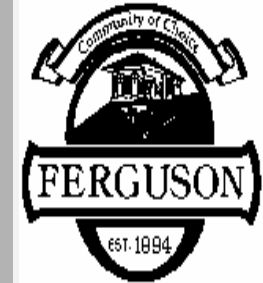


## **FERGUSON CITY COUNCIL**

**Council Meeting  
October 11, 2005**

**CLOSED SESSION, 7:00 P.M.  
WORK SESSION, 7:30 P.M.  
COUNCIL MEETING, 8:00 P.M.**

**CITY HALL  
110 Church Street**



On October 11, 2005 at 7:00 p.m. the Council entered into closed session in accordance with RSMo 610.021/610.022 to discuss matters relating to personnel and employee matters under Sections 610.021 (3) and (13) RSMo. The motion passed unanimously by roll call vote.

There being no further business to discuss, a motion was made by Council Member Corson, seconded, to convene to open session. The motion passed unanimously by roll call vote.

The regular meeting of the Ferguson City Council was called to order at 8:15 p.m. on October 11, 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 Hearing Portion, Public Portion and the Business Portion.

## **PUBLIC HEARING**

### ❖ Vintage Collision – 9260 W. Florissant (Special Use)

City Manager, A.J. Krieger explained under Chapter 49 a Public Hearing is required when a special use permit petition is received within the C-1 General Commercial District. A petition was received for 9260 W. Florissant Road, the proposed use is for an automotive repair shop. The Plan Commission reviewed and recommended approval of the proposed special use permit. The Petitioner is present for questions and comments. City Staff will have a recommendation under Agenda item 4E.

Dave Wright owner of the property and Four Rivers Real Estate I, LLC, gave a background on the property at 9260 W. Florissant Road. Gene Kroeger, Petitioner and owner of Vintage Collision & Auto Repair explained his business, which includes auto repair and bodywork, street rods, custom cars and insurance repairs.

Mr. Wright discussed the appearance of the building and capital improvements. Council questioned the repairing and parking of vehicles in the front of the building.

Mr. Krieger pointed out Special Use Permit Attachment C specifies no outside vehicle repair or no outside storage shall be permitted and Petitioner agreed to both conditions.

Council Member Corson had comments regarding the wrought iron parameter fencing and had concerns with it not being consistent with the surrounding shopping areas.

There being no further discussion. Mayor Fletcher declared the Public Hearing on Vintage Collision – 9260 W. Florissant (Special Use) closed at 8:25 p.m.

## **PUBLIC COMMENTS**

Jean Waldvogel – 1232 N. Elizabeth – comments and concerns regarding the Sewer Lateral Program.

Gunnar Brown – 425 Wesley – Market Master of the Ferguson Farmers' Market – Farzad Faramarzi will give a cooking presentation Saturday, October 15<sup>th</sup> and reminded everyone there are 3 weeks left for the Farmers' Market.

Ruth Brown – 425 Wesley Ave. – read a statement concerning a news article that was published in the 1923 Ferguson Town Talks regarding the Ku Klux Klan and reprinted in the October, 2005 Ferguson Historical Society Newsletter Mrs. Brown commented that Mr. Krieger is appalled that the Ferguson Historical Society reprinted an 82 year old news article the way it did about the Ku Klux Klan and wants the City to demand an apology. Mrs. Brown further commented that she takes full responsibility, she researches and writes the newsletter and prepares it for their membership. The members knew what the

following introduction meant. *“With no apologies, these articles and ads are chosen to please faithful members”*. Mrs. Brown further stated, that line was intended for articles and advertisement of current members’ families. Mrs. Brown stated that it did not occur to her that anyone would use that line as a weapon for misunderstanding and it did not occur to her that in 2005 anyone would think the Historical Society has members pleased with the Ku Klux Klan. Mrs. Brown continued explaining the article and why it was written.

There being no further public comments, Mayor declared the public portion closed at 8:35 p.m.

## **BUSINESS PORTION** **MINUTES**

Council Meeting Minutes – September 27, 2005. A motion was made by Council Member Larson, seconded, and carried to approve the Council minutes of September 27, 2005, and file as appropriate.

## **RESOLUTIONS**

2005-26 MUNICIPAL PARKS GRANT – A PROJECT PROPOSAL BE PREPARED AND SUBMITTED TO THE MUNICIPAL PARKS GRANT COMMISSION FOR ADDITIONAL SLIDES FOR THE SPLASH AT WABASH AQUATIC COMPLEX IN JANUARY WABASH MEMORIAL PARK was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

A motion was made by Council Member Corson to approve Resolution No. 2005-26, seconded.

Discussion regarding the Munny Park Grant October 28, 2005 deadline, and other options to consider other than the slide, the City wide Park Master Plan effort, a \$3.5 million dollars City pool requiring improvements and upgrades, a decline in attendance, and reservations on the size of the slide and confined space at Splash.

Mr. Krieger pointed out that the Staff Memo indicated a 30-foot high platform with a 190 foot enclosed loop slide and a 130-foot straight speed slide, Staff did their best to give Council the dimensions. Mr. Krieger commented that he was at a loss and did not anticipate the Council would not support adding this kind of amenity to the Splash and accepts the blame for not giving Council other options. In beginning the Park Master Plan effort, it never occurred to Mr. Krieger that the City would not want to apply for a grant to fund this work.

Recreation Director, Dave Smith explained that the grant could fund any kind of improvement to a park facility. Staff felt this would be something that the City needs and may not have another opportunity due to the cost. Mr. Smith commented other pool improvements would be to add another modular to the SCS unit (center water sculpture). The attendance has somewhat dropped off and the Splash needs to be freshened up to attract kids.

Discussion regarding other uses for the Grant included changing the entrance to Dade Park and the January Wabash restrooms. On roll call vote, the motion carried as follows:

AYES: 3 - Corson, Kallstrom, Hines

NOES: 4 - Knowles, Fletcher, Faul, Larson

Resolution failed 3-4.

Mr. Krieger asked for Council's direction on the grant use and, if possible, staff will make a presentation at the October 25, 2005 meeting. Mayor Fletcher stated he would like to see a proposal submitted for improving Dade Park, and believes the Old Ferguson West has submitted some concepts. Council is concerned about the timeframe and that an incomplete application will not look good for future grant applications.

Mr. Krieger commented the possibility of looking at the CIP and an existing park project, but is not sure staff has the ability to pull the necessary information together within the timeframe. Mr. Krieger commented he would take the blame. Council commented that Mr. Krieger was just following the Park Boards recommendation. Mayor commented that if staff cannot bring any other options to Council before the timeframe, Council understands.

2005-27 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.

A motion was made by Council Member Corson to approve Resolution No. 2005-27, seconded.

Public Works Director, Terry O'Neil explained that Clark Ave. and Lois are not completed streets and dead end into driveways.

Mr. Krieger explained that Lois is an unimproved surface and does not carry any traffic.

On roll call vote, the motion carried as follows:

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

NOES: 0

Resolution passes 7-0.

2005-28 RESOLUTION APPROVING A PROJECT (WITHIN THE MEANING OF CHAPTER 349, REVISED STATUTES OF MISSOURI) OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF ST. LOUIS, MISSOURI, TO BE LOCATED IN THE CITY OF FERGUSON, MISSOURI, was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

A motion was made by Council Member Knowles to approve Resolution No. 2005-28, seconded. On roll call vote, the motion carried as follows:

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

NOES: 0

Resolution passes 7-0.

**2005-29 A RESOLUTION OF THE CITY OF FERGUSON, MISSOURI, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR A FLOODWAY STUDY**, was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

A motion was made by Council Member Corson to approve Resolution No. 2005-29, seconded. On roll call vote, the motion carried as follows:

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

NOES: 0

Resolution passes 7-0.

### **PROCLAMATION**

A proclamation for Red Ribbon Week – October 23 – 31, 2005 was read by Mayor Fletcher.

### **SPECIAL USE PERMIT APPROVAL** - Vintage Collision – 9260 W. Florissant (Special Use)

A motion to approve the Special use permit for Vintage Collision, 9260 W. Florissant to operate an automotive repair shop was made by Council Member Knowles, seconded. On roll call vote, the motion carried as follows:

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

NOES: 0

Vintage Collision special use permit was approved 7-0.

### **BILLS REQUIRING FIRST READING**

BILL NO. 6727 - AN ORDINANCE AMENDING TITLE 29 OF THE MUNICIPAL CODE OF THE CITY OF FERGUSON, MISSOURI, BY ENACTING A NEW SECTION 29-24 RELATED TO THE MISUSE OF THE 9-1-1 SYSTEM, introduced by Council Member Knowles and read the first time.

Council Member Knowles commented staff did an excellent job of improving on what he requested, which was just a mirror of what St. Louis County does currently with their Statute relating to the misuse of 9-1-1.

Ms. Karr explained if the system is continually misused, a warning will be issued in writing

from the Police Department. Ms. Karr commented anyone designated in the City can send the written notice.

Police Chief, Tom Moonier commented it would be handled the same way the false alarm program is handled. A designated clerk will have a form letter, it will be tracked in communications and the letter will be sent out. Chief Moonier commented that the particular way in which Ms. Karr drafted this ordinance, it becomes a real tool other than a piece of paper, and is pleased for the passage of this ordinance.

### **BILLS REQUIRING SECOND 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.

A motion was made by Council Member Knowles, seconded, and carried to read the Bill a second time and place it upon its passage.

A motion was made by Council Member Kallstrom, to amend Bill No. 6726. The amendments do not constitute a change in the substance under section 3.11.5 of the City Charter. The first amendment is page 2 Chapter 6 Sec. 6-6 (a) delete *immediate area* and insert *vicinity* in its place. The second amendment is page 2 Chapter 6 Sec. 6-6 (b) delete *or manure, open area*, add the word *or* between run and cage, delete the words *or yard*, delete *or manure*. Add *It shall be unlawful for an owner to allow the accumulation of animal feces or manure in any area used for agricultural or farming purposes and to fail to manage, remove or dispose of feces or manure as required by State Law ordinance or State or City permit*. The third amendment is page 2 Chapter 6 Sec. 6-6 (c) after the word possession, add *or within his or her accessible vicinity*.

Ms. Karr questioned another amendment that was discussed which was to add a second sentence in Chapter 6 Sec. 6-6 (b) stating *It shall be unlawful for an owner to allow the accumulation of animal feces in any open area or yard wherein animals are kept and to fail to remove or dispose of feces within a reasonable time*.

Council Member Kallstrom agreed.

Mayor explained that Bill No. 6726 deals with municipal code changes, which have been recommended relating to nuisances, including litter and animal waste.

Mayor Fletcher - regarding page 3, Chapter 28, Sec. 28-2 (11) *Handbills on public or private property. No person shall tack, stick, paste, or fasten in any manner any handbill or flier containing commercial advertising of a written, printed, or pictorial nature upon any public property within the limits of the City; or, on any motor vehicle, dwelling,*

*or other structure within the City without the consent of the owner or occupant thereof.* Mayor questioned by affixing a flyer that one is running for public office is that considered commercial and in violation.

Ms. Karr commented it would not be considered commercial advertising but would need to research the meaning of handbill to see if it would be considered a handbill.

Mr. Krieger commented if something became a particular nuisance, this would give the ability to curb the activity. If it is not a nuisance, it could be reasonably enforced.

Discussion regarding subsection (11).

Council Member Knowles thanked Mr. Kallstrom and Ms. Karr for making the exception for agricultural uses.

A motion was made by Mayor Fletcher to amend Bill No. 6726, seconded. Motion approved unanimously.

On roll call vote, the original motion made by Council Member Knowles to read the Bill a second time and place it upon its passage, was seconded, and carried as follows:

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

NOES: 0

Bill No. 6726 was declared passed and sent to the Mayor for signature. Bill No. 6726 (Amended) thus became Ordinance No. 2005- 3252 and is permanently recorded in Book 27 on page 251.

### **MISCELLANEOUS**

Keith Kallstrom – “Go Cards”

James Knowles – “Go Cards” – reminded everyone of the Jeske Park Neighborhood Association meeting on Thursday, 7:30 pm. at the Corner Coffee House.

James Hines – requested staff to present Council the cost of tearing down the JW building, the cost to rehab the current building and the cost to build a new building.

Mr. Krieger responded that staff took a group of architect and engineers through the existing building and staff could possibly get an estimate on demolition, and rehabbing the current building and general costs by the October 25 meeting.

Peggy Faul – reminded everyone about Farmers’ Market and a special celebration on

October 29<sup>th</sup>. Reminded everyone to support the Historical Society's dinner and auction, Saturday October 22, 2005 at the Savoy Banquet Center. Ms. Faul feels the society serves an important place in the City. Ms. Faul will continue to mention that the JW building is a landmark and it has to come before the Landmarks Committee before anything is done with it. Ms. Faul will push for a separate group that works in conjunction with the Park Master Plan for the JW building because of its historical value. Go Cardinals.

Mr. Krieger discussed an email from Council Member Faul regarding interim cosmetic repairs to the JW building. Mr. Krieger felt Council had already established staff's direction and would like affirmation from the Council because staff has not proceeded in interim repairs.

Ms. Faul clarified she requested the boarded-up window be taken care of. She totally objects to keeping a boarded up window until the new building is built. Ms. Faul commented that Council agreed the building is not going to be painted but she does not want a boarded up window on the building until something is done and expect people to enjoy coming to the park.

Mr. Krieger requested Council direction on the building. There was discussion regarding the replacement building and the boarded up window. Mr. Krieger was just informed that the window had been replaced. Mr. Krieger requested Council to direct staff on what is to be done with the building. Mr. Krieger feels that the building represents an unnecessary exposure to risks and liability the more it is used for activities. Mr. Krieger further stated, staff is not going to take any permanent steps until this Council approves it. Staff is taking active steps in finding alternative locations to relocate the activities from the JW building. Mr. Krieger will present estimates to Council for removing the building.

Tim Larson – Congratulated Barrietta Killiebrew and her mother Carol Austin who own the Wildwood Plantation on Dames Court. The plantation will be entered into the National Register of Historic places and was featured on Fox 2 News. The rumble strips have been placed on Darst and the next step is to engage Horner & Shifrin to recommend a more permanent solution.

Mr. Krieger responded that the counts have been completed and asked Council if they want staff to engage Horner & Shifrin to actually begin some traffic calming design work. Council agreed.

Mr. Larson commented that Jeske and Robert Park had nice comments on the efforts of Public Works in cleaning up debris after the last storm.

A.J. Krieger – commented that normally he would not respond to or say anything in reference to something that is brought up during the Public Comment portion. However, tonight Mr. Krieger feels he must. What Mrs. Brown was speaking of was an email that



was sent by Mr. Krieger to the City Council and only the City Council expressing his opinion and raising a concern about the publication and asking for some direction from the City Council. Mr. Krieger stated he did not name any individual in that email, did not accuse anyone of anything, he certainly does not think he did anything related to a weapon for misunderstanding and he certainly does not think he did anything other than quote verbatim, passages from the articles. Mr. Krieger does not intend to debate the appropriateness or lack thereof of the articles only to express his regret that the email was forwarded to Mrs. Brown. Mr. Krieger feels it was a breach of some etiquette and he apologizes that Mrs. Brown had to read those remarks absent Mr. Krieger's ability to explain what its intended purpose was.

Mayor Fletcher – thanked the City staff for a wonderful employee picnic. Staff did a wonderful job and the food was delicious. Mayor appreciated the hard work of Community Relations Coordinator, Nez Savala and Assistant City Manager, De'Carlton Seewood and everyone involved with the picnic. Mayor had the pleasure along with other Council Members of attending the Jeske Park picnic and felt it was a wonderfully well-attended event. Mayor also had the opportunity to attend a Parc Monceau block party. Mayor feels it is great that the neighborhoods are getting together, talking about ideas and socializing. Mayor commented he would try to attend as many gatherings as he can and apologized for missing one event this past weekend. Mayor reiterated the positive comments Council has been receiving regarding the Public Works response in cleaning up the storm debris. Citizens need to contact Public Works to have the debris picked up.

Peggy Faul – commented she hoped that preparations for the Northern Lights have begun and if Council could be updated.

Mr. Krieger responded that preparations have begun.

## **ADJOURNMENT**

There being no further business to consider, Council Member Hines moved to adjourn, seconded. The meeting adjourned at 9:30 p.m.

Deborah L. Matthies, City Clerk