Mayor for signature.

Bill No. 6644 thus became Ordinance No. 2003-3173 and is permanently recorded in Book 25 on page 138.

Bill No. 6645 AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COSTS OF BOARDING UP BUILDINGS AS PROVIDED UNDER CHAPTER 7. BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI; EFFECTIVE WHEN,

introduced by Council as a Whole, and read the first time. A motion was made by Mr. Crinnion, seconded and carried to read the bill a second time and place it upon its passage. On roll call, the motion carried as follows:

AYES: Corson, Tierney, Faul, Crinnion, Wolf, Wegert, Kallstrom

NOES: 0

Bill No. 6645 was declared passed and sent to the Mayor for signature.

Bill No. 6645 thus became Ordinance No. 2003-3174 and is permanently recorded in Book 25 on page 142.

MISCELLANEOUS

Mr. Kallstrom – wanted to thank Rick and the Public Works Department for installing the new American Legion sign and commented on how nice it looks. He said according to Public Works we need some Pride of the City nominations. Mr. Kallstrom said he enjoyed the 6 mile 10K Volksmarch Family Walk which was sponsored by St. Louis - Stuttgart Sister City Committee and co-sponsored by the City of Ferguson Recreation Department this past Saturday. Mr. Kallstrom said he saw several residents working in their yards enjoying the beautiful sunny day.

Mr. Corson – stated that he was glad that the Council could discuss issues in a frame of mind to help our citizens and try to do the best that we can. Mr. Corson stated that he appreciates the opposing views and the discussions regarding the conditional occupancy permits and he has to solve some issues in his mind and will try not to cause too much delay. Thank you.

Mr. Tierney - nothing at this time, thank you.

Mrs. Faul – questioned about placing an article in the Times about yard waste. Mr. Moonier stated that the discussion of the article was placed back on the *drawing board*, with the idea of placing yard waste information on a very thin refrigerator magnet that would be handy for the residents to have. Mr. Moonier said that Mr. Seiter has been very helpful in giving him information regarding the magnets. Mr. Moonier said that some of the information on the magnet would contain the Holiday schedule, which may get confusing at times, and procedures dealing with yard waste disposal as well as some other yard waste issues. Mrs. Faul also wanted to offer a prayer for peace in the world and to remind citizens of the importance of the trauma care services and the importance for DePaul Health Center to continue with their trauma center. Mayor Wegert said there would be a Resolution on the trauma care services at the next Council Meeting. Mrs. Faul thought there was an ad for the Economic Developer and Mayor Wegert stated there were six responses. Mayor said they are going to take a look at the ad for any changes in order for an increase in the responses.

Mr. Crinnion – last summer when negotiating the Midwest Waste contract Midwest was going to help us with a grant to get larger trash cans and wanted to know what the status. Mr. Moonier stated that Midwest notified us that we were rejected for the grant based on the fact that the intent of the grant program is to reduce the amount of trash that is going into the landfills as opposed to a convenience for customers to have larger containers. In the St. Louis County Municipal League Newsletter that has been received by some people it indicates other reasons we should be able to get the grant, that being the case, Mr. Moonier will follow up and see if we can get placed back on the grant program. Mr. Crinnion stated that maybe Tony Lamantia, of Midwest Waste, could come and talk at one of our meetings regarding these issues. He also wanted to say a prayer for a speedy return for our troops overseas and that we are thinking of them often, every minute. Thank you.

Mr. Wolf – nothing.

Mayor Wegert – The plans for the Lakeshore improvements are in the NATA room. Chief Moonier said the plan and the original design plans from Black & Veatch with some suggested modifications to the plan will be available for the public to view. Mayor Wegert encouraged Council to look at the plan with the suggested changes that will have some additional costs, if we proceed.

Mayor Wegert - The Garden Series will present a program on the 26th of April 2003 *Shade*

Gardening from 9:30 a.m. to 11:00 a.m. Mayor complimented Theresa Carper on doing a nice job with the Garden Series. Theresa Carper also advises that we are the recipient of a grant from AgriMissouri to help with the operation of the new Farmers Market, which will be starting in June. Mayor congratulated the people who worked on the project. Mayor gave a brief update on the City Manager position. The Oldani Group said there is a slight delay on proofing and production of the brochure that is being used to advertise for the City Manager. Oldani is asking that the closing date be moved out a week, which will put the final interviews to the City, by the 2nd of June.

Attorney Bresnahan – nothing at this time.

Mr. Moonier would like to thank Mr. and Mrs. Tierney, who arrived in Ferguson approximately five years ago, and reside in a beautifully restored home in the 300 block of Hereford.

Mr. Moonier stated that some residents might have heard on the news that the City had a very lengthy investigation as well as retrieval in the 300 block of Hereford that started approximately 11:30 p.m on Friday night and lasted until approximately 5:00 a.m. Saturday morning. With the police, fire and emergency personnel at the scene, the Tierneys furnished the use of their home, continually providing soft drinks and coffee, throughout the entire investigation. Mr. and Mrs. Tierney constantly checked on the welfare of everyone. Mr. Moonier said he is going to acknowledge the couple publicly, but he did want to mention the incident tonight and that Ferguson greatly appreciated their efforts.

There being no further business to consider, the meeting adjourned at 9:35 p.m.

Debbie Matthies,
City Clerk