

FERGUSON CITY COUNCIL

Regular Meeting, July 22, 2003

**Work Session, 7:00 P.M.
Council Meeting, 8:00 P.M.**



The regular meeting of the Ferguson City Council was called to order at 8:00 p.m. on July 22, 2003 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
Tom Wolf
Peggy Faul
Bill Duncan

Also present were Interim City Manager Tom Moonier, City Attorney Rick Bresnahan and City Clerk Debbie Matthies. Ms. Matthies declared a quorum was present.

Mayor Wegert welcomed all present and explained the meeting tonight would be the Public Hearing Portion, the Public Portion and the Business Portion. One Public Hearing was scheduled:

- 1) Proposed Property Tax Rates

SPECIAL PRESENTATION

Mayor Wegert announced the Pride of the City program was back and read the letter

sent to the Pride of the City award winners. Mayor Wegert and Mr. Poelker introduced the Pride of the City winners. Mayor Wegert presented each of the winners with certificates and City Flags. Mayor Wegert stated that the goal was to make sure every house in Ferguson has a City Flag. In Ward 1 the winner was 1072 Chatelet Drive, Steven and Peggy Gettemeier, Ward 2 was 4 Sandringham, Melvin Benne and Ward 3 was 32 Patricia, Tim and Kelly Layton. All were present to receive their awards and signs will be placed in their yards by the Inspections Department. Mr. Poelker briefly explained the Pride of the City program.

PUBLIC HEARING - Proposed Property Tax Rates.

Jo Ann Bordeleau, Finance Director, presented and gave an overview of the Proposed Property Tax Rates for 2003. Ms. Bordeleau explained that Bill No. 6654 on the Agenda will set the Property Tax Rates for 2003 but will probably be amended at the next Council meeting with the final figures coming from St. Louis County. Ms. Bordeleau explained this year new legislation requires the City set separate tax rates for each class of property. There is one rate for Residential Real Estate, Agricultural, Commercial and Personal Property. The assessed value did increase slightly from \$177,608,204 to \$178, 804,612, which included new construction.

The following sets forth the rates for each Fund and Category:

<u>Assessed Valuation</u> <u>(by category)</u>	<u>Current Tax Year</u> <u>2003 (est.)</u>	<u>Prior Tax Year</u> <u>2002</u>
Real Property:		
Residential	\$ 97,067,040	\$ 93,764,380
Agricultural	7,220	6,930
Commercial	40,762,670	40,023,200
Personal Property	<u>40,967,682</u>	<u>43,813,694</u>
	\$178,804,612	\$177,608,204

<u>Fund</u>	<u>Property Tax Revenue</u> <u>Budgeted for 2004</u>	<u>Proposed Tax Rates for 2003:</u>			
		<u>Real Estate:</u> <u>Res.</u>	<u>Agri.</u>	<u>Comm.</u>	<u>Personal</u> <u>Property</u>
General	\$793,500	0.430	0.429	0.437	0.450
Park	<u>329,435</u>	<u>0.183</u>	<u>0.180</u>	<u>0.186</u>	<u>0.202</u>
	\$1,122,935	0.613	0.609	0.623	0.652

Mr. Kallstrom questioned the comparison to last year's rates and Ms. Bordeleau explained last year there was one rate of 44.1 for the General fund and one rate of 18.9 for the Park fund.

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. (8:15 p.m.)

PUBLIC COMMENTS

Matt Muckler, State Representative, 13 N. Elizabeth reported the Special Session ended and gave Council a Legislation year-end wrap up. Discussion ensued with regard to the Protection of the Elderly Act; the DePaul Health Trauma Center, which will be open for another year, and the Airport Development Project.

Joe Lonero – 901 Hudson – has concerns and comments regarding the liquor license fees not being fair across the board; the first reading of Bill No. 6657 of the rezoning of the Downtown area and feels it is correct and for Council to consider the Bill before an amendment. Mr. Lonero thanked the City for their combined efforts with FSBD on the hiring of a Downtown Development Coordinator.

Jim Weiskopf – 1259 Deer Ridge, representing the Ferguson Citizens Committee. Mr. Weiskopf explained that the Committee had been discussing the issues of City term limits for City Council members and the Committee would like the issue re-visited. The Committee started the initiative Petition process, and would like to see Council take the appropriate steps to place this issue on the November ballot. Discussion ensued. Mr. Weiskopf thanked Council.

Terri House – 11 Lakeview Court – has concerns and comments regarding the rezoning of DB1 and feels that it is correct and for Council to consider the Bill before an amendment. Ms. House thanked Council for the opportunity to participate in the Citizens Review Panel for the City Manager and to consider the work, time and thought the panel put into the process when Council makes their decision. Ms. House commented that she is in complete support of the term limit issue.

Mayor Wegert asked Ms. House to update the Council on the status of the license office. Ms. House thanked Mayor Wegert and Matt Muckler for their help. Ms. House explained that the license office in Northwoods had been closed by the State of Missouri a few months ago and recently reopened in the same location. The Northwoods office is only 2.9 miles from the Ferguson office and affects the revenue generated at the Ferguson office. Discussion ensued and Ms. House hoped the residents would visit the Ferguson office which is a non-profit office operated by the Ferguson Lion's Club. The profits go to this community or given to projects under the Lion's International. The Ferguson license office is a significant part in the revitalization of downtown Ferguson. Ms. House thanked Council.

Mayor declared the public portion closed at 8:30 p.m.

APPROVAL OF MINUTES

Minutes

Regular Council Meeting, June 24, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Closed Council Meeting, June 24, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Closed Council Meeting, July 16, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Landmarks Commission Meeting, July 16, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Board of Adjustment Meeting, April 1, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

MANAGER'S REPORT

Interim City Manager Tom Moonier explained the items on the Agenda.

NEW BUSINESS

A request to move the August 26th Council Meeting to August 12th, 2003 was made by Councilman Crinnion, seconded, and passed 7-0.

REQUESTS

A request for a new Liquor License for Ferguson Amoco, 10633 New Halls Ferry Road, new owner is Sam Khoury; Managing Officer Vincelle F. Caviness is recommended for approval subject to completion of two inspection items. Both items were reported as having been completed. Mr. Khoury was present at the meeting for questions and comments. Discussion ensued with regard to the Amoco sign and new improvements to the building. Mr. Khoury thanked Council.

A motion was made by Mayor Wegert to approve the request for a new Liquor License for Ferguson Amoco, 10633 New Halls Ferry Road, seconded, and passed unanimously 7-0.

BILLS REQUIRING FIRST READING

BILL NO. 6654 AN ORDINANCE FIXING THE RATE OF TAXATION FOR

THE YEAR 2003 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.

BILL NO. 6655 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FERGUSON, MISSOURI, ON BEHALF OF THE CITY TO ACCEPT FOR PUBLIC PURPOSES, REAL PROPERTY IDENTIFIED AS LOCATOR NO. 12H220209, HELD IN TRUST BY THE TRUSTEE OF ST. LOUIS COUNTY FOR A FEE OF TWENTY-SIX DOLLARS (\$26.00) TO COVER THE RECORDING FEE; EFFECTIVE WHEN, introduced by Council as a Whole.

BILL NO. 6656 AN ORDINANCE FOR THE INSTALLATION OF A NEW WATER MAIN AND FIRE HYDRANTS ALONG PERSHALL ROAD STARTING AT ITS INTERSECTION WITH NEW HALLS FERRY ROAD AND CONTINUING WEST ALONG PERSHALL ROAD IN THE CITY OF FERGUSON, MISSOURI, EFFECTIVE WHEN, introduced by Council as a Whole.

BILL NO. 6657 AN ORDINANCE AMENDING CHAPTER 49, ZONING, SECTION 15.0 DB-1 DOWNTOWN CORE BUSINESS DISTRICT BY AMENDING SECTION 15.3 RESTRICTED PERMITTED USE SUBSECTION J PERSONAL AND LAUNDRY TO REFLECT THE INTENT OF COUNCIL WHEN ORIGINALLY PASSED; EFFECTIVE WHEN, A motion was made by Mayor Wegert, to postpone Bill No. 6657 indefinitely, seconded and passed unanimously 7-0.

BILL NO. 6661 AN ORDINANCE FOR THE INSTALLATION OF A NEW WATER MAIN AND FIRE HYDRANTS ALONG ELIZABETH AVENUE, PERSHALL ROAD AND CHARLOTTE DRIVE, IN THE CITY OF FERGUSON, MISSOURI, EFFECTIVE WHEN, introduced by Council as a Whole.

BILL NO. 6662 AN ORDINANCE EXTENDING THE TIME FOR THE GREATER GRACE CHURCH TO COMPLETE THE INSTALLATION OF A CERTAIN WATER MAIN AND LINE EXTENSION AS PREVIOUSLY AGREED IN THE ESCROW AGREEMENT GUARANTEEING UTILITY IMPROVEMENTS ENTERED ON THE 25TH DAY OF JULY, 2002. EFFECTIVE WHEN, introduced by Council as a Whole.

BILLS REQUIRING SECOND READING (AS AMENDED)

BILL NO. 6653 (AS AMENDED) AN ORDINANCE AMENDING CHAPTER 49, ZONING, SECTION 3.2 DISTRICT MAP, OF THE CODE

OF THE CITY OF FERGUSON, MISSOURI, BY CHANGING THE ZONING OF A CERTAIN DESCRIBED TRACT OF LAND BEING PART OF SECTION 31, TOWNSHIP 47 NORTH, RANGE 7 EAST, CITY OF FERGUSON, FROM R-4 PLANNED RESIDENCE DISTRICT WITH AN AGE RESTRICTION TO R-4 PLANNED RESIDENCE DISTRICT WITH AN AGE RESTRICTION EXCEPT AS TO OWNER-OCCUPIED SINGLE-FAMILY DWELLINGS; 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 as amended a second time and place it upon its passage.

DISCUSSION: Attorney Bresnahan explained that there was an amendment requested by the Attorney for Kemp. Attorney Bresnahan then read Section 1 of the Ordinance. The Attorney requested that the end of Section 1. be amended by deleting "as to" in the third line from the bottom of Section 1. and substituting "that the age restriction shall not apply to" owner-occupied single-family dwellings. That is the amendment to the Bill and Mr. Bresnahan does not have a problem with the change.

A motion to adopt the amendment to clarify that the age restriction did not apply to owner-occupied single-family dwellings was made by Mr. Kallstrom, seconded, and passed unanimously 7-0.

BILL NO. 6653 (AS AMENDED) AN ORDINANCE AMENDING CHAPTER 49, ZONING, SECTION 3.2 DISTRICT MAP, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI, BY CHANGING THE ZONING OF A CERTAIN DESCRIBED TRACT OF LAND BEING PART OF SECTION 31, TOWNSHIP 47 NORTH, RANGE 7 EAST, CITY OF FERGUSON, FROM R-4 PLANNED RESIDENCE DISTRICT WITH AN AGE RESTRICTION TO R-4 PLANNED RESIDENCE DISTRICT WITH AN AGE RESTRICTION EXCEPT AS TO OWNER-OCCUPIED SINGLE-FAMILY DWELLINGS; 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 as amended a second time and place it upon its passage.

AYES: 7 – Kallstrom, Crinnion, Wolf, Wegert, Faul, Duncan, Corson
NOES: 0

Bill No. 6653 as amended was declared passed and sent to the Mayor for signature. Bill No. 6653 thus became Ordinance No. 2003-3181 and is permanently recorded in Book 25, on page 181.

EMERGENCY BILLS –
BILLS REQUIRING EMERGENCY FIRST AND SECOND READING

Attorney Bresnahan explained the nature of the Bills, which requires them to be given emergency first and second reading at this meeting.

BILL REQUIRING EMERGENCY FIRST READING

BILL NO. 6658 AN ORDINANCE CONFIRMING AN AGREEMENT BETWEEN SUNRISE CONSTRUCTION, INC. AND THE CITY FOR THE MAKING OF STREET IMPROVEMENTS TO THE PUBLIC STREETS IN THE CITY OF FERGUSON AND DECLARING AN EMERGENCY IN ORDER THAT THE PUBLIC HEALTH, SAFETY AND WELFARE MIGHT BE MOST EFFECTIVELY PROVIDED FOR; EFFECTIVE WHEN, introduced by Council as a Whole.

BILL REQUIRING EMERGENCY SECOND READING

BILL NO. 6658 AN ORDINANCE CONFIRMING AN AGREEMENT BETWEEN SUNRISE CONSTRUCTION, INC. AND THE CITY FOR THE MAKING OF STREET IMPROVEMENTS TO THE PUBLIC STREETS IN THE CITY OF FERGUSON AND DECLARING AN EMERGENCY IN ORDER THAT THE PUBLIC HEALTH, SAFETY AND WELFARE MIGHT BE MOST EFFECTIVELY PROVIDED FOR; 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 vote, the motion carried as follows:

AYES: 7 – Crinnion, Wolf, Wegert, Faul, Duncan, Corson, Kallstrom
NOES: 0

Bill No. 6658 was declared passed and sent to the Mayor for signature.
Bill No. 6658 thus became Ordinance No. 2003-3182 and is permanently recorded in Book 25, on page 184.

BILL REQUIRING EMERGENCY FIRST READING

BILL NO. 6659 AN ORDINANCE CONFIRMING AN AGREEMENT BETWEEN DAVE'S LAWN AND LANDSCAPING SERVICES, INC. AND THE CITY FOR REPLACEMENT OF APPROXIMATELY 1800 LINEAL FEET OF CONCRETE WALL AROUND JANUARY-WABASH LAKE AND OTHER IMPROVEMENTS TO SAID AREA AND DECLARING AN EMERGENCY IN ORDER THAT THE PUBLIC HEALTH, SAFETY AND WELFARE MIGHT BE MOST EFFECTIVELY

PROVIDED FOR; EFFECTIVE WHEN, introduced by Council as a Whole.

BILL REQUIRING EMERGENCY SECOND READING

BILL NO. 6659 AN ORDINANCE CONFIRMING AN AGREEMENT BETWEEN DAVE'S LAWN AND LANDSCAPING SERVICES, INC. AND THE CITY FOR REPLACEMENT OF APPROXIMATELY 1800 LINEAL FEET OF CONCRETE WALL AROUND JANUARY-WABASH LAKE AND OTHER IMPROVEMENTS TO SAID AREA AND DECLARING AN EMERGENCY IN ORDER THAT THE PUBLIC HEALTH, SAFETY AND WELFARE MIGHT BE MOST EFFECTIVELY PROVIDED FOR; EFFECTIVE WHEN, 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 – Wolf, Wegert, Faul, Duncan, Corson, Kallstrom, Crinnion
NOES: 0

Bill No. 6659 was declared passed and sent to the Mayor for signature. Bill No. 6659 thus became Ordinance No. 2003-3183 and is permanently recorded in Book 25, on page 186.

BILL REQUIRING EMERGENCY FIRST READING

BILL NO. 6660 AN ORDINANCE CONFIRMING AN AGREEMENT BETWEEN REINHOLD ELECTRIC COMPANY AND THE CITY FOR ERECTION OF LIGHT POLES AND FIXTURES, INCLUDING NEW FOUNDATIONS ON FLORISSANT ROAD AND OTHER IMPROVEMENTS TO SAID AREA AND DECLARING AN EMERGENCY IN ORDER THAT THE PUBLIC HEALTH, SAFETY AND WELFARE MIGHT BE MOST EFFECTIVELY PROVIDED FOR; EFFECTIVE WHEN, introduced by Council as a Whole.

BILL REQUIRING EMERGENCY SECOND READING

BILL NO. 6660 AN ORDINANCE CONFIRMING AN AGREEMENT BETWEEN REINHOLD ELECTRIC COMPANY AND THE CITY FOR ERECTION OF LIGHT POLES AND FIXTURES, INCLUDING NEW FOUNDATIONS ON FLORISSANT ROAD AND OTHER IMPROVEMENTS TO SAID AREA AND DECLARING AN EMERGENCY IN ORDER THAT THE PUBLIC HEALTH, SAFETY AND WELFARE MIGHT BE MOST EFFECTIVELY PROVIDED FOR; 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 vote, the motion carried as follows:

AYES: 7 – Wegert, Faul, Duncan, Corson, Kallstrom, Crinnion, Wolf
NOES: 0

Bill No. 6660 was declared passed and sent to the Mayor for signature.
Bill No. 6660 thus became Ordinance No. 2003-3184 and is permanently recorded in Book 25, on page 188.

MISCELLANEOUS

Mayor Wegert announced there would be a closed session after the meeting.

John Corson – Had concerns with moving the term limit issue forward for the November 2003 election.

Keith Kallstrom – reminded everyone of the August 5th, 2003 election – to establish a semi-annual registration fee (\$200.00) for residential structures in the City which have been vacant for six months or more and is in violation of the City's Housing Codes.

Mark Crinnion – congratulated the Pride of the City winners. Thanked the employees, residents and everyone else involved with the 4th of July festivities. Mr. Crinnion would like to see the term limit issue move forward.

Tom Wolf – congratulated the Pride of the City winners. Mr. Wolf would ask that the term limit issue be carefully looked at before moving forward.

Peggy Faul – congratulated the Pride of the City winners. Concurred with Mr. Kallstrom on reminding everyone of the importance of the August 5th, 2003 election. Ms. Faul has heard favorable comments regarding Splash, January Wabash Lake and the Streetscape projects.

Bill Duncan – Thanked and appreciated Davidson Trucking Company for removing their trucks on Elizabeth Avenue. Concurred with the concerns of Mr. Corson on moving the term limit issue forward.

Mayor Wegert – Status of mold house – Chief Moonier said project was finished. Attorney Bresnahan said demolition will take place Thursday at 7:00 a.m. until finished. Mayor Wegert requested the neighbors be noticed of the demolition and Chief Moonier will make

sure neighbors are aware of the demolition.

Chief Moonier – announced to hopefully have the new rescue squad truck on display at City Hall for the next Council Meeting of August 12th, 2003. Chief Moonier thanked Aaron Rents for moving their parked vehicles to the back of their lot.

Mayor Wegert – Council toured the new High School and were impressed.
If on schedule the school will open in January 2004.

There being no further business to consider, the meeting recessed at 9:05 p.m.

Debbie Matthies, City Clerk

Council at 9:05 p.m. entered into closed session in accordance with RSMo 610.021 to discuss matters relating to litigation, legal actions, and/or communication from the City Attorneys as provided under Section 610.021(1) RSMo, and/or personnel matters under Section 610.021(13) RSMo, and/or employee matters under Section 610.021(3) RSMo, and/or real estate matters under Section 610.021(2) RSMo.

A motion was made by Mayor Wegert and seconded to enter into closed session under Section 610.021 (2) (13) RSMo. On roll call vote, the motion carried as follows:

AYES: 7 – Kallstrom, Crinnion, Wolf, Wegert, Faul, Duncan, Corson

NOES: 0

Personnel and Real Estate matters were discussed.

A motion was made by Mayor Wegert and seconded to convene to open session. On roll call vote the motion carried as follows:

AYES: 7 – Faul, Wegert, Crinnion, Wolf, Corson, Kallstrom, Duncan

NOES: 0

There being no further business to consider, the meeting adjourned at 11:30 p.m.

Debbie Matthies, City Clerk