

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
May 22, 2017
6:30 p.m.

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on the fifth floor of City Hall, on Monday, May 22, 2017, Mayor Shelley Welsch, called the meeting to order at 6:30 p.m.

B. ROLL CALL

In addition to the Mayor, the following members of Council were present:

Councilmember Rod Jennings
Councilmember Paulette Carr
Councilmember Steven McMahon
Councilmember Terry Crow
Councilmember Michael Glickert
Councilmember Bwayne Smotherson

Also in attendance was Interim City Manager, Charles Adams and City Attorney, John Mulligan.

C. APPROVAL OF AGENDA

Councilmember Carr questioned whether Council was using the Agenda that was sent out earlier today? Mayor Welsch stated the correct Agenda now has four items under Unfinished Business.

Councilmember Crow asked all of his colleagues to respectfully allow members of the public to participate during the Council Reports/Business section of the agenda; specifically on items that require a vote. He noted that it serves no purpose for citizens to speak after Council has already discussed the matter and voted.

Mayor Welsch stated although she is willing to go along with the majority of Council for tonight's meeting, she would like to clarify that when this section was added to the Agenda in 2010, it was designed to allow members of Council to discuss important issues. So, the fact that it is now being utilized on a regular basis for discussions and votes exceeds the purpose of its original intent.

Councilmember Carr stated things evolve, and today, this is a portion of the Agenda where Council can address business that is not covered under any other portions of the Agenda. So she absolutely agrees that citizens should be allowed to comment, and thinks there is a need for Council to not only be flexible but perhaps, revisit this issue to make the necessary revisions.

Voice vote to approve the Agenda as presented carried unanimously.

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. May 8, 2017, Study Session Minutes were moved by Councilmember Jennings, it was seconded by Councilmember McMahon and the motion carried unanimously.
2. May 8, 2017, Regular Session Minutes were moved by Councilmember Carr, it was seconded by Councilmember Glickert and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

1. Lauren Masterson-Rodriguez was nominated to Arts and Letters by Mayor Welsch, seconded by Councilmember Glickert and the motion carried unanimously.

G. SWEARING INTO BOARDS & COMMISSIONS

H. CITIZEN PARTICIPATION (Total of 15minutesallowed)

Jeff Hales, 7471 Kingsbury, University City, MO

Mr. Hales thanked Councilmembers Crow and Carr for identifying the need to include citizen comments during the Council Reports/Business section of the Agenda. He stated that he found this evening's Study Session somewhat stunning, in that the shoe now appears to be on the other foot for those members of Council who endorsed the bond issue, telling everyone; this is your choice, and you're going to love it. However, the question he has is where are these storage tanks in Ladue, Creve Coeur, and Clayton? He stated there is no doubt in his mind that this site was chosen because of the land acquisition. And believes the addition of these tanks will adversely impact the neighborhoods in this area because to even suggest that they look like an office building is laughable. Mr. Hales stated the one study Council should be asking for is how much these tanks affect property values and whether the remaining homes will lend themselves to being owner or rental occupied. So his hope is that Council will give this considerable consideration and that more meetings will be held prior to implementation.

Gabriel Angeri, 8633 Mayflower Court, University City, MO

Mr. Angeri appeared before Council to voice his vigorous opposition to the RFP issued for the proposed redevelopment of the Olive/170 interchange. Many residents; including himself, that have lived in this area in excess of 40 years, were dismayed by this proposal and are truly disheartened by the thought of losing this gem of a block to redevelopment.

Kathy Straatmann, 6855 Plymouth Avenue, University City, MO

Ms. Straatmann stated anyone who has ever had to deal with MSD knows that they are a big bully. She stated her interpretation of their use of the word "*unfeasible*," meant that other options; like underground tanks, were more expensive. Ms. Straatmann stated her hope is that U City will not just kowtow to MSD, but presses them to find a feasible option that will be pleasing to the people who must live in these areas.

I. PUBLIC HEARINGS

Zoning Code Text Amendment pertaining to multi-family residential developments and attached single-family dwellings.

Mayor Welsch opened the public hearing at 6:44 p.m., and hearing no requests to speak the hearing was closed at 6:45 p.m.

J. CONSENT AGENDA

K. CITY MANAGER'S REPORT

1. Traffic Signal Maintenance Agreement Renewal.

Councilmember Jennings moved to approve, seconded by Councilmember Glickert and the motion carried unanimously.

L. UNFINISHED BUSINESS

BILLS

1. **BILL 9315** - An ordinance authorizing the execution of a retainer agreement for City Attorney Services. Bill 9315 was read for the second and third time.

Councilmember Glickert moved to approve, it was seconded by Councilmember Carr.

Mayor Welsch stated that she had talked to both Mr. Adams and Mr. Mulligan about her inability to support this Ordinance based on her belief that an RFP should have been issued to solicit bids for this service. And in spite of the fact that she does believe Mr. Mulligan is a fine attorney, this Ordinance increases the City Attorney's salary by \$100 an hour.

Roll Call Vote Was:

Ayes: Councilmember McMahon, Councilmember Crow, Councilmember Glickert, Councilmember Smotherson, Councilmember Jennings and Councilmember Carr.
Nays: Mayor Welsch.

M. NEW BUSINESS

RESOLUTIONS

BILLS

Introduced by Councilmember Smotherson

1. **BILL 9316** - An Ordinance amending Sections 400.030, 400.210, 400.220, 400.260, 400.280, 400.320, 400.340, 400.380, 400.390, 400.400, 400.1110, 400.1120 and 400.1125 of Chapter 400 - Zoning Code, of the City of University City Municipal Code, to revise certain attached single family dwellings and multi-family residential developments as provided herein. Bill 9316 was read for the first time.

N. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed

Mayor Welsch made the appointments that were needed.

2. Council liaison reports on Boards and Commissions

Councilmember Carr provided an update on some of the items brought forward at the last Park Commission Meeting:

- Consideration of the budget - How the budget affects maintenance and improvements for 17+ parks and parklands.

- First Resolution - Whereas \$100,000 in tree removal is actually for street trees and not trees located in parks, the Park Commission proposes to remove the cost from this fund; the Park and Stormwater Sewage Fund, and instead, use it for other park improvements for the 2018 budget. *(The motion carried unanimously)*
- Second Resolution - Whereas Ruth Park Golf Course and Driving Range generates revenue above expenses, the Park Commission believes revenue generated to Ruth Park in Fiscal Year 2018 and thereafter, should be treated as a separate enterprise fund. Should 2018 and thereafter, generate total revenue in excess of golf course-related expenditures 50 percent of such excess should be retained and remain in the separate enterprise fund to be used for Ruth Park Golf Course and Driving Range capital improvements, and the remainder given to the other University City parks. *(The motion carried unanimously)*

Councilmember Carr stated the Commission has asked that these Resolutions be submitted to Council for their consideration.

Mayor Welsch asked Councilmember Carr if she could provide each member of Council with a copy of the Resolutions and Councilmember Carr agreed to do so.

Mayor Welsch informed Council that the Library Board was also working on their budget, and wished to encourage everyone to participate in their Memorial Day Run, which will be held next Monday.

Mayor Welsch stated she also attended the EDRST Meeting last Thursday, where the Quarterly Reports from all grant recipients were reviewed and discussed.

Mayor Welsch asked Mr. Adams if he would provide a copy of the Quarterly Reports to each member of Council.

3. Boards, Commissions, and Task Force Minutes

Mayor Welsch thanked Mr. Adams for the Task Force Minutes that had been provided to Council.

4. Other Discussions/Business

a) Removal of Sign Prohibiting Flyers in Council Chambers

Requested by Councilmembers Smotherson and McMahon.

Councilmember Smotherson stated in accord with the decision issued by the ACLU, and until new policies and procedures have been established, he would make a motion to remove the sign prohibiting flyers in Council Chambers. It was seconded by Councilmember McMahon.

Citizen's Comments

Donna Marin, 7445 Wellington, University City, MO

Ms. Marin stated while it may seem insignificant to remove the sign, she thinks its removal and the adoption of a la sa fair attitude carries certain ramifications that are not self-evident. Ms. Marin displayed several flyers to Council and stated that if Council accepts the definition of a flyer as being a document intended for dissemination to the general public, then the harmless flyer announcing Pinkie's desire to run for the office of dog catcher would be just as acceptable as the other political flyer announcing that Hitler is running for office. She stated she does not believe this is a First Amendment issue. First of all, no speech is being stifled because Council permits citizens to come up and express their views.

And secondly, there are numerous buildings in U City that permit individuals to put up flyers; namely, the library. So Council can remove the sign and have no restrictions on flyers; change the restrictions to adopt an attitude that flyers must reflect the community, or leave the sign in place. But whatever the case, this motion should be given careful consideration, keeping in mind the ramifications this decision might bring about.

Jeff Hales, 7471 Kingsbury, University City, MO

Mr. Hales stated the question that comes to mind is how many of the Mayors whose pictures are hanging on the wall served when there were no signs like this in Chambers? And while he would agree that Council needs to be thoughtful and deliberate in their decision-making, the time for taking those actions would have been prior to the Mayor's decision to have someone removed from Chambers. The people in this room are adults, and if Ms. Marin or anyone else wants to put an offensive flyer on the table that speaks to that individual and not the practices or policies of this Council. Mr. Hales asked Council to consider amending their motion to include that the signs posted at the front of Chambers stating, "*City Council and Staff Only Beyond this Point,*" also be removed.

Council's Comments

Councilmember Carr stated although she values Ms. Marin's viewpoint, she would remind her, as well as everyone in this room, that when political flyers are disseminated by either a citizen or this governmental body, they must include a "*Paid for by*" attribution. So while some flyers could certainly be offensive, Council is not at liberty to discriminate based on content of the speech, be it written or spoken.

Councilmember Crow acknowledged appreciation for the concerns expressed by Ms. Marin and Mr. Hales, specifically with respect to Mr. Hales' comment regarding the pictures on the wall. Because everyone in this room with a little bit of gray hair recognizes that over the past hundred years this Council Chamber has survived; as has this Council, through a significant amount of societal upheavals. And in spite of this turmoil, U City seems to still have its reputation intact. As a result, he feels pretty comfortable saying that if something offensive is placed on that table, then so be it. He stated that U City has experienced protests for just about everything. And while you may not necessarily have agreed with the message, you do think that they have a right to express their opinions. That's why he would agree that it is time for this sign, as well as the two yellow signs; which have been unevenly enforced, to be removed. Councilmember Crow made a motion to amend Councilmember Smotherson's original motion to include that the two yellow signs also be removed.

Councilmember Glickert stated his belief is that someone just put the sign there because he does not recall any action being taken by this Council with respect to whether the sign should or should not be posted. So, that in and of itself indicates that the whole concept is just wrong. And this issue should be revisited to determine whether new policies and procedures need to be established, particularly in light of the comments made by Ms. Marin.

Councilmember McMahon stated he would like to thank the speakers as well because their comments helped to clarify a delicate issue that should not be taken lightly; the expression of free speech. How can this Council make a just determination of what speech is offensive and what speech is not? He stated that his stance has always been to err on the side of allowing more open discussions because that provides him with an opportunity to listen and gain a better understanding of where an individual stands on a particular issue; good, bad or indifferent.

So he would like to thank Councilmember Glickert for pointing out that the sign was put up by Lehman Walker, the former City Manager; without discussion of Council because that reveals where he stood on the issue of a citizen's First Amendment rights. Councilmember McMahon stated now is the right time to have these discussions, so that moving forward more people will be eager to enter these Chambers and express their opinions, knowing that they will be heard and not dismissed.

Mayor Welsch stated when she became a member of Council in 2002 she was approached by her predecessor, Mayor Adams. He informed her that this type of signage should be removed from the Chamber because no political materials were to be displayed within the four walls of City Hall. She stated that although she never made the determination of whether this was a law or merely habit, the signage was removed. Mayor Welsch stated her concerns are similar to those expressed by Ms. Marin, and thinks that certain restrictions should be adopted to ensure that flyers reflect the attitude of the community and ensure that the City will not be held liable. So, she is not against removing the signs, as long as Council has a process in place for what can and cannot be displayed in a public meeting, or on a public shelf. Mayor Welsch stated that prior to this meeting she had discussed this topic with Mr. Mulligan, and if Mr. Adams is amenable to doing so, she would like him to speak to Council on this issue.

Mr. Mulligan stated although he had not been able to research this specific issue in advance of tonight's meeting, a City does have the authority to regulate the time, place and manner of speech. So while he would agree that Council should stay away from the issue of content, some subjects, such as how many or how long they can remain, are appropriate regulations that Council may want to give additional thought and study to, prior to the formalization of any new rules.

Councilmember Carr stated that first, she would like to offer a second to the amendment made by Councilmember Crow, and second, remind everyone that this City signed a Consent Judgment wherein it promised not to create any further rules that limited content-based speech. So while she understands much of the rationale, she just doesn't buy it. The removal of these signs simply says that Council is willing to engage with their constituents. And in order to send a clear message, Council must begin to form the habit of administering everything equally to all; which in this case means making no rules. Councilmember Carr stated she is very much in favor of taking down the signs and allowing common sense and general respect to be the guide, rather than individual rules.

Voice vote on the amended motion to remove the two yellow signs in addition to the sign prohibiting flyers in Council Chambers carried unanimously.

Roll Call Vote on the Motion to Remove All of the Aforementioned Signs in Council Chambers Was:

Ayes: Councilmember Smotherson, Councilmember Jennings, Councilmember Carr, Councilmember McMahon, Councilmember Crow, and Councilmember Glickert.

Nays: Mayor Welsch.

Dissenting Opinion: Mayor Welsch stated she has real concerns that the City may run into trouble if something inappropriate is placed on the shelf in Chambers.

b) City Manager Search - Setting the Agenda

Requested by Councilmembers Carr and McMahon

Councilmember Carr stated Council has been presented with four options from Mr. Szymborski, the GovHR-USA representative in charge of this search.

Option One:

- Monday, June 12th, meeting with Mayor and City Council
- Community forum held during Council Meeting
- Tuesday, June 13th, meeting with the Interim City Manager and Department Directors

Option Two:

- Monday, June 12th, meeting with Mayor and City Council
- Community forum held during Council Meeting

Option Three:

- Monday, June 12th, meeting with Mayor and City Council prior to meeting
- Tuesday, June 13th, meeting with Interim City Manager and Department Directors
- Wednesday, June 14th, Community Forum held at 6 p.m.

Option Four:

- Monday, June 12th, meeting with Interim City Manager
- Meeting with Department Directors
- Meeting with Mayor and City Council prior to meeting
- Community forum held during Council Meeting

Councilmember Carr stated she thinks Option three best fulfills her desire to have a separate Community Forum dedicated to eliciting input from residents. And although her initial thought was to exclude Department Directors, she now thinks that doing so would assist Mr. Szymborski in understanding the City's operations and leadership requirements.

Mayor Welsch stated that by Charter, Council must hold a public hearing on the budget during the June 12th meeting. So based on that fact, and her belief that the Community Forum should be a separate, standalone meeting, she would also favor Option three.

Councilmember Jennings stated although his preference would also be Option three, he is concerned that one hour may not be enough time to fully engage with the community. So he would suggest that the forum be extended until 8 p.m.

Mayor Welsch asked Councilmember Carr if she would communicate Council's suggestion to have a slightly later start time and an extended end time.

Councilmember Carr made a motion to adopt Option three, and ask that the Community Forum start at 6:30 and be extended to 8:30. It was seconded by Councilmember Jennings.

Roll Call Vote on Option Three Was:

AYES: Councilmember Jennings, Councilmember Carr, Councilmember McMahon, Councilmember Crow, Councilmember Glickert, Councilmember Smotherson and Mayor Welsch.

NAYS: None.

c) Storm Water Issues: Task Force or Master Plan?

Requested by Councilmembers Carr and Smotherson

Councilmember Carr stated several members of Council have been meeting with residents; who she likes to refer to as victims that have experienced stormwater-related problems. And in every case, she has thought about what the City should have done two years ago, which was to develop a Stormwater Master Plan. She stated the main reason this plan is so important is not about trying to stop the communities upstream from pumping water into U City as a result of new construction, it's about establishing a visual aid that will assist the City in prioritizing its problems. Right now all we can say to these residents are *"I'm really sorry. Have you called MSD? Have you called FEMA? Let me come and look at it."* But that's not enough. These problems encompass more than the overland flooding or the two deaths in 2008. This City's stormwater-related issues are based on the fact that it is located in a watershed comprised of unevenly graded properties.

Council has just been told that MSD is planning to install several storage tanks in Ward 3, which she has grave concerns about. And while their prediction is that these tanks will provide a 40 percent reduction in basement backups and sewer overflows, over the years none of their projections have ever seemed to quite pan out. Councilmember Carr stated her belief is that U City must take care of its own house; therefore she would like to propose several ways that this can be done.

1. The set-aside of funding for a consultant to assist the City in the development of a Stormwater Master Plan.
2. The formulation of a Task Force, by means of a Resolution, to appoint individuals with expertise in this area who can assist with the development of a Master Plan.
3. The formulation of a Neighborhood Improvement District (NID), which essentially allows residents to borrow money that is repaid back to the City.

Councilmember Carr stated U City is fortunate to have some great experts who for years have expressed a desire to help the City with the resolution of these problems. And even without the City's approval, she held a Town Hall Meeting on dry flood proofing. So whether this comes about through the hiring of a consultant; which Ladue elected to do, or a Task Force, the bottom line is U City is way behind the power curve and now is the time to take some action. Councilmember Carr stated since the development of a Master Plan will have a significant impact on the Public Works Department, she would also like to suggest that Mr. Alpaslan and Mr. Kalter be appointed as staff liaisons, should Council elect to proceed with formalizing a Task Force.

Councilmember Jennings stated he has received numerous calls as a result of the recent storms, wherein he learned that there were eight homes on Trenton with considerable damage that no one is willing to take any responsibility for. So he thinks a Task Force is something Council should give consideration to. Every home should have an emergency plan, and the same should hold true for this City.

Mayor Welch stated while she would support the formation of a Task Force, she would like to respectfully say that U City has been doing a lot with respect to its stormwater-related problems, and is one of the most active members of the Regional Watershed Task Force. She stated that U City is a lot different from Ladue, who is located at the top of a much smaller watershed. U City is located at the bottom of the watershed, which hinders its ability to control water that not only comes from Ladue, but Olivette, parts of Creve Coeur, Overland, Pagedale and Bel-Nor.

Mayor Welsch stated she has been involved with the River project for a long time and would agree that there is plenty of expertise within the community that also includes the River Des Peres Watershed Coalition.

So her thinking is that the priority list might be clarified even more moving forward, by evaluating whether new codes should be established for buildings, or advocating with other communities to implement improvements to their codes. Because as Councilmember Carr has alluded to, much of the City's problems are direct results of new construction in neighboring communities that have failed to maintain this water on their properties. So, if Council elects to proceed with the option of formalizing a Task Force, prior to its initiation she would suggest that Council receives an update from staff to learn exactly what is going on, to ensure that individuals possessing the right area of expertise are being appointed.

Councilmember Carr asked Mr. Alpaslan if he would provide Council with his thoughts on the implementation of a Task Force and what he believes should be included in the initial list of priorities? Mr. Alpaslan stated in his personal and professional opinion, there is a need to increase the City's resilience against these threats that are a result of the changing nature of global rainfall events, upstream developments, and the City's, as well as MSD's, aging infrastructure. So although there is still some confusion about what MSD does or does not maintain, they have started to become more proactive through the passage of bond issues to assist them in maintaining these waterways and resolving some of the problems.

Mr. Alpaslan stated some of the current problems are associated with significant rainfall events that impact the City's sewer overcharges causing backups onto properties, as well as flooding issues associated with the City of Overland that in some instances, caused residents to experience in excess of 3 feet of water backing up in their basements. He stated that he had also attended a conference at the beginning of May and learned that there are a lot of options that a consultant or Task Force could explore, such as flood proofing or a community flood-alert system. So these residents are looking for some type of support, and if U City is prepared with a list of prioritized projects, it will be in a much better position to approach MSD and determine if they can provide any assistance.

Mr. Mulligan stated he had been present at the Study Session and realizes that this is a complex subject. But to the extent that anyone interpreted MSD's remarks as it's a take it or leave it transaction; and interpreted that to mean that the City has no discretion or legal position with respect to this matter, he would like to inform Council, as well as the citizens in this room, that that is not a position he would necessarily agree with. There are a number of legal issues raised by this particular project that Council may want further inquiry, study, and advice on. So he would be remiss if he allowed everyone to leave tonight's meeting thinking that the City had no options.

Councilmember Jennings questioned whether the fact that this is a Federally mandated project in which MSD has acknowledged their intent to comply through the execution of a Consent Decree, would lead to the issuance of penalties as a result of non-compliance or the initiation of legal actions which cause the project to be delayed? Mr. Mulligan stated since this is his first time hearing about this project, he has not had an opportunity to read the Consent Decree. But the point he was trying to clarify is that there are a number of issues, such as eminent domain, the City's zoning authority or whether the Federal guidelines are being applied as intended, that the City may want to look at prior to making a recommendation. Councilmember Jennings stated his only concern is that the City proceeds with caution.

Councilmember Carr expressed appreciation for Mr. Mulligan's comments and suggested that consideration be given to perhaps, making him a member of the Task Force to assist with some of the legal issues.

She then made a motion that Council move forward to establish a Task Force through the drafting of a formal Resolution that could be amended, tweaked, and represents a collaborative effort on the part of Council.

Mr. Mulligan reiterated the fact that although he has not explored all of the City's options, his only intent was to make everyone aware that in spite of the fact that MSD's comments could be interpreted to mean one thing, does not necessarily make it true.

Councilmember Carr's motion was seconded by Councilmember Smotherson.

Councilmember Crow thanked Mr. Mulligan for his comments and acknowledged that these types of discussions embody the very reason why City Attorney should be present at Council Meetings. However, his preference is that Mr. Mulligan not be placed on the Task Force simply because of the cost associated with him attending those meetings. Secondly, he thinks that any further advice proffered by Mr. Mulligan should be provided to Council during Executive Sessions.

Voice vote on Councilmember Carr's motion to establish a Task Force carried unanimously.

d) ROARS: University City Newsletter, Council Corner

Requested by Councilmembers Carr and Smotherson

Councilmember Carr stated last week she received a letter from the City's PR representative at ESM that she would ask Ms. Reese to distribute. Essentially, the letter states that a Councilmember's Corner will be added to *ROARS*, which she was somewhat excited about. However, upon receipt of the schedule listing the order of rotation for scripting this column, she noticed that the Mayor's name had been omitted. Leading her to believe that there would now be two columns; one for the Mayor, and one for Council.

Councilmember Carr stated the dilemma with respect to this issue arises pursuant to a January, 2013 decision made by Council. She stated that page 2 of the January 28th Meeting Minutes, have been highlighted to reflect a discussion regarding the elimination of two columns. Council's belief, at that time, was that by allowing the Mayor to weigh-in on every letter propagated the myth that the Mayor is separate from, and above the rest of Council, which is not the case in U City. While the Mayor does have the authority to preside over meetings, she does not have the authority to be the person in charge of Council. After a lengthy discussion, Mayor Welsch informed Council that Mr. Walker had made a decision that it would be in the best interest of the City to have the Mayor write a City-wide column, rather than individual members of Council. Thereafter, a roll call vote was taken which was approved by a majority, and Council's motion to have one column in which all members of Council would be allowed to participate in, became the policy.

Mayor Welsch informed Councilmember Carr that there had been no mention of a Mayor's column; that there has not been a Mayor's column since Council's decision in 2013, and what had occurred in this instance, was an omission made on the representative's part, to include her name in the rotation.

Councilmember Carr noted that the last issue of *ROARS* contained a very extensive column written by both the Mayor and Councilmember Smotherson. Nevertheless, in her opinion, it would be much better if Council retained the original rotation established of cycling through all Wards, the Mayor, and then cycling back through the Wards again.

That way no one will get the impression that the opinions of a specific Ward are being given more weight than another Ward. Councilmember Carr stated there is also an election coming up in ten months, in which Councilmember Glickert might be participating. But according to the new schedule, his rotation does not occur until after the election. So, she would suggest that the rotation schedule be realigned to make it evenly balanced, and include the Mayor's name.

Councilmember Carr stated she does not recall any action being taken by Council which authorized MSW's 2016 contract, which at this time was in excess of \$8,000 a month, exceeding the City Managers \$25,000 contract restriction. And later, when MSW submitted their proposal, it indicated that their agreement was attached. But no agreement was ever provided to Council in their packets, and once again, they voted on an item without having the contract in front of them. So going forward, she would like to see all contracts prior to taking a vote, and if anyone is able to find the answer to her question about authorization in the minutes, please let her know and she would be happy to retract her statement.

Councilmember Carr asked Mr. Adams if it was possible for ESM's representative to rework the schedule of rotation? Mr. Adams stated a portion of the rotation schedule that has evolved was based on his interjections to ensure that every member of Council had an opportunity to participate. So, while he certainly does not have a problem with this request, he would suggest that Council develops a schedule that would be accommodating to everyone and then he would submit it to the representative.

Councilmember Jennings stated he would like to make sure that the newsletter includes a City-wide article so that residents are aware of the City's day-to-day operations. He suggested that it be written by the Chief Executive Officer; i.e., the City Manager.

Mayor Welsch asked Mr. Adams if he would attempt to locate a copy of the contract that Councilmember Carr has referred to? Because she thinks that when MSW; which is now ESM, was brought on board Brighton was still managing *ROARS*. That responsibility has now switched over to ESM, so part of the monthly cost is probably for the production and mailing of *ROARS*. But it would be helpful if that information could be clarified.

O. CITIZEN PARTICIPATION (continued if needed)

P. COUNCIL COMMENTS

Councilmember Glickert informed Council that he had completed a final draft of the job description for the position of City Clerk, to include benefits, that he will submit to Council within the next 10 days for their consideration and approval.

Councilmember Crow stated he appreciates the fact that Council is now having robust conversations in both Study Sessions and Regular Council Meetings, and thinks this is the time for members to have healthy conversations amongst themselves, rather than one-way conversations. He stated the reason for this comment is to identify and highlight for the record, the one-way conversation conducted by the Mayor in the May 15th University City Bulletin. Within these comments, the Mayor appears to go to great lengths to paint members of Council; and one member in particular, in a not-so-flattering light. Her first comment which references the RFP(s) for EMS. *"Councilmember Terry Crow stated on two occasions that there was only one response to the RFP put out on EMS services in 2004.*

That is not the case. Abbott and Gateway both responded, Gateway made it through the process and was chosen.

That is how RFP(s) work." This is a statement that he actually agrees with; even though he does not appreciate her coloration of the issue, *"Other misinformation or alternative facts"*.

The Mayor was correct, he was incorrect, and it really wasn't hard for him to admit that he had made this mistake.

The Mayor's second comment was about the budget. *"My Council colleague also stated that for the next two months the Council will be focusing solely, it would appear, on the FY-2018 budget. Hmm. Staff has already provided Council with a draft budget to review that Council will have a number of opportunities to discuss. In my opinion, we can walk and chew gum at the same time. Our consideration of the budget should not mean that we won't do anything else."* Councilmember Crow stated that once again, he would agree with the Mayor's comments since there is nothing preventing her from bringing anything else forward during this period of time. But on the other hand, nothing he said with respect to the budget was incorrect or out of the ordinary. And in his opinion, the Mayor's constant diatribes' against members of Council do not serve her or the citizens of this City well.

The Mayor's third comment refers to censures. *"Then we were all advised that the Council will be looking at some much-needed censures of members of Council. Apparently these are much-needed now, but the Council won't do them now; apparently waiting for a more opportune time. We should be in the business of governing, not staging theatrics."* Councilmember Crow stated when looking back at the history of U City he has not been able to find any other instance where someone has censured as many people as Mayor Welsch. Her rationale for implementing these censures was to protect the integrity of the body and democracy as a whole, but when the shoe was on the other foot, and Council sought to censure her and Councilmember Glickert for their actions, it's called *"theatrics"*.

The Mayor's fourth comment refers to the police station, which he'll simply paraphrase. The majority does not want to decide how to proceed with a new facility for the police station until after a new City Manager is hired. That will be more months. Councilmember Crow stated, here again, the Mayor's right, it will be more months, but she has had six years to take care of the police station and nothing has happened. She sat still when money was set aside in the budget for the police station, and she continued to sit still even when she maintained a super majority. So if it takes Council a few more months to make sure that it's done right, then so be it. But do not lecture him through an email to citizens about doing something wrong, when in fact, he is proceeding in the exact manner Council had advised everyone that it would.

The Mayor's fifth comment refers to streets. *"Our streets continue to deteriorate because members of the current majority on Council actively worked against a 20 million dollar bond issue."* You bet we did. Councilmember Crow stated in spite of the fact that this was the worst bond proposal he has ever seen, the City's streets are deteriorating because money was taken from the Street Department's budget and spent on pet projects.

The Mayor's sixth comment refers to the pension plans. Evidentially, he was being lectured to here, because the Pension Board has not been providing reports to Council on a regular basis. *"The Pension Plan Board meets four times a year. We are trying to meet more because as you know, we have an unfunded liability in both of our plans. Recently there was a tax that was passed for emergency services that hopefully will give us some additional funds and hopefully we can take care of some part of the unfunded liability in that plan."* Councilmember Crow stated every member of this Council is aware of the unfunded liability and he thinks it's safe to say that every member is concerned about that liability. So it is very disingenuous to say that the Pension Board has not made any reports, when in fact, their liaison, just like every other member, has the same access to the Pension Board's minutes as they do to any of the other Commission's minutes.

Mr. Crow stated that the Mayor's final comment; which he found extremely annoying, states, *"I and others mention these issues as often as we can. But you have to be working with colleagues who understand some of the extremely challenging issues we are facing."*

Mr. Crow asked how much more demeaning can you be to your colleagues? He stated in spite of the fact that he would be willing to put his education and experience up against members sitting on this dais, he does not believe that anyone should belittle their colleagues in public by saying that they are not up to the task. Mayor Welsch has had seven years to address these challenges, but instead, she has spent her time settling political scores at the expense of the City's public safety, infrastructure, and reputation. And her efforts, through the dissemination of this email to play the innocent martyr are self-serving and clearly falling on death ears. When it's your actions that have resulted in the City's misfortunes you should at least have enough integrity to take responsibility for those actions.

- Q.** Roll-Call Vote to go into a Closed Council Session according to RSMo 610.021 (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys and (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect legal consideration.

Councilmember Carr moved to approve, it was seconded by Councilmember Jennings.

Roll Call Vote Was:

AYES: Councilmember Carr, Councilmember McMahon, Councilmember Crow, Councilmember Smotherson, Councilmember Glickert, Councilmember Jennings and Mayor Welsch.

NAYS: None.

R. ADJOURNMENT

Mayor Welsch thanked everyone for their attendance and closed the City Council meeting at 7:59 p.m.

LaRette Reese
Interim City Clerk

