

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
February 12, 2018
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, February 12, 2018, Mayor Shelley Welsch called the meeting to order at 6:31 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 City Manager, Gregory Rose, and City Attorney, John F. Mulligan, Jr.

C. APPROVAL OF AGENDA

Councilmember Smotherson asked Ms. Reese whether Carol Jackson had already been added to the Arts & Letters Commission? Ms. Reese stated she had received Ms. Jackson's application, but no official nomination. Councilmember Smotherson requested that the agenda be amended to include Ms. Jackson in tonight's appointments.

Councilmember Jennings moved to approve the agenda as amended, it was seconded by Councilmember Glickert and the motion carried unanimously.

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. January 22, 2018, Regular Session minutes were moved by Councilmember Jennings, it was seconded by Councilmember McMahon and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

1. Cirri Moran is nominated for **re**appointment to serve a special third term on the Plan Commission by Councilmember Terry Crow; it was seconded by Councilmember McMahon and the motion carried unanimously.
2. Carl Hoagland is nominated for **re**appointment to serve his first full term on the Park Commission by Councilmember Paulette Carr; it was seconded by Councilmember Crow and the motion carried unanimously.

3. John Solodar is nominated to the Green Practices replacing Robert Elgin's expired term, by Councilmember Steve McMahon; it was seconded by Councilmember Jennings and the motion carried unanimously.
4. Mary Gorman is nominated to the Green Practices as a **fill-in** replacing Scott Edison's unexpired seat, by Councilmember Michael Glickert; it was seconded by Councilmember Crow and the motion carried unanimously.
5. Carol Jackson is nominated to the Arts & Letters Commission by Councilmember Smotherson; it was seconded by Councilmember McMahon and the motion carried unanimously.

G. SWEARING IN TO BOARDS & COMMISSIONS

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

John Cross, 6847 Raymond, University City, MO

Mr. Cross expressed his opposition to the Resolution and suggested that Council give consideration to the passage of an Ordinance that itemizes miscellaneous expenditures. As it currently stands, the City's miscellaneous line item is nothing more than a slush fund and his interest is more about where the money is going, rather than where it is coming from.

Mr. Cross also suggested that the City remove its Neighborhood to the World logo until it stops denying certain segments of this community and truly becomes an inclusive neighborhood. He stated the 3rd Ward has been neglected for over 40 years. Services are going down; costs keep going up, and funding goes everywhere except the 3rd Ward. And forget about eminent domain because nobody ever buys a home with the intent of it being run-down by the City and taken for a next to nothing.

Mary Adams, 7700 Olive Boulevard, University City, MO

Ms. Adams provided Council with the following update from the U City Chamber of Commerce:

- Over the last fifteen months, membership has increased more than 400 percent.
- Additional member benefits are now available at the most accessible rates in the region.
- Robust relationships with regional partners resulted in the Chamber providing \$31,000 in financial assistance to Loop businesses impacted by the civil unrest that occurred on September 16th.
- A portion of this year's City-Wide Marketing Fund was used to produce the *Explore U City* brochure; a copy of which has been provided to Council. The brochure features an updated guide of all restaurants and specialty grocers on Olive Blvd., a map of U City's eight business districts, and a sampling of public art installations, history, architecture, and buildings.
- 5,000 maps will be distributed throughout U City, the St. Louis region, and have also been available for download on the Chamber's website.
- Self-guided tours are available in GIS version for mobile devices.
- Planning is in full swing for Taste of U City, which will be held on Thursday, March 22nd, from 5 to 8 p.m. at the Mandarin House Banquet Center.

Council was invited to contact the Chamber with questions or input, and everyone was encouraged to take the tours, dine at one of the great Olive-Link restaurants, and plan to attend Taste of U City.

Sonya Pointer, 8039 Canton Avenue, University City, MO

Ms. Pointer stated she would like to address some of the concerns she expressed at the community meeting held last week. She stated although she has been telling people about the importance of being proactive regarding the issues associated with TIF(s), her hope is that Council will acknowledge the fact that there are many low-income residents in these areas who may not participate, and take steps to provide the outreach she believes is necessary. Most of us know that historically, TIF(s) have displaced and gentrified poorer communities. And while she believes this Council is very capable and concerned, sometimes even when you think you are doing something good, it can have unintended consequences.

Ms. Pointer said she was intrigued by Mr. Cross' comments regarding the 3rd Ward and people's inability to maintain their homes because it was a perfect segue into her next topic; the code enforcement legislation being proposed by the City Manager. Even though these random inspections may not impact her personally, she does have concerns about how it might affect other members of her community. So she would simply ask the City to take a hard look at this legislation before attempting to get it passed.

Don Fitz, 720 Harvard, University City, MO

Mr. Fitz stated he too, attended the Community Forum with the new City Manager, Gregory Rose, and was astonished when he heard him speak about a plan to reduce crime by introducing satellite police stations in the middle of City parks throughout areas identified as having the highest levels of crime.

And in spite of Mr. Rose's explanation that the City would only be changing the use of these parks, U City residents clearly voiced their desire to have the right to vote on alterations made to parks, in a Referendum conducted many years ago. Since that forum, Mr. Fitz stated he has learned that a provision in the City's Charter says that the use cannot be changed without the approval of a vote by the citizens.

As a teacher of environmental psychology, he is very familiar with the literature on the effects of green space unconsciousness. And study after study has shown that green space has a calming effect on people, especially people who might be predisposed towards crime due to environmental or personal stressors. So his hope is that Mr. Rose will reconsider this proposal or at the very least, Council imposes a requirement that no changes be made without a vote of the people.

I. PUBLIC HEARINGS

J. CONSENTAGENDA – Vote Required

- 1. Annual Fuel Purchase Agreement.

Mr. Rose stated this Consent Agenda contains items that are considered routine and can be approved or rejected by one action of the Council.

Councilmember Glickert moved to approve, it was seconded by Councilmember Carr and the motion carried unanimously.

K. CITY MANAGER'S REPORT

- 1. Drone Program

Mr. Rose stated as he and staff begin to explore ways of improving the City's policing approach the use of technology will be a key component. Unmanned aerial vehicles have been used in the U.S. as a tool for improving public safety for over ten years.

Therefore, staff is recommending that the Mayor and Council review a presentation of the applications being explored for the use of these unmanned aerial vehicles, better known as drones.

Battalion Chief, Bill Hinson, stated the department currently utilizes two DJI Mavic Pro Drones for training purposes only and has three FAA **registered pilots**. The use of these drones require an FAA established account, drone registration, and a waiver application that allows the department to go outside the drone's normal operating capacity restrictions on altitude, night flights, and line of sight, for use in emergency situations. Standard operating procedures have been established, and are refined on a daily basis to reflect national standards.

The DJI Commercial/Tactical Drones staff is looking to purchase can be used to assist police and fire departments, community development activities, city-wide PR initiatives, and disaster evaluations.

DJI Commercial Capabilities:

- Site evaluations
- Pre-planning for anticipated incidents
- Calculate exact footage of buildings
- Locate hydrants
- Assist with code enforcement
- Evidence collection
- Public relations for special events
- Oversight potential for rapid deployment outside of hot zones
- Find hot spots in burning buildings
- Locate missing persons; *(The average time from deployment until a person is found, is approximately 7 1/2 minutes.)*
- Perform grid patterns

DJI Commercial Features:

- Uses the same command and control system as the DJI Mavic Pro
- Compass systems
- Double battery backup system with the ability to return home when the batteries get low and return to the exact location once the battery is replaced
- 4.3-mile range
- Thermal imaging camera
- Z30 camera zoom lens with a range of approximately 14 miles
- Downloadable recording system
- Military grading system for use in 30 miles an hour winds and rainstorms
- Live feed with encrypted network that can be logged into the dispatch center
- Numerous safety features
- Hazmat sensors that can sniff out chemical, biological, radiological, nuclear, and explosives within an area

Chief, Hinson stated both the Police and Fire Departments will be discussing the appropriate integration of these drones for joint team operations.

Councilmember Smotherson questioned whether the training drones had been used during the Loop protests? Captain Hinson stated the City has only had these drones for a couple of months, so they were not available at the time.

Councilmember Smotherson asked where the training for pilots was being conducted? Captain Hinson stated that for the most part, it has been conducted in open areas within Heman Park.

Councilmember Glickert asked where the command center for the drones would be located? Captain Hinson stated they are looking at all seven districts on a topographical map to determine exactly where the landing zones should be located.

Councilmember Jennings questioned whether storage space would be needed to archive the video footage produced by drones, and if so, has it been included in the purchase price? Captain Hinson stated a 6 terabyte hard drive or portable storage unit costs about 75 bucks and has the capacity to store multiple months of footage.

Mr. Rose stated this is staff's first look at the different types of technology they believe will assist in keeping the public safe. So Council should expect to be hearing more about drones, robotics, and the potential use of cameras in the very near future.

2. Janet Majerus Park Improvements – Engineering Svc Contract

Mr. Rose stated staff is recommending approval to authorize the signing of a contract with Planning Design Studio for the purpose of providing services to the City as it relates to the improvements proposed at Janet Majerus Park. The services include design, engineering, bidding, construction, administration, and surveying, at a cost of \$69,437.

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

Councilmember Smotherson stated he would like the record to reflect that although the contract identifies concrete, discussions have been centered on the desire to utilize asphalt. So he would like to receive some type of reassurance that asphalt is really what is going to be used.

Mr. Rose stated based on the comments he has received; unless Council asks him to go in a different direction, asphalt will be used in this contract.

Mayor Welsch questioned whether there was a need to amend the budget in order to accommodate this request since asphalt would require more maintenance than concrete?

Sinan Alpaslan, Director of Public Works and Parks, stated that additional funding would have to be incorporated into the budget for maintenance. However, asphalt and concrete are not the only options. And there is enough money in the design contract to utilize one of these options if Council is interested in reviewing them.

Mayor Welsch stated her assumption was that the City would receive less funding for asphalt than concrete. So are you suggesting that we retain the current funding until a final decision has been made?

Mr. Alpaslan stated that would be his suggestion. And then once a decision has been made staff would make the appropriate disclosures to the grant administrator.

Voice vote on Councilmember Glickert's motion carried unanimously.

3. Kingsland Bridge Contract Award

Mr. Rose stated staff is recommending approval for the award of a contract to the lowest bidder, Rainer Construction, for the Kingsland Avenue Bridge reconstruction project to remove and reconstruct the remaining superstructure sections under Kingsland Avenue from north of Etzel to south of Bartmer, and under the alley between Bartmer and Chamberlain Avenue. The cost of this project is \$1,545,379.75.

Councilmember Jennings moved to approve, it was seconded by Councilmember Smotherson and the motion carried unanimously.

4. Classification and Compensation Study – Request for funding

Mr. Rose stated staff is recommending approval of funding for a Classification and Compensation Analysis Study. Although costs can range from as low as \$22,000, up to \$75,000, which was paid by Maricopa, Arizona, staff utilized research obtained from this data to determine the anticipated cost of this study. The difference actually depends on whether you agree that the City should evaluate both classification; external and internal equity, as well as compensation; the benefits package and salaries, which is a little different than Clayton and Chesterfield.

Councilmember Carr moved to approve, it was seconded by Councilmember Crow and the motion carried unanimously.

L. UNFINISHED BUSINESS BILLS

M. NEW BUSINESS RESOLUTIONS

Introduced by Councilmember Glickert

1. **Resolution 2018-2**– Campaign Contributions. The motion was seconded by Councilmember Jennings.

Councilmember Glickert stated much has been said and heard about Federal, State, and local campaign contributions, and recently, Council was presented with a report by concerned citizens essentially requesting that local elections be financed organically. Although under Missouri law anyone can contribute, what matters most, is the preservation of integrity and transparency in U City's political process. There is a need to end the public's perception of these large contributions as superseding public interest. And while the ultimate goal may be to work with State legislators in order to establish a system that promotes and encourages broad-based citizen involvement in the election process, he believes the Resolution now before Council is a start in the right direction. So his hope is that Council can work together to carve out this essential declaration, which he believes can only make this a better community.

Mayor Welsch stated at the last Council Meeting one of her colleagues questioned why she had not introduced a Resolution related to the report presented by Dr. Bashkin and Mr. Logan on January 8th, and her response to that question was that she and Councilmember Glickert were currently working on a Resolution that is now complete and ready for introduction.

The intent of this Resolution is simple; to bring campaign donations under the umbrella of Section 110.040 of the Municipal Code; Disclosure of Conflict of Interest. The declaration of policy in the City's Municipal Code reads as follows: *"The proper operation of municipal government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain, and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosures by certain officials and employees of private financial or other interests in matters affecting the City."*

Mayor Welsch stated when this section of the Code was adopted the narrow focus was on personal and financial gain, as detailed in MO Statute 105.450. For instance working for a company that does business with a municipality or having a family member that does so. Her support of this Resolution is based on a belief that in this current political environment where big money is utilized to buy influence on national, state-wide, regional, and local levels, the scope of this statute is too narrow and should be expanded. U City should be concerned about how these large donations to public campaigns could possibly benefit donors when they are used to place an individual with the authority to pass legislation and approve contracts into office. Just as businesses, universities, and organizations around the country have incorporated strong conflict of interest rules for their employees, the residents of this community need to know that U City is committed to strengthening its current policy by bringing true transparency to the electoral process and ensuring that elected officials are working solely for their benefit. Some residents feel there should be public financing of all campaigns, that no outside donations should be allowed, some believe donations should be restricted to coming from people who live the area from which the candidate will be elected.

The substance of this Resolution; which should be included in the Municipal Code as an expansion of the current Disclosure of Conflicts of Interest Section or as a separate section on Campaign Financing and Council Involvement, seeks to resolve the following;

1. That candidates for public office in U City file campaign finance reports with the MO Ethics Commission rather than the St. Louis County Board of Elections to ensure that reports can be easily found and reviewed online by residents;
2. That financial and in-kind donations to candidates be limited to \$500 per donor, per campaign;
3. That candidates will not be allowed to accept donations from individuals and organizations they know to be doing business with U City, and
4. That if a member of Council has previously received donations from an individual or organization now seeking to do business with the City, they will be required to recuse themselves from any discussions or votes.

Mayor Welsch stated she truly believes the four points in this Resolution will guarantee better governance for the people of U City and hopefully, attract more interest in running for these elected positions once the cost of establishing and maintaining a campaign is minimized. She noted that one comment she had received from an opponent of this Resolution talked about her desire to tie the hands of the next Council.

However, since neither Councilmember Crow or Carr received donations related to the outsourcing of EMS and the future of Parking Lot Number 4, and if the same holds true for at least two of the new members, Council will still retain an outstanding majority with the ability discuss and vote on these issues should the need arise.

This community had led in the past on a myriad of issues like curbside recycling and the outlawing of housing discrimination, et cetera.

Therefore she would ask her colleagues for their support of this Resolution to once again, lead the way for a healthier and more transparent campaign finance environment within the St. Louis Region.

Everyone wants a government that is for the people, by the people, and her belief is that this Resolution will be in the best interest of the taxpayers by sustaining the City's democracy

This afternoon, KWMU reported that the St. Louis County Council is likely to take up a discussion of campaign finance limits very soon. Kansas City and St. Louis already have limits in place. Thirty nine states have limits on campaign contributions. Last Friday, a woman in West Virginia was hauled out of a state house chamber when she sought to put into the record the donations the coal and energy industry had made to that elected body. The State of Virginia discussing the energy monopoly in that state, a discussion that had been tied to discussion of those companies' campaign contributions. During the 2016 election, campaign donations were discussed widely – especially by Senator Bernie Sanders and his supporters.

This is an idea whose time has already arrived...University City should be a leader on this. *(Mayor Welsch asked that her written comments be attached to the minutes.)*

Councilmember Jennings stated he has had the opportunity to campaign for bond issues, the School Board, this Council, and honestly understands that it is a lot easier to run a campaign when you have an abundance of resources. So the question he had to ask himself was, *"What will the passage of this Resolution hurt?"* Everybody in his Ward cannot afford to be a thousand dollar donor; yet, their voices are important and should not be overshadowed by someone who can write a check for a thousand dollars. Therefore, he concluded that the answer to his question is this Resolution either drains the swamp or levels the playing field.

Councilmember Jennings stated he was asked to read the following comments submitted to him by one of his constituents into the record: *"Mr. Jennings, I am not able to attend tonight's Council Meeting and would respectfully request that you read this message on my behalf during your comment period on the subject Resolution. I support the passage of Resolution 2018-2. I see no flaws in the language or the purpose of this Resolution. I have read the various criticisms on social media and the questions raised about motives and past practices. I do not consider those comments valid objections to the passage of the Resolution. It is hard to comprehend that any Councilmember would not support this Resolution. Anyone voting against the proposed ethical campaign restrictions will be perceived as being against transparency and accountability in our democratic election process. Unanimous passage of this Resolution will provide excellent PR for our City. I urge all Councilmembers to vote yes. Sincerely, Jan Adams; 7150 Cambridge Avenue."*

Councilmember Smotherson stated he wanted to make his comments after the public comments.

Councilmember McMahon stated he is not against Council having this discussion or even trying to reach a consensus on these issues, so he appreciates the fact that his colleagues have brought this topic up. However, based on the magnitude of the proposed legislation encompassed by this Resolution, and the fact that it appears to be aimed at some very specific targets, he thinks Council should be given ample time to discuss it and flush all of these things out. This Resolution seems to be hinged on two things; the acceptance of donations that might interfere with Council's decision-making capacity, and a conflict of interest; having the personal integrity to know that those donations will not change the way you think or vote. Both of which raises several questions.

Q. Can we safely assume that during both of your tenures on Council you have comported yourselves to the very rules you are proposing? Councilmember Glickert answered if you want to talk we can go to Starbucks.

Mayor Welsch stated about ten years ago she had to recuse herself because her husband was an architect on the COCA expansion, but since that time, none of her donors have come before Council.

Q. The gist of the Bashkin/Logan Report is to remind people that when they take any kind of contribution they must also be cognizant of the need to put the City's interest first. Therefore, since no evidence of a conflict of interest was cited in the report, is this Resolution related to all legislative activity or quasi-judicial votes? Mayor Welsch stated although she is unclear about his interpretation of quasi-judicial, this Resolution; which relates to the donors of a campaign, would merely be an addendum to the City's existing policy on Conflicts of Interest.

Q. Would the adoption of this Resolution mean that if we voted to change the fees at Centennial Commons and someone gave one of us a dollar, we could not vote on that issue? Mayor Welsch stated she did not understand how anything in the Resolution had caused him to reach that conclusion? Councilmember McMahon stated if someone who has a business relationship with the City through the payment of fees, gave a member of this Council a dollar, it would then become a legislative function which ties into what this Resolution is saying.

Q. Do the provisions of the Charter allow Council to look at campaign contributions? Mayor Welsch stated based on her understanding the Charter does not contain any provisions, but that does not mean it cannot be dealt with accordingly.

Q. Do these proposed restrictions comply with the constitutional scrutiny tests for such limits, and if so, explain how? Mayor Welsch stated the levels referred to in the Resolution were extracted from the City's Municipal Code. However, there are similar laws around the county and campaign finance limits have been upheld by the courts.

Q. Do these limits also include the same conflict of interest language? Mayor Welsch stated she had not read all of the laws around the country.

Q. How does the inclusion of conflict of interest together with campaign finance limits affect the freedom of association guaranteed by the U.S. Constitution?

Mayor Welsch stated her belief that this Resolution falls within the laws of the State of

Missouri are based on the U.S. Supreme Court's ruling in *Citizen's United* which says that money is in fact, free speech, and the roughly 36 states, including Missouri, which have established that there can be limits on political donations.

Q. Your response refers to free speech, but my question is about the freedom of association, which is a different analysis. Has any research been conducted to ensure that this Resolution is void of any First Amendment violations? Mayor Welsch stated in no way was this Resolution drafted to limit who you can or cannot associate with. Its intent is to encourage members of Council to be cognizant of the need to disclose possible conflicts of interest related to campaign contributions.

Q. What data was used to reach the conclusion that Albuquerque, Oakland, and San Diego were comparable cities? Mayor Welsch stated the note attached to this Resolution when it was presented to Council, explains that although additional points could be gleaned from legislation adopted by cities they viewed as comparable, their only goal was to have a future Council give consideration to adopting an Ordinance that included the four points contained in the Resolution.

Q. It took the City of St. Louis six months from the time of their first reading, to the time of passage, so what is the anticipated timeline for the passage of U City's Ordinance? Mayor Welsch stated any timeline imposed would be at the discretion of Council.

Q. The Resolution states, "Any future Ordinance shall have these four points". Since "Shall" means mandatory, is it ethical to circumvent the directives of the Charter with respect to how Ordinances are adopted? Mayor Welsch stated Irregardless of the wording; which she interprets as, "*There shall be,*" Resolutions do not hold the same judicial authority as an Ordinance. So, if a future Council decides not to include the four points, so be it.

Q. What is your stance on the public financing legislation adopted by the City of Albuquerque? Mayor Welsch stated she would love to have public financing. But knowing the challenges this City's budget is facing she frankly does not believe that type of legislation would be feasible; that Council would approve it, or that it would even be something the City Manager would recommend.

Q. Recent elections for the office of State Representatives had a \$2,600 donation limit that encompassed fewer voters than this City's 1st Ward. So why are the State's limit of \$2,600 wrong and your proposal of \$500 right? Mayor Welsch stated the City of St. Louis has a limit of \$10,000, and one train of thought was since U City is one-tenth their size, perhaps, the limit should be \$1,000. Ultimately, the decision was made to utilize the limit already established in the City's Municipal Code, which is \$500. But if Council would like to amend the Resolution by inserting a higher limit, it is certainly their right to do so.

Q. If the underlying goal is to adopt an Ordinance to this effect, why is this Resolution even necessary tonight? Mayor Welsch stated the Resolution was prepared pursuant to a request made by concerned citizens on January 8th, that Council draft and approve a Resolution regarding campaign contributions which enables citizens to access the degree of influence these contributions might have on their elected officials. But here again, what any future Council does with this Resolution will be left up to them.

Q. Did anyone who graduated from law school assist in the drafting of this Resolution? Mayor Welsch stated she did have a lawyer look at the Resolution. And while she will state that it was not Jan Adams, her preference would be to allow this individual the option of self-identifying.

Q. Is this individual licensed to practice law in the State of Missouri? Mayor Welsch stated this individual is a very successful lawyer, licensed to practice in the State of Missouri.

Q. What is meant by the phrase, "A vote that involves"? Mayor Welsch stated she interprets it to mean any vote that involves a person, organization, agency or entity, who has donated funds to a Councilmember's campaign.

Q. Would this Resolution preclude a member of Council who received a donation from an establishment holding a liquor license from voting on any new proposals that come before Council requesting the same type of license? Mayor Welsch stated this Resolution only pertains to the specific entity that made the campaign donation.

Q. Even in the absence of this Resolution, is it your opinion that you should not have voted on a proposal which came before Council for the purchase of a specific parcel of land? Mayor Welsch stated although she cannot recall whether any of the individuals whose land this Council voted to purchase gave her money, that would have been her opinion at the time.

Q. Would you be willing to include an amendment to this Resolution which says, that if Council discovers any issues that occurred prior to the adoption of this Resolution the responsible member(s) still be held accountable for any monetary damage their vote caused to the City? Mayor Welsch stated she would not.

Q. How would this Resolution preclude 100 people from donating \$50 each? Mayor Welsch stated the Resolution was not designed to preclude small donations.

Q. Are there any other Charter Cities in Missouri that have this type of legislation? Mayor Welsch stated Kansas City; which she believes is a Charter City, has adopted this legislation.

Councilmember Carr maintained that if you look at the way this Resolution is written, \$500 may be the limit, but it is not absolute because there could still be a "*conflict of interest*," even if she were to receive a one dollar contribution. That being said, she would question why the Mayor and Councilmember Glickert; who have both gone through three elections; collected contributions over \$500, and maintained a supermajority between 2014 and 2016, have waited until now to bring this issue forward.

Mayor Welsch stated she has actually run four elections where she raised lots of money but believes that what caught everyone's attention is the fact that the limit amount for entities wanting to do business with the City changed in 2014. So, while she did have concerns back in 2015, she did not have the support needed to move anything forward, until the Bashkin/Logan report was submitted in 2018.

Councilmember Carr stated she found the Mayor's comments to be somewhat surprising since there are so many Asian businesses listed on her report, as well as the reports of Councilmembers Glickert and Jennings. Nevertheless, she is interested to understand why anyone would expect Council to adopt and apply this Resolution in the middle of a campaign? Is it really fair to change the rules in the middle of a game?

Mayor Welsch pointed out that the request for this Resolution came before Council on January 8th, and since she will no longer be a member of this Council after the election, she would like the opportunity to show her support by placing a yea vote on the record.

Councilmember Carr then addressed her comments and questions to the four points outlined in the Resolution.

Point No. 1

With the exception of Councilmember Jennings and Former Councilmember Stephen Kraft; in his second election, Council has filed their reports with the Board of Elections.

Q. Are you aware that Legislation HB-1476, which went into effect on January 1, 2017, states that "All committees, except committees formed for local ballot measures, must register with the Missouri Ethics Commission and file all campaign finance reports electronically with the MEC," thus making the first point in the Resolution superfluous? Mayor Welsch stated that she was not aware. Councilmember Carr stated that those who have an open campaign, which includes the two gentlemen running in Ward two knew that they had to file with the MEC and so did she.

Point No. 2

Councilmember Carr stated it also seems like during this same period of time the General Assembly looked at limits of \$2,600, rather than \$500. However, since she is still uncertain whether this is really about a dollar amount, she would defer making any additional comments.

Q. Have you ever taken a contribution from someone who held a business interest with U City, and then voted on a proposal brought before Council that directly impacted that business? Mayor Welsch stated she did not believe that she had. But if these regulations had been in place she would not have been able to accept the in-kind office space that George Tsai provided to her which was valued at \$2,000. Councilmember Carr noted that the Mayor had only paid Mr. Tsai \$250 a month.

Q. What does the word "involved" mean? Mayor Welsch stated her understanding of the word as an individual agency, organization, entity that is doing business with the City.

Councilmember Carr stated that definitions are needed before this Resolution could stand.

Q. Is a direct expenditure, either for or against a candidate, made by an outside person or Pac considered a contribution?

Mayor Welsch stated she thinks that if direct and in-direct expenditures made by other organizations have to be shown on a Missouri Ethics Commission Report, it would qualify as a contribution.

Q. If someone distributed postcards against you and you listed the expenditure in your Campaign Finance Report but your opponent elects not to, can you hold your opponent responsible for something someone did over which you have no control? Mayor Welsch stated she would point out to her opponent that although they did not have to report the expenditure, this money was spent on their behalf and it would be wise to recuse themselves from the voting process.

Ms. Carr: if they put out some postcards against you and they file it in their campaign finance report, but it's not in my opponent's report should I hold my opponent responsible for something that someone else did over which she has no control, or count that as part of the money spent?

Point No. 3

Q. What exactly do you mean when you state that the amount of \$500 is in-line with the size of this community and the range of socioeconomic levels, and how is that applied to the limit? Mayor Welsch stated U City is diverse in many ways, and both she and Councilmember Glickert felt that one of those differences arises from the socioeconomic levels of this community. So the ability to have a level playing field as it relates to campaign finances might encourage more people to get involved in the electoral process.

Councilmember Carr stated in her opinion, the only way you can have a level playing field is to give every candidate a check for the amount of money they can spend. She stated she is in agreement with the philosophy that campaign donations are a form of speech which demonstrates an individual's support. And the amount of that donation is irrelevant. As presented, this Resolution would penalize an entity from expressing that free speech by requiring a member of Council to recuse themselves from ever giving consideration to a matter they were involved in. Mayor Welsch stated the philosophy of free speech mentioned by Councilmember Carr, is the same philosophy advocated by Citizen's United, which she is not in agreement with.

Point No. 4

Councilmember Carr stated the most important is to list all those who have recused themselves from a vote on an issue involving a campaign donor; monetary or in-kind. She would be the first to admit that she had recused herself from voting on Gama because she accepted \$200 from Tim Gamma. Who else has done that? However, throwing mud on people is something she thinks is uncharacteristic of U City, and this Resolution seems to be coming really close to doing just that. So, she would like to know what the problem really is and whether this Resolution is actually a solution to that problem or a solution in search of a problem? And she won't know the answer to that question until someone provides her with a list of all instances where they believe a member of Council should have recused themselves from a vote because they received a campaign contribution for any amount, and failed to identify the possibility of a conflict of interest.

Councilmember Carr stated she would agree that there are some dark areas. The State says you do not have to itemize contributions of \$100 or less. However, this "*dark money*" can be just as influential as larger donations since it could have come from one individual or a group of business owners. So it's a matter of trust.

Mr. Bashkin's report only looked at the firefighter's donations and direct expenditures, however, he bundled them together. So it's a little confusing. The report excused some Councilmembers, like the Mayor, who received \$2,000 in in-kind donations from George Tsai; the largest landowner on Olive. And yet, recently we voted to give the Asian businesses located on Olive \$40,000 of EDRST funds to look at establishing a SID.

And for every donation mentioned by Mr. Bashkin, a review of the finance reports for Mayor Welsch, Councilmember Glickert, and Councilmember Jennings, will show that they too received donations and then voted on issues associated with those donations without providing any notification of a possible conflict of interest. And while this is really not illegal, the point is that up until now, nobody has ever said anything about it.

So even though she understands that U City might have some work to do, in her opinion, Points 3 and 4 will render Council unable to do the job they were elected to do; represent the people and vote on the issues before them. And eventually, they will drag this City into court because it will not be able to stand up to constitutional challenges.

Mayor Welsch is correct about a candidate in the City of St. Louis being able to collect a total of \$10,000 per campaign. However, what the Ordinance states is that a candidate cannot collect more than \$10,000 from others, but they are free to finance their own campaign. So if you want to talk about an unlevel playing field, that's one, which she does not believe, would be a viable solution for U City.

Although St. Louis and Kansas City may have Charters, they are both designated as Class A Cities, and not Charter Cities.

So while she appreciates the time and effort put into drafting these 150 pages, and perhaps, consideration could be given to some of the concepts adopted by the other cities they've identified, she does not think enough thought and planning has gone into the preparation of this Resolution.

And finally, when you talk about doing business with U City, in her mind, everyone sitting in this room that has paid a tax or a fee, does business with the City.

Mayor Welsch stated this is not about slinging mud on anyone. In fact, what she is asking this Council to do is exactly what the City Manager has suggested on multiple occasions since his arrival; to stop looking back and move forward.

Citizen's Comments

James Bashkin, 7739 Stanford Avenue, University City, MO

Dr. Bashkin stated Mr. Tsai's donation to Mayor Welsch was not ignored and has been clearly documented in the report provided to Council. With respect to the comments made by Councilmembers Carr and McMahan, there seems to be a note of levity about the appearance of a conflict of interest or misconduct by members of Council as it relates to the receipt of funds from entities they are subsequently asked to vote on during these proceedings. But he does not think they would find it to be so funny if they were marched off in handcuffs by the police or the FBI on charges of corruption, which is happening all over the country. In fact, at this very moment, there is a strange situation going on with the County Executive where there are insinuations of misconduct having to do with campaign donors being awarded large contracts by the County. And while one may not know quite what to think, it does not look very good. So perception is important, because it's what causes people to lose confidence in their government.

There is a similar disturbance among many residents of U City who are concerned about how some members of this Council will behave when asked to vote on matters having to do with the Firefighter's Union. So these proposed rules of ethics are extremely important.

It does not mean that we have been perfect in the past or that we are even trying to claim that we have. It simply addresses fears many residents face about what appears to be a financial stranglehold the Firefighter's Union has on this City Council, and many others; if not all of them, throughout the region. As a result of this activity; and other actions which encompass more than what has been released in his report, federal prosecutors are now contemplating whether RICO charges should be brought against

the Firefighter's Union.

Dr. Bashkin stated Resolutions of this general nature are being passed all over the country because of concerns exactly like the ones stated in his report that affect the integrity of our democracy. So whether the limits are adjusted is of no great consequence, it's the spirit of the proposition that is extremely important.

Yvette Joy Liebesman, 7570 Cornell Avenue, University City, MO

Ms. Liebesman stated her original intent was to commend the Mayor and her supporters for the creation of this Resolution, which on the surface, appears to demonstrate a great deal of concern for this City's electoral politics and its future from corruption and undue influence. But after a thorough review, she now believes there are some serious problems.

Point No. 3, which states that you cannot accept financial aid or in-kind donations from anyone who has a business or financial relationship with the City, is over-inclusive. The mere purchase of a three dollar dog tag creates a business relationship, which removes citizens from participating in their own electoral process by supporting the candidate of their choice, and provides an opportunity for outside influences.

Point No. 4, which states that any member of Council who has ever accepted a dime from an entity must recuse themselves from voting, is under-inclusive because, in reality, any business they conduct will have an impact on those entities. So now, Council is completely paralyzed.

The Resolution addresses nothing about PAC(s). Whether you like it or not Mayor, the law of the land says that I can set up a PAC and decide to buy a bunch of campaign buttons for a candidate I don't like. And based on the recusal language in this Resolution, if that candidate wins, that PAC now has the ability to shut down everybody on Council they don't like, simply by making an independent campaign expenditure on their behalf.

The final problem is that if a member of Council must recuse themselves from voting on a business they have received campaign donations from in the past, it will create unfair competition.

Rosalind Borg, 7820 Cornell Avenue, University City, MO

Ms. Borg stated she provided an email in support of this Resolution; which she believes speaks to good ethics, governance, honesty, and integrity, to all members of Council, with the exception of Councilmember Smotherson; whose email came back as undeliverable. So in the interest of time, she would simply add that she was happy to learn Councilmember Carr; her representative in the 1st Ward demonstrated good ethics by recusing herself when it was important to do so. And say thanks to the two members leaving this Council who she believes have served to the very best of their ability. This is not an easy job. So she hopes Councilmember Crow has thick skin and is prepared for what most Mayor's get, which is very little thanks and a great deal of criticism.

Ms. Borg stated she had been unable to maneuver the sidewalks leading up to City Hall on her own and would suggest that additional handrails be added.

Mayor Welsch stated she would like to point out that three members of this Council will be leaving.

Leif Johnson, 836 Barkley Square, University City, MO

Mr. Johnson stated what this Resolution is really about is, convincing people they should not take campaign contributions from the firefighters. And once you understand that, it would cause you to wonder why it is being presented in the middle of a

campaign. Because as Councilmember Carr pointed out, the Mayor had a perfect opportunity to present this Resolution when she had control of City Council.

Therefore, you would have to surmise that it is nothing more than a political ploy to ensure that nobody takes contributions from the firefighters, who most definitely, will have issues for this next Council to vote on.

And this question of conflict of interest is absolutely absurd. First of all, if you vote yes; because you want to appear clean, you'll only wind up looking very foolish when someone files a lawsuit against you and the judge throws this Resolution out of court. If you vote no, that gives the appearance that you're corrupt. And the Mayor, who has an extensive mailing list, will make certain to get the word out that every member who voted no is corrupt and responsible for holding up the process of cleaning up this City's government. That's the real elephant in the room that nobody wants to talk about.

Nancy Baglan, 7540 Cornell Avenue, University City, MO

Ms. Baglan expressed appreciation to everyone who has taken their time and effort to represent this City.

She stated in spite of the fact that she does not attend these meetings very often her expectation was that Council would have a thoughtful and deliberate discussion on the merits of this Resolution because, at the time, her intent was to come here and assert her support. But at this point, she thinks that allowing time for more discussion would be a really good idea. Ms. Baglan stated she does not need to hear discussions like the ones here tonight, that have such a personal tone, calls into question the motives of others or talks about past campaigns. This should be a Resolution about our City's future. Citizens need to know that decisions are being made in their best interest without undue influence from outside organizations. Ms. Baglan stated she is aware of this City's history of being a leader and would like to believe that the residents of this City are still capable of being leaders. So she would suggest that Council come up with a Resolution that accomplishes that and gives citizens the confidence of knowing that their vote matters.

Bart Stewart, 714 Harvard Avenue, University City, MO

Mr. Stewart posed the following questions to Council and asked that he be provided with the answers, preferably by the next Council meeting:

1. Are Bashkin and Logan the only authors of this report?
2. What are the largest donations ever received by Mayor Welsch and Councilmember Glickert?
3. What legal advice has been sought with respect to this Resolution?
4. Have any City funds been expended for this Resolution?
5. If he and another member of this community presented the Mayor with a proposed Resolution, would it be brought before Council?
6. Why does this City seem to be so anti-union, when historically, Unions have been one of the backbones of progressivism?
7. Has there been a code red issued this evening?

Jeff Hales, 7471 Kingsbury, University City, MO

Mr. Hales stated Ms. Ellen Burn publicized this Resolution on Nextdoor.com and opened her post with "*Washington, D.C. can't seem to do it, but maybe the U City Council can reduce the influence of large financial donations on our local politics.*"

The Bashkin/Logan Report is riddled with incomplete information and is almost entirely focused on the campaign finances of four former candidates. Seeing as this report seems to be the impetus for this Resolution, one of the first discussions he believes should be conducted, is whether these donations have led to influence and

conflicts of interest. Because it would seem incredibly hypocritical if Mayor Welsch and Councilmember Glickert, who are seeking to change the rules in the middle of an election they have chosen not to participate in, are not willing to hold themselves to the code of ethics being presented tonight.

Mr. Hales stated in reviewing the 2014 Campaign Finance Reports of the Mayor, Councilmember Jennings, and Councilmember Glickert, there are four examples he found interesting.

- Mayor Welsch received a \$773.10 donation from Greg Pace.
- Councilmember Glickert received a \$470 donation from Mr. Pace.

By your own standards was it unethical for you to vote to outsource EMS given the substantial contributions received from the greatest proponent of outsourcing?

- Councilmembers Jennings and Glickert both received a \$500 donation from Linda Wiggins; the wife of former Councilmember Stephen Kraft.
- In 2010 Mayor Welsch received a \$300 donation from Ms. Wiggins

By your own standards did you disclose or recuse yourselves when matters related to Councilmember Kraft's behavior were brought before Council during the summer of 2014?

- In 2010 Mayor Welsch received a \$400 donation from Nancy Georgian
- In 2014 Mayor Welsch received a \$250 donation from Ms. Georgian

At the September 12, 2016, meeting Council voted to approve a zoning change and site plan for a property owned by the Georgians. By your own standards Mayor Welsch, did you disclose or recuse yourself from that vote?

- Councilmember Glickert received a \$500 donation from Tim O'Donnell
- Councilmember Jennings received a \$500 donation from Complete Supplements, a company organized by Mr. O'Donnell.

Council unanimously agreed to sell Tim O'Donnell a City-owned property located at Olive and North and South for about .10 cents on the dollar after the former City Manager failed to include the protections recommended by Council in the contract. By your own standards did either of you disclose or recuse yourself from that vote?

Mr. Hales stated if this Resolution is passed with the effects being retroactive to preclude Councilmembers from voting on matters related to any donor in a prior election, shouldn't the penalties be retroactive as well? A contribution can only be a conflict of interest through an individual's own actions, and fortunately, records are available to connect the dots. Maybe these members of Council should share the whole store of their finance and voting records and let citizens decide whether or not they carry the mantle of campaign finance ethics. People in glass houses should not throw stones. *(Mr. Hales stated he would be happy to submit all of these Campaign Finance Reports to the City Clerk for the purpose of making them a part of the record.)*

Jerrold Tiers, 7345 Chamberlain, University City, MO

Mr. Tiers stated even though he is running as a candidate for the 2nd Ward, he is here as a citizen who has way too much respect for every member of this Council to believe that any donation given to them has influenced their decisions. Nevertheless, in the future, somebody might be influenced, and that gives one part of this Resolution some merit; a limit on campaign contributions. He stated when he was approached to run for office he was provided with an estimate of what it would cost to run a campaign, and that estimate was roughly \$11,000. So he can understand how it could create a little bit of doubt with respect to influence if a person were to receive a donation that represented close to half of that amount. And the optics; as they say in Washington, are terrible.

Mr. Tiers stated he is not impressed by the recusal requirement and thinks that if the

campaign donation limit was established for a reasonable amount you could dispense with the recusal effort. So he would have a certain amount of support for a limit on donations, however, it is, among other things, an unreasonable recordkeeping request to require a candidate to keep track of everybody who gave them a buck.

Tim Michels, 7038 Cornell Avenue, University City, MO

Mr. Michels expressed his deep gratitude and thanks to every member of this Council for doing a job that he certainly would not want to do. First of all, he would like to say that he has tried to live his life on the principle of thinking globally, but acting locally. With regard to the Resolution before Council, the global context begs a Citizen's United Supreme Court decision on campaign funding, which personally, he thinks has been one of the most devastating developments in the history of our representative democracy.

But in his opinion, candidate funding should come solely from the people a candidate purports to represent; the voters. In large measure, this helps to eliminate conflicts of interest, as well as undue and often, unknown influences from outside parties. Mr. Michels stated he just does not want his candidate to be directly beholden to a PAC.

In the long-run, we need to find ways to reign-in the money in politics because what he sees is a lot of asymmetrical funding. And when that occurs, the voice of the voting constituents cannot be heard. The idea that money is free speech effectively relegates us individuals to the dustbin, and would argue constitutionally, that citizens suffer from unequal representation. He stated he honestly believes that this disenfranchisement is the core reason for low voter turnout in elections. When voices are too strident, we cannot hear each other, and that disables thoughtful and reasonable discourse. But we cannot survive as a community if we cannot respectfully listen to one another. Mr. Michels stated his plea to Council is that this City holds itself to a higher standard than what is currently being accepted globally. Locally, U City can become an agent of positive change, redress the problem of voter disenfranchisement, and become an example of voter empowerment. For that reason, he would respectfully request that Council unanimously amend the Proposed Ordinance to limit contributions to those from direct voters.

Council's Comments

Councilmember Smotherson stated one point he wanted to make clear is that there is no stranglehold. And while the Mayor may not be slinging mud on any one person, she has definitely muddied the waters. The reality is that this Resolution was dead upon arrival, and thinks the authors knew very well that it would be. Dead, based on the 160-page Bashkin/ Logan report. Dead, based on the Mayor's weekly newsletters. Dead, based on the misleading statements about potential decisions that have not been made, and potential conflicts of interest that do not exist.

Some of you addressed the fact that you would like to see Council and this City move forward, and your hope had been that this Resolution would accomplish that feat. But unfortunately, this Resolution addresses the past, because what it says is, *"For any and all votes that involve an organization, business, or an individual who has contributed to a Councilmember's previous or current campaigns for City Council that member will be required to recuse him or herself from such votes and pertinent arguments."*

Councilmember Smotherson stated the pendulum has already swung back and this year's election will probably be one of the most inexpensive campaigns this City has seen in a long time. The issues of large campaign contributions and nasty campaigns have, and will be moot; a matter of no importance after April 3rd.

But make no mistake, there was a reason behind the 2014 campaign contributions, and that reason is akin to the reasons for Proposition H; the recall petitions; the failure of

Prop P, and the failure of Prop S. He stated his belief has always been that living by example and practicing what you preach, were sound principles, but the authors of this Resolution have not done that. Yet, they expected this Council, as well as future Councils, to live by something they had no intention of being a part of. His prediction is that this issue will simply become ammunition for the Mayor's next seven weeks of newsletters.

But to end on a positive note, he would like everyone to be encouraged by the fact that this Council, and this City, are in good hands. Over the past year, Councilmembers Carr, McMahon, Crow, and himself, have acted with immediate and positive responses that have demonstrated tranquility rather than chaos. And now, with the new City Manager and Clerk in place, the future looks bright for U City.

Councilmember Smotherson stated he is also confident that if at given point in time, this Council or a future Council feels that campaign contributions and finances need to be reviewed, they will do so by adopting a Resolution that not only makes sense, but every member will be willing to live by and serve under.

Councilmember Crow thanked everyone for their attendance, comments, and practical ideas presented at tonight's meeting. He stated he does think that in spite of the many comments in opposition to this Resolution, it's important for everyone to understand that this was not a drop-kick for anyone. Although it has been interesting to hear comments about the need to follow the spirit of this Resolution, members of this Council must follow what has actually been placed before them. And this is the worst Resolution he has seen drafted in ten years. It would never stand up in court. And it's also clear, that it was prepared by only one member of this Council and put forth as a red herring. Because there is no one in this room who has come forth with a specific example demonstrating where any member of this Council has been influenced by campaign donations.

Now perhaps, there are some who think the citizens of U City lost confidence after these contributions were made. But his belief is that citizens lost confidence after 200 people filled this chamber and said don't you dare outsource our EMS, and it was outsourced in spite of their pleas.

Councilmember Crow stated another major contention with this Resolution is that it provides no definition of in-kind. So it simply makes no sense to move forward with this Resolution as it has been written, and it is truly at the height of hypocrisy to propose legislation that will never be applied to you. He stated that if campaign finances were really so important and were impacting the credibility of this government, why were there no study sessions or public hearings in order to gain an understanding of what residents were concerned about? Nevertheless, if there are residents interested in conducting a public hearing on this topic he would be more than happy to either host or participate in them.

He stated he would agree with Mr. Michel's comment that on a global basis campaign finances are a big deal that everyone is concerned about. And now that this topic has been interjected into U City, he is willing to do the necessary legwork to put together a citizen's task force who can report their findings back to the members of Council that will be bound by any subsequent legislation.

But at this point, he would like to make a motion to indefinitely postpone Resolution 2018-2; it was seconded by Councilmember Smotherson.

Councilmember Glickert stated some very good points have been brought up about reasonableness and the fact that this Resolution may not have been very well thought

out. But the truth is, that even if he had presented this to some of his colleagues in the past, it still would not have gone anywhere. So his only question is whether a timeline for the tabling of this Resolution had been established?

Councilmember Crow stated his motion was to postpone this Resolution indefinitely and thereafter, be willing to work with his colleagues to put together a task force appointed by the members of Council who will be bound by any subsequent legislation.

Mayor Welsch asked Councilmember Crow if that was the gist of his full motion? Councilmember stated the only motion he had made was to postpone Resolution 2018- 2 indefinitely.

Roll Call Vote Was:

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

Nays: Councilmember Glickert, Councilmember Jennings, and Mayor Welsch.

BILLS

Introduced by Councilmember Smotherson

1. **BILL 9350**—AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN. (7000 Kingsbury) Bill Number 9350 was read for the first time.

Introduced by Councilmember McMahon

2. **BILL 9351** – AN ORDINANCE AMENDING CHAPTER 400, ARTICLE VII, SECTION 400.2010 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO THE ZONING CODE, OFF-STREET PARKING AND LOADING REQUIREMENTS, LOCATION OF PARKING AREAS. Bill Number 9351 was read for the first time.

N. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
Mayor Welsch announced the appointments that were needed.
2. Council liaison reports on Boards and Commissions
Councilmember Carr stated the Stormwater Task Force is well into their inventory and have distributed surveys in order to obtain feedback from residents who have experienced problems with flooding. Surveys results can either be mailed, phoned-in or completed online at surveymonkey.com

Mayor Welsch asked Councilmember Carr if she would provide information about the survey to Mr. Rose to share with the rest of Council? Councilmember Carr agreed to do so.

3. Boards, Commissions, and Task Force minutes
4. Other Discussions/Business

O. CITIZEN PARTICIPATION (continued if needed)

Mayor Welsch stated Ms. Jan Adams, of 7150 Cambridge Avenue, asked that her comments be read and placed into the record. *"The Federal Government is now focused on individual Congressmen who have used taxpayer funds to settle personal lawsuits. Congress is in the process of debating legislation to compel those Congressmen to reimburse the Government for those settlements. I call upon the*

members of this Council who have also used taxpayer funds to settle their personal defamation claims, to reimburse U City taxpayers for their misappropriation.

I am aware that our City Attorney has taken a victory lap for what he claims is a defeat of the Petition for Injunction and Declaratory Judgment that I filed in December of 2016. However, he knows, and you should know, that even though Mr. Mulligan drafted a Proposed Order to Dismiss my claim with prejudice, the Judge on her own initiative struck out his proposed language and entered the Order without prejudice. She rightfully explained that I may be able to obtain evidence to prove my claim, but at the time I did not yet have that proof. The without prejudice language means I have one year to file a Motion to Reopen the case. My deadline to file that motion is in early March.

During the initial arguments in my case, the Judge stated that there is no question that Steve McMahon was not an elected official at the time of the alleged defamation, and clearly cannot use taxpayer funds for either his defense or any payment of a settlement or verdict. She said that she could not yet opine as to whether the three Councilmembers were acting ultra-vires.

In conclusion, she stated that she was sure that the City Attorney and the other lawyers present at the hearing knew the law and would inform their clients of the law and that their clients would not violate the law. She assumed too much.

I have now obtained the various documents related to the \$150,000 Walker settlement, and the approximately \$100,000 attorney fees. And clearly, our City Attorney and the lawyers for the four Councilmembers either did not know the law or did not convey the law to their clients, or the four Councilmembers knowingly violated the law. Again, I call upon the four Councilmembers to reimburse U City taxpayers now, in order to avoid the expense of further litigation. You have less than 30 days to make the right choice."

Yvette Liebesman, 7570 Cornell, University City, MO

Ms. Liebesman stated she is all for every member of this Council reimbursing the City for any sexual assault judgments that are made against them in settlements. That is what Congress is for, and something Ms. Adams has misrepresented in her statement. Nothing mentioned in her statement has anything to do with the Congressional action.

P. COUNCIL COMMENTS

Councilmember Smotherson stated since this is Black History Month and the City has taken an historic step, he would like to congratulate Ms. LaRette Reese for being the first African-American City Clerk in U City.

Councilmember Crow stated that in closing, he would like to emphasize the sincerity of his offer to work on creating a citizen's task force on campaign finance reform, and would welcome the input of his colleagues, City staff, and the City Attorney.

Councilmember Carr stated she would like to inform everyone that she paid for her own defense when she was sued personally and has never used City money to defend herself, in a personal capacity.

She stated this will probably be the last time she mentions this, but 2014 was not about the firefighters. 2014 was about keeping a candidate; Jeff Hales, off the ballot. People were furious and that's what caused them to dig into their pockets and make sure he could get back on the ballot; which cost him almost \$20,000. She stated her hope, is that this never happens again, and with her colleagues sitting here on the dais, she has every confidence that it never will.

Councilmember Carr stated she cannot speak for the Firefighter's Union, but she has never taken a dime from them. In fact, she begged the Mayor back in 2010 not to take the money she had received because at that time it was illegal for them to participate in elections.

Councilmember McMahon thanked everybody that came out tonight. He stated what keeps coming up are questions about his motives, but when people call and ask him for help, he does not ask if they donated to his campaign or even if they voted for him, he simply does what he can to help them.

So to insinuate that he does not take this job seriously is unwarranted because his only motive with respect to this Resolution was to have a discussion. And he is willing to work with Councilmember Crow or anyone else, to keep that discussion going because it is important. So if someone interpreted his questions as having levity, perhaps, he's just not a very good comedian.

Councilmember McMahon stated he lives never the golf course which is one of the locations Gateway's ambulances are supposed to be stationed. When he left his home Saturday morning there was no ambulance at the golf course; no ambulance at Heman Park, and no ambulance at Cicero's.

Later that same day; no ambulances at the golf course, Heman Park or Cicero's. Where were they and how do we know that we are getting what we were promised? If we have to assign someone to watch them day in and day out, just to make sure they are adhering to their contract, then we also need to calculate the expense associated with performing that task. He stated that judging Gateway's performance is not a conflict of interest, it's watching out for the residents whose dollars are being used to pay them.

Q. ADJOURNMENT

Mayor Welsch thanked everyone for their attendance and adjourned the City Council meeting at 9:23 p.m.

LaRette Reese
City Clerk

2.12.2018

As some of you may remember, at the last Council meeting, a member of this Council asked why, if I felt the report provided to us by Dr. James Bashkin and Mr. Logan on January 8th was so important, I had not introduced a resolution related to it on January 22nd. And I said that Mr. Glickert and I were working on one. I am happy that Councilmember Glickert and I were able to introduce this resolution tonight.

This resolution's intent is really simple – to bring campaign donations under the umbrella, so to speak, of the Disclosure of Conflicts of Interests section of the Municipal Code, Section 110.040.

The Declaration of Policy in our Municipal Code is as follows:

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

When this section of the Code was adopted – I believe back in 2007 – the narrow focus was on “personal and financial gain” as detailed in Missouri State Statute 105.450, for instance working for a company that does business with the municipality, or having a family member that does so.

I am in support of this resolution because I believe that current focus is too narrow, that in these times of big money trying to buy influence on the national, statewide, regional and local levels, that this scope should be expanded. We also need to be concerned about how donations to political campaigns that are designed to put a person into an office that can pass legislation and approve contracts, could also benefit those same donors.

The residents of this community need to know that their elected officials are working solely for the benefit of our community. Period. Just as businesses, and universities, and organizations around the country have strong conflict of interest rules for their employees – University City should strengthen ours so that we can lead the way in the St. Louis region in bringing true transparency to the electoral process.

I have spoken to residents who believe there should be public financing of all campaigns – that no outside donations should be allowed. We all received an e-mail from another who believes that donations should be restricted to coming from people who live in the area from which the candidate will be elected.

This resolution does not go to that extent.

This resolution ensures that candidates for public office in University City file their campaign finance reports with the Missouri Ethics Commission vs the St. Louis County Board of Elections, so that they can be found and reviewed **on-line**, easily, by the residents of this community.

It says that financial and in-kind donations to campaigns be limited to \$500 per donor per campaign – a level that matches the \$500 transaction level mentioned in our City code.

It states that candidates will not accept donations from those individuals and organizations that they know do business with the City of University City, and recuse themselves from any discussion or votes related to individuals or organizations who provided campaign donations in previous campaigns.

As those of you who read the report know, Bashkin/Logan focused its attention on donations from both the firefighters' union and two U City businessmen.

One of the comments I have been sent, which was posted on social media by opponents of this resolution, stated that I am supporting this resolution to "tie the hands of the next Council". This resolution will not tie the hands of the next Council relative to the two issues mentioned by Bashkin and Logan – outsourcing of EMS and the future of parking lot #4.

On the question of EMS, Councilmembers Crow and Carr took no money from the firefighters. There will be three new Councilmembers on the next Council – and if at least two of them took no money from the firefighters, there would be a majority that could discuss and vote on that issue.

Same with the parking lot. Mr. Crow did not take money from the two U City businessmen mentioned. If the three new Councilmembers have not done so either, there would be a majority to vote on that issue, should it come up.

I truly believe the four points in the resolution will ensure better governance for the people of University City.

These should be included in our Municipal Code either as an expansion of the current disclosure of conflicts of interest section, or as a separate section on campaign financing and Council involvement in votes.

A side benefit of this resolution would, I hope, be to bring the cost of political campaigns back to earth in University City, so that more people will consider running for office. Right now, too many are discouraged by the amount of money they know they will have to raise.

This report has prompted me to look back at my four campaigns for public office. Most of my donors were small donors, but some were not, and I would have had to refuse those larger donations – cash and in-kind – if the terms of this resolution had been in effect. My campaigns would have been different, but we would all have been on the same playing field.

Mr. Glickert and I are introducing this resolution because it is in the best interest of the taxpayers of the City of University City. This community has led in the past on many other issues – like curbside recycling, and outlawing housing discrimination, and home inspections, and an occupancy permit system, to name a few. I ask my Council colleagues for their support of this resolution, and lead the way for a better, more transparent campaign finance environment in the St. Louis region.

We all want government by the people and for the people. I believe this resolution will help our democracy here in University City.

I ask the City Clerk to include my complete comments in the record.

CITIZEN COMMENTS - FEBRUARY 12, 2018

The Federal government is now focused on individual Congressmen who have used taxpayer funds to settle personal lawsuits. Congress is in the process of debating legislation to compel those Congressmen to reimburse the government for those settlements. I call upon the members of this Council, who have also used taxpayer funds to settle their personal defamation claims, to reimburse UCity taxpayers for their misappropriation.

I am aware that our City Attorney has taken a victory lap for what he claims is a defeat of the Petition for Injunction and Declaratory Judgment that I filed in December, 2016. However, he knows, and you should know, that even though Mr. Mulligan drafted a proposed Order to dismiss my claim “with prejudice”, the Judge, on her own initiative, struck out his proposed language and entered the order “without prejudice”. She rightfully explained that I may be able to obtain evidence to prove my claim, but at the time I did not yet have that proof. The “without prejudice” language means that I have one year to file a motion to re-open the case. My deadline to file that Motion is in early March.

During the initial arguments in my case, the Judge stated that there is **NO QUESTION** that Steve McMahon was not an elected official at the time of the alleged defamation and “clearly” cannot use taxpayer funds for either his defense or ANY payment of a settlement or verdict. She said that she could not yet opine as to whether the three Council members were acting ultra vires. In conclusion, she stated that she was sure that the City Attorney and the other lawyers present at the hearing “knew the law and would inform their clients of the law and that their clients would not violate the law”. She assumed too much.

I have now obtained the various documents related to the \$150,000 Walker settlement and the approximately \$100,000 attorney fees and clearly our City Attorney and the lawyers for the four Council members either did not know the law, or did not convey the law to their clients, or the four Council members knowingly violated the law.

Again, I call upon the four Council members to reimburse UCity taxpayers now in order to avoid the expense of further litigation. You have less than 30 days to make the right choice.

Respectfully submitted,

Jan Adams, 7150 Cambridge Ave.

I would like to take this opportunity to express my desires for our society at large and the University City community regarding the proposed ordinance on local campaign financing.

First of all, I truly subscribe to the admonition: "Think Globally, Act Locally".

With regard to the proposed ordinance before City Council, those that know me have likely heard me express my opinion on the Citizens United supreme court decision on campaign funding as a devastating development in the history of our representative democracy. Even prior to that, folks may have heard me wistfully suggest that we should fund an initiative petition in the State of Missouri that states "if you can't vote for a candidate, you cannot contribute to the candidate's campaign". I think that candidate funding should be solely from the people the candidate purports to represent. This eliminates undue and often unknown influence from outside parties. Outside parties can still be heard through sponsoring "education" efforts – hopefully not associated with a candidate, as current PAC type rules require. I just don't want my candidate beholdng to them directly.

At one, local UCity campaign rally for Senator McCaskill, at which I was a contributor, I was saddened and very dismayed, when approximately 5 minutes after arriving (I had written a check half an hour before she arrived and no chance to talk with her), she excused herself because she had to go to Iowa to get a "large" check from a contributor there. This is what is wrong with the system. Who was this "person" and what was their agenda? There was no easy way for me to know this. I don't completely fault the Senator, her survival in the system requires her to spend too much time fund raising. But, unfortunately, I did resent being relegated to "not important enough" a "constituent" – she now has a more important constituent that was not a voter for her, whom she should not particularly represent. We need to get the money out of politics.

When there is asymmetrical funding in politics, the voice of actual voting constituents cannot be heard. The idea that "money is free speech" effectively relegates us individuals to the dust bin. We are shouted down by overwhelming funding and, I would argue, constitutionally, we have "unequal representation" – effectively a second-class status, which I hope becomes the countervailing arguments for Citizens United. I honestly believe that this disenfranchisement is the core reason that there is such low voter turnout in elections. We feel the system is rigged and our voices (votes) don't matter. This erodes our system of governance.

The problem is, that when voices are too loud and strident, we cannot hear each other. This disables thoughtful, reasonable discourse, engenders equally loud responses and we only exacerbate the situation and it results in us not listening, because others are, apparently, not trying to listen to us (and/or vice versa). This rips apart the fabric of society; we cannot survive as a **community** if we cannot respectfully listen to one another. There is effectively eliminates the beneficial processes of "thesis, antithesis, and synthesis" that fully integrates the diversity of opinions and the greater wisdom of the whole community. When funding of a candidate is local and small, and only from voters, the candidate, perforce, is required to listen and amend positions to properly represent the majority opinion – or they risk not getting enough votes.

My plea to council is that we hold ourselves to a higher standard than what is currently "globally" accepted. "Locally" we can become an agent of positive change, redress the problem of voter disenfranchisement, and become an example of voter empowerment leading to more community education on issues, greater individual involvement in issues, and improved governance. People will learn to listen to one another and develop mutual respect as they see that their combined efforts yield more robust solutions to problems. U City can become a beacon of reason in these politically fraught times. Let's give West End Word something to write about!

I respectfully request that the Council unanimously amend the proposed ordinance to limit contributions to those from direct voters. E.g., If elections are Ward specific, only voters in that ward can contribute. This would put us on a path that truly makes U City voters empowered and key to our local political processes. Our local example may inspire global changes. Since I am an optimist, I believe this. I believe in all of us together!

Thanks for listening. I am already looking forward to our future discussions.

Tim Michels, 7038 Cornell Avenue, Ward 2, University City Missouri, 63130, February 9, 2018

City Council

2/12/18

1. Vote against Resolution on Campaign Funding
instead,

2. Why NOT introduce a ^{Ordinance} ~~Resolution~~ For a
CITY Audit. # 1 For Finance

3. Remove The Word Neighborhood To The
World until it can have True meaning
How can we be a Neighborhood To The World
(Some we don't know) when our neighbors
within our own Community or Treat
worse than the Tourist that threaten
to ~~kill~~ All of you.

If you Really want a Friend Reachout To
your Neighbor's in The 3rd Ward, ^{of those} North East
of you.

Ordinance - To ^{Finance} Itemize MISC of All Departments