

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
February 26, 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 26, 2018, Mayor Shelley Welsch called the meeting to order at 6:33 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

Hearing no requests to amend, Councilmember McMahon moved to approve the agenda as presented, it was seconded by Councilmember Carr and the motion carried unanimously.

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. February 12, 2018, Regular Session minutes were moved by Councilmember Jennings, and seconded by Councilmember McMahon and the motion carried unanimously.
2. February 12, 2018, Study Session minutes were moved by Councilmember Glickert, and seconded by Councilmember Carr and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

1. Michael Miller is nominated for reappointment to the Plan Commission by Councilmember Jennings, it was seconded by Councilmember Glickert and the motion carried unanimously.

Mayor Welsch announced that at the last meeting, Carol Jackson had erroneously been nominated for appointment to the Arts and Letters Commission by Councilmember Smotherson.

2. Carol Jackson is nominated to the Arts and Letters Commission replacing Melcine Henderson's expired seat by Councilmember Jennings, it was seconded by Councilmember Smotherson and the motion carried unanimously.
3. Dianne Benjamin is nominated to Urban Forestry replacing Mark Wallace's expired term by Mayor Welsch, it was seconded by Councilmember Glickert and the motion carried unanimously.

G. SWEARING IN TO BOARDS & COMMISSIONS

1. Mary Gorman was sworn into the Green Practices Commission at tonight's meeting.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Gary Nelling, 850 Warder Avenue, University City, MO

Mr. Nelling stated the U City/Wash U Advisory Committee was comprised of 12 deeply committed individuals from varying backgrounds who expended 200 to 300 hours of scholarship. He encouraged Council to consider placing their July 30, 2015, Report on the agenda for discussion, and as Chairman would be happy to meet with Council to provide any clarifications.

Mr. Nelling thanked Mayor Welsch, Councilmember Jennings, and Councilmember Glickert for their years of service and stated when someone is not inclined to listen to the majority opinions of their constituents the wise choice is to do exactly what they have done, step aside.

Lisa Brenner, 507 N. Central Avenue, University City, MO

Ms. Brenner provided an update on the School Board's activities for February:

- Presentation from Flynn Park, Brittany Woods, and U City High, on their formative data for the current academic year and interventions to improve attendance, achievement, and school culture. Anyone interested in reviewing this report may do so at BoardDocs.
- Approval of a Lease/Purchase Agreement for 17 gas busses, resulting in a slight decrease in yearly costs and ownership of the buses. It is also anticipated that the change from diesel to gas buses will result in a decrease in repair costs.
- Approval of a Memorandum of Understanding with the Missouri Assessment Partnership; a group of leaders across the State dedicated to reforming achievement assessments that enhance the ability to measure a student's growth and inform educators of their needs.
- Approval of a Memorandum of Understanding with Aim High; a summer enrichment program for sixth graders that provides five weeks of summer programming. The District earns attendance money from the State to offset any transportation costs making this a budget-neutral item.
- Presentation on changing procedures for gifted and talented education. These procedures seek to screen all children, decrease referral biases, identify new tests and implement a pilot program.
- In accord with the Board's approval of a district-wide upgrade for phone systems, Flynn Park has been designated as the next school to receive upgrades at a cost of \$41,547.
- Continuation of the District's banking contract with Royal Bank. Royal submitted a competitive bid for services and made a \$12,000 donation to the District.

- Continuation of the District's auditing contract with Daniel Jones & Associates; the lowest responsible bidder.
- Board of Director's second book study to augment professional development; *Balanced Governance*.

Tim Cusick, 7915 Glenside Place, University City, MO

Mr. Cusick stated he thinks it is time to pull the U City/Wash U Advisory Committee's Report dated July 30, 2015, out of the mothballs and bring it back for further discussion. This excellent report highlights the overall imbalance between U City and Wash U, and states, *"After gathering and analyzing all the facts on taxes, property, service costs, monetary, and in-kind services by Wash U to U City, the committee estimates a loss of tax revenue for 2018 of approximately 1.87 to 2.16 million dollars."* It further states, *"There is no way to quantify exactly what Wash U owes to U City to compensate for tax-exempt property. However, we believe the evidence points strongly to the conclusion that taxpayers of U City are bearing a disproportionate share of the burden. Wash U can do more."*

Mr. Cusick stated Wash U is a valued member of this community and one of the largest landowners, but that does not give them carte blanche on how they treat U City. So while he will commend Council for their positive actions over the past year, and he is not naive enough to think that the committee's recommendations will solve all of U City's budgetary problems, it is a starting point. We can either do nothing or we can start the conversation on how to reach an equitable solution in our relationship with Wash U. He asked that the future Council give consideration to acting upon the recommendations presented by this committee and that the report be made readily available on the City's website.

Leif Johnson, 836 Barkley Square, University City, MO

Mr. Johnson stated the Mayor, in her February 18, 2018, newsletter claimed that the people who speak so constantly of being transparent don't even want things discussed if they disagree with them. He stated he is glad to hear that the Mayor is now in favor of transparency in U City's government since it is quite a change from what she wrote on August 11, 2015, when EMS was privatized against the wishes of over 300 residents. *"The idea behind this form of government is that professionals run the City. And they do this without succumbing to politics or outside influence when decisions are being made. Furthermore, no decisions regarding EMS or any other department of the City ought to be made in a public meeting."* The Mayor said she got these ideas from Edmund Burke, whose motto was, *"The laws of commerce are the laws of nature and therefore, the laws of God"*. Burk succeeded in having Parliament abolish laws giving food allotments to the poor during the famine of 1772. He opposed allowing ordinary people the right to vote. He claimed that common people haven't the intelligence or knowledge to govern.

Mr. Johnson stated he trusts that Council will return EMS to the people; that they will continue their dedication to transparency and freeing this City from the followers of Edmund Burke.

Bobette Patton, 8639 Spoon Drive, University City, MO

Ms. Patton stated over the past few years, she has personally observed several disconcerting incidents involving Councilmembers Glickert, Jennings, and Mayor Welsch. And as a result, reached the conclusion that this was not the type of governance she wanted for her community. She stated her desire is to live in a City that is progressive and admired by other cities. That is certainly not where U City is today, but her belief is that these reputable characteristics are on their way back. Councilmember Crow will not be the Mayor by default, but by the will of the people.

I. PUBLIC HEARINGS

1. AMENDMENT TO THE ZONING CODE, OFF-STREET PARKING AND LOADING REQUIREMENTS, LOCATION OF PARKING AREAS.

Mayor Welsch opened the public hearing at 6:56 p.m., and hearing no requests to speak the hearing was closed at 6:56 p.m.

J. CONSENT AGENDA – Vote Required

1. Annual Tire Purchase
2. Golf Course Mower Purchase
3. Park Division Mower Purchase
4. Solid Waste Automated Truck Purchase

Mr. Rose stated the 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 Smotherson, and the motion carried unanimously.

K. CITYMANAGER’S REPORT

1. Drainage Improvement Contract – 8100 Teasdale

Mr. Rose stated In FY17 Council approved a contract with TWN for the design and engineering work for the 8100 block of Teasdale. In FY18 funding for construction of this new project was appropriated. Staff received a total of ten bids and is recommending that Council approve the awarding of a bid for the 8100 block of Teasdale for drainage improvements to Gateway DSC, in the amount of \$169,477.72; the lowest responsive bidder. This project consists of full-depth pavement reconstruction, replacement of concrete curbs and gutter, concrete approaches, storm sewer and inlet utility adjustments and seating. If approved, construction will begin in the spring of 2018.

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

2. Program Agreement – Westgate Ave. Improvements

Mr. Rose stated the City applied for Federal funds through the Missouri Highway and Transportation Commission for the following improvements; millage and resurfacing of existing asphalt, installation of new stop signs, a stop bar at the intersection of Clemmons and Westgate Avenue, bicycle shared lane markings, shared road signs, and others. The grant, which totals \$932,274, is administered by East/West Gateway Council of Government and the Missouri Department of Transportation. Federal participation is 80 percent and the City's participation is 20 percent, for an equivalent cost of \$233,269. Staff is recommending that Council approve the State Agreement allowing for these improvements.

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

Councilmember Smotherson stated since the grant has been awarded for 2019, does that mean the work will not start until 2019?

Sinan Alpaslan, Director of Public Works and Parks, stated the design of the project will commence in Federal Fiscal Year 2019 and construction will take place the following year; Fiscal Year 2020.

Councilmember Smotherson stated the reason for his concern is based on an existing situation at Vernon and Westgate that is damaging cars.

Voice vote on Councilmember Smotherson's motion carried unanimously.

3. Legislative Platform

Mr. Rose stated U City's 2018 Legislative Platform is crafted to provide Council with the ability to give direction to staff and provide Council's position to the City's Federal and State Delegation on current and potential legislative issues. Specifically, the Platform seeks Council's direction on revenue, finance, governance, quality services and infrastructure. This Legislative Platform, if approved, would be used by staff to influence legislation consistent with the direction they are receiving. Staff is recommending that Council approve the Legislative Platform.

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

4. 8109 Olive Site Plan

Andrea Riganti, Director of Community Development, stated this Site Plan is being presented to Council because the intended user is a non-profit entity, and as such, the City's Zoning Code requires that this Site Plan be approved by City Council. This is a re-occupancy of an existing building by a daycare and religious institution. There are no new curb cuts, no additions to the building, no major changes being proposed, and all conditions of the Site Plan have been satisfied. Therefore, staff is recommending that Council approve the Site Plan for 8109 Olive.

Councilmember Glickert asked if staff had discussed this proposal with the owners of Frank & Helen's? Ms. Riganti stated that the owners of Frank & Helen's are aware of the proposed plans and have agreed to allow cross-access.

Councilmember Carr questioned whether the potential conflict regarding the Wednesday night service held during the hours of operation for Frank & Helen's had been resolved? Ms. Riganti stated although staff cannot predict that attendees will be limited to a small number, they have been informed that no significant conflict is anticipated since the number of participants for the Wednesday night service is small and would not hinder the businesses' operation.

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

L. UNFINISHED BUSINESS

BILLS

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 second and third time.

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

Roll Call Vote Was:

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

Nays: None.

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 second and third time.

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

Roll Call Vote Was:

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

Nays: None.

M. NEW BUSINESS

RESOLUTIONS

Introduced by Councilmember Smotherson

1. **RESOLUTION 2018-3:** Resolution Convening The Tax Increment Financing Commission Of The City Of University City, Missouri, Authorizing The Distribution of Requests For Proposals, and Authorizing Certain Actions Connected Therewith. The motion was seconded by Councilmember Carr.

Councilmember Carr stated she is very excited to see the TIF Commission being established since it represents another achievement for Olive Boulevard and the 3rd Ward.

Mr. Mulligan stated as a procedural matter, there was an introduction and second, but no motion to adopt.

Mayor Welsch stated the Resolution was introduced by Councilmember Smotherson; i.e., moved to approve, and seconded by Councilmember Carr.

Voice vote on the motion to approve carried unanimously.

BILLS

Introduced by Councilmember Crow

2. **BILL 9352** – AN ORDINANCE AMENDING SECTION 120.300 OF THE UNIVERSITY CITY MUNICIPAL CODE REGARDING THE TAX INCREMENT FINANCING COMMISSION OF THE CITY OF UNIVERSITY CITY, MISSOURI. Bill Number 9352 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 Glickert stated the High School Athletic Committee just completed their first season of basketball with over 60 elementary school participants. And with the support of the Athletic Director and dedicated citizens, two new programs have been established to make this a well-rounded assortment of activities for this City's youth; Red Bird Rookies baseball and soccer. These high-spirited games are held every Saturday. Councilmember Glickert provided Ms. Reese with several documents and asked that they be distributed to members of Council.

Mayor Welsch reminded Councilmember Crow of the need to fill this position with once Councilmember Glickert's term expires.

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

O. CITIZEN PARTICIPATION (continued if needed)

P. COUNCIL COMMENTS

Councilmember Smotherson stated he was amusingly curious to know whether it was possible for the City to receive a \$12,000 donation from Royal Bank.

Q. ADJOURNMENT

Mayor Welsch thanked everyone for their attendance and adjourned the City Council meeting at 7:11 p.m.

LaRette Reese
City Clerk

Tim Cusick

7915 Glenside Place

I wish to commend the council for their positive actions in the past year; you went through the proper process of interviewing and subsequently hiring a new city manager; our fiscal year 2017-2018 budget was passed unanimously; and you have hired a new city clerk. Many good things are happening on the council for University City. However, the budget process looms.

I think it is time to pull the University City/Washington University Advisory Committee's report, dated July 30, 2015 out of the moth balls and bring it back for further discussion.

This excellent report highlights, amongst many important things, the overall imbalance between University City and Washington University. With University City on the losing end of the ledger.

While I think there are many good recommendations in this report, I am not naive enough to think this will solve all our budgetary problems for the upcoming fiscal year or years. However, this is a start of the process. We can either do nothing, and allow this imbalance to continue, with the residents---tax payers---of University City bearing a disproportionate share of the burden. Or we can start the conversation on how to reach an equitable solution in our relationship with Washington University.

The report states that the estimated loss of tax revenue to University City in 2018 is approximately \$1.87 to \$2.16 million.

Washington University is a valued member of our community, and a major player. As you all know, Washington University is the largest landowner in University City. But that does not give them carte blanche on how they treat University City. I want to quote from the report:

“After gathering and analyzing all the facts on tax-exempt property, service costs, monetary and in-kind services by Washington University to University City, the committee deliberated on recommendations to the City Council. There is no way to quantify exactly what Washington University owes to University City to compensate for tax-exempt property. However, we believe the evidence points strong to the conclusion that taxpayers of University City are bearing a disproportionate share of the burden. Washington University can do more”.

I ask that the future council consider this and act upon the recommendations given in this report. And I would also ask the council to make this report readily available, once again, on the City's webpage.

It is time for Washington University to do more.

Testimony of Leif Johnson
836 Barkley Square
U. City, MO 63130

The Mayor, in her February 18th 2018 newsletter claimed that “the people who speak so constantly of being transparent don't even want things discussed if they disagree with them.”

I am glad to hear the Mayor is now in favor of transparency in U. City government. That's quite a change from what she wrote after the City Council meeting in August 2015 when she privatized our Emergency Medical Service *against the wishes of over 300 citizens*. The Mayor's annoyance over the 300 citizens exercising their right to speak, prompted her to write on August 11, 2015:

“The idea behind this form of government is that professionals run the City...and they do this without succumbing to politics or to outside influence when decisions are being made.” [Politics and outside influence being the people.]

The Mayor continues: “I do NOT think it is appropriate for decisions on staffing in our emergency services, or in any other department of the City, to be made in a public meeting.”

In other words, government is run by the “professionals” who are not bound by the opinions of the citizens, and need not even listen to their opinions. Furthermore, no decisions regarding the EMS or “any other department of the City ought do be made in a public meeting”.

I cannot imagine any set of beliefs more opposite and more destructive of transparency than what the mayor wrote in that August 11, 2015 newsletter..

One more word: the Mayor says she got these ideas from Edmund Burke, who was in the British Parliament during the American Revolution which he vigorously opposed. He was a staunch defender of the “Divine Right of Kings”. He also advocated usury and right of unlimited speculative profiteering. His motto was “The laws of commerce are the laws of Nature, and therefore the laws of God.”

Unable to pay the speculator's usurious prices, the poor of England starved during the famine of 1772. To make sure of this, Burke succeeded in having the Parliament abolish laws giving food allotments to the poor during a famine.

Burke opposed allowing ordinary people the right to vote. He claimed: ...the common people haven't the intelligence or knowledge to govern; they have dangerous and angry passions that could be aroused by demagogues which could undermine cherished traditions and [undermine] established religion, leading to violence and confiscation of property; and they would a create a tyranny over minorities. [minorities being the upper classes].

In a footnote: I trust the Council will return the EMS to the people, and that they will continue their dedication to transparency, and continue their dedication to freeing this City from the followers of Edmund Burke.