

## **FERGUSON CITY COUNCIL**

**Regular Meeting, October 14, 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 October 14, 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 City Manager A.J. Krieger, City Attorney Richard Bresnahan 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. There were two Public Hearings scheduled:

- 1) National Flood Insurance Program Public Hearing
- 2) Special Use Permit – 303 S. Florissant Public Hearing

### **UNFINISHED BUSINESS**

#### **Municipal Park Grant Application Request**

Dave Smith, Director of Recreation, presented and gave an overview on the Municipal Park Grant Application. He explained the grants are the St. Louis County municipalities' share of the 1/10 cent sales tax approved by voters November, 2000. The statute provides 50% of the funds are for the regional park district, 30% for St. Louis County parks and 20% for the County municipalities. This round they have approximately \$3.5 - \$4.0 million to allocate. The applications for this round are due by October 31, 2003 with an intention to notify grant recipients by early January 2004. An Advisory Board

created by the Municipal Parks Grant Commission will again evaluate the applications with contracted administrative help from the County Municipal League Staff. The purposes for the grants are to improve, restore and expand the existing local parks and recreation facilities and programs.

City staff recommends the City submit an application to the Municipal Parks Grant Commission for approximately \$135,000 to be used along with the \$50,000 in the current budget to complete the January-Wabash Memorial Park trail and park lighting project. The application is due by October 31, 2003. Staff needs Council to approve and pass a Resolution supporting the grant at the October 28, meeting prior to the October 31, 2003 deadline.

Mayor Wegert stated money was budgeted and Council approves the grant. A.J. Krieger, City Manager will update the Council on the status of the application.

#### **PUBLIC HEARING** – National Flood Insurance Program

A.J. Krieger, City Manager explained that a Public Hearing needs to be conducted when revisions are made to the Flood Plain Map. The revisions benefit the private property owners immediately adjacent to or in close proximity to the Flood Plain.

Terry O'Neil, Assistant Public Works Director, presented and gave an overview of the National Flood Insurance Program control efforts at the 270/New Hallsferry location. Walpert Properties started the flood control efforts by narrowing the floodway channel along New Hallsferry, south of the Pershall Road location. The intent was to reduce the actual 1% chance of water-surface elevations in the event of a flood occurrence. At the conclusion of the construction phase they would submit evidence of the new elevations to the Federal Government for a Letter of Map Revisions (LOMR). The construction is completed and they are submitting all pertinent documentation for formal review.

The City of Ferguson sent the appropriate notices to alert all owners within the affected area of the activities and to advise the owners of the Public Hearing being held on October 14, 2003.

Mayor Wegert asked for public comments and/or questions. There being no further comments, the National Flood Insurance Program public hearing concluded at 8:15 p.m.

#### **PUBLIC HEARING** - Special Use Permit – 303 S. Florissant

A.J. Krieger, City Manager explained that the Special Use Permit for 303 S. Florissant is to accommodate a change in ownership. The Plan Commission imposed some restrictions regarding the hours of operation and the applicant has agreed to follow the stipulations.

Terry O'Neil, Assistant Public Works Director presented and gave an overview of the Special Use Permit at 303 S. Florissant Road to accommodate a change in ownership. The business has been in operation for several years, at 303 S. Florissant and an employee recently purchased the business. Beauty Salons are a Special Use in this district, and with the sale to the new owners, the Special Use needs to be issued to the new owner. The applicant stated there is no plan to change the operation. The Plan Commissions' recommendation is to approve the petition with a stipulation to restrict the hours of operation to be Monday through Saturday from 7 a.m. to 10 p.m. and closed on Sunday. The applicant has agreed to follow the stipulation on the hours of operation.

Discuss ensued with regard to Zoning and non-conforming business status.

Mayor Wegert asked for public comments and/or questions. There being no further comments, the Special Use Permit public hearing concluded at 8:20 p.m.

Attorney Bresnahan informed Council that since there were no objections the Special Use Permit can be approved at this meeting. The matter will be taken up under the Manager's Report.

### **SPECIAL PRESENTATION**

De'Carlon Seewood, Assistant to the City Manager explained every year the City presents an Employee of the Year Award and two Exemplary Employee Performance Awards. The employees are nominated by their co-workers under certain criteria. The Personnel Board reviews all of the recommendations and makes the final decision.

Dean Emmerling was selected for 2003 Employee of the Year. Kathy Murphy and David Hendrich were selected for 2003 Exemplary Employees of the Year. Kathy Murphy was present to receive an award and check from the Mayor.

Mr. Seewood announced the Employee that had the most nominations was "Flik" who was present to receive his award.

### **PRIDE OF THE CITY**

Ward 1      1255 Chateau Woods      Jerome Campbell

Ward 2	404 Adams	Linda Meyer
Ward 3	1040 Wylin	Sheri Walls

Terry O'Neil, Assistant Public Works Director explained the Pride of the City program. Mr. O'Neil and Mayor Wegert introduced the Pride of the City winners. Mayor Wegert presented each of the winners with a letter, certificate and City Flag. In Ward 1 the winner was Jerome Campbell at 1255 Chateau Woods, Ward 2 was Linda Meyer at 404 Adams and Ward 3 was Sheri Walls at 1040 Wylin. All were present to receive their awards. Signs will be placed in their yards by the Inspections Department. Council congratulated the winners.

### **PUBLIC COMMENTS**

Brian Fletcher – 202 S. Elizabeth – had concerns and comments regarding the railroad overpass damage and when and if it will be repaired. Mr. Fletcher announced that Ferguson Florissant School District Superintendent, Dr. James Travis is retiring and Mr. Jeffrey Spiegel, an internal candidate, who has been with the School District for 28 years and is currently Director over Secondary Education, was selected to replace Superintendent Dr. James Travis.

Councilwoman Faul had concerns and comments that the Superintendent position was not opened for a Superintendent search or to get input from parents, and the community. Mr. Fletcher explained that there was a debate on doing a search. Discussion ensued.

Mayor Wegert had concerns and comments with the relationship between the School District and the City. Mayor Wegert feels it would be important for the School Board to communicate these types of decisions to the public. Discussion ensued. Council thanked Mr. Fletcher.

Bud Seiter – 218 Tiffin – had concerns and comments regarding the sound system at City Hall. Mr. Seiter congratulated and welcomed the new City Manager A.J. Krieger to the City of Ferguson.

Terri House - #11 Lakeview Court – Congratulated and welcomed the new City Manager. Ms. House on behalf of FSBA thanked everyone involved with and attendees of Streetfest. Ms. House announced the first Streetfest 2004 meeting will be held on October 27 at the home of Bud Seiter and anyone who would be interested in becoming part of the committee is welcomed. Ms. House thanked Chief Moonier for being tolerant of the business community with their many needs and wants.

Elizabeth Thimling, Public Affairs Coordinator with the St. Louis Association of Realtors introduced herself to Council and explained her position is to stay informed of individual neighborhood and real estate issues throughout the St. Louis metro area, which keeps the Association up-to-date on happenings affecting the industry.

Mayor Wegert explained that the City has an active housing corporation and suggested Ms. Thimling contact Mrs. Theresa Carper and Mark Etling. Council thanked Ms. Thimling.

Mayor declared the public portion closed at 8:35 p.m.

### **APPROVAL OF MINUTES**

Regular Council Meeting – September 23, 2003 – A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Housing Board of Appeals Meeting – September 8, 2003 – A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Park Board Meeting – September 16, 2003 – A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Ferguson Senior Citizens Commission Meeting – October 2, 2003 - A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

### **MANAGER'S REPORT**

City Manager A.J. Krieger, explained the Special Use Permit for 303 S. Florissant. The Special Use Permit needed Council approval.

Motion was made by Councilman Crinnion to approve the Special Use Permit for 303 S. Florissant, seconded, and passed unanimously 7-0.

City Manager Krieger, commented that he did not have a set Manager's Report to give to Council but, with Council's approval, would prefer to give Council memos and other related items for each action item and be prepared to answer questions Council might have moving through the Agenda. Mr. Krieger will be sending Council communication items and have work sessions, etc. to update Council on other matters but would prefer to answer Council questions item by item, if Council approves.

Mayor Wegert explained, in the past, the City Manager briefly explains the items on the Agenda to keep the audience informed.

### **APPOINTMENTS - Continue Board and Commission Appointments.**

Councilman Kallstrom motioned to appoint Jennifer Arnold of 41 Patricia to replace Emily Whaley on the Traffic Commission, seconded, approved unanimously 7-0.

### **PROCLAMATION**

National Breast Cancer Awareness Month Proclamation was read by Attorney Bresnahan.

## **REQUESTS**

Request for a name change on Liquor License from "Chief's Sports Bar & Grill" to "This Is It Sports Bar & Grill". A motion was made by Mayor Wegert to approve the request of a name change from "Chief's Sports Bar & Grill" to "This Is It Sports Bar & Grill", seconded, approved unanimously, 7-0.

## **BILLS REQUIRING FIRST READING**

Mayor Wegert stated the Emergency Readings will not be read as Emergency Bills.

Attorney Bresnahan explained the Legislature overrode the Governor's Veto on the Concealed Carry Law. The two drafted Ordinances presented to Council for first and second emergency readings were based upon the premise that the Law would go into effect October 11, 2003. On Friday, the Circuit Court of the City of St. Louis stayed the effectiveness of the Law, the Eastern District Court of Appeals declined to hear the case and the case is now in the Supreme Court. The Supreme Court indicated there would not be a ruling in the near future. The emergency has been temporarily stayed. Attorney Bresnahan recommends that the City move forward with the normal first reading of Bill Numbers 6667 and 6668.

## **BILLS REQUIRING FIRST READING**

**BILL NO. 6667 AN ORDINANCE AMENDING CHAPTER 29 OFFENSES  
ARTICLE VI OFFENSES AGAINST PUBLIC SAFETY DIVISION 3  
WEAPONS OFFENSES OF THE FERGUSON MUNICIPAL CODE BY  
ENACTING A NEW SECTION 29-136.5 FIREARMS IN CITY  
BUILDINGS; EFFECTIVE WHEN Introduced by Council as a Whole.**

**BILL NO. 6668 AN ORDINANCE AMENDING CHAPTER 29 OFFENSES  
ARTICLE VI OFFENSES AGAINST PUBLIC SAFETY DIVISION 3  
WEAPONS OFFENSES OF THE FERGUSON MUNICIPAL CODE BY  
ENACTING A NEW SECTION 29-136.6 CITY EMPLOYEES  
PROHIBITED FROM CARRYING FIREARMS WHILE ON DUTY; EFFECTIVE  
WHEN Introduced by Council as a Whole.**

## **MISCELLANEOUS**

John Corson – Welcomed A.J. Krieger as the new City Manager and congratulated employees of the year. Mr. Corson commented on the issue of Dr. James Travis retiring and his concerns with communication and cooperation between the School District and the City. Mr. Corson commented that the Streetfest was a fantastic opportunity to showcase the City and was amazed at the number of radio ads and impressed with the overall strategy and promotions with the event.

Keith Kallstrom – Enjoyed Streetfest and announced his son won a trophy at the auto show. Mr. Kallstrom would like to congratulate the exemplary employees of the year and the Pride of the City winners. Mr. Kallstrom also enjoyed the Craft Fair at the Farmer's Market. Mr. Kallstrom would like to welcome the new City Manager, A.J. Krieger, to the City of Ferguson and would like to welcome Mr. Boyd Bennett, new manager of Ferguson Wal-Mart and welcome Kenny Smith, the new manager of CiCi's Pizza at the Crossings at Halls Ferry. Mr. Kallstrom would like to extend his condolences to the family of Mr. James Chubb who passed away recently. Mr. Chubb was an Attorney and a Judge for Ferguson. Mr. Kallstrom thanked the Police Department, especially Officer Tim Harris and Officer Mike Doedli for placing the City among the first communities in Missouri to introduce it's citizens to an upgraded version of Civil Defense, called Community Emergency Response Team, or CERT concept.

Mr. Kallstrom is in the first class and is learning more about how the Public Safety employees excel at saving lives and observed the thermal imaging camera in a building search exercise. Mr. Kallstrom thanked the Finance Department for its in-depth review of the Pension Benefit improvements and how the City ranked to other St. Louis County cities.

Mr. Kallstrom requested A.J. get a similar review of how the City stands in relation to pay competitiveness for other departments, i.e. Housing Inspectors, etc. He would also like to receive a summary of exit interview findings from the Personnel Department to see if the departures are pay related.

Mr. Kallstrom had previously requested a review of the City's Ordinance on home occupations as compared to Webster Groves for the purpose of improving the City's Ordinances on this subject. In checking with St. Louis County Municipal League he requested samples of other City Ordinances on the subject and received Brentwood's, Florissant and Hazelwood and would like staff to review and pass these on to the Plan Commission for their recommendations.

Mark Crinnion - Congratulated everyone who was involved with Streetfest and agreed the event did showcase the City very well and was a lot of fun. Mr. Crinnion congratulated the exemplary employees of the year and the Pride of the City winners and welcomed A.J.

Tom Wolf – Congratulated the employees of the year including Flik and welcomed A.J. Mr. Wolf's advice is to take notice of what the citizens have to say. Mr. Wolf announced that a new citizen group has formed called Old Ferguson West.

Peggy Faul – Agreed that Streetfest did showcase the City of Ferguson to the whole region. Mrs. Faul commented on the new look of the School Crossing Guards and congratulated the Pride of the City winners and the exemplary employees of the year. Mrs. Faul commented on how nice it is to see several citizen groups holding picnics and meetings and inviting Council to the gatherings. Mrs. Faul would like to send her prayers and concerns to Mr. Buzz Westfall and his family for a speedy recovery.

Mrs. Faul welcomed A.J.

Bill Duncan - Welcomed A.J. Krieger. Mr. Duncan read an article regarding the Smithsonian having a traveling exhibit and thought the Library might investigate the exhibit for the City.

Mayor Wegert asked Attorney Bresnahan for an update on Judge Kelly. Attorney Bresnahan explained that Judge Brockmeyer has been sitting in for Judge Kelly. Attorney Bresnahan will keep the Council advised on Judge Kelly's status.

Mayor Wegert asked Finance Director, Jo Ann Bordeleau to explain the new Receptionist position and duties. Ms. Bordeleau announced that Laura Khodai is the new Receptionist and started October 7<sup>th</sup>. Everyone in City Hall is helping to train her on the telephones and giving her direction. The main function of the Receptionist will be greeting City Hall visitors and directing telephone calls to the proper people. She will begin handling the trash complaints in the near future.

Mayor Wegert stated that Midwest Waste will pay a portion of the Receptionist salary and requested Ms. Bordeleau update the Council on how the trash complaints and procedures will be handled.

Mayor Wegert announced that there would be an Executive Session.

Attorney Bresnahan – Congratulated the exemplary employees of the year and thanked Chief Moonier for his Interim City Manager services and appreciated his hard work, support and guidance. Mr. Bresnahan welcomed A.J. and looks forward to working with him in the future.

A.J. Krieger – Business item not discussed in the Work Session –

Policy on Citizen Groups in City Hall - The Old Ferguson West meeting was held on October 6<sup>th</sup> and the facility was not open for them.

Mayor Wegert explained the City Clerk is responsible for coordinating the request for the use of the Council Chambers as a central point. However, the Old Ferguson West Group did not have a staff liaison who would normally be the person to open the facility.

A.J. suggested that the Council Chambers be available to hold formal meetings and procedures and policy can be discussed at a later time with Council. A.J. will meet with Shannon Howard to discuss the concerns of the group and update the Council.

A.J. thanked and appreciated everyone's welcome. A.J. wanted to extend a special thanks to City Clerk Debbie Matthies, Finance Director Jo Ann Bordeleau and Police Chief

Tom Moonier for making his transition easier by having a lot of interaction with them before starting with the City of Ferguson.

There being no further business to consider, Mayor Wegert announced that the meeting will recess at 9:05 p.m.

Council at 9:15 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 (1)(2)(13) RSMo. On roll call vote, the motion carried as follows:

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

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

There being no further business to consider, the meeting adjourned at 11:00 p.m.

Debbie Matthies, City Clerk