

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
Monday, October 22, 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, October 22, 2018, Mayor Terry Crow called the meeting to order at 6:30 p.m.

B. ROLL CALL

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

Councilmember Stacy Clay
Councilmember Paulette Carr
Councilmember Steven McMahon
Councilmember Jeffrey Hales
Councilmember Tim Cusick
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose; City Attorney, John F. Mulligan, Jr.; Shawn Sullivan, and Michelle Kniep from the U.S. Army Corps of Engineers.

C. APPROVAL OF AGENDA

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

D. PROCLAMATIONS

1. Arts and Letters Returning Artist – Jeffrey Anderson
2. Tradition of Literary Excellence Award –Gerald Early

Mayor Crow stated that the Proclamations will be presented to Mr. Anderson and Mr. Early later this evening.

E. APPROVAL OF MINUTES

1. October 8, 2018, Regular Session minutes were moved by Councilmember Carr, it was seconded by Councilmember Clay and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

G. SWEARING IN TO BOARDS & COMMISSIONS

1. Eleanor Mullin was sworn into the Arts and Letters Commission at tonight's meeting.
2. Henry Slay Jr. was sworn into the Board of Adjustment at tonight's meeting.

Mayor Crow thanked both citizens for their willingness to serve this community by volunteering to participate on the City's Boards and Commissions. He stated if there is anyone in the audience looking for a few things to do with their extra time, Council would be more than happy to nominate you to fill some of the vacancies on several of the City's commissions.

H. **CITIZEN PARTICIPATION (Total of 15 minutes allowed)**

Aren Ginsberg, 430 West Point Court, University City, MO

Ms. Ginsberg asked Council for their support with Trap/Neuter Return for U City's feral felines. She stated she and her neighbors rely on community cats to keep vermin populations in check and studies show T & R humanly stabilizes and reduces feral populations, effectively addresses neighborhood safety concerns, and successfully saves taxpayer dollars. St. Louis City, St. Charles City and St. Charles County Animal Control all have successful T & R policies. *(Ms. Ginsberg displayed a photograph of rats in her backyard)*

Yvette Liebesman, 7570 Cornell Avenue, University City, MO

Ms. Liebesman stated Tom Bloomfield of the 3rd Ward started a wonderful post on *U City On The Record*, about how to spend the 10 million dollars in TIF Funds, and she would like to read some of his suggestions into the record.

1. Extend the Great Rivers Greenway from 170 along the south side of Olive to Midland. This would create a safer path for Ward 3 residents to walk to the development, connect North and South Greenway, and attract bikers and walkers to the small businesses along the Olive Corridor.
2. Purchase a \$200,000 Shot Spotter for two years to identify random gunshots.
3. Purchase or lease vacant lots to convert into community gardens. Pay for costs associated with building and maintaining the land and recoup some costs by subleasing the plots back to residents for \$25.00 a year.
4. Fund a ten-year tax abatement for owner-occupied housing in Ward 3 to keep owners in the houses.
5. Expand the City's Housing Rebate Program to a Housing/Rental Rebate Program for first responders and veterans who move into Ward 3.
6. Allowing officers to take their cars home would add another level of security for neighborhoods.
7. Create four-year scholarships for Ward 3 students to attend a trade school and establish partnerships with area trade schools and community colleges.
8. Hire a grant writer to assist the City in writing grants geared toward enhancing Ward 3; i.e., bus livability and pedestrian/bike safety grants.

Posts from other residents:

1. Build a youth activities park on the City-owned lot at 7315 Olive, similar to the one in St. Charles County.
2. Build an aquatic center similar to the one in Maryland Heights.
3. Provide additional funding for U City in Bloom to bolster the great work they do and the City's Recycling Program.
4. Hire a fundraiser for the Olive Development to ensure future sustainability.
5. Use some of the money for sidewalks.

James Hoskins, 8026 Amherst Avenue, University City, MO

Mr. Hoskins stated his daughter would like to decorate her home for the holidays but was uncertain about what to do. So she would like to know when residents could expect to be notified about a decision on the Olive/I-170 Development?

Mayor Crow informed Mr. Hoskins that this was not a question and answer session, but if he would leave his name and telephone number with a member of staff someone would get back to him with a response. He stated at this point, what he can say is that residents will be able to remain in their homes throughout the holiday season.

Donna McGhee, 7584 Melrose, University City, MO

Ms. McGhee stated she is encouraged by the attention she has received regarding the problems she encountered with a large Sycamore tree planted at the base of her driveway. As a result, she would like to thank the City Manager, City staff, and her 3rd Ward representatives, who have all been instrumental in helping her resolve this issue. Additional asphalt has been poured and it now appears as though some repairs will be made to her driveway. Ms. McGhee stated she would also like to express gratitude to her neighbors who have been supportive throughout this entire process.

Sonya Pointer, 8039 Canton Avenue, University City, MO

Ms. Pointer stated she thinks the way the Olive/I-170 project has been handled is absolutely ridiculous. This project, which has the potential to significantly impact this City in either a negative or positive fashion, should have involved significant community engagement, but that was not the case. She stated there were three TIF Commission meetings prior to the final vote and at each of those meetings hundreds of residents expressed opposition to this project. Unlike people who do not live in the 3rd Ward, those residents had concerns that did not involve beautification or Greenway paths. They had real concerns; people are losing their homes to foreclosures and tax sales. Residents in the 3rd Ward represent some of the most vulnerable populations, but they expect to be heard and have their fears addressed, not talked to in condescending tones or their concerns undermined.

Ms. Pointer noted some of the concerns and suggestions presented at the 3rd Ward meeting held last week.

- Better communication and outreach for Town Hall meetings; there were roughly (30) 3rd Ward residents in attendance.
- Creation of an Equity Board to address concerns of mistrust and act as an intermediary between the City, developers, and the residents to ensure that proceeds from this project are equitably and fairly distributed. *(They also suggested that this Board not be appointed by the City Manager or Council.)*
- Reassurance that their schools will not be impacted.
- Creation of an Advisory Committee with veto power to make certain that everything involving this project is properly vetted.
- Tax abatements and lower taxes to address issues associated with increased property values.

Ms. Pointer asked that Council not only take these concerns and suggestions into consideration but that they act on them, giving them the same weight that is customarily given to residents who have supported this project.

I. PUBLIC HEARINGS

1. Liquor License – 2 Thumps Up

Mayor Crow opened the Public Hearing at 6:50 p.m., and hearing no requests to speak the hearing was closed at 6:52 p.m.

J. CONSENT AGENDA – Vote Required

1. 3 Dog Bakery Lease Amendment
2. 2 Thumps Up Liquor License
3. Golf Course Sprayer Contract
4. Capital Improvement Program Amendment

Councilmember Carr moved to approve all four items on the Consent Agenda, it was seconded by Councilmember Hales and the motion carried unanimously.

K. CITY MANAGER'S REPORT

1. Appointment of Fire Chief - William Hinson

Mr. Rose stated it is his pleasure to announce the appointment of William Hinson as the permanent Fire Chief, effective October 11, 2018. He stated Bill has done an outstanding job as the Interim Chief and he is being appointed to this permanent position with no reservations. Mr. Rose stated he would also like to publicly express his appreciation to his wife, Debbie, for her willingness to allow Bill to serve in this capacity. He stated the promise he has made to all of the public safety families is that to the best of his abilities, he will make sure that they come home safe.

William Hinson was sworn into office as the Fire Chief for the U City Fire Department at tonight's meeting.

Mayor Crow thanked Chief Hinson for his dedication to this community.

2. US Army Corps of Engineers –River Des Peres Update Study

Mr. Rose stated this is a presentation by the Army Corps of Engineers to update Council on the study being conducted of River Des Peres.

Sinan Alpaslan, Director of Public Works, stated in 2016 staff conducted several Study Sessions and Council granted approval for the City's participation in this study; a copy of the Letter of Intent to participate in this study and the Intergovernmental Agreement between MSD and U City have been included in Council's packet. The Letter of Intent is necessary for the City to receive federal funding, if and when it becomes available, and the agreement contains MSD's commitment to reimburse the City for any local costs associated with this study. This agreement shall remain in effect until September 2019, unless an extension is deemed necessary. Mr. Alpaslan stated an update of this study is being presented by Shawn Sullivan from the Corps of Engineer's office.

Shawn Sullivan, Strategic Initiatives Coordinator for the Army Corps of Engineer, expressed appreciation for the opportunity to be here this evening to provide an update to a project located in this community known as the River Des Peres, MO, as identified in the Congressional authorization. He stated his last opportunity to come before Council on this matter was in 2016, and his responsibility with the Corps of Engineers is to identify where there may be existing technical or water resource challenges. And through that technical or water resource challenge identify the authorities that are in place and seek the federal funds or funding needed to implement a solution that solves the problem.

Since 2016, the Corps has been seeking federal funds, as well as a three-way partnership with the City and MSD, which provides an opportunity for the Corps to receive sponsor-contributed funds once Congressional authorization, is received.

Mr. Sullivan introduced Michelle Kniep, who is a colleague within the Corps of Engineers and part of the Corps Plan Formulation Section. Ms. Kniep will ultimately serve as the Technical Advisor for this planning study. Towards the end of this briefing, Mr. Sullivan stated he will be requesting Council's thoughts on how they would like to see this plan effectively move forward?

Background

At the direction of Congress, the Corps started looking at urban flood problems in the Metro St. Louis area in the 1970's.

- River Des Peres in the vicinity of 82nd Blvd to Purdue Ave was a flood-prone area that the Corps was led to further investigate.
- This is a 10 square mile watershed that is densely developed, with significant land-use changes and numerous impervious surfaces.
- Records of flooding since the 1950's.
- Five times in the last seven years the river has been subjected to flash-flooding.

Study and Authorization History

- Reconnaissance Report completed in 1980. This effort is used to determine if there is a federal interest to move forward.
- Feasibility Report in 1988. This report identified an implementable solution to address flood risks within the community.
- Chief of Engineers Report in 1989; Washington, D.C., headquarters. This report endorsed the Reconnaissance and Feasibility Reports and submitted them to the Assistant Secretary of the Army for Civil Works, who then submitted the report to Congress.
- WRDA (Water Resources Development Act) 1990 Section 101(a)(17) authorized project implementation; the enabling legislation that gives the Corps the authority to move towards a solution. *(Mr. Sullivan stated he is unaware of what happened between 1990 to 2004, other than the fact that the Corps was not funded.)*
- Channel enlargement and bank stabilization. From 1998 when the solution was identified, until the time the Corps was funded in 2004, significant changes had occurred within the watershed and river channel.
- Project Cost: \$21 million.
- FY2004 the Energy and Water Development Appropriations Act included funds for a General Reevaluation Report.
- Design Agreement executed between the Corps and University City dated 30 June 2004. *(The Corps can only move out to the capability of their non-federal sponsor. So if the non-federal sponsor can only afford (X), then the Corps will only request (X). As a result, this was a slow-moving effort.)*
- Initiated General Reevaluation Report in 2004 and continued through 2009.
- Federal allocation for GRR \$554,441 (2004-2010).
- City provided \$184,813.
- City requested suspension of the study in January 2011 due to funding constraints. This study was placed on hold from 2011 until 2014.

In 2014 the City reengaged the Corps; initiated meetings, and made subsequent funding requests through the Corps normal budgetary process to Congress, but did not see any traction. So the next step was to look at sponsor-contributed funds which were offered by MSD.

Project Area 82nd to Purdue

Mr. Sullivan displayed a map for Council delineating 82nd Blvd. to Purdue Ave. The area outlined in green identifies the five-year floodplain which has a 20% probability of a flood occurring in any given year. The area outlined in red has a 1% probability of a flood occurring in any given year.

- 1 of 97 structures located in the 5-year floodplain; primarily all residential.

- Within the red zone, there are 275 homes at-risk.
- September 2008 residual effects from Hurricane Ike caused significant flooding (2 deaths) across the street from the home depicted on the slide.
- There have been 5 major floods within the last seven years in this location.
- An engineering analysis identifying the exact level of inundation that would occur as a result a 20% or five-year flood occurring at the home depicted on the slide would have 2 feet of water within the first-floor living space. A 100-year flood event would result in 8 1/2 feet of water.

Path Forward

- Receive validation from the City that this study remains a priority.
- Obtain Letter of Intent from the City, identifying that the study remains a priority; that the City is willing and financially capable of a cost-share should federal funds become available.
- The Corps & City need to prepare should Federal funds become available.
- MSD is committed to funding the GRR through completion.
- MSD and City executed an Intergovernmental Agreement valid through September 28, 2019.
- Intergovernmental Agreement can be amended to extend the terms (if needed).
- Complete GRR (Not to exceed 3 Years from receipt of funding). Once the Federal Government makes a decision to invest in a study that funding will continue until it is completed.
- GRR will provide a recommended plan to Congress.

7-Year Outlook

- Reauthorization from Congress (2 years after GRR completed)
- Appropriation of Construction Funds (2 years after authorization).
- Project design and construction (1-2 years after appropriation) cost-shared 65% Federal and 35% non-Federal.
- City acquires all necessary real estate and can be credited towards your cost share.
- City responsible for O & M that may result from the project as well as any necessary repair, rehabilitation, and replacement activities for as long as the project remains authorized.

Mr. Sullivan stated both he and his colleague have provided their contact information for Council in case there are any questions after the meeting.

Councilmember Carr asked Mr. Sullivan if he anticipated that the new study would include buy-outs as opposed to retention and the rerouting of River Des Peres as recommended in the initial study? Mr. Sullivan stated he thinks that consideration must be given to every option. From the standpoint of the original plan, relocating or altering the channel is a solution that based on the conditions or changes in the watershed could potentially induce flooding downstream. There is also what they refer to as "*A suite of nonstructural measures,*" which could include the acquisition of property and relocation of residents or flood-proofing these homes by creating a protective barrier around the parameter. However, if residents are getting 2 feet of water in your first-floor living space during that five-year flood event, they may not want to be locked into a home surrounded by water. Another possibility could be to elevate the homes so that the first-floor living space is above the anticipated flood elevation; although there would still be water when you stepped outside your door. In the end, what dictates is the velocity and depth of the water.

Councilmember Carr asked if there was an anticipated cost for the entire project? Mr. Sullivan stated it would depend on the specific suite of measures identified to reduce the risk, so right now it's too early to tell. However, in 2013 the Corps did a Limited Economic Evaluation, and the total project cost for the acquisition of properties would be in the magnitude of 25 million dollars. And with the City being responsible for 35%, that would be roughly 9 million dollars.

Councilmember Cusick asked who is ultimately responsible for maintaining River Des Peres? Mr. Sullivan stated that the river encompasses many jurisdictions. The way the regulations are established, Congress has entrusted the Corps of Engineers to regulate Section 404 of the Clean Water Act, which means that after the issuance of a permit, they are allowed to place fill into the river; if you discharge water into the river that requires an authorization from the State under Section 402. And because MSD has a level of jurisdiction with respect to local floodplain administration, they could have a say as to what kind of materials go into the floodplain; in addition to the local floodplain ordinance. Councilmember Cusick asked who is responsible for repairing the erosion that occurs near someone's home? Mr. Sullivan stated as it relates to stream-bank erosion, his experience has been that it has fallen on the shoulders of the City. He stated he has had two engagements with members of U City staff to evaluate areas where there has been stream-bank erosion to see if the Corps had any authority to assist and the conclusion was that the Corps authority was not applicable for those locations. MSD can provide assistance with stream-bank stabilization if there's an impact to the stormwater or utility infrastructure they operate and maintain. But ultimately, the responsibility falls to the landowner, unless the City has some level of public infrastructure that it needs to maintain from an integrity standpoint.

Mayor Crow thanked Mr. Sullivan and Ms. Kniep for joining Council this evening.

3. Metropolitan St. Louis Sewer District Letter of Intent

Mr. Rose stated staff has been working with MSD for several months to create the framework that will allow them to move forward with the installation of sewer tanks and is recommending that Council approve this Letter of Intent.

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

Councilmember Carr asked when will the City be apprised of whether MSD and the City will be able to move forward in this direction? Mr. Rose stated representatives from MSD are here tonight and can probably share their insight on the status of this project.

Brad Nevois, Assistant Director of Engineering at MSD, stated the Letter of Intent indicates that MSD will keep the City apprised of future actions, and after the Intergovernmental Agreement is signed the first step is to start geotechnical borings. Mr. Nevois stated as previously mentioned, it will take MSD about one year to gain a better understanding of the process, and the City will be notified once they have obtained an analysis of the borings. However, in the interim, please do not hesitate to contact him with any additional questions or concerns. He stated the final design will evolve over time because the one thing they've learned is that this is going to be a lengthy process requiring significant public engagement.

Voice vote on Councilmember Carr's motion carried unanimously.

4. MSD Easements

Mr. Rose stated staff is recommending that Council consider the approval of easements for the sewer infrastructure project conducted by MSD. The 82nd Street to I-170 sanitary relief project consists of approximately 6,000 linear feet of 18 to 30-inch sanitary sewer infrastructure located within Olivette and U City, in the U City watershed of the Lemay Service area. The purpose of the project is to provide adequate conveyance capacity of wastewater flows to help alleviate wet weather building backups and allow for the future elimination of five construction sanitary sewer overflows.

Councilmember Carr questioned how U City would accommodate the additional sewage being brought in by this project when the next steps have yet to be completed? Mr. Nevois stated this project is to build a bigger sewer, much of which will be located in a tunnel. The intent is to make a bigger sewer conveyance system that conveys sewage more efficiently; helps reduce basement backups, and remove sanitary sewer overflows from streams in the area. Councilmember Carr stated although she understands the intent, her concern is that this system will be bringing more water from Olivette and maybe even further, into U City. Mr. Nevois stated sewage is already coming from that direction. This project is to make a new and much larger sewer that conveys the sewage in a more efficient manner.

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

L. UNFINISHED BUSINESS

BILLS

1. **BILL 9365** -- AN ORDINANCE APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF UNIVERSITY CITY AND VRE FIBER OPTICS VENTURES, L.L.C. FOR PROPERTY LOCATED AT 601 TRINITY. Bill Number 9365 was read for the second and third time.

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

Roll Call Vote Was:

Ayes: Councilmember Carr, Councilmember McMahon, Councilmember Hales, Councilmember Cusick, Councilmember Smotherson, Councilmember Clay, and Mayor Crow.

Nays: None.

2. **BILL 9366** – AN ORDINANCE CHANGING THE NAME OF TAMERTON AVENUE, BETWEEN PARAMOUNT DRIVE AND MONTREAL DRIVE, TO REV. JOE L. MIDDLETON LANE. Bill Number 9366 was read for the second and third time.

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

Councilmember Clay stated he wanted to acknowledge Councilmember Hales for coming up with a creative solution to address this issue, which the Petitioner and others associated with the church have been wrestling with for some time now. This truly highlights the fact that even though some of this was born out of a minor disagreement between himself and Councilmember Hales, Council was able to take that disagreement and work even harder to come up with a better solution than either party could have come up with on their own.

Councilmember Clay stated he would also like to acknowledge Councilmember Smotherson, for his contributions.

Citizen's Comments

Mildred Pettiford, 8333 Fullerton Avenue, University City, MO

Ms. Pettiford thanked everyone who had a role in making this Ordinance come to fruition. She stated she appreciates Council's patience; especially Councilmember Hales, who she started out with over a year ago at the Traffic Commission meetings. Ms. Pettiford stated she is anxious to hear about the next steps and the church would be more than happy to provide any assistance if needed.

Roll Call Vote Was:

Ayes: Councilmember McMahon, Councilmember Hales, Councilmember Cusick, Councilmember Smotherson, Councilmember Clay, Councilmember Carr, and Mayor Crow.

Nays: None.

3. **BILL 9367** – AN ORDINANCE AMENDING CHAPTER 358 OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN.
(6300-6400 blocks of Enright Avenue) Bill Number 9367 was read for the second and third time.

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

Roll Call Vote Was:

Ayes: Councilmember Hales, Councilmember Cusick, Councilmember Smotherson, Councilmember Clay, Councilmember Carr, Councilmember McMahon, and Mayor Crow.

Nays: None.

M. NEW BUSINESS *RESOLUTIONS*

Introduced by Councilmember Carr

1. **Resolution 2018-15** – FY19 Budget Amendment No.1. The motion was seconded by Councilmember Carr and carried unanimously.

BILLS

Introduced by Councilmember Carr

2. **BILL 9368** – AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH ST. LOUIS COUNTY, MISSOURI FOR NEXT GENERATION 9-1-1 SERVICE. Bill Number 9368 was read for the first time.

N. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
Councilmember Clay stated that the Senior Commission met last Monday and much of their discussion focused on the topic in tonight's Study Session; the ITN Gateway Program; its progress, and how to measure performance going forward. The other agenda item dealt with providing support for senior citizens on Election Day.

There are a number of organizations that will be providing rides to the polls for seniors, which includes many of the City's local churches who will be providing this service for members and non-members.

He stated this is a fairly lengthy ballot that includes a number of Constitutional amendments and propositions, and to walk in cold might be somewhat of a frustrating voter experience. So, if you have an opportunity to look at the ballot in advance and can work with someone you anticipate may have some challenges during this process, he would strongly encourage you to do so.

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

a) Washington University

Requested by Councilmembers Cusick and McMahon

Councilmember Cusick stated on March 24, 2014, the Mayor and Council approved Resolution 2014-3, authorizing the establishment of a University City Advisory Board on Washington University. The Advisory Board consisted of fourteen members all appointed by the Mayor and Council. A copy of that report has been included in Council's packet.

He stated he would like to read into the record page 2 of the Resolution.

The charge to the Committee was to *"Examine Washington University's tax-exempt properties in U City and make recommendations to City Council on how best to deal with the revenue shortfall from tax-exempt property"*. The Council Resolution asked the Committee to address a series of questions which were broken down into five categories and assigned to subcommittees.

1. How much tax revenue is lost to U City taxing entities because of the tax-exempt status of Wash U properties?
2. What tax does Wash U provide to U City taxing entities? What does Wash U provide to U City taxing entities that can be measured in dollars?
3. What in-kind services does Wash U provide to U City taxing entities, and are there intangibles that Wash U provides to U City taxing entities?
4. How does the U City taxing entities' relationship with Wash U compare with the relationship between other cities with comparable universities who have large tax-exempt property holdings?
5. Is there a way to quantify the amount of increased demand on City services that results from Washington University's ownership and development of tax-exempt property?

Also from the report, much of the work of the U City/Wash U Advisory Committee was done by these subcommittees. Subcommittee members invested hundreds of hours gathering data and consulting with experts and the relevant policy literature. That report was finalized and submitted to the U City Council on July 30, 2015. The report contained eight recommendations which were to his knowledge, never discussed or followed up on. Councilmember Cusick read some of the Committee's recommendations:

1. Negotiate a pilot;
2. Collaborate with Washington U to spur private development and boost the tax base;
3. Negotiate transfers of real property;
4. Cost-sharing for municipal infrastructure projects;
5. Service assessments;
6. Zoning law restrictions;
7. Address parking issues created by students, and
8. Transparencies in the IBA Heidelberg Model.

Currently, U City residents are faced with the responsibility of paying increased property tax with every property that is removed from the City's tax rolls by Wash U. This shortfall in revenues for U City creates deficits and cripples the City's ability to provide necessary, adequate, reliable, consistent, and immediate services to its community and residents. It also needs to be stated that while U City did pass its current fiscal year budget, balanced, it is because services had to be cut. The repair of roads, sidewalks, and other infrastructure needs have been delayed while scrimping and scraping to come up with a viable option for its Police Department. As every penny counts, the City must maximize what little it has.

U City is attempting to support its bottom line and Council has successfully created a TIF District to help with economic growth. Councilmember Cusick stated U City residents are underwriting the higher education of the Wash U students, and he cannot stress enough that this is what this is all about. Students come from around the world and the United States. Many of these students will come to Wash U, receive their four-year degree and leave. How does that benefit our local communities?

What We Have Lost

According to page 4 of the report;

- Washington University's tax-exempt property in U City, if taxed, would generate 1.61 to 1.86 million dollars in local property tax revenue, rising in 2018 to 1.87 to 2.16 million dollars.
- In the period from 2005 to 2015, the City had an estimated loss of revenues of 16.1 to 18.6 million dollars.
- Estimates for the lost tax revenue for the periods of 2015 to 2025 would be 18.7 to 21.6 million dollars.
- ❖ *These are only estimates. The actual amounts could be marginally different; especially considering that Wash U property ownership may have been increased further between 2015 and 2018, and 2019. The report further states that with increased property acquisition and further scheduled development of other Wash U projects in U City the annualized loss in tax revenues could increase.*

Councilmember Cusick stated this twenty-year period is a staggering; albeit estimate, of 34.8 to 40.2 million. This is what U City residents have lost over a twenty year period to underwrite the higher education of many thousands of students. Furthermore, the report states that the cost of providing services to those same Wash U owned properties; in essence, the students living in those areas, is staggering. According to the U City/Wash U Report, page 52, the 2015 U City budget was 33.7 million dollars.

- If you use the per capita approach for expenses per Wash U students with an estimated 1400 students; (*It's important to read the report to find out why this number was used*), then the per capita expense by U City for Wash U students is 1.34 million dollars, based upon a per capita of \$954.00 per student.
- When you look at the school district expenditures the per capita amount is \$1,256.00 per student.
- Added together; again utilizing the per capita formula, the expense allocation for Wash U students that the City is not collecting, is 3.9 million dollars.
- If you utilized the proposed valuation method based upon non-taxable properties owned by Wash U and U City then the expenses would be U City Government losses of 1.28 to 1.51 million dollars.
- The school district expenses; 1.68 to 1.98 million dollars.

- The total, based on the valuation method of expenses would be 2.96 to 3.49 million dollars per year.
- Thus, either by the per person or per property valuation method Wash U's tax-exempt property and residents could be allocated approximately 1.4 million dollars annually to the City budget spending.
- An additional 1.8 million annually could be allocated for school district spending.
- Allocated City and school district costs would then be a total of 3.2 million dollars.

Councilmember Cusick stated there are four areas he thinks the City should concentrate on based on the Committee's recommendations:

1. Pilot Program; payment in lieu of taxes
2. Parking Issues created by students in our neighborhoods
3. Zoning Law Restrictions; (*Webster Groves has run boundaries around Webster University, creating an Educational Campus District*)
4. Transparency; we need a frank and open dialogue with Wash U concerning their future plans

Councilmember Cusick stated the U City/Wash U Report from 2015 is comprehensive in its scope, and therefore, he does not believe that another report or task force to explore the same issues would be of any benefit. He stated these findings are in front of us and the recommendations contained in this report should be addressed in earnest. Councilmember Cusick stated U City has a unique relationship with Wash U; unlike that of our neighbors. No other municipality in St. Louis County is impacted in the same way as U City. This City values and appreciates having Wash U as its neighbor, however, they need to do more. Wash U needs to understand the impact on the City's fiscal budget created by the removal of so much taxable property. And U City needs to start seriously considering Zoning Ordinances. How long will this City allow Wash U to continue purchasing property; specifically in the Delmar Loop, which is its economic backbone? U City must take steps to ensure that the Delmar Loop remains a part of this City and that it does not become another campus designation for Wash U.

Councilmember Cusick asked his colleagues for their thoughts on the proposed recommendations?

Councilmember Carr stated one thing that was not mentioned but should be addressed, is compliance with the City's code. She stated over the last seven years what she has noticed is somewhat of a pattern; Wash U asks for something; their request is granted; we find out that it really was not sanctioned by the Code, and then the Code is amended. There are many residences in U City where more than three unrelated people live; both in Wards 1 and 2. And if the City would simply start enforcing that Code or redesignated those single-family homes to dormitories, it might provide the City with some other alternatives. Councilmember Carr stated at this point, she feels much more comfortable taking the necessary actions to make sure the City has done everything it can do with respect to zoning and any restrictions that fall within its realm of authority because in her opinion, doing so demonstrates a serious sense of purpose. So she would like to thank her colleagues for bringing this issue forward.

She stated to bring everyone up-to-date, when the report was first issued Council had a Study Session, a presentation, and thereafter, the report mysteriously disappeared from the City's website. It was not until Ms. Reese was hired last year, that she asked Ms. Reese if she could locate the report; which deals with the acquisition of land starting anywhere between 2005 to 2007, and make sure that it was readily available.

Another thing of importance is that each member of Council was given the opportunity to appoint two individuals to this Task Force; and keep in mind that it was a Council comprised of seven folks that were not necessarily in agreement. As a result, there was a broad range of appointees who brought diverse positions and opinions to the table. And although Wash U was invited to participate, their only role was to present the Task Force with what they perceived as their contributions to U City. Councilmember Carr stated even though Council accepted this report, no serious considerations were ever given to the recommendations. In fact, she would venture to say that only a few members of Council even read the report. However, if you read the report, she thinks you would be very surprised at just how comprehensive it is, even as it relates to their acknowledgments; which she would like to read into the record.

"First we would like to thank Keith Cole, Assistant Director of Finance at University City for his help and patience in arranging meetings, taking minutes, taking notes, and tracking down information. This included many nighttime meetings outside of normal office hours.

Officials at Washington University were helpful and professional in providing us with information when requested. In particular, Cheryl Adelstein, took time out of her duties to present to the Committee on Washington University's investments and contributions to University City.

Councilmembers Paulette Carr and Steve Kraft served as the liaisons between the UCWC Committee and City Council. They regularly attended our meetings and made valuable contributions to our deliberations.

The recommendations in this report, however, represent the views of the Committee alone and are not the official position of the City Council or its members. Nevertheless, we hope the City Council will seriously consider our recommendations."

Councilmember Carr stated she truly hopes that all of the Task Force recommendations will be considered and examined to determine how they can be addressed.

Councilmember Hales stated he agrees with much of what was said by Councilmember Cusick and would thank both members for bringing this report forward. The report is incredibly detailed and very well done, which clearly demonstrates that members of the Task Force spent a lot of time and deliberation on this matter. The problem is that it is more than three years old and things have evolved since then, so at this point, he is not prepared to say that another study would not be necessary. In his opinion, the report requires an ongoing look and this is the first step.

Councilmember Hales stated while he understands that everyone is probably a little tired of the fact that there have been multiple Study Sessions; although obviously there have been important things that needed to be covered, when you go through this 62-page report it actually warrants a thorough deliberation by Council. So his suggestion is that the next step is a Study Session because it's very likely that where we were and where we are, are two different things. He stated he is in agreement with pretty much all of the recommendations as being avenues the City needs to look at and have conversations about. And while he thinks the most constructive thing to do would be to invite Wash U to the table during these conversations, he believes Council should first do their part by going through this report and figuring out what their next steps are moving forward.

Councilmember McMahon thanked Councilmember Cusick for moving this issue forward and noted his agreement with much of what has been said by Councilmember Hales. He stated from a broad brushstroke it seems as though we start to comingle ideas whenever we talk about these issues with Wash U, so he thinks one of the steps moving forward is to prioritize each recommendation. Are all of them things we need to revisit or are there some recommendations that we have enough information on at this point where we can move forward?

For example, the parking issues; do we know what they are? Is there enough information to find a comprehensive rather than fragmented solution that benefits all of this City's neighborhoods? Taking a phrase from Councilmember Carr; we need to find the low-hanging fruit, get to work on those, and then maneuver our way through the rest.

Councilmember Clay thanked Councilmember Cusick for bringing this issue forward and noted his agreement with Councilmember McMahon's suggestion about there being some things Council can act on now. Addressing those things may help Council determine whether or not further study is needed. However, should that be the case, he would humbly suggest that Wash U be sought out in partnership, to help pay for any studies that might be needed.

Councilmember Clay stated he is aware that oftentimes the everyday challenges with Wash U manifest themselves more dramatically in the 1st and 2nd Wards. But when discussing this with Councilmember Smotherson they both concluded that even though the day-to-day challenges may not be as relevant, there are tremendous opportunities in the 3rd Ward. As more folks from Wash U move into the 3rd Ward it has become apparent to them that there is a definite vested interest for Wash U to maintain support with U City and the 3rd Ward. Councilmember Clay stated he thinks there is a real opportunity; especially with the new Chancellor coming on board, to articulate some of the things outlined in the report and perhaps, find some unique ways to support some of the efforts being undertaken by the City in the 3rd Ward.

Mayor Crow stated having read the report his opinion is that these citizens did a superb job of walking through an extremely complex situation, and he is very impressed by their dedication. But for him, the vast majority of this is simply about fair share; asking our neighbor to pay their fair share, whether it's police, fire or parking. Because the questions he would pose to this neighbor is when you charge as much as you do for daily parking in your facilities did it not cross your mind that students would opt to park on U City streets for free? And when they park on U City's streets for free, that the residents who pay taxes would have no place to park? When the police and fire come to his house, it's his yearly tax dollars that pay for that service. But what does Wash U pay for their students who live in this City and utilize those services? He stated when you think it through it's merely a logical progression. Mayor Crow stated his belief has always been that this relationship was going to be a little crunchy at times, and thinks it is time for this City to start asking the questions that need to be asked, like housing opportunities in the 3rd Ward. And one of the best ways to leverage TIF dollars is by asking Wash U to help this City increase home ownership in the 3rd Ward.

So as a pathway forward, he would agree that this is probably the type of subject matter for a Study Session on another evening or afternoon besides Monday night at 5:30. Because it is going to take more than an hour to work through some of these issues, and moving forward, this Council owes it to themselves and the people who elected them to take this matter seriously. Mayor Crow stated whether there is a need for the study to be updated, is something Council should look to the City Manager and his staff for guidance; especially Keith, who has insights about the original study. And while he would also agree that this is a definite opportunity to make outreach to Wash U, he would suggest that Council conduct at least one Study Session, before year-end, to initiate an open dialogue that places the City in a position to advance some of these issues. Mayor Crow thanked Councilmember Cusick and stated unless there is an objection, he would ask the City Manager to schedule a Study Session within the next 30 to 40 days.

N. CITIZEN PARTICIPATION (continued if needed)

Gary Gaddis, 702 Radcliff, University City, MO

Mr. Gaddis stated he would like to hopefully initiate a discussion toward the Council adopting a Resolution in support of an organization called American Promise. American Promise is a nonprofit, nationwide organization, active in all 50 states, with the goal of adopting a proposed 28th Amendment to the Constitution overturning the Robert's Court of Citizens United Decision which states that corporations are people and that limiting corporate contributions is a limitation on free speech. He stated the reason he has approached Council is that over 800 municipalities have supported a Resolution in support of the goals of American Promise. Mr. Gaddis stated he has a handout that he would like to share with Council outlining a map of the U.S. and the 800 municipalities in support, and he would like U City to add its voice to the growing list of cities that endorse the principles of American Promise, which includes the City of St. Louis and Kansas City, MO.

Anyone who has ever contributed politically to a campaign knows that when you make an above-board contribution one must state one's occupation and employer, but that is not required for dark money contributions. 2014 data shows that in 91% of the cases the candidate for office that was receiving the most financial support won, and he thinks that goes against the one-person, one-vote principle to some degree. He stated he is also going to circulate a petition which states the exact wording of a Proposed Resolution that he would hope after some discussion and consideration Council would adopt. Thank you for your time and thank you for your service. *(Mr. Gaddis asked that a copy of this written comments be made a part of the record.)*

Jan Adams, 7150 Cambridge, University City, MO

Ms. Adams stated she attended the October 16th, 3rd Ward meeting that was published as an opportunity for citizens to tell this Council what terms citizens wanted to be included in the Developer's Agreement for the Olive/170 Development. She stated that she was both surprised and concerned when one of the lawyers hired by Council to negotiate the agreement stated that *"The City has no control over what the developer does"*. Next, both of the 3rd Ward Councilmembers stated that the terms of the contract are determined by the City Manager. And the City Manager then states that the terms will be determined by staff. None of these statements are true. The whole purpose of negotiating a contract is to hold the developer accountable for the promises he's made to this City and its residents. And Council has ultimate responsibility for whatever terms are in that agreement. So make no mistake, we, the taxpayers, will hold you seven accountable if you do not insist that the terms of the Developer's Agreement include adequate remedies and recoverable damages if the developer does not fulfill its promises to the citizens of U City. Ms. Adams stated there are two lawyers on this Council, and while she is not aware if Mayor Crow has any experience in enforcing contract law, she does know that Councilmember McMahan does. He knew to withhold the \$100,000 insurance check from his contractor when he believed that his performance had not been in accordance with the contract he had personally negotiated. So there is absolutely no excuse for this Council to punt the ball to either the City Manager or staff.

A typical contract will contain per diem penalties for missing deadlines, callbacks for using substandard materials, poor workmanship or other material breaches. And she would suspect that taxpayers have paid thousands of dollars for special counsel to negotiate and draft the Developer's Agreement. They have also paid thousands for the PGAV Study that simply accepted the Developer's calculations and then issued a disclaimer for its accuracy. So maybe that lawyer was right. And this Council has abdicated its authority to the developer and simply signed-off on any agreement presented to them and passed any blame for failure onto the developer.

This is the very reason why citizens are fighting so hard for a CBA because they have good reason not to trust that this Council will advocate for their individual rights. And contrary to what some on Council have alleged, Council does not have a "mandate" to turn over large portions of the 3rd Ward to some developer, and this issue was not debated during the last election. She stated the first few times she heard members of Council state from the dais that they were elected to make major changes to this City, she let the hyperbole go. But for the record, there is no mandate here. And an individual's appointment to Council does not translate into any mandate to force people out of their homes and businesses in favor of a Costco or any other commercial enterprise.

Ms. Adams stated she is also not aware of any efforts by this administration to display the portraits of Mayor Welsch and Lehman Walker. She stated she can recall that shortly after the 2010 election some members of Council adamantly demanded that the portrait of Julie Feier was hung; even though she had served for a relatively short time; was extremely controversial, and the subject of a citizens' drive for a State audit. Therefore, she believes it is incumbent upon the City Manager to see that the portraits of the former City Manager and Mayor be commissioned and hung in chambers in the very near future. (*Ms. Adams asked that her written comments be made a part of the record.*)

Patrick Fox, 1309 Purdue Avenue, University City, MO

Mr. Fox stated he would like to provide some underlying details obtained from research he had conducted on the out of balance relationship that exists between U City and Wash U. In his opinion, there is a misunderstanding; largely predicated on the belief that property owned by Wash U is exempt from property taxes by virtue of the fact that they have been granted federal status as a non-profit entity. However, based on a review of the MO Statutes he would assert that this assumption is incorrect.

Section 137.100, Subsection 5; which addresses tax exemptions, does identify schools and colleges as being exempt from tax, but what it further states is, "*The exemption herein granted does not include real property not actually used or occupied for the purpose of the organization, even though the income or rentals received therefrom is used wholly for religious, educational, or charitable purposes*". Therefore, he would submit that Wash U would fall under this category since it charges its students for room and board at these real properties, and as such, generates income as described in this exception to the exemption. Based on that exception, the City should consider taking measures to begin appropriately collecting property taxes.

Mr. Fox stated after working for several governmental, charitable and political entities categorized by what the IRS terms as tax-exempt, he believes there is an antiquated notion that federally exempt entities are also exempt from state and local taxes. And there are several states that do not exempt entities from sales tax, specifically our neighbor to the west, Kansas. The University has a healthy endowment, of which a significant portion is probably categorized as unrestricted, that can be used to fulfill their obligation to the City if it decides to begin collecting taxes; as it should, if it is permissible under the law because they unduly benefit from the status quo.

O. COUNCIL COMMENTS

Councilmember Smotherson stated he would like to remind every one of the following events:

- The 2018 Tradition in Literary Excellence Award will be presented to Author Gerald Early of Washington University during a special reception at 7 p.m. at City Hall.
- The Annual Returning Artists Program featuring Artist/Musician Jeffrey Anderson will be held at 7 p.m. at the U City High School Career Library, on Wednesday, November 14th.

He stated that he would also like to seek the Mayor's permission to read the Proclamation of Mr. Jeffrey Anderson, who is not only a classmate of his but a very, very good friend.

Mayor Crow stated he and the City Clerk have researched several neighboring municipalities and what they determined is that U City; a population of roughly 30,000, has the same number of Boards and Commission as the City of St. Louis, which has a population of 350,000 people. *(There are 20 Boards and Commission in U City.)* He stated that they were unable to find any city in St. Louis County that has as many commissions as U City; which does not include some of the other Boards like EDRST. Richmond Heights has four commissions; Olivette has nine; Maryland Heights has eleven; Chesterfield has sixteen; Clayton has fourteen and Wild Wood has fifteen. He stated that the City Manager has been diligently reviewing these Boards and Commissions, and as Council struggles to find volunteers to participate, it's obvious; at least to him, that a proper review of their structure is needed. And on a side note, they are still in need of a mechanical engineer for an appointment to one of the Boards that requires this type of expertise.

Mayor Crow stated he always appreciates receiving little tutorials on Council's responsibilities. But he can assure everyone that he has asked for claw-backs; understands the necessity to incorporate per diem penalties and has no qualms with utilizing either of the two. However, he is still trying to figure out why neither of these provisions was included in the Gateway Contract?

Mayor Crow stated the Municipal Park Grant Commission has awarded a \$525,000 grant for Fogarty Park; the largest single grant ever given by the Commission. So he would like to congratulate the City Manager and his staff on this accomplishment.

And finally, his last comment would be: please go vote.

- P.** Roll-Call vote to go into a Closed Council Session according to RSMo 610.021 (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

Councilmember Hales moved to go into a Closed Session; it was seconded by Councilmember McMahon.

Roll Call Vote Was:

Ayes: Councilmember Cusick, Councilmember Smotherson, Councilmember Clay, Councilmember Carr, Councilmember McMahon, Councilmember Hales, and Mayor Crow.

Nays: None.

Q. ADJOURNMENT

Mayor Crow closed the regular City Council meeting at 8:21 p. m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 8:48 p.m. and the meeting was adjourned at 8:50 p.m.

LaRette Reese,
City Clerk

<https://goo.gl/XH8BNT>

October 22, 2018

Honorable Mayor and City Council,

I'm here to ask you to support Trap Neuter Return (TNR) for UCity's feral felines.
(1 & 2)

My neighbors and I rely on our community cats to keep vermin populations in check.
(3, 4, & 5)

Studies show:

TNR humanely stabilizes & reduces feral cat populations, (6)
effectively addresses neighborhood safety concerns, (7 & 8)
and successfully saves taxpayer dollars. (9, 10, & 11)

Across the country, colony euthanasia is being replaced with Trap Neuter Return.
St. Louis City, St. Charles City & St. Charles County Animal Control all have TNR
policies. (12, 13, & 14)

Please support Trap Neuter Return for UCity's feral cats too.

Thank you.

Aren Ginsberg
430 W Point Ct

<https://drive.google.com/drive/folders/19-w-eb81NfqCc41FRJXGuTWCUGgKXaQi?usp=sharing>

Council Comments – October 22, 2018

I attended the October 16 Third Ward meeting that was published as an opportunity for citizens to tell this Council what terms citizens wanted included in the Developer's Agreement for the Olive/170 Development . I was both very surprised and very concerned when one of the lawyers this Council hired to negotiate the Agreement stated that the City has "no control over what the Developer does..." Let me repeat that for emphasis: one of our lawyers stated that the City "has no control over what the Developer does..." Of course, this Council has control over what the Developer does and does not do. That is the whole purpose of negotiating a Contract; to hold the Developer accountable for the promises he has made – to you and to me.

Both of the Third Ward Councilmen stated that the terms of the Contract are determined by the City Manager. The City Manager then states they will be determined by the staff. Neither statement is true. This Council has the ultimate responsibility for whatever terms are, or are not, in the Agreement.

Make no mistake, we taxpayers will hold YOU accountable if you do not insist that the terms of the Developer's Agreement include adequate remedies and recoverable damages if the Developer does not fulfill its promises to the citizens of UCity.

There are two lawyers on this Council. I do not know if Mayor Crow has any experience enforcing contract law, but I do know that Mr. McMahon does. He knew to withhold a \$100,000 insurance check from his contractor when he did not believe that his contractor performed in accordance with the contract he personally negotiated. There is an extensive public legal file at the Courthouse that demonstrates that Mr. McMahon is very well versed in contract law. There is absolutely no excuse for this Council to punt the ball to either the City Manager or the staff. A typical contract will contain per diem penalties for missing deadlines, clawbacks for using substandard materials and workmanship or other material breaches.

We taxpayers have paid, (I suspect thousands of dollars but am waiting for a response to my Sunshine request) for Special Council to negotiate and draft the Developers Agreement. We

have also paid Thousands for the PGAV study that simply accepted the Developer's calculations and issued a disclaimer for its accuracy. So, maybe the lawyer is right and this Council has abdicated its authority to the Developer.

This Council is projecting that it will simply sign off on any agreement presented to them and then pass any blame for any failure on to the Developer. This is the very reason many citizens are fighting so hard for a CBA. We have good reason not to trust that this Council will advocate for our individual rights.

Contrary to what some on Council have alleged, you do not have a "mandate" to turn over large portions of the Third Ward to some developer. Even though some of you have been planning this development for over 2 years, this issue was not debated during the last election. The first few times that I heard any of you state from the dais that you were elected to make major changes to our City, I let the hyperbole go. It is fair that you take a victory lap since you have been working for 8 years to undermine the Welsch/Walker Administration. But, for the record, there is no mandate here. Some of you are in office by default because UCity politics has become a blood sport and many qualified citizens will not engage with you in that process. Some of you are in office by appointment. And the one who had an opponent during the last election won by just 22 votes. That does not translate into any mandate to force people out of their homes and businesses in favor of a Costco or any other commercial enterprises.

On a final note, I am not aware of any effort by this Administration to create the portraits for Mayor Welsch or Lemman Walker. I recall that shortly after the 2010 election some of you adamantly demanded the portrait of Julie Feier, even though she had served for a relatively short time and was extremely controversial and the subject of a citizen-driven State Audit. I believe it is incumbent on the City Manager to see to it that the portraits of the former City Manager and the Mayor be commissioned and hung in Chambers in the very near future.

Respectfully submitted,


Jan Adams, 7150 Cambridge Ave.